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OF THE

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OF THE

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PROCEEDINGS AND DEBATES OF THE SIXTY-FIFTH CONGRESS, FIRST SESSION.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June 6, 1917.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, Infinite Spirit, our Heavenly Father, for a great country, the father of all modern republics, the genius of which is our glory and has been the inspiration of all liberty-loving people round the world. We thank Thee for that providence which has shaped and guided our destiny from its beginning, and which has brought us through every great trial laid upon us, foreign or domestic, and made us stronger as American citizens. Be with us now, we beseech Thee, in the great trial through which we are passing not only for our own preservation but for the preservation of humanity in its quest for a purer, higher, nobler civilization. For Thine is the kingdom and the power and the glory, forever. Amen.

The Journal of the proceedings of Saturday, June 2, 1917, was read and approved.

LEAVE TO EXTEND REMARKS.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a funeral oration delivered by Hon. John F. Philips, of Kansas City, Mo., a former Member of this House, at the funeral of Hon. Francis M. Cockrell, who represented Missouri in the United States Senate for 30 years. It has just been called to my attention, otherwise I would have asked it before.

The SPEAKER. The gentleman from Missouri [Mr. RUSSELL] asks unanimous consent to print in the CONGRESSIONAL RECORD a speech made by Hon. John F. Philips, a former Member of the House of Representatives from the State of Missouri, about Gen. Francis Marion Cockrell, who served 30 years in the United States Senate from Missouri. Is there objection?

There was no objection.

Mr. PHELAN. Mr. Speaker, I ask unanimous consent to insert in the RECORD the speech made yesterday by the President at the Confederate reunion.

The SPEAKER. The gentleman from Massachusetts [Mr. PHELAN] asks unanimous consent to print in the CONGRESSIONAL RECORD a speech made yesterday by the President of the United States to the Confederate veterans. Is there objection?

There was no objection.

Mr. DUPRÉ. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address delivered by Hon. FRANK CLARK, Member of the House of Representatives from Florida, at Arlington, on Sunday last.

The SPEAKER. The gentleman from Louisiana [Mr. DUPRÉ] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. TIMBERLAKE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing the correspondence between Mr. G. H. Thompson, a patriotic citizen of Colorado and myself, and the acknowledgement by the President of this man's patriotic devotion in giving three sons to the service of the United States.

The SPEAKER. The gentleman from Colorado asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. CARY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on prohibition.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD on prohibition. Is there objection?

There was no objection.

Mr. RANDALL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the same subject about which the gentleman from Wisconsin will extend his remarks—prohibition.

Mr. LONGWORTH. Will the gentleman's remarks be on the same side of the question? [Laughter.]

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Minnesota [Mr. KNUTSON] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. BARNHART. Mr. Speaker, reserving the right to object, what is the subject of the gentleman's extension of remarks?

Mr. KNUTSON. It is an account of the new method used in Minnesota to stimulate subscriptions for the liberty bonds.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I ask leave to extend my remarks in the RECORD by inserting a short letter.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. DILL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a speech of Hon. Franklin K. Lane, Secretary of the Interior, on the war.

The SPEAKER. The gentleman from Washington [Mr DILL] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of food production in California.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SANDERS of Indiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a patriotic poem entitled "Buy a Liberty Bond."

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HICKS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the espionage bill.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HOLLINGSWORTH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an original poem on Gen. Grant.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. CANNON. Mr. Speaker, I ask unanimous consent to have printed as a document (H. Doc. No. 167) a letter from Hon. George E. Adams, of Chicago, a former Member of this House, touching the financial system. It is not a long letter, and I would like to have it printed as a document.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] asks unanimous consent to have printed as a House document a letter by Hon. George E. Adams, an ex-Member of Congress from Chicago, on certain financial subjects. Is there objection?

There was no objection.

Mr. CHANDLER of New York. Mr. Speaker, I ask unanimous consent to print in the RECORD a poem entitled "A War Monologue," by Gen. SHERWOOD, a Member of the House.

The SPEAKER. The gentleman from New York [Mr. CHANDLER] asks unanimous consent to extend his remarks in the RECORD by printing a poem entitled "A War Monologue," by Gen. SHERWOOD, of Ohio. Is there objection?

There was no objection.

Mr. HULBERT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the food question.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD on the food question. Is there objection?

There was no objection.

Mr. EMERSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing some suggestions made by the superintendent of schools of Lakewood, Ohio.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a speech made by the gentleman from New York, Mr. SIEGEL, in New York City, May 30, on the one hundred and fortieth anniversary of the birth of Old Glory.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

Mr. POWERS, by unanimous consent, was given leave of absence indefinitely, on account of illness.

COMMISSION OF FINE ARTS (S. DOC. NO. 48).

The SPEAKER laid before the House the following message from the President of the United States, which was ordered printed and referred to the Committee on the Library:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, the report of the Commission of Fine Arts for the fiscal year ended June 30, 1916, with accompanying illustrations.

WOODROW WILSON.

THE WHITE HOUSE, *June 2, 1917.*

ESPIONAGE.

Mr. WEBB, chairman of the Committee on the Judiciary, presented a conference report on the bill H. R. 291, the espionage bill, for printing in the RECORD under the rule.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 1816.

Mr. MANN. I ask for the regular order.

The SPEAKER. The regular order is demanded, which is the call of committees.

Mr. HARRISON of Mississippi. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER. The gentleman from Mississippi makes the point of order that no quorum is present. The Chair will count. [After counting.] Two hundred and nine Members present, not a quorum.

Mr. KITCHIN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed and the Sergeant at Arms ordered to notify absentees.

The clerk called the roll, and the following Members failed to answer to their names:

Anthony	Farr	Kennedy, R. I.	Rowland
Ashbrook	Fess	Kettner	Scott, Pa.
Barkley	Fields	Key, Ohio	Scully
Borland	Fisher	Kincheloe	Sells
Britten	Fitzgerald	Kreider	Shallenberger
Bruckner	Flynn	Lea, Cal.	Sloan
Campbell, Kans.	Fordney	Littlepage	Smith, Mich.
Capstick	Foss	Lobeck	Snyder
Carew	Francis	McAndrews	Stafford
Clark, Pa.	Fuller, Ill.	McClintic	Sullivan
Costello	Gallivan	McCormick	Swift
Currie, Mich.	Garland	McCulloch	Talbott
Dale, N. Y.	Garner	McKenzie	Tinkham
Davis	Graham, Pa.	Madden	Vare
Dempsey	Gray, N. J.	Maher	Volstead
Dewalt	Hamill	Martin, Ill.	Waldow
Dixon	Hayes	Mason	Walsh
Dooling	Hill	Mays	Ward
Drukker	Howard	Morgan	Welty
Dunn	Hull, Iowa	Morin	White, Ohio
Dyer	Ireland	Overmyer	Williams
Eagan	Johnson, Wash.	Paige	
Estopinal	Kearns	Parker, N. Y.	
Fairchild, G. W.	Kennedy, Iowa	Powers	

The SPEAKER. On this call 336 Members have answered to their names. a quorum.

Mr. KITCHIN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

THE ORPHAN BRIGADE.

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to address the House.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to address the House. Is there objection?

There was no objection.

Mr. THOMAS. Mr. Speaker, I desire to have incorporated in my remarks a short history of the Confederate Orphan Brigade in Peace and War, written by Adjt. Thomas D. Osborne. The article is as follows:

KENTUCKY "ORPHAN BRIGADE"—A SKETCH OF ITS WAR AND PEACE RECORD.

[By Adjt. Thomas D. Osborne.]

At the approaching United Confederate Veteran Reunion in Washington, June 4-8, Kentucky will furnish a prominent figure, the Orphan Brigade, a body of soldiers with what is probably an unparalleled record.

When the war began Kentucky tried to be neutral, but neutrality was violated and many Kentuckians decided to fight for the South; the famous Camp Boone was formed near the Kentucky line a few miles north of Clarksville, Tenn. Fifty companies from 84 counties in Kentucky enlisted. These composed the larger part of the First Kentucky, or better known "Orphan Brigade," made up of the Second, Fourth, Fifth, Sixth, and Ninth Kentucky Infantry, Byrnes's, Cobb's, and Graves's batteries of artillery.

NOTABLES.

Jefferson Davis, who, like Abraham Lincoln, was a Kentuckian, called this brigade the "seed corn of the Confederacy." Lincoln had two brothers-in-law in this command. Both were killed in battle.

This organization furnished the Confederacy 1 cabinet officer (secretary of war), 1 congressman, 2 war governors (1 killed at Shiloh, the only governor who lost his life in battle), 1 lieutenant general, 1 major general, 2 division chiefs of artillery, 4 brigadier generals, and 15 colonels. This was only a part of the crop from the "seed corn." Two members declined commissions as brigadier generals. Their blood was shed on the soil of every Southern State, and their graves are scattered from Richmond, Va., to El Paso, Tex. They fought as infantry, artillery, cavalry, and marines (Gen. W. B. Haldeman, their present commander, after the Battle of Chickamauga was made a midshipman and with five others served for a brief time in the Confederate Navy, returning to the Orphan Brigade in 1864, taking part in the subsequent engagements, and was paroled with it at Washington, Ga.).

The main engagements of the Orphan Brigade on land were as follows:

BATTLES.

Abbeville, Ackworth, Adairville, Altoona, Alpine, Athens, Atlanta, Augusta, Bacon Creek, Balls Ferry, Bardstown, Barnesville, Baton Rouge, Bear Creek, Beech Grove, Benson Ridge, Bentonville, Big Black River, Big Creek Gap, Big Hill, Big Shanty, Boonville, Bowling Green, Brandon, Buzzards Roost, Calhoun, Camden, Canton, Cartersville, Cassville, Champion Hill, Chattahoochie River, Chattanooga, Chicamauga, Coobs Mill, Columbus, Corinth, Crows Valley, Dallas, Dalton, Decatur, Dover, Dug Creek Gap, Eatonton, Entrenchment Creek, Ezra Church, Flat Creek, Flint River, Fort Donelson, Gordons Mill, Hartsville, Hickory, Hillsboro, Hudson Place, Ishams Ford, Iuka, Jackson, Jonesboro, Kenesaw, Kingston, La Fayette, Lee and Gordons Mills, Lookout Mountain, Manassas, Manchester, Marietta, McDonough, McLemore Cove, Mill Creek Gap, Missionary Ridge, Murfreesboro, New Hope Church, New Market, Okolona, Peachtree Creek, Picketts Mill, Pine Mountain, Ponder Spring, Pumpkinville Creek, Reed Oak, Reeds Bridge, Resaca, Ringgold, Rockyface Ridge, Rossville, Shiloh, Snake Creek Gap, Spring Place, Sumter, Taylor Ridge, Tilton, Tunnel Hill, Tupela, Utoy Creek, Vicksburg, Waynesboro, Whippoorwill Creek.

FAME'S TRUMPET.

Leading military men and scientific writers have commented on the conduct of the Orphan Brigade as follows:

"On May 7, 1864 the brigade marched out of Dalton 1,140 strong. In the subsequent 120 days the brigade was almost continuously in action or on the march. In this period the men of this command received 1,860 deaths or hospital wounds, the dead counted as wounds and but one wound counted for each visitation of the hospital. At the end of this time there were less than 50 men who had not been wounded during the 120 days. There were 240 men left for duty.

"A research into the history of warlike exploits has failed to show me any endurance to the worst trials of war surpassing this." (Dean N. S. Shaler, Harvard University, Boston, Mass.)

Scientific estimate: "The record of the Orphan Brigade has never been surpassed." (Dr. Philip Combs Knapp, in Essay on Endurance.)

Best: "The Orphan Brigade is the best in the Confederacy." (Gen. Joseph E. Johnston.)

A cavalry verdict: "The truest and hardest fighting command in the Confederate army." (Gen. W. H. Jackson.)

After winning all army prizes: "The Orphan Brigade is especially entitled to commendation for soldierly appearance, steadiness of marching, and an almost perfect accuracy in every detail." (Maj. Gen. T. C. Hindman.)

The Hundred Days' Battle.—"The Orphan Brigade obeyed all commands; the 100 days were days of battle; the silent skies looked down on north Georgia, a solid battle field; the streams were red with the blood of two armies." (Gen. William B. Bate.)

After Bloody Friday Fight, at Murfreesboro.—"My poor Orphan Brigade! They have cut it to pieces." (Gen. John C. Breckinridge.)

REUNIONS.

Lieut. Gen. Buckner, organizer of this brigade, remained with his men—when Gens. Floyd and Pillow left—and made the first surrender of the war, at Fort Donelson, February 15, 1862, and he made the last surrender, May 15, 1865, to Gen. E. S. R. Canby, in the Trans-Mississippi Department. The last man killed in the war was a member of the Orphan Brigade, Oscar Doyle, in an engagement April 29, 1865, several days after the surrender of Gens. Lee and Johnston.

The brigade has held reunions for over a third of a century, commanded by Lieut. Gen. S. B. Buckner, Brig. Gen. J. H. Lewis, Capt. John H. Weller, Capt. Sam H. Buchanan, Private William B. Haldeman, present commander. Beginning with Gen. Lewis, each commander has been elected for life. At the election of Gen. Lewis, Thomas D. Osborne, the present adjutant, was elected adjutant for life.

The lamented Adjt. Gen. George Moorman, creator of the United Confederate Veterans' Organization, was connected with the Orphan Brigade, his father, Maj. S. M. Moorman, being brigade commissary.

BRECKINRIDGE BADGE.

In honor of Gen. J. C. Breckinridge, who, after serving as Vice President of the United States, left his seat and a six-year term in the Senate Chamber to command the Orphan Brigade, Gen. Haldeman had placed on the badges for this reunion a metal-framed portrait of Breckinridge.

The brigade will be guests of Gen. Haldeman, at Hotel Varnum, throughout the Washington reunion. The brigade was paroled at Washington, Ga., May 6, 1865. Since the war of 1861–1865, a list of the men, members of the Orphan Brigade, who have filled important official positions—Federal, State, county, and city—would require more space than can be given in a sketch such as this. United States ambassadors, governors, Senators, and Representatives in Congress have been chosen from the roll of the Orphan Brigade and have served with honor and credit the constituencies that honored them.

Cut in stone in almost every cemetery in America are these words of Theodore O'Hara, who was with the Orphan Brigade, serving on the staff of Gen. John C. Breckinridge:

On Fame's eternal camping ground
Their silent tents are spread,
And Glory guards with solemn round
The bivouac of the dead.

The valor of the Orphan Brigade in the Civil War stands alongside that of the Iron Brigade of the Federal Army. The Orphan Brigade was composed originally of about 6,000 men. It arrived at Dalton, Ga., in the spring of 1864, but a little over 1,100 strong, and 120 days of almost continuous battle reduced the number to about 250 effective men. That brigade was first commanded by John C. Breckenridge, a former Vice-President of the United States, and was called the Orphan Brigade because it was almost continuously fighting within the Federal lines and because nearly all its commanders were killed in battle.

There is only a remnant of these brave volunteer sons of Kentucky left now. They fought four desperate years against overwhelming odds under the stars and bars, but when the war was over they sorrowfully furled the conquered banner and, returning home, became good citizens, as they were brave soldiers.

They are now in this Capital City in annual reunion, with their battle-torn flags lovingly entwined with the Stars and Stripes, marching down Pennsylvania Avenue to the inspiring strains of Dixie and the Star-Spangled Banner. [Applause.]

This city and this Congress bid them welcome in the name of a united and indivisible Union. [Applause.]

This Union has no more devoted adherents than these heroic old veterans of the thinned and thinning remnant of the Orphan Brigade. They are men of the highest ideals and loftiest courage, and to-day would lay down their lives for the preservation of this Union. All of them, like many in this House, have crossed over the crest of the great human divide and are passing along down on the other side. Soon the lengthening evening shadows of their mortal lives will deepen into the darkness of eternal night. I trust when dissolution comes the immortal spirit of each of them will be wafted on angel wings to the land of perpetual sunshine and perfect rest. [Applause.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3971) making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Establishments on account of war expenses for the fiscal year ending June 30, 1917, and for other purposes.

The message also announced that the Senate had passed with amendments the bill (H. R. 4188) to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products, had insisted upon its amendments, had requested a conference with the House of Representatives on the bill and amendments, and had appointed Mr. GORE, Mr. SMITH of South Carolina, Mr. SMITH of Georgia, Mr. PAGE, and Mr. KENYON as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes.

The message also announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 94. Joint resolution authorizing the Board of Regents of the Smithsonian Institution to permit the Secretary of War to erect temporary buildings in the Smithsonian grounds.

The message also announced that the Senate had agreed to the following concurrent resolution:

House concurrent resolution 11.

Resolved by the House of Representatives (the Senate concurring), That the statue of Sequoyah, presented by the State of Oklahoma, to be placed in Statuary Hall, is accepted in the name of the United States, and that the thanks of Congress be tendered to the State for the contribution of the statue of one of its most eminent citizens, illustrious for his distinguished civic services.

Second. That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the governor of Oklahoma.

URGENT DEFICIENCIES FOR MILITARY AND NAVAL ESTABLISHMENTS.

Mr. SHERLEY. Mr. Speaker, I present a conference report upon the bill (H. R. 3971) making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Establishments on account of war expenses for the fiscal year ending June 30, 1917, and for other purposes, for printing under the rules.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. SHERLEY. Mr. Speaker, I present herewith a conference report upon the bill (H. R. 11) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, for printing under the rules.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. The Clerk will call the first bill on the Calendar for Unanimous Consent.

STATUE OF JAMES BUCHANAN.

The first business on the Calendar for Unanimous Consent was House joint resolution 70, authorizing the erection on the public grounds in the city of Washington, D. C., of a statue of James Buchanan, a former President of the United States.

The SPEAKER. Is there objection?

Mr. AUSTIN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Tennessee objects.

Mr. LINTHICUM. Mr. Speaker, I move to suspend the rules and pass House joint resolution 70.

The SPEAKER. The gentleman from Maryland moves to suspend the rules and pass the House joint resolution which the Clerk will report.

The Clerk read as follows:

Resolved, etc., That the Chief of Engineers, United States Army, be, and he is hereby, authorized and directed to grant permission to the trustees designated in the will of Mrs. Harriet Lane Johnston for the erection of a memorial to James Buchanan, a former President of the United States, on public grounds of the United States in the city of Washington, D. C., in the southern portion of Meridian Hill Park, between Fifteenth, Sixteenth, W, and Euclid Strets NW.: *Provided*, That the design and location of said memorial and the plan for the treatment of the grounds connected with its site shall be approved by the Commission of Fine Arts, and that the United States shall be put to no expense in or by the erection of said memorial.

The SPEAKER. Is a second demanded?

Mr. MILLER of Minnesota. Mr. Speaker, I demand a second.

Mr. RAKER. Mr. Speaker, I demand a second.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

Mr. RAKER. Mr. Speaker, I object.

The SPEAKER. The gentleman from California objects, and the Chair appoints the gentleman from Maryland [Mr. LINTHICUM] and the gentleman from Minnesota [Mr. MILLER] to take their place as tellers. The question is on ordering a second on the motion to suspend the rules and pass the resolution.

The House divided; and the tellers reported—ayes 129, noes 87.

So a second was ordered.

The SPEAKER. The gentleman from Maryland has 20 minutes and the gentleman from Minnesota has 20 minutes.

Mr. LINTHICUM. Mr. Speaker, I do not desire to make any speech upon this subject. This resolution passed the House at the last session of Congress. It is to provide for a monument to James Buchanan, a former President of the United States. The money is provided for the monument by the will of Mrs. Harriet Lane Johnston, deceased, of Maryland. James Buchanan was elected from the State of Pennsylvania.

Mr. RAKER. Mr. Speaker, will the gentleman yield?

Mr. LINTHICUM. In a few minutes. Mrs. Harriet Lane Johnston, as I stated, in her last will and testament provided $100,000 for the erection of a monument in the city of Washington to James Buchanan. The bequest runs out in March of next year, and unless we pass this resolution and provide for the erection of the monument within that time the money will revert to the family. The location has been fixed at Meridian Hill Park. It has been settled by the Fine Arts Commission. The statue has already been designed by Mr. Hans Schuler, an artist of the city of Baltimore. I do not think that there is much that I can say to the House about James Buchanan that is not fully known. Everyone knows his history and his administration, and this monument will not cost the Government one dollar. It is absolutely provided for. Every provision is made and the resolution ought to pass.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. MANN. How soon does this money have to be expended before it reverts to the estate?

Mr. LINTHICUM. Unless the resolution is passed by March of next year it lapses.

Mr. MANN. Who gets the money if it is not used for this purpose?

Mr. LINTHICUM. I understand it goes to the family. I do not know to what member. It goes back to the estate.

Mr. MANN. Some one told me that it would go to some member of the family who is very much in need of the money, and I wondered if the gentleman knew.

Mr. LINTHICUM. No. I think it reverts to the estate. I have not heard anything of that kind.

Mr. RAKER. Mr. Speaker, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. RAKER. Has the Commission of Fine Arts consented to this location?

Mr. LINTHICUM. The Commission of Fine Arts has selected the location in the Meridian Hill Park, and they have made every provision for it and have provided for a large basin to be erected in front of the statue.

Mr. RAKER. About what is this monument to cost?

Mr. LINTHICUM. One hundred thousand dollars.

Mr. RAKER. And it will be an ornament?

Mr. LINTHICUM. Absolutely. The whole thing is left to the Commission of Fine Arts, and they have decided upon the monument and the location.

Mr. RAKER. Who is the designer of the monument?

Mr. LINTHICUM. Hans Schuler, a young artist in the city of Baltimore, a very good man, a most excellent artist, selected by the commission.

I yield five minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, my colleague [Mr. LINTHICUM] stated all the essential facts in connection with this resolution, but there was so much confusion in the House that a number of gentlemen did not hear him.

At least, sir, I assume they did not hear him because of the number of Members who asked for information on the points he had just plainly stated. Now, the facts are that Mrs. Harriet Lane Johnson, niece of the late James Buchanan, left a $100,000 bequest for the purpose of erecting a memorial of some sort to her uncle in the city of Washington. The only part that the Government has been called upon to play in the matter is to provide the site for the monument. It was brought to the committee of which I have the honor of being the chairman and was very carefully considered by that committee. I myself raised the question of the form of the monument. I thought, as I believe my friend from Illinois [Mr. MANN] thinks, that we were getting most too many bronze effigies in the city of Washington, too many figures of men; that we were making too many futile efforts to keep some people from plunging into oblivion, where a good many of them are entitled to rest; and therefore I suggested that there should be a different form given to this design from that which was usually accepted, which you might consider the conventional design, of a man standing on a pedestal. So it is now the purpose to develop that region that has been selected by the Commission of Fine Arts, which has power over such matters, to embellish it by fountains and other ornamentations of that sort, which will add tremendously to the beauty of the landscape. It does not cost the Government anything except the privilege of locating it upon public land. It will be a great ornament to Meridian Hill. It will be a refreshing delight to all the people of Washington in the hot summer days, and to Members, when you work here during the summer considering bills calling for an unusual amount of taxation, to go up Sixteenth Street and see the play of that beautiful fountain; and I hope, in our own interest and in order to develop the delights of a summer's sojourn in Washington, that every Member of the House will vote for this bill. I think it passed unanimously before. I do not remember that there was any opposition to it. It was unanimously reported by the committee that considered it, and I hope you are going to approve the verdict of the committee, which was that the bill should pass.

Mr. MILLER of Minnesota. Mr. Speaker, I am certainly only one of many who are very much amazed that it is proposed to pass this bill at this time. When this Congress was convened in extraordinary session April 2 last, the query at once arose, What shall be considered in the extra session of Congress? Shall there be legislation exclusively upon war subjects or shall there be legislation upon general subjects? It was a patriotic call of the country that Congress should focus its attention upon those measures which were absolutely necessary for the conduct of the war. It was the opinion of all Members whom I heard express any opinion at all that Congress should confine itself to the consideration of the necessary and essential war measures. There are many measures of public concern, of general interest to the United States, in which many Members of this House are rightfully interested, that ought to receive early consideration if general legislation at all is to be attempted. While I have no means of inside information, yet I am reliably informed that the Democratic caucus at the outset of this extra session passed a hard-and-fast rule that there should not be taken up for consideration any but war measures. Here, Mr. Speaker, we find brought up this morning a measure that in no sense can be considered a war measure.

Mr. MEEKER. Will the gentleman yield?

Mr. MILLER of Minnesota. I will.

Mr. MEEKER. Can the gentleman conceive of a more peaceful subject for legislation than the one we have before us this morning?

Mr. MILLER of Minnesota. Well, I confess James Buchanan did everything he possibly could to prevent the United States from entering into war more than 50 years ago at least to prevent the northern part of the United States from preparing any defense against the gathering storm. But that is past history, and let it be put to one side. I appeal to the Democrats of this House and ask them when they vote in a few minutes to realize that they are deciding whether we are going to take up general legislation or whether we are not.

Mr. GORDON. Will the gentleman yield?

Mr. MILLER of Minnesota. I will be very pleased to yield.

Mr. GORDON. Will the gentleman tell me how Congress can prevent, without violating its own rules, the consideration of a proposition which comes up as this comes up?

Mr. MILLER of Minnesota. Well, the House by its rules and by a general agreement can, of course, carry out a program of legislation or avoid a program of legislation; it can effectuate a gentleman's agreement that is just and fair. We had the same thing in 1911. There was no general legislation during the entire extra session of Congress excepting on one subject. We have had the same thing in other extra sessions. For instance, during extra sessions called to revise the tariff, it would be agreed to consider a tariff bill only and nothing else was considered. I want to say to the Democratic part of this House, and I say this to you in the most friendly spirit, if you insist on passing this, I submit that to do so will violate the faith of the House pledged to consider only war measures. Now, the two branches of the House are about equally divided. It seems to me to be of the utmost value to the country that we start the session with harmony, that we carry on our work in harmony, and that when we shall have concluded our work we shall go to the country in harmony. [Applause.] Harmony can not be served by passing such a piece of general legislation as this, uncalled for and not needed in the country's service.

Mr. LINTHICUM. Will the gentleman yield for a question?

Mr. MILLER of Minnesota. Certainly.

Mr. LINTHICUM. I want to say to the gentleman that the idea of having this passed at this time is that this bequest expires in March. If we wait until December, then very likely we will not get it through, and we will lose the monument. It is a magnificent gift and no harm can be done.

Mr. MILLER of Minnesota. That is a most astounding statement. If his proposition has the merit the gentleman thinks it has, let me say to him that Congress will convene on the first of next December and remain in session for many, many months, and this resolution can then be passed in a very short period of time. If it lacks merit and can not pass in four months, then why try to jam it through now willy-nilly when we are gathered here for the purpose of considering and legislating for the welfare of our country. We certainly are not here for the purpose of considering whether or not to permit the members of a family to erect a monument to one of its deceased members, whoever the deceased may be.

Mr. LINTHICUM. Would the gentleman be willing to confine it to war measures and vote on war measures absolutely?

Mr. MILLER of Minnesota. We have done that so far, and I have been heartily in favor of that proposition.

Mr. LINTHICUM. How about the woman-suffrage amendment?

Mr. MILLER of Minnesota. We have not reached that yet.

Mr. LINTHICUM. How will the gentleman vote on that?

Mr. MILLER of Minnesota. That is a bridge we will cross when we come to it.

Mr. LINTHICUM. The gentleman should answer that question.

Mr. MILLER of Minnesota. The gentleman can not get me away from considering the malicious features of this proposition by asking me about something else and totally different.

Mr. GORDON. Is not the reason the gentleman is opposed to this because he wants to get up this suffrage proposition?

Mr. MILLER of Minnesota. The gentleman certainly never made a greater mistake in his life, and he has made as many as any man that ever sat in the House. [Laughter.]

Now, let me say just one word further, and I am very serious about this. Here is a resolution that has been officially reported from the committee having it in charge, and its consideration has just been voted for by practically every Democrat here. The situation thus presented has no semblance to that the gentlemen from Maryland and Ohio have suggested. It is for the Democratic Members of the House now to decide whether they are going to keep the faith, the faith that we made and were glad to live up to, that the committees of this House should not report out any legislation except that which is devoted to war propositions, or whether they, having made the rule with sounding trumpets, now play favorites and start the passage of little pet schemes in which the public welfare has no concern. And it seems to me not the best time in the world for us to authorize the building of a monument to an ex-President of the United States—and I say this with all sincerity—who has perhaps little other than that he once was President to recommend him to our consideration. [Applause.] There have been much greater men than James Buchanan in this Nation whose memories have not been blessed with shafts of marble or memorials of any kind. They did not happen to have rich relatives willing to spend $100,000 in a marble shaft that will tend to make future generations believe he was one of the Nation's great. I am willing to let that pass to one side, if need be, but I would like to have some one tell me, if he can, what distinguished service this man rendered—what service of any kind he rendered anybody that will justify erecting a monument costing the enormous sum of $100,000 to be paid for by anybody in Meridian Park, one of the big show places to be of the land. If these would-be donors are filled with patriotism, if their souls are on fire with love for country, I will tell them how to spend this $100,000—buy liberty bonds, and that will be infinitely better for our country in every respect. [Applause.]

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I am in sympathy with the gentleman in his statement that this session should be confined to war measures. Therefore I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. SAUNDERS of Virginia). The gentleman from North Carolina moves that the House do now adjourn.

Mr. MANN. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER pro tempore. The gentleman from Illinois demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Sixty-two gentlement have risen in favor of ordering the yeas and nays—not a sufficient number.

Mr. MANN. Mr. Speaker, I ask for the other side.

The SPEAKER pro tempore. The gentleman asks for the other side. The Chair will count. [After counting.] On this vote the ayes are 62 and the noes 112—a sufficient number, and the Clerk will call the roll.

The question was taken; and there were—yeas 208, nays 120, answered "present" 3, not voting 98, as follows:

YEAS—208.

Adamson	Collier	Garrett, Tenn.	Husted
Alexander	Connally, Tex.	Garrett, Tex.	Igoe
Almon	Connelly, Kans.	Glass	Jacoway
Aswell	Cox	Glynn	James
Ayres	Crago	Godwin, N. C.	Johnson, Ky.
Bankhead	Crisp	Goodwin, Ark.	Jones, Tex.
Bathrick	Crosser	Gordon	Jones, Va.
Bell	Dale, Vt.	Gould	Keating
Black	Davidson	Gray, Ala.	Kehoe
Blanton	Decker	Greene, Mass.	Kitchin
Booher	Dent	Greene, Vt.	Larsen
Bowers	Denton	Gregg	Lazaro
Brand	Dickinson	Griffin	Lee, Ga.
Brodbeck	Dies	Hamlin	Lehlbach
Browne	Dill	Hardy	Lesher
Browning	Dominick	Harrison, Miss.	Lever
Brumbaugh	Doolittle	Harrison, Va.	Lonergan
Buchanan	Doremus	Haskell	Longworth
Burnett	Doughton	Hastings	Lunn
Butler	Drane	Hayden	McKeown
Byrnes, S. C.	Dupré	Heflin	McLaughlin, Mich.
Byrns, Tenn.	Eagan	Heintz	McLemore
Caldwell	Eagle	Helm	Magee
Campbell, Pa.	Evans	Helvering	Mansfield
Candler, Miss.	Fairchild, B. L.	Hensley	Martin, La.
Caraway	Ferris	Holland	Meeker
Carlin	Flood	Hood	Montague
Carter, Okla.	Foster	Houston	Moores, Ind.
Church	Freeman	Howard	Mudd
Classon	Gallagher	Huddleston	Neely
Claypool	Gandy	Hulbert	Nicholls, S. C.
Coady	Gard	Humphreys	Nichols, Mich.
Oldfield	Ramsey	Sims	Van Dyke
Oliver, Ala.	Rayburn	Sisson	Venable
Oliver, N. Y.	Robinson	Small	Vinson
Olney	Romjue	Smith, C. B.	Voigt
O'Shaunessy	Rouse	Smith, T. F.	Walker
Overmyer	Rubey	Snell	Walton
Overstreet	Russell	Snook	Ward
Padgett	Sabath	Stedman	Watkins
Park	Sanders, La.	Steele	Watson, Va.
Parker, N. J.	Sanders, N. Y.	Stephens, Miss.	Weaver
Phelan	Sanford	Sterling, Pa.	Webb
Platt	Saunders, Va.	Stevenson	Whaley
Polk	Scott, Mich.	Sumners	Wheeler
Pou	Sears	Taylor, Ark.	Wilson, La.
Pratt	Sells	Taylor, Colo.	Wilson, Tex.
Price	Shackleford	Thomas	Wingo
Quin	Sherley	Thompson	Winslow
Ragsdale	Sherwood	Tillman	Wise
Rainey	Shouse	Tilson	Young, Tex
Raker	Siegel	Tinkham	

NAYS—120.

Anderson	Good	Little	Rowe
Anthony	Goodall	London	Sanders, Ind.
Austin	Graham, Ill.	Lundeen	Schall
Bacharach	Green, Iowa	McArthur	Scott, Iowa
Barnhart	Hadley	McFadden	Sinnott
Bland	Hamilton, Mich.	McKinley	Slemp
Cannon	Hamilton, N. Y.	McLaughlin, Pa.	Smith, Idaho
Carter, Mass.	Haugen	Mann	Steagall
Cary	Heaton	Mapes	Steenerson
Chandler, Okla.	Hersey	Miller, Minn.	Sterling, Ill.
Cooper, Ohio	Hicks	Miller, Wash.	Stiness
Cooper, Wis.	Hilliard	Mondell	Strong
Cramton	Hollingsworth	Moore, Pa.	Sweet
Curry, Cal.	Hutchinson	Mott	Switzer
Dallinger	Johnson, S. Dak.	Nelson	Temple
Darrow	Juul	Nolan	Templeton
Denison	Kahn	Norton	Timberlake
Dillon	Kelley, Mich.	Osborne	Towner
Dowell	Kelly, Pa.	Peters	Treadway
Edmonds	Kettner	Porter	Vestal
Ellsworth	Kiess, Pa.	Purnell	Volstead
Elston	King	Ramseyer	Wason
Emerson	Knutson	Randall	Watson, Pa.
Esch	Kraus	Rankin	Welling
Fairfield	La Follette	Reavis	White, Me.
Focht	LaGuardia	Reed	Wilson, Ill.
Frear	Langley	Robbins	Woods, Iowa
French	Lea, Cal.	Roberts	Woodyard
Fuller, Mass.	Lenroot	Rogers	Young, N. Dak.
Gillett	Linthicum	Rose	Zihlman

ANSWERED "PRESENT"—3.

Cooper, W. Va.	Hull, Tenn.	Stephens, Nebr.	Tague

NOT VOTING—98.

Ashbrook	Dyer	Johnson, Wash.	Powers
Bacon	Estopinal	Kearns	Riordan
Barkley	Fairchild, G. W.	Kennedy, Iowa	Rodenberg
Blackmon	Farr	Kennedy, R. I.	Rowland
Borland	Fess	Key, Ohio	Rucker
Britten	Fields	Kincheloe	Scott, Pa.
Bruckner	Fisher	Kinkaid	Scully
Campbell, Kans.	Fitzgerald	Kreider	Shallenberger
Cantrill	Flynn	Littlepage	Slayden
Capstick	Fordney	Lobeck	Sloan
Carew	Foss	McAndrews	Smith, Mich.
Chandler, N. Y.	Francis	McClintic	Snyder
Clark, Fla.	Fuller, Ill.	McCormick	Stafford
Clark, Pa.	Gallivan	McCulloch	Sullivan
Copley	Garland	McKenzie	Swift
Costello	Garner	Madden	Talbott
Currie, Mich.	Graham, Pa.	Maher	Vare
Dale, N. Y.	Gray, N. J.	Martin, Ill.	Waldow
Davis	Griest	Mason	Walsh
Dempsey	Hamill	Mays	Welty
Dewalt	Hawley	Moon	White, Ohio
Dixon	Hayes	Morgan	Williams
Dooling	Hill	Morin	Wood, Ind.
Drukker	Hull, Iowa	Paige	
Dunn	Ireland	Parker, N. Y.	

So the motion was agreed to.

The Clerk announced the following pairs:

On the vote:

Mr. TAGUE (for) with Mr. KENNEDY of Rhode Island (against).

Mr. GEORGE W. FAIRCHILD (for) with Mr. SCULLY (against).

Mr. WALSH (for) with Mr. JOHNSON of Washington (against).

Until further notice:

Mr. WELTY with Mr. MORGAN.

Mr. ASHBROOK with Mr. PARKER of New York.

Mr. DEWALT with Mr. MORIN.

Mr. BARKLEY with Mr. HULL of Iowa.

Mr. FISHER with Mr. DYER.

Mr. KEY of Ohio with Mr. GRAY of New Jersey.

Mr. MCANDREWS with Mr. GRAHAM of Pennsylvania.

Mr. MOON with Mr. KENNEDY of Iowa.

Mr. SLAYDEN with Mr. CAPSTICK.

Mr. BLACKMON with Mr. RODENBERG.

Mr. FITZGERALD with Mr. FORDNEY.

Mr. ESTOPINAL with Mr. GARLAND.

Mr. BORLAND with Mr. BRITTEN.

Mr. FIELDS with Mr. HAYES.

Mr. TALBOTT with Mr. MADDEN.

Mr. SHALLENBERGER with Mr. MCKENZIE.

Mr. RIORDAN with Mr. WILLIAMS.

Mr. MAYS with Mr. IRELAND.
Mr. MAHER with Mr. KEARNS.
Mr. SULLIVAN with Mr. PAIGE.
Mr. BRUCKNER with Mr. HILL.
Mr. DIXON with Mr. COSTELLO.
Mr. FLYNN with Mr. DAVIS.
Mr. GARNER with Mr. HAWLEY.
Mr. KINCHELOE with Mr. DRUKKER.
Mr. LOBECK with Mr. GRIEST.
Mr. MCCLINTIC with Mr. DEMPSEY.
Mr. CAREW with Mr. POWERS.
Mr. DOOLING with Mr. MASON.
Mr. RUCKER with Mr. DUNN.
Mr. HAMILL with Mr. FESS.
Mr. MARTIN of Illinois with Mr MCCULLOCH.
Mr. GALLIVAN with Mr. ROWLAND.
Mr. CANTRILL with Mr. SNYDER.
Mr. STEPHENS of Nebraska with Mr. SLOAN.
Mr. CLARK of Florida with Mr. FULLER of Illinois.
Mr. LITTLEPAGE with Mr. COOPER of West Virginia.

Mr. HAWLEY. Mr. Speaker, is this a call of the House?

The SPEAKER. No.

Mr. HAWLEY. I was out during the progress of the roll call.

The SPEAKER. The gentleman is not recorded.

Mr. BLACKMON. Mr. Speaker, I desire to vote "aye."

The SPEAKER. Was the gentleman in the Hall listening?

Mr. BLACKMON. I was at the door.

The SPEAKER. The gentleman can not vote.

Mr. TAGUE. Mr. Speaker, I voted "yea." I am paired with Mr. KENNEDY of Rhode Island. I want to withdraw my vote and vote "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. TAGUE, and he answered "Present."

The result of the vote was announced as above recorded.

Thereupon (at 1 o'clock and 44 minutes p. m.) the House adjourned until to-morrow, Thursday, June 7, 1917, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting an estimate of deficiency in the appropriation for materials and miscellaneous expenses, Bureau of Engraving and Printing, for the fiscal year ending June 30, 1917 (H. Doc. No. 168); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of communication of the Postmaster General submitting an estimate of deficiency in the appropriation for shipment of supplies, Postal Service, payable from the postal revenues for the fiscal year ending June 30, 1917 (H. Doc. No. 169); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Secretary of War submitting additional estimates of appropriation required for the service of the fiscal year ending June 30, 1918 (H. Doc. No. 170); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. DENT, from the Committee on Military Affairs, to which was referred the resolution (S. J. Res. 70) relating to the service of certain retired officers of the Army, reported the same without amendment, accompanied by a report (No. 72), which said joint resolution and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MONDELL: A bill (H. R. 4874) to expedite and simplify designations under the stock-raising homestead law; to the Committee on the Public Lands.

By Mr. HULBERT: A bill (H. R. 4875) as to medals of honor; to the Committee on Military Affairs.

By Mr. TAYLOR of Colorado: A bill (H. R. 4876) to expatriate citizens who leave the United States to evade registration or selective draft; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 4877) to prohibit the return of citizens who leave the United States to evade registration or selective draft; to the Committee on Immigration and Naturalization.

By Mr. MONDELL: A bill (H. R. 4878) providing for appeals from decisions of the Secretary of the Interior; to the Committee on the Public Lands.

By Mr. CRAMTON: A bill (H. R. 4891) to amend an act entitled "An act to increase the pensions of widows, minor children, etc., of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late Civil War," approved April 19, 1908, and for other purposes; to the Committee on Invalid Pensions.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CRAMTON: A bill (H. R. 4879) granting a pension to Lindsey Clark; to the Committee on Invalid Pensions.

By Mr. FOSTER: A bill (H. R. 4880) granting an increase of pension to William S. Rosborough; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4881) granting an increase of pension to James J. Harris; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 4882) granting an increase of pension to William A. Bennett; to the Committee on Invalid Pensions.

By Mr. KRAUS: A bill (H. R. 4883) granting an increase of pension to Christopher D. Winters; to the Committee on Invalid Pensions.

By Mr. PRATT: A bill (H. R. 4884) granting a pension to Ella Drake; to the Committee on Invalid Pensions.

By Mr. ROGERS: A bill (H. R. 4885) granting a pension to Catherine Gardner; to the Committee on Pensions.

By Mr. ROSE: A bill (H. R. 4886) granting an increase of pension to William R. Smith; to the Committee on Pensions.

By Mr. RUSSELL: A bill (H. R. 4887) granting an increase of pension to George W. Pack; to the Committee on Invalid Pensions.

By Mr. STRONG: A bill (H. R. 4888) granting a pension to E. Fay Lowry; to the Committee on Pensions.

Also, a bill (H. R. 4889) granting a pension to Mrs. Harriet Alexander; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 4890) granting a pension to Anna M. Barrett; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the National Association of Piano Merchants of America, favoring the Stephens-Ashurst bill; to the Committee on Interstate and Foreign Commerce.

Also (by request), petitions of Methodist Episcopal Church of Bellflower, and citizens of Union Star, all of the State of Missouri, favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of John P. Boyle, of Gardner, Kans., favoring resolution relative to freedom of Ireland; to the Committee on Foreign Affairs.

Also (by request), memorial of Brotherhood of Locomotive Firemen and Engineers, of Galesburg, Ill., relative to levying war tax; to the Committee on Ways and Means.

Also, memorial of Virginia Association of Colleges and Schools for Girls, relative to protection for morals of young men in training camps; to the Committee on Military Affairs.

Also, memorial of International Shingle Weavers' Union of America, relative to investigation of bomb throwing in San Francisco in July, 1916; to the Committee on Labor.

Also, memorial of the Division of Rhode Island, Sons of Veterans, United States Army, favoring universal military training; to the Committee on Military Affairs.

Also, memorial of Essex County (N. J.) Socialist Party and National Woman's Party of New York, favoring suffrage amendment; to the Committee on the Judiciary.

By Mr. ALEXANDER: Petitions of sundry citizens and church organizations of the State of Missouri, favoring national prohibition as a war measure; to the Committee on the Judiciary.

By Mr. BRUMBAUGH: Petition of C. A. Hughes, R. H. Oman, and many citizens of Columbus, Ohio, favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of Men's Bible Class, Indianola Methodist Episcopal Church, of Columbus, Ohio, favoring the prohibition of the liquor business as a war measure and opposing war tax on same; to the Committee on the Judiciary.

Also, petition of residents of Columbus, Ohio, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. CALDWELL: Petitions of citizens of Jamaica, Borough of Queens, New York City, favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, petitions of sundry citizens of the State of New York, protesting against any kind of prohibition; to the Committee on the Judiciary.

By Mr. COOPER of Ohio: Petition of churches, Sunday schools, public-school teachers and pupils, and sundry private individuals of Mahoning, Trumbull, and Ashtabula Counties, Ohio, urging prohibition of the traffic in intoxicating liquors as a means of conserving the manhood, womanhood, and childhood of the Nation, and preserving its foodstuffs; to the Committee on the Judiciary.

By Mr. CRAMTON: Petition of George Mitchell and 125 others, of Lapeer, Mich., favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of Mrs. D. D. Campbell and 50 others, of Fairgrove; faculty of Michigan State Normal College, of Ypsilanti; Rev. F. T. Kyle; Erskine Methodist Protestant Church, of Bad Axe; A. G. West and 10 others, of Columbiaville; Albert S. Volz and 2 others, of Pigeon; congregation of Gratiot Park Methodist Episcopal Church, of Fort Huron; congregation of Methodist Episcopal Church of Sandusky; Rev. E. F. Hildebrand and 25 other residents of Mayville; and Woman's Christian Temperance Union of Lapeer County, all in the State of Michigan, favoring the prohibition of the liquor business as a war measure; to the Committee on the Judiciary.

By Mr. DALE of New York: Petition of members and friends of the National Woman's Party in mass meeting at Ritz-Carlton Hotel, New York City, demanding the passage of the Susan B. Anthony national woman-suffrage amendment; to the Committee on the Judiciary.

Also, petition of National Retail Hardware Association of Argos, Ind., opposing the Hardwick amendment to the Federal reserve act; to the Committee on Banking and Currency.

Also, petition of Travel Club of America, New York City, N. Y., signed by Henry Collins Walsh, president, favoring the retirement of Col. David L. Brainard as a brigadier general; to the Committee on Military Affairs.

Also, petition of National Cloak & Suit Co., of New York, signed by S. G. Rosenbaum, president, favoring the daylight-saving bills recently introduced in Congress; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Brewer Bag Co., of New York, favoring resolution No. 73 of the House of Representatives, protesting against British censorship and interference of American trade and shipping; to the Committee on Foreign Affairs.

Also, petition of the Merchants' Association of New York City, N. Y., urging the enlarging and continuation of the Advisory Board of the Bureau of War-Risk Iinsurance; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Mailer's Union No. 6 of the International Typographical Union of New York City, opposing increase in second-class postal rates; to the Committee on Ways and Means.

By Mr. DALLINGER: Petition of undergraduates of Radcliffe College, favoring national prohibition; to the Committee on the Judiciary.

By Mr. DIXON: Petitions of Presbyterian Sunday School, Brownstown; Presbyterian Church, Hanover; Christian Sunday School, Brownstown; First Methodist Episcopal Church, Columbus; Leland Scott Bible Class, Madison; faculty and students of Hanover College, Hanover; Brownstown Methodist Church, Brownstown; Blish Milling Co., Seymour; Sardinia Baptist Sunday School, Sardinia; and 26 citizens of North Vernon, all in the State of Indiana, favoring national prohibition as a war measure; to the Committee on the Judiciary.

By Mr. EAGAN: Petitions of Max Spiegel and others, against proposed tax on cigarette tubes; to the Committee on Ways and Means.

Also, memorial of Sixth Assembly Republican Club of Brooklyn, N. Y., favoring food control by Government; to the Committee on Agriculture.

Also, petition of the Middle West Crop Bureau relative to promising crop conditions; to the Committee on Agriculture.

Also, memorial of Chicago Permanent Conference on Terms of Peace relative to permanent peace; to the Committee on Foreign Affairs.

Also, memorial of New Jersey State Organization for Public Health Nursing, favoring suffrage for women; to the Committee on the Judiciary.

By Mr. ELSTON: Petition of Berkeley Center of the California Civic League, urging prohibition of liquor traffic and protection of Army camps; to the Committee on the Judiciary.

By Mr. GALLIVAN: Memorial of League of Greek Liberals of Haverhill, pledging loyalty and support to the United States; to the Committee on Foreign Affairs.

By Mr. GOOD: Petition of sundry citizens of Mount Vernon, Iowa, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. GRAHAM of Illinois: Petition of sundry citizens of Roseville, Ill., and vicinity for the immediate enactment of prohibition of the manufacture of alcoholic liquors as a measure of food conservation and for the immediate prohibition of the sale of liquors for beverage purposes in order to conserve the health, wealth, labor, transport facilities, and military efficiency of the people; to the Committee on the Judiciary.

Also, memorial of 300 citizens of Monmouth, Ill., urging prohibition of liquor traffic as war-emergency measure to conserve food supply and make for efficiency in factory, farm, and military service; to the Committee on the Judiciary.

Also, petition of the churches of La Harpe, Ill., urging prohibition as a war measure; to the Committee on the Judiciary.

Also, memorial of Methodist Episcopal Church, Carthage, Ill., urging national prohibition of liquor traffic to conserve food supply and wages of laborers for necessities and to make for efficiency in factory, farm, and military service; to the Committee on the Judiciary.

Also, petition of the congregation of the Baptist Church of Moline, Ill., urging national prohibition of liquor traffic as a war measure in order to conserve food supply and make for efficiency in factory, farm, and military service; to the Committee on the Judiciary.

Also, memorial of members of the First Swedish Lutheran Church, of Rock Island, Ill., urging nation-wide prohibition; to the Committee on the Judiciary.

Also, memorial of congregation of Zion Lutheran Church, Rock Island, Ill., urging prohibition; to the Committee on the Judiciary.

Also, petition of Augusta Township Sunday School Association, Hancock County, Ill., urging measure leading to dry Nation during the war; to the Committee on the Judiciary.

Also, memorial of C. C. French and sundry other citizens of Monmouth, Ill., urging prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of sundry citizens of Watertown and Hampton, Ill., for the enactment of prohibition of the manufacture of alcoholic liquors as a measure of food conservation and for the immediate prohibition of the sale of liquors for beverage purposes in order to conserve the health, wealth, labor, transport facilities, and military efficiency of the people; to the Committee on the Judiciary.

Also, petition of congregation of Memorial Christian Church, of Rock Island, Ill., urging national prohibition during the war so that American manhood, unhampered, may lead other nations to victory and to peace, and as a means of conserving America's supply of food; to the Committee on the Judiciary.

Also, memorial of Methodist Men's Bible Class, of Kirkwood, Ill., urging prohibition of alcoholic liquors as war measure to conserve food and efficiency; to the Committee on the Judiciary.

Also, petition of Second Congregational Church, Moline, Ill., for prohibition of liquor traffic as a war measure to conserve food supplies and to assure firm, factory, and military efficiency; to the Committee on the Judiciary.

Also, petition of Congregational Church, Plymouth, Ill., urging national prohibition as a war measure to save 100,000,000 bushels of grain for food and to save our soldier boys, who defend the homeland, from temptation and disgrace; to the Committee on the Judiciary.

Also, petition of Moline Ministerial Union, representing 4,000 people, urging national prohibition of the liquor traffic as a war emergency measure to conserve food supply and make for efficency in factories, farms, and military service; to the Committee on the Judiciary.

Also, memorial of 600 people of United Presbyterian, Methodist, Episcopal, and Presbyterian Churches of Biggsville, Ill., for immediate national prohibition as a war measure, in the interests of efficiency, national preparedness, food conservation, public morals, and protection of men enlisting; to the Committee on the Judiciary.

Also, memorial of Presbyterian Churches of Aledo and Burgess, Ill., for national prohibition of liquor traffic as war emergency measure; to the Committee on the Judiciary.

Also, petition of congregation of the Methodist Episcopal Church of Plymouth, Ill., for national prohibition as a war measure, to save 100,000,000 bushels of grain, now being used for liquor, for food, and to save our soldier boys, who defend the home land, from temptation and disgrace; to the Committee on the Judiciary.

Also, petition of Chili Township Sunday School Association, Hancock County, Ill., for passage of bill prohibiting the use of all grains and foodstuffs in the manufacture of alcoholic liquors; to the Committee on Agriculture.

Also, memorial of congregation of the United Presbyterian Church of Aledo, Ill., urging prohibition of liquor traffic as war emergency measure in order to conserve food supply and to make for efficiency in factory, farm, and military service; to the Committee on the Judiciary.

Also, memorial of congregation of the United Presbyterian Church of Media, Ill., urging adoption of national prohibition as a war emergency measure; to the Committee on the Judiciary.

Also, memorial of Central Presbyterian Church of Rock Island, Ill., to prohibit the manufacture and sale of spirituous liquors as an emergency war measure for the conservation of the food supply and for efficiency in factory, farm, and military service; to the Committee on the Judiciary.

Also, memorial of congregation of the United Brethren Church of Colusa, Ill., for national prohibition of the liquor traffic as a war emergency measure in order to conserve the food supply and to make for efficiency in factory, farm, and military service; to the Committee on the Judiciary.

Also, memorial of congregation of the United Presbyterian Church of Rock Island, Ill., to prohibit the manufacture and sale of intoxicating liquors as an emergency war measure, for the conservation of food supply, and for the efficiency of the factory, the farm, and the military service; to the Committee on the Judiciary.

Also, memorial of the Toll Sunday School of Hancock County, Ill., for national prohibition of the liquor traffic as a war emergency measure and to make for efficiency in factory, farm, and military service; to the Committee on the Judiciary.

Also, memorial of sundry citizens of Viola and New Windsor, Ill., for prohibition of the liquor traffic as a war measure in order to conserve the food supply and make for efficiency in factory, farm, and military service; to the Committee on the Judiciary.

Also, memorial of congregation of the Methodist Episcopal Church of Oquawka, Ill., for national prohibition as a war measure; to the Committee on the Judiciary.

Also, memorial of Illinois Congress of Mothers and Parent-Teachers Associations, for prohibition of the manufacture of alcoholic beverages for the period of the war, at least; to the Committee on the Judiciary.

Also, petition of sundry business men of the city of Monmouth, Ill., for national prohibition during the war; to the Committee on the Judiciary.

Also, petition of Methodist Episcopal Sunday School of Terre Haute, Ill., for national constitutional prohibition; to the Committee on the Judiciary.

By Mr. HAMILTON of New York: Petitions of members of the Baraca Class of First Baptist Church of Olean and sundry citizens of Falconer, N. Y., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. HERSEY: Memorial of Union Evangelical Church, of Greenville, Me., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. HOLLINGSWORTH: Memorial of Willow Grove Grange of Salem, Ohio, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. HULBERT: Petitions of 89 citizens of New York and Social Service Committee of Diocese of Long Island, favoring prohibition as war measure; to the Committee on the Judiciary.

Also, memorial of National Woman's Party, New York City, favoring suffrage for women; to the Committee on the Judiciary.

By Mr. KEATING: Petitions of the First Baptist Church, Denver; La Jara Women's Christian Union, La Jara; Longmont Women's Christian Temperance Union, Longmont; the Central Union, Woman's Christian Temperance Union, Pueblo; the Eighth District Women's Christian Temperance Union, Denver; the congregation of the Methodist Church, La Junta; citizens of Aguilar; citizens of Center; citizens of Arvada; Men's Organized Bible Class, First Presbyterian Church, Boulder; members and friends of the Sand Arroya; Friends (Quaker) Church, Sugar City; citizens of Idaho Springs; citizens of Hartman and vicinity; and citizens of Manzanola, all in the State of Colorado, favoring national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petition of the Providence (R. I.) Atheneum, favoring amendment to the existing Federal estate tax law; to the Committee on Ways and Means.

Also, petition of Providence (R. I.) Typographical Union, No. 33, protesting against proposed increase in postal rates on second-class matter as proposed in revenue bill; to the Committee on Ways and Means.

Also, petition of E. J. Horton & Co., of Providence, R. I., favoring Nation-wide prohibition; to the Committee on the Judiciary.

Also petition of Rhode Island Anti-Saloon League, favoring prohibition legislation; to the Committee on the Judiciary.

By Mr. KING: Petitions of Mr. Alexander Thompson and divers citizens of Camp Point, Ill., favoring prohibition; to the Committee on the Judiciary.

By Mr. KRAUS: Petition of sundry citizens of Peru, Ind., favoring prohibition as war measure; to the Committee on the Judiciary.

By Mr. LINTHICUM: Petitions of sundry citizens of Baltimore, Md., favoring the daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Union Central Life Insurance Co., of Baltimore, Md., against tax of 8 cents per hundred on new life insurance; to the Committee on Ways and Means.

Also, petition of sundry citizens, boards of trustees of the Anti-Saloon League of Maryland, and Social Service Commission of the Diocese of Maryland, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. LONERGAN: Petitions of Manufacturers' Association of Connecticut and Hartford Chapter, American Institute of Banking, favoring the daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

Also, petitions of 343 men and 173 women, employees of Stanley Rule & Level Co., of New Britain; members of First Church of Christ, of Glastonbury; and Frega Lodge, No. 17, Independent Order of Good Templars, of Hartford, all in the State of Connecticut, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. MAGEE: Petition of Samuel Clayton, of Skaneateles, N. Y., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. MONDELL: Petitions of citizens and individuals of Cheyenne, Laramie, Jireh, Sheridan, Wheatland, and Lusk, Wyo., favoring the prohibition of the liquor business as a war measure and opposing war tax on same; to the Committee on the Judiciary.

By Mr. MOTT: Memorials of sundry churches and church societies of the State of New York, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. NOLAN: Petition of Charles Peter Weeks, of San Francisco, Cal., relative to the proposed tax on tobacco, snuff, and cigarettes in the pending revenue bill; to the Committee on Ways and Means.

Also, petition of California Federation of Women's Clubs, favoring prohibition of the use of grain in the production of alcoholic beverages during the continuance of the war; to the Committee on Agriculture.

Also, petition of Foster & Kleiser Co. and the John Bollman Co., of San Francisco, Cal., protesting against the proposed increases of internal revenue on tobacco and cigarettes; to the Committee on Ways and Means.

Also, petition of Cigarmakers' Local Union, No. 228, San Francisco, Cal., protesting against any proposed amendment or abrogation of existing laws or agreements to restrict or regulate immigration; to the Committee on Immigration and Naturalization.

Also, petition of Local No. 31, Bridge and Structural Iron Workers, and Local 278, Retail Delivery Drivers' Union, of San Francisco, Cal., protesting against any proposed amendment to the Chinese-exclusion act to permit of the importation of Chinese into the United States; to the Committee on Immigration and Naturalization.

By Mr. PETERS: Petition of citizens of Athens and E. A. Pattee and others, of Harmony, Me., favoring national prohibition; to the Committee on the Judiciary.

By Mr. PLATT: Petitions of sundry citizens of the State of New York, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. POLK: Petition of 78 citizens of Cheswold, Del., and vicinity, for prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of 38 citizens of Townsend, Del., for national prohibition as a war measure; to the Committee on the Judiciary.

By Mr. PRATT: Petition of George R. Barker, Royal Gilkley, and sundry others of the Baraca Bible Class of the First Baptist Church, of Ithaca, N. Y., favoring national prohibition during the war; to the Committee on the Judiciary.

Also, petition of the Council of the Diocese of Western New York of the Protestant Episcopal Church, by Rev. G. Sherman Burrows, secretary, favoring a measure to forbid the use of cereals and grain for the manufacture of malt liquors and in-

toxicating beverages during the duration of the war; to the Committee on the Judiciary.

Also, petition of M. B. Dean, Mrs. K. O. Ward, and sundry others of the McKendree Methodist Episcopal Church, of Candor, N. Y., favoring the prohibition of the manufacture of alcoholic liquors as a measure of food conservation and for the immediate prohibition of the sale of intoxicating liquors for beverage purposes; to the Committee on the Judiciary.

Also, petition of Rev. M. R. Chapman, E. E. Swain, Floyd Conderman, and sundry others, of the Park Methodist Episcopal Church, of Hornell, N. Y., favoring the prohibition of the use of any kind of foodstuffs for use in the manufacture of intoxicating liquors; to the Committee on the Judiciary.

Also, petition of Owen Card Publishing Co., National Art Publishing Co., and Baker Bros., all of Elmira, N. Y., protesting against any increase of rates on postal cards; to the Committee on the Judiciary.

By Mr. RANDALL: Petitions of Burnett Baptist Church, Long Beach, 90 citizens of Altadena, 100 of Compton, 125 of Lovesburg, and members of San Gabriel Methodist Episcopal Church, all of California, favoring national prohibition; to the Committee on the Judiciary.

By Mr. ROGERS: Petition of members and congregation of First Evangelical Church of Lowell, Mass., favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of sundry citizens of Lowell, Mass., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. ROSE: Petition of congregation of Grace United Evangelical Church, of Hyndman, Bedford County, Pa., favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of St. Paul's Lutheran Church, of Altoona, Pa., favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of Church of God, Roaring Spring, Pa., favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of St. Matthew's Lutheran Church, of Schellburg, Pa., favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of First Methodist Church, of Altoona, Pa., favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of Methodist Episcopal Churches of Huntingdon, Bedford, and Blair Counties, Pa., favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of the pastor and congregation of the Franklin Street Methodist Episcopal Church, of Johnstown, Pa., favoring prohibition during the period of the present war with Germany; to the Committee on the Judiciary.

By Mr. ROWE: Petitions of citizens of Brooklyn and National Institute of Social Sciences, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of L. Schepp Co., of New York, against 10 per cent duty on goods on free list; to the Committee on Ways and Means.

Also, petition of E. O. Spindler, of New York City, against Hardwick amendment to Federal reserve act; to the Committee on Banking and Currency.

Also, petition of New York Stenographers' Union, No. 1, against increase in postage on second-class mail; to the Committee on Ways and Means.

By Mr. SANDERS of New York: Petitions of sundry citizens and organizations of the State of New York, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. SCHALL: Petitions of sundry citizens of the State of Minnesota, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. SHOUSE: Petitions of sundry citizens of Kinsley and Turon, Kans., favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of sundry citizens of Hutchinson, Kans., favoring closing of boards of trade to prevent gambling in foodstuffs; to the Committee on Agriculture.

By Mr. SNELL: Petition of citizens of Piercefield, N. Y., favoring the passage of a law providing for a total prohibition of all intoxicating liquors during the period of the war, except for sacramental, medical, and scientific purposes; to the Committee on the Judiciary.

Also, petition of residents of Elizabethtown, N. Y., and vicinity, for the immediate enactment of prohibition of the manufacture of alcoholic liquors as a measure of food conservation and for the immediate prohibition of the sale of liquors for beverages in order to conserve the health, wealth, labor, transport facilities, and military efficiency of the people; to the Committee on the Judiciary.

Also, petition of Methodist Episcopal Church, Clintonville, N. Y., for the passage of a bill to effectively prohibit the use of any kind of foodstuffs during the war for the manufacture of intoxicating beverages, to limit liquors on hand to nonbeverage uses, and protesting against increasing the tax on liquors, and thus raising a higher revenue barrier to the securing of national prohibition; to the Committee on the Judiciary.

By Mr. STRONG: Petitions of Woman's Foreign Missionary Society of the Methodist Episcopal Church, Erie Conference, Clarion district, Brookville, Brockwayville, Big Run, Clarion, Du Bois, Hazel Hurst, Johnsonburg, New Bethlehem, Punxsutawney, Reynoldsville, Rimersburg, Summerville, Tylersburg, and Valier auxiliaries, all in the State of Pennsylvania, favoring national prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of the residents of Reynoldsville and vicinity and the members of the East Mahoning Baptist Church of Indiana County, Pa., favoring the prohibition of the manufacture of alcoholic liquors as a war measure; to the Committee on the Judiciary.

By Mr. SWIFT: Petitions of Men's Club, of Ocean Avenue Congregational Church, and Vanderveer Park Methodist Episcopal Church, of Brooklyn, and Long Island Diocese of Episcopal Church, of the State of New York, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. TEMPLE: Petition of members and adherents of the Mount Pleasant United Presbyterian Church, of Hickory, Pa., favoring national prohibition in view of present war; to the Committee on the Judiciary.

Also, petition of voters of New Castle, Pa., favoring national prohibition law in view of the present war situation; to the Committee on the Judiciary.

Also, petition of members of Epworth Methodist Episcopal Church, of New Castle, Pa., favoring enactment of national prohibition law in view of present war situation; to the Committee on the Judiciary.

Also petition of members and adherents of the Pine Street Presbyterian Church, of Harrisburg, Pa., favoring enactment of national prohibition in view of present war situation; to the Committee on the Judiciary.

By Mr. TIMBERLAKE: Petition of sundry residents of Hillrose, Colo., favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of Methodist Episcopal Church of Brush, Colo., favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of Boulder Commercial Association, of Boulder, Colo., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. TINKHAM: Memorial of members of St. Andrews Methodist Episcopal Church, of Roxbury, Boston, Mass., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. TOWNER: Petition of Rev. W. T. Rink and 62 other citizens of Coin, Iowa, petitioning Congress for the immediate enactment of prohibition of the manufacture of alcoholic liquors as a measure of food conservation and for the immediate prohibition of the sale of liquors for beverage purposes in order to conserve the health, wealth, labor, transport facilities, and military efficiency of the people; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota: Petitions of E. B. Mattus and 80 others, of Fargo; A. N. Wiley and 52 others, of Turtle Lake; C. G. Olimb and 10 others, of Granville; W. E. Howe and 67 others, of Edgeley; E. Burling and 167 others, of New Rockford, all in the State of North Dakota, favoring prohibition as a war measure; to the Committee on the Judiciary.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 7, 1917.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Behold, how good and how pleasant it is for brethren to dwell together in unity!

It is like the precious ointment upon the head, that ran down upon the beard, even Aaron's beard; that went down to the skirts of his garments;

As the dew of Hermon, and as the dew that descended upon the mountains of Zion; for there the Lord commanded the blessing, even life for evermore.

We thank Thee, our Father in heaven, that all the animosities growing out of the great Civil War, which threatened the con-

tinuance of our Republic, have passed into oblivion; that the Confederate veterans have been received into our Capital City with a royal welcome out of respect for the loyalty, patriotism, and valor displayed for a cause which they deemed right; that they have the pleasure of marching in review before the President of the United States with their sons who to-day are as loyal to the Old Flag as all true Americans should be, and may be counted upon to give their support and lives, if need be, for the preservation of the Union. Let Thy blessing be upon them, take them in safety to their homes, and grant them long life and happiness under the graceful folds of the Old Flag which we all love; and all praise be Thine in the name of Him who taught us brotherly love and kindness. Amen.

The Journal of the proceedings of yesterday was read and approved.

SWEARING IN OF A MEMBER.

Mr. WASON. Mr. Speaker, I present the credentials of Mr. SHERMAN E. BURROUGHS, Representative elect from the first congressional district of New Hampshire, and I ask that the oath be administered to him. [Applause.]

The SPEAKER. The Chair has examined the credentials of Mr. BURROUGHS and finds them to be straight. He will please present himself.

Mr. BURROUGHS appeared at the bar of the House and the Speaker administered to him the oath of office.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WELTY, indefinitely, on account of sickness.

To Mr. ASHBROOK, indefinitely, on account of the death of his father.

SPEECH OF M. VIVIANI.

The SPEAKER. The Chair has received from the Secretary of State a communication inclosing the speech of M. Viviani, recently delivered in the House, in French and an English translation thereof, which the Secretary of State requests to have printed in the RECORD. Without objection, it will be so printed.

There was no objection.

The communication is as follows:

DEPARTMENT OF STATE,
Washington, June 4, 1917.

The Hon. CHAMP CLARK,
Speaker of the House of Representatives.

SIR: I have the honor to inclose herewith for inclusion in the CONGRESSIONAL RECORD the French text, with a translation thereof, of the speech delivered by M. Viviani, of the French mission, before the House of Representatives.

This text and the translation were furnished to the department by Mr. Emile Hovelaque, of the mission.

I have the honor to be, sir,
Your obedient servant, ROBERT LANSING.

M. VIVIANI. Messieurs, nous voici donc une fois encore, mes compatriotes et moi, admis aux honneurs de la séance dans une enceinte législative. Pourrai-je vous dépeindre l'émotion qui nous étreint devant cette dérogation solennelle à vos règles séculaires, et, en ce qui me concerne, pourrai-je vous dire, comme parlementaire habitué, depuis plus de vingt ans, aux passions et aux orages des assemblées, que je goûte peut-être plus qu'un autre à cette heure la joie suprême de me trouver à cette tribune, à cette tribune si haute, que, si faible que soit la voix, elle est entendue de l'univers.

Messieurs, je ne vous remercierai pas, non parce que notre gratitude est épuisée, mais parce que sont épuisées les paroles nouvelles par lesquelles je pourrais la traduire; je ne vous remercierai pas de votre accueil. Nous avons tous senti, mes compagnons et moi, que les acclamations qui montaient vers nous ne sortaient pas seulement de vos lèvres. Nous avons tous senti que vous ne remplissiez pas seulement les obligations de la courtoisie internationale; brusquement, nous avons vu se dévoiler à nos regards, dans son intimité charmante, la complexité de l'âme américaine.

Lorsqu'on aborde un Américain, il semble qu'on aborde un homme pratique, seulement pratique, vivant pour les affaires, par les affaires, dans les affaires. Mais, lorsqu'à certaines heures de la vie privée, on se penche sur l'âme américaine, on en découvre à la fois la fraîcheur et la délicatesse; et lorsqu'à certaines heures de la vie publique on interroge l'âme nationale, alors on voit surgir d'elle toute la puissance de l'idéal; si bien que ce peuple américain, admirablement équilibré, est à la fois pratique et sentimental, réaliste et rêveur, et qu'il est toujours possible de mettre ses qualités positives à la disposition de sa forte pensée.

Et voyez, Messieurs, le parallèle glorieux qu'à notre profit, à votre profit, nous pouvons établir entre nos ennemis et nous. Mandataires d'un peuple libre, nous venons au milieu des hommes libres pour confronter nos idées, pour échanger nos vues, pour apercevoir le formidable problème surgi de la guerre. Et toutes les nations alliées, par celà même qu'elles reposent sur des institutions démocratiques par leur gouvernement, se concertent à la même hauteur, dans la même égalité et dans la même liberté.

Je sais bien qu'à l'heure actuelle au milieu des empires centraux, se trouve un monarque absolu qui rattache à lui, par les liens d'une vassalité de fer, d'autres peuples. On a dit que c'était le signe de la force. Ce n'en est que l'apparence dérisoire. Et en effet, il y a quelques semaines, à la veille du jour où l'Amérique frémissante allait se dresser de tout son élan, au lendemain du jour où la révolution russe, fidèle au pacte d'alliance, appelait en même temps les soldats aux armes et le peuple à l'indépendance, on a vu ce monarque absolu trébucher sur les degrés de son trône, sentant passer sur sa couronne le souffle des premières tempêtes. Et il s'est abaissé vers ce peuple, s'est humilié, et, afin de le gagner, il est allé emprunter aux nations libres leur institution suprême en promettant à leurs sujets de leur donner le suffrage universel.

Ici comme aux heures de notre histoire, comme aux heures de la vôtre, c'est la liberté qui fraye le chemin aux combattants. Nous voici tous debout pour la civilisation et pour le droit. Avant-hier, dans une réunion publique à laquelle j'assistais, j'entendais un de vos plus grands orateurs dire, avec une émotion concentrée: "C'est juré sur le tombeau de Washington." Et j'ai compris alors l'émotion forte et le sens profond de ces paroles. Si Washington pouvait se lever de son tombeau, du haut de sa montagne sacrée, s'il pouvait apercevoir le monde tel qu'il est, devenu plus petit, par le rapprochement des distances matérielles et morales, et par l'enchevêtrement des relations économiques, il sentirait que son œuvre n'est pas finie, et que, de même qu'un homme puissant et supérieur se doit aux autres hommes, de même un peuple puissant et supérieur se doit aux autres peuples, et, après avoir établi sa propre indépendance, doit aider les autres à maintenir leur indépendance ou à la conquérir. C'est la logique mystérieuse de l'histoire qu'a si merveilleusement comprise M. le Président Wilson, cet esprit si fort, si fin, à la fois capable d'analyse et de synthèse, d'observations minutieuses vite suivies d'une forte action. C'est juré sur le tombeau de Washington! C'est juré sur le tombeau des soldats alliés, tombés pour la cause sainte! C'est juré sur nos blessés! C'est juré sur la tête de nos orphelins! C'est juré sur les berceaux et les tombeaux! C'est juré!

[Translation.]

Gentlemen, once more my fellow countrymen and I are admitted to the honor of being present at a sitting in a legislative Chamber. May I be permitted to express our emotion at this solemn derogation against rules more than a century old, and, so far as my own person is concerned, may I say that, as a member of Parliament, accustomed for 20 years to the passions and storms which sweep through political assemblies, I appreciate more than anyone at this moment the supreme joy of being near this chair, which is in such a commanding position that, however feeble may be the voice that speaks thence, it is heard over the whole world.

Gentlemen, I will not thank you, not because our gratitude fails, but because new words to express it fail. No; I do not thank you for your welcome. We have all felt, my companions and myself, that the manifestations which rose toward our persons came not only from your lips. We have felt that you were not merely fulfilling the obligations of international courtesy. Suddenly, in all its charming intimacy, the complexity of the American soul was revealed to us.

When one meets an American one is supposed to meet a practical man, merely a practical man, caring only for business, only interested in business. But when at certain hours in private life one studies the American soul, one discovers at the same time how fresh and delicate it is; and when at certain moments of public life one considers the soul of the Nation, then one sees all the force of the ideals that rise from it; so that this American people, in its perfect balance, is at once practical and sentimental, a realizer and a dreamer, and is always ready to place its practical qualities at the disposal of its puissant thoughts.

And see, gentlemen, what a glorious comparison, to our profit, yours also, we can establish between our enemies and us. Intrusted with a mandate from a free people, we came among free men to compare our ideas, to exchange our views, to measure the whole extent of the problems raised by this war; and all the allied nations, simply because they repose on democratic institutions, through their Governments, meet in the same lofty region on equal terms, in full liberty.

I well know that at this very hour, in the central empire, there is an absolute monarch who binds to his will by vassal links of steel other peoples. It has been said this was a sign of strength; it is only a derisive appearance of strength. And in truth, only a few weeks ago, on the eve of the day when

outraged America was about to rise in its force, on the morrow of the day when the Russian revolution, faithful to its alliance, called at once its soldiers to arms and its people to independence, this absolute monarch was seen to totter on the steps of his throne as he felt the first breath of the tempest pass over his crown. And he bent toward his people in humiliation, and in order to win its sympathy borrowed from free peoples the highest institutions and promised his subjects universal suffrage.

Here, as in the crucial hours of our history as in these of yours, it is liberty which clears the way for our soldiers. We are all now united in our common effort for civilization, for right.

The day before yesterday, in a public meeting at which I was present, I heard one of your greatest orators say with deep emotion, "It has been sworn on the tomb of Washington." And then I understood the full emotion and import of those words. If Washington could rise from his tomb, if from his sacred mound he could view the world as it now is, shrunk to smaller proportions by the lessening of material and moral distances and the mingling of every kind of communication between men, he would feel his labors are not yet concluded, and that just as a man of superior and powerful mind has a debt to all other men, so a superior and powerful nation owes a debt to other nations, and after establishing its own independence must aid others to maintain their independence or to conquer it. It is the mysterious logic of history which President Wilson so marvelously understood, thanks to a mind as vigorous as it is subtle, as capable of analysis as it is of synthesis, of minute observation followed by swift action. It has been sworn on the tomb of Washington! It has been sworn on the tomb of our allied soldiers, fallen in a sacred cause! It has been sworn by the bedside of our wounded men! It has been sworn on the heads of our orphan children! It has been sworn on cradles and on tombs! It has been sworn!

RIFLES TO STATES AND TERRITORIES.

Mr. DENT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 995) authorizing the issuance to the home guard of the different States and Territories of rifles not necessary to be used by the Army, together with certain committee amendments, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read the title of the bill (S. 995) to authorize the issue to States and Territories and the District of Columbia of rifles and other property for the equipment of organizations of home guards.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, let the bill be reported.

The SPEAKER. The Clerk will report the bill, and also report the committee amendment.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized, in his discretion, to issue from time to time to the several States and Territories for the equipment of such home guards having the character of State police or constabulary as may be organized by the several States and Territories and District of Columbia, such rifles and ammunition therefor, cartridge belts, haversacks, canteens, in limited amounts as available supplies will permit, provided that the property so issued shall remain the property of the United States and shall be receipted for by the governors of the several States and Territories and Commissioners of the District of Columbia and accounted for by them under such regulations and upon furnishing such bonds or security as the Secretary of War may prescribe, and that any property so issued shall be returned to the United States on demand when no longer needed for the purposes for which issued, or if, in the judgment of the Secretary of War, an exigency requires the use of the property for Federal purposes.

With the following amendments:

Page 1, line 3, after the word "war," insert the words "during this existing emergency."

Page 1, line 8, after the word "Columbia," insert the words "and such other home guards as may be organized under the direction of the governors of the several States and Territories or other State troops or militia."

Page 1, line 5, after the word "Territories," insert the words "and the District of Columbia."

Page 1, line 10, after the word "Territory," in the committee amendment, add the words "and the Commissioners of the District of Columbia."

Mr. MANN. Mr. Speaker, I do not know what amendments the Clerk reported, but they were not all committee amendments.

Mr. DENT. These amendments were authorized by the committee.

Mr. MANN. They are not all printed in the bill as committee amendments.

Mr. DENT. Well, they are committee amendments that were provided for since the bill was reported.

Mr. MANN. These are amendments that the gentleman expects to offer?

Mr. DENT. Yes.

The SPEAKER. Is there objection?

Mr. LANGLEY. Mr. Speaker, reserving the right to object, I am in favor of the bill, but I would like to be heard for two or three minutes on a matter somewhat related to this.

Mr. MANN. The gentleman will have no trouble in getting his opportunity if consideration of this bill is agreed to.

Mr. LANGLEY. All right.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. This is a Union Calendar bill.

The SPEAKER. This bill is on the Union Calendar.

Mr. DENT. I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Alabama asks unanimous consent to have this bill considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. Does the gentleman from Alabama want to be heard?

Mr. DENT. No, Mr. Speaker.

Mr. MANN. I move to strike out the last word. The committee amendments have not been disposed of. Perhaps they had better be voted on. I would like to have the gentleman from Alabama [Mr. DENT] explain the bill. Of course, I know its general purpose. Perhaps we had better have the committee amendments disposed of.

The SPEAKER. The question is on the committee amendments.

Mr. MANN. Mr. Speaker, they will have to be offered.

Mr. DENT. Mr. Speaker, I offered them.

The SPEAKER. The gentleman from Alabama sent them up here and offered them.

Mr. DENT. That was a part of my request.

Mr. MANN. That form of offering will not go.

Mr. DENT. I offer the committee amendments.

Mr. MANN. There are certain committee amendments printed in the bill in italics in the usual way. Those come up automatically, but the others will have to be offered.

The SPEAKER. The first vote will be taken on the committee amendments printed in the bill.

Mr. MANN. I think one of them has to be amended.

The SPEAKER. The Clerk will report the first amendment.

The Clerk read as follows:

Page 1, line 5, after the word "Territory," insert the words "and the District of Columbia."

So that the lines as amended will read:

To issue from time to time to the several States and Territories and the District of Columbia, for the equipment of such home guards, etc.

Mr. LANGLEY. Mr. Speaker, I move to strike out the last word. I am not opposed to this bill. On the contrary, I am heartily in favor of anything designed to aid the State militia, both the old and the new. That is a subject which is very close to my heart. I listened with deepest interest and sympathy yesterday to the eloquent tribute paid by my colleague from Kentucky [Mr. THOMAS] to the Orphan Brigade and, incidentally, to the Iron Brigade, and I heartily concurred in all that he said of their courage and their valor. As I listened to him yesterday, while the crowded floor and galleries gave him generous applause, and again to-day, as I looked upon that inspiring pageant of the heroes of the Confederacy as they proudly marched up the Avenue, carrying the flag of the Union and receiving the plaudits of hundreds of thousands of enthusiastic and patriotic Americans, and which evidenced a united and unconquerable Republic, my thoughts turned instinctively to the old militia soldiers of Kentucky and Missouri, whose valiant service to the Union cause and whose patriotism no one will deny. [Applause.] I could not help recalling on both these occasions with shame and sadness that, while the Nation has provided pensions for the Iron Brigade and Kentucky has provided pensions for the Orphan Brigade, no provision has been made for these old militiamen. I am aware, Mr. Speaker, that, in view of the legislative program which has been agreed upon, such a law can not be passed at this extra session, although I think it would do the Nation many times more good than it would do the Treasury harm to enact it now, because it would show to our young men who are preparing to enter this great war that the Republic appreciates to the fullest the sacrifices of all of its soldiers, and that its purpose is to go to the extreme of liberality in providing for all those who enter its service, including those who need its help in their old age. I still have an abiding faith that this Congress will do justice to these old men, and I give notice now that this question will be brought again to your attention when we meet in regular session next December. [Applause.] Some of these old Kentucky militia-

men still live in the mountains of eastern Kentucky, and many of their sons and grandsons came forward on registration day and had their names placed upon the Nation's honor roll, thus showing that the patriotism and loyalty of their sires have been handed down to them. In proof of this I am proud to read the following telegram, which I have received from the city of Hazard, now well known to most of you:

HAZARD, KY., *June 6, 1917.*

Hon. JOHN W. LANGLEY,
Washington, D. C.:

Hazard precincts registered 709. The county totals nearly 2,000, while only 1,400 cards were furnished.

J. B. HOGE.

Mr. Speaker, while I have not received specific advices as to the results of the registration in other sections of the Kentucky mountains, that land where only the devotees of liberty dwell, I know that when they are received they will show that there exists the same unswerving obedience to the law and loyalty to the country that are demonstrated by this telegram to exist in Hazard and Perry County. [Applause.]

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The Clerk read the following committee amendment:

Page 1, line 10, after the word "Territory," insert the words "and the Commissioners of the District of Columbia."

The committee amendment was agreed to.

The Clerk read the following committee amendment:

Page 2, line 13, at the end of the sentence, amend by striking out the period and inserting a proviso, as follows:

"*Provided*, That all home guards, State troops, and militia receiving arms and equipment as herein provided shall have the use, in the discretion of the Secretary of War and under such regulations as he may prescribe, of rifle ranges owned or controlled by the United States of America."

The committee amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to strike out the last word. This provides for furnishing the home guards such rifles and ammunition as may be available. What is it intended to be done, may I ask of the gentleman? We all know there has been a good deal of talk about our being short of both rifles and ammunition.

Mr. DENT. Mr. Speaker, the object of this resolution, as I understand it, is this: There are a number of rifles in the possession of the National Guard owned by the Government of the United States that are not up to date and would not be used by the regular forces when the National Guard of different States is called into the Federal service, as they leave the States. The purpose of this resolution is to furnish the useless and surplus rifles to the home guards for the protection of the communities.

Mr. MANN. How many of these rifles does the Government possess?

Mr. DENT. I can not say, but I think several hundred thousand.

Mr. MANN. If they are useless, what have we been keeping them for?

Mr. DENT. The gentleman will have to ask the Secretary of War.

Mr. KAHN. Mr. Speaker, there are 300,000 of the Krag-Jörgensen rifles, which was the service rifle during the Spanish-American War. Subsequent to that time the Ordnance Department developed the Springfield rifle of 1904, which the Government is now using. It is considered the best small arm in the world. The Krag-Jörgensen uses a different ammunition from that of the Springfield rifle, and it was proved in the Spanish-American War that where we had two kinds of rifles using different ammunition it was a serious defect that materially interfered with the efficiency of our Army.

The Krag-Jörgensen rifles have been sold to rifle clubs in the past and are now being distributed free among rifle clubs under laws more recently passed by the Congress. They are also being distributed to schools that maintain military instruction. The department has not been able to distribute them all, and there are still something like 300,000 of them now in the hands of the Ordnance Department.

Mr. MANN. Why should we possess 300,000 useless rifles, when we do not have anywhere near enough of the useful rifles? Why have we kept them for twenty-odd years?

Mr. KAHN. The only way to get rid of them was to sell them or destroy them. Instead of doing either of these things, the department has been trying to put them to some use by giving them to rifle clubs for the purpose of rifle practice, but they have not been able to get rid of all of them up to the present time.

Mr. HAMILTON of Michigan. And, as a matter of fact, they are very good guns?

Mr. KAHN. They are very good guns, only they have not the range of the Springfield rifle.

Mr. OSBORNE. I would like to ask the chairman of the committee a question.

Mr. DENT. I will yield.

Mr. OSBORNE. The bill provides for the furnishing to home guards these rifles. I have had a great many inquiries, and I presume other Members have also, from organizations that are not technically home guards, but which desire arms for drilling purposes. Will the bill as amended provide for those organizations where they have the approval of the governor of the State?

Mr. DENT. What kind of an organization is it?

Mr. OSBORNE. They are military organizations that have been formed since the war commenced—voluntary organizations.

Mr. DENT. The bill provides for a supply to any organization of State troops not a part of the regular National Guard, such as police and State constabulary organizations, organizations of that kind—home guards.

Mr. OSBORNE. Does not the term "home guards" have a technical meaning?

Mr. DENT. If the gentleman will read the resolution, he will find that the home-guard organizations are provided for having the character of State police or State constabulary.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. DENT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

URGENT DEFICIENCIES FOR MILITARY AND NAVAL ESTABLISHMENT.

Mr. FITZGERALD. Mr. Speaker, I call up conference report on the bill (H. R. 3971) making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Establishment on account of war expenses for the fiscal year ending June 30, 1917, and for other purposes; and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from New York asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

CONFERENCE REPORT (NO. 70).

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 3971) making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Establishments on account of war expenses for the fiscal year ending June 30, 1917, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 9, 43, 51, 80, 82, and 85.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 6, and 83, and agree to the same.

Amendment numbered 2: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by the amendment of the House to the amendment of the Senate insert the following:

"EMERGENCY SHIPPING FUND.

"The President is hereby authorized and empowered, within the limits of the amounts herein authorized—

"(a) To place an order with any person for such ships or material as the necessities of the Government, to be determined by the President, may require during the period of the war and which are of the nature, kind, and quantity usually produced or capable of being produced by such person.

"(b) To modify, suspend, cancel, or requisition any existing or future contract for the building, production, or purchase of ships or material.

"(c) To require the owner or occupier of any plant in which ships or materials are built or produced to place at the disposal of the United States the whole or any part of the output of such plant, to deliver such output or part thereof in such quantities and at such times as may be specified in the order.

"(d) To requisition and take over for use or operation by the United States any plant, or any part thereof, without taking possession of the entire plant, whether the United States has or has not any contract or agreement with the owner or occupier of such plant.

"(e) To purchase, requisition, or take over the title to, or the possession of, for use or operation by the United States any ship now constructed or in the process of construction or hereafter constructed, or any part thereof, or charter of such ship.

"Compliance with all orders issued hereunder shall be obligatory on any person to whom such order is given, and such order shall take precedence over all other orders and contracts placed with such person. If any person owning any ship, charter or material, or owning, leasing, or operating any plant equipped for the building or production of ships or material shall refuse or fail to comply therewith or to give to the United States such preference in the execution of such order, or shall refuse to build, supply, furnish, or manufacture the kind, quantities or qualities of the ships or material so ordered, at such reasonable price as shall be determined by the President, the President may take immediate possession of any ship, charter, material or plant of such person, or any part thereof without taking possession of the entire plant, and may use the same at such times and in such manner as he may consider necessary or expedient.

"Whenever the United States shall cancel, modify, suspend or requisition any contract, make use of, assume, occupy, requisition, acquire or take over any plant or part thereof, or any ship, charter, or material, in accordance with the provisions hereof, it shall make just compensation therefor, to be determined by the President; and if the amount thereof, so determined by the President, is unsatisfactory to the person entitled to receive the same, such person shall be paid 75 per cent of the amount so determined by the President and shall be entitled to sue the United States to recover such further sum as, added to said 75 per cent, will make up such amount as will be just compensation therefor, in the manner provided for by section 24, paragraph 20, and section 145 of the Judicial Code.

"The President may exercise the power and authority hereby vested in him, and expend the money herein and hereafter appropriated through such agency or agencies as he shall determine from time to time: *Provided*, That all money turned over to the United States Shipping Board Emergency Fleet Corporation may be expended as other moneys of said corporation are now expended. All ships constructed, purchased, or requisitioned under authority herein, or heretofore or hereafter acquired by the United States, shall be managed, operated, and disposed of as the President may direct.

"The word 'person' as used herein shall include any individual, trustee, firm, association, company, corporation, or contractor.

"The word 'ship' shall include any boat, vessel, or submarine and the parts thereof.

"The word 'material' shall include stores, supplies, and equipment for ships, and everything required for or in connection with the production thereof.

"The word 'plant' shall include any factory, workshop, warehouse, engine works; buildings used for manufacture, assembling, construction, or any process; any shipyard or dockyard and discharging terminal or other facilities connected therewith.

"The words 'United States' shall include all lands and waters subject to the jurisdiction of the United States of America.

"All authority granted to the President herein, or by him delegated, shall cease six months after a final treaty of peace is proclaimed between this Government and the German Empire.

"The cost of purchasing, requisitioning, or otherwise acquiring plants, material, charters, or ships now constructed or in the course of construction and the expediting of construction of ships thus under construction shall not exceed the sum of $250,000,000, exclusive of the cost of ships turned over to the Army and Navy, the expenditure of which is hereby authorized, and in executing the authority granted by this act for such purpose the President shall not expend or obligate the United States to expend more than the said sum; and there is hereby appropriated for said purpose, $150,000,000: *Provided*, That this appropriation shall be reimbursed from available funds under the War and Navy Departments for vessels turned over for the exclusive use of those departments or either of them.

"The cost of construction of ships authorized herein shall not exceed the sum of $500,000,000, the expenditure of which is hereby authorized, and in executing the authority granted herein for such purpose the President shall not expend or obligate the United States to expend more than said sum; and there is hereby appropriated for said purpose, $250,000,000.

"For the operation of the ships herein authorized or in any way acquired by the United States, except those acquired for the Army or Navy, and for every expenditure incident thereto, $5,000,000."

And the House agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Naval operating base, Hampton Roads, Va.: For the acquisition by purchase or condemnation, including all easements, riparian and other rights appurtenant thereto, and including all the rights and properties of railway, electric light, power, telephone, telegraph, water, and sewer companies, of the tract of land known as the Jamestown Exposition site, on Hampton Roads, Va., and of such lands adjacent thereto as lie north of Ninety-ninth Street and Algonquin Street, the entire property being bounded on the north and west by Hampton Roads and Willoughby Bay, on the east by Boush Creek, and on the south by Ninety-ninth and Algonquin Streets, $1,400,000; and toward the equipment of this property as a naval operating base, including piers, storehouses, oil-fuel storage, training station, recreation grounds for the fleet, aviation, and other purposes, $1,600,000; in all, $3,000,000."

And the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 4. That the service of all persons selected by draft and all enlistments under the provisions of the act entitled 'An act to authorize the President to increase temporarily the Military Establishment of the United States,' approved May 18, 1917, shall be for the period of the war, unless sooner terminated by discharge or otherwise. Whenever said war shall cease by the conclusion of peace between the United States and its enemies in the present war, the President shall so declare by a public proclamation to that effect, and within four months after the date of said proclamation or as soon thereafter as it may be practicable to transport the forces then serving without the United States to their home station, the provisions of said act, in so far as they authorize compulsory service by selective draft or otherwise, shall cease to be of force and effect."

And the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 5. That, in addition to the reports now required by law, the Secretaries of the Treasury, War, and Navy shall each on the first Monday in December, 1917, and annually thereafter, transmit to the Congress a detailed statement of all expenditures under this act."

And the Senate agree to the same.

JOHN J. FITZGERALD,
SWAGAR SHERLEY,
Managers on the part of the House.
THOMAS S. MARTIN,
O. W. UNDERWOOD,
F. E. WARREN,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 3971) making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Establishments on account of war expenses for the fiscal year ending June 30, 1917, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of said amendments, namely:

On No. 2, relating to the emergency shipping fund: Inserts a substitute for the amendment of the House to the amendment of the Senate, printed in full elsewhere in this report.

On No. 3: Restores the appropriation of $5,000, stricken out by the Senate, for rent of quarters for the Bureau of Efficiency.

On No. 4: Restores the appropriation of $20,000, stricken out by the Senate, for additional employees and expenses of the Civil Service Commission.

On No. 5: Appropriates $136,140, as proposed by the Senate, for additional employees in the office of the Auditor for the War Department.

On No. 6: Strikes out, as proposed by the Senate, the appropriations for the mints at Philadelphia and New Orleans and the assay office at New York.

On No. 9: Strikes out the paragraph, inserted by the Senate, authorizing the Secretary of War to transfer 10 per cent of the sums under the Military Establishment from one appropriation account to another.

On No. 43: Strikes out the paragraph, inserted by the Senate, authorizing the Secretary of War to expend not exceeding $10,000,000 of the appropriations for the Military Establishment for such military purposes as he may deem proper.

On No. 51: Authorizes the use of $150,000, as proposed by the House, instead of $325,000, as proposed by the Senate, for the purchase of land for aviation purposes for the Navy.

On No. 68: Appropriates $3,000,000, as proposed by the Senate, for the naval operating base, at Hampton Roads, Va., modified so as to include within such purchase all the rights and properties of railway, electric light, power, telephone, telegraph, water, and sewer companies.

On No. 80: Restores the appropriation of $13,940, striken out by the Senate, for employees to care for the new Interior Department Building.

On No. 82: Restores the appropriations for the Bureau of Standards, stricken out by the Senate.

On No. 83: Strikes out, as proposed by the Senate, the appropriation of $1,200 to enable the Commissioner of Lighthouses to increase the compensation of draftsmen employed on marine engineering.

On No. 85: Restores the appropriation, stricken out by the Senate, of $7,500 to pay the widow of Henry T. Helgesen, late a Representative from the State of North Dakota, and $1,000 for stationery for committees and officers of the House of Representatives.

On No. 86: Inserts the paragraph, proposed by the Senate, relative to the termination of the military service of persons selected by draft or otherwise, modified so as to terminate such services within four months after the proclamation of peace, or as soon thereafter as it may be possible to transport the forces then serving without the United States to their home station.

On No. 87: Inserts the paragraph, proposed by the Senate, relative to the submission of statements of expenditures from appropriations made for the Treasury, War, and Navy Departments, modified to eliminate therefrom the part thereof pertaining to the taking of vouchers.

JOHN J. FITZGERALD,
SWAGAR SHERLEY,
Managers on the part of the House.

Mr. FITZGERALD. Mr. Speaker, this is a complete report. The emergency deficiency bill as it passed the House carried $2,827,553,781.18. As it passed the Senate it carried $3,342,404,131.22, an increase of $514,850,350.04. The Senate receded from $61,109,589.62 and the House from $453,740,760.42. So the bill as it is at present is $453,740,760.42 in excess of the bill as it passed the House. Four hundred and five million dollars of this sum is included in the appropriation for the construction of cargo-carrying ships. Sixty million dollars was added to the item of transporttaion of the Army. The combined total of these two sums more than makes up the increase of the bill over the bill as it passed the House. The total of the bill as agreed upon is $3,281,294,541.60.

Mr. Speaker, this bill in size is the most extraordinary bill Congress has ever been called upon to enact. It carries the moneys believed to be essential for the support and equipment of an army of a million men for the period in which they will be with the colors between now and the 30th of June, 1918.

In addition, it carries over $500,000,000 for the Navy. It carries legislation to enable the United States to construct, within the next 18 months, some 3,000,000 tons of cargo-carrying ships. It met with practically no opposition in either body. The unanimity of the support given to it is merely another indication of the united and determined and patriotic spirit that prevails in the two Houses of Congress to give unstinted support to the administration in this great crisis of the Nation's history.

Mr. BACHARACH. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. BACHARACH. I would like to ask the chairman of the Committee on Appropriations about the amendment to Senate amendment No. 51, an appropriation for Cape May aviation base.

Mr. FITZGERALD. Mr. Speaker, the Senate increased the amount that might be expended for the purchase of land for aviation stations from $150,000 to $325,000. The statement was made that the additional $175,000 was to be utilized to purchasing land at Cape May for an aviation station. The information before the managers on the part of the two Houses was such that it was not believed to be necessary that this item should be agreed to at this time. Pursuing the policy of attempting to do everything that was essential for the purposes of defense and not to make appropriations for matters that were not of the most imperative character, the Senate receded from its amendment, and the item was eliminated from the bill.

Mr. BACHARACH. I understood the Secretary of the Navy has stated that they have expended some money down there for an aviation base.

Mr. FITZGERALD. He has not expended any money, and if the matter were of such great importance that he deemed it necessary to expend it I anticipate that some more complete information would have been furnished than the meager information transmitted to the managers on the part of the House.

Mr. BACHARACH. I understood that the Assistant Secretary of the Navy or the Secretary of the Navy had requested particularly that this item be included as it was a very important item in the bill.

Mr. FITZGERALD. An urgent letter was written that did not contain very much information. The only way in which Members of Congress can determine the urgency of these items is not by the statement of the head of a department that it is urgent, but by the assignment of the reasons that make that conclusion inevitable, and as the reasons sent did not warrant that conclusion, the item was eliminated from the bill.

Mr. KELLEY of Michigan. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. KELLEY of Michigan. I would like to ask the gentleman from New York something about the Jamestown Exposition site. The appropriation carried is $1,400,000. Can the chairman state what part of that was for the buildings on that site?

Mr. FITZGERALD. No particular portion is for buildings. Estimates have been made of the value of all improvements, including buildings. The amendment of the Senate was agreed to with an amendment to include in the property to be acquired all of the property and rights of the railway, electric-light, power, telegraph, telephone, water, and sewer companies.

Mr. KELLEY of Michigan. I should like to inquire further whether or not the people who purchased this original Jamestown site at the sheriff's sale——

Mr. BATHRICK. Mr. Speaker, there is so much confusion that I ask for order. This is an important amendment. I think this whole thing is a graft and people ought to understand it.

The SPEAKER. The House will be in order.

Mr. KELLEY of Michigan. Whether the price paid for this old Jamestown site, including the buildings, was $250,000, and that now the Government is asked to buy it——

Mr. FITZGERALD. That is my recollection from reading some previous hearings.

Mr. KELLEY of Michigan. And that we are now asked to buy the buildings alone at $600,000?

Mr. FITZGERALD. No; not the buildings. The estimate includes all improvements. The gentleman is mistaken. In addition to the Jamestown site——

Mr. KELLEY of Michigan. There are no other buildings on the part acquired.

Mr. FITZGERALD. There is a tract of land of over 100 acres with a water frontage on the main channel.

Mr. KELLEY of Michigan. But there are no buildings upon it.

Mr. FITZGERALD. Yes; I understand there are some.

Mr. KELLEY of Michigan. Only small cottages that you could put up very cheaply.

Mr. FITZGERALD. And a hotel.

Mr. KELLEY of Michigan. The hotel was on the original site, was it not?

Mr. FITZGERALD. My recollection is that the gentleman is mistaken. There is a hotel there of considerable size.

Mr. KELLEY of Michigan. Has the gentleman seen these buildings himself?

Mr. FITZGERALD. I have not. I went through the voluminous papers containing the description of all of the properties and the offers at which they were to be sold. I am not particularly pleased that the Congress is to buy this tract of land, but the Navy Department is recruiting large numbers of men and they insist that this property is imperatively needed for training purposes and as a fleet base. I am not entirely satisfied with the matter. I endeavored, however, to have the amendment so worded that when the purchase was made everything would be purchased. An examination of the original papers disclosed that in addition to the land and buildings there were certain rights possessed by a number of public utility corporations which it was stated could be obtained by the Government if it purchased the site at a reasonable price. The provision was so amended as to include all of the rights and properties of those public utility corporations. An examination of the

map and the statements that were made disclosed that the site of the old Jamesown Exposition by itself would not be of any value whatever to the Government. The purchase of the land adjacent to it fronting on the bay makes the tract of considerable value. The statement was made that the city of Newport News had just purchased a tract of land less favorably located, but quite near to this site, for the purpose of docks, at an average price of $2,700 per acre. The average price being paid for this land without the improvements is $1,800 per acre. I am unable to state what the value of the improvements is. I could not tell if I were to look at them. Representatives of the Navy Department say that they have made careful estimates as to the value of the buildings and the improvements, and that they are easily worth the sums fixed in this item.

Mr. KELLEY of Michigan. I take it from what the gentleman says that he personally is not willing to assure the House that this is a reasonable price for this property?

Mr. FITZGERALD. I would not undertake to assure the House in that manner. I am unable to form any opinion. I went carefully through the hearings before the Committee on Naval Affairs for some years. The item was inserted by the Senate, and in order to get an agreement upon the bill the managers upon the part of the House felt compelled to acquiesce in the matter.

Mr. KELLEY of Michigan. May I ask the gentleman a question or two about the further appropriation of $1,600,000 carried in the bill? What is proposed to be done with that money? It is in the same item.

Mr. FITZGERALD. The sum of $600,000 or $700,000 is to be utilized at once for the construction of a pier to the deep water in the main channel, and the other is for dredging alongside of it and some improvements in connection with some other features of the proposed development.

Mr. KELLEY of Michigan. What use would the pier be until after the coal depots, the oil depots, and other things were constructed there?

Mr. FITZGERALD. They need it there just as quickly as they can get it in order to have access to the station from the water.

Mr. KELLEY of Michigan. Will the gentleman yield me 15 minutes on this proposition?

Mr. FITZGERALD. If the gentleman will wait, I will do so.

Mr. KELLEY of Michigan. When the gentleman is at liberty to do so.

Mr. GORDON. Will the gentleman yield?

Mr. FITZGERALD. I will.

Mr. GORDON. What is the exact amount of money carried in this report of the conferees?

Mr. FITZGERALD. Three billion two hundred and eighty-one million two hundred and ninety-four thousand five hundred and forty-one dollars and sixty cents, and the amendment for the Jamestown site is $3,000,000. Is there any other gentleman who wishes to inquire as to any other item in the bill? Mr. Speaker, I now yield to the gentleman from Massachusetts [Mr. GILLETT]. How much time does he desire?

Mr. GILLETT. I would like about 15 minutes.

Mr. LENROOT. Will the gentleman yield?

Mr. FITZGERALD. I will.

Mr. LENROOT. The gentleman will remember there was some controversy when this bill went to conference over a provision relating to the suspension of contracts for the purpose of securing labor. I understand that has gone out of the bill.

Mr. FITZGERALD. The Senate was very insistent, and as it was a tentative proposition so far as the committee was concerned, we consented it should go out. I yield 15 minutes to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT. Mr. Speaker, this bill, when it came to the House, contained a Senate amendment appropriating $10,000,000 in a lump sum for the use of the Army. That was urged upon the House committee by the Secretary of War, but the House committee refused it. He again undoubtedly urged it upon the Senate committee, and the Senate committee yielded, but in conference, I am happy to say, the Senate committee yielded to the House, recognizing, perhaps, that the President had been given by Congress a lump sum of $100,000,000 which he could use for anything he pleased, and that consequently it was not necessary to have this other lump sum of $10,000,000. Now, I recognize, as everybody must, that in the crisis of this war it will be necessary for both the Army and Navy Departments to expend large sums of money which they can not anticipate, and they must have a leeway in appropriations, but we certainly have been trustful and generous already in giving $100,000,000 to use for that very purpose, and until that is exhausted it seems to me the departments ought not to press upon us for further lump sums.

Mr. LONGWORTH. Will the gentleman yield?

Mr. GILLETT. I will.

Mr. LONGWORTH. Can the gentleman state how much Congress has appropriated this year up to now for war purposes?

Mr. GILLETT. No; I can not state it offhand exactly.

Mr. LONGWORTH. Is it as much as $3,000,000,000?

Mr. GILLETT. Yes; it must be much more than that.

Mr. LONGWORTH. I mean already appropriated.

Mr. GILLETT. The gentleman means appropriated for next year?

Mr. LONGWORTH. Yes.

Mr. GILLETT. Yes; it must be more than that—very much more than that.

Mr. LONGWORTH. What in the gentleman's judgment will be necessary for next year?

Mr. GILLETT. I would not dare to guess now any better than any other Member.

Mr. LONGWORTH. More than $3,000,000,000 has been already appropriated?

Mr. GILLETT. Yes; very much more than that. So, as I say, Mr. Speaker, we have been liberal. We have given much elasticity to the departments, and I think we now ought to suggest to the different departments of the Government that the temptation which undoubtedly they will all feel when they see these enormous sums of money passing about, to ask for large lump sums to be expended for what they doubtless think are useful purposes, must be curbed.

There has already been shown a disposition on behalf of various departments not to be content with their ordinary appropriations, but to ask for some such elastic lump-sum appropriation, and I do not feel that this House ought to allow itself to be swept away—and it certainly has not so far—by the enormous size of our appropriations and by the attractive propositions which are held out by the various departments, and yield to their solicitations and give them more control than they have had in the past. Now, I recognize and can see both sides of the argument. I recognize the head of the department may often feel, and he may sometimes be justified in feeling, that if he were given a lump sum that he could expend where he pleased, and give the advanced salaries that he pleased, that he could get better results from his administration than being restricted as he is by the limitations which Congress puts upon him. I presume very often that would be true. I think every member of any appropriating committee often feels as he sits in the committee and hears the recommendations of the departments and knows that he can not really probe to the root of the matter, and that it is very much a matter of guessing and trusting to the recommendations of the department—as I say, I think every member of any appropriating committee often feels his helplessness and feels that there is a just argument on the other side. But, on the other hand, we all must remember that the responsibility of Congress and the restrictions of Congress on the power of expenditure have been recognized as one of the fundamental necessities of a free government.

The control of the purse in England for centuries has been the real contest between the Parliament and the King, and it has been the success of Parliament in preserving its control which has established free government there. And I suspect that in every constitutional nation representatives of the people can not afford to abandon and yield to the executive the control of the purse. And I thought it might be, if not interesting, at least useful, to the House, especially to the new Members for me in a few moments to briefly review what Congress has done in the last 10 years along this line and just what restrictions we have put upon the Executive.

Mr. GORDON. Will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. GORDON. In connection with the observation which the gentleman has just made about England, I call the attention of the gentleman to the fact that exactly the reverse occurred in Germany, where they appropriated for the army for a period of seven years in advance, thereby demonstrating the control of the executive over the legislative department of the Government.

Mr. GILLETT. And to my mind that is another argument, as I presume it is to the gentleman, that we should not follow their example.

Mr. STAFFORD. As I recall, there was an amendment included by the Senate providing for interchangeable use to the extent of 10 per cent?

Mr. GILLETT That also was eliminated.

I will only go back 10 years and refer to a few of the important pieces of legislation which this House has enacted which have limited the Executive in control of appropriations. And

I think every student of our National Government in the last few years will admit that in every field except this one the Executive has been gaining power, and has been gaining it at the expense of the legislature. It may be progress, but there is only one line that I know of where Congress has increased its power, and that is in this line of control over the expenditures. And it has done this because there has been a constant reaching out of the Executive to increase its power over appropriations, and Congress, seeing and feeling in each case some specific grievance, has enacted legislation to curb that specific act. And so there has grown up this body of law. And that is the way that free government generally advances—by punishing some specific act. This constant struggle between the executive and legislative, which is always going on in every free government, is not discreditable to either. I do not reflect upon or criticize the Executive for having this disposition. I think if any of us were in the executive department we would see opportunities for service and would reach for more power. But, on the other hand, being in the legislative branch of the service it is our duty to look at it from our side, as Congress has year after year, and attempt to curb the executive branch. And, as I say, we have done it with much success.

In 1902 the Congress passed a law which provided—

That hereafter no act of Congress shall be construed to make an appropriation out of the Treasury of the United States unless such act shall in specific terms declare an appropriation to be made for the purpose or purposes specified in the act.

You see the Executive was interpreting the law loosely and trying to put on an interpretation which would give it more power than Congress intended, and to meet that Congress passed that law.

And, by the way, let me say here that these acts have not been partisan. They have been passed when both the House and Executive were Republican, when the House was Democratic and the Executive was Republican, and when both House and the Executive were Democratic. So it has not been a friction between the House belonging to one party and the Executive belonging to another. That has been true of some committees; for instance, the committees on expenditures. The only time that I can remember when the Expenditures Committees had any activity was when the House was Democratic and the President was Republican. In this Congress, whereas undoubtedly now the Expenditures Committees will live in innocuous desuetude and will not care to investigate the expenditures of the Executive, if this House had had a few more Republican votes probably the Expenditures Committees would have flourished, and I believe they would have done much good for economy by investigating the acts of this administration. But these acts of legislation which I referred to have been done regardless of partisan conditions.

Now, Mr. Speaker, in 1904 an act was passed limiting the looseness of expenditures, which provided this:

That on and after July 1, 1904, it shall not be lawful for the Secretary of the Navy to employ in the Navy Department at Washington, D. C., and pay out of the appropriations for new ships, any civilian expert aids, additional draftsmen, writers, copyists, and model makers, except as may herein or as may hereafter be specifically authorized.

Up to that time the Navy Department was paying out of their big appropriation for new ships a great many employees, and Congress resolved that that should not be done, and that we should determine what employees should be authorized. From that time until now all the appropriation committees have been inclined to do this. Up to that time to every department there were large lump sums authorized. But gradually the committees of Congress contracted the habit that when the department asked them for a lump sum they would say, "You send down to us a list of the employees you want to use, and we will appropriate not a lump sum but we will specifically authorize the employment of so many clerks and so many draftsmen, and so forth." And in that way in the last 10 years, while our appropriation bills have been made a great deal larger and more bulky, yet every department has found itself limited in the employment of its officials to those which Congress specifically authorized.

The SPEAKER. The time of the gentleman has expired.

Mr. GILLETT. Will the gentleman yield me 10 minutes more?

Mr. FITZGERALD. Yes; I yield to the gentleman 10 minutes.

The SPEAKER. The gentleman from Massachusetts is recognized for 10 minutes more.

Mr. GILLETT. In the year 1906 Congress made the law of 1902 still more stringent and provided that—

No act of Congress hereafter passed shall be construed to make an appropriation out of the Treasury of the United States, or to authorize the execution of a contract involving the payment of money in excess of appropriations made by law, unless such act shall in specific terms declare an appropriation to be made or that a contract may be executed.

And in 1912 they tied the provisions together still more clearly by providing that—

No specific or indefinite appropriation made hereafter in any regular annual appropriation act shall be construed to be permanent or available continuously without reference to a fiscal year unless it belongs to one of the following five classes: Rivers and harbors, lighthouses, fortifications, public buildings, and pay of the Navy and Marine Corps, last specifically named in and excepted from the operation of the provisions of the so-called "covering-in act" approved June 20, 1874, or unless it is made in terms expressly providing that it shall continue available beyond the fiscal year for which the appropriation act in which it is contained makes provision.

Then we found that we could not keep track of the appropriations unless the departments each year followed, in sending to us the estimates of what they wanted, the same lines of classification as they used before. The departments, either intentionally or accidentally, used to put in a different place requests for appropriations, so that we found it difficult to keep track of them. So Congress passed this law:

Hereafter the estimates for expenses of the Government, except those for sundry civil expenses, shall be prepared and submitted each year according to the order and arrangement of the appropriation acts for the preceding year. And any changes in such order and arrangement, and transfers of salaries from one office or bureau to another office or bureau, or the consolidation of offices or bureaus desired by the head of any executive department, may be submitted by note in the estimates. The committees of Congress in reporting general appropriation bills shall, as far as may be practicable, follow the general order and arrangement of the respective appropriation acts for the year preceding.

And then Congress went on and followed that up with more specific requirements, compelling each department to give us each year its estimates in the exact order of the preceding year, so that it was easy for us to check up and see what increases they were demanding.

In the following year, finding that that provision of law was being evaded, we said that if these estimates, when transmitted to the Treasury Department by the different heads of departments, were not in their proper order, it should be the duty of the Secretary of the Treasury himself to take those estimates and to change the order in which they were submitted and put them in the form of the preceding year.

Mr. GORDON. Mr. Speaker, will the gentleman yield there?

Mr. GILLETT. Yes.

Mr. GORDON. Is it the observation of the gentleman that the granting of authority to the different committees to make appropriations has resulted in some instances in duplicate appropriations?

Mr. GILLETT. There has often been an attempt on the part of the departments, if they could not get an appropriation from one committee, then to apply to another committee for the same appropriation. But I do not think that has often succeeded. The different committees have generally kept track of those things. But it has occasionally succeeded, although what I may term the jealousy, perhaps, of the different committees has generally tended to at least call that to the attention of the House and often to defeat it.

Mr. GORDON. I call the gentleman's attention to a fact—which, however, the gentleman's committee corrected—that the Committee on Military Affairs this year duplicated the annual appropriation bill when it recommended, as it did, a lump sum, which included the amount of the annual military appropriation which had previously been enacted. But the Congress corrected that.

Mr. GILLETT. Yes; the vote of the House corrected that.

Mr. GREENE of Vermont. Mr. Speaker, will the gentleman yield?

Mr. GILLETT. Yes.

Mr. GREENE of Vermont. Permit me to interject a word there.

Mr. GILLETT. Yes.

Mr. GREENE of Vermont. That was done, but not as a matter of inadvertence, because I recall distinctly the fact that that sum was included in the estimates, and it was known to the committee. It was thought that that sum would be needed in addition to the first lump sum appropriated, and therefore it was considered safe to include it as a general proposition, not specifically for the purpose for which it was estimated.

Mr. GORDON. It was duplicated, however.

Mr. GILLETT. Congress found the departments were falling into another habit which was making trouble, and that was that at the beginning of the year they would in obedience to the law send in their estimates, but they would not send in all that they wanted, but would keep on sending in supplemental estimates during the session. So Congress in 1906 enacted this provision to correct that practice:

Hereafter the heads of the several executive departments and all other officers authorized or required to make estimates for the public service shall include in their annual estimates furnished the Secretary of the Treasury, for inclusion in the Book of Estimates, all estimates of appropriations required for the service of the fiscal year for which they

are prepared and submitted, and special or additional estimates for that fiscal year shall only be submitted to carry out laws subsequently enacted or when deemed imperatively necessary for the public service by the department in which they shall originate, in which case such special or additional estimate shall be accompanied by a full statement of its imperative necessity and reasons for its omission in the annual estimates.

Mr. MANN. Mr. Speaker, will the gentleman yield there?

Mr. GILLETT. Yes.

Mr. MANN. Does not the gentleman think that the variety of reasons given in the deficiency estimates do credit to the human mind as a matter of imagination?

Mr. GILLETT. Yes. I think they often speak well for the ingenuity of the heads of the departments. [Laughter.] We have not been able, of course, to accomplish exactly the end that we had in view, but this legislation of Congress has very largely diminished the quantity of supplemental estimates which used to be presented.

Then we enacted, two or three years later, the provision of law with which you are familiar—that the President, when he found that there was a discrepancy between the estimates and the anticipated revenue, and that the estimated revenue would not meet the estimates of expenditures, should be required to recommend to Congress a remedy. Up to date there had been no responsibility upon the Executive:

Immediately upon the receipt of the regular annual estimates of appropriations needed for the various branches of the Government, it shall be the duty of the Secretary of the Treasury to estimate, as nearly as may be, the revenues of the Government for the ensuing fiscal year, and if the estimates for appropriations, including the estimated amount necessary to meet all continuing and permanent appropriations, shall exceed the estimated revenues, the Secretary of the Treasury shall transmit the estimates to Congress as heretofore required by law and at once transmit a detailed statement of all of said estimates to the President, to the end that he may, in giving Congress information of the state of the Union and in recommending to their consideration such measures as he may judge necessary, advise the Congress how, in his judgment, the estimated appropriations could with least injury to the public service be reduced so as to bring the appropriations within the estimated revenues, or, if such reduction be not, in his judgment, practicable without undue injury to the public service, that he may recommend to Congress such loans or new taxes as may be necessary to cover the deficiency.

Then we provided, in 1913, that no estimates for fortifications should be presented without full and specific plans:

Hereafter estimates shall not be submitted to Congress for appropriations for construction of gun and mortar batteries, modernizing older emplacements, and other construction under the Engineer Department, in connection with fortifications, until after plans and estimates of cost shall have been prepared therefor.

Then, in 1914, inasmuch as we had to admit that there might be lump-sum estimates, we enacted:

That section 6 of the sundry civil appropriation act approved August 24, 1912, is amended to read as follows:

"SEC. 6. That there shall be submitted hereafter, in the annual Book of Estimates following every estimate for a general or lump-sum appropriation, except public buildings or other works constructed under contract, a statement showing in parallel columns:

"First, the number of persons, if any, intended to be employed and the rates of compensation to each, and the amounts contemplated to be expended for each of any other objects or classes of expenditures specified or contemplated in the estimate, including a statement of estimated unit cost of any construction work proposed to be done; and

"Second, the number of persons, if any, employed and the rate of compensation paid each, and the amounts expended for each other object or class of expenditure, and the actual unit cost of any construction work done, out of the appropriation corresponding to the estimate so submitted, during the completed fiscal year next preceding the period for which the estimate is submitted."

And we also provided—

That section 7 of the general deficiency appropriation act approved August 26, 1912, is amended to read as follows:

"SEC. 7. That no part of any money contained herein or hereafter appropriated in lump sum shall be available for the payment of personal services at a rate of compensation in excess of that paid for the same or similar services during the preceding fiscal year; nor shall any person employed at a specific salary be hereafter transferred and hereafter paid from a lump-sum appropriation a rate of compensation greater than such specific salary, and the heads of departments shall cause this provision to be enforced: *Provided*, That this section shall not apply to mechanics, artisans, their helpers and assistants, laborers, or any other employees whose duties are of similar character and required in carrying on the various manufacturing or constructing operations of the Government."

Then, in 1912, Congress passed a very radical law absolutely forbidding the departments to incur any deficiencies. Up to that time the departments would use up their money, then incur deficiencies, and come to us and say, "We must have this money; we have incurred a deficiency." And Congress was obliged to appropriate for it. So we passed this law:

No executive department or other Government establishment of the United States shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract or other obligation for the future payment of money in excess of such appropriations unless such contract or obligation is authorized by law. Nor shall any department or any officer of the Government accept voluntary service for the Government or employ personal service in excess of that authorized by law except in cases of sudden emergency involving the loss of human life or the destruction of property. All appropriations made for contingent expenses or other general purposes, except appropriations made in fulfillment of contract obligations expressly authorized by law, or for objects required or authorized by law without reference to the amounts annually appropriated therefor, shall, on or before the beginning of each fiscal year, be so apportioned by monthly or other allotments as to prevent expenditures in one portion of the year which may necessitate deficiency or additional appropriations to complete the service of the fiscal year for which said appropriations are made; and all such apportionments shall be adhered to and shall not be waived or modified except upon the happening of some extraordinary emergency or unusual circumstance which could not be anticipated at the time of making such apportionment, but this provision shall not apply to the contingent appropriations of the Senate and House of Representatives; and in case said apportionments are waived or modified, as herein provided, the same shall be waived or modified in writing by the head of such executive department or other Government establishment having control of the expenditure, and the reasons therefor shall be fully set forth in each particular case and communicated to Congress in connection with estimates for any additional appropriations required on account thereof. Any person violating any provision of this section shall be summarily removed from office and may also be punished by a fine of not less than $100 or by imprisonment for not less than one month.

The provisions of section 3679 of the Revised Statutes of the United States, as amended by section 3 of the urgent deficiency appropriation act approved February 27, 1906, known as the antideficiency act, are hereby extended and made applicable in all respects to appropriations made for and expenditures of and to all of the officers and employees of the Government of the District of Columbia.

We followed this by compelling the contingent funds to be apportioned.

Many of you will remember that we forbade the use of money for any commissions which had not been authorized by Congress. We also forbade the use of money for certain accountants that were a branch of the service which Congress had disapproved. Congress also restricted the departments by providing:

It shall be the duty of the head of each executive department and other Government establishment at Washington to submit to Congress at the beginning of each regular session a statement showing in detail what officers or employees (other than special agents, inspectors, or employees who in the discharge of their regular duties are required to constantly travel) of such executive department or other Government establishment have traveled on official business from Washington to points outside of the District of Columbia during the preceding fiscal year, giving in each case the full title of the official or employee, the destination or destinations of such travel, the business or work on account of which the same was made, and the total expense to the United States charged in each case.

We tried to prevent the different departments bidding against each other for the services of clerks by this law:

It shall not be lawful hereafter for any clerk or other employee in the classified service in any of the executive departments to be transferred from one department to another department until such clerk or other employee shall have served for a term of three years in the department from which he desires to be transferred.

I bring these facts forward because, entering as we are into a period of enormous expenditures, every one connected with the service should have clearly in mind the provisions of law. I do not offer it in any spirit of partisanship or criticism upon the heads of departments. I appreciate that every head of a department has always wanted all the money he could get for his department, and has always thought he could use it a great deal better if he was given a free hand than if Congress placed restrictions over it. But Congress has never acquiesced in that view; and unless Congress is prepared to abandon the position it has maintained for years, in these times of vast expenditure Congress ought to live up to its theories and, as far as possible, compel the departments to obey these provisions of law which year by year have been thrown around them in order to keep in this body the control of the purse.

I should not be doing my duty, I think, if I did not admit that most of these restrictions were drawn not by any Member of Congress, but by one of the most useful public servants ever connected with this House, the late James C. Courts, for many years clerk of the Committee on Appropriations. I do not know about the other committees, but I do know about our committee. When some proposition would come before us and we found that the heads of the departments were evading the distinct purpose of Congress, as they often were, and finding loopholes in the law, Mr. Courts, with his vast knowledge and ingenuity, was able to draw a provision which would cover the case. So I believe a great majority of these laws which I have read are the result of the invention, knowledge, and patient skill of Mr. Courts, and I think it is but fair that in commenting upon the powers of the House and upon the jealousy which the House has shown to hold up its prerogatives against the Executive, just due should be given to the servant of the House who, more than any other, carried out its will in this direction. [Applause.]

Mr. FITZGERALD. Mr. Speaker, how much time have I remaining?

The SPEAKER. Ten minutes.

Mr. FITZGERALD. Mr. Speaker, a number of gentlemen wish to have time yielded to them to discuss matters in the re-

port, and I ask unanimous consent that my time be extended one hour.

The SPEAKER. The gentleman asks unanimous consent that his time be extended one hour. Is there objection?

Mr. MADDEN. Reserving the right to object, I think it will take more than one hour.

Mr. MANN. One hour at a time.

Mr. MADDEN. We may not get consent for another hour.

Mr. MANN. The previous question will not be ordered.

Mr. MADDEN. We do not know.

Mr. FITZGERALD. I think we can complete it easily in an hour.

Mr. MADDEN. I do not know. I may take an hour myself to ask some questions.

Mr. FITZGERALD. There will be no disposition to shut off any legitimate inquiry or discussion of the report.

The SPEAKER. Is there objection?

Mr. MADDEN. All I want is to have the assurance of the gentleman that the previous question will not be moved until opportunity is given to ask such questions as may be thought necessary by Members or to give such time as may be reasonable to Members to discuss items in the bill.

Mr. FITZGERALD. I will state to the gentleman—probably he was temporarily absent—that Members exhausted their inquiries, and then I yielded to two or three gentlemen who wished to speak.

Mr. MADDEN. No one made any inquiries in connection with this bill, as far as I observed.

Mr. FITZGERALD. Oh, yes.

Mr. MADDEN. I was here when the bill was called up. I have been here since the House was called to order, and not five minutes were consumed in asking questions.

Mr. FITZGERALD. Nobody desired to ask any more questions.

Mr. MADDEN. The gentleman from Massachusetts desired 15 minutes and the gentleman from Michigan 10 minutes.

Mr. FITZGERALD. I yielded time until no one showed any disposition to ask any more questions.

Mr. MADDEN. There was no indication that opportunity would be given to gentlemen.

Mr. FITZGERALD. I asked if anybody desired to make any inquiry.

Mr. MADDEN. The gentleman must have asked it in a whisper, because my hearing is good.

Mr. FITZGERALD. The gentleman was otherwise engaged.

Mr. MADDEN. No; I was not.

The SPEAKER. Is there objection?

Mr. MADDEN. I am going to object unless I have an assurance from the gentleman.

Mr. FITZGERALD. What assurance does the gentleman wish?

Mr. MADDEN. Simply that the previous question will not be moved within the hour.

Mr. FITZGERALD. It will not be moved within the hour.

Mr. MADDEN. Until there is other opportunity after the hour, if it becomes necessary.

Mr. FITZGERALD. I will say to the gentleman that no legitimate requests for information or time will be cut off.

Mr. MADDEN. That is all I want.

Mr. FITZGERALD. That ought to be satisfactory.

The SPEAKER. Is there objection?

There was no objection.

Mr. FITZGERALD. I yield 10 minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker, this bill as reported to the House as the result of the conference carries $3,281,294,541.60. It is interesting in connection with the size of the bill to very roughly state what has been the appropriations up to this time for war purposes. The gentleman from Ohio [Mr. LONGWORTH] asked the gentleman from Massachusetts [Mr. GILLETT] a question along this line, and I hope in a very rough way to give that information.

This bill carries the sum I have just stated. The general deficiency bill carried, in round figures, $147,000,000. The sundry civil bill carries for distinctly war purposes $16,000,000. The Army bill carried $273,000,000. The fortification bill carried $51,000,000. The Military Academy bill carried one million three hundred and odd thousand dollars. The Naval bill carried $517,000,273, making a grand total of four billion two hundred and eighty-seven million three hundred and ninety-four thousand and nine hundred and odd dollars. That represents the total appropriations, roughly, that have been made up to this time for war purposes. Of course the House will appreciate that these sums include sums that would have been appropriated for the Army and the Navy and for military purposes irrespective of the country being at war; but, including all these purposes, the total is as I have stated.

That includes also the provision that has been made for what is commonly spoken of as the shipbuilding program. If that should be eliminated from the total it would leave in rough figures $3,782,394,000 appropriated directly for the purposes of the war.

Now, this sum is so vast that it does not carry to the mind any real picture. It is impossible for us to accurately understand the meaning of figures of this size, but they represent what is believed to be the present necessities of the Army and of the Navy. That they will have to be supplemented by sums as large in the coming year, I have no doubt, should the war continue more than a year, and we will have to grow accustomed to these tremendous figures during this great world-wide war.

Something was said by the gentleman from Massachusetts [Mr. GILLETT] and very properly said, touching the attitude of Congress as to appropriations. I agree with a great deal that he has said, and yet with a great deal of it I differ fundamentally and vitally. I think no greater mistake has been made by Congress than year after year undertaking to cure specific abuses by the passage of general laws, meant to deal with that particular abuse, yet applying to all departments without undertaking to reach down into the fundamental trouble that lies at the bottom of the situation.

We flatter ourselves that we exercise a considerable judgment about what moneys we shall vote the departments, and we undertake to detail these expenditures, and we put restrictions upon their expenditure. The result is largely that the departmental head who wants to evade the law of Congress finds some method of doing it, and the good official, the efficient official, is frequently handicapped in a discretion which he ought to have. Instead of undertaking to control their activities by these general laws, what we need is a system of bookkeeping and accounting that will show, not simply that moneys are spent for the particular purpose for which they are appropriated, but whether or not they have been economically expended. Our entire system of checking expenditures by the departments was created for one purpose and practically serves but one purpose, and that is to prevent misappropriation of funds.

But there is no method now by which you can look over the expenditures of a previous period and ascertain whether or not they have been economically expended. There is no way by which Congress can find out which is the efficient department and which is the slack and lax department. The result is that year after year we keep piling up appropriations. There comes some abuse—we find that a department has too many clerks in Washington—and we pass a law that no part of the money we appropriate shall be expended for clerk hire in Washington unless expressly authorized. The result is that there is absolutely no leeway given to the department that needs to expand temporarily or permanently here in Washington, and we have simply tied the good man in order to tie the weak.

Mr. LANGLEY. Will the gentleman yield?

Mr. SHERLEY. I will yield.

Mr. LANGLEY. Was it not the purpose of Congress in creating the committees on expenditures primarily to deal with this situation?

Mr. SHERLEY. Oh, yes; but the Committee on Expenditures working from now until doomsday could not do the work efficiently because they have not the basis upon which to work, and that is a system of bookkeeping by which you can determine what has been done. How do we undertake to find out what has happened? We summon a lot of men before the committee and put them through a cross-examination, mild or stiff, and when we find something that looks a little irregular we undertake to dig into it. But under a proper system of bookkeeping and accounting it would enable men to go into the accounts of the fiscal year and accurately determine how money has been expended, in regard to the efficiency of the expenditure, and then when you found a man who had been lax, instead of undertaking to pass a law that would tie the good along with the bad, the remedy would be to cut off his head and put an efficient man in his place. We ought not to fool ourselves with the notion that much of the method we have followed in the past has been efficient, because it has not been efficient, except that by preventing activities you prevent abuses, which is really the principle of nihilism.

Mr. STAFFORD. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. STAFFORD. The gentleman spoke of a system of bookkeeping that could be devised which would result in the economical administration of the appropriations of Congress. I have never learned of any system of bookkeeping or accounting that would result in that, but the question I wish to ask the

gentleman is this: Is it legislatively feasible to have any committee pass on any accounting system and say whether the expenditures of the Government have been economical?

Mr. SHERLEY. I think it is easily possible to do what has been done in many municipalities and by many other governments; that is, have a system that shows expenditures according to purposes and shows efficiency of expenditures, so that by an examination of them you know whether one department has done its work well or not. For instance, a certain amount of clerical hire is provided for, and if there was some way by which you could check the amount of work that a given clerical force did, and after determining that you found out that it took more clerks to do the same amount of clerical work in the Post Office Department than it did in the Interior Department, you would know where the trouble was and what the remedy was, but the method that we pursue is a method that does not put responsibility anywhere. We need in America not to keep dividing up power, not to keep separating it, so that nobody can abuse it, but to put it with responsibility, so that when it is abused those who are responsible for the abuse can be punished, and all of reform has gone along that line. Think what has happened in the House of Representatives. We undertook to change our rules here upon the theory that the Speaker had become a great boss and that we would prevent the abuse of power by taking power from him, and we created in lieu of that a dozen or more bosses, not one of whom is in any sense responsible and no one of whom can be held accountable for any abuse. The modern system of government, a system that came into vogue and into creation after our Constitution with its checks and balances was adopted, is a system of responsibility with power. In England nobody, when matters get bad, ever undertakes to remedy the trouble by distributing power among so many that no one can exercise it, but they simply hold responsible the party and the leader that has abused the power, and the people's remedy is in cutting his head off. [Applause.]

Mr. FITZGERALD. Mr. Speaker, I yield 10 minutes to the gentleman from Michigan [Mr. KELLEY].

Mr. KELLEY of Michigan. Mr. Speaker, I want to call the attention of the House to a few matters in connection with the amendment to this bill made in the Senate involving an appropriation of $3,000,000 for the purchase and development of the so-called Jamestown Exposition grounds. Personally I am very sorry that the committee of conference agreed to this proposal. The answers of the gentleman from New York [Mr. FITZGERALD] to questions put by me a little while ago indicate, however, that the conference committee has not been convinced, and that the Committee on Appropriations in the House has not been convinced, that this is a wise or proper expenditure at this time. Primarily this appropriation is not for any expenditure connected with the immediate prosecution of the war, and I believe the House ought to protect the Committee on Appropriations against the necessity of considering all these by-propositions, so that they can devote themselves to the questions which do immediately concern the prosecution of the war. Certainly that puts upon that great committee all of the burden and all of the responsibility that they ought to be asked by the House to bear. The gentleman from New York [Mr. FITZGERALD], in answering my questions as to whether or not he had been convinced that the price agreed upon in the bill for the land was a fair price, said he knew nothing about it, or words to that effect. The testimony before the Committee on Naval Affairs shows that the original price paid by the people who own this land, under a mortgage sale—I mean now that part of the proposed purchase which contains the exposition buildings—was about $250,000. That was 10 years ago, and you gentlemen know enough about exposition buildings to know how flimsily such buildings are constructed. They have not been occupied for practically 10 years, and they are now put in this bill at a price of $600,000, when the people who own them purchased the buildings and the site for $250,000 ten years ago.

Mr. HOLLAND. Mr. Speaker, will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. HOLLAND. Will the gentleman state to the House by whom that assessment of value was made?

Mr. KELLEY of Michigan. I do not care who made the assessment. If the owners of this property bought it for $250,000 10 years ago, after the Government itself had loaned a million dollars to the exposition, no part of which has ever been paid, they should not come here now, after 10 years, and ask the Government of the United States to pay $600,000 for those old buildings, which would be more useless than useful. [Applause.]

Mr. HOLLAND. Is it not a fact, however, that the Navy Department estimated the present value of the buildings at $600,000?

Mr. KELLEY of Michigan. If they did——

Mr. HOLLAND. And do not the hearings show that they did?

Mr. KELLEY of Michigan. I want to say to the gentleman that some strange things sometimes happen even in a department of the Government. I have in mind right now a coaling station recommended by the Navy Department of the Government, erected at a point on the Atlantic coast—I need not say where—at a cost of $1,500,000, which had to be abandoned before it was completed, and which is now up there utterly worthless. It was recommended by the engineers of the Government, and it is the business of committees bringing bills in here asking us to appropriate money to know of their own knowledge that the appropriation is reasonable and that the necessity exists. [Applause.] The chairman of the committee [Mr. FITZGERALD] himself has said that he has not been convinced as to the value of this property; that he has not been convinced that the price is a reasonable one, and on top of that he says that he has not been convinced that the necessity for the purchase of it exists at all, and therefore I say it should be stricken out of this bill. We should protect the Committee on Appropriations and the Treasury from attacks of this kind from another body. The Committee on Appropriations have work enough to do in connection with providing funds for this great war without going around the country looking up the value of land and old exposition buildings. [Applause.]

Mr. COX. How much land is there there?

Mr. KELLEY of Michigan. Something like 600 acres of land.

Mr. MADDEN. How many buildings are there on the land?

Mr. KELLEY of Michigan. Oh, I do not know, but just such kind and number of buildings as would ordinarily be found on exposition grounds.

Mr. MADDEN. Did the gentleman ever see the buildings?

Mr. KELLEY of Michigan. Yes; I have seen them all.

Mr. MADDEN. What would he consider they were worth per cubic foot? How many cubic feet of buildings are there there? Does anyone know?

Mr. KELLEY of Michigan. I do not.

Mr. MADDEN. There is a well-defined system of ascertaining what is the building cost according to the character of construction, per cubic foot.

Mr. KELLEY of Michigan. I want to say to the gentleman that the character of buildings is such that I do not believe they are worth anything to the Government as permanent buildings.

Mr. MADDEN. What do they expect to do with the buildings?

Mr. KELLEY of Michigan. Some of them are old buildings of a barn-like structure which might be used probably temporarily as barracks. There is the old building that was known as "machinery hall"——

Mr. MADDEN. What is it built out of?

Mr. KELLEY of Michigan. I think some are built out of brick, some stucco, and some of wood. There is an old hotel there that they have been talking about, uninhabited by anybody for 10 years.

Mr. MADDEN. Nobody has used it for 10 years?

Mr. KELLEY of Michigan. Nobody, so far as I know. There are a few houses which were put up by the several States for State headquarters, and some of them are pretty fair houses.

Mr. MADDEN. They have had nobody occupying them——

Mr. KELLEY of Michigan. I think some have been occupied during the 10 years at a nominal rental.

Mr. MADDEN. But they have not been repaired by these States since?

Mr. KELLEY of Michigan. I do not know how much money has been spent in the way of repairs by the present owners. Of course, the States lost interest after the exposition was over.

Mr. MADDEN. Who spent the money, if anyone spent any on them, since the fair?

Mr. KELLEY of Michigan. I do not know anything about that. I want to say, gentlemen, this proposition is not a new one. It has been before the Committee on Naval Affairs of Congress for 10 years at least, and has never been looked upon with favor, and the present chairman of the Committee on Naval Affairs, and I do not think I am stating anything that he would not want me to state, never believed that the price asked was a reasonable price.

Mr. LONGWORTH. Will the gentleman yield?

Mr. KELLEY of Michigan. I will.

Mr. LONGWORTH. Is this $600,000 to secure the tract of land?

Mr. KELLEY of Michigan. No; it is for the buildings.

Mr. FLOOD. Will the gentleman yield? I think the gentleman is mistaken about that. He is talking about the Jamestown

Exposition grounds. The people who own that will not get over $350,000 out of the appropriation. There are two tracts——

Mr. KELLEY of Michigan. I am only concerned about one thing, and that is what the Government is going to pay for this property and whether or not the Government gets value received.

Mr. FLOOD. It goes to buy two other tracts of land.

Mr. KELLEY of Michigan. Two-thirds of the land offered the Government under this bill is exposition ground——

Mr. FLOOD. Only one-fourth of the money goes to the exposition grounds.

Mr. KELLEY of Michigan. Most of the buildings are on the exposition grounds, except the old hotel, which, in my judgment, is worthless.

Mr. FLOOD. There are seven very valuable private residences built by the different States, which cost between $30,000 and $40,000 apiece.

Mr. KELLEY of Michigan. And what would they be useful to us for?

Mr. FLOOD. For many purposes; for offices, and so forth.

Mr. LONGWORTH. Do I understand the gentleman to say this $600,000 is for buildings alone?

Mr. KELLEY of Michigan. Yes; the buildings have been put in at $600,000. The whole price asked is $1,400,000.

Mr. LONGWORTH. And the $600,000 does not include the land at all?

Mr. KELLEY of Michigan. It does not include the land at all. Now, the total appropriation asked for is $1,400,000, which includes some more land and some cheap cottages that have been put up by people who bought the lots down there hoping, as I have understood, that sometime the Government might eventually take this over and they would get a good price for the lots which they purchased, and undoubtedly a portion of this sum will go to them.

Mr. COX. Some Member here remarked that some of this land is marshland which would have to be drained.

Mr. KELLEY of Michigan. No; there is no marsh ground. I have been all over the ground. The water in front of the exposition site is very shallow, running out for about 1,200 feet, as I recall, and one of the arguments urged in favor of the site is that when the dredging is done——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. KELLEY of Michigan. I ask the gentleman from New York for five minutes more.

Mr. FITZGERALD. I yield the gentleman five minutes.

Mr. LONGWORTH. If the gentleman will pardon me, but I want to get this straight in my mind. Which tract of land does the gentleman refer to as having been sold for $250,000?

Mr. KELLEY of Michigan. The original Jamestown Exposition ground, including the buildings.

Mr. MEEKER. The gentleman means that the grounds and the buildings sold for $250,000, and now they want $600,000 for the buildings alone?

Mr. KELLEY of Michigan. Practically. I want to call attention to the fact that the chairman of the Committee on Appropriations in answer to my question here this morning has stated that he has not been convinced at all on the question of the price of this property and that he yielded only because of the necessity of getting an agreement in conference, but we can protect him and his committee if we do desire. Now what do we want this ground for at this time? What is the particular necessity for it now? What makes it a war measure? Nothing.

Mr. MADDEN. May I interrupt the gentleman?

Mr. KELLEY of Michigan. I have several things I want to say and I have not the time to yield at the moment. We are training for the Navy a good many extra men, and all of our training stations, Chicago, Newport, R. I., and Norfolk are crowded with men. It takes three or four months to train those boys so they can go to the ships and the moment they are trained they go to the ships and off to sea. Temporarily now, of course, every training station is crowded. The training station at Chicago is crowded. What have we done at Chicago? Bought land? No; we have done the reasonable thing, and have leased the land and put up the necessary tents and supplied other temporary equipment to train these young men for the sea.

Mr. MADDEN. Got it without leasing?

Mr. KELLEY of Michigan. For nothing. When the rush of boys now at the stations is over and the new men are trained and on the ships these various training stations will assume normal conditions again.

Now, it seems to me if the people who own these old buildings at Jamestown wanted to do something real patriotic at a time when we are raking this country over with a fine-tooth comb to find things to tax, and when we are raising this enormous sum of money to carry on this war, they would say to the Government, "Go up there and use those old exposition buildings until this temporary need goes by." [Applause.] That is what they ought to say, especially in view of the fact that this Government loaned the exposition $1,000,000 in the first place and has never received a dollar of it in return.

But it is urged that this property should be purchased for the development of a great naval base in Hampton Roads. Of course, that would take years to work out and can not be properly considered in a deficiency bill of this kind. In this connection, however, I want to call the attention of the House to the fact that this particular site is one of the most exposed sites on Hampton Roads. There is not a spot on Hampton Roads that could be reached so quickly from the ocean as this particular exposition site. At the present time there are no suitable fortifications on Cape Henry for the protection of Chesapeake Bay or this inner harbor. But that is a matter for the future. It is certain, however, that under the guise of immediate necessity the attention of the Navy Department should not at this time be diverted from building ships, from building destroyers, furnishing needed supplies, and from vigorously prosecuting this war to dredging great areas of shallow water around the vicinity of Norfolk for the purpose of sometime having a dock to which ships might be tied.

Mr. MADDEN. Will the gentleman yield?

Mr. KELLEY of Michigan. I will.

Mr. MADDEN. Is there any part of this $1,400,000 intended to pay the cost of the dredging?

Mr. KELLEY of Michigan. I suppose a part of the $1,600,000 which is carried also in the bill will be used for that purpose.

In conclusion, gentlemen of the House, let me say that if every improvement contemplated on this Jamestown site was actually consummated the American Navy would not dare at this time to spend one night in that vicinity.

Why, gentlemen, if the American Navy to-night should come in off the high seas it could not safely anchor in Hampton Roads. I want to say to you that the American Navy would not dare to spend a night in Hampton Roads. No man here will contradict what I am saying. If our ships came in from the high seas they would go up the James River or the York River and anchor, but would not anchor in the vicinity of this location. And if the time should come when it seems necessary to build a naval base down there all these things will have to be taken into account. Mr. Speaker, it seems to me that this bill ought to be sent back to conference with instructions to strike out this Jamestown Exposition amendment. [Applause.]

Mr. FITZGERALD. Mr. Speaker, I yield 10 minutes to the gentleman from Virginia [Mr. HOLLAND].

Mr. HOLLAND. Mr. Speaker, it seems that the people of Virginia, especially those living in or near the city of Norfolk, are not, in the opinion of the distinguished gentleman from Michigan [Mr. KELLEY], as patriotic as they might be. I want to say to my friend that this is the first time in the history of the Republic, so far as I know, that the people of any part of Virginia have been accused of a lack of patriotism, and this accusation, I am glad to say, is not supported by any evidence.

I purpose to discuss the facts in this case and will not make statements that I can not sustain. If I can not convince you by a statement of facts, then I do not desire to convince you at all. Neither I nor my people want the Government to purchase this property unless it is needed. And let me say that any suggestion or insinuation of graft in the proposition is entirely gratuitous, is without evidence to support it, and is absolutely untrue. The owners of this property want only its fair value, and are willing to have this determined in any proper way that you may suggest.

This amendment provides for the purchase of a naval operating base. Is the site recommended suitable, is it needed, and is the price to be paid fair?

In 1824 Mr. Southard, who was then Secretary of the Navy, declared that—

> The Chesapeake Bay and its waters formed the first object in every plan of national defense.

Since then Admiral Mahan and other great naval experts have repeatedly said—

> That the Chesapeake Bay and Hampton Roads on our Atlantic coast are clearly indicated by nature as primary bases of operation.

The great need, however, for a fleet operating base on Hampton Roads and near Chesapeake Bay was not fully realized until the beginning of the present war. It was then discovered that we had on Hampton Roads "no suitable submarine base, no convenient fleet storehouses, torpedo storehouses, or mine and net storehouses, no coal piers for berthing coal barges loaded and awaiting fleet's demands, and no place which would serve for a fleet drill ground, for shore drills, and as a mobilization

camp for marines or other troops to be transported overseas on transports convoyed by a fleet," which must of necessity be based on and dispatched from these waters. It was for this and other urgent reasons that the Secretary of the Navy, following the advice of every expert in his department, recommended the immediate acquisition, by purchase or condemnation, of the only available satisfactory site on Hampton Roads that could be equipped and developed as a fleet operating base.

It is to be regretted that the purchase of a site for the above-named purposes has been delayed until now. For years the fleet, in time of peace, has been based on Hampton Roads and Chesapeake Bay. Here is the fleet's rendezvous. The fleet's drill and practice grounds are near the Capes, only a short distance away. Here is one of the few places on the Atlantic coast sufficiently large to receive the entire fleet and all its auxiliaries. Here is the place where the fleet most frequently assembles. It was here that our flying squadron lay until it was needed in the Spanish-American War. It was here that the fleet assembled for its cruise around the world. It must of necessity be from here that our fleet must again be dispatched, if dispatched at all, in our present war. It is at Hampton Roads that the General Board and every Secretary of the Navy for the past 20 years have advocated a great increase of our naval facilities, and because, as has been so often said, it is the best place for expansion. Hampton Roads is to-day our safest base of naval operations and the best place of refuge for our ships. It is the only easily accessible and well-protected base on the coast from which we can fit out in absolute security a naval expedition. It is protected by Fortress Monroe and by Fort Storey. It is the place at which naval vessels can be most quickly supplied with coal, ammunitions, and provisions—the three great needs of the fleet. It is the place at which troops and marines from every part of the country can be most easily assembled for transport across the seas. And it is the only place recommended by the department, and which recommendation has the approval of the President, for a great naval operating base.

The property embraced in the recommendation of the Secretary contains approximately 440 acres of land above high-water mark, and 600 acres at least above low-water mark, the title to which, under the laws of Virginia, is vested in the riparian owner. And, as stated by the Secretary, on page 13 of his hearing before a subcommittee of the Senate Appropriations Committee:

> We will not only get the 400 or 500 acres of land, but we will get just as much land as we need in the only place in America where our fleet will have to rendezvous; just as much as we are willing to make, because in front of the Jamestown Exposition site the water is very shallow, and with the dredging we do we can fill in these shallow areas, so that we can get as much land as we want; and it is the only site on Hampton Roads that has the facilities for a training camp, supply station, and everything else we want able to grow as large as the Navy grows.

And this explains why Capt. McKean later stated, see page 18 of the same hearings:

> Four hundred and forty acres of high land now, and a possibility of this area being extended so that you would get 1,000 acres.

This land fronts more than 3½ miles on Hampton Roads, Willoughby Bay, and Boush Creek, is immediately opposite Fortress Monroe, is about 11 miles from the Norfolk Navy Yard, the Navy's primary repair base, and about the same distance from St. Helena training station; is about 10 miles from one of the Navy's largest marine hospitals, about 13 miles from St. Juliens naval magazine, about 16 miles from Cape Henry, and about 7 miles from the business center of the city of Norfolk, with which it is connected by two lines of electric railway. Immediately south of it are the terminals and coal piers of the Virginian Railroad and just a little farther up the river the terminals and piers of the Norfolk & Western Railway Co., and from which piers our fleet is supplied with immense quantities of coal. A little farther south of this site is the tract of land recently purchased by the city of Norfolk for public docks and terminals, to which, under contracts already made, the Norfolk-Portsmouth Belt Line is now extending its tracks, and which, when completed, will connect it with the great trunk line railroads now having termini on the Hampton Roads and Elizabeth River. It also fronts on the Norfolk-Portsmouth Channel. This channel has been pronounced by many naval boards and by ship captains of every nation in the world as one of the very best on the Atlantic coast. It is free from obstruction, free from severe storms and dangerous tides, free from damage by ice, and is accessible at all seasons of the year. It now has a depth of 35 feet, and is one of the few channels recommended by both Army and Navy experts for a depth of 40 feet—a depth not only sufficient for our present battleships but also for the largest dreadnaughts and battle cruisers now under construction. No place on the coast can be secured which will have better communication by rail and by water with all the great commercial centers of the country.

But I will not take your time to discuss the advantages of this property for the purposes for which its purchase has been recommended. As to these there can be no fair dispute.

But it is contended that this is not an emergency proposition and that an appropriation for its purchase ought not to be included in this bill. Upon the question of its urgent and immediate need for the purposes of national defense you doubtless will, and ought to be, guided by the recommendations of the Secretary of the Navy and his expert advisers. Let us then examine their testimony and find out what their recommendations have been, and not rely on the mere statements of speakers.

On page 15 of his hearing before the Committee on Appropriations of the Senate the Secretary of the Navy testified as follows:

> But the paramount thing is the station on the Chesapeake, at Hampton Roads. A great increase of the naval facilities at Hampton Roads has been advocated by every Secretary for the past 20 years and also by the General Board. It is the place for expansion.

And on page 14 of this same hearing he also declared:

> I think it is absolutely the most important of all these matters, beyond getting the men and the ships.

The Norfolk Navy Yard must be used for the primary purpose of repairing and building ships, and it should not be filled up as now with the nonessentials in the way of repair and construction facilities, and its water front should not be as now occupied by coal barges and oil-fuel tugs when needed for battleships.

We have—

Says the Secretary, on page 19 of the same hearing—

> an appropriation of $800,000 for storehouses at the Norfolk Navy Yard, which will take valuable land worth ten times as much for shops as for storehouses, and we can build these storehouses down there where there will be deep water and save that valuable space and save transportation on the stores also.

And this saving on transportation will be a big item. The coal now used by the fleet on Hampton Roads is expensively handled. It is hauled from the coal piers to a point below the yard, kept there until needed by the fleet, and then towed back some 8 or 9 miles past the same piers from which it was originally taken to the ships that want to use it. It is the same way with stores and other supplies. If the Navy owned this site it would have a place on Hampton Roads for storehouses and coal piers and could save the expense of handling its coal and supplies two or three times.

On page 22 of the same hearing the Secretary made the following replies to the following questions:

> Senator UNDERWOOD. Of course, in ordinary times it is our business to buy land as reasonably as possible, and if we can not get it at a reasonable price not to buy it. Do you regard this as a matter of great importance for the conduct of the war, independent of other questions?
>
> Secretary DANIELS. I regard it as of vital importance. There is not another navy in the world that has not a shore base for the men of the fleet.
>
> Senator UNDERWOOD. You are bound to have a shore base to operate this fleet at this time?
>
> Secretary DANIELS. It is absolutely necessary.
>
> Senator UNDERWOOD. Is there any other place you could get anything like it within these terms?
>
> Secretary DANIELS. Capt. McKean, there is no place down there at all, is there?
>
> Capt. MCKEAN. I was a member of the board that studied the thing, and I have been at Hampton Roads for years, and we have looked around for recreation grounds and for a base for the fleet, and I have never been able to find one outside of that place.
>
> Secretary DANIELS. I would like to say that Admiral Benson, who, as Chief of Operations, has charge of the fleet, urges it as perhaps the most important thing, aside from the ships and munitions.

Capt. McKean on page 22 of the same hearing made this statement:

> I had to convince the Secretary, and I have just succeeded in convincing him, that it is an absolute necessity, and I illustrated it by our fleet now under war conditions. * * * If that fleet went out for war we would have to strip the ships, and that means that we would take hundreds of thousands of dollars' worth of material off those ships, and there is not a Government-owned storehouse or a private one that is fit and available for us to store that material in. Give us this and let us have a storehouse there to put the stuff in, and, with just one handling in and out, in equipping the fleet for action, and for the preservation of that material and the handling of the material, it will pay for the whole proposition, and you will have your training station.

On page 21 of the hearing Capt. McKean also said:

> At this time and under the present conditions the importance of the immediate acquisition of this property by the Government can not be exaggerated, and this opinion is concurred in not only by the Secretary of the Navy but by the Chief of the Bureau of Navigation and naval officers in general familiar with the situation and the property concerned.

Could evidence as to the urgent need of this site be more convincing? Is further evidence needed to show that we can, by the use of this site, save enough money on transportation

charges, and in equipping the fleet for action, to pay for it? But there are still other reasons why we should own it.

Surg. Gen. Braisted, on page 35 of his hearing, testified as follows:

What I have said is, no more men for the fleet—that is agreed upon—no more men to the recruiting stations until we are ready. They saw the danger of it. Four or five weeks ago I pointed this out powerfully as I could, and that is why Admiral Palmer is presenting to you urgently a recommendation to get places like Jamestown Exposition grounds—we all know about that—also to get the increase at North Chicago.

Supposing you did pay a little more for it. We know they are the proper sites. In the case of Jamestown we have known it for years. I will tell you from my experience of years. Admiral Benson will tell you, the Secretary will tell you, everybody will tell you that the Jamestown grounds is the best place we know of on the coast for this particular purpose. I think it is the cheapest site you can get; but even if it is not, as Senator SHAFROTH said yesterday, let us pay this little amount and get it, because we need it, and we need it at this very minute.

And on the same page he gave this reason for its immediate need:

The sudden expansion of the Navy—

Said he—

has found us without a place to properly house and care for the men. We are asking you, all of us, to give us at once the Jamestown Exposition Grounds to increase our facilities and more ground at North Chicago and at San Diego to take care of these men properly in properly constructed and hygienic quarters, where they can be trained before they go to the ships that are coming.

Already the overcrowding of our training stations and barracks has resulted in the outbreak of disease, and men now enlisting in the Navy are, so I am told, being accepted "subject to call." We have no place to which we can send them. Should such a condition be permitted to prevail? What greater emergency can confront us than the health of the boys enlisting in the Navy? Can we refuse to provide proper quarters for the men when such quarters are demanded by the Medical Department of the Navy? Would not a nation that failed to take proper precautions for the health and to provide proper quarters for the comfort of its enlisted men subject itself to the severest censure?

If the Jamestown site should be purchased we can accommodate in the buildings already there more than 2,000 men at once, and within a few weeks from eight to ten thousand men. What stronger reason could be given for its immediate need?

Is the price at which the property is offered fair and reasonable?

My friend from Michigan has told you that this property sold in 1912 for $240,000. Yes; that is true, and I will not deny it. But why? My friend did not give you the reasons. He did not know the facts. Let me give them to you. There were liens on it at that time to the extent of $700,000 or $800,000, exclusive of the Government lien. These liens were held by banks, by railroads, by contractors, and by material men, and no one held a lien sufficiently large to enable him to buy the property alone. The railroads were not sufficiently interested in the property to bid on it. A large number of mechanic's lien holders and the banks also holding liens combined and bid in the property at $240,000. At the time of this sale there was a well-recognized sentiment in the community that the mechanic's lien holders and the banks would protect their interests, and there were no other bidders. There was also a depression in real estate values at that time.

Under such conditions the price obtained should not be regarded as fixing the value of the property at that time, and certainly not its present value.

Mr. BUTLER and Mr. MADDEN rose.

The SPEAKER. To whom does the gentleman from Virginia yield?

Mr. HOLLAND. I yield to the gentleman from Pennsylvania [Mr. BUTLER].

Mr. BUTLER. Let me ask my friend now whether it would be well to write into that bill the authority of the Government to condemn this property?

Mr. HOLLAND. I am willing to let its value be determined by any fair method.

Mr. BUTLER. And then the price could be ascertained by a jury later. My friend knows my fondness for him has somewhat restrained me. I have my doubt about the justice of this, and therefore if it can be put over to a court and jury to determine the real value to the Government I think it is the right thing to do.

Mr. HOLLAND. That would be entirely satisfactory.

Mr. MONTAGUE. Does not the report say "for the acquisition, by purchase or condemnation"?

Mr. BUTLER. Take out the word "purchase."

Mr. MADDEN. What I would like to ask my colleague is this. He has just stated that a number of creditors including banks bid the property in at sheriff's sale at $240,000?

Mr. HOLLAND. Only a part of it.

Mr. MADDEN. Do these people own this property to-day?

Mr. HOLLAND. A part of it they do, and a part of it they have sold.

Mr. MADDEN. Or have they transferred their holdings to somebody else, and does somebody else offer to sell the property to the Government of the United States?

Mr. HOLLAND. The property now offered includes that property and also the Pine Beach property and property sold to individuals. This particular piece of property, purchased by the lien holders is being sold, when you allow for the improvements, at $636 an acre, as the hearings disclose.

Mr. MADDEN. Mr. Speaker, will the gentleman permit a question there?

Mr. HOLLAND. Yes.

Mr. MADDEN. What is the ordinary price at which land in that neighborhood sells?

Mr. HOLLAND. I will reach that in a moment. I am glad the gentleman asked that question.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. HOLLAND. Yes.

Mr. MANN. When this property was sold for $240,000 was it sold subject to the lien?

Mr. HOLLAND. No; it was sold at public auction.

Mr. MANN. A good title was conveyed.

Mr. HOLLAND. It was sold at public auction, and a good title was conveyed. But no one was sufficiently interested to run the property up, and the lien holders bought it as cheap as they could.

Mr. MANN. Of course, if anybody thought that that was a cheap price they could have bought it by paying something more?

Mr. HOLLAND. Undoubtedly.

Mr. STERLING of Illinois. Mr. Speaker, will the gentleman permit a question there?

Mr. HOLLAND. Yes.

Mr. STERLING of Illinois. Was there a right to redeem after the sale?

Mr. HOLLAND. No, sir; there was no right to redeem. The entire sale was regarded as a method of liquidation, and the people and the community generally felt that the lien holders were going to protect their interests to the fullest extent, and hence they did not bid on the property. But it must be remembered that this Jamestown property, so considered, does not include all the property now offered to the Government.

Mr. BATHRICK. Mr. Speaker, will the gentleman yield there for a moment?

Mr. HOLLAND. Yes; but I do not wish the gentleman to take up too much of my time. I have a good deal to say yet.

Mr. BATHRICK. Did the lien holders buy it in?

Mr. HOLLAND. The lien holders bought it in.

Mr. BATHRICK. And there was no actual money paid in?

Mr. HOLLAND. The lien holders bought it in.

Mr. BATHRICK. It was advertised at that time, was it not, and nobody paid any more for it?

Mr. HOLLAND. I have answered the gentleman's question.

Mr. OLIVER of Alabama. Mr. Speaker, will the gentleman permit a question?

Mr. HOLLAND. Yes.

Mr. OLIVER of Alabama. Did all the lien holders buy it in, or only a part of the lien holders?

Mr. HOLLAND. I can not answer that.

Mr. OLIVER of Alabama. The gentleman recognizes the fact that that might be an important inquiry?

Mr. HOLLAND. I can not answer, except to say that no lien holder held a lien sufficiently large to cover the value of the property. But, as I have said before, the Jamestown property purchased at this sale is now being offered to the Government, according to the hearings, at $1,636 per acre, and, deducting the improvements, at $636 per acre.

Mr. HAMILTON of Michigan. Mr. Speaker, will the gentleman yield for a question?

Mr. HOLLAND. Yes.

Mr. HAMILTON of Michigan. How much is appropriated here for the purchase of this property?

Mr. HOLLAND. One million four hundred thousand dollars is the amount.

Mr. HAMILTON of Michigan. Exactly what does that cover? What is it proposed to purchase with that $1,400,000?

Mr. HOLLAND. It is proposed to purchase not only the old exposition grounds of 278 acres, but also to purchase two other tracts of land—one piece of 52 acres and the other piece of 110 acres—and this is all above high-water mark; also all buildings on the property.

Mr. HAMILTON of Michigan. How much land in all?

Mr. HOLLAND. Four hundred and forty acres above high-water mark and 600 acres above low-water mark.

Mr. HAMILTON of Michigan. What does this include?

Mr. HOLLAND. All the property and all the improvements.

Mr. HAMILTON of Michigan. My colleague from Michigan [Mr. KELLEY] separated the value of the buildings from the value of the land?

Mr. HOLLAND. Yes; he did. Everything is included, and the estimate of the value of the buildings was made by the officials of the Navy Department.

Mr. HAMILTON of Michigan. What did they estimate the buildings to be worth?

Mr. HOLLAND. Six hundred and forty thousand dollars, according to their estimate.

Mr. HAMILTON of Michigan. At this time?

Mr. HOLLAND. At this time, I suppose.

Mr. EMERSON. And at this place?

Mr. HOLLAND. Yes; and at this place.

Mr. FLOOD. Mr. Speaker, I suggest to my colleague that the Secretary of the Navy says these buildings cost $1,500,000.

Mr. HOLLAND. Yes; more than that amount.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. HOLLAND. Yes; I will.

Mr. MANN. What have these buildings been occupied for since they were purchased in 1911 or 1912?

Mr. HOLLAND. I might say that when this exposition property was sold the sale did not include certain State buildings. The following State buildings were not included: The Louisiana building, which cost $11,500; the West Virginia, which cost $21,000; the Georgia building, which cost $13,500; the Ohio building, which cost $21,500; the Missouri building, which cost $21,000; the North Dakota building, which cost $4,500; the Maryland building, which cost $36,000; the Virginia building, which cost $28,000; the Pennsylvania building, which cost $28,500; and the Massachusetts building, which cost $28,000. They have been occupied by the parties who purchased them.

Mr. MANN. The gentleman is reading those figures to me. I remember that at the close of the Chicago World's Fair Exposition many of the State buildings, each costing more than all of those combined, were torn down and thrown away.

Mr. HOLLAND. Some of these State buildings were sold to private parties at good prices, and are now being occupied by the purchasers.

Mr. MANN. What are they used for?

Mr. HOLLAND. They are being used for private residences.

Mr. MANN. What is the amount of the rental of those buildings for the year?

Mr. HOLLAND. They are not rented and I am not familiar enough with rental values to say what they would rent for.

Mr. MANN. As to the basis of $600,000 by the Navy Department—I have not examined it myself—is that $600,000 the value to the Government if we purchase them, or the value to the present owners for their occupation and use?

Mr. HOLLAND. My understanding is that the Navy Department estimates that it is the value of those buildings to the Government. You will find that the department estimates the present value of these improvements at $640,000.

Mr. FREAR. Mr. Speaker, will the gentleman permit me to interrupt him?

Mr. HOLLAND. Yes.

Mr. FREAR. In these hearings of the Committee on Naval Affairs——

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. HOLLAND. I will have to ask for additional time.

The SPEAKER. The gentleman asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. FREAR and Mr. MADDEN rose.

The SPEAKER. To whom does the gentleman yield?

Mr. HOLLAND. I will yield first to the gentleman from Wisconsin.

Mr. FREAR. In that hearing Chairman PADGETT makes this statement on page 491:

> The buildings would not amount to anything.

He says there are some few of them rotted. There were a lot of houses stuck over.

Mr. HOLLAND. Those are not the hearings to which I refer. The estimates placed on these buildings by the Navy Department a short time ago was $640,000.

Mr. HAMILTON of Michigan. Mr. Speaker, will the gentleman yield?

Mr. HOLLAND Yes.

Mr. HAMILTON of Michigan. Taxes have been paid upon this property ever since the exposition, I assume?

Mr. HOLLAND. Yes.

Mr. HAMILTON of Michigan. Can the gentleman state upon what valuation taxes have been assessed and collected?

Mr. HOLLAND. I could not. The property is owned by a number of people, and it would be difficult to secure the information.

Mr. HAMILTON of Michigan. After all, would not that be a pretty fair way to get at the valuation which is put upon that property?

Mr. HOLLAND. No; it would not; because property is assessed for taxation in my State at much less than its value, as I suppose it is in many other States.

Mr. HAMILTON of Michigan. How much less?

Mr. HOLLAND. Something like 50 per cent of its value, and frequently less.

Mr. HAMILTON of Michigan. If the gentleman could give to us the assessed valuation of the property then we might add 100 per cent to that.

Mr. HOLLAND. I could not give the gentleman the assessed valuation of the property, and it would do no good if I could. It must be remembered that the acquiring of this property is not a mere acreage proposition. It has been subdivided into lots, streets have been laid out and graded, water mains and fire plugs installed, and sewerage and electric light systems provided. The buildings and improvements on the property originally cost more than one and a half million dollars and are estimated by the Navy Department to have a present value of over $600,000, not including the light, water, and sewerage systems or the grading of streets. Some of the buildings may not, it is true, be serviceable to the Government, but many of them will be and can be used at once. The Secretary of the Navy has testified that some of the State buildings will be permanent structures, sufficient for officers' quarters for 25 years, and that other buildings on the property are in good condition, are sufficient to accommodate more than 2,000 men, and can be used at once.

Secretary Daniels, who has carefully investigated the question of price, says, on page 18 of his hearing, as follows:

> We have an option at a reasonable price on most of this, and we would have to condemn the balance, and in the condemnation we would not have to pay more than the price at which we have the options.

But it is not the land nor the improvements thereon that the Secretary believes to be of greatest value to the Navy, for on page 19 of his hearings he declares "that he considers the water front as worth more than all the land." And he is right. At one time I thought the price was too high, but upon investigation I found that the city of Norfolk recently purchased a tract of land, within about 1,000 yards of this property, for public docks and terminals, containing 55.95 acres above low-water mark and having no improvements thereon, and for which it paid $153,000, or at the rate of $2,734.58 per acre. It also purchased an adjoining tract of land, containing 145.47 acres, above low-water mark, on which there were no improvements and one-sixth of which is inland marsh, and paid therefor $238,030, or at the rate of $1,636.73 per acre. And about 50 acres of that land has since been sold to the American Chain Co. for $130,000, or at the rate of $2,600 per acre. These figures will give you some idea of the present value of land fronting on Elizabeth River and Hampton Roads. On the land purchased by the city of Norfolk, and which, as stated, is within about 1,000 yards of this property, there is now being expended by the city in the construction of docks and terminals more than $1,000,000, and which, when completed, will be connected by belt line with the eight trunk-line railroads having terminals on Elizabeth River and Hampton Roads.

Such activities in this section will make a large part of this property equally as desirable for manufacturing sites as that purchased by the American Chain Co. at the price of $2,600 per acre. If the 600 acres now offered to the Government could be sold at this price per acre, then the naked land, without considering the improvements thereon, would net the owners more than the amount charged therefor. And if the more than 100 buildings now on the property are worth over $600,000, the estimate placed thereon by the Navy Department, the Government will acquire this valuable site at a much less price per acre than the city of Norfolk recently paid for property similarly located. It is the present value of the property that we should consider—its present actual worth—and not the price at which it may have heretofore been sold. And if its present value can be measured by the prices at which other land has recently been sold in this section, then it would seem that the amount now charged for it is fair and reasonable.

As I have already stated, I was at one time under the impression that, perhaps, the price asked for this property was a little high, but I have taken occasion to do what my friend

from Michigan [Mr. KELLEY] has not done, and that is to make some investigation as to its value. My friend undertakes to tell you something about the value of property about which I fear he knows little. I would not undertake to place a value on property in any part of his district, and, however good his judgment may be, I do not believe he can correctly value property in my district. He certainly can not determine its value by the price at which it sold in 1912.

Mr. KELLEY of Michigan. Will the gentleman yield?

Mr. HOLLAND. Yes.

Mr. KELLEY of Michigan. Does not the gentleman think the committee reporting this bill ought to have some information about the value of this property?

Mr. HOLLAND. They did; and the same information which I have just given.

Mr. KELLEY of Michigan. But ought not the Committee on Appropriations to have some information?

Mr. HOLLAND. I think the Committee on Appropriations did have information.

Mr. KELLEY of Michigan. You heard what the chairman of the Committee on Appropriations said?

Mr. HOLLAND. I do not recall his statement; but the hearings disclose that this information was before them.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. HOLLAND. Yes.

Mr. MADDEN. Does the gentleman state to the House that the buildings on the grounds are now necessary for the training of sailors for the Navy?

Mr. HOLLAND. The officials say so.

Mr. MADDEN. And are there any buildings there that belong to the Government of the United States?

Mr. HOLLAND. None.

Mr. MADDEN. If they were to train men on these grounds, would they be obliged to build new buildings?

Mr. HOLLAND. Not at once. They could utilize the buildings already there.

Mr. MADDEN. If these buildings were not there?

Mr. HOLLAND. But they can utilize these buildings.

Mr. MADDEN. Where are these men now?

Mr. HOLLAND. Some of them are at St. Helena and some are waiting to be called.

Mr. MADDEN. Have they got buildings where they are now?

Mr. HOLLAND. Yes; but they are not sufficient.

Mr. MADDEN. And the gentleman's contention is that they need the additional buildings to house the men who are being trained for the Navy?

Mr. HOLLAND. Yes. The number now enlisted is larger than ever before.

The SPEAKER. The time of the gentleman from Virginia has again expired.

Mr. HOLLAND. This is a proposition in which my district is interested and almost all my time has been taken up by questions. I ask for more time.

Mr. SHERLEY. I yield to the gentleman five minutes more.

The SPEAKER. The gentleman is recognized for five minutes more.

Mr. KELLEY of Michigan. Why would it not be feasible, inasmuch as these buildings are unoccupied, to lease them to the Government?

Mr. HOLLAND. These people offered to lease the property to the Government sometime ago, and the authorities said they could not afford to make the desired improvements on the property if they should lease it, and that they did not care to lease it unless it could be improved. They would need the pier provided for in the amendment, and were unwilling to build it on leased premises.

Mr. MEEKER. I should like to hear the gentleman reply to the assertion made by the gentleman from Michigan [Mr. KELLEY] as to the location of this site that he considers unavailable.

Mr. HOLLAND. I have answered that question.

But, gentlemen of the House, as I said to you in the beginning, neither I nor my people want this Government to pay more for this property than it is worth. If you believe the price charged therefor is too high, then let it be condemned. The Government can acquire it in that way, and that is the course usually followed when the price can not be agreed upon.

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. SHERLEY. I yield to the gentleman one minute more.

Mr. HOLLAND. If you prefer to follow that course, I will promise you that you shall have a fair jury to determine its value. A strong sentiment prevails in the community in favor of its acquisition by the Government and I do not believe a jury selected for this purpose will assess its value too high. But if for any reason the jury should fix the price too high, the Government can refuse to pay the price and can decline to take the property. Or I will submit to any other fair method you may suggest to determine its value. I can not do more than this.

I am not advocating this purchase because this property is located in my district. The Government should not purchase it unless it needs it. But I am convinced that the Government should secure the only available site on Hampton Roads for a naval operating base while it has an opportunity to do so. I believe the nearness of the proposed base to Chesapeake Bay and its waters, which all of our naval experts have declared must be considered in every plan of national defense, its nearness to the Norfolk Navy Yard, the Government's primary repair base for the ships of the fleet, its nearness to other Army and Navy activities, its accessibility to the fleet at all seasons of the year, its value as a place for assembling and training troops, and its suitability for a great operating base for the Navy makes its purchase at this time especially desirable. But I do not ask its purchase for this reason. Our naval experts have advised us that they need it for the proper conduct of the war, and need it at once.

Secretary Daniels, Assistant Secretary Roosevelt, Admiral Benson, Capt. McKean, Admiral Harris, Admiral Palmer, Admiral Taylor, Paymaster Gen. McGowan, and Surg. Gen. Braisted have urged the immediate acquisition of this property.

I am willing to be guided by their recommendations and to give them what they declare the Navy urgently needs for the proper conduct of the war. They are supposed to know more about the needs of the Navy than we do, and I am unwilling to withhold from them anything which they declare is urgently needed and will contribute to their success. They are expected to make this fight, they are expected to win our victories, and I can not understand why any man is willing to place his judgment against the judgment of every naval expert in the department. [Applause.]

Mr. SHERLEY. Mr. Speaker, I yield 10 minutes to the gentleman from Ohio [Mr. BATHRICK].

Mr. BATHRICK. Mr. Speaker, the acquisition of this property will not add one ounce of strength to the battles we are about to fight in this war, and everybody that knows anything about it knows that that is true. Now, why should we not consider this matter in the right way? Why not have it referred to a committee and thoroughly gone into and considered by that committee in the way bills are usually considered? Let them come in and give this House all the facts. None are given here sufficient on which to base sound judgment.

The gentleman from Virginia [Mr. HOLLAND] is interested in this proposition, he says. I know that it is only the interest of a Representative of his district doing his duty to his constituents.

Mr. HOLLAND. Let me say to the gentleman that I have absolutely not a cent of interest in it.

Mr. BATHRICK. I did not accuse the gentleman of that. I would not, for I have the highest respect for him. But his earnestness in behalf of his district is the reason for his enthusiasm for this purchase. He is for such reason on the side of the sellers, but we can not take the sellers' judgment in regard to this proposition. We should have it properly investigated by men who have some knowledge of these matters, and not done on the floor of the House. It can be done without in any way interfering with the work of the Navy Department. If the Navy Department decides that it wants it, the property can be bought at a right price. Included in the property are many building lots that have been sold, as alleged, for certain prices. I have been in the real estate business, and, while I do not know that it is true in this case, I know of at least one instance and have knowledge of others where, scenting the possibility of a Government purchase, prices went up overnight, and fake lot sales were made in order to establish a price to give enormous profits and help to skin the Government. I do not know what the price of these lots is, but let us find out. We can not find out here to-day, and there is no knowledge upon which we can place a just estimate of the value on this property.

The gentleman from Virginia says that the people locally are all in favor of the Government buying this property. Of course they are. It is on the same principle that a community is always in favor of the Government creating or improving a harbor or putting in any great public work. It increases the value of surrounding property, and so, of course, they are in favor of it, but we can not take that as a standard by which to determine the value of this property.

Therefore I say that we should vote this amendment down. The chairman of the Committee on Naval Affairs, on the 1st of December, 1916, but a short time ago, said, referring to the

people who came before the committee to try to sell this property:

They said that if we would cancel a million or more dollars that they owed the Government and give them a million and a half that we could have this property, but upon investigation we found they had paid but $250,000 for it, so they were, indeed, very generous in their proposal to us. The buildings would not amount to anything. There are some few of them right down in there [indicating]. A lot of the houses there were stucco work.

Mr. BUTLER. Who made that statement?

Mr. BATHRICK. Chairman PADGETT.

Mr. BUTLER. The chairman of the Committee on Naval Affairs?

Mr. BATHRICK. Yes. Mr. PADGETT says that the first he heard of it was that a lobby came from Jamestown after they had bought the property for $250,000 or $240,000, and began to talk about the enormous value of it to the Government. The Navy Department never heard of it or thought of it before. The lobby came from Jamestown and insidiously, bit by bit, probably instilled into the minds of the Navy Department and some of the officers that this would be a beautiful place for them to have for recreation, for Government and training purposes. That is the way the whole thing started—through a lobby from Jamestown, and the lobby has been continuously at work, as near as I can find out, from that moment to this.

Mr. HOLLAND. Mr. Speaker, will the gentleman yield?

Mr. BATHRICK. Yes.

Mr. HOLLAND. I know the gentleman wants to state the facts correctly, and he is attempting to state the facts. Some time ago these people offered to lease this property to the Government, and they offered to sell it. It is 12 months or more ago.

Mr. BATHRICK. Yes.

Mr. HOLLAND. And the Government turned them down, and said that it did not want it at that time.

Mr. BATHRICK. Then, why in Heaven's name should they want it now?

Mr. HOLLAND. One moment. They declined to purchase it at that time, because they felt they were not getting some of the improvements to which they were entitled. Subsequently, without any intimation from the people in Norfolk, they were sent for by the Navy Department and asked to submit a price.

Mr. BATHRICK. I do not know whether they were sent for or came voluntarily. I know they have been on the job.

Mr. HOLLAND. I know they were sent for.

Mr. BATHRICK. I will take the gentleman's word for that. The fact is that this was started by a lobby who had bought this property for a low price and who wanted to sell it for a high price. I have no idea how they put this over on us in the Senate, and I have no doubt that the conference committee fought valiantly to prevent its being put into this report, but it is up to the Members of this House to protect the people of the United States, who are being bled white with taxes; and if we do not do it to-day and assert our authority and power on the floor of the House, these things will come along one after another, and they will afford other people opportunity and encouragement to proceed without let or hindrance to rob the Government in a thousand other ways. The door will be thrown wide open. Let us make an example of this case to-day and show the people of the country that we are not going to permit legislation that looks so much like graft as this does on the face of it to pass through this House any longer. [Applause.] These pieces of easy money that flow through this House on the pretense of being war measures should be stopped. Some one must serve notice that even big and useful bills must come clean if they want to get by here. [Applause.]

Mr. SHERLEY. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. PADGETT].

Mr. PADGETT. Mr. Speaker, in 1912 this proposition was before the Naval Committee of the House the last time, and at that time the proposal was to sell to the Government 328 acres, which was the Jamestown part of the present proposal. The present proposal is to sell 440 acres. The additional 112 acres are what is known as Pine Beach, and that is the part that is near the deep water and gives the approach to the deep water. In 1912 the conditions in the country and in the Navy were very, very different from what they are now. At that time it was not regarded as a proposition that was overpowering in its demands that the Government should possess it. It seems to me that conditions now not only justify but call upon the Government to acquire the property. In the bill of August 29 we increased the permanent strength of the Navy from 51,500 men to 93,000 enlisted men. We have temporarily increased that to 150,000. We increased the Marine Corps from a little less than 10,000 to 17,400, and we have increased that temporarily to 30,000. We also provided in the August bill for an enormous building program. Every one understands and must appreciate that the enlarged program calls for more ships, and enlarged personnel of the Navy from 51,500 to the present authorization of 150,000, and in addition to the 150,000 a little more than 10,000 coming in from the Naval Militia and 25,000 additional from the Naval Reserve, so that with the 30,000 added in the Marine Corps we would have 210,000 men where before we had but 61,000.

Mr. KELLEY of Michigan. Mr. Speaker, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. KELLEY of Michigan. How many additional men are at the Norfolk training station now?

Mr. PADGETT. I could not tell the exact number.

Mr. KELLEY of Michigan. Ten or twelve thousand?

Mr. PADGETT. I do not know. They have quite a number there. I have not looked into it.

Mr. KELLEY of Michigan. If we are going to buy land at a cost of $1,400,000 to train 10,000 men for the seas, how much is it going to cost us to train 1,000,000 men for the Army?

Mr. PADGETT. The Army cost is going to be fabulous, but the fact that the Army cost is going to be high does not justify the argument that we should not make every preparation for the development and training of the men of the Navy. What is the situation to-day? We are enlisting men in the Navy to-day and administering to them the oath, and sending them to their homes, or allowing them to remain at their homes until we can provide places where they can be taken care of and trained. That is the condition that is actually confronting us at this moment.

Mr. BATHRICK. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. BATHRICK. Are we using a single battleship and are we liable to use a single battleship out of Yorktown Harbor in the next year in this war?

Mr. PADGETT. I do not know how much we are going to do. We have thirty-odd down there trying to develop the men on them, 1,300 men on a battleship, and on others we have 800, running from 800 to 1,300 to a ship, and as soon as we train them we distribute them on the merchant ships and on the smaller vessels and supply these places with untrained men in order that we may properly develop our sailors.

Mr. BATHRICK. They all have to be trained on a battleship.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. I yield the gentleman five minutes additional time.

Mr. BUTLER. I would like to ask our chairman a question.

Mr. PADGETT. Yes.

Mr. BUTLER. Will not the chairman bear me out in this statement, that there is no one on the Committee on Naval Affairs who ever thought well of this proposition?

Mr. PADGETT. I will say to the gentleman it never addressed itself to me as an urgent——

Mr. BUTLER. Nor to the rest of us.

Mr. PADGETT (continuing). As an urgent matter when we had it up in 1912, because at that time the condition of the Navy was very different, and, to be entirely frank with the gentleman, I thought they were asking too much for it.

Mr. BUTLER. Why did not the chairman call his committee together and have us consult with him? It amazes me that the gentleman should reverse himself, because last December the chairman was opposed to it.

Mr. PADGETT. It has not been before us since 1912.

Mr. BUTLER. It appears here in print——

Mr. PADGETT. We have not considered the matter officially with a view to purchasing it since 1912.

Mr. MANN. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. MANN. Does the gentleman think it good policy for Congress to make purchases of this sort, which come within the jurisdiction of the Committee on Naval Affairs, without having the Committee on Naval Affairs consider it at all? The gentleman says it has not.

Mr. PADGETT. I think it would have been well, but I must say to the gentleman that the rules of the House do not address themselves to my business judgment. I think the matters that are regarded as deficiencies in this legislation should have been sent and distributed to the various committees that deal with them. Naval matters should have gone to the Committee on Naval Affairs and military matters to the Committee on Military Affairs and post-office matters to the Committee on Post Offices and Post Roads, and so forth.

Mr. MANN. Oh, the gentleman must know this is a Senate amendment.

Mr. PADGETT. The rules of the House carry——

Mr. MANN. This matter was not addressed to any committee of the House; it is a Senate amendment.

Mr. PADGETT. But before it became a Senate amendment it was sent down as an estimate by the department, and was in the House, under the rules, referred to the Committee on Appropriations.

Mr. MANN. Fraudulently sent as a deficiency estimate—and everybody knows it was not a deficiency estimate—and in violation of the rules of the House.

Mr. PADGETT. I do not know just who originated the estimate, but it is one that is needed.

Mr. BUTLER. Will my chairman yield to me again?

Mr. PADGETT. Yes, sir.

Mr. BUTLER. Now, the chairman will recall with great distinctness the discussion that we have had over this proposition for many years and how unfriendly has been the feeling in the committee to it. Can not the chairman make some suggestion by which this property can be acquired, if it is absolutely necessary to be acquired, at a figure that he, I, and everybody else would think it right? Why can not the chairman suggest here now to us some plan, some legislation, some method by which the Government may acquire this property if it deems it necessary, and afterwards Congress will be satisfied that the country has been dealt with fairly, and not acquire it by paying $1,400,000 plump down for it? It is too much.

Mr. PADGETT. As I stated a moment ago, 328 acres was offered in 1912 for $400,000. Now, there are 112 acres additional, making 440, and those 112 acres is the Pine Beach water-front property.

Mr. BUTLER. What is it worth?

Mr. PADGETT. I do not know.

Mr. FREAR. Will the gentleman yield right at that point?

Mr. PADGETT. I do not know values.

The SPEAKER. To whom does the gentleman yield, if to anybody?

Mr. PADGETT. I yield to the gentleman from Pennsylvania, my colleague.

Mr. BUTLER. Let me appeal to my chairman to help us out here. Do not let us have this put upon the Government unless it is necessary, and I do not know whether it is or not; but if it is necessary, in order that the Government should pay only what it is worth, can not we contrive some method to help the Navy Department and at the same time not attempt to dump it upon Congress, because we know nothing about the figures? I am not unfriendly if it is necessary, but I do not want it said hereafter that we aided and assisted in taking from the Government what we ourselves know is too much to pay.

Mr. PADGETT. I said to the gentleman, I have felt the price asked was too much.

Mr. FREAR. Will the gentleman yield in that connection?

Mr. PADGETT. In just a moment. I am frank to say I am not familiar with prices or values of water-front land. When you put in 112 acres that is water front, deep water, and add it to land that does not have a water front, I am not prepared to say what is the value of it.

Mr. FREAR. Will the gentleman yield at that point?

Mr. PADGETT. Yes.

Mr. FREAR. Here is the question that is before the House now, the question of paying over $600,000 for buildings which I understand the chairman has said are of no value—that is, the chairman who is now speaking—on the 1st of December, 1916. Let me ask if that is not correct. As I understand, the gentleman says the buildings will not amount to anything; that they are largely to stuccowork.

Mr. PADGETT. I have not regarded the buildings—that is, in the aggregate—of the kind that we would require. There are a number of the buildings that would be valuable.

The SPEAKER. The time of the gentleman has expired.

Mr. BUTLER. Mr. Speaker, I ask unanimous consent that the gentleman may have two minutes in which to answer my question.

The SPEAKER. The gentleman from Kentucky [Mr. SHERLEY] has the time.

Mr. SHERLEY. I yield one minute to the gentleman.

Mr. BUTLER. The gentleman has seen the property, but I never have. I have had my impressions from the gentlemen who compose the Committee on Naval Affairs. I never went to look at it. But the chairman knows, and we all know, that those buildings are worth but a small fraction of $600,000, and that in the estimate of $1,600,000 that amount ought in fairness to be deducted. Is not that true?

Mr. PADGETT. Personally, I do not think the buildings are worth $600,000.

Mr. FLOOD. That is not in the estimate.

Mr. BUTLER. Is it not?

Mr. FLOOD. Not at all.

Mr. KELLEY of Michigan. Six hundred thousand dollars.

Mr. FLOOD. They said it was worth that.

Mr. KELLEY of Michigan. The gentleman knows very well that it is a part of the cost.

Mr. FLOOD. I know very well it is not a part of the cost.

Mr. KELLEY of Michigan. It is a part of the cost.

Mr. FLOOD. Nothing of the kind.

The SPEAKER. The time of the gentleman from Virginia has again expired.

Mr. FITZGERALD. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has five minutes left.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that my time be extended one hour.

The SPEAKER. The gentleman from New York asks unanimous consent that his time be extended an hour. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Speaker, I yield 10 minutes to the gentleman from Virginia [Mr. FLOOD].

Mr. FLOOD. Mr. Speaker, I think there is a good deal of misunderstanding about the property that is to be acquired by this appropriation. There is in the House very considerable opposition, as well as prejudice, to the old Jamestown company and the acquisition of the property owned by that company. That exposition was not a great success, and some Members who voted for an appropriation for it have been prejudiced against everything connected with the Jamestown Exposition. I share that feeling to some extent myself. But this proposition is to buy property for the benefit of the Government in this war emergency—property which the Secretary of the Navy, Admiral Palmer, Capt. McKean, who was especially designated to investigate it, and the Surgeon General of the Navy say is admirably suited for this emergency and is absolutely necessary to maintain the health of the men in the Navy.

As to the property itself, there are three pieces of property to be acquired by this appropriation, and some of it was never owned by the Jamestown Exposition Co. This acquisition will embrace not only the old Jamestown property, which was bought in by the creditors, but other very valuable property. The exposition property was bought in by the creditors for $240,000 in 1912. The liens on the property were something like $800,000, and it is stated by people who are familiar with the circumstances surrounding the sale, and I can vouch for those who made these statements, that it would have brought more than $240,000 but for the fact that everyone in the community knew that the lien holders could and would bid more than anyone else, as they held liens beyond what the property was worth.

In addition to this old exposition property, which is owned by the Fidelity Land & Investment Co. and contains 278 acres, there is a property consisting of 52 acres, upon which handsome dwelling houses are standing. Seven of these houses were built by the States as the State exposition buildings, some of them costing as high as $35,000 and others between $20,000 and $30,000, and some less. But they are all good houses. Other houses have been erected upon that property. Since the exposition over $100,000 has been spent in improving that special piece of property. Then there is the most valuable piece of property in all that section of Hampton Roads, containing 110 acres, known as the Piney Beach property.

The hearings that were had by the Senate Committee on Appropriations show that the owners of the 52 acres are to receive $473,000. The owners of the Piney Beach property, without which the Secretary of the Navy says he would not care for the other two pieces, are to receive $568,000, which would leave only $359,000 for the Jamestown Exposition property held by the Land & Investment Co., for which they paid the $240,000 in 1912.

Mr. KELLEY of Michigan. In order to utilize that water front it is necessary to dredge 1,200 feet out, is it not?

Mr. FLOOD. Some dredging will be necessary.

Mr. KELLEY of Michigan. How much is it going to cost?

Mr. FLOOD. I do not know. But whatever it costs, when they dredge and take the earth up from where they dredge and put it back between these pieces of property they make 600 more acres of land that will be very valuable.

Mr. KELLEY of Michigan. Will the gentleman yield right there?

Mr. FLOOD. I can not. I want to get the proposition before the House.

I learn from this debate that this property has not been occupied. This other property is occupied. The taxes and interest during that five years would amount to ninety or one hundred

thousand dollars, making nearly as much as they are selling to the Government for, if indeed it is not fully as much. These facts do not justify the statements that have been made here to the effect that the owners of this property are unpatriotic and are trying to impose upon the Government.

Mr. MADDEN. The figures just quoted do not include the $600,000?

Mr. FLOOD. The $600,000 was not the price the Government was to pay for these buildings, but was simply an estimate of their value. The Secretary of the Navy stated that the buildings on this property cost $1,500,000, and the naval officers who went there to examine it estimated that the buildings were worth $600,000 at this time.

Mr. MADDEN. The gentleman quoted four hundred and some odd thousand dollars for the Piney Beach property and $350,000 also for some other property, making a total of over $800,000.

Mr. FLOOD. No. I quoted for the private property $473,000 and for the Piney Beach property $568,000, and that leaves about $350,000 for the Jamestown property.

Mr. MADDEN. What about the buildings?

Mr. FLOOD. That includes the buildings and everything; $568,000 for the Piney Beach property, with all the cottages and hotels, and telephone and telegraph facilities, and railroad connections, and everything else—$473,000 for everything on this 52 acres, and $350,000 for the 275 acres belonging to the old Jamestown Exposition grounds, with every kind of improvement on them.

Now, I want to say this as to the uses to which this property can be put. If anybody will take the trouble to look at the hearings he will see that on these lands there will be a training station for 8,000 men, a submarine base, an aviation operating base, coal piers, oil-fuel storage, fleet storehouses, mine and net storehouses, torpedo storehouses, medical storehouses, and for other activities absolutely essential in this emergency, and that their acquisition will be of great value to the Government at this time.

Surg. Gen. Braisted says that without this property it will be difficult to prevent measles, scarlet fever, and other diseases from breaking out in the Navy. He says this property is needed immediately for the protection of the health of the men of the Navy. He also says this location is the best place on the coast for this particular purpose and that it is the cheapest site the Government can get. Secretary Daniels classes the acquisition of this property as of paramount importance in the conduct of this war. He says it is the place for expansion. When you train a man there you take him off the station right onto the ship. This location has been recommended for a naval base not only by Secretary Daniels but by Secretaries Meyer and Bonaparte as well.

Mr. CALDWELL. Mr. Speaker, will the gentleman yield there?

Mr. FLOOD. Yes.

Mr. CALDWELL. Is there any objection to proceeding by condemnation?

Mr. FLOOD. None whatever, and this amendment provides that this land shall be condemned if the Navy Department thinks it can get it for a less price by that method. That has been provided for here.

Mr. OLIVER of Alabama. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. Yes.

Mr. OLIVER of Alabama. How much of the property under condemnation proceedings will be acquired?

Mr. FLOOD. I do not understand the gentleman.

Mr. OLIVER of Alabama. How much of this property will we be required to condemn in order to perfect the title?

Mr. FLOOD. The measure here provides that you can condemn every foot of it.

Mr. OLIVER of Alabama. That is not the question I asked. Part of it must be condemned because of the fact that some of the owners are minors. Can you tell us?

Mr. FLOOD. No. It may be that my colleague [Mr. HOLLAND] can tell.

Mr. MEEKER. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. Yes.

Mr. MEEKER. How long a time will be required in which to do this dredging?

Mr. FLOOD. I do not think that is in the hearings, and not being an expert on those questions I could not undertake to answer.

Mr. MEEKER. Does the gentleman mean to say that by this dredging there will be added 600 acres?

Mr. FLOOD. Yes; 600 acres are now under shallow water, the water not being over 2 feet deep. They will fill that area up and make dry land of it.

Mr. MEEKER. That would be a job after they get rid of the scarlet fever, to make 600 acres of land. [Laughter.]

Mr. FLOOD. They do not propose to dredge it now except to make a larger deep-water front. The Piney Beach property has already a magnificent deep-water front, and that is the property that the Secretary of the Navy is so anxious to acquire; and they want the old Jamestown property for the acreage upon which they can allow the men in the Navy to live, and not keep them penned up in the ships where they will breed disease and destroy the life and vitality and the very virtue of your Navy.

It seems to me, Mr. Speaker, that no man in this House could read the hearings on this proposition and conscientiously vote against this matter. If you want this war conducted efficiently you can not vote against this proposition. [Applause.]

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. FITZGERALD. Mr. Speaker, I yield three minutes to the gentleman from Wisconsin [Mr. LENROOT].

The SPEAKER. The gentleman from Wisconsin is recognized for three minutes.

Mr. LENROOT. Mr. Speaker, I did not expect to take any time in the discussion of this proposition, but as this debate has proceeded it does seem to me inconceivable that this House is going to adopt this conference report and permit this item with reference to the Jamestown grounds to remain in this bill.

And I want to say to that side of the House particularly that if you shall be responsible for the adoption of this report with this item in it you will begin now an era of extravagance and scandal that we have all hoped would be avoided in the conduct of this war. This proposition can not be defended—the purchase of this property—from the statements of the gentlemen themselves favoring it, under these conditions.

The gentleman from Virginia [Mr. FLOOD], who has just spoken, speaks of the necessity of this property from the standpoint of sanitation. Why is it possible, in the first place, that no other site can be found temporarily to take care of these conditions? And, in the second place, is there such a lack of patriotism on the part of the owners of these grounds that if they need to be used temporarily the Government can not lease them for the purposes desired during the existence of this war?

Mr. HOLLAND. Mr. Speaker, will the gentleman yield there?

Mr. LENROOT. I regret I can not yield. If this item remains in the bill, Mr. Speaker, we can be assured that every item of extravagance that has been sought to be incorporated in bills here in the past will sooner or later find its way into bills of this character, and it will be adopted.

I do not blame the conferees. We all understand the situation that they labored under. But I should be very much surprised if a single one of the conferees whose duty it is to uphold this conference report will not be pleased if this conference report is rejected and they be given instructions by this House to stand out against the incorporation of this proposition in the bill, because then they will have the House back of them, and the Senate conferees will be compelled to yield, as they ought to yield. [Applause.]

Mr. FITZGERALD. Mr. Speaker, I yield 10 minutes to the gentleman from Alabama [Mr. OLIVER].

The SPEAKER. The gentleman from Alabama is recognized for 10 minutes.

Mr. OLIVER of Alabama. Mr. Speaker and gentlemen of the House, I feel constrained to join with others in registering a protest against the inclusion of this large sum in the bill for the purchase of the Jamestown property. It occurs to me that certainly the proposal should be first submitted to the regular committee of this House, and I wish to say that if submitted to the Naval Affairs Committee of the House I feel confident the committee will take action thereon in less than five days.

The Naval Affairs Committee of the House are very familiar with this entire proposition, and the distinguished chairman of the committee [Mr. PADGETT] has fallen into error in stating that this matter has not been before the committee since 1912. If you will turn to the hearings of last December you will find that a number of pages were devoted to inquiring about this very matter, and following that the committee went to Jamestown and spent a day in investigating this very property, and I violate no confidence in saying to the House that, so far as I could learn, there was not a single member of the committee, after such personal visit to and inspection of the property, who felt friendly to the proposed purchase of it. Why, Capt. McKean, who has made a very thorough study and investigation of this subject, stated to the House committee in December last all matters referred to by the distinguished gentleman from Virginia [Mr. HOLLAND]. He further informed us that the depart-

ment had gone so far as to make estimates on the probable cost of the contemplated improvements there; and in response to a question as to what it would cost, he said about $10,000,000. Now, there is no question but what if you now submit this matter to the Naval Affairs Committee of the House they will be able to suggest to the Navy Department two other sites near by that can be purchased, so I am reliably informed, on an acreage basis of something like $200 or $300 per acre, and such sites are well suited for the naval purposes here proposed.

Mr. HOLLAND. Will the gentleman yield for a question?

Mr. OLIVER of Alabama. Yes.

Mr. HOLLAND. Where are the sites?

Mr. OLIVER of Alabama. One site is at Yorktown.

Mr. HOLLAND. Where is the other?

Mr. OLIVER of Alabama. Another site is nearer to Hampton Roads than that; but I do not feel authorized to state now who my informant is, but he is a Representative from Virginia.

Mr. GOOD. Will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. GOOD. The gentleman feels that in purchasing ground for the purposes for which it is anticipated this ground will be used it ought to be on or near a railroad, does he not?

Mr. OLIVER of Alabama. I think so.

Mr. GOOD. The land at Yorktown is about 7 miles from a railroad.

Mr. OLIVER of Alabama. I understand that the Chesapeake & Ohio Railroad runs within 7 miles of a very desirable site at Yorktown, and that before you could make the improvements that are proposed a branch line could and would be built to that point by the railroad.

Mr. GOOD. Two lines, one double track and one single track, go to the Jamestown Exposition grounds, I believe.

Mr. OLIVER of Alabama. The gentleman was at Yorktown a short time since, and I think he saw a very beautiful field there, and was informed that it could be purchased for not exceeding $200 per acre, and a thousand acres secured at such price. It is being used, even now, for training purposes, and my information is that so far as the construction of hospital buildings is concerned, the Navy is prepared to erect suitable buildings for such purposes within 60 or 90 days. If you purchase the Jamestown property, it will require that time to construct hospitals, such as they are now building, and such as they propose to hurriedly build on this particular ground; and if you now purchase another site, you will find they can erect those same buildings in the same short space of time. Other sites can be bought that will be convenient and well suited to a rendezvous for the fleet, and near to where the fleet will go when it comes in from the high seas, as the gentleman from Michigan [Mr. KELLEY] well said.

Mr. FLOOD. Will the gentleman yield to me for a question?

Mr. OLIVER of Alabama. Yes.

Mr. FLOOD. Does the gentleman recall what Capt. McKean said about the Yorktown site?

Mr. OLIVER of Alabama. I do.

Mr. FLOOD. He said it would be——

Mr. OLIVER of Alabama. I do not yield to the gentleman except for a question. Capt. McKean, an officer for whom I have great respect, has been very much wedded to this Jamestown proposition for some time, and if you will read the hearings of last December before the House Naval Committee you will find he discussed it at length with our committee. The chairman of that committee [Mr. PADGETT], when Capt. McKean made his statement, very clearly and forcibly indicated that he was not friendly to the proposal, and did not concur in the views entertained by Capt. McKean. Among other things, while speaking of the buildings which Capt. McKean places a large estimate on, here is what the chairman of the committee said last December:

> The buildings would not amount to anything. There are some few of them down in here [pointing]. A lot of the houses there were stuccowork.

I think every member of the committee was impressed afterwards with the correctness of the chairman's opinion on that point, in so far as their value for the needs of the Navy are concerned, and we went into many of the buildings. Buildings that are constructed, if you please, for exposition purposes are not well suited for housing the men of the Navy, and it is a great mistake for us to encourage the purchase of old exposition grounds, and when we come to place an estimate upon the value of the land to take into account the original cost of the buildings. It has been estimated here, as one of the inducements why we should buy this property, that the buildings are worth $600,000. The chairman said last December, in his opinion, they were worth nothing, and for naval needs I believe that was the conscientious conviction of every member of the Naval Affairs Committee of the House who inspected that property. Who desires to purchase an old frame hotel, built for temporary purposes only and which has been deserted for a number of years, in order to house young men of the Navy? If a fire should break out, possibly you might have some loss of life as a result of housing them in the type of building we went through, which was nothing in the world but a temporary structure. The cold weather of winter will soon come, and then you will not care to house your men in that kind of a structure. If the Army is to build cantonments before September 1 capable of furnishing proper housing for 25,000 men at each cantonment, and at some even a larger number, surely we can find a site, when we are told that there are two comparatively near to Hampton Roads, well suited for naval purposes which can be purchased at from $200 to $300 an acre, and certainly the Navy Department can construct before September 1 buildings suited for housing these young men who are coming into the Navy. It is not proposed to keep them at these training stations very long. Some of you have been at the training station at Norfolk. You would be surprised to see how readily these young men adapt themselves to naval instruction, and after spending a few weeks in training they are sent to the ships. If you build structures at some other point nearby you will get the land cheap, get buildings better suited for naval purposes, and you will save a large amount of money. [Applause.]

Mr. FITZGERALD. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Mr. Speaker, it is not possible to go into the details of each piece of property involved in this matter within five minutes. I should not be willing to pay $1,400,000 for this property without the Government having an option to condemn it. I am somewhat familiar with the property in question, having been on it frequently. The reason for the immediate acquisition of the property especially is that there are a number of splendid buildings on the property which can be used by those men who wish to train the young men that will enlist. This old hotel referred to by my friend from Alabama, Mr. OLIVER, is not the old proposition that he would have you believe, but it is a proposition where immediately you can put, according to the testimony before our committee, at least 2,000 young men. If you wish to house them in the galleries in the form of sleeping porches in the summer months, you can possibly get in a great many more than that. This was a hotel built and used by the Monticello Hotel Co., of Norfolk, for exposition purposes. It is well built and in reasonable repair, and is not the mere temporary proposition that the gentleman would have you believe. Now, the Committee on Appropriations declined to permit the Navy or the Army to buy any great quantity of land and acquire title to it, but this is the exception. It was put on in the Senate, and the Navy Department represents that, irrespective of this immediate necessity, the Government will need this property. They have built a belt line from the city of Norfolk connecting with all the railroads going into Norfolk, and also with the water front, which is most valuable to the Navy.

This is not the proposition that was discussed by the Naval Affairs Committee in 1912, but it includes all the property on the water frontage that the Government says they so much need. The old Jamestown property is not the property that the Navy is so anxious to get. The Secretary of the Navy and those connected with the development of naval activities are behind this proposition and not the Jamestown Exposition proposition. They wanted one hundred and twenty-odd acres outside of the Jamestown Exposition property on which the water front is located and which they say they so much need.

This is the most accessible property, according to the testimony of all the naval experts, to the Norfolk Navy Yard. In order to enlarge the Norfolk Navy Yard Congress authorized them to buy right behind the present navy yard 50 acres of land. So that this proposition would enable them to take the men and train them for the ships as they are being built under this enormous building program that the chairman of the Naval Committee referred to. It is proposed by the Navy Department that if this is purchased they can use these buildings and this site immediately, and in the future they can develop it into a magnificent addition to the Norfolk Navy Yard, where they can train the men and have them ready at the time the ships are launched. That is what appealed to me; it is a business proposition.

If the Navy Department should decide—and you must trust somebody; you must trust the officers connected with it—I have no brief to speak for the Navy; but you have intrusted them with the defense of the country, and can not you trust them to buy this little piece of land? If they want you to pay too much for it, can not you condemn it? Have you no confidence in your Federal courts? Because the Federal court would

condemn this land under the condemnation law of the State of Virginia; and are you not willing to trust your Federal courts? You have got to trust somebody, and if you can not trust the Navy Department and you can not trust the Federal court, in God's name who can you trust? If you can not trust the Navy Department, get a new Navy Department.

A MEMBER. How are we going to do it?

Mr. SISSON. It is not the Secretary of the Navy, it is these men who would be connected with the Navy if you Republicans were in power. The Secretary of the Navy has nothing to do with these matters except to approve of what has been done by the experts that have been sent out. Mr. Daniels has been pretty saving along some lines, so much so that a great many people have complained vigorously.

Mr. BURNETT. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. BURNETT. Does the Navy Department indorse the infamous, outrageous price that they want for this land, and does the gentleman think it is a fair price?

Mr. SISSON. To be perfectly frank with the gentleman, I do not know whether it is a fair price or not.

Mr. BURNETT. The gentleman never saw it?

Mr. SISSON. Yes; I have been all over it, but I do not know whether this is a fair price, because I do not know the property values down there.

Mr. HAMILTON of Michigan. Then, how do we know who never saw it?

Mr. SISSON. These men down there know what it is.

Mr. HAMILTON of Michigan. Does the gentleman know what the assessed value of the property is?

Mr. SISSON. I do not know. There are several hundred pieces of property there; some are assessed, as I understand, at 50 per cent, and that is what they offered to sell this for.

Mr. HAMILTON of Michigan. But the gentleman is telling us all about this.

Mr. SISSON. If the Government wants this property, they can condemn it if the price is too high. You have got to trust some one. [Applause.]

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. FITZGERALD. I yield five minutes to the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER of Minnesota. Mr. Chairman, one of the reasons urged against the adoption of the conference report at this time is that this subject matter more properly belongs to the Committee on Naval Affairs. At the outset, when we began to legislate and pass appropriation bills at this extra session, that argument had a lot of force with me, but very soon it was apparent that the Committee on Appropriations was in a position to act and was acting on matters connected with the war generally. So this seems to fall in the general category, and the argument rather loses its force. One of the other reasons urged against the adoption of this item in the conference report is that the price is perhaps too high. No one presumes to know what the exact price ought to be, but it is suggested that perhaps it is too high. I have taken the trouble, and it has been an interesting piece of trouble to me, to read the hearings before both the House and Senate committees upon this subject. I find on page 11 of the Senate hearings this statement, made by Capt. McKean:

> I will say that if the Navy Department ever endeavored to keep the price down on anything they have done it on this.

That indicates that the Navy Department has been making a strong and vigorous effort to get the price down to a very reasonable basis, and that statement is followed in a moment or two by one from the Secretary of the Navy, who says that when this project was first broached to him it was proposed at $2,000,000, and he said that he never would recommend it; he thought that price too high, and he stood pat on that proposition for a long time, apparently several years, until finally by a great deal of effort the price has been brought down to that which is now proposed, something like $1,400,000, which he says is fair and just. It seems to me that we ought to be guided by the judgment of some one in a matter of this kind. We have here the statement of the Secretary of the Navy, the responsible man in charge, who gives the history of the negotiations relative to it and his best judgment upon it. Then we have the statement of a captain in the Navy who was especially appointed to make a complete investigation of the subject matter, and we have his conclusions. It seems to me that we can not go far astray, even when we are guided by the principle of economy, if we follow the men qualified to speak, and whose judgment we ought to take.

Mr. MEEKER. What would the gentleman say about the estimate put at $600,000 on the buildings, which the chairman of the Naval Affairs Committee said he did not think were worth anything?

Mr. MILLER of Minnesota. Perhaps the chairman's judgment is at fault in that respect. I do not know. He says they are worth nothing and another man says they are worth $600,000.

Mr. MEEKER. Those whole exposition buildings were constructed of stucco.

Mr. MILLER of Minnesota. I do not know anything about that.

Mr. FLOOD. Some of them are of brick.

Mr. MILLER of Minnesota. We have got to be guided largely by the testimony before the committees of the House and Senate, and that is the way we legislate on pretty nearly everything, and gentlemen need not tell me that we do not, for I know we do.

Mr. KELLEY of Michigan. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Minnesota. In a moment. I want to make one more statement. Nobody, however, has had the temerity, as far as my notice has gone in this debate, to say that this piece of ground is not needed and is not the best piece of ground to be found for the purposes desired. We are engaged in war, as everyone knows. It is our purpose to prosecute the war vigorously. Everyone who has inquired into the subject knows that there are a large number of young men who are recruited for the Navy who to-day have no place to go. There is no place provided for them, for their training. There are some in my town and some in your town and some in everyone's town, waiting to be assigned to a place for training. To my mind, the vicinity of Hampton Roads is the ideal spot for a large naval training station. The testimony is that these three tracts of ground are the best possible ones for the needs of the Navy. They have a value to the Navy that no one questions. That value is a great value. Even if this price is fairly stiff, though I do not admit it is from the standpoint of real estate, it is not stiff at all from the standpoint of the value of the tracts to the Navy. This sum here invested will be the best investment for the Navy, and that principle should guide us.

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. FITZGERALD. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, it has been stated on the floor that the Secretary of the Navy and the Surgeon General of the Navy have said that it is imperative, absolutely essential, that the Government buy this site. If the Secretary of the Navy ever made such a statement and if the statement is true, then we are in a sorry condition in this country if in order to train men in the Navy we have to buy a particular piece of land at a particular place in the United States and pay the price that the owners may demand, no matter how outrageous the price may be. In behalf of the Secretary of the Navy and to protect his judgment I deny that such a statement was ever made by him. What is the situation? In the expenditure of the billions of dollars in this war we are going to be many times confronted with propositions involving graft. There are very many enterprising people throughout the United States who may be patriotic, but who will still endeavor to make something on the side out of this war, and our motto ought to be, "Billions for the war, but nothing for graft." [Applause.]

If this matter came before the House in the ordinary way, I would defer my judgment to the judgment of the committee; but it is here. It was submitted in the first place to the Committee on Appropriations, and that committee rejected it. The Senate added it as an amendment, although it is not a deficiency matter. The conferees have agreed in conference and frankly have told the House that they have no special information upon the subject, and that it was for the House to act as the House pleases. The proper committee to determine these matters is the Committee on Naval Affairs. That committee has been in continuous session for the last two or three years, most of the time when Congress was in session. There has been every opportunity for the Committee on Naval Affairs to consider this proposition. There has been opportunity at this session for the Committee on Naval Affairs to consider the proposition, and there will be plenty of opportunity between now and the end of the session for the Committee on Naval Affairs to consider the proposition. We ought not at the beginning of this war to adopt any plan which is suspicious of graft. The conference report may properly be rejected. This item may go out of the bill, and if the Navy ought to have

this site or some other site for the purpose, let the matter be brought before the proper committee of the House and the good name of the Members of the House protected against the effort of men who, whoever they may be, are seeking to sell this property to the Government to make money for themselves, not for the protection of the Government. [Applause.]

Mr. FITZGERALD. Do I understand the gentleman from Illinois [Mr. MADDEN] desires to ask some questions?

Mr. MADDEN. Mr. Speaker, I wish to ask the gentleman from New York some questions. On reading the hearings before the Committee on Appropriations in connection with the work of the Advisory Council of National Defense I find the names of committees in charge of various activities of the country and learn from the hearings that recommendations are made from time to time by subcommittees of the Council of National Defense to the Secretary of War and the Secretary of the Navy and other members of the Council of National Defense with respect to purchases of supplies and the letting of contracts of various kinds. Among the committees I find the name of William H. Childs, president of Barrett Co., 17 Battery Place, New York, who is chairman of the coal-tar by-products committee. He seems to be the only member of the committee. I am desirous of ascertaining from the chairman of the committee on appropriations if the Barrett Co. is engaged in road building as a part of their activities?

Mr. FITZGERALD. They make all sorts of coal-tar products

Mr. MADDEN. Are they engaged in road construction, engineering work?

Mr. FITZGERALD. I do not know that.

Mr. MADDEN. I have been told, whether the information is correct or not, that contracts for all the roads to be built through all the cantonments have been let to the Barrett Co., of which Mr. Childs is president and also chairman and sole member of the committee on coal-tar products in the Council of National Defense, and I understand that the business of the Barrett Co. is to manufacture coal-tar products, a commodity which is used in making up a part of ingredients in the construction of roads, and if the information which I have received is true, it seems to me that is a violation of every rule that should guide the men who happen to be for the present moment giving their time in a voluntary way and without expense to the Government of the United States in shaping the war policies of the country.

Mr. FITZGERALD. Mr. Speaker, statements were made at the end of the last week that a contract had been made with the Barrett Manufacturing Co., commonly known as the Coal-Tar Products Trust, for the building of all roads in cantonments to be provided for the Army. I called upon the Secretary of War and stated the rumors which were afloat regarding that. He immediately took the question up and has sent me a note, which I shall be glad to read, as it contains the information. The note is as follows:

WAR DEPARTMENT,
Washington, June 5, 1917.

MY DEAR MR. FITZGERALD: I spent a good deal of time yesterday with Col. Littell and his associates considering the question of cantonment construction. I find that no contracts have as yet been let for the proposed cantonments to the Barrett Manufacturing Co. Some weeks ago when the subject of road building was first under consideration, it was referred to a committee of two or three officers in the Regular Army in the Quartermaster Corps. They studied the problem and finally decided that, in view of the fact that the Barrett Co. had agencies all over the United States, it probably would be in the best condition for the rapid assembling of local forces for the construction of roads, and a tentative arrangement was made by which the Barrett Co. agreed to do whatever work it might be called upon to do of this character, on such terms as should be fixed by the advisory committee of the Council of National Defense having the matter in charge and approved by the Quartermaster General. There was no suggestion that all of these roads should be built of tarvia or other Barrett Co. products. Nor, indeed, had any of the details of the thing been worked out beyond the general offer of the Barrett Co. to hold itself in readiness to do whatever it might be asked to do, on whatever terms might be fixed. A further study, however, made it apparent that local agencies could be relied upon to a very large degree and that the Good Roads Bureau of the Department of Agriculture could also be of great assistance.

The whole matter is, therefore, open, and no such contracts as seem to be under discussion have as yet been entered into.

Cordially, yours,

NEWTON D. BAKER,
Secretary of War.

Hon. JOHN J. FITZGERALD,
House of Representatives.

Mr. MADDEN. Well, I am very glad to know the Secretary of War has taken the question up and to learn from the letter that there is no contract let yet, but it seems rather curious that Mr. Childs, president of the Barrett Co., chairman and sole member of the committee having charge of the purchase of coal-tar products in the Advisory Council of National Defense, should be in a position where he can even suggest the purchase of commodities that are made by him or his company. In the first place the Barrett Co. are not road builders. They know nothing whatever about building roads. They are engaged in selling coal tar, as a part of the covering of the surface of roads, to men who are engaged in the engineering side of road building, and why any thought should be given consideration looking to the letting of contracts to this company I presume is because Mr. Childs happens to be the chairman of the committee and the sole member of the committee, and it is the only committee of the Council of National Defense that has a single member. He happens to be the chairman of the committee and all the other members of the committee combined, and he happens to be president of this company, the Barrett Trust, which makes coal-tar products, a company which knows nothing whatever about the building of roads; and I am very glad the Secretary of War has so far reconsidered the proposal of allowing the Barrett Co. to build the roads as to say he is going to take counsel upon the subject before the contracts are let.

Mr. MANN. Mr. Speaker, I brought this matter to the attention of the House the other day and suggested then that the Secretary of War should write a letter. Now, as I understand the letter the gentleman read, it is to the effect that the Secretary of War has let no contract. Does he deny he has made an arrangement with these people?

Mr. FITZGERALD. He states——

Mr. MANN. I will say to the gentleman, in passing, the Secretary of War could not let a contract for the construction of these roads throughout the United States——

Mr. FITZGERALD. The Secretary of War says that the Barrett Co. had offered to hold themselves in readiness to do such work as they might be called upon on such terms as should be fixed by the advisory committee of the council having the matter in charge and approved by the Quartermaster General, and he stated further that he believes now that it is apparent that local agencies can be relied upon, and the Barrett Co., I think, have 40 plants, located throughout the United States.

Mr. MANN. Not road-building plants.

Mr. MADDEN. They are coal-tar plants.

Mr. FITZGERALD. They are materials plants.

Mr. MANN. As I understand, the Secretary of War, under the new arrangement, practically orders contracts to be made where contracts are made at the suggestion of the Council of National Defense, without exercising any special advisory power, which, of course, he would have the authority to exercise; and I have no criticism of the Secretary of War; but if it be true that a committee of the Council of National Defense which passes upon this matter consists of an officer of a company who got the contract, the Secretary of War will certainly have a rude awakening from the idea that he can depend upon the Council of National Defense to recommend contracts to him.

Mr. FITZGERALD. I stated to the Secretary the information that has been referred to.

Mr. MANN. I made the statement on the floor of the House, and called the gentleman's attention to it the other day.

Mr. FITZGERALD. Everybody does not read all of the gentleman's statements in the RECORD.

I stated all the facts to the Secretary. He was not familiar with the matter at all. Necessarily he would not be; but he said he would at once go over it with the advisory commission, and take the matter up.

Mr. MANN. I think we have a right to know whether, under the present arrangement, the Secretary of War is going to permit the Council of National Defense to tell him what contracts to make and make contracts in great bunches instead of scattering them about, and those contracts may be made on the recommendation of the man who has the company that gets the contracts. I do not know whether that is the fact or not, but we want to know it here.

Mr. FITZGERALD. I have given all the information I have. "Further the deponent saith not."

Mr. MADDEN. I just wish to say to the chairman of the Appropriations Committee, I hope they will continue to investigate as to whether or not contracts are being let to the men who are in charge of the subcommittees of the committees of the Council of National Defense to the exclusion of people who are engaged legitimately in that kind of business which their education qualifies them to perform? The Barrett Co. has no qualifications whatever, no facilities whatever, no experience whatever in the matter of road building.

Mr. CANNON. Mr. Speaker, I would like to have five minutes.

Mr. FITZGERALD. How much time have I, Mr. Speaker?

The SPEAKER. The gentleman has 16 minutes remaining.

Mr. FITZGERALD. I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I have listened to the debate about the Norfolk proposal. It seems to me to come very strongly recommended, but I have no opinion about it. I apprehend, however, that if it is necessary to have it, what, if anything, remains of the $100,000,000 emergency fund could be had either for lease or purchase or improvement, in the discretion of the President. I do not care to talk further about that.

Now, I am interested about the work of the Council of National Defense, consisting, I believe, of five Cabinet officers, and also in the work of the advisory committee, headed by Mr. Willard, who, I believe, is president of the Baltimore & Ohio Railroad, and composed of quite a number of other gentlemen. I have forgotten how many were placed upon it, but they have many suborganizations, as I understand. And, if I understand, the function of this advisory board is to obtain men, who seem so far to have been obtained without compensation, that know something about matters that they investigate. This is work that has to be done under stress. Now, an Army officer—and I have great admiration for an official of the Government of the United States, whether he be in the Army or the Navy—knows just one thing, and that is that he can advertise as the law provides after he has got his plans and specifications. Then the bids come in, and then the clerks go to work and analyze and make a report. Then the lowest and best bidder gets the contract, giving a bond, and if he does not come up to the stipulations of the bond there is an action on the bond, and so on.

But this is under an emergency and war measure stress. Now, let us be fair amongst ourselves. We get requests from our constituents asking us to try to put them in touch with the War Department. And they have received information that it is necessary for them to make their application to the Council of National Defense as to their capacity to do the emergency work and receive their hearing, and then to get the recommendation if they can. There is a general idea in some parts of the country that this advisory council lets contracts. But it does not. If it performs its function it will ascertain the facts with all the diligence the emergency will allow and report them to the War Department. So far as I know or believe, they have exercised this function with celerity and dispatch.

Now, I have constituents that would like contracts. I apprehend that my colleagues may have constituents that would like contracts. It is very proper for them to try to see and for me to try to see that what is done is done in fairness. But if you are going to shut out every man from being upon the advisory council who has ever had any experience or that may be interested, directly or indirectly, in certain lines, you will have a pretty gay time in doing emergency work. [Applause.]

Mr. MADDEN. Will my colleague yield to me?

Mr. CANNON. Certainly; with great pleasure.

Mr. MADDEN. My colleague would not think it was going to embarrass the Council of National Defense to prevent any one member of the Council of National Defense letting contracts for a line of work in which he was not engaged in the company of which he was president, would he?

Mr. CANNON. As to that, I do not know this man——

Mr. MADDEN. Neither do I.

Mr. CANNON. I do not know whether he knows anything about roads or not. I do not know his capacity. Somebody said he had 40 establishments scattered all over the country—and I believe the gentleman—and that he manufactured coal tar. What you want in these contracts is not a bond. You want somebody that will do the emergency work and do it on time, of course giving bond, but has the capacity to do the work and will do it without regard to the bond. What is desired is to have the work without a lawsuit on the bond. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Speaker, the House has been discussing the item in the bill that is referred to as the "Jamestown Exposition site." The Jamestown Exposition site appears on this map colored in blue and red. In this tract colored blue and red there are 325 acres; 275 acres in the red, and 52 in the blue. That part of the land that is marked blue is land which has been sold to private purchasers and improved to some extent by the erection of private dwellings. The land on the left side of the map, on the left of the Jamestown site, and which faces out on deep water, is known as the Pine Beach property and consists of 106 acres. It is believed that over 300 acres can be obtained by filling in, out to the bulkhead line.

The price expected to be paid for the property in red, which is now held by the Fidelity Land & Investment Co., which, I understand, is the old Jamestown Exposition Co., representing its interests, is $450,000. The price for the land in blue is $473,000, and the improvements are estimated to be worth $186,975, while for the land of the old Pine Beach property the price is $568,500, and the improvements are estimated to be worth $241,500. The Jamestown Exposition site has water front, but is not so located that access to deep water can be had without dredging and building to an extraordinary extent.

Mr. BURNETT. That is this property that is involved?

Mr. FITZGERALD. All of it is involved. As to the Pine Beach property, it is expected that piers can be built out in this direction to the channel, where there is 35 feet of water.

Now, the Navy Department presented this matter to the House Committee on Appropriations. But before I take that up I want to say that an estimate of the improvements upon the old Jamestown property by Admiral Holliday, formerly Chief of the Bureau of Yards and Docks, fixed their value at $600,000, and those improvements included not only the buildings but the sewer mains, the streets, and the water mains; and under this provision in the bill the rights and property of all railway, electric-light, power, water, sewer, cable, telegraph, and telephone companies are to be acquired within $1,400,000, as well as the properties and improvements.

Mr. BATHRICK. Mr. Speaker, will the gentleman tell us what those rights are? Does any railroad run across the property?

Mr. FITZGERALD. A railroad runs through here to the water front, and the railroads have certain riparian rights of a valuable character.

Mr. BATHRICK. Mr. Speaker, will the gentleman yield again?

Mr. FITZGERALD. I have only 10 minutes. I want to make a connected statement, and I prefer not to be interrupted.

The Navy Department submitted this matter to the Committee on Appropriations and insisted that it was imperatively required because of the present exigency. The committee believed that it was necessary to acquire some place, by purchase or rent, to train the men who are enlisted in order to bring the Navy up to its increased strength, and it ascertained that this project had a twofold character—one to provide a place where these men could be sent, housed, and trained, and the other to commence the establishment of a great naval base. But, under all the circumstances, the Committee on Appropriations did not believe it came within the category of the things that might be called imperative at this time. The Senate Committee on Naval Affairs conducted some investigations, and as the result of statements by the Secretary of the Navy and Admiral Leigh C. Palmer, Chief of the Bureau of Navigation, and Capt. Josiah S. McKean, an officer who had been detailed specially to make a study of the matter, the Senate Committee on Appropriations included this provision in the bill; and the statement is reiterated that in order to find a place to provide for the men who are being enlisted, to train them and fit them to board the ships, this place is needed. One of the reasons given for its acquisition at this time is that the improvements and the buildings upon the property make it possible to send men at once and to have what are said to be adequate facilities, including water and sewer systems.

Now, I stated at the outset that I had not been entirely convinced as to the wisdom of this matter, and perhaps undue importance has been placed upon that statement. Here is a bill, Mr. Speaker, which carries three billion three hundred and odd million dollars to equip, to subsist, and to pay, not only the men who are to be assembled into an army of a million men, but to enable the Navy Department to be put upon a proper footing and equipped for the war. Here is a place, 7 miles from Norfolk, with its navy yard, its warehouses, its coal and oil facilities, and the Navy Department insists, through its military advisers, that the place ought to be acquired at this time, immediately, in order to take men who are now being enlisted and can not be sent elsewhere for training, but that primarily it should be acquired as a great naval fleet base.

Now, there are a number of times when I think I have enough sense to use my own judgment, even if I may not be convinced that the judgment of some one else is better. I can not know everything connected with the Government of the United States. I do not know anything about the values of these lands. I am not familiar with the character of the improvements on them. I have no knowledge about this property except the information that is given to me by those responsible for putting the Navy in an efficient condition; but those who are responsible for having the Navy in an efficient and proper condition, now when we are at war, when it is necessary to have it and to keep it in an efficient condition, state that this land, this property, ought to be acquired, and acquired at once, for the purposes indicated. I can not stand idly, Mr. Speaker, with anyone to hold up a bill carrying $3,000,000,000 on account of an ultimate expenditure

of $3,000,000 for some purpose. I expect before we conclude this war that much money must necessarily be expended that perhaps will not be expended in the wisest manner possible; but those who have the best information, those who are in a position to be best informed, those who have the responsibility of the national defense, insist that this ought to be acquired, and so I hope I have enough sense to surrender any convictions I might have to support the administration in doing the things it says are essential for the public defense.

Now, some gentlemen say we ought to condemn this land and not authorize its purchase. The testimony shows that originally options were secured upon this land for $1,700,000, and by degrees the price has been scaled down until now the options that are had aggregate $1,440,000.

The department states that it believes it can get a further reduction to $1,400,000, but can not get any further reduction.

If this land is needed, it is needed now. It is needed not at the end of six or eight months, when condemnation proceedings can be had, but it is needed in order to enable the Navy Department to take the men who are being enlisted and being turned back to their homes because there is no other place where they can be sent.

The statement is made by the Navy Department that with the authorized strength of the Navy fixed at 150,000 men there will be continuously in training on shore, to take the place of men upon the ships, in the neighborhood of 20,000 men.

Under all these circumstances, in view of the fact that the departments are clamoring for the money carried in this bill, and that everybody in a responsible position in the Navy Department insists that this is essential for the public defense, that it is a matter which they have investigated and considered not through one officer but through a number of officers and through various boards, I hope that the House will not go to the extreme of rejecting this report and sending this entire bill back to conference, but will adopt the report and trust those charged with the responsibility to do what is best for the interests of the American people under all the circumstances. [Applause.]

Mr. Speaker, I move the previous question upon the adoption of the report.

The SPEAKER. The gentleman from New York moves the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question being taken, the Speaker announced that the noes appeared to have it.

Mr. FITZGERALD. I ask for a division.

The House divided, and there were—ayes 57, noes 70.

Mr. FITZGERALD. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from New York makes the point of order that there is no quorum present. Evidently there is not. The Doorkeeper will lock the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 115, nays 184, answered "present" 4, not voting 127, as follows:

YEAS—115.

Adamson	Evans	King	Russell
Alexander	Ferris	Lazaro	Sabath
Austin	Fisher	Lesher	Sanders, La.
Black	Fitzgerald	Lunn	Sears
Blackmon	Flood	McArthur	Shackleford
Blanton	Foster	McLemore	Sherley
Borland	Garrett, Tenn.	Magee	Shouse
Bowers	Garrett, Tex.	Mansfield	Sims
Browning	Gillett	Martin, La.	Sisson
Buchanan	Glass	Miller, Minn.	Slayden
Byrnes, S. C.	Godwin, N. C.	Montague	Slemp
Byrns, Tenn.	Good	Moon	Small
Caldwell	Gordon	Neely	Smith, C. B.
Cannon	Green, Iowa	Oldfield	Switzer
Coady	Gregg	Oliver, N. Y.	Taylor, Ark.
Connally, Tex.	Hadley	Olney	Towner
Copley	Hamlin	Overstreet	Vare
Crisp	Harrison, Miss.	Padgett	Walton
Curry, Cal.	Harrison, Va.	Platt	Watkins
Davidson	Hayden	Polk	Watson, Va.
Decker	Heflin	Pou	Weaver
Dent	Heintz	Price	Webb
Denton	Holland	Quin	Welling
Dies	Hollingsworth	Ragsdale	Whaley
Dominick	Hood	Raker	White, Ohio
Doughton	Hulbert	Rayburn	Wilson, La.
Dupré	Humphreys	Robinson	Wingo
Eagan	Igoe	Rouse	Young, Tex.
Eagle	Jones, Va.	Rucker	

NAYS—184.

Almon	Bacharach	Bathrick	Burnett
Anderson	Bacon	Bell	Burroughs
Aswell	Bankhead	Browne	Campbell, Pa.
Ayres	Barkley	Brumbaugh	Candler, Miss.
Carter, Mass.	Greene, Vt.	Lundeen	Scott, Mich.
Cary	Griest	McClintic	Sherwood
Chandler, Okla.	Hamilton, Mich.	McFadden	Siegel
Church	Hardy	McKeown	Sinnott
Classon	Haskell	McKinley	Smith, Idaho
Connelly, Kans.	Hastings	McLaughlin, Mich.	Smith, Mich.
Cox	Haugen	McLaughlin, Pa.	Snell
Crago	Hawley	Madden	Snook
Crosser	Heaton	Mann	Stafford
Dale, Vt.	Helm	Mapes	Steagall
Dallinger	Helvering	Meeker	Steenerson
Darrow	Hensley	Miller, Wash.	Sterling, Ill.
Davis	Hersey	Moore, Pa.	Stiness
Dempsey	Hicks	Mott	Strong
Denison	Hilliard	Nichols, Mich.	Sumners
Dill	Huddleston	Nolan	Sweet
Dillon	Hutchinson	Norton	Tague
Doolittle	Jacoway	Oliver, Ala.	Taylor, Colo.
Dowell	James	Osborne	Temple
Ellsworth	Johnson, Ky.	O'Shaunessy	Templeton
Elston	Johnson, S. Dak.	Overmyer	Thompson
Emerson	Johnson, Wash.	Parker, N. J.	Tillman
Esch	Jones, Tex.	Phelan	Tilson
Fairchild, B. L.	Juul	Porter	Timberlake
Fairchild, G. W.	Kahn	Purnell	Tinkham
Fairfield	Keating	Ramsey	Van Dyke
Farr	Kehoe	Ramseyer	Venable
Focht	Kelley, Mich.	Randall	Vestal
Frear	Kelly, Pa.	Rankin	Vinson
French	Kincheloe	Reed	Voigt
Fuller, Mass.	Knutson	Robbins	Volstead
Gallagher	Kraus	Roberts	Walker
Gallivan	La Follette	Rodenberg	Ward
Gandy	LaGuardia	Rogers	Wason
Glynn	Langley	Romjue	Watson, Pa.
Goodall	Lea, Cal.	Rose	Welty
Gould	Lehlbach	Rubey	Wheeler
Graham, Ill.	Lenroot	Sanders, Ind.	White, Me.
Graham, Pa.	Little	Sanders, N. Y.	Wilson, Ill.
Gray, Ala.	London	Sanford	Wood, Ind.
Gray, N. J.	Lonergan	Schall	Woods, Iowa
Greene, Mass.	Longworth	Scott, Iowa	Young, N. Dak.

ANSWERED "PRESENT"—4.

Booher	Butler	Cooper, W. Va.	Stephens, Nebr.

NOT VOTING—127.

Anthony	Drukker	Key, Ohio	Rainey
Ashbrook	Dunn	Kiess, Pa.	Reavis
Barnhart	Dyer	Kinkaid	Riordan
Bland	Edmonds	Kitchin	Rowe
Brand	Estopinal	Kreider	Rowland
Britten	Fess	Larsen	Saunders, Va.
Brodbeck	Fields	Lee, Ga.	Scott, Pa.
Bruckner	Flynn	Lever	Scully
Campbell, Kans.	Fordney	Linthicum	Sells
Cantrill	Foss	Littlepage	Shallenberger
Capstick	Francis	Lobeck	Sloan
Caraway	Freeman	McAndrews	Smith, T. J.
Carew	Fuller, Ill.	McCormick	Snyder
Carlin	Gard	McCulloch	Stedman
Carter, Okla.	Garland	McKenzie	Steele
Chandler, N. Y.	Garner	Maher	Stephens, Miss.
Clark, Fla.	Goodwin, Ark.	Martin, Ill.	Sterling, Pa.
Clark, Pa.	Griffin	Mason	Stevenson
Claypool	Hamill	Mays	Sullivan
Collier	Hamilton, N. Y.	Mondell	Swift
Cooper, Ohio	Hayes	Moores, Ind.	Talbott
Cooper, Wis.	Hill	Morgan	Thomas
Costello	Houston	Morin	Treadway
Cramton	Howard	Mudd	Waldow
Currie, Mich.	Hull, Iowa	Nelson	Walsh
Dale, N. Y.	Hull, Tenn.	Nicholls, S. C.	Williams
Dewalt	Husted	Paige	Wilson, Tex.
Dickinson	Ireland	Park	Winslow
Dixon	Kearns	Parker, N. Y.	Wise
Dooling	Kennedy, Iowa	Peters	Woodyard
Doremus	Kennedy, R. I.	Powers	Zihlman
Drane	Kettner	Pratt	

So the conference report was rejected.

The following pairs were announced:

For the session:

Mr. STEELE with Mr. BUTLER.

Until further notice:

Mr. LINTHICUM with Mr. FOSS.

Mr. CLARK of Florida with Mr. FULLER of Illinois.

Mr. STEPHENS of Nebraska with Mr. SLOAN.

Mr. DICKINSON with Mr. SELLS.

Mr. BARNHART with Mr. MORGAN.

Mr. SHOUSE with Mr. DUNN.

Mr. DEWALT with Mr. HAMILTON of New York.

Mr. BOOHER with Mr. TREADWAY.

Mr. SLAYDEN with Mr. HAYES.

Mr. DALE of New York with Mr. PAIGE.

Mr. BRUCKNER with Mr. PRATT.

Mr. RIORDAN with Mr. REAVIS.

Mr. WILSON of Texas with Mr. DYER.

Mr. WISE with Mr. FESS.

Mr. ASHBROOK with Mr. ANTHONY.

Mr. BRAND with Mr. BLAND.

Mr. BRODBECK with Mr. BRITTEN.

Mr. BRUCKNER with Mr. KREIDER.

Mr. CANTRILL with Mr. ZIHLMAN.

Mr. CARAWAY with Mr. CHANDLER of New York.

Mr. CAREW with Mr. CLARK of Pennsylvania.

Mr. CARLIN with Mr. COOPER of Ohio.
Mr. CARTER of Oklahoma with Mr. COOPER of Wisconsin.
Mr. CLAYPOOL with Mr. COSTELLO.
Mr. DIXON with Mr. CRAMTON.
Mr. DOOLING with Mr. WOODYARD.
Mr. DOREMUS with Mr. DRUKKER.
Mr. DRANE with Mr. EDMONDS.
Mr. ESTOPINAL with Mr. WALDOW.
Mr. FIELDS with Mr. FORDNEY.
Mr. FLYNN with Mr. FRANCIS.
Mr. GARD with Mr. FREEMAN.
Mr. GARNER with Mr. GARLAND.
Mr. GOODWIN of Arkansas with Mr. HULL of Iowa.
Mr. GRIFFIN with Mr. HUSTED.
Mr. HAMILL with Mr. IRELAND.
Mr. HOUSTON with Mr. KEARNS.
Mr. HOWARD with Mr. KENNEDY of Iowa.
Mr. KETTNER with Mr. KIESS of Pennsylvania.
Mr. KEY of Ohio with Mr. WINSLOW.
Mr. KITCHIN with Mr. CAMPBELL of Kansas.
Mr. LARSEN with Mr. MCCORMICK.
Mr. LEE of Georgia with Mr. MCCULLOCH.
Mr. LEVER with Mr. MCKENZIE.
Mr. LOBECK with Mr. MASON.
Mr. MCANDREWS with Mr. MONDELL.
Mr. MAHER with Mr. MOORES of Indiana.
Mr. MARTIN of Illinois with Mr. MORGAN.
Mr. MAYS with Mr. MORIN.
Mr. NICHOLLS of South Carolina with Mr. MUDD.
Mr. PARK with Mr. NELSON.
Mr. RAINEY with Mr. PARKER of New York.
Mr. SAUNDERS of Virginia with Mr. PETERS.
Mr. SHALLENBERGER with Mr. POWERS.
Mr. THOMAS F. SMITH with Mr. PRATT.
Mr. STEDMAN with Mr. ROWE.
Mr. STEPHENS of Mississippi with Mr. ROWLAND.
Mr. STERLING of Pennsylvania with Mr. WILLIAMS.
Mr. STEVENSON with Mr. SNYDER.
Mr. SULLIVAN with Mr. WALSH.
Mr. LINTHICUM with Mr. FOSS.
Mr. TALBOTT with Mr. BROWNING, commencing May 25 and ending June 5.
Mr. LITTLEPAGE with Mr. COOPER of West Virginia, commencing May 26 and ending June 3.
Mr. HULL of Tennessee with Mr. HILL, commencing May 24 until further notice.

On this vote:

Mr. COLLIER (for) with Mr. KENNEDY of Rhode Island (against).

Mr. BROWNING. Mr. Speaker, I have a general pair with my colleague, Mr. TALBOTT. I voted "aye," and I think if he were present he would vote the same way; therefore I will let the vote stand.

Mr. BUTLER. Mr. Speaker, I have a general pair with Mr. STEELE of Pennsylvania. I voted "no." I will withdraw that vote and answer "present."

The result of the vote was then announced as above recorded.

A quorum being present, the doors were opened.

Mr. FITZGERALD. Mr. Speaker, I move that the House further insist on its disagreement to all the Senate amendments except Senate amendment No. 2, further insist on its amendment to No. 2, and ask for a conference.

The SPEAKER. The gentleman from New York moves that the House further insist on its disagreement to all the Senate amendments except No. 2, and further insist upon its amendment to Senate amendment No. 2, and ask for a conference.

The motion was agreed to.

Mr. KELLEY of Michigan. Mr. Speaker, I offer the following privileged motion.

The Clerk read as follows:

Mr. KELLEY of Michigan moves that the managers on the part of the House be instructed not to agree in conference to Senate amendment No. 68.

Mr. FITZGERALD. And on that, Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the motion to instruct the conferees offered by the gentleman from Michigan.

The question was taken, and the motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. FITZGERALD, Mr. SHERLEY, and Mr. GILLETT.

SERVICE OF CERTAIN RETIRED OFFICERS OF THE ARMY.

Mr. DENT. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution No. 70, relating to the service of certain retired officers of the Army.

The SPEAKER. The gentleman from Alabama asks unanimous consent for the present consideration of Senate joint resolution No. 70, which the Clerk will report.

The Clerk read as follows:

Joint resolution (S. J. Res. 70) relating to the service of certain retired officers of the Army.

Resolved, etc., That when retired officers of the Army, any portion of whose active service was in the Corps of Engineers, are called back into active service they shall be eligible to fill any position required by law to be filled by an officer of the Corps of Engineers.

The SPEAKER. Is there objection to the present consideration of the Senate joint resolution?

There was no objection.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. DENT, a motion to reconsider the vote whereby the Senate joint resolution was passed was laid on the table.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I call up the conference report on the bill H. R. 11, making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from New York calls up the conference report on the sundry civil appropriation bill and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

CONFERENCE REPORT (NO. 71).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 6, 7, 8, 11, 12, 16, 18, 21, 22, 23, 28, 32, 38, 39, 48, 64, 66, 67, 75, 76, 77, 79, 88, 90, 91, 95, 97, 98, 99, 102, 104, 108, 109, 112, 120, 121, 122, 123, 124, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 139, 141, 142, 151, and 156.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 9, 10, 17, 24, 25, 26, 27, 30, 31, 33, 34, 35, 36, 37, 40, 41, 42, 43, 45, 46, 47, 50, 51, 52, 53, 54, 55, 57, 58, 59, 61, 62, 63, 65, 68, 69, 70, 71, 72, 73, 78, 81, 84, 86, 87, 89, 93, 94, 96, 100, 103, 116, 117, 118, 119, 125, 137, 138, 140, 144, 145, 146, 147, 150 152, 153, 154, 155, 157, 158, and 159, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: Strike out all of the matter inserted by said amendment after the word "appropriated," in line 8, and in lieu of the matter thus stricken out insert the following: "*Provided*, That the foregoing buildings shall not be included among the buildings to be supplied with heat, light, and power, from the said power plant, if such inclusion shall interfere in any way with the completion of the said plant at the earliest date possible"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"To enable the Coast Guard to bring its present telephone system of coastal communication to a high state of efficiency, to extend such system to include all Coast Guard stations not now connected, and to include the most important light stations which have at present no means of rapid communication, including personal services and all other necessary expenses in connection therewith, $300,000."

And the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,856,086"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For payment to the legal representatives of Napoleon B. Giddings, deceased, in accordance with private act No. 165, Sixty-fourth Congress, approved February 8, 1917, $1,950."

And the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "and the members of his immediate family"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$275,000"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"MILITARY PUBLICATIONS.

"In addition to any other appropriation available for this purpose, there is hereby appropriated $150,000, or so much thereof as may be necessary, to be immediately available, to be expended in printing and binding publications and manuals necessary for the organization and instruction of the land forces of the United States or such other necessary printing as the Secretary of War may prescribe: *Provided*, That the printing and binding herein authorized may be executed under contract with private concerns if in the judgment of the Secretary of War the public interest requires, notwithstanding the provisions of law requiring such printing and binding to be done in the Government Printing Office."

And the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$732,000"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$68,500"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For an additional amount for ice-making plant, $7,000."

And the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"San Antonio Arsenal, San Antonio, Tex.;

"For increasing facilities for the repair of ordnance matériel, including necessary buildings, etc., $50,000;

"For a magazine, $30,000;

"For adding two stories to storehouse, $45,000;

"For a building for storing artillery vehicles and machine-gun trucks, $3,000;

"In all, $128,000."

And the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,021,100"; and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$6,000,000"; and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"To provide for an increase of 15 per cent in the pay of park laborers, $15,000."

And the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Aqueduct Bridge: For continuing the construction of the bridge authorized in section 1 of an act entitled 'An act to provide for the removal for what is now known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereof,' approved May 18, 1916, $400,000, one-half to be payable out of the Treasury of the United States and the other half out of the revenues of the District of Columbia."

And the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$329,600"; and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: Omit all of the matter inserted by said amendment after the word "Mines," in line 6; and the Senate agree to the same.

Amendment numbered 101: That the House recede from its disagrement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "also not exceeding $60,000 for the completion of the installation of the hydroelectric power plant authorized by the sundry civil act for the fiscal year 1917; in all, $235,000: *Provided*, That the unexpended balance of the appropriation of $150,000 for the fiscal year 1917 for the hydroelectric power plant is made available for the fiscal year 1918"; and the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagrement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended as follows: On page 124 of the bill, in line 8, after the word "park," insert the following: ", except Hot Springs Reservation, Ark"; and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Hot Springs Reservation, Ark.: For the employment of a landscape engineer and such other expenses as may be required for the preparation of a practical and comprehensive plan, together with an accurate estimate of the cost thereof, for improving the Hot Springs Reservation, there is authorized to be expended from the revenues received from the said reservation the sum of $10,000."

And the Senate agree to the same.

Amendment numbered 107: That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: Transpose the matter inserted by said amendment to follow line 18, on page 143 of the bill, amended to read as follows:

"DEPARTMENT OF AGRICULTURE.

"For contribution to the Forest Service for construction of a bridge across the Narrows over the waters between Cass Lake and Pike Bay, in the Minnesota National Forest, Minn., upon condition that the local authorities, State or county, contribute $10,000 toward the building of the same, $10,000."

And the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows:

"For the erection of shop buildings or factories and their appurtenances, $82,500."

And the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows:

"For the erection of shop buildings or factories and their appurtenances, $129,500."

And the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "hire of motor-propelled or horse-drawn passenger-carrying vehicles when necessary"; and the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25,000"; and the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu

of the sum proposed insert "$600,000"; and the Senate agree to the same.

Amendment numbered 143: That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"To pay M. I. Howell for services rendered the special committee appointed under Senate resolution No. 543, to secure certain information concerning interned ships in the ports of the United States and elsewhere, and what efforts have been made by certain parties or interests to prevent the passage of Senate bill No. 6856, commonly known as the ship purchase bill, during the third session of the Sixty-third Congress, from February 16 to April 8, 1915, $115."

And the Senate agree to the same.

Amendment numbered 148: That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,275,000"; and the Senate agree to the same.

Amendment numbered 149: That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,024,720"; and the Senate agree to the same.

JOHN J. FITZGERALD,
SWAGER SHERLEY,
Managers on the part of the House.

LEE S. OVERMAN,
O. W. UNDERWOOD,
F. E. WARREN,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of said amendments, namely:

On Nos. 1, 2, 3, 4, 5, 6, 7, 8, and 9, relating to public buildings: Appropriates $700 additional, as proposed by the Senate, for the site at Barbourville, Ky.; restores the language, stricken out by the Senate, increasing by $200,000 the limit of cost of the New York assay office; appropriates $100,000 for the post office at Paris, Tex.; appropriates $50,000 for completing the remodeling of the post office at Pittsburgh; inserts the paragraph, proposed by the Senate, to include the Pan American Building, the Civil Service Commission Building, and the Municipal Fish Market among the buildings to be supplied from the central heating, lighting, and power plant, modified to provide that such buildings shall not be included if they shall interfere with the completion of the power plant at the earliest possible date; strikes out the appropriation of $250 for additional ground for the Gettysburg, Pa., post office; strikes out the appropriation of $1,675,000 for the purchase and maintenance of the New York quarantine station; appropriates $580,660, as proposed by the House, instead of $590,000, as proposed by the Senate, for general expenses of public buildings; and appropriates $3,250,000, as proposed by the Senate, instead of $3,200,000, as proposed by the House, for the operating force of public buildings.

On Nos. 10, 11, 12, 13, and 14, relating to the Coast Guard: Provides for 44 cadets and cadet engineers, as proposed by the Senate, instead of 30, as proposed by the House; strikes out the increases, proposed by the Senate, in the items for pay and allowances and rations; and appropriates $300,000, instead of $600,000, as proposed by the Senate, to enable the Coast Guard to bring its telephone system to a high state of efficiency.

On No. 15: Appropriates $1,950, as proposed by the Senate, to carry out the provisions of private act No. 165, Sixty-fourth Congress, for payment to Napoleon B. Giddings.

On No. 16: Strikes out the paragraph, proposed by the Senate, authorizing a credit in the accounts of E. A. Wreidt, disbursing officer of the Commission on Federal Aid to Vocational Education.

On No. 17: Appropriates $185,000, as proposed by the Senate, instead of $115,000, as proposed by the House, for contingent expenses of the Independent Treasury.

On Nos. 18, 19, 20, 21, 22, and 23, relating to the suppression of counterfeiting and other crimes: Appropriates $275,000, instead of $400,000, as proposed by the Senate, and $225,000, as proposed by the House; inserts the authority, proposed by the Senate, extending the protection of the Secret Service to the members of the President's immediate family; strikes out the provisions, inserted by the Senate, enlarging the scope of the Secret Service and providing for a maximum pay of $12 per day.

On No. 24: Inserts the paragraph, proposed by the Senate, extending the time for the commencement of the George Washington Memorial Building to March 4, 1919, and reducing to $500,000 the amount to be raised before construction is commenced.

On Nos. 25 and 26: Appropriates $250,000, as proposed by the Senate, instead of $400,000, as proposed by the House, for the food investigation by the Federal Trade Commission and makes a grammatical correction in the text of the paragraph.

On No. 27: Inserts authority for the purchase of books of reference and periodicals in the appropriation for the Tariff Commission.

On No. 28, relating to the Rock Creek and Potomac Parkway: Restores the language stricken out by the Senate defining the total area of the lands to be acquired for the parkway.

On No. 29: Appropriates $150,000, instead of $300,000, as proposed by the Senate, for printing and binding military publications and manuals.

On Nos. 30 and 31, relating to the Benicia, Cal., Arsenal: Appropriates $2,000, as proposed by the Senate, for a fence around the lumber yard.

On Nos. 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, and 44, relating to the Frankford Arsenal Philadelphia: Strikes out the following appropriations proposed by the Senate: $24,000 for building for storing fire engines and hose carts, $20,000 for extension of the barracks, and $9,000 for quarters for noncommissioned officers.

Inserts the following appropriations, as proposed by the Senate: $10,000 for a high-explosive loading shop, $30,000 for a paint shop, $25,000 for a small-arms firing range, $75,000 for an artillery firing range, $135,000 for a general storehouse, $40,000 for the construction of tunnels and heating and lighting mains, $5,000 for the instrument department building, $25,000 for the artillery case shop building, and $90,000 for an artillery ammunition storehouse.

On Nos. 45, 46, 47, 48, and 49, relating to the Picatinny Arsenal, Dover, N. J.: Appropriates, as proposed by the Senate, $2,500 for storage facilities for old powder, $15,000 for a powder magazine, $8,000 for improving existing magazines, and strikes out the appropriation of $10,000 for a steam turbine and electric generator.

On No. 50: Appropriates $1,500,000, as proposed by the Senate, instead of $1,000,000, as proposed by the House, for proving-ground facilities.

On Nos. 51, 52, 53, 54, 55, 56, and 57, relating to the Rock Island Arsenal, Ill.: Appropriates, as proposed by the Senate, $750,000 additional for facilities for the manufacture of field-artillery ammunition, $165,000 for a central steam-heating plant, $15,000 for a motor-truck garage, $125,000 for a rifle and hand-grenade plant, and $7,000 additional for the ice-making plant.

On Nos. 58 and 59, relating to Sandy Hook Proving Ground: Appropriates $3,500, as proposed by the Senate, for two coal bins.

On No. 60, relating to the San Antonio, Tex., Arsenal: Appropriates $50,000 instead of $70,000, as proposed by the Senate, for facilities for the repair of ordnance material; $30,000 for a magazine; $45,000 for an addition to a storehouse; and $3,000 for a storehouse for field-artillery vehicles and machine-gun trucks; and strikes out the appropriations, proposed by the Senate, of $5,000 for road repairs and $9,000 for improving transportation facilities.

On Nos. 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, and 75, relating to the Watertown, Mass., Arsenal: Appropriates $14,500, as proposed by the Senate, instead of $9,500, as proposed by the House, for a locomotive crane; appropriates $90,000, as proposed by the Senate, instead of $60,000, as proposed by the House, for a storehouse and its equipment; appropriates $4,000, as proposed by the Senate, instead of $3,000, as proposed by the House, for a fire engine; appropriates $10,000, as proposed by the House, instead of $16,000, as proposed by the Senate, for roads and sidewalks; appropriates $12,000, as proposed by the Senate, instead of $7,000, as proposed by the House, for an oil storage plant and equipment; appropriates, as proposed by the Senate, $20,000 for a power tunnel, $35,000 for improving the smith shop, $16,000 for a building for the planning room and inspector's office, $10,000 for a fire-alarm system, $8,600 for replacing the roof of the hardening plant, $800,000 for a foundry and its equipment; and appropriates $15,000, as proposed by the House, instead of $25,000, as proposed by the Senate, for the operation of testing machines; and strikes out the appropriations of $15,000 for extension of the office building and $30,000 for officers' quarters.

On Nos. 76 and 77, relating to the Watervliet Arsenal, West Troy, N. Y.: Strikes out the appropriation of $10,000, proposed by the Senate, for repairing main roads.

On Nos. 78 and 79: Appropriates $1,000,000, as proposed by the Senate, for storage facilities at armories and arsenals, and strikes out the paragraph inserted by the Senate making the appropriations for armories and arsenals immediately available.

On No. 80: Appropriates $6,000,000, instead of $10,500,000, as proposed by the Senate, for flood control.

On Nos. 81 and 82, relating to public buildings and grounds: Appropriates $7,000, as proposed by the Senate, for a wagon shed at the propagating gardens, and appropriates $15,000 for an increase of 15 per cent in the pay of park laborers, instead of $25,000 for a 25 per cent increase, as proposed by the Senate.

On No. 83: Appropriates $400,000, as proposed by the Senate, for continuing the construction of the new Aqueduct Bridge.

On Nos. 84, 85, and 86, relating to the National Home for Disabled Volunteer Soldiers: Appropriates $62.000, as proposed by the Senate, instead of $58,000, as proposed by the House, for household expenses at the Northwestern Branch, Milwaukee, Wis.

On No. 87: Appropriates $1,030,000, as proposed by the Senate, instead of $1,070,000, as proposed by the House, for aid to State and Territorial soldiers' homes.

On No. 88: Appropriates $400,000, as proposed by the House, instead of $425,000, as proposed by the Senate, for contingent expenses of Land Office.

On No. 89, relating to the survey of public lands: Provides for 2 supervisors of surveys at $250 per month each, as proposed by the Senate, instead of 1 supervisor of surveys, at $300 per month, and 10 supervisors, at $250 per month each, as proposed by the House.

On No. 90: Strikes out the paragraph, inserted by the Senate, making the appropriations for the Geological Survey immediately available.

On Nos. 91 and 92, relating to the Bureau of Mines: Provides, as proposed by the House, that not exceeding 30 per cent of the appropriation for investigating mineral fuels and unfinished mineral products may be used for personal services in the District of Columbia, instead of 20 per cent, as proposed by the Senate; inserts the paragraph, proposed by the Senate, authorizing the detail of officers of the Public Health Service for cooperative work with the Bureau of Mines, and strikes out the paragraph, proposed by the Senate, authorizing the Bureau of Mines to use its funds in the United States or foreign countries for investigations of military value.

On Nos. 93 and 94: Strike out the language, proposed by the House, relative to the disposal of receipts from power plants of the Reclamation Service.

On No. 95: Appropriates $200,000, as proposed by the House, instead of $215,000, as proposed by the Senate, for education in Alaska.

On No. 96: Appropriates $62,500, as proposed by the Senate, instead of $50,000, as proposed by the House, for medical relief in Alaska.

On No. 97: Strikes out the paragraph, inserted by the Senate, authorizing the purchase of a passenger-carrying automobile for the use of the Alaskan Engineering Commission at Seattle, Wash.

On Nos. 98 and 99, relating to the Yellowstone National Park: Appropriates $5,500, as proposed by the House, instead of $24,800, as proposed by the Senate, for administration and protection, and restores the language, stricken out by the Senate, prohibiting the use of the revenues of the Yellowstone National Park for the payment of salaries for the protection of the park authorized to be performed by the detail of troops.

On No. 100: Inserts the paragraph, proposed by the Senate, authorizing the Secretary of the Interior to accept buildings, money, or other property useful in the development of Glacier National Park.

On No. 101: Appropriates $60,000 additional, as proposed by the Senate, for the completion of the hydroelectric power plant in the Yosemite National Park.

On No. 102: Appropriates $10,000, as proposed by the House, instead of $20,000, as proposed by the Senate, for the Mesa Verde National Park.

On No. 103: Inserts the paragraph, proposed by the Senate, authorizing the Secretary of the Interior to accept for park purposes certain lands, including Grandfather Mountain, in North Carolina.

On No. 104: Strikes out the appropriation of $5,000, proposed by the Senate, for the Lassen National Park.

On No. 105: Restores the paragraph, stricken out by the Senate, requiring the revenues of the national parks to be covered into the Treasury, modified so as to eliminate from the operation of the paragraph the Hot Springs Reservation, Ark.

On No. 106: Inserts the paragraph, proposed by the Senate, for the preparation of plans for the development of the Hot Springs Reservation, Ark., modified so as to make the cost thereof payable from the revenues of the reservation.

On No. 107: Appropriates $10,000, as proposed by the Senate, for a bridge in the Minnesota National Forest and transposes the appropriation to its proper place in the bill.

On No. 108: Strikes out the additional appropriation of $81,778.40, inserted by the Senate, for St. Elizabeths Hospital.

On No. 109: Appropriates $71,500, as proposed by the House, instead of $73,000, as proposed by the Senate, for the support of the Columbia Institution for the Deaf.

On Nos. 110, 111, and 112: Appropriates $82,500 for the erection of shop buildings at the Leavenworth (Kans.) Penitentiary and strikes out the appropriation of $202,500 for the purchase and installation of machinery and other equipment, and appropriates $129,500 for the erection of shop buildings at the Atlanta (Ga.) Penitentiary and strikes out the appropriation of $315,500 for the purchase and installation of machinery and other equipment.

On Nos. 113, 114, and 115, relating to the appropriation for the detection and prosecution of crimes by the Department of Justice: Appropriates $600,000 instead of $685,000, as proposed by the Senate, and $485,000, as proposed by the House; makes $25,000 available for personal services at the seat of government instead of $32,500, as proposed by the Senate, and $18,500, as proposed by the House; and inserts the authority, proposed by the Senate, for the hire of motor-propelled or horse-drawn passenger-carrying vehicles.

On No. 116: Appropriates $6,000, as proposed by the Senate, for the salary of the additional district judge in the State of Texas.

On Nos. 117 and 118: Appropriates $5,000 for the salary of the district judge and $3,000 for the salary of the clerk of the court for the district of Porto Rico.

On No. 119: Inserts, as proposed by the Senate, authority for the payment of the expenses of the judge of the district court of Porto Rico.

On No. 120: Strikes out the authority, inserted by the Senate, for the payment of subsistence to the chaplain at the Leavenworth (Kans.) Penitentiary.

On No. 121: Appropriates $1,104,650, as proposed by the House, instead of $1,150,000, as proposed by the Senate, for salaries of officers and crews of lighthouse tenders and light vessels.

On Nos. 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, and 136, relating to the Coast and Geodetic Survey: Strikes out the authority, inserted by the Senate, making portions of the appropriations for surveys on the Atlantic coast, surveys on the Pacific coast, and geodetic surveys immediately available; appropriates $56,000, as proposed by the Senate, instead of $45,000, as proposed by the House, for repairs of vessels; strikes out the appropriation of $708,000, proposed by the Senate, for two new vessels to replace the *Patterson* and *Gedney;* and strikes out all of the additional employees proposed by the Senate.

On Nos. 137, 138, and 139, relating to the Bureau of Fisheries: Appropriates $10,000, as proposed by the Senate, for developing aquatic sources of leather and $35,000 for repairs to steamer *Fish Hawk*, and appropriates $7,500, as proposed by the House, instead of $15,000, as proposed by the Senate, for the San Marcos, Tex., fish hatchery.

On No. 140: Describes the additional land to be purchased for the Bureau of Standards in the language proposed by the Senate, instead of in the language proposed by the House.

On No. 141: Strikes out the appropriation of $46,920, proposed by the Senate, for investigations under the act creating the Department of Labor.

On No. 142: Strikes out the increase of $305,000, proposed by the Senate, for the Naturalization Service.

On No. 143: Appropriates $115, as proposed by the Senate, for payment to M. I. Howell for services rendered a special committee of the Senate.

On No. 144: Appropriates $1,500, as proposed by the Senate, for two new boilers for the Botanic Gardens.

On Nos. 145, 146, and 147, relating to the Senate: Appropriates $55,000 for maintenance of, and $5,000 for furniture for, the Senate Office Building, and $17,500 for repairs, improvements, and equipment for Senate kitchens and restaurants.

On Nos. 148, 149, 150, and 151: Appropriates $275,000, as proposed by the Senate, instead of $250,000, as proposed by the House, for printing and binding for the War Department, and strikes out the increase of $21,000, proposed by the Senate, in

the appropriation for printing and binding for the Library of Congress.

On Nos. 152, 153, and 154, relating to the Panama Canal: Appropriates $700,000, as proposed by the Senate, instead of $600,000, as proposed by the House, for civil government, and inserts the paragraph, proposed by the Senate, authorizing the transfer of insane from the Canal Zone to St. Elizabeths Hospital.

On Nos. 155, 156, 157, and 158, relating to the fortification of the Panama Canal: Appropriates $40,000, as proposed by the Senate, for the ordnance repair shop equipment, and restores the paragraph, stricken out by the Senate, repealing the appropriation of $160,000 for a dock and $100,000 for dredging for the Ordnance Department.

On No. 159: Inserts the paragraph, proposed by the Senate, canceling an assessment of $13,252.21 of income tax on profit of sales of stock by Charles L. Freer, of Detroit, Mich.

JOHN J. FITZGERALD,
SWAGAR SHERLEY,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

On motion of Mr. FITZGERALD, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

ESPIONAGE.

Mr. WEBB. Mr. Speaker, I call up the conference report on the bill H. R. 291, the espionage bill, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from North Carolina calls up the conference report on the bill H. R. 291—the espionage bill—and asks unanimous consent that the statement be read in lieu of the report Is there objection?

Mr. MANN. Reserving the right to object, my recollection is that the conference report was read the other day.

Mr. WEBB. It was, in its entirety.

Mr MANN. I do not object.

The SPEAKER. The Chair hears no objection, and the Clerk will read the statement.

The Clerk read the statement.

CONFERENCE REPORT (NO. 69).

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 291) to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"TITLE I.

"ESPIONAGE.

"SECTION 1. That (a) whoever, for the purpose of obtaining information respecting the national defense with intent or reason to believe that the information to be obtained is to be used to the injury of the United States, or to the advantage of any foreign nation, goes upon, enters, flies over, or otherwise obtains information concerning any vessel, aircraft, work of defense, navy yard, naval station, submarine base, coaling station, fort, battery, torpedo station, dockyard, canal, railroad, arsenal, camp, factory, mine, telegraph, telephone, wireless, or signal station, building, office, or other place connected with the national defense, owned or constructed, or in progress of construction by the United States or under the control of the United States, or of any of its officers or agents, or within the exclusive jurisdiction of the United States, or any place in which any vessel, aircraft, arms, munitions, or other materials or instruments for use in time of war are being made, prepared, repaired, or stored, under any contract or agreement with the United States, or with any person on behalf of the United States, or otherwise on behalf of the United States, or any prohibited place within the meaning of section 6 of this title; or (b) whoever for the purpose aforesaid, and with like intent or reason to believe, copies, takes, makes, or obtains, or attempts, or induces or aids another to copy, take, make, or obtain, any sketch, photograph, photographic negative, blue print, plan, map, model, instrument, appliance, document, writing, or note of anything connected with the national defense; or (c) whoever, for the purpose aforesaid, receives or obtains or agrees or attempts or induces or aids another to receive or obtain from any person, or from any source whatever, any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, instrument, appliance, or note, of anything connected with the national defense, knowing or having reason to believe, at the time he receives or obtains, or agrees or attempts or induces or aids another to receive or obtain it, that it has been or will be obtained, taken, made or disposed of by any person contrary to the provisions of this title; or (d) whoever, lawfully or unlawfully having possession of, access to, control over, or being intrusted with any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, instrument, appliance, or note relating to the national defense, willfully communicates or transmits or attempts to communicate or transmit the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it on demand to the officer or employee of the United States entitled to receive it; or (e) whoever, being intrusted with or having lawful possession or control of any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, note, or information, relating to the national defense, through gross negligence permits the same to be removed from its proper place of custody or delivered to anyone in violation of his trust, or to be lost, stolen, abstracted, or destroyed, shall be punished by a fine of not more than $10,000, or by imprisonment for not more than two years, or both.

"SEC. 2. (a) Whoever, with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation, communicates, delivers, or transmits, or attempts to, or aids or induces another to, communicate, deliver, or transmit, to any foreign government, or to any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, or to any representative, officer, agent, employee, subject, or citizen thereof, either directly or indirectly, any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, note, instrument, appliance, or information relating to the national defense, shall be punished by imprisonment for not more than 20 years: *Provided*, That whoever shall violate the provisions of subsection (a) of this section in time of war shall be punished by death or by imprisonment for not more than 30 years; and (b) whoever, in time of war, with intent that the same shall be communicated to the enemy, shall collect, record, publish, or communicate, or attempt to elicit any information with respect to the movement, numbers, description, condition, or disposition of any of the armed forces, ships, aircraft, or war materials of the United States, or with respect to the plans or conduct, or supposed plans or conduct of any naval or military operations, or with respect to any works or measures undertaken for or connected with, or intended for the fortification or defense of any place, or any other information relating to the public defense, which might be useful to the enemy, shall be punished by death or by imprisonment for not more than 30 years.

"SEC. 3. Whoever, when the United States is at war, shall willfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States or to promote the success of its enemies and whoever, when the United States is at war, shall willfully cause or attempt to cause insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or shall willfully obstruct the recruiting or enlistment service of the United States, to the injury of the service or of the United States, shall be punished by a fine of not more than $10,000 or imprisonment for not more than 20 years, or both.

"SEC. 4. If two or more persons conspire to violate the provisions of sections 2 or 3 of this title, and one or more of such persons does any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as in said sections provided in the case of the doing of the act the accomplishment of which is the object of such conspiracy. Except as above provided conspiracies to commit offenses under this title shall be punished as provided by section 37 of the act to codify, revise, and amend the penal laws of the United States approved March 4, 1909.

"SEC. 5. Whoever harbors or conceals any person who he knows, or has reasonable grounds to believe or suspect, has committed, or is about to commit, an offense under this title shall be punished by a fine of not more than $10,000 or by imprisonment for not more than two years, or both.

"SEC. 6. The President in time of war or in case of national emergency may by proclamation designate any place other than those set forth in subsection (a) of section 1 hereof in which anything for the use of the Army or Navy is being prepared or constructed or stored as a prohibited place for the purposes of this title: *Provided*, That he shall determine that information with respect thereto would be prejudicial to the national defense.

"SEC. 7. Nothing contained in this title shall be deemed to limit the jurisdiction of the general courts-martial, military commissions, or naval courts-martial under sections 1342, 1343, and 1624 of the Revised Statutes as amended.

"SEC. 8. The provisions of this title shall extend to all territories, possessions, and places subject to the jurisdiction of the United States whether or not contiguous thereto, and offenses under this title when committed upon the high seas or elsewhere within the admiralty and maritime jurisdiction of the United States and outside the territorial limits thereof shall be punishable hereunder.

"SEC. 9. The act entitled 'An act to prevent the disclosure of national-defense secrets,' approved March 3, 1911, is hereby repealed.

"TITLE II.

"VESSELS IN PORTS OF THE UNITED STATES.

"SECTION 1. Whenever the President by proclamation or Executive order declares a national emergency to exist by reason of actual or threatened war, insurrection, or invasion, or disturbance or threatened disturbance of the international relations of the United States, the Secretary of the Treasury may make, subject to the approval of the President, rules and regulations governing the anchorage and movement of any vessel, foreign or domestic, in the territorial waters of the United States, may inspect such vessel at any time, place guards thereon, and, if necessary in his opinion in order to secure such vessels from damage or injury, or to prevent damage or injury to any harbor or waters of the United States, or to secure the observance of the rights and obligations of the United States, may take, by and with the consent of the President, for such purposes, full possession and control of such vessel and remove therefrom the officers and crew thereof and all other persons not specially authorized by him to go or remain on board thereof.

"Within the territory and waters of the Canal Zone the Governor of the Panama Canal, with the approval of the President, shall exercise all the powers conferred by this section on the Secretary of the Treasury.

"SEC. 2. If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given by the Secretary of the Treasury or the Governor of the Panama Canal under the provisions of this title, or obstructs or interferes with the exercise of any power conferred by this title, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be fined not more than $10,000, or imprisoned not more than two years, or both.

"SEC. 3. It shall be unlawful for the owner or master or any other person in charge or command of any private vessel, foreign or domestic, or for any member of the crew or other person, within the territorial waters of the United States, willfully to cause or permit the destruction or injury of such vessel or knowingly to permit said vessel to be used as a place of resort for any person conspiring with another or preparing to commit any offense against the United States, or in violation of the treaties of the United States or of the obligations of the United States under the law of nations, or to defraud the United States, or knowingly to permit such vessels to be used in violation of the rights and obligations of the United States under the law of nations; and in case such vessel shall be so used, with the knowledge of the owner or master or other person in charge or command thereof, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and whoever violates this section shall be fined not more than $10,000 or imprisoned not more than two years, or both.

"SEC. 4. The President may employ such part of the land or naval forces of the United States as he may deem necessary to carry out the purpose of this title.

"TITLE III.

"INJURING VESSELS ENGAGED IN FOREIGN COMMERCE.

"SECTION 1. Whoever shall set fire to any vessel of foreign registry, or any vessel of American registry entitled to engage in commerce with foreign nations, or to any vessel of the United States as defined in section 310 of the act of March 4, 1909, entitled 'An act to codify, revise, and amend the penal laws of the United States,' or to the cargo of the same, or shall tamper with the motive power or instrumentalities of navigation of such vessel, or shall place bombs or explosives in or upon such vessel, or shall do any other act to or upon such vessel while within the jurisdiction of the United States, or, if such vessel is of American registry, while she is on the high sea, with intent to injure or endanger the safety of the vessel or of her cargo, or of persons on board, whether the injury or danger is so intended to take place within the jurisdiction of the United States, or after the vessel shall have departed therefrom; or whoever shall attempt or conspire to do any such acts with such intent, shall be fined not more than $10,000 or imprisoned not more than 20 years, or both.

"TITLE IV.

"INTERFERENCE WITH FOREIGN COMMERCE BY VIOLENT MEANS.

"SECTION 1. Whoever, with intent to prevent, interfere with, or obstruct or attempt to prevent, interfere with, or obstruct the exportation to foreign countries of articles from the United States shall injure or destroy, by fire or explosives, such articles or the places where they may be while in such foreign commerce, shall be fined not more than $10,000, or imprisoned not more than 10 years, or both.

"TITLE V.

"ENFORCEMENT OF NEUTRALITY.

"SECTION 1. During a war in which the United States is a neutral Nation, the President, or any person thereunto authorized by him, may withhold clearance from or to any vessel, domestic or foreign, which is required by law to secure clearance before departing from port or from the jurisdiction of the United States, or, by service of formal notice upon the owner, master, or person in command or having charge of any domestic vessel not required by law to secure clearances before so departing, to forbid its departure from port or from the jurisdiction of the United States, whenever there is reasonable cause to believe that any such vessel, domestic or foreign, whether requiring clearance or not, is about to carry fuel, arms, ammunition, men, supplies, dispatches, or information to any warship, tender, or supply ship of a foreign belligerent nation in violation of the laws, treaties, or obligations of the United States under the law of nations; and it shall thereupon be unlawful for such vessel to depart.

"SEC. 2. During a war in which the United States is a neutral nation, the President, or any person thereunto authorized by him, may detain any armed vessel owned wholly or in part by American citizens, or any vessel, domestic or foreign (other than one which has entered the ports of the United States as a public vessel), which is manifestly built for warlike purposes or has been converted or adapted from a private vessel to one suitable for warlike use, until the owner or master, or person having charge of such vessel, shall furnish proof satisfactory to the President, or to the person duly authorized by him, that the vessel will not be employed by the said owners, or master, or person having charge thereof, to cruise against or commit or attempt to commit hostilities upon the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people with which the United States is at peace, and that the said vessel will not be sold or delivered to any belligerent nation, or to an agent, officer, or citizen of such nation, by them or any of them, within the jurisdiction of the United States, or, having left that jurisdiction, upon the high seas.

"SEC. 3. During a war in which the United States is a neutral nation, it shall be unlawful to send out of the jurisdiction of the United States any vessel built, armed, or equipped as a vessel of war, or converted from a private vessel into a vessel of war, with any intent or under any agreement or contract, written or oral, that such vessel shall be delivered to a belligerent nation, or to an agent, officer, or citizen of such nation, or with reasonable cause to believe that the said vessel shall or will be employed in the service of any such belligerent nation after its departure from the jurisdiction of the United States.

"SEC. 4. During a war in which the United States is a neutral nation, in addition to the facts required by sections 4197, 4198, and 4200 of the Revised Statutes to be set out in the masters' and shippers' manifests before clearance will be issued to vessels bound to foreign ports, each of which sections of the Revised Statutes is hereby declared to be and is continued in full

force and effect, every master or person having charge or command of any vessel, domestic or foreign, whether requiring clearance or not, before departure of such vessel from port shall deliver to the collector of customs for the district wherein such vessel is then located a statement duly verified by oath, that the cargo or any part of the cargo is or is not to be delivered to other vessels in port or to be transshipped on the high seas and, if it is to be so delivered or transshipped, stating the kind and quantities and the value of the total quantity of each kind of article so to be delivered or transshipped, and the name of the person, corporation, vessel, or government, to whom the delivery or transshipment is to be made; and the owners, shippers, or consignors of the cargo of such vessel shall in the same manner and under the same conditions deliver to the collector like statements under oath as to the cargo or the parts thereof laden or shipped by them, respectively.

"SEC. 5. Whenever it appears that the vessel is not entitled to clearance or whenever there is reasonable cause to believe that the additional statements under oath required in the foregoing section are false, the collector of customs for the district in which the vessel is located may, subject to review by the Secretary of Commerce, refuse clearance to any vessel, domestic or foreign, and by formal notice served upon the owners, master, or person or persons in command or charge of any domestic vessel for which clearance is not required by law, forbid the departure of the vessel from the port or from the jurisdiction of the United States; and it shall thereupon be unlawful for the vessel to depart.

"SEC. 6. Whoever, in violation of any of the provisions of this title, shall take, or attempt or conspire to take, or authorize the taking of any such vessel, out of port or from the jurisdiction of the United States, shall be fined not more than $10,000 or imprisoned not more than five years, or both; and, in addition, such vessel, her tackle, apparel, furniture, equipment, and her cargo shall be forfeited to the United States.

"SEC. 7. Whoever, being a person belonging to the armed land or naval forces of a belligerent nation or belligerent faction of any nation and being interned in the United States, in accordance with the law of nations, shall leave or attempt to leave said jurisdiction, or shall leave or attempt to leave the limits of internment in which freedom of movement has been allowed, without permission from the proper official of the United States in charge, or shall willfully overstay a leave of absence granted by such official, shall be subject to arrest by any marshal or deputy marshal of the United States, or by the military or naval authorities thereof, and shall be returned to the place of internment and there confined and safely kept for such period of time as the official of the United States in charge shall direct; and whoever, within the jurisdiction of the United States and subject thereto, shall aid or entice any interned person to escape or attempt to escape from the jurisdiction of the United States, or from the limits of internment prescribed, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"SEC. 8. Section 13 of the act entitled 'An act to codify, revise, and amend the penal laws of the United States,' approved March 4, 1909, is hereby amended so as to read as follows:

"'SEC. 13. Whoever, within the territory or jurisdiction of the United States or of any of its possessions, knowingly begins or sets on foot or provides or prepares a means for or furnishes the money for, or who takes part in, any military or naval expedition or enterprise to be carried on from thence against the territory or dominion of any foreign prince or state, or of any colony, district, or people with whom the United States is at peace, shall be fined not more than $3,000 or imprisoned not more than three years, or both.'

"SEC. 9. That the President may employ such part of the land or naval forces of the United States as he may deem necessary to carry out the purposes of this title.

"SEC. 10. Section 15 of the act entitled 'An act to codify, revise, and amend the penal laws of the United States,' approved March 4, 1909, is hereby amended so as to read as follows:

"'SEC. 15. It shall be lawful for the President to employ such part of the land or naval forces of the United States, or of the militia thereof, as he may deem necessary to compel any foreign vessel to depart from the United States or any of its possessions in all cases in which, by the law of nations or the treaties of the United States, it ought not to remain, and to detain or prevent any foreign vessel from so departing in all cases in which, by the law of nations or the treaties of the United States, it is not entitled to depart.'

"SEC. 11. The joint resolution approved March 4, 1915, 'to empower the President to better enforce and maintain the neutrality of the United States,' and any act or parts of acts in conflict with the provisions of this title are hereby repealed.

"TITLE VI.

"SEIZURE OF ARMS AND OTHER ARTICLES INTENDED FOR EXPORT.

"SECTION 1. Whenever an attempt is made to export or ship from or take out of the United States, any arms or munitions of war, or other articles, in violation of law, or whenever there shall be known or probable cause to believe that any such arms or munitions of war, or other articles, are being or are intended to be exported, or shipped from, or taken out of the United States, in violation of law, the several collectors, naval officers, surveyors, inspectors of customs, and marshals, and deputy marshals of the United States, and every other person duly authorized for the purpose by the President, may seize and detain any articles or munitions of war about to be exported or shipped from, or taken out of the United States, in violation of law, and the vessels or vehicles containing the same, and retain possession thereof until released or disposed of as hereinafter directed. If upon due inquiry as hereinafter provided, the property seized shall appear to have been about to be so unlawfully exported, shipped from, or taken out of the United States, the same shall be forfeited to the United States.

"SEC. 2. It shall be the duty of the person making any seizure under this title to apply, with due diligence, to the judge of the district court of the United States, or to the judge of the United States district court of the Canal Zone, or to the judge of a court of first instance in the Philippine Islands, having jurisdiction over the place within which the seizure is made, for a warrant to justfy the further detention of the property so seized, which warrant shall be granted only on oath or affirmation showing that there is known or probable cause to believe that the property seized is being or is intended to be exported or shipped from or taken out of the United States in violation of law; and if the judge refuses to issue the warrant, or application therefor is not made by the person making the seizure within a reasonable time, not exceeding 10 days after the seizure, the property shall forthwith be restored to the owner or person from whom seized. If the judge is satisfied that the seizure was justified under the provisions of this title and issues his warrant accordingly, then the property shall be detained by the person seizing it until the President, who is hereby expressly authorized so to do, orders it to be restored to the owner or claimant, or until it is discharged in due course of law on petition of the claimant, or on trial of condemnation proceedings, as hereinafter provided.

"SEC. 3. The owner or claimant of any property seized under this title may, at any time before condemnation proceedings have been instituted, as hereinafter provided, file his petition for its restoration in the district court of the United States, or the district court of the Canal Zone, or the court of first instance in the Philippine Islands, having jurisdiction over the place in which the seizure was made, whereupon the court shall advance the cause for hearing and determination with all possible dispatch, and, after causing notice to be given to the United States attorney for the district and to the person making the seizure, shall proceed to hear and decide whether the property seized shall be restored to the petitioner or forfeited to the United States.

"SEC. 4. Whenever the person making any seizure under this title applies for and obtains a warrant for the detention of the property, and (a) upon the hearing and determination of the petition of the owner or claimant restoration is denied, or (b) the owner or claimant fails to file a petition for restoration within 30 days after the seizure, the United States attorney for the district wherein it was seized, upon direction of the Attorney General, shall institute libel proceedings in the United States district court or the district court of the Canal Zone or the court of first instance of the Philippine Islands having jurisdiction over the place wherein the seizure was made, against the property for condemnation; and if, after trial and hearing of the issues involved, the property is condemned, it shall be disposed of by sale, and the proceeds thereof, less the legal costs and charges, paid into the Treasury.

"SEC. 5. The proceedings in such summary trials upon the petition of the owner or claimant of the property seized, as well as in the libel cases herein provided for, shall conform, as near as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in such libel cases, and all such proceedings shall be at the suit of and in the name of the United States: *Provided*, That upon the payment of the costs and legal expenses of both the summary trials and the libel proceedings herein provided for, and the execution and delivery of a good and sufficient bond in an amount double the value of the property seized, conditioned that it will not be exported or used or employed contrary to the provisions of this title, the court, in its discretion, may direct that it be delivered to the owners thereof or to the claimants thereof.

"SEC. 6. Except in those cases in which the exportation of arms and munitions of war or other articles is forbidden by proclamation or otherwise by the President, as provided in section 1 of this title, nothing herein contained shall be construed to extend to, or interfere with any trade in such commodities, conducted with any foreign port or place wheresoever, or with any other trade which might have been lawfully carried on before the passage of this title, under the law of nations, or under the treaties or conventions entered into by the United States, or under the laws thereof.

"SEC. 7. Upon payment of the costs and legal expenses incurred in any such summary trial for possession or libel proceedings, the President is hereby authorized, in his discretion, to order the release and restoration to the owner or claimant, as the case may be, of any property seized or condemned under the provisions of this title.

"SEC. 8. The President may employ such part of the land or naval forces of the United States as he may deem necessary to carry out the purposes of this title.

"TITLE VII.

"CERTAIN EXPORTS IN TIME OF WAR UNLAWFUL.

"SECTION 1. Whenever during the present war the President shall find that the public safety shall so require, and shall make proclamation thereof, it shall be unlawful to export from or ship from or take out of the United States to any country named in such proclamation any article or articles mentioned in such proclamation, except at such time or times, and under such regulations and orders, and subject to such limitations and exceptions as the President shall prescribe, until otherwise ordered by the President or by Congress: *Provided, however*, That no preference shall be given to the ports of one State over those of another.

"SEC. 2. Any person who shall export, ship, or take out, or deliver or attempt to deliver for export, shipment, or taking out, any article in violation of this title, or of any regulation or order made hereunder, shall be fined not more than $10,000, or, if a natural person, imprisoned for not more than two years, or both; and any article so delivered or exported, shipped, or taken out, or so attempted to be delivered or exported, shipped, or taken out, shall be seized and forfeited to the United States; and any officer, director, or agent of a corporation who participates in any such violation shall be liable to like fine or imprisonment, or both.

"SEC. 3. Whenever there is reasonable cause to believe that any vessel, domestic or foreign, is about to carry out of the United States any article or articles in violation of the provisions of this title, the collector of customs for the district in which such vessel is located is hereby authorized and empowered, subject to review by the Secretary of Commerce, to refuse clearance to any such vessel, domestic or foreign, for which clearance is required by law, and by formal notice served upon the owners, master, or person or persons in command or charge of any domestic vessel for which clearance is not required by law, to forbid the departure of such vessel from the port, and it shall thereupon be unlawful for such vessel to depart. Whoever, in violation of any of the provisions of this section shall take, or attempt to take, or authorize the taking of any such vessel, out of port or from the jurisdiction of the United States, shall be fined not more than $10,000 or imprisoned not more than two years, or both; and, in addition, such vessel, her tackle, apparel, furniture, equipment, and her forbidden cargo shall be forfeited to the United States.

"TITLE VIII.

"DISTURBANCE OF FOREIGN RELATIONS.

"SECTION 1. Whoever, in relation to any dispute or controversy between a foreign government and the United States, shall willfully and knowingly make any untrue statement, either orally or in writing, under oath before any person authorized and empowered to administer oaths, which the affiant has knowledge or reason to believe will, or may be used to influence the measures or conduct of any foreign government, or of any officer or agent of any foreign government, to the injury of the United States, or with a view or intent to influence any measure of or action by the Government of the United States, or any branch thereof, to the injury of the United States, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"SEC. 2. Whoever within the jurisdiction of the United States shall falsely assume or pretend to be a diplomatic or consular, or other official of a foreign government duly accredited as such to the Government of the United States with intent to defraud such foreign government or any person, and shall take upon himself to act as such, or in such pretended character shall demand or obtain, or attempt to obtain from any person or from said foreign government, or from any officer thereof, any money, paper, document, or other thing of value, shall be fined not more than $5,000, or imprisoned not more than five years, or both.

"SEC. 3. Whoever, other than a diplomatic or consular officer or attaché, shall act in the United States as an agent of a foreign government without prior notification to the Secretary of State shall be fined not more than $5,000, or imprisoned not more than five years, or both.

"SEC. 4. The words 'foreign government,' as used in this act and in sections 156, 157, 161, 170, 171, 172, 173, and 220 of the act of March 4, 1909, entitled 'An act to codify, revise, and amend the penal laws of the United States,' shall be deemed to include any government, faction, or body of insurgents within a country with which the United States is at peace, which government, faction, or body of insurgents may or may not have been recognized by the United States as a government.

"SEC. 5. If two or more persons within the jurisdiction of the United States conspire to injure or destroy specific property situated within a foreign country and belonging to a foreign government or to any political subdivision thereof with which the United States is at peace, or any railroad, canal, bridge, or other public utility so situated, and if one or more of such persons commits an act within the jurisdiction of the United States to effect the object of the conspiracy, each of the parties to the conspiracy shall be fined not more than $5,000, or imprisoned not more than three years, or both. Any indictment or information under this section shall describe the specific property which it was the object of the conspiracy to injure or destroy.

"TITLE IX.

"PASSPORTS.

"SECTION 1. Before a passport is issued to any person by or under authority of the United States such person shall subscribe to and submit a written application duly verified by his oath before a person authorized and empowered to administer oaths, which said application shall contain a true recital of each and every matter of fact which may be required by law or by any rules authorized by law to be stated as a prerequisite to the issuance of any such passport. Clerks of United States courts, agents of the Department of State, or other Federal officials authorized, or who may be authorized, to take passport applications and administer oaths thereon, shall collect, for all services in connection therewith, a fee of $1, and no more, in lieu of all fees prescribed by any statute of the United States, whether the application is executed singly, in duplicate, or in triplicate.

"SEC. 2. Whoever shall willfully and knowingly make any false statement in an application for passport with intent to induce or secure the issuance of a passport under the authority of the United States, either for his own use or the use of another, contrary to the laws regulating the issuance of passports or the rules prescribed pursuant to such laws, or whoever shall willfully and knowingly use or attempt to use, or furnish to another for use, any passport the issue of which was secured in any way by reason of any false statement, shall be fined not more than $2,000 or imprisoned not more than five years, or both.

"SEC. 3. Whoever shall willfully and knowingly use, or attempt to use, any passport issued or designed for the use of another than himself, or whoever shall willfully and knowingly use or attempt to use any passport in violation of the conditions or restrictions therein contained, or of the rules prescribed pursuant to the laws regulating the issuance of passports, which said rules shall be printed on the passport; or whoever shall willfully and knowingly furnish, dispose of, or deliver a passport to any person, for use by another than the person for whose use it was originally issued and designed, shall be fined not more than $2,000 or imprisoned not more than five years, or both.

"SEC. 4. Whoever shall falsely make, forge, counterfeit, mutilate, or alter, or cause or procure to be falsely made, forged, counterfeited, mutilated, or altered any passport or instrument purporting to be a passport, with intent to use the same, or with intent that the same may be used by another; or whoever shall willfully and knowingly use, or attempt to use, or furnish to another for use any such false, forged, counterfeited, mutilated, or altered passport or instrument purporting to be a passport, or any passport validly issued which has become void by the occurrence of any condition therein prescribed invalidating the same, shall be fined not more than $2,000 or imprisoned not more than five years, or both.

"TITLE X.

"COUNTERFEITING GOVERNMENT SEAL.

"SECTION 1. Whoever shall fraudulently or wrongfully affix or impress the seal of any executive department, or of any bureau, commission, or office of the United States, to or upon any certificate, instrument, commission, document, or paper of any

description; or whoever, with knowledge of its fraudulent character, shall with wrongful or fraudulent intent use, buy, procure, sell, or transfer to another any such certificate, instrument, commission, document, or paper, to which or upon which said seal has been so fraudulently affixed or impressed, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"SEC. 2. Whoever shall falsely make, forge, counterfeit, mutilate, or alter, or cause or procure to be made, forged, counterfeited, mutilated, or altered, or shall willingly assist in falsely making, forging, counterfeiting, mutilating, or altering, the seal of any executive department, or any bureau, commission, or office of the United States, or whoever shall knowingly use, affix, or impress any such fraudulently made, forged, counterfeited, mutilated, or altered seal to or upon any certificate, instrument, commission, document, or paper, of any description, or whoever with wrongful or fraudulent intent shall have possession of any such falsely made, forged, counterfeited, mutilated, or altered seal, knowing the same to have been so falsely made, forged, counterfeited, mutilated, or altered, shall be fined not more than $5,000 or imprisoned not more than 10 years, or both.

"SEC. 3. Whoever shall falsely make, forge, counterfeit, alter, or tamper with any naval, military, or official pass or permit, issued by or under the authority of the United States, or with wrongful or fraudulent intent shall use or have in his possession any such pass or permit, or shall personate or falsely represent himself to be or not to be a person to whom such pass or permit has been duly issued, or shall willfully allow any other person to have or use any such pass or permit, issued for his use alone, shall be fined not more than $2,000 or imprisoned not more than five years, or both.

"TITLE XI.

"SEARCH WARRANTS.

"SECTION 1. A search warrant authorized by this title may be issued by a judge of a United States district court, or by a judge of a State or Territorial court of record, or by a United States commissioner for the district wherein the property sought is located.

"SEC. 2. A search warrant may be issued under this title upon either of the following grounds:

"1. When the property was stolen or embezzled in violation of a law of the United States; in which case it may be taken on the warrant from any house or other place in which it is concealed, or from the possession of the person by whom it was stolen or embezzled, or from any person in whose possession it may be.

"2. When the property was used as the means of committing a felony; in which case it may be taken on the warrant from any house or other place in which it is concealed, or from the possession of the person by whom it was used in the commission of the offense, or from any person in whose possession it may be.

"3. When the property, or any paper, is possessed, controlled, or used in violation of section 22 of this title; in which case it may be taken on the warrant from the person violating said section, or from any person in whose possession it may be, or from any house or other place in which it is concealed.

"SEC. 3. A search warrant can not be issued but upon probable cause, supported by affidavit, naming or describing the person and particularly describing the property and the place to be searched.

"SEC. 4. The judge or commissioner must, before issuing the warrant, examine on oath the complainant and any witness he may produce, and require their affidavits or take their depositions in writing and cause them to be subscribed by the parties making them.

"SEC. 5. The affidavits or depositions must set forth the facts tending to establish the grounds of the application or probable cause for believing that they exist.

"SEC. 6. If the judge or commissioner is thereupon satisfied of the existence of the grounds of the application or that there is probable cause to believe their existence, he must issue a search warrant, signed by him with his name of office, to a civil officer of the United States duly authorized to enforce or assist in enforcing any law thereof, or to a person so duly authorized by the President of the United States, stating the particular grounds or probable cause for its issue and the names of the persons whose affidavits have been taken in support thereof, and commanding him forthwith to search the person or place named, for the property specified, and to bring it before the judge or commissioner.

"SEC. 7. A search warrant may in all cases be served by any of the officers mentioned in its direction, but by no other person, except in aid of the officer on his requiring it, he being present and acting in its execution.

"SEC. 8. The officer may break open any outer or inner door or window of a house, or any part of a house, or anything therein, to execute the warrant, if, after notice of his authority and purpose, he is refused admittance.

"SEC. 9. He may break open any outer or inner door or window of a house, for the purpose of liberating a person who, having entered to aid him in the execution of the warrant, is detained therein, or when necessary for his own liberation.

"SEC. 10. The judge or commissioner must insert a direction in the warrant that it be served in the daytime, unless the affidavits are positive that the property is on the person or in the place to be searched, in which case he may insert a direction that it be served at any time of the day or night.

"SEC. 11. A search warrant must be executed and returned to the judge or commissioner who issued it within 10 days after its date; after the expiration of this time the warrant, unless executed, is void.

"SEC. 12. When the officer takes property under the warrant, he must give a copy of the warrant together with a receipt for the property taken (specifying it in detail) to the person from whom it was taken by him, or in whose possession it was found; or, in the absence of any person, he must leave it in the place where he found the property.

"SEC. 13. The officer must forthwith return the warrant to the judge or commissioner and deliver to him a written inventory of the property taken, made publicly or in the presence of the person from whose possession it was taken, and of the applicant for the warrant, if they are present, verified by the affidavit of the officer at the foot of the inventory and taken before the judge or commissioner at the time, to the following effect: 'I, R. S., the officer by whom this warrant was executed, do swear that the above inventory contains a true and detailed account of all the property taken by me on the warrant.'

"SEC. 14. The judge or commissioner must thereupon, if required, deliver a copy of the inventory to the person from whose possession the property was taken and to the applicant for the warrant.

"SEC. 15. If the grounds on which the warrant was issued be controverted, the judge or commissioner must proceed to take testimony in relation thereto, and the testimony of each witness must be reduced to writing and subscribed by each witness.

"SEC. 16. If it appears that the property or paper taken is not the same as that described in the warrant or that there is no probable cause for believing the existence of the grounds on which the warrant was issued, the judge or commissioner must cause it to be restored to the person from whom it was taken; but if it appears that the property or paper taken is the same as that described in the warrant and that there is probable cause for believing the existence of the grounds on which the warrant was issued, then the judge or commissioner shall order the same retained in the custody of the person seizing it or to be otherwise disposed of according to law.

"SEC. 17. The judge or commissioner must annex the affidavits, search warrants, return, inventory, and evidence, and if he has not power to inquire into the offense in respect to which the warrant was issued he must at once file the same, together with a copy of the record of his proceedings, with the clerk of the court having power to so inquire.

"SEC. 18. Whoever shall knowingly and willfully obstruct, resist, or oppose any such officer or person in serving or attempting to serve or execute any such search warrant, or shall assault, beat, or wound any such officer or person, knowing him to be an officer or person so authorized, shall be fined not more than $1,000 or imprisoned not more than two years.

"SEC. 19. Sections 125 and 126 of the Criminal Code of the United States shall apply to and embrace all persons making oath or affirmation or procuring the same under the provisions of this title, and such persons shall be subject to all the pains and penalties of said sections.

"SEC. 20. A person who maliciously and without probable cause procures a search warrant to be issued and executed shall be fined not more than $1,000 or imprisoned not more than one year.

"SEC. 21. An officer who in executing a search warrant willfully exceeds his authority, or exercises it with unnecessary severity, shall be fined not more than $1,000 or imprisoned not more than one year.

"SEC. 22. Whoever, in aid of any foreign government, shall knowingly and willfully have possession of or control over any property or papers designed or intended for use or which is used as the means of violating any penal statute, or any of the rights or obligations of the United States under any treaty or the law of nations, shall be fined not more than $1,000 or imprisoned not more than two years, or both.

"SEC. 23. Nothing contained in this title shall be held to repeal or impair any existing provisions of law regulating search and the issue of search warrants.

"TITLE XII.

"USE OF MAILS.

"SECTION 1. Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book, or other publication, matter, or thing, of any kind, in violation of any of the provisions of this Act, is hereby declared to be nonmailable matter and shall not be conveyed in the mails or delivered from any post office or by any letter carrier: *Provided*, That nothing in this act shall be so construed as to authorize any person other than an employee of the Dead Letter Office, duly authorized thereto, or other person upon a search warrant authorized by law, to open any letter not addressed to himself.

"SEC. 2. Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book, or other publication, matter or thing, of any kind, containing any matter advocating or urging treason, insurrection, or forcible resistance to any law of the United States, is hereby declared to be nonmailable.

"SEC. 3. Whoever shall use or attempt to use the mails or Postal Service of the United States for the transmission of any matter declared by this title to be nonmailable, shall be fined not more than $5,000 or imprisoned not more than five years, or both. Any person violating any provision of this title may be tried and punished either in the district in which the unlawful matter or publication was mailed, or to which it was carried by mail for delivery according to the direction thereon, or in which it was caused to be delivered by mail to the person to whom it was addressed.

"TITLE XIII.

"GENERAL PROVISIONS.

"SECTION 1. The term 'United States' as used in this act includes the Canal Zone and all territory and waters, continental or insular, subject to the jurisdiction of the United States.

"SEC. 2. The several courts of first instance in the Philippine Islands and the district court of the Canal Zone shall have jurisdiction of offenses under this act committed within their respective districts, and concurrent jurisdiction with the district courts of the United States of offenses under this act committed upon the high seas, and of conspiracies to commit such offenses, as defined by section 37 of the act entitled 'An act to codify, revise, and amend the penal laws of the United States,' approved March 4, 1909, and the provisions of said section, for the purpose of this act, are hereby extended to the Philippine Islands, and to the Canal Zone. In such cases the district attorneys of the Philippine Islands and of the Canal Zone shall have the powers and perform the duties provided in this act for United States attorneys.

"SEC. 3. Offenses committed and penalties, forfeitures, or liabilities incurred prior to the taking effect hereof under any law embraced in or changed, modified, or repealed by any chapter of this act may be prosecuted and punished, and suits and proceedings for causes arising or acts done or committed prior to the taking effect hereof may be commenced and prosecuted, in the same manner and with the same effect as if this act had not been passed.

"SEC. 4. If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered."

And the Senate agree to the same.

E. Y. WEBB,
C. C. CARLIN,
A. J. VOLSTEAD,
Managers on the part of the House.

LEE S. OVERMAN,
DUNCAN U. FLETCHER,
KNUTE NELSON,
Managers on the part of the Senate.

STATEMENT.

On May 4, 1917, when the House passed this bill and sent it to the Senate, the Senate was already considering a similar bill, S. 2, which had been introduced in the Senate. The Senate continued the consideration of its bill and after perfecting and agreeing to it, took up the House bill and without considering it in its detailed provisions adopted the Senate bill, as it had been perfected, as an amendment for the House bill by striking out all of the House bill after the enacting clause and substituting the Senate bill as it had been agreed upon in the Senate. It therefore became the duty of the conferees to weld these two bills into one by adopting the provisions from one or the other, with such amendments as seemed necessary to the conferees within the limits of the conference, to perfect the bill and bring its various provisions into harmony.

In the main the two bills contained similar provisions, but expressed in different language. The conferees took up the Senate amendment and made it the basis of their final agreement. Some of the sections were agreed to as written, others were amended so as to embody provisions contained in the House bill, or sections from the House bill were substituted for them, and in a few instances sections were rewritten in conference in order to harmonize the views of the two Houses.

It would be very difficult to point out in minute detail the differences between the bill as it passed the House and that agreed upon in conference, and this would serve no very useful purpose, since they can be as easily ascertained by a comparison. The material changes made in the House bill are, however, pointed out below.

ARRANGEMENT.

Chapter 2 of the Senate amendment was brought forward and made chapter 1, thereby making the order of chapters conform to the order of titles in the House bill. The conferees adopted the House plan of designating the main subdivisions of the bill as "title" instead of "chapter." The several sections under each title were consecutively numbered, beginning in each title with section 1.

TITLE I.

ESPIONAGE.

The several provisions under this title in the conferees' report do not materially change the provisions of this title as passed by the House. Section 1 sets out the places connected with the national defense to which the prohibitions of the section apply while the similar provision of the House bill designates such places in general terms.

Section 2 of the House bill made the person guilty for doing the things enumerated therein "with intent or knowledge, or reason to believe that it is to be used to the injury of the United States." Under section 2 (a) as agreed upon, this provision is made to read, "with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation."

Section 3 is not materially changed from the provision contained in the bill as it passed the House, except by the addition thereto of the following provision: "or shall willfully obstruct the recruiting or enlistment service of the United States to the injury of the service, or of the United States."

Section 4 as heretofore agreed to in conference was entirely stricken from the amendment reported to the House by the conferees, agreeable to the instructions of the House given May 31, 1917, in recommitting the bill to conference.

Section 6 was not in the House bill but was taken from the Senate amendment. It was adopted because of the changes made in section 1, and for the further reason that section 1202 of the House bill, which gave the words "national defense" a broad meaning, was stricken out.

TITLE II.

VESSELS IN PORTS OF THE UNITED STATES.

No material change was made in any of the sections under this title from those contained in the House bill.

TITLE III.

INJURING VESSELS ENGAGED IN FOREIGN COMMERCE.

The House provisions under this title were not materially changed.

TITLE IV.

INTERFERENCE WITH FOREIGN COMMERCE BY VIOLENT MEANS.

The provisions of the House bill under this title were changed in conference by eliminating the clause limiting it to the time "when the United States is at war" and by other changes in the language used, so as to require an intent to prevent, etc., foreign commerce, by the means indicated, as the basis for the criminal charge. It also strikes out the clause which protected the places where the articles referred to were "produced or stored" and substitutes similar protection to "the places where they may be while in such foreign commerce."

TITLE V.

ENFORCEMENT OF NEUTRALITY.

No material change was made in the provisions under this title. The power given to the Secretary of the Treasury under section 505 of the House bill was transferred in conference to the Secretary of Commerce. This amendment was adopted to make the bill conform to the policy adopted heretofore.

TITLE VI.

SEIZURE OF ARMS AND OTHER ARTICLES INTENDED FOR EXPORT.

Section 1 not only authorizes the seizure of arms and munitions of war about to be exported, shipped from, or taken out of the United States, in violation of law, as provided by section 1 of the House bill, but adds "or other articles" so exported, etc.

Section 6 did not appear in the bill as it passed the House but was taken from the Senate amendment. It makes no material change in the bill and adds no new matter. It is but a legislative declaration that the provisions of this title are not to be interpreted to extend by implication to articles in commerce other than those forbidden by the President's proclamation as expressly provided for.

Other sections under this title have not been materially changed.

TITLE VII.

CERTAIN EXPORTS IN TIME OF WAR UNLAWFUL.

None of the provisions of this title were contained in the bill as it passed the House. It was taken, after some modifications and amendments, from the Senate amendment.

The provisions of this title are limited to the period of the present war, and vest in the President the power to regulate exportation, etc., whenever he shall find that the public safety shall so require. These provisions were agreed to in conference because of the present necessity that this power should be vested in some responsible head in order that we may better conserve our resources and more efficiently use both our exports and our exporting facilities to aid in the prosecution of the war, as well as to safeguard them from being used in such a way as to finally benefit the enemy.

TITLE VIII.

DISTURBANCE OF FOREIGN RELATIONS.

Section 5 was so amended as to include, in addition to property situated within a foreign country and belonging to a foreign government or a political subdivision thereof with which the United States is at peace, also "any railroad, canal, bridge, or other public utility so situated," and the provision that "such injury or destruction would constitute a crime punished by imprisonment under the laws of the United States," was stricken out. The remaining provisions under this title were not materially changed in conference.

TITLE IX.

PASSPORTS.

No material change was made in conference of the provisions of this title.

TITLE X.

COUNTERFEITING GOVERNMENT SEAL.

No material change was made in conference of the provisions of this title.

TITLE XI.

SEARCH WARRANTS.

This title was entirely rewritten in conference. The new title as presented by the conferees was based upon the New York law on this subject and follows generally the policy of that law. It has written into it many of the provisions of the title as passed by the House.

TITLE XII.

USE OF MAILS.

Section 1100 of the bill as it passed the House was rewritten into sections 1 and 2 of the bill reported by the conferees. The material addition made in section 1 to the provisions contained in section 1100 is the proviso which reads as follows:

"*Provided*, That nothing in this act shall be so construed as to authorize any person other than an employee of the Dead Letter Office, duly authorized thereto, or other person upon a search warrant authorized by law, to open any letter not addressed to himself."

Section 2 of the title as reported by the conferees, substitutes for "of a treasonable character, or of a character advocating the destruction of or injury to the Government by violence," the following: "containing any matter advocating or urging treason, insurrection, or forcible resistance to any law of the United States."

The other provisions under this title have not been materially changed.

TITLE XIII.

GENERAL PROVISIONS.

Sections 1200 and 1201 of the bill as it passed the House have not been changed. Section 1202 has been stricken out for the reason that the amendments in the several sections of the bill made this section unnecessary. Sections 3 and 4 as reported by the conferees are new sections added by the conferees.

Section 3 appeared at several different places in the Senate amendment. It was stricken out at these several places in the bill and added under this title and made applicable to the entire bill.

Section 4 was added, following the precedents in other legislation, as a declaration of the intent of Congress, to guide the courts in event the constitutionality of any of the numerous provisions contained in the bill are hereafter brought in question.

E. Y. WEBB,
C. C. CARLIN,
A. J. VOLSTEAD,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and on a division (demanded by Mr. WEBB) there were—ayes 86, noes 22.

So the conference report was agreed to.

On motion of Mr. WEBB, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BRODBECK for Friday, June 8, to attend the unveiling of the Virginia memorial on the battle field of Gettysburg, Pa.

To Mr. BLAND, at the request of Mr. WOOD of Indiana, for five days, on account of illness.

To Mr. ESTOPINAL, at the request of Mr. DUPRÉ, for three days, on account of illness.

LEAVE TO EXTEND REMARKS.

Mr. WILSON of Louisiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the conference report upon the sundry civil appropriation bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. CAMPBELL of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein a resolution adopted by the Fraternal Order of Eagles recommending the purchase of $1,000,000 worth of liberty bonds.

The SPEAKER. Is there objection?

There was no objection.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. SMALL. Mr. Speaker, it was my intention to move to go into the Committee of the Whole House on the state of the Union for the consideration of the river and harbor bill (H. R. 4285), but gentlemen have indicated to me that it is too late an hour to do so. I desire to give notice that to-morrow morning after the reading of the Journal I shall make that motion.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 94. Joint resolution authorizing the Board of Regents of the Smithsonian Institution to permit the Secretary of War to erect temporary buildings in the Smithsonian grounds.

ADJOURNMENT.

Mr. WEBB. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 56 minutes p. m.) the House adjourned until to-morrow, Friday, June 8, 1917, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication of the Secretary of State submitting an urgent estimate of deficiency in the appropriation for public printing and binding for the International Union of American Republics, to be executed by the Public Printer, for the fiscal year ending June 30, 1917 (H. Doc. No. 171); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Mattaponi River, Va., with a view to removing the bars and securing increased depth of water at the mouth (H. Doc. No. 172); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination and survey of Siuslaw River, Oreg., from Acme to the entrance (H. Doc. No. 173); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

4. A letter from the Secretary of War, transmitting copy of a letter from ex-Secretary Garrison in regard to stationing troops of the Regular Army in national parks (H. Doc. No. 174); to the Committee on Military Affairs and ordered to be printed.

5. A letter from the Secretary of the Navy, transmitting letter in regard to appropriation for emergency hospital construction (H. Doc. No. 175); to the Committee on Appropriations and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and memorials were introduced and severally referred as follows:

By Mr. DENT: A bill (H. R. 4892) authorizing the President to take possession on behalf of the United States for use as sites for permanent aviation stations for the Army and Navy and for aviation school purposes of the whole of North Island in the Harbor of San Diego, Cal., and for other purposes; to the Committee on Military Affairs.

By Mr. NEELY: A bill (H. R. 4893) amendatory of the act of May 11, 1912, granting pensions to certain enlisted men, soldiers, and officers who served in the Civil War and the War with Mexico; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4894) amendatory of the act of May 11, 1912, granting pensions to certain enlisted men, soldiers, and officers who served in the Civil War and the War with Mexico; to the Committee on Invalid Pensions.

By Mr. McFADDEN: A bill (H. R. 4895) to create a department of munitions; to the Committee on Military Affairs.

By Mr. PARK: A bill (H. R. 4896) disfranchising slackers; to the Committee on the Election of President, Vice President, and Representatives in Congress.

By Mr. HULBERT: A bill (H. R. 4897) to amend section 10 of the national-defense act approved June 3, 1916, and for other purposes; to the Committee on Military Affairs.

By the SPEAKER: Memorial of the Legislature of the Territory of Hawaii, requesting Congress to increase the salaries of certain executive and judicial offices in the Territory of Hawaii; to the Committee on the Territories.

Also, memorial of the Legislature of the Territory of Hawaii, recommending that Congress enact legislation admitting a limited number of Chinese laborers into the Territory of Hawaii, with proper restrictions; to the Committee on Immigration and Naturalization.

Also, memorial of the Legislature of the State of South Dakota, requesting Congress to authorize the Secretary of the Interior to appoint a resident commissioner in South Dakota to pass upon the qualifications of Indians making application for patents; to the Committee on Indian Affairs.

Also, memorial of the House of Delegates of Porto Rico, pledging the loyalty of the people of Porto Rico to the United States in the war with Germany; to the Committee on Foreign Affairs.

Also, memorial of the Legislature of the State of Minnesota, requesting Congress to enact an enabling law making effective the migratory bird treaty with Canada; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. BRODBECK: A bill (H. R. 4898) granting a pension to Robert A. Herbst; to the Committee on Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 4899) granting a pension to Frank Watzek; to the Committee on Pensions.

By Mr. GORDON: A bill (H. R. 4900) granting a pension to Mary Gehris, widow of Jacob Diehl, late captain of Company H, Twenty-fourth Ohio Volunteer Infantry; to the Committee on Invalid Pensions.

By Mr. KRAUS: A bill (H. R. 4901) granting an increase of pension to Chauncey B. Knowlton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4902) granting an increase of pension to Austin Wright; to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 4903) granting an increase of pension to Charles E. Peabody; to the Committee on Invalid Pensions.

By Miss RANKIN: A bill (H. R. 4904) granting a pension to Elizabeth H. Du Hamel; to the Committee on Invalid Pensions.

By Mr. SANDERS of Indiana: A bill (H. R. 4905) granting an increase of pension to Cullen Bradley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4906) granting a pension to Albert G. Norman; to the Committee on Pensions.

Also, a bill (H. R. 4907) granting an increase of pension to William Burnett; to the Committee on Invalid Pensions.

By Mr. SWITZER: A bill (H. R. 4908) granting an increase of pension to John M. Tippie; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 4909) for the relief of Henry Eckford Rhoades; to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Trades and Labor Assembly of Jacksonville, Ill., urging Congress to take such measures as may be necessary to eliminate all sources of profit in the production, transportation, and distribution of the food supply of the country; to the Committee on Agriculture.

Also (by request), memorial of National Woman's Party of Colorado, urging the passage of the Susan B. Anthony amendment as a war measure; to the Committee on the Judiciary.

Also (by request), petitions of sundry churches of Philadelphia and Hurricane Township Sunday School Association, of Elsberry, Mo., favoring prohibition as a war measure; to the Committee on the Judiciary.

Also (by request), memorial of Independent Order B'rith Abraham of New York, pledging loyalty and support to the country; to the Committee on Military Affairs.

By Mr. CARY: Petition of the Amalgamated Lithographers of America, protesting against an increase of rates on second-class mail matter and against an increase of postage rates on view and picture cards; to the Committee on Ways and Means.

Also, petitions of A. Fracheto, Harry A. Vernon, Lorenz Fritsch, W. C. Baumann, R. F. Heind, Starkie M. Swenson, A. W. L. Drahos, W. H. Douglas, and H. A. Anderson, all of Milwaukee, Wis., urging early and favorable action on a bill now pending in Congress, known as the daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

By Mr. DALE of New York: Petition of the New York Social Hygiene Society, relative to the patent on salvarsan; to the Committee on Patents.

Also, petition of Arthur Capper, of Topeka, Kans., relative to increase in postage on second-class mail matter; to the Committee on Ways and Means.

By Mr. DIXON: Petitions of sundry churches of the State of Indiana, favoring national prohibition as a war measure; to the Committee on the Judiciary.

By Mr. ESCH: Petitions of sundry citizens of the State of Wisconsin, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Chicago, relative to terms of peace proposed by United States and European allies; to the Committee on Foreign Affairs.

By Mr. GRAHAM of Illinois: Petition of Local Union No. 2384 of the United Mines Workers of America, Matherville, Ill., protesting against unreasonable prices on necessaries of life, especially food; to the Committee on Agriculture.

Also, petition of Women's Trade Union League of Rock Island and Moline, Ill., and vicinity, for Government control of the food question; to the Committee on Agriculture.

Also, petition of Board of Supervisors of the County of Rock Island, in the State of Illinois, urging Congress to act quickly, decisively, and fearlessly in regulating the abnormal inflation of food prices, etc.; to the Committee on Agriculture.

Also, petition of Tri-City Federation of Labor, urging Congress to immediately take such measures as may be necessary to eliminate all sources of profit in the production, transportation, and distribution of food supplies; to the Committee on Agriculture.

Also, petition of Federal Employees' Union, No. 15332, of Davenport, Iowa, and Rock Island and Moline, Ill., for a bill

giving the Government complete control of prices of foodstuffs and other necessaries; to the Committee on Agriculture.

Also, petition of Plow City Lodge, No. 169, Brotherhood of Railway Car Men of America, of Moline, Ill., that Congress immediately take such steps as may be necessary to eliminate all sources of profit in the production, transportation, and distribution of food supplies; to the Committee on Agriculture.

Also, petition of Tri-City Federation, District 36, International Association of Machinists, for a bill to punish the speculation by any person or body of persons for the purpose of cornering the market, and for other purposes, and providing a penalty therefor; to the Committee on Agriculture.

Also, petition of affiliated members of Woman's Club of Moline, Ill., urging 5-mile zone around all military camps, training camps, and Army posts, and all places where troops are stationed, such zone to be free from intoxicants and camp followers; to the Committee on Military Affairs.

Also, petition of the Woman's Club of Rock Island, Ill., urging 5-mile zone within which sale of liquor be prohibited and camp followers forbidden be established around all Army posts, military encampments, and training camps; to the Committee on Military Affairs.

Also, petition of Woman's Club of Moline, Ill., urging 5-mile zone around each military camp, training camp, and Army post, such zone to be free from all forms of alcoholic drinks and camp followers; to the Committee on Military Affairs.

By Mr. GREENE of Massachusetts: Petitions of sundry citizens and church organizations of the State of Massachusetts, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. GRIEST: Petitions of Bart Women's Christian Temperance Union and other church organizations and churches of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of F. A. Rieker Brewing Co., Wacker Bros.' Brewery, and Haefner's Brewery, all of Lancaster, Pa., and the Columbia Brewing Co., of Columbia, Pa., against national prohibition; to the Committee on the Judiciary.

By Mr. HAWLEY: Petitions of F. E. Allen and others, Marshfield; C. A. Davidson and others, Myrtle Point; and Mrs. Carrie Young and others, Woodburn, all in the State of Oregon, favoring the immediate passage of legislation for national prohibition as a war emergency measure; to the Committee on the Judiciary.

Also, petition of Ruth B. McElwain and others of Clatskanie, Oreg., attested by Rev. S. B. Johnson, pastor of the Methodist Episcopal Church of that place, favoring the immediate passage of legislation for national prohibition as a war emergency measure; to the Committee on the Judiciary.

By Mr. HULBERT: Petition of 212 citizens of New York, against any kind of prohibition; to the Committee on the Judiciary.

Also, petitions of John J. Dempsey and others, of New York, relative to freedom for Ireland; to the Committee on Foreign Affairs.

By Mr. HUTCHINSON: Memorial of New Jersey State Organization for Public Health Nursing, favoring suffrage amendment; to the Committee on the Judiciary.

Also, memorial of Typographical Union No. 628, of Somerville, N. J., against prohibition as a war measure; to the Committee on the Judiciary.

Also, petitions of 1,200 persons of Trenton and sundry citizens of vicinity of Trenton, N. J., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. KELLEY of Michigan: Petition of Rev. T. W. Hughes and 45 others, of Mason, Mich., relative to prohibition of liquor traffic; to the Committee on the Judiciary.

By Mr. KELLY of Pennsylvania: Petition of 20,000 citizens of Allegheny County and citizens of Versailles, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of members of First Presbyterian Church of Monroeville, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petition of E. J. Horton & Co., of Providence, R. I., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Johnson, Sheridan & Co., of Providence, R. I., protesting against Hardwick amendment; to the Committee on Banking and Currency.

By Mr. MAGEE: Memorial of union mass meeting of churches of Cortland, N. Y., against polygamy; to the Committee on the Judiciary.

By Mr. MORIN: Petition of Pennsylvania Chocolate Co., of Pittsburgh, Pa., urging support of the Hardwick amendment to the Federal reserve act; to the Committee on Banking and Currency.

By Mr. NOLAN: Petition of Heywood Bros. & Wakefield Co., of San Francisco, Cal., protesting against the proposed tax on reed and rattans; to the Committee on Ways and Means.

By Mr. O'SHAUNESSY: Petitions of Rhode Island Anti-Saloon League and Woman's Christian Temperance Union of Rhode Island, favoring national prohibition as a war measure; to the Committee on the Judiciary.

Also, petitions of sundry manufacturers of Providence, R. I., relative to graduated tax on cigars; to the Committee on Ways and Means.

By Mr. PARKER of New York: Petitions of sundry citizens and church organizations of New York, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. PETERS: Petition of George E. Grant and 46 others, of Unity, Me., urging national prohibition; to the Committee on the Judiciary.

By Mr. PRATT: Petition of First Methodist Episcopal Church of Forest Home, at Ithaca, N. Y., favoring the abolition of liquor as a war measure; to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Prattsburg, N. Y., by Miss C. M. Van Valkenburg, president, favoring the Gronna-Randall bill for the conservation of foodstuffs used in making intoxicating liquors and opposing taxing liquors; to the Committee on the Judiciary.

Also, petition of Clarence Dillenbeck, for the Wheeler (N. Y.) Grange, favoring certain prohibition measures; to the Committee on the Judiciary.

Also, petition of an assemblage in Newark Valley, N. Y., by C. H. Gillen and Asher Evans, committee, favoring the prohibition of the manufacture and sale of intoxicating liquors; to the Committee on the Judiciary.

By Mr. RAKER: Petitions of Dr. F. K. Ainsworth and Dr. H. E. Alderson, of San Francisco, Cal., relative to abrogation of patents held by German firms for manufacture of salvarsan; to the Committee on Patents.

Also, petitions of William A. Sullivan, grand secretary State League Iroquois Clubs, of San Francisco, Cal., indorsing bills for increase in salaries of inspectors of steam vessels; to the Committee on Appropriations.

Also, petition of R. R. Rogers, of San Francisco, Cal., relative to postal situation in United States; to the Committee on Ways and Means.

Also, petition of G. A. Sutaff, of Dunsmuir, Cal., relative to tax on jewelry business; to the Committee on Ways and Means.

Also, petition of B. I. Wheeler, of Berkeley, Cal., relative to appropriation for farm advisers; to the Committee on Agriculture.

Also, petitions of R. H. Bennett, secretary, and G. Wormser, president, Northern California Wholesale Grocers' Association, against clause in House bill 4125, endangering present pure-food law; to the Committee on Agriculture.

Also, petition of E. B. Wilcox, of Marysville, Cal., against section 3 of House bill 4125, relative to name of producer on receptacles of food; to the Committee on Agriculture.

Also, petition of Loren G. Garrison, of Lookout, Cal., against tax on medicines, etc.; to the Committee on Ways and Means.

By Mr. RANDALL: Petition of 434 citizens of Trenton, N. J., favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, petitions of 386 citizens of Camden, 251 citizens of Bridgeton, 445 citizens of Scranton, and 410 citizens of Wilkes-Barre, Pa., favoring national prohibition as a war measure; to the Committee on the Judiciary.

By Mr. REED: Petition of Mrs. John D. Price, Messrs. Joel Ferree Bedell, jr., Joe Henry Bonsall, W. P. Edwards, jr., Bill Gravely, and Archer H. Gravely, jr., teacher and members, respectively, of a Sunday school class of the Kanawha Presbyterian Church, of Charleston, W. Va., urging the conservation of foodstuffs used in the manufacture of liquors and the passage of all prohibition measures; to the Committee on the Judiciary.

Also, petition of Rev. E. J. Woofter, pastor, Fred D. Powell, clerk, and the members of the congregation of the Salem (W. Va.) Baptist Church, numbering 700, urging the prohibition of the manufacture and sale of intoxicating liquors during the present war and the creation of a zone around all concentration camps in which no lewd women shall be allowed; to the Committee on the Judiciary.

By Mr. ROWE: Petition of Walter Truslow, M. D., urging the abrogation of the patent on salvarsan; to the Committee on Patents.

Also, petition of Claflin, Thayer & Co., of New York City, urging an advance on second-class mail rates; to the Committee on Ways and Means.

Also, petition of the New York Job Press Feeders' Union, No. 1, protesting against any increase in second-class postage rates, or any change in the system in handling the second-class postage matter; to the Committee on Ways and Means.

Also, petition of Merchants' Association of New York, urging the enactment of measures for the administration of food control, and commending the selection of Mr. Herbert C. Hoover to organize and administer the department of food control; to the Committee on Agriculture.

Also, memorial of the National Association of State Universities, asking that the food supplies be not wasted in the manufacture of intoxicating liquors during the war; to the Committee on the Judiciary.

By Mr. ROWLAND: Petition of members of the Pine Street Presbyterian Church, of Harrisburg, and citizens of the sixth ward, Bradford, Pa., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. SANDERS of Indiana: Petitions of Asbury H. Manuel and others, of Greencastle; Clarence D. Royse and others, of Rockville; Julian D. Hogate and others, of Danville; George F. Carmack and others, of Dana; Centenary Methodist Church, of Terre Haute; and sundry citizens of fifth congressional district of Indiana, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SNELL: Petition of citizens of Plattsburg, N. Y., and vicinity, for the immediate enactment of prohibition of the manufacture of alcoholic liquors as a measure of food conservation, and for the immediate prohibition of the sale of liquors for beverage purposes in order to conserve the health, wealth, labor, transport facilities, and military efficiency of the people; to the Committee on the Judiciary.

By Mr. SNYDER: Petitions of Men's Baraca Class of First Baptist Church of Ilion, N. Y., and Florence, N. Y., and sundry citizens of Oneida County, N. Y., favoring national prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of Jones Bros., of Utica, N. Y., against prohibition as a war measure; to the Committee on the Judiciary.

By Mr. SWITZER: Petitions of sundry citizens of Ironton, Ohio, and vicinity, favoring national prohibition; to the Committee on the Judiciary.

By Mr. TAGUE: Petition of Boston Automobile Dealers' Association, Boston, Mass., relative to amended bill in reference to tax on automobiles; to the Committee on Ways and Means.

By Mr. TAYLOR of Colorado: Petition of residents of Salida, Colo., favoring the immediate submission of the Federal amendment for woman suffrage; to the Committee on the Judiciary.

By Mr. TILSON: Petition of Connecticut Medical Society, urging Congress to declare void patents on salvarsan; to the Committee on Patents.

Also, petition of churches of New Haven and Baptist Church of Brenford, Conn., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. WARD: Petition of Presbyterian Christian Endeavor of Jefferson, N. Y., favoring the enactment of a law prohibiting the manufacture and use of alcoholic liquors as a war measure; to the Committee on the Judiciary.

Also, petition of Henry W. Brink, presiding officer of a meeting of members of Reformed Church of Woodstock and West Hurley, N. Y., in favor of enactment of a law to prohibit the manufacture and sale of alcoholic liquors as a war measure; to the Committee on the Judiciary.

Also, petition of Rev. W. H. McPherson and other citizens of Stone Ridge, N. Y., favoring the enactment of a law prohibiting the manufacture and sale of alcoholic liquors as a war measure; to the Committee on the Judiciary.

By Mr. WASON: Petition of 34 residents of the city of Keene, N. H., for the Nation's sake, for humanity's sake, and to conserve the Nation's resources, urging the adoption as soon as possible of some effective method to prohibit the manufacture and sale of intoxicating liquor, at least during the war; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota: Memorial of Kidder County Sunday School Convention, urging national prohibition as a war measure; to the Committee on the Judiciary.

By Mr. ZIHLMAN: Petitions of members of Home Missionary Society of Garrett Park Methodist Episcopal Church, Social Service Commission of Diocese of Maryland, 41 persons of Damascus and Salem, Miss Maggie Addison, secretary Woman's Home Missionary Society of Methodist Episcopal Church of Ijamsville, and 15 people of Barton, all in the State of Maryland, favoring national prohibition; to the Committee on the Judiciary.

SENATE.

FRIDAY, *June 8, 1917.*

Rev. J. J. Muir, D. D., of the city of Washington, offered the following prayer:

Our Father and our God, the God of our fathers and our God, too, we humbly beseech of Thee Thy blessing that in these days of anxiety and grave responsibility we may be divinely guided, and realize all the while that the voices to which we listen are the voices of truth, of duty, of high and holy service for the country that we love. Give unto the President all necessary wisdom, so that, with his counselors, he may be guided in those ways which will be for the highest interest and welfare, not only of our land, but of the nations of the earth. So guide, we beseech of Thee, all on whom there shall come new demands of duty, whether on the "far-flung battle line" or in some places of responsibility in the home land, there may be always in evidence that only the right can prevail. And to Thee and Thy name shall be all the glory, through Christ our Lord. Amen.

The Journal of the proceedings of Tuesday, June 5, 1917, was read and approved.

SENATOR FROM OREGON.

Mr. CHAMBERLAIN. Mr. President, I present the credentials of Hon. CHARLES L. MCNARY, appointed by the governor of Oregon to succeed the late Senator Harry Lane of that State. I ask that the credentials be read.

The VICE PRESIDENT. The Secretary will read the credentials.

The Secretary read the credentials, as follows:

STATE OF OREGON.

To all to whom these presents shall come, greeting:

Know ye that, reposing special trust and confidence in the capacity, integrity, and fidelity of CHARLES L. MCNARY, a citizen of Salem, Marion County, Oreg., I, James Withycombe, governor of the State of Oregon, do, in the name and by the authority of said State, by these presents appoint and commission him, the said CHARLES L. MCNARY, United States Senator from Oregon to fill the unexpired term of the late Senator Harry Lane, of Portland, Oreg., in accordance with the provisions of chapter 48 of the General Laws of Oregon for 1915.

In testimony whereof I have caused the seal of the State to be affixed at the city of Salem, this 29th day of May, 1917.

[SEAL.] JAMES WITHYCOMBE, *Governor.*

By the governor:

BEN W. OLCOTT,
Secretary of State.

Mr. CHAMBERLAIN. Mr. President, Mr. MCNARY is present in the Chamber and ready to take the oath of office.

The VICE PRESIDENT. There being no objection to the credentials, the duly appointed Senator from Oregon will present himself at the Secretary's desk and take the oath of office.

Mr. MCNARY, escorted by Mr. CHAMBERLAIN, advanced to the Vice President's desk; and the oath prescribed by law having been administered to him, he took his seat in the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the joint resolution (S. J. Res. 70) relating to the service of certain retired officers of the Army.

The message also announced that the House had passed the bill (S. 995) to authorize the issue to States and Territories and the District of Columbia of rifles and other property for the equipment of organizations of home guards, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 291) to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage and better to enforce the criminal laws of the United States, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes.

The message further announced that the House disagrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3971) making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Establishments on account of war expenses for the fiscal year ending June 30, 1917, and for other purposes; further insists upon its amendment to the amendment of the Senate numbered 2 to the bill; further insists upon its disagreement to the residue of the

amendments of the Senate; asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FITZGERALD, Mr. SHERLEY, and Mr. GILLETT managers at the further conference on the part of the House.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the Vice President:

H. R. 11. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes; and

H. J. Res. 94. Joint resolution authorizing the Board of Regents of the Smithsonian Institution to permit the Secretary of War to erect temporary buildings in the Smithsonian grounds.

PETITIONS AND MEMORIALS.

Mr. NELSON presented a memorial of sundry citizens of Eagle Bend, Minn., remonstrating against the enactment of legislation to change the name of oleomargarine to butterine, and to change the rate of tax on butterine, etc., which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of Minnesota, praying for national prohibition as a war measure, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented petitions of the congregation of the First Baptist Church of Lyme, and of sundry citizens of Sunapee, in the State of New Hampshire, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. BRADY. I present resolutions passed by the Wallace and Vicinity Trades and Labor Council, Wallace, Idaho. This council is affiliated with the American Federation of Labor and represents 18 labor organizations. The resolutions favor the retirement of superannuated employees of the Government on a reasonable allowance. I am very much in sympathy with the purpose of these resolutions and have supported and will support in the future any measure that will accomplish this purpose. I ask to have the resolutions printed in the RECORD and referred to the Committee on Education and Labor.

There being no objection, the resolutions were referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

WALLACE AND VICINITY TRADES AND LABOR COUNCIL,
Wallace, Idaho, May 16, 1917.

Resolution of the Wallace and Vicinity Trades and Labor Council.

Whereas it is a matter of official record that the Government service is seriously impaired because of the large number of superannuated employees carried on the rolls; and

Whereas, in view of the great emergency with which the Government has to cope at the present time because of the state of war now existing, it is important that immediate steps be taken for promoting the highest degree of efficiency in the Government service; and

Whereas we believe that the most effective means for obtaining such results would be the enactment of an equitable retirement law; and

Whereas we believe that employees who have spent long years in the Government service have justly earned a sufficient competence to keep them in their declining years: Therefore be it

Resolved by the Wallace and Vicinity Trades and Labor Council, at a regular meeting held in Wallace, Idaho, May 9, 1917, as follows:

First. That Congress be urged to take immediate action for passing a retirement law which contains the principal features of the Wadsworth-Dale bill (S. 281) in order that justice may be done many faithful employees who have become incapacitated in the line of duty; and

Second. We believe that such action is imperative in order that the several branches of the Government service may fulfill in the most effective way possible the demands of the present emergency, to the end that measures for national defense may be successful; and be it further

Resolved, That a copy of these resolutions be forwarded to each Member of Congress from the State of Idaho; and be it further

Resolved, That all labor organizations, all organizations of Government employees, and all officials of the United States be requested to aid in securing the desired legislation.

[SEAL.] LEGISLATIVE COMMITTEE OF WALLACE AND VICINITY TRADES AND LABOR COUNCIL,
R. L. POWERS.
GEO. W. BAKER.
JAS. G. ARTHUR.

Mr. POMERENE. I present resolutions, in the nature of a petition, adopted by the faculty of the College of Liberal Arts, Miami University, Oxford, Ohio, favoring the enactment of legislation forbidding the use of grain for the manufacture of liquor for beverage purposes, which I ask to be incorporated in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Whereas our country and the world are facing the probability of a serious shortage of food; and

Whereas the students in the colleges of the State have been called upon to engage in farm or other food-producing labor for the summer; and

Whereas the colleges of the State are cooperating by enabling such students as are willing to engage in such labor to go at once without sacrificing their standing in college; and

Whereas it is our conviction that the use of grain for the manufacture of liquor for beverage purposes is a waste, and will in part nullify any action which the colleges have taken in this matter: Therefore be it

Resolved, That the faculty of the College of Arts, of Miami University, go on record as favoring the immediate enactment of legislation forbidding the use of grain for the manufacture of liquors for beverage purposes; and that we urge the governor of our State, the members of our assembly, the National and State defense committees, and our Representatives in Congress to exert their influence toward the enactment of such legislation.

Mr. POMERENE. I present a petition signed by numerous citizens of Oberlin, Ohio, bearing on the same subject, which I ask to have printed in the RECORD without the signatures.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

To the Congress of the United States:

The undersigned earnestly petition for the immediate enactment of prohibition of the manufacture of alcoholic liquors as a measure of food conservation and for the immediate prohibition of the sale of liquors for beverage purposes in order to conserve the health, wealth, labor, transport facilities, and military efficiency of the people.

M. A. DAVIS
(And others).

Mr. FLETCHER. I present a petition of sundry citizens of St. Cloud, Fla., and vicinity. It is very brief, and I ask that it be printed in the RECORD, omitting the signatures.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

To the Congress of the United States:

The undersigned earnestly petition for the immediate enactment of prohibition of the manufacture of alcoholic liquors as a measure of food conservation and for the immediate prohibition of the sale of liquors for beverage purposes in order to conserve the health, wealth, labor, transport facilities, and military efficiency of the people.

E. D. C. WING
(And others).

Mr. SHAFROTH. I present a petition signed by the State chairman of the National Woman's Party of Colorado, favoring the immediate passage of the Susan B. Anthony amendment as a war measure, which I ask may be printed in the RECORD.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

Whereas justice to women, who bear their full share of the burdens of government in war as in peace, demands the immediate passage of the Susan B. Anthony amendment as a war measure:

Resolved, That we, Colorado women, call upon Congress to pass the amendment during this session as a war measure.

Resolved also, That a copy of this resolution be sent to the Vice President, Speaker CLARK, to Senator JACOB H. GALLINGER, Senator THOMAS S. MARTIN, Representative CLAUDE KITCHIN, Representative JAMES R. MANN, and to the Colorado delegation with the request to Senator SHAFROTH and Hon. CHARLES B. TIMBERLAKE that the resolution be read into the CONGRESSIONAL RECORD.

BERTHA W. FOWLER,
State Chairman National Woman's Party, Colorado
(And 60 others).

COLORADO SPRINGS, COLO., *June 2, 1917.*

Mr. SHEPPARD presented petitions of the faculty of the University of Texas and of Stephen A. Hockworth, of Houston, Tex., praying for national prohibition as a war measure, which were referred to the Committee on the Judiciary.

Mr. SHERMAN. I present a telegram from the Peoria Mothers' Club of Illinois, which I ask to have printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

PEORIA, ILL., *June 5, 1917.*

UNITED STATES SENATE,
Care LAWRENCE Y. SHERMAN,
Washington, D. C.:

We, the Peoria Mothers' Club, have given our sons at your call. We are answering your universal appeal for economy in our kitchens, believing that the successful prosecution of the war is largely a question of food for us and our allies. However, we feel strongly that all of our grain not distilled for industrial, mechanical, or medicinal purposes should be conserved for food. The unnecessary and deplorable waste in our kitchen, as much as it aggregates, seems petty compared to the many thousands of bushels of grain manufactured into alcoholic beverages. We therefore earnestly protest against this waste.

Frances Mae Goss, Edith Proctor Stone, May T. Snakey, Frances Booneholland, Anne Hersey Cadmus, Bertha Heidrich Miles, Mary Lines Oakford, Olive H. Baldwin.

Mr. SHERMAN. I present an article from the Illinois State Register on the scarcity of farm labor, which I ask to have read.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

[From the Illinois State Register, June 1917.]

SCARCITY OF FARM LABOR.

Farm labor in this section of the country, according to reports, is scarcer than usual at this season of the year. No definite reason is assigned for this condition, but whatever the cause it is greatly to be regretted. Farmers have been urged by the Government to plant more acreage than ever before, and this plea has been seconded by the press. Some of the farmers have been responding liberally and perhaps the aggregate acreage is greater than it was last year. There is, however, a large acreage in localities still unplanted. A lady from Morgan County was in Springfield last week in search of competent farm workmen, and was unable to secure them. She has 1,000 acres of good farming land from which she wanted to raise a corn crop. She has been trying to obtain some one to cultivate it but without success, and hoped to obtain the necessary help in Springfield. Disappointed in this she did not know what she would do. If the woman can not obtain labor necessary to raise and harvest a corn crop it will mean a shortage of the crop of Morgan County by about 50,000 bushels. This is but a single case to illustrate the scarcity of farm labor. There are others, perhaps not many that effect a single farm, but in the aggregate there are doubtless many thousands of acres in the corn belt of Illinois that will produce little or no crop this year.

If the State or Federal Government possesses the ability to supply the demand for labor some means should be adopted to find where the labor is needed and then supply it to those farmers needing it. That is the only way for the Government to get the job and the jobless together.

It is not too late yet to plant corn. If the season is favorable, which it is likely to be, and an early frost does not interfere with the ripening of the grain, large crops can be produced by the middle of September or the 1st of October, perhaps even before the first date.

The State Register has succeeded in bringing some farm laborers and farmers together with advantages to both, but it can do but little compared with what the State or National Government can do if either shall undertake the work in earnest.

Mr. GRONNA. I have received a telegram which I ask may be read.

The Secretary read the telegram, as follows:

THOMPSON, N. DAK., *June 2, 1917.*

Hon. A. J. GRONNA,
Senate Chamber, Washington, D. C.:

Representing the Grain Dealers' Association of North Dakota, I urge you to use your best efforts to prevent Congress from passing any law to give a man or small group of men power to fix prices on grain unless they fix prices on all manufactured articles and other commodities that enter into the life of the Nation. Why make a goat of the farmer?

M. C. GAULKE.

Mr. GRONNA. I present a letter from the North Dakota Woman's Christian Temperance Union, which I ask may be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NORTH DAKOTA WOMAN'S CHRISTIAN TEMPERANCE UNION,
Fargo, N. Dak., May 28, 1917.

Hon. ASLE GRONNA,
Washington, D. C.

DEAR SIR: The general officers of the North Dakota Woman's Christian Temperance Union, at a meeting held at their headquarters in Fargo, voted to write to the Congressmen and Senators from North Dakota asking them to use their influence to bring about national prohibition as a war measure and to discourage the placing of an additional tax on alcoholic liquors. We feel that the conservation of the morals as well as the grain of the Nation demands national prohibition, and that to tax the liquor business lends to it an unwarranted air of respectability.

We know our representatives at Washington are right on these questions, and will be proud to see them lead in this struggle.

Sincerely, yours,

ELIZABETH PRESTON ANDERSON,
President.
ABBIE W. H. BEST,
Vice President.
BARBARA H. WYLIE,
Corresponding Secretary.
KATE S. WILDER,
Recording Secretary.
MINETTE B. BOWE,
Treasurer.

Mr. GRONNA presented petitions of sundry citizens of Page, Dazey, Antler, Westhope, Sheldon, Bismarck, Edgeley, Granville, and Steele, all in the State of North Dakota, praying for the prohibition of the manufacture of foodstuffs into intoxicating liquor, which were referred to the Committee on Agriculture and Forestry.

Mr. JAMES. I present a resolution adopted at a meeting of the Shelby Democratic Club, of Louisville, Ky., relative to the high cost of living, which I ask to have printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

SHELBY DEMOCRATIC CLUB,
Louisville, Ky., May 10, 1917.

Whereas the statistics in the Department of Agriculture show that there is no shortage in foodstuffs in the United States; and

Whereas it has been admitted by Secretary Houston that since April 1, 1914, to March 1, 1917, there has been an increase upon all foodstuffs of from 15 to 400 per cent; and

Whereas the present high prices are traceable to speculation and the storing of vast quantities of foodstuffs by packing houses and cold-storage plants for the purpose of boosting prices; and

Whereas the present high prices have reached a point that it is impossible for the common people to live decently upon their income or earnings from labor: Now, therefore, be it

Resolved, That the Shelby Democratic Club, of Louisville, Ky., petition Congress and Senate of the United States, through their Senators and Representatives, for Federal legislation prohibiting speculation in foodstuffs, and a packing-house bill regulating packing houses and cold-storage plants, limiting the holding of fruits, vegetables, butter, eggs, dressed poultry, and fresh meats to 90 days, making a violation of said laws punishable by both fine and imprisonment in the penitentiary.

Hon. OLLIE M. JAMES,
Washington, D. C.

DEAR SIR: The above resolution was adopted at the meeting of the Shelby Democratic Club, and the secretary was instructed to send a copy to our Representatives and Senators at Washington.

Very respectfully,

J. T. SMITH, *Secretary.*

Mr. JONES of Washington. I present a resolution adopted at a large mass meeting of the citizens of Seattle, Wash., which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Whereas the Chief Executive of this Nation, on April 2 last, in urging on Congress our intervention in the prevailing European war, declared as follows:

"We shall fight for the things we have nearest our hearts—for democracy, * * * for the rights and liberties of small nations, for a universal dominion of right by such a concert of free peoples as shall bring peace and safety to all nations, and make the world itself at last free"; and

Whereas in a preceding message to the Senate of the United States, defining the peace which we are interested in achieving as the outcome of such war, our distinguished President further declared:

"No peace can or ought to last which does not recognize and accept the principle that governments derive all their powers from the consent of the governed"; and that "henceforth inviolable security of life, of worship, and of industrial and social development should be guaranteed to all peoples who have lived hitherto under the power of governments devoted to faith and purposes hostile to their own"; and

Whereas these exalted declarations apply, in our judgment, with peculiar force to the concerns of the Irish people. Theirs is one of the smaller, as it is one of the oldest, nations in Europe. They have been and still are governed without their consent. They are and have been denied any and all security of social or industrial development. They have long lived and they still live under the power of a government devoted to faith and purposes hostile to their own sentiments, purposes, and aspirations They have never ceased during centuries, even for a single generation, to maintain in open and honorable warfare their claim to nationhood and to freedom, and they are to-day struggling in their own land for the establishment of a democratic republic: Now, therefore, be it

Resolved, That we, American citizens, faithful to the principles, the Constitution, and the laws of the Republic, being assembled in public meeting in the city of Seattle on this 27th day of May, 1917, respectfully and earnestly urge upon the President and Congress of the United States that this Republic is morally and by every consideration of national gratitude and political principle obligated to insist in all international councils that the people of Ireland shall be restored to all their rights and liberties, in accordance with the splendid exposition of national rights and liberties laid down by President Wilson, and that they be relieved of the burdens, the restrictions, and the oppressions of an alien government. That we regard with disapproval any action by our Government or any of its divisions or departments which might directly or indirectly countenance the offer to the people of Ireland of any substitute whatever for complete national independence. That we protest beforehand against the conclusions of any convention called in Ireland under the auspices of the British Government, as proposed by the British premier, to determine the political or other demands of the Irish people, since any such body can only be designed to falsify those demands and to deceive the other races of the world. No convention or other body can express the will of the Irish race in Ireland as to the government of their own land unless its membership is based in representation on the entire adult population of the country, wholly irrespective of social, religious, or political division; and be it further

Resolved, That we heartily approve the joint resolution introduced in Congress by the Hon. WILLIAM E. MASON, now a Member of the House of Representatives and formerly representing the State of Illinois in the United States Senate, and that we express our sincere thanks to that distinguished statesman for the action so taken by him.

Mr. SHIELDS. I present resolutions passed by the members of the Munsey Memorial Sunday School, of Johnson City, Tenn., which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Resolutions passed by the members of the Munsey Memorial Sunday School, Johnson City, Tenn. on Sunday morning, May 20, 1917.

Whereas the people of this great Nation of ours have in a great measure come to realize that one of the greatest menaces to our fair country is the liquor traffic, which in past years has caused more misery and sorrow to ourselves and our neighbors and friends than any other cause, and is still wrecking and ruining lives and homes in many of the States of the Union; and

Whereas the people of the great State of Tennessee, having rid themselves, through the efforts of its broad-minded and liberty-loving statesmen and citizens, of the legalized sale of intoxicants, are anxious and prayerful that their example be followed by the people of every State which is bound together by the Stars and Stripes; and

Whereas they feel that such a state of things can only be brought about by laws enacted by the Senate of the United States absolutely prohibiting the manufacture and sale of intoxicants, and we realize that such bills can not be passed unless our Senators and Congressmen are themselves believers in Nation-wide prohibition and are willing to lend their time and ability toward the consummation of this great end; and

Whereas the people of Tennessee are fortunate in having Senators and Congressmen who are in the forefront of this great fight, and who have done many things which have brought us nearer the goal, and we, as citizens of this State, feel that we should express to them our appreciation for their past actions and urge upon them greater efforts in the future: Now, therefore, be it

Resolved, That we, the officers, teachers, and scholars of Munsey Memorial Sunday School, of Johnson City, Tenn., do, by unanimous vote, express to our Congressman, Hon. SAM R. SELLS, our sincere appreciation for the bill introduced by him in the Congress of the United States of America, providing for national prohibition; and

Resolved, That we also express our appreciation to our Senators, Hon. JOHN K. SHIELDS and Hon. KENNETH D. MCKELLAR, for the votes cast by them in favor of bills looking toward Nation-wide prohibition; and

Resolved, That we do urge upon them, as our representatives, to continue to exert their efforts in this cause, so that we may soon see the day when there will not be one licensed place in this country where intoxicants are made or dispensed; and

Resolved, That a copy of these resolutions be forwarded to Senator SHIELDS, Senator MCKELLAR, and Congressman SELLS, and that a copy of same be inserted in the record book of the Sunday school.

Passed May 20, 1917. Signed this 30th day of May, 1917.

MUNSEY MEMORIAL SUNDAY SCHOOL,
E. MUNSEY SLACK,
Superintendent.

Attest:

W. LEWIS SMITH, *Secretary.*

Mr. VARDAMAN. I have received from Mrs. Julius Crisler, acting State chairman, of Jackson, Miss., resolutions adopted by the Mississippi Branch of the National Woman's Party, which I am going to ask to have printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Whereas our allies England and Russia are enfranchising their women in time of war; and

Whereas American women are being called upon for service and for sacrifice in a war "for democracy, for the right of those who submit to authority to have a voice in their own government"; and

Whereas we can not consistently fight for this principle of democracy abroad until it has been established within our own borders: Therefore be it

Resolved, That we, members and friends of the Mississippi Branch of the National Woman's Party, in conference assembled at the Carroll Hotel, Vicksburg, this 1st day of June, 1917, urge the immediate passage of the Susan B. Anthony amendment, submitting the question of suffrage for women to each State at the next session of the State legislature; and be it further

Resolved, That copies of this resolution be sent to the President of the United States; to Hon. CLAUDE KITCHIN, majority leader in the House of Representatives; to Hon. E. Y. WEBB, chairman of the Judiciary Committee; to Senator JAMES K. VARDAMAN, with instructions that it be read into the record of the Senate; to Senator JOHN SHARP WILLIAMS; to Representative JAMES W. COLLIER, with instructions that it be read into the record of the House; and to Representatives EZEKIEL S. CANDLER, HUBERT D. STEPHENS, BENJAMIN G. HUMPHREYS, THOMAS U. SISSON, WILLIAM W. VENABLE, PAT HARRISON, and PERCY E. QUIN.

Mrs. JULIUS CRISLER,
Acting State Chairman.

Mr. SMITH of Maryland presented petitions of sundry citizens of Baltimore, Md., praying for the prohibition of the manufacture of foodstuffs into intoxicating liquor, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Home Missionary Society of Mount Vernon Place Methodist Episcopal Church, of Baltimore, Md., praying for national prohibition as a war measure, which was referred to the Committee on the Judiciary.

Mr. WEEKS presented a petition of the faculty and students of Simmons College, Boston, Mass., praying for national prohibition as a war measure, which was referred to the Committee on the Judiciary.

Mr. JONES of Washington presented petitions of sundry citizens of Eatonville, Summit View, and Walla Walla, all in the State of Washington, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Pierce County, Wash., praying for the "conscription of large incomes," which were referred to the Committee on Finance.

Mr. KNOX presented petitions of sundry citizens of Pennsylvania, praying for national prohibition as a war measure, which were referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of sundry citizens of Bennington, Vt., praying for national prohibition as a war measure, which was referred to the Committee on the Judiciary.

Mr. FRELINGHUYSEN presented petitions of sundry citizens of Atlantic City and Metuchen, in the State of New Jersey, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Trenton, North Hudson, Millville, and Orange, all in the State of New Jersey, praying for the prohibition of the manufacture of foodstuffs into intoxicating liquor, which were referred to the Committee on Agriculture and Forestry.

Mr. LEWIS. Mr. President——

The VICE PRESIDENT. The Senator from Illinois.

Mr. LEWIS. I should like the attention of my honored friend, the junior Senator from Ohio [Mr. HARDING].

Mr. CUMMINS. Mr. President, a parliamentary inquiry. What is the regular order?

The VICE PRESIDENT. The presentation of petitions and memorials.

Mr. CUMMINS. Does the Senator from Illinois rise to present a petition or a memorial?

Mr. LEWIS. The Senator from Illinois rose to present a matter of public print which he can not call a petition or a memorial.

Mr. CUMMINS. I should like, Mr. President, to have the regular order pursued until the morning business has been concluded.

Mr. LEWIS. Mr. President, I can not offer opposition to the request of the Senator from Iowa. I will resume at the conclusion of the morning business, with the consent of the Senate.

NATIONAL DEFENSE.

Mr. CHAMBERLAIN. There is on the calendar Order of Business No. 13, the bill (S. 1786) to amend certain sections of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, and for other purposes. I ask that the bill be taken from the calendar and recommitted to the Committee on Military Affairs. I make the request at this time, as I desire to report back immediately the bill from the committee. The subject has been under consideration by the Committee on Military Affairs for some time, and the fact that some of the provisions of the bill now on the calendar are already included in the Army legislation that has been enacted has necessitated some further amendments. Therefore I ask that the bill be recommitted to the Committee on Military Affairs.

The VICE PRESIDENT. The bill will be recommitted to the Committee on Military Affairs.

Mr. CHAMBERLAIN. I desire to report back favorably with amendments the bill and ask that it take the same place on the calendar.

The VICE PRESIDENT. The bill will be placed on the calendar.

LANDS ON ROCKAWAY POINT, N. Y.

Mr. WADSWORTH. From the Committee on Military Affairs I report back favorably without amendment the bill (S. 1852) authorizing the Secretary of War to transfer to the city of New York the title of the United States to certain lands in Kings County, State of New York, and I submit a report (No. 50) thereon.

The bill was introduced by my colleague [Mr. CALDER], and accompanying it is a letter from the Secretary of War transmitting in turn a letter from the Chief of Engineers, United States Army. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there any objection?

Mr. CUMMINS. I ask that the bill be read before the request is passed upon.

The VICE PRESIDENT. The bill will be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to transfer to the city of New York, in partial consideration for the transfer to the United States of the city's right and title to certain lands on Rockaway Point, the title of the United States to the reservation on Plumb Island, in the town of Gravesend, in Kings County, State of New York, and containing an area of approximately 50 acres.

Mr. OVERMAN. I desire to ask the Senator from New York, Is there any reason why the bill should be passed to-day?

Mr. CALDER. The War Department has requested that it be passed. It has to do with the exchange of some property that the city owns on the site of the great Fort Rockaway, which protects New York Harbor.

Mr. OVERMAN. Is it an emergency measure?

Mr. CALDER. I think it is. The Federal Government is trying to perfect its title to the property in Rockaway, and this is part of the property involved in the transaction.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HEARINGS ON WAR-REVENUE BILL.

Mr. SMITH of Arizona. From the Committee on Printing I report back favorably with an amendment Senate resolution 74, submitted by the Senator from North Carolina [Mr. SIMMONS] on the 26th ultimo, and at the request of the chairman of the Committee on Finance I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment was, in line 3, before the word "copies," to strike out "2,000" and insert "1,550," so as to make the resolution read:

Resolved, That the Committee on Finance be, and is hereby, authorized to have printed for its use 1,550 copies of the hearings before said committee on the bill (H. R. 4280) to provide revenue to defray war expenses, and for other purposes.

The amendment was agreed to.

The resolution as amended was agreed to.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PENROSE:

A bill (S. 2401) for the relief of retired commissioned warrant officers detailed on active duty; to the Committee on Naval Affairs.

By Mr. GORE:

A bill (S. 2402) authorizing and directing the President to commandeer distilled spirits now in bond for the manufacture of munitions and military and hospital supplies, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. SHEPPARD:

A bill (S. 2403) to promote the improvement of rural education; to the Committee on Education and Labor.

By Mr. SHAFROTH:

A bill (S. 2404) to conserve food products for the Army, Navy, and people of the United States during the war with Germany by preventing the use thereof in the manufacture of intoxicating liquor, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. JONES of New Mexico:

A bill (S. 2405) for the relief of Grant County, Luna County, and the town of Silver City, N. Mex.; to the Committee on Public Lands.

By Mr. NELSON:

A bill (S. 2406) for the relief of Odin M. Hansen (with accompanying papers); to the Committee on Claims.

By Mr. JONES of Washington:

A bill (S. 2407) to provide compensation for employees of the United States separated from the service on account of injuries received while in the performance of duty, and for other purposes; to the Committee on Education and Labor.

A bill (S. 2408) granting an increase of pension to Pascal F. Rainwater (with accompanying papers);

A bill (S. 2409) granting an increase of pension to Charles S. Lavanway (with accompanying papers);

A bill (S. 2410) granting an increase of pension to James S. Foster (with accompanying papers); and

A bill (S. 2411) granting an increase of pension to Ernest Kiene (with accompanying papers); to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 2412) authorizing Brig. Gen. Theodore A. Bingham, United States Army, retired, to accept the decoration of the Legion of Honor of France; to the Committee on Foreign Relations.

By Mr. CHAMBERLAIN:

A bill (S. 2414) for the restoration of J. Shelley Saurman, assistant surgeon, United States Navy, retired, to the active list of the Navy (with accompanying papers); and

A bill (S. 2415) granting an honorable discharge to Douglas Spracklen; to the Committee on Naval Affairs.

A bill (S. 2416) for the relief of the legal representatives of W. H. Mills, deceased; to the Committee on Claims.

(By request) a bill (S. 2417) for the protection of the owners of mining claims and of desert-land entrymen in time of war; to the Committee on Public Lands.

By Mr. KNOX:

A bill (S. 2418) for the relief of James Russell (with accompanying paper); to the Committee on Military Affairs.

By Mr. SHIELDS:

A bill (S. 2419) granting an increase of pension to Scott Thompson; to the Committee on Pensions.

By Mr. SHEPPARD:

A joint resolution (S. J. Res. 75) authorizing a survey and examination of the Rio Grande border of the United States to determine the advisability of constructing a highway either along the entire border or certain sections thereof; to the Committee on Military Affairs.

DESECRATION OF THE FLAG.

Mr. POMERENE. I introduced a bill to prevent and punish the desecration, mutilation, or improper use of the flag of the United States of America, to apply to the entire country. At the last session of Congress a bill was passed applying to the District of Columbia. Many of the States have laws bearing upon the subject, but I am advised by at least one United States district attorney that they are not broad enough to cover all desecrations, mutilations, and misuses of the flag.

I ask that the bill be referred to the Committee on Military Affairs, and I indulge the hope that the committee will soon be able to report it favorably.

The bill (S. 2413) to prevent and punish the desecration, mutilation, or improper use of the flag of the United States of America was read twice by its title and referred to the Committee on Military Affairs.

WAR REVENUE.

Mr. GORE. I submit a series of amendments to House bill 4280, the war-revenue tax bill, and ask that they be printed in the RECORD and referred to the Committee on Finance. I desire to say that I am preparing an additional amendment which, taken in connection with these matters, will consummate the object in view.

There being no objection, the amendments were referred to the Committee on Finance and ordered to be printed and to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. GORE to the bill (H. R. 4280) to provide revenue to defray war expenses, and for other purposes, viz: On page 39, line 5, strike out the words "a tax of $1.10 on each proof gallon, or wine gallon when below proof," and insert in lieu thereof the following: "a tax of $5 per proof gallon, or wine gallon when below proof, on such distilled spirits which have been in bond for a less period than five years, and on such spirits which have been in bond for a longer period than five years a tax of $5 per proof gallon, or wine gallon when below proof, and an additional dollar for each additional year that such spirits have been in bond."

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Amendment intended to be proposed by Mr. GORE to the bill (H. R. 4280) to provide revenue to defray war expenses, and for other purposes, viz: Insert the following as a new section:

"SEC. 300½. In addition to the tax imposed on distilled spirits by existing law and under the preceding section of this act, there shall be levied, collected, and paid on the materials from which such spirits are manufactured, after the approval of this act, the following tax: On all grain, cereals, and other edible products and materials, a tax of $60 per 100 pounds, and on all molasses, sirups, or other fermentable products and materials, a tax of $5 per wine gallon; and every distiller using any such materials shall keep such records and file such returns and bonds, and the tax shall be paid at such times and in such manner, and subject to such credits as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe or require: *Provided*, That the provisions of this section shall not apply to distilled spirits withdrawn free of tax under existing law or withdrawn and used exclusively for industrial, mechanical, medicinal, and scientific purposes, under such rules and regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe: *Provided further*, That such spirits shall not be withdrawn for export except upon the application of an accredited representative of a nation now at war with the Imperial German Government, in which application it shall be declared that such spirits are withdrawn for other than beverage purposes."

Amendment intended to be proposed by Mr. GORE to the bill (H. R. 4280) to provide revenue to defray war expenses, and for other purpurposes, viz: Insert the following as a new section:

"SEC. —. That in addition to the special tax levied by existing law on retail dealers in distilled spirits, as defined therein, there shall be paid, after July 1, 1917, by retail dealers in such spirits selling or dispensing of the same for beverage purposes, a special tax of $5,000 per annum, and every such dealer, when proffering to pay such tax, shall file a declaration under oath, in such form as the Commissioner of Internal Revenue shall prescribe, which shall become a public record, and which shall declare the State, city, and lot, or other premises, in and on which the said retail business is to be conducted: *Provided*, That the lot may be changed and the tax receipt transferred under rules and regulations to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury: *Provided further*, That the revenues collected in pursuance of this section shall be paid over to the treasurers of the several States in which the same originates. The provisions of existing law with respect to the collection and payment of such special tax on retail dealers in distilled spirits and the penalties for violating the same are hereby adopted and made a part of this section in so far as applicable."

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Amendment intended to be proposed by Mr. GORE to the bill (H. R. 4280) to provide revenue to defray war expenses, and for other purposes, viz: Insert the following as a substitute for section 303:

"SEC. 303. That on and after the passage of this act there shall be levied and collected on all beer, lager beer, ale, porter, and other similar fermented liquor, containing one-half per cent and not more than 2½ per cent alcohol, brewed or manufactured and sold, or stored in warehouse, by whatever name such liquors may be called, in addition

to the tax now imposed by law, a tax of $1.25 for every barrel containing not more than 31 gallons; and on all such liquors containing more than 2½ per cent of alcohol, a tax of $5 for every barrel containing not more than 31 gallons; and at like rates for any other quantity or for the fractional parts of a barrel authorized and defined by law."

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Amendment intended to be proposed by Mr. GORE to the bill (H. R. 4280) to provide revenue to defray war expenses, and for other purposes, viz: Insert the following as a new section:

"SEC. —. That the President is authorized and directed to commandeer any or all distilled spirits in bond at the date of the approval of this act for redistillation, in so far as such redistillation may be necessary to meet the requirements of the Government in the manufacture of munitions and other military and hospital supplies, or in so far as such redistillation would dispense with the necessity of utilizing products and materials suitable for feeds and foods in the future manufacture of distilled spirits for the purposes herein enumerated. The President shall determine and pay a just compensation for the distilled spirits so commandeered, and if the price so determined be not satisfactory to the person entitled to receive the same, such person shall be paid the amount prescribed by the President, and shall be entitled to sue the United States to recover such further sum as, added to the amount so paid, will be just compensation for such spirits, in the manner provided by section 24, paragraph 20, and section 145 of the Judicial Code."

AMENDMENTS TO THE PENDING BILL.

Mr. GORE. I submit an amendment to the bill S. 2356, the unfinished business, which I ask to have read.

The amendment was read and ordered to lie on the table and to be printed, as follows:

SEC. —. Hereafter it shall be unlawful for any common carrier, or any other person or corporation, to ship, receive for shipment, transport, deliver, or receive in interstate commerce or in commerce among the several States distilled spirits except when such spirits shall have been withdrawn from bond free of tax under existing law, or shall have been withdrawn for scientific, mechanical, industrial, and medicinal purposes under rules and regulations to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Any corporation violating the provisions of this section shall, upon conviction thereof, be liable to a fine of not less than $1,000 and not more than $5,000, and any natural person and the officer or agent of any corporation violating the provisions of this section shall, upon conviction thereof, be liable, for the first offense, to a fine of not less than $25 and not more than $250, and, for a second or subsequent offense, shall be liable, in addition to such fine, to imprisonment for a period of not less than one month and not more than one year: *Provided*, That the words "interstate commerce" as used in this section shall be construed to include trade or commerce between any State and another State, or between any State and the District of Columbia, or between the District of Columbia and any State.

Mr. NORRIS submitted an amendment intended to be proposed by him to the bill (S. 2356) to amend the act to regulate commerce, as amended, and for other purposes, which was ordered to lie on the table and to be printed.

WAR REVENUE.

Mr. WEEKS submitted an amendment intended to be proposed by him to the bill (H. R. 4280) to provide revenue to defray war expenses, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. NELSON, it was

Ordered, That the papers accompanying the bill (S. 2180) to approve mutual cessions of territory by the States of Minnesota and Wisconsin, Sixty-fifth Congress, be withdrawn from the files of the Senate, no adverse report having been made thereon.

STATUE OF SEQUOYAH.

Mr. OWEN submitted the following concurrent resolution (S. Con. Res. 4), which was read and referred to the Committee on the Library:

Resolved by the Senate (the House of Representatives concurring), That the statue of Sequoyah, presented by the State of Oklahoma to be placed in Statuary Hall, is accepted in the name of the United States, and that the thanks of Congress be tendered to the State for the contribution of the statue of one of its most eminent citizens, illustrious for his distinguished civic services.

2. That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the governor of Oklahoma.

"WAR MESSAGE AND FACTS BEHIND IT."

Mr. FLETCHER. I submit a resolution to print a pamphlet entitled "War Message and Facts Behind It," published by the Committee on Public Information. It is a very important document, and gives not only the war message of the President of April 2, but the facts behind the statement of the war message. It has been carefully prepared and edited, and I think it ought to have wide distribution. An estimate of the cost of the printing accompanies the resolution. Therefore it is in order, and I ask unanimous consent for its present consideration. Within the limit of $500 we can have 45,000 copies of the pamphlet printed.

The VICE PRESIDENT. The resolution will be read.

The Secretary read the resolution (S. Res. 81), as follows:

Resolved, That the pamphlet entitled "War Message and Facts Behind It," published by the Committee on Public Information, be printed as a Senate document, and that 45,000 additional copies be printed for the use of the Senate document room.

Mr. GALLINGER. Is that a report from a committee?

Mr. FLETCHER. It is not a report. I am simply submitting a resolution.

Mr. GALLINGER. But it has not been referred to a committee.

Mr. FLETCHER. No; it has not.

Mr. GALLINGER. I trust the Senator will allow the resolution to go to a committee, and it can then be reported.

Mr. FLETCHER. If the Senator desires that course to be taken, he has the right to object to the consideration of the resolution, and it would go to a committee. I think it is an important matter to have this pamphlet distributed as early as possible.

Mr. GALLINGER. I think the resolution had better take the usual course.

Mr. FLETCHER. Very well. I ask that the resolution be referred to the Committee on Printing.

The VICE PRESIDENT. The resolution will be referred to the Committee on Printing.

SAMUEL M. HERBER.

Mr. CUMMINS submitted the following resolution (S. Res. 80), which was referred to the Committee on Patents:

Whereas it is alleged that in denying to Samuel M. Herber a patent for a certain process in the production of gasoline a great injustice has been inflicted upon him and the persons associated with him; and

Whereas it is further alleged that the decision is palpably contrary to the law, and that notwithstanding the ruling so made Congress ought to give relief to the said Herber: It is therefore

Resolved, That the Committee on Patents make full inquiry into the subject and report to the Senate as soon as practicable its findings thereon.

COL. THEODORE ROOSEVELT.

Mr. STONE. Mr. President, on May 17 last, while the Senate had under consideration the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to what is known as the conscription or selective draft bill, I addressed the Senate on the conference report, and in the course of that address submitted some observations relating to Col. Theodore Roosevelt. It will be remembered that in the bill there was a provision intended to authorize this distinguished gentleman to raise a division of volunteers for service in the war in which we are now engaged. At that time and in that connection I made a remark which appears on page 11 of the document I now send to the desk, being a reprint of the speech I made on the occasion referred to. I desire to have the part I have marked printed in the RECORD without reading. Those particular remarks referred to the generally made and, I think, generally accepted statement that the regiment which Col. Roosevelt commanded was rescued by a negro regiment from a perilous situation into which he had led them.

I have recently received a letter from William H. H. Llewellyn, speaker of the House of Representatives of the State of New Mexico, relating to this matter. Mr. Llewellyn was a captain in Col. Roosevelt's regiment. He has written me a letter protesting that the statement made by me was not founded upon fact. It is a well-couched letter, in gentlemanly terms, and accompanied by an affidavit made by Mr. Llewellyn, setting forth certain facts, or what he states to be facts, covering the matter to which I had alluded. I feel obliged to ask the Senate for permission to have inserted in the RECORD this letter and affidavit of Mr. Llewellyn, as he asks me to correct the statement I made. At the same time, Mr. President, I am going to ask to have inserted several pages written by Mrs. Annie Riley Hale, covering the same subject matter, and some little additional matter, throwing light on the general subject, and which appears in one of her books.

I have marked in this book of Mrs. Hale's the part I desire to have inserted, to follow the affidavit of Mr. Llewellyn. I also wish to have inserted, following the excerpt from Mrs. Hale's volume, a letter addressed to her on August 29, 1912, by Charles D. Hilles, then chairman of the Republican national committee, and a communication to her of August 16, 1912, from George Eustis, and a further communication to her from the National Savings & Trust Co., of Washington, D. C., duly signed by one of its officers.

I should like to have all this matter go into the RECORD in the order named.

These letters from Mr. Hilles and others are to the effect that the Republican national committee circulated this volume of Mrs. Hale's, and thereby certified it to be the judgment of that committee that the statements therein were accurate.

I ask leave to have this matter printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

[Extract from Senator STONE'S speech.]

Roosevelt is practically without military training. It is true that for a short time he did command a regiment in the Spanish-American War of 1898—a regiment of very brave men and willing fighters—and I do not deny that he led them courageously into battle, but he did not command them with judgment. As everyone knows, he got his men into a bad hole, where they were in imminent danger of being decimated and cut to pieces, and no doubt they would have been cut to pieces except for a negro regiment, under trained officers of the Regular Army, who came to the rescue and sheltered and saved him and them. By his own course in the only crisis of his brief and unimportant military career he demonstrated such a lack of poise and sound judgment as to make plain his unfitness to command even a regiment.

—

THIRD STATE LEGISLATURE,
Las Cruces, N. Mex., May 31, 1917.

Hon. WILLIAM J. STONE,
United States Senate, Washington, D. C.

MY DEAR SIR: The CONGRESSIONAL RECORD of the 17th instant contains your remarks concerning Col. Roosevelt, and, after reading same carefully, I have concluded to intrude upon your valuable time and call your attention to an erroneous statement which you made at that time. It was, in substance, that the colored troops had saved Roosevelt and his command during the progress of the Cuban campaign. This statement has been denied so often that one would think it was generally known to be false. Such men as Gen. Joseph Wheeler stamped it as being untrue. I presume your attention has never been called to the truth regarding this matter, and therefore you have inadvertently repeated what is not only false but a statement which has not even a slender thread to hang upon. Now, my dear Senator, if you could kindly have this matter corrected I would appreciate it very much. I do not write in a spirit of anger or criticism, but just desire to call your attention to the truth.

Very respectfully,

WILLIAM H. H. LLEWELLYN.

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STATE OF NEW MEXICO,
County of Dona Ana, ss:

Personally appeared before me, the undersigned authority, William H. H. Llewellyn, who, being duly sworn, upon his oath deposes and says: That during the Spanish War of 1898 he was a captain and commanded Troop G, in the First United States Volunteer Cavalry, Col. Leonard Wood's regiment, afterwards commanded by Col. Theodore Roosevelt, and known as "Roosevelt's Rough Riders." Affiant further states that he was with said regiment during the entire Cuban campaign and commanded and participated with his troop in all of the fighting; that the statement that Roosevelt's regiment was rescued or saved from destruction or gotten out of a desperate situation by the colored troops is untrue and has no foundation in fact; that this is generally alleged to have occurred at the Battle of Las Guasimas. This battle was fought by a brigade composed of the Tenth Regular Cavalry (colored), the First Regular Cavalry, and Roosevelt's regiment, and was planned and carried out by Gen. Wheeler. The First Regular Cavalry was on the extreme right, the Tenth Cavalry in the center, and Roosevelt's regiment on the left, each regiment advancing from the seashore in separate columns to the west, where they attacked the Spanish entrenchments. A deep, wooded ravine separated the Tenth Cavalry from Roosevelt's regiment, and all three regiments encountered the Spaniards at practically the same time, as had been planned. Roosevelt's regiment did not come in contact with the Tenth Regular Cavalry during the fight, and neither at Las Guasimas nor at any other place was his regiment saved or extricated from a desperate situation by the Tenth Cavalry or any other regiment. Las Guasimas will be remembered as the battle in which Capt. Capron, Hamilton Fish, and Marcus D. Russell, of Roosevelt's regiment, were among the killed.

Affiant further says, and again repeats, that the statements made to the effect that Col. Roosevelt's regiment was saved from destruction or rescued by the colored troops or any other troops is wholly untrue.

And affiant further says that Col. Roosevelt did not get his regiment into a position where it was necessary for anyone to save him or the men under his command. Further affiant saith not.

WILLIAM H. H. LLEWELLYN.

Subscribed and sworn to before me this 31st day of May, A. D. 1917.

[SEAL.] MAE MCDONALD HAWLEY,
Notary Public in and for Dona Ana County, N. Mex.

My commission expires May 15, 1921.

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[Extracts from Rooseveltian Fact and Fable, pp. 13 to 22.]

After some drilling and parading on American soil, by way of getting the spectacular brigade well into the public eye, we find the gallant Rough Riders "drawing first blood" in Cuba, at the ill-considered and prematurely fought Battle of Las Guasimas. As has been so often recounted, the Rough Riders under Wood and Roosevelt ran into an ambush on this occasion—Spaniards hidden in an old cemetery between the creek and the road—from which they were narrowly rescued by the timely arrival of the negro troops, this last having furnished the text for much reproachful oratory since the Brownsville affair.

As it was, 68 brave fellows went down before the unseen fire, 16 of them to rise no more. Among the slain was the gallant Capt. Allyn Capron, who had done more than anyone else to increase the efficiency of the Rough Rider Brigade. Reliable military historians relate that Gen. Wheeler, who commanded the Cavalry, had weakly yielded to the importunities of "the ardent young Roosevelt and others" in giving the order for this attack or "reconnoissance," thereby violating his own order from the superior officer to wait for Gen. Lawton with the Infantry.

And that "rough old Gen. Lawton," coming up and seeing the blunder, "said some unpleasant things," bluntly charging the blood of Capt. Capron and the slain troopers upon this unauthorized haste.

Roosevelt received his first baptism of fire and blood at Las Guasimas, and having accomplished his purpose of securing for the "Rough Riders" the credit of having "started things in Cuba," it is not to be supposed he allowed the casualties of war to disturb his complacent reflections. There was more "glory" ahead. Panegyrist Riis says:

"All the way up it (the Rough Rider Regiment) had been the vanguard. * * * Ten days of marching and fighting in the bush culminated in the storming of the San Juan Hills, with Col. Roosevelt in full command, Col. Wood having been deservedly promoted after Las Guasimas."

The piece de resistance of all the Rough Rider exploits—as it exists in the popular fancy—was the assault on the Spanish entrenchments on top of San Juan Hill. This has been "sung in song and story" until it ranks in the annals of military glory with Pickett's charge up the Gettysburg Heights. It is a thankless task to show that, as a Rough Rider achievement, it more properly finds a place among Baron Munchausen's Tales, or in some standard work on mythology, yet such is the merciless showing of the facts. Let us first note the heroic fable. The New York Sun of date July 4, 1898, published the following vivid account of the San Juan charge:

"When they came to the open, smooth hillside there was no protection. Bullets were raining down at them, and shot and shell from the batteries were sweeping everything.

"There was a moment's hesitation, and then came the order: 'Forward, charge!' Col. Roosevelt led, waving his sword. Out into the open the men went and up the hill. Death to every man seemed certain. The crackle of the Mauser rifles was continuous. Out of the brush came the riders. Up, up they went, with the colored troops alongside of them, not a man flinching, and forming as they ran. Roosevelt was a hundred feet in the lead. Up, up they went, in the face of death, men dropping from the ranks at every step. The Rough Riders acted like veterans. It was an inspiring sight and an awful one. * * * The more Spaniards were killed, the more seemed to take their places. The rain of shells and bullets doubled. Men dropped faster and faster, but others took their places. * * * Roosevelt sat erect on his horse [all authorities now agree there was not a horse in the fight], holding his sword, and shouting for his men to follow him. Finally his horse was shot from under him, but he landed on his feet and continued calling for his men to advance. * * *

"He charged up the hill afoot. It seemed an age to the men who were watching, and to the Rough Riders the hill must have seemed miles high. But they were undaunted. They went on, firing as fast as their guns would work. At last the top of the hill was reached. The Spaniards in the trenches could still have annihilated the Americans, but the Yankee daring dazed them. They wavered for an instance, and then turned and ran.

"The position was won and the blockhouse captured. In the rush more than half of the Rough Riders were wounded * * *."

This vivid, glowing picture, with Roosevelt on horseback as the central figure, was copied in the press throughout the country, and the Russian military painter, Vereschagin, was inveigled into committing the salient details to canvas. Riis declares with ecstatic fervor that "it will live forever in the American mind" and cause a thrill in the American heart, unequaled by any other vibration before or since.

It really seems nothing short of sacrilege to mar this heroic picture in any of its inspiring details. Yet the clear, cold light of history, unmindful of the pangs of the hero worshippers, has been steadily turned on this glowing battle scene, with the cruel result (to the worshippers) of completely eliminating the central heroic figure—horse and all!

The first to turn on the disillusioning stream was Senator Alger, in his "Spanish-American War," published in 1901.

On page 164 of Alger's History we read: "A part of the cavalry division which first attacked Kettle Hill did not advance on San Juan Ridge at the time of the assault by Kent's infantry division. The First Volunteer Cavalry, under Col. Roosevelt, as well as parts of the Regular regiments which captured Kettle Hill, did not join the infantry in its charge on San Juan blockhouse and that portion of San Juan Ridge to the left of Santiago Road, commonly known as San Juan Hill."

The "Kettle Hill" here referred to was a low, steep knoll, surmounted by a farmhouse and some huge iron caldrons—whence its name—to the right of San Juan Ridge, whereon were the main Spanish intrenchments, and separated from them by an open, grass-covered glade a third of a mile wide. "Kettle Hill" therefore presented the first obstacle to the American advance and was held by a skirmish line of Spaniards, who quickly gave way before the attacking force, consisting (according to Alger, p. 157) of "one squadron of the First Cavalry, the Ninth Cavalry (colored), and the First Volunteer Cavalry (under Col. Roosevelt), who all charged together over the crest."

And here, according to the best authorities, the gallant Rough Riders rested on their laurels. Having easily dislodged the Spaniards from this unimportant and slightly defended hillock, they calmly watched their comrades, the infantry division led by Hawkins and Kent, storm and capture the main Spanish position on top of the San Juan Hill.

Historian Alger, who was Secretary of War Alger when this history was in the making, very cleverly makes Historian Roosevelt himself corroborate his account of the disposition of the troops in this battle by citing an isolated paragraph from the "Rough Riders," pages 134–136: "No sooner were we on the crest of Kettle Hill than the Spaniards from their line in our front, where they were strongly intrenched, opened fire upon us with their rifles and two pieces of artillery. * * * On the top of the hill was a huge iron kettle, probably used for sugar refining. Several of our men took shelter behind this. We had a splendid view of the charge on San Juan blockhouse to our left and a third of a mile to the front, where the infantry of Kent, led by Hawkins, were climbing the Hill." * * *

The average reader will wonder how he missed this tell-tale paragraph in Col. Roosevelt's book, which somehow or other conveys such an impression of Rough Rider valor and omnipresent activity that one forgets all other participants in the war and agrees with Mr. Dooley that the book should have been named "Alone in Cuba." Surely Historian Alger has made a mistake. We turn to the indicated page incredulously. No; there it is as quoted, securely sandwiched between Rough Rider acts fore and aft in the rapidly moving picture—paeans to right of it; paeans to left of it. Yet obscured as it is by the more important business (in the mind of the author) of glorifying the Rough Riders and completely lost, as it has been in all the shouting evoked by the publication of the myth, here is the statement in plain black and white from their gallant commander himself, that instead of leading the charge on the San Juan blockhouse the dashing troopers (including their commander) viewed it from behind the sugar kettle, a third of a mile away!

We never could have believed it upon any other authority, though other authorities are not lacking. The military reports of Gen. J. Ford Kent, of Capts. A. C. Markley, Henry Wygant, and Charles Dodge, of the Twenty-fourth Infantry, all of whom took part in the San Juan Hill charge, make no mention of Col. Roosevelt or the Rough Riders. Capt. Herbert H. Sargent's book on the Santiago campaign and Gen. Shafter's (commanding general) report in 1898 establish the fact that Las Guasimas was a Cavalry fight, but that the victory at San Juan was due primarily to the Infantry.

Moreover, the Cavalry division was only one-sixth of the strength of the corps actively engaged before Santiago on this July 1, and the Rough Riders made up but one-fifth or less of the Cavalry. So that the whole Rough Rider organization counted not more than one-thirtieth in the fight, and their commander, directing only about 500 men out of 16,000, could not have had any great influence upon the result.

Commenting on Roosevelt's statement that at a certain stage of the battle he "found himself at the front in command of fragments of all six regiments of the Cavalry division," John W. Bennett asks: "What had become of Wheeler, Sumner, and Wood, not to speak of the other brigade and regimental officers, many of whom, down to lieutenant colonel, must have outranked Roosevelt? Did they all think themselves in command of all six regiments? Participants in a battle rarely get the true historic perspective or properly gauge their own or the part borne by others in the fight. Disinterested civilians, like Bonsal, say the Infantry took the hill and the Cavalry came afterwards. This seems to be the fact."

It long ago became apparent to the country that there was not enough glory in that Spanish-American imbroglio to "go around."

Barring the Sampson-Schley controversy and the Dewey parade, most of the participants—even including Richmond Pearson Hobson—have tacitly agreed that it served its highest mission in furnishing a convenient stage setting for the Rough Rider star actor, and to let it go at that. By the time the Fifth Army Corps were mustered out on Long Island in the summer of 1898, Theodore Roosevelt, commander of 500 men in an army of 16,000, loomed bigger than every living soldier in the Republic.

Such things are incredible and inexplicable to the understanding of the ordinary individual, but it is all clear as day in the mind of the press agent.

The New York Sun of June 28, 1908, under an editorial caption, "Once more the old fiction," calls attention to the recurring persistence of this San Juan Hill fable every time a Rough Rider dies (or gets himself arrested for disorderly conduct), citing a case in point—an obituary sketch of Lieut. Col. Augur, of the Twenty-fourth Infantry, who died at Fort Thomas, Ky., on June 25—and concludes by severely holding Roosevelt responsible for the wide circulation of the misleading picture and calls on him to "either suppress the picture or courageously change the mendacious title."

In view of its present attitude, it must make the Sun mighty mad to remember—or does the Sun remember?—that this "mendacious" picture of the Rough Riders' charge appeared in large type on its own front page on the morning of July 4, 1898. Ten short years make a wonderful difference in the point of view sometimes, but the Sun may take comfort in the thought that it is not the first or only great dispenser of truth who has been too hasty in enlightening the world.

Moreover, as appears from Mr. Roosevelt's own account of the San Juan battle, he did not claim to have led the charge on the blockhouse but distinctly states that he "viewed" it from the crest of "Kettle Hill," and as probably for one person who read the book a thousand read the newspaper story, perhaps the Sun's responsibility for the wide circulation of the mendacious account is greater than Mr. Roosevelt's.

True, the book (The Rough Riders) did not appear until 1900, after Mr. Roosevelt had been safely elected governor of New York—"on this war record," according to Leupp—and was on his unconscious way to the White House. True, also, that there is nowhere any mention of Roosevelt's having "courageously" denied this "mendacious" newspaper account during the gubernatorial campaign, which was "made on it," soothing his conscience, no doubt, with the mental reservation that he had at least told the truth in his book. As further experience of the Roosevelt conscience reveals occasions wherein it was appeased on much slenderer grounds, there is no special reason for carping in this instance.

After all, why should the Sun or any other ill-natured stickler for accuracy be raising a rumpus now about the facts in this bit of Spanish-American history, when Mr. Roosevelt has been enjoying the substantial benefits of the popular fiction for 10 years?

Certainly it is not with any thought of undoing what has been done, or of depriving Mr. Roosevelt of the fruit of his toil. It is only interesting as a striking instance of the curious and ingenious fashion in which fable has donned the garb of truth to serve the needs of Roosevelt, and as throwing considerable light on Rooseveltian methods early in his career.

In 1902, Mr. Roosevelt being President, Vereschagin, the famous Russian painter of war scenes, came to Washington, and taking up his abode at Fort Myer began his now celebrated painting of the San Juan Hill charge. By whose order or upon whose initiative this was done no one now living in Washington appears to have any knowledge. There are residents who "remember that an effort was made to induce the Government to buy the picture," but by whom this effort was made no one will undertake to affirm. Certain old newspaper correspondents of Washington remember vaguely seeing the painting "while it was on exhibition at the White House," but the White House ushers are all afflicted with confusing recollections. "It may have been there, or it may not," is the baffling reply to all queries. Inquiry of William Loeb, jr., as to "when this picture was at the White House" elicited the illuminating response that he "has no idea where the picture is now, nor whether any copies of it are extant in Washington." Diligent search in various quarters has failed to discover any "copies" of the painting in Washington.

From a Fort Myer employee the writer learned that the picture was sent to New York after Vereschagin's death in 1904, and sold for $10,000. This Fort Myer employee, who was on the spot when the painting was being executed, further vouchsafed the information that the work was done mostly "under cover," the artist not inviting public inspection; that he (the Fort Myer attaché) had seen it only once, and was struck with the equestrian figure of the President in the center; that the President came several times to Fort Myer during the progress of the painting and was in consultation with the artist.

Perhaps by this time the President had forgotten the details of the battle which he had put into his "Rough Rider" annals; perhaps familiarity with the sight of that horseback figure in the thick of the fray had convinced him of its truth; perhaps, like Riis, he had learned to "love the picture," and, as we have learned by this time, the President is notoriously "short of memory." The artist Vereschagin might have unfolded a tale to set all doubts at rest, but he did not tarry long in this country after finishing this masterpiece, and thereafter very prudently got himself drowned on board a Russian battleship at the siege of Port Arthur, thereby escaping likely membership in the "Ananias Club."

This San Juan Hill picture, in what it represents, and taken in connection with Historian Leupp's statement that it secured the governorship of New York, is a conspicuous and fitting illustration of the sort of foundation on which was reared this fair structure of Rooseveltian greatness and fame.

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REPUBLICAN NATIONAL COMMITTEE,
New York City, August 29, 1912.

Mrs. A. R. HALE,
6 West Sixty-sixth Street, New York City.

DEAR MRS. HALE: In accord with the request of Mr. George Eustis, of Washington, I inclose 45 slips for the sending out of 4,500 copies of Rooseveltian Facts and Fables. These slips are addressed to the State chairmen of 45 States, and 100 copies of the book are to be sent in each package.

Thanking you for your kind attention, I am,
Sincerely, yours, CHARLES D. HILLES.
(Inclosures.)

—

NEW YORK, *August 16, 1912.*

DEAR MRS. HALE: I inclose my check for $500 in part payment for 5,000 copies of your book as agreed between us, leaving $750 to be paid on delivery of the book.

Yours, sincerely, GEORGE EUSTIS.

—

WASHINGTON, D. C., *September 25, 1912.*

Mrs. A. R. HALE,
6 West Sixty-sixth Street, New York City, N. Y.

DEAR MADAM: In accordance with instructions received from Mr. George P. Eustis we inclose herewith check to your order for $1,000.

Very truly, yours.

NATIONAL SAVINGS & TRUST CO.,
By P. A. GALLEHER.

OWNERSHIP OF FREIGHT CARS.

Mr. SMITH of Georgia. I have a few lines, which have been printed in a morning newspaper, which I send to the desk and ask to have read. They contain, as I think, information that is very interesting and valuable.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

NATION TO OWN FREIGHT CARS.

NEW YORK, *June 7.*

Supplementing present governmental control of the railroads, the National Council of Defense has completed plans to buy 100,000 freight cars, to be actually owned by the Government and operated on all railroads of the country. The cost of this Government-owned equipment will be $150,000,000.

It was learned to-day practically every car builder in the country has been summoned to Washington to attend conferences where the problem of facilitating the building of these cars was discussed.

The council, it is stated, has been informed by railway authorities that nationalization of the roads will prove ineffective unless more equipment is provided.

U. S. HOSPITAL SHIP "SOLACE."

Mr. CALDER. Mr. President, I ask unanimous consent to insert in the RECORD the report of the committee appointed by the Secretary of the Navy to investigate the charges made by the sailors in the measles ward on the U. S. hospital ship *Solace*, which I recently read in the Senate. This request is made so that the report of these gentlemen may be given the widest possible publicity. At the time that the round robin was read I made it clear that I had no personal knowledge of the conditions, but was calling it to the attention of the Senate with the hope that the matter might be thoroughly investigated and those guilty punished if the charges were true, and if untrue the fact be made known to the country.

I am glad that I presented the round robin to the Senate, and am equally pleased that so eminent a committee as Dr. Welch, of Johns Hopkins Hospital, of Baltimore; Dr. Flexner, of the Rockefeller Foundation; and Mr. Nathan Straus, a distinguished merchant of New York City, was selected to investigate the matter. Their report indicates that at the time of their examination many of the conditions complained of did not exist. The committee states that, in their judgment, the men making the charges considerably exaggerated them.

It is to be regretted that the committee were unable to personally interview all of the men who signed the round robin. Before they left Washington I offered to give the names to the junior Senator from Virginia [Mr. SWANSON], acting chairman of the Committee on Naval Affairs, if he would guarantee that the men would suffer no injury. He was unable to give me this assurance, but subsequently the members of the committee wired my hotel requesting the names. This telegram, however, was not received until they had returned to Washington.

I am pleased with the statement contained in the report of the committee, particularly as it refers to Admiral Braisted, of the Medical Corps of the Navy, and to Dr. Blackwood, in charge of the *Solace*, both of whom are eminent officers. Unquestionably the men complaining of their treatment were prompted to do so by the fact that the *Solace*, the only hospital ship in the Navy, was required to provide for over 100 sailors sick with contagious diseases when the ship was equipped to take care of only 30; and in the measles ward, from which the round robin emanated, where there were accommodations for but 10 sick men, there were over 40 patients at the time complained of.

The whole trouble comes from the fact that the Navy Department in establishing a base for over 25,000 men did not have hospital accommodations for 10,000.

It has been a matter of common knowledge that the department, through a policy of indecision, has permitted the service to get into such a condition that, with the immense expansion, it has required superhuman efforts on the part of the officers to keep the Navy in any sort of an efficient condition.

Mr. President, I want to make it clear here and now that my object in bringing this matter to the attention of the Senate was simply to establish the truth or falsity of the charges made by these 30 sailors aboard the *Solace*, not to injure or criticize unduly the Navy Department or the commander of this vessel. And I am very happy to learn that the commander of the *Solace* deserves no adverse criticism, but rather praise and commendation for handling so remarkably well the conditions, which were no fault of his own.

I realize, too, in these troublous times, that while our people should know of every failing which is detrimental to the best interests of the country—and that, incidentally, is why I opposed the proposal recently to censor the press—we should not unduly exercise or excite the people by accusations which are not well founded. I do believe, however, that the department should have fortified against an occurrence such as the one described, and I do most sincerely hope that prompt provision will be made to take care in the future of such an emergency.

The account of the report is as follows:

The Navy Department authorizes the following:

"The committee appointed by Secretary of the Navy Daniels to investigate the complaints of conditions aboard the hospital ship *Solace* made in a 'round robin' signed by 30 enlisted men, which was presented in the Senate by Senator CALDER, reports that some of the charges are untrue and others grossly exaggerated; that while the ship was overcrowded at the time of the complaints, there was no lack of care or medical attendance; that the patients suffering with different infectious diseases were carefully segregated; that the regulations in regard to sanitation were observed; and that the entire ship, including blankets, dishes etc., was sterilized after every trip to the hospital.

CONCLUSION AS TO "ROUND ROBIN."

"It concludes that 'the round robin was composed by one person, who wove into it complaints from various sources,' and that most of it 'rests on gossip and hearsay.'

"The committee reports that there was 'no lack of kindness and intelligent care' on the part of Dr. Blackwood, the medical director in command of the *Solace*, or his assistants; that 'they were dealing with an unprecedented emergency, and in handling it they acquitted themselves admirably.' It concludes that Surg. Gen. Braisted, Dr. Blackwood, and Dr. Pickerel, medical director in charge of the naval hospital, and their assistants are 'all entitled to the highest praise for their devoted and untiring efforts and for the success which they achieved under extremely difficult conditions.'

SPENT A DAY ON "SOLACE."

"The committee, composed of Dr. William H. Welch, director of the School of Public Health, Johns Hopkins University; Dr. Abraham Flexner, secretary of the General Education Board and author of Medical Education in the United States and Europe; and Mr. Nathan Straus, the philanthropist, went to the fleet, where every opportunity for observation was afforded them, and spent an entire day on the *Solace*, cross-questioning the members of the staff and the patients and examining into conditions on the hospital ship. They visited one of the largest naval hospitals training station, and navy yard, inspected the facilities and sanitary conditions, and individually interviewed all measles patients, sick or convalescent, who had at any time been aboard the *Solace*. They also made a careful inspection of two battleships.

INTERVIEWED AT LEAST 100 PATIENTS.

"Altogether," the reporter states, "we had interviews with upward of 100 patients who were aboard the *Solace* or had been aboard the *Solace*, either at the time of the round robin, shortly before, or shortly after. We did not know the names of the persons who signed the round robin. In the course of the inquiry we identified three of the signers, among them the person who undoubtedly composed the round robin and procured the signatures to it.

"Patients and convalescents were questioned in the absence of officers and attendants. We assured them their names would not be mentioned, and we encouraged them to speak freely for the good of the service. It is our judgment that the men spoke without reserve. Indeed, throughout our inquiry, both on the hospital ship *Solace* and at the naval hospital, we observed that the men felt entirely free to talk of conditions under which they were living. There was no evidence whatsoever of fear or constraint.

CAPACITY OF HOSPITAL SHIP.

"The *Solace* is the only hospital ship in the Navy at the present time," the report goes on to say. "Its normal capacity is 228 beds, of which 30 on the upper deck are set apart for communicable diseases. These 30 beds or bunks are arranged in three separate wards which do not communicate with one another, one ward having 8 beds, one 10, and one 12. Connected with each ward is a lavatory with a basin with running water, and two of the three wards have separate compartments for washing dishes and other vessels. As the measles ward has no such compartment, the dishes used in it are washed on the outside in large pans.

"The three wards just described are well ventilated and serve their purposes excellently under normal conditions. The main part of the hospital—that is, the medical and surgical wards and the operating rooms—are on the deck below, and are models of their kind. The staff of the *Solace* consists of the medical inspector who is in command, assisted by an executive surgeon, an operating surgeon, an internist and specialist in genito-urinary diseases, a specialist in diseases of the eye, ear, nose, and throat, a laboratory chief, a dentist, a pharmacist and assistants, and, finally, the so-called apprentices, who are male nurses.

INCREASE IN PERSONNEL.

"Following the declaration of war there was an enormous and very rapid increase of the personnel of the Navy," the investigators point out. "Recruits from various parts of the country poured into the training camps, and thence into the fleet—at Norfolk as many as 700 or more a day. Soon a fleet population of 25,000 was gathered there. The new recruits were especially susceptible to the common infectious diseases. It happened that measles, mumps, and to some extent scarlet fever and cerebrospinal meningitis were more common and more widely distributed in the country at large than is usual at this time of year. The recruits passed through the training stations far more rapidly than in normal times, and under these conditions it was inevitable that there should be a large increase in the number of common infections. The existing facilities were therefore subjected to a tremendous strain.

THE "SOLACE" CROWDED.

"The war vessels had at once to transfer their infectious cases to the *Solace*," the report states. "The *Solace*, equipped to handle comfortably 30 infectious cases, had to handle at times more than three times that number. The pressure was most severe between the 18th and 21st of May, the dates covered by the round robin. On May 18 there were 72 infectious cases on board. Eight more were added on the 19th, 14 more on the 20th, and 7 on the 21st—101 in all—over three times the normal capacity of the hospital ship. It was impossible for the *Solace* to avoid congestion by more frequently transferring patients to the naval hospital. In the first place, the naval hospital was itself overtaxed, and the bungalows and the tents, which now enable the hospital to accommodate a largely increased number of patients, had not then been sufficiently provided. Again, on account of its operating facilities and its facilities for taking care of noncontagious medical patients it was important that the *Solace* stay by the fleet, avoiding as long as possible the loss of the time required for the trip to the hospital and back. It may be added that within the last few days an ambulance transport previously arranged for has been provided for the purpose of carrying patients from the *Solace* to the naval hospital.

STAFF WAS INCREASED.

"'Immediately upon the increase of the number of patients to be handled the staff of the *Solace* was increased to 70. Cots and Army stretchers were as rapidly as possible provided and tents were erected on deck. At no time was there the slightest relaxation in the enforcement of strict sanitary precautions, with a view to preventing the spread of infections. That the precautions taken were effective is evident from the fact that both on board the *Solace* and at the naval hospital cross infections have proved to be extremely rare.'

"The committee takes up seriatim the seven charges contained in the round robin and answers each separately, the charges and their conclusions being as follows:

THE CHARGES ANSWERED.

"'1. When we were sent from our ships, lying at different points in the fleet base, we were compelled to carry our own baggage, with fevers ranging from 100 to 103 degrees.

"'We find that patients are brought in a launch from the various ships in the fleet to the *Solace*, those who are very ill lying on stretchers, others occupying seats in the launch. Three officers of the *Solace* stand at the head of the gangway to receive the patients. Those who are able to carry their own bags up the gangway do so; those who are unable leave them to be removed subsequently by others. Occasionally they help one another. We were unable to find anyone, except the author of the round robin, who stated that patients "were compelled to carry their own baggage." Of the other two signers of the round robin, who, as has been said above, were identified, one stated that he "knew of no general complaints about carrying bags," that he himself "was able to carry his own bag." Another stated that he hardly felt sick at any time. The charge, therefore, of inhuman or unfeeling treatment in this respect is, in our judgment, absolutely untrue.

"'2. Drinking water, very scarce. I had three glasses while on board (C. K. E.), and some men had only one glass apiece. I might add that there was no ice water and the water was very warm.

"'Under ordinary conditions on board the *Solace* water is kept in a water cooler in each ward. This water has been cooled, but, except in very warm weather, does not contain ice. During the prevailing cool weather this spring the use of ice has not been considered necessary. For some unexplained reason the cooler in the measles ward was not in use during the period to which the round robin refers; instead, water was brought up by the apprentice from time to time in pitchers or drawn by the patients from the faucet in the lavatory. Most of the persons interviewed stated that they got all the water they wanted, and that in their judgment no one needed to go without water. On the other hand, it is evident that the apprentice was so busy waiting on forty-odd persons that he was at times not able to serve water promptly. A patient who lay in a bunk close to the one occupied by the author of the round robin and at the same time stated he "had plenty of water and whenever he wanted it." Another referring to the same subject stated that he "could get a drink within 5 or 10 minutes after asking for it," and that he "did not always have to wait." Sometimes he "did not have to wait at all." Several patients stated that sometimes "the water was warm." In our judgment the charge in reference to the drinking water is grossly exaggerated, and the implication of lack of care is entirely undeserved.

"'3. The dishes used by men sick with measles were washed in lavatory, where vessels were standing around with germs of scarlet fever and mumps, which said germs were thrown in same receptacle used by men with measles; the dishes, forks, and knives were wiped with toilet paper.

WASHING OF DISHES.

"'Two of the three wards have small apartments for washing dishes and other utensils. The measles ward has no such apartment. Orders require that the dishes used in this ward be washed in large pans outside on the deck. It appears that occasionally some dishes were, contrary to orders, washed in the wash basin, but it was, in our opinion, exceptional, and did not take place frequently enough to interfere with men who desired to use the basin for its proper purpose. In any case, the only dishes or vessels thus washed were dishes and vessels which had been used by men suffering with measles. The charge that "vessels were standing around with germs of scarlet fever and mumps" in the measles compartment is impossible and absolutely absurd.

"'4. All food was served to the men on one large platter, the motto of which was "Help yourself or go without."

FEEDING OF PATIENTS.

"'Men in bunks are served on trays. For those who are up and about food is brought on large platters, each platter containing a separate article of food. In our opinion the method adopted in feeding

patients is the only one practicable, and is, indeed, entirely correct. We were unable to find a single patient, except the author of the round robin, who complained that he was unable to get food enough. The two other signers of the round robin, to whom we have already alluded, both reported that they themselves got food, but that they had "heard" that there were others who failed to do so. The neighbor of the author of the round robin stated that food was brought to him regularly and abundantly. Many others declared that they had never heard any complaints on this subject. The general trend of the testimony, and our own inspection, indicates that there is an abundance of food of excellent quality.

"'5. Men who were sick were compelled to sleep on the deck with blankets (two). Many of these men had high fevers.

SLEEPING ARRANGEMENTS.

"'At the time of the greatest congestion, to which the round robin refers, patients slept (1) in bunks, (2) on cots, (3) upon Army litters placed between the bunks. These litters rest on legs about 3½ inches high. Persons unaccustomed to the appearance of these litters might be deceived into thinking that those lying in them were lying on blankets on the deck. We found a few patients who stated that on the night of their arrival on the *Solace*, litters and cots having given out, they slept between blankets on the deck. As a matter of fact, under the circumstances no special harm could have resulted, but we are persuaded that the charge applies to so few persons as to be practically negligible.

"'A patient who entered the measles ward on May 17, and is still there, stated that he had "never known or heard of anyone who slept on deck," showing how very unusual this must have been. Another patient stated, in reference to the "litters," "to look at them you would think they were on deck." This, indeed, seems to us the explanation of this charge.

"'6. Blankets used by men with measles, mumps, and scarlet fever were piled up in one stack, and at night they were issued to the first ones who came for them. These blankets were not sterilized, and there were many risks taken by men of transferring disease to one another.

"'This is much the most serious charge made—perhaps the only really serious one. We shall, therefore, discuss it very fully.

"'In order to accommodate the overflow, four carefully separated tents were set up in the open-deck space. One of these tents is used for mumps, another for measles, and another for scarlet fever. Most of these patients are up and about during the day, but those convalescent from different diseases are carefully kept apart. When these convalescents arise in the early morning they fold their blankets and place them at the foot of the cot; later, apprentices and convalescents collect and pile the blankets separately. The author of the round robin stated that he himself "saw blankets indiscriminately heaped in a single pile." On inquiry it developed that the only occasion when he was out of the ward and on deck was on Sunday morning, May 20, about noon. He had, he said, left the ward for the purpose of hearing the music, and had lain down on a cot in the measles tent on deck, where he remained an hour. At this time, according to his testimony, he saw apprentices and convalescents carrying blankets from the foot of the cots, and making a single pile of them. As against this statement we have the otherwise unanimous statement of officers and scores of patients, who state that all those patients who were able to be up and about, arose at 7 o'clock in the morning, folded their blankets and had breakfast; and that the blankets were taken from the cots and piled up, at the latest, before 8 or 9 o'clock in the morning. Moreover, the author of the round robin pointed out to us the place where he lay on deck, from which place it was, as a matter of fact, impossible to see what he claims to have seen, even if it were going on. The charge that blankets were not sterilized is absurd. Every time the *Solace* discharges its patients to the hospital, the entire ship is sterilized, including blankets, dishes, etc. If the charge we are discussing were true there would have been cross infection among the patients on the *Solace* and in the hospital. In this respect, however, the record of the *Solace* and the hospital seems to have been extremely good. The failure to develop cross infections is, therefore, in itself a complete answer to the charge.

"'7. Sick men unable to wash themselves went without for length of trip on U. S. S. *Solace* to the hospital at Norfolk.

WASHING CHARGE ANSWERED.

"'We found two persons—the author of the round robin and one of the signers—who said they did not wash during the period of three to five days when they were on board the *Solace*, their explanation being that the washbasin in the measles ward contained dishes. With the exception of these two persons, we found no one who claimed that he was unable to wash, either for this or any other reason. The other signer of the round robin, with whom we spoke, testified that he washed every day, though he said he could not always get in the wash room when he wanted because there were so many other boys.

"'Still another said: "The basin was all right for washing almost any time," and further, that he "had never heard any complaints about washing." In our opinion the two persons who stated that they were unable to wash properly found the lavatory occupied when they went to it for that purpose, and simply failed to repeat the attempt at another time.

"'Attention should also be directed to the fact that the 30 persons who signed the round robin do not apparently all claim to have knowledge of all the charges.

"'The round robin was composed by one person, who wove into it complaints from various sources. The signers evidently did not mean individually to indorse or stand for the whole of it. It is clear to us that most of it rests on gossip and hearsay.

SHIP DOCTORS COMMENDED.

"In conclusion, we may state that the persons sick on the *Solace* and at the hospital are not afraid and do not hesitate to complain. The general testimony is to the effect that they received what they wanted, needed, and asked for. Every one of the signers of the round robin stated that 'the apprentice in the measles ward simply could not do any better than he did.' There was, in our judgment, no lack of kindness and intelligent care on the part of Dr. Blackwood and his assistants. They were dealing throughout the month of May with an unprecedented emergency, and in handling it they acquitted themselves admirably.

"In our judgment, Surg. Gen. Braisted, of the Navy, Dr. Blackwood, the medical inspector in command of the *Solace*, and his staff, as well as Dr. Pickerel, medical director, in charge of the naval hospital, and his assistants, are all entitled to the highest praise for their devoted and untiring efforts and for the success which they achieved under extremely difficult conditions."

ADDRESS OF SECRETARY OF THE INTERIOR LANE.

Mr. JONES of New Mexico. Mr. President, on June 4, a very notable address was delivered by Hon. Franklin K. Lane, Secretary of the Interior, before the Home Club of the Interior Department, Washington, D. C. The subject of the address was "Why do we fight Germany?" I believe that this is an address which every citizen of the United States should read, or should have the opportunity of reading. I therefore ask that it be printed in the RECORD.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The address is as follows:

WHY DO WE FIGHT GERMANY?

[Address by Franklin K. Lane, Secretary of the Interior, on June 4, 1917, before the Home Club of the Interior Department, Washington, D. C.]

"To-morrow is registration day. It is the duty of all, their legal as well as their patriotic duty, to register if within the class called. There are some who have not clearly seen the reason for that call. To these I would speak a word.

"Why are we fighting Germany? The brief answer is that ours is a war of self-defense. We did not wish to fight Germany. She made the attack upon us; not on our shores, but on our ships, our lives, our rights, our future. For two years and more we held to a neutrality that made us apologists for things which outraged man's common sense of fair play and humanity. At each new offense—the invasion of Belgium, the killing of civilian Belgians, the attacks on Scarborough and other defenseless towns, the laying of mines in neutral waters, the fencing off of the seas—and on and on through the months we said: 'This is war—archaic, uncivilized war, but war! All rules have been thrown away; all nobility; man has come down to the primitive brute. And while we can not justify we will not intervene. It is not our war.'

"Then why are we in? Because we could not keep out. The invasion of Belgium, which opened the war, led to the invasion of the United States by slow, steady, logical steps. Our sympathies evolved into a conviction of self-interest. Our love of fair play ripened into alarm at our own peril.

"We talked in the language and in the spirit of good faith and sincerity, as honest men should talk, until we discovered that our talk was construed as cowardice. And Mexico was called upon to cow us. We talked as men would talk who cared alone for peace and the advancement of their own material interests, until we discovered that we were thought to be a nation of mere money makers, devoid of all character—until, indeed, we were told that we could not walk the highways of the world without permission of a Prussian soldier, that our ships might not sail without wearing a striped uniform of humiliation upon a narrow path of national subservience. We talked as men talk who hope for honest agreement, not for war, until we found that the treaty torn to pieces at Liege was but the symbol of a policy that made agreements worthless against a purpose that knew no word but success.

"And so we came into this war for ourselves. It is a war to save America—to preserve self-respect, to justify our right to live as we have lived, not as some one else wishes us to live. In the name of freedom we challenge with ships and men, money, and an undaunted spirit, that word "Verboten" which Germany has written upon the sea and upon the land. For America is not the name of so much territory. It is a living spirit, born in travail, grown in the rough school of bitter experiences, a living spirit which has purpose and pride and conscience—knows why it wishes to live and to what end, knows how it comes to be respected of the world, and hopes to retain that respect by living on with the light of Lincoln's love of man as its old and new testament. It is more precious that this America should live than that we Americans should live. And this America as we now see has been challenged from the first of this war by the strong arm of a power that has no sympathy with our purpose, and will not hesitate to destroy us if the law that we respect, the rights that are to us sacred, or the spirit that we have, stand across her set will to make this world bow before her policies, backed by her organized and scientific military system. The world of Christ—a neglected but not a rejected Christ—has come again face to face with the world of Mahomet, who willed to win by force.

"With this background of history and in this sense, then, we fight Germany—

"Because of Belgium—invaded, outraged, enslaved, impoverished Belgium. We can not forget Liege, Louvain, and Cardinal Mercier. Translated into terms of American history these names stand for Bunker Hill, Lexington, and Patrick Henry.

"Because of France—invaded, desecrated France, a million of whose heroic sons have died to save the land of Lafayette.

Glorious golden France, the preserver of the arts, the land of noble spirit. The first land to follow our lead into republican liberty.

"Because of England—from whom came the laws, traditions, standards of life, and inherent love of liberty which we call Anglo-Saxon civilization. We defeated her once upon the land and once upon the sea. But Australia, New Zealand, Africa, and Canada are free because of what we did. And they are with us in the fight for the freedom of the seas.

"Because of Russia—New Russia. She must not be overwhelmed now. Not now, surely, when she is just born into freedom. Her peasants must have their chance; they must go to school to Washington, to Jefferson, and to Lincoln, until they know their way about in this new, strange world, of government by the popular will.

"Because of other peoples, with their rising hope that the world may be freed from government by the soldier.

"We are fighting Germany because she sought to terrorize us and then to fool us. We could not believe that Germany would do what she said she would do upon the seas.

"We still hear the piteous cries of children coming up out of the sea where the *Lusitania* went down. And Germany has never asked forgiveness of the world.

"We saw the *Sussex* sunk, crowded with the sons and daughters of neutral nations.

"We saw ship after ship sent to the bottom—ships of mercy bound out of America for the Belgian starving; ships carrying the Red Cross and laden with the wounded of all nations; ships carrying food and clothing to friendly, harmless, terrorized peoples; ships flying the Stars and Stripes—sent to the bottom hundreds of miles from shore, manned by American seamen, murdered against all law, without warning.

"We believed Germany's promise that she would respect the neutral flag and the rights of neutrals, and we held our anger and outrage in check. But now we see that she was holding us off with fair promises until she could build her huge fleet of submarines. For when spring came she blew her promise into the air, just as at the beginning she had torn up that 'scrap of paper.' Then we saw clearly that there was but one law for Germany—her will to rule.

"We are fighting Germany because she violated our confidence. Paid German spies filled our cities. Officials of her Government, received as the geusts of this Nation, lived with us to bribe and terrorize, defying our law and the law of nations.

"We are fighting Germany because while we were yet her friends—the only great power that still held hands off—she sent the Zimmermann note, calling to her aid Mexico, our southern neighbor, and hoping to lure Japan, our western neighbor, into war against this Nation of peace.

"The nation that would do these things proclaims the gospel that government has no conscience. And this doctrine can not live, or else democracy must die. For the nations of the world must keep faith. There can be no living for us in a world where the state has no conscience, no reverence for the things of the spirit, no respect for international law, no mercy for those who fall before its force. What an unordered world! Anarchy! The anarchy of rival wolf packs!

"We are fighting Germany because in this war feudalism is making its last stand against on-coming democracy. We see it now. This is a war against an old spirit, an ancient, outworn spirit. It is a war against feudalism—the right of the castle on the hill to rule the village below. It is a war for democracy—the right of all to be their own masters. Let Germany be feudal if she will, but she must not spread her system over a world that has outgrown it. Feudalism plus science, thirteenth century plus twentieth—this is the religion of the mistaken Germany that has linked itself with the Turk, that has, too, adopted the method of Mahomet. 'The state has no conscience.' 'The state can do no wrong.' With the spirit of the fanatic she believes this gospel and that it is her duty to spread it by force. With poison gas that makes living a hell, with submarines that sneak through the seas to slyly murder noncombatants, with dirigibles that bombard men and women while they sleep, with a perfected system of terrorization that the modern world first heard of when German troops entered China, German feudalism is making war upon mankind. Let this old spirit of evil have its way and no man will live in America without paying toll to it in manhood and in money. This spirit might demand Canada from a defeated, navyless England, and then our dream of peace on the north would be at an end. We would live, as France has lived for 40 years, in haunting terror.

"America speaks for the world in fighting Germany. Mark on a map those countries which are Germany's allies and you will mark but four, running from the Baltic through Austria and Bulgaria to Turkey. All the other nations the whole globe around are in arms against her or are unable to move. There is deep meaning in this. We fight with the world for an honest world in which nations keep their word, for a world in which nations do not live by swagger or by threat, for a world in which men think of the ways in which they can conquer the common cruelties of nature instead of inventing more horrible cruelties to inflict upon the spirit and body of man, for a world in which the ambition or the philosophy of a few shall not make miserable all mankind, for a world in which the man is held more precious than the machine, the system, or the state."

ARTICLE BY ROBERT G. SKERRETT.

Mr. SHIELDS. Mr. President, I present an article which appeared in the Saturday Evening Post of May 12, 1917, by Robert G. Skerrett, on the subject of the fixation of atmospheric nitrogen. It contains a great deal of valuable information to the country in the present emergency with regard to the supplying of nitrogen both for war purposes, in the manufacture of munitions, and also to act in commerce as a fertilizer. I desire that the article may be printed in the RECORD without reading. I present it at this time because I think it is opportune; and, in view of certain facts, I brought it forward intending at the same time to submit a resolution asking for information from the Secretary of War as to why the nitrate plant provided for by the Congress of the United States had not been located, or at least for some information as to the progress the War Department is making in locating that plant. It is very closely connected with that subject matter and would go well with the resolution. I find that I have not the resolution with me in the Senate this morning, and I shall offer it on some other occasion.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

A BILLION A YEAR FROM THE AIR.

[By Robert G. Skerrett.]

A billion a year from the air! No, it is not a blue-sky mining scheme, but a thoroughly practicable proposition and a national economic necessity. In short, the purpose is to imprison free nitrogen. And this brings us to the $20,000,000 appropriated by Congress last year for the establishment of a plant or plants for the fixation of atmospheric nitrogen—the product to serve our farm lands in times of peace and, during periods of hostilities, to aid us in the manufacture of munitions for national defense.

The public has heard a good deal during the past 18 months about the chemistry of warfare, and, to those that have heeded what has been said and written, it must be plain how large a part nitric acid plays in the preparation of explosives and military propellants for all sorts of ordnance. Most of the nitric acid used in this country is obtained by treating sodium nitrate, commonly called Chile saltpeter, which comes to us from an arid, barren region in Chile lying between the Pacific Coast and the foothills of the Andes.

According to the geologists this plateau section of South America originally lay below sea level and was gradually lifted above the surface of the Pacific Ocean. In this way an inland body of water was formed in the course of ages, and thus were pent up enormous quantities of marine vegetation. In time the salt water evaporated, the vegetation decayed, and nitrifying bacteria stored in the residuum increasing amounts of nitrogen drawn from the atmosphere. Because of this undisturbed process, continuing for eons, strata of nitrate-bearing earths are found containing as much as 95 per cent of sodium nitrate.

NITROGEN PLENTIFUL BUT SLIPPERY.

The importance of these deposits has been more and more emphasized during the last half century; and as far back as 1867 we imported 14,715 tons, then valued at something over half a million dollars. Up to the outbreak of the present war, Germany easily led the world in her purchases of Chilean saltpeter, but by the end of 1915 our shipments from those nitrate beds increased until our imports totaled substantialy 535,800 tons—representing a money equivalent of $20,400,000 in round figures. These data are interesting, because they bring out the fact that sodium nitrate to this amount is needful to meet the requirements of our industrial life to-day.

It is true that we get on an average $15,900,000 worth of saltpeter annually from Chile, during the decade just before hostilities, so that the difference of late is plainly due to our increased output of munitions. Prior to that time, fully half of the yearly consumption of sodium nitrate was diverted to agricultural purposes and other essential peace-time uses.

Unquestionably there is enough saltpeter left in Chile to meet even present demands for decades to come, taking the lowest estimate of the resources; but the crucial question is: Can we count upon this source of supply when at war ourselves?

It has long been known that there were nitrate deposits in California, and until of late it was hoped that they might be developed. Investigation, however, by the United States Geological Survey has disclosed the fact that they are neither rich nor of such a character as to warrant working them commercially. Therefore, unless we can keep the trade lanes open to Chile, we must find means within our continental boundaries to provide us with nitrogen, in some fixed forms, that will enable us to do all that we are doing now with this elemental essential so indispensable to our national activities in many vital directions. Hence the Government's intention to draw upon the inexhaustible resources of our enveloping atmosphere.

We can not wait upon nature's age-long processes. We must imitate her through agencies that will achieve in days what she has accomplished in the course of centuries, and in order to understand at the start how this is possible, let us consider what the air about us has to offer in the way of nitrogen. To be precise, the atmosphere we breathe contains nitrogen to the extent of 78 per cent of its volume—the difference being principally oxygen. There rests upon every square mile of the earth's surface 20,000,000 tons of atmospheric nitrogen; and under normal conditions this would meet the annual

consumption for a period of quite half a century! The problem then is to capture and next to imprison in some substance this nomadic element. But before explaining how this is done, it would be well to have a fuller realization of nitrogen's function in the economics of human existence and general welfare in the way of national security.

Two great tasks stand out in the forefront of the struggle in Europe: The feeding of the people and the feeding of the guns. Ultimate success for either belligerent faction depends fundamentally upon these vital performances. People can not live without food and the guns can not be fired without powder. When the supply of either fails on one side or the other the fighting must come to a stop. But the people must be fed at all times, whether in war or in peace; and the cost of living always is determined by the bounty of the crops.

Foods are of many kinds, and so are explosives varied; but, analyze them as one will, there is ever present a percentage of a certain chemical element—that is, nitrogen. True, there are other constituents, possibly in greater proportions, and it may be asked, Why single out nitrogen for special mention? Simply because in Nature's workshop—the soil—and in man's munition factories as well, nitrogen is the one indispensable material that is the scarcest of those that are needed. The others are just as essential, but they can be had far more easily and abundantly. Indeed, they are commonly available in amounts sufficient to overbalance the nitrogen at hand.

Accordingly the supply of nitrogen is usually the first to give out, and when that happens production comes to a standstill, either in the soil or in the factory. In round terms, the fertility of the earth is broadly reckoned by the measure of its contained nitrogen. This is not theory but an established fact. For instance, land holding three-tenths of 1 per cent of nitrogen will prove very fruitful and, other things being equal, will produce anywhere from 30 to 40 bushels of wheat to the acre. A soil with two-tenths of 1 per cent of nitrogen will probably be good for about 25 bushels of wheat to the acre. If it contains but one-tenth of 1 per cent of nitrogen, the yield will be in the neighborhood of 15 bushels; but if this plant food be as low as one-twentieth of 1 per cent, the earth will be too poor to grow a profitable harvest.

But this element of life and growth is also an element of death and destruction; for all explosives, without exception, are nitrogenous compounds. Every pound of powder that has been fired on the battle fields of Europe was made through the agency of nitric acid; and nitrogen is one constituent of this corrosive liquid. A pound of smokeless powder requires 1½ pounds of nitric acid for its production, and that acid, when made from Chile saltpeter, requires 2½ pounds of Nature's sodium nitrate. Plainly, then, nitric acid is indispensable in the manufacture of the propellants for projectiles as well as for the bursting charges of shells, and without these explosives a nation can not fight.

HOW NITRATES FEED MEN AND GUNS.

Prior to the war Germany drew upon Chile yearly for something like 900,000 tons of sodium nitrate, and there is good reason to believe that fully 500,000 tons of this were utilized in the preparation of fertilizers for domestic use. German ships transported most of the saltpeter from the Chilean beds, and her enemies knew the economic significance of that traffic. One of the first acts of the entente allies was therefore to try to stop these shipments, not only to silence in this way the Teuton guns but to bring the peoples of the central powers to the point of desperate hunger. How nearly her foes have achieved this, in the case of Germany particularly, is becoming more evident as the weeks go on.

To make the situation clearer, so far as Germany's food problem is concerned, a few facts should be mentioned. The soils of Germany are by nature no better than those of the surrounding countries. Thirty years ago, by rotation of crops and by very careful cultivation, the Teuton farmers were able to garner from 18 to 20 bushels of wheat to the acre and only 15 bushels of rye. But immediately preceding the present conflict, thanks to the use of nitrogenous fertilizers, the cultivated acres of the fatherland were producing from 30 to 32 bushels of wheat to the acre and 25 bushels of rye. Three decades back, without recourse to this plant food, the oat fields produced 30 bushels to the acre, and in 1913 nitrogen fertilization brought up the crops to 61 bushels an acre.

The potato in Germany, just as it is here, is a fundamental element in the national diet. In the early eighties 130 bushels of potatoes to the acre was considered a prime yield, but by 1914 Chile saltpeter had made it possible to count upon an output of 210 bushels per acre. Germany did this while the seas were open to her; and because the same course was not followed by farmers in Russia, Austro-Hungary, France, and Italy, these countries, with similar if not better soils, did not improve upon their crops of 30 or 40 years ago. On the other hand, Great Britain, Belgium, and Holland, profiting by Germany's example, were able to increase the abundance of their acres anywhere from 50 to 100 per cent.

Prior to August of 1914 Germany was producing, by reason of her stimulated fields, 90 per cent of her normal food requirements, and she found it necessary to get from abroad only the modest difference of 10 per cent. However, in order to achieve this she imported 70 per cent of her nitrogen, which was capable of inducing many times its own weight in the form of food from the soil. That is to say, 1 pound of nitrogen, properly applied, increases the harvest of wheat, rye, barley, or oats by about 20 pounds of grain and 40 pounds of straw. In the case of potatoes, 1 pound of nitrogen will better the normal yield of these tubers by 85 pounds. By cutting off the external supply of nitrate of soda, Germany's enemies were bent upon robbing her larder of substantially 4,000,000 tons of grain or 17,000,000 tons of potatoes—thus reducing her self-sufficiency from a normal 90 per cent to about 65 per cent.

The real situation is made more evident if we bear in mind that the population of the German Empire in Europe was, in 1890, 49,475,000, and by the latest figures it has grown to 66,715,000, representing an increase in 27 years of 35 per cent. With her foreign food supply cut off and the fruitfulness of her soil greatly affected by a scarcity of nitrogenous fertilizers, sustenance for the 66,715,000 people was potentially cut down to what it was three decades back! These figures show Germany woefully handicapped immediately after the outbreak of war; but we shall see presently just how her engineers and technicists have striven to neutralize this disadvantage. Therein lies the lesson for us, for it is our purpose to profit by the present state of the art of fixing atmospheric nitrogen.

THE SHORTAGE.

As has already been said, 1 pound of explosives requires in its manufacture 1½ pounds of nitric acid. It is authoritatively asserted that Germany had on hand, when she declared war, a supply of explosives and a store of nitrates from which to make powder sufficient for one year of hostilities. This was deemed the utmost length of the struggle. It was not more than a few weeks after the conflict began ere the Kaiser's military authorities awakened to the seriousness of the situation so far as munitions were concerned; and within a short span of months native chemists and engineers were doing their utmost to devise ways to increase the supply of nitrogen.

At that time the nation was producing about one-third of its normal requirements of nitrogen as a by-product from the coking of coal in recovery ovens. Inasmuch as discussion has been frequent regarding the capacity of by-product coke ovens here to furnish an adequate amount of nitrogen, it should be of interest to note what part they actually played in meeting Germany's wartime needs. A ton of coal yields in the recovery oven about 5 pounds of nitrogen, 1,500 pounds of coke, 60 pounds of tar, 17 pounds of light oil and 4,000 cubic feet of gas. To run ovens merely for the sake of obtaining nitrogen is obviously out of the question, because the other products must find useful employment or markets. Under normal conditions Germany's iron works consumed 50 per cent of her coke, but this industry fell off as the war continued, until the output dropped to only two-thirds of regular capacity. At the same time private consumption of coke decreased, notwithstanding the fact that the Government required public-service corporations and the like to use coke instead of coal for fuel. As a net result, coke production, with its by-products, diminished to 82 per cent of the normal. Thus, instead of adding to the nation's supply of nitrogen obtained in this way, Germany's coke ovens actually failed to produce their accustomed output.

This revelation is of deep interest to us. Up to 1915 the majority of the coke plants in the United States were equipped with the old-fashioned beehive ovens, and all the gas, the tar, and the ammonia—the latter rich in nitrogen—were wasted. To put us on equality with Germany prior to the war it would be necessary to substitute modern recovery ovens with condensation plants. To some extent this has been done in order to promote an American dyestuff industry. As matters stand now there are certainly not enough of these up-to-date coke ovens in service here to supply us with nitrogen in the form of ammonia to meet more than a quarter of our ordinary requirements, and from this source in the future it is debatable whether more than 50 per cent of our needs could be met. Therefore we shall probably have to do much as Germany has done.

The performances of the German commerce raider *Moewe* is fair evidence of the difficulties that would confront us if we had to depend upon Chile for the major part of our nitrates. Two or three vessels of this sort loose in either the south Atlantic or the south Pacific could utterly demoralize shipping bound to us with saltpeter. It was undoubtedly to prevent the entente allies from obtaining nitrate supplies that Armiral von Spee lurked with his squadron off the coast of South America, and his two memorable battles with the British showed how desperately determined he was to hold his station along the trade routes to Europe.

THREE PROCESSES.

When the Germans captured Antwerp they found there 250,000 tons of nitrate, which proved a windfall to them indeed. This sufficed to tide them over the critical period in which they were rushing to completion their plants for the fixation of atmospheric nitrogen. We probably have less than 250,000 tons in this country to-day, while Germany, when she took Antwerp, had in reserve 600,000 tons, and was able in the months following to import through neutral countries 200,000 tons more. But, even so, within a year from the outbreak of war her entire resources of 1,050,000 tons of nitrates were used up.

How, then, was Germany able to utilize atmospheric nitrogen in order to make up her deficiencies? Her engineers and experts centered their efforts upon three fixation processes. These separate methods are known as the arc process, which burns air in an electric flame to form nitric acid in the end; the Haber process, by which compressed heated nitrogen and hydrogen gases are brought in contact with sponge platinum, which plays the part of a catalyzer, thus producing ammonia; and the cyanamide process, which fixes nitrogen or imprisons it in a compound of fused lime and coke. The total production of all three in Germany, in 1914, was substantially 100,000 tons, but the exigencies of warfare compelled a tremendous difference in output. To-day the arc process, so it is said, is not used at all in Germany, but the Haber process is now producing 500,000 tons yearly, while the cyanamide process yields 600,000 tons in the same period. The by-product coke ovens are supplying 400,000 tons annually. That is to say, the Germans have at their disposal a total of 1,500,000 tons of fixed nitrogen.

Such has been the answer of Germany's engineers to the nation's call for indispensable nitrogen. But great as the result appears, the achievement is seemingly decidedly short of her needs. For while the present production of air nitrogen slightly exceeds the former imports of Chile saltpeter, yet it must be borne in mind that the military demands consume perhaps two-thirds of the supply, and agriculture receives only a moderate fraction of its needful plant food. No wonder that crop yields are greatly reduced and that a shortage of food confronts the empire.

While the arc process is not employed in Germany, where cheap electricity can not be furnished by abundant water power, still the method is of interest because it flourishes profitably in Norway and Sweden, and also owing to the fact that it represents the pioneer effort to achieve the fixation of atmospheric nitrogen by simulating nature's thunderstorms. The electric discharges of the air are duplicated in principle by the man-made arc, and in this way the associated molecules of oxygen and nitrogen in the air are brought together chemically. Prior to this action the molecules of oxygen and the molecules of nitrogen are neighbors, much as a mixture of different size shot. The intense heat of the electric arc inflames the two gases and from the union thus effected is born nitric oxide, a colorless gas.

As the temperature of the nitric oxide falls the gas combines readily with free oxygen and the result is a brown gas, technically termed nitrogen peroxide. Then follows the corrosive climax when the nitrogen peroxide is transformed into weak nitric acid. This is done by leading the gas into granite towers filled with fragmented quartz, and as the gas rises through this broken material it is met by falling water, imitating nature's rain. The water absorbs the gas and the fluid is thus converted into dilute nitric acid. Concentration is subsequently effected by evaporation.

The history of the arc process, which dates back commercially less than 15 years, is full of many ingenious efforts to overcome difficulties and to reduce the cost of production, but at best only partial success has been attained. This is evidenced by the fact that of the total heat developed by the electric arc not more than 33 per cent is utilized throughout the entire process. In Norway, where a horsepower year costs but $1.96 for electric energy at the lowest figure and ranges from that up to substantially $3, it is practicable to employ the electric arc in the fixation of atmospheric nitrogen, and in both Norway and Sweden

the Birkeland-Eyde process has been widely and profitably adopted. But even so, only 3 per cent of the heat of the arc is actually utilized in bringing about in the furnace the chemical combination between the molecules of oxygen and of nitrogen, and of the rest of that heat it has been possible to put but 30 per cent to useful work; this represents the equivalent of a current wastage of 67 per cent.

COMPARATIVE RESULTS.

Besides the Birkeland-Eyde process, perfected by Scandinavians, there is the Schoenherr system, developed by Dr. Otto Schoenherr, of Germany, and both of these methods have been utilized commercially in Norway; and, finally, there is a third arc process, which was invented by the Pauling brothers, of Austria. Judged by their respective outputs of nitric acid per hour for a given consumption of current, the Schoenherr process leads, with 75 grams of acid per kilowatt-hour; then follows the Birkeland-Eyde system, with 70 grams; and next the Pauling method, with 60 grams. The latter, however, has one characteristic feature which is distinctive; that is, the effective way in which it makes it possible to obtain stronger nitric acid from the concentrators.

To Americans, the Pauling brothers' invention is of interest because it has been tried out here within the past two years at an experimental plant in the South. Electric energy was furnished by the falling waters of a river, and the cost of that power was comparatively moderate, but a great deal higher than the price of such current in Norway, the country where the arc process flourishes. After some months, activities at this plant ceased and, under existing conditions, it is doubtful whether the factory could be called a national asset.

To-day, in the United States, it is not possible to obtain energy from a hydroelectric plant at a price anywhere near the Scandinavian figures. What may be done in the future is purely speculative and will depend upon the economical development of our vast, potential water-power sites. It has been estimated by experts of the Department of Commerce that these are capable of producing economically quite 25,000,000 horsepower, with greater possibilities if means of impounding the waters be adopted. At the present time probably not more than 6,500,000 horsepower, developed by hydroelectric plants, is in use. At Niagara Falls, for instance, the cost of a horsepower generated throughout one year ranges from $12 to $20, and a fair average price is in the neighborhood of $17, at least on the American side of the river. Plainly, current at such a price can not be employed profitably in the fixation of atmospheric nitrogen by means of the arc process. This brings us to the two remaining systems whereby the electric current is helping Germany to solve her nitrogen problem.

THE CYANAMIDE PROCESS.

The Haber method need not be dwelt upon because it is controlled by the Badische Anilin-und Soda-Fabrik and is not at our disposal. But the cyanamide process, now operating so effectively in Germany, is available to us. An American concern is actually producing 64,000 tons yearly of cyanamide on the Canadian side of Niagara Falls. They established themselves in Ontario simply because they could not get electric current at a satisfactory figure on the New York side of the Falls. In 1915 imports from Ontario of calcium cyanamide and lime nitrogen amounted to 33,936 tons, while during 1916 the imports of the same materials reached a total of 60,379 tons, showing our increasing dependence upon these nitrogenous products both for fertilizer and as a source of ammonia for nitric acid.

The cyanamide process can rightly claim a very marked economic advantage over the arc process, because of its much lower consumption of electric energy. To put this in the words of one of the Government's foremost experts, Dr. Thomas H. Norton:

"At present one kilowatt-hour yields 17 grams of nitrogen in the form of nitric acid by the union of atmospheric nitrogen and oxygen under the most favorable technical conditions; it yields 70 grams in the form of calcium cyanamide from nitrogen, coal, and lime."

That is to say, the cyanamide process is more than 400 per cent cheaper than its earlier rivals of the electric arc. But this is not the whole story. Normally nitric acid is the form of fixed nitrogen for which there is the least commercial demand, and in that form it is difficult, if not dangerous, to transport to any considerable distance from the point of production. Ammonia and cyanamide, on the other hand, supply the majority of the requirements either of manufacture or of agriculture; and a distinctive characteristic of calcium cyanamide is the ease and comparative cheapness with which it can be converted at the places of consumption into either ammonia or nitric acid, as occasion demands.

Now, let us sketch briefly the manner in which calcium cyanamide was discovered, and then outline its present method of manufacture. It is a matter of common knowledge that calcium carbide is the product of lime and coal fused in the electric furnace. It is from calcium carbide, when saturated with water, that we get acetylene gas. The Boer War curtailed gold and silver mining in South Africa, and in doing so cut down the demand for cyanides, previously used there in large quantities in the extraction of precious metals from low-grade ores. In an effort to find a cheaper basic material from which to manufacture cyanide Prof. Adolph Frank and Dr. N. Caro, two Germans, discovered that calcium carbide would answer the purpose admirably.

They promptly realized that their ultimate product was not cyanide, however, but a substance which they appropriately termed calcium cyanamide—a new material; and it was not long after that ere it was learned that calcium cyanamide, rich in nitrogen, made an excellent plant food. Then began the development of an industry bent principally upon the fixation of atmospheric nitrogen in this form for the purpose of providing an artificial fertilizer. At the same time, additional investigations disclosed how readily calcium cyanamide could be transformed into nitric acid or into the intermediate product, ammonia. By heating calcium cyanamide with steam ammonia is given off, and the ammonia, when oxidized by a platinum catalyzer, is converted into nitric acid.

At Niagara Falls, where a company producing cyanamide is located, coal and lime are placed in an electric furnace, and by means of that high heat these raw materials are fused and thus converted into calcium carbide at a comparatively moderate expenditure of current. The calcium carbide, when cooled sufficiently, is ground up, and in that form presents a greater exposed surface for the absorption of nitrogen. Contact with nitrogen is not, however, effected by drawing upon the unmodified atmosphere. It is necessary to have pure or undiluted nitrogen for the fixation process. In order to separate the nitrogen from the oxygen, as they are associated in the air, powerful compressors are employed to liquefy the air. Inasmuch as the oxygen is heavier than the nitrogen, the latter, like steam, rises and passes off from the fluid, and by means of fractional distillation the two gases are separated.

LIME NITROGEN.

With a supply of pure nitrogen in a gaseous form, obtained in this fashion, the next thing is to bring the pulverized carbide and the nitrogen together. This is done by associating them in electric ovens, not furnaces; and when the heat is at the right height the pulverized carbide absorbs the nitrogen greedily and holds it. The stuff that comes from the ovens is in the shape of black hard cakes, and these, when analyzed, show 22 per cent of nitrogen. In the trade this is called lime nitrogen, and to prepare it for agricultural purposes this material is ground fine, partly hydrated to insure the decomposition of the 1 per cent of unnitrified carbide, and then oiled to render it dustless. When so treated the cyanamide is packed in sacks and is ready to be mixed as an ingredient in artificial fertilizers.

In substance this is what the German calcium cyanamide plants were doing before the outbreak of the war to help along the farmers, and since then those original plants and others that have been created are producing 600,000 tons of the fixed air nitrogen, now serving to provide powder and explosives in the first place and fertilizer for the farm lands when possible. The experience of Germany in peace and in war is of profound significance to America. Our principal source of nitrogen is, as Germany's was, Chilean saltpeter. As has been said, during the past 12 months we imported from Chile in the neighborhood of a million and a half short tons of niter, and certainly 60 per cent of this has been used for the manufacture of explosives, much of which has been shipped abroad. That leaves 600,000 tons to meet normal domestic consumption. If our traffic with South America be interfered with by a foe, we could not look confidently to Chile to supply us with sodium nitrate.

To-day nearly 20 per cent of the saltpeter imported is diverted to agriculture, and we can not afford to deny our fields this modest allowance of necessary plant food. Indeed, we have commonly neglected to give our acres anything like the measure of fertilizers that we should, and we are therefore far behind the more progressive of the countries of western Europe in this particular. To just what extent we lag is indicated by the following table, which is a fair statement of the case up to the present war, although the figures officially cover the period from 1903 to 1912:

Average yield per acre.

Country.	Wheat.	Oats.	Barley.	Potatoes.
	Bushels.	*Bushels.*	*Bushels.*	*Bushels.*
United States	14.1	29.6	25.3	91.2
Germany	30.1	51.9	36.3	194.4
Great Britain	31.7	44.3	34.7	202.8

How much fixed nitrogen we shall need to meet existing conditions it is not easy to determine, but it can not be denied that there must be a constant production of it to keep the fighting forces equal to their work and to enable the farmer to get what he should from his acres. It is a known fact that even the far-seeing Germans found themselves away off in their original estimates of the nitric acid, etc., that they would want, and it is equally certain that the war on several occasions came practically to a standstill on both sides because of lack of munitions. In order to prevent this, and also to obviate interfering with our chemical industries by commandeering the by-products of our coke ovens, Congress appropriated $20,000,000 for a Government air-nitrogen plant. But this is only a beginning; it could not supply the equivalent of more than one-third of the amount of nitrogen which we have been obtaining of late years annually from Chile in the form of saltpeter.

German farmers heretofore have found it to their advantage to use artificial fertilizers, because for every dollar spent in plant food of this sort they have secured $2 more of grain above the yield obtainable without this stimulant to growth. This explains in large part why both the German and the British husbandmen have uniformly surpassed our native farmers in making their acres fruitful. Why, then, does not the American farmer do likewise? Simply because his imported fertilizers cost him much more than they do his foreign competitors, and only native farmers who are experienced in the use of fertilizers, who know what kind to buy and how to use them to best advantage can make a profit at the present prices of these plant foods. On crops that yield higher acreage returns than cereals—for instance, cotton, which brings from $20 to $60 an acre instead of the $10 to $25 obtained with cereals—the case is somewhat different. One hundred per cent profit from the fertilizer investment is a rule on cotton, and even 200 per cent is common with the more skillful farmers, even at present prices.

PROFITS DUE TO FERTILIZERS.

Plainly, then, this question of an abundance of nitrogen garnered from the air by electrical processes is one of the utmost economic importance, and has a wider and more far-reaching significance than the mere provision against a military emergency. Our fertilizer bill runs annually now at substantially $175,000,000, and this is applied in the following proportions: More than one-third to cotton; a third to truck crops, tobacco, fruit, and sugar cane; while nearly a third goes on cereal crops, principally in the Atlantic Coast States.

Under normal conditions Germany, with an area less than that of the State of Texas, uses about a third more nitrogen than we do. If we used nitrogen at the same rate as the German husbandmen we should consume, instead of $88,000,000 worth of this plant food, seven times as much annually, or more than $600,000,000 worth. But before we can do this economically the price of fixed nitrogen must be reduced to somewhere in the neighborhood of 60 per cent of the present cost. This can be done by recourse to the process on which Germany depends most; that is, the calcium cyanamide method. If we applied nitrogen upon the German scale to our soil, equivalent to about 10,000,000 tons of Chilean saltpeter yearly, the value of our crops would be increased easily $1,000,000,000, leaving a net profit, on a basis of 60 per cent of the present cost for this fertilizer, of $700,000,000.

Austro-Hungary, Canada, France, Germany, Great Britain, Italy, Japan, Norway, Sweden, and Switzerland all have their own factories for the fixation of atmospheric nitrogen, and why should not we? It is simply a matter of utilizing intelligently our available water-power resources. Next, it is essential that factories for this purpose be located where we have within easy reach plenty of lime, coal, and phosphate rock, for phosphate is likewise necessary to the soil. We have just such ideal combinations of physical advantages in several parts of the United States, and the present international crisis and the high cost of living make it evident that we can not afford much longer to postpone the establishment of numerous factories of this sort and

thus make ourselves absolutely independent of Chile's deposits of nitrate of soda. Surely it is worth our while in this way to draw nearly $1,000,000,000 worth of value annually from the air. We can do it and we should do it.

BUREAU OF WAR-RISK INSURANCE.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2133) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, and for other purposes, which were, on page 1, to strike out lines 8 to 13, inclusive, and lines 1 to 5, inclusive, on page 2; on page 2, line 20, after "shippers," to strike out the comma; and on page 5, line 6, after "eyes," to insert "or any two thereof."

Mr. SIMMONS. The amendments made by the House are minor ones, and to which there is no objection. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

PUNISHMENT OF ESPIONAGE—CONFERENCE REPORT.

The VICE PRESIDENT. Morning business is closed.

Mr. OVERMAN. Mr. President, I had expected to call up for consideration the conference report on what is known as the espionage bill, but certain Senators have asked that the matter go over to-day. I therefore give notice that I shall ask the Senate to proceed with the consideration of the conference report at the close of the morning business to-morrow.

AMENDMENT OF INTERSTATE COMMERCE ACT.

Mr. NEWLANDS. I move that the Senate proceed to the consideration of Senate bill 2356, being the unfinished business.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2356) to amend the act to regulate commerce, as amended, and for other purposes.

PARTISANSHIP AND PATRIOTISM IN CONDUCT OF WAR.

Mr. LEWIS. Mr. President, I rise to submit an observation to the Senate and to ask the attention of the eminent Senator from Ohio, the junior Senator from that State [Mr. HARDING]. I am moved to this by a paper just now placed in my hands—the Ohio papers, of Columbus, Ohio, of May 31.

Mr. President, a few days ago the eminent junior Senator from Ohio moralized with very interesting effect upon what he thought, or what he charged to be, a partisan attitude that I had taken in a speech made by me at Manchester, N. H. This speech was made in a contest known as an election for Representative in Congress for that district. The able Senator at that time seemed very much disturbed because, as he contended, my speech indicated an element of partisanship, or, to use the words of the Senator, "that at a time when we are teaching the world democracy, we might pause to teach our democracy a little less partisanship."

I did not know then to what purpose my eminent friend arose; I did not know what particularly was his purpose, whether it was to visit upon me deserved castigation or present himself as a model of conduct. I could not tell, as his effort came to a termination so quickly. I was left uninformed; it may be to my great advantage, sir, that it came to sudden halt; but in view of the theory advanced by the able Senator, and his attitude of heart exposed of how we should avoid anything that partook of partisanship at this particularly patriotic hour, I desire to call the eminent Senator's attention to his speech made in the city of Columbus, Ohio, and his utterances on Memorial Day. I tender these from his friendly organ, the Ohio State Journal. I ask the Senate to note the occasion and the expressions. I first refer the distinguished Senator to the luncheon tendered him by the ladies—of course, we who know him can readily understand that wherever he would be, there could not be failure of tribute from the ladies, and at that luncheon——

Mr. HARDING. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Ohio?

Mr. LEWIS. I will yield to the Senator just as soon as I make an expression.

Mr. HARDING. Merely in the interest of accuracy of statement, I want the Senator to understand that there was no such thing.

Mr. LEWIS. Does the Senator mean to say when he says "there was no such thing," that there were no ladies or no luncheon? [Laughter.]

Mr. HARDING. That there was no luncheon.

Mr. LEWIS. Mr. President, the technical distinction of the Senator I may have to adopt. It appears that it was a reception tendered him, and I regret that the conditions were such at the reception that there was no form of refreshment that could be termed luncheon. I am led to the conclusion that there was another kind, which we might term delicately "beverage." I refer now to what I wish to allude to, the Ohio State Journal headline:

Liberty bond idea is hit by HARDING—Senator brands campaign "hysterical and unseemly"—Gives views on suffrage—Scouts sentiment that United States is fighting German rulers and not the people.

The article proceeds, quoting the Senator, saying:

Senator WARREN G. HARDING, at a reception yesterday afternoon at the Hotel Deshler, given in his honor by women of the Just Government League of Columbus and primarily designed to draw from him his opinion on State and National woman suffrage, took occasion to dwell critically on some phases of the war situation.

The liberty bond compaign he terms "hysterical and unseemly" and calculated to give America's enemies the impression that only by such intensive measures could she raise the sinews of war.

He scouted the popular sentiment that the United States is fighting the head of the German Empire, not the people, and spoke of the "fascinating devotion of German citizens to their Government."

Mr. President, this was on Memorial Day. The eminent Senator had gone forth at the request of his people, I assume, in view of the statements in the paper which has just been handed to me—to appeal to his people to return again to that reverential hour when they could pay tribute to those sacrificing souls who in patriotism had poured out their blood for this Nation. Yet when the eminent Senator is called to a gathering in his honor by the ladies where he might express himself upon the all-pervading question of suffrage, he finds it agreeable to convert the occasion into a criticism of the methods of the Democratic Secretary of the Treasury, who at that time, let it be remembered, was just from the West and going toward the East on a policy of campaign inaugurated with the object of stimulating the purchase of these bonds. These bonds, it will be recalled, were securities tendered to our country in turn for the money of the citizens that we might have this money for defraying the expenses of our national defense, to pay for supplies, and to sustain our soldiers.

Notwithstanding this was the patriotic object of the visit of the Secretary of the Treasury, the learned and eminent Senator from Ohio, the leader of the Republican Party in Ohio, who has long since characterized the town of Marion, whence he comes, with his eminence, and now the State with his reputation—the distinguished Senator from Marion, the distinguished and eminent representative of the Republican Party here in the Senate, finds it agreeable to convert the Memorial Day occasion into an opportunity where he may condemn, in his official position the methods adopted by the officials of his Government for the sale of these bonds for the needs of his country. There upon that solemn occasion and before the world he characterizes the efforts of the women of the land, before whom he was then being honored, to sell these bonds as "unseemly," and the effort on the part of the Secretary of the Treasury as "hysterical," and places his seal of condemnation upon these efforts and thus denounces them as unworthy.

Mr. President, it must be very clear to the eminent Senator that had this been a Republican Secretary of the Treasury no such condemnation would have come from his lips. It was only the method of the Democratic Secretary of the Treasury that could be so characterized by the Senator with satisfaction to himself. Surely it must appear to the eminent Senator that when he characterizes these methods as being unworthy, this condemnation is calculated to paralyze the results, to defeat the purposes, to make impossible the realization. It could only cause the people of his own State to deplore the methods adopted to sell the bonds and, far from rewarding these efforts with success, it would impel all to withdraw their patronage.

Therefore, sir, upon Memorial Day my eminent friend, who was so sensitive and tender in respect to the speech I made at Manchester in an election contest, characterizing it as having too much of partisanship, finds it agreeable on Memorial Day, at a luncheon by sacrificing women, to tender his renowned presence and his official voice in condemnation of the Democratic Secretary of the Treasury, and to place his barrier against the advance of the sale of these bonds; and no doubt, by these influences of voice and position, did much to bring about that which I read now from the Columbus, Ohio, Evening Dispatch, headed:

Columbus is more than million shy in its bond sale—Five million dollars is goal set with only 15 more days left—HARDING is criticized—"Better to have hysteria now than following failure of loan," says Kelley.

Then the article says:

Columbus is almost a million and a half dollars behind in its quota of subscriptions to the liberty-bond loan. But 15 days remain in which to raise the full amount, $5,000,000.

Secretary J. A. Kelley, of the local liberty-bond committee, announced on Thursday that total subscriptions to the loan amount to only $3,843,500 to date. * * *

"The showing is most unsatisfactory to the committee," said Mr. Kelley, and renewed efforts must be put forth. * * *

The loan committee was surprised and not a little displeased with the utterance of Senator WARREN G. HARDING, characterizing the liberty-bond campaign as "hysteria."

"A statement of this kind coming from a United States Senator, of all persons, at a time like this, is, to say the least, in bad grace," said Secretary Kelley Thursday.

"Senator HARDING evidently does not realize what a tremendous task it is to raise $2,000,000,000. If he holds thorough organization and wide publicity to be 'hysteria,' we are tempted to think that he has not had much experience in selling bonds. * * *

"If he thinks the campaign is hysterical, it is better to have hysteria now than to have it brought about by failure of the bond issue on the 15th of June."

Mr. President, the eminent Senator from Ohio had his heart greatly moved, his nature greatly disturbed, and his sense of standards very much destroyed because I had made a speech in Manchester, in an ordinary political contest, because, as he contended, it was tinged with too much partisanship; unconscious, as he must have been, that as he was to follow me at Manchester, whatever good I might do, or whatever harm, would naturally be wholly neutralized by the effect of his oration which was to follow me in one of his usually unparalleled and perfect performances upon such occasions. [Laughter.] But I do submit to the eminent Senator whether he feels that upon the solemn occasion of Memorial Day, when an assemblage of Democrats and Republicans must have honored him, when the great patriotic soul of Ohio must have contributed its tribute to his presence, he should have chosen such occasion for making an assault upon the methods adopted by the Democratic Secretary of the Treasury to sell these bonds, and thus, as is certified by one of his own fellow citizens, so discourage the sale by characterizing the methods as hysterical and unseemly?

What other method would the eminent Senator substitute? What other method did the eminent Senator offer? What particular policy would he now suggest to take its place, and what benefit would the eminent Senator say could come from a speech delivered on Memorial Day, addressed specifically, acutely, and adroitly from such an eminent source against the Democratic Secretary of the Treasury for that he was a Democrat seeking to make a success of the affairs of his Government?

May I remind my eminent friend, so sensitive over partisanship, that utterances less in their effect than these given vent by him, from persons of lesser position, are to-day being answered for by processes citing them toward the jails on the ground of seditious speech or sentiments disloyal?

Mr. President, I know the Senator is in nowise seditious. I know he is in nowise disloyal; and while he could not forego upon this occasion the deft political allusion that we, the Democratic administration, had refused to let Theodore Roosevelt take a volunteer troop to Europe, and by that in his utterances in Ohio upon that day appeal to our political adversaries known as the Progressives, that they may feel kindly toward him in espousing their great leader, or to that other element known as the volunteers who might have been inclined to the volunteer system—while sir, my eminent friend could not decline to insert that delicate scimitar thrust, so adroitly delivered and so accurately placed, in the heart of the Democracy on that particular occasion, from which no doubt it bled almost to its death [laughter]—I am sure he will recognize that it was not essential in order to accomplish this purpose that he should have likewise placed his barriers of obstruction against the sale of bonds and put such a discouragement upon the people of his own State that they were compelled to complain of the partisan attitude of my eminent friend upon a matter that should have called for his most abounding patriotism and spontaneous cooperation.

Mr. President, it may be, sir, that much of that we might excuse and find it a mere ebullition of speech or burst of temperament or the yielding to the magnetism of the situation by my eminent friend. He was surrounded by this bevy of beauty and those tantalizing influences of beauteous women. This is ever disconcerting. He may by this have been upset and delirious. The lesson we can draw from that is that hereafter his personal pulchritude and manly beauty should avoid those surroundings that no doubt often threaten him and often tempt him to disaster. [Laughter.] But I must say to the eminent Senator that if this were all and this effect that he produced unintentional, as he is a loyal citizen, a patriotic Senator, and an able statesman—all of this I am glad to certify, notwithstanding the eminent Senator felt that it was his duty to sit in false judgment upon me and tender here in the Senate his criticism of some utterance of mine—I do not complain. I recognize that the eminent statesman of Marion shall hereafter be known as the Mentor from Marion. Yet sir, I must say to the eminent Senator that as harmful as were these utterances against his country's efforts, all made upon this sacred day, Memorial Day, when we would have imagined that every impulse would have been to solace wounds, to draw together the spirit of patriotism, to mollify past hatreds, and in every wise to harmonize discordances, I ask my eminent friend if he does not think another utterance of his upon that occasion was more calculated to do injury far beyond his measure?

He is reported in both papers to have said that he scouts the charge or the assertion by the President of the United States that we are fighting the Kaiser and not the German people. The eminent Senator tells the Ohio people that it is the German people we are fighting, not the Kaiser. In Ohio, Mr. President, where there is such a large population of German people, and to whom we have sent out the message through our President that our warfare is against the Kaiser, against the despotic military tyranny of Prussia, and not against the German people, hoping that we might have the German people of Ohio, the German people of Illinois, the German people of all the West, of all America, recognize that it was not against them that we were fighting—for as against them we had no issue, for as against them we have no offense, seeking to bring them toward us, have them cooperate with us, feel kindly to our motives, join us in our undertakings—does not the Senator from Ohio feel that upon Memorial Day, upon an occasion where I know it was to his heart's original purpose to summon all his fellow citizens in one great cause to the support of his country; that it was rather a regrettable bit of partisanship that he indulged in innuendo merely that he might strike at the Democratic President, who was the author of the expression, and from which source it went to this country, sealed by his official voice?

The Senator fell into a deplorable undertaking when he invited the German people in Ohio—the German people in the West—to assume that the President of the United States was really fighting them; that America was fighting them; that it was not true that it was only fighting the Kaiser. Did he not unconsciously invite all the Germans then to awake to a new conviction which was that we had leveled war against them? That it was not their Kaiser that we were fighting, but it was the German people that we were fighting. That it was the German people's duty to resent it and to strike back. Will not my eminent friend feel that merely because he sought to condemn an utterance of the President of the United States, either to show its fallacy or disclose some impropriety, he summoned the German people to awake to the fact that it was his certificate, his testimony, as a United States Senator, that the United States was fighting the German people? Did not the Senator summon these German people by his potent voice to retaliate, to resent, and where they had been heretofore composed in the feeling that we had regarded them friendly and still were their friends, not fighting them, my eminent friend, the distinguished leader of the Republican Party from Ohio, that he might achieve his object at that time of a sly, alert, and hidden thrust at the President of the United States, led these German people of Ohio to the first conclusion they ever had that our war was against the German people—the German people of Germany, the German people of America, the people of Germany, the people of German descent everywhere? That these it was we had struck against. Does not the Senator feel that he brought all the other German people in the United States who are relatives of the German people of Germany to feel that the war was against them, and that therefore their duty was to fight the United States? And in what way could they resent our fight more quickly than to refuse to subscribe for these bonds with their money, which my eminent friend, to gratify a partisan sensation that suddenly stole upon him, said was being sold or attempted to be sold through methods he characterized as unseemly and hysterical? Contemplate the result he has brought already upon his own State, upon his own country.

Surely my friend must recognize that when he compares the speech I made at Manchester in an election contest, which so wounded him because of a tinge of partisanship, with this utterance which he made on Memorial Day in Columbus, or when he measures the great effect that must have followed his utterances from the great eminence he occupies and the influence he exerts, and then makes comparison to that which I have said, surely his bosom reflects the expression of young Hamlet to his impeached mother:

Look here, upon this picture, and on this.

I say to my able friend, for whom we all have great respect, that hereafter whenever the spirit moves him to administer to me a dose of patriotic physic I trust that he will pause and reflect upon the Scriptural injunction:

Physician, heal thyself.

Mr. HARDING. Mr. President, the Senator from Illinois does me such vast credit and courtesy that, I think, perhaps it would be prudent on my part to allow the RECORD to stand

without making any retort. If he had really desired to illumine the RECORD and place in its columns a bit of wholesome American patriotism, I commend to him the memorial address which I delivered in the capital city of Ohio on that day, copies of which are readily available.

Out on the Sandusky plains, Mr. President, from whence I come, we are committed to a policy which makes it impossible for me to reply in detail regarding the interview with the delegation of ladies, because we are committed to the practice of never saying anything about an interview with ladies, collectively or individually, and I can neither boast nor reveal. I dislike to discuss a rather vagrant remark relating to the bond issue, which remark became a public utterance, though it was not so intended; but, since it has been brought to the floor of the Senate, I have no hesitancy whatever in reaffirming it in my official capacity.

I have believed the liberty-bond campaign hysterical and unseemly. I have not wished to hinder it. I have only wished that I might make the conditions which would have made this seemingly hysterical campaign unnecessary, and I am hesitant to say on the floor of the Senate why it is so.

Mr. President, in normal times I am a partisan. In times like these I am hesitant to express my partisan impressions. If I were of a mind to do so, I could stand upon this floor to-day with criticisms well founded and substantiated by facts which would prove a sensation to the hundred millions of Americans who are on the anxious seat to-day; and, since the question has been raised and some justification seems necessary, I say to you that America, with an ability to buy seventeen billions of bonds on any day, is reluctant to buy because of its lack of confidence in the present administration. If some one could stand here and give requisite assurance to the United States of America concerning the plans for financing this war, in the way of taxation, there would not be five days of delay in providing for an oversubscription of the liberty-bond issue.

I have not meant to be ugly in my reference to the hysteria. There is very eminent authority for the use of that word over a little unseemly excitement. It is only about three years since the distinguished Executive of this country, noting the anxiety of the American people about some preparedness for defense, when the world was aflame with war, pronounced the desire for American preparedness "hysteria." It would have been well if we had taken the situation more seriously then.

But I am more particularly interested in the later criticism of the Senator from Illinois. * * * In a patriotic address, breathing the devotion to country which I feel, as does every other Member of this body, with a prayer for reconsecration of American citizenship, I did say this, and I choose to repeat it here: That it is not up to the United States to force democracy onto the world; that it were better that by our own proof that democracy can defend itself we make the ideal example which shall enlist the devotion of the world to the cause of democracy. That is the substance of my thought.

Mr. President and Senators, now that the question has arisen, I beg to detain the Senate for a moment on that particular subject. It is only a few days since the distinguished Senator from Illinois, official apologist on this floor at needed times for the administration, made the statement in this body that it was very unfortunate that the President did not have his manuscript with him at the time of making a very notable speech. In that speech the President said that we were not in war because of any particular grievance of our own. In another speech the President has said, and beautifully said, that we want to make the world safe for democracy. I subscribe to that sentiment, Senators; but I want to say to you men who are responsible for government in these trying times that you can not justify this war and you can not unify the American people in the defense of the American Nation except on the justifiable ground of defending and preserving American national rights. If I were in any place other than the Senate Chamber of the United States, where one might speak with a little more freedom than the courtesies of this body require to be observed, I would say that much of the sentiment uttered concerning our part in the war is balderdash.

I delight in the collateral issues involved. I believe in democracy just as much as any man on this floor. I can find my heart thrilled with the thought of this great Nation taking its part in the maintenance of human liberties and the safety of the liberty of the world, and I am not a little impressed by the part of this great Republic in making sure the guaranties of the best civilization the world has ever known. But nations called upon to fight must have a more defensible reason than even these ideals; and the one defensible reason for the United States of America, back of which every Senator can array himself and back of which every American citizen can and will array himself, no matter whence he comes, is the defense of American national rights, the safety of American lives, the maintenance of American honor, and our freedom to participate in the commerce of the seas. You can go to the people with that declaration and find an unfailing response in every American heart.

I have heard talk about the dethronement of the houses of Hohenzollern and Hapsburg until I have wearied of it, not because I have any sympathy with either house. I could welcome the establishment of democracy in Germany as readily as any man on this floor; but I call your attention, Senators, to the fact that there is no likelihood of its establishment there; and if it be treason to say it I repeat it now—I can not wish for anything more loyal from the citizenship of the United States of America than a devotion to the Stars and Stripes, like the German citizen shows to the Fatherland; and there is not an ounce of pro-German sympathy in my body. I should like American devotion similar to that which the people of Germany show to the Government of that country; and I say it now, and I will repeat it again and again, it is not any business of the American people what class of government any nation on earth may have so long as that government respects the requirements of international law and the tenets of civilization. I think it ill becomes the United States of America to measure a man's patriotic devotion in accordance with his determination that the houses of Hohenzollern and Hapsburg shall be destroyed.

Mr. President, I yield to no man on this floor in a devotion and a willingness to serve these United States of America. I wish I might do my part to establish a little more popular confidence in the Government in trying times like these. I will not revert to the question raised in the discussion on the placing in the RECORD of the speech of the Senator from Illinois, in New Hampshire. I performed that simple duty here, because I felt that it was unfair to say to any American citizen that his party preference must be put aside now if he chooses between the Kaiser and the President of the United States.

Why, Mr. President, if it were a question of patriotism rising above partisanship in New Hampshire, in a district which has been Republican, with one exception, since the organization of the party, it would have been the seemly thing for the party now in power to have omitted any nomination whatever and joined the party which is dominant in that district in sending a Republican to the lower House of Congress, whom the administration could have relied upon to support it in these trying times; but, of course, it is not the usual thing that those of us who are in political contests should stop to consider the proprieties in the beginning of the contest. We preserve parties for the days which are to come.

I know all about this whole proposition of standing by the President. I am frank about it. As long ago as 1900, I think, when those of our party were seeking to reelect to the Presidency that lovable and kindly leader from my own State, the late William McKinley, it was a very ordinary thing for us and a very helpful thing to cry, "Stand by the President." That is a very well-established practice on both sides of the political fence, always adjusted according to the party which is in power.

I remember in 1914, when I was a candidate for election to the Senate, a very distinguished American came to my State, representing the party then in power, and he said in my own city, which delighted me very much, "HARDING is a very decent chap personally, but you can not afford to send him to Washington in trying times like these; you want somebody who is going to stand by the President." Well, the voters of my State did not agree with him, and I came to Washington, and while I was standing by the President with my recorded votes in this body, the Hon. William Jennings Bryan, who issued that advice to the people of Ohio, was resigning because the administration would not conduct its affairs with Imperial Germany according to his notion of things; and thus it goes.

I do not want to bring the partisan question up, but I do want to renew, Mr. President, this serious and solemn statement at this time, that there are those in this Chamber who are day after day putting aside their partisan prejudices because they have the information, which might be expressed in calls for investigation, which would disturb the confidence of the American people of this day in the conduct of the war.

Mr. REED. Mr. President——

The PRESIDING OFFICER (Mr. HUSTING in the chair). Does the Senator from Ohio yield to the Senator from Missouri?

Mr. HARDING. Certainly; I yield.

Mr. REED. Mr. President, I regard a statement of that kind as much more damaging than any possible fact could be if laid bare in the Senate and to the country. The assertion that there is some condition so bad that if it were known it would startle

the American people is worse than a charge of a specific fact. I challenge the Senator to give us the facts.

Mr. LEWIS. Does not the Senator from Missouri feel that the Senator from Ohio should now, if he has any facts which if divulged could create a sensation or which if wrong should be corrected—do not the Senator from Missouri and the Senator from Ohio feel that this is the time now to give them, that the wrong, if any, should be corrected and that it might not longer be permitted?

Mr. HARDING. Mr. President, I could answer both the distinguished Senators if we only had the record of a secret session of this body some two weeks ago in which they were the most notable participants in the debate, but I will not be drawn into such a statement. It is not an extraordinary thing that in this country, emerging from the rutted course of peace into involvement in a great war, there should be conditions creating the greatest anxiety. I am not even pretending to say, Mr. President, that it is the fault of a party, because I am conscious of the fact that the party to which I belong was responsible only five years ago, and I will not be led by the promptings of interruptions and heckling in this body to make a sensational statement inclined to disturb American tranquillity. I much rather contribute to the popular confidence in this hour of need.

When I made reference to the hysteria on the bond question, I was not seeking to deter the sale of the liberty bonds, which I hope and expect to see successfully disposed of. There is not any question about that. If it were not unseemly, I would go into the details, but, Mr. President, I am unable to reach a conclusion that one who criticizes the reluctance or the tardiness or the hesitancy to subscribe to such an enormous bond issue is in any way expressing disloyalty or lack of devotion to our common country. Perhaps we are contributing more to that lack of confidence by employing the time of the Senate with this unseemly talk.

I have allowed myself to trespass on the time of the Senate, Mr. President, far beyond my expectation. I will only say in conclusion that by my ballots, officially recorded on this floor, and by my utterances on Memorial Day or on the stump or on the rostrum or elsewhere, I will measure my devotion to this country and support of the present administration with any man on either side of the Chamber, and I will be very glad to do so.

Mr. President, in the good humor of the moment I have enjoyed the sallies on the question of partisanship, and I have not sought to make a personal criticism in reply. I do say, however, that it is vastly more important that the Members of this body do the things which shall clinch anew the confidence of the American people in their Government and in its ability to undertake to carry to a successful end the mighty task that we have assumed.

I tell you, Mr. President, the American people have not yet come to realize one-half the seriousness and solemnity of the great task upon which we have entered, and I wish the Senate might turn from this unseemly discussion, in which I am an offender as well as others, and commit ourselves to doing those things which will, on the one hand, awaken the country and recommit it to the cause and at the same time contribute the material and practical means to bring about our successful participation in the war and bring it to a fortunate conclusion.

Mr. LEWIS. Mr. President, I very clearly recognize from the speech made by the able Senator from Ohio that many of the utterances which I introduced in a lighter spirit, certainly with no venom, were the birth of opportunity of oratory and occasion, and possibly not of deliberation; yet, Mr. President, I desire in a word—and I shall say but a few words at this time—to direct the attention of the eminent Senator from Ohio to this thought, of how we can bring America to the realization of this great conflict.

Mr. President, there is no man in this body more profoundly impressed with the truth that this Nation has not waked to the consciousness that we are at war than am I. I have just returned from the great Central West, the throbbing heart of which is my home, Chicago. That city is more representative, I presume to say, of all the nationalities engaged in this conflict than any other locality in the United States; but, sir, might I not submit to the Senator, how shall we invite our countrymen into union and accord in this controversy unless they shall behold eminent examples, such as the distinguished Senator and his colleagues offering them, sir, the spectacle of a united support and refraining from captious criticism even for the mere satisfaction of oratorical display or partisan advantage. I am a victim to the allurements of speech; I have no doubt we all are; but the hour is one depicted by the Senator to a degree further than he measured. It is now the time when men should restrain the inclination that doubtless the impulse leads them to, that they either serve partisan profit or the gratification of personal pride, and cease uttering expressions that are so inclined in their effect as were those of the eminent Senator, to work the very result that I am sure he could not have intended, yet is apparent.

Now, sir, says the Senator, this country is surrounded with situations and conditions, one of which, says he, if disclosed, would produce a great sensation. The eminent junior Senator from Missouri [Mr. REED] invites by interrogation the consideration of the distinguished Senator to the fact that the very observation itself creates sensation. I rejoin, and I ask the eminent Senator from Ohio, Does he not realize that on tomorrow this same vice that seems to possess him, by which here he would likewise give utterance to cabalistic sentences, Delphic oracular, and undefined accusation, and unexplained equally demoralizing and distracting as those of which I complained this morning as made by him in Ohio—does he not, I ask, realize that on the morrow the public press of this country, sending from the eminent Republican leader, prospective nominee for the Presidency, an eminent gentleman who was once presented for that high office, chairman of the great Republican national convention, that he asserted in his eminent place that there were circumstances surrounding this Government which, if unfolded, would create such a sensation as to stir this body and our countrymen into fury or dismay, and that because of the apprehension of some of these things its confidence has been so shaken that mankind will not pause to consider their patriotic duty in connection with the purchase of liberty bonds, so weakening are the influences of these real and imaginary revelations? The eminent Senator must recognize on the morrow that 100,000 intelligent citizens of this land, each construing for himself what must be meant by the assertion, will carry within their hearts the belief that some great impending slander, either to party or scandal to country, is imminent, and that it is at any time likely to explode like a present lava-sealed volcano.

Mr. HARDING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Ohio?

Mr. LEWIS. Gladly.

Mr. HARDING. I insist that the Senator from Illinois shall not place in my remarks any implication of scandal.

Mr. LEWIS. Mr. President, if the Senator did not mean that, I am gratified, of course, myself to accept his denial; but he will realize that if Senators could have drawn from his observation that such was the lurking meaning of his accusation, how will the millions that will only read it, not having an opportunity to have heard it and observed the situation, construe it? Therefore, Mr. President, I then invite the able Senator's consideration to the effect of this utterance, so undefined and so unexplained. Mark it; ponder upon it.

I now go to the final conclusion of the eminent Senator's reply. I say to the Senator that it may be, aye, sir, so far as I am concerned it is sufficient cause for war that the imperial and military dynasty of Prussia killed my fellow countrymen without reason, murdered innocent American citizens upon the high seas, shattered their property, sent the spars of their sinking ships floating upon every vagrant water of the world, and then struck the flag of our Nation down in mourning for the death of the innocents before the world. To me that is enough, and the fact that the President of the United States finds it agreeable before the earth to add to this cause other reasons for this war can not move me from the unanimity of soul, from the determination of action to fight it, fight it from first to last by every method to command, by every agency and undertaking that can be called to its service, and here at home to summon every sinew in America. But, sir, how can we fight this war to a successful end except by a united people? First, sir, there must be the united people at home. In our country there are to-day the representatives of all the nations who are our allies. If the eminent Senator from Ohio will reflect, he will realize that if his viewpoint, as expressed by him, could be adopted and asserted officially and proclaimed as the doctrine of the United States now, the predicament of the soldiers of America would be perilous. If it should go forth, as the eminent Senator would have it, that we are not to make war for the freedom and democracy of France, what could we hope from France when our soldiers land on her soil? If France shall be brought to recognize that our soldiers are not to aid her in her cause, but are on her soil for the sole and selfish object of America's profit alone, what would be the fate of our noble boys in France? What hand in France would be extended to them? What heart in France would be offered to them? What cooperation in France could they obtain?

What shall be said, sir, of Italy, if it shall be given out that we are not to cooperate to obtain freedom and justice along the divid-

ing line of the irridenta country, where our soldiers must make their conflict? They would be received in Italy by a people who would recognize them as coming to maintain their selfish conflict, and not the conflict of democracy or the conflict of liberty for the world or for our allies. They would be rejected or neglected. They would be to Italy as intruders. We would be charged then, first, with bad faith; second, with a violation of our obligations. Then, sir, what attitude would our soldiers stand in in Europe? Unwelcome and resented, miles from their homes, thousands of miles from their hearthstones, far from mothers and friends, without a hand to be lifted for them, without a voice of favor, because we had deserted the cause of those for whom it had been supposed we had planted our flag there and swam there to maintain its creed and promise—justice and liberty. Surely the Senator must realize that, however satisfactory to him and to me, let it be said, the cause he would ascribe it is too late for that to be asserted now only as the only purpose of America against imperialism and military conquest.

There is Russia. Shall it be said at this time that we are not to give such aid to the emancipation of shattered Russia? Shall we give no assurance of effort to implant liberty in Russia? Shall we inform Russia by any course of action here that we have deserted her and abandoned our pledge of democracy to oppressed men? Sir, at that announcement Russia under any government would seek quick peace with Germany upon the theory that she had been deserted by her greatest democratic ally—America—and had nothing further to hope for. What, then would be our inheritance? Why, sir, merely to gratify the cry and theory of my eminent friend we would have hurled upon the troops of our allies millions of soldiers—certainly hundreds and hundreds of thousands—who were before held in check by the cooperation of Russia. All this would follow from the loss of her faith in us as cooperating in the cause of democracy for her, for her liberty, for her justice——

Mr. HARDING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Ohio?

Mr. LEWIS. Certainly.

Mr. HARDING. Will the Senator allow me to illumine his remarks with a couple of questions at this point?

Mr. LEWIS. Yes.

Mr. HARDING. Reading from the inaugural address of the President on March 5 last I take this paragraph:

> That the community of interest and of power upon which peace must henceforth depend imposes upon each nation the duty of seeing to it that all influences proceeding from its own citizens meant to encourage or assist revolution in other States should be sternly and effectually suppressed and prevented.

And then, from the CONGRESSIONAL RECORD of the Sixty-third Congress, I choose to make this quotation from the same eminent authority, from an address delivered in the city of Indianapolis:

> Now, there is one thing I have got a great enthusiasm about—I might also say a reckless enthusiasm—and that is human liberty. The governor has just now spoken about watchful waiting in Mexico. I want to say a word about Mexico, or not so much about Mexico as about our attitude toward Mexico. I hold it as a fundamental principle, and so do you, that every people has the right to determine its own form of government; and until this recent revolution in Mexico, until the end of the Diaz reign, 80 per cent of the people of Mexico never had a "look in" in determining who should be their governor or what their government should be. Now, I am for the 80 per cent. It is none of my business, and it is none of your business, how long they take in determining it. It is none of my business and it is none of yours how they go about the business. The country is theirs. The Government is theirs. The liberty, if they can get it, and God speed them in getting it, is theirs. And so far as my influence goes while I am President nobody shall interfere with them.

Mr. LEWIS. Mr. President, how aptly confirming my views is that speech quoted of the President. How grateful I must be to the eminent Senator for so valuable a contribution at such a timely moment, just as I was proclaiming the theory of this country to aid these oppressed lands in obtaining democracy. The eminent Senator reads the speech of the President in which he refers to 80 per cent of the people of Mexico as never having had a chance or, as he called it, "a look in." The people had been so oppressed and such forms of tyranny had been set upon them, their homes denied them, their lands confiscated, their natural privileges wrested from them, liberty refused them that the President's assertion then, as had been all his efforts, was to establish in Mexico a form of self-government, a democracy; but when it was established it was to be left to them as to the manner and method of its conduct. The eminent Senator fails to distinguish between establishing a government of democracy on the one hand and the governing of it after it is established on the other.

No one in this body disputes at all that the right of a government to govern itself in its own internal affairs is supreme. The eminent Senator must make clear to himself the distinction between a country like ours aiding another land to democracy and interfering with its form of government after it has obtained self-government. Sir, if the eminent Senator be accurate in the standard he lays down, that no government should aid another in obtaining free government, then the interposition of France in behalf of America in 1775 was an intrusion and America's sacrifice in behalf of freedom for Cuba was an insolence; and, sir, the eminent Senator from Kentucky [Mr. JAMES] brings to my mind, by suggestion, that these splendid services to which I have just alluded were rendered under President McKinley.

The eminent Senator from Ohio has alluded to his friend, the eminent statesman, President McKinley. I had the honor to serve in public duty at the time he was President, and around me are gentlemen, now Senators, who were then with me Members of the other House. How well I recall how our eminent opponents rightfully condemned us—the Democrats—and indeed at the ballot box pilloried us wherever there was a suggestion of opposition merely for partisan welfare. "Stand by the President," was the cry; "do not interfere with the man whose hand is on the throttle." This was everywhere and at all times; and yet in the end, if the Senator from Ohio will but reflect on his last utterance, he will realize that we have through him told the world that there are eminent men here in this body—this the great cooperating agency of the President—who do not give their adhesion to the policy of the aid of America to these countries struggling for liberty, and do not approve the President's slogan of democracy for oppressed mankind. We will let them understand that there is not that cooperation with the President in his splendid design. We will by that utterance cause them to feel that, when the war is over and we are victorious, we will gather ourselves unto ourselves selfishly and alone and desert them, without regard to their cooperation with us in producing the victory, all because the eminent leaders of one of the great parties on this floor is opposed to this Government going further than its profit or its selfish objects for its own welfare would permit. For that reason I regard the position of my eminent friend as dangerous, if it should ever obtain, and destructive to the splendid result to which we are moving, if the President of the United States were ever to adopt it.

Sir, the President of the United States has laid down the doctrine that in this conflict, apart from the grievances from which we have suffered, we shall go forward to the liberties of the oppressed nations who are involved in the struggle. In the language of Holy Scriptures, our position is "Our hands lie to the plow; we shall not look back."

Mr. President, there is Ireland. Shall we leave the impression upon that great body of Irish citizens in the United States, who in every conflict of America have tendered their children to death for the cause of their American home, that we are to desert them, that we are not to lend our aid to secure for them the liberty for which they cry, the self-government for which they have lived and died? It is impossible to betray or desert them. Shall we say to Poland, whose children in thousands and thousands are with us in America, that likewise we shall be deaf to their cry and turn a dead heart and ear to their wail for liberty and free government for Poland? Surely, sir, we could not. How could we be so base? The eminent Senator, learned scholar and able man as he is, must recognize that in millions the children of these lands are here with us in America. Their sons are our sons. If ever we desert the theory with which we started in this conflict, they in America will drop away from us. We would lose their sympathy and forfeit their support of the United States. Here in America the native born of native-born Americans would be alone—severed from one-third of all our population—our home citizenship would be surrounded with hurts and hatreds of millions of our adopted citizens. These millions now fight at home and abroad for us because they have been made our allies in this conflict of liberty and democracy.

Mr. President, I have nothing further, except to intimate to my eminent friend that I am sure he would realize that now such a creed as his could never be advanced to the safety of America. The Pole, the Italian, the Irishman, the Slav, the German people, let us believe, all who are Americans, are with us. The sons of the North, the gallant soldier of the South, all are with us—all for us, and in this conflict we can say to the world, "There they are; behold them in their loyalty, in their greatness;" and, paraphrasing Sir Philip of Faulconbridge in King John, we can exclaim:

> Now, these, our children, all to the mother, are come home again. Come the three corners of the world in arms, and we shall shock them.
> Nought shall make us rue. If America to itself, do rest but true.

Mr. HARDING. Mr. President, I have no desire to continue the discussion, and I have no wish to spoil the pleasing eloquence of the Senator from Illinois, but if the Senate will bear with me I want to add one sentence at the close.

If our part in the war has been so beautifully and ideally inspired, it occurs to me that we might well have entered on behalf of democracy when the territory of France was invaded in 1914. We might well have given our voice to the liberty of the world when Serbia was invaded in the same year. We might even have given utterance to the nobility of American soul and the loftiness of our intent when Belgium was violated without cause and without notice.

Mr. REED. Mr. President, two reasons impel me to take the floor for a moment.

First, when the distinguished Senator from Ohio [Mr. HARDING] occupied the attention of the Senate, he, in substance and effect, made this statement:

I could, if I would, recite facts that would startle the 100,000,000 American people.

He subsequently repeated substantially the same assertion, whereupon I challenged the Senator to make a specific statement of the matter referred to in his charge. That constitutes my first reason for rising. The Senator did not make the specific statement.

My second reason is that the Senator's excuse for not making the specific statement was couched essentially in this language:

If I had the remarks of the Senator from Illinois and the Senator from Missouri made in executive session, I could startle the country.

The two statements, taken together, amount to a declaration to the country that in the executive sessions of the Senate the Senator from Illinois [Mr. LEWIS] and the Senator from Missouri, my poor self, made charges against the Government which furnished the foundation for the Senator's charge just made, and that if he could but disclose the matter to which we thus gave origin he could startle the country.

Mr. President, I hold that it is not only the privilege but it is the duty of every Member of Congress, though he be as great as the Senator from Ohio or as humble as myself, always to speak in this forum his honest judgment and vote as his conscience and judgment may dictate. I have claimed the right to exercise and express my judgment and to criticize any measure proposed. That right I concede to others. But the advancement of arguments against a pending bill is a very different thing from an assault upon the motives of the author. And now, since I have taken the floor, there has been handed to me the exact language employed by the Senator from Ohio, in the form of a transcript of his remarks, and I want at this time to put them into the RECORD again, because I do not want to misquote the Senator. I now quote:

I do not want to bring the partisan question up, but I do want to renew, Mr. President, this serious and solemn statement at this time, that there are those in this Chamber who are day after day putting aside their partisan prejudices because they have the information, which might be expressed in calls for investigation, which would disturb the confidence of the American people of this day in the conduct of the war.

Mr. President, the Senator can not shift the responsibility of that statement to any utterance made by the Senator from Illinois or by myself in executive session. I affirm it to be the fact that neither the Senator from Illinois nor myself in executive session in any manner or degree charged that there was misconduct in the conduct of the war, or charged that there was anything in the conduct of the war calling for investigation. No such charge was made, and every Senator now here who was then present will bear witness to the truth of that which I say. Manifestly, the attempt to shift the responsibility occurred to the Senator after he had been challenged to make good his statement. He did make the statement that I have read, and he did twice reiterate it; and it amounts to nothing more or less than the assertion that there is some matter connected with the conduct of this war of so unholy or so infamous a nature that its disclosure would startle the 100,000,000 loyal citizens of this Republic.

Mr. HARDING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Ohio?

Mr. REED. I demand here and now either that the Senator from Ohio—to whom I am about to yield for an interruption—shall state those facts, or that he shall retract his statement.

Mr. HARDING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri now yield to the Senator from Ohio?

Mr. REED. I now yield for the purpose indicated.

Mr. HARDING. I am not so greatly concerned by the demand of the Senator from Missouri as I am for a becoming understanding of my statement.

I do not understand, Mr. President—and I want the Senator from Missouri to note this statement—that a condition of unpreparedness, for example, involves anything unholy, and I will not allow the Senator from Missouri or the Senator from Illinois, on neither of whom have I sought to place the responsibility, to so construe my statement. I only alluded to their criticisms in secret session as an indication of the lack of satisfaction, if you please, as to the trend of developing events in these difficult times.

I have in mind, so far as I am myself concerned, matters relating to the unpreparedness of this country for the part we have assumed, and I do not construe that to be anything dishonorable nor anything of a scandalous nature. If I had had that in mind, I should not have even made the allusion. I do repeat the previous statement, that I have too much regard for the present state of public mind to be drawn into a statement of specific details.

Mr. REED. Mr. President, I am glad to find that the Senator from Ohio is modifying his remarks, because I am not concerned here to-day in any advantage to be gained in a verbal fencing match. This is too serious a matter. It was started by the Senator from Illinois undoubtedly with the desire to inject a little satirical humor into a situation created by the Senator from Ohio, and it was carried through by the Senator from Illinois very much in that spirit, although he said some matter of quite serious substance.

What I want to eternally stamp out now is the insinuation that may to-morrow constitute the headlines of many newspapers, that there is some hidden and mysterious iniquity connected with the conduct of the war so infamous and vile that its exposure would startle the American people. Now the Senator tells us that what he referred to in fact was our state of unpreparedness. If that is all the Senator had in mind, I question whether he can state our condition of unpreparedness more vigorously than it has been announced a thousand times by a thousand mouths and ten thousand times by as many pens.

There is nothing in our condition of unpreparedness that will startle the American people more than they have already been startled. There is nothing new in that; and so I beg the gentlemen of the press, when they send the Senator's charge to the country, to say that the distinguished Senator from Ohio meant nothing more than that "we are not as well prepared as we ought to be." If the statement goes forth in that form it will do no harm.

But I can not understand the utterance to have been made in that light. The statement now is that what the Senator meant was that we were not sufficiently prepared. If that fact were emphasized to the American people the tendency would be to make them buy more bonds and buy still more bonds in order that we might become prepared. That, indeed, has been the cry the Secretary of the Treasury has been setting up as he goes over the country, and if he is subject to any criticism it has seemed to me it has been because he has, perhaps, rather overdrawn the case. But the Senator's statement, now, I want to read in full, because I now have it. I think, as I read it, that it will be clear that instead of the Senator's meaning to refer to our state of unpreparedness, he meant something entirely different; or if he did not, he was singularly unfortunate in his method of expression.

I read:

We are committed to the practice of never saying anything about an interview with ladies, collectively or individually, and I can neither boast nor reveal. I dislike to discuss a rather vagrant remark relating to the bond issue, which remark became a public utterance, though it was not so intended; but since it has been brought to the floor of the Senate I have no hesitancy whatever in reaffirming it in my official capacity.

I have believed the liberty-bond campaign hysterical and unseemly. I have not wished to hinder it. I have only wished that I might make the conditions which would have made this seemingly hysterical campaign unnecessary, and I am hesitant to say on the floor of the Senate why it is so.

Of course, if the Senator had succeeded in his ambition he would have been in a position to have made "the conditions which would have made this seemingly hysterical campaign unnecessary," and I have no doubt the country would have been safe, the world at peace, the war over, and democracy triumphant around the earth.

But I read on, in order to give you the context:

Mr. President, in normal times I am a partisan. In times like these I am hesitant to express my partisan impressions. If I were of a mind to do so, I could stand upon this floor to-day with criticisms well founded and substantiated by facts which would prove a sensation to the hundred millions of Americans who are on the anxious seat to-day; and since the question has been raised, and some justification seems necessary, I say to you that America, with an ability to buy seventeen billions of bonds on any day, is reluctant to buy because of its lack of confidence in the present administration. If some one could stand here and give requisite assurance to the United States of America concerning the plans for financing this war in the way of

taxation, there would not be five days of delay in providing for an over-subscription of the liberty-bond issue.

I have not meant to be ugly in my reference to the hysteria. There is very eminent authority for the use of that word over a little unseemly excitement—

And so forth.

Mr. President, the plain purport of that language is that if the people knew what was going on, if there was an investigation to bring the facts before the people, the confidence of the American people would be utterly shocked, and that to-day, even without such disclosure, the people have so little confidence in the administration that while they can pay out easily $17,000,000,000 to buy that many bonds in five days, they hesitate about buying two billions. And now the whole statement, since the Senator has expounded its meaning, dwindles down to this, "that we are not as well prepared as we ought to be," and that if that fact were known it would scare the people of the United States into not buying any bonds! Such is the conclusion the Senator draws. Whereas the more the people were frightened over a state of unpreparedness the more bonds they would buy. But now that the Senator has withdrawn the real sting of his remark, I have no further interest in it.

The Senator also states that he did not undertake to quote the Senator from Illinois or myself as authority for his startling charges. That question is therefore satisfactorily disposed of.

I only want to refer to one further remark. He said, in substance:

I could wish that the devotion of the American people to their Government were as great as that of the German people to their Fatherland.

By which the Senator must have meant that the people of the United States do not love this Government of freedom as well as the people of Germany love their Government of autocracy; that we do not so much esteem our liberty as they do love their chains; that this great country, over the destiny of which the Senator was ambitious to preside as Chief Executive, is composed of people so base that they do not love the blood-stained banner of America as well as the German loves the scepter of his master. That is the charge the Senator brings against the American people.

Mr. HARDING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Ohio?

Mr. REED. I do.

Mr. HARDING. Since the remarks of the Senator from Missouri are directed to me in the main, I hope he will do me the credit and justice to omit any statement of my ambition to serve this country in any more distinguished capacity than that which I now occupy, because I should like it said, since this question has been raised, that I think too well of my country to wish one of such incapacity in so exalted a position.

Mr. REED. Mr. President, the humility of the Senator doth most become him. [Laughter.]

I want to say just a word about the patriotism of the American people. It does not require encomium or eulogy, and yet I think it proper to say just this much—that in the population of 104,000,000 people there is probably not as much disloyalty as there is in a single ward of a single European city. There is not in the United States of America to-day any disloyalty among her native-born people save as you may find it manifested by the occasional individual who belongs in fact to the criminal class. For just as you will in the best of communities find here and there a degenerate wretch who makes war on society by theft or murder so you will discover a very few among many millions whose criminal instincts manifest themselves by acts of disloyalty. In both cases the culprits belong distinctly to the criminal class. Neither have we in this country among our foreign-born population any considerable element of disloyalty. I undertake to make the statement that in all the history of the world there never has been furnished such a picture of loyalty as when more than 10,000,000 men stepped forward on the day before yesterday and wrote their names upon a list which cowards would have regarded as a death list, but which these brave Americans looked upon as a roll of honor. Without hesitation, without disturbance, without murmur, from Atlantic to Pacific, from Canada to Mexico, the response was universal. Men bore away their registration cards and exhibited them with pride to their families and to their friends.

Patriotism—is it lacking here? I objected to the draft because I thought the draft was unnecessary; yet I say now the response to the draft without complaint is perhaps a higher evidence of patriotic love of country than would have been a general answer to a volunteer call. I now declare that our men would have come without any mandate of the law. Coming as they have, so willingly, so generously, I do not propose to sit silent when their love of country is compared unfavorably with that of the unfortunate subjects of despots, many of whom entered the army to escape the prison or the scaffold. I do not propose to hear without protest the patriotism of my countrymen impugned, while the love of the German and Austrian for Kaiser and Emperor is exalted. I tell you, sirs, that when once the iron arms of those imperial rulers have grown a bit more enfeebled, when the people of the central powers shall have suffered a little more, when hunger shall gnaw at their vitals and courage shall be born of despair, revolution will show its fearful countenance and the torch of treason will blaze in the hands of a maddened populace. But if fortune should go against us, if our allies should be swept back and their lines broken, if their ships should be sunk upon the sea, if the worst should come to the worst, if Germany, a thousand times stronger than she is, were to stand upon our shores, with her mailed millions, I tell the Senator from Ohio that the people of this country, though starving, would yet stand in the trenches and die for this land of freedom. I tell the Senator from Ohio there would be such an exhibition of love of country and of devotion to flag as the world had never seen. I tell him that above the Stars and Stripes there would look down the shades of Washington, of Jackson, of Lincoln, of all our immortal dead, and that around the standard would be grouped a people willing to fight and die for human liberty. A people who do not answer to a master's lash and who prefer death to a master's chains. When any man says on the floor of the United States Senate that the American people would do well to take a lesson in patriotism from the serfs who are driven to the battle line by their Teutonic masters, I say he slanders the country he represents.

AMENDMENT OF INTERSTATE-COMMERCE ACT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2356) to amend the act to regulate commerce, as amended, and for other purposes.

Mr. NEWLANDS. Mr. President, I ask that the report on the pending bill, together with the bill, without reading, be printed in the RECORD in the ordinary type.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The bill and the report referred to are as follows:

"A bill (S. 2356) to amend the act to regulate commerce, as amended, and for other purposes.

"*Be it enacted, etc.*, That on and after the approval of this act any person or persons who shall, during the war with Germany, knowingly and willfully, by physical force, threats, or intimidation, obstruct or retard, or aid in obstructing or retarding, the orderly conduct or movement in the United States of interstate or foreign commerce, or the orderly make-up or movement or disposition of any train, or the movement or disposition of any locomotive, car, or other vehicle on any railroad in the United States engaged in interstate or foreign commerce shall be deemed guilty of a misdemeanor, and for every such offense shall be punishable by a fine of not exceeding $100, or by imprisonment for not exceeding six months, or by both such fine and imprisonment; and the President of the United States is hereby authorized, whenever in his judgment the public interest requires, to employ the armed forces of the United States to prevent any such obstruction or retardation of the passage of the mail, or of the orderly conduct or movement of interstate or foreign commerce in any part of the United States, or of any train, locomotive, car, or other vehicle upon any railroad in the United States engaged in interstate or foreign commerce.

"SEC. 2. That during the continuance of the war in which the United States is now engaged the President is authorized, whenever in his judgment such action is necessary to the public security and defense, to direct that certain kinds of traffic or particular shipments, as may be determined by him, shall have preference or priority in transportation by any common carriers by railroad or water, under such arrangements, rules, and regulations as he may prescribe. He may give these directions at and for such times as he may determine, and may modify, change, suspend, or annul them, and for any such purpose he is hereby authorized to issue orders direct, or through such person or persons as he may designate for the purpose. Officials of the United States, when so designated, shall receive no compensation for their services rendered hereunder. Persons not in the employ of the United States so designated shall receive such compensation as the President may fix. Suitable offices may be rented and all necessary expenses, including compensation of persons so designated, shall be paid as directed by the President out of funds which may have been or may be provided to meet expenditures for the national security and defense. All such common carriers are hereby directed and required to establish

forthwith, and to maintain continuously in the city of Washington, during the period of the war, an agency by a committee of railroad officers or otherwise fully empowered by such carriers to receive on behalf of all the carriers notice and service of such orders and directions, and to arrange for the prompt compliance therewith by such carriers. And it shall be the duty of any and all the officers, agents, or employees of such carriers by railroad or water to obey strictly and conform promptly to such orders, and failure knowingly and willfully to comply therewith, or to do or perform whatever is necessary to the prompt execution of such order, shall render such officers, agents, or employees guilty of a misdemeanor, and any such officer, agent, or employee shall, upon conviction, be fined not more than $5,000, or imprisoned not more than one year, or both, in the discretion of the court. The President is hereby authorized, whenever in his judgment it becomes necessary in order to expedite transportation and to do justice between carriers, to enter into agreements with two or more carriers looking to a proper division of earnings for a time to be specified and upon kinds of traffic to be prescribed. For the transportation of persons or property in carrying out the orders and directions of the President the lawfully established tariffs shall apply unless otherwise fixed by law; for the transportation of troops in carrying out the orders and directions of the President reasonable rates shall be fixed by the Interstate Commerce Commission; and if the transportation be for the Government of the United States, it shall be paid for currently or monthly by the Secretary of the Treasury out of any funds not otherwise appropriated: *Provided*, That if by reason of giving preference or priority in transportation under an order or direction authorized hereunder, or by reason of disarrangement of traffic caused by giving such preference or priority, any carrier shall suffer injury or damage, the Interstate Commerce Commission shall, upon application by the carrier and upon notice to the Attorney General of the United States, and after due hearing, determine the amount thereof, which amount shall be paid by the Secretary of the Treasury out of any funds in his hands not otherwise appropriated: *Provided further*, That no application for any such damage or injury shall be presented to the commission after six months from the expiration of the order of preference or priority. In making such determination the commission shall have due regard for the terms of any acts of land grant or contract existing between any such carrier and the United States, and for the purpose of any such inquiry and determination the Interstate Commerce Commission is hereby vested with all the powers which it now has or may be authorized by law to exercise in investigating and ascertaining the justness and reasonableness of rates or charges. Any such findings of the commission shall be subject to review on the merits by a bill in equity, filed either by the Government or by the carrier in a court of competent jurisdiction, with right of appeal as in other equity cases. The final order or decree shall be certfied by the court to the Interstate Commerce Commission, which shall enter the same as its own order. Any carrier complying with any such order or direction herein authorized shall be exempt from any and all provisions in existing law imposing civil or criminal pains, penalties, obligations, or liabilities upon carriers on account of any such action."

[S. Rept. No. 48, 65th Cong., 1st sess.]

Mr. NEWLANDS, from the Committee on Interstate Commerce, submitted the following report:

"The Committee on Interstate Commerce, to which was referred the bill (S. 2356) to amend the act to regulate commerce, as amended, and for other purposes, having considered the same, report thereon with recommendation that it pass.

"The bill as reported consists of two sections, one forbidding the obstruction or retardation of the orderly movement of trains in interstate transportation, and the other giving the President power, whenever necessary for the public safety and defense, to direct that certain kinds of traffic or particular shipments shall have preference or priority in transportation under such rules as he may prescribe.

"It compels also the common carriers to maintain continuously at Washington an agency by a committee of railroad officers to receive, on behalf of the carriers, notice and service of the orders of the President, and compelling the carriers, under penalties, to obey such orders.

"Provision is also made for the fixing of reasonable rates by the Interstate Commerce Commission for the transportation of troops.

"The bill also provides for the determination by the Interstate Commerce Commission of any injury or damage caused by the preferential orders made by the President.

"The provisions regarding the priorities in transportation have been drawn upon the earnest suggestion of the President contained in a letter to the chairman of the Committee on Interstate Commerce.

"The necessity for such legislation is most clearly shown by Mr. Daniel Willard, chairman of the committee on transportation of the advisory commission of the Council of National Defense, in a letter to the chairman of your committee, which letter, together with the speech of Mr. Howard Elliott, and the article by Mr. W. M. Acworth, entitled 'English railways under war conditions,' in the Outlook of May 16, 1917, to which Mr. Willard refers, is made a part of this report."

"ADVISORY COMMISSION OF THE
"COUNCIL OF NATIONAL DEFENSE,
"*Washington.*

"Hon. FRANCIS G. NEWLANDS,
"*United States Senate, Washington, D. C.*

"MY DEAR SIR: Referring to our brief discussion the other day concerning the necessity for a priority commission to deal with transportation matters:

"I am not certain that I made the situation entirely clear, and for that reason I am writing this letter. While the railroads of the country, as shown by their monthly reports to the Interstate Commerce Commission, are handling a greater volume of business than was ever handled at any previous time, they are not able to handle all of the business offered. This is due to the abnormal conditions growing out of the European war and other matters related thereto; and inasmuch as there is more business to be handled than the railroads are able to handle, it becomes necessary in the public interest to decide what particular character of shipments shall be given priority of movement. This, I repeat, is necessary in the public interest; it is not at all necessary from the standpoint of the railroads.

"As you may perhaps know, there was held in this city on April 11 a conference of railroad executive officers, at which practically all of the important systems in the United States were represented, either directly or by proxy, and as a result of that conference an agreement was entered into by all of the carriers which resulted in the appointment of a committee of five railroad presidents, to which committee was given full authority over all transportation questions on all of the railroads in the United States, and the entire railroad mileage—approximately 262,000 miles—is to all intents and purposes at the present time being operated as a single system, directed by the executive committee sitting in this city.

"The situation so created is not unlike the one in England with regard to the railroads, except that in England at the beginning of the war the Government appointed a committee made up of railway officers to control the operation of the railroads and at the same time guaranteed that, during the continuation of the arrangement, the stockholders of the properties involved should receive the same rate of dividend that they had received for a certain specified length of time in the past. I do not recall now the exact period of time.

"In this country, in response to a request made by the Council of National Defense, the railroads voluntarily selected a committee for the purpose of accomplishing the same result as was brought about in England, but in this country it must be remembered that the action, although requested by the Government, was taken voluntarily by the railroads and without any guarantee whatever concerning future income.

"One of the most important functions of the executive committee sitting here in Washington is to procure prompt and adequate transportation of those commodities essential to the welfare and defense of the Nation, and although they have no authority under the law to give preferential treatment to shipments of one kind over another, it is so clearly in the public interest that certain matters should be given priority of movement that the committee has so far not hesitated to take action when it seemed necessary or desirable to do so. For instance, it has seemed desirable, if not necessary, that coal should be kept moving in such quantities as to provide not only for the requirements of the railroads, but also for the public-utility power plants, and for the various industries, particularly those engaged in making munitions for our allies, and providing material necessary for the construction of ships. It has also seemed desirable, if not necessary, that seeds, fertilizers, and agricultural implements needed during the planting season just closed should be moved promptly and in sufficient quantity, and I think generally all of the commodities above referred to have been moved as needed. As a result of this, however, certain other commodities have not been moved as promptly as desired, but so far, those shippers whose freight has not been moved for the reason above mentioned, have accepted the situation with very little protest after the facts were explained to them. As time goes on, however, and industrial activity becomes even

greater than it is at present, the amount of freight offered will be greater than it is at present, and there ought to be provided by law a small commission—I should say not less than three men or more than five—to consider and pass upon questions concerning priority of transportation.

"As chairman of the committee on transportation of the advisory commission, I brought this matter to the attention of the Council of National Defense a month or six weeks ago and endeavored to show the necessity for such a commission. I urged the formation of the committee at that time and I urge it now, because I think it is essential in the public interest. I may perhaps be permitted to repeat what I have already said, that it is not a matter in which the railroads are particularly interested. It is, however, a matter of vital interest to the public.

"I am taking the liberty of attaching hereto, for your information, thinking that you might not have seen it, copy of an address delivered by Mr. Howard Elliott a short time since before the Editorial Conference of Business Papers in this city. Mr. Elliott, as you may perhaps know, is a member of the committee of railroad executives sitting here in Washington. I am also inclosing a copy of the Outlook of May 16 which contains a paper by Mr. Acworth, of England, in which he explains rather clearly, I think, the English situation concerning the railroads. I believe you will find both of the papers above referred to interesting and enlightening, as they bear directly upon the particular subject in mind.

"If there is any further information that I can give you concerning this matter, I shall be glad to do so.

"Very truly, yours,

"D. WILLARD."

SPEECH OF HON. HOWARD ELLIOTT, MEMBER OF THE EXECUTIVE COMMITTEE OF THE COUNCIL OF NATIONAL DEFENSE.

(Before the Editorial Conference of Business Papers of the United States of America, at the New Willard Hotel, May 25, 1917.)

"Gentlemen, your chairman desires me to give you a very brief biography of myself. It was only yesterday morning that I was asked to take Mr. Harrison's place here.

"I have been in the transportation business 37 years on the 5th of next July—23 years with the Chicago, Burlington & Quincy Railroad, 10 years as president of the Northern Pacific Railroad, and practically 4 years as president of the New York, New Haven & Hartford Railroad, which position I laid down a short time ago, after trying to pilot that company through rather a stormy period, and I still retain an advisory connection with the company and am helping them to get out of their wilderness, and hope that they will.

"I have also been asked to serve, and am serving, as a member of what is known as the Railroad War Board, and I rather welcome this opportunity to meet a conference of this character and to tell you something of what we, in the transportation world, are trying to do.

"I notice that your program contains the words, which I presume are your platform, 'To promote more effective use of the business energies of the country by a closer cooperation of the business press with the Government.'

"That is a very good platform indeed. We in the railroad world would like to have you go further and to have the cooperation of the business press with the railroads of the United States, because without help from all kinds of people and all kinds of institutions it is going to be difficult to furnish that quantity of transportation during the war period that is essential for the winning of the war.

"COUNCIL OF NATIONAL DEFENSE ASKS RAILROADS TO ORGANIZE THEIR BUSINESS.

"This committee, of which I was one, grew into being in the following way: Some time early in April Secretary Lane introduced and had passed in the Council of National Defense a resolution as follows:

"*Resolved*, That Commissioner Willard be requested to call upon the railroads to so organize their business as to lead to the greatest expedition in the movement of freight.

"As a result of that resolution by the council the chief railway executives of the United States met in Washington on April 11, and we had a prolonged discussion of the situation. Every man knows his own difficulties, although he may at times magnify them. We of the railroads sometimes think our friends who patronize us magnify them too much. [Laughter.] But we realize, perhaps more than our patrons do, that the 250,000 miles of railroad in the United States, trying to serve a population of 100,000,000 people, had approached the point, even in a time of profound peace, when the amount of transportation that we could manufacture with our plant was not adequate at all times to the demands of the people. The causes for that we need not discuss here. They have been discussed pro and con for the last 25 years. It is the fact that interests us and that interests gentlemen like yourselves who are representing many kinds of business, and that is of vital interest to the Nation and to our friends the allies.

"Realizing that it was difficult for the railroads to carry the peak load at all times and to be in readiness to serve and to meet every demand, we were glad to have this call to come to Washington and confer and see what we could do.

"ACTION TAKEN BY RAILROADS.

"After conference and deliberation and after a very inspiring address from Secretary Lane, we passed this resolution, which is our platform:

"*Resolved*, That the railroads of the United States, acting through their chief executive officers here and now assembled, and stirred by a high sense of their opportunity to be of the greatest service to their country in the present national crisis, do hereby pledge themselves, with the Government of the United States, with the governments of the several States, and one with another, that during the present war they will coordinate their operations in a continental railway system, merging during such period all their merely individual and competitive activities in the effort to produce a maximum of national transportation efficiency. To this end they hereby agree to create an organization which shall have general authority to formulate in detail and from time to time a policy of operation of all or any of the railways, which policy, when and as announced by such temporary organizations, shall be accepted and earnestly made effective by the several managements of the individual railroad companies here represented.

"That platform has been subscribed to by practically all of the railroads of the United States, and in most cases indorsed and approved by the boards of directors. It is a patriotic move on the part of the railroads, their owners, their officers, and their employees, to do the very best they can with the plant at their disposal.

"In order to give effect to that platform a committee of some 27 was appointed, and from the committee of 27 a committee of 5, covered by this statement:

"That the railways agree to the direction of the executive committee of five in all matters to which its authority extends, as expressed in and that the general secretary of the American Railway Association be the resolution heretofore adopted, and to which we hereby subscribe, instructed to secure the execution by signature of all American railways.

"CREATION OF SUBORDINATE COMMITTEES TO COOPERATE WITH WAR DEPARTMENT.

"In addition to creating the main committee of five, consisting of Mr. Harrison, as chairman; Mr. Holden, of the Chicago, Burlington & Quincy; Mr. Kruttschnitt, of the Southern Pacific; Mr. Rea, of the Pennsylvania; and myself; subordinate committees reporting to us were created coexistent with the military departments of the Government, as follows: The Northeastern Department with headquarters at Boston, the Southeastern Department, the Central Department with headquarters at Chicago, the Southern Department with headquarters in Louisiana, the Western Department with headquarters at San Francisco, and the Eastern Department with headquarters in New York, so that there would be a piece of machinery to deal with each departmental commander of the Government. In addition to that there were special subcommittees appointed to take up the following general subjects:

"A commission on car service, composed of seven of the most experienced car men in the United States; a committee on military equipment standards, composed of the most experienced expert mechanical men in the country; a committee on military transportation accounting, composed of the most experienced accounting men we have; a committee on military passenger tariffs, composed of the most experienced passenger men; a committee on military freight tariffs, composed of the most experienced men familiar with the freight business; and, more recently, a committee on express, made up of the vice presidents of the various express companies.

"Then we arranged to appoint general agents at all of the military headquarters, permanently attached there, with no other duties than to work with the military officers, and also general agents at mobilizing points. There are some 56 points in all, with 112 men.

"WASHINGTON OFFICE.

"The Washington organization, with headquarters here, has in it 16 experienced railway officers, including the 5 executives, who are the head committee, and 11 others who are permanently here, 69 general employees, and 18 inspectors who travel about the country and bring in information.

"In addition to that, in order to do the very best we could to get close to the local situation at every place, and to meet, as fast as we could, the difficulties of each given situation under this commission on car service, which is the most important of the committees, some 23 subcommittees were formed at places all over the United States—Chicago, New York, Atlanta, San Francisco, Seattle, Memphis, New Orleans, and everywhere—so there would be a piece of machinery in each State and several in some of the States that could cooperate closely with the ship-

ping and traveling public as well as with the military authorities.

"Each one of these committees has as chairman an experienced officer of a railroad, and on his committee are representatives of all of the railroads at the point in question.

"MACHINERY NOW AT WORK.

"All of this machinery is now at work and is being rapidly coordinated, so that as little lost motion as possible is had after six weeks of work. It is a very expensive piece of machinery.

"COST TO THE RAILROADS.

"Our estimates are that, not counting the salaries of the officers, who are devoting a very large amount of their time to this national work and carrying on, as well as they may, their regular activities as railroad officers, that the American railways are going to contribute, dividing the expense pro rata, about $500,000 a year to this special work. And we are glad to do it. We are not stating that to ask for commendation, but merely to show you the extent to which we are trying to go in helping our Government and our allies in this very terrible crisis.

"Now, no doubt, you would like to know what we are really trying to do and how we give effect to the platform which I have read to you.

"RELATIONS WITH COUNCIL OF NATIONAL DEFENSE.

"We have a relation to the Council of National Defense because we received our appointment at the instance of Secretary Lane, and we work with the council in the closest possible way. In fact, I believe we are designated a cooperative committee. It is our hope and our belief that we can work in the closest possible way, because on our committee sits Mr. Willard, of the advisory council, who is a member of our committee ex officio, but without vote, who brings to us suggestions from the Council of National Defense and takes from us suggestions to them. We are working very closely together.

"RELATIONS WITH INTERSTATE COMMERCE COMMISSION.

"Then, we are trying to have, and I think we are succeeding in having, very close and satisfactory relations with the Interstate Commerce Commission, that great body that directs so many of the activities of the American railways, because on our board sits Mr. Edgar E. Clark, a member of the commission, without a vote, but whose counsel and whose experience are of tremendous value to us in our deliberations. Our ambition is to so coordinate and arrange this enormous piece of machinery, this 250,000 miles of railroad, so that we can make it of the highest service to the Nation at this time, which is a time so serious and so critical and which, my observation leads me to believe, is more serious and more critical than people realize who have not had the privilege of spending a few weeks in Washington, the city upon which the eyes of the world very properly now turn.

"ACTION OF RAILROADS VOLUNTARY.

"While we are doing all those things, and trying to make this great piece of machinery as effective as we can, I want to call your attention to the fact that our mandate and our commission has come to us through a voluntary act of the owners of these 250,000 miles of railroad, through their boards of directors, representing the owners, and that we are trustees for these enormous interests, and in trying to do our full duty to the Nation we must pay due regard also to the trust imposed upon us to handle these 250,000 miles of railroad with some regard to the interest of the million and a half security owners, and possibly 2,000,000 employees who, with their families, represent nearly one-sixth of the population of the United States. And we believe because of the cooperative spirit displayed by everyone with whom we have come in contact, that as we work along, one step after another, we can obtain a greater efficiency out of these railroads than has been obtained before; that we can do the things that the Government wants us to do; that we can do the things that the allies want us to do; and we can do the things that business wants us to do and still safeguard the general health of this great piece of machinery which must go on forever, after the war is over, to serve the public.

"FIRST ACTION OF COMMITTEE.

"One of the first things we did was to put out what we called our efficiency circular. I will not burden you with the details of it because you no doubt have seen it, but it was an earnest appeal to officers, to men, to the public, and to those who use the railroads, to help and cooperate in every way possible to make a greater use of the existing American railway plant. As I have just said, this plant is inadequate in some directions for reasons that need not here be discussed, and it is essential to make every car, every engine, every track, every freight house, and every appliance do a little more work, if we can possibly arrange it, and to do that we must have the highest cooperation between the railroad owner, the railway employee, and the railroad users.

"This circular was put out to try to stimulate that idea.

"WEEKLY REPORT TO COUNCIL OF NATIONAL DEFENSE.

"Then we make a report once a week to the National Council of Defense to show them what we have been doing or trying to do, so that they may be advised and may make suggestions to us. Our report of May 18 covers some 18 subjects, only a small part of the numerous subjects that our committee has considered, and we have been practically in continuous session here in Washington since April 23, trying to go home to our places of residence and to our railroad headquarters on Saturdays and Sundays to keep in touch with the detail of the properties that employ us.

"MOVEMENT OF COAL.

"But we have taken up many subjects. One of the first and most important was to try to help move a greater quantity of fuel, which must be moved if the manifold activities of the United States are to go on and we are to make the things that we need and that the allies need; and, as a corollary, to bring down the greatest quantity of iron ore from the upper lake ports, so that the factories can make the steel and iron. A great deal of work has been done upon that, and we are beginning to see the fruits of it.

"COMMITTEE OF RAILROAD EXPERTS TO RUSSIA.

"We have modified the so-called car-service rules, and we think there is a more fluid movement of such equipment as exists. We, at the suggestion of the council, obtained and turned over to the Government five trained railroad officers, who were commissioned to go to Russia to see what they could do to help the Trans-Siberian Railroad to move the freight piled up at Vladivostok toward the Russian front.

"NINE REGIMENTS OF RAILROAD MEN RAISED FOR FRANCE.

"We also at the request of the council, and partly at the request of the French delegation, are arranging to obtain about nine regiments of trained railway officers and trained railway employees to help the English and French people carry on their railroad activities principally in France, where, as you know, the man power is strained to the limit. We brought about, through Mr. Peabody, of Chicago, an experienced coal owner and dealer, and with the cooperation of our committee and of the lake carriers and the ore carriers, a pooling of coal, so that when it comes to the lower lake ports there will be a minimum amount of delay in putting the coal into the boats, releasing the cars promptly, and getting the boats forward promptly.

"I will not burden you with all of these details, but will just mention a few to show what we have tried to do. We have had numerous interviews—interviews with the French delegation, interviews with the English delegation, and interviews with Mr. Hoover—to try to get a better method of coordinating the movement of food products, and I want to say that all of those things are coming along.

"As is often the case with large movements, it seems at times as if the movement was very slow, but we really feel that we have made progress and that our work is beginning to tell. I know the spirit is there to make it tell.

"We have been called upon—and have gladly responded—by Members of the House and Members of the Senate, both individually and by committees, to tell them something of the situation and of the problems with which we are dealing and the difficulties that we meet in trying to solve our particular problem, which is really the problem of the whole country, because unless we can get this maximum efficiency out of the railroads you can readily see it will delay bringing to a conclusion the preparation for this war.

"MEETING WITH STATE RAILROAD COMMISSIONERS.

"There is another thing we have done which is of importance. We have had a meeting with a group of State railroad commissioners, and have explained our position to them and our desire to work in a cooperative spirit with them.

"CAR-SERVICE COMMITTEE.

"I can not emphasize too much the importance of this so-called car-service commission, because that is the working arm of our committee. You represent business, and you know from the daily press about the so-called car shortage; you know about the congestion, and so forth, and through the car-service commission we are trying to remove some of these defects. That commission makes a report to us once a week. They sit six days in the week and many evenings; they meet countless people with complaints, and they try to handle them as best they can. Their report for one week, for example, consists of 12 pages of closely written typewritten matter, on some 23 subjects. In addition they have had numerous interviews with our committee, so that we can try to work things out together.

"CAR SHORTAGE.

"Now, then, this so-called car shortage perhaps is a misnomer. It is not a misnomer in the sense that the interests that you represent, when they sometimes wish to ship something and there is no car in which to ship it, but it is a misnomer in that the failure to have the car there is due not so much to the nonexistence of a great number of cars as to the fact that the railroad system is somewhat overtaxed as a whole because of lack of terminals, lack of sidings, lack of modern appliances on some of the railroads, and lack of modern appliances by shippers and receivers of freight in some places, so that the maximum use of the car is not obtained. Those appliances are being added to more or less by the railroads all the time. They have not been added to to the extent to which they should have been in the last 5 or 10 years. Those of us who have been in the railroad business a long time have preached for years that the country, for its own interests, ought to permit us to spend at least a billion dollars a year in new additions to our plant. The company has not permitted us to spend a billion dollars, and our plant is not all that it should be. But with respect to the so-called car shortage, on May 1 there was, according to the record, a so-called shortage of 150,000 cars. In round numbers there are two and a half million cars in the United States. If, by a little better loading by the shipper, a little better unloading by the shipper, a little better movement by the railroad, and a little more alert work by every man in the railroads, from the president down to the water boy, each car was used a little better, it would not take very long to get that 150,000 cars out of the 2,500,000 cars. It is about three-quarters of 1 per cent.

"NEW EQUIPMENT LAST 18 MONTHS.

"The railroads, in spite of their difficulties about finance, have done a good deal in the last 18 months to try to add to their cars and engines. For example, there have been placed in service since November 1, 1916, 989 engines and 44,063 cars. There are now under order as of April 1, 2,209 engines and 104,917 cars. Those engines and those cars we hope will be received between now and the 1st of January. If so, since the 1st of November last and by the 1st of January next there will have been introduced 148,980 cars into the service, with an average capacity of over 50 tons, and 3,188 engines, with an average tractive power of 54,000 pounds, which is very much above the average of the engines of the United States. But in spite of all this, I feel, and our committee feels, and I think we must admit, that if the war goes on, as we fear it will, the total amount of transportation that can be manufactured under the existing conditions, when men are called to the colors or sent to France, or have to go into other forms of work, thus depleting somewhat the railroad service, will not be sufficient.

"SHORTAGE OF TRANSPORTATION.

"I am afraid there may be a shortage of transportation. If that time comes, then it is going to be necessary, in the interests of the Nation and in the interest of the allies, to use such transportation as there is for the essential things, as one of your speakers called it a few minutes ago, and it is going to be necessary for the public and for you, who represent the public, to be willing to give up the nonessentials.

"PREFERENTIAL MOVEMENTS.

"In other words, it is going to be a great deal more important for this country to move food, fuel, and iron and the essentials of life and manufacturing than it is to move what might be called the luxuries, the things that we can get along without in this terrible world crisis. We hope that we are going to be able to move it all, but I think it is only fair to point out to a body of gentlemen like this the facts and to ask your cordial support, and when the time comes when we must pick and choose that we have your cordial support in any effort we may make to move the essentials before the nonessentials.

"NECESSITY FOR PRIORITY COMMITTEE.

"That matter is so important that the Executive and the Congress have taken it up, and they have caused to be introduced in Congress, not at our suggestion, but of their own volition, because they see the difficulty, a bill which will empower some agency of the Government, under the direction of the President, to say what shall be given up and what must move. That bill has been favorably reported by the Senate, and I presume is now on its passage. It is essential to the welfare of the people and for the preservation of this great American railway system that some such measure be enacted because we have courageously started out to do these things that we have been asked to do by the council, and yet in doing them we must of necessity run across some Federal laws and some State laws, and sooner or later we will have to stop in our efforts to get this maximum efficiency unless as a war measure the Federal power says 'You must do this and you must do that' without being subjected to countless damage suits.

"REVISION OF PASSENGER SCHEDULES.

"As one step in that direction we have asked the so-called group chairmen to call their committees together at their various headquarters throughout the United States to go over most carefully the passenger schedules of the country. There is a duplication of passenger schedules in certain places. There is very luxurious passenger service in some places, and we would like to keep it up, but the country can get along without some of that if it becomes necessary. We are suggesting that there be some changes made in the passenger schedules, not with the idea of saving money, not with the idea of failing to serve the public, but simply to save man power, fuel, and motive power, all of which should be applied to the transportation of essentials.

"RAILROADS NATIONALIZED AS WAR MEASURE.

"You gentlemen are all business men, representing great business. I am going to ask you to—and I know you want to—help in any way you can. I am very glad I have tried to give you this brief outline of what we are trying to do, and it occurs to me that as you go back to your respective homes and write in your respective papers you can perhaps give the public a clearer idea of this great movement to nationalize the railroads of the country as a war measure; you can arouse the public to a realization of the difficulties that confront the Nation and that confront those of us in the railroad service who are trying to serve the Nation, and you can emphasize the importance of the highest speed in every kind of preparation, and particularly in this transportation matter. We have the same difficulties that other manufacturers have, because we are only manufacturers of transportation. That difficulty is to get all of our employees aroused to the seriousness of the situation. I think the railway employees are as patriotic as any in the country, but they are far removed from the scene of trouble, and they do not yet, as a whole, perhaps realize that every man, woman, and child in the United States must do the maximum amount of work to win this war.

"Gentlemen, you can help in that, because you touch many kinds of labor through your different papers, and you can encourage that idea; and you can also encourage the idea that if the railroads are to have their maximum efficiency they must have the help of every man outside of the railroads in handling equipment, and so forth, as well as the help of the men inside the railroads. You can help also, if it becomes necessary to bring about reductions in service, by the selection of the essential business as against the nonessential, to explain that that condition must be met with patience and with fortitude, and that if we are in this war to win, as we are, everyone must contribute something by getting along, perhaps, on a different basis of life from that to which he has been accustomed in the past 10 luxurious years.

"COOPERATION NEEDED.

"You can also help to increase the spirit of cooperation between the railroads and the State and national commissions and municipal governments, as a war measure, to relieve the railroads from the strict regulation that cripples their efficiency. Those will come up from time to time. They are being discussed here now before the Interstate Commerce Commission, with governors and others. I refer to measures which were thought to be wise when they were passed, but which, unconsciously, have had the effect of slowing down the operation of the railroads. If we have to pick and choose as to transportation, you can help by pointing out that unnecessary work, as a war measure, had better wait so that we can do the necessary work in order to win this war. I think there is a very large spirit of cooperation which has been made evident to our committee from many sources. We have had what I would term almost splendid cooperation from some, but that must be continued and it must increase if we are to accomplish what the country wants and what you want.

"Mr. Creel spoke about publicity. Most of the modern railway managers realize the importance of that, and their affairs during the past few years have been open books. Most of us have what we call a publicity agent; and we realize so much the importance of this at this time that we have called a meeting of all the publicity men in Washington to try to do the very things and sense the situation as explained by Mr. Creel, so that we can cooperate with the press throughout the country and with the agencies that are trying to win this war and to give the actual facts to the public, because we know or believe that when the public really understands the facts, when it gets down under its skin, then it probably will see the thing as it is and will start in and help.

"I firmly believe, in fact no one can have any other feeling, that we will win this war, and I think we will all agree that we will win it sooner and end this awful struggle that is almost ruining civilization sooner if everyone will realize the magnitude of the task and will turn in and mobilize and coordinate at once the marvelous man power, the money power, the business organization, the press, the manifold industries of this wonderful United States, and apply that mobilized power for the sole and only purpose of supporting our allies and maintaining the highest ideals of humanity and civilization. That is what we of the American railways are trying to do through the platform we adopted, and through the committee which has been appointed and charged with this very high duty. Thousands of officers and men in the railway service are working hard and unselfishly on these problems and giving the best that is in them to their solution. If you gentlemen will, as I know you will, spread abroad the doctrine of highest cooperation, as expressed by your last two speakers, there will be countless thousands of business men in every walk of life who will continue to do the work they have started out to do, and new recruits will be obtained who will turn in and help the Nation without any thought of self. This war may drag on longer than any of us think, and it will no doubt affect the lives of every one of us, of our children, and of our grandchildren.

"Mr. Chairman, I thank you very much for the privilege of addressing you."

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ENGLISH RAILWAYS UNDER WAR CONDITIONS.

[By W. M. Acworth, special correspondence in the Outlook of May 16, 1917.]

["To the visitor in England at the outbreak of the war the sudden and efficient taking of the railways under control by the Government was astonishing—that is, if he knew anything about it. To most visitors it occurred unnoticed, unknown, so smoothly did this almost socialistic operation work. In fact, Englishmen themselves knew nothing, or almost nothing, of it at the time. In the following account of what the British Government did and is doing with the railways there is suggestion for the United States.

"Our correspondent, Mr. Acworth, appeared for many years in railway investigations before parliamentary committees, and also before the Railway Commission; has given evidence to the House of Commons in England on American railway law and practice, and in America before a Senate committee and the Hadley Commission on English railway cars and practice. He was a member of the Royal Commission on Accidents to Railway Servants in 1899, and of the Commission on Irish Railways, 1906; also of Government committees on Light Railways, 1894, and on Accounts and Statistics, 1906; member of the Royal Commission of Inquiry into Railways and Transportation in Canada, which has just made its report; designated commissioner to inquire into railway matters in Rhodesia. He was a delegate of the British Government to the International Railway Congress at Washington in 1905, and at Berne in 1910. He is the author of The Railways of England, The Railways and the Trader, Elements of Railway Economics, and of many articles on railway matters in the London Times, the Quarterly, the Edinburgh Review, the Nineteenth Century, the Economist, and other journals and newspapers; is a director of the Underground Co. of London, which controls the bulk of the transportation facilities, electric railways, street railways, and omnibuses in and around London.—The Editors.]

"England is an island, but only 20 miles of sea separate it from the Continent of Europe. In the year 1870 war broke out at a few days' notice between France and Prussia, and within six weeks the Germans were in front of Paris. England took alarm. It was not possible that a great army could invade England. Our fleet could take care of that. But it was possible that a few score thousand men might evade the fleet and effect a landing in England; and one provision against this possibility was at once made. An act of Parliament passed in 1871 gave the Government power to take over by royal proclamation all or any of the railways of the United Kingdom in time of war.

"Some 40 years later, when the constant shaking of the Prussian mailed fist and the constant rattling of the Prussian saber were alarming all Europe, matters were carried further. A committee of some 12 general managers of the principal railways was formed (the English general manager corresponds to the American president), and detailed schemes of railway mobilization were drawn up.

"The general manager of a railway of which I am a director, which, though small, is not unimportant, as it runs through one of the great training grounds of the British Army, told me that he received the original scheme some four years before the war. It was a sealed packet, and he was instructed to place it unopened in his safe. In the course of the next year or two he received several supplements, to be placed beside the original. Finally in 1912 he received a complete new scheme, and was told to destroy all the former papers unopened.

"On August 4, 1914, England declared war on Germany. The same day the railways were taken over by the Government and the mobilization scheme came into operation. The general manager opened his packet and read his instructions. Within a week he dispatched 90 military trains. Each train ran to its fixed schedule. Each train was made up of the precise equipment assigned to it. And each carried precisely the troops which the scheme had laid down for it.

"Within some 10 days of the declaration of war the whole of the first line British Army, about 120,000 men, was landed in France. The main point of embarkation was the port of Southampton, which was closed to all except military traffic. Eighty trains each day, coming from all parts of the British Isles and bringing many thousands of men who had already crossed the sea from Ireland, converged upon Southampton. They were scheduled to arrive at intervals of 12 minutes during the 16 hours from dawn till dark. A special instruction provided that if any train was as much as 12 minutes late it was to be regarded as having missed its turn. It was to be sidetracked at any convenient spot and the transport was to leave without waiting for it. The instruction was not necessary. No single train during the whole embarkation period failed to fall into and keep its appointed place in the procession.

"The railways have been taken over by the Government, but the management has been left undisturbed in the hands of the old men. There is nothing by which a shipper or a passenger can recognize that any change has taken place. Each general manager with his own old staff manages his railway as before. But there is for the first time an authority behind him. The informal committee of general managers that existed before the war was at the outset given full powers as the railway executive committee. And it exercises supreme control. Its nominal chairman is a cabinet minister. But the deputy chairman, the real head of the organization, is one of the general managers. The executive committee is in almost constant session, and its task is to insure that all the railways of the country work together as one harmonious whole.

"The task is not light. Not only have troops had to be moved to the ports by the million, guns by tens of thousands, and military stores in millions of tons, but when every factory in the country is impressed into military works the amount of traffic back and forth within the country itself is enormous. Steel is cast in one place and made into shell in another; the fuses come from a third district, and the explosives from a fourth; the boxes and baskets to hold the shells have to be brought from a fifth; the filling is done in a sixth place, before finally the finished shell can be delivered at the port of shipment. And similarly with all the other necessaries of the armies and the fleets.

"And this is not all. Railways, like any other business concern, as they grow up develop an organization to meet the requirements of their normal business. And the requirements in England nowadays are wholly abnormal. Imagine a camp of twenty or thirty thousand men, with all their multifarious needs in food and supplies, plumped down alongside of a petty way station, whose accommodation was meant to suffice for a score of passengers a day and three or four freight cars. Imagine half a dozen important ports taken up wholly by naval needs and the whole of their normal traffic diverted to an adjoining port, or, it may be, to a port on the opposite coast of the island. Again, traffic has been thrown upon the roads that they never handled before. The collieries before the war imported pit props by the millions of feet from the Baltic through ports close at hand. That traffic has been stopped, and pit props have to be carried long distances by rail from remote parts of Great Britain.

"Nor are these the only difficulties against which the railways have to contend. With more traffic than ever to handle, there are fewer men to handle it. One man out of every five—and they not the least active and efficient—has gone to fight. Shops that should be building new engines and overhauling old ones are given up to making shells or building airplanes or motor lorries. Steel that should be rolled into new rails has been commandeered for ship plates and guns and shells. But somehow the railways have pulled through. The employees who are left, feeling that their services are essential to the State, have worked their best and hardest with conspicuous loyalty. Women as porters, carriage cleaners, ticket collectors, and in various other capacities are lending a willing hand. Military traffic, of course, comes first. And if freight is delayed and passenger trains are overcrowded and behind time nobody

grumbles. And, indeed, there is not much excuse for grumbling. So far freight rates have been left unaltered, but passenger fares have practically been doubled. Before the war the normal fare was 2 cents a mile. But there were so many concessions from the normal fare in the shape of commuters' tickets, workmen's tickets, week-end tickets, excursion tickets, etc., that it was estimated that the average passenger did not pay more than 12 mills per mile. Early in the war all cheap fares except commuters' and workmen's tickets were cut off, and a few months ago the ordinary fares were increased 50 per cent. So the ordinary passenger now pays 3 cents. The increase was put on quite as much to reduce travel as to obtain revenue. Gradually the passenger service has been very greatly reduced; the express trains stop at more stations and take longer on their journey. Dining cars and sleepers have been almost entirely cut off.

"Under the act of Parliament of 1871 the compensation to be paid by the Government to the proprietors of a railway taken over was to be fixed by arbitration in default of agreement. But when all the railways were taken over for an indefinite time it was felt that this would not be fair to the hundreds of thousands of stock and bond holders. Accordingly, an agreement was at once made that all Government traffic should be carried free and no account rendered; that the Government should take all receipts from ordinary traffic, pay all operating expenses, and guarantee to the proprietors of the railway the same net revenue as they had earned in 1913, the last complete year before the war. And, subject to minor adjustments, this agreement has been adhered to ever since. If, after the working expenses and the guaranteed net revenues of all the railways have been met, there is a surplus, the Government takes it. If there is a deficit, the Government finds the money to meet it. The actual result has varied at different periods. Three separate all-round increases of $1.25 a week in the wages of the employees, the last of which has only just taken effect, have added largely to operating expenses. But, as a whole, the arrangement has been satisfactory to the parties. The shareholders as a body feel that they have been fairly treated, for though, doubtless, in some companies they would have done much better had they been paid by results, in others, where old pleasure traffic was killed and no new traffic took its place, they would have done much worse. And the Government, whose vast military traffic is carried for nothing, has probably paid less than it would have done had each soldier and each ton of stores been charged for according to the regular military tariff.

"I have laid stress on the fact that the railway officials manage their own lines exactly as before. But naturally the relation between the war office and the railways is close and constant. And from the director general of military transport at headquarters, through the colonel in charge at the divisional command, down to the subaltern transport officer at the local entraining station, there is a whole hierarchy of military officers whose business it is to interpret the military needs to the railway officials and the railway possibilities to the military authorities. The point is that it is for the soldiers to say what they want done, for the railway officials to decide how to do it, or, it may be, to explain why it can not be done and to suggest a revision or modification of the order. On the whole, the system works excellently. An irate colonel who was so dissatisfied with the accommodation provided for his favorite charger that he was left expostulating on the platform alongside his horse while the train and the regiment went on without him was a fortunately rare exception.

"Of course, Great Britain, with 12 per cent of its total population under arms, and with almost as many more engaged in the manufacture of military supplies, is in the war deeper than the United States is ever likely to be. But if the experience of the United Kingdom has any lessons for the people of the United States they would seem to be twofold: (1) Even if the Government should think fit to take over the railways it should leave the management and operation wholly in the hands of the old staff; and (2) if it does take them over, or if, without taking them over, it so far interferes with the normal traffic as to upset the customary balance between income and expenditure, it should at once come to a fair agreement with the proprietors, securing the result that they receive the normal return of income from their property, and not wait for subsequent discussion and possible litigation, with heated charges of blackmail on the one hand and confiscation on the other."

Mr. NEWLANDS. I also ask that there be inserted in the RECORD the legislation creating the Council of National Defense contained in the military appropriation bill for the year ending June 30, 1917, and also the plan of organization of the Council of National Defense, with its various committees.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

"SEC. 2. That a Council of National Defense is hereby established, for the coordination of industries and resources for the national security and welfare, to consist of the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor.

"That the Council of National Defense shall nominate to the President, and the President shall appoint, an advisory commission, consisting of not more than seven persons, each of whom shall have special knowledge of some industry, public utility, or the development of some natural resource, or be otherwise specially qualified in the opinion of the council, for the performance of the duties hereinafter provided. The members of the advisory commission shall serve without compensation, but shall be allowed actual expenses of travel and subsistence when attending meetings of the commission or engaged in investigations pertaining to its activities. The advisory commission shall hold such meetings as shall be called by the council or be provided by the rules and regulations adopted by the council for the conduct of its work.

"That it shall be the duty of the Council of National Defense to supervise and direct investigations and make recommendations to the President and the heads of executive departments as to the location of railroads with reference to the frontier of the United States so as to render possible expeditious concentration of troops and supplies to points of defense; the coordination of military, industrial, and commercial purposes in the location of extensive highways and branch lines of railroad; the utilization of waterways; the mobilization of military and naval resources for defense; the increase of domestic production of articles and materials essential to the support of armies and of the people during the interruption of foreign commerce; the development of seagoing transportation; data as to amounts, location, method and means of production, and availability of military supplies; the giving of information to producers and manufacturers as to the class of supplies needed by the military and other services of the Government, the requirements relating thereto, and the creation of relations which will render possible in time of need the immediate concentration and utilization of the resources of the Nation.

"That the Council of National Defense shall adopt rules and regulations for the conduct of its work, which rules and regulations shall be subject to the approval of the President, and shall provide for the work of the advisory commission to the end that the special knowledge of such commission may be developed by suitable investigation, research, and inquiry and made available in conference and report for the use of the council; and the council may organize subordinate bodies for its assistance in special investigations, either by the employment of experts or by the creation of committees of specially qualified persons to serve without compensation, but to direct the investigations of experts so employed.

"That the sum of $200,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available for experimental work and investigations undertaken by the council, by the advisory commission, or subordinate bodies, for the employment of a director, expert and clerical expenses and supplies, and for the necessary expenses of members of the advisory commission or subordinate bodies going to and attending meetings of the commission or subordinate bodies. Reports shall be submitted by all subordinate bodies and by the advisory commission to the council, and from time to time the council shall report to the President or to the heads of executive departments upon special inquiries or subjects appropriate thereto, and an annual report to the Congress shall be submitted through the President, including as full a statement of the activities of the council and the agencies subordinate to it as is consistent with the public interest, including an itemized account of the expenditures made by the council or authorized by it, in as full detail as the public interest will permit: *Provided, however*, That when deemed proper the President may authorize, in amounts stipulated by him, unvouchered expenditures and report the gross sums so authorized not itemized."

COUNCIL OF NATIONAL DEFENSE.

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Bernard M. Baruch, raw materials, minerals, and metals.

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Grosvenor B. Clarkson, secretary of council and advisory commission.

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Committee on women's defense work: Dr. Anna Howard Shaw, chairman; Mrs. Philip N. Moore, of St. Louis, president of the National Council of Women; Mrs. Josiah E. Cowles, of California, president of the General Federation of Women's Clubs; Miss Maude Wetmore, of Rhode Island, chairman of the National League for Woman's Service; Mrs. Carrie Chapman Catt, of New York, president of the National American Woman Suffrage Association; Mrs. Antoinette Funk, of Illinois; Mrs. Stanley McCormick, of Boston; Mrs. Joseph R. Lamar, of Atlanta, Ga., president of the National Society of Colonial Dames; Miss Ida M. Tarbell, of New York, publicist and writer; Miss Agnes Nestor, of Chicago, president Glove Workers' Union, member executive committee Women's Trade-Union League.

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Cooperative committee on woolen manufactures: John P. Wood, William Wood & Co., Philadelphia, chairman; Spaulding Bartlett, S. Slater & Sons, Webster, Mass.; Robert T. Francis, Ponteesue Woolen Manufacturing Co., New York; George C. Hetzel, C. C. Hetzel Co., Chester, Pa.; Winthrop L. Marvin, National Association Wool Manufacturers, Boston, Mass.; Moses L. Shuttleworth, American Woolen Co., New York; Nathaniel Stevens, M. T. Stevens & Sons, North Andover, Mass.; Charles H. Wilson, J. & E. H. Wilson, Pittsfield, Mass.

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Cooperative committee on knit goods: Lincoln Cromwell, William Iselin & Co., New York, chairman; Frank H. Burgher, 32 Thomas Street, New York; J. S. Carr, jr., president Durham Hosiery Mills, Durham, N. C.; Andrew Frey, vice president Onieta Knitting Mill, Utica, N. Y.; Leo M. Flesh, Atlas Underwear Co., Piqua, Ohio; E. I. Goodrich, Clift-Goodrich Co., New York; Frederick S. Haight, 61 Worth Street, New York; Henry Pope, Paramount Knitting Mills, Chicago, Ill.; Rufus W. Scott, William F. Taubel, New York.

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Cooperative committee on aluminum: Arthur V. Davis, president Aluminum Co. of America, Pittsburgh, Pa., chairman; E. E. Allyne, president Aluminum Castings Co., Cleveland, Ohio; Joseph A. Janney, jr., Morris Building, Philadelphia, Pa. (partner in Janney, Steinmetz & Co.).

Cooperative committee on asbestos, magnesia, and roofing: Thomas F. Manville, president H. W. Johns-Manville Co., New York City, chairman; Philip Allen, Bird & Son.

Cooperative committee on brass: Charles F. Brooker, president American Brass Co., Ansonia, Conn., chairman; E. O. Goss, assistant treasurer Scovill Manufacturing Co., Waterbury, Conn.; Barton Haselton, secretary, treasurer, and general manager Rome Brass Co., Rome, N. Y.; Lewis H. Jones, president Detroit Copper & Brass Co., Detroit, Mich.; F. J. Kingsbury, president Bridgeport Brass Co., Bridgeport, Conn.

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Cooperative committee on chemicals: William H. Nichols, General Chemical Co., 25 Broad Street, New York City, chairman.

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Subcommittee on alkalies: J. D. Pennock, Solvay Process Co., Syracuse, N. Y.

Subcommittee on fertilizers: Horace Bowker, No. 2 Rector Street, New York City; Charles E. MacDowell, president Armour Fertilizer Co., Chicago.

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Cooperative committee on rubber: H. Stuart Hotchkiss, chairman, president General Rubber Co., 1790 Broadway, New York; Frederic C. Hood, Hood Rubber Co., Watertown, Mass.; Arthur Marks, Bureau of Construction and Repair, Navy Department, Washington, D. C.

Cooperative committee on wool: Jacob F. Brown, Brown & Adams, 269 Sumner Street, Boston, Mass.; H. E. Campbell, Flagstaff, Ariz.; Joseph R. Grundy, William H. Grundy, Bristol, Pa.; F. J. Hagenbarth, president National Association Wool Growers, Salt Lake City, Utah; Sigmund Silberman, S. Silberman Sons, Chicago, Ill.; James M. Wilson, McKinley, Wyo.

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Mr. HOLLIS. Mr. President, now that the real transportation bill has been taken up, I desire to call the attention of the Senate to the fact that the pending amendment is an amendment which was tendered by me last Monday, seeking to amend the first section of the bill. I now desire to explain the amendment and to discuss some of the terms of the bill.

The bill is primarily intended to give to the administration the power to direct what freight shall be shipped in different parts of the country. As has been stated by a member of the Council of National Defense, the bill is intended to give the Government a right to ship essentials at the expense of nonessentials; and I am sure that the Senate will wish to give the administration proper authority toward that end, for it is a fact, no matter how much we may differ as to the details that have been discussed here to-day, that we are in the midst of a very serious war, one that will tax the resources of the country both in men and in money to prosecute successfully.

The bill in section 2 deals with what is called the priority of shipments on railroads. It deals with the priority of shipments on all railroads and upon all common carriers by sea and by land. There is, however, added to the general plan for priorities of shipment section 1, which makes it a criminal offense, punishable by fine or imprisonment, for any person by physical force, threat, or intimidation to obstruct or retard interstate commerce. My amendment is designed to prevent that language from having the full effect that it would have if it were allowed to stand as it is. I will read my amendment, which is to be added at the end of section 1:

Provided, That nothing in this section shall be construed to repeal, modify, or affect either section 6 or section 20 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies and for other purposes," approved October 15, 1914.

The bill as drawn, as I have said, makes it a criminal offense to retard interstate commerce by physical force, threat, or intimidation. I have no doubt the bill was intended to mean that obstruction of interstate commerce by threat of physical force or intimidation, or through physical force, should be punished; but as it now reads any threat to create a strike on any railroad engaged in interstate commerce or anything that might be construed as an intimidation, anything in the way of refusal to trade or of boycott, or even persuasion, not of the most peaceable kind, might come within section 1 of the act. That was not intended, and it ought not to be done.

When the Sherman antitrust act was passed, it was aimed at monopolies, at combinations of capital. It was not intended to apply to organizations of laboring men to promote their welfare; but some courts saw fit to apply it in that way, and it has been so applied; therefore, when the Clayton Act was before the Senate in 1914, amendments were added to the antitrust laws providing that labor organizations and their members might pursue their legitimate objects so long as they pursued them by legitimate means; that is, not by the use of physical force.

It was further provided in section 20 of the Clayton Act that injunctions should not be issued against strikes unless they were necessary to prevent irreparable injury; and the method of making that proof clear to the court is clearly defined in the act.

Section 20 of the act also provided that there should be no injunctions against strikes by peaceable means; that there should be no injunctions against peaceful assemblage, persuasion, boycotting, refusing to patronize, and so forth. Then the section wound up with these words:

Nor shall any of the acts specified in this paragraph be construed or held to be violations of any law of the United States.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Idaho?

Mr. HOLLIS. I yield to the Senator.

Mr. BORAH. If I understand the proposed measure which we are now considering, it relates only to a time of war.

Mr. HOLLIS. That is true.

Mr. BORAH. Does not the Senator think there is some necessity for a different provision in time of war than what there would be in time of peace with reference to the subject matter which he is now discussing?

Mr. HOLLIS. I think there may well be a distinction; but unless it is intended to incorporate a provision against strikes in the bill, and unless the matter was fully considered and members of labor organizations had an opportunity to be heard, I think it ought not to be put into the bill in this form, so that there should be doubt as to what we intended to do and as to the construction that may be put upon it by the court. I understand it is not the intention to prohibit strikes, and I want language in section 1 which will not prohibit strikes by anyone.

Mr. BORAH. Mr. President——

Mr. HOLLIS. If the Senator will pardon me a moment, I desire to say that if any Senator will call the attention of the Senate to any necessity that exists during war time to give more power to prevent strikes, then we can handle the matter man fashion, and every one will have a fair chance.

Mr. BORAH. Do I understand that it was not the intention of the committee to say what the committee has said?

That on and after the approval of this act any person or persons who shall, during the war with Germany, knowingly and willfully, by physical force, threats, or intimidation, obstruct or retard or aid in obstructing or retarding, the orderly conduct or movement in the United States of interstate or foreign commerce—

I seems to me that section 1 would be practically worthless unless it means precisely what it says; in other words, we could not afford to have interstate and foreign commerce interfered with by force or threats or intimidation, regardless of who might use the force or threats or intimidation.

Mr. HOLLIS. My understanding from the committee is that section 1 was intended to apply to those outside the employ of the railroads, to interference from the outside, and not to apply to strikes legally conducted. I do not know that that expressed the thought of all the members of the committee; I did not talk to all of them; but I talked to the members of the subcommittee who drafted this bill.

Mr. TOWNSEND. Mr. President——

Mr. HOLLIS. I yield to the Senator from Michigan.

Mr. TOWNSEND. That was not my understanding, Mr. President, as a member of the committee. I was not a member of the subcommittee, but I do not recall that any such thought was suggested by the subcommittee which made this report possible.

My understanding of this bill was, as stated by the Senator from Idaho [Mr. BORAH], namely, a provision which would enable the Government to keep the railroads in operation against any force or intimidation or threats of force or intimidation if those threats were sufficient to tie up the commerce of the country. That is my understanding of it.

Mr. BORAH. Mr. President, if the bill does not mean that, then, of course, in my judgment, the first section might just as well be eliminated.

Mr. NEWLANDS. Mr. President——

Mr. HOLLIS. I yield to the Senator from Nevada.

Mr. NEWLANDS. I will state, Mr. President, on behalf of the committee, that the understanding of the committee was that at this extraordinary session the question of strike legislation, which was a prominent question at the last session and the preceding session, should not be brought up.

As to the language of section 1, so far as my individual views are concerned, I wish to say that I believe in carrying through at some time the strike legislation which was recommended by the Committee on Interstate Commerce at the last session, and that individually I should like to press it to the front at this session, but that was not the view of the committee.

Section 1 of this bill was shaped in order to prevent the tying up or the hindrance of trains moving in interstate commerce, either by physical force or by threats or intimidations. It was not intended, however, by the committee that it should affect the right of peaceful strike, the practicability and wisdom of such legislation being left to the future. Hence, when the amendment was suggested by the Senator from New Hampshire [Mr. HOLLIS] that the word "threats" should be limited to threats of physical force, and that the word "intimidation" should be limited to intimidation by physical force, it was pointed out that every purpose of the friends of organized labor was met by sections 6 and 20 of the Clayton Act, with which the Senate is familiar, and which are unaffected by section 1. The Senator from New Hampshire has expressed his willingness to be content if a provision is inserted in this section that nothing contained in it shall affect the operation of sections 6 and 20 of the Clayton Act. So the subcommittee, consisting of the Sena-

tor from Iowa [Mr. CUMMINS] and myself, assented to that amendment as clearly carrying out the intentions of the committee that nothing in this bill should affect the powers of cooperation, of organization, and of peaceful strike guaranteed by sections 6 and 20 of the Clayton Act.

Now, with reference to the limitation to the period of the war, I see no reason why section 1 should not permanently apply. I believe that the law should be so shaped as to absolutely prevent any stoppage of the circulation in the arteries of commerce; but it is the view of the committee that our legislation should be operative simply during the war. The purpose of the committee was to insure speed of legislation, to avoid contests and delays that were unnecessary, and to create the powers of speeding the traffic of this country during the war. Those were the main purposes of this bill.

I wish to state, Mr. President, most emphatically that I favor in the future making section 1 permanent legislation, and I favor in the future legislation that will give to the railway brotherhoods a fair tribunal, in which labor disputes can be adjusted, and in the same piece of legislation absolutely staying during the period of investigation and award, and for a reasonable time thereafter, the power of strikes. But I yielded to the sentiment of the committee—the majority of the committee, at least—which was not in favor of opening up these controversies at this time, when the brotherhoods of the country are showing the utmost loyalty and when their leaders are united with the great Council of National Defense in making the prosecution of the war as thorough, as rapid, and as efficient as possible.

Mr. BORAH. Mr. President, if I may ask a question of the Senator, I have no doubt the brotherhoods are showing the utmost loyalty and will cooperate with the Government and with the railroads; I can not imagine who is not showing the utmost loyalty or to whom this law would apply at all. If it is to be assumed that it would apply to anyone, it would apply to one class of citizens just as much as to another. Why assume, in view of the fact that the brotherhoods are displaying their loyalty, a condition of affairs in which they might not display their loyalty and in which they might desire to strike and to interfere with interstate commerce? How does the brotherhood get into this at all? Here is a war measure, an emergency measure, providing against interfering with commerce by anybody under any circumstances. Why do you single out the brotherhood, or anybody else, and say that perhaps they may want to interfere?

Mr. HOLLIS. There is exactly the trouble, Mr. President.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Iowa?

Mr. HOLLIS. If the Senator will pardon me, I will yield in a moment.

Out of the many millions of wage earners in the country the railroad brotherhoods, if this language stands, are singled out as the only ones to be made criminals in case they do go out on strike. That is a most excellent reason why they should not be covered by this provision.

Mr. BORAH. The brotherhoods will not be the only ones, because anyone else might interfere, if they so desired, by force or threats or intimidation with interstate commerce.

Mr. HOLLIS. But they can not do it by strike, and the brotherhoods can not do it in any way except by strike.

Mr. BORAH. There is no reference here to strikes——

Mr. HOLLIS. That is the trouble.

Mr. BORAH. Nor to brotherhoods nor to anybody else. It is a general reference against threats, against intimidation, against physical force. It applies to John Jones as well as to John Smith, one of whom may be a member of a brotherhood and the other not.

Mr. HOLLIS. Mr. President, the Senator is entirely mistaken in that.

Mr. CUMMINS. Mr. President——

Mr. HOLLIS. I yield to the Senator from Iowa and will answer the Senator from Idaho later.

Mr. CUMMINS. Mr. President, it seems to me that the argument is assuming something which, from my standpoint, has not been established. It is very difficult to give the sentiment of a committee upon a matter which has not been directly voted upon in the committee, and I think that every member of the committee must necessarily speak for himself rather than for the committee as a whole. From that point of view, I may be permitted to say, if the Senator from New Hampshire will allow me, that I did not believe that section 1 ought to be in the bill at all. It has no relation whatever to the subject matter which was brought to the attention of the chairman of the committee by the President and which was thought of sufficient importance to require immediate legislation, but when section 1 found its way into the bill, there arose the inquiry naturally, Does it prohibit a peaceful strike? It seems to be assumed here that we must have the amendment offered by the Senator from New Hampshire—and I am entirely in sympathy with that amendment, I will say in passing—in order to relieve railway men of the prohibition against a peaceful strike. I do not so agree. Without the amendment of the Senator from New Hampshire, railway men will have the right to strike; that is, to leave peacefully in concert the employment in which they have been engaged.

Mr. BORAH. I do not disagree with the Senator at all about that.

Mr. CUMMINS. That is the position I have taken all the while, that the statement by union men that at a certain time they will leave a certain employ is neither a threat nor is it intimidation. The "threat" that is provided against here is the threat against a man who proposes himself to engage in the operation of a railway or a carrier doing interstate commerce, and that is equally true of the word "intimidation." It was my opinion, therefore—and I think it was the opinion of a majority of the committee—that in prohibiting physical force and threats and intimidation so far as either might obstruct interstate commerce, they were not prohibiting nor making criminal the action of union men in peacefully quitting employment; but when the question came before the Senate, the Senator from New Hampshire, with a very proper motive in mind, sought to guard against the possibility of this prohibition being construed to be a command against a peaceful strike, and when that suggestion was made there was one way in which to quiet that fear, as it seemed to me, and that was to preserve to the union men the rights and privileges which have been assured to them in the Clayton Act.

Section 20 of the Clayton Act does not give a union man the right to interfere by either physical force or threat or intimidation so as to obstruct commerce among the States; and the amendment offered by the Senator from New Hampshire is simply an illustration of a thing we do every day here, and that is, to "make assurance double sure" by removing all doubt with regard to the operation of the act we are about to pass. I hope the amendment will be adopted, although I do not think it is at all necessary to secure the result the Senator from New Hampshire has in mind.

Mr. BORAH. I should like to ask the Senator from New Hampshire a question.

Mr. HOLLIS. I am making by proxy a much better speech than I could have made myself; but I should like to try my hand if I can get an opportunity.

Mr. BORAH. Very well; I will not interrupt the Senator.

Mr. HOLLIS. The discussion we have already had has gone far enough to show that this ought to be made exceedingly clear, because here is a new enactment giving to the courts the right to send a man to jail if he does something that is defined in the act and in language which may be taken by some courts to cover a peaceful strike. I am certain that if the act is left as it is there will be found railroad attorneys who will seek to obtain indictments against men for such action. I talked to a railroad attorney within the last week, a very prominent one, who said to me, "I suppose you understand if your amendment is adopted it will leave open to the railroad men the right to boycott and refuse to patronize and to use moral suasion just as is allowed under the Clayton Act?" I replied, "Yes; that is exactly the intention, and that is the way it ought to be." I am certain that the railroad attorneys hope that, if this amendment is not adopted, they will be able to hale before a criminal court the head of any brotherhood who says that he will advise the men to leave on strike if the requests or the terms of the union are not met.

Therefore I think it should be very carefully guarded, and it is the intention of the committee to guard it, and they do not intend it to mean any more than it will mean after this amendment is adopted, if it is adopted.

I say that it is not right at this time to single out the railroad brotherhoods, who under great provocation have behaved remarkably well all this past winter and spring, and pass a criminal law that will apply to them, and them alone, because they are the only ones who can strike on a railroad. If anyone else attempts to interfere with the railroad it is interference from outside, and this act will apply to them. Now, if it is the intention of the Senator——

Mr. BORAH. Mr. President——

Mr. HOLLIS. I yield to the Senator from Idaho.

Mr. BORAH. I want to ask the Senator a question, because it may be that if I understand thoroughly what is intended

here and what will be covered I shall not feel about it as I now do.

Suppose that the brotherhoods—as they have been mentioned here—should go upon a peaceful strike, should quit, as I think they have a right to do and you can not under our Constitution prevent them from doing. But suppose that after having quit the service of the company they indulge in threats, intimidations, and the use of physical force toward those who may be called in by others to operate the roads. Would they be permitted to do that under this proposed measure?

Mr. HOLLIS. Uunder the amendment? I think not. I do not think they would be permitted to make any threats of physical force under the Clayton Act.

Mr. BORAH. Then, as I understand, if they should indulge in a peaceful strike and leave their work it is the Senator's opinion that this inhibition against threats, intimidation, and physical force would apply to them the same as anybody else?

Mr. HOLLIS. Not at all. I did not state that. I said that before they leave, the threat that they would leave would come under the terms of this section as it stands now.

Mr. BORAH. Yes; but I think the Senator misunderstood me. Suppose they have left. Suppose the strike——

Mr. HOLLIS. I am not talking about their having left. I am talking about before they leave. That is what I want to cover now. After they have left, a very different situation arises.

Mr. BORAH. Exactly. That is what I thought; the Senator misunderstood me. After they have left, they would not be permitted to indulge in threats, physical force or intimidation, any more than any other citizen?

Mr. HOLLIS. No; I say not; but they would not want to. There would not be any point in it, of course.

Mr. BORAH. I think myself they would not want to.

Mr. HOLLIS. I think there would be no point in it.

Mr. CUMMINS. Mr. President, section 20 of the Clayton Act does not permit them to indulge in threats, or intimidation, or physical force.

Mr. BORAH. I think that is correct, as I remember the section, although I think the Senator from Iowa and I disagreed as to the meaning of section 6 in the past.

Mr. HOLLIS. Mr. President, the objection I have to raising this question of strike legislation at this time is that it has nothing whatever to do with this priority-in-transportation bill. The administration did not ask for it. I do not know who drew the section, but I might suspect. It ought not to be here. If it is allowed to remain in its present form, it will imperil the passage of the bill, because, as I view it, no friend of organized labor could vote for this bill unless section 1 is amended. I am very anxious to vote for the bill and to have it become effective as soon as possible; and I shall try to express, in what I have to say, the views of those who are friendly to the bill, and explain why I want to vote for it.

In the first place, there is at present quite a satisfactory condition existing in railroad transportation so far as priorities are concerned. There is a committee on railroad transportation attached to the Council of National Defense. It is a committee of railroad presidents and other railroad officials here in Washington cooperating with the administration in a very patriotic and efficient way to bring about the transportation of essentials at the expense of nonessentials; but there is discrimination. Every time they do it, and say to a road that wants to carry furniture or automobiles, "You must carry coal or iron; you must carry steel, so that we may build ships," they are violating the terms of the interstate-commerce act, which says there shall be no discrimination. Everyone is entitled to have an equal opportunity with every other one to have his goods carried on a railroad. Moreover, we are violating the terms of the State laws and some municipal laws to the same effect; and the railroads themselves now ask for protection so that what they are doing will be legal, and so that they can not be sued or perhaps prosecuted under the terms of the interstate-commerce act for what they are doing very patriotically and very loyally.

It is provided in this bill that if railroads are required to ship certain goods or certain classes of goods instead of others that may be less remunerative, they shall be entitled to compensation from the Government for them. Now, that did not appeal to me at first. We can not be too flabby about the way we conduct this war. We have got to require things of many people that we do not pay for; and I thought that the railroads, if they were required to do things in the national defense that were less profitable to them than others, did not come under the fifth amendment of the Constitution, which provides that no private property shall be taken for public use without just compensation.

I should like to refer to the case of an embargo. Assume that the President should put an embargo on grain. That would have a tendency to reduce the price of grain. The farmers might well complain and say, "Instead of selling our grain at $3, by the action of the Government we have got to sell it at $2, and therefore the Government ought to give us just compensation for that." But all of us know that we could not allow compensation for an interference with the right to export goods. The country would not stand it, and it is not intended that we should. Placing an embargo is not taking the property of the farmers. It is making what they have less valuable, but it is a speculative damage that can not be compensated for in courts of law or other tribunals.

Then I took the case of the transportation of troops. Now, no one would claim that a railroad should be obliged to transport troops without receiving adequate compensation for it. That is because what the railroad produces and sells is transportation. When we take the railroads' transportation—that is, when we take from them facilities for which they are entitled to charge—we are taking away their property; we are taking away the only thing from which they can get a revenue. Therefore I have come to the conclusion that it is entirely proper, in case we direct a railroad to carry freight that is unremunerative when freight that is in the remunerative class is offered, that we should pay them whatever loss and damage they fairly suffer from that operation.

It is also provided in the bill that in certain cases the administration may require a division of earnings between railroads. That is to cover a case like this: Some railroads are so constituted that they can not carry loaded cars with as good effect as some other railroad in the vicinity, but the first railroad may be adequately equipped to return empty cars. Now, the return of empty cars is not profitable. The carrying of loaded cars is profitable. In a situation of that kind, where one railroad is discriminated against in favor of another, the administration, through whomsoever the administration acts, is to be given authority to order an equitable division of the earnings.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER (Mr. KIRBY in the chair). Does the Senator from New Hampshire yield to the Senator from Connecticut?

Mr. HOLLIS. I yield.

Mr. BRANDEGEE. I have just come on the floor, and I do not know whether or not the Senator has referred to the point concerning which I am about to inquire. I notice, however, on pages 4 and 5 of the bill, that provision is made for compensating the railroads for any damage they may sustain in the carrying out of any preferential orders issued by the President. I do not know whether or not the Senator has been concerned in the preparation of this bill, but, at any rate, he may be able to answer my question.

If it is right to compensate the railroads for damage sustained by carrying out an order issued practically in contravention of the natural law of trade or commerce, why should not provision be made for compensating other citizens of the country? For instance, if a man has a contract to erect a large building, and his lumber and his building materials are en route, and he is under a contract with a penalty attached for overtime after the date of delivery, and the President of the United States steps in and orders other commodities to be transported over that road, which results in great delay and expense to this private citizen, it seems to me that if the railroad is to be compensated for loss in obeying the President's orders, the private citizen ought to have some remedy. I wondered if the Senator had considered that feature.

Mr. HOLLIS. I have considered it, and somewhat carefully. There are two branches to it. The first is whether we have a constitutional duty to perform in regard to it, and the second is as to the expediency. Now, I take it that we are not obliged to allow compensation for taking away a privilege of that kind, because the Constitution did not mean, in taking private property, that it should cover cases of taking away a privilege to transport. I think we are not required by the Constitution to do it.

Mr. BRANDEGEE. Mr. President, I did not mean to suggest the constitutional feature at all.

Mr. HOLLIS. That is the first part of it. The second part of it is whether we should do it as a matter of justice and discretion.

Mr. BRANDEGEE. I did not ask that, even; but I say, Why prefer the railroads and compensate them and not compensate the private citizen?

Mr. HOLLIS. I explained before the Senator came in that the reason why we should compensate the railroads is because the only thing the railroads have to sell is transportation, just

transportation; and when we take away the right to earn a fair and just amount for transporting freight and passengers, we have taken away their only means of getting an income, and we are actually taking away their property.

Now, coming to the discretion of it, the speculative damages that might result to a private citizen because he could not fulfill the contract are so remote that they could not be ascertained by a court. It is recognized by all the authorities that speculative damages of that kind can not be recovered from a private citizen; and I feel myself that we would be getting into such a wide field that it would not be good policy for the Government to try to follow it to that extent.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Nebraska?

Mr. HOLLIS. I yield.

Mr. NORRIS. I should like to ask the Senator, on that point, this question:

Suppose, by order of the President, a railroad should be required to transport troops and munitions of war for a certain length of time and afterwards they were able to show that if they had been permitted to carry coal instead of troops they would have made more money. Would that be a case where they would be allowed to come in and show damages and obtain them?

Mr. HOLLIS. I understand not. Where goods are taken for a direct governmental use, such as the transportation of troops, there is to be an amount fixed by the Interstate Commerce Commission, and that is compensation in full. The bill does not apply to cases of that sort. Damages are to be given only to a railroad that is ordered to take one class of freight instead of another class of freight. It does not extend to the transportation of troops.

Mr. NORRIS. Suppose, then, that the railroads were ordered to carry wheat, and they could show that they would have made more money if they had been allowed to carry coal, and they were equipped to carry coal. Could they get damages in that case?

Mr. HOLLIS. Yes; the bill expressly covers a case of that kind.

Mr. NORRIS. Does not the bill in the first place provide that they could get pay for carrying wheat at the regular rate?

Mr. HOLLIS. Yes.

Mr. NORRIS. Then, it is an indirect method, is it not, of increasing the rate of the railroad over what other railroads could get for the transportation of that particular commodity?

Mr. HOLLIS. Yes; it is; and I feel that it should not be done unless there is a real public exigency. That is what I was going on to explain—what the public exigency is and how far I feel we ought to go in making discriminations of this sort for which we have to pay in cash. Senators may well differ on that point.

I should like now to give some illustrations.

Mr. NORRIS. While I am on my feet, may I ask the Senator a question in regard to section 1, as to his construction of it?

Mr. HOLLIS. With pleasure.

Mr. NORRIS. It is a little bit different from the particular question I have asked the Senator.

On page 2 of the bill, beginning after the word "imprisonment," in line 5, is this language:

> And the President of the United States is hereby authorized, whenever in his judgment the public interest requires, to employ the armed forces of the United States to prevent any such obstruction or retardation of the passage of the mail—

And so forth.

Now, up to the point where I commenced to read, there is no doubt but that the law applies only during the war with Germany. I wanted to ask the Senator whether that part of section 1, commencing where I commenced to read, likewise applies only to the war with Germany, or will it be permanent law if enacted as it stands now?

Mr. HOLLIS. I think there is no doubt that that is limited to the duration of the war for this reason: The part the Senator has read refers to "such obstruction or retardation." That refers back to the retardation and obstruction defined in the preceding paragraph, which is retardation and obstruction during the course of the war; so I think it would clearly cover only the war.

Mr. NORRIS. But the Senator will note also that section 1, up to the place where I commenced to read, makes criminal certain things during the war and provides for a criminal penalty, and then it starts out and gives certain authority to the President, but it has no relation whatever to the real purpose and object of the section up to that point—that is, the criminal part of it. It seemed to me that there was a serious question, at least, whether the latter part of section 1 would not be permanent law if it were enacted in its present form.

Mr. HOLLIS. I am quite clear it is otherwise. Of course, that could be very easily fixed by inserting the proper words at that point.

Mr. NORRIS. It was not the intention of the committee to make it permanent law, was it?

Mr. HOLLIS. So they informed me.

Mr. NORRIS. I understood that the Senator had been prominent in drawing the bill.

Mr. HOLLIS. No; I was not. I had nothing to do with drawing the bill. I talked with them, however, and I understood them in that way.

Mr. NORRIS. Then I was mistaken.

Mr. JONES of Washington. Mr. President, in connection with the other phase of the bill which the Senator was discussing, I should like to ask him a question or two before he proceeds. I am going to refer to a particular situation which has been brought to my attention.

In one section of my State we raise a great deal of perishable fruit which must be disposed of very quickly. The officials of the railroads have already advised our people that the probabilities are that they will not be permitted to furnish transportation facilities for taking care of this perishable fruit. I think myself that that is a very injudicious thing to do at this time. I think special efforts should be made to take care of particular situations like that in particular localities. Nevertheless, that is what they have done.

If the cars of the Northern Pacific Railway, for instance, that ordinarily would be used in transporting the berries and things like that of our section, are diverted to some other transportation purpose that would bring them in less return than the transportation of these fruits, would the railroad be entitled, under the terms of this bill, to recover the difference?

Mr. HOLLIS. It is so stated in the bill; yes.

Mr. JONES of Washington. And yet the man who loses his crop absolutely by reason of not getting any facilities for transporting and taking care of it would have no claim of any kind against the Government?

Mr. HOLLIS. That is my understanding.

Mr. JONES of Washington. I want to ask the Senator further with reference to the particular language of section 2. The language of section 2 is:

> That during the continuance of the war in which the United States is now engaged the President is authorized, whenever in his judgment such action is necessary to the public security and defense—

To do certain things. Now, in the Senator's opinion, what do those terms signify? In other words, what I want to ask is this: Could not the President say under that language that the refrigerator cars of the Northern Pacific that have been ordinarily used in the transportation of fruits should be taken from that and used in the transportation of beef into the city of Chicago, for instance, for consumption there? Does not the Senator think that that could be done?

Mr. HOLLIS. Yes; I so understand it, and I think it is absolutely necessary. We are engaged in the war, and it is the first duty of the administration and the Congress to see that we win the war, of course, doing as little injury to private persons as is compatible with winning the war. Now, it is well known that the transportation facilities of this country are not adequate to do the business that the country is trying to do at this time. We have not cars enough, we have not locomotives enough, we have not tracks enough, we have not ships enough. Some one has got to be given the authority to discriminate, because they can not all be treated alike. They can not all get their work done. There will be certain industries in my own State that will be complaining bitterly because they are discriminated against. There will be others in the Senator's State. There will be some, no matter what is done, that will think they have not been fairly treated. It is a war measure. I should not be in favor of permitting it at any other time except in war; but I realize, as the Senator does, that the people must be fed, they must be clothed, they must be warmed, we must feed our allies, we must furnish transportation to our troops, we must build ships, we must get in munitions of war; and we have got to subordinate private comfort and luxury and convenience and even profits to winning the war. That is the excuse for the bill, as I understand it.

Mr. JONES of Washington. I think I agree fully with the suggestions of the Senator; but I remember that when the espionage bill was up, and the embargo proposition was before the Senate, it had in it, my recollection is, language something like this: "Whenever the President deems it to the interest of the national defense or public welfare," he may do certain things. Those words "public welfare" were stricken out be-

cause it was urged that under that the President would have authority to impose embargoes in the interest of some section or some industry, or something of that sort; that by cutting them out we were limiting his right to impose these embargoes to some definite proposition for the defense of the country; and so it struck me that possibly there was some significance or some meaning of that kind in the language here, "the public security," not "public welfare" but "public security and defense." Therefore I wanted to get the views of the Senator with reference to that.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER (Mr. KING in the chair). Does the Senator from New Hampshire yield to the Senator from Iowa?

Mr. HOLLIS. I yield to the Senator from Iowa.

Mr. CUMMINS. I want to say that as a member of the committee that proposed this bill I do not quite agree with the Senator from New Hampshire in all the responses he made to the Senator from Washington. However, that may come later; but I want the Senator from Washington and every other Senator who is here to remember that this is a mere alternative. We must either give the President this power or some equivalent power, or take possession of the railroads. One or the other of those two things must be done if the war is to be carried on successfully; and I think it was with the view of the committee that it was better to give the President the power that is here proposed than to attempt to take possession of the vast railway property of the United States and attempt to organize it for operation.

I hope that Senators, as they come to review the proposed legislation, will have those alternatives in mind.

Mr. JONES of Washington. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Washington?

Mr. HOLLIS. I do.

Mr. JONES of Washington. I do not want the Senator from New Hampshire or the Senator from Iowa to think from my questions that I am opposed to this bill or to the purposes of it. I am simply asking questions to get at the real meaning and intention of the committee. Personally, I am inclined to think that it is really essential that we should vest these powers in the President, however much we may regret to have to do so, in the conditions; and I am not disposed to delay the consideration of the bill at all. I am willing to vote upon it now, believing that the committee have given it the most careful consideration, and that they simply deem this absolutely necessary on account of the condition in which we are now placed. But I did want to get at the meaning of these terms, and I wondered whether there was any peculiar meaning to be attached to the words "public security and defense."

Mr. HOLLIS. I am not a member of the committee, and I am not qualified to express their views.

Mr. JONES of Washington. I thought the Senator was. Everybody was asking him about the different terms here, and I just assumed that the Senator was a member of the committee.

Mr. HOLLIS. I am trying to show what a good bill it is, and that it is too bad to embarrass the chances of its passage by putting on section 1, unless it is amended, because I can not vote for it unless it is.

The essentials that the railroads and the administration want to carry are largely coal for the use of the Army and the Navy, coal to be used in the manufacture of ships and munitions of war, ore as a base for ships and munitions, grain for the United States and for the allies, and iron, steel, and copper for munitions. Those are the fields they are now covering. They are distributing the cars of the country, ordering one railroad to deliver so many hundred cars to another railroad because those cars, in their judgment, are needed more on the other road than on the road that has possession of them. I will put in the RECORD, without reading, an order that is given by the Council of National Defense with reference to the use of cars.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

[General Order No. C. S. 3.]

THE AMERICAN RAILWAY ASSOCIATION,
SPECIAL COMMITTEE ON NATIONAL DEFENSE,
Washington, D. C., June 1, 1917.

To all railroads:

The executive committee of the Special Committee on National Defense, after continued and earnest consideration of the lake coal and ore problem, and after taking advice from all parties interested, in order to insure a sufficient supply of cars to meet the demand of the shipments of lake coal and ore has decided that hopper or self-clearing cars of certain ownerships should be confined to that service.

To accomplish this purpose and in accordance with this policy you are hereby directed that all hopper or so-called self-clearing cars belonging to the railroads named below, which roads make deliveries of coal at lake ports, must, until further notice, when released from original load, be immediately returned empty by the most direct route to the home road:

Baltimore & Ohio Railroad; Bessemer & Lake Erie Railroad; Cincinnati, Hamilton & Dayton Railway; Erie Railroad; Hocking Valley Railway; New York Central Railroad; Pennsylvania Lines (Pennsylvania system cars); Toledo & Ohio Central Railway; Wheeling & Lake Erie Railway.

Emergency rule 1 of General Order CS–1, dated April 26, 1917, is hereby modified as and in accordance with the above.

THE COMMISSION ON CAR SERVICE.

Mr. HOLLIS. Of course munitions are the most important thing the country is trying to supply, and the railroads wish to order coal from certain parts of the country to certain munition plants. Cars must be assigned to special districts for steel and for coal. New England must get its coal; the great Northwest must get its coal, and there must be food for France. The domestic dealers are beginning to object, and they will soon be objecting much more than they have so far; and the railroads must have not only the physical power to make these preferences but they must be given the legal authority, so that they will not be liable to prosecution for what they have done.

Of course the railroads would prefer to carry the nonessentials, because automobiles and higher class goods, so called, pay better freight rates than coal and iron and the lower class goods; but it should be noted that section 2 applies not only to interstate commerce but applies to all carriers by rail and by water. I can not see how section 2 will be constitutional unless this is done as a war measure; and that leads me to consider whether we have a right to order all carriers by rail and by water, whether engaged in interstate commerce or not, to yield to priority of shipment. I wish to put into the RECORD at this time, in a very brief form, the provisions of the Constitution which I think do give authority to Congress to pass this law.

If there were no provisions in the Constitution, I should believe that Congress had a right to pass the laws as defense measures, under the general power of the Nation to secure its self-preservation; but in the very preamble of the Constitution it is provided that the objects for which the Constitution is adopted are—

To form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.

Then, in Article I, section 8, the very first power given to Congress to pass laws is the power to collect taxes, to pay the debts of the Government, and provide for the common defense and general welfare.

I wish to read into the RECORD at this point the provisions in the Constitution regarding the powers of Congress under which we are authorized to conduct war:

Article I, section 8, clause 11: Congress may institute war by declaring it against an enemy. The President alone can not do so. Also, Congress may make laws concerning captures on land as well as on water.

Article I, section 8, clause 12: Congress may raise and support armies and provide and maintain a navy.

Article I, section 8, clause 14: Congress may make laws for the government of land and naval forces.

Article I, section 8, clause 15: Congress may provide for calling forth the militia to execute the laws of the Union, suppress insurrection, and repel invasion.

Article I, section 8, clause 16: And may provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States.

And then at the very end of section 8, Article I, it is provided that Congress may—

make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

The war clause has not been frequently construed by our Supreme Court. There is no case that comes much nearer than the old case of McCulloch *v.* State of Maryland (4 Wheaton, 413), and in that opinion the principle is laid down—and it has never been successfully controverted—as follows:

If the end be legitimate and within the scope of the Constitution, all means which are appropriate and plainly adapted to this end and which are not prohibited by the Constitution are lawful.

And in the Legal Tender cases, Hepburn *v.* Griswold (8 Wallace, 603); Knox *v.* Lee, and Parker *v.* Davis (12 Wallace, 457), the same idea is expounded more at length, for the Legal Tender cases were passed as a war measure.

In conclusion, the railroad officials are performing patriotic services. The facilities of the railroads are at present inadequate to perform all the business of the country. There must be discrimination against some classes of traffic, and the discrimination should be applied in order to help the Government win the war. The railroads are in need of compensation for all the damages which they may suffer in this regard, for the railroads are now inadequately equipped for doing the business of the country because of the lack of sufficient revenue. I

myself should prefer to give them compensation for losses suffered because of priorities in shipment, rather than to give them a general increase of freight rates, because in the first instance they have, in my opinion, a clear right to it; while under an advance in rates they may not have a clear right.

I think practically all of the railroad officials who are now doing the country the service of allotting transportation facilities in the best way opposed the election of President Wilson. I think, almost without exception, these men are Republicans, but they are backing the administration at this time loyally and patriotically. They come to Congress and ask that the administration be given the authority to perform the acts which are now actually being performed; and I can see no excuse for those who are Democrats and who advocated the election of President Wilson opposing giving him the authority that is necessary to conduct this war successfully, and particularly to give him the authority that he needs in transportation matters. Therefore, because I believe the second section of the bill is most valuable and that it should become law, I sincerely hope the first section will be so amended that those who share my views may be able to vote for the entire bill.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New Hampshire.

Mr. SMITH of Michigan. Does not the Senator think we ought to have a quorum present?

Mr. NEWLANDS. I do not think it is necessary.

The PRESIDING OFFICER. The absence of a quorum is suggested——

Mr. ROBINSON. Mr. President, the Senator from Michigan has not suggested the absence of a quorum, if the Chair will pardon me.

The PRESIDING OFFICER. The Chair misunderstood the Senator from Michigan.

Mr. ROBINSON. The Senator from Michigan merely made the inquiry.

Mr. SMITH of Michigan. If there is no disposition to have a quorum present, I shall not insist upon it.

Mr. NEWLANDS. I ask for a vote, Mr. President.

Mr. BRANDEGEE. Mr. President, I believe it was last Saturday that the Senator from New Hampshire offered his amendment providing substantially that nothing in the bill should be construed to alter or in any wise modify or repeal sections 6 and 20 of the so-called Clayton Act. In order to be informed about the matter, I asked at that time that sections 6 and 20 of the Clayton Act be printed in the RECORD, which was done.

I am unable to perceive the necessity for the Senator's amendment, because, as I read the bill and sections 6 and 20 of the Clayton Act, there can be, in my opinion, no incompatibility between the two sections of the Clayton Act and the provisions of this bill. I think it is a perfectly irrelevant amendment. I think it is equally as irrelevant as though the amendment provided that nothing in this bill should be construed to repeal the Sherman antitrust law. However, I have no objection to its adoption if it will serve to soothe or allay the apprehension that may exist in the mind of anybody about it. When I made my inquiry last Saturday, as I said at the time, I did not do so because I was opposed to the amendment, but because I did not understand the necessity for it.

Mr. BORAH. Mr. President, after examining this amendment and section 6 and section 20 of the Clayton Act, I have arrived at the same conclusion as that expressed by the Senator from Iowa [Mr. CUMMINS] and also by the Senator from Connecticut [Mr. BRANDEGEE] that the amendment does not really affect the situation, if I may say so, one way or the other. It may be that some attorney might contend for a construction such as the Senator from New Hampshire [Mr. HOLLIS] has suggested; but I do not see how any construction could be placed upon the proposed bill which would in anywise conflict with section 6 or section 20 of the Clayton Act. Section 6 of that act reads:

SEC. 6. That the labor of a human being is not a commodity or article of commerce. Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations instituted for the purposes of mutual help and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof; nor shall such organizations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade under the antitrust laws.

Section 20 of the Clayton Act reads as follows:

SEC. 20. That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employees, or between employers and employees, or between employees, or between persons employed and persons seeking employment, involving or growing out of a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property or to a property right of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be described with particularity in the application, which must be in writing and sworn to by the applicant or by his agent or attorney.

The remainder of the section I will not read, but will ask to have it inserted in the RECORD, without taking the time of the Senate to read it.

The PRESIDING OFFICER. Without objection, it is so ordered.

The remainder of section 20 of the Clayton Act is as follows:

And no such restraining order or injunction shall prohibit any person or persons, whether singly or in concert, from terminating any relation of employment or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do; or from attending at any place where any such person or persons may lawfully be, for the purpose of peacefully obtaining or communicating information, or from peacefully persuading any person to work or to abstain from working; or from ceasing to patronize or to employ any party in such dispute or from recommending, advising, or persuading others by peaceful and lawful means so to do; or from paying or giving to or withholding from any person engaged in such dispute any strike benefits or other moneys or things of value; or from peaceably assembling in a lawful manner and for lawful purposes, or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto; nor shall any of the acts specified in this paragraph be considered or held to be violations of any law of the United States.

Mr. BORAH. The provision of this bill which is supposed to conflict with that provision of the law is as follows:

That on and after the approval of this act any person or persons who shall, during the war with Germany, knowingly and willfully, by physical force, threats, or intimidation, obstruct or retard, or aid in obstructing or retarding, the orderly conduct or movement in the United States of interstate or foreign commerce, or the orderly make-up or movement or disposition of any train, or the movement or disposition of any locomotive, car, or other vehicle on any railroad in the United States engaged in interstate or foreign commerce shall be deemed guilty of a misdemeanor—

And so forth.

I do not see, Mr. President, any conflict between the proposed measure and the Clayton Act. I do not think this amendment if adopted will change the bill in any respect so far as its being or not being in conflict with the Clayton Act. I shall not, therefore, detain the Senate in discussing what seems to me a wholly immaterial amendment.

The VICE PRESIDENT. The pending question is on the amendment of the Senator from New Hampshire.

The amendment was agreed to.

Mr. CUMMINS. Mr. President, I now offer the amendment which I presented some days ago, and which concerns the last five lines of the bill. I should be glad to have the amendment stated if it is at the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 5, line 20, after the word "direction," it is proposed to insert the words "for preference or priority," and on the same page, line 22, to strike out the words "on account of any such action" and insert the words "by reason of giving preference or priority in compliance with such order or direction."

Mr. CUMMINS. Mr. President, just a word of explanation. I am somewhat responsible for the language of the bill as it is drawn, but upon suggestion and reflection I have reached the conclusion that it might be a little clearer. It was thought by some Senators that the bill as it is might result in exempting from civil or criminal pains, penalties, obligations, or liabilities in cases other than those in which the carrier gave preference or priority. I do not think that such a construction would be put upon the language, but in order to put it beyond any controversy, it being the intention of the committee that the exemption should be confined to the consequences of giving the priority or preference as directed by the President, I have offered the amendment which has just been read. It simply means that if a common carrier, in obedience to a direction of the President or the tribunal that he appoints as his representative, shall give preference or priority to certain shipments or certain kinds of transportation, the carrier shall not be held liable to the law because it obeys the order of the President and does give priority or preference to such shipments or transportation. The obvious justice or equity of the provision needs no suggestion on my part.

The VICE PRESIDENT. The question is on the amendment of the Senator from Iowa.

Mr. SMITH of Georgia. Mr. President, I have just come into the Chamber from the Finance Committee, and I should like to hear the amendment stated.

The VICE PRESIDENT. The Secretary will again state the amendment.

The Secretary again stated the amendment.

The VICE PRESIDENT. The question is on the amendment of the Senator from Iowa.

The amendment was agreed to.

Mr. SMITH of Georgia. Mr. President, I grant that there is a condition which, perhaps, requires some legislation, but I do not grant that there is a condition that justifies practical despotism in the United States. I think we go the length under our Constitution when we make one man Commander in Chief of the Army and Navy. I am utterly opposed to legislation which adds to the unrestricted power of one man. We may be satisfied with it now because we have such confidence in the man who fills the place. I might be willing for one particular man to have all these powers, but to give the powers of practical despotism to one man becomes dangerous for future time. The precedent will be followed hereafter, and each time it is followed the probabilities are that an enlargement of the disregard of public rights will be the consequence. If I had my way I would amend the Constitution of the United States and put the command of the Army and Navy in the hands of a military board, and not allow one man to rule even the Army and the Navy. I believe it would be better for the country as a permanent proposition. I am not opposing this measure from the standpoint of opposition to the present President exercising the power, although I do not think he or anybody else has the knowledge needed for all the power that it is proposed to lodge in him. Now, let us see what this bill does.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Iowa?

Mr. SMITH of Georgia. I do.

Mr. CUMMINS. I did not clearly understand the Senator from Georgia. May I ask if he would favor the bill if it were amended so that it would terminate at the close of the present administration?

Mr. SMITH of Georgia. I suppose, of course, that it contains that provision. I would not favor giving any one man this power.

Mr. CUMMINS. I thought the Senator from Georgia just said that he would have no objection to giving the present Chief Executive the power provided for in the bill; and, if he is of that opinion, if I could have any influence with the Senator from Nevada I would be very glad to support an amendment to that effect, because I feel sure that the war will have been concluded before the present administration shall come to an end.

* * * * * * * *

Mr. SMITH of Georgia. The language which I used upon that subject must be taken in connection with the remainder of the language which I used. I preceded that statement with the further statement that, whenever we give to any President these extreme powers, even though we limit them to the existing President, they become a precedent for future legislation and are dangerous, and for that reason I am opposed to giving unlimited powers to any one man under any circumstances, however much I might be willing for the present President to exercise them. That was the language which I used as substantially as I can repeat it. I would be opposed to passing this bill if it specifically stated that no one should exercise the powers conferred but the present President. I am opposed to giving such powers to any President.

Now, Mr. President, I wish to call attention to these powers, as I construe them. Let us see how far we are going. And this is not the stopping place; it is just one of the guide posts along the road that we have begun to travel, to point the way to other acts of a similar character, and perhaps even more extreme in character. I may be in the minority; it may be that I have a foolish view of the subject; but, as I have it, I at least will feel better if I frankly express my views and vote against the measure. Now, let us see what this bill does. It provides that—

> The President is hereby authorized, whenever in his judgment it becomes necessary, in order to expedite transportation and do justice between carriers—

Not when public transportation requires it; not when the Army of the Nation needs to be moved; not when supplies need to be moved, but—

> whenever in his judgment it becomes necessary in order to expedite transportation and to do justice between carriers.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Iowa?

Mr. SMITH of Georgia. I do.

Mr. CUMMINS. The Senator has not read the condition upon which the chief power is to be exercised.

Mr. SMITH of Georgia. I am going right on through the bill now and endeavor to analyze its effect.

Mr. CUMMINS. The Senator has quoted from the latter part of the bill and has taken up a very incidental and inconsequential power and omitted the real power, which I admit is very great and very important.

Mr. SMITH of Georgia. Well, I turn back to section 2 and read as follows:

Well, I turn back to section 2 and read as follows:

> SEC. 2. That during the continuance of the war in which the United States is now engaged the President is authorized, whenever in his judgment such action is necessary to the public security and defense, to direct that certain kinds of traffic or particular shipments, as may be determined by him, shall have preference or priority in transportation—

That priority of transportation is not to be given to Government supplies; it is not to be given to soldiers; it is not to be given to materials to be used for governmental purposes; it is just as broad as the problems of transportation. It makes the President a despot in ruling upon questions of transportation. He is to determine what—

> shall have preference or priority in transportation by any common carriers by railroad or water, under such arrangements, rules, and regulations as he may prescribe. He may give these directions at and for such times as he may determine, and may modify, change, suspend, or annul them, and for any such purpose he is hereby authorized to issue orders direct, or through such person or persons as he may designate for the purpose.

He can name any person or persons that he sees fit, who shall take charge of the problem, issue rules and regulations, and dominate the transportation of the country. We do not have to confirm his appointees; we have nothing to do with their number or their character, although we are the legislative body representing the people.

Mr. NEWLANDS. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Nevada?

Mr. SMITH of Georgia. Yes.

Mr. NEWLANDS. Does the Senator object to the exercise of the power of declaring or ordering a preference or priority in transportation, or is his objection to the agency by which the power is to be exercised?

Mr. SMITH of Georgia. Mr. President, for the present I am objecting to this bill as it is offered to us, and I am seeking to point out how shocking it is to any sense, if we have any left, of personal rights.

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Utah?

Mr. SMITH of Georgia. I do.

Mr. KING. The Senator from Iowa [Mr. CUMMINS] said a few moments ago that we were confronted with the alternative of having the Government take charge of the railroad and transportation companies of the United States or vesting in the President or some other agency the power to control transportation in the interest of the public and for the national safety. Does not the Senator from Georgia think that that statement made by the Senator from Iowa is a fair statement of the situation, and does not the Senator from Georgia feel that it would be infinitely better to vest some agency—the President, the Interstate Commerce Commission, or some legitimate board—with these powers to aid in transportation, in securing proper rates, in facilitating the transportation of troops, in securing priorities than for the Government to assume control of the great transportation companies of the country?

Mr. SMITH of Georgia. I do not believe there is any necessity or excuse for the Government assuming control of the railroads. That part of the question I answer in that way. I believe I can be of more service, and certainly it will be more satisfactory to myself, if I proceed with the criticism of the provisions of this bill as it is written. Now let us come to the provision which I have just read, namely:

> He may give these directions at and for such times as he may determine, and may modify, change, suspend, or annul them, and for any such purpose he is hereby authorized to issue orders direct, or through such person or persons as he may designate for the purpose.

Now, what do we do if this bill becomes a law? We authorize the President to name persons, not subject to confirmation by the Senate, with no limitation as to their character or qualifications; we delegate to him, and then authorize him to delegate to some one else—to one or more persons—the privilege of saying what commodities shall be carried; first, how they shall be carried, and to make such rules and regulations as these persons may see fit, superseding law, and dominating the transportation of the country.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Missouri?

Mr. SMITH of Georgia. Yes, sir.

Mr. REED. I do not want to interrupt the Senator's chain of thought, and I will not propound the inquiry I am going to, if it will.

Mr. SMITH of Georgia. Well, I can not say that I have much of a chain of thought. I left the Committee on Finance when I heard the bill had reached the stage where, if I was going to make any criticism, I would have to make it at once.

Mr. REED. Let me make this suggestion to the Senator, for I should like to elicit his views.

It is proposed that the President may exercise these powers either in person or through others. It is generally understood that there is now organized some kind of committee, consisting of four or five railroad presidents, who are assuming to direct the commerce of the country. Is it not natural that this power, if it is employed by the President, should be exercised through that committee which has already been called into being?

Mr. SMITH of Georgia. I really do not know.

Mr. REED. Is not that the very natural conclusion?

Mr. SMITH of Georgia. If he calls this power into existence, and is now encouraging it, to perform the duty without legal authority, it would be natural to suppose, if the legal authority should be given, that he would continue the same agency.

Mr. HOLLIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. SMITH of Georgia. I do.

Mr. HOLLIS. I had many doubts about the bill when it was first introduced; and I went to see the railroad committee to find out what they were doing and what the need of the bill was, and to get their ideas. They told me that they thought it would be very undesirable to have a railroad official given the power, because that would give rise to a feeling that other railroads might not get a fair chance; and they expressed the hope that it would be some official of the Government, and not a railroad official. That is all I know about it. That does not determine it, but that is their idea.

Mr. REED. Will the Senator let me ask, then, for the sake of the record, whom he means by "the railroad committee"?

Mr. HOLLIS. As I explained in my remarks this afternoon, the Council of National Defense has a committee on railroad transportation, and they deal with a railroad committee appointed and given authority by all the railroads of the country. The committee of the council deals with the committee that represents the railroads. I really do not know the name of that committee.

Mr. REED. Does the Senator know the personnel of the committee?

Mr. HOLLIS. I am perfectly willing to state that the men I talked to were Mr. Howard Elliott, who was formerly the president of the New York, New Haven & Hartford Railroad; President Rea, of the Pennsylvania Railroad; and Mr. Shafer, who has charge of the distribution of cars. Those are the three men to whom I talked.

Mr. NEWLANDS. Mr. President, I will state to the Senator, if he will permit me, that Mr. Willard, of the Baltimore & Ohio Railroad, is a member of the advisory commission appointed by the Council of National Defense, and that in connection with him in the department of transportation——

Mr. CUMMINS. Mr. President, will the Senator from Nevada speak a little louder? I should like to hear what he says.

Mr. NEWLANDS. I was stating that Daniel Willard, president of the Baltimore & Ohio Railroad, was a member of the advisory commission appointed by the Council of National Defense, and that——

Mr. CUMMINS. Daniel Willard is a member of the Council of National Defense.

Mr. SMITH of Georgia. He is chairman of the advisory board.

Mr. NEWLANDS. Let me state what the form of the organization is. The Council of National Defense, appointed under the statute——

Mr. SMITH of Georgia. Mr. President, without yielding the floor, if it suits the Chair, I will sit down for a while.

The VICE PRESIDENT. Anything suits the Chair.

Mr. NEWLANDS. The Council of National Defense, appointed pursuant to the statute passed by Congress, consists of the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor. The council, therefore, consists entirely of Cabinet officials. The act of Congress, however, also provides for an advisory commission of the Council of National Defense, and Daniel Willard has been appointed by the Council of National Defense chairman of the committee on transportation and communication of the advisory commission.

In connection with this, and pursuant to the request of the Council of National Defense, the railroads have appointed an executive committee consisting of five railway presidents, and the Council of National Defense has requested them to be in permanent session here, so that the council can be in easy communication with all the railroads of the country. That committee of railroad officials consists of Fairfax Harrison, president of the Southern Railway, who is the chairman of it; Samuel Rea, president of the Pennsylvania Railroad; Julius Kruttschnitt, chairman of the executive committee of the Southern Pacific Railroad Co.; Hale Holden, president of the Chicago, Burlington & Quincy Railroad; Howard Elliott, president of the New York, New Haven & Hartford Railroad; Edward E. Clark, Interstate Commerce Commissioner, member ex officio; and Mr. Willard is also a member ex officio. Now, as I understand, that executive committee is here cooperating with the Council of National Defense and adopting their suggestions now with reference to priorities in transportation which are essential for the national defense.

Mr. REED. Will the Senator kindly enlighten me on another matter? He stated that Mr. Willard, of the Baltimore & Ohio, was the chairman of the committee on transportation?

Mr. NEWLANDS. Yes.

Mr. REED. He is a member of the Advisory Council of Defense, is he not?

Mr. NEWLANDS. Yes.

Mr. REED. He is chairman of the committee on transportation?

Mr. NEWLANDS. Yes.

Mr. REED. Who constitute the membership of the committee on transportation?

Mr. NEWLANDS. Let me see. I think I have it here.

Mr. SMITH of Georgia. While we are waiting I want to protest against the proposition that any of these men are members of the Council of National Defense. They are not.

Mr. NEWLANDS. None of them are.

Mr. SMITH of Georgia. They are members of advisory committees never designated by legislation.

Mr. NEWLANDS. They do not assume to be.

Mr. SMITH of Georgia. I just want it understood that they are not members of the Council of National Defense. They were named by legislative enactment.

Mr. REED. If it takes the Senator long——

Mr. NEWLANDS. There are so many committees that I am having difficulty in finding it.

Mr. REED. I hope the Senator will put that all in the RECORD.

Mr. NEWLANDS. I have put it all in the RECORD.

Mr. REED. The Senator has already done so?

Mr. NEWLANDS. All these committees and subcommittees; yes. The Senator will observe that there is a most elaborate organization.

Mr. REED. When was that done?

Mr. NEWLANDS. To-day.

Mr. REED. Ah, I was unfortunately kept out of the Chamber.

Mr. BRANDEGEE. Mr. President, the Senator from Georgia does not object to the Council of National Defense trying to get some information, does he?

Mr. SMITH of Georgia. Certainly not; but I wanted to draw the distinction between the various and various and various committees and the Council of National Defense.

Mr. NEWLANDS. Yes; but the Senator will recollect that the advisory commission is also provided for by the statute which we have passed; so it is acting under the authority of Congress so far as concerns advisory matters.

Mr. REED. Mr. President, this has led far from the point to which I was trying to get the attention of the Senator from Georgia, but has all been illuminating. As a matter of fact, it is now shown that the Council of National Defense has selected an advisory commission, and that a member of that advisory commission is Mr. Willard, of the Baltimore & Ohio; and Mr. Willard, of the Baltimore & Ohio, is the chairman of a committee on transportation the membership of which has not been disclosed yet in this colloquy, but the Senator from Nevada is looking through his memoranda to find the names. Up to this time we do not even know who that committee is. That committee has asked four or five railway presidents to meet in the city of Washington, and from this point to designate what freight shall in shipment have precedence over other freights. Thus, the case as now developed is that this commission of railway presidents, acting in the manner indicated, are assuming to grant precedence for one class of freight over another, and for one class of shippers over another. Now, it is proposed by the present bill to vest in the President of the United States the authority, either himself or through any person whom he may name, to give precedence to one class of freight over another, or to one shipper over another. Is it not entirely likely, so far as we can read the future, that that

power will be vested under the law where it has already been vested without authority of law?

Mr. SMITH of Georgia. Mr. President, that question being asked me, I should say that it would not be an unreasonable supposition to believe that if a committee had been selected with the approval of the President to do this work without legal authority, when the legal authority was given, the same committee would be continued with legal authority.

Mr. ROBINSON. Mr. President, will the Senator from Georgia yield to me to make a brief statement in part answer to the inquiry of the Senator from Missouri?

Mr. SMITH of Georgia. Yes; without yielding the floor, because I wish to hold the floor.

Mr. ROBINSON. Certainly. I do not wish the floor, Mr. President, except for the purpose of answering the inquiry of the Senator from Missouri.

On page 3 of the bill, commencing at line 10, is found this language:

All such common carriers are hereby directed and required to establish forthwith, and to maintain continuously in the city of Washington, during the period of the war, an agency by a committee of railroad officers or otherwise fully empowered by such carriers to receive on behalf of all the carriers notice and service of such orders and directions, and to arrange for the prompt compliance therewith by such carriers—

And so forth.

I will state to the Senator from Missouri that my understanding of the matter is that the committee to which reference has already been made, of which Mr. Daniel Willard is a member and I think the acting chairman, is the committee which is given a quasi-legal status under the language which I have just read. This committee, if I am correctly informed, do not desire to be the person or persons through whom the President shall make the orders. They do not desire to become officers upon the part of the Government. They desire and intend to retain their status primarily as officers of the railway companies from whom they receive their compensation. But I call the attention of the Senator from Missouri and the Senator from Georgia to the fact that under the conditions that are now existing it is absolutely necessary that somebody, some authority in the United States, shall grant priorities of shipment.

The railroads have found themselves unable to transport all of the property tendered to them for transportation; and just as surely as you live and this war continues, that condition is going to grow more and more acute. It is the purpose of this bill to provide a governmental authority which shall protect the public, in so far as that can be done, from the evils of discrimination which will inevitably result and grow out of the congested condition of traffic already existing and rapidly growing worse.

The purpose of this bill is to give the Government some control over the matter. In the first place, whenever the national security and defense are imperiled, it will enable the President of the United States, who is the Commander in Chief of the Army and Navy of the United States, to say that before you shall ship automobiles you shall carry cannon and rifles and soldiers. Is there a Senator of the United States who wants to deprive the public authority of that power? He has his opportunity to do so by voting against this bill. It is absolutely necessary that there be vested somewhere an authority to provide for priorities; otherwise, unjust discriminations will result.

Mr. SMITH of Georgia. Mr. President, will the Senator allow me to ask him a question, as he is on the committee?

Mr. ROBINSON. Certainly.

Mr. SMITH of Georgia. Why did you not in this bill, then, limit it to cannon and troops and governmental things?

Mr. ROBINSON. For the simple reason that it is necessary to transport a great many things besides the articles I have mentioned, and the Senator from Georgia knows it. Mr. President, the conditions will never be the same in any two cases. It may be necessary in one instance to transport food, in another to transport soldiers, in another to transport horses. There must be some power somewhere to provide what the priority shall be, and I would rather that the Chief Executive of this Nation, representing all the people of the Nation, should have a voice in it than leave that great power solely to the railroads themselves, without organizations for the purpose.

Mr. NEWLANDS. Mr. President, if the Senator from Georgia will permit me——

Mr. SMITH of Georgia. I yield, provided I do not lose the floor.

The VICE PRESIDENT. The Senator seems to have the floor by right of discovery, so it is all right.

Mr. NEWLANDS. I should like to make the suggestion that if it is necessary to establish priorities in the transportation of cannon and munitions of war and troops that are used in the national defense, it will also be necessary to establish priorities in the transportation of the steel that is to go into our ships; and if it is necessary to establish priorities in transportation with reference to the steel that is to go into the ships, it may be necessary to establish priorities of transportation in the iron, the basic iron, the pig iron, out of which the steel is made, or the coke with which the steel is made. There are numerous things that are used in the various phases of production that ultimately enter into and form a part of the things that are used for the national defense. As the Senator from Arkansas has already said, that applies to the food that supplies the troops, to the cannon, to the muskets and powder, and other munitions of war, and also to all the elements of production that form a part of these munitions of war when completed. I can understand, for instance, how in the making of wooden ships, if we should determine upon that, it may be absolutely necessary to give priority to the transportation of lumber from one section of the country to the other, and yet that lumber itself is not a munition of war.

Mr. SMITH of Georgia. Mr. President, before the Senator takes his seat I should like to ask him if he would accept an amendment limiting this bill to the prompt movement of the military and naval forces of the United States, and all supplies therefor, and material necessary to be used in the manufacture of arms, munitions, and equipment therefor, limiting it to the subjects that have been discussed so eloquently by the Senator from Arkansas?

Mr. NEWLANDS. I think that would be a limitation that would seriously affect the efficiency of this bill.

Mr. REED. Mr. President, I desire to finish my question. I want to ask the Senator from Georgia now whether in his opinion this bill, if it is enacted, will not place in the hands of the committee on transportation that may be appointed by the President, whether they be railroad presidents or other individuals, absolute power to control the shipment of substantially all materials in the United States, and deprive of all opportunity to recover any compensation the citizen who may be wronged or injured by a refusal to accept or transport his freight?

Mr. SMITH of Georgia. I am not sure about the question of depriving them of the right to recover compensation. It would undoubtedly create despotic power in the control of shipments, whether that be exercised by the President or by some one named by the President. If that power is used with benevolence, we will have a benevolent despotism. If it is used otherwise, it might constitute an oppressive despotism. What I am protesting against is such despotic powers being vested anywhere; and before I get through I hope to show that the emergency can be met without giving any such powers.

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Does the Senator yield further?

Mr. NEWLANDS. Will the Senator permit me to correct a misapprehension under which the Senator from Missouri, in his questions, seems to rest?

Mr. SMITH of Georgia. Certainly.

Mr. NEWLANDS. That is that the power of fixing these priorities will be in the hands of this railroad committee. On the contrary, this railroad committee is, under this statute, to be appointed simply to receive the orders of the President, not to originate them.

Mr. REED. The Senator is in error in regard to my position. I stated my proposition to be the railroad committee or other persons upon whom the President might confer the authority; and, of course, it must be conceded that he could confer it upon the committee, because the language of the act is——

Mr. NEWLANDS. I think the Senator is under a misapprehension. This committee of railway officials is here simply to receive the directions of the Government; not to exercise its judgment in any particular, but to receive these directions any carry them out.

Mr. SMITH of Georgia. Does the Senator from Missouri desire to ask me a question?

Mr. REED. I just want to conclude this, and I beg the Senator's pardon for having interrupted him.

Mr. SMITH of Georgia. The Senator need not beg my pardon. I hope he will discuss this bill elaborately himself before it is voted on.

Mr. REED. The language is:

He may give these directions at and for such times as he may determine, and may modify, change, suspend, or annul them, and for any such purpose he is hereby authorized to issue orders direct, or through

such person or persons as he may designate for the purpose. Officials of the United States, when so designated, shall receive no compensation for their services rendered hereunder. Persons not in the employ of the United States so designated shall receive such compensation as the President may fix.

Now, of course, under that language——

Mr. NEWLANDS. Will the Senator read that part with reference to the executive committee, commencing at line 12?

Mr. REED. On the same page?

Mr. NEWLANDS. Yes; the committee of railroad officers.

Mr. REED. Yes; I will read it all, with the permission of the Senator from Georgia.

Mr. NEWLANDS. Commencing with line 10.

Mr. REED (reading)—

Suitable offices may be rented and all necessary expenses, including compensation of persons so designated, shall be paid as directed by the President out of funds which may have been or may be provided to meet expenditures for the national security and defense. All such common carriers are hereby directed and required to establish forthwith, and to maintain continuously in the city of Washington, during the period of the war, an agency by a committee of railroad officers or otherwise fully empowered by such carriers to receive on behalf of all the carriers notice and service of such orders and directions, and to arrange for the prompt compliance therewith by such carriers.

Now, Mr. President, plainly under that whole language, taken together, the President can appoint any person he sees fit to carry out these orders. It is, however, made the duty of the railroad company to put somebody here upon whom notice can be served. The President, under this bill, of course must sign the rules, orders, or regulations; but we all know that those rules, orders, and regulations will not be prepared by the President, but will be prepared by these boards, and undoubtedly in my judgment will be written by the railroad presidents who are now conducting this business.

Mr. SMITH of Georgia. Mr. President, I am now going to take up section 2 again, and call attention to what is in it. I think its importance is ample excuse for all the time that anyone may wish to give to its consideration.

Now, let us see. It starts with the proposition that the President is authorized. Further, he is authorized to do it himself or through such person or persons as he may designate. Therefore the President, or such person or persons as he may designate or authorize to do so, may direct that certain kinds of traffic or particular shipments shall have preference or priority of transportation by common carriers by railroad or water, under such arrangements, rules, and regulations as the President or persons whom he has designated may prescribe.

Mr. President, it is conceded that the transportation situation is one which makes it impossible for the railroads to move all the traffic of the country as it is tendered to them. Therefore, we are giving to the President, or such committee or commission as he may appoint, the unrestricted authority to discriminate between shippers. I suggested an amendment to the chairman of the committee.

Mr. NEWLANDS. Mr. President, will the Senator let me correct another misapprehension?

Mr. SMITH of Georgia. Yes.

Mr. NEWLANDS. There is no discrimination whatever between shippers under this bill. There is simply a priority as to classes of freight. No preference is to be exercised as to any individual shipper, but it is simply with reference to the class of freight.

Mr. BRANDEGEE. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Connecticut?

Mr. SMITH of Georgia. Yes.

Mr. BRANDEGEE. The act itself, in distinct terms, in line 18, applies to "particular shipments" as well as to classes of freight.

Mr. SMITH of Georgia. Yes.

Mr. NEWLANDS. Yes, that is true; but that is without reference to the shipper.

Mr. SMITH of Georgia. It not only applies to "kinds of traffic," but "particular shipments" of kinds of traffic, as the Senator from Connecticut suggests.

Mr. BRANDEGEE. Of course the shipments are of some concern to the shipper.

Mr. SMITH of Georgia. It absolutely puts in the hands of this board despotic power over the movement of transportation and the privilege of producers in this country, whether on the farm or in the factory, to have their products go to market.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Ohio?

Mr. SMITH of Georgia. I do.

Mr. POMERENE. With all due respect, is not the Senator stating that proposition too broadly? The President is only authorized to do this when, in his judgment, such action is necessary to the public security and defense.

Mr. SMITH of Georgia. Oh, I have read that language before. I have mentioned that language before. He begins acting when he thinks the public safety or the public defense requires it, and he asks for this bill because he wants to act.

Mr. REED. He has already acted.

Mr. SMITH of Georgia. There already has been action, as the Senator from Missouri says, and this is to legalize it. It is now legally to take the place of that which has heretofore been illegal.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Iowa?

Mr. SMITH of Georgia. I do.

Mr. CUMMINS. Will the Senator from Georgia state the instances in which he has already acted? I should like some information upon that subject. I should like to know what shipments have been given preference, and why they were given preference, in order that we may judge of the necessity of some such law as this.

Mr. SMITH of Georgia. I can not give the action in detail. I heard from the chairman of the committee that there was a committee of railroad men who already were indicating to the railroads what they should ship. I heard also from the chairman of the advisory commission, the president of the Baltimore & Ohio Railroad, that this was now being done. In detail, I can not give it to you.

Mr. CUMMINS. I should like to know. I think that if the Senator from Georgia could give to the Senate the instances he has in mind conclusive proof of the necessity of a law of this sort would be furnished.

Mr. REED. If the Senator will pardon me, the statement was made here by a number of Senators on the floor a few days ago of the instances to which they referred. One of them related to the shipments of cement, I believe, that had been held up. I will not undertake to give exact instances, but I think a number were given here on the floor of the Senate, and the RECORD will disclose them.

Mr. SMITH of Georgia. I wish to say, Mr. President and Senators, that it may be some legislation is necessary; it may be that we should prescribe some classes of freight which should be moved in preference to others; it may be that we should work out some line of selection under certain circumstances; but what I protest against is the unlimited power given individuals, without reference to war supplies and without reference to anything except their arbitrary and despotic judgments. There is no rule prescribed; there is no limitation of discretion prescribed. I know the members of the Committee on Interstate Commerce, and I appeal to them to put some rule of limitation upon the discretion of any board that undertakes to discriminate both as to traffic and as to shipments. I would not hesitate a moment to say that discrimination should be given in favor of moving war supplies—not a moment. If that were the standard, and it were limited to that, the bill would have my support.

Mr. CUMMINS. The limitation in this bill is found in the words "public security and defense." It is the only limitation that can possibly be put on this power. It would be no more possible to prescribe a general rule for the movement of freight under these abnormal conditions than it would be to prescribe a rule for the movement of a battleship or the movement of an army. The Senator from Georgia is asking for a criterion or a standard that can not possibly be supplied. If we are not willing to trust some one in the exercise of this power—and I grant that it is a great power—then the necessity, which is perfectly obvious now to everyone who observes the situation, must go unprovided for. It can not be limited by a rule or by a standard such as we could invoke in normal times.

Mr. POMERENE. Mr. President, if I may give a concrete instance, carrying out the idea expressed by the Senator from Iowa, about a week ago some manufacturers of paving brick and other building brick came to me from Ohio. They had a conference with the committee to which reference has been made. The order had gone out to prefer the shipment of steel and coal rather than of brick; but it turned out that this company was under contract to furnish large supplies of brick for the purpose of building a steel mill in Youngstown, and in that instance the brick was just as much of a war supply and for the purpose of carrying out the policy of the Government as was the steel itself after the mill had been erected.

Mr. SMITH of Georgia. Mr. President, it is true, as I construe this language, that the President must first find that public security and defense require direction at his hands, and the creation of this board. Then, beyond that the discre-

tion of the board settles the question. The discretion of the board, unknown to us, makes discriminations as to the kind of traffic and particular shipments. I repeat that I suggested to the chairman of the committee that it be limited to the prompt movement of the military and naval supplies of the United States and supplies and materials necessary to be used in the manufacture of arms, munitions, and equipment, and, thereafter, military supplies.

Mr. BRANDEGEE. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Connecticut?

Mr. SMITH of Georgia. I do.

Mr. BRANDEGEE. In that connection, what would the Senator from Georgia say about all food products that were necessary to supply our allies—foreign shipments of food products?

Mr. SMITH of Georgia. I think a discrimination could be made as to food supplies for military purposes.

Mr. BRANDEGEE. No. Supposing it is not for military purposes? Supposing it is to support the lives of our allies?

Mr. SMITH of Georgia. I think they ought to take their chances with our own people in the movement of food.

Mr. BRANDEGEE. Does the Senator mean that there ought to be no way in cooperation with our allies of distributing a surplus food supply——

Mr. SMITH of Georgia. I did not say that.

Mr. BRANDEGEE. Other than by bidding in the open market or by trusting to luck as to transportation?

Mr. SMITH of Georgia. I do not think you would have to trust to luck as to transportation. I do not think there is any substantial difficulty about moving the food supplies to the coast. I do not think there has been any, and I do not think there will be any greater pressure in the future to move them.

Mr. BRANDEGEE. But my idea was—if I am not interrupting the Senator disagreeably——

Mr. SMITH of Georgia. No.

Mr. BRANDEGEE. That if the Commander in Chief of the Army and the Navy, for instance, has information that a month hence it will be necessary to transport so many hundred thousand tons of wheat to the interior of France, for instance, unless the Commander in Chief has authority to direct that certain railroad systems shall devote themselves to bringing that wheat from the places where it is stored, and long in advance perhaps of the time it may be actually needed upon the ground, is not that a matter that is just as definitely determinative of military operations as either munitions or arms might be?

Mr. SMITH of Georgia. I do not think so. It falls under a class after them, substantially. I think supplies for the troops themselves should stand on a higher plane than supplies for noncombatants——

Mr. BRANDEGEE. That might well be, of course.

Mr. SMITH of Georgia. And on quite a different plane.

Mr. BRANDEGEE. Quite so; but I am taking it now upon the ground that it is necessary for supplies for combatants themselves. "An army travels on its belly," as Napoleon said.

Mr. SMITH of Georgia. I think food for the Army has been standing exactly on the same plane as the munitions for the Army. I think they stand upon the same plane. I misunderstood the Senator from Connecticut. I thought he was referring to feeding the entire noncombatant population.

Mr. BRANDEGEE. I was taking both cases, for instance, because the noncombatants of to-day are going to be drawn in and become combatants to-morrow. Irrespective of that, however—perhaps it is not easy to take a particular instance—but as it lies in my mind the transportation of all sorts of products may be necessary for the winning of this war; and transportation of those products at a particular time, and that certain routes must give themselves exclusively to that transportation at the very psychological moment, may become a military necessity.

Now, I ask the Senator—with just as deep regret, and with as much aversion to absolute power as he can possibly have—as a military matter, how is this thing to be done except in a despotic manner? The Army itself is run in a despotic manner by the Commander in Chief. The legislative branch of the Government can do nothing but impeach the President. It can not impeach him for a blunder. If we find an error in judgment, if we have a great defeat of our Army, the power is there in the President to direct the Army, What is the Senator going to do about it? The conduct of war is arbitrary and despotic.

Mr. SMITH of Georgia. This situation is not one which requires any comparable power to-day to what is in this bill. That is my first reply. We have practically no troops abroad; we have ample facilities for moving the grain and the foodstuffs; and those facilities will continue. There is not such a pressure upon transportation that they can not be moved, and the bill does not limit it to military supplies. If the bill were limited to military supplies, it would occupy a very different attitude. The amendment which I suggested to the Senator from Nevada would have covered food supplies for the Army. They would be treated as military supplies; but the purpose is to go far beyond that; it is to control the whole problem of transportation.

Mr. CUMMINS. Mr. President, I want to correct one misapprehension—I think it is a misapprehension—which the Senator from Georgia evidently harbors. He said a few moments ago that if the President found that the public security and defense required the appointment of a board, thereafter the board could take complete possession of the transportation system and order preference or priority without regard to the public security or defense. I am sure the Senator is in error about that. The board, or a single person—because the President can select such representative as he desires to exercise this power for him—the board would have to find that the priorities or preferences ordered by it were required and were essential to the public security and defense.

While I am on my feet I want to ask the Senator from Georgia whether he has considered the experience of Great Britain and France and Germany with regard to this subject? I am just as much opposed to the extension of power over general industrial matters and private enterprises as he can possibly be.

Mr. SMITH of Georgia. I feel sure of that.

Mr. CUMMINS. And I have no doubt that will appear a little later, when other bills are before the Senate; but, as the Senator will remember, the transportation of a country is a public function; it is not a private function. We have attempted for years to regulate this function. The very moment war broke out in Great Britain that country found it necessary to take possession of all its railway facilities. France found it necessary to take possession of all the private railway facilities of that country. Germany has long operated its entire system as a public matter. Now, is the Senator from Georgia at all sure this great public duty of transportation could be efficiently performed during these abnormal times without the hand of the Government upon it, so that it will give always to the public security and defense its first consideration?

Mr. SMITH of Georgia. Answering the Senator, if it becomes necessary for the Government to control in these respects, I believe it to be the duty of Congress to indicate in the legislation that it passes the plan of that control and to provide for a tribunal that will exercise judicially that control under certain limitations and rules legislatively prescribed. That would be a vastly different thing from giving the power to one man to fix the rules and to name, unrestrained, the officers who will carry them into execution. The one would be the legislative development of a plan under proper restrictions, with officers legislatively created to carry out the legislative plan; the other would be a legislative delegation of the power to an individual to do as he pleases.

Mr. KELLOGG. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. SMITH of Georgia. Yes.

Mr. KELLOGG. As a member of the committee I have given some thought to that question. Will the Senator please tell us concretely what regulations, limitations, and rules he would specify in the protection of this power proposed to be granted? It is very easy to say "rules and regulations and specifications," and so forth; but I should like to have the Senator state what rules and what limitations he would place upon the granting of the power?

Mr. SMITH of Georgia. Mr. President, the bill itself provides for rules and regulations. Those responsible for the bill must have had rules and regulations in their minds which would control and cover the subject, to be written by the President. If there are rules and regulations which properly can be prescribed by the President governing the selection and settling of problems of determination in a measure, surely a committee of the Senate ought to be able to work them out, and those rules and regulations ought to exist before the legislation is passed.

Then, Mr. President, I insist that the character of the men who are to perform this duty shall be legislatively determined. In the one case it is government by legislation and by the representatives of the people, providing a tribunal to pass under legislatively fixed rules, while in the other it is despotism. That is the difference.

Mr. President, I suggested one limitation to the committee, and it goes just as far as our present condition requires. The Senator from Iowa referred to the condition of Germany and that of England and that of France. Our condition can scarcely

be compared to theirs. England, France, and Italy are engaged in war with Austria and Germany, lying right alongside of them, with 15,000,000 more population than Germany and Austria. They are not simply fighting for democracy; they have special grievances; they occupy a very different position from the United States, 3,000 miles away; and to take the position that we are to give the same despotic power, or require it here, I think utterly fails to keep in mind the entire difference between the situation in France, where millions of German and English and French soldiers are fighting, and our condition here. We do not require the withdrawal from the individual citizen of his rights here that may be required there. I object to our aping the policies that they have put into effect in their emergencies when no such situation confronts us. We are being asked, 3,000 miles away from the seat of war, to subject our citizens to all the interference with their individual rights and their ordinary business opportunities—yes; to interfere more with their rights—than France or England find necessary in the midst of the battle plains. Why, if we keep this up, if we continue this line of abandonment of private rights, we will have to go to Prussia to have a chance to live in a democracy. I am not willing, in the name of democracy, to give up every democratic right that the individual has.

Now let me go on and call attention to the provisions of this bill, and I appeal to the members of the committee to modify it.

Officials of the United States, when so designated—

The President creates the offices—

shall receive no compensation for their services rendered hereunder. Persons not in the employ of the United States so designated shall receive such compensation as the President may fix.

The President is to pick them as he pleases; pay them as he pleases.

Suitable offices may be rented, and all necessary expenses, including compensation of persons so designated, shall be paid as directed by the President out of funds which may have been or may be provided to meet expenditures for the national security and defense.

Why, Senators, can we not determine what kind of tribunal we wish to pass on these questions, and can we not prescribe the rules and regulations, and can we not set a standard?

I would say without hesitation that they might give preference to the prompt movement of the military and naval forces of the United States, and all supplies therefor, and all materials necessary to be used in the manufacture of arms, munitions, and equipment, and all foodstuffs necessary for the Army of the United States, or necessary to be shipped abroad for the armies of our allies. I would be perfectly willing to create some kind of tribunal to regulate and control all those matters, but I should like to have Congress prescribe some rules of selection and name the organization and pass upon the occupants of the offices when they come. I would not vote to confirm to a position like this a gentleman like Mr. Bernard Baruch.

Mr. BRANDEGEE. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Connecticut?

Mr. SMITH of Georgia. I do.

Mr. BRANDEGEE. Does the Senator understand from the language of the bill at the bottom of page 2, to wit:

And for any such purpose he—

That is, the President—

is hereby authorized to issue orders direct, or through such person or persons as he may designate for the purpose—

That that gives these persons that he designates the same authority that we are intending to give the President?

Mr. SMITH of Georgia. Practically.

Mr. BRANDEGEE. I did not understand it so from the reading of the bill.

Mr. SMITH of Georgia. Just let me read the whole of that paragraph:

He may give these directions at and for such times as he may determine, and may modify, change, suspend, or annul them, and for any such purpose—

What is that? To give directions, to modify them, to change them, and to suspend them or to annul them—

for any such purpose he is hereby authorized to issue orders direct, or through such person or persons as he may designate for the purpose.

Mr. BRANDEGEE. Yes; he is authorized to do it. "He is hereby authorized to issue orders direct, or through such person"—not by such person—"through such person or persons as he may designate."

Mr. SMITH of Georgia. They act for him. Unquestionably it means——

Mr. BRANDEGEE. That is what I am trying to bring out—an inquiry as to whether these acts and orders are not, in contemplation of law, exclusively the orders of the President and of nobody else, possibly issued through persons whom he may designate? The inquiry was suggested to me by a remark that I think the Senator made, that this not only clothed the President with this authority, but we delegated it to the President, and the President was authorized to delegate it to the persons he designated. Does the Senator really think that that is the fair legal construction of the language?

Mr. SMITH of Georgia. I do. I think that is the legal construction of it, and I have not any doubt about the fact that that will be its practical operation.

Mr. BRANDEGEE. I think very likely the task is so enormous that the President could not thoroughly investigate the propriety or wisdom of each particular order he issued. But, after all, I suppose, in contemplation of law, under the terms of this bill, the order would be the order of the President, who was clothed with the power by Congress, issued through one of these designated gentlemen.

Mr. SMITH of Georgia. I think we have more time to prepare the plan of distribution and just as much familiarity with the subject as the President. If it really means, as the Senator suggests, that the President works out the mode of distribution and the mode of selection——

Mr. BRANDEGEE. No; I do not claim that.

Mr. SMITH of Georgia (continuing). Or if he mentally does anything about it——

Mr. BRANDEGEE. I had supposed that whatever organization he might decide upon—perhaps several agents or persons designated in different parts of the country and in different industries—after they had studied the circumstances surrounding that subject, they would make a recommendation to the President, and it would be his order that would put into operation the powers conferred by this bill. He might not know much about it.

Mr. SMITH of Georgia. It expressly does not require him to sign the order. It says "to issue orders direct, or through such person or persons," and so forth.

Mr. BRANDEGEE. Well, I suppose it would be such an order as a general would issue through his adjutant general. It would be the act of the general, issued by the adjutant general.

Mr. SMITH of Georgia. The Senator must realize, and the President must realize, and in construing this everybody must realize, that it is utterly impossible for one man, even if he has nothing else to do, to handle this entire subject and handle it intelligently. If it means that the President is to do it all himself, it means he is supposed to do what he could not do intelligently if he had nothing else to do.

Mr. REED. Mr. President, if the Senator will permit me——

Mr. SMITH of Georgia. Certainly.

Mr. REED. The question in dispute, as I understand it, is whether, under the language of the bill, the President must himself issue these orders, or whether the bill is so constructed that the President, having created a board or created an agency, that board or agency can then proceed to issue orders in the name of the President. The Senator from Connecticut appears to be of the opinion that the language does no more than to confer upon the President the power to personally make the orders.

I call the attention of the Senator from Georgia and the Senator from Connecticut to the language of the bill, and as a preliminary I state that if it was intended simply to confer upon the President power to make orders without giving him any power to delegate his power, then all that was necessary to have put into the bill was the language that "the President is authorized, whenever in his judgment such action is necessary to the public security and defense, to direct that certain kinds of traffic or particular shipments, as may be determined by him, shall have preference or priority in transportation." That language would have conveyed a complete power. It would have given the President all the power that the Senator from Connecticut appears to think the President has under this bill. And if it had been desired to give him the further power to create agents merely to enforce his orders, the further language would have been "and shall have power to create agents to enforce his orders."

But that is not the language of the bill. Following the language which I read is this:

He may give these directions at and for such times as he may determine, and may modify, change, suspend, or annul them, and for any such purpose he is hereby authorized to issue orders direct, or through such person or persons as he may designate for the purpose.

Now, the Senator from Connecticut is, to my certain knowledge, a splendid lawyer, for I have the pleasure of serving with him on the Judiciary Committee; and I submit to the Senator from Connecticut whether, if he were preparing a bill and intended to confer upon the President the power to issue orders as to priority of classes of freight and intended to give the

President the power to appoint agents to carry out his orders, he would not simply say: "The President shall have the power and authority to make classifications and give priorities and to appoint agents to carry out his directions"? Surely he would not employ this very peculiar language:

He may give these directions at and for such times as he may determine and may modify, change, suspend, or annul them, and for any such purpose he is hereby authorized to issue orders direct, or through such person or persons as he may designate for the purpose.

Mr. BRANDEGEE. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Connecticut?

Mr. SMITH of Georgia. Yes, sir.

Mr. REED. It seems to me that language implies some purpose other than or different than would have been deduced from the mere plain statement of authority.

Mr. SMITH of Georgia. The whole context of the bill carries that conclusion. A little farther on you find that the railroads are to have their officers here ready to receive orders. If the President really makes the orders, this other person would simply be a messenger to carry them over to the office of the railroad organization. Evidently it does not mean that.

Mr. BRANDEGEE. Mr. President, of course I do not claim to be qualified to say what it does mean. I did not draw the language. I am trying to find out what a court would probably construe the language to mean. The committee evidently had some clear idea as to whether they were creating a sole authority in the President or giving the President, if it is possible to do so, the right to create subauthorities and clothe them with all the authority conferred upon him. Of course I do not know exactly what was in the minds of the members of the committee; but, as I read section 2, the whole section is modified by and contingent upon the language "whenever in his judgment," in line 16.

It seems to me to be inconsistent with that language to say that because later on in the bill, down in lines 24 and 25, it provides that he—the President—may issue orders direct or through such person as he designates the power is thereby conferred by this bill upon persons to be designated in the future by the President to issue orders which, under the clear language of the bill, can only be issued by the President when in his judgment the public safety requires it. I take it the Senator would not claim that any one of these persons designated by the President may issue an order when in the judgment of another person the public safety or interest may require it.

Mr. SMITH of Georgia. I really think the practical effect of this provision is that the President issues his rules and begins his work and appoints this board, and they do the balance of it. I think that is practically what it amounts to, and the unrestricted control of transportation will pass to men named by the President—men not really Government officials.

EXECUTIVE SESSION.

Mr. MARTIN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened.

RECESS.

Mr. MARTIN. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 7 minutes p. m.) the Senate took a recess until to-morrow, Saturday, June 9, 1917, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 8, 1917.

PUBLIC HEALTH SERVICE.

Dr. Harry Evans Trimble to be assistant surgeon in the Public Health Service, to take effect from date of oath.

APPOINTMENTS IN THE ARMY.

GENERAL OFFICERS.

Brig. Gen. John F. Morrison to be major general from May 15, 1917, to fill an original vacancy.

Brig. Gen. Charles G. Morton to be major general from May 15, 1917, to fill an original vacancy.

Brig. Gen. William L. Sibert to be major general from May 15, 1917, to fill an original vacancy.

Col. Edwin F. Glenn, Eighteenth Infantry, to be brigadier general from May 15, 1917, to fill an original vacancy.

Col. Augustus P. Blocksom, Third Cavalry, to be brigadier general from May 15, 1917, to fill an original vacancy.

Col. John Biddle, Corps of Engineers, to be brigadier general from May 15, 1917, to fill an original vacancy.

Col. George T. Bartlett, Coast Artillery Corps, to be brigadier general from May 15, 1917, to fill an original vacancy.

Col. Henry C. Hodges, jr., First Infantry, to be brigadier general from May 15, 1917, to fill an original vacancy.

Col. Joseph T. Dickman, Second Cavalry, to be brigadier general from May 15, 1917, to fill an original vacancy.

Col. Adelbert Cronkhite, Coast Artillery Corps, to be brigadier general from May 15, 1917, to fill an original vacancy.

Col. Henry T. Allen, Cavalry, unassigned, to be brigadier general from May 15, 1917, to fill an original vacancy.

Col. William H. Sage, Twelfth Infantry, to be brigadier general from May 15, 1917, to fill an original vacancy.

Col. Chase W. Kennedy, General Staff Corps (Infantry), to be brigadier general from May 15, 1917, to fill an original vacancy.

Col. Omar Bundy, Adjutant General (Infantry), to be brigadier general from May 15, 1917, to fill an original vacancy.

Col. Harry C. Hale, Fifteenth Infantry, to be brigadier general from May 15, 1917, to fill an original vacancy.

Col. Richard M. Blatchford, Infantry, detached officers' list, to be brigadier general from May 15, 1917, to fill an original vacancy.

Col. Samuel D. Sturgis, Field Artillery, unassigned, to be brigadier general from May 15, 1917, to fill an original vacancy.

Col. David C. Shanks, Inspector General (Infantry), to be brigadier general from May 15, 1917, to fill an original vacancy.

Col. William M. Wright, Adjutant General (Infantry), to be brigadier general from May 15, 1917, vice Brig. Gen. Thomas F. Davis, retired from active service May 8, 1917.

Col. Robert L. Bullard, Twenty-sixth Infantry, to be brigadier general, vice Brig. Gen. John F. Morrison, to be appointed major general.

Col. Peyton C. March, Eighth Field Artillery, to be brigadier general, vice Brig. Gen. Charles G. Morton, to be appointed major general.

VETERINARY CORPS.

Veterinarian Clarence Loveberry, Quartermaster Corps, to be assistant veterinarian from June 3, 1916, to fill an original vacancy.

PROMOTIONS IN THE ARMY.

QUARTERMASTER CORPS.

Maj. Herbert M. Lord, Quartermaster Corps, to be lieutenant colonel from March 4, 1913, vice Lieut. Col. Beecher B. Ray, whose recess commission expired by constitutional limitation March 3, 1913.

Maj. Robert S. Smith, Quartermaster Corps, to be lieutenant colonel from March 27, 1914, subject to examination required by law, vice Lieut. Col. George F. Downey, promoted.

Maj. William G. Gambrill, Quartermaster Corps, to be lieutenant colonel from July 1, 1916, to fill an original vacancy.

PROMOTIONS IN THE NAVY.

Capt. Hugh Rodman to be a rear admiral in the Navy from the 23d day of May, 1917.

The following-named commanders to be captains in the Navy from the 23d day of May, 1917:

Harley H. Christy,
Noble E. Irwin,
Waldo Evans,
Thomas J. Senn,
Charles F. Preston, and
Richard H. Leigh.

The following-named lieutenant commanders to be commanders in the Navy from the 23d day of May, 1917:

Chauncey Shackford,
Ralph E. Pope,
Zachariah H. Madison,
Charles P. Snyder,
Joseph R. Defrees,
Willis G. Mitchell,
John J. Hyland,
Samuel W. Bryant,
Edward S. Jackson,
Sinclair Gannon,
John D. Wainwright,
George W. Steele, jr.,
Stafford H. R. Doyle, and
William N. Jeffers.

Lieut. Commander Harry E. Yarnell to be a commander in the Navy from the 29th day of August, 1916.

The following-named lieutenants to be lieutenant commanders in the Navy from the 23d day of May, 1917:

Theodore G. Ellyson,

Hugh Brown,
Wilhelm L. Friedell,
Burton H. Green,
Isaac F. Dortch,
John J. London,
Gordon W. Haines,
Ross S. Culp,
John W. Wilcox, jr.
Laurence N. McNair,
Edward L. McSheehy,
William Baggaley,
Benjamin Dutton, jr.,
Halford R. Greenlee,
Vaughn K. Coman,
Reed M. Fawell,
Henry A. Orr,
Alexander S. Wadsworth, jr.,
James S. Woods,
Lloyd W. Townsend,
John M. Smeallie,
John E. Pond,
William P. Gaddis,
Kenneth Whiting, and
George B. Wright.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 5th day of June, 1917:

Theodore S. Wilkinson, jr.,
William W. Smith,
David I. Hedrick,
Olaf M. Hustvedt,
Harold T. Smith,
Cummings L. Lothrop, jr.,
Preston B. Haines,
Gerard Bradford,
Mark L. Hersey, jr.,
Frank T. Leighton,
Alva D. Bernhard,
Chester S. Roberts,
Benjamin V. McCandlish,
Daniel A. McElduff,
Arthur S. Dysart,
Hugh P. LeClair,
James D. Maloney,
Alan G. Kirk,
Levi B. Bye,
Granville B. Hoey,
Tracy L. McCauley,
Francis W. Scanland,
Joel W. Bunkley,
Max B. DeMott,
Ernest J. Blankenship,
John J. Saxer,
Leo L. Lindley,
Harold C. Train,
Richard M. Elliott, jr.,
Lee P. Johnson,
Monroe Kelly,
Marion C. Robertson,
Edward C. Raguet,
Charles C. Davis,
George K. Stoddard,
Williams C. Wickham,
Freeland A. Daubin,
Roland M. Comfort,
Radford Moses,
Thomas E. Van Metre,
Comfort B. Platt,
Sherman S. Kennedy,
Richard W. Wuest,
Chauncey A. Lucas,
Charles H. Morrison,
Paul H. Rice,
Robert G. Coman,
Holbrook Gibson,
Charles E. Reordan,
Howard H. J. Benson,
Hugo W. Koehler,
George N. Reeves, jr.,
Ralph E. Sampson,
Joseph M. Deem,
Robert H. Bennett,
James B. Glennon,
Vance E. Chapline,
Deupree J. Friedell,
Frank A. Braisted,
George B. Keester,
John Borland,
Oscar C. Greene,
Raleigh C. Williams,
Thalbert N. Alford,
Henry G. Cooper, jr.,
Eugene M. Woodson,
James S. Spore,
Wilbur J. Carver,
Charles H. Maddox,
George A. Trever,
Edgar A. Logan,
Mark C. Bowman,
Percy T. Wright,
Frank S. Carter,
Harold A. Waddington,
Percy W. Northcroft,
David H. Stuart,
Ernest L. Gunther,
Augustine W. Rieger,
James B. Rutter,
Alger H. Dresel,
Frank Slingluff, jr.,
Clifford E. Van Hook,
Solomon Endel,
Robert P. Guyler, jr.,
Ralph G. Haxton,
Joseph A. Murphy,
Lawrence Townsend, jr.,
Lucius C. Dunn,
Charles M. Elder,
James M. Doyle,
Rush S. Fay,
Henry T. Settle,
Ewart G. Haas, and
Joseph E. Austin.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 6th day of June, 1917:

Noel Davis,
Charles B. C. Carey,
Carleton F. Bryant,
William J. Larson,
Alfred P. H. Tawresey,
John H. Buchanan,
Herman A. Spanagel,
Joseph R. Redman,
Frank L. Lowe,
Franklin G. Percival,
Theo D. Westfall,
Theodore D. Ruddock, jr.,
Andrew H. Addoms,
Albert G. Berry, jr.,
James D. Black,
George B. Wilson,
William H. Porter, jr.,
William K. Harrill,
Greene W. Dugger, jr.,
John M. Creighton,
George F. Neiley,
Russell E. Perry,
Herbert J. Ray,
Charles E. Rosendahl,
John G. Moyer,
Robert W. Hayler,
Bert F. Clark,
Archibald N. Offley,
Wiliam A. Corn,
John B. W. Waller,
Robert L. Vaughan,
Homer L. Ingram,
Thomas J. Doyle, jr.,
Alexander R. Early,
Charles F. Martin,
Vincent A. Clarke, jr.,
Kemp C. Christian,
Philip W. Yeatman,
Samuel G. Moore,
William J. Hart, jr.,
John L. Vaiden,
Swift Ricne,
George Marvell,
Benjamin H. Page,
Frank F. Cunneen,
Raymond A. Deming,
Benjamin S. Kilmaster,

Raymond S. Hatch,
James E. Boak,
William A. Heard,
Charles H. Mecum,
George T. Howe,
Rudolph F. Hans,
Simson C. Stengel,
Wilder DuP. Baker,
Julius M. Moss,
Robert S. Wyman,
Lewis H. McDonald,
Horace H. Jalbert,
George S. Arvin,
Foster C. Bumpus,
William C. Burgy,
Frank P. Thomas,
Ralph O. Davis,
Sifrein F. Maury,
Martin Griffin,
William F. Roehl,
Donald F. Washburn,
Stuart D. Truesdell,
Frederick D. Powers,
Thomas C. Latimore, jr.,
Robert W. Cary,
Karl R. Shears,
Lloyd J. Wiltse,
Paul W. Fletcher,
Lawrence J. K. Blades,
Henry W. Hoyt,
Robert C. Starkey,
Joseph C. Arnold,
Robert P. Luker,
Clarence J. McReavey,
Oliver O. Kessing,
Wallis Gearing,
William K. Beard,
John H. Brown, jr., and
Ralph G. Pennoyer.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 5th day of June, 1917:

Claude S. Gillette,
Benjamin F. Tilley, jr., and
Creed H. Boucher.

First Lieut. Elisha Theall, United States Marine Corps, retired, to be a colonel on the active list of the Marine Corps, an additional number in grade, to rank next after Albert S. McLemore, from the 31st day of May, 1917.

The following-named warrant officers and clerks for assistant paymasters in the United States Marine Corps to be second lieutenants in the Marine Corps, for temporary service, from the 1st day of June, 1917:

Leon L. Dye (clerk for assistant paymaster),
Lee W. Wright (clerk for assistant paymaster),
Reuben B. Price (clerk for assistant paymaster),
George P. Doane (clerk for assistant paymaster),
John W. Mueller (quartermaster clerk),
John F. McVey (quartermaster clerk),
John T. Baugh (quartermaster clerk),
Harold H. Rethman (quartermaster clerk),
Walter J. Green (clerk for assistant paymaster),
James E. Reich (clerk for assistant paymaster),
Carl S. Schmidt (clerk for assistant paymaster),
John F. Burnes (marine gunner),
Charles Ubel (quartermaster clerk),
Charles C. St. Clair (quartermaster clerk),
John Waller (quartermaster clerk),
Harry Halladay (quartermaster clerk),
Eugene L. Pelletier (quartermaster clerk),
Otto Salzman (quartermaster clerk),
Harry V. Shurtleff (quartermaster clerk),
Fred G. Patchen (quartermaster clerk),
William F. Beattie (quartermaster clerk),
Francis E. Pierce (marine gunner),
Harry W. Gamble (quartermaster clerk),
Leslie G. Melville (quartermaster clerk),
Edwin P. McCaulley (quartermaster clerk),
Robert F. Slingluff (marine gunner),
Roscoe Arnett (marine gunner),
Francis C. Cushing (quartermaster clerk),
Charles L. Eickmann (marine gunner),
Thomas Quigley (marine gunner),
Patrick W. Guilfoyle (marine gunner),
Frank Z. Beckner (marine gunner),
Nathan E. Landon (marine gunner),
Eugene L. Mullahy (marine gunner),
Robert H. Shiel (marine gunner),
John J. Mahoney (marine gunner),
Albert J. Phillips (marine gunner),
Jacob Jacobowitz (quartermaster clerk),
James McCoy (marine gunner),
Augustus B. Hale (marine gunner),
Walter E. McCaughtry (marine gunner),
William O. Corbin (marine gunner),
Thomas J. Curtis (marine gunner),
John P. McCann (marine gunner), and
Maurice A. Willard (clerk for assistant paymaster).

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 8, 1917.

UNITED STATES DISTRICT JUDGE.

Robert W. Jennings, to be United States district judge, division No. 1, district of Alaska.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

To be colonels.

Lieut. Col. John S. Winn.
Lieut. Col. Charles A. Hedekin.
Lieut. Col. Francis J. Koester.
Lieut. Col. John D. L. Hartman.
Lieut. Col. Robert L. Howze.
Lieut. Col. Guy H. Preston.
Lieut. Col. Edward Anderson.
Lieut. Col. George E. Stockle.
Lieut. Col. William T. Littebrant.
Lieut. Col. Michael M. McNamee.
Lieut. Col. Ralph Harrison.
Lieut. Col. Charles D. Rhodes.

FIELD ARTILLERY ARM.

To be colonels.

Lieut. Col. George G. Gatley.
Lieut. Col. LeRoy S. Lyon.
Lieut. Col. Tiemann N. Horn.
Lieut. Col. Charles P. Summerall.
Lieut. Col. William M. Cruikshank.
Lieut. Col. Otho W. B. Farr.
Lieut. Col. Dwight E. Aultman.
Lieut. Col. Adrian S. Fleming.
Lieut. Col. Brooke Payne.
Lieut. Col. William S. Guingard.
Lieut. Col. Albert J. Bowley.
Lieut. Col. Harry G. Bishop.
Lieut. Col. Willard D. Newbill.
Lieut. Col. Manus McCloskey.

COAST ARTILLERY CORPS.

To be colonels.

Lieut. Col. Clint C. Hearn.
Lieut. Col. William C. Davis.
Lieut. Col. Frank G. Mauldin.
Lieut. Col. Daniel W. Ketcham.
Lieut. Col. Thomas B. Lamoreux.
Lieut. Col. Andrew Hero, jr.
Lieut. Col. Frank E. Harris.
Lieut. Col. George Blakely.
Lieut. Col. Frank W. Coe.
Lieut. Col. William R. Smith.

INFANTRY ARM.

To be colonels.

Lieut. Col. Richard C. Croxton.
Lieut. Col. Edward N. Jones, jr.
Lieut. Col. Arthur Johnson.
Lieut. Col. Charles H. Martin.
Lieut. Col. William Weigel.
Lieut. Col. Thomas G. Hanson.
Lieut. Col. Herman Hall.
Lieut. Col. Marcus D. Cronin.
Lieut. Col. Charles S. Farnsworth.
Lieut. Col. Charles Gerhardt.
Lieut. Col. James T. Dean.
Lieut. Col. Ulysses G. McAlexander.
Lieut. Col. William K. Jones.
Lieut. Col. Edmund Wittenmyer.
Lieut. Col. Michael J. Lenihan.
Lieut. Col. Mark L. Hersey.
Lieut. Col. Frank H. Albright.
Lieut. Col. Frederic D. Evans.
Lieut. Col. Earl C. Carnahan.

Lieut. Col. Edson A. Lewis.
Lieut. Col. Charles E. Tayman.
Lieut. Col. James W. McAndrew.
Lieut. Col. Edward R. Chrisman.
Lieut. Col. Peter C. Harris.
Lieut. Col. Munroe McFarland.
Lieut. Col. William T. Wilder.
Lieut. Col. William R. Sample.
Lieut. Col. William R. Dashiel.
Lieut. Col. Eli A. Helmick.
Lieut. Col. William C. Bennett.
Lieut. Col. Frederic H. Sargent.
Lieut. Col. Wilson Chase.
Lieut. Col. Charles B. Hagadorn.
Lieut. Col. Harry R. Lee.
Lieut. Col. Harold L. Jackson.

APPOINTMENTS IN THE ARMY.

JUDGE ADVOCATE GENERAL'S DEPARTMENT.

To be judge advocates with rank of major.

Capt. Willey Howell.
Capt. Gordon N. Kimball.
Capt. William Taylor.
Capt. Gouverneur V. Packer.
Capt. Edward K. Massee.
Capt. Edwin O. Saunders.
Capt. Marion W. Howze.
Capt. Hugh S. Johnson.
Capt. George V. Strong.
Capt. Cassius M. Dowell.
Capt. William S. Weeks.
Capt. Allen W. Gullion.
Capt. James A. Gallogly.
Capt. Edwin C. McNeil.
Capt. Edward P. King, jr.

CHAPLAINS.

Rev. A. Richard Hedstrom to be chaplain with the rank of first lieutenant.

Rev. Henry Nathan Blanchard to be chaplain with the rank of first lieutenant.

VETERINARY CORPS.

Veterinarian Sherman R. Ingram to be assistant veterinarian.

PROVISIONAL APPOINTMENT, BY PROMOTION, IN THE ARMY.

COAST ARTILLERY CORPS.

To be first lieutenants

Second Lieut. Charles D. Y. Ostrom.
Second Lieut. James C. Hutson.

PORTO RICO REGIMENT OF INFANTRY.

To be first lieutenants.

Second Lieut. Manuel B. Navas.
Second Lieut. Enrique M. Benitez.
Second Lieut. Vicente N. Diaz.
Second Lieut. Andres Lopez.
Second Lieut. Ramon S. Torres.
Second Lieut. Modesto E. Rodriguez.

PROVISIONAL APPOINTMENT AS SECOND LIEUTENANTS IN THE ARMY.

FIELD ARTILLERY ARM.

Arthur Oscar Walsh.
Marcus Aurelius Smith Ming.
Lewis Elmer Goodrich.
Victor Roland Woodruff.
Robert William Yates.
Dana Caswell Schmahl.
Wilbur Granville Dockum.
Clinton Mansfield Lucas.
Samuel Gilbert Fairchild.
Ray S. Perrin.
Ben Menadue Sawbridge.
Warren D. Davis.
Dominic Joseph Sabini.
Herman Feldman.
Charles Meriwether Stephens.
Oscar Townsend Yates.
Aubrey Charles Stanhope.
John Harvey Fye.
Julius Tyler Andrews Doolittle.
Charles R Lehner.
Harry Burden Berry.
James V. Palmer.
James Francis Brittingham.
Gordon Grant.
Ernest A. McGovern.
David Seth Doggett.
Arthur Daniel Ruppel.
Ralph Maslin Balliette.
David Haldane Trevor.
William Edward Pfeiffer.
Walter Compere Lattimore.
Albert A. Fleming.
Russell H. Dixon.
Everett Marshall Graves.
William W. Thomas.
Leo M. Daly.
Francis Ray Mann.
Stephen H. Cordill.
Nathan Eugene McCluer.
Tom Wiley Stewart.
Fred E. Sternberger.
Harry Edwin Webber.
Moe Neufeld.
Carlos Watkins Bonham.
Sidney James Cutler.
William Ray Holcomb.
Harry Hollander.
John Bridger Thornhill.
Edmond Cecil Fleming.
Virgil Luther Minear.
Charles Emerson Boyle.
Karl John Howe.
Edwin Adolph Henn.
Homer Hartline Dodd.
Lawrence Hill Wadsworth.
John William Lee Sutherland.
Alfred Mynderse Goldman.
Arthur Allen Dearing.
James Wright Stewart.
Francis Clinton LeGette.
Benjamin Simeon Dowd.
John Miller Peirce.
Miles Maron Elder.
Frederick Carlisle Austin.
George Fredrick Kite.
Herbert S. Herbine.
Charles Torrance McAleer.
Walter Allen Noyes.
Paul Reuben Wing.
Edward Jedd Roe.
Myron Weldon Tupper.
Harry Leslie Calvin.
Charles Richard Doran.
William Wilson Belcher.
John Richard Williams.
George Ralston Middleton.
Wilbur Haile Hayes.
Robert Fuller Blodgett.
John Francis Lynch.
Carl Cladius Carney.
Richard Allen Gordon.

COAST ARTILLERY CORPS.

Nelson Dingley, 3d.
Carl Russell Adams.
Edward Carl Lohr.
Byron Tully Ipock.
George Walter Hovey.
Ernest L. Bigham.
Raymond Herman Schutte.
Carl R. Crosby.
Charles Thomas Halbert.
Claude Gilbert Benham.
Henry Bradley Frost.
Roy Dayton Burdick.
Franklin A. Green.
Harrie J. Rechtsteiner.
Willard Wadsworth Irvine.
William Doughty Evans.
William Carl Byrd.
Clarence Noble Winston.
Albert Miller Jackson.
Lyle Bishop Chapman.
Joseph Philip Kohn.
Robert Justin Van Buskirk.
Frederick Linwood Topping.
Thomas Raphael Phillips.
Charles S. Erswell, jr.
Lewis Merriam, jr.

INFANTRY ARM.

Edward Sandford Pegram, jr.
Roger Sturgis.
Stanley Gloninger Saulnier.
Mark Richards Muckle Gwilliam.
Will Hughes Gordon.
Walter Tracey.
Joseph Jack Johnston.
Wilton Lynn Rutan.
Ward Currey Goessling.
Curley Pharr Duson.
Richard David Daugherity.
Walter Raymond Graham.
Albert Hovey Peyton.
Patrick Houstoun.
Miron James Rockwell.
Peter Wirtz.
Allen Wainfield Stradling.
Robert Valentine Tackabury.
James Patrick Murphy.
Gustav Adolph Mellanchton Anderson.
William Chapman Peters.
Francis Lenoir Hill.
Charles McDonald Parkin.
Richard Babcock Porter.
Jacob Edward Bechtold.
Harry Adamson.
Neal Creighton Johnson.
John Edward McCarthy.
Steele Wotkyns.
John Clarence Lane.
Norman Pyle Groff.
Glenn Adelbert Ross.
Donald John Myers.
Vic Kingsley Burriss.
Francis Augustus Woolfley.
Carl Bernhardt Schmidt.
Leslie Leonard Connett.
Owen R. Rhoads.
Joe L. Ostrander.
Elmer F. Wallender.
Carl E. Driggers.
Allan Floyd House.
Harry Pearl Merchant.
Carl Grady Lewis.
John D. Burris.
Harry Vincent Hand.
Frederick V. Edgerton.
Anthony Oliver Adams.
George Alva Stockton.
Charles W. Neues.
George Rowland Brown, jr.
Oscar A. Burton.
Edward Leon Feeney.
Harold W. Kelty.
William Henry Valentine.
George Norman Munro.
Herbert Boyer.
Myron Wood Sherman.
Woodworth Bowman Allen.
Robert Ferris.
John Sylvester Sulima.
Charles Edmund DeLeuw.
Dallas R. Alfonte.
William E. Shaw.
Lee Burton Woolford.
Ned Blair.
Ernest Alvin Kindervater.
Oscar Merton McDole.
Jared Irwin Wood.
Henry Harrison Ranson.
Gordon C. Irwin.
Elbridge Gerry Chapman, jr.
Jacob Herschel Lawrence.
Everett Marion Yon.
Grady H. Pendergrast.
Robert E. Frye.
Cornelius F. Dineen.
Joseph Edward Villasenor.
John C. Haynes.
George Lawrence Hopkins.
George Mood MacMullin.
Harold Krebs Coulter.
Hugh Campbell Hodge Jones.
Otto Emil Pentz.
Williston Lockwood Warren.
James A. Wade.
Nicholas Szilagyi.
Frederick Weston Hyde.
Gilbert Good.
Theodore Rayburn.
Leland S. Hatfield.
Rosser Lee Hunter.
John Stanley Hopper.
John P. Utinsky.
James Lester Allbright.
Feodor Otto Schmidt.
John Garth Goodlett.
George Seymour McCullough.
Roderick Alexander Stamey.
Leo Willard Glaze.
Walter Ernest Duvendeck.
Abraham Cohen.
William Frederick Gent.
Clarence Harvey Maranville.
Roy Sparks.
William B. Smith.
Carl F. Cooper.
John Frank Gleaves.
Sterling Clifton Robertson.
Allen Flood Kirk.
Thomas G. Jenkins.
Francis Samuel Bayard Cauthorn.
Lowery Langford Cocke.
Madison E. Walker.
Richard Smith Duncan.
Alexander Payson Knapp, jr.
Winthrop Ausley Hollyer.
Leslie Carlyle Wheat.
Lawrence Harold Bixby.
Frank Daniel Grantham.
Robert W. Norton.
Frederic Griffin Dorwart.
William Dominick Kerns.
Oliver Lee Garrett.
Thomas Eugene Bourke.
Hastings Couse Scholl.
Claire A. Whitesell.
Reinhold August Ferdinand Endling.
William Valentine McCreight.
John Henry Ringe.
Virgil Bell.
William Granville Purdy.
Chesley Ray Miller.
Charles Edward Robinson.
William Cloud Robinson.
Walter Lee Mitchell.
Robert F. Dark.
Mimucan D. Cannon.
Samuel Marshall.
Ralph Slate.
Lee Samuel Eads.
Ernest John.
Charles Hugh McKnight.
Floyd H. Banta.
Ralph Marshal Caulkins.
Charles Leslie Moon.
Claudius Leo Lloyd.
Francis G. Bishop.
Henry Drue Patterson.
Bartlett M. Egeland.
Stuart Baldwin Taylor.
Joseph P. Kiley.
Joseph Lester Brooks.
Madefrey Alethes Odhner.
Jacob Myers Pearce, jr.
Ora C. Coffey.
George Dawson Lehmann.
Jesse J. Hudson.
Robert Hill.
Robert Claude Gregory.
Laird Astor Richards.
John James Finnessy.
Carl Cooper Helm.
Wayne Horton.
Leo E. Bennett, jr.
Ross Snyder.
Arthur Chifton Boren.

Frederick William Schonhard.
Arthur Reinert Jernberg.
William Francis Stromeyer.
Dudley Blanchard Howard.
Henry Walcott Farnham, jr.
Arthur C. Kinsley.
Henry Ely Kyburg.
William Benjamin Tuttle.
Charles Henry Parker, jr.
Ashley Spencer Le Gette.
Stalker Elijah Reed.
John Leonard Riddell.
Joseph Baxter Wiener.
Wallace Heyser Gillett.
Benjamin Walter Wood.
Courtney Parker Young.
Allyn Fillmore Stetson.
Chester Valentine Newton.
Frank Leon Philbrook.
John Allen Whitson.
George Raymond Owens.
Andrew Davis Bruce.
Richard Marshall Winfield.
Charles Edward Hathaway, jr.
Dallas Lloyd Knoll.
Kenneth Seymour Olivier.
Philip Armour Helmbold.
Frederick Collins Wheeler.
Floyd Emerson Galloway.
William Creveling Trumbower.
Gerald Arthur Shannon.
Henry Yost Lyon.
Joseph Anthony Cistero.
Thomas William Freeman.
Lawrence Fulton Braine, jr.
Paxton Sterrett Campbell.
Maxwell Miller.
Roy Leo Schuyler.
Louis DeLaussure Hutson.
Gustav Ludwig Karow.
Harold David Sites.
Loren Prescot Stewart.
Nathaniel L. Simmonds.
John Charles Colwell, jr.
Harlan Davies Kimball.
James Tillinghast Moore.
John Wesley Bell Thompson.
William Florance O'Donoghue.
Thomas Joseph Moroney.
William Clark Luth.
William Carlton Williams.
Alan Walter Jones.
Francis Leavell Johnson.
William Webb Sanders.
Charles S. Brodbent, jr.
Arthur Ranken Rockwood.
Wayne Bea Cave.
Stanley Allan Thomson.
Emery Williamson.
Charles Reid Russell.
Ira Norman Downer.
William Byron Wilson.
Lloyd Wesley Mason.
Carroll Leonard Ellis.
Stanley Young Kennedy.
David Preston McCalib.
Henry Arthur Montgomery.
Dudley Southworth Brown.
Thomas Henry Shea, jr.
Franklyn Thatcher Lord.
William Winter Dean.
John Wolcott Stewart.
Augustus George Schroeder.
Royden Kenner Fisher.
Marlin Clack Martin.
David Lee Hooper.
D'Arcy David Tinsley.
William Louis Morrison.
Oliver Edward George Trechter.
Elmer Frost Farnham.
Charles Stone Reily.
David Walker Barton.
James Terrill Brazelton.
John Lee Autrey.
Edwin Henry Haskins.
Robert Lewis Nelson.

CAVALRY ARM.

James Ellis Slack.
Culver Satterlee Mitcham.
William Ogden Johnson.
Harold Burton Gibson.
John Derby Hood.
William E. Kepner.
Melvin Selmer Williamson.
Evarts Walton Opie.
Euston Fletcher Edmunds.
Frank Peter Stretton.
Paul Hurlburt.
Aaron Y. Hardy.
Earl Boden Wilson.
Edmund John Engel.
Paul Wodarsky.
John E. Grant.
Jack McCorkle Reardon.
George David Coleman.
Lewis Mesherry.
Lewis Allen Weiss.
Francis E. Cheney.
Robert Perry Mortimer.
Lee Tuchocki Victor.
Henry Cook Caron.
William Warren Powell.
Thomas Pope Cheatham.
Robert F. Merkel.
George Fridjhof Bloomquist.
Carroll Arthur Powell.
Frank C. De Langton.
Oscar B. Abbott.
Carter Roderick McLennan.
Frederick Gearing.
Geoffrey Galwey.
Louis Garland Gibney.
William Durward Adkins.
John Barber Hartman.
Harry Columbus Jones.
James E. Simpson.
Aaron Taylor Bates, jr.
Charles James Booth.
William Tuttle Hamilton.
Richard Charles Boyan.
Edward Kirby Jones.
Harry Phillips Shaw.
Frederick F. Duggan.
Merl John Flatt.
Harry Howard Baird.
Francis Hutchins Waters.
William Taylor Bauskett, jr.
Carlisle Barksdale Cox.
Walter Leroy Bishop.
Donald Richard McComas.
Lilburn Bennett Chambers.
John Wesley Burke.
Charles Wells Jacobson.
Edgar Rutherford Garlick.
Henry Peck Ames.
Richard Fairfax Leahy.
Howard Cheseborough Okie.
William Lynch Gibson.
James Lindsay Franciscus.
Eddie James Lee.
Elmer Parks Gosnell.
Raymond Daniel Adolph.
Donald Armpriester Stroh.
Russell Thomas George.
Thomas Clyde McCormick.
Erskine Ashby Franklin.
Robert Davis Thompson, jr.
John Edward Maher.
John E. Selby.
Arthur Louis Marek.
Herbert Everett Watkins.
Raymond Lovejoy Newton.
William Ross Irvin.
Alfred Lyons Baylies.
Lathan Hunter Collins.
Ralph Burgess Skinner.
Candler Asbury Wilkinson.
Milton A. Lowenberg.

John Adams Hettinger.
George Atalbert Goodyear.
Paul Houston Morris.
Francis Edwin Stafford Turner.
Guy Douglas Thompson.
George Albert Parsons.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June 8, 1917.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou Great Spirit, Father-Soul, imminent in all the works of Thy hands, ever acting in and through the hearts of Thy children, make us susceptible to the holy influence that we may grow day by day intellectually, morally, spiritually, and leave behind us a record worthy of the precious gifts Thou hast bestowed upon us. Through Him who taught us the way and the truth and the life. Amen.

The Journal of the proceedings of yesterday was read and approved.

RIVER AND HARBOR BILL.

Mr. SMALL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 4285, the river and harbor appropriation bill.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division.

The SPEAKER. The gentleman from Illinois demands a division.

The House divided; and there were—ayes 52, noes 44.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is not. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas, 189, nays 119, answered "present" 5, not voting 117, as follows:

YEAS—189.

Adamson	Estopinal	Lee, Ga.	Sears
Alexander	Fairchild, B. L.	Lesher	Shackleford
Almon	Farr	Lever	Sherley
Aswell	Fisher	Linthicum	Sherwood
Austin	Fitzgerald	Little	Sims
Bacharach	Flood	London	Sinnott
Bankhead	French	Longworth	Sisson
Barkley	Garrett, Tenn.	McArthur	Slayden
Bathrick	Garrett, Tex.	McKeown	Slemp
Black	Glynn	McLaughlin, Mich.	Small
Blackmon	Godwin, N. C.	McLaughlin, Pa.	Smith, Idaho
Booher	Goodall	McLemore	Steagall
Borland	Goodwin, Ark.	Mansfield	Stedman
Brand	Gray, Ala.	Martin, La.	Steenerson
Browning	Gray, N. J.	Meeker	Stephens, Miss.
Buchanan	Greene, Mass.	Miller, Wash.	Sterling, Pa.
Burnett	Gregg	Montague	Stevenson
Byrns, Tenn.	Griffin	Moon	Sumners
Caldwell	Hadley	Moore, Pa.	Switzer
Campbell, Pa.	Hamlin	Mott	Taylor, Ark.
Candler, Miss.	Hardy	Nichols, S. C.	Templeton
Cantrill	Harrison, Miss.	Oldfield	Thomas
Caraway	Hastings	Oliver, Ala.	Tillman
Carlin	Hawley	Oliver, N. Y.	Van Dyke
Carter, Okla.	Hayden	Osborne	Venable
Clark, Fla.	Heflin	O'Shaunessy	Vinson
Coady	Heintz	Overstreet	Voigt
Collier	Hensley	Padgett	Volstead
Connally, Tex.	Hicks	Park	Walker
Cooper, Wis.	Holland	Platt	Walton
Copley	Hollingsworth	Polk	Ward
Cox	Hood	Price	Watkins
Crosser	Houston	Quin	Watson, Pa.
Curry, Cal.	Hulbert	Rainey	Weaver
Darrow	Humphreys	Raker	Webb
Decker	Igoe	Randall	Whaley
Dempsey	Jacoway	Rankin	White, Me.
Denison	Johnson, Ky.	Rayburn	White, Ohio
Dent	Jones, Tex.	Riordan	Wilson, La.
Denton	Jones, Va.	Robinson	Wilson, Tex.
Dies	Kehoe	Rodenberg	Wingo
Dill	Kettner	Romjue	Wise
Dominick	Kincheloe	Rouse	Wood, Ind.
Doremus	King	Rubey	Woodyard
Doughton	Kitchin	Rucker	Young, Tex.
Drane	LaGuardia	Russell	
Dupré	Larsen	Sanders, La.	
Elston	Lazaro	Schall	

NAYS—119.

Anderson	Campbell, Kans.	Classon	Dale, Vt.
Ayres	Cannon	Claypool	Dallinger
Bacon	Carter, Mass.	Connelly, Kans.	Davidson
Browne	Cary	Crago	Dillon
Burroughs	Chandler, Okla.	Cramton	Doolittle
Byrnes, S. C.	Church	Crisp	Dowell
Ellsworth	Hilliard	Mapes	Stafford
Emerson	Howard	Mason	Sterling, Ill.
Esch	Hutchinson	Moores, Ind.	Stiness
Evans	James	Mudd	Strong
Fairfield	Johnson, S. Dak.	Nolan	Sweet
Ferris	Johnson, Wash.	Parker, N. J.	Taylor, Colo.
Frear	Juul	Phelan	Temple
Fuller, Ill.	Keating	Porter	Thompson
Gallagher	Kelley, Mich.	Purnell	Tilson
Gallivan	Kelly, Pa.	Ramsey	Timberlake
Gillett	Kinkaid	Ramseyer	Tinkham
Glass	Kraus	Reavis	Towner
Good	La Follette	Robbins	Vestal
Gordon	Langley	Roberts	Walsh
Gould	Lehlbach	Rose	Wason
Graham, Ill.	Lenroot	Sabath	Welty
Green, Iowa	Lonergan	Sanders, Ind.	Wheeler
Greene, Vt.	Lundeen	Sanders, N. Y.	Williams
Griest	McClintic	Sanford	Wilson, Ill.
Hamilton, Mich.	McFadden	Scott, Iowa	Winslow
Haskell	McKinley	Scott, Mich.	Woods, Iowa
Helm	Madden	Shouse	Young, N. Dak.
Helvering	Magee	Snell	Zihlman
Hersey	Mann	Snook	

ANSWERED "PRESENT"—5.

Barnhart	Gard	Knutson	Stephens, Nebr.
Foster			

NOT VOTING—117.

Anthony	Edmonds	Kennedy, R. I.	Pratt
Ashbrook	Fairchild, G. W.	Key, Ohio	Ragsdale
Bell	Fess	Kiess, Pa.	Reed
Bland	Fields	Kreider	Rogers
Blanton	Flynn	Lea, Cal.	Rowe
Bowers	Focht	Littlepage	Rowland
Britten	Fordney	Lobeck	Saunders, Va.
Brodbeck	Foss	Lunn	Scott, Pa.
Bruckner	Francis	McAndrews	Scully
Brumbaugh	Freeman	McCormick	Sells
Butler	Fuller, Mass.	McCulloch	Shallenberger
Capstick	Gandy	McKenzie	Siegel
Carew	Garland	Maher	Sloan
Chandler, N. Y.	Garner	Martin, Ill.	Smith, Mich.
Clark, Pa.	Graham, Pa.	Mays	Smith, C. B.
Cooper, Ohio	Hamill	Miller, Minn.	Smith, T. F.
Cooper, W. Va.	Hamilton, N. Y.	Mondell	Snyder
Costello	Harrison, Va.	Morgan	Steele
Currie, Mich.	Haugen	Morin	Sullivan
Dale, N. Y.	Hayes	Neely	Swift
Davis	Heaton	Nelson	Tague
Dewalt	Hill	Nichols, Mich.	Talbott
Dickinson	Huddleston	Norton	Treadway
Dixon	Hull, Iowa	Olney	Vare
Dooling	Hull, Tenn.	Overmyer	Waldow
Drukker	Husted	Paige	Watson, Va.
Dunn	Ireland	Parker, N. Y.	Welling
Dyer	Kahn	Peters	
Eagan	Kearns	Pou	
Eagle	Kennedy, Iowa	Powers	

So the motion was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. STEELE with Mr. BUTLER.

On this vote:

Mr. DICKINSON (for) with Mr. PAIGE (against).

Mr. MORIN (for) with Mr. KREIDER (against).

Mr. SCOTT of Pennsylvania (for) with Mr. KIESS of Pennsylvania (against).

Mr. VARE (for) with Mr. ROGERS (against).

Mr. DIXON (for) with Mr. TREADWAY (against).

Mr. GARLAND (for) with Mr. CLARK of Florida (against).

Mr. COSTELLO (for) with Mr. SCULLY (against).

Mr. HEATON (for) with Mr. DUNN (against).

Mr. ROWLAND (for) with Mr. HAMILTON of New York (against).

Until further notice:

Mr. WATSON of Virginia with Mr. MCCULLOCH.

Mr. LOBECK with Mr. GRAHAM of Pennsylvania.

Mr. EAGLE with Mr. GEORGE W. FAIRCHILD.

Mr. DALE of New York with Mr. ANTHONY.

Mr. LUNN with Mr. KAHN.

Mr. POU with Mr. MILLER of Minnesota.

Mr. SAUNDERS of Virginia with Mr. MCKENZIE.

Mr. MCANDREWS with Mr. HAYES.

Mr. BLANTON with Mr. BLAND.

Mr. KEY of Ohio with Mr. FULLER of Massachusetts.

Mr. GARNER with Mr. FORDNEY.

Mr. NEELY with Mr. KENNEDY of Iowa.

Mr. WELLING with Mr. PETERS.

Mr. SULLIVAN with Mr. NICHOLS of Michigan.

Mr. OLNEY with Mr. KEARNS.

Mr. MAHER with Mr. HULL of Iowa.

Mr. ASHBROOK with Mr. COOPER of Ohio.

Mr. BELL with Mr. FESS.

Mr. FIELDS with Mr. BOWERS.

Mr. HUDDLESTON with Mr. DYER.

Mr. THOMAS F. SMITH with Mr. POWERS.

Mr. OVERMYER with Mr. ROWE.

Mr. BRODBECK with Mr. DAVIS.

Mr. GANDY with Mr. FOCHT.
Mr. HARRISON of Virginia with Mr. FOSS.
Mr. BRUMBAUGH with Mr. DRUKKER.
Mr. MAYS with Mr. PRATT.
Mr. RAGSDALE with Mr. WALDOW.
Mr. BRUCKNER with Mr. SIEGEL.
Mr. CAREW with Mr. SNYDER.
Mr. FLYNN with Mr. SWIFT.
Mr. HAMILL with Mr. FREEMAN.
Mr. LEA of California with Mr. EDMONDS.
Mr. EAGAN with Mr. BRITTEN.
Mr. DEWALT with Mr. FRANCIS.
Mr. MARTIN of Illinois with Mr. HUSTED.
Mr. CHARLES B. SMITH with Mr. IRELAND.
Mr. DOOLING with Mr. SMITH of Michigan.
Mr. TALBOTT with Mr. BROWNING.
Mr. TAGUE with Mr. KENNEDY of Rhode Island.
Mr. STEPHENS of Nebraska with Mr. SLOAN.
Mr. BARNHART with Mr. MORGAN.
Mr. HULL of Tennessee with Mr. HILL.
Mr. LITTLEPAGE with Mr. COOPER of West Virginia.

Mr. BROWNING. Mr. Speaker, I am recorded as "present." I have a general pair with the gentleman from Maryland [Mr. TALBOTT]. If he were present, he would vote "aye," and I wish to change my vote and vote "aye."

The name of Mr. BROWNING was called, and he voted "Aye."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present, and the Doorkeeper will unlock the doors.

RIVERS AND HARBORS.

Mr. SMALL. Mr. Speaker, pending going into the Committee of the Whole House on the state of the Union——

Mr. MANN. We have just voted to go into the Committee of the Whole. All the Chair can do——

Mr. SMALL. Pending that——

Mr. MANN. "Pending that" is too late.

The SPEAKER. It is not pending.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 4285, with Mr. HARRISON of Mississippi in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 4285) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. SMALL. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. MASON. Mr. Chairman, will the gentleman from North Carolina yield to me for a moment? I want to ask unanimous consent to extend my remarks in the RECORD on the food question.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

RIVERS AND HARBORS.

Mr. SMALL. Mr. Chairman, the majority of the Committee on Rivers and Harbors have directed me to report this bill with entire confidence in its merits, in its necessity, and as an emergency bill which ought to be enacted at this session of Congress.

Mr. MADDEN. I would like to hear the gentleman state what the emergency is, because I would be interested in that.

Mr. SMALL. Mr. Chairman, if the gentleman from Illinois and other gentlemen will do me the honor to listen to me for a brief time, and if I shall be able to express with clearness the thought and convictions which I have regarding this bill, it is my hope that any man who is open-minded and who is genuinely in favor of increasing our facilities for transportation will be convinced. [Applause.]

Mr. MADDEN. I would like to have the gentleman give us some information as to what he means as to these emergency measures.

Mr. SMALL. I will endeavor to discuss that question.

There is necessity for this bill at this session, because since 1910 Congress has passed annual rivers and harbors bills. Each of these bills has been predicated upon the necessity of appropriations for the ensuing fiscal year, just as with other annual appropriation bills. The House passed a river and harbor bill at the last session, but, as is well known, it failed of passage in the Senate, along with the sundry civil, the military appropriation bill, and other measures. So that if the river and harbor bill shall not pass at this session there will be no provision for maintenance or the continuation of improvements for the fiscal year ending June 30, 1918. And if there shall be the lapse of a year great financial and economic loss will ensue to the country.

Mr. STAFFORD. Will the gentleman yield?

The CHAIRMAN. Will the gentleman from North Carolina yield to the gentleman from Wisconsin?

Mr. SMALL. Certainly.

Mr. STAFFORD. I understood from the report of the minority that there were some $31,000,000 or more available.

Mr. SMALL. If the gentleman will wait I will discuss that fully.

Mr. STAFFORD. I would like to ask this question, whether he claims there will be no money available at the end of the forthcoming fiscal year for utilization of the projects that have already been authorized?

Mr. SMALL. I will not say there will be no money——

Mr. STAFFORD. Will there not be millions available?

Mr. SMALL. There will not be. Every appropriation made in this bill is made for purposes which are not covered by the available balances on hand. I will ask gentlemen, if they will kindly do so, to wait until I present the general features of the bill, although I will be very glad in the meantime, if gentlemen think it proper, to submit to an interruption.

If there should be a lapse of a year, there will be great loss ensuing to the country. There will be deterioration of channels. There will be loss in the laying up of tugboats, of dredge boats, snag boats, and other vessels; the discharge of trained crews; the disorganization of other trained forces in the different engineering districts connected with permanent river and harbor works. Many improvements which have heretofore been adopted, other than channels, such as jetties, dikes, retaining walls, piers, breakwaters, and revetment work, will disintegrate and decay unless they are kept in repair. It will cost less to make those repairs promptly than if postponed. The passage of this bill at this session is distinctly in the interest of economy.

I do not hesitate to say that at the beginning of this session it was my opinion that we should pass a river and harbor bill similar to the bill which passed at the last session of Congress, subject only to such modifications as might have been made necessary by the lapse of time or by war emergencies. But it seemed to be the opinion of the House upon both sides that this bill should be confined to such items as could be considered emergencies, so that the River and Harbor Committee at its first meeting, after full discussion, directed the chairman to confer with the Secretary of War and ask him to make specific recommendations within those limitations. And it is not improper to state that the Secretary called upon the Chief of Engineers and directed him to make specific recommendations covering, first, the necessary maintenance items; second, such items for the further improvement of projects as have been heretofore adopted where great loss would ensue if there was a lapse of a river and harbor bill, or were connected with national defense; and, third, such new projects as might be necessary as war emergencies or connected directly or indirectly with the successful prosecution of the war.

Mr. MADDEN. Will the gentleman allow me to interrupt him there?

Mr. SMALL. Yes.

Mr. MADDEN. I would like to have the gentleman enumerate the war-emergency matters he refers to. That would be interesting to the House. I would like to have him state the particular projects.

Mr. SMALL. I will do so in good time. In order that the House may know how this bill has been curtailed, I may refer the House to the fact that in the last bill there were 82 new projects, while in this bill there are only 33, a reduction of 49 new projects from the last bill. I may further add that in this bill there are five new projects which are all a part of New York Harbor and might fairly be considered as one comprehensive project. I refer to the upper bay, opposite Anchorage Grounds, Craven Shoal, channel between Staten Island and Hoffman and Swinburne Islands, Hudson River Channel, and East River and Hell Gate. If these be considered as one, the number of new projects in this bill will be reduced to 29.

In answer to the gentleman from Chicago [Mr. MADDEN], I might say that among the new projects which were not in the last bill are certain improvements earnestly recommended by the Secretary of the Navy and concurred in by the Secretary of War.

Mr. MADDEN. Will the gentleman allow me to interrupt him?

Mr. SMALL. Yes.

Mr. MADDEN. I understood the gentleman to say that there were some new projects in this bill considered as matters of emergency. Now, I want to have the statement made direct as to what these new projects are that are considered as emergency matters.

Mr. SMALL. I will answer the gentleman cheerfully.

Mr. HARDY. Might I be allowed to suggest, evidently the gentleman from North Carolina is coming right along the line that the gentleman asks. Why not let him go along and state it?

Mr. MADDEN. I think I may be able to ask my question without the gentleman from Texas directing me how to do it.

Mr. HARDY. That is true; but why should not the gentleman allow the gentleman from North Carolina to go right along and make his statement?

Mr. MADDEN. The gentleman from North Carolina is 21 years of age and he can look out for himself.

Mr. HARDY. I was just appealing to the gentleman from Illinois to let him proceed in his own way.

Mr. SMALL. I will cheerfully furnish the information. In the naval appropriation bill approved August 29, 1916, there was a provision directing the Secretary of the Navy and the Secretary of War to consider and report to Congress any improvements of harbors or other waterways which were necessary for the successful operation of the fleet for national defense. That report was made on March 29, 1917, and is contained in House Document No. 140, Sixty-fifth Congress, first session, and they recommend 40 feet, for instance, from the lower bay in New York to the navy yard, and also 40 feet through Hell Gate, leading into Long Island Sound. That is a very expensive and a very important improvement, earnestly insisted upon by the Navy Department and included in the bill.

Mr. HULBERT. Mr. Chairman, will the gentleman permit me to suggest this, that a reference to that lower-bay item will be found in the committee's report, on pages 16 to 21 inclusive.

Mr. SMALL. Yes; the gentleman is correct.

The Navy Department also earnestly recommended an increase of depth from 35 feet to 40 feet to the Norfolk Navy Yard. That is in the bill. They also recommended an increase of the depth to 35 feet to the Mare Island Navy Yard by dredging the channel through San Pablo Bay and through Mare Island Straits. They also recommended a deepening of the channel in San Diego Harbor, Cal., so as to remove an obstruction known as Middle Shoals. Those, with some minor recommendations, are all included in the present bill.

Now, as I said, there were at least 49 new projects in the last bill which are not in the present bill. There are also several new projects in this bill, not contained in the last bill, and also increased appropriations for several items carried in both bills, which involve a total increase of $2,489,000. Every appropriation in this bill constitutes an emergency, either for commerce or of national defense, and for the satisfaction of Members who may have been dubious I wish to state that there is no item of appropriation in this bill, either for maintenance or improvement, which was not specifically recommended by the Secretary of war.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Certainly.

Mr. LENROOT. I notice in the majority report a quotation is made from the letter of transmittal by the Secretary of War as to what his directions were to the Chief of Engineers in the preparation of these recommendations. As to the new projects I find this language:

> And that he shall include such new projects as are intimately associated with the question of national defense in a military way.

Now, I want to ask the gentleman if there are any items in this bill in the way of new projects that are not intimately associated with the question of national defense in a military way?

Mr. SMALL. Some of the items are more intimately associated than others; most of them are associated directly with national defense. Others are indirectly connected with national defense in that the improvements are necessary for the more effective movement of commodities which are essential in the prosecution of the war.

Mr. LENROOT. Yes.

Mr. SMALL. And I would like to ask the gentleman whether he is in favor of abandoning improvements of the waterways of the country for the benefit of commerce?

Mr. LENROOT. I am speaking now of new projects. My inquiry was directed only to the question of new projects. Now, I would like to have an answer from the gentleman as to whether or not they have followed the recommendations of the Secretary of War, that new projects shall be confined strictly to such as are intimately associated with the question of national defense in a military way? If they have not, they have not the recommendation of the Secretary of War as to such new projects as do not come within that category.

Mr. SMALL. All new projects as above stated are associated either in a stretegic way or for the movement of products necessary in the prosecution of the war. I will further satisfy the gentleman that this bill has the approval of the Secretary of War. There will be no question about that after I get through.

Now, coming to this bill in some detail, the bill carries a total of $26,893,000, made up as follows:

For continuing and completing improvements, $10,142,400; for continuing improvements and maintenance, $4,742,100; for maintenance alone, $5,002,500; for new projects, carrying initial appropriations of $6,719,000; surveys, and so forth, $200,000; for Waterway Commission, $100,000; for the expenses connected with the purchase and condemnation of the Chesapeake and Delaware waterway, $5,000; making a total of $26,893,000.

The new projects in the bill involve a total cost of $37,978,573. In addition, the committee intend to offer amendments during the consideration of the bill for the adoption of a new project for Portland Harbor, Me., costing $300,000, and also for increasing the depth from East River through Hell Gate to Long Island Sound to 40 feet at an additional cost of approximately $2,180,000. The Canadian Government, through the British embassy, has requested our Government to make this improvement at the harbor of Portland, Me., for the accommodation of large ships carrying supplies abroad during the winter season when the Canadian ports are closed by ice. The increased depth through Hell Gate was urged by the Navy Department. The committee agreed to these amendments after the bill had been reported. The initial appropriations on all the new projects carried in this bill constitute about 17 per cent of the total cost, so that if this proportion of appropriations is carried forward in succeeding bills, they should be completed, on an average, in five and a half or six years. Many of them will be completed at an earlier date.

The surveys in this bill show a diminution from previous bills. This bill provides for only 76 new surveys. In the 1915 bill there were 215 surveys authorized. In the 1916 bill there were 128 surveys authorized. Many gentlemen have been of the opinion that every survey means a favorable report, but a tabulation for the six years ending June 30, 1915, shows that of the surveys previously authorized only 33 per cent, or one-third, had been favorably reported.

Mr. LENROOT. Will the gentleman yield for one question on that subject?

Mr. SMALL. Certainly.

Mr. LENROOT. In view of the statement the gentleman has just made, that only one-third of the surveys are favorably reported on, does the gentleman think that now, when we are in such dire need of every officer that the Government has, we ought to require the Army engineers to be expending time and effort upon making surveys, of which, as he says, not more than one-third will ever receive favorable action?

Mr. SMALL. That involves primarily the question whether in time of war we should abandon the improvement of our rivers and harbors, and whether we should adopt authorizations for examinations and surveys of additional improvements. These surveys are demanded by various sections of the country. They believe they have merit, which can only be determined by a survey. I understand the gentleman to be willing that we should have no river and harbor bill at this session, and that we should abandon our rivers and harbors during this period of war.

Mr. LENROOT. No; I am in favor of maintaining our harbors and such projects as are now in process of construction, and as ought to proceed in order to avoid great loss if they are abandoned.

Mr. SMALL. Is the gentleman familiar with the minority report which has been filed on this bill? If he has it before him, will he kindly look at the first paragraph in the minority report, from which I read this language:

> In these days of national crisis only necessary expenditures should be made for river and harbor work, and these should be based upon the important commercial, military, and naval needs of the Government.

Does the gentleman agree with that?

Mr. LENROOT. Exactly. That is exactly what I say.

Mr. SMALL. This bill provides for only the important commercial, military, and naval needs of the Government, and if the gentleman will listen, he will be convinced. There is evidently

little difference between the gentleman from Wisconsin and the majority of the committee which framed this bill. I am satisfied further that the bill will secure his entire approval.

Mr. HULBERT. Mr. Chairman, will the gentleman permit an interruption for the purpose of propounding a question to the gentleman from Wisconsin?

Mr. SMALL. Certainly.

Mr. HULBERT. I should like to ask the gentleman from Wisconsin if he is in favor of such new projects as are intimately associated with the question of national defense in a military way?

Mr. LENROOT. I am, if that is the fact; yes.

Mr. HULBERT. Is the gentleman in favor, for instance, of such a new project as will admit of the capital ships of the Navy securing admission to our navy yards at all stages of the tide, which they are not able to do now in any navy yard in the United States?

Mr. LENROOT. I certainly am, if the Navy Department recommends that it is necessary.

Mr. HULBERT. I will say to the gentleman that such a recommendation accompanies the report in this case.

Mr. LENROOT. Then I am in favor of that particular proposition.

Mr. HULBERT. Thank you.

Mr. SMALL. And the gentleman will be in favor of the whole bill. [Applause.]

In this bill what is known as the grouping system is amplified. Gentlemen who have studied the bill will observe that there are a large number of items of maintenance and some items of improvement, which are grouped together. This is not a new method in a river and harbor bill. The grouping system dates back as far as the time when Mr. Burton was chairman of the committee, in the early days of his service, and this bill only increases or amplifies the plan. This is criticized in the minority report, and I would like to explain briefly to the committee the reasons for amplifying it. It makes for more economical administration in the expenditure of the appropriations.

To illustrate, there are in this bill a number of groups containing three, four, five, six, seven, and eight projects, carrying a gross sum for maintenance. Out of a group of eight it may be that estimates have been made for only two or three, and yet in the expenditure of the gross appropriation during the fiscal year it may become necessary to expend a part of the sum on one or more of the projects for which no estimate was submitted because some deterioration not anticipated had occurred, due to storm or flood. The grouping plan permits this to be done; otherwise there would be a delay of a year or more, awaiting another river and harbor bill.

Some gentlemen have asked what limitation there was upon the engineers in the expenditure of this money. In answer I may say that the engineers are limited in the expenditure of the gross appropriation for maintenance to those items for which estimates have been made, unless in the meantime some necessity of expenditure for maintenance upon the items for which estimates have not been made shall have occurred.

So that this grouping system makes, as I said, for better and more economical administration.

I wish to say further that it does not lie in the mouths of some gentlemen who filed the minority report to criticize this grouping system because they have in the past advocated a lump-sum appropriation for the maintenance of all the improvements in the country to be allotted and expended under the sole discretion of the Secreary of War and the Chief of Engineers. This occupies a wise middle ground, can be administered fairly, is in the public interest, and makes for a wise and economical administration.

This bill carries a provision for a waterways commission composed primarily of the heads of several departments of the Government in which they are directed to study water in its correlated uses, reaching conclusions and reporting the same to Congress. This commission has no legislative function. Their only province is to submit to Congress the results of their study and deliberation.

The President is exceedingly insistent that this or some similar provision be included in this bill, and, I think, I may with entire propriety give at least one reason for his attitude; that is, he says that the river and harbor bill has been under criticism. Some citizens and newspapers and some Members of this House have undertaken to state that it is a pork-barrel bill, that it is formulated for the benefit of selfish interests, and that unmeritorious items are included in it, and the President is of the opinion that a full and complete investigation of the matter, an independent, impartial investigation, with the advice and aid of all necessary experts, would go far, when such reports should be submitted to the country, in removing these prejudices from the public mind. A majority of the committee hope that the provisions of this commission will meet with the approval of the House.

Mr. ROBBINS. Will the gentleman allow me to ask him a question?

Mr. SMALL. Yes.

Mr. ROBBINS. Under the act of 1892 the engineers of the Government were constituted a commission for this purpose. Is it proposed to abolish them and create this commission, which carries an appropriation of $100,000, in lieu of the other commission, which cost the Government nothing?

Mr. SMALL. The gentleman from Pennsylvania is mistaken. The gentleman evidently refers to the provision in the river and harbor act of 1902 creating the Board of Engineers for Rivers and Harbors. This board reviews the reports of district engineers and special boards.

Mr. ROBBINS. Is it not a fact that in the river and harbor bill a project is not considered unless it has passed the first engineer commission and been approved by the Chief of Engineers? I have had some experience in those matters, and that is the difficulty I always met with.

Mr. SMALL. I think I understand the gentleman. It is sometimes the case that an item in the river and harbor bill specifically requires a special board of engineers to consider it, and that board of engineers examines and makes report in lieu of a single engineer, ordinarily the district engineer. All reports of examinations and surveys by district engineers or special boards of engineers are referred to the Board of Engineers for Rivers and Harbors for review, and they have the power to modify or reject such prior report. The gentleman evidently refers to the Board of Engineers for Rivers and Harbors.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. SMALL. Yes.

Mr. McLAUGHLIN of Michigan. Did not the gentleman from Pennsylvania mean to ask whether or not any project is approved by your committee and appropriation recommended for it if it has not passed through the regular course of the district engineer, the division engineer, the Board of Engineers for Rivers and Harbors, and the Chief of Engineers and has the approval all along the line? Does the gentleman say that the committee recommends no project or improvement which has not passed through that line and received the final approval of the Chief of Engineers?

Mr. SMALL. The gentleman is entirely correct.

Mr. McLAUGHLIN of Michigan. Is the gentleman from North Carolina correct in his answer which he made? The river and harbor bill which passed the House last year provided for an improvement of a river in Arkansas, where the improvement was approved by the local engineer and disapproved by every superior officer, including the Chief of Engineers; and still the Committee on Rivers and Harbors accepted the report of the local engineer and carried the appropriation for the improvement.

Mr. SMALL. Does the gentleman remember the name of the river?

Mr. McLAUGHLIN of Michigan. No; but it was not the river where they could not find the water.

Mr. SMALL. I think I can correct the gentleman and also answer him. The gentleman evidently refers to the Arkansas River. The report there was to the effect that the project be modified to the extent of an annual appropriation of $35,000 to continue for a period of five years, at the end of which time another and final report was to be made as to whether the river was worthy of further appropriations by the Federal Government. That report had the approval of the Board of Engineers for Rivers and Harbors and also the Chief of Engineers. During the day, in order that the gentleman may have the information, I will hand him a copy of that report.

Mr. McLAUGHLIN of Michigan. I want to say that I am in favor of river and harbor improvement, and I am directly interested, representing that kind of a district, and that is why I wish to have these unworthy projects eliminated. That is why I have criticized some of the work of the committee. I hope that I may be accorded the privilege of criticizing it again when occasion offers, but not in any sense in opposition as is evidenced sometimes on this floor to all river and harbor improvement. I wish real improvements made and worthy projects taken care of, and only those.

Mr. SMALL. I thank the gentleman from Michigan for his criticism and for his statement. I want to say now to the House, speaking for the chairman of this committee as long as he shall be chairman, and as I believe for the entire body of the committee, that we will welcome criticism. We will welcome publicity. We will not knowingly bring into this House any un-

worthy projects and we will not bring here for consideration any project which has not had the final approval of the Chief of Engineers. It is our purpose to convince the House and convince the country that a river and harbor bill properly formulated is as necessary for the welfare of the American people and of the Government of the United States as is any other annual appropriation presented to the House.

I hope now if any gentleman has any criticism of this bill he will take occasion during its consideration to express that criticism, only asking that he shall confine himself to facts; that he shall make no erroneous statement; and that he shall deal fairly with it and be intellectually honest in his criticism. I regret to state that has not always been the case with critics of river and harbor bills.

Mr. RAGSDALE. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Yes.

Mr. RAGSDALE. Has the gentleman had occasion to have any dealings with any of the new commissions that have been recently created?

Mr. SMALL. I would rather the gentleman would be specific.

Mr. RAGSDALE. I merely ask the gentleman, if he has; was it before or after the transactions with them that he recommended section 16 for a new commission in this bill?

Mr. SMALL. Mr. Chairman, that reminds me that I intended to say with reference to this commission that gentlemen well know there has been a very insistent propaganda by intelligent, and some of them eminent, gentlemen in and out of Congress for some years for the kind of an investigation which this section 16 provides, and there are many patriotic citizens who believe in river and harbor improvements who have thought that the creation of such a commission would tend to clarify the public mind as to river and harbor improvements and remove an unfounded prejudice.

Mr. RAGSDALE. Is the gentleman himself in favor of this commission?

Mr. SMALL. Oh, I do not think the gentleman ought to have asked the question, but I am always frank, or try to be. I would not have originally proposed a commission in this form, and before I get through, when I come to discuss some remedy for the lack of commerce upon some of our interior rivers, I am going to make a suggestion which I think will answer the gentleman; but, under all of the circumstances, I am in favor of this provision in this bill. Who is there in this House who has not been constrained to yield his judgment upon matters? There is not an intelligent, independent man who can say that a session of Congress has passed when he did not at one time, or many times, feel under compulsion to yield his judgment to the judgment of others in items of appropriation as well as in items of general legislation. I would rather not yield further unless the gentleman has something further to say.

Mr. RAGSDALE. I was going to ask the gentleman this: As I understand it, this section is subject to the point of order, is it not?

Mr. SMALL. I do not think so.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield.

Mr. SMALL. Yes.

Mr. SLAYDEN. If I understood the gentleman correctly, a few minutes ago he said that no bill would be brought in here by the committee as now constituted that did not have finally the approval of the Chief of Engineers. Is not that really transferring to the Chief of Engineers authority to write any piece of legislation pertaining to rivers and harbors, so far as the attitude of the committee is concerned?

Mr. SMALL. I do not think so. We must have engineers to pass upon the technical features. We must have some impartial and independent authority outside of Congress to examine a proposed improvement, to look into its commercial importance, to make a detailed survey, to make estimates of cost, and to report whether in his or their opinion the amount which the improvement will cost is consistent with the benefits which will accrue; but, after all, it is up to Congress as to whether any improvements favorably reported by the Chief of Engineers shall be adopted by the Congress.

Mr. SLAYDEN. It is conceivable that the majority of Congress may differ from the Chief of Engineers as to the propriety or necessity for a particular work, and the gentleman's statement amounts to a declaration that he shall have the power of veto upon any project of that kind, so far as the reports from the committee are concerned.

Mr. SMALL. That is a matter which has been discussed very often, and the gentleman has sympathizers with his view among some Members of Congress, but I think that we have now a very wise condition in the examination of projects before they shall be favorably considered by Congress.

Mr. SLAYDEN. That is true, as to the technical features. The gentleman understands that I do not represent a district that touches the coast, or that has a river of any importance in it, but I do not like the idea of surrendering the control of legislation to an executive officer.

Mr. SMALL. I am in sympathy with the general proposition, but I should like to say that when Congress authorizes a preliminary examination and a survey of any project the Chief of Engineer directs the district engineer to make the first investigation, unless by reason of its importance a special board of engineers is appointed. The district engineer will make a report favorable or unfavorable, and then it goes to the division engineer of the district, and he studies it and passes upon it, and from the division engineer it goes to the Board of Engineers for Rivers and Harbors, consisting of seven distinguished engineers, a majority of whom shall not be below the rank of colonel. They examine it carefully and make their report, and finally it goes to the Chief of Engineers, where it is carefully studied in his office, and it is believed by students of river and harbor improvements that these checks and balances, so to speak, these repeated investigations by able, impartial, and trained engineers constitute a sure safeguard against the favorable reporting to Congress of unworthy and unmeritorious projects.

Mr. ROBBINS. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Yes.

Mr. ROBBINS. I think I did not make myself clear to the gentleman a few moments ago. The act of 1902 provides, with reference to river and harbor improvements, as follows, and I see the gentleman's bill carries a commission with an expenditure of $100,000 to sustain it. I want to know whether the commission is intended to supersede this one; and if so, why?

There shall be organized in the office of the Chief Engineer of the United States Army by detail a board of five engineering officers, whose duty shall be fixed by the Chief of Engineers, and they shall report upon examinations and surveys provided by Congress and all projects with reference to river and harbor improvements heretofore or hereafter provided for.

Mr. SMALL. Mr. Chairman, if the gentleman will pardon me, the act which he cites created the Board of Engineers for Rivers and Harbors, to which I have heretofore referred.

Mr. ROBBINS. Why is not this satisfactory, and why should we have a new board?

Mr. SMALL. As already explained, that board constitutes a court of review, and it is in existence to-day, and to it are referred all reports of examinations and surveys ordered by Congress which have first been made by the district engineer, reexamined by the division engineer, and then referred to this Board of Engineers for Rivers and Harbors.

Mr. ROBBINS. Have they approved this bill?

Mr. SMALL. They have. There is not an item in this bill that has not had the approval of the Board of Engineers for Rivers and Harbors.

Mr. ROBBINS. That is what I wanted to know.

Mr. SMALL. Some reference is made in the minority report to what are called the large balances of appropriations on hand. The minority report refers to those balances and submits the query, Why have a river and harbor bill at this session of Congress with those balances on hand for expenditure by the Chief of Engineers under the approval of the Secretary of War? It is true the Board of Engineers estimates that on July 1, 1917, there will be on hand an available balance of nineteen million eight hundred and thirty-eight thousand and some odd dollars. I thought I understood the situation, but I submitted to the Chief of Engineers an inquiry asking for an explanation of this matter, and I would like to read the reply of the Chief of Engineers, which is very brief. It is as follows:

MAY 26, 1917.

1. In response to your letter of May 25, requesting a statement of the reasons why the existence of the available balances for river and harbor works on March 1, 1917, to which attention is called in the minority report on the river and harbor bill, does not affect the necessity for the additional appropriations proposed in the bill, I have to state that the main and sufficient reason is that these balances all contemplate different work from that proposed with the funds carried in the bill. The details of the operations, both for the funds now available and for those carried in the bill for the fiscal year 1918, are set forth in the annual report for 1916, in connection with each work, under the heading "Proposed operation." It is impracticable, of course, to discuss these operations in detail in this letter in the short time that is available.

2. In many cases there have been appropriations requested for projects where prior appropriations have been practically exhausted. It is impossible in general to meet the needs of one work by use of funds pertaining to another improvement as there is no authority of law for such transfer. You will recall that in the preparation of the bill the items for continuing improvement were limited to those projects where the urgency of the work appeared to be sufficient to require continuation of operations even under existing circumstances. A considerable portion of the aggregate carried by the pending bill is for

new projects, and for these, of course, no money is now available. These new projects were selected with reference to the present emergency.

Very respectfully, W. M. BLACK.
Brig. Gen., Chief of Engineers.

Mr. SWITZER. Will the gentleman yield?

Mr. SMALL. I will.

Mr. SWITZER. I would ask the chairman if this presents any new situation. Is it not the condition at the end of every fiscal year at the time we prepare every river and harbor bill that there is an unexpended balance?

Mr. SMALL. The gentleman is absolutely correct.

Mr. SWITZER. So it is no new condition?

Mr. SMALL. It has always existed at the time when the House was considering the annual river and harbor bill.

Mr. STAFFORD. Will the gentleman yield?

Mr. SMALL. I will.

Mr. STAFFORD. I was much interested in the letter of the Chief of Engineers saying that additional appropriations carried in this bill would be for different work. I did not assume that they would utilize the appropriations of this bill for the same work and go over it twice, and I would like to inquire, however, as the report from the Chief of Engineers states that $19,838,432.37 of past appropriations will be unexpended and not contracted for on July 1, 1917, whether that amount would not be available for contract work during the fiscal year for which the gentleman is now asking the House to appropriate?

Mr. SMALL. The available balances may be expended on the projects only for which they were originally appropriated.

Mr. STAFFORD. I grant you the money could not be utilized for new projects that have not heretofore been authorized.

Mr. SMALL. Nor for the continued improvement of other projects which have been heretofore adopted.

Mr. STAFFORD. Except as to those items or projects to which the money related, but there would be $19,000,000 available for some projects for which money has been heretofore appropriated for the work for the next fiscal year.

Mr. SMALL. I am glad to have the question of the gentleman. These balances which it is estimated will be available on July 1, 1917, can only be expended on the projects for which the appropriations were originally made. But the expenditure of these several available balances has been delayed for several substantial reasons. Many appropriations are made conditioned upon local cooperation or the performance or happening of some subsequent event, which has not occurred or been performed. Let me give the gentleman an illustration of projects of that kind. Here is the Bronx River, N. Y., for which it is estimated there will be a balance on hand July 1 of $315,000. That awaits the transfer of land for right of way. Take Jamaica Bay, N. Y., for which it is estimated there will be $490,000 available. That awaits a condition imposed on the city of New York to dredge an inland basin which has not yet been completed. Flushing Bay, N. Y., it is estimated will have a balance of $80,300. That is to be expended upon the granting of a right of way.

Mr. HULBERT. Will the gentleman yield?

Mr. SMALL. In a moment.

Mr. HULBERT. I wanted to ask if the gentleman could not cite Jamica Bay, which is one of the more important——

Mr. SMALL. I just stated it.

Mr. HULBERT. Which would more accuratedy illustrate the point raised by the gentleman from Wisconsin.

Mr. SMALL. I just stated that.

Mr. STAFFORD. The chairman of the committee just referred to that before the gentleman rose.

Mr. HULBERT. I was interrupted at the moment by an interrogatory.

Mr. SMALL. Take Tennessee River, Chattanooga to Browns Island, for which it is estimated there will be available $514,000. That was conditioned on certain local cooperation, which has not been entirely complied with. In like manner I could recite every project for which there is an available balance and point out some sufficient reason why the appropriation had not been wholly or partially expended. And then, again, many of these available balances as of July 1 are for projects not appropriated for in this bill. I may mention the removal of the Coenties Reef in New York Harbor, $150,000, which has been heretofore appropriated for and is awaiting cooperation from the city of New York, and for the further reason that they have not been able to expend it. Take the upper Hudson River, $860,000, and not included in this bill; Arthur Kill or Staten Island Sound, $429,000; St. Marys River, at the falls, $316,373; San Joaquin River, $140,000; the mouth of the Columbia River, Oreg., $189,000, and so forth. So that this available balance as of July 1 attaches to projects for which the money can not be expended for various reasons or for projects for which there are no appropriations in this bill.

Then I would like to call the attention of the gentleman to the annual report of the Chief of Engineers, the last annual report for the fiscal year ending June 30, 1916, where he will find in the discussion of every item, under the paragraph headed "Proposed operations," a statement of how it is proposed to expend the available balance on hand and how it is proposed to expend the amount for which an estimate is made and for which an appropriation is asked. So all that gentlemen have to do, if they can find any item here where there is an available balance, is to go to the report of the Chief of Engineers and they will ascertain, either because some condition of local cooperation has not been complied with, or some other reason stated, that the expenditure of the available balance has not been made. But the balance is available when it can be lawfully expended.

I hope gentlemen who have any doubt as to the necessity for this bill because of these alleged available balances will seek the facts in the annual report of the Chief of Engineers, when they will be abundantly satisfied.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMALL. Mr. Chairman, may I ask for further time? There are some other matters which I wish to discuss.

The CHAIRMAN. The gentleman asks unanimous consent to proceed for how long?

Mr. SMALL. Thirty minutes.

The CHAIRMAN. Is there objection?

Mr. HULBERT. Reserving the right to object, I would like to ask if it is intended to get to a general agreement with regard to general debate?

Mr. SMALL. We will do that later. But in the meantime gentlemen who wish to discuss the bill will not be denied the opportunity.

Mr. FREAR. Reserving the right to object, which I do not intend to do, I understand we are likely to discuss the bill under general debate all the afternoon. That is the understanding of some who have left the Hall.

Mr. SMALL. There have been several requests for time on my side, and the gentleman from Ohio [Mr. SWITZER] has several requests.

Mr. FREAR. I state that so that we may understand.

Mr. STAFFORD. Do we understand from the chairman of the committee that the bill will not be considered under the five-minute rule to-day?

Mr. SMALL. Directly I will ask the committee to rise and agree upon time. I do not know myself exactly the time which will be demanded.

Mr. STAFFORD. It is now a quarter to 2 o'clock. The gentleman asks for an extension of half an hour, and that will bring the time to a quarter after 2. There are gentlemen who will consume two or three hours. Why can not we have an understanding in the committee, without its having a binding effect, that the bill will not be considered under the five-minute rule to-day?

Mr. SMALL. We will try to have an agreement.

Mr. FREAR. After the gentleman has consumed an hour and a half, is he going to provide for a limitation of time?

Mr. SMALL. As I said a moment ago to the gentleman from New York, I will say to the gentleman from Wisconsin, so far as I am concerned no man who wishes to discuss the bill will be denied the privilege.

Mr. FREAR. Then why deny the privilege?

Mr. SMALL. The gentleman knows that the custom is here, when we are trying to ascertain the time, to try to find out how many wish to speak and how long they wish to speak.

Mr. GALLAGHER. Mr. Chairman, reserving the right to object, I would like to ask the chairman this question: Will there be a disposition on the part of any member of the committee to attempt to shut off the minority in this general debate?

Mr. SMALL. Not on my part.

Mr. GALLAGHER. The Chairman will have had an hour and a half, and why can not we have an hour and a half?

Mr. MANN. You will have that.

Mr. GALLAGHER. He says he is going back into the House.

Mr. SMALL. The gentleman is anticipating a difficulty that will not occur.

The CHAIRMAN. The Chair will state to the gentleman from Illinois [Mr. GALLAGHER] that he desires to and will recognize each gentleman for equal time on each side.

Mr. HEFLIN. Mr. Chairman, is it not the purpose to drift along awhile and hear the Members who feel like discussing the bill, and then agree on time?

Mr. SMALL. I will say that the gentleman from Ohio [Mr. SWITZER], who will control the time on the other side, is not disposed to deny anyone.

Mr. GALLAGHER. Why will the gentleman from Ohio control the time?

Mr. SMALL. Because the gentleman from Iowa [Mr. KENNEDY], the minority ranking Member, is ill.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina [Mr. SMALL]? [After a pause.] The Chair hears none. The gentleman is recognized for 30 minutes more.

Mr. SMALL. I have not yet discussed a few features of this bill, which I am exceedingly anxious to present.

There is a minority report on this bill, signed by six or seven members of the committee. In that minority report certain items of appropriation in this bill are criticized. I may summarize them. They are the Chesapeake and Delaware waterway; the Ohio River; the upper Mississippi River; the lower Missouri River; the Tennessee River; the Cumberland River; the Los Angeles Harbor, Cal.; Richmond Harbor, Cal.; the waterway from the Mississippi River to the Sabine River, La.; the Congaree River, S. C.; and the item for the removal of the water hyacinth.

I want to ask the gentlemen of the minority who submitted this report to make good their contention that any one of these projects are unworthy and ought not to be included in this bill. And I only ask them to state facts, official facts, and indulge in no erroneous conclusions and to be fair about the matter and let us have it out before the House here as to whether or not any one of these items included within this bill is unworthy. I challenge the gentlemen of the minority who have offered this report to do so, and I hope to have an opportunity of listening to them.

I will not take up the time of the House now except to say that all these appropriations are worthy, that they are a commercial necessity, that they stand as an integral part of the transportation system of our country and ought to have the approval of every Member of this House who believes in adding to our instrumentalities of transportation waterways and water carriers. [Applause.]

Mr. SNELL. Mr. Chairman, will the gentleman yield there?

Mr. SMALL. Yes.

Mr. SNELL. As I understand, then, we are taking up projects that have a commercial urgency as well as those having emergency defense features?

Mr. SMALL. Yes; emergency commercial projects.

Mr. SNELL. I understood the Chief of Engineers did not recommend what he considered commercial projects.

Mr. SMALL. The bill contains appropriations for projects which are regarded as commercial emergencies. I would not attempt to mislead the House by saying that every item in this bill is directly essential for national defense.

Mr. SNELL. I understood from the Chief of Engineers that that is what he recommended.

Mr. SMALL. If the gentleman will bide his time, I will satisfy him that this bill has the approval of the Secretary of War, and if he has any doubt with respect to any project in this bill as to its emergency character, as a necessity for commerce or defense, I hope he will point it out.

Mr. SNELL. Well, then, I would like to ask the gentleman about the removal of the water hyacinth, whether that is a war emergency?

Mr. SMALL. That is like the poor; it is always with us. It has been for years in the river and harbor bill, and always will continue to be as long as the water hyacinth grows.

Mr. SNELL. It is said here that eight or nine million dollars has been expended on it.

Mr. SMALL. The first appropriation was made in 1889. The total amount appropriated up to date is $414,330. The water hyacinth is a vegetable growth, not attached to the soil, and it impedes the navigation of streams, so that a steamer can not navigate through it; and in order to remove it, so that navigation can continue, we have carried one or two of these appropriations for years for the removal of the water hyacinth. I was reading not long ago a very lucid explanation by another chairman of this committee, no less than the distinguished gentleman from Ohio, Mr. Burton, who thoroughly explained the necessity of this appropriation. It has been in every bill here for many years.

Mr. HULBERT. Mr. Chairman, will the gentleman from North Carolina permit me to propound a question to my colleague from New York?

Mr. SMALL. Certainly.

Mr. HULBERT. The gentleman, of course, realizes the necessity up in our State of appropriating money for the purpose of removing eel grass, as we call it, from the State Barge Canal?

Mr. SNELL. Yes; but I never knew of the Federal Government appropriating money for it.

Mr. HULBERT. I ask the gentleman if he does not know that up in our State we appropriate money for the removal of eel grass from the State Barge Canal?

Mr. SNELL. I never knew of the Federal Government appropriating anything for it.

Mr. HULBERT. Well, if the Federal Government was maintaining the State Barge Canal as it maintains rivers in the States where the water hyacinth grows, then the Federal Government would appropriate money for the removal of the eel grass.

Mr. SMALL. Let me ask the gentleman from New York a question. Is he in favor of this bill?

Mr. SNELL. I am not sure whether I am or not. But I am in favor of river and harbor improvements as a general proposition.

Mr. SMALL. Now, some gentlemen have said that we should not pass the river and harbor bill during the period of war. The committee has taken the position that we should continue river and harbor improvements both for commercial purposes and for national defense in this period of war. If the gentleman will turn to the majority report, on page 8, they will find there a letter from the Chief of Engineers, containing a memorandum of activities of the belligerent governments during this period of war.

He will find that in France, in England, in Russia, in Canada, while this war has been proceeding, all these countries have been continuing the improvement of their waterways and canals. Even in stricken France, as you will find stated on page 8 of the report—

> The piercing of the headings of the great Rhone Tunnel was finally celebrated on May 17, 1916, by the presence of the French Minister of Public Works, just at the time the battle of Verdun was at its height.

The letter from Col. H. C. Newcomer, Acting Chief of Engineers, is as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, April 20, 1917.

Hon. JOHN H. SMALL,
Chairman Committee on Rivers and Harbors,
House of Representatives.

MY DEAR MR. SMALL: 1. In reply to your letter of the 12th instant, making inquiry as to available data bearing upon the activities of any of the belligerent Governments in prosecuting waterway improvements during the present war, I have the honor to inclose herewith a memorandum which shows some of the activities.

2. The items referred to are all of major importance, and naturally can not be taken as a measure of the entire amount of work which has been done and upon which no special reports are now available. Other large and expensive projects may have been carried on at the same time. These are merely the ones concerning which comments have been noticed.

Very truly, yours,

H. C. NEWCOMER,
Colonel, Corps of Engineers,
Acting Chief of Engineers, United States Army.

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WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, April 20, 1917.

[Memorandum in regard to the activities of belligerent Governments in prosecuting waterway improvements during the progress of the present war.]

GERMANY.

Even now (November, 1916), in the midst of the greatest war the world has ever known, with her resources and energies presumably taxed in defense of national existence, Germany yet finds her waterways so important that she is spending millions of dollars in extending and developing the system. Her canals have proved invaluable in war and indispensable for commercial growth in peace. A number of her cities date their development from the year that navigable canals gave them connection with the sea, and the same is true for great agricultural districts in the hinterland. The history of the commercial growth of these cities and districts is most convincing in this regard. It is evident that, with her magnificent system of government owned and operated railroads, she would have no use for canals if the stock argument as to the uselessness of canals where fair railroad rates can be assured had any force. (Appendix A, State Water Problems Conference of California, November, 1916.)

In April, 1915, the new waterway from the Oder to the Vistula was opened, and in December, 1916, the great Rhine-Hanover Canal was completed, at a cost of more than $60,000,000.

Since the war began Berlin has taken up and prosecuted work on a harbor in the western part of the city, the estimated cost of which is $9,350,000. In view of the fact that she has already spent $8,000,000 on a harbor in the eastern part of the city, it is worthy of note that, although not on a large navigable river, she is investing over $17,000,000 in harbor facilities, mainly to accommodate traffic on canals. (Engineering News, Jan. 20, 1916.)

Leipzig-Berlin Canal: Despite the war work has been in progress on the Leipzig-Berlin Canal. * * * The cost of constructing this canal is estimated at $15,000,000.

FRANCE.

Marseille-Rhone River Canal—Tunnel: The piercing of the headings of this great tunnel was officially celebrated on May 7, 1916, by the presence of the French minister of public works just at the time when the Battle of Verdun was at its height. This canal pierces the high

hills lying to the north of Marseille, and requires a tunnel through rock 72 feet in width, 40 feet high, with a draft for vessels of 10 feet throughout. It is the largest tunnel ever attempted in the world, and $15,000,000 was allotted for its completion. It is about six times the size of an ordinary double-track railway tunnel. Though the war is causing delay, it is hoped the entire canal works will be completed by 1919. (Scientific American, May 9, 1914, and Engineer, Jan. 12, 1917.)

ENGLAND.

Liverpool: The construction of the new 130-foot river-entrance lock has been in progress (1915). The tonnage dredged from the Mersey Bar, Queens Channel, and Crosby Channel during the year ending June 30, 1915, was 14,619,140, and during the year ending June 30, 1916, 17,209,280 tons (about 13,760,000 cubic yards) of material were removed.

Dredgers have also been engaged during the year in dredging operations in the Manchester Ship Canal.

The Dingle training bank on June 30, 1916, was roughly completed for a length of 3,200 feet, and now extends a total length of 4,890 feet. (Engineer, Jan. 7, 1916, and Jan. 5, 1917.)

Tees River: The Tees Conservancy Commission dredged and removed during 1915, 706,902 cubic yards of material from River Tees at a cost of $110,000.

It is estimated that the dredging to be undertaken during 1916 will involve an expenditure of $102,000. (Engineer, London, Mar. 3, 1916, p. 193.)

Port of London: During the year ending March 1, 1915, 835,144 cubic yards of material were dredged from the docks and 2,698,837 cubic yards from the river. The expenditure on capital works during the year was $4,702,424. (Engineer, Jan. 7, 1916.)

RUSSSIA.

Great Russian waterway plans: Aside from extensive railway building, Russia plans a colossal scheme for improving her internal waterway communications. It is to unite in their upper courses by a system of canals—deep enough for large shipping—the West Dvina, flowing into the Baltic Sea, with the Dneiper, flowing into the Black Sea, and the North Dvina-Dneiper into the White Sea. These canals will link together Odessa, Warsaw, Riga, Petrograd, and Archangel, and Moscow, Nijni-Novgorod, Rostov-on-Don, and Astrakhan with the rivers Don and Volga. (Chicago Commerce, Sept. 8, 1916.)

CANADA.

Estimate to complete Victoria Harbor works: In the estimate submitted by the finance minister of the Dominion Government at Ottawa, $1,000,000 was voted to Victoria for the purpose of completing harbor works by the special harbor and river committee. Toronto, St. John, and Quebec secured equal amounts of $1,000,000, Port Arthur and Fort William secured $750,000 each. * * * The main estimates provide for an expenditure of $203,472,765, as compared with $271,015,545 voted last year. (Commerce Reports, Feb. 26, 1917.)

Montreal: At various points along the St. Lawrence ship channel, work that had been begun in 1914 was continued during 1915. Two million dollars was expended by the Harbor Commission of Montreal on general harbor improvements. (Canada—Commerce Reports (1916) Quebec Province, p. 10.)

Halifax, Nova Scotia: The Department of Railways and Canals of Canada completed in 1915 the first unit of a system of six reinforced-concrete piers, the total cost of which will be about $1,125,000. (Engineering News, June 24, 1915.)

Toronto, Canada: An extensive harbor-front development is in progress at Toronto involving an expenditure of about $11,000,000, which amount will be borne jointly by the Dominion Government, the city of Toronto, and the Toronto Harbor Commission. About $1,500,000 was spent in 1914, and probably as much in 1915. (Engineer and Contractor, May 26, 1915.)

Victoria, British Columbia: Harbor developments on an extensive scale are now well under way under the supervision of the Department of Public Works of Canada. The first units in the work are a 2,500-foot breakwater and two large docks in the outer harbor.

The breakwater is expected to shelter a 90-acre area, and will consist of a rubble-mound foundation extending into water 60 feet in depth, surmounted by a superstructure of granite blocks on sea side, protecting a concrete superstructure built on the center line. About 4,400 linear feet of dock front will be formed of concrete cribs, each 80 by 35 feet in plan and 39 feet high, surmounted by a concrete superstructure. This concrete work will rest upon a rubble foundation. (Engineering Record, Aug. 7, 1915.)

Welland Canal: Since November 5, 1914, construction operations have proceeded on a large scale. Excellent progress has been made on all sections of the work under way. These sections comprise practically all the important engineering features of the $50,000,000 enterprise.

These sections involve expenditures as follows:

Section 1. Under way, $3,500,000.

Section 2. Under way and involves 6,500,000 cubic yards of earth excavation, over half of which was removed at end of 1916. Lock construction is also in progress.

Section 3 includes twin locks at three locations and one single lock.

Lock excavation is practically all in solid rock, of which 750,000 cubic yards were removed during 1915. Other excavations included 1,700,000 cubic yards of earth. A total of 30,000 cubic yards of concrete has been done. (November, 1915.)

At Port Weller, on Lake Erie, a total of 3,250,000 cubic yards of material has been removed.

Section 5 is now under way (November, 1915). Over 2,500,000 cubic yards of dry material have been removed. This section involves an expenditure of $1,950,000.

Canada has set apart for expenditures on rivers and harbors during 1916 an amount equal to $2.10 per capita of her population. (National Rivers and Harbors Congress.)

Canada spent during the five years prior to March 31, 1914, an average of $3,965,248 on canals alone, or a total of $19,826,242.

For the two years ending March 31, 1916, she spent an average of $7,610,497 on canals alone, or a total of $15,220,995. To March 31, 1916, Canada has spent on her canals alone a total of $158,112,633.51. (Secretary Rivers and Harbors Congress.)

Mr. HULBERT. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Certainly.

Mr. HULBERT. May I emphasize the fact at this point that while we are loaning billions of dollars to the allies, who are themselves putting their money into the improvement of their interior waterways, particularly of England and France, the minority here would deny to ourselves the expenditure of our money in order to keep up our own inland waterways and the rivers and harbors of our country.

Mr. SMALL. The gentleman has expressed the situation very clearly. There will be found on pages 10, 11, 12, 13, and part of 14 of the report extracts from the Commerce Reports, containing letters of United States consuls reciting other activities of these belligerent Governments in waterway improvements during this time of war. I have here, just given to me this morning from the Department of Commerce, the following statement:

A special report from American Consul General William Coffin, at Budapest, Hungary, was sent to the State Department containing a translation of an article which appeared in the Pester Lloyd of March 21, 1917, written by Eugene von Kavassay, counselor of the Royal Hungarian Ministry of Agriculture, in which it is stated that the Bavarian Parliament voted $155,701,000 for the carrying out of the Danube-Rhine Canal project. This project provides for a canal capable of carrying a 1,200-ton barge, which was submitted to it on January 30, 1917, and this has been followed by a discussion of the question of building a canal connecting the Danube with the Oder.

Bavaria has an area of 29,286 square miles, and its population in 1905 was 6,512,824.

So that gentlemen who contend that we should abandon our interior waterways because we are in a state of war are not, in the opinion of others who are well informed, conserving the best interests of the country.

Mr. HARDY. Will the gentleman yield for a question?

Mr. SMALL. Yes.

Mr. HARDY. Is it not a fact that all those European countries have used their waterways largely for the transportation especially of the cruder class of materials, while in this country, through the charges of pork barrel and other means, the railroads have monopolized the transportation, and of course do not want any water transportation or waterways?

Mr. SMALL. To a large extent that is true.

Mr. FREAR. Will the gentleman yield?

Mr. SMALL. Yes.

Mr. FREAR. I have endeavored to refrain from asking questions; but right in line with that, is it not equally true that the Government of the United States has spent over $150,000,000 in the improvement of one river, the greatest in the world, the Mississippi, and that there is not as much commerce on that river to-day as there is in very small harbors on the Lakes and the coast?

Mr. SMALL. I will come to the Mississippi River in a moment.

Mr. FREAR. That is the answer, which could be elaborated.

Mr. MEEKER. If the gentleman is coming to the Mississippi River I will not take his time.

Mr. SMALL. I will come to that in a little while.

Now, I wish to discuss a phase of this matter in which I hope to make some slight contribution to the subject. Other gentlemen, in the minority report and upon other occasions in this House, have criticized appropriations for certain interior waterways because they said they had not developed sufficient waterborne commerce to justify the appropriation. I admit that fact. I admit, for instance, that there is not sufficient commerce on the upper Mississippi River. I admit that there ought to be more commerce on the lower Missouri, from Kansas City to the mouth. But I ask this question: Ought we to abandon these interior waterways or ought be to adopt a constructive policy which will build up water traffic upon them? [Applause.]

Gentlemen have criticized the upper Mississippi, and I might take that as an example. I talked the other day with a distinguished gentleman who lives in a State contiguous to the upper Mississippi. I commit no breach of confidence when I say he was a former Member of this House. I asked him his opinion about the further improvement of the upper Mississippi and the development of commerce thereon, and he prepared a memorandum, which I am going to ask the Clerk to read from the desk.

The Clerk read as follows:

During this year and the next few years, unless some relief, immediate and effective, is had in the movement of its traffic, there will be great dislocation of traffic in that section of our country tributary to the upper Mississippi River above St. Louis, and even much suffering among the people of that region. The States tributary to the upper Mississippi River constitute one of the largest producing and consuming sections of our country. As a rough estimate, those States should produce this year, if crops be as good as they now promise, nearly 2,000,000,000 bushels of all grains capable of making foodstuffs. A large portion of this must be moved in the shape of raw material or manufactured goods as soon as possible, to feed the people of this country and of the warring nations with which this country is allied. This section is more than 1,000 miles from the seaboard in any direction, so that the haul is long and the opportunities for congestion great in the car movement, and especially at the junctions and tidewater terminals. On the 1st day of May, 1917, there was a net car shortage of 145,449 cars, being a slight increase over April, and the largest reported since the car shortage began last September. If the

same proportion of shortage shall continue this year as existed last year from May until November, the shortage in November, 1917, will be more than 400,000 cars. With the increased movement of freight for the Government and its allies, and a crop production which promises exceedingly well at this time, this car shortage will become increasingly troublesome, and even dangerous, during the busy months of the fall and early winter of this and following years.

The Council of National Defense, with its great ability and its tremendous exercise of power over railroad movement and traffic, whether authorized by law or not, can do much and will do much to ease this situation. The latest estimate was given by Mr. Fairfax Harrison, president of the Southern Railway Co. and chairman of the committee of railroad executives, who said, in an interview in the New York Times of Sunday, May 27 last, that it is to be hoped the various measures of reform and the cooperation of the Nation's railroads under the Council of National Defense may increase the car supply by 30 per cent, or an equivalent of 779,000 cars. But this will not at all solve the problem for the present or following years, because the vast increase of the Government's public business on account of the war in the movement of troops and supplies, and the great increase of crops and industrial traffic will utilize this whole increase of equipment ready for use. Under ordinary conditions, such as last year, there would be a shortage which can only be made good by additional facilities, such as the use of the rivers. The tremendous increase of business for the present and future years will more than require whatever the railroads can furnish.

During the late winter months the elevators at Minneapolis had in storage more than 25,000,000 bushels of wheat ready for shipment and no cars could be had. Many of the country millers of the spring-wheat territory had unusually large stocks of wheat and flour ready to be shipped, and the people of the large consuming sections were desperate in demanding these foodstuffs, even at the high prices of flour in the market places, but they could not be, and were not, distributed. During the last month of May, on one day, in Duluth, more than 2,700 carloads of flour were packed there which could not be moved to its eastern destination because of a congestion somewhere along the line, notwithstanding the clamor of the people for a reduction of the cost of bread. During this period the great terminals and warehouses at New Orleans were not congested and could adequately care for a greatly increased traffic. The export traffic could be cared for at New Orleans better than at New York, because its general traffic is much less and its terminal facilities are proportionately greater, while the domestic traffic to the northeastern points could move, either by rail or by water, on a shorter time and at less expense under present conditions, and the time of transportation from the northern fields to New Orleans by river could be less than from those same fields to eastern destinations under present conditions.

A somewhat similar situation consists as to coal. The twin cities of Minneapolis and St Paul annually use nearly 4,000,000 tons of coal, and nearly as much more is distributed through them to the surrounding productive country. Practically all of this comes up the Lakes, iron ore being shipped from Minnesota to the lower lake ports and coal being brought back as a return cargo. When the navigation season opened this year there was less than 5 per cent of this aggregate of coal needed for the year on the docks of the upper lake ports to supply this section—very much less than for many years past at this season. Navigation on the Lakes is at least a month late now, and there have been delays and congestion in delivering coal to the Lake ports from the eastern mines, still further delaying the transportation of the vast tonnage which will be necessary to enable those people to live. Some of the large coal users of that section are realizing those facts. One of the largest railroads, having its headquarters in the twin cities, is now sending its cars to the Central Illinois mines, 700 miles away, and taking an output from one group of mines of at least 2,000 tons a day to supply its future needs. This would seem to be a great waste upon the car supply of this section and of the country, when those mines are very close to the Mississippi River, which has a clear channel ready for business from there to the destination.

A large iron-producing concern in St. Louis has contracts with the Government for the production of iron, and uses a considerable supply of Minnesota iron ore brought by the Lakes to Chicago and thence to St. Louis by rail at a rate of $2.24 per long ton. If a connection could be established so that the iron ore from the Minnesota ranges could reach the navigable portion of the Mississippi River at the Twin Cities and thence barged to St. Louis and the rail rates from the mines to the river were proportioned to similar rates on that traffic elsewhere, the cost of transportation of such ore should be considerably less than the rail rate now paid from Chicago to St. Louis, and the cost of lake transportation could be saved. Such an arrangement would furnish the iron manufacturers of the lower Mississippi Valley with an adequate supply of Minnesota ore and at the same time furnish the people of the upper Mississippi River the return cargoes of cheap coal, and, more than that, at this time, it would conserve the car supply of the country, which could be put to other uses and help mightily to solve the problem of congestion and car shortage at critical times. In the same way the supply of foodstuffs from the upper river, now congested and needed for export and domestic use, could relieve the congestion of the railroads by using the river, and return cargoes of cotton, sugar, rice, coffee, and such products from New Orleans could relieve the situation of supply and high cost of those States tributary to the upper river.

The Central West has complained that it was not receiving fair consideration in the purchase of Governmental supplies, and at the same time our military experts were advising that production of military and naval supplies should be, as far as possible, in the interior to secure absolute protection.

Not many years ago a flourishing industry in Dubuque, Iowa—the Dubuque Iron Works—produced satisfactory war vessels of the smaller type for the Navy, and the people there were proud of them. Undoubtedly at this time the Government would be glad to encourage such industries in the Mississippi Valley if the people cared to undertake them.

Mr. JAMES. What market would there be in St. Louis for ore from upper Michigan and Minnesota?

Mr. SMALL. Oh, they have quite a large blast-furnace plant in St. Louis for the manufacture of pig iron.

Mr. JAMES. Most of the iron ore comes this way.

Mr. SMALL. Most of it; but it is a fact that they have considerable demand for iron ore in St. Louis.

Mr. STAFFORD. Will the gentleman from North Carolina kindly inform the House who is the author of that most remarkable letter which has just been read from the desk?

Mr. SMALL. Hon. Frederick C. Stevens, of Minnesota, a former Member of the House.

Mr. MOORE of Pennsylvania. A man of very high standing in the House when he was here.

Mr. SMALL. I know of no man better informed as to water-traffic conditions in that section of the country, or in fact in the whole country, than the gentleman from Minnesota, Mr. Stevens.

Mr. FREAR. Is the gentleman aware of any commerce at all in the nature of grain, coal, or any of those articles which have been mentioned by the gentleman who has been quoted here—who is a very able man—which have been shipped through the Mississippi River, and when they have made use of that water transportation?

Mr. SMALL. I am coming to that in a moment. I understand the gentleman wants to strike out any appropriation in this bill for the improvement of the upper Mississippi. I understand the attitude of the gentleman.

Mr. FREAR. Does the gentleman really think that? Has the gentleman any reason to believe it from any statement I have made on the floor?

Mr. SMALL. I do not understand what the gentleman means in the minority report, which I understand he wrote, in criticizing the appropriation for the upper Mississippi unless he wants to strike it out.

Mr. FREAR. The gentleman does me an unwarranted honor in saying that I wrote the report, but I believe in every case there ought to be a sufficient fund for keeping open channel work and have always stated so.

Mr. SMALL. This appropriation only covers the necessary amount to provide for an open channel as estimated by the engineers. I think I understand the attitude of the gentleman; he is opposed to appropriations of money for the continued improvement of the upper Mississippi. I have further evidence to submit as emphasizing the importance of continuing the improvement of the upper Mississippi River. Mr. W. P. Trickett, general manager of the Minneapolis Traffic Association, was recently in this city attending a hearing before the Interstate Commerce Commission, when I sought from him an opinion about this river. He addressed to me the following letter:

WASHINGTON, D. C., *May 27, 1917.*

Hon. J. H. SMALL, *M. C.,*
Chairman Rivers and Harbors Committee,
Washington, D. C.

MY DEAR SIR: Referring to our telephone conversation of yesterday, I am surprised to learn that even a limited opposition exists in Congress against the proposed appropriation for improvement of the upper Mississippi River, and hasten to assure you that Minneapolis and St. Paul, comprising the Twin City market, are deeply interested in the project, and were interested in it long before the present car shortage and general transportation inefficiency began. As proof thereof, the city of Minneapolis need only point to its extensive development of a municipal dock, having a lineal frontage of 1,600 feet. The foundation and sea wall of this facility is completed, and bonds have recently been issued for the temporary housing thereof for immediate use in the handling of river traffic this year.

Our permanent dockage facilities, comprising suitable room for all classes of package freight, will later be provided, as will the most modern mechanical devices for economic loading and unloading of boats. Minneapolis will also install modern elevator facilities for the transfer of bulk grain from cars to barges; that of coal and other heavy bulk freight from boats to cars, our community being determined to spare no necessary expense in this important undertaking.

By a municipal franchise to one of our trunk lines of railroad provision is definitely made for a rail connection between this dock and all industries, tram tracks, etc., throughout the city, thereby insuring expeditious and economic terminal service on all traffic. This rail connection will be provided just as soon as the city completes its plans for permanent dockage facilities along the lines above set forth.

The Minneapolis market, as well as the entire Northwest, will be benefited by the rehabilitation of river transportation, and all branches of our trade and commerce anxiously await the development. The so-called high dam between St. Paul and Minneapolis is complete, except for the swinging of the gates, the Government engineers assuring us that but little further time will be necessary to place the locks in full operation.

Should Congess now fail to make adequate appropriation to carry on the important work along the river between St. Louis and Minneapolis these tremendous expenditures would go for naught, and the upper Mississippi Valley would be deprived of the use of this valuable transportation highway, except under the adverse conditions now prevailing.

Manifestly, therefore, it is the duty of our Government to carry out this river work, for never was there a time when the river as a transportation highway was as necessary as it now is to the upper Mississippi Valley and the Northwest.

This river can be made to do for the Twin City market, particularly the grain market of Minneapolis, what the Great Lakes have done for Duluth. Grain and the products thereof can be so handled from Minneapolis to tidewater at no greater freight cost than usually obtains from Duluth to Buffalo, where it is from 400 to 500 miles from tidewater, and other branches of domestic trade will also be benefited.

Clearly shown in the inclosed statement of facts which I shall introduce Monday before the Interstate Commerce Commission in the case involving the proposed horizontal increase of 15 per cent in all freight rates, are the rate and transportation difficulties under which our market labors to-day. Of course, I could not in this proceeding use the Mississippi River as even a potential factor of rate making, but it is nevertheless a fact that when the proper transportation facilities are placed in operation upon this river between its head and the Gulf of Mexico the benefits to the entire Mississippi Valley will be innumer-

able. And you will also kindly bear in mind the fact that upon cessation of present hostilities, and the restoration of coast-to-coast traffic through the Panama Canal, no transportation instrumentality will do as much to conserve the manufactories of the Mississippi Valley versus those of the Atlantic Seaboard, as will the Mississippi River if properly developed and employed. These central manufacturing cities had before outbreak of the war a touch of these all-water rates' influence upon the all-rail rates across this continent, and realized for a time at least, just how impossible it was to move traffic all rail in competition with the coast cities having all-water facilities and rates. So I say again, that the value of the Mississippi River as a transportation highway is incalculable, and my deepest regret is that I can not absent myself from the proceeding now before the Federal commission long enough to go further into this matter personally with you and your committee.

I thank you, however, for affording me opportunity to make even this hurried and limited statement.

Yours, very truly,

W. P. TRICKETT,
General Manager Minneapolis Traffic Association.

Speaking of commerce on the upper Mississippi, there was for the calendar year 1915, 1,255,000 tons, valued at $52,000,000. What I freely admit is that the commerce ought to be more and that it ought to be more diversified. The point I make is that instead of gentlemen standing here as Representatives who ought to be interested in the development of water traffic, pursuing a destructive course and crying "Pork barrel!" and endeavoring by improper methods to influence public opinion against river and harbor appropriation bills, they ought to be engaged in some constructive activity in order to develop our water-borne commerce. [Applause.] How are we to do it? I would like to discuss a remedy, and it is applicable not only to the Mississippi River but to every other river.

In order to have water commerce there are three essentials. We must have the traffic, we must have the water carriers, and in addition to that there must be certain facilities for transportation of this traffic. We have the commerce. I admit the difficulty in securing sufficient water carriers, but that difficulty may at least be in a part overcome. In addition we must have adequate water terminals. Every city, every landing station upon these interior waterways and upon which water carriers ply, ought to have some sort of water terminal consistent with the water commerce carried, and they should be properly equipped. They should have an adequate area, ample warehouses; they should have equipment for transferring the freight from the water carrier to the warehouse or to the railroad cars, and vice versa; and every one of these terminals should be owned by the public, preferably by the municipalities. It is a matter of fact that upon some of our rivers it costs more to move freight from the water carrier to the consignee and in some instances into the warehouse than it does to move it 100 miles by water. We can only have the water terminals at the instance of public and civic enterprise on the part of the section on whom it is incumbent to construct them, and they must exist if we are to maintain water traffic. Every one of these terminals should have physical connection by rail with the railroads which serve the community.

There is another necessary condition: There must be a system of prorating between the water carrier and the railroads, just as exists between the railroads themselves. You can go to any railroad station in the United States, giving the agent a little time to secure information, and he will give you through rates and a through bill of lading from the local station to any other railroad point in the United States.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. SMALL. Mr. Chairman, I dislike to ask for additional time, but I will ask for 15 minutes more.

Mr. MOORE of Pennsylvania. I ask unanimous consent that the gentleman's time be extended 15 minutes.

Mr. MADDEN. Reserving the right to object, and I am not going to object, I understood the gentleman from North Carolina was going to move to close debate after he got through.

Mr. SMALL. Oh, no.

Mr. MADDEN. If there is any disposition to do that——

Mr. SMALL. I have no such disposition.

Mr. GALLAGHER. It is understood that we are going to have debate.

Mr. SMALL. I hope there will be all reasonable debate on the bill.

Mr. MADDEN. Does the gentleman mean general debate or under the five-minute rule?

Mr. SMALL. General debate; I hope it may be confined to the bill, but I can not control that matter.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SMALL. Mr. Chairman, having admitted that this commerce does not exist to the extent to which it should exist on some of the interior rivers that we have improved or are engaged in improving, it is incumbent on this Congress, as upon every other enterprising citizen in the country, to do his share in establishing commerce upon them. On the 1st of May we had a shortage of 145,000 cars.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. SMALL. Certainly.

Mr. COOPER of Wisconsin. Is it not a fact that more than one railroad has been built in the United States that has proved a financial failure because there has not been business enough to pay dividends upon its stock?

Mr. SMALL. That is true.

Mr. COOPER of Wisconsin. But that does not go to the condemnation of all railroads.

Mr. SMALL. Certainly not. Here is a statement made yesterday by Mr. Daniel Willard, chairman of the advisory commission of the Council of National Defense, in regard to organizing the recently appointed committee on water transportation. He said that, while the railroads are carrying more traffic than ever before, after they had carried up to their limit, or 100 per cent efficiency, there would still be 15, 25, or 30 per cent or more of the traffic offered that the railroads could not carry.

How is that traffic to be carried?

Mr. MOORE of Pennsylvania. Is it not true that James J. Hill made that same statement in 1907 to the National River and Harbor Congress, and that there has been no great railroad development in this country since?

Mr. SMALL. That is true as to the attitude of the late James J. Hill.

Mr. MADDEN. Admitting the truth, as I assume the gentleman from North Carolina does, will the gentleman state to the House that there has been no great increase in the water-borne traffic on the rivers of the United States?

Mr. SMALL. There has been.

Mr. MADDEN. On rivers?

Mr. SMALL. Oh, yes.

Mr. MADDEN. Will the gentleman indicate one?

Mr. SMALL. There has been a very substantial increase in commerce.

Mr. MADDEN. On what river?

Mr. SMALL. Oh, upon the whole the increase in commerce has been very gratifying. I admit that the increase has been mostly upon the rivers along the Atlantic seaboard and on the Pacific coast. The growth has not been so great upon those rivers in the Mississippi Valley; but admitting that it has not grown at all in the Mississippi Valley, I am asking, Shall we abandon those rivers and not continue to improve them, or shall we continue their improvement and adopt such methods as will create commerce upon them?

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Yes.

Mr. COOPER of Wisconsin. Can the gentleman name in the Mississippi Valley one river of any prominence the improvement of which has been thoroughly completed?

Mr. SMALL. I can not.

Mr. COOPER of Wisconsin. If a railroad were constructed and not thoroughly completed, about how much increase in business would there be upon that road, when a portion of the trackage was not laid?

Mr. SMALL. And it had no terminals?

Mr. COOPER of Wisconsin. And it had no terminals.

Mr. SMALL. The question answers itself.

Mr. PLATT. Is it not a fact that the Interstate Commerce Commission kills business upon the rivers by keeping the railroad rates too low? [Laughter.]

Mr. SMALL. Oh, the gentleman has introduced another question which I shall not undertake to present to the committee.

Mr. MOORE of Pennsylvania. And does the gentleman recall that several years ago, and every year when a river and harbor bill has been before the House, the very distinguished and eloquent gentlemen from the vicinity of Chicago have advocated connecting up the Great Lakes with the Mississippi River and urged its development to a 14-foot depth?

Mr. MADDEN. Yes; and I will say to the gentleman, and also to the gentleman from North Carolina, that the State of Illinois out of its own treasury is doing the very same thing that the gentleman from Illinois, referred to by the gentleman from Pennsylvania, suggested.

Mr. SMALL. The thought I have been endeavoring to express is that at this time, even in this stress of war, we ought to continue the improvement of our rivers and harbors. I have stated that this was a meritorious bill; that its passage was necessary in the interests of the country; and I challenge any gentleman who thinks that he can successfully assail any item in this bill to do so in his own good time, either in general debate or when we

are considering the bill under the five-minute rule. Let him make good. [Applause.] And that challenge is to the minority of the committee as well as to any other gentleman.

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption?

Mr. SMALL. Yes.

Mr. COOPER of Wisconsin. The gentleman has just expressed his opinion that these improvements ought to be carried through to completion. Of course, he read in the papers very recently—about 10 days ago—of the completion by France, in the midst of this war, of a very expensive river improvement—the canalization, and so forth, of streams from the Rhone to the Saone?

Mr. SMALL. Yes; and in part by tunneling a mountain.

Mr. COOPER of Wisconsin. Tunneling a mountain, and at the expense of millions of dollars.

Mr. HULBERT. With our money. [Laughter.]

Mr. SMALL. Carried on during this war.

I do wish to present this additional thought before concluding: I spoke of some of the conditions which must be met if we are to develop commerce upon our interior waterways, but, to my mind, there is one other condition. There must be some constituted authority in the Federal Government—some bureau, some board—whose duty shall be exclusively to supervise waterway transportation. I may illustrate: I said a while ago that in the Mississippi Valley there had not been an adequate increase in water-borne commerce.

By the way, I should have excepted the Missouri River. The citizens of Kansas City have exhibited great enterprise. They have built there a municipal water terminal that comes very near fulfilling all the requirements, at a cost of $75,000. They have put their money in a boat line, and are now maintaining that boat line between Kansas City and the mouth of the river, and are establishing a very substantial and healthy commerce. But I repeat that the waterway transportation requires some Federal body for its supervision. We have a Corps of Engineers, and I take it that no one familiar with their capacity and their training would for a moment entertain the thought of dispensing with their services. We need their technical knowledge in all the respects in which it pertains to the examination and improvement of waterways. But we need some central body, who should endeavor to supervise interstate commerce upon our waterways, and I am glad to report that we have just on yesterday made a beginning on that line.

The last military appropriation bill authorized the creation of the Council of National Defense. The provision directed the council to consider and study and report among other things the utilization of waterways. It authorized them to appoint subordinate committees. Under that authority some months ago the Council of National Defense appointed a committee on railway transportation, of which Mr. Fairfax Harrison is chairman. And just on yesterday there was organized in Washington a committee upon waterway transportation, composed of gentlemen who are students of the subject, who have given evidence of their desire to be of public service, and who are going to undertake as an arm of the Council of National Defense in cooperation with the committee on railway transportation to develop waterway transportation and to restore it where it belongs upon these waterways which we have improved.

Mr. HARDY. The gentleman is nearly answering the question I wanted to ask. Would not the Shipping Board created by a former Congress have a tendency to provide the information that this special commission is appointed for?

Mr. SMALL. We created the Shipping Board but failed to confer jurisdiction over transportation on interior waterways.

Mr. HARDY. One thing further. Of course, if an additional commission for railway transportation is valuable, a similar commission would be valuable to help in waterway transportation?

Mr. SMALL. Certainly.

Mr. ALEXANDER. The act withdraws from the Shipping Board jurisdiction over our inland waterways, except the Great Lakes. It does not withdraw jurisdiction over our coastwise traffic, so that to say they have no jurisdiction of domestic water transportation is a little too broad.

Mr. HARDY. Just one further question in that connection. My impression is that the reason they did not take over jurisdiction of the inland water transportation was that the Interstate Commerce Commission had jurisdiction of that transportation.

Mr. FERRIS. Has the gentleman had any information on section 5?

Mr. SMALL. Is that the section in reference to reservoirs at the head of the Mississippi for developing water power?

Mr. FERRIS. Yes. Is the gentleman going to insist on that remaining in the bill?

Mr. SMALL. I will say that is a matter we can take up when we come to it in the bill. That was an amendment offered by the Senate Committee on Commerce to the House bill at the last session. Since this bill was reported by the committee the Chief of Engineers has informed the chairman that if it is to remain in the bill he is not content with the phraseology. He wishes some amendment in order to more effectually protect the Government.

Mr. FERRIS. I may say to the gentleman that I have a letter from the Secretary of War objecting to that section, and substituting another section. If I may be entirely frank with the gentleman, I doubt the advisability of having the bill deal with so intricate a question and one of such far-reaching import as the water-power question at all. The gentleman from Georgia [Mr. ADAMSON] and his committee and also my own committee, as the gentleman knows, have spent four or five years in trying to get some legislation on this subject, and now when it is sought to have an amendment go onto the bill, coming from a committee without jurisdiction, and which is objected to by the department, it seems to me the chairman ought not to insist that it should remain in the bill.

Mr. SMALL. As I said, the language is the same as that proposed by the Senate committee, and after the committee reported it the information came to us that the War Department desired to re-form it.

Mr. ADAMSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from Georgia?

Mr. SMALL. Yes.

Mr. ADAMSON. Inasmuch as the gentleman from Oklahoma [Mr. FERRIS] has referred to the subject and raised the point, I hope the gentleman from North Carolina will permit an interruption.

Mr. SMALL. Yes; I shall, but I hope the gentleman will be brief.

Mr. ADAMSON. I do not use much time in the House, and I hope in this instance the gentleman will spare me a little time. If everybody had worked as hard as I have done and talked as little as I have done we would have been home a month ago, with our work finished. [Laughter.] The gentleman from North Carolina and I have always been good friends. I have dealt fairly with him and he has dealth fairly with me, and, although I have not anything in this bill, yet I hope I may have something in the next bill. [Laughter.] The gentleman has a bill on water power (H. R. 4504) referred to his committee. With that subject two committees of this House—the Committee on the Public Lands and the Committee on Interstate and Foreign Commerce—have had to do for years. I discovered to-day that the gentleman has a part of that item in this bill. I respectfully submit that the gentleman ought to allow the committees that have dealt with that subject heretofore to retain jurisdiction. That is all I have to say.

Mr. SMALL. I would like to say to the gentleman that there has been no agreement to refer the water-power bill to the gentleman's committee, but I will be glad to confer with the gentleman after this bill has been passed. Nobody on the committee has his heart set upon this provision. The committee will pass upon it when it reaches the item, when the bill is under consideration under the five-minute rule for amendment.

Mr. HUMPHREYS. Mr. Chairman, will the gentleman from North Carolina yield?

Mr. SMALL. Yes.

Mr. HUMPHREYS. I notice there are some items in this bill providing for surveys for flood-control matters. I will state to the gentleman that there is another committee, as he is aware, that has jurisdiction over those matters. The River and Harbor Committee has not heretofore exercised any jurisdiction in such matters, as a rule, although the Senate in the past year or two has attempted to put such amendments on the bill.

Now, I want to state this, if the gentleman will indulge me: There are quite a number of applications for surveys with a view to the control of the floods on various streams throughout the country. Those requests and bills have been referred to the Committee on Flood Control, and it is the expectation of that committee, after proper hearing, to make such report to the House as in its judgment ought to be made on the various projects. I was wondering why it was that the Committee on Rivers and Harbors selected three projects for flood control and left out all the others, although they are of equal merit.

Mr. SMALL. I will say to the gentleman that there was no desire to intrench on the jurisdiction of the Flood Control Com-

mittee, and if there is any item of survey affecting flood control exclusively it can be discussed when the bill is read. I recall saying distinctly to several gentlemen who came before the committee, asking that surveys might be included, that they were so apparently within the jurisdiction of the Flood Control Committee that we could not consider them. If there are any items in the bill that are clearly within the jurisdiction of the Committee on Flood Control, it is due to an oversight.

Mr. HUMPHREYS. If the gentleman will indulge me for a moment, I will be called upon, when the items are reached in the bill, to object to their remaining in the bill, because others, as I have been advised, have been excluded from the bill because possibly of my objection, and I do not want to make fish of one and flesh of the others. For instance, as to the Youghiogheny River, the committee ordered that survey with a view to devising plans for flood protection. The question of navigation is not mentioned in that paragraph at all except in the last line, which provides that the amount that the Government is to contribute shall be based upon the value of toll navigation.

Then the item for the Savannah River near Augusta, Ga., seems to have a double purpose—in the interest of navigation and for flood protection. I think there would be no objection to striking out "and flood protection."

Mr. SMALL. I hope the gentleman will wait until we reach those items. I have asked for extensions of time so often that I do not want to ask for further extensions.

Mr. HUMPHREYS. Then there is one in Arkansas, with a view to withholding the floods of the Mississippi River. All of those items are clearly matters that ought to be referred to the Committee on Flood Control, and I hope that when they are reached in the bill the gentleman will make no objection to their going out.

Mr. SMALL. The committee has no disposition to interfere with the Committee on Flood Control, but I will say to the gentleman that every one of these items was in the bill which passed the House last session without any objection from the gentleman from Mississippi. Is not that the fact?

Mr. HUMPHREYS. Will the gentleman yield for a moment?

Mr. SMALL. Yes; but I am anxious to conclude.

Mr. HUMPHREYS. The flood-control bill then was simply a flood-control bill. Now it is the law of the land. After the river and harbor bill passed at the last session, and after the matters were included in the bill at the last session, I took occasion to state on the floor that because the flood-control bill had not yet become a law, and inasmuch as this was the only vehicle by which that legislation could be written on the books, I would not object.

The CHAIRMAN. The time of the gentleman from North Carolina has again expired.

Mr. SMALL. May I have five minutes more? Then I will conclude.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. SMALL. The gentleman will note that I tried to be liberal in yielding, and I ask not to be interrupted again, so that I can get through in these five minutes.

There is only one further statement I wish to present. I said that this bill has the approval of the Secretary of War. We believe that this approval is not necessary to establish the merits of the bill, because the bill on its merits is worthy of the favorable consideration of the House and ought to be passed. But on the day it was reported, on May 9, the Secretary of War wrote to the chairman of the committee this letter:

WAR DEPARTMENT,
Washington, May 9, 1917.

Hon. JOHN H. SMALL,
Chairman Committee on Rivers and Harbors,
House of Representatives.

MY DEAR MR. SMALL: In response to your oral inquiry, and referring to the recommendation that I recently submitted for your consideration concerning the advisability of a river and harbor bill, I have the honor to state that the general subject of the character of river and harbor legislation that should be undertaken at this time was first presented to the President and he expressed his approval of the policy that I proposed to him as a proper one to observe.

This contemplates such work as is required to enable our waterways to continue to play their necessary part in the transportation service of the country, and also to serve urgent military needs. It calls for the appropriation of sufficient sums to provide for necessary work of maintenance in channels already improved, for the more urgent work of continuing improvement of projects already begun, and the adoption of such new projects as are considered necessary under present conditions for military or naval purposes or as part of the program of national defense and preparedness.

The bill that has been prepared along these lines by your committee in conference with the Chief of Engineers and his representatives has my approval.

Very truly, yours,

NEWTON D. BAKER
Secretary of War.

I have this additional letter from the Secretary of War, dated May 31, 1917:

WAR DEPARTMENT,
Washington, May 31, 1917.

Hon. JOHN H. SMALL,
House of Representatives.

MY DEAR MR. SMALL: I have talked with the President personally about the river and harbor bill introduced by you and now under consideration in the House. The bill was drawn upon the plan of taking care of existing projects, the suspension of which would entail substantial loss to the Government, and adding only such new projects as were directly necessary by reason of the war status of the country's affairs. The President authorizes me to say to you that the bill has his approval, as it has already had that of the War Department and the Chief of Engineers.

Cordially, yours,

NEWTON D. BAKER,
Secretary of War.

I have postponed until the conclusion of my remarks the reading of these letters from the Secretary of War. I have desired to discuss this bill upon its merits and not to rely entirely upon the recommendation of the Secretary of War or upon the approval of the President. It was my purpose, as best I might, to endeavor to present to the House the reasons which constituted the merits of this bill and which made its adoption at this session a public necessity. But certainly if it is a worthy bill and entitled to the support of the House, then the recommendation of the Secretary of War and the approval of the President constitute an additional argument which assuredly does not weaken, but makes the bill stronger. [Applause.]

Mr. FREAR. Mr. Chairman, the gentleman from North Carolina [Mr. SMALL] has advised us that the President and Secretary of War favor this bill. The answer given by the gentleman from Illinois [Mr. MANN], in response a moment ago, is the only answer necessary to the statement that either the Secretary of War or the President of the United States approves this bill. I would not want to believe that the President of the United States, if familiar with the contents of this bill, would express his approval of it, or, with the understanding of the minority of the committee as to the character of this bill, that the Secretary of War would approve it.

Mr. JAMES. Will the gentleman yield?

Mr. FREAR. I would like to make my statement first.

Mr. JAMES. Just one question right on this subject.

Mr. FREAR. Yes. I yield to the gentleman from Michigan.

Mr. JAMES. We heard the gentleman from Oklahoma [Mr. FERRIS] state that he had a letter from the Secretary of War objecting to section 5 of this bill.

Mr. FREAR. Yes; he so stated.

Mr. JAMES. That shows that very evidently the Secretary of War has not read the bill.

Mr. FREAR. I concede the gentleman's position. It is probable the Secretary of War never read the bill. I now desire to go on with my statement, in order to present some matters which have led the minority members of the committee to oppose the bill.

It will accomplish nothing to pretend to misunderstand or to misstate the position of those who are opposed to this bill or to put words that are not true into the mouths of Members on this floor. This House is honest and fair in its judgment in such matters and not easily misled. I did not expect to take time of the House in general debate. I confess I may have taken more time in the past than I ought in the disclosure of the terms of recent river and harbor bills; but at the outset let me remind you that while the bill of 1914, appropriating $53,000,000, passed this House over vigorous opposition, and we could not get a roll call upon it, that the bill eventually was defeated in the Senate and a substitute bill appropriating $20,000,000 was passed, a saving to taxpayers of $33,000,000 in that one bill. Let me further remind you that the bill that followed in 1915 appropriated nearly $40,000,000, and when I opposed it in the House you laughed again at the presumption. Yet it was also defeated in the Senate and a $25,000,000 substitute was passed. Let me again remind you, gentlemen—and I do not assume any credit for myself—that over $47,000,000 was saved to taxpayers by the modifications secured in these two bills. Those who were opposed to these bills, whether in the House or Senate, gave their reasons upon which their judgment was based.

The next bill, that of 1916, last year, went through the House; but 133 votes were cast against it. Some gentlemen on the floor made jocular remarks as to my own opposition to that bill, because I was charged with standing practically alone, but we

had 133 votes against it when the votes were counted. It passed the Senate by one or two votes only, and a substitute bill in 1916 was only defeated in the Senate by one vote.

Then, the last river and harbor bill, early in 1917, was passed by this House with 132 votes against it, but was defeated in the Senate. That is the third bill, this time carrying $38,000,000, that was defeated in four years. Five members of the United States Senate committee signed the minority report against the 1917 bill. Yet the gentleman who is at the head of the river and harbor lobby sent a statement to the press of the country that the 1917 bill was the best bill that had passed the House in years. That bill was defeated in the Senate, together with a bill which passed the House at the same time for $38,000,000 for the construction of public buildings. Over $100,000,000 has been saved to the Government and to taxpayers by the defeat of these four bills and no legitimate public interest has been injured. You ask, Why oppose these bills? Call them pork-barrel bills if you want to.

The hardest names come from those who in the past have supported such measures.

Mr. SEARS. Will the gentleman yield?

Mr. FREAR. I can not now. I will do so later. How many of your projects would be passed into law if they stood by themselves, if separate votes could be had? By combining the membership of this House with 400 items contained in this bill, judiciously distributed all over the country, the bill is calculated to carry itself. Gentlemen from New York are interested in the New York propositions, of course, and the bill as a whole is secondary. Gentlemen from Pennsylvania are more especially interested in the Pennsylvania propositions, and so it goes throughout the country. Members from the Atlantic to the Pacific are interested in the projects which affect their own States or districts.

Mr. HULBERT. Will the gentleman yield for a question?

Mr. FREAR. No; I can not at this time. I will later.

Mr. HULBERT. I want to say to the gentleman——

Mr. FREAR. The gentleman from New York will have his own time. I want to make my statement first.

The CHAIRMAN. The gentleman from Wisconsin declines to yield.

Mr. FREAR. The reason these measures are called pork-barrel bills is because they are omnibus bills, made up of propositions from practically every State, like the public-buildings bill. One hundred million dollars has been saved by the defeat of four bills in the Senate. We did not defeat them here.

Mr. HULBERT. You could not defeat them here.

Mr. FREAR. No; you are right; we could not defeat them here.

Mr. HULBERT. You could not have defeated them in the Senate, if they had come to a vote.

Mr. FREAR. The 1916 bill came within one vote of defeat in the Senate and the 1917 bill was not brought to a vote.

The committee presents a nonpartisan minority report. The gentlemen who signed the minority report constitute a majority of the Republicans on the committee. Two of the oldest Democratic members also join in that report. We are not interested because of any question of partisanship. Surely the gentlemen who signed the minority report were not misled. They are familiar with practically every project in the bill. Their judgment ought to be good, and they say to you the bill ought to be defeated, and give reasons for that opinion.

I care not whether the President or the Secretary of War recommends this bill. They must have been misled by their advisers if so. Our Democratic friends in caucus decided not to try to pass a river and harbor bill this session. I refer to that because the gentleman from North Carolina who preceded me referred to it. Why did you do it then? Why did you refuse to permit a river and harbor bill to be made a part of the program? If that was not a proper procedure then, why is it proper now? If unnecessary then, it is wasteful now. The minority report says that on the 1st day of March last there were $31,000,000 balances of appropriations that had not been contracted for which then remained in the hands of the Army engineers. In addition to that amount there was over $1,000,000 balance left from the fund known as the last lump-sum appropriation, or a total of $32,000,000 that can now be applied to all needed river and harbor improvements. Now, we may assume that the engineers knew on the 1st day of March, 1917, or shortly thereafter, the action of the House leaders and the attitude taken by the majority party in opposition to passing such a bill. The engineers have known the situation from the start, and if they have wasted or exhausted these funds it is their fault and they should be held responsible. They knew that the people of this country are now being taxed as never before in the history of the country, and the people have to pay these bills. Therefore we may assume the balances are practically intact. Every proposition that is a preparedness proposition will stand on its own feet. If it is a new project, bring it in to the House and it will be passed unquestionably if meritorious—no one will oppose it. But when under the guise of preparedness we seek to cloak such a proposition as the Congaree River or the Chesapeake and Delaware $12,000,000 bankrupt canal, I tell you gentlemen it requires a wide stretch of the imagintaion.

There are features in this bill which are worse than any bill that has preceded it, in my judgment. The grouping system, which the gentleman from North Carolina who preceded me commended so highly, means simply this: Heretofore we have been able, in taking up river and harbor bills, to say here, for instance, is a proposition on which there is no commerce and upon which the Government has been spending thousands or millions of dollars possibly. Under former bills that project could be exposed. Now it is covered up. Hereafter, under the grouping system, everything is immune from attack or exposure unless a new project. No matter how worthless the project, this bill groups good, bad, and indifferent projects. It has been said that we must appropriate money lavishly for rivers because other countries now at war have made waterway improvements. Out of $900,000,000, in round numbers, we have expended on waterways in this country, I believe it can be demonstrated over one-half has been wasted. On one little part of the Mississippi River, from the Ohio River to the Missouri, on which we have spent over $18,000,000 for a length of 200 miles, we have expended more money than has been spent on the entire River Rhine, where they have over 40,000,000 tons annually, while the Mississippi, with a greater depth of water, has less than one-half of 1 per cent of that tonnage on the 200-mile stretch. Why? Because we do not control railroad rates and Germany does. They force the commerce on the rivers, while we continue pouring money into the stream without any definite object in view. About one hundred and fifty millions of taxpayers' money in the Mississippi River from St. Paul to New Orleans, and we have lost 95 per cent of the former commerce while spending this enormous amount.

That reminds me, when I am referring to the commerce on the upper Mississippi that the gentleman from North Carolina mentioned, one of the oldest and best captains on the river, Capt. Day, told me that with $180,000 every year he could keep the maintenance of channels in a better condition than they are to-day, and we are asked to appropriate $1,200,000 for the upper Mississippi in this economy measure before us.

There is some small commerce on the upper Mississippi River, and I am not going to distract your attention with individual projects, except to answer the statement of the gentleman from North Carolina that there is over a million tons of commerce on the upper Mississippi River. Two-thirds of all the great value attached to that commerce was for ferriage items, while possibly nine-tenths, or nearly that amount of tonnage, was for brush, stone, sand, and gravel, much of it used for Government work, and all carried on an average of 26 miles only. This stretch of the river is 700 miles long, but the average haul is 26 miles, and two-thirds of the value is for goods carried across the river.

Out of $32,705,000 of 1913 commerce, $6,540,900 was for teams carried across the river, 1½ miles; $5,218,000 was for other live stock ferried across; and, to cap the climax, 6,034 tons of automobiles, 3 miles across the river, $9,545,950. Think of it, over two-thirds in these three items of ferriage. The engineers' report shows 1,974,000 tons out of a total of 2,145,000 tons was for brush, sand and gravel, logs, and ferriage. Most of the brush, rock, and sand was for river work. What do you think of the commerce after expending about $28,000,000 for this part of the river, during which time commerce decreased over 90 per cent? The facts are all set out on page 2437, report for 1914, and the commerce of the Missouri River and other rivers show equally miserable results. The gentleman from Texas [Mr. HARDY], speaking about the commerce on the rivers a few minutes ago, stated that no commerce practically existed on the rivers down there.

Mr. HARDY. Or anywhere else.

Mr. FREAR. That is true, after hundreds of millions of dollars expenditure. Practically no commerce on the Cumberland, upon which the Government has spent $6,000,000; practically no commerce on the Tennessee, where it has spent $11,000,000; practically no commerce on the Mississippi, where it has spent about $150,000,000; practically a small commerce on the Ohio, where it has spent about $60,000,000; an insignificant commerce on the lower Missouri, where it has spent over $15,000,000. I add a few other rivers that speak for themselves.

	Appropriated.	1915 actual commerce.
		Tons.
Upper Missouri	$3,234,083	487
Big Sandy, W. Va	1,655,295	1,039
Cumberland River, Tenn	6,466,767	16,354
Red River, Ark., below Fulton	2,874,687	14,275
Trinity, Tex	2,492,287	1,571
Brazos, Tex	1,990,000	
Arkansas, Ark	3,823,336	12,143
Ouachita, Ark	4,212,869	14,899
Muscle Shoals Canal, Ala	4,632,975	7,982
Hennepin Canal, Ill	7,657,803	7,656

And with such a record the gentleman from North Carolina says we are opposed to waterways because this bill is loaded down with many millions in such projects. No one on the committee is opposed to waterway improvement, but we are opposed to pulling the wool over the eyes of the American people and saying $5,000,000 for the Ohio, $1,550,000 for the Mississippi, $1,000,000 for the Missouri, $1,000,000 for the Cumberland and Tennessee, and other extravagant expenditures, in this bill are required and necessary at this time.

Mr. HARDY. Will the gentleman yield?

Mr. FREAR. Yes. I yield to the gentleman from Texas.

Mr. HARDY. The gentleman is not opposed to water transportation?

Mr. FREAR. No, sir; not by any means. I would favor keeping open channels in all the inland rivers and stop extravagant lock-and-dam projects. Who is my authority for that? The best authority you have anywhere in the United States, Col. Townsend, chairman of the Mississippi River Commission, and he recommends the upper Mississippi, the Missouri, the Arkansas, the Cumberland, and the Tennessee, and 50 other river projects, recommended by Army engineers, all be abandoned except for open-channel work.

Mr. HARDY. Why does the gentleman wish to hold to that if there is no transportation?

Mr. FREAR. We should keep the channels open for those who care to use them, but they will not be used except for a little local commerce until we control the railway rates.

Mr. HARDY. Is not that just the question?

Mr. FREAR. The gentleman is right about it. We have discussed the same question before. We have spent over $150,000,000 on the Mississippi River, the finest river in the world. We have seen its commerce diminish 95 per cent or thereabouts during that time, and to-day it is practically without commerce except that which comes through New Orleans and through the Passes. All the padded fictitious commerce statistics have been exposed, and we will not get commerce if we spend ten times what we have wasted on the Mississippi, because freight is going to seek the railroads until we control the minimum railroad freight rates. With these facts before us, and this wasteful bill again offered, the majority of Republicans on the committee and two able members of the Democratic majority who have joined in the report, say that at this time we ought not to pass this bill. We do not say that a project for preparedness should not be allowed, but we want preparedness and not pork. When these items are brought up under the five-minute rule it may be well to find what items have been placed in the bill under the head of preparedness.

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes. I yield to the gentleman from Missouri.

Mr. MEEKER. Has the gentleman a suggestion as to what amount of this legislation should go through as a war measure?

Mr. FREAR. I will refer to that later. There are over 400 items in this bill, and this bill is supposed to be an economy bill. The bill carries practically $27,000,000. The last bill, defeated in the Senate, carried $38,000,000. This bill is called an economy bill. Let us see if it is what it pretends to be. Six million dollars in the last bill was for the lower Mississippi River. Now, that item of $6,000,000 is carried by the sundry civil bill for flood control, so that is provided elsewhere and taken out of this bill. The last bill of $38,000,000 carried $1,300,000 for the Chesapeake & Delaware Canal. There is $5,000 in this bill for condemnation proceedings for that canal. The liability is incurred, but that amount is taken out. That should also be subtracted. The Government has put between nine and ten million dollars in at the mouth of the Columbia River, and the $38,000,000 bill carried for that project $1,000,000, or $975,000 more than this bill for a legitimate waterway project. That money is withdrawn from a legitimate waterway. Down in the district of the gentleman from North Carolina [Mr. SMALL] is the Norfolk & Beaufort Canal, which is cut to $100,000 from $1,000,000 contained in the last bill. There you have $36,000,000, adding these four items which were contained in the last bill, but have been otherwise provided, or are reduced in this bill. The last bill was $38,000,000, and with these four items deducted there is little to choose from between the bill defeated in the Senate last session and the pending bill. There is a difference of only about $2,000,0000 between this and the other bill. Are we saving anything? No. You have got practically the same propositions in this bill as in the last excepting the new projects. There are thirty-odd new projects. The gentleman from Missouri [Mr. MEEKER] asked how many of these new projects are for preparedness. I am not sure that there is one, so far as I can make out from the reports, but I shall not make that as a positive statement. Those matters can be discussed when items are reached, and it would be an absurdity for me to say what the War Department will consider war necessity, but I will say this that there is not a possibility of fastening preparedness on one-quarter of these new projects, so far as I can understand. I doubt if the actual number will reach more than 3 or 4 out of between 30 and 40 contained in the bill. And of the 400 remaining old projects they are not remotely connected with the preparedness measures.

Mr. LENROOT. Was there not a special board that recommended some five projects?

Mr. FREAR. Yes.

Mr. LENROOT. Are they all included in this bill?

Mr. FREAR. The gentleman is right about that; and let me say that he is referring now, I take it, to Document No. 140 of the Sixty-fourth Congress. I did not care to go into this until later on. There are one or two projects around the city of New York and New York Harbor that, possibly, may be included in this proposition. There is also Boston, Philadelphia, Norfolk, San Diego, and Mare Island. There are, possibly, six projects in this bill. Of course, New York has two or three projects there, but there is a question in regard to the New York project, which we can discuss under the five-minute rule, as to whether they come under preparedness needs. The question is, Do you wish to put millions of dollars into other projects at this time for possible future commercial needs?

Mr. SWITZER. Are not all of these projects the General Board recommended in the bill, except one?

Mr. FREAR. Which one has the gentleman in mind?

Mr. SWITZER. I think Puget Sound is the only one.

Mr. FREAR. The gentleman may be correct; but let us see what the bill provides: Take Boston. How much is it to receive? The new project in the bill obligates the Government for several hundred thousand dollars. How much has this committee given to it out of the $27,000,000, in round numbers, contained in the bill? Not one dollar. The committee simply put that project in the bill without giving it a dollar. It is part of the $40,000,000 assumed in this bill for new projects. What about the Mobile Harbor new project? How much was given by the committee? Not one dollar. We have put the Government under $1,000,000 obligation for the new Mobile project, all part of the $40,000,000 assumed for new projects, and not one dollar appears in this bill. Is not that correct? These are not preparedness items, but are among the 34 or 35 new projects.

Mr. MEEKER. Mr. Chairman, I do not believe the gentleman quite got my question a moment ago. Can the gentleman give the committee an estimate as to how much this bill should carry to do the work that is absolutely necessary in this war period?

Mr. FREAR. That, of course, would reach the judgment of different men in a different way and I would not attempt to state it, but I would say this to the gentleman from Missouri: If the Secretary of War would say that any particular project, mentioning it, is needed for war purposes, and that it will take so much money, and if he will ask for appropriations for these five or six projects recommended or for additional projects instead of for over 400 projects that appear in this bill; if he will take a dozen or a half dozen projects and say that those are the ones needed to be improved for war purposes, I venture to say that not a gentleman upon either side of the aisle will oppose his recommendation.

Mr. KETTNER. In reading the minority report, I took it for granted that the minority indorsed everything with the exception of those items that they mention in their report.

Mr. FREAR. Oh, no, no. There are in this bill $5,000,000 for the Ohio River. We have spent about $60,000,000 in round numbers on the Ohio River, and the commerce has grown smaller and smaller. That is an item which is not a war measure and it has a balance on hand of over $3,000,000.

Mr. KETTNER. That item is mentioned in the minority report.

Mr. FREAR. And there is $1,200,000 for the upper Mississippi and $350,000 for the Mississippi from the mouth of the Missouri down to the Ohio. Practical river men say that $200,000 would do the maintenance work—that is, keeping the channel open. During the 5-minute rule, if called upon, I shall refer to the testimony of the Army engineer who came before us, Col. Newcomer, in which he said that some of the dredges on the Mississippi River are used only two months in a year under the present system of extravagant appropriations. What I mean to say is this: We are appropriating and expending large amounts of money on these projects not needed at this time for commerce or war purposes. Take the Missouri River $1,000,000 item, and what is it for? The Missouri River expenditures are largely for land reclamation. Ninety-five per cent of the expenditures I have shown in the past is for revetment and diking. That is not for dredging the river, and as I have said, we get less than 40,000 tons annually of actual commerce outside of sand carried one mile or thereabouts. That is not for commerce or war needs. Why put that $1,000,000 in the bill? I am trying to answer the gentleman's statement as I go along with these items. There is nothing in the war or commerce situation that warrants putting $600,000 contained in this bill in the lower Cumberland River. We have stricken out the amount of $400,000 we put in the last bill on the upper Cumberland.

Now we have $600,000 for continuing improvements on the Cumberland, and I think the tonnage is something like 16,000 annually on the average after taking out the forest products and sand and gravel. Who says that is for war purposes? Take the Tennessee River, $400,000, contained in this bill. Is it for war or commerce? Where does the commerce come? If you study these commerce reports, you will find Army engineers add in freight cars on the Tennessee River, freight carried down or across the river that is never opened. The cars are sealed, but the freight is counted as river commerce. That is put in to make up tonnage on the Tennessee River. Are any of these items for war? If not, let us use the balances now in the hands of Army engineers to maintain channels. Now, these large items would make a large difference in this bill. Let me say in passing I did not expect to speak but a few moments on this bill or undertake to take part in the general discussion, but when Congressman TREADWAY left last night, and he had to leave, he suggested that something should be said in explaining the position of the minority of this committee. The gentleman who is the ranking Republican minority member [Mr. KENNEDY], who presented this report, is sick, as you know, and he is away two weeks on leave of absence. At this time I am only attempting to put before the committee the general character of this bill. I can not take it up by items until we get under the five-minute rule, and I do not know that I shall attempt to do so then, but I am now trying to show the general status of this bill and why it ought not to pass this House.

Mr. KETTNER. Will the gentleman yield?

Mr. FREAR. I will yield for a question.

Mr. KETTNER. The point I am trying to make is this: The minority report is signed by seven members.

Mr. FREAR. Yes, sir.

Mr. KETTNER. This is the first time the committee has ever held hearings. Why did not the minority report bring in a concrete report that they recommended to the House on which we could vote?

Mr. FREAR. The minority in its report says this bill is so bad it ought not to pass, and that $32,000,000 balances can care for river and harbor work. I should prefer, individually, to offer something constructive. I have suggested a strong commission of experts, as contained in the bill introduced, and not the commission that has been afforded here. What is that commission contained in this bill?

Every man on the floor of the House knows the Cabinet officers will give no more attention to the matter than the Secretary of War or the President of the United States has given to this bill. What else? Who are the other members of this proposed commission? Army engineers who have recommended every one of these 400 projects contained in this bill and hundreds of others, no matter how bad and vicious they are. I am perfectly willing, as I stated, to vote and stand for any proposition the Secretary of War says is for preparedness and necessary for war purposes, but I am not willing to vote for all these projects contained in the bill, some of which are wasteful, and over 400 of which are not war or preparedness items. The gentleman from California says, Why not bring in a constructive program here? The proposition of the minority was this, that there were $32,000,000 on hand on the 1st day of March uncontracted for, some of which could be applied to any project, and therefore it was not necessary to appropriate a single dollar at this time.

Mr. KETTNER. Will the gentleman yield for a moment there?

Mr. GALLAGHER. Will the gentleman yield?

Mr. FREAR. I yield first to my colleague, Mr. GALLAGHER.

Mr. GALLAGHER. Is there anything in the report of the majority that points out any constructive legislation

Mr. FREAR. No. It is the same old bill, and let me say this, and also in response to the question asked by the gentleman from California: There has not been a single proposition offered on the floor of this House to strike out items that has succeeded, and I have offered at least 50 amendments to different bills to strike out what I deemed wasteful items, although the gentleman from California never voted for a single one of those amendments, as far as I remember. Is not that true? We can not strike a project out of this bill? We can not strike anything out of any river and harbor bill? It stands here like a barrel. If we knock out a stave then the barrel falls. That is the result of omnibus-bill legislation. The bill must be defeated entire before any substitute need be offered. That is the only way.

Mr. KETTNER. I know the gentleman does not wish to make any misstatement.

Mr. FREAR. I would not do so willingly.

Mr. KETTNER. I voted with the gentleman in the committee——

Mr. FREAR. I am speaking about on the floor of the House.

Mr. KETTNER. I have stood with him, and I made a motion or seconded it asking to have full stenographic hearings——

Mr. FREAR. I can not yield further.

Mr. KETTNER. Just a moment, if the gentleman will indulge me. The chairman of the committee mentioned a good many projects where money could not be expended. San Diego is one. There are $220,000 available and has been available for a year——

Mr. FREAR. I can not give way for an argument on the San Diego project.

Mr. KETTNER. I am trying to explain——

Mr. FREAR. The gentleman will have time on the floor of the House to show if I have made an incorrect statement. I hold in my hand a balance sheet of engineers showing 19 out of every 20 projects have balances in the hands of engineers that can be used for these various projects.

Mr. KETTNER. Will the gentleman yield?

Mr. FREAR. I can not give way now, because this is the time in which I must make this statement, not for myself alone as much as for those who signed the minority report. The gentleman speaks about San Diego. I have not discussed his proposition. That is the difficulty with this method of legislation. Gentlemen from New York are interested in the New York project, gentlemen from Pennsylvania are interested in the Pennsylvania project; in California, in the Los Angeles proposition or the San Diego project, and here the minority is interested in what? In trying to save the people of this country from a whole lot of wasteful projects which are in the bill and trying to save unnecessary taxation which follows such extravagance.

Mr. HULBERT. Will the gentleman yield?

Mr. FREAR. For a question.

Mr. HULBERT. Does not the gentleman believe that it is his patriotic duty to be as much interested in the New York proposition, which is the New York Harbor, as it is mine?

Mr. FREAR. That is all right. I will say this: If I could only read from the reports——

Mr. HULBERT. The gentleman yielded.

Mr. FREAR. The gentleman has asked his question. I refuse to yield further. I will answer, however, in the language of the engineer who came before the committee. In reply to the gentleman from New York, who was insistent at all times to get his own project through, the 40-foot channel, the engineer said—I am quoting from Col. Newcomer, who answered, on page 5 of the hearings:

> Thirty-five feet is ample for all commercial needs; but the Navy wants the greater depth, and, primarily, that should be provided for from some other fund than the river and harbor fund.

This is in reference to the New York project.

Later on he says—and I will refer to it, although I was not going through it—this is the gentleman who represents the War Department. We could not get the Secretary of War, we could not get the Chief of Engineers to come before us. Who did come? Col. Newcomer, of the Army engineers. He came before us, and here is what he says——

Mr. HULBERT. Will the gentleman yield to me?

Mr. FREAR. I submit, Mr. Chairman, that I have said a number of times that I will not yield.

Mr. HULBERT. I wanted to know the page the gentleman is reading from. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. HULBERT. If the gentleman is reading from a report, are not the members of the committee privileged to know what page the gentleman is reading from?

The CHAIRMAN. The gentleman from Wisconsin has the floor.

Mr. STAFFORD. I make the point of order, that is not a parliamentary inquiry.

The CHAIRMAN. The Chair will state that the gentleman must get recognition from the Chair before interrupting.

Mr. FREAR. Now, I am reading from page 118 of the hearings what Col. Newcomer said on page 118 in reply to the gentleman from New York in regard to his 40-foot project:

It seems to me that 35 feet at Hell Gate is really adequate, for this reason: The depth of 35 feet, with 5 feet of tide, gives you practically 40 feet. The draft of our heaviest battleship contemplated is about 33 feet. It seems to me that 35 feet will answer.

And then he goes on and makes the same statement later on. That is his opinion of the New York item which is considered one of the war items in this bill.

The anxiety of some Members is to get what they can. That is very natural, each gentleman is looking after the item in which he is particularly interested, and I do not blame him.

But, representing the minority, I am saying briefly that this bill is not called for at this time. There is not a single reason that can be advanced to justify this bill or any bill of like character, calling for practically the same amount as the last bill, excepting four projects, two of which are provided elsewhere. It is practically the same as the last bill in amount and character. The gentleman from North Carolina who preceded me said there were a number of surveys in the bill, about 75 in number, I believe. He did not tell this committee that over 100 authorizations that have not yet been surveyed were testified to by the Army engineer in hearings before the committee. The purpose is to take these Army engineers, who ought to be sent to the front to aid in the European war and be engaged in the work of protecting their country, to have them spend their time surveying muddy creeks around this country, many of which have been surveyed time and time again. A hundred authorizations for surveys yet to be acted upon is his testimony. Why, then, put 75 more surveys in the bill? Yet, strangest of all, when the engineer's testimony is read, it will be noted that the colonel insisted that it was a proper proposition, and the surveys ought to remain there. In other words, muddy creeks and other waterways are more important than the war in Europe.

Now, gentlemen, I want to read something to you which impressed me very much the other day, because I am proud to be a Member of this House, and I think more of the standing of this House individually and collectively than can any outsider. I understand the pressure that comes from constituencies demanding that Members support some particular project, and for that reason I resented this article; and yet I want to ask what defense can be made to this statement which appeared in the Washington Star the other day? It is the first editorial, under date of May 27. There are some old Members of the House who are present who have given character to it in the past, strong men who have made their impress on Congress and upon the country. Let us ask ourselves what answer shall be made to this editorial when it says:

THE HOUSE.

Some persons are denouncing the House. Others are pitying it. Poor old House! Once so powerful. Now so impotent. Once the cynosure of all eyes when important legislation was in the making. Now the object of mild curiosity. Real interest is awakened only when the Senate has business in hand. Nobody expects the House to do more than cut out something in the rough for the Senate or a conference committee to put into finished shape. And so on.

In politics we must always allow for exaggerations. There are exaggerations in this sort of talk about the House. It is not nearly so poorly off as its critics describe. On occasions, when it rouses and gets into its stride, it is still a husky and forceful body.

And yet it must be admitted that in the matter of popular interest the House has of late years been losing to the Senate. The Senate has been oftener in the picture. It has been doing some notable things. Some very stirring episodes have been staged in its Chamber. Some filibusters, with far-reaching effects, have been conducted there. All the successful fights on "pork" have been waged there. In many things the Senate has shown high quality for courage, ability, and general legislative resources.

The House is itself responsible for whatever loss of prestige it has sustained. In curtailing the powers and importance of the Speaker, reducing him to the proportions of a presiding officer only, and in limiting debate too often and too radically, thereby giving countenance to the charge from the outside that Members wasted time with their tongues, it inflicted injury upon itself.

The wonder is that the House does not resume its old form. There never was a czar in the Speaker's chair. Randall and Reed and Crisp and Cannon knew how to handle a gavel and promote business, but none was a tyrant in office. Under all of them excellent legislative results were obtained and wide interest in House proceedings maintained. There was some denunciation but no pitying of that body in the public comment. The Speaker should again be the second officer in influence under the Government, and have full scope for the exercise of talents associable with his place.

This very paper, the Star, never opened its columns either editorially or in a news way to a single criticism of any river and harbor bill, to my recollection, although it commends the Senate for its opposition and successful defeat of some of the river and harbor legislation in the past. And yet we can not question but what that is the estimate of many critics, an estimate of the House, which has as able Members to-day as I believe it has averaged in the past. Such criticisms come, in my judgment, because we do not do business in a businesslike manner. "Why," says the gentleman from North Carolina [Mr. SMALL], "do we not offer somthing constructive?" I offered a bill to establish a waterway commission. It would be useless to expect any permanent relief, I am afraid, however, unless we can have a budget system. What kind of a commission? Of Cabinet officers and Army engineers who will report these waterway items as they have in the past? No. Of experts to be chosen by the President, no matter from what party, men familiar with our waterways alone? Oh, no. Men who know and have studied the whole waterway question abroad as well as in this country, men who can make our waterways valuable. That is what I proposed. An expert waterway commission of high standing. That is the only businesslike way in which a man who runs a business would undertake to conduct his business. He would want to get the best experts and not use hit-and-miss politicial methods. Men press their projects hard and often go over the committee if they can not get their projects in the bill. Then they are expected to stand for the bill no matter what it contains.

Mr. REED. Mr. Chairman, may I ask the gentleman a question for information?

Mr. FREAR. Yes.

Mr. REED. I think what the gentleman says is entirely true about there being very little commerce nowadays on the rivers that he mentioned as needing legislation. I ask, Would the country be benefited by legislation that would increase freight rates and drive the commerce to the rivers?

Mr. FREAR. No; I would not say that. I do not think in the long run that the rates would be increased. I take it that where we have the greatest rivers we know of in the world, including the Mississippi, with a 9-foot channel from St. Louis down, they should be taken care of. Competition ought to make low rates, if legitimate. There should be a fleet of ships traversing that river to-day, whereas when we were invited down to Freeport, Tex., to look at a project there, what happened? The chairman of the committee wrote to St. Louis to try and get some boat to take us down. We thought, of course, we would find a boat to take us down a river on which we had expended $150,000,000; but what word did we get? Not a single boat makes the trip except an Army engineer's boat. Barnhart started a boat line, but he had only one or two barges; that is all.

You gentlemen know from your own experience that the Mississippi River, and the Ohio River, and the Cumberland and the Tennessee Rivers, and all those other rivers, have lost in their commerce. The commerce on the Mississippi River has decreased 95 per cent since we began spending $150,000,000 that has gone into it. Is it not time for us to ask what is the reason for this serious situation? Is it time to point a finger of scorn at Members who are trying to bring out these facts and show up present conditions? Is it not time to call a halt on extravagance and appropriate money only for war projects?

I was going to take up the inland waterway, the Chesapeake & Delaware Canal, that has been spoken of in very eulogistic terms, but I notice the gentleman from Pennsylvania [Mr. MOORE] is not here, and I will only mention it briefly. It is a 13-mile canal. What is asked for there? All the way from $8,000,000 to $12,000,000 by condemnation proceedings. What for? I think it was the distinguished gentleman from Illinois [Mr. MADDEN], who made the statement that it was intended to take the seasickness out of the sea. [Laughter.] Surely it is not for war purposes. A 12-foot canal costing probably $12,000,000, that is in the bill.

Mr. FOCHT. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes. I yield to the gentleman from Pennsylvania.

Mr. FOCHT. Do I understand the idea to be conveyed is that all of these projects are to be condemned?

Mr. FREAR. Oh, no.

Mr. FOCHT. Some of them are meritorious, but are we to understand that the criticism which comes from the public and

the necessity for an adverse vote on the part of many of us is because this great American legislative body has degenerated, so far as this bill is concerned, into a little insignificant State legislature, where they logroll for every fellow to get his piece of pork? Is that it?

Mr. FREAR. Yes; I am afraid so. I wish I could state things as concisely and clearly as my friend from Pennsylvania. He has correctly stated the situation as I view it.

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Missouri?

Mr. FREAR. Yes; certainly.

Mr. MEEKER. Does the gentleman believe that the present commerce which is now moving on these waters—does he think that it can be maintained without the expenditure of the money provided for here?

Mr. FREAR. Unquestionably, by keeping open the channels. The channel work is one of the smallest parts of the expenditure that is contained in this bill. Some of these appropriations, or many of them, contain a double item of maintenance and improvement, which are linked together; but, of course, the maintenance is usually a comparatively small item in keeping up a project. The improvement is for projects sometimes costing many millions that they are hoping some time to complete.

Mr. MEEKER. Does the gentleman believe that the Nation can look with any hope of relief to the railroads to relieve this congestion of freight traffic that we now have and will have?

Mr. FREAR. Standing alone?

Mr. MEEKER. Yes.

Mr. FREAR. No. Nor will the rivers of this country ever relieve the congestion. And why? Because there is not a single boat on the Mississippi River to replace that commerce which once existed. Boats can not successfully compete for the freight traffic. Results have proven this to be the case.

Where is anyone to get the transportation facilities? The Streckfus Line subsists only on its passenger business. There is no particular freight carried on that line, or it is very insignificant in amount. I have been on that line and I have talked with the captains of the boats, and I live on that river, and I am interested in it, and I do not want to see it closed up. I want to see commerce on the river, not from dumping money into it aimlessly but by taking up the whole question and acting intelligently.

Mr. MEEKER. I have another question I would like to ask.

Mr. FREAR. Very well.

Mr. MEEKER. Of course, the gentleman is aware of the fact that the city of St. Louis has just now taken over the entire river front from the railroads there and is preparing now new docks for the river?

Mr. FREAR. I understand the city of St. Louis has taken it over from a corporation and that it now belongs to the public.

Mr. MEEKER. In the last campaign in the city, by an overwhelming majority, that movement was indorsed at the election. Here is the next question: If we can not look to the railways for relief in this transportation congestion, which has been increasing constantly during the last half dozen years in the Mississippi Valley, where are we to look if we do not look to the rivers that we have, instead of to new rivers for opening up trade?

Mr. FREAR. Only by intelligent study and management by a competent board. As the distinguished gentleman from Ohio, Mr. Burton, once said, we can better afford to take the money that we now expend on these waterways and buy the freight and burn it and thus save the money that we are spending on the rivers. We have lost 95 per cent while we have spent $150,000,000 on the Mississippi River—my river, in which we are both interested.

Mr. MEEKER. Oh, we are talking about feeding people, not about burning stuff.

Mr. FREAR. We have a half century's experience before us. There are no boats on that river. You have got to guarantee to people that they will have a profit before they will undertake to build boats. Barnhart is the only one who has made the experiment, and he has made a failure, so far as I know, through no fault of his. He could not get freight. I agree with the gentleman from Missouri that the Mississippi River ought to have hundreds of boats on it, both the upper and lower Mississippi, just as it had 40 years ago, but we are doing nothing to get those boats nor to secure actual river commerce.

Mr. SWITZER. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes; I yield to the gentleman from Ohio.

Mr. SWITZER. Does the gentleman say that Senator Burton made a statement like that applying to all rivers?

Mr. FREAR. Oh, no. The Ohio River formerly carried 13,000,000 tons and now it carries only about 4,000,000 tons, so far as we can ascertain from the Engineer's reports.

Mr. SWITZER. The gentleman does not want to make a misleading statement. The 13,000,000 tons statement was gone into by a special board of river and harbor engineers, acquainted with improvements of rivers and harbors. They made a special report, and in that report the amount of commerce was shown to be only 9,000,000 tons. And yet the gentleman continues to refer to it as a 13,000,000-ton commerce. There is about as much commerce on the Ohio River to-day as there ever was.

Mr. FREAR. Now, Mr. Chairman——

The CHAIRMAN. The gentleman from Wisconsin declines to yield.

Mr. FREAR. I want to yield to every gentleman. Of course, you can readily understand where the gentleman from Ohio [Mr. SWITZER] is interested, and properly so. That is natural. But as shown by this last report there is a commerce of about 4,000,000 tons, carried how far? Twenty-six miles on the Ohio River, and we have put about $60,000,000 into it already.

Mr. SWITZER. Will the gentleman yield for a question?

Mr. FREAR. Yes; briefly.

Mr. SWITZER. In order to be fair about it, what was spoken of as 13,000,000 tons of commerce included the ferries.

Mr. FREAR. Yes.

Mr. SWITZER. And if you include ferries it is 9,000,000 tons now.

Mr. FREAR. Yes. I presume that is approximately so.

Mr. SWITZER. But the gentleman is unfair——

Mr. FREAR. No.

Mr. SWITZER. He includes ferries one year and excludes them another year, in order to make an unfavorable comparison.

Mr. FREAR. I did not do that intentionally. The Army engineers formerly included in their report all the ferriage across the river at Cincinnati. They put that in their report of freight statistics.

Mr. SWITZER. The gentleman is in error about that. The engineers never put it in. The statement of 13,000,000 tons was a statement gotten out by people on the Ohio River. They made that error, and the engineers sifted it out.

Mr. FREAR. They never sifted it out until the river and harbor bill of 1914 was brought in on this floor and we showed up the kind of statistics that had been given to the American public under authority of Army engineers, and not until then did they make an effort to find out what the commerce really was. And of the commerce which is there 95 per cent of it is coal, averaging possibly $3 a ton. That is a good deal in amount, but we have put $60,000,000 in there, and we are going to spend a great deal more.

Mr. SWITZER. Why does the gentleman say the commerce there is just coal? Would it not be proper to say in reply that a good deal of the commerce from the gentleman's State is just iron ore?

Mr. FREAR. Yes.

Mr. SWITZER. The gentleman believes that is legitimate commerce?

Mr. FREAR. Yes.

Mr. SWITZER. Is not a ton of railroad iron worth a great deal more than a ton of iron ore?

Mr. FREAR. That is carried about 26 miles on the Ohio River, and commerce at the Lake ports is carried about 700 miles. The little village of Ashland, in my home State, with over 5,000,000 tons of annual commerce, carries more actual tonnage than the Ohio River, a large part of which is sand and gravel hauled less than 20 miles. I think that will be made plain by an examination of the statistics. Not only that, but the Superior-Duluth Harbor, which the Army engineers refused to recognize in this bill, has approximately 40,000,000 tons a year, and is the second harbor in the United States. I believe that in my own State we did not get one one-hundredth part of what you have got here in this bill for the Ohio River—$5,000,000. And yet the engineers have about $3,000,000 balance on hand for the Ohio, according to the statement which I hold here.

Mr. MEEKER. Will the gentleman yield?

Mr. FREAR. Yes.

Mr. MEEKER. I have been out of the Hall for a moment. Do I understand that the gentleman takes the position that none of the expenditures in the bill are necessary at this time?

Mr. FREAR. Oh, no. I would not want to be understood that way.

Mr. MEEKER. Then if the gentleman does not, can he point out to the committee those items which he does consider essential at this time?

Mr. FREAR. I would ask the House to send the bill back to the committee and say that you will not accept a bill which contains all these wasteful items. Let them strike out the Congaree River and many others of like character. I do not want to mention them. That $100,000 was put in after the committee had practically ceased its labors. After we have spent over $600,000 on the Congaree River, we have secured about 4,000 tons of commerce on it. In 1914 there were three steamboats on the river and in 1915 two steamboats and last year we got down to one old stern-wheeler, but the committee has just added $100,000 for that river in a new project in this bill.

Mr. RAGSDALE. Will the gentleman yield?

Mr. SWITZER. Does the gentleman contend that there is need for an appropriation this year for Ashland and Fond du Lac?

Mr. RAGSDALE. Will the gentleman yield?

Mr. FREAR. I yield to the gentleman from South Carolina.

Mr. RAGSDALE. The gentleman has referred to the Congaree River especially.

Mr. FREAR. I did not want to do so particularly.

Mr. RAGSDALE. Then, if the gentleman did not want to, I will not ask him to make any further statement.

Mr. FREAR. The question was asked me as to particular projects. I do not care to mention them at this time, because if they are mentioned it simply calls out the Members who are interested in these rivers. I do not blame them at all for that, because the rivers are in their States.

Mr. RAGSDALE. I can only say this to the gentleman, which he probably has not studied about: That the coastwise trade has been depleted of the vessels that formerly came to Georgetown, S. C., and other ports, which has made it impossible to deliver the freight that formerly was taken into the interior. The conditions which now exist are not because of a lack of freight, but because of a lack of facilities to transport it, as the gentleman will find out if he will kindly look into the facts.

Mr. FREAR. I am familiar with the facts, and I will tell the gentleman this: That if he will look at the statistics of the Congaree River for 1914, 1915, and 1916, as I now remember them, they total about 12,000 tons of actual commerce, which shows that they average about 4,000 tons a year. That is practically the same tonnage that the river has now. That is, of course, taking out the logs and timber products which float. So that the average is about the same all the time.

Mr. RAGSDALE. The gentleman knows that a large part of the falling off in freight there is due to the wharfage conditions at Columbia——

Mr. FREAR. Yes.

Mr. RAGSDALE. Which, if relieved, will absolutely give a volume of freight that will justify these expenditures.

Mr. FREAR. Oh, $600,000 have already been spent there. It is admitted in the hearings, and, of course, it is a fact, that there is no wharf at Columbia. Yet this boat has been going up there all these years, and $600,000 has been spent by the Government, while no wharf was ever built at Columbia. A wharf will not do the business, nor will $100,000 contained in this bill. The Wateree River does not offer any commercial reports, yet we spent over $200,000 on that. Your State—South Carolina—is no worse, I was going to say, than my State and lots of others.

Mr. RAGSDALE. With all due deference to the gentleman, I do not think he is quite fair to my State, to say that it is no worse than his.

Mr. FREAR. Then I will admit with pleasure that in many respects it is quite as good.

Mr. REED. I have seen the statement made that the Government could take the money that is expended for interest on the investment, and the pay of the lock tenders and the engineers, and the cost of maintenance of the improvement, and ship all of the tonnage as freight by rail, and then have money in the Treasury left. Is that true?

Mr. FREAR. I would not want to vouch for some other man's statement. But the gentleman would be surprised to find, of the $900,000,000 that has been expended for improvements, how little we can show in results. Over one-half has been wasted, I believe, according to the reports. Yet we are criticized because we suggest that this bill ought to be corrected, and there is only one way to correct it—you can not drive anything out of the bill; you will not be able to drive a single project out of it—the only way to correct it is to defeat the bill and put through an appropriation for immediate necessities. I would vote for any project that was for immediate preparedness that would meet with the approval of the Secretary of War. The Secretary of War does not know what is in this bill, as the gentleman from Illinois well says. He has not read it over, and if he did he could not understand it, because it takes study. It has been studied by the majority as well as by the minority members of this committee, and when we think we know it well there is much more to learn.

Mr. HELM. Will the gentleman yield?

Mr. FREAR. For a question.

Mr. HELM. How do all of these unmeritorious propositions get by the board of Army engineers?

Mr. FREAR. If the gentleman will explain how the $4,000,000 got into the Kentucky River in this bill over in his own district, which has no commerce on it, I would be glad to answer the question.

Mr. HELM. I am asking purely for information.

Mr. FREAR. I appreciate the gentleman is asking for an honest purpose, but that involves a proposition I would prefer not to discuss at length.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. FREAR. Mr. Chairman, I ask unanimous consent for 15 minutes more.

The CHAIRMAN. The gentleman from Wisconsin asks that his time be extended 15 minutes. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, how much time has the gentleman occupied?

The CHAIRMAN. One hour.

Mr. FREAR. I have been asked a good many questions, and here is an important question, and the gentleman who preceded me had an hour and 50 minutes.

Mr. MOORE of Pennsylvania. I will not object to the gentleman's extension.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FREAR. Now, let me read the gentleman something which will explain this far better than I can, because this comes in a statement after the last river and harbor bill was held up in the Senate. Col. Townsend, president of the Mississippi River Commission, who is an able man, although we can not agree with all of his projects, Col. Townsend said that the Missouri River $20,000,000 new project ought to be stopped. He and Col. Deakyne so recommended. There is a 500,000 acre reclamation project on the Lower Missouri River, and Col. Black, who had only been on the Missouri River once in his life, according to the statement by Senator HUSTING in the Senate—Col. Black, now Gen. Black, overruled the others. Why?

Mr. BORLAND. Gen. Black did not do that alone; he was assisted by several other officers. The board consisted of seven other men. It was their judgment against one man.

Mr. FREAR. They overruled Col. Townsend and Col. Deakyne. As I say, Gen. Black was on the upper Missouri River but once. The same situation occurred on the Mississippi River. The dam at Keokuk was required to let out its waters and orders were given to let out 2½ feet, so the Army engineers could go up. The water was let through the dams. And yet we have spent $28,000,000 on the upper river—for what?

Mr. HELM. Will the gentleman yield for a further question?

Mr. FREAR. Yes.

Mr. HELM. During the time I have been a Member of the House days have been spent in the same kind of opposition coming up annually, and how is it that year after year, year in and year out, these unmeritorious propositions are O. K.'d and vouched for by this board of Army engineers. Further, is it the same board; and, further, if it is a commission, how can you expect to get better results from a commission than you can from a board of Army engineers, who are always supposed to be men of the highest honor?

Mr. FREAR. The Army engineers are as honest and as high-class men as you can find. But from the very day that they are sent to West Point, from the very day they received their appointment, they were under political influence and have been surrounded by political influence. After they become engineers they are surrounded by great pressure. The whole delegation, consisting of 11 different Members—2 Senators and 9 Congressmen—in the case of the Cumberland River, went to these engineers and got them to change their report. Political pressure is brought to bear. You could not bring it to bear on the Interstate Commerce Commission, and until you substitute some such method you will not get very far in dealing with the waterways situation.

Now, the gentleman from North Carolina [Mr. SMALL] stated that I was not in favor of waterway improvement. Of course those things do not mislead the House at all. Any man who seeks to be fair will never gain anything by taking such a position. I desire to say that I believe we ought as soon as possible to take advantage of the wonderful facilities that we have in this country for waterways and waterway transportation. Of course we can not expect to substitute the old stage coach back again for the locomotive, and we can not substitute the river and canal for railroad traffic. Ninety-five per cent of the traffic has been lost, but we can doubtless regain it to a great extent if the problem is met intelligently and as an economic proposition.

Harbors are utilized, and it is right that liberal appropriations should be made. These are things that we all want and ought to support with reasonable appropriations. Everyone is in favor of that, but when we get a bill like this, with 400 projects containing local improvements, of no particular waterway value and of no war value, it becomes a different thing. By the way, the Army engineers can take money that goes into the group system provided for in this bill from one project and put it into another, and we are helpless. Gentlemen complain about lump-sum appropriations, but you are asked to lump the appropriations here in a group. It is impossible to find out how much money goes to this project or to that project, because the Army engineers are enabled under this group system to make any appropriation and apply it to any project.

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. MEEKER. Are we to be left in this position in the House this year now in this emergency, that neither from the minority nor the majority, nor from the War Department is this Congress to be told how much of this money should be appropriated for these urgent needs during the war?

Mr. FREAR. Mr. Chairman, the gentleman would not expect me to say how much money is to be appropriated. The gentleman knows that I would not assume to say what is the correct amount, nor would any other member of the minority. I say this to the gentleman, and I say this to the House, and I speak, I believe, the sentiment of every one of the seven members who have signed the minority report. If the Secretary of War will send word to us, not that this bill is right—we have seen that it is not and we know that it is not—but if he will say certain items ought to be cared for and additional money is necessary, we will grant it. I insist the engineers have a balance of $32,000,000 on hand. If any more is necessary, the House will vote for it, but not for a bill like this that we have looked over and know is not right, either from a war or commercial viewpoint. In the Senate they passed, in 1914, a $20,000,000 substitute. The bill called for $53,000,000. The next time the Senate passed a $25,000,000 substitute, yet our bill that passed the House was for $38,000,000. That substitute amount was placed in the hands of the Army engineers. People say, "Why do you trust the Army engineers who have failed in the past to satisfy in regard to these other projects?" You can not do anything else. You have got to do so in the final analysis, or you must have a different system.

Mr. MEEKER. If the gentleman will yield to an observation instead of a question——

Mr. FREAR. Yes.

Mr. MEEKER. It does seem to me that if this group of men in the minority have squared themselves away to fight this bill with all their might, they at least should come here with a substitute that we men can follow. [Applause.]

Mr. FREAR. We have never done that in the history of the House or the Senate. The House has waited until the bill was discussed, and then has had offered a substitute and that has been passed. That has always been the history of legislation. I had not expected to talk here to-day, as I stated. The gentlemen who were fighting it vigorously are not here—the men who expected to talk. I do not believe it would be proper to suggest my own views on this particular question of a substitute, because I can not speak for the minority members as to that.

Mr. O'SHAUNESSY. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. O'SHAUNESSY. I want to say to the gentleman that I have listened to him with a very great deal of interest. Is the Board of Army Engineers condemned for the first time to-day? In saying that I will say that I have never heard them condemned before. I have always heard them cited as a justification for the river and harbor bills. It is news to me that they have been subject to political influence.

Mr. FREAR. Of course the gentleman opens up a proposition in saying that they have been condemned here for the first time. The Army engineers stood for the old Trinity River project and the old Brazos River project, and I can go over a number of projects of like character and show them to you. They stood for the old Kentucky River project on which we spent $4,000,000. They stood for the Big Sandy project and for the Hennepin Canal in Illinois where we spent over $7,000,000 and have no real commerce. They stood for all of these things. The gentleman says, "Are they condemned for the first time?" I am simply stating the fact as shown by the Army engineers' report.

Mr. O'SHAUNESSY. Then your statement is simply an indictment of the system under which we suffer and an indictment of our West Point Military Academy.

Mr. FREAR. Oh, no. Does the gentleman believe that these projects I have cited ought to have been carried on?

Mr. O'SHAUNESSY. I am absolutely against them, but I am trying to figure out how a man whom we send to West Point, whom the public educates, will stand for this kind of business. I am trying to get down to the nub of the thing.

Mr. FREAR. I thought I had explained it. We know this, that they have indorsed these projects. We know this, that they are very high-class men but they have indorsed projects good, bad, and indifferent, as shown by the reports.

Mr. HELM. Could you get a project in without the indorsement of the Army engineers?

Mr. FREAR. Oh, no. They must approve under the practice.

Mr. HELM. Except by amendment upon the floor?

Mr. FREAR. Except by action on the floor.

Mr. HELM. So that the entire fault goes back to the Army engineers?

Mr. FREAR. No, it goes back to the system.

Mr. HELM. An absolute prerequisite to an item in every one of these river and harbor appropriation bills is the O. K. of the Army engineers.

Mr. FREAR. That is what you have now. What I say is this: We must get rid of the system, and take men who are experts, as on the Interstate Commerce Commission, who are not governed by influences brought to bear constantly on the Army engineers, and I am not criticising them, for they are high-class men.

Mr. O'SHAUNESSY. What induced my statement was this: I have heard it said not only in this Chamber, but outside of the Chamber, that these are men in the Army, that they have positions for life, and that they are not subject to political influence, and that we can rely upon their statements, and in whose statement can we rely, in Heaven's name, if we can not rely upon theirs?

Mr. FREAR. That is, in my judgment, for men who understand the business end of this question. These gentlemen know nothing about commercial needs, as evidenced by dozens of projects to which I have directed attention in the past.

Mr. O'SHAUNESSY. Then we ought to send them to a commercial school.

Mr. FREAR. Perhaps the gentleman is right about that. The facts speak for themselves.

Mr. GALLAGHER. Is there not a commission provided for in this bill to take that work from the engineers?

Mr. FREAR. Yes; and probably to change the system, but I am afraid of the system proposed in the bill, because that will get back to the Army engineers.

Mr. GALLAGHER. But provided the President is behind this.

Mr. FREAR. I understand the President is behind this bill, but he does not know what is in the bill, I warrant.

Mr. O'SHAUNESSY. How many engineers will be diverted from war work and sent to this work under this bill?

Mr. FREAR. I could not say, but there are between 60 and 70 engineers, largely engaged in river and harbor work, as I understand.

Mr. HELM. That being their sole and exclusive duty?

Mr. FREAR. I would not say that. That is my recollection of the number engaged. Of course some one may be able to correct that as to the exact number.

Mr. HELM. That have no other duty?

Mr. HULBERT. Of course the gentleman knows we passed a bill yesterday permitting the bringing back into service men of the Retired Engineer Corps. Does the gentleman know that a number of the men employed in the Engineer Corps have already been transferred to the railroad regiments and men have been brought back out of the reserve corps to take their places?

Mr. FREAR. I know this, that a thousand engineers have been sent to France and we are going to send several thousand more, and we need to send every man we can spare instead of having them survey creeks and mud holes here. We all know that, and we do not need to have that impressed upon us. I concede this, that it is necessary on important projects, we will

say the New York Harbor project, if it is a deep-water project; if it is not deep enough, it ought to have what we call a new project—that is, it ought to be deepened. I will concede that in ordinary propositions, but as to these rivers and these canals——

Mr. HULBERT. Does the gentleman concede the items in this bill for New York Harbor are intimately connected with the military necessities of the country?

Mr. FREAR. Oh, no; I will not concede that, because I will take the report of the General Board on that and——

The CHAIRMAN. The time of the gentleman has expired.

Mr. FREAR. May I have five minutes more in order to close my remarks?

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FREAR. Now, gentlemen, I have talked in a rather desultory way. I have tried to accept all questions. I expected the gentleman from Massachusetts [Mr. TREADWAY] to be here and to take the burden of it. However, I am very glad to do what I can to explain the minority report. It is necessary, possibly, to show some items in the bill specifically when we reach them, but there is no disposition to hold up the bill as it has been held up in the past. The people over in the Senate will do what they consider ought to be done. They have done so in the past. The Senate has defeated these various bills, so it shows the effort was not entirely wasted in disclosing here what the facts are. Now, on this bill my suggestion is this: There are many projects. We have $31,000,000 of money, balances on river and harbor projects, that can be used. One million dollars of that can be used anywhere the Army engineers decide to put it, because it is part of the balance; we have that in the hearing of the lump-sum appropriation. If more money is needed for any specific project, the Secretary of War may ask for it and he will get it from Congress. It is not necessary to pass a bill of this character of four hundred odd items, a bill that presents a grouping system that has never been attempted before, in which 30 items are sometimes grouped. How will you reach an indefensible item in a group? There is no way under the heavens. You have to accept it, and they can put the money anywhere they want. There are 400 items in this bill, counting these projects, to which this money can be diverted, where the money goes in groups. I think the survey proposition at this time is wrong. Now, gentlemen, there can be no question about the motives of men. I am not criticizing the motives of men who have been defending their propositions in the past.

I believe the people of this country who are paying the bills, who paid $900,000,000, largely wasted, that has gone into these waterways, are entitled to a showing. What are you giving them? That is the question, and you can not say, "Oh, this theory is right and gentlemen who oppose it are opposed to rivers and harbors." The people want to know, and they are entitled to see, what the results are. If they can make waterways useful in other countries, why not in this country? If they can get benefits out of the Rhine River, why can not we get benefits from the Mississippi, from the Missouri, or any of these other rivers? That is the question. I would like to see every project that is important taken care of that is for preparedness. I do not want to see the people of this country taxed for propositions like some of those that are contained in the bill. Some of those for maintenance ought to be abandoned, in my judgment; but, as I said, under this system of balances 90 per cent—yes, 95 per cent—I assume have balances left to their credit which can be used if necessary.

Mr. HELM. Will the gentleman yield?

Mr. FREAR. Well, I desire to conclude.

Mr. HELM. Just for one question. Is the gentleman in a position to inform the committee whether there is any disposition on the part of the railroads to buy river boats and take them out of commission in order to secure the traffic by railroad instead of by water?

Mr. FREAR. No; I do not think there is any such disposition, because there is no commerce competition to-day by river boats with the railroads. The commerce is too insignificant.

I know, as the gentleman from Missouri [Mr. BORLAND] once said, and I presume it is true, railroads watch and check over shipments. According to the Commissioner of Commerce report, in 1910, however, practically all of our coastwise trade to-day is carried by boats that are owned by railroads. Our inland waterway traffic is so small that I do not think it has ever attracted the attention of the railroads.

Mr. HELM. Have any of these boats formerly plying on these rivers been owned by the railroads?

Mr. FREAR. I have no data on that, but I have heard it so stated.

Mr. BORLAND. The car shortage has brought about a situation where the railroads are refusing to exchange cars for river traffic, except the Baltimore & Ohio east of St. Louis. It does not parallel the Missouri River, but all the railroads that parallel the Missouri River are refusing to use their empties.

Mr. FREAR. I append a brief statement of projects contained in the bill that are not for war purposes, so far as can be ascertained, and I thank the House for its attention:

[See Doc. 140, 65th Cong., 1st sess.]

New projects in river and harbor bill not requested for preparedness and calling for over $50,000 each.

Lake Champlain Canal	$300,000
Schuylkill River	300,000
Lewes Pier	68,000
Chesapeake & Delaware Canal	Unlimited.
Baltimore Harbor, Md	250,000
Norfolk, Va	900,000
Land, Norfolk & Beaufort	75,000
Congaree, S. C	100,000
Savannah, Ga	500,000
Hillsboro, Fla	300,000
Mobile Harbor	110,000
Mementeau Canal, La	230,000
Freeport Harbor, Tex	150,000
Transfer lock at Ouichita	398,000
Harbor Beach, Mich	100,000
Richmond, Cal	100,000
Grays Harbor, Wash	85,000
Lake Washington, Wash	200,000
Total	4,166,000

"Continuing improvements," sometimes coupled with "Maintenance," of $50,000 or over. Balances available, part of $32,000,000 fund. Not included in preparedness items so far as noted.

Waterway, Rehoboth Bay	$50,000
Norfolk & Beaufort Canal (see other list)	100,000
Charleston Harbor	70,000
Miami, Fla	160,000
Alabama and Coosa Rivers	50,000
Pascagoula Harbor	113,000
Gulfport	80,000
Passes of Mississippi	1,825,000
Mermenteau tributaries	50,000
Sabine Pass and Port Arthur Canal	300,000
Port Aransas	100,000
Cumberland	632,000
Tennessee	401,000
Ohio	5,000,000
Indiana Harbor	395,000
Mississippi River from Missouri River to Minneapolis	1,200,000
Mississippi River, Ohio to Missouri Rivers	350,000
Improvement Leech and Mississippi Rivers	50,000
Missouri (lower) River	1,000,000
San Diego	154,000
Los Angeles	50,000
Oakland	92,000
Humboldt	190,500
San Pablo Bay	330,000
Coos Bay	70,000
Cascades, etc	70,000
Willamette Falls	80,000
Columbia	310,000
Total	13,272,000

Approximately 400 smaller items, together with those in the preparedness program are not included in the foregoing, but are included in the bill under discussion.

EXTENSION OF REMARKS.

Mr. STEPHENS of Nebraska. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing a speech delivered by the Hon. David H. Mercer at Fullerton, Nebr., on Saturday, May 12, 1917.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

RIVERS AND HARBORS.

Mr. HULBERT. Mr. Chairman and gentlemen of the committee, it shall be my purpose to detain the House only so long as its Members appear to be disposed to listen to me, but I shall speak upon a subject which should be both interesting and instructive to every patriotic American, if in my humble and feeble way I am able to appeal to your more intelligent sensibilities.

I want to refer specifically in the time which has been allotted to me to New York Harbor, which harbor I propose to show to you has not received appropriations in the past commensurate with its importance from a commercial standpoint to the Nation, and yet I do not intend to urge the consideration at this time of any project in that harbor that is not intimately connected with the question of national defense.

New York Harbor consists of the upper bay, 4 miles long and 4 miles wide, connected with the lower bay by the Narrows, about a mile in width, which separates Brooklyn at Fort Hamilton from Staten Island at Fort Wadsworth. The lower bay is

a triangular expanse, extending 12 miles inland, and with one side about 6 miles long, open to the sea, from which it is separated by a broad bar, crossed by five channels, only two of which have been improved by the Federal Government. Main-Ship-Bayside-Gedney Channel originally had a depth of 23.7 feet across the outer bar at mean low water, with the same depth across the shoals between the bar and deep water in the harbor proper. It is interesting to note in this connection that these natural channels served the purposes of commerce without the need of Federal aid for nearly 100 years after the establishment of this Government.

In 1884 Congress authorized the initial improvement, extended in 1886, for a channel 1,000 feet wide and 30 feet deep from the Narrows to the sea, which was completed in 1891 at a cost of $1,518,024, and the expense of maintenance since has been a little more than half of that sum.

Now, mark you, after all those years, during which time the natural resources of New York Harbor were sufficient to accommodate its commercial needs, within eight years after the completion of the first channel which the Federal Government was called upon to improve the commerce of New York Harbor had grown to such an extent that it became necessary to construct larger ships, of greater draft, and hence the necessity of providing an even more commodious channel became apparent.

Ambrose Channel, now the main channel into New York Harbor, formerly known as the East Channel, which is the shorter of the two and the more direct, had a natural depth of 16 feet at mean low water. The river and harbor act of 1899 provided for the construction of a channel 2,000 feet wide and 40 feet deep at mean low water, which was completed in 1914 at a cost of $1,500,000 less than the estimate, or a saving equal to the amount which had been expended on the channel authorized in 1884. [Applause.]

The first needed improvement of New York Harbor to which I desire to address myself might properly be termed the Ambrose Channel extension, through the Narrows to the mouth of the Hudson River. Passing up the bay beyond West Bank Light we approach Swinburne and Hoffman Islands, just off Staten Island, and opposite Coney Island, with which you are all familiar.

Hoffman Island is mainly an artificial island of about 11½ acres, and part of the quarantine station now being taken over from the State of New York by the Federal Government, and is used as a receiving station for persons suspected of having contagious diseases, or who have been exposed thereto, before their entrance into the United States at that port; Swinburne Island has an area of about 2 acres, and is also a part of the quarantine station, used for the detention of actual sufferers from contagious diseases. Neither of these islands can be approached from the main channel, which is to the east, on account of the shoal water, and the depths in the channel to the north, used as the approach, are insufficient for vessels of the size adopted for quarantine work. A channel to accommodate vessels of 15 feet draft, or 16 feet at mean low water, and 200 feet width is necessary. The deepening of the channel between these islands and Staten Island to 16 feet is also included and urged most earnestly. It will be of great value, not only to the port of New York but to South Amboy, Perth Amboy, and the various towns of south New Jersey bordering on lower New York Bay. At least 500,000 tons of coal are transported per annum from the Amboys, through the Narrows, to New York and Long Island Sound ports, and with this channel dredged to a depth of 16 feet it would mean that the ordinary harbor coal barges now used between the Amboys and New York and which are brought through the Kills separating Staten Island and New Jersey in large flotillas, would be dispatched to New York through this shortened route, thereby relieving the congestion in the Kills, which at times has reached such a stage that great damage has resulted; in fact, there are a great many damage suits now pending in the Federal courts caused by the congested operations in the Kills.

Just north of Hoffman Island, adjoining the west line of the Ambrose Channel, approaching the Narrows, there is a barrier known as Craven Shoal, the minimum depth over which is 19.6 feet. Sailing vessels and tows of barges are prohibited by law from using the Ambrose Channel, but in order to avoid striking the buoys marking Craven Shoal these vessels are forced to turn into the channel at this point, and in so doing nullify the purpose of the law passed for their specific exclusion.

Proceeding through the Narrows into the upper bay the anchorage areas provided are to be noted, and I call your attention in connection with this phase of the improvement to this map on my right.

First is the "Quarantine Anchorage" and "Temporary Quarantine Anchorage," abreast of Rosebank, Staten Island; then "General Anchorage," abreast of Stapleton, Staten Island; next is "Man-of-War Anchorage," abreast of Tompkinsville, to the north of which is the deep water approach to the Kill von Kull; and beyond that another general anchorage extending northward to the channel of approach to the Pennsylvania Railroad Terminal (freight) at Greenville, and beyond this another general anchorage extends to Bedloes Island, within which area is located the anchorage for explosives for all New York Harbor, and wherein the now famous "Black Tom" explosion took place last summer.

Another general anchorage has been established opposite the Brooklyn shore, similar to the corresponding anchorages along the Staten Island and New Jersey shores, all of which have the sanction of the Federal Government, having been established by the Department of Commerce.

If you will follow me, as I indicate upon this chart, you will observe that the encroachments upon the main channel make the navigation of war vessels steaming to the navy yard and trans-Atlantic liners operated within the narrow confines too close for comfort.

Several of these anchorages, and especially that set apart for men-of-war, occupy the best part of the 40-foot channel, and leave along their easterly boundary a comparatively narrow strip of water to which deep-draft vessels are restricted when the anchorages are occupied full out to their easterly limits, so that between the Narrows and the mouth of the Hudson River we have the following varying widths with 40-foot depth:

At Tompkinsville, 450 feet; opposite Robbins Reef, 370 feet; 1½ miles farther north, 1,200 feet; abreast of Statue of Liberty, 1,750 feet.

To give a specific instance of the need of this proposed improvement, I might mention the experience with a ship anchored on the westerly side of the channel near Robbins Reef, which swung across the channel under a strong west wind at slack tide, her own length and the length of her chain being sufficient to bring her stern far across the easterly 40-foot contour, and other like experiences have been reported.

Moreover, since the larger steamers engaged in the trans-Atlantic service have been taken off during the war, necessitating a greater number of smaller steamers to carry the greatly increased commerce of the port of New York, the lack of proper docking facilities due to the failure of Congress to provide sufficient depth of water in the approaches, a greater number of vessels have been compelled to utilize the anchorage grounds and for longer periods. But this need was recognized as far back as 1908, when the matter was brought to the attention of the Secretary of War and by him referred to the Secretary of Commerce, but nothing appears to have come of that. On her first trip out of New York Harbor on June 1, 1910, the *Mauretania* took the bottom so as to interfere with her steering and choked her condenser tubes with mud, and out of a conference which followed there was evolved a plan to widen the channel to 2,000 feet and deepen it to 40 feet.

This bill carries an appropriation of $90,000 to continue the maintenance of the Ambrose Channel and adopting the new projects approved by the Chief of Engineers, United States Army, for the improvement of the channels between Staten Island and Hoffman and Swinburne Islands; the removal of Craven Shoal and the widening and deepening of the channel off the anchorage grounds, the total cost of which is estimated to be $1,120,000.

Continuing on up the Hudson River—where I had the privilege and the pleasure of escorting 11 members of the Committee on Rivers and Harbors as the guests of the Chamber of Commerce of the State of New York last August, upon which trip, by the way, I am sorry the gentleman from Wisconsin [Mr. FREAR] did not accompany us, although we pressed him hard to do so, as he would thereby have gained a more intimate knowledge than apparently he has of conditions in New York Harbor had he been with us on that occasion. I want to call your attention, as I called the attention of the committee upon that visit, especially to the conditions on the east side of the Hudson River between Thirty-second Street and Sixty-first Street.

The section which we deal with in this bill under the title of "Hudson River Channel" extends from a line connecting Ellis Island with the Battery, a distance of 16 miles to the northern limits of the city of New York, about 2½ miles above the mouth of the Harlem which flows in a southerly direction between the Boroughs of Manhattan and The Bronx, joining the East River at Hell Gate—about Ninety-first Street—and thus making Manhattan an island.

The width of the river within these limits varies from 2,725 to 5,400 feet. Originally the widths at various points were much greater, but they have been reduced as a result of water-front improvements and successive advances of the pierhead lines to permit the lengthening of piers in keeping pace with the continuing increase in the size of trans-Atlantic steamships.

The first improvement of the Hudson River at New York was not authorized until March 3, 1875, in which act of Congress there was a provision intending to provide for a channel 25 feet deep at mean low water at a cost of $101,000, of which there was expended $25,000, when the improvement was totally abandoned in 1877.

From that time until 1913 there were no further appropriations by the Federal Government upon the main channel of New York Harbor. But although the Federal Government had abandoned a 101 *thousand* dollar project to improve this great tributary of the most wonderful harbor of America within 25 years, the State of New York had authorized a 101 *million* dollar project for the improvement of the State Barge Canal, in order that New York City might maintain her commercial supremacy, and completed that improvement at an additional expenditure of $60,000,000.

Meanwhile the States of New York and New Jersey, the city of New York, and the abutting municipalities upon the New Jersey side of the river, and private interests as well, expended $105,000,000 in making water-front improvements upon this channel before the Federal Government could be brought to a realization of the necessity of its cooperation. A channel having a mean low-water depth of 40 feet and over and a minimum width of 1,000 feet extends throughout the lower section of the channel, bordering upon which there are three extensive shoal areas, one on the New Jersey shore extending from Ellis Island to Castle Point, Hoboken, and the second on the same shore extending from Weehawken to above the northern limits of the city of New York, and the third on the New York shore from West Nineteenth Street to Thirty-second Street. All of those shoals are now under improvement, in pursuance of the act of March 4, 1913, at a total cost of $1,570,000, of which $1,025,000 has already been appropriated, and the further sum of $210,500 is carried in this bill.

Now, let me call your attention to the commerce of this channel upon which the Federal Government in all its existence has not yet expended $1,500,000.

Gentlemen have talked here about rivers on which $6,000,000 has been expended, and other rivers on which $12,000,000 has been expended, and one upon which over $150,000,000 has been expended, and they have spoken of the lack of return that the Government received on its investment. On this river the Government to-day has not expended more than $1,500,000. Let me give you some figures in regard to the commerce of that river:

In 1913 it was 64,517,302 short tons, having a value of $2,958,075,917. In 1914 it had increased to a value of $4,559,185,809. In 1915 it had increased to a value of $6,410,144,119, and I am reliably informed that in 1916 it exceeded $7,000,000,000. Or, in other words, the commerce on that stream exceeds in value the amount of the enormous bond issue authorized by this Congress in order to carry on the war in Europe. [Applause.]

Now, between West Forty-fourth and Fifty-sixth Streets, on the New York side of the river, the city of New York has undertaken the construction of one pier 1,000 feet long, and proposes to construct two additional long piers at this site practically in continuation of the work now in progress. In order that these piers may be available upon completion for the use of the large trans-Atlantic steamers it is necessary that the shoal along this water front from Thirty-second Street to Sixty-first Street should be removed to a depth of 40 feet at mean low water.

Between the Battery and Canal Street the channel is too narrow for safe navigation by trans-Atlantic vessels, especially in view of the enormous traffic in that section by vessels traveling in all directions, of which I have a splendid view from my office window in New York City, and can therefore understand and appreciate those conditions of congestion. The Army engineers have made a survey, pursuant to the provision which I had inserted in the river and harbor bill which became a law in July of last year, and recommend improvement at an estimated cost of $1,320,000, to inaugurate which an appropriation of $620,000 is carried in this bill.

Let me say that the importance of this appropriation is twofold. First of all, from the Battery north to Canal Street there is a shoal in the center of the river which divides the channel and leaves the channel with the least depth on the west entirely too contracted to accommodate any of the large commercial ships, or any of the warships which when in New York Harbor anchor in the upper Hudson. The result is that all vessels of that character are compelled to go north and south through the same channel, and it is with great difficulty that navigation at that point is safely carried on and collisions avoided. Moreover, the piers to which I have referred, which will be located from Forty-fourth Street to Fifty-sixth Street, will be the piers from which substantial shipments of the supplies that you are going to send to the other side for the use of our troops will be made, and it is essential to get this work started in order that we will be able to accommodate these vessels at that point and to ship to the other side the supplies which will be needed for their maintenance and support.

Mr. MADDEN. Will the gentleman yield?

Mr. HULBERT. I will yield for a question.

Mr. MADDEN. How long does the gentleman think it will take to complete that work so that ships can come alongside the dock that he refers to?

Mr. HULBERT. It will take three years to complete the entire work, but it is intended by the department to begin immediately at the point where the first pier is completed, and it will not take long to dredge out that approach. Probably it will not take any longer to get that entrance to the pier completed than it will to get the Army over on the other side.

Mr. MADDEN. Then, it is the gentleman's idea that the war will last at least three years, and that it will be that long before they can begin to utilize the dock facilities that he speaks of?

Mr. HULBERT. Not at all. I do not know how long the war is going to last, but when it began I thought it was going to last three years, and it has lasted that long, although some people thought it would be ended in six months, but the improvement will be available as the work progresses.

Continuing up the Hudson we approach the Harlem River, which may not be well known to many of you, but its commercial importance will be readily appreciated when you are apprised of the fact that according to the last annual report of the engineers the Harlem River bore a commerce—and I hope gentlemen will follow these figures, because the Harlem River is less thought of and less talked about than the Hudson and the East River—the Harlem River in 1915 bore a commerce of 15,000,000 tons, having a value of $1,538,506,583. In other words, it was equal in tonnage and four times the value of the entire foreign and domestic commerce of the port of Baltimore, and nearly seven times the tonnage and four times the value of the foreign and domestic commerce of the port of Savannah, Ga.

Mr. MILLER of Minnesota. Will the gentleman yield for an inquiry?

Mr. HULBERT. Yes.

Mr. MILLER of Minnesota. Will the gentleman inform the committee what is the gross tonnage, foreign and domestic, of the whole of New York Harbor?

Mr. HULBERT. I can not give it for the whole harbor without taking time to add it up. The tonnage on the East River is 73,000,000 tons, having a value of more than $4,000,000,000. The tonnage on the Hudson River is 69,000,000 tons, having a value of nearly $7,000,000,000. The tonnage on the Harlem is 15,000,000 tons, having a value of $1,500,000,000. So that the total tonnage upon these three streams—and, by the way, that does not take in all of New York Harbor, because, of course, the gentleman knows that New York Harbor has a water frontage of 771 miles—but I think I am safe in saying that the value of the total tonnage of New York Harbor is twice as great as our $7,000,000,000 bond authorization to carry on the war in Europe. [Applause.]

Mr. MILLER of Minnesota. Is it possible that in all these tonnages the gentleman has just given—for instance, East River and the Harlem River—some of the tonnage is duplicated?

Mr. HULBERT. Oh, yes; it is quite likely that there are duplications, but the river is there in each case to carry the commerce.

Mr. STAFFORD. Can the gentleman inform the committee whether any of the tonnage he refers to, so far as the Harlem River is concerned, consists of ferriage on railroad scows?

Mr. HULBERT. Yes; to a considerable extent on the Harlem River. But I may say to the gentleman that I do not think the commerce on the Harlem River now is one-half what it is going to be when the State barge canal is opened up, because you have two barge canal terminals in Brooklyn, three in Long Island, and two in The Bronx. The conditions in the Hudson River below Spuyten Duyvil are very congested, and, in my judgment, a large percentage of the commerce that will be brought down from the Great Lakes through the Erie Canal and the Hudson River will have to find a natural outlet through the Harlem River, and instead of being 15,000,000 tons it will be 50,000,000 tons a year. Now, the question which agitates my mind is how you expect to be able, after New York has expended over

$160,000,000 to bring commerce from the Great Lakes down to the foremost American seaport, deflecting its shipment from Montreal, how you are going to be able to take care of that enormous commerce in the Harlem River, which you are developing to-day under a project began in 1878?

Mr. DUPRÉ. Will the gentleman yield?

Mr. HULBERT. Yes.

Mr. DUPRÉ. When will the barge canal be completed and ready?

Mr. HULBERT. I can not state. Gen. Wotherspoon made the statement last fall that he expected it would be in full operation this year. It is operating now more than half of its entire course, and the chief difficulty in putting it in complete and full operation is the failure of this House to adopt the project which has been before it for the last four years.

Mr. DUPRÉ. You mean the Narrow of Lake Champlain?

Mr. HULBERT. Yes. That improvement, which is finally provided for in this bill, will facilitate the movement of barges to and from the canal to Lake Champlain, and the Port Henry improvement provided for in this bill will make accessible for shipment by water the output of the iron ore from the mines at that point, of which there are now shipped more than a million tons annually.

Mr. PARKER of New Jersey. Will the gentleman yield?

Mr. HULBERT. Yes.

Mr. PARKER of New Jersey. I can not understand about the commerce of the Harlem River. Is it not mainly car floats?

Mr. HULBERT. Car floats and barges. But does the gentleman know that the Johnson Iron Works are located on the Harlem River and that it is one of the largest shippers of war materials in New York?

Mr. PARKER of New Jersey. Shipped by deep-sea-going vessels?

Mr. HULBERT. No; not on 12 feet of water. It is done by barges drawn by towboats.

I wish to put in the RECORD a detailed statement of commercial statistics affecting the Harlem River for 1915:

Vessels employed in trade in 1915.

Class.	Number of vessels.		Total number.		Tonnage of vessels.		Draft (feet).		Passengers carried.
	American.	Foreign.	Arrivals.	Departures.	Least.	Greatest.	Least.	Greatest.	
Registered:									
Steamers	39	.....	11,053	11,053	33	3,000	5	17	454,199
Towboats	134	.....	6,226	6,226	17	111	6	15	.....
Sailing vessels	69	1	208	208	43	1,333	9	23	.....
Canal boats, lighters, barges, etc	2,238	.....	9,604	9,776	60	1,200	2	14	.....
Miscellaneous craft	1	.....	10	10	37	37	6	6	.....
Unregistered:[1]									
Sailing vessels	2	.....	2	2	319	329	12	14	.....
Canal boats, lighters, barges, etc	2,257	.....	6,719	6,719	25	1,000	2	11	.....

[1] Carrying capacity tonnage.

Freight handled in 1915.

Articles.	Amount in customary units.	Amount in short tons.	Value.
Asphalt	5,268 short tons	5,268	$76,307
Brick (building)	39,776 M brick	79,552	241,303
Brick (hollow tile)	175,948 short tons	175,948	875,240
Brick (fire)	300 M brick	909	6,709
Marble	11,676 short tons	11,676	241,700
Building stone	13,166 short tons	13,166	146,919
Cement	453,044 barrels	90,609	682,322
Lime	262,836 barrels	37,612	288,470
Gravel	27,386 cubic yards	36,515	18,549
Sand	88,251 cubic yards	58,834	49,657
Crushed stone	72,372 cubic yards	108,558	59,058
Rip-rap	38,746 cubic yards	58,118	5,723
Flagging	2,961 short tons	2,961	28,165
Paving blocks (asphalt)	766,415 blocks	5,763	28,170
Lumber and timber (sawed)	50,580,751 feet b. m.	75,870	1,327,571
Lath	266,059 bundles	3,326	79,655
Piles or logs	58,920 linear feet	807	7,400
Ties	5,130 ties	489	3,950
Sewer pipe	8 short tons	8	83
Engines and machinery	1,655 short tons	1,655	247,650
Iron (pig and scrap)	114,927 short tons	114,927	1,710,696
Iron (sheet, bar, etc.)	639 short tons	639	4,247
Cast iron manufactures	423 short tons	423	3,400
Steel (ingot, sheet, bar, etc.)	2,220 short tons	2,220	157,620
Steel manufactures	22,839 short tons	22,839	624,439
Structural steel	31,709 short tons	31,709	1,252,574
Wire (iron and steel)	3,594 short tons	3,594	305,490
Lead (sheet, bar, ingot, etc.)	450 short tons	450	48,150
Other metal manufactures	1 short ton	1	155
Pipe (cast iron)	225 short tons	225	12,600
Fruit	5,439 barrels	679	16,668
Vegetables	3,200 barrels	273	6,010
Flour	4,720,535 barrels	524,907	35,273,634
Grain	11,873 short tons	11,873	434,456
Hay	6,751 short tons	6,751	147,945
Straw	607 short tons	607	8,185
Salt	6,348 short tons	6,348	42,990
Sugar	332 short tons	332	38,450
Fish	15 short tons	15	198
Oysters and clams	41 short tons	41	250
Ice	130,000 short tons	130,000	325,000
Sheep	450 sheep	30	7,200
Poultry	12 short tons	12	3,800
Beer	54,000 barrels	13,500	32,400
Dry goods	50 short tons	50	5,600
Clothing and woolens	6 short tons	6	1,800
Cotton goods	20 short tons	20	6,000
Pianos	509 pianos	212	197,640
Leather goods	3 short tons	3	1,200
Clay manufactures	3,894 short tons	3,894	30,317
Hardware	21 short tons	21	6,120
General and miscellaneous	5,850,077 short tons	5,861,407	1,464,960,661
Coal	5,437,787 long tons	6,090,318	25,430,579
Coke	54,251 long tons	60,761	174,505
Cordwood	14,129 cords	7,850	14,645
Ashes	1,720,404 cubic yards	1,169,875	173,859
Garbage	120,000 cubic yards	69,600	33,400
Cellar dirt	44,660 cubic yards	59,547	9,289
Leather	1 short ton	1	690

Freight handled in 1915—Continued.

Articles.	Amount in customary units.	Amount in short tons.	Value.
Clay	551 short tons	551	$1,469
Molding sand	9,584 short tons	9,584	16,211
Oil (lubricating)	48,259 gallons	193	19,023
Kerosene	377,806 gallons	1,379	20,843
Turpentine	1,609 gallons	6	370
Other petroleum products	18,916,091 gallons	69,036	1,382,675
Manure	45,000 short tons	45,000	45,000
Chalk and whiting	1,507 short tons	1,507	16,559
Empty barrels	27,800 barrels	278	47,200
Fire proofing	2,431 short tons	2,431	11,221
Molasses	2,600 gallons	11	2,600
Mortar	1,449 short tons	1,449	10,867
Plaster	1,067 short tons	1,067	8,432
Rosin	73 short tons	73	3,650
Total	.....	15,096,169	1,538,506,583
Vessels built and launched	5 vessels	.....	59,500

Yet this great waterway is now being improved under a project adopted June 18, 1878. It was modified in 1879, again in 1886 and 1893, and enlarged by act of March 4, 1913, and as modified and enlarged provides for a continuous channel 400 feet wide and only 15 feet deep at mean low water from the East River to the Hudson, except at Washington bridge and through Dychmans Meadows, where the channel will be about 50 feet less in width. It also provides for straightening the channel at a point known as Johnson's Iron Works, where the present channel describes a U bend, but that matter is being held up until the State of New York acquires and transfers the necessary title to the Federal Government for the right of way.

But the existing project, with its modifications and enlargement, now about 61 per cent completed, and toward which no further appropriation is made in this bill, will at once be proven to be wholly inadequate to meet the commercial necessities of the State Barge Canal when put into full operation, and I have therefore contented myself with an authorization in this bill of a survey to determine the immediate and future need of improvement to relieve especially the great congestion which will result because of the need to use this stream to accommodate the commerce of two barge-canal terminals in Brooklyn, three in Queens, and two in The Bronx.

In this connection it is to be noted that all vessels passing from the Harlem River to those terminals and return are now compelled to pass through Hell Gate, whose perils can be avoided, the congestion relieved, and the distance shortened

by the improvement of the Harlem or Bronx Kills, separating the north end of Randalls Island from the mainland.

Col. Mansfield on July 28, 1902—15 years ago—submitted his report upon a preliminary examination of the Harlem Kills, and recommended a 300-foot channel, 18 feet deep, at a cost of $1,900,000, or a 20-foot channel, at a cost of $2,514,600, which was approved by the Board of Engineers and the Chief of Engineers, and submitted to Congress by Secretary Root on December 14, 1903, but no action was ever taken in the matter. And that was before the construction of the State Barge Canal was begun by the State of New York, although the necessity for the improvement seems to have been predicated upon the theory that it had been authorized, and the people of the State of New York have made good.

In this bill we are not asking for anything by way of an appropriation for the Harlem River or The Bronx Kills, but in the bill which became a law on July 27, 1916, there was carried a provision for the resurvey of the latter, and in this bill we are asking that the Harlem River be resurveyed so that the conditions of 1878 may be brought down to 1917, and when this House convenes in December of this year we will be in a position to present a plan to give to the people of the State of New York and the city of New York an improvement of that river which will be commensurate with the amount they have expended in putting through the State Barge Canal system, a waterway which has a total length of 550 miles.

And now, last, but the most important of all, we come to the consideration of the improvement of the East River and Hell Gate.

The original project for the improvement of this strait, which is 16 miles long, connecting the upper bay at the Battery with Long Island Sound at Throggs Neck, contemplated a through channel with a minimum depth of 26 feet.

It was adopted in 1868, within three years after the close of the Civil War, and in the foremost harbor of America you have been carrying on an improvement to give that harbor up-to-date commercial conveniences under a project that is nearly 50 years old! In 1888, 20 years after the project was adopted, the maximum draft of freight carriers that would ordinarily use the channel exceeded the proposed depth of the channel itself; and now most of the vessels engaged in the coastwise commerce have a draft of from 26 to 30 feet, and they can not safely navigate the river except at high tide, and it would be dangerous to attempt to take those vessels through Hell Gate at high tide, and the masters of those ships do not undertake to do so. The neglect of this great waterway, continued appropriation for which under the old project was abandoned in 1912 "as economically inadvisable," and no further expenditure has been made for the improvement of the East River for the past five years, except the Government's proportion of the cost of the deepening of the channel at Coenties Reef, which is only $73,678.04, as against $123,221.96 contributed by the city of New York.

In 1913 the further improvement of the East River and Hell Gate to secure a through 35-foot channel was recommended by Gen. Black, and the provision for its adoption was inserted in two rivers and harbors bills which passed the House but failed in the Senate, and the failure to adopt that project has a greater significance at this time from the standpoint of preparedness and national defense. Of course the fact that the freight tonnage transported increased from 46,000,000 in 1914, having a value of a billion and a half, to 74,000,000 in 1915, having a value of over $4,000,000,000, may be of some consideration! And in addition to that there were transported upon that river in 1915 more than 25,000,000 people, substantially one-quarter of the population of the whole United States. While the Federal Government had up to April 30, 1913, expended only $5,344,741 upon the improvement of this river under a plan adopted in 1868, the city of New York and local interests had invested $40,000,000, and they are ready to expend double that sum just as soon as Congress has determined to adopt and carry out the recommended policy of the War Department for the further improvement of that river.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. HULBERT. Yes.

Mr. MADDEN. The expenditures made by the local interests, of course, were made on their docks on the abutting property, which they owned, facing the river.

Mr. HULBERT. Not altogether. A considerable amount of that money was spent in the dredging of the river itself when we were unable to get congressional action to authorize that work.

Mr. MADDEN. Does not the gentleman know in all cases where docks are owned by private individuals they are obliged to keep the channel dredged along the face of the dock to accommodate their own ships?

Mr. HULBERT. No. They are obliged to dredge in the slips between the pierhead line and the bulkhead line, and they can not dredge outside of the bulkhead line without express permission from the Secretary of War.

Mr. MADDEN. Does the gentleman know how much of the $40,000,000 was expended to improve private property and the amount expended by the city of New York as a public expenditure?

Mr. HULBERT. I can not give those figures.

Mr. MADDEN. It might be interesting to know which was which.

Mr HULBERT. Whatever amount was expended by private enterprise upon the construction of docks on that river was spent for the accommodation of the commerce and the benefit of the whole country.

This bill adopts the report submitted in House Document No. 188, Sixty-third Congress, first session, for a 35-foot channel with suitable approaches to piers at an estimated cost of $13,400,000 and an initial appropriation of $1,250,000. But, already appreciating the fact that this project recommended in 1913 is now inadequate to the extent of providing a channel of sufficient depth from the upper bay to the navy yard, it provides "That a depth of 40 feet is authorized across Diamond Reef," which improvement will provide a channel all the way up to Hell Gate with a minimum depth of 40 feet, and with only 26 feet at Hell Gate, the channel continuing from thence to Long Island Sound will have a least depth of 40 feet. It is conceded that a depth of 40 feet at Hell Gate must be ultimately obtained.

Mr. Chairman, the master navy yard of the Nation is located on the East River, and the superdreadnaughts and the colliers, having a draft of from 31 to 33 feet, are thus able to reach the navy yard, and at high tide, only by way of Sandy Hook and the Narrows, which might be blockaded at any time, just as Hobson undertook to bottle up Santiago Harbor in 1898.

The East River has a practicable channel with a minimum depth of 40 feet now throughout its entire length except at two points, namely, at Diamond Reef, immediately off the Battery, just here where I am pointing on the map [indicating], and which is in direct line with the steering course to the navy yard, which now makes it necessary for any battleship coming in to steer a course which would describe substantially the letter S, the shoal that I speak of, known as the Diamond Reef, being at the place where I have drawn the pointer [indicating]. Here is Governors Island, and this is the Brooklyn shore. That is Buttermilk Channel, and this is the Battery, Manhattan, and that line you see is the steering line, which points over to the tower of the Hotel Margaret, in Brooklyn, by which vessels find a course into the Brooklyn Navy Yard; and in order to bring in a capital ship to the navy yard now it is necessary that they come in at the height of the tide, and they have to steer a course which is equivalent to the letter S in order to get up to that point without going on that reef. The injury to a vessel by striking that reef would result in greater damage than the cost of its removal.

Mr. MADDEN. Is it the plan to cut off that angle?

Mr. HULBERT. The plan is to deepen the channel at that point, where there is now at the outside of the reef 26 feet and inside the reef 19 feet. It is to cut it down to 40 feet outside and 35 feet inside.

Mr. MADDEN. Up above is what I am talking about, where that right angle comes at the point of the river—is it to cut right across there?

Mr. HULBERT. No; they can pass through there. Here is the navy yard [indicating]. The only thing needed to be done is to remove this reef [indicating Diamond Reef] so vessels coming across from Governors Island can go straight up the channel. Later on, in my judgment and in the judgment of officers of the Navy, and especially those who have navigated vessels out of this channel, it will be necessary to dredge out Buttermilk Channel, which affords a more direct route to the navy yard. The channel north of Governors Island is more important now, because it not only serves the convenience of the Navy, but takes care of the commerce that passes at that point.

Mr. PARKER of New Jersey. Will the gentleman yield for a question for information?

Mr. HULBERT. Yes.

Mr. PARKER of New Jersey. Is Diamond Reef of recent formation?

Mr. HULBERT. No; it is a rock formation.

Mr. PARKER of New Jersey. And if taken away it is likely to stay away?

Mr. HULBERT. Yes. I might add that the total cost of maintenance of the present East River Channel has been about $100.

Mr. PARKER of New Jersey. It is not very wide, is it?

Mr. HULBERT. I should say it is——

Mr. PARKER of New Jersey. I do not mean in length from New York. The width that has to be cut through.

Mr. HULBERT. I should say the channel is 1,000 feet wide and this reef obstructs about half of the channel.

Mr. PARKER of New Jersey. What is the depth of Buttermilk Channel at the present time?

Mr. HULBERT. About 30 feet.

Mr. PARKER of New Jersey. Is it easily deepened?

Mr. HULBERT. Yes; it has a mud surface probably covering a rocky bottom.

Mr. PARKER of New Jersey. The gentleman stated it was about 40 feet through the East River. Does the gentleman mean all the way through Hell Gate or up to Hell Gate?

Mr. HULBERT. I said 40 feet now through the East River, except at Diamond Reef and Hell Gate. I had not reached Hell Gate yet, but if the gentleman will have a little patience I shall take him there in a moment. [Laughter.]

Mr. TILSON. Mr. Chairman, before the gentleman gets to Hell Gate will he answer this question? To what extent has the building of this new railroad across Wards Island relieved commerce and the shipping in the channels of these rivers?

Mr. HULBERT. I do not know that the results as yet indicate what relief, if any, is going to be afforded.

Mr. TILSON. I understood it was the plan of this Hell Gate Bridge to bring over cars here to Long Island, and then at about the southern shore of Long Island to make a short ferriage across instead of having to use the East River.

Mr. HULBERT. That is probably the purpose the Pennsylvania Railroad Co. had, and in a moment I will show the gentleman where the commerce of the city of New York by the improvement of Hell Gate will far offset that by providing additional dock facilities which are most urgent at this time.

Mr. TILSON. It is too much crowded, the shipping front is much congested, and anything to relieve the congestion of East River will be a great thing.

Mr. GILLETT. If Buttermilk Channel is dredged, would the commerce going through there go straight up the East River——

Mr. HULBERT. All that used that channel would, of course.

Mr. GILLETT. I simply inferred from what the gentleman has just said that that would be naturally the straight course.

Mr. HULBERT. The Buttermilk Channel is the straight course for vessels intending to go to the navy yard. But it is narrower than the Battery Channel and will have to be dredged out.

Mr. PLATT. Which should be dredged out first, Buttermilk Channel or the East River?

Mr. HULBERT. I think the reef should be done first, now.

Mr. PLATT. Will the gentleman point out the relations of these rivers——

Mr. HULBERT. Let me say further, in answer to the gentleman, if we attempt to dredge Buttermilk Channel at this time I am afraid we will have to tie up the traffic passing through there now and send it over through Governors Island; but if we undertake to remove Diamond Reef it will not interfere with the commerce of Buttermilk Channel and will not interfere so much with the commerce between Governors Island and the Battery.

Mr. PARKER of New Jersey. Why could not Buttermilk Channel be dredged by pump dredges that do not interfere with commerce much?

Mr. HULBERT. I do not know whether it could or not. That involves the question of the disposal of the material taken out.

The gentleman has asked where Coenties Reef is. I will see if I can point it out here. It is right at this point [indicating]. There is a tunnel which has recently been constructed by the city of New York under the river at that point.

Mr. PARKER of New Jersey. Just above the Brooklyn Bridge?

Mr. HULBERT. No, below. And in that connection I wish to remark that when this matter of authorizing the deepening of the channel at that point was up in the House in 1914, I think it was, it was suggested then that it was necessary to make an exception in the passage of the resolution under consideration and authorize the deepening of the river at that particular point to 40 feet, but as the engineers at that time had only recommended the prosecution of the general depth through the river to 35 feet Congress authorized the city of New York to carry the depth the additional 5 feet—that is, to 40 feet—at the expense of the city of New York. It is pretty nearly finished. Now, we are coming along with a proposition to make a 40-foot channel the whole length of the East River.

As I have said, the removal of the Diamond Reef to a depth of 40 feet will give a channel of the least depth of 40 feet all the way from a point where the Hudson River enters into New York Bay, up the East River, past the navy yard, up the West Channel, past Blackwells Island, which is here, and continues here [indicating] until you get to Hell Gate, which begins at this point—about Ninety-first Street—and there is the Harlem River [indicating] flowing down from the Hudson River and emptying into the East River at Hell Gate.

Now, it will be observed that there is a projection on the Long Island shore into the East River at Hell Gate, known as Astoria, the existence of which is largely responsible for the current difficulties at that place. The depth of water approaching Hell Gate runs from 53 feet up to 68 feet, 83 feet, 111 feet, 119 feet, 122 feet, and then graduates down until it reaches 26 feet, which is the depth provided for in the project of 1868, and which is the depth that was secured at that point by Gen. Newton when he blasted out Hell Gate in 1885.

It is also to be noted that at this point in the river there is a bend. The battle cruisers under construction now, I believe, will have a length of 850 feet. Navigating officers of the Navy tell me they will be unable even with the 40-foot channel to negotiate that bend in the river unless the projection at Astoria and the point of Wards Island, known as Negro Point, are taken off. That would straighten out the river in that section. And from there north until you get to Throggs Neck, which is the entrance to Long Island Sound, we have varying depths from 60 feet to 160 feet. Now, we simply submit the proposition to you as a reasonable one that if the Government proposes to improve the channel off the Battery to a depth of 40 feet in order to provide a ready means of ingress to and egress from the navy yard for the capital ships of the Navy, with a waterway which is 40 feet in minimum depth for at least 15 of its 16 miles of length, we ought to at the same time authorize a provision in this bill for the deepening of the channel to 40 feet at Hell Gate, because by the deepening of the channel at that point you thereby provide a double entrance to and a double exit from the Brooklyn Navy Yard, so that the battleships can come in by way of Long Island Sound just as well as through Sandy Hook, so that, as the speaker has repeatedly pointed out, such an improvement would convert the East River into a marine trench equal to, if not greater than, the Kiel Canal in strategic importance.

Mr. PARKER of New Jersey. I want to ask how great a distance there is at Hell Gate where it is less than 35 feet deep? Can we take a battleship through now?

Mr. HULBERT. Oh, no.

Mr. PARKER of New Jersey. It goes down to 30 feet and near that?

Mr. HULBERT. It goes down to 26 feet.

Mr. PARKER of New Jersey. How long would it take to make that 35 feet deep?

Mr. HULBERT. Three years, I suppose.

Mr. PARKER of New Jersey. And how much would it cost?

Mr. HULBERT. It would cost about $2,500,000.

Mr. PARKER of New Jersey. And to get it 40 feet deep, how much would it cost? It ought to be that deep, you know.

Mr. HULBERT. To get it 40 feet deep, I suppose it would cost—the chairman gave the figures, and I think he said about $2,000,000 or $3,000,000 more. That, of course, is an estimate.

Mr. PARKER of New Jersey. And take more time?

Mr. HULBERT. Yes.

Mr. MADDEN. And it would cost much more to take out the material under water.

Mr. HULBERT. Of course. This is what I want to say: This House, in the last river and harbor bill which passed and became a law, provided for a 35-foot depth over Diamond Reef, and appropriated $200,000 for that purpose, and authorized a continuing contract for $500,000 more in order to prosecute that work.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to his colleague?

Mr. HULBERT. I hope the gentleman will pardon me just a moment. Now, the engineers have not proceeded with that improvement, because in the meantime the Navy Department informed the War Department that they needed a depth of 40 feet instead of a depth of 35 feet at Diamond Reef, in order to get the capital ships of the Navy in and out of the Brooklyn Navy Yard. The War Department stated that the reason why they did not go on with the 35-foot authorization was because they could save a good deal of money if they could let a con-

tract for a 40-foot depth instead of a contract first for a 35-foot depth and then a second contract for 40 feet; in other words, to do it under one contract instead of under two. My contention is that if that is true in regard to the prosecution of the work at Diamond Reef, then it is much more true with regard to the prosecution of the work at Hell Gate, because the velocity of the current and the narrowness of the channel and the congestion of commerce at Hell Gate make the work there so much more difficult and will hamper to such an extent the commerce of New York Harbor that it is better to let the work out under one contract and get it over and done with as soon as possible.

Mr. LAGUARDIA. Now will the gentleman yield?

Mr. HULBERT. Yes.

Mr. LAGUARDIA. Is there any provision in this bill for the improvement of Hell Gate?

Mr. HULBERT. There is a provision in this bill for a 35-foot channel through Hell Gate; and upon the recommendation of the Secretary of the Navy and the recommendation of the Secretary of War the Committee on Rivers and Harbors has since this bill was reported unanimously authorized an amendment to this bill to include a 40-foot channel through Hell Gate.

Mr. MADDEN. I would like to ask the gentleman from New York if he knows whether all the property on both sides of this channel is owned by private persons?

Mr. HULBERT. It is not.

Mr. MADDEN. Whom is it owned by?

Mr. HULBERT. About 50 per cent of it is owned by the city of New York.

Mr. MADDEN. How much is owned by private individuals?

Mr. HULBERT. All this down here [indicating] is owned by the city of New York. I think one pier is now in process of being transferred to the city.

Mr. MADDEN. The gentleman does not furnish the answer to the question that I really propounded. What I would like to know is, What is the distance of the dock frontage when the improvement is made, or now, that is owned by private individuals?

Mr. HULBERT. Does the gentleman mean the dock frontage fronting upon the portion of the river to be improved?

Mr. MADDEN. Yes; or on any portion of the river.

Mr. HULBERT. The city of New York owns 67.8 per cent of the water frontage of the Borough of Manhattan on the Harlem, Hudson, and East Rivers, and 30 per cent of the total constructed water frontage in all of the five boroughs. Moreover, it is the policy of the department of docks and ferries to gradually acquire the private interests of the water front, with the result that private holdings are being reduced, and if the Federal Government will indicate to us what its policy will be in future I have no doubt the city of New York will take proper proceedings to acquire the water frontage privately owned as the occasion may require the necessity for its development.

Mr. MADDEN. The question arises, Of what advantage will it be, in respect to the increase in the price of the dockage owned by private individuals, to improve this channel as suggested?

Mr. HULBERT. Well, for a through channel it will not make any difference. But I am coming to a point where it will make a difference.

Mr. MADDEN. Are these people expected to make some contribution to the cost that is going to add materially to the value of their holdings?

Mr. HULBERT. I do not know of any improvements that we get through in New York that we do not contribute to the cost.

Mr. MADDEN. I am not talking about the city of New York. I am talking about individuals.

Mr. HULBERT. Individuals will not be called upon to contribute to the cost.

Mr. MADDEN. So that if an expenditure of money out of the Treasury of the United States is made, and it increases the value of property owned by private individuals three or four times what it is worth now, there will be no contribution on their part to the improvement?

Mr. HULBERT. This improvement is for a through channel at this point, and primarily it is intended for the purpose of making it possible for the ships of the Navy to get in and out, freely, of the Brooklyn Navy Yard.

Mr. MADDEN. Aside from that, that would hardly be a good reason for spending so much money as this. There is, I presume, or there is thought to be, a large amount of commercial business transacted on the river between the point to be improved and the docks at which this business lands, and which is owned by private individuals, where they are permitted to make any charge they think proper to any ship that may land.

Mr. HULBERT. The gentleman is mistaken.

The gentleman does not mean to convey the impression that these docks are going to be benefited immediately by that particular improvement? You are providing now for a 40-foot channel through the East River, and there is not a deep-draft vessel that will go through that channel which can get up to those docks.

Mr. MADDEN. I understood the gentleman to say in the course of his remarks that this would add materially to the tonnage that would go through this channel; that some time since—I do not know how many years ago—the total tonnage was valued at $1,500,000,000.

Mr. HULBERT. In 1914.

Mr. MADDEN. And that now the tonnage is valued at $4,000,000,000.

Mr. HULBERT. In 1915.

Mr. MADDEN. There must be some commercial transactions along there if the value of the tonnage amounts to that much money.

Mr. HULBERT. That is traffic of a national character, which benefits the gentleman's city and every other section of the country as much as it benefits mine.

Mr. MADDEN. Then this channel ought not to be credited with the tonnage that the gentleman talks about, because it is not unloaded on the channel.

Mr. HULBERT. The channel has to be there, or they would not be able to get this tonnage through.

Mr. MADDEN. They come through the North River with most of the tonnage that goes across the Atlantic Ocean.

Mr. HULBERT. The East River accommodates both trans-Atlantic and coastwise trade.

Mr. LONERGAN. Will the gentleman yield?

Mr. HULBERT. I yield to the gentleman.

Mr. LONERGAN. As a matter of fact, the improvement which the gentleman so ably advocates is looked upon by the authorities and the War and Navy Departments as a national necessity, is it not?

Mr. HULBERT. Yes, and by the press of the country, recognized as such all over the United States.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. HULBERT. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has five minutes.

Mr. HULBERT. I will try to complete what I have to say.

It has been stated by a well-recognized naval authority that eight first-class warships of a foreign power could stand off Sandy Hook and maintain a successful blockade of New York Harbor under existing conditions, but that if the Hell Gate obstructions were removed, for less than the cost of a single battleship, thus giving our fleet access to Long Island Sound, which has been pronounced by competent authority to be the greatest naval rendezvous in the world, it would require eight times as many enemy vessels, or 64 warships, to maintain an effective blockade of New York Harbor.

Mr. LAGUARDIA. That is an answer to the gentleman from Illinois.

Mr. HULBERT. Therefore it is proposed by the insertion of seven words, "and through East River and Hell Gate," to authorize a channel with a minimum depth of 40 feet throughout the entire length of the river.

This has been presented to the President of the United States as Commander in Chief of its military and naval forces, and was referred to and is approved and recommended by the Secretaries of War and Navy as a war-emergency measure of the first magnitude. And I want to say, for the benefit of the gentlemen who have doubted his knowledge concerning these matters, that when I have talked with the President upon this subject, it has been like carrying coals to Newcastle to tell him anything about it, because he has shown the most complete familiarity with the situation.

The improvement of the East River and Hell Gate has a commercial significance that is scarcely understood except by those intimately acquainted with the situation.

Mr. MOORE of Pennsylvania. Does the gentleman intend——

Mr. HULBERT. I can not yield in the time remaining.

The county of The Bronx, which is one of the five boroughs constituting the city of New York, has its greatest water-frontage upon the East River and Long Island Sound. From a suburb 35 years ago with a population of less than 50,000, it has proven to be the fastest growing community in the greater city, and has now attained the dignity of a separate political subdivision, with a population of over 700,000, surpassed only by Manhattan, Brooklyn, Chicago, Philadelphia, Boston, and St.

Louis, and if the Borough of The Bronx were an independent city it would be the sixth in numerical standing in population.

It has an extensive and valuable yet undeveloped water frontage, for while that frontage has sufficient depth to afford ample docking facilities with but little dredging, at slight expense, to accommodate the largest ships, it is handicapped alone by the fact that they could not secure access through Hell Gate, and could only reach their piers by skirting the south shore of Long Island to Montauk Point, and thence up Long Island Sound, a distance from Sandy Hook of 253 miles. And should such a vessel, after having discharged a cargo, be required to proceed to any dock on the East River below Hell Gate, or on the Hudson River, a distance of not more than 15 miles in any event, it would be necessary for that vessel to retrace her course 253 miles to Sandy Hook and thence up New York Bay.

A failure to recognize and rectify these deplorable conditions has undoubtedly seriously retarded the growth of the community whose development has been even so phenomenal as that of The Bronx.

Gentlemen may not be acquainted with the fact that now there are stored up in these freight yards in New York City, both in The Bronx, on Long Island, and over on the Jersey side, a tremendous number of freight cars loaded with merchandise, which have been awaiting for weeks the opportunity to be moved to the piers and their contents discharged and loaded upon waiting vessels, but it has not been possible, because, through the lack of docking facilities in New York Harbor, incoming ships have been at anchor for from one week to two weeks off the Statue of Liberty awaiting pier space at which to load this waiting traffic.

Upon the case presented it is submitted that the Nation is entitled to have Congress appropriate all that has been asked for in this bill.

From the inauguration of Washington to that of Wilson the Federal Government has expended about $20,000,000 upon the improvement of New York Harbor, which is less than 3 per cent of the total amount expended upon all other rivers and harbors improvements during that period.

In 1915 the total customs receipts for the whole United States were $209,786,672.21, of which amount $148,536,425.81, or 71.23 per cent, was collected at the port of New York.

In 1915 our national exports were valued at $2,431,004,047, of which amount $1,785,101,131, or 74.33 per cent, was sent out through the port of New York.

Two-thirds of the water-borne commerce of the city of New York is accommodated upon 7½ per cent of the total water frontage of the Borough of Manhattan.

Nothing could make more apparent the absolute and most urgent need of Federal cooperation for the establishment of additional terminal facilities to relieve the greatly congested conditions which perhaps more than any other one thing is responsible for the car shortage, and therefore contributes to the high cost of transportation and the high cost of living, which is a burden upon your constituents as well as upon mine.

In 1915 the total internal-revenue receipts for the whole United States were $415,681,023.86, of which amount $76,271,908.24, or 18.3 per cent, was collected in the State of New York, where we have less than 10 per cent of the population of the United States.

In 1915 the total corporation income tax receipts for the whole United States were $39,144,531.71, of which amount $10,221,206.65, or 26.8 per cent, was collected in the State of New York.

In 1915 the total individual income tax receipts for the whole United States were $41,046,162.09, of which amount $17,417,537.60, or 42.43 per cent, was paid by less than 10 per cent of the total population of the United States and collected in the State of New York.

This Congress staggered not the Nation but the world when on April 14, 1917, it authorized a bond issue of $7,000,000,000 to carry on the war with the German Empire, but a commerce was carried on the Hudson River during the year 1916 equal to that amount, and the commerce carried upon the East River during the year 1916 was more than one-half of that amount, and the commerce carried upon the Harlem River during the same period was approximately one-third of that amount.

I shall not continue upon the course followed by my committee last August and take you through the Kill von Kull and Staten Island Sound, having a commerce of $542,432,503, which are ably looked after by my colleagues on the committee, the gentlemen from New Jersey, Mr. SCULLY and Mr. DRUKKER; nor across the bay to Coney Island Channel and Jamaica Bay, having a commerce of more than $5,000,000; nor through Bay Ridge and Red Hook Channels, having a commerce of $408,459,300, to the Bush Terminal; nor to Newton Creek, an arm of the East River, opposite Thirty-fourth Street, and having a commerce of $150,000,000; nor to Flushing Bay and any of the other tributaries of the East River, for none of which are we asking any appropriation in this bill. We have only presented those which are urgent, crying necessities.

Will you heed the appeal made for them and enable us, as the President has declared our supreme duty to be, to continue to build up our commerce through unabated activity, or will you strangle our hopes and throttle our necessities in the hour of our greatest trial, when the burden of furnishing men and money and all of the sinews of war is placed upon the people of the Empire State? [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

EXTENSION OF REMARKS.

Mr. FREAR. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SMITH of Idaho. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from Idaho asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

RIVERS AND HARBORS.

Mr. EMERSON. Mr. Chairman, I am very much opposed to the passage of a river and harbor bill at this session of Congress.

In the first place, we are engaged in war and shall need every cent possible to pay the expenses of this war. We as a Nation should economize, and this Congress must economize in the expenditure of the people's money.

This bill can not be justified on the grounds of military necessity, because there is now over $30,000,000 available for the maintenance and improvement of certain projects.

If the Navy Department requested Congress to appropriate a certain sum, however much, to improve a certain harbor or river, claiming it was necessary, Congress would do so at once. If this bill is enacted at this session there is no probability that any of the work to be done could be completed in time to be of use in this war.

This extra session was called to enact national defense legislation, as I am informed. This bill can not be placed in that class.

There are other reasons why this bill should not be passed; take the Army officers who are used as engineers, they will be needed to officer the Army now being organized.

We should not call upon the people of this country to practice economy and not do it ourselves.

Other reasons exist why this bill should not be enacted; it is a very bad time to make contracts; labor is going to be taken away and used in the organization of the Army.

Boats will be used in transporting war materials, and soldiers, and will be otherwise used in the national defense. There are millions available now that can be diverted for such purposes as are necessary in this crisis.

Let this country devote its time exclusively to the proper management of this war, conserving the national resources, and protecting our rights upon the sea.

The trouble is we do not appreciate the serious situation that confronts this country.

At this time the central powers seem to be holding their own against France and Great Britain, and with Russia out of this war the United States faces a great responsibility and may not only have to finance the war but fight it.

We may be engaged in a struggle for our national existence. I hope peace may come soon but I fear we are going to have to spend billions of dollars and place millions of men under arms.

Anyway, we should prepare for the worst and begin to economize in the expenditure of public money, and one of the ways of doing it is to defeat this bill.

I shall stand by economy in all expenditures of public money, especially now we are engaged in war.

We must practice economy here if we expect the country to stand behind us. We are placing great burdens upon the people now in the form of taxation, we are conscripting men, we are taxing every thing almost that is in sight, so let us show our patriotism by practicing economy here in Congress.

The people of this country will demand it.

Mr. SMALL. Can we have one more speech to-night?

Mr. MADDEN. Well, it is Friday night and we all have a lot of office work to do before we go home, and I hope the gentleman will move to rise.

Mr. SMALL. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HARRISON of Mississippi, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 4285) making appropriations for work on rivers and harbors and had come to no resolution thereon.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 11. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes.

ENROLLED JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following joint resolution:

H. J. Res. 94. Joint resolution authorizing the Board of Regents of the Smithsonian Institution to permit the Secretary of War to erect temporary buildings in the Smithsonian Grounds.

LEAVE OF ABSENCE.

Mr. STEVENSON, by unanimous consent, was given leave of absence indefinitely, on account of important business.

LEAVE TO EXTEND REMARKS.

Mr. HOLLAND. Mr. Speaker, on yesterday I asked leave to revise and extend my remarks in the RECORD on the emergency deficiency bill. I find no mention of it in the RECORD. I renew that request.

The SPEAKER. The gentleman from Virginia asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SMALL. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 a. m. to-morrow. Is there objection?

Mr. MADDEN. I object.

ADJOURNMENT.

Mr. SMALL. Mr. Speaker, I move that the House do now adjourn.

The *motion* was agreed to; accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned until to-morrow, Saturday, June 9, 1917, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of channel to the Back Bay of Biloxi, Miss. (H. Doc. No. 176); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Les Cheneaux Channels, Mich. (H. Doc. No. 177); to the Committee on Rivers and Harbors and ordered to be printed.

MOTIONS TO DISCHARGE COMMITTEES.

Under clause 4 of Rule XXVII, motions to discharge committees were filed as follows:

By Mr. HULBERT: To discharge the Committee on Rivers and Harbors from the further consideration of the bill (H. R. 109) to appropriate $600,000 for the improvement of the North or Hudson River, N. Y., with a view to securing an increase in depth to 40 feet and suitable widths in the North or Hudson River Channel from deep water in the upper bay as far north as Spuyten Duyvil.

Also, to discharge the Committee on Rivers and Harbors from the further consideration of the bill (H. R. 2003) for the improvement of the East River, N. Y., including Hell Gate, Diamond Reef, and Buttermilk Channels, that will best provide adequate facilities for operations of the fleet for defense of New York Harbor.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SMITH of Idaho: A bill (H. R. 4910) to authorize the establishment of town sites on the Fort Hall Reservation, Idaho; to the Committee on Indian Affairs.

By Mr. THOMAS F. SMITH: A bill (H. R. 4911) to prevent the concealing, secreting, destroying, or negligently allowing to spoil food or foodstuffs in the United States during the time of war; to the Committee on Agriculture.

By Mr. CLARK of Florida: A bill (H. R. 4912) to authorize the construction of a building for the use of the Treasury Department; to the Committee on Public Buildings and Grounds.

By Mr. EVANS: A bill (H. R. 4913) to provide for stock-watering privileges on certain unallotted lands on the Flathead Indian Reservation, Mont.; to the Committee on the Public Lands.

By Mr. FERRIS: A bill (H. R. 4914) providing for the counting of service in the Army or Navy of the United States as equivalent to residence and cultivation upon homestead entries, and, in the event of the soldier's death in such service, providing for the issuance of patent for such land to his widow or minor children; to the Committee on the Public Lands.

By Mr. WALTON: A bill (H. R. 4915) for the relief of Grant County, Luna County, and the town of Silver City, N. Mex.; to the Committee on the Public Lands.

By Mr. EVANS: A bill (H. R. 4916) for the relief of the Indians on Fort Peck Reservation in Montana; to the Committee on Indian Affairs.

By Mr. CARY: Resolution (H. Res. 96) asking the President for certain information if not incompatible with the public interest; to the Committee on the Judiciary.

By Mr. KITCHIN: Resolution (H. Res. 97) authorizing the Clerk of the House to pay to Joseph S. McCoy the sum of $125 for services rendered the Ways and Means Committee; to the Committee on Accounts.

By Mr. SWEET: Resolution (H. Res. 98) relative to the aims, purposes, and policies in the conduct of the war between the United States and the Imperial Government of Germany; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COOPER of Wisconsin: A bill (H. R. 4917) granting an increase of pension to John M. Brown; to the Committee on Invalid Pensions.

By Mr. DILL: A bill (H. R. 4918) granting an increase of pension to George Cole; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4919) granting a pension to Peter G. Hobbs; to the Committee on Invalid Pensions.

By Mr. FOSTER: A bill (H. R. 4920) granting an increase of pension to John Luke; to the Committee on Invalid Pensions.

By Mr. GANDY: A bill (H. R. 4921) granting an increase of pension to Daniel Maloy; to the Committee on Invalid Pensions.

By Mr. GILLETT: A bill (H. R. 4922) for the relief of the widow of Edward Kelly; to the Committee on Military Affairs.

By Mr. KEHOE: A bill (H. R. 4923) to relieve the estate of Thomas H. Hall, deceased, late postmaster at Panacea, Fla., and the bondsmen of said Thomas H. Hall, of the payment of money alleged to have been misappropriated by a clerk in said office; to the Committee on Claims.

By Mr. KRAUS: A bill (H. R. 4924) granting an increase of pension to Franklin J. Sparks; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 4925) granting an increase of pension to Andrew J. Jones; to the Committee on Invalid Pensions.

By Mr. MARTIN of Illinois: A bill (H. R. 4926) granting an increase of pension to George W. Bean; to the Committee on Pensions.

By Mr. NEELY: A bill (H. R. 4927) for the relief of Thomas W. Wade; to the Committee on Military Affairs.

Also, a bill (H. R. 4928) granting an increase of pension to Margaret R. Kinney; to the Committee on Invalid Pensions.

By Mr. POLK: A bill (H. R. 4929) granting an increase of pension to Thomas R. Henthorn; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 4930) granting a pension to Mary F. Church; to the Committee on Invalid Pensions.

By Mr. SANFORD: A bill (H. R. 4931) granting an increase of pension to Henry Garvey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4932) granting a pension to Rosella MaGee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4933) granting a pension to Elizabeth Hogan; to the Committee on Pensions.

Also, a bill (H. R. 4934) granting a pension to William E. Martin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4935) for the relief of Tennis W. Wade; to the Committee on Military Affairs.

Also, a bill (H. R. 4936) for the relief of Anthony Schnell; to the Committee on Claims.

Also, a bill (H. R. 4937) for the relief of Henry C. Romaine; to the Committee on Military Affairs.

Also, a bill (H. R. 4938) for the relief of Charles H. Palmer; to the Committee on Military Affairs.

Also, a bill (H. R. 4939) for the relief of Martin W. Joralemon, alias Martin Whitbeck; to the Committee on Military Affairs.

Also, a bill (H. R. 4940) for the relief of John J. Dooley; to the Committee on Military Affairs.

Also, a bill (H. R. 4941) for the relief of Michael H. Feeley; to the Committee on Claims.

Also, a bill (H. R. 4942) for the relief of James Birney, alias James Brady; to the Committee on Military Affairs.

By Mr. STRONG: A bill (H. R. 4943) granting an increase of pension to Ananias Wonders; to the Committee on Invalid Pensions.

By Mr. YOUNG of North Dakota: A bill (H. R. 4944) for the relief of G. A. Lieber; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Declaration of Washington Chamber of Commerce, favoring whatever food control is essential to meet the exigencies created by the war; to the Committee on Agriculture.

Also (by request), declaration of the New York yearly meetings of the Religious Society of Friends, commending Congress for exempting from military service the members of the society; to the Committee on Military Affairs.

Also, petition of citizens of Atlanta, Tex., favoring prohibition as war measure; to the Committee on the Judiciary.

By Mr. BATHRICK: Petition of citizens of Kenmore, Ohio, favoring measures to prohibit food speculation; to the Committee on Agriculture.

Also, petitions of the Puritan Association, Congregational Churches of Ohio, citizens of Peninsula, sundry citizens of Ravenna, and citizens of Seville, all in the State of Ohio, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. COOPER of Wisconsin: Petition of students at the State Normal School, Milwaukee, Wis., asking that Congress do not increase rates of postage on second-class mail matter; to the Committee on Ways and Means.

Also, petition of residents of Milton Junction, Wis., favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of students of the State Normal School, Milwaukee, Wis., favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of residents of Racine, Wis., favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of residents of Salem, Wis., favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of C. P. Lurvey and other residents of Dousman, Wis., urging the enactment of legislation to prevent the converting of cereals and other food products into intoxicants during the war; to the Committee on the Judiciary.

By Mr. DALE of New York: Memorial of the Brooklyn Federation of Jewish Charities, asking exemption from Federal taxation of religious, educational, and philanthropic bequests; to the Committee on Ways and Means.

Also, petition of the Society of the Friends of Russian Freedom, indorsing Mr. GOODWIN's resolution of greeting to the people of Russia; to the Committee on Foreign Affairs.

Also, petition of Utica (N. Y.) Typographical Union, No. 62, opposed to the increase in postage rates on second-class matter; to the Committee on Ways and Means.

Also, petition of sundry citizens of New York, against any kind of prohibition; to the Committee on the Judiciary.

By Mr. DOWELL: Petition of citizens of Attica, Iowa, favoring prohibition as a war measure; to the Committee on Ways and Means.

By Mr. FOSTER: Petition of citizens of Noble, Ill., against manufacture of alcoholic liquors; to the Committee on the Judiciary.

Also, petition of citizens of Rose Hill, Ill., against the Hardwick amendment to Federal reserve act; to the Committee on Banking and Currency.

By Mr. FULLER of Illinois: Petition of 191 citizens of Durand, Ill., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of committee of New York citizens, relative to exempting from Federal taxation educational, religious, and philanthropic bequests; to the Committee on Ways and Means.

Also, petition of the National Retail Hardware Association, against Hardwick amendment to Federal reserve act; to the Committee on Banking and Currency.

Also, petition of Hon. Arthur Capper, governor of Kansas, against increase of second-class postage rates; to the Committee on Ways and Means.

By Mr. GALLIVAN: Petition of Jordan Marsh Co., Boston, Mass., relative to changes suggested for the war-revenue bill; to the Committee on Ways and Means.

By Mr. GANDY: Petition of numerous citizens of Drayer, S. Dak., favoring the prohibition of the liquor business as a war measure; to the Committee on the Judiciary.

By Mr. GOULD: Petitions of E. G. Soper, district superintendent of schools, Ontario County; Rev. Edward Jarvis, pastor Methodist Episcopal Church, Manchester; Wall Street Methodist Episcopal Church, Auburn; residents of Chapin; men of Williamson and ladies of Williamson Methodist Episcopal Church, Williamson; residents of Fleming, Cayuga County; residents of Waterloo; residents of Gorham and Stanley; Lakemont Christian Church, Lakemont; Seneca County Sunday School Association, Seneca Falls; residents of Red Creek; residents of Canandaigua; residents of Union Springs; residents of Allens Hill; residents of Potter; Richard Eccles Co., Auburn; various farmers of Ontario County; Scoon Bible Class, North Presbyterian Church, Geneva; Bowen Manufacturing Co., Auburn; Lyons Civic Club, Lyons; Board of Education, Newark; farmers of Moravia and vicinity, Moravia; Lakeview Grange No. 1261, Ovid; Keuka College Baptist Church, Keuka Park; residents of Naples; and Yates County Sunday School Association, Penn Yan, all in the State of New York, favoring national prohibition during the period of the war; to the Committee on the Judiciary.

Also, petitions of the Presbyterian Church, King Ferry; Eureka Grange, No. 46, Lyons; Second Presbyterian Church, Genoa; First Methodist Episcopal Church, Weedsport; Wolcott Baptist Church, Wolcott; Presbyterian Church, Lyons; Wesleyan Methodist Society, Canandaigua; Methodist Episcopal Church, Wolcott; the Reformed Church, Interlaken; residents of Bellona; Congregational Church, West Bloomfield; Methodist Episcopal Church, North Rose; Hallagan-Thompson Co., Newark, all in the State of New York, and the Anti-Saloon League of America, Washington, D. C., favoring national prohibition during the period of the war; to the Committee on the Judiciary.

Also, petitions of Methodist Church, Geneva; residents of Interlaken; farmers of Seneca County; president Hobart College, Geneva; Bethel Home, Keuka Park; Presbyterian Church, Sennett; residents of North Rose; residents of Savannah; Presbyterian Sunday School, Newark; First Baptist Church, Fleming; Woman's Home Missionary Society of Methodist Episcopal Church, representing 1,400 women of Wayne, Ontario, Seneca, and Yates Counties; Woman's Christian Temperance Union, Geneva; Manchester Grange, Manchester; Woman's Christian Temperance Union, Lyons; Lakemont Grange, No. 1089, Yates County; residents of Lakeside; Cayuga County Medical Society, Auburn; Baptist, Presbyterian, and Methodist Episcopal Churches of Waterloo; and residents of North Huron, Resort, all in the State of New York, favoring national prohibition during the period of the war; to the Committee on the Judiciary.

Also, petitions of Independent Brewing Co., Auburn; Patent Cereals Co., Geneva; and various residents of Ontario County and of Auburn, all in the State of New York, protesting against the enactment of national prohibition during the period of the war; to the Committee on the Judiciary.

By Mr. GRIFFIN: Petition of committee of New York citizens, asking exemption from Federal taxation of religious, educational, and philanthropic bequests; to the Committee on Ways and Means.

Also, petition of the Merchants' Association of New York, urging that Senate bill 2133, to amend an act entitled "An act to authorize the establishment of a bureau of war-risk insurance

in the Treasury Department," approved September 2, 1914, and for other purposes," be amended so as to provide for the enlargement of the advisory board of the Bureau of War-Risk Insurance by the addition of two members representing the shipping and export interests; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Gov. Arthur Capper, of Kansas, protesting against the increase of rates of postage on second-class matter; to the Committee on Ways and Means.

Also, memorials of Technical Press Chapel, New York, signed by James J. Mummery, John R. Knowles, Frederick Edgar, and S. Messede, opposing an increase in rates on second-class mail matter; to the Committee on Ways and Means.

Also, petition of New York Social Hygiene Society, praying that the patents on salvarsan be declared void; to the Committee on Patents.

Also, petition of Heinighe & Smith, stained-glass makers, New York, favoring the passage of House bill 4630, to promote the marketing and distribution of foods; to the Committee on Agriculture.

By Mr. HADLEY: Petitions of citizens of Custer, Sumas, Stanwood, and Bellingham, Wash., and vicinity, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HAYES: Petition of citizens of Campbell, Cal., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. HELM: Petition of Christian and Methodist Episcopal Churches of Berea, Ky., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. JOHNSON of Washington: Memorials of congregation of Le Sourd Methodist Episcopal Church, Tacoma, and citizens of Eatonville and Camas, Wash., favoring national prohibition; the the Committee on the Judiciary.

By Mr. KEATING: Petition of Woman's Christian Temperance Union, Cheraw, Colo., for national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petition of Harry J. Gordon, of Providence, R. I., favoring daylight-saving plan; to the Committee on Interstate and Foreign Commerce.

Also, petitions of citizens of Narragansett, R. I., favoring Federal suffrage amendment; to the Committee on the Judiciary.

Also, petition of Women's Universalist Missionary Association of Rhode Island, favoring prohibition during the period of war; to the Committee on the Judiciary.

By Mr. KIESS of Pennsylvania: Evidence in support of House bill 4363, for the relief of Mary Fessler; to the Committee on Invalid Pensions.

Also, memorial of citizens of Galeton, Pa., favoring woman suffrage; to the Committee on the Judiciary.

Also, petitions of Williamsport and Renova, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. LENROOT. Petition of sundry citizens of Minocqua and Winchester, Wis., favoring the prohibition of the liquor business as a war measure, and opposing war tax on same; to the Committee on the Judiciary.

Also, petition of First Baptist Church of Superior, Wis., favoring prohibition as a war measure; to the Committee on the judiciary.

By Mr. LUNDEEN: Petition of the Young People's Society of the Salem Swedish Mission Church, Minneapolis, Minn., Simon Johnson, secretary, in favor of national prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of the Christian Endeavor Society of the Grace Presbyterian Church, E. H. Adams, secretary, Minneapolis, Minn., favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, letter of the Sheffield-King Milling Co., of Minneapolis, Minn., favoring food-control legislation as proposed in House bill 4630; to the Committee on Agriculture.

By Mr. MAPES: Petition of 76 citizens of Grand Haven, Mich., for the immediate enactment of prohibition of the manufacture of alcoholic liquors as a measure of food conservation and for the immediate prohibition of the sale of liquors for beverage purposes in order to conserve the health, wealth, labor, transport facilities, and military efficiency of the people; to the Committee on the Judiciary.

By Mr. MORIN: Petition of Philadelphia Branch Woman's Foreign Missionary Society of Methodist Episcopal Church, Miss Emma A. Fowler, of Pittsburgh, Pa., associate secretary, urging the passage of a law to prohibit the manufacture and sale of alcoholic liquors during the war; to the Committee on the Judiciary.

By Mr. MOTT: Petitions of sundry church organizations of New York, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. NOLAN: Petition of Insurance Federation of California, Insurance Brokers' Exchange of San Francisco, and California State Association of Local Insurance Agents, of San Francisco, Cal., protesting against the proposed tax on insurance brokers, agents, partnerships, or corporations; to the Committee on Ways and Means.

By Mr. RAMSEYER: Petition of citizens of Deep River, Iowa, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. ROGERS: Petition of the Sunday School of the Orthodox Congregational Church of Littleton Common, Mass., favoring national prohibition as a war measure; to the Committee on the Judiciary.

By Mr. ROWE: Memorial of Park Spope Young People's Society of Christian Endeavor of Brooklyn, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Neighborhood Workers' Association of New York, favoring passage of the food-control bill; to the Committee on Agriculture.

Also, petition of members of St. Savior's Church of Brooklyn, N. Y., relative to independence for Ireland; to the Committee on Foreign Affairs.

Also, petition of George E. Lovett, of New York, favoring passage of House resolution 73, relative to treatment of our shipping and mails by England; to the Committee on Foreign Affairs.

Also, petition of Harry A. Mayers, of Brooklyn, N. Y., against increase in second-class postage; to the Committee on Ways and Means.

Also, petition of Hirsh & Schofield, of New York, against any kind of prohibition; to the Committee on the Judiciary.

By Mr. SANDERS of New York: Petitions of Methodist Episcopal Church and congregation of Lyndonville, members of the First Presbyterian Church of Medina, and sundry citizens of Gainesville, all in the State of New York, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SANFORD: Petitions of sundry residents of Cohoes, N. Y., for enactment of law prohibiting manufacture of alcoholic liquors as a measure of food conservation; to the Committee on the Judiciary.

Also, petition of Methodist Episcopal Church of Green Island, N. Y., favoring the prohibition of liquor business as a war measure; to the Committee on the Judiciary.

Also, petition of Methodist Episcopal Church of Slingerlands, N. Y., favoring the prohibition of liquor business as a war measure; to the Committee on the Judiciary.

By Mr. SHOUSE: Petitions of citizens of Bushton, Chase, Belpre, and Castleton, Kans., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. SYNDER: Petitions of Baracca Class of the Liberty Street Methodist Episcopal Church of Rome and sundry citizens of Vernon, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SNOOK: Petition of C. F. and Mary Blair, Liberty Center, N. Y., favoring national prohibition as a war measure; to the Committee on the Judiciary.

By Mr. STEENERSON: Memorial of Marion E. Schaller, chairman committee on legislation et al., and St. Paul (Minn.) Chapter, Navy League of the United States, commending Senators and Representatives in Congress from Minnesota who have supported legislation tending to render our Navy more powerful and efficient in our present emergency, etc.; to the Committee on Naval Affairs.

By Mr. TAYLOR of Colorado: Petition of citizens of Mesa County, Colo., urging the enactment of a law prohibiting the manufacture and sale of liquors as a war measure; to the Committee on the Judiciary.

By Mr. TILSON: Petition of people of New Haven and vicinity, favoring measure to prevent speculation in food products; to the Committee on Agriculture.

Also, petition of First Italian Baptist Church of New Haven, Conn., urging prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of German Baptist Church of Meriden, Conn., urging prohibition as a war measure; to the Committee on the Judiciary.

By Mr. TIMBERLAKE: Petition of First Methodist Episcopal Church of Atwood, Colo., urging prohibition as a war measure; to the Committee on the Judiciary.

Also, memorial of National Woman's Party of Colorado and 60 others, favoring woman suffrage amendment; to the Committee on the Judiciary.

Also, memorial of Woman's Christian Temperance Union of Otis, Colo., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. TINKHAM: Petition of citizens of Forest Hills, Mass., and vicinity, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of the State of Massachusetts, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. VESTAL: Petitions of citizens of Adams County, citizens of Monroe, and sundry other citizens of Indiana, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. WARD: Petition signed by Mrs. Helen A. Palmer, president, and Carrie E. Johnston, secretary, representing 50 members of the Woman's Christian Temperance Union of Plattekill, N. Y., urging conservation of food products used in making intoxicating beverages, and passage of all war prohibition measures; to the Committee on the Judiciary.

SENATE.

SATURDAY, *June 9, 1917.*

(Legislative day of Friday, June 8, 1917.)

The Senate reassembled at 12 o'clock m., on the expiration of the recess.

USE OF RIFLES.

Mr. CHAMBERLAIN. Mr. President, there is a Senate bill on the desk, with certain amendments of the House, which I desire to have laid before the Senate.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 995) to authorize the issue to States and Territories and the District of Columbia of rifles and other property for the equipment of organizations of home guards, which were, on page 1, line 3, after "war," to insert "during this existing emergency"; on page 1, line 5, after "Territories," to insert "and the District of Columbia"; on page 1, line 8, after "Columbia," to insert "and such other home guards as may be organized under the direction of the governors of the several States and Territories and the Commissioners of the District of Columbia or other State troops or militia"; and, on page 2, line 7, after "purposes," to insert "*Provided*, That all home guards, State troops and militia receiving arms and equipments as herein provided shall have the use, in the discretion of the Secretary of War and under such regulations as he may prescribe, of rifle ranges owned or controlled by the United States of America."

Mr. CHAMBERLAIN. I move that the Senate concur in the amendments of the House.

Mr. NEWLANDS. Is this a conference report?

Mr. CHAMBERLAIN. No; it is the action of the House of Representatives on a bill which has passed the Senate, authorizing the Secretary of War, in his discretion and under regulations which may be prescribed by him, to furnish certain home guards equipments on occasion. The House has made a few immaterial amendments to the bill. The bill was originally introduced by the Senator from Massachusetts [Mr. LODGE]. I think the amendments are immaterial, and I should like to have them concurred in.

Mr. SMOOT. Mr. President, as to all of the amendments, except the last one, which was stated, we could follow them, knowing generally the contents of the bill; but I should like to have the Secretary read the last paragraph of the bill containing the last proposed amendment which was adopted by the House, so that we may see precisely what effect it has.

Mr. NEWLANDS. Mr. President, I must object to the consideration of this measure if it is to take any time in discussion.

Mr. SMOOT. I will say to the Senator from Nevada that I do not think it will take any time. All I want to know is what effect the last amendment which was made by the House to the Senate bill has upon the part of the bill to which it refers.

Mr. NEWLANDS. If the matter takes time for discussion, I reserve the right to object.

Mr. CHAMBERLAIN. I shall not ask that it be considered if there is any discussion of the matter at all.

The VICE PRESIDENT. It could have been disposed of by this time had there been no objection. The Secretary will read as requested.

The Secretary read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized, in his discretion, to issue from time to time to the several States and Territories for the equipment of such home guards having the character of State police or constabulary as may be organized by the several States and Territories and District of Columbia, such rifles and ammunition therefor, cartridge belts, haversacks, canteens, in limited amounts as available supplies will permit, provided that the property so issued shall remain the property of the United States and shall be receipted for by the governors of the several States and Territories and Commissioners of the District of Columbia and accounted for by them under such regulations and upon furnishing such bonds or security as the Secretary of War may prescribe, and that any property so issued shall be returned to the United States on demand when no longer needed for the purposes for which issued, or if, in the judgment of the Secretary of War, an exigency requires the use of the property for Federal purposes: *Provided*, That all home guards, State troops, and militia receiving arms and equipments as herein provided shall have the use, in the discretion of the Secretary of War and under such regulations as he may prescribe, of rifle ranges owned or controlled by the United States of America.

Mr. SMOOT. That is satisfactory, Mr. President.

The VICE PRESIDENT. The question is on concurring in the amendments of the House of Representatives.

The amendments were concurred in.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT. The Chair lays before the Senate a concurrent resolution of the Legislature of the Territory of Hawaii, which will be incorporated in the RECORD and referred to the Committee on Appropriations.

The concurrent resolution is as follows:

SECRETARY OF HAWAII,
EXECUTIVE BUILDING,
Honolulu, May 23, 1917.

The honorable PRESIDENT OF THE SENATE,
Washington, D. C.

SIR: I have the honor to transmit herewith certified copy of house concurrent resolution No. 30, which was adopted by the Legislature of the Territory of Hawaii, regular session of 1917.

Yours, very truly,

C. P. IAUKEA,
Secretary of Hawaii.

Concurrent resolution.

Whereas the increased cost of living not only warrants but in some cases practically requires an increase in the compensation of many of the officers and employees of the Territory of Hawaii, the need for which has been recognized by the legislature of the Territory for the year 1917 with regard to many of the officers and employees drawing their compensation from the Territorial funds; and

Whereas certain of the officers of the Territory receive their compensation from the Federal Government, and their salaries can only be fixed by the Congress of the United States, no adjustment of whose salaries has been made since the year 1910, by the act approved May 27, 1910: Therefore be it

Resolved by the House of Representatives of the Legislature of the Territory of Hawaii (the Senate concurring), That the Congress of the United States be, and it is hereby, respectfully requested by appropriate legislation to increase the compensation of the governor, the secretary of the Territory, the chief justice and associate justices of the supreme court of the Territory, the judges of the circuit courts, and the secretary to the governor; and be it further

Resolved, That copies of this resolution be transmitted by the secretary of the Territory to the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States, and to the Delegate to the Congress from Hawaii.

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THE HOUSE OF REPRESENTATIVES
OF THE TERRITORY OF HAWAII,
Honolulu, Hawaii, May 2, 1917.

We hereby certify that the foregoing resolution was finally adopted in the House of Representatives of the Territory of Hawaii on May 2, A. D. 1917.

H. L. HOLSTEIN,
Speaker House of Representatives.
EDWARD WOODWARD,
Clerk House of Representatives.

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THE SENATE OF THE TERRITORY OF HAWAII,
Honolulu, Hawaii, May 2, 1917.

We hereby certify that the foregoing resolution was finally adopted in the Senate of the Territory of Hawaii on May 2, A. D. 1917.

CHAS. T. CHILLINGWORTH,
President of the Senate.
O. P. SOARES,
Clerk of the Senate.

The VICE PRESIDENT. The Chair presents a concurrent resolution of the Legislature of the Territory of Hawaii, which will be incorporated in the RECORD and referred to the Committee on Pacific Islands and Porto Rico.

The concurrent resolution is as follows:

THE NINTH LEGISLATURE OF THE TERRITORY OF HAWAII,
HOUSE OF REPRESENTATIVES,
Honolulu, Hawaii, May 2, 1917.

The honorable PRESIDENT OF THE SENATE,
Washington, D. C.

SIR: I have the honor to forward you herewith certified copy of house concurrent resolution 13, which was adopted by the Legislature of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,
Clerk House of Representatives.

Concurrent resolution.

Whereas large areas of land, both public and private, adapted to the growth of rice and other products, are now lying idle and unimproved, owing to the shortage of labor adaptable to the cultivation of such idle lands; and

Whereas the improvement and cultivation of such lands would add largely to the food product of the Territory, and likewise to the taxable valuation of the lands of the Territory; and

Whereas the lands thus remaining idle and unimproved would become cultivated and productive in the event a limited number of Chinese laborers were admitted into the Territory of Hawaii for the purpose of doing agricultural labor; and

Whereas conditions in the Territory of Hawaii are so different from those on the mainland that objections urged on the mainland to the admission of Chinese laborers do not apply within the Territory of Hawaii; and

Whereas the admission of a limited number of Chinese laborers into the Territory of Hawaii would not bring such laborers in contact with skilled labor either here or on the mainland: Now, therefore, be it

Resolved by the House of Representatives of the Territory of Hawaii, regular session of 1917 (the Senate concurring), That the Congress of the United States, provided it does not interfere with existing treaties or agreements with foreign countries, is hereby requested and respectfully petitioned to pass legislation by which a limited number of Chinese laborers may be admitted into the Territory of Hawaii, with proper restriction preventing such laborers from proceeding to the mainland of the United States; and be it further

Resolved, That a copy of this resolution be forwarded to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, and the Delegate to Congress from Hawaii.

THE HOUSE OF REPRESENTATIVES
OF THE TERRITORY OF HAWAII,
Honolulu, Hawaii, May 2, 1917.

We hereby certify that the foregoing resolution was finally adopted in the House of Representatives of the Territory of Hawaii on May 2, A. D. 1917.

H. L. HOLSTEIN,
Speaker House of Representatives.
EDWARD WOODWARD,
Clerk House of Representatives.

THE SENATE OF THE TERRITORY OF HAWAII,
Honolulu, Hawaii, May 1, 1917.

We hereby certify that the foregoing resolution was finally adopted in the Senate of the Territory of Hawaii on May 1, A. D. 1917.

CHAS. T. CHILLINGWORTH,
President of the Senate.
O. P. SOARES,
Clerk of the Senate.

The VICE PRESIDENT presented a petition of sundry citizens of Salem, Mass., praying for the exemption of bequests, legacies, devises, and gifts to educational, philanthropic, and religious institutions maintained exclusively for public purposes, etc., from taxation, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Union Star, Mo., praying for national prohibition as a war measure, which was referred to the Committee on the Judiciary.

He also presented petitions of the Iowa State Sunday School Association and the Drexel Biddle Adult Bible Classes of the District of Columbia, praying for the prohibition of the manufacture of foodstuffs into intoxicating liquor, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Washington (D. C.) Chamber of Commerce, praying for Government control of food, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the New York Yearly Meetings of the Religious Society of Friends, expressing appreciation of their exemption from military service, their recognition of the responsibility to see that no improper use is made of such exemption, and offering their services for any constructive work which they may be able to perform, which was ordered to lie on the table.

Mr. MYERS presented a petition of Silver Bow Trades and Labor Council of Butte, Mont., praying for the raising of revenue for the war expenses by increased income taxes, etc., which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Montana, praying for national prohibition as a war measure, which were referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of the Brotherhood of the North Congregational Church of St. Johnsbury, Vt., praying for the prohibition of the manufacture of foodstuffs into intoxicating liquor, which was referred to the Committee on Agriculture and Forestry.

Mr. THOMPSON presented petitions of sundry citizens of Kiowa, Kansas City, Coats, Fall River, Burdett, Caldwell, and Great Bend, all in the State of Kansas, praying for the prohibition of the manufacture of foodstuffs into intoxicating liquor, which were referred to the Committee on Agriculture and Forestry.

WAR REVENUE.

Mr. SHIELDS submitted an amendment intended to be proposed by him to the bill (H. R. 4280) to provide revenue to defray war expenses, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

"CONSTITUTIONAL SOURCES OF THE LAWS OF WAR."

Mr. FLETCHER. Mr. President, I ask permission to have referred to the Committee on Printing an article entitled "Constitutional sources of the laws of war," which seems to be a very careful study by Horace L. B. Atkisson, of the District bar.

The VICE PRESIDENT. Without objection, that action will be taken.

AMENDMENT OF INTERSTATE COMMERCE ACT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2356) to amend the act to regulate commerce, as amended, and for other purposes.

Mr. NEWLANDS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	Norris	Smith, Md.
Bankhead	Gronna	Overman	Smith, Mich.
Beckham	James	Owen	Smith, S. C.
Brady	Johnson, Cal.	Page	Smoot
Brandegee	Jones, N. Mex.	Penrose	Sterling
Broussard	Jones, Wash	Poindexter	Stone
Calder	Kellogg	Pomerene	Thomas
Chamberlain	Kenyon	Ransdell	Thompson
Culberson	King	Reed	Townsend
Cummins	Kirby	Robinson	Trammell
Curtis	Knox	Saulsbury	Underwood
Dillingham	McKellar	Shafroth	Vardaman
Fletcher	McNary	Sheppard	Wadsworth
France	Martin	Sherman	Walsh
Frelinghuysen	Nelson	Shields	Watson
Gallinger	New	Smith, Ariz.	Williams
Gerry	Newlands	Smith, Ga.	

Mr. FRELINGHUYSEN. I desire to announce that my colleague [Mr. HUGHES] is detained from the Senate on account of illness. I ask that this announcement may stand for the day.

Mr. THOMPSON. I wish to announce that the Senator from California [Mr. PHELAN] and the Senator from Rhode Island [Mr. GERRY] are detained on official business.

The PRESIDING OFFICER (Mr. WALSH in the chair). Sixty-seven Senators have answered to the roll call. A quorum is present.

Mr. NEWLANDS. Mr. President, as to the bill regarding priorities in transportation, I hoped yesterday that the reading of the report and the full supplementary matter accompanying it would so convince the Senate of the wisdom and desirability of this bill that, without much discussion, it would pass. Therefore I abstained from the usual opening statement regarding the bill. I find, however, that differences have arisen as to section 1 regarding the labor question, and as to section 2 regarding the imposition of great and important duties upon an already overburdened President. So I have concluded to make as brief a statement as possible of the origin, aims, and purposes of this bill, and I shall ask that I be allowed to proceed without interruption. At the end of my remarks I will be glad to respond to any questions which may be asked.

Mr. SMITH of Georgia. Mr. President, will the Senator yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Georgia?

Mr. NEWLANDS. Yes.

Mr. SMITH of Georgia. At the time of the recess last evening I had the floor in the midst of a discussion of this bill. I realize the justice of the request of the Senator from Nevada, and I do not insist upon my right to the floor; but I ask for myself that the continuation of my remarks when I obtain the floor shall be considered a part of my speech of yesterday, and not be treated as two speeches.

Mr. NEWLANDS. There is no objection to that.

Mr. SMITH of Georgia. I understand the chairman of the committee agrees that that course shall be pursued.

The PRESIDING OFFICER. Without objection, that course will be taken. It is so ordered.

Mr. REED. Mr. President——

Mr. NEWLANDS. I understand the Senator from Missouri desires to rise to a question of personal privilege, which he says will take only a short time, and I yield temporarily.

Mr. STONE. Mr. President, let us have a little order in the Chamber.

PERSONAL EXPLANATION.

Mr. REED. Mr. President, I hope that the representative of the Washington *Post* is in the gallery, because I am going to ask him to correct in to-morrow morning's issue a misstatement made in this morning's issue of that paper.

Mr. President, on yesterday a discussion occurred between the Senator from Illinois [Mr. LEWIS], the Senator from Ohio [Mr. HARDING], and myself. I have not the slightest desire to reopen

that discussion, but during its course the Senator from Ohio seemed to refer for his authority for certain statements he had made to alleged statements made by the Senator from Illinois and myself in an executive session of the Senate. In replying to the Senator from Ohio I took occasion expressly to state that no such statements had ever been made by the Senator from Illinois or myself in executive session. Thereupon the Senator from Ohio very plainly stated that he had not meant so to charge. Accordingly, so far as the incident was concerned, it was closed on the floor of the Senate with a complete understanding that nothing that the Senator from Ohio had said was to be understood as based upon the remarks of the Senator from Illinois or myself made in executive session.

Notwithstanding that very clear understanding had here on the floor of the Senate, all of which will be disclosed by the printed record, the Washington Post article contains this language:

Replying to Senator REED'S challenge to give the facts Senator HARDING said:
"I could, if I had the record of a recent secret session, in which there were the most notable speakers."

That is immediately followed by this statement in the paper, not in quotations, and therefore I undertake to say the publisher did not intend to inscribe the statement to Senator HARDING:

In that session both Senators REED and LEWIS assailed the practices and conduct of the Council of National Defense.

Then follows a further quotation, or alleged quotation, from the Senator from Ohio, as follows:

I'll not be drawn into the matter further, but it is not a secret to say that conditions were disclosed creating the greatest anxiety. I'll not be led by heckling to make a sensational statement inclined to disturb the American tranquillity.

Mr. President, I have nothing to say with reference to the quotations from the Senator from Ohio; but the statement made in this article that a secret session of the Senate "both Senators REED and LEWIS assailed the practices and conduct of the Council of National Defense" is absolutely false. On yesterday, in the open Senate, I declared a somewhat similar assertion to be absolutely false. The declaration was made in the presence of the gentlemen of the press gallery, and during the course of the remarks they were requested to state fairly to the country the fact that the Senator from Ohio had reduced his charge to a statement that he meant no more than that the country was not adequately prepared for war, and that he had withdrawn any statement charging that disclosures in executive session by the Senator from Illinois or myself constituted the foundation for his charge as originally made. Notwithstanding those statements this article appears in the Washington Post of this morning.

I have no interest in the matter from the personal standpoint, but I have an interest in the truth being stated to the country as to what transpires upon the floor of the Senate. I was one of the Senators who opposed a press censorship. I hope I shall not have occasion to regret my action.

AMENDMENT OF INTERSTATE-COMMERCE ACT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2356) to amend the act to regulate commerce, as amended, and for other purposes.

THE COUNCIL OF NATIONAL DEFENSE AND ADVISORY COMMISSION.

Mr. NEWLANDS. Mr. President, the Senate will recall its action with reference to the creation of a Council of National Defense and the creation of an advisory commission of the council. That council and that commission were authorized by an almost unanimous vote of the Senate.

The Council of National Defense consists of six Cabinet members, headed by the Secretary of War. The advisory commission of the Council of National Defense consists of—

Daniel Willard (chairman), transportation and communication.

Howard E. Coffin, munitions and manufacturing, including standardization and industrial relations.

Julius Rosenwald, supplies, including, clothing, and so forth.

Bernard M. Baruch, raw materials, minerals, and metals.

Dr. Hollis Godfrey, engineering and education.

Samuel Gompers, labor, including conservation of health and welfare of workers.

Dr. Franklin Martin, medicine and surgery, including general sanitation.

Walter S. Gifford, director of council and advisory commission.

Grosvenor B. Clarkson, secretary of council and advisory commission.

The Council of National Defense has a number of subordinate committees appointed by that council, such as the aircraft production board, the committee on coal production, the committee on shipping, and others, composed of men skilled and experienced in these various industries. The advisory commission of the Council of National Defense also has a number of subordinate committees appointed by that commission, and the entire organization of the Council of National Defense and the advisory commission, together with the subordinate committees, embracing, I should estimate, the names of at least a thousand men prominently identified with the activities and industries of the country, is presented in the CONGRESSIONAL RECORD of yesterday, beginning on page 3592. It gives in the utmost detail the organization and membership of the various committees. The aim evidently has been to organize all the various industries of the country through the men most experienced in them, in order that the Council of National Defense, and through that council the President, may have the benefit of the information of men who know, and their cooperation in securing the highest efficiency of the Government in this great crisis.

One of the subordinate committees of the advisory commission is a railway executive committee, organized at the suggestion of the Council of National Defense—a voluntary organization, appointed by the corporations controlling over 250,000 miles of the railroads of the country—consisting of five men, with Mr. Willard, the chairman of the committee on transportation of the advisory commission, and Mr. Clark, a member of the Interstate Commerce Commission, added as ex officio members, these five men being the presidents of five great railway systems of the country, sitting in continuous session in Washington, fully authorized to act for all the railroads of the country and in cooperation with the Council of National Defense and with the President of the United States in securing the highest coordination and efficiency of the various railroad systems in this war. That committee has been brought into existence by the Council of National Defense and it is composed of men who stand highest in railway organization and railway operation, men who are not at all, as far as I understand, connected with any of the scandals that have in the past characterized railroad control and which have brought many railroad managements under severe public animadversion.

That subcommittee, Mr. President, is headed by Fairfax Harrison, president of the Southern Railway system, and included in its membership are Hale Holden, president of an important railway system; Howard Elliott, president of the New York, New Haven & Hartford Railroad; Samuel Rea, president of the Pennsylvania Railroad; and Julius Kruttschnitt, chairman of the executive committee of the Southern Pacific Co.

The Council of National Defense has been in almost continuous session for many months. The advisory commission has been in almost continuous session. The subordinate committees have been holding frequent meetings and have been making their recommendations to the advisory commission. But one report has been made as yet of the entire operations of the Council of National Defense, and that has been made, as the law provides, to the President. It is by law made the duty of the President to make a report yearly to Congress. I think it would have been better, perhaps, if the law had provided that the President from time to time should make reports, so that Congress could at all times act in cooperation and collaboration with this council; and I think that if full information had been given to Congress from time to time in detail of the operations of the Council of National Defense as well as of the advisory commission much misapprehension would have been saved. I attach no blame to anyone. It is competent at any time for Congress, by resolution, to make the inquiry, and we all know that the men who are responsible in the Council of National Defense and the advisory commission have been so full of affairs constantly pressing upon them that it would be hard to expect of them any volunteer action that would increase their duties and perhaps divert their attention from their duties.

EMERGENCY TRANSPORTATION AT HOME AND ABROAD.

Therefore, as the result of the misapprehensions which have been shown on the floor of the Senate since my return from the West with reference to the action of the Council of National Defense and the advisory commission, I have taken pains to inquire into the organization and its operations, and I have spread out the facts in detail upon the RECORD. I hope the entire organization of these two commissions, and something of the nature of the work intrusted to them, will receive the attention of Senators.

In addition to this, I have requested Mr. Willard, the chairman of the committee on transportation—a man thoroughly experienced in transportation, a man of unexceptionable record,

who has raised himself gradually from the position of a track-worker upon the railroad through the positions of brakeman and engineer and traffic manager, and so forth, up to the position of president of one of the greatest transportation systems of the country—to send me a letter stating the necessity for this legislation; and I asked him to accompany his letter with a notable speech delivered before the editorial conference by Mr. Howard Elliott, who also stands high in the railroad world, setting out the nature of the organization of the railroads and the work which they were endeavoring to accomplish. I invite the attention of Senators to this letter and to this speech, which appear in the report of the committee, as well as in the RECORD of June 8.

I have also caused to be inserted in the RECORD and in the report of the committee an article in the Outlook written by Mr. Acworth, an Englishman of high authority in railway matters, who has been frequently authorized by the House of Commons to act as an expert in such matters, who has been connected with the management of one of the great railway systems of England, who has appeared before congressional committees in this country as an expert in transportation, and from whose wide information and vast experience the Senate Committee on Interstate Commerce has received great benefit.

This article shows the process of evolution of the transportation control of England; how in 1871, when Germany was engaged in its war with France, and when England feared that the war might spread beyond the existing limits, by act of Parliament the Government was authorized at any time to take over the entire railway system of Great Britain; and how, acting under that authority of over 40 years ago, when the present conflict was impending, under an order of the Government and under plans which had been in the pigeonholes of the Government for years, the entire railway system of the country was taken over in a moment and the operation of the roads put under the management of the Government.

You will observe by this article that the Government of England at the start very wisely saved all controversy and all confusion by practically intrusting the management to a board of managers consisting of the presidents of the different railway systems, so that the entire staff of the railway systems was left intact without disturbance in any form; and the Government also, in order to avoid controversies with the owners of the properties and to do entire justice, guaranteed to the security holders, the bond and stock holders of those railroads, a net income equal to that of the year 1912, thus doing away with all anxiety of the security holders regarding the returns made to them. The result has been that the Government of England has been conducting the entire transportation system of that country through the experienced agency of the existing officials without disturbance, without controversies with security holders, and in such a way as to enable the Government to move all its freight practically free of charge, and at the same time to establish priorities in transportation that would enable the Government to be fully served, even to the neglect of private interests, in order to meet the emergency of war.

THE EVOLUTION OF THE PRIORITIES BILL.

Mr. President, the question of transportation, of course, became a most important question with the Council of National Defense and the advisory commission. As the result of their counsels the President of the United States addressed a communication to the chairmen of the Interstate Commerce Committees of the House and the Senate, respectively, calling their attention to this question and making certain suggestions, following, I presume, the advice of the Council of National Defense and probably that of the advisory commission. Thereupon a joint subcommittee was immediately selected, consisting of Mr. ADAMSON and Mr. ESCH, chairman and the leading minority member of the House committee, and the chairman of the Senate Committee on Interstate Commerce and the leading minority member—the Senator from Iowa [Mr. CUMMINS].

We considered the question of legislation and shaped a measure which was introduced on the same day, both in the other House and in the Senate. The Senate measure went to the Committee on Interstate Commerce, and there was considered and many suggestions made. Finally it was concluded to refer the bill back to the Senator from Iowa and myself for reframing, with a view to the suggestions which had been made. We met, carefully framed the measure, and then introduced it as a new measure, which was reported by the committee without dissent and is the bill now pending before you.

This measure contains two sections—one relating to obstruction or retarding of trains operating in interstate commerce, the other relating to priorities and preferences in transportation.

THE LABOR QUESTION.

The labor question came up before the Senate committee in connection with this question of the blocking or retarding of trains. Of course we all know that in the past railway strikes have resulted in the retardation and obstruction of trains moving in interstate commerce; but they are not the only possible cause of such obstruction or retardation. We can readily understand that in the case of war the obstruction and retardation can come, and probably will come, from an entirely different source. This section, therefore, was not with a view to meeting the strike situation or as a part of legislation on strikes, but simply to provide against any possible obstruction in the arteries of the Nation, an obstruction which would paralyze its activities at a time when it is necessary that the Government and the Nation should exercise without obstruction every possible function.

We concluded, therefore, in the Interstate Commerce Committee that we would not take up the labor question. That question was discussed at the last session, and was discussed at the session before.

In the session preceding the last, you will all recall that the discussion took place and the action was taken when the presidential election was approaching, and that Congress acted only upon a part of the program called for by the President—a balanced program, in my judgment—which, while yielding to humane consideration regarding the eight-hour law, proposed to provide security for the railway systems as well as the public by providing a tribunal that would settle disputes between capital and labor and would stay strikes whilst the process of investigation and determination was going on. Congress acted upon only one phase of that legislation. Some of us, myself included, sought at the last session to bring that matter up and to have the supplementary legislation enacted. I myself was very earnest upon the matter. I am opposed to any legislation that will stay the power of these great organizations to tie up the railway systems of the country, even by a peaceful strike, unless and until we provide a tribunal—a fair tribunal—which will settle the differences and disputes between capital and labor; and unless we secure such a tribunal—and with reference to the form and character of that tribunal we have not yet been able to agree—I am opposed to any legislation that will stay the power of a strike. When that is secured, I am for legislation which, whilst favoring organizations of laboring men employed on railroads, and collective bargaining, will prevent a resort to force in order to accomplish what they desire; and we all know that in the ultimate a strike means force, and that the only thing that compels the yielding of employers is the possibility of force. We are contending as between nations that reason should be substituted for force in the settlement of international disputes, and it is, of course, the highest wisdom that in domestic matters we should insist that all disputes which are likely to affect society at large, shall be settled by tribunals organized for that purpose, that the force of society shall be put behind those tribunals, and that we shall not permit any force save that of the Government itself to be applied in the redressing of wrongs.

Therefore whilst I remain firm in my view that it is the duty of Congress at an early date to substitute reason for force in these disputes, to create tribunals for the settlement of these disputes, and then to stay and prevent concerted action intended to paralyze the public functions of these great public utilities. I realize that with these great and important questions relating to the war pressing upon us it is impracticable to take up that question; that to do so might now produce disputes and dissensions, and particularly dissatisfaction among the laboring people of the country, who with reason view with solicitude and apprehension proposed legislation that is aimed at the control of their collective organizations in any form or shape. We now have their loyal support in this great movement. They are cooperating in this Council of National Defense.

Much as Mr. Gompers may have been criticized in the past for what might be regarded as extremity and indiscretion of action, certainly no one in this day can withhold praise for the vigorous and patriotic action which he has taken with reference to the prosecution of this war. He is a member of the advisory commission, placed at the head of an important committee by the Council of Defense, actively cooperating with the great men of the country—great men in industrial organization—in aiding the council and the President in the efficient prosecution of this war. Associated with him on this committee are the chiefs of the railway brotherhoods, men of courage, capacity, and determination, men who in other lines of activity would by reason of these qualities have reached distinction. They are cooperat-

ing with the advisory commission in the great work of organizing the industrial forces of the country for the national defense, and it may be wise therefore to postpone temporarily the great social question as to the method of settling industrial disputes, concerning which we differ, and apply ourselves with unanimity, zeal, and energy to making our country effective in the great war which will either save and secure democracy or enthrone autocracy. So that I think it quite unlikely that we will proceed to any labor legislation at this time.

It was not the intention of the committee that section 1 should be aimed at the power of strike. It was our opinion that it did not affect at all section 6 and section 20 of the Clayton Act, which guaranteed and secured the right of organization and the right of peaceful strike; but when the bill came upon the floor the Senator from New Hampshire [Mr. HOLLIS] took a different view, and presented certain amendments, which I think weakened the section; and finally, after a statement to him that that section did not affect section 6 and section 20 of the Clayton Act, he suggested that he would be content if a provision were put in that the legislation contemplated did not affect sections 6 and 20 of the Clayton Act. Knowing the sentiment of the Interstate Commerce Committee, I assented to that change, whereupon the proposed change was objected to by certain Members of the Senate, and I found that, instead of avoiding a controversy by the concession made to the Senator from New Hampshire, we had drifted into a new controversy.

There are Members upon this floor who think as I do, that we should take action upon this labor question at some time—we ought to have done so in the past, and we ought to do so as soon as practicable in the future—by creating a tribunal for the settlement of these disputes, but they are unwilling to put anything in the bill itself that seems to be a concession to the idea that no legislation shall be enacted with reference to the control of strikes. I beg those Senators to consider the situation, and I will ask them not to open up a controversy upon this subject. Our purpose simply is to protect the trains moving in interstate commerce, to keep the arteries of commerce open.

This bill makes it a misdemeanor for any one, by physical force or threats or intimidation, to obstruct or retard the operation of trains in interstate commerce. It is not intended to affect the previous legislation of Congress relating to injunctions and strikes, and I see no reason, therefore, why we should not put in this section, if it will quiet the mind of labor, a declaration to that effect, simply declaring in the section what is now the law and what will be the law even if this section is passed.

I will state, also, in reply to a suggestion made by the Senator from Missouri [Mr. STONE], that the entire bill is shaped so that its operation lasts only during the war. I believe, of course, that this section regarding obstruction of trains should be a piece of permanent legislation, but we do not wish to raise a discussion with reference to these questions. All patriotic men will join in a movement to give the full powers that are necessary for the prosecution of the war, but many are hesitant lest we should gradually drift into a dictatorship, and so they are insistent that all these powers and these new conditions shall last only during the period of the war; and, I think, to avoid discussion and contention that, even though we believe many of these matters ought to be matters of permanent legislation, we should yield to that view.

LIMITATIONS AS TO PRIORITIES IN SHIPMENTS.

Now, Mr. President, with reference to section 2 of this bill——

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. NEWLANDS. In the beginning of my remarks I asked not to be interrupted. I will be glad to yield to the Senator and answer any question later on.

Mr. McKELLAR. Very well.

Mr. NEWLANDS. Mr. President, the Senate is familiar with section 2 of this bill. Opposition is made to it by the two Senators from Georgia; the junior Senator [Mr. HARDWICK] being absent, the senior Senator [Mr. SMITH], however, being in harmony with him in his views, I believe, and having expressed them yesterday. He expressed a very natural solicitude regarding one-man power. He thinks it is unwise to put too much of a burden upon the President, for one thing, and he thinks it is injudicious to put too much power in the hands of one man. He admits the necessity for priorities in transportation, but he says that those priorities should be confined to the necessities of the Government—priorities in the movement of cannon, guns, and munitions, and food supplies, perhaps—but that the principle should not be extended to the general commodities and industries of the country.

At first glance that would seem a reasonable limitation; and I myself was desirous of limiting these powers so as to disturb the business of the country as little as possible; but I felt that it was necessary at all times to bear in mind that we were engaging in the greatest war that has ever afflicted mankind; that the existence of democracy was at stake; that the prosperity and the happiness and security of this country were at stake; that in such conditions human experience had always taught that power must be concentrated; and that from that experience in every great war dictatorship had practically arisen. I found it difficult to state limitations in this bill which, whilst wisely cautious for the security of our industries and the consideration of individual rights, would not hamper the Government in its central purpose of carrying this war to a successful conclusion.

With reference, therefore, to the commodities to which this limitation should be prescribed, we found ourselves in confusion. Should we confine it simply to the things that were used on the battle fields or should we extend it to foods? Should we disregard the fact that in creating the very things that are to be used upon the battle field almost every industry of the country might be drawn upon; that whilst it would be important to move quickly guns and powder and shot and other munitions of war, it would be just as essential to move quickly the things that were the component parts of those things that were used in war—the steel which constituted the making of our ships, from which our rifles were made; the iron from which the steel was made; the coal and the coke used in the production of pig iron or steel; the lumber that is to be used in the ships, coming from every section of the country, and which it is just as important to move quickly, in order that the things used in war might be manufactured quickly and efficiently.

If you once attempt to put limitations upon the articles that enter into and form part of the things that are used in war, you will find it almost impossible; you will find that you have entered upon the whole field of human industry throughout the United States, and that the power which is given to move the things used in war expeditiously must logically involve conditions in the movement of things which are component parts of the things that are used in military strife, and which must be assembled from all parts of the country with military promptness and precision.

If you will read over the speech of Mr. Howard Elliott, inserted in the RECORD of June 8, you will find illustrations of how important it is. If you will read over the article by Mr. W. M. Acworth, also inserted in the RECORD of that date, you will find how important it has been in England. They practically had to put the entire passenger population of Great Britain, you may say, to inconvenience in the moving of their troops. They discontinued passenger trains, they discontinued sleeping cars, they put people and communities to inconvenience; and Mr. Acworth very graphically describes how the component parts of a shell, for instance, came from different parts of that great Commonwealth, and how essential it was to move those things with clockwork regularity and precision and speed in order to accomplish the ultimate purpose of creating the munitions themselves.

Mr. President, I will ask leave to put in the RECORD quotations from these speeches and articles.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

[Extracts from speech of Howard Elliott inserted in RECORD of June 8, p. 3331.]

FIRST ACTION OF COMMITTEE.

One of the first things we did was to put out what we called our efficiency circular. I will not burden you with the details of it, because you no doubt have seen it, but it was an earnest appeal to officers, to men, to the public, and to those who use the railroads to help and cooperate in every way possible to make a greater use of the existing American railway plant. As I have just said, this plant is inadequate in some directions for reasons that need not here be discussed, and it is essential to make every car, every engine, every track, every freight house, and every appliance do a little more work, if we can possibly arrange it, and to do that we must have the highest cooperation between the railroad owner, the railway employee, and the railroad users.

This circular was put out to try to stimulate that idea.

WEEKLY REPORT TO COUNCIL OF NATIONAL DEFENSE.

Then we make a report once a week to the National Council of Defense to show them what we have been doing or trying to do, so that they may be advised and may make suggestions to us. Our report of May 18 covers some 18 subjects, only a small part of the numerous subjects that our committee has considered, and we have been practically in continuous session here in Washington since April 23, trying to go home to our places of residence and to our railroad headquarters on Saturdays and Sundays to keep in touch with the detail of the properties that employ us.

MOVEMENT OF COAL.

But we have taken up many subjects. One of the first and most important was to try to help move a greater quantity of fuel, which must be moved if the manifold activities of the United States are

to go on and we are to make the things that we need and that the allies need; and, as a corrolary, to bring down the greatest quantity of iron ore from the upper lake ports so that the factories can make the steel and iron. A great deal of work has been done upon that and we are beginning to see the fruits of it.

COMMITTEE OF RAILROAD EXPERTS TO RUSSIA.

We have modified the so-called car-service rules, and we think there is a more fluid movement of such equipment as exists. We, at the suggestion of the council, obtained and turned over to the Government five trained railroad officers, who were commissioned to go to Russia to see what they could do to help the Trans-Siberian Railroad to move the freight piled up at Vladivostok toward the Russian front.

NINE REGIMENTS OF RAILROAD MEN RAISED FOR FRANCE.

We also at the request of the council and partly at the request of the French delegation are arranging to obtain about nine regiments of trained railway officers and trained railway employees to help the English and French people carry on their railroad activities principally in France, where, as you know, the man power is strained to the limit. We brought about, through Mr. Peabody, of Chicago, an experienced coal owner and dealer, and with the cooperation of our committee and of the lake carriers and the ore carriers, a pooling of coal, so that when it comes to the lower lake ports there will be a minimum amount of delay in putting the coal into the boats, releasing the cars promptly, and getting the boats forward promptly.

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MEETING WITH STATE RAILROAD COMMISSIONERS.

There is another thing we have done which is of importance. We have had a meeting with a group of State railroad commissioners and have explained our position to them and our desire to work in a cooperative spirit with them.

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SHORTAGE OF TRANSPORTATION.

I am afraid there may be a shortage of transportation. If that time comes, then it is going to be necessary, in the interests of the Nation and in the interest of the allies, to use such transportation as there is for the essential things, as one of your speakers called it a few minutes ago, and it is going to be necessary for the public and for you, who represent the public, to be willing to give up the nonessentials.

PREFERENTIAL MOVEMENTS.

In other words, it is going to be a great deal more important for this country to move food, fuel, and iron, and the essentials of life and manufacturing than it is to move what might be called the luxuries, the things that we can get along without in this terrible world crisis. We hope that we are going to be able to move it all, but I think it is only fair to point out to a body of gentlemen like this the facts, and to ask your cordial support and when the time comes when we must pick and choose that we have your cordial support in any effort we may make to move the essentials before the nonessentials.

NECESSITY FOR PRIORITY COMMITTEE.

That matter is so important that the Executive and the Congress have taken it up, and they have caused to be introduced in Congress, not at our suggestion, but of their own volition, because they see the difficulty, a bill which will empower some agency of the Government, under the direction of the President, to say what shall be given up and what must move. That bill has been favorably reported by the Senate, and I presume is now on its passage. It is essential to the welfare of the people and for the preservation of this great American railway system that some such measure be enacted, because we have courageously started out to do these things that we have been asked to do by the council, and yet in doing them we must of necessity run across some Federal laws and some State laws, and sooner or later we will have to stop in our efforts to get this maximum efficiency unless as a war measure the Federal power says "You must do this and you must do that" without being subjected to countless damage suits.

[Extract from article by W. M. Acworth, of England, appearing in the Outlook of May 16, 1917, and inserted in the CONGRESSIONAL RECORD of June 8, p. 3334.]

The railways have been taken over by the Government, but the management has been left undisturbed in the hands of the old men. There is nothing by which a shipper or a passenger can recognize that any change has taken place. Each general manager with his own old staff manages his railway as before. But there is for the first time an authority behind him. The informal committee of general managers that existed before the war was at the outset given full powers as the railway executive committee. And it exercises supreme control. Its nominal chairman is a cabinet minister. But the deputy chairman, the real head of the organization, is one of the general managers. The executive committee is in almost constant session, and its task is to insure that all the railways of the country work together as one harmonious whole.

The task is not light. Not only have troops had to be moved to the ports by the million, guns by tens of thousands, and military stores in millions of tons but when every factory in the country is impressed into military works the amount of traffic back and forth within the country itself is enormous. Steel is cast in one place and made into shell in another; the fuses come from a third district, and the explosives from a fourth; the boxes and baskets to hold the shells have to be brought from a fifth; the filling is done in a sixth place, before finally the finished shell can be delivered at the port of shipment. And similarly with all the other necessaries of the armies and the fleets.

And this is not all. Railways, like any other business concern, as they grow up develop an organization to meet the requirements of their normal business. And the requirements in England nowadays are wholly abnormal. Imagine a camp of 20,000 or 30,000 men, with all their multifarious needs in food and supplies, plumped down alongside of a petty way station, whose accommodation was meant to suffice for a score of passengers a day and three or four freight cars. Imagine half a dozen important ports taken up wholly by naval needs, and the whole of their normal traffic diverted to an adjoining port, or, it may be, to a port on the opposite coast of the island. Again, traffic has been thrown upon the roads that they never handled before. The collieries before the war imported pit props by the millions of feet from the Baltic through ports close at hand. That traffic has been stopped, and pit props have to be carried long distances by rail from remote parts of Great Britain.

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I have laid stress on the fact that the railway officials manage their own lines exactly as before. But naturally the relation between the War Office and the railways is close and constant. And from the director general of military transport at headquarters, through the colonel in charge at the divisional command, down to the subaltern transport officer at the local entraining station, there is a whole hierarchy of military officers whose business it is to interpret the military needs to the railway officials and the railway possibilities to the military authorities. The point is that it is for the soldiers to say what they want done, for the railway officials to decide how to do it, or, it may be, to explain why it can not be done and to suggest a revision or modification of the order. On the whole, the system works excellently. An irate colonel who was so dissatisfied with the accommodation provided for his favorite charger that he was left expostulating on the platform alongside his horse while the train and the regiment went on without him was a fortunately rare exception.

Mr. NEWLANDS. So much for the commodities and articles that are to be moved and to which preference is to be given. I have asked the Senator from Georgia [Mr. SMITH] to present amendments specifying to what articles he would limit this power. He presented a suggestion yesterday, but it seems to be woefully insufficient, and I am afraid the Senator has failed sufficiently to designate the articles and commodities to which these priorities are limited simply because it is an impossible task. What is the standard of this bill? The standard is, "Whenever in his judgment such action is necessary to the public security and defense." That is the standard with reference to which the President must exercise his judgment. When he exercises his judgment, on the advice of the Council of National Defense and the advisory committee, then the things which he says ought to have priority must have priority, if we expect to have efficiency.

ONE-MAN POWER.

But the Senator suggests that no such power should be given to one man. In saying that he may be right, but he indicts the wisdom of our Constitution when he says it. The Constitution of the United States places all of the executive power in the President of the United States—one man—not in two men, three men, a council, or responsible ministry which acts both in legislation and in administration both in creating the laws and in executing the laws. It has made the President of the United States, a single individual, the sole repository of executive power.

Mr. President, we have put all the safeguards and all the aids around the President that we can, and we have done it at his suggestion. The President has not been eager for *one-man* power. If so, why did he suggest the creation of a Council of National Defense, who are to advise him upon these matters? Why did he advise the creation of an advisory commission, who are to advise the Council of National Defense, a commission spreading its members throughout the entire country, and representative of the character, the ability, the industry, the executive power, and the capacity to do, contained in the country? Congress has followed his suggestion, and there they are to advise, and he is advising with them. The source of every suggestion, almost, in reference to the details of this war, is not the President himself, but the ripened experience and judgment of the Council of National Defense, aided by this advisory commission. What better method could be devised, if you want to distribute power under the Constitution, than this, which bases the judgment of one man, intrusted by the Constitution with power, upon the advice of experienced and capable men organized under the law.

Mr. President, section 2 first gives the President, whenever, in his judgment, such action is necessary to the public security and defense, the power to direct that certain kinds of traffic or particular shipments as may be determined by him shall have preference or priority in transportation by any common carriers, by railroad or water, under such arrangements, rules, and regulations as he may prescribe. The Senator from Georgia [Mr. SMITH] suggested that that gave the power to discriminate as between shippers. I called the Senator's attention to the fact that there was nothing in the statute about shippers, about persons, about individuals. But there is something in this statute about things. We give the power to the President to determine the kinds of traffic, or particular shipments. He acts upon the things, not with reference to the persons interested in the things.

I can imagine a shipment that might embrace numerous kinds of traffic, so numerous that it would be almost impossible to enumerate them, certainly not without loss of time. If you are not content with the words "kinds of traffic"—although I assume the Senator from Georgia is—it might be necessary for him to have a commission to determine how many kinds of traffic there were in a particular shipment before he could order priority. Think of the waste of time if the execution of this power is to be attended with technicalities of that kind.

I proceed further. He may prescribe rules and regulations. If you give him the power why should you not give him the

power to make the rules and regulations? The rules and regulations are a necessary part of the power, the only way in which the power can be exercised in an orderly and expeditious way. Do you expect the President of the United States to inquire minutely, individually, into the character of every kind of traffic and of every particular shipment with reference to which priority is desired? He must act upon general rules; and the public interest is advanced by fixing general rules, because that means that individual preference can not be given; rules operating equally upon all and oppressively upon none.

The Senator from Georgia suggests that we should make the rules. I will ask him to submit an amendment declaring what rules he thinks, in his judgment, would cover the entire field. If he accepts that task he accepts a task that I would not accept, because I believe it is an impossible task. It is utterly impossible to tell to-day the conditions of to-morrow, or of the next day, or of the next month, or of the next year. And are we in our wisdom, sitting here to-day, to determine all the contingencies and possibilities that may arise?

The next sentence is:

He may give these directions at and for such times as he may determine, and may modify, change, suspend, or annul them.

What objection can there be to that? As a rule or a direction proves inadequate by experience, why should it not be changed or suspended or modified?

And for any such purpose he is hereby authorized to issue orders direct, or through such person or persons as he may designate for the purpose.

Of course, that is a great power, but we have elected Mr. Wilson President of the United States, and the President of the United States is the executive department of the Nation. Where else shall we put the power? The people under the Constitution have put the executive power in his hands and the responsibility upon him. Would you change the whole theory of government and by the slow process of constitutional amendment establish a council of 10 in the place of the President, or establish a responsible ministry, half legislative and half executive, desirable though it may be?

Officials of the United States, when so designated, shall receive no compensation for their services received hereunder.

I think all will assent to that.

Persons not in the employ of the United States so designated shall receive such compensation as the President may fix.

There is some criticism of that. That is a great power. He can fix any compensation. The Senator from Georgia may suggest some limitation. I am sure the Senate will give it consideration. But I would not put any limitation. If I were the President, I would appoint to that position, to administer that power, the greatest transportation man of the country, provided his character and his reputation for integrity were such as to warrant the confidence of the people. I do not know what the compensation of such a man should be. He might perform the duties as a patriotic service, for aught I know. I should hope so. The President can, if he chooses, appoint an individual, a committee, or a board or commission through whom or through which he may give his directions or he can select any existing official or Government agency, the Interstate Commerce Commission itself, if he deems best. Why hamper him in this discretion?

Suitable offices may be rented.

Some criticism has been made of that. That will involve some expenditure, of course. But we must place confidence somewhere. Are we to choose the offices and to fix the rent?

THE RAILROAD WAR COMMITTEE.

The next clause is a very wise one, it seems to me:

All such common carriers are hereby directed to establish forthwith, and to maintain continuously in the city of Washington, during the period of the war, an agency by a committee of railroad officers or otherwise fully empowered by such carriers to receive on behalf of all the carriers notice and service of such orders and directions and to arrange for the prompt compliance therewith by such carriers.

Mr. President, that has already been carried out by the Council of National Defense, without the authority of law. Already a voluntary committee has been created by all the railroads of the country at the instance of the Council of National Defense. They could not wait for legislation. They have appointed a committee of five, and they are now in session at Washington. Let me read the names of these men. Is there one who does not inspire confidence?

Fairfax Harrison, the brother of the Governor of the Philippines, president of the Southern Railway, chairman.

Daniel Willard, of whom I have already spoken, president of the Baltimore & Ohio Railroad, member ex officio.

Samuel Rea, president of the Pennsylvania Railroad.

Julius Kruttschnitt, chairman executive committee of the Southern Pacific Co.

Hale Holden, president Chicago, Burlington & Quincy Railroad.

Howard Elliott, president New York, New Haven & Hartford Railroad.

Edgar E. Clark, Interstate Commerce Commission, member ex officio.

Are there any names connected with transportation that inspire more confidence than these? Have any of these men been connected with any of the scandals that have disgraced the history of railroad administration in this country?

Mr. President, in my opinion we must get out of that state of mind which for some years has impelled Congress to punitive legislation with reference to railroads, rather than to constructive legislation. There has been abundant occasion for criticism and dissatisfaction in the past. Doubtless the severe castigation that the railroads have received in past years was deserved. Doubtless there have been many maladministrations which have been deservedly punished, and many of which have escaped deserved punishment. But I believe that as a result of the punitive process through which railroads have passed during the past 15 years, there has been evolved a standard of morals among railroad men themselves which is vastly superior to the standards of former times; and, for my part, I applaud the Council of National Defense for bringing within their counsels such men as constitute this transportation committee, charging them with patriotic responsibility, and demanding of them that they, in their varied and important functions, perform substantial service for the State; and I believe they will do it faithfully, honestly, patriotically, and efficiently. We make it the duty of this executive committee to obey strictly and conform promptly to the orders of the President, and we make it an offense for them to neglect performance.

Division of earnings and compensation to railroads: The President is hereby authorized, whenever in his judgment it becomes necessary in order to expedite transportation and to do justice between carriers, to enter into agreements with two or more carriers looking to a proper division of earnings for a time to be specified and upon kinds of traffic to be prescribed.

Is there any objection to that? Some may say that authorizes pooling. Well, there is an honest pooling that may serve the public and there is a dishonest pooling that may trick the public. But we have here in the President the Chief Executive, with the best advisers provided by Congress around him, not only this Council of National Defense, of which Mr. Lane is a member—honored and trusted throughout the country as a student and an expert in transportation and as a man of practical information upon this subject—but we have the Interstate Commerce Commission itself, through one of its members, in active communication on the one hand with the Council of National Defense and the advisory commission and on the other with the railroad committee.

Would you say that no agreements of this kind should be made because experience has taught us in the past that voluntary railway poolings may inflict injury upon the public? I can imagine a condition of things where it will be absolutely necessary to require of one road that it shall carry mainly the low-priced products of great bulk, with reference to which the rates are very low, abandoning the profitable traffic in high-priced products either entirely or partially, whichever the case may be; and I can imagine that it may be necessary to concentrate upon another road the carriage of high-priced products in order that efficiency may be attained. In that case, would you condemn the one to loss in the exercise of its patriotic duty of yielding to the President's order and insure to the other exaggerated profits? I do not think so. I think some reasonable arrangement between the two roads looking to a division of profits, so that the one may not receive the entire benefit of the change and the other suffer the entire loss from the change, may be accomplished.

The next sentence is:

For the transportation of persons or property in carrying out the orders and directions of the President the lawfully established tariffs shall apply unless otherwise fixed by law; for the transportation of troops in carrying out the orders and directions of the President, reasonable rates shall be fixed by the Interstate Commerce Commission.

Does anyone object to that?

The next is:

And if the transportation be for the Government of the United States, it shall be paid for currently or monthly by the Secretary of the Treasury, out of any funds not otherwise appropriated.

Is there any objection to that? It is to the highest interest of the Nation that the railroads should be financially sustained during this period. They should not be allowed to wait for the compensation due them. All the operations of the Government should

be promptly paid for, for it is only from the moneys the railroads receive that they are enabled to keep up their transportation facilities and their equipment to the standards required by the Government and the public.

Now comes a proviso:

Provided, That if by reason of giving preference or priority in transportation under an order or direction authorized hereunder, or by reason of disarrangement of traffic caused by giving such preference or priority, any carrier shall suffer injury or damage, the Interstate Commerce Commission shall, upon application by the carrier and upon notice to the Attorney General of the United States, and after due hearing, determine the amount thereof, which amount shall be paid by the Secretary of the Treasury out of any funds in his hands not otherwise appropriated.

Can there be any objection to that? A Government commission determines the injuries done to an individual carrier by one of these preferential orders.

The next proviso is:

Provided further, That no application for any such damage or injury shall be presented to the commission after six months from the expiration of the order of preference or priority.

That is a statute of limitations. The law requires that if a railroad suffers any damage it shall promptly present its claim, and that it shall not go into the category of stale claims, which have so afflicted the country in the past.

The next sentence is:

In making such determination the commission shall have due regard for the terms of any acts of land grant or contract existing between any such carrier and the United States, and for the purpose of any such inquiry and determination the Interstate Commerce Commission is hereby vested with all the powers which it now has or may be authorized by law to exercise in investigating and ascertaining the justness and reasonableness of rates or charges. Any such findings of the commission shall be subject to review on the merits by a bill in equity, filed either by the Government or by the carrier in a court of competent jurisdiction, with right of appeal as in other equity cases. The final order or decree shall be certified by the court to the Interstate Commerce Commission, which shall enter the same as its own order. Any carrier complying with any such order or direction herein authorized shall be exempt from any and all provisions in existing law imposing civil or criminal pains, penalties, obligations, or liabilities upon carriers on account of any such action.

There certainly can be no objection to these provisions.

The amendment offered by the Senator from Iowa [Mr. CUMMINS], which the committee accepts, relieves the last clause of any ambiguity. It substitutes for the last words "on account of any such action" the words "by reason of giving preference or priority in compliance with such order or direction." Certainly the existing laws making it a criminal offense to give preferences or priorities should not be applied to these priorities which the Government of the United States, through its President, directs pursuant to law for the security and safety of the State.

THE INTERSTATE COMMERCE COMMISSION.

Mr. President, I have now gone through this bill. I am as anxious as the Senator from Georgia is not to place undue power anywhere. I am as anxious as he is not to overburden the President of the United States. I am as anxious as he is to ease his labors by giving him all the aid that he requires as the chief of the executive department. We considered the question as to whether or not we should give these powers to some board or commission. We considered the question as to whether we should give these powers to the Interstate Commerce Commission. I may say that the railway executives wanted these powers given to the Interstate Commerce Commission. They felt that that body was a quasi judicial body, and that with its large experience in transportation it would be able to discharge the duties with greater efficiency, for one thing, and with greater justice both to the carriers and to the public for the other. But objection was made to that both by the Senator from Iowa and myself, and I think our objection was sustained by the committee. That objection was that it would not be wise to confer upon the Interstate Commerce Commission powers which were contradictory and to change the quasi judicial character of that body.

Under the law—and we want that law to stand—no preferences or priorities can be given. "First come, first served; special privileges to none; equal rights to all"—that is the doctrine of the interstate-commerce act. The Interstate Commerce Commission, as a quasi judicial body, is authorized to administer that act. We do not believe that it is well to give such a body power to fix priorities and preferences, to get it into the habit even of considering priorities and preferences. We want it to administer that law in the interest of the public; and as to these great powers created as the result of the war emergency, and absolutely necessitating and compelling diversion from accustomed methods, we do not believe that this body, honored and trusted as it is, should be called upon to act. We believe that these war powers belong to the President of the United States as the Commander in Chief of the Army and Navy of the United States, made so by our organic act, and that the responsibility should be put upon him, and that the action should come from him, either directly or through such agencies as he may direct. We preferred also not to hamper his discretion by requiring a special board or commission. Recall what Gen. Goethals says about a board—that it is long, narrow, and wooden. Recall the difficulties in the organization of the Panama Canal Commission and the final placing of all power in the chairman in order to expedite decisive action. Boards and commissions are good for deliberation and advice and judgment, but they are not always quick and decisive in action. Let the President choose whatever agency he thinks will best meet the requirements of the hour.

I presume that if after deliberation and consultation with the Interstate Commerce Commission it should be deemed wise to make that commission a part of the machinery of the administration of this priorities provision, there would be nothing in the act to prevent the President from directing that the powers should be exercised by the Interstate Commerce Commission. But we felt that as this was a great war power, we should not confer upon the Interstate Commerce Commission war powers; that we should place this power, with all the other war powers, in the hands of the Commander in Chief of the Army and Navy, as provided in our Constitution.

HOW ENGLAND HAS DONE.

Now, Mr. President, I wish to read just a few words from Mr. Acworth's notable communication to the Outlook, as showing how efficiently England has acted under these conditions. I shall read only a few quotations which illustrate my argument. Speaking of the executive committee of the railroads, which is appointed by the minister, but consists of the chief managers of the railroads, he says:

The informal committee of general managers that existed before the war was at the outset given full powers as the railway executive committee. And it exercises supreme control. Its nominal chairman is a cabinet minister. But the deputy chairman, the real head of the organization, is one of the general managers. The executive committee is in almost constant session, and its task is to insure that all the railways of the country work together as one harmonious whole.

The task is not light. Not only have troops had to be moved to the ports by the million, guns by tens of thousands, and military stores in millions of tons, but when every factory in the country is impressed into military works the amount of traffic back and forth within the country itself is enormous. Steel is cast in one place and made into shells in another; the fuses come from a third district, and the explosives from a fourth; the boxes and baskets to hold the shells have to be brought from a fifth; the filling is done in a sixth place, before finally the finished shell can be delivered at the port of shipment. And similarly with all the other necessaries of the armies and the fleets.

This shows how necessary it is that all these supplies shall go to the places where they are needed with absolutely military precision. He continues:

Nor are these the only difficulties against which the railways have to contend. With more traffic than ever to handle, there are fewer men to handle it. One man out of every five—and they not the least active and efficient—has gone to fight. Shops that should be building new engines and overhauling old ones are given up to making shells or building airplanes or motor lorries. Steel that should be rolled into new rails has been commandeered for ship plates and guns and shells.

He speaks of the substitution of women as porters, carriage cleaners, and so forth, and says:

Early in the war all cheap fares except commuters' and workmen's tickets were cut off, and a few months ago the ordinary fares were increased 50 per cent. So the ordinary passenger now pays 3 cents. The increase was put on quite as much to reduce travel as to obtain revenue. Gradually the passenger service has been very greatly reduced—

And so forth. Then he says:

I have laid stress on the fact that the railway officials manage their own lines exactly as before. But naturally the relation between the war office and the railways is close and constant. And from the director general of military transport at headquarters, through the colonel in charge at the divisional command, down to the subaltern transport officer at the local entraining station, there is a whole hierarchy of military officers whose business it is to interpret the military needs to the railway officials and the railway possibilities to the military authorities. The point is that it is for the soldiers to say what they want done, for the railway officials to decide how to do it, or, it may be, to explain why it can not be done and to suggest a revision or modification of the order. On the whole the system works excellently.

* * * * * * *

Of course, Great Britain, with 12 per cent of its total population under arms, and with almost as many more engaged in the manufacture of military supplies, is in the war deeper than the United States is ever likely to be. But if the experience of the United Kingdom has any lessons for the people of the United States they would seem to be twofold: (1) Even if the Government should think fit to take over the railways it should leave the management and operation wholly in the hands of the old staff; and (2) if it does take them over, or if, without taking them over, it so far interferes with the normal traffic as to upset the customary balance between income and expenditure, it should at once come to a fair agreement with the proprietors, securing the result that they receive the normal return of income from their property, and not wait for subsequent discussion and possible litigation, with heated charges of blackmail on the one hand and confiscation on the other.

Mr. President, in this country we have not thought best to pursue the system which is pursued in England; but we have thought it essential, in the exercise of these powers regarding priorities by the National Government, to secure to the railroads immediately compensation for the service rendered and also compensation for any injury done to one line by devoting it to an unprofitable task in the interest of the public.

Mr. President, I have gone over the entire bill and these articles and speeches, involving, of course, some tedium, in order that there may be in the RECORD a complete, careful, and consistent explanation of the bill. I hope that we shall conclude the bill to-day and come to a vote; but if we do not, I trust that Senators will read over the report and will read over the RECORD of yesterday and to-day. I am sure if they do so we shall arrive at an early vote and do our part in the creation of that legislative efficiency which is just as indispensable to the Government at this time as is administrative efficiency.

Mr. REED. Mr. President, at this hour of the afternoon there are actually in the Chamber 13 Senators, I believe. There have been not more than from 4 to 10 Senators here during the last hour, and I move that the Senate adjourn.

Mr. SHEPPARD. I wish to deliver a few remarks on another subject, if the Senator from Missouri will permit me, if we can not get a vote on this question this afternoon.

Mr. NEWLANDS. I hope we will get a vote on the bill this afternoon, and I was about to suggest the absence of a quorum.

Mr. REED. I have very little hope that the Senator will be able to do so.

Mr. NEWLANDS. I appeal to the Senator not to press his motion to adjourn. Let us first test the question of a quorum.

Mr. REED. In view of the statement which has just been made by the Senator from Texas [Mr. SHEPPARD] that he desired to submit some remarks upon another matter, or upon this matter, I will withhold my motion.

Mr. NEWLANDS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMPSON in the chair). The Senator from Nevada suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Johnson, Cal.	New	Smith, S. C.
Borah	Jones, N. Mex.	Newlands	Smoot
Brady	Jones, Wash.	Norris	Sterling
Calder	Kellogg	Overman	Stone
Culberson	Kendrick	Page	Sutherland
Cummins	Kenyon	Poindexter	Swanson
Curtis	King	Pomerene	Thomas
Dillingham	Knox	Ransdell	Thompson
France	Lodge	Reed	Underwood
Frelinghuysen	McCumber	Shafroth	Vardaman
Gallinger	McKellar	Sheppard	Walsh
Gerry	McNary	Shields	Weeks
Gronna	Martin	Smith, Ga.	Williams
Husting	Myers	Smith, Md.	
James	Nelson	Smith, Mich.	

Mr. SUTHERLAND. I desire to announce the absence of my colleague, the senior Senator from West Virginia [Mr. GOFF], on account of illness. I will let this announcement stand for the day.

Mr. POMERENE. I desire to announce that the senior Senator from Delaware [Mr. SAULSBURY] is necessarily detained from the Chamber on public business.

Mr. HUSTING. I desire to announce the unavoidable absence of the senior Senator from Arkansas [Mr. ROBINSON].

The PRESIDING OFFICER. Fifty-eight Senators have answered to their names. There is a quorum present.

Mr. SMITH of Georgia. Mr. President, objecting to the bill as it is drawn, I wish it distinctly understood that I do not oppose the broadest power to insure preference in transportation for all classes of military supplies and those commodities incident to their preparation or to the movement of foodstuffs incident to the support of combatants, either for the forces of the United States or of our allies. It is the scope of the bill which causes hesitation on my part and leads me to suggest a modification of the measure.

The bill as drawn applies to every line of transportation by rail or water and to every class of commodity. If it were limited to military supplies, or to things in which the Government was interested as an incident to the condition of war, the objections to the bill would be greatly removed.

Advocates of the bill have spoken of the necessity for giving these priorities as to transportation for the Army, for munitions, for foodstuffs needed for the Army, and for our allies; also for lumber and steel needed in connection with military construction or the construction of ships. Let me repeat, it is not to preferences of that kind, so far as I know, that any of us object; but the bill does not stop there. It allows classifications and preferences for all kinds of traffic and for "particular shipments," using its language. "All kinds of traffic" we understand. Any kind of commodity may be made the subject of preference under the authority given by this bill; but it goes further and applies to "particular shipments," which means discrimination between shipments of the same kind of traffic. It allows priorities as to classes and permits discrimination in a particular class. Why, Mr. President, no such power is necessary as a result of the condition of war that exists; no such power is in any sense required anywhere for the purpose of performing the obligations incident to war.

I desire to show that under this bill the discriminations are not to be made by the President; that he is barely mentioned in the bill. These priorities that are to be made, these classifications as to kinds of traffic and special shipments are to be made by somebody who will develop out of the Council of National Defense, from some one of the advisory committees located at present in the Munsey Building, but needing the largest quarters now of any organization in the city. Nobody knows who this commission will be.

The Senator from Nevada says that we must put the power of mobilizing our forces back of the President. I say, yes; and I am in favor of the Senate doing its part intelligently, not simply to abandon all responsibility for it; that is all. I want to do it, and I want to keep some of the responsibility on the Senate and the House of Representatives. I am opposed to legislative abdication; that is all.

I say that this bill, fairly construed, transfers the entire responsibility from the President to some set of men who are not even officers, and will not be officers, of the National Government. I am going to prove that by an analysis of the bill a little later on.

But before I get to that I want to emphasize and keep in our minds the breadth of the power. What is the effect of the privilege of discrimination as to transportation? What has transportation to do with the products of the soil of our country or the products of the factory? Is it of any real importance? It furnishes the very arteries of commercial life. When we stop it we commercially die.

You transfer your commercial life, therefore, to the pleasure of some unknown men, some men we may never know, and may have to fish to find out. We passed a little innocent bill allowing the Council of National Defense to have an advisory commission, a board of some sort to advise them in some way. That little provision has developed until its magnitude passes my ability of description. I only hope that none of these men who are buying for the Government are selling at the same time for themselves. I hope that none of these committees charged with the duty of arranging purchases have something themselves to dispose of.

I know a number of them are splendid men, and the head of this subordinate railroad committee I regard as one of the very best men in the land, a railroad president who really carries his office with a due regard for his responsibility to the public, and feels that railroad companies are quasi-public corporations and that he owes public duties. I refer to Mr. Harrison, a brother of the Governor of the Philippines, the President of the Southern Railway Co. I think he is a rare man, and I have the utmost confidence in him. I have stopped to mention this because he, I think, is named as the chairman of one of the committees looking after these railroad problems.

The power of these men, whoever they may be, who will take charge of these transportation questions under this bill, I think will be far greater than the powers of the Interstate Commerce Commission. I think the powers are much more far-reaching, and yet we do not say how many they shall be. We prescribe no qualifications; we fix no salary; we do not require that the Senate should even be notified who they will be, much less that they shall be subject to confirmation. There is a great deal in the purpose of this bill that appeals to me, but there is a great deal that I think is most objectionable. I think it is capable of substantial improvement.

I said that the real responsibility under this bill would rest upon some party unknown to us. I want to show that that is the meaning of the bill. I present a case. The President has named, or somebody has selected for him and there has been named, a committee of three or five men who take charge of this matter, who determine priorities in kinds of traffic, who make a priority as to particular shipments of the same kinds of traffic, saying that the shipment of lumber shall come from this point rather than from that point, determining the particular shipment of the particular kind of traffic to take preference. They order it. The railroad declines to obey, an indictment follows, and the defense set up is that the intention of the bill was that the President should pass upon each classification and the President should pass upon the particular shipment,

I am required to show that the bill could not have meant anything of the kind, and now I show why it could not have meant anything of the kind. Let us read it. On page 2, section 2, it reads:

SEC. 2. That during the continuance of the war in which the United States is now engaged the President is authorized, whenever in his judgment such action is necessary to the public security and defense, to direct that certain kinds of traffic or particular shipments, as may be determined by him, shall have preference or priority in transportation by any common carriers by railroad or water, under such arrangements, rules, and regulations as he may prescribe.

Let us stop there. The kinds of transportation spread from the Atlantic to the Pacific, from the Lakes to the Gulf. The "particular shipments" are at almost every station. We have here in the RECORD this morning, while we are considering this bill, information from the advisory council of the large number of railroad men who are now engaged in handling this subject, covering much space in the RECORD. I think the statement is made that they are spending more than $500,000 of their own money working it out. Does this bill mean that the President is to pass on the kinds of traffic? The evidence is before us, and it is physically impossible for him to do so.

I would urge before the court that Senators are men of average intelligence, and that they knew when they passed the bill that no human being could personally pass on the kinds of traffic or the particular shipments. And if they put that power on the President, they necessarily meant that he should select somebody else to look after it, for one man could not possibly do it. And if there were nothing else in the bill, I would be able to invoke the construction by the court of review that what the Congress meant was not that the President should do it himself, but that he should authorize somebody else to do it, as it was impossible for one man to do it.

Let us go on:

He may give these directions at and for such times as he may determine, and may modify, change, suspend, or annul them, and for any such purpose he is hereby authorized to issue orders direct or through such person or persons as he may designate for the purpose.

What does that mean? It means he is to attend to it personally, or let somebody else that he may designate attend to it. I say it means the President is to have some one else do the work, in the first place, because it would be physically impossible for any human being to do the work himself; that therefore it is absolutely essential for the bill to be workable to provide that the President may designate others to perform the duties.

What does this provision mean?

He may issue the orders direct, or through such person or persons as he may designate.

Does it mean that the person is simply to be designated to issue the order, the President having passed upon it, the President having adjudicated each particular instance? Then nothing was needed but a stenographer and a messenger to carry the order over to the railroad office.

But let us look further and see what the bill really contemplated that these people should be upon whom the President was to thrust the duty.

Officials of the United States, when so designated, shall receive no compensation for their services rendered hereunder.

That evidently contemplates more than a mere scribe or a messenger, but officials who are to work out the problems.

Persons not in the employ of the United States so designated shall receive such compensation as the President may fix. Suitable offices may be rented and all necessary expenses, including compensation of persons so designated, shall be paid as directed by the President out of funds which may have been or may be provided to meet expenditures for the national security and defense. All such common carriers are hereby directed and required to establish forthwith, and to maintain continuously in the city of Washington, during the period of the war, an agency by a committee of railroad officers or otherwise fully empowered by such carriers to receive on behalf of all the carriers notice and service of such orders and directions, and to arrange for the prompt compliance therewith by such carriers.

Mr. President, it is perfectly evident that this organized force that is to issue these orders is not to be mere scribes, but they are to be what necessarily they must be, men who practically do the work. It is the only feasible way in which the bill could be executed. So that I come to the conclusion that what it means is, and what we would practically have would be, a board of some kind, without official responsibility, and that they would pass upon the questions of priority, both as to the kinds of traffic and as to particular shipments. That was the suggestion which I made on yesterday, and about the correctness of which there seemed at that time some doubt. Further study of the measure satisfies me beyond any question that such must be its meaning and its practical operation.

Are we prepared to transfer this immense authority to men without official designation, without really official responsibility, and with practically no indication in the legislation upon the subject of classification, without a line in the bill indicating the kinds of traffic and the particular shipments with reference to which priorities should be given? I do believe that it is our duty to make some expression in the bill itself with reference to the kinds of traffic and particular shipments, if we intend to permit priorities. I really do not think there is any necessity for any priorities, except for those things that pertain to military affairs.

It has been suggested to me, and was on yesterday, that I ought to be able to present something in the shape of an amendment to indicate a line of classification. I have not had time. I believe that we ought to be able to obtain it from the committee that has been making classifications. I see in the CONGRESSIONAL RECORD, and I see in the report on the bill, that they have been making some classifications, and they have been giving priorities already. Nobody knows how long the war will last. Nobody knows for what length of time we subject by this bill the entire transportation of the country to control, and to unlimited control.

I think I have demonstrated that of necessity the effect of this bill is to put the control in the hands of men unknown and without real status as public officers. If it is necessary—which I do not believe—to go to the extent of placing such a power, then I think we ought to create a tribunal of three or five men, as is suggested by the president of the Baltimore & Ohio Railroad in the letter that he wrote to the Senator from Nevada. And I think we ought to indicate the nature of their duties, and I think we ought to give the privilege of appeal in some way from their action. This bill will wipe out every liability of the railroad companies to shippers. In the close of this bill it does away with every right that a shipper has now either by statute or common law. The close of the bill provides:

Any carrier complying with any such order or direction herein authorized shall be exempt from any and all provisions in existing law imposing civil or criminal pains, penalties, obligations, or liabilities upon carriers on account of any such action.

So that this bill wipes out every right of a shipper under existing law, whether statutory or common law. There is no provision that a shipper can present his claim for his damage against the Government and the Government pay it. There is no provision for any character of redress for the shipper. There is provision for redress for the carrier. There is provision that if the action interferes with the carrier's profit, the carrier can apply to the Interstate Commerce Commission within six months and obtain an adjudication of his damage *and collect* the money from the Treasury of the United States. But every right of the shippers is wiped out without any redress whatever. I hardly think the committee means to go that far. I am seeking to make a criticism that may possibly induce cooperation from members of the committee to modify some of the terms of this bill. I am trying to attract attention to some of the hardships in this bill as I see them in the hope that the good may be preserved and the evil eliminated.

Mr. GORE. Mr. President, I make the point of no quorum.

The PRESIDING OFFICER (Mr. KING in the chair). The point of no quorum is made. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Husting	New	Smith, S. C.
Borah	James	Newlands	Smoot
Brandegee	Johnson, Cal.	Norris	Sterling
Calder	Jones, Wash.	Page	Stone
Chamberlain	Kellogg	Penrose	Sutherland
Culberson	Kendrick	Pittman	Thomas
Cummins	Kenyon	Poindexter	Thompson
Curtis	King	Pomerene	Trammell
Dillingham	Kirby	Ransdell	Underwood
Fletcher	Knox	Reed	Vardaman
France	La Follette	Shafroth	Walsh
Gallinger	McCumber	Sheppard	Weeks
Gerry	McNary	Smith, Ga.	Williams
Gore	Nelson	Smith, Md.	

Mr. POMERENE. I desire to announce that the Senator from Delaware [Mr. SAULSBURY] is detained on public business.

Mr. THOMPSON. I wish to announce that the Senator from Tennessee [Mr. MCKELLAR] is detained from the Senate on official business.

The PRESIDING OFFICER. Fifty-five Senators have answered to their names. A quorum is present.

Mr. SMITH of Georgia. Mr. President, I was calling attention to the fact that under the terms of this bill, really some board, not exactly official, of an indefinite character, must perform the duties nominally assigned to the President, but really by this bill to be delegated to the board, the number of whose members is not prescribed, the qualifications not indicated, the salaries not fixed, the responsibility of whom to the Senate is removed, because they are not to be confirmed, and that they act practically with no legislative mandate or standard to indicate the way in which they are to discriminate between kinds

of traffic or particular shipments. Then I was calling attention to the fact that this bill provided that shippers lost every right by statute and at common law which before had been theirs, the same being superseded by the direction fixing priority of shipment on the part of this board.

Are we prepared to say that a board with such indefinite authority and of such an indefinite character, without limitations as to its discretion—unless it is held that the limitations are found in the suggestion in lines 16 and 17 that they must determine that the discriminations are necessary to the public safety or defense, which is doubtful, and which is itself very indefinite when applied to the many lines of transportation not connected with the public safety or the public defense—shall control the problems of shipments, and that all existing rights of shippers shall be wiped out by such a law?

Let me turn again to the close of the bill:

Any carrier complying with any such order or direction herein authorized shall be exempt from any and all provisions in existing law imposing civil or criminal pains, penalties, obligations, or liabilities upon carriers on account of any such action.

The right of the shipper is wiped out.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Montana?

Mr. SMITH of Georgia. Yes.

Mr. WALSH. I inquire of the Senator from Georgia whether any explanation has been made on behalf of the committee of what that concluding clause is intended to mean?

Mr. SMITH of Georgia. I do not recall any.

Mr. WALSH. Does the Senator understand that it was the deliberate purpose of the committee to wipe out all right of recovery on the part of the shipper?

Mr. SMITH of Georgia. I think so. I think the language is so clear that there can be no doubt about it.

Mr. NEWLANDS. Mr. President——

Mr. WALSH. I shall be very glad to be advised by the committee. My understanding about the matter was that a shipper suffering by reason of the priority given by the Government would have his right of action against the railroad company.

Mr. SMITH of Georgia. Not at all.

Mr. WALSH. And that the railroad company would have a right to recover, very properly, of the Government; but it looks as though this statute should bear the construction which is given to it by the Senator from Georgia; namely, an effort to wipe out all remedy of the shipper.

Mr. NEWLANDS. Mr. President——

Mr. SMITH of Georgia. I yield to the chairman of the committee.

Mr. REED. Mr. President, if I might interject, I call the Senator's attention to the fact that Congress has the right to regulate interstate commerce. There seems to be very little, if any, limit to that power. Now, if Congress, in the exercise of its right to regulate commerce, does repose in the President of the United States the power and authority to direct that a certain shipment shall be sent at a certain time and that a certain other shipment shall not be sent until another time, that would be a regulation of commerce; it would be the exercise of a constitutional power; and no citizen could recover against a railroad company for obeying an order constitutionally issued, limiting and regulating freight, it would seem to me.

Mr. WALSH. Mr. President, I would hardly agree with the Senator about that. I think it is beyond the power of Congress to take away from the shipper the right he would have under the contract; and I doubt whether it would be within the power of Congress to take away the right that he would have under the common law, because it seems to me that would be depriving him of property without due process of law, contrary to the provisions of the fifth amendment of the Constitution. But I should like to hear, if the Senator from Georgia will consent to yield that far, what the Senator from Nevada has to say about this matter.

I might say, by way of explanation, that I am most positively in favor of the passage of the bill in its general aspects. I think it is very necessary, and very wisely framed; but I should be very glad to be advised of the idea that prompted the inclusion in the bill of this paragraph.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Iowa?

Mr. SMITH of Georgia. Certainly. I desire to repeat that there is much about the measure to which I am favorable, and I want to help give the Government all it really requires; but I am nervous and disturbed about the extreme limit to which the bill goes.

Mr. CUMMINS. Mr. President, I can express my own opinion only with regard to the effect of the provision to which the Senator from Montana refers. I believe that it relieves the railway company from liability to a shipper if the injury to the shipper arises out of obedience to the order of the President. That, at least, was my understanding of it, and I think it is absolutely necessary that it shall be so. The whole purpose of this bill is to make the railroads of the country, for the time being, public instrumentalities—that is, governmental instrumentalities. As I said yesterday, it is one of the alternatives between taking possession of the railway property and operating it for the benefit of the Government primarily for the prosecution of the war, and directing through a proper official the operation of the property.

The principal idea, the paramount object, is this: That in the prosecution of the war the Government wants to use these railroads for the transportation of things that make for the vigorous and successful prosecution of the war. It has two ways in which it can accomplish that purpose. It can take the railways, and for the period of the war use them as Government property, as Great Britain has done, in which event it would, of course, always give to the war necessity the first opportunity in transportation. The other way is to authorize some official of the Government to give war material and war purposes priority in transportation.

If we choose the latter way, we must, of course, relieve the railway companies of the consequences which otherwise would ensue from the obedience of an order made by the President, or by one authorized by him, directing priority. That is only just and fair. It would be monstrous, it seems to me, if the President decides that the war requires that certain property be moved over a certain railway in preference to other property which has been tendered it for transportation, to say that therefore the railway company shall become responsible to a shipper whose freight is delayed in transportation.

Mr. REED. Mr. President——

Mr. CUMMINS. Just a moment. Now, whatever else may happen, the railway company ought not to suffer a liability of that kind. Whether the Government should also undertake to compensate the shipper for the loss which he sustains by reason of the order and its execution by the railway company is quite a different matter. If Congress desires to pass a law which shall compensate the shippers who are injured in that way, no one can complain; but that is not within the purview or scope of this bill. It can be taken up at any time that may seem desirable. But I repeat, that my understanding of this provision is that the railway companies are exempted from all liability imposed by existing law incurred in the execution of an order of preference or priority made by the President.

Mr. WALSH. Mr. President, the Senator from Iowa has made the provision perfectly clear, and I am entirely satisfied with his explanation. I want to ask him another question, however. That being the case, the railroad company being entirely relieved from any liability on account of compliance with the order, how can the railroad company suffer anything, and what kind of injuries could it sustain payment for which is provided for?

Mr. CUMMINS. Only this: Under the interstate commerce law, it is the duty of every common carrier to transport property without discrimination; and I assume that if a carrier selects certain kinds of property to which it gives priority or preference in transportation, it might thereby violate that provision of the law, and would become responsible to any one who was injured by the violation of the law. Under this bill, if it passes, were the President to order that priority, then the railway company is relieved of the liability which otherwise would be imposed upon it. It is not relieved from any liability except the liability which grows out of the preference or priority.

The bill has been amended now so that that proposition is made perfectly clear.

Mr. WALSH. Yes; but, if the Senator will pardon me, that is just the point of my question. The railroad company being entirely relieved so far as the shipper is concerned on account of the priority which it gives pursuant to the order, yet elaborate provision is made here for compensation to the railroad for whatever damage it may sustain by reason of compliance with the order. Now, what damage can it sustain? There is a further provision——

Mr. CUMMINS. I would not undertake, of course, to go through the whole range of possibilities, but I can instance one which comes to my mind.

Suppose that a railway company is required to use all its facilities for a given time in the transportation of coal—a product which is carried at a very low rate, and, as is asserted by carriers, without much profit. In so doing it must refuse to carry or fail to carry merchandise of greater value, which has a higher rate for transportation. In that arrangement of traffic or dislocation of traffic the railway company may be injured. In other words, it may be prevented from having the opportunity of earning a profit, whereas otherwise it might earn a profit.

Mr. WALSH. I appreciate that; but let me inquire of the Senator, now, whether those conditions would not be taken into consideration in fixing the rate of carriage for the thing to which priority is thus given?

Mr. CUMMINS. I think that could be done. It could be taken care of in one of two ways—either in that way, or in the way that is provided here. Under this bill, in the first instance, the railway company or carrier is compelled to transport the product at the established rate; that is, the rate that is provided for in the tariffs which have been filed with the Interstate Commerce Commission.

Mr. WALSH. But that is subject to special change, as I understand.

Mr. CUMMINS. And it receives that rate for it; and then, if there is injury on account of the things I have suggested, or like things, it may present its claim for damages before the Interstate Commerce Commission. Now, if it were thought better, the Interstate Commerce Commission could fix an adequate rate in advance; but my judgment is that it is better to leave the adjustment of the damage or injury to the Interstate Commerce Commission after the carriage has been had.

Mr. WALSH. It is really, then, the equivalent of fixing a special rate for the particular commodity.

Mr. CUMMINS. Precisely; I think it is.

Mr. REED. Mr. President, I might suggest this by way of illustration; it may throw a little light on the matter. I want to say that the Senator from Georgia was called to the telephone, and I make this suggestion in order that he may not lose the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Missouri.

Mr. REED. Suppose a trainload of cattle is being shipped from a point in the West to a point in the East; that an emergency arises, and that the President or some board in the exercise of the authority here conferred should order that train sidetracked and all traffic suspended upon the road for a period of time, long or short, whereby two things would result: First, the cattle would be enormously damaged by shrinkage, that damage falling either upon the owner or upon the railroad company. Second, the railroad company itself suffers a distinct damage in the total disarrangement for the time being of the general traffic of the railroad; and that, indeed, is referred to almost specifically in the bill, where the language appears in the clause relating to damages:

Provided, That if by reason of giving preference or priority in transportation under an order or direction authorized hereunder, or by reason of disarrangement of traffic—

I am reading from line 17, on page 4—

caused by giving such preference or priority, any carrier shall suffer injury or damage, the Interstate Commerce Commission shall, upon application by the carrier and upon notice to the Attorney General of the United States, and after due hearing, determine the amount thereof, which amount shall be paid by the Secretary of the Treasury out of any funds in his hands not otherwise appropriated.

Manifestly the language of this bill as it now exists is intended to protect the railway company against such damage as it may suffer; but it seems to me perfectly plain that it deprives the shipper of any possible claim for damage. For instance, in the illustration I just used the man is shipping a trainload of cattle from St. Paul, Minn., to Chicago, Ill. The train is sidetracked by order of the Government for three or four days in order to move troops. Thereupon the owner of the cattle sues the railroad company for damages, alleging that the railroad company had contracted to carry his cattle promptly from St. Paul, Minn., to Chicago, Ill.; that they sidetracked his cattle, and that the shrinkage had damaged him to the extent of a large sum of money. Having made that allegation in the court, the railway company, by way of answer, would plead that they did make the contract with him; they would confess the contract, and avoid it by saying that the President of the United States, under the authority of an act of Congress, had ordered them to sidetrack all that train, and to hold it at a given place, in order that the track might be clear, and that the act of Congress had imposed pains and penalties upon them, and had prescribed that it was—

The duty of any and all the officers, agents, or employees of such carriers by railroad or water to obey strictly and conform promptly to such orders, and failure knowingly and willfully to comply therewith, or to do or perform whatever is necessary to the prompt execution of such order, shall render such officers, agents, or employees guilty of a misdemeanor, and any such officer, agent, or employee shall, upon conviction, be fined not more than $5,000, or imprisoned not more than one year, or both, in the discretion of the court.

Having pleaded that, the company would ask to be discharged of any liability, for that it had only obeyed the order of the President issued pursuant to the authority of the law passed by Congress controlling interstate commerce, and I think the plea would undoubtedly have to be admitted by the court.

Mr. SMITH of Georgia and Mr. CUMMINS addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. SMITH of Georgia. I yield to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Georgia yields to the Senator from Iowa.

Mr. CUMMINS. Mr. President, speaking again only for myself, I have no hesitation in saying that the Senator from Missouri [Mr. REED] has correctly stated the outcome or consequences of the transaction he mentions. I believe it was the purpose of the committee—and it certainly is the effect of this bill—to relieve the railway company from liability to the shipper under the conditions stated by the Senator from Missouri. I would feel that I was participating in a flagrant wrong if I did not attempt to relieve the railway company of liability in such a case as that.

Of course, the instance is not likely to occur. It is not probable that any officer of the Government will arrest a trainload of cattle midway between the point of shipment and the point of destination; but, if the instance should occur, it would only be under imperious necessity. If it became necessary for the safety of the country that the railway company transporting the trainload of cattle should give its facilities to the United States for the transportation of troops, or for any war material for the safety of the country in the prosecution of the war, the cattle ought to be detrained and ought to be delayed until the exigency should have passed.

The Senator from Missouri, however, it seems to me, indicates what may be from his standpoint a weakness in the bill. I do not think it is a weakness, but it is a thing that we ought to consider, at any rate—namely, whether under those circumstances the Government ought to make some provision for compensation to the shipper who is thus injured, who *suffers* the consequences of giving the Government of the United States the superior right over the railways of the country; and I shall not be found in opposition to such a proposal, if it be made, although I do not think that this bill is the proper place in which to make it.

Mr. REED. Mr. President, will the Senator permit me to say a few words?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. CUMMINS. I do.

Mr. REED. Without committing myself in any way on the question which the Senator has just mentioned, I have not up to this time meant to do more than to express my opinion as to the legal consequences of this particular bill as it now stands.

Mr. SMITH of Georgia and Mr. WALSH addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. WALSH. Mr. President, will the Senator from Georgia yield to me?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Montana?

Mr. SMITH of Georgia. I yield to the Senator from Montana.

Mr. WALSH. I should like to inquire of the Senator from Georgia—for he is discussing in an interesting way this most important feature of the bill—just what he thinks about the case put by the Senator from Missouri [Mr. REED], who has presented to us in very concrete form the condition. Under those circumstances, what does the Senator from Georgia think; should the liability of the railroad company to the shipper be preserved under the bill?

Mr. SMITH of Georgia. I do not think that the liability of the railroad to the shipper should be preserved when we compel the railroad company to abandon its duty to the public under the penalty of putting its officers in jail. The railroad company must be relieved; but I do insist that cases may arise where we ought, even in this bill, to provide that the shipper ought not to be ruined. I think the bill is defective in that it does not go further and provide some remedy with reference to the rights of the shipper.

I think it is defective in another respect along this same line. I have undertaken to show that the duties nominally placed upon the President can not possibly be performed by him;

that it is a vast responsibility, this classifying kinds of shipments and the shipments themselves; that it must be performed by some board to be created by the President. If it is to be performed at all, if it is necessary that these duties shall be performed and this privilege of unlimited discrimination shall exist, we ought ourselves to provide for some distinct board to be named by the President and confirmed by the Senate, and known to the public, who will consider these questions, in order that the parties in interest may know who are passing on their rights, and shippers should have a chance to go to the board and to be heard.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Montana?

Mr. SMITH of Georgia. Yes.

Mr. WALSH. Is not all that really already done, let me inquire of the Senator?

Mr. SMITH of Georgia. No.

Mr. WALSH. We have created the advisory commission and the Council of National Defense, which is a body existing by virtue of law. We have authorized that body to appoint subcommittees, which exist by virtue of law. One of those subcommittees, the committee on railway transportation, exists by virtue of law. So we know that these five gentlemen occupy their positions not outside of the law at all, but under the law. Of course we agree with the Senator that the President of the United States will not establish these rules and regulations; he will not undertake to oversee every shipment; there is no doubt in the world that this board will run the thing. Now, what is the objection the Senator has to that?

Mr. SMITH of Georgia. I will answer the Senator just by practical experience that I have been through. I have been called on during the last three or four weeks by constituents whose business is located somewhere between the advisory council, the subcommittees and officers of the Quartermaster General's Department. It is difficult to find where to go or who has authority. You go to one person, and he is waiting for advice; and you go somewhere else, and they are only advisory. You go to the colonel from the Quartermaster's Department of the Army, and he is waiting to get the opinion of somebody else. The law does not name, the statute does not say, when or how the opinions are to be given. It is so indefinite a responsibility that it is difficult to obtain satisfaction.

When this great question, involving the transportation of the country and the rights of all shippers, is to be considered and passed upon by some board I think this board should have authority fixed by legislative action. The Advisory Board disclaims all authority. "We can only advise," they tell us.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Iowa?

Mr. SMITH of Georgia. Yes.

Mr. CUMMINS. I think the Senator from Georgia must be mistaken about that—I mean about his view of not being able to find anybody who is responsible. I am not authorized to defend this administration, and I do not want to be thought impertinent in assuming a function that nobody has conferred upon me; but the Senator from Georgia must remember that we are passing from a country that has been expending less than a billion and a half dollars a year to a country which is expending eight billion dollars a year; and that there will be a great deal of confusion, a great deal of inefficiency in the transition, is as certain as the lapse of time. Those of us who are inclined to be critical must remember the immensity of the task which this Government has assumed. I expect to see a great deal of wastefulness; I expect to see a great deal of our business done in a way that will not commend itself to the people of the country. It is impossible for us to conscript anybody but human beings; and human nature is so frail that it can not encompass successfully in a short period of time the tremendous duties which have been imposed upon the country.

Mr. VARDAMAN. Mr. President, if the Senator will pardon me, I should like to ask him why Congress can not conscript anything except human beings? Why can not it conscript money in this emergency?

Mr. CUMMINS. That is just what I am saying. We can conscript money; but human beings must expend the money. When we enlarge in the twinkling of an eye the scope of government so enormously, we must expect this confusion to which the Senator from Georgia has referred.

As a matter of law, the Secretary of War is the responsible person in the case which the Senator puts. The Quatermaster General is the person, and the only person, who has any authority to make contracts of the kind suggested by the Senator from Georgia; but when you think of what is now required of the Quartermaster General when he comes to make contracts for the housing and the equipment of millions of men, I have the greatest toleration for the confusion and uncertainty which exist. He expects aid, and we attempted to give him that aid when we passed the law for the establishment of the Council of National Defense; we attempted simply to give him an advisory board; and it is not wonderful or strange that he waits until he receives the advice of that board before he acts.

I am saying so much because I do not want the Senator from Georgia to base his opposition to this bill upon the ground that we are giving any one man more than he can do. I know the President of the United States can not do personally what he is authorized to do in this bill. I know that he must delegate the responsibility to some board or some other person; and my only hope is that he will select the wisest and the strongest man or body of men in the United States to exercise the authority or to help him exercise the authority which we are granting in this measure. I believe he will. If he does not, he must suffer the criticism which will inevitably follow.

Mr. SMITH of Georgia. Well, Mr. President, I am not concerned about criticisms of the President. I am considering neither criticisms nor praise of the President. I am considering this question from what I believe is the standpoint of the shippers of the country. What I meant by referring to the advisory council as I did was this: They are an indefinite body of men under the statute; they have not any authority under the statute. I think the majority of them are doing the very best they can, and doing it well. I think the Secretary of War is doing the very best that a man can, and so are many of the men under him. I realize fully the enormous increased responsibility placed upon them, and I agree with the Senator from Iowa that it would be superhuman for them to execute these responsibilities without some blunders and without some loss.

Mr. NEWLANDS. Mr. President——

Mr. SMITH of Georgia. I do not desire to yield now. I wish to finish the statement, if the Senator will excuse me for a moment.

The PRESIDING OFFICER. The Senator from Georgia declines to yield.

Mr. SMITH of Georgia. In just a moment I will yield.

What I was calling to the attention of the Senate was that these indefinite boards, these indefinite advisers, do not occupy a relation toward the public which ought to be occupied by men who are to pass upon the problem of transportation with authority to determine what commerce shall move and what lose the privilege. They are not named as officers in a statute; they are not formally recorded as officers anywhere, and when it is desired to secure their names nobody is under obligation to furnish them. What I want is, if we must give this power to somebody, if there must be some man to exercise these vast discretionary powers, that we name the men as public officers and have them known as such with definitely defined duties. If a board of men is to have the privilege of saying whether lumber or fruit and melons shall be hauled from south Georgia, and the fruit and melons rot where the farmers have produced them, I want a responsible board, known to all, charged by law with the responsibility of deciding the question, and I want a chance for my constituents to present their case to them, and to have a hearing.

Under this bill the President can not hear anybody. It would be inhuman to expect him personally to investigate these problems, and nobody does expect him to do so. If some board is to investigate them, let us prescribe the number of the board in the bill; let us give them official responsibility and know who they are; let them be confirmed by the Senate, and let them be situated where men whose interests are involved can be heard. Under this indefinite plan there is practically no chance for those whose rights are to be sacrificed, and no definite responsibility rests upon those who will really act.

Surely the rights of shippers should not be denied by men unknown and to whom shippers have no opportunity to present grievances.

Mr. KELLOGG. Mr. President——

Mr. SMITH of Georgia. The Senator from Nevada [Mr. NEWLANDS] wanted to interrupt me first. I have finished with the thought I had in mind, and now yield to him.

Mr. NEWLANDS. Mr. President, the Senator speaks of an indefinite board. Does he mean indefinite in its membership—that is, as to the number of persons who constitute it—or indefinite as to its duties and responsibilities?

Mr. SMITH of Georgia. Both.

Mr. NEWLANDS. Well, now, let me explain as to that. This particular committee of railway executive officials—they call it the "railway war board"—is a board appointed by the

railways. They are one of the subordinate committees of the advisory council. They were invited by the Council of National Defense to devise a system, and Secretary Lane offered the following resolution:

Resolved, That Commissioner Willard be requested to call upon the railroads to so organize their business as to lead to the greatest expedition in the movement of freight.

I understand it has been the purpose of the Council of National Defense in the organization of the various subcommittees of the advisory board to create boards which will, in the most expeditious, in the most economical, and in the most efficient way, meet the demands of the Government and of particular industries in the performance of certain functions. Hence, we will find that the industries of the country have been divided up and put under the jurisdiction of the various subcommittees, the members of which are noted men in the various industries, who are supposed patriotically to cooperate with the Government in securing the highest efficiency and economy.

It is true that every such board will be subject to the suspicion that, inasmuch as they have knowledge of the particular industry and are interested in the particular industry with which they are identified, they may seek advantageous bargains from the Government; but, as I understand, the purpose of this is to enlist the patriotic effort of every industry, and so far as I am concerned I believe that that is the best way of appealing to every industry—to ask their advice and cooperation, instead of dealing with them simply at arm's length.

Now, if the Senator will pardon me just a few moments longer, with reference to this particular railroad committee which was called into existence practically by the Council of National Defense, in the speech of Mr. Howard Elliott he states:

After conference and deliberation and after a very inspiring address from Secretary Lane, we passed this resolution, which is our platform: "*Resolved*, That the railroads of the United States, acting through their chief executive officers here and now assembled, and stirred by a high sense of their opportunity to be of the greatest service to their country in the present national crisis, do hereby pledge themselves, with the Government of the United States, with the governments of the several States, and one with another, that during the present war they will coordinate their operations in a continental railway system, merging during such period all their merely individual and competitive activities in the effort to produce a maximum of national transportation efficiency. To this end they hereby agree to create an organization which shall have general authority to formulate in detail and from time to time a policy of operation of all or any of the railways, which policy, when and as announced by such temporary organizations, shall be accepted and earnestly made effective by the several managements of the individual railroad companies here represented.

They responded to the patriotic demand of Secretary Lane and passed this resolution and they have become as a committee a part of this advisory commission.

The Senator from Montana [Mr. WALSH] is under a misapprehension in assuming that this board will act as the arm of the President. Not so. The President gives the orders; the railway war board receives them, and obeys them. The railway war board, as a part of the advisory commission, is charged with the duty of showing what would be the most satisfactory way of accomplishing the purpose of the President and the purpose of the Government; but its duty is as a servant to obey the orders of the President. It is not made the board which issues the direction.

Mr. REED. Mr. President——

The PRESIDING OFFICER (Mr. GERRY in the chair). Does the Senator from Nevada yield to the Senator from Missouri?

Mr. NEWLANDS. With the permission of the Senator from Georgia, I yield.

Mr. REED. That is a very interesting statement the Senator is making, and I want to get his mind back to it. Does he mean to say that the order or regulation that recently went forth by which cars shipped west loaded were to be sent back empty really originated with the President? Was that not in fact the plan that was worked out by the railroad men themselves, and does it not necessarily follow that the only men who can make these orders regulating transportation in the manner provided in this bill must be the practical railway men themselves, and hence that the regulation or scheme of regulation will originate with them be passed up to the President and by him sanctioned and returned to them? Does not that necessarily follow?

Mr. NEWLANDS. I can not say what particular process was pursued in that case, because I do not know, but I shall assume that it was the natural process. I assume that the Council of National Defense and the President, having first aroused the patriotic instincts of these organizations and having permitted them to organize a committee for helpful effort in connection with the Government, would say to them, "Here is our problem; now give us your advice." But the President himself is to determine whether or not their advice is good, and he is, of course, to accept it or to modify it as he sees fit. One purpose of this bill is not only to give him the power to give the order, but to get the aid of the best talent of the country, not men necessarily employed by railroads, but independent men, to act as between him and this railroad committee, so that every suggestion of the railroad committee can be thoroughly sifted.

I wish to state that this organization does not mean that this executive committee of the railroads is a Government board at all for the execution of anything. They are to give no orders. They simply stand there ready to give their advice. They receive orders, they obey orders, they execute orders. The order is given by the President of the United States, with the aid of the competent men that this bill gives him, and whether he will organize those competent men into a board or not I do not know.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. NEWLANDS. Mr. President, I yield to the Senator from Minnesota.

Mr. NELSON. There is one thing, Mr. President, that strikes me about this bill. It provides compensation for the railroad companies for disarranging their traffic by this Executive order, does it not?

Mr. NEWLANDS. Yes.

Mr. NELSON. And provides for the payment. But it makes no provision at all for a shipper. Why should not his damage arising from the disarrangement of the traffic be taken care of in the same manner as that of the railroad company? It seems to me that is a great defect in this bill which ought to be remedied. Certainly the shipper ought to be put on a par with the railroad company.

Mr. NEWLANDS. Mr. President, I believe, in the first instance, that the injury to the shippers is very much exaggerated. I believe that the railroads will endeavor so to coordinate and to make their instrumentalities efficient as to meet the demands of the Government, and yet at the same time meet the demands of their patrons. Individually, I should have no objection at all to the consideration of legislation that would give that right to the shippers for compensation from the Government.

Mr. NELSON. It ought to be in the same bill, and compensation ought to be provided in the same manner, so that they can be paid as promptly as the railroad companies are paid. The traffic of the shippers is likely to be damaged far more than that of the railroads.

Mr. NEWLANDS. I think that a large number of the injuries that individuals will receive in this gigantic war will practically be damnum absque injuria, and I believe that they will have to be patriotically suffered by the masses of the people.

I am intent on prosecuting the war, and I am not inclined to go off into every line of ascertainment of every possible or minute injury to the individual or the citizen when we are engaged in making a gigantic national effort to save the world and save the country.

Mr. NELSON. Why not, then, if the Senator is actuated by such patriotic motives, apply it to the railroads, and eliminate from the bill this plan of compensation to them? Let patriotism enter the soul of the railroads, as well as of the shippers.

Mr. NEWLANDS. I will state to the Senator that there is a reason for this. We know very well that this bill may work no inconsiderable damage to individual roads, and we also know that, as a matter of fact, the railroads are great public instrumentalities, and their ability to serve the country rests upon their receipt of income, and that if they are compelled to render service without compensation a great injury will be done, not simply to them but to the country itself, in the impairment of the efficiency of its public instrumentalities.

Mr. President, it is easy enough to drag us off in the pathways of diversion from our real purpose in an effort to satisfy every possible and minute claim of a citizen or a corporation or an individual for damages suffered from this war. I do not want to be diverted into those pathways. We have been diverted too much in our debates thus far. So far as I am concerned, I wish to keep my eye upon the central purpose, and that is aid to the President as Commander in Chief of the Army and the Navy to prosecute this war efficiently. I will be glad to consider in other bills, when they can be considered more deliberately, these other questions so as to insure justice to all. I think the first thing to advance is the security and safety of the Republic, and I am for that, and am confining my effort to legislation having that end in view. I prefer not to be diverted from that purpose by the consideration that the normal equilibrium may be affected here and there.

Mr. VARDAMAN. Will the Senator from Georgia permit me to bring Senators into the Chamber to hear this illuminating debate? It is a very important question, and I therefore raise the point of no quorum so that Senators may attend and hear this debate.

Mr. SMITH of Georgia. It is the Senator's right to do that without permission.

Mr. VARDAMAN. I have not the right to do it when the Senator from Georgia has the floor.

Mr. BRANDEGEE. Yes; you have.

Mr. VARDAMAN. The Chair has ruled repeatedly that to do that would lose the floor to the Senator from Georgia.

Mr. BRANDEGEE. No; that is not the rule.

Mr. VARDAMAN. Then I will make the point of no quorum.

The PRESIDING OFFICER. The Senator from Mississippi makes the point of no quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Hale	Newlands	Smith, S. C.
Brandegee	James	Norris	Smoot
Calder	Johnson, Cal.	Overman	Stone
Chamberlain	Jones, Wash.	Page	Sutherland
Culberson	Kellogg	Pomerene	Thomas
Cummins	Kendrick	Ransdell	Thompson
Curtis	Kenyon	Reed	Underwood
Fletcher	Knox	Robinson	Vardaman
France	Lewis	Sheppard	Walsh
Gerry	McNary	Smith, Ga.	
Gore	Martin	Smith, Md.	

Mr. POMERENE. I have been requested to announce that the Senator from Delaware [Mr. SAULSBURY] is detained on public business.

Mr. THOMPSON. I desire to announce that the Senator from California [Mr. PHELAN] and the Senator from Tennessee [Mr. MCKELLAR] are detained from the Senate on official business.

The PRESIDING OFFICER. Forty-two Senators having answered present, there is not a quorum present.

Mr. NEWLANDS. Mr. President, it is near the regular hour of adjournment, and I will not press the bill further for consideration this afternoon. Therefore I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 42 minutes p. m., Saturday, June 9, 1917) the Senate adjourned until Monday, June 11, 1917, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June 9, 1917.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Thy blessing, Almighty God our Heavenly Father, attend, we pray Thee, these Representatives of a great people; that their legislative acts may be to uphold the ideals of our Republic, handed down by our fathers and sustained by their sons through the years that have come and gone. Grant that the work of this Congress may be to uphold and safeguard our soldiers in the mission that has been laid upon them, so far as human ingenuity and the light of Heaven can guide them; that order may be brought out of chaos, peace out of war, to the eternal good of mankind, in the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 1852. An act authorizing the Secretary of War to transfer to the city of New York the title of the United States to certain lands in Kings County, State of New York.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 2133) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, and for other purposes.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 995) to authorize the issue to States and Territories and the District of Columbia of rifles and other property for the equipment of organizations of home guards.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent that the bill H. R. 4050, a similar House bill amending the act to authorize the establishment of a Bureau of War-Risk Insurance, be laid on the table.

The SPEAKER. The gentleman from Georgia asks unanimous consent that the similar House bill be laid on the tabfe. Is there objection?

There was no objection.

CHANGE OF REFERENCE—H. R. 4504.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent that reference of the bill (H. R. 4504) to amend an act entitled "An act making an appropriation for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved March 3, 1899, be changed from the Committee on Rivers and Harbors to the Committee on Interstate and Foreign Commerce.

The SPEAKER. The gentleman from Georgia asks unanimous consent that reference of the bill H. R. 4504 be changed from the Committee on Rivers and Harbors to the Committee on Interstate and Foreign Commerce. Is there objection?

Mr. MCARTHUR. Mr. Speaker, I reserve the right to object.

Mr. SMALL. Mr. Speaker, if unanimous consent is asked, I object, and I ask unanimous consent to proceed for one minute.

Mr. ADAMSON. Then, Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce, authorized this morning unanimously, I move that reference of the bill H. R. 4504 be changed from the Committee on Rivers and Harbors to the Committee on Interstate and Foreign Commerce.

The SPEAKER. The question is on the motion of the gentleman from Georgia that reference of the bill be changed from the Committee on Rivers and Harbors to the Committee on Interstate and Foreign Commerce. The gentleman from North Carolina [Mr. SMALL] asks unanimous consent to proceed for one minute. Is there objection?

Mr. ADAMSON. Mr. Speaker, this is not debatable.

The SPEAKER. But the gentleman asks unanimous consent to be permitted to proceed for one minute.

Mr. ADAMSON. Mr. Speaker, reserving the right to object——

The SPEAKER. If the gentleman desires to object, he should object.

Mr. ADAMSON. I will not object, but I shall ask unanimous consent to proceed for one minute in reply.

The SPEAKER. Very well. The gentleman from North Carolina asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. SMALL. Mr. Speaker, I introduced this bill and it was referred to the Committee on Rivers and Harbors. I simply wish to say that I think there is no question but that the Committee on Rivers and Harbors has jurisdiction, and, supposing the matter would be decided by the Speaker, I spoke to the Speaker and asked for time in which to file a brief upon the matter, stating that I would do so after the river and harbor appropriation bill is disposed of. This question of the development of water power on navigable streams—and that is the extent of this bill—was formerly considered entirely by the Committee on Rivers and Harbors, and only of late years has jurisdiction been assumed by the Committee on Interstate and Foreign Commerce. It seems to me that this is an unusual proceeding. I think the jurisdiction of the Committee on Rivers and Harbors of this question ought to be sustained by the House.

The SPEAKER. The gentleman from Georgia asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. ADAMSON. Mr. Speaker, the only basis for the Committee on Rivers and Harbors making the claim that it has is that in 1899, before we passed the general dam act, there was placed in a river and harbor appropriation bill a section about obstructions in rivers, and we of the Committee on Interstate and Foreign Commerce induced the chairman of the Committee on Rivers and Harbors to couple with it a provision that they might build these dams inside of States in which the stream was entirely located without further consent of Congress. That is all that was ever done by the Committee on Rivers and Harbors about water power used in the generation of electricity. Soon afterwards the gentleman from Illinois [Mr. MANN] and I took up the subject of general dam legislation and have prosecuted it ever since. It has never been before the Committee on Rivers and Harbors since that time to which I referred, and every proposition in this bill is general dam legislation, and most of it has been repudiated by this House on three different occasions.

The SPEAKER. The question is on the motion of the gentleman from Georgia to discharge the Committee on Rivers and Harbors from further consideration of the bill and refer the same to the Committee on Interstate and Foreign Commerce.

Mr. MOORE of Pennsylvania. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MOORE of Pennsylvania. Is this the proper time under the rules to make the motion that the gentleman from Georgia has made?

The SPEAKER. It is.

Mr. MOORE of Pennsylvania. I understood the rule to provide that the change of reference should be made immediately after the introduction of the bill.

The SPEAKER. The gentleman is mistaken about that. This is the proper time. The question is on the motion of the gentleman from Georgia.

The question was taken; and on a division (demanded by Mr. MCARTHUR) there were—ayes 62, noes 19.

Mr. MCARTHUR. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Oregon makes the point of order that there is no quorum present. Evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 222, nays 47, answered "present" 11, not voting 150, as follows:

YEAS—222.

Adamson	Fairchild, G. W.	Lesher	Sanford
Alexander	Fairfield	Lever	Schall
Almon	Farr	Little	Scott, Iowa
Anderson	Ferris	Longworth	Scott, Mich.
Aswell	Fisher	Lundeen	Shackleford
Austin	Fitzgerald	Lunn	Sherley
Ayres	Foster	McClintic	Sherwood
Bacon	Frear	McFadden	Sims
Bankhead	French	McKeown	Slayden
Barkley	Gandy	McLaughlin, Mich.	Slemp
Barnhart	Gard	McLaughlin, Pa.	Smith, Idaho
Bathrick	Garrett, Tenn.	Madden	Snell
Black	Gillett	Magee	Snook
Blackmon	Glynn	Mann	Stafford
Blanton	Good	Mapes	Steagall
Brand	Goodall	Mason	Stedman
Brumbaugh	Gordon	Meeker	Steenerson
Burroughs	Gould	Miller, Minn.	Stephens, Miss.
Byrnes, S. C.	Graham, Ill.	Montague	Sterling, Ill.
Byrns, Tenn.	Gray, Ala.	Moon	Sterling, Pa.
Campbell, Pa.	Green, Iowa	Moore, Pa.	Stiness
Candler, Miss.	Greene, Mass.	Morgan	Strong
Cantrill	Greene, Vt.	Mudd	Sumners
Carlin	Hamilton, Mich.	Neely	Sweet
Carter, Mass.	Hamlin	Nichols, Mich.	Taylor, Colo.
Cary	Harrison, Miss.	Nolan	Temple
Chandler, N. Y.	Hastings	Norton	Thomas
Chandler, Okla.	Haugen	Oldfield	Tillman
Church	Hayden	Oliver, Ala.	Tilson
Classon	Helm	O'Shaunessy	Timberlake
Claypool	Hensley	Overmyer	Towner
Collier	Hersey	Overstreet	Van Dyke
Connelly, Kans.	Hicks	Padgett	Venable
Cooper, Wis.	Hilliard	Parker, N. J.	Vestal
Cox	Hollingsworth	Phelan	Vinson
Cramton	Howard	Platt	Voigt
Crisp	Huddleston	Pratt	Walker
Crosser	Humphreys	Purnell	Ward
Dale, Vt.	Igoe	Quin	Wason
Dallinger	James	Ragsdale	Welling
Darrow	Johnson, Ky.	Raker	Welty
Davidson	Johnson, S. Dak.	Ramseyer	Whaley
Decker	Jones, Tex.	Randall	White, Me.
Denison	Jones, Va.	Rankin	White, Ohio
Dent	Juul	Rayburn	Wilson, Ill.
Dillon	Kehoe	Reavis	Wilson, Tex.
Dominick	Kelly, Pa.	Reed	Wingo
Doolittle	Kincheloe	Roberts	Wise
Doremus	King	Romjue	Wood, Ind.
Dowell	Kitchin	Rose	Woods, Iowa
Drane	Knutson	Rouse	Woodyard
Ellsworth	Kraus	Rubey	Young, N. Dak.
Emerson	La Follette	Russell	Young, Tex.
Esch	LaGuardia	Sabath	Zihlman
Evans	Larsen	Sanders, Ind.	
Fairchild, B. L.	Lehlbach	Sanders, N. Y.	

NAYS—47.

Borland	Flood	Lea, Cal.	Sinnott
Buchanan	Gallagher	McArthur	Small
Caraway	Garrett, Tex.	McLemore	Taylor, Ark.
Carter, Okla.	Gregg	Mansfield	Thompson
Connally, Tex.	Hadley	Martin, La.	Tinkham
Crago	Hardy	Miller, Wash.	Walsh
Curry, Cal.	Hawley	Oliver, N. Y.	Watkins
Dempsey	Heintz	Olney	Watson, Va.
Dies	Holland	Osborne	Weaver
Dill	Hood	Robinson	Webb
Doughton	Jacoway	Sanders, La.	Wilson, La.
Dupré	Lazaro	Sears	

ANSWERED "PRESENT"—11.

Booher	Fuller, Ill.	Hull, Tenn.	Stephens, Nebr.
Cooper, W. Va.	Helvering	London	Switzer
Copley	Hulbert	Polk	

NOT VOTING—150.

Anthony	Clark, Pa.	Estopinal	Griffin
Ashbrook	Coady	Fess	Hamill
Bacharach	Cooper, Ohio	Fields	Hamilton, N. Y.
Bell	Costello	Flynn	Harrison, Va.
Bland	Currie, Mich.	Focht	Haskell
Bowers	Dale, N. Y.	Fordney	Hayes
Britten	Davis	Foss	Heaton
Brodbeck	Denton	Francis	Heflin
Browne	Dewalt	Freeman	Hill
Browning	Dickinson	Fuller, Mass.	Houston
Bruckner	Dixon	Gallivan	Hull, Iowa
Burnett	Dooling	Garland	Husted
Butler	Drukker	Garner	Hutchinson
Caldwell	Dunn	Glass	Ireland
Campbell, Kans.	Dyer	Godwin, N. C.	Johnson, Wash.
Cannon	Eagan	Goodwin, Ark.	Kahn
Capstick	Eagle	Graham, Pa.	Kearns
Carew	Edmonds	Gray, N. J.	Keating
Clark, Fla.	Elston	Griest	Kelley, Mich.
Kennedy, Iowa	Maher	Riordan	Snyder
Kennedy, R. I.	Martin, Ill.	Robbins	Steele
Kettner	Mays	Rodenberg	Stevenson
Key, Ohio	Mondell	Rogers	Sullivan
Kiess, Pa.	Moores, Ind.	Rowe	Swift
Kinkaid	Morin	Rowland	Tague
Kreider	Mott	Rucker	Talbott
Langley	Nelson	Saunders, Va.	Templeton
Lee, Ga.	Nicholls, S. C.	Scott, Pa.	Treadway
Lenroot	Paige	Scully	Vare
Linthicum	Park	Sells	Volstead
Littlepage	Parker, N. Y.	Shallenberger	Waldow
Lobeck	Peters	Shouse	Walton
Lonergan	Porter	Siegel	Watson, Pa.
McAndrews	Pou	Sisson	Wheeler
McCormick	Powers	Sloan	Williams
McCulloch	Price	Smith, Mich.	Winslow
McKenzie	Rainey	Smith, C. B.	
McKinley	Ramsey	Smith, T. F.	

So the motion was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. BOOHER with Mr. TREADWAY.

Mr. GARNER with Mr. FORDNEY.

Mr. DENTON with Mr. COOPER of Ohio.

Mr. SHOUSE with Mr. VOLSTEAD.

Mr. TAGUE with Mr. KENNEDY of Rhode Island.

Mr. MARTIN of Illinois with Mr. SIEGEL.

Mr. DOOLING with Mr. SMITH of Michigan.

Mr. HULL of Tennessee with Mr. HILL.

Mr. STEPHENS of Nebraska with Mr. SLOAN.

Mr. TALBOTT with Mr. BROWNING.

Mr. FLYNN with Mr. DAVIS.

Mr. DEWALT with Mr. FRANCIS.

Mr. DALE of New York with Mr. HASKELL.

Mr. DIXON with Mr. FOSS.

Mr. LITTLEPAGE with Mr. COOPER of West Virginia.

Mr. LOBECK with Mr. GRAHAM of Pennsylvania.

Mr. BELL with Mr. HAMILTON of New York.

Mr. MCANDREWS with Mr. HAYES.

Mr. KEY of Ohio with Mr. FULLER of Massachusetts.

Mr. CLARK of Florida with Mr. FULLER of Illinois.

Mr. MAHER with Mr. HULL of Iowa.

Mr. SCULLY with Mr. MCKINLEY.

Mr. THOMAS F. SMITH with Mr. POWERS.

Mr. LEE of Georgia with Mr. GRIEST.

Mr. DICKINSON with Mr. FESS.

Mr. WALTON with Mr. PETERS.

Mr. SULLIVAN with Mr. PAIGE.

Mr. LONERGAN with Mr. KAHN.

Mr. RAINEY with Mr. LANGLEY.

Mr. ESTOPINAL with Mr. BACHARACH.

Mr. GLASS with Mr. DUNN.

Mr. KEATING with Mr. FULLER of Massachusetts.

Mr. STEVENSON with Mr. MOORES of Indiana.

Mr. NICHOLLS of South Carolina with Mr. WINSLOW.

Mr. BRUCKNER with Mr. WILLIAMS.

Mr. GOODWIN of Arkansas with Mr. SNYDER.

Mr. FIELDS with Mr. COSTELLO.

Mr. GALLIVAN with Mr. DYER.

Mr. EAGAN with Mr. WHEELER.

Mr. HAMILL with Mr. FREEMAN.

Mr. KETTNER with Mr. GARLAND.

Mr. EAGLE with Mr. RAMSEY.

Mr. HARRISON of Virginia with Mr. DRUKKER.

Mr. CALDWELL with Mr. WALDOW.

Mr. GODWIN of North Carolina with Mr. ROBBINS.

Mr. POU with Mr. KIESS of Pennsylvania.

Mr. LINTHICUM with Mr. HUSTED.

Mr. MAYS with Mr. IRELAND.

Mr. PARK with Mr. KEARNS.

Mr. CAREW with Mr. ROGERS.

Mr. GRIFFIN with Mr. RODENBERG.

Mr. RIORDAN with Mr. MCCULLOCH.

Mr. SAUNDERS of Virginia with Mr. KENNEDY of Iowa.

Mr. RUCKER with Mr. HUTCHINSON.

Mr. SHALLENBERGER with Mr. KRIEDER.

Mr. COADY with Mr. ROWLAND.

Mr. SISSON with Mr. MCKENZIE.

Mr. CHARLES B. SMITH with Mr. KELLEY of Michigan.

Mr. HEFLIN with Mr. FOCHT.

Mr. HOUSTON with Mr. HEATON.

Until end of session:

Mr. STEELE with Mr. BUTLER.

Mr. FULLER of Illinois. Mr. Speaker, I voted "aye." I am paired with the gentleman from Florida, Mr. CLARK, and I wish to withdraw that vote and answer "present."

The name of Mr. FULLER of Illinois was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present; the Doorkeeper will unlock the doors.

LEAVES OF ABSENCE.

By unanimous consent, leaves of absence were granted as follows:

To Mr. BELL, indefinitely, on account of illness in his family.

To Mr. SHERLEY, for one week, on account of important business.

To Mr. HULL of Iowa, indefinitely, on account of death in his family.

EXTENSION OF REMARKS.

Mr. GORDON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an article from the Louisville Evening Post of June 7, entitled "Prussia crushed German liberty."

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SEARS. Mr. Speaker, I ask unanimous consent to have printed in the RECORD two editorials, one appearing in the Evening Star, of Washington, on June 7, 1917, entitled "The men in gray," and one appearing in the Washington Times of the same date on "The men from Dixie."

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. CARY. Mr. Speaker, I wish to ask unanimous consent to extend my remarks in the RECORD on the registration in the city of Milwaukee.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. LITTLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a Memorial Day oration delivered by Congressman ERNEST LUNDEEN, of the Twelfth Minnesota Volunteers, at the Congressional Cemetery, Washington, D. C., on May 30, 1917.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an article from the Evening Sun, of New York City, entitled "A hundred thousand aeroplanes are needed from America for the western front."

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to be permitted to extend my remarks in the RECORD by printing some resolutions adopted by the Farmers' Union of Virginia in reference to the nitrate plant.

The SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

APPROPRIATIONS FOR THE ARMY.

Mr. DENT. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 100, making the appropriations in the annual Army appropriation bill immediately available.

The SPEAKER. The gentleman from Alabama asks unanimous consent for the present consideration of House joint resolution 100, which the Clerk will report.

The Clerk read as follows:

House joint resolution 100, to make immediately available the appropriations provided for under an act making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes, approved May 12, 1917.

Resolved, etc., That the appropriations provided for under an act making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes, approved May 12, 1917, be, and the same are hereby, made immediately available: *Provided*, That no appropriation contained in said act shall continue for a period longer than two years from the date of the approval of this joint resolution.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I think with the gentleman from Alabama [Mr. DENT] that it may be desirable to make the appropriations in the Army bill immediately available. I would have no objection to it if it were not for another parliamentary situation. We passed in the House here the other day a motion sending back to conference the big Army bill, a deficiency bill, appropriating in the neighborhood of $3,000,000,000. We asked for a conference with the Senate. That was several days ago. We have received no word from the Senate stating that they agreed to the conference or that they have taken any other action upon this large Army bill. Now, this bill is mere "chicken feed" compared with the other. I propose, if I can, and as far as I can, to call attention to the delay in disposing of the big Army bill, while we are talking about making available a few days earlier the little appropriations in the Army bill, and in order to emphasize it I am going to object to the immediate consideration of this resolution.

Mr. DENT. I hope the gentleman will reserve it.

Mr. MANN. I reserve the objection.

Mr. DENT. Mr. Speaker, the statement made by the gentleman from Illinois is in and of itself a conclusive reason why this resolution ought to be adopted. If the so-called big urgent deficiency bill for the support of the Army and the Navy had been passed it would not be necessary to have this joint resolution. The Committee on Military Affairs reported this joint resolution about 10 days ago with a unanimous favorable report. I have been waiting during that period for the conferees on the big Army and Navy bill to agree. In the meantime, the Secretary of War and the Quartermaster's Department have been urging me to bring up this resolution, because there are a great many contracts already, particularly for clothing, that have been filled by the contractors, and they have been waiting for days and weeks for their money. And I have actually been told that some of them are on the verge of bankruptcy unless the bona fide contracts which they made with the Government and which they have fulfilled are carried out on the part of the Government. And that is the object of this resolution.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. DENT. I yield to the gentleman from Vermont.

Mr. GREENE of Vermont. This larger appropriation bill, now known as the urgent deficiency bill, represents appropriations made by another committee and not made by the Committee on Military Affairs, in whose jurisdiction the matter now is, and was simply to expedite matters, was it not?

Mr. DENT. That was one of the arguments by which they took from the Committee on Military Affairs jurisdiction over that bill and give it to the Committee on Appropriations.

Mr. GREENE of Vermont. And now the Military Committee, having finished its work, is waiting on the committee that was to help it by expediting matters?

Mr. DENT. That is very true.

Mr. GILLETT. The delay has not been here, has it?

Mr. DENT. I make no such charge.

Mr. GILLETT. The delay is simply because the Senate refuses to act. The House has turned down the Jamestown Exposition purchase, a local proposition, and because of that the Senate is unwilling to bring the bill up. So the delay is there, is it not?

Mr. DENT. That is the fact. I will state to the gentleman from Massachusetts that I am making no charge of neglect of duty or delay on the part of the Committee on Appropriations of the House.

Mr. GILLETT. The gentleman from Vermont [Mr. GREENE] intimated that.

Mr. DENT. The gentleman's statement was an accurate statement of the facts; that was one of the arguments for assuming jurisdiction, was expeditious, and the bill is still being held up. There are two Committees on Appropriations in Congress, one here and the other at the other end of the Capitol, and certainly delay has taken place in the final disposition of the matter.

Mr. GILLETT. Has the gentleman any assurance that the gentlemen at the other end of the Capitol will be any more speedy on this resolution than they have been on the other bill?

Mr. DENT. I think there will be no trouble in the world to have this resolution passed in the Senate to-day by unanimous consent if it is adopted here to-day.

Mr. GILLETT. Why should there be any delay at the other end of the Capitol with the other bill?

Mr. DENT. Well, I can not answer for that.

Mr. GILLETT. It is the party that is dominant on that side of the aisle that is making the trouble.

Mr. MANN. I think the delay may be in the body at the other end of the Capitol, but whether the delay is caused by the people in the body at the other end of the Capitol is another question. It looks to me as if one department of the Government was causing the delay and thereby seriously incommoding another department of the Government. The two departments ought to be working together up there, and I have no doubt will be after this debate is reported.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects.

RIVERS AND HARBORS.

Mr. SMALL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4285, the river and harbor bill; and, pending that motion, Mr. Speaker, I desire to ask if we can not have some agreement as to limiting general debate on the bill. I would suggest that general debate close in three hours, one-half of the time to be controlled by the gentleman from Ohio [Mr. SWITZER] and one-half by the chairman of the committee.

Mr. MANN. I think considerably more time than that is asked for in opposition to the bill.

Mr. SWITZER. I have requests for nearly that length of time myself.

Mr. SMALL. I have no desire to limit debate on the bill myself, but only to expedite the consideration of the bill. How does this suggestion strike the gentleman from Illinois—that no limit be fixed at this time, but that the time be controlled jointly by the chairman of the committee and the ranking member present, the gentleman from Ohio [Mr. SWITZER]? There will be no trouble about the length of debate.

Mr. GALLAGHER. Reserving the right to object, Mr. Speaker——

Mr. MANN. My colleague [Mr. GALLAGHER] desires time. Who will yield to him? He wants an hour.

Mr. SMALL. I will be glad to yield to him.

Mr. GALLAGHER. I want an hour, and there are other Members who want an hour here. The question of controlling the time by two men who are in favor of the bill does not seem to me to be fair. Both of these gentlemen are in favor of this bill.

Mr. MANN. Well, I think both gentlemen would be fair, so far as that is concerned.

Mr. GALLAGHER. I do not object if we can get the time we wish.

Mr. MANN. I understand the gentleman from North Carolina agrees to yield to my colleague an hour's time?

Mr. SMALL. Yes; I will yield to the gentleman.

Mr. MANN. That is easy enough to say.

The SPEAKER. What is the request?

Mr. SMALL. The request is that the time be controlled, one-half by the gentleman from Ohio [Mr. SWITZER], the ranking minority member present, and one-half by the chairman of the committee.

The SPEAKER. How much time is the gentleman asking for?

Mr. SMALL. I suggested three hours, but it was stated that that was not sufficient. I would like to have the attention of gentlemen when I am making this request, that general debate close to-day.

Mr. MANN. We could not agree to that at this time of the day.

Mr. SMALL. The request now, Mr. Speaker, without attempting to limit the time, is that the time be controlled one-half by the gentleman from Ohio [Mr. SWITZER] and one-half by the chairman of the committee.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that he control one half of the time and that the gentleman from Ohio [Mr. SWITZER] control the other half. Is there objection?

Mr. LENROOT. Reserving the right to object, Mr. Speaker, I would like to have an understanding on both sides that the time is to be equally divided as the debate proceeds between those for and those against the bill.

Mr. MANN. I think more time will be occupied by those against the bill than by those in favor of it.

Mr. SMALL. I have no objection to the amendment of the request.

The SPEAKER. What is the amended request?

Mr. SMALL. That the time of general debate be controlled by the gentleman from Ohio and the chairman of the committee, to be equally divided.

Mr. MANN. Oh, no; not to be equally divided. The opposition to the bill are entitled to more time now than those in favor of the bill.

Mr. GALLAGHER. Those for the bill have already used more time than those against it.

Mr. LENROOT. Let the time be yielded alternately to those for and against the bill.

Mr. MANN. We must trust to the fairness of these gentlemen.

Mr. SMALL. There will no disposition to curtail debate.

Mr. MANN. Has my colleague [Mr. GALLAGHER] obtained an hour from the gentleman from North Carolina?

Mr. SMALL. Yes.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina that the time of general debate be controlled one-half by the gentleman from Ohio and one-half by himself?

Mr. MOORE of Pennsylvania. I suggest to the gentleman from North Carolina, will he not couple with his request the request that the debate shall be confined to the bill?

Mr. MANN. Oh, no.

Mr. MOORE of Pennsylvania. There are enough gentlemen to speak on the bill to take all the time.

Mr. SMALL. I will be gratified to have that done.

Mr. MADDEN. Then you can not have it. [Laughter.]

The SPEAKER. Is there objection to the request of the gentleman from North Carolina that the time be controlled one-half by the gentleman from Ohio and one-half by himself?

There was no objection.

The SPEAKER. The question now is on agreeing to the motion that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill.

The motion was agreed to.

The SPEAKER. The gentleman from Mississippi [Mr. HARRISON] will take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4285, the river and harbor bill, with Mr. HARRISON of Mississippi in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4285, the river and harbor bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 4285) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. SMALL. Mr. Chairman, I yield one hour to the gentleman from Illinois [Mr. GALLAGHER].

The CHAIRMAN. The gentleman from Illinois is recognized for one hour.

Mr. GALLAGHER. Mr. Chairman and gentlemen of the committee, I regret very much to be compelled to differ with any of the members of my committee in regard to this bill. I realize that every Member who has a project for river and harbor improvement is laboring under certain difficulties, because there is no other way of getting river and harbor improvements except through the omnibus bill as presented for your consideration to-day.

This measure is put forth here as a war measure, and that is the reason that it is brought here to-day for your consideration. I want to say at the outset that this is not a war measure. It is practically the same river and harbor bill that was before this House at the last session of Congress, and you will recollect that that bill received 132 votes in this House against its passage. Now we are told that it is a war measure. I am going to show that it is not a war measure. And, to start with, I want to inform the House that at the request of certain members of the committee, when it was determined that this bill was to be forced upon this House, I went to the Secretary of War and asked for an interview. When I got to the Secretary's office I was told that the Secretary was very busy, but that I could talk to his private secretary. I told his private secretary that there were members of the River and Harbor Committee who had decided views regarding the passage of a river and harbor bill at this time, and as the bill was proposed as a war measure some of us would like to talk with the Secretary of War before he made any recommendations, because we believed we could inform him to some extent as to what the bill ought to be, and that possibly he might change his mind with reference to some of the items in the bill. His private secretary told me he would call the attention of the Secretary of War to our proposition, but I heard nothing more about it from him, and, as far as I know, none of the members of the minority signing this report have had any conversation with the Secretary of War with reference to the bill.

The next step was when the committee was called to order, when I made a motion in the committee that the Secretary of War and the Chief of Engineers be invited to come before the committee. We wanted to hear from them the necessity for a river and harbor bill, as a war measure at this time, and other matters, so far as river and harbor improvements were concerned. The River and Harbor Committee adopted that motion, but at the very next meeting we were told that the Secretary

of War was too busy and that he could not attend any meeting of the River and Harbor Committee. Neither did the Chief of Engineers come. But the same methods that are always employed in the manufacture of a river and harbor bill were employed in making this bill.

The chairman of the committee [Mr. SMALL] stated to you yesterday that the way this bill originated was that the Secretary of War took it up with the Chief of Engineers and tried to put the responsibility on the latter as a war measure.

I now quote:

Col. NEWCOMER. Mr. Chairman, I will state that these recommendations originated from a recommendation made by the Chief of Engineers to the Secretary of War at a time when it appeared very doubtful whether any river and harbor legislation would be enacted this year.

It is quite clear here as to the source from which this bill springs. It came, as it always does, from the Chief of Engineers, and the statement of Col. Newcomer as to its being very doubtful whether any river and harbor legislation would be enacted this year shows conclusively that as a war measure it was not considered.

Nor does this sound as though the Secretary of War prepared this bill as a war measure.

I further quote from Col. Newcomer, to show this is the work of the Chief of Engineers, and not that of the Secretary of War:

He felt that the situation of the general transportation service of the country was such as to require some work, not only for the more urgent commercial needs but also for certain military purposes as a matter of defense. For that reason he prepared a brief memorandum, which he took up to the Secretary of War, accompanied by a copy of the bill.

It is evident from this language that no distinction is made between transportation for commerce and for war. We must remember we are in this special session of Congress alone considering war measures, and the Secretary of War had no knowledge or information before him but a "brief memoranda," so furnished him by the Chief of Engineers.

Mind you, this is the old bill that was lost in the last session of Congress.

Col. Newcomer said:

He took this Senate bill as the basis for his action, and in arranging the program for the more urgent military and commercial needs we struck out the items which we felt might be omitted at this time. We do not mean, of course, that we consider those items that were stricken out unimportant or not useful, but they were simply considered as ones that might be eliminated in the process of pruning in order to get down to what might be considered as the essentials most necessary at this time.

Listen to this:

That memorandum and the proposed schedule of items were taken by the Secretary to the President, and it was understood that they received his assent.

Col. Newcomer says it was "understood" that they received his assent.

In fact, we were convinced from what took place later—

I do not know what that was that took place later, nor does any other Member of Congress—

that the administration was quite willing to have a bill substantially the same as the bill as it passed the House and was amended by the Senate Committee on Commerce.

Now, this is the bill we have before us—"the old bill."

Mr. FREAR. Will the gentleman yield? Will the gentleman please give the page of the hearings from which he is reading?

Mr. GALLAGHER. This is from the first page of the hearings before the River and Harbor Committee.

Mr. FREAR. And that testimony was given by Col. Newcomer, who was the only Army engineer who ever appeared before the committee.

Mr. GALLAGHER. Yes, sir. He is the only man upon whose authority we are acting. He represented the Chief of Engineers. Now, it must be clear to everybody that the statement of Col. Newcomer shows just how this bill has been made up, and if there are any items in this bill that can be considered as war measures I fail to find them. I have been on this committee as long as any other member now serving on it, and feel just as competent to examine this bill as any Member of the House, and I will be obliged to any Member if he will point out any item here that can be considered a war measure.

Mr. HULBERT. Will the gentleman yield for a question?

Mr. GALLAGHER. I do not like to be interrupted in my argument. If it is anything very important, I will yield.

Mr. HULBERT. Does the gentleman consider that the East River and Hell Gate items are war-emergency measures?

Mr. GALLAGHER. Oh, I do not think so. Neither does Col. Newcomer. [Laughter.] Nor does he show us that it is a war measure. It is about the same old bill that we passed before there was any declaration of war. The chairman of the committee wants to bolster up his position that this is a war measure by producing a letter from the Secretary of War. My opinion is that the Secretary of War does not know very much about this bill, that he knows very little about it, and only that which has been told to him. He could not spare the time to go through the bill and study it. He is too busy a man, and his time is occupied otherwise. Why, he could not even come before the committee to tell us what he thought our bill ought to be.

The chairman when asked if this bill was necessary at this time said that it was, because "we have been passing annual appropriation bills for river and harbor work for the past 10 years, and to omit a bill at this time would cause great injury to the work in hand." Why, we have plenty of money to go ahead with the work. The engineers have all the money that is necessary to take care of the immediate wants and maintenance of the work they have entered upon. I do not think that that fact will be disputed.

The reason that I called upon the Secretary of War was to inform him that if there was to be any war measures I was as anxious to help out in that particular as any other member of the committee, and that if he could show the minority that there was anything proposed that was a war measure we would be glad to consider it. But I can not find a single item in this bill that could be construed really as a war measure.

The gentleman from New York [Mr. HULBERT], speaks about Hell Gate. That is one of the principal items in the bill that is going to be paraded here as a war measure. I would like to read from the hearings a statement of Col. Newcomer regarding that proposition. I am reading from page 4. He says:

For instance, for East River, New York, the Navy Department has asked for a depth of 40 feet to the navy yard, while we propose 35 feet. Thirty-five feet is ample for all commercial needs, but the Navy wants a greater depth, and primarily that should be provided from some other fund than the river and harbor fund.

I have no objection to that, because it is intended mainly for war purposes.

Now, if they want to improve East River, and it is a war measure, there is a commission appointed under an act of Congress contained in the last naval appropriation bill that covers this very important river and harbor improvement necessary for naval defense.

Mr. SMALL. Will the gentleman yield?

Mr. GALLAGHER. Yes.

Mr. SMALL. Simply to keep the record straight. My colleague probably refers to an item in the last naval appropriation bill directing the Secretary of War and the Secretary of the Navy to report any such improvements as were necessary for the operation of the fleet and the use of the Navy.

Mr. GALLAGHER. Yes.

Mr. SMALL. They had no legislative function; they were to report to Congress.

Mr. GALLAGHER. They have made their report to Congress. But it was not before our committee for deliberation and was not considered by the committee. This belongs to the Naval Committee.

Mr. SMALL. They have; but my colleague will remember that their recommendations are embodied in the bill.

Mr. GALLAGHER. No; some are attempted to be embodied in the bill but are not. You have failed here to specify them. You know war measures are not handled by our committee and our funds are for commercial needs.

Mr. SMALL. All of them are embodied in this bill.

Mr. GALLAGHER. They are not; and if they were, they do not belong here. I have the report of that commission. They made an exhaustive study of all the river and harbor needs in the great harbors of the country that are necessary for military purposes. I have the document right here, and if it is for naval purposes, let the Naval Committee handle it and not take it out of the funds which ought to go for the commercial needs of the country.

Mr. HULBERT. Will the gentleman submit to an interruption?

Mr. GALLAGHER. Let me read this statement.

The Navy Department does not now foresee the need of improvements of rivers and harbors specifically mentioned in Senate resolution other than is tabulated below.

Then they specify New York, Norfolk, San Francisco, Hunters Point, Puget Sound, Boston, Philadelphia, Santiago, and Mare Island Navy Yards. They say in connection with that:

The only connecting channel the construction or improvement of which the Navy Department considers necessary is the channel through Hell Gate and East River between New York Harbor and Long Island Sound. The channel should be given a depth of 35 feet as soon as practicable, and eventually 40 feet.

Mr. HULBERT. Now will the gentleman yield?

Mr. GALLAGHER. I will yield to the gentleman from New York.

Mr. HULBERT. Of course, as a member of the Committee on Rivers and Harbors, the gentleman must appreciate that it would neither be expeditious nor economical if the River and Harbor Committee were to authorize the Army Engineers to dredge or deepen Hell Gate to a depth of 35 feet, and at the same time the Naval Committee should authorize the Secretary of the Navy to deepen the channel an additional 5 feet—to have two pieces of work going on at the same place under different contracts and different departments for precisely the same purpose.

Mr. GALLAGHER. There was a joint board to consider that.

Mr. HULBERT. Not a board.

Mr. GALLAGHER. A commission.

Mr. HULBERT. Not a commission, but two departments of the Government were respectively asked to coordinate and report back under provisions in the naval appropriation bill.

Mr. GALLAGHER. I will read into the record——

Mr. DUPRÉ. Will the gentleman yield?

Mr. GALLAGHER. Yes.

Mr. DUPRÉ. Is not the gentleman aware of the fact that both the Secretary of the Navy and the Secretary of War are in accord as to this item at this time for deepening Hell Gate 40 feet?

Mr. GALLAGHER. I will inform the House as to that fact in a moment. Let us see whether they are or not. We might as well get to that now as at any other time.

Mr. HULBERT. Will the gentleman yield? I want to give the gentleman some information.

Mr. GALLAGHER. I do not need any; I have all the information I need right here, and I want to give it to the House. [Laughter.] Here is what Col. Newcomer says about this important item, supposed to be the principal war item in the bill. I read from the testimony of Col. Newcomer:

It seems to me that 35 feet at Hell Gate is really adequate, for this reason: The depth of 35 feet, with 5 feet of tide, gives you practically 40 feet. The draft of our heaviest battleship contemplated is about 33 feet. It seems to me that 35 feet will answer. Of course, there would be a certain advantage in having access to the navy yard for a crippled vessel; but whether you would want to go to the very large expenditure that would be involved in the 40 feet all through Hell Gate in order to provide that facility, in addition to the other across Diamond Reef, I do not know. The Navy Department has not asked for it.

This is a specific answer to the questions of the gentleman from New York and also to the gentleman from Louisiana.

Mr. DUPRÉ. Does not the gentleman know that the Navy Department did ask for it?

Mr. GALLAGHER. I have just read you Col. Newcomer's statement.

Mr. DUPRÉ. Yes; but subsequently to that.

Mr. GALLAGHER. This is Col. Newcomer's statement and is a part of the record here.

Mr. HULBERT. Mr. Chairman, will the gentleman yield?

Mr. GALLAGHER. Yes.

Mr. HULBERT. Col. Newcomer was the gentleman whom my colleague objected to having this committee limited to having the privilege of hearing during the sessions of the committee, was he not?

Mr. GALLAGHER. Well, would it not be a good thing for the gentleman if we did limit it?

Mr. HULBERT. Did not the gentleman want to have the Secretary of War brought down before the committee?

Mr. GALLAGHER. Yes.

Mr. HULBERT. Has the gentleman seen the letter of the Secretary of War written on the 15th of May to the chairman of his committee?

Mr. GALLAGHER. I heard a letter read here yesterday.

Mr. HULBERT. This letter that I am referring to was not read yesterday.

Mr. GALLAGHER. I have made all of the reference necessary to the position of the Secretary of War with regard to these improvements, because I know that the Secretary of War does not know and has not the knowledge that is necessary to inform this House as to what kind of a bill we should pass. [Applause.]

Mr. DUPRÉ. I think he has as much knowledge as the gentleman from Illinois.

Mr. GALLAGHER. Possibly; for this is a part of his duty, but he evidently left it to others.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. GALLAGHER. I yield to my colleague.

Mr. MADDEN. Did my colleague hear the speech of the gentleman from New York [Mr. HULBERT] yesterday?

Mr. GALLAGHER. Yes.

Mr. MADDEN. In the course of his speech he stated that there was large commercial necessity for the improvement of this East River Channel as well as necessity for naval purposes, and he made the statement that it would be necessary to have this channel improved and the docks built in order that we might be able to ship the supplies that we are going to send to Europe, at the same time admitting that it would be three years before the docks were built. Can my colleague reconcile the necessity for this as an emergency measure in view of that statement made by the gentleman from New York?

Mr. GALLAGHER. I agree with my colleague this is not an emergency matter, and the object had here as expressed by him can never be accomplished, for if we are obliged to wait until those piers are built, and these can not be built within the period of three years, then Europe or our allies will be starved.

Mr. HULBERT. Mr. Chairman, will the gentleman yield in the interest of being accurate?

Mr. GALLAGHER. I do not want to lose my time here before the committee. We heard it stated here on the floor yesterday by a number of gentlemen that it would be a shame to neglect our river and harbor improvements, when all of the belligerent countries are going ahead proceeding with their improvements as if there was no war going on at all. That statement was made here yesterday, and on pages 8 and 9 of this majority report there is a communication from the War Department, office of the Chief of Engineers, dated Washington, April 20, 1917, and I want you to listen to it.

This is a memoranda in regard to the activities of the belligerent governments in prosecuting water improvements during the progress of the present war:

Welland Canal: Since November 5, 1914, construction operations have progressed on a large scale. Excellent progress has been made on all sections of the work under way. These comprise practically all the important engineering features of the $50,000,000 enterprise.

Unfortunately this statement is untrue. I now call your attention to a report made under an act of Congress, July 27, 1916, providing for the improvements necessary on the Great Lakes to meet those of the Welland Canal when enlarged by the Dominion of Canada. This report is signed by Col. J. G. Warren and contains the following as to the prosecution of the work on the Welland Canal.

After speaking of the small part of the work done, he says:

The following is quoted from a letter received from the engineer in charge during January (Welland Canal), 1917: "In regard to the probable date of completion, I am sorry I am unable to give you any information on this point, as all work on the canal has been suspended on account of the war."

How does that sound in comparison with the communication here that tells us of all the great works that these belligerent countries are doing? [Applause.] If the rest of this report is like the report on the Welland Canal, which is one of the greatest waterways in the world, then it is not worth the paper it is written on.

Mr. SMALL. Will the gentleman submit to an interruption?

Mr. GALLAGHER. I will.

Mr. SMALL. What date does he state the work was suspended?

Mr. GALLAGHER. His letter from the Canadian engineer is dated January, 1917. He can not give the information as to when the Welland Canal will be completed, as all work is suspended. This is his reply to a letter from Col. Warren.

Mr. SMALL. My colleague is aware that the letter from the Chief of Engineers telling of the work on the Welland Canal refers to work in 1914, 1915, and also in 1916?

Mr. GALLAGHER. It refers to work that is being done, while the war is progressing, on the Welland Canal. I have given you the words of your own engineer, and they are not true.

Mr. SMALL. I can refer my colleague to page 9 of the majority report——

Mr. GALLAGHER. I call your attention to page 9 of this majority report, under the caption "Canada." In the thirty-third line, commencing with the words "Welland Canal," you find the words I quoted. I am calling this matter to the attention of the House, and I think the House can understand just what I am saying in regard to these matters. I do not think that the House will be misled in face of the fact I am presenting here an official communication. I do not know what Gen. Black will think about it. It is official and it is business.

Now, what we are trying to do in this country, or have been trying to do, is to improve the waterways for commercial purposes; and, as you were told yesterday by the gentleman from Wisconsin [Mr. FREAR], that after all the money that we have spent in improving these rivers the boats upon them are disappearing and there is little, if any, tonnage left. Why, if we had spent this money in improving roads and highways, with the new mode of transportation that we have and the rapid transit we can obtain from automobiles, we could increase the com-

merce of the country on our highways manyfold where we are putting money into rivers where we will never receive any benefit from it.

Mr. MOORE of Pennsylvania. Will it disturb the gentleman if I ask a question?

Mr. GALLAGHER. Not a bit.

Mr. MOORE of Pennsylvania. Has the gentleman considered the value of these waterways as feeders to railroads in these times of transportation stress?

Mr. GALLAGHER. Yes; I called the attention of a member of the committee from Pennsylvania to that fact when we were grouping the rivers tributary to the Chesapeake Bay. For the information of the House I will say that there are some 25 or 30 rivers grouped that are tributary to Chesapeake Bay, and I think that nearly every boat on the rivers tributary to the bay is controlled by railroad influence; that every harbor is controlled by the same influence; and that there are no harbors that a boat could tie up to except these railroad-owned harbors, and these boats are simply feeders for the railroad system.

Mr. MOORE of Pennsylvania. They are now very much clogged in endeavoring to get foodstuffs to the country.

Mr. GALLAGHER. Well, I do not think that the passage of this bill will make any particular difference so far as relieving that situation.

Mr. MOORE of Pennsylvania. So long as the gentleman has answered by referring to territory in which he knows I am somewhat interested, may I ask him whether he knows that under the Panama Canal act it was proposed to dissociate the steamship carriers, to which he refers, from railroad ownership, and that the people along the coast rose in protest, as that kind of transportation was their only method of getting to market?

Mr. GALLAGHER. I think that it would be as difficult to separate railroad influence from the control of the boats as anything we might attempt.

Mr. MOORE of Pennsylvania. The gentleman surely would not destroy the boat service?

Mr. GALLAGHER. Oh, no. I am in favor of river transportation. I am in favor of maintaining every project that we have here. I do not want to disturb actual necessities, but in the face of the war and the demands that we have for money to prosecute the war I believe it would be useless to pass a bill here that has in it $25,000,000 or $27,000,000—it may be $35,000,000 or $40,000,000 when it comes back from the Senate—when we can get along without it without interfering with the business of the country.

Mr. MOORE of Pennsylvania. One more question. I do not want to disturb the gentleman, but in view of the fact that we passed through the House day before yesterday an urgent deficiency measure which carried an appropriation of $750,000,000 with which to build ships, why is it so great an offense against the Government to pass a bill carrying $26,000,000 for rivers and harbors to accommodate those ships?

Mr. GALLAGHER. We need all the money that you propose to spend for this river and harbor work to build the ships and for war purposes, instead of sinking it in some of the useless rivers and mud hills.

Mr. MOORE of Pennsylvania. We certainly would not put $750,000,000 worth of ships in mud hills. And why we should neglect our rivers and thus leave ourselves in a state of unpreparedness to carry those ships I do not understand.

Mr. GALLAGHER. When we get through with the intercoastal canal we will have all the preparation necessary.

Mr. MOORE of Pennsylvania. That may be true.

Mr. GALLAGHER. If we take the $26,000,000 or $27,000,000 proposed here and sink it in waterways, it will make it impossible to use it to build a good many ships that are really necessary, and I hope that is what they will do with the money if we can provide it.

WATERWAYS COMMISSION.

Now, then, about this commission. There is one provided for in this bill. There appears to be some dissatisfaction by somebody somewhere in regard to the way that these river and harbor bills are manufactured, and in order to obviate the difficulties complained of it is proposed to create a new commission. On page 44 of this bill, section 16, such a commission is provided for. And it says:

A commission to be known as the Waterways Commission, consisting of the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and three additional members.

Now, let me call your attention to these four important secretaries. Did you notice that the Secretary of the Navy is not mentioned in this commission? Well, if there is any Secretary in the Cabinet who is closely allied with navigation it is the Secretary of the Navy. And he now has had some years of experience, and if they are going to create a commission of Secretaries that would in any way be valuable I should judge that they would put on it the Secretary of the Navy, who has something to do with navigation. I do not believe that this commission will be created by this bill if the bill does pass.

SURPLUS WATER.

There was another provision in this bill that the House acted upon to-day and referred it to the Committee on Interstate and Foreign Commerce. We were told that it was a water-power proposition, but it was in this bill for war purposes; and the gentleman from Oklahoma [Mr. FERRIS] read a letter from the Secretary of War yesterday disclaiming any knowledge of it. I simply mention this to you to show that the Secretary of War never knew it was included in the bill.

MUNICIPALITIES SHOULD AID.

If from a business standpoint we were to proceed to improve rivers and harbors, municipalities ought to proceed, if they are interested in river improvement, to provide suitable dockage and suitable wharves. The chairman of the committee called your attention to this fact yesterday, to tell you that in many cases where there was river transportation the cost of handling the goods from the dock to where the goods could be further transported added more than the additional amount of expense by railroad carriage.

Mr. BORLAND. Will the gentleman yield?

Mr. GALLAGHER. I will.

Mr. BORLAND. The gentleman is doubtless aware that that is being done now in many places. It has been done in Kansas City and is being done in St. Louis.

Mr. GALLAGHER. Yes. I am simply calling attention to the fact that few municipalities are interested in this work that is made so important before the Members of this House. It seems to me the municipalities themselves ought to make some headway toward providing the right kind of docks and the right kind of wharves at which boats can be accommodated. But the fact is that nearly every important harbor in the country on nearly all the rivers of the country wharves are shut off from the people by railroad lines, and that was looked after by the very enterprising railroad people some years ago.

It was said here yesterday that some of us voted for a lump-sum appropriation bill. I do not know whether that means me or not. I doubt whether I did. But the grouping of items as provided in this bill, to which your attention has been called, means much, because nobody can tell where the money is to be diverted or upon what river it is to be spent or what work it is to be used for.

Now, I think I have said all I care to on the subject of river improvement, but I want to call attention to the items in this bill and how it was reduced from the amount carried in the last bill. I read from the minority report:

The bill as reported carries an appropriation of about $26,900,000. The bill which passed the House but which failed to pass the Senate at the last session of Congress carried about $38,000,000. It can not, however, be argued that the present bill is a material reduction from the last one, as will be seen by an examination of certain items. The item of $6,000,000 for the Mississippi River is now carried in the sundry civil bill. The appropriation of $1,300,000 for the purchase of the Chesapeake & Delaware Canal is omitted, but a clause ultimately much more expensive is added by the item authorizing the condemnation of this obsolete waterway.

* * * * * * *

Two other large items are reduced, one reaching $975,000 for the Columbia River, and another of $900,000 for the Beaufort Canal, but the general appropriation carried by this bill is in reality practically as large as that which passed the House at the last session. It is a sad commentary on legislative methods when Congress preaches conservatism and economy to the people of the country but itself would practice extravagance.

Now, those are the facts in reference to this bill. I do not want to conclude without calling your attention to one fact that was mentioned here yesterday, namely, that the Canadian commissioners or Canadian Government was going to ask the House for an appropriation for the improvement of the Portland Harbor, as it was necessary for war purposes. I think that was the statement made. Well, if the Canadian Government can not find the money with which to proceed with their own improvements over in Canada for river and harbor work I do not see that it is very good policy for them to come over the line to tell us what harbors to improve when we are furnishing a good deal of money to their mother country for war purposes, and make it appear that this harbor work is for like purposes. Of course, if it is, I am willing to consider it.

Mr. SMALL. Will my colleague permit an interruption there, just to permit me to give him some information? The request from the Canadian Government for the adoption of this project for the further improvement of Portland Harbor is predicated upon this fact, that the Grand Trunk Railway has large terminals up there. During the winter all the Canadian ports for a certain period are frozen, and therefore shipments from

Canada which would ordinarily come from Canadian ports during the winter season are to be shipped from Portland. Further improvement is necessary in order to make possible those shipments, and the purpose to be accomplished is a matter in which the United States is greatly interested.

Mr. GALLAGHER. The Grand Trunk Railroad, if I size up the situation properly, is pretty much a Government-owned road. I think it is controlled by the Government of Canada. And if it is simply for the accommodation of the Grand Trunk Railroad, it is a question that remains with the House whether it wants to make appropriations to help the Canadian Government and its railroads.

Mr. SMALL. It is for the accommodation of the United States and our allies.

Mr. GALLAGHER. The whole bill is an accommodation to the United States, it seems. It is put forward as a war measure. But I think that if the House will consider what I have said in regard to this bill there is not a man who is free to act as he sees the justice of the situation but will cast his vote against the passage of this bill.

I sympathize with those men who have projects in this bill, as I stated in the first instance, that their constituents are asking for, because there is no other way except by this omnibus measure to get the improvements they want, but I believe that if they will explain to their constituents the situation which confronts us here and the necessity we have for every dollar that we can gather by taxation from the people, under existing circumstances, they will not look for unnecessary improvements. I want to thank the House for its kind attention. [Applause.]

Mr. Chairman, I yield back any time I may have remaining.

Mr. SMALL. The gentleman yields back his time.

The CHAIRMAN. The gentleman yields back five minutes.

Mr. GALLAGHER. I ask unanimous consent, Mr. Chairman, to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. SWITZER. Mr. Chairman, I yield 30 minutes to the gentleman from California [Mr. OSBORNE].

The CHAIRMAN. The gentleman from California is recognized for 30 minutes.

Mr. OSBORNE. Mr. Chairman, I approach the discussion of this rivers and harbors bill from the standpoint of the national defense as it applies to the harbors and rivers of the western continental border of our common country.

It is difficult for the millions of our citizens who have never crossed the Rocky Mountains and Sierras and have never looked out over the blue waters of the Pacific toward the distant shores of Asia to realize that our Pacific Coast States of California, Oregon, and Washington have an ocean front nearly as extended as that of the Atlantic coast, and, including the shores of Alaska, a very much greater length of coast line.

It is also difficult to realize that the greatest danger to the United States of foreign invasion is along this Pacific coast line, and particularly that of southern California, from Point Concepcion south to the Mexican line. This western border of our country, in the event of war, would be especially inviting to a foreign invader, and particularly if that foreign enemy were inhabiting a country bordering the Pacific Ocean. It would not be impossible, however, for a European nation, if it were successful in capturing the Panama Canal, to land a force by transports on the Pacific coast, and at no place at the present time is there so much danger of a successful invasion.

The 300 miles of coast between Point Concepcion and the Mexican border is protected by the channel islands of Santa Cruz, San Miguel, Santa Rosa, Santa Catalina, and San Clemente, and below the border by the Mexican islands of Coronado. So calm is the ocean along this 300 miles of beach that there are frequent wooden wharves run out into the ocean, and many of them, although of slight construction, withstand the usually moderate seas for many years. It would be possible to land an army at literally hundreds of points along this coast. Having once effected a landing, the fertile valleys of southern California would furnish a very extensive food supply, while the wealthy city of Los Angeles, with bank deposits approximating $250,000,000, and manufactories now turning out $150,000,000 of products annually, would constitute an object of attack for the wealth that might be acquired by a foreign foe and the loot which could be extracted by foreign soldiers from the people. Low grades and an absence of high mountains to the east would furnish a convenient route for a foreign foe to invade the Mississippi Valley, while several transcontinental railway lines, once in their hands, would comprise a valuable transport.

The Pacific coast north of Point Concepcion, while not so accessible as the coast to the south, still has hundreds of places that would constitute a convenient landing for a foreign foe—notably at Monterey Bay.

The fortifications on the Pacific coast are few and far apart. San Francisco Bay is fairly well defended from ocean approach and Los Angeles and San Diego Harbors have fortifications that would be serviceable in repelling a direct attack upon those harbors. An invading force, however, would naturally avoid an attack where we were strong and would land their forces in any one of the hundreds of places that are undefended and approach these fortified places from the rear. That would be simply common sense, which is the basis of military strategy.

What I have said about California applies also to the Oregon and Washington coasts.

My purpose in referring to this is to call the attention of the House of Representatives and of the country to the deep interest which our people—whether they reside along the Atlantic coast, the Mississippi Valley, or the great Middle West—have in the defense of our country along the line of the Pacific Ocean. That is our western continental boundary, and a foreign foe which lands upon that coast is very likely to bring war and disaster to the other portions of the country. If a landing could be effected on the Pacific coast by a first-class foreign power, with the line of the Sierras or of the Rocky Mountains as the defense it could possibly be held for years before we could dislodge such a foe. I do not doubt the spirit of the American people, that they would unceasingly seek to regain the Pacific coast if it were to be lost temporarily. It is the wiser plan, however, to recognize the fact that the beach of the Pacific coast from British Columbia to the Mexican line is our first national defense, on which no foreign force should ever be allowed to effect a landing.

I make this appeal not on behalf of the people of California and Oregon and Washington, as their interests, while very great and worthy of consideration, are only a portion of those of the entire American people.

Having spent nearly 40 years of my life as a citizen of California, with only occasional trips to the eastern portions of our country, I have always been impressed with the unconscious lack of realization in the Eastern States that the Pacific Coast States were not in some respect different from the remainder of the country—almost foreign in their character. I always find an interest in California, Oregon, and Washington, but it is that mild interest of curiosity with which people regard foreign countries presumed to be in some way different from themselves. This attitude finds its expression in pretty nearly everything that is proposed for the development of the Pacific coast—the defense of the coast by the proper appliances of the Army and Navy, forts, etc.; the lighting of the coast by lighthouses properly placed. There is much to be desired and much that ought to be done to render safer the lives of our sailors who go down to the sea in ships and sail up and down the Pacific coast, parts of which are most dangerous; and especially the improvement of our harbors, where we are building up a great foreign commerce, particularly with the populous nations of the Far East and of South America.

These are considerations which ought to be contemplated from the standpoint of national interest, and the enterprising pioneers and people who have removed from the more populous sections of the country to that great and promising land of the future should not be subjected to the implied criticism of selfish interest when they ask the Nation to take care of the national interest on that great coast. [Applause.]

The manifold advantages of climate and soil of the Pacific coast is attracting a great and a select population. This natural movement will continue, and I am entering upon no idle speculation when I express the belief that a century hence the Pacific coast of America will be the equal in population and in all the material and spiritual accessories of the desirable features of human existence of the Atlantic coast States.

Referring more concretely to my own State of California, and particularly to the southern portion of the State, where I reside—it may not be out of place to refer to the marvelous expansion of that favored section. The city of Los Angeles itself in its marvelous growth illustrates this point. While I have been a resident of California nearly 40 years, I became a citizen of Los Angeles in 1884, 33 years ago. At that time it had a population of less than 15,000 souls, a large proportion of which were native Californians; that is, citizens of Mexican or Spanish birth. In the third of a century I have seen the city expand—month by month and year by year—until now it has a population of more than 600,000 people, and is the ninth city in population in the United States. It is sustained by great natural and

other resources and is built up with a beauty of architecture and artistic surroundings hardly equaled by any other modern American city. It is sustained by a great commerce, by a mineral-oil industry tributary to Los Angeles approximating 100,000,000 barrels of oil per year; a citrus-fruit industry, which will this year turn out 60,000 carloads; a manufacturing industry of $150,000,000 annually; a metal-mining industry that extends throughout the Pacific coast States and into Mexico; and as a city it is on a safe and firm basis.

At the Los Angeles Harbor, which is within the tenth congressional district, which I have the honor to represent, a large and rapidly growing shipping business is established. Those who have read Richard H. Dana's Two Years Before the Mast will recall the delightful description which that eminent writer made of what was then known as San Pedro Harbor, as witnessed by him in 1836 and described in his entertaining book published in 1840. Even in that early day San Pedro was one of the considerable shipping ports of the Pacific coast, when sailing ships were accustomed to make the triangular voyage from San Pedro, Santa Barbara, and San Diego to Valparaiso, in Chile, thence to the Sandwich Islands, and then back to the southern California coast.

San Pedro at that time was a notable shipping point for hides and tallow, the entire southern California country being used for grazing lands and the raising of cattle for herd products.

After Dana's time San Pedro, or Wilmington, Harbor became the landing point for a wide area in the Southwest, and the early Mormon settlers of Utah in the fifties were accustomed to send their teams of oxen and mules eight or nine hundred miles across the desert and over the mountains to San Pedro Harbor for their supplies. Such a trip would take about three months.

In 1896 the National Government commenced the construction of a breakwater at Los Angeles Harbor, which was completed in 1910, with a length of 11,152 feet; the width of the base of this breakwater is 198 feet, and on top it is 20 feet. It protects a deep-sea area of 570 acres. The principal landing place for vessels, however, is within what is called "the inside harbor," where a very heavy shipping business is done.

Los Angeles Harbor has the unique distinction of receiving a greater quantity of lumber than any other port in the United States, or in the world. This lumber is distributed throughout the entire Southwest.

The National Government has expended upon harbor work from the beginning of the Government to the present time $5,927,431. I now desire to call attention to the public spirit of the people of Los Angeles, who have, since 1896, expended nearly dollar for dollar with the National Government upon their harbor, in which they have the most supreme confidence. The entire amount expended by the city of Los Angeles for harbor work is $5,343,661. This was up to June 30, 1916. The construction of wharves has amounted to 35,283 linear feet, about one-half of which has been constructed by the city government and the remainder by railroads and private corporations. The city also has constructed piers, warehouses, and other structures of value to commerce. I desire to lay particular stress upon the activities of the city at this harbor.

I also wish to call attention to the recognized importance of Los Angeles Harbor to the national defense, as evidenced by the fact that within the past month contracts have been entered into by the Shipping Board—or by Gen. Goethals—for the construction of eight steel ships, each with a tonnage of 8,800 tons, to be built within Los Angeles Harbor. Further, that there has just been recommended by the Navy Yard Commission, headed by Rear Admiral James M. Helm, a submarine training base, and aviation base for the use of hydroplanes, within Los Angeles Harbor, at an estimated cost of $2,250,000. This eminent commission—the duties of which were imposed upon it by Congress, to investigate and report as to the necessity, desirability, and advisability of establishing submarine and aviation bases on the Atlantic, Gulf of Mexico, and Pacific coasts and other possessions of the United States—have rendered an official report to the President, recommending Los Angeles Harbor as the best submarine training base in southern California, and also recommending it as an operating base for submarines in time of war, and for an aviation base.

This high testimony to the importance of Los Angeles Harbor removes it entirely from the criticism of being in the most remote way connected with any unworthy purpose, as is unjustly insinuated in the minority report, in a vague reference to "reclamation schemes." This reference, so far as Los Angeles Harbor is concerned, is entirely unrelated to any fact which would give it a shadow of justification.

Mr. RANDALL. Mr. Chairman, will the gentleman yield right there?

Mr. OSBORNE. I will.

Mr. RANDALL. In connection with that criticism in the minority report, is it not a fact that the Government has already recognized the value of Long Beach, Los Angeles, and Twin Harbors by the letting of contracts for five submarines in those harbors?

Mr. OSBORNE. That is true.

The present Rivers and Harbors bill contains but two small items for Los Angeles Harbor—one of $25,000 for maintenance and one of $50,000 toward the work of straightening and widening the entrance to the harbor, which is now narrow, crooked, and dangerous.

What I have said about Los Angeles Harbor as to its necessity and importance as a measure of national defense I believe could be said of every item in this bill applying to Pacific coast harbors. Most of them have been severely cut in this appropriation bill—notably the mouth of the Columbia River, Crescent City Harbor in California, Anacortes Harbor, Skagit River and Puget Sound in Washington, and other points.

The gentleman from New York [Mr. HULBERT] yesterday made a most interesting and instructive address on New York Harbor and its needs of increased depth to 40 feet on Diamond Reef. New York is our greatest international trade mart. Its conveniences, and especially its safety from foreign attack, is, or should be, the concern of every American citizen. The concern of the gentleman from New York is little greater than that of every other Member of this House. Should disaster come to New York from a foreign attack, the disgrace and damage to American prestige would be as great to the citizen of California, looking out upon the Pacific Ocean, as to the citizen of New York itself. Equally the possible invasion of the Pacific coast is the concern of every citizen of every one of the United States. We are one people and our harbors are all national harbors.

I was deeply interested in the statement made by the gentleman from Kentucky [Mr. SHERLEY] that, including the urgency deficiency bill, the amount authorized by Congress for war purposes has reached the enormous sum of $4,285,867,000. It is entirely right that Congress should vote for the conduct of the war whatever sums are necessary to bring about victory. The amount, however, is staggering, and its very magnitude emphasizes the necessity that we should maintain every agency for continuing in its highest efficiency the production and commerce of the country. It is no time to cease operations on our harbors and waterways, when every agency of national productiveness and profit should be exercised to its utmost. The policy of allowing our harbors to fill up with silt, the mouths of our great rivers to be impeded with sand bars washed back by the waves of the ocean, or in any way to obstruct the pathways to our dry docks, where the Nation is constructing merchant ships and warships for immediate use, would be a neglect of national duty unpatriotic and criminally stupid in its nature.

There never was a time when it was more important that a river and harbor bill constructed upon the theory of national defense and the maintenance of commercial and business facilities was so necessary as at the present time.

I earnestly appeal to every Member of this House, without regard to his political affiliations or the location of his residence in the United States, to consider this question upon high national considerations and to avoid all local and partisan views. Especially do I urge those Members representing interior States, which are comparatively safe—perhaps absolutely safe—from foreign invasion, so far as their immediate localities are concerned, to consider and act upon this great question in that broad and liberal way which is characteristic of the American people when they have been fully informed as to the importance of their action. We are all Americans and are all equally interested in the safety of the ocean boundaries of our country.

Let every man, whether he be a citizen of the interior States where he might never hear the boom of the guns of a foreign warship, show the same patriotic ardor for the protection of the borders of his country, whether on the Atlantic or Pacific coast, as is felt by residents of the coast States. If the Nation is attacked, it is the Nation of the citizen of Wisconsin, and Nebraska, and Tennessee, and Oklahoma, precisely as it is the Nation of the citizen of Massachusetts, New York, South Carolina, or California, Oregon, and Washington. Remember that the Pacific coast and transmoutain States are the hope for the future expansion of the American people. We have no colonies. We have over 100,000,000 people, and 25 years hence we will have more than 200,000,000 people. These rich States and coasts of the great West are the scene of the future hopes of your children and your children's children. There is growing up into stalwart life a great people, thoroughly American in their ideals and development—more American, if possible, than any other part of our common country. The Pacific coast is capable of infinite expansion, and with a conservation of its great resources of

water power and fertile lands, and with harbors worthy of the commerce of a great nation, and with a courage and confidence in its own merits, it never asks for the National Government to enter into great enterprises involving large expenditures without itself boldly taking a large part of the burdens upon its own shoulders and paying from its own funds a large proportion of the expenses of all public work. It is, therefore, entitled, as the hope of the future of the Nation, to the approval and generous consideration of this Congress and of the American people. [Applause.]

Mr. Chairman, I yield back the remainder of my time.

Mr. SMALL. Mr. Chairman, I yield to the gentleman from Missouri [Mr. BORLAND] 30 minutes.

The CHAIRMAN. The gentleman from Missouri is recognized for 30 minutes.

Mr. BORLAND. Mr. Chairman, it is somewhat unfortunate for such a great measure as the river and harbor bill, affecting as it does so intimately the commercial life and the industrial life and the national defense of the country, to resolve itself into a matter of specific localities. There is the constant feeling—natural, perhaps—that men are here not to represent the common interests of the country, but to represent some special locality or some favored project. It has happened, of course, that men who are more familiar with particular navigation projects, more interested in those particular projects, have presented the facts in regard to them; and yet I have tried, and hope to try at this time, to take a much larger sweep and scope in this matter than if I had any particular project in the bill. As a matter of fact, I have none. There is not a dollar of any money in this bill that will be spent in my congressional district, and any interest I have or any knowledge I have of the situation is confined purely to the question of the navigation of one of the great natural arteries of commerce of the United States.

I do know something about the condition of the Missouri River, and I think I may be able to tell the House something about it, as I have done in the past. But I would regard it, if it were true, as has been alleged by certain gentlemen on the floor of this House, as a most unfortunate thing for the country if in this national stress, where every channel of commerce and of transportation is needed to its utmost capacity, this particular bill should be laid aside, and that what other nations are doing as an imperative war measure—to feed their people and to supply their armies in the field—we should decline to do on the score of economy, or on the score of the expenditure in other necessary ways of the money. My constituents are interested in the Missouri River as a navigation project solely, and in this respect it benefits the entire West. I think it would be a most unfortunate and calamitous thing for this country to abandon the great natural system of highways, the inland waterways of America.

I have here a brief of a hearing at Kansas City on October 15, 1915, before a board of Army Engineers in which is quoted a statement from the old Burton waterways commission of 12 years ago, in which they say that if the Mississippi River system were in Germany it would be improved from end to end and be the great natural dependence of the country. We know that Germany has not neglected to improve her Rhine nor Austria to improve her Danube, nor is even stricken France to-day abating one dollar in her improvement of the great Rhone Valley. In fact, France is constructing a canal 350 miles long from Arles to Marseilles, to improve the great highway of the Rhone. The French look upon these improvements as great imperative war measures, and so do we.

I want to present this thought also: To-day there is a congestion of traffic on all the railways of the country, such as never have been witnessed before. We of the West realize that congestion of traffic and car shortage are almost an annual occurrence when the time comes for the movement of crops. But to-day the congestion of traffic and the shortage of cars are so acute that we are to have legislation in addition to what we have already had to relieve the situation of car shortage. What just argument is there that a shortage of cars for railroad transportation is an imperative war measure, but the improvement and enlargement of navigation upon the waterways is not an imperative war measure?

Gentlemen undertake to argue from technicalities as to whether the Secretary of the Navy or somebody else should have jurisdiction of it if it is a war measure. That has not been the dividing line in this House, for every department of the Government has risen to the occasion and the exigency of the situation, and has presented its particular activity that could aid in the defense of the country. We are going to have legislation upon common carriers as a war measure, and on no other ground. Why, they created a committee on railway transportation, subordinate to the Committee of National Defense, as a war measure, and then they found they had made a mistake in including only the railroad transportation. Yesterday there was created a subcommittee on waterways as a subcommittee of the Council of National Defense. That is the complete answer, as I take it, to the argument of gentlemen that waterways are not, although railroads may be, an important element in national defense at the present time. Upon that committee are such men as Mr. Joy Morton, of Chicago; Mr. Walter S. Dickey, of Kansas City; Mr. Saunders, of New Orleans, and other men who have made a study of this situation. It was found that a mistake had been made and we had taken hold of only one handle of the plow. The committee found that it could not produce any results unless it had its hands on both the rail and the water transportation; that it needed both handles of the plow or it could not plow a furrow. That is the situation to-day.

So now they have a waterways committee in the Council of National Defense.

Now, let me tell you something about the Missouri River and its place in this great problem. You may know that in the valley of the Missouri River and within 100 miles of it, west of the Mississippi River, is the center of production of farm products in this country. It is the center of production of mineral products in this country. It is the center of production of forest products in this country. It is the center of production of live stock in this country. All of those centers of production are in the Missouri Valley, within 100 miles of the Missouri River, and west of the Mississippi River.

The Missouri River finds its channel to the sea by turning southeast and finally east. It is the one great eastbound river, as the Ohio is the one great westbound river. Now, I should like to have time to explain to you gentlemen why the Missouri and the Ohio produce commerce when the Mississippi does not, but I can only say briefly that the Mississippi runs north and south, whereas the Missouri and the Ohio run east and west, and our railroad system has been constructed on east and west lines to connect with the Atlantic seaboard. The Mississippi can not be supplied with traffic without the aid of the Missouri and the Ohio. You can grasp that situation at a glance. I wish I could elaborate upon it. I know thoroughly the situation, and I know the movement of traffic.

Gentlemen have said that river commerce is disappearing. Whatever justification they may have for other stretches of the navigable streams of this country, they have no justification for that statement as to the Missouri River. This project was adopted in 1912. At that time Congress told us that unless commerce was restored to the Missouri River the project would not be adopted, and we Kansas City people agreed that commerce should be restored. I want to tell you an interesting story about that. The citizens of Kansas City were interested not in a reclamation project or in a land-saving scheme but in navigation. They raised $1,250,000 capital and established a boat line, which has been a most conspicuous success as solving the problem of inland waterways. They did that on the promise of the Federal Government that it would complete our project in 10 years, at the rate of $2,000,000 a year. But the Federal Government has never given the Missouri $2,000,000 a year except on one occasion. Instead of completing the project in 10 years, if Congress fools along like this it is going to complete it in 30 years, and it will cost the Government a great deal more than it ought to.

We established that boat line. We found that on the inland waterways the old traffic was carried on by the occasional boat. There was no regulation of rates, and your steamboat captain would come along, and if you had a jag of freight on the bank he would take it for you at some price that you and he agreed upon. If there were no boats coming for a long time he would get what he charged, but if there were two or three boats coming along he would take it for almost nothing; but in the long run he made almost a fortune on every trip. He lost a boat about every three years, but that did not make any difference, because his boat paid for itself every season. That was the old Texas deck boat. It was so inflammable that a man could not throw a cigarette on the deck without setting it on fire. It was a flat-bottomed boat with high galleries around, and it was loaded and unloaded by hand labor. A gang of roustabouts were at every landing, and they would come trooping down to the shore to load and unload those boats by hand. All of the freight was stored on deck open to the weather, and sometimes there were extra decks carried out to hold the cotton and the grain. These boats were loaded in the mud, or at stone levee landings, such as they have in St. Louis and New Orleans. These boats were not run on schedule. If there had been any other method of transportation in the West they would not have survived, and they did not survive the introduction of a new method of

transportation, to wit, the railroads. They disappeared as soon as the railroads came into existence.

Now, gentlemen, recollect that which I state to you to-day—that there never was as much traffic carried on the Missouri River in the palmiest days of the old steamboats as there is carried on that river to-day. I speak from positive knowledge on that. Although the steamboat occupies a picturesque place in our western history, the amount of traffic that was carried was almost insignificant. But it was the only method of transportation in those days. Now, when we came to restore the Missouri River traffic, we found nothing in the way of river craft but the so-called Texas deck boats. They were so inflammable that you can not get marine insurance on them. You would not dare trust your cargo to them. You can not get business men to ship on them. They have to be unloaded by hand, and you can not get hand labor to load and unload these boats as was formerly done. You can not compete with the railroads under these circumstances. It is perfectly manifest that you can not do it, and so there is no use in a man wasting his money trying to do it.

Now, what did we do? As soon as we got together this $1,250,000 capital we sent for an expert, a man by the name of von Pagenhart, educated in the University of Berlin, as a naval architect. He was sent to every navigable stream in the world, and in this country particularly, to draw designs for navigable boats suitable for inland waterways. He finally got up a design which has been accepted in this country. It consists of a steel barge of a sufficient size adjusted to the channel. Our project calls for a 6-foot channel. We must have a complete channel between two terminals just as you have between terminals of a railroad. You can not navigate over 20 miles of the river here and 20 miles there; you have to navigate 300 or 400 miles or 1,000 miles. We were promised a 6-foot channel and the boats as designed required a 6-foot channel. We built those boats of steel. They are noninflammable, nonsinkable, and all freight put in the boat is absolutely safe. There is no marine insurance needed for the company absorbs the marine insurance and never has lost a dollar's worth of freight except by occasional and rare cases of theft.

Here [showing photo] is the steel boat drawing 4½ feet when fully loaded and 18 inches when empty. It draws 1 foot for every 200 tons of freight. We ought to be able to navigate the Missouri River to-day with a steel barge of 2,000 tons. We did build one of 1,400 tons but found with the unimproved river and the shoal places between Kansas City and St. Louis we could not load the boat to its capacity and that it had to be loaded light. It costs as much to operate a boat half loaded as when fully loaded. We have gone ahead and built smaller boats—boats of 1,000 tons, boats of 600 tons—and still Congress has not improved the river. We have built boats of 300 tons to get over the shallow spots. We are operating to-day with 300-ton boats, one 600-ton boat, and two 1,000-ton barges.

Here is the difference between the Texas boat and the steel barge. Our steel barge can be tied up to a wharf. There is no power in it; no engineer or fireman to be paid; only the deck hands. It is tied up against the wharf to be loaded or unloaded. When it is loaded along comes the power boat, of which we have two, picks up the barge and perhaps another barge, and takes them down the river. When the power boat gets down, it drops the barge and picks up another loaded barge, does not lose an hour of time, and starts back upstream. Now, you have the basis of actual competition between the railroad and river navigation. It is like a locomotive picking up loaded cars instead of waiting for the cars to be loaded or unloaded. And this is the first time in our country that you have a real attempt at continuous river navigation. We eliminate all marine insurance; we eliminate the risk; we eliminate the expense of power; and the only difficulty is we did not have the terminals. So Kansas City provided a municipal terminal. By a lawsuit with the railroad it regained control of the water front. Then it built a great municipal terminal, with electric unloader, which reaches down into the barge and takes the freight out and swings it into the warehouse. If it is not needed in the warehouse, it swings it into the cars from the boat and from the cars to the boat. One can not do business on a wharf in this country unless one is ready to exchange business with the common carrier that reaches the same point. That is the second problem that we solved. We have made connection between the railroads and the waterways. I can show you a picture which will interest you. Here [showing photograph] is a picture of a steel barge going downstream loaded with flour. I want to say that 50 per cent of the downstream freight is flour and grain products. There is the interior of the boat made of chilled steel; the flour is piled up there in noncombustible water-tight compartments, so that if the boat strikes a snag—and no snag can go through that steel hull—but if it should be penetrated it could not lose more than one-tenth of the cargo, and under no circumstances could it sink. We have completed the terminal at Kansas City, and they have voted to build a municipal terminal at St. Louis. Now, you propose to stop this progress toward successful navigation.

Mr. SMALL. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. SMALL. If the gentleman has not stated, will he describe the equipment for transferring freight at Kansas City terminal, and whether the terminal is connected with the railroads that run into Kansas City?

Mr. BORLAND. Yes; I want to describe that a little more fully. The railroad leads down to the municipal terminal. We transfer by electric crane from the boat to the railroad car and from the railroad car to the boat. There is no exposure of goods, no delay, and no expense of hand labor. The cost of transfer is very small, a fraction of a cent a ton.

Now, we have found that a great majority of heavy shippers are no longer located on the river banks, as they were in the early days, but are scattered all over the city on switch tracks. Every heavy shipper and manufacturer has a switch track, and when we compete with the railroad we have to meet that situation. What did we do? We have absorbed the switching charges within the switching area of Kansas City. It does not cost the merchant a cent for transfer to the boat. The freight is loaded into a car, switched to the municipal terminal, transferred to the boat, and carried to East St. Louis to its destination, and the switching charge is absolutely absorbed by the boat company. That is what gives us such a basis for competing with the road. That is what has given us so much business, and the boat line has never been able to handle it in a single season.

All the difficulty is that the river has 25 or 30 shoal places between Kansas City and St. Louis, which prevents the loading of barges to full capacity. If we could load to the full capacity we could make more money than we could count, because business is rolling in so strongly. The trouble is that when low water comes we have to lighter the boat over the shoal places or use smaller boats, or we have to load our big boats to half capacity. The money spent by Congress has steadily improved the channel, and the completion of the project as authorized will give a permanent 6-foot channel, able to be navigated by barges of 1,400 tons or larger.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. I promised first to yield to the gentleman from Nebraska [Mr. KINKAID].

Mr. KINKAID. I yield to the gentleman.

Mr. HARDY. Even loading at half capacity, is it not a fact that river transportation is cheaper than rail transportation ever can be?

Mr. BORLAND. Yes; very much cheaper. The rates between Kansas City and St Louis are 80 per cent of the rail rate. The rail rate is 60 cents, and our boat charges 80 per cent of the rail rate and absorbs all of the switching charges. The boat line has made money on every pound of freight that it has handled. It has not absorbed all of its overhead charges, of course, and the reason is that it is not able to maintain a large enough fleet.

Mr. HARDY. Is it not admitted, however, that the actual cost of service by water is far under that of rail?

Mr. BORLAND. Yes. Our people tell us that if we had a permanent 6-foot channel between Kansas City and St. Louis so that it would be possible to run nights as well as daytime and on regular schedules five days going up and 48 hours coming down, so that the merchants could depend upon it, we could do that business for nearly 40 per cent of the rail rate, instead of 80 per cent.

Mr. KINKAID. Mr. Chairman, granting, just as the gentleman has stated and as the gentleman from Texas has agreed to, that freight transportation by water will be far cheaper than by rail, what in the long run will be the benefit of the water transportation, taking into consideration the fact that the railroads must still exist and can not be driven out of business by water competition? What will be the public benefit in the long run? Suppose you bring the rates down, and you will have to keep up the river traffic in order to keep the rail rates down, what will be the result?

Mr. BORLAND. Mr. Chairman, I am very glad that my friend has asked that question. It will cost $20,000,000 to improve the 400 miles between Kansas City and St. Louis to a permanent depth of 6 feet. Congress has spent now a little less than $5,000,000 upon that project, and it will cost $20,000,000, all told. You can not to-day build a single-track railroad between Kansas City and St. Louis with its terminals for $20,000,000—$50,000 a mile. You can not do it to save your

life. The traffic is growing so great in the Missouri Valley that you are going to have to double-track every line between Kansas City and St. Louis. It is a mistake to believe that the people only pay the bills of improvement of waterways. It is a mistake to say that if you stop improving the waterways the people do not pay the bills of the added cost of transportation. The people pay for every rail that is laid down in the long run. Nobody else pays. If you had to build a double-track railroad between Kansas City and St. Louis to handle the business the shippers have to pay of it. We people must pay for it one way or the other and the question for us to determine is the cheaper and more expansive method. We say that an improved river will handle one hundredfold the tonnage and traffic of a single-line railroad between Kansas City and St. Louis. If both cost the same to build, and in the long run the people pay for both the river and the railroad, as they unquestionably do, it is just a question of the best judgment as to which method we shall choose. But if it were exactly the same cost there would still be the necessity for the expansion of commercial arteries by using the river as well as the railroads, because there are things that the river can carry more cheaply—bulky freight—than the railroads and which the railroads ought not to be clogged with handling.

Mr. LONERGAN. Mr. Chairman, will be gentleman yield?

Mr. BORLAND. Yes.

Mr. LONERGAN. I am interested in what the gentleman say's because I am a believer in the development of waterways for commercial purposes. How many boat lines are there on the Missouri River between Kansas City and St. Louis?

Mr. BORLAND. Three. One that runs clear through from St. Louis to Kansas City, one that runs from the mouth of the Gasconade to St. Louis, and one that runs from the mouth of the Osage to St. Louis.

Mr. LONERGAN. And they are competitive lines with the railroad companies?

Mr. BORLAND. In the territory they cover; yes.

Mr. LONERGAN. Are they owned by the railroad companies?

Mr. BORLAND. No. The one at Kansas City is owned by the business men of Kansas City.

Mr. LONERGAN. A short time ago, and the gentleman may be interested in this as well as other members of the committee, I heard a man who for several years occupied a high position in the Federal Government make the statement that a boat line independently owned and operated could not thrive in this country.

Mr. BORLAND. We have shown that it can and does. One drawback to our boat line is that we are operating upon an unimproved river, and it is just like operating a railroad where some of the bridges are out, and you have to stop and carry the freight on mule back across the stream and then put it on the cars again and send it around. That is practically what we do with an unimproved river. We were told that we could do it for 10 years, and we prepared to do it for that time, but we did not prepare to do it for 30 years. I want to say to these gentlemen who now say we ought to quit, that $5,000,000 or $6,000,000 were spent on the Missouri River years ago, and they quit, and it went to wreck and ruin, and if you quit now you will have another large sum charged up to the Missouri River; and then when these same gentlemen get up to tell about money wasted in river improvements, they will add these figures, and they are the very men who are doing it. They want us to put up a house and not put a roof upon it, and then let it fall down and put up another one.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. If the question is brief.

Mr. MADDEN. I do not know how brief I can make it. How much tonnage——

Mr. BORLAND. I decline to yield if the gentleman will not make it brief.

Mr. MADDEN. The gentleman will not give me a chance to answer the question. Does the gentleman say that he declines to yield after he has yielded?

Mr. BORLAND. I have declined to yield.

Mr. MADDEN. The gentleman did yield, however.

Mr. BORLAND. I decline to yield. Mr. Chairman, you will find that in the Missouri River territory there has been such a congestion of traffic in the last year that the deliveries by the boat line even on upstream business have been more rapid than the deliveries by rail. You will not believe that at first glance, but so many cars are tied up in the terminals of the railroads and on sidetracks that you can get freight through from East St. Louis to Kansas City by boat more quickly, although it takes five days upstream, than you can by rail; and the result is that the merchants are trying their best to divert business from East St. Louis to the boat line, and the boat line is working to capacity.

Now they have succeeded in dividing the west-bound business at St. Louis. Why? Because of the railroad car shortage. Every time a boat takes a carload of stuff at East St. Louis it gives the empty car to the railroad, but they will not take the westbound business. Why? Because the railroads put an embargo on us and will not furnish empty cars at St. Louis to continue the shipment east.

Mr. MADDEN. Mr. Chairman, I make the point of no quorum present. The gentleman ought to have an audience.

Mr. BORLAND. The gentleman has tried to delay this bill repeatedly, and can keep up those tactics if he wants to do so.

The CHAIRMAN. The Chair will count.

Mr. SMALL. Mr. Chairman, I hope the gentleman will withdraw the point of no quorum, or withhold it for a moment, until I can make this statement.

Mr. MADDEN. I asked the gentleman from Missouri a courteous question, and asked him to yield and he agreed to yield and then declined to yield before I put the question.

Mr. BORLAND. I agreed to yield to a brief question, but the gentleman would not make it brief and therefore I declined to yield.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BORLAND. Mr. Chairman, I should like to have 10 minutes more.

Mr. SMALL. I yield the gentleman 10 minutes additional.

Mr. STAFFORD. Mr. Chairman, I hope the gentleman will yield to the gentleman from Illinois.

Mr. BORLAND. I will yield to a brief question, but I will not yield for a speech.

The CHAIRMAN. Does the gentleman from Illinois withdraw the point of no quorum?

Mr. MADDEN. If the gentleman yields?

The CHAIRMAN. The gentleman withdraws the point of no quorum.

Mr. MADDEN. I want to ask the gentleman from Missouri how many boats there are on the boat line on the Missouri River he is talking about?

Mr. BORLAND. I have just been over that.

Mr. MADDEN. I did not hear the gentleman.

Mr. BORLAND. Of the fleet I am speaking of there are nine steel barges and two tow boats.

Mr. MADDEN. How much tonnage is moved in a year?

Mr. BORLAND. I will go over it again if the gentleman wants me to do so. There has been a statement here that there has been a decrease in tonnage. This particular boat line with which I am familiar has taken this year 22,000 tons, last year 26,000 tons, and the year before 37,000 tons. The decrease this year is solely due to the refusal of the railroads to furnish cars or to exchange business.

Mr. MADDEN. How much money is proposed to be appropriated by this bill to move that tonnage?

Mr. BORLAND. If the gentleman will pardon me, I would like to give the House some information.

Mr. MADDEN. I would like to have an answer to this one question and then I am through.

Mr. BORLAND. The gentleman knows how much money is proposed to be appropriated. I would not think the gentleman would——

Mr. MADDEN. It is $1,000,000, is it not? Twenty-six thousand tons at a $1,000,000 improvement and you can figure how much it will cost a ton.

Mr. BORLAND. Complaint has been made that tonnage has decreased on this river. There has not been a greater mistake than that. There has been a difference in the method of computing tonnage. Years ago we computed all the sand and gravel hauled on the river. To-day we have driven the sand and gravel off the river to make room for new navigation. The tonnage to-day is a different class of tonnage from that figured years ago. The gross number of tons is the most misleading thing on earth. What you must compare is the number of ton-miles, and you will find that the ton-miles have gone up from 3,000,000 to 11,000,000. There has been an increase of traffic because it has been hauled 400 miles instead of a 3 or 4 mile haul for a sand barge. Yet gentlemen say there has been a decrease of tonnage on the Missouri River. Why, the Government put sand barges off the Missouri River, and that is why they wiped out a certain amount of alleged tonnage. The tonnage carried three years ago was worth $3,000,000 and last year $5,000,000 and this year $7,000,000. That is the value of the products carried. That is the way to estimate the value of the river to the people, not by the gross amount of tonnage, which might be sand and gravel that is carried before the Government by regulation puts the sand barges off the river. I am not an enemy of the rail-

road, and I do not like to see this contest between the waterways and the railroads. We must have both the waterways and the railroads. The first thing we did in Kansas City when we got the boat line established and Congress passed a law permitting joint rates and through rates and through routes by water carriers was to bring a case before the Interstate Commerce Commission. That this boat line did and force the eastbound carriers to divide their rates and make a through bill of lading with the boat line. We have forced them to give through rates; we are going to connect with them, and we ought to force them to furnish cars to interchange freight. We connect at our wharf and at St. Louis wharf. You can not do business on these boat lines and rail lines without their being articulated and coordinated together. That is the problem to-day, and let no man mistake it. River transportation with the great system of inland waterways we have is absolutely essential to the growth of this country. To no district is it more essential than the agricultural regions west of the Missouri River. It is the agricultural products that find their way to market because of the cheap method of transportation. Every man here knows that if you control the rates or lower the rates or improve the service from any section of any through line you affect the rates and service of the whole line. You make possible not only a reduction of the freight handled and carried by that line but affect rates of all competitive lines.

Mr. STAFFORD. Will the gentleman yield?

Mr. BORLAND. For a brief question. They have limited me to 10 minutes.

Mr. STAFFORD. I understand the gentleman concedes that 40,000 tonnage could not be wharfed with the Government expending $3,000,000. I would like to inquire if it is capable of conveying 40,000 tons a year? If the traffic is there, why can not we increase it under existing conditions?

Mr. BORLAND. We have built only such boats as are adapted to a partially improved river. Our people are not willing to put their money into boats that can not be used. We put our money into 1,000-ton barges, and found they were too big to operate profitably. We put it into 600-ton barges, and found that the Government had not caught up with its improvement of the channel, and we put it into 300-ton barges.

Mr. MEEKER. And those 300-ton barges, absorbing those freight charges at both ends, are making money?

Mr. BORLAND. Yes. We send one power boat up from St. Louis with barges and it meets the other power boat on its way down from Kansas City, and exchanges barges and goes back. This is in order to keep the pilots informed of only their own half of the river. That is one of the difficulties of an unimproved river. You talk about why we do not increase the tonnage there. We are carrying all the tonnage the improvement of the river has justified up to date, and more.

Here is what I want to say, further: The railroads need the river because there are certain classes of freight carried by them, the natural outlet of which ought to be on the waterways, such as cement, structural iron, grain products, alfalfa, alfalfa meal, and packing-house products. But I need not mention packing-house products, because the packing houses will not give the boat line one dollar's worth of business, on account of the connection between the packing houses and the railroads. The packing houses are the only concerns in Kansas City that will not give the boat line any business. I regret that feeling against the rivers on the part of the railroad people. It is a mistake. And yet the railroad people have testified repeatedly before the Interstate Commerce Commission that if it were not for the Kansas City boat line they would raise their rates in all that district between St. Louis and Santa Fe, N. Mex. Everything between the Mississippi River and the Rocky Mountains would have its rate raised from 8 to 15 per cent if it were not for the operation of the boats on the Missouri River. That testimony has been given repeatedly.

Mr. MADDEN. Who fixes the rates?

Mr. BORLAND. The railroad fixes them, of course, and the Interstate Commerce Commission decides whether they are just or discriminatory.

Mr. MADDEN. They must be finally fixed by the Interstate Commerce Commission?

Mr. BORLAND. No; the railroad fixes them and the commission decides whether they are just or not.

Mr. MADDEN. Does the gentleman mean to say that the railroad companies have a right to raise the rates?

Mr. BORLAND. They have a right to file a new schedule, and it is subject to the approval of the Interstate Commerce Commission.

Mr. MADDEN. And the Interstate Commerce Commission says whether they shall be raised or not?

Mr. BORLAND. The Interstate Commerce Commission will not permit the lowering of rates except to meet actual competition, not potential competition, any more. Actual river competition means a boat in operation capable of carrying that freight. The minute you wipe that boat line out you have affected the freight rates of 1,500 miles of agricultural territory—the bread basket of this country. The railroads have been doing well enough. We have never been able to carry enough freight on that river with the unimproved condition of the stream to even keep down the traffic of the railroad. We have not caught up with the increase of traffic. We have not affected the transportation of the railroad, but we have made the situation level on the question of freight. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SWITZER. Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. DEMPSEY].

Mr. DEMPSEY. Mr. Chairman, those who have criticized bills of this nature in the past should not look at this bill as they do at the ordinary bill. It differs from the usual bill in two particulars. First, this bill comes before this House as one which has the approval of the district engineer in each instance, the Board of Engineers in each instance, and of the Secretary of War. Not only has it, as in the ordinary bill, the approval of all these checks upon extravagance and undue appropriations, but we have in this instance an added protection. Only those items are allowed to be included in the bill which were found upon examination by the Secretary and the department to be necessary for military or commercial purposes to the successful prosecution of the war. So in that respect this bill comes in an unusually favorable way before this House. Now, I do not claim from that that it necessarily follows there are no faults and mistakes in this bill. It is a long bill and there necessarily would be faults and mistakes in any bill however carefully it might be prepared and with whatever checks or safeguards.

Mr. LENROOT. Will the gentleman yield?

Mr. DEMPSEY. Surely.

Mr. LENROOT. Did I understand the gentleman to say that the Secretary of War had reported that all of the new projects in this bill were necessary from a military standpoint?

Mr. DEMPSEY. The Secretary of War has recommended each and every item in this bill as necessary for the successful prosecution of the war, either from a commercial standpoint or for military purposes.

Mr. LENROOT. Will the gentleman point to anything by way of letter or report from the Secretary of War substantiating the statement he has just made as to the successful prosecution of the war?

Mr. DEMPSEY. It depends, if the gentleman will permit me to say it, upon the testimony of the engineers who have charge of this matter, who came before the committee and who testified, after a consultation with the Secretary of War, as to the various items involved.

Now, mind you, I do not take the position which has been taken by those who have criticized river and harbor bills in the past, that these checks by engineers, the appropriation of a lump sum to be expended in their discretion, is a panacea for the ills of river and harbor bills. I do not believe that that is so. But I do believe that the engineers of the United States Army are highly educated men in their profession. I do believe that they are experts on engineering projects. I do believe that they are men of high character and that their purposes are beyond question. On the other hand, I believe that their ability and their experience are in the line of their profession, and that the things which are criticized here—the appropriations for projects which do not produce sufficient tonnage—are criticisms which are aimed at commercial purposes, and that commercial purposes can be better judged by men of experience in transportation problems.

Mr. SMALL. Mr. Chairman, I move that the committee rise for just a moment.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HARRISON of Mississippi, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 4285) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

AMENDING FEDERAL RESERVE ACT.

Mr. GLASS. Mr. Speaker, I desire to present a conference report on the bill H. R. 3673 for printing under the rule.

The SPEAKER. The gentleman from Virginia presents a conference report on the bill H. R. 3673, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 3673) to amend the act approved December 23, 1913, known as the Federal reserve act, etc.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. GLASS. Yes.

Mr. STAFFORD. Can the gentleman inform the House just when he expects to bring up the conference report?

Mr. GLASS. I hope to bring it up next Tuesday.

RIVERS AND HARBORS.

Mr. SMALL. Mr. Speaker, I move that the House resolve itself again into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4285, the river and harbor bill.

The SPEAKER. The gentleman from North Carolina moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4285, the river and harbor bill. The question is on agreeing to the motion.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4285, the river and harbor bill, with Mr. HARRISON of Mississippi in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4285, the river and harbor bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 4285) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The CHAIRMAN. The gentleman from New York [Mr. DEMPSEY] will resume.

Mr. MADDEN. Mr. Chairman, will my friend from New York yield for a question?

Mr. DEMPSEY. I will.

Mr. MADDEN. I am not sure whether I correctly understood the gentleman. Did I understand the gentleman to say that the Secretary of War recommended all the items in this bill as emergency war measures?

Mr. DEMPSEY. I said this: That my understanding, derived from the testimony of the engineers who were called before the committee, was that every project included in this bill was important for the prosecution of the war from one of two standpoints—either directly for naval purposes or indirectly as being so useful to the commerce of the country in transporting the food and supplies of the various kinds produced in the country as to be of great moment and use.

Mr. MADDEN. At the present time?

Mr. DEMPSEY. Yes.

Mr. MADDEN. Will the gentleman now tell the committee of how much use the removal of the water hyacinth will be for the movement of food supplies during the emergency of the war?

Mr. DEMPSEY. Well, I am not a southerner, and of course it is utterly impossible, as the gentleman knows, for one raised in the North and not familiar with the difficulties obtaining in the South to explain all of the details of this bill. But I entered upon my speech with this statement, that I have not any doubt but that there are errors in this bill; errors of judgment, errors of fact; that it is a long bill, and that it would be impossible for any bill to be without fault, but that I did believe, owing to the circumstances to which I have just adverted, that it had the safeguarding care of all of the usual checks, and the additional check of only permitting items to be included which were deemed to be necessary for military or commercial purposes and useful in the present emergency, and excluding all other items.

Mr. MADDEN. Of course I do not know anything at all about the food value of water hyacinth [laughter], and it may be very valuable as food to supply to the people during the period of the war; and if that is true, I would like to know it from the gentleman from New York.

Mr. DUPRÉ. When the time comes and the proposition arrives I shall be glad to enlighten the gentleman from Illinois on that subject.

Mr. DEMPSEY. It does seem to me that if they are an obstruction to navigation, that fact makes it a matter of some importance, in such important streams as those in which it grows, to remove them.

Mr. MADDEN. I understand that in the places where they are to be removed there is no navigation.

Mr. DUPRÉ. There is no navigation simply because the hyacinth prevents it.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield there?

Mr. DEMPSEY. Yes.

Mr. MOORE of Pennsylvania. On this question raised by the gentleman from Wisconsin [Mr. LENROOT], supplemented by the gentleman from Illinois [Mr. MADDEN], the food supply just now is an important war problem, is it not?

Mr. DEMPSEY. It is the primary problem.

Mr. MOORE of Pennsylvania. The President and all the foreign ambassadors are emphasizing that fact—the importance of getting the food supply to the coast to help the allies and the people of this country. If it should happen that in a fertile territory like Florida, on the upper reaches of the St. Johns River, miles of that river should be obstructed by the water hyacinth, would not the gentleman think it wise to clear out that obstruction so that vessels could get into that territory and draw upon that food supply?

Mr. DEMPSEY. The State of Florida has many times the waterway mileage in proportion to navigation of any other State in the Union, and I should suppose it was important to keep those streams open.

Mr. MADDEN. The question asked by the gentleman from Pennsylvania [Mr. MOORE] prompts me to ask the gentleman from New York one more question; and before doing that I may add that I will admit the importance of removing the water hyacinths if they are good for food; but if they are not good for food, what is there to be transported down there except the water hyacinth itself?

Mr. DEMPSEY. In order to enable the food to be transported it is important to clear the rivers of that obstruction to navigation.

Mr. MADDEN. Yes; but if there is no navigation on these streams, and no food along the surrounding banks to be transported, it would not be a good war measure to spend money for the removal of the hyacinth.

Mr. MOORE of Pennsylvania. The gentleman knows that water hyacinth is not used for food. The whole purpose of the paragraph is to prevent the obstruction of navigation.

Mr. MADDEN. That may be stated in the bill, but that does not make it true.

Mr. PLATT. Mr. Chairman, will my colleague yield?

Mr. DEMPSEY. Yes.

Mr. PLATT. I will ask my colleague if it is not a fact that you can make potash out of the water hyacinth as well as out of kelp?

Mr. DEMPSEY. I have no doubt my colleague from New York knows that to be a fact.

Now, the opinion of the engineers and the leaving to them the determination of what projects shall be included in the bill does insure this: It insures that no project shall be selected by logrolling among Members of Congress. It insures that there shall be no "pork" in this bill, and that surely has been done in this bill. Every member of the committee and every Member of the House knows that this bill has been prepared without any regard to membership on the committee, solely and simply upon the basis of what the engineers have recommended and what the War Department has indorsed as projects necessary in this present emergency.

Mr. MADDEN. I am not sure if I understood the gentleman correctly. Will he yield to me again?

Mr. DEMPSEY. Surely.

Mr. MADDEN. Did I understand the gentleman to say that this bill was prepared on the hypothesis that no logrolling was to be permitted by Members of the House with respect to items in the bill?

Mr. DEMPSEY. No; I did not say that. I am glad to answer his question. What I said was that there was not a project put into this bill—and it was thoroughly understood that no project should be put in it—simply because a Member of Congress wanted it or because a Member of Congress indorsed it; that it was bare of the objection or contention that the items were inserted as favors to Members; that there was no chance to say that there was "pork" in the bill; that the bill came here simply and solely the product of the recommendations of the engineers, the product of the indorsement of the department, and not only the product of such indorsement in ordinary circumstances, but with the added value of its being said that it was to be done growing out of and as an aid to the present emergency.

Mr. MADDEN. I am very sorry to hear the gentleman from New York say that there is no "pork" in the bill, because I think that would be more useful in the war emergency than many of the improvements which are contained in this bill.

Mr. DUPRÉ. The gentleman from Illinois, living in a packers' city, knows more about pork than the gentleman from New York does. [Laughter.]

Mr. DEMPSEY. The bill comes before Congress inviting favorable consideration in another sense, and that is this: For years past there has been a shortage of railway transportation in the United States, and I want to illustrate it by my own county. Niagara County, in the State of New York, is one of the great fruit-growing centers of the whole world. We raise apples, peaches, pears, quinces, and all small fruits in great abundance and of the very best quality. All of those fruits take very high freight rates, but in spite of the fact that they do take high freight rates car after car has been lost through delays in transportation. In the last six years there never has been a time when I have not had a large number of claims in my office for the spoiling of fruit through delays in transportation.

Now we come upon an emergency where the Government calls upon the farmer to increase his production, and the farmer is responding most nobly. The number of acres under cultivation has vastly increased and production will increase accordingly. The needs of the Government for military supplies are going to speed up every factory in the land. The result will be that what comes from the workshops will multiply in volume. The amount of shipments to be offered to the railroads will be doubled in the coming year, and the railroads are not increasing their transportation facilities. Why not? They are not permitted to fix their own freight rates. They have to go to the Interstate Commerce Commission, and they say that they have been so uncertain about rates and have obtained such low rates and have been so uncertain as to income that they have not increased their rolling stock or even kept it up to par. They have not kept their roadbeds in condition. Their transportation facilities instead of increasing have decreased. Now, whatever may be the merits of that contention, whether or not they have obtained adequate rates, the fact is that their rolling stock has decreased and their trackage has grown worse.

Mr. MADDEN. I do not like to interrupt the gentleman so much, but I should like to have him yield to me there.

Mr. DEMPSEY. I yield to the gentleman from Illinois.

Mr. MADDEN. The gentleman from Missouri [Mr. BORLAND] said that the railroad companies fixed the rates. The gentleman does not agree with him, does he?

Mr. DEMPSEY. The gentleman from Missouri [Mr. BORLAND] is in error. I have represented the Government in cases involving freight rates.

Mr. MADDEN. The gentleman agrees with me that the Interstate Commerce Commission fixes the rates.

Mr. MEEKER. Does the Interstate Commerce Commission object to their putting in lower rates?

Mr. MADDEN. Yes; sometimes.

Mr. DEMPSEY. Railroads can not fix their rates at all. They can submit a schedule, but before it goes into effect it must have the approval of the Interstate Commerce Commission, whether the rate be increased or decreased. I do not suppose they every day offer schedules decreasing their rates, but however that may be, here we are planning for a great increase of shipments. The transportation problem, which has been complicated enough for years past, will become vastly more difficult in the near future, and the proposition of those who oppose this bill is that we shall at once disable ourselves in one method of transportation—that we shall abandon waterway transportation and confine ourselves to the railroads, which have proved their utter inadequacy.

Now, take this bill, aside from the indorsement which it has had I say that a very brief examination of it will satisfy those who will look into the matter that the bill is, on an examination of the items, a meritorious bill.

The bill carries $26,000,000, of which $21,500,000 goes into improvements and $4,500,000 into maintenance items. Of the improvement items there are 64, and if you will examine those 64 items you will find this to be the fact. I hold in my hand a list of them which I will insert in the RECORD. You will find that there is practically not one improvement in that list which is not of a river or a harbor so well known that a student of geography in the primary class would admit that it belongs to one of the great classes of waterways in the country which is deserving of the improvement that it receives. Now, mind you, I said in starting that this bill had the imperfections, and only the imperfections, incident to all human undertakings, and some man, in examining the 64 items, might find some three or four which he could criticize. But I say, taking them by and all, taking them on a fair and just review of them all, every fair man will say that they are the projects which a student of geography who has studied it for only a few months would say are the great projects of the country, the ones which deserve and which should receive attention. Here is a list of these projects:

New London	$160,000
Connecticut River	70,100
Narrows of Lake Champlain	300,000
Port Henry Harbor	71,500
New York Harbor	50,000
Hudson River Channel (New York Harbor)	810,500
East River, N. Y	1,250,000
Schuylkill River	300,000
Delaware River	1,870,000
Waterway, Rehoboth to Delaware Bay	50,000
Baltimore Harbor	250,000
Norfolk Harbor and channels	900,000
James River	46,000
Waterway, Norfolk to Beaufort Inlet	100,000
Cape Fear River, below Wilmington	35,000
Charleston Harbor and channels	70,000
Savannah Harbor	500,000
Miami Harbor	160,000
Hillsboro Bay, Fla	300,000
Apalachicola River	18,000
Mobile Harbor and Bar	110,000
Alabama and Coosa Rivers	50,000
Pascagoula Harbor, Miss	113,000
Gulfport Harbor, Miss	80,000
Passes Mouth of Mississippi	1,825,000
Improvements Mermentau to Sabine River, La. and Tex	230,000
Lake Pontchartrain	32,000
Bayous, Louisiana	51,000
Sabine Pass & Port Arthur Canal	300,000
Port Aransas, Tex	100,000
Freeport Harbor, Tex	150,000
Cumberland River improvement, below Nashville	632,000
Tennessee River	401,000
Lorain, Ohio, Harbor	16,500
Cuyahoga River, Cleveland Harbor	500,000
Ohio River, locks and dams, for 9-foot channel	5,000,000
Ashland Harbor, Wis	10,000
Manistee Harbor, Mich	28,700
Harbor Beach Harbor, Mich	100,000
Indiana Harbor, Ind	395,200
Mississippi River, from the mouth of the Ohio to and including mouth of Missouri	350,000
Mississippi, mouth of Missouri to Minneapolis	1,200,000
Mississippi and Leach Rivers	50,000
Osage and Gasconade Rivers, Kans	20,000
Kansas River	10,000
Missouri River, for 6-foot channel, Kansas City to mouth	1,000,000
San Diego Harbor	154,000
Los Angeles Harbor	50,000
Oakland Harbor, Cal	92,000
Richmond Harbor, Cal	100,000
Humboldt Parkway and Bay	190,500
San Pablo Bay and Mare Island	330,000
Coos Bay, Oreg	70,000
Columbia and Snake Rivers	70,000
Willamette River	80,000
Lewis River, Wash	13,500
Columbia and Willamette	310,000
Grays Harbor Wash	85,000
Lake Washington Ship Canal	200,000
Yukon River, Alaska	45,000
Nome Harbor, Alaska	105,000
Honolulu Harbor	50,000
Hilo Harbor	150,000
San Juan Harbor, Porto Rico	400,000
Total	21,565,500

Mr. MADDEN. Will the gentleman tell the committee how much there is in the bill for harbor improvements altogether?

Mr. DEMPSEY. For harbor improvements as distinguished from rivers?

Mr. MADDEN. Yes.

Mr. DEMPSEY. I could not say offhand.

Mr. MADDEN. Approximately. I do not care about the exact figures.

Mr. DEMPSEY. I do not believe I could give an estimate of the rivers as distinguished from the harbors. I can figure that out, and I will tell the gentleman afterwards.

Mr. MADDEN. I want to say to the gentleman that I am very strongly in favor of all harbor improvements.

Mr. DEMPSEY. In this list of 64, the gentleman, I think, can readily figure out which are rivers and which are harbors, and I think he will find that in amount—perhaps not in the number of items, but in amount—a very large proportion, very much more than half, are for the improvement of harbors and not of rivers

Mr. MADDEN. Will the gentleman yield?

Mr. DEMPSEY. I will.

Mr. MADDEN. I have understood that there was only $4,500,000 for harbor improvement, and the rest was for river improvement where there is no navigation. I have not expert knowledge of that, and I ask the gentleman because he is an expert.

Mr. DEMPSEY. The gentleman is very kind, but I think his idea as to the amount can not be correct, owing to the fact that the East River, which means a harbor in New York, as the gentleman heard eloquently explained yesterday, has $1,250,000 alone.

Mr. MADDEN. That will not be finished for three years, and it is a war measure, too.

Mr. DEMPSEY. But I am talking about the proportion between rivers and harbors, and I was calling the gentleman's attention to the fact that East River, N. Y., took a million and a quarter alone.

Mr. SMALL. Was the gentleman from Illinois referring to new projects?

Mr. MADDEN. No; but to the maintenance of harbors.

Mr. SMALL. In order to get the clear distinction, there is a difference between maintenance and appropriating for improvements.

Mr. MADDEN. I am in favor of appropriations for all maintenance of harbors to facilitate the movement of traffic.

Mr. SMALL. Does the gentleman exclude the maintenance of river improvement?

Mr. MADDEN. Exactly, because as a rule the rivers are only appropriated for and the money expended on them as a matter of sentiment, as there is no navigation or commerce on them.

Mr. SMALL. I do not agree with the gentleman; but I was going to say that in the new projects much more than half of the appropriation for new projects are for harbors.

Mr. MADDEN. That may be true, but they can not under any circumstances be classed as an emergency war measure, because everyone will realize that you can not start a new project and complete it so as to be able to take advantage of it during the war.

Mr. MEEKER. Will the gentleman kindly inform us how long the war will last?

Mr. MADDEN. I do not know, but they are proceeding on the theory that it is going to last three years, and the nearest approach that anybody has been able to come to the completion of the most expeditious project is three years.

Mr. DEMPSEY. I will call attention to a few of the harbor items which catch my eye in scanning this list: New London, $160,000; Narrows of Lake Champlain, $300,000; Port Henry Harbor, $71,500; New York Harbor, $50,000; East River, N. Y., $1,250,000; Baltimore Harbor, $250,000; Norfolk Harbor and Channels, $900,000; Charleston Harbor and Channels, $70,000; Savannah Harbor, $500,000; Miami Harbor, $100,000; Hillsboro Bay, Fla., $300,000; Mobile Harbor and Bar, $110,000; Gulfport Harbor, Miss., $80,000; Sabine Pass and Port Arthur Canal, $300,000; Lorain (Ohio) Harbor, $16,500; Cuyahoga River, Cleveland Harbor, $500,000; Ashland Harbor, Wis., $10,000; Harbor Beach Harbor, Mich., $100,000.

Mr. MADDEN. All of these large sums are for new projects for enlargement of the channels?

Mr. DEMPSEY. No; what I have read to you are harbor improvements, and I should say that they constitute very much more than half of the improvement items in the present bill.

Now, yesterday morning those of us who read the Washington Post observed this, no doubt, that there was a report that this Government, facing the transportation problem to which I have adverted, knowing that there would be vastly increased products of the farm and the factory, knowing that the factories would be run at high speed, knowing the necessity of placing the products of the farm and the workshops at designated places for the use of the Army and our allies, was contemplating and had formed the project of expending $150,000,000 in the construction of 100,000 freight cars.

Now, they do not expect to increase the trackage or the switches. They could not increase any of the railroad facilities except simply the number of cars. There is not simply a shortage of cars. There is a shortage of all of the items which go into railroad transportation. Are you going to help the Government at this time, when it is taking such extraordinary measures to meet this emergency, by practically crippling river and harbor transportation?

Mr. STAFFORD. Will the gentleman yield?

Mr. DEMPSEY. I will.

Mr. STAFFORD. I know that the gentleman is quite cognizant with conditions in New York Harbor. I listened attentively to the address made by his colleague [Mr. HULBERT] yesterday, in which he advocated the expenditure of $600,000 in providing a new channel in the Hudson River. Those of us who have noticed the Delaware and the Hudson Rivers recently are impressed with the fact that there is less shipping plying on those streams by reason of the shortage of ships than at any other time before. Does the gentleman think there is need for an additional channel over the existing one?

Mr. MOORE of Pennsylvania. If the gentleman from New York will pardon me, I wish to say that the Delaware River has been busier within the last year than ever before in its history, and the remark of the gentleman from Wisconsin does not apply to that stream.

Mr. STAFFORD. I would like to have the gentleman give us the facts because any visitor going across the river knows that at the present time there is not the same activity in shipping that has been present heretofore.

Mr. MOORE of Pennsylvania. That river has never done more business than it has during the last few years.

Mr. DEMPSEY. I am glad that the gentleman from Wisconsin has asked the question. I think he propounded it in a spirit of good faith, and I want to give him, so far as I can, an answer, and I think I can answer him. There are two answers to his proposition. In the first place, the great barge canal in the State of New York is just nearing completion. The transportation upon that waterway has been practically in abeyance during the entire period of the construction of the barge canal. Of course, tonnage on the Hudson would decrease very largely in proportion to the decrease in the tonnage across the State on the Erie Canal. That is your first answer.

Now, as to ships. I quite agree with the gentleman that there is a shortage of ships. I quite agree with the gentleman that a study of statistics shows that there has not been the increase in shipping that you would naturally expect from the increase in tonnage in the country, except on the seaboards, and I say to you that that is to be explained in this way: Railroads have experts whom they hire at large salaries, experts not alone theoretically, but practically, who have proven through long years of service their ability to acquire traffic and to handle it after it is acquired, and it is their business to get the traffic and to handle it. Who looks after your tonnage upon the streams in the interior of the United States? Who provides terminal facilities? Who is there to solicit traffic; who is there to make it easy for traffic to go by water? There is no one, and I say in answer to the gentleman this, that while I believe there are weaknesses and will be weaknesses in such things as the Council of National Defense, yet I believe just as much in the patriotism and ability of the American people as I believe that the resources of the country are inexhaustible, and that in this time of stress and need this problem of water transportation will attract to its solution the brains which have been devoted to railroad transportation. They will find a way to make traffic go to the streams; they will find a way to provide the ships with which to transport that traffic, and in that way the problem of transportation by water will be solved. Take, for instance, in my own State. What do you find? You find up at Fort Henry, on Lake Champlain, that they produce 800,000 tons of ore annually.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SWITZER. I yield the gentleman 10 minutes more.

Mr. DEMPSEY. What part of that traffic do you suppose has been transported by water? Every student of transportation problems recognizes the fact that ore, lumber, grain, steel, products of that kind that are not perishable, that are bulky, should be transported by water, and yet of those 800,000 tons only 5 per cent have been transported by water; and why? The harbor at Fort Henry has been so shallow that even the 12-foot barges of the canal could not get in there. It is but 5 feet in depth. If they could get into the harbor, then when they got down to the narrows of Lake Champlain the depth there is insufficient to enable them to get through. The Narrows are such under present conditions that they can only run a steamer through; they must disconnect from the barges or take them one at a time. I believe that as a result of the application of intelligence and thought and energy and brains to this problem you will find not only control of food production and distribution in the country but they will say that the kind of product which is fitted to be carried in a slow way by water shall go by water, and that those 800,000 tons must be transported in that way, and you will leave to the railroad the transportation of the lighter, more perishable products, and in that way and in that way only will you solve the transportation problem and enable all of the products of this country to properly get to market.

Mr. STAFFORD. How much is contemplated to be expended on this channel to which the gentleman refers?

Mr. DEMPSEY. Three hundred and seventy-one thousand dollars.

Mr. SMALL. If the gentleman will pardon me, I think the gentleman from Wisconsin means the total amount. It is $780,000.

Mr. DEMPSEY. I thought the gentleman meant the amount carried in this bill.

Mr. STAFFORD. No. Do I understand the gentleman to say that the total 800,000 tons will utilize this channel?

Mr. DEMPSEY. Not alone that. That is one item. That is one kind of product—iron ore—from certain mines at Fort Henry, but that is not the total product that will use it.

Mr. STAFFORD. What is the season of navigation in the district to which the gentleman refers?

Mr. DEMPSEY. I should imagine it is the same as it is on the Erie Canal, and their navigation is from May until December.

Mr. STAFFORD. So during the closed season they would have to necessarily utilize the railroads for transportation?

Mr. DEMPSEY. Yes.

Mr. STAFFORD. It would be the same situation that we have on the Great Lakes.

Mr. PLATT. Can the gentleman tell where the Fort Henry ore is smelted now?

Mr. DEMPSEY. I do not know.

Mr. PLATT. It used to be smelted at Poughkeepsie, my home town, and come down by canal boats, but the furnaces there have been destroyed and wiped out.

Mr. STAFFORD. If I understand the gentleman's colleague, it is not certain whether the 800,000 tons would be shipped in that way at all.

Mr. DEMPSEY. It would all be shipped.

Mr. STAFFORD. The question is which is the most economical way to reach the furnaces, whether it should be shipped by boat or partly by boat and partly by rail.

Mr. DEMPSEY. It is right there at the harbor.

Mr. STAFFORD. There is the further question of finding out whether any of it needs to be transshipped from boat to cars or entirely by a boat.

Mr. DEMPSEY. I do not think there is a steel plant or furnace in the United States that is not located where it has water facilities. I do not know of any.

Mr. STAFFORD. Take, for instance, the Great Cambria Steel Mills. They are located on the Conemaugh River at Johnstown, and they get their freight both by rail and by boat. I can cite many instances of large furnaces where they are not located on any navigable stream.

Mr. DEMPSEY. Yes——

Mr. STAFFORD. Take the furnaces in Pennsylvania. They get their ore part by lake and part by rail.

Mr. DEMPSEY. That is true, for instance, at Buffalo. The gentleman is entirely right. They get their limestone by rail. I think they get all their limestone by rail.

Mr. STAFFORD. Take the Bethlehem Works, take the Cambria Works—I can enumerate some of the largest works where they get their ore largely by rail and partly by rail and partly by water.

Mr. DEMPSEY. The gentleman is entirely correct. I want to call attention to the experience of the State of New York of the value of railway transportation. That State bears the proud title of the "Empire State." At an early day it constructed the Erie Canal, with a length of over 300 miles from Buffalo to Albany. The State has grown to have a population of 12,000,000 of people, and you will find to-day that the people have located and the wealth and population are along the Erie Canal. Now, I have not looked up the figures recently, but my understanding is that 90 per cent of the entire population of that great State is in the villages and cities on the length of that canal and at the foot of the Hudson River—New York City.

Mr. MADDEN. In the villages?

Mr. DEMPSEY. Cities and villages along the canal?

Mr. MADDEN. That includes New York City?

Mr. DEMPSEY. That includes New York City, at the foot of the Hudson.

Mr. MADDEN. Ninety per cent, over 10,000,000 people, living in the cities——

Mr. DEMPSEY. There is not really a city in the whole State away from the canal. The only two I can think of—and one of them is on the water—are Watertown and Elmira. So we have been proud of the fact that that State, which has justly won the title of the Empire State, in population, in resources, and in wealth, has constantly improved its waterways, and we believe that water transportation tends to the growth and the prosperity of any community which maintains it. [Applause.]

Now, there has been an argument advanced here from the saving standpoint, and the gentleman from Wisconsin [Mr. FREAR] said that the country had been saved $100,000,000 on several occasions by our failure to pass river and harbor bills. I want to give an illustration of that. Take a farmer: In the pride and vigor of youth, in the alertness and strength of middle age, he goes out on his broad acres and cultivates every field of them. He produces large crops. He puts forth a proportionate expense. Take the same man in the feebleness of old age: He cultivates only one field in four. He reduces the expenses, to be sure, but he produces practically nothing. Will anybody call that a saving? So I say that the failure of river and harbor bills in these past years has been just that kind of a saving. [Applause.]

Mr. FREAR. Will the gentleman yield?

Mr. DEMPSEY. I do.

Mr. FREAR. Will the gentleman cite a single instance where the Government has suffered or private interests have suffered by the failure of these waterway bills to be put through; that is, where the railroads have not in every case met the demands of the occasion?

Mr. DEMPSEY. I would say in my own county of Niagara, where I have had personal experience, that to-day I have 70 claims against the New York Central Railroad for the destruction of fruit through delays in furnishing transportation; and I say that as illustrative of the freight situation throughout the United States. Now, there is not anything that tends more to health than the use in moderation and in proper proportion of fruit as a diet; and here is one of the great articles of diet going to destruction through the fact that we have not adequate transportation facilities.

Mr. FREAR. Will the gentleman yield on that point?

Mr DEMPSEY. Surely I will.

Mr. FREAR. The gentleman is not claiming, of course, the waterways would be adapted for the carrying of that fruit? It is only by the ton of apples carried, as I remember the gentleman's district up there.

Mr. DEMPSEY. It is claimed, on the other hand, that if the Simonds saw factory, and if other factories which produce steel and commodities of a bulky and heavy nature and which can not be injured at all through delays in transportation had been shipped by canal and by water, that then there would have been all this increased facility for the transportation of light and perishable commodities.

Mr. FREAR. Will the gentleman yield again?

Mr. DEMPSEY. Surely.

Mr. FREAR. Upon the Mississippi River, which is the largest river in the country, there is not a single line running from St. Louis to New Orleans——

Mr. DEMPSEY. I say that is not to the shame of the waterways but it is to the shame of the men who have had the transportation problem in hand, we ourselves, that we have not found the brains to devote itself to acquiring freight for those rivers and having ships built to transport it.

Mr. FREAR. I would like to agree with the gentleman on this point, that it is an entire lack of proceeding with it in a systematic way, as under the present system we are simply placing money in there without any return.

Mr. DEMPSEY. This emergency will develop the brains and we ought to and will turn our energies in that direction——

The CHAIRMAN. The time of the gentleman has expired.

Mr. DEMPSEY. I would like to have about five minutes more in order to close.

Mr. SWITZER. I yield the gentleman five minutes additional.

Mr. DEMPSEY. Now, another argument that has been made here is that in this time of stress and emergency we should save money. And I do not agree with that argument. Why, gentlemen, with the expenditure of the enormous sums that will be expended this country is about to enter upon a rising tide of prosperity such as the world has never witnessed. Taxes will be high, but they will not rise even in proportion or in the same percentage as this swell of the tide of prosperity. People will have to pay high taxes, but they can meet them from increased returns, and they will meet them gladly and well.

And then one other argument that has been advanced is that we should not withdraw these engineers. Why, gentlemen, the principle of the conscription bill is that if a man is more valuable to his industry than he is at the front he shall be kept at his industry. And that is the principle that you should apply here.

Then they say there will be a shortage of labor. There is a shortage of labor, but instead of increasing it is going to decrease. Why? Gentlemen, in this time of stress and need we are going to see here as we have seen way across the Atlantic, in every country which is suffering under this dreadful war, woman arise to take the place that has been vacated by man. And while there is going to be a call upon the young manhood of the country for its military needs, woman will take its place in increasing numbers, and that problem will be solved in that way.

I thank you. [Applause.]

EXTENSION OF REMARKS.

Mr. LONERGAN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by publishing a brief

statement and some editorials from Connecticut newspapers on the life and achievements of Nathan Hale, the Revolutionary patriot.

The CHAIRMAN (Mr. HOUSTON). The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD as stated by him. Is there objection? [After a pause.] The Chair hears none.

Mr. DEMPSEY. Mr. Chairman, may I ask unanimous consent to revise and extend my remarks in the RECORD?

The CHAIRMAN. The gentleman from New York asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. SMALL. Mr. Chairman, I would like to make the same request as to some remarks I made yesterday.

The CHAIRMAN. The gentleman from North Carolina makes the same request. Is there objection?

There was no objection.

Mr. KETTNER. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from California makes a request now to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

RIVERS AND HARBORS.

Mr. SMALL. Mr. Chairman, I yield 30 minutes to the gentleman from California [Mr. KETTNER].

Mr. KETTNER. Mr. Chairman, yesterday the gentleman from Wisconsin [Mr. FREAR] mentioned a certain amount of money held by the engineers, and I personally thought he was trying to convey the thought that that money was available to use at the present time for new projects. At the time I tried to explain a certain project in which I am personally interested.

The last river and harbor bill that passed the Congress appropriated $220,000 for San Diego, on condition that San Diego deed a certain amount of land to the Government. The abstract is not finished and the money has not yet been spent. This sum is available for this project only when that deed or that transaction is finished and the land deeded to the Government.

The chairman of our committee also mentioned a great many cases that were along the same line. For that reason I am afraid that a great many people who read the RECORD will misunderstand the gentleman from Wisconsin [Mr. FREAR] and think that these millions are available for projects that we are considering in this bill.

Now, Mr. Chairman, I am in favor of this bill, for the following reasons:

First. The railroad companies have admitted before the Interstate Commerce Commission that they are not able to haul the freight at the present time.

Second. They have asked an increase of 15 per cent.

Third. If the Members will inquire they will find that Gen. Black, instead of being in the State, War, and Navy Building, is at the present time in the Munsey Building, with a corps of engineers, working with the department on river transportation, so as to be able to transport food products from one section of the country to another.

Fourth. I have been reliably informed that the money carried in this bill will complete a number of projects to such an extent that they may be utilized for transportation purposes.

It seems to me, Mr. Chairman, that if ever we needed a river and harbor bill we need it at the present time.

Mr. PLATT. Will the gentleman yield for a question?

Mr. KETTNER. I will.

Mr. PLATT. I wondered whether the railroads had asked for enough in that 15 per cent to enable the rivers to compete with them. Ought they not to ask 20 per cent? You want to get the railroad rates high enough so that the rivers can do business and keep them there.

Mr. KETTNER. If the gentleman will inquire—or take the time to look up the facts—he will find that the river transportation wherever it is opened up is cheaper than railroad transportation, and the railroads go to the Interstate Commerce Commission and ask for the privilege of reducing their rates to meet water competition.

Mr. PLATT. I know this: That the Hudson River, with 30 feet of water over half its length and 12 feet of water over the rest of its navigable length, loses traffic in spite of its depth. Why is that?

Mr. SMALL. May I ask the gentleman a question? The gentleman has referred more than once in this discussion to the low rates, the competitive rail rate with water rate. Is the gentleman in favor of permitting the railroads to lower their rates in competition with water and drive off the water carriers and recoup the higher rates from interior points?

Mr. PLATT. I think they can do that under existing law, but I do not think they would be allowed to put them down, and drive water transportation out. I think they should put them up so that the boats can run.

Mr. SMALL. The gentleman and I are not far apart. I believe the improvement of rivers is for the purpose of developing water commerce.

Mr. PLATT. That is what it should be, in my opinion.

Mr. SMALL. And that is primary justification for the expenditure of public money for that. Nevertheless they ought not to be permitted to lower the rail rates to drive out the water carriers and then recoup from the interior. Perhaps the time may come when the Interstate Commerce Commission may be clothed with the power to regulate competitive rail rates with the water rates.

Mr. KETTNER. Mr. Chairman, I hope this discussion between the gentlemen is not taken out of my time.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield further?

Mr. KETTNER. I yield to the gentleman from New York.

Mr. DEMPSEY. Is the gentleman aware of the fact, in answer to the question propounded by my colleague from New York [Mr. PLATT], that the reason for lessening the cost of transportation on the Hudson River is, as I stated, that the transportation is through transportation, which would go through the Erie Canal, and that the Barge Canal has been in process of construction for seven or eight years, during which time there has been practically no through transportation except by rail, and that is through to the north by Lake Champlain and through the Oswego Canal as well as by the Erie Canal. There has been an absolute abeyance of water transportation owing to the noncompletion of those two improvements.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. KETTNER. No; I regret I must decline to yield.

The CHAIRMAN. The gentleman declines to yield further.

Mr. KETTNER. Mr. Chairman, yesterday I asked the gentleman from Wisconsin [Mr. STAFFORD] why the minority did not bring in a report advocating the projects that they claim they favor; in other words, seven members of the committee bring in a minority report and make the claim that they are in favor of river and harbor improvements to a certain extent, but not in favor of this bill. I have been a member of the committee for several years. I will admit that there have been a great number of projects in bills in the past that I did not approve; there are some in this bill, but I do claim that 80 per cent of the projects in this bill are meritorious and should be adopted.

Mr. MADDEN. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. KETTNER. I yield to the gentleman.

Mr. MADDEN. How many members are there on the Committee on Rivers and Harbors?

Mr. KETTNER. Twenty-one.

Mr. MADDEN. And 7 signed the minority report and 14 are in favor of the bill. I see 3 members of the 14 composing the majority on the floor—no; I see 4 of them and none of the minority.

Mr. COX. Three members of the majority?

Mr. MADDEN. Yes; and only four members of the whole committee are now in the House.

Mr. KETTNER. Mr. Chairman, the point I am trying to make is this: If those seven members are really in favor of certain projects, why do they not indorse those projects in their minority report, so that the House could vote and adopt what they thought was right? As they have left it, you must either kill the bill, including the 80 per cent that is good, or adopt it all.

I do not believe in the commission proposed in this bill. As a business man I have my own views. I was speaking to the gentleman from Wisconsin [Mr. STAFFORD] yesterday, and I agreed with him to a large extent. I really believe that we have the best engineers in our War Department that can be found anywhere in the world. I am not making the statement that they know all about traffic. But, gentlemen, if we came together as directors of a corporation, what would we do? We would select a traffic manager, and after the engineers had reported upon the advisability of a certain project and what the cost would be, the traffic manager would go over the figures and see whether the corporation should undertake it as a business proposition. I think that is a simple way of going about it, and why can not the Government secure the services of a thoroughly competent man who understands transportation, let him study the traffic conditions and submit his conclusions with those of the engineers. Then the Congress, sitting as a board

of directors could act intelligently and thus do away with all of this talk about "pork."

Mr. Chairman, I heartily indorse this bill. I want to say again that I think it is the best bill that has been brought before this House since I have been a Member. Every project in the bill has been indorsed by the local engineers, by the Board of Engineers, by the Chief of Engineers, by the Secretary of War, and by the President

Now, we may make statements here that the Secretary of War does not know anything about it, but I claim he does. He knows just as much about this as he does about any other bill that he recommends to Congress.

Mr. Chairman, the gentleman from Alabama [Mr. DENT], the chairman of the Committee on Military Affairs, introduced a bill on June 7, H. R. 4892, regarding an aviation site in California.

A bill (H. R. 4892) authorizing the President to take possession, on behalf of the United States, for use as sites for permanent aviation stations for the Army and Navy and for aviation school purposes of the whole of North Island in the harbor of San Diego, Cal., and for other purposes.

Be it enacted, etc., That the President be, and he is hereby authorized to cause possession to be taken forthwith, on behalf of the United States, for use as sites for permanent aviation stations for the Army and Navy and for aviation school purposes, of the whole of North Island, in the harbor of San Diego, Cal., and the provisions of section 355, Revised Statutes, shall not apply to the expenditure of any appropriations for improvements thereon for aviation purposes.

The Attorney General or the claimants to the said North Island are authorized to make application for the determination and appraisement of any rights private parties may have in the said island over and beyond any rights thereto in the United States to the District Court of the United States for the Souhern District of California; the proceedings to be prosecuted in accordance with the laws of the State of California relating to the condemnation of property for public use. Either party may take an appeal from the judgment of such court direct to the Supreme Court of the United States within 90 days after such judgment is rendered. Upon the final ascertainment of the value of any right, title, or interest adjudged to be in any private claimants to the said island there shall be paid into court the value of the same as so determined, together with interest thereon at the rate of 6 per cent per annum from date possession thereof was taken as herein authorized; and thereupon the United States shall be vested with title to said lands. The amount so paid shall be distributed by order of the court to the owner or owners of such right, title, or interest in said island as their respective interests may be determined by the court. The amount necessary to pay the awards in favor of private claimants is hereby appropriated, out of any money in the Treasury not otherwise specifically appropriated, to be disbursed under orders of the Secretary of War.

Mr. Chairman, since we are actually in the war our Army and Navy officers are looking for the very best places in which to perfect their organization for rapid and efficient training. Very little, if anything, in the way of political suggestion, in my opinion, has entered into the subject; and upon reports submitted by those officers, who are trained and have made the different matters a lifework, the Secretary of War submitted to the Military Committee on May 17, 1917, a recommendation that the United States acquire immediately for aviation purposes a piece of land situated on the Bay of San Diego and known as North Island, in the following communication:

THE CHAIRMAN, COMMITTEE ON MILITARY AFFAIRS, HOUSE OF REPRESENTATIVES.

SIR: The question of the selection of a site for an aviation school was considered by a commission appointed under act of Congress approved March 4, 1915 (38 Stat., 1064); the commission recommending the purchase of a site on North Island, San Diego Harbor, Cal., then in use by the aviation school, as the best site for the purpose, provided the Government has such rights therein, that the site could be obtained at a reasonable cost. If the Government has no such rights, the commission recommended, as its second choice, the acquisition of a site on Coronado Heights, San Diego, Cal., expressing the opinion that $300,000 would be a fair and equitable estimate for this site.

Based on the said estimate, an appropriation was made in the Army appropriation act of August 29, 1916 (39 Stat., 622), the language of the appropriation reading as follows:

"For the acquisition by purchase or by condemnation of a site or sites in the State of California for an aviation school and training grounds of the Signal Corps of the United States Army, not to exceed $300,000."

The naval appropriation act of August 29, 1916 (39 Stat., 556, 568), contains an item authorizing the Secretary of the Navy "to purchase 232 acres of land on or near the Bay of San Diego, San Diego County, Cal., to be used for advance base, expeditionary, and aviation purposes, to cost not exceeding $250,000: *Provided*, That at the same time the city of San Diego, San Diego County, Cal., donates, free of encumbrance, to the United States Government a parcel of 500 acres of adjoining tide lands of the Bay of San Diego, known as Dutch Flat without cost to the United States Government for the purpose of establishing a naval base thereon."

Following these appropriations the question of the acquisition of lands at San Diego, Cal., for aviation purposes was taken up with the Naval Board with the view of the acquisition of an area on North Island, by the consolidation of both appropriations, sufficient for the needs of both departments. It was the view of the board, concurred in by the commanding officer of the Army Aviation School at San Diego, Cal., that North Island was large enough to accommodate the needs of both the Army and the Navy; and that the site would be immediately available for use without any additional outlay of money for the improvement of the land, while Coronado Heights would require approximately $250,000 to improve the land alone so as to nearly accommodate the present demands of Army aviation at San Diego.

The question has received further consideration by a joint board of Army and Navy officers. The report of this board, dated May 5, 1917, has received the approval of the heads of both departments, and the findings and recommendation of the board, as approved, are as follows:

"The board is of the opinion that North Island, San Diego, Cal., is the best location in this country for the establishment of a joint Army and Navy aviation station for the primary training of pilots. The question of the legal ownership of North Island, and also the high price requested of the Government by its claimants, have prevented for a period of several years the final determination of the site for a Government aviation training station in Southern California.

"The board recommends that the authority of Congress be obtained for immediately taking possession of North Island, San Diego, Cal., for the joint uses of the Army and Navy air services * * *. The question of compensation can be settled at some later date."

I have the honor, therefore, to submit a draft of an act for authorizing the President to take possession of North Island for the aviation needs of the Army and the Navy, giving the claimants to the said island the right to proceed in the courts for the determination and appraisement of any rights they may have in the said island over and beyond the rights of the United States thereto, and making an appropriation of the amount necessary to pay the awards in their favor. The act has been so drawn, in view of the fact that the title of the claimants to North Island rests on the confirmation of a Mexican grant, under which grant the Government of Mexico retained the right to take and use the lands for certain defensive purposes. The matter has received consideration by the Department of Justice, which department expresses the opinion that, notwithstanding the issue of a patent based on the confirmation of the Mexican grant, the Government may legally claim the right to use these lands for the purposes specified in the Mexican grant, provided such right is asserted by congressional action. The question is not free from doubt, and it is the view of this department that the legislation should provide, as in the draft submitted, for the determination of the respective rights of the claimants and the Government to these lands and for the payment to the claimants of the appraised value of any rights they may have in said island over and beyond the rights of the United States in the premises. It is accordingly recommended that the legislation take this form and that authority be granted as promptly as possible.

Very respectfully.

NEWTON D. BAKER,
Secretary of War.

In this connection I wish to submit to the Members of the House an account of the events that have led up to this recommendation of the Secretary.

Interest in aviation in San Diego was crystallized some nine years ago, when an aero club was formed, of which Col. D. C. Collier was its organizer and president, and of which I was pleased to be a charter member.

Exhibition flights were held at Coronado, which were followed by a national meet at the San Dominguez field in Los Angeles, which drew the attention of aero enthusiasts to the advantages of southern California. Mr. Glenn Curtis was prominent at that meet and shortly thereafter selected a site for a school on North Island, on San Diego Bay, as one of the most favored spots in this country, and this is where he flew his first hydroplane.

In the fall of 1912 the Signal Corps of the United States sent the first detachment to North Island, and in June, 1913, another detachment was sent there from Texas City. I quote from a report by Col. Reber:

On its departure from Texas City a detachment was left for duty with the second division, and this detachment rejoined the school at San Diego in November, 1913. In June of 1913 a detachment was sent from San Diego to Hawaii and returned to the former place in August of 1914. In the early part of March, 1913, an aviation detachment was organized in the Philippine Islands. In December of that year the school at San Diego for the theoretical and practical instruction in aviation was announced to the Army as the Signal Corps Aviation School, per Special Orders No. 79, War Department, 1913, and was made a part of the educational system of the United States Army by paragraph 449, Army Regulations, 1913.

The report of the Chief Signal Officer for 1914, page 18, states:

From June, 1913, to February, 1914, an amount of flying quite unprecedented in the history of aviation in the United States was carried on at the Signal Corps Aviation School, San Diego, Cal.

He mentions the impetus given the work of aviation under the act of July 18, 1914, gives some of the cross-country records that were made, and states:

During the year there were a total of 3,340 flights made with an aggregate time in the air of 747 hours and 50 minutes, 796 passengers being carried.

On page 25 of this report he further states:

The wisdom of locating the Signal Corps Aviation School at San Diego, Cal., was shown by the results obtained during the year. Some of the most important points to be considered in the selection of a site for a training station are the following:

(a) There must be quiet air during some part of the day.
(b) The weather must be uniform, so that flying practice can be continued from day to day.
(c) There should be plenty of suitable landing places.
(d) There should be facilities for carrying on over-land and over-water flying in close proximity to each other.

If these conditions are fulfilled and suitable training machines and competent instructors provided, the danger involved in teaching men to fly is reduced to a minimum. As this work is extremely dangerous, however, even under the best conditions, it is most important that every advantage be given the men who are daily risking their lives in order to carry on this work.

All of the conditions for a suitable training station are more completely fulfilled at San Diego, Cal., than at any other point in the United States. This locality has been used as a training station for the past four years by the Army, the Navy, and several civilians. All agree that for training purposes it is unexcelled.

The Signal Corps Aviation School is now located on North Island, in San Diego Bay. The Government is indebted to the owners of the land upon which the school is situated for the use of this ground, which is not even leased and for which not one cent of rent has ever been paid. The owners are willing enough for the Government to use North Island, but are unwilling to enter into a lease for a definite period of time. This might appear like a very profitable arrangement for the Government, but it is not, for a plant is being built upon land which the Signal Corps might be called on to vacate at any time. * * * It is therefore recommended that steps be taken at once to secure a permanent location for the Signal Corps Aviation School on or near North Island.

In his report of 1915, on pages 11 and 12, the Chief Signal Officer, Gen. Scriven, gives an account of the development of the school, gives a number of records that have been established, and states:

During the year 3,458 flights of a total duration of 1,269 hours and 50 minutes were made and 1,730 passengers carried.

Only 118 more flights than in 1914, but 522 more hours, with 940 more passengers, which seems to indicate progression to the more difficult tasks.

During the year 1916, 7,206 flights were made, with a total duration of 3,333 hours and 51 minutes, 3,748 flights and a duration of 2,064 hours more than in 1915.

It was during this year of the expositions, 1915, that some 200 Senators and Representatives visited San Diego, and a number of them were passengers in the flights above referred to. I remember very well the flight of the gentleman from Ohio [Mr. GORDON], member of the Military Affairs Committee, who went up some 1,500 feet. On the same day the gentleman from Illinois [Mr. BRITTEN], as well as his good wife, experienced the sensations of flying in the care of an expert; and Senator MCCUMBER also availed himself of the opportunity and stayed in the air some 20 minutes. On other occasions I had the pleasure of watching Senator SMOOT, Senator ROBINSON, Mr. LEE of Georgia, Mr. TREADWAY, of Massachusetts, and others fly over the bay and city, starting from North Island. If I remember correctly, the hydroaeroplane type was used in all of those flights.

Very recently a party visited the island, including Mr. PADGETT, chairman of the Committee on Naval Affairs; Mr. BUTLER, of Pennsylvania; Mr. DILLON, of North Dakota; and Mr. RUBEY, of Missouri. At that time the betting odds were even on whether or not the House would be Democratic, and while it may have been that the only reason why the men did not fly was because they were too busy looking over the workshops and the equipment to take the time, the fact remains that Mrs. Padgett was the only one who was taken up, remaining some 30 minutes and going up about 2,000 feet.

The entrance of the United States into the war has made the situation acute. It is estimated that at the beginning of the war France had 300 aeroplanes, Germany 300, and Great Britain 100, and a little over two years thereafter about 10,000 military aeroplanes were being used in Europe.

A Washington paper a few days ago stated that arrangements had been made for the construction of 3,500 aeroplanes and the instruction of 6,000 aviators this year, as I understand it, in the United States. Besides these, there is a necessity for training aero reserves and the other units required for maintenance of the number of American aviators at the front. It is an enormous task and requires the greater effort, inasmuch as we are behind the procession in equipment and numbers.

In this connection the opinion of Lord Kitchener on the importance of aviation in the service should be remembered.

In the first year of the war: "One aviator and aeroplane are worth 4,000 men."

In the second year of the war: "An aviator is worth an army corps."

In a hearing before the Committee on Naval Affairs of the Senate, when they were considering the Helm reports, February 20, 1917, the following is recorded:

Senator SWANSON. What is the best place for an aviation school on the Pacific coast?

Admiral HELM. San Diego.

Senator PHELAN. Yes; that is the best place in the world.

San Diego at the present time, I believe, holds the record for the highest flight. I was present at North Island when the first wireless message was sent from one machine to another in the air.

Col. Glassford kindly presented me with the slip of paper upon which the message was written by the aviator who took it, which I had framed, and it now hangs in my office.

Col. A. L. Dade, of the Signal Corps, the present commandant in charge of the aviation school at North Island, in speaking of North Island, made the following remarks:

There may be somewhere in the world as good a location for aviation as North Island, but no one as yet has been able to find it.

In the Sixty-fourth Congress Senator Works, of Los Angeles, proposed and had adopted by the Senate an amendment to the Army bill for $300,000, to be appropriated for the purchase of land. When this bill reached the conferees, they agreed to the compromise which appears in the act of March 4, 1915, as follows:

The Secretary of War is hereby authorized and directed to appoint a commission of not more than three Army officers, whose duty it shall be to report upon the advisability of the acquirement by the United States Government of land near the Bay of San Diego, San Diego County, Cal., and elsewhere on the Pacific, Gulf, and Atlantic coasts, for an aviation school and training grounds of the Signal Corps of the United States Army, and said commission shall ascertain and report what would be the probable cost of acquiring such land, and the sum of $1,000, or so much thereof as may be necessary, is hereby appropriated to defray any expenses incurred by the said commission in the performance of the duties herein imposed upon it.

In compliance with that law the Secretary of War selected Col. Samuel Reber, Signal Corps, and Capt. R. C. Marshall, jr., Quartermaster's Corps to make the proper inspection and recommend sites. After an exhaustive study of the Atlantic and Pacific coasts, they submitted a voluminous report, House Document 687, which gives the weather conditions of 9 representative cities of different sections, the distribution of thunderstorms of some 123 cities, and the wind directions and velocity, with the following recommendation. I quote:

6. The site for the aviation school of the Signal Corps should possess certain geographical, climatological, and topographical characteristics. The site should be located on an ocean or bay and in close vicinity to existing railway lines, with easy access to them. The climatological characteristics should be such as to give the greatest number of working days possible throughout the year, with suitable air, moisture, and temperature conditions, while the topography of the terrain in the vicinity should be such as to contain many accidental features with good landing places. The flying field itself should be a fairly level tract of land, free from obstructions, and the landing beach should be easily accessible both from the land and water sides without a great expanse of tide flats, with fairly deep water close to the shore line.

7. The terrain in the vicinity of San Diego Bay, Cal., fulfills the foregoing conditions better than any other section of the United States. A study of the climatological data of the locations visited by the commission, which was compiled by the Chief of the Weather Bureau at the request of the commission (data hereto appended marked A, A 1, A 2, A 3, A 4, and A 5), clearly indicates that the littoral of San Diego Bay contains the best sites for the establishment of an aviation section, as far as weather and air conditions are concerned. The rail and water connections at San Diego are ample for the purposes of transportation and communication. The country in the vicinity of San Diego, as indicated by the accompanying map (hereto appended, marked B), shows terrain of every description from level land to mountains, and possesses characteristics that can be found in no other part of the country—the ocean on one side and the quiet waters of the Bay of San Diego on the other side, with a long peninsula connecting North Island and Coronado to the mainland.

One site is North Island, where the Signal Corps Aviation School is temporarily located and which has been occupied, through the courtesy of the Spreckels Cos., since the middle of 1913 without expense to the Government. The Spreckels Cos., in a letter dated December 1, 1915, copy of which is hereto appended, marked C, has requested the Signal Corps to vacate this tract of land as soon as practicable after March 31, 1916. North Island is the best possible site for the location of the aviation school.

9. When the Spreckels Cos. was requested to quote prices on these sites the vice president and managing director verbally advised the commission that site No. 1 is not on the market, and the prices in his letter of March 22, 1915 (Appendix D), were those at which the companies hold the land.

10. It having come to the attention of the commission that there is a doubt as to the validity of the title to land on the littoral of San Diego Bay, a request was made on the Judge Advocate General of the Army that the question of these titles be investigated. A preliminary report, a copy of which is hereto appended, marked G, was received on the 29th of this month. The final report dealing more extensively with the question of title can not be submitted prior to March 15, 1916. The nonarrival of the preliminary report before the date mentioned has caused the delay in the rendition of the report of the commission.

In this preliminary report the opinion is expressed that the United States has, for defense purposes at least, a title, or color of title, to land on the littorial of San Diego Bay.

11. It is recommended that in case it is finally ascertained that the United States has title to North Island the Signal Corps Aviation School be located thereon.

Based upon this report $300,000 was appropriated at the next session of Congress for the purchase of a site, no place being designated, the law reading as follows. I quote:

Purchase of land in the State of California for aviation school purposes: For the acquisition, by purchase or by condemnation, of a site or sites in the State of California for an aviation school and training grounds of the Signal Corps of the United States Army not to exceed $300,000.

It might be well at this point to show something of the opinion of people in civil life concerning the desirability of this location as a school for aviation.

Mr. Arnold Kruckman, former general secretary of the Aeronautical Society of America, who is also Fellow of the British Aeronautical Society, Fellow of the Japanese Aeronautical Society, and was chief of aeronautics at the Panama-Pacific International Exposition, has this to say:

I have visited every well-known flying field in the world. There is no site elsewhere which embraces all the qualities and advantages of the island in San Diego Bay, used by the United States Signal Corps for its aeronautical academy.

At Assouam, in Egypt, the British, with great pride, showed me the field where primary flying instruction is imparted to military aviators. Our British friends were proud of the climatic conditions, the uniform temper of the winds, the mildness of the temperature, the absence of rain, and the freedom from abrupt variations.

The island in San Diego Bay known as North Island is, in my opinion, the most perfect spot on earth for incubating human fledglings. The area is a huge, flat sirloin-steak-shaped preserve of 1,200 acres. It has no irregular surface contours, nor encumbrances like trees, telegraph poles, wires, or buildings, which disturb the smooth movement of the currents of the air and ocean, and which constitute dangerous obstacles to the man who is learning to fly. Being 1 mile out in the bay, North Island is isolated, free from the interference and distractions which modify the usefulness of almost every other field I know. And its location in the bay, sheltered from the turbulent ocean, makes it an ideal school base for airplanes used on the water. Finally, in spite of its complete isolation and its utility for marine flying, it is in closer proximity to a large city than any other flying field in the world. Obviously the nearer the flying field is to a large city, the more complete is its sphere of usefulness. It should have quick access to transportation and communication and to sources of supplies.

I know of no other flying field on earth where pupils actually may practice 365 days in a year and where they may get into the air during at least 10 hours each day. There is no difference between the velocity of the wind in summer or in winter. The temperature in the summer is really cooler than it is in winter. This prevents those variations in flying conditions created elsewhere when the earth is baked by intense sun heat or abruptly cooled by drenching rains.

I have rather thoroughly studied various spots on the Pacific coast, and I am convinced that the great aeronautical breeding grounds of the future will be scattered between San Francisco and San Diego, with the center of the activity at San Diego. I believe this region, by reason of its almost unbelievably ideal summer and winter climate and meteorological conditions, will be the outdoor aeronautical laboratory of America for the production of commercial as well as military aircraft.

When Gen. A. W. Greely, as Chief Signal Officer of the Army, was at the head of the United States Weather Service he contributed a paper on the climates of the United States.

In this article he said:

The American public is familiar on all sides with elaborate and detailed statements of the weather at a thousand and one resorts. If we may believe all we read in such reports, the temperature never reaches the eighties, the sky is flecked with just enough of cloud to perfect the landscape, the breezes are always balmy, and the nights ever cool. There is possibly one place in the United States where such conditions prevail—a bit of country about 40 miles square at the extreme southwestern part of the United States, in which San Diego is situated.

To show that the people of California are agreed as to the exceptional qualifications for an aviation school on North Island and the advisability of the Government locating there, I insert the following resolutions, adopted by the board of directors of the Chamber of Commerce of the city of Los Angeles, June 7, 1916:

Whereas it is the sentiment of all Pacific coast cities that the United States Government should establish an aviation training base on the west coast; and

Whereas the location of such a branch of the Government military service must of necessity be selected with due regard to climatic, defensive, and marine conditions; and

Whereas unanimous indorsement seems imperative to spur the Government to adequate consideration of this vital branch of national defense; and

Whereas special engineers of the War Department have reported that North Island, near San Diego, is the most perfect site for an aviation school on either coast of the United States: Therefore be it

Resolved, That the Los Angeles Chamber of Commerce urge that the proposed site on North Island, which combines the geographical, topographical, meteorological, and strategical advantages possessed by no other side on the entire seaboard or inland in the United States, be utilized by the Government for an aviation training base; and be it further

Resolved, That other commercial civic and military organizations of the Pacific coast be requested to take action toward centering the advocacy of locating the aviation school at this point.

I hereby certify that the above is a true and correct copy of resolutions adopted by the board of directors of the Los Angeles Chamber of Commerce at the regular meeting held Wednesday, June 7, 1916.

JOHN S. MITCHELL, *President.*

Attest:

FRANK WIGGINS, *Secretary.*

I also have a resolution from the San Francisco Chamber of Commerce indorsing North Island, signed by Mr. D. W. King, secretary; also a resolution of similar import from different cities on the Pacific coast. As far as I know, every city on the Pacific coast has indorsed North Island.

The War Department, having decided to locate a permanent training base on the Pacific coast, directed Col. William A. Glassford, who has been in charge of the school, to report on suitable sites upon which the Government could erect permanent buildings and establish a permanent base. He made a detailed examination of the coast from San Francisco down, and reported that North Island was the only site that combined all the required conditions. In a letter written at a later date to the Commission on Navy Yards and Naval Stations, known as the Helm Commission, he sets forth the situation in detail. (Shown on pp. 40–43 of H. Doc. 1946, 64th Cong., 2d sess., pt. 3.) After setting forth the essential conditions for an ideal site, he states:

By a process of elimination it can be readily shown that the only region offering an all-the-year-around training station is southern California.

North Island, on San Diego Bay, is recommended as the site for the aviation services because it is the best place for the purpose that can be found in the United States. Here are assembled the climatological, geographical, military, and aeronautical requisites for safe aviation, and combines them as no other locality does. The average wind velocity for the year around is but 5.6 miles per hour, and the maximum velocity ever reached is 45 miles per hour. San Diego has, therefore, the least climatic stress of any place in the United States. This absence of every hindering element makes it the most suitable, safe, and economical place for an aviation training school for the Navy and the Army.

This seems ample for the necessary land training machines for the Army and water machines for the Navy. Allowing 300 days of 10 hours each per year, it permits 72,000 flights of an hour's duration or double the number of half-hours' duration, which latter is about the average time of training flights. If the two services could get together and jointly acquire North Island and each install only that equipment applicable for training in its particular sphere; that is to say, the Navy prepare for training in water machines and the Army for training in land machines, there would be required a single plant only for each of these specialties. With these two installations close together, such instruction as the Navy needed in land machines could be given at the Army school, and the water training needed by the Army could be had at the Navy school. A reciprocity of this sort would make an economy of installations, and it has many other evident advantages.

Col. Glassford also makes the statement—

That the important economical factors to be considered in a school for aviation are (1) breakage and demolition of machines, and (2) loss of time. A naval and an Army aviation academy established on North Island, in San Diego Bay, would be an economy in the saving of breakage and demolition of many machines, the cost of which varies from about eight to nearly thirty thousand dollars. By continuity of operation any industrial plant finds its greatest efficiency and accomplishment.

He also refers to the record showing that not a day was lost in aviation work during the year, and that the organist of the outdoor organ on the exposition grounds, in his report, had shown that during the 365 days of 1915 there were but 7 days when organ recitals were omitted on account of weather.

In the naval act of August 29, 1916, Sixty-fourth Congress, a commission was provided to investigate and report on the advisability of establishing additional naval stations on the Pacific coast and on the Atlantic coast. I quote:

Said commission shall also investigate and report as to the necessity, desirability, and advisability of establishing submarine and aviation bases on the Atlantic, Gulf of Mexico, and Pacific coasts and other possessions of the United States, and as to the cost and location thereof.

In accordance with that law the Secretary of the Navy appointed Rear Admiral J. M. Helm, chief constructor; W. L. Capps, civil engineer; H. H. Rousseau, Capt. G. W. McElroy; Commander C. L. Hussy; and this group has become familiarly known as the Helm Commission.

This commission has submitted a report in three parts, House Document 1946, Sixty-fourth Congress, second session, part 3 being devoted to the results of the submarine and aviation base investigations. On page 14 of part 3 we find the following:

The commission's efforts have, therefore, been especially aimed, on the Pacific coast, to discover the best location for an aviation base for training and experimental work. In view of the requirements for such a station and the conditions found, it has had no difficulty in reaching a decision as to the locality in which such a base should be established. For not only are the service views, both Army and Navy, practically unanimous in regard to the superior advantages of San Diego Bay for this purpose, in which opinion the commission concurs, but a recent investigation of this subject by a commission of Army officers appointed in accordance with the act of Congress approved March 4, 1915, to report upon the advisability of acquiring land near San Diego Bay or elsewhere on the Pacific, Gulf, and Atlantic coasts for an Army aviation school and training ground has been of material assistance. The Army commission, of which Col. Samuel Reber, United States Army, was senior member, included in its report, dated December 29, 1915, a description of the San Diego Bay region and its climatology, and stated that "the terrain in the vicinity of San Diego Bay fulfills aviation requirements better than any other section of the United States," and that, so far as weather and air conditions are concerned, it is the best region for such an establishment. The report of this commission is contained in House Document No. 687, Sixty-fourth Congress, first session.

San Diego's advantages lie especially in the direction of low average velocity of wind, air free from eddies and irregular currents, the large percentage of clear days, the large amount of sunshine, and an equable temperature. From the inspection it has made, and from the information it has received, including the reports of the commission's aviation expert, Capt. A. A. Cunningham, United States Marine Corps (Appendix B), this commission similarly reports that the usually favorable conditions at San Diego make it desirable and advisable that the main naval aviation base for training and experimental work on the Pacific coast be established on San Diego Bay, and so recommends. Aside from the great distance separating the Atlantic and Gulf coasts from the Pacific coast, the fact that one training and experimental

base is not sufficient by itself to meet the growing requirements of the Navy makes it necessary that a training base, in addition to the training station at Pensacola, on the Gulf, should be established now, and, as stated above, this additional base should be at San Diego. The functions of such a base would in time of war naturally include those of an aviation operating base.

On page 16 I quote:

This commission is confronted with the same situation that confronted the Army commission as regards dearth of sites, except that for the Navy there is no alternate site available if North Island be not adopted. In view of its special suitability, there seems to be no question but that North Island should be obtained as the site of a Government aviation school and that appropriate measures to that end should be taken, and this commission so recommends. The land is assessed by the county at $400 per acre.

From statements made by the officer now in command of the Army aviation school at North Island it is believed that the unusual advantages of this site could be shared by the Army and Navy, and that it would thus serve the present essential needs of both the Army and the Navy as an aviation training station for land and water machines. The commission is therefore of the opinion that a policy of acquisition and occupation of this site would meet immediate requirements and permit greater experience and a more extensive aeronautical survey of the Pacific coast to determine whether or not there was necessity for another training base and, if so, the best locality.

What is known as North Island is really a peninsula, which lies across the bay from the city of San Diego, under the protecting guns of Point Loma. San Diego is a city of 96.000 population. It is the only place in the world, so far as known, that successfully conducted an international exposition for the full term of two years. The exposition buildings with the 1,200 acres of ground were turned over to the Navy free of charge and is now used as a naval training station.

I will again quote from the Helm report:

CONCLUSIONS AND RECOMMENDATIONS AS TO AVIATION BASES IN SOUTHERN CALIFORNIA.

19. In view of all the foregoing, the commission is of the opinion that—

(a) It is necessary, desirable, and advisable to establish a naval aviation base for training and experimental work on the Pacific coast.

(b) That the best location for this aviation base is in southern California on San Diego Bay.

(c) That the best site for the location of such a training and experimental aviation base is North Island.

(d) That this training and experimental base should also be used as an operating base in time of war.

(e) That the enactment of legislation to the following effect is desirable and recommended:

"That the Secretary of the Navy is hereby authorized to acquire by purchase, through condemnation, or otherwise, for aviation purposes, all or any portion of the land on San Diego Bay, Cal., known as North Island, that may be necessary for this purpose, and any funds that have been or may be appropriated for naval aviation purposes may be considered available to carry this into effect; and that the further sum of $500,000 is hereby appropriated toward its acquisition and development."

Mr. Chairman, I believe I have given all of the facts and the conclusions of the several committees that have been appointed by various acts of the Congress to select sites for aviation purposes. We have had three commissions appointed to investigate sites for aviation in the United States, and it is the unanimous opinion of all that North Island is the best. Under existing conditions it is absolutely necessary that the Government acquire an aviation base on the Pacific coast at the earliest possible moment. Since every commission and every aviation officer has unqualifiedly indorsed North Island, I am firmly convinced, and I believe that you will all agree with me, that the Congress should immediately acquire this piece of land which is so strongly recommended by the Secretary of War.

Mr. MADDEN. Mr. Chairman, I make the point of no quorum. We have had a lot of discussion to empty benches all the afternoon, and there ought to be a sufficient amount of interest shown in the expenditure of $26,000,000 as a war measure. The people of the United States are interested in the successful conduct of the war, and they expect the Members of Congress to appropriate their money with some intelligent consideration. It seems to me impossible to give intelligent consideration to the question without a quorum. I make the point of no quorum.

The CHAIRMAN. The gentleman from Illinois makes the point of no quorum.

Mr. SMALL. Mr. Chairman, will the gentleman reserve his point of order?

Mr. MADDEN. I will reserve it.

Mr. SMALL. I ask the gentleman to withhold the point in order to allow me to make this statement: It is quite evident that there is a demand for time in general debate on this bill, and the committee on both sides are anxious to meet that demand as far as possible. Those of us who are here are not responsible for the small number present. None of us desires to have a roll call in order to develop a quorum at this time. Besides that, I should like to state that there is a gentleman here who desires to speak next, who, for personal reasons, would like to conclude his remarks this afternoon.

Mr. MADDEN. I must insist on the point of no quorum.

Mr. SMALL. Will not the gentleman withhold it at least until we have one more short speech, which for personal reasons the gentleman desires to make to-day?

Mr. MADDEN. If it is for five minutes, I will not object to it.

Mr. SMALL. How long a time does the gentleman from Missouri [Mr. MEEKER] desire?

Mr. MEEKER. Oh, if the gentleman from Illinois [Mr. MADDEN] wants to crowd the hearing, we can wait until Monday.

Mr. MADDEN. I do not want to crowd the hearing. I do not think the gentleman is justified in making any such statement.

Mr. MEEKER. I beg the gentleman's pardon for making the statement. I want to speak about 30 minutes. Of course nobody except the Mississippi River and the South and the whole country is interested in this If the gentleman wants a quorum to listen to him, I will move a call of the House to bring a quorum here to hear the gentleman speak.

Mr. MADDEN. All right.

Mr. MEEKER. Mr. Chairman, I move a call of the House.

The CHAIRMAN. Is the point of no quorum made?

Mr. MADDEN. I make the point.

Mr. MEEKER. I move a call of the House.

The CHAIRMAN. The point of no quorum is made. Evidently there is no quorum present. The Clerk will call the roll.

Mr. SMALL. Mr. Chairman, I move that the committee rise.

The CHAIRMAN. The gentleman from North Carolina moves that the committee rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOUSTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 4285) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other puposes, and had come to no resolution thereon.

Mr. SMALL. Mr. Speaker, I ask unanimous consent that general debate on this bill close at 3 o'clock on Monday, and that the House meet on Monday at 11 a. m. That will give four hours for general debate.

Mr. MEEKER. Mr. Speaker, reserving the right to object——

Mr. GILLETT. Mr. Speaker, there are a good many gentlemen on this side of the House who have not yet had an opportunity to speak. How much of the four hours will be given to this side?

Mr. SMALL. Say two hours and a half.

Mr. SWITZER. We ought to have three hours.

Mr. MADDEN. All the debate this afternoon has been for the bill.

Mr. SMALL. Is the time on the other side desired on the bill or for general discussion of other subjects?

Mr. MADDEN. On the bill.

Mr. GILLETT. There is a little of it that is not on the bill. Most of it is on the bill.

Mr. SMALL. Then say 4 o'clock.

Mr. GILLETT. Yes.

Mr. SMALL. Unless general debate is concluded before that.

Mr. COX. Reserving the right to object, will that give me a chance to speak for about 35 or 40 minutes?

Mr. SMALL. Surely, considering the demands now.

Mr. COX. I do not think I shall want more than 40 minutes.

Mr. SMALL. Yes.

Mr. COX. With that understanding, I do not object.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that general debate close at 4 o'clock Monday, unless it breaks down sooner, and that the House meet at 11 o'clock a. m. Monday.

Mr. MADDEN. Mr. Speaker, reserving the right to object, I do not believe the House ought to meet at 11 o'clock. There is no stress. If we finish this bill Tuesday, as we are likely to do, the chances are we will adjourn over Wednesday and Thursday, and maybe Friday, and will not have anything to do. Why meet at 11 o'clock? Most of the Members have a lot of work to do between 7 o'clock in the morning and 12 every day, and I object to that feature of the request which calls for the meeting of the House at 11 o'clock.

The SPEAKER. Does the gentleman from North Carolina modify his request and make it simply that debate close at 4 o'clock on Monday?

Mr. SMALL. Yes.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the general debate shall not run beyond 4 o'clock on Monday.

Mr. GILLETT. If we are not going to meet until 12, I think the debate ought to run until 5. We shall not get very

far in the five-minute debate Monday anyway. Why not give the whole of Monday for general debate?

Mr. MEEKER. Why not request that the House meet at 12 o'clock, and then that the general debate conclude on Monday?

The SPEAKER. It does not require any request for the House to meet at 12 o'clock.

Mr. SMALL. Then I modify my request, and ask unanimous consent that the general debate close not later than 5.30 o'clock on Monday.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the general debate on this bill close on Monday when the House adjourns, not to be later than 5.30 p. m. Is there objection?

There was no objection.

ALCOHOLIC LIQUORS.

Mr. VENABLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a petition from a committee representing 700 citizens of my district on the subject of the tax on alcoholic beverages.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The petition is as follows:

MERIDIAN, MISS., *May 30, 1917.*

The HOUSE OF REPRESENTATIVES,
Care Hon. W. W. VENABLE, M. C.,
Washington, D. C.:

By unanimous vote a meeting of about 700 citizens representing all evangelical churches of this city earnestly oppose any increase of tax on alcoholic beverages or the destruction of food products in the manufacture of such liquors, and petition Congress by all constitutional means to establish national prohibition, at least during the period of the war, and that this petition be published in the CONGRESSIONAL RECORD.

S. R. E. WILBOURN.
L. P. BROWN.
WALKER BROACH.
J. H. MALLARD.
DAVID H. SCANLON.

SENATE JOINT RESOLUTION AND SENATE BILL SIGNED.

The SPEAKER announced his signature to enrolled joint resolution and Senate bill of the following titles:

S. J. Res. 70. Joint resolution relating to the service of certain retired officers of the Army; and

S. 2133. An act to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, and for other purposes.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United Sates, for his approval, the following bill:

H. R. 11. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below.

S. 1852. An act authorizing the Secretary of War to transfer to the city of New York the title of the United States to certain lands in Kings County, State of New York; to the Committee on Appropriations.

ADJOURNMENT.

Mr. SMALL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock p. m.) the House adjourned until Monday, June 11, 1917, at 12 o'clock noon.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BORLAND: A bill (H. R. 4945) to extend the time for constructing a bridge across the Missouri River near Kansas City, Mo., authorized by an act approved June 17, 1914; to the Committee on Interstate and Foreign Commerce.

By Mr. GOODWIN of Arkansas: Concurrent resolution (H. Con. Res. 12) congratulating the people of Russia on the establishment of a popular government; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COOPER of Wisconsin: A bill (H. R. 4946) granting an increase of pension to William H. Carroll; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4947) granting an increase of pension to David Carter; to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 4948) granting an increase of pension to Eugene P. Willard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4949) granting an increase of pension to Elias Johnson; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CARY: Petition of John L. Redel, president of the Imperial Candy Co.; R. L. Meader Co.; Badger Candy Co.; American Candy Co.; and the George Zifgler Co., all of Milwaukee, Wis., protesting against direct tax being placed on confectionery, and suggesting that if the Government desires a further increase of revenues the tax be put on raw materials also; to the Committee on Ways and Means.

Also, petition of International Brotherhood of Stationary Firemen, of Milwaukee, Wis., against prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of the First National Bank; Francis J. Rickert, secretary Wisconsin Wholesale Grocers' Association; Fay Lewis & Bros. Co.; Milwaukee Association of Credit Men, E. C. Hoe, president; Charles A. Clark, chairman banking and currency committee of Milwaukee Association of Credit Men; Otto C. Knell, president Wisconsin Association of Coffee Roasters and Jobbers; F. Mayer Boot & Shoe Co.; John Campbell, president Marshall & Ilsley Bank; and Edward A. Farmer, president the German-American Bank, all in the city of Milwaukee, urging immediate and favorable consideration of the conference report with regard to the Federal reserve bank; to the Committee on Banking and Currency.

By Mr. DALE of New York: Petition of Associated Rifle Clubs of New York and New Jersey, favoring bill for a site for a target range in New Jersey; to the Committee on Military Affairs.

Also, petition of Wallace & Co., of Brooklyn, N. Y., against excise tax on confectionery; to the Committee on Ways and Means.

Also, petitions of sundry citizens of New York, protesting against any kind of prohibition; to the Committee on the Judiciary.

By Mr. DARROW: Petition of Germantown Monthly Meeting, Society of Friends, of Philadelphia, Pa., favoring prohibition of intoxicating liquors during the war; to the Committee on the Judiciary.

By Mr. FITZGERALD: Memorial of committee of New York citizens, urging tax exemption for bequests, legacies, and gifts to educational, philanthropic, and religious societies; to the Committee on Ways and Means.

Also, petition of citizens of the Borough of Brooklyn, N. Y., against any kind of prohibition; to the Committee on the Judiciary.

Also, petition of the Salvation Army of the United States, favoring the prohibition of the liquor business as a war measure and opposing war tax on same; to the Committee on the Judiciary.

Also, petition of sundry citizens of Brooklyn, N. Y., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. FULLER of Illinois: Petition of the Winston-Salem (N. C.) Board of Trade, opposing excess-profits tax and favoring a flat rate on net profits; to the Committee on Ways and Means.

Also, petition of Illinois Retail Hardware Association, protesting against the Hardwick amendment to the Federal reserve act; to the Committee on Banking and Currency.

Also, petitions of P. D. Marshall, F. A. Palmer, C. A. Kilmer, Robert O. Horrie, F. W. Schulte, William R. White, Charles Dickman, B. C. Small, Paul J. Neilsen, F. H. Swartz, Thomas R. Williamson, A. W. Dix, Joseph H. Osman, Hal H. Osmanson, and W. S. Strong, all of Morris, Ill., urging legislation to prohibit the manufacture and sale of all intoxicants during the period of the war; to the Committee on the Judiciary.

Also, petition of 34 citizens of Fairdale, Ill., for prohibition of the manufacture and sale of intoxicating liquors as a measure of food conservation and to conserve the health, wealth, labor, transport facilities, and military efficiency of the people; to the Committee on the Judiciary.

Also, petition of the La Salle (Ill.) Chamber of Commerce, protesting against any increase in first-class mail rates unless second-class rates are also equitably increased; to the Committee on Ways and Means.

By Mr. HERSEY: Petition of Sebasticock Grange, No. 306, Patrons of Husbandry, Newport, Me., urging national prohibition; to the Committee on the Judiciary.

By Mr. HUTCHINSON: Petition of Iron Molders' Union No. 267, of Trenton, N. J., protesting against the enactment of any law forbidding the manufacture and sale of beers and light wines; to the Committee on the Judiciary.

Also, petition of Trolleymen's Union No. 540, of Trenton, N. J., protesting against the enactment of any law forbidding the manufacture and sale of beers and light wines; to the Committee on the Judiciary.

By Mr. KELLEY of Michigan: Petition of C. M. Lounsberry and 162 others, of Walled Lake, Mich., favoring national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petition of Ethan A. Tourtelotte, Joseph Raymond, Thomas A. Holt, jr., James A. Ireland, Joseph J. Ellis, Edwin M. Taylor, Frederick C. Kern, Thomas A. Holt, Charles Clarkson, Rev. George H. Horton, David J. Watson, Richard Austin, Everett F. Andrews, Charles L. Hatch, Thomas F. Cox, and Timothy Harrington, of Pawtucket, and W. J. Bird, of Central Falls, all in the State of Rhode Island, favoring passage of food-control bills; to the Committee on Agriculture.

Also, petitions of Allied Temperance Committee of Rhode Island, in favor of prohibition and opposing increase of tax on liquors for revenue; to the Committee on the Judiciary.

Also, petition of colored women citizens of Rhode Island, favoring prohibition as an emergency war measure; to the Committee on the Judiciary.

By Mr. LINTHICUM: Petition of Merchants-Mechanics First National Bank of Baltimore, Md., favoring House bill 4630; to the Committee on Agriculture.

Also, petitions of the North Baltimore Improvement Association, members of the Home Missionary Society of Mount Vernon Place Methodist Episcopal Church, of Baltimore, and sundry citizens of Baltimore, Md., urging prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of Washington College, of Chestertown, Md., asking exemption from Federal taxation of educational, religious, and philanthropic bequests; to the Committee on Ways and Means.

Also, petition of the Blue Ribbon Candy Co., of Baltimore, Md., opposing direct tax on confectionery; to the Committee on Ways and Means.

Also, petitions of H. B. Wilcox, vice president Merchants-Mechanics First National Bank of Baltimore, Md., and the National Retail Hardware Association of Argos, Ind., relative to Hardwick amendment to the Federal reserve act; to the Committee on Banking and Currency.

Also petition of National Association of United States Civil Service Employees at Navy Yards and Stations, favoring bill for retirement of employees in the civil service; to the Committee on Reform in the Civil Service.

By Mr. LONERGAN: Petition of L. W. Breummer and others of New Britain, Conn., for national prohibition during the war; to the Committee on the Judiciary.

By Mr. LUNDEEN: Resolutions of the Ladies' Society of the Salem Mission Church, Mrs. C. W. Baquist, president, Mrs. A. Anderson, secretary, of Minneapolis, Minn., urging national prohibition as a war measure; to the Committee on the Judiciary.

By Mr. POWERS: Petition of sundry citizens of Laurel and Whitley Counties, Ky., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. RAMSEYER: Petition of pastor and members of the Willard Street Methodist Episcopal Church of Ottumway, Iowa, urging prohibition as a war measure; to the Committee on the Judiciary.

By Mr. SANDERS of New York: Petition of Gertrude M. Casey and 12 other residents of Medina, N. Y., favoring the adoption of national prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of the employees of the German-American Button Co., of Rochester, N. Y., favoring the adoption of national prohibition as a war measure; to the Committee on the Judiciary.

By Mr. SCULLY: Memorial of citizens of Chicago, Ill., relative to statement of terms of peace proposed by United States and European allies; to the Committee on Foreign Affairs.

Also, memorial of New Jersey State Organization for Public Health Nursing, favoring suffrage for women; to the Committee on the Judiciary.

Also, petition of citizens of Silverton, Pleasant Plains, Cedar Grove, and New Brunswick, N. J., favoring prohibition; to the Committee on the Judiciary.

Also, petitions of Central Labor Union and Carpenters' Labor Union, of Perth Amboy, N. J., protesting against prohibition legislation; to the Committee on the Judiciary.

By Mr. STRONG: Resolution of the Armstrong County Sabbath School Association, of Armstrong County, Pa., favoring prohibition during the period of the war; to the Committee on the Judiciary.

By Mr. TAYLOR of Colorado: Petitions of citizens of Olathe, members of the Methodist Episcopal Church of Palisade, and Darden Pomona Grange, No. 1, of Wheatridge, Colo., favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, memorial of Darden Pomona Grange, No. 1, of Wheatridge, Colo., urging exemption of farm boys and men from military service for increased production of farm products; to the Committee on Military Affairs.

By Mr. TILSON: Petition of residents of Cheshire, Conn., and vicinity, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. WINSLOW: Petition of residents of Millville, Mass., in behalf of war-time prohibition; to the Committee on the Judiciary.

By Mr. WOOD of Indiana: Petitions of Methodists of East Chicago, First Methodist Episcopal Church of Gary, and citizens of Lafayette, all in the State of Indiana, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. WOODYARD: Petition of members of the Presbyterian Church and Sunday school of Williamstown, and P. S. Tarbox, of St. Marys, W. Va., favoring prohibition as a war measure; to the Committee on the Judiciary.

SENATE.

MONDAY, *June 11, 1917.*

Rev. Charles F. Steck, D. D., of the city of Washington, offered the following prayer:

Let us pray.

Merciful God, our Heavenly Father, who holdest in Thy hand all the might of man, who hast ordained the powers that be, and of whom are all rule and authority in the kingdoms of the world, look with favor, we humbly beseech Thee, upon our President and those who are associated with him in the national administration, and upon these, Thy servants, upon whom rest such weighty responsibilities. To their natural graces and endowments let there be added the graces of Thy Spirit and the enduement which is from above, that thus they may truly and godly serve Thee and the Nation, whose representatives they are. Bless our soldiers and sailors, and the great army of young men who are to constitute the new Military Establishment. Throw about them all the protection of Thy power and safeguard them from evil. Bless the homes out of which they come and compensate them in Thine own way for the sacrifices they have been called to make for their country's sake. Restrain the harmful power of those against whom we have been called to wage war; keep hate out of our hearts, and may there come to us and the nations with whom we are allied speedy victory, and to the world a lasting peace.

Our Father who art in Heaven, hallowed be Thy name. Thy kingdom come, Thy will be done, on earth as it is in Heaven. Give us this day our daily bread and forgive us our trespasses as we forgive those who trespass against us. And lead us not into temptation but deliver us from evil, for Thine is the kingdom, and the power, and the glory, forever. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Friday, June 8, 1917, when, on request of Mr. JAMES and by unanimous consent, the further reading was dispensed with and the Journal was approved.

NATIONAL PROHIBITION.

Mr. BRANDEGEE. I present 323 memorials of residents of the city of Danbury, State of Connecticut, remonstrating against the enactment of a national prohibition law. I ask that one of the memorials be printed in the RECORD without the signatures. They are all duplicates.

The memorials were referred to the Committee on the Judiciary, and one of the memorials was ordered to be printed in the RECORD, as follows:

DANBURY, CONN., *June 7, 1917.*

Hon. FRANK B. BRANDEGEE.

DEAR SIR: We wish to enter a protest against nation-wide prohibition and ask your aid in preventing legislation tending to that end, for the following reasons:

1. It would destroy a present Federal revenue of $250,000,000 and a future revenue of $500,000,000, almost immediately available, at a time when every dollar is needed for war purposes.

2. It would destroy State and municipal revenues amounting at the present time to $100,000,000.

3. It would require drastic and sweeping changes in the tax systems of many States and hundreds of cities, with heavy increases of taxation upon lands, buildings, and personalty of the residents thereof.

4. It would produce a feeling of anger, resentment, and disaffection among millions of American workingmen who have officially gone on record through their trade assemblies as opposed to such a step, and to whom a glass of beer has been a daily necessity, and upon whom our success in this war depends. Great Britain and other warring countries have preserved their brewing industries in order that their soldiers and workers may have an adequate allowance of their accustomed beverage.

Respectfully, yours, FRED ANDREWS.

ARMY AND NAVY DEFICIENCIES.

Mr. SMITH of Michigan. Mr. President, I should like, if the Chair will indulge me for a moment, to ask a question of the Senator from Virginia [Mr. MARTIN], the chairman of the Committee on Appropriations, as to the status of the urgent deficiency appropriation bill. What is the present status of that bill?

Mr. MARTIN. The bill to supply the Army and Navy deficiencies?

Mr. SMITH of Michigan. Yes.

Mr. MARTIN. On that bill the conferees of the two Houses reached a complete agreement, and the Senate adopted the report. It went to the House and was rejected. It has come back to the Senate now rejected by the House. The point of contention seems to be the acquisition of a site for a naval base on Hampton Roads. That seemed to be the only item in controversy, but the report so far as agreed to was rejected as a whole, and the House conferees were instructed not to yield on that item.

Mr. SMITH of Michigan. Then, Mr. President, from the statement of the Senator from Virginia it appears that the bill is being delayed in its final passage because of that purchase?

Mr. MARTIN. It is.

Mr. SMITH of Michigan. Does the Senator expect action on the bill soon?

Mr. MARTIN. I do. I will say, Mr. President, that that item was urged in the most extreme manner. The Secretary of the Navy stated that he could not conduct the naval operations unless a site was acquired on Hampton Roads. The Surgeon General of the Navy stated that the sanitary condition of the men—the personnel of the Navy—was in a horrible condition; that men were dying who had diseases that were curable and who ought not to die; and that he had been unable to save their lives because he lacked the facilities to care for them. The Secretary and all the chiefs of the Navy Department said they were without a place to train recruits who had come in; that some of them had to be sent back home because they could not take care of them; and that it was of the utmost importance for the preservation of the country and the protection of the Nation that this site should be acquired. I can not think with a full discussion of the matter and an understanding of it in the House the House will persist in its refusal to grant what is urged as absolutely indispensable for the conduct of the war.

Mr. SMITH of Michigan. Is it not a fact, Mr. President, that no pay has yet been given although pay day has passed for the officers' training camp, and that much of our needed expenditure is being delayed because of this disagreement between the two Houses?

Mr. MARTIN. I am not advised of any such condition. The bill is for deficiencies, and I have not had the head of a single department say to me that any injury or inconvenience is suffered by a few days of delay.

Mr. SMITH of Michigan. Then, if I may pursue the inquiry a little further, I should like to ask the Senator if it is not true that no money has been supplied to the Government for the payment of the Officers' Reserve Corps now in training, although their pay was due on the 1st of June, and another pay day will be due on the 1st of July? Is it not a fact that in the construction of necessary buildings to house the soldiers of the Government already recruited there is a lack of funds and the work is being seriously handicapped by reason of that fact?

Mr. MARTIN. So far as I know, Mr. President, that work has not been delayed. If it is, no chief of a department of the Government has made it known to me. On the contrary, the Navy Department has urged on me to give them an opportunity to explain the matter, and the Secretary of the Navy is now before the House Committee on Naval Affairs. He says he can not conduct the operations of the Navy unless he has greater facilities, and he is insistent that this provision shall be retained in the bill. I have been urged to give a few days to enable the Secretary to present his views to the proper committee of Congress.

Mr. SMITH of Michigan. My information, which is rather convincing——

Mr. MARTIN. Mr. President, I do not see why it is if there is such a trouble as that it should not have come to the chairman of the Committee on Appropriations instead of going to the Senator. All I can say is that not a human being has approached me on this proposition.

Mr. SMITH of Michigan. Is it not a fact that work is now being delayed and they are borrowing haphazard to construct buildings to house soldiers of the Government?

Mr. MARTIN. I know nothing of any such condition, and I do not believe it exists.

Mr. SMITH of Michigan. I assert it to be a fact.

Mr. MARTIN. I think the Senator is mistaken. Somebody has imposed upon him. The Government is not borrowing money haphazard for that purpose. I talked with the Secretary of War and got no such information from him. I have been to see him two or three times, and he has not intimated to me that he was not able to furnish the necessary money to construct cantonments.

Mr. SMITH of Michigan. I was so informed officially and formally, and if that is true it does not reflect any credit upon the legislative department of the Government.

I do not propose to pursue the matter vexatiously, because I want no controversy with the Senator from Virginia, who always does his full duty.

Mr. CHAMBERLAIN. If the Senator will permit me, I will state that in the general deficiency bill provision was made for the payment of the young men in the officers' training camps. It may be that there has been a little delay in the auditing of their accounts because of the crowded condition in all the departments, but the provision has been made to pay them.

Mr. SMITH of Michigan. Does the Senator know that the money is available?

Mr. CHAMBERLAIN. I am only speaking of provision having been made to pay them. I do not know whether the money has been available or not.

Mr. SMITH of Michigan. I am speaking particularly about the construction of buildings to house the soldiers in the Middle West. It is absolutely essential that they shall be appropriately housed before the cold weather sets in. It is a very great task to do so, but it must be done promptly and thoroughly; it will be done thoroughly I have no doubt; and if there is any unnecessary delay in furnishing money to the Government for that purpose it ought to be avoided.

I am making no criticism upon the Senator from Virginia, whose vigilance I strongly commend, but I am informed that the Government has already made contracts for the fulfillment of which they have been obliged to borrow money temporarily to pursue, and that it is very seriously inconveniencing the Government in its present indefinite condition.

I hope that we can at least speed up this appropriation. If there is any delay due to our negligence, we ought to assume it and the country should know it. I am advised that the funds for the purposes which I have described are not available, and that the Government is seriously handicapped in the pursuit of its plans by reason of that fact.

I am not going to pursue the inquiry, and I make no reflection upon the Committee on Appropriations.

Mr. MARTIN. I have seen the Secretary of War several times within the last week in connection with the construction of the cantonments about which there were many very troublesome and embarrassing conditions, but in none of those conversations has the Secretary of War intimated that there was a lack of funds. On the contrary, he told me that he was proceeding to enter into an agreement for the construction of 16 cantonments, and from no officer of the Government, from no department of the Government have I heard of any borrowing of money. I really think the Senator must have made some mistake about the fact that the Government is borrowing money in a haphazard way. The Senator must have been misinformed. I have not heard of any money being borrowed at all. On the other hand, Mr. President, I will say that the appropriations for the Government service have been given most diligent attention. The deficiency bill, it is true, is hung up right now in connection with the acquisition of a naval base in Hampton Roads, and it is held up to let proper information be gotten before Congress. The Secretary of the Navy, as I have just said, is doubtless at this very hour before the Committee on Naval Affairs of the House of Representatives. He takes a most serious view of it.

He says he can not conduct the operations of the Navy properly or defend the country unless he has a place to put this naval personnel that has been increased 160 per cent. There are over 200,000 men in the Navy now, and there were about 87,000 when the war commenced. I want the Senator to understand why there has been this delay for a few days between the Senate and the House in respect to that very important bill.

Mr. SMITH of Michigan. Mr. President, if the Medical Corps, the Signal Corps, and the Quartermaster General's Department are hampered because of the lack of funds to do the necessary work to put these camps in condition for our soldiers, it ought to be remedied, and it ought to be remedied promptly. Our delay is inexcusable.

Mr. MARTIN. It certainly ought. They have no place to put these people and they have to send them home after they are recruited. The Surgeon General before the Committee on Appropriations of the Senate said that he could not be responsible for the lives or the health of these recruits; that men had died who ought to have been saved, and died because he did not have a place to put them, and he urged that provision be made. The committee favored it and we are trying to get an agreement to meet the demands, largely, of the Medical Department of the Government.

Mr. SMITH of Michigan. I think the Senator is entirely correct about that. I know some southern men who are not accustomed to the northern temperature have been sent up to the Lakes and have become ill because of the extraordinary change in their climatic conditions. We should, at least, do our best to so fortify the Government that our soldiers will not be exposed in the fall of the year to the cold and the rigor of the climate of the Middle West by lack of appropriation and necessary buildings.

I assert again, and I assert it very strongly, that the Government is to-day borrowing money in a most unusual and extraordinary way to meet the demands that have come upon us because of a lack of appropriations.

Mr. MARTIN. I think, Mr. President, if that condition exists the representatives of the Government ought to have brought it to the attention of the Committee on Appropriations, which deals with that question, and they should not have gone to the Senator from Michigan to lay a tale of woe like this before him without coming to those whose duty it is to remedy the trouble.

Mr. SMITH of Michigan. Mr. President, I am not saying that any tale of woe has been brought out. I am talking about my solicitude for these soldiers who come from my State and from the Senator's State, and I am simply saying that the Government is being handicapped in important work. I shall not be backward about saying it, no matter what other Senators may think about it; I have the right to say what I am now saying; and I shall repeat it. If there is anything that we can do to hasten the passage of this appropriation bill it ought to be done.

Mr. MARTIN. Has the Senator any objection to stating what department of the Government has made this complaint to him; for none has been made to me. I should like to know who it is.

Mr. SMITH of Michigan. I will say to the Senator that I know the soldiers now in training camps at Fort Sheridan and Plattsburg have not been paid, and their pay day has passed 20 days.

Mr. MARTIN. If so much money was borrowed, I do not see why they did not pay them.

Mr. BRANDEGEE. Will the Senator allow me?

Mr. SMITH of Michigan. Certainly.

Mr. BRANDEGEE. I have heard in a more or less informal way several times that the Government was not paying its bills. I do not know what importance to attach to the statement, but to-day there was a manufacturer here from my own State who has made a great deal of cloth for the Government, and he is utterly unable to get his money. There is $100,000 due. I was in the Quartermaster General's office this morning, and the Quartermaster General told me personally that he did not have the funds to pay these bills with. I do not know what the reason is, or what particular bill the money is carried in, or why payments are held up, but there is a large amount of money due contractors and men over the country who have sold and delivered their products to the Government and are utterly unable to get their pay, according to my information, and something ought to be done.

Mr. SMITH of Michigan. I know of many cases. I have heard directly from those who supply the Government that they have not been paid. But I was speaking particularly about emergency work so necessary to our proper defense and subsistence for our soldiers. They are entitled to this subsistence and should have it promptly. They have made great sacrifices to aid the Government, and they intend to make still greater sacrifices if necessary, and it is disgraceful that the Government of the United States should not pay them their wages and their subsistence and that these men now in training camps should not have the money which Congress determined was their appropriate due. No fault lies with the War Department. In my opinion every branch of that department—the Secretary of War, The Adjutant General, the Quartermaster General—are all worthy of praise, but their hands should be strengthened. We should do our duty and stop quibbling about details.

Mr. MARTIN. Every appropriation bill except this military and naval deficiency appropriation bill, has been passed. All of them have been passed. We are using every effort possible to pass that. There has no grievance anywhere been brought to my attention. Only through the Senator from Michigan [Mr. SMITH] have I heard of any complaint whatever.

Mr. LODGE. Mr. President, may I ask if this item under consideration is relative to the purchase of the Jamestown site?

Mr. MARTIN. It is.

Mr. LODGE. I do not know why there has been a failure to meet these debts of the Government to which the Senator from Michigan and the Senator from Connecticut have referred, but I want to say a word about the Jamestown appropriation.

When I first saw it in the bill I confess my primary impulse was against it. I examined it with great care. The situation is this: We have very much enlarged the Navy and the Marine Corps; we have no place where we can house and care for those recruits. The department was obliged in Boston to place them on the only vacant land it could get, which was known as the Commonwealth Pier. The location in itself was healthy enough, but there were no proper means of housing and caring for those recruits. That led to a great deal of very serious sickness and to a very considerable number of deaths owing to the exposure in the early spring months. We must have some place where we can properly house and care for the naval recruits.

At Jamestown the buildings are all ready; they are the old exposition buildings. There is railroad transportation there; the sewerage is there; the troops can go onto that site and occupy it at once. There is a place there for barracks and for everything else needed. It is possible that an equally good place might have been found somewhere else, but I doubt it, on account of the buildings which are there. The site also reaches tidewater. I think it is of imperative necessity that we should have some place where we can house our recruits.

My original prejudice against the Jamestown proposition was the memory of that unhappy exposition—of the expenses that it placed upon the Government. There was not a very pleasant savor about that exposition and its results; but, as I have said, there is there a fine site; it has the buildings; it has the sewerage; it has the deep water; it has the railroad tracks. The buildings alone are worth to the Government five or six hundred thousand dollars.

Mr. MARTIN. They are worth $680,000, according to the estimate which has been put upon them by our naval officers.

Mr. LODGE. Those buildings are there; they are ready; they are constructed; and that is the great thing. It is for that reason that I gave my very cordial support to the amendment when the bill was before the Senate. I hope the Senate will stand by the appropriation, which I think a very necessary one.

I do not care to go into these other matters. I am sure there are abuses which ought to be cured. I would like to ask the Senator from Virginia if it is not true that one reason for the delay in the payment of the men at the Plattsburg camp—of which I have heard—and at other points, and the delay in paying for goods which have been delivered to the Government, is owing to the fact that the money is carried in this bill to pay those very expenses? Therefore, the best way to meet the situation is to get this bill made law.

Mr. MARTIN. Mr. President, I shall be glad if the Chair will lay before the Senate the action of the House of Representatives in respect to the military and naval deficiency appropriation bill.

The VICE PRESIDENT. The Chair lays before the Senate a message from the House of Representatives, which will be read.

The SECRETARY (reading)—

Resolved, That the House disagrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3971) making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Establishments on account of war expenses for the fiscal year ending June 30, 1917, and for other purposes, and that the House further insists upon its amendment to the amendment of the Senate No. 2 to the bill; further insists upon its disagrement to the remainder of the

amendments of the Senate still in disagreement, and asks a further conference with the Senate on the disagreeing votes of the two Houses.

Ordered, That Mr. FITZGERALD, Mr SHERLEY, and Mr. GILLETT be the managers at the conference on the part of the House.

Mr. MARTIN. I move that the Senate further insist upon its amendments still in disagreement, agree to the further conference asked for by the House, and that the Chair appoint the conferees on the part of the Senate.

Mr. GORE. Mr. President, I desire to ask the Senator from Virginia a question. I have to ask him because I have not had an opportunity to investigate the record of the other House relative to the matter in that body. What is the exact amount carried by this appropriation for the Jamestown site?

Mr. MARTIN. It is $1,400,000 for the property and $1,600,000 for its development and improvement, an aggregate of $3,000,000.

Mr. GORE. The reason I asked the question was that I have been informed by a Member of the other House that this property had sold within a year for $250,000, and I wanted to inquire whether or not that is true?

Mr. MARTIN. The trouble about the whole matter is that it is not true.

Mr. GORE. I do not know just what the facts are.

Mr. MARTIN. A very small part of this property sold for about $250,000. There are three parcels of it. The most valuable part of it was not sold at all. The Government has never even negotiated for that part of it, which has a water front of the depth of 35 feet, and which is an exceedingly valuable part of the purchase. That part of the property which is now proposed to be acquired by the Government has never been sold at any time for $250,000.

Mr. LA FOLLETTE. Mr President, I ask the Senator from Virginia what is the acreage of this property?

Mr. MARTIN. I think it contains about 470 acres.

Mr. SMOOT. It contains 440 acres.

Mr. MARTIN. The Senator from Utah, who is informed about the matter, states that it contains 440 acres. No doubt that is correct, though I thought it contained 470 acres. Four hundred and forty acres are above the water, and there are also about 600 acres that are so near the level of the water that only dredging would be necessary to make 600 acres of additional ground; but immediately available, without any work whatever, are 440 acres.

Mr. LA FOLLETTE. Would that tract have to be dredged?

Mr. MARTIN. No; that does not have to be dredged at all. That is a beautiful plateau, now ready for use.

Mr. LA FOLLETTE. How much of the property will require dredging?

Mr. MARTIN. Six hundred acres can be added by dredging.

Mr. LA FOLLETTE. What portion of the property sold for $250,000?

Mr. MARTIN. I can not give the exact acreage; but I repeat, there are three parcels of this land. I do not think half of it was embraced in that sale. The valuable buildings were not. The buildings on this property cost over a million and a half dollars to build. Naval officers went down and valued them, and they assessed them at what they are now worth to the Government in their present condition, and they put the sum at $680,000.

Mr. GORE. Who owns the buildings, I should like to ask the Senator?

Mr. MARTIN. The buildings are owned by different owners. I think there are 250 different owners. The buildings can not be obtained except through condemnation, because many infants are involved; and, I repeat, there are several hundred different owners.

Mr. SMITH of Michigan. Is this land now under contract to the Government?

Mr. MARTIN. No; it is not under contract. At the request of the Secretary of the Navy some parties got options on the property, such of it as was owned by people who were sui juris.

Mr. SMITH of Michigan. Has an option been secured on all of it?

Mr. MARTIN. No; they could not get an option from all of those people.

Mr. SMITH of Michigan. What I desire to learn is, how are we to know for just what amount these lands can be purchased?

Mr. MARTIN. Nobody knows absolutely; but the provision that I desire adopted is that the property shall not be acquired unless the President is satisfied that the prices are fair and just, whether the acquisition is by condemnation or by purchase. I repeat, however, the property can not be acquired by purchase, but will have to be acquired by condemnation because there are so many infants who are concerned. The buildings on this property cost a million and a half dollars, and those of them which are adapted to the Government service have, I think, been assessed at $680,000.

Mr. UNDERWOOD. Mr. President, if the Senator will yield, as one of the Senate conferees on the bill, I think I should make a statement as to why some provisions should go into this bill at this time to take care of the present situation.

The bill carries something like $76,000,000, I believe, to build cantonments for the Army to take care of 500,000 men. The Navy and Marine Corps have been increased from about 51,000 to something over 150,000 men.

Mr. LODGE. Mr. President, the enlisted strength of the Navy has been increased from the numbers that we had before the war began, about 54,000, to 150,000, and the Marine Corps from 15,000 to 30,000.

Mr. MARTIN. Mr. President, if the Senator will excuse me, in addition to that the Naval Reserve, which has been called into the service, adds fifty-odd thousand more.

Mr. LODGE. That is true.

Mr. MARTIN. So that now we have something over 200,000 men in the Navy and 30,000 in the Marine Corps.

Mr. UNDERWOOD. So that the increase in the Marine Corps and in the naval service, including the Naval Reserve Corps, has added more than 150,000 men, in addition to the number we had in the past. There is no provision in this bill, except the one under discussion, for taking care of these men immediately. It was expected, if this land were acquired, that a large hotel on the site and a number of other large buildings could be immediately made available—and when I say "immediately made available" I mean within the next week or two—to receive the recruits and take proper care of them.

If this item in the bill can not be passed, then, of course, it will be necessary for the Congress to provide some other place, some other means, for properly housing and taking care of these men. In all human probability it will cost vastly more to take care of them in some other place than the place provided in this bill—at Newport News—because at another site we will have to erect cantonments out of new lumber and new material with new work, and we will have to call on the energies of the country at present prices to erect new buildings to take care of these men; whereas, if this provision is agreed to, we will get a number of old buildings which can take care of a large portion of them, and the buildings will be immediately available. When the emergency passes we will then have a piece of land that can be used as a supply depot, and other grounds which it may be necessary for the Navy to use for supplies and other purposes.

Mr. LODGE. Mr. President——

Mr. UNDERWOOD. I yield to the Senator from Massachusetts.

Mr. LODGE. I should like to ask the Senator if he thinks the price of the land, apart from the buildings, is excessive?

Mr. UNDERWOOD. I have no personal knowledge of the value of the land. I think a very great mistake has been made in the public mind and in the minds of many of the Members of Congress in supposing that the entire $1,400,000 is going to be paid for the old Jamestown exposition site. That is where the mistake comes. The land proposed to be bought consists of three large pieces, and the Jamestown exposition site is only one of the pieces. The other pieces put together are much larger than the Jamestown exposition site. As I understand, the total amount of money out of this $1,400,000 appropriation that goes to the owners of the Jamestown exposition site is only about $350,000. The remainder of the amount goes to other owners. The most valuable part of the site is the part that fronts on the channel, on which a very large hotel is located.

Mr. BORAH. Mr. President, what is the acreage of the Jamestown exposition site?

Mr. UNDERWOOD. I think it is considerably less than half—I can not recall the total acreage——

Mr. SMOOT. Three hundred and twenty acres are in the Jamestown exposition site.

Mr. UNDERWOOD. The Senator from Utah advises me that 320 acres are in the Jamestown exposition site. That is the inner site. On the outer site, which, I think, costs the most money, is a tract of 120 acres of dry land, and a large portion of additional land can be filled in on the water front. On this 120 acres is the hotel to which I have referred. The buildings on these sites of themselves have been surveyed and valued at over $600,000 in their present condition; and, of course, they cost vastly more than we are giving for the site when they were originally constructed.

The real condition that the conferees have been confronted with in reference to this matter has been that the Navy Department is insisting and properly insisting, that we should give them a site and a place in which to house the men who have been enlisted in the Navy. They have now no place at which to care for them. The men are being recruited and sent home, there

being no place to assemble them. The Navy Department say that this is the most available site, and are still insisting on it.

If this item for the purchase of this site is rejected, then it is manifest that before this bill is passed, or in some other bill, an appropriation at some time must be made to acquire some other site and build cantonments to take care of these men.

Under these circumstances, with the Navy Department still insisting that this is the best and most available site that can be secured at once, my opinion is that we had better wait a few days, and that the Senate should insist on its amendment and on its disagreement with the House until a full opportunity has been given for the Members of the other House to understand the exact position of the Navy Department with reference to this matter, which, I am satisfied, from the debates in the House which I have read in the RECORD, they do not to-day understand.

Mr. NELSON. Mr. President, will the Senator allow me to ask him a question?

Mr. UNDERWOOD. I yield to the Senator from Minnesota.

Mr. NELSON. Is it not a fact that the main issue between the House conferees and the Senate conferees is not in respect to the site but as to the price? Is not that the real question? If it were not for the matter of price there could easily be an agreement, could there not?

Mr. UNDERWOOD. I will say to the Senator from Minnesota that, although for a while there was opposition on the part of the House conferees to this item, there was no serious disagreement when the facts were explained to them. They yielded to the Senate amendment and signed the report; they sustained the report in the House, but the opposition came from outside sources in the House, which defeated the conference report on what I believe was an entire misunderstanding and misapprehension of the attitude of the Navy Department and the Government in reference to the site. The opposition did not come from the conferees. Of course, I recognize that under the instructions they have now received, if the bill is sent back to conference, the conferees will have to report a disagreement, and the matter will have to go back to the House for action again; but I think it advisable that a matter of this importance should go back to the House and an opportunity be given them fully and clearly to understand the facts and conditions surrounding this item before it is finally eliminated from the bill.

Mr. VARDAMAN. Mr. President, may I ask the Senator from Alabama if the buildings upon this land are sufficient to meet the demands of the Navy Department for housing the recruits?

Mr. UNDERWOOD. Not by any means. They can not take care of the hundred thousand men who have been added to the Navy, but they can immediately take care of a very large number and thus relieve the situation to a very large extent.

Mr. VARDAMAN. I should like to inquire of the Senator whether any other place has been offered to the Navy, or to the Government, for the purposes for which this piece of land is to be devoted?

Mr. UNDERWOOD. I do not know about that. Of course, the Senator will understand that this proposition did not originate with the committee; it did not originate with Congress. It came from the Navy Department itself. The department investigated it and worked on the price. Originally there was a great deal more asked for this property than is asked for it now, and the Navy Department says this is a reasonable and fair price. As to whether any other sites were offered to the Government, I have no personal knowledge.

Mr, VARDAMAN. May I ask the Senator if the committee in charge of this matter made any investigation on their own account as to the value of this land?

Mr. UNDERWOOD. Yes; we did. I do not mean to say that we went to the site, or anything of that kind; but we had a hearing, and we examined witnesses as to the value of the land, and those witnesses stated that this was a fair and reasonable price for the land.

Mr. VARDAMAN. Was the land ever offered for sale before?

Mr. UNDERWOOD. I do not know about that. That is beyond my ken. I do not know anything about the land prior to the time it came before the Senate committee with the recommendation of the Navy Department.

Mr. VARDAMAN. The purpose of the question was that there is such an inflated idea about the price of everything now that I did not know but that the Senator had some information as to the value put upon this land before abnormal conditions came about.

Mr. UNDERWOOD. I really have not an opinion that is worth anything on it.

Mr. GORE. Mr. President——

Mr. UNDERWOOD. But I will say that in my opinion, from the testimony of the witnesses that came before us, this land is being sold to the Government at a reasonable price; and, more than that, I am thoroughly satisfied in my own mind that if this proposition is turned down and it is necessary for the Government to buy land elsewhere and build cantonments and buildings to take care of these men it is going to cost vastly more than they will have to pay under these circumstances.

Mr. VARDAMAN. Will they not have to erect buildings on this land?

Mr. UNDERWOOD. They probably will have to erect some more; but there are a large number of buildings already erected that were built at times when building was not so expensive that will take care of a great many men and relieve the situation.

Mr. SMITH of Michigan. Mr. President——

Mr. UNDERWOOD. The Senator from Oklahoma, I believe, desires to interrupt me.

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Oklahoma?

Mr. UNDERWOOD. I do.

Mr. GORE. Before I ask my question I will say that I think the point is not the purchase of the land, but the price of the land; and I was wondering whether the committee had ascertained the value of the land for purposes of taxation; and, if so, the basis of taxation in Virginia as to actual and taxable value.

Mr. UNDERWOOD. I will state to the Senator that so far as my knowledge is concerned that question was not raised in the hearings. So far as I know, the committee did not go beyond the hearings in the ascertainment of any of these questions. Of course in these war questions we were more or less compelled to take the estimates of the War Department. We have spent hundreds of millions of dollars here for guns and improvement of arsenals. It was impossible for your committee to go into an examination as to all these sites and all these points. We gave as full and complete hearing to this particular item as we did to any other item in the bill; and, as I stated a minute ago, I am satisfied that if this site is not purchased, and the Government is driven to some other site and the erection of new buildings at present cost, the cost to the Government is going to be vastly more than it will have to pay under these conditions.

Mr. GORE. I will merely observe that I think there is a very strong sentimental reason in favor of the purchase of this property. My only concern was to see that the price was not excessive.

Mr. SMITH of Michigan. Mr. President——

Mr. UNDERWOOD. I yield to the Senator from Michigan.

Mr. SMITH of Michigan. I should like to ask the Senator whether the committee considered the sanitary condition of these grounds?

Mr. UNDERWOOD. That was reported to us. We did not especially consider it. The naval officers who were before the committee testified that if we took these grounds they had sewerage already there, they had water already there, they had a lighting system already there, and the Government would be saved all that expense and could move at once. Then the Surgeon General of the Navy testified that it was a sanitary place, and a place where he was anxious to have an opportunity to build or to take care of the sick men at once, which I am satisfied he would not have testified to if the sanitary conditions had not been satisfactory.

Mr. McCUMBER. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from North Dakota?

Mr. UNDERWOOD. I do.

Mr. McCUMBER. I did not hear the Senator's answer to the question of the Senator from Oklahoma as to the price at which these lands were listed for purposes of taxation.

Mr. UNDERWOOD. I stated to the Senator from Oklahoma that I was not informed myself, but that so far as I know and recollect none of the witnesses that came before the committee testified as to that subject.

Mr. McCUMBER. Does not the Senator think that we ought to take some method of arriving at the value of those lands before we spend $1,400,000 for them, when probably the selling price of all of them is not $300,000?

Mr. UNDERWOOD. I agree with the Senator that in ordinary circumstances probably more thorough investigation should be made than we had the opportunity to make with a bill carrying over three billions of dollars and many items of more importance than this. The committee did have a number of witnesses before it who were supposed to have investigated the matter. They were officers of the Navy—men who were in the service. I am satisfied that they were entirely disinterested men, looking only to the good of the service. They stated that they had made a thorough and careful investigation and that

they believed the price that would have to be paid for this site to be entirely reasonable and fair.

Mr. SMITH of Michigan. Mr. President, if the Senator from North Dakota will permit me, while the inquiry of the Senator from Oklahoma is pertinent to the issue, nevertheless that can be obtained in any condemnation proceeding which the Government might institute. The question of the value of these lands for purposes of taxation would be a proper subject of inquiry in condemnation proceedings.

Mr. UNDERWOOD. I will state to the Senator that, so far as I am concerned, under ordinary circumstances I would say, let us condemn; but in my own judgment I think we are up to one of two things—either to accept or to reject this proposition, because it is like all other military and naval questions that are moving, now that we are in war. If we condemn this land by legal proceedings, when we get it we probably will not have the use for it that we want it for.

Mr. SMITH of Michigan. Oh, I do not agree with the Senator about that.

Mr. UNDERWOOD. Why?

Mr. SMITH of Michigan. We can condemn and acquire this property in much less time than we can duplicate the buildings anywhere else.

Mr. UNDERWOOD. I do not think we can.

Mr. SMITH of Michigan. Why, certainly, for such purposes as these. There is no reason in the world why it can not be condemned.

Mr. UNDERWOOD. I know of no way in which we can condemn property except by going through the courts. The condemnation proceedings will probably take a year, and at the end of the year we will have had to buy other ground.

Mr. STONE. Mr. President——

Mr. UNDERWOOD. The Senator from Virginia suggested a while ago that we would be only too glad to accept an amendment to this proposition providing that the President or the Navy Department shall not accept these lands until, after thorough investigation, they are satisfied that it is offered at a reasonable price; but the officers of the Navy have already testified to that.

I think the situation resolves itself into this: We have got to have a place for a cantonment. We have got to have a place to house these men at once. We can afford, at the present high prices, to give more than the place is worth to accomplish that. I do not think we are doing it in this instance; but even if it were more, we are paying more for ships, we are paying more for food, we are paying more for cars, we are paying more for everything that is going to make up this vast Army and Navy to-day than we did a year ago. We must respond to the requirements of the hour.

All that I ask the Senate to do with the matter is to put this bill in an attitude where we can ask the House of Representatives to consider it again with reference to all the facts. Then, of course, if the House of Representatives insists on rejecting the bill, we can not reject a $3,000,000 bill to take care of the Army and the Navy for one item, and we will probably have to provide in some other way for taking care of these men, which, in my judgment, is going to cost a good deal more money. But all we are asking is that you send the bill back to conference. We, of course, will have to reach a disagreement, because the House conferees are instructed not to agree, and then let it go back to the House, and then we will have an opportunity for further discussion.

Mr. STONE. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Missouri?

Mr. UNDERWOOD. I do.

Mr. STONE. May I ask the Senator from Alabama who owns this property?

Mr. UNDERWOOD. I think a committee that bought out the old Jamestown Exposition Co. owns part of it. Another company, that owns a hotel, owns another part. I do not recall the name of the company. Then a number of the pieces of property are in small holdings—people who have summer cottages and houses there.

Mr. STONE. The bulk of it, the large part of it, is in the old exposition grounds?

Mr. UNDERWOOD. I believe the majority of the acreage is; yes, if you do not include the acreage that is partially submerged.

Mr. STONE. There are houses on these grounds?

Mr. UNDERWOOD. A number of valuable houses; yes.

Mr. STONE. That can be used for the purposes intended?

Mr. UNDERWOOD. That is what they want to do with them right now. They have a very large hotel and a number of large houses. They want to use them as barracks immediately.

Mr. STONE. The Government of the United States appropriated a good, large sum of money to build houses down there. Are those houses available?

Mr. UNDERWOOD. I do not think they are. I am not sure about it, but they were not the houses that we had in mind. There is a large hotel down there that was built on the point, not on the exposition site. The valuable houses down there, as I understand, for use now are some houses that were built by the State. A portion of the houses may be the old exposition buildings, but I do not understand that they are. They may be, but that is not my understanding. I know, however, that the valuable houses are the ones that were not built by the Government. They were temporary buildings, and probably most of them have been destroyed.

Mr. KNOX rose.

Mr. STONE. Do I understand the Senator to say that the houses that can be used are not a part of the exposition buildings?

Mr. UNDERWOOD. I do not say that entirely. There may be some of the exposition buildings remaining; but the houses that are available, and in reference to which the witnesses before the committee testified, were not those houses. The largest and best and most available one is a very large hotel that has no connection with the exposition buildings; and the other houses are some handsome, strong, well-built buildings that were built by the State, and not by the Government, when the exposition was held there.

Mr. STONE. I have seen the old exposition hotel, and know what that is. I have been in it. That is not on the exposition grounds.

Mr. UNDERWOOD. It is not.

Mr. STONE. That is all I wanted to ask the Senator.

Mr. UNDERWOOD. The Senator from Pennsylvania [Mr. KNOX] started to interrupt me. I beg his pardon.

Mr. KNOX. Mr. President, I know nothing about the merits of the controversy as to the value of this property, but I thought the Senator from Michigan [Mr. SMITH] made a rather sensible suggestion—whether it would not be wiser to proceed to condemn the property, where there seems to be serious doubt as to the value. To that I understood the Senator from Alabama to reply that perhaps before the condemnation proceedings were concluded the necessity for the possession of the property might have passed. Now, I am surprised at that reply, because I have never known or heard of a case where the right of eminent domain was exercised where the right of possession had to await the final determination of the value of the property. If there is any such law applicable to the condemnation of property for public use by the Federal Government, it is an entirely new proposition to me.

Mr. UNDERWOOD. Of course, I made the statement in view of the provision in the bill that the property should not be taken above a certain value. That is what the bill provides for now. Of course, if there were the unlimited right of condemnation, the Government could take immediate possession, occupy the property, and at the end of a lawsuit pay whatever damages there were, which possibly might far exceed—I do not know whether they would or not—the amount fixed in this bill. But certainly if there is a limitation on the value at which the Government can take the property, the officers of the Government would not go into possession under condemnation proceedings until they had first ascertained whether or not the property could be condemned and taken over for the value fixed by the Government.

Mr. KNOX. But, Mr. President, I understand that the limitation which the Senator from Alabama suggests is a limitation which is imposed by the bill itself, and there is no necessity for the imposition of such a limitation. If this property is imperatively necessary for naval purposes, it ought to be taken possession of, no matter what is ultimately determined to be its value.

Mr. UNDERWOOD. So far as I am concerned I would have no objection to doing that, but the bill itself contemplates a limitation on the amount that shall be paid.

Mr. KNOX. That can be done away with.

Mr. UNDERWOOD. My viewpoint, in the light of what has been expressed here as to the price being high, is that the Senate would not allow a bill to go through the Senate without fixing a limitation on the price. Of course, if that is done, then it will be impossible to take possession until after condemnation proceedings.

I am inclined to think—I have no doubt in my mind—that this property can be purchased at a very fair and reasonable value, or it would not have been so reported by disinterested naval officers who want to get the property and have investigated it. So far as the committee of conference was concerned,

they had no desire to prevent any limitation being placed on the price. The only reason why they did not face the question of condemnation was that there was a limitation on the price, and if we kept the limitation on the price as a result of the condemnation we felt assured that the Government officials would not take possession until the condemnation proceedings were over.

Mr. KNOX. If the Senator will permit one other question——

Mr. UNDERWOOD. Certainly.

Mr. KNOX. I understood the Senator to say to the Senator from Michigan, in reply to the suggestion that the price was excessive—and again I avow no knowledge as to the merits of that controversy—that suppose it was a large price, or a greater price than normally one would be expected to pay for such property, are we not paying a larger price for everything? Are not ships being purchased for a larger price than they normally bring? Is not that fact, however, because other people are willing to buy the ships at advanced prices and other people are willing to buy steel at advanced prices for other purposes, but are other people willing to buy abandoned exposition buildings for any purpose?

Mr. UNDERWOOD. I do not think the Senator from Pennsylvania exactly caught the angle of my remark. I said that I thought this was a reasonable price, and as cheap and cheaper than the Government could accomplish the result in some other way. I do not know; this property may sell for a higher price to somebody else or may not, but if this property is abandoned, if the buildings on it are abandoned, it will be necessary to acquire property somewhere else for this purpose. I know of no other property—there may be other property, but I know of none—that is available that has buildings on it. What I meant to say and intended to convey in my statement was that if we abandon this property we will have to buy property somewhere else, and then erect new buildings on it, and with the high price of lumber, and the high price of labor, and the high price of all materials we will have to pay to-day, at the end of our venture it will cost the Government a good deal more than what is being offered in this site at present. That was the angle I intended to present.

Mr. FLETCHER. Mr. President, may I ask the Senator how much water front would be embraced in this purchase?

Mr. UNDERWOOD. It has quite a large water front. A full statement in that respect is in the hearings, and I would have to guess at it to tell the Senator, but it has a large water front that is available.

Mr. FLETCHER. The water front is very valuable, is it not?

Mr. UNDERWOOD. It is very valuable.

Mr. FLETCHER. And it fronts on deep water?

Mr. UNDERWOOD. One part of it fronts on the deep-water channel. There is another part of it with a front out on the bay that could be made available hereafter, but that is not contemplated at the present time.

Mr. GALLINGER. Mr. President, as a member of the committee I agreed to this appropriation with some reluctance, for the reason that we had no definite figures showing the assessed valuation of the property. But the circumstances were such and the exigency seemed to be such that I gave my assent to it, and I shall continue to support the proposition.

I do not think it would be a wise thing to force this property into condemnation proceedings. We have had a great deal of experience in the District of Columbia in the matter of the condemnation of property.

Mr. MARTIN. If the Senator will excuse me, there are so many interests involved that it will be impossible to acquire the property without condemnation.

Mr. GALLINGER. I was going to make my objection on a broader ground. We have had a great deal of experience in the District of Columbia.

Mr. BORAH. May I ask, does the Senator from Virginia say that it is impossible to acquire it except by condemnation?

Mr. MARTIN. I say some parts of it might be; but as a whole, as the Government wants the private ownership and interests in some of the property, it will necessitate condemnation proceedings.

I will say in this connection, if the Senator will excuse me, that if this bill passes the Government will be enabled to take possession of the property in less than a week. Arrangements can be made as to a great deal of it that is not in infant ownership, and the Government can utilize the property in a week, including the hotel. The owners of the hotel have been here and offered it to the Government, and the Government can use the property within a week after the passage of the bill.

Mr. GALLINGER. If that be so and condemnation is an actual necessity, of course it modifies what I was about to say. We have had a great deal of experience in the District of Columbia in condemning property with a view of saving something to the Government. We have always paid more than we would have paid had we accepted the offers of the owners. We have local juries to act upon the condemnation proceeding. There will be a local jury in this case if condemnation is resorted to, and while they doubtless will undertake to do their duty I am very apprehensive that the amount found will be in excess of the amount named in the bill.

Mr. President, in view, as I said a moment ago, of the urgency of this matter, the necessity for finding a place for these men and the fact that no alternative proposition has come to the committee or to Congress in any other section of the country, it seems to me it would be wise for Congress to make this appropriation and settle this controversy.

Mr. SHAFROTH. Mr. President, as a member of the subcommittee that heard the testimony which was presented, the most important feature of this purchase it seems to me was the fact, in the first place, that this is the most appropriate place on the Atlantic coast for a great naval station. Chesapeake Bay is well protected, and consequently when we acquire land at Hampton Roads or on Chesapeake Bay we have a protected territory that is of great value.

I inquired as to whether or not there was any other site which was available on Chesapeake Bay. I asked that of a number of persons who testified, and they said that there was not a single one that has the deep water this site has—water of a depth of 35 feet. That made this particular site of immense value, and consequently it was the determining factor with me as in voting in favor of the same.

Then, again, upon inquiry I found there were higher prices asked for this land; that they had been negotiating with the Navy Department for a considerable length of time, long before the war began, for the purpose of trying to get a naval station there, and their prices which they first asked were not the prices in this appropriation. It seems to me when we consider the buildings cost $1,500,000, and that they are now valued at $680,000, we are getting ready for occupancy a very valuable site.

Mr. BORAH. The Senator says they are valuable buildings, valued at $680,000. Who valued them at that figure?

Mr. SHAFROTH. I think the Navy Department.

Mr. BORAH. At what have the assessors and people in that region who have been dealing with the property prior to the war valued those buildings?

Mr. SHAFROTH. I do not know.

Mr. BORAH. Have we any information before us of any value upon this real estate or upon those buildings?

Mr. SHAFROTH. We know that they cost over $1,500,000, and they are buildings that can be occupied at the present time by the Navy Department.

Mr. LA FOLLETTE. If the Senator will yield, is it not a fact, I ask the Senator from Colorado, that these buildings, including the land, sold for $250,000?

Mr. SHAFROTH. That is denied by the chairman of the committee who has investigated the matter.

Mr. MARTIN. A small part of it did sell for $250,000. It did not include any of the deep-water front.

Mr. LA FOLLETTE. No; but it included the exposition site.

Mr. MARTIN. No; not all of it. It included a part of it.

Mr. LA FOLLETTE. How many acres did it include?

Mr. MARTIN. I can not tell the Senator without referring back.

Mr. LA FOLLETTE. It included the buildings.

Mr. MARTIN. It included some of the buildings.

Mr. LA FOLLETTE. Not all?

Mr. MARTIN. Nothing like all of them; not the State buildings erected, large fine brick buildings which cost from $30,000 to $50,000. Not one of them was included. A great many of the most valuable buildings were not included in it.

Mr. LA FOLLETTE. From the discussion in the other House I see that this matter has been before the Committee on Naval Affairs, and it appears that the Committee on Naval Affairs of the House made an investigation of this site some time ago and made a report upon it, and the chairman of the committee says in his report that the buildings would not be worth anything. Mr. PADGETT, as quoted by Mr. OLIVER, another member of the Committee on Naval Affairs, so stated.

Mr. SHAFROTH. I will state to the Senator in reply that we had before our committee officers who said that the buildings were of great value and could be used.

Mr. MARTIN. I can state from my own personal knowledge that the statement of the Senator from Wisconsin is absolutely incorrect. There is a very fine hotel there—a very large one—that will accommodate a great number of people that the Navy wants to use.

Mr. LA FOLLETTE. I know; but was not the hotel built just for temporary purposes?

Mr. MARTIN. It was not. It was not built in connection with the exposition.

Mr. LA FOLLETTE. Has it not been idle and unoccupied for some years?

Mr. MARTIN. I think not. It has been unoccupied for a short time; I do not know how long. I have been in the hotel; I have stopped at it. It is a very permanently constructed, valuable building and a very large one.

Mr. UNDERWOOD. If the Senator from Colorado will allow me to answer——

Mr. LA FOLLETTE. I yield.

Mr. UNDERWOOD. I think I can give some information to the Senator from Wisconsin. My understanding is that the original proposition that went before the Naval Committee of the House was to purchase the exposition grounds and not the point of land that leads out to the channel. The naval officers who were before the Senate committee testified that they would not approve a method of that kind; that it would not be of great value unless in connection with it they could buy the adjacent land that holds the large hotel and away down to a deep-water channel. It was only when the opportunity came when they could connect the old exposition grounds with the adjoining land that led to the channel that they were willing to give their approval. The position the bill now occupies is very different from that before the Naval Committee.

Mr. BORAH. Mr. President, just a word. The Senator from Virginia stated something in regard to the value of the hotel. I was making my inquiry with reference to what is known as the exposition property. I understood the Senator from Alabama in answer to the question of the Senator from Missouri to state that the hotel was not upon the exposition grounds at all.

Mr. MARTIN. That is correct.

Mr. UNDERWOOD. It is not.

Mr. BORAH. That did not throw any light on the question I asked. I wanted to know what was the value of these buildings and what is known as the exposition grounds. We have no estimate and no evidence.

Mr. MARTIN. The Secretary of the Navy sent a board down there and they put a valuation on it of $680,000; and I will say among them is one very large fireproof building and many buildings that are very valuable. They were valued by a board of naval officers at $680,000.

Mr. BORAH. I will not interrupt the Senator now except to say that employees of the Navy Department could not qualify legally before a jury to pass upon the value. They would have no knowledge as to the reasonable value of the property. They would know, of course, as to its desirability for naval use, but they would know nothing of its value according to rules which fix the value of property.

Mr. SHAFROTH. Mr. President, it seems to me that the answer which is conclusive to all these interrogatories is the proposition that there is no other site available, and the bill provides that if it can not be obtained by purchase it may be obtained by condemnation.

Mr. McCUMBER. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from North Dakota?

Mr. SHAFROTH. In a moment. I will read the amendment:

Naval operating base, Hampton Roads, Va.: For the acquisition, by purchase or condemnation—

That is left to us, not left to the other side—

including all easements, riparian and other rights appurtenant thereto, of the tract of land known as the Jamestown Exposition site, on Hampton Roads, Va., and of such lands adjacent thereto as lie north of Ninety-ninth Street and Algonquin Street and bounded on the northwest by Hampton Roads and Willoughby Bay and on the east by Boush Creek, $1,400,000; and toward the equipment of this property as a naval operating base, including piers, storehouses, oil-fuel storage, training station, recreation grounds for the fleet, aviation, and other purposes, $1,600,000; in all, $3,000,000.

I now yield to the Senator from North Dakota.

Mr. McCUMBER. The Senator intimates that this property is absolutely essential for the Government; that it can not get it at any other place, and therefore they can hold up the Government for any price they see fit to ask Has it occurred to the Senator that the Government in war time has the right to take possession of that property to-day and use it and then pay for the use of it whatever it is reasonably worth? Would it not be better for us to do that rather than to be held up for three or four or five times the value of the property?

Mr. SHAFROTH. Mr. President, in answer to the Senator from North Dakota, I will say that this very bill provides for either purchases or condemnation at our suggestion. We can acquire the property instantly by putting up a forfeit, as we do in condemnation suits, and take immediate possession thereof and carry out the very policy which the Senator himself suggests.

Mr. McCUMBER. I did not suggest condemning the title. I suggested the Government taking possession and paying for the use of it during the war, and then when the war is over we can determine whether or not we are in such a position that we will have to submit to being held up for an extortionate price for old property that they can not sell to anyone else. I understand the amount of space and the buildings now suggested do not cover one-quarter of the space that will be necessary and that we shall still have to erect a large number of buildings; that we shall still have to make considerable storage room; and that it is not the most healthy place for our soldiers and sailors.

Mr. SHAFROTH. When the Senator proposes that the Government shall go and take possession and then surrender it back under a limited use thereof, he forgets that the object and purpose is to construct piers, to construct warehouses, to contruct oil and fuel storage, a training station, and recreation grounds, that are necessary now, and which we are constructing in various portions of the United States. Sixteen cantonments are being erected and those are very much more valuable than the ground. If we should take possession of it and then after we get through and expend money on it try to get title by agreement, as a matter of fact the price would rise. That is human nature, and it would unquestionably be so in this case.

Mr. McCUMBER. Mr. President, in a word, I simply want to deny that the Government is so helpless in this situation that it would allow itself to be held up for four or five times the actual value of the property.

Mr. SHAFROTH. I do not believe it is four or five times. I believe this is a reasonable amount, and I believe that this location is the ideal location for the entire Nation. It is about the middle of the Atlantic seacoast, north and south, and it is eminently desirable that we should acquire a site in that protected piece of water there so that we can build permanently a great naval base.

We should also take into consideration the question which I asked the witnesses as to whether there was any other site on the Chesapeake Bay or Hampton Roads that could be used for that purpose with a depth of 35 feet of water, and they all said no.

Under those circumstances, inasmuch as we must have this site and inasmuch as we are getting it at a reasonable figure, and inasmuch as the exposition put into the buildings there $1,600,000, which is $200,000 more than we are paying for the entire buildings and grounds, and we combine with the other grounds upon the outside, it seems to me to be a very fair and reasonable price for that land.

Mr. BORAH. How much money did the Government put into the exposition?

Mr. SHAFROTH. I do not know. I think probably it put in the usual appropriation of $250,000.

Mr. BORAH. I think it put in $1,000,000.

Mr. MARTIN. If the Senator will let me correct the statement made a few moments ago, the exposition company does not own a dollar of this property now. I will say that the property was sold under a foreclosure to satisfy mortgages on it. The exposition company has not a dollar of interest in it, and has not had for five or six years.

Mr. BORAH. There has not been a particle of evidence before this body upon which any reasonable man could come to a conclusion as to the value of this property. There has been no testimony taken and no report upon which we can pass judgment. There are all kinds of rumors floating around as to certain gentlemen having had a contract for the sale of the property, and for some time they have been peddling it around over the country, and they are here now for the purpose of making a sale to the Government at their own figure, and the Government is accepting their own figure without a particle of testimony before it or without a particle of evidence as to whether we are paying five or six times what the property is worth. There is a way of arriving at the value before the Government purchases it, and that way ought to be followed.

Mr. MARTIN. Can any better way be provided than by a condemnation proceeding such as is provided for in the bill? It can not be acquired in any other way. It will be impossible. Infants are concerned, and the title can not be acquired except by condemnation as to very much of it.

Mr. BORAH. Title in the exposition grounds?

Mr. MARTIN. Yes; title to the exposition grounds.

Mr. BORAH. Is it the purpose of the Senator to proceed by condemnation? In the meantime we offer by this bill much more than the property is worth.

Mr. MARTIN. There is no other way to get title. I never heard any other idea advanced. It is absolutely necessary and will have to be done.

Mr. BORAH. Is it the purpose to have the value ascertained by condemnation proceedings the same as in any other like proceedings?

Mr. MARTIN. Absolutely the same. There is no other way whatever but by process of condemnation.

Mr. KNOX. Can we have the provision of the measure read, so that we can judge of it? I think this is an entire change of the project.

Mr. MARTIN. At a price not exceeding $1,400,000. There are so many infants concerned that the title can not be acquired except by condemnation.

Mr. BORAH. I understand, so far as the exposition ground is concerned, all interests have been collected and are now in the possession of one or two gentlemen who have been long trying to sell it.

Mr. MARTIN. The Senator's information is absolutely incorrect on that point.

Mr. BORAH. I do not think so.

Mr. MARTIN. I know positively it is a mistake. I know that there are a large number of private ownerships in the limits of this boundary and I know in the next place that the owners of this property did not offer to sell it to the Government. The Secretary of the Navy asked them to come here, as he wanted to talk with them about it. They were not thinking of selling it to the Government, but they were invited to come here to find out at what price it could be obtained. The board went to see the owners and came as near a correct estimate as they could, and submitted it to the Secretary; and they told him that condemnation was necessary because of the large number of interests.

Mr. BORAH. Will the Senator read, for the benefit of the Senate, the clause with reference to condemnation proceedings? I am not able to put my hand on it at the moment.

Mr. MARTIN. I have it not in my hand; but if the Senator will excuse me for doing so, I will read a redraft of that provision, which I hope will be adopted. I will not say that I suggested it, but it has been under consideration by some of the Members who are considering the matter. I should be very glad to see the Government safeguarded in every possible way. It reads as follows:

> Naval operating base, Hampton Roads, Va.: If the President in his discretion and judgment shall determine that it is necessary for the proper conduct of military and naval operations and for the safety and defense of the country to acquire the tract of land known as the Jamestown exposition site, on Hampton Roads, Va., and such other lands adjacent thereto as lie north of Ninety-ninth Street and Algonquin Street, the entire property being bounded on the north and west by Hampton Roads and Willoughby Bay, on the east by Boush Creek, and on the south by Ninety-ninth and Algonquin Streets, including all easements, riparian and other rights appurtenant thereto, and including all the rights and properties of railway, electric light, power, telephone, telegraph, water, and sewer companies, he is hereby authorized and empowered to acquire said property, by purchase or condemnation, at a price not exceeding $1,400,000; and toward the equipment of said property as a naval operating base in case it is acquired, including piers, storehouses, oil-fuel storage, training station, recreation grounds for the fleet, aviation, and other purposes, $1,600,000; in all, $3,000,000: *Provided*, That for the acquisition of said property either by purchase or condemnation no greater sum shall be paid than shall be determined by the President to be a reasonable and fair price.

Mr. BORAH. Mr. President, that is a system of condemnation with which I have never before familiarized myself.

Mr. MARTIN. I will say to the Senator that is the practice in Virginia. After the condemnation price is fixed, unless the Government in a certain number of days—I forget the number of days—pays the money into court the whole proceeding fails.

Mr. BORAH. The Senator proposes to provide for the acquisition of this property either by purchase or by condemnation?

Mr. MARTIN. Yes.

Mr. BORAH. That leaves it in the discretion of the department either to purchase or to condemn? If we are offering far more than the property is worth, there will likely be no condemnation.

Mr. MARTIN. Yes; but the property can not be purchased, because the rights of infants are concerned. So it will have to be condemned.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Colorado?

Mr. MARTIN. I yield.

Mr. THOMAS. I think the Senator from Virginia will recall in a moment that, generally speaking, there can be no such thing as successful condemnation which is not preceded by an effort to purchase.

Mr. MARTIN. That is the law in my State.

Mr. THOMAS. That is the common law, if my memory does not deceive me, and it is the statutory law in all of the States with which I am familiar. The filing of the suit for condemnation will be defeated if it is not preceded by an unsuccessful effort to purchase. Consequently, so far as the phraseology of the clause is concerned, I think it is not only proper, but necessary.

Mr. BORAH. I do not think that is necessarily true under the Federal procedure. It is not true in some States.

Mr. MARTIN. If the Senator will excuse me, the Federal statute says that proceedings shall be according to the law of the State; and in Virginia it is required that there shall not be condemnation until an effort is first made to buy, and until then you can not successfully negotiate for the property.

Mr. BORAH. Of course, then, if the Navy Department prefers to pay the amount for the property, all it would have to do would be to pay; there is no obligation on the part of the Navy Department to condemn. It could pay any amount that it saw fit within the provisions of the bill, and not proceed by condemnation at all. In other words, Mr. President, the condemnation proceedings do not amount to anything under this clause, because if the department proceed at once with all due dispatch and haste they will buy.

Mr. President, I am not going to delay the Senate at this time. I understand that the motion is that the Senate insist upon the amendment.

Mr. MARTIN. That is correct.

Mr. BORAH. I want merely to call for the yeas and nays, and to vote against the proposition. If the matter comes back here, I shall try to verify the facts which have been given to me within the last 24 hours in regard to it. If I find I am in error, I shall so state; but if not I shall try to convince the Senate that they ought not to insist on this amendment.

Mr. KNOX. Mr. President, I think we have been discussing some rather immaterial technicalities in connection with this matter. It makes no difference what the provisions of the Virginia statute may be or how they may differ from the provisions of the statutes of other States in respect to condemnation of property for public purposes. The general idea running through all the statutes, although expressed in different language, is that there must be an attempt to agree upon the value of the property before condemnation proceedings are begun; but, as I understand this situation, there is a maximum price fixed, which the President is authorized to pay for the property, which, of course, if he does so, eliminates all questions of condemnation.

I further understand, Mr. President, that, so far as objections have been raised to the value of this property on the floor of the other House and in the public mind, it is that the minimum price is far in excess of the actual value of the property. I think, Mr. President, it would be most deplorable, here upon the threshhold of this great war, when we are seeking to borrow vast sums of money and when the first public loan offered by the Government is going very slowly, to have it go out that there was any doubt as to the value of any property which the Government is condemning for military purposes. As a condemnation proceeding is a swift, sure, just, and equitable method to obtain the value of property, I think, for the moral effect it may have upon the country, we should not consider acquiring this property by any other means whatever.

Mr. MARTIN. Mr. President, will the Senator from Pennsylvania excuse me?

Mr. KNOX. Just a moment. I should like to finish this sentence.

It is most unfortunate that the impression has gone out that it is the purpose to pay more for this property than it is intrinsically worth because it is old exposition property. While this old exposition property may be an exception to the rule, there is a general impression in the mind of the public that abandoned exposition buildings, no matter what they may have originally cost, rapidly deteriorate in value.

Mr. MARTIN. I merely want to state, for the information of the Senator from Pennsylvania, that condemnation proceedings in Virginia can not be sustained unless there is first an attempt to agree with the owner on the price. Therefore there is provision made in the bill for purchase or condemnation, we well knowing that condemnation will be necessary, that the rights of infants make it necessary, even if there could be an agreement upon the price. By the law in Virginia, which by the Federal statute must govern the Federal courts, there must be an attempt to acquire by agreement before there can be condemnation proceedings.

Mr. KNOX. I perfectly understand that, Mr. President, but the laws of Virginia or of any other State do not provide that

there shall be an effort to agree upon a particular price fixed by the purchasers or the proposed purchasers.

Mr. MARTIN. Certainly not.

Mr. KNOX. My objection to this amendment is that the minimum price fixed by which this property may be purchased without condemnation is more than, according to the impression which exists in the popular mind, the property is worth. While, as I said a few moments ago, I have no information upon this subject—the property may be intrinsically worth 50 per cent more than the price that has been fixed—I think it will be deplorable to have any doubt about it when there is a method of acquiring the property that will solve all doubt.

There can be no difficulty whatever about possession. The right of possession exists in the Government peculiarly during a condition of war. We are taking factories; we are taking preferential deliveries, or we propose to, of cars; we are taking ships; we are taking, or proposing to take, all other kinds of property for immediate use for the purposes of the Government. Why, then, should the Government hesitate or halt or pause in respect to the taking of this abandoned property?

Mr. BORAH. Mr. President, I ask for the yeas and nays on the motion of the Senator from Virginia [Mr. MARTIN].

The PRESIDING OFFICER (Mr. ROBINSON in the chair). The Senator from Idaho asks for the yeas and nays.

The yeas and nays were ordered.

Mr. THOMAS. Mr. President, I am not generally upon the floor in advocacy of appropriations, particularly appropriations in emergency bills. But I have listened to the discussion regarding this particular appropriation with considerable interest; and while I have no doubt that the money asked for the purchase of this tract of land and improvements is more than they would bring upon the market, and while I do not want to see the Government pay any more than the actual value of this or any other property, we must take into consideration the urgent, immediate needs of the Navy Department for some means of housing the recruits to be assembled and now being assembled through the increase of our marine force recently authorized. You can not build structures, you can not even assemble tents and erect them with the degree of speed now demanded; and if it is true that as to men now under enlistment and as to the proper discipline and equipment of our marine forces the Government finds itself unable to give them proper accommodations, we can very readily understand how urgent is the need for something of this sort.

The amount of money carried by this appropriation for the purpose mentioned aggregates $1,400,000. I do not understand that to be a minimum bid or price for the property, as is here contended; that is the amount carried by the bill. My construction is that the Government under this appropriation can not pay in excess of the sum of $1,400,000. It may pay that, but it can not pay any more. It may be able to obtain the property for less. That is the maximum and not the minimum amount provided for the purpose. It can not in my judgment be considered otherwise.

Generally speaking, provisions looking to the acquisition of property through legislation by an alternative method may be open to criticism, certainly to discussion; but where, as in this case, Mr. President, condemnation must, as a prerequisite, be preceded by an effort at purchase, without which the condemnation proceedings must fail, as is the case in many of the States, including Virginia, as stated by the Senator from that State having charge of the bill, the omission of this proviso regarding purchase might be fatal to the purpose sought to be accomplished. If it be true—and I of course accept it as absolutely true—that the Navy Department took the initiative in this matter by calling the attention of the owners of the property to its needs, requested them to make an offer or agree to some amount for it, informed the committees of the two Houses of the fact, and impressed upon them as the only thing available for its emergency the urgent need for this property, I can readily understand, Mr. President, how that need would very largely interfere with, if not entirely prevent, the committee from making an investigation necessary to the protection of the Government under ordinary conditions.

I expect, Mr. President, in the preparation for the war and in prosecuting it that there will be a huge waste of the public funds. There always is, and I know of no way of avoiding it. War means vast circulation of money and that means high prices. We have had them in all of the industries of the country for the last two years. With our entry into the war, and the expenditure of these huge sums, waste is absolutely inevitable, and graft will exist to a greater or less degree, however honest and scrupulous those in charge of the administration are, and however vigilant they may be to prevent it. It will lurk in Army contracts, in the quality of supplies, in the purchase of locations, in equipment, and, unfortunately, in the exchange of the absolute necessities of life. Those, Mr. President, who will profit by these huge expenditures are men who assume that their duties as patriots are satisfied when they rise to the sound of the national anthem and stand while others sing it.

I think, Mr. President, in view of the emergency which is before us, of the necessity for housing these young men who are enlisting and about to offer their lives for their country, that we should be as expeditious as possible, due regard being had to the requirements of the Government in securing these or some other quarters for them. When the Navy Department comes to these committees and declares that this is an indispensable part of their immediate equipment, and when it appears that under the provisions of the bill the Government proposes to use its power of condemnation to secure the property as cheaply as it can, we should not hesitate any longer, but submit these matters to the conference committee in the hope that they will agree as soon as possible and dispose of them without further delay.

Mr. POMERENE obtained the floor.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Idaho?

Mr. BORAH. I thought a vote was being called for, and I desired to say just a word.

Mr. POMERENE. Mr. President, I have not been able to hear all the discussion, but I should like to know, if it has not already been stated, how the figures, $1,400,000, were arrived at?

Mr. SHAFROTH. By the naval officers, I will state to the Senator.

Mr. POMERENE. How did they arrive at that figure?

Mr. SHAFROTH. Negotiations have been going on with the Navy Department for some time, it being not only a war proposition, but a peace proposition as well. A board was sent down by the Secretary of the Navy for the purpose of ascertaining the value of the property. These lands were considered to be worth a very large amount, and a price was asked for them much greater than $1,400,000. It was shown that the buildings cost over a million and a half dollars, and that the board appraised them at $680,000. That left $720,000 for the three pieces of land. The lands consist of the exposition grounds and all the buildings thereon, another area which fronts on water having a depth of 35 feet, and then there is still another piece of ground.

Mr. POMERENE. I heard that statement made; but I wanted a little more specific information about it. The statement was also made that some minors had undivided interests in one of these tracts, I believe, or does that statement apply to all of the tracts?

Mr. SHAFROTH. It applies, I think, to two of the tracts. I will ask the Senator from Virginia if that is not correct?

Mr. MARTIN. Yes.

Mr. SHAFROTH. It applies to two of the tracts; and consequently condemnation proceedings in all likelihood will have to be undertaken; and in that event the Government will theoretically, at least, get the land at a fair valuation. Inasmuch as this site is the only site, as testified to by the witnesses, that is contiguous to deep water, is the only available site for a great naval station in a bay that is protected from attack, and is midway on the Atlantic coast, it does seem to me that it is most desirable that the Government should acquire it, especially in this time of war, when we must speed matters. With the buildings already erected it is worth a great deal more than would be a site on which buildings would have to be constructed, involving a delay of three or four months.

Mr. POMERENE. The measure of damages would be what the property is reasonably worth, not actually for this specific purpose but generally what it is worth?

Mr. SHAFROTH. That is true; but when the Government has a right to condemn, as is given in this amendment, I do not see what objection there can be to adopting the amendment.

Mr. POMERENE. There is not any objection, of course, if the property is to be condemned; but there is one of these pieces of land that could be purchased, I take it from the Senator's own statement, without condemnation proceedings.

Mr. SHAFROTH. Probably that is true; but the department is going to make the best bargain it can and negotiations have been under way. They have got the price down. I asked them whether they could possibly get the price any lower and they said they thought not, but would not say positively. They are still going to try to get the price lower. It seems to me, if we want to speed the war program, we had better undertake to buy that site, which is immediately available, and which has

on it buildings already constructed and ready for occupancy, so that we can proceed with the preparation for war.

Mr. POMERENE. Mr. President, I realize the necessity for haste, but at the same time, it seems to me, that the provision for purchase ought to be so hedged about that there can be no possible question about it. I do not mean to suggest by that that I question the motives, the integrity, or the ability of the men who are dealing with the subject.

Mr. SHAFROTH. The Senator knows that in condemnation proceedings we have a right to secure the property at a reasonable value, and we have a right to take possession of it immediately by putting up a deposit.

Mr. POMERENE. I understand that is true where there is a condemnation proceeding, but that is not necessarily true where there might be a purchase.

Mr. SHAFROTH. Somebody must exercise judgment as to which is the best course to be pursued, and I do not see that we can do so nearly as well as can the Department of the Navy.

Mr. BORAH. Mr. President, the Senator from Virginia [Mr. MARTIN] has handed to me two amendments covering this subject and he will, as I understand, insist that they be put into the bill if it is possible to do so.

Mr. MARTIN. That is correct.

Mr. BORAH. I desire to have the amendments inserted in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. POMERENE. Mr. President, I should like to have these amendments read.

The PRESIDING OFFICER. The Secretary will read the amendments.

The Secretary proceeded to read the amendments.

Mr. STONE. Mr. President, where does this matter come in? The Secretary gets up and reads something, and we do not know what it is.

Mr. SHAFROTH. It is to take the place of amendment numbered 68 in the bill, on page 72.

Mr. STONE. Then it ought to be so stated.

The PRESIDING OFFICER. The Secretary is reading the matter sent to the desk. Without objection the Secretary will read the proposed amendment as requested.

The Secretary read as follows:

Naval operating base, Hampton Roads, Va.: If the President in his discretion and judgment shall determine that it is necessary for the proper conduct of military and naval operations and for the safety and defense of the country to acquire the tract of land known as the Jamestown Exposition site on Hampton Roads, Va., and such other lands adjacent thereto as lie north of Ninety-ninth Street and Algonquin Street, the entire property being bounded on the north and west by Hampton Roads and Willoughby Bay, on the east by Boush Creek, and on the south by Ninety-ninth and Algonquin Streets, including all easements, riparian and other rights appurtenant thereto, and including all the rights and properties of railway, electric light, power, telephone, telegraph, water, and sewer companies, he is hereby authorized and empowered to acquire said property by purchase or condemnation at a price not exceeding $1,400,000; and toward the equipment of said property as a naval operating base, in case it is acquired, including piers, storehouses, oil-fuel storage, training station, recreation grounds for the fleet, aviation, and other purposes, $1,600,000; in all $3,000,000: *Provided*, That for the acquisition of said property either by purchase or condemnation no greater sum shall be paid than shall be determined by the President to be a reasonable and fair price.

At the end of the amendment also insert:

Provided further, That if in the opinion of the President military conditions require such action he may take immediate possession of all of the foregoing described property and thereafter shall take steps for the purchase or condemnation of the same as hereinbefore provided.

Mr. BORAH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. BORAH. As I understand now, in case the motion of the Senator from Virginia should not prevail—in other words, if the negative should predominate—that would have the effect of defeating the bill?

The PRESIDING OFFICER. The Chair thinks that it would depend upon the further action of the House at the other end of the Capitol. The Chair also thinks that the parliamentary inquiry of the Senator from Idaho comes at an inopportune time. The Chair feels that it is proper to advise the Senator that in the opinion of the present occupant of the chair, the House at the other end of the Capitol could take further action without encompassing the defeat of the bill. It would have the effect of preventing the passage of the bill unless other action were taken by the House of Representatives.

Mr. BORAH. If I am not inopportune in making the suggestion, then, so far as our action is concerned it would be conclusive.

The PRESIDING OFFICER. The question is on the motion of the Senator from Virginia [Mr. MARTIN] that the Senate further insist upon its amendments, agree to the further conference asked for by the House, and that the Chair appoint the conferees. As many as are in favor of that motion will say "aye."

Mr. LA FOLLETTE. Mr. President, a parliamentary inquiry. Were not the yeas and nays ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. FLETCHER (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. GALLINGER]. I transfer that pair to the junior Senator from Illinois [Mr. LEWIS] and vote "yea."

Mr. LODGE (when his name was called). I have a general pair with the senior Senator from Georgia [Mr. SMITH]. I do not see him in his seat. As I am advised, however, that he would vote as I am about to vote, I vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN], who is not in his seat. I therefore withhold my vote.

The PRESIDING OFFICER (when Mr. ROBINSON'S name was called). I am paired with the junior Senator from Michigan [Mr. TOWNSEND]. I transfer that pair to the senior Senator from Louisiana [Mr. RANSDELL], and vote "yea."

Mr. SAULSBURY (when his name was called). I have a general pair with the senior Senator from Rhode Island [Mr. COLT]. On questions of this character we have an understanding that we shall each vote. I therefore vote "yea."

Mr. MCKELLAR (when Mr. SHIELDS'S name was called). The senior Senator from Tennessee is absent from the city on important business. I ask that this announcement may stand for the day.

Mr. CURTIS (when Mr. TOWNSEND'S name was called). I have been requested to announce the absence of the junior Senator from Michigan [Mr. TOWNSEND] on account of illness in his family. I will let this announcement stand for the day. The pair of the Senator from Michigan has already been announced.

Mr. UNDERWOOD (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. HARDING]. I transfer that pair to the senior Senator from Tennessee [Mr. SHIELDS] and vote "yea."

Mr. WOLCOTT (when his name was called). I have a pair with the senior Senator from Indiana [Mr. WATSON]. I transfer that pair to the junior Senator from Arkansas [Mr. KIRBY], and vote "yea."

The roll call was concluded.

Mr. OVERMAN. I understand that the senior Senator from Wyoming [Mr. WARREN], with whom I am paired, if present, would vote "yea." I therefore vote "yea."

Mr. BECKHAM (after having voted in the affirmative). I have a pair with the junior Senator from West Virginia [Mr. SUTHERLAND]. As he has not voted, I transfer that pair to the junior Senator from Louisiana [Mr. BROUSSARD] and will let my vote stand.

Mr. KING. I desire to announce the absence of the junior Senator from Illinois [Mr. LEWIS], who is unavoidably detained on official business.

Mr. DILLINGHAM. I have a general pair with the senior Senator from Maryland [Mr. SMITH], but I am informed that if he were present he would vote in favor of this proposition. I therefore vote "yea."

Mr. PENROSE. I have a general pair with the senior Senator from Mississippi [Mr. WILLIAMS]. I am informed that if he were present he would vote "yea." I therefore vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Mexico [Mr. FALL] with the Senator from Wyoming [Mr. KENDRICK];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN]; and

The Senator from Maine [Mr. HALE] with the Senator from New Jersey [Mr. HUGHES].

The result was announced—yeas 48, nays 22, as follows:

YEAS—48.

Ashurst	Johnson, S. Dak.	Phelan	Smith, S. C.
Bankhead	Jones, N. Mex.	Pittman	Stone
Beckham	Kendrick	Poindexter	Swanson
Chamberlain	King	Reed	Thomas
Dillingham	Lodge	Robinson	Thompson
Fletcher	McKellar	Saulsbury	Trammell
Frelinghuysen	McLean	Shafroth	Underwood
Gerry	Martin	Sheppard	Vardaman
Hardwick	Newlands	Simmons	Wadsworth
Hollis	Overman	Smith, Ariz.	Walsh
Husting	Owen	Smith, Ga.	Weeks
James	Penrose	Smith, Mich.	Wolcott

NAYS—22.

Borah	France	Kenyon	Page
Brady	Gore	Knox	Pomerene
Calder	Gronna	La Follette	Sherman
Cummins	Johnson, Cal.	McCumber	Sterling
Curtis	Jones, Wash.	McNary	
Fernald	Kellogg	Norris	

NOT VOTING—26.

Brandegee	Hale	Nelson	Tillman
Broussard	Harding	New	Townsend
Colt	Hitchcock	Ransdell	Warren
Culberson	Hughes	Shields	Watson
Fall	Kirby	Smith, Md.	Williams
Gallinger	Lewis	Smoot	
Goff	Myers	Sutherland	

So Mr. MARTIN's motion was agreed to.

The PRESIDING OFFICER. The Vice President will hereafter announce the conferees on the part of the Senate.

The VICE PRESIDENT subsequently appointed Mr. MARTIN, Mr. UNDERWOOD, and Mr. WARREN managers at the further conference on the part of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

S. 995. An act to authorize the issue to States and Territories and the District of Columbia of rifles and other property for the equipment of organizations of home guards;

S. 2133. An act to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, and for other purposes; and

S. J. Res. 70. Joint resolution relating to the service of certain retired officers of the Army.

PETITIONS AND MEMORIALS.

Mr. SMITH of South Carolina. I present a communication signed by Rev. W. A. Betts, of the Methodist Episcopal Church South of Olanta, S. C., which I ask to have printed in the RECORD.

There being no objection, the communication was ordered to be printed in the RECORD, as follows:

OLANTA, S. C.

To the Congress of the United States of America:

In Florence County, S. C., at Olanta and in near-by rural communities, 126 men, 76 women, and 107 youths of teen age, totaling 309 persons, in public assemblies on the Lord's Day, by standing vote, recently signified their earnest desire for the enactment of such laws by your honorable body as shall—

1. Prohibit the sale or possession, except for medicinal use, of alcoholic liquor (including wine and beer) to our soldiers in the Army and Navy everywhere; and to authorize the President to establish a prohibitory zone, of such character and dimensions as he shall deem necessary, about our gallant soldiers and seamen, in camp and on shore leave, whereby to safeguard their sobriety and chastity.

2. Prohibit the use of food products in the manufacture of alcoholic liquor (including wine and beer) for beverage purposes during the war period, whereby to conserve our national food supply.

3. Prohibit throughout our States and Territories and insular possessions the sale or possession of alcoholic liquor (including wine and beer) for beverage purposes during the war period whereby to secure the highest possible efficiency of all our people.

W. A. BETTS.

Personally appeared before me the Rev. W. A. Betts, a duly accredited minister of the Methodist Episcopal Church South, resident in Olanta, S. C., and says the above-made statement is true to the best of his knowledge and belief.

Sworn to before me this 5th day of June, 1917.

[SEAL.]

A. S. KELLEY,
Notary Public for South Carolina.

Mr. HOLLIS presented a petition of the Ladies' Social Circle of the Main Street Methodist Episcopal Church, of Nashua, N. H., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Durham, N. H., praying for national prohibition as a war measure, which was referred to the Committee on the Judiciary.

Mr. FLETCHER. I present a resolution adopted by the Chamber of Commerce, of Lakeland, Fla., relative to the increased cost of living, which I ask to have printed in the RECORD and referred to the Committee on Agriculture and Forestry.

There being no objection, the resolution was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

LAKELAND CHAMBER OF COMMERCE,
OFFICE OF THE SECRETARY,
Lakeland, Fla., June 6, 1917.

Whereas the attention of the Lakeland Chamber of Commerce has been called to the continual increase in the cost of living, which is growing at an alarming rate; and

Whereas we view with alarm the growing discontent of the people of the United States, and especially the laboring people, store clerks, and others working for small wages: Therefore be it

Resolved, That we request our Representatives in Congress to use their every energy and effort in aiding the Government to discontinue gambling in food products; and be it further

Resolved, That, in order to make the necessary legislation effective, it is suggested that violation of the law with reference to gambling in food products shall be punishable by a fine of not less than $50,000 or 10 years in the penitentiary for the first offense, and by both fine and imprisonment for future offenses.

LAKELAND CHAMBER OF COMMERCE,
C. M. CLAYTON, *President.*
A. J. HOLWORTHY, *Secretary.*

Mr. WADSWORTH presented petitions of sundry citizens of New Baltimore; of employees of the German-American Button Co., of Rochester; of sundry citizens of Gainesville; of the First Presbyterian Church of Medina; of sundry citizens of Vernon, Ithaca, Belfast, Candor, Schoharie, Stamford, Patchogue, and Jamaica; and of the Park Methodist Episcopal Church, of Hornell, all in the State of New York, praying for national prohibition as a war measure, which were referred to the Committee on the Judiciary.

Mr. PHELAN presented a petition of the Sacramento Valley Development Association, of California, praying for the enactment of legislation providing for the development of the large areas of land and for the conservation of the water in the Sacramento Valley, which was referred to the Committee on the Irrigation and Reclamation of Arid Lands.

Mr. LODGE presented petitions of the trustees of the Groton School, of Groton, Mass., and of the Massachusetts Society for the promotion of Agriculture, praying for exemption from the inheritance tax of bequests for educational, philanthropic, and religious institutions, which were referred to the Committee on Finance.

Mr. DILLINGHAM presented petitions of sundry citizens of Georgia, Albany, Manchester, and Hardwick, all in the State of Vermont, praying for national prohibition as a war measure, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented petitions of 165 citizens of Durham; of the Woman's Home Missionary Society of the Methodist Church of Antrim; of the Woman's Home Missionary Society and the Woman's Christian Temperance Union of Bethlehem; of Mrs. Mabel Hicks, of Dover; of Annie L. Durgin, of Concord; of the Auxiliary of the Woman's Home Missionary Society of Claremont; and of B. M. Howe, of Claremont, all in the State of New Hampshire, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. McLEAN presented a petition of sundry citizens of Ansonia, Derby, and Shelton, all in the State of Connecticut, praying for the raising of funds for war expenses by income taxes, etc., which was referred to the Committee on Finance.

He also presented memorials of the Watkins Art Store, of Bridgeport; of Sedgwick & Casey, of Hartford; and of the Fulton, Driggs & Smith Co., of Waterbury, all in the State of Connecticut, remonstrating against the proposed tax on talking machines, which were referred to the Committee on Finance.

He also presented petitions of the Connecticut Society of Social Hygiene and of the congregation of the Center Congregational Church, of South Manchester, Conn., praying for the abrogation of patents on salvarsan and its allied products, which were referred to the Committee on Patents.

He also presented petitions of Freja Lodge, No. 17, Independent Order of Good Templars, of Hartford; of the employees of the Stanley Rule & Level Co., of New Britain; of the Equal Francisco League, of Mystic; of the Swedish Temperance Union, of Bridgeport; of the Central Association of Congregational Churches, of Connecticut; of the Association of Congregational Churches of Windham; of the First Church of Christ of Glastonbury; and of the Young Woman's Christian Association of New Haven, all in the State of Connecticut, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of the Housewives Army of West Hartford, Conn., and of the State Lumber Dealers' Association of Connecticut, praying for Federal control of foodstuffs, which were referred to the Committee on Agriculture and Forestry.

He also presented a memorial of 336 citizens of Danbury, Conn., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

Mr. NELSON presented petitions of sundry citizens and of the congregations of the First Methodist Episcopal Church and of the Glen Avon Presbyterian Church, of Duluth, all in the State of Minnesota, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. HALE presented a resolution adopted at the Grand Court of Maine, Foresters of America, in convention assembled, at Bath, Me., May 9, 1917, pledging support to the President and to Congress, which was referred to the Committee on Foreign Relations.

He also presented petitions of the Sunday School Union of Bridgton and of sundry citizens of Unity, in the State of Maine, praying for the enactment of prohibition of the manufacture of alcoholic liquors as a measure of food conservation, which were referred to the Committee on Agriculture and Forestry.

Mr. HUSTING presented a memorial of sundry citizens of Chilton, Wis., remonstrating against the enactment of legislation to deprive farmers of the use of malted grains, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Wisconsin, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Wisconsin, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Appleton, Wis., praying for the enactment of legislation to prohibit the manufacture of alcoholic liquors during the war, which was referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Rock County Auxiliary Council of Defense, of Edgerton, Wis., pledging aid in matters of economic efficiency, which were ordered to lie on the table.

He also presented resolutions adopted by the Irish Fellowship Club, of Kenosha, Wis., favoring home rule for Ireland, which were referred to the Committee on Foreign Relations.

He also presented resolutions adopted by the faculty of the University of Wisconsin, Madison, Wis., praying for the passage of the so-called daylight saving bill, which were ordered to lie on the table.

NATIONAL PROHIBITION.

Mr. OVERMAN, from the Committee on the Judiciary, to which was referred the joint resolution (S. J. Res. 17) proposing an amendment to the Constitution of the United States, reported it with amendments and submitted a report (No. 52) thereon.

ESTATE OF THOMAS H. HALL, DECEASED.

Mr. FLETCHER. On May 29 I introduced a bill (S. 2374) to relieve the estate of Thomas H. Hall, deceased, late postmaster at Panacea, Fla., and the bondsmen of said Thomas H. Hall, of the payment of money alleged to have been misappropriated by a clerk in said office, and it was referred to the Committee on Post Offices and Post Roads. I move that the Committee on Post Offices and Post Roads be discharged from the further consideration of the bill and that it be referred to the Committee on Claims.

The motion was agreed to.

INVESTMENT OF INDIAN FUNDS.

Mr. ASHURST. From the Committee on Indian Affairs, I report favorably with an amendment the joint resolution (S. J. Res. 73) authorizing the Secretary of the Interior to invest Indian funds in Government bonds, and I submit a report (No. 51) thereon. I ask that the report accompanying the joint resolution be read, because I intend to ask unanimous consent for its present consideration.

The PRESIDING OFFICER (Mr. ROBINSON in the chair). The report will be read.

The Secretary read the report submitted by Mr. ASHURST this day, as follows:

[Senate Report No. 51, 65th Cong., 1st sess.]

Mr. ASHURST, from the Committee on Indian Affairs, submitted the following report:

The Committee on Indians, to whom was referred the resolution authorizing the Secretary of the Interior to invest Indian funds in Government bonds (S. J. Res. 73) respectfully recommend that the resolution be adopted with an amendment as follows: In line 4, after the word "invest," insert the following: "for the benefit of any Indian or Indian tribe."

The communication of the Secretary of the Interior which refers to the resolution is quoted in full as follows:

DEPARTMENT OF THE INTERIOR,
Washington, May 31, 1917.

MY DEAR SENATOR: I inclose for your consideration and for introduction, if you deem advisable, copy of proposed joint resolution which would authorize me to invest Indian moneys in the United States liberty loan bonds, where the interests of the Indians and the United States justify such an investment. There are many millions of dollars of Indian money in the Treasury of the United States and other moneys will be paid in in the near future, a large part of which is at present either drawing no interest or less than 3½ per cent. The investment of such of these funds as can be spared in the liberty bonds authorized will, therefore, not only serve a public and patriotic purpose, but will increase the returns to the Indian beneficiaries. I hope you will see your way clear to press this resolution to early adoption.

Cordially, yours,

FRANKLIN K. LANE, *Secretary.*

Hon. HENRY F. ASHURST,
Chairman Committee on Indian Affairs,
United States Senate.

Mr. CURTIS. Mr. President, I hope no one will object to the unanimous consent which will be asked for the passage of the joint resolution. At a hearing before the committee last winter it was disclosed that there was in the Treasury a fund of $11,000,000 of money belonging to the Indians that was drawing no interest. In one case a tribe had $900,000 in the Treasury, $600,000 of which was drawing no interest, and yet it was reported that some members of that tribe were really starving. The interest at three and a half per cent would have brought that tribe $21,000 that year. In addition to the $11,000,000 of tribal money, which is now drawing no interest, there is about $29,000,000 of tribal funds which is drawing from 3 to 5 per cent. There is some $40,000,000 of individual Indian funds that are drawing from 3 to 5 per cent. All money belonging to individual Indians or to Indian tribes which is now drawing less than three and a half per cent, it seems to me, should be invested in these liberty bonds; and I hope there will be no objection to the request for unanimous consent.

Mr. ASHURST. Mr. President, I ask uanimous consent for the present consideration of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

Resolved, etc., That the Secretary of the Interior be, and he is hereby, authorized to invest any Indian funds or moneys in the 15-30 year 3½ per cent gold bonds of the issue authorized by act of Congress approved April 24, 1917, where, in his judgment, the interests of the Indians and of the United States justify such investment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 1, line 4, after the word "invest," it is proposed to insert "for the benefit of any Indian or Indian tribe."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WATSON:

A bill (S. 2420) granting an increase of pension to Franklin Johnson; to the Committee on Pensions.

Br. Mr. WADSWORTH:

A bill (S. 2421) authorizing the President to reinstate Charles L. Poor as a lieutenant in the United States Navy; to the Committee on Naval Affairs.

By Mr. PHELAN:

A bill (S. 2422) for the relief of Charles Edward Lutz; to the Committee on Naval Affairs.

By Mr. CHAMBERLAIN:

A bill (S. 2423) to amend section 9 of the act entitled "An act to alter and amend an act entitled 'An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon, approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled 'An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon,' approved May 4, 1870, and for other puropses," approved June 9, 1916; to the Committee on Public Lands.

By Mr. HALE:

A bill (S. 2424) granting a pension to Charles E. Matthews;

A bill (S. 2425) granting a pension to M. Augusta Snow (with accompanying papers);

A bill (S. 2426) granting an increase of pension to David E. Seekins (with accompanying papers);

A bill (S. 2427) granting an increase of pension to Albert W. Hassan (with accompanying papers);

A bill (S. 2428) granting an increase of pension to Samuel C. Howe (with accompanying papers);

A bill (S. 2429) granting an increase of pension to John A. Patterson (with accompanying papers); and

A bill (S. 2430) granting an increase of pension to Allen C. Goodwin (with accompanying papers); to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 2431) for the construction and equipment of a naval base for fleet operation and for works of defense on the Island of Guam; to the Committee on Naval Affairs.

A bill (S. 2432) appropriating $24,000 for the providing and installing in the harbor of Seattle, Wash., four mooring buoys for the use of the Government; to the Committee on Commerce.

By Mr. McLEAN:

A bill (S. 2433) granting an increase of pension to Eva F. Holdridge (with accompanying papers); to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 2434) authorizing the counties of Cass and Itasca, Minn., to construct a bridge across the Mississippi River between said counties; to the Committee on Commerce.

AGRICULTURAL PRODUCTS.

The PRESIDING OFFICER. There being no resolutions coming over from the previous day, the morning business is closed.

Mr. KENYON. I desire to ask the Senator from Oklahoma [Mr. GORE] a question with reference to the so-called food bill.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2356) to amend the act to regulate commerce, as amended, and for other purposes.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. KENYON. A week ago on Saturday the Senate passed what is known as the first of the food-control bills. It was a House bill with a number of amendments. I should like to ask the chairman of the committee, the Senator from Oklahoma, if any conferees have been appointed on the part of the House or if anything has been done looking to a conference on the bill?

Mr. GORE. In answer to the suggestion of the Senator I will say that the so-called food bill passed the Senate June 2. On that day the Senate appointed conferees and asked for a conference with the House of Representatives. I made inquiry this morning at the office of the chairman of the House Committee on Agriculture and was advised that no conferees have been appointed in behalf of the House.

I may state in this connection that whatever delay may be incident to the final passage of the bill the Senate is acquitted of any responsibility.

Mr. KENYON. Does the Senator know why conferees on the part of the House have not been appointed?

Mr. GORE. I have no advice on that point.

Mr. KENYON. I am simply anxious that the Senate shall bear no responsibility in the delay over the bill. The Senate acted over a week ago and the responsibility is not on the Senate for any delay, if I understand the chairman.

Mr. GORE. I think the Senator is entirely correct.

Mr. SMITH of Georgia. It is also true that the Senate requested a conference at the time of the passage of the bill and that conferees on the part of the Senate were named.

Mr. GORE. The statement of the Senator from Georgia is correct.

PUNISHMENT OF ESPIONAGE.

Mr. OVERMAN. I ask the Senator from Nevada if he will allow me to call up the conference report on House bill 291, what is known as the espionage bill.

Mr. NEWLANDS. I am very anxious to proceed with the consideration of the pending priority bill. I will ask the Senator whether he thinks it will take much time.

Mr. OVERMAN. It can not take much time, for the reason that the House has adopted the report unanimously and the report is substantially, with one or two exceptions, the bill that passed the Senate. Therefore no one in the Senate will object to it, because it is practically the Senate bill. The House took the Senate bill practically, except as to search warrants. The House would not agree to the Senate search-warrant provision and adopted what is known as the New York code, or practically the New York code. With those exceptions it is practically the bill as it passed the Senate.

Mr. BORAH. Mr. President, I have no desire to delay the adoption of this report. I know the large vote by which the bill passed the Senate, and any view which I might have would not change the situation. I am not even going to ask for a yea-and-nay vote, but I do want to say that I desire to vote against the bill, and I wish the RECORD to show that I voted against it on account of section 1 in Chapter XII of the bill.

Mr. NEWLANDS. I shall have no objection to temporarily laying aside the unfinished business, with the understanding that it shall be taken up immediately upon the conclusion of the conference report.

Mr. OVERMAN. I wish also to state that what is known as the Reed amendment was stricken from the bill, but in rearranging the bill, as the Senator from Missouri will see, we made his emergency measure apply to war time.

The PRESIDING OFFICER. The Senator from Nevada asks unanimous consent that the unfinished business be temporarily laid aside in order that the Senate may proceed to the consideration of the conference report on the espionage bill. Is there objection?

Mr. REED. Mr. President, the Senator from North Carolina [Mr. OVERMAN] called my attention to the conference report two or three days ago, and very kindly gave me a copy of it. I told him that I would examine it, but, although I have tried very hard to get to it, I have not been able to read it. An amendment which I offered to the entire bill limited the bill for the period of the war, and I was very much in earnest about that amendment. The Senator from North Carolina states that, in his opinion, the amendment has been made to apply to all parts of the bill where it should apply, and as to other parts it has been so arranged that there is no application, so that a part of this legislation would be permanent in its nature and a part of it would apply during the war.

I do not want to give my consent to the passage of this measure until I have examined the conference report. If the Senator will let it go over until to-morrow, I will be ready then to answer on the floor or I will be ready to waive objection.

Mr. OVERMAN. I will say to the Senator that I would like to finish it, but of course the Senator has the right to object. The Senator would not himself have his amendment to apply to the section entitled "Counterfeiting Government seal," or he would not have it apply to the title "Passports." I will say to him that most of the bill was framed before the war and it only affected neutrality. Half the chapters are neutrality chapters, and where anything applies of an emergency nature, if I may call the Senator's attention to page 5, we put in "when the United States is at war." We added that because we thought it was in compliance with the Senator's amendment. The Senator remembers that I came to him and told him the trouble in the conference committee, and while he did not say that he would consent to it, he said neither yea nor nay; we thought there was an emergency. Take his amendment, for example, on page 3, section 3, "Whoever, when the United States is at war, shall willfully make or convey false reports or false statements." Then, in section 6, "The President, in time of war or in case of national emergency."

The Senator will see by an examination that Title V, "Enforcement of neutrality," reads "during a war in which the United States is a neutral nation," and we have addded to section 4 "during a war in which the United States is a party." So I think the Senator will see we have covered everything his amendment really ought to cover. Title VII, "Certain exports in time of war unlawful." I think the Senator will find that where that clause is not used the language ought to apply in time of peace. These laws were gotten up, as the Senator remembers, because of our weakness in neutrality laws. It was when the allies were at war with Germany and there was no thought of this country going into war. The object was to protect our neutrality. Four or five of these chapters are nothing but neutrality laws. However, in some matters we thought it ought to be limited to the time of war, and we have done that in carrying out the amendment of the Senator from Missouri.

Mr. REED. Mr. President, of course I do not intend to discuss the matter now. I may find that what the committee has done is satisfactory. I ought to have had time enough, as far as the mere lapse of time is concerned, to have read the bill many times, but I have had many other things to do. There is some limit upon human endurance, as we all know.

I am aware of the fact, and have been all along, that the bill deals with some subjects that do not relate to the present war; but I am also aware of the fact that when the bill was first presented to the Judiciary Committee it came with the statement that the legislation was in the nature of emergency legislation, the emergency consisting in the fact that the war in Europe was on, and that it was necessary to have legislation to meet the conditions that existed. The committee was urged to great haste. When the legislation was passed here in the Senate at the last session of Congress, and before war was declared, the same emergency was put forward. Then, again, when the bill came up at this session since the war began there was a great deal of haste. The committee was overworked; the Senate was overworked, and in order to be sure we were not putting into our laws something that might rise up to plague us in the future I wrote the amendment limiting the entire legislation to the period of the war.

Until I have examined the text of the report I would not be willing to have the report adopted. I do not want to obstruct in the slightest degree the final passage of this act, but I am very earnest about the proposition that we are engaged now in passing legislation under stress and under excitement and under peculiar conditions, and while we must pass such legislation, I think it ought generally to be limited to the emergency now

confronting us, and there will be abundance of time when the war is over to sit down and coolly produce the legislation that is then necessary.

So while we are taking a good deal of time, I ask that this matter may lie over until to-morrow, and I shall either answer in one way or the other at that time.

Mr. OVERMAN. I think I should state to the Senate that there was one other change which I assume a large minority of the Senate will be glad to hear. The fight on the question of the use of the mails ranged around the words "or intended or calculated to induce, promote, or further any of the acts or things by any provision of this act declared unlawful." On account of the House conferees objecting to it and the large minority that voted for an amendment to strike it out, the Senate conferees struck it out.

I give notice that I shall call up the conference report to-morrow at the close of the morning business.

AMENDMENT OF INTERSTATE-COMMERCE LAW.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2356) to amend the act to regulate commerce, as amended, and for other purposes.

Mr. NEWLANDS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Nevada suggests the absence of a quorum, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hardwick	New	Smith, Ga.
Bankhead	Hitchcock	Newlands	Smith, Mich.
Beckham	Hollis	Norris	Smith, S. C.
Borah	Husting	Overman	Smoot
Brady	James	Owen	Sterling
Calder	Johnson, Cal.	Page	Thomas
Culberson	Johnson, S. Dak.	Phelan	Thompson
Cummins	Jones, N. Mex.	Poindexter	Trammell
Curtis	Jones, Wash.	Pomerene	Vardaman
Dillingham	Kellogg	Reed	Wadsworth
Fernald	Kendrick	Robinson	Warren
Fletcher	Kenyon	Saulsbury	Weeks
France	McCumber	Shafroth	Wolcott
Frelinghuysen	McKellar	Sheppard	
Gerry	McNary	Simmons	
Gore	Nelson	Smith, Ariz.	

Mr. HUSTING. I desire to state that the senior Senator from Oregon [Mr. CHAMBERLAIN] is unavoidably absent on public business.

Mr. FRELINGHUYSEN. I wish to announce the absence of my colleague [Mr. HUGHES] on account of illness. I ask that this announcement may stand for the day.

Mr. WOLCOTT. I desire to announce the absence of the senior Senator from Maryland [Mr. SMITH] on official business. I ask that this announcement may stand for the day.

The PRESIDING OFFICER. Sixty-one Senators have answered to their names. There is a quorum present.

Mr. NEWLANDS. Mr. President, I wish to ask the Senator from Georgia whether he has any objection now to fixing a time for a vote upon the bill?

Mr. HARDWICK. I hope the Senator will not press that now. I have just returned, and I ask the Senator to postpone his request. I do not ask it with any view of delaying final action on the bill.

Mr. NEWLANDS. Later on I shall ask unanimous consent for fixing a time and for the limitation of debate.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. SMITH of Georgia. I send to the desk an amendment which I wish to have read for information.

The PRESIDING OFFICER. Without objection, the Secretary will read the amendment which the Senator from Georgia asks to have read for information.

The SECRETARY. On page 4, line 2, beginning with the word "President," strike out down to and including the word "prescribed," on line 8.

On page 5, after line 23, insert the following:

Provided, That if by reason of freeing the carrier in consequence of compliance with any such order or direction from liability under existing law imposing civil penalties, obligations, or liabilities any shipper is damaged, the Interstate Commerce Commission shall, upon application by such shipper and upon notice to the Attorney General of the United States and after due hearing, determine the amount of such damage, which amount shall be paid by the Secretary of the Treasury out of any funds in his hands not otherwise appropriated, and further proceedings may be had upon such finding similar to those provided in this section where claims are filed for damages by carriers.

Strike out section 2 and substitute the following:

SEC. 2. That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, a board of five members, which shall be known as the transportation priority board, which board shall hold office and exercise the authority herein conferred for and during the continuance of the war unless earlier terminated by act of Congress or order of the President. That for such period of time as said transportation priority board shall remain in existence it shall have power to investigate problems of transportation by common carriers by rail or water and when it finds that the national defense or the public welfare so requires it may decide and direct that certain traffic shall have priority or preference in transportation, and having so found and so notified the common carriers they shall carry into effect such directions notwithstanding any provision of law now existing to the contrary. Such directions may be made from time to time or for specific periods of time or may be modified or rescinded at any time by the board.

SEC. 3. That each member of such board shall receive compensation at the rate of ——— per annum. A majority of the board shall constitute a quorum. The board may select a chairman and adopt rules and regulations in regard to its procedure and the conduct of its business. The board may employ a secretary and employ and fix the compensation of such officers and employees as it may find necessary for the performance of its duties, and may rent suitable offices. All necessary expenses of the board, including traveling expenses of its members or its employees, shall be allowed and paid upon the presentation of vouchers therefor approved by the chairman of the board and by such person or persons as may be directed by the board. The expenses of the board, including the payment of salaries, shall be paid as may be directed by the President, out of funds which may be provided to meet the expenses of national security and defense.

SEC. 4. That all common carriers are hereby directed and required to establish forthwith and to maintain continuously in the city of Washington during the period of the war an agency or a committee of railroad officers or officials fully empowered by such carriers to receive on the part of all carriers notice and service of such orders and directions as may be issued by the transportation priority board and to arrange for a prompt compliance therewith by such carriers, and it shall be the duty of any and all officers and agents of such carriers by rail or water to obey strictly and conform promptly to such orders.

SEC. 5. That if by reason of giving preference or priority of transportation under any order or direction authorized hereunder or by reason of disarrangement of traffic caused by giving such preference or priority any carrier shall suffer injury or damage, the transportation priority board shall, upon application of the carrier and upon notice to the Attorney General of the United States, after due hearing, determine the amount thereof. If any shipper, by reason of the priorities of shipments, shall be deprived of his rights under existing law now imposing civil liabilities upon carriers, the transportation priority board shall, upon application by such shipper and upon notice to the Attorney General of the United States, after due hearing, determine the amount of such injury. Any carrier complying with any such order or direction herein authorized shall be exempt from any and all provisions in existing law imposing civil or criminal pains, penalties, obligations, or liabilities upon carriers on account of such action.

The transportaton priority board shall report to Congress from time to time any amounts covering damages to carriers or to shippers which they are required to investigate and pass upon as hereinabove provided.

SEC. 6. That all general rules adopted by the transportation priority board shall become effective only after they are approved by the President, and special orders creating priorities and preferences in transportation shall become effective only after they are approved by the Council of National Defense.

Mr. NORRIS. As I understand, the Senator from Georgia has had the proposed amendments read simply for information?

Mr. Smith of Georgia. That is all.

Mr. NORRIS. I desire at this time to offer an amendment.

The PRESIDING OFFICER. The Secretary will state the amendment proposed by the Senator from Nebraska.

Mr. SMITH of Georgia. I ask that the amendments which I have sent to the desk may be printed. There are three amendments involved in the matter.

Mr. NORRIS. I suggest to the Senator to have them printed in the usual form, so that we may have them on our desks.

The PRESIDING OFFICER. Without objection that order will be made.

Mr. SMITH of Georgia. I desire that they may be printed in the usual form so that we may have them in convenient shape for reference.

Mr. POMERENE. Mr. President, I desire to ask the Senator from Georgia a question.

The PRESIDING OFFICER. Does the Senator from Nebraska yield for that purpose?

Mr. NORRIS. I yield to the Senator from Ohio.

Mr. POMERENE. Does the Senator expect to ask for a vote on these amendments this afternoon?

Mr. SMITH of Georgia. No; I do not think so. I do not think we shall reach a vote on them this afternoon.

Mr. POMERENE. The amendments, if adopted, would very substantially modify the operation of the bill.

Mr. SMITH of Georgia. They would modify it very greatly, and they were intended to do so.

The PRESIDING OFFICER. The Senator from Nebraska has the floor.

Mr. NORRIS. I will ask the Secretary to state the amendment which I have sent to the desk.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 4, line 21, after the word "carrier," it is proposed to insert the words "person, firm, or corporation"; so that it will read:

Or by reason of disarrangement of traffic caused by giving such preference or priority, any carrier, person, firm, or corporation shall suffer injury or damage—

On the same page, in line 23, it is proposed to strike out the word "carrier," and to insert the words "party claiming damage"; so that it will read:

The Interstate Commerce Commission shall, upon application by the party claiming damage and upon notice to the attorney general—

On page 5, line 15, it is proposed to strike out the word "carrier," and to insert the words "party claiming damage."

Mr. NORRIS. Mr. President, this amendment consists of changes in three places in the bill to this effect. It gives to any person or corporation the same right which the bill proposes to give to a carrier in case damage has resulted, and they are able to prove it, on account of any orders made by the President in transportation matters.

Mr. POMERENE. May I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Ohio?

Mr. NORRIS. I yield to the Senator.

Mr. POMERENE. Do I understand from the Senator's explanation of these amendments that they are broad enough to cover any damage or inconvenience which a passenger, for instance, on a railroad might suffer?

Mr. NORRIS. No; not if the Senator refers to a personal-injury matter.

Mr. POMERENE. I refer to a case, for instance, where a prospective passenger might be injured or delayed by reason of the fact that he could not secure passage on a railroad train at the usual time.

Mr. NORRIS. I doubt very much whether that would be covered by the amendment; I am rather of the opinion it would be too remote for that; but the bill provides, commencing with the proviso at line 17, page 4, as follows:

Provided, That if by reason of giving preference or priority in transportation under an order or direction authorized hereunder, or by reason of disarrangement of traffic caused by giving such preference or priority, any carrier shall suffer injury or damage—

It then provides how he shall proceed to obtain recovery for this damage. My amendment proposes to apply the same remedy to any shipper, to any person, firm, or corporation who is damaged by the same order which damages the carrier.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Minnesota?

Mr. NORRIS. I yield to the Senator.

Mr. KELLOGG. Then, as I understand the Senator's amendment, if, by reason of the necessities of the Government during war, the Government should transport troops and munitions which blocked the railways, every shipper in the United States, by reason of the Government transporting such troops and munitions, can call upon the Government for damages? In other words, the Government would become the guarantor of a sufficient transportation during the war, and every shipper in the United States could get damages out of the Treasury by reason of delays on account of the necessity of transporting munitions of war. Is that the purpose of the amendment?

Mr. NORRIS. The Senator, if he intends that to be a question, has propounded a proposition which will enable me at once to meet the real question involved. The bill provides—and the Senator is for the bill, as I understand—that that very thing shall apply to a railroad, but that it shall apply to nobody else. If the railroad suffers damage by reason of any disarrangement of traffic, we must pay that damage out of the Treasury.

Let us see how that could be. Suppose the bill was passed, and the President issued an order that in the State of California or in the State of Washington certain cars which were on the track there ready to be loaded with fruit that is ripe and must be shipped, should be turned to some other point and used for the transportation of something else—troops, coal, or anything of that kind—and the order is obeyed; afterwards the railroad company comes forward and says, "These cars that we had for the purpose of shipping the produce out of Washington or California would have produced us an income greater than we received for the purposes for which they were used by order of the President; therefore we are entitled to damages." That difference is provided for by the bill. If the railroad can show that it could have made more money in using its cars for some other purpose than the Government compels it to use them for, it gets paid for whatever the difference is; but the man who had the fruit, who had everything he owned, perhaps, involved in it, must lose it all, and there is no way for him to get payment. The railroad does not lose all even of the transportation proposition; it only loses a portion of it, while the individual may be bankrupted on account of the order.

Let us suppose that the Senator from Minnesota is a contractor and is constructing a building in Minneapolis. He has contracted to have that building finished by the 1st of July. A large quantity of steel is necessary for its construction. When he made the contract with the prospective owner of the building, he, in turn, contracted with somebody else in Pittsburgh to supply the steel. The steel is ready, and he is ready to receive it; he has filed a bond by which he must pay damages if he does not complete the building upon the day named in the contract; but just when the steel is ready to be shipped, the President issues an order taking those cars which were going to haul the steel from Pittsburgh to Minneapolis and diverts them to Georgia to haul something else for the troops or to haul the troops themselves. The Senator from Minnesota is unable to get the steel; he is therefore unable to complete the building. It is no defense to plead the presidential order when the owner sues for damages. He may have everything he has in the world involved in the transaction, but he has no remedy and he goes down to ruin; but the railroad company, if it can show that it could have made more in shipping the Senator's steel to Minneapolis than it actually makes in the other transaction, which the President has compelled it to execute, gets damages, and the taxpayers of the country pay them.

Mr. President, if it is right that the railroads should be paid damages, why, in that case, should not the Senator from Minnesota get paid for his damages, which are brought about by the same act of the President, and which are more severe on him than the loss in that case to the railroad because they only lose the difference?

Again, suppose if we are only going to protect the railroad and not going to protect anybody else, that in diverting these cars the Senator was going to use in shipping steel from Pittsburgh to Minneapolis or to some other locality, the railroad company actually makes a profit out of it? If they are the only ones who are going to be benefited and get damages, then the bill ought at least to provide that when the order is profitable, they should pay the excess profit to the Government. This ought to work both ways.

Mr. President, the Senator from Minnesota seems to be concerned when he says, "Why, this would pay damages to every shipper in the United States." If we damage every shipper in the United States, ought we not to pay for the damage that we inflict? Why should we say that the President shall issue an order that will injure a dozen different people, let us say, and that one person who was injured by the order shall be paid from the Treasury and the others shall not be so paid? If the shipper, the contractor, the laborer, must lose what he has involved and suffer damages because it is a patriotic duty, then, why should we single out one corporation that has suffered only a small loss? Why should we single out one individual and compensate him?

Mr. President, if this provision remains in the bill as it is now and becomes law, it will not only be the shipper who will be injured but at any time, especially when there is any possibility of a war with any foreign country, no man could get any contractor to do anything without charging him a price in which was involved insurance for just the kind of a risk which this proposed law compels him to take.

Would a wise man, if he were going to contract with the Senator from Nevada [Mr. NEWLANDS] to erect a building, to construct an irrigation ditch, or to do any other great work, knowing that the President of the United States during this war might make an order that would make it physically impossible for him to complete his contract, name a price in his bid unless he included in that price an insurance for the kind of risk that he would assume? It seems to me, Mr. President——

Mr. NEWLANDS. Mr. President——

Mr. NORRIS. In just a moment I will yield to the Senator.

If we are going to compensate one class of individuals, then we should compensate them all. The only objection which I have heard is that the amount may be large, cover a vast territory, and a large number of persons, which is true. That brings us at once to the consideration as to whether or not we ought to strike out the proviso which is now in the bill. It ought either to go out or we ought to include everybody who is in the class who are injured.

Mr. STERLING. Mr. President——

Mr. NORRIS. I yield to the Senator from Nevada, who first rose.

Mr. NEWLANDS. Mr. President, I should like to ask the Senator whether he proposes to confine his amendment entirely to shippers whose shipments have actually been accepted before the order is made and whose shipments are on the railway tracks, or whether he would apply it to those simply contemplating shipments?

Mr. NORRIS. It would apply, as I understand, to anyone who could prove an injury, just as it applies now to the railroad companies. I make no difference between the individual

shipper and the carrier. Shippers are included in the same language and in the same sentence.

Mr. NEWLANDS. Does not the Senator think, if his amendment should be adopted and should apply not only to shipments actually made and on the tracks when the priority order is made, but also to shipments contemplated, that there would be an avalanche of claims, many of them imaginative and exaggerated, that would simply overwhelm the Treasury of the United States——

Mr. NORRIS. Let me answer that.

Mr. NEWLANDS. And does not the Senator think, if his amendment is worthy of consideration, that it should be applied only to shipments that are on the tracks?

Mr. NORRIS. Mr. President, I think the Senator's question is a very proper one. To begin with, the amendment I have offered does enlarge the scope of the bill very greatly, and there might be an avalanche of claims; but that is no reason why we should not pay just and honest claims, if we are going to pay any claims on account of damages occasioned by a priority order. I could apply the same suggestion to the railroad companies, which the Senator has carefully protected in his bill. They may advance a multitude of claims likewise, for the bill covers all the railroad companies of the United States. The Senator says there might be many fictitious claims filed by individuals. That is true. So there might be many fictitious claims filed by the railroads, but that has not been regarded as a sufficient reason why the provision for compensation to the railroads should be kept out of the bill.

Mr. REED. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. REED. I call the Senator's attention to the fact that the language of the bill is substantially that the railroads can recover for disarrangement of traffic.

Mr. NORRIS. Yes, sir.

Mr. REED. That is substantially the language. Now, if we assume that a farmer is shipping a trainload of cattle and they are thrown upon a sidetrack, in order to make way for some through freights that are being sent under the terms of this bill, and the cattle are there held for a week or any other period and shrink largely, that damage can be accurately ascertained, because the weight of the cattle, the amount of the shrinkage, and the market value can all be ascertained; the facts are susceptible of estimate and ascertainment.

Mr. NORRIS. Much more accurately than the damages the railroad company may suffer in the same case.

Mr. REED. But suppose that the railroad company now comes in and says, "Our traffic was disarranged by reason of this order; we sidetracked not only the trainload of cattle, but we stopped all of our trains on that day," is it not quite likely that that kind of damage which the railroad would suffer would be so indefinite that almost any kind of imposition might be put upon the Government, and is it not a much more dangerous class of claims against the Government than the claim of the individual shipper?

Mr. NORRIS. I think it is much more dangerous. I think that is a good illustration of it; but I should like to carry the same illustration a little further. Remember that this bill, as it is now drawn, would give to the farmer, of whom the Senator from Missouri speaks, shipping his cattle no damage whatever. It takes away his right to recover from the railroad; he will have no right to recover from the Government; but the order of the President could take the same cars in which his cattle were loaded in the middle of their journey and the cattle could be put out of the cars on the street, or on the prairie, or in the desert if the Government demanded and needed the cars. As a result, the shipper might suffer a complete loss; it might mean bankruptcy to him and the loss of a lifetime of hard work; but there is no remedy provided in that case, because it is said, "If we let him in, we will let in some other fellows who do not have good claims, and there would be lots of them." Yet it is proposed to let in the railroad companies with any kind of an indefinite claim.

If we are going to base this legislation on the proposition of patriotism, that when the order of the President comes it is the duty of everybody to suffer his loss, however great it may be, then we ought to make no exception, and particularly no exception on behalf of the only ones that do get something out of the President's order. The bill provides that when the President takes cars or the traffic is disarranged by his order, and the President uses the cars for governmental purposes, he has to pay for them. He pays the railroad company for whatever use he puts the cars to. It seems to me the argument, the reason, and the logic are all in favor of giving the same right to a claim for damages to any shipper who may be injured.

My amendment would enlarge the bill greatly; I concede that; but there is no objection based on honesty or reason or logic against that enlargement, except that it is large and the bill is already oversize when we consider that it includes every railroad in the United States.

Mr. President, if this bill were amended as I have suggested in the amendment I have offered, the President would hesitate longer to issue an order than he would under the bill in its present form. It is a dangerous power. I presume, however, we must do something of this kind as a war measure; but it is going a long way in a dangerous direction. At least, we ought not to stop when we come to an honest, innocent individual who has been injured or ruined and say, "You must have patriotism enough to bear your damages," while the railroad company, which has only suffered a partial loss, and perhaps no loss, and perhaps made a gain, will be compensated for any loss which it may suffer. The individual, however, who may have his all tied up in the one transaction, has no remedy. Mr. President, it is too great a sacrifice to order any man to suffer. If the country gets into such a condition that such an emergent step is necessary to be taken, then we ought to be fair enough to pay to the men, no matter how many there may be, the damages which the order protecting us all has made necessary.

Mr. KNOX. Mr. President, I think that in many respects this is one of the most important bills which Congress will be called upon to act in connection with the war. As I understand the theory of the bill—and I shall first refer to the bill, and then afterwards to the amendment—it is that whenever "the public security and defense" require—and I quote the language of the bill, and I may say it makes no provision for any such authority under any other circumstances—the President, who is charged by the Constitution as Commander in Chief of the Army and Navy, and therefore having the supreme direction of the resources of the Government, in order to secure the public defense and insure the public safety, may do in respect to the transportation lines of the country the thing which the public security and defense may demand in the way of transportation of goods over the public highways.

Mr. President, it must go without challenge, because we have been legislating upon that theory here for the past six weeks, that in time of war, as well as in time of peace, when the public exigencies so demand, private property may be taken for public use, and not only may private property be taken for public use in toto, that is the full possession of private property and its administration taken for public use, but the taking may be to the extent only that the use demands, and that extent may only be partial. So my first proposition is, that without doubt, if the exigencies of war demanded, the President of the United States could take the absolute and undisputed possession of the railways of the United States and use them for the purposes of the Government; but evidently, Mr. President, in the judgment of those responsible for this bill no such situation has yet arisen.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Missouri?

Mr. KNOX. I do.

Mr. REED. I do not want to interrupt the Senator, but I would like to get his view a little more fully. He states that the President could take the railroads over. Could he legally take them without due process of law?

Mr. KNOX. Absolutely not. I did not make that statement, because I assumed that it was understood, at least by the lawyers of the Senate, that he would have to take them over under the Constitution, which provides that compensation shall be provided.

Mr. HARDWICK. Mr. President, will the Senator permit me there?

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Georgia?

Mr. KNOX. Yes.

Mr. HARDWICK. The Senator means, of course, under the authority of legislation?

Mr. KNOX. Of course, under the authority of legislation. I referred to the fact that we had been legislating upon that theory since we began the legislation in respect to the war.

I was about to say that those who are responsible for this bill evidently regarded that the exigency did not exist at present requiring the Government to take over the railroads under the Constitution and under legislation, and with provision for compensation, but that a partial exclusive use was an immediate necessity, or an immediate possibility, which is quite the same thing. So that, instead of taking over the railroads, this bill provides that where certain shipments of goods are, in the judgment of the Commander in Chief of the Army and the Navy,

necessary for the public security and defense all other traffic upon the railways shall give way to that public necessity. In that respect I regard this measure as not only wise and prudent but moderate—moderate in the sense that it imposes upon the Government a less liability to the railroad companies than would be imposed if the entire property were taken over and managed under governmental direction.

That, I think, is the correct theory of this bill; and adverting to the language used by the senior Senator from Georgia [Mr. SMITH] on Friday last, which I quote from the RECORD, I think, sir, that he has made one of the strongest arguments in support of the bill that has been advanced upon this floor. I read from page 3350 of the RECORD of the proceedings of the Senate of Friday last. The senior Senator from Georgia there used this language:

> I would not hesitate a moment to say that discrimination should be given in favor of moving war supplies—not a moment. If that were the standard, and it were limited to that, the bill would have my support.

Mr. President, I can not imagine how one can read this bill and fail to observe that that is the standard; for is it not perfectly evident that shipments of materials which are necessary for the public security and defense are war supplies? In time of war you can not assert that any material or any supply that is necessary for the public security and defense, which is the function of war, is not a war supply, and the President of the United States has not one iota of authority under the provisions of this bill to order a discrimination in respect to any class of freight or any shipment of any class of freight which does not measure up to the provision that it must be necessary for the public security and the public defense.

Mr. HARDWICK. Mr. President, would it bother the Senator if I should interrupt him on that precise point?

Mr. KNOX. Certainly not.

Mr. HARDWICK. I happen to have had some conference with Mr. Willard, a gentleman who is largely advised about this measure, and I happen to know that Mr. Willard's idea is entirely different from the Senator's present position.

Mr. Willard insisted to me, as I understood his insistence, that this bill meant a great deal more than the Senator from Pennsylvania maintains it can only mean; that it would be construed to mean, or operate to mean, something like this: That if two shipments were tendered to any one of the railroads, both of which were entirely disconnected with war supplies or with materials to be transformed into war supplies or with the movement of troops in any way, were utterly disconnected in any way with anything except the general industrial condition of the country, still the power of control to give priority between shipments of that class would inhere in the Government under this bill. An illustration that he gave me was that, for instance, if two shipments, one of pianolas and one of organs—and I can not conceive of either one of them having much to do with the war—were offered to a railroad, under this bill the Government would have and ought to have the right to say to the railroad which one of those shipments should receive priority.

Mr. KNOX. I have not the slightest hesitation in stating that there is not within the four corners of this bill the slightest authority for such construction.

Mr. HARDWICK. If the Senator will let me interrupt him for one more sentence, I just want to let him understand what is being contended for this bill in certain quarters. The Senator must realize, however, that the words "public defense and security" are pretty broad and elastic words, and that a great many people contend and are contending everywhere, in this Capitol and outside of it, that it is necessary to control all industry, all production, and all business in order, as they express it, to mass the entire Nation for war—to mobilize all the resources, as they put it, for war.

Mr. KNOX. Yes, Mr. President, the words are elastic, and necessarily so. War is a status whose breadth the human imagination can scarcely measure, and filled with infinite possibilities; and the discretion and the authority and the power to meet those infinite possibilities must be lodged in the Commander in Chief of the Army and Navy, else we fight to no purpose.

Mr. HARDWICK. Ah, yes; but, Mr. President——

Mr. KNOX. Mr. President, my remarks on this occasion will take but a very few moments more, and I should like to conclude that which I desire to say.

Mr. HARDWICK. I beg the Senator's pardon. I will answer him in my own time.

The PRESIDING OFFICER. The Senator declines to yield further.

Mr. NEWLANDS. Mr. President, I wish to ask the Senator whether he will permit me to correct here what I regard as a misapprehension of the Senator from Georgia with reference to Mr. Willard? Mr. Willard used to me the illustration regarding pianolas and organs, but he distinguished between the pianola and the organ on the one side as mere matters of luxury and the coal or iron on the other side as being absolutely essential to the industries that are creating the munitions of war.

Mr. HARDWICK. He used the illustration to me, if the Senator will pardon me, both ways. He said to me that the power was absolute to give priority as between them during the war.

Mr. KNOX. Mr. President, I have no doubt that Mr. Willard's expressions upon any subject are entitled to respect; but I am discussing this bill, and I am discussing it as I read it, and I am discussing it as I know the intelligence of the Senate will read it and interpret it, and that is in accordance with its language and its terms.

Mr. President, something has been said about the lodgment of power in the President of the United States. The senior Senator from Georgia [Mr. SMITH] has gone so far as to state that if he had his own way the Constitution of the United States would be so amended as that the Commander in Chief of the Army and Navy should no longer be the President of the United States, but that war should be directed in accordance with the instructions and the decisions of a board to be constituted for that purpose. Why, Mr. President, if there ever was anything that demands the single arm it is the prosecution of a war. Divided counsels in war are always fatal, and no one saw that more clearly than the fathers of the Constitution and those who expounded it contemporaneously.

I quote from Alexander Hamilton, who said that—

> The President of the United States is to be "Commander in Chief of the Army and Navy of the United States and of the militia of the several States when called into the actual service of the United States." The propriety of this provision is so evident in itself, and it is at the same time so consonant to the precedents of the State constitutions in general, that little need be said to explain or enforce it. Even those of them which have in other respects coupled the chief magistrate with a council have, for the most part, concentrated the military authority in him alone. Of all the cares or concerns of government the direction of war most peculiarly demands those qualities which distinguish the exercise of power by a single hand. The direction of war implies the direction of the common strength, and the power of directing and employing the common strength forms a usual and essential part in the definition of the executive authority.

So that, Mr. President, while of course it will be essential in respect to the administration of this power, as it is essential to the administration of all power, that the President shall act through those whom he may select and vest with authority and responsibility under his executive authority, yet if you make that objection to this measure, you make the same objection to every measure vesting in the President the power of executing the law.

So much for the bill, Mr. President. The bill, I repeat, proceeds upon the theory that we are taking in part the railways of the country for the public service. We are taking them in part in the sense that we are vesting in the President the authority to divert the ordinary traffic of the road in order that certain shipments essential for the public security and defense may pass expeditiously over the rails. In doing that and in providing compensation for that we are providing compensation for taking in a lesser degree than we would have authority to vest the President to take; and in that respect the bill is in entire consonance with the provision of the Constitution of the United States which provides that private property shall not be taken for public use without just compensation.

Now let me turn to the theory of the amendment, Mr. President.

The amendment does not deal with the relation between the railroads, which owns the highways, and the Government, which needs the highways. The amendment brings in the alleged claims or equities of a third party. It has no proper relation to the determination of the question as to how far we should go in vesting in the President the right to take the railroads, or take the use of the railroads, and the compensation that should be allowed for that use. It seeks to bring in the idea that one of the incidents or one of the effects of that taking is to take from the citizens of the country, who have shipments to make in the ordinary course of their business over the railroads, the privilege of making those shipments. Of course it does to a greater or less degree. It goes without the necessity of argument that if the Government requires the use of the rails in respect to a new class of shipments, and in respect to a class of shipments that the public security and defense demands shall be instantly made, the rails can not be occupied by two classes of traffic at the same time; and the preferential class of traffic which the President may designate as necessary for the public security and defense will, as I say, necessarily exclude the ordinary traffic of commerce, at least temporarily.

But, Mr. President, where was it ever heard of in any government that the inconveniences attendant upon war, even though resulting in pecuniary damage, were ever made the basis of a claim against the Government that was fighting that war for the people who were temporarily sustaining those inconveniences? Upon what higher ground does a shipment of cattle or of grain or of pianos or organs or pianolas, that have been mentioned, stand than the human factor in war? The Government of the United States reaches out and takes your son out of your business, upon whom you are depending for its success, takes your manager by force of the draft, aye, may take your entire organization. Has anyone ever heard of that being made a basis of a claim for damage against the Government?

It is true that under the Constitution of the United States if the Government takes your mule, which is worth $30, it must compensate you for the mule, because the Constitution so provides; but there is not in this land, and never was in any land, any provision of law that if it takes your son or your manager or your employees, even though the result of that taking might be your certain bankruptcy, it was the basis of a pecuniary claim against the Government.

Whose Government is this war being waged to maintain but the Government of the farmer and the manufacturer and the cattle dealer, and those who contribute to the ordinary merchandise of the country, and to its commerce?

Why, Mr. President, let us test the theory that lies at the bottom of this amendment by this illustraion: Suppose—and this is entirely a supposable case, and it is a case that may loom upon the horizon any day—that the exigencies of war demanded that we should at once transport several hundred thousand troops to Europe. Every vessel upon the Atlantic coast could be commandeered necessarily to perform that service, and every exporter upon the Atlantic coast would, as the result of the commandeering of those vessels, have to suspend his export business. Is it possible that we are to lodge a liability against the Government for that inconvenience?

That which to me seems to be the absurdity of this proposition could be illustrated by a thousand instances, but I know of no one that conveys to the mind the utter impossibility of a Government meeting that class of damages more clearly than the one I have given.

War is a dreadful necessity. War is a thing not to be lightly entered into. War is a condition that calls upon all for sacrifice—upon the father and the mother freely to give their sons; upon the farmer that if the highways of commerce are necessary for the common good and the preservation of our liberties and our land, he and his operations shall suffer temporary suspension; it falls upon us all in every way.

Mr. President, if this principle be incorporated in the bill, we will be making a precedent that will not only be novel in the history of civilized governments but will lead to the bankruptcy of our Nation.

Mr. POMERENE obtained the floor.

Mr. REED. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Ohio yield for that purpose?

Mr. POMERENE. I yield.

The PRESIDING OFFICER. The Senator from Missouri suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hollis	McKellar	Shafroth
Borah	Husting	McNary	Sheppard
Broussard	James	Martin	Smith, Ga.
Calder	Johnson, Cal.	Nelson	Smoot
Chamberlain	Jones, N. Mex.	New	Sterling
Cummins	Jones, Wash.	Newlands	Stone
Dillingham	Kellogg	Norris	Thomas
Fernald	Kendrick	Page	Thompson
France	Kenyon	Penrose	Trammell
Frelinghuysen	King	Phelan	Underwood
Gallinger	Kirby	Pittman	Vardaman
Gerry	Knox	Pomerene	Warren
Gore	La Follette	Reed	Wolcott
Hardwick	McCumber	Robinson	

Mr. KING. I desire to announce the unavoidable absence of the junior Senator from Illinois [Mr. LEWIS] on account of official business.

Mr. McKELLAR. I wish to announce the unavoidable absence of the senior Senator from Tennessee [Mr. SHIELDS].

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present.

Mr. POMERENE. Mr. President, I desire to express myself very briefly with reference to this measure.

If an attempt were made to compensate those shippers whose merchandise was in course of transportation at the time an order for preferential shipment is made by the President, I believe I would support it. I can realize how considerable damage might accrue to a shipper who had made shipments, not having any reason to anticipate that his goods would be delayed en route.

I do not think this bill is going to cause the damage, generally speaking, that Senators seem to anticipate. This bill does not give the President at all times the right to declare preference or priority in shipments, but he has that power only when he comes to the conclusion that it is necessary to the public security and defense.

The Senator from Nebraska seeks to amend the bill by creating a claim for damages in behalf of any "carrier, person, firm, or corporation" that may be injured by reason of any declaration of preference or priority. Let us for a moment examine this and see to what extent the proposed amendment would go. If a producer in the ordinary course of business had in his employ 100 people and the President should find that the public security required him to make an order giving priority to the shipment of war supplies which would interfere with the shipments of this producer to the extent of 50 per cent, would a claim lie against the Government for that amount? If his goods were not manufactured at the time the order went into effect, would he still be justified in continuing his manufacture and let his goods remain in the warehouse, depending on the right to recover against the Government because it saw fit to declare preferential shipments in order that it might prosecute the war?

There is a vast deal of difference between the shipper to whom the Senator from Nebraska refers and the railroad company. Under this bill the Government simply declares that certain shipments shall be preferential. To that extent it controls the traffic of the railroads. To that extent, either directly or by proxy, it is in possession of the railroad and is operating it. But the President does not take hold of the manufacturing plant or the mine or the storehouse or the business establishment of the shipper. The point made by the Senator from Nebraska would be very effective and very illustrative if the President were to take possession of his manufacturing plant, or his mine, or his business establishment.

Mr. REED. Mr. President, I do not want to interrupt the Senator if it is at all disagreeable to him. He is discussing a very interesting point. He states that the Government does not take possession of the business of the manufacturer, but does take possession of the railroad in effect. I desire to suggest to him in the interest of what I think is fair a statement that he overstates one proposition and understates the other. The Government does not take possession of the railroads. The Government allows the railroads to remain in the hands of the railway officials, but directs them to use the property of the railway so as to prefer one shipment over another.

Now, what does the Government by that action do to the shipper? It is true it does not take possession of the factory of the shipper, but if it holds a train carrying the goods of the shipper in transit, has it not done to the shipper an act which is equally as much a seizure of his property as the act of ordering the railroad company to prefer one shipment over another constitutes a seizure of the road? Are not the two cases very close together?

Mr. POMERENE. Not at all, in my judgment.

Mr. REED. Very well.

Mr. POMERENE. I did not mean to be understood as speaking literally when I said we took possession of the roads. We are taking control of them pro tanto when we direct that certain shipments shall be made.

Mr. REED. And we control all the trains of cars containing the shipment of goods pro tanto when you order them to be sidetracked.

Mr. POMERENE. The Senator does not have in mind the statement that I made in opening my discussion. I said if this amendment were limited to shipments that were in the course of transportation at the time the order was made, I would be constrained to favor it; but when it comes to new shipments that have not yet started on their course, when it comes to shipments that may be still in the mine, or that may not have even been manufactured, then certainly an entirely different rule applies.

I realize that we must all be subjected to more or less inconvenience when we are prosecuting a great war, but I have too much confidence in the patriotism of the American people to believe that they want this Government to be harassed on account of every inconvenience that may be brought upon it because their shipments have been interfered with more or less by reason of a great public necessity.

If I may address myself further to the amendment which has been offered by the Senator from Nebraska, let us see to what

extent it would lead. His language is that if any person, firm, or corporation shall sustain injury or damage. Suppose we have a merchant who is serving a given community and he is shipping eggs and farm produce from his warehouses weekly. He finds he is not able to make these shipments, and because of that reason he refuses to buy from his neighbors who have been his customers, or pays them a less price for their products because he does not know whether he can make regular shipments or not. Would an action for damages lie in behalf of the farmer who is raising the produce? I am quite sure that the Senator would not go that far.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Will the Senator from Ohio yield to the Senator from Nebraska?

Mr. POMERENE. I yield to the Senator.

Mr. NORRIS. If the Senator is asking a question and expecting an answer I will say that, in my judgment, in the case the Senator puts there would be no claim for damages.

Mr. POMERENE. I am very glad to hear the Senator construe his own language, because I am afraid it might be susceptible of the construction which I have attempted to place upon it.

Mr. NORRIS. I, of course, can not control the Senator's construction, but I do not believe that by any possible construction of the language he could go back as far as he has gone and make a case for damages.

Mr. POMERENE. Does the Senator believe that this shipper should have a claim for damages because he could not ship goods during the ensuing month which he might buy?

Mr. NORRIS. If the Senator wants an answer, of course, he can get on ground where men might differ and the damages would be remote. As a question of law, with which the Senator is very familiar, of course, if the damages were too remote they could not be collected. They could not be collected against the railroad company in that case if no order were made by the President controlling the railroad company.

Mr. POMERENE. I recognize the difference between the rule of damages and remote damages, but this is an entirely new proposition, and the Senator is magnanimous enough to take care of people generally, no matter what may be the result to the Government.

I made some search of the legislation covering this subject and I have not as yet been able to find any statute which would permit the recovery of damages by shippers who might be incidentally injured by the Government taking possession of railroads or directing their operation. But we have a precedent in the legislation of Congress during the Civil War, and I want to call the attention of the Senate to it. I refer to the act approved January 31, 1862, entitled "An act to authorize the President of the United States in certain cases to take possession of railroads and telegraph lines, and for other purposes." The first section, in substance, provides—I will not read the entire text——

Mr. REED. Where is the statute found?

Mr. POMERENE. In the twelfth volume of United States Statutes at Large, 334.

In substance it recites—

> That the President of the United States, when, in his judgment, the public safety may require it, is authorized to take possession of any or all the telegraph lines in the United States, their offices and appurtenances; to take possession of any or all the railroad lines in the United States, their rolling stock, their offices, shops, buildings, and all their appendages and appurtenances; to prescribe rules and regulations for the holding, using, and maintaining of the aforesaid telegraph and railroad lines; and to extend, repair, and complete the same, in the manner most conducive to the safety and interest of the Government.

And to place them under military control when the public safety requires it. The third section of the act provides:

> That three commissioners shall be appointed by the President of the United States, by and with the advice and consent of the Senate, to assess and determine the damages suffered, or the compensation to which any railroad or telegraph company may be entitled by reason of the railroad or telegraph line being seized and used under the authority conferred by this act, and their award shall be submitted to Congress for their action.

During the time of the Civil War when it became necessary at certain times to entirely suspend the traffic upon certain roads Congress then did not find it necessary to take care of the shippers who might, directly or indirectly, be injured by reason thereof. The injury which they sustained was the injury which the country at large sustained because of the war.

Mr. KING. Damnum absque injuria.

Mr. POMERENE. Truly, as the Senator from Utah says, it was damnum absque injuria. I do not know that the shippers at that time were insisting upon being compensated in damages. I believe there is such a spirit of patriotism in this country today that the shippers, with rare exceptions, are not going to ask that they be compensated by the Government for any of the damages to which their business may be incidentally subjected. They are interested in having the movement of their freight interfered with as little as possible. And certainly we want to protect them in that behalf as much as possible.

Mr. HARDWICK. Will the Senator yield?

Mr. POMERENE. I yield to the Senator.

Mr. HARDWICK. I quite agree with the Senator—damnum absque injuria; but why does not the same principle apply also to railroads? We are going to compensate them for all they do for the Government? Why is it not exactly correct that they should both stand right together and neither one of them get a cent for any incidental loss that occurs?

Mr. POMERENE. No; Mr. President, the situation is entirely different in the two cases. In the one instance, we take the property of the railroad.

Mr. HARDWICK. But we pay them for its use, if the Senator will pardon me.

Mr. POMERENE. Just one moment. We take possession of the property of the railroads. We are directly interfering with their business. They are doing a carrying business, and we are interfering directly with their carrying of property from one point to another. It is not so when it comes to the manufacturer. We are only indirectly interfering with him. It may be that he has some other route by which he can send his shipments if he desires; but that is not true of the railroad. It may be that it would be for the good of the Government to say that on a given road only one kind of traffic shall be carried. It may be coal, to use an illustration, and the cars all going in one direction loaded to their destination. It may be that the Government will find it necessary to say that all the empties shall go to the original shipping point over another route. If so, is not that road being directly damaged because its traffic has been directly interfered with?

I should regret exceedingly to have any damage occur to anyone in this connection, but it seems to me that we are courting a lot of trouble, a lot of expense, when we attempt to say that every shipper shall be compensated for his damage, no matter how great or small and no matter whether the damage be direct or indirect.

Mr. STERLING. Will the Senator yield before he concludes?

Mr. POMERENE. I yield to the Senator.

Mr. STERLING. I note the Senator's criticism of the amendment offered by the Senator from Nebraska. I think myself that the amendment is too broad in the fact that it allows the prospective shipper as well as the actual shipper to recover damages. But suppose the shipment has begun or a contract of shipment has been entered into with the railroad company before this order or decision giving priority or preference is made. Does not the Senator think there is a contract right which is in fact property in itself and for which the shipper should be compensated?

Mr. POMERENE. The Senator evidently was not in the Chamber when I addressed myself to that very question. I stated that if an amendment were offered which would limit the claim for damages to shipments that were in the course of transportation at the time the order was made by the President, I would be disposed to favor it.

Mr. REED. Mr. President, the more one considers the proposition involved in the amendment of the Senator from Nebraska [Mr. NORRIS], the more one considers the text of the bill which he seeks to amend, the more we are driven, it seems to me, by irresistible logic and the equities involved to the position either that all shippers and shipping companies shall be compensated for the damages actually inflicted by reason of a governmental interference or else we are driven to the other view that neither the shipper nor the shipping company is to be compensated for damages.

I speak of damages in this sense in contradistinction to the term "service," a point I shall try to make clearer by this statement. If the Government of the United States were to demand from the Pennsylvania Railroad that it should send a special train from New York to the city of Washington, sidetracking all its business and rushing that train through, it would be demanding a special service from that company, one which it would be obliged to pay the railroad company for performing, and the railroad company would have no difficulty in recovering, because there are no schedules for special trains of that kind, it is bound down by no rate sheet or regulation, so that when the Government comes to demand a special service it, of course, will pay for that special service. In what I have to say hereafter I eliminate that element from the term damages as I propose to employ it.

Mr. NEWLANDS rose.

Mr. REED. I will thank the Senator if he will withhold his question for a moment until I conclude this statement. The

bill as it is drawn proposes to compensate the railroad company for any damage which it may have suffered by reason of giving a preference or priority of transportation or by reason of disarrangement of its traffic caused by giving such preference or priority. Plainly the intendment of the bill is not only to pay the railroad company for hauling the special train, but to pay the railroad company for any damage which may occur to it through some interference with its traffic, direct or indirect, caused by the hauling of that train.

So, to follow my illustration of the train running from New York to the city of Washington, specially ordered by the Government to be sent through, regardless of all other traffic, the railroad company would charge for sending that train through, and then the railroad company would present a claim in which it would say that by reason of sending that train through it was obliged to sidetrack perhaps two or three hundred other trains, that it lost the services of its engineers and its firemen and the full use of its track and its equipment, and thereby it was damaged and injured, for which it would ask just compensation.

Mr. President, that does not present a claim of the character discussed by the very distinguished Senator from Pennsylvania, who presents a claim where the Government has not taken the property of the railroad company, has not demanded a special service of the company which it has not paid for, but a damage which was incidental to the Government's demand for a special train, and that damage consisted in the fact that the railroad company was obliged to sidetrack certain trains instead of sending them on to their destination.

Now, how does that latter claim differ from the claim of the shipper? One of these trains that the railroad company has sidetracked, and for the sidetracking of which it asks damages, is loaded with my cattle, and the Government has actually in effect commandeered my train that I had chartered and that now includes my cattle and has put them upon a sidetrack and physically interfered with the sending of those cattle to their destination and physically has laid its hand upon my property.

If the railroad company can get damage because the train was put upon a sidetrack under this order of the Government, why should I not get damages because my train that I hired from that same railroad company was put on a sidetrack? I will defy any logician this side of the outer walls of the Senate to draw any real distinction between those two cases.

Mr. HOLLIS. Mr. President, does the Senator want a reply to that immediately?

Mr. REED. Yes; if the Senator thinks he fits my specification, I should be glad to have a reply.

Mr. HOLLIS. I do not claim to be a logician, but I have practiced law somewhat, and I have had to deal with matters of this sort. The distinction is this: When you interfere with a man in his public right he has no ground for damages. When you interfere with him in his private right he has a ground for damages. To illustrate: If a community should discontinue a highway or block it up for the purpose of repair, it would then interfere with the public rights of anyone who desired to use it at that time. For such an interference a man, as a member of the public, can not recover damages. But if a community in building a highway should cut off a man's private way of access to his piece of land, then the community would interfere with a man's private right, and the man could recover damages for cutting off his access to his private land.

Now, applying that to the case in hand, the man who ships cattle does not hire a train; he merely exercises his public right to ship under the ordinary rules and regulations by paying the ordinary tariff. That is his public right to ship. The railroad is not dealing with the Government in its public right but in its individual right as the owner of the property. So when the Government interferes with the railroad's direction and use of its private property the Government is interfering with the railroad in its private right of compensation and must compensate the road. When the Government interferes with the shipper who is trying to ship his cattle it is interfering with the shipper in his public right and the shipper has no right to recover. That is the distinction, as I understand it.

Mr. REED. Mr. President, I ought not to have employed just the language I did when the Senator rose, because the Senator is a logician and a very able lawyer, and I say that in all sincerity; but the Senator has not drawn a logical distinction. He has told us of a harsh, brutal old rule of law that has deprived many a man of his property, many a man of his just rights, and has outraged the spirit of equity thousands of times. I am talking about this question from the standpoint of right and wrong. I say that the Government can take possession of these railroads by the strong arm and can hold them without ever paying anything for them, if it wants to do it, regardless of law and Constitution and right. The power to do a thing does not mean that the exercise of that power shall be a just exercise. So I say, while it is true that the Government of the United States can pass this law and can leave the shipper's cars on the sidetrack and let him suffer, as a matter of principle there is no difference between the just right of that shipper, the equitable right of that shipper, to recover for putting his train containing his cars on a sidetrack and the right of the railroad company to recover because its train that the shipper had hired was put upon the sidetrack.

Mr. President, all this is by way of preliminary to what I think is inevitably the correct solution of the question so far as it is presented by this amendment. There are many other questions involved in the bill, but I want to confine my remarks to this question. It is this: A railroad company, when a train is ordered to be sent through, or when goods are ordered to be sent through, so that other traffic must be set aside will, in my opinion, be entitled to a special rate for that service, and will get that special rate, and they ought to be entitled to that special rate—a fair and a just rate. They ought not, in my opinion, to be entitled to anything except that rate. They should not be given any resultant damages; any damages for interfering with their traffic; anything except that which is covered by the rate itself, unless we extend the full right of recovery to all shippers who have their goods in transit, and for this reason——

Mr. CUMMINS. Mr. President——

Mr. REED. If the Senator will pardon me—and then I will gladly yield—for this reason: War, as has been justly said, visits its calamities upon a people. When you go beyond the mere direct compensation for property which you may take you have entered that vast field of consequential damages, the boundaries of which no man can draw. For instance, you say to the railroad company: "Your traffic was disarranged as to a certain train; therefore you can recover all the consequential damages." You say to the shipper whose train has been sidetracked, "You can recover your damages because your train was sidetracked." Then logic would lead you to say to the builder who had goods ordered and who had to stop his building, "You can recover." Yet you have now entered a field which includes practically every human being in the country, for it must be true that you can not disarrange the business of the land by war, by interference with commerce, unless it affects everybody to some extent. It is getting to be my opinion that the only thing to do is to pay the railroad company for the particular special service that it performs, and to allow no damages to anyone, but permitting the damage which will result from the interference with traffic to be regarded as one of those calamities incident to war; and that is so widely distributed that you can not possibly gather up and settle the various claims and equities which may exist.

I now yield to the Senator from Iowa.

Mr. CUMMINS. Mr. President, I do not know whether or not I ought to interrupt the Senator from Missouri, because, if I interrupt, it can not be through a mere question. I fear that the Senator from Missouri has not yet comprehended the view of those members of the committee who are responsible for this bill. If I may do it without seriously interfering with the argument of the Senator from Missouri, I should like to indicate to him how, at least, I feel about it, so that he might answer as he goes on.

Mr. REED. The Senator from Iowa has my permission to do so.

Mr. CUMMINS. The Senator from Missouri, of course, knows that for the purpose of merely giving priority to Government shipments we do not need any legislation of this kind. We have had legislation of this kind for many years. There is in the interstate-commerce law this provision, which is found in the latter part of section 6:

> That in time of war or threatened war preference and precedence shall, upon the demand of the President of the United States, be given over all other traffic for the transportation of troops and material of war, and carriers shall adopt every means within their control to facilitate and expedite the military traffic. And in time of peace shipments consigned to agents of the United States for its use shall be delivered by the carriers as promptly as possible and without regard to any embargo that may have been declared, and no such embargo shall apply to shipments so consigned.

If the only thing desired at the present time were to give preference to shipments made by the United States, either of troops or material of war, the authority in the law as it has existed for years is ample.

Mr. HARDWICK. Right there, if it will not interrupt the Senator, I should like to ask him a question.

Mr. CUMMINS. I feel that I am trespassing on the time of the Senator from Missouri. I should like to get this down to a real

issue; but I have no objection to listening to the Senator from Georgia.

Mr. REED. I have no objection to the interruption.

Mr. HARDWICK. In the opinion of the Senator from Iowa, does the provision as now contained in the law include this?—

To the prompt movement of the military and naval forces of the United States, and all supplies therefor, and all material necessary to be used in the manufacture of arms, munitions, and equipment therefor.

Mr. CUMMINS. I think that is not essentially different from the law as it now is.

Mr. HARDWICK. I should like to have the Senator's opinion as to that.

Mr. CUMMINS. I should not like to undertake an accurate definition of the words "war material."

Mr. HARDWICK. That is the point.

Mr. CUMMINS. Those words are used in the statute as it is now. Whether they are broader or narrower than the words used by the Senator in his proposed amendment, I would not like to say without reflection; but I beg the Senator from Missouri to remember that this law seems to be necessary in order to give the President authority to declare a priority or preference in shipments made by private individuals, not by the Government alone. It is that feature in the proposed statute which gives rise to all the difficulty that is foreseen by the Senator from Missouri.

One step further. We have a statute already in force which gives to the President in time of war the right—

To take possession and assume control of any system or systems of transportation, or any part thereof, and to utilize the same, to the exclusion as far as may be necessary of all other traffic thereon, for the transfer or transportation of troops, war material, and equipment, or for such other purposes connected with the emergency as may be needful or desirable.

Mr. REED. Will the Senator from Iowa give me the section which he has just read?

Mr. CUMMINS. The statute which I have just read is found in the "act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916, and is on page 29 of the pamphlet copy of the law.

Mr. REED. The law was passed only recently?

Mr. CUMMINS. It was passed last year.

Mr. REED. Yes; it was passed in view of the war which now exists.

Mr. CUMMINS. Undoubtedly.

Mr. REED. As to the other section which the Senator read a few moments ago, which he said had been on the statute books for many years, and which he read from the interstate commerce act, is the Senator not in error? Is that not an amendment to that act which was adopted on the 2d day of August, 1916?

Mr. CUMMINS. I think not.

Mr. REED. It is so marked in the margin, and I never remember having seen it in the original interstate commerce act.

Mr. CUMMINS. I will not say definitely as to that.

Mr. REED. I call the Senator's attention—I have sent for the interstate commerce act—if he will pardon me, to the marginal note.

Mr. CUMMINS. I know the latter part of the act was amended in 1916, but my recollection is that the preference part of it has been the law for a long time.

Mr. REED. Perhaps the Senator from Iowa is right. I do not know.

Mr. CUMMINS. But that would make no difference one way or the other with what I am suggesting, because both provisions are now parts of the law.

The committee was attempting here to give the President authority to prescribe a preference or priority in shipments other than those made by the United States, and, if I may suggest it to the Senator from Missouri, the reasons for giving the railway companies or the carriers damages for the injury which they may suffer by reason of the order of preference or priority does not grow out of any tenderness or favor to the railway companies, but it grows out of a disinclination to allow the railway companies to recoup their losses by increased rates to be paid by the shippers instead of by the general public.

If the income of a railway company or a carrier is not sufficient, it is made adequate by an increase of rates, and the increase must be borne by those who employ the service of the carrier. We believed it to be vastly more equitable that the increase which might be made necessary by the interference of the Government for purposes of war should be borne, not by those who happened thereafter to employ the railway company in transportation, but that it should be borne by all the people of the United States. It is absolutely necessary that the railway companies shall continue to be efficient avenues of transportation. We do not need men more than we need adequate facilities for transporting the products of the country from one part of it to another; and if the revenues of the railroads are so depleted by the war that the lines can no longer answer their functions, we will suffer a disaster only second to the disaster which would follow the inadequacy of our troops. Now, somebody must pay that money. Who shall pay it? Shall it be the shippers of freight, or shall it be the people generally?

I thought I ought to say this much, because the thought I have just expressed at least furnishes the basis for my belief that we must maintain in some fashion or other the efficiency of our transportation systems, and I believe it is more equitable to maintain that efficiency through the allowance of compensation for such injury as may be suffered than to permit the railroad companies to add to their general freight charges to make up the deficit in their revenues.

I shall take occasion, Mr. President, a little later on, I hope, to pass through the various parts of this bill in a connected way, but I felt it was due to the Senator from Missouri to give him at least my view of the justice of the provision now in the bill.

Mr. REED. Mr. President, I am of course obliged to the Senator from Iowa for his remarks, always illuminating, and I shall, as I proceed, perhaps have occasion to refer to some of the views he has advanced; but now, in order to clear up the matter of the legislative status—and of course, with the question raised, while on my feet and depending largely upon recollection, I may be in error, just as the Senator from Iowa, who would not make an error if he sat down to collate the law, may have been in error; but as I understand the situation, the interstate-commerce act did not contain the language the Senator read, which is as follows:

That in time of war or threatened war preference and precedence shall, upon the demand of the President of the United States, be given over all other traffic for the transportation of troops and materials of war, and carriers shall adopt every means within their control to facilitate and expedite the military traffic. And in time of peace shipments consigned to agents of the United States for its use shall be delivered by the carriers as promptly as possible and without regard to any embargo that may have been declared, and no such embargo shall apply to shipments so consigned.

That, Mr. President, I am quite confident, was a part of a bill passed on the 2d of August, 1916.

Mr. CUMMINS. That may be true. I have not examined it. I never have had occasion to examine it. I was told in a discussion had not many hours ago that the first part of the paragraph has been the law for many years, but the Senator from Missouri may be right about it.

Mr. REED. I may be wrong, but I think I am right. I think that it is all new matter. While I have been on my feet one of the Senators kindly looked through the interstate-commerce act, and that was his view. So now it appears that as early as August, 1916, but since the European war has challenged our attention to these grave matters, we proceeded to legislate, and at that period we had conferred upon the Federal Government the right of priority as to troops, material of war, and so forth.

We again dealt with the question in a bill making appropriations for the support of the Army for the year 1917. That bill was approved as late as August 29, again the language being:

The President in time of war is empowered, through the Secretary of War, to take possession and assume control of any system or systems of transportation or any part thereof, and to utilize the same, to the exclusion as far as may be necessary of all other traffic thereon, for the transfer or transportation of troops, war material, and equipment, or for such other purposes connected with the emergency as may be needful or desirable.

Those two clauses give a very wide power. I am glad the Senator called attention to them, because they bring sharply before us the real purpose of this bill, and we might as well discuss the bill with that in view. They also throw a flood of light upon the meaning of the words so forcefully discussed by the Senator from Pennsylvania [Mr. KNOX], to wit, the language "public security and defense," because it is now manifest from the remarks of the Senator from Iowa, who is a member of the committee, and from the previous legislation to which he has called attention, that the purpose of this bill is to give to the President of the United States the power to control all shipments and all lines of transportation in any way which he may regard as necessary for the public security and defense, and that the terms "public security and defense" are to be so broadened in their meaning as to embrace all those acts which may, in the opinion of the President, conduce to the strengthening of the country.

I hope I can arrest the attention of Senators to this situation. It stands now practically admitted that the purpose of this bill is to confer upon the President the right to give a preference to the shipment of any kind of goods over any other kind of goods when he thinks that by so doing the public security and defense will be furthered, and that the power so to be exercised is vested in his discretion, and from his discretion once exercised there is, of course, no possible appeal. There is no tribunal to pass upon that discretion.

We understand, from the remarks of the Senator from Iowa and from the consideration of this bill in the light of the previous legislation which had already conferred upon the President or the Secretary of War the right to take possession of all the railroads for military purposes, that it is intended now to confer upon the President the additional right to do that which he may think will make for the success of this Nation in war. That, of course, necessarily means that if the President of the United States should conclude that it was desirable to stop traffic in anything, he could do so. In other words, it is intended to inaugurate upon this continent and in this country the same policy which now obtains in those countries where the enemy is thundering at the gates; where every resource of the private citizen, where every human being and every animal and every piece of property of any kind is regarded in law as already mobilized and under the control of a central government.

To state this matter more concretely, the proposition of this bill is to give the President the right to say, if he sees fit to do so: "You shall ship all the cars of the United States west loaded with coal, and nothing but coal, for the next 10 days. You shall stop absolutely all other traffic, and haul coal to the exclusion of any other kind of business. I do this because I believe it makes for the national defense, and it makes for the national defense because you must distribute coal over the country in order that the country may be strong." Or it would confer the right, if the President saw fit so to use it, to say that they should ship nothing but corn for a certain given period of time; or it would confer the right to say that cement should not be shipped, but that the cars should be employed for the purpose of hauling some other kind of goods. In a word, Mr. President, it is proposed now to legalize that which has been going on for a number of days or weeks or months, and to confer that power absolutely upon the Executive.

Mr. SMITH of Georgia. Mr. President, would it interrupt the Senator if I should ask him a question at this point?

Mr. REED. Nothing that the Senator might do would interrupt me.

Mr. SMITH of Georgia. Is it not also true that if the railroads could show that they were offered a high-class merchandise at a high-priced haul, and hauled the coal, under the terms of this bill they would be paid out of the Government Treasury for hauling the coal the difference between ordinary coal haul and high-class merchandise?

Mr. REED. Why, undoubtedly that might result.

That brings me, since I have been led aside from discussing directly the amendment offered by the Senator from Nebraska—and I should have taken my seat long before this if it had not been for the digression—to this proposition: It is now demanded that there shall be vested in the President the discretion to take every railroad in the United States, and every kind of goods that are shipped in the United States, and to dispose of those railroads and those shipments as he may see fit, because within the meaning of the term "the national defense and public security" is embraced, according to the analysis of the Senator from Iowa, the doing of all those things which, in the opinion of the President, may strengthen our Nation.

Mr. CUMMINS. Mr. President, I must not be misunderstood. I agree that a President could do the thing which has just been suggested by the Senator from Missouri, and there is no remedy; there is no appeal from his discretion; but a President who would do the thing, unless the preference or priority was in some way connected with the public defense, ought to be impeached.

Mr. REED. Then, Mr. President, again we find ourselves still more beclouded. I thought I understood the Senator, but it appears I did not. Plainly, therefore, we ought to adopt language here that is not susceptible of the construction I have just been contending this language was intended to embrace.

Mr. CUMMINS. I should be very glad to see the field of discretion narrowed if it can be done successfully; but I would rather trust the discretion of the President, believing that he would not abuse it, than to deprive him of a just power that might become absolutely necessary in the course of the war.

Mr. REED. Mr. President, we can not differ on that question. There is not a Senator in this body who does not want to see our Government, our people, win this war; to win it with the least possible loss of blood and of treasure and of tears. There is not anyone in this Chamber who does not believe that all the power that is necessary should be conferred. The sole difference between us is, What power is necessary? And upon that patriotic men, and men who respect or love the President, may honestly differ.

I hold to the view that Congress was obliged to give the President the power to have shipments of munitions or of troops preferred, and I voted for that measure and supported it. I likewise supported the measure which gives to the Secretary of War the right to take possession of the railroads for the purpose of moving the troops and munitions of war, and of course that means all the vast stores of supplies that the Army needs and everything that is essential to the Military Establishment. It perhaps is not broad enough to cover the right of the President to order a preference of iron or steel that is being sent to a factory to be employed by that factory in making munitions or building ships or similar uses. The language of the law as it now stands is perhaps not broad enough to cover the furnishing of the supplies that are about to be employed for sustaining the Army and maintaining the Navy, and in that respect I think we all agree the law ought to be broadened. Now we come to the sharp line of demarcation: Ought we to confer upon any human being the right, under existing circumstances, to prefer one class of goods or one shipment of goods by one private citizen over another class of goods or another shipment of goods by a private citizen, neither of them having anything to do with the maintenance of our Army or our Navy or of our defense?

Mr. CUMMINS. Mr. President, I am sure the Senator will be glad to have put into the RECORD at this point the fact that the part of the interstate commerce act which I read relating to the power of the President to direct a preference or precedence has been a part of the law for many years. As I recall, that part of it which relates to shipments made to agents of the United States, irrespective of any embargo that may have been declared, came in in 1916. The other part was enacted in 1906.

Mr. REED. Mr. President, I thank the Senator for clearing up the record finally on that. The act of 1916, however, which gave the right to take over the railroads themselves, of course, was even broader than the original act.

The question that presents itself now is this: Should we give to the President, under existing conditions, the right to declare an embargo upon one kind of freight for the benefit of another kind of freight, or a preference of one class of shipments over another class of shipments, when the transactions are purely private, and when neither of the shipments has anything to do with the matter of militafy supplies or equipment, but all of them may be said in the broadest possible sense to concern the general welfare, and in that sense to conserve our military strength?

I think that is the question we have to settle; and I think it ought to be entirely possible to find language that will give to the President every power he ought to possess, and yet will not confer the power to prefer the business of one concern over that of another, or to wreck the fortunes of private individuals when the ability to carry on the war is not concerned.

Mr. President, I know that it has become a sort of fetish with the American people and with Congress especially that all you have to do to solve any problem, and solve it right, is simply to pass the power and responsibility over to the President of the United States. I have heard distinguished Senators say—I think upon this floor—that the responsibility of this war is on the President; that he is Commander in Chief of the Army, and that we ought to give him full power because it is his responsibility. Mr. President, I utterly repudiate that doctrine. It is a convenient doctrine for the man who would himself escape responsibility.

Mr. CUMMINS. Mr. President, I hope that because I am supporting this bill the Senator from Missouri will not classify me as one of the Senators who believe that we ought to put all the responsibility for the conduct of affairs during the war upon the President.

Mr. REED. Mr. President, I was not referring to the Senator from Iowa—not at all. I am referring to a sentiment that is quite universal, and that I have heard expressed by Senators and by Congressmen, to the effect I have just declared; and I do not care to repeat the language now. I repudiate the statement. I call upon Senators of the United States to do their duty.

Why, Mr. President, the right to declare war is not in the President but in the Congress. The provisions of the Constitution are that Congress shall have the right to declare war and to carry on war. We vote the supplies; we declare the war; we say how large the Army shall be; we determine whether it shall be volunteers or drafted men; we determine the number of cannon and the number of rifles. The conduct of the war, sirs, is our responsibility, placed upon us by the Constitution of the United States, and we can not escape it.

Mr. VARDAMAN. Mr. President, if the Senator will pardon me, he should not overlook the fact that it is also the office of Congress to determine the terms of peace.

Mr. REED. Oh, yes. We were sent here by the people to perform these duties devolved upon us by the Constitution, and we can no more escape that responsibility than the President

can escape the responsibilities that are devolved upon him. It would be just as proper for the President of the United States to declare that he hereby turned over the command of the Army to the Congress of the United States as it would be for the Congress to turn over to the President the high functions devolved upon it by the Constitution of the United States.

One may stand and talk in this manner and talk to deaf ears; but as certainly as there is a God in Israel—and some of us still believe there is—the day will come in this country when an accounting will be had, and the question will be asked, "Have you been faithful servants?"

There is more involved in this than any question of personal regard for the President; there is more involved in this than the questions of the present time. That which we do to-day will become a precedent for to-morrow; and every responsibility we avoid will be taken as an excuse in the future for the assumption of power, upon the one hand, and for the escape of responsibility, upon the other hand, by another branch of the Government.

The foundations of republics are not swept aside in an hour. The citadel of human liberty has never been destroyed by one great tempest that suddenly burst upon it. Always by slow degrees, by almost invisible methods, power is concentrated and again concentrated. The representatives of the people lose a little here and a little there, sometimes because they are pusillanimous, sometimes because they are swept away by what they think is patriotism. But it is only after these sinister and evil acts have taken place that there comes the evil day with the man on horseback; and never did one of them come yet but he bore aloft in his hand the banner on which was inscribed, in flaming letters, his devotion to liberty, his love of the people, his desire to preserve the State.

I do not think we have any such menace to-day, and would not be so understood; but I appeal to the Senate to do its share, not by passing a law passing on responsibility and power, but by staying here and dealing with these great questions as they arise, and dealing with them as legislative questions.

But, Mr. President, whoever reads this bill, and reads it in the light of public experience, must know that there is no expectation that the President of the United States shall personally exercise these great powers. If that could be done, if the President could sit down and pass upon each one of these important questions as it arises—while I would regard Congress as having abandoned its just duties when it conferred such remarkable powers, I would nevertheless feel much better satisfied than I can under existing conditions, for I know Members of this body must know that the vast duties now devolving upon the executive department—the attempt to mass an army of considerably more than a million men, to gather these men from their homes, to put them in camps, to train them, to furnish them with equipment, to provision them, to build vast fleets of commerce and mighty argosies of war—will be delegated and turned over to individuals; and, if we are to judge by the experience of the past, to individuals who are not officers of the Government, to individuals who owe no responsibility to this Government or to the people of any State, to volunteers who have gathered here from the four quarters of our Nation, many of whom are undoubtedly men of the highest character and most exalted patriotism, but some of whom I believe are here for sinister and selfish purposes.

So, Mr. President, we must view this question from that aspect; and that it was the intent of those who drew the bill to confer this power so that it could be delegated to others can not be doubted by those who candidly read the language of section 2.

Mr. NEWLANDS. Mr. President——

Mr. REED. I yield to the Senator.

Mr. NEWLANDS. Do I understand the Senator to contend that these officials designated by the President to whom he may give his directions will not, when designated by him, be officials of the United States?

Mr. REED. I think they could be officials and they could be nonofficials.

Mr. NEWLANDS. I do not understand it so at all. As soon as they are so designated they are officials. The bill expressly provides that if they are existing officials they shall receive no compensation for their services, but the persons not in the employ of the United States so designated shall receive such compensation as the President may fix. Just as soon as they are designated and their compensation is fixed they become officials of the United States.

Mr. REED. I do not agree that it is so limited, but if that were true it would only mean that these powers could be exercised by unknown individuals to be hereafter selected by the President, and they are given a power that is greater than any king or potentate of earth has exercised in a time of peace within the memory of man. Let us see what the language of section 2 is:

> That during the continuance of the war in which the United States is now engaged the President is authorized—

Now, note the language—

> whenever in his judgment such action is necessary to the public security and defense, to direct that certain kinds of traffic or particular shipments, as may be determined by him, shall have preference or priority in transportation by any common carriers by railroad or water, under such arrangements, rules, and regulations as he may prescribe. He may give these directions at and for such times as he may determine, and may modify change, suspend, or annul them, and for any such purpose he is hereby authorized to issue orders direct, or through such person or persons as he may designate for the purpose. Officials of the United States, when so designated, shall receive no compensation for their services rendered hereunder. Persons not in the employ of the United States so designated shall receive such compensation as the President may fix.

Now, Mr. President, let us analyze that language for a moment. Whenever in his judgment the President of the United States shall consider it necessary for the public security he may direct that certain kinds of traffic or particular shipments shall have preference under such arrangements, rules, and regulations as he may prescribe.

The language that follows is utterly irreconcilable with an idea that these men are merely agents to carry out the orders of the President. The part that follows clearly is intended to give the men the President shall select the right to originate the order. Here it is:

> He may give these directions at and for such times as he may determine, and may modify, change, suspend, or annul them, and for any such purpose—

That is for the purpose of giving, modifying, or changing—

> he is hereby authorized to issue orders direct, or through such person or persons as he may designate for the purpose.

Mr. STERLING. Mr. President——

Mr. REED. I will yield in just a moment. I can not read this language in the light of any other conclusion than that it was intended and that the effect of the language is to give the President the power to name a man or a number of men and say to them, "Establish the rules and regulations that will govern the traffic of the United States," and that that power is conveyed by these words.

Mr. President, if that was not the intention the language would have been entirely different. The language would have been, "The President shall have the power to make these rules and regulations and may appoint agents to carry out those regulations and orders so made"; but here we find not that plain and simple language to which I have just given utterance, but the language is, "He is hereby authorized to issue orders direct, or through such person or persons as he may designate for the purpose." There can be and is, in my judgment, no possible question but the intention is to give the President the right to appoint a board or a commission or to designate an individual, and that individual will have the power to make these rules and regulations. He will become the traffic censor of the United States. He will be the individual to whom all must look. If he be a wise and prudent man he may do little damage. If he be of a different character he may do much damage. My own opinion is that whoever undertakes this gigantic task in this country will not only invade the constitutional rights of the people of the land, but he will disrupt and disorganize business throughout the entire Republic. I now yield to the Senator from South Dakota.

Mr. STERLING. I desire to submit an amendment which I intend to propose to the bill. I ask that it may be printed and lie on the table.

The VICE PRESIDENT. It will be so ordered.

Mr. SMITH of Georgia. If it is agreeable to the Senator from Nevada, I would be glad to move that the Senate adjourn.

Mr. NEWLANDS. I would prefer to take a recess until 12 o'clock to-morrow.

Mr. SMITH of Georgia. I really think we ought to adjourn, because the Senator from North Carolina [Mr. OVERMAN] will bring up the conference report on House bill 291, the espionage bill, in the morning.

Mr. NEWLANDS. The Senator from North Carolina intends to bring that up in the morning?

Mr. OVERMAN. I intend to bring it up to-morrow.

Mr. NEWLANDS. In that view I would prefer an adjournment. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 7 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 12, 1917, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 11, 1917.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in Heaven, impart unto us wisdom, strength, righteousness, sufficient unto the needs of the new week which stretches before us, that we may take up our work in the faith that convicts, the hope that inspires, the love that rejoices in that good is stronger than evil, right than might, truth than error; for Thou dost live and reign. In the spirit of Him who taught us the beauty of holiness. Amen.

The Journal of the proceedings of Saturday was read and approved.

AMENDMENT TO THE ACT TO REGULATE COMMERCE.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent that after the disposition of the pending river and harbor bill, the bill S. 1816, which has been reported and is on the calendar from the Committee on Interstate and Foreign Commerce, reported by substitute, be given a privileged status under the usual conditions which we have been practicing, subject to other privileged bills and conference reports. I make this request because I fear it will not receive consideration on Calendar Wednesday. It is a bill to increase the Interstate Commerce Commission, and for other purposes.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

An act (S. 1816) to amend the act to regulate commerce, as amended, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. MADDEN. Reserving the right to object, I would like to ask the gentleman from Georgia if he will not be kind enough to state what the bill covers and why it should have a privileged status now? There is nothing to prevent its being considered on Calendar Wednesday.

Mr. ADAMSON. Not if it is reached on Calendar Wednesday, but I see no hope of its being reached soon.

Mr. MADDEN. There is nothing on the calendar to prevent it.

Mr. ADAMSON. The Committee on the Judiciary has a large bill, and I think it will be called ahead of ours. I will state that this is one of the first propositions under the program of preparedness. The Interstate Commerce Commission has more work than members can manage, and they have been crying for an increase of membership. The Senate has added some other provisions to it, which our committee has not reported to the House. We have a substitute bill, which this House has passed more than once.

Mr. MADDEN. I have not had time to look into the bill reported and for the time being I will object.

EXTENSION OF REMARKS.

Mr. TIMBERLAKE. Mr. Speaker, I ask unanimous consent to print in the RECORD a resolution by the Federated Trades Council of Colorado Springs, urging a prompt and favorable report by the Judiciary Committee on the Susan B. Anthony amendment.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The resolution is as follows:

Whereas the United States has entered into an international war to fight for "democracy" and also for "the right of those who submit to authority to have a voice in their own governments," it is imperative that we first establish democracy in our own country by giving political freedom to our women citizens; and

Whereas women are now being called to aid the Government in the prosecution of war in defense of the Nation's interests, and without their aid this war could not be conducted: Therefore be it

Resolved, That we, the Federated Trades Council of Colorado Springs, Colo., urge a prompt and favorable report by the Judiciary Committee of the House of Representatives on the Susan B. Anthony amendment and immediate passage of that amendment as a war measure during this session of Congress.

Resolved also, That a copy of this resolution be sent to EDWIN Y. WEBB, chairman of the Judiciary Committee, to the President, to Speaker CLARK, to the Vice President, to Senator JACOB H. GALLINGER, Senator THOMAS S. MARTIN, Representative CLAUDE KITCHIN, Representative JAMES R. MANN, and the Colorado delegation, with the request to Hon. CHARLES B. TIMBERLAKE, of the House, and Senator JOHN F. SHAFROTH that it be read into the CONGRESSIONAL RECORD.

ARMY APPROPRIATION BILL.

Mr. DENT. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 100, making the annual Army appropriation bill immediately available.

The SPEAKER. The gentleman from Alabama asks unanimous consent for the present consideration of House joint resolution 100. Is there objection?

Mr. GILLETT. Mr. Speaker, reserving the right to object, I would like to make a very brief statement. On Saturday when this was brought up the gentleman from Illinois [Mr. MANN] objected. He is not present to-day. He based his objection on the ground which I think the gentleman from Alabama stated, that this resolution was really to take the place of some of the appropriations which are contained in the large deficiency bill, and that the need of it is occasioned by the delay of that bill.

The gentleman from Illinois [Mr. MANN] suggested that calling attention to this delay would probably accelerate the consideration of that bill in the Senate, so that this resolution would be unnecessary. But I observe that the result he wished did not follow, and that, although that deficiency bill which is so urgent passed the House last Thursday, and we asked for a conference with the Senate, they have not yet even condescended to agree to the conference the House asked for.

Now, I recognize the necessity which the gentleman from Alabama suggests. The money is needed at once. That necessity would be met by the deficiency bill, and it is also a fact that there are various other expenditures provided for in that bill which perhaps are quite as necessary as those which will be supplied if this resolution that the gentleman suggests is passed. This resolution applies simply for the appropriations for the Army, while that bill contains appropriations both for the Army and the Navy. The enormous expenditure for the building of ships, which perhaps is as necessary as any exigency before us, is provided for in that bill and will not be met if this resolution which the gentleman suggests is passed. If that bill should be passed at once all emergencies would be met. I think we ought not to ignore the fact that that big emergency bill, the appropriations in which are so necessary for the expedition of our war preparations, was agreed to in conference a week ago last Saturday; that on the same day, if I mistake not, it passed the Senate, and the gentleman from Alabama knew of this exigency then just as well as he does to-day. He had this resolution prepared then, but instead of enforcing it then or urging the passage of the deficiency bill, he consented that the House should adjourn over from Saturday until Wednesday, and practically until Thursday, and that no action should be taken on that bill, the importance of which he now feels so deeply. I think I ought to call attention to the fact that instead of passing that bill the House adjourned in order to give us the pleasure of social intercourse with the Confederate veterans in the city on Monday and Tuesday—a very laudable object, undoubtedly, but at the same time, if this exigency is so great as the gentleman now says, it seems to me that the House, instead of adjourning over until Wednesday, should have then taken up this measure. I appreciate that the exigency is great. I appreciate that the delay is now at the other end of the Capitol, which we can not control; and, although I think their action is subject to great criticism, and that they ought not to delay this great appropriation bill just because of one local item about Jamestown, and that they should not sulk in their tents and refuse to call up the bill so as to have conferees appointed—I say that is subject to criticism, and yet it is not in the power of the gentleman from Alabama to control it; and therefore, as I recognize the need of this appropriation, I shall not object to its present consideration, although I do think in the past week that side of the House has been exceedingly negligent and dilatory in not more speedily enforcing the passage of the other bill, and that, considering their own laches, they can not with any good grace complain of this emergency.

The SPEAKER. Is there objection?

Mr. MADDEN. Reserving the right to object, it seems to me, Mr. Speaker, that in view of the facts as we all know them to exist, that the appropriation of $3,300,000,000 for the Army and Navy having passed both Houses, having been agreed to in conference, the conference report having been rejected by the House because of an item inserted by the Senate which never had been given any consideration by the House, there ought to be no hesitation about preventing the unanimous consent asked for in this case. I think if unanimous consent is withheld on this joint resolution we will get earlier action on the other more important bill.

If we do grant the consent sought by the gentleman from Alabama [Mr. DENT], it is altogether likely that the other bill will be held up for an indefinite period of time, and that there will be nothing gained by the consent being granted here. I feel constrained to object.

The SPEAKER. The gentleman from Illinois objects.

Mr. DENT. Mr. Speaker, I hope the gentleman will reserve that for a moment.

Mr. MADDEN. Surely.

Mr. DENT. Mr. Speaker it is true that this resolution has been pending here for something over 10 days. When I first brought it in I intended to bring it up at once, but I went to the Committee on Appropriations, and they had every reasonable assurance, as they told me at that time, that this matter would be taken care of in a day or two in the conference report upon the big Army and Navy urgent deficiency appropriation bill.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. DENT. Yes.

Mr. MONDELL. Has the gentleman any assurance that if the House should pass this joint resolution it will have early action at the other end of the Capitol?

Mr. DENT. Of course, Mr. Speaker, I have no right to speak respecting the action of the Senate, but I believe that this case is such a strong one that it will appeal to everyone, and that the Senate will pass the resolution just as soon as the House sends it over there.

Mr. MONDELL. I agree with the gentleman, but has the gentleman any assurance at all?

Mr. DENT. I have no method of getting any assurance that it will pass. Of course, I have not taken a poll of the Senate, and I could only have that assurance by taking a poll of the Senate.

Mr. MONDELL. There are ways of finding out, as the gentleman knows.

Mr. FOSTER. Mr. Speaker, will the gentleman yield?

Mr. DENT. Yes.

Mr. FOSTER. In this bill is there not provision for the pay of these boys now in the training camps?

Mr. DENT. That is true.

Mr. FOSTER. And they are without money and can not get it?

Mr. MADDEN. Mr. Speaker, I hope my colleague does not pretend to say that we are to blame because the bill appropriating $3,300,000,000 is not passed?

Mr. FOSTER. The gentleman is certainly to blame if he objects to the consideration of this resolution.

Mr. MADDEN. I am going to object to it, I will say to the gentleman.

Mr. FOSTER. And every boy throughout the United States in the training camps will have to do without money that should be paid to him.

The SPEAKER. The gentleman from Alabama has the floor.

Mr. DENT. Mr. Speaker, I was making the statement that I intended when this resolution was first reported unanimously by the Committee on Military Affairs of the House to bring it up at once, until I had assurance that in all likelihood the conference report upon the other bill would be adopted in a day or two, and I am sure that assurance was honest and bona fide, and that everyone believed it would be, but a hitch has occurred in the proceedings of the conferees, a hitch that does not involve anything of a military character, that has absolutely nothing to do with carrying on the Military Establishment, connected with an entirely different department of the Government, a matter that I have no interest in one way or the other and care absolutely nothing about. But here is the proposition that is presented to the House. Contractors have fulfilled their contracts, and some of them are on the verge of bankruptcy because they expected the Government of the United States would respond when they had fulfilled their contracts and that they would get their money in order to carry out their obligations. In addition to that there are thousands of young men who have been sent to training camps in the United States, and we have agreed to pay them $100 a month while they are there. Unless this resolution is adopted then these young men can not get their pay. It seems to me that it is not fair to hold up a project connected with the Military Establishment in order to force action on the part of another body relating to a matter connected with the Naval Establishment.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. DENT. Yes.

Mr. MADDEN. The gentleman has just made a statement which, if true, would be very interesting——

Mr. DENT. I have not made any statement that is not true.

Mr. MADDEN. Of course, I know that the gentleman does not mean to. He states that this bill carries compensation for the men who are now in training in the military training camps.

Mr. DENT. I said that unless this bill was passed they could not get their compensation. We have passed a law upon the subject, but there is no appropriation to pay them.

Mr. MADDEN. But the appropriation to pay them is carried in the bill now pending in conference.

Mr. DENT. That is true, and it is tied up.

Mr. MADDEN. And they can not be paid out of this bill if we do grant consent. Therefore I object.

Mr. DENT. They can be paid if this resolution is passed.

The SPEAKER. The gentleman from Illinois objects, and that is the end of it.

FLAG DAY.

Mr. GILLETT. Mr. Speaker, I ask unanimous consent that on Thursday next, which is Flag Day, the gentleman from New York [Mr. HICKS] be allowed, immediately after the reading of the Journal and the disposition of business on the Speaker's table, to address the House for one hour upon the history of the American flag.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that on Thursday next, Flag Day, after the reading of the Journal and the disposition of business on the Speaker's table, the gentleman from New York [Mr. HICKS] be permitted to address the House for not to exceed one hour upon the history of the American flag. Is there objection?

Mr. SMALL. Mr. Speaker, reserving the right to object, could the gentleman reduce the time for which he asks consent? He asks for an hour.

Mr. GILLETT. Yes; on next Thursday.

Mr. SMALL. I have no objection.

The SPEAKER. The Chair hears no objection, and it is so ordered.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. SMALL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4285, the river and harbor appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4285, the river and harbor appropriation bill, with Mr. HARRISON of Mississippi in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 4285) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. SWITZER. Mr. Chairman, I yield one hour to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman, we have entered upon a course of preparedness which the American people hope will enable us to meet successfully the emergency which exists. We are now operating 16 training camps, training men who are to command the forces which are to constitute the Army in the not far distant future. We are enlisting men in very large numbers, both in the Army and the Navy. We have committed the Government already to an expenditure of something like $12,000,000,000 in connection with the enterprise upon which we have started. We have taxed the American people to the limit of their endurance in order to meet the obligations which are involved in the war. We have thus far met with patriotic response from the young men of this country who have registered to the number of about 10,000,000 and who propose to go to the battle lines in order to preserve the honor and the integrity of the Nation. We have drafted men without means and men with means to fight the battles of the country and we are drafting the men and the means of men who are unable to fight the battles of the country, and it must be realized on every hand that the burden to be placed upon the people by the war will be felt as no burden has ever been felt in this country before. My hope was that we would not burden the Treasury by the imposition of new appropriations except to meet the present emergency. As a rule I am not in favor of legislation by caucus, but on this occasion I am in hearty accord with the Democratic caucus decree to the effect that no legislation should be considered at this special session of Congress except such legislation as has to do with the war. The members of the Committee on Rivers and Harbors are no more or no less patriotic than the members of the other committees of the House. They are no more or no less able than the membership of the other committees of the House. They are more industrious, perhaps, than most of the members of the committees of the House, outside the war committees, and they are seemingly more enthusiastic to impress their personality and their individual preferences upon the membership of the House in attempting to force upon the American people legislation which will take from the Treasury $26,900,000 at a time when the Treasury is not only empty but every man in the United States has imposed upon his back a load of taxation which he is already unable to bear. It can not be truthfully said that this bill, or any item in the bill, is an emergency item with respect to the war, and I am not willing, as one Member

of this House, to enact any legislation at this special session that has no bearing whatever upon the war.

We were called together for the purpose of meeting the emergency—for the purpose of enabling the President of the United States to meet the emergency which is imposed upon him as the Commander in Chief of the Army and the Navy. We were called together by the President of the United States that we might be enabled to enact laws to give him power which he did not already possess. The American people are looking with great impatience upon the actions of Congress. They are anxious to know whether we are making the preparations that are necessary to be made to enable this country to meet its responsibilities successfully. They are looking forward to conservatism on the part of the Congress in the expenditure of public moneys for all other purposes except the war such as we have never exercised before. They are willing and anxious that we do everything within our power to enable those charged with the responsibility of conducting the war to conduct it to a successful conclusion, but they are not willing that we should expend money at this time which can just as well go unexpended. They are not willing that we should spend money to sink artesian wells to furnish water to dry creeks in the name of war. They are not willing that we should expend money for the removal of hyacinths from creeks upon which there is no navigation, and do that in the name of navigation as an emergency war measure. They are not willing that we should expend their money and impose new burdens of taxation upon them in order to satisfy the desire of Members of Congress or certain sections of the country for appropriations for the improvement of creeks upon which not a single dollar of navigation has existed or ever will exist. They are not willing that we should squander the funds of the Nation to supply the fancy of those who believe that this is an emergency war measure. They will not be satisfied with any excuse that anyone can make that this bill is an essential necessity for the successful conduct of the war. They have become prone to believe that everything we do recently is an essential necessity for the successful conduct of the war, but I submit to gentlemen that there ought to be a limit to our belief that the people will not understand when we make statements that have no foundation based on fact. It is said that the President and the Secretary of War have recommended this bill as an emergency war measure. Well, I think if the President and the Secretary of War had examined the proposition—and I do not believe they did examine it—they would easily conclude that there is not anything in the bill that has anything to do with the war or its successful conduct.

I have examined the bill; I have examined it a good many times. I have had more time to examine it than the President or the Secretary of War could have, and I fail to see anything in the bill that has anything whatever to do with the war, except to add to the already overburdened load of taxation on the people. If that is a good reason to pass this bill, then we ought to pass it. If it is not a good reason to pass the bill, we ought to defeat it, for if there ever was a time when Members of Congress ought to adhere to the strictest laws of justice and economy in the conduct of Government affairs this is the time.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. MADDEN. I will yield to the gentleman.

Mr. GRAHAM of Illinois. What effect does the gentleman think this would have on the minds of those who are being urged to buy liberty bonds when they learn we have passed this bill?

Mr. MADDEN. Well, we are having more trouble to sell liberty bonds than we ought to have, and I am sorry we are having so much trouble. How can you wonder when there is no disposition manifested by the party in power to exercise any proper economy in the expenditure of public money?

They have entered upon a mad race of extravagant expenditure of money to an extent never before known in the history of America. How can the people have confidence in such management? How can you hope to sell the bonds when nobody knows how many bonds we are going to be compelled to issue; when no one here in power is willing to give any evidence of an exercise of judicious expenditure of public money? How can you hope to gain the confidence of the American people by such practices? Why do you not begin to economize? Why do you not begin to show some evidence of interest in the welfare of the people?

Mr. SEARS. Will the gentleman yield?

Mr. MADDEN. Surely.

Mr. SEARS. Why does not the gentleman vote as he is now talking?

Mr. MADDEN. I do vote like I am now talking, always.

Mr. SEARS. Maybe I misunderstood the gentleman. You voted for appropriations.

Mr. MADDEN. You do misunderstand me, for there never has been a time in all my service in the House when you found me voting for an extravagant expenditure of public money, never.

Why, you are not only creating places by the thousands for your favorites, putting them on the pay roll outside of the civil service, adding to the ordinary expenses of the Government without limit in order that you may be able to get political preferment for your friends, but you are not willing to consider in a judicious way the proper expenditures of money for any other purpose. I want you to realize and to understand that we are going to fight every inch of the way to compel you to do the best that we can in the enforcement of an economical, systematic method of conducting the Government. [Applause on the Republican side.] And while we are ready, every one of us, and no one more willing than I, to expend every dollar needed for the successful conduct of the war, I am not willing that a single dollar shall be paid out of the Public Treasury that has nothing to do with the war through any action of this Congress at this special session.

Mr. BORLAND. Will the gentleman yield?

Mr. MADDEN. Yes; surely.

Mr. BORLAND. Does the gentleman agree that the question of car shortage and increase of railway transportation is a necessary war measure?

Mr. MADDEN. Why, I do not admit there is a car shortage.

Mr. BORLAND. Then the gentleman has been badly advised if he does not admit that.

Mr. MADDEN. I think I am as well advised as the gentleman from Missouri. I think I know something about the transportation of commodities, and I think if there is any car shortage anywhere it is due to an order recently issued by those in power in the advisory committee of the Council of National Defense, where they have prevented the movement of cars by an arbitrary order.

Mr. BORLAND. Does he not know they are contemplating taking competitive passenger trains off in order to get the engines with which to haul freight? If that is true is not the transportation by the lakes and rivers and harbors just as important as by the railroads?

Mr. MADDEN. We will admit that the statement of the gentleman from Missouri is true for the sake of argument, and then I will ask him this question: Suppose it is true, how much of additional facilities would be granted by the expenditure of this $26,000,000 that we are about to appropriate, wher the fact is that most of the money goes into creeks upon which there never has been a dollar's worth of transportation and never can be? [Applause on the Republican side.]

Mr. BORLAND. Will you permit me to answer that? I do not think the gentleman seeks to go on record as saying that most of this money goes into creeks. Most of it goes into rivers and harbors.

Mr. COX. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. COX. If the statement of the gentleman from Missouri [Mr. BORLAND] is correct, that there is a car shortage in this country, a thing about which I express no opinion, does not the gentleman think we would relieve the situation much quicker by taking this money and building cars with it?

Mr. MADDEN. That would be a sensible thing to do; it would be an honest thing to do; it would be the business thing to do; and the only thing you could do to make this a war measure.

Mr. GALLAGHER. I have here a document stating what the railroads are doing to help in the war. I suppose the gentleman got one in the mail this morning. Mr. Howard Elliott says:

> On May 1 there was, according to the record, a so-called shortage of 150,000 cars. In round numbers, there are 2,500,000 cars in the United States. If, by a little better loading by the shipper, a little better unloading by the shipper, a little better movement by the railroad, and a little more alert work by every man in the railroads, from the president down to the water boy, each car was used a little better, it would not take very long to get that 150,000 cars out of the 2,500,000 cars. It is about three-quarters of 1 per cent.

Mr. MADDEN. The fact of the matter is that anybody who knows anything about the movement of commodities by rail knows that a good deal of time is wasted by the stoppage of trains in yards that is not necessary at all; that many of these cars go into yards, put there by the engine that takes them from their starting point, and then they are allowed to remain there for a day or two before they are sent to the consignee. And then there is a switch engine sent to the yard and the cars are removed to the place of unloading, and then allowed to stand a day or two before unloading. It is a question of

railroad management, a matter that ought to be easily corrected. The Interstate Commerce Commission has the power to correct that.

Mr. LENROOT. The gentleman from Missouri [Mr. BORLAND] spoke of the shortage of cars. I would like to ask the gentleman what his opinion is on this proposition: Assuming that the Missouri River is utilized from Kansas City to St. Louis, that grain is shipped to Kansas City in cars, unloaded in boats, and transported to St. Louis, where the grain is again loaded upon cars. I would like to ask the gentleman whether more cars would not be required for that kind of an operation than if the cars were sent straight through direct?

Mr. MADDEN. Certainly. Twice as many cars would be required.

Mr. BORLAND. I do not care about the gentleman's opinion given as mine. That is not my opinion.

Mr. MADDEN. But it is I that am making this speech.

Mr. FREAR. Mr. Chairman, will the gentleman yield there?

Mr. MADDEN. Yes.

Mr. FREAR. If the gentleman will allow me to add something to the remarks that are being made. I will suggest this: If it should develop at this time that 40,000 tons of freight is all that is shipped in a year on the Missouri River, and that the amount of money available under past appropriations for that project is $1,692,639, to be applied to the credit of that proposition which the gentleman from Missouri [Mr. BORLAND] enlarged upon a day or two ago, does the gentleman from Illinois think that any more money at this time should be appropriated to carry on that particular project?

Mr. MADDEN. No. I do not think the Missouri River project has any merit. You can not keep a channel on the Missouri River. It first moves to one mile's end and then to another, and you can not tell where the channel is. [Laughter.] It is continually going from one side to another, and it does not make any difference how much money is spent on it; you can not maintain a channel at any depth.

Mr. BORLAND. Mr. Chairman, will the gentleman yield right there?

Mr. MADDEN. Just a moment. I know that the gentleman is very interesting, and I like to hear his voice, but I want to make this speech myself.

Mr. BORLAND. If the gentleman voted as well as he talks, he would be a great man. [Laughter.]

Mr. MADDEN. Well, the gentleman himself just missed being a great man. [Laughter.] In the first place, I think the average tonnage moved on the Missouri River for the last three years has been only about 26,000 tons a year, and we are expending a million dollars a year for the improvement of the channel on the Missouri River, and that would be at the rate of $40 a ton for every ton of traffic, and it would be better for us to buy the goods and feed them to the poor—and we will probably have to do that sort of thing if you are going to spend money recklessly as is proposed in the river and harbor bill. We are going to have a lot of poor people to provide for during the continuation of the war, and I advise you men who are so prolific in schemes for the expenditure of public money where you do not have any part of the taxes to pay to go slow and conserve the Treasury of the United States, so that we shall have something with which to feed the poor if the occasion arises.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. I do not want to see our revenues tied up in the interest of the transportation companies, such as those that are running only one or two boats on the Missouri River.

Mr. BORLAND. Will not the gentleman yield?

Mr. MADDEN. I would be delighted to, my dear boy. [Laughter.]

Mr. BORLAND. I do not think the gentleman from Wisconsin [Mr. LENROOT] or the gentleman from Illinois was serious in figuring the tonnage in construction costs. Certainly both of them are better economists than to figure the tonnage in construction costs. But I want to speak of car shortages. There are two railway lines east of the Missouri River, the Pennsylvania and the Baltimore & Ohio, and if they exchange freight with the boat lines at St. Louis they release their own cars and keep them on their own lines, so that the gentleman from Wisconsin has only grasped a very small portion of the problem of releasing cars on the part of railroads on their own lines.

Mr. LENROOT. Mr. Chairman, will the gentleman from Illinois yield?

Mr. MADDEN. Yes.

Mr. LENROOT. Would it not take longer to unload those cars and keep them in the yards in St. Louis than to let them go clear through to their destination?

Mr. MADDEN. I object, Mr. Chairman, to further discussion between gentlemen out of my time.

Mr. BORLAND. If the cars were unloaded at St. Louis they would be released and could be kept on their own lines.

Mr. MADDEN. Is the gentleman from Missouri attempting to take up all my time? [Laughter.]

The CHAIRMAN. The committee will be in order.

Mr. MADDEN. You can start the cars from St. Louis to Kansas City and put them through direct before you could load and unload them.

Mr. BORLAND. The gentleman is mistaken there.

Mr. MADDEN. Aside from the initial cost of the improvement to which the gentleman invites my attention, I want to say that the initial cost is a continuous cost. You start to make the improvement to-day, and you continue it to-morrow, and you continue it on to the end of time, and you do not increase the tonnage of the river a pound.

The rivers that are proposed to be improved here are unworthy, in most of the cases, of the expenditure of any money out of the Public Treasury in the name of navigation. But whether that be true or not, it is true that there is no emergency due to the war calling for the passage of this bill. I am in favor of the improvement of harbors and their maintenance, and I want to see them maintained at the highest standard of efficiency, and so far as money for that purpose is concerned, I would consider it war emergency. I would consider it a commercial emergency in days of peace. I would consider that one of the meritorious expenditures of public money, because it would facilitate the transportation of the commodities of the country and enable them to reach from one section of the country to another, but there is no merit in most of the items in this bill. They say there are 32 new projects. Four of those projects are said to be "war measures," and none of the projects can be brought to a successful conclusion for 10 years. Now, in God's name, how can you call a matter a "war emergency" that will be in course of construction for the next 10 years without being able to be used?

Take the case of the project advocated by the gentleman from the city of New York [Mr. HULBERT]. I think there is more merit in the proposition he presents than in any other proposition in the bill—the deepening of the East River to enable the warships to enter and depart from the Brooklyn Navy Yard. I think there is some merit in that, but that involves the expenditure of a large amount of money and will be carried over a period of three years before it can be utilized. Now, is the war going to last three years or is it going to last 10 years? If it is going to last three years or less, then this can not be called a war emergency. The gentleman from New York [Mr. HULBERT] says the improvement that he advocates is necessary because the ships that carry the food supplies to the soldiers in the trenches in Europe will have to dock along the river at the point where the improvement is to be made; and when I asked him how long it would take to build these docks so that ships could land at them, he said three years. Now, if we can get no food to our soldiers through this means in less than three years, why the soldiers will go pretty hungry, do you not think? And it would not be considered a very important emergency war measure.

Mr. FESS. Will the gentleman yield?

Mr. MADDEN. I yield to the gentleman from Ohio.

Mr. FESS. This bill carries nearly $27,000,000.

Mr. MADDEN. It carries $26,900,000, to be exact.

Mr. FESS. How much of that will go to the four or six measures that they call war measures?

Mr. MADDEN. I can not tell exactly. Nobody knows. In the bill that they reported last year I think they had about $38,000,000. This bill proposes to appropriate $26,900,000. Six million dollars of the last bill have already been appropriated in the sundry civil bill, so that that would make the total $32,900,000.

Mr. FESS. I want to ask a further question.

Mr. MADDEN. Yes.

Mr. FESS. The bill assumes that it will take at least a year to expend this money. Suppose it would not take more than a day. Suppose we could reach in to-morrow's time what a year will reach. How much better off would we be with this money expended, as a war measure, than we are now?

Mr. MADDEN. If all this money could be expended before sundown to-day, and all the improvements that are contemplated should be completed, it would not add one dollar of facilities to the movement in which we are engaged—not a dollar.

Mr. FESS. Then how did this bill get into the House as a war measure?

Mr. MADDEN. The chairman of the Committee on Rivers and Harbors is a very industrious man. He is very enthusiastic over his work. He loves this work. He has been engaged in it

for a long time, and he is a man who can not bear to sit idle. He would not be idle if he could. He insists on working, and in the course of his industry he prepared this bill, in consultation with a few members of the Rivers and Harbors Committee. Of course in preparing a bill a man becomes very much enthused, and he believes that his handiwork is the work of God.

Mr. HAMILTON of Michigan. Oh, no.

Mr. MADDEN. And he believes that nobody will appreciate what he has done unless it comes out into the light.

Mr. FESS. Now, admitting all that, how did it run the gauntlet of the Democratic caucus?

Mr. MADDEN. I do not understand that it did run the gauntlet of the Democratic caucus. The Democratic caucus went on record, if I understand it, to the effect that nothing but war measures should be considered at this special session of Congress. But here the industry of the gentleman from North Carolina comes in again. I understand he saw the Secretary of War, and he pursuaded the Secretary of War that this was a war measure, and the Secretary of War certified to it. Then he persuaded the Secretary of War to persuade the President that it was a war measure, and the President certified to it, and here we have it.

Mr. FESS. May I ask whether the Secretary of War has had time to come down to the committee to make a statement concerning this bill?

Mr. MADDEN. I only know what one of the members of the committee said here on the floor. He said the vote of the committee was unanimous, requesting the Secretary of War to appear and testify as to the merits of the bill, with respect to the war emergency.

Mr. TREADWAY. Will the gentleman yield?

Mr. MADDEN. Let me tell my version of this, and then the gentleman can tell his.

Mr. TREADWAY. I just want to make it correct.

Mr. MADDEN. The Secretary of War and the Chief of Engineers did not have time to come, so they sent an assistant, who came and made the statement, so far as I know. I am only giving what a Member stated here on the floor.

Mr. FESS. It would appear that when the Secretary of War is called upon to ask Congress for war appropriations amounting to something like $4,200,000,000, if in addition the sum of $27,000,000 is asked for, and the Secretary of War calls this expenditure a war measure, he ought certainly to come and make the statement in person. I know he comes to other committees where matters less important are considered, if they are war measures.

Mr. MADDEN. I attribute to the industry of the gentleman from North Carolina [Mr. SMALL] the fact that this bill is on the floor. The gentleman from North Carolina is a very industrious man.

Mr. BORLAND. Will the gentleman yield?

Mr. MADDEN. In just a minute. The gentleman from North Carolina [Mr. SMALL] is painstaking in his researches of the details of intricate problems, and in the quiet of his studio he learned that the difficulties that confronted him in connection with the preparation of this bill involved an emergency war proposition, and he was able to persuade other people that that was the case, and so we have it here. I have a great deal of admiration for the gentleman's ability to present the case under such circumstances, and to convince a lot of otherwise skeptical people that that is the case.

Mr. DUPRÉ. But with all the gentleman's talent he has been unable to convince the gentleman from Illinois. [Laughter.]

Mr. MADDEN. I am not as unsophisticated and unsuspecting as some other gentlemen are.

Mr. TREADWAY. I do not think it is betraying any confidence of the committee to say that the letter to which the gentlemen refers expressed the desire that the committee meet either the Secretary of War or the Chief of the Board of Engineers. The gentleman from Illinois referred only to the Secretary of War. The communication referred to both those gentlemen, neither of whom appeared, but Col. Newcomer did appear before the committee, and undoubtedly he had more detailed knowledge of the matter than either of the other gentlemen referred to.

Mr. MADDEN. That is what I intended to say, but I, of course, did not know all the facts in the case.

Mr. BORLAND. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BORLAND. Does the gentleman understand that the committee confined itself to things that were recommended by the Secretary of War, and therefore the Secretary of War had supervised in the beginning the construction of the bill?

Mr. MADDEN. I do not quite agree with the gentleman about that.

Mr. LENROOT. Will the gentleman from Missouri make that statement that the Secretary of War has supervised the framing of this bill and approved of all the items in it? The Republican side of the House would like to know it if that is the fact.

Mr. BORLAND. I gathered that from the opening statement of the chairman of the committee.

Mr. LENROOT. We are entitled to an absolute statement as to whether the Secretary of War approved all of the items in this bill.

Mr. BORLAND. Only such items as were specifically recommended, as I understand, are included in the bill.

Mr. MADDEN. The gentleman from Missouri knows that the Secretary of War never supervises the construction of any bill. The gentleman from Missouri knows that the Secretary of War knows nothing about the items in this bill, and he would say so if asked. There is no doubt about that. The Secretary of War, through the Chief of Engineers, the Board of Engineers, and the local engineers, approve of the different projects. These engineers consider them, make recommendations, and doubtless all the items in the bill have been approved by the Chief of Engineers through the Board of Engineers and the local engineers. But the mere fact that they have been approved does not mean that they are emergency war measures, or that it is necessary to expend this large sum of money at this time for this purpose.

Mr. SMALL. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. SMALL. I wish to answer the question asked by the gentleman from Wisconsin [Mr. LENROOT] as to the extent the Secretary of War approved of this bill and the items in it. I have here the letter of the Secretary of War, dated May 9, which I will read:

WAR DEPARTMENT,
Washington, May 9, 1917.

Hon. JOHN H. SMALL,
Chairman Committee on Rivers and Harbors,
House of Representatives.

MY DEAR MR. SMALL: In response to your oral inquiry and referring to the recommendation that I recently submitted for your consideration concerning the advisability of a river and harbor bill, I have the honor to state that the general subject of the character of river and harbor legislation that should be undertaken at this time was first presented to the President, and he expressed his approval of the policy that I proposed to him as a proper one to observe.

This contemplates such work as is required to enable our waterways to continue to play their necessary part in the transportation service of the country, and also to serve urgent military needs. It calls for the appropriation of sufficient sums to provide for necessary work of maintenance in channels already improved, for the more urgent work of continuing improvement of projects already begun, and the adoption of such new projects as are considered necessary under present conditions for military or naval purposes or as a part of the program of national defense and preparedness. The bill that has been prepared along these lines by your committee, in conference with the Chief of Engineers and his representatives, has my approval.

Very truly, yours,
NEWTON W. BAKER,
Secretary of War.

Mr. MADDEN. Of course, as a matter of form, the Secretary of War has approved of the action of the Chief of Engineers and his board, and he might do that without reading the paper that he signs. They give him these papers regularly, place them on his desk, they have the O. K. of the man below him, and he assumes that the O. K. of the man below him justifies his signature, and he signs them. That is what I do frequently in my business. I know the man I have under me would not present a case to me unless he thought it right, and I have confidence in him. The clerk of the Committee on Appropriations, on which committee I had the honor to serve for a number of years, would prepare a statement for the chairman of the Appropriations Committee to sign, which the chairman never read, and he would sign it, knowing that when he signed it he would not be disgraced. That happens in every great business concern. The Secretary of War is too busy a man to go into details of the items contained in this bill.

I wonder if the Secretary of War knew that there was an item in this bill for the removal of water hyacinth from one of the rivers in the United States. Did he consider when he signed the statement that the removal of water hyacinth was a war emergency? I know very well that Mr. Baker would not do anything of that sort. He has too much intelligence, too much integrity; he is a man of affairs, a man of honor, in whom I have great confidence. I would trust the Secretary of War anywhere with anything, and I know that he would tell you if he was called here now that he did not know that there was such an item in the bill for the removal of water hyacinth, and that he did not consider it a war measure.

Mr. MEEKER. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. MEEKER. The gentleman will appreciate that the illustration he gives of the clerk of the Appropriations Committee preparing papers for the chairman to sign would apply to this case of the Secretary of War.

Mr. MADDEN. That is just what I said.

Mr. FESS. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. FESS. Almost every measure that we have heretofore acted upon with reference to the war has originated in the department, has it not?

Mr. MADDEN. With the department or with the President.

Mr. FESS. Now, what I wish to know is, Has the President or the Secretary of War originated a project for river and harbor improvement which they consider a war measure and sent it down here asking us to pass it?

Mr. MADDEN. I do not think anybody would make such a claim, not even the industrious gentleman from North Carolina.

Mr. FESS. Then why is this called a war measure?

Mr. MADDEN. Because the industrious chairman of the Committee on Rivers and Harbors was so situated as to be able to get such a statement from somebody high up to the effect that it is.

Mr. FESS. In the gentleman's opinion, what portion of the bill is a war measure?

Mr. MADDEN. Not a dollar's worth—not a single dollar's worth.

Mr. GALLAGHER. It is the same bill, as appears from the hearings in the testimony of Col. Newcomer, that was passed last year.

Mr. MADDEN. It is a good deal worse than the bill passed last year, because that bill was then itemized, and this is not.

Mr. GALLAGHER. Yes.

Mr. MADDEN. This bill is grouped, and while there might be items under ordinary circumstances that would be considered meritorious, yet when grouped with five or six that are not meritorious—the Secretary of War and the Chief of Engineers are given the power to spend money for any item in the group, regardless of whether it is the worst or the best. That places the Congress of the United States in the attitude of appropriating money for indefensible improvements by covering up the unmeritorious and saying that the Secretary of War or Chief of Engineers will exercise his good judgment as to each of these items and will spend the money not for the worst but will spend it for the best.

Mr. TREADWAY. Will the gentleman yield?

Mr. MADDEN. Certainly.

Mr. TREADWAY. May I call the attention to the testimony of Gen. Newcomer, which has already appeared in the RECORD in connection with the way the bill was prepared, when he said:

> In fact, we were convinced from what took place later that the administration was quite willing to have the bill practically the same as the bill that passed the House and amended by the Senate Committee on Commerce.

Is not that absolute evidence of the manner in which the bill was prepared, and that it had no connection whatever with war emergency?

Mr. MADDEN. Certainly; and nobody pretends to say that it has any connection with the war or navy bill.

This bill is the same, except that the virtues in the other bill are destroyed by grouping up good items with bad items in this bill and not letting anyone know which one the money is to be expended for. That makes this odious. Instead of making it an emergency war measure, it makes it something that people do not dare to look in the face.

Mr. SMALL. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. SMALL. I am sure that the gentleman from Massachusetts would not knowingly make an incorrect statement, but the statement which he attributed to Col. Newcomer refers to the original attitude of the War Department before a change of attitude was brought about through the request of the Secretary of War and the President. In other words, the statement that the gentleman makes has no reference to the limitations imposed in the drafting of this bill.

Mr. TREADWAY. Mr. Chairman, may I have the time from the gentleman from Illinois just to answer the question of the chairman?

Mr. MADDEN. Certainly.

Mr. TREADWAY. I dislike very much to differ with the chairman of the committee, but the statement of Col. Newcomer was made on May 1, when the bill was absolutely before us, offered to us as the committee print, and the bill which the chairman of the committee had introduced in the House. I think it very evident that Col. Newcomer was referring to the bill we have before us to-day. It could not be any other bill.

Mr. SMALL. I shall not take up further time about it, but the gentleman, if he will read the hearings further, will find that it had no reference to this bill.

Mr. MADDEN. Mr. Chairman, last year they had an item of $1,300,000 for the purchase of the Chesapeake & Delaware Canal—one of these intracoastal canals that are said to be very useful for carrying off the fogs on the coasts. They can not be useful for anything else, because they have not sufficient water in them. They talk about that as one of the emergency war measures.

They have taken the $1,300,000 out of this bill, but they have put in a provision which contemplates the condemnation of the canal property. Of course, when that goes through the courts several years will have elapsed, and it will have cost the Government of the United States anywhere from eight to twelve millions dollars; but it is a pressing emergency war measure, we are told. That is what I can not understand. They, of course, facilitate the sale of the bonds and stock that are owned by private individuals that now own the canal, and these bonds have but nominal value, while the stock is said to have no value. Do you wonder at their anxiety to unload onto the Government?

Provision is made in this bill for the condemnation of this rotten, obsolete canal to be owned by the Government of the United States.

Mr. MOORE of Pennsylvania. I ask that the gentleman's words be taken down.

Mr. MADDEN. Why does the gentleman want to defend the owners of these stocks and bonds?

Mr. MOORE of Pennsylvania. I ask that the gentleman's words be taken down.

Mr. MADDEN. I am not reflecting on the gentleman.

Mr. MOORE of Pennsylvania. He is reflecting on the truth. I withdraw my request.

Mr. MADDEN. I insist on their being taken down.

Mr. MOORE of Pennsylvania. Take them down. I shall be glad to have his words taken down.

Mr. MADDEN. And I shall have the gentleman's words taken down.

Mr. MOORE of Pennsylvania. I have no desire to pursue the request if the gentleman wants to withdraw the words.

Mr. MADDEN. I want the words taken down because the gentleman has gone into the RECORD as making a statement that the words I stated are not parliamentary, and that they are not true, and I insist that I am not reflecting on anybody in this House and the gentleman has no right to ask that the words be taken down.

Mr. MOORE of Pennsylvania. Does the gentleman yield? The gentleman stated the bonds of this company were worthless.

Mr. MADDEN. I say that now.

Mr. MOORE of Pennsylvania. I say that statement is not true.

Mr. MADDEN. How does the gentleman know?

Mr. MOORE of Pennsylvania. Because the bonds are paying interest now.

Mr. MADDEN. Is the gentleman interested in anybody who owns those bonds——

Mr. MOORE of Pennsylvania. I am not; and that is a reflection unworthy of the gentleman, and he can not get away with it.

Mr. MADDEN. The gentleman should understand that he can not get on the floor and defend the owners of bonds and stocks of this canal at an expenditure of $12,000,000 of the money of the American people and call it an emergency war measure without my protest.

Mr. FREAR. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. FREAR. I thought the request was made that the words be taken down.

The CHAIRMAN. The Chair understood the request was withdrawn.

Mr. MADDEN. Mr. Chairman, I object to having the request withdrawn. I insist that the words be taken down.

Mr. SMALL. Mr. Chairman, I move that the committee do now arise.

The motion was agreed to.

Accordingly the committee rose, and the Speaker resumed the chair.

Mr. MAPES. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Michigan rise?

Mr. MAPES. To make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MAPES. Is there any question of order or discretion in the Speaker to refuse to have the words taken down if they are

alleged to be unparliamentary and it clearly appears that they are parliamentary?

The SPEAKER. Why, no; there is no discretion lodged in the Speaker.

Mr. MAPES. I call the attention of the Speaker to Jefferson's Manual, page 139:

> Then the person objecting to them and desiring them to be taken down by the Clerk at the table must repeat them. The Speaker then may direct the Clerk to take them down in his minutes; but if he thinks them not disorderly, he delays the direction.

The SPEAKER. Long since that proposition has become obsolete by the practice of the House. Mr. Chairman——

The CHAIRMAN (Mr. HARRISON of Mississippi). Mr. Speaker, the Committee of the Whole House on the state of the Union having under consideration the bill H. R. 4285, the river and harbor appropriation bill, in the course of certain remarks by the gentleman from Illinois [Mr. MADDEN], they were objected to by the gentleman from Pennsylvania [Mr. MOORE], and he requested that they be taken down, and the Chair desires to report to the House the words as taken down.

The SPEAKER. The Chairman of the Whole House on the state of the Union reports that pending the debate on the river and harbor bill that the gentleman from Illinois [Mr. MADDEN] had the floor and was interrupted by the gentleman from Pennsylvania [Mr. MOORE], and that the gentleman from Pennsylvania objected to certain words spoken by the gentleman from Illinois and asked that they be taken down.

Mr. BORLAND. Mr. Speaker——

The SPEAKER. Before the gentleman from Missouri suggests whatever he has in his mind the Chair will say to the gentleman from Michigan [Mr. MAPES] that if the Chair observes that a Member is speaking out of order, that, of course, is in his judgment and he can call him to order himself. The Chair has seen that done several times and has done it once or twice himself. The practice of the House has been—how long the Chair does not know, but ever since the Chair has been here—that whenever a Member says things that another Member objects to sufficiently to ask that the words be taken down, that immediately the House takes charge of the matter and proceeds to straighten it out.

Mr. MAPES. I submit, Mr. Speaker, that a Member who is proceeding in order and in a parliamentary way ought not to be taken off the floor because some one does not like what he is saying. There ought to be some discretion in the Speaker to decide in a clear case.

The SPEAKER. Oh, no.

Mr. SAUNDERS of Virginia. With reference to that, this situation arose in the Committee of the Whole House on the state of the Union. The gentleman refers to a situation developing in the House. There is no discretion in the Chairman.

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. BORLAND. To ask whether it be in order at this time to move that the gentleman from Illinois proceed in order?

Mr. MADDEN. I do not admit that I was not in order.

Mr. BORLAND. I do not admit——

Mr. GARRETT of Tennessee. Let us have the words read.

Mr. GILLETT. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Massachusetts rise?

Mr. GILLETT. I think the words ought to be reported by the Clerk.

The SPEAKER. That is exactly what is going to be done.

Mr. GILLETT. It ought to have been done while we were in the committee, but I do not care to raise the point.

The SPEAKER. No; you can not do it in the committee.

Mr. GILLETT. The Manual says you can.

The SPEAKER. The Clerk will report the words objected to.

The Clerk read as follows:

> Mr. MADDEN. Provision is made in the bill for the condemnation of this rotten, obsolete canal to be owned by the Government of the United States.
>
> Mr. MOORE of Pennsylvania. I ask that the gentleman's words be taken down.
>
> Mr. MADDEN. Why does the gentleman want to defend the owners of these stocks and bonds?
>
> Mr. MOORE of Pennsylvania. I ask that the gentleman's words be taken down.
>
> Mr. MADDEN. That is all right. I am not reflecting on the gentleman.
>
> Mr. MOORE of Pennsylvania. He is reflecting on the truth. I withdraw my request.
>
> Mr. MADDEN. I insist on their being taken down.

Mr. GREEN of Iowa. A point of order, Mr. Speaker.

The SPEAKER. What is the point of order?

Mr. GREEN of Iowa. The gentleman from Pennsylvania [Mr. MOORE] having withdrawn his request, the gentleman from Illinois [Mr. MADDEN] has no right himself to demand that the words be taken down.

Mr. MADDEN. I do not believe the gentleman had a right to withdraw his request, Mr. Speaker, except by unanimous consent.

The SPEAKER. He probably had the right to withdraw his request if he wanted to.

Mr. MADDEN. Only by unanimous consent. I said nothing that anybody had a right to object to.

Mr. MOORE of Pennsylvania. I objected to what the gentleman said.

The SPEAKER. The question is what the House is going to do about this thing.

Mr. STAFFORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STAFFORD. Is it not in order for the chairman of the Committee on Rivers and Harbors to move that the House do now go into the Committee of the Whole House on the state of the Union for the consideration of the river and harbor bill?

The SPEAKER. The Chair thinks this matter has not proceeded——

Mr. HOWARD. Mr. Speaker, I move to lay the request of the gentleman from Pennsylvania [Mr. MOORE] on the table.

Mr. MONDELL. The gentleman withdrew his request.

Mr. MADDEN. I did not.

Mr. HOWARD. He has not got the consent of the Chair to withdraw it. I move to lay both requests on the table.

The SPEAKER. In the Committee of the Whole you can not withdraw a motion or anything else without the consent of the committee, but in the House, if a motion or anything of that sort is made, the gentleman has a right to withdraw it clear up to the time the vote is taken on it. This occurred in the committee.

Mr. HOWARD. Yes, sir; and under those conditions he had no right to withdraw his request. Now we are in the House. He has not renewed that motion to withdraw his request. The question is, as I understand it, whether the motion of the gentleman from Pennsylvania shall prevail or not. I move now to lay on the table the motion of the gentleman from Pennsylvania [Mr. MOORE] that the words of the gentleman from Illinois [Mr. MADDEN] be taken down, and that will end it.

Mr. STAFFORD. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Wisconsin rise?

Mr. STAFFORD. Merely to make an observation. I take it there are two motions that are in order. One is to move to allow the gentleman from Illinois [Mr. MADDEN] to explain, or, if the House sees fit, to expunge the words from the RECORD. If neither of such motions is made and no Member wishes to make such motion, then it naturally is in order for the chairman of the Committee on Rivers and Harbors to move that the House go into the Committee of the Whole House on the state of the Union for the further consideration of the bill.

Mr. MOORE of Pennsylvania. Mr. Speaker——

The SPEAKER. Wait until the Chair states the case. The motion to strike these words out of the RECORD is in order, and the motion to allow the gentleman from Illinois [Mr. MADDEN] to proceed is in order.

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of order that the language complained of does not transgress the rules of the House.

The SPEAKER. That is not a matter to be passed on by the Chair in the situation we are in now. A motion to strike out the words would determine the opinion of the House about that.

Mr. MOORE of Pennsylvania. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MOORE of Pennsylvania. Would it simplify matters, we now being in the House, to withdraw the request that the words of the gentleman, spoken in committee, be taken down?

The SPEAKER. It undoubtedly would.

Mr. MOORE of Pennsylvania. I withdraw the request.

Mr. MADDEN. Mr. Speaker, I maintain that the request made by the gentleman from Pennsylvania [Mr. MOORE] having been made in the Committee of the Whole House on the state of the Union, he can not withdraw it in the House. And I object.

Mr. KITCHIN. After he gets into the House, he can withdraw it.

Mr. MEEKER. Mr. Speaker, I move that the words of the gentleman from Illinois [Mr. MADDEN] and the gentleman from Pennsylvania [Mr. MOORE] be stricken from the RECORD.

Mr. LANGLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LANGLEY. Would it be in order to move that the House ignore the whole proposition?

The SPEAKER. No. The gentleman from Missouri [Mr. MEEKER] moves that the words of both the gentleman from Illinois [Mr. MADDEN] and the gentleman from Pennsylvania [Mr. MOORE] in that interrogatory performance be stricken from the RECORD.

Mr. STAFFORD. Mr. Speaker, I move to lay the motion on the table.

Mr. HARDY. Mr. Speaker, as a substitute for the motion of the gentleman from Missouri I move that the gentleman from Illinois [Mr. MADDEN] be allowed to proceed in order.

Mr. MADDEN. I was in order.

Mr. Speaker, if I may have just a moment, I would like the House to grant me unanimous consent for half a minute.

Mr. GARRETT of Tennessee. Mr. Speaker, I would like to be heard in favor of the point of order that I made.

The SPEAKER. The Chair will recognize the gentleman from Tennessee [Mr. GARRETT] in a minute. The gentleman from Illinois [Mr. MADDEN] asks unanimous consent for one minute. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Speaker, I do not want the House to understand when it makes the suggestion that I may be permitted to proceed in order that I admit I was not in order. I maintain I was in order, and that I did not say a word in connection with my speech that was unparliamentary or in violation of the rules. And so I do not think that there ought to be that reflection cast upon what I said by moving that I be permitted to proceed in order.

Mr. MOORE of Pennsylvania. Mr. Speaker, may I have one minute by unanimous consent?

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. I do not care that any action shall be taken that will reflect upon my position in asking to having the words of the gentleman from Illinois [Mr. MADDEN] taken down. There is only one place on earth where people unjustly accused in the House of Representatives can be defended, and that is here. Gentlemen rise here, taking advantage of the constitutional privilege, and attack individuals and affairs outside of this House. The gentleman from Illinois did that, and did it openly and boldly. This is the only place where I can challenge him, and I did challenge him on the statement he made, and I do it now, and I will continue to do it so long as he makes statements about people whom I ought to defend who can not answer for themselves.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. GARRETT of Tennessee. Mr. Speaker, the practice in occurrences of this kind is not perhaps very well defined. I did not hear all of the remarks of the gentleman from Illinois [Mr. MADDEN], but as I understood it, that which was complained of by the gentleman from Pennsylvania [Mr. MOORE] was read from the desk.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield for a question?

Mr. GARRETT of Tennessee. Certainly.

Mr. MOORE of Pennsylvania. Did the gentleman hear the gentleman from Illinois say that the bonds of a certain company were worthless? Did he hear the gentleman from Illinois ask the gentleman from Pennsylvania if he owned any of such bonds?

Mr. GARRETT of Tennessee. No; I did not. Is that the language that was taken down? That is not what was read.

Mr. MOORE of Pennsylvania. That part was not read.

Mr. GARRETT of Tennessee. That which was read from the desk was not in violation of the rules of this House. Whether there was anything said prior to that which was I do not know. I did not hear those remarks.

The reason I am making this point of order, Mr. Speaker, is that I think it is just as well to have a precedent to it established now. It is perfectly clear to my mind that the remarks read from the desk were not in violation of the rules of the House.

Now, it seems to me that the Chair should pass upon that question. Otherwise, if the matter is to be submitted to the House on demand, every time some gentleman conceives it to be his duty to raise that question, and it is submitted to the House, it opens the way for every character of filibustering that gentlemen would care to engage in. It is perfectly clear that the language read from the desk was not in violation of the rules of the House. There was no reflection upon any Member of the House.

Mr. MONDELL. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Wyoming rise?

Mr. MONDELL. To make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MONDELL. Does the Chair hold that the gentleman from Pennsylvania [Mr. MOORE] had a right to withdraw his request to have the words of the gentleman from Illinois [Mr. MADDEN] taken down?

The SPEAKER. Yes.

Mr. MONDELL. He had the right to withdraw that?

The SPEAKER. Yes, in the House. The gentleman has the right to withdraw any motion, and his request to take the words down is tantamount to a motion. In the committee he had to have unanimous consent to do it, but in the House a Member can withdraw a motion or any other proposition or amendment clear up to the time it is voted on without asking anybody's consent.

Mr. MONDELL. I understand that the gentleman from Pennsylvania has now asked, in the form of a motion, that his demand be withdrawn.

Mr. GARRETT of Tennessee. That comes too late. The words have already been taken down. That would not get us anywhere.

Mr. Speaker, I venture to direct the Chair's attention to paragraph 4 of Rule XIV, found on page 321 of the Manual I have in my hand. It reads this way:

> If any Member, in speaking or otherwise, transgresses the rules of the House, the Speaker shall, or any Member may, call him to order.

Now, I respectfully submit that somewhere there must be the power lodged to determine whether a person speaking has transgressed the rules of the House, and I think the Chair is the first authority to pass upon that. Otherwise we could have this House in confusion all the time. If there is no power lodged in the Chair to pass originally upon a proposition of whether or not some one transgresses the rules of the House; if any Member can at any time when another Member is speaking demand that his words be taken down in the Committee of the Whole and in the House, and thereby precipitate such a discussion as we are having now, it opens the way to a filibuster. It seems to me it is a very simple proposition for the Speaker to pass upon, whether it transgresses the rules of the House, and if any man disagrees with the decision, he can appeal from the decision to the House and it can be passed upon there.

Mr. SAUNDERS of Virginia. Mr. Speaker, I wish to say a word or two in support of the contention advanced by the gentleman from Tennessee [Mr. GARRETT].

It seems to me that it is a very clear proposition, that this matter once having reached the House, the determination of whether or not the words complained of are in order, or out of order, can be made by the Speaker prior to submitting to the House any motion in connection with these words.

Of course under the rules there was no escape from bringing this matter into the House. The rule expressly provides what shall be done in Committee of the Whole, and the form of procedure to be pursued in a situation of this character. This matter having been brought bodily before the House, a question of order is presented that should be determined according to the rules and practices of this body.

Suppose this colloquy had occurred in the House. The first question to arise would have been: Are the words of the gentleman from Illinois in order? I fully agree with the gentleman from Tennessee that the words asked to be taken down in the Committee of the Whole and just read in our hearing are perfectly parliamentary in their character.

If they had been uttered in the House, I think the Speaker would have promptly ruled that the gentleman from Illinois [Mr. MADDEN] was in order. The whole matter occurring in the Committee of the Whole having been returned to the House for disposition it occurs to me that the Speaker can determine whether the words of the gentleman violated any rule of parliamentary decorum. It is the function of the Speaker to maintain order and pass on all questions of order. So far there has been no ruling either adverse or favorable to the gentleman from Illinois. His words have been taken down and reported to this body for action. It is true that the House may deal with this situation by appropriate motion, but if the Speaker holds that the words are in order, there is no occasion for any action by the House, unless an appeal is taken from the Speaker's ruling, and that ruling reversed. This question of order occurring in the Committee of the Whole is remitted to this body for decision upon the manifest ground that a question of free speech is presented, and a question so vital should not be decided by any authority short of that of the House. If it was a question of order in the

committee, it has not lost that character by translation to this body, and as a question of order, it should be passed on by the Speaker, if the question of order is raised. Why not? There is nothing in the rules that either by direction or indirection takes this case out of the authority of the Speaker. It is true that the situation may be dealt with by motion, if no point of order is raised, but this is true of many parliamentary situations. The one question in issue is whether the gentleman from Illinois was in order when he used the words asked to be taken down. These words are now before this body. They were sent here to have their parliamentary character ascertained. If they were in order, then this incident is ended, and we should return to the Committee of the Whole in order that the gentleman from Illinois may proceed with his speech. If in the judgment of the presiding officer of this body these words are in order, then a simple holding to that effect will settle this controversy, and render unnecessary any motion, or action of the House. I submit that it is clearly within the authority of the Speaker to pass on the words complained of, and that the purpose of the rule providing that these words complained of in the Committee of the Whole shall be reported to the House, is that primarily they may be passed on by the Speaker, subject to appeal to the House, precisely as if they had been uttered in the House, and the Speaker had been asked to determine whether they were in order. A ruling of the Speaker will in no wise hinder the House from dealing with these words, if so disposed, by appropriate motion.

Mr. MONDELL. Mr. Speaker——

The SPEAKER. The Chair is ready to rule. Ordinarily in debate if A complain that the remarks of B are out of order, the Chair admonishes B to keep within the limits, and if he does not do so the Chair stops him. That is before the motion to take down the words is made. The Chair undoubtedly has a good deal of discretion about that. I remember very well one day, a long time ago, when Speaker Reed was in the chair and Mr. Allen of Mississippi was making a speech. In the course of his remarks he attacked the Senate, and the Speaker tapped his desk with the gavel and suggested to him that he was out of order. Now, Mr. Allen was a seasoned Member. He seemed puzzled. He did not know what he was out of order about. He started in again with the very same line of talk, and Speaker Reed went through the same performance again, rapping with his gavel, and told him he was out of order, but did not tell him why. Mr. Allen started in the third time, and Speaker Reed stopped him and explained to him that he was out of order because he was lashing the Senate.

Time and again a Member objects to remarks that some other Member makes, and the Chair in that case passes on whether the words are in order or out of order and admonishes the Member to proceed in order. But when this motion to take the words down is made, according to my way of thinking, an entirely different situation arises; and, it being in the Committee of the Whole, they could not deal with it in this case, so they referred it back to the House, or dumped it back into the House, as the gentleman from Virginia [Mr. SAUNDERS] has said. The gentleman from Missouri [Mr. MEEKER] made a very proper motion to strike out all these words about which this controversy has arisen, and the gentleman from Wisconsin [Mr. STAFFORD] made a motion to lay that motion on the table. That motion is not debatable, and the question is on the motion to lay on the table the motion of the gentleman from Missouri [Mr. MEEKER].

Mr. BURNETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURNETT. There seems to be a difference in the understanding of the gentleman from Pennsylvania and other gentlemen in regard to what the words were. I was not in the Hall at the time. If it is in order, I would be glad to have the language as taken down by the Official Reporter read for the information of the House.

Mr. MADDEN. I can tell the gentleman what the words were that were objected to.

The SPEAKER. The Clerk will report the language.

The Clerk read as follows:

Mr. MADDEN. Provision is made in the bill for the condemnation of this rotten, obsolete canal to be owned by the Government of the United States.

Mr. MOORE of Pennsylvania. I ask that the gentleman's words be taken down.

Mr. MADDEN. That is all there was to it.

The SPEAKER. The Clerk will read what he has.

The Clerk read as follows:

Mr. MADDEN. Why does the gentleman want to defend the owners of these stocks and bonds?

Mr. MOORE of Pennsylvania. I ask that the gentleman's words be taken down.

Mr. MADDEN. That is all right. I am not reflecting on the gentleman.

Mr. MOORE of Pennsylvania. He is reflecting on the truth. I withdraw my request.

Mr. MADDEN. I insist on their being taken down.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask that that part of the debate be read in which the gentleman from Illinois asked the gentleman from Pennsylvania if he owned any of these stocks and bonds.

The SPEAKER. That was subsequent to the demand of the gentleman from Pennsylvania to "take down the words."

Mr. MOORE of Pennsylvania. If this part is stricken out, the other part should be stricken out too. There is an implication there that I do not think Members of the House ought to let go into the RECORD. I am satisfied to have the whole thing stricken from the RECORD, but I do not think it is fair that the gentleman from Illinois or any other gentleman should reflect upon a colleague in the manner in which he did when he asked that question.

The SPEAKER. That part of the controversy was not demanded to be taken down.

Mr. MOORE of Pennsylvania. That is the part that is objectionable.

The SPEAKER. Here was the situation: The gentleman from Pennsylvania [Mr. MOORE] demanded twice that the words be taken down. He demanded it once. Then the gentleman from Illinois [Mr. MADDEN] made some other remarks, and the gentleman from Pennsylvania again demanded that the words be taken down, and then, just as the Speaker came into the Hall, the gentleman from Illinois [Mr. MADDEN] asked the gentleman from Pennsylvania if he owned any of the bonds. That was subsequent to the demand to take the words down.

Mr. GORDON. That was not asked to be taken down.

Mr. MOORE of Pennsylvania. This controversy began through the statement of the gentleman from Illinois [Mr. MADDEN] that the bonds of this company to which he referred were worthless.

Mr. MADDEN. I did not say that.

The SPEAKER. This motion to table is not debatable.

Mr. MEEKER. Mr. Speaker, I demand the regular order.

Mr. GARRETT of Tennessee. Mr. Speaker, if the gentleman will permit me for a moment, I do not wish to weary the Chair or exhaust the patience of the House, but I feel very strongly that the point of order which was made by me was well taken. I do not understand the Speaker to have ruled directly on that, though by inference I suppose he overruled my point of order. I would like to ask the Chair if he has at the desk there Volume V of Hinds' Precedents? I find this reference here in the small manual which I have in my hand, referring to section 5187 of the large volume of Hinds' Precedents:

After the Speaker has decided that the words taken down are out of order a motion that the Member be permitted to explain is in order before the motion that he be permitted to proceed is in order.

Clearly implying that it is up to the Speaker to determine whether or not the words complained of are out of order. That is the implication from the quotation in the small manual.

Mr. MAPES. Mr. Speaker, section 5159 goes further than the section to which the gentleman from Tennessee has called attention. While the point of order which he has raised was made in that case in the Committee of the Whole it seems as though the same rule would apply in the House. In that case the chairman of the committee decided that the words "objected to" were parliamentary and ordered the Member who had the floor to proceed. I read from Hinds' Manual, section 5159:

On April 10, 1906, the Post Office appropriation bill was under consideration in Committee of the Whole House on the state of the Union, when Mr. Frank A. Hopkins, of Kentucky, having the floor, was addressing the committee.

Mr. William S. Bennet, of New York, rising to a question of order, demanded that the words just uttered by Mr. Hopkins be taken down.

The Chairman said:

"The reporter informs the Chair that he has not been taking down the remarks of the gentleman from Kentucky for the reason that the gentleman from Kentucky informed him that his remarks were in manuscript and that there was no need of reporting them. If the gentleman from Kentucky will permit the Chair to see the manuscript, the question can be determined."

The Chairman, from suggestion made by Mr. Bennet, stated the objectionable words.

He says (referring to the gentleman from New York), "that 30.6 per cent of the voters of the country in which I live can neither read nor write," which is not true.

Mr. JOHN S. WILLIAMS, of Mississippi, made the point that the language was in order.

The Chairman said:

"The Chair rules that the language is not unparliamentary, and the gentleman from Kentucky will proceed."

The SPEAKER. That was done in Committee of the Whole.

Mr. MAPES. Yes; and it may be too late to raise the question now, but I call the attention of the Speaker to the fact that the

chairman of the committee has the right to decide that the words are or are not parliamentary.

The SPEAKER. The Chair has stated the very same thing. The Chair stated the ordinary rule, that the Chair can pass on the question, whether the words used are parliamentary or not, but that is not this case. That decision was rendered by the Hon. James S. Sherman, who, while he never was Speaker, was one of the most popular presiding officers the House ever had. But the case passed on there is not the case here.

Mr. MAPES. I understand; but it seems to me the Speaker would have the same authority that the Chairman of the committee had.

The SPEAKER. The trouble is that the gentleman from Pennsylvania demanded that the words be taken down; they were taken down in committee, and then the committee rose and came into the House with this report.

Mr. LONGWORTH. Mr. Speaker——

The SPEAKER. The Chair will hear the gentleman.

Mr. LONGWORTH. Assuming that the words are not in fact unparliamentary, is it in order to move that they be stricken out?

The SPEAKER. Yes; you can move to strike out anything.

Mr. LONGWORTH. Move to strike out parliamentary language?

The SPEAKER. Yes; but of course no one would vote for that motion.

Mr. LONGWORTH. That is the situation—the gentleman from Missouri is moving to strike out language that is parliamentary, as the House has decided.

Mr. PARKER of New Jersey. I call for the regular order.

The SPEAKER. The Chair has ruled and started to put the motion of the gentleman from Wisconsin, which is to lay the motion of the gentleman from Missouri on the table.

The question was taken, and the motion was agreed to.

Mr. MOORE of Pennsylvania. Mr. Speaker, that permits the RECORD to stand as it is.

The SPEAKER. Yes.

Mr. MADDEN. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MADDEN. The gentleman from Pennsylvania asked if that permitted the RECORD to stand as it is. I want to say that I refused to yield to the gentleman from Pennsylvania and he made two or three speeches of about five minutes, and I want to ask the Speaker if what he said when I refused to yield to him will be permitted to stand in the RECORD?

Mr. MOORE of Pennsylvania rose.

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. MOORE of Pennsylvania. To submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MOORE of Pennsylvania. Is it proper for a Member of this House, in the presence of those who were here and heard the statement, to say to the Speaker that the gentleman from Pennsylvania inserted three or four speeches of five minutes——

The SPEAKER. The Chair will state the case to the gentleman from Illinois [Mr. MADDEN] out of his own experience. At one time I was making a speech that I had carefully prepared, I think with reference to the value of wooden and iron ships. I wound up that speech with a long and rhetorical sentence which I thought was a fine finish. [Laughter.] Right in the middle of the sentence Gov. Steele, of Indiana, without asking my permission, injected a remark of his own into the middle of the sentence, spoiling the sentence. After I had answered him I began the sentence over again, and it went through without interruption. So when I received the notes of my speech I struck out Gov. Steele's question and my answer. He rose the next morning to a question of privilege and wanted to know what I did it for. Speaker Reed harnessed me up and interrogated me, and I told him that there was no sense in the question, that it ruined the last sentence of my speech, and I did not propose to stand for it. [Laughter.] Then Mr. Speaker Reed kindly told me what the rule was, and I have never forgotten it, and it will answer the gentleman's question. When a Member has the floor and somebody wants to interrupt him he has the right to do one of two things: He can decline to yield, and then if the other Member insists upon injecting remarks into his speech he can cut out those remarks without asking anybody's consent. But if he yields to the interruption he has to put it in as it occurs.

Mr. SAUNDERS of Virginia. Mr. Speaker, I want to propound a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SAUNDERS of Virginia. The situation as I understand the present one is this: A question of alleged unparliamentary procedure occurred in Committee of the Whole and under our rule that matter was referred to the House for disposition. It came into the House and the gentleman from Missouri moved to strike out the matter and a motion was then made to lay the motion on the table. The motion was carried. Does that settle the question whether or not the Member speaking was in order?

The SPEAKER. That is absolutely settled by the adoption of the motion to table.

Mr. SAUNDERS of Virginia. What does that settle? The motion was made to strike out the language.

The SPEAKER. That is true.

Mr. SAUNDERS of Virginia. And that motion is laid on the table. That means that the words are not stricken out. Does that settle whether the gentleman is in order or out of order?

The SPEAKER. Yes; in the opinion of the House he was not out of order when he made those remarks.

Mr. SAUNDERS of Virginia. If that is the result of the motion, that is all right.

HOUR OF MEETING TO-MORROW.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection?

Mr. GILLETT. Mr. Speaker, reserving the right to object, may I ask if anything in particular is coming up?

Mr. KITCHIN. The gentleman from Virginia [Mr. GLASS] has given notice that he will call up the conference report upon the amendment to the Federal reserve act, and that will take at least an hour, if not more.

The SPEAKER. Is there objection?

There was no objection.

RIVERS AND HARBORS.

Mr. MOORE of Pennsylvania. Mr. Speaker, the Chair having stated an experience of his own, which is upon all fours with that of the present case, certain remarks having been injected into the speech that were not pleasant to the Speaker, I ask now, in view of the inquiry of the gentleman from Illinois [Mr. MADDEN] as to whether he may strike from the RECORD certain things that appear in the RECORD, whether he has the right to do so.

The SPEAKER. The Chair laid down the rule, and the gentleman will have to observe the rule. If he yielded to the gentleman from Pennsylvania to make the remarks, he has no right to strike them out, it makes no difference what he said; but if he did not yield, then he has a perfect right of his own motion, without asking anyone's consent, to cut them out.

Mr. MOORE of Pennsylvania. But the ruling of the Chair, as I understand it, is that the House now has ruled that the RECORD shall stand as it is and that there shall be no change.

The SPEAKER. The House ruled practically that so far as these words that were read from the Clerk's desk are concerned, they shall stay in the RECORD.

Mr. MOORE of Pennsylvania. And that they shall not be altered according to the suggestion of the gentleman from Illinois?

Mr. MADDEN. Mr. Speaker, the gentleman from Illinois will serve notice now on the gentleman from Pennsylvania that everything that the gentleman said to which I did not consent will be stricken from my speech.

Mr. SMALL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4285, the river and harbor appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the river and harbor appropriation bill, with Mr. HARRISON of Mississippi in the chair.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] is recognized for seven minutes.

Mr. BORLAND. Mr. Chairman, I would like to ask my friend a question.

Mr. MADDEN. Very well.

Mr. BORLAND. I understand it was stated here a while ago that about $900,000,000 has been expended altogether in river and harbor improvements in the United States. Is it not a fact that a great deal of that was expended upon the Great Lakes, and that as a consequence thereof the Great Lakes cities have become the most populous and the greatest shipping centers in the interior of the country? Chicago has become one of the greatest of the interior ports of the United States by reason of that.

Mr. MADDEN. I think I may say for the information of the gentleman from Missouri that there has not been over $2,000,000 spent out of the Treasury of the United States in connection with the Chicago Harbor all told, although I would not undertake to state the exact figures. The improvement of the Great Lakes is not confined to Chicago. It covers almost all of the interior American cities.

Mr. BORLAND. It covers such splendid cities as Duluth, Cleveland, Buffalo, Detroit.

Mr. MADDEN. I said a while ago that I am in favor of the improvement of the harbors of the United States, and if this bill were confined to the improvement of the harbors there would be no man on the floor of the House more enthusiastically for it than I.

Mr. BORLAND. Have not the Lake harbors had a very fair share of improvement in the past?

Mr. MADDEN. Oh, no.

Mr. GALLAGHER. They have had less than a share.

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. MEEKER. The gentleman states that he is in favor of improving the harbors. Does he mean that he is not in favor of improving the rivers?

Mr. MADDEN. I am not in favor of improving any river where there is not any justifiable navigation. I am not in favor of making appropriations for the improvement of such rivers as will cost $40 for every ton of freight carried on the river. I am not in favor of making appropriations as war emergency measures to remove water hyacinths from rivers upon which there is no navigation. I am not in favor of any appropriation at this time for rivers and harbors except such appropriations as may be necessary to maintain the harbors of the United States so that navigation may be facilitated. I am opposed to the appropriation provided for in this bill not only because it is not a war-emergency measure but also because we are already obligated for between ten and twelve billions of dollars for the conduct of the war, and the people of the United States are already overburdened with taxation, and for the further reason that this bill is not and can not be considered to be a war-emergency bill, and the still further reason, and perhaps a better reason, that there is $32,000,000 now to the credit of river and harbor projects in the Treasury of the United States already appropriated. That can be expended during the coming year, and every project of any consequence, at any rate every project of any merit, every project that is justified or justifiable will have every improvement in the way of maintenance that is necessary to keep the project in proper order to facilitate navigation and the movement of the commodities and the product of labor, of the factory and the farm, from one section of the country to the other without the expenditure of an additional dollar beyond that already in the Treasury to the credit of these projects.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BORLAND. How much did the gentleman say had been expended on Chicago Harbor?

Mr. MADDEN. I said I did not know, though I thought about $2,000,000.

Mr. BORLAND. Now, I find there has been appropriated $4,435,000 to the harbors. This is $200,000 for completion, which means virtually completed.

Mr. MADDEN. It is a breakwater.

Mr. BORLAND. I find for the Calumet Harbor, $1,640,000; Chicago River, $1,801,000; and Calumet River, $1,342,000, making about $8,000,000.

Mr. MADDEN. Yes; but we have got anywhere from eight to ten million tons of freight every year.

Mr. BORLAND. Chicago gets the benefit of it.

Mr. MADDEN. Whereas the Missouri River——

Mr. BORLAND. I am for it.

Mr. MADDEN. The ultimate cost of which will be $20,000,000, can only show 26,000 tons of freight in any given year.

Mr. BORLAND. I want to say I think Chicago is justified in the expenditure.

Mr. MADDEN. And the cost to the Government every year will be $1,000,000, or $40 for every ton of freight carried on the Missouri River. We have eight to twelve million tons of freight every year on the Chicago Harbor at a cost, from the foundation of the Government according to the gentleman's own figures, of $4,000,000, and this tells the House what the difference in the merit of the Missouri River proposition and the Chicago Harbor proposition is. I yield up the balance of my time.

Mr. BORLAND. When these improvements were begun in Chicago, Chicago was less than one-third the size of Kansas City now.

The CHAIRMAN. The gentleman yields two minutes.

Mr. SMALL. If the gentleman from Ohio will yield to me for just a few minutes. The gentleman from Illinois [Mr. MADDEN] has spoken for an hour on the river and harbor bill. When I had the honor of addressing the House on Friday I made the challenge to gentlemen to show that any provisions of this bill for the new projects were not meritorious, were not emergencies in the interest of commerce, or were not necessary in the national defense. The gentleman in an hour's time made a great many general statements, but he only referred specifically to the Chesapeake and Delaware waterway and the Missouri River, and perhaps to the Mississippi River. But certainly his discussion of these specific projects was not serious or did not include any statements of facts involving their demerits which would bring conviction to the House or show that they were unmeritorious. The gentleman did indulge in some innuendoes and indefinite statements. He said people were not willing to appropriate money to sink artesian wells, to remove hyacinths, and clear out worthless creeks, or help Members of Congress. I think the majority of the committee desire a candid and frank discussion of the items of this bill with full opportunity to anyone to show their demerits, and I suggest that general statements of that kind are not convincing. But, Mr. Chairman, the remarks of the gentleman, and the remarks of some other gentlemen who have opposed this bill, bring this point to my mind. I have not any desire nor would I impugn the motives or the veracity of the gentleman from Illinois, and I do not do it. After all, the opinions of any Member in this House, the impression which he makes upon the House by his advocacy or opposition of any proposition, must depend upon his own personality and the confidence of the House in his fairness and in his sense of right in advocating or opposing a proposition. That is the criterion by which the House will judge the gentleman from Illinois and others who are opposing this river and harbor bill and those who are advocating it, and it will contribute nothing to the discussion to indulge in any expression which affects the character or good faith of gentlemen here upon either side.

Mr. MADDEN. Will the gentleman yield to me right there?

Mr. SMALL. I will.

Mr. MADDEN. Does the gentleman wish to have the committee understand that I intended to reflect on the character of any Member of the House in my speech?

Mr. SMALL. No; I did not intend to say so. I did not indulge in any such expression.

Mr. MADDEN. I thought maybe what the gentleman said intended to convey that impression.

Mr. SMALL. No; I did not. I have before me a resolution which was introduced, as I recall, by the gentleman from Illinois [Mr. FULLER] and referred to the Committee on Rivers and Harbors, and which embraces resolutions passed by the Chamber of Commerce of East St. Louis, Ill. The resolutions are as follows:

Whereas commerce of this country has developed to such an extent that the railroads are unable to take care of all the traffic offered them, with no prospects of relief: and

Whereas there are many navigable rivers in the United States on which transportation of a large volume could be developed and, as a matter of fact, is being developed, three important lines of transportation having been established out of East St. Louis within the past year: Therefore be it

Resolved, That the Chamber of Commerce of East St. Louis, Ill., urge Congress at the extra session to be held in the near future to make adequate appropriation for rivers and harbors, in order that river channels may be kept open and that the development of river transportation, which is absolutely necessary, may be encouraged; and be it further

Resolved, That a copy of this resolution be mailed to each of the Representatives from Illinois and the two Senators from Illinois.

Upon their merit I submit these resolutions as an answer to the argument of the gentleman from Illinois [Mr. MADDEN].

Mr. SWITZER. Mr. Chairman, I yield five minutes to the gentleman from New Jersey [Mr. PARKER].

Mr. PARKER of New Jersey. Mr. Chairman, I do not know very much and we do not know and can not know very much about the particulars of a bill like this. I know and you know and the country knows that we want no money spent; it is more than money. We want no energy of this country at the present time devoted to anything except what is absolutely necessary for the carrying on of a war for our preservation. I think this House desires to say this. The details of this bill are in 20 or 30 pages; the appropriation is in the first nine lines, making immediate appropriation to the President and the Secretary of War of certain moneys for certain public works, and after those nine lines I give notice now that I propose to move this amendment:

Insert the following provision: "*Provided*, That during the continuance of the present war no money shall be so expended except for necessary repair and preservation of existing public works or for construction and completion of public works of immediate military necessity, to be determined by the President."

And I shall ask every patriot to vote for that limitation upon this bill.

We are in war. The measures to be taken are to be determined by the Commander in Chief. It is not a question so much of money. Even $26,000,000 is little compared to the cost of this war. We want men. There are men in factories, skilled mechanics, carrying on work for locks and dams, and other works on the rivers and harbors. We want them for the war. There are men on board ships acquainted with our coasts and used to storms. We want them. There are dredging machines, and we may want to turn those dredging boats into boats that will lay and take up mines. We want them. But most of all, we want the officers of the United States Army, of the Engineer Corps, to be at their own work—the business of contriving and planning forts and defenses and arranging for sieges, and doing work in the field. We want them. We have too few officers. There are in the Engineer Corps a little over 300 officers authorized. The enlargement of the Army has made it impossible to get enough of the best West Point graduates, and there are only 252 officers now, according to the list of the Engineers. One brigadier general, 17 colonels, 22 lieutenant colonels, 55 majors, 78 captains, 74 first lieutenants, 5 second lieutenants. Every one of them is needed for war, and more yet. There can not be too many to lay out trenches and siege lines if men are to go into war in France. We should not divert to digging channels. In addition, every officer of the reserve should go back into the active Engineering Corps. They are the cream of the graduate officers of West Point. They are needed now in the camps. They say we can not have larger camps because of the lack of officers to instruct the men; and we can not detail more officers from the Regular Army without hurting that Army.

Mr. Chairman and my friends, let us remember that it is brains and education that are needed in carrying on war, and in training our people for a task such as we have never had before. Let us insist that no part of our energies be diverted to ordinary river and harbor work. The way to secure this is to leave it to the sole responsibility of the Commander in Chief that no money shall be spent during the war under this bill except for the necessary repair and preservation of existing public works and in the completion of such works as are of immediate military necessity, to be determined by the President.

That motion for this amendment will come up with the first clause of that bill, and I ask you to be present and vote.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. SMALL. Mr. Chairman, I yield 20 minutes to the gentleman from Missouri [Mr. MEEKER].

Mr. MEEKER. Mr. Chairman, I ask unanimous consent to extend and correct my remarks.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend and correct his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. MEEKER. Mr. Chairman and gentlemen, we are facing a vastly different condition of affairs in the Mississippi Valley than you have been led to believe exists there now by the gentlemen who have opposed this bill. One of the great factors in the carrying on of this or any war is transportation, and any man who knows anything at all about the transportation situation in the Mississippi Valley country, and especially west of the river, knows that for more than a year our manufacturers and merchants and farmers throughout that country have been suffering almost irreparable losses because they could not get transportation facilities. And now, just at the moment when, for the first time in the history of this Nation, the railroads have acknowledged that they must have the assistance of the rivers, gentlemen come onto the floor of this House to defeat the measure which will provide that assistance.

Mr. Daniel S. Willard, the president of the Baltimore & Ohio Railroad, who is now chairman of the advisory commission of the Council of National Defense, is a railroad man that we might say, putting it mildly, has never before favored river transportation. But the moment Mr. Willard was put into a place of responsibility where he had to look at the question of transportation from the standpoint of a national necessity rather than from the standpoint of the interests of his own railroad, he comes to the men of the Mississippi River and asks them to call a conference, and offers to those men every assistance that he, with other railroad men, can give, in developing this river traffic to meet the present emergency.

Gentlemen who are speaking on the floor of this House in opposition to this bill are evidently not in touch with the last six weeks' history of the transportation project now under way on the Missouri and Mississippi Rivers, else they would not be here opposing the bill. And certainly when this crisis is now on, when the railroads shipping from the center of the continent have admitted their breakdown long ago, and when in these very days the Government has provided its own boats and barges for the carrying of coal to St. Paul to be delivered throughout the Northwest, after the railroad companies have announced that they can not be depended on to deliver that coal for this winter's use, when the barges are now being loaded and started up the river to deliver that coal, men should not come on the floor of this House and try to discredit this bill by talking about water hyacinths and artesian wells simply because they do not know what is going on in this country. [Applause.] It speaks very little for their up-to-dateness, to say the least. When we are facing the problem of transportation for the foundries of the Mississippi Valley country——

Mr. WALSH. Will the gentleman yield?

Mr. MEEKER. Not now. I will not yield to anybody.

When we are facing the problem now in our Mississippi Valley foundries, when this Government has asked those men in the iron industry to turn out materials for their warships, they reply to the Government, "If you will give us water transportation from St. Paul whereby we can bring the iron from the Mesaba Range we can do it," and the Government says it will. I do not know what a man could consider as an emergency measure greater than that. When the Government calls on men in the mid-Mississippi territory to use their lumber for the building of freight cars, and the men on the lower Mississippi in the lumber companies of the South say that their mills must close down unless they can get up-river transportation on barges, if that is not an emergency situation, what is? I will ask the opponents of this measure to show where they expect to lay one single new mile of trackage on which to carry the cars if they were constructed, and how they expect to relieve this congestion if they do not do the ordinarily sensible thing of going to the river for all the transportation that it can possibly carry?

Now, what has occurred? On the 6th and 7th of May, in response to a call that was sent out, 300 delegates, representing 35 cities, met in the city of St. Louis to take up the problem as to what could be done toward relieving the freight congestion existing in the valley and how the rivers of this Nation might be utilized.

The Secretary of War was represented there by Gen. William M. Black, Chief of Engineers. There grew out of that conference a specific request that went from the Secretary of War himself that these men along the river should put into the service every kind of barge and steamboat and craft, old and new, in order to relieve the congestion. After that conference was held a body of men came on to Washington and held a conference here about two weeks ago in which the representatives of the railroads and the representatives of river transportation for the first time ever in the transportation history of the United States went into a conference. The railroad men admitted that they were down and out and on the flat of their backs and helpless. When men come on the floor of this House now, probably never having heard of those things, and still discuss water hyacinths and artesian wells in the South they know nothing about what is going on.

Growing out of the conference here three weeks ago a committee was appointed, consisting of representatives of a number of Mississippi River cities and regions. These men have been in conference during the last week with the railroad transportation committee in the Council of National Defense. The committee consists of the following men: Mr. James E. Smith, of St. Louis, one of the best posted river transportation men in America; Mr. Walter S. Dickey, of Kansas City, who has loyally contributed out of his fortune for the development of it, and I would rather have the word of Walter S. Dickey, who is willing to put his money into a barge line from Kansas City to St. Louis, than the word of gentlemen who never rode the river; Mr. George E. Bartol, president of the Philadelphia Bourse; Mr. M. J. Saunders, of New Orleans; Mr. Joy Morton, of Chicago; and Gen. William M. Black, Chief of Engineers of the United States Army.

During the past week this body of men have been here working with Mr. Willard's committee; Mr. Willard's committee having confessed at last, after we men who have stood for river transportation have said that the railroads are fighting this thing—these men at last, not from the standpoint of railroad men but from the standpoint of transportation men taking in the whole problem of transporting the Nation's products—have come in and laid their cards on the top of the table, saying, "We have got to have relief from the river or we are swamped."

Why, God bless you, if we put every dollar of the $26,000,000 on the Mississippi River alone it would be a good investment now. The ridiculous statement of the gentleman from Illinois [Mr. MADDEN] to the effect that if this money were spent over-

night it would not add a dollar to the value of the waterways is too childish to warrant a reply.

A great deal has been said here as to why the rivers have not been used, why the companies have not used the transportation facilities thus offered. I would like to have somebody explain what would be the freight carriage of the Union Pacific Railroad if every third mile of it were out. Everybody knows that one sand bar in a river causes a depreciation in traffic.

Talk about not making this appropriation. Stop this river improvement now and you actually throw away every dollar you have put into it heretofore. We had just as well call a spade a spade. The gentlemen who are opposing this measure now have never yet answered that one question that has been put to them so frequently, as to what would be the effect on the freight if all the sand bars were taken away. They do not dare. They might fool some of the unsophisticated, but the ridicule of the transportation by river, holding it up to the country and saying that so many million dollars has brought so many thousand pounds of freight, may go for children, but it does not go with practical men. This thing has come to be regarded in some quarters as a sort of "pork fest." But we have got to do one of two things. We have got now, as never before, to develop our waterway transportation or abandon it forever. There has never been a time when the shortsightedness of this Nation as to how it should have treated its rivers a half century ago is so patent as now. Oh, it is easy to come in here and abuse the antipreparedness man and the pacifist and to say that because he opposed our building of ships and opposed this or that project three or four years ago we are now unprepared. But, gentlemen, we are learning a lesson at this moment of the congestion of freight transportation in this country which points back to 50 years of neglect such as no other nation has ever neglected its waterways.

Now, what is going on? Right at this moment the question is asked, as I said a moment ago, What are the cities doing to use water transportation facilities? If there is anything in God's world that would discourage the investment of money in river transportation lines, the annual gab fest that is held here against it certainly would drive money out of the business. Every 12 months business men are going to have to depend upon another attack upon a legitimate enterprise. I do not think the average sound-headed investor would want to bet upon Congress's good judgment that far. There is nothing that is holding back such investment in large sums more than this everlasting nonsensical claim that you can not make the Mississippi River and the Missouri River fit to carry boats.

Now, what has occurred? New Orleans has completed the most magnificent dock front of any city in this country, possibly. The building of the Panama Canal and the promise of business and the expectation of trade legitimately coming down from the Mississippi and her tributaries have made New Orleans the Chicago of the South, and it has resulted in the renovation and the rebuilding of that whole section of country.

Coming on up to Memphis. Before Memphis could really improve her river front as she should it was necessary for her to obtain by act of the legislature the right to condemn the property. That has been obtained, and Memphis is now preparing for municipal river front, dock equipment, and terminal facilities second to none in the world.

Come on up to St. Louis. In the belief that Congress in its deep-waterway talk in the past meant what it said, and that we were not going to be compelled every 12 months to go up against the old opposition of useless and senseless talk about hyacinth and artesian wells, and that Congress was getting down to business on the question of deep waterways, within the last three months we have taken over 10 miles of the St. Louis river front, with a double-track railway all the way down. We are planning to extend that double-track down to terminals which will connect with the belt line, encircling the entire city. A $285,000 loading and unloading equipment is now under construction, and $1,250,000 is to be spent in new units, when for the past 40 or 50 years men to get to the river have had to go by dray up and down. This was a part of our last municipal campaign.

Mr. SMALL. May I ask if this belt-line railroad which connects the water terminal with the railroads that serve the city of St. Louis is owned by the city of St. Louis?

Mr. MEEKER. Yes; the belt-line railway is owned by the city of St. Louis.

Mr. SMALL. And what is the proportion of completion of the municipal water-front terminal?

Mr. MEEKER. I can not tell exactly, but the first unit is probably three-fourths finished.

Mr. SMALL. That is near enough.

Mr. MEEKER. We know what Kansas City has done. Her docks are completed, an honest, fair, and square deal in anticipation that this Government is going to do its part, and forever silencing this continual clamor about hyacinth and wells.

We go on up the river the other way, and we find that Keokuk is already at work constructing her facilities. Davenport has her work completed. St. Paul and Minneapolis have theirs under construction. I want to say to you, gentlemen, that when you consider that in this hour you are trying to discourage the development of the enterprises along the Mississippi, you are striking the deadliest blow at the transportation facilities of the Mississippi Valley that you ever struck in your lives. [Applause.] You can not come in here and in the name of economy or anything else undertake to belittle waterways extending over 1,600 miles, by talking about some little corner place. There may be a few hyacinths in this bill. I do not know. There are very few bills that do not have a few hyacinths in them somewhere along the line; but I am talking to you about a different enterprise than hyacinths, and we the people of the Mississippi Valley serve notice on you right here and now that you are going to fix the Mississippi and the Missouri, and we do not intend to let the lake and the coast cities run us out of the game. [Applause.]

The CHAIRMAN (Mr. CONNELLY of Kansas). The time of the gentleman has expired.

Mr. MEEKER. I want 10 minutes more.

Mr. SMALL. I yield 10 minutes more to the gentleman.

Mr. MEEKER. Now let us see. Here is the Department of Agriculture, daily receiving complaints that the farmers throughout the country can not be accommodated in the shipping of their products to market. Every department of this Government which touches the commercial life of the Nation is feeling all the time a stronger and ever stronger protest against the shortage of cars and the congestion of freight. Not one man who has spoken against this bill has offered a single line of sensible suggestion as to how to reduce this difficulty in the Mississippi Valley. Men say they did not know that freight congestion was going on. I had a constituent in my office last Saturday who ordered goods out of New York City last November, and who paid for them months ago, but who has not yet seen them in St. Louis. When automobile firms are shipping automobiles from Detroit to San Francisco by express, everybody except some gentlemen on the floor of this House knows that there is a freight congestion. Suppose you build your 100,000 cars, where will you get your railroad tracks over which to run them? Your trackage is going down every day. The railroads are burdened and have been burdened into receiverships, more hundreds of miles than were ever heard of before in the history of this country, and you hear no announcement of any new railway building. Now, we come to this question: I want to say to the men of the Northwest States, up through the Dakotas and that part of the country, that if you do not know it, it is simply because you have not been keeping in close touch with conditions in your own communities. The railroads are practically serving notice that the only way to get fuel to the Northwest for this winter is by barge up the Mississippi River and from there out. This is not child's play that we are discussing here. This is not for the moment only. This is a problem that is going to touch and affect the fireside and the home of every man who lives in that great northwest stretch of territory from here to the Canadian line. Talk about an investment of $100,000,000! Gentlemen, I believe that before we are through with this river problem, some day, and probably through this experience that we are now undergoing, the people of this country are going to rise up and do what every other civilized nation on earth has done, make of its rivers the great arteries of transportation. [Applause.] That is our problem here; and for a man to say that the United States Government can not manage the Missouri River, or that this Government has not engineering power or money enough to manage the Mississippi River, is to acknowledge defeat at the hands of mother nature. I have a greater faith in my people than that.

The men of New York are awake to the situation in the Mississippi Valley, for just as we are ready now, and are forming the organizations of two companies, one of $2,000,000 capital to carry freight from St. Louis to New Orleans, and another of a million and a half dollars capital to carry freight from St. Louis to St. Paul and Minneapolis, the New York gentlemen having discovered that the very necessity of the situation would call out that capital, came in and suggested very kindly that they would like to provide the funds. Business men can see that if Congressmen can not. The New York bankers are ready to get in on that barge subscription, but the business men of the Mississippi Valley intend that we shall

keep that business out there rather than place it in the hands of gentlemen down East.

Now, gentlemen of the committee, you hear some little picayune opposition here and there to this bill. You will hear men in the next two or three hours giving you some more hyacinth talk, but I want to put you squarely against this practical question. If it is 46,000 tons or if it is 12,000,000 tons of transportation that can be carried on that river, every pound of that freight that is carried relieves the congestion of the railways, and it means just that much assistance in relieving our transportation congestion throughout the United States.

Furthermore, let us remember this when we are taking up the problem of transportation in the Mississippi Valley, we must consider the North and the South and the East and the West. We know that since the Civil War days the great lines of interest of the people have run toward the West. Until of late we all advertised western real estate, farm lands, and timber, and everything of that sort, and our continent has been cut across by transcontinental lines. But, gentlemen, the movement of industry to-morrow will be north and south in this country rather than east and west. There is a new South that is yet to be built up, and any man who has traveled in the South—and it has been my great privilege in the last 25 years to be there much of the time—any man who has cast his eye on the South knows that her great farming communities, her mines, her forests, all that she has yet undeveloped will make her some day the garden spot of the world. [Applause.] And the man who gets in line now with the movement for carrying freight up and down the great river rather than crosswise, as we have always been doing, will only be in line with the prophet who has a vision of the greater and larger day. I thank you. [Applause.]

MIAMI.

Mr. Chairman, in further extending my remarks, I desire to call the attention of the House to the effect the defeat of this bill will have on the city of Miami, Fla. The citizens there are now in the process of spending $575,000 in constructing a channel across the bay, a turning basin, and terminals. The railroads have spent about $300,000 in addition for the equipment of terminals. Thus far the Government has appropriated $240,000, and in this bill is asking for $160,000 additional for the completion of the Government's part of the agreement. Unless the $160,000 is appropriated that which has already been done will be practically a total loss. Who shall say that even in the stress of war we should not complete that work and thereby keep faith with Miami? Surely, where the local people are ready to put up two dollars for every one which the Government puts into a project, we should not fail them when it is our turn to pay the last bills which will complete and save all that has been done thus far.

And so, if we had the time to enumerate, we would discover that from the Gulf to the very upper reaches of our north and south rivers the citizens are turning as they have never done before to the rehabilitation of river terminal facilities.

WATER-RATE ADVANTAGES.

As to the advantages of water transportation facilities, I desire to call your attention to the following facts:

Of the 15 States that stand at the head of the list for value of manufactures, census of 1910, the first, second, fourth, sixth, eleventh, twelfth, and fifteenth have ocean ports.

The third, fifth, seventh, eighth, ninth, and thirteenth touch the Great Lakes.

The tenth and fourteenth touch navigable rivers.

Note that the first and second have both Lake and ocean ports, while the third, fifth, ninth, and thirteenth touch both the Lakes and navigable rivers.

1. New York.
2. Pennsylvania.
3. Illinois.
4. Massachusetts.
5. Ohio.
6. New Jersey.
7. Michigan.
8. Wisconsin.
9. Indiana.
10. Missouri.
11. California.
12. Connecticut.
13. Minnesota.
14. Kansas.
15. Maryland.

Of the 21 cities that had manufactures to the value of $100,000,000 or over, only one, Indianapolis, is not on navigable water.

1. New York.
2. Chicago.
3. Philadelphia.
4. St. Louis.
5. Cleveland.
6. Detroit.
7. Pittsburgh.
8. Boston.
9. Buffalo.
10. Milwaukee.
11. Newark.
12. Cincinnati.
13. Baltimore.
14. Minneapolis.
15. Kansas City, Kans. (Kansas City, Mo., No. 42).
16. San Francisco.
17. Jersey City.
18. Indianapolis.
19. Providence.
20. Rochester.
21. Louisville.

Of 28 cities having a population of 200,000 or over, Denver and Indianapolis are the only two not on navigable water.

Of 19 cities having 250,000 or over, none not on navigable waterways.

Of 50 cities having 100,000 or more in 1910, all but 12 are on navigable water.

The why of the foregoing is very plainly set out in an address delivered by Mr. P. W. Coyle, traffic commissioner of the St. Louis Business Men's League, before the Commercial Club of St. Louis, January 18, 1912. I ask you to note in particular what Mr. Coyle says in regard to the rate from New York to Kansas City, and the rate from New York to St. Paul:

MR. PRESIDENT AND GENTLEMEN: The first competitive freight rates of importance were those made by the New York Central Railroad between New York and Buffalo in competition with the Erie Canal. That those rates affected the rates on traffic at other points in the State is shown by the fact that in 1879 Mr. George R. Blanchard, than whom the country has never produced a greater traffic expert, then vice president of the Erie Railroad, was called before an investigating committee of the New York Legislature and gave the first testimony of which we have any record attempting to justify the maintenance of lower rates to terminal than to intermediate points. Apparently this was the first attempt on the part of the Government, State or National, to regulate the long and short haul features of rates. Mr. Blanchard justified to some extent the maintenance of the low rates between New York and Buffalo, without regard to his rates to intermediate points, on the ground of canal competition through its effect on the rates of the New York Central Railroad. It is plain, from the record of that investigation and the subsequent adjustment of the rates throughout the State, that the legislature and the railroads recognized that the intermediate territory should be protected by a more intimate relation between the through and the local rates, as the intermediate rates were reduced. Thus were the through rates established between New York and Buffalo on a basis of water rates, and the water rates reflected in the local rates throughout the State.

In the early days of these trunk lines the bulk of their westbound traffic was delivered to the Lake boats at Buffalo and Dunkirk, N. Y. Gradually, as the railroads were built into Chicago from the East, this freight was diverted to the rail lines west of Buffalo. In order to secure this thaffic, however, the railroads were obliged to meet the Lake competition, and thus were the rail rates established between Buffalo and Chicago, and the through rates fixed between New York and Chicago.

CONSTRUCTION OF OFFICIAL CLASSIFICATION RATE FABRIC.

Now, keeping these facts clearly in mind, and taking into account the construction of the great fabric of rates in the official classification territory, as I shall briefly explain, and which I consider the nearest approach to a scientific structure of rates ever made in this country, I believe I shall be able to show you that this structure of rates, covering practically all of the territory between the Mississippi River and the Atlantic Ocean north of the Ohio and the Potomac Rivers to the Canadian border, has not only for its foundation the water rates between New York and Chicago, but that those rates are reflected in all the rates throughout that vast territory.

In 1876, after furious rate wars between the Baltimore & Ohio, on the one hand, and the railroads working through the northern gateways, such as Buffalo, etc., on the other, all fighting for supremacy in the West and the Northwest, an ingenious rate clerk named McGraham, in the office of the Pennsylvania Railroad, evolved a scheme of rate making which was generally adopted about 1880, and is in effect still in the territory I have described. In brief, that scheme is this: The New York-Chicago rate constitutes a basis upon which all other rates are made in percentages according to their relative distances from New York. Thus, assuming Chicago to be nine hundred and odd miles from New York a point or group of points 600 miles inland takes about 66 per cent of the Chicago rate, whatever that may be, and a point or group of points one thousand and odd miles from New York, say, St. Louis and points within this group, takes 117 per cent of the Chicago rate. It must be clear, therefore, that whatever factors are taken into account in making the New York-Chicago rate must be reflected in all other rates in the territory described.

FINDING OF INTERSTATE COMMERCE COMMISSION SUPPORTING THIS THEORY.

I would not, however, have you accept my assumption alone that the water rate is a potent factor in making that unit rate, for I believe I am fully supported by a recent decision of the Interstate Commerce Commission, as I shall show. The rate from New York to St. Paul is but 40 cents higher than the Chicago rate. The rate from New York to Kansas City is 80 cents higher than the Chicago rate. The distance from New York to St. Paul is 1,322 miles. The distance from New York to Kansas City is 1,335 miles, or but 13 miles or 1 per cent greater than to St. Paul, while the rate, as you will note, is 40 cents more, or 38 per cent greater than to St. Paul. Kansas City, St. Joseph, and Omaha recently complained to the Interstate Commerce Commission of this discrimination, and prayed for the same rates as to St. Paul. The commission declined to consider their complaint on the ground of unreasonable discrimination, holding that the rates from New York to St. Paul are under the influence of water rates, although St. Paul is 160 miles inland from Duluth and the rate is practically on the mileage scale above the New York-Chicago unit.

EFFECT OF WATER COMPETITION ON WICHITA RATES.

Just in passing, and with St. Paul in mind, fancy the conditions which might prevail at Wichita and other interior towns in Kansas, practically the same distance inland from Kansas City that St. Paul is from Duluth, if the waterways between New York and Kansas City were fully developed and ample modern facilities afloat. Look at the map!

RESULT OF WATER COMPETITION IN BUILDING UP THE COMMERCE OF OFFICIAL CLASSIFICATION TERRITORY.

Attribute it to whatever cause you may, that section of country east of the Mississippi described as official classification territory has more miles of railroad, more miles of double track, a greater density of traffic per mile of railroad, more inhabitants per square miles, more capital employed in manufacture and commerce, and more wealth per capita than any other traffic subdivision in this country. I say you may attribute this generally remarkable prosperous condition, which has been developed practically within the past 60 years, to whatever cause

you will, you can not get away from the fact that water competition is reflected to a greater or less degree in every rail rate in that territory and has been a potent factor in contributing to this result.

WATER COMPETITION POTENTIAL AND ACTUAL.

Water competition is potential or actual, just to the degree that facilities and methods of handling the traffic are kept apace with the facilities and methods employed by the railroads. The competition of the Erie Canal, because of a lack of such facilities, may be said to-day to be merely potential, while that of the Great Lakes is actual, because harbors are amply developed and protected and modern facilities and methods are employed in conducting transportation.

CONDITIONS ON THE MISSISSIPPI.

What are the conditions on the Mississippi? In the reach between St. Louis and St. Paul the competition may be considered actual to some degree from the fact that we have regular through service, although the facilities and methods are antiquated. Between St. Louis and New Orleans for the past 15 or 20 years it has been merely potential, because, while the right of way is there, we do not use it.

To illustrate the point I wish to make: To-day the rail rate from St. Louis to St. Paul is 63 cents. The rail rate from St. Louis to New Orleans is 90 cents. Something like 20 years ago they were the same to both points—75 cents. Since then, you will observe, St. Paul has been reduced and New Orleans has been advanced.

I desire to quote further from the address of Mr. Coyle, wherein he quotes from an address of Mr. J. S. Powell, president of the Southwestern Shippers' Association, before the Interstate Commerce Commission March 18, 1910, and to follow the quotation from Mr. Powell with the additional observations of Mr. Coyle:

"The southwestern country has been prosperous, but that is due entirely to the fact incident to a good country. There probably is no richer country or one blessed with more abundant natural resources than the country embraced in the States of Oklahoma, Texas, Kansas, Colorado, and New Mexico. The influx of emigrants and the rapid advances in realty values, the extraordinary amounts of money which have been brought into this country to develop it, have tended to mark an era of great prosperity. And these people have all prospered in spite of the fact that they were laboring under very grave natural disadvantages. This is true of all countries. * * * But this southwestern country is now approaching this condition: They feel that the natural development of the country is rapidly attaining its end; that very soon we will be confronted with a proposition that we have arrived at a maximum condition of development, with the necessity of proceeding on a much more careful and conservative basis for the operation of our business than has heretofore been necessary to do.

"We would not expect any concessions in our favor if we were inland beyond other points nearer seaboard territory, but we discover in our investigations that we are contiguous to deep-water points to our south that have not been fully utilized. The Government has spent millions of dollars in developing these ports, evidently with the desire that we should utilize them. So in Oklahoma City last winter there came together representatives from 10 or 12 different cities. These cities were following and carrying out the desires of the communities in which their representatives lived, and they organized this association for the purpose of endeavoring to seek some redress through the Gulf of Mexico gateways."

PHYSICAL CONDITION OF GALVESTON HARBOR.

Now, let us see what the conditions are at the principal Gulf of Mexico port affecting the Southwest, as suggested by Mr. Powell. From the Galveston Chamber of Commerce we learn that "the natural conditions at Galveston a little over 10 years ago by the obstruction to navigation were presented by two bars immediately outside of the harbor. Over the outer one of these bars there was approximately 12 feet of water, and over the inner one approximately 9 feet of water at mean low tide. At that point the majority of the freight had to be lightered—the ocean-going boats anchoring outside of the harbor and the freight being transferred to lighters and being hauled to the docks within the city limits. The development for deep water at Galveston began a little over 10 years ago and has involved an expenditure by the Federal Government of something like $11,000,000. At the present time, according to the last report of the United States engineer, the maximum depth in that channel is 33 feet and minimum 31½ feet. The depth immediately in front of the wharves on Galveston Island is approximately 30 to 31 feet.

"Over at Texas City, on the mainland side, are the terminal facilities of the Texas City Terminal Co. At the present time they consist of one completed pier, but they are now progressing on two additional piers. All of these facilities are available for ocean-going boats."

ESTABLISHMENT OF COAST SERVICE BY TEXAS STEAMSHIP CO.

Recognizing this situation, in 1908 the Texas Steamship Co., operating one boat between New York and Texas City, practically Galveston Harbor, established an open rate of 25 cents per hundred against the normal rate of 85 cents, New York to Galveston, on practically all commodities except on coarse iron and steel articles, which were carried at from 5 to 12 cents per hundred. Early in 1909 the Mallory and Morgan Lines met these rates, thus reducing the through rates from New York to Texas common points, which means practically two-thirds of the State of Texas, from $1.72 first class to approximately $1.20, as against our rate of $1.47 from St. Louis.

While there has been a slight advance in the coastwise rates, the conditions in general are not materially changed.

REDUCTION OF RATES BY WATER COMPETITION.

While water competition inevitably reduces rail rates, it must not be assumed that the chief object of the establishment of modern boat service on the Mississippi River to New Orleans and Galveston is to reduce rates. New York reaches the Southwest by way of Galveston with at least six sailings a week, making the run from port to port in six days, and this is the result:

TONNAGE MOVED BY COAST SERVICE BETWEEN NEW YORK AND GALVESTON.

A recent report of the movement of vessels in the coastwise trade for one year shows total arrivals at Galveston via the Mallory Line, 100 ships; via the Morgan Line, 173 ships; via the Texas Steamship Co., 33 ships. Prior to the establishment of the Texas City Steamship Co. the Mallory Line operated regularly two ships a week and the Morgan Line operated regularly three ships a week. During the year 1910 this statement shows no increase in the Mallory ships over their regular schedule, but they have put on steamers which are considerably larger than the ones they had previously been using, so that their tonnage is considerably greater.

According to an estimate made by the Chamber of Commerce of Galveston, there was an increase in that business, due to the rates which had been established because of the Texas City competition, of approximately 150,000 tons for the year 1910. The inbound cargoes consist largely of manufactured products, such as canned goods, of dry goods manufactured on the Atlantic coast, boots and shoes, hats, machinery, and iron articles manufactured in the Pittsburgh district.

CONGESTION OF RAIL TRAFFIC.

Another boom in business such as we had a few years ago would, in my estimation, again congest railroad traffic in short order, and the cities lacking efficient water transportation service would suffer most in such an emergency.

The last report of the American Railway Association, embracing practically all of the railroads of the country, shows the total number of idle freight cars as 88,646. Now, that sounds big, but when we consider that the total number of cars owned by members of that association on November 1, 1911, was 2,341,000, and that about 7 per cent of this surplus of idle cars consists of crippies, it will be found that the available surplus amounts to only about 3½ per cent of the total equipment, or practically an average of about one car for every station, big and little, in the United States. Furthermore, it is a fact that there are railroads otherwise amply equipped which have not sufficient motive power to handle their present traffic. And during the past year Mr. Finley, president of the Southern Railroad, in an address delivered in this city, showed clearly the necessity for double tracks in the South. Again, the freight cars of this country are not pooled, but each railroad may at its option call in its surplus from foreign lines and restrict the use to their own rails, so that the circulation of freight cars may be said to resemble the currency of the country

The railroad manager, scenting a boom in business, calls in his cars and holds them to protect his business, just as the banker, scenting a panic, calls in his surplus to protect his interests, thus limiting the supply when general circulation is most needed. Hence, how easily this surplus of empty cars may be turned to a general shortage and the movement of traffic by rail restricted upon the first symptoms of a general revival of business. Therefore, when we consider also that New York forwards by water an equivalent of two train loads of merchandise per day through Galveston and an average of one train load a day to the Pacific coast across the Isthmus of Panama and the Peninsula of Mexico, how important it is that we should be prepared to meet this possibly restricted rail service and the competition of New York with ample modern water service, and not wait until such a congestion of traffic as prevailed in 1907 is again upon us.

IMPROVEMENT OF MISSISSIPPI RIVER SERVICE NOT ANTAGONISTIC TO RAILROADS.

I do not share the belief of those who hold that the railroads are antagonistic to the development of the Mississippi River traffic. The progressive railroad management to-day recognizes the importance of the economic development of all the resources of the territory through which it operates, and welcomes any facilities which tend to cheapen production to the end that the railroad may increase its revenue by the transportation of a greater amount of the finished products and participate in the general prosperity incident to such development. Modern boat service on the Mississippi is a means to that end. Deprive Buffalo, Cleveland, or Pittsburgh of water transportation in the movement of their raw materials, and consider the cost to the railroads by the shrinkage of their revenue due to the contraction of the output of finished products which would inevitably follow such a condition.

POSSIBILITIES OF DEVELOPMENT IN THE MISSISSIPPI VALLEY.

And where are the possibilities for development greater than in the Mississippi Valley, with its vast mines of raw material, its extensive and diversified forest products, and a soil and climate productive of everything from the hardy cereals of the North to the delicate tropical fruits of the South.

No river in the world flows through a country so prolific in diversified commodities for the use and comfort of mankind as the Mississippi; and the commerce of this valley should be as extensive and as prosperous as that of the territory which I described in the beginning, and I believe will be when this river is amply improved and utilized as are the water courses of the North.

Supporting the central thought which I have endeavored to follow, that water rates affect rail rates, and that rail traffic is intensified thereby, and that it is therefore equally as important to the railroads as to the shippers that all water courses be developed and utilized to the fullest extent, I am pleased to find that a gentleman eminently qualified to forecast traffic conditions has expressed similar views.

Mr. F. B. Bush, president of the Missouri Pacific, Iron Mountain, and the Denver & Rio Grande, in an interview published in the Republic, this city, on the ninth instant, regarding the effect of the opening of the Panama Canal upon the railway situation, said: "While by lower transportation rates than now prevail, the canal may be instrumental in reducing the volume of through business now carried by the railroads to and from the Pacific coast, I think it likely that the effect of these lower canal rates will act as an impetus in building up the trade of the Pacific coast and the interior country for long distances east thereof. The canal will also tend to increase trade between the United States and the Orient, and the west coast of Central and South America. These, in my opinion, will in time intensify the traffic of the railroads operating within a thousand miles of the Pacific and Atlantic coasts to a greater degree than will be the loss sustained by the operation of the canal."

PACIFIC COAST AND SOUTH AMERICAN TRAFFIC.

We have no water service to the Pacific coast. For a short time, up to two months ago, we had it. The California & Atlantic Steamship Co. furnished the only service from New Orleans, but withdrew its boats, and I understand will not restore the service until assured of better patronage. That company still operates boats between New York and the Pacific coast by way of the Panama Railroad. The American-Hawaiian Steamship Co. furnishes the Atlantic Coast States with similar service via the Tehuantepec & National Railroad across the peninsula of Mexico.

As a coffee-roasting center St. Louis is second only to New York, and in the distribution of roasted and green coffee it stands first in this country.

The total imports of coffee for the year 1910 through New York and New Orleans were 5,781,907 bags. Total imports from Brazil through New York and New Orleans were practically 4,500,000 bags, of which St. Louis received through the port of New Orleans about 400,000 bags. Reduced to tons, this shows that there is distributed through the port of New Orleans for consumption in the Mississippi Valley and the West about 130,000 tons of coffee. Of this St. Louis consumes and distributes about 30,000 tons of Brazilian coffees alone.

The vessels bringing this coffee to New Orleans for the Mississippi Valley are now obliged to go to New York for reloading, and our manufacturers and jobbers if they would develop their trade in Brazil or the Argentine Republic must do so through the port of New York. The development of trade in the countries on the west coast of South America is of equal importance to this market. Are we to sit idly by and contribute nothing to the development of traffic which will justify the operation of regular steamship service from New Orleans to South America and the Pacific coast, or shall we surrender that trade to New York and Europe?

INVESTMENT IN PANAMA CANAL ENTERPRISE.

It is officially estimated that the Panama Canal will cost $375,000,000. This means that, based on the present population of this country, each individual would contribute on an average about $4.50, or each head of a family about $22.50. St. Louis will therefore have an interest in that enterprise of approximately $2,800,000. Shall we use that right of way, in which we have this interest, for the upbuilding of the commerce of this city or leave it to our competitors?

SOME INTERESTING FACTS.

I introduce at this point just a few illustrations to show whether even potential river transportation facilities affect railroad rates.

For ready reference and as a matter of information I direct attention to the following statement, which is a table of comparative freight rates between St. Louis and points having water competition and inland points to which water competition does not become a controlling factor.

To illustrate, the first-class rate from St. Louis to St. Paul, Minn., is 63 cents, all rail. The first-class rate by water from St. Louis to St. Paul is 50 cents, being an insured rate, and the first-class rate from St. Louis to Oklahoma City, Okla., is $1.30, the distance from St. Louis to Oklahoma City being 30 miles shorter than the rail distance from St. Louis to St. Paul. Notwithstanding the shorter distance to Oklahoma City the first-class rail rate is more than twice as great as the first-class all-rail rate from St. Louis to St. Paul, and the fifth-class rate is three times as great to Oklahoma City as the rate from St. Louis to St. Paul.

Freight rates showing comparative basis between points having water competition and inland points which do not obtain the benefit of water rates.

From—	To—	Miles.	Route.	Classes.					Classification governing—
				1	2	3	4	5	
St. Louis, Mo	St. Paul, Minn	573	Rail	63	52.5	42	26	21	Western.
Do	do	729	Boat	50	42	34	21	18	Illinois.
Do	Oklahoma City, Okla	543	Rail	130	109	97	82	63	Western.
Do	Dubuque, Iowa	340	do	48.2	39.5	31.2	24.2	18.9	Illinois.
Do	do	439	Boat	39	32.5	25	19	15	Do.
Do	Topeka, Kans	347	Rail	80	62	49	38	28	Western.
Do	Quincy, Ill	140	do	36.8	29.4	23.1	16.3	13.1	Illinois.
Do	do	161	Boat	31	24	19	14	11.5	Do.
Do	Moberly, Mo	148	Rail	50	39	29	23	18	Western.
Do	Hannibal, Mo	120	do	34.7	28.4	22.1	16.3	12.6	Illinois.
Do	do	141	Boat	28	23	18	13.5	10.5	Do.
Do	Mexico, Mo	110	Rail	43	34.5	26	21	16	Western.
Do	Burlington, Iowa	214	do	41.6	33.6	26	18.9	16.7	Illinois.
Do	do	249	Boat	34	27	21	16	13.5	Do.
Quincy, Ill	Kansas City, Mo	226	Rail	60	45	35	27	22	Western.
St. Louis, Mo	Peoria, Ill	165	do	38.7	30.7	23.7	19.2	15.4	Illinois.
Do	Poplar Bluff, Mo	166	do	52	44	36	31	26	Western.
Do	Cape Girardeau, Mo	131	do	34	27	21	17	13	Do.
Do	Salem, Mo	127	do	46	39	32	28	23	Do.
Do	Memphis, Tenn	305	do	65	50	45	35	30	Southern.
Do	Hickory Valley, Tenn	302	do	96	82	67	55	45	Do.
Do	New Orleans, La	705	do	90	75	65	50	40	Do.
Do	Terrell, Tex	669	do	147	125	104	96	75	Western.
New York, N. Y	Chicago, Ill	913	do	78.8	68.3	52.5	36.8	31.5	Official.
Chicago, Ill	New Orleans, La	923	do	110	90	75	58	47	Southern.
Do	Kansas City, Mo	439	do	80	65	45	32	27	Western.
New York, N. Y	Chicago (lake and rail)			62	54	41	30	25	Official.

As a matter of information and in explanation of the class rate adjustment, I wish to state that first class ordinarily includes articles of considerable value, such as dry goods, boots and shoes, hats and caps, clothing, drugs, and so forth. The second class usually includes hardware, spices, agricultural implements of certain description. The third-class rate includes wire cloth, baking powder, dried fruit, roofing paper. The fourth-class rate includes iron castings, and iron and steel articles in general, soap, canned goods, and so forth. The fifth-class rate, under the western classification, does not include any articles in less than carload quantities, applying only on carload shipments. There are some commodities rated lower than fifth class, but the larger percentage of the carload ratings are at fifth class, and therefore only the rate for that class is shown.

The rate on flour from New Orleans to Amite, La., a distance of 68 miles, is 34 cents per barrel; the rate on flour from New Orleans to Memphis, Tenn., a distance of 396 miles, is 25 cents per barrel. Needless to say Amite is not on a waterway.

The following is a memorandum showing rates for the first six classes from St. Louis to New Orleans and rates from Philadelphia, New York, and Boston to New Orleans by rail, rail-and-water, and all-water routes. The rail-and-water rates apply through South Atlantic ports. There is a difference in the rates applicable from Boston by water, some of the class rates applying only on certain commodities. This statement also shows the first five class rates from St. Louis to Galveston and the rail rate, as well as water rate, from New York, Philadelphia, and Boston to Galveston. The class rates are shown instead of rates on specific commodities or articles, because the class rates are generally accepted as the basis and they more clearly show the relationship existing as between competing communities to a given point.

From—	Route.	Classes.					
		1	2	3	4	5	6
St. Louis to New Orleans	Rail	90	75	65	50	40	35
Philadelphia to New Orleans	Rail	112	92	76	59	48	42
	Rail and water	95	80	65	50	43	36
	Water	70	60	50	40	35	30
New York to New Orleans	Rail	118	98	78	61	50	44
	Rail and water	95	80	65	50	43	36
	Water	70	60	50	40	35	30
Boston to New Orleans	Rail	118	98	78	61	50	44
	Rail and water	95	80	65	50	43	36
	Water[1]	95	83	67	53	44	40
	(2)	72	61	51	41	35	31
St. Louis to Galveston	Rail	147	125	104	16	75	.....
Philadelphia to Galveston	Rail	192	156	126	99	81	.....
	Water	95	75	61	54	43	.....
New York to Galveston	Rail	198	162	128	101	83	.....
	Water	75	63	55	48	32	.....
Boston to Galveston	Rail	198	162	128	101	83	.....
	Water	95	75	61	54	43	.....

[1] Standard rates from Boston. [2] Certain commodities excluded.

Following the observations I have just made I wish to insert a letter from Mr. P. W. Coyle, traffic commissioner of the St. Louis Chamber of Commerce, to Mr. James E. Smith, president of the Mississippi Valley Waterways Association.

ST. LOUIS CHAMBER OF COMMERCE,
St. Louis, June 2, 1917.

Mr. JAMES E. SMITH,
President Mississippi Waterways Association,
St. Louis, Mo.

DEAR MR. SMITH: Referring to conversation this morning, I am inclosing copy of a little talk I made to the Commercial Club in 1912 which, as I suggested, may possibly give you an idea of the general situation with respect to water transportation as affecting St. Louis and the Mississippi Valley.

You will recall that when we were before the Rivers and Harbors Committee of Congress, during the the "14 feet through the valley" campaign, that Mr. Burton asked us the pertinent question, "Why do you not use the water you have?" Since that time I have been delving into the subject with a view to being able to intelligently answer this question.

I first found that the boats in use were antiquated and the methods employed in securing and handling freight were equally so; or, in other words, that the boat lines were trying to meet up-to-date rail competition with these antiquated boats and methods. Since then we have succeeded in getting, in one instance, modern boats and two or three of the boat lines have adopted modern methods of securing and handling freight traffic, the result of which is that our tonnage has been increased. This increase, however, has been to a larger extent in the movement of higher class merchandise than in the basic or raw material commodities, due to the fact that the improved facilities offered are for the handling of higher class merchandise. To illustrate, the Inland Navigation Co., operating between St. Louis and New Orleans a steel hull, self-propelling barge, with all the modern improvements, capable of carrying 1,600 tons, giving to the shippers insured bills of lading and insured rates at 80 per cent of the railway rate; the Streckfus Steamboat Co., operating five boats, carrying both freight and passengers, between St. Louis and St. Paul and intermediate points, have established five uptown stations in St. Louis from which shipments are delivered to the boat, and from which the boat rate, which is also 80 per cent of the rail rate will apply. Thus the movement of merchandise by water has been stimulated in the last three years.

What we are particularly in need of, however, is transportation facilities for the movement of coal, ore, lumber, etc., for which just at the present time, the carriers are unable to furnish equipment, and which under normal conditions the carriers would be more than glad, I am sure, to be relieved of. I feel sure of this from the fact that when I was actively engaged in the traffic affairs of the carriers, it was the general policy to handle these basic commodities on a very low margin, and sometimes without any marginal profit, in order to stimulate the output of the finished product on which the carriers might get higher and more profitable rates.

The importance of this river service as a rate regulator is illustrated in these facts. Twenty-five years ago the first-class rate, St. Louis to St. Paul and St. Louis to New Orleans, was 75 cents. We have had continuous boat service between St. Louis and St. Paul within that time. With the exception of the past three years we have had no regular service between St. Louis and New Orleans. To-day the first-class rate St. Louis to St. Paul is 63 cents, the first-class rate St. Louis to New Orleans is 90 cents, and all other rates on the same relative basis.

In view of the fact that New York and the other Atlantic port cities can reach Texas by a combination of water-and-rail rates through the port of Galveston much lower than our all-rail rates to the same points, and the further fact that the combination of water-and-rail rates through Galveston are not under the control of the Interstate Commerce Commission while our all-rail rates are, New York and the other eastern cities are putting into Texas and the Southwest substantially twenty-five hundred or three thousand tons of merchandise daily through the port of Galveston. Obviously, therefore, to protect the commerce of this city we must have water transportation to Galveston, so that we may take advantage of the low State rates of Texas in order to meet this competition of eastern cities.

With the completion of our municipal dock we will be in splendid position to interchange traffic between boat-and-rail lines, and in that manner enable the industries on private tracks in St. Louis to take advantage of water transportation facilities. We have of all classes practically 900 such industries, approximately 500 of these would use these facilities to a greater or less extent. In any event, I am well satisfied that with modern, up-to-date facilities, with frequently salings say not less than once a week between St. Louis and New Orleans, a traffic could be developed of from fifteen hundred to two thousand tons weekly.

From the conversation we had this morning with Mr. Kavanaugh, and what I am sure you know of the present conditions, we may be safe in assuming that there will be ample tonnage for a barge line between St. Louis and St. Paul.

In conclusion let me refer you to page 12 of the pamphlet containing my talk to the Commercial Club, in which I attempted to outline the general aspect of water transportation. My view then, of course, was along strictly commercial lines, but as I view it to-day, in the light of the present crisis. I am forced to the conclusion that the development of transportation facilities on the Mississippi River is a national question. Obviously the Panama Canal was constructed as a transportation facility for the development of commerce of the entire Nation, which commerce to-day must be utilized in support of the Government in the conduct of war. Its immediate effect was the freer interchange of traffic between the Atlantic and Pacific, but we are overlooking not only our opportunity for the development of commerce in the Mississippi Valley, but one of the essential elements of national support, when we fail to develop transportation facilities on the Mississippi River and its tributaries, so that we may have freer intercourse between the producing points in this most prolific valley in the world, and the consuming districts on our coasts from Maine to Alaska.

It is not beyond the possibilities of war that our Navy might seek shelter on the Mississippi, or that New Orleans might become an important base point or be besieged. In any such emergency the trend of traffic would be changed from East to West to North and South, immediately overtaxing the capacities of the railroads. A well-equipped barge line on the Mississippi River in such circumstances would be an element of national strength of inestimable value.

Yours, very truly,

P. W. COYLE,
Traffic Commissioner.

As an evidence of the change of attitude on the part of men who have in the past been either ignoring or opposing our river transportation projects, I insert here a telegram from Mr. F. C. Schwedtman, of the National City Bank, New York, to Mr. Clarence Howard, president of the Commonwealth Steel Co., of St. Louis. I insert also the telegraphic reply of the Commonwealth Steel Co. and the letter which this telegram elicited from the traffic commissioner of the St. Louis Chamber of Commerce:

NEW YORK, *June 1, 1917.*

CLARENCE H. HOWARD,
President Commonwealth Steel Co., St. Louis:

The subject of water transportation to aid national shipping facilities is at present under special consideration in Washington. Report must be made to President Monday morning. Can you give your views covering this subject, especially regarding the Mississippi River and the cities of the Mississippi Valley in condensed form by wire to Elliott S. Norton, Secretary's Office, Department of Commerce, Washington? You will be of material service to the Nation.

F. C. SCHWEDTMAN.

ST. LOUIS, *June 1, 1917.*

F. C. SCHWEDTMAN,
Care National City Bank, New York City, N. Y.:

In Mr. Howard's absence have referred your telegram on subject of water transportation to St. Louis Chamber of Commerce, who are actively interested in this matter.

COMMONWEALTH STEEL CO.

ST. LOUIS CHAMBER OF COMMERCE,
St. Louis, June 2, 1917.

Mr. ELLIOT S. NORTON,
Department of Commerce, Washington, D. C.

MY DEAR SIR: In response to a telegram from Mr. F. C. Schwedtman, of New York, in which he asked us to give our views covering the subject of water transportation on the Mississippi River to aid our national shipping facilities under the present emergency, we are writing you this.

Efforts are now being made through the assistance of the Government to put additional boats on the Mississippi River, so that the present car shortage may be relieved to as great an extent as possible.

There is a serious shortage of coal in the Northwest, which we are called upon to relieve, and we will start a fleet of six Government barges loaded with Illinois coal for St. Paul within the next few days. This one tow of barges will carry 100 carloads of coal and will release that number of cars for the handling of other commodities. These barges will bring back Minnesota iron ore for St. Louis furnaces, which movement will release another hundred cars from this service. As the round trip can be made in two weeks 400 cars can be released per month by the use of this one small fleet of barges upon the upper Mississippi River, enabling this large number of cars to be used for the handling of other products.

We expect to continue this movement for several months, but more boats are needed for this important service and many more could be used for the transportation of other products.

The increased use of the Mississippi River at this time would largely solve the problem of relieving the serious shortage of railway equipment in the Central West. The situation is, indeed, alarming even now, and when the great crop movement begins a few months later our whole country, and indeed the greater part of Europe, will undoubtedly suffer because of the shortage of transportation facilities in this the great food-producing area of our country. Surely anything that can be done to relieve this threatened danger should be done as promptly as possible.

Our Government is now building hundreds of vessels to carry food, munitions, and supplies of all kinds to our allies across the sea, and this action is being commended by all patriotic citizens. Practically all of the food and many of the other products to be carried on these vessels must be furnished in the Mississippi Valley. It will be just as necessary to get this tonnage to these vessels as it will be to transport it upon the ocean, and the Mississippi River is the natural highway and outlet for the movement of this enormous tonnage.

There is therefore no good reason why the Government should not furnish the means for this necessary transportation, at least during this great emergency. Both movements are equally important, in fact, such coordination and cooperation is necessary in order to secure the desired results.

Yours, very truly, ST. LOUIS CHAMBER OF COMMERCE.

I next insert two telegrams which are self-explanatory, the one from myself to the Hon. Henry W. Kiel, mayor of the city of St. Louis, and the second his reply to me, this reply having been received just this evening:

JUNE 8, 1917.

Hon. HENRY W. KIEL,
Mayor City of St. Louis, Mo.:

Wire me outline of all steps taken by St. Louis to utilize the Mississippi for transportation purposes.

JACOB E. MEEKER.

ST. LOUIS, MO., *June 11, 1917.*

Hon. JACOB E. MEEKER,
Washington, D. C.:

Replying to your telegram 8th, St. Louis River front 20 miles long, one-half privately owned, one-half publicly owned. For many years St. Louis has followed uniform policy of not permitting private usurpation of public 10 miles of front by long-term franchises, but has renewed expiring franchises and granted new rights by revocable permits, in order that river terminals might be established when required. Remaining 10 miles privately owned offer private capital ample room for unrestricted developments. City owns and operates a river-front railroad extending 8 miles south from north city limits. Has just acquired a 7-mile extension making total length 15 miles of river-front railway. Plans and estimates completed and next bond issue will include funds for further extension of city railroad along entire 20 miles and a partial belt line, making total length 25 miles. This river front and belt railroad will connect with all railroads and all docks and wharves. Its use will be permitted by all railroads and boat lines. To expedite interchange of river traffic, by special concession, city has enabled marine railway and docks for boat construction and repair to continue in business. This will accommodate handling out of water, nine 300-foot barges or steamboats simultaneously. City has acquired for public use former car-transfer incline to enable freight cars to be switched alongside and level with barges at all stages. To promote interchange of rail-river freight, city has built and equipped and provided for free use of boat lines a landing dock and warehouse 500 feet long, served by tracks and paved streets. City has appropriated funds, let contract for, and has under construction for com-

pletion during coming low-water season modern concrete docks and warehouses 1,000 feet long with railroad tracks and all modern elevators, cranes, ganaries, inclined conveyors, and other devices for mechanical freight handling. City maintains 2 miles of paved river front for use of present boat lines at nominal license costs. Riverfront situation has been studied exhaustively and outline of future use of entire front has been worked out. Next bond issue will include necessary sums for furthe development at city expense of such river and rail terminals, docks, wharves, warehouses, and mechanical equipment as will take care of all river business. Present facilities will accommodate largely increased tonnage and city stands ready to develop its plans for additional facilities as fast as required. Many private industries and grain elevators now located and equipped to take advantage of river transportation facilities.

HENRY W. KIEL.

In closing I wish to say that it has been plainly brought out by gentlemen who are acquainted with the southern rivers that even the much-ridiculed hyacinth item in the bill is essential if some of the best waterways of the South are to be kept open for transportation purposes.

The noisy opponents of this measure have failed absolutely to bring in a valid bill of particulars against it. If ever in the history of river and harbor legislation there was just cause for making appropriations to make usable the streams and harbors of our country that time is now.

Rapidly are the crops of the Mississippi Valley ripening for the harvest. Transportation facilities must be provided. Already are the cities of the Northwest apprehensive as to their fuel supply for the oncoming winter. The mines of the Northwest can no longer send their product by rail to the furnaces of St. Louis and vicinity. The lumber shippers of the South know not what to do in their effort to put their products at the doors of the manufacturers. Everywhere up and down this valley, which is within itself a vast empire, is rail freight congestion bordering almost upon freight paralysis. The railroad operators are doing everything within human power to relieve this congestion, but such a thing is absolutely impossible in the present crisis. The people along the rivers—farmers, merchants, manufacturers, and all—know better than anyone else knows that we have waited too long already in the matter of actually providing adequate river facilities. The railroad advisers of the Council of National Defense, speaking for the Nation at large, have said that this work must go on, and surely they would not advise our entering upon this new activity and in addition pledge their most loyal cooperation and support unless they were convinced beyond the shadow of a doubt that there is no other relief in sight for the railroads and the Nation than the turning to these long misused and nationally abused natural lines of transportation.

The cities along the river are swinging into line; they had come to believe that the time of congressional dallying with this question had forever passed. It is now up to Congress to continue to play fair with these communities, and furthermore, it is now up to Congress to see to it that a transportation congestion, which may easily become a national calamity, shall if possible be avoided. And the only way out is by the way of our rivers.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had further insisted upon its amendments to the bill (H. R. 3971) making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Establishments on account of war expenses for the fiscal year ending June 30, 1917, and for other purposes, disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MARTIN, Mr. UNDERWOOD, and Mr. WARREN as the conferees on the part of the Senate.

RIVER AND HARBOR APPROPRIATION BILL.

The committee resumed its session.

Mr. SWITZER. Mr. Chairman, I yield 15 minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, I expect to support this river and harbor bill because I believe it a proper bill to pass at this time. I believe the exigencies of the country warrant the passage of it. I am not in sympathy with those members of my own party, some of whom have spoken here, who believe that political capital can be made out of opposition to this bill. I am sorry to differ from them on this question. I am inclined to think the passage of this bill will be just what it is said the President and the Secretary of War believe with respect to the bill—that it will be an important adjunct to the speedy prosecution of the war. I shall support the bill not only because it will tend to promote commerce, which ought not to be checked in time of war, but because the improvements provided for are important and perhaps an absolutely necessary aid to the military forces in the prosecution of the war. They will certainly help in the distribution of foodstuffs.

Some gentlemen seeking to make political capital have made speeches in opposition to this bill. I do not accuse my distinguished and eloquent friend from Illinois [Mr. MADDEN] of attempting to make political capital by opposition to the bill. His speech was too scattering to be effective as a political document in any campaign, and it lacked that force and fire which is ordinarily characteristic of the gentleman from Illinois.

During the discussion the gentleman from Illinois, who has announced that a certain portion of my remarks interjected into his speech will be stricken therefrom, because he thought it improper to insert some truths in his speech, has seen fit to become a reformer upon river and harbor topics. But he has become a reformer at the eleventh hour. I do not put him in the same class with my vigorous and energetic friend from Wisconsin [Mr. FREAR], who has made something of a reputation opposing river and harbor bills, but I put him in that class which at this time thinks perhaps it may attain public applause if it strikes when the opportunity is ripe for attracting public attention.

I would not accuse my friend from Wisconsin of entertaining any such purpose, but humbly and respectfully lay the suggestion at the door of the gentleman from Illinois, who, as I observed before, is going to correct his remarks by striking out of them that portion of mine which was helpful and pertinent to what he said.

Now, when I call him a reformer I hope it will not be stricken from the RECORD, because one may not become a reformer until after he has done something to reform for. [Laughter and applause.] When a man has led a hilarious life—and of course the gentleman from Wisconsin and the gentleman from Illinois are not to be placed in that category—the time for reformation comes when the hair is silver and the respect of the public is courted.

When I came into this House in 1907, or thereabouts, I was not altogether a reformer, because I came here upon a campaign which stood for the improvement of the waterways in my section of the country that had long been neglected, and I have consistently stood for the improvement of these waterways from that time to this, with more or less success. I found the distinguished gentleman from Illinois here before me on a similar mission. His mission was to improve the waterways of the Middle West, and, moreover, he had a scheme. It has been charged by him to-day, in effect, that I had a scheme, so it is fair to recall that when I came here he had a scheme. Whether his scheme has been put through or not I shall leave it to him to say in his own time, in such remarks of his as he may fix up to suit his own convenience, without interruption from me; but his scheme, when I came here in 1907, the scheme of our eleventh-hour reformer to-day, was to put through a little appropriation of $3,000,000 for connecting up the waters of the city of Chicago with the waters of the Mississippi River, and in the course of the debate the gentleman from Illinois [Mr. MADDEN] waxed eloquent upon the value of waterways, not for the destruction of the railroads of the country—oh, no—but for the leveling of freight rates and for the proper distribution of the food supply of the country, mostly, I gather, from his speech at the time, through the porthole of Chicago. You see men have axes to grind even in Congress, and while they may not have stocks and bonds in corporations that they malign upon the floor, they still may have pet measures they would like to get through, and having gotten through, sometimes they forget to help others to get theirs through. Having "got theirs" they now conclude it is time to reform.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Oh, no; not now; because I might have to cut it out of my remarks. No; if I did yield the gentleman might ask to have my words taken down.

Mr. MADDEN. But I did yield to the gentleman.

Mr. MOORE of Pennsylvania. I would yield to the gentleman if he promised me not to cut out what was said.

Mr. MADDEN. I did yield to the gentleman.

Mr. MOORE of Pennsylvania. Then I yield to the gentleman.

Mr. MADDEN. I was more courteous to him than he was to me.

Mr. MOORE of Pennsylvania. I am going to be courteous, because the gentleman and I have been friends and will continue to be.

Mr. MADDEN. The gentleman says that I had a scheme.

Mr. MOORE of Pennsylvania. Yes; I am going to tell about the scheme in a minute.

Mr. MADDEN. I want to state to the gentleman that we are building that scheme that he talks about out of the treasury of the State of Illinois.

Mr. MOORE of Pennsylvania. But at the time of which I speak the gentleman wanted $3,000,000 plus about $27,000,000 out of the Treasury of the United States.

Mr. MADDEN. Not one dollar ever came from the Treasury of the United States.

Mr. MOORE of Pennsylvania. But that was not the fault of the gentleman. He tried to get it. The gentleman is a reformer now.

Mr. MADDEN. Oh, the gentleman——

Mr. MOORE of Pennsylvania. Now I yield.

Mr. MADDEN. The gentleman wants to be facetious.

Mr. MOORE of Pennsylvania. I am facetious—I admit it.

Mr. MADDEN. He thinks he can disturb somebody's mental equilibrium by being funny.

Mr. MOORE of Pennsylvania. I could not disturb the gentleman's equilibrium.

Mr. MADDEN. But it might be better for him if he would endeavor to be serious and state something about the facts instead of being facetious and talking about nothing.

Mr. MOORE of Pennsylvania. I tried to get the gentleman to tell something about facts, but he wandered away——

Mr. MADDEN. I was not interested in listening to the gentleman's speech.

Mr. MOORE of Pennsylvania. The gentleman was interested in attacking the river and harbor bill, in which he has no interest this year, but in which in 1907 he was very much interested.

Mr. MADDEN. The gentleman is mistaken.

Mr. MOORE of Pennsylvania. Really, the gentleman will admit that it depends upon whose ox is being gored.

Mr. MADDEN. There is one thing certain, and that is, that if the gentleman from Illinois is interested in anything, it will be a meritorious thing and not a chimerical something such as the gentleman is interested in.

Mr. MOORE of Pennsylvania. The gentleman said in 1907 his scheme was meritorious. I am glad that he admits it now, because that makes no point of difference between the gentleman from Illinois and myself. Has the gentleman any further questions now, because I am going to let what he has said stand in my remarks? [Laughter.]

Mr. MADDEN. The gentleman can either let it stand in his remarks or take it out of his remarks, as far as "the gentleman from Illinois" is concerned.

Mr. MOORE of Pennsylvania. It is too good to take out, I will tell the gentleman. I want to confine my remarks to this $30,000,000 proposition that the gentleman did not get.

Mr. MADDEN. The gentleman can make any statement he pleases if he is willing to stand sponsor for it.

Mr. MOORE of Pennsylvania. I am standing sponsor for it, and I would like the gentleman to stand sponsor for some of his statements.

Mr. MADDEN. If I yielded to the gentleman, I would.

Mr. MOORE of Pennsylvania. But the gentleman has given notice to the House, and, in fact, to the whole country, that he proposes to eliminate the few truths which I injected into his speech.

Mr. MADDEN. I am going to eliminate the few impertinences that the gentleman injected into my speech.

Mr. MOORE of Pennsylvania. The impertinences were very appropriate at the time.

Mr. MADDEN. When the gentleman insisted upon talking, regardless of the rules of the House and the permission of the gentleman who had the floor.

Mr. MOORE of Pennsylvania. I suggest to the gentleman that I was impertinent, possibly, because the gentleman was abusive.

Mr. MADDEN. I reserve the right to decide for myself whether I was abusive or not.

Mr. MOORE of Pennsylvania. I know; but the gentleman is going to take it out of his remarks. He has given notice.

Mr. MADDEN. I take it out of my remarks because the gentleman had no business to inject it.

Mr. MOORE of Pennsylvania. And I am nailing it down in my own remarks that the gentleman is going to take my remarks out of his remarks, so that if he does, then the whole country which reads the CONGRESSIONAL RECORD will know he has eliminated the best part of his speech. [Laughter.]

Mr. MADDEN. I am very glad the gentleman from Pennsylvania has such a high opinion of his intellectuality and ability to make a speech.

Mr. MOORE of Pennsylvania. I have been following my distinguished friend from Illinois so long I would be ashamed of my intellectuality if it were not now equal to his.

Mr. MADDEN. Of course, if the gentleman has not a good opinion of what he says or thinks himself, it can not be wondered at if nobody else has.

Mr. MOORE of Pennsylvania. I have an excellent opinion of what I think, seeing with whom I fraternize here each day.

Mr. MADDEN. If the gentleman thinks he is being contaminated by his associates, there is nothing to prevent his resigning from the House.

Mr. MOORE of Pennsylvania. The gentleman is not contaminated, but amused, and he is particularly amused just now at the alleged retorts of the gentleman from Illinois.

Mr. MADDEN. It is easy to amuse the gentleman. His mind is so simple he laughs at anything.

Mr. MOORE of Pennsylvania. The gentleman from Illinois is too innocent—in the vernacular of the street, he is too innocent to "put it over his colleagues" as a reformer in the waterway development of the United States. The gentleman's record upon waterways does not admit of his attacking a meritorious bill at this late day.

Mr. MADDEN. If I were the gentleman I would not take up so much of the time of the House on a personal matter. Why does he not talk about the bill?

Mr. GREENE of Vermont. Will the gentleman yield? I want a little information. I want to ask the gentleman——

Mr. MOORE of Pennsylvania. If the gentleman from Vermont seeks information why does he not ask the gentleman from Illinois?

Mr. GREENE of Vermont. I am asking the gentleman who does have the floor and seems to be able to keep it, if this is a war emergency that was supposed to make this bill necessary?

Mr. MOORE of Pennsylvania. Yes; and this is war. The gentleman from Illinois and I are continuing it to the best of our ability, and the gentleman from Illinois is no small fighter. His reputation in this regard is well known, and I am pleased, in the presence of a multitude of my colleagues and the people of the country who fill the galleries, to make acknowledgment of the benefits I have received in parliamentary warfare through contact with the gentleman from Illinois.

Now to business. The gentleman from Illinois introduced an amendment February 6, 1907, to the river and harbor bill proposing that there should be appropriated $3,000,000, to begin with, on a scheme that was to cost from twenty-eight to thirty million dollars, affecting the sanitary district of Chicago, near Lockport, Ill. The amendment is too long to read in my time and perhaps too good for me to incorporate in my remarks in full. In supporting that amendment the vigorous and eloquent gentleman from Illinois, amongst other things, said this:

> If all the country is to profit by the opportunities which are to be created by the construction of the Panama Canal—

This, you see, was not visionary at all—Chicago and the Panama Canal united was not visionary—

> we ought to be at work on this improvement now, so that when a survey is reported on the Mississippi River from St. Louis to New Orleans we will have proceeded so far with the work as to save valuable time and be prepared to take advantage of the situation thus created several years sooner than we will otherwise be able to do.

The gentleman from Illinois in those days, you observe, was connecting Chicago with the Panama Canal; he was building a magnificent waterway from his city to the Illinois River and by way of the Illinois River to the Mississippi, where he joined with a $128,000,000 proposition, to carry a 14-foot depth to the Gulf, and thence to the Panama Canal.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. May I have some more time?

Mr. SWITZER. How much time does the gentleman desire?

Mr. MOORE of Pennsylvania. Fifteen minutes.

Mr. SWITZER. I yield the gentleman 10 minutes.

Mr. MOORE of Pennsylvania. Very well. The gentleman from Illinois had 1 hour, and I ought to have at least 15 minutes to answer him. [Laughter.] But the gentleman from Illinois then had a vision, just such a vision as he accuses men of having along the Atlantic seaboard who seek to save life and promote trade by utilizing our natural waterways inside the coast. The gentleman from Illinois made a number of speeches, because at that time he was new in the House and it was necessary for him to make a noise, and amongst the things he said in support of inland waterways was this:

> And I do not agree with the gentleman—
>
> That is, Mr. Burton—
>
> when he says that we would not be conserving the rights of the people of the Nation should we vote for the expenditure provided in this amendment. We believe that the Federal Government owes it as one of its

paramount duties to the people of the Nation to expend the money to create the necessary facilities for the movement of the Nation's products at the cheapest possible cost, and we believe, too, that in the creation of this waterway and the expenditure of the money proposed in this amendment the Government would be doing one of the most beneficial things, not only for the commerce of the Nation, but for the development of the agricultural, mining, and manufacturing interests of the great Mississippi Valley.

Mr. GORDON. Will the gentleman yield?

Mr. MOORE of Pennsylvania. That is the argument to-day in favor of a river and harbor bill, and it was the argument the gentleman from Illinois then made when he was opposing the gentleman from Ohio, Mr. Burton, then chairman of the committee—yes; I yield.

Mr. GORDON. What does the gentleman say about the charge of the gentleman from Illinois that the only moisture in the intracoastal canal is fog?

Mr. MOORE of Pennsylvania. I said the gentleman's mind was full of fog when he made that statement. [Laughter.]

Mr. GORDON. The gentleman denies the statement?

Mr. MOORE of Pennsylvania. But the gentleman is going to cut it out of his remarks. I said then that the gentleman was befogged, and it was true, and that is no reflection upon the gentleman's intellectuality either.

But Mr. Burton, of Ohio, puncturing a little bit the scheme of the gentleman from Illinois [Mr. MADDEN], the waterways advocate of 1907 and the reformer of 1917, 10 years later, said:

So it seems, Mr. Chairman, that there is an incidental benefit worth $3,000,000 a year that would arise from the building of this waterway, which capitalized at 4 per cent would mean a value of $75,000,000. Would it not be well for us, before the money is appropriated from the National Treasury to build this waterway, to find out who will have the benefit of that $75,000,000, besides 350,000 acres of land, not of very great value, a large share of which will be reclaimed by this waterway?

Talk about schemes. Mr. Burton evidently was "on" in those early days back in 1907.

How can we tell what share of this agitation—

And it was a fierce agitation at that time, along the Mississippi Valley—a regular 14-foot-to-the-sea cyclone—

comes from the desire for navigation of this waterway and what share comes from a desire to use that water power, worth $3,000,000 a year—

Just exactly the amount of the appropriation asked for in the amendment of the gentleman from Illinois—

or what share of it is due to the desire to reclaim a large share of 350,000 acres of land.

And then comes a lot of correspondence, intimating that this is a water-power scheme, a reclamation scheme, and that navigation bore but a small portion in it. This is a long statement, gentlemen, and will take much time to read, but to those who are interested in the performances of our modern-day reformers I commend the RECORD.

Now, let us see about the present bill. Is it a sectional one? It can not be so charged. Appropriations are made in this bill for the waterways of New England. Appropriations are made in this bill for the waterways down along the Atlantic seaboard. Appropriations are made in this bill for the waterways entering the Gulf. Appropriations are made for waterways, many of them, all up the Mississippi Valley to the Great Lakes, and appropriations are made for the streams empting into the Pacific Ocean. And appropriations are made to keep the work going on the Great Lakes. But the gentleman from Illinois [Mr. MADDEN] says that this bill ought not to pass because it does not partake of the nature of those bills which the White House has commonly denominated in these days as war measures. I contend that this bill is an essential war measure apart from the great appropriation bills that we have been passing. I contend if we appropriate freely—and the gentleman from Illinois [Mr. MADDEN] voted for it—a bill that provides $750,000,000 to build ships, many of them wooden ships of shallow draft, that we ought at least to prepare the harbors and the waterways of the country by so small a sum as this $26,000,000. To put the cart before the horse is the proposition of the gentleman from Illinois. He would build the ships and send them out on the ocean and have the Government put war risks on them—and he voted for that the other day, $50,000,000 of it—and yet would close up the rivers and harbors of the United States. The gentleman would vote our money to protect all these foreign-trade interests, and yet he would close up the ports of entry of the United States, close up the rivers, close up the connecting links by which the products of the farm and products of the mine and the products of the factory come from the people and go to the sea.

Mr. MADDEN. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes; I will yield to the gentleman.

Mr. MADDEN. What would the gentleman do with the ships if he did not put them on the ocean? Would he put them on the land?

Mr. MOORE of Pennsylvania. I have not the notion that the gentleman from Illinois has, that we should make all our business for the foreign trade. I would do some of it in the United States, and I would not do all the business exclusively with the railroads all the time, either.

Mr. MADDEN. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes. Because the argument here has been to favor a monopoly and control by the railroads of the country, a change from the gentleman's attitude in 1907, when the waterways agitation swept the West because the railroads could not keep up with the business. The Council of National Defense is now putting the problem up to the railroads. We should give them help to carry our products, and not so sectionalize this country that trade and commerce will arise only in spots, and will be distributed only in spots and through certain great ports exclusively for shipment abroad.

Mr. MADDEN. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. MADDEN. Does not the gentleman know that as a matter of fact we have the greatest merchant marine on the Great Lakes that exists anywhere in the world, and that it is three times as big as the merchant marine that crosses the ocean and belonging to any two or three of the important nations of the world?

Mr. MOORE of Pennsylvania. The gentleman is never done boasting of his merchant marine on the Great Lakes. It is creditable, but not so great relatively as the gentleman thinks it is. The gentleman knows that when he refers to the commerce on the Great Lakes he refers to ore and bulking raw material. He does not refer to grain and cotton and merchandise that people of the country need. The gentleman knows that the railroads have been laying embargoes upon the trade of this country, and that his particular section of the country is favored in this, because whereas up in New England, yes, in the very city of Boston, a great port of this country, they have but one great railroad system; the gentleman has 18 or 20 or 25 trunk lines reaching into the city of Chicago, and he does not have to worry so much about congestion of freight.

Mr. MADDEN. We have 29.

Mr. MOORE of Pennsylvania. That makes it better for the gentleman's city.

Mr. SMALL. Mr. Chairman, will the gentleman from Pennsylvania yield there for an interruption?

Mr. MOORE of Pennsylvania. And the gentleman from Illinois ought to be liberal to other sections of the country that are not so favored as his own——

Mr. MADDEN. And give them something they ought not to have. [Laughter.]

Mr. SMALL. In all these Lake ports that have a large commerce in consequence of improvements that have been made there the original depth has been increased in some cases 5 feet, and other cases 10 feet, and in some cases 15 feet, over and above the original depth, and those improvements have made possible this great commerce.

Mr. MOORE of Pennsylvania. Yes; that is true. But there is another side to that Great Lakes depth business. I will read a resolution that I have here.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Can I have five minutes more?

Mr. SMALL. I yield to the gentleman five minutes.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for five minutes more.

Mr. MOORE of Pennsylvania. I did not know the gentleman from North Carolina [Mr. SMALL] intended to ask this question about Lake port depths, but I shall take advantage of it. The gentleman from Illinois [Mr. MADDEN] comes from a great city which is dependent upon other sections of the country, and I am afraid he was a little selfish in his argument to-day. He is not altogether as considerate of other people in the United States as he was in 1907, when he was pleading for the masses and for that $30,000,000 appropriation for the Chicago Drainage Canal. He is not as liberal now as he was before they got the money they wanted. He is not even as liberal as the people down South are, who have got to get their cotton out to the ports by way of the rivers because they can not get their products out by railroad; and they did not surely in 1907, when the gentleman was making his waterways speech and not insisting that they should confine all the business to the great trunk lines that are now overdone. He was not fair even to the people of the Great

Lakes. Here are some resolutions passed by the Merchants and Manufacturers' Association of Milwaukee, Wis., only recently, in which they say, regarding the Chicago Drainage Canal, which the gentleman was seeking to extend in 1907:

Whereas the primary object of the Chicago Drainage Canal was the sanitary disposal of the sewage of the city, but the scope of the canal's function now includes navigation, and water power and hydro-electric enterprises, which money-making projects the State of Illinois is endeavoring to promote at the expense of port cities from Chicago to the St. Lawrence River; and

Whereas the harmful situation resultant from the circumstances hereinbefore narrated is in danger of being perpetuated and enhanced by selfish influence: Therefore be it

PROTEST.

Resolved by the executive heads of port cities on Lake Michigan and Green Bay, in convention assembled, That we most emphatically protest against the authorization by the national authorities of any project which will call for additional drainage of the waters of Lake Michigan, and as emphatically insist that more vigorous steps be taken by the Federal Government to put a stop to the unlawful diversion of water represented by the amount now abstracted in excess of the original grant of 4,167 cubic feet per second.

We further firmly insist that the original permit, just mentioned, be permanently revoked if the observations of the United States Lake Survey indicate that the levels of the lakes involved continue to recede under the continued extraction of the once seemingly reasonable amount which said permit grants.

In making this sweeping protest we do not underrate the importance of providing for the physical welfare of any unit of population, but we hold that as far as the city of Chicago is concerned there are ample methods available for the scientific disposal of its sewage without the adoption of a system which places a perpetual burden of expense upon others. The waters of the Great Lakes are primarily and wisely dedicated to the uses of navigation. In this respect they represent a valuable asset, not only to the communities we have the honor to represent but to the people of the entire Nation. We insist, therefore, that no one section of the country should be allowed to advance its own interests at the expense and to the detriment of other sections.

This resolution makes the point I am making—that the gentleman from Illinois is viewing the waterway proposition from a very narrow viewpoint, rather a selfish viewpoint.

Mr. SMALL. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. SMALL. I have just looked the matter over in order to give an illustration to the proposition I was speaking of a moment ago. At Ashtabula, Ohio, one of the great harbors on the lake, the original depth there was 6 feet, and it has been increased from time to time until now they have a ruling depth of 21 feet, with a tonnage of more than 14,000,000 tons of commerce. But the Government of the United States has invested, in order to get that increased from 6 to 21 feet, more than $2,282,000. We figured that it was well spent, and that the expenditure of it has been justified by the result.

Mr. MOORE of Pennsylvania. I am very glad the gentleman from North Carolina has thus supplemented my remarks.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. MOORE of Pennsylvania. Can I have five minutes?

Mr. SMALL. I yield to the gentleman five minutes.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for five minutes more.

Mr. MOORE of Pennsylvania. I hope the gentleman from Illinois will not interrupt me now. [Laughter.] Let us see whether the gentleman is as liberal as he ought to be. Let us see whether he is as broad, partiotic, and humane as he ordinarily is as a Republican leader upon this floor. Let us see whether, when he attacks as "worthless" and "rotten" and "useless" certain meritorious projects in this bill he is just and fair to himself. Let us see whether he speaks in the interest of those plain people for whom he fought, bled, and died upon this floor in 1907. [Laughter.] Let us see whether his great big manly heart throbs with that same enthusiasm for the producers of the country whose products he wanted to equitably and cheaply distribute in 1907 when he inveighs against this measure in 1917. Over there along the Atlantic seaboard—and this is without prejudice to any other section of the country—we have a little more than one-third of the entire population of the United States east of the Appalachian chain, and while I refer to the great trunk lines going into the city of the gentleman from Illinois, let me say parenthetically that we do business for those 30,000,000 people in that congested territory along the Atlantic coast on one-fourth of the railroad mileage of the United States. Let us see whether, when we consider these facts, he is as fair to us as we would expect him to be, being as he was the spokesman of the golden rule in 1907. Over there along the Atlantic seaboard the railroads have embargoes now, and have had embargoes off and on for years, since this European war broke out against certain kinds of freight. Let me read what one well-informed upon this subject wrote me a short time ago:

BOARD OF COMMISSIONERS OF NAVIGATION,
Philadelphia, Pa., May 23, 1917.

Hon. J. HAMPTON MOORE, M. C.,
Washington, D. C.

MY DEAR MR. MOORE: I received from your Philadelphia office this morning an inquiry concerning statistics with regard to the Chesapeake & Delaware Canal for the calendar year of 1916, with the request that I should forward the same to your care at Washington.

I want to supplement these statistics with some views concerning the early acquisition by the United States Government of this important waterway, from a commercial point of view and as a matter of preparedness in the conflict which this country has entered.

The demand from a commercial point of view for the opening up of this antiquated waterway is greater than ever, and it is no exaggeration to say that the proper development of this section is now at a practical standstill through the inability of consumers to get such raw materials into this market as originate in the South and to ship out the manufactured products destined in that direction.

For the past three years, since the breaking out of the great European war, it has been a physical impossibility to get lumber into this market from the South.

The railroads, as you well know, have embargoes against this commodity and the communities such as Wilmington, Carneys Point, Chester, and other localities in close proximity are handicapped through their inability to erect houses for the mechanics they have had to employ, with the result that in many instances they are forced to charter steamboats to carry their labor from Philadelphia and back, with a consequent loss of time in a day's work approximating from two to three hours.

The great demand for tonnage to carry supplies to the allies has taken from our coastwise trade all the remaining available vessels engaged in the outside routes, and the shoal and restricted width of the locks in the present Chesapeake & Delaware Canal have made it impossible to operate through this waterway modern barges such as would have tended to remedy this shortage in tonnage.

Our lumbermen find it impossible to supply building materials to those corporations and individuals desiring to erect houses, with the result that it is not possible to operate many of the large manufacturing plants to anything like their capacity.

But the gentleman says, "Go outside; do not use the inside waterways. Do not improve them, but send your ships to sea." Yes; we have done that. It costs twice as much to do that as it does to send them inland, and the risk is greater and the loss is more frequent. But I am informed that ocean freights, by reason of the hostilities, have made it more profitable for vessel owners to discontinue the coastwise trade and engage in the foreign trade, raising prices to both producers and consumers of the United States.

We have not even got the facilities in the coastwise trade out on the ocean to do the business for the great communities along the Atlantic seaboard. The foreign trade that the great granaries of the country have been forcing with Europe, has taken from us the coastwise ships that formerly did business from port to port along our coast. Mr. Sproule continues:

If shipbuilding in the interest of the United States Government is to be pursued, how are the materials for their construction to be gotten to the shipyards unless waterways, such as the Chesapeake & Delaware Canal are modernized and opened up?

It is impossible for the railroads to handle the freight offering, and there are instances too numerous to mention right here of ships in distress being held up for weeks awaiting the receipt of parts of their machinery coming from points no further distant than Connecticut and Rhode Island and New York.

Ocean freights, by reason of the hostilities, have made it unattractive to vessel owners to continue their craft in the coastwise trade. Only yesterday the schooner *John B. Biemiller* was chartered to load 6,000 barrels of oil at New York for Genoa at a freight rate of $17 a barrel. Under ordinary conditions $0.96 a barrel to this point would have been an attractive freight

This vessel in normal times carried lumber, and this is what the lumbermen and dealers in building materials are confronted with to-day.

One schooner, the *Josephine*, has loaded lumber at Mobile for Philadelphia at $16 a thousand feet. Under normal conditions her freight would have been from $6.50 to $7.50 per thousand feet.

In no other way will the conditions be remedied than by the opening up of this inland waterway, as this will permit of the construction and operation of the cheaply built and cheaply manned inland barges.

The value of this canal to the Navy, if modernized, is too well known by you Washington officials to be dwelt upon by me.

Now, these statistics which follow should not be considered indicative of the importance of this waterway to our section of the country, as the business is minimized by its antiquated condition.

During the year 1916, 1,164 vessels of the gross tonnage of 521,343 tons arrived here with cargo via this canal, and during the same period 1,133 vessels, with the gross tonnage of 521,632 tons, left Philadelphia for points in the South via this canal.

Within the same period 110,049,182 feet of lumber, 219,807 railroad ties, 19,930 tons of cinders, 62,430 tons of mine props, 8,110 tons of piling, 3,408 tons of pig iron, 27,277 cords of pulp wood, 11,750 tons of sand, and 3,230 tons of nitrate of soda arrived here from the South, via this canal, and within this same period, 381 regular line steamers departed, and 382 regular line steamers arrived via this waterway.

Of course you will understand that there was much miscellaneous freight, the details of which would make this letter too voluminous.

Very truly, yours,

GEO. F. SPROULE, *Secretary.*

Gentlemen, I could go on with hundreds of illustrations of this kind, showing the difficulties that the producers and consumers of the land have in getting their freight carried to its destination. I ask whether it is not time that we open up and use our rivers, use them as burden bearers in these times of stress, so that the producers and consumers of America shall

have an equal chance with those who are buying our products abroad? [Applause.]

Mr. SWITZER. I yield 30 minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Chairman, after the very entertaining personal interchange back and forth between the gentleman from Illinois [Mr. MADDEN] and the gentleman from Pennsylvania [Mr. MOORE] it will be more or less difficult to ask the Members of the House to concentrate their ideas and thoughts on the problem at hand. I had hoped that the gentleman from Pennsylvania would use some portion of his time in the defense we know him to be so capable of making of that well-known and well-worn project which brought on the colloquy between the two gentlemen. But rather than do that, he evidently prefers to continue the colloquy with the gentleman from Illinois [Mr. MADDEN] and reserve the batteries of his eloquence in behalf of the Chesapeake & Delaware Canal for later debate.

Now, Mr. Chairman, I am not intending in any way to enter into a discussion of the merits or demerits of any item appearing in this bill. I would like nothing better than to accept the request that the chairman of the committee [Mr. SMALL] made this morning, when he asked those who are opposed to this bill to point out certain specific items of demerit. As a matter of fact, Mr. Chairman, when you start out on the basis laid down by the Secretary of War in his so-called communication to the Rivers and Harbors Committee, you attack practically every item in the bill, because we were told at the very beginning of our hearings that the only items that should be included in a river and harbor bill under the existing circumstances were those directly bearing on the war, either for preparedness or the commercial needs having to do with national defense. There are perhaps half a dozen such items in the bill. You can pick out those half a dozen items and then attack seriatim every other one.

We are living in a time different from that under which we have ever before considered river and harbor legislation. We are spending the money of the people of this country in the most extravagant manner ever known. But, Mr. Chairman, we are doing it in a most righteous cause, and I claim that the only money we should expend under these circumstances must have a direct bearing upon that very feature. The money of the people of this country that we appropriate in this Congress must either be for the support of the various executive departments and the administrative needs, or it must be clearly shown that it has a direct bearing upon the war in which we are engaged and its outcome. That can not be shown in the present bill. It is impossible, because, Mr. Chairman, in what way can we connect up with national preparedness an appropriation of $5,000,000, for instance, for additional locks and dams in the Ohio River? Does the champion on this floor of the lock-and-dam system in the Ohio River claim that the war with Germany will be shortened one day by an appropriation—not by the construction, but by an appropriation—for additional locks and dams in the Ohio River?

I, for my part, Mr. Chairman, can not see the connection between the removal of the water hyacinth, which is so frequently referred to, and a shortening of the war with Germany. The remark of a gentleman from Pennsylvania, not a Member of this Congress—in the Sixty-fourth Congress—that it would be very much cheaper to take the water out of the rivers rather than to take out the hyacinth, is certainly a very appropriate remark here to-day. We must economize, and if we can economize a little by a few less hyacinths coming out of those streams, all well and good.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. TREADWAY. Yes; certainly.

Mr. MOORE of Pennsylvania. We have heard a great deal about hyacinths. I want to ask the gentleman how much we appropriate in this bill for that purpose?

Mr. TREADWAY. The actual amount is very slight. I appreciate the gentleman's argument, but it is the principle that is involved and not the dollars and cents.

Mr. MOORE of Pennsylvania. If it is a matter of principle, and a certain section of the country could be served by a navigable river which is clogged up by water hyacinths, would it not be in the interest of the Nation in time of war to open up that navigable stream and remove the hyacinths? Would not that be a fair proposition?

Mr. TREADWAY. I think it would. If much else that is in this bill were as fair, I would be disposed to vote for the removal of the hyacinths. I think some gentleman brought up the point that the hyacinths could be used instead of hemp.

Mr. MOORE of Pennsylvania. Used for food, he said.

Mr. TREADWAY. Yes.

Mr. MOORE of Pennsylvania. The gentleman will admit that that is a ridiculous proposition.

Mr. TREADWAY. But no more ridiculous than the proposition for the removal of the hyacinths under existing conditions.

Mr. MOORE of Pennsylvania. I think the gentleman has already admitted that the principle is a proper one, if the stream can be made navigable. Now, if the stream is sluggish, miasmatic, clogged up, why not——

Mr. TREADWAY. If it is miasmatic, let us capture some Germans and send them there and let the hyacinths remain.

Mr. MOORE of Pennsylvania. The gentleman will admit that that is not a fair answer.

Mr. TREADWAY. It is just as fair as the gentleman's question. Now, I suppose we do not either of us want to spend half an hour in the expurgation of these remarks.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. TREADWAY. I shall be delighted to yield, but before doing so let me suggest that the gentleman took 30 minutes of his own time in a passing colloquy with his friend from Illinois [Mr. MADDEN], and I should prefer not to have all my time taken up in the same kind of colloquy.

Mr. MOORE of Pennsylvania. If the gentleman puts it on the ground of time wasted, I will not pursue the matter further; but there are hundreds of streams that should be opened up in order to make the fertile lands available, and there are water hyacinths in some of them.

Mr. TREADWAY. Would it not be as desirable to take out the water and build railroads?

Mr. MOORE of Pennsylvania. Well, if the gentleman is in favor of railroads exclusively and the prices they charge——

Mr. TREADWAY. I am not in favor of the railroads particularly, but I am in favor of the taxpayer in opposition to this bill.

Mr. MOORE of Pennsylvania. But if the gentleman——

Mr. TREADWAY. I prefer to have the gentleman continue his remarks in his own time.

Mr. SEARS. Will the gentleman yield?

Mr. TREADWAY. Briefly.

Mr. SEARS. I do not think the gentleman from Massachusetts intends or desires to mislead the House. Does the gentleman realize that in this fight against the water hyacinth the traffic on the St. Johns River will, unless it is removed, be absolutely stopped?

Mr. TREADWAY. I have been on that river and I appreciate the gentleman's question. It may be a fair proposition in getting to Palatka to have the hyacinth removed, but that has nothing to do with the streams in Louisiana and other States, although I suppose Members would defend the streams in that section on the same ground.

Mr. SEARS. There is a commerce amounting to a million dollars and over on the St. Johns River.

Mr. TREADWAY. I prefer that the gentleman would not draw me into a discussion of any special item. I was only referring to the water hyacinth in a general way, showing what we had put into the bill, items that were far away from war measures for national defense. I am not criticizing the gentleman's desire to clean up the St. Johns River; I think that is perfectly proper.

Now, the recommendation of the Secretary of War came about in a peculiar way. When this Congress came into session it was very generally understood that there should be no river and harbor legislation this year. That was the general expectation, and a very wise one it seems to me, in that we should, as I have already endeavored to show, save the last dollar in these outside appropriations for the benefit of the great cause in which we are engaged. But a very ingenious sort of scheme was developed whereby a supposed recommendation of the administration came before us. On this side of the House the Republicans were given to understand that in a Democratic caucus the vote of the majority of the Democrats present was against the consideration of a river and harbor bill. It is always said that this bill is a nonpartisan bill, and so I have no criticism to make of Democrats that brought it up in spite of the fact that their own caucus voted against it. Our committee was told that it should be based on this one great thought that was in the minds of the American people. The recommendations from the Secretary of War says that it should be—

> Designed to provide for the continuance of river and harbor improvements already in process and the maintenance of existing works wherever in either event substantial loss would be entailed by a suspension of work, and that he should include such new projects as are intimately associated with the question of national defense in a military way.

We are carrying in this bill 34 new projects. Has the Congaree River anything to do with national defense in a military

way? Possibly it has, but I for one as a member of the committee was not shown how it had. Now, as far as continuance of projects that would otherwise deteriorate. The House realizes that there is a balance to the credit of the various projects scattered throughout the country of $32,000,000. There was in addition to that $1,000,000 which the Board of Engineers could use in any way they saw fit. Now, who for one moment can claim that the work on rivers and harbors so far as maintenance is concerned will deteriorate if no river and harbor bill should pass at this session of Congress? We are carrying very large balances for some of these very projects which are dearest to the hearts of many Members of the House. With all due respect to the chairman of our great committee, I must, as an illustration, refer to the balance side for the Beaufort Canal project. On March 1 that item was about $900,000. We have in the bill as reported here another $100,000. Will not $1,000,000 take pretty good care of that project? We have balances to all these important items—and I say "important" in the sense that we have carried in previous bills very large appropriations for these items. I, for one, do not consider many of them important in the sense of benefit to the people of the country.

Now, a word about the project the gentleman from Pennsylvania has spoken about so eloquently, or rather which I supposed he would speak about in the time he had, but which he will speak about eloquently before the debate closes—in the last river and harbor bill which passed the House but did not pass the Senate, we carried an item of $1,300,000 for the purchase of that canal. I never, as a Yankee, saw the time when I wanted to buy anything that I did not want the fellow that had it for sale to tell me what he asked for it. The United States Government has never as yet been able to get a price at which the owners of the Chesapeake & Delaware Canal would dispose of their property. In the Sixty-third Congress the estimated value was arrived at by a then leading member of the Committee on Rivers and Harbors, the gentleman from Mississippi [Mr. HUMPHREYS]. He arrived at a value in his mind of $1,300,000, and that was put into the bill on his argument carrying out his idea as to what that project was worth to the United States Government.

It was not satisfactory to those who were trying to have this country become the owner of that canal. They wanted a condemnation procedure. Well, suppose we adopted condemnation, it is very easy to estimate that it would cost ten or fifteen million dollars before the Government could secure a 12-foot channel, and it would consume from three to five years of time even after the condemnation procedure was completed. Can the supporter of that project come before the House and say that to-day the condemnation of the Chesapeake & Delaware Canal is an emergency war measure when its usefulness to the people, no matter what its merits may be eventually, can not probably be brought about within five years?

And so we can continue to criticize these various items, and I am only using these as illustrations, not in particular criticism of the individual projects. A question was asked Col. Newcomer during the progress of the hearing as to the possibility of making contracts under existing labor conditions. He himself told us that the Government would be very greatly embarrassed in either making contracts or carrying on the work itself by the high cost of labor, its scarcity, and the excessive cost at the present time of materials. Is it a good time under that sort of testimony to take on new work? Do we need under those conditions to assume the burden of $50,000,000 as this bill calls for eventually in these new contracts? I do not think a Member of this House, acting in his individual capacity, exercising his own business judgment, would say it was the time he wanted to go into unnecessary construction work.

If we can maintain for commercial purposes our present depths of channels in the harbors and in the large rivers with the balance on hand, it seems to me that we are expending all of the money of the people in the cost of river and harbor work that we ought to be called upon to spend. The majority report speaks of the fact that many people will be thrown out of work unless this work is continued. They say the river and harbor section of the War Department maintains in the aggregate a large force of assistant engineers and employees in the several districts, many of whom will have to be discharged, and the personnel of the force disorganized. Mr. Chairman, I do not ask for any better argument in behalf of the defeat of this bill than that very sentence in the majority report. Who are these engineers and the personnel of the force that would be disorganized? They were the leading men in their respective classes in West Point. Their services are in the greatest demand to-day in the very cause in which we are all engaged. Why take them away from that kind of work for which they have been fitted especially by the United States Government, and ask them to continue to work over these various projects which we are trying to adopt?

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. MEEKER. Can the gentleman tell us whether or not any of the belligerents abroad are curtailing their waterway activities during the war?

Mr. TREADWAY. I would say this to the gentleman, that while we are acting as allies with the powers abroad in the carrying on the war, nevertheless it seems to me that so far as the conduct of our own governmental affairs are concerned we ought to be the judges of our own internal matters and act upon our judgment rather than be guided by whether Germany or France or Great Britain may continue in a similar line of work.

Mr. MEEKER. Just a word more.

Mr. TREADWAY. Yes.

Mr. MEEKER. I think we should attend to our own business, but I was asking the question to raise the point as to whether they value their waterways as war-relief measures or not.

Mr. TREADWAY. Of course geographical conditions and various things enter into a suitable answer to the gentleman.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. Yes; with pleasure.

Mr. CANNON. If we can trust the reports of the Interstate Commerce Commission, notwithstanding the waterways in Germany and elsewhere in the countries of our allies, the freight rates in this country are less than one-half what they are upon the railroads abroad, notwithstanding the competition of the waterways.

Mr. TREADWAY. Mr. Chairman, I am very glad for the suggestion of the gentlman from Illinois. The freight rates are not made, as I understand it, by the railroads themselves. They are made and approved by the very board to which the gentleman from Illinois refers. They must be approved by the Interstate Commerce Commission.

Mr. HARDY. My Chairman, will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. HARDY. I just wish to inject in that remark that the freight rates of America are always compared in that per ton per mile way. It is stated they are seven-tenths of a cent per ton per mile. While that embraces long distance and short distance, carload and every other style, as a matter of fact the rates are nothing like as cheap here as they are abroad, because these are carload rates that enter into it.

Mr. TREADWAY. Mr. Chairman, there are other very serious defects, as I say, in the bill before us. One of them is this so-called grouping system which has been previously referred to. A grouping system is nothing more nor less than an effort to cover up unmeritorious projects. You take a dozen or 20 or 30 projects, and just because they are geographically near together, allow a "come-and-go" process on the part of the engineers, and Congress loses its control over the maintenance of these particular projects. It is concentration of power in the Executive, and nothing else. It is the same thing that has been criticized here over and over again on this floor. To-day it is stronger in the river and harbor bill than it has ever been before. The door was opened in previous bills. Every little while you would see three or four streams grouped together in previous bills, and they went through. Now it is being done very openly and some 20 or 30 are grouped together in various places. It is a direct blow at the legislative power in Congress itself, and if we want that sort of method, let us vote it in. I for one do not. I want to see the power of Congress kept here in this body, but you do not keep it here when you enter into this so-called group system.

Mr. SMALL. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. Certainly.

Mr. SMALL. May I remind the gentleman that the grouping system has been in vogue in river and harbor bills for 20 years or more?

Mr. TREADWAY. I said that there had been various groupings heretofore, but it is very much larger in this bill than has ever been undertaken before.

Mr. SMALL. That is true.

Mr. TREADWAY. Another thing is the so-called commission that is going to be established. I shall not take up the time of the House to read or call particular attention to the actual phraseology of the language creating that commission, but I do hope before you vote upon this bill you will read what that commission is going to be asked to do. If the Secretary of War, the Secretary of Agriculture, the Secretary of the Interior, and the Secretary of Commerce—I do not know why they left out the Secretary of the Navy—individually in their own official positions carry out the instructions that are put into that clause,

there will be nothing in the heavens above nor on the earth beneath that these gentlemen do not investigate before they report to the House.

This commission went out on a point of order in the consideration of the bill last year, and there is no reason why it should not go out again. But I am informed, or the committee was informed, that that was the one item that made a river and harbor bill possible this year, otherwise it would not receive Executive sanction. We started out on that basis, and this is exactly where the matter stands to-day, that unless the concentration of power was continued and this commission established to study all these various problems of nature—man, beast, and all the rest of it—that the river and harbor bill would not receive Executive approval. What about surveys? Why, there are innumerable surveys not yet completed. This bill carries 74 new ones. What did Col. Newcomer say on the subject of surveys? I will not take up the time of the committee to find the actual statement, but I will insert it in the RECORD. He said they had too much else to do; that they had not had time to look it over to see whether the surveys were meritorious or not that went in the bill; that the bill was made up as a result of the passage of the previous bill by the Senate. Not that it was given consideration, Mr. Chairman, by the department. or was recommended as a war measure by the Board of Engineers; not that, but that the bill that had passed this House in the last Congress and then been amended by the Senate was to-day to be adopted as a war measure. Was there ever a more ridiculous argument made before a committe of this House?

Mr. PLATT. Will the gentleman yield?

Mr. TREADWAY. I will.

Mr. PLATT. The gentleman spoke a few moments ago about the iniquities of the grouping system. I find four magnificent harbors grouped together here in the bill. Saugerties, Rondout, Peekskill, and Tarreytown Harbor, for maintenance, $3,500.

Mr. TREADWAY. That means that they will not have more than $3,500 to spend there.

Mr. PLATT. Does that mean they are going to expend the insignificant sum of $3,500 on those four large harbors?

Mr. TREADWAY. They will put it on the one the gentleman selects, in all probability.

Mr. PLATT. These harbors are not in my district.

Mr. TREADWAY. They are in the gentleman's neighborhood.

Mr. PLATT. The stream is in my district.

Mr' SMALL. What group?

Mr. PLATT. It is a series of habors in the State of New York, Saugerties, Rondout, Peekskill, and Tarreytown Harbor, with an item of maintenance, $3,500. Those harbors have an enormous traffic and I would like to know whether $3,500 is to be spent on each one or on the whole lot?

Mr. SMALL. The only one of those projects for which estimates are made is by inserting for maintenance at Peekskill and the only reason those are grouped is to anticipate any unforeseen emergency, such as storms or floods. They are grouped in order to provide for such an emergency that might occur.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TREADWAY. May I ask for five minutes additional?

Mr. SWITZER. I yield to the gentleman five minutes more.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I am interested in some harbor work in the process of construction. I have not heard what is to me a sufficient explanation of the policy to be pursued by the gentlemen of dropping all that work, leaving the contractors flat with their machinery and appliances all on their hands.

Mr. TREADWAY. I will state to the gentleman that there are continuous contracts that are appropriated for under the sundry civil bill. There is a balance to the credit of every project practically that is carried in a good large sum, and further than that I would state that of course the contractor originally makes his price based on any contingency of the contract not being continued. If a project is meritorious. I believe myself in the continuing contract and think that the Government would have saved a great deal of money had continuing contracts been entered into, but the contractor, such as the gentleman from Michigan refers to, must necessarily take that very thing into consideration when he assumes the responsibility of a contract.

Mr. McLAUGHLIN of Michigan. Yes; but is he not justified in taking into consideration also that the Government will play fair when the Government of the United States enters into a contract with him and he buys supplies, buys dredges, and his trucks and his machine shops and appliances ready to carry on the contract, that they will furnish the money and have it come along from time to time instead of stopping short off as the gentleman proposes to do?

Mr. TREADWAY. These are not continuing contracts that appear in this bill, they are made from year to year, and I tried to explain to the gentleman that continuing contracts are provided for in the sundry civil bill.

Mr. McLAUGHLIN of Michigan. I know some places where as low as $28,000 was appropriated for continuing a very important work in my district, and I believe that if that money is not appropriated it will be necessary for the contract work to be stopped.

Mr. GALLAGHER. There are a million dollars.

Mr. TREADWAY. Yes; a million dollars remain under the lump-sum appropriations, over which the engineers have full authority and which they can spend in carrying out any contracts they may approve.

Mr. McLAUGHLIN of Michigan. That is, for all over the country; the million dollars.

Mr. TREADWAY. Now, Mr. Chairman, I want just to make one brief statement, and that is this. Let us play fair with the taxpayers of our country. Let us play fair with ourselves. If we are in favor of extravagant river and harbor appropriations, let us say so. Do not let us take pork and cut it up into slices and say it is for national defense.

It is the most silly argument that I have ever heard put forth in my term in Congress, that this is a bill for national defense. It is the same kind of a bill—only worse—that has been objected to on this floor and has been objected to by the American people in years gone by. Do not let us deceive them and deceive ourselves by trying to cloak it under any such title as preparedness or national defense. It is another pork bill, and as such let us either vote it up or down. [Applause.]

Mr. GALLAGHER. Will the gentleman yield?

Mr. TREADWAY. I will.

Mr. GALLAGHER. I think the gentleman was diverted from the statement he was going to make in regard to the engineers and laborers, and so forth, in the first of the hearings, that were going to be thrown out of employment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MEEKER. Mr. Chairman, I ask unanimous consent that the gentleman have a minute in order that I may ask him a question.

The CHAIRMAN. The time is in control of the gentleman——

Mr. SMALL. Mr. Chairman, I yield half a minute to the gentleman.

Mr. MEEKER. Did you vote for the last bill we had here?

Mr. TREADWAY. I certainly did.

Mr. MEEKER. Was it a pork bill then?

Mr. TREADWAY. It is a very different bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TREADWAY. I would like a minute more to answer the gentleman.

Mr. SMALL. I yield a minute to the gentleman.

Mr. TREADWAY. If I remember rightly, I voted for two and opposed two of the last river and harbor bills. I never have tried to conceal my opposition to a river and harbor bill, and sometimes I am in favor of them and sometimes I am not. I have continually opposed many items. This bill is not the bill—it is not as good a bill as passed the House last session, for many reasons. And, further than that, we did not at that time foresee the national emergency in which we are now involved.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMALL. Mr. Chairman, I yield 30 minutes to the gentleman from Texas [Mr. DIES], a member of the committee.

Mr. DIES. Mr. Chairman, I was pained to hear my distinguished friend from Massachusetts [Mr. TREADWAY] admit just at the conclusion of his speech that he had been a voter for pork-barrel appropriation bills so recently as the last Congress. I was surprised, in the first place, that he said this was a pork-barrel bill, and then, when he admitted that he had voted for it recently, I was shocked.

What is a pork-barrel bill? A pork-barrel bill is a bill produced, as Mr. Jefferson said in some of his writings, by log-rolling in Congress. You tickle me and I tickle you. You help me to put over a bad one, and I will help you put over a bad one. We will swap work, and when the barrel is filled with pork you take a ham and I take a ham; you get a jowl and I get a jowl. And we divide up the pork and mulct the people. Now, that is a pork-barrel bill.

I am surprised that the gentleman from Massachusetts [Mr. TREADWAY] should denominate this a pork-barrel bill. Either that gentleman or some one else opposing the bill criticized it because the Chief of Engineers of the United States and the Secretary of War had dared to tell Congress what kind of a bill to pass. Let us be honest with ourselves, even though we can not be consistent. If the Secretary of War and the Chief of Engineers made up the bill, how can it be a pork-barrel bill?

[Applause.] The gentleman from Massachusetts [Mr. TREADWAY] is a member of the Committee on Rivers and Harbors. I challenge him to point to a single member of that committee, or probably any Member of the House of Representatives itself, that offered to barter with him or trade with him or say to him, "You support my measure and I will support yours." [Applause.] You know about all the reputation to be made out of calling the river and harbor bill a pork-barrel bill has already been made by the loquacious, delectable, spotlight gentleman from Wisconsin [Mr. FREAR]. He has carried away all the honors of an appeal to the galleries about this being a pork-barrel bill. Having found himself the gallery god of the Congress, and having had the news carried back to Nincompoop Creek that he is the champion who fought the last pork-barrel bills, there are no diadems for the gentleman from Massachusetts [Mr. TREADWAY].

I have a very dear affection for my friend from Wisconsin [Mr. FREAR]. Sometimes I scarcely blame him. This is a great place in which to make reputations. Some years ago, I am told, there was some question about the propriety of certain items in the river and harbor bill. Probably much of the criticism against it in those days was true. Great bodies administer their affairs with waste. I do not care what great supply bill you pass in this House, you will find items of waste in it. It is impossible that it could be otherwise, and it does seem hard that the gentleman from Wisconsin [Mr. FREAR], after having won a reputation by assaulting this measure, should continue to jump against his own mark. And I want to tell him now that he is likely to lose the reputation that he made some years ago if he continues to denominate this a pork-barrel bill in one breath and tell the Congress that we ought not to allow the Secretary of War and the Chief of Engineers to recommend it.

Mr. FREAR. Who is it in the House made the statement that the Secretary of War drew the bill?

Mr. DIES. You charged the Members of the Congress with abrogating their functions to the Secretary of War and the President and the Chief of Engineers, because they dictated this bill to Congress.

Mr. FREAR. Surely you do not charge me with having made such a statement, and now practically you are putting the words into my mouth.

Mr. DIES. You are a member of the Rivers and Harbors Committee, and you know the Chief of Engineers is largely responsible for this bill as a war measure.

Mr. FREAR. Continuing the old bill practically as it was last year.

Mr. DIES. He took what he conceived to be to the interest of the American people, and you call it pork.

Mr. FREAR. That bill was killed in the Senate, the gentleman remembers.

Mr. DIES. Let me tell you a story at the risk of tiring you. I told a little dog story here many years ago, and I am going to take a chance and repeat it, because so many new Members have entered Congress since I told it before. I think it was seven years ago. The reason I am going to tell my old hunter story over again is that I have discovered a new kind of dog, and I want to tell you about him. My old hunter dog was this kind of a dog: He was raised in the cross timbers of Texas, where I was raised on a farm as a boy. In the timber land we had little cotton-tailed rabbits. A dog could catch one of these ordinary cotton tails in three or four hundred yards, and on plowed ground in a hundred yards. Time went on and our family got a little bigger, and my father did not have enough land to keep all of us boys busy, and a little distance away was a prairie section, and he sent a wagon with we boys and the dog over to cultivate a crop there. They had the mule-eared rabbit in that region. An ordinary cur dog could not make them back their ears and put down their fourth foot. This is a true story, and I will never forget the first one of those mule-eared rabbits that old hunter got after. Of course, he knew he had that rabbit; that was a foregone conclusion. [Laughter.] He ran out at it as he would like a covey of quail flying, but in half an hour he came back with his tongue hanging out and panting distressingly. Pretty soon another mule-eared rabbit came by, and he went after it, but presently came back in the same condition as the first time. The next day, when a mule-eared rabbit came by, he just raised his head up and then lay back again to sleep. [Laughter.]

It is the same way, gentleman, with Members of Congress. It was the same way with me, in my early service in this body, when somebody rushed into the cloak room and said, "They are about to waste a million dollars out there." I was aroused and came leaping down the aisle, hoping to save the imperiled million. [Laughter.] But, like old hunter, since then, seeing many of these schemes running by which could not be stopped, I have just risen up and looked at it. [Laughter.]

But there are some kinds of dogs that can not be discouraged. I will not say that this has anything to do with my friend from Wisconsin [Mr. FREAR]. It has nothing to do with him unless he wants himself to make the application. [Laughter.] One of those kinds of dogs that can not be discouraged is what we call the automobile dog. He is not mad at anything in the wide world. If you go by in your car he runs out madly, apparently, and from his manner you would fancy he was going to bite the tires off your vehicle. He races after one car, and then he does it to the next, and then to the next, and so on indefinitely, all for amusement to himself and not at all with purpose to do you an injury. Now, Mr. Chairman, it is possible that there are a few automobile dogs running around here, that break out once in a while as a matter of habit, simply to disport themselves in the morning sun. [Laughter.] There are some gentlemen who are opposed to the river and harbor bill, as I said, because reputation is to be made at it. The public gets onto things rather slowly. Ten years ago there was criticism of the river and harbor bill. Probably it was justified. The people considered there was something wrong about it, and since that time they have fixed up the river and harbor bill all right. But my friend from Wisconsin is in on the tail of the storm. Well, he should remember——

Mr. FREAR. Mr. Chairman, will the gentleman yield?

Mr. DIES. Oh, certainly.

Mr. FREAR. The gentleman says that at this time I am "on the tail of the storm," and he makes it personal.

Mr. DIES. I am speaking hyperbolically. [Laughter.]

Mr. FREAR. Just a moment.

Mr. DIES. Let the gentleman ask his question, then. If he is going to make a speech, I do not want to yield to him.

Mr. FREAR. Three out of the last four river and harbor bills have been defeated, and this bill is along the line of the last bill, so that that is not a fair application.

Mr. DIES. Oh, because the gentleman has done his country an injury three times is no reason why he should seek to do it a fourth injury.

Mr. SMALL. Mr. Chairman, will the gentleman yield?

Mr. DIES. Yes.

Mr. SMALL. The gentleman will remember that the bill of 1914 passed the House, but failed in the Senate, and the bill of 1916 was enacted into law practically as it passed the House. The last bill failed, just as some other bills failed, at that session.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. DIES. Yes.

Mr. COOPER of Wisconsin. Do I understand the gentleman from North Carolina to say that the last river and harbor bill failed? The bill of 1916 was signed by the President.

Mr. SMALL. It was the bill for 1917 that failed in the Senate. The bill of 1916 was enacted and became a law.

Mr. DIES. Some animals, when you feed them until they are full, will neither growl nor run nor jump the fence. [Laughter.] That does not apply to a Congressman, but a Congressman who has gotten along nicely in this bill heretofore can see nothing more except "pork" in the bill that will develop the undeveloped sections of the country.

My friend from Wisconsin talked about what Mr. Burton said concerning the Ohio River, and I thought about prophets. He was talking about the small amount of tonnage on the Ohio River. I believe the gentleman said Mr. Burton, for whose judgment and patriotism I have a high regard, I will say, secured an appropriation of about $60,000,000 for the Ohio River. Maybe that was the amount when the project was completed. I remember very well that while Mr. Burton was getting that appropriation, or finishing up the getting of it, I, in conjunction with other gentleman from the State of Texas, came here and tried to get an improvement for our State at Sabine Pass and Beaumont and Orange. I recollect that Senator Burton said my river down there was so crooked that no amount of money could make it navigable. I expect the Neches River, or the Sabine River, that he was then talking about, now carries per mile more tonnage than probably any other river in the United States. One-half of the tonnage of the entire State of Texas passes in front of Port Arthur, which just a few years ago was a cattle range, and Congress would not only not give it an appropriation but would not make it a subport of entry until the people of that locality had struggled for years. And my people down there dug the waterway and gave it to the Government; and to-day I think it is the tenth or eleventh port in the United States and carries 6,000,000 tons of commerce. On registration day it registered more soldiers to answer the call of the country than the capital of the State of Texas. That was a cow ranch a few years ago. The Neches River, which, since I

have been in Congress, Senator Burton prophesied could never be navigated, is carrying, as I recall it, over 1,000,000 tons of commerce, and it has been open for traffic only a little over 12 months. [Applause.]

Why, Mr. Chairman, some gentlemen talk here about this bill in connection with the war. My friend from New Jersey [Mr. PARKER] grew very eloquent and said that we want all the engineers and all the dredges taken out of the harbors and rivers and turned over to the Army and sent to France. Well, if you sent them to France they would set them to dredging out their rivers and harbors, for they have sense enough to know that it is useless to build ships unless you have harbors and navigable streams in which to float them. [Applause.] Turn the dredges over to the Army to be sent to France? No civilized, first-class nation in the world is so far behind with its harbor and river work as we are to-day.

In this bill here I have for my district a little item for a survey that will cost a very small sum, and my people are so impatient because the river and harbor work does not keep up with the commerce that they are about to have a survey of their own made and vote more bonds upon themselves to accommodate the great commerce of the country. Yet men stand here and say this is a pork-barrel bill, and that you ought to stop the wheels of progress in our harbors and rivers and send the dredges to France.

Oh, a thousand wooden ships to bridge the sea is preparedness and 300,000 box cars to carry the stuff to the water's edge is preparedness, but what use to get your freight to the water's edge or to have a vessel to put it in if your harbor is neglected and full of mud and silt and the vessel can not unfurl her sails and carry her burden upon the bosom of the ocean? [Applause.] I tell you, no more reputations are to be made by calling this a pork-barrel bill. [Applause.] Let my friend from Wisconsin [Mr. FREAR] take his crown of bay and roses and wreathe it around his brow and keep it watered and perfumed, because he will get no more. The people of this country are not to be hoodwinked with the proposition that this is a pork-barrel bill. [Applause.] My friend from Massachusetts [Mr. TREADWAY] finds a mare's nest in the water hyacinth. I doubt if he knows what a hyacinth is. There is nothing in this world that I know of that impedes the navigation of a stream more than the water hyacinth. How much do you suppose this bill carries, how much do you suppose the American people are being robbed of in this bill, to open the streams against the water hyacinth and to protect the commerce that goes down those streams? Oh, you Pharisees who criticize this bill, how much does it carry for that? Twenty million dollars? No. Two million dollars? No. Two hundred thousand dollars? No. Twenty thousand dollars to accommodate the rivers in five States.

Mr. SMALL. Thirty thousand dollars. There are two items—$20,000 and $10,000.

Mr. DIES. Thirty thousand dollars. Well, even $30,000 to open up the rivers in five States, where the navigation is impeded by water hyacinths, would not hurt anybody. [Applause.] I admire the way my friend from Wisconsin [Mr. FREAR] disposes of statistics as found in a report of the engineers with regard to rivers and harbors. His method is truly refreshing. I am only sorry that Conan Doyle did not have him when he wrote the Hound of the Baskervilles and those other wonderful stories that have entertained us so often, and I am sorry also that the Nick Carter series did not have the benefit of the genius of my friend from Wisconsin [Mr. FREAR]. He has no respect at all for a fact. He just shunts the fact away. If the report says the commerce is 30,000 tons, he says, "Oh, well, most of that is lumber," as if lumber was not commerce; or he says, "That does not amount to anything; most of it is coal. That does not count." And he talks like a flock of geese, la-la-la-la-la. [Laughter.] He talks as if coal was not commerce. That is his way of disposing of those statistics.

Now, I will tell you the truth about it is, as far as I am able to see, this is a good bill. The man who does not want to keep the harbors of this country open ought not to want to build 200 wooden ships and a thousand steel ships and 300,000 box cars. The man who does not want to keep the arteries of trade open in this country ought not to be willing to pour out the billions of the people to help bring more trade. They say that now and then they find a little fly speck on the bill. My friend from Massachusetts [Mr. TREADWAY] found the hyacinth. Gentlemen, having gone up and down the rivers of the South, I tell you that these deep, sluggish rivers—some of them, like the Sabine River, 40 feet deep in places—are beginning to clog with water hyacinths, and yet my friend [Mr. TREADWAY] says it would be cheaper to take the water out of the river than to appropriate $30,000 for five States to take out the water hyacinths.

It is reasonable to suppose that they picked out the worst that could be found in the bill to criticize, and if this is the worst they can find there must not be very many bad things in this bill. [Applause.] Of course there is no politics in it; there ought not to be any sectionalism in it, and I do not believe there is. Of course some of our boys on the right and some of our boys on the left once in a while match a little sectional tilt of talk. It may sound good back home, but I believe the heart of the great body of this Congress is for the North, the East, the South, and the West of this common country. [Applause.] I know that you down East and you up North have progressed faster than we have. You have your great harbors perfected in many cases. We have moved more slowly. The drubbing you gave us down there half a century ago stunned our growth, and the South is just coming into its own. As I say, the people in one county in my district have taken out of their own pockets $2,000,000 to make facilities for commerce. It just shows the spirit of the people, and it shows the progress with which the country is developing. I do not think anybody ought to say, as some gentleman said in a paper, that this is a pork-barrel bill to accommodate southern Congressmen. That is not the spirit of the Members of this House, and it is not the spirit of the American people. [Applause.]

Do you know that one old Confederate soldier after another that I met and shook hands with in Washington a few days ago, almost to a man, said to me that they were never more royally treated than by the people of this city and the old Federal soldiers with whom they came in contact. [Applause.]

Ah, Mr. Chairman, this is our country; it belongs to all of us—our great Republic which, bless God, shall give faith and hope to those who believe in free government the world over. [Applause.] I want to tell you that I am glad that it was given to me to see the light in this great free Republic where a rail splitter can become the greatest of Presidents, and where to every man, woman, and child the door of hope is flung wide open. [Applause.] Patriots live in the North, patriots live in the South, they live in the East, and they live in the West, and the boys are marching from every hamlet and every city in this country to show their appreciation for the freedom and the privilege of living in the greatest Republic in the world. [Applause.]

It is a mighty bad time to talk about sectionalism. There ought not to be any sectionalism, there must be no sectionalism in this great Republic of ours. [Applause.] The country is big enough to challenge the patriotism, the humanity, and the energy of all the children of every section of our glorious country. Buy a liberty bond! Your Uncle Samuel rarely ever acts in the roll of a borrower. You have boasted of your liberty, you have said that this grand old flag shelters the greatest and freest people in the world. Your fathers before you and in the Providence of God the children that come after you shall share this liberty and this protection and this freedom. Buy a liberty bond from the old gentleman. Quit talking sectionalism and win the war. Win the war! [Applause.]

This great Republic is the only free government worthy of the name that lives in the world to-day. It is the only place where the plowman's son is equal before the law of the land with the son of the noblest or the richest in all the realm. It is worth speaking for, it is worth living for, it is worth dying for, and it is worth laying down our sectionalism for. [Applause.]

I had not thought to say that, but it will not hurt. If I thought that this bill appropriating this money to keep the harbors open and keep the streams open would interfere with my country in the progress of the war, I would vote against it, and you know I would vote against it. But I know, as any sensible business man knows, that without it it is impossible to keep the harbors and streams open. What do you want to stop the machinery for, lay off the hands, let the dredges deepening the harbors go off, and come back and find all the plants disorganized, rust and deterioration everywhere, machinery tumbling down from neglect. No more foolish thing could be done. Prepare your harbors to float your ships and prepare them to take the bursting cargoes of the 30,000 freight cars that you are going to build.

May I say a word aside. I have been reading a great amount of criticism of Senator HARDING, of Ohio, because he said he wished that we all in America loved our flag as the Germans love the German flag. Now, I do not see anything in that to criticize. You know I hear a good deal of talk about the cloakroom that does not please me. I have picked up Viereck's paper and Berger's paper and a good many papers of more respectability and read the editorials that did not sound good to me. I am almost disposed to reiterate Senator HARDING'S words and say

I wish that every man, woman, and child in America were seized with the burning love of America to go and fight for it as the Germans are fighting for their fatherland. You know we need the old-fashioned religion and patriotism in this country. We are in war. We are not voting on conscription now; we are in the war. We are not discussing preparedness. My country has chosen to fight; we are there to go forward to a glorious victory for this great Nation of 110,000,000 people, or crawl back in ignominious defeat. I want to tell you that no patriot ought to continue to discuss the conscription or volunteer system. [Applause.] No patriot in America ought to give further comfort or solace to the enemy by talking about the antibellum disputes that we had in this House. Our country has unsheathed her sword, Liberty has gone forth to vindicate herself, and I wish that a baptism of spiritual patriotism would descend upon every man, woman, and child in this country—not about what we said yesterday or the day before, but with God's help and with the help of the strong arms of our sons to get our shoulders together, our hearts together, and whip the Germans and win the war. [Applause.]

This is no time to say "I don't like the way the general is leading." We have got to have a head.

A MEMBER. Have we got one?

Mr. DIES. Yes, sir; you have got one of the greatest patriots, the greatest statesmen that was ever produced in America in the White House to-day. [Applause.] I would say it if Mr. Hughes was there. I would say it if you were there. Great god of freedom! are we to do like Russia has done—decentralize in front of the enemy? Are we to do like Mexico has done—disorganize, throw away the heritage of liberty? Republics should decentralize in peace and centralize and concentrate in time of war. We need one leader, and him the Commander in Chief of the Army and Navy, and as God shall judge me, every patriot in this country ought, as he will, to get under the flag of the one leader, made so by the Constitution of the United States, the Commander in Chief of the Army and the Navy of this country. You can not follow my friend, Judge BURNETT. You can not follow me. You could do like the Russians. You could break up into petty squads. You can do like the Chinese. You can do like the Mexicans, fight 40 in an army and fight one another. But if this great Republic is wise in its day and generation, it will concentrate to a man the leadership of the President, trust God and love liberty, and give this glorious Republic the strength to win this conflict. [Applause.]

Mr. SWITZER. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Chairman, I am not opposed to river and harbor improvements. I am not opposed to all of the items in this bill. On the contrary, I stand ready to support every item in it that can be found to come within the rule laid down by the Secretary of War himself. That rule is found on page 2 of the majority report of the committee. I read from that report:

> In his letter of transmittal he [the Secretary of War] stated that the schedule was based upon a direction by him to the Chief of Engineers that he should prepare recommendations "designed to provide for the continuance of river and harbor improvements already in process and the maintenance of existing works wherever in either event substantial loss would be entailed by a suspension of work, and that he should include such new projects as are intimately associated with the question of national defense in a military way.

I repeat again, I am willing to support every item in this bill which can be justified upon that letter of the Secretary of War; but, Mr. Chairman, it is also true that as you read the hearings taken by the Committee on Rivers and Harbors there are very few, if any, of the new projects that are contained in this bill—there are two or three—that can be justified upon that ground. I shall go further than that. I will go further than the direction of the Secretary of War and say that I am willing to vote for any item in the bill that provides for the maintenance of our present rivers and harbors wherever there is any substantial commerce carried upon them, because I realize that it is necessary for the successful prosecution of this war that the means of transportation that we now have shall be continued. But when you go beyond that, when we provide for new projects that Col. Newcomer himself frankly says have no relation whatever to war or to military necessity, but solely because of possible commerce in the future, they can not be defended, and those include such items as the million-dollar appropriation for the Missouri River, the $1,200,000 appropriation for the upper Mississippi River, and other items of that character that it will be found, if you read the hearings, are not defended either from the standpoint of military necessity or of being necessary to accommodate the present commerce that is now carried upon the rivers.

More than that, Mr. Chairman, in the last river and harbor appropriation bill there were four new projects included as emergency projects, and one of them was a project in my own harbor—the Superior-Duluth Harbor, at the head of Lake Superior, a harbor that is second only to New York in the amount of commerce that is carried, it being last year over 40,000,000 tons, of a valuation of about $400,000,000. That emergency project, urgently recommended by the War Department, was appropriated for to the amount of $360,000. Bids were advertised for within the last few months. The estimates for dredging for the completion of that project were at the rate of 10 cents per yard. The bids were opened a short time ago, and it was found that the bids were for 12½ cents per yard, or an increase of 25 per cent, an increase that is not greater than the increased cost in every other line of industry during the past two years. The War Department rejected all of those bids, and in a letter of June 1, 1917, from Gen. Black I received the following information:

JUNE 1, 1917.

Hon. IRVINE L. LENROOT,
House of Representatives.

SIR: In compliance with your oral request, I have the honor to state that the district officer at Duluth was recently authorized to reject as excessive the proposals received for dredging the basin at Duluth-Superior Harbor adjacent to the Superior entrance, and to postpone for the present any further attempt to have this work done by contract, since the bids received on the two occasions when the work was advertised have been higher than the estimates, and would not permit the completion of the work as contemplated by the appropriation made for this purpose. If a Government dredge should become available for the work, it may be undertaken in that manner, but otherwise it is proposed to delay operations until circumstances are such as to permit an advantageous contract to be made.

Very respectfully,

W. M. BLACK,
Brigadier General, Chief of Engineers.

Now, I want to recall to this committee that if there is any port the maintenance and improvement of which is necessary in the prosecution of this war, it is the Superior-Duluth Harbor, the gateway for the hundreds of millions of bushels of grain of the Northwest, of the copper from the Rocky Mountain States, of the iron ore from the ranges in Minnesota; and here is not an authorization but a direction on the part of Congress in the last river and harbor bill to prosecute this necessary work, and the money has actually been provided; and yet the War Department in the exercise of a discretion which it really does not have, but has assumed, undertakes to delay indefinitely the prosecution of the work. Neither I nor my people complain; if this money is necessary for the carrying on of this war at this time, if the Treasury needs the money, we will not complain.

But, Mr. Chairman, I want to ask the chairman of this committee, in the face of what I have stated, how he can justify the 34 new projects in this bill and make appropriations for them—this money must be set aside in the Treasury and can not be used for any other purpose—when the War Department now refuses, on account of higher prices, to let contracts and do work which Congress has now ordered.

Now, Mr. Chairman, that is a very pertinent suggestion, because the estimates upon which this work in the Superior-Duluth Harbor was based are the same estimates actually made on which you are acting on these 34 new projects. That is all I care to say at this time on that. I shall have something further to say as we come to the five-minute rule.

While I occupy this time in general debate I do want to take this opportunity to refer to another collateral matter, but one that I think the House should consider in connection with the further consideration of this bill under the five-minute rule. We all have great affection for the distinguished chairman of the Committee on Rivers and Harbors, and in what I have to say now I do not propose in the slightest degree to reflect upon him, but I do call attention to the fact that his judgment sometimes is not of the best, and that this House and this committee ought not blindly to follow his leadership: On the 17th day of last month the gentleman from North Carolina, the chairman of this committee, introduced a bill in this House with respect to water powers and had it referred to his committee, a bill that would have given the water powers of the United States, subject only to the will of the Secretary of War, whoever he might be, to the water-power interests of this country for all time to come, in perpetuity, and with practically no limit, and no compensation to the Government for the untold wealth that it proposed to bestow on those great water-power companies.

Mr. SMALL. Will the gentleman yield?

Mr. LENROOT. In just a moment, when I conclude this. This House on three separate occasions has voted down overwhelmingly bills less vicious than the one introduced by the gentleman from North Carolina, and I say that it is to the credit of this House, and without any reflection on the Committee on

Rivers and Harbors, that yesterday, upon a motion to re-refer that bill from that committee to the Committee on Interstate and Foreign Commerce, where it belongs, that motion prevailed by a vote of 222 to 47.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMALL. I will yield the gentleman two minutes for the purpose of submitting a question.

Mr. LENROOT. I shall be very glad to yield.

Mr. SMALL. Only to say that the chairman of the committee who introduced the bill for the development of the water power on navigable streams disagrees entirely with the opinion of the gentleman who has just spoken.

Mr. LENROOT. The gentleman who has just spoken did not give an opinion, but gave a fact, which anyone can see from a reading of the bill.

Mr. SMALL. Now, the gentleman can not state a fact; the gentleman was expressing an opinion about the merits of a particular bill which I introduced and which was referred to the Committee on Rivers and Harbors. I am expressing the opinion it was a good bill, and let me say further that there are a few gentlemen in the House, in this body here, who think that in them reside all knowledge and all wisdom in respect to water power, who stand against reconciling the differences upon that question, and who year after year prevent us from utilizing this magnificent water power which emanates from our streams.

Mr. LENROOT. The gentleman, of course, is entitled to an opinion. I supposed that it was a question of a statement of facts. The fact is that the gentleman's bill proposes to give to the water-power interests of this country the water powers for all time to come. Does the gentleman deny that?

Mr. SMALL. I do.

Mr. LENROOT. The gentleman had better read his bill, and he would come to a different conclusion.

Mr. SMALL. I take issue with the gentleman upon that question. Does the gentleman wish more time?

Mr. LENROOT. I would be glad to get more time if the gentleman questions my construction of the bill; I would like to have about five minutes.

Mr. SMALL. I thought the gentleman wanted to discuss the river and harbor bill.

Mr. LENROOT. No; I am through with that.

Mr. SMALL. I will be glad when the question of water power is up to discuss it.

Mr. LENROOT. The following is the bill to which I have referred:

A bill (H. R. 4504) to amend an act entitled "An act making an appropriation for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved March 3, 1899.

Be it enacted, etc., That section 9 of an act entitled "An act making an appropriation for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved March 3, 1899, is hereby amended by adding at the end thereof the following:

"*And provided further*, That whenever the construction of any navigation improvement or the alteration or enlargement of an existing improvement upon, in, along, or across any river, harbor, or other water of the United States can thereby be secured, in whole or in part, without expense to the United States, the Secretary of War is hereby authorized to enter into a contract therefor with any person or corporation who has acquired from the State or States in which the improvements are to be located the rights necessary therefor and who will undertake to construct such improvement in return for the rights and privileges granted herein: *Provided, however*, That the Secretary of War shall first determine that the navigation improvement is necessary or desirable in the public interest for the purpose of improving or developing a waterway or waterways for the uses of interstate or foreign commerce.

"Every contract made hereunder shall contain or make reference to detailed plans and specifications, which must be approved by the Chief of Engineers, for the navigation, improvement, and accessory works authorized thereby, showing the location thereof and the land necessary therefor, and shall contain such provisions and regulations with respect to the construction, maintenance, use, and operation of the navigation, improvement, and accessory works as the Secretary of War may deem necessary for the protection of the interests of interstate and foreign commerce, and no structure or works shall be begun until such plans and specifications have been approved as aforesaid. Every contractor shall have the right to construct, maintain, use, and operate the navigation improvement and such accessory works as may be authorized by the contract for the development of water power and other purposes, in accordance with and subject to the provisions of the contract and of this act and subject to such reasonable regulation of rates, charges, and service as may be prescribed under authority of the State or States in which the service is rendered, and in case the service is interstate and the authorities of the State directly affected can not agree, then subject to such regulation of rates, charges, and service as the Interstate Commerce Commission shall prescribe; the right to use such public or other land of the United States as may be described in the contract and necessary therefor upon paying to the United States such compensation or charges based upon the fair and reasonable value of the land as may be fixed in the contract; and the right to acquire such other land as may be necessary therefor by the exercise of the power of eminent domain.

"The United States shall have the right at any time after the expiration of 50 years from the date of any contract made hereunder to terminate the rights and privileges of the contractor by taking over the navigation improvements and accessory works authorized by the contract, and all the property of the contractor dependent in whole or in part upon such improvements or works for its usefulness or value, upon paying to the contractor just compensation therefor, which shall not include any payment for the value of any of the rights herein granted, and upon assuming all contracts for power entered into by the contractor which are dependent in whole or in part upon the properties taken over.

"The district court of the United States shall have jurisdiction to hear, try, and determine any suit or proceeding brought under this act, including any condemnation suit or proceeding brought by any contractor hereunder, regardless of the sum or value of the matter in controversy. The provisions of this act and of any contract made hereunder shall be enforceable by and against the personal representatives, successors, and assigns of the contractor."

"SEC. 2. That an act entitled "An act making an appropriation for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved March 3, 1899, is hereby further amended by adding thereto a new section, to be known as section 21a, as follows:

"SEC. 21a. That the Secretary of War be, and he is hereby, authorized to enter into agreements for the use of surplus water and water power generated at dams or diversion structures and works constructed wholly or in part by the United States in the interests of navigation at rates securing to the Government reasonable compensation for the opportunity for the generation of power created at its expense on such terms and conditions and for such periods of time not to exceed 50 years as may seem to him just, equitable, and expedient, subject, however, to the provisions of this act governing the authorization, maintenance, and operation of power plants in connection with navigation improvements and to all regulations governing the use and disposition of the power, so far as the same may be applicable; and all such agreements, the parties thereto, and the terms and conditions thereof shall be reported annually to Congress: *Provided*, That the said Secretary of War in making such agreements, other conditions being equal, shall give preference to the bid solely for municipal use of any municipal corporation or other public corporation not operated for profit."

Mr. SMALL. Mr. Chairman, I move that the committee do now rise in order that the gentleman from New York [Mr. FITZGERALD] may present a conference report.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HARRISON of Mississippi, Chairman of the Committee of the Whole House on the state of the Union reported that that committee had had under consideration the bill H. R. 4285, and had come to no resolution thereon.

URGENT DEFICIENCIES FOR MILITARY AND NAVAL ESTABLISHMENTS.

Mr. FITZGERALD. Mr. Speaker, I present a conference report on the urgent deficiency appropriation bill for printing under the rules.

The SPEAKER. The gentleman from New York presents a conference report on the bill H. R. 3971, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 3971), making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Establishments on account of war expenses for the fiscal year ending June 13, 1917, and for other purposes.

The SPEAKER. It is ordered to be printed under the rule.

Mr. FITZGERALD. Mr. Speaker, this is a complete report, with the exception of the so-called Jamestown Exposition site item, and I wish to give notice to the House that the matter will be called up some time to-morrow afternoon to be disposed of.

RIVERS AND HARBORS.

Mr. SMALL. Mr. Chairman, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4285.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the river and harbor appropriation bill, with Mr. HARRISON of Mississippi in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 4285) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. SMALL. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. LITTLE].

Mr. LITTLE. Mr. Chairman, I wish to ask the attention of the committee for a moment to a particular item in the bill. I shall at the proper time move a very slight amendment. It is a matter of equity and common sense, and I think probably will meet with no opposition from the committee. On page 23 it says:

Missouri River: For maintenance and continuing improvement with a view to securing a permanent 6-foot channel between Kansas City and the mouth of the river, $1,000,000; for snagging and maintenance between Kansas City and Sioux City, $35,000.

Kansas City has a water front of 5 or 6 miles. There are two cities of that name. They lie along the Missouri River side by side, only the imaginary State line between, the Kaw River entirely on our side, running into the Missouri River. The intention of this bill has been for a number of years to help them both. It has secured help and assistance upon that theory. In-

stead of that the young gentlemen, or old gentlemen, who speak for the War Department have made a report in which they say that this item refers to Kansas City, Mo., only, not including Kansas City, Kans. I think this is unjust and inequitable, and I do not think the committee thinks that was what was really intended. This bill, as I have just called to your attention, appropriates $35,000 for snagging the river above Kansas City, Kans., which shows we mean to keep on up the river. There are also appropriations for as far up as between Sioux City and Fort Benton. Now, I want to insert after the words "Kansas City" "waterworks intake," which will carry the 6-foot channel upstream to above Kansas City, Kans., and Kansas City, Mo., and will do what the bill was originally intended to do. It will then read "a 6-foot channel from Kansas City waterworks intake to the mouth of the river," and both Kansas Cities will be treated alike, as was intended.

There are peculiar local reasons for this. The city which I represent, in Kansas, has used $1,900,000 in fixing the Kaw River right at this place, and for 4 miles up the Kaw there are dikes on both sides. This does as much for Kansas City, Mo., as for us, protecting them too. They have spent nothing upon these rivers. We have spent nearly $2,000,000, seventy thousand more being now arranged for. On its right bank coming down, the Missouri drops behind our dikes whenever there is an overflow, and we are always in danger of losing half a million dollars' worth of dikes which we have built. Your people ought to assist us in protecting them. When we have spent $1,900,000 on a waterway we ought to get a little consideration here, but instead of that we find it all goes to the town below us. Perhaps nobody intends to slight us. Possibly we are lost sight of in favor of a town of 250,000 people, where all the big hotels and newspapers are. Our city has only 100,000 people and they do not give us any attention. A channel "from Kansas City" is too indefinite. The War Department sends a new man every little while. Everyone has his own opinion of where to begin. We should fix the point definitely.

Our city is the fifteenth manufacturing city in the United States. Kansas City, Mo., is the forty-second. As one of their wholesalers said to me, "Our business is a peanut business as compared with that done in the bottoms." You can not establish a channel upstream unless the Kaw Channel is maintained. We are prepared to do this if you will keep the Missouri out of the Kaw.

If you do not take this position that I suggest you will lose that dike, and you will have to go at it again and spend a lot more money to protect the Kaw approach, which is and always will be the main artery of the Missouri River as far as trade is concerned. Most of the big factories and packing houses are on the Kaw or close to it. From them all the big shipments must eventually come. The trade that will come down the Kaw will lead the whole river. There is a little bend above the Kaw that needs this protection. It will have to be attended to to reach a channel above Kansas City. When you go above that bend there is a good channel. You could not do a more sensible thing, if you want to make the Missouri River of any importance, than to protect it to the mouth of the Kaw and protect it above in a practical, common-sense manner. If you examine it you will find it absolutely essential. Heretofore in all the bills there has been a small appropriation to attend to this up above and down to the Kaw. They give us $10,000 occasionally if we spend $70,000. We do not object. This time they left that out. I do not know why we are so overlooked. All Kansas City, Kans., asks is an even break and a place on the map. Why should this $1,000,000 come to the State line and stop?

I do not want to seem to be raising objections to small things, but this is an immense thing to our city. Why should Congress spend $1,000,000 on the Missouri if you are to come to within a stone's throw of the greatest manufacturing center west of of the Mississippi and stop? We have a great manufacturing community, and I hope the gentlemen of the House when the amendment comes up will give it the kindly thought and attention it really merits. [Applause.]

EXTENSION OF REMARKS.

Mr. LENROOT. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. LITTLE. Mr. Chairman, I ask leave to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TREADWAY. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from Massachusetts makes the same request. Is there objection? [After a pause.] The Chair hears none.

RIVERS AND HARBORS.

Mr. SMALL. Mr. Chairman, I yield to the gentleman from Texas [Mr. HARDY] 15 minutes.

The CHAIRMAN. The gentleman from Texas is recognized for 15 minutes.

Mr. HARDY. Mr. Chairman, I wish to begin what I have to say by stating a fact which is that my district, which heretofore has been interested to some extent in the river and harbor bill by reason of two rivers bordering it being cared for, is not interested to the extent of one dollar in this particular bill. The Brazos River and Trinity River improvements are both eliminated from it.

I have listened with more patience to the discussion of this bill than to any previous presentation of a river and harbor bill. I have spent whole days here listening. I heard the challenge of the chairman of the committee [Mr. SMALL] when he first presented the bill to the opponents of it, to point out, if they could, any undeserving item, and I have listened during all these hours of discussion for some gentleman to point out such items, and this is what it comes to. The only item that, according to anybody's claim, ought to be eliminated from the bill as being without merit is the item for cleaning out the water lilies or water hyacinths from some of the southern streams. I therefore looked through the bill in order to find the facts and to make comment on them, but that has been done by the gentleman who preceded me [Mr. DIES] so well that I am ashamed now to discuss it. Still I will tell the House what I found. I discovered that that item, which has been dwelt upon by every opponent of this bill, as I have particularly noted, covers the stupendous sum of $30,000 to be expended in five States. Here is a bill calling for over $30,000,000, denounced as a pork-barrel bill by a number of gentlemen who, when challenged to point out the items of pork, the items without merit, all find one and only one item, and that an item of $30,000. And all of them show that they do not know what the water hyacinth is. It is both a petty and a pitiful criticism. Others have shown that in certain streams even 40 feet deep the water hyacinth clogs and prevents navigation, but I will not go into that. Gentlemen do strenuously deny that the improvements provided for in this bill are needed war improvements. One gentleman finally said that there were four or six items in the bill out of all the various items in it that might be termed "war measures," but none other. On what ground do they claim that the bill is not a war measure? Simply and almost solely this: Every one of them denies that it is a war measure, because, he says, most of its items were embraced in the measure that passed the House at its last session, before war was declared; that is, in peace times; and afterwards was defeated or died in the Senate with a great many other measures passed by the House.

Has it come to the point that the necessary measures for operations of the Government are not proper and needed war measures simply because they were deemed proper peace measures or because they have been heretofore passed by the House and have been with a number of other important measures allowd to die or defeated by the Senate? Gentlemen ought to know that measures proper and useful in peace may become of the highest importance and necessity in war. There is an illustration of this in another measure now pending in this House, the bill for the acquisition of a naval base and naval-stores base at old Jamestown. It was an important and worthy measure in peace, but now that we are at war and have no adequate naval base it is a war measure of the highest importance. I have listened to the gentleman from Illinois [Mr. MADDEN] and the gentleman from Massachusetts [Mr. TREADWAY] and the other gentleman from Illinois [Mr. GALLAGHER], every one of whom based his argument against the bill upon that one ground. They object to the bill because it is in many items the same that had been passed heretofore, and they profess their inability to see how it is possible for improvement of our inland waterway system to be of value to us in time of war. One gentleman—I think it was the gentleman from Illinois [Mr. MADDEN]—said that if it was for harbor improvement only he would concede that it was a war measure and would not oppose it. The real trouble is the railroads are all in favor of the improvement of harbors which serve them, but the railroads are equally opposed to the improvement of the inland waterways that compete with them. [Applause.]

I do not mean to insinuate that that is the motive of the gentlemen opposing this bill, who favor harbors, but oppose inland-waterway navigation, but I do say it is a strange blindness that

can see benefit to the country in improved harbors and can see no benefit in increased inland transportation facilities other than by the railways.

One gentleman says that during war times we ought not to improve rivers. Is he willing to say that during war times we ought to build no more railroads, that during war times we ought to have no more cars built? Oh, no. Then why the distinction? If a boat upon a river's surface carries freight and you are willing to build cars to carry freight, why are you not willing to provide transportation by water? Why not clean out the rivers and put boats on them?

The truth is that this great country, as has been well said, is facing the most tremendous war in its history, and it has also been well said that it must marshal all its resources, especially all of its resources of transportation and production. Without either our labors will be fruitless in many respects. What then? Will it do any good to fill our inland towns, our interior States, with the products of the labor of our farms and of our mines and of our forests, and fail to transport those products to points where they are needed to sustain our people at home or to points on the seacoast where they shall be needed for export to our allies and to our own boys when they are fighting in a foreign land? And yet every man that says this is not a war measure knows that congestion has taken hold of our transportation all over the inland, the interior, and that every particle of relief that may be afforded by opening up our waterways, yes, even by cleaning the water lilies out of the St. Johns River and the other rivers that reach into the interior, is a relief against a congestion that to-day is threatening the life of our commerce and is proving fatal to many enterprises and industries, and that this measure is an essential war measure because it will help relieve that congestion.

I take it that any broad-minded statesman, any man with clear vision, will say that to-day more than ever before, when railroad building has largely stopped, when there is an enormous shortage in box cars, when transportation is in confusion and congestion, if you can take even the St. Johns River, and by clearing the water hyacinths out of it, enable commerce to reach the seacoast through it, or if you can take the Missouri River and go into its upper reaches and make 6-foot transportation good to and beyond Kansas City, filling the place of half a dozen or more railroads in transportation; if you can open up the great interior of the Middle West; if you can so deepen the channel of the Ohio River as to carry the freight which the railroads along its banks can not carry, and if by doing these things you can relieve the congestion from which commerce is suffering all over our country, it is a good thing to do as a war measure. That is the broad fact that can not be clouded by the pettifogging quibbles of men who oppose this measure in peace or war. If ever there was a time when the aiding of transportation became a war measure, it is now, when production is bursting its bounds and transportation has broken down. I have just wished to say these few words of special application.

I wish now to make some broader observations. There is a strange fact with reference to our enlightened country. We believe we are the equal of any other nation in industrial intelligence. We believe we are the equals of other nations in the enterprise of our people, and yet there is this fact: France, Germany, Italy, all the nations of the Old World use their waterways as an aid and a complement for their railways in the transportation of freight; in the carrying of their commerce. We scarcely use our inland waterways at all! To my mind that statement is an amazing confession of a disgraceful and hurtful truth.

Mr. Chairman, I am persuaded that men who make the statement here on this floor that our rates are so wonderfully cheap, and that they are below the freight rates of Europe, make the comparison without comprehending the facts. It may be true that if we bear in mind that our roads carry all of the cheapest kind of nonperishable commodities, and that we do more carload and more long-distance hauling than any other country, and carry less package freight and less short-distance freight, and the fact that all the coarser, cruder material in those European countries is carried by water at a very cheap rate, it may be, I say, that by making the comparison in that way the ton-mile rate in this country on the railroads is cheaper than it is in Europe; but no candid man who knows the facts will dare make the comparison on that basis or in that way. The truth is, our freight rates are among the highest in the world. I can illustrate it by the rates on one commodity—cotton—which ought to be carried very cheaply, because it is indestructible, and it is shipped for long distances in carload lots; yet from my town, an inland and off the river town, instead of paying seven-tenths of a cent per ton-mile, our boasted average low per-ton per-mile rate, we pay on carload cotton 4½ cents per ton-mile. It is not true that we have cheap transportation. The boasted low rate is arrived at by adding all the tonnage of the lowest class freight, which in other countries is carried by water, and all the tonnage carried by the roads for nothing for themselves, and dividing that tonnage into the aggregate amount of freights collected.

Those who attack this bill here even contend that our railroads carry freight cheaper than it can be carried by boats on the rivers when the rivers are improved. The railroads are not fooled by such talk, nor are they fooled by such statements as we have heard here to-day, to the effect that the rivers will not be used if given a fair chance. The railroads know better, and wherever there is a city on a river bank that might avail itself of water transportation they lower the rail rates at that point, and then recoup themselves by making it up at the interior points. They give that city cheaper rates than its neighbor towns off the river get in order to prevent the city from trying to have the river used, and they actually tax the cities not on the river in order to give the river cities a preference over them, and thereby tear themselves down. These nonriver towns are heavily taxed by excessive freight rates in order to grant special low rates to their business competitors.

Mr. PLATT. Will the gentleman yield?

Mr. HARDY. I have but little time, but I will yield to the gentleman.

Mr. PLATT. Then does the gentleman think the railroads should raise their rates from Memphis to New Orleans so that the boats on the river can compete with the railroads?

Mr. HARDY. We ought to make it so that when they lower their rates at the water-competing point, they must lower their rates likewise at all intermediate points, and we should never allow them to charge a greater amount for a half haul than they charge for the full haul; that is, charge more for a short haul than for a long haul of the same commodity in the same quantity over the same trackage.

Mr. PLATT. Then there would be no railroad business or water business either.

Mr. HARDY. On the contrary, the railroads would charge what was necessary to pay them for the service they render, and cities along the river banks would get the advantage of their cheaper actual water transportation. No other country has been so blindly foolish as to permit the railways to throttle their river transportation.

Mr. PLATT. They do it by keeping the railway rates up along the water lines so that there will be boats to carry the business.

Mr. HARDY. It might be necessary to prohibit charging less than actual cost at water-competing points, but that will regulate itself if roads are prohibited from recouping themselves by excessive charges against interior points. I have never found it necessary to tell a man he must charge more than he was willing to. But every legislative enactment has been found to be necessary to prevent the railroads from raising their rates at interior points. You should say to them that they must have equal and just rates; that if they charge 50 cents a bale on cotton from Memphis to New Orleans, as they did years ago, until they drove the ships off the Mississippi River, then they must not charge over 50 cents from any point between Memphis and New Orleans. If you do that, all the rail rates will be equitable or at least not discriminative, and you will make it possible for the rivers to carry the business. Then the country will gladly put millions into improving and putting boats on the Mississippi, just as Beaumont has put millions into the Sabine Lake.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARDY. I would like five minutes more.

Mr. SMALL. I yield five minutes more to the gentleman from Texas.

Mr. HARDY. I want to say that the intercoastal canal, which has been criticized here, has shown its great value, so that you can not denounce it out of existence. A gentleman—a leading business representative—from my State was in my office the other day, and he said that up above Beaumont they were arranging to have a steel ship plant built, that they had already spent a great deal of money, and that they could assemble the iron ore from counties just above it, bring it down the river or by rail, preferably by river, and, by intercoastal canal extending from New Orleans, they could bring the necessary coal from the great coal regions via the river and canal at $1 per ton. But if your legislation permits the cut-throat practices engaged in by railroads heretofore to continue to throttle canal transportation by lowering the rates at water-competitive points while recouping themselves by high rates in the interior they may kill the canal.

Mr. Chairman, even at the risk of repetition, I wish to make myself clear. Every man of ordinary intelligence and information knows that, given an unobstructed 6-foot-deep river way or canal of, say, 100 miles in length between terminals, boats can carry tonnage at far less than the actual cost of railway carriage. How does it happen, then, that in the United States, which has more navigable rivers than any nation in Europe, our rivers carry no commerce while theirs, big and little, carry almost untold tonnage? How does it happen that France is spending many millions even now to further improve her canals, which are covered with miles upon miles of freight barges, while reputable Members of Congress here tell us that even our great rivers are not worthy to be improved and navigation of them ought to be abandoned? That, sir, is the practical position of the opponents of this bill, and presents a curious question, worthy of serious examination. I admit a very large measure of truth in their statements of fact, as to lack of actual transportation to-day on many of our rivers and streams of all kinds; and if that condition is normal and natural it ought to continue and all expenditure of money on rivers and canals ought to cease. If I thought that condition other than highly artificial I would vote against every improvement of every river. Having asserted a truth, that transportation by boat on rivers and canals is very much cheaper in actual cost than transportation by rail, and a second truth, that Europe advantageously uses her cheap water transportation while we have almost abandoned ours and use only the more costly transportation by rail, we are entitled to ask why the latter statement is true. I propose to show three things: First, why it is true; second, that it ought not to be true; and, third, how it may be remedied.

Mr. Chairman, our rivers and canals have not always been unused highways as they have been these last 40 years. Fifty years ago the Mississippi and the Ohio Rivers and the Great Erie Canal were great, busy, useful highways of commerce, upon whose waters great ships and small moved with ceaseless and prosperous industry and enterprise. About that time the great railroad building era in this country began. It was the beginning of the land-grant and Government-aided railroad building. Our great war between the States ended, leaving many men possessed of great capital. Our country was full of enterprise and ambitious promoters. There was no plausible way for these promoters to put their hands into the public's pocket in navigating the waterways. They might urge improvement of them, but that would leave the capitalists all equally entitled to their use under free competition, and give no vast promoters profits or monopolistic advantages. Up to that time great cities only built on the seacoast at the mouth of navigable streams and on the banks of such streams. Great wharves at the water's edge marked the size and growth of the cities. The Pacific slope was fast waking to the knowledge of its riches and resources, though sparsely settled. Between the Pacific and the well-settled Eastern States lay the undeveloped prairies of the Middle West, the vision of promoters like Huntington, saw the coming tide of population, and the wealth that could be garnered by those who could lay hold of vast areas of the public domain. They came to our Governments, State and National, with their schemes for promotion and developments and for the building of new railroads across the continent. From east to west or from north to south they projected their roads, and came with their schemes to Congress, to State legislatures, to county boards, and city councils and private citizens, asking for and obtaining princely bounties in land grants, in loans never to be repaid, and in bonuses of money and bonds, given by all these branches of our governing and lawmaking bodies under golden and glowing promises of development and enrichment of cities, counties, States, and Nation. There was scarcely a city, county, or State in the Union which did not give to these promoters princely gifts in lands, money, or bonds. Texas alone gave them lands covering more territory than many States of the Union. More than all the rest, the Federal Government gave of its cash millions and of its public domain an empire. Much of the giving of private citizens was for stocks and bonds, but these promoters knew how to cancel all outsiders' interests by receiverships and reorganizations, and high financing. Was it any wonder that great capital turned to railroads and abandoned river navigation? Having turned to and built railroads, they made a discovery. The discovery was easy, but possibly not thought of when they began to build. It was that a railroad had a monopoly of transportation as to most, if not all, of the territory traversed by it, and that the only limitation upon its power to charge was the fear of killing the traffic or the industry involved, and thence originated the famous and boldly avowed policy of the railroad magnates of taxing the traffic all it would bear, without regard to the cost or reasonable worth of the service rendered. Straight competition in boat operation on our rivers was too tame for these freebooters and highbinders in railroad promotion and building and wrecking and financing. But when a road came into contact and competition with a transportation service by water on a river they faced a problem. This problem and the way the roads solved it is what I hope to make clear. They knew that, given full tonnage, a boat on the water could underbid them so far that competition was out of the question. A boat carrying 10,000 tons of cargo from Memphis to New Orleans could perform the service, though it took much longer to do so, for less than one-half the actual cost to the road, and if the boat should tie on a barge or two the comparison of cost makes competition by the railroad simply impossible. The case might seem hopeless for the railroads; the boats would seem to have it all their way, but not so.

As I have said, the road on most of the territory it traversed had a monopoly and no laws had been passed putting any restrictions, limitations, or regulations on their charges or practices. They could fix any charge they saw fit for carrying any commodity from any point to any other point, and hence might charge whatever they wished for bringing products from interior points to river points and from one interior point to another. Unrestrained by law, they were permitted simply to do as they pleased and to form whatever combinations they desired. Since they had local and limited monopolies as soon as the first roads were built they soon after conceived the idea of combining their local monopolies into more extensive monopolies, and then they conceived that having the power to tax the traffic all it would bear where they had no competition they would destroy all means of transportation which they could not control. A strong road could buy up or wreck and take over smaller roads. Sometimes it would take over a canal by leasing it and abandoning its use, but it could not buy or lease a river. What the roads naturally wanted was to absorb all the transportation service, and that could only be by destroying inland water transportation. They resorted to every device to accomplish their purpose. They refused any kind of cooperation with water carriers. They charged unreasonable rates in freight from interior points to river points whence that freight might be carried to other points by water, and the practice grew to be universal of making the rail rates between two connected river points far below the cost of the service, and thus taking the freight from the boats. They carried cotton, for example, from Memphis to New Orleans, over 400 miles, for 50 cents a bale, while they never charged less than $2.50 for that service where they had no water competition. And yet they lost nothing by their 50-cent rate from Memphis to New Orleans, since they recouped themselves by exorbitant charges after they got away from the water-competing points. They simply charged their losses up to helpless interior towns. They frequently charged twice as much for a haul of 100 miles as they did for 500. They denied that the public had any say-so in the matter. They did what they deemed necessary to throttle all river and canal service and to secure our entire inland transportation to themselves and then to collect such charges as would in the aggregate pay them such profit as they determined upon. The story is an old one, well understood by all who have much cared to understand it, but it is one to which the public and our Government until recently have been strangely insensible and indifferent.

The railroads have accomplished their purpose. They destroyed river navigation. They have taken over the whole of our interior transportation, and now they confess they are unable to carry it. Their system has broken down, and they have neither the trackage or the cars to meet public demand, and we find ourselves at the beginning of a great war almost as helpless in the matter of transportation as was Russia some years ago, when her vast wheat crop of Siberia rotted in her fields while European Russian peasants starved for bread.

We are to-day the victims of a vicious system of railway promotion and practices and rate fixing and destruction of our waterways. We have spent a good deal of public money on our waterways, but we have not legislated or administered our laws in a way to give us the benefit of our expenditure, and now we have members here who counsel us to abandon the struggle. Abandon our rivers and canals and all the cheap service they are capable of giving us and surrender to the domination of the railroads forever. Our Government at least is in part at last awakening to the need and the benefit of using our rivers.

In 1907 when I first came to Congress business men were largely aroused to the necessity of improving our rivers. Unfortunately many of them from great riverside cities only viewed the question from the standpoint of local interest; were only interested in securing for their cities special law rates, not

caring whether the aggregate freight charges by the roads against the commerce of the country at large was reduced.

A phrase was coined to express their desires. It was "paper navigation" as a basis for lower rates to their cities. The railroads catered to the short-sighted selfishness of these cities and gave them cheaper rates, and these cities became reconciled to the stillness and silence on their river fronts and the nonuse and decay of their wharves and warehouses. Interior towns writhed under their burdens without understanding fully why they were compelled to bear them, but as I said, in 1907 they were partly aroused. Great waterway conventions were held. One at Memphis, I recall, was attended by President Roosevelt. It was a vast assembly of business men. It was not a political gathering. Addresses were made by men familiar with the history of river navigation and particularly with that of the Mississippi and Ohio. Its decay was confessed and accounted for as I have accounted for it, and it was highly resolved to restore its former glories and benefits. In Congress men like Theodore Burton and MADDEN of Illinois and NEWLANDS of Nevada were working with zeal to restore it. Year after year great national and nonpolitical conventions were held to urge river improvements. But the railroads were not defeated or asleep. They held on to their power of discrimination, their leases on canals, their ownership of boat lines, and somehow began to enlist the talents of the shrewdest critics in political life and of the shrewdest writers in the columns of the great metropolitan press and pages of our great magazines. These critics and writers began to pick to pieces every measure of legislation for river improvement; to cover it with ridicule and false calumniation, and to shout pork barrel against every item with whose merits a critically disposed public might be unfamiliar. The cry of pork barrel became a popular howl, and political ambitions began to build on it. Theodore Burton reversed his lifetime position and took up the howl and lesser political lights have followed him. They howl and howl, and even at the cost of prolonging Congress, impeding and preventing other legislation, needed and needed at once to help us win this war, they haggle and quibble and fillibuster and consciously or unconsciously give comfort to our enemies.

If we shall improve our rivers and our canals and then pass simple laws preventing discriminations in railway rates intended and calculated to deprive waterways of their just participation in our inland transportation we will restore the glory of the rivers and streams, and reduce by a vast sum the aggregate amount of freight which must be paid by our commerce. The whole matter simmers down to this: In this great war period our country must be upheld. Production and transportation must be had. Are we willing to avail ourself of the streams that God gave us in order at this time of stress and necessity to help ourselves and the whole country. [Applause.]

Mr. SWITZER. Mr. Chairman, I yield to myself 12 minutes.

Mr. Chairman, we have been advised by the opponents of this bill that we are in war, in the midst of a great crisis, that labor costs are high, and that for these reasons no appropriations should be made other than those that are directly involved and are necessary for the prosecution of this great war.

Let us see for a moment just how consistent the proponents of this platform are. To illustrate: Within the last three months there has been appropriated $10,500,000 to continue the construction of railways in Alaska; $7,500,000 of that has been appropriated and passed by both Houses of this Congress. Conceding that the work is meritorious—while I myself opposed it, but conceding that—I ask gentlemen how many soldiers are going to be transported over that railway to get them into this war? How many tons of food products are to be moved by that railway to aid in the prosecution of this war? And yet in Alaska where labor cost is as high as in any place on earth you keep thousands of men out of the Army and take millions of dollars out of the United States Treasury for railway construction, and yet you say that you are not willing for a dollar to go to the Ohio River, in counties on the banks of which there are three and a half million population. You say that the upper Mississippi and the Missouri Rivers ought not to have a dollar. Millions for the railways of Alaska, but not one dollar for the rivers and harbors. The committee recommends $150,000 for the harbor of Nome and at the mouth of the Yukon. And gentlemen who are claiming that they are so patriotic that they do not want any money to go for anything but for the prosecution of the war ask us whether we expect to assemble a war fleet up in the Arctic regions. Do we expect to send soldiers by the way of Nome? I admit that these two projects have nothing to do with the prosecution of the war, but it does seem to me that if it is proper and right to build a railway from the coast into the interior of Alaska, we can justify $150,000 for the harbor of Nome and the mouth of the Yukon. [Applause.] If this bill goes through and this Congress makes an appropriation for any harbors whatever, I think it ought to carry these two projects.

Gentlemen will recall reading in the newspapers not long since of the closing of the grain exchange in Chicago. What was the chief of the four reasons assigned why that was done? It was that at a time when the country was demanding the most of the railways, the whole railway transportation system of the country had broken down. That is what they said.

Mr. GRAHAM of Illinois. Mr. Chairman, will the gentleman yield?

Mr. SWITZER. Yes.

Mr. GRAHAM of Illinois. This is something that I would like personally to hear the gentleman discuss. What is the particular necessity for this legislation at this present session of Congress? Is there any reason why it can not wait until the regular session?

Mr. SWITZER. Mr. Chairman, there is as much necessity for an appropriation for rivers and harbors on the Atlantic and Pacific coasts and upon our inland rivers as there is for appropriating money to build railroads in Alaska, and I did not hear the gentleman rise up and object when that appropriation went through the House. There has also been another appropriation put through this Congress, $6,000,000, for the lower Mississippi flood control, and the Sacramento River—meritorious projects, but they have but little to do with the prosecution of the war. No one objected to these appropriations.

Mr. GRAHAM of Illinois. Conceding that to be true, is there any particular reason why this legislation can not wait?

Mr. SWITZER. The reason is that many of the channels going into the harbors will close up at the mouth. Many of these harbors are under improvement for the purpose of obtaining a greater depth, and they will be allowed to silt up, and you will lose all of the work that you have done in the two or three years preceding. There are many reasons. We have had an annual appropriation for rivers and harbors ever since 1900.

Mr. GRAHAM of Illinois. If the gentleman will yield long enough to permit me to ask him another question, and that is this: Are there funds sufficient to carry on this work until Congress meets in its regular session?

Mr. SWITZER. The answer is that there are not funds sufficient to carry this work on profitably without loss to the country.

Mr. SMALL. Mr. Chairman, will the gentleman yield?

Mr. SWITZER. Yes.

Mr. SMALL. To enable me to supplement his answer to the gentleman?

Mr. SWITZER. Yes.

Mr. SMALL. Not only will there be deterioration of channels, but the necessary engineer force engaged in river and harbor work has a large number of tugboats, dredges, snag boats, and these boats will be idle after June 30, or most of them will, unless this annual appropriation bill is passed. Since 1910 we have had annual appropriation bills carrying appropriations for the ensuing fiscal year. For instance, this bill carries appropriations for the fiscal year ending June 30, 1918. Not only will there be deterioration of channels, and idle boats, but there will be disorganization of trained crews. In addition to that I may say that many of these improvements already in progress, which have heretofore been authorized, will suffer great loss unless we have an appropriation to continue the improvement for another year. Not all of the improvements which have been heretofore authorized are carried in this bill, but only those where it was considered the loss would be very large unless the work was continued. And if my colleague will yield further—and I shall be glad to yield him any time that he has now for this interruption—with regard to these available balances, in the first place they are for other work than for that carried in this bill. There is no appropriation in this bill which covers any work which would be done by these available balances. It is true that the Chief of Engineers estimates that on July 1 of this year there will be about $19,000,000 on hand. Much of that has not been expended, and will not be expended before that time, awaiting local cooperation or the happening of some condition which according to the original appropriation must happen before the money can be expended. Some of it has not been expended for other reasons, but the great bulk, as I say, is held up awaiting the happening of some event such as local cooperation, because under the law that event must happen before the money can be legally used.

Mr. SWITZER. Mr. Chairman, I believe that this talk that we should not appropriate anything except what shall go to carry on the war is simply a species of demagogy, and if the

gentleman from Illinois will listen to me I think I can give a reason for the urgency of these appropriations.

I spoke about the closing down of the great grain exchange in the city of Chicago, which, they claim, was due chiefly to the breaking down of the railway transportation facilities of this country, and I desire to read a few excerpts from the letter from the president of the Lake Carriers' Association:

We are receiving here urgent requests from the Government substantially to make extraordinary efforts to get through the very last bushel of grain from the upper Lakes that it is possible for us to carry, and the very last ton of ore, and to strain every nerve in the way of rushing through foodstuff and material for manufacture which the Government and nations require. And it would seem, to put it mildly, indeed, that it is the most inopportune time in the world to throw any obstruction in the way of cutting off improvements or aids to navigation that would facilitate our so doing.

And, again, in this letter he states:

We haul a ton of coal a thousand miles for less money than is paid by city residents for having a ton of hard coal carried from the city walk to the cellar.

Again, I read another excerpt:

In 15 years the freight tons moved on the Great Lakes have increased from 44,000,000 to over 100,000,000 tons. It is only the appropriations and improvements made by the Government which have made this enormous increase and the great reduction in rates possible, and for which the country at large has received the benefits.

Further, I desire to say that in the vicinity of Pittsburgh, near my own State, at the harbor of Pittsburgh the Monongahela River, which has not been mentioned by any of these gentlemen who say there is no commerce upon the rivers, in 1915—and, I presume, more in 1916—carried a commerce of 14,000,000 tons. Think of it, 14,000,000 tons; and this stream is probably improved only 60 or 70 miles; and think of the great expansion of industries upon the Monongahela River and the Allegheny River and for 25 or 30 miles down the Ohio. Why, I say to you that if you in any way break down this water transportation service for the city of Pittsburgh you will paralyze every industry, nearly, of that city.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SWITZER. May I ask for about three minutes?

Mr. SMALL. I yield five minutes to my colleague.

Mr. FESS. Will my colleague yield for a question?

Mr. SWITZER. I will.

Mr. FESS. My colleague knows I have a great admiration for his courage and independence. Does my colleague place this legislation on the ground of its being a war measure.

Mr. SWITZER. I do not, but I say that nearly every appropriation in here is essential to assist in mobilizing the products of this country and the movement of troops and ships in prosecuting this great war.

Mr. FESS. Then again——

Mr. SWITZER. Why, just to illustrate. At Freeport, Tex., we appropriate $150,000 for that harbor. Think of the great sulphur industry that has been developed there, a product much needed, especially since imports of Chilean nitrate have practically ceased.

Mr. FESS. If my colleague will yield to another interruption?

Mr. SWITZER. I will.

Mr. FESS. I wondered why it would be necessary to make this appropriation at the special session, because we did not expect to have a special session until the war compelled us.

Mr. SWITZER. There is as much necessity for making this appropriation as there was to make appropriations for the three or four other bills that failed to be passed at the last session of the last Congress, and we did not expect to have any special session when Congress adjourned, and we did not expect those appropriations would have to be put through, the sundry civil bill, for instance, carrying $6,000,000 for the lower Mississippi River and the Sacramento River. Did you expect all these bills to be passed?

Mr. FESS. No; I did not.

Mr. SWITZER. But they have been put through. I do not base this necessity entirely upon the war. I think we are entitled to annual river and harbor bills; that is, that the amount appropriated heretofore has been so low that unless you pass an annual bill you will lose a great deal of the work on account of deterioration of the work in progress.

Mr. FESS. I want to say that I think it is to the credit of my colleague he does not base it upon a war measure, but because he believes in annual river and harbor bills.

Mr. SWITZER. I do say this, nearly every new project of the 35, and nine-tenths of the old projects provided for here are essential, are urgent appropriations, and can be based as a matter of war necessity. Why, you may not think so, but take Lake Ponchartrain, where they are building some of these wooden ships. They will have to have some appropriation in order to make the water deep enough to take these ships out to the ocean.

It is the same way out upon the Pacific coast—for instance, at Los Angeles, where they are building some submarines—and you will find that when we commence the reading of this bill and reach the Pacific items it is absolutely necessary to have some of these appropriations. Of course the gentleman from Wisconsin [Mr. LENROOT] says you can not get the labor to do a certain piece of work upon the Lakes. That occurs every year. The same is true at Grays Harbor on the Pacific. We have deferred an appropriation there because it is impossible, they say, to obtain labor and material to construct a dredge at a reasonable price at this time. But in two or three months from now at many places they can obtain the labor, and, so far as the Ohio River is concerned, we are able to spend $5,000,000 annually there. We have been asking more. We could have spent seven or eight million dollars annually.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMALL. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. LENROOT. I would like to ask what the gentleman thinks of the policy of the Shipping Board letting contracts for wooden ships where they can not be gotton out without dredging?

Mr. SWITZER. I do not know whether they are subject to any more criticism than the Naval Board for letting contracts for submarines. We are so anxious to have the vessels built that they are willing to let contracts at any place where they will construct them, and they expect Congress will do its part in providing the money for necessary harbor improvements. As to the Ohio River proposition, the gentleman from Wisconsin [Mr. FREAR] says he has saved the country in the last few years a great deal of money. He has not saved anything on the lower Mississippi. He has merely delayed the matter two or three months. And what has been the result of the delay and his obstructions to the appropriations of 1913, 1914, and 1915? It has simply held back the work on the Ohio River, has it not? And here you have this great Government locating the armor plate plant at the city of Charleston, W. Va., with 100 miles of the Kanawha River canalized to the Ohio, and yet it is not canalized from the mouth of the Kanawha to the Ironton (Ohio) iron district or the great iron district at Wheeling and Pittsburgh. But if we had been allowed to proceed as rapidly as we desired, the armor-plate factory would have access by canalized rivers 125 miles to the Ironton iron district of southeastern Ohio, and 290 miles to the Wheeling and Pittsburgh iron district, and the work done at a time when cost prices were low.

Mr. ROSE. Will the gentleman yield?

Mr. SWITZER. Yes.

Mr. ROSE. I would like to know the answer of the gentleman to the part of the minority report wherein they make this statement:

An indefinite amount for Los Angeles and Richmond, Cal., both of which last-named harbors show very decided appearances of reclamation schemes.

Mr. SWITZER. The gentleman who wrote the report is a little vague. He does not mean we have made an indefinite cash appropriation. He means the ultimate appropriation; that the estimate for the ultimate completion is indefinite. You can say that about everything.

Mr. ROSE. Will the gentleman say it is true or not true?

Mr. SWITZER. It is not true that we have appropriated an indefinite amount.

Mr. ROSE. For reclamation schemes?

Mr. SWITZER. There certainly can not be any sort of a reclamation scheme found by anybody at Los Angeles. There is some contention that it will aid in the reclamation of a little land at Richmond, but recollect Richmond is the terminus of the Santa Fe Railroad, one of the great transcontinental railways.

Mr. CURRY of California. Will the gentleman yield?

Mr. SWITZER. I will.

Mr. CURRY of California. I have been trying to get time from both sides of the House to talk on the Richmond Inner Harbor project ever since this general debate started. I have not been able to get the time, and I shall talk about the proposition under the five-minute rule. There is not a single, solitary square foot of reclamation connected with the Richmond Inner Harbor. The reclamation there is the same as in any harbor where there is tide land. The city has done the reclamation itself, and the reclamation is completed, and the money to be appropriated by the Government is $428,000 for the dredging of a channel, and the city of Richmond is to appropriate $428,000, an equal amount, and that is for the physical dredging of a channel 3½ miles long, 600 feet wide, and 24 feet deep and a turning basin 1,800 feet. It is on San Francisco Bay and surrounded by hills. The city of Richmond itself owns the

water front. There is not a private interest connected with it. The land is all owned by the city of Richmond, two blocks back from the water front and clear out to low tidewater. The initial appropriation carried in this bill is $100,000.

Mr. SWITZER. Mr. Chairman, I want to say to the gentleman that I personally inspected the Richmond project, and I believe that it is a meritorious one.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. SWITZER. May I have three minutes more?

Mr. SMALL. I yield to the gentleman three minutes.

The CHAIRMAN. The gentleman from Ohio is recognized for three minutes more.

Mr. HULBERT. Mr. Chairman, will the gentleman yield?

Mr. SWITZER. Yes.

Mr. HULBERT. Does the gentleman believe the statement that I made during the general debates, that the car shortage is very largely due to the congestion in the large harbors along the Atlantic coast, where the freights are delayed awaiting shipment abroad during the pendency of the war in Europe? And is it going to aid matters any if they build more cars and more vessels if they do not also at the same time construct more channels, so that it would be possible to build more docks?

Mr. SWITZER. Certainly; I believe the gentleman is absolutely correct. The harbor of New York can not live within itself, nor can the harbor of Duluth live within itself, nor the harbor of Superior. You must improve all the harbors along the Lakes in order to make this 100,000,000 tons of transportation on the Great Lakes; and so with New York Harbor. She must have Mobile and Galveston and Freeport and the harbors of New England as well as the ports across the Atlantic in order to take care of this great tonnage.

There is another point I want to mention before I close. The gentleman from Wisconsin [Mr. FREAR] criticized this group proposition. He said it would cover in bad projects, and he said that there was no way of getting rid of those bad projects under this system. The gentleman is certainly in error. His statement at least is misleading. If there is any bad project in any one of these groups, it can be cut out. Recollect this grouping only goes to the maintenance of projects. If there is an improvement to be made, there is a statement of the amount of money that is to be appropriated for it. But whenever there are a number of places mentioned in a group, as on Lake Erie in Ohio, such as Cleveland and Ashtabula and Sandusky and Toledo and Conneaut, they are for maintenance, and if there is anything for improvement it is stated in a separate item.

The gentleman from Wisconsin said you could not get rid of any of them. The Committee on Rivers and Harbors could have gotten rid of any one of them by cutting it out, or this House can cut them out. If a certain amount is needed for a specific project, this House could provide for it. The gentleman's statement is misleading.

The CHAIRMAN. The time of the gentleman from Ohio has again expired. The Clerk will read the bill for amendment.

Mr. HULBERT. Mr. Chairman, will the gentleman yield for one question?

Mr. SWITZER. If I had the time I would.

Mr. HULBERT. The gentleman, as a member of the Committee on Rivers and Harbors, made the trip to New York last August and visited a pier at Forty-fifth Street on the Hudson River?

Mr. SWITZER. Yes. You had something like 105 piers.

Mr. HULBERT. I wanted to call attention to one pier which the city has constructed at the foot of West Forty-fifth Street, and in the slips on the outside of it the city, at its own expense, has dredged out the channel to a depth of 40 feet, but there is only 18 feet of water at the front of that pier.

Mr. SWITZER. Yes; and the full 40 feet should be provided to the main channel. Mr. Chairman, I ask unanimous consent to extend my remarks.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. CURRY of California. Mr. Chairman——

Mr. SWITZER. Mr. Chairman, could the gentleman from North Carolina [Mr. SMALL] give the gentleman from California a few minutes?

Mr. SMALL. I suggest that he wait until we take up the consideration of the bill under the five-minute rule.

Mr. CURRY of California. If I can get time then, all right.

Mr. SMALL. Very well.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the following sums of money be, and are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available, and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, for the construction, completion, repair, and preservation of the public works hereinafter named.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

Mr. SMALL. I am going to move that the committee rise.

Mr. STAFFORD. I wish to have it understood that a gentleman who is not in the Chamber at this moment wishes to offer a very important amendment to this section.

Mr. SMALL. I have no intention of going any further to-night. I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HARRISON of Mississippi, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 4285) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CLARK of Florida, for 10 days, on account of sickness in his family.

To Mr. HOLLINGSWORTH, indefinitely, on account of sickness in his family.

CALENDAR WEDNESDAY.

Mr. SMALL. Mr. Speaker, in order that members may be advised, I ask unanimous consent that Calendar Wednesday be dispensed with.

Mr. ADAMSON. Mr. Speaker, I have several very important emergency bills that I want to get considered in some way. I have been submitting to requests to make other bills privileged, and I think I will have to object to this for a while.

The SPEAKER. The gentleman from North Carolina [Mr. SMALL] asks unanimous consent to dispense with Calendar Wednesday business on next Wednesday. Is there objection?

Mr. ADAMSON. I object.

The SPEAKER. Objection is made.

Mr. SMALL. Will the gentleman reserve the right to object for a moment?

Mr. ADAMSON. I will reserve the right to object. I want some arrangement to get our bills through.

Mr. SMALL. Did the House give unanimous consent to the gentleman's request——

Mr. ADAMSON. No; there was objection. If I can get unanimous consent to consider my bills, I will not object to dispensing with Calendar Wednesday. That is my only object now.

The SPEAKER. Is there objection?

Mr. MADDEN. To Calendar Wednesday being transferred?

The SPEAKER. Yes.

Mr. MADDEN. I object.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 995. An act to authorize the issue to States and Territories and the District of Columbia of rifles and other property for the equipment of organizations of home guards.

ADJOURNMENT.

The SPEAKER. If some gentleman will make a motion to adjourn, the Chair will entertain it.

Mr. SMALL. I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 27 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Tuesday, June 12, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Muskegon River, Mich., from the head of Muskegon Lake to Newaygo or to the Grand Rapids-Muskegon power dam (H. Doc. No. 178); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

2. A letter from the Secretary of the Navy, transmitting tentative draft of legislation to establish certain new ratings in the

United States Navy, and for other purposes (H. Doc. No. 179); to the Committee on Naval Affairs and ordered to be printed.

3. A letter from the Secretary of the Navy, transmitting tentative draft of bill to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes," approved August 24, 1916 (H. Doc. No. 180); to the Committee on Naval Affairs and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BRAND: A bill (H. R. 4950) to punish fraudulent dealers in foodstuffs and fuel, to make the acts herein set forth criminal, and for other purposes; to the Committee on the Judiciary.

By Mr. FULLER of Illinois: A bill (H. R. 4951) providing for a tax on sales, or contracts for sale, of grain, provisions, and other food products for future delivery; to the Committee on Agriculture.

By Mr. OSBORNE: A bill (H. R. 4952) to amend section 80 of the act of June 3, 1916, for making further and more effectual provision for the national defense, and for other purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 4953) authorizing certain papers to be executed outside the Visalia, Independence, and Imperial (Cal.) land districts; to the Committee on the Public Lands.

By Mr. RAKER: A bill (H. R. 4954) to provide for the application of the reclamation law to irrigation districts; to the Committee on Irrigation of Arid Lands.

Also, a bill (H. R. 4955) to remove during the war certain restrictions as to residence area of lands upon reclamation projects, and for other purposes; to the Committee on Irrigation of Arid Lands.

By Mr. SNYDER: A bill (H. R. 4956) fixing the compensation of rural free delivery carriers; to the Committee on the Post Office and Post Roads.

By Mr. DENT: A bill (H. R. 4957) providing for military highways between Foley and Fort Morgan, in Baldwin County, Ala.; to the Committee on Military Affairs.

By Mr. TAYLOR of Colorado: A bill (H. R. 4958) to amend section 3 of an act entitled "An act providing for patents on reclamation entries, and for other purposes," approved August 9, 1912; to the Committee on Irrigation of Arid Lands.

Also, a bill (H. R. 4959) to compel the registration of aliens; to the Committee on Military Affairs.

By Mr. ADAMSON: A bill (H. R. 4960) to define, regulate, and punish trading with the enemy, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. LEVER: A bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel; to the Committee on Agriculture.

By Mr. DENT: Resolution (H. Res. 99) providing for the consideration of H. J. Res. 100; to the Committee on Rules.

By Mr. KALANIANAOLE: Memorial from the Legislature of the Territory of Hawaii requesting appropriate legislation favoring increase in compensation of the governor, the secretary of the Territory, the chief justice and associate justices of the supreme court of the Territory, the judges of the circuit courts, and the secretary to the governor; to the Committee on the Territories.

Also, memorial of the Legislature of the Territory of Hawaii, requesting legislation for military highways, improvements, and certain internal improvements in the Territory of Hawaii; to the Committee on the Territories.

Also, memorial of the Legislature of the Territory of Hawaii, favoring legislation permitting the admission of a limited number of Chinese laborers into the Territory of Hawaii under proper restrictions; to the Committee on Immigration and Naturalization.

By Mr. GARNER: Memorial of the Legislature of the State of Texas, relating to a military highway along the Texas border; to the Committee on Military Affairs.

Also, memorial of the Legislature of the State of Texas, relating to food-control legislation; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CLAYPOOL: A bill (H. R. 4962) granting an increase of pension to Laura P. Walter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4963) granting an increase of pension to William J. Barnett; to the Committee on Invalid Pensions.

By Mr. FAIRFIELD: A bill (H. R. 4964) granting a pension to Mrs. Nannie A. Smith; to the Committee on Invalid Pensions.

By Mr. KETTNER: A bill (H. R. 4965) for the relief of William B. Stanford; to the Committee on Military Affairs.

By Mr. LANGLEY: A bill (H. R. 4966) granting an increase of pension to William Flint; to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 4967) granting an increase of pension to Simeon C. Shields; to the Committee on Invalid Pensions.

By Mr. McCLINTIC: A bill (H. R. 4968) granting a pension to Lester Longmire; to the Committee on Pensions.

By Mr. MAHER: A bill (H. R. 4969) granting an increase of pension to Concetta Chieffo; to the Committee on Pensions.

By Mr. OSBORNE: A bill (H. R. 4970) granting a pension to Lou M. Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4971) granting a pension to Hattie M. Dunsmore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4972) granting a pension to Hannah E. Browning; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4973) granting a pension to William Barrett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4974) granting an increase of pension to Frederick J. Cressey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4975) granting an increase of pension to Philip Gavin; to the Committee on Pensions.

Also, a bill (H. R. 4976) granting an increase of pension to Thomas Haran; to the Committee on Pensions.

Also, a bill (H. R. 4977) granting an increase of pension to Laura Kohlhase; to the Committee on Pensions.

Also, a bill (H. R. 4978) granting an increase of pension to Charles D. Monroe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4979) granting an increase of pension to Charles H. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4980) for the relief of Robert Abernethy; to the Committee on Military Affairs.

Also, a bill (H. R. 4981) for the relief of David Love; to the Committee on Military Affairs.

Also, a bill (H. R. 4982) for the relief of M. H. Meranda; to the Committee on Military Affairs.

Also, a bill (H. R. 4983) for the relief of Peter Neubuhr; to the Committee on Military Affairs.

Also, a bill (H. R. 4984) to correct the military record of Joseph P. Widney; to the Committee on Military Affairs.

By Mr. POWERS: A bill (H. R. 4985) granting an increase of pension to Washington M. Brown; to the Committee on Invalid Pensions.

By Mr. RAKER: A bill (H. R. 4986) authorizing the promotion of an officer on the retired list of the Army who served in the Civil War; to the Committee on Military Affairs.

By Mr. WALTON: A bill (H. R. 4987) granting a pension to Owen H. O'Neil; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Central Missouri Branch of the Association of Collegiate Alumni, urging the creation of zones around all camps, for the prevention of prostitution, for the removal of all vicious resorts, and for a strong policy of moral sanitation about all military camps; to the Committee on Military Affairs.

Also (by request), petition of the Wolfe Tone Society, of Pittsburgh, Pa., relative to the freedom of Ireland; to the Committee on Foreign Affairs.

Also (by request), memorial of the National Association of Fisheries Commissioners, relative to great water food industries; to the Committee on the Merchant Marine and Fisheries.

By Mr. COPLEY: Petition of citizens of Crystal Lake, Ill., praying for the immediate enactment of legislation prohibiting the manufacture of alcoholic liquors as a measure of food conservation; to the Committee on the Judiciary.

Also, petition of citizens of Elburn, Ill., praying for the immediate enactment of legislation prohibiting the manufacture of alcoholic liquors as a measure of food conservation; to the Committee on the Judiciary.

By Mr. DALE of New York: Memorial of Chamber of Commerce of the State of New York, against the House war-revenue bill; to the Committee on Ways and Means.

Also, petition of sundry citizens of New York against any kind of prohibition; to the Committee on the Judiciary.

Also, memorial of the Chamber of Commerce of the State of New York favoring passage of the daylight saving bill; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Petition of sundry citizens of Sparta, Wis., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. FITZGERALD: Petition of citizens of the Borough of Brooklyn, N. Y., against national prohibition; to the Committee on the Judiciary.

By Mr. FULLER of Illinois: Petition of 20 citizens of Genoa, Ill., favoring prohibition as a war measure; to the Committee on the judiciary.

Also, petition of Haddorff Piano Co., of Rockford, Ill., opposing tax on musical instruments; to the Committee on Ways and Means.

By Mr. GALLIVAN: Memorial of Merchants Association of New York relative to control of food supply; to Committee on Agriculture.

Also, petition of Massachusetts Real Estate Exchange relative to congestion of railroads, piers, and shipping at port of New York, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. GREENE of Vermont: Petition of citizens of Benniugton, Vt., and vicinity, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. HAMILTON of New York: Petition of sundry citizens of Jamestown, N. Y., favoring national prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of sundry citizens of Belfast, N. Y., favoring national prohibition as a war measure; to the Committee on the Judiciary.

By Mr. HASTINGS: Petition of E. L. Stevens and others, of Hitchita, Okla., for peace under all circumstances; to the Committee on Military Affairs.

By Mr. HOLLINGSWORTH: Memorial of Bellaire Bottle Co., against amendment to discontinue manufacturing of alcohol; to the Committee on the Judiciary.

By Mr. HULBERT: Petition of 71 citizens of New York City, in favor of the daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce of the State of New York, commending the Finance Committee of the United States Senate for its action in amending the House war-revenue measure and urging the exemption of gifts to educational, philanthropic, and religious organizations from taxation; to the Committee on Ways and Means.

Also, petition of the Chamber of Commerce of the State of New York, favoring the daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

By Mr. KELLEY of Michigan: Petition of Mrs. F. G. Pool and 35 members of the Ladies' Aid Society of Central Methodist Episcopal Church of Pontiac, Mich., favoring national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petition of Rev. Edward R. Evans, pastor Pawtucket (R. I.) Congregational Church, favoring national prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of Morris Espo, of Pawtucket, R. I., favoring daylight-saving plan; to the Committee on Interstate and Foreign Commerce.

Also, petition of Edward J. Hackett, of Pawtucket, R. I., favoring daylight-saving plan; to the Committee on Interstate and Foreign Commerce.

Also, petition of Manufacturing Jewelers' Board of Trade, of Providence, R. I., protesting against the passage of the Hardwick amendment, so called; to the Committee on Banking and Currency.

By Mr. KETTNER: Petition of Minnie W. Smith and sundry other citizens of San Bernardino County, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of John B. Toomany, pastor Congregational Church, Chula Vista, and sundry others, favoring prohibition; to the Committee on the Judiciary .

Also, petition of Benjamin S. Haywood, pastor First Methodist Episcopal Church, Riverside, Cal., and many others, for immediate enactment of prohibition of the manufacture of alcoholic liquors; to the Committee on the Judiciary.

Also, petition of Mrs. W. W. Carr and others, favoring immediate enactment of prohibition of the manufacture of alcoholic liquors; to the Committee on the Judiciary.

Also, petition of Maynard W. Beckwith and sundry other citizens of Arlington, Cal., favoring immediate enactment of prohibition of the manufacture of alcoholic liquors; to the Committee on the Judiciary.

Also, petition of G. O. Barnett and others, of Imperial, Cal., and vicinity, favoring immediate enactment of prohibition; to the Committee on the Judiciary.

Also, petition of D. W. Wilt, pastor Methodist Episcopal Church, National City, favoring producing and conserving foodstuffs; to the Committee on Agriculture.

Also, petition of Augusta J. Sturges and sundry other citizens of Encanto, asking conservation of foodstuffs; to the Committee on Agriculture.

By Mr. KING: Petition of J. W. Connelly and others, of Farmington, and J. E. Lohr and others, of Paloma, Ill., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. KINKAID: Petition of citizens of the vicinity of Aurelia, Holt County, Nebr., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. McCLINTIC: Memorial of Oklahoma State Board of Agriculture, favoring food-control bill; to the Committee on Agriculture.

By Mr. MAHER: Petition of the Technical Press Chapel, against increased postal rates; to the Committee on Ways and Means.

By Mr. MEEKER: Petition of Oak Hill Presbyterian Church, Cabanne M. E. Church, Third Baptist Church, and Young Men's Bible Class, Third Baptist Church, and Women's Christian Temperance Union, all of St. Louis, Mo., praying for prohibition of the liquor business as a war measure; to the Committee on the Judiciary.

Also, memorial of the International Association of Machinists, Lodge No. 41, of St. Louis, Mo., against any kind of prohibition; to the Committee on the Judiciary.

Also, memorial of the Amalgamated Lithographers of America, Local No. 5, against the zone system and increase of postage on second-class mail matter; to the Committee on Ways and Means.

Also, petition of Progressive Lodge, No. 41, International Association of Machinists, and Department Store Drivers' Local No. 709, all of St. Louis, Mo., asking investigation by Congress into controversy between the Chamber of Commerce of San Francisco, Cal., and organized labor; to the Committee on the Judiciary.

Also, memorial of Central Trades and Labor Union of St. Louis. Mo., against the repeal of the child-labor law; to the Committee on Labor.

By Mr. MORIN: Memorial of Division No. 2 of the Ancient Order of Hibernians, of Pittsburgh, Pa., reaffirming the readiness of its members to render to the Government the loyal service which the Irish race has ever given to the country and urging that the Government give a great example to the world by insisting that England shall remove her forces from Ireland and renounce all claim to rule over an unwilling people; to the Committee on Foreign Affairs.

By Mr. O'SHAUNESSY: Memorial of R. S. Hazard, of Peace Dale, R. I., and Colored Women of Rhode Island, and Allied Temperance Committee, of Rhode Island, favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of the Women's Universalist Missionary Association of Rhode Island, favoring woman suffrage; to the Committee on the Judiciary.

By Mr. PARKER of New York: Memorial of Woman's Christian Temperance Union of Hartford, N. Y., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. ROGERS: Petition of sundry citizens of Massachusetts, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. ROWE: Petition of C. B. Cottrell & Sons Co.; James Conley; G. Frederick Kalkhoff, president Employing Printers' Association; Leon H. Rouse, president Typographical Union No. 6; Philip Umstadter, president Printing Pressmen's Union No. 51; E. W. Edwards, president Web Pressmen's Union No. 25; J. J. Bagley, president Franklin Union No. 23; James J. Hayes, president Bookbinders' Union No. 3; M. J. Murphy, president Bindery Woman's Union No. 43; George Stein, president New Yory City Allied Printing Trades Council; and Peter J. Brady, president New York State Allied Printing Trades Council, opposing the zone system as applied to second-class postage; to the Committee on Ways and Means.

Also, petition of James Buchanan, favoring prohibition during the war; to the Committee on the Judiciary.

Also, petition of Charles L. Auer, of Brooklyn, N. Y., protesting against war prohibition; to the Committee on the Judiciary.

Also, petition of Gaston, Williams & Wigmore (Inc.), of New York City, protesting against the proposed increase in revenue on the tobacco trade; to the Committee on Ways and Means.

By Mr. SNYDER: Petition of sundry citizens of Utica, N. Y., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. STRONG: Memorial of residents of Corsica, Strattonville, and vicinity; letter from Rev. Samuel L. Maxwell, Parkers Landing; letter from A. W. Wilson, jr., president of the Kiskiminetas Springs School, Saltsburg, all of Pennsylvania, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. TEMPLE: Memorial of residents of Aliquippa, Pa., favoring the enactment of a national prohibition law in view of the present war situation; to the Committee on the Judiciary.

By Mr. TILSON: Petition of citizens of New Haven, Conn., and vicinity, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. TREADWAY: Petition of sundry citizens of Shelbourne Falls, Mass., and vicinity, favoring national prohibition as a war measure; to the Committee on the Judiciary.

By Mr. VARE: Memorial of 12 churches in the northeast section of Philadelphia, Pa., favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, Memorial of the first, second, and third congressional districts of Pennsylvania branch of the Woman's Suffrage Association, favoring the passage of the woman-suffrage resolution; to the Committee on the Judiciary.

By Mr. WALTON: Memorial of New Mexico Cattle and Horse Growers' Association, favoring legislation for food control; to the Committee on Agriculture.

Also, memorial of New Mexico Cattle and Horse Growers' Association, protesting against the bill prohibiting shipments of cows and calves for slaughter; to the Committee on Agriculture.

Also, petitions of citizens of Santa Rosa and Silver City, N. Mex., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. WASON: Resolutions of Members of the First Baptist Parish, of Lyme, N. H., favoring national prohibition as a war measure; to the Committee on Military Affairs.

SENATE.

TUESDAY, *June 12, 1917.*

Rev. Charles T. Warner, of the city of Washington, offered the following prayer:

Most gracious God, we humbly beseech Thee, as for the people of these United States, so especially for the Senate in session assembled, that Thou wouldst be pleased to direct and prosper all their consultations to the advancement, safety, honor, and welfare of Thy people. Grant to them at this time Thy special gift of wisdom and understanding, counsel, and strength, that upholding what is right and following what is true, they may obey Thy holy will and fulfill Thy divine purposes.

And O Lord of Hosts, stretch forth, we pray Thee, Thine almighty arm to strengthen and protect the soldiers and sailors of our country; support them in the day of battle, endue them with courage and loyalty, and grant that in all things they may serve without reproach.

Hasten, we beseech Thee, the day when the armaments of war shall be beaten into the implements of peace; scatter the peoples that delight in war; bring us out of our present confusion into the order and righteousness of Thy kingdom; all of which we ask, through Jesus Christ our Lord. Amen.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of the trustees of the Groton School (Inc.), of the Society for the Preservation of New England Antiquities, and of the congregation of Christ Church, of Boston, all in the State of Massachusetts, praying that all bequests, legacies, devises, gifts to the United States, or to any State, or to any political division thereof for use of a religious, literary, scientific, charitable, or educational character or for the encouragement of art be exempt from Federal taxation, which were referred to the Committee on Finance.

He also presented a telegram in the nature of a petition from the congregation of the Methodist Episcopal Church, of Fordham, N. Y., praying for national prohibition during the war, which was referred to the Committee on the Judiciary.

He also presented a petition of the National Association of Fisheries Commissioners, praying for the enactment of legislation to regulate the food supply of the country, which was referred to the Committee on Agriculture and Forestry.

He also presented a telegram in the nature of a petition from sundry citizens of Lansdowne, Pa., praying for the enactment of legislation to conserve the food products used in the manufacture of intoxicating beverages and for the passage of all war prohibition measures, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Rochester, N. Y., praying for prohibition of the manufacture of alcoholic liquors as a measure of food conservation, which was referred to the Committee on Agriculture and Forestry.

Mr. WARREN. I present a telegram from the Bankers' Association of Wyoming, which I ask may be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the telegram was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

CHEYENNE, WYO., *June 8, 1917.*

Hon. F. E. WARREN,
Washington, D. C.:

Reports are to effect that war-revenue bill provides for 2-cent stamp to be affixed to checks of $5 or over. Banks now pay State and county tax, corporation tax, income tax, excess-profits tax. Proposed stamp tax places burden on bank and offers opportunity for dissatisfaction of customer where check is refused on account of stamp not being attached. If we must have a stamp tax, suggest uniform tax not exceeding 1 cent. Can then be lithographed in check and bank can charge for check book. Wyoming banks protest any further tax than already imposed.

S. CONANT PARKS, *Vice President,*
HARRY B. HENDERSON, *Secretary,*
American Bankers' Association of Wyoming.

Mr. WARREN. I present quite a large number of resolutions from labor unions in various parts of the State of Wyoming. They are very short, and I ask that one of them be printed in the RECORD and the others be noted.

There being no objection, one of the resolutions was ordered to be printed in the RECORD, as follows:

FEED OUR COUNTRY FIRST.

Resolution.

Whereas the food supply of our country is in the possession of private individuals who are arbitrarily fixing prices which places food far beyond the reach of many of our people, and are constantly and insidiously increasing prices without warrant or justification; and

Whereas the greed for profit on the part of those who control and fix the prices of our country's food has led them into wild speculation whereby vast fortunes have been won on gambling devices popularly known as "boards of trade," "stock exchanges," and the like, all of which fortunes are wrung from the toiling masses of our country through increased prices of food, and as a result of such manipulations our country is facing one of the gravest problems in its history—starvation in midst of plenty; and

Whereas starvation is already stalking abroad in our country, food riots are occurring in our larger cities and the condition of many of the working class is gradually becoming more precarious, while cold-storage plants are filled with food products, packing plants are producing an abundance of meat, grain elevators are filled to overflowing, fruit and vegetables are rotting in cars and warehouses, and fish is being thrown back into the waters by those who control our country's food in order to maintain and further advance the already exorbitant prices; and

Whereas past experience, coupled with the action of all belligerent and most neutral countries of Europe, justify the belief that it is a dangerous proposition to allow the food supply of our country to remain in private hands, even in time of peace and doubly dangerous in time of war: Therefore be it

Resolved, That the food supply should command the first consideration of the President and Congress of our country; that starvation is not conducive to patriotic enthusiasm; that our flag can not command the reverence and respect which is due it, either at home or abroad, so long as it stands for starvation or enforced underfeeding of the great mass of our people by a few profiteers and food gamblers; neither can our people rally to the defense of their country with the physical stamina and whole-heartedness which is necessary to victory after having been underfed previous to entering the Army, and while knowing that their wives and children at home are at the mercy of unscrupulous patriots for profits and are suffering the pangs of hunger and privation; and be it further

Resolved, That we urge upon Congress and the President of the United States to immediately take such measures as may be necessary to eliminate all sources of profit in the production, transportation, and distribution of the food supply of our country, to the end that every man, woman, and child shall be supplied with sufficient good and wholesome food to keep them in perfect physical condition.

Adopted this, the 13th day of May, 1917, by Lincoln County Central Trades and Labor Council, Kemmerer, Wyo.

Mr. WARREN presented resolutions of Local Union No. 2335, United Mine Workers of America, of Hanna; of Local Union No. 837, of Kemmerer; of Local Union No. 668, American Federation of Musicians, of Kemmerer; of Local Union No. 2318, United Mine Workers of America, of Cumberland; of Local Union No. 68, Retail Clerks' International Protective Association, of Kemmerer; and of Local Union No. 488, United Mine Workers of America, of Sublet, all in the State of Wyoming, relative to the production, transportation, and distribution of the United States food supply, which were referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of Wyoming, remonstrating against the proposed tax on musical instruments, which was referred to the Committee on Finance.

He also presented resolutions adopted by the Laramie Chapter, Wyoming Branch, Association of Collegiate Alumnae, favor-

ing prohibition of the sale of liquor, etc., in the vicinity of military camps, which were referred to the Committee on Military Affairs.

He also presented resolutions adopted by Pleasant Valley Grange, Patrons of Husbandry, of Stewart, Wyo., remonstrating against Federal control of food prices, which were referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of Niobrara County, Wyo., remonstrating against the use of food products in the manufacture of intoxicating liquors, which was referred to the Committee on Agriculture and Forestry.

Mr. NELSON presented petitions of sundry citizens of Minnesota, praying for national prohibition as a war measure, which were referred to the Committee on the Judiciary.

Mr. CUMMINS. I present resolutions of the City Council of the City of Davenport, Iowa, respecting the fuel situation, which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

IN THE CHAMBER OF THE CITY COUNCIL,
CITY OF DAVENPORT, IOWA,
June 1, 1917.

Whereas on the 16th day of May, 1917, the attention of the city council was, by a vast and complaining population of the city, drawn to the fact of the high and exorbitant prices being charged by the coal dealers; and

Whereas in response to this complaint the mayor did call an open meeting of the people of the city of Davenport, to be held on the 25th day of May, 1917, inviting not only the general public, but the coal dealers, the coal operators, and the railroads, or the representatives of these bodies, for the purpose of having a discussion in order to determine if possible what relief could be had, if any; and

Whereas the speakers representing the different factions at this meeting each denied that the source of this present exigency was to be found in that particular branch of the coal handling or business in which he was himself interested; and

Whereas the city council, together with the people and the representatives as above mentioned are now, on this 1st day of June, 1917, again in session on the same subject matter; and

Whereas it appears that the city council is powerless to open a municipal coal yard and thereby relieve the situation; and

Whereas the Government of the United States of America, through its Congress, is now actively working on the matter of the high prices of coal and other products of consumption: Now, therefore, be it

Resolved by this meeting assembled, That Congress be, and it is hereby, earnestly requested to do all in its power to determine the cause, place the blame, and contrive a remedy to relieve the people of this and all communities of our present burdensome high cost of fuel; and be it further

Resolved, That a copy of these resolutions be at once forwarded to our Senators, Hon. A. B. CUMMINS and Hon. W. S. KENYON, and to our Congressman, Hon. HARRY HULL; and be it further

Resolved, That said Senators and Congressman be, and they are hereby, implored to use and exert their power and strength as representative of the people to relieve this serious situation.

By order of the city council.

JOHN BUWALD, *Mayor.*

Attest:

HUGO MOELLER, *City Clerk.*

Mr. JOHNSON of South Dakota presented petitions of sundry citizens of Dell Rapids, Elk Point, Britton, Faith, Mitchell, Garden City, and Grosse, all in the State of South Dakota, praying for national prohibition as a war measure; which were referred to the Committee on the Judiciary.

Mr. KNOX presented petitions of sundry citizens of Pennsylvania, praying for national prohibition as a war measure; which were referred to the Committee on the Judiciary.

Mr. MYERS presented a petition of sundry citizens of Montana, praying for the enactment of legislation to prohibit the introduction of Chinese and other coolie labor into the United States; which was referred to the Committee on Immigration.

Mr. PAGE presented a petition of the congregation of the First Congregational Church, of Burlington, Vt., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors, including malt and fermented as well as distilled liquors, during the period of the war; which was referred to the Committee on Agriculture and Forestry.

Mr. ROBINSON presented a petition of sundry citizens of conscription age, of Siloam Springs, Ark., praying for national prohibition as a war measure; which was referred to the Committee on the Judiciary.

Mr. KENYON presented a petition of sundry citizens of Iowa, praying for a tax on all net incomes, etc., which was referred to the Committee on Finance.

Mr. PHELAN presented a memorial of Local Branch California Federation of Women's Clubs, of San Francisco, Cal., remonstrating against the use of grain in the production of alcoholic beverages during the war, which was referred to the Committee on Agriculture and Forestry.

Mr. GRONNA. I present a memorial signed by sundry citizens of Bathgate, N. Dak., who state that "We, the mothers of North Dakota, have been called upon to make the supreme sacrifice of giving our boys to the country," and praying for national prohibition as a war measure. I ask that the memorial be printed in the RECORD without the signatures and referred to the Committee on the Judiciary.

There being no objection, the memorial was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

BATHGATE, N. DAK., *June 5, 1917.*

Senator A. J. GRONNA,
Washington, D. C.:

We, the mothers of North Dakota, have been called upon to make the supreme sacrifice of giving our boys to our country. Going from a prohibition State, they are now compelled to meet the temptations incident to Army life, where the sale of alcoholic liquors is permitted within reach of their camps.

As loyal mothers we have met the call, but we wish to protest most emphatically against saloon conditions being imposed upon our boys and against the unnecessary strain of anxiety thus placed upon us. We believe saloon regulation to be inadequate, and ask for national prohibition as an emergency war measure.

Mrs. FRANK A. WILLSON
(And others).

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NELSON:

A bill (S. 2435) authorizing the counties of Itasca and Cass, Minn., to construct a bridge across the Mississippi River in said counties; to the Committee on Commerce.

By Mr. SHAFROTH:

A bill (S. 2436) granting to the States in which national forests are situate public lands to aid in the construction of public roads in such national forests; to the Committee on Public Lands.

By Mr. FRELINGHUYSEN:

A bill (S. 2437) to provide for the acquisition of an air station site for the United States Navy; to the Committee on Naval Affairs.

By Mr. CALDER:

A bill (S. 2438) for the relief of sundry railroad companies; to the Committee on Claims.

A bill (S. 2439) granting an increase of pension to Edward A. Dubey; and

A bill (S. 2440) granting a pension to David E. Austen; to the Committee on Pensions.

By Mr. JOHNSON of South Dakota:

A bill (S. 2441) granting an incease of pension to Frank D. Brown; to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 2442) to increase pensions of certain Union soldiers and sailors of the Civil War of 1861 to 1865; to the Committee on Pensions.

A bill (S. 2443) to create a bureau for the deaf and dumb in the Department of Labor, and prescribing the duties thereof; to the Committee on Education and Labor.

A bill (S. 2444) for the relief of Jonathan D. Long; to the Committee on Military Affairs.

By Mr. FLETCHER:

A bill (S. 2445) to define, regulate, and punish trading with the enemy, and for other purposes; to the Committee on Commerce.

By Mr. BRADY:

A bill (S. 2446) granting an increase of pension to David I. Hain (with accompanying papers); to the Committee on Pensions.

WAR REVENUE.

Mr. MYERS submitted an amendment intended to be proposed by him to the bill (H. R. 4280) to provide revenue to defray war expenses, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

Mr. SHERMAN submitted an amendment intended to be proposed by him to the bill (H. R. 4280) to provide revenue to defray war expenses, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

NATIONAL DEFENSE.

Mr. OWEN submitted two amendments intended to be proposed by him to the bill (S. 1786) to amend certain sections of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, and for other purposes, which were referred to the Committee on Military Affairs and ordered to be printed.

SELECTIVE-DRAFT REGISTRATION.

Mr. CALDER. Mr. President, if I may have the attention of the Senate for a few moments, and particularly that of the chairman of the Committee on Military Affairs, I would like to discuss the effect of the registration for the draft on certain sections of the country.

I find that in New York City the registration was taken by assembly districts, and in some of these districts where the alien population largely predominates the returns indicate that three times as many men registered as there are male voters of all ages.

The effect of this will be—and the Senate should have it in mind thus early, before we get into the draft—that in some sections where the foreign population is so excessive practically all those subject to the draft will be taken.

I have been advised that the Committee on Military Affairs has had under consideration some legislation on this subject, and I know they have found it very hard to grapple with. The selective-draft law provides that men shall be taken in proportion to population.

Mr. President, this measure was passed with the idea that the draft would fall equally on all sections of the country. It was founded on the theory of universal service, but the figures before me indicate that six times the proportion of citizens will be taken in certain parts of New York City as will be taken in other sections of the country. If this is allowed to stand certainly the law will not operate equitably. It seems to me most important that the law should be changed so that the draft may be based on citizen registration.

Mr. LA FOLLETTE. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Wisconsin?

Mr. CALDER. I do.

Mr. LA FOLLETTE. I rise just to make a request that the Senator print the tables that he has showing the registration in connection with his remarks.

Mr. CALDER. I shall be glad to do so.

Mr. President, take, for instance, the city of San Francisco. There the Japanese and Chinese of military age have registered, and they will be included in estimating the number of men to be taken from that section of the country. So in the manufacturing and mining communities all over the country, where the alien population is large in every case.

So it is very important, Mr. President, and when the country realizes it there will be serious objection, unless in the meantime the law is changed to the end that it may operate justly and equitably upon all the people. I call this to the attention of the Senate that all may realize the importance of this question.

Mr. WARREN. May I ask the Senator is he quite sure that that fact will not be taken into consideration in levying the draft?

Mr. CALDER. The Judge Advocate General told me this morning that the draft would be based on the total population. The law provides that it shall.

Mr. WARREN. May I ask one further question? Under the law the President arranges for the elimination of certain persons, and I presume in that work of elimination the matter you speak of will be taken into consideration. I ask whether the Senator is quite sure it will not be duly considered?

Mr. CALDER. I have talked with officials of the War Department, and they expect to base the draft on the total population in the several communities.

Mr. NORRIS. Has the Senator any figures to show the nationalities of those people?

Mr. CALDER. No; I have not.

Mr. NORRIS. I presume a large number of them will be found to be citizens of the countries of our allies in this war.

Mr. CALDER. Unquestionably.

Mr. NORRIS. It seems to me it might be worthy of consideration to consider whether the law can not be amended so that those citizens could be included, or at least permitted to join the Army.

Mr. CALDER. There is nothing to prevent them from enlisting. Men of foreign nationalities may enlist.

Mr. NORRIS. They could not enlist in making up the quota of the draft.

Mr. CALDER. No; but they could enlist in the Regular Army or Navy or in the National Guard.

Mr. NORRIS. They could do that, but the Senator knows a great many prefer to go into other branches of the service.

Mr. CALDER. The War Department, I understand, took into consideration the question whether or not they should include aliens in the draft, particularly the aliens from countries allied with us in the present emergency, and they find some difficulty because of our treaty obligations, and they have come to the conclusion that it would be wise to exclude all aliens from the draft.

Mr. NORRIS. Has the Senator made inquiry whether, even though there be some objection on account of treaties, efforts have been made to ascertain if those countries would waive any such right and would not object to citizens of their country enlisting in a war in which they themselves were engaged?

Mr. CALDER. I will state to the Senator from Nebraska that the officials of the War Department, after a careful examination of the subject, have come to the conclusion that they must limit the draft to our citizen population, but under the law must base it upon the total number of men registered, aliens included.

Mr. McCUMBER. May I ask the Senator what objection there would be to allowing our allies to recruit from their own citizens in this country for their own armies? That, I understand, is proposed by Great Britain now. What objection is there to it if they desire to do it? I do not mean any enforced service, but why should not Italy recruit from among the Italians in New York, not our own citizens, to join their armies?

Mr. CALDER. I know of no reason whatever why that can not be done. In fact, I know that a great many Italians in New York are already enlisting in our Regular Army.

Mr. NELSON. Mr. President, I will state to the Senator that we have already passed a law at this session allowing them to enlist in this country, and they are now recruiting them in New York.

Further, I wish to state to the Senator that in the registration we put everybody on the list who is of military age. Under the law there are three classes of aliens. There are alien enemies, there are aliens who have taken out their first papers, and there are aliens who have taken out no papers. Under our law we have a right to enlist and we can enlist them in the Army, and they are liable to military duty where they have taken out their first papers. Those men should manifestly be on the list. They never can include in the census in the allotment of troops men who are not competent for the service who are not qualified.

Alien enemies and aliens who have not taken out their first papers can not be liable to military service, and for that reason, in the nature of things, they are not a part of the basis on which the selection is made.

Mr. CALDER. I will state to the Senator from Minnesota and the Senator from Nebraska that the War Department advises me they do not intend to include aliens who have taken out their first papers. If it were possible to include all aliens except enemy aliens, I would be very glad to have it done.

Mr. CHAMBERLAIN. May I interrupt the Senator for a moment?

Mr. CALDER. Certainly.

Mr. CHAMBERLAIN. The law with reference to exemptions in the selective-draft bill, section 4, provides, after naming those who are exempt from military service:

> That, notwithstanding the exemptions enumerated herein, each State, Territory, and the District of Columbia shall be required to supply its quota in the proportion that its population bears to the total population of the United States.

That, of course, includes the alien population of which the Senator speaks in some of the assembly districts of New York. There are in those districts many aliens who have taken out their first citizenship papers who are subject to the selective draft if the law in respect to them is constitutional, but they are not permitted to vote. Does the Senator propose in his suggestion to eliminate from the military service those in those districts who are aliens but not alien enemies who are capable of military duty simply because they can not vote?

Mr. CALDER. I do not; and I am very much in favor of compelling them to take their share of responsibility in this contest, but I understand that the War Department intends to exclude them. If the Senator can assure me to the contrary, then I am satisfied.

Mr. President, I hold in my hand a list of 21 assembly districts out of 63 in the city of New York, where the draft registration exceeds the total vote of all ages.

Mr. CHAMBERLAIN. Section 2 of the act provides:

> Such draft as herein provided shall be based upon liability to military service of all male citizens or male persons not alien enemies who have declared their intention to become citizens, between the ages of 21 and 30 years, both inclusive, and shall take place and be maintained under such regulations as the President may prescribe not inconsistent with the terms of this act.

Mr. LODGE. Mr. President——

Mr. CHAMBERLAIN. Pardon me just a moment. What does the Senator from New York propose to do?

Mr. CALDER. My idea is this, Mr. President: If it is the fact that the War Department expects to exclude all men who have not completed their citizenship, then we ought to have here at a very early day a bill from the Committee on Military Affairs covering that particular point. I am glad the Senator from

Oregon [Mr. CHAMBERLAIN] is here, and I will be pleased if he will take up this matter with the War Department to the end that the men who are not alien enemies may be included in the draft if that can be done without violating our treaty arrangements.

Mr. CHAMBERLAIN. I do not know how the United States could get military jurisdiction of these aliens who are not citizens of the United States.

Mr. CALDER. Then, if it can not do that, we should base this draft upon our registration of citizens. I am glad that the junior Senator from California [Mr. JOHNSON] is here. I will say to him that in estimating the number of men to be taken from his State, as I understand it, they will count all the Japanese and Chinese and other aliens, and then take the quota California is to furnish entirely from its citizen population of military age.

Mr. NELSON. The Senator is mistaken about that. The law read by the Senator from Oregon [Mr. CHAMBERLAIN] is just what I stated, that aliens who have taken out their first papers and declared their intention, but are not voters or citizens, are liable to service, and it is proposed under the law to take them as soldiers.

Mr. CALDER. Mr. President, I heard what the Senator from Oregon said, but I am informed that it is not the purpose of the War Department so to do; and I should like the Senator from Oregon to inform me as to that.

Mr. CHAMBERLAIN. It ought to be the purpose of the War Department to attempt to obey this law. I do not see how they can evade it. If there are aliens in this country who have declared their intention to become citizens and who are of military capacity, it is sought by the law to compel them to serve. It is questionable from a constitutional standpoint if this can be done.

In this connection, as the Senator from New York has evidently paid a good deal of attention to the matter, I hope he will formulate an amendment, to be submitted to the Military Commitee, which will embody his suggestions for the improvement of the statute.

Mr. CALDER. The Judge Advocate General's office informed me that they had suggested an amendment to the Senator's committee which covers the question; but even if the Senator is right—and the law seems to be very plain that the men who have made application for citizenship are included in the draft—there is a very large element of our population in the crowded centers of the Nation who have not even filed their applications for first papers.

Mr. SMITH of Michigan. If the Senator will allow me, do I understand that for the purposes of enumeration they count all residents, whether they have filed their first papers or otherwise?

Mr. CALDER. They count all residents of every character—citizens or those who have indicated their intention to become citizens or aliens who have been in this country but a few years.

Mr. SMITH of Michigan. For purposes of enumeration?

Mr. CALDER. Yes; Chinese, Japanese, and people of every description.

Mr. SMITH of Michigan. Then for the purposes of draft they eliminate all of those classes, which puts an additional burden upon the States where the alien population is of a numerous character.

Mr. CALDER. The Senator is correct. They base it upon the locality, I will say to the Senator.

Mr. SMITH of Michigan. That is so unfair to such communities that I can not understand how we can fail to remedy such a situation as that. Those people are protected by our laws; they get just as much of our police protection and of property protection, and they are protected in their constitutional rights as much as is the citizen who is a full citizen; and yet is it to be said that they owe no duty to this Government and are not to be considered in our national defense? That seems to be a very strange situation. If they are to be counted as residents and to be enumerated as the basis of military strength, and then are all to be eliminated as a class, it is a very serious situation.

Mr. CALDER. If the Senator will permit me, I will state that I live in a district in New York City where the voting registration is approximately 14,000 and the registration for the draft is 5,000, there being very few aliens in that community, while in another neighborhood, within 2 miles of where I reside, there is a district exactly the reverse, there being but 5,000 voters and 13,000 registered for military purposes.

The number of citizens to be taken for military purposes from the district where I live will be about 2 per cent of the male voting population, while in the other district referred to it will be 13 per cent. In other words, a man living in a section where the alien largely predominates has six times as great an obligation to the Nation. This is manifestly unjust.

Mr. CHAMBERLAIN. Let me call the Senator's attention to the fact that the State is allowed credit for those who may go into the service in estimating the number of those who have to serve. For instance, section 2 provides:

> Quotas for the several States, Territories, and the District of Columbia, or subdivisions thereof, shall be determined in proportion to the population thereof, and credit shall be given to any State, Territory, District, or subdivision thereof, for the number of men who were in the military service of the United States as members of the National Guard on April 1, 1917, or who have since said date entered the military service of the United States from any such State, Territory, District, or subdivision, either as members of the Regular Army or the National Guard.

All of those are deducted from the quota which the State furnishes.

Mr. LODGE. Mr. President, will the Senator allow me to interrupt him?

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Massachusetts?

Mr. CALDER. I do.

Mr. LODGE. I desire to ask a question of the Senator from Oregon. I want to say, as a preliminary, that we have a law in reference to the Navy which requires citizenship or the declaration of an intention to become citizens and otherwise excludes them. Of course, we can not draft the subject of another country, but we can draft, as the law which the Senator from Oregon has read provides, men who have declared their intention to become citizens but who are not voters. I understand, however—and this is the point, and I think the Senator from New York [Mr. CALDER] has already made it—that it is the intention of the War Department to take no alien residents, whether they have declared their intention to become citizens or whether they have not. Of course, I except alien enemies.

Mr. CHAMBERLAIN. I am not sure whether the War Department has authority to exempt that class, and the Senator's statement about it is the first intimation I have had of it. The question is a constitutional one, however, and in the last analysis must be settled by the courts.

Mr. LODGE. I got that information from the War Department, and I think other Senator's have received the same information. I believe they think they have the power to exclude all alien residents, whether they have taken out papers and declared their intention to become citizens or not, but it does not seem to me, under the law, that they have that power. The department, however, occasionally interprets the law differently from the manner intended by Congress.

Mr. SMITH of Michigan. What about the enumeration? That is unfair?

Mr. LODGE. I was not going into the question of unfairness, but of what the department has done. The Senator from New York does not pretend to say that actual alien residents who are subjects of other countries can be drafted or counted for the draft? What they are counting for the draft are resident aliens who have declared their intention to become citizens.

Mr. CALDER. If the Senator will permit me, we have enumerated every man of military age, whether he has taken out his first papers or not, whether he is eligible for citizenship or not, and whether he is a German subject or not.

Mr. LODGE. That goes to the question of the fairness of the apportionment, but it will make it less unfair if they take all the drafted alien residents who have taken out their first papers.

Mr. SMITH of South Carolina. I desire to ask the Senator from New York this question: Has the Senator any data as to the proportion of the alien population that have taken out their first papers and those who have not done so, so as to show what relation those who have taken out their first papers will bear to the actual citizen population?

Mr. CALDER. I regret that I can not give the Senator from South Carolina that information, but I think, Mr. President, those who have taken out their first papers constitute a very small proportion of the total number of aliens.

Mr. SMITH of South Carolina. That was my information, but the reason I asked the question——

Mr. CALDER. It is not the intention of the War Department to base the draft on the total population of a State but on each particular community, as of a ward, a village, a town, or assembly district. Almost every Senator in this Chamber has in some part of his State a community where the foreign population largely predominates, and he will find, when this draft is worked out, that they will take practically all the men of military age in these respective communities.

Mr. LODGE. Mr. President, I wish to ask the Senator another question, as he has been looking into this subject. There

is nothing to prevent our taking an alien resident as a volunteer in the Regular Army, and I suppose alien residents may be now taken, though I was told that they were not welcomed.

Mr. CALDER. There is nothing to prevent an alien volunteering in the Regular Army, and I believe many are being taken.

Mr. BRADY. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Idaho?

Mr. CALDER. With pleasure.

Mr. BRADY. Mr. President, may I say to the Senator from Oregon [Mr. CHAMBERLAIN] that during his enforced absence from the Senate in attendance upon the funeral of his late colleague, we had this very subject under consideration before the committee, and the point now raised by the Senator from New York was there raised? We called Gen. Crowder before the committee, and asked him for a statement of the views of the department relative to persons who had declared their intention to become citizens. He was of the opinion that the unfairness complained of could be remedied by an amendment, and agreed to prepare an amendment and present it to the committee on the following day. On the following day he did appear before the committee, and made the statement that it would be impossible to change the law at this time, for the reason that the department had already sent out the different notices and papers for the registration for the draft; but I understood Gen. Crowder to take the position that has now been taken by the Senator from New York [Mr. CALDER], that the men who had declared their intention to become citizens could not be drafted. That was not his decision, but it was his understanding that that was going to be the decision of the War Department. The reason——

Mr. CHAMBERLAIN. Mr. President, this question may be involved in it—that is, a man is not a citizen of the United States who takes out his first papers—and we have treaty obligations with many nations which prevent us from enforcing the draft and compelling subjects of another power to do military duty. It may be that that consideration has induced the War Department to exempt such men from military service without waiting for the determination of the courts, but rather acting on the advice of the legal advisers of the department.

Mr. BRADY. I was just going to say that on his second appearance before the committee Gen. Crowder made the statement that there were subsisting treaties with various nations which prevented us drafting their subjects until they had ceased to be their subjects by becoming full citizens of the United States.

The amendment which it was desired to have adopted, and which was prepared and presented to the committee by Gen. Crowder, was the very amendment for which the Senator from New York asks. The proposition he makes is a fair one, and it covers a condition that will have to be met. The registration in his district he states, if I understand him correctly, will be many more than the actual voters in the district.

Mr. CALDER. In some districts three times as many men have been registered for the draft as there are voters of all ages.

Mr. BRADY. The unfairness of the proceeding is that every one of the citizens of the United States who registered would have to serve in order to fill the quota from such districts.

Mr. CALDER. Yes; every man of military age. This will work a great hardship, and I am fearful may cause much dissatisfaction.

Following is a list of the assembly districts in the city of New York where the draft registration exceeds the voting registration, and others where it very nearly equals it:

Assembly district.	Election registration 1916.	Registration for draft.
BOROUGH OF MANHATTAN.		
1	5,363	7,491
2	6,600	10,221
3	6,840	9,766
4	6,190	8,657
6	7,021	10,494
7	6,940	6,218
8	6,484	11,273
9	5,805	6,862
10	6,730	12,512
11	7,752	6,961
12	6,193	8,698
13	6,559	6,547
14	7,110	6,404
16	7,117	6,473
18	7,954	7,470
24	5,950	7,804
26	8,781	9,367
28	5,697	7,765
30 (part)	9,613	10,369
BOROUGH OF THE BRONX.		
33	13,146	11,812
34	17,481	24,240
BOROUGH OF BROOKLYN.		
2	5,818	7,433
3	5,861	7,631
4	9,254	7,935
7	7,922	7,285
8	6,979	10,555
9	19,512	17,523
13	7,245	6,190
14	6,528	8,367
15	8,154	7,540
19	7,955	8,925
21	5,845	13,387
23	19,831	21,933

Mr. HOLLIS. Mr. President, I rise to a parliamentary inquiry.

The VICE PRESIDENT. The Senator from New Hampshire will state his parliamentary inquiry.

Mr. HOLLIS. Has morning business closed?

The VICE PRESIDENT. It has not.

Mr. HOLLIS. Then I call for the regular order.

The VICE PRESIDENT. There being objection, the discussion is wholly out of order. Concurrent and other resolutions are in order.

RIFLES, MACHINE GUNS, AND FIELD ARTILLERY.

Mr. SMOOT. I offer a resolution and ask for its immediate consideration. I desire to make a brief statement after the resolution has been read.

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 82), as follows:

Resolved, That the Secretary of War be requested, if not incompatible with the public interest, to furnish to the Senate as soon as possible the following information:

First. Has the British Enfield rifle been adopted for the American Army, and if so, are such rifles being chambered so as to fit the American type of rifle cartridge?

Second. Are machine guns for the use of the American Army using the same type of rifle cartridge as the Army rifle to be used by the American Army?

Third. Do the American cartridges for use in rifles and machine guns differ in size or otherwise so as to prevent their being used in the rifles and machine guns of the English or French? If so, what is the character of the difference, and what advantage is gained thereby?

Fourth. To what extent does the field artillery of the American Army differ in caliber and character of ammunition used from that of the English and French armies.

Fifth. Can the ammunition of the English or French armies be used in the field artillery of the American Army?

Sixth. If the American ammunition for rifles, machine guns, and field artillery is not interchangeable for like British or French guns, what advantage is gained by having it differ from that of the English Army or the French Army?

Mr. SMOOT. Mr. President, I offer this resolution, believing that this is the proper time for the Senate and the country to know the facts in relation to the statement that is so universally circulated throughout the United States with relation to the Government of the United States adopting officially the Enfield rifle. I notice in a number of publications a statement that that rifle has been officially adopted, and in a statement issued, or supposed to be issued, by Mr. Frank A. Scott, chairman of the general munitions board of the Council of National Defense, I find this statement:

Manufacturing facilities for the Springfield rifle are not adequate to supply the number required for the larger forces which the United States may desire to send abroad and to replace the wastage of such a force. Fortunately, the existing small-arms factories which have been turning out quantities of rifles for the British Army are equipped to manufacture the Enfield rifle in more than sufficient number. Therefore it has been decided to adopt the Enfield rifle, but manufactured to use American ammunition, and to issue these rifles to our troops to such extent as may be necessary.

Mr. President, I have heard it stated time and again that an 8-inch shell used by the Army could not be used in an 8-inch gun in the Navy, or, in other words, if one of our battleships should run out of ammunition and should come to a port of our country to replenish its ammunition supply, although there might be at hand for the Coast Artillery shells for the same size guns as those used upon a battleship, the ammunition is not interchangeable, and the battleship could not avail itself of such ammunition. I do not know whether that is true or not, and I ask in the resolution for information.

It is also stated that the factories in our country that are manufacturing the Enfield rifle for the French Government, and

for the English Government particularly, are manufacturing the same rifle for the American Government, but chambered or bored to a different size in order that they may use American ammunition. I am going to take just a few moments' time to direct attention to certain points that have been brought to my notice along this line, so that the matter will be in the RECORD, and so that when the answer comes from the War Department—and I have no doubt that they have good reasons for following the practice which they are following—a great deal of the talk in relation to this matter will be set at rest. For instance, statements have been made to me that—

The German Government has developed high efficiency in the standardization and use of ammunition for small arms and artillery. The German soldier, running out of ammunition for rifle or machine gun, can at once gather up from disabled men and machine guns the cartridges that will enable him to continue fighting either for aggression or protection. He does not have the constant dread of being left at the mercy of the enemy.

The ammunition used by the standard German batteries is the same everywhere for a given caliber, which is a tremendous advantage on account of transportation, supply, and effectiveness.

The British developed standards for their small-arms, machine-gun, and artillery ammunition, and the factories of England, the United States, and English colonies supplying England have their machinery and standards adjusted to manufacture the sizes required.

The French before the war had their machinery and standards and reserve stock worked out on a large scale, and have been able to keep their troops and armies supplied without serious complications resulting from the difference in the British standards, as they have been in very large units and close to supply bases.

It is reported that the British Enfield rifle has been adopted for the American Army and that they are now being bored out by American rifle manufacturers to fit the American type of rifle cartridge, and that the cartridges for the machine guns and field artillery also differ slightly from the British and French cartridges, so that it will be impossible to interchange in the event of such necessity arising at the front. This appears to inject a serious complication in munition supplies at the front by using another standard for small arms, machine guns, and artillery ammunition.

In other words, the tremendous efficiency of the German system, which has proven of such immense advantage during the war, is ignored, and the effective service of the American Army in Europe seriously imperiled, and under certain conditions destroyed, as the result of the desire to cling to the American system on the plea of a slight increase in the efficiency of the American ammunition—an increase that apparently will be of little value in the present system of warfare.

The destruction of half a dozen transports carrying ammunition from America might at any time cripple the ammunition supply of the American Army. Individual units at the front out of ammunition could not receive an American supply, and the men would be helpless, although British ammunition might be at their command.

A difference in ammunition standards also means distinct storage depots, transportation facilities, and many complications at the front, including the disheartening influence of such a policy.

Mr. President, the resolution simply asks to have the Secretary of War furnish the information as to these particular points. I do not think the Senator from Oregon, the chairman of the Committee on Military Affairs, has any objection whatever to the adoption of the resolution, and therefore I ask unanimous consent for its present consideration.

Mr. CHAMBERLAIN. Mr. President, I think the resolution ought to be adopted. If the ammunition and the guns that we are to use have not been standardized, it ought to be done, it seems to me, at the earliest possible date, or some steps ought to be taken in that direction. Not only ought they to be standardized for our own Army and Navy, but they ought to be standardized to meet the requirements of our allies, so that the ammunition and guns of one might be used indiscriminately by all. I do not know how far the department has gone along that line, but I think it is attempting to standardize this material.

I hope the resolution will be adopted.

Mr. SMITH of Michigan. Mr. President, let me ask the Senator a question. At present there is no standard that is fixed and definite in this regard, is there?

Mr. CHAMBERLAIN. I think not.

Mr. SMITH of Michigan. Therefore it is difficult for our enemies to copy our plans.

Mr. SMOOT. They have their own plans.

Mr. SMITH of Michigan. All right; but I am talking about having such a standard that they only have to change once to duplicate it. I think it is a very serious question as to whether we are doing the wise thing to expose ourselves to a single limitation which would run through our entire defensive armament.

Mr. SMOOT. Mr. President, I do not think there is any Senator or anyone else who doubts the wisdom of our Government having a standardization of munitions. If it were otherwise, we would have to have a separate store for every size of cartridge or shell, and they could not be interchanged by the Army and Navy or even different companies of our own Army. France has a standardization, England has a standardization, Germany also, and I might say every civilized country. If the Englishman is fighting next to the Frenchman, they can exchange ammunition to-day. They are one and the same kind. As far as I am concerned, I think that ought to be the policy of our Government; and that is the reason I ask to find out how far we have standardized our ammunition.

Mr. SMITH of Georgia. Mr. President, I should like to ask the Senator a question. Does not our Springfield rifle use a different size ammunition from the English Enfield rifle?

Mr. SMOOT. Yes; it does use a different size, and we are boring out the Enfield rifle as made for England and France to make it conform to the ammunition of the Springfield rifle.

Mr. SMITH of Georgia. That is now being done?

Mr. SMOOT. That is now being done, so I am told. I want to know whether it is so or not.

Mr. SMITH of Georgia. It is also reported that the Edison people and the Winchester people are changing their entire plants to bore Enfield rifles to suit our Springfield ammunition.

Mr. SMOOT. That is exactly the point.

Mr. SMITH of Georgia. That is the subject about which the Senator is inquiring?

Mr. SMOOT. Yes. Another thing: I have been told, Mr. President, that the reason why there is a difference in the size of the Springfield ammunition as compared with the Enfield ammunition is that it is more effective in hitting an object a long way off. But in modern warfare the army lines are not far apart, and the Enfield rifle used by France and England to-day would kill any living object it might hit, even if it were a thousand yards away.

The VICE PRESIDENT. Is there any objection to the present consideration of the resolution?

Mr. HARDWICK. Mr. President, I should like to make an inquiry of the Senator from Utah as to whether or not the resolution embraces artillery?

Mr. SMOOT. It does embrace artillery.

Mr. HARDWICK. I was not in the Chamber at the time it was read. I am very much in favor of its passage.

The VICE PRESIDENT. Is there any objection to the present consideration of the resolution?

Mr. REED. Mr. President, I have been obliged to be out of the Chamber. May I ask if the resolution is long or short? If it is short, I should like to have it read.

Mr. SMOOT. It is not very long.

Mr. REED. If it is long, I do not want to ask it, because I have not been here.

The VICE PRESIDENT. The Chair would not want to settle the question whether it is long or short. Is there any objection to the reading of the resolution? The Chair hears none, and the Secretary will read it.

The Secretary again read the resolution.

The VICE PRESIDENT. Is there any objection to the present consideration of the resolution?

Mr. POINDEXTER. Mr. President, I should like to ask the Senator from Utah if he does not think it would be advisable to take up those matters individually with the War Department, get the available information, and then determine for himself, on the information he obtains, whether there is anything in the situation that calls for public discussion?

Mr. SMOOT. I will say to the Senator that it is discussed now in publications all over the United States. I had in mind securing information from the Secretary of War, so that there would be no question as to the policy of our Government and as to whether or not there was truth in the statements. I think it is the very best policy to follow to let Congress and to let the country know just exactly what the policy is.

Mr. POINDEXTER. I think it is good policy to let Congress and the country know anything that is wrong and that needs the force of public opinion to remedy it.

Mr. SMOOT. I do not say that there is anything wrong.

Mr. POINDEXTER. But whether it is desirable to have a public discussion and publication everywhere of the details of the ammunition we are using, the caliber of our guns, and what preparation we are making, I think is extremely doubtful.

Mr. STONE. Mr. President, I have a thought very much like that of the Senator from Washington—whether a matter of this kind, which is largely administrative, would not be better left to the Executive Department of the Government? That department is interested in accomplishing the same end that the Senator has in view by his resolution. No doubt already the attention of the Department of War and the Department of the Navy has been attracted to this matter. It is inconceivable that that be not so. I am not sure that any great harm would result from a discussion of it in public, but still it seems to me, as it does to the Senator from Washington, that it is one of those questions that can very well be left in its adjustment to the executive arm of the Government.

Mr. SMOOT. Mr. President, I want to say to the Senator that it will be left to the executive arm. All I want is to know

the facts in the case; and I should think that our Government would be only too glad to give them, so that there will be no question about them in the minds of the people.

Mr. STONE. The Senator does not care to tell our enemies in the field just what our ammunition is and what the caliber of our guns is, does he?

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator? The resolution provides for that. If the department think it inadvisable to give this information to the Senate, they can decline to give it.

Mr. SMOOT. Why, certainly.

Mr. STONE. To be sure. I know that.

Mr. CHAMBERLAIN. It seems to me the Senate ought to have that information if it is advisable to make it public at all.

Mr. STONE. I know that, but I rather agree with the Senator from Washington that this is a matter that might very well be left to the administrative department of the Government. At all events, I doubt the wisdom of advertising the fact, if it be a fact, that we are at a disadvantage because of the character of the arms we are using.

Mr. SMOOT. Mr. President, the only object that I had in introducing the resolution was to get the information from the department itself, and get it right, so that when the question comes up in the way of letters and inquiries, I can simply say: "This is the report of the department, and this is what our Government is doing." I can not see any harm whatever in it, but I think a great deal of good will come from it, just as the Senator from Oregon has stated.

Mr. OWEN. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Oklahoma?

Mr. SMOOT. Yes; I yield to the Senator.

Mr. OWEN. The need for interchangeability of this ammunition is perfectly apparent. It is absolutely necessary that it should be interchangeable, as a matter of common sense.

Mr. SMOOT. Certainly.

Mr. OWEN. This inquiry to develop the fact would only emphasize the matter upon the attention of the department. It can not do any possible harm.

Mr. SMOOT. No; it can not possibly do any harm.

Mr. WALSH. Mr. President, I assume that the Senator from Utah does not call for this information as a mere matter of idle curiosity. The resolution necessarily carries the suggestion that there is something wrong, that there is something open to criticism, that there is something that should be corrected by legislative action with respect to the guns that are being used and the ammunition that is being furnished. That necessarily implies as well that the men to whom we entrust these important and delicate duties are either unfit for the places they occupy or that they do not know as much as the Congress of the United States knows concerning these matters.

It does seem to me that if there is any reason to believe that any condition exists that ought to be corrected, it would be eminently more advisable to have the matter investigated by the appropriate committee of the Senate than to call for information that will provoke a discussion which necessarily implies that the ordnance officers of the Government are not exercising good judgment in reference to the choice of the arms and ammunition which they are supplying to the troops. It occurs to me that if the information is to come at all, it ought to go to the Committee on Military Affairs. I do not myself, however, see any occasion for calling for information of this character, and I can not vote for the resolution upon the representations that have been made.

Mr. REED. Mr. President, I might say to the Senator from Montana that most of the information asked for in this resolution was given to the Military Affairs Committee by the Secretary of War some two or three weeks ago. He stated at the time that he thought the information ought to be regarded as confidential. The Senator can get that information himself from the Secretary of War, I am sure, or from any member of the committee. The disclosures made to the committee, however, did not apply to the ordnance.

Mr. POINDEXTER. Mr. President, it is perfectly obvious to everybody that whatever the fact may be, it is very desirable, at least, that the enemy, at a time when we are engaged in war, should have as little information as possible about the cartridges and guns that we use. They may know all about it; I do not know whether they do or not, but they ought not to know all about it. There ought to be a few of the details of our equipment about which we could at least maintain as much privacy as our enemies maintain about theirs; and whether they know it or not, it seems to me that the Senate of the United States would make a sort of spectacle of itself to indulge in a public discussion of all the details of the plans of the Army as to the kind of guns, the caliber, and the ammunition that they expect to use. Whether it affords any additional information to the enemy or not, out of some decent respect for our own sense of the fitness of things, I think we ought to refrain from that sort of an exposure and discussion of our military equipment.

I do not sympathize with the idea that these things should be left entirely to the executive department and that the legislative branch of the Government ought not to have anything to do with it. I believe that it is the business of the legislative branch of the Government—and in our form of government the legislative branch is paramount and supreme; it furnishes the money and makes the laws under which war is conducted—to supervise the executive department. But there are ways and proprieties to be observed in the performanec of that duty.

If the Senator from Utah comes to the conclusion, upon an investigation of the conditions, that there is a situation that ought to be exposed, that the country ought to know about, that public opinion ought to be directed to for the purpose of influencing a change, I will agree with him and aid and cooperate in promoting publicity; but he has not stated that any such condition exists. He simply proposes a sort of fishing excursion, apparently—to call on men in the War Department to make a written report, which will afterwards be printed, which can not be complete, which can not be intelligent, unless it gives details as to the equipment of our Army and Navy, rifles and machine guns and artillery, not only at the present time but also what we propose for the future.

I do not think we ought to call for the putting upon the recoord of that information, and I object to the consideration of the resolution this morning.

The VICE PRESIDENT. The resolution will go over under the rule.

PUNISHMENT OF ESPIONAGE—CONFERENCE REPORT.

The VICE PRESIDENT. Is there further morning business? It is closed.

Mr. OVERMAN. I move that the Senate proceed to the consideration of the conference report on the disagreeing votes of the two Houses upon the bill (H. R. 291) to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes.

The motion was agreed to, and the Senate proceeded to consider the report, which is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 291) to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"TITLE I.

"ESPIONAGE.

"SECTION 1. That (a) whoever, for the purpose of obtaining information respecting the national defense with intent or reason to believe that the information to be obtained is to be used to the injury of the United States, or to the advantage of any foreign nation, goes upon, enters, flies over, or otherwise obtains information concerning any vessel, aircraft, work of defense, navy yard, naval station, submarine base, coaling station, fort, battery, torpedo station, dockyard, canal, railroad, arsenal, camp, factory, mine, telegraph, telephone, wireless, or signal station, building, office, or other place connected with the national defense, owned or constructed, or in progress of construction by the United States or under the control of the United States, or of any of its officers or agents, or within the exclusive jurisdiction of the United States, or any place in which any vessel, aircraft, arms, munitions, or other materials or instruments for use in time of war are being made, prepared, repaired, or stored, under any contract or agreement with the United States, or with any person on behalf of the United States, or otherwise on behalf of the United States, or any prohibited place within the meaning of section 6 of this title; or (b) whoever for the purpose aforesaid, and with like intent or reason to believe, copies, takes, makes, or obtains, or attempts, or induces or aids another to copy, take, make, or obtain, any sketch, photograph, photographic negative, blue print, plan, map, model, instrument, appliance, document, writing, or note of anything connected with the

national defense; or (c) whoever, for the purpose aforesaid, receives or obtains or agrees or attempts or induces or aids another to receive or obtain from any person, or from any source whatever any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, instrument, appliance, or note, of anything connected with the national defense, knowing or having reason to believe, at the time he receives or obtains, or agrees or attempts or induces or aids another to receive or obtain it, that it has been or will be obtained, taken, made or disposed of by any person contrary to the provisions of this title; or (d) whoever, lawfully or unlawfully having possession of, access to, control over, or being intrusted with any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, instrument, appliance, or note relating to the national defense, willfully communicates or transmits or attempts to communicate or transmit the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it on demand to the officer or employee of the United States entitled to receive it; or (e) whoever, being instrusted with or having lawful possession or control of any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, note, or information, relating to the national defense, through gross negligence permits the same to be removed from its proper place of custody or delivered to anyone in violation of his trust, or to be lost, stolen, abstracted, or destroyed, shall be punished by a fine of not more than $10,000, or by imprisonment for not more than two years, or both.

"SEC. 2. (a) Whoever, with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation, communicates, delivers, or transmits, or attempts to, or aids or induces another to, communicate, deliver, or transmit, to any foreign government, or to any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, or to any representative, officer, agent, employee, subject, or citizen thereof, either directly or indirectly, any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, note, instrument, appliance, or information relating to the national defense, shall be punished by imprisonment for not more than 20 years: *Provided*, That whoever shall violate the provisions of subsection (a) of this section in time of war shall be punished by death or by imprisonment for not more than 30 years; and (b) whoever, in time of war, with intent that the same shall be communicated to the enemy, shall collect, record, publish, or communicate, or attempt to elicit any information with respect to the movement, numbers, description, condition, or disposition of any of the armed forces, ships, aircraft, or war materials of the United States, or with respect to the plans or conduct, or supposed plans or conduct of any naval or military operations, or with respect to any works or measures undertaken for or connected with, or intended for the fortification or defense of any place, or any other information relating to the public defense, which might be useful to the enemy, shall be punished by death or by imprisonment for not more than 30 years.

"SEC. 3. Whoever, when the United States is at war, shall willfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States or to promote the success of its enemies and whoever, when the United States is at war, shall willfully cause or attempt to cause insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or shall willfully obstruct the recruiting or enlistment service of the United States, to the injury of the service or of the United States, shall be punished by a fine of not more than $10,000 or imprisonment for not more than 20 years, or both.

"SEC. 4. If two or more persons conspire to violate the provisions of sections 2 or 3 of this title, and one or more of such persons does any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as in said sections provided in the case of the doing of the act the accomplishment of which is the object of such conspiracy. Except as above provided conspiracies to commit offenses under this title shall be punished as provided by section 37 of the act to codify, revise, and amend the penal laws of the United States approved March 4, 1909.

"SEC. 5. Whoever harbors or conceals any person who he knows, or has reasonable grounds to believe or suspect, has committed, or is about to commit, an offense under this title shall be punished by a fine of not more than $10,000 or by imprisonment for not more than two years, or both.

"SEC. 6. The President in time of war or in case of national emergency may by proclamation designate any place other than those set forth in subsection (a) of section 1 hereof in which anything for the use of the Army or Navy is being prepared or constructed or stored as a prohibited place for the purposes of this title: *Provided*, That he shall determine that information with respect thereto would be prejudicial to the national defense.

"SEC. 7. Nothing contained in this title shall be deemed to limit the jurisdiction of the general courts-martial, military commissions, or naval courts-martial under sections 1342, 1343, and 1624 of the Revised Statutes as amended.

"SEC. 8. The provisions of this title shall extend to all territories, possessions, and places subject to the jurisdiction of the United States whether or not contiguous thereto, and offenses under this title when committed upon the high seas or elsewhere within the admiralty and maritime jurisdiction of the United States and outside the territorial limits thereof shall be punishable hereunder.

"SEC. 9. The act entitled 'An act to prevent the disclosure of national-defense secrets,' approved March 3, 1911, is hereby repealed.

"TITLE II.

"VESSELS IN PORTS OF THE UNITED STATES.

"SECTION 1. Whenever the President by proclamation or Executive order declares a national emergency to exist by reason of actual or threatened war, insurrection, or invasion, or disturbance or threatened disturbance of the international relations of the United States, the Secretary of the Treasury may make, subject to the approval of the President, rules and regulations governing the anchorage and movement of any vessel, foreign or domestic, in the territorial waters of the United States, may inspect such vessel at any time, place guards thereon, and, if necessary in his opinion in order to secure such vessels from damage or injury, or to prevent damage or injury to any harbor or waters of the United States, or to secure the observance of the rights and obligations of the United States, may take, by and with the consent of the President, for such purposes, full possession and control of such vessel and remove therefrom the officers and crew thereof and all other persons not specially authorized by him to go or remain on board thereof.

"Within the territory and waters of the Canal Zone the Governor of the Panama Canal, with the approval of the President, shall exercise all the powers conferred by this section on the Secretary of the Treasury.

"SEC. 2. If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given by the Secretary of the Treasury or the Governor of the Panama Canal under the provisions of this title, or obstructs or interferes with the exercise of any power conferred by this title, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be fined not more than $10,000, or imprisoned not more than two years, or both.

"SEC. 3. It shall be unlawful for the owner or master or any other person in charge or command of any private vessel, foreign or domestic, or for any member of the crew or other person, within the territorial waters of the United States, willfully to cause or permit the destruction or injury of such vessel or knowingly to permit said vessel to be used as a place of resort for any person conspiring with another or preparing to commit any offense against the United States, or in violation of the treaties of the United States or of the obligations of the United States under the law of nations, or to defraud the United States, or knowingly to permit such vessels to be used in violation of the rights and obligations of the United States under the law of nations; and in case such vessel shall be so used, with the knowledge of the owner or master or other person in charge or command thereof, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and whoever violates this section shall be fined not more than $10,000 or imprisoned not more than two years, or both.

"SEC. 4. The President may employ such part of the land or naval forces of the United States as he may deem necessary to carry out the purpose of this title.

"TITLE III.

"INJURING VESSELS ENGAGED IN FOREIGN COMMERCE.

"SECTION 1. Whoever shall set fire to any vessel of foreign registry, or any vessel of American registry entitled to engage in commerce with foreign nations, or to any vessel of the United States as defined in section 310 of the act of March 4,

1909, entitled 'An act to codify, revise, and amend the penal laws of the United States,' or to the cargo of the same, or shall tamper with the motive power or instrumentalities of navigation of such vessel, or shall place bombs or explosives in or upon such vessel, or shall do any other act to or upon such vessel while within the jurisdiction of the United States, or, if such vessel is of American registry, while she is on the high sea, with intent to injure or endanger the safety of the vessel or of her cargo, or of persons on board, whether the injury or danger is so intended to take place within the jurisdiction of the United States, or after the vessel shall have departed therefrom; or whoever shall attempt or conspire to do any such acts with such intent, shall be fined not more than $10,000 or imprisoned not more than 20 years, or both.

"TITLE IV.

"INTERFERENCE WITH FOREIGN COMMERCE BY VIOLENT MEANS.

"SECTION 1. Whoever, with intent to prevent, interfere with, or obstruct or attempt to prevent, interfere with, or obstruct the exportation to foreign countries of articles from the United States shall injure or destroy, by fire or explosives, such articles or the places where they may be while in such foreign commerce, shall be fined not more than $10,000, or imprisoned not more than 10 years, or both.

"TITLE V.

"ENFORCEMENT OF NEUTRALITY.

"SECTION 1. During a war in which the United States is a neutral Nation, the President, or any person thereunto authorized by him, may withhold clearance from or to any vessel, domestic or foreign, which is required by law to secure clearance before departing from port or from the jurisdiction of the United States, or, by service of formal notice upon the owner, master, or person in command or having charge of any domestic vessel not required by law to secure clearances before so departing, to forbid its departure from port or from the jurisdiction of the United States, whenever there is reasonable cause to believe that any such vessel, domestic or foreign, whether requiring clearance or not, is about to carry fuel, arms, ammunition, men, supplies, dispatches, or information to any warship, tender, or supply ship of a foreign belligerent nation in violation of the laws, treaties, or obligations of the United States under the law of nations; and it shall thereupon be unlawful for such vessel to depart.

"SEC. 2. During a war in which the United States is a neutral Nation, the President, or any person thereunto authorized by him, may detain any armed vessel owned wholly or in part by American citizens, or any vessel, domestic or foreign (other than one which has entered the ports of the United States as a public vessel), which is manifestly built for warlike purposes or has been converted or adapted from a private vessel to one suitable for warlike use, until the owner or master, or person having charge of such vessel, shall furnish proof satisfactory to the President, or to the person duly authorized by him, that the vessel will not be employed by the said owners, or master, or person having charge thereof, to cruise against or commit or attempt to commit hostilities upon the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people with which the United States is at peace, and that the said vessel will not be sold or delivered to any belligerent nation, or to an agent, officer, or citizen of such nation, by them or any of them, within the jurisdiction of the United States, or, having left that jurisdiction, upon the high seas.

"SEC. 3. During a war in which the United States is a neutral Nation, it shall be unlawful to send out of the jurisdiction of the United States any vessel built, armed, or equipped as a vessel of war, or converted from a private vessel into a vessel of war, with any intent or under any agreement or contract, written or oral, that such vessel shall be delivered to a belligerent nation, or to an agent, officer, or citizen of such nation, or with reasonable cause to believe that the said vessel shall or will be employed in the service of any such belligerent nation after its departure from the jurisdiction of the United States.

"SEC. 4. During a war in which the United States is a neutral Nation, in addition to the facts required by sections 4197, 4198, and 4200 of the Revised Statutes to be set out in the masters' and shippers' manifests before clearance will be issued to vessels bound to foreign ports, each of which sections of the Revised Statutes is hereby declared to be and is continued in full force and effect, every master or person having charge or command of any vessel, domestic or foreign, whether requiring clearance or not, before departure of such vessel from port shall deliver to the collector of customs for the district wherein such vessel is then located a statement, duly verified by oath, that the cargo or any part of the cargo is or is not to be delivered to other vessels in port or to be transshipped on the high seas and, if it is to be so delivered or transshipped, stating the kind and quantities and the value of the total quantity of each kind of article so to be delivered or transshipped, and the name of the person, corporation, vessel, or government to whom the delivery or transshipment is to be made; and the owners, shippers, or consignors of the cargo of such vessel shall in the same manner and under the same conditions deliver to the collector like statements under oath as to the cargo or the parts thereof laden or shipped by them, respectively.

"SEC. 5. Whenever it appears that the vessel is not entitled to clearance or whenever there is reasonable cause to believe that the additional statements under oath required in the foregoing section are false, the collector of customs for the district in which the vessel is located may, subject to review by the Secretary of Commerce, refuse clearance to any vessel, domestic or foreign, and by formal notice served upon the owners, master, or person or persons in command or charge of any domestic vessel for which clearance is not required by law, forbid the departure of the vessel from the port or from the jurisdiction of the United States; and it shall thereupon be unlawful for the vessel to depart.

"SEC. 6. Whoever, in violation of any of the provisions of this title, shall take, or attempt or conspire to take, or authorize the taking of any such vessel, out of port or from the jurisdiction of the United States, shall be fined not more than $10,000 or imprisoned not more than five years, or both; and, in addition, such vessel, her tackle, apparel, furniture, equipment, and her cargo shall be forfeited to the United States.

"SEC. 7. Whoever, being a person belonging to the armed land or naval forces of a belligerent nation or belligerent faction of any nation and being interned in the United States, in accordance with the law of nations, shall leave or attempt to leave said jurisdiction, or shall leave or attempt to leave the limits of internment in which freedom of movement has been allowed, without permission from the proper official of the United States in charge, or shall willfully overstay a leave of absence granted by such official, shall be subject to arrest by any marshal or deputy marshal of the United States, or by the military or naval authorities thereof, and shall be returned to the place of internment and there confined and safely kept for such period of time as the official of the United States in charge shall direct; and whoever, within the jurisdiction of the United States and subject thereto, shall aid or entice any interned person to escape or attempt to escape from the jurisdiction of the United States, or from the limits of internment prescribed, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"SEC. 8. Section 13 of the act entitled 'An act to codify, revise, and amend the penal laws of the United States,' approved March 4, 1909, is hereby amended so as to read as follows:

"'SEC. 13. Whoever, within the territory or jurisdiction of the United States or of any of its possessions, knowingly begins or sets on foot or provides or prepares a means for or furnishes the money for, or who takes part in, any military or naval expedition or enterprise to be carried on from thence against the territory or dominion of any foreign prince or State, or of any colony, district, or people with whom the United States is at peace, shall be fined not more than $3,000 or imprisoned not more than three years, or both.'

"SEC. 9. That the President may employ such part of the land or naval forces of the United States as he may deem necessary to carry out the purposes of this title.

"SEC. 10. Section 15 of the act entitled 'An act to codify, revise, and amend the penal laws of the United States,' approved March 4, 1909, is hereby amended so as to read as follows:

"'SEC. 15. It shall be lawful for the President to employ such part of the land or naval forces of the United States, or of the militia thereof, as he may deem necessary to compel any foreign vessel to depart from the United States or any of its possessions in all cases in which, by the law of nations or the treaties of the United States, it ought not to remain, and to detain or prevent any foreign vessel from so departing in all cases in which, by the law of nations or the treaties of the United States, it is not entitled to depart.'

"SEC. 11. The joint resolution approved March 4, 1915, 'To empower the President to better enforce and maintain the neutrality of the United States,' and any act or parts of acts in conflict with the provisions of this title are hereby repealed.

"TITLE VI.

"SEIZURE OF ARMS AND OTHER ARTICLES INTENDED FOR EXPORT.

"SECTION 1. Whenever an attempt is made to export or ship from or take out of the United States, any arms or munitions of war or other articles, in violation of law, or whenever there

shall be known or probable cause to believe that any such arms or munitions of war, or other articles, are being or are intended to be exported, or shipped from, or taken out of the United States, in violation of law, the several collectors, naval officers, surveyors, inspectors of customs, and marshals, and deputy marshals of the United States, and every other person duly authorized for the purpose by the President, may seize and detain any articles or munitions of war about to be exported or shipped from, or taken out of the United States, in violation of law, and the vessels or vehicles containing the same, and retain possession thereof until released or disposed of as hereinafter directed. If upon due inquiry as hereinafter provided, the property seized shall appear to have been about to be so unlawfully exported, shipped from, or taken out of the United States, the same shall be forfeited to the United States.

"SEC. 2. It shall be the duty of the person making any seizure under this title to apply, with due diligence, to the judge of the district court of the United States, or to the judge of the United States district court of the Canal Zone, or to the judge of a court of first instance in the Philippine Islands, having jurisdiction over the place within which the seizure is made, for a warrant to justify the further detention of the property so seized, which warrant shall be granted only on oath or affirmation showing that there is known or probable cause to believe that the property seized is being or is intended to be exported or shipped from or taken out of the United States in violation of law; and if the judge refuses to issue the warrant, or application therefor is not made by the person making the seizure within a reasonable time, not exceeding 10 days after the seizure, the property shall forthwith be restored to the owner or person from whom seized. If the judge is satisfied that the seizure was justified under the provisions of this title and issues his warrant accordingly, then the property shall be detained by the person seizing it until the President, who is hereby expressly authorized so to do, orders it to be restored to the owner or claimant, or until it is discharged in due course of law on petition of the claimant, or on trial of condemnation proceedings, as hereinafter provided.

"SEC. 3. The owner or claimant of any property seized under this title may, at any time before condemnation proceedings have been instituted, as hereinafter provided, file his petition for its restoration in the district court of the United States, or the district court of the Canal Zone, or the court of first instance in the Philippine Islands, having jurisdiction over the place in which the seizure was made, whereupon the court shall advance the cause for hearing and determination with all possible dispatch, and, after causing notice to be given to the United States attorney for the district and to the person making the seizure, shall proceed to hear and decide whether the property seized shall be restored to the petitioner or forfeited to the United States.

"SEC. 4. Whenever the person making any seizure under this title applies for and obtains a warrant for the detention of the property, and (a) upon the hearing and determination of the petition of the owner or claimant restoration is denied, or (b) the owner or claimant fails to file a petition for restoration within 30 days after the seizure, the United States attorney for the district wherein it was seized, upon direction of the Attorney General, shall institute libel proceedings in the United States district court or the district court of the Canal Zone or the court of first instance of the Philippine Islands having jurisdiction over the place wherein the seizure was made, against the property for condemnation; and if, after trial and hearing of the issues involved, the property is condemned, it shall be disposed of by sale, and the proceeds thereof, less the legal costs and charges, paid into the Treasury.

"SEC. 5. The proceedings in such summary trials upon the petition of the owner or claimant of the property seized, as well as in the libel cases herein provided for, shall conform, as near as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in such libel cases, and all such proceedings shall be at the suit of and in the name of the United States: *Provided*, That upon the payment of the costs and legal expenses of both the summary trials and the libel proceedings herein provided for, and the execution and delivery of a good and sufficient bond in an amount double the value of the property seized, conditioned that it will not be exported or used or employed contrary to the provisions of this title, the court, in its discretion, may direct that it be delivered to the owners thereof or to the claimants thereof.

"SEC. 6. Except in those cases in which the exportation of arms and munitions of war or other articles is forbidden by proclamation or otherwise by the President, as provided in section 1 of this title, nothing herein contained shall be construed to extend to, or interfere with any trade in such commodities, conducted with any foreign port or place wheresoever, or with any other trade which might have been lawfully carried on before the passage of this title, under the law of nations, or under the treaties or conventions entered into by the United States, or under the laws thereof.

"SEC. 7. Upon payment of the costs and legal expenses incurred in any such summary trial for possession or libel proceedings, the President is hereby authorized, in his discretion, to order the release and restoration to the owner or claimant, as the case may be, of any property seized or condemned under the provisions of this title.

"SEC. 8. The President may employ such part of the land or naval forces of the United States as he may deem necessary to carry out the purposes of this title.

"TITLE VII.

"CERTAIN EXPORTS IN TIME OF WAR UNLAWFUL.

"SECTION 1. Whenever during the present war the President shall find that the public safety shall so require, and shall make proclamation thereof, it shall be unlawful to export from or ship from or take out of the United States to any country named in such proclamation any article or articles mentioned in such proclamation, except at such time or times, and under such regulations and orders, and subject to such limitations and exceptions as the President shall prescribe, until otherwise ordered by the President or by Congress: *Provided, however*, That no preference shall be given to the ports of one State over those of another.

"SEC. 2. Any person who shall export, ship, or take out, or deliver or attempt to deliver for export, shipment, or taking out, any article in violation of this title, or of any regulation or order made hereunder, shall be fined not more than $10,000, or, if a natural person, imprisoned for not more than 2 years, or both; and any article so delivered or exported, shipped, or taken out, or so attempted to be delivered or exported, shipped, or taken out, shall be seized and forfeited to the United States; and any officer, director, or agent of a corporation who participates in any such violation shall be liable to like fine or imprisonment, or both.

"SEC. 3. Whenever there is reasonable cause to believe that any vessel, domestic or foreign, is about to carry out of the United States any article or articles in violation of the provisions of this title, the collector of customs for the district in which such vessel is located is hereby authorized and empowered, subject to review by the Secretary of Commerce, to refuse clearance to any such vessel, domestic or foreign, for which clearance is required by law, and by formal notice served upon the owners, master, or person or persons in command or charge of any domestic vessel for which clearance is not required by law, to forbid the departure of such vessel from the port, and it shall thereupon be unlawful for such vessel to depart. Whoever, in violation of any of the provisions of this section shall take, or attempt to take, or authorize the taking of any such vessel, out of port or from the jurisdiction of the United States, shall be fined not more than $10,000 or imprisoned not more than two years, or both; and, in addition, such vessel, her tackle, apparel, furniture, equipment, and her forbidden cargo shall be forfeited to the United States.

"TITLE VIII.

"DISTURBANCE OF FOREIGN RELATIONS.

"SECTION 1. Whoever, in relation to any dispute or controversy between a foreign Government and the United States, shall willfully and knowingly make any untrue statement, either orally or in writing, under oath before any person authorized and empowered to administer oaths, which the affiant has knowledge or reason to believe will, or may be used to influence the measures or conduct of any foreign Government, or of any officer or agent of any foreign Government, to the injury of the United States, or with a view or intent to influence any measure of or action by the Government of United States, or any branch thereof, to the injury of the United States, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"SEC. 2. Whoever within the jurisdiction of the United States shall falsely assume or pretend to be a diplomatic or consular, or other official of a foreign Government duly accredited as such to the Government of the United States with intent to defraud such foreign Government or any person, and shall take upon himself to act as such, or in such pretended character shall demand or obtain, or attempt to obtain from any person or from said foreign Government, or from any officer thereof, any money, paper, document, or other thing of value, shall be fined not more than $5,000, or imprisoned not more than five years, or both.

"SEC. 3. Whoever, other than a diplomatic or consular officer or attaché, shall act in the United States as an agent of a for-

eign Government without prior notification to the Secretary of State shall be fined not more than $5,000, or imprisoned not more than five years, or both.

"SEC. 4. The words 'foreign Government,' as used in this act and in sections 156, 157, 161, 170, 171, 172, 173, and 220 of the act of March 4, 1909, entitled 'An act to codify, revise, and amend the penal laws of the United States,' shall be deemed to include any government, faction, or body of insurgents within a country with which the United States is at peace, which government, faction, or body of insurgents may or may not have been recognized by the United States as a government.

"SEC. 5. If two or more persons within the jurisdiction of the United States conspire to injure or destroy specific property situated within a foreign country and belonging to a foreign government or to any political subdivision thereof, with which the United States is at peace, or any railroad, canal, bridge, or other public utility so situated, and if one or more of such persons commits an act within the jurisdiction of the United States to effect the object of the conspiracy, each of the parties to the conspiracy shall be fined not more than $5,000, or imprisoned not more than three years, or both. Any indictment or information under this section shall describe the specific property which it was the object of the conspiracy to injure or destroy.

"TITLE IX.

"PASSPORTS.

"SECTION 1. Before a passport is issued to any person by or under authority of the United States such person shall subscribe to and submit a written application duly verified by his oath before a person authorized and empowered to administer oaths, which said application shall contain a true recital of each and every matter of fact which may be required by law or by any rules authorized by law to be stated as a prerequisite to the issuance of any such passport. Clerks of United States courts, agents of the Department of State, or other Federal officials authorized, or who may be authorized, to take passport applications and administer oaths thereon, shall collect, for all services in connection therewith, a fee of $1, and no more, in lieu of all fees prescribed by any statute of the United States, whether the application is executed singly, in duplicate, or in triplicate.

"SEC. 2. Whoever shall willfully and knowingly make any false statement in an application for passport with intent to induce or secure the issuance of a passport under the authority of the United States, either for his own use or the use of another, contrary to the laws regulating the issuance of passports or the rules prescribed, pursuant to such laws, or whoever shall willfully and knowingly use or attempt to use, or furnish to another for use, any passport the issue of which was secured in any way by reason of any false statement, shall be fined not more than $2,000 or imprisoned not more than five years, or both.

"SEC. 3. Whoever shall willfully and knowingly use, or attempt to use, any passport issued or designed for the use of another than himself, or whoever shall willfully and knowingly use or attempt to use any passport in violation of the conditions or restrictions therein contained, or of the rules prescribed pursuant to the laws regulating the issuance of passports, which said rules shall be printed on the passport; or whoever shall willfully and knowingly furnish, dispose of, or deliver a passport to any person, for use by another than the person for whose use it was originally issued and designed, shall be fined not more than $2,000 or imprisoned not more than five years, or both.

"SEC. 4. Whoever shall falsely make, forge, counterfeit, mutilate, or alter, or cause or procure to be falsely made, forged, counterfeited, mutilated, or altered any passport or instrument purporting to be a passport, with intent to use the same, or with intent that the same may be used by another; or whoever shall willfully and knowingly use, or attempt to use, or furnish to another for use any such false, forged, counterfeited, mutilated, or altered passport or instrument purporting to be a passport, or any passport validly issued which has become void by the occurrence of any condition therein prescribed invalidating the same, shall be fined not more than $2,000 or imprisoned not more than five years, or both.

"TITLE X.

"COUNTERFEITING GOVERNMENT SEAL.

"SECTION 1. Whoever shall fraudulently or wrongfully affix or impress the seal of any executive department, or of any bureau, commission, or office of the United States, to or upon any certificate, instrument, commission, document, or paper of any description; or whoever, with knowledge of its fraudulent character, shall with wrongful or fraudulent intent use, buy, procure, sell, or transfer to another any such certificate, instrument, commission, document, or paper, to which or upon which said seal has been so fraudulently affixed or impressed, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"SEC. 2. Whoever shall falsely make, forge, counterfeit, mutilate, or alter, or cause or procure to be made, forged, counterfeited, mutilated, or altered, or shall willingly assist in falsely making, forging, counterfeiting, mutilating, or altering, the seal of any executive department, or any bureau, commission, or office of the United States, or whoever shall knowingly use, affix, or impress any such fraudulently made, forged, counterfeited, mutilated, or altered seal to or upon any certificate, instrument, commission, document, or paper, of any description, or whoever with wrongful or fraudulent intent shall have possession of any such falsely made, forged, counterfeited, mutilated, or altered seal, knowing the same to have been so falsely made, forged, counterfeited, mutilated, or altered, shall be fined not more than $5,000 or imprisoned not more than 10 years, or both.

"SEC. 3. Whoever shall falsely make, forge, counterfeit, alter, or tamper with any naval, military, or official pass or permit, issued by or under the authority of the United States, or with wrongful or fraudulent intent shall use or have in his possession any such pass or permit, or shall personate or falsely represent himself to be or not to be a person to whom such pass or permit has been duly issued, or shall willfully allow any other person to have or use any such pass or permit, issued for his use alone, shall be fined not more than $2,000 or imprisoned not more than five years, or both.

"TITLE XI.

"SEARCH WARRANTS.

"SECTION 1. A search warrant authorized by this title may be issued by a judge of a United States district court, or by a judge of a State or Territorial court of record, or by a United States commissioner for the district wherein the property sought is located.

"SEC. 2. A search warrant may be issued under this title upon either of the following grounds:

"1. When the property was stolen or embezzled in violation of a law of the United States; in which case it may be taken on the warrant from any house or other place in which it is concealed, or from the posession of the person by whom it was stolen or embezzled, or from any person in whose possession it may be.

"2. When the property was used as the means of committing a felony; in which case it may be taken on the warrant from any house or other place in which it is concealed, or from the possession of the person by whom it was used in the commission of the offense, or from any person in whose possession it may be.

"3. When the property, or any paper, is possessed, controlled, or used in violation of section 22 of this title; in which case it may be taken on the warrant from the person violating said section, or from any person in whose possession it may be, or from any house or other place in which it is concealed.

"SEC. 3. A search warrant can not be issued but upon probable cause, supported by affidavit, naming or describing the person and particularly describing the property and the place to be searched.

"SEC. 4. The judge or commissioner must, before issuing the warrant, examine on oath the complainant and any witness he may produce, and require their affidavits or take their depositions in writing and cause them to be subscribed by the parties making them.

"SEC. 5. The affidavits or depositions must set forth the facts tending to establish the grounds of the application or probable cause for believing that they exist.

"SEC. 6. If the judge or commissioner is thereupon satisfied of the existence of the grounds of the application or that there is probable cause to believe their existence, he must issue a search warrant, signed by him with his name of office, to a civil officer of the United States duly authorized to enforce or assist in enforcing any law thereof, or to a person so duly authorized by the President of the United States, stating the particular grounds or probable cause for its issue and the names of the persons whose affidavits have been taken in support thereof, and commanding him forthwith to search the person or place named, for the property specified, and to bring it before the judge or commissioner.

"SEC. 7. A search warrant may in all cases be served by any of the officers mentioned in its direction, but by no other person, except in aid of the officer on his requiring it, he being present and acting in its execution.

"SEC. 8. The officer may break open any outer or inner door or window of a house, or any part of a house, or anything therein,

to execute the warrant, if, after notice of his authority and purpose, he is refused admittance.

"SEC. 9. He may break open any outer or inner door or window of a house, for the purpose of liberating a person who, having entered to aid him in the execution of the warrant, is detained therein, or when necessary for his own liberation.

"SEC. 10. The judge or commissioner must insert a direction in the warrant that it be served in the daytime, unless the affidavits are positive that the property is on the person or in the place to be searched, in which case he may insert a direction that it be served at any time of the day or night.

"SEC. 11. A search warrant must be executed and returned to the judge or commissioner who issued it within 10 days after its date; after the expiration of this time the warrant, unless executed, is void.

"SEC. 12. When the officer takes property under the warrant, he must give a copy of the warrant together with a receipt for the property taken (specifying it in detail) to the person from whom it was taken by him, or in whose possession it was found; or, in the absence of any person, he must leave it in the place where he found the property.

"SEC. 13. The officer must forthwith return the warrant to the judge or commissioner and deliver to him a written inventory of the property taken, made publicly or in the presence of the person from whose possession it was taken, and of the applicant for the warrant, if they are present, verified by the affidavit of the officer at the foot of the inventory and taken before the judge or commissioner at the time, to the following effect: 'I, R. S., the officer by whom this warrant was executed, do swear that the above inventory contains a true and detailed account of all the property taken by me on the warrant.'

"SEC. 14. The judge or commissioner must thereupon, if required, deliver a copy of the inventory to the person from whose possession the property was taken and to the applicant for the warrant.

"SEC. 15. If the grounds on which the warrant was issued be controverted, the judge or commissioner must proceed to take testimony in relation thereto, and the testimony of each witness must be reduced to writing and subscribed by each witness.

"SEC. 16. If it appears that the property or paper taken is not the same as that described in the warrant or that there is no probable cause for believing the existence of the grounds on which the warrant was issued, the judge or commissioner must cause it to be restored to the person from whom it was taken; but if it appears that the property or paper taken is the same as that described in the warrant and that there is probable cause for believing the existence of the grounds on which the warrant was issued, then the judge or commissioner shall order the same retained in the custody of the person seizing it or to be otherwise disposed of according to law.

"SEC. 17. The judge or commissioner must annex the affidavits, search warrant, return, inventory, and evidence, and if he has not power to inquire into the offense in respect to which the warrant was issued he must at once file the same, together with a copy of the record of his proceedings, with the clerk of the court having power to so inquire.

"SEC. 18. Whoever shall knowingly and willfully obstruct, resist, or oppose any such officer or person in serving or attempting to serve or execute any such search warrant, or shall assault, beat, or wound any such officer or person, knowing him to be an officer or person so authorized, shall be fined not more than $1,000 or imprisoned not more than two years.

"SEC. 19. Sections 125 and 126 of the Criminal Code of the United States shall apply to and embrace all persons making oath or affirmation or procuring the same under the provisions of this title, and such persons shall be subject to all the pains and penalties of said sections.

"SEC. 20. A person who maliciously and without probable cause procures a search warrant to be issued and executed shall be fined not more than $1,000 or imprisoned not more than one year.

"SEC. 21. An officer who in executing a search warrant willfully exceeds his authority, or exceeds it with unnecessary severity, shall be fined not more than $1,000 or imprisoned not more than one year.

"SEC. 22. Whoever, in aid of any foreign government, shall knowingly and willfully have possession of or control over any property or papers designed or intended for use or which is used as the means of violating any penal statute, or any of the rights or obligations of the United States under any treaty or the law of nations, shall be fined not more than $1,000 or imprisoned not more than two years, or both.

"SEC. 23. Nothing contained in this title shall be held to repeal or impair any existing provisions of law regulating search and the issue of search warrants.

"TITLE XII.

"USE OF MAILS.

"SECTION 1. Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book, or other publication, matter, or thing, of any kind, in violation of any of the provisions of this act, is hereby declared to be nonmailable matter and shall not be conveyed in the mails or delivered from any post office or by any letter carrier: *Provided*, That nothing in this act shall be so construed as to authorize any person other than an employee of the Dead Letter Office, duly authorized thereto, or other person upon a search warrant authorized by law, to open any letter not addressed to himself.

"SEC. 2. Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book, or other publication, matter or thing, of any kind, containing any matter advocating or urging treason, insurrection, or forcible resistance to any law of the United States, is hereby declared to be nonmailable.

"SEC. 3. Whoever shall use or attempt to use the mails or Postal Service of the United States for the transmission of any matter declared by this title to be nonmailable, shall be fined not more than $5,000 or imprisoned not more than five years, or both. Any person violating any provision of this title may be tried and punished either in the district in which the unlawful matter or publication was mailed, or to which it was carried by mail for delivery according to the direction thereon, or in which it was caused to be delivered by mail to the person to whom it was addressed.

"TITLE XIII.

"GENERAL PROVISIONS.

"SECTION 1. The term 'United States' as used in this act includes the Canal Zone and all territory and waters, continental or insular, subject to the jurisdiction of the United States.

"SEC. 2. The several courts of first instance in the Philippine Islands and the district court of the Canal Zone shall have jurisdiction of offenses under this act committed within their respective districts, and concurrent jurisdiction with the district courts of the United States of offenses under this act committed upon the high seas, and of conspiracies to commit such offenses, as defined by section 37 of the act entitled 'An act to codify, revise, and amend the penal laws of the United States,' approved March 4, 1909, and the provisions of said section, for the purpose of this act, are hereby extended to the Philippine Islands, and to the Canal Zone. In such cases the district attorneys of the Philippine Islands and of the Canal Zone shall have the powers and perform the duties provided in this act for United States attorneys.

"SEC. 3. Offenses committed and penalties, forfeitures, or liabilities incurred prior to the taking effect hereof under any law embraced in or changed, modified, or repealed by any chapters of this act may be prosecuted and punished, and suits and proceedings for causes arising or acts done or committed prior to the taking effect hereof may be commenced and prosecuted, in the same manner and with the same effect as if this act had not been passed.

"SEC. 4. If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered."

And the Senate agree to the same.

LEE S. OVERMAN,
DUNCAN U. FLETCHER,
KNUTE NELSON,
Managers on the part of the Senate.

E. Y. WEBB,
C. C. CARLIN,
A. J. VOLSTEAD,
Managers on the part of the House.

The VICE PRESIDENT. Is it the desire that the report shall be read to the Senate? It has been printed in parallel columns and is on the desks of Senators and also printed in document form. Is there any request for reading the report? The Chair hears none, and the reading is dispensed with.

Mr. BORAH. Mr. President, I wish to ask the Senator from North Carolina who has charge of the report a question. I understand there were no changes made in section 1 of Chapter XII.

Mr. OVERMAN. As the Senator will remember, I think the objection he and others made to that section and the battle in

the Senate raged around the words in lines 4, 5, and 6; and they were adopted by a small majority, I think. Those words have been stricken out, as the Senator will see if he will turn to page 43 of the comparative print:

or intended or calculated to induce, promote, or further any of the acts or things by any provision of this act declared unlawful.

Mr. BORAH. I understand the words "or intended or calculated to induce, promote, or further any of the acts or things by any provision of this act declared unlawful" have been stricken out.

Mr. OVERMAN. They were stricken out. That seemed to be the principal objection to the section, and we struck it out.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

Mr. OVERMAN. I ask that the bill (S. 2) to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes, being Order of Business 14 on the calendar, be taken therefrom and postponed indefinitely.

The VICE PRESIDENT. The bill will be postponed indefinitely.

REGISTRATION REGULATIONS.

Mr. SMITH of Arizona. I report back favorably with three amendments from the Committee on Printing the House concurrent resolution (No. 9) to print the act to increase temporarily the Military Establishment, approved May 18, 1917, registration regulations prescribed by the President under authority of said act approved May 18, 1917, and the proclamation of the President of the same date, fixing June 5, 1917, as the date of registration. I shall ask, as soon as I make a brief explanation of it, unanimous consent for the present consideration of the resolution.

The House of Representatives passed a concurrent resolution in which they provided that there be printed 1,250,000 copies of the document. The estimated cost was something over $8,000. The Committee on Printing of the Senate, not feeling that there was any such demand on the part of the Senate for the document for circulation among the people affecting the new Army regulations, and so forth, amended the resolution by substituting 500,000 copies, 450,000 copies of which would go to the House document room and 50,000 copies to the Senate document room. This was done on the insistence of the House that they require a great number, and the Senate committee agreed to this irregular distribution in order to satisfy the House.

I am free to say the Senate committee were not particularly favorable to the resolution, but directed me to report it favorably with these amendments, at the request and desire of the House for the document. It was insisted on by the House. I have interviewed Members of the House who are interested in the resolution. I ask unanimous consent for its present consideration.

Mr. SHAFROTH. I should like to ask the Senator what is the estimated cost of 500,000 copies.

Mr. SMITH of Arizona. Three thousand five hundred dollars, I think. I merely report the concurrent resolution favorably with the amendments and ask for its consideration.

Mr. GALLINGER. Let the resolution be read.

The VICE PRESIDENT. The Secretary will read the concurrent resolution.

The Secretary read the resolution.

The amendments of the Committee on Printing were, in line 3 to strike out "1,250,000" and insert "500,000"; in line 11 to strike out "875,000" and insert "450,000"; and in line 1, page 2, to strike out "375,000" and insert "50,000," so as to make the concurrent resolution read:

Resolved by the House of Representatives (the Senate concurring), That there be printed as a House document 500,000 copies, in one document, of the act to increase temporarily the Military Establishment, approved May 18, 1917; registration regulations prescribed by the President under authority of said act, approved May 18, 1917; and the proclamation of the President of same date fixing June 5, 1917, as the date of registration, 450,000 for the use of the House and 50,000 for the use of the Senate, the same to be distributed through the folding room of the House and Senate, respectively.

Mr. GALLINGER. Mr. President, I will ask the Senator from Arizona, the chairman of the Committee on Printing, if he thinks there is a demand for this document to the extent that is proposed even in the amended form? Everybody knows the law regarding the reorganization of the Army. Registration has became an accomplished fact. Surely the country does not need any information on that point. The proclamation of the President has been printed in every newspaper almost in the world. It strikes me that this is an unnecessary expenditure of money, even though it may be but a few thousand dollars.

Mr. SMITH of Arizona. I do not claim that I have any lack of sympathy with the statement of the Senator, but if my memory serves me the Senator also was present in the committee at the time when we had the matter under consideration.

Mr. GALLINGER. "The Senator from New Hampshire" was present at one meeting and quite strenuously objected to this expenditure of money. There was a subsequent meeting that I was unable to attend, when I presume the committee acted upon the resolution, but I will bow to the decision of the committee, of course, if the Senator from Arizona thinks it is a wise thing to do. However, our document room is flooded to-day to an extent that is appalling with documents that are never called for, and we are piling them up there by the tens of thousands. I suppose they will bring something as old paper; I believe there is a market for old paper now, but I think we ought, even in the matter of printing, to try to be a little less profligate than we have been in the past.

Mr. SMITH of Arizona. I thank the Senator for his suggestion, and I sincerely hope the Printing Committee and the Senate will be guided by the very wise suggestion the Senator has made.

As I said, I myself interviewed the chairman of the Committee on Military Affairs of the House of Representatives and other Members. They claimed that this resolution had passed the House unanimously and there was an enormous demand upon the Members of the House for the document. I expressed some surprise at that statement, because several Senators had had no call for it at all and did not think the Senate needed the document particularly.

As I said in the opening, I was largely guided by the persistent demand of the House that the Senate ought at least to give some consideration to a measure of this kind which they had sent to us and that they themselves needed, and it was through that feeling of courtesy rather than anything else which induced the committee to act. As for myself, I am not particularly solicitous whether the resolution passes or not.

Mr. SMOOT. Mr. President, I wish to say to the Senator reporting the resolution that it has reference to the registration day that has already passed. That was June 5. When the resolution passed the House there were a number of House Members who came and asked me if I would approve of the resolution and have it acted upon immediately, as it would be of no use whatever after the 5th day of June, stating that it must pass before the 5th of June or it would be absolutely useless. I took the position then that there was not a newspaper in the United States that had not printed in full all the regulations, and that all the people of the United States were in full possession of all the requirements of the law, and therefore there was no necessity to print 1,250,000 copies of this document. I was one of the Senators who said to the Senator from Arizona that I had not had a single call for a copy of the document.

Mr. OVERMAN. Nor have I had a call for it.

Mr. SMOOT. The Senator from Arizona, I think, also stated that he had not had a single call for a copy. Then I also called attention to the fact that we could hardly get a million copies of the document in this room, that we have not the paper on hand to print it, and we should not go to the expense.

I have due regard to the wishes of the House. I should like to meet any wish within reason that they may have, particularly with reference to printing, but I think, Mr. President, that this is an absolute waste of money pure and simple. If we do print it the result will be that there will not be a thousand copies distributed. They would be of no use whatever to-day and we would have to sell them as old paper.

Mr. SMITH of Arizona. Mr. President, there is a great deal in what the Senator from Utah says, as there is usually in all he says on business matters. As I stated, the resolution did not meet entirely the judgment of the committee of the Senate, but it was done through the importunities of the House committee, who demanded that the number named should be printed. We cut down the number to much less than half and propose to give nearly all of them to the House. It was a courtesy to that body rather than any feeling on our part that it was a wise expenditure of money. On that ground alone I present the matter to the Senate for its consideration.

Mr. SMOOT. May I ask the Senator if he will not let the resolution go over for a day, and I will see Members of the House in reference to it?

Mr. SMITH of Arizona. I shall be very glad to do it, because I have seen them two or three times and have tried to prevent the printing of this document.

Mr. FLETCHER. Mr. President, in this connection I will state that the committee concluded, as the Senator from New Hampshire and the Senator from Utah have said, that it was too late to get the document distributed, and for that reason

the Printing Committee acted adversely on it, asking the chairman to take it up with the chairman of the House committee and see if we were not right in our supposition that the document could not be printed and distributed by the 5th of June, and therefore there was no need for its publication. But subsequent to that Members of the House appeared before the committee and stated that, no matter whether the document could be sent out or not by the 5th of June, they wanted it, that there was great demand there for copies, and they were very much disappointed that the Senate Committee on Printing was not taking favorable action on the resolution. I could not state exactly the various reasons they gave, but, at any rate, they felt that there was material here which ought to go to their constituents; that, irrespective of whether the document was distributed in time for the registration on the 5th of June or not, there would be questions of exemptions arise and other questions under the law about which they wanted to have their constituents furnished information, and it would be contained in this document.

So after our committee had thought it wise not to publish it because it was thought to be unnecessary, and would be a waste, they insisted upon it, and the committee finally modified the resolution so as to reduce the number and provide that the proportion for the Senate instead of being 375,000 copies should be 50,000 copies, feeling that, as far as the Senate was concerned, the demand would be very limited indeed.

I think the suggestion is all right to have the resolution go over for a day so that further inquiry may be made about it. If we can save the amount it is advisable to do it, but I say even after the time has passed, when it was deemed necessary to distribute the document, our information from the House is that they desire to have the document printed.

Mr. SHAFROTH. Mr. President, I hold in my hand the document which it is proposed to print. It consists first of the law which was passed by the Congress of the United States on the 18th day of May, an act to authorize the President to increase temporarily the Military Establishment of the United States. I have no doubt that has been published in nearly every newspaper in the entire United States. The next is a proclamation by the President of the United States concerning the manner in which registrations shall be made. These constitute the first third of the document. The last two thirds of the document relate to registration regulations. That is the total of it. It consists of rules that are prescribed for the manner of administering the law with relation to registration. The first part is the administrative system. Then it is divided into subheads—duties of registration officers, and so forth. The necessity for all that passed on the 5th day of June.

Then, here are the oaths that are to be prescribed, the various questions that are to be asked, the number of precincts that are to be established, the duties of the registrars, and various questions that are to be propounded to the persons who offer to register. Then there are various statements in the document in regard to the affidavits of exemption, rules for the information of persons to be registered, a special case of registration, and so forth.

Mr. President, it seems to me that ninety-nine one-hundredths of this document are now of no use whatever to the people. I myself have never received an application for a single document of this kind. It does seem to me to be an absolute waste of money to print this document, which relates to registration which took place on the 5th of June, when the time has expired; and it contains simply rules and regulations as to the manner of conducting that registration. For that reason I hope the proposition will be defeated.

Mr. GALLINGER. It could only be useful to libraries, antiquarian societies, and such institutions as those.

The VICE PRESIDENT. The resolution goes to the calendar.

AMENDMENT OF INTERSTATE-COMMERCE LAW.

Mr. NEWLANDS. I move that the Senate proceed to the consideration of the unfinished business.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2356) to amend the act to regulate commerce, as amended, and for other purposes.

Mr. NEWLANDS. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KING in the chair). The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Brady	Dillingahm	France
Beckham	Chamberlain	Fernald	Frelinghuysen
Borah	Curtis	Fletcher	Gallinger
Gore	La Follette	Penrose	Smith, S. C.
Harding	McKellar	Phelan	Smoot
Hardwick	McLean	Pittman	Sterling
Hollis	McNary	Poindexter	Swanson
Husting	Martin	Pomerene	Thomas
James	Myers	Reed	Trammell
Johnson, S. Dak.	Nelson	Saulsbury	Vardaman
Jones, N. Mex.	New	Shafroth	Warren
Jones, Wash.	Newlands	Sheppard	Weeks
Kendrick	Norris	Smith, Ariz.	Williams
Kenyon	Overman	Smith, Ga.	Wolcott
King	Owen	Smith, Md.	
Kirby	Page	Smith, Mich.	

Mr. ASHURST. I desire to announce that the Senator from Arkansas [Mr. ROBINSON] and the Senator from Rhode Island [Mr. GERRY] are detained on official business.

Mr. FRELINGHUYSEN. I desire to announce the unavoidable absence of my colleague [Mr. HUGHES] on account of illness. I ask that this announcement stand for the day.

Mr. McKELLAR. I desire to announce the absence on business of the senior Senator from Tennessee [Mr. SHIELDS]. I ask that this announcement stand for the day.

Mr. SMITH of Michigan. My colleague [Mr. TOWNSEND] is unavoidably absent on account of sickness in his family. I desire this announcement to stand for the day.

Mr. HOLLIS. I have been requested to announce that the Senator from Arkansas [Mr. ROBINSON] is necessarily absent and is paired with the Senator from Michigan [Mr. TOWNSEND].

The PRESIDING OFFICER. Sixty-two Senators having answered to their names, a quoroum is present.

Mr. HARDWICK obtained the floor.

Mr. REED. Mr. President——

The PRESIDING OFFICER. The Senator from Georgia has been recognized.

Mr. HARDWICK. I yield to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Georgia yields to the Senator from Missouri.

Mr. REED. Mr. President, the roll has just been called and there has been disclosed the presence of a quorum by the roll call, but an actual inspection of the Senate Chamber at this moment will convince any person that we are very far short of a quorum. Senators come in, answer to their names, and immediately leave the Senate Chamber.

The bill under consideration applies to the national defense, which we understand to be the great overmastering question of the hour. The purpose of the bill is practically to give a committee or an individual, to be appointed by the President, the right of a dictatorship over all the lines of transportation of the United States; and yet it is not receiving the attention of any considerable number of Senators. I feel, under those circumstances, Mr. President, that it is my duty to say that I intend to continue to demand the call of the roll of the Senate often enough to compel, if possible, the attendance of the Senate upon the consideration of this bill, and that, if necessary, I shall move adjournments of the Senate when a quorum is not maintained.

Mr. NEWLANDS. Mr. President——

Mr. HARDWICK. I yield to the Senator from Nevada.

Mr. NEWLANDS. I will ask the Senator from Missouri whether he has any remedy to suggest for the condition to which he has referred? It is not simply a condition of to-day; it has been the condition for a long time. Does not the Senator think if we could agree now upon a time for a vote and limit the debate, after the Senator from Georgia [Mr. HARDWICK] concludes his speech, to 10 minutes for each Senator, that we would secure a better attendance and more intelligent consideration of the bill itself?

Mr. REED. Mr. President, in reply to the Senator's question, if I may have the courtesy of the Senator from Georgia——

Mr. HARDWICK. I yield to the Senator.

Mr. REED. I think that is the very way to empty the Chamber, namely, to agree on a time for a vote. The remedy that I have proposed to try to employ is the one I have already suggested; that is, simply let it be understood that this bill will not be considered by five or six Senators in the Chamber so long as I can continue to demand a roll call. I say that not because I am antagonizing the bill, although I think the bill ought to be radically changed, but I have witnessed the discussion and I have witnessed the performance of Senators, who have given no attention to a bill, coming in and voting upon a measure; and this is too important a measure upon which to allow that kind of thing to go on.

I heard the Senator from Georgia [Mr. SMITH] deliver a very able analysis of this bill the other day, and he did it to a comparatively few Members of the Senate. I have had a similar experience; but I am not complaining because Senators did not listen to me. What I had to say was perhaps not worth listening to, but what the Senator from Georgia said was. It might

just as well be understood now that if we are to proceed with this business Senators will have to attend the Senate.

Mr. HARDWICK. Mr. President, I do not believe that any Senator in this Chamber, on either side, would hesitate to give to the President of the United States any appropriate or necessary power to conduct the war to which this country is committed. At the same time, it is inconceivable to my mind that any considerable number of Senators should really be willing, using the war as a pretext, to confer upon the Chief Executive of this country powers that are hardly even remotely connected with the prosecution of this war, powers that are utterly incompatible with the liberties of a free people and with the institutions of a free Republic.

When we are engaged in war, and while we are engaged in war, everyone of us should, without regard to party or faction or political creed, uphold and support the Executive arm of this Government so far as that arm is being lifted to wage war against a common enemy of the Nation; but because of that desire to render loyal support we ought never to be asked, and we ought never to consent, if asked, to confer unusual, arbitrary, and despotic powers where the necessity for the exercise of those powers is neither real nor apparent, nor really connected with the prosecution of the war.

Before I conclude my remarks I hope to be able to demonstrate to the Senate that most of the powers sought to be conferred by this bill are for the present at least not needed for the prosecution of this war and not necessary for the promotion of the success of this country's cause, and that all of it is utterly undemocratic, unrepublican, and un-American.

I come first, specifically, to the proposal of the Senator from Nebraska [Mr. NORRIS]. The Senator from Nebraska proposes that the shipper shall be treated just as the carrier is. He is right about that, in my judgment, although I think that neither the shipper nor the carrier ought to be compensated for the indirect damage resulting from the use of the proper power that ought to be conferred by this bill, as I think I can demonstrate.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Nebraska?

Mr. HARDWICK. I yield to the Senator from Nebraska.

Mr. NORRIS. Mr. President, so that my position may not be misunderstood, I desire to say to the Senator that I agree with the last statement he has made.

Mr. HARDWICK. I am glad to hear the Senator say that.

Mr. NORRIS. My object in offering that amendment was to call attention to the fact, as I look at it, that where the shipper and the carrier are both damaged in the same way by the same act they ought both to be treated in the same way; but I will be in favor of striking all that provision out of the bill, and if the motion that is now pending, which I have offered, is defeated, I intend to make the motion, if some other Senator does not do so, to strike out that part of the bill that proposes compensation.

Mr. HARDWICK. I am glad to hear the Senator say that, and I think he has taken the correct position; but whether his motion prevails or is defeated, I propose to move to strike out all that part of the bill and to submit that to the Senate, because even if they are treated alike, neither of them ought to be paid. I agree that if we are going to pay the railroads of this country any incidental damage that they incur from the use of this power we ought also to treat the shipper exactly in the same way and put him on exactly the same plane; and my judgment is you will find it hard to justify any contrary position to the people of this country. My belief is that if we are merely conferring a power to insure the prompt and effectual movement of the military and naval forces of the United States and of the arms, equipment, and supplies therefor, and even of raw materials to be used in the manufacture of such supplies—if that is the power, and the sole power, that we are really going to confer when we pass this bill, then I think that anybody who is injured by the exercise of that power falls under the legal classification of damnum absque injuria, so that both classes and all classes, very much like the sufferings that people incur necessarily in the wake of war and incident to the prosecution of war and the march of armies and to the fighting of campaigns, must suffer this loss without compensation therefor.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Nevada?

Mr. HARDWICK. I yield to the Senator.

Mr. NEWLANDS. May I ask the Senator whether his attention has been called to this distinction: That under this bill the Government is indulging in a qualified taking over of the railroads, and that it will not in any way or in any sense take over the property of the shippers?

The Senator will recall that in England they went to the extreme, and took over the railroads. Of course if we should do that we would be obliged to provide compensation. Is it not that when we, in a partial way, take over the railroads for public use, we are bound to make compensation to them; and is not that a different thing from the suggestion that compensation should be given to the shipper whose property is not taken?

Mr. HARDWICK. I am very glad to have the Senator put that question in that precise form and just at this juncture. I say no; and the reason is that we do not take over the property of the railroads. The reason is that we propose to compensate them for whatever service they render. We propose to pay them for whatever trains we require them to furnish us, and for whatever service they render us.

Mr. NEWLANDS. Does not the Senator feel that we are taking over the railroads to the extent that we give the President the power to direct and control their use——

Mr. HARDWICK. I do not.

Mr. NEWLANDS. And in certain particulars, in determining these priorities, the bill makes the railroad committee provided by this act the President's agent for the accomplishment of the Government's directions with reference to property which it has, in a qualified sense, taken over and appropriated to its own use.

Mr. HARDWICK. Well, now, let us see where we are on that point. Of course, if you are going to pass legislation like this bill proposes conferring powers broad enough to enable the President of the United States to run the entire transportation business of this country whether it relates to the war and its prosecution or not, there may be some merit in the Senator's suggestion. But if you are going only to confer on the Chief Executive power necessarily connected with the war, power necessary only to wage the war, then I take it, of course, as has always been done in this country and in every other country, that the Government of the United States will pay to these people for services exactly what those services are worth and even more than it costs the railroads to render them.

Mr. REED. Mr. President——

Mr. HARDWICK. I yield to the Senator.

Mr. REED. May I suggest that if the Government is to enlarge the business beyond the carrying on of the war proper, so that it will absorb or interfere with the general transportation of the country, then these claims for damages, direct and incidental, will mount to the very heavens?

Mr. HARDWICK. Yes; and, in my opinion, we will need another "liberty loan" to finance them alone. That is just about what will happen. If the Government is going to go to the extent that some people have in mind—to take over the transportation business of this country, and indirectly control the great engines of production and industrial activity throughout this Republic—I say to the distinguished Senator from Nevada that he will need a Treasury a good deal fuller than ours is to pay those claims, if you pay them at all, to say nothing of prosecuting the war.

But are we going to do that? Are we prepared to do that? If we are, the straightforward, manly, frank, honest way would be just to take over the railroads and pay for them and operate them, and have Government ownership and operation pure, direct, and simple. There is no need to cloak it. There is no need to indulge in subterfuge about it. There is no need to invoke the war power, that has no logical and legitimate relation to this matter, in order to carry it to that extent. If you intend to carry it to that extent, if what this bill means is Government ownership and operation of the railroads of this country, then I tell you that we had just as well say so frankly, and provide some system of acquiring them and some method of operating them by statute, rather than leave it to Executive discretion.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Missouri?

Mr. HARDWICK. I yield to the Senator.

Mr. REED. There are now in the Senate exactly nine Democrats and six Republicans. I suggest the absence of a quorum.

Mr. HOLLIS. Mr. President, I make the point of order that no business has been transacted since the last quorum was called.

The PRESIDING OFFICER. The Senator from Missouri makes the point of no quorum, and the Senator from New Hampshire raises the point of order that no business has been transacted since the former roll call.

Mr. REED. I call attention to the rule of the Senate which states that at any time the question of a quorum can be raised.

Mr. HOLLIS. Mr. President, in Gilfry's Decisions on Points of Order, page 496, a ruling is given by Vice President Sher-

man, and in the second volume of Gilfry, page 217, the same ruling by Vice President MARSHALL.

Mr. REED. Mr. President, I do not know whether the Chair desires to hear argument on this question or not; but I am going to say that I have been in the Senate now about long enough to arrive at the conclusion that the precedents to be found in the decisions either of the Senate itself or of the Vice Presidents amount to nothing more than an indication of the particular exigency of the particular moment when the particular decision was made. If discussion of a question upon the floor of the Senate by a Senator does not constitute a part of the business of the Senate, then the Senate is not engaged in business most of its time. There is nothing in the decision that can obviate this rule. The purpose of the rule is entirely plain. The rulings that have been called to the attention of the Chair are not sound in reason and can have no weight as authority, and I think I can demonstrate that.

If we are to consider as business of the Senate only the votes upon measures, then the vote upon the measure itself would disclose the absence of a quorum, and there would be no necessity for the rule unless we had a viva voce vote; but every record vote would disclose the absence of a quorum, if one were absent. The very purpose of this rule is to keep in the Senate Chamber enough men to constitute a quorum at all times when the Senate is transacting the business of the Senate; and the Senate is certainly transacting the business of the Senate when questions are being discussed.

What is the purpose of our rule permitting discussion? Is it not that the attention of Senators shall be challenged to the arguments and facts bearing upon a bill under consideration? And if that discussion can go on in the absence of Senators in the cloakrooms and in their offices and in their homes, with only four or five people here, then the purpose and object of the rule is entirely destroyed.

I know how these rulings came to be made. We had what appeared to be a filibuster on, and it was the habit to call the roll in order to give the gentleman who was filibustering a chance to rest; and so these rulings were made under those conditions and to meet them. I am demanding a call of the roll at this time because a most important bill is before the Senate, a bill that relates to the defense of the Nation. It is being discussed by a distinguished Senator and it is being discussed in the absence of the Senate.

If a rule were made that the point of no quorum could not be raised, then it would be entirely possible for this absurd condition to arise, namely, that a Senator should take the floor and begin his remarks and not a single man remain to listen to him except the presiding officer for the moment.

Mr. President, I insist that I have a right to have the roll called. I am not doing this to delay. I am doing it to force attention.

Mr. HOLLIS. Mr. President, I have every sympathy with the remarks that have been offered by my distinguished friend from Missouri; but it is very evident that if we should call for a quorum we would have the same experience that we have had in the last 20 minutes. Before the Senator from Georgia had had a chance to begin his speech the Senator from Missouri called attention to the fact that there was not actually a quorum present. If we should call for a quorum now we would have precisely the same experience, and before the roll was through being called we would have only 15 or 20 Senators here.

We can not do business if every few minutes we are to go through that operation. With all respect to the Senator's views on the subject, I must ask to have the rules of the Senate applied and ask the Chair to rule in accordance with the decisions.

Mr. SHAFROTH. Mr. President, I should like to call the attention of the Chair to the compilation of precedents by Mr. Gilfry, at page 494, where it seems to me this question is clearly determined. It is under paragraph 17:

> May not call for a quorum, no business having intervened, discussion not being business.

This is 1911. Mr. Sherman, the Vice President, was in the chair, and the following occurred:

> Mr. OWEN. I suggest the absence of a quorum.
> The VICE PRESIDENT (Mr. Sherman). The Senator from Oklahoma suggests the absence of a quorum. The Secretary will call the roll.
> * * * * * * * *
> The VICE PRESIDENT (Mr. Sherman). Seventy-two Senators have answered to the roll call. A quorum of the Senate is present. The Senator from South Dakota will proceed.
> [Mr. Crawford resumed his speech. After having spoken about half an hour he yielded to Mr. OWEN.]
> Mr. OWEN. I raise the point of order that there is no quorum.
> Mr. BAILEY. Mr. President——
> The VICE PRESIDENT (Mr. Sherman). The Chair overrules the point of order.
> Mr. BAILEY. I was just going to suggest that no business has intervened since the roll call.
> Mr. OWEN. I call attention to the precedents in this case. In a similar case the Senate has heretofore held, as will be found in Gilfry's Precedents, that discussion comprises business.
> The VICE PRESIDENT (Mr. Sherman). The Senate has repeatedly held that discussion is not business, but the present occupant of the chair, regardless of that rule, at any time when a reasonable length of time has been consumed in discussion and it was reasonably apparent that a quorum was not present, should entertain the demand for a roll call. But where, as in the present case, a roll call has twice been demanded within the last 40 minutes and each time upward of 70 Senators have answered to their names, there having been no intermediate business save discussion, the Chair sustains the point of order made, that a Senator can not raise the point that there is no quorum present.

Mr. President, that having been clearly determined, it seems to me the point of order made by the Senator from New Hampshire must be sustained.

Mr. REED. Mr. President, it was clearly determined by the decision of Vice President Sherman. That decision was afterwards followed by Vice President MARSHALL. Both of those matters were fully disclosed and discussed during the absence of my friend from Colorado, who himself was not here listening to the discussion.

The PRESIDING OFFICER. The Chair will say, if the Senator will pardon the Chair, that the Chair is ready to rule, but the Chair will be very glad to hear the Senator from Missouri.

Mr. REED. No; if the Chair is ready to rule, I desire to offer no further observations.

The PRESIDING OFFICER. The Chair will be very glad to hear the Senator.

Mr. REED. Whenever a judge has his mind made up I am willing to take the decision, whether it is my way or the other way.

The PRESIDING OFFICER. The decisions, so far as the Chair is advised, are both ways upon this question. It seems to the present occupant of the chair that the decision of Vice President Sherman, referred to by the Senator from Colorado [Mr. SHAFROTH], is not only tenable but is consistent with the object of legislative business and parliamentary procedure. Perhaps, technically, discussion is not "business"; but it does seem to the Chair that if there is any prolonged debate a time must arrive when discussion and debate beyond that period would be and ought to be denominated "business." Perhaps this view may be considered illogical, but it seems to the occupant of the chair to be the only fair and feasible view to take consistent with proper legislative action. Therefore the Chair sustains the point of order, but will add that if the present occupant of the chair should be occupying this position, and after reasonable debate, the point of no quorum should then be made, a different ruling would be made.

Mr. REED. Mr. President, I now move that the Senate adjourn. Let us see if we can not have some business intervene.

The PRESIDING OFFICER. The Senator from Missouri moves that the Senate adjourn. [Putting the question.] The noes have it, and the Senate declines to adjourn.

Mr. REED. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hollis	McNary	Smith, Ga.
Borah	James	Nelson	Smith, Md.
Broussard	Johnson, Cal.	New	Smith, Mich.
Chamberlain	Johnson, S. Dak.	Newlands	Smoot
Culberson	Jones, N. Mex.	Norris	Sterling
Cummins	Jones, Wash.	Overman	Thomas
Curtis	Kellogg	Owen	Thompson
Dillingham	Kendrick	Page	Trammell
Fletcher	Kenyon	Pittman	Underwood
France	King	Poindexter	Vardaman
Frelinghuysen	Knox	Pomerene	Wadsworth
Gore	La Follette	Reed	Weeks
Gronna	McCumber	Saulsbury	Williams
Hardwick	McKellar	Shafroth	Wolcott
Hitchcock	McLean	Sheppard	

Mr. THOMPSON. I desire to announce the absence of the Senator from Arkansas [Mr. ROBINSON], the Senator from Rhode Island [Mr. GERRY], the Senator from Montana [Mr. WALSH], and the Senator from California [Mr. PHELAN] on official business.

The PRESIDING OFFICER. Fifty-nine Senators having answered to their names, a quorum is present.

Mr. HARDWICK. Mr. President, before I resume the main thread of my argument I wish to advert once more to the contention made by the Senator from Nevada [Mr. NEWLANDS] with reference to the amendment of the Senator from Nebraska [Mr. NORRIS]. Of course, if no provision were made in this measure for just and adequate compensation to the railroads

for whatever service they are required to perform, then I would feel some sympathy for the Senator's argument, but I find that the measure reported by the Senator from Nevada contains this provision on that point. I now quote:

For the transportation of persons or property in carrying out the orders and directions of the President the lawfully established tariffs shall apply unless otherwise fixed by law; for the transportation of troops in carrying out the orders and directions of the President reasonable rates shall be fixed by the Interstate Commerce Commission; and if the transportation be for the Government of the United States, it shall be paid for currently or monthly by the Secretary of the Treasury out of any funds not otherwise appropriated.

Then follows the proviso, which the Senator from Nebraska moves to amend:

Provided, That if by reason of giving preference or priority in transportation under an order or direction authorized hereunder, or by reason of disarrangement of traffic caused by giving such preference or priority—

Then such carrier is to receive additional compensation therefor. The principle is precisely the same whether you apply it to a shipper or to a railroad. The railroad is required for the good of the country, in order to promote its defense, to render certain service to the Government under the terms of the bill, or to render certain service; I eliminate for the moment the idea that the service is to be confined exclusively to that rendered for the Government. It is to be paid for that service what that service is reasonably worth under tariffs already fixed by law, except in one case, for the transportation of troops, which the Interstate Commerce Commission, the same tribunal, shall fix. So we have already provided reasonable and adequate and just compensation for the railroads for whatever service they are called upon to perform under this bill.

Mr. NEWLANDS. But does not the Senator draw a distinction between the mere case of service and the practical control of its operation within a limited area by the President of the United States? Does not the Senator realize that perhaps these priorities of shipments might involve the condemnation of one railroad to the carriage of bulky products, carrying a very low rate, and turn over to another system of railroads costly and condensed traffic paying a high rate? Each character of traffic would pay the established rate fixed by the Interstate Commerce Commission, and those rates would be the value of the service, and yet by reason of the dedication of one road to the cheap traffic and the dedication of the other to the costly and remunerative traffic one railroad would be very much injured and the other would be very much benefited.

Now, is not that a taking of the property just to the extent that the use of this instrumentality owned by a quasi public corporation is taken by the Government? Is it not just as much a taking of property in a qualified use of the property as would be the taking over of the entire property, as is done in the case of the English railroads? As I understand it, in our case we have taken over the partial use and control of the railroads. In England the Government takes over the entire use. The Senator must contend, it seems to me, that the partial use can not be paid for, even though he admits that the entire use must be paid for, in order to support his contention.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Colorado?

Mr. HARDWICK. I yield.

Mr. THOMAS. I have been informed by high authority and the best authority that this compensation in the pending bill was neither asked nor desired by the railroad companies themselves. Upon the assumption that that information is correct why should not the clause which provides for compensation be stricken from the bill?

Mr. HARDWICK. Of course I will answer that a little later. I can not undertake to answer it now. I think it ought to be stricken out.

In reply to the Senator from Nevada, it may be true that if you force a railroad to carry a class of freight which pays a very low rate it will lose something in the operation, but it is also equally just as true that if you go to a great factory with an output or any producer, whether he is a farmer or a millman, a factory owner or a miner, and say to him "We deny to you all transportation, you can not ship your products, you can not get the cars for it," you also damage him a great deal, and you may just as well take his property as to do that. You do take his property if you deny him access to the markets. You do confiscate his values if you do not give him any means of getting his property to market. It is just as much confiscation in one case as it is in the other. It is just as wrong in one case as it is in the other. If that is to be done and compensation is to be given in any case it ought to be given in all cases.

But if this bill is based on the theory of public defense and public necessity it simply sacrifices in both cases the demand of both classes to the public interest, in the common defense of our country.

Mr. REED. Mr. President——

Mr. HARDWICK. I yield to the Senator from Missouri.

Mr. REED. The Senator from Nevada suggested that a railroad might be ordered to haul a very low class of freight for which the compensation is low and to continue to do that, and to exclude high-class freight, which does damage it, and therefore it ought to be compensated. The Senator has not, however, suggested to us what would happen if the railroads received high-class freight and were relieved from carrying any low-class freight. Does he propose, then, to require the railroad to make some sort of compensation to the Government? Would it not be in the illustration the Senator has used the proper thing for this all-powerful board to equalize the matter between the two companies?

Mr. HARDWICK. Yes; to make up to the railroads that have not the best of it.

Mr. NEWLANDS. There is a provision in the bill providing that—

The President is authorized, whenever in his judgment such action is necessary to the public security and defense, to direct that certain kinds of traffic or particular shipments, as may be determined by him, shall have preference or priority in transportation by any common carriers by railroad or water, under such arrangements, rules, and regulations as he may prescribe.

I think under that power the inequalities in traffic prescribed by the Government could be adjusted, and the object of that clause is to secure that adjustment. I think the contention of the Senator might be better directed to the amendment of the clause than to the denial of a just compensation for an enforced use by the Government of a particular railway.

Mr. HARDWICK. Of course, if you equalize it among the railroads there will be no injustice done. If that power means what you suggest, as you say, if it is not broad enough and adequate enough, it ought to be made so, and then there is no excuse whatever for your last proviso, because the first proviso ought to equalize it all. If there is any small loss which can not be equalized, I say to the Senator in all fairness to the shippers of this country and to the masses of the people, it is no more sacrifice than thousands of business men will be called upon to make upon the altar of the country, and there is no reason on earth that I can think of that you should feed one with one spoon and the other with another spoon.

Mr. NEWLANDS. I am very free to say that I am not willing that the railroads should be called upon to make any sacrifice that is going to impair their efficiency as instrumentalities in the conduct of the war. The only source of their strength is the money they receive from the public for the use of their property. The only money upon which you can rely for the proper equipment of the roads and the proper development of the roads and the proper maintenance of the roads is the money that comes from the public, and that can be secured only under rates established by law.

Now, we propose, not in the interest of the railroads, but in the interest of the Government, to practically, in a qualified degree at least, seize and take over these railroads, and it is of higher importance to the Government that the funds secured by the railroads for their maintenance and development should be maintained than it is for the railroads themselves.

So I speak for the highest interest of the country, engaged in war, relying upon efficient transportation as the chief instrumentality for the conduct of the war, to see to it that that instrumentality is perfectly administered and is put to no concern regarding the funds that are necessary for the increase of its equipment and the maintenance of its efficiency. It is not a time for a niggardly policy with reference to a great public use which has become a war use itself.

Mr. HARDWICK. The Senator from Nevada is not stronger in that faith than I am. His record in this body will not establish it; and no man's record in this body has been fairer and juster to the railroads than mine. I have tried to do justice to them, and I have never undertaken to arouse feeling against them or to treat them unjustly. But I am not willing to give them an undue favoritism about this matter, and that is exactly what this means, in my judgment. In the first place, you say you are going to distribute it between the railroads, and if some of them get a higher compensation than they otherwise would, then we will equalize it between the roads themselves. You say you are going to pay them a just and adequate compensation for the service rendered the Government, and, lastly, you propose to pay them for consequential, remote, and indirect damages which may occur to their business generally. I do not agree with the last proposition. It is damnum absque injuria—they ought to

make that much sacrifice, indirect and remote as it is, an infinitesimal sacrifice, according to the Senator's own contention about this distribution and equalizing process, just as you take away from business men whose facilities you absolutely take away from them, whose property values you absolutely destroy, whose mines and whose factories you may absolutely close. I say it is no more right or just to ask them to undergo those sort of damages as a result of the measure than it is to ask it of the railroads when they are already paid what their service is worth and provision is made that the loss shall be equalized among them.

Mr. PAGE. Mr. President——

Mr. HARDWICK. I yield to the Senator.

Mr. PAGE. I have recently received a letter from a man in southwestern Oregon who is interested in fruit. He said that the whole fruit industry, and that is a large industry in southwestern Oregon, is likely to be imperiled and that they all face bankruptcy in case of such legislation; that the railroads can not and will not furnish cars in which to ship their fruit when the fruit is ready for market. It occurs to me that the damages, if paid to the owners of the fruit because they can not ship their fruit, would almost bankrupt the Government.

Mr. HARDWICK. It would; and I say that we can not pay any such damages as these.

Mr. PAGE. In what way do you suggest that they be given protection?

Mr. HARDWICK. There is no way. This is one of the losses that is incident to war, and I can not see why we should confer any such power on the President, except for absolute war purposes.

Mr. PAGE. I can see in my own State where there might be some discrimination which would be injurious, but it would be of minor importance compared with the injury to an industry like the fruit industry, which is almost the sole industry in southwestern Oregon, where I had the pleasure to spend a couple of weeks two years ago. Everything there is in fruit. I think it is a great mistake on their part; I think they ought to have diversified industries; but they have gone into fruit to such an extent that I fear they will actually face bankruptcy if they are not taken care of at the proper time.

Mr. HARDWICK. I quite agree with the Senator, and that is one of the unfortunate things; and when citizens are required to give up their all, by hundreds of thousands and by millions, there is no excuse for taking money out of the Public Treasury for remote, indirect, inconsequential, and necessarily very small damages to the carriers themselves. That is exactly what I have been trying to say. Now, let us see. I come next, Mr. President, to what I regard as the most important question in this bill. Section 2 provides:

> That during the continuance of the war in which the United States is now engaged the President is authorized, whenever in his judgment such action is necessary to the public security and defense, to direct that certain kinds of traffic or particular shipments, as may be determined by him, shall have preference or priority in transportation by any common carriers by railroad or water, under such arrangements, rules, and regulations as he may prescribe.

I propose, and I send to the desk to be read for information, the following amendment on this subject, and to that amendment, when the Secretary shall have read it, I propose to address myself.

The PRESIDING OFFICER. The Secretary will read the amendment proposed.

The SECRETARY. On page 2, line 17, strike out the words "to the public security and defense" and in lieu thereof insert "to prompt movement of the military and naval forces of the United States and all supplies therefor, and all material necessary to be used in the manufacture of arms, munitions, and equipment therefor."

Mr. HARDWICK. Mr. President, as was pointed out here yesterday almost all the provisions of this amendment are already existing law. I would not offer it at all but for the last clause it contains. The law as it stands to-day, beginning with the Hepburn bill of 1906, has been amended twice since, I think very recently, once on the occasion of the Mexican emergency, when we were engaged in transporting troops and supplies to the Mexican border——

Mr. CUMMINS. The last amendment only had reference to a case where an embargo had been laid upon shipments.

Mr. HARDWICK. That may be. I presume the Senator is right about that, but in substance the existing law provides that the President shall have all the power specified in this bill, and even more, the power to seize and operate railroads themselves, any part of them or all of them, to move the military and naval forces of the United States, and also, I think, the language is "all war material." Am I right?

Mr. CUMMINS. Yes.

Mr. HARDWICK. That is the substance of it, "and all war material." Certainly that means the same thing as all munitions and all supplies and all material therefor. But I have added to that these words, "and all material necessary to be used in the manufacture of arms, munitions, or equipment therefor," because we might have to have various forms and various kinds of raw material promptly sent to manufacturing points or assembled there to make arms and equipment before they became military supplies or war equipment. I am perfectly willing to include that if it is not already included in the law, and that is the reason why I shall offer the amendment in that form.

Mr. CUMMINS. Mr. President——

Mr. HARDWICK. I yield to the Senator.

Mr. CUMMINS. Will the Senator from Georgia turn his attention to a particular instance I will now give him and give the Senate his opinion as to the effect of his amendment upon the instance? I will say in the beginning that if there is any way of limiting the power so that it will accomplish the purpose that we all have in view I shall not be found opposing the limitation. But here is one situation. I do not know whether this has been suggested before or not, but it comes to my mind. Take the western coast of Oregon and Washington. There are certain seasons of the year there in which it is necessary to take care of the fish that are caught during the open season. It is desirable certainly that all foods of that kind which we can possibly preserve shall be preserved. It must be preserved at a certain time or the opportunity is gone for that year.

Suppose that in order to can all the fish that may be caught in those waters it shall be found necessary that the tin for the cans or the cans themselves after being manufactured shall be sent to the Pacific coast, and that they can not be sent there without giving shipments of that character priority over other shipments of ordinary merchandise. Does the Senator from Georgia believe that his amendment would clothe the President with the power to give priority in shipments to the tin cans for the purpose of carrying cars for the fish in that quarter of the country?

Mr. HARDWICK. Not unless they are part of the supplies for military purposes.

Mr. CUMMINS. I assume that a part of them will be necessary for supplies for the military forces.

Mr. HARDWICK. I think to that extent the President would have the power, under the amendment I suggest.

Mr. CUMMINS. A part of them would not be. It is assumed that we will be short of food, and the Governments with which we are in a sense allied, and that public necessity requires that all that is available shall be gathered and preserved for use. I have been afraid that the language employed by the Senator from Georgia would not embrace an instance of that kind, and there are many other instances of a somewhat similar character that might be given. For the successful defense of the country—assuming that this war is one of defense, and I am bound to assume that under the present conditions—I am afraid that the amendment proposed by the Senator from Georgia would not enable the Government to care for that contingency.

Mr. HARDWICK. Mr. President, the Senator from Iowa is quite right in that assumption, except in so far as it is related to the military defense of this country. I want to say to the Senator that I think this continual assumption in high places, in the departments, and in Congress of food famine is one of the reasons that prices have soared. I do not assume any such thing. Why should we assume it? The more we assume it the higher prices will rise; the oftener we state it the more they will soar.

Mr. CUMMINS. This is not a question of prices so much as it is a question of supply.

Mr. HARDWICK. I understand. The Senator assumes that there is going to be all sorts of famine in this country. I do not believe it; I do not assume it; I have no reason to assume it or to believe it.

Mr. CUMMINS. Mr. President, I do not think the Senator from Georgia yet quite catches my point. If we were looking only for a supply of food for our own country, I think I would agree with the Senator from Georgia that there is no imminent danger of scarcity; but apparently we have undertaken to feed not only our own country but to feed other countries, whose maintenance is necessary to our own maintenance. It is hard for me to discuss it, and I shall not during the course of the argument of the Senator from Georgia, but I think we must take some things for granted. We must assume that this is a war of defense; we must assume that we intend to prosecute it vigorously; and we must assume that the continued strength of Great Britain and France and Italy and other countries with which we are in a sense allied is necessary to the defense

that we are making. That being true, the Senator from Georgia must see that, if we are to pursue the lines which have been laid down for this great struggle, we must conserve all the foodstuffs which we are able to collect.

Mr. HARDWICK.—Mr. President, the theoretical question of the Senator from Iowa, which is put with his usual ingenuity and strength, brings me right to the point that I am gald to arrive at.

We are constantly asked to be granting all sorts of powers, because a whole lot of people are assuming a whole lot of things. I tell you right now, so far as I am concerned, I hesitate, I halt at granting these unusual and arbitrary powers because of some fancied danger, because of some assumption. The liberties of this country, the freedom of its people, the perpetuity of its institutions are just about as important as some of these assumptions and some of these fancied necessities.

Mr. CUMMINS. May I ask the Senator another question?

Mr. HARDWICK. I yield to the Senator.

Mr. CUMMINS. The Senator from Georgia recognizes, of course, that the railway companies can not promptly transport everything that is offered for transportation.

Mr. HARDWICK. I do not know whether that is true or not.

Mr. CUMMINS. If there is any one thing which is well established in this country now, it is that the transportation facilities of the United States are inadequate for the transaction of the business of the United States.

Mr. HARDWICK. Let me ask the Senator a question right there. The Senator spoke of the fish industry. Have they not been getting the cars that were necessary without our conferring this power on anybody?

Mr. CUMMINS. Mr. President, it was purely a matter of private concern.

Mr. HARDWICK. I understand; but they got the cars, did they not, which the Senator thinks they needed?

Mr. CUMMINS. Not to take care of the quantity of food which it is now thought necessary shall be prepared. I assume that that is true; and that assumption I am willing to make, because I have carried on rather a careful investigation upon that subject, and I have heard a great deal of testimony upon it before the various committees of which I am a member. I know it is true that the railway carriers of the country are not provided to promptly move all the freight tendered for transportation. Some part of it must be delayed; some part of it must remain with the manufacturers or with the producers until, in the course of affairs, the railway companies are able to take it. What part of it shall remain untransported? Who shall determine what freight shall first be moved? As it is now, the railway companies, within certain limits, determine that matter. This bill is to transfer that authority from the railway companies or carriers to the Government. I should like to see the power limited to those cases which are fairly related to the war now in progress; but I believe that, upon the assumption which I have made, that the cans in which they preserve the fish that is caught upon the western border ought to have preference over other kinds of commodities which are not so essential to the public welfare.

Mr. HARDWICK. What about cans for Georgia peaches?

Mr. CUMMINS. But I want to see a bill that is broad enough, at least, to embrace just such things as I have indicated, and the Senator from Georgia very frankly says that his amendment would not reach the instance. Therefore I can not, with my view of the matter, accept an amendment of that kind. I do not pretend to say that there may not be language better fitted and better adapted to convey the power than the language we have employed.

Mr. HARDWICK. Let me interrupt the Senator for a minute now.

Mr. CUMMINS. But it must be broad and it must give some discretion.

Mr. HARDWICK. I want to get the benefit of the Senator's views, and I can get it better by addressing him a question while he is speaking in my time. Does the Senator believe that under the words "necessary to the public security and defense" you can do all those things which he has described?

Mr. CUMMINS. Undoubtedly the President could do the things I have suggested.

Mr. HARDWICK. Could he do all the things? The Senator has suggested a good many different things.

Mr. CUMMINS. I have suggested but one instance.

Mr. HARDWICK. I think when the Senator reads the RECORD he will see that he has suggested almost half a dozen.

Mr. CUMMINS. What are they? It may be I have forgotten them.

Mr. HARDWICK. Well, the President was to have the power to decide exactly what shipments should have precedence and priority all over the country in every line of business and industry.

Mr. CUMMINS. Only so far as they are connected with the war in which we are engaged.

Mr. HARDWICK. But the Senator——

Mr. CUMMINS. But it may be that that war for its successful prosecution will demand something more than the mere feeding of our troops or the mere manufacture of munitions of war.

Mr. HARDWICK. Of course, the Senator understands that there are some people in this country who believe——

Mr. VARDAMAN. Will the Senator from Georgia permit me to ask the Senator from Iowa a question?

Mr. HARDWICK. Not now; but I will yield in just a moment.

Mr. VARDAMAN. I merely wanted to ask——

Mr. HARDWICK. Very well; I will yield.

Mr. VARDAMAN. Mr. President, I realize the necessity for transporting with dispatch the things which are needful for the men in the Army. Take the example given by the Senator from Iowa. If the railroads over which these cans are to be carried should be compelled to carry them, or rather if they should be compelled to take them in the place of freight which would pay a larger rate to the railroads, then, under the terms of the bill, which the Senator from Iowa is defending, the Government would be required to pay the railroad the difference. In other words, the railroad must be allowed to make a profit regardless of the character of the service rendered or what other people may lose.

Mr. CUMMINS. I do not put that interpretation upon the language of the bill.

Mr. VARDAMAN. But I understood the Senator from Georgia to point out that as one of the objections. It is proposed to protect the interest of the railroads where they suffer a loss, but in the case of a private individual who has suffered loss from the same cause his interest is not to be protected at all. I do not see any justice in that policy.

Mr. CUMMINS. That relates to an entirely different subject.

Mr. VARDAMAN. But it is one of the questions which the Senator from Georgia is now discussing, and one of the objections he is making to this bill.

Mr. CUMMINS. The Senator from Georgia is now discussing the breadth of the power which we propose to give to the President with respect to priority in transportation. There is no connection whatever between that point and the further inquiry respecting the propriety of compensating railway companies for any injury they may suffer.

Personally I believe that there ought to be compensation just to this extent, namely, so that the carriers shall be able to maintain their property and to transact the public business with which they are charged. It would be a sad thing for the country if, on account of the Government intervention, the railways should stop running, and neither Government business or any other business should be transacted upon them. The only purpose of the clause to which the Senator from Mississippi now refers is to make it reasonably sure that the railways will continue to run. That being sure, I have no concern about any other compensation.

Mr. HARDWICK. Mr. President, of course under the latitude of power laid down by the Senator from Iowa this bill means anything and everything. We shall have conferred a power that has no limits whatever. It depends entirely on how it is exercised, on how it is administered.

I would be perfectly willing, if this country were invaded, if the necessities of the hour required it, to do that or anything else that was necessary to save it or to serve it; but there is no such necessity as that, in my opinion, resting on this country, except in the judgment of a few enthusiasts, people who have been carried away by the excitement of the moment.

I hesitate to vote to confer any such vague, indefinite, limitless powers over the business and industries of this country, without any present excuse or justification. There are men in this country who will tell you that although we are 3,000 miles away from the scene of this war, we are to constitute and set up a despotism in this Republic in order to prosecute the war more vigorously and more successfully. I deny it, and I repudiate it. A free people, who love liberty, would be a great deal more apt to fight the despot than they would to fight the foreign foe. We can never lead a great, free-born, liberty-loving people like the American people into a great contest unless we pay some regard to their liberties and rights at home, and to their feelings and sentiments on these great questions. They will fight with more spirit, with more courage, with more love for the flag, for the country, and for the Government if we treat them like free-born, liberty-inheriting people, and if we do

not substitute, in a moment of excitement, in the rush of events, what amounts to a despotism for the fairest and freest Government that ever existed on this earth.

When it comes to the prosecution of the war itself, to the conduct of campaigns, to the management of military and naval affairs, and everything directly and immediately connected with those great subjects, I am content that the powers of the President shall be as despotic as any one of these men wish them to be; but when it comes to the civic affairs of this country, to the fundamental rights of its people, to their everyday lives, I say that instead of making for efficiency in this war which we have undertaken we are ruining it if we undertake carelessly to grant away the rights and liberties of our people, as they have been taught to believe they inherited them and possessed them.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER (Mr. WOLCOTT in the chair). Does the Senator from Georgia yield to the Senator from Iowa?

Mr. HARDWICK. I do.

Mr. CUMMINS. Whenever I trespass too often upon the time of the Senator from Georgia, I know that he will find a correction for my temerity; but I should like to have Senators remember that he is assuming a false basis for the distribution of property through the country by way of the common-carrier service. He has a vague notion about some right of the people that is being invaded. I doubt whether that is so.

Now, allow me to give this illustration: Suppose we had no war; that we were living in absolutely normal times and under ordinary conditions. Two carloads of freight are tendered to a railway company. One car is full of pianos and another is full of coal destined to a community that is freezing to death for want of fuel, which carload shall go first, assuming that the railway company is not in a position to transport both of them promptly? The Senator from Georgia assumes that the owner or shipper of the carload of pianos is entitled to equality, so far as time of transportation is concerned, with the owner or the shipper of the carload of coal.

Mr. HARDWICK. That is the law at present.

Mr. CUMMINS. I thought that was the view of the Senator from Georgia, and I beg that he will consider another view. In my judgment, it is not so. In my judgment, the carload of coal is entitled to priority, and the railway company that would refuse to give priority under those circumstances to the carload of coal would be guilty of undue discrimination and would forfeit its obligation to the public. The railway company is performing a public duty always; and that duty must be measured by the circumstances of each individual transaction, and in the case I have instanced the railway company that would allow a community to suffer for fuel in order that it might transport first a carload of pianos to the same community would disregard not only the law but its highest moral obligations.

Now, what we are doing in this bill is simply to declare what a public duty is. We are trying to establish the proposition that it is the public duty of a common carrier to transport first those things which are essential to the life of the country; and the only thing that we are changing really is to take away from the common carrier the right to determine what its public duty is and to transfer that determination to some function of the Government.

Mr. NORRIS. Mr. President, may I ask the Senator from Iowa a question?

Mr. HARDWICK. I yield to the Senator from Nebraska for that purpose.

Mr. NORRIS. Are we not in this bill giving to the President the power to say to the railroads, "You shall ship the pianos first and the coal next"?

Mr. CUMMINS. We are.

Mr. NORRIS. Under the law as it stands now the railroad company would not have a right to do that, and the President would have no authority to order that done.

Mr. CUMMINS. Precisely; but if the railway company should choose to transport the pianos first there is no remedy and the people would freeze.

Mr. NORRIS. But I understand the Senator to say that it is to-day, in his judgment, the duty of the railroad company under the law to send the coal first.

Mr. CUMMINS. I said it would be its highest moral duty to transport the coal first; and I believe it would be its duty under the interstate commerce law, as well.

Mr. NORRIS. I agree with the Senator.

Mr. CUMMINS. But if the Senator from Nebraska would rather trust the railways to exercise that discretion and determine what is the public duty, than to trust some officer of the Government to do it, that is a mere matter of judgment.

Mr. NORRIS. No; the Senator——

Mr. CUMMINS. I would rather trust an officer of the Government, because I believe that the officer would have no other motive except to serve the public.

Mr. NORRIS. The Senator must not put me in that attitude. He states that under the law now, in the case he puts, it is the duty of the railroad company to carry the coal first; and I have simply asked him the question whether we were not changing that law and giving the President power to instruct the railroads to carry the pianos first?

Mr. CUMMINS. We are not changing the law at all in that respect; but we are making it sure that the judgment of the Government, instead of the judgment of the carrier, shall prevail. The only matter that has troubled me on that score for a moment has been that I feel great sympathy with the reluctance of Senators—and I have the same reluctance—to extend this power so that it will embrace all the transactions of commerce and all the industries of the Nation. I should like to find some way in which it could be limited, and at the same time make sure that whatever is necessary for the public defense will come within the power which we grant. I have already pointed out that the amendment offered by the Senator from Georgia, upon his own frank, candid, statement would not include one instance which I think ought to be within the power that we grant to the Government.

Mr. REED. Mr. President——

Mr. HARDWICK. I yield to the Senator from Missouri.

Mr. REED. The particular instance to which the Senator is now referring, as I understand, is the case of the fish that are to be caught and the cans that are to be hauled to the western coast to preserve those fish; and the Senator thinks there ought to be a preference in favor of those cans.

Mr. CUMMINS. A preference over some other things.

Mr. REED. Now, let me call attention to the fact that the Senator has employed the term that "we must either take the judgment of the Government or the judgment of the railroads"; but let us state that a little more accurately: We must under this bill take the mandate of some one man probably, or the decision of the railway company, which is always made up in view of shippers' protests and demands, and is also regulated by competitive conditions and a thousand other things. But I want to say to the Senator—and I beg pardon for being so long about it—that we would have here substituted the judgment of one man for the right of the shipper, under the law of the land, to have his day in court; for the right of the shipper, for the trial of the very question as to whether the carrier had violated its obligation to him and had been guilty of an unreasonable act, and that one man will be empowered to prefer the cans for the fish; but in doing that it is very likely, indeed, that he will disrupt business more than all the fish that he will save will be worth, and that has already happened under the system we now have.

Mr. HARDWICK. Now, Mr. President, I am going to resume and try to conclude in a very few minutes.

The trouble about the last observation of the Senator from Iowa [Mr. CUMMINS] is that, unless the greatest railroad men in this country are wrong about it, the Senator has not stated the law correctly on this question. Mr. Willard says—and I quote him with absolute certainty that I am not mistaken as to what he contends; and I think he is right—that whenever shipments are tendered to the railway company now, they must be accepted in the order in which they are tendered, in the order of time—first come first served. I think that is the law of the land; he thinks so; and he has run one of the great railroad systems of this country for a number of years. The fact that that is the law of the land is one of his arguments for this bill. If he believed the law of the land was as the Senator from Iowa contends, I apprehend, from the statements he made to me, he would not be so anxious about this bill. But the trouble is that Mr. Willard's idea of a cure and mine differ radically. I agree with the Senator from Iowa that the man with the coal to go to people who are freezing, with the bread to go to people who are starving, ought to have preference over all unnecessary shipments, or shipments that could be made to wait, like pianos or organs; but I would want to fix that by law. If that is to be the policy of this Republic, I would want to have it established by statutes that Congress shall write; I would want to have rights fixed and penalties provided that can be vindicated in the courts of the country, and I would not want a discretion either to do right or not to do right lodged with any man or any set of men in all the limits of this country.

The policy we first adopted—and I think the Senator from Iowa advocated it; I know I did, because I did not apprehend any such situation as we have now, and the Senator doubtless

advocated it for the same reason—was that it ought to be, "first come first served." That is what we fixed in the days of the Hepburn bill, when these questions were debated by great men in both Houses of what was then the American Congress. If that situation has changed, I am sorry, and if it is necessary to give preference to bread, to coal, and to other necessary things, over pianos and luxuries of all sorts, I am willing to do it; but when we do it we ought to do it by law, not by Executive order. I want to establish the forms of procedure, the precise and definite rights of the people, and not leave it locked in the breast of any one man, subject to his whims and ideas, or to his mistake, if he should happen to make a mistake—and we can not always count on having good men in office——

Mr. POMERENE. Mr. President——

Mr. HARDWICK. I yield to the Senator from Ohio.

Mr. POMERENE. Does the Senator feel that that should be done now, during a period of war? In other words, when it comes to a question of declaring preferential shipments for the purpose of successfully prosecuting the war, does the Senator think that the Congress could be wise enough to declare what shippers should be preferred at all periods of the war and under all circumstances; or are we not required to leave that to an executive because we are not able to anticipate what may be the exigencies of the situation as it may arise from time to time?

Mr. HARDWICK. If the Senator has finished his question, it will afford me great pleasure to answer it.

If the Senator advocates this proposition as a war measure, I am with him; but if he advocates all this readjustment for reasons utterly disconnected with this war, in the interest of people who are suffering for reasons a thousand miles away from this war, then I say it is no war measure, and Congress ought to work it out in the manner and terms I have suggested.

Mr. POMERENE. But, Mr. President, under this bill, if it should become a law, the President is only authorized to declare these preferential shipments when it is necessary for the public safety or the public defense.

Mr. HARDWICK. Oh, yes, Mr. President. I do not care to yield any further on that line, because I have been over that fully, and the Senator did not honor me with his presence.

Mr. POMERENE. I heard it in part.

Mr. HARDWICK. But the terms you have employed are so elastic that they can be stretched a thousand miles and include the most arbitrary and despotic powers that any sovereign ever exercised over his subjects. If you want to confer power of this character define it, lay it down precisely, lay it down exactly. You can do it. Do not give him any general despotic control over business, however benevolent that despotism may be.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER (Mr. KING in the chair). Does the Senator from Georgia further yield to the Senator from Ohio?

Mr. HARDWICK. I do.

Mr. POMERENE. The Senator says I can do it. I can not do it, but I should be glad to have the Senator do it if it can be done.

Mr. HARDWICK. I have proposed to the Senator the remedy. Of course, if he can not accept it, that is not my fault, and I would not dare say it was his. Define it; let it be for the war, for the military and naval forces of the United States, for supplies, equipment, munitions, and for all materials that are to be used in the manufacture or creation of those supplies or munitions; but do not leave the terms of precision, of definition, of exactness.

Mr. BRADY. Will not the Senator include foodstuffs?

Mr. HARDWICK. Yes, sir; they are included, but I would not include a general control over the problem of transporting foodstuffs where it was wholly unrelated to the prosecution of the war.

Now, let us see. Yesterday I witnessed the most remarkable spectacle that I have witnessed recently in the Senate, and the most remarkable thing about it is that the chief actor in it was a distinguished gentleman for whom I have the warmest personal regard, whose reputation as a lawyer and as a statesman is second to that of hardly anyone in all this land. The distinguished junior Senator from Pennsylvania [Mr. KNOX] made this observation:

> Mr. President, I can not imagine how one can read this bill and fail to observe that that is the standard; for is it not perfectly evident that shipments of materials which are necessary for the public security and defense are war supplies?

Now, he was precise and definite. He said this bill meant war supplies and nothing but war supplies, and he supported it and advocated it in a speech of some vigor, although remarkable inconsistency, because it meant nothing but war supplies. When it was pointed out to him that the people who had framed this bill, or some of their assistants, thought it meant just what the Senator from Iowa has said, and that it ought to mean something more than war supplies, the Senator then took this turn. I pointed out to him, for instance, that the words of the bill were very elastic words; that "the public defense and security" could readily be construed to mean more than war supplies.

Mr. BRADY. The Senator is quoting now from the junior Senator from Pennsylvania [Mr. KNOX]?

Mr. HARDWICK. From the junior Senator from Pennsylvania. The Senator said this:

> Yes, Mr. President, the words are elastic, and necessarily so. War is a status whose breadth the human imagination can scarcely measure, and filled with infinite possibilities; and the discretion and the authority and the power to meet those infinite possibilities must be lodged in the Commander in Chief of the Army and Navy, else we fight to no purpose.

In other words, he first advocated this measure because he said it meant nothing on God's earth but war supplies, and then, when it was pointed out to him that it might mean a thousand things more than war supplies, he said: "Well, after all, no matter what it means, I am for this bill."

The Senator is one of the ablest Members of this body, a lawyer whose learning and ability do credit to the Senate, and association with him is a source of personal pleasure always to me; but I regret to see one of our great lawyers take so inconsistent a position. He ought to advocate this thing one way or the other, but certainly not both ways. He ought to support it, if he is going to support it at all, with his eyes open. He ought not to support it in one breath because it means nothing on earth, he says, but war supplies, and in the next breath say that no matter what it means, he is for it anyhow, because it is necessary to make it broad.

The Senator from Missouri [Mr. REED] suggests in an aside—which I am glad to have him do—that the only possible explanation of that is that in the mind of the Senator from Pennsylvania "war supplies" mean everything. Possibly that is the real explanation, and that is the trouble about all this business. "War supplies" mean everything with some of these people. They think that because we are in war, the time has come to overturn the established customs and the established thoughts and the established principles of our people and build up a government along different lines, fundamentally and radically different, to a point of benevolent despotism, to preside over business and to regulate, with kindly and fostering hand, the productive and industrial activities of this country on farm, in factory, in mine, everywhere throughout the Republic.

I dissent. I dispute it. It is not the American idea. We will accomplish nothing by such a course as that, and our people tire of us, as they ought to, if we keep it up. They will finally say to us, when our labors are concluded and we go home to the bosoms of our constituencies: "We sent you there our representatives, the representatives of a Republic. You come back the satellites of an empire. We sent you there to aid and assist, and to correct and differ with, whenever necessary, a President of the United States, who is the servant of the American people. You come back to us the underlings of a President who has become the master of the American people."

Ah, Mr. President, you can do it if you like. The issue is being rapidly drawn. Every Senator is just as responsible to his constituency as I am to mine. But if you do it, at every step of the journey, at every stage of the progress, in the name of American liberty—and surely we ought to preserve that, even while we are crushing Prussian autocracy—I intend to protest. At every step of the proceedings, where such powers as these are unnecessarily lodged in the hands of autocratic, despotic, executive officers, I intend to protest, both by word and by vote. Then the responsibility, when the record is made up, can rest with the people who make that record, and the constituency of everyone of us can weigh us and judge us according to the deeds we have done in the body.

Mr. CUMMINS. Mr. President, three objections, as I understand the argument, have been urged to the bill under consideration.

First, it is asserted—and this is the burden of the argument made by the junior Senator from Georgia [Mr. HARDWICK]—that the words "public safety and national defense" are too broad and will confer upon the President power to disturb and to disarrange the general business of the country. I think I suggested yesterday that it is possible that the President could abuse the authority proposed to be granted to him in this bill. I recognize that, Mr. President, and I have sought diligently, although up to this time in vain, to discover some word or some phrase that would give the President the power which I believe

he ought to have that would be less susceptible of abuse or that would be less discretionary than the words employed in the bill.

It is very plain to me that the substitute offered by the Senator from Georgia would not accomplish the purpose which those who have considered this bill in committee had in view. The words proposed by the Senator from Georgia are not broader, essentially, than the authority already in the statute.

The Senator from Georgia asked me yesterday whether I thought the language in the statute of 1906—that is, the amendment to the interstate-commerce law of that year—was narrower or broader than the language of his proposed amendment. I was unable at the moment to answer him with any assurance that I could stand upon the opinion then expressed. Reflection, however, has convinced me that there is no substantial difference between the words "war material" and the words used by the Senator from Georgia.

Mr. HARDWICK. Mr. President, will the Senator yield to me for a moment?

Mr. CUMMINS. I yield to the Senator from Georgia.

Mr. HARDWICK. I had this in mind: If there is a difference at all, it is in the concluding sentence of the amendment, which includes the raw materials which are to be made into war material also. I should like to invite the Senator's attention to that, and see what he thinks of that.

Mr. CUMMINS. I think the words "war material" are broad enough to include the raw products that are manufactured into arms and munitions of war, and broad enough, of course, to include the food which may be necessary for the Army and the Navy.

I can not, therefore, agree to the view so persuasively presented by my distinguished friend across the aisle. I do not want the President to use the power for any other purposes than the prosecution of the war. I think that he would be violating in spirit the statute which we propose to pass if he did order preference or priority in transportation of any commodity that was not so directly and so closely connected with the prosecution or defense which we are maintaining that the success of our efforts depended in a measure upon the priority or preference which he might establish. I do not know any way in which we can give the authority which I think is necessary without vesting in him or in some other tribunal a discretion that may be abused. We have already given to various functionaries of the Government powers that may be abused. We have already given to them authority that may be so exercised that in its exercise free institutions disappear; and this is less flagrant, at any rate, than many things that we have already done.

If we had ample facilities for the transportation of all the products of the people, not only those which relate to the war but those which relate to peace as well, this legislation would be entirely unnecessary.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. CUMMINS. I do.

Mr. REED. I am wondering why a little attention is not being given to securing those facilities. I am wondering why the railroads are not required to get the freight cars and I am wondering, if the railroads have not the funds with which to get the freight cars, why it is not proposed to supply the money to them in some way. It seems to me a singular thing that we should sit here declaring that there are not enough facilities to carry the freight of the people of the country, so that a tremendous disadvantage, if not disaster, rests upon the country, and that the only way in which we are trying to remedy that is to provide that some board or some tribunal or some man shall say who shall suffer, instead of going to the root of the evil and providing that there shall be enough freight cars to carry everybody's freight.

Mr. CUMMINS. Mr. President, the Senator from Missouri will understand that in giving a moment to the subject of his question, I am not speaking for the railways. I have no authority, and no desire, to speak for the railways.

Mr. REED. Oh, the Senator knows that I did not mean that.

Mr. CUMMINS. But I think I can tell the Senator and the Senate why the situation has been forced upon us.

In 1914, throughout the entire year, the railway companies of this country had more facilities than they could possibly use. I have seen it recorded, I have heard it stated, that during that year practically one-third of the equipment of the railway companies was not in use. It was not in use simply because the business of the country was at a low ebb and the transportation was not required. It would be utterly unreasonable to demand that the railway companies should provide themselves with an equipment to meet a particular emergency, or the peak, if you please, of the load of transportation, knowing that during a large part of the time the equipment would lie idle upon the sidetracks or the engines would stand unused in the roundhouses.

We passed into 1915, and business began to develop. It grew with leaps and bounds, and the railway companies since that time have added to their equipment in every way in which they could; but the manufactories of the country have been so active in other directions, there have been such overwhelming and apparently imperious demands upon their facilities, that they have been unable to furnish the railway companies of the country either with cars or with engines. I say to the Senator from Missouri now that, as I understand, the railway companies have an abundance of money with which to buy equipment; they desire to add to their equipment; but under the abnormal conditions which have prevailed in the last two years they have been unable to meet the situation as it has developed.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I yield to the Senator from Minnesota.

Mr. KELLOGG. To emphasize what the Senator from Iowa said, I should like to call his attention to figures with which he is familiar—that on April 1 there were under order for construction 2,209 engines and 104,917 cars.

Mr. REED. When were they ordered?

Mr. KELLOGG. They were ordered since November 1 last; and between November 1 and next November 1 it is estimated that there will be constructed 150,000 cars. I will further state that I am informed on the best of authority, as the Senator from Iowa says, that they are constructing every car and every engine that they can get shops to construct them in.

Mr. REED. Mr. President, will the Senator yield to me a moment further?

The PRESIDING OFFICER. Does the Senator from Iowa further yield to the Senator from Missouri?

Mr. CUMMINS. I do.

Mr. REED. Those figures demonstrate two things: First, that the railroads did not begin ordering their cars as soon as they should, for we all know there has been a shortage of cars far back of the date when these orders were made. They demonstrate another thing, however; and that is that in all probability this tremendous shortage is about to be greatly relieved in the near future. Just in proportion as that is true, the necessity for this character of legislation disappears.

Mr. CUMMINS. The latter remark of the Senator from Missouri is entirely accurate. If the business of this country falls off during the next year, there will be no need either of the additional equipment or of the exercise of this authority, because when everything that may be tendered to the carrier can be transported with promptitude, preference need be given to no particular shipments or no class of traffic. The Senator from Missouri, however, possibly does the railway companies some injustice in assuming that November, 1916, was the beginning of their attempt to secure additional equipment. I have been informed that they have been endeavoring to secure it ever since the business of 1915 developed to the point where existing facilities were inadequate to handle it.

Mr. REED. Mr. President, if the Senator will pardon me, I only followed the statement made by the Senator from Minnesota [Mr. KELLOGG] that that was when the orders were given. Now, let me remark that I happen to know in some instances that the railroads did not attempt to secure equipment when the shortage first appeared; but to how many roads that applies, I am not able to say.

I happen to know, however, that it applies to two great western systems. No real attempt was made until within very recent months. However, that is a condition that exists. I have no desire to say it for the purpose of reflecting on the railroad managements. I do not want to discourage anybody or attack anybody; but I do say that the real way to solve this difficulty is to get the cars, and that I would rather vote for a bill that would commandeer plants and build freight cars and get at the bottom of this evil than I would to vote for a bill that proposed to allow the evil to exist and then undertook to distribute its consequences through the mandate of some individual.

Mr. CUMMINS. Mr. President, I think no just complaint can be made of the railway companies, because they did not immediately after the revival of business in the first part of the year 1915 begin to add substantially to their facilities, for they could not say with any confidence that the revival would be lasting or the volume of business would attain the growth we have seen. However that may be, the present situation is as

I have stated. If the Government were to commandeer the plants that are fitted to produce these additional facilities they must at the same time forbid those plants from doing the other things which are just as essential to the conduct of the war as the additional facilities in transportation; and, moreover, if it were done it would be months and months before any considerable number of cars or any considerable number of engines could be manufactured and ready for use.

Mr. HARDWICK. Mr. President——

Mr. CUMMINS. I yield to the Senator.

Mr. HARDWICK. If the Senator will allow me, I ask unanimous consent that the amendment I have offered be printed and considered as pending, so that copies will be available for Senators.

The PRESIDING OFFICER. Without objection it will be so ordered.

Mr. CUMMINS. Returning to the point from which I was diverted, and it is a point made by the junior Senator from Georgia [Mr. HARDWICK], and practically the only one, I think that an honest, faithful man could not and would not construe the words "public safety and national defense" so that there would be embraced to any considerable degree the general commerce of the United States. There are certain things that we all know must be accomplished in order that the war may be carried on vigorously and successfully. There may be a difference of opinion with regard to the necessity of some things, but within fair bounds we know the things that we must have and we know the things that we must do in order to maintain our armed forces in the strength which they must have in order to fight successfully, and we know what we must do for the Government and the people of the Governments which are at war with Germany in order that they may stand with us successfully in the great fight now in progress.

Any honest man, any patriot, any intelligent citizen of the country will be able, as instance after instance occurs, to draw the line that can not be drawn abstractly in definition or debate. I am willing, and I believe the Senate ought to be willing, to intrust the power to the President to direct preference of shipments in those things which in his judgment are essential to the public safety and the national defense.

The second objection made to the bill is the one which was dwelt upon more emphatically than any other by the senior Senator from Georgia [Mr. SMITH]. He is opposed to granting the power to the President because he understands and knows the President can not personally investigate and decide in each particular case in which priority is thought to be necessary, and that he must therefore delegate the power in substance to some other person. I agree with the view of the Senator from Georgia to this extent, that this power must be and will be exercised in substance by some one other than the President. There may be rare instances in which he will undertake to become familiar enough with the subject to enter the order, but they will be rare, and, generally speaking, it must be done through some board or by some person whom he commissions for that purpose.

Here again I say that if my own individual judgment were consulted, instead of giving this power to the President alone, I would authorize the President to appoint a board of transportation, to be composed of not more than three persons, to be appointed by the Chief Executive, upon the advice and consent of the Senate. Such arrangement would be more compatible with my views of the best conduct of the affair than the investment of the power in the hands of a single man; and if such a proposal is made, so far as I am concerned, I shall not oppose it. But that was not the view of the committee, and in order to reach some result I agreed with the committee that the power should be given the President, and I have faith enough in him and in his patriotism to be willing to incur the hazard of the exercise of that power.

The third objection is the one that has been urged mainly by the Senator from Missouri [Mr. REED] and it is involved in the amendment proposed by the Senator from Nebraska [Mr. NORRIS], namely, that persons who are injured by giving priority or preference in shipments should have compensation. I say frankly that if an amendment of that character is added to the bill I would be opposed to its passage. It is not possible, Senators, to contemplate with composure at least the avalanche of claims that would overcome the Government if every person who believes that he might be injured by the preference or priority order of the President should have the opportunity or the right to recover the damages which he may suffer. There is a very great difference between giving the railroads compensation for the service they render and giving the right to the people generally to recover damages, because the railways must serve the Government first and individuals second.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Nebraska?

Mr. CUMMINS. I yield.

Mr. NORRIS. The statement the Senator has made I think is hardly fair when he speaks of giving the railroads compensation. There is not any contention on the part of anybody that they should not have compensation, but the contention is that they should not have damages. They do get compensation if they carry out the order of the President, but on the question of getting damages by reason of the order they are on a parallel I think with anyone else damaged by the same identical order.

Mr. CUMMINS. I think the reason is very different. The railways must exist. They must have money enough to pay their employees and to operate their property. Without them the Government would be absolutely helpless in the conduct of the war.

Mr. NORRIS. Does not the Senator think that the compensation they will get for the service they perform under the order of the President would be ample for the service performed?

Mr. CUMMINS. If so they could recover no damages whatsoever.

Mr. NORRIS. They might even be damaged and collect under this bill.

Mr. CUMMINS. I must differ from the Senator from Nebraska in that construction. I do not think they could recover any damages whatever if the compensation was adequate for the service rendered.

Mr. NORRIS. If the Senator will permit me, I do not want to interrupt him unnecessarily, but if they were performing a service under the order of the President by which they were carrying freight and were paid the regular rate established for that kind of freight, but it was not as great as carrying some other kind of freight which under the order they might be deprived of doing, would they not suffer some loss in that case? I understand that that is the damage which they would recover under the bill.

Mr. CUMMINS. It would be because the rate was not adequate. If the Government, for instance, orders the railway company to transport nothing but stone and the established rate upon stone is so low that in and of itself it does not furnish sufficient compensation, under the bill the railway company would be entitled, I think, to recover damages which might be occasioned through the order of priority. But it would be entirely because the compensation for the service was not adequate. If the railway company, as an original proposition, were to transport nothing but stone, and if the Interstate Commerce Commission had been fixing a rate for that service, it would have fixed an adequate rate, but the rates that have been established by the Interstate Commerce Commission have not been established upon that basis, nor have the rates filed by the railway company been filed upon that basis. They have been established and they have been filed upon the hypothesis that there would be a general average of compensation. I regard the provision in the bill as the substantial equivalent of authorizing the Interstate Commerce Commission in advance or at any time to fix an adequate rate for the service rendered by the carrier.

I may say here that in view of the difference of opinion that has developed in regard to the meaning of this part of the bill—and I know the Senator from Nebraska is absolutely sincere about it—I intend before we have finished the consideration of the bill to make that clear. I intend to offer an amendment, if I adhere to my present view, that will make the compensation purely a matter of rate, purely a compensation for the service rendered. I suppose that is what the bill means as it is; but if that is not the interpretation to be put upon it, then, so far as I am concerned, I think the bill ought to be amended so that the Interstate Commerce Commission shall be authorized to fix a reasonable rate or a reasonable charge for the service rendered by the carrier in view of the order made by the Government establishing priority or preference.

Mr. NORRIS. Does it not have that power now, I ask the Senator?

Mr. CUMMINS. I think it might have that power, although I am not sure whether the Interstate Commerce Commission could now take into account the circumstances of a railway company having been ordered by a superior power to transact its business in a particular way.

Mr. FLETCHER. Mr. President——

Mr. CUMMINS. I yield to the Senator from Florida.

Mr. FLETCHER. I should like to get the Senator's view upon a situation which is directly in line with what he is discussing. I present a concrete case, because that seems to me to be the plainest way of setting it forth. Suppose a shipper having perishable products like tomatoes, cucumbers, lettuce,

or celery offers those products at the station for shipment. I believe the rule of damage is quite well established now that it is the duty of the carrier to take that fruit and transport it promptly. If he fails to do it the shipper has the right of action against him for the value of the product that perishes on the platform at the station.

Suppose such a shipper tenders freight of that character to the carrier and the carrier does not take it and it is lost, will the carrier present a claim to the Government in case the carrier should contend that the reason why he did not take it was because it did not have the cars and the reason why it did not have the cars was because the cars had been ordered somewhere else by the President? Would the carrier be able to carry that damage to the Government and have the Government reimburse it for the amount of damage? Would it be liable to the shipper or would the loss fall entirely upon the shipper? In other words, would it be a complete defense to an action by the shipper that the Government had ordered the cars away, and therefore the loss followed and nobody was liable and the shipper must lose, or would the shipper be able to hold the carrier and the carrier then be able to hold the Government in an instance of that kind?

Mr. CUMMINS. Mr. President, to the first suggestion, there is nothing in the bill which gives the President the right to order empty cars from one part of the country to another, as I understand it. I reply further in this way. If the railway company was carrying freight under the order of the President less remunerative than the perishable article to which the Senator has referred, and if under the order of the President the less-remunerative commodities carried by the Government order were unduly large as compared with the ordinary traffic of the company, I believe the railroad company would be entitled to compensation or damages under the bill as it is. It would be entitled to compensation or damages solely because the Government had required it to do a certain kind of business, and the rates which had been established for that business done under those circumstances were not remunerative rates and the damages would be measured by the inadequacy of the charges for the service which had been ordered by the Government. To that extent under the bill I have no doubt the railway company could recover damages. That is the reason why the whole subject is referred in the first instance to the Interstate Commerce Commission rather than to the judgment of a court.

I say further that under the bill I have no doubt the shipper would have no remedy whatever against either the carrier or the Government. But I do not think he ought to have any remedy. I hope I will not be thought heartless about it, but it is one of the injuries or inconveniences of the war which all must suffer to a degree. The railway company, as I said at a time when the Senator from Florida was not here, is a public instrumentality. It is a public highway. The carrier is discharging a public function. In normal times it has certain public duties to perform and it is given certain compensation for the performance of that duty. War intervenes and there is another standard of public duty. It is still a highway; it is still a public instrumentality; but instead of being a public duty to transport such articles that may be brought to it for transportation in the order, generally speaking although not always, in which they are brought—instead of being compelled by public duty to give perishable articles the preference, as I know they are given the preference and should be—another standard of duty is imposed. It must carry those things that are necessary to the life of the country. It must carry the things that will enable our Army and Navy to accomplish successfully their purpose, and for so doing no citizen has a right to complain. No matter how much the citizen may be injured in the performance of this higher and greater duty he must bear it just as he must bear a thousand other impositions and burdens that have grown out of the war and that will grow out of the struggle in the future.

Mr. FLETCHER. I quite agree with the Senator, and my questions are not intended to indicate opposition to this measure at all. I think his position is entirely sound. I understood the Senator to say, though, in the case I used that the bill would not permit the ordering of the cars from one place to another or withdrawing cars. I should like to ask the Senator if he does not think the power given in section 2 to give preference or priority of transportation in certain instances is not equivalent to the power to order cars hither and yon as may be desired? Is not that the effect of that power?

Mr. CUMMINS. It may be that it ought to give the President that power. I do not think, however, the language we have employed does give the President the right or authority to require a given carrier to send its cars to a given point for the purpose of receiving freight. It does not seem to me that that is quite within the phrase "shall have authority to direct preference or priority in any kind of traffic or in any particular shipment." I think it means this, that a railroad with certain facilities of transportation, with certain freight that comes to it for transportation, is bound to transport first, if so ordered, the commodities which the President may regard as essential to the public safety and defense.

Mr. REED. Mr. President, I suggest to the Senator that if the language of the bill is not sufficient to give the power to order a railroad company to get its cars to a place necessary to move particular freight, then the bill would have very little potency, because it would be defeated by a railroad company simply not carrying cars to that point, or it might be defeated in that way. However, I would suggest to the Senator that under the common law it is the duty of a railway company when freight is tendered to get its cars there if they can be gotten there by reasonable exertion, so that if a railroad company had cars at a given point and if the Government acting within its constitutional right should order it to carry a certain class of freight it would be incumbent upon the road to use all reasonable diligence in order to move those cars to the necessary point to load the freight.

Mr. CUMMINS. I think the Senator from Missouri has analyzed it correctly. I believe it would be the duty of the railroad company under general law to so handle its transportation equipment as to be able to render the service which it is required to render, and we do not need any authority of that kind given in this bill directly to the President. I still maintain, however, that the bill really confers upon the President only the authority to direct the order in which shipments shall occur and the kinds of traffic that shall be first transported.

Mr. President, in the very nature of things the carriers have some discretion in the transportation of freight. The junior Senator from Georgia [Mr. HARDWICK] I think is in error when he asserts that the interstate-commerce law specifically provides that freight shall be carried in the order in which it is tendered to or received by the carrier. I do not remember any such provision in the law, and it would be utterly unworkable and impracticable if it is found in the law. The provision of the law which governs that particular phase of the subject is the command that the railway company shall not discriminate between persons, between localities, between kinds of traffic; that is to say, that it shall not unduly discriminate. The word "unduly" runs through the entire interstate-commerce act when the word "discrimination" is used. As I suggested in my interruption of the Senator from Georgia, the word "unduly" gives to the carrier a certain latitude. There is an opportunity for a certain discretion, and the carriers always have exercised a discretion in the transportation of commodities.

As I said a few moments ago, that was the standard in time of peace under normal conditions. We have passed into war and we are about to establish another standard and declare that the transportation which is essential to the public defense shall have priority. That is all there is to it. The railroad company must obey it. It is one of the regulations of commerce, even if it were not a war power which we may properly establish.

Mr. NORRIS. Mr. President, it seems to me, if the Senator is right in his statement that all this bill does is to establish the priority of freight for the national defense, it is nothing more than what is already in the statutes, as I understand. Does not the Senator, however, think the bill goes further than that?

Mr. CUMMINS. If the Senator from Nebraska is referring to the act of 1906, giving the President power to order priority of war material, I think the bill goes further. I think there are some things that are necessary to be moved for the public safety and for the national defense that can not be classified as war material. That is the respect in which I think the bill is broader than the statute.

Mr. NORRIS. I thought the Senator ought to modify his prior statement, and I think he really does so now.

Mr. CUMMINS. Possibly I was not exactly accurate.

Mr. NORRIS. If the bill did not mean anything more than what the Senator stated, I am not sure that I would be opposed to it.

Mr. CUMMINS. But I have attempted to say that the railway companies in time of peace have a certain discretion in regard to the movement of freight. They must not unduly discriminate; but they perform their public duty when they comply with the law. Now, however, there is another duty upon them; a duty that rises higher, that is more imperative, more essential than any that has ever been put upon them in the tranquillity of commerce. They will be required, if this bill becomes a law, to give priority to things not that commerce

requires, not that profit making requires, but to things that the life of the Nation, the successful conduct of the war, require shall have priority.

Mr. President, I am heartily in favor of the measure. I shall be quite willing, as I said a few moments ago, to see the provision with regard to the ascertainment of damages suffered by the railroad companies so modified that it shall be simply a requirement that the Interstate Commerce Commission shall fix an adequate charge for the service which the Government requires; but when that is done it seems to me that there ought not to be any apprehension with respect to the abuse of this power.

The railway companies are now public property, and we are simply regulating them. The Interstate Commerce Commission regulates them now; it regulates them under the law, it is true; but what is the law? That they must not charge more than a reasonable rate. What is more vague or indefinite than the standard that we have set up for application by the Interstate Commerce Commission? That commission declares what a "reasonable rate" is. We have said that the railroads must serve all alike—communities and persons; that is, that they must not unduly discriminate; but in the last resort who is to determine what "undue discrimination" is? The Interstate Commerce Commission determines that.

We shall now give to another body of the Government, as we have a right to do, the authority to declare what shall be first carried over the railroads, if there are inadequate facilities for the prompt carriage of everything tendered to the carriers. To whom will you give the power? I am willing to give it to a board under a statement or rule just as definite as we have now prescribed for the Interstate Commerce Commission. I am willing to declare that it shall be the duty of common carriers to give preference or priority to those shipments which involve the public safety or the national defense. I am willing to create a board, the members of which shall be confirmed by the Senate, to prescribe what commodities shall receive preference in order to insure the public safety and the national defense. When it is so done—I do not think it is necessary. If it were a permanent law I would insist upon it, but this proposed law is limited to the war now in progress——

Mr. HARDWICK. Mr. President——

The PRESIDING OFFICER (Mr. NEW in the chair). Does the Senator from Iowa yield to the Senator from Georgia?

Mr. CUMMINS. I yield.

Mr. HARDWICK. I have listened with a great deal of interest to the Senator's observations; but, of course, what he has just stated is not the bill that we have now before the Senate. Is the Senator proposing to offer modifications to this bill that will accomplish the purposes of which he speaks?

Mr. CUMMINS. I am not; but I am simply saying, in substance, that those who are opposing the bill upon some of these grounds are hypercritical, and that I do not regard what is suggested as essential. I am not now speaking about the difference between the Senator's amendment and the words "public safety and defense." I am speaking about the difference between the administration of this law, if the power be given to the President to be exercised through persons to be designated by him, and its administration through a board to be appointed by the President and confirmed by the Senate.

Mr. HARDWICK. The Senator thinks that would be an improvement, does he not, because the power to regulate commerce resides in the Congress, and we ought to have something to do with the creation and control of the agency that exercises our power?

Mr. CUMMINS. The Senator from Georgia very well knows that every bill when it comes from a committee is the result of some struggle——

Mr. HARDWICK. And some compromise.

Mr. CUMMINS. And some compromise. I think, though, that I can say without lessening in the least my support of the measure that as an original proposition I would have preferred a board appointed by the President and confirmed by the Senate.

Mr. HARDWICK. If the Senator from Iowa has worked out some amendment along that line, is he not at liberty to offer it to the Senate and to take the sense of the Senate upon it?

Mr. CUMMINS. I do not regard that as very material. That is simply one of the preferences which a Senator may have, but it does not reach down to the heart of the matter.

Mr. HARDWICK. I agree with the Senator about that.

Mr. CUMMINS. The Senator from Georgia has the heart of the thing in hand, namely, whether the President's power or the Government's power shall be limited to the supply of our armed forces, or whether it shall be broad enough to take in anything that is involved in the public safety and the national defense. I regard that as the only real objection made to the bill, and that depends entirely on one's view of the subject matter.

Mr. HARDWICK. Mr. President, if the Senator will pardon me again, of course a somewhat different mental attitude must be taken toward this measure when Senators are apprised in advance that the very people who intend to administer it have such a conception of it that they virtually include the words "public welfare" in the language employed, and therefore mean to do just whatever they please.

Mr. CUMMINS. The Senator from Georgia, I believe, is mistaken with regard to that phase of it.

Mr. HARDWICK. I do not think so.

Mr. CUMMINS. He is thinking about a committee of the railways; he is thinking also probably of one member of the commission advisory to the Council of National Defense.

Mr. HARDWICK. But, if the Senator will pardon me, I am thinking of the very man who will be charged, in all human probability, with the administration of this law.

Mr. CUMMINS. This bill does not contemplate that any of those gentlemen shall determine anything that is provided for in the bill. I do not know—for I am not in the confidence of the President; and, of course, even if I were, I should not disclose in advance—whom he intends to appoint; but, if I were the President, after this bill had passed, I should select one or more of the wisest and strongest men in the United States who were wholly dissociated from financial or pecuniary interests in the business of transportation. It would be to such a body of men that I would commit the authority to declare what shipments should have priority over other shipments. I hope that the Chief Executive will pursue that course. In this great emergency, when it is necessary to mobilize and to gather together all the forces of American life, when he is touching one of the most important and vital things that is embraced in the activities of our great people, why should he not select an entirely impartial, independent, wise, and strong man to administer this power? I think he will.

Mr. HARDWICK. Mr. President, will the Senator from Iowa yield to me?

Mr. CUMMINS. I yield.

Mr. HARDWICK. I want to say to the Senator that I am not saying that the President will not do so or that he has not done so; but if we may credit what the press of the country generally reports and what I believe to be true, the gentleman who will administer these powers is already virtually selected. He is Mr. Willard—I am going to call names—of the Baltimore & Ohio Railroad Co. I want to say as to Mr. Willard—and I think I ought to say it in view of some things I have said about him—that I have only a very short personal acquaintance with him; I do not think I ever had but one interview with him in my life, and that was of his own seeking, and not mine; but by reputation I have known him for a long time. I think he is a strong, clean, able man; honest, fair, and just, according to his standard. He is a railroad man. I do not know whether that would fit him, according to the Senator's definition, to exercise these powers or not. Of course, he has been at the head of one of the great railroad systems of the country; and, unless I utterly misapprehend Mr. Willard's attitude toward this question, Mr. Willard thinks if we pass this bill as the Senator's committee has reported it, that omnipotent power over all American transportation will be lodged in the President and his associates, and that body—the President and his associates—proposes to exercise it, I think, pretty fully and completely. That is my belief; and I try to be fair.

Mr. CUMMINS. Mr. President, I must not be understood as suggesting that Mr. Willard is not the proper person to administer this law. Though I have a slight acquaintance with him I esteem him very highly. I believe he is a high-minded, patriotic citizen, who, in this emergency, wants to do all that he can do for the public welfare.

Mr. HARDWICK. The Senator, of course, understands me as fully agreeing with him about that. I am not criticizing anyone. I am merely discussing questions and policies.

Mr. CUMMINS. Yes. I do not agree, however, that Mr. Willard's view of this statute is of any considerable importance.

Mr. HARDWICK. But the Senator must understand, Mr. President, that, if it is a matter of construction, the President and the people who administer this law for him are going to administer it according to his ideas; and if we have put in words here so broad, as the Senator has admitted many times during this debate, as to authorize almost anything, they will be pretty apt to do almost anything, will they not?

Mr. CUMMINS. I ought not to discuss the question of whom the President will appoint. It is not right; it is not fair to him.

I must assume that he will select the man who is best qualified for the task, and I ought not to inject my description of the man who is best qualified for it.

Mr. HARDWICK. If the Senator will permit me, I utterly dissent from that statement, because it involves a reflection on the propriety of my own suggestion. I made the suggestion because it is a matter of common knowledge that this gentleman is already, by the President's selection indirectly, at the head of the transportation committee of the advisory board of the Council of National Defense, and furthermore the newspapers of the country have generally hailed him, without any contradiction from any source, as the unofficial minister of transportation, even at the present moment. I do not think the Senate ought to be restricted by any hidebound rules of propriety in the discussion of what may happen when we see that already it has almost happened. Why should we shut our eyes and hesitate to speak frankly about matters of common knowledge?

Mr. CUMMINS. I think there is a very great difference between the position that Mr. Willard now occupies and the position the one who is selected under this bill to administer it will occupy.

Mr. HARDWICK. Oh, yes; as to power.

Mr. CUMMINS. At the present moment Mr. Willard is a member of a purely advisory commission, and is even once removed from that; he is adviser to an advisory commission, and I have no doubt that he is doing all he can do to bring order out of chaos; but when the President comes to select a representative who will for him determine the very grave and vital questions which are committed to him by this bill, whether he will think it wise to select one to exercise the power who is directly interested in the execution of the power I do not know, and I would not venture to predict. However, we are in a sad state if we can not give to the President a necessary power, fearing that he may not select the best instrument to carry that power into effect. The argument against the bestowal of the power is entirely legitimate, but if it be a legitimate power we must assume that it will be wisely exercised.

Mr. HARDWICK. Yes, Mr. President, I agree with the Senator about that. I am not at all finding fault with Mr. Willard; he may be the very best railroad man in this country, so far as I know; he may be, and I think he is, a high-minded patriot, but I know he has a certain view of this question from a conference that I had with him. I do not think it is doing violence to anybody to assume that the probability is that he is likely to be intrusted with this power when he has already been hailed, without any contradiction from official circles, as the railroad man of the administration, called from the administration of a great property by the Government to advise and cooperate with it in respect to railroad matters; in fact, it looks to me like we are just recognizing the common sense of the situation when we look a fact in the face instead of hedging proprieties around it.

I am not objecting at all to Mr. Willard. I do know that his conceptions of these powers and how they will be exercised, unless I woefully misunderstood him, are entirely and radically different from those of the Senator from Iowa, and the Senator from Iowa, I think, will make a sad mistake if he votes for this bill and supports it on the theory that, after it is enacted into law, it will be administered according to his argument here to-day.

Mr. CUMMINS. Mr. President, I have had a struggle more than once with my own conscience about voting for a law which would authorize the President to appoint officers of the Government; that is, a struggle between my consciousness that such a law was needed and my fear that the proper men would not be appointed to administer it. I have given that subject a good deal of reflection and I finally came to the conclusion—and I acted upon the conclusion—that if the law were needed my suspicion that the proper person would not or might not be selected to carry the law into effect ought not to prevail. The one is permanent, the other is temporary. I do not know—I have had no reason to believe—that the President would or would not appoint Mr. Willard. I would not care if he did. I think Mr. Willard would probably discharge the duties of this office so impartially that he would lean backward.

Mr. HARDWICK. I am inclined to think that, too, except that we know—does the Senator mind my interrupting him?

Mr. CUMMINS. Oh, no; but I have not quite finished the statement.

Mr. HARDWICK. I beg the Senator's pardon.

Mr. CUMMINS. The Senator from Georgia is afraid of such an appointment, I take it, because he thinks that the person he has in mind has already given a construction to the words "public security and national defense."

Mr. HARDWICK. Yes, sir; that is the idea.

Mr. CUMMINS. I have had some very slight conferences with the gentleman in question, and I did not find, although it did not come up directly, the conflict between his view of the meaning of those words and my view of their meaning that the Senator from Georgia believes to exist. However, Mr. President, it is probably vain and futile to discuss the bill from that standpoint.

Mr. HARDWICK. Mr. President, just one suggestion, and I want to make it just now, if the Senator has concluded his statement.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Georgia?

Mr. CUMMINS. The Senator desires to ask me a question?

Mr. HARDWICK. Yes.

Mr. CUMMINS. Very well.

Mr. HARDWICK. The rule which the Senator has just announced, that a man ought not to vote against a good law because he fears it may be badly administered, is a sound one; but when the law itself is nearly all left to administrative discretion, and when the lawmakers employ such language that what the law means depends almost entirely as to how the administrators look at it when they come to construe and administer it, the rule is a little different, I submit.

Mr. CUMMINS. It would be if I were to grant the premise. I do not think this language, however, is so susceptible of misconstruction as does the Senator from Georgia. I agree that there is discretion enough left with the President to be capable of abuse. I agree that some things could be brought within its terms that are not properly within its terms; but I fear that it will be impossible to employ language that will cover the instances that ought to be covered that will not leave the opportunity which the Senator from Georgia so much fears.

Mr. NORRIS. Mr. President, before the Senator takes his seat may I ask him a question?

Mr. CUMMINS. Certainly.

Mr. NORRIS. The Senator stated in his address that the pending amendment, if agreed to, would result in such a vast and bewildering number of claims, direct and indirect, for damages that we would be overwhelmed. In making that statement I presume the Senator assumes—and I want to ask him if he does not so assume—that to bring about that condition it would be necessary that the President, in carrying out the power conferred upon him under the bill, should practically exercise the authority of control over all the railroads of the country—an assumption that, while it is possible to indulge, I think the Senator would concede that no President would ever exercise the power unless it were absolutely necessary, and then only to the degree that it was necessary; so that it could in all probability never happen that all the railroads of the country, or any large percentage of the railroads of the country, would be involved in the orders that might, under the law, be made by the President?

Mr. CUMMINS. I think that one instance on each railroad would bring about the avalanche of claims to which I have referred. As it is now, the shippers feel that they have suffered very great injury because the railroad companies have not been able to furnish them with the facilities for transportation.

Mr. NORRIS. That would be no ground for damages.

Mr. CUMMINS. Just a moment. The very moment that the President should interfere with any railroad and order priority for any kind of traffic or any shipment every delay after that time would be imputed by the commercial public to the priority ordered by the President.

Mr. NORRIS. Does the Senator believe that——

Mr. CUMMINS. I do.

Mr. NORRIS. I had not quite finished my question. Does the Senator believe that that imputation would be well founded?

Mr. CUMMINS. No; not in every case.

Mr. NORRIS. Not in many cases, would it?

Mr. CUMMINS. It would depend entirely upon the amount of traffic that was embraced in the President's order.

Mr. NORRIS. Oh, yes; but does not the Senator concede that, while the thing is possible just as he states, as a matter of fact there would be comparatively few claims that would be valid, and that it would soon be ascertained, even if it were not to begin with, that the filing of these useless claims in multitudinous numbers would only make an expense which the men who filed them would have to pay?

Mr. CUMMINS. I would hope so; but I think the Senator from Nebraska must agree with me that if we open that door——

Mr. NORRIS. I do agree with the Senator that it is a very wide door.

Mr. CUMMINS. That we would be compelled to meet claims from every quarter, and claims that are essentially just; that is to say, where the shipper or the consignee, whoever may have

an interest in the shipment, has really suffered an injury or damage. They are suffering that every day now. Vast injuries are being suffered all over the United States on account of the insufficiency of our railway facilities.

Mr. NORRIS. But the fact that a great many are suffering damages now, and that a large number of them are entitled to the damages now, would not increase the damages for which the Government would be liable in any sense in case the amendment were agreed to.

Mr. CUMMINS. Of course it would; that is the very basis of it. If the railway companies had ample and adequate facilities, no injury would occur. The fact that there is an inadequacy or a shortage of facilities is the beginning. Now, when the Government steps in and directs the order of shipment, every delay after that time will be imputed to the order of the President in establishing priority or preference in other traffic.

Mr. NORRIS. Every person would know that every delay that occurred after that time would not follow as a result of the President's order; and if people thought it did, they would soon find out, when they commenced to file claims, that it did not. The ordinary individual would know better.

Mr. CUMMINS. Well, some of the injuries would follow——

Mr. NORRIS. Some injuries would follow.

Mr. CUMMINS. Would follow the preference, while others would not; but the work of sifting out the true claims from the false ones to me seems enormous.

Mr. NORRIS. It would be difficult in a good many instances.

Mr. VARDAMAN. Mr. President——

Mr. NORRIS. I want to ask the Senator from Iowa a further question, if I may be permitted. Would not the same theory that it would bring about a great many claims if this order were exercised, a great many of them fictitious, apply only in a less degree, I admit, if the law were enacted just as the bill stands? Is it not true that all claims of this kind would arise and would be presented to the various railway companies of the country, and that if the order were in any wise general they would be multitudinous in number?

Mr. CUMMINS. I think there would be a great many.

Mr. NORRIS. As a matter of fact, is it not true that there is only a difference in number?

Mr. CUMMINS. The Senator from Nebraska does not agree with me about that, but there is a difference in principle.

Mr. NORRIS. I understand the Senator, of course.

Mr. CUMMINS. But there would also be a great difference in number. The railway companies would not have as many claims——

Mr. NORRIS. Not as many; no.

Mr. CUMMINS. Because, in the first place, they would consolidate all their claims; that is, each railroad would consolidate its claims.

Mr. NORRIS. The Senator's objection to the amendment is not made up in any degree, is it, because it would increase the number of claims? In other words, we ought not to vote down an amendment simply because it is going to be difficult to enforce.

Mr. CUMMINS. No; that is not my objection. My objection to it is that practically every shipper in the United States would have a claim against the United States, and that, generally speaking, it would be an unjust claim and ought not to be paid. That is my chief objection to it.

Mr. NORRIS. The Senator assumes, when he says that every shipper in the United States would have a claim, that the President's order would cover every railroad in the United States.

Mr. CUMMINS. Why, certainly it would cover every railroad; there is not any doubt about that—none whatever.

Mr. NORRIS. Does the Senator believe that if we passed this bill the President would make an order that would practically take control of every railroad in the United States?

Mr. CUMMINS. No, not at all; but if the President should make an order of preference for potatoes, it would probably apply to every railroad in the country; if he should make an order for preference for tin cans, it would be on every railroad that leads to a certain point, but it would embrace a very small part of the traffic.

Mr. NORRIS. It would not be on any railroad that did not have any tin cans, and that was not located where it was going to use any tin cans.

Mr. CUMMINS. Is the Senator trying to prove that this bill requires possession of all the railroads of the country by the President, and all the traffic of the country?

Mr. NORRIS. No, indeed. I was trying to see whether the Senator meant what he said.

Mr. CUMMINS. I did mean it.

Mr. NORRIS. Then it must follow, it seems to me, that the passage of the bill as it is now would mean a claim upon the part of every railroad in the United States for every commodity that was ever included in any order of the President. Would not that be logical?

Mr. CUMMINS. Mr. President, I can not assert that; but I think that before this war is over an order of priority for some commodity will be made upon practically every railroad in the United States; but that commodity might be a small proportion of the entire business of the railway, and it might not result in any delay whatsoever.

Mr. NORRIS. Now let me ask the Senator this question: If the adoption of the amendment means that there would be a claim for damages from every shipper in the United States against the Government, then if the bill is passed permitting the railroad to make its claim, under the same logic does it not follow that there would be a claim upon the part of every railroad in the United States for damages for every article that was ever placed on a preferred list?

Mr. CUMMINS. If the railroad is damaged by the order, there would be.

Mr. NORRIS. But why does not the Senator make the same application to the shipper?

Mr. CUMMINS. Simply because the same rule would not apply at all. The shipper would make his claim because the shipment was delayed, was not delivered promptly, or was not carried promptly.

Mr. NORRIS. His claim would not be allowed if it was not valid.

Mr. CUMMINS. Just a moment; wait until I answer the Senator. The railway company, if it made its claim, would have to make it upon the basis that the compensation for the service rendered was not sufficient, and therefore it had been damaged.

Mr. NORRIS. But that is not the way the railroad company would make its claim.

Mr. VARDAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Husting	McNary	Sheppard
Brady	James	Martin	Smith, Ga.
Broussard	Johnson, Cal.	Myers	Smith, Md.
Chamberlain	Johnson, S. Dak.	New	Smith, Mich.
Culberson	Jones, Wash.	Newlands	Smith, S. C.
Cummins	Kellogg	Norris	Sterling
Curtis	Kendrick	Overman	Swanson
Fletcher	Kenyon	Page	Thompson
France	King	Pittman	Trammell
Frelinghuysen	Kirby	Poindexter	Vardaman
Gerry	Knox	Pomerene	Wadsworth
Gore	Lewis	Reed	Walsh
Hardwick	McKellar	Saulsbury	Warren
Hollis	McLean	Shafroth	

Mr. HUSTING. I desire to announce that the Senator from California [Mr. PHELAN] is detained on official business.

Mr. LEWIS. Mr. President, announcing my own presence, I wish to announce the absence of the senior Senator from Arkansas [Mr. ROBINSON], who is detained on official business.

The PRESIDING OFFICER. Fifty-five Senators have answered to their names. There is a quorum present.

Mr. NEWLANDS. Mr. President, I wish to ask unanimous consent that when the session closes to-day the Senate take a recess until 12 o'clock to-morrow, and that we come to a vote on the bill and its amendments at 4 o'clock to-morrow.

Mr. REED. I object to the latter part of the request. I do not object to a recess.

Mr. NEWLANDS. Then, I move that when the session closes to-day we take a recess until 12 o'clock to-morrow.

Mr. SHAFROTH. Mr. President, let me suggest to the Senator from Nevada, instead of fixing a time when a vote can be had, that after to-morrow, say, at 1 or 2 o'clock, we have a 10-minute rule for the discussion, without any limit as to the time when the vote shall be taken. I believe probably that would be satisfactory, when it would not be satisfactory to fix an absolute time for taking the vote.

Mr. NEWLANDS. Mr. President, I will ask unanimous consent for that.

Mr. REED. I object, Mr. President. I will say to the Senator that I am not trying to be obstructive. At the proper time I am going to make a motion to recommit this bill, and I do not think we have yet reached a time in the discussion when it is necessary to limit debate. Here is a bill, as I understand it—and I will say this to the Senator so that he may know my viewpoint—which is one of the most radical and far-reaching meas-

ures that has been before Congress within the present generation. I think it is deserving of the most serious consideration, and I do not think it has received it up to this time. It has been considered largely in the absence of the Senate.

Mr. NEWLANDS. I should like to ask the Senator if, without fixing a time for a vote, he would be willing to assent to a proposal that the speeches be limited to 10 minutes after 2 o'clock to-morrow?

Mr. REED. Not at the present time. I have seen the 10-minute rule tried out, and I think it is considerable of a failure.

The PRESIDING OFFICER. Objection is made.

Mr. NEWLANDS. Then, Mr. President, I move that when the session closes to-day the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to.

Mr. KELLOGG. Mr. President, I will ask the chairman of the committee if he desires to take a recess at 5 o'clock?

Mr. NEWLANDS. I think we will proceed until then, or later.

Mr. KELLOGG. I so understand.

Mr. TRAMMELL. Will the Senator yield to me for a moment?

Mr. KELLOGG. I yield to the Senator.

Mr. TRAMMELL. I submit an amendment, which I ask may be printed and lie on the table.

The PRESIDING OFFICER. The amendment intended to be proposed by the Senator from Florida will be printed and lie on the table.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. The Chair is under the impression that the Senator from Minnesota has yielded the floor for the day.

Mr. KELLOGG. I simply yielded the floor as the chairman of the committee desires to move a recess until to-morrow.

Mr. NEWLANDS. I suggest to the Senator from Minnesota that he continue his remarks to-morrow morning. Meanwhile the Senator from Texas [Mr. SHEPPARD] has a matter on which he would like to address the Senate, and I will make no motion for a close of the session until he is through.

Mr. KELLOGG. I did not desire to yield for another speech upon the bill. I simply understood the chairman wished to move a recess, as 5 o'clock, the usual hour, had gone by. If the chairman desires to continue the session, I will continue my remarks for a while.

Mr. SHEPPARD. I will state to the Senator that I desire to address the Senate briefly on another subject, and the Senator can go on to-morrow morning.

Mr. KELLOGG. I have no objection.

LAND SETTLEMENT AND HOME OWNERSHIP.

Mr. SHEPPARD. Mr. President, inasmuch as debate can not be closed on the present measure to-day, I desire to address the Senate briefly on a subject about which I have intended to speak for several days. At a time when the utilization of the soil and its products is one of the urgent questions before Congress I think it will not be amiss to discuss briefly the general problem of land settlement and home ownership.

Mr. President, in the last analysis the food problem is a land problem, and the land problem is fundamentally related to the question of home ownership.

The best form of preparedness which any nation may possess is maintenance of access to the land. Military preparation is but one phase of national defense. The foundations of a nation's strength are in the homes of the people. However effective and complete the national equipment for war, that soldier will be most efficient, whether he fights in the sky, the trench, on the ocean's surface or in its depths who feels that in defending his country he defends a home of his own.

Let me say here that almost every country of importance in the world has taken definite legislative steps to enable the people to acquire and maintain homes. Nearly all the leading nations have constructive land purchase and land settlement policies by which the government aids the masses in securing homes. These nations have come to understand that speculative land holding is one of the chief menaces of the home; that the home is the basis of prosperity, liberty, order, yea, of the very existence of free government; that at all times it ought to be possible for the honest and industrious citizen to obtain and develop a home from the current surplus proceeds of his own labor; that private profit-making enterprise can not and will not successfully and permanently accomplish such an end.

At this point it may be instructive to review what other nations are doing to aid the people in acquiring homes.

ENGLAND.

In England every county council is empowered to provide land for persons who will cultivate it themselves. The council may purchase the land by agreement or by compulsion, either within or without the county. No person may secure more than 50 acres in this way, and no one with only 50 acres or less may be compelled to sell. In case of compulsion the price is fixed by arbitration, and only that part of an estate is taken which may most conveniently be severed. The council will sell or lease the holdings thus secured to landless applicants as they may elect, and must fix the price or rent so as to guard against loss on its own part. Within not less than a month at least one-fifth of the purchase money must be delivered, and the purchaser may have 50 years in which to pay for the remainder, at a low rate of interest, in half-yearly installments, unless he desires to pay all sooner.

The council may postpone payments for not more than five years in the event of expenditures by purchasers which increase the value of the holdings. But this is not all. The county council may, if it sees fit, before sale or letting, adapt the land for small holdings by dividing, fencing, making roads, draining, providing water supply, or doing anything else it thinks may be more economically and efficiently done for the land as a whole. Furthermore, the council may, in its discretion, erect such buildings or make such alterations in existing ones as are necessary in the event of financial inability of purchaser or tenant. For a period of 20 years, or so long as any part of the purchase money remains due, the following rules apply. Periodical payments must be duly made. There shall be no subdividing, devising, assignment, letting, or subletting without the consent of the council. The holding must be cultivated by the purchaser or lessee and not used for any other purpose than agriculture. There shall be no more than one dwelling house on a single tract. The dwelling house must comply with standard requirements for healthiness and freedom from overcrowding. No house on any holding shall be used for the sale of intoxicating liquor. The English law goes still further. It provides garden homes for wageworkers in towns and cities. It authorizes councils of boroughs, cities, or parishes, and in case of their default the county councils, to acquire by agreement or compulsion lands to be leased to resident laborers in tracts of 1 to 5 acres. The councils may improve and adapt these lands for such allotments by draining, fencing, dividing, acquiring approaches, making roads, erecting buildings, altering existing ones, and doing such other things as may be deemed advisable. Tenure is indefinite, depending on the good faith and conduct of the lessee. In order to finance the acquisition of lands for small holdings and allotments a "small holdings account" is opened at the Bank of England comprising moneys provided by Parliament for expense of administration, sums borrowed by the council under authority of law, advances from the public works loan commissioners, and funds secured by the council from rents and sales. Parliament has authorized the public works loan commissioners to advance to local councils three and one-half million dollars annually for the creation of small holdings and allotments, on the security of the taxing power, at 3½ per cent, repayable in 50 to 80 years. So we observe that access to the land is preserved by the people of England for the people of England. I do not hesitate to say that this is the most priceless heritage they possess. It means that a man of honesty and industry may always have a home. It means that whatever reverses may beset him, a port and refuge are at hand. Best of all, he knows that his children and the children of his children will enjoy the same privilege and need never become homeless in the land they will be taught to call their own.

The interest of the English people in home building did not stop with the acts relating to small buildings and allotments. Under the improvement of land acts a landowner who wishes to erect cottages may obtain an order from the board creating a first charge on his property, and on this security he may obtain loans for building purposes from certain incorporated land-improvement companies. Under the settled-land act certain moneys may be used for the erection of cottages for laborers. Under the small dwellings acquisition act loans may be made by local authorities to householders or prospective householders in any amount not exceeding 80 per cent of the value of the dwelling in order to aid in its purchase. Under the act relating to the housing of the working classes unhealthful areas in cities have been purified, unhealthful dwellings in city and rural districts have been either demolished or made fit for habitation, and modern sanitary dwelling houses constructed for the laboring classes. About $58,000,000 have been expended by the central and local authorities in long-time low-interest loans under this act.

THE GARDEN CITY.

Out of the desire of the English people to provide better homes rose the garden-city movement. The garden city contains sections for trade, manufacture, residence, and agriculture, and each section must be restricted to the purpose for which it was originally designed. Every home must have a garden, and is rented or sold at astonishingly small figures. A wide belt of agricultural and park lands comprising two-thirds of the whole area surrounds the other sections. The number of houses to each acre is so limited that every dwelling has ample light and air, while public recreation grounds and open spaces are generally provided. The entire area is planned with a view to natural beauty, architectural excellence, popular convenience, sanitary environment, and is dedicated to the idea that a city should comprise rural as well as industrial and commercial districts. Thus the garden city abolishes the sharp line of division that has so long kept town and country apart, leading to mutual jealousy, estrangement, and suspicion, and seriously handicapping all progress. Already about 60 of these garden cities have been established since the first—Letchworth—was laid out in 1903. Towns and cities in existence when the movement began are planning extensions embodying the same principles, and notable among these are Liverpool and Birmingham. The garden suburb of Hampstead is famous the world over as one of the most beautiful examples of town planning and architectural perfection on the globe. The garden city is established and conducted by a stock company, usually limiting its returns to 5 per cent. The British Government advances funds to companies of this kind at a very low interest.

SCOTLAND.

Scotland authorizes loans by various governmental subdivisions to the people for the acquisition of land and the creation of homes. The rate of interest is 2¾ per cent and the maximum time of repayment 50 years. Loans are also authorized for the rebuilding of homes on land already acquired. As in England, housing legislation in Scotland has led to town planning on an extensive scale, with a view to healthful and comfortable living conditions. Edinburgh, for instance, has expended $500,000 in buying its slum areas, and has replaced habitations of misery and filth with new and commodious quarters, to be sold on terms within the reach of all. Glasgow has expended $12,000,000 in the erection of modern dwellings for workmen, to be distributed on the most liberal conditions.

IRELAND.

Let us now turn to Ireland, where the struggle of the people for the soil furnishes some of the most tragic chapters of human history. For 700 years the soil of Ireland was gradually gathered into the hands of the few, while the masses sank into the depths of poverty and distress. Shortly before the middle of the last century conditions became intolerable. Thousands of men, women, and children died along the roadside, where they had been driven by the rent collectors, the gombeen men, and the eviction bailiffs. Many of the people rose in neighborhood revolutions, and there was considerable destruction of life and property. The situation touched the heart of Gladstone, the British premier, who gave it careful and sympathetic study. The result was the passage, in 1881, of the Gladstone fair-rents act, which marked the beginning of a land policy for Ireland that has brought about just relations between landlord and tenant and is rapidly restoring the people to the long-lost ownership of the soil. By that act a land court or commission was created for Ireland, having power to go further than the mere contract between proprietor and renter, to examine the earning power of the soil, the living conditions surrounding the tenant, and all other matters relating to an equitable decision, not only for the parties immediately concerned but also from the standpoint of the common good. There resulted a fixed tenure for the tenant of 15 years, a salable interest to the extent of his improvements, the landlord having the first right to buy, if he should offer a proper price, and a fair rental.

The land commission was authorized to make loans to tenants for the purpose of acquiring lands, and by agreement or compulsion to purchase lands for resale to the landless. Under careful regulations the entire amount of the purchase money may be advanced. Loans are repayable by annual installments in 49 years. Subsequent legislation perfected the Gladstone Act of 1881 and the results have been magical. In 1876 over half of Ireland was owned by about 700 men, and there were half a million tenants. In 1915 450,000 Irish farmers owned their homes, and their holdings comprised two-thirds of all Ireland. By means of these land loan and purchase acts holdings valued at a billion dollars have been placed in the hands of small owners and the repayments, with the rarest of exceptions, are being promptly made. In addition, hundreds of millions have been expended and loaned for the construction of cottages with garden plots attached for laborers, both in towns and the rural districts. These measures have produced the most remarkable transformation any people have ever experienced. The sunlight of hope again floods the stone of destiny on the hill of Tara. The melancholy notes of Tom Moore, voicing his own and his country's grief for the glories of the past—

So sleeps the pride of former days;
So glory's thrill is o'er;
And hearts that once beat high for praise
Now feel that pulse no more—

Might well be changed to pæans of exultation for the day of Celtic homes on Celtic sod.

GERMANY.

Let us next consider Germany. We find that the German Government advances funds to various associations whose object is to aid the people in building homes. We find that over a hundred million dollars of the Government's old-age and insurance-pension reserves have been invested in the construction of houses for workers. We find the German cities building homes for workers or taking shares in cooperative building associations, and sometimes guaranteeing their mortgages. We find a number of cities acquiring tracts of land to be used for workmen's homes or establishing funds for the acquisition of such tracts. Notable among these are Frankfort, which, in July, 1909, had $28,000,000 in land and land funds; Munich, $14,500,000; Cologne, nearly $6,000,000; Posen, $3,500,000; Freiburg, $16,000,000; Dusseldorf, nearly $6,000,000. Berlin had at that time 46,000 acres of municipally owned land within and without the city limits; Breslau, 17,000; Strassburg, 12,000; Brandenburg, 16,000; Gorlitz, 18,000; Darmstadt, 5,000; Liegnitz, 5,000; Rostock, 45,000. Many German cities maintain municipal mortgage banks for the purpose of carrying first and second mortgages on workmen's dwellings. In the farming districts Germany has buttressed the home owner with the most efficient rural-credit system on earth.

The leading land-credit institution is the landschaft, by which the land is made the basis of loans without the intervention of a bank. Other land-credit institutions are supported or encouraged by the government, and altogether about $2,000,000,000 are advanced to German landowners on terms enabling them to improve, protect, and keep their homes. Personal rural credit is afforded by 17,000 cooperative agricultural societies of the Raiffeisen type, and their annual turnover represents over a billion and a quarter of dollars. These cooperative credit establishments, making money available to German farmers at 3 and 4 per cent, are mainly responsible for the fact that in Germany 81 per cent of the farmers own and cultivate their farms. Whenever a large sale of land is about to be made the seller must give the refusal first to a cooperative society which will subdivide the property for resale to small proprietors. In town and city planning for the purpose of improving housing conditions Germany leads all other nations.

AUSTRIA.

Austria provides governmental aid for the housing of working people on an extensive scale. The houses must be constructed in accordance with carefully framed plans in order that sanitation, permanence, and decent appearance may be assured. These homes are exempted from taxation for a long period.

BELGIUM.

In Belgium the national savings bank is authorized to lend money through certain local societies to any citizen for the construction of a home, for the purchase of one already built, for repayment of a mortgage on a home, or for reconstruction and improvement of a home already erected. The maximum loan is 90 per cent of the value of the home, including land, and the limit is $1,000. The rate of interest is from 3½ to 4 per cent, and the time of repaying is 10, 15, 20, or 25 years, as the borrower may prefer. By 1911 the national savings bank had loaned nearly $20,000,000 for the construction or acquirement of homes for workers. Certain tax exemptions are allowed. The principal cities of Belgium construct homes and sell them to workingmen on the most convenient terms, make direct loans for such construction or for purchase to individuals and societies.

DENMARK.

In Denmark Government loans are made to landless persons of good character for the purpose of acquiring small farms. The loan may equal 90 per cent of the purchase price and the value of the building may not exceed $2,000. By 1911 loans of this character had amounted to nearly $7,000,000. Loans are also granted to home owners and to workers for the purpose of acquiring machinery. By 1912 Denmark had loaned nearly $10,000,000 on homesteads. Loans are also authorized to cities

and other political divisions for the reconstruction of overbuilt and unsanitary sections and for the creation of workers' dwellings.

FRANCE.

In France the Government advances money at 2 per cent to real estate credit companies which in turn lend it on long-time mortgages to persons desiring to acquire a home or a small field or garden. It also grants advances to cooperative societies that build low-cost dwellings or that make loans for such purposes. It encourages the building of homes for workers by giving certain exemptions from taxation. It fosters a rural credit system by which funds are available for agricultural operations at the lowest rates, thereby perpetuating a prosperous and permanent farm population.

HOLLAND.

In Holland the Government makes loans to municipalities and through them to societies that build workmen's homes. These loans to municipalities have a maximum length of 50 years and may be made with or without interest.

HUNGARY.

In Hungary, where municipalities, communities, or local societies sell land for workers' homes in town or country, or guarantee building loans, or sell or rent homes, the minister of agriculture may, first, make all necessary surveys, plans, and contracts at the cost of the State; second, make loans to agricultural laborers, repayable in 50 semiannual installments or 30 yearly payments. Exemption from all taxation is granted for 20 years and construction materials are carried at cost by the Government railways. Municipalities and communities are aided by the Government in making loans for laborers' cottages and farmhouses. During the five years ending in 1912, 12,000 farm homes were built in this way at a cost of over $4,000,000. The Hungarian Government has established agricultural settlements in Transylvania, one of its richest Provinces, where lands are sold to settlers on 50 years' time at 2 to 4 per cent. Settlers must be of good character, of desirable age, and in possession of at least $400. Government instruction in agricultural cooperation and modern methods of farming is given. In Budapest the Government has provided for the construction of garden homes for rent to workmen at low figures.

ITALY.

The Italian Government gives extensive aid to the construction of homes for toilers by the remission of certain taxes, provision of easy credit for associations that build inexpensive but sanitary homes for workers, the assumption in certain cases of partial payment of interest on loans made to such associations, and by the sale of lands from the public domain for homes below the market price. The cities of Italy are joining with the general government in making loans to building associations. An effective rural-credit system brings funds to farmers for building homes and cultivating the soil at low interest rates.

NORWAY.

Norway has established a workman's dwelling and homestead bank to make loans for the acquirement of small parcels of land and small homes. The capital of the bank is furnished by the State and amounted to $2,700,000 in 1912. It has loaned over $7,000,000 for the construction of homes since its establishment in 1903. Norwegian cities have followed the example of the State and have created dwelling banks to lend funds to home-builders and persons ambitious to own small farms.

RUSSIA.

The Russian Government granted credits for farm improvements of over $1,500,000 during 1913, the total amount of such loans since 1904 being nearly four and one-half millions. About two million agricultural holdings have been allotted in European Russia during the last five years, with a total area of about 46,000,000 acres, while allotments totalling nearly 49,000,000 acres have been made to farmers in Asiatic Russia.

SPAIN.

In Spain State and municipal aid is given in the erection of low-priced dwellings for the working masses and exemptions from taxation for a certain period are allowed.

SWEDEN.

In Sweden liberal provisions are made by State and city governments for financial aid in acquiring small farms, farm dwellings, workmen's homes, and for loans to small proprietors. In 1907 the Riksdag, the national legislature, created a fund for the purchase of large estates and their subdivision into small farms.

BRAZIL.

Brazil exempts materials used in the construction of workmen's homes from all tariff charges; exempts these homes from federal taxation for not less than 15 years, provided the municipality in which they are located agrees to do the same as to city taxes; grants unoccupied Government land for homes without charge; authorizes the loan of deposits in Government savings banks to building companies; and provides that Government aided homes shall be built according to Government plans and conditions, insuring health, comfort, and convenience.

CHILE.

Chile provides funds through a bond issue for the building of dwellings to be sold or rented to workingmen. It exempts these dwellings from certain national and municipal taxes, and where they can be arranged in groups provides parks and public schools for their particular benefit.

CANADA.

In Canada the western Provinces are exempting homes and other improvements from taxation and increased building activity is resulting. The cities of Victoria, Vancouver, Edmonton, Calgary, and Leithbridge adopted this policy as to municipal taxes, and a tremendous advance in the number and value of improvements has occurred. Nova Scotia, New Brunswick, and Ontario have laws for the betterment of housing conditions among working people.

CUBA.

In Cuba the executive is authorized to construct 2,000 small cottages, to be assigned by lot to native-born and naturalized heads of families of good character, and without any other resources than their labor. The houses must be of brick and tile, at least 13 feet high, covering 56 square feet, and containing a living room, dining room, two bed rooms, kitchen, bath, and toilet. Each house must be built on a lot at least 65 by 19½ feet. The occupier must pay $2.65 within the first 10 days of each month, and this continues until the debt is discharged.

NEW ZEALAND.

I now come to the country that has accomplished probably more for the prosperity and happiness of its people than all others, a country located in a distant corner of the globe, 6,000 miles southwest of San Francisco in the South Pacific, the country of New Zealand! Well may we pause to note the physical configuration of the Dominion that has taken the lead in legislation for humanity. It is composed of three islands, each a little northeast of the other. They are generally long and narrow, having a combined length of about 1,000 miles. The northernmost is a little larger than Ohio, the middle island about the size of Michigan or Georgia, while the southernmost island is very small, about three-fifths the size of Rhode Island. Mountain ranges traverse the two principal islands, marked at intervals by peaks that glisten with perpetual snow. Rivers, waterfalls, glaciers, gorges, lakes, volcanoes, geysers, boiling springs famous for healing qualities, and fertile plains combine to present one of the most varied and enchanting nature pictures the world contains. Is there not an unusual significance in the fact that the laws of this wonderful country are as beneficent as the natural environment among which they have been enacted is sublime?

The people of New Zealand grasped the fact that the most vital source of civilization is the home; that the preservation of the home is the first duty of civilization; that a certain amount of land should always be available for homes. They realized that if the people are the Government, as, indeed, they ought to be, Government help is self-help, provided always that it preserves the principle of individual self-help, and does not degenerate into mere charity. They saw more clearly than any other people have as yet seen how much the people may do collectively with more effectiveness than may private enterprise. They caught the spirit of Browning's memorable definition:

A people is but the attempt of many
To rise to the complete life of one.

The land laws of New Zealand are intended to break up immense estates and absentee landlordism, to secure homes on the soil for those who cultivate it with their own hands. All improvements, live stock, and personalty are exempted from taxation. In fixing the value of the land for taxation mortgages are deducted. The mortgagee must pay a land tax on his mortgage as if it were land, and is prohibited from charging the tax to the mortgagor. When the value of the land does not exceed $2,500, after deducting improvements and mortgages, the owner is exempt from any land tax whatever. The result is that about six-sevenths of the farm-home owners of New Zealand pay no land tax at all. When the unimproved value reaches $25,000 a graduated tax begins, which is intended to make unprofitable the holding of large estates and the concentration of ownership in a few. The graduated tax is levied in addition to the ordinary level rate land tax, and in case the owner has been out of the country a year this graded tax is increased 20 per cent. Corporations holding lands must pay a higher rate than indi-

viduals. Earnings derived from land are exempted from the graduated income tax, as are all incomes over $1,500.

The Government of New Zealand is authorized to expend not more than $5,000,000 annually in the purchase of large estates by agreement or compulsion, for subdivision or lease to small settlers, a reasonable amount being left the original owner, should he so desire. The lease runs for 33 years at 4½ per cent per annum with a perpetual right of renewal. In other words, occupancy and use are made the true muniments of title. Ownership remains in the Government or the people, and the land is prevented from gravitating back into the hands of monopolists and speculators. The people become their own tenants and their own landlords, so far as these purchased estates are concerned. A large element in New Zealand favors the ultimate nationalization of all the soil, in order to make it sacred to actual use and keep it in the people's control. By 1912 the Government had acquired 223 estates at a purchase cost of nearly $30,000,000 and had expended thereon two and one-fourth millions for improvement. It is practically all leased to small home owners, who are promptly meeting all payments. About 18,000,000 acres of the public crownlands have been sold or leased to actual settlers. Here the option of purchase of the title or lease with right of purchase or of lease with perpetual right of renewal is offered the buyer, the amount anyone may obtain being carefully limited. After placing settlers on the land the New Zealand Government makes them loans on easy terms to enable them properly to occupy and develop their holdings, including the erection of homes. The Government also erects homes with garden plots attached for lease to laborers in both the towns and rural districts.

Let us now take up our own country, the United States. What is the situation? Although millions of acres have been given and sold to prospective owners by Federal and State Governments, the results speak their own condemnation. Of the 20,000,000 families in the United States nearly 11,000,000 own no homes at all, while less than 6,000,000 own homes free from incumbrance. In 1870 more than 90 per cent of the people resided in the rural districts. To-day, more than 50 per cent are crowded in cities. The percentage of tenants in the farming sections as well as in the cities is growing with an appalling rapidity. One of the results of present land policies and conditions is that of the arable area of the United States hardly one half is occupied, and hardly half of the half occupied is under actual cultivation. Is it surprising that we are confronted with a food problem? Even before the present war began our surplus amount of food was rapidly decreasing. Unless something is done to make farm life inherently more attractive, this Republic, although it contains enormous reaches of remarkably productive soil, will face a food shortage of increasingly serious proportions.

I directed attention to this situation in the Senate in April, 1915, and proposed an amendment to the Federal Constitution giving Congress the power to inaugurate a constructive land policy. A constitutional amendment giving the Legislature of Massachusetts similar powers was adopted in that State in November of 1914 by a popular vote of three to one. In the State of California a commission authorized by the legislature has made a careful study of the land question, in so far as it affected California, and has reported that Government supervision and aid are necessary to an effective solution. The State of Oklahoma has provided by law for aid to home builders, and in the State of Wyoming a plan of land settlement along progressive and constructive lines has been proposed. The Fourth National Conference on Marketing and Farm Credits, which was held at Chicago in December, 1916, at which delegates were present representing 120 farmers' organizations composed altogether of about 3,000,000 farmers, passed a number of resolutions, among which was the following in reference to what is called the "Wyoming plan":

We indorse plans similar to those formulated under the report on land settlement in Wyoming, which provides for cooperation between the Federal and State authorities for the creation of settlements in which community as well as individual needs are cared for. This policy includes provision for town schools, roads, and the determination of the size of farms needed to furnish employment and give a living income to the settler. The Wyoming plan also provides homes for laborers, which will give them economic independence through the ownership of sufficient land to enable the laborer's family to grow its own fruits and vegetables and keep a cow, pigs, and poultry. The object of this is to enable settlers to earn a living income from the soil in less time and with smaller expenditure of money than is possible where each one works unaided and alone. Such expenditures, or loans, should be repaid by the settler with interest, under such conditions and in such time as will permit the money to be earned out of the soil.

That conference also adopted a resolution for a Federal commission to study the land question, in the following language:

This conference again urges its recommendation of 1915 for the appointment of a Federal commission having authority to employ a body of expert assistants to carry on inquiry in all parts of the country, which will show—

First. Methods and results of unregulated private settlement;

Second. The need for more favorable financial terms of purchase by tenants and would-be farmers of small capital; and

Third. The feasibility and value of adopting in this country some of the policies of other countries which have done so much to improve agricultural and social conditions in these countries.

The Federal farm-loan act will undoubtedly give material aid to many who seek farm homes and who are able to obtain half the value of the desired land from private sources, but it is questionable whether a large proportion of the nearly 5,000,000 farm laborers and farm tenants will be in position to take advantage of the act for the purpose of acquiring homes.

Mr. President, the entry of the United States into the world war has brought about the keenest analysis of internal conditions, to the end that faults may be remedied and weaknesses repaired. The problem of home ownership lies at the base of all other problems relating to an efficient nation in both war and peace. The settlement of the land and home question will be a long step toward a lasting solution of the food question. With the land occupied and cultivated by owners, with a system of credit adapted to farm processes, with ar adequate marketing system for farm products, the American Republic will never suffer for lack of food.

Let the increasing millions of homeless Americans understand that Congress is seeking to solve this most vital of all questions, and it will do more to solidify and strengthen the Republic, to win the confidence of the masses, than all other measures of preparedness combined. Accordingly, I have introduced a bill for an investigation by experts of land settlement and home ownership in the United States, and a report as to what steps, legislative or otherwise, may be practicable and desirable. I do not claim that measures which have proved successful in other countries are necessarily workable here. I urge, however, that the entire subject be thoroughly and carefully investigated.

I submit a copy of the bill and ask that it be published in the RECORD as a part of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill referred to is as follows:

Whereas the last census shows that of the 20,000,000 families in the United States less than 6,000,000 owned their homes free from incumbrance, while nearly 11,000,000 families, representing over half our population, owned no homes at all; and

Whereas the passing of the home owner in the United States is being accompanied by a general desertion of the rural districts, a rapid decline in the number of our citizens engaged in agriculture, and the concentration of the people in the cities, where more than half of the inhabitants of the Republic are already gathered; and

Whereas such conditions are a steadily increasing menace to the existence, the happiness, and the efficiency of the Nation; and

Whereas the highest form of preparedness for war or peace lies in universal home ownership; and

Whereas nearly all the other leading governments have adopted constructive land-purchase and land-settlement policies in order to aid the people in acquiring and maintaining homes: Therefore

Be it enacted, etc., That the Secretary of Agriculture, the Secretary of the Interior, and the Secretary of Labor are hereby constituted a commission to study the question of land settlement in the United States, to be known as the Federal land settlement and homestead commission.

SEC. 2. That the said commission shall complete its labors and make final report to Congress within one year from date hereof.

SEC. 3. That the commission shall employ such expert and clerical assistance as it may deem necessary, utilizing present employees of the departments of the Government as far as practicable, the total amount expended by them for such assistance and for such incidental expenditures as it may consider essential not to exceed $50,000, which amount is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 4. That the members of the commission and its appointees, when traveling on the business of the commission, shall be paid from the funds herein appropriated actual living and transportation expense, to be certified to the Secretary of the Treasury on vouchers authorized and signed by the members of the commission.

SEC. 5. That the commission shall carry on an inquiry covering all parts of the country as to—

First. Methods and results of unregulated private settlement.

Second. Need for more favorable financial terms of purchase by tenants and others desiring to become home owners.

Third. Feasibility and value of adopting in this country some of the land-settlement and home-loan policies of other countries.

Fourth. Feasibility and value of cooperation between State and Federal authorities in aiding the people to acquire homes, and for the creation of settlements in which community as well as individual needs are cared for.

Fifth. Methods of not only aiding an individual to acquire a home, but also to establish himself permanently on the soil.

Sixth. Methods of regulating land speculation, absentee landlordism, of preventing concentration of land ownership in the few and kindred evils.

Seventh. Such other methods as the commission may find advisable to arrest the alarming growth of tenantry in the United States, the spread of landlordism, and the disappearance of the home-owning American, all of which threatens to reduce the American people to the condition of a people without lands and without homes.

Mr. SHEPPARD. I now reintroduce by permission of the Senate, the joint resolution for an amendment to the Constitution giving Congress power to inaugurate a land policy.

The joint resolution (S. J. Res. 76) proposing an amendment to the Constitution of the United States giving Congress the power to purchase, hold, improve, subdivide, and sell land and to make loans for the purpose of promoting farm-home ownership, was read the first time by its title, and the second time at length, and referred to the Committee on the Judiciary, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of the House concurring therein), That the following amendment of the Constitution be, and hereby is, proposed to the States, to become valid as a part of the Constitution when ratified by the legislatures of the several States, as provided by the Constitution:

"The Congress shall have power to purchase land anywhere in the United States, hold, improve, subdivide, and sell the same, and also to make loans for the purpose of encouraging and promoting farm ownership in the United States: *Provided, however*, That the amendment shall not be deemed to authorize the sale of such land at less than the cost thereof."

RECESS.

Mr. NEWLANDS. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 43 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, June 13, 1917, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June 12, 1917.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Incline Thine ear, O God our Heavenly Father, and hear our prayer. Give to us great thoughts, noble aspirations, and high ideals; that we may do things and add somewhat to the achievements of the faithful souls who have lived and wrought for the betterment of mankind and thus satisfy the yearnings of our own hearts and receive the approbation of the Living God and pass serenely on at the appointed time into the realms of the Great Beyond. In His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. WOOD of Indiana. Mr. Speaker, I ask unanimous consent to have printed in the RECORD a copy of a letter written by Senator SHERMAN to the editor of the Chicago Tribune on what this Congress has done and what the press and others try to do to Congress.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested.

S. J. Res. 73. Joint resolution authorizing the Secretary of the Interior to invest Indian funds in Government bonds.

MAKING IMMEDIATELY AVAILABLE ARMY APPROPRIATIONS.

Mr. DENT. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 100, to make immediately available the appropriations provided for under an act making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purpses, approved May 12, 1917.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. LENROOT. Mr. Speaker, reserving the right to object, I have no objection to this matter being disposed of during the day, but before the day is passed the House will be called upon to vote upon the large deficiency bill, and until that is disposed of I shall object.

Mr. KAHN. Will the gentleman withhold his objection a moment?

Mr. LENROOT. Yes.

Mr. KAHN. Mr. Speaker, this is a very important matter. I should be sorry to hear an objection made. This money is really necessary at the present time. The War Department has obligated itself for many millions of dollars, and millions of dollars are now owing to various merchants throughout the country who have supplied the Government with material that the Government needed in this emergency. There is no money with which to pay it. These men are being carried by the banks of the country and have to pay interest on the money that they are borrowing from the banks in order to supply the Government. It is not fair to the merchants, and I sincerely hope that the gentleman from Wisconsin will let this matter be disposed of, without objection.

Mr. LENROOT. Mr. Speaker, my friend from California is probably not aware that this matter has been up for the two preceding days, and I have stated that I will not object to its being disposed of during the day. We will vote on the urgent deficiency bill this afternoon that carries the very appropriation the gentleman now speaks of, and I shall object until that matter is disposed of during the day.

The SPEAKER. The gentleman from Wisconsin objects.

AMENDING THE FEDERAL RESERVE ACT.

Mr. GLASS. Mr. Speaker, I call up the conference report on the bill H. R. 3673, amending the Federal reserve act.

Mr. HARRISON of Mississippi. I want to reserve a point of order, Mr. Speaker, on the conference report.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

H. R. 3673. To amend the act approved December 23, 1913, known as the Federal reserve act, as amended by the acts of August 4, 1914, August 15, 1914, March 3, 1915, and September 7, 1916.

Mr. McFADDEN. Mr. Speaker, I desire to make a point of order.

The SPEAKER. The gentleman from Mississippi was making a point or order. Has the gentleman from Virginia any request to make?

Mr. GLASS. I ask unanimous consent that the statement be read in lieu of the report.

Mr. HARRISON of Mississippi. It is understood that my point or order is reserved?

The SPEAKER. Yes. Is there objection to the request that the statement be read in lieu of the report? [After a pause.] The Chair hears none.

The Clerk read the statement.

CONFERENCE REPORT (NO. 73).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3673) to amend the act approved December 23, 1913, known as the Federal reserve act, as amended by the acts of August 4, 1914, August 15, 1914, March 3, 1915, and September 7, 1916, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the amendment proposed by the Senate insert the following:

"That section 3 of the act known as the Federal reserve act be amended and reenacted so as to read as follows:

"'SEC. 3. The Federal Reserve Board may permit or require any Federal reserve bank to establish branch banks within the Federal reserve district in which it is located or within the district of any Federal reserve bank which may have been suspended. Such branches, subject to such rules and regulations as the Federal Reserve Board may prescribe, shall be operated under the supervision of a board of directors to consist of not more than seven nor less than three directors, of whom a majority of one shall be appointed by the Federal reserve bank of the district, and the remaining directors by the Federal Reserve Board. Directors of branch banks shall hold office during the pleasure of the Federal Reserve Board.'

"SEC. 2. That section 4 in the paragraph relating to the appointment of class C directors and prescribing their duties be amended and reenacted so as to read as follows:

"'Class C directors shall be appointed by the Federal Reserve Board. They shall have been for at least two years residents of the district for which they are appointed, one of whom shall be designated by said board as chairman of the board of directors of the Federal reserve bank and as "Federal reserve agent." He shall be a person of tested banking experience, and in addition to his duties as chairman of the board of directors of the Federal reserve bank he shall be required to maintain, under regulations to be established by the Federal Reserve Board, a local office of said board on the premises of the Federal reserve bank. He shall make regular reports to the Federal Reserve Board and shall act as its official representative for the performance of the functions conferred upon it by this act. He shall receive an annual compensation to be fixed by the Federal Reserve Board and paid monthly by

the Federal reserve bank to which he is designated. One of the directors of class C shall be appointed by the Federal Reserve Board as deputy chairman to exercise the powers of the chairman of the board when necessary. In case of the absence of the chairman and deputy chairman, the third class C director shall preside at meetings of the board.

"'Subject to the approval of the Federal Reserve Board, the Federal reserve agent shall appoint one or more assistants. Such assistants, who shall be persons of tested banking experience, shall assist the Federal reserve agent in the performance of his duties and shall also have power to act in his name and stead during his absence or disability. The Federal Reserve Board shall require such bonds of the assistant Federal reserve agents as it may deem necessary for the protection of the United States. Assistants to the Federal reserve agent shall receive an annual compensation, to be fixed and paid in the same manner as that of the Federal reserve agent.'

"SEC. 3. That section 9 be amended and reenacted so as to read as follows:

"'SEC. 9. Any bank incorporated by special law of any State, or organized under the general laws of any State or of the United States, desiring to become a member of the Federal Reserve System, may make application to the Federal Reserve Board, under such rules and regulations as it may prescribe, for the right to subscribe to the stock of the Federal reserve bank organized within the district in which the applying bank is located. Such application shall be for the same amount of stock that the applying bank would be required to subscribe to as a national bank. The Federal Reserve Board, subject to such conditions as it may prescribe, may permit the applying bank to become a stockholder of such Federal reserve bank.

"'In acting upon such applications the Federal Reserve Board shall consider the financial condition of the applying bank, the general character of its management, and whether or not the corporate powers exercised are consistent with the purposes of this act.

"'Whenever the Federal Reserve Board shall permit the applying bank to become a stockholder in the Federal reserve bank of the district its stock subscription shall be payable on call of the Federal Reserve Board, and stock issued to it shall be held subject to the provisions of this act.

"'All banks admitted to membership under authority of this section shall be required to comply with the reserve and capital requirements of this act and to conform to those provisions of law imposed on national banks which prohibit such banks from lending on or purchasing their own stock, which relate to the withdrawal or impairment of their capital stock, and which relate to the payment of unearned dividends. Such banks and the officers, agents, and employees thereof shall also be subject to the provisions of and to the penalties prescribed by section 5209 of the Revised Statutes, and shall be required to make reports of condition and of the payment of dividends to the Federal reserve bank of which they become a member. Not less than three of such reports shall be made annually on call of the Federal reserve bank on dates to be fixed by the Federal Reserve Board. Failure to make such reports within 10 days after the date they are called for shall subject the offending bank to a penalty of $100 a day for each day that it fails to transmit such report; such penalty to be collected by the Federal reserve bank by suit or otherwise.

"'As a condition of membership such banks shall likewise be subject to examinations made by direction of the Federal Reserve Board or of the Federal reserve bank by examiners selected or approved by the Federal Reserve Board.

"'Whenever the directors of the Federal reserve bank shall approve the examinations made by the State authorities, such examinations and the reports thereof may be accepted in lieu of examinations made by examiners selected or approved by the Federal Reserve Board: *Provided, however*, That when it deems it necessary the board may order special examinations by examiners of its own selection and shall in all cases approve the form of the report. The expenses of all examinations, other than those made by State authorities, shall be assessed against and paid by the banks examined.

"'If at any time it shall appear to the Federal Reserve Board that a member bank has failed to comply with the provisions of this section or the regulations of the Federal Reserve Board made pursuant thereto, it shall be within the power of the board after hearing to require such bank to surrender its stock in the Federal reserve bank and to forfeit all rights and privileges of membership. The Federal Reserve Board may restore membership upon due proof of compliance with the conditions imposed by this section.

"'Any State bank or trust company desiring to withdraw from membership in a Federal reserve bank may do so, after six months' written notice shall have been filed with the Federal Reserve Board, upon the surrender and cancellation of all of its holdings of capital stock in the Federal reserve bank: *Provided, however*, That no Federal reserve bank shall, except under express authority of the Federal Reserve Board, cancel within the same calendar year more than 25 per cent of its capital stock for the purpose of effecting voluntary withdrawals during that year. All such applications shall be dealt with in the order in which they are filed with the board. Whenever a member bank shall surrender its stock holdings in a Federal reserve bank, or shall be ordered to do so by the Federal Reserve Board, under authority of law, all of its rights and privileges as a member bank shall thereupon cease and determine, and after due provision has been made for any indebtedness due or to become due to the Federal reserve bank it shall be entitled to a refund of its cash paid subscription with interest at the rate of one-half of 1 per cent per month from date of last dividend, if earned, the amount refunded in no event to exceed the book value of the stock at that time, and shall likewise be entitled to repayment of deposits and of any other balance due from the Federal reserve bank.

"'No applying bank shall be admitted to membership in a Federal reserve bank unless it possesses a paid-up, unimpaired capital sufficient to entitle it to become a national banking association in the place where it is situated under the provisions of the national-bank act.

"'Banks becoming members of the Federal Reserve System under authority of this section shall be subject to the provisions of this section and to those of this act which relate specifically to member banks, but shall not be subject to examination under the provisions of the first two paragraphs of section 5240 of the Revised Statutes as amended by section 21 of this act. Subject to the provisions of this act and to the regulations of the board made pursuant thereto, any bank becoming a member of the Federal Reserve System shall retain its full charter and statutory rights as a State bank or trust company, and may continue to exercise all corporate powers granted it by the State in which it was created, and shall be entitled to all privileges of member banks: *Provided, however*, That no Federal reserve bank shall be permitted to discount for any State bank or trust company notes, drafts, or bills of exchange of any one borrower who is liable for borrowed money to such State bank or trust company in an amount greater than 10 per cent of the capital and surplus of such State bank or trust company, but the discount of bills of exchange drawn against actually existing value and the discount of commercial or business paper actually owned by the person negotiating the same shall not be considered as borrowed money within the meaning of this section. The Federal reserve bank, as a condition of the discount of notes, drafts, and bills of exchange for such State bank or trust company, shall require a certificate or guaranty to the effect that the borrower is not liable to such bank in excess of the amount provided by this section, and will not be permitted to become liable in excess of this amount while such notes, drafts, or bills of exchange are under discount with the Federal reserve bank.

"'It shall be unlawful for any officer, clerk, or agent of any bank admitted to membership under authority of this section to certify any check drawn upon such bank unless the person or company drawing the check has on deposit therewith at the time such check is certified an amount of money equal to the amount specified in such check. Any check so certified by duly authorized officers shall be a good and valid obligation against such bank, but the act of any such officer, clerk, or agent in violation of this section may subject such bank to a forfeiture of its membership in the Federal Reserve System upon hearing by the Federal Reserve Board.'

"SEC. 4. That the first paragraph of section 13 be further amended and reenacted so as to read as follows:

"'Any Federal reserve bank may receive from any of its member banks, and from the United States, deposits of current funds in lawful money, national-bank notes, Federal reserve notes, or checks, and drafts, payable upon presentation, and also, for collection, maturing notes and bills; or, solely for purposes of exchange or of collection, may receive from other Federal reserve banks deposits of current funds in lawful money, national-bank notes, or checks upon other Federal reserve banks, and checks and drafts, payable upon presentation within its district, and maturing notes and bills payable within its district; or, solely for the purposes of exchange or of collection, may receive from any nonmember bank or trust company deposits of current funds in lawful money, national-bank notes, Federal reserve notes, checks and drafts payable upon presentation, or maturing notes and bills: *Provided*, Such nonmember bank or trust company maintains with the Federal reserve bank of its district a balance sufficient to offset the items in transit held for its ac-

count by the Federal reserve bank: *Provided further*, That nothing in this or any other section of this act shall be construed as prohibiting a member or nonmember bank from making reasonable charges, to be determined and regulated by the Federal Reserve Board, but in no case to exceed 10 cents per $100 or fraction thereof, based on the total of checks and drafts presented at any one time, for collection or payment of checks and drafts and remission therefor by exchange or otherwise; but no such charges shall be made against the Federal reserve banks.'

"SEC. 5. That the fifth paragraph of section 13 be further amended and reenacted so as to read as follows:

"'Any member bank may accept drafts or bills of exchange drawn upon it having not more than six months sight to run, exclusive of days of grace, which grow out of transactions involving the importation or exportation of goods; or which grow out of transactions involving the domestic shipment of goods provided shipping documents conveying or securing title are attached at the time of acceptance; or which are secured at the time of acceptance by a warehouse receipt or other such document conveying or securing title covering readily marketable staples. No member bank shall accept, whether in a foreign or domestic transaction, for any one person, company, firm, or corporation to an amount equal at any time in the aggregate to more than 10 per cent of its paid-up and unimpaired capital stock and surplus, unless the bank is secured either by attached documents or by some other actual security growing out of the same transaction as the acceptance; and no bank shall accept such bills to an amount equal at any time in the aggregate to more than one-half of its paid-up and unimpaired capital stock and surplus: *Provided, however*, That the Federal Reserve Board, under such general regulations as it may prescribe, which shall apply to all banks alike regardless of the amount of capital stock and surplus, may authorize any member bank to accept such bills to an amount not exceeding at any time in the aggregate 100 per cent of its paid-up and unimpaired capital stock and surplus: *Provided further*, That the aggregate of acceptances growing out of domestic transactions shall in no event exceed 50 per cent of such capital stock and surplus.'

"SEC. 6. That section 14, subsection (e), be amended and reenacted so as to read as follows:

"'(e) To establish accounts with other Federal reserve banks for exchange purposes and, with the consent or upon the order and direction of the Federal Reserve Board and under regulations to be prescribed by said board, to open and maintain account in foreign countries; appoint correspondents, and establish agencies in such countries wheresoever it may be deemed best for the purpose of purchasing, selling, and collecting bills of exchange, and to buy and sell, with or without its indorsement, through such correspondents or agencies, bills of exchange (or acceptances) arising out of actual commercial transactions which have not more than 90 days to run, exclusive of days of grace, and which bear the signature of two or more responsible parties, and, with the consent of the Federal Reserve Board, to open and maintain banking accounts for such foreign correspondents or agencies. Whenever any such account has been opened or agency or correspondent has been appointed by a Federal reserve bank, with the consent of or under the order and direction of the Federal Reserve Board, any other Federal reserve bank may, with the consent and approval of the Federal Reserve Board, be permitted to carry on or conduct, through the Federal reserve bank opening such account or appointing such agency or correspondent, any transaction authorized by this section under rules and regulations to be prescribed by the board.'

"SEC. 7. That section 16, paragraphs 2, 3, 4, 5, 6, and 7, be further amended and reenacted so as to read as follows:

"'Any Federal reserve bank may make application to the local Federal reserve agent for such amount of the Federal reserve notes hereinbefore provided for as it may require. Such application shall be accompanied with a tender to the local Federal reserve agent of collateral in amount equal to the sum of the Federal reserve notes thus applied for and issued pursuant to such application. The collateral security thus offered shall be notes, drafts, bills of exchange, or acceptances acquired under the provisions of section 13 of this act, or bills of exchange indorsed by a member bank of any Federal reserve district and purchased under the provisions of section 14 of this act, or bankers' acceptances purchased under the provisions of said section 14, or gold or gold certificates; but in no event shall such collateral security, whether gold, gold certificates, or eligible paper, be less than the amount of Federal reserve notes applied for. The Federal reserve agent shall each day notify the Federal Reserve Board of all issues and withdrawals of Federal reserve notes to and by the Federal reserve bank to which he is accredited. The said Federal Reserve Board may at any time call upon a Federal reserve bank for additional security to protect the Federal reserve notes issued to it.

"'Every Federal reserve bank shall maintain reserves in gold or lawful money of not less than 35 per cent against its deposits and reserves in gold of not less than 40 per cent against its Federal reserve notes in actual circulation: *Provided, however*, That when the Federal reserve agent holds gold or gold certificates as collateral for Federal reserve notes issued to that bank such gold or gold certificates shall be counted as part of the gold reserve which such bank is required to maintain against its Federal reserve notes in actual circulation. Notes so paid out shall bear upon their faces a distinctive letter and serial number which shall be assigned by the Federal Reserve Board to each Federal reserve bank. Whenever Federal reserve notes issued through one Federal reserve bank shall be received by another Federal reserve bank, they shall be promptly returned for credit or redemption to the Federal reserve bank through which they were originally issued or, upon direction of such Federal reserve bank, they shall be forwarded direct to the Treasurer of the United States to be retired. No Federal reserve bank shall pay out notes issued through another under penalty of a tax of 10 per cent upon the face value of notes so paid out. Notes presented for redemption at the Treasury of the United States shall be paid out of the redemption fund and returned to the Federal reserve banks through which they were originally issued, and thereupon such Federal reserve bank shall, upon demand of the Secretary of the Treasury, reimburse such redemption fund in lawful money or, if such Federal reserve notes have been redeemed by the Treasurer in gold or gold certificates, then such funds shall be reimbursed to the extent deemed necessary by the Secretary of the Treasury in gold or gold certificates, and such Federal reserve bank shall, so long as any of its Federal reserve notes remain outstanding, maintain with the Treasurer in gold an amount sufficient in the judgment of the Secretary to provide for all redemptions to be made by the Treasurer. Federal reserve notes received by the Treasurer otherwise than for redemption may be exchanged for gold out of the redemption fund hereinafter provided and returned to the reserve bank through which they were originally issued, or they may be returned to such bank for the credit of the United States. Federal reserve notes unfit for circulation shall be returned by the Federal reserve agents to the Comptroller of the Currency for cancellation and destruction.

"'The Federal Reserve Board shall require each Federal reserve bank to maintain on deposit in the Treasury of the United States a sum in gold sufficient in the judgment of the Secretary of the Treasury for the redemption of the Federal reserve notes issued to such bank, but in no event less than 5 per cent of the total amount of notes issued less the amount of gold or gold certificates held by the Federal reserve agent as collateral security; but such deposit of gold shall be counted and included as part of the 40 per cent reserve hereinbefore required. The board shall have the right, acting through the Federal reserve agent, to grant, in whole or in part, or to reject entirely the application of any Federal reserve bank for Federal reserve notes; but to the extent that such application may be granted the Federal Reserve Board shall, through its local Federal reserve agent, supply Federal reserve notes to the banks so applying, and such bank shall be charged with the amount of notes issued to it and shall pay such rate of interest as may be established by the Federal Reserve Board on only that amount of such notes which equals the total amount of its outstanding Federal reserve notes less the amount of gold or gold certificates held by the Federal reserve agent as collateral security. Federal reserve notes issued to any such bank shall, upon delivery, together with such notes of such Federal reserve bank as may be issued under section 18 of this act upon security of United States 2 per cent Government bonds, become a first and paramount lien on all the assets of such bank.

"'Any Federal reserve bank may at any time reduce its liability for outstanding Federal reserve notes by depositing with the Federal reserve agent its Federal reserve notes, gold, gold certificates, or lawful money of the United States. Federal reserve notes so deposited shall not be reissued, except upon compliance with the conditions of an original issue.

"'The Federal reserve agent shall hold such gold, gold certificates, or lawful money available exclusively for exchange for the outstanding Federal reserve notes when offered by the reserve bank of which he is a director. Upon the request of the Secretary of the Treasury the Federal Reserve Board shall require the Federal reserve agent to transmit to the Treasurer of the United States so much of the gold held by him as collateral security for Federal reserve notes as may be required for the exclusive purpose of the redemption of such Federal

reserve notes, but such gold when deposited with the Treasurer shall be counted and considered as if collateral security on deposit with the Federal reserve agent.

"'Any Federal reserve bank may at its discretion withdraw collateral deposited with the local Federal reserve agent for the protection of its Federal reserve notes issued to it and shall at the same time substitute therefor other collateral of equal amount with the approval of the Federal reserve agent under regulations to be prescribed by the Federal Reserve Board. Any Federal reserve bank may retire any of its Federal reserve notes by depositing them with the Federal reserve agent or with the Treasurer of the United States, and such Federal reserve bank shall thereupon be entitled to receive back the collateral deposited with the Federal reserve agent for the security of such notes. Federal reserve banks shall not be required to maintain the reserve or the redemption fund heretofore provided for against Federal reserve notes which have been retired. Federal reserve notes so deposited shall not be reissued except upon compliance with the conditions of an original issue.'

"All Federal reserve notes and all gold, gold certificates, and lawful money issued to or deposited with any Federal reserve agent under the provisions of the Federal reserve act shall hereafter be held for such agent, under such rules and regulations as the Federal Reserve Board may prescribe, in the joint custody of himself and the Federal reserve bank to which he is accredited. Such agent and such Federal reserve bank shall be jointly liable for the safe-keeping of such Federal reserve notes, gold, gold certificates, and lawful money. Nothing herein contained, however, shall be construed to prohibit a Federal reserve agent from depositing gold or gold certificates with the Federal Reserve Board, to be held by such board subject to his order, or with the Treasurer of the United States for the purposes authorized by law.

"SEC. 8. That section 16 be further amended by adding at the end of the section the following:

"'That the Secretary of the Treasury is hereby authorized and directed to receive deposits of gold coin or of gold certificates with the Treasurer or any assistant treasurer of the United States when tendered by any Federal reserve bank or Federal reserve agent for credit to its or his account with the Federal Reserve Board. The Secretary shall prescribe by regulation the form of receipt to be issued by the Treasurer or Assistant Treasurer to the Federal reserve bank or Federal reserve agent making the deposit, and a duplicate of such receipt shall be delivered to the Federal Reserve Board by the Treasurer at Washington upon proper advices from any assistant treasurer that such deposit has been made. Deposits so made shall be held subject to the orders of the Federal Reserve Board and shall be payable in gold coin or gold certificates on the order of the Federal Reserve Board to any Federal reserve bank or Federal reserve agent at the Treasury or at the Subtreasury of the United States nearest the place of business of such Federal reserve bank or such Federal reserve agent: *Provided, however*, That any expense incurred in shipping gold to or from the Treasury or Subtreasuries in order to make such payments, or as a result of making such payments, shall be paid by the Federal Reserve Board and assessed against the Federal reserve banks. The order used by the Federal Reserve Board in making such payments shall be signed by the governor or vice governor, or such other officers or members as the board may by regulation prescribe. The form of such order shall be approved by the Secretary of the Treasury.

"'The expenses necessarily incurred in carrying out these provisions, including the cost of the certificates or receipts issued for deposits received, and all expenses incident to the handling of such deposits shall be paid by the Federal Reserve Board and included in its assessments against the several Federal reserve banks.

"'Gold deposits standing to the credit of any Federal reserve bank with the Federal Reserve Board shall, at the option of said bank, be counted as part of the lawful reserve which it is required to maintain against outstanding Federal reserve notes, or as a part of the reserve it is required to maintain against deposits.

"'Nothing in this section shall be construed as amending section 6 of the act of March 14, 1900, as amended by the acts of March 4, 1907, March 2, 1911, and June 12, 1916, nor shall the provisions of this section be construed to apply to the deposits made or to the receipts or certificates issued under those acts.'

"SEC. 9. That section 17 be amended and reenacted so as to read as follows:

"'SEC. 17. So much of the provisions of section 5159 of the Revised Statutes of the United States, and section 4 of the act of June 20, 1874, and section 8 of the act of July 12, 1882, and of any other provisions of existing statutes as require that before any national banking association shall be authorized to commence banking business it shall transfer and deliver to the Treasurer of the United States a stated amount of United States registered bonds, and so much of those provisions or of any other provisions of existing statutes as require any national banking association now or hereafter organized to maintain a minimum deposit of such bonds with the treasurer is hereby repealed.'

"SEC. 10. That section 19 be further amended and reenacted so as to read as follows:

"'SEC. 19. Demand deposits within the meaning of this act shall comprise all deposits payable within 30 days, and time deposits shall comprise all deposits payable after 30 days, all savings accounts and certificates of deposit which are subject to not less than 30 days' notice before payment, and all postal savings deposits.

"'Every bank, banking association, or trust company which is or which becomes a member of any Federal reserve bank shall establish and maintain reserve balances with its Federal reserve bank as follows:

"'(a) If not a reserve or central reserve city, as now or hereafter defined, it shall hold and maintain with the Federal reserve bank of its district an actual net balance equal to not less than 7 per cent of the aggregate amount of its demand deposits and 3 per cent of its time deposits.

"'(b) If in a reserve city, as now or hereafter defined, it shall hold and maintain with the Federal reserve bank of its district an actual net balance equal to not less than 10 per cent of the aggregate amount of its demand deposits and 3 per cent of its time deposits.

"'(c) If a central reserve city, as now or hereafter defined, it shall hold and maintain with the Federal reserve bank of its district an actual net balance equal to not less than 13 per cent of the aggregate amount of its demand deposits and 3 per cent of its time deposits.

"'No member bank shall keep on deposit with any States bank or trust company which is not a member bank a sum in excess of 10 per cent of its own paid-up capital and surplus. No member bank shall act as the medium or agent of a nonmember bank in applying for or receiving discounts from a Federal reserve bank under the provisions of this act, except by permission of the Federal Reserve Board.

"'The required balance carried by a member bank with a Federal reserve bank may, under the regulations and subject to such penalties as may be prescribed by the Federal Reserve Board, be checked against and withdrawn by such member bank for the purpose of meeting existing liabilities: *Provided, however*, That no bank shall at any time make new loans or shall pay any dividends unless and until the total balance required by law is fully restored.

"'In estimating the balances required by this act, the net difference of amounts due to and from other banks shall be taken as the basis for ascertaining the deposits against which required balances with Federal reserve banks shall be determined.

"'National banks, or banks organized under local laws, located in Alaska or in a dependency or insular possession or any part of the United States outside the continental United States may remain nonmember banks, and shall in that event maintain reserves and comply with all the conditions now provided by law regulating them; or said banks may, with the consent of the Reserve Board, become member banks of any one of the reserve districts, and shall in that event take stock, maintain reserves, and be subject to all the other provisions of this act.'

"SEC. 11. That that part of section 22 which reads as follows: 'Other than the usual salary or director's fees paid to any officer, director, or employee of a member bank and other than a reasonable fee paid by said bank to such officer, director, or employee for service rendered to such bank, no officer, director, employee, or attorney of a member bank shall be a beneficiary of or receive, directly or indirectly, any fee, commission, gift, or other consideration for or in connection with any transaction or business of the bank,' be amended and reenacted so as to read as follows:

"'Other than the usual salary or director's fee paid to any officer, director, employee, or attorney of a member bank, and other than a reasonable fee paid by said bank to such officer, director, employee, or attorney for services rendered to such bank, no officer, director, employee, or attorney of a member bank shall be a beneficiary of or receive, directly or indirectly, any fee, commission, gift, or other consideration for or in connection with any transaction or business of the bank: *Provided, however*, That nothing in this act contained shall be construed to prohibit a director, officer, employee, or attorney from re-

ceiving the same rate of interest paid to other depositors for similar deposits made with such bank: *And provided further*, That notes, drafts, bills of exchange, or other evidences of debt executed or indorsed by directors or attorneys of a member bank may be discounted with such member bank on the same terms and conditions as other notes, drafts, bills of exchange, or evidences of debt upon the affirmative vote or written assent of at least a majority of the members of the board of directors of such member bank.'"

And the Senate agree to the same.

CARTER GLASS,
MICHAEL F. PHELAN,
EDMUND PLATT,
Managers on the part of the House.
ROBT. L. OWEN,
G. M. HITCHCOCK,
GEO. P. MCLEAN,
Managers on the part of the Senate.

STATEMENT.

Section 1 of the bill as reported by the conferees is identical with section 7 of the bill as passed by the House.

Section 2 is substantially the same as section 1 of the House bill.

Section 3 of the bill is substantially the same as section 9 of the House bill.

Section 4 of the bill as reported by the conferees is identical with section 2 of the House bill down to the proviso. The proviso is amended to conform, in substance, to the Senate bill, including the so-called Hardwick amendment permitting collection charges for exchange, so as to read as follows:

"*Provided*, Such nonmember bank or trust company maintains with the Federal reserve bank of its district a balance sufficient to offset the items in transit held for its account by the Federal reserve bank: *Provided further*, That nothing in this or any other section of this act shall be construed as prohibiting a member or nonmember bank from making reasonable charges, to be determined and regulated by the Federal Reserve Board, but in no case to exceed 10 cents per $100 or fraction thereof, based on the total of checks and drafts presented at any one time, for collection or payment of checks and drafts and remission therefor by exchange or otherwise; but no such charges shall be made against the Federal reserve banks."

Section 5 is identical with section 3 of the House bill.

Section 6 is identical with section 8 of the House bill.

Section 7 was contained in the Senate bill as section 5 but was not in the House bill. This section is intended to permit the Federal reserve banks to exchange Federal reserve notes for gold and gold certificates and in this way drift into the banks the idle floating gold which in the hands of the Federal banks would have great potential value.

Section 8 is identical with section 6 of the Senate bill, but was not contained in the bill as it passed the House. This amendment is merely for the convenience of the Federal Reserve Board in handling the daily exchanges between the 12 reserve banks which now must be done by physical transfer of the gold certificates from one bank to another. It is proposed to put these certificates in a common vault and arrange the distribution by bookkeeping instead of by transfer.

Section 9 corresponds to and is identical with section 4 of the House bill.

Section 10 corresponds to and is identical with section 5 of the House bill.

Section 11 is substantially the same as section 6 of the House bill.

CARTER GLASS,
MICHAEL F. PHELAN,
EDMUND PLATT,
Managers on the part of the House.

Mr. McFADDEN. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The gentleman from Pennsylvania makes the point of no quorum, and evidently there is no quorum present.

Mr. GLASS. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed, the Sergeant at Arms was directed to notify absentees.

The Clerk called the roll, and the following Members failed to answer to their names:

Anthony	Britten	Carew	Coady
Bell	Bruckner	Carter, Okla.	Cooper, Ohio
Bland	Brumbaugh	Clark, Fla.	Copley
Borland	Capstick	Clark, Pa.	Costello
Cox	Gallivan	McCulloch	Scully
Crago	Graham, Pa.	McKenzie	Sells
Crosser	Gray, N. J.	McKinley	Shallenberger
Currie, Mich.	Griest	McLaughlin, Mich.	Sherley
Dale, N. Y.	Griffin	Magee	Siegel
Davis	Hamill	Maher	Sisson
Decker	Hamilton, N. Y.	Mann	Sloan
Denton	Haskell	Martin, Ill.	Smith, C. B.
Dewalt	Hayes	Mays	Smith, T. F.
Dickinson	Heaton	Miller, Wash.	Snyder
Dill	Hill	Morin	Steele
Dixon	Hollingsworth	Neely	Sterling, Ill.
Dooling	Hood	Nelson	Stevenson
Drukker	Hulbert	Nichols, Mich.	Sullivan
Dunn	Hull, Iowa	Nolan	Swift
Dupré	Husted	Norton	Tague
Dyer	Ireland	Olney	Talbott
Eagan	Jones, Va.	O'Shaunessy	Taylor, Colo.
Eagle	Kearns	Paige	Templeton
Ellsworth	Kennedy, Iowa	Peters	Tilson
Estopinal	Kennedy, R. I.	Powers	Voigt
Fairchild, B. L.	Kettner	Quin	Ward
Fairchild, G. W.	Key, Ohio	Rainey	Watson, Pa.
Fields	Kiess, Pa.	Ramsey	Webb
Flynn	Kreider	Riordan	Wheeler
Focht	LaGuardia	Rowland	Williams
Fordney	Littlepage	Rucker	Winslow
Foss	McAndrews	Sabath	Zihlman
Fuller, Mass.	McCormick	Scott, Pa.	

The SPEAKER. Two hundred and ninety-nine Members have answered to their names, a quorum.

Mr. GLASS. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

DISTRIBUTION OF AGRICULTURAL PRODUCTS.

Mr. LEVER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 4188) to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products, disagree to all of the Senate amendments, and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to take from the Speaker's table the bill H. R. 4188, disagree to all of the Senate amendments, and agree to the conference asked by the Senate. Is there objection?

Mr. GILLETT. Mr. Speaker, reserving the right to object, I should like to ask the gentleman if this bill is not so directly related to the food-control bill, which I understand the gentleman is going to bring up next, that final action ought not to be taken by the conferees on this until we have some idea of what the action of the House will be on the other bill?

Mr. LEVER. I think not. While the bills are related, they are not at all antagonistic to each other.

Mr. GILLETT. I thought the Senate added some provisions to this bill which would probably be covered by the bill which the gentleman is going to bring up next.

Mr. LEVER. The Senate has inserted one or two provisions which we are undertaking to cover in the other bill, but I have an idea that we will not have very much difficulty in conference upon those propositions.

Mr. GILLETT. Does the gentleman expect to bring up the conference report upon that if the other bill is taken up?

Mr. LEVER. I shall try to do so. I hope to go immediately into conference if I may have unanimous consent.

Mr. GILLETT. I see no objection to it.

Mr. MONDELL. Mr. Speaker, reserving the right to object, it seems to me that the matters treated of in this bill and in the bill which is soon to be considered by the House are so closely related that it is doubtful if the bill which the gentleman now asks to have go to conference should go to conference until the other bill has been considered.

Mr. LEVER. Let me reply to that suggestion by saying that there are many provisions in this bill providing for county agent work and various and sundry other lines of work which the department now is doing, and these appropriations only increase that work, and I feel we ought to expedite this conference in order that those lines of work may be carried on.

Mr. MONDELL. Is the gentleman quite certain that the work would be expedited in a satisfactory way, and that we would get the desired legislation?

Mr. LEVER. I think so.

Mr. MONDELL. I have had very serious doubt in regard to that matter, but I would be inclined to take the view of the chairman of the committee and the gentleman from Minnesota [Mr. ANDERSON] who is a member of the committee.

Mr. ANDERSON. Will the gentleman yield to me? I would like to make this suggestion to the gentleman from Wyoming: As the gentleman knows the bill carries a provision for the survey of food supplies. That survey is absolutely basic in the operation and enforcement of the bill on which the committee has made a report. It is very essential that the survey should

be done at once so that the food administrator, if one is provided, may have the facts upon which to begin the operation and enforcement of sections of the bill and for that reason it is imperative, I think, that this bill should go to conference and pass in order that the work of the survey may be begun immediately.

Mr. MONDELL. Is it the belief of the gentleman and the committee, who are so well informed as to the legislative situation, that if this bill went to conference that an agreement should be procured prior to the passage of the other bill?

Mr. ANDERSON. It is my belief, I will say to the gentleman from Wyoming, that we can get an agreement certainly within two or three days.

Mr. MONDELL. I am in the main in agreement with the view on these matters of the chairman of the committee and I am willing to acceed largely to his judgment in the matter if they feel very confident that the sending of this bill to conference will not only expedite the enactment of this legislation in proper form but will aid in furthering of the purposes of the legislation which is proposed to follow it.

Mr. ANDERSON. I think it will do both of those things, and I hope the gentleman will let the bill go to conference.

Mr. MONDELL. Mr. Speaker, in deference to the judgment of the two gentlemen, the gentleman from Minnesota and the gentleman from South Carolina, I shall not object.

Mr. CANNON. Mr. Speaker, I can not find the Senate amendments. I am informed they have not been printed, and in view of the fact that it is alleged that the present stock of corn and wheat, and so forth, is substantially exhausted and will be fully before the incoming crop comes, it seems to me now, as it did when the bill was being considered, that this census, so called, is a useless work, and for the present, until I can see the Senate amendments in print, I am not willing to give unanimous consent that the House disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Illinois objects.

LEAVE OF ABSENCE.

By unanimous consent, Mr. BRAND was granted leave of absence for one week, on account of the illness of his daughter.

AMENDING THE FEDERAL RESERVE ACT.

Mr. HARRISON of Mississippi. Mr. Speaker, I have raised the point of order on the conference report filed by the managers on the part of the House on the banking and currency bill because they have exceeded their authority.

The SPEAKER. What is the point of order?

Mr. HARRISON of Mississippi. Mr. Speaker, on May 10 the bill came back from the Senate and the House instructed the managers on the part of the House to agree in substance to what was known as the Hardwick amendment which had been previously adopted by the Senate. I want to read the instructions given to the managers and which were passed by the House by a vote of about 246 to 117.

Motion by Mr. MCFADDEN:

"I move that the managers on the part of the House be instructed to agree in conference to the substance of the following provision in the Senate amendment, being the last five lines on page 8 and the first five lines on page 9, which read as follows:

"'*Provided*, Such nonmember bank or trust company maintains with the Federal reserve bank of its district a balance sufficient to offset the items in transit held for its account by the Federal reserve bank: *Provided further*, That nothing in this or any other section of this act shall be construed as prohibiting a member or nonmember bank from making reasonable charges, in no case to exceed 10 cents per $100 or fraction thereof, based on the total of checks and drafts presented at any one time, for collection or payment of checks and drafts and remission therefor by exchange or otherwise.'"

The Speaker will see from the reading of that amendment that member banks might make certain exchange charges, for collecting and remitting drafts and checks, in no case to exceed, however, one-tenth of 1 per cent per $100, and the reasonableness of the charge up to one-tenth of 1 per cent per hundred was left to the member banks making the charges. Now we tested the sentiment of the House, and overwhelmingly instructed the conferees virtually to concur in that Senate amendment and we expected that they would bring it in in substantially the same form as it had passed the Senate, but there have been two changes made in the amendment, two very vital changes. They alter the substance of the Hardwick amendment. The first change is in that these words are inserted:

That nothing in this or any other section of this act shall be construed as prohibiting a member or nonmember bank from making reasonable charges—

And they add these words—

to be determined and regulated by the Federal Reserve Board.

In other words, they change the Federal Reserve Board from its administrative capacity to one of judicial functions and give them the power to determine what shall be the reasonableness of the rates, giving them the power to say, for instance, whether or not the charges made by the member banks may be one-thousandth of 1 per cent, or any other amount. In other words, the House said to the conferees, bring in substantially the Hardwick amendment allowing the country banks to make a reasonable charge, and they change it to say that the Federal reserve bank shall have the right to fix the charge that member banks may make; but they did not stop there, they went further and exceeded their authority. They also have this apparently innocent proviso to the Hardwick amendment which would destroy the purpose of the amendment and defeat the very intention of the House in giving to the member banks the right to make a reasonable charge, not to exceed one-tenth of 1 per cent. Here is that innocent amendment:

but no such charges shall be made against the Federal reserve bank.

Under that provision the Federal Reserve Board—I do not think my friend from Virginia [Mr. GLASS] would deny it—could undo everything we proposed to do by the amendment. They might say that these banks that clear through the Federal Reserve Board, when notified to remit, shall remit the checks in payment to the Federal reserve bank, and no charges can be made therefor.

There can be no doubt that the Federal Reserve Board wants the power to destroy the right of member banks to make these exchange charges, and it is wrong to give the Federal Reserve Board authority so broad that it may defeat the intention and will of the House. [Applause.] And that is what the managers on the part of the House have done.

Now, it may be contended that a point of order is not the proper way to get at this question. I submit that it is the proper way. I know there are some very distinguished parliamentarians in this House who say it is not; that you ought to vote the proposition either up or down. That view is probably shared by my distinguished friend from New York [Mr. FITZGERALD], but the rules of the House and the precedents do not uphold that opinion.

I am reading now from the Manual of the House, on page 279, the remedy where the managers exceed their authority or duty, and it is fortunate that points of order can be interposed when managers disregard the instructions of the House. It says:

In the House of Representatives, in the later practice, the Speaker may rule out a conference report if it be shown that the managers have exceeded their authority.

There are four cases cited under that ruling. You will find them in Hinds' Precedents, volume 5, pages 6409, 6410, 6414. I read from 6414:

It is only in later years that the Speakers have assumed authority to determine whether or not the managers of a conference have transcended their powers.

So I submit that time and time again where the managers have exceeded their authority points of order have been interposed and points of order have been sustained. Why, if that were not the proper way to get at it, what would be the effect? You have changed the rule of the House that says that any person who votes affirmatively on any proposition can move during one day to reconsider the vote. But beyond that they can not get a reconsideration of the vote. What would be proposed if a point of order should not lie here would be that those who fought this provision before in the House and who now oppose it after the House instructed them to bring in this provision could get a reconsideration of it, a new vote on the proposition. But the House rules prohibit that. And there is no provision in the House rules which gives a minority Member on any question the right to get up the question for reconsideration, but one who votes affirmatively may for only one day ask for reconsideration.

Now, they rely upon a case—I am quite sure they rely upon that—that is cited in Hinds' Precedents, volume 5, page 6395, against the point of order.

That is a case relied upon by those who believe that the proper way to get at this question is to vote the report up or down. I want to analyze the case to the Speaker, because I know when it is argued on the other side that case will be cited, and that is practically the only case that can be cited. The facts about this case were as follows:

The river and harbor bill came back from the Senate amended, and a motion to instruct the managers upon the part of the House to insist on the disagreement to certain Senate amendments was adopted. When the managers came back into the House with a conference report the point of order was made that the conferees had exceeded their authority, had disregarded the instructions of the House, and had agreed to the Senate amendment, when the House had formerly instructed them to insist on a disagreement. And during that whole discussion the question was present that if the instructions had said, "We instruct you to agree to the Senate amendment," it would have presented

quite a different case to instructing them to insist on a disagreement to the Senate amendment. When the conferees came back and replied to the argument that they had exceeded their authority they said, "Why, we did insist on the disagreement. We sat there day in and day out, constantly insisting on the disagreement to the Senate amendment. But our insistence amounted to nothing. Finally we had to surrender to the views of the Senate and had to agree to them."

Mr. MONDELL. Will the gentleman yield right there?

Mr. HARRISON of Mississippi. I yield.

Mr. MONDELL. Is it not a fact that in that particular case the House conferees did not fully yield to the Senate? There was a compromise.

Mr. HARRISON of Mississippi. I think that is true, but the point I wanted to emphasize was that there was a case of instructions to insist on the disagreement to the Senate amendment. Here were instructions to the managers to agree to a Senate amendment, and it was the only way we could tell the managers what to do. It was the only way this question could be presented. The House bill went over to the Senate, and they struck out everything after the enacting clause and inserted one amendment. We could not move to concur in this proposition, because we had to move to concur in the whole. We could not move to agree to a part without moving to concur in the whole. The only way to get at it was to instruct the managers on the part of the House to agree to this amendment. Now, the only object of sending a proposition to conference is for the two Houses to get together, and I submit that when the Senate passed the Hardwick amendment, and it came back, and by a vote of 246 to 117 we said that we would agree to it and instructed the conferees to agree to it, in substance, there was nothing else left to do. And they certainly exceeded their authority when they read into it a proposition giving the Federal Reserve Board jurisdiction to say what should be a reasonable charge and to say that the Federal reserve bank would not be charged for any of these remittances.

Here is what Mr. Blanchard said in arguing this case, which they will rely on. I will quote just a part of it. He was one of the conferees:

> It was debated by some of the ablest and most experienced Members of the Senate, and the view was taken that what the House had done did not amount to an instruction to its conferees to adhere to a disagreement to those amendments, and the distinction was there pointed out, which the gentleman from Missouri, with all his astuteness, seems to have overlooked, that there is a difference in parliamentary law—

I want to convince the gentleman from New York [Mr. FITZGERALD], if he will listen to this. I repeat:

> And the distinction was there pointed out, which the gentleman from Missouri, with all his astuteness seems to have overlooked, that there is a difference in parliamentary law between the House insisting on its disagreement to certain amendments and the House instructing its conferees to adhere.

That was the argument that Mr. Blanchard made at that time. He was one of the conferees and he did not follow the instruction. "The House," he said, "did not instruct its conferees to adhere to the Senate amendments. It instucted its conferees that it was the sense of the House that they should insist upon the disagreement."

Certainly there was no such instruction here. If there ever was a plain instruction given to any set of managers it was done by the McFadden instructions, which said, "We instruct you to agree in substance to the so-called Hardwick amendment." And here is what the Speaker said at that time; Mr. Carlisle was Speaker. He closes by saying:

> In the case supposed the House instructs its committee what it shall report to the House. In this case the House has not instructed its conferees what they shall report, but has expressed its judgment on the question and directed them to insist upon striking out certain clauses.

But we did it the other day. We did instruct them the other day what they should report. But Mr. Carlisle says in this case, that they rely on, that "the House did not instruct them what they should report, but has expressed its judgment on the question and directed them to insist upon striking out certain clauses."

So I submit, Mr. Speaker, that unless you want to change all these precedents and allow the managers to thwart the will of the House constantly, this point of order should be sustained, because otherwise the House can never rely in the future, when it has expressed its will and instructed its conferees as to what they shall do, on their following out those instructions; and the proper way to get at it is to sustain the point of order and let it go back to conference in order that the will of the House may be carried out. [Applause.]

Mr. HOWARD. Mr. Speaker, will the gentleman yield for a question?

Mr. HARRISON of Mississippi. Yes.

Mr. HOWARD. I want to ask the gentleman this question: The House instructed the House conferees to agree to the Hardwick amendment in substance. As a matter of fact, is not this the only difference between the instruction given by the House and the report of the conferees—the specific amount was stipulated in the instruction by the House to the conferees, and they have changed that in this respect, that they have permitted the Federal Reserve Board to fix the charge that may be made by the banks?

Mr. HARRISON of Mississippi. That is one of the changes. That is not the only change.

Mr. HOWARD. Is not that in substance agreeing to the proposition that the House instructed its conferees on?

Mr. HARRISON of Mississippi. Indeed, it is not at all.

Mr. HOWARD. What does the gentleman construe——

Mr. HARRISON of Mississippi. The other proposition was that this proviso that was brought in prevents the Federal Reserve Board banks from paying anything on their checks or remittances. It gives them power to defeat absolutely the intension of the House.

Mr. BURNETT. Mr. Speaker, will the gentleman yield?

Mr. HARRISON of Mississippi. Yes.

Mr. BURNETT. Would not the effect of this bill be to substitute, in the first place, the decision of the Federal Reserve Board for the member banks which was intended to fix the rates not exceeding 1 per cent?

Mr. HARRISON of Mississippi. Absolutely.

Mr. BURNETT. And next, would not that empower the Federal Reserve Board to fix that, if they desired to do so, at 1 per cent on the hundred, or anything else, so as to absolutely destroy the will of the House and the purpose of the amendment?

Mr. HARRISON of Mississippi. Absolutely.

Mr. MONDELL. Mr. Speaker, my understanding is that two points of order have been made: First, that the conferees have exceeded their authority; next, that the conferees have disregarded the instructions of the House.

I think in the practice of the House the former point of order has ordinarily been raised only where the conferees injected new matter into the legislation, or where the conferees sought to change matter that had been agreed upon by both Houses. I am frank to say that I think that that particular point of order is under the usual practice of the House not clearly applicable to this case because this is not in the sense in which we ordinarily use that term in the House a question of exceeding authority, although it may be held, and logically, that if the conferees go contrary to instructions they do exceed authority. But ordinarily we have raised that point of order, as I said before, when new matter was placed in the legislation by the conferees or when the conferees attempted to change provisions agreed upon by both Houses.

That, Mr. Speaker, leaves the other point of order as the one that in my opinion clearly applies to this case, and I want to admit at the outset that in arguing that point of order we seem to be arguing squarely against the established precedents of the House. I think there is no use in dodging that, and because of that, if the Speaker will allow me, I want to attempt to prove this proposition, that notwithstanding statements made in the Manual, and in Hinds' Precedents, the point has not been clearly settled as to whether the disregard by conferees of instructions afford the basis on which a point of order may be successfully predicated. Let me repeat, Mr. Speaker, in order to make myself clear, that in arguing that a point of order may be raised against a conference report in which the conferees disregard instructions we seem to be arguing for something that has been adversely settled in former decisions but my contention is that the matter has never been settled and that there is not in the books a case where the Speaker—any Speaker—has squarely ruled that failure of conferees to regard and carry out their instructions does not present a situation against which a point of order may be invoked. It is true that in the House Manual, page 231, near the bottom of the page, there is this language:

> Although managers may disregard instructions, their report may not for that reason be ruled out of order.

The reference is to Hinds' Parliamentary Precedents, volume 5, paragraph 6395, and Speaker CLARK, December 22, 1913.

Now, Mr. Speaker, I contend that neither Speaker Carlisle nor the present incumbent of the chair ever held—and I hope that no Speaker ever will hold—that the contemptuous disregard by conferees of the instructions given by a majority of this House does not constitute a practice against which a point of order may be laid. The Speaker has no doubt read the case to which reference is made in the fifth volume of Hinds' Precedents, to which the gentleman from Mississippi [Mr. HARRISON] has referred. Let me emphasize some of the statements made by the gentleman from Mississippi on this matter.

Speaker Carlisle did not hold in that case that a disregard of instructions by the conferees did not constitute action against which a point of order could be made, although at the top of the page, in large letters, page 705, volume 5, paragraph 6395, are the words:

Although a conference report may be in disregard of instructions given the managers, yet it may not be ruled out on a point of order.

If the Chair has read that ruling—and I have no doubt that he has—he has discovered that in that case Speaker Carlisle simply held "that the point of order was not well taken." That is his language in the second paragraph of his decision, as presented in volume 5 of Hinds' Precedents, "that the point of order was not well taken." What was the point of order? The point of order was that the conferees had disregarded their instructions. He did not rule that in a case where the conferees had clearly disregarded their instructions a point of order could not be made against their action. He ruled nothing of the kind. The principal argument on the floor in that case was made by the gentleman from Louisiana, Mr. Blanchard; reference to it has been made by the gentleman from Mississippi. The argument in that case was not that the situation did not present a proposition against which a point of order would lie, but that as a matter of fact the conferees had not disregarded their instructions. If the Chair will pardon me—I do not want to take the time of the House at length——

The SPEAKER. What is the gentleman going to read?

Mr. MONDELL. I am going to read just the latter part of this paragraph, which was read by the gentleman from Mississippi [Mr. HARRISON], of the statement made by the gentleman from Louisiana, Mr. Blanchard, on page 7824 of the CONGRESSIONAL RECORD of July 31, 1886.

Mr. WINGO. Will the gentleman yield right there?

Mr. MONDELL. Yes.

Mr. WINGO. I want to see if I catch the gentleman's point before he reads that. I understand the gentleman's point is that that decision did not undertake to determine the question whether or not a point of order would lie, but the question whether the conferees have in fact disregarded their instructions.

Mr. MONDELL. That is my contention. My contention is that the question as to whether a point of order lies against disregard of instructions has never been decided in the House, although the Manual would seem to indicate that such was the case. Now, what was the argument made in defense of the action of the conferees in that case in which Speaker Carlisle ruled? Was the argument made by anyone that a point of order did not lie against a disregard of instructions? No one presented that proposition. No one suggested it. It never has been presented or suggested, except in the language which I have just quoted, written into the Manual by the gentleman who compiled it as it had been written into Hinds' Precedents by the distinguished gentleman who wrote that great work. While we all have a very high regard for Mr. Hinds and for his judgment and opinion, and while I would not assume for a moment to be in his class as a parliamentarian, still Mr. Hinds is mortal, like the rest of us, and he might put a caption on a decision which was not justified by the decision, and that is exactly what he did in that case. Then in compiling the Manual the language he used on page 705, volume 5, of his Precedents is quoted verbatim. I repeat that no one in the case decided by Speaker Carlisle raised the question or argued for a moment the proposition that a point of order did not lie against conferees who disregarded their instructions. Coming now to the language of Mr. Blanchard, who made the principal argument, let me read just the last portion of the paragraph:

The House did not instruct its conferees to adhere to the disagreement to the Senate amendment. It instructed its conferees that it was the sense of the House that they should insist upon the disagreement.

And much more along the same line, all to the effect that the conferees had not ignored their instructions; that the conferees had made every effort to comply with their instructions; and that they had, as a matter of fact, in substance complied with their instructions.

Speaker Carlisle in his decision goes on to call attention to the purpose of conferences. The purpose of a conference is to bring the Houses together. In that particular case the House conferees were instructed to disagree to certain amendments of the Senate. They endeavored to carry out their instructions. As a matter of fact, they secured a compromise, it was argued, which in the main did carry out the purpose of the instructions of the House, and Speaker Carlisle, in passing upon the matter, emphasized the necessity of bringing the Houses together. The House had instructed its conferees to stand against a certain proposition. The purpose of a conference is to bring the Houses together. The conferees carried out their instructions manfully, faithfully, in their effort to carry out the will of the House and to have it written into law. They succeeded to a large extent. They secured more than they surrendered, and Speaker Carlisle said that the point of order that they had not carried out their instructions was not well taken. He did not hold, and no Speaker has ever held, that if conferees flagrantly, contemptuously disregard the mandate of the House there may not be a point of order raised to check their action. As I have said, the Manual seems to indicate that the present occupant of the chair had once passed on this question, but I realize that the Speaker would not suggest that he had ever passed upon it, except in a very casual and offhand way.

Mr. MEEKER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MEEKER. I make the point of order that the other Members of the House should converse in whispers.

The SPEAKER. The Chair can not make them whisper, but he can keep them from talking—temporarily.

Mr. MONDELL. December 22, 1913, Mr. GLASS, of Virginia, presented a conference report on a currency bill, against which the gentleman from Oklahoma [Mr. MURRAY] made the point of order that the conferees had not obeyed the instructions of the House. Before the Speaker could make a statement in regard to the matter the gentleman from Illinois [Mr. MANN] said:

Mr. Speaker—

And I take it that the gentleman from Illinois [Mr. MANN], who is a very good parliamentarian, one of the best, had never gone into this matter thoroughly. He had read the captions that we have all read, but possibly had not gone into the cases. He said:

Mr. Speaker, I submit that is a matter that might affect the acceptance or rejection of the report, but not a point of order.

Whereupon the present occupant of the chair said:

The Chair thinks that is correct. Of course, when the conference report is read, when it comes up for consideration, the gentleman from Oklahoma will have his rights. The Chair does not know what is in the report, and does not think that anyone else does, except the conferees.

In that case the Chair did not decide that the point of order did not lie. The Chair said he did not know what was in the conference report.

I call the attention of the Chair to this fact, that if he sustains the point of order or holds that the point of order lies against a report of conferees where they exceed their authority, the Chair must still decide whether in this particular case the conferees did exceed their authority. There are really two questions here—the question as to whether the point of order may be made in such a case; and, second, as to whether this is a case in which the point of order was well taken. Speaker Carlisle said the point of order was not well taken in that particular case on which he ruled.

In this particular case it is known of all, and I think it is proper to say here that the House conferees have from the beginning been opposed to the provision of the Senate on which the House instructed them. They have from the beginning used every device known to the astute parliamentarians on that committee to prevent the House from voting on this question, and it was only when the gentleman from Pennsylvania [Mr. MCFADDEN] made the motion to recommit that the House had an opportunity to express its opinion. That opportunity had theretofore been denied by the action of the chairman and other members of the committee. The House conferees went into the conference opposed to this provision, as they had been from the beginning. They flagrantly and contemptuously disregarded the instructions that the House had given them, and having done so they come back into the House and endeavor to hide behind the proposition that the House has not the right to challenge their action in disregard of the instructions that the House gave them.

Mr. Speaker, it is all very well to say that there is a remedy. We have heard that many times on conference reports. Let us imagine a conference report on an important bill coming in here the day before the close of Congress containing a provision in regard to which the House is very earnest and very insistent and on which, by an overwhelming majority, practically unanimously, the House had instructed its conferees. Imagine in such a case that the conferees in contemptuous disregard of the will of the House, as thus expressed, had brought in a conference report ignoring their instructions with the idea that, as the time for the close of the session was about to strike, the House was not likely to vote down a conference report under such circumstances. Is the House in such a case without a remedy, except the heroic one of voting down an entire conference report? If that is the only remedy we have, Mr. Speaker, then we may

as well admit that the House has no control over its conferees, that they may do as they please, that they may be instructed time and again and may disregard those instructions as they see fit and insist that we comply with their will, yield to their view against our better judgment, because the only remedy we have is to vote down an entire conference report, as to the principal features of which we may be in entire agreement.

Now, Mr. Speaker, in conclusion I contend that the question is to whether a point of order lies against disregard by conferees of instructions never has been settled. I should like to see the present occupant of the chair settle it. Speaker Carlisle never ruled that a disregard of instructions did not present a matter against which a point of order could be made. He ruled that in a given case there was no disregard of instructions. There was a general acquiescence in the instructions and an effort to carry them out. The present occupant of the chair never held that a point of order would not lie against the disregard of instructions. He held that he did not know what was in the report, and if the gentleman from Oklahoma [Mr. MURRAY] had later presented his point of order and it had been clear—I do not know whether that was the case or not—that instructions had been disregarded, I am satisfied the Speaker would have said that this House must have its way. No committee of this House, no two or three men on a conference, should be allowed to disregard the instructions of the House expressed in an aye-and-no vote and get away with it. When they do, as they have done in this case, they should be met with a point of order that challenges their disregard of the judgment of the majority as expressed in instructions. [Applause.]

Mr. CRISP. Mr. Speaker, I do not intend to take up much of the time of the House, for I do not think I can add anything to the splendid presentation of this point of order made by the gentleman from Mississippi [Mr. HARRISON] and the gentleman from Wyoming [Mr. MONDELL]. I thoroughly agree with the position taken by both of them. It seems to me that this decision is more important to the House than the bill before the House. It is that which induces me to arise and present to the Speaker briefly the thought I have in regard to it.

Now, what is the situation? It is a legal one of principal and agent. The House is the principal and selects its agents to transact certain business for it, the principal. The House instructs its agents, the conferees, to do a certain thing. Surely, Mr. Speaker, the principal has authority to bind its agents. This House has instructed these agents to do a certain thing. It seems to me that if these agents go contrary to those instructions and bring in a report in opposition or contrary to the instructions, that the principal will not consider the report at all but will disregard it entirely.

The SPEAKER. The Chair would like to ask the gentleman a question.

Mr. CRISP. I will answer it, Mr. Speaker, if I can.

The SPEAKER. It seems to the Chair that the gentleman has laid down the rule in his last sentence, if they do not obey the instructions that the report ought to go for naught. Is not that the duty of the House instead of the Speaker?

Mr. CRISP. Mr. Speaker, I think not. I believe it is better for the conferees if the Speaker should pass upon the point, for the reason that I was proceeding to lead up to and present it to the Chair. If a Member in charge of a bill on this floor is turned down by the House, he loses control of the measure; the House takes it away from him and gives it to the man leading the opposition. Now, it is apparent to this House, and the Speaker must take cognizance of it, that the conferees appointed to represent the House in this matter were opposed to the views of the House. They fought the proposition before the House and the House decided against them. What did the House do? The House did not say, "Gentlemen, we will not appoint you as our agents." It said, "We know you are against the views of the House; but we feel, gentlemen, that when we appoint you as agents and give you instructions you will carry out the instructions of the House."

Therefore, instead of the ones who won out in the House asking the Speaker to appoint conferees in accord with the views of the majority, the House simply instructed the conferees to agree in substance to the Hardwick amendment, the matter at issue. It seems to me the only question for the Speaker to decide is whether or not the report contravenes the substance of the Hardwick amendment. If it does, it seems to me the House is entitled not to have its time taken up considering a report that is brought in contrary to the instructions of the House, but that the point of order should be sustained. As suggested to me by the gentleman from Wyoming [Mr. MONDELL], if the instructions of the House had been carried out, the two Houses would have been brought together at once. In conclusion I desire to present this thought to the Speaker, and to propound an inquiry to him. If conferees disregard the instructions of the House and a point of order is overruled to their report and the House refuses to adopt the conference report, will the Speaker then appoint conferees who are in favor of the action of the House, or will the Speaker reappoint the same conferees?

Mr. MASON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MASON. Just a moment. As amicus curiæ—a friend of the court—I desire to make a suggestion upon the point of order.

The SPEAKER. The Chair will be glad to hear the gentleman.

Mr. MASON. Mr. Speaker, I can quite agree with the statements made by my colleague. The elementary principle, however, of a presiding officer is that he is the mere servant of the body that appoints him. By this point of order gentlemen are asking the Speaker to determine a question of fact—first, whether or not the conferees have disobeyed the instructions, and, second, if they have disobeyed the instructions, whether the conference report should go out upon a point of order. Upon the question of fact whether they have disobeyed instructions it seems clear they have, but is it a fair parliamentary proceeding to ask the Speaker to determine whether the servants of the House upon a committee have disobeyed the House and then rule out their action upon the point of order, leaving a parliamentary situation demanding further action upon the part of the House? In other words, they ask the presiding officer of the House to find as a matter of fact that the conferees have disobeyed instructions, and then, as a matter of parliamentary law, that it is subject to a point of order. I think it is calling upon the presiding officer to exercise too much power, away beyond the legitimate functions for which he is appointed as Speaker of the House.

Mr. PARKER of New Jersey. Mr. Speaker, may I make one remark about the arguments in this matter, which so far have disregarded the word "substance" in the House instructions? The substance of the Hardwick amendment was a reasonable charge not to exceed one-tenth of 1 per cent. There is no change made in that substance in saying how the reasonableness shall be determined, because the party interested is obviously not the proper judge of what is reasonable; and this amendment, therefore, has been perfected so as to afford an incidental means of determining what is reasonable. As to the second amendment, which excepts the Federal reserve banks, it seems to me, although I do not know, that the Hardwick amendment was never intended to apply to the Federal reserve banks.

The SPEAKER. The Chair is ready to rule.

Mr. GLASS rose.

The SPEAKER. The gentleman from Virginia.

Mr. GLASS. Mr. Speaker, I feel pretty confident of what the ruling of the Chair will be, but I desire to present the position of myself and my colleagues to the House. A question of fact, as well as a question of parliamentary practice, is involved in this discussion. It is all very well for gentlemen to say that the conferees on the part of the House have "contemptuously" disregarded the action of the House in instructing the managers, but it is quite a different thing to plausibly explain that proposition to the House. I am not disturbed by the accusation, because it comes from the gentleman from Wyoming [Mr. MONDELL], who is too much addicted to extreme adjectives to be seriously regarded when he undertakes to characterize a proposition. The conferees on the part of the House would be incapable of disregarding the plain instructions of this House, "contemptuously" or otherwise, and I would confidently appeal to the Speaker if that were the only point involved in this question of order, and abide by his decision upon that point alone.

Let us see what happened. The House, without a word of debate or of explanation, without understanding the question—and I make that assertion advisedly because a score of Members who voted for these instructions have told me that they had a misconception of the proposition—adopted the motion of the gentleman from Pennsylvania [Mr. MCFADDEN] to instruct the managers on the part of the House to "agree to the substance" of the so-called Hardwick amendment. If the House had desired to approve the Hardwick amendment as written into the bill, it was very easy for the House to have said so explicitly. Had the motion read that "the managers on the part of the House are instructed to agree to the Hardwick amendment," the managers would not have hesitated one moment to carry into effect the action of the House; but the very fact that we were not directed to accept the Hardwick amendment in toto, but were instructed to agree only to "the substance" of it, instantly and inevitably suggested to the managers that the House itself was not satisfied with this crude and utterly un-

just exaction upon the commerce of the country, but relied upon the managers on the part of the House and Senate to alter the phraseology of the bill and, in substance, make it workable.

Mr. CANNON. Mr. Speaker, will the gentleman yield?

Mr. GLASS. Yes.

Mr. CANNON. The amendment known as the Hardwick amendment reads:

Provided further, That nothing in this or any other section of this act shall be construed as prohibiting a member or nonmember bank from making reasonable charges—

And so forth. Then there is added by the amendment agreed to by the House conferees the following language:

to be determined and regulated by the Federal Reserve Board.

Another amendment at the close is inserted and agreed to by the House conferees that did not appear in the Hardwick amendment:

but no such charges shall be made against the Federal reserve banks.

That "the member bank" is entirely new and the other is new.

Mr. GLASS. The Federal reserve banks, I will say to the distinguished gentleman from Illinois, are not "member banks."

Mr. CANNON. Are not member banks?

Mr. GLASS. Why, no.

Mr. CANNON. Very well.

Mr. GLASS. The reference is to the 12 regional reserve banks.

Mr. CANNON. I put this question to the gentleman, even if that be correct. Why is it put in except for this reason, that Federal reserve banks would become a clearing house for all the member banks at once, and a great majority of banks, the State banks scattered throughout the length and breadth of the country, would be cut off from this business, and the object of the amendment would be, which appeared for the first time in this bill, that you would seek to drive the State banks into the Federal Reserve System, and if they do not come a penalty would be that clearances would be through the member bank and through the Federal reserve bank.

Mr. GLASS. Mr. Speaker, I will in a moment reach that phase of the proposition and explain that amendment to the House fully. The managers on the part of the House have no concealments to make about the matter. They want to deal in the utmost frankness with the House. If the House thinks, after the matter has been presented, that the managers on the part of the House have exceeded instructions in any particular, it is within the power of the House to instruct the managers more specifically, and the managers will agree to any instruction that the House shall give.

But I repeat, Mr. Speaker, the very fact that the managers on the part of the House were not specifically directed to accept the so-called Hardwick "rider" inevitably prompted the suggestion that the House wanted, or in any event was willing, that the managers on the part of the House might rewrite the Hardwick amendment so long as they should adhere to the substance of it. Now, what is the substance of the Hardwick amendment? The substance of the amendment is that banks—not merely country banks but all banks—may charge for collecting and paying checks for remission. Let us no longer be swayed by the tyranny of a phrase, for that amounts in the end to demagogy. Gentlemen speak fervently and unctiously about "struggling country banks" without letting it be known that all banks in the United States outside of the 52 reserve and central reserve cities are embraced in the classification of "country banks." When people talk to you about these "struggling little country banks" they mean, in some instances, banks with $3,000,000 of capital. One of the men behind this agitation, who has helped to lobby this rider onto this bill, to which it is not germane, is the president of a "country bank" with $3,000,000 capital and one of his first lieutenants is the president of a bank with $1,000,000 capital and $1,000,000 surplus and $24,000,000 assets. So when they talk about the "little country banks" they mean practically the entire banking community of the United States outside a few large money centers. What is the substance of the Hardwick amendment? It is that all banks may make a "reasonable charge," not only for collecting but, mark you, for paying their own checks across the counter for remission.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. GLASS. Mr. Speaker, I hope I will not be interrupted. I have no reputation as a parliamentarian to lose, and, therefore, I may speak with more freedom than some gentlemen who have earned a great reputation as parliamentarians, but who are utterly wrong on this proposition. [Applause.]

Mr. MONDELL. Mr. Speaker——

The SPEAKER. Does the gentleman from Virginia yield?

Mr. GLASS. No; I do not.

Mr. MONDELL. Mr. Speaker, I make the point of order that the gentleman is not discussing the point of order. He is discussing the merits of the question. He is discussing the question as to whether or no the conferees did exceed their authority and on that he is discussing the merits of the proposition.

The SPEAKER. Well, the point of order is overruled. [Applause.]

Mr. GLASS. Mr. Speaker, the point of order——

The SPEAKER. The gentleman from Virginia seems to be laying a foundation and expressing an opinion about the point of order raised by the gentleman from Mississippi [Mr. HARRISON] and the gentleman from Wyoming [Mr. MONDELL].

Mr. GLASS. Precisely. The substance of the Hardwick amendment was that all banks should make a reasonable charge on collecting—and, one of the most extraordinary things that was ever suggested in national lesiglation—paying their own checks for remission. The rider did not say who should determine the reasonableness of the charge. It fixed a maximum charge which, in thousands of cases, all must know would be utterly excessive and unreasonable. My distinguished friend from Mississippi [Mr. HARRISON] expressed amazement that the House managers should have presumed to write into the bill the suggestion that the Federal Reserve Board shall determine the reasonableness of the charge. He urged that we were conferring "judicial powers upon an administrative board," but he is perfectly willing that the banks may determine the reasonableness of this tax which they are to exact from the industry and commerce of the country. He is not willing to delegate to the Federal Reserve Board—an altruistic and distinterested body, that derives no benefits from the operations of the system, some members of which have given up large incomes to serve the public—he is not willing to confer judicial authority upon this distinterested board to determine what is a fair and reasonable charge by these banks, but serenely expresses a willingness to delegate to the banks themselves, the party largely in interest, the right to determine the charges which they may exact from commerce. The managers on the part of the House think that in that particular they have adhered——

Mr. CANNON. Will the gentleman yield at that point?

Mr. GLASS. In a moment—that they have adhered to the substance of the Hardwick amendment, because the amendment itself left open the question as to what, in thousands of cases, would be a reasonable charge, and left undetermined the question as to who should determine the reasonableness of the charge. Now I yield to the gentleman.

Mr. CANNON. At that point the Hardwick amendment reads as follows, fixing the amount of charges that may be made:

but in no case to exceed 10 cents per $100 or fraction thereof.

And that applies not only to the State banks but applies to member banks.

Now, then, that is nullified by the last amendment.

Mr. GLASS. The gentleman from Illinois [Mr. CANNON] would, I am sure, upon a moment's reflection, agree with me that there never was a greater absurdity on earth than the insertion of those words "nonmember banks" in this Hardwick amendment. The Congress has no control whatsoever over nonmember banks. It can not regulate their charges and will not regulate them if this Hardwick amendment should prevail. Many of them will continue to charge one-quarter of 1 per cent; many of them will continue to charge 1 per cent; many of them will continue to do what I can show you banks have done—charge $5 for cashing a $75 draft. This House has no control over the nonmember bank in this matter. Even the Federal Reserve Board has no control over their operations unless they voluntarily join the voluntary collection system established by the Federal Reserve Board.

Mr. CANNON. Will the gentleman yield further?

Mr. GLASS. Yes.

Mr. CANNON. Under the Hardwick amendment a member bank could charge not to exceed one-tenth of 1 per cent.

Mr. GLASS. Precisely so; but I was pointing out the fact——

Mr. CANNON. Under the last clause practically a member bank could not charge anything.

Mr. GLASS. I am coming to that. The gentleman is entirely mistaken about it. What I was pointing out was that in thousands of cases the charge of one-tenth of 1 per cent is extortionate. I can present letters of trustworthy merchants, and even of bankers themselves, showing, particularly in the State of Minnesota, that the charge of one-tenth of 1 per cent is 100 per cent greater than the express charge for the actual shipment of funds from various points. So that I say in a thousand cases the charge of one-tenth of 1 per cent is excessive and in some cases it is extortionate.

Now, then, who is to determine what the charge shall be? The managers on the part of the House thought it was up to them to say. Accepting the text of the Hardwick amendment without the crossing of a "t" or dotting of an "i" we felt, from the wording of the motion under which we operated, that we had the right to say who should determine that charge. And who could better determine it than a disinterested party, rather than the banks themselves?

Now, as to the other alteration made by the managers. I will tell the House frankly what prompted that modification. It was suggested by the managers on the part of the Senate, and the managers for the House having no desire, "contemptuously" or otherwise, to disregard in any respect the instructions of this House, accepted it. The thing that immediately prompted this modification of the Hardwick amendment was the fact that the governor of the Federal Reserve Board addressed a letter to the chairman of the House Committee on Banking and Currency directing attention to the fact that, under the terms of the Hardwick amendment, should one-half of the banks only charge exchange, it would cost the Government of the United States $1,000,000 to float the liberty loan. Therefore the managers on the part of the Senate added these words to the proviso:

but no such charges shall be made against the Federal reserve banks.

That, of course, has reference to 9 of the 12 regional reserve banks.

There was another reason for putting that modification in the bill. The existing law explicitly provides that Federal reserve banks shall receive at par checks and drafts of member banks. How much justice, how much equity, is there involved in requiring the reserve banks to par checks of member banks and then permitting, as the Hardwick amendment would permit, member banks to make charges against Federal reserve banks—to use the Federal reserve banks to clear their own checks and to charge the Federal reserve banks on bank checks cleared through them?

Mr. REAVIS. Will the gentleman yield to me?

Mr. GLASS. Yes.

Mr. REAVIS. Does the gentleman consider the Hardwick amendment as granting authority to make the charge against Federal reserve banks?

Mr. GLASS. I undoubtedly do.

Mr. REAVIS. Do you think——

Mr. GLASS. I construe the Hardwick amendment as granting authority to your bank to exact a charge on your checks, on your deposits, taken in person, and collected across the counter.

Mr. REAVIS. If the Hardwick amendment grants authority to make the charge through the Federal reserve bank, is it a substantial compliance with the amendment to say that the charge shall not be made against the Federal reserve bank?

Mr. GLASS. We think so, or we should not have put it in there.

Mr. WINGO. Will the gentleman yield to a question right there?

Mr. GLASS. I will.

Mr. WINGO. Is it true that under the present existing law, and in a way together with other provisions that are in the pending bill, the Federal Reserve Board has authority to establish a compulsory clearing system?

Mr. GLASS. Yes; but it never has exercised the authority.

Mr. WINGO. What I want to get at is whether they have authority to say that the compulsory clearing system can use the banks as a clearing house?

Mr. GLASS. That is a disputed legal question; and, not being a lawyer, I do not undertake to decide it. The board has not established a compulsory system, but has established a voluntary system. No bank, whether a member bank or nonmember bank, is compelled to join.

Mr. WINGO. But the provisions of this bill will accomplish that purpose, will they not?

Mr. GLASS. I hope so.

Mr. WINGO. It is intended by the provisions of this bill to do what Congress thought it had done before, to establish a clearing-house system, using the 12 regional reserve banks as a clearing house.

Mr. GLASS. I do not agree to that proposition.

Mr. WINGO. The gentleman does not think that has been done by this measure?

Mr. GLASS. No; I do not.

Mr. PLATT. Mr. Speaker, will the gentleman yield?

Mr. GLASS. Yes.

Mr PLATT. I wanted to bring out again the fact that the Hardwick amendment is a Senate amendment, and the managers on the part of the Senate have put in this phrase:

but no charges shall be made against the Federal reserve banks.

Mr. GLASS. They did.

Mr. PLATT. And that is acceptable to the Senate?

Mr. GLASS. Yes.

Mr. HARRISON of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. GLASS. Yes.

Mr. HARRISON of Mississippi. Referring to the letter of May 10 addressed to the chairman of the committee by Mr. William P. G. Harding, governor of the Federal Reserve Board, I notice that at the bottom of the letter is this language:

This, I think, would give you the opportunity that you desire to handle the matter in conference.

The letter in full is as follows:

FEDERAL RESERVE BOARD,
OFFICE OF THE GOVERNOR,
Washington, May 10, 1917.

Hon. CARTER GLASS,
House of Representatives, Washington, D. C.

DEAR MR. GLASS: Since you were in my office this afternoon, Mr. Delano tells me that he just had a talk over the telephone with Gov. Strong, of the Federal Reserve Bank of New York, who calls attention to the possibility, if not strong probability, of the Government having to pay bankers a million dollars exchange charges in connection with subscriptions to the liberty loan, assuming that the Hardwick amendment, which the House has instructed its conferees to agree to, becomes a law.

This estimate is based upon the assumption that one-half of the total issue of bonds will be placed outside of New York. Subscribers are permitted to make payment by their checks upon local banks properly certified, and, under authority given by Congress, many of these banks would undoubtedly avail themselves of the opportunity to charge one-tenth of 1 per cent. Should this exchange charge apply to one-half of the subscriptions, the expense to the Government would be $1,000,000.

I would suggest, therefore, that you call the attention of Senator OWEN to this, and suggest that he ask the Senate to reconsider the Hardwick amendment, with a view of changing it so as to prevent it from applying to transactions connected with Government bonds. This, I think, would give you the opportunity that you desire to handle the matter in conference.

Very truly, yours, W. P. G. HARDING, *Governor.*

Now, when he said in that letter—

This, I think, would give you the opportunity you desire to handle the matter in conference—

Is that the question you wanted to get into conference on, that was spoken of by Mr. Harding?

Mr. GLASS. What question?

Mr. HARRISON of Mississippi. The one that the gentleman from New York [Mr. PLATT] refers to?

Mr. GLASS. No. As a matter of fact, the conferees had met twice before the Senate conferees suggested this proposition that no charge should rest against the Federal reserve bank.

Mr. TOWNER. Mr. Speaker, will the gentleman yield?

Mr. GLASS. Yes.

Mr. TOWNER. If the House voted down the conference report, how would the conferees feel about again taking up the matter in conference? What would be their action in regard to the Hardwick amendment?

Mr. GLASS. Why, the conferees on the part of the House would ask for further instructions, and would literally obey them, as they think they have done in this case.

Mr. TOWNER. Would the conferees not feel, the House in view of the present situation not agreeing to the conference report, that the conference agreement as to the Hardwick amendment was not a compliance with their instructions?

Mr. GLASS. The House managers would not feel that they had exceeded their instructions. No vote of this House would make me believe that we have exceeded instructions. But, in case the House should reject the conference report, the managers would feel that the House was not in agreement with the alterations that the managers had made.

Mr. TOWNER. That is what I had in mind.

Mr. GLASS. And would ask the House to give more explicit instructions. Whatever those instructions might be, the managers would obey them.

Mr. TOWNER. I am not trying to probe the gentleman on the matter, but now I would like to know—and I think the House would like to know—if voting down the conference report would be considered by the conferees as an indication that the changes made by the conferees were not satisfactory?

Mr. GLASS. Were not satisfactory? Undoubtedly. But the conferees would want to know whether both alterations were objectionable, or merely one. The conferees would want to know whether the House would be willing to leave the determination of the "reasonableness" of the charges to the Federal Reserve Board or to the banks. The conferees would want to know which one of the two, if either, of the alterations appeals to the House.

Mr. McFADDEN. Mr. Speaker, will the gentleman yield?

Mr. GLASS. Yes.

Mr. McFADDEN. I would like to ask my colleague whether or not as a matter of fact all the members of the conference committee are opposed to the Hardwick amendment?

Mr. GLASS. Yes; opposed to the Hardwick amendment, but not opposed to a reasonable charge.

Now, if I may proceed. I want to apologize to the House for having detained it so long; but——

Mr. FESS. Mr. Speaker, will the gentleman yield?

Mr. GLASS. Yes.

Mr. FESS. I was interested in the statement of the chairman of the committee that nonmember banks would not be in any way affected, even though the language "nonmember banks" were used in the bill. I do not understand the force of that statement.

Mr. GLASS. I did not say they would not be affected in any way. I said Congress has no authority whatever over charges made by nonmember banks, so that the use of those words there is inept.

Mr. FESS. I want to ask whether the chairman is speaking advisedly when he says that the Congress has no control over the charges of the nonmember banks?

Mr. GLASS. Absolutely none on earth; and yet most of this furore has arisen from nonmember banks. Would the gentleman like to know why? It is because they could not stand the competition of banks that would not make the charge.

Mr. FESS. I should like to know whether the chairman would state if we would write in the bill that no charge shall be made on the Federal reserve banks that that does not apply to nonmember banks?

Mr. GLASS. Absolutely not. No nonmember bank that does not voluntarily join the collection system established by the Federal Reserve Board will be specifically affected. No law that we pass here can directly affect them. The only way they can be affected is incidental. They find that patrons, the merchants and depositors generally, will not stand for this charge and patronize in preference banks that agree not to make the charge. Two-thirds of the commercial banks in the United States have voluntarily joined a clearing system representing 85 per cent of the banking business. Banks doing 15 per cent of the banking business have organized this propaganda. [Applause.]

Mr. FESS. It is a new view to me.

Mr. GLASS. It is a correct view, though——

Mr. FESS. It is a new view to me, if we write in the bill that no member bank shall charge, that nonmember banks will not be controlled.

Mr. GLASS. The nonmember banks are the State banks. They derive their charters from the States.

Mr. FESS. I will accept the gentleman's statement.

Mr. GLASS. My opinion may not be good, because I am not a lawyer, but I have heard good lawyers state that. [Laughter.] One reason why the House managers readily agreed to the suggestion of the Senate managers to exclude the 12 regional reserve banks from this charge was that the Secretary of the Treasury is authorized to constitute the 12 regional banks the fiscal agents of the United States Government.

The thing had in view was that ultimately we might abolish some of the subtreasuries, carry the funds of the Government in the regional reserve banks, and transact all the business of the Government by checks on Federal reserve banks. That was an additional reason for embodying that modification in the bill and in the report.

Mr. Speaker, I think I have covered, as well as I can in a brief statement, the question of fact as to whether or not the managers on the part of the House have either "contemptuously" or otherwise disregarded the instructions of the House On that point I want to conclude by saying that your managers, whatever may be their preconceptions and their individual judgment, are incapable of deliberately violating the instructions of this House. I would be distressed to have any Member of this House think otherwise. We are willing to obey the instructions of the House if the House will give its instructions deliberately and unmistakably; but when a "rider" is put on a bill here that threatens to gravely impair the usefulness of the voluntary-collection system established by the Federal Reserve Board, without one word of explanation or debate, the House managers had a right to assume that there was no deliberation, but only misconception. With a score of Members telling me personally that they did not know what they were voting for; that they were misled by Members standing at the doors and telling them that "our vote is yea," as if there was some party division in the House, the managers, taking the peculiar wording of the instruction into account, had the right to understand that the House wanted some modification of the so-called Hardwick amendment, which is an atrocity as well as a monstrosity in its original form. [Applause.]

Mr. Speaker, upon the question of parliamentary procedure it is frank temerity on my part that leads me to have a word to say upon that; because, although I have been a Member of this House for 16 years, I know as little about parliamentary processes as a cat. [Laughter.] It is a misfortune which I realize every time I have a bill to present, but I have not had time from other duties to get a knowledge of parliamentary law. On the point of order I need not call the attention of the Speaker to pertinent cases in Hinds' Precedents. That has already been done by the gentleman from Mississippi [Mr. HARRISON] and the gentleman from Wyoming [Mr. MONDELL], where it is stated that—

Although a conference report may be in disregard of instructions given the managers, yet it may not be ruled out on a point of order.

And I want to emphasize, as my colleague from Mississippi [Mr. HARRISON] emphasized for a different purpose, what Mr. Speaker Carlisle said on the subject. He said:

They have now brought it back to the House in order that the House may have an opportunity to recede from its action if it desires to do so, or further insist upon it if it desires to do so.

Is not that precisely what your managers have done? You framed your instruction in a way to suggest that the Hardwick amendment should be altered, its phraseology modified, and that we have done, not interfering with its substance. We have brought it back here for you to determine whether or not you approve the change of terms, whether you want to adopt it with the modifications that we have made. So I emphasize what Mr. Speaker Carlisle said upon the subject. We are willing to obey the instruction of the House, if the House will state its instruction, so that men of ordinary average intelligence may understand. What do you mean? Do you mean that my bank shall confiscate a part of my deposits by exacting a fee for paying my checks? That can be done under the Hardwick amendment. Any one of you may have one-tenth of 1 per cent of your deposits confiscated under the Hardwick amendment. Does the House want that? I do not believe that the House wants it, and therefore we are back here to have that very question determined. [Applause.]

Mr. LENROOT. Will the gentleman yield for one question?

Mr. GLASS. Yes.

Mr. LENROOT. I should like to ask the gentleman, if he thinks the House did not understand the situation when it gave its instructions, could not the conferees have reported to the House a disagreement and then have asked for such modification of the instructions as the gentleman thought ought to be given?

Mr. GLASS. We were instructed not to disagree but to agree to "the substance" We not only agreed to the substance, we agreed to the text. We have not crossed a "t" nor dotted an "i." We have brought the Hardwick amendment back with just such a modification as the text of the instruction would seem to sanction.

Mr. LENROOT. My question was prompted by the statement of the gentleman that they had brought the matter back to the House, where the House could have full opportunity to act upon this specific matter, while now it can not do so without rejecting the report.

Mr. GLASS. The House could, in the first instance, have moved—I do not know whether I am right, but it seems to be good sense—the House could, in the first instance, have agreed to the Hardwick amendment without reference to the conference.

Mr. LENROOT. No; it could not.

Mr. GLASS. Why not?

Mr. LENROOT. Because it was a part of the Senate substitute.

Mr. GLASS. I do not know as to that; but one thing the House could have done. One thing the proposer of this motion could have done. He could have moved that the managers on the part of the House be instructed to agree to the Hardwick amendment. He could have done that. He did not do it.

Mr. McFADDEN. I should like to point out to the gentleman right there that when that word "substance" was introduced and the House voted on it, it was not voting on the word "substance." It was the intention of the House at that time that the conferees should maintain the Hardwick amendment.

Mr. GLASS. How could we tell that? Not voting on the word "substance"! Why, the gentleman himself proposed that very thing when he put in the word "substance." I am not a mind reader. I could not tell what the gentleman wanted

except by the words he used. Now, Mr. Speaker, one other quotation from Hinds' Precedents——

Mr. McFADDEN. Will the gentleman yield again?

Mr. GLASS. Yes; although I am sure the House is impatient.

Mr. McFADDEN. I want to point out to the gentleman that the words which the conferees have added to the Hardwick amendment nullify that amendment entirely. The very purposes of it are defeated.

Mr. GLASS. Oh, we do not agree to that at all.

Mr. PLATT. Will the gentleman yield?

Mr. GLASS. Yes.

Mr. PLATT. As a matter of fact the American Bankers' Association suggested that first amendment themselves, that the charges should be regulated by the Federal Reserve Board.

Mr. GLASS. Absolutely. And not only that, but the only two bankers' associations that have met since this Hardwick amendment was proposed have voted, one of them unanimously and the other overwhelmingly, against the Hardwick amendment. One of those associations was the Bankers' Association of the State of Pennsylvania. [Applause.]

Mr. McFADDEN. Will the gentleman yield?

Mr. GLASS. Yes.

Mr. McFADDEN. We might say, in explanation of that——

Mr. GLASS. I do not wish the gentleman to explain that now. He can explain that when we come to discuss the merits of the proposition. I want to get through with this point of order.

Now, let me call the attention of the House to the fact that Hinds' Precedents says:

Where one House strikes out all of the bill of the other House after the enacting clause and inserts a new text and the differences over this substitute are referred to a conference the managers have a wide discretion in incorporating germane matters, and may even report a new bill on the subject.

Now, I deny, in the first place, that the conferees have disregarded the instructions of the House. I am perfectly willing that the Speaker may determine that point and may make his ruling exclusively upon that, but when we come to parliamentary processes it is clearly set forth that where one House strikes out all after the enacting clause of a bill and substitutes a new bill the conferees have almost unlimited discretion and may report an entirely new bill.

We have not reported an entirely new bill. We have simply reported two reasonable modifications of a crude and barbarous amendment put on in the Senate as a "rider" to a bill dealing with quite different problems. This "rider" was thrown out of the House as not germane. It was put on as a "rider" in the other body and sought to be thrust through here without a word of debate or a moment's intelligent consideration.

So, Mr. Speaker, I contend that the facts have not been correctly stated by our adversaries, and, further, that their point as to the form of procedure should be overruled.

Mr. MONDELL rose.

The SPEAKER. The Chair will hear the gentleman from Wyoming for two minutes.

Mr. MONDELL. Mr. Speaker, while the gentleman from Virginia [Mr. GLASS] has modestly claimed that he is not a parliamentarian, he has, as a matter of fact, wonderfully clarified the situation, first, by declining during his long argument to discuss the question as to whether or not a point of order lies against the refusal of the conferees to follow instructions. He has not argued that proposition at all. He virtually admits by his failure to do it that a point of order does lie in such a case. Second, his entire argument is a confession that the conferees did not carry out their instructions. Whether or not I was justified in saying that they were contemptuous in their disregard of instructions I leave it to the House to judge. The gentleman from Virginia referred to the instructions of the House as instructions to agree to a contemptuous form of graft. His entire discussion indicates contempt of the attitude and instructions of a majority of the House.

Mr. GLASS. Will the gentleman yield?

Mr. MONDELL. Yes; I will yield to the gentleman although he would not yield to me.

Mr. GLASS. I did not characterize the instructions of the House as graft; I interpreted the instructions to the managers of the House as instructions to eliminate the graft feature of the amendment.

Mr. MONDELL. He so interpreted the instructions of the House as to nullify them.

Mr. GLASS. No; to eliminate and regulate the graft.

Mr. MONDELL. The gentleman says the instructions of the House constituted and provided for a contemptible form of graft and he so interpreted them as to entirely modify them with a view of removing what he believed to be a form of graft. In other words, Mr. Speaker, he admits by his failure to discuss it that a point of order does lie in a case like this, and, second, his entire argument is an admission that the conferees did disregard their instructions.

The SPEAKER. The Chair is ready to rule. The situation is this: The Senate struck out everything after the enacting clause of the House bill. It has been decided so many times that it is hardly necessary to repeat it, that where that is done a very wide discretion is given to the conferees, even to the bringing in of an entirely new bill. Of course such new bill would have to be on the same subject.

The transactions in regard to conference reports are divided into two parts—what the House can do and what the Speaker can do. On the 23d day of June, 1812, 105 years ago, Mr. Speaker Henry Clay laid down the limits of what conferees can do so clearly that his ruling has been followed ever since. The conferees can not go outside of what is submitted to them and lug in entirely new matter and new questions. They are always trying to do it. As the gentleman from Wyoming [Mr. MONDELL] suggests, it is a very serious proposition for the Speaker to refuse to knock out a conference report in the last days of the session, and it is a very serious question for him to knock it out. The Chair did so twice in the last days of a session on very important bills, but both were clear cases. The Chair did it with a great deal of reluctance, but it had to be done under the universal practice.

The Speaker has not a thing to do in passing upon the question of whether the conferees did or did not comply with the instructions of the House. That question is for the House to decide. That has been decided, I do not know how many times, but several times, and the Chair decided it once himself. That was the reason my opinion in that case was so short. The Chair did not elaborate it, for the House was busy, and it had been decided that way several times, and he simply followed the old ruling.

The leading case, the one that has been referred to, is found in section 6395 of Hinds' Precedents. The opinion was written by Mr. Speaker Carlisle. He was a great man and a great Speaker. The headline of Mr. Speaker Carlisle's decision was written by Asher C. Hinds, construing Mr. Speaker Carlisle's opinion. It is not any secret with people who have been around here any considerable length of time that Mr. Hinds probably knew more about parliamentary law than any other man that ever lived. He knew more than the Speakers whom he advised, and they were great Speakers. He had made it the study of his life. Here is what Mr. Hinds said, and then I will read what Mr. Speaker Carlisle said:

Although a conference report may be in disregard of instructions given to managers, yet it may not be ruled out on a point of order.

On July 31, 1886, the House proceeded to the consideration of the conference report on the river and harbor appropriation bill. The report having been read, Mr. William H. Hatch, of Missouri, had read a series of instructions to the conferees which had been voted by the House, and then made the point of order that the report was in direct violation of every single resolution of the instructions.

After debate, the Speaker ruled:

The proceedings when there has been a disagreement between the two branches of a legislative body are different in many respects from the proceedings in other cases. The paramount object of all such proceedings is to bring the two branches to an agreement. Therefore either may, without reconsidering previous votes, take action in a directly opposite direction. For instance, the House may refuse to concur in an amendment and may afterwards insist again and again upon its disagreement to the amendment, and yet it may ultimately, without reconsidering any of these votes, recede absolutely from its disagreement or recede from it with an amendment, as its judgment may dictate. And while it is competent under the recent practice of the House to instruct conference committees, still the House in that case, as in the other, may ultimately recede from its disagreement to the very amendment in regard to which it had instructed its conferees to insist on a disagreement; and that may be done with or without a conference report upon the subject.

The whole effect of the conference report in such a case is to bring the matter again directly before the body for its consideration and action. That is the whole effect of this conference report. It does not bind the House at all. The House may refuse to agree to it, in which case the whole subject is again open; and the House may absolutely recede from its disagreement to the Senate amendment, or recede with an amendment, which is the course recommended by the present managers of the conference on the part of the House. So the Chair thinks the point of order is not well taken.

In a case where the House instructs one of its ordinary committees to report back a proposition with an amendment, it would be a very serious question whether it could report back without that amendment or with that amendment and others. But that is not in this case.

In the case supposed the House instructs its committee what it shall report to the House. In this case the House has not instructed its conferees what they shall report, but has expressed its judgment on the question and directed them to insist upon striking out certain

clauses. They have now brought it back to the House in order that it may have an opportunity to recede from that action if it desires to do so, or further to insist upon it if it desires to do so.

It seems to the Chair that that opinion is as clear as crystal.

Mr. HARRISON of Mississippi. Mr. Speaker, before the Speaker finally announces his decision, does not the Speaker think there is some difference where there are instructions to conferees to insist upon a disagreement, which would naturally cause a widening of the breach between the Senate and the House, and a motion which instructs the conferees to agree to what the Senate has already done? One brings the two Houses together and the other has a tendency to widen the breach between them.

The SPEAKER. The Chair does not believe there is any difference between instructions of that sort. You can instruct the conferees to do something, or you can instruct them not to do something. This is a matter for the House to decide. The point of order is overruled, and the House has the conference report before it. If the House does not like the conference report, it can vote it down. That is its remedy.

Mr. McFADDEN. Mr. Speaker, I offer the following motion, which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. McFADDEN moves that the bill be recommitted to the conference committee with instructions that the managers on the part of the House obey the instructions given them by the House on May 10, 1917, to agree in conference to the following provisions in the Senate amendment, being the last five lines on page 8 and the first five lines on page 9, which reads as follows:

"*Provided*, Such nonmember bank or trust company maintains with the Federal reserve bank of its district a balance sufficient to offset the items in transit held for its account by the Federal reserve bank: *Provided further*, That nothing in this or any other section of this act shall be construed as prohibiting a member or nonmember bank from making reasonable charges, in no case to exceed 10 cents per $100 or fraction thereof, based on the total of checks and drafts presented at any one time, for collection or payment of checks and drafts and remission therefor by exchange or otherwise."

And that the managers on the part of the House do not agree to or sign any report which does not embody the above provision without any qualification.

Mr. McFADDEN. Mr. Speaker, upon that I move the previous question.

Mr. GLASS. Mr. Speaker, I make the point of order that the motion presented by the gentleman from Pennsylvania is out of order.

Mr. HARRISON of Virginia. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HARRISON of Virginia. Mr. Speaker, the report having been read, and the gentleman from Virginia [Mr. GLASS] keeping his seat and not asking for recognition, the gentleman from Pennsylvania, having obtained recognition of the Chair, offering his motion to recommit, has he not the right to control debate upon it?

The SPEAKER. No. The motion of the gentleman from Pennsylvania is really made prematurely. That motion comes up just like a motion to recommit after the third reading of a House bill, and the gentleman from Virginia [Mr. GLASS] undoubtedly has the right to his hour.

Mr. GLASS. And the motion is on agreeing to the conference report, is it not, and have I not the right to an hour?

The SPEAKER. That is exactly what the Chair was going to state. The gentleman has a right to his hour, and the motion of the gentleman from Pennsylvania [Mr. McFADDEN] will be considered as pending and will be voted on before the conference report is voted on.

Mr. HARRISON of Mississippi. Mr. Speaker, may I ask if there can not be an agreement as to time? Will the gentleman consent to debating this question so the House can understand it?

Mr. GLASS. I will be very glad to reach some agreement with the gentleman for a reasonable time for debate. How much time does the gentleman desire?

Mr. McFADDEN. An hour and thirty minutes on this side.

Mr. GLASS. One hour and thirty minutes on that side; that would be three hours. It seems to me that is too much.

Mr. PLATT. Mr. Speaker, reserving the right to object, this particular matter is by no means the most important thing in this conference report. The most important thing has been overlooked entirely, and we ought not to spend all the time in considering this one matter.

Mr. GLASS. Mr. Speaker, I think an hour on a side would be sufficient.

Mr. CANNON. The gentleman has made an exceedingly able speech of 40 or 50 minutes on the merits of the bill.

Mr. GLASS. I am obliged to the gentleman for his compliment, which I very highly value, but I call his attention to the fact that four gentlemen on that side have made exceedingly able speeches on the merits of the case.

Mr. MONDELL. But the gentlemen on this side who spoke addressed themselves to the point of order.

Mr. GLASS. Oh, that is a question of judgment. I do not think so, and it developed the point of order was not well taken.

Mr. WINGO. Mr. Speaker, these gentlemen who ask to speak are interested in the Hardwick amendment, and while I am interested in that there is another item more important than the Hardwick amendment which the Senate has attached as a vicious rider, and which has never been considered on its merits in the Senate, and never has been considered in a committee of the House—never has been considered by this House. I have not found any two men who agree as to its effects. I propose for one to debate that and see that this House understands what it means.

Mr. CANNON. What is that?

Mr. WINGO. Section 7, which involves the issuance of Federal reserve notes against gold and gold certificates. It involves an exemption from the requirement to maintain in the Treasury a redemption fund against a possible $2,000,000,000 of Federal reserve notes. It involves the issuance of Federal reserve notes against foreign bills and acceptances, and I do not propose that the Hardwick amendment shall exclude the consideration of a question which has never been considered by this House. It is a vicious amendment, which would have been ruled out on a point of order in this House, and yet the Senate has attached it as a rider on this bill and is trying to run it over this House.

The SPEAKER. What is the point the gentleman raises?

Mr. WINGO. I want some division of time by which we can consider that as well as the Hardwick amendment.

Mr. FITZGERALD. Mr. Speaker, I call attention to the fact that the whole debate is on the adoption or rejection of the conference report.

Mr. WINGO. You can not suggest a more important proposal than is proposed in section 7. Were it to come before this House you could not pass it through this House in two days. I think we want a reasonable time to discuss that.

The SPEAKER. Has the gentleman from Virginia any suggestion to make as to time?

Mr. GLASS. I suggested an hour on each side.

Mr. McFADDEN. Mr. Speaker, there are so many gentlemen on this side who want to speak on the various merits of this measure I do not see how we can get along with one hour. I think if the gentleman will make it an hour and a half we will get along.

Mr. FITZGERALD. I wish to state to the gentleman there is another more important measure than this bill to be disposed of to-day, and that is the conference report upon the urgent deficiency bill, and unless arrangement can be made by which that can be taken up I shall object to three hours debate.

Mr. MONDELL. I suggest to the gentleman from New York, who thinks this is a very important matter, and the gentlemen who want to discuss the merits of this important matter, that if he desires to pass the bill referred to that can be taken up after this is disposed of at the end of the three hours' debate.

Mr. FITZGERALD. I am not so sure about it. If the House will permit that bill to be taken up, say, about half past 3 o'clock and dispose of it and then go on with this bill, I shall not object.

Mr. CANNON. Are there any contests in reference to the conference report on the deficiency bill?

Mr. FITZGERALD. I expected to call it up, but I agreed not to call it up before 3 o'clock if consent is given.

Mr. CANNON. Is there any contest that the gentleman knows about? Will it be agreed to, in the opinion of the gentleman, by unanimous consent?

Mr. FITZGERALD. I do not know. The Committee on Naval Affairs is attempting to reach an agreement upon the Jamestown Exposition grounds provision so there will be no controversy.

Mr. GLASS. Mr. Speaker, we are losing time now, and so far as I am individually concerned I would be willing to agree to an hour and a quarter to a side. I suggest to the gentleman from Pennsylvania we agree to an hour and a quarter on a side. The gentleman from New York wants to get up his bill.

Mr. McFADDEN. That is acceptable.

Mr. GLASS. Mr. Speaker, I ask unanimous consent that we agree to two hours and a half debate on the conference report, one-half the time to be controlled by the gentleman from Pennsylvania and one-half——

Mr. STAFFORD. I think the gentleman from New York [Mr. PLATT] ought to control the time.

Mr. GLASS. By the gentleman from New York [Mr. PLATT].

The SPEAKER. The gentleman from Virginia asks unanimous consent that the time on this conference report be limited to an hour and a quarter to a side; he to control one hour and a quarter, and the gentleman from New York [Mr. PLATT] to control an hour and a quarter. Is there objection?

Mr. HARRISON of Mississippi. Mr. Speaker, reserving the right to object——

Mr. GLASS. And at the end of that time the previous question on the conference report be ordered.

The SPEAKER. And at the end of that time the previous question on the conference report be considered as ordered.

Mr. GARRETT of Tennessee. Mr. Speaker, a parliamentary inquiry.

Mr. WINGO. Mr. Speaker, reserving the right to object, I would like to ask what provision we shall have with reference to the arrangement of time.

The gentleman from Virginia and the gentleman from New York are both opposed to the Hardwick amendment, and both of them are in favor of section 7, which I wish to discuss. I do not want to agree to a division.

Mr. GLASS. I do not know about the gentleman's statement as to my position.

Mr. WINGO. I inferred that the gentleman was opposed to it. They have signed this report. I do not think that the time ought to be so handled that those who are really interested and have really studied it and want to present some facts to the House should be shut out.

Mr. MONDELL. Mr. Speaker, reserving the right to object, the motion to recommit is made by the gentleman from Pennsylvania [Mr. MCFADDEN], a member of the committee. It occurs to me that the time on this side ought to be controlled by the gentleman from Pennsylvania. The gentleman from Virginia [Mr. GLASS] is on the other side of the question, and very properly controls time on that side.

Mr. SCOTT of Michigan. Mr. Speaker, reserving the right to object, I desire to call the attention of the Speaker to the fact that the gentleman from New York [Mr. PLATT] is not the ranking member on the committee. The gentleman from Iowa [Mr. WOOD] is the ranking member, and I do not see how the gentleman from New York [Mr. PLATT] can insist on time.

The SPEAKER. The gentleman from Virginia [Mr. GLASS] asks unanimous consent——

Mr. SCOTT of Michigan. I object to that.

Mr. FOCHT. I object.

The SPEAKER. The gentleman from Pennsylvania objects, and the gentleman from Virginia is recognized for an hour.

Mr. MONDELL. If the gentleman from Virginia will modify his request, I think there will be no trouble in agreeing to the time.

Mr. FOCHT. If you will give us fair discussion, we will be with you.

Mr. GLASS. Nobody on this side objects to fair discussion. I made the usual request.

Mr. MCFADDEN. I make the point that this arrangement is very unfair and unreasonable and deprives our side of any right to debate this question. The gentleman from New York [Mr. PLATT] will consume all the time in debating other portions of this measure and give this special proposition no time whatever.

The SPEAKER. The Chair can not help the gentleman out of that difficulty.

Mr. BORLAND. I make the suggestion that the gentleman from Pennsylvania [Mr. MCFADDEN] move the previous question on his own motion. Evidently he did not want to have any vote at that time.

Mr. GLASS. Mr. Speaker, my colleague from New York consents to the request that I now make, and that is that the gentleman from Pennsylvania [Mr. MCFADDEN] control the time on that side.

Mr. FOCHT. And I withdraw my objection.

The SPEAKER. The gentleman from Virginia [Mr. GLASS] asks unanimous consent that debate on this report be limited to two hours and a half, one half of the time to be controlled by himself and the other half by the gentleman from Pennsylvania [Mr. MCFADDEN], and that at the end of that time the previous question shall be considered as ordered.

Mr. GARRETT of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT of Tennessee. If the agreement is made that the previous question shall be asked at the end of that time, it will not interfere with the motion to recommit?

The SPEAKER. Really, that is not a motion to recommit, because the matter goes back automatically to the conferees if it is defeated. It is really an instruction, and that is the way it ought to be drawn. They ought to vote on the conference report and then vote on the instruction.

Mr. WINGO. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WINGO. The previous question then would go to nothing except the report?

The SPEAKER. There is nothing before the House except the report.

Mr. WINGO. If the House would vote the report down, then it would be in order to instruct the conferees?

The SPEAKER. Then the Chair would recognize the gentleman from Pennsylvania [Mr. MCFADDEN] to make his motion to instruct the conferees, because that is what his motion is.

Mr. WINGO. What chance will there be for the members of the majority of the committee who differ with the conference report to have some time?

Mr. CRISP. Mr. Speaker, a parliamentary inquiry?

The SPEAKER. The gentleman will state it.

Mr. CRISP. I would like to call the Chair's attention to his rulings. The Chair himself has ruled twice on the Army bill that a motion to recommit a conference report, on the Roosevelt amendment and on increasing the salary, was in order.

The SPEAKER. That is true, but the Chair is stating his opinion of what this resolution of the gentleman from Pennsylvania is; that it is simply instructions to the conferees.

Mr. GLASS. Mr. Speaker, has there been a unanimous assent?

The SPEAKER. No. The gentleman from Arkansas [Mr. WINGO] reserved the right to object.

Mr. WINGO. I addressed an inquiry to the gentleman from Pennsylvania and to the gentleman from Virginia, and I was awaiting an answer to that.

Mr. RAGSDALE. Mr. Speaker, what difference is there in the parliamentary status of a motion to recommit and a motion to instruct? Has not the motion to instruct absolutely a right to be debated in the House?

The SPEAKER. Yes. Unless somebody moves the previous question on that, any gentleman at any time, without taking a man off the floor for the purpose, can move the previous question on anything. If that is done, you can discuss the instructions as well as you can the conference report. By the time this debate is over the Chair will straighten that all out.

Mr. WINGO. If the gentleman is through with his parliamentary inquiry, I would like to propound my inquiry to the gentleman from Pennsylvania [Mr. MCFADDEN] and the gentleman from Virginia [Mr. GLASS].

The SPEAKER. The gentleman from Pennsylvania and the gentleman from Virginia will give heed to the interrogatory of the gentleman from Arkansas. He wants to know how he is going to get some time.

Mr. MCFADDEN. How much time does the gentleman want?

Mr. WINGO. About 30 minutes.

Mr. MCFADDEN. Is the gentleman for or against the amendment?

Mr. WINGO. I am against the conference report.

The SPEAKER. What do the gentleman from Virginia and the gentleman from Pennsylvania say?

Mr. GLASS. The gentleman from Pennsylvania [Mr. MCFADDEN] should yield the gentleman his time.

Mr. CANNON. You are against all or part of the report?

Mr. WINGO. I am against section 7 and against the modification of the Hardwick amendment. Those are the two propositions.

Mr. CANNON. That is against section 7.

Mr. GLASS. And the Hardwick amendment.

Mr. CANNON. Oh, well, there will be other objections. I have no objection to the gentleman having all the time he desires, but I do not see how he can have time on section 7.

Mr. FITZGERALD. He is not asking that. He is asking time to speak on his amendment.

Mr. WINGO. On this one proposition; that is, the conference report.

Mr. CANNON. Well, I know.

The SPEAKER. What does the gentleman from Pennsylvania [Mr. MCFADDEN] say?

Mr. MCFADDEN. I yield to the gentleman 15 minutes.

The SPEAKER. What does the gentleman from Virginia [Mr. GLASS] say?

Mr. GLASS. I will yield the gentleman 10 minutes.

The SPEAKER. That is 25. Is that satisfactory to the gentleman from Arkansas?

Mr. WINGO. That is satisfactory.

The SPEAKER. Is there objection?

There was no objection.

ORDER OF BUSINESS.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that it may be in order to present a conference report on the war deficiency bill at half past 3.

The SPEAKER. The gentleman from New York asks unanimous consent that it may be in order to call up the conference report on the war deficiency bill at half past 3. Is there objection?

Mr. GLASS. Reserving the right to object, we ought to conclude this present conference report without interruption.

Mr. FITZGERALD. I would like to make a statement about the matter. I must leave Washington to-night because of illness in my family, and this conference report on the deficiency bill must be agreed upon before I leave. There is only one matter in dispute. I hope that the Committee on Naval Affairs will be able to make an arrangement that will be satisfactory to everybody. If not, that is the one question that will have to be disposed of.

Mr. GLASS. We will be through with this by 4 o'clock.

Mr. FITZGERALD. The gentleman will have two hours and a half of discussion and two roll calls, as is very apparent now. For a number of reasons the deficiency bill ought to be disposed of to-day because of the very serious situation. I must go home to-night, no matter what is done.

The SPEAKER. The Chair would state to the gentleman from Virginia, if he will permit, that if he will let the gentleman from New York in with the deficiency conference report and get through with it, then the gentleman from Virginia can continue the debate, and that he will accommodate the gentleman from New York under peculiar circumstances.

Mr. GLASS. I have no objection; and, in view of the statement of the gentleman from New York, I could not object.

Mr. MONDELL. Mr. Speaker, reserving the right to object, I will ask the gentleman from New York if he has had any discussion with the gentleman from Massachusetts [Mr. GILLETT] with regard to the time when the conference report on the deficiency bill will be called up?

Mr. FITZGERALD. I agreed—and the gentleman from Massachusetts fully understood it—I agreed that it would not be called up before 3 o'clock to-day.

Mr. MONDELL. He understood it would be called up at that time?

Mr. FITZGERALD. He expected that it would be called up at 3 o'clock or half past 3.

Mr. MONDELL. If that conference report is taken up this afternoon, it will not be possible to secure a final vote on the report of which the gentleman from Virginia has charge this afternoon.

Mr. FITZGERALD. I hope it will. If this matter is so delayed, of course the deficiency bill could not be considered at all. However, I must leave the city to-night, no matter what happens to this bill.

Mr. MOORE of Pennsylvania. Is the Jamestown item in the conference report?

Mr. FITZGERALD. It is not agreed upon. The Committee on Naval Affairs has been holding hearings to-day and yesterday, and it is now at work endeavoring to prepare a provision that will be acceptable to those favoring the acquisition of the Jamestown site and those opposed to it.

Mr. MOORE of Pennsylvania. Would the question arise if the conference report is called up?

Mr. FITZGERALD. That is the only question that would arise. I hope an agreement will be made that will enable the House to agree to the Senate amendment, clearing the matter up.

Mr. MONDELL. Mr. Speaker, reserving the right to object, I shall not object to the request of the gentleman from New York, providing that the gentleman from Virginia is willing to have a vote taken in the morning on the motion to recommit with instructions the conference report on the currency bill.

Mr. GLASS. Well, Mr. Speaker, if we are going to consider the matter in that sort of fragmentary way——

Mr. FITZGERALD. I do not think the gentleman from Wyoming should impose that condition on me.

Mr. MONDELL. It is not a condition on the gentleman from New York. It is a request of the gentleman from Virginia.

Mr. FITZGERALD. I have remained in Washington when members of my family were seriously ill before. I can not do it now.

Mr. MONDELL. I think the gentleman from Virginia ought to be willing to allow the vote to go over until to-morrow morning. The debate will last until 6 o'clock.

Mr. GLASS. Mr. Speaker, a moment ago I made the suggestion that if we were to consider this pending proposition in that fragmentary way I would rather the gentleman from New York would begin the right of way now and let the whole question go over until to-morrow.

Mr. MONDELL. I think we might reach an agreement under which the gentleman from New York—if the gentleman will yield to me—will take up his bill or conference report at this time and dispose of it.

Mr. GLASS. I shall insist for the present on going on with this proposition, but I shall not object to the request of the gentleman from New York.

The SPEAKER. Two requests are pending at once. One of them is for two hours and a half of debate. Is there objection?

Mr. FITZGERALD. Mr. Speaker, I made a request.

The SPEAKER. The Chair knows. The Chair is going to put the gentleman's request now. Is there objection to the first request? [After a pause.] The Chair hears no objection to that. Now, the request of the gentleman from New York is that at half past 3 the House take an interlude from discussing this conference report presented by the gentleman from Virginia and that the gentleman from New York be permitted at that time to call up House bill 3971, the deficiency bill.

Mr. FITZGERALD. Mr. Speaker, I wish to couple with that a request that the debate on the conference report and all matters connected with it be limited to one hour.

The SPEAKER. And that the debate on the conference report on the bill H. R. 3971 and all matters connected with it be limited to one hour. That is the Fitzgerald bill.

Mr. MONDELL. I do not know as to that last request.

Mr. FITZGERALD. I will withdraw that.

Mr. McFADDEN. Reserving the right to object, Mr. Speaker——

The SPEAKER. Is there objection?

Mr. SAUNDERS of Virginia. I reserve the right to object.

Mr. LENROOT. That is withdrawn.

Mr. SAUNDERS of Virginia. Then I will withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from New York that at 3.30 o'clock he be permitted to bring up his conference report on the bill H. R. 3971 and the debate be limited to one hour?

Mr. SAUNDERS of Virginia. That latter part has been withdrawn.

The SPEAKER. Yes; that latter part of the request has been withdrawn. Is there objection to taking up the conference report on the bill H. R. 3971 at 3.30?

There was no objection.

AMENDING THE FEDERAL RESERVE ACT.

The SPEAKER. The gentleman from Virginia [Mr. GLASS] is recognized for an hour and a quarter.

Mr. GLASS. Mr. Speaker, the statement filed by the managers on the part of the House is a brief and distinct presentation of the report of the conferees. The chief points of difference are familiar to the House. The real points of difference were, first, as to the reserve section. The Senate accepts the House provision in toto on the reserve section. Secondly, on the question of the so-called Hardwick amendment, relating to charges on the collection and payment of checks, the House fully understands what has been done with respect to that. The Senate accepted practically all of the other provisions of the House bill, including those provisions relating to empowering the Federal Reserve Board to compel Federal reserve banks to establish branches abroad, and also empowering the Federal Reserve Board to compel Federal reserve banks to establish branches of the reserve banks in this country where needed. Then one other provision is comprised in the conference report, to which my colleague, the gentleman from Arkansas [Mr. WINGO], has once or twice alluded.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. GLASS. I do.

Mr. MOORE of Pennsylvania. On the subject of branch banks I wanted to inquire whether the sentiment of the committee generally was in favor of the establishment of branch banks. This has been a disputed question in my community.

Mr. GLASS. The gentleman has a misconception as to that. It is not the establishment of branches of member banks, but branches of the Federal reserve banks. Nobody objects at all to that.

Mr. MOORE of Pennsylvania. That is to say, the individual bank can not establish branch banks under this act?

Mr. GLASS. Not at all. That is a bitterly controverted proposition, entirely distinct from this one, and to this one nobody objects. This provides for the establishment of branches of the Federal reserve bank.

Mr. MOORE of Pennsylvania. That answers my question.

Mr. GLASS. The other controverted provision of the bill, as I have stated, is that alluded to by my colleague, the gentleman from Arkansas [Mr. WINGO], and it relates to the exchange of notes for gold by the Federal reserve banks. The conference report was unanimous. I shall be glad to answer any question that anybody wants to ask concerning any provision.

Mr. STAFFORD. If the gentleman will permit, there are two provisions in this conference report that have never been considered by the House, as I understand.

Mr. GLASS. There is but one, as I understand.

Mr. STAFFORD. The statement says that there are two sections—section 7 and section 8—which were not embodied in the original House bill.

Mr. GLASS. Yes; that is true. Section 8 simply relates to a bookkeeping arrangement to facilitate the operations of the Federal reserve banks. It does not relate to member banks at all, and is to facilitate the operations of the Federal reserve banks, to make the transferences of the gold clearing fund a matter of bookkeeping rather than a matter of the shipment of the gold.

Mr. STAFFORD. I did not regard that section as being of primary importance, but as I read the report last night a doubt arose in my mind as to the expediency of authorizing Federal reserve banks to have the privilege of receiving Federal reserve notes against the gold that is deposited as a reserve.

Mr. GLASS. That is not section 8. That is section 7.

Mr. STAFFORD. That is what I say.

Mr. GLASS. That is the provision that the gentleman from Arkansas [Mr. WINGO] wants to discuss at some length.

Mr. STAFFORD. The gentleman invited inquiries, and it was the expediency of that provision about which I had some doubt, as to whether it was in consonance with sound banking.

Mr. GLASS. A great many people think it involves a double use of the gold as a reserve, and I apprehend that that will be the objection urged by my colleague from Arkansas [Mr. WINGO].

Mr. STAFFORD. Then the gentleman admits that it eliminates the reserve feature when it allows that gold reserve to be utilized for the issuance of Federal reserve notes?

Mr. GLASS. That is a contested point. The advocates of the proposition say not. The opponents of it say that it is a double use of the reserve.

Mr. WINGO. Will the gentleman yield to a question right there?

Mr. GLASS. Yes.

Mr. WINGO. The gentleman at first made the statement that the advocates of this proposition contend that it is not a duplication of use of the reserves. How do they answer the proposition that the statute——

Mr. GLASS. I will say to my colleague, meaning to be entirely courteous to him, that that feature of the bill will be discussed by another of the conferees, and I do not want to occupy my time with it; and the gentleman from Arkansas himself is going to discuss it——

Mr. WINGO. I know it, but I wanted to get the benefit of the gentleman's opinion, in view of the statement he just made, and in view of the plain, specific language that he, as chairman of the managers on the part of the House, agreed to.

Mr. GLASS. If the gentleman wants to know my opinion as to whether or not it is a duplication of use, I will state that in my judgment it is, to some extent.

Mr. WINGO. That is what I wanted to get. The language is plain, and I did not see how they could get around it.

Mr. GLASS. That is my judgment.

Mr. WINGO. There is one other proposition I want to ask about, because it may save time. That is as to the class of paper that could be used as a basis for the issuance of Federal reserve notes, authorized by the first paragraph of section 7. What was the necessity for it, and what was the justification that the Senate offered for that provision?

Mr. GLASS. To make readily available the 15-day paper authorized by a previous amendment to the Federal reserve act. The gentleman means based upon actual transactions?

Mr. WINGO. Yes. But there is more than 15-day paper involved.

Mr. GLASS. The real intent was to facilitate the use of 15-day paper on the notes of the bankers themselves.

Mr. WINGO. This goes further, does it not?

Mr. GLASS. It does authorize more than that. It authorizes the issuance of notes on eligible collateral acquired in the open market.

Mr. WINGO. And not indorsed by the member banks; does the gentleman think that is wise?

Mr. GLASS. I yielded my judgment upon that point.

Mr. WINGO. If that is the gentleman's position, I will not press the inquiry further.

Mr. GLASS. Will the gentleman from Pennsylvania use some of his time?

Mr. McFADDEN. I will yield 15 minutes to the gentleman from Arkansas [Mr. WINGO].

Mr. WINGO. Let some other gentleman go ahead. I want to get some of the ideas of these conferees. I should like to come later, and I might not use any of my time if I become satisfied.

Mr. McFADDEN. Mr. Speaker, I make the point of order that no quorum is present.

Mr. GLASS. I move a call of the House.

The motion was agreed to.

The doors were closed, and the Sergeant at Arms was directed to notify the absentees.

The Clerk called the roll, and the following Members failed to answer to their names:

Anthony	Eagan	Key, Ohio	Riordan
Bell	Estopinal	Kiess, Pa.	Roberts
Bland	Fairchild, G. W.	Kraus	Robinson
Bowers	Fields	LaGuardia	Rowland
Brand	Flynn	Lever	Rucker
Britten	Fordney	Littlepage	Sanders, La.
Bruckner	Foss	Lobeck	Scott, Mich.
Brumbaugh	Frear	McAndrews	Scully
Burroughs	Gallagher	McCormick	Sells
Cannon	Gallivan	McKenzie	Shallenberger
Capstick	Graham, Pa.	McKinley	Sherley
Carew	Gray, N. J.	Madden	Siegel
Clark, Fla.	Griffin	Maher	Sisson
Clark, Pa.	Hamill	Mann	Sloan
Cooper, Ohio.	Hamilton, N. Y.	Martin, Ill.	Smith, C. B.
Cooper, W. Va.	Hamlin	Martin, La.	Smith, T. F.
Copley	Haskell	Mason	Snyder
Crago	Hayes	Mays	Steele
Crosser	Heaton.	Moores, Ind.	Sterling, Ill.
Currie, Mich.	Hill	Morin	Stevenson
Dale, N. Y.	Hollingsworth	Mott	Sullivan
Davis	Hull, Iowa	Neely	Swift
Denton	Husted	Nicholls, S. C.	Tague
Dewalt	Ireland	O'Shaunessy	Talbott
Dickinson	James	Padgett	Templeton
Dill	Johnson, Wash.	Paige	Tilson
Dixon	Jones, Va.	Peters	Ward
Dooling	Kahn	Polk	Watson, Va.
Doremus	Kearns	Powers	Winslow
Drukker	Kennedy, Iowa	Pratt	Wood, Ind.
Dyer	Kennedy, R. I.	Ramsey	Zihlman

The SPEAKER pro tempore. Three hundred and six Members have answered to their names, a quorum.

Mr. HOWARD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

Mr. McFADDEN. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Speaker, I think most of the Members of the House have regarded the McFadden amendment as a protection to those who dealt with the banks, as a limitation on the power of the banks to charge exorbitant rates for exchange. It provided that banks should under no circumstances charge unreasonable rates of exchange, and that in no case should a charge be exacted of more than 10 cents per $100. A charge of one-tenth of 1 per cent certainly can not be considered as unreasonable.

The chairman of the Banking Committee tells us of instances of unreasonable charges. This provision would prevent such unjust exactions. It is surely as efficacious to bring the individual banks under such restrictions by direct enactment as it would be to allow the Federal Reserve Board to fix rates of exchange at its discretion.

The chairman of the Banking Committee characterizes the McFadden amendment as an atrocity which the House conferees seek to remedy, and yet at the same time he tells the House the conferees have endeavored to carefully follow the instructions given them by the House.

The McFadden amendment, which was given as an instruction to the conferees, provided the banks which were members of the Federal Reserve System should not be prevented from charging reasonable exchange, but fixed a maximum charge of one-tenth of 1 per cent. The conferees have changed this by providing that the rates of exchange shall "be determined and regulated by the Federal Reserve Board." This constitutes a vital and material change in the instructions given. It takes from the banks the right, in the first instance, to make exchange rates and confers such right upon the Federal Reserve Board.

Besides this, the conferees have inserted a further provision that no charges for exchange shall be made against the Federal reserve banks. This is a further and important change and violation of the instructions given by the House to the conferees. It exempts the Federal reserve banks from any exchange as

against their paper, but permits the Federal Reserve Board to fix the rates which shall be charged against the member banks.

It must be clear that the conferees have not followed the instructions given them by the House.

It is claimed by the chairman that because the instructions given directed the conferees to agree "to the substance" of the McFadden amendment that they were thereby authorized to depart from it with large discretion and wide latitude. I do not so understand the instructions. To agree "in substance" means to the same effect; not changing materially the substance and meaning. It means with reasonable construction that the words may be different, the verbiage changed, but the sense must be preserved, the real meaning unchanged. Such interpretation would exclude the inserting of new matter entirely. It would without doubt exclude new matter which would vary or contradict the language of the original. The changes which I have referred to would not be an agreement "in substance" with the McFadden amendment.

Mr. GLASS. Mr. Speaker, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. GLASS. Will the gentleman be kind enough to point out in the McFadden amendment the language which commits to the banks the right to determine the reasonableness of the charge?

Mr. TOWNER. I think I can. The language of the McFadden amendment is that nothing in the act shall be construed to prohibit a bank from "making reasonable charges," in no case to exceed one-tenth of 1 per cent. There is committed to no other person or bank the power to determine what is a reasonable charge except the bank. As to whether or not it is reasonable is a matter between the person interested in the transaction and the bank. The bank is restrained by law from making unreasonable charges, and, besides, there is the limit fixed by the restriction that it shall not be more than one-tenth of 1 per cent.

Mr. GLASS. Why may it not be just as reasonably inferred that the proponents of the proposition intended that the man who pays the charge might fix it by agreement with the bank?

Mr. TOWNER. I think the gentleman must see that that is an unreasonable interpretation.

Mr. GLASS. Not at all. It is not any more unreasonable than the suggestion of the gentleman that the bank may have the right to solely judge. The bank is the one in the first instance to fix the charge. The gentleman must know that. The power is in the banks now without any legislation to fix the rate of exchange.

Mr. TOWNER. There is no legislation on the subject now.

The chairman is right in saying that in the first instance the bank fixes the charge. The customer does not do it. The customer may pay or not, as he chooses, the charge made. It is true also that the rate may be agreed upon between the customer and the bank. The McFadden amendment was intended to prevent two things: First, that the charges for exchange should not be fixed for the member banks by the Federal Reserve Board; and, second, that only reasonable charges within safe limits should in any case be made. The conferees' report changes that materially. It gives the power to fix the rates of exchange to the Federal Reserve Board, and it exempts the Federal reserve banks altogether from exchange charges as against them. That, in my judgment, is both unwise and unfair.

Mr. GLASS. Mr. Speaker, I ask that the gentleman from Pennsylvania [Mr. MCFADDEN] yield some of his time.

Mr. McFADDEN. I prefer that you use more of your time now.

Mr. GLASS. I yield 10 minutes to the gentleman from New York [Mr. PLATT].

Mr. PLATT. Mr. Speaker, it seems to me that gentlemen who voted to instruct the conferees of the House to agree to the Hardwick amendment, many of them, voted under misapprehension and misunderstanding of just what that amendment is.

I have not always been opposed to part of the amendment. That is to say, it has generally seemed to me that some charge for check collecting was reasonable, and many times I have argued in the committee along those lines. But I do not believe the people have understood that this amendment is a matter not only of check collecting, but of paying checks, of making a charge for paying checks drawn on a bank's own deposits. It is the country banks that are advocating this thing though claiming that the charge was for collecting the checks or for exchange. If I come down here to Washington with a check on my home bank, and I go in a bank in Washington to get that cashed, it may look like a reasonable thing for a bank here to make a moderate charge for collecting that check. It has got to send it to another city several hundred miles away. But what reason is there why my bank up home, that has my deposit and has enjoyed that deposit all the while that the check was out, and has no way of knowing it was drawn until the check gets back to it—what earthly excuse has that bank for making a charge for paying the check?

Mr. WINGO. The gentleman knows that under the laws of his State they can not charge you for paying the check. If they did, any creditor could put it in the hands of a receiver.

Mr. PLATT. I know they have done it, and that it is exactly what some of them are claiming a right to do.

Mr. WINGO. I beg the gentleman's pardon.

Mr. PLATT. As a matter of fact, the banks of my town have not generally done it, but there are some banks in my district that have.

Mr. WINGO. Is not this what they do? Do not they charge an exchange charge for remitting proceeds after it is paid?

Mr. PLATT. That is, of course, a subterfuge.

Mr. WINGO. It is not a subterfuge, because under the law of your State, if they charge for your check or charge less than par, that is the ground for asking for a receivership.

Mr. PLATT. How much more service does that bank render for paying a check that is not cashed, merely by drawing a draft, than if somebody presents a check over a counter, when it has to pay cash for it?

Mr. WINGO. Does the gentleman wish me to tell him?

Mr. PLATT. Yes.

Mr. WINGO. When the check is paid across the counter, when the paying teller pays it—in other words, if you were to give me a check on your bank and I walk into that bank and get it through the paying teller's window, he stamps it "Paid" and sticks it on the file. At the close of the day the individual bookkeeper comes along and gets the batch of checks and charges them up. When it comes in by mail from a correspondent, either the collection or discount or exchange clerk, as we sometimes call him, takes all these checks and lists them in a separate book kept for that purpose. Then he turns to the exchange register and he figures up the total amount that comes from one correspondent. He then writes a piece of exchange. He credits that particular correspondent with that item. Then he fills out a remittance slip that is perforated and double-sided. He puts a piece of carbon paper on top of it, turns it over, fills it in——

Mr. GLASS. I would suggest that if you are going into the process of the banking business the gentleman will not have any time remaining.

Mr. WINGO. The gentleman asked for it, and I will give it to him.

Then he fills that out, tears off the slip, puts it in an envelope that has a 2-cent stamp, and there is the cost of that envelope. Then he takes those checks and turns them over to the individual bookkeeper. That is the difference in the two transactions.

Mr. PLATT. He pays all the checks that come by mail with one draft and a 2-cent stamp. It is a simpler proposition than paying over the counter. It costs him less money, because that draft is balanced up with other drafts, and remittances of actual cash are seldom made.

Mr. WINGO. They have all got to go through the same process.

Mr. PLATT. He makes a charge for doing something that costs him not much of anything.

Mr. WINGO. Does the gentleman think that a 2-cent stamp is not anything or the cost of this registry book is not anything?

Mr. PLATT. The 2-cent stamp is rather trifling, considering the fact that the bank has had the benefit of the deposits while all those checks were out.

Mr. HAUGEN. You might add express—for expressing money to the bank.

Mr. PLATT. Occasionally, yes. The gentlemen who are interested in banks can not find much in the way of defense of this practice, and they have themselves shown that the question is not of charging for collecting checks on distant places, but the question is whether you are going to allow a certain number of banks to take out something for paying checks on their own deposits. I do not think that is a thing that will appeal to very many Members of this House when they fully understand it.

Mr. HARRISON of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. PLATT. Yes.

Mr. HARRISON of Mississippi. I want to ask the gentleman this question: Does the Federal Reserve Board now charge anything to the member banks for clearing their checks to them?

Mr. PLATT. In some cases they have charged, I understand, a cent and a half an item.

Mr. HARRISON of Mississippi. Is it not the rule that the Federal Reserve Board charges from 1½ cents to 2 cents on each check they clear?

Mr. GLASS. Mr. Speaker, if the gentleman will permit, as a matter of fact, the cost has been found to be from one-half to a fiftieth of 1 per cent. It is so infinitesimal that they have to hire an actuary to figure it out.

Mr. WINGO. Mr. Speaker, will the gentleman yield?

Mr. PLATT. Yes.

Mr. WINGO. Does the gentleman think that 2 cents is infinitesimal?

Mr. PLATT. The Federal Reserve Board are performing this service practically for nothing. So why should the banks make this fuss over something that is not costing them anything? This is a charge not for collecting the checks at a distance, but a charge for the payment of the checks when they get back home, and I do not believe that one man in ten has exactly understood what it meant.

Now, I want to pass from that part of the amendment and say that the most important thing in this series of amendments to the Federal reserve act is not this matter of the Hardwick amendment, but the proviso on the middle of page 6 of the conference report, the proviso to section 7, which reads:

Provided however, That when the Federal reserve agent holds gold or gold certificates as collateral for Federal reserve notes issued to the bank such gold or gold certificates shall be counted as part of the gold reserve which such bank is required to maintain against its Federal reserve notes in actual circulation.

That is a tremendous departure from the present policy, and it is something that the House really ought to understand. At present the Federal reserve banks, when they get gold and gold certificates in the course of business, are putting those up with the Federal reserve agents, and instead of paying them out in the course of business they are paying out Federal reserve notes received for them from the Federal reserve agents. Now, they want to take that gold which they have impounded, dollar for dollar, against the Federal reserve notes and turn it into their general reserves. For a long time I have been opposed to it. This identical amendment has been passed before by the Senate and has been thrown out by the House conferees. But I have been brought to favor it as a war measure, and I agree to it now. It gives the banks an opportunity to impound a whole lot of gold, and if the country should get into such condition as the result of the war, or when the war is over, that the banks and business of the country would need assistance to prevent a panic, this added power gives a much larger reserve of gold to the Federal reserve banks than they otherwise would be able to obtain, and they can consequently extend more help to the member banks than they would be able to give otherwise. It gives them a new means whereby they can obtain gold for their reserves. The argument is that there is no reason why you or I should carry gold or gold certificates around in our pockets. If you go to the office of the Sergeant at Arms now, you will get gold certificates, yellow backs. They do not serve us any better, do not purchase any more, than the Federal reserve notes. Now, the Federal Reserve Board proposes to issue Federal reserve notes in their place when they come into possession of the Federal reserve banks, and to use the gold or gold certificates as a part of their gold reserve. You can readily see that this will strengthen the Federal Reserve System against any emergency.

That, I think, is by far the most important item in all of these amendments. The Hardwick amendment is a minor matter. The Hardwick amendment, let me say, too, is a matter about which many banks have changed their minds. In my district most of the banks were greatly in favor of the Kitchin bill until recently. I heard the cashier of one of those banks denounce the Federal Reserve Board for enforcing the law less than a year ago. Now he writes me that he thinks it a small matter to be making a fuss over. The law now, by the way, absolutely prohibits any charge being made for collection or any charge for the payment of checks, so that what we have agreed to in this conference report greatly liberalizes it. Charges are no longer prohibited, but may be made under such regulations as the Federal Reserve Board may approve, though not against a Federal reserve bank.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

The hour of 3.30 o'clock having arrived, under the agreement this matter will be suspended.

URGENT DEFICIENCY BILL.

Mr. FITZGERALD. Mr. Speaker, I call up the conference report on the bill H. R. 3971, the urgent deficiency bill for the Military and Naval Establishments, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from New York calls up the conference report on the urgent deficiency bill and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was not objection.

The Clerk read the statement.

CONFERENCE REPORT (NO. 74).

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 3971) making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Establishments on account of war expenses for the fiscal year ending June 30, 1917, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 9, 43, 51, 80, 82, and 85.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 6, and 83, and agree to the same.

Amendment numbered 2: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by the amendment of the House to the amendment of the Senate insert the following:

"EMERGENCY SHIPPING FUND.

"The President is hereby authorized and empowered, within the limits of the amounts herein authorized—

"(a) To place an order with any person for such ships or material as the necessities of the Government, to be determined by the President, may require during the period of the war and which are of the nature, kind, and quantity usually produced or capable of being produced by such person.

"(b) To modify, suspend, cancel, or requisition any existing or future contract for the building, production, or purchase of ships or material.

"(c) To require the owner or occupier of any plant in which ships or materials are built or produced to place at the disposal of the United States the whole or any part of the output of such plant, to deliver such output or part thereof in such quantities and at such times as may be specified in the order.

"(d) To requisition and take over for use or operation by the United States any plant, or any part thereof without taking possession of the entire plant, whether the United States has or has not any control or agreement with the owner or occupier of such plant.

"(e) To purchase, requisition, or take over the title to, or the possession of, for use or operation by the United States any ship now constructed or in the process of construction or hereafter constructed, or any part thereof, or charter of such ship.

"Compliance with all orders issued hereunder shall be obligatory on any person to whom such order is given, and such order shall take precedence over all other orders and contracts placed with such person. If any person owning any ship, charter or material, or owning, leasing, or operating any plant equipped for the building or production of ships or material shall refuse or fail to comply therewith or to give to the United States such preference in the execution of such order, or shall refuse to build, supply, furnish, or manufacture the kind, quantities or qualities of the ships or material so ordered, at such reasonable price as shall be determined by the President, the President may take immediate possession of any ship, charter, material or plant of such person, or any part thereof without taking possession of the entire plant, and may use the same at such times and in such manner as he may consider necessary or expedient.

"Whenever the United States shall cancel, modify, suspend or requisition any contract, make use of, assume, occupy, requisition, acquire, or take over any plant or part thereof, or any ship, charter, or material, in accordance with the provisions hereof, it shall make just compensation therefor, to be determined by the President; and if the amount thereof, so determined by the President, is unsatisfactory to the person entitled to receive the same, such person shall be paid 75 per cent of the amount so determined by the President and shall be entitled to sue the United States to recover such further sum as, added to said 75 per cent, will make up such amount as will be just compensation therefor, in the manner provided for by section 24, paragraph 20, and section 145 of the Judicial Code.

"The President may exercise the power and authority hereby vested in him, and expend the money herein and hereafter appropriated through such agency or agencies as he shall determine from time to time: *Provided*, That all money turned over to the United States Shipping Board Emergency Fleet Corporation may be expended as other moneys of said corporation are now expended. All ships constructed, purchased, or requisitioned under authority herein, or heretofore or hereafter ac-

quired by the United States, shall be managed, operated, and disposed of as the President may direct.

"The word 'person' as used herein, shall include any individual, trustee, firm, association, company, corporation, or contractor.

"The word 'ship' shall include any boat, vessel, or submarine and the parts thereof.

"The word 'material' shall include stores, supplies, and equipment for ships, and everything required for or in connection with the production thereof.

"The word 'plant' shall include any factory, workshop, warehouse, engine works; buildings used for manufacture, assembling, construction, or any process; any shipyard or dockyard and discharging terminal or other facilities connected therewith.

"The words 'United States' shall include all lands and waters subject to the jurisdiction of the United States of America.

"All authority granted to the President herein, or by him delegated, shall cease six months after a final treaty of peace is proclaimed between this Government and the German Empire.

"The cost of purchasing, requisitioning, or otherwise acquiring plants, material, charters, or ships now constructed or in the course of construction and the expediting of construction of ships thus under construction shall not exceed the sum of $250,000,000, exclusive of the cost of ships turned over to the Army and Navy, the expenditure of which is hereby authorized, and in executing the authority granted by this act for such purpose the President shall not expend or obligate the United States to expend more than the said sum; and there is hereby appropriated for said purpose, $150,000,000: *Provided*, That this appropriation shall be reimbursed from available funds under the War and Navy Departments for vessels turned over for the exclusive use of those departments, or either of them.

"The cost of construction of ships authorized herein shall not exceed the sum of $500,000,000, the expenditure of which is hereby authorized, and in executing the authority granted herein for such purpose the President shall not expend or obligate the United States to expend more than said sum; and there is hereby appropriated for said purpose $250,000,000.

"For the operation of the ships herein authorized or in any way acquired by the United States, except those acquired for the Army or Navy, and for every expenditure incident thereto, $5,000,000."

And the House agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 4. That the service of all persons selected by draft and all enlistments under the provisions of the act entitled 'An act to authorize the President to increase temporarily the Military Establishment of the United States,' approved May 18, 1917, shall be for the period of the war, unless sooner terminated by discharge or otherwise. Whenever said war shall cease by the conclusion of peace between the United States and its enemies in the present war, the President shall so declare by a public proclamation to that effect, and within four months after the date of said proclamation or as soon thereafter as it may be practicable to transport the forces then serving without the United States to their home station, the provisions of said act, in so far as they authorize compulsory service by selective draft or otherwise, shall cease to be of force and effect."

And the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 5. That, in addition to the reports now required by law, the Secretaries of the Treasury, War, and Navy shall each on the first Monday in December, 1917, and annually thereafter, transmit to the Congress a detailed statement of all expenditures under this act."

And the Senate agree to the same.

The committee of conference have been unable to agree on the amendment of the Senate numbered 68.

JOHN J. FITZGERALD,
FREDK. H. GILLETT,
Managers on the part of the House.
THOMAS S. MARTIN,
O. W. UNDERWOOD,
F. E. WARREN,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 3971) making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Establishment on account of war expenses for the fiscal year ending June 30, 1917, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of said amendments, namely:

On No. 2, relating to the emergency shipping fund: Inserts a substitute for the amendment of the House to the amendment of the Senate, printed in full elsewhere in this report.

On No. 3: Restores the appropriation of $5,000, stricken out by the Senate, for rent of quarters for the Bureau of Efficiency.

On No. 4: Restores the appropriation of $20,000, stricken out by the Senate, for additional employees and expenses of the Civil Service Commission.

On No. 5: Appropriates $136,140, as proposed by the Senate, for additional employees in the Office of the Auditor for the War Department.

On No. 6: Strikes out, as proposed by the Senate, the appropriations for the mints at Philadelphia and New Orleans and the assay office at New York.

On No. 9: Strikes out the paragraph, inserted by the Senate, authorizing the Secretary of War to transfer 10 per cent of the sums under the Military Establishment from one appropriation account to another.

On No. 43: Strikes out the paragraph, inserted by the Senate, authorizing the Secretary of War to expend not exceeding $10,000,000 of the appropriations for the Military Establishment for such military purposes as he may deem proper.

On No. 51: Authorizes the use of $150,000, as proposed by the House, instead of $325,000, as proposed by the Senate, for the purchase of land for aviation purposes for the Navy.

On No. 80: Restores the appropriation of $13,940, stricken out by the Senate, for employees to care for the new Interior Department Building.

On No. 82: Restores the appropriations for the Bureau of Standards, stricken out by the Senate.

On No. 83: Strikes out, as proposed by the Senate, the appropriation of $1,200 to enable the Commissioner of Lighthouses to increase the compensation of draftsmen employed on marine engineering.

On No. 85: Restores the appropriation, stricken out by the Senate, of $7,500 to pay the widow of Henry T. Helgesen, late a Representative from the State of North Dakota, and $1,000 for stationery for committees and officers of the House of Representatives.

On No. 86: Inserts the paragraph, proposed by the Senate, relative to the termination of the military service of persons selected by draft or otherwise, modified so as to terminate such services within four months after the proclamation of peace, or as soon thereafter as it may be possible to transport the forces then serving without the United States to their home station.

On No. 87: Inserts the paragraph, proposed by the Senate, relative to the submission of statements of expenditures from appropriations made for the Treasury, War, and Navy Departments modified to eliminate therefrom the part thereof pertaining to the taking of vouchers.

The committee of conference have been unable to agree upon the amendment of the Senate numbered 68, appropriating $1,400,000 for the purchase of land and $1,600,000 for the improvement thereof as a naval operating base on Hampton Roads, Va.

JOHN J. FITZGERALD,
FREDK. H. GILLETT,
Managers on the part of the House.

Mr. CALDWELL. Mr. Speaker, reserving the right to object, I make the point of order against section 4 as printed in the report; I think it is amendment 86. It is subject to a point of order for the reason that this is an appropriation bill and the amendment is new legislation tacked onto an appropriation bill. I do not see how that is in order here. The Army bill creating a new army in the United States provided that that army should be raised and maintained by the United States during the continuance of the existing emergency, and the matter was discussed here on the floor of the House, was discussed in the Senate, referred back to the committee, and afterwards the law was passed authorizing the army during the existing emergency. This proposition is to amend the Army bill that we took all the

trouble and pains to pass, with the approval of the department, so as to make the enlistment for the war and four months.

Now, the situation is that we do not know what wars we are going to have. We do not know whether Russia is going to be our enemy, we do not know whether we are to fight somebody else or not, and therefore we ought not to take these men out as long as we in America may need them more at the end of the war than she does now. This proposes to take from America these men when we may need them, and I contend that such legislation is not in order on an appropriation bill. I insist on the point of order.

Mr. FITZGERALD. There is no point of order that lies to this.

The SPEAKER. The gentleman's point of order comes too late.

Mr. FITZGERALD. It is too late if there was a point of order. I will make a statement about the matter. In order to calm my colleague, who is unduly excited, I will make a statement in reference to this amendment. The Senate incorporated in this bill a provision requiring all of the men taken into the Army by conscription to be discharged four months after the termination of the present war. The managers on the part of the House declined to agree to that amendment. I took the position that no one could tell whether or not these troops would be necessary four months after the war was concluded. The differences between the two Houses were all adjusted with the exception of this particular amendment. Then the managers on the part of the Senate took the matter up with the Secretary of War, and he stated that if modified in a certain way the War Department would not object to its being incorporated in the bill at this time, and that if in the future legislation was necessary it would appeal to the Congress. The Secretary of War informed me of that fact by telephone, and I stated that when he sent that information to me in writing over his own signature it would be possible to have the conferees agree upon the provision. Under date of June 2, 1917, he sent this letter:

MY DEAR MR FITZGERALD: I have been told that the conference on the urgent deficiency bill is finding great difficulty with the Senate amendment requiring the discharge of all men enlisted in the military service during the present war within four months after the termination of the war. I wrote to you and Senator MARTIN on the subject of that amendment, and pointed out the very grave inconvenience which might result should any large force of American troops be abroad at the termination of the war and an impossibility exist as to their finding transportation facilities back to America within the four months. In a conversation with Senator MARTIN this morning it was suggested that this difficulty might be overcome by adding a clause about as follows:

"Or as soon thereafter as the said forces can be transported to their home stations."

Such an amendment would obviate the embarrassment I had in mind, and undertook to state to you in my previous correspondence, and will be acceptable to the War Department. Should further embarrassment arise or threaten, as we progress in the war, I will call them to the attention of Congress and ask amendatory legislation.

Mr. Speaker, in view of that statement of the Secretary of War the managers on the part of the House agreed to the Senate amendment with an amendment, so that it reads as follows:

SEC. 4. That the service of all persons selected by draft and all enlistments under the provisions of the act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917, shall be for the period of the war, unless sooner terminated by discharge or otherwise. Whenever said war shall cease by the conclusion of peace between the United States and its enemies in the present war, the President shall so declare by a public proclamation to that effect, and within four months after the date of said proclamation or as soon thereafter as it may be practicable to transport the forces then serving without the United States to their home station, the provisions of said act, in so far as they authorize compulsory service by selective draft or otherwise, shall cease to be of force and effect.

That agreement was reached after the War Department stated it would be acceptable to it. It was in the agreement presented to the House on this bill last week. No one questioned it. It was not discussed. The conference report was rejected by this body because of the agreement upon the item regarding the acquisition of the Jamestown site. Under the circumstances, it seems to me, it should be satisfactory to the House. This statement was made in connection with the matter, that when the conference report upon the bill to raise an army of a million men was before the Senate, because such a provision was not included in that bill, the Senate declined to consider the conference report until the deficiency appropriation bill was completed and this particular amendment included in it, and that agreement could not have been made upon the bill to raise the army unless this provision was included either in that bill or in some other. Personally I should not have consented to agree to that provision under any circumstances if it were not that the Secretary of War assured me that, so far as the department was concerned, the provision in its present shape would be acceptable to the department, and it provides for discharge, after the proclamation of the President that the war is ended, of men serving without the United States within four months or as soon thereafter as it is practicable to transport them to their home stations. That means not only to bring them to the United States from abroad but to transport them to the locality from which they were taken. Those are the facts. I do not think there is any necessity for any alarm about it.

Mr. MADDEN. It must be apparent by every one that it would be impossible to discharge these men the next moment after the war ceased.

Mr. FITZGERALD. That was very apparent, and there was no intention that that should be done; but the War Department is satisfied with the provisions. If the necessity arises that these men should be retained in the service longer, Congress undoubtedly will be able to enact the necessary legislation to continue their service. I have no more sympathy with the attempt to curtail the time of service than has the gentleman from New York [Mr. CALDWELL] himself.

Mr. CALDWELL. Does the gentleman understand that the War Department feels that this is a wise thing to do, or does the War Department feel this is the best thing because they are in a hurry to get this money?

Mr. FITZGERALD. They do not believe that it is wise; but the Secretary of War stated that with this modification it would obviate one of the embarrassments that he had in mind, and that if in the future, as matters develop, it should appear that other embarrassments would be occasioned, he would appeal to Congress for additional legislation. My own opinion is that this insistence upon this legislation grew out of opposition that existed to the method in which the Army is to be raised. After the Army is raised, then I think there will be no difficulty in Congress in obtaining legislation to meet whatever situation may arise regarding the necessity for the service of these men.

Mr. CALDWELL. Does the gentleman think that expediency should justify the crippling of a piece of Army legislation that we have just passed to meet this war?

Mr. FITZGERALD. I do not believe it cripples the Army legislation. The bill provided for the service of these men during the emergency. The Senate insisted upon the discharge of the men enlisted for the emergency within four months after the termination of war with our present enemy. Personally, I think it is too brief a time. The Secretary of War after consultation stated that the provision in its present form would be acceptable. I do not intend to convey the impression that he recommended it, for he did not.

Mr. CALDWELL. Has the gentleman there the copy of the amendment No. 86 as passed by the Senate?

Mr. FITZGERALD. As passed by the Senate it is as follows:

SEC. 4. That the service of all persons selected by draft and all enlistments under the provisions of the act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States" shall be for the period of the war, unless sooner terminated by discharge or otherwise. Whenever said war shall cease by the conclusion of peace between the United States and its enemies in the present war, the President shall so declare by a public proclamation to that effect, and within four months after the date of said proclamation the provisions of said act, in so far as they authorize compulsory service by selective draft or otherwise, shall cease to be of force and effect.

It was made absolutely mandatory that at the end of four months all authority under that act should cease. Now, the modification is "or as soon thereafter as it may be possible to transport the forces then serving without the United States to their home station." So the gentleman will notice that until it is practical to transport all troops serving without the United States to their home station the effect of the provisions of that act do not cease.

Mr. CALDWELL. The gentleman is aware that the Army bill as it passed the House was carried to the Senate, and in the Senate an effort was made——

Mr. LONGWORTH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LONGWORTH. What is pending before the House?

The SPEAKER. A conference report.

Mr. LONGWORTH. I thought a point of order was made.

Mr. FITZGERALD. No; that has been disposed of. The gentleman is occupying my time and he is entitled to the information.

Mr. CALDWELL. I want to ask the gentleman if he is aware of the fact that when the bill passed the House that an effort was made in the Senate to amend by changing it from the period of the emergency to the length of the war, and that the Senate conferees agreed to the House provision, and that an effort was made then to have the Senate disagree to the House provision and it failed by a vote in the Senate?

Mr. FITZGERALD. I think the gentleman is mistaken as to what took place. The statement was made—I did not follow the record—that when the conference report was brought into the Senate—the conferees on the part of the Senate had agreed

to the House provision—the sentiment of the Senate was very overwhelmingly against that provision, that it was apparent that the report could not be agreed to, and that a consideration of the report was deferred until this appropriation bill was considered and a provision was inserted here by an overwhelming vote. When the matter first came up in the conference the managers upon the part of the House stated that they would in no instance agree to such a provision, unless it met with the approval of the administration. The President was consulted as to the effect of it. The matter was taken up by the Secretary of War, and while not recommended, the Secretary of War stated it would be satisfactory or acceptable if agreed upon. It was for that reason that after the War Department had made that statement that the managers upon the part of the House acquiesced. If he had not, there would have been no agreement upon that provision.

The SPEAKER. The question is on the conference report.

The question was taken, and the conference report was agreed to.

Mr. FITZGERALD. Mr. Speaker, I ask that the Clerk report amendment No. 68, the Jamestown amendment.

The Clerk read as follows:

Naval operating base, Hampton Roads, Va.: For the acquisition, by purchase or condemnation, including all easements, riparian and other rights appurtenant thereto, of the tract of land known as the Jamestown Exposition site, on Hampton Roads, Va., and of such lands adjacent thereto as lie north of Ninety-ninth Street and Algonquin Street and bounded on the northwest by Hampton Roads and Willoughby Bay and on the east by Boush Creek, $1,400,000; and toward the equipment of this property as a naval operating base, including piers, storehouses, oil-fuel storage, training station, recreation grounds for the fleet, aviation, and other purposes, $1,600,000; in all, $3,000,000.

Mr. PADGETT. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Tennessee rise?

Mr. PADGETT. I rise to make a motion that the House recede from its disagreement to Senate amendment No. 68 and agree to the same with an amendment.

The SPEAKER. The gentleman will send up his amendment.

Mr. PADGETT. I move to strike out all of the Senate amendment and substitute in lieu thereof the following:

The Clerk read as follows:

Mr. PADGETT offers the following amendment: Strike out all of amendment No. 68 and insert in lieu thereof the following:

"Naval operating base, Hampton Roads, Va.: The President is hereby authorized and empowered to take over for the United States the immediate possession and title, including all easements, rights of way, riparian, and other rights appurtenant thereto, and including all the rights and properties of railway, electric light, power, telephone, telegraph, water, and sewer companies, of the tract of land known as the Jamestown Exposition site, on Hampton Roads, Va., and of such lands adjacent thereto as lie north of Ninety-ninth Street and Algonquin Street, the entire property being bounded on the north and west by Hampton Roads and Willoughby Bay, on the east by Boush Creek, and on the south by Ninety-ninth and Algonquin Streets.

"That if said lands and appurtenances and improvements thereof shall be taken over as aforesaid, the United States shall make just compensation therefor, to be determined by the President, and if the amount thereof so determined by the President is unsatisfactory to the person entitled to receive the same, such person shall be paid 75 per cent of the amount so determined by the President and shall be entitled to sue the United States to recover such further sum, as added to said 75 per cent will make up such amount as will be just compensation therefor, in the manner provided for by section 24, paragraph 20, and section 145 of the Judicial Code.

"Upon the taking over of said property by the President as aforesaid, the title to all property so taken over shall immediately vest in the United States.

"For the payment of compensation for said property so taken over, $1,200,000, or so much thereof as may be necessary, is hereby appropriated; and toward the equipment of the same as a naval operating base, including piers, storehouses, oil-fuel storage, training station, and recreation grounds for the fleet, and other purposes, $1,600,000 is hereby appropriated; in all, $2,800,000: *Provided*, That the appropriation herein shall be available only for the acquisition of the entire property, bounded on the north and west by Hampton Roads and Willoughby Bay, on the east by Boush Creek, and on the south by Ninety-ninth and Algonquin Streets, together with all easements, rights of way, riparian and other rights appurtenant thereto, and all the rights and properties of railway, electric light, power, telephone, telegraph, cable, water, and sewer companies: *Provided further*, That the Secretary of the Navy is authorized to expend public money in the development of said tract of land without reference to the requirements of section 355 of the Revised Statutes."

Mr. MADDEN. Mr. Speaker, I wish to ask the gentleman from Tennessee a question.

Mr. FITZGERALD. I yield 10 minutes to the gentleman from Tennessee.

Mr. MADDEN. I wish to ask the gentleman a question. I notice that the proviso at the end of the amendment authorizes the Secretary of the Navy to expend money notwithstanding the provisions of section 355 of the Revised Statutes. That section provides that the United States Government shall not take title to land until the State in which the land is located shall have enacted a law releasing the United States from obligation to pay taxes. There ought to be some provision, it seems to me, in this amendment——

Mr. FITZGERALD. If the gentleman will permit, the provision of the Revised Statutes provides that no public funds shall be expended upon any property until the State within which it is located shall have ceded jurisdiction over the property and until the attorney general shall have certified to the title.

Mr. MADDEN. That includes the question of taxes, too.

Mr. FITZGERALD. No; the State can not tax the property.

Mr. MADDEN. The question is whether it can or not, if it has not enacted the law, and whether the United States would be obligated for taxes during the period between now and the next session of the Legislature of Virginia.

Mr. FITZGERALD. The State can not tax the property of the United States. My recollection is that the State of Virginia has passed a law ceding jurisdiction over what is called the Jamestown Exposition property to the United States whenever it should be acquired.

This amendment includes, in addition to the old Jamestown site, the Pine Beach property, which is the property adjacent to the deep water.

Mr. MADDEN. The only thing I am interested in is to know there will not be any taxes accumulating against the Government of the United States between now and the meeting of the Legislature of Virginia.

Mr. FITZGERALD. There will not be any taxes paid unless Congress appropriates to pay them, and I do not believe it will.

Mr. LENROOT. The amendment expressly provides the title shall vest in the Government immediately upon their taking possession, and therefore there could be no taxes levied except to that time.

Mr. PADGETT. Mr. Speaker, the situation in reference to the acquiring of additional ground on account of the enlargement of the Navy is so imperative and so critical that I can hardly adequately describe the necessity. This matter came up, and I have had meetings of the Naval Committee, and we have had before us the officers of the Navy, the Secretary of the Navy, the Surgeon General, the Chief of the Bureau of Navigation, who deals with personnel, and a representative of the Bureau of Supplies and Accounts, that deals with the supplies of the Navy, and I am glad to say that this amendment that is offered is the unanimous report from the Committee on Naval Affairs. Every member present, without regard to politics or party, agreed to it, and has recommended this amendment.

Mr. COX. Will the gentleman yield for a question?

Mr. PADGETT. Yes, sir.

Mr. COX. Does this cover the same amount of land that was covered by the original provision?

Mr. PADGETT. Identically.

Mr. COX. How much reduction is in the proposed amendment as compared with the price the other day?

Mr. PADGETT. Two hundred thousand dollars.

Mr. COX. As I recollect from hearing the amendment read, it provides the President shall purchase and pay 75 per cent of its value, and if that is not sufficient, then they have a right to go into court and sue to recover the remainder of it?

Mr. PADGETT. That is correct. There is no way to take over property entirely. They can not take over your home without giving you a day in court. We have followed the language and the policy of the legislation that has been adopted several times at the present session of Congress and at the last session of Congress, in the naval appropriation bill.

Mr. COX. There is precedent, then, for this kind of legislation?

Mr. PADGETT. We have copied the language almost verbatim.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. PADGETT. Yes, sir.

Mr. WALSH. I understood the gentleman to say there has been a reduction of $200,000 in the price?

Mr. PADGETT. In the appropriation for the payment.

Mr. WALSH. But the amendment which the gentleman has offered would not preclude the President from paying $1,800,000 if he deemed it the proper price, would it?

Mr. PADGETT. I do not think the President would do so; but it would not prohibit the courts in a condemnation proceeding from fixing the price.

Mr. WALSH. Nor would it prohibit the President from determining that to be a proper price—$1,800,000 or $1,600,000.

Mr. PADGETT. I do not think there will be any trouble on that score. The trouble would be on the question of condemnation. There are a number of minors interested in this property.

Mr. WALSH. The gentleman does not answer my question. What I am trying to ascertain is whether or not under the amendment which you have offered the President could determine that $1,800,000 would be a proper compensation for this property.

Mr. FITZGERALD. There is a statute which prohibits any officer of the Government obligating the Government for an amount in excess of an appropriation.

Mr. WALSH. This is only a percentage of the price.

Mr. PADGETT. The President could not himself obligate the Government for an amount above the $1,200,000; but if they go into the court and condemn, as they will have to do in some of these cases, because there are minors and incompetents interested in the property, and unknown owners, the courts will have to fix the price, and there is no authority in the Congress to fix the price that must be determined by the court when the man has his day in court.

Mr. WALSH. My question was prompted, if the gentleman will permit me, by the phraseology with reference to the 75 per cent, and then in addition that there should be the 25 per cent and such further amount as might be required to make up an adequate compensation.

Mr. PADGETT. Yes. That was put in on account of the necessity of having to condemn a portion of the property. The President under this general law can not obligate the Government for an amount beyond the appropriation of Congress or the authority that Congress grants, and he would be limited by the $1,200,000. But if it goes into the court to determine the value of any specific piece of property under condemnation that is with the court.

Mr. LENROOT. Will the gentleman yield?

Mr. PADGETT. Yes, sir.

Mr. LENROOT. The gentleman speaks of its being necessary to condemn a part of this property. Is not this amendment in itself a condemnation full and complete, and the only thing that will remain will be to ascertain the amount of the price?

Mr. PADGETT. Yes; that is correct.

Now, Mr. Speaker, I wish to have read in my time a letter that I received to-day from the President as to the urgency of this matter.

The SPEAKER. Without objection, the Clerk will read.

The Clerk read as follows:

THE WHITE HOUSE,
Washington, June 12, 1917.

MY DEAR MR. PADGETT: I understand that the House will to-day be considering the proposition for the establishment of a naval base, and I take the liberty of availing myself of this opportunity to ask you to say to the House how essential it seems to me that a naval base and training station should be established, and established at the earliest possible day, at Hampton Roads.

I have considered this matter from a great many points of view, and am more and more impressed with the immediate necessity for such a training station. If it can not be had, and had promptly, the most serious embarrassments will ensue. I sincerely hope that it will be the wish of the House to take the necessary steps for its establishment.

Cordially and sincerely, yours,

WOODROW WILSON.

Hon. LEMUEL P. PADGETT,
House of Representatives.

Mr. PADGETT. Mr. Speaker, as a matter of phraseology in the last paragraph on the first page of the bill the words at the end of the second line, "is hereby appropriated," are unnecessary, and I ask that those words be stricken out. Then two lines below that, following the amount, "$1,600,000," the words "is hereby appropriated" occur again, and I ask that they be stricken out.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Tennessee.

The Clerk read as follows:

Modify the amendment offered by Mr. PADGETT by striking out in the last paragraph on the first page, following the word "necessary," the words "is hereby appropriated," and on the sixth line, following the figures "$1,600,000," strike out the words "is hereby appropriated."

The SPEAKER. Without objection, the modification will be made.

There was no objection.

Mr. PADGETT. Mr. Speaker, I ask that a vote be had.

Mr. FESS. Mr. Speaker, will the gentleman yield for a question?

Mr. PADGETT. Yes.

Mr. FESS. Yesterday in the Senate, in the discussion of this item, it was urged against condemnation that it would take at least a year before it could be adjusted.

Mr. PADGETT. Yes; but this avoids all that. The President takes it over, and this act vests the title upon taking it over, and the only question remaining is to settle the question of the purchase price.

Mr. FESS. In other words, the Government can begin at once to get ready?

Mr. PADGETT. Yes; it can immediately take possesion.

Mr. FESS. One of the Members said that there were about 250 separtate items that belonged to individual members and that a number of them were infants. This procedure enables them to go ahead?

Mr. PADGETT. This procedure vests the title taken and leaves it to be settled in the courts, and unless the President is able to settle it, the purchase price.

Mr. FESS. Does the chairman contemplate that the courts will be necessary, or will the matter be adjusted by contract?

Mr. PADGETT. The great bulk of it will be settled within the limitations provided by the appropriation. There are some minors whose cases will be adjusted by the courts.

Mr. FITZGERALD. Mr. Speaker, I just wish to say a word. I think it is due to the managers of this bill on the part of the House to point out just the difference between this provision and the one that was recommended in the conference report which was so unceremoniously rejected the other day. That provision took in the entire property, with all the rights and properties of the various companies, at a maximum cost of $1,400,000, and it would have been impossible either in purchasing or by condemning to have involved the Government in any expense in excess of the $1,400,000. Because of the very strenuous opposition of gentlemen on the Committee on Naval Affairs, urging that the appropriation was excessive and the prices proposed to be paid extravagant, the report was rejected. After two days' careful inquiry the members of the Committee on Naval Affairs have unanimously agreed to the amendment just offered. It provides that the President of the United States shall immediately take possession of all of this property. He shall ascertain what he believes to be just compensation. If the persons entitled to receive the money decline to accept it, they are to be paid a portion of the money, and then relegated to their rights in the courts. If the courts determine in the procedure that the value of this property and all of the rights taken over is very much in excess of the $1,200,000, the Government will be required to pay, because it will have taken the property under the exercise of this war power under the Constitution, and it must make just compensation.

I am not convinced myself that the Government is to get a better bargain under this new arrangement, but so long as all these gentlemen have been persuaded as to the imperative necessity of taking over this property, I believe that some proper, orderly manner should be established to ascertain the just compensation to which the owners are entitled under the Constitution, so that it may be awarded. It seemed to me that in view of the great storm of opposition that swept the House concerning condemnation, the managers on the part of the House agreed to the provision which was reported, and it is just to them to point out that no very great advantage has accrued to the Government by the recommendation of this particular provision.

Mr. CALDWELL. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. CALDWELL. Suppose that under the provision of the bill the President found that the property owned by the Jamestown Exposition Co. was worth $1,200,000, and that there was additional property there. How would the thing be worked out then?

Mr. FITZGERALD. Under this provision the appropriation is available only to acquire the entire tract and all the rights and privileges thereon. I have conferred with the gentleman from Tennessee and his colleagues, and they incorporated in this provision certain language which it seemed to me was essential to make it clear that all of the rights and property were to be acquired and to make impossible the acquisition of a portion of the property within the appropriation and the acquisition of the balance. The form in which this appropriation is now presented, however, changes the situation completely. It proposes that the Government, under the power that it undoubtedly has, shall take this property over, and when it takes it over it must make just compensation. An attempt will be made to convince all of those interested that $1,200,000 will be just compensation. If the owners do not believe it is just compensation, they are entitled to have that question determined in the courts, and if the courts should determine that some sum in excess of $1,200,000 is required to make full compensation, we are under obligations to pay it. My opinion is that what the Congress wants to do is to pay just compensation for this property and nothing else, and when it has arranged the proper and orderly manner to ascertain what that shall be it is willing to pay.

Mr. MADDEN. Will the gentleman yield now?

Mr. FITZGERALD. Yes.

Mr. MADDEN. This amendment proposed by the Committee on Naval Affairs is much more advantageous to the owners

of the property than the amendment proposed by the Appropriations Committee in the former conference report, because this amendment turns the money over to the owners of the property to-morrow, if the President says so, whereas under the proposition of the Appropriations Committee they would have had to wait until the titles were adjudicated.

Mr. FITZGERALD. But then there is another phase to that, that under this provision the Government takes immediate possession of the property, while if it took it in the ordinary way it could not obtain possession until it had paid for it; so that perhaps the advantage is balanced by the disadvantage. I yield five minutes to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT. Mr. Speaker, I wish to impose upon the House very briefly, just to state, as one of the managers upon the part of the House, the attitude I have taken on this conference report. What the gentleman from New York [Mr. CALDWELL] brought up illustrates the fact that when I go into conference with the Senate I appreciate that I am not going to have all my own way. I am going to run against stubborn and determined men who have opinions of their own, to which they have a right; and if their body is behind them, as I believe it was in the case the gentleman suggests, the House can not expect to run over them, and we can not expect to have our own way always. I sympathize entirely with the views expressed by the gentleman from New York [Mr. CALDWELL] on that proposition; but not only were the Senate conferees determined, but they assured us that the Senate was determinedly behind them; and when the Secretary of War, representing the administration, took the same ground it was obvious that we would have to yield, and we made the best terms we could. I much preferred the law as it was before, but with the administration changing front we could not expect to successfully withstand the Senate.

Now, as to this Jamestown matter, when it first came before the Appropriations Committee the Navy Department strongly urged upon us the purchase of the Jamestown land. We knew that this proposition had for a long time been considered by the Naval Committee and had been opposed by them, and therefore the first thing we did was to inquire the attitude of the Naval Committee, and we ascertained that they had discussed and investigated it and were opposed to it. Therefore, without going into the merits of it ourselves, not wishing to intrude upon their jurisdiction, we determined to follow their opinion. Personally I have had the suspicion that during this war, with the enormous appropriations it brings, a great many defunct propositions from the different departments which Congress has rejected will be brought forward anew in the hope that under the pressure and hurry of the war Congress will reverse itself and allow what it has previously condemned. I did not know whether this was one of those or not, but I understood from the Naval Committee that it had been repeatedly refused, and therefore I determined just on that account to oppose it. I must admit I was somewhat prejudiced against it, as I suspect was everyone who was here at the time of the Jamestown Exposition, because of the unsavory flavor that has always hung around the prosecution of that exposition. So, without going into the merits of it, I—and I think that is true of the whole committee, though I will speak only for myself—refused to put in our bill this Jamestown proposition. But the Senate put it in, and when we went over to the conference we sat down and had to trade and bargain with the Senate on about a hundred different amendments. I made up my mind pretty soon that this Jamestown Exposition proposition was one that the Senate was determined upon. We held out and we haggled and bargained and traded, and finally we came to a complete agreement, the House yielding some items and the Senate yielding some. I held out against this Jamestown proposition as long as I could, but we finally yielded. Therefore when we came back to the House, although it was not in accord with my judgment, I felt, as one of the conferees, as one who had made the final agreement with the Senate, who had got as much as I could of what the House wanted, that I was bound by the bargain, and I voted in favor of the conference report.

Now, I will say further that I have come to the conclusion that Chesapeake Bay is obviously going to be a great naval station. I understand naval experts say there are two places on our coast specially adapted to that by nature, one Narragansett Bay and the other Chesapeake Bay; but obviously Chesapeake Bay, with its navy yard, is going to be for the present our great naval base, and there is no question that we need land there. Whether this was the best land and whether we were paying an exorbitant price I had my suspicions, but guided by the opinion of the Naval Committee, which agreed with my own judgment, I stood out against it as long as I could; but finally having yielded in a bargain, as I say, I thought I must stand by the bargain, and I voted in favor of the conference report. I am very glad now of this agreement which the Naval Committee has unanimously come to. I accept it with gratification, although still with much doubt, but I am willing to leave the determination and the responsibility with the President. [Applause.]

Mr. FITZGERALD. I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Chairman, it was naturally to be expected that the distinguished chairman of the Committee on Appropriations [Mr. FITZGERALD] should seek to show that the original proposition for the purchase of this property was more advantageous to the Government than is the pending amendment.

Mr. FITZGERALD. I did not say the original proposition.

Mr. LENROOT. I meant the previous conference proposition; and the gentleman referred to the fact that under that previous conference proposition the Government did not need to take the property, even under the right of eminent domain, unless the price was entirely satisfactory. But I want to call the gentleman's attention and the attention of the House to the fact that if the Government was to make any use of this property for the ostensible purpose for which it was desired, and there was litigation under condemnation proceedings, the Government would be compelled to take possession of it long before those condemnation proceedings were concluded, as the Government would have the right to do under certain conditions; and if the Government did take possession of it, and if the jury should award a sum very much larger than the $1,400,000 appropriated in the conference report, the Government would be bound to pay that larger amount, because it would have expended upon the ground by that time the $1,600,000 that the gentleman himself appropriated for in the conference report; and could it be supposed that after the Government had expended $1,600,000 upon this property it would refuse to pay $200,000 or $300,000 more for it if the jury should award a sum greater than the $1,400,000? Of course not. The difference is this: In the proposition the gentleman had they asked Congress to pass upon this question of paying $1,400,000, a matter that Congress knew nothing about, and which the gentleman very frankly stated that he did not know whether it was just or otherwise.

In this proposition the responsibility is put upon the President of the United States, and the responsibility will be his if he pays an excessive sum for this property, and not the responsibility of Congress.

Mr. FESS. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. FESS. There may be an unearned increment that will make this property more valuable after the Government of the United States makes improvements upon it. Is that cared for?

Mr. LENROOT. The title passes immediately upon the Government taking possession, and that will be the time that the value of the property is to be assessed. I am not satisfied from anything that has been said that this is necessary, but if it is necessary there is no Member of this House that wants to prevent the Government from having it, and under the proposition that is now pending the President must take the responsibility of determining not only the necessity but the price to be paid. With all the powers we are granting him from day to day, involving billions and billions of dollars, I am willing that he should have this responsibility, too, and if there should be any reflections upon anyone growing out of it in the future it will attach not to the House of Representatives but to the President of the United States.

The SPEAKER. The question is on the motion offered by the gentleman from Tennessee [Mr. PADGETT] that the House recede from its disagreement to Senate amendment No. 68 and agree with an amendment.

The question was taken, and the motion was agreed to.

On motion of Mr. PADGETT, a motion to reconsider the vote whereby the motion was agreed to was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 291) to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes.

AMENDING THE FEDERAL RESERVE ACT.

Mr. GLASS. Mr. Speaker, may I inquire how much time has been used by each side?

The SPEAKER. The gentleman from Virginia has 53 minutes remaining and the gentleman from Pennsylvania 48 minutes.

Mr. GLASS. I yield five minutes to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Mr. Speaker, I want to speak for a few minutes in favor of the conference report as now drawn, and especially as presenting the view of the business men and the merchants toward this so-called Hardwick amendment.

I am going to support this conference report because I feel that the conferees have in a difficult situation done the very best thing under the circumstances; that is, they have committed this subject to the order of the Federal Reserve Board, a flexible method of controlling the subject which can be changed and modified as business conditions warrant. I regard that as a very much better amendment than the Hardwick amendment standing alone.

Mr. DUPRÉ. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. DUPRÉ. Is the gentleman aware that the membership of the Federal Reserve Board is absolutely opposed to the Hardwick amendment?

Mr. BORLAND. I do not think the membership of the Federal Reserve Board in the event of a duty being imposed upon them by law would be governed by their own private wishes. If it appears that the banks ought to have this charge in certain cases or at a certain time I feel disposed to think that they would authorize it. But I have never been convinced in my own mind that the banks are entitled to it. I feel that the banks are losing a source of revenue they formerly had, and in some banks it was a considerable source. In some small banks it paid or helped to pay the clerk hire of the bank. But the banks must remember that the Federal Reserve System as a whole has been the most beneficial measure to the banks that has ever been passed. We all saw here in the House that there was a continued opposition on the part of the banks, who are now acknowledging the benefits of the system, to almost every essential feature of the system. Yet to-day I think there is scarcely any bank in the country that would be willing to abolish the system as a whole. They have objections to particular provisions of the system as it affects their particular profits and particular line of business. They overlook the fact that at the time and before this Federal banking system went into force banks were under the moral and commercial necessity of keeping on hand in their vaults or keeping a credit with some city bank of a sufficient sum to tide them over a run. This was a great restriction on their earning power. Not only has their legal reserve been reduced, but the necessity for keeping an extra reserve on hand in critical times is avoided.

Before the passage of the law they had no other source or reservoir of supply than the money in their vaults or the accommodation of other banks. I have seen the case frequently where banks retained an extraordinary amount of deposits in their own vaults to avoid the danger of a run, or tied themselves up with some city bank by rediscount or large deposit or otherwise so that they could have accommodation in case of need. We must not overlook the fact that the banks in being relieved of that constant fear of a run have a very much larger amount of depositors' money available for lending out and thus making profit by the bank. It is true that some of the profits of the bank have been curtailed, and I think properly so, because the business public is entitled to its share of the benefits and advantages of the cheapening of commerce through the instrumentality of this law. One of the purposes of the law was to take the toll gate off commerce. It was to make checks of member banks par all over the United States. We can not affect the business of nonmember banks, except so far as they desire to submit themselves to the control of this system because of the advantages they hope to gain, but as far as member banks are concerned, we ought to make their checks par everywhere in the United States. While this controversy has been going on I have been flooded with letters and telegrams from the most responsible business men in my district insisting upon the one point that they wanted these checks to be par, and that they had a right to ask that at the hands of the Federal Reserve System.

Mr. HARRISON of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. BORLAND. In a moment. They point out the immense advantages the banks are enjoying, which the banks freely confess, and the great profits which the banks are getting from this system in the freedom from panics which the banks freely admit, and they say the business men of this country are entitled to their advantage, which is freedom of exchange and removal of these artificial restrictions on commerce. I yield now to the gentleman from Mississippi.

Mr. HARRISON of Mississippi. The gentleman says that he has received a great many letters and telegrams about this matter protesting against exchange charges. Does the gentleman know that the Simmons Hardware Co., big wholesale people, sent out telegrams to their various customers telling them that they would pay the expenses of telegrams to Congressmen?

Mr. BORLAND. I do not know that, but I do know that the banks have carried on an active campaign through their organization, as brilliant business men can do. One of the greatest influences in this country is organized public opinion. I do not think Members of Congress will be influenced by anything but the truth. I never refuse to allow any man to communicate with me by letter, telegram, or in person in behalf of himself or of a client. I assume that I have the right and the ability to weigh what he says in the light of his interest in the matter.

Mr. WINGO. Mr. Speaker, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. WINGO. The gentleman, in opening his statement, said that he was going to speak for the business men. The gentleman has seen the circular which has been handed to us, in which circular these business men say that the small bank is entitled to this, but that they think the country merchants, the patrons, ought to pay, and not the wholesaler.

Mr. BORLAND. I am not sure that I have seen that circular.

Mr. WINGO. That is the reason I am calling it to the gentleman's attention.

Mr. BORLAND. How is this going to affect the village bank if it does not in some way connect itself with the reserve system, either as a member or a nonmember depositing a credit with a member bank?

Mr. WINGO. I presume the gentleman is familiar with the clearing system established by the board?

Mr. BORLAND. Yes.

Mr. WINGO. Which is a voluntary system. The gentleman knows that nonmember banks are in that?

Mr. BORLAND. Yes.

Mr. WINGO. The gentleman understands how nonmember banks are compelled to join these clearing-house systems. The gentleman from Virginia [Mr. GLASS] says that it is by competition. It makes no difference what you call it, they have to go into it.

Mr. BORLAND. That is my understanding. The nonmember banks can not be forced into this system nor into the voluntary clearing houses except by the pressure of competition to provide their patrons with facilities equal to those of other banks.

Mr. HOWARD. Mr. Speaker, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. HOWARD. There is one great benefit that accrues to these small banks by virtue of the establishment of the Federal reserve system. Every country bank in my section of the country has a Federal reserve bank correspondent in some large city, through which they refinance their loans. They take their paper. Here is the advantage the country banks of the United States, and especially in the South, to-day are getting. They are getting their money at a lower rate of interest from their correspondent banks than they ever got it, and yet they have not changed their rate of interest to borrowers from them.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WINGO. If the gentleman from Missouri will permit, he does not want that statement to go in the RECORD. That is not permitted under this law.

Mr. HOWARD. But they are doing it.

Mr. WINGO. This act prohibits it. They can not handle the business of a nonmember bank.

Mr. BORLAND. Mr. Speaker, my judgment about the position of the village bank is and my experience has taught me that every small bank keeps a deposit in a city bank for its own convenience, and it must necessarily do so. Under the old law every country national bank did that as a part of its reserve. Now it does it for its own convenience. If a check comes into that city bank, let us say Kansas City or Omaha, drawn on some country correspondent, that check is charged to that country bank's account. That is all that happens and there is no reason on earth why those checks should not circulate at par. The checks do eventually go back to the bank on

which they are drawn, but they are charged in the first instance on the books of the member banks in the big city. That is where they first light. I have never been able to discover anything more than bookkeeping connected with the payment by a bank of its own checks, whether paid by a correspondent or over its own counter. The banks, as I say, undoubtedly lose a source of profit which they have made, but, as the gentleman from Georgia pointed out and as I have endeavored to point out, this is simply compensating the business men, who are entitled to it. The little business men, the retail merchants—the big business man, the wholesaler, the jobber, already have—are entitled to have as easily as possible the collection of funds throughout the country, to have the tollgates removed from commerce and let commerce be as free as transportation ought to be in this country. Let every avenue be open to commerce and let a man's check be good with the merchant he buys goods from in the cities or wherever he desires to send it. That is what this system does; that is what this whole system of Federal banking does, reducing to the minimum the bookkeeping and clerical part of banking.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. GLASS. Mr. Speaker, I hope the gentleman from Pennsylvania will use some of his time.

Mr. McFADDEN. Mr. Speaker, I yield 15 minutes to the gentleman from Mississippi [Mr. HARRISON].

Mr. HARRISON of Mississippi. Mr. Speaker, I yield back my time.

Mr. GLASS. How would the gentleman from Pennsylvania consider having a vote upon this proposition now?

Mr. CANNON. Mr. Speaker, I am, of course, not in the management of the bill, but I am a Member of the House. It has been an exceedingly trying, hot day. It is almost 5 o'clock; the bill can not be completed to-night. It seems to me if we take an adjournment until 11 o'clock——

Mr. HOWARD. It is hotter outside than it is here, I will say to the gentleman from Illinois.

Mr. CANNON. Oh, my friend would not be hot anywhere.

Mr. HOWARD. Oh, I do not know; I am mighty cool.

Mr. McFADDEN. I will say to my colleague the time is allotted on this side, and I think gentlemen are expecting to speak on this subject. There has been no opportunity afforded for the discussion at any great length of the merits on this side of the question. I quite agree with the suggestion of the gentleman from Illinois [Mr. CANNON] that we can not finish to-night, and I think it might go over until to-morrow, adjourning, say, at 5 o'clock. I think that would be a good plan.

Mr. GLASS. There are many men who have expressed the desire to act on the bill to-night, and some of them have to leave town to-morrow.

Mr. FOSTER. To-morrow is Calendar Wednesday.

Mr. McFADDEN. That applies to some gentlemen on this side, except that we want to go over to-morrow.

Mr. GLASS. We can get through to-day if the gentleman will agree to let us vote on the bill now.

Mr. ROSE. Allow me to suggest that I know quite a number of people who left the House under the belief that this bill would not be voted upon to-day.

Mr. HOWARD. The baseball game will be over in a few minutes.

Mr. ADAMSON. If the gentleman will permit me to say——

The SPEAKER pro tempore. Does the gentleman yield?

Mr. ADAMSON. Some of us here whose committees are not privileged are dependent entirely on Calendar Wednesday to receive recognition, and I hope gentlemen in their desire for further consideration of this bill will leave Calendar Wednesday out of consideration.

Mr. GLASS. We can not do that.

Mr. PLATT. I think we ought to finish this thing to-night.

Mr. GLASS. So do I. There is nobody longer listening to the debate. Without unanimous consent we can not do anything.

Mr. FOSTER. Let the gentleman remember that to-morrow will be Calendar Wednesday, and you can not go on with the bill to-morrow, if you determine to do so, without unanimous consent.

Mr. GLASS. You see the point is made that we can not go on except by unanimous consent.

Mr. STAFFORD. If the gentleman will permit, I think that two-thirds of the House would vote to take it up at 11 o'clock to-morrow, Calendar Wednesday. It would be to the convenience of the Members.

Mr. GLASS. I want to consult the convenience of the Members. I am willing to vote now if they want to vote now, or let it go over.

Mr. McFADDEN. A number of gentlemen have left the House expecting that it would not come up to-night, and it would not be fair to them to come to an agreement.

Mr. PLATT. How could they do that if there was a unanimous agreement to have debate and take a vote?

Mr. SCOTT of Michigan. There was not any agreement to take a vote.

Mr. GLASS. You can go on as you please.

The SPEAKER pro tempore (Mr. COX). The gentleman from Virginia [Mr. GLASS] is recognized.

Mr. GLASS. I ask the gentleman from Pennsylvania to use some of his time.

Mr. McFADDEN. I would rather the gentleman from Virginia would proceed, if he will.

Mr. GLASS. I have not anybody here at this moment. I have used more of my time than the gentleman has of his.

Mr. CANNON. I presume that we might have a quorum if the point is made.

Mr. GLASS. I hope the point will be made. We would like to have a quorum here.

Mr. McFADDEN. I suggest to the gentleman from Virginia that the gentleman from Massachusetts [Mr. PHELAN] is to speak on this subject, and he is not present in the Hall at this time.

Mr. GLASS. I yield five minutes to the gentleman from Georgia [Mr. HOWARD].

Mr. HOWARD. Mr. Chairman, I presume the gentleman from Virginia [Mr. GLASS] has put me in the attitude of a long-haired fanatic that was attending a country funeral. After the preacher had gotten through with his funeral oration, he asked, "If there are any friends of the deceased brother present who would like to say a few words about the life and character of the deceased brother, we will be glad to hear from them." Nobody seemed inclined to rise, and finally this old fellow got up and said: "Well, brother, if nobody else would like to say anything, I would like a few minutes to say a few words about the free and unlimited coinage of silver." [Laughter.] And so I presume that Brother GLASS, having nobody else to say anything about this bill, has yielded five minutes to me for the purpose of "filling in."

I could discuss the free and unlimited coinage of pig iron about as intelligently as some gentlemen have discussed this proposition before us. Now, there is one thing I want to say about this exchange proposition. I have had a good deal of dealings with banks on the outside, looking in, but never from the inside, looking out. I know a good deal about the banking business from that standpoint only. But I want the attention of these gentlemen that are talking about these poor little country banks and what a hardship it is on them to cut them off from the right to charge exchange that is unreasonable. And my good friend from Mississippi [Mr. HARRISON], who is always looking out for the common people, wants to give these "little country banks" a right to ride the people again on collecting exchange and amounts of money for which they do not render any commensurate service that is anything like the charge made.

Since the Federal Reserve System has been established in the cotton-growing States—the statement of the gentleman from Arkansas [Mr. WINGO], who knows as much about this bill as anybody else, to the contrary notwithstanding—here is the situation: A good many of the bankers in the Southern States are not bankers. They are pawnbrokers. Two-thirds of them to-day, with this country staring a food panic in the face, are charging the farmers in my State and in other Southern States usurious rates, and they would do it in the State of the gentleman from Mississippi, if, in 1914, that State had not passed one of the best and most regulatory State banking acts in existence in the United States. I will admit that the gentleman from Mississippi has an ideal banking law, but there were just as many of the other kind I was describing in Mississippi up to the time of the passage of the act of 1914 as there are in any other State.

Mr. WINGO. Will the gentleman yield?

Mr. HOWARD. I can not yield to the gentleman.

Mr. WINGO. You referred to me, and I can not see the connection, as I did not even mention the matter you are discussing. I confined my remarks to the pending bill.

Mr. HOWARD. I was talking about the gentleman a moment ago, and I am coming back to him presently. But I am talking now about the gentleman from Mississippi [Mr. HARRISON] and about his being excited here over these "poor little country banks" being put out of business; these "poor little country banks!" And the stock of 9 out of 10 of them to-day is worth 2 for 1. [Laughter.]

Mr. WINGO. I know the gentleman wants to be fair. I was not discussing that.

Mr. HOWARD. I can not yield to the gentleman to make a speech. Let me make this statement and I will clear you in half a minute. [Laughter.]

Mr. WINGO. I want to try to give the gentleman some information.

Mr. HOWARD. I can not take time to get it. [Laughter.]

Mr. WINGO. I thought the gentleman wanted information.

Mr. HOWARD. No; I do not want it. [Laughter.] I want to argue something now that the gentleman injected into this discussion by asking the gentleman from Missouri [Mr. BORLAND] a question.

Mr. WINGO. I did not ask the gentleman a question. I challenged a misstatement of the law.

Mr. HOWARD. The difference between what I said and what the gentleman said is the difference between "Stephen, come down," and "Come down, Stephen." [Laughter.]

Now, here is what I want to say: You are not exciting any sympathy with me for these "poor little country banks." I say that those banks to-day are profiting more by the Federal Reserve System than they ever profited before in their history, and by virtue of their not charging a nickel exchange—suppose they did not do it—they would make more money by the manipulation of the Federal Reserve System than they ever made before in their lives, and they do it in this way—and that is what I am coming to: For instance, the country bank in your city in Arkansas, when it loans its resources to the farmer, charges anywhere from 8, 12, to 20 per cent interest on growing crops, mules, milch cows, and any other securities, and when their resources are exhausted they go to the reserve bank and they make over to the national bank all their notes and borrow from the national bank on those notes properly transferred.

The SPEAKER. The time of the gentleman has expired.

Mr. HOWARD. Mr. Speaker, may I have a few minutes more? I want to explain this little transaction.

Mr. GLASS. I yield to the gentleman five minutes more.

The SPEAKER. The gentleman is recognized for five minutes more.

Mr. HOWARD. They borrow money on their notes, and the national banks loan it at the very lowest rate of interest—between 1 and 2 per cent of what the regional bank is charging the reserve bank—and in turn they take that money and go out in the country and loan it at anywhere from 8 per cent to 20 per cent per annum to the farmer to make a crop with.

Mr. WINGO. The gentleman knows that that is prohibited by statute.

Mr. HOWARD. I know it is not. I have read the law. Let us see if that transaction is prohibited. It is not an asset of the country bank that is discounted; it is the asset of the national bank that is discounted. Do you mean to tell me that the country bank of that little town of yours, Mena——

Mr. WINGO. The gentleman does not even know where I live. [Laughter.]

Mr. HOWARD. The gentleman from Ohio [Mr. LONGWORTH] and I had that proposition up once, and we all, as I take it, understood that you live at Mena, or at least we so decided.

Mr. HARRISON of Mississippi. The gentleman himself lives at Atlanta, where there is a Federal reserve bank.

Mr. HOWARD. Yes. Everybody knows that I live in Atlanta. I hope the gentleman will come through there some day and see a great city. [Laughter.] Now, the proposition is that that little country bank at Mena will take its resources and transfer them to the national bank at Little Rock, which is its national-bank connection, and that bank can take them to the Federal reserve bank and discount them in that bank as the assets of the national bank—not the assets of the nonmember or country bank.

Mr. WINGO. That is contrary to law. If the gentleman will read section 17——

Mr. HOWARD. Then, all the little bankers in the United States ought to be in the penitentiary, and all in the gentleman's State ought to be there, because, as the gentleman says, that is in violation of the law. That is the way they are reaching these small banks with a low rate of interest.

Mr. WINGO. They do not do it in my State. The gentleman and I do not agree as to the law.

Mr. HOWARD. Go to every Federal reserve bank, and what will they tell you? They will tell you that 70 per cent of all the paper is in their bank along about July of a given year, which is all predicated upon farm loans.

Mr. WINGO. That is a different proposition.

Mr. HOWARD. The farmer has gotten the money, and they are rediscounting it. That is what they are doing. I tell you, gentlemen, we ought to agree to this conference report. It is right that it should be agreed to. These banks are making enough money now, and you do not hear anybody complaining of low interest, do you? I know one bank which keeps me sweating all the time paying into it, and heaven knows it looks like it was getting higher and higher instead of lower and lower. [Laughter.] I tell you there is one regular thing; it comes around mighty regularly, and that is this big interest that they are charging, and they always charge as much as they can get. You can take all these bankers here, and I could go through this House and point them out. Look how well groomed they are! See how well kept they are! See how many automobiles they have! See how much society they indulge in! There is my friend from Pennsylvania [Mr. MCFADDEN], and there is my friend from South Carolina [Mr. RAGSDALE], just a president of an ordinary country bank. Why, the evidence is all against them. [Laughter.] They make profert of themselves in this House, and then they come in and say, "Poor little country banks! Help us, we need the money." I hope this conference report will be overwhelmingly agreed to, and that the people of the United States will have this unnecessary and unjustifiable charge taken off their shoulders.

Mr. GLASS. Mr. Speaker, I hope the gentleman from Pennsylvania [Mr. MCFADDEN] will use some of his time. All of the speeches of late have been on this side.

Mr. MCFADDEN. Mr. Speaker, I yield 15 minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. I am not going to talk to empty benches. I make the point, if I have got to talk, that there is no quorum present. Anyway, you can not finish this bill to-night, in my judgment.

ORDER OF BUSINESS.

Mr. HARRISON of Mississippi. Mr. Speaker, will the gentleman withhold his point for a moment?

Mr. CANNON. Yes.

Mr. HARRISON of Mississippi. I ask unanimous consent, Mr. Speaker, that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that when the House adjourns to-day it adjourn to meet to-morrow at 11 a. m.

Mr. ADAMSON. Reserving the right to object, I should like to ask the gentleman from Mississippi what his purpose is.

Mr. HARRISON of Mississippi. It might be possible to do more work to-morrow if we meet at 11 o'clock.

Mr. COX. I object, Mr. Speaker.

Mr. ADAMSON. I am willing that the House should meet at 11 o'clock, but I do not want to dispense with Calendar Wednesday.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] makes the point of order that there is no quorum present.

Mr. GILLETT. If the gentleman will withhold that a moment, may I suggest to the gentleman from Virginia [Mr. GLASS] that it is now 5 o'clock, and that it would hardly be worth while to bring a quorum here. It would be wiser to adjourn now, because we can not finish the bill to-night anyway.

Mr. GLASS. I would be perfectly willing to have the House adjourn if we can get unanimous consent to proceed with this bill in the morning when we meet at 11 o'clock.

Mr. GILLETT. Does the gentleman mean Thursday morning?

Mr. GLASS. No; I mean to-morrow morning.

Mr. GILLETT. I am perfectly willing that the gentleman should go on with his bill to-morrow.

Mr. GLASS. That we proceed with the bill to a conclusion to-morrow.

Mr. GILLETT. But perhaps the gentleman from Georgia [Mr. ADAMSON] will not agree to that.

Mr. ADAMSON. There are certain bills that are not privileged, and we have not yet been able to get unanimous consent to make them so.

Mr. GLASS. We ought to be able to finish this bill by 1 o'clock to-morrow.

Mr. ADAMSON. We ought to be able to, but I observe in this House that when the talking machine starts there is a vast difference between what is and what ought to be. I have no objection to meeting at 11 o'clock, but I do not want to dispense with Calendar Wednesday.

Mr. STAFFORD. If the gentleman will yield, may I suggest to the gentleman from Georgia that even with a roll call this matter will be out of the way in two hours to-morrow, and if we meet at 11 o'clock the gentleman from Virginia will be able to go on with his bill by 1 o'clock or 1.30.

Mr. ADAMSON. I suggest as a compromise that we take a recess until 11 o'clock.

Mr. COX. I object to meeting at 11 o'clock.

Mr. ADAMSON. The only proposition I make is that we take a recess instead of adjourning.

The SPEAKER. The gentleman from Indiana [Mr. Cox] objects to the 11 o'clock proposition. Has any gentleman anything to suggest?

Mr. GLASS. I ask unanimous consent that we proceed with this bill to its conclusion to-morrow when the House reconvenes, Calendar Wednesday to the contrary notwithstanding.

Mr. ADAMSON. Mr. Speaker, if my request to make certain bills privileged can be agreed to I will not object, but unless I can get a privileged status for one or two bills, I shall object to dispensing with Calendar Wednesday. I ask unanimous consent——

Mr. GILLETT. I feel obliged to object to that proposition.

The SPEAKER. What proposition?

Mr. GILLETT. I object to the proposition to make certain bills privileged.

Mr. ADAMSON. Then let us agree to make Calendar Wednesday business in order on Thursday instead of to-morrow.

The SPEAKER. The gentleman from Virginia [Mr. GLASS] asks unanimous consent that when the House meets to-morrow the business of Calendar Wednesday be waived to the extent of allowing him to finish with this bill.

Mr. ADAMSON. Reserving the right to object, I will make this suggestion, that Thursday may be made Calendar Wednesday instead of to-morrow, that business in order to-morrow may be in order on Thursday.

The SPEAKER. The gentleman from Georgia asks unanimous consent that business in order to-morrow shall be set for Thursday.

Mr. CURRY of California. I object.

The SPEAKER. The gentleman from California objects.

Mr. HARRISON of Mississippi. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HARRISON of Mississippi. The previous question having been ordered on this report, would it not come up to-morrow as unfinished business?

The SPEAKER. It would not.

Mr. GLASS. Mr. Speaker, I ask unanimous consent that the further consideration of this bill go over until Thursday morning.

The SPEAKER. The gentleman from Virginia asks unanimous consent that all further consideration of this bill go over until Thursday morning.

Mr. HARRISON of Mississippi. Reserving the right to object, it will be in order Thursday morning. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HARRISON of Mississippi. Is it not in order in the morning to move to dispense with Calendar Wednesday?

The SPEAKER. Of course, it is in order at any time to move or ask unanimous consent to dispense with Calendar Wednesday.

Mr. RAGSDALE. Mr. Speaker, I move that the House do now adjourn.

Mr. GLASS. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAGSDALE. Is not my motion a privileged motion?

The SPEAKER. It is, but the gentleman from Virginia has asked to put a parliamentary inquiry.

Mr. RAGSDALE. I demand the regular order.

Mr. GLASS. I want to know if this bill is not considered and disposed of to-morrow it has a privileged status on Thursday and may be brought up at any time?

The SPEAKER. Of course.

ADJOURNMENT.

Mr. GLASS. I move that the House do now adjourn.

The SPEAKER. The gentleman from South Carolina and the gentleman from Virginia both move that the House adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 3 minutes p. m.) the House adjourned until to-morrow, Wednesday, June 13, 1917, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Aquia Creek, Va., with a view to extending the present project (H. Doc. No. 181); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication of the Secretary of War submitting a supplemental estimate of appropriation for the service of the War Department for the fiscal year ending June 30, 1918 (H. Doc. No. 182); to the Committee on Appropriations and ordered to be printed.

3. A letter from the President of the United States, transmitting a letter from the Secretary of the Navy recommending the acquirement of an adequate naval base at Hampton Roads, Va. (H. Doc. No. 183); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. LEVER, from the Committee on Agriculture, to which was referred the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel, reported the same without amendment, accompanied by a report (No. 75), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 4988) to authorize the changing of the name of the steamship *Caldera;* to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 4989) to provide a preliminary survey of the Grand River and its several forks and tributaries in Missouri with a view to the control of its floods; to the Committee on Flood Control.

By Mr. FERRIS: A bill (H. R. 4990) to expedite the classification of public lands for stock-raising homesteads, and for other purposes; to the Committee on the Public Lands.

Also, a bill (H. R. 4991) providing for the counting of service in the Army or Navy of the United States as equivalent to residence and cultivation upon homestead entries, and in the event of the soldier's death in such service providing for the issuance of patent for such land to his widow or minor children; to the Committee on the Public Lands.

By Mr. BACHARACH: A bill (H. R. 4992) to provide for the acquisition of an air station site for the United States Navy; to the Committee on Naval Affairs.

By Mr. HAWLEY: A bill (H. R. 4993) for the protection of the owners of mining claims and of desert-land entrymen who enter the military or naval service of the United States in time of war; to the Committee on the Public Lands.

By Mr. JONES of Texas: A bill (H. R. 4994) to fix the terms of court for the Wichita Falls, Fort Worth, and Dallas divisions of the United States district court for the northern district of Texas; and to transfer Hardeman County from the Fort Worth division to the Wichita Falls division; to the Committee on the Judiciary.

By Mr. RAKER: A bill (H. R. 4995) to provide for an increased production of foodstuffs by the reclamation of arid and swamp lands of the United States, and for other purposes; to the Committee on Irrigation of Arid Lands.

By Mr. GANDY: A bill (H. R. 4996) to authorize the payment of certain amounts for damages sustained by prairie fire on the Rosebud Indian Reservation, in South Dakota; to the Committee on Indian Affairs.

By Mr. PARK: A bill (H. R. 4997) to authorize the appointment of Philippine Constabulary and Philippine Scout Officers to the grades of captain and first and second lieutenants in the Army; to the Committee on Military Affairs.

By Mr. GANDY: A bill (H. R. 4998) authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims; to the Committee on Indian Affairs.

Also, a bill (H. R. 4999) to prohibit the traffic in peyote, including its sale to Indians, introduction into the Indian country, importation, and transportation, and providing penalties therefor; to the Committee on Indian Affairs.

By Mr. VAN DYKE: A resolution (H. Res. 100), directing the Committee on Expenditures in the Post Office Department to make certain examinations; to the Committee on Expenditures in the Post Office Department.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GANDY: A bill (H. R. 5000) granting a pension to Abraham M. Reams; to the Committee on Pensions.

Also, a bill (H. R. 5001) granting a pension to Nancy O. Putnam; to the Committee on Pensions.

Also, a bill (H. R. 5002) granting a pension to Gertrude Hunter; to the Committee on Pensions.

By Mr. GILLETT: A bill (H. R. 5003) granting an increase of pension to William A. Morton; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 5004) granting a pension to Eliza H. Cooley; to the Committee on Invalid Pensions.

By Mr. RAKER: A bill (H. R. 5005) for the relief of Brig. Gen. Asher C. Taylor, United States Army, retired; to the Committee on Military Affairs.

By Mr. SHERWOOD: A bill (H. R. 5006) granting a pension to Lucy Phelps Walk; to the Committee on Invalid Pensions.

By Mr. SWITZER: A bill (H. R. 5007) to reimburse Isaac A. Gibbs for damages arising from the destruction of a ford across the Hocking River in Athens County, Ohio, due to backwater created by the construction of Lock and Dam No. 20 on the Ohio River; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. DALE of New York: Petition of sundry citizens of Brooklyn, N. Y., protesting against prohibition; to the Committee on the Judiciary.

By Mr. EAGAN: Petition of the music committee of the Alabama Rotary Club, relative to adopting Dixie as national war song of the United States; to the Committee on the Judiciary.

Also, memorial of Winston-Salem (N. C.) Board of Trade, relative to the adoption of the English or Canadian method of excess-profits taxation; to the Committee on Ways and Means.

Also, petitions of the Technical Press Chapel and Arthur Capper, governor of the State of Kansas, against increased postage; to the Committee on Ways and Means.

By Mr. ESCH: Memorial of the Common Council of La Crosse, Wis., relative to food control; to the Committee on Agriculture.

By Mr. FULLER of Illinois: Petitions of the Great Northern Lumber Co. and the Chicago Federation of Labor, protesting against an increase in postage; to the Committee on Ways and Means.

Also, petition of the Sherwin-Williams Co., of Chicago, Ill., protesting against the Hardwick amendment to the Federal reserve act; to the Committee on Banking and Currency.

Also, petition of the legislative committee of the Women's Relief Corps, of Denver, Colo., favoring House bill 2572, to increase pensions of certain widows, etc.; to the Committee on Invalid Pensions.

Also, petition of 76 citizens of Genoa, Ill., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. GALLIVAN: Memorial of the National Association of State Universities relative to the protection of training camps, etc.; to the Committee on Military Affairs.

By Mr. GANDY: Petition of numerous citizens of Corson, Zielbach, and Dewey Counties, S. Dak., favoring the passage of an act by Congress making blanket designations of land under the section grazing homestead act in western South Dakota; to the Committee on the Public Lands.

By Mr. HERSEY: Petition of Mystic Tie Grange, No. 58, Patrons of Husbandry, of Kenduskeag, Me., urging the closing of all breweries and distilleries as a war measure; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petition of Rev. John Proude, of Providence, in the State of Rhode Island, favoring the daylight-saving plan; to the Committee on Interstate and Foreign Commerce.

By Mr. LESHER: Petition of the Railroad Young Men's Christian Association, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. LONERGAN: Memorial of the Connecticut State Medical Society, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. NOLAN: Petition of the American Piano Co. and 13 other musical-instrument dealers, of San Francisco, protesting against the proposed tax on musical instruments; to the Committee on Ways and Means.

Also, petition of the Sacramento Valley Development Association. of Sacramento, Cal., setting forth the advantages in the use of the Sacramento Valley for the raising of additional crops; to the Committee on the Public Lands.

By Mr. PLATT: Petitions of sundry citizens of Walden, Newburgh, Pleasant Valley, and Pine Bush, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. RAKER: Memorial of Amador County Council of Defense, indorsing a plan for the Government to take over and farm the idle lands of the State for the people of the Nation; to the Committee on the Public Lands.

Also, petition of piano companies of San Francisco, Cal., relative to the tax on pianos and phonographs; to the Committee on Ways and Means.

Also, petition of the California Cotton Mills Co., relative to a reduction of the tariff on burlaps; to the Committee on Ways and Means.

By Mr. ROWE: Petitions of sundry citizens of New York, opposing increased postage; to the Committee on Ways and Means.

Also, petition of A. H. McCann, of Brooklyn, N. Y., favoring House resolution 73, relative to all nations respecting American rights; to the Committee on Foreign Affairs.

By Mr. SANDERS of New York: Petition of the Wyoming County Pomona Grange, with a subordinate membership of 2,126, favoring the prohibition of the use of all grains and cereals in the manufacture of intoxicating liquors; to the Committee on Agriculture.

By Mr. SNELL: Petition of sundry citizens of Hammond, N. Y., for full national prohibition of the manufacture, sale, and transportation of intoxicating beverages for the period of the war, in conservation of the man power, military and industrial efficiency, and the food supply of the Nation, and that all liquors now in bonded warehouses and elsewhere shall be commandeered by the Government and redistilled for undrinkable alcohol, to be purchased by the Government for war purposes, and opposing an increase in the tax on intoxicating liquors as a means of raising revenue to prosecute the war; to the Committee on the Judiciary.

Also, petition of sundry citizens of St. Regis Falls, N. Y., and vicinity, for the immediate enactment of prohibition of the manufacture of alcoholic liquors as a measure of food conservation and for the immediate prohibition of the sale of liquors for beverage purposes, in order to conserve the health, wealth, labor, transport facilities, and military efficiency of the people; to the Committee on the Judiciary.

Also, petition of sundry citizens of Ellenburg Depot, N. Y., for full national prohibition of the manufacture, sale, and transportation of intoxicating beverages for the period of the war, in conservation of the man power, military and industrial efficiency, and the food supply of the Nation, and that all liquors now in bonded warehouses and elsewhere shall be commandeered by the Government and redistilled for undrinkable alcohol, to be purchased by the Government for war purposes, and opposing an increase in the tax on intoxicating liquors as a means of raising a revenue to prosecute the war; to the Committee on the Judiciary.

By Mr. SULZER: Petition of the pioneers of Anchorage, Alaska, protesting against House bill 17499 of the Sixty-fourth Congress; to the Committee on the Merchant Marine and Fisheries.

By Mr. WASON: Petition of Mrs. Joseph Flather and 32 other members of the social circle of the Main Street Methodist Episcopal Church, of Nashua, N. H., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of C. H. Pettee and 165 members of the faculty and the student body of the New Hampshire College, of Durham, within the State of New Hampshire, favoring the prohibition of the manufacture and sale of all intoxicating beverages during the period of the war as a necessary and logical conservation measure; to the Committee on Agriculture.

SENATE.

WEDNESDAY, *June 13, 1917.*

(Legislative day of Tuesday, June 12, 1917.)

The Senate reassembled at 12 o'clock m., on the expiration of the recess.

Mr. CURTIS. Mr. President, I make the point of no quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	France	Johnson, S. Dak.	McLean
Beckham	Frelinghuysen	Jones, N. Mex.	McNary
Brady	Gallinger	Jones, Wash.	Martin
Brandegee	Gerry	Kellogg	Newlands
Calder	Gronna	Kenyon	Norris
Chamberlain	Harding	Kirby	Overman
Culberson	Hitchcock	Knox	Page
Cummins	Hollis	La Follette	Penrose
Curtis	Husting	Lodge	Phelan
Dillingham	James	McCumber	Pittman
Fletcher	Johnson, Cal.	McKellar	Poindexter

Pomerene	Sheppard	Stone	Vardaman
Ransdell	Sherman	Swanson	Williams
Reed	Smith, Ga.	Thomas	Wolcott
Robinson	Smith, S. C.	Thompson	
Saulsbury	Smoot	Trammell	
Shafroth	Sterling	Underwood	

Mr. FRELINGHUYSEN. I wish to announce the unavoidable absence of my colleague [Mr. HUGHES] on account of illness. I ask that this announcement may stand for the day.

Mr. CURTIS. I desire to announce the absence of the junior Senator from Michigan [Mr. TOWNSEND] on account of illness in his family. I will let this announcement stand for the day.

Mr. HUSTING. I desire to announce the unavoidable absence of the senior Senator from Montana [Mr. MYERS], the junior Senator from Montana [Mr. WALSH], and the senior Senator from California [Mr. PHELAN] on official business.

The VICE PRESIDENT. Sixty-five Senators have answered to the roll call. There is a quorum present.

JOURNAL OF THE EXECUTIVE COUNCIL OF PORTO RICO (H. DOC. NO. 184).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Pacific Islands and Porto Rico:

THE WHITE HOUSE,
Washington, June 13, 1917.

The PRESIDENT OF THE SENATE.

SIR: As required by section 19 of an act of Congress entitled "An act temporarily to provide for revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, I have the honor to transmit herewith a copy of the Journal of the Executive Council of Porto Rico for the third session of the eighth legislative assembly, beginning February 14 and ending April 12, 1917.

Very respectfully, WOODROW WILSON.

PRINT-PAPER INVESTIGATION.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Federal Trade Commission, which will be inserted in the RECORD and referred to the Committee on Printing.

The communication is as follows:

LETTER OF SUBMITTAL BY THE FEDERAL TRADE COMMISSION ON THE NEWS-PRINT INVESTIGATION.

FEDERAL TRADE COMMISSION,
Washington, June 13, 1917.

LETTER OF SUBMITTAL.

To the PRESIDENT OF THE SENATE:

The Federal Trade Commission has been engaged upon an investigation of the news-print paper industry pursuant to Senate resolution 177, Sixty-fourth Congress (Senator OWEN), adopted April 24, 1916, and there is submitted herewith its complete report. A preliminary report was submitted on March 3, 1917, which contained a summary of the commission's activities and findings in connection with the investigation, and which recited the efforts of the commission through processes of accommodation and arbitration to restore competitive conditions in the industry and to insure a fair price to consumers of news-print paper while the processes of restoration were going forward. This preliminary report with some revisions has been incorporated in the complete report and will be found in Chapter VIII, which contains the conclusions and recommendations of the commission.

INCREASED PAPER COST.

The consumption of news-print paper in the United States in 1916 amounted to about 1,775,000 net tons, valued at more than $70,000,000. At the prices now prevailing this tonnage will cost news-print consumers in 1917 more than $105,000,000, an increase of $35,000,000, or 50 per cent. Most of this increase will fall upon newspaper publishers. If the average increase in cost of manufacture in 1917 over 1916 is estimated at $10 per ton, which is liberal, one-half of the $35,000,000 increase in paper cost represents additional profits to the manufacturers.

FAILURE OF ARBITRATION AGREEMENT.

The efforts of the commission to restore competitive conditions in the news-print industry expeditiously and to arbitrate and effectively project a fair price for news-print paper have failed. Since the arbitration agreement referred to in the preliminary report was entered into with some of the manufacturers of news-print paper, and since the award of the commission fixing a fair price for news-print paper was announced, a Federal grand jury for the southern district of New York, partially upon evidence furnished by the commission, has found indictments against four of the signatories to such arbitration agreement for violations of the Sherman antitrust law and the said indictments are now pending for trial. From the time the arbitration agreement was signed and the award made, and prior thereto, the commission has bent every effort to bring about some practical relief to this situation. The plan failed for several reasons, the principal reason being that the arrangement was voluntary and the commission had no power or warrant under the law to make it effective. Several of the manufacturers signatory to the agreement, subsequent to the finding of the indictment in this matter, notified the commission that they would not proceed under such arbitration agreement. The result has been that news-print paper has been billed and sold at the same exorbitant prices that obtained in many instances theretofore.

PRESENT SITUATION SERIOUS.

The news-print paper situation is very serious, not only to the consumers of paper but to the public generally, and to the Government of the United States, which is itself a large consumer of paper. The commission has reason to believe that this situation will be still more aggravated and serious in the ensuing months. In normal times competitive conditions would have been gradually restored through the processes of law, but it would have required some time to translate the effect into the prices of paper. The demand for news-print paper is constantly increasing and gives promise of still greater increase with the continuance of the war. The supply of news-print paper available to meet this demand is dependent upon mills already in existence. This supply will probably not exceed the quantity produced last year, and may be less, owing to disturbances that may result from the war. Under normal conditions it takes from 12 months to 2 years to bring a new paper mill into operation. Under present conditions it would take much longer. It seems probable, therefore, that with the demand for news-print paper increasing and the supply remaining constant or possibly diminishing, there will be a repetition of the panic market of last year and the exaction of prices that are entirely out of measure with the cost of production. The consequences to thousands of smaller newspapers and to many of the larger ones, and through them to the reading public, will be most serious.

WAR EMERGENCY MEASURE RECOMMENDED.

By reason of this condition and because of the vital interest to the public of an efficient dissemination of news in this crisis, the commission recommends as a war emergency measure that Congress by appropriate legislation provide—

(1) That all mills producing and all agencies distributing print paper and mechanical and chemical pulp in the United States be operated on Government account; that these products be pooled in the hands of a Government agency and equitably distributed at a price based upon cost of production and distribution, plus a fair profit per ton.

(2) That pursuant thereto some Federal agency be empowered and directed to assume the supervision and control thereof during the pendency of the war.

(3) That by reason of the fact that approximately 75 per cent of the production of news-print paper in Canada comes into the United States, proper action be taken to secure the cooperation of the Canadian Government in the creation of a similar governmental agency for the same function, which shall be clothed with power and authority to act jointly with the governmental agency of the United States for the protection of the consumers and manufacturers of print paper and the public of the United States and Canada.

(4) That in case the Canadian Government shall not join in such a cooperative enterprise, then importation of paper and mechanical and chemical pulp into the United States shall be made only on Government account to or through the Federal agency charged with such supervision and distribution.

In this connection the commission desires to point out that such a plan contemplates the operation of mills under their present management and the use of the present distributing agencies, but that such use and operation shall be for the public good, directed by a disinterested public agency to secure equitable distribution and a price that is based upon a fair cost of production and a fair profit per ton, to be determined without regard to the panic market created by unusual and abnormal conditions. This plan has the virtue of being analogous to those plans which have been tried and successfully operated in Great Britain. It will also insure the maximum production and greatest facility in transportation and distribution and will adapt itself readily to a return to normal competitive conditions upon the conclusion of the war.

Respectfully submitted.

WM. J. HARRIS, *Chairman.*
JOSEPH E. DAVIES.
WILLIAM B. COLVER.
JOHN F. FORT.

JUNE 13, 1917.

AMENDMENT OF INTERSTATE-COMMERCE ACT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2356) to amend the act to regulate commerce as amended, and for other purposes.

Mr. KELLOGG resumed the speech begun by him yesterday. After having spoken for a few minutes,

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3971) making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Establishments on account of war expenses for the fiscal year ending June 30, 1917, and for other purposes, recedes from its disagreement to the amendment of the Senate numbered 68, and agrees to the same with an amendment, in which it requested the concurrence of the Senate.

ARMY AND NAVY DEFICIENCIES—CONFERENCE REPORT.

Mr. MARTIN. If agreeable to the Senator from Minnesota, I will submit a conference report on the bill to supply urgent deficiencies in the appropriations for the Military and Naval Establishments. It is an important bill, and the money carried by the bill is urgently needed. If it is not entirely agreeable to the Senator, I will wait until he gets through.

Mr. KELLOGG. I yield for that purpose.

Mr. MARTIN submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 3971) "making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Establishments on account of war expenses for the fiscal year ending June 30, 1917, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 9, 43, 51, 80, 82, and 85.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 6, and 83, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by the amendment of the House to the amendment of the Senate insert the following:

"EMERGENCY SHIPPING FUND.

"The President is hereby authorized and empowered, within the limits of the amounts herein authorized—

"(a) To place an order with any person for such ships or material as the necessities of the Government, to be determined by the President, may require during the period of the war and which are of the nature, kind, and quantity usually produced or capable of being produced by such person.

"(b) To modify, suspend, cancel, or requisition any existing or future contract for the building, production, or purchase of ships or material.

"(c) To require the owner or occupier of any plant in which ships or materials are built or produced to place at the disposal of the United States the whole or any part of the output of such plant, to deliver such output or part thereof in such quantities and at such times as may be specified in the order.

"(d) To requisition and take over for use or operation by the United States any plant, or any part thereof without taking possession of the entire plant, whether the United States has or has not any contract or agreement with the owner or occupier of such plant.

"(e) To purchase, requisition, or take over the title to or the possession of, for use or operation by the United States any ship now constructed or in the process of construction or hereafter constructed, or any part thereof, or charter of such ship.

"Compliance with all orders issued hereunder shall be obligatory on any person to whom such order is given, and such order shall take precedence over all other orders and contracts placed with such person. If any person owning any ship, charter, or material, or owning, leasing, or operating any plant equipped for the building or production of ships or material, shall refuse or fail to comply therewith or to give to the United States such preference in the execution of such order, or shall refuse to build, supply, furnish, or manufacture the kind, quantities, or qualities of the ships or material so ordered, at such reasonable price as shall be determined by the President, the President may take immediate possession of any ship, charter, material, or plant of such person, or any part thereof without taking possession of the entire plant, and may use the same at such times and in such manner as he may consider necessary or expedient.

"Whenever the United States shall cancel, modify, suspend, or requisition any contract, make use of, assume, occupy, requisition, acquire, or take over any plant, or part thereof, or any ship, charter, or material, in accordance with the provisions hereof, it shall make just compensation therefor, to be determined by the President; and if the amount thereof, so determined by the President, is unsatisfactory to the person entitled to receive the same, such person shall be paid 75 per cent of the amount so determined by the President and shall be entitled to sue the United States to recover such further sum as, added to said 75 per cent, will make up such amount as will be just compensation therefor, in the manner provided for by section 24, paragraph 20, and section 145 of the Judicial Code.

"The President may exercise the power and authority hereby vested in him, and expend the money herein and hereafter appropriated through such agency or agencies as he shall determine from time to time: *Provided*, That all money turned over to the United States Shipping Board Emergency Fleet Corporation may be expended as other moneys of said corporation are now expended. All ships constructed, purchased, or requisitioned under authority herein, or heretofore or hereafter acquired by the United States, shall be managed, operated, and disposed of as the President may direct.

"The word 'person,' as used herein, shall include any individual, trustee, firm, association, company, corporation, or contractor.

"The word 'ship' shall include any boat, vessel, or submarine, and the parts thereof.

"The word 'material' shall include stores, supplies, and equipment for ships, and everything required for or in connection with the production thereof.

"The word 'plant' shall include any factory, workshop, warehouse, engine works; buildings used for manufacture, assembling, construction, or any process; any shipyard or dockyard and discharging terminal or other facilities connected therewith.

"The words 'United States' shall include all lands and waters subject to the jurisdiction of the United States of America.

"All authority granted to the President herein, or by him delegated, shall cease six months after a final treaty of peace is proclaimed between this Government and the German Empire.

"The cost of purchasing, requisitioning, or otherwise acquiring plants, material, charters, or ships now constructed or in the course of construction and the expediting of construction of ships thus under construction shall not exceed the sum of $250,000,000, exclusive of the cost of ships turned over to the Army and Navy, the expenditure of which is hereby authorized, and in executing the authority granted by this act for such purpose the President shall not expend or obligate the United States to expend more than the said sum; and there is hereby appropriated for said purpose $150,000,000: *Provided*, That this appropriation shall be reimbursed from available funds under the War and Navy Departments for vessels turned over for the exclusive use of those departments or either of them.

"The cost of construction of ships authorized herein shall not exceed the sum of $500,000.000, the expenditure of which is hereby authorized, and in executing the authority granted herein for such purpose the President shall not expend or obligate the United States to expend more than said sum; and there is hereby appropriated for said purpose $250,000,000.

"For the operation of the ships herein authorized or in any way acquired by the United States, except those acquired for the Army or Navy, and for every expenditure incident thereto, $5,000,000."

And the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 4. That the service of all persons selected by draft and all enlistments under the provisions of the act entitled 'An act to authorize the President to increase temporarily the Military Establishment of the United States,' approved May 18, 1917, shall be for the period of the war, unless sooner terminated by discharge or otherwise. Whenever said war shall cease by the conclusion of peace between the United States and its enemies in the present war, the President shall so declare by a public proclamation to that effect, and within four months after the date of said proclamation or as soon thereafter as it may be practicable to transport the forces then serving without the United States to their home station, the provisions of said act, in so far as they authorize compulsory service by selective draft or otherwise, shall cease to be of force and effect."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 5. That, in addition to the reports now required by law, the Secretaries of the Treasury, War, and Navy shall each on the first Monday in December, 1917, and annually thereafter, transmit to the Congress a detailed statement of all expenditures under this act."

And the Senate agree to the same.

The committee of conference have been unable to agree on the amendment of the Senate numbered 68.

THOMAS S. MARTIN,
O. W. UNDERWOOD,
F. E. WARREN,
Managers on the part of the Senate.
JOHN J. FITZGERALD,
FRED H. GILLETT,
Managers on the part of the House.

Mr. SMITH of Michigan. Mr. President——

Mr. LODGE. If the Senator will allow me, I wish to say that, as I understand from the reading of the conference report, the office of manager of the shipping corporation is abolished.

Mr. MARTIN. That office has not been abolished. This bill does not deal with the manager of the shipping corporation. He is appointed by the corporation.

Mr. LODGE. But this bill created the office, and referred to it, as it was originally drawn.

Mr. MARTIN. This is verbatim et literatim the report which was heretofore adopted by the Senate. There has not been an "i" dotted nor a "t" crossed. It is exactly what the Senate did before.

Mr. LODGE. In the bill, as the Senator presented it here, there was a recognition of the office of manager of the Shipping Board.

Mr. MARTIN. I did not notice the reading of the report by the Secretary; but if it was in the other bill it is in this. There has not been a single particle of change.

Mr. LODGE. I had supposed it had been omitted so that Gen. Goethals might be left out later.

Mr. MARTIN. The Senator is very much mistaken about that, because the previous bill did not compel them to keep Gen. Goethals. He is an officer of a corporation, and that corporation controls the matter.

Mr. LODGE. But it did not compel them to turn him out; of course, it did not go so far as that; but I understood from the reading of this report, it abolishes the office. Personally I should like to see Gen. Goethals retained. That is the reason I make the point.

Mr. SMITH of Michigan. Mr. President, I rose for the same purpose as that expressed by the Senator from Massachusetts [Mr. LODGE]. It was my recollection that the Senate bill referred to Gen. Goethals by name. I have listened attentively, and I have not heard his name mentioned in this conference report.

Mr. MARTIN. There was some reference to it in the original Senate amendment; but as the bill came from conference before and as it was adopted the name of Gen. Goethals, so far as I recollect, was not mentioned. He is an officer of a corporation which can deal with him whenever it sees fit; but there is nothing in any bill that prevents that.

Mr. SMITH of Michigan. Mr. President, I simply want to say on that point that, if the question of Gen. Goethals's status in this matter is to be raised by the bill now reported from conference, it will make a great deal of difference with many Senators as to our attitude regarding the conference report. I think the Senate by a very large majority on both sides of the Chamber expressed its confidence in and its desire for Gen. Goethals's services in the expenditure of this money. If the position to which he has been appointed is to be abolished and the matter left solely to the Shipping Board, the issue may as well be made now, and neither the Senate nor the American people will be long in recording their verdict. The country has confidence in Gen. Goethals's judgment and his honesty and will trust him implicitly; he has performed a great service for the country and expended for the Government in the construction of the Panama Canal more money than is here appropriated for shipbuilding, and he enjoys the confidence of his fellow men in a greater degree than any other connected with this work. I feel very sure that some controversy will arise regarding this work if we are not watchful. I want to be certain, Mr. President, that Gen. Goethals is not being discriminated against in this bill as amended.

Mr. MARTIN. I can only say to the Senator that there is not a word in the conference report discriminating against Gen. Goethals, and there is not a member of the conference committee or of the Senate Committee on Appropriations, so far as I know, who does not agree with the Senator in everything that he has said about Gen. Goethals. He is in supreme control, but he has been put there by the action of a corporation, which has been duly chartered and created under law.

Mr. LODGE. Mr. President, when the bill came into the Senate and as it passed the Senate it contained a clause, which I examined with some care, providing for a manager of the shipping corporation, who is Gen. Goethals; but when it was returned from the other House that clause was out of the bill. I called the attention of the Senator from Virginia to the fact. The other House took that clause out. I do not know how true the rumor was, but it was rumored that it was taken out on the representations of the Shipping Board. I can not make out from hearing the conference report read whether or not the manager of the Shipping Board is retained. I do not want Gen. Goethals turned out in that way.

Mr. MARTIN. Mr. President, surely the Senator from Massachusetts knows that nobody has turned Gen. Goethals out of anything. We did not put him in office and we have not turned him out of office.

Mr. LODGE. No; but the House took pains to strike out the clause under which the office existed.

Mr. SMITH of Michigan. Mr. President, if I understand the situation correctly, the bill was acceptable to Senators because we know by whom it was to be administered. Gen. Goethals's name gave this enterprise prestige. The country has confidence in him. It understands that he is a man to be relied upon; the Government desires his service; the Senate is very anxious to strengthen his hands that he shall be retained in this important position, and it was so indicated by a vote here. Any proposition in this bill or in any other bill which in any way reflects upon the capacity of Gen. Goethals or the desire of the Government to see him retained would meet with very great disfavor.

I say this with some feeling, because I know something about the Shipping Board. They have appeared before our Committee on Commerce many times. If they have large capacity, they have yet to demonstrate it; but Gen. Goethals needs no credentials from Mr. Denman. He has demonstrated his capacity to all the world. Any proposition which will curtail his power or minimize his usefulness to the Government at this time ought to meet with a stern rebuke upon the part of this body.

Mr. LODGE rose.

Mr. MARTIN. Does the Senator from Massachusetts desire to proceed?

Mr. LODGE. I was only going to say that, as I understand it, this gives the opportunity to the Shipping Board to drive Gen. Goethals from office, which they did not before have.

Mr. MARTIN. The Senator is absolutely mistaken.

Mr. LODGE. I hope I am.

Mr. MARTIN. The Senator certainly is mistaken. They have not a particle more authority under the bill as it now stands than they had as it was before.

Mr. LODGE. Under the bill as it passed the Senate?

Mr. MARTIN. No; as it came from the House. The corporation was created by the Shipping Board, and that corporation elected Gen. Goethals its manager. There never has been a provision in any bill which prevented that corporation from displacing Gen. Goethals if it saw fit to do so. The language was changed by the conferees on the insistence of the House, and it gave the President the general power to expend this money through any agency he saw fit. He had that power before; but, in addition to that, there was permissive authority to have such portion of the money as he saw fit expended by the shipping emergency corporation—I think that is its name.

Mr. LODGE. Yes.

Mr. MARTIN. There was a provision simply authorizing the money to be expended through that channel. This report makes it more general and authorizes it to be expended in any way the President may see fit; but there has not been any impairment of the duties of Gen. Goethals. He is a creature of the emergency shipping corporation, and not of Congress. There has not been any office created which he has held at any time; he held his authority entirely from that emergency shipping corporation and he still so holds it. He enjoys the confidence, I think, of Congress and of the country and, so far as I know, of the Shipping Board. At any rate, not a thing has been changed in this bill since it was approved by the Senate; but the previous conference report did make some change of the bill as it was passed by the Senate, but none to interfere with Gen. Goethals.

Mr. LODGE. My point is that the bill as it passed the Senate recognized his office.

Mr. MARTIN. The bill as it passed the Senate did.

Mr. LODGE. Exactly.

Mr. MARTIN. But as it came from the conference it did not.

Mr. LODGE. I do not know what was brought back.

Mr. MARTIN. This report is in exactly the same language now as when it came from conference the first time.

Mr. LODGE. I was not able to be present when it came from the first conference, but I know the House struck out the clause which recognized the office held by Gen. Goethals. I spoke to the Senator from Virginia as to the importance of it, and he agreed with me. It came back, I dare say, the first time from the conference without it, and I am sorry I was not here to call attention to it, but I have been shut up all day long and every day in the Committee on Finance. In listening to the reading of the report I now find the House has carried its point.

Mr. UNDERWOOD. Mr. President, if the Senator will allow me, I had some personal relationship to this matter, and I may be able to throw some light on it.

Mr. LODGE. I should like to finish what I was saying, Mr. President.

Mr. UNDERWOOD. I thought the Senator had concluded.

Mr. LODGE. There is not any question that Congress and the country have confidence in Gen. Goethals, that they want him to be there and mean to have him there; but that is not the plan of the Shipping Board unless I am very much mistaken.

Mr. UNDERWOOD. Mr. President, when the bill originally passed the Senate the clause that is now under discussion read as follows:

The President may direct the general manager of the United States Shipping Board Emergency Fleet Corporation to exercise the power and authority hereby vested in him.

I thought at that time that that was ample power.

Mr. LODGE. Vested in whom?

Mr. UNDERWOOD. In the President.

Mr. LODGE. That is what I thought.

Mr. UNDERWOOD. I repeat, I thought at that time that that was ample power for the transfer of this authority. The House did not take that view. They struck out the words "Emergency Shipping Board Fleet Corporation" and inserted the words "such agency or agencies." The change was in dispute between the House and the Senate conferees for some time. The House bill did not have any provision for the transfer of the money along with the authority, and when the bill came to conference the House conferees suggested that the language was probably not broad enough to carry the money that the President had a right to expend along with the authority to expend it. I did not personally take that view, and I do not now. I think that when the right to transfer the authority to some one else was conferred it carried with it the right to spend the money, but the conferees on the part of the Senate did not care to stand on a technicality, and this language was finally agreed on tentatively in place of what was in the Senate bill:

The President may exercise the power and authority hereby vested in him and expend the money herein and hereafter appropriated through such agency or agencies as he shall determine from time to time: *Provided*, That all money turned over to the United States Shipping Board Emergency Fleet Corporation may be expended as other moneys of said corporation are now expended.

After the first part of the provision I have read was tentatively agreed to by the conferees of the two Houses, I called on Gen. Goethals personally, because I had the same feeling about the matter that the Senator from Massachusetts [Mr. LODGE] has expressed. I desired that Gen. Goethals should have the unlimited right to carry out the shipping contracts and that the Government should get advantage of his great executive ability. Therefore, before the conference agreed on the matter, I called on Gen. Goethals personally to ascertain whether such a provision would be within the line of his endeavors and whether he could carry out his work under this authority. He assured me that the language was entirely satisfactory to him; in fact, that he wanted the change made; that he thought it would be better to put in the words "such agency or agencies," than to confer this authority upon a Government officer, naming him, because the responsibility was on the President. Of course, under the Senate language, Gen. Goethals could have been thrown out at any hour by his discharge as general manager of the fleet corporation, and under the terms of the conference bill he can be discharged at any hour by the President changing the agency. So the matter has not been affected in that respect.

I was told by Gen. Goethals that under the terms of this bill, if passed, he would be named as the agency, or rather that the emergency fleet corporation, of which he is general manager, would be named as the agency to expend this money. He desired the authorization to come in that way, for this reason. He said that it would give him a broader latitude in which to make his contracts. He could make them as a corporation, and not be bound by the requirements of law that would restrict his action if he made them as a governmental officer; in other words, if he is designated as a governmental officer, he would probably have to publish advertisements for bids in many cases, while acting for a corporation he would not have to do so. As a governmental officer in carrying out this provision he would have to make many reports and be delayed by red tape and technicalities that would not embarrass him if he were carrying on the transaction acting for a corporation. Of course, the corporation is owned by the Government and controlled by the Government; the Government is the entire corporation; but he expressed to me his view that he would have a greater latitude. Then he asked that this language be put in, in addition to what had been tentatively agreed to by the conferees:

Provided, That all money turned over to the United States Shipping Board Emergency Fleet Corporation may be expended as other moneys of said corporation are now expended.

In other words, he wants to spend this money as he is spending the $50,000,000 which were heretofore given to the fleet corporation by the Congress. Although I am not sure, if it were turned over to the fleet corporation, that this proviso would be necessary; yet Gen. Goethals himself thought it was wiser to put in the provision in order that his hands might not be tied in any way by technicalities.

Now, having got the information directly from the source, and being assured that the fleet corporation would be designated as the agency to spend the $500,000,000, understand not the $250,000,000 for the purchase of vessels, and not the $5,000,000 for the operation of the ships, because that will go to other sources, but the $500,000,000 that is to be provided for the building, of the ships is to be turned over to the emergency fleet corporation, of which Gen. Goethals is not only the head, but the entire operating authority. The Senate conferees then agreed, not to the House amendment, because it was entirely different, but to the tentative proposition that was worked up by the conferees of the two Houses.

Mr. LODGE. And which has now been presented?

Mr. UNDERWOOD. And which is now in the conference report.

Mr. LODGE. That includes an addition that Gen. Goethals desired?

Mr. UNDERWOOD. It does.

Mr. LODGE. Well, Mr. President, of course, if Gen. Goethals is satisfied with that provision in the law, I have no objection to make. The reason I called attention to it was the disappearance of the name of the office which he holds; and I know—it came to me no later than yesterday—that there is an effort on foot to try to drive him from office. I know that. I was shown a letter that it was proposed to send and that may have been sent to every Member of the Senate and of the House, the object of which was to have Congress investigate Gen. Goethals and ask why more had not been done and why he did not favor wooden ships, the purpose being plainly to drive him from office. I advised against the sending of the letter; I thought it would be unwise; and that is what rendered me suspicious.

Mr. UNDERWOOD. My attitude in reference to this matter when it was before the Senate before was exactly the attitude of the Senator from Massachusetts, and it has not changed. Of course, I do not know about the efforts being made, as the Senator suggests, to drive Gen. Goethals from office. I think it would be a most unfortunate thing for the Government should it be consummated.

Mr. LODGE. It would be a disaster.

Mr. UNDERWOOD. But I will say that so far as that attitude is concerned, it is not affected by this bill, because if we named him as general manager of the corporation they could remove him just as well as they can if he is appointed the agency.

Mr. LODGE. That is true.

Mr. UNDERWOOD. And it is really not intended to appoint him personally the agent. He does not want it to come to him personally as the agent. He wants the fleet corporation of which he is the head named as the agent, and then he operates through the fleet corporation. Now, I did not consent to this proposition until I had personally consulted Gen. Goethals about the matter and received his assurance that the language in this bill was satisfactory and the way he wanted it.

Mr. LODGE. I know that the Senator feels as I do in regard to it, and of course I place absolute confidence in his assurances. If he is satisfied, as I have said, I have nothing more to say. But knowing that these efforts were on foot, having seen this proposition yesterday, and suspecting where the efforts originated, I thought it important that nothing should be done in the bill to forward them.

Gen. Goethals is a great administrator. I need not remind the Senate of what he has done. He is a very great administrator. His presence there is of vast importance. He is one of the men who give confidence to the country. Nothing is more important at this moment than the building of ships as rapidly as possible for the transportation of supplies to the allies.

Mr. VARDAMAN. Mr. President, may I inquire of the Senator from Massachusetts what determination has been reached with reference to the building of wooden ships? Has that scheme been abandoned?

Mr. LODGE. I do not know, Mr. President. I know some have been contracted for.

Mr. MARTIN. If the Senator will excuse me, I think that matter is absolutely under the control of Gen. Goethals—absolutely.

Mr. LODGE. Some, I know, have been contracted for.

Mr. VARDAMAN. I know that some have been contracted for, but I understood probably contracts would not be let for any more.

Mr. LODGE. I do not know about that. I do not mean to enter into that subject at all.

Mr. VARDAMAN. I understand that Gen. Goethals was in favor of building steel ships, and not wooden ships. It is my impression that Gen. Goethals's opposition to the building of wooden ships was the cause of the misunderstanding between him and some of his subordinates.

Mr. UNDERWOOD. I think, if the Senator will allow me to answer the question, that the plan, so far as I know it, is to use this money largely for building steel ships; but I know that some wooden ships have been contracted for, and I know that there is a proposal to make contracts for other wooden ships. I think some contracts are being let for wooden ships on the Gulf coast right now.

Mr. VARDAMAN. Yes; I so understand. A number of wooden ships are in course of construction in the State represented by the Senator from Alabama.

Mr. UNDERWOOD. So that the question of wooden ships is not entirely wiped out. I think Gen. Goethals's idea about the proposition was that where there was suitable timber, and there were yards in which to construct them, they would go ahead and build some wooden ships; but, as he expressed it, he did not desire to make contracts to build wooden ships out of trees in which the birds were singing.

Mr. VARDAMAN. My understanding is that Gen. Goethals is opposed to the building of wooden ships, and that he is in favor of building only steel ships.

Mr. UNDERWOOD. I do not think that exactly expresses it. My understanding of his attitude in the matter is that he is not opposed to building wooden ships; he is willing to build them where they can be built with expedition; but he thinks that he can complete the great bulk of the fleet very much more expeditiously by making the larger part of it out of steel.

Mr. LODGE. Mr. President, I did not mean to enter at all upon the question of wooden or steel ships. I know that some wooden ships have been contracted for, and I suppose others will be. I come from a country where wooden ships have been built for 300 years and are being built now, and there are some contracts in Maine. I have personally no faith in them for this exigency. One of the best wooden-ship builders in the country told me that they would take as long to build, if not a little longer, than the steel ships; but I do not care. I am ready to leave the decision of that matter to Gen. Goethals. If he decides in favor of the wooden ships, I have nothing to say. I have no doubt he is correct. If he decides in favor of the steel ships, I should bow to his decision. If he decides to build some of both, I should equally bow to his decision, because he has all the facts at his command, and the best information, and I have great confidence in the judgment of the man who carried through the building of the Panama Canal.

I want him kept there because he has been a great administrator, without reference to his opinion as to steel or wooden ships. I want him kept there because he gives confidence to the people; and we need some confidence from the people in the men who are spending these great sums of money and who are going to carry out these great powers.

The country has confidence in Gen. Goethals, for the reasons I have expressed; but, unfortunately, a man of that great distinction, recognized all over the world as a very remarkable administrator and engineer, sometimes arouses the hostilities of lesser men, and the lesser men are sometimes pretty active, particularly if by any chance he interferes with contracts. We have got to have a man there who is not afraid to interfere with contracts that he does not think beneficial to the Government—an officer of the Army whose one desire is to serve the country, and who has demonstrated to the world his capacity to do it.

That is why I have taken as much time as I have—because I wanted to make sure, so far as I could, that there was nothing in this conference report that would tend to remove Gen. Goethals from office. The Senator from Alabama [Mr. UNDERWOOD] feels about him exactly as I do. He has talked with him; Gen. Goethals is satisfied with these provisions, and I have nothing more to say.

Mr. SMITH of Michigan. Mr. President, I made the suggestion which I made a few moments ago because, in my opinion, there is a wide difference between the Senate bill and the conference report. I think the Senator from Virginia and the Senator from Alabama will both agree to that. The Senate bill contained a distinct recognition of the office now held by Gen. Goethals, and the conference report does not contain any recognition whatever of that office. So far as I am concerned, I do not propose to sit idly by and see a valuable man like Gen. Goethals ignored by this legislation, when the Senate is overwhelmingly in favor of his recognition and of his service.

Now, of course, he is a modest man, and he is not lying around nights looking for any office. He does not need any office. His fame is secure, and he needs no office and no legislative designation; but the country needs him, and if this conference report is the precursor of any warfare upon Gen. Goethals it ought to be defeated. If, on the other hand, the wisely administered Government is to avail itself of his knowledge and his courage and his independence and his honesty, I have nothing more to say about it. I know that his status under the law is very vastly changed, and I regret it; and I think it is a change for the definite and distinct purpose of humiliating him.

Mr. BORAH. Mr. President, I desire to address myself to the conference report before it is disposed of.

Mr. MARTIN. I will ask the Senator what item in it he refers to? If he refers particularly to the naval operating base, that is not embraced in the report at all. That will come up as a separate matter.

Mr. BORAH. Very well.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives agreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3971) making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Establishments on account of war expenses for the fiscal year ending June 30, 1917, and for other purposes, and receding from its disagreement to the amendment of the Senate No. 68 to the bill, and agrees to the same with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following:

Naval operating base, Hampton Roads, Va.: The President is hereby authorized and empowered to take over for the United States the immediate possession and title, including all easements, rights of way, riparian and other rights appurtenant thereto, and including all the rights and properties of railway, electric light, power, telephone, telegraph, water, and sewer companies, of the tract of land known as the Jamestown Exposition site, on Hampton Roads, Va., and of such lands adjacent thereto as lie north of Ninety-ninth Street and Algonquin Street, the entire property being bounded on the north and west by Hampton Roads and Willoughby Bay, on the east by Boush Creek, and on the south by Ninety-ninth and Algonquin Streets.

That if said lands and appurtenances and improvements thereof shall be taken over as aforesaid the United States shall make just compensation therefor, to be determined by the President, and if the amount thereof, so determined by the President, is unsatisfactory to the person entitled to receive the same such person shall be paid 75 per cent of the amount so determined by the President and shall be entitled to sue the United States to recover such further sum as added to said 75 per cent will make up such amount as will be just compensation therefor in the manner provided for by section 24, paragraph 20, and section 145 of the Judicial Code.

Upon the taking over of said property by the President as aforesaid the title to all property so taken over shall immediately vest in the United States.

For the payment of compensation for said property so taken over $1,200,000, or so much thereof as may be necessary, and toward the equipment of the same as a naval operating base, including piers, storehouses, oil-fuel storage, training station and recreation grounds for the fleet, and other purposes, $1,600,000; in all, $2,800,000: *Provided*, That the appropriation herein shall be available only for the acquisition of the entire property bounded on the north and west by Hampton Roads and Willoughby Bay, on the east by Boush Creek, and on the south by Ninety-ninth and Algonquin Streets, together with all easements, rights of way, riparian and other rights appurtenant thereto, and all the rights and properties of railway, electric light, power, telephone, telegraph, cable, water, and sewer companies: *Provided further*, That the Secretary of the Navy is authorized to expend public money in the development of said tract of land without reference to the requirements of section 355 of the Revised Statutes.

Mr. BORAH rose.

Mr. MARTIN. Mr. President, if the Senator will excuse me, before he commences his remarks I simply want to submit the usual motion that the Senate agree to the amendment of the House to the amendment of the Senate numbered 68, which has just been read.

Mr. BORAH. Mr. President, I have not had a copy of the amendment before me, but from listening to the reading it seems to me altogether a better provision than we had formerly. As I understand the amendment now, in the first place we are authorized to take immediate possession of the property, and thereafter the compensation is to be such compensation as the President shall determine is a just and fair compensation, and in case the owners of the property are not satisfied they have the privilege of bringing suit. Under the circumstances I will not delay this matter, as it is perhaps the best that can be done now.

Mr. FLETCHER. Mr. President, may I ask if the provision covers all riparian rights?

Mr. MARTIN. It does.

The VICE PRESIDENT. The question is on concurring in the amendment of the House to the amendment of the Senate.

The amendment was concurred in.

AMENDMENT OF INTERSTATE-COMMERCE ACT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2356) to amend the act to regulate commerce, as amended, and for other purposes.

Mr. STERLING. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	McNary	Smith, Ariz.
Beckham	Hollis	Martin	Smith, Ga.
Borah	Husting	Nelson	Smith, Mich.
Brady	James	New	Smith, S. C.
Broussard	Johnson, Cal.	Newlands	Smoot
Calder	Johnson, S. Dak.	Norris	Sterling
Chamberlain	Jones, N. Mex.	Overman	Stone
Culberson	Jones, Wash.	Page	Swanson
Cummins	Kellogg	Phelan	Thomas
Curtis	Kendrick	Pittman	Thompson
Fletcher	Kenyon	Poindexter	Trammell
France	King	Pomerene	Underwood
Frelinghuysen	Kirby	Ransdell	Vardaman
Gallinger	Knox	Reed	Warren
Gerry	La Follette	Robinson	Weeks
Gore	Lodge	Saulsbury	Williams
Gronna	McCumber	Shafroth	Wolcott
Harding	McKellar	Sheppard	
Hardwick	McLean	Sherman	

Mr. McKELLAR. The senior Senator from Tennessee [Mr. SHIELDS] is absent on official business. I announce his absence for the day.

Mr. SMITH of Michigan. My colleague [Mr. TOWNSEND] is unavoidably detained from the Chamber on account of illness in his family. I desire to have this announcement stand for the day.

The VICE PRESIDENT. Seventy-four Senators have answered to the roll call. There is a quorum present.

Mr. KELLOGG. Mr. President, I am loath to take the time of the Senate to discuss this bill after three days of debate, and I shall devote but a short time to what I consider the main features of the bill, including the amendments offered, especially the amendment offered by the Senator from Nebraska [Mr. NORRIS].

I take it that there is no serious objection to the first section of this bill, and I shall not stop to discuss it. It does not seem that there can be any objection to prohibiting such interference with interstate commerce as the first section provides; but very serious objections have been made to section 2 of the bill. It seems to me those objections are largely born of the fear of what may happen if this power is conferred.

We are confronted with a condition of war, with a condition where the railways are unable to handle all of the traffic of the country which has been offered to them, and where we believe that the railways are going to be unable with all of their facilities to handle the entire traffic which will be offered to them, as has been usually the case in times of peace.

Such has been the condition during the last six months. We know that last autumn and last winter, in moving the crops, there was a scarcity of cars. There were blockades on the eastern lines by reason of the want of ocean transportation to take the commodities from the terminals. We know that the commerce of the country was to a very great extent injured by reason of the inability of the railroads to move the traffic as rapidly as necessary. It has been said here that the fault is with the railroads, because they did not procure sufficient cars and terminals. I think the Senator from Iowa [Mr. CUMMINS] sufficiently answered that proposition. He showed that during 1914, and prior, the railroads were not using all of the cars, and that their cars were standing upon the sidetracks. We know that suddenly in 1915 and 1916 the business of this country developed to an abnormal extent, and we know that now the railroads are purchasing all of the cars and equipment the manufactories can turn out, but with that it is impossible for them to handle the volume of traffic which has been offered to them.

Now, if that is the case, and upon this subject we must rely upon the Interstate Commerce Commission, the gentlemen connected with the railroads who are connected with the Council of National Defense, and the experts called before the committee. There is absolutely no disagreement that unless conditions rapidly change, unless the business of this country shrinks, the railroads are not going to be able to handle the volume of traffic incident to the ordinary business and incident to moving material, coal, supplies, and everything connected with the mobilization of our Army and the manufacture of an enormous amount of materials for the Army. That is not denied. We must rely upon the men who know the conditions; and there seems to be no dispute that in the event there should be large volumes of traffic necessarily incident to the movement of materials of war and materials for the manufacture of ships, munitions of war, and the building of factories necessary to supply the Army and Navy, there is going to be more traffic than the railroads can handle in the ordinary way. If that is the case, it is perfectly evident that there must be some priority; and two propositions necessarily follow.

The Government must either take over the railroads and operate them, or the Government must take such control of the railroads as will insure the priority of shipment of materials not only for the Army and the Navy, for the factories, but of commodities such as coal and foodstuffs necessary to make this war a success. In other words, there must either be Government ownership of railroads or there must be Government control of the roads.

I know that the senior Senator from Georgia [Mr. SMITH] said that conditions in Europe were entirely different. Of course they are different in that France and England, facing the great peril, must transport a greater number of soldiers, and must call into operation every possible means of transportation. That is the only difference. It is only a question of degree. We must give preference on the railroads not only to those things directly to be shipped for the Government but to all of the other secondary products which are necessary to make the mobilization of our armies, the operation of our great factories, the supplying of the country with food and with coal, an assured success.

Now, Great Britain took over her railroads; France took over the railroads; but Great Britain, finding that the railoads could be better operated by the managers and the men who had previously had control, turned them back. While it was considered a Government operation, they practically turned the railroads back to the managers and simply controlled their management. That is practically what we propose to do by this preference and priority. We propose that there shall be some power lodged somewhere that will be able to say what preference and what priority is necessary to make this war a success. That is all that is proposed by this bill.

Mr. HUSTING. Mr. President——

The PRESIDING OFFICER (Mr. NEW in the chair). Does the Senator from Minnesota yield to the Senator from Wisconsin?

Mr. KELLOGG. Yes, sir.

Mr. HUSTING. I want to ask the Senator whether it does not come down to this: That this power must either be lodged with the Government to control the priorities or else it must be left to the managers of the railroads themselves?

Mr. KELLOGG. The Senator from Wisconsin has stated it exactly.

As a matter of fact, there has been called in, in consultation, by a part of the Advisory Commission of the Council of National Defense, a committee of the leading railroad men of this country. They are able, intelligent, and patriotic citizens. They are not asking compensation, and no salary which the Government would pay would attract men of their ability. They are devoting their time to making the transportation facilities of this country a unit that can move the products of the country with the least obstruction and the most effectiveness. That is what they are trying to do.

Mr. KING and Mr. REED addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Utah?

Mr. KELLOGG. I do.

Mr. KING. I think it would be very instructive to many of us if the Senator would tell us what success has attended the efforts of these men, who are acting so patriotically, and whether or not, under their operations up to date, without any authority of law, they have relieved the congestion and improved the transportation facilities of our country?

Mr. KELLOGG. Mr. President, I am perfectly willing, so far as I am able, to do so. I have made some inquiry and have been informed that these gentlemen have been doing everything in their power to coordinate the railroads in order to use the transportation facilities of the country to the greatest advantage, especially the cars, to transport those products most needed to feed the people and to supply the Government manufactories and other manufactories that are supplying the needs of this country in time of war.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Missouri?

Mr. KELLOGG. I yield to the Senator.

Mr. REED. The Senator thinks, I take it, that the five railway presidents constituting this committee have very successfully managed the business up to this time. Is that correct?

Mr. KELLOGG. I think they have been doing the best they can.

Mr. REED. And that they have done it in a very patriotic, disinterested, high-minded manner?

Mr. KELLOGG. I think so.

Mr. REED. Does the Senator think that the designation of these gentlemen as members of this committee in any way improved their moral, intellectual, or patriotic standards over what they would have been if they had not been appointed?

Mr. KELLOGG. Not at all.

Mr. REED. Then, what is the point to the Senator's argument that you have to choose between railroad management and Government management, when the Senator insists that the railway presidents now operating under a quasi-governmental authority have so well conducted the business? What is the difference between railway management by railway presidents operating as railway presidents and railway management by railway presidents operating as members of a committee?

Mr. KELLOGG. Mr. President, I shall try to answer that question. I have no doubt, as stated by the Senator from Missouri, that the railroad presidents who are members of that committee have been managing the railroads so far as they could with ability, in the interest of the public, and doing their patriotic duty honestly and efficiently and without any compensation, and I believe the Senator from Missouri thinks so, too.

Mr. KIRBY. Mr. President——

Mr. KELLOGG. Let me complete the answer, if you will. They have been doing their best to give priority to those shipments which were necessary to prepare this Nation for this great struggle. What they have been doing has lacked the authority of law, to be sure. They procured the consent of the railways generally, so far as they could, to carry out their suggestion. But they had no power to enforce these suggestions.

If you call those men before a committee of the Senate, they will tell you, as they told us, that they could not without the consent of the railroads enforce their directions or their requests. What I desire and what we all desire is that there shall be over those gentlemen some power which can enforce such orders as ought to be made for priority and preference of shipment.

Mr. SHAFROTH. Is it not likely, I will ask the Senator, that when there is some measure some of the presidents of railroads will not agree to it will produce confusion and therefore they will not be expeditious in the handling of products and the shipment of them over the railroads? Is it not true that now at the crucial time some part of the lines of railroads will object and it will become a serious danger to the Government?

Mr. KELLOGG. I think that is entirely probable.

Mr. REED. Does the Senator from Colorado claim or the Senator from Minnesota affirm that the railroad presidents who do not happen to be members of this board are less patriotic and less honest than the members of the board? I will follow my question with this further one: Has there in fact been any refusal on the part of railways to cooperate up to this time?

Mr. KELLOGG. Not at all, Mr. President. If the Senator from Missouri is familiar with the railroad business, as I believe he is, and as I claim to be fairly so from many years of experience, he will know that the railroad operators are subjected to tremendous pressure and influences by every shipper who thinks his products should have priority and his business is more important than anybody's else. I desire not to be misunderstood. I am in sympathy with the great body of the shippers throughout the country, and I know that during the last year they have suffered great loss of profit and suffered by diminution of their business through inadequate railroad facilities. I hope and believe that we have to a great extent exaggerated the dangers of that in the future.

Mr. HUSTING. Mr. President, I desire to interrupt the Senator once more.

Mr. KELLOGG. I yield.

Mr. HUSTING. The question of the Senator from Missouri implies a difference in the duties and the motives of the railroad president when he acts as an officer of the United States purely in the interest of the United States Government and as a mere president of his railroad. Would this not be reflected in his action in the way of giving priority to foods? In other words, would he not feel under obligation, acting merely as a railroad president, to look out for the interests of his road, whereas if he were an officer of the United States and under a pledge to act in the interest of the United States he would feel that it was his primary duty to see that the business was conducted primarily in the interest of the Government. In other words, is there any difference between a man acting in a private capacity and a man in a public capacity?

Mr. KELLOGG. I think that is true.

Mr. KIRBY. Will the Senator from Minnesota yield for a motion to take a recess, he having the floor to-morrow?

Mr. KELLOGG. I will yield in one minute. I wish to complete the answer to the question of the Senator from Missouri. I should say I am not willing, and I do not think the railroad presidents who constitute this committee are willing or believe, that it should be left to the railroad companies of the country to say whether they will do it or whether they will not. There ought to be some power to say they must do it. I have a fair illustration. In the early spring, in April, there was a great scarcity of coal throughout the Northwest, coal to operate the mines and coal to operate the factories and coal for the people generally. It had been represented to the Council of National Defense that the steamships carrying ore down the Lakes were not willing to carry coal on the return trip, because it delayed them very much, they could make more money by hauling ore and returning empty. Complaint was made to the Council of National Defense and a recommendation that they should arrange to have the steamships carry coal, and the steamships stated in response to their request that they would do so.

I wish the power vested so that they must carry coal whether they wish to or not. It seems to me, in times when it is necessary to run the mines and the factories of this country and to supply the people with coal there should be, if there is a shortage of transportation facilities, a power that can compel compliance with the requests of these gentlemen. I know they feel as though there ought to be that power. They are not seeking or asking to exercise that power themselves.

Mr. REED. Mr. President——

Mr. KELLOGG. I yield to the Senator from Missouri.

Mr. REED. Not to interrupt the Senator now, but simply that we may clear up that one proposition before he closes his remarks for the evening, I take it then that the Senator's opinion of the bill is that if it passes the board appointed by the President would have the authority to issue orders to railroads to prefer coal shipments for the benefit of communities generally, so that the supply of coal could be kept up in different parts of the country as in the judgment of the board was necessary. All I want to get at is the Senator's view as to the scope of the bill, whether the power is conveyed here that there should be coal or other goods shipped to parts of the country where the board thinks necessary for general purposes or whether the power is limited to military operations for the defense of the Nation. I ask that question in all sincerity because it has been a matter of dispute.

Wednesday, June 13, 1917.

Mr. KELLOGG. Mr. President, at the time the Senate took a recess last evening I was discussing the proposition that during the war it will be necessary, or probably necessary, to give preference to our shipments for the Government as well as those shipments of food or products necessary to maintain the Army and the Navy. I have stated that all the information furnished us upon that subject was to the effect that such preference will be necessary to the public defense and security.

If it should develop that the freight blockade of last winter will not recur and that the facilities of the railroad companies under a coordinated management will be sufficient, then the bill can do no harm. But if it should turn out that we should again have, as we did during the winter, a freight blockade such power as is vested here must either be exercised by the railroads themselves without authority of law or there must be some power in the Government to make such discriminations legal.

Now, I come to the question of what preferences it is necessary to give. There are in the Senate two opinions upon this question: First, the belief that the law should be confined simply to giving Government shipments a preference; that is, shipments of munitions and materials for the manufacture of war supplies; second, the belief that it is necessary that the power be broad enough to include shipments of commodities other than Government shipments of materials necessary to manufacture munitions of war.

I come now to the question propounded to me by the junior Senator from Missouri [Mr. REED] whether under this bill it will be possible for the President to direct preferences in shipments between private individuals and corporations. My answer to that is that it undoubtedly will be within the President's power, provided he determines that the public security and defense demand such action or such discrimination.

It is conceded practically that some preference in shipments must be granted. In fact, the amendment of the senior Senator from Georgia [Mr. SMITH] would grant the power to the full extent provided for by this bill, for that amendment provides for a board of transportation which shall have power to investigate problems of transportation by common carriers, by rail or water, and when it finds that the national defense or the public welfare shall require, it may decide and direct that certain traffic shall have priority or preference in transportation, and having so found and so notified the common carriers, they shall carry into effect such directions.

[At this point Mr. KELLOGG yielded to Mr. MARTIN that he might present a conference report.]

Mr. KELLOGG. Mr. President, I hope the Senators will not ask me to yield again. I shall be as brief as possible in concluding my remarks, and when I have finished I shall be very glad to answer any questions which may be propounded me.

At the time I was interrupted I was suggesting that it is not sufficient simply to give preference to Government shipments, because many times shipments are not for the Government but for private individuals, and yet are as necessary to maintain the efficiency of the Army and Navy as though they were Government shipments. But, beyond this, the very fact of giving Government shipments preference may deter other shipments, so that it will be necessary to decide what shipments shall next be given preference. Let me illustrate that. It is just as important that certain commodities for private manufactories, in many instances manufacturing for the Government to sustain the Army and Navy here and in Europe, should have preference in shipments as though they were shipments of the Government. For instance, when, as was the case last winter, in the shipments of products to Europe there was a blockade upon the eastern coast because of the failure to procure ships sufficient to carry the products that a blockade was created all over the country. That blockade was felt clear to the Pacific coast. The failure to clear the tracks on the eastern lines made it impossible to move products over the western lines, and immediately not only were food products blocked, but coal and other shipments which were absolutely necessary to maintain the manufactories of the Government or the manufactories of private individuals supplying the Government and to furnish food and fuel for the people.

It works exactly as it would work if you were to build a dam across the Hudson River at New York. It would back up the water immediately at Albany and every town on the line would feel it. If we should have another blockade like the blockade of last winter during war time, it would be absolutely necessary for some power to designate priorities not only of Government shipments but of those shipments which are necessary to the very life of the Nation.

I do not desire, unless it is absolutely necessary, to confer upon anyone the power to arbitrarily control the great industries of this country. I concede that ordinarily in war times it is better to encourage the people to carry on their industries in the usual way and to allow trade and commerce to seek its natural flow rather than to interfere with it with all sorts of arbitrary power. But if we read aright not only the history of foreign countries but of this country in great exigencies, we know that that power is likely to be necessary to the very life of the Nation.

The railroads themselves within the last few months have been compelled—I say compelled (they thought it was necessary)—to give certain products preferential shipment, such as coal and foodstuffs. They rushed trainloads of feed to Utah and Wyoming to save the starving flocks in those parts of the country by reason of the extraordinary winter. They rushed coal to the Northwest to keep the mines going, and factories going, and they rushed grain and foodstuffs to the Atlantic coast within the last 30 days for shipment to Europe to maintain the armies of the allied nations. Those preferences undoubtedly lacked the authority of law, and all I think we should do is to place in some one the power to direct those preferences.

Now, I do not care whether this power is conferred upon the President or whether it is conferred upon a board or whether it is conferred upon the Interstate Commerce Commission already existing; nor do I care whether a part of the power is given to the President as to the movement of troops and supplies, and the preference as between other shipments, if necessary, is conferred upon the Interstate Commerce Commission.

I would much rather use the commission and the boards now existing than to create new boards and new authority. But so far as the movement of all the armed forces of this Government and the munitions of war and the supplies necessary to feed the armies in Europe, that power should undoubtedly be in the Commander in Chief, who has power to direct the movement of the armies themselves. In other words, we can not afford to divide that authority. The same power that directs the movement of the ships and the armies must direct the transportation to maintain the armies and furnish munitions. Beyond that it is immaterial to me whether the power of granting preferences in shipment which may follow by reason of the Government's action be conferred upon the Interstate Commerce Commission or upon a new board.

I have heard it stated that we should fix definite rules in this bill. It is as impossible for Congress to define the exact rules for the movement of preferential freight, to state from day to day what preferential freight shall be needed, as it is impossible for Congress to fix each individual rate for the transportation all over the country. We can not do it. We do not know what may happen to-morrow or next month, and we do not know what necessity may demand the movement of coal or foodstuffs or farm products in the future; and it must be left, as the questions of rates and discrimination and rules and regulations for the movement of freight are left, to some board or some body to meet the exigencies as they shall arise.

It is also said that we are conferring a most unparalleled power upon the President, which he may abuse. Mr. President, I, as every American lawyer in this Chamber, by training and by education and by tradition, am jealous of those constitutional privileges guaranteed to us and found necessary by the experience of ages to the preservation of human liberty. But, Mr. President, war is an exhibition of the most brutal power and necessitates coordination of action and concentration of power commensurate with the magnitude of the contest. This is a power that has been granted before, and it is to-day being exercised by the nations of Europe.

So far as I am concerned, I have definitely made up my mind to vote to confer every power which I believe will aid in winning this war. I am not going to be deterred by any partisan feeling, by any hope of political advantage, nor by any fear that the power thus granted may be abused.

If the President abuses this power, he is answerable to the great tribunal of public opinion. Under the Constitution he is and should be the Commander in Chief of the Army and the Navy, and with that power wisely conferred there should go with it all the auxiliary and necessary powers to make that position effective.

I have heard it said day after day on this floor that we are placing in the President powers never before conferred upon the head of this great democracy, and inconsistent with democratic principles. I deny this. Not only has such power been conferred before in great national struggles for the preservation of the Union but they are being conferred to-day by democracies equally as liberal as ours, in order that democracy may be preserved.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Idaho?

Mr. BORAH. The Senator says these powers have been conferred before. Upon what Presidents were they conferred?

Mr. KELLOGG. They were conferred during the War of the Rebellion.

Mr. BORAH. What particular power does the Senator have reference to?

Mr. KELLOGG. The power to control railroads. I wish the Senator would wait until I conclude my argument and then I will answer any question I am able to.

I have no fear that with the history and the traditions of this people trained in the atmosphere of personal liberty we will endanger any of their rights by granting powers necessary to the national preservation in the hour of this great human crisis. I would much rather confer powers of control necessary to make effectual the powers of war upon the President than to take over the railroads with all their millions of employees and make them a part of the Government. I believe the experience of Great Britain shows that it is better to leave the management of the railroads in the hands of those men who are now managing them, subject, however, to governmental control.

Mr. President, this brings me to one other question which I wish briefly to discuss, and that is the amendment of the Senator from Nebraska [Mr. NORRIS].

Objection is made to this bill because it is plain that it proposes not only to pay the railroads reasonable compensation for all services but, in addition, to pay damages by reason of disarranging the traffic, and not to pay damages to shippers whose traffic is disarranged. I do not think that that is the proper construction of the bill; and if it is, it should be amended, as was stated by the senior Senator from Iowa [Mr. CUMMINS] yesterday. The intention of the bill was simply to insure to the railroads such compensation as would give them a reasonable income to enable them to maintain their lines of road and to handle the traffic of the country.

The junior Senator from Georgia [Mr. HARDWICK], in commenting upon this phase of the bill, said that the bill first provided for a division of rates or authorized a division of income between two lines of railroad, where one line was carrying high-rate freight and another was carrying low-rate freight, and

one line would make more revenue and the other less than they ordinarily would make but for the order of the President.

The Senator from Georgia also said that the bill provides for payment to railroads of compensation for all transportation under these orders, and for compensation by the Government for all transportation of munitions and supplies; and that, therefore, in addition to complete compensation for all services performed, the bill also provides that the railroads might recover damages in addition to this compensation, by reason of the fact that they were required to carry cheaper freight when they might have carried higher-rate freight and made more money; in other words, if they were required to carry coal, when they might have carried pianos or automobiles or something else and could have made more money, they would be entitled to recover the difference from the Government. If that is the proper construction of this bill, it should be amended.

I am sure, as stated by the senior Senator from Iowa yesterday, the intention of the authors of the bill was simply to provide that if by reason of the orders of the President the practical taking over of the operation of these roads and forcing them to sidetrack ordinary business and carry perhaps munitions or other freight paying a rate not sufficient to maintain their lines, their entire business, including the rates paid for the Government business, was insufficient to give them reasonable compensation so that they could maintain their lines of railroad as great avenues, not only necessary in times of war but in times of peace, then the Government might make compensation in the nature of damages—"damages" undoubtedly was rather an unfortunate word—but if their business, including the Government business which they are directed to carry, and including the preferential shipments which they are ordered to carry, furnish them reasonable compensation, considering all the circumstances and conditions of the business of the country, they ought not to be allowed to receive one dollar of compensation from the Government or anybody else.

I do not wish to see the railroads given an opportunity to get into the Treasury and to get compensation because they were denied the right to haul higher-rate freight and were required to haul lower-rate freight under the exigencies of this war. I believe that the general burdens which are to be cast upon the railroads and the people of this country are burdens for which no one ought to seek compensation from the Treasury of the United States. These are burdens which owners of railway securities and people generally should bear as patriotic citizens, and should not seek to recover from the Government. I am unalterably opposed to opening the Treasury of this country to demands either of railroads or of shippers to make good to them the ordinary injury which the blockade of traffic caused by war may bring.

Mr. President, we are levying taxes and imposing burdens upon the people of this country such as we have never been called upon to do in times of peace or perhaps even in times of war, and we may not have yet commenced. No man can foretell what is going to happen in this great world conflict. We can not see into the future. We do know, however, that we must conserve our resources; we must watch carefully the burdens we place upon the people so that we may be able with our resources—our splendid resources—to meet any of the exigencies which may arise in this unfortunate struggle.

I say either for the railroads or for the shippers to be able to come into court or before the Interstate Commerce Commission and to get their hands into the Treasury of the United States to make good to them any loss, direct or indirect, which they may have suffered by reason of the blockade in traffic in time of war is unconscionable and should not for a moment be thought of. I am not going to agree to it on either side if I know what I am about.

If the bill is not clear and specific in that regard; in other words, if it bears the construction that a railroad earning reasonable compensation on all its business, including the Government business, still may come in and present a claim for damages because it is required to carry coal, which bears a low rate, instead of luxuries, which bear a high rate, then the bill should be amended. As stated by the senior Senator from Iowa, if no one else offers such an amendment, I shall do so myself. I know the chairman of the committee had no idea that the bill would impose any such obligation on the people of this country, and it seems to me, at least, that the following amendment should be adopted. I shall not offer it at this moment, but I should like to read it to illustrate my meaning. Add to line 2, page 2, after the words "otherwise appropriated"—that is, add after the provision for damages—the following clause:

That no such damages shall in any case be allowed when, taken together with the rates fixed by law or the Interstate Commerce Commission for such services, shall give any carrier more than reasonable and just compensation for its entire service performed and its entire railroad business transacted.

I do not know that the amendment is necessary, but I think it should be adopted to make it perfectly clear that we are not going to open the Treasury for claims of a railroad company that it might have made more money if it could have carried other kinds of traffic than that directed by the President or by the Interstate Commerce Commission. I for one never dreamed that the bill meant anything of that kind, and if it does I am in favor of its amendment.

With that amendment, or with some other amendment which will accomplish the same purpose and make that point perfectly clear, I am in favor of this bill. While I should regret to see the business of this country blocked and injured, as it was during the last six months, for want of adequate transportation and ability of the railroads to move the traffic promptly, if such a condition arises again, by reason of the exigency of the situation and in the national defense, I say it is the duty of the entire American people, including the holders of railroad securities, to bear that as a common lot and as a common burden rather than to go to the Treasury for recompense.

All I wish to see is that this bill is made perfectly clear; that some agency of this Government may direct the great arteries of transportation absolutely necessary to the effectiveness of this war, and that the burdens arising from that condition shall be borne by the people generally as equally and as equitably as possible. I feel sure, from all the information I get—and I must rely upon those in authority who are giving special attention to this question—that we shall be safer if there is lodged in some officer of the Government or some commission the power to direct preferential shipments during war. Then, after that condition has ceased to exist, I am willing to go back to that more equitable rule in time of peace of equal rates and no discrimination to all the people of this country; but we should not balk at the granting of power when any question is raised that it is necessary to save the life of the Nation.

Mr. KING. Mr. President, before the Senator concludes I should like, with his permission, to ask him a question.

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Utah?

Mr. KELLOGG. I yield.

Mr. KING. I may not have correctly apprehended one statement the Senator made, but, as I understood him, he said that he would not object to a commission for the purpose of determining priorities, and, as I also understood him, at the same time he said that the executive department ought to have charge of determining the priorities with respect to the shipment of troops and munitions of war. Does not the Senator think it would be a very great mistake to have two boards, two agencies or instrumentalities, for determining priorities, and does not the Senator feel that, because the executive department needs a large portion of the railroads and their services, there ought to be lodged with one board only, and that an executive board or branch of the Government, the power to determine priorities with respect not only to shipments upon the part of the Government but shipments made by private individuals?

Mr. KELLOGG. Mr. President, answering the question of the Senator from Utah, I will say that I agree with him entirely. I think it is much more wise to lodge the power, not only to direct the movement of troops and the shipment of munitions and war supplies, but all supplies used by the Government and commodities necessary to produce those war agencies, in one board, or in an executive head, because I believe that when the Government finds it necessary to direct that shipments of coal or iron or foodstuffs be rushed to the seaboard or to some other point, thereby displacing the ordinary commerce of the country, if somebody must make the secondary direction of preference, it is much wiser to lodge that power in the hands of the same authority. I think the power should be somewhere; but if the Senate believes that the power should not be conferred upon the Executive, but should be conferred upon a board or upon the Executive and the Interstate Commerce Commission, I am willing to do that, so far as my vote goes. I am simply giving my opinion.

So far as I am concerned, I am not afraid of the abuse of that power. It is limited by the language of the bill to such purposes as are necessary for the safety and the defense of the country. I can not be brought to believe that any Executive or any board upon whom this power shall be conferred will meddle with the business of this country or abuse this power; but often we must rely upon the great tribunal of public opinion for our remedy if such abuse does occur. We must trust somebody with this power. I believe that we are worrying about a great many things that will never happen, as we often do. Most of our

anticipated troubles never come to pass. I do not believe that when this power is conferred anybody is going to make orders for preferential shipments all over the country and mix up the business of the country.

Mr. HUSTING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Wisconsin?

Mr. KELLOGG. I yield.

Mr. HUSTING. The Senator said that sometimes we must rely upon the tribunal of public opinion to prevent abuses. I desire to ask the Senator whether the power that would give to a tribunal these powers could not withdraw the powers in case they were abused and lodge them elsewhere?

Mr. KELLOGG. Certainly; there is no question about that.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Nebraska [Mr. NORRIS].

Mr. NEWLANDS. Mr. President, there has been a parley regarding this bill with a view to adjusting the differences and there is a fair prospect of adjusting them. It has been suggested that we take a recess until 12 o'clock to-morrow and then proceed with the bill. If there is no Senator who desires to speak to-day I will take that course.

Mr. CURTIS. Mr. President, if the Senator from Nevada is going to move a recess, I suggest that the Senator from Minnesota [Mr. KELLOGG] have his amendment printed in the usual form, so that we may be enabled to read it by to-morrow.

The PRESIDING OFFICER. The amendment intended to be proposed by the Senator from Minnesota will be printed and lie on the table.

Mr. BORAH. Mr. President, I did not understand the reason for the recess.

Mr. NEWLANDS. I suggested that a parley has been going on with reference to the adjustment of differences regarding the shaping of this bill.

Mr. BORAH. A parley among Senators?

Mr. NEWLANDS. Yes.

Mr. BORAH. I am glad the Senate has retained jurisdiction of the measure. I supposed, perhaps, it was being shaped somewhere else.

Mr. NEWLANDS. I refer to a parley among Senators.

Mr. JOHNSON of California. I submit an amendment which I ask may be printed and be taken up to-morrow on the occasion suggested by the Senator from Nevada.

The PRESIDING OFFICER. The proposed amendment will be stated.

The SECRETARY. It is proposed to strike out all after the word "appropriated," in line 17, on page 4.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. NEWLANDS. I will ask whether any Senator wishes to speak on the bill at this time?

Mr. JONES of Washington. Mr. President, I think I will take two or three minutes to express my views about one or two provisions in the bill, so as to let the Senator know my views with reference to one particular phase of it. I have no doubt that these matters are being considered by those who are conferring with reference to the bill, so I will say just a word or two at this time.

I know we will have to place a great deal of power and a great deal of discretion in the hands of the President during this war; and while I think we could take a wiser course than is suggested in this bill, I feel like deferring very largely to the judgment of the committee in a matter of that kind.

There is one phase of the bill that I want to speak about, and that is this matter of damages. It is all right to pay the railroads reasonable compensation for the service which they perform in transporting the supplies and products of the country; but it seems to me that this bill goes much further than that, and it seems to me that this is perfectly plain from the language of the bill itself. On page 4 it says:

> For the transportation of persons or property in carrying out the orders and directions of the President the lawfully established tariffs shall apply unless otherwise fixed by law.

In other words, as I understand that, it means that for rendering a service directed by the President the railroads shall receive the compensation now fixed by law. There can be no objection to that.

> For the transportation of troops in carrying out the orders and directions of the President, reasonable rates shall be fixed by the Interstate Commerce Commission.

I can see no objection to that. We have a right to rely upon the judgment of the Interstate Commerce Commission as to what would be reasonable rates for the transportation of these troops, and, of course, we can not reasonably ask the railroads to transport them for less than what is reasonable—

> And if the transportation be for the Government of the United States it shall be paid for currently or monthly by the Secretary of the Treasury out of any funds not otherwise appropriated.

Mr. President, it seems to me that that language is broad enough to cover whatever special consideration we ought to give to the railroad companies. That takes care of all they have a right to ask the Government to take care of; that compensates them in every way that they ought to expect compensation from the Government. The people would not complain of that. But it goes further. Apparently those who framed this bill thought there might be some inconvenience for the railways, or some loss suffered by them, that the foregoing provision would not take care of and so they wanted to take care of any such situation as that. In other words, the framers of this bill seem to be especially solicitous to see that the railroads suffer no damage of any kind or character:

> *Provided*, That if by reason of giving preference or priority in transportation under an order or direction authorized hereunder, or by reason of disarrangement of taffic caused by giving such preference or priority, any carrier shall suffer injury or damage, the Interstate Commerce Commission shall, upon application by the carrier and upon notice to the Attorney General of the United States, and after due hearing, determine the amount thereof, which amount shall be paid by the Secretary of the Treasury out of any funds in his hands not otherwise appropriated.

This language shows a peculiar solicitude to take care of any possible injury or damage that the railways may suffer, whether in the loss of freight rates or prospective profits or any remote or inconsequential injury or damage.

Mr. President, I think that part of the bill ought to be stricken out. I think the railways ought to be paid fair, reasonable, and just compensation for the service which they render to the Government; and then, if they suffer any additional loss or damage, that is a loss or damage that they ought to be willing to bear patriotically with the rest of the country, who must suffer tremendous losses for which they can receive no compensation from the rest of the people of this country.

Mr. NEWLANDS. Mr. President, may I ask the Senator a question?

Mr. JONES of Washington. Certainly.

Mr. NEWLANDS. Suppose, in the case of a given railroad, that in the ordinary course of its business it had different varieties of traffic, some costly and some cheap commodities, and that an order should result in condemning that railroad to carry, in the interest of the public and the national security and defense, the cheap commodities which had a very low rate, and cut off the transportation of the valuable commodities which have a high rate. Would the Senator regard that as such an incident of the war that the railroads must suffer that loss as a patriotic duty and sacrifice?

Mr. JONES of Washington. I would say yes, if you are going to insist that others who suffer a direct loss by reason of the diversion of this transportation to some other line of work must suffer the direct damage that results to them.

Mr. NEWLANDS. When the Senator refers to others, I presume he means the shippers?

Mr. JONES of Washington. Yes; certainly.

Mr. NEWLANDS. But does not the Senator distinguish between the case of the shipper——

Mr. JONES of Washington. Oh, Mr. President, it is very easy to make technical and legal distinctions with reference to these matters; but we are legislating here to meet a peculiar and special situation.

Mr. NEWLANDS. I am talking about substantial differences.

Mr. JONES of Washington. That is all right. I am referring to substantial differences, too.

Mr. NEWLANDS. Here in this case the property of the railroad is directly condemned to an inferior and unprofitable use by the Government in the interest of the security and defense of the Nation. In addition to that, is it not to the interest of the Government to see that a railroad corporation is not condemned to such an injury, for the reason that the country and the Government are interested in the maintenance of the efficiency of the railroads?

Mr. JONES of Washington. Oh, there is no room for argument on that.

Mr. NEWLANDS. Very well. I will ask, then, whether those distinctions do not exist?

Mr. JONES of Washington. The country and the Government are also interested in the prosperity of their people and the loss that private individuals may suffer.

Mr. POINDEXTER. Mr. President——

Mr. JONES of Washington. I yield to my colleague.

Mr. POINDEXTER. I interrupt just at this time, on account of the suggestion made by the Senator from Nevada that there was some peculiar interest of the Government in the efficiency of the railroad, to make this remark:

The only interest that the Government has in the efficiency of the railroad is that the railroad may carry the freight of the shippers of the country. The Government has no interest whatever in the railroad as a money-making concern, any more than it has in the universal prosperity of all of its citizens in an indirect and general way.

If there are a number of shippers that have their freight at the station ready to be shipped—some of it, as the Senator from Nevada says, high-class freight and some of it low-class freight—it is true, as he suggests, that it is in the interest of the railroad to be allowed to carry the high-class freight. It can make more money out of it; and if the Government intervenes and requires it to carry the low-class freight it may inflict a loss upon the railroad. But does it not, or may it not at the same time, by the same act, inflict a loss on the owner of the high-class freight who has it there, ready to be shipped, and who has just as much right to have it shipped and receive the service of the railroad as the railroad has to operate its trains and carry the freight?

I say that the interest of the Government in one is just the same as it is in the other.

Mr. JONES of Washington. Mr. President, I concur in what my colleague has so well said, and I want to call attention to another feature of the bill:

The bill absolutely takes away certain rights which shippers now have, and it does not pretend to give them any compensation. The common carriers of this country are under certain obligations to the shippers of the country. If I take my produce to a common carrier and demand transportation, I have certain rights that I can enforce in the courts, by damages or otherwise, if transportation is not furnished. That right of the shipper is absolutely taken away by this bill. The railroads are expressly relieved from every obligation that they owe to the shippers of this country when they act under the orders of the President or the body designated by him under authority of this bill. Listen to what it says:

> Any carrier complying with any such order or direction herein authorized shall be exempt from any and all provisions in existing law imposing civil or criminal pains, penalties, obligations, or liabilities upon carriers on account of any such action.

What compensation is provided in this bill for the shipper whose rights are taken away from him by the express terms of that provision of the bill? We take from him a very substantial right, but we do not propose to give him any compensation. That is not right.

Mr. President, if we are going to relieve the railroads from all the obligations that they now owe to the shippers of this country, and if we are not only going to provide for just compensation for the service which they render the Government, but also save them from any possible loss, damage, or injury by reason of the action of the Government, then I say that we ought to make provision under which the Government shall save the shippers of the country from damages caused by the direct action of the Government in taking away from them rights which they have against the common carriers of the country, by depriving them directly of facilities for transportation. I am not urging that a provision of that kind be put in this bill if you will cut out these other provisions; but if you do not cut them out, then the people of this country and the shippers of this country have a right to have their rights protected, and it should be done in this bill, which creates the very conditions that may cause the damage.

Mr. President, I want to call attention to just one or two instances. Some time ago I read into the RECORD a portion of a circular that was sent out by one of the great transportation companies of this country to the producers of fruit in a particular locality in my State, warning these people that they would not have transportation facilities for taking their fruit to market because of the needs of the Government and the diverting of their equipment into other lines of transportation. That is the situation in some portions of our State, and I have not any doubt but that a similar situation in other lines of production exists in other States. I cite this simply because I know of it.

Mr. POMERENE. Mr. President, may I ask by whom that circular was issued?

Mr. JONES of Washington. It was issued by the Northern Pacific Railway Co.

In my section, Mr. President, we produce a great deal of fruit. Many of our farmers raise nothing but perishable fruit. They have small tracts—5, 10, or 15 acres—and they produce berries, peaches, and pears, and other kinds of fruit that must be shipped promptly. They have been depending, of course, upon transportation to get to market. If they have no transportation, their product is an absolute loss. They have a right to transportation. The Senator from North Dakota [Mr. GRONNA] suggests that that applies to potatoes, vegetables, and other things. It does; but not so directly. You can keep potatoes over for several months, but there are certain classes of fruit which you can not keep. They must go promptly to market, and if they are not taken to market promptly they are an utter loss. These people have had a right to expect transportation, and they have a right to expect it now. Instead of trying to discourage our people we ought to make special efforts to meet the situation. We ought to see to it that if possible the special situation in special localities shall be met by refrigerator cars and things of that sort which in the way of transportation are necessary to take their products to market. But they say, "We can not furnish transportation." In that case those people lose everything they have.

I have another letter here. Our people are considerably worked up about this matter. As I said, I recognize that we must place extraordinary powers in the President and those acting under him. I believe they will do everything in their power to meet this special situation unless we lend some encouragement by our legislation for them not to do it.

Who is going to administer this law? The President is going to select a great many railroad men. He will use these as instruments; I have not any doubt about it. They are the men best equipped for looking after transportation matters, and we ought to see to it that they are not encouraged to recommend the diversion of their transportation facilities from this line of industry or another just in the hope of making things easier, and with the knowledge that they can recoup from the Government any damage that they can show in any way, shape, or form. Just think of it! Under this bill if the railroads are directed to take the cars that would carry out fruit to transport a cheaper article of freight the farmer would lose his fruit and the railroad would be permitted to collect the equivalent of the freight for carrying that fruit. That is surely enough, and yet it is further provided that any additional damage by interference or inconvenience to the railroad shall be paid for.

I have here a letter sent out from North Yakima, signed by an official of the Northern Pacific Railroad Co. Without reading the whole letter I just want to read this part of it:

> It will not be what the railroads want to do, but what they are permitted to do. The next few months will find the railroads wholly occupied in the movement of necessaries. It is doubtful if any portion of the fruit crop can be transported.

Mr. President, there is no encouragement there to our fruit growers. This did not come out until after their crops were all in. They can not change them now. If they can not get transportation, they are ruined.

Mr. FLETCHER. Mr. President——

Mr. JONES of Washington. It may be that the necessities of the Government will require the diversion of this transportation somewhere else, but I say we ought not to encourage such diversion by the express terms of the law under which the railway companies can divert their transportation facilities without any possible chance of loss to them, saying to the people whose rights we take away by the express terms of the bill, "You must suffer the entire loss; you can not recoup yourselves." I yield to the Senator from Florida.

Mr. FLETCHER. Does the Senator believe that a railroad company could send out a notice like that and escape its obligations to the public to serve the public needs? It seems to me that the fruit growers in Washington are simply called on to haul their products to the station and leave them there, and if the railroad company does not take them they would have a right of action against them for the entire value of the property.

Mr. JONES of Washington. I think they would, unless that right is taken away by the express terms of the bill.

Mr. FLETCHER. I think the Senator is quite right about that.

Mr. JONES of Washington. That is one thing I am objecting to in the bill, that it expressly takes away the right of the shipper to recover against the railroads and gives him no recourse, but preserves to the railroad more than its right to just compensation. If you are going to compel the railway to take its transportation facilities somewhere else, of course you must relieve it from its obligations to the shipper. You should do that only in the direst necessity, and then you should compensate the shipper if you take care of remote damages to the road.

Mr. POMERENE. Does not the Senator state his position rather too strongly? Bear in mind that the President only has

the right to make preferential shipments when it is necessary for the public defense and security. Of course, if it was necessary for the public defense to send wheat instead of berries, I suppose the berry shipper would be jeopardized thereby, but neither the President nor any representative he might suggest could arbitrarily say it is necessary for the common defense of the Nation, and therefore discriminate against these shippers.

I do not believe for a minute that that is going to be done. I do believe that there will be special instances in which shippers will be inconvenienced by orders of this kind. That will happen; it is one of the necessities arising out of war conditions.

Mr. JONES of Washington. I think I agree generally with the suggestion of the Senator, except he must not forget that when the President or those authorized to exercise the discretion granted by the bill has exercised that discretion there is no power that can question it. I do not believe that he will arbitrarily do what he believes to be wrong. Of course I do not.

Mr. POMERENE. I can not quite agree with the construction the Senator places on it.

Mr. JONES of Washington. I would like to have the Senator tell me when the President decides that certain transportation is necessary for the public security and defense what authority can question it?

Mr. POMERENE. When it comes to an exercise of discretion, that means a reasonable and honest discretion.

Mr. JONES of Washington. But how can you question it?

Mr. POMERENE. It is a question of fact to be determined by a court if anyone has been injured, just as many other things. A question comes up as to what is a fraud. A court determines that. A question comes up as to what is a reasonable doubt. A court determines that. There are many other similar instances we might refer to.

Mr. JONES of Washington. I do not believe the Senator can find any authority anywhere that will sustain any contention of that sort with reference to this matter. We place this entirely in the judgment of the President. We say, "That during the continuance of the war in which the United States is now engaged the President is authorized, whenever in his judgment such action is necessary to the public security and defense," the President may direct transportation. When the President acts there is no power in this Government to overturn his action. There is no power to decide that he has been wrong in determining that it is necessary for the public defense and security to do this or that.

As I said, I am satisfied that neither the President nor those acting under his orders will do this arbitrarily, but I do fear the judgment that may be used. What I am insisting upon, however, is that whenever the President takes action that he deems necessary and that may deprive shippers of the right to damages which they have against the common carrier, you do not by law give to the common carrier a right to recoup itself for anything other than reasonable compensation for the service which it renders the Government and leave the shippers without any compensation whatever for taking from them a most substantial right. They will suffer more damage than anybody else. Theirs will be a real, direct, substantial damage. The man who loses his crop loses his all for this year. We provide in one section that the railroads shall get reasonable rates for the service they render. I submit, Mr. President, that when we go that far we go far enough, and if we go further with reference to the railroads and the remote damages they may recover then the Government can not afford to refuse to go a little further than the legal technicalities possibly would permit in behalf of the shippers of the country. That is all that I am urging upon the chairman of the committee.

Now, Mr. President, as just showing how some of our people look at this matter, I will ask to have inserted in the RECORD, without taking the time of the Senate to read it, a petition which I received from one locality in my State, in which they set out their condition and the damages which they will suffer if their transportation facilities are taken away.

The petition referred to is as follows:

KENNEWICK, WASH., *May 25, 1917.*

To the Hon. WESLEY L. JONES,
Washington, D. C.

HONORABLE SIR:

Whereas His Excellency President Wilson has, by proclamation, called upon all patriotic farmers to make a special effort to produce the largest possible amount of foodstuffs; and

Whereas the farmers of the Yakima and Columbia River Valleys have by much expenditure of time, money, and labor brought our land to a high state of productivity; and

Whereas most of us have our entire capital engaged in this business, and it would be out of the question at this time to pull out our trees in order to put in other crops; and

Whereas our entire living, and a large part of the living of those who help in fruit harvest, depends upon our being able to market our fruit; and

Whereas we have been notified by the railway officials that our soft fruits are likely to be classed as luxuries and denied transportation: Be it

Resolved by the Kennewick Valley Club—

First. That our Senators and Representatives in Congress be earnestly requested to present to the proper authorities the condition which confronts this section.

Second. That instead of being a luxury our fruit is an absolute necessity, not only as an addition to the food supply, but it is the sole source of income for thousands of our people.

Third. That to deprive us of cars for the transportation of our crops of soft fruits, strawberries, cherries, peaches, pears, etc., will mean for many of us bankruptcy and ruin. It may also mean that instead of being a support to the Government we may have to call for assistance.

Fourth. That we recognize the fact that we will not be able to move our apple crop speedily, but the apples can be stored, while the soft fruits must be moved when ready or they are a total loss.

Now, we, as officers and members of Kennewick Valley Club, do earnestly beseech you to give this matter your immediate and active attention.

JAMES JOHNSTON,
W. H. ALLISON,
NEWTON NEWKIRK,
Committee.

Mr. JONES of Washington. Mr. President, I am not going to take any further time of the Senate. All I want to impress upon the chairman of the committee and the Senators who are conferring in regard to this matter is simply this: Let us treat the railroads fairly and squarely, but let us not treat them in one way and treat the shippers of the country in another. If we insist upon the shippers of the country bearing patriotically a loss which comes to them by reason of the necessities of the Nation, let us say to the railroads that remote damages and injuries that may come to you by reason of this great struggle in which we are engaged should be borne by you patriotically, and that you ought to ask no more than just and reasonable compensation for the services that you render the Government.

In justice to the Secretary of Agriculture and those who are administering this matter, I wish to put in the RECORD a copy of a letter which I received from the Acting Secretary of Agriculture in answer to my letter sending to him the circular that I referred to awhile ago. I will say that, in substance, the Secretary states that he thinks the railroads really misapprehended the situation or did not convey the proper situation to the people of this locality; that evidently the railroads led our people to believe that they would be deprived this year of the ordinary railway transportation facilities that they have heretofore had for the transportation of their fruit, while such would not be the case; and that he has called upon the Northern Pacific Railway to correct this misapprehension. It is only by inference that we draw this even from his letter; but apparently he has called this to the attention of the railroad, and I hope that action to allay the apprehension of the people along that line will be taken by the railroads.

The letter referred to is as follows:

DEPARTMENT OF AGRICULTURE,
Washington, June 7, 1917.

Hon. W. L. JONES,
United States Senate.

DEAR SENATOR JONES: Your letter of May 25, addressed to the Secretary of Agriculture, with which was transmitted copies of communications from the Yakima Valley Traffic Association in regard to the classification of fruit as foodstuffs for transportation purposes, has been referred to me for attention.

The principal point to which the Northern Pacific Railway apparently is calling attention is the necessity for more storage warehouses to take care of such part of their fruit as does not necessarily have to be moved to market immediately that it is harvested. We indorse this advice to growers, but the circular was so unfortunately worded as to leave the impression upon shippers that there was a possibility that what cars and facilities they had had last year might be withdrawn this year.

At a conferenee between the representatives of the department and the executive committee of the special committee on national defense of the American Railway Association it was ascertained that the executive committee, immediately on receipt of a copy of the circular, called it to the attention of the president of the Northern Pacific Railway and asked him to correct the impression under which it had left shippers.

Very truly, yours,

CARL VROOMAN,
Assistant Secretary.

PETITIONS AND MEMORIALS.

Mr. FRELINGHUYSEN presented petitions of the Methodist Sunday schools of Wrightstown; of the Woman's Home Missionary Society of the Broad Street Methodist Episcopal Church, of Burlington; and of sundry citizens of East Orange, all in the State of New Jersey, praying for national prohibition, which were ordered to lie on the table.

He also presented petitions of Plumbers' Union No. 2, of Newark; of Local Union No. 2, Travelers Goods and Leather Novelty Workers' Associations, of Newark; and of Local Union No. 113, White Goods, Waist, and Coat Makers' Union, of Newark, all in the State of New Jersey, praying for Federal control of foodstuffs, which were referred to the Committee on Agriculture and Forestry.

He also presented memorials of Carpenters' Local Union No. 299, of West Hoboken; of Carpenters' Local Union No. 119, of Newark; of Painters' Local Union No. 241, of Montclair; of the Central Labor Union of Atlantic City; of Local Union No. 262, Independent Brotherhood of Electrical Workers, of Plainfield; of the Hudson County Building Trades Council of Jersey City; of Bakers' Local Union No. 84, of Newark; of Carpenters' Local Union of Englewood; and of Carpenters' Local Union No. 139, of Jersey City, all in the State of New Jersey, remonstrating against the enactment of legislation to prohibit the manufacture of beer and light wines, which were referred to the Committee on Finance.

Mr. GALLINGER presented the petition of Eugene L. Aldrich, of Kenne, N. H., and a petition of the Woman's Christian Temperance Union, of Exeter, N. H., praying for national prohibition, which were ordered to lie on the table.

He also presented a memorial of Local Union No. 333, International Brotherhood of Stationary Firemen, of Franklin, N. H., remonstrating against national prohibition, which was ordered to lie on the table.

COAL PRODUCTS.

Mr. POMERENE. I introduce a joint resolution and ask that it be referred to the Committee on Interstate Commerce.

The joint resolution (S. J. Res. 77) to provide further for the national security and defense by regulating the production, sale, and distribution of coal was read twice by its title and referred to the Committee on Interstate Commerce.

COMMITTEE ON MINES AND MINING.

Mr. WALSH submitted the following resolution (S. Res. 83), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Mines and Mining, or any subcommittee thereof, be, and hereby is, authorized, during the Sixty-fifth Congress, to send for persons, books and papers; to administer oaths and to employ a stenographer, at a cost not exceeding $1 per printed page; to report such hearings as may be had in connection with any subject which may be pending before said committee, the expense thereof to be paid out of the contingent fund of the Senate; and the committee, or any subcommittee thereof, may sit during the sessions or recess of the Senate.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on June 12, 1917, approved and signed the following act:

S. 2133. An act to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, and for other purposes.

PRINT-PAPER INVESTIGATION.

Mr. OWEN. Mr. President, there was submitted to the RECORD a letter of transmittal by the Federal Trade Commission of a report of the news print paper industry in pursuance of Senate resolution 177 of the Sixty-fourth Congress, which I had the honor to present. That resolution, adopted by the Senate April 24, 1916, reads as follows:

Resolved, That the Trade Commission is hereby requested to inquire into the increase of the price of print paper during the last year and ascertain whether or not the newspapers of the United States are being subjected to unfair practices in the sale of print paper.

This report is one of very great importance, and I wish to call the particular attention of the Senate to the recommendations made by the Federal Trade Commission. They say:

By reason of this condition and because of the vital interest to the public of an efficient dissemination of news in this crisis, the commission commends as a war emergency measure that Congress by appropriate legislation provide:

(1) That all mills producing and all agencies distributing print paper and mechanical and chemcial pulp in the United States be operated on Government account; that these products be pooled in the hands of a Government agency and equitably distributed at a price based upon cost of production and distribution plus a fair profit per ton.

(2) That pursuant thereto some Federal agency be empowered and directed to assume the supervision and control thereof during the pendency of the war.

(3) That, by reason of the fact that approximately 75 per cent of the production of news-print paper in Canada comes into the United States, proper action be taken to secure the cooperation of the Canadian Government in the creation of a similar governmental agency for the same function, which shall be clothed with power and authority to act jointly with the governmental agency of the United States for the protection of the consumers and manufacturers of print paper and the public of the United States and Canada.

(4) That in case the Canadian Government shall not join in such a cooperative enterprise, then importation of paper and mechanical and chemical pulp into the United States shall be made only on Government account to or through the Federal agency charged with such supervision and distribution.

In this connection the commission desires to point out that such a plan contemplates the operation of mills under their present management and the use of the present distributing agencies, but that such use and operation shall be for the public good, directed by a disinterested public agency to secure equitable distribution and a price that is based upon a fair cost of production and a fair profit per ton to be determined without regard to the panic market created by unusual and abnormal conditions.

I wish to give notice that I shall at a very early date present to the Senate a bill for the purpose of putting into effect these recommendations. It is a matter of most urgent importance to every newspaper in the United States and to the publicity of intelligence which is so necessary to a Republic such as ours.

AMENDMENT OF INTERSTATE-COMMERCE ACT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2356) to amend the act to regulate commerce, as amended, and for other purposes.

Mr. POMERENE. Mr. President, I move that the Senate take a recess until 12 o'clock noon to-morrow.

Mr. FLETCHER. I suggest to the Senator from Ohio that there ought to be a short executive session.

Mr. POMERENE. I will modify the motion and move that when the Senate takes a recess it shall be until 12 o'clock to-morrow.

Mr. POINDEXTER. I wish to ask the Senator from Ohio if he has received any notice from any Senator as to his desire to speak on the bill?

Mr. POMERENE. The chairman of the committee in charge of the bill announced awhile ago that he knew of no one else who wanted to speak this afternoon, and he stated that there was to be a conference among certain Senators who had some amendments which they wanted to consider with a view to reconciling their differences. That was the reason for the motion.

Mr. POINDEXTER. The Senator from Nevada was of opinion very possibly that some of the amendments that have been suggested are good amendments, and if Senators were to talk it over with him, he would agree to them, but there is no difficulty about doing that here. The amendments have been pretty fully discussed and they are short and clear. The bill has been before the Senate a number of days. It was before the committee for a week. It has been discussed in the public press of the country for months. I for one fail to see any exigency calling for a cessation of the business of the Senate at this time. It is early in the afternoon, only a quarter after 2, and I feel that the Senate is ready to vote on the amendments and on the bill. The Senator has stated that he knows of no other Senator who wants to speak, and I doubt very much whether there is any appreciable number of Senators who are not informed as to the provisions of the bill and the amendments which are offered to it.

Mr. POMERENE. I can only say that I made the motion out of deference to the request of the Senator in charge of the bill. I have sent for him and I hope he may be on the floor very soon.

Mr. POINDEXTER. I hope the Senator will not make the motion to take a recess and that we will proceed with the regular order of business and dispose of this important matter.

Mr. OWEN. Mr. President, I think the time has come when we ought to change the rules of the Senate and have a cloture that really will work. We have been wasting a good many days here in discussion that has not really been profitable, and I think I am not exposing any secret in making that observation.

It has been imagined that the rules of the Senate preclude the possibility of a previous question being moved. I contend very emphatically that the previous question can be moved at any time, but I do not intend to take the time of the Senate to discuss that now. I merely want to point out now that a motion made to amend the rules of the Senate by substituting a new set of rules will not be subject to a point of order when the previous question is moved upon the substitution of a new set of rules which shall include the previous question. It would have to be determined by general parliamentary law if a motion be made to set aside the rules of the Senate and substitute a new set of rules. I have pending before the Senate such a motion.

This body ought to preserve the right of debate. I believe that no Member of this body desires to prevent liberal debate, and with only 96 members abundant opportunity can always be afforded to any Senator to say anything which will add to the information, the knowledge, or the efficiency of the Senate. But I submit that the Senate ought not to have day after day consumed when the discussion is not adding anything to the knowledge of the Senate but has the effect of vacating the Senate, and when repeated calls for a quorum are made necessary by the fact that the Senate is emptied by the continuation of a debate that is not really instructive.

Mr. GALLINGER. Mr. President, I heard this speech of the Senator from Oklahoma the first time he made it, and I have

heard it repeated at least 25 times in the last two years. In fact, we always hear it when the Senator returns from an extended absence from his duties. If the Senator thinks that he can by elocution change the rules of the Senate and introduce the previous question, he will stand almost alone in that contention. The Senator lectures us regularly on this subject, but the Senator has some things to learn. We have lived more than 100 years under the rules of the Senate, and no Senator before has seriously argued since the previous question was abolished by the Senate a great many years ago that it still exists as a part of our rules. The Senator from Oklahoma will certainly accomplish a miracle if, without changing our rules and making the previous question a part of them, as is the case in the House of Representatives, he can force the Senate to accept his views.

Mr. OWEN. It is only necessary to move the substitution of a new set of rules, and it would then make the previous question on that question in order.

Mr. GALLINGER. That is a device the Senator has discovered which, in my opinion, the Senate will not agree to.

Mr. OWEN. Perhaps the Senate may not agree to it, but that remains to be seen, and I shall on a convenient occasion put that matter to the test. But I will say to the Senator that the people of the United States I think have slowly come to the opinion, after hearing this matter discussed, that the Senate ought to be put in a position where it can transact the business of the country without an undue waste of time.

Mr. GALLINGER. My observation has been that the Senate transacts an enormous amount of business, and does it in an orderly way under the rules which the Senate has adopted for its guidance. So far as speaking for the people is concerned, which we hear from the Senator from Oklahoma so often, I believe the people are less concerned about this matter than is the Senator from Oklahoma.

Mr. GRONNA obtained the floor.

Mr. VARDAMAN. I suggest the absence of a quorum.

Mr. GRONNA. I rose to ask the Senator from Oklahoma a question. Is it admitted now by the Senator from Oklahoma that the reform instituted by him and his party at the beginning of this session is a failure? I understood from reading the newspapers at the beginning of this session that no more filibustering could be indulged in.

Mr. POMERENE. Mr. President, I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. POMERENE. The Senator from Mississippi [Mr. VARDAMAN] suggested the absence of a quorum.

Mr. GRONNA. I was on my feet and was recognized before that was done, I will state to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from North Dakota had been recognized.

Mr. POMERENE. I did not understand that the Senator had been recognized. If so, I will withdraw the point.

Mr. GRONNA. If the Senator will allow me, with all due respect to the Senator from Mississippi——

Mr. VARDAMAN. I recognize that the ruling of the Chair is correct. I did not get the consent of the Senator from North Dakota to make the point of no quorum.

The PRESIDING OFFICER. The Senator from North Dakota is entitled to the floor.

Mr. GRONNA. It has not yet been customary, I will say to the Senator from Ohio, for any Senator to rise in his place and suggest the absence of a quorum when another Senator has the floor. I shall not detain the Senate. I know the Senator from Oklahoma has given this question a great deal of study, and I think it is only a fair question that I am asking, and I am asking it in all good faith.

I read in the newspapers a month or two ago that from now on there would be no such thing as filibustering, that there would be no opportunity for any Member of this body to delay any action that the Members of the Senate wanted to take. If I understood the Senator from Oklahoma correctly, he has called attention to the fact that we are still in need of some reform so far as the rules are concerned.

Mr. OWEN. Mr. President——

Mr. GRONNA. I yield to the Senator from Oklahoma.

Mr. OWEN. The Senator from North Dakota addressed a question to the Senator from Oklahoma. My answer to it is that while the change in the rules makes it possible under an earnest effort on the part of two-thirds to put an end to an obvious filibuster, it is not a very good working rule. It is so difficult to invoke it that ordinarily the Members of the Senate prefer to quietly wait until gentlemen who wish to discuss matters at great length have become weary and will permit the Senate to act. So it does not, I think, work very well. I think it would work better if we had an immediate, ordinary, old-fashioned, previous question, and that is what I favor.

Mr. GRONNA. I thank the Senator from Oklahoma. He has given an answer which is entirely satisfactory to me. I do not say that I will oppose even the proposition advanced by the Senator from Oklahoma; but evidently I was mistaken in my conclusion, having read in the newspapers that at the request of the administration the rules had been amended so that in the future it would be impossible for any Member of this body to delay the action which the Members of the body desired to take.

Mr. NEWLANDS. Mr. President, I understand that an executive session is desired. I move therefore that at the conclusion of to-day's session the Senate will take a recess until 12 o'clock to-morrow.

Mr. SMOOT. The Senator means that when the Senate takes a recess to-day, it shall be until 12 o'clock to-morrow?

Mr. NEWLANDS. Until 12 o'clock to-morrow.

Mr. SMOOT. I do not want to speak to the motion, but——

Mr. NEWLANDS. I will state to the Senator from Utah, in order that he may understand it——

Mr. SMOOT. I understand it.

Mr. NEWLANDS. There is a parley going on with reference to the adjustment of some differences, and we hope to be able to get together by 12 o'clock to-morrow. With that view, in order that Senators may meet this afternoon——

Mr. SMOOT. That, I think, is very wise.

Mr. NEWLANDS. In order that Senators may meet this afternoon it will be necessary that we should be excused from attendance on the Senate. I have therefore made the motion that when the Senate closes its session to-day it shall take a recess until 12 o'clock to-morrow.

Mr. POINDEXTER. Mr. President, a parliamentary inquiry. Is this motion debatable?

The PRESIDING OFFICER. A motion to adjourn is not debatable, of course, but this is a motion that when the Senate takes a recess it takes the recess to meet at a certain hour to-morrow; and in the opinion of the Chair it is a debatable motion.

Mr. POINDEXTER. Mr. President——

Mr. NEWLANDS. I ask the Senator to let this action be taken, because we have to meet in conference in a few moments, and it is quite important that we should have time to discuss these matters in that conference with a view to their adjustment.

Mr. POINDEXTER. I will not detain the Senator from meeting the conference, but I want to debate the motion.

I fail to appreciate the relevancy of the argument of the Senator from Oklahoma [Mr. OWEN] in favor of a cloture rule at this juncture of the business of the Senate. The Senate has concluded the debate on this measure, it being one of the few times that I have ever seen in the history of the Senate when there was not any conversation on hand. The Senate is ready to act on this bill. I am satisfied that we could dispose of the amendments on the floor of the Senate in a very few moments; but instead of an effort being made to bring the debate to a close and to transact the business of the Senate, which the country is awaiting with great expectancy to have transacted, the effort is made to encourage further debate, further conference, further postponement of the business of the Senate. We do not need any cloture rule; we need some sort of a rule, or some sort of an incentive, to proceed with the business and bring it to a conclusion. I for one will vote against the motion to take a recess.

The PRESIDING OFFICER. The question is on the motion of the Senator from Nevada that when the Senate takes a recess to-day it be until 12 o'clock to-morrow.

Mr. SMOOT. Mr. President, just a word. I think it is very unwise for any Senator to try to impress upon the country that the Senate has pressing business on hand at this time and has been held up by any filibuster during this session of Congress. In fact, I think a great deal of time would have been gained during this session if we had taken recesses or adjournments from day to day and allowed the committees that had emergency legislation before them to give their undivided attention to the legislation being considered by them, so that they might report it to this body to be considered and then kept under consideration until concluded. I do not believe there has been a time since the opening day of this session of Congress when any Senator would want to have enforced even the rules we have in reference to closing debate. I do not think that one-tenth of the Senators would have signed a request that a vote be taken on any measure and that speeches be limited under the rules we already have.

It becomes almost nauseating at times to see efforts made on the part of some Senators, who attend the sessions of the Senate perhaps one day in two weeks and proclaim to the country that the Senate is not attending to the business before it. There has never been a session of the Senate since I have been a Member of it when so much important legislation has passed as at the present session. There is now pending before committees legislation that is of vital interest to the people of this country. It must first be considered by the committees, and by the careful consideration of it by the committees time will be saved when the measures are considered upon the floor of the Senate.

I simply wanted to say this much in answer to what has been said about the lagging of the Senate.

The PRESIDING OFFICER. The question is on the motion of the Senator from Nevada [Mr. NEWLANDS], that when the Senate takes a recess it will be until 12 o'clock to-morrow.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. FLETCHER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 20 minutes spent in executive session the doors were reopened.

RECESS.

Mr. HITCHCOCK. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 2 o'clock and 55 minutes p. m., Wednesday, June 13, 1917) the Senate took a recess until to-morrow, Thursday, June 14, 1917, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 13 (legislative day of Tuesday, June 12), 1917.

MEMBER OF THE EXECUTIVE COUNCIL OF PORTO RICO.

Luis Sanchez Morales, of Porto Rico, to be a member of the Executive Council of Porto Rico. (Reappointment.)

RECEIVER OF PUBLIC MONEYS.

John S. Hunter, of Alabama, to be receiver of public moneys at Montgomery, Ala., his present term expiring June 22, 1917. (Reappointment.)

PROMOTIONS IN THE ARMY.

QUARTERMASTER CORPS.

To be lieutenant colonels with rank from May 15, 1917.

Maj. James Canby, Quartermaster Corps, to fill an original vacancy.

Maj. Charles R. Stanton, Quartermaster Corps, subject to examination required by law, to fill an original vacancy.

Maj. William S. Scott, Quartermaster Corps, subject to examination required by law, to fill an original vacancy.

Maj. Robert H. Rolfe, Quartermaster Corps, subject to examination required by law, vice Lieut. Col. Chauncey B. Baker, promoted.

Maj. Louis F. Garrard, jr., Quartermaster Corps, subject to examination required by law, vice Lieut. Col. George McK. Williamson, promoted.

Maj. Bertram T. Clayton, Quartermaster Corps, subject to examination required by law, vice Lieut. Col. Thomas H. Slavens, promoted.

Maj. Frank A. Grant, Quartermaster Corps, subject to examination required by law, vice Lieut. Col. David S. Stanley, promoted.

Maj. Kensey J. Hampton, Quartermaster Corps, subject to examination required by law, vice Lieut. Col. Thomas C. Goodman, promoted.

Maj. William R. Grove, Quartermaster Corps, subject to examination required by law, vice Lieut. Col. James B. Houston, promoted.

Appointment as second lieutenants of the Army:

Cadet William Harold Kehoe, of Kentucky.

Cadet Clyde R. Altman, of Pennsylvania.

PROMOTIONS IN THE NAVY.

The following-named lieutenants to be lieutenant commanders in the Navy, from the 1st day of January, 1917:

Anthony J. James.

John M. Poole, 3d.

Lieut. William E. Eberle to be a lieutenant commander in the Navy, from the 19th day of January, 1917.

Lieut. William T. Lightle to be a lieutenant commander in the Navy, from the 28th day of March, 1917.

Lieut. William L. Culbertson to be a lieutenant commander in the Navy, from the 5th day of April, 1917.

Lieut. (Junior Grade) George W. Hewlett to be a lieutenant in the Navy, from the 5th day of June, 1917.

Ensign Allan W. Ashbrook to be a lieutenant (junior grade) in the Navy, from the 6th day of June, 1917.

Pay Inspector Henry A. Dent to be a pay director in the Navy, from the 29th day of August, 1916.

Passed Assistant Paymaster Swinton L. Bethea to be a paymaster in the Navy, from the 29th day of August, 1916.

Gunner George C. Smith to be a chief gunner in the Navy, from the 18th day of February, 1917.

Machinist Rufus H. Bush to be a chief machinist in the Navy, from the 31st day of December, 1916.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 13 (legislative day of Tuesday, June 12), 1917.

ASSOCIATE JUSTICES OF THE SUPREME COURT OF THE PHILIPPINES.

Thomas A. Street to be an associate justice of the Supreme Court of the Philippine Islands.

George A. Malcolm to be an associate justice of the Supreme Court of the Philippine Islands.

PROMOTIONS IN THE ARMY.

To be major generals.

Brig. Gen. John F. Morrison.
Brig. Gen. William L. Sibert.
Brig. Gen. Charles G. Morton.

To be brigadier generals.

Col. Edwin F. Glenn.
Col. John Biddle.
Col. Henry C. Hodges, jr.
Col. Adelbert Cronkhite.
Col. William H. Sage.
Col. Omar Bundy.
Col. Richard M. Blatchford.
Col. David C. Shanks.
Col. Robert L. Bullard.
Col. Augustus P. Blocksom.
Col. George T. Bartlett.
Col. Joseph T. Dickman.
Col. Henry T. Allen.
Col. Chase W. Kennedy.
Col. Harry C. Hale.
Col. Samuel D. Sturgis.
Col. William M. Wright.
Col. Peyton C. March.

PROMOTIONS IN THE NAVY.

Lieut. Commander Arthur St. C. Smith to be a commander.

Lieut. Arthur K. Atkins to be a lieutenant commander.

Lieut. Albert Norris to be a lieutenant commander.

The following-named lieutenants (junior grade) to be lieutenants:

Henry R. Keller and
Henry G. Shonerd.

Ensign Solon E. Rose to be a lieutenant (junior grade).

The following-named ensigns to be lieutenants (junior grade):

James R. Webb and
David R. Lee.

Pay Inspector William J. Littell to be a pay director.

Pay Inspector Martin McM. Ramsay to be a pay director.

The following-named paymasters to be pay inspectors:

Charles Conard and
Robert H. Woods.

Capt. Lee B. Purcell to be a major in the Marine Corps.

The following-named first lieutenants to be captains in the Marine Corps:

Robert W. Voeth,
Marion B. Humphrey,
John A. Gray,
William C. MacCrone, and
Norman C. Bates.

First Lieut. John B. Sebree to be a captain in the Marine Corps.

Second Lieut. Archibald Young to be a first lieutenant in the Marine Corps.

Pay Clerk Henry E. Brown to be a chief pay clerk.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June 13, 1917.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father who art in heaven, Hallowed be Thy name.

Thy kingdom come. Thy will be done in earth, as it is in heaven.

Give us this day our daily bread.

And forgive us our debts, as we forgive our debtors.

And lead us not into temptation, but deliver us from evil: For Thine is the kingdom, and the power, and the glory, for ever. Amen.

The Journal of the proceedings of yesterday was read and approved.

FOOD CONTROL.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that on Friday next, after the Journal is read and the disposition of matters on the Speaker's table, it shall be in order to consider the bill H. R. 4961, known as the Lever food-control bill, and that the same shall continue the order of the House until it is disposed of.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that on Friday next after the reading of the Journal and the disposition of matters on the Speaker's table it shall be in order to consider the bill H. R. 4961, and that the same shall be the continuing order of the House until disposed of. Is there objection?

Mr. YOUNG of Texas. Mr. Speaker, I object.

Mr. KITCHIN. Then I make the same request, Mr. Speaker, substituting Monday next for Friday next.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that Monday next, after the reading of the Journal and the transaction of such business as is necessary on the Speaker's table, the bill H. R. 4961 shall be considered in order and that it shall be the continuing order until disposed of. Is there objection?

Mr. ADAMSON. Mr. Speaker, reserving the right to object, which I never do, I desire to say that I do not desire to be captious and never have been, and if I can get Calendar Wednesday to-day I can dispose of two or three important matters that ought to be disposed of, and in the hope that the gentleman will cooperate with me in doing so I shall not object.

Mr. KITCHIN. I shall do the best I can for all.

Mr. GILLETT. Mr. Speaker, reserving the right to object, I understand this is the food-control bill. Is it the purpose to make it the order of business and to prosecute it until it is finished?

Mr. KITCHIN. Yes.

Mr. GILLETT. I have no objection. I take it there will be full debate?

Mr. KITCHIN. Yes; there will be full debate. It will probably take all of the week. I understand that it is important that it should be passed and become a law before July 1.

Mr. GILLETT. I recognize that fact.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I assume liberal debate will be afforded, both general debate and under the five-minute rule?

Mr. KITCHIN. Certainly. It will take all week to pass it.

Mr. STAFFORD. And there will be no disposition to cut off debate?

Mr. KITCHIN. No.

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, does this mean that if the river and harbor appropriation bill is not passed before that time this order will displace it?

Mr. KITCHIN. It will displace it, yes; but I think the making of this order would facilitate the passage of the river and harbor bill this week.

Mr. GILLETT. It could only be displaced by a vote of the House. They would be of equal privilege.

Mr. STAFFORD. Oh, no. The request here is that this food bill shall be the continuing order of the House, to be taken up regardless of all other business

Mr. GILLETT. Oh, I understood that it gave it only a privilege.

The SPEAKER. The request of the gentleman from North Carolina is that on Monday next, after the reading of the Journal and the disposition of matters on the Speaker's table, barring conference reports, this bill—H. R. 4961—shall be in order and that it shall be a continuing order. That shuts out everything except conference reports.

Mr. MOORE of Pennsylvania. It shuts out suspension day also?

The SPEAKER. Yes; of course it does.

Mr. WALSH. Mr. Speaker, reserving the right to object, will the gentleman state a little further why there is necessity for action upon this measure before July 1?

Mr. KITCHIN. I understand that those who would probably administer the law, the administration and others, think it very important that it should become a law by July 1. That is the beginning of the fiscal year, and the beginning of the movement of some of the crops in the country.

Mr. LINTHICUM. Mr. Speaker, when we adjourned on last Wednesday the Buchanan monument bill was before the House. Is not that the unfinished business for Monday next?

The SPEAKER. No; the gentleman would have to start all over again.

Mr. LINTHICUM. It does not look as though there would be much chance for that.

The SPEAKER. There will not be on next Monday, if this order is agreed to.

Mr. MOORE of Pennsylvania. Mr. Speaker, in view of the uncertainty respecting the status of other bills that ought to be considered, for the present I object.

Mr. LENROOT. Mr. Speaker, will the gentleman reserve his objection for a moment?

Mr. MOORE of Pennsylvania. Yes.

Mr. LENROOT. And I think this is in the interest of the gentleman from Pennsylvania. I would like to ask the gentleman whether if objection is made it is probable that a rule may come into the House displacing the river and harbor bill and making this bill in order next week?

Mr. KITCHIN. We could do that, but I wanted to avoid it. I think it very important that some kind of a food-control bill should be passed. Whether I favor the one as it is now I do not know. I may and I may not.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. MOORE of Pennsylvania. It is announced constantly in the newspapers that there is some special reason why the food-control bill should be passed before the 1st of July.

Mr. KITCHIN. I just gave the reason.

Mr. MOORE of Pennsylvania. And those reports come largely from London and indicate that there is a great deal of unrest in England because the American Congress is not pursuing its duty here with more diligence. I want to ask the gentleman if the suggestion which he has as to the necessity for the passage of the food bill by the 1st of July comes from foreign or domestic sources?

Mr. KITCHIN. Absolutely from domestic sources. I have not heard anything from foreign sources. I am not in touch with them.

Mr. MOORE of Pennsylvania. The gentleman is probably familiar with the articles that come from London each day. One of them came from the British Parliament only a few days ago, that there was considerable agonizing over there because the American Congress was so slow, that it was not moving quite as rapidly as the British Parliament thought it ought to move in matters of this kind.

Mr. KITCHIN. I do not think that any committee or anyone favorable to this proposition takes that into consideration.

Mr. MOORE of Pennsylvania. It has a great effect upon the public mind, which is already paying exorbitantly high prices for supplies throughout the United States.

Mr. KITCHIN. I think some kind of a food-control bill ought to pass the House as early as possible. We know it will be debated some time in the Senate. I do think, if possible, this or a similar bill should become a law early in July anyway, preferably by July 1. As I said a while ago to the gentleman from Massachusetts [Mr. GILLETT], some of the food crops begin to move about that time, and it is very important that the bill be a law by the time they begin to move, and of course it will take some time to organize under the law—30 or 60 days, perhaps. I think these measures ought to be considered without the necessity of forcing the committee to ask for a rule. I think we ought to have a full, free, and fair discussion. If it takes a whole week on this bill, we ought to have it; and if the committee is forced to ask a rule, why then it may not give Members as much time as it otherwise would, and I believe we ought to bring these war measures into the House without any rule and give every man an opportunity to discuss them and to offer any amendment he sees fit to offer.

Mr. SMALL. Will my colleague yield to me for a moment?

Mr. KITCHIN. I yield to the gentleman from North Carolina.

Mr. SMALL. Mr. Speaker, I wish to make a statement regarding the request of my colleague and also regarding the river and harbor bill. General debate upon the river and harbor bill has been concluded. Ample time was given. There was no intention to conclude debate before everyone who desired to discuss the bill had enjoyed the opportunity to do so. It was stated more than once during the general debate as a reason why we should proceed leisurely that there was ample time for the consideration of the bill. I remember the gentleman from Illinois [Mr. MADDEN], at least one time if not at others, made that statement, and that was given as a reason for being generous in allowing general debate to proceed. Now, after general debate has been concluded it is asked that another bill shall displace it. Mr. Speaker, it will take only a brief time, if I may have the attention of my colleague, to consider the bill under the five-minute rule. If the information that has come to me from both the friends and critics of the bill it is well founded, and I think it is, there will be little disposition to discuss the bill while it is being read for amendment. Therefore I hope my colleague will modify his request and ask unanimous consent that the food bill be in order after the river and harbor bill has passed.

There are gentlemen in the House who, for reasons satisfactory to themselves, would like to delay the consideration of the river and harbor bill, or would like to defeat the bill. If unanimous consent should be given that the food bill should be in order on Monday next those gentlemen, under the rules of the House, could and perhaps might so proceed as to consume time and prevent the disposal of the bill before adjournment on Saturday next, and for that reason I think the objection of the gentleman from Pennsylvania [Mr. MOORE] was well founded, and I am sure. I do not know what his attitude about the food bill is, but surely I bespeak the sentiments of all those favoring the river and harbor bill in saying we have no disposition to place obstacles to the consideration of the food bill, but the river and harbor bill ought first to be passed. A majority of the House favor it, and it seems to me that my colleague and the House ought to be willing to let it pass before any other bill displaces it.

Mr. KING. Mr. Speaker, will the distinguished gentleman from North Carolina yield for a suggestion?

Mr. KITCHIN. I will.

Mr. KING. For the enlightenment of the gentleman from Pennsylvania, I would like to ask if one of the reasons that led to the passage of this bill before the 1st of July is not the fact that to-day speculators are going all about the country buying up the foodstuffs of the country?

Mr. KITCHIN. That is why we want to get it passed before the crops begin to move, to prevent that.

Mr. MOORE of Pennsylvania. Will the gentleman yield for a question on that line? Is it not true that the exchanges of the country and many of the speculators have already been called in to help regulate the food supply of the country.

Mr. KITCHIN. I do not think so.

Mr. MOORE of Pennsylvania. Will the gentleman yield to me to make a brief statement?

Mr. KITCHIN. In a minute. In reply to my colleague from North Carolina, I desire to say that it was my intention and the intention of other Members to reach this food bill the first of this week. If my colleague will recall, I told him when we were discussing when we should consider the river and harbor bill that I hoped they would get it out of the way by this week, because it was very important that the food bill should be enacted into law as early as possible.

Mr. SMALL. But my colleague will admit——

Mr. KITCHIN. In a moment. The question was as to whether the food bill should precede the river and harbor bill, and after a conference with Mr. LEVER and others on the committee we arranged it so the river and harbor bill could be taken up first—not with a distinct agreement, but certainly with the understanding on my part we would finish the river and harbor bill last week—and we had three days on it, and they sometimes pass those bills in a day. I say further——

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. KITCHIN. I will.

Mr. COOPER of Wisconsin. I think the food bill ought to be disposed of at the earliest possible opportunity. Could not an arrangement be made of this kind, that the food bill shall temporarily displace the river and harbor bill and that bill should follow immediately after the vote on the food bill?

Mr. KITCHIN. My idea was the river and harbor bill being in order, would follow immediately, and we have an understanding that it should follow immediately.

Mr. STAFFORD. It does not require an understanding, because it would be the unfinished business, unless another order or rule were made.

Mr. KITCHIN. If it would be satisfactory to the gentleman from North Carolina and the gentleman from Tennessee, I would couple with it the request that the river and harbor bill should be the continuing order after the disposition of the food-control bill until it is completed.

Mr. MOORE of Pennsylvania. Will the gentleman yield at that point?

Mr. BARNHART. I want to ask the gentleman from Pennsylvania how 't would interfere with the status or the consideration of the river and harbor bill to temporarily displace it?

Mr. MOORE of Pennsylvania. The gentleman from North Carolina [Mr. WEBB], chairman of the Committee on the Judiciary, has given notice that he expects to call up certain bills that are supposed to be war bills. The gentleman from Georgia [Mr. ADAMSON], chairman of the Committee on Interstate and Foreign Commerce, is perhaps the most insistent chairman on the floor to get recognition for the bills coming from his important committee, and those bills will take time. Now, I say frankly to the gentleman from Indiana [Mr. BARNHART] that if the purpose of the motion or the request of the gentleman from North Carolina [Mr. KITCHIN] is to displace the river and harbor bill by these other bills I shall object to his request. If the request is so made that the river and harbor bill is not to be displaced, I will not object to it. I will say to the gentleman from Indiana that the river and harbor bill has been suggested as a war measure by the War Department, and there is ample evidence to prove that it is a war measure. It is as necessary to carry the grain products of the country on the waterways and relieve the congested railroads for war purposes as it is to pass these other war measures.

Mr. KITCHIN. Let me say to the gentleman from Pennsylvania that I am interested in the passage of both the river and harbor bill and the food bill—the river and harbor bill in some good shape and the food bill in some good shape, both propositions just as they are.

Mr. MOORE of Pennsylvania. One is the carrier for the other; that is all.

Mr. KITCHIN. I know the gentleman is very much interested in the passage of the river and harbor bill. I believe if my request is granted you will get the river and harbor bill through earlier. Here is a request for unanimous consent. You notice some very decided opposition, but I trust not enough to defeat the bill. But you know there is some fighting opposition to the river and harbor bill. You could not take it up Monday, because they would not give you unanimous consent. You could not take it up on Calendar Wednesday. You would lose those two days. There may be some gentleman who is very much in favor of this food bill passing, and may go in and help some of the fellows with a little delay, and then if they force the committee to bring in a rule I imagine, with unanimous-consent day and Calendar Wednesday intervening, it would be 10 days before you would pass the bill.

Mr. MOORE of Pennsylvania. Does not the gentleman think we could conclude the river and harbor bill on Thursday, Friday, or Saturday—three full days?

Mr. KITCHIN. I think we will.

Mr. MOORE of Pennsylvania. Why not make the request that the food bill be taken up immediately after the passage of the river and harbor bill?

Mr. KITCHIN. I believe it is the best way to get through as early as possible.

Mr. HARRISON of Mississippi. Does the gentleman believe it would be satisfactory, in view of the fact that you would have Thursday, Friday, and Saturday to take up and dispose of the river and harbor bill, to couple with his suggestion for unanimous consent that if the river and harbor bill is not finally disposed of by 3 or 4 o'clock on Saturday, the committee shall then rise and vote on the proposition and dispose of it? And then you can take up the proposition——

Mr. STAFFORD. If the gentleman understood the bill he would not make any such request.

Mr. MOORE of Pennsylvania. Will the gentleman modify his request so that it will provide that immediately following the passage of the food bill the river and harbor bill will be considered?

Mr. KITCHIN. Yes.

The SPEAKER. The gentleman from North Carolina [Mr. KITCHIN] asks unanimous consent that on next Monday, immediately after the reading of the Journal and disposition of the business on the Speaker's table, and barring conference reports, that this food bill shall be made the order of the day and the continuing order until it is disposed of. And then it shall be

followed by the river and harbor bill, which, under the same condition, shall be the continuing order until it is disposed of. Now, is there objection?

Mr. HAUGEN. Reserving the right to object——

Mr. CANNON. Mr. Speaker, that would dispose of Calendar Wednesday and also of Monday, as I understand it.

The SPEAKER. Yes; it will dispose of unanimous-consent calendar and suspensions, and so forth, on next Monday, and the Chair would be very much disposed to construe it that it would cut out Calendar Wednesday of next week.

Mr. CANNON. I want to say, so far as the food bill is concerned, that, while I am not in love with it, I have no objection to its consideration, but it is impossible to fix a program now that will possibly pass through in 10 days or 2 weeks.

Mr. HAUGEN. Mr. Speaker, reserving the right to object, I certainly have no desire to delay the passage of this bill. I believe, as stated by other gentlemen, the House should be given an opportunity to consider it at the very earliest moment. However, I desire to have all points of order reserved. With that understanding, I certainly have no objection.

The SPEAKER. The gentleman gives notice that all points of order against that food bill are reserved.

Is there objection to the request of the gentleman from North Carolina [Mr. KITCHIN]?

Mr. STAFFORD. Reserving the right to object, I do not see the necessity of coupling with the request of having the food bill given the right of way the request that the river and harbor bill should be given a privileged status other than it will have by reason of its being unfinished business. There are conference reports that will come in. There are other bills of equal importance, and the river and harbor bill will be the unfinished business. And I therefore object to that part which makes the river and harbor bill a special order regardless of other business.

Mr. KITCHIN. This does not interfere with other reports. I think the request, even if granted, does not make a bit of difference or make any difference in the situation, because without that request it would have the very same——

Mr. STAFFORD. The river and harbor bill has three days remaining this week, and that will come very near completing it.

Mr. DUPRÉ. It will if the gentleman from Wisconsin will not talk too much. [Laughter.]

Mr. STAFFORD. I am very thankful to the gentleman for that gratuitous compliment. The gentleman from Louisiana has talked more on the river and harbor bill than I.

Mr. DUPRÉ. I take issue with you on that.

Mr. McARTHUR. I demand the regular order, Mr. Speaker.

Mr. GARNER. Let me suggest to the gentleman from Wisconsin [Mr. STAFFORD] that this order does not facilitate the passage of the river and harbor bill now.

Mr. KITCHIN. It does not change the situation at all.

The SPEAKER. The regular order is demanded.

Mr. STAFFORD. I object to that part of the request that makes the river and harbor bill a special order.

The SPEAKER. The gentleman from Wisconsin objects to the river and harbor feature of the request. Is there objection to the request of the gentleman from North Carolina [Mr. KITCHIN] to making this food bill in order next Monday after the reading of the Journal, and so forth, and subject to the presentation and disposal of conference reports, and to be the continuing order until it is disposed of?

Mr. MOORE of Pennsylvania. Mr. Speaker, if that is without condition, I object.

The SPEAKER. The gentleman from Pennsylvania objects.

CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday.

Mr. ADAMSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ADAMSON. The last time we had a Calendar Wednesday the gentleman from North Carolina [Mr. WEBB] had the floor and yielded it. My committee was then called, and by a public arrangement here in the House I yielded to the Committee on Agriculture, with the understanding, although the House did not by vote agree to it, that it was only temporary, and that my committee would be replaced in the call.

The SPEAKER. How did the gentleman's committee get the call if the gentleman from North Carolina had the call?

Mr. ADAMSON. He yielded.

The SPEAKER. Then he yielded to the gentleman as a matter of courtesy.

Mr. ADAMSON. And I yielded to the gentleman from South Carolina [Mr. LEVER], chairman of the Committee on Agriculture. I made the reservation that it was only temporary.

The SPEAKER. You can not make a reservation of that kind.

Mr. CANNON. Did the House agree?

Mr. ADAMSON. I ask that the House replace me in my place before the Committee on Agriculture.

Mr. CURRY of California. I object, Mr. Speaker.

The SPEAKER. The gentleman from California objects.

Mr. STAFFORD. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. STAFFORD. When we last had proceedings under the Calendar Wednesday, did not the call rest with the Committee on the Judiciary?

The SPEAKER. It rested with the Committee on Agriculture, according to the RECORD.

Mr. ADAMSON. That is where I yielded it temporarily.

The SPEAKER. The gentleman from Georgia and the gentleman from North Carolina and no other two gentlemen can make a private agreement to control the House.

Mr. ADAMSON. I admit that, and the gentleman from California declined to do it.

The SPEAKER. The Chair understands he is entirely within his rights. The Clerk will call the committees.

The Clerk called the roll of committees.

PROMOTION OF EXPORT TRADE.

Mr. WEBB (when the Committee on the Judiciary was called). Mr. Speaker, I desire to call up House bill 2316 from the Committee on the Judiciary.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

A bill (H. R. 2316) to promote export trade, and for other purposes.

Be it enacted, etc., That the words "export trade" wherever used in this act mean solely trade or commerce in goods, wares, or merchandise exported, or in the course of being exported, from the United States or any Territory thereof to any foreign nation; but the words "export trade" shall not be deemed to include the production, manufacture, or selling for consumption within the United States or any Territory thereof of such goods, wares, or merchandise, or any act in the course of such production or manufacture.

That the words "trade within the United States" wherever used in this act mean trade or commerce among the several States or in any Territory of the United States, or in the District of Columbia, or between any such Territory and another, or between any such Territory or Territories and any State or States or the District of Columbia, or between the District of Columbia and any State or States.

That the word "association" wherever used in this act means any corporation or combination, by contract or otherwise, of two or more persons, partnerships, or coporations.

SEC. 2. That nothing contained in the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, shall be construed as declaring to be illegal an association entered into for the sole purpose of engaging in export trade and actually engaged solely in such export trade, or an agreement made or act done in the course of export trade by such association, provided such association, agreement, or act is not in restraint of trade within the United States, and is not in restraint of the export trade of any domestic competitor of such association: *And provided further*, That such association does not, either in the United States or elsewhere, enter into any agreement, understanding, or conspiracy, or do any act which artificially or intentionally and unduly enhances prices within the United States of commodities of the class exported by such association.

SEC. 3. That nothing contained in section 7 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, shall be construed to forbid the acquisition or ownership by any corporation of the whole or any part of the stock or other capital of any corporation organized solely for the purpose of engaging in export trade, and actually engaged solely in such export trade, unless the effect of such acquisition or ownship may be to restrain trade or substantially lessen competition within the United States.

SEC. 4. That the prohibition against "unfair methods of competition" and the remedies provided for enforcing said prohibition contained in the act entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 26, 1914, shall be construed as extending to unfair methods of competition used in export trade against competitors engaged in export trade, even though the acts constituting such unfair methods are done without the territorial jurisdiction of the United States.

SEC. 5. That every association now engaged solely in export trade, within 60 days after the passage of this act, and every association entered into hereafter which engages solely in export trade, within 30 days after its creation, shall file with the Federal Trade Commission a verified written statement setting forth the location of its offices or places of business and the names and addresses of all its officers and of all its stockholders or members, and if a corporation, a copy of its certificate or articles of incorporation and by-laws, and if unincorporated, a copy of its articles of contract or association, and on the 1st day of January of each year thereafter it shall make a like statement of the location of its offices or places of business and the names and addresses of all its officers and of all its stockholders or members and of all amendments to and changes in its articles or certificates of incorporation or in its articles or contracts of association. It shall also furnish to the commission such information as the commission may require as to the organization, business, conduct, practices, management, and relation of other associations, corporations, partnerships, and individuals. Any association which shall fail so to do shall not have the benefit of the provisions of section 2 and section 3 of this act, and it shall also forfeit to the United States the sum of $100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States brought in the district where the association has its principal office, or in any district in which

it shall do business. It shall be the duty of the various district attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of the forfeiture. The costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States.

Whenever the Federal Trade Commission shall have reason to believe that an association or any agreement made or act done by such association is in restraint of trade within the United States or in restraint of the export trade of any domestic competitor of such association, or that an association either in the United States or elsewhere has entered into any agreement, understanding, or conspiracy, or done any act which artificially or intentionally and unduly enhances prices within the United States of commodities of the class exported by such association, it shall summon such association, its officers, and agents to appear before it, and thereafter conduct an investigation into the alleged violations of law. Upon investigation, if it shall conclude that the law has been violated, it may make to such association recommendations for the readjustment of its business, in order that it may thereafter maintain its organization and management and conduct its business in accordance with law. If such association fail to comply with the recommendations of the Federal Trade Commission, said commission shall refer its findings and recommendations to the Attorney General of the United States for such action thereon as he may deem proper.

For the purpose of enforcing these provisions the Federal Trade Commission shall have all the powers, so far as applicable, given it in "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes."

With committee amendments, as follows:

On page 2, in line 4, strike out the word "of" and substitute therefor the word "in."

On page 3, in line 13, strike out the word "ownship" and substitute therefor the word "ownership."

On page 4, in line 10, strike out before the word "contract" the word "of" and insert therefor the word "or," and after the word "contract" strike out the word "or" and substitute therefor the word "of."

On page 4, in line 15, strike out the word "certificates" and substitute therefor the word "certificate"; also strike out in line 16 the word "contracts" and substitute therefor the word "contract."

On page 4, in line 18, strike out the word "the" following the word "to" and substitute therefor the word "its."

On page 4, in line 19, strike out the word "of" and substitute therefor the word "to."

On page 5, in line 18, strike out the word "enhances" and substitute therefor the word "affects."

On page 6, in line 3, strike out the word "fail" and substitute therefor the word "fails."

The SPEAKER. The gentleman from North Carolina is entitled to one hour.

Mr. WEBB. Mr. Speaker, the matter of increasing our export trade has been one of our chief commercial desires in recent years, and various means have been suggested to accomplish this end.

This desire led Congress to insert in the act creating the Federal Trade Commission the following provision:

That the commission shall also have power to investigate, from time to time, trade conditions in and with foreign countries where associations, combinations, or practices of manufacturers, merchants, or traders, or other conditions may affect the foreign trade of the United States and to report to Congress thereon with such recommendations as it deems advisable.

Under this provision the commission went to work and made a comprehensive investigation of competitive conditions affecting our foreign trade, and in the report which they made to Congress they recommend the passage of a law such as is here proposed.

The commission finds from their investigation that the exporter from this country is at a serious disadvantage in the foreign markets where he meets the competition from other countries due to a lack of organized selling agencies such as other countries have with which he is forced to compete for export business.

It has been a matter of serious doubt whether our exporters are permitted under our existing antitrust laws to form a joint selling agency in the export trade. Many eminent lawyers are of the opinion that such a combination for export trade is not prohibited by these laws, but the doubt that exists has been sufficient to restrain any such effort.

This bill seeks to make it legal, if it is not already so, to organize cooperative selling agencies or associations among American exporters. These common selling agencies or associations among American exporters. These common selling agencies or associations for export trade would be separate and distinct organizations for the sole purpose of engaging in export trade and would be made up of stockholders from the various exporting companies or individuals interested in this trade. There are many advantages which could be had by them. Chief among these advantages is the saving in cost to the exporting members of the association.

In order to build up an export trade it is necessary to have the most expert representatives in the foreign fields to introduce and thoroughly advertise our American goods. This involves a large expenditure of money before the trade can be established. A number of our larger enterprises are able to do this alone, and for this reason the proposed law would not greatly benefit these large enterprises, but our smaller manufacturers and merchants would be prohibited from undertaking such an enterprise because of the tremendous costs that it would involve. By this method of organizing these cooperative agencies the smaller exporters would be enabled to combine and share this expense among a number of them. After a foreign business had been established it could be continued at a great saving to the trade which would help our exporters to successfully meet the foreign competition.

As pointed out by the Federal Trade Commission, the other great commercial nations permit, and in some instances encourage, similar organizations for export trade to those authorized by this bill. It is pointed out that in Germany prior to the war there were 600 important combinations to control the market, embracing practically every industry in the Empire. These carried on vigorous campaigns to extend their foreign business, to prevent competition among German producers in foreign markets, and to secure profitable prices.

In France and Belgium syndicates of iron and steel, coal, glass, and other industries were strong factors in handling their foreign trade. In Japan attention is called to their strong export organization of textile manufacturers which is rapidly capturing the cotton-goods trade of northern China, and to their nation-wide "tea council" which controls its tea trade. In England their associations of merchants and manufacturers dominate the foreign business.

This brief mention of conditions in other countries will suffice to show how keen the competition is which our exporters are forced to meet.

I do not deem that it is necessary to make an extended argument on this bill, as it is the same bill practically that passed the House on the 2d day of last September by a vote of 199 to 25.

I believe that every Member of this House who is interested in the progress and health of our foreign export trade realizes that something in the nature of this bill must be passed in order to secure that desired end.

This bill is recommended by the President very heartily. It is recommended by the Federal Trade Commission, who, after making an investigation for a year and a half, have come to the conclusion that some such bill as this is necessary for our foreign export trade. It is recommended by the Secretary of Commerce, Mr. Redfield. It passed the House, as I said, by an overwhelming vote last September, and has been rereported in the very words that you have before you now, favorably, and I believe unanimously, by the Committee on the Judiciary.

Mr. WINGO. Mr. Speaker, will the gentleman yield for a question?

Mr. WEBB. Yes.

Mr. WINGO. Does the bill which the gentleman has now called up contain the features covered by the amendment I offered to the bill that was formerly passed by the House?

Mr. WEBB. Yes; in the language added, prohibiting the selling for consumption within the United States.

Mr. WINGO. The gentleman will recall the objection to the bill then?

Mr. WEBB. Yes; and this language covers the gentleman's amendment.

Mr. WINGO. That question is taken care of?

Mr. WEBB. Certainly. It does not permit any one of these foreign agencies to sell anything in the United States. We can confine them absolutely to foreign operations.

I may say in a word, Mr. Speaker, that practically all of the great commercial nations of the earth permit their manufacturers and exporters to do exactly what is provided for in this bill, and it has long been realized as unfair to our manufacturers and exporters to put them in competition in foreign countries with well-trained and highly organized corporations that are allowed by our competitors' countries. I have often illustrated that by saying you might as well expect an unorganized rabble to go up against a well-organized army as to expect unorganized individuals in this country to maintain their selling agencies throughout the world when they come in competition with the corporations of all countries whose output represents the production of their entire nation.

Mr. SLAYDEN. Mr. Speaker, will the gentleman permit a question?

Mr. WEBB. I will.

Mr. SLAYDEN. Is the gentleman absolutely convinced that some authority like this is necessary before our export merchants can compete effectively in foreign countries?

Mr. WEBB. That has been absolutely demonstrated by the trade commission, and by every other organization that has had to do with export business. I could give illustration after illustration where our American exporters are put out of business, as we would say—undersold—because they have to act individually, whereas our competitors have a combination of well-

organized and highly trained men, and this permits our competitors to reduce tremendously the overhead charges of their distribution. Why, I understand that England has in New York a buying agency which buys for fourteen hundred different corporations in that country.

Germany has 600 of these selling agencies, which control practically the entire output of the German Empire, while we are an unorganized rabble, as it were, in our exportation agencies, all afraid to specialize and organize, because it is feared that the Sherman antitrust law might be called into operation to prosecute such an organization. For my own part I never have believed that the Sherman antitrust law was intended to control the operations of American citizens in export trade, when their business is confined entirely to foreign countries; but there has been such doubt about it that our foreign exporters and manufacturers have been too timid to form these highly important organizations which would put them on a level with their foreign competitors.

Mr. CANNON. I want to ask the gentleman a question in perfect good faith, for information.

Mr. WEBB. I am quite sure of that.

Mr. CANNON. If I understand this bill, it would permit the formation of trusts, agreements, and so forth, to capture the export trade, or compete with the world in our exports.

Mr. WEBB. Practically. Here is what it does——

Mr. CANNON. Now, question No. 2: These trusts, when formed, will presumably be corporations, of course. Is this confined to corporations?

Mr. WEBB. No; it also authorizes partnerships or associations.

Mr. CANNON. Partnerships or individuals.

Mr. WEBB. Yes.

Mr. CANNON. These trusts can not manufacture for the home market?

Mr. WEBB. Or for any other market.

Mr. CANNON. They can for the foreign market.

Mr. WEBB. They can not produce, manufacture, or sell for consumption within the United States.

Mr. CANNON. Precisely; that is the home market. They manufacture in the United States, do they not?

Mr. WEBB. No.

Mr. CANNON. Well, then, what is the use of it?

Mr. WEBB. It is not intended to be a manufacturing association. A manufacturing association can not form one of these organizations, because the language is this:

But the words "export trade" shall not be deemed to include the production, manufacture, or selling for consumption within the United States or any Territory thereof.

This is what it does: It allows the manufacturers of the country to take stock in a common selling agency for the purpose of selling goods anywhere in the world outside of this country.

Mr. CANNON. Can they not manufacture?

Mr. WEBB. No.

Mr. CANNON. Under that language such a trust might include every corporation, or half of the corporations, or any number of them, in the manufacture of the products that they export, but they can not sell in the United States. Am I correct?

Mr. WEBB. That is correct; and I will say further that if the combination for export trade affects unduly or artificially the prices in the United States, then they come within the Sherman antitrust law. I think this is the most carefully guarded and hedged-about bill that we could possibly present.

Mr. CANNON. Now, I want to understand, in perfect good faith——

Mr. WEBB. That is all right.

Mr. CANNON. Suppose that one-half or two-thirds of the people who produce under the trust agreement, in the United States, will not be at liberty to sell their product in the United States, but will be at liberty to sell to the people in the other countries that we are not bound to look after. That would leave a smaller number of people who would operate under the Sherman Antitrust Act for the home market, would it not?

Mr. WEBB. Of course every individual has a right to sell to the export trade, and does now.

Mr. CANNON. But I am speaking of the home market. If half of our people should manufacture in the United States, employing their labor in the United States, and could only sell in the world outside, that would leave the other half with so much less power of production for the home market, would it not?

Mr. WEBB. That would depend on whether the foreign market was sufficient to take all that might be manufactured. The law of supply and demand would control that, of course.

Mr. CANNON. Would it when one-half of the people producing in the United States were in this trust to capture the markets of the world? Would not that leave the other half free from that competition?

Mr. WEBB. Provided the rest of the world does not compete with the selling organization which the gentleman has just described. But if it does compete, it will keep the prices down both here and abroad, as it does now.

Mr. CANNON. Yes; but there are several provisos there. Now, I want to ask the gentleman whether these foreigners who form these trusts for production, and these selling agencies also, are shut out of their own home market?

Mr. WEBB. I do not know whether I catch the gentleman's question.

Mr. CANNON. It is alleged by the gentleman, and I presume truly, that foreign countries form trusts for production and sale. That is the allegation, and I presume it is correct.

Mr. WEBB. Yes.

Mr. CANNON. And that includes perhaps many countries, or several countries, as the case may be. Now, these goods that are created by these trusts or by labor controlled by these trusts for the foreign trade—can they sell their own products in the home trade?

Mr. WEBB. I can not answer the gentleman in detail about it, but nearly all of the great nations have laws in restraint of trade in their territory very much similar to ours. I do not think their moral business standard is quite as high as ours, but they all have laws against trusts and monopolies.

Mr. CANNON. Our trusts under this bill can not sell in the home market, but can sell cheaper abroad. Now, the foreign trusts we compete with can sell in the home market—England, Germany, and France. Has the gentleman any adequate information on that point?

Mr. WEBB. No; except that all the great countries have laws against monopolies and trusts, except Germany, which permits certain cartels, and even Germany is in partnership with some of those trusts and gives them preferential freight rates.

Mr. CANNON. It is lawful for an English partnership or a corporation or a number of them to cooperate under trust agreements for foreign trade?

Mr. WEBB. Yes.

Mr. CANNON. What I want to know is whether that same trust can sell in England?

Mr. WEBB. I think they will if their sale does not operate in restraint of trade and create a monopoly. We do not allow that in this bill.

Mr. CANNON. Does the gentleman think that this trust will amount to much for the foreign trade?

Mr. WEBB. The combination to be formed under this bill?

Mr. CANNON. Yes.

Mr. WEBB. Yes; I do not think that our foreign exporters can live unless they are put on the same level with foreign competitors. They say that they are utterly helpless unless they get this provision.

Mr. CANNON. It is against the law for them to form a trust and enter into a foreign trade now?

Mr. WEBB. I doubt very much whether it is. A great many able lawyers maintain that the Sherman law never was intended to apply to citizens doing business in foreign countries, that it never was intended to have extra territorial effect.

Mr. DILLON. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. DILLON. I wish the gentleman might explain the difference between this bill and the bill that was before the Sixty-fourth Congress.

Mr. WEBB. The bill that was passed last September? The main difference is on page 2, line 21; this language is added:

and is not in restraint of the export trade of any domestic competitor of such association.

Now, on page 5, beginning at line 11, the remainder of the paragraph is new, put in to safeguard what we had already done to give the Federal Trade Commission very drastic powers over this matter.

Mr. DILLON. Does the gentleman think, in his judgment, that this will meet the opposition that many Members urged in the bill at that time?

Mr. WEBB. I think the debate last fall did a great deal of good. The amendments I have read have been put in in response to that demand, and the gentleman from South Dakota is one of them.

Mr. CANNON. One further question, if the gentleman will permit.

Mr. WEBB. I will yield to the gentleman.

Mr. CANNON. Has the gentleman anywhere in this bill prohibited a stockholder from owning stock in corporations, or individuals who own stock in a corporation for foreign trade, from being stockholders in corporations for home trade?

Mr. WEBB. No.

Mr. CANNON. Does not the gentleman think that ought to be done?

Mr. WEBB. No; we have set a parallel case, for example, to that in order to capture the foreign trade, and I think the gentleman from Illinois perhaps voted for it. We allow the national banks in the United States to combine, if they want to, and have a common stock ownership in foreign banks, and by that means we are establishing banks in all of the foreign countries that will help the trade that I hope will be built up under this bill.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. MOORE of Pennsylvania. I simply want to ask the gentleman if he will yield me five minutes?

Mr. WEBB. Yes; later on.

The Committee on the Judiciary of the House in reporting this bill to the Sixty-fourth Congress gave the following reasons for its passage:

The object of this bill is to aid and encourage our manufacturers and producers to extend our foreign trade.

The bill seeks to do this by permitting the organization of cooperative selling agencies or associations among American exporters in order that they may meet foreign competition on equal terms in international commerce.

The necessity for this legislation rests largely upon the doubt that exists in the minds of our exporters as to the correct construction that should be placed upon existing antitrust laws as applied to organizations engaged in export trade.

It is not the purpose here to make a legal argument upon the question whether our existing antitrust laws do or do not permit the things authorized to be done by this bill. The Federal Trade Commission after a careful study of trade conditions has not been able to give clear assurance to the exporting interests that the formation of common selling agencies for the foreign trade, by contract, made between different manufacturers or producers would not come within the prohibitions of existing law. Sufficient doubt exists in the minds of those engaged in this trade to prevent them from undertaking it, and the practical effect is the same as if it had been settled that such organizations are prohibited by existing laws.

Our exporters are forced to meet sharp competition in the foreign trade. To successfully do this it is necessary to have the most expert representatives abroad and to thoroughly advertise our goods. A few of our large enterprises may be able to stand such expense alone, but our smaller producers and manufacturers can not. This would, however, be made possible by permitting a number of such concerns to combine in employing one selling agency. While one small concern could not maintain a selling agency at a cost, say, of $100,000 a year, 50 such concerns might be able to bear each one-fiftieth of this expense. One prime result of the common selling agency would be to reduce the cost of marketing the product and to that extent help the exporter's profits and enable him the more easily to meet foreign competition.

We were cited to a large electrical contract in Chile about two years ago. The German firm or combination, during a period of three or four years, spent, it is estimated, $60,000 in drawing plans and specifications, which were submitted to the Chilean people, while three of our concerns submitted three different plans. The exact amount which each of our concerns spent is not given, but it was three times the amount they should have spent in such close competition.

All the great commercial nations permit similar organizations to those allowed by this bill. Some of these countries grant additional advantages in the way of preferential freight rates for export shipment; direct ocean transportation controlled by powerful international combinations of foreign shipowners who discriminate against American shippers, and well-organized banking facilities to take care of their foreign credits with main banks in the chief cities of England and Europe, and branch banks in the chief countries where trade is sought. These banks give their foreign exporters information, finance their transactions, and give them every aid possible.

Before the war Germany had about 600 such agencies, which practically handled the entire export trade of all her industries. The dye-color industry of the Empire worked as a unit under an agreement in the foreign trade. The same is true with regard to her foreign trade in electrical equipment, coal and coke, iron and steel. France and Belgium had their strong syndicate to sell their iron, steel, coal, glass, etc., in foreign countries. Japan has resorted to the same method, and by its aid has built up a large trade in cotton goods in northern China. England's strong mercantile associations have been gradually built up for the last 50 years, and are carefully fostered in every way possible to the disadvantage of her rivals.

In order that this country may hold the foreign trade which has been acquired during the European war and successfully meet the competition that will be offered when the war is over, our exporters must be in a position to compete in the cheapest and most effectual manner.

In order to do business in the countries of South America, Africa, China, and others, we will have to compete with these highly organized selling agencies. It is not only more economical to combine the efforts of a number of producers under one selling agency, but by this means we can prevent our own merchants from cutthroat bidding against each other for the foreign business. These foreign selling agents also act as buying agents, and when they come into our market for commodities which we have to export they play one exporter against another for the purpose of hammering down the price of our goods, which accounts in many cases for the fact that goods are sold for export cheaper than the same goods are sold in our open market.

We are informed that combinations of British coal brokers fix the contract price for bunkering ships at Newport News, and by these methods the contract price has been fixed at 5 to 7 cents per ton below the domestic price. In the same way the copper trade of the world has been ruled by a vast German metal-buying organization, which has subsidiaries and affiliated companies in all the leading nations, and through its operations for a number of years has bought millions of tons of American copper at prices averaging nearly a cent a pound below the price paid by American consumers.

The bill is drawn so as to leave in full force our antitrust laws as applied to our own markets and as affecting different American exporters in their dealings with each other. Export trade is, by force of the methods adopted by other leading nations, largely a matter of competition between nations. Our home market is to be determined by competition between the several producers and manufacturers.

In order to safeguard the home market it is provided in the bill that the associations authorized by the bill must be for the "sole purpose of engaging in export trade and actually engaged solely in such trade, or an agreement made or act done in the course of export trade by such association, provided such association, agreement, or act is not in restraint of trade within the United States."

Permission is granted to own the whole or any part of the stock of a corporation organized solely for the purpose of engaging in export trade, etc., under the terms of the Clayton Act only when such acquisition does not have the effect of restraining trade or substantially lessening competition within the United States in articles of the kind exported by the association whose stock is acquired or controlled. And, further, by section 5 it is required repeatedly to inform the Government of the manner in which it is availing itself of the privileges granted by the bill.

The bill does not authorize any violation of the present antitrust laws. There are many great lawyers who think there is nothing in existing laws to prevent American manufacturers and exporters from combining in whatever manner they please in foreign countries to dispose of their products; but other lawyers take the position that there is doubt about this power, and in order to absolutely clarify the situation and in common fairness to our American exporters, we present this bill. The bill prohibits the slightest violation of our antitrust laws within the United States, but makes it clear that American exporters doing business in foreign countries are to be allowed to do business in those foreign countries according to the foreign laws.

Few, if any, foreign countries compel their exporters to observe business standards prescribed by our antitrust laws, then why should we require our exporters to observe a higher and stricter standard of conduct than their foreign competitors are required to observe? In other words, by this bill we permit our American exporters to meet their foreign rivals on foreign soil on equal terms.

The bill here reported has the indorsement of the Federal Trade Commission and also the Secretary of Commerce.

Your committee is of the opinion that such a measure will be much needed to meet trade conditions which are likely to follow a declaration of peace among the great commercial nations of Europe now at war, and earnestly recommend its enactment at an early date, in order that our exporters may fortify themselves in time to meet the expected competition.

Mr. KITCHIN. Will the gentleman yield to me?

Mr. WEBB. I yield to the gentleman from North Carolina.

ORDER OF BUSINESS.

Mr. KITCHIN. Mr. Speaker, I desire to renew my request of a moment ago that on next Monday, immediately after the reading of the Journal and the disposition of matters on the Speaker's table, it shall be in order to consider the bill (H. R. 4961) for the conservation of food and fuel, and that it be the continuing order of the House until concluded, not to interfere with conference reports.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that on next Monday, after the reading of the Journal and the disposition of business on the Speaker's table, House bill 4961 shall be in order and shall be a continuing order until finished, not to interfere with conference reports, and so forth. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, I understand the chairman of the Ways and Means Committee has had some conference with the chairman of the Rivers and Harbors Committee. Is it understood that the river and harbor bill will have a fair chance of going on this week?

Mr. KITCHIN. Yes; it will be in order immediately after the Glass bill is disposed of.

Mr. CANNON. Does that bind all of us?

Mr. KITCHIN. No; it does not bind anybody.

The SPEAKER. The river and harbor bill will be in order to-day as soon as the Calendar Wednesday business is disposed of.

Mr. KITCHIN. It will be in order as soon as the conference report on the Glass bill is concluded.

The SPEAKER. Is there objection?

Mr. SMALL. Reserving the right to object—and I do not intend to object—I desire to make this statement: Certainly the chairman of the Committee on Rivers and Harbors—and I believe I speak for the entire committee—has no disposition to oppose consideration of the food bill, which many regard as of vital importance. At the same time they are convinced that the river and harbor appropriation bill is an important piece of legislation which ought to be passed, and, in consideration of the statement of the gentleman from North Carolina [Mr. KITCHIN], I shall not make any further objection, but I do wish to put up to the fairness of the House the suggestion that when the river and harbor bill shall be under consideration, if it shall be taken up this afternoon because the calendar for Wednesday is exhausted, or if it shall be taken up to-morrow after the conference report upon the amendments to the Federal reserve act shall have been disposed of, and the unanimous-

consent order for a speech on Flag Day shall have been concluded, Members of the House, both those who favor the bill and those who may be critics of the bill, may deal fairly with it, that there may be ample discussion upon the merits but no time unduly consumed. If there is that spirit of fairness, with an opportunity to everyone to discuss the items in the bill as they may desire, and if Members of the House will remain in the hall, we shall have no difficulty in passing the bill by Saturday afternoon.

Mr. CANNON. Who is to pass upon the question of fairness?

Mr. SMALL. If I had to pass on the fairness of the gentleman from Illinois in connection with the river and harbor bill I would give him a clean certificate. And I am not imputing unfairness to anyone else, but in their enthusiasm critics of the bill may be disposed to take more time than is necessary, and it is that to which I refer. I hope we may be able to pass the bill this week.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina? [After a pause.] The Chair hears none, and it is so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3971) making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Establishments on account of war expenses for the fiscal year ending June 30, 1917, and for other purposes, and had agreed to the amendment of the House of Representatives to the amendment of the Senate numbered 68 to the said bill.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Sharkey, one of his secretaries, who also informed the House of Representatives that the President had approved and signed joint resolution and bills of the following titles:

On June 9, 1917:

H. J. Res. 94. Joint resolution authorizing the Board of Regents of the Smithsonian Institution to permit the Secretary of War to erect temporary buildings in the Smithsonian Grounds.

On June 12, 1917:

H. R. 11. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes; and

S. 2133. An act to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, and for other purposes.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 291. An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes.

HOUR OF MEETING TO-MORROW.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection?

There was no objection.

JOURNAL OF THE EXECUTIVE COUNCIL OF PORTO RICO (H. DOC. NO. 184).

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying documents, ordered printed and referred to the Committee on Insular Affairs:

THE WHITE HOUSE,
Washington, June 13, 1917.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: As required by section 19 of an act of Congress, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, I have the honor to transmit herewith a copy of the Journal of the Executive Council of Porto Rico for the third session of the eighth legislative assembly, beginning February 14 and ending April 12, 1917.

Very respectfully, WOODROW WILSON.

PROMOTION OF EXPORT TRADE.

Mr. WEBB. Mr. Speaker, I understand that the gentleman from Minnesota, who, with two of his colleagues, Mr. MORGAN and Mr. NELSON, has filed minority views, is entitled to an hour.

The SPEAKER. Yes.

Mr. WEBB. Then I desire to reserve the remainder of my time and let the gentleman from Minnesota consume some of his.

The SPEAKER. The gentleman from Minnesota is recognized for one hour.

Mr. VOLSTEAD. Mr. Speaker, it has been suggested that this is a war measure. I am not able to understand on what theory that suggestion is made. This is a measure that we ought to take up when we can have ample time to consider it. No false claims should be made to divert our attention from its real character. It is not a war measure. It is a very far-reaching bill, and it is one that I should like very much the Members of the House to thoroughly understand. I believe if they really understood the effect of it, they would not vote for it. If you pass this bill, you will in effect wipe from the statute books the Sherman antitrust law. I do not believe there is the slightest doubt of that being its practical effect. I do not consider that the provisions which are in the bill prohibiting restraints of trade as of any value. What it does is this: You create or authorize the creation of organizations that in themselves will of necessity practically nullify the Sherman Act. I want this House to understand that this bill, if it becomes a law will authorize every person, partnership, and corporation engaged in any line of trade to combine, through a corporation or by an oral or written contract, for the purpose of carrying on export trade. When you make such a combination you can not avoid affecting the domestic trade. It will follow necessarily that an agreement to control the foreign trade will react upon the domestic trade.

The two are so closely interwoven that the control of one is impossible without controlling the other. To illustrate. The grain trade of the Northwest is largely handled by Minneapolis, Chicago, Milwaukee, Buffalo, and New York. This bill authorizes all of the millers and grain buyers of those cities to form a combination to control every bushel of grain and every pound of flour shipped to a foreign country. Before they ship abroad they have to buy. You must have something to sell before you can sell it. When they form this organization for export they must arrange in some way to secure the grain and flour to export. They will have to buy it, and in doing that they will fix the price to be paid so that it can be exported. Anyone who knows anything about the grain trade knows that you can not keep separate the wheat bought for home consumption from that bought for export. You may attempt to put language in the act to keep the two separate. It can not be done. In fixing the price for the foreign trade the combination will fix at the same time the price for the domestic trade. It could not avoid it if it tried. Then if there is a shortage of grain in one locality and a surplus in another, the combination may so manipulate by taking grain for export from some particular locality as to raise or lower it whenever it may choose. That is permitted. There can be no question about it.

The same would be true, for instance, with shoes. There are manufacturers of shoes at St. Louis, Minneapolis, Chicago, and a number of other points East and West. Every shoe man can combine under this bill. He is authorized to do it, not only by buying stock in another corporation but by an agreement with others. This will authorize them to consult not only as to prices but as to all matters affecting the trade, both domestic and foreign. They tell us that we must have these combinations to meet like foreign combinations in the foreign trade. Is there any real argument in favor of it upon that ground? The Federal Trade Commission has examined into this matter quite fully. I filed a minority report, in which I called attention briefly to some of the things that they have reported. There are no combinations in the foreign trade against which complaint can fairly be made. There are some, but nearly all of them have been built by American capital and American brains. Our American corporations engaged in the foreign trade are the chief offenders, not foreign corporations or foreign monopolies. Are you willing to authorize another such combination as the one to which the Steel Trust is a party to in regard to steel rails? They went into arrangements with the Belgian, English, and other producers to parcel out the world's trade

in steel rails, and for the last twenty-odd years these men have kept steady the price of rails at $28 a ton by means of this combination in the foreign trade, a combination such as they now ask us to make legal as to every industry in this country.

They said in that contract that the producers in the United States might sell on this continent but must not sell in Europe, and that the European producers must not sell in the United States. They can compete, however, in the South American trade, but there must be no competition either here or in Europe, and they have maintained that combination for many years. Let me call attention to this question of foreign cartels or foreign combinations. Are they such as the gentleman from North Carolina urges upon us? The Federal Trade Commission, after making a very exhaustive examination, are reluctantly, as it would appear, compelled to admit that they are unable to find any cartels in the foreign trade that seriously interfere with our commerce. They issued a report in two large volumes as a summary of the general situation so far as they are able to obtain it from the exporters of this country; they say on page 415 of that report:

The export commission houses, manufacturers' export agents, etc., who come more directly in contact with foreign buying combinations than any other class, also furnish practically no information on the subject. One of them says: "During a long experience promoting the sale of manufactured goods in many countries we have not found such conditions which work any hardship. In certain raw material this might apply, but doubtful to any extent."

The Trade Commission after raking the world for evidence to bolster up this theory are compelled to admit the falsity of it. Still it is doing duty to-day because so often repeated that it is believed. There is another statement in that same report that is interesting. It calls attention to the fact that German authors in discussing the trust evil only mention American cartels, not the cartels of Germany but the cartels of the United States, cartels engineered by our men and financed by our money. The supporters of this bill tell us foreign cartels and combinations have the assistance of their governments. There is one instance, the German potash syndicate and Germany's participation in the mining of coal for its own railroads, I am not aware that anything else can be pointed to.

They urge that foreign railroads favor export trade, but that it is true in this country our railroad rates have for years favored the export trade. There is nothing in that at all. They complain that foreign governments have commercial agencies. They have. They have a consular system extending all over this world, just as we have; but is that any reason why these combinations should be permitted, and why we should destroy competition at home by authorizing monopolies? But I realize I am speaking to deaf ears—at least I am afraid I am. A few days ago at a meeting in New York Mr. Perkins and other great financiers made the statement, openly, triumphantly, that the time for competition had gone. We are told that we are not to have any more competition. This administration has done everything it could to destroy it. It is deaf to the constant appeal against the oppression due to the extortionate prices dictated by trusts and combinations. It appealed to the American people four years ago, promising, if given power, that it would put the man in jail who robbed the public by trust methods. But what is it doing? Passing bills to repeal the law under which trust offenders can be put in jail. It is so drawn that no one could ever be convicted under it.

Under this bill it is no offense to depress prices in the domestic market. You authorize that; but if prices are enhanced—be artificially or intentionally and unduly enhanced—you may be asked to answer. When would you ever convict anybody on that kind of a charge? Why, never; and you do not want to convict. You propose to throw the thing wide open and try to excuse yourself by the false claim that this is the method pursued in foreign countries. It is not anything of the kind. As the years have gone by they have realized in foreign countries that competition is necessary and have endeavored to strengthen the law against trusts, but in this country we are trying to wipe it out. That is what we are doing, and that is all this bill will ever accomplish. This is not a war measure; this is nothing but a covert attack upon the Sherman Antitrust Act. [Applause.]

Mr. Speaker, I reserve the balance of my time.

Mr. WEBB. Will the gentleman use some more time now?

Mr. VOLSTEAD. I do not know just who wants to talk, but there are one or two parties who have called my attention to the fact that they desire to be heard. If the gentleman will consume some of his time now, I will see about it.

Mr. WEBB. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. GARD].

Mr. GARD. Mr. Speaker, I believe this bill can be justified both upon legal and upon business grounds. In the first place, speaking of the legal grounds, it is sought to make clear the attitude of the United States through its legislative expression as to just what selling agencies may do. I think the only precedent we have is the case of the American Banana Co. against The United Fruit Co., appearing in volume 213 of the United States Reports, at page 347 and following. On page 348 there appears a portion of the syllabus in which it says:

Prohibitions of the Sherman Antitrust Act of July 2, 1890, do not extend to acts done in foreign countries even though done by citizens of the United States and injuriously affecting other citizens of the United States.

I therefore do not believe that that which it is sought to confer by this act is prohibited by the Sherman Act. But nevertheless it is eminently desirable that it be definitely known whether this is or is not prohibited. So that the legal aspect of this matter is to once and for all make known by legislative enactment that that which is provided for in this bill is not in contravention of the Sherman Act, of the extensions given to it by the so-called Clayton Act, or of the Federal Trade Commission law.

Something was said in debate a moment ago about this act including domestic production. The language of this bill—the material part of it—is that the words "export trade" wherever used in this act mean solely trade or commerce in goods, wares, or merchandise exported or in the course of being exported from the United States or any Territory thereof to any foreign nation. So it is not a question of production. It is not a question of manufacture, but it is a question of sales agency alone.

Mr. Speaker, the object of the bill is not to restrict in any way the very beneficial results of the antitrust legislation which we have passed, but it is to allow the American business man to fairly compete in foreign countries with the business men of foreign countries.

Now, the gentleman from Minnesota [Mr. VOLSTEAD] has had in his mind some idea that this proposed act will allow the fixing of prices here at home. But surely he does not read, if he so maintains seriously, the language which says that this shall not apply to the production, manufacture, or selling for consumption within the United States or any Territory such goods, wares, or merchandise, or any act in the course of such production or manufacture. The gist of the bill is, Mr. Speaker, that the American business man be allowed the same latitude in his business in foreign countries as the other countries themselves have, and no more.

The position of the United States can not longer be regarded as self-sufficient or as insular. Whether we view it as a war measure or not—and I am frank to say that I do not—but whether we view it as a war measure or not, we must understand that in the years to come the United States must go into the great countries of the world to sell its products; that the business destiny of the United States can not be limited by the Atlantic or the Pacific Ocean or our territorial possessions, but that we must go into the markets of the world, that we must build up an export trade, and with that export trade must sell in foreign countries the goods honestly manufactured in this country.

The purpose of this bill is merely to allow the manufacturers of the United States the privilege of standing upon the same business base as manufacturers of other countries; that the Congress of the United States declares it is not unlawful for manufacturers in the United States to create a selling agency—not a manufacturing agency; not a producing agency; not an agency contravening any United States trust laws—but a sales agency.

Mr. FESS. Will my colleague yield right there?

Mr. GARD. Yes.

Mr. FESS. I have heard it remarked that this law will permit us to do things in Europe that if they were done here would be unlawful. Is not there some embarrassing compromise in that statement?

Mr. GARD. I think that statement is not true. I think the real idea of the bill, that the authority conveyed by the bill, as I have said——

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired.

Mr. WEBB. I yield one more minute to the gentleman in order that he may answer the question.

Mr. GARD (continuing). Is to allow manufacturers to establish a selling agency in foreign countries. And it is not a matter which affects the great business concerns of the country, because they have already large selling agencies there, but it is permissive of the small concerns to combine with one another in order that they may mutually contribute to the expenses of a selling agency. In other words, that one man may represent two or three business concerns of the United States,

say, in a South American country, and he may bring to the attention of merchants and business men in that country the merits of the things he represents. In other words, a combination for sale and not a combination in restraint of trade.

Mr. FESS. Would the gentleman yield to another question?

Mr. GARD. If I have time I would be very glad to yield.

Mr. FESS. I have heard this statement also. I am in favor of this bill, I think, but I have heard some statements that are a little compromising. This statement has been made, that we permit combinations in Europe, with a European cartel——

The SPEAKER pro tempore. The time of the gentleman from Ohio [Mr. GARD] has again expired.

Mr. WEBB. I yield to the gentleman one minute more.

Mr. FESS (continuing). But we forbid the competition here at home. For example, we allow our organization to compete with an organization in Europe, but we will not allow our organization to compete with the same organization selling in this country. Is that true?

Mr. GARD. That is true. This law has no application at all to the United States, because it is still restrictive of all transactions in the United States prohibited by the Sherman law, the Clayton law, and the Federal Trade Commission law. But in so far as the extension of our commerce in foreign countries is concerned, it permits the creation of a mutual selling agency, and that is the sum and substance of the whole bill.

Mr. ROSE. Mr. Speaker, will the gentleman permit me one question?

Mr. GARD. Yes.

Mr. ROSE. Does not the United States Steel Corporation have such combinations or cartels now in foreign countries?

Mr. GARD. I am not acquainted with that.

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired.

Mr. WEBB. Mr. Speaker, in answer to that question I will say to my friend from Pennsylvania that this bill has been before the Committee on the Judiciary for practically two years, and we have never had a suggestion from the United States Steel Corporation or the International Harvester Co. or the Standard Oil Co. or any of that class of the biggest corporations in the United States advocating it at all. The fact is that they do not care for it, so far as they are concerned; they do not want it. They are able to take care of themselves throughout the world without it. It is the little fellows that need it in order that they may carry their goods to the farthest ends of the earth.

I have in my possession hundreds and thousands of letters and telegrams from little business concerns all over the country begging to be permitted to form these selling agencies, so that their overhead charges may be reduced and that they may be enabled to capture some part of the world's trade.

Mr. VOLSTEAD. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Yes.

Mr. VOLSTEAD. Has the gentleman read the report of the Trade Commission, showing that the big concerns are the ones that are demanding it more unanimously than the smaller ones?

Mr. WEBB. I have no report that shows that. I have a report signed by Mr. Harris and Mr. Parry and Mr. Davies and Mr. Rublee showing how it will help small organizations, but there is no word there as to how it will help big business. The gentleman knows that big business already has its selling agencies throughout the world. These big concerns do not care anything about this. It is the little fellows that want to be permitted to combine their capital and establish selling agencies so that they can compete in the markets of the world.

Mr. Speaker, I yield to the gentleman from New York [Mr. HICKS].

The SPEAKER pro tempore. The gentleman from New York is recognized for five minutes.

Mr. HICKS. Mr. Speaker, for years the American people have looked forward with confident hope and expectation to the time when American products might occupy a commanding position in the markets of the republics to the south of us. In my judgment this bill will hasten that day. Our exporters in competing with their foreign competitors have been handicapped by reason of three great factors which are essential to the development of an export trade. One was the lack of proper banking facilities. One was the lack of proper transportation facilities, and one was the inability of the exporters to unite and cooperate with their coproducers in America. By the extension of our banking system and the enlargement of old steamship lines and the establishment of new ones these two disadvantages have largely been removed. The passage of this bill will overcome the third hindrance. The American exporter will be placed upon a fair basis with his foreign competitor, and whenever you give American enterprise, backed by American genius and American energy and American inventive talent, an equal chance, it means the supremacy of the American flag in every market of the world. [Applause.]

Mr. WEBB. Mr. Speaker, I yield five minutes to my colleague on the committee [Mr. SUMNERS].

The SPEAKER pro tempore. The gentleman from Texas is recognized for five minutes.

Mr. SUMNERS. Mr. Speaker, this bill, instead of contributing to the development of trusts, seems to be the only possible escape from the passage of the export business of America to great trusts. In export trade the distance between the point of production and the point of market is so great that the little concerns can not bridge the distance. The irresistible economic tendency of our present condition is to form great corporations which can bridge the distance and reach to the markets.

As has been stated by one of my colleagues, these are purely selling organizations which are contemplated. The purpose of this bill is to permit the little concerns to have access to the markets of the world. Whether or not such an organization as is by this bill authorized would have within it some of the trust features is a matter of speculation and honest difference of opinion, but I do not see, as I view the situation and the conditions which we have reached in the evolution of trade and commerce, how any gentleman can hope that the little exporting concern can live unless it is permitted to pool its strength with other little concerns, so that they together with their combined strength may be able to send their agents to the markets of the world and sell the products of the little businesses. This bill has nothing to do with production or domestic sales. It merely authorizes the organization of a joint selling agency for foreign sales. When we come to consider a matter of this sort, it is not a question as to whether or not there are involved some possibilities which we would be glad to have eliminated, but it is a choice between present conditions and those proposed to be created. The great Steel Trust does not need such an organization as this bill authorizes, because it reaches from the mine to the man who wants to buy. The Standard Oil Co. does not need such an organization as this. But gentlemen have in mind many little corporations in their own districts that are absolutely shut off from foreign markets as completely as though we put a law upon the statute books of the United States which prohibited them from entering the markets of the world. Economically they are prohibited. This bill gives them a chance to live.

That is the only point, Mr. Speaker, that I wanted to make, and I yield back the balance of my time. [Applause.]

Mr. WEBB. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. GRAHAM].

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for five minutes.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, this bill is in the line of progress. It is in accordance with the recommendation of the President in one of his addresses to the Senate and the House. It is something that will fill a want in the commercial life of this Nation, and therefore the bill ought to be enacted into law.

I do not think that the fears of my colleague [Mr. VOLSTEAD], who spoke in opposition are well founded. I can not conceive how this bill will tend to foster trusts or monopolies. It is impossible, with the restrictive language that is in the bill, for that end to be accomplished. On the contrary, it seems to me that the only doubt that can exist about this bill arises from the many safeguards that have been put into it for the purpose of preserving the power and the effect of the Sherman antitrust law and the Clayton law and the other legislation in relation to the prevention of trust aggregations or monopolies in restraint of trade. When you read the language of this bill you will find that it is confined to one subject, export trade, and then you find as a protective phrase injected in the paragraph, "Provided it does not restrain trade in the United States or by any competitor engaged in export trade." So that it would appear that the language of the bill itself, if it creates a doubt in any direction in my mind, would create it as to the efficacy of the bill itself to accomplish its purpose.

When this language is interpreted by our courts it may be that that which the bill intends shall be free from the power and effect of these antitrust laws will be held by this very language to be within it and acts done under this bill be found to be an infringement of those laws and in restraint of trade as between competitors engaged in export trade. This is not a measure calculated to help great concerns, for an organization like the United States Steel Corporation, which is so frequently referred to here and made a target of abuse, is strong enough to take care of its own foreign agencies and to plant them in every great commercial center and have its sales agencies and channels

through which its products can be safely distributed. The products of the Standard Oil can hardly be said to be a subject of competition. Its agencies are everywhere and its product, as I said, in large degree is noncompetitive, for it is exported out of this country. So that you see the familiar attack upon these great corporations falls short of touching anything that is to be effected by the terms and provisions of this bill.

The bill is intended to enable half a dozen or more men engaged in the same line of business to organize an agency that will handle their product intended for export trade, to be used in that trade alone, and can not in any wise affect the question of prices in this country; and if it does and becomes an element in restraint of trade here or destructive to competition, the saving clauses of the bill will bring the corporation or association offending under the control of the Federal Commission, which can dictate the terms by which its business shall be perfected and made unobjectionable; and in case of failure of the corporation to observe those rules, then the offending association is turned over to the Attorney General.

I wish to say to the House, as a result of my own personal observations in connection with my own business as a lawyer, I have found that what my friend and colleague says does not exist is in actual existence to-day in England and in Germany. The laws there are protective of corporations and combinations engaged in foreign trade. Associations of individuals are organized there for that very purpose, and I know from my knowledge of the indictments in New York against certain coal operators, that men who are engaged in the shipping of bunker coal from this country, because they have been in some wise connected as members or otherwise with one of those organizations in England, sanctioned by law in England, incorporated under the law, have been indicted and are to be tried as conspirators in this country. This bill only puts the American man or merchant upon a basis where he can fight on equal terms with his competitors who are favored by legislation and by government acts on the other side of the sea. [Applause.]

Mr. WEBB. I yield two minutes to the gentleman from Kansas [Mr. LITTLE].

Mr. LITTLE. Mr. Speaker, some years ago I was sent by the American Government to represent it in Egypt. Of course, my attention was directed considerably to the trade of that country. One thing I observed was that the coal oil trade of Egypt had been dominated by American oil, but America had lost that entire oil trade and it had gone to the Russians. I called the attention of the State Department to it and endeavored to get the matter on a satisfactory basis, but later I found to my astonishment—I was young then—that the Standard Oil Co. had made an arrangement with the Russians by which they yielded that territory to Russia. I was wasting my time. But I learned this: That there are bound to be foreign combinations which we can not control. I think the representatives of this Government abroad should protect American trade. This bill carefully guards against any combinations for control of trade here. When a dozen American firms go to Paris for trade they go up against foreign combinations. They should be allowed to battle as allies. Only 15 voted against this bill in the Sixty-fourth Congress. Now there is much greater reason for its passage. The foreign commerce of the world is at stake. Give our people every opportunity to capture the trade of the world.

I think this bill should pass, and that our manufacturers should have the opportunity to arrange with one another instead of arranging with foreigners against one another. As it is, our smaller factories can not get into the foreign trade. This will give them an opportunity to unite and venture over the sea. If you do not fix it so that they can get together and unite to protect American interests abroad mutually by working together in foreign lands to advance American trade abroad, you will find that every one of the big companies will make some alliance with some foreign organization against the others. I think this is a wise and prudent measure. It simply gives our merchants in other lands the same chance their foreign opponents have there. You must not start them into the fight with one hand tied. I am as much averse as any man in the House to combinations at home in restraint of trade which affect our own people, but I do not see that it is the duty of this Congress to look after the interests of foreign nations, which legislate against us, and whose manufacturers combine against ours, and I feel that we ought to give these people the right to go to Russia or France and meet the combinations against us there on even terms. How can that hurt us? Any increase in our exports gives employment to our people at home and is to the best interests of the men who work in this country in factories, on railroads, and in all features of production.

Mr. VOLSTEAD. Will the gentleman yield?

Mr. LITTLE. I yield to the gentleman from Minnesota.

Mr. VOLSTEAD. Will not this bill, if it passes, give to our manufacturers an opportunity to make deals and combinations with foreign manufacturers? Is not that the very purpose of this bill?

Mr. LITTLE. You can not stop that. That is what I first directed your attention to. Our biggest corporations make terms with foreigners we can not even discover, much less control. We should give our smaller firms opportunity to join their forces and compete on even terms abroad.

Mr. VOLSTEAD. This directly authorizes it, does it not?

Mr. LITTLE. No; not for American trade. As to foreign, you can not stop that anyway. I was just stating that 20 years ago the Standard Oil Co. divided the trade of the world with the foreigners anyway. Out of our reach they will combine anyhow. There is nothing in this bill that interferes with the laws of this country against combinations affecting domestic conditions. No American will buy of any Americans in France or Russia. Let our citizens abroad take advantage of all local conditions there and meet all foreigners on an equality. It will undoubtedly add to our foreign commerce, give employment to more people at home, and can not injure any American. Whatever we do at home, whatever laws we make—and we must enforce them all—are not made for the benefit of Europeans or Chinamen. We must present a united front against foreign competition in foreign markets. This is a sound and patriotic principle. I would rather have Americans combine together for America abroad instead of having them combine with foreigners and against one another. [Applause.]

Mr. WEBB. Does the gentleman from Minnesota desire to use some time?

Mr. VOLSTEAD. I yield five minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Speaker, what the gentleman from Minnesota [Mr. VOLSTEAD] said about this bill made an impression upon me. I believe there is something in what he says about the possibility of unfair combination under this bill; but I submit also that there is much force in what the gentleman from Pennsylvania [Mr. GRAHAM] has said in favor of the bill. It is evident that this bill is intended not to help the little fellow, as stated by the gentleman from North Carolina [Mr. WEBB], so much as it is to help the fellow who is big enough to engage in trade in a foreign country. It is intended to enable Americans——

Mr. WEBB. May I interrupt the gentleman?

Mr. MOORE of Pennsylvania. Yes.

Mr. WEBB. The gentleman does not think that a firm that is big enough now to engage in foreign commerce needs this bill, does he? It is only to unite those little fellows who can not do it individually.

Mr. MOORE of Pennsylvania. If it is as large a concern as the United States Steel Corporation, to which the gentleman from Pennsylvania referred, I would say perhaps it would be of no special advantage to it, because it already has agencies throughout the world, and so with the Standard Oil Co., which to a certain extent has been helpful to the Government of the United States in having agents abroad who have sometimes been of as much service to American travelers as our own consuls have been, and in securing information for Americans. But the gentleman from North Carolina [Mr. WEBB] has indicated several times that this is to let the "little fellow" get into the foreign trade. The average little fellow in the United States is not big enough to get into the foreign trade——

Mr. GRAHAM of Pennsylvania. Will my colleague permit a question?

Mr. MOORE of Pennsylvania. Yes.

Mr. GRAHAM of Pennsylvania. Will it not give an opportunity for a dozen small concerns to combine on one foreign agent to handle their export products and enable the very smallest of commercial manufacturers in this country to engage in the foreign trade, without which it would be impossible?

Mr. MOORE of Pennsylvania. Yes; he can come into an association that may be formed under the terms of this act for the purpose of engaging in foreign trade—that is true.

But, Mr. Speaker, what I want to say about the bill is this, that it makes nugatory certain enactments of the Sherman antitrust law. Our friends on the Democratic side are doing in the export trade what they inveighed against in the domestic trade. They are permitting combinations that may be domestically illegal to be established as to foreign commerce. They have hitherto pretended to resist the organization of such combinations within the United States.

Their so-called Clayton antitrust law was supplemental to the Sherman antitrust law, which they said was not sufficient to restrain illegal combinations. Through the Clayton antitrust law they proposed to put malefactors in jail, at least

those who engaged in the formation of illegal combinations. Now in this bill they propose to repeal what they pretended they were going to do when they put the Clayton law into effect.

Mr. MORGAN. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. MORGAN. Is the gentleman from Pennsylvania in favor of this bill or against it? [Laughter.]

Mr. MOORE of Pennsylvania. I have indicated my sympathy with speeches made on both sides of the question. Of course, I could not expect the gentleman from Oklahoma to catch the drift of my speech under such circumstances. [Laughter.] This bill apparently is an administration measure, a very urgent "war measure," although the democratic caucus indicated——

Mr. MORGAN. Mr. Speaker, I make the point that no quorum is present. I think that a speech of this importance ought to be heard.

Mr. MOORE of Pennsylvania. I hope the gentleman will not be so ungenerous.

Mr. MORGAN. Mr. Speaker, I will withdraw the point of no quorum for the time being.

Mr. MOORE of Pennsylvania. How much time, Mr. Speaker, have I remaining?

The SPEAKER pro tempore (Mr. MOON). The gentleman has one minute remaining.

Mr. VOLSTEAD. I will yield to the gentleman from Pennsylvania five minutes more.

Mr. MOORE of Pennsylvania. I thank the gentleman. The Democratic Party in its campaign of 1912 made the public believe that it intended to destroy the trusts and combinations, and one of its first acts in line with that promise was the so-called Clayton antitrust law.

Mr. BENJAMIN L. FAIRCHILD. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. BENJAMIN L. FAIRCHILD. If that was the appeal in 1912, what did they try to make the public believe in 1916?

Mr. MOORE of Pennsylvania. In 1916 they were so tied up with the big interests that they did not want to say anything about what they had said in 1912. [Laughter.] But they came into power on the strength of the promise that they were going to destroy the trusts and put the malefactors in jail.

Mr. BENJAMIN L. FAIRCHILD. I was in hopes that the answer might have some reference to the war.

Mr. MOORE of Pennsylvania. They have brought this new trust law in as a "war measure."

Mr. ADAMSON. A parliamentary inquiry, Mr. Speaker. If this is to be a humorous meeting, ought they not to give time to gentlemen to laugh?

Mr. MOORE of Pennsylvania. Mr. Speaker, the gentleman can not make a parliamentary inquiry in my time.

The SPEAKER pro tempore. The gentleman from Pennsylvania is correct.

Mr. ADAMSON. I intended to ask the gentleman if he would yield.

Mr. MOORE of Pennsylvania. If that is the point, I will yield to the gentleman.

Mr. ADAMSON. I wanted to inquire, if this was to be turned into a humorous meeting, if they would not stop long enough for us to laugh.

Mr. MOORE of Pennsylvania. No; I am going to give the gentleman some information. I want to inject some common sense into the situation.

Mr. ADAMSON. If the gentleman has any qualities that will enable him to do that, I would like to discover them.

Mr. MOORE of Pennsylvania. I will continue to enlighten the gentleman. The Democratic Party, of which the gentleman from Georgia is a distinguished member, has formulated much peculiar legislation since that party started out upon the destruction of the trusts and monopolies in 1912. If the gentleman will bear with me a minute, I will explain why this bill is peculiar in that regard.

Mr. ADAMSON. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. ADAMSON. Does the gentleman think we can cure in 4 years all the mischief that your party has done in 16 years?

Mr. MOORE of Pennsylvania. It is going to take 16 years to undo the bad legislation that the gentleman's party has enacted in 4 years. [Applause on the Republican side.] I am not so sure but that we are to begin that good work very soon. That is why I thought it well to discuss this bill for five minutes or so. The gentleman should have light and be prepared for the future.

The gentleman from Georgia himself has been bringing in much administration legislation, apparently to promote the war in Europe. But occasionally, as he will remember, a bill slips in that is a little more political than it is warlike. This bill affects certain planks of the Democratic platform relating to trusts and combinations. It is not a war measure, as the gentleman very well knows, but it pretends to be.

The Democratic Party pretenses of 1912 are to be taken out of practice by the passage of this bill. Gentlemen on that side of the House during the discussion of the Clayton antitrust law said they proposed to put teeth into the Sherman antitrust law; they proposed to put the violators of that law in jail.

Yes; they did, and then they heard from Wall Street, and then they came in with a law that gave the complainant, the little fellow for whom they had been pleading, the right to go into court somewhere and begin an action against the big fellow if he wanted to. They protected the little fellow by telling him to begin "a civil action" and thus go up against the big fellow and his well-paid attorneys. That was more severe on the little fellow than it was on the big fellow.

The Clayton antitrust law, this so-called drastic law, which was passed in October, 1914, came in sans teeth; but toothless as it it, we find in this "war measure" now before the House a proposition to remove such teeth as are left. This bill lets anybody form a combination if he wants to, provided he does it in the export trade. If a Republican ever again hears anything about American manufacturers selling goods abroad cheaper than he sells them in the United States—Ingersol watches or sewing machines, or anything like that—let him call to mind this Democratic war measure. An American is here permitted to sell his products abroad cheaper than he does in the United States. You will have that question up when we come to consider the next tariff law, so bear in mind that these monumental Democratic barriers against injustice, these barriers against criminal combinations, set up by the Democratic Party when it passed the Clayton antitrust law, are being repealed now under the guise of a war measure! Do not forget that.

Mr. COX. Does not the gentleman think this is just as much a war measure as the river and harbor appropriation bill, and is much nearer to it in fact?

Mr. MOORE of Pennsylvania. The river and harbor bill is much more a war measure, because out in the gentleman's country, where they raise corn and are making barrels of money, their trouble is to obtain enough freight cars to carry their products to the coast. If we had our waterways opened up, we could give the gentleman transportation, and he could get his commodities to market.

But the gentleman, under this bill, is so anxious to give the railroads and the large combinations an increase of power, that he is willing to vote down the restrictions his own party pretended to establish.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. KREIDER].

Mr. KREIDER. Mr. Speaker, I want to say that after the war and even now, but more particularly after the war, we will be in competition in the neutral markets of the world, which will be fiercer than any we have ever experienced. I believe that the American Congress should pass legislation that will be beneficial to American business interests, so that they may be in a position to compete with foreign competitors in those markets. This bill, I think, is not needed for the large corporations such as the Steel Co. and the Standard Oil Co. nor any corporation with practically unlimited capital.

Mr. MORGAN. Mr. Speaker, will the gentleman yield?

Mr. KREIDER. Yes.

Mr. MORGAN. Under this bill could not all of the large corporations combine as well as the small ones?

Mr. KREIDER. They could; but they would not because there is no need of combining, because the United States Steel or the Bethlehem Steel is each so large that it has its own selling agencies throughout the civilized world, and there is no reason why they should take in anyone to divide the trade which they are able to obtain. Let me go one step further. One of the great hindrances to securing foreign business has been the difficulty in securing bottoms for the shipment of commodities. Along that line, I think, it is generally known, but perhaps not remembered by Members of Congress, that the Steel Corporation owns over 100 ships of its own, so that it can reach the foreign market at its convenience. Smaller organizations who are competitors can not do so, because they are hampered in securing transportation. They can not get the bottoms.

The Standard Oil Co. we all know has its own individually owned tank steamers, transporting its own oil, but the smaller operator is handicapped because he can not secure those ready means of transportation; and so I might go on and point out the difficulty that the smaller operator encounters in securing

foreign trade. It has been said, and I repeat, that there are three things essential to securing foreign business. The first is the banking facilities; second, the transportation facilities; and, third, the assistance of our Government in giving us every facility it can in order to permit our manufacturers to compete. The gentleman from Minnesota [Mr. VOLSTEAD] spoke about a combination selling wheat and flour. The gentleman knows that the price of wheat in this country is regulated by world competition. The price of wheat in the United States is largely regulated by the price of wheat in Liverpool. No combination could be so large as to combine and buy every bushel of wheat and then perhaps do an injustice to the producing and consuming public in the United States. It requires only a very limited amount of capital to build a flouring mill and consume the wheat. Therefore, under the circumstances, this is one of the occasions when I am pleased to vote for the bill.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. VOLSTEAD. Mr. Speaker, I yield 10 minutes to the gentleman from Oklahoma [Mr. MORGAN].

Mr. MORGAN. Mr. Speaker, the bill under consideration, H. R. 2316, is entitled "A bill to promote export trade, and for other purposes." The purpose of the bill as expressed by the title is a very worthy one. The foreign market for our surplus products is an important factor in developing the wealth of the country, but in my judgment the means provided in this bill for the promotion of export trade are unwise and absolutely dangerous to both the producers and consumers in this country.

Under the terms of the bill partnerships and corporations are given absolute and full authority to combine for the purpose of engaging in export trade. Under the provisions of the act the provisions of the Sherman antitrust law and the Clayton antitrust law are repealed, in so far as they apply to export trade.

For a third of a century the trust question has been the most important one before Congress and the American people. The whole drift of our legislation has been to put restrictions and limitations upon large business concerns with a view to preventing monopolistic control of the necessaries of life. This bill is an absolute revolution in our national policy, because it authorizes combinations in export trade.

I am opposed to this bill. When it was up before the last Congress I opposed it, and, while the bill has been amended somewhat, possibly improved somewhat, I do not think it is amended sufficiently to justify me in voting for it. Ever since the bill has been up for consideration before the House I have been surprised at the attitude of the Democratic membership of this House upon this bill. There has been a great deal said about the various bills that have been passed in the last four years under the present Democratic administration, and unquestionably the party has gone far away from the landmarks of the past and has been out upon an ocean, so that it would be difficult to-day for any man to say what are the primary doctrines of that party.

Mr. COX. Mr. Speaker, does my friend from Oklahoma recall that his candidate for President last fall, Judge Hughes, O. K'd this legislation?

Mr. MORGAN. I do not recollect anything of the kind.

Mr. COX. He did, specifically.

Mr. MORGAN. I was not saying anything about the doctrines of the Republican Party. I was discussing the doctrines of the Democratic Party, and while some Republican may stand for this kind of legislation, I have been surprised, and I say it sincerely, that a Democratic President; a Democratic administration; a Federal Trade Commission, with a majority of Democrats upon it, or all Democrats, so far as I know; a Democratic Judiciary Committee; and a Democratic House should stand up and support this kind of a bill in view of the record, the teachings, and the platform of that party, especially for the past quarter of a century.

As I pointed out when this bill was before the House at the last Congress, going back for a quarter of a century, the Democratic Party and its platforms had been declaring against trusts, making the most violent declarations against trusts in all forms and phases, and leading the American people to believe that, if the Democratic Party was in power, all trusts would be strangled at infancy. That went on; it was in the platform, and the chief matter of all campaign discussions of public speakers, from the leaders down to the lowest campaign platform orator. But here in this House ever since I came here, eight years ago, there has been the same kind of story until the Democratic Party came into power, but in the platform adopted in St. Louis in 1916 there was practically nothing said about trusts; it was all at once silent; and here the Democratic Party that had got into power by making the people believe that they would regulate the trusts have now turned out to be the chief champions of the trusts of this Nation. I do not know what has caused it.

I do not know why the Democratic leaders of this Nation and of this House have changed their attitude, whether they were insincere originally or not, or whether they have come to the conclusion that it is necessary to favor these great organizations in order to perpetuate themselves in power. I do not know, but for some reason or other that attitude has been changed. When this bill was before the last Congress, the bulk of the Democratic Members of this House voted for it and it passed. I do not understand that, and I regret this change of attitude on the part of the Democratic Party, because I as a Republican have always believed that the great moneyed interests of this country, represented by our great manufacturing industries, had too much power, and I believe to-day that the profits which the great manufacturing organizations and great corporations of this country are exacting from the producers of this country are too great. Hence my surprise that—from the President down to the Cabinet and the Federal Trade Commission—the leaders of this House should come forward with a bill actually to legalize the formation of trusts. Now, I know gentlemen say this is done for the little fellow; it is done for the little fellow. Then why not put some clause in here that will restrict and limit these organizations in some way. There is not a single restriction, not a single limitation; it absolutely gives the corporations of this country absolute power to combine, so far as the export trade is concerned.

Mr. JOHNSON of Washington. Will the gentleman yield for a question?

Mr. MORGAN. I will.

Mr. JOHNSON of Washington. Will the gentleman consider the case of Pacific coast lumber manufacturers who sell lumber in Australia——

Mr. MORGAN. Yes, sir.

Mr. JOHNSON of Washington. In competition with themselves. Each manufacturer has to have an agent in Australia or else depend on an Australian broker who frequently adds arbitrarily to the retail price, whereas if these Pacific coast lumbermen could combine under this bill they could do business with one agency, make a profit for themselves, sell lumber cheaper in that market, and destroy that Australian middleman who is taking a toll on each one of those separate small enterprises trying to do business.

Mr. MORGAN. I have heard that argument before.

Mr. JOHNSON of Washington. What is the answer?

Mr. MORGAN. What occurred before the Sixty-fourth Congress? Why, when the question as to whether lumber should be placed on the free list or not the great bulk of the Members of this House stood up and voted solidly for free lumber with few exceptions. Why? In order that we might give the people of this country cheaper lumber to construct their houses, buildings, and so forth. Now, that is why there is a great lumber trust in this country, and yet here you are proposing to permit an absolute combination for that matter, not simply of the lumber industry of the Pacific but, under this bill, the lumber corporations and interests of the entire country can go into one single corporation to control the export of lumber. Does the gentleman think the export of lumber to Australia will make lumber cheaper in this country? Primarily every dollar's worth of goods we export makes the home supply less and tends to increase prices, and yet you are going to encourage the lumber dealers to combine so they can sell more lumber abroad, which will make lumber inevitably higher at home.

The gentleman from Washington stands up here openly and says under this bill the lumber dealers of the Pacific coast, and, for that matter, all of this country, in the South, can all go into one grand aggregate combination to control the price of lumber abroad, and by that way, in increasing the exports, reduce the supply of lumber here at home and make the lumber higher for the poor man of this country in the towns and cities. That inevitably comes if this bill passes.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. MORGAN. I will.

Mr. JOHNSON of Washington. How will the export of lumber make prices higher at home?

Mr. MORGAN. Because when you reduce the supply at home—does not the gentleman think that the law of supply and demand, even in lumber, has something to do with the price?

Mr. JOHNSON of Washington. No; I do not agree to that at all.

Mr. MORGAN. If you decrease the supply by sending it abroad, does it not tend to increase the price here?

Mr. JOHNSON of Washington. I do not agree to that. Let me ask the gentleman another question. The gentleman would have no exports at all of any kind, would he?

Mr. MORGAN. No, sir——

Mr. JOHNSON of Washington. None whatever?

Mr. MORGAN. I do not go that far at all.

Mr. JOHNSON of Washington. If the gentleman goes that far on lumber exports, he must go that far on cotton or boots and shoes and any other thing which the United States now exports and makes a profit on, to the glory of the United States.

Mr. MORGAN. That does not follow at all.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MORGAN. May I have some more time?

Mr. VOLSTEAD. I yield the gentleman five minutes additional.

Mr. MORGAN. It is the principle of economics that the more you export and sell abroad the more you reduce the supply at home, and when you reduce the supply at home you increase the price at home. That is a universal law, recognized everywhere.

Mr. JOHNSON of Washington. Why not build a Chinese wall around the United States and let it go at that?

Mr. MORGAN. That is not the question here. I am willing to let exports go in the ordinary way, but I am not willing to let the lumber dealers in the South, and in the West, and in the North unite in one identical combination to control all the export trade. That is an infamous proposition which this Congress ought not to permit.

Mr. JOHNSON of Washington. If it will make a profit for the exporters and help them find and hold a market in foreign countries, and not hurt the retail market here, is it not a good thing for the United States? It is so self-evident it needs no answer.

Mr. CARAWAY. Will the gentleman yield?

Mr. MORGAN. Yes.

Mr. CARAWAY. I was going to ask the gentleman if there are going to be exports at all why should not the exportation be done in the most businesslike and economical manner possible?

Mr. MORGAN. I lay down this proposition, and that applies to the whole of this bill, that if we allow a combination to control the price abroad, the export price inevitably will affect the price at home. There is no escape from that conclusion. If the export trade is controlled arbitrarily, which it will be, the great combination will fix the price at which they sell abroad, and if you fix the price abroad that will affect the price at home.

Mr. WEBB. Let me ask the gentleman if it does not state in this bill that if it unduly enhances the price here they are guilty of a violation of the law and also of the Sherman antitrust law? Does the gentleman think this bill is safeguarded?

Mr. MORGAN. If it unduly enhances the price? Who in the world will say when it will unduly enhance the price? That is an indefinite and uncertain term. What is the price of lumber today? I believe it is already under present conditions unduly enhanced. What is the great problem we have before this Congress now? It is the undue enhancing of the prices of foodstuffs controlled by these various corporations that you are giving power with which to combine and sell any export of ours.

Mr. WEBB. Does the gentleman think that the price of cotton is unduly enhanced in his district, or that the price of wheat is unduly enhanced?

Mr. MORGAN. The price the farmers received last fall was not too high, but the price speculators are getting is too high.

Mr. CANNON. Will the gentleman allow me a question?

Mr. MORGAN. Certainly.

Mr. CANNON. If I understand the gentleman, he claims that this bill authorizes trusts and combinations to capture foreign trade, and that the manufacture of the products under the lead of these trusts and combinations can export and sell abroad far cheaper than we sell at home? They are not allowed to sell at home, as I understand it—these wicked trusts?

Mr. MORGAN. The wicked trusts now can sell abroad at their own price. There is no restriction on the price now.

Mr. CANNON. You can not form the trusts, can you?

Mr. MORGAN. We have already got the trusts. The Democratic Party has not killed all those.

Mr. CANNON. They are illegal.

Mr. MORGAN. That depends on what you call a trust.

Now, then, here we are in a war. We have as our allies England and France and Italy and Russia. In a way we are working together, and yet we propose to allow our corporations to go into a combination whereby they can absolutely and arbitrarily control the price at which they will sell any manufactured product of this country abroad.

Mr. FESS. Reverting to the question——

The SPEAKER pro tempore. The time of the gentleman from Oklahoma has expired.

Mr. MORGAN. May I have five minutes more, and I will not ask for any more time?

Mr. VOLSTEAD. How much time have I left, Mr. Speaker?

The SPEAKER pro tempore. Fifteen minutes.

Mr. VOLSTEAD. I yield three minutes more to the gentleman.

Mr. FESS. Reverting to the question of export price fixing the price at home, are we in danger of any export at a price that is lower than the price at home when they sell it at home at a higher price than they sell it abroad?

Mr. MORGAN. In some instances that is true. For instance, they claim that because of Germany buying our copper through one concern the price which they fix for copper is the price fixed for our copper.

Mr. FESS. But the selling to Germany cheaper does not keep the price up at home. It tends to reduce it, does it not?

Mr. MORGAN. I do not know about that. I consider the price at home and abroad to a certain extent intermingled, interwoven, and related so that they affect each other.

Mr. FOCHT. I would like to ask the gentleman what call or justification there could possibly be for a bill at this time, when we are not able to manufacture enough for our own consumption, and after the war there must be a whole world commercial readjustment, and this bill could not possibly fit at that time?

Mr. WEBB. We are getting ready for it.

Mr. FOCHT. You want to get ready for something and you do not know what it is going to be.

Mr. MORGAN. We are fraternizing with these other great nations; we are engaged in a war in which those nations are our allies, and commerce is one of the great things that has led, perhaps more than anything, to this conflict that has been going on in Europe for the last three years, a conflict in commerce and trade. And nations want trade. They want trade because it brings wealth to the nation. And this Nation is like other nations. It wants trade, and one of the most difficult things when we come to make a peace will be the question of trade relations between these great nations with which we are allied.

And yet we are starting on a policy against these other nations to allow absolute combinations among our corporations so that they can dictate absolutely the price which the people of England and France and Italy and Russia and our other allies shall pay for everything they buy in this country. It is not along the line of peace that you are moving. It is along the line of conflict, along the line of conflict for trade and commerce, along the line of conflict for wealth. It is a movement of conflict and not a movement for peace. I hope this bill will not pass. [Applause.]

Mr. WEBB. Mr. Speaker, I yield to the gentleman from Arkansas [Mr. CARAWAY] five minutes.

The SPEAKER. The gentleman from Arkansas is recognized for five minutes.

Mr. CARAWAY. Mr. Speaker and gentlemen of the House, I am a little curious to know just what it is that excites the gentleman from Oklahoma [Mr. MORGAN]. In one breath he says that this is an authorization for a combination that is going to raise the price of commodities to the American people and in a beautiful peroration says his concern is that he fears the price will be enhanced to foreign people. [Laughter.]

Mr. JOHNSON of Washington. He has been bitten by the octopus. [Laughter.]

Mr. CARAWAY. I do not know just what has gotten the gentleman. They have been having a good many cyclones in Oklahoma, and his talk may be but a reflex action of these. [Laughter.]

I am at a loss to know what it is in the bill that can excite the fears of either the gentleman from Oklahoma or the gentleman from Pennsylvania [Mr. MOORE]. Both of them profess to believe that it is an attempt on the part of the Democratic Party to sanction trusts and combinations, and the gentleman from Pennsylvania professed to be very much exercised because trusts and combinations had not been prosecuted and people put in jail.

Well, I can hardly think he is serious about that, because you know we have always contended, and rightly so, that all of the trusts and combinations were Republican in origin and in sympathy. Therefore when these gentlemen profess to believe that these trusts and combines are being favored by this legislation and profess to regret that these trusts and combines have not been prosecuted, I suspect that there is not much sincerity in their "professes" and "regrets" that such pretended conditions exist. [Applause.]

The only thing that there is in this bill at all that can affect in any way domestic concerns is the provision that will bring them, the corporations and combines, without question, under the terms of the antitrust law, because it prevents corporations or persons associated together to do an export business to so combine as to destroy a domestic concern engaged in the same kind of business. In other words, it goes a bit further than the original antitrust law, which left it extremely doubtful whether or not combinations formed to do business in foreign countries are amenable at all to the provisions of that law, and provides that where combinations are formed to engage in export trade, they shall not so conduct their business as to restrict, limit, or destroy other people, other combinations, or other corporations engaged in export. It gives protection, if it gives anything, to those people who are honestly engaged in export business, and prevents the formation of corporations and combines that will drive out of such business their competitors engaged legitimately in a foreign export business.

The gentleman from Oklahoma said that if we permitted the formation of combines to sell lumber in some other country it would raise the price of lumber in this country. Now, that is true about everything, every article that goes abroad. If there is a demand for such articles at home and abroad, that demand will enhance the value of those articles here at home, and as the gentleman from Washington [Mr. JOHNSON] suggested, if there is any virtue in his argument, we ought to restrict all kinds of exports and confine to the home markets the producers of everything that the American people eat and wear. If there is any virtue in his argument we ought to restrict and absolutely forbid any kind of export business at all in any kinds of products in which the American people are interested and which they use for food or clothing, or for the building of houses, or for any other. This, of course, would mean stagnation and commercial death.

Mr. CAMPBELL of Kansas. Mr. Speaker, will the gentleman yield?

Mr. CARAWAY. Yes.

Mr. CAMPBELL of Kansas. I take it that the gentleman from Arkansas does not contend that there is a military necessity or a necessity growing out of the war for this legislation?

The SPEAKER. The time of the gentleman from Arkansas has expired.

Mr. CAMPBELL of Kansas. Give the gentleman a few minutes.

Mr. WEBB. I will yield to the gentleman one minute, Mr. Speaker.

The SPEAKER. The gentleman from Arkansas is recognized for one minute more.

Mr. CAMPBELL of Kansas. The gentleman does not contend that this is necessary in the export trade just now, but that this bill, if necessary at all, is necessary because of the conditions that may follow the war?

Mr. JOHNSON of Washington. If the gentleman will permit, there is greater need for this bill now than ever before, as the gentleman will be convinced if he will look at the business on the Pacific Ocean, where the fight for American supremacy is to be.

Mr. CAMPBELL of Kansas. I mean to-day.

Mr. JOHNSON of Washington. There never was a greater emergency.

Mr. CAMPBELL of Kansas. We are consuming a lot of things now in the United States, and the prices are going up. Why is it a war measure? Why is it pressed now as a war measure?

Mr. CARAWAY. Well, under the term "war measures" a great many things may be included. It does not necessarily mean measures for the manufacture of guns and ammunition and the conscripting of men to wage the war. The conditions in this country that will make it possible for American business men to meet the competition of other countries when the war is over must be created now. You can not wait until the emergency actually exists. You have got to lay the foundation for it and permit them, the business men, to form their trade alliances so that they can take care of the situation when the conditions return to what they were before the war. Our future success depends on our present preparation. [Applause.]

The SPEAKER. The time of the gentleman from Arkansas has again expired.

Mr. WEBB. Mr. Speaker, I yield to the gentleman from Texas [Mr. SLAYDEN] two minutes.

The SPEAKER. The gentleman from Texas is recognized for two minutes.

Mr. SLAYDEN. Mr. Speaker, I heard a brief discussion a while ago as to the nature of this bill, one gentleman contending that it was in the interest of big business, and the other that it was designed to help small business men. I have no patience with legislation intended to help any one class or any two classes. I believe that all legislation should be for all the American people, and with the idea of putting them all upon a plane of perfect equality before the law, with absolute justice for all and favors to none. It is because I believe in that sort of thing that I am a Democrat. Very likely there are gentlemen here who say that because they believe in that doctrine they are Republicans. It is sound Americanism anyway and I do not care from which political party it comes.

Mr. Speaker, I believe this bill should pass. I believe this is the most opportune time in which to increase our trade with other countries. Particularly is that true, in my judgment, with the countries that lie to the south of us. The other 20 Republics have a great trade now, and potentially it is much greater. Now is the time for us to get it. The German Empire, with which we have gone into war, has controlled a large part of the trade with those countries. At this particular moment some of them seem not to be on very friendly terms with Germany. Some have frankly and openly avowed their hostility. This makes an opportune moment for us. I believe that to-day the statesmen of Germany are tremendously afraid of the post bellum conditions. They realize that the course pursued by that Empire is causing hostility to spread throughout the world, and they have come to believe that it is going to interfere with their trade and prosperity after the war, and we have an opportunity now not to cripple them commercially but to develop in them an inclination to restore peace by extending our trade in a field which heretofore they have largely controlled. This bill, I repeat, will help us to do it.

Within a day or two I read a very important telegram coming from Switzerland, as I remember it, which stated the hope and belief that the war will be over by the 1st of July. That of course would be a very desirable thing to happen, but the suggestion is fanciful. It can not be. But this cablegram stated—and it is worthy of consideration—that Mr. Ballin, the head of the great Hamburg-American Steamship Line, and other representatives of tremendous corporate interests in Germany, realized that they were not only on the verge of bankruptcy but that the country itself would lose its commerce throughout the world unless peace were quickly reestablished, and the Germans, with their wonderful sagacity and enterprise, supported by a less harsh feeling, by a feeling of less hostility than is now indicated, be permitted to resume normal business activities. For those reasons, Mr. Speaker, I believe that it would be a tremendous support to the suggestions for the speedy restoration of peace to pass this bill or any other measure that will enable the merchants of our country to invade territories that have hitherto been so largely dominated in a commercial way by the countries of Europe. I thank the House for its attention. [Applause.]

Mr. MOORE of Pennsylvania. Will the gentleman yield for one question?

The SPEAKER. The time of the gentleman has expired.

Mr. SLAYDEN. I will tell the gentleman privately. [Laughter.]

Mr. VOLSTEAD. I yield four minutes to the gentleman from Illinois [Mr. JUUL].

Mr. JUUL. Mr. Speaker and gentlemen, under other circumstances I might favor this bill, but this is a bill to promote export trade and for other purposes, and I maintain that if this Congress goes on legislating along the line that it is proposed to legislate in this bill, the statutes of the United States will present nothing less than chaos. There are three separate and distinct acts mentioned in this bill, which this bill proposes to amend. All of the three acts will remain upon the United States statute books identically as they are now, and somewhere, stuck away in a corner, will come this act that utterly destroys the meaning and intent of the other acts. I will illustrate to you in a minute what I mean. I think it is the most dangerous way of manufacturing law that any bright lawyer ever invented. If you will look upon page 2, section 2, of this bill, you will find—

That nothing contained in the act entitled "An act to protect trade and commerce against unlawful restraint and monopolies," approved July 2, 1890, shall be construed as declaring to be illegal an association entered into for the sole purpose of engaging in export trade and actually engaged solely in such export trade, or an agreement made or act done in the course of export trade by such association—

And so forth.

In other words, if that act mentioned here contains an inhibition against doing something and declaring that something unlawful, that act still remains in the United States statutes; but this will take the sting out of it.

Then, if you will look upon page 3, section 3, you will find—

That nothing contained in section 7 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, shall be construed to forbid the acquisition or ownership by any corporation of the whole or any part of the stock or other capital of any corporation organized solely for the purpose of engaging in export trade.

In other words, in so far as that act amounts to anything, this act utterly destroys its usefulness. That is the second act that you are amending. Then you drop down to section 4 in this bill, and you amend a third law by saying—

That the prohibition against "unfair methods of competition" and the remedies provided for enforcing said prohibition contained in the act entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 26, 1914, shall be construed as extending to unfair methods of competition used in export trade against competitors engaged in export trade.

Now, gentlemen, here are three laws that will remain on the statute books of the United States. Each one will contain a section that makes a thing unlawful, and this bill here alters and amends three separate and distinct acts passed by this Congress at some time or another. Now, I maintain that if you want to legislate for the benefit of this country the fair and honest method of legislating would be to introduce three separate bills and honestly tell the people in the title page that you propose to alter and amend those acts. That is what this bill does not do, and I will not sit here and help to fill up the statutes of the United States with legislation drafted and put together and shoved in here in so absolutely slipshod a method as this.

The SPEAKER. The time of the gentleman has expired.

Mr. VOLSTEAD. I yield three minutes to the gentleman from Illinois [Mr. GRAHAM].

Mr. GRAHAM of Illinois. Mr. Speaker and gentlemen, I would not trespass upon the time of this House in this matter if I did not feel in my own mind that this is the worst piece of legislation that I have seen in this House. I do not desire to speak intemperately, but I believe I speak with some thought about the subject. In the first place, it comes here under false pretenses. It is not a war measure or a war necessity. It has no business here at a special session at which we are considering emergency legislation only.

In the second place, the potential possibilities for harm in this bill are, it seems to me, very great. This bill proposes to take the lid off, if I may be allowed the expression, of the Sherman antitrust law and to give persons, corporations, or associations who are engaged in exporting any kind of merchandise or products the right to combine in any way they can for the control of the export trade. I come myself from a great agricultural country, and we are interested in cereal crops and in live stock out there. I can see no reason, gentlemen of the House, if this bill becomes a law, why those engaged in the export of these products, raised on our western farms, can not absolutely control the price of every bushel of grain that is raised on the Illinois farm. I believe that the price of these products is largely controlled by the price of the excess or surplus over what we consume. Our price in this country is regulated by the export price, largely; and suppose it becomes possible by law for great steamship or other companies interested in the export of wheat to so combine that nobody can export wheat except under the direction and orders of this combination. Immediately they can manipulate the exports, they can stimulate the exports or decrease the exports, and immediately on the Illinois farms we feel the result in our prices. The same thing can be done with the prices of meat and the meat products of our farms. Everybody knows that these products are largely controlled by the great packers of the country. Put it into their hands, if you please, to control the surplus products and they will control the price of every pound of beef and pork raised on the western farms. The potential possibilities of this bill for harm are great and I earnestly insist, gentlemen of the House, that you ought not to encourage a system that will do this sort of thing to the products of the farms and to the farmers of this country. [Applause.]

Mr. VOLSTEAD. Mr. Speaker, how much time have I left?

The SPEAKER. The gentleman has five minutes.

Mr. VOLSTEAD. I desire, Mr. Speaker, to occupy those five minutes, if the Chair will permit me. A good deal has been said in this discussion in regard to large corporations not being interested in this bill. About the only ones that appeared before the committee in support of the bill were large concerns. Mr. Ryan, of the Amalgamated Copper Co., appeared and urged it strongly. Why did he urge it? He said that in selling in foreign countries he often had to compete with people at home. He asked to have a chance to make an agreement with his domestic competitors so that he would not be required to bid against them in the foreign trade. The copper trade is not alone interested, but the great steel corporations are anxious to make like arrangements. The report of the Trade Commission shows that the large concerns are more strongly in favor of it than the smaller ones.

As I said, in speaking on this subject a minute ago, there is no necessity for it. All this talk about its necessity in the foreign trade is without support in fact. Who would you ask to answer that question? Would not our foreign consuls be the ones to know? They were asked, 35 of them; they made special reports, practically covering the whole field. Not one of them believed combinations in the foreign trade necessary, and many of them expressed the opinion that it would not be practicable. The Trade Commission showed in its report, after having sent inquiries to every exporter in this country, that there are no large combinations in the foreign trade to be feared. It is not for the foreign trade that this is wanted; it is for the domestic trade—corporations want to combine with every competitor to stifle competition here. It is absolutely idle to talk about competition at home if the foreign trade can be combined. The foreign and domestic trade can not be separated; what affects one will affect the other. This bill will no doubt pass, but I believe the time will come when we shall have to undo this work. The trusts are asking for it, and you are going to give it to them. They want it for the trade at home; they want it to destroy the Sherman Antitrust Act, and that is exactly what it will accomplish. [Applause.]

Mr. WEBB. Mr. Speaker, I yield two minutes to the gentleman from Tennessee [Mr. AUSTIN.]

Mr. AUSTIN. Mr. Speaker, this bill, or a similar bill, passed the last House on September 20, 1916, only 25 votes being cast in the negative—15 Republicans and 10 on the Democratic side. The bill was held up in the Senate under the rules of that body by a single objection made, as I recall, by the Senator from Wisconsin, Mr. LA FOLLETTE. The Members of the Senate were overwhelmingly in favor of it, and a strong report was made on the bill by the Senate Committee on Interstate and Foreign Commerce.

Now, the gentleman from Oklahoma [Mr. MORGAN], who is fighting this measure, says that it is an improvement on the bill passed by the House almost by a unanimous vote last September. So if it deserved practically the entire Republican vote and every Democratic vote except 10 in the last Congress, and has been improved since that time, why should we not give it a second indorsement, especially in view of the fact that since that time the President of the United States, as well as the Republican candidate for the Presidency, Gov. Hughes, have both gone on record in favor of it?

Mr. MORGAN. Will the gentleman yield?

Mr. AUSTIN. No; I can not in two minutes. We must consider the condition which is going to confront America at the close of this horrible war in Europe. In time of peace prepare for war, and in time of industrial peace let the American Congress prepare for the industrial and commercial war which will surely confront us in every market of the world at the close of the war. Our competitors of Europe and of the Orient have had the advantage of this kind of legislation and have met us in successful competition, and it is the duty of the American Congress to equip our exporters and manufacturers with the same machinery, the same advantages, to meet our competitors in South America, Africa, Europe, and in the Orient in the future. Similar legislation and methods have resulted favorably to our competitors and to the injury of the American exporters in the past. This is not a political question. This measure should appeal to the patriotism of every Member of this House. I congratulate the gentleman from North Carolina [Mr. WEBB] in reporting a bill here which is entitled on its merits to the unanimous support of the American Congress. [Applause.]

Mr. WEBB. Mr. Speaker, the organizations or associations authorized under this bill are not permitted to manufacture or produce any of the goods they are supposed to sell in foreign countries, and they are not permitted even to sell in the domestic markets any of the goods they buy.

Mr. VOLSTEAD. Is it not true that this authorizes manufacturers to combine for foreign trade by contract?

Mr. WEBB. No; it does not.

Mr. VOLSTEAD. Has the gentleman read the bill?

Mr. WEBB. I suspect I have.

Mr. FOCHT. Let us hope so.

Mr. WEBB. I am afraid the gentleman has not, or, if he has, he has not understood it, because if the gentleman will read line 7, on page 1, he will find that the words "export trade" are not to be deemed to include the production, manufacture, or selling for consumption within the United States, and so forth.

Mr. VOLSTEAD. And will the gentleman turn to page 2 and see what the word "association" means?

Mr. WEBB. Yes.

Mr. VOLSTEAD. I think he will find it absolutely authorizes a combination by contract or otherwise of two or more partnerships, persons.

Mr. WEBB. But that association must be engaged in export trade, and export trade does not permit the manufacture, production, or sale in the United States.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Yes.

Mr. JOHNSON of Washington. Why should not some export company in the United States have the same right as the celebrated Hudson Bay Co., which exports to all the world at our expense?

Mr. WEBB. I am in favor of giving them the same rights. I can not understand how an American Congressman can object to putting American manufacturers in foreign trade upon the same footing as their competitors. I do not understand the spirit that fights the American manufacturer, who is fighting for his life in export trade, who is hobbled to death by what is supposed to be the Sherman antitrust law, when every one of his competitors is cutting his throat. I have no silly sentimental objection to manufacturers making a little money. I want to help them do it. I want to help them by putting them on the same footing as their foreign competitors; and every foreign nation to-day permits its manufacturers to do what we want to permit them to do in this bill.

Mr. VOLSTEAD. Is it not true that you can not find in the report made by the trade commission any support for the gentleman's statement that there is any such combination in foreign trade?

Mr. WEBB. Wait a minute and I will read it. Here is what they say.

Mr. VOLSTEAD. I am referring to the report in two volumes.

Mr. WEBB. They say:

In seeking business abroad American manufacturers and producers must meet aggressive competition from powerful foreign combinations, often international in character. In Germany, England, France, Italy, Austria-Hungary, Switzerland, Holland, Sweden, Belgium, Japan, and other countries business men are much freer to cooperate and combine than in the United States. They have developed numerous comprehensive combinations, often aided by their Governments, which effectually unite their activities both in domestic and foreign trade.

The gentleman evidently has not read that.

Mr. VOLSTEAD. Will the gentleman permit——

Mr. WEBB. I am sorry, but I can not yield now.

Mr. VOLSTEAD. Why did they not put that statement in that exhaustive report?

Mr. WEBB. It is in the report that was sent to Congress by the Federal Trade Commission on June 2, 1916.

Mr. VOLSTEAD. They have a report of five or six hundred pages, and they flatly deny that statement.

Mr. WEBB. There is one statement further that evidently the gentleman has not read in this report:

If Americans are to enter the markets of the world on equal terms with their organized competitors and their organized customers, if they are to expand the foreign trade of the United States as they should, and if our small producers and manufacturers are to obtain their rightful share of foreign business on profitable terms, they must be free to unite their efforts.

There is a direct declaration from the Federal Trade Commission that the bill is largely in the interest of the little manufacturers. I can conceive of a hundred small manufacturing concerns in my country and in New England manufacturing cotton goods, each with $100,000 or $200,000 capital stock, and not one of them able to maintain a foreign selling agency in China or any other foreign country that buys cotton goods, while Japan has a combined foreign agency practically controlling all of the output of cotton goods in those foreign territories. My little concern and yours can not afford to maintain independently an individual foreign selling agency, but 50 or 60 of them can form a corporation or association in order to have a selling agency, and the overhead charges then in proportion will be so small that they will be able to meet their organized competitor. Who objects to that, especially when we have it hedged about so that it can not unduly or artificially affect the home market?

Mr. MEEKER. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Yes.

Mr. MEEKER. Does not the gentleman believe that by permitting these different concerns to work together, offering a diversified line of goods on the other side, it will be to the mutual advantage of all here?

Mr. WEBB. Absolutely. That is what we are working for. Somebody has suggested that we might put a wall around this country and compel our people to use all of the manufactured products that we have. That would mean stagnation and death, and what we are fighting for is to extend our trade in the markets of the world, and all this bill does is to take the hundred-pound weight off the back of our horse in the international race, because no horse that he is racing with has the same weight to carry. I say again that I can not understand the spirit that actuates Members who oppose giving American manufacturers the same living chance that their competitors have in a foreign country.

The following is a brief summary of the report made to Congress by the Federal Trade Commission:

COOPERATION IN AMERICAN EXPORT TRADE.

FEDERAL TRADE COMMISSION,
Washington, May 2, 1916.

TO the PRESIDENT OF THE SENATE OF THE UNITED STATES.

SIR: In accordance with the provisions of subsection (h) of section 6 of the Federal Trade Commission act, I have the honor to transmit herewith a brief summary of the facts and recommendations embodied in the detailed report of the Federal Trade Commission's investigation into trade conditions in and with foreign countries where associations, combinations, or other conditions may affect the foreign trade of the United States.

Respectfully, JOSEPH E. DAVIES, *Chairman.*

SUMMARY.

Under the authority of its organic act the Federal Trade Commission has completed a comprehensive investigation of competitive conditions affecting Americans in international trade. The commission finds:

(1) That other nations enjoy marked advantages in foreign trade from superior facilities and more effective organizations.

(2) That doubt and fear as to legal restrictions prevent Americans from developing equally effective organizations for over-seas business and that the foreign trade of our manufacturers and producers, particularly the smaller concerns, suffers in consequence.

The commission appreciates the importance of fostering foreign trade and realizes the urgent need of enabling our citizens to meet foreigners on equal terms in international commerce. It therefore recommends the immediate clarification of the law to permit cooperation among Americans for export trade.

ADVANTAGES ENJOYED BY FOREIGN EXPORTERS.

While the United States has been absorbed in domestic development other nations have followed definite policies for the expansion of their foreign trade and have efficient organizations for the purpose in view.

Recognizing the vital influence of transportation facilities, foreign nations have built up their ocean shipping, have granted low export railway rates, and have combined their land and ocean transportation to give their shippers ready entrance into their over-seas markets. The United States, on the contrary, has neglected its merchant marine until it is dependent upon its commercial rivals to deliver its goods. In consequence the transportation of its products is now largely controlled by powerful international combinations of foreign shipowners who discriminate against American shippers.

Realizing the necessity of banking and credit facilities to finance their transactions, foreign nations have not only established connections with banking houses in every land, but have dotted the map of the world with foreign trade banks of their own. Banks with their main offices in London, Berlin, Paris, Rome, or Vienna operate hundreds of branches and agencies in South America, the Orient, Australasia, the Levant, and all around the coast of Africa and far within the remote interior. They give the foreign exporter information, extend credit, finance his transactions, and constantly strive to increase the foreign business of the mother country. The few foreign branches of American banks have but recently been established, and in most markets our exporters must depend on alien bankers.

Though now increasing, American investments abroad are comparatively small. British, French, German, and other foreign traders, on the other hand, enjoy a peculiar advantage from the billions of dollars of investments made by their fellow nationals in foreign lands, frequently on the express condition that supplies and equipment should be purchased in the country furnishing the funds. British and German investments in South American railways and public utilities, French investments in Turkey, and Japanese investments in China and Manchuria are typical examples. In consequence, time and again American manufacturers have found it impossible to sell their products abroad because the prospective customer was forced to purchase from or through interested investors.

Shipping facilities, banking and credit arrangements, and investment of capital abroad are thus of primary importance in international trade. Other branches of the Government have special jurisdiction of some of these matters and all of them will doubtless receive consideration from Congress. In accordance with its specific authorization, this commission has therefore directed its investigation to the effect of foreign combinations on the commerce of the United States.

FOREIGN COMBINATIONS COMPETING WITH AMERICAN EXPORTERS.

In seeking business abroad, American manufacturers and producers must meet aggressive competition from powerful foreign combinations, often international in character. In Germany, England, France, Italy, Austria-Hungary, Switzerland, Holland, Sweden, Belgium, Japan, and other countries business men are much freer to cooperate and combine than in the United States. They have developed numerous comprehensive combinations, often aided by their Governments, which effectually unite their activities both in domestic and foreign trade.

In Germany prior to the war there were 600 important cartels, i. e., combinations to control the market, embracing practically every industry in the Empire. Many dominated the export trade of their industries and carried on vigorous campaigns to extend their foreign business, to prevent competition among German producers in foreign markets, and to secure profitable prices. Thus the German dye-color industry operated as a unit in foreign trade under the leadership of two great groups of allied producers, the Badische group and the Hochst-Casella, which were working under agreement to avoid competition between themselves for 50 years. The manufacture and exportation of electrical equipment has been made one of the bulwarks of German foreign trade by two great companies—the Allgemeine Electricitats Gesellschaft and the Siemens-Schuckert, with numerous subsidiaries at home and abroad working in harmony with each other. Half of the $150,000,000 worth of coal and coke exported annually was sold by one central selling agency, maintained by the great Rheinisch-Westfalische coal syndicate,

of which the Prussian Government mines are members, and which embraces the bulk of all coal and coke production of the Empire. Practically all the rapidly increasing and highly valuable iron and steel export business was handled by the single selling agency of the Stahlwerks Verband, the aggressive union of German iron and steel manufacturers which has actively fostered business through export bounties and other means.

In France and Belgium syndicates of iron and steel, coal, glass, and other industries were strong factors in domestic and foreign trade. Silk-ribbon manufacturers of France and Germany conducted their export trade in accordance with a joint agreement. In Italy, Russia, Austria-Hungary, Switzerland, Sweden, Greece, Argentina, Chile, and Ecuador, central organizations unite the interests of producers in various industries, such as coal, iron and steel, agricultural machinery, oil, sulphur, superphosphates, cement, matches, chocolate, embroidery, silk goods, watches, cotton goods, condensed milk, canned fish, currants, quebracho, iodine, cacao, etc.

In Japan an export organization of textile manufacturers is rapidly obtaining the rich cotton-goods trade of North China. The trade in tea is controlled by a nation-wide "tea council." One great Japanese firm, which in itself combines manufacturing, mining, shipping, and merchandising enterprises, is rapidly extending Japanese trade in all lines throughout the Far East, and the Japanese Government is directly assisting the development of shipping, banking, and trading for foreign business.

British manufacturers have relied more fully upon an unusually effective merchandising organization for foreign trade, long established in foreign markets, and giving British products a superior representation there, but in various important industries they have gone much further. Thus most of the great coal export business is done by powerful organizations, combining mine operators, marketing companies, shipping lines, and foreign distributing companies. This gives British coal its grip in the rich South American market. British cement manufacturers are united in a strong and successful union for the extension of their over-seas trade. Recently a number of large British manufacturers of machinery of all sorts have formed the Representation for British Manufacturers (Ltd.), an organization to handle their business in certain important foreign markets and to carry on an aggressive campaign for its extension. Similar organizations for foreign trade are in process of formation among other British manufacturers. In the electrical, cotton-textile, pottery, tobacco, wall paper, iron and steel, and various other industries strong associations and combinations are important factors in foreign and domestic business.

It is against such organizations as these, uniting powerful groups of foreign concerns, backed by great banks aided by railway and ship lines, and vigorously assisted by foreign Governments that hundreds of comparatively small American manufacturers and producers must compete for trade beyond our shores. Some of the foreign trade combinations, which enjoy overwhelming advantages in international trade, have established branches and plants here which compete with American manufacturers for the home trade. Moreover, in some industries our smaller manufacturers must compete abroad with great American companies having most efficient world-wide selling organizations.

In various manufacturing industries the lack of raw materials, higher manufacturing costs, and similar handicaps make it extremely difficult at best for Americans to compete with foreigners for trade abroad. Therefore, with Americans suffering rigorous competition from powerful foreign combinations and forced to expose secrets of their over-seas business to their foreign competitors and to risk effective discrimination against their trade through dependence on foreign cables, telegraphs, banks, and ships, our manufacturers, and especially our smaller producers, are frequently at a decisive disadvantage in foreign trade.

FOREIGN BUYING COMBINATIONS WHICH DEPRESS AMERICAN EXPORT PRICES.

In various markets American manufacturers and producers must deal with highly effective combinations of foreign buyers. Thus exporters of lumber find such combinations in Australia and on the Continent of Europe.

Cottonseed products are handled by combinations of buyers in Holland, Denmark, and Germany, and Austrian cotton-textile manufacturers have a buying combination to import their raw cotton. The Wholesale Cooperative Societies (Ltd.), an astonishingly comprehensive wholesale buying organization maintained by 1,400 cooperative societies in Great Britain, has one buyer in New York who annually purchases millions of dollars' worth of American products. Combinations of British coal brokers fix the contract price for bunkering ships at Newport News. Four London firms, known as the Fixing Board, daily set the price of silver for the world, and American mining companies must sell their silver for either the English or the great Indian market to one of these four houses. For years the copper trade of the world has been ruled by a vast German metal-buying organization centering in the Metallbank and Metallurgische Gesselschaft A. G. of Frankfort on the Main. This combination has subsidiary and affiliated companies in Germany, England, France, Spain, Switzerland, Belgium, Africa, and Australia, controls copper and lead mines and smelters in the United States, Mexico, and other countries, and works in agreement with other German metal-buying concerns.

These combinations constantly make individual American producers bid against each other, and are thus able to buy at prices near or below the cost of production. By such tactics the present contract price for bunkering ships in Hampton Roads has been fixed at 5 to 7 cents per ton below domestic price. By similar means and the manipulation of the foreign future markets the German metal-buying combination over a series of years has bought millions of tons of American copper at prices averaging a cent a pound below the prices paid by American consumers.

SACRIFICING OUR NATURAL RESOURCES.

Our forests constitute a rich source of timber, our coal measures are among the greatest known, our phosphate-rock deposits parallel the potash beds of Germany, our copper mines produce more than half the world's output and are necessary for the world's demands. Other nations take measures to conserve their national resources. A combination of Chilean producers fixes export quotas and prices for iodine. The German Government promotes combination among German potash producers, with a Government board to determine output for domestic and export trade, and the law prohibits sales abroad below the prices fixed for domestic business. We, on the contrary, because our industrial organization is unsuited to international commerce, are favoring foreign above home consumers, and without present gain are wasting the priceless heritage of future generations. The mere statement of these conditions should be sufficient for their correction.

COOPERATION NEEDED IN AMERICAN FOREIGN TRADE.

If Americans are to enter the markets of the world on equal terms with their organized competitors and their organized customers; if they are to expand the foreign trade of the United States as they should, and if our small producers and manufacturers are to obtain their rightful share of foreign business on profitable terms, they must be free to unite their efforts. We are in danger of being misled into overconfidence and baseless self-assurance by the imposing totals of our present abnormal foreign trade. A great part of our present foreign trade is purely war business which will end with peace. Another part is enforced buying by parties cut off from former sources of supply, and unfortunately much of this business is being done on terms and by methods that are alienating the purchasers and that insure the diversion of their trade to other countries at the earliest opportunity. Moreover, the end of the war will doubtless see vigorous efforts by Europeans to recapture lost trade. Therefore, earnest thought should be given to measures for the improvement of our foreign business.

Our surplus foodstuffs and raw materials will sell themselves at some price, but to avoid needless expense in distribution, to meet formidable foreign buying organizations, to insure reasonable export prices, and to prevent the profitless exhaustion of our natural resources, cooperation among American producers is imperative.

In the sale of our factory products cooperation is equally necessary. Such goods must be advertised, demonstrated, and a market created among alien peoples, often in the face of determined and destructive competition from great combinations of foreign manufacturers. But if our industrial development is to proceed as it should, the foreign business of our manufacturers must be expanded. Obviously only strong organizations can undertake the contest. If groups of American manufacturers and producers, either competing or noncompeting, can combine their efforts, they can share the cost of developing new markets, can establish themselves firmly, can assist in the financing of foreign enterprises, can more readily extend credit to foreign customers, and can compete more successfully with foreign syndicates and cartels. Precisely such action by our manufacturers is therefore one of the first requisites for the successful growth of our industries.

PREVENT DANGER OF MISUSE OF COOPERATIVE EXPORT ORGANIZATIONS.

Two chief dangers from cooperative export organizations of American manufacturers and producers are apparent. They may be used to exploit the home market and they may be used unfairly against individual American exporters in foreign trade. The dangers in cooperative action must be faced frankly and provided against fully.

The commission is confident that this can be done without sacrificing the essential advantages of joint action and without altering the policy of the antitrust laws or interfering with their enforcement. Thus specific extension of the law prohibiting unfair methods of competition to export trade and requirement of full reports to the Federal Trade Commission from cooperative export organizations will protect the individual exporter, while the enforcement of the antitrust laws will prevent the use of such organizations to effect restraint of trade or monopoly in the domestic market.

The commission does not believe that Congress intended by the antitrust laws to prevent Americans from cooperating in export trade for the purpose of competing effectively with foreigners, where such cooperation does not restrain trade within the United States and where no attempt is made to hinder American competitors from securing their due share of the trade. It is not reasonable to suppose that Congress meant to obstruct the development of our foreign commerce by forbidding the use, in export trade, of methods of organization which do not operate to the prejudice of the American public, are lawful in the countries where the trade is to be carried on, and are necessary if Americans are to meet competitors there on equal terms.

DECLARATORY LEGISLATION RECOMMENDED.

By its investigation the commission, however, has established the fact that doubt as to application of the antitrust laws to export trade now prevents concerted action by American business men in export trade, even among producers of noncompeting goods. In view of this fact and of the conviction that cooperation should be encouraged in export trade among competitors as well as noncompetitors, the commission respectfully recommends the enactment of declaratory and permissive legislation to remove this doubt.

The commission feels that it would fail in its duty if it did not urge the pressing need of such action immediately. If American business men are to make the most of the great opportunities now before them, are to build securely in foreign trade, and are to avoid disaster in the shock of the stern and determined competition that will doubtless follow the war, they must at once perfect the organization demanded by the conditions of international trade.

Respectfully submitted.

JOSEPH E. DAVIES, *Chairman*,
EDWARD H. HURLEY, *Vice Chairman*,
WILLIAM J. HARRIS,
WILL H. PARRY,
GEORGE RUBLEE,
Federal Trade Commission.

Mr. Speaker, there has been a great deal of argument here of a very shadowy and scary sort, that great trusts are going to be formed. The gentlemen who make that argument evidently have not read this bill, because it is hedged about as carefully as it is possible to hedge about any bill. The moment these agencies begin to act so as to be unfair, not to restrain trade, but to be unfair, the Federal Trade Commission can jerk them into the court and stop it by injunction and send them to jail. The moment they begin to restrain trade in the United States the Sherman antitrust law steps in. All that this bill does is to put the American manufacturer and exporter on equal terms with his competitor, and every American wants to give them a chance to do that, and unless we do it we may as well go out of the export business. I appeal to this House not to be carried away by this argument that it affects big or little business. I am in favor of all business, big or little, if it is just, legitimate, and honest, but, as has been said here, this bill is for the purpose of aiding little honest business. If you want to

drive out of business little concerns which can not go around the world like the Standard Oil, the United States Steel, the International Harvester, then kill this bill and give the little fellow no opportunity to combine in a selling agency by which he can sell his goods abroad and meet the competition of the men who sells their goods around the world. Now, I would ask that this bill be read and put to a vote.

The SPEAKER. The question is on agreeing to the committee amendments.

The question was taken, and the committee amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading——

Mr. MORGAN. Mr. Speaker, I have an amendment. Let the bill be read by sections under the five-minute rule.

The SPEAKER. If anybody wants the bill read by sections——

Mr. STAFFORD. Mr. Speaker, this is a House bill and has been read once. The question is if the gentleman from North Carolina wishes to move the previous question on the bill.

The SPEAKER. The bill does not have to be read by sections. If the gentleman has an amendment he can send it up.

Mr. MORGAN. I offer this amendment as a proviso after section 2, page 3.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Mr. MORGAN offers the following amendment: At the end of section 2, line 3, page 3, strike out the period and add a colon and the following proviso:

"*Provided*, That before any association shall engage in business under this act it shall secure from the Federal Trade Commission a permit to engage in such business, and the said commission is authorized to issue such permits, and may, in its discretion, refuse a permit to any association, and may, after hearing, cancel any permit issued."

Mr. MORGAN. Mr. Speaker, I think those who heard this amendment read will understand its object. Of course, if this bill is going to pass, I would like to have it amended in a way that will make it as least harmful as possible. This gives to the Federal Trade Commission the power to grant permits to associations; in other words, before associations can be formed and do business under this act they must make an application to the Federal Trade Commission, and that commission has the authority to grant that permission or refuse to grant it. We will suppose here comes up an association composed of all the lumber producers in the United States, which might occur, and they file their application with the Federal Trade Commission. That commission says, "Well, we do not think it is proper that all the lumber producers of the United States should enter into a combination to engage in the export trade and thus monopolize the entire export trade."

Mr. JOHNSON of Washington. Will the gentleman yield? That is a preposterous statement. The rail shippers could not go into that kind of a combination——

Mr. MORGAN. Mr. Speaker, I refuse to yield, and I hope the gentleman will observe the rules here. I will be very glad at the proper time to yield; but now we will suppose that all the millers of the United States should join in one combination, which they can do under this act. The Federal Trade Commission will say that that is not proper; that is an outrage; you can form a half dozen or a dozen associations, but you can not all go in together. We will suppose the United States Steel Corporation, with all the minor steel companies, should come in and want to form an association to engage in the export trade in exporting steel and its products. Under my amendment the Federal Trade Commission can say that is not proper and could refuse to permit it. Now, that is all this amendment is. Is not that fair?

Mr. MADDEN. Will the gentleman yield for a question?

Mr. MORGAN. I will.

Mr. MADDEN. Who is to pass on that question under the terms of the bill?

Mr. MORGAN. Nobody passes on it. Companies have absolute authority. They can unite in spite of any authority. Now, I say to the chairman of this committee, is not that fair, and is he not willing to trust the Federal Trade Commission to pass on these applications?

Mr. WEBB. If the gentleman will look on page 4, with reference to the requirements of this bill it says that within 60 days after the passage of this act that if one of these associations is formed it shall file with the Federal Trade Commission a verified written statement setting forth the location of its offices or places of businesses and the names and addresses of all its officers and all its stockholders or members, and so forth. They must show everything about it.

Mr. MORGAN. Yes; they have to show where they live and where they come from, but that does not give any authority to refuse a permit to these organizations. Suppose a man is a thief. What kind of a law would it be to say a man may steal if he will first give his address? If these export combines are monopolies there is nothing gained by requiring them to give their addresses.

Mr. WEBB. If the gentleman is a thief he has to state it under oath and tell the Federal Trade Commission he is a thief under this act.

Mr. MORGAN. That is all bunk. Let us be fair about it. It does require them to state where they came from——

Mr. WEBB. And what they are doing.

Mr. MORGAN. But the Federal Trade Commission can not refuse them the right to organize.

Mr. WEBB. Congress permits them to organize and the Federal Trade Commission controls them.

Mr. MADDEN. Will the gentleman yield?

Mr. MORGAN. Yes.

Mr. MADDEN. I would like to ask the gentleman whether he thinks it wise to grant the power to the Federal Trade Commission to say whether these companies can organize or not? Might not the Federal Trade Commission be prejudiced against some line of industry in which certain men were engaged and prevent them from doing a thing which other men were permitted to do?

Mr. MORGAN. I will admit members of the Federal Trade Commission are not all wise, because I think they have acted very unwisely in supporting this measure. But you have to trust somebody. I think they might do wrong occasionally. But on the whole we will assume that here is a bill which they have supported and recommended and boosted in every way possible, and I think we have to assume that these public officers would be fair under the law.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. MORGAN. Yes.

Mr. HUDDLESTON. Will the gentleman permit me to call attention to the fact that if the Federal Trade Commission shall discover that the firm is operating in restraint of trade, there is no law to stop it, but a suit may be instituted against it that may be prolonged for years?

Mr. MORGAN. They pretend there that if they find they are engaged in unfair practices, which is another indefinite term, they can call them before it and give them a lecture, and if they do not desist they can file the papers down there. But they may restrain trade and yet engage in no unfair practices.

Mr. MADDEN. Is there any real reason on earth why American business men ought not to be permitted and encouraged in every way within the power of the Government to exploit the trade of the world outside of the United States, and ought not we to make them just as strong as it is possible for the Government to make them in order to enlarge the trade of the American people in the countries of the world?

Mr. MORGAN. If that is the policy, then we ought to repeal the Sherman Antitrust Act.

Mr. MADDEN. What has that got to do with this?

Mr. MORGAN. And we ought to repeal the Clayton Antitrust Act, and the Federal Trade Commission act, and wipe off the statute every line of law that in any way restricts them.

Mr. JOHNSON of Washington. Does the gentleman think we ought to cut off the commercial attachés that we send throughout the world in order to get this business?

Mr. WEBB. Let me call the attention of the gentleman to this language, on page 4:

It shall also furnish to the commission such information as the commission may require as to its organization, business, conduct, practices, management, and relation to other associations, corporations, partnerships, and individuals.

Any association that does not do that can have its charter taken away from it, and they can be stopped from doing business and fined $100 a day for each and every day of the continuance of such failure.

Mr. MORGAN. They get all the information, but they can go on and incorporate, and of course there is a restriction in regard to engaging in unfair practices. Then they can proceed against them, but——

Mr. HARDY. Will the gentleman yield?

Mr. MORGAN. I will.

Mr. HARDY. I will ask the chairman of the committee to listen to this interrogatory. It seems to me that on page 4 these corporations are required to furnish information, but if the information furnished or other sources of information demonstrate they are violating the provisions of this law there is no remedy provided by this act. There is not any provision that stops them from the rights under this act except that if they fail to make a report they shall no longer have rights under this act. But if their reports show they are violating the provisions of this law

or are not complying with this law, they still can go on with their business.

Mr. WEBB. If that is the case, they are liable both under the Federal Trade Commission law and the Sherman antitrust law.

Mr. HARDY. It only requires a condition that they shall report to the Federal Trade Commission what they shall do, and it does not provide any penalty if they report the truth and the truth shows they are violating the law.

Mr. MORGAN. Coming back to the discussion of my amendment, here is the bill, without restriction, that authorizes the combination of all manufacturing concerns. My amendment puts a limitation on that. We have created a Federal Trade Commission that is supposed to have special power to deal with trusts and monopolies, and so forth and so on. The Trade Commission is supposed to be composed of the best men we can get, though I confess my admiration for that commission, which I earlier advocated, has been somewhat weakened, but I am willing to make allowances. But there is that great commission, and I say why not give absolute authority or give the right to this commission to pass on the applications to engage in export trade? It would prevent the lumber dealers combining. It would prevent all the other great combinations, all the steel corporations, combining. It would give a little limitation. Why is not that right and proper?

Mr. MADDEN. Will the gentleman yield?

Mr. MORGAN. For a question.

Mr. MADDEN. This is a question. I understand the gentleman to say that he had lost confidence in the commission?

Mr. MORGAN. Partly.

Mr. MADDEN. If he has, why does he want to give them this extreme power?

Mr. MORGAN. I still have more confidence in the commission than I have in some of our big corporations. I do not think I am very rabid against so-called big business, but I do not think we have gone far enough in the control and regulation of our big business concerns. However, I believe the tendency is for the concentration of wealth in a few hands, and I do not think a man is a radical who calls attention to that.

Now, for instance, you take the report of the Commissioner of Internal Revenue for 1915 of the individual income tax, and what does that show? It shows there are 120 persons in the United States each of whom have a net annual income in excess of $1,000,000. There are 329 persons each of whom have a net annual income in excess of $500,000, and there are 3,874 persons each with a net annual income in excess of $100,000. Now, in the aggregate 336,672 persons have a net annual income of $6,794,000,000.

Do you know how much that is? It is more than the value of all the annual crops produced by the six and one-half million farmers in the United States, and it is double in amount the entire wages paid to the seven millions of men employed in the manufacturing establishments in 1910. In other words, it shows that 336,672 persons have a greater net income than 14,000,000 persons constituting our best-paid labor. In other words, 336,672 persons, representing a population of about 1,500,000 persons, have a net annual income greater than 14,000,000 wage earners representing 70,000,000 people.

Now, then, I say there is a tendency to concentration, and this great wealth has developed under this system of large corporations. I believe we have to have large corporations, but we ought to exercise greater and greater control over them. This bill is a step backward, and we ought to place this restriction on them. So I appeal to the Republicans here to permit this amendment, to vote for this amendment, which places a little restriction upon these combinations and places it in the hands of the Federal Trade Commission. I appeal to you Democrats here, who ought to look at the question with a view to the historical teachings of your party. You ought not, by your vote here to-day when you come to the roll call, to go back upon your record for 25 years, the record of your party platforms, the record of your party leaders, the record of the speeches that you have made in Congress, with which for years you have filled the CONGRESSIONAL RECORD. You must have some respect for past history, and in behalf of the people of the country you should place some restriction on the organization of these combinations. Give this power to the Federal Trade Commission to say something about what combinations shall be made for the purpose of controlling our export trade. [Applause.]

Mr. MADDEN. The gentleman stated the number of people who have large incomes. I suppose he would be willing to admit that those men are only the instrumentalities by means of which these incomes are kept at work for the benefit of the industrial side of American life, by means of which men are kept employed. They are not the owners of this wealth. They do not possess that wealth in the shape of cash. Their incomes are in a large measure in railroad tracks, in railroad ties, in cars, in wagons, in horses, in machinery of all kinds; and that is wearing out all the time. The simple fact of the matter is that the men with large incomes are merely the trustees who have the brains sufficient to manage the industrial side of American life and keep the activities of the country in motion and the people of the country employed.

Mr. MORGAN. I sympathize with that splendid sentiment that the gentleman from Illinois has uttered. [Laughter.] I sincerely do. I have the very highest admiration for the splendid business men of this country. Certainly ours should be a great country, and we would not be a great people unless we had these splendid business men with broad vision and great talents and the nerve and foresight and vision to conduct these great business interests. I want to see our great business men in every sense be greater and broader than the business men of any other nation. We ought to be proud of them, and I am proud of them. We can not be a great Nation without great captains of industry in this country; certainly not. But, on the other hand, our great business men have the same human nature that we small business men have. They have their viewpoint, and there is always danger that they will overlook the great masses for whom they work. But when I see by the official record that 336,000 men, representing about one million and a half people, have net annual income equal to what 14,000,000 men have, representing 70,000,000 people, I almost fear for the safety of the country.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Oklahoma yield to the gentleman from Wisconsin?

Mr. MORGAN. Not just now.

Mr. STAFFORD. The gentleman has an hour.

Mr. MORGAN. Just in a moment. I want to finish this sentence. While it is true that we need great business men, and while it is true that we admire them, on the other hand our real safety in this Nation to-day, when we are in war, depends not so much upon our leaders as upon the great masses of American citizens; and while we should admire our great business men, we must remember, after all, that the safety of our Nation in the future lies in the great masses of the people. The way our people are fed, the way they are clothed, the way they are housed, the way they are educated will determine the character of the future generations. So, while we admire our business men, yet we must remember that the real glory of the country is in the great masses of our citizenship, excelling in character, as I believe, the citizenship of any other nation on earth.

Mr. MADDEN. Will my friend yield for another question?

Mr. MORGAN. Just excuse me. I promised to yield to the gentleman from Wisconsin [Mr. STAFFORD] first.

Mr. MEEKER rose.

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. MEEKER. I rise to make the point of order that the gentleman is not discussing the amendment.

The SPEAKER. The gentleman will confine himself to the amendment.

Mr. MADDEN. Now, will the gentleman yield?

Mr. MORGAN. Yes.

Mr. MADDEN. The gentleman from Oklahoma will recall the time when all the wagons made in the United States were made in the country crossroad blacksmith shop, when all the horseshoes were made there, when all the buggies and things like that, and the plows and harrows were made in the blacksmith shop at the corners of the road. Now, if the crude method of conducting the business of the country in those days had not been improved they would then continue to this day, would they not? And it is only because of the improved methods of conducting the business, and the magnitude of the business, and the interrelationship of all the things that make up the activities of the American people, that we have been obliged to concentrate into bigger concerns, so that the man with $50, or the man with $1,000 at any rate, may join with another man with $1,000, and they with others may have a capital of $1,000,000 in one concern, and no one person in the concern will own any more than $1,000; and yet if the gentleman's notion of things would prevail, we would go back to the oxcart period, instead of moving on to meet the conditions that prevail now throughout the world?

Mr. MORGAN. I think the gentleman is unfair in his conclusion.

Now I yield to the gentleman from Wisconsin.

Mr. STAFFORD. If I understand the gentleman's amendment, it purposes to vest absolute power in the Federal Trade Commission to authorize these associations to be formed.

Mr. MORGAN. Yes.

Mr. STAFFORD. Does the gentleman believe such autocratic power should be vested in any commission of the Government, to determine who shall do business in the export trade?

Mr. MORGAN. It does not determine who shall do business.

Mr. STAFFORD. The commission will have the authority to negative an application to do this business, and under that authority they certainly have the power to forbid corporations organizing to control the foreign trade.

Mr. MORGAN. They do not determine who shall combine together.

Mr. STAFFORD. It would place in the hands of the Federal Trade Commission the power to single out certain favored combinations as against other combinations which might wish to engage in the foreign trade.

Mr. GRAHAM of Illinois. Does not the bill as drawn on page 5 give the Federal Trade Commission more power than that already? It gives them absolute power to determine whether any combination is operating in restraint of trade or not, and without any power of appeal to anybody or any place—absolute and unlimited power—more than is contained in the amendment of the gentleman.

Mr. STAFFORD. In reply to that suggestion, I beg to call the attention of the House to the fact that there had to be some facts upon which the Federal Trade Commission would have to predicate their action; but in the amendment, as purposed by the gentleman from Oklahoma, they could negative and refuse the right of corporations to combine to control the foreign trade, whether there were any facts that justified it or not. Absolute power would be vested in the Federal Trade Commission to do as they saw fit.

Mr. MEEKER. Does not the gentleman from Wisconsin think the greatest good fortune that could come to this country would be for all the flour men in the country to get together?

Mr. STAFFORD. The gentleman does not appreciate the basis of my objection, which is that it would place in the Federal Trade Commission the authority by their ipse dixit to say who shall control our foreign trade.

Mr. MORGAN. I decline to yield further, Mr. Speaker.

The SPEAKER. The gentleman from Oklahoma declines to yield further.

Mr. MORGAN. If this should be voted down, there is another kind of limitation which might be presented, and that is to limit the percentage. We will suppose, for instance, that the United States Steel Corporation controls 50 per cent of all the steel products of the country. Now, would the gentleman be in favor of permitting the Steel Corporation to combine with other corporations for the purpose of engaging in the export trade? I should like to be informed upon that.

Mr. WEBB. If it is not in violation of a law of the United States, yes; I would be willing that there should be a combination between anybody or anything for the purpose of capturing the trade of the world, if they do not punish the people of the United States in doing it.

Mr. MORGAN. The gentleman is honest in his logic, at all events.

Mr. WEBB. Does not the gentleman want our corporations and our people to take the world in trade if they can do it honestly?

Mr. MORGAN. I do not want any corporations in this country to engage in business here, in local trade or in export trade, with arbitrary power to control and fix prices, and by no vote of mine will I ever sanction such a thing.

Mr. WEBB. The gentleman has not answered my question.

Mr. MORGAN. I am opposed to that. You admit here that you are willing that the United States Steel Corporation, against which proceedings are pending in the Supreme Court of the United States, a corporation that admittedly has been able to dictate the price of steel rails for a quarter of a century, that dominates and controls that business in this country, shall combine with lesser corporations to absolutely control the export business of the country.

Mr. WEBB. I made no such admission.

Mr. MORGAN. I am not for such a proposition as that.

Mr. WEBB. I made no such proposition.

Mr. MORGAN. You did admit it, as I understood your proposition.

Mr. WEBB. Oh, well, I beg the gentleman's pardon. If my friend will allow me, I said that I am willing for the United States Steel Corporation, or any other corporation, or any other set of individuals to form a foreign selling agency and carry on their business in foreign countries as the laws of those foreign countries permit them, and that is what this bill does.

Mr. MORGAN. That is what I said the gentleman said. I do not think this House should vote for such a proposition. I do not think you ought to vote for the arbitrary control of prices by the great corporations of this country.

Mr. WEBB. Mr. Speaker, I regret to insist on the point of order made by the gentleman from Missouri that the gentleman from Oklahoma is not discussing the amendment.

Mr. FOCHT. What is the difference, if he is making a good argument?

The SPEAKER. Under the rules of the House, the point of order being made, the gentleman must speak to the amendment.

Mr. MORGAN. I am trying to.

The SPEAKER. The trouble with the gentleman is that he lets these other men divert him from his line of argument. [Laughter.]

Mr. MORGAN. No; Mr Speaker, I think not. In all earnestness, I was undertaking to speak to my amendment absolutely and strictly, and the point of order is not well taken.

Mr. MEEKER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MEEKER. Was the gentleman's peroration awhile ago, that he did not want to be interfered with, speaking to the question?

The SPEAKER. That is past and gone.

Mr. MADDEN. I suppose my friend from Oklahoma will admit that no combination authorized to sell goods abroad would be able to fix prices for its commodities abroad unless the people abroad were willing to let it do so. Would he be willing to admit that?

Mr. MORGAN. Oh, no——

The SPEAKER. The Chair will state that the question asked by the gentleman from Illinois [Mr. MADDEN] has nothing on the face of the earth to do with this amendment, and the gentleman from Oklahoma is absolved from answering the question. [Laughter.]

Mr. JOHNSON of Washington. Mr. Speaker, may we have the amendment read, so that we will know what it is?

The SPEAKER. If there be no objection, the Clerk will report the amendment again.

Mr. MORGAN. I object.

Mr. JUUL. May we not have the amendment read?

Mr. MORGAN. I withdraw my objection, and ask that it be read in my time.

The SPEAKER. The Clerk will report the amendment.

The amendment was read.

Mr. MORGAN. Now, to go back to the original proposition, which I think will bear repetition. This bill gives absolute power, without restriction or limitation, to all manufacturing concerns, big and little, to combine in the export trade, and is broad enough so that the steel companies can combine with the lumber companies and the mill companies, and we will have one big corporation doing all the export business in those lines. What do we want to do? We want to put a little restriction or limitation upon them and give the Federal Trade Commission authority to look after such matters as this. My amendment provides that before any of these associations can do business they must get a permit from the Federal Trade Commission.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. MORGAN. Yes.

Mr. JOHNSON of Washington. Let us suppose that certain manufacturers go into a combination for the export business in China; that they induce all of the Chinese people to wear shirts; and that causes an increase in price of shirts in the United States. There would be a great hue and cry among the muckrakers that the price of shirts had gone up and that we were robbing the Chinese. Petitions would come in and Members of Congress would go to the Federal Trade Commission to cancel this right of combination, and the shirts in China would be cut off at the pocket or at the tail. [Laughter.] What happens to business?

Mr. WEBB. Mr. Speaker, I make the point of order that the question is not germane.

Mr. JOHNSON of Washington. The question is pertinent to the amendment proposed to allow these corporations to go into a combination, and that it may be suspended by the Federal Trade Commission without even a notice.

The SPEAKER. The amendment provides, in substance, that nobody can enter this arrangement provided for in the bill unless he gets the consent of the Federal Trade Commission.

Mr. JOHNSON of Washington. And that it can be canceled without notice.

The SPEAKER (reading)—

Provided, That before any association shall engage in business under this act it shall secure from the Federal Trade Commission a permit to engage in certain business, and said commission is authorized to issue such a permit and may in its discretion refuse a permit to any association, and after hearing to cancel any permit issued.

There are three propositions in the amendment.

Mr. JOHNSON of Washington. I would like to have the gentleman answer my question.

Mr. MORGAN. I will answer it later on if I can get the time. Now, I have been lecturing the Democratic Party because this bill is contrary to their principles. I want now to talk especially to the Republican Members. We have been assailed by our political opponents throughout the year on the ground that we were controlled by the great moneyed interests of the country.

Mr. WEBB. Mr. Speaker, I make the point that the gentleman is not talking to his amendment.

The SPEAKER. The gentleman from Oklahoma will proceed in order and discuss his amendment.

Mr. MORGAN. Of course, I yield to the Speaker's judgment, although I think if he had waited until I had got my preliminary statement made he would have thought otherwise. And especially as I was going to lecture my Republican brethren, I am a little surprised that he held my remarks out of order, but I have no doubt that he did it in good faith.

Mr. ADAMSON. Will the gentleman yield?

Mr. MORGAN. No; I can not yield. I insist that we ought not to give unlimited power to these combinations. I have said that several times before, but until I am satisfied that I have convinced the gentleman I want to keep repeating that statement. Some one says that the foreign nations allow combinations and that we must permit combinations in order that we may compete with the foreign combinations. I believe that combinations abroad are just as wrong as they are at home.

Mr. WEBB. Mr. Speaker, I make the point of order that the gentleman has not touched his amendment since he was admonished before.

The SPEAKER. The point of order is sustained.

Mr. MORGAN. Mr. Speaker, may I proceed in order?

The SPEAKER. Yes.

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. MORGAN. Yes.

Mr. HAMILTON of Michigan. In relation to the far-reaching question propounded by the gentleman from Washington in relation to Chinese shirts——

Mr. MORGAN. I can not yield for that.

Mr. HAMILTON of Michigan. That was an illustration, and what I want to ask the gentleman is whether the Chinese, having been induced——

The SPEAKER. The gentleman from Michigan is out of order. The inquiry of the gentleman has nothing to do with this amendment. If the gentleman wants the rule construed strictly the Chair will do so.

Mr. MORGAN. Now, gentlemen, I do not wish to detain the House much longer. In my judgment this amendment is very appropriate and proper. I think it is very unwise for this great Government, with 100,000,000 people, to permit combinations without restriction upon our manufacturing concerns to engage in export trade. I believe if the bill is passed at all there ought to be some limitations and restrictions. I believe while there is some danger in trusting the Federal Trade Commission with this power, under the circumstances it is the best we can do. We are passing bills and measures every day in which there is almost unlimited power given to the President or some officer. The power that this would give to the Federal Trade Commission is very limited compared with the great powers we are conferring on the President and other officers. It would be a safeguard to the people. I do not believe that the people of the United States have ever understood this bill. If they did I believe there would be a protest against it. Here are great business concerns that want this passed.

The administration in power that seems to be in favor of great business interests and concerns, and the Federal Trade Commission, that was supposed to be designed to destroy the trusts, has come here in favor of the bill that will do more to create trusts and monopolies than all the legislation the Republican Party has enacted for half a century.

Mr. WEBB. Mr. Speaker, I make the point of order that the gentleman is not speaking to his amendment.

Mr. MORGAN. I am discussing the amendment in good faith.

Mr. WEBB. I am going to make the point of order every time the gentleman gets away from his amendment.

The SPEAKER. The point of order is sustained.

Mr. MORGAN. We are going backward, and in this day and age the whole tendency of this Nation, as well as foreign nations, is to give power into the hands of the executive. Our courts have fallen down. Everywhere our courts are crowded with business. They can not transact the business. There is too much Federal business, too much State business, too much county business, and the courts can not attend to this business. So we have to create these great commissions and confer upon them both judicial and administrative powers, and that is what my amendment proposes to do. It probably gives to the Federal Trade Commission both judicial and executive power, but we have already done that. This is right along in line with the rest of the legislation in this country. Let us go one step further and gives this Federal Trade Commission these additional powers, and let that great Federal Trade Commission, even though it is under Democratic persuasion at the present time, stand there between the great corporations of the country and the great masses of the people as a slight protection to the people against the great combinations of money in this country. That is what I am asking.

Mr. ROBBINS. Mr. Speaker, will the gentleman yield for a question?

Mr. MORGAN. If it is in order.

Mr. ROBBINS. I want to ask the gentleman this: His amendment proposes to authorize the Federal Trade Commission first to issue permits?

Mr. MORGAN. Yes.

Mr. ROBBINS. And, second, to inquire whether they are complied with, and then, if not complied with, to revoke them?

Mr. MORGAN. If necessary.

Mr. ROBBINS. Does not this act, on page 5, line 5, give the United States district attorney power to prosecute and bring about a forfeiture for the very thing that you are proposing to give to the Trade Commission?

Mr. MORGAN. Oh, no. If they violate any law, of course the United States district attorney can prosecute them—that is, if he can convict them—but if they do not do any better in conviction than the present administration has we might as well not have the law at all. When you give that commission the administrative power to simply refuse an organization, to simply by one stroke of the pen cancel their permits, then you give them power that is worth something; but when you have to go into court, indict them, try them, and go through all of that, you are powerless to do any good. Any student of the subject knows that if you want an effective law you must give it to administrative officers. The courts are powerless to enforce the laws. Give it to the hands of an executive officer, which I propose to do by this amendment, and there it stands. That democratic Trade Commission shall say, in the first place, who shall engage in the business, and, second, if they engage in the business and are not conducting themselves right, or if conditions change so that they ought not to be in the business, there is that Federal Trade Commission with power to arbitrarily close down the business. That is the kind of power that we need now to make it effective.

Mr. MEEKER. Does not the gentleman believe that even corporations should have a right to go into court to defend themselves against even a Federal trade commission?

The SPEAKER. That question is out of order. It has nothing to do with this amendment.

Mr. STEENERSON. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. Yes.

Mr. STEENERSON. On page 2 of the bill I find this provision:

And provided further, That such association does not, either in the United States or elsewhere, enter into any agreement, understanding, or conspiracy, or do any act which artificially or intentionally and unduly enhances prices within the United States of commodities of the class exported by such association.

The question arises if this combination authorized by this section might not unduly depress prices——

The SPEAKER. That question is out of order.

Mr. STEENERSON. I submit, Mr. Speaker——

The SPEAKER. Everyone who undertakes to talk about this amendment has to talk about the amendment.

Mr. STEENERSON. This amendment refers to this section that I am speaking of, and, of course, it limits——

The SPEAKER. Where does this amendment refer to this section?

Mr. STEENERSON. It comes at the end of the section.

The SPEAKER. I know it does.

Mr. STEENERSON. Well, you see this amendment limits the power, and I desire to argue that point of order. It limits the power——

Mr. MORGAN. Mr. Speaker, I hope this does not come out of my time.

The SPEAKER. No; it does not come out of the gentleman's time.

Mr. STEENERSON. This authorizes an association or selling agency in the export trade.

The SPEAKER. What does?

Mr. STEENERSON. The section does.

The SPEAKER. I know it does.

Mr. STEENERSON. And this amendment provides that the permission to engage in that combination is left to the Trade Commission, and I am asking this question to understand the scope of this permission which the Trade Commission will give.

The SPEAKER. There is no mystery about this amendment. It provides for three things, and three things only, and they are very simple.

Mr. STEENERSON. It is not so simple as it may seem upon its face. This affects the export trade, and the permission is to engage in this combination in the export trade, and the section which this amendment is offered to provides there shall be no combination to depress the price in the domestic trade.

The SPEAKER. I know; but that is one question and this amendment is an entirely different question. This amendment simply goes to how this license or permit is to be issued.

Mr. STEENERSON. Certainly; and we have a right to consider the scope of the section.

The SPEAKER. Not on this amendment.

Mr. STEENERSON. Of course this amendment limits the scope of the section, and necessarily we have to discuss the scope of the section, whether it will affect the section——

The SPEAKER. The Chair thinks not.

Mr. HAMILTON of Michigan. Mr. Speaker, has not the Chair already ruled on that?

Mr. STEENERSON. This is the first time in 15 years since I have been in the House when a Member can not ask a question.

The SPEAKER. This rule is very rarely invoked. The gentleman himself has been here a number of years, and he knows that it is the rarest kind of a thing when one Member insists that a Member who is making a speech on an amendment shall confine himself to the amendment, but whenever the rule is invoked it is the business of the presiding officer, whoever he is, to enforce the rule.

Mr. STEENERSON. Yes; but the presiding officer in this instance declared what the scope of the amendment is and does so arbitrarily. I claim the scope of this amendment is to limit the section which governs this selling agency authorized by the section, and my inquiry was as to the powers that are embraced in that selling agency.

The SPEAKER. The Chair knows, and this amendment does not have a thing in the world to do with it.

Mr. STEENERSON. It has everything to do with it.

The SPEAKER. The Chair has ruled.

Mr. STEENERSON. Mr. Speaker, I desire to appeal from the decision. We have a right to find out about this bill.

The SPEAKER. The gentleman from Minnesota appeals from the decision of the Chair.

Mr. FOSTER. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER. The gentleman from Illinois moves to lay the appeal on the table.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. STEENERSON. Mr. Speaker, I call for a division.

The SPEAKER. The gentleman from Minnesota demands a division.

The House divided; and there were—ayes 68, noes 11.

Mr. STEENERSON. Mr. Speaker, I raise the point of no quorum.

The SPEAKER. The gentleman from Minnesota makes the point of order that there is no quorum present, and evidently there is not.

Mr. WEBB. Mr. Speaker, I move a call of the House.

Mr. STAFFORD. There is an automatic call, Mr. Speaker.

The SPEAKER. Yes; it is automatic. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. Those in favor of tabling the appeal, when their names are called, will answer "yea," and those opposed will answer "nay."

The question was taken; and there were—yeas 247, nays 21, answered "present" 8, not voting 154, as follows:

YEAS—247.

Adamson	Barkley	Britten	Caldwell
Alexander	Barnhart	Brodbeck	Campbell, Kans.
Almon	Bathrick	Browning	Campbell, Pa.
Ashbrook	Black	Brumbaugh	Candler, Miss.
Aswell	Blackmon	Buchanan	Caraway
Austin	Bland	Burroughs	Carter, Mass.
Bacharach	Blanton	Butler	Cary
Bacon	Booher	Byrnes, S. C.	Chandler, N. Y.
Bankhead	Bowers	Byrns, Tenn.	Chandler, Okla.
Church	Greene, Mass.	McLemore	Sherwood
Clark, Pa.	Greene, Vt.	Madden	Shouse
Classon	Gregg	Magee	Siegel
Claypool	Griest	Mansfield	Sims
Collier	Hadley	Mapes	Sisson
Connally, Tex.	Hamilton, Mich.	Meeker	Slayden
Connelly, Kans.	Hamlin	Miller, Wash.	Small
Cooper, Ohio	Harrison, Va.	Montague	Smith, Idaho
Cox	Hastings	Moon	Smith, C. B.
Cramton	Haugen	Moores, Ind.	Smith, T. F.
Currie, Mich.	Hawley	Mott	Snell
Curry, Cal.	Hayden	Mudd	Snook
Davis	Heflin	Nicholls, S. C.	Steagall
Denison	Heintz	Norton	Stedman
Dies	Helm	Oldfield	Stephens, Miss.
Dillon	Hensley	Oliver, Ala.	Stephens, Nebr.
Dominick	Hersey	Oliver, N. Y.	Strong
Doolittle	Hicks	Olney	Sumners
Doremus	Hilliard	Osborne	Sweet
Doughton	Holland	Overmyer	Swift
Dowell	Hood	Overstreet	Switzer
Drane	Houston	Padgett	Taylor, Ark.
Dupré	Huddleston	Park	Taylor, Colo.
Eagle	Humphries	Parker, N. J.	Temple
Emerson	Husted	Phelan	Thompson
Evans	Igoe	Platt	Tillman
Fairchild, B. L.	Jacoway	Pou	Timberlake
Fairfield	James	Pratt	Van Dyke
Farr	Johnson, Ky.	Price	Venable
Ferris	Jones, Tex.	Purnell	Vestal
Fisher	Juul	Quin	Vinson
Flood	Kehoe	Ragsdale	Waldow
Focht	Kelly, Pa.	Rainey	Walker
Foster	Kiess, Pa.	Raker	Walsh
Francis	Kincheloe	Ramsey	Walton
French	King	Randall	Watkins
Fuller, Mass.	Kinkaid	Rankin	Watson, Va.
Gandy	Kraus	Rayburn	Weaver
Gard	LaGuardia	Reed	Webb
Garland	Langley	Robbins	Welling
Garner	Larsen	Roberts	Welty
Garrett, Tex.	Lehlbach	Rogers	Whaley
Gillett	Lesher	Romjue	Wheeler
Glass	Linthicum	Rouse	White, Me.
Glynn	London	Rowe	White, Ohio
Godwin, N. C.	Lonergan	Rubey	Williams
Good	Longworth	Rucker	Wilson, Ill.
Goodall	McAndrews	Russell	Wilson, La.
Goodwin, Ark.	McArthur	Sabath	Wilson, Tex.
Gordon	McCulloch	Sanders, Ind.	Wingo
Graham, Ill.	McFadden	Sanders, La.	Woodyard
Graham, Pa.	McKenzie	Sanders, N. Y.	Young, Tex.
Gray, Ala.	McKeown	Shackleford	

NAYS—21.

Anderson	La Follette	Ramseyer	Volstead
Ellsworth	Lenroot	Scott, Iowa	Young, N. Dak.
Esch	Little	Smith, Mich.	Zihlman
Fess	Lundeen	Stafford	
Green, Iowa	Morgan	Steenerson	
Knutson	Nelson	Towner	

ANSWERED "PRESENT"—8.

Cooper, W. Va.	Hardy	Johnson, Wash.	Rose
Cooper, Wis.	Hull, Tenn.	Moore, Pa.	Schall

NOT VOTING—154.

Anthony	Edmonds	Kennedy, R. I.	Rodenberg
Ayres	Elston	Kettner	Rowland
Bell	Estopinal	Key, Ohio	Sanford
Borland	Fairchild, G. W.	Kitchin	Saunders, Va.
Brand	Fields	Kreider	Scott, Mich.
Browne	Fitzgerald	Lazaro	Scott, Pa.
Bruckner	Flynn	Lea, Cal.	Scully
Burnett	Fordney	Lee, Ga.	Sears
Cannon	Foss	Lever	Sells
Cantrill	Frear	Littlepage	Shallenberger
Capstick	Freeman	Lobeck	Sherley
Carew	Fuller, Ill.	Lunn	Sinnott
Carlin	Gallagher	McClintic	Slemp
Carter, Okla.	Gallivan	McCormick	Sloan
Clark, Fla.	Garrett, Tenn.	McKinley	Snyder
Coady	Gould	McLaughlin, Mich	Steele
Copley	Gray, N. J.	McLaughlin, Pa.	Sterling, Ill.
Costello	Griffin	Maher	Sterling, Pa.
Crago	Hamill	Mann	Stevenson
Crisp	Hamilton, N. Y.	Martin, Ill.	Stiness
Crosser	Harrison, Miss.	Martin, La.	Sullivan
Dale, N. Y.	Haskell	Mason	Tague
Dale, Vt.	Hayes	Mays	Talbott
Dallinger	Heaton	Miller, Minn.	Templeton
Darrow	Helvering	Mondell	Thomas
Davidson	Hill	Morin	Tilson
Decker	Hollingsworth	Neely	Tinkham
Dempsey	Howard	Nichols, Mich.	Treadway
Dent	Hulbert	Nolan	Vare
Denton	Hull, Iowa	O'Shaunessy	Voigt
Dewalt	Hutchinson	Paige	Ward
Dickinson	Ireland	Parker, N. Y.	Wason
Dill	Johnson, S. Dak.	Peters	Watson, Pa.
Dixon	Jones, Va.	Polk	Winslow
Dooling	Kahn	Porter	Wise
Drukker	Kearns	Powers	Wood, Ind.
Dunn	Keating	Reavis	Woods, Iowa
Dyer	Kelley, Mich.	Riordan	
Eagan	Kennedy, Iowa	Robinson	

So the motion to lay the appeal on the table was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. STEELE with Mr. BUTLER.

Ending June 11:

Mr. KITCHIN with Mr. MANN.

Ending Saturday:
Mr. DILL with Mr. JOHNSON of Washington.
Until further notice:
Mr. DENTON with Mr. COOPER of Ohio.
Mr. LITTLEPAGE with Mr. COOPER of West Virginia.
Mr. STEPHENS of Nebraska with Mr. SLOAN.
Mr. BELL with Mr. HAMILTON of Michigan.
Mr. CLARK of Florida with Mr. FULLER of Illinois.
Mr. LUNN with Mr. STERLING of Illinois.
Mr. HULL of Tennessee with Mr. HILL.
Mr. DALE of New York with Mr. HASKELL.
Mr. TALBOTT with Mr. STINESS.
Mr. BRUCKNER with Mr. KENNEDY of Rhode Island.
Mr. DENT with Mr. GEORGE W. FAIRCHILD.
Mr. FITZGERALD with Mr. FOSS.
Mr. CARTER of Oklahoma with Mr. DALLINGER.
Mr. CRISP with Mr. CANNON.
Mr. AYRES with Mr. COPLEY.
Mr. BORLAND with Mr. COSTELLO.
Mr. BRAND with Mr. CRAGO.
Mr. CANTRILL with Mr. FORDNEY.
Mr. BURNETT with Mr. DALE of Vermont.
Mr. CAREW with Mr. DEMPSEY.
Mr. CARLIN with Mr. EDMONDS.
Mr. ESTOPINAL with Mr. DARROW.
Mr. FIELDS with Mr. DYER.
Mr. COADY with Mr. GOULD.
Mr. CROSSER with Mr. FREAR.
Mr. DECKER with Mr. GRAY of New Jersey.
Mr. DEWALT with Mr. FREEMAN.
Mr. DICKINSON with Mr. DAVIDSON.
Mr. DIXON with Mr. DRUKKER.
Mr. DOOLING with Mr. DUNN.
Mr. GARRETT of Tennessee with Mr. KAHN.
Mr. MAHER with Mr. KENNEDY of Iowa.
Mr. GALLIVAN with Mr. IRELAND.
Mr. GRIFFIN with Mr. HEATON.
Mr. LEE of Georgia with Mr. MASON.
Mr. LEVER with Mr. HAYES.
Mr. HAMILL with Mr. KELLEY of Michigan.
Mr. SULLIVAN with Mr. WARD.
Mr. O'SHAUNESSY with Mr. ROWLAND.
Mr. POLK with Mr. NOLAN.
Mr. WISE with Mr. SNYDER.
Mr. GALLAGHER with Mr. TINKHAM.
Mr. EAGAN with Mr. SLEMP.
Mr. HARRISON of Mississippi with Mr. JOHNSON of South Dakota.
Mr. LAZARO with Mr. MCKINLEY.
Mr. LEA of California with Mr. MCLAUGHLIN.
Mr. HELVERING with Mr. WASON.
Mr. KEATING with Mr. WATSON of Pennsylvania.
Mr. LOBECK with Mr. MORIN.
Mr. JONES of Virginia with Mr. HUTCHINSON.
Mr. KEY of Ohio with Mr. MONDELL.
Mr. HOWARD with Mr. KEARNS.
Mr. NEELY with Mr. VARE.
Mr. MARTIN of Illinois with Mr. TILSON.
Mr. RIORDAN with Mr. PARKER of New York.
Mr. SHALLENBERGER with Mr. PETERS.
Mr. FLYNN with Mr. POWERS.
Mr. ROBINSON with Mr. PAIGE.
Mr. SEARS with Mr. TEMPLETON.
Mr. THOMAS with Mr. SCOTT of Michigan.
Mr. TAGUE with Mr. SINNOTT.
Mr. STERLING of Pennsylvania with Mr. WOOD of Indiana.
Mr. MAYS with Mr. SELLS.
Mr. STEVENSON with Mr. ROBERTS.
Mr. HULBERT with Mr. WINSLOW.
Mr. KETTNER with Mr. SCOTT of Pennsylvania.
Mr. MCCLINTIC with Mr. TREADWAY.
Mr. SAUNDERS of Virginia with Mr. HOLLINGSWORTH.
Mr. SHERLEY with Mr. HULL of Iowa.
Mr. SCULLY with Mr. SANFORD.

Mr. BUTLER. Mr. Speaker, I am paired with my colleague, Mr. STEELE. I am sure if he were here he would vote "aye" also, and therefore will let my vote stand. I will observe the pair on the next roll call.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present, the Doorkeeper will unlock the doors, and the gentleman from Oklahoma [Mr. MORGAN] has 10 minutes remaining.

Mr. MORGAN. Mr. Speaker, I ask that the amendment that I offered be read in my time.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. MORGAN: At the end of section 2, on page 3 of the bill, insert:

"*Provided*, That before any association shall engage in business under this act it shall secure from the Federal Trade Commission a permit to engage in such business, and the said commission is authorized to issue such permits and may in its discretion refuse a permit to any association and may, after hearing, cancel any permit issued."

Mr. MORGAN. Mr. Speaker, my time has been somewhat limited and I have been very free in allowing interruptions and have not had full time to discuss this amendment in all its importance.

Now, there are a good many here present at this time who have not been here and heard all of this discussion. So it will be necessary for me even in my 10 minutes of time to review somewhat the situation. Now, this bill, as you know, is called a bill to increase export trade; a very good title, a very commendable title, because we are all in favor of increasing our export trade in every proper way that is possible. Now, then, in order to increase our export trade this bill provides that any manufacturing concern or corporation may combine, that is, form a new corporation for the purpose solely of engaging in export trade. This bill permits associations, corporations, and individuals without restriction and limitation to combine for the purpose of engaging in export trade.

I have an amendment pending which proposes to limit and restrict to some extent these combinations. So my amendment provides that before any corporation shall be formed and be permitted to engage in export trade it shall make application to the Federal Trade Commission and get a permit or a license, if you please, to engage in this business. In other words, instead of allowing unlimited combinations of our large corporations as well as our small ones, we let this administrative power of the Federal Trade Commission pass upon these combinations. For instance, suppose the United States Steel Corporation and 8 or 10 of the next largest steel corporations should ask to form a combination to engage in export trade, the Federal Trade Commission would have authority simply to say, "You are already large enough to engage in export trade and we will refuse you the authority to combine for that purpose."

I think that is a reasonable restriction, a reasonable limitation. It is something, at least, to protect the great masses of the people from undue monopoly that may come from the organization of these large corporations into export associations, because I hold that it is an inevitable consequence that as individuals or corporations are combined for the purpose of export trade they in effect will be combined for local trade. If my friend from Pennsylvania and I are partners in export trade we will not be very far apart in our domestic trade. That would be utterly impossible.

Now, then, there is a proposition. One argument which I have not presented is this: There were a great many wise men who proposed and advocated that we should require all of our domestic corporations engaging in interstate commerce to secure a license from the Federal Government, a proposition which was really a very wise one. And I am not sure yet but that you will be driven to that position, so that we will have power over our domestic corporations which are engaged in interstate commerce, and have the Federal Trade Commission license these corporations. And then they will have an effective method to deal with them if they violate the law, because all they need to do is to revoke the license, and then they could not engage in business. They could not be compelled to proceed, as they are now, in a long prosecution. So that is an argument in favor of this amendment.

Mr. DILLON. Will the gentleman yield?

Mr. MORGAN. I will.

Mr. DILLON. Can the gentleman tell us what portion of our manufactured products constitutes our domestic trade and what portion our foreign trade?

Mr. MORGAN. My memory is that it is less than 10 per cent.

Mr. DILLON. Is it not about 30 per cent?

Mr. MORGAN. That is not my memory.

Mr. DILLON. Can the gentleman tell the committee what is the percentage on agricultural products that go into export trade?

Mr. MORGAN. I think only 5 per cent. It is a very small one. But it is the surplus product that has the most to do with the prices. So, following the argument presented by these wise men who are in favor of licensing our domestic corporations engaged in interstate commerce, it would be a good time now to try that method on these combinations which we are going to authorize to engage in export trade by giving the Federal Trade Commission the authority to license these combi-

nations. And then they could to some extent keep out the large corporations that are already large enough.

The main argument presented, the only thing that the advocates of this bill harped on all the time, was that this is for the benefit of the little corporation; for the benefit of the little fellow. They talked that all the time. That is what the Federal Trade Commission says. That is the argument that has been made before the Judiciary Committee—to help the little fellow. But if that argument is honest, if the men who present it are sincere, they ought not to object to my amendment.

The SPEAKER. The time of the gentleman has expired.

Mr. MORGAN. I hope that my amendment will pass. [Applause.]

Mr. WEBB. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The SPEAKER. The gentleman from North Carolina moves the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. The question is on the amendment offered by the gentleman from Oklahoma [Mr. MORGAN].

The question was taken, and the Speaker announced that the noes seem to have it.

Mr. MORGAN. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The Chair will count.

(The Speaker proceeded to count.)

Mr. MORGAN. Mr. Speaker, I withdraw my point of no quorum. I ask for a division.

The SPEAKER. The gentleman from Oklahoma asks for a division.

The House divided; and there were—ayes 11, noes 131.

So the amendment was rejected.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. STEENERSON. Mr. Speaker, I want to move to recommit the bill, if that is in order now.

The SPEAKER. The gentleman will send up his motion.

Mr. STEENERSON. I move to recommit the bill by inserting after the words "unduly enhances" the words "or unduly depresses."

The SPEAKER. The Clerk will report the gentleman's motion.

Mr. STEENERSON. On page 3, line 1, insert after the word "enhances" the words "or unduly depresses."

The SPEAKER. The gentleman from Minnesota moves to recommit the bill with instructions, which the Clerk will report.

The Clerk read as follows:

Mr. STEENERSON moves to recommit the bill to the Committee on the Judiciary with instructions to report the same back forthwith with an amendment, on page 3, after the word "enhances," on line 1, to insert the words "or unduly depresses."

Mr. WEBB. Mr. Speaker, I move the previous question on the motion.

The SPEAKER. The gentleman from North Carolina moves the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Minnesota [Mr. STEENERSON] to recommit with instructions.

The question was taken, and the motion was rejected.

The SPEAKER. The question is, Shall the bill pass?

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MORGAN. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The gentleman from Oklahoma makes the point of no quorum. The Chair will count. [After counting.] Including myself, there are 209 Members present, not a quorum.

Mr. WEBB. Mr. Speaker, I move a call of the House.

Mr. STAFFORD. There is an automatic call, Mr. Speaker.

The SPEAKER. The Chair thought maybe the requisite number would come in in a moment.

Mr. STAFFORD. The Speaker has announced that there is no quorum present.

The SPEAKER. Not enough have come in. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of passing this bill will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 242, nays 29, answered "present" 4, not voting 155, as follows:

YEAS—242.

Adamson	Farr	Kinkaid	Russell
Alexander	Ferris	Kraus	Sabath
Almon	Fess	LaGuardia	Sanders, Ind.
Ashbrook	Fisher	Langley	Sanders, La.
Aswell	Flood	Larsen	Sanders, N. Y.
Austin	Focht	Lazaro	Sanford
Bacharach	Foster	Lea, Cal.	Scott, Iowa
Bankhead	Francis	Lehlbach	Sherwood
Barkley	French	Lenroot	Shouse
Barnhart	Fuller, Mass.	Lesher	Siegel
Bathrick	Gallagher	Linthicum	Sims
Black	Gandy	Little	Slayden
Blackmon	Gard	Lonergan	Slemp
Blanton	Garland	Longworth	Small
Booher	Garner	McAndrews	Smith, Idaho
Bowers	Garrett, Tenn.	McArthur	Smith, Mich.
Britten	Garrett, Tex.	McFadden	Smith, C. B.
Brodbeck	Gillett	McKeown	Smith, T. F.
Browning	Glass	McLemore	Snell
Brumbaugh	Glynn	Madden	Snook
Buchanan	Godwin, N. C.	Magee	Stafford
Burnett	Goodall	Mansfield	Steagall
Burroughs	Goodwin, Ark.	Mapes	Steadman
Byrnes, S. C.	Gordon	Meeker	Stephens, Miss.
Byrns, Tenn.	Graham, Pa.	Miller, Minn.	Strong
Caldwell	Gray, Ala.	Miller, Wash.	Sumners
Campbell, Kans.	Green, Iowa	Montague	Swift
Campbell, Pa.	Greene, Mass.	Moon	Switzer
Candler, Miss.	Greene, Vt.	Moores, Ind.	Taylor, Ark.
Caraway	Gregg	Nicholls, S. C.	Temple
Cary	Griest	Oldfield	Thompson
Church	Hadley	Oliver, Ala.	Tillman
Clark, Pa.	Hamilton, Mich.	Oliver, N. Y.	Timberlake
Classon	Hamlin	Olney	Towner
Claypool	Hardy	Osborne	Venable
Collier	Harrison, Va.	Overstreet	Vestal
Connally, Tex.	Hastings	Padgett	Vinson
Connelly, Kans.	Hawley	Park	Voigt
Cooper, Wis.	Hayden	Parker, N. J.	Waldow
Copley	Heflin	Phelan	Walker
Cox	Heintz	Platt	Walsh
Currie, Mich.	Helm	Pou	Walton
Curry, Cal.	Hensley	Pratt	Watkins
Dale, Vt.	Hersey	Purnell	Watson, Va.
Davidson	Hicks	Quin	Weaver
Davis	Hilliard	Ragsdale	Webb
Dies	Holland	Rainey	Welling
Dominick	Hood	Raker	Welty
Doolittle	Houston	Ramsey	Whaley
Doremus	Humphreys	Randall	Wheeler
Doughton	Husted	Rayburn	White, Me.
Drane	Igoe	Reed	White, Ohio
Dupré	Jacoway	Robbins	Williams
Eagle	James	Roberts	Wilson, La.
Elston	Johnson, Wash.	Robinson	Wilson, Tex.
Emerson	Jones, Tex.	Romjue	Wingo
Esch	Kehoe	Rose	Woods, Iowa
Evans	Kelly, Pa.	Rouse	Woodyard
Fairchild, B. L.	Kiess, Pa.	Rowe	Young, Tex.
Fairchild, G. W.	Kincheloe	Rubey	
Fairfield	King	Rucker	

NAYS—29.

Anderson	Ellsworth	Lundeen	Steenerson
Bacon	Graham, Ill.	McCulloch	Sweet
Bland	Huddleston	Morgan	Van Dyke
Chandler, Okla.	Johnson, Ky.	Nelson	Volstead
Cramton	Keating	Norton	Young, N. Dak.
Denison	Knutson	Ramseyer	
Dillon	La Follette	Rankin	
Dowell	London	Schall	

ANSWERED "PRESENT"—4.

Butler	Hull, Tenn.	Moore, Pa.	Shackleford

NOT VOTING—155.

Anthony	Drukker	Jones, Va.	O'Shaunessy
Ayres	Dunn	Juul	Overmyer
Bell	Dyer	Kahn	Paige
Borland	Eagan	Kearns	Parker, N. Y.
Brand	Edmonds	Kelley, Mich.	Peters
Browne	Estopinal	Kennedy, Iowa	Polk
Bruckner	Fields	Kennedy, R. I.	Porter
Cannon	Fitzgerald	Kettner	Powers
Cantrill	Flynn	Key, Ohio	Price
Capstick	Fordney	Kitchin	Reavis
Carew	Foss	Kreider	Riordan
Carlin	Frear	Lee, Ga.	Rodenberg
Carter, Mass.	Freeman	Lever	Rogers
Carter, Okla.	Fuller, Ill.	Littlepage	Rowland
Chandler, N. Y.	Gallivan	Lobeck	Saunders, Va.
Clark, Fla.	Good	Lunn	Scott, Mich.
Coady	Gould	McClintic	Scott, Pa.
Cooper, Ohio	Gray, N. J.	McCormick	Scully
Cooper, W. Va.	Griffin	McKenzie	Sears
Costello	Hamill	McKinley	Sells
Crago	Hamilton, N. Y.	McLaughlin, Mich.	Shallenberger
Crisp	Harrison, Miss.	McLaughlin, Pa.	Sherley
Crosser	Haskell	Maher	Sinnott
Dale, N. Y.	Haugen	Mann	Sisson
Dallinger	Hayes	Martin, Ill.	Sloan
Darrow	Heaton	Martin, La.	Snyder
Decker	Helvering	Mason	Steele
Dempsey	Hill	Mays	Stephens, Nebr.
Dent	Hollingsworth	Mondell	Sterling, Ill.
Denton	Howard	Morin	Sterling, Pa.
Dewalt	Hulbert	Mott	Stevenson
Dickinson	Hull, Iowa	Mudd	Stiness
Dill	Hutchinson	Neely	Sullivan
Dixon	Ireland	Nichols, Mich.	Tague
Dooling	Johnson, S. Dak.	Nolan	Talbott

Taylor, Colo.	Tinkham	Wason	Wise
Templeton	Treadway	Watson, Pa.	Wood, Ind.
Thomas	Vare	Wilson, Ill.	Zihlman
Tilson	Ward	Winslow	

So the bill was passed.

The Clerk announced the following additional pairs:

For the session:

Mr. STEELE with Mr. BUTLER.

Until further notice:

Mr. AYRES with Mr. ZIHLMAN.

Mr. DICKINSON with Mr. KAHN.

Mr. EAGAN with Mr. ANTHONY.

Mr. OVERMYER with Mr. BROWNE.

Mr. DILL with Mr. MCCORMICK.

Mr. LEA of California with Mr. WATSON of Pennsylvania.

Mr. CROSSER with Mr. NICHOLS of Michigan.

Mr. PRICE with Mr. HAUGEN.

Mr. SCULLY with Mr. KREIDER.

Mr. SISSON with Mr. MCKENZIE.

Mr. ESTOPINAL with Mr. MCKINLEY.

Mr. STEVENSON with Mr. MCLAUGHLIN of Michigan.

Mr. WINGO with Mr. MUDD.

Mr. TAGUE with Mr. PAIGE.

Mr. BURNETT with Mr. RODENBERG.

Mr. DIXON with Mr. ROGERS.

Mr. HARRISON of Mississippi with Mr. TINKHAM.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will unlock the doors.

On motion of Mr. WEBB, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE TO EXTEND REMARKS.

By unanimous consent, leave was granted to extend remarks in the RECORD as follows:

To Mr. MORGAN.

To Mr. CAMPBELL of Kansas, by inserting a speech delivered by Col. Robert G. Ingersoll on the life and character of Roscoe Conkling.

To Mr. CARY, on prohibition.

To Mr. LAGUARDIA, on the food question.

To Mr. MCLEMORE.

CALL OF COMMITTEES.

The SPEAKER. The Clerk will call the next committee.

The Clerk proceeded with the call of committees.

INTERSTATE COMMERCE COMMISSION.

Mr. ADAMSON (when the Committee on Interstate and Foreign Commerce was called). Mr. Speaker, by authority of my committee I call up the bill (S. 1816) to amend the act to regulate commerce, as amended, and for other purposes. This is the bill to increase the Interstate Commerce Commission.

This bill has always been considered in the House as in Committee of the Whole. It has passed the House twice. I make the same request now for unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman asks unanimous consent that this bill be considered in the House as in Committee of the Whole. Is there objection?

Mr. STAFFORD. This is an important bill, Mr. Speaker. I think it ought to be considered in the Committee of the Whole.

The SPEAKER. The gentleman from Wisconsin objects. The House automatically resolves itself into the Committee of the Whole——

Mr. ADAMSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ADAMSON. I desire at the proper time, whether in the House or in the Committee of the Whole, to request unanimous consent that the substitute be considered in lieu of the original bill.

The SPEAKER. The gentleman asks that the substitute be considered as the original bill. Is there objection?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, do I understand that if the bill is considered in the House as in Committee of the Whole there will be opportunity for general debate as in the House on Calendar Wednesday?

Mr. ADAMSON. I should be glad to dispose of this bill this evening if possible. If I can not do so, I shall regret it very much. The House has passed this bill twice as reported by the committee, and I was in hopes that there would not be much debate on it.

Mr. STAFFORD. That does not reply to my question. I do not object to the gentleman's last request.

The SPEAKER. Is there objection to the request that the substitute be considered as the original bill?

There was no objection.

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House on the state of the Union, and the gentleman from Kentucky [Mr. JOHNSON] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 1816) to amend the act to regulate commerce, as amended, and for other purposes, with Mr. JOHNSON of Kentucky in the chair.

Mr. ADAMSON. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the substitute.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to dispense with the first reading of the substitute. Is there objection?

There was no objection.

Mr. ADAMSON. Mr. Speaker, this bill, in substance, most of it, has passed the House twice. The first time it passed the House it did not provide for the subdivision of the Interstate Commerce Commission into two or more divisions. The last time it passed it not only increased the commission to nine members, whereas there are now seven, but it provided for the subdivision of the commission into two or three divisions, and it increased the salary of the secretary. The Senate passed the Senate bill this time before we considered ours. The Senate never acted on the bill on the two previous occasions when it passed the House. This time the Senate in passing the bill adopted all of ours with the addition of an amendment to govern the action of the commission in cases of a request for increase of rates. The present law, section 15, provides that the commission is authorized to suspend rates when they are filed by a carrier on its own motion or on the application of another person. The amendment the Senate put on to the text of our bill was that whenever a protest was filed the commission should suspend the rates. In other words, where it is now voluntary the Senate makes it compulsory that they shall suspend in the case of an application or a protest. I presume that amendment will be offered to this bill at the proper time. The only differences between the House and the Senate of a substantial character are those.

I wish to say that it is absolutely necessary to the transaction of business that the membership of the commission shall be increased. They have so many duties to perform—the valuation itself requires considerable attention, and the numerous cases and issues and investigations before them, of safety appliances and other requirements make a tremendous amount of work which they can not perform. When cases are made they have to have an investigation, and instead of having a commissioner which would satisfy the public they have to send an examiner, a young clerk or a young lawyer, and the people are dissatisfied. They want one of the commissioners.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. JOHNSON of Washington. What are these examiners paid?

Mr. ADAMSON. Different salaries, all the way from $1,800 up to $5,000.

Mr. JOHNSON of Washington. What is the salary of the present secretary?

Mr. ADAMSON. Five thousand dollars.

Mr. LENROOT. Will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. LENROOT. Is there any change in the substitute bill from the bill which passed at the last session?

Mr. ADAMSON. I do not remember any.

Mr. LENROOT. Did the committee consider the provision in the Senate bill requiring the suspension of rates?

Mr. ADAMSON. Yes; the committee considered it, and the idea of the committee was that we would repass the House bill, get into conference immediately, and thrash out the subject. We thought that expedition was necessary, but we were unable to get it considered in the House and gentlemen now think it necessary to dispose of the question here. I would be willing, in order to save time, that the House should repass the House bill as we passed it before and let us get into conference to-morrow.

Mr. LENROOT. May I ask the gentleman what the attitude of the committee is on this provision in the Senate bill?

Mr. ADAMSON. I can not say what the attitude would be on that question, as there was no accentuation of it made there. We only agreed to substitute the House bill.

Mr. LENROOT. If the House believes that that should be adopted, then the only safe way would be for the House to amend the substitute bill and incorporate it?

Mr. ADAMSON. I think nobody would object to that; if they did, Judge SIMS is going to offer the amendment to the House

bill. I have two or three minor amendments myself that I want to offer.

Mr. WALSH. Will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. WALSH. Does the gentleman state that one reason for increasing the commission is because of the present work of the valuation of railroads that takes place?

Mr. ADAMSON. One of the reasons.

Mr. WALSH. Does not the gentleman think it would be better for Congress to pass an act discontinuing the work and let the commission go about its business instead of continuing a work that is going to be absolutely worthless when completed?

Mr. ADAMSON. If the gentleman will excuse me, I do not think we have the time to thrash out that question. I wish to emphasize the great increase of the work that the commission has devolving upon it, exclusive of the question of valuation. When we first passed the bill there was no valuation law at all. It ought to have been done regardless of the valuation, because seven members can not do the work, even if they were relieved of the valuation. I have a tabulation that I am going to put in the RECORD showing that they have many times as much work to do to-day as they had 10 years ago.

Mr. STAFFORD. Will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. STAFFORD. As I understand the bill, with two exceptions, if the bill becomes a law, the commission may appoint one or any number of the commission to constitute a division.

Mr. ADAMSON. Under this bill, yes. They may subdivide into as many divisions as the commission deems proper, but we require or expect to provide by amendment that not less than three shall participate in any decision of rates, and not less than five in any question of valuation.

Mr. STAFFORD. The gentleman proposes to offer an amendment to the effect that no important measure shall be passed on by one commissioner or two commissioners?

Mr. ADAMSON. Yes.

Mr. STAFFORD. Will the chairman be kind enough to submit those amendments, so that we may have them before us and consider them?

Mr. ADAMSON. I will read them now.

In line 13, page 11 of the House substitute, there is a misprint. The word "any" should be "and." That is the first amendment.

The second amendment I am going to offer is, in line 16, page 12, where one division is authorized to act for the commission. I wish to offer an amendment inserting the words "subject to revision by the commission when demanded by either party interested."

Mr. STAFFORD. Where does that amendment come in?

Mr. ADAMSON. After the word "thereof," in line 16. Then, in line 12 on page 13 and in line 13 on page 13 the language is a little awkward. Senator CUMMINS called my attention to it, and I agreed with him. It says that not less than seven members shall sit in the hearing and participate in the decision. He thought there might be some misunderstanding and a literal construction that would require a man to sit there all of the time without any intermission and suggested that in line 3 I strike out the word "sit" and insert the word "participate," and strike it out where it occurs later in another line, so that it would read "shall participate in the hearing and decision." This would require the same amendment being made in lines 12 and 13.

Mr. SIMS. In line 12, on the same page, we should strike out "seven" and insert "five."

Mr. ADAMSON. Yes; and Judge SIMS is going to offer the amendment about suspending the rates.

Mr. STAFFORD. Where is the amendment that the gentleman just suggested that would restrict the number of commissioners that may constitute the division that will pass upon these important questions?

Mr. ADAMSON. On page 13 the gentleman will notice this language:

> In all proceedings relating to the reasonableness of the rates or to alleged discriminations not less than three members shall participate.

And farther down the provision that in all matters concerning valuation not less than five shall participate.

Mr. STAFFORD. That is in the present bill. I understood the gentleman was going to offer an amendment that would place further restrictions upon the members in a division.

Mr. ADAMSON. Does the gentleman mean the number of the members?

Mr. STAFFORD. Yes; the number of members that will constitute a division to pass upon important questions.

Mr. ADAMSON. No; the gentleman misunderstood me.

Mr. STAFFORD. Then, under this bill, one commissioner may have the authority to pass on a question other than that of rates and valuation of railroad property?

Mr. ADAMSON. Subject to revision by the commission itself. Either party interested may demand that the entire commission revise that action.

Mr. SIMS. Ought not that word to be "review" instead of "revise"?

Mr. ADAMSON. I think that it means the same thing, that it will not become the order of the commission unless the commission approves it.

Mr. STAFFORD. It will not be heard de novo, but it will be a review of the testimony taken by the one or two or three commissioners?

Mr. ADAMSON. It would be in the discretion of the commission to do either.

Mr. MADDEN. Mr. Chairman, will the gentleman yield to me?

Mr. ADAMSON. Yes.

Mr. MADDEN. Does not the gentleman from Georgia think this is of sufficient importance to prevent any subcommittee of the commission from acting upon an important matter without review by the full commission, regardless of whether appeal is taken by either side or not?

Mr. ADAMSON. The gentleman will note that in the two important things, as we thought, we fixed the minimum number that shall act.

Mr. MADDEN. I understand that; but it seems to me that the number does not make any difference, if it is less than the whole commission; that while you can appoint a committee of three members of the commission to take the testimony, and thereby facilitate the transaction of business that comes before the commission, no committee of the commission, no matter what number of members it might consist of, should have the power to reach a conclusion that would bind anyone as to fixing rates, at any rate, because rates are things that are vital to the different sections of the country. Let us take an example. I do not say that it would be done, but suppose we had a rate case affecting the Central West or the extreme West, and the commission was rather favorably inclined to granting the rates and it selected a committee of three men from the East who were members of the commission to sit on that case. What would prevent those three men, who have no special interest in the West, from authorizing the railroad to fix a rate beyond reason? Of course, I recognize the fact that there is a right of appeal or a right of review, but there ought not to be any such requirement. The requirement ought to consist of the submission of the evidence adduced by the three men appointed by the commission to the commission for final adjudication, without respect to any dissatisfaction on the part of either side.

Mr. ADAMSON. The gentleman will note that we did not require any form of appeal.

Mr. MADDEN. But you require a proceeding.

Mr. ADAMSON. We say subject to the demand of either party.

Mr. MADDEN. I say, Why require it?

Mr. ADAMSON. I will answer that. A great many cases arise in which the principles are plain and well settled, and two or three commissioners would have no difficulty in reaching a proper conclusion in the matter, and in such a case each party would acquiesce, but if a case arises where either party is dissatisfied, all he has to do is to note the fact that he asks a revision by the entire commission.

Mr. MADDEN. I have known cases of my own knowledge before the Interstate Commerce Commission where interstate rates provided by the commission had been violated by the railroads involved, where complaint was filed, and where the commission found against the railroad for the violation and where they refused to execute their own orders. Now, if they allowed that they are liable to do it on other features.

Mr. ADAMSON. What does the gentleman suggest?

Mr. MADDEN. I suggest that nothing less than the whole commission be authorized under any circumstances to decide a rate case.

Mr. ADAMSON. That would be five—a quorum.

Mr. MADDEN. But you would have to have, at any rate, a quorum present to decide a case.

Mr. ADAMSON. I am perfectly willing, if the gentleman desires, to strike out the three and write in five.

Mr. MADDEN. I think a quorum of the commission must be present; that includes the whole commission, of course.

Mr. ADAMSON. If you say five shall be present, that is a quorum of the whole commission.

Mr. MADDEN. That not less than a quorum of the commission shall be present; that includes the whole commission.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. ADAMSON. I do.

Mr. COOPER of Wisconsin. Would that mean three or the five should render a decision?

Mr. MADDEN. I do not think it would mean that.

Mr. COOPER of Wisconsin. That is the provision, that five members shall participate in the hearing and decision. Well, if five participate in the decision, a majority of five, or three, would render the decision, which would be one-third of the commission.

Mr. MADDEN. Personally I am not in favor of that.

Mr. COOPER of Wisconsin. In my judgment, that goes right into the very vitals of this question.

Mr. MADDEN. I think so.

Mr. ADAMSON. That is a matter of construction, of course.

Mr. COOPER of Wisconsin. I do not think there is any other construction possible—that if you permit five to make a decision, a majority of the five would make it.

Mr. ADAMSON. I am too frank to deny the gentleman's construction.

Mr. COOPER of Wisconsin. Now, another thing in that connection. Will the gentleman please read again the amendment he proposes and which the gentleman from Illinois spoke about on the question of appeal?

Mr. ADAMSON. That is that they may issue orders, subject to revision by the commission when demanded by either party interested.

Mr. COOPER of Wisconsin. I want to call the attention of the gentleman from Illinois to this. It is subject to appeal upon the demand of either party. Now, where there is a complaint both against the railroad company before the commission for a revision of the rates and for the fixing of rates there are actually parties litigant, two parties, but where there is an investigation to find simply the valuation of property are there parties to the action?

Mr. ADAMSON. Well, parties are heard there just as well as in other cases.

Mr. COOPER of Wisconsin. But are there parties?

Mr. ADAMSON. I think there are.

Mr. COOPER of Wisconsin. The commission does not make any order that affects the railroad company if it decides the property is worth $20,000,000; it just simply puts a valuation of the property.

Mr. ADAMSON. I know, but there is an issue made between them if either of the parties desire to oppose the finding of the commission as to what the valuation is.

Mr. COOPER of Wisconsin. When we speak of parties we mean parties in litigation, but there is no litigation over an investigation, but where you fix rates there is a plaintiff and a defendant. That is the point I desire to make.

Mr. MADDEN. I am not a lawyer, you know, but I want to call the attention of the lawyers of this House to the fact that there ought not to be any litigation here except when it is necessary.

There will be no litigation if a subcommittee of the commission is obliged to report its findings to the full commission for its final determination, without respect to whether anybody complains or not.

Mr. ADAMSON. As I understand, the gentleman does not desire the rate shall be made by any subdivision of the commission.

Mr. MADDEN. That is the point exactly, because I think with the commission acting through parts of the commission, as it did in the case I described with respect to a certain rate, where they found the railroad company was violating the law and refused to execute the law after they found the railroad had violated it, what is to happen by having 12 or 13 of the commissioners doing the same thing in any of the other cases?

Mr. ADAMSON. I would first like to have the gentleman hear from the gentleman from Wisconsin [Mr. ESCH], and then I am willing to vote on the amendment.

Statistics of work of the commission for the fiscal years ending Nov. 30, except as otherwise noted.

	1905	1906	1907	1908	1909	1910	1911	1912	1913	1914	1915	1916
Formal proceedings:												
Complaints filed	50	74	410	549	1,090	660	881	755	1,023	1,131	962	851
Subcomplaints filed [1]						305	196	218	136	262	216	188
Investigations instituted	15	8	5	5	7	11	12	16	15	11	6	14
Suspensions granted						25	43	120	159	206	194	222
Total	65	82	415	554	1,097	1,001	1,132	1,109	1,333	1,610	1,378	1,275
Requests for suspension denied						16	51	112	191	230	337	295
Formal proceedings disposed of:												
Complaints and investigations	83	63	165	347	788	817	652	778	863	901	1,105	891
Suspension cases							46	54	151	169	200	191
Total	83	63	165	347	788	817	698	832	1,014	1,070	1,305	1,082
Number of reports issued	46	32	111	223	403	493	491	622	806	898	964	781
Number of pages [2]	763	251	503	1,331	1,700	1,750	1,869	2,812	3,230	3,746	4,290	3,756
Fourth section:												
Applications filed							5,723	1,757	1,252	950	673	516
Orders granting permanent relief								241	199	265	260	741
Orders granting temporary relief								1,346	1,057	821	562	364
Applications withdrawn									114	38	41	48
Hearings and testimony:												
Number of hearings	79	73	276	573	601	737	943	1,154	1,401	1,580	1,543	1,672
Pages of testimony:												
Formal cases	10,500	28,000	35,000	67,000	61,000	64,000	80,000	108,000	108,200	145,700	123,000	148,714
Suspension cases							19,100	20,350	22,200	35,000	73,700	40,682
Fourth-section cases							2,000	6,550	1,600	5,400	5,700	5,839
Total pages of testimony	10,500	28,000	35,000	67,000	61,000	64,000	101,100	134,900	132,000	186,100	202,400	195,235
Special dockets:												
Applications filed			761	3,789	4,406	5,102	5,653	6,009	6,730	6,014	6,670	6,001
Applications granted			561	1,012	2,379	3,508	3,875	3,096	4,610	6,010	4,854	4,787
Applications denied			200	864	1,199	1,463	739	799	1,818	2,213	2,537	1,764
Informal complaints filed	503	1,002	4,382	4,640	4,435	3,840	4,325	6,550	7,690	8,154	6,385	4,808
Letters received	12,146	19,900	49,348	79,553	105,271	111,849	117,403	136,429	146,078	158,810	148,259	155,276
Tariff division:												
Tariffs filed	165,736	223,243	210,982	228,403	184,303	154,905	121,827	108,766	141,257	157,294	149,478	107,057
Concurrences filed	113,003	111,334	124,195	78,017	98,173	95,026	77,988	53,701	49,352	65,011	68,693	58,952
Contracts filed	4	707	307	598	562	229	967	864	518	584	443	546
Orders on applications to establish rates on less than statutory notice		749	3,286	4,053	4,047	3,893	3,692	3,715	3,263	4,022	4,842	4,392
Rate memorandums	1,242	2,547	3,401	3,956	5,911	5,264	5,515	4,152	4,468	5,468	5,303	9,750
Division of safety: [3]												
Freight cars inspected	252,361	271,617	242,881	237,868	357,623	436,590	487,131	451,090	738,665	790,822	1,000,210	908,566
Passenger cars inspected	6,653	11,698	9,116	7,051	12,377	15,480	16,137	17,120	30,266	26,746	33,427	27,220
Locomotives inspected	11,880	16,308	12,733	10,873	18,976	22,604	24,999	22,182	31,753	32,761	38,784	31,721
Accidents investigated								64	76	63	66	85
Cases prepared for prosecution	51	65	148	275	100	210	248	398	500	493	287	426
Penalties collected	$5,300	$11,100	$20,700	$38,200	$44,300	$52,700	$44,326	$68,235	$158,861	$173,190	$148,537	$99,570
Division of Locomotive Boiler Inspection:												
Locomotives inspected [3]								74,234	90,346	92,716	73,443	52,650

[1] Prior to 1910 each complaint was given a separate number. Beginning with that year all complaints involving substantially the same subject matter were consolidated under one number.

[2] A bound volume consists of about 700 pages. Eleven volumes contain all reports of the commission prior to August, 1906. Since that time 30 volumes of reported opinions and 4,372 pages of unreported opinions have been published.

[3] For the fiscal year ending June 30.

Statistics of work of the commission for fiscal years ending Nov. 30, except as otherwise noted—Continued.

	1905	1906	1907	1908	1909	1910	1911	1912	1913	1914	1915	1916
Division of Statistics:[1]												
Annual reports filed—												
Steam railway companies	1,295	1,377	1,407	1,452	1,528	1,527	1,618	1,561	1,509	1,623	1,615	1,681
Electric railway companies				120	155	167	271	381	412	406	410	416
Express companies				28	22	17	17	16	14	12	10	10
Sleeping car companies						1	1	1	1	1	1	1
Water carriers										38	126	201
Telephone companies										400	822	901
Total	1,295	1,377	1,407	1,600	1,705	1,712	1,907	1,959	2,026	2,138	2,984	3,210
Division of Inquiry:												
Number of indictments returned				46	35	44	62	93	61	58	72	54
Penalties collected				$211,775	$308,233	$63,500	$214,225	$344,420	$145,400	$204,506	$277,435	$339,290
Investigations conducted[2]											360	273
Memorandums to commission[2]											200	227
Division of Carriers' Accounts:												
General examinations—												
Roads visited					3	26	7	18	10	3	13	163
Reports					3	23	7	13	10	3	8	170
Special examinations—												
Roads visited					117	73	64	89	130	45	175	63
Reports					53	44	32	42	71	33	123	75
Examinations in connection with formal cases:												
Roads visited					1	1		29	13	32	39	82
Reports					1	1		6	9	13	15	119
Examinations in connection with congressional resolutions:												
Roads visited								2	44	5	34	3
Reports								2	4	4	3	1
Total visits					121	100	71	138	197	85	261	311
Total reports					57	68	39	63	94	53	149	365

[1] For the fiscal year ending June 30.

[2] Records not previously kept so as to differentiate this information by years.

The Chairman.	Commissioner Clements.	Commissioner Clark.	Commissioner Harlan.	Commissioner McChord.	Commissioner Meyer.	Commissioner Hall.	Commissioner Daniels.	Commissioners Clements, Clark, Hall.	Commissioners Clark, Clements, McChord.	Commissioners Clements, Meyer, McChord.	Commissioners Daniels, Clark.	Commissioners Harlan, Meyer.	Commissioners McChord, Hall.

SECRETARY.

Assistant Secretary.	Board of Review.	Tariffs.	Carriers' Accounts.	Safety.	Statistics.	Law.	Library.	Chief Examiner.	Classification and Salaries.	Valuation.	Board of Reference.	Office Space.	Rules of Practice.
Chief Clerk and Purchasing Agent.			Conference Rulings.	Boiler Inspection.		Inquiry.	Indices.	Attorney-Examiners.			Fourth Section Board.		
Disbursements and Accounts.			Publication of Reports.				Board of Investigation and Suspension.	Junior Examiners.			Correspondence and Claims.		
Appointments.													
Dockets.													
Mails and Files.													
Stenography.													
Supplies.													
Documents.													
Printing.													
Telephone.													

Mr. JOHNSON of Washington. Is there going to be an opportunity for any general debate on this thing?

Mr. ADAMSON. What is the question?

Mr. JOHNSON of Washington. I want to get some time for debate on the affairs of the Interstate Commerce Commission, and particularly as to those fellows who are making valuations in the stone quarry part in my State, and will not be through for a couple of years. Now is the time to air the Interstate Commerce Commission before we add a couple more men at $10,000 a year and further to increase the employees of this Government and embarrass the people.

Mr. MADDEN. Mr. Chairman, this has been an awfully hot day, and we have been working hard and have taken care of important business. So I make the point of no quorum.

Mr. SIMS. Will the gentleman withhold that for a moment, until I can have this put in the RECORD?

Mr. MADDEN. Yes.

Mr. SIMS. Because Members of the House have asked me and because it will be of general interest, and the chairman has referred to it, I ask to have sent to the desk and have read the amendment I propose to offer in reference to the rate suspensions.

The CHAIRMAN. The Clerk will report the amendment.

Mr. JOHNSON of Washington. I object to its being read. Let it be put in the RECORD.

Mr. SIMS. It will be in the RECORD for the benefit of everybody.

The following is the amendment:

Insert, immediately after line 13, page 13, the following: The second paragraph of section 15 of the act to regulate commerce as amended is further amended so that the said second paragraph of said section 15 shall read as follows:

"Whenever there shall be filed with the commission any schedule stating a new individual or joint rate, fare, or charge, or any new individual or joint classification, or any new individual or joint regulation or practice affecting any rate, fare, or charge, the commission upon its own initiative may, and upon complaint or protest shall, at once, and if it so orders, without answer or other formal pleading by the interested carrier or carriers, but upon reasonable notice, enter upon a hearing concerning the reasonableness and propriety of such rate, fare, charge, classification, regulation, or practice; and pending such hearing and the decision thereon the operation of such schedule shall be suspended and the use of such rate, fare, charge, classification, regulation, or practice shall be deferred until after full hearing, and shall take effect only after the commission has found and declared the same to be just and reasonable, neither unjustly discriminatory nor unduly preferential or prejudicial nor otherwise in violation of the provisions of this act, and after full hearing the commission shall make such order in reference to said rate, fare, charge, classification, regulation, or practice as would be proper in a proceeding initiated after the rate, fare, charge, classification, regulation, or practice had become effective.

"The foregoing provision shall apply to all such schedules now on file with the commission, but which have not become effective, but shall not apply to any schedule filed in pursuance of an order of the commission.

"At any hearing involving a rate or fare which has been increased since January 1, 1910, or a rate or fare sought to be increased by any such schedule now on file, but which has not taken effect, or a rate or fare which is sought to be increased by any such schedule hereafter filed the burden of proof to show that the increased rate or fare, or the proposed increased rate or fare, is just and reasonable shall be upon the common carrier, and the commission shall give to the hearing and the stating of such questions preference over all other questions pending before it and decide the same as speedily as possible.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] has made the point of no quorum. The Chair will count. [After counting.] Seventy-nine gentlemen have arisen—not a quorum. The Clerk will call the roll.

Mr. ADAMSON. Mr. Chairman, I do not think I would have the heart to call the roll now. I think that would be doing an injustice to my comrades. Therefore I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. JOHNSON of Kentucky, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (S. 1816) to amend the act to regulate commerce, as amended, and for other purposes, had come to no resolution thereon.

EXTENSION OF REMARKS.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent to extend my remarks by printing the table to which I referred.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

ORDER OF BUSINESS.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent to proceed with the consideration of this bill to-morrow morning.

Mr. GILLETT and Mr. CURRY of California objected.

The SPEAKER. There is a conference report to come up.

Mr. ADAMSON. I mean subject to the conference report.

The SPEAKER. The gentleman from New York [Mr. HICKS] has an order of the House authorizing him to speak for an hour.

Mr. ADAMSON. Well, subject to his speech.

Mr. CURRY of California. I object.

EXTENSION OF REMARKS.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of waterways.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. CURRIE of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a poem, written by a friend, entitled "Buy a liberty bond."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. SIEGEL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

Mr. McARTHUR. Reserving the right to object, on what subject?

Mr. SIEGEL. On the Italian commission.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. GREENE of Vermont. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. ADAMSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Thursday, June 14, 1917, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (H. R. 3331) for the protection of the owners of mining claims and of desert-land entrymen who enter the military or naval service of the United States in time of war, reported the same with amendments, accompanied by a report (No. 77), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ASHBROOK, from the Committee on Coinage, Weights, and Measures, to which was referred the bill (H. R. 3548) providing for the modification of the designs of the current quarter dollar, reported the same without amendment, accompanied by a report (No. 78), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PARK, from the Committee on Accounts, to which was referred the resolution (H. Res. 44) authorizing clerks to certain committees of the House, reported the same with amendment, accompanied by a report (No. 76), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DILLON: A bill (H. R. 5008) to amend the act entitled "An act establishing post routes, and for other purposes," approved March 3, 1877; to the Committee on the Post Office and Post Roads.

By Mr. KELLY of Pennsylvania: A bill (H. R. 5009) for the creation of the United States War Information Commission; to the Committee on Education.

By Mr. CHARLES B. SMITH: A bill (H. R. 5010) to amend section 4414 of the Revised Statutes of the United States relating to the appointment of local and assistant inspectors of steam vessels; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 5011) to establish a United States Court of Patent Appeals, and for other purposes; to the Committee on the Judiciary.

By Mr. EMERSON: A resolution (H. Res. 101) to have the Department of Justice investigate combinations in the District of Columbia that fix the prices of food, and also what increases have been made in rents since the outbreak of the war with Germany; to the Committee on the District of Columbia.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 5012) granting a pension to Charles O. Beum; to the Committee on Pensions.

By Mr. DOOLITTLE: A bill (H. R. 5013) granting a pension to Harl K. Harris; to the Committee on Pensions.

By Mr. JAMES: A bill (H. R. 5014) granting a pension to Christian Broemer; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 5015) for the relief of Thomas H. Casey; to the Committee on Claims.

By Mr. McKEOWN: A bill (H. R. 5016) granting a pension to William P. Johnson; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 5017) to correct the military record of William H. Minnick; to the Committee on Military Affairs.

Also, a bill (H. R. 5018) to correct the military record of John W. Terry; to the Committee on Military Affairs.

By Mr. SANFORD: A bill (H. R. 5019) for the relief of John McNeil; to the Committee on Military Affairs.

By Mr. CHARLES B. SMITH: A bill (H. R. 5020) granting a pension to Frederick Rattke; to the Committee on Pensions.

Also, a bill (H. R. 5021) for the relief of Augustus C. Smith; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BRODBECK: Petition of 155 citizens of Wellsville, Pa., favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of 209 citizens of York County, Pa., favoring a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

Also, petition of the Woman's Foreign Missionary Society of the First Methodist Episcopal Church, of York, Pa., favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of 23 citizens of Dillsburg, Pa., and vicinity, favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, petitions of 70 citizens of York County, Pa.; 71 citizens of York County, Pa., and Harford County, Md.; and 68 citizens of York County, Pa., and Harford County, Md., for a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

Also, petition of 23 citizens of Dillsburg, Pa., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. BYRNS of Tennessee: Petition of the Woman's City Mission Board of the Methodist Episcopal Church South of Nashville, Tenn., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. CALDWELL: Petition of sundry citizens of Long Island City, N. Y., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. DALLINGER: Resolution of the Boston Branch of the Association of Collegiate Alumnæ, favoring the creation of zones around military camps; to the Committee on Military Affairs.

By Mr. DENISON: Memorial of sundry citizens of Carbondale and Men's Union Gospel Team of West Frankfort and Frankfort Heights, all in the State of Illinois, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Sparta and Sesser, in the State of Illinois, favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of sundry citizens of Cairo, Ill., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. DOOLING: Petition of the Chamber of Commerce of the State of New York, favoring the daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce of the State of New York, commending the Senate Finance Committee for its action on the war-revenue measure, and urging the exemption of gifts to educational, philanthropic, and religious organizations from taxation; to the Committee on Ways and Means.

By Mr. EMERSON. Petition of B. F. Beal and others, of Cleveland, Ohio, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. GEORGE W. FAIRCHILD: Petition of T. H. Porter and others, of Binghamton, N. Y., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. GOULD: Petition of citizens of Williamson, Wayne County, N. Y., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. HERSEY: Petition of Rev. J. H. Bryant, of Greenville Junction Methodist Episcopal Church, State of Maine, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HUDDLESTON: Petition of Mrs. Jessie L. Parrish, Mrs. E. H. Shiffer, and many others, of Birmingham, Ala., favoring national prohibition; to the Committee on the Judiciary.

By Mr. JOHNSON of Washington: Petition of members of the First Methodist Episcopal Church, Hoquiam, Wash., favoring national prohibition; to the Committee on the Judiciary.

By Mr. LUNDEEN: Resolution of the International Brotherhood of Stationary Firemen, Local No. 29, Minneapolis, Minn., opposing national prohibition; to the Committee on the Judiciary.

By Mr. MORIN: Petition of the Sir Roger Casement Branch of the Friends of Irish Freedom, pledging to the Government the loyal service which the Irish race has ever given, and urging that the Government insist that England shall remove her forces from Ireland and renounce all claim to rule over an unwilling people; to the Committee on Foreign Affairs.

By Mr. MOTT: Petition of members of Bethany Methodist Episcopal Church and the First Baptist Church of Watertown, and members of the Presbyterian Church of Chaumont, and the Methodist Aid Society of Harrisville, and sundry citizens of Harrisburg and Denmark, all in the State of New York, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. PARKER of New York: Petition of the Young Men's Bible Class of the Methodist Episcopal Church of Ballston, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Glens Falls, N. Y., favoring the enactment of prohibition legislation as a war measure; to the Committee on the Judiciary.

By Mr. PRATT: Petition of George W. Frost, John R. Crawford, and sundry other citizens of Ithaca, N. Y., favoring war prohibition; to the Committee on the Judiciary.

Also, petition of M. A. Soper, Virgil W. Mattoon, Gordon Dykes, and sundry other citizens of Horseheads, N. Y., favoring certain prohibition measures; to the Committee on the Judiciary.

By Mr. RAINEY: Petition of the Trades and Labor Assembly of Jacksonville, Ill., favoring food control; to the Committee on Agriculture.

Also, petition of R. E. Dummnitt and 98 other citizens of Greggsville, Ill., favoring prohibition; to the Committee on the Judiciary.

Also, petition of the Church of Christ of Virginia, Ill., favoring national prohibition; to the Committee on the Judiciary.

By Mr. REED: Petition of J. E. Vance, Marguerite Young, Lorisa Bunten, A. D. Page, Elsie Page, Lercy Linger, Ellis W. Brooks, Willie R. Brooks, Louise Gould, A. M. Gould, Pauline O. Brooks, Annie Vance, Willa Rohrbough, C. L. Rohrbough, Mrs. C. L. Rohrbough, A. N. Linger, George G. Gould, Amie E. Morgan, Aubrey Brooks, C. S. See, Clarence Wingrove, Edwin I. Hyre, Mabel Vance, Mary Hyre, Jennie Crouch, Myrtle See, L. K. Wingrove, Mrs. L. K. Wingrove, Jessie Hyre, Amanda Phillips, Louise See, May Hyre, W. H. Lyon, Grace Brooks, and Fred E. Brooks, members of the Presbyterian Church of French Creek, W. Va., urging the conservation of grain and foodstuffs now used in the manufacture of intoxicating liquors and the prohibition of the manufacture and sale of intoxicating liquors, etc.; to the Committee on the Judiciary.

By Mr. ROSE: Petition of the Sunday-school convention of Sixth District Mines, Blair County, Pa., favoring national prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of Tillman K. Saylor, John W. Walters, S. H. Heckman, W. E. Matthews, George T. Reese, F. B. Kinsey, Harry Winger, H. M. Davies, T. E. Reynolds, George Robinson, C. L. Ferguson, and Ralph Wolf, of Johnstown, Pa., praying for immediate prohibition as a war measure; to the Committee on the Judiciary.

By Mr. RAKER: Memorial of the New York Chamber of Commerce on the revenue measure; to the Committee on Ways and Means.

Also, memorial of the New York Chamber of Commerce, relative to the daylight-saving system; to the Committee on Interstate and Foreign Commerce.

Also, petition of Herbert P. Sheets, of Argos, Ind., favoring empowering the Federal Reserve Board to regulate collection charges on bank checks; to the Committee on Banking and Currency.

By Mr. RAMSEYER: Petition of the citizens of Malcom, Iowa, and vicinity, urging taxation of mail-order houses doing business in the several States; to the Committee on Ways and Means.

By Mr. SHOUSE: Petition of citizens of Leoti, Coldwater, and members of the congregation of the Methodist Church of Macksville, Kans., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. SINNOTT: Petition of Vale (Oreg.) Chamber of Commerce, advocating Government guarantee of minimum prices; to the Committee on Agriculture.

By Mr. SMITH of Michigan: Petitions of E. J. Clark and 66 citizens, of Albion; C. H. Palmatier and 42 citizens, of Climax; Gordon T. McDonald and 26 citizens, of Sherwood; and 56 citizens of Galesburg, Mich., favoring prohibition; to the Committee on the Judiciary.

By Mr. WALDOW: Petition of the Humboldt Parkway Men's Club, favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of citizens of Springville, Buffalo, and Cazenovia, Woman's Christian Temperance Union of Buffalo, and Rev. F. A. Brown, pastor, Methodist Episcopal Church, of Boston, N. Y., favoring prohibition as a war measure; to the Committee on the Judiciary.

SENATE.

THURSDAY, *June 14, 1917.*

(Legislative day of Tuesday, June 12, 1917.)

The Senate reassembled at 12 o'clock m., on the expiration of the recess.

BOOK-PAPER INDUSTRY (S. DOC. NO. 45).

The VICE PRESIDENT. The Chair lays before the Senate a preliminary report from the Federal Trade Commission on the book-paper industry, which will be referred to the Committee on Printing.

Mr. FLETCHER. Mr. President, in this connection I desire to state that that report is made in pursuance of Senate resolution 269, which I introduced September 7, 1916, and which was adopted on that date by the Senate. It is a very important report affecting the whole book-paper industry.

I will say that the principal grades of book paper are machine finished, sized and supercalendered, coated, and cover paper.

The report shows that there were in 1916 approximately 40 companies operating 70 mills the bulk of whose output was book paper, and a number of other mills which manufactured some book paper in addition to various other grades. The output of the principal book-paper mills in 1916 probably aggregated more than a million tons, valued at more than $87,000,000.

Contracts made by 23 manufacturers in the last half of 1916, on the average, were 84 per cent higher for machine finish, 56 per cent higher for supercalendered, and 65 per cent higher for coated book paper than in 1915. The average profits per ton of 41 principal book-paper mills were 100 per cent higher in 1916 than for the preceding year. The margins of profit of paper jobbers on book-paper sales were generally much larger in 1916 than in 1915.

The report further states that concerted activities of the book-paper manufacturers, with the effect thereof upon the prices charged in 1916 and 1917, have been investigated, and the commission is considering the institution of a proceeding directed against certain practices which appear to exist in the industry.

The report further shows—and it is not a very extensive or full one; it is entitled "A preliminary report"—that the average profits per ton of the principal book-paper mills increased about 100 per cent in 1916 as compared with 1915, showing that in general average receipts at the mill increased more rapidly than costs.

On the basis of the book investment the average profit of these companies were 8.6 per cent in 1915 and 21.2 per cent in 1916.

Further, that the average profits of the six coating mills whose costs are given were $16.89 per ton in 1915 and $23.26 per ton in 1916, an increase of $6.37 per ton, or 37.7 per cent.

The profits of 17 important book-paper mills were obtained for the first quarter of 1917. The average profit of these mills in 1916 was $14.71 per ton, and in the first three months of 1917, $38.14 per ton, an increase of $23.43, or 159.3 per cent.

I ask that this report be printed as a public document, and that an additional number of 5,000 copies be printed for the use of the Senate document room, and that it be referred to the Committee on Printing.

Mr. SMOOT. The request is to be referred to the Committee on Printing?

Mr. FLETCHER. The request is to have the report printed as a public document and 5,000 additional copies for the document room, and also to refer it to the Committee on Printing. It will not cost very much. I think the total cost of the printing will be less than $50. It is a very important document, and I think it ought to be printed now.

Mr. SMOOT. Which are the companies the Senator has reference to?

Mr. FLETCHER. The companies are not named in the report; they are just referred to as so many book-paper companies. The names of the companies are not set forth, as I recall it, in the report.

Mr. SMOOT. The Senator asks, then, that it be referred to the Committee on Printing to determine whether it shall be printed as a public document?

Mr. FLETCHER. No; I am asking now that the report be printed as a public document, and that 5,000 extra copies be printed, because the Federal Trade Commission has asked for 2,000 copies of the report as quickly as they can get them. I ask that it be printed as a public document, and that 5,000 additional copies be printed for the use of the Senate document room. Then I am asking that the report be referred to the Committee on Printing, because it is made in pursuance of a resolution which I offered on that subject, and it refers to other matters upon which the Committee on Printing may make a further report.

Mr. SMOOT. Does the Senator refer to the Committee on Printing the motion to print additional copies?

Mr. FLETCHER. No; but for such other action as the committee may see fit to take in regard to the subject covered by the report. It is not a matter of referring it to that committee to determine whether it shall be printed or not, but to consider the substance of the report in connection with possibly some suggestions the committee may make respecting legislation upon the subject.

Mr. SMOOT. I wish to ask the Senator if this document has been printed by the Federal Trade Commission.

Mr. FLETCHER. It has not. It has just been sent in.

Mr. SMOOT. Then I have no objection.

The VICE PRESIDENT. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 2316) to promote export trade, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 291. An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes; and

H. R. 3971. An act making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Establishments on account of war expenses for the fiscal year ending June 30, 1917, and for other purposes.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented the petition of E. V. Bowker, of Pittsburgh, Pa., praying for the enactment of legislation to reduce the high cost of living, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the International Stereotypers and Electrotypers' Union, in convention assembled, remonstrating against the proposed increase of postage on second-class mail matter, which was referred to the Committee on Finance.

He also presented a petition of the International Stereotypers and Electrotypers' Union, in convention assembled, praying for the regulation of prices on foodstuffs and other necessities of life, which was referred to the Committee on Agriculture and Forestry.

Mr. KNOX presented petitions of sundry citizens of York County, Pa., and Harford County, Md., praying for the adoption of an amendment to the Constitution to found the Government on Christianity, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Pennsylvania, praying for national prohibition as a war measure, which were ordered to lie on the table.

Mr. THOMPSON presented a memorial of sundry citizens of Newton, Kans., remonstrating against the proposed increase in the rate of postage on second-class mail matter, which was referred to the Committee on Finance.

Mr. PAGE presented a petition of sundry citizens of Greensboro Bend, Vt., praying for the enactment of legislation to prohibit the use of food products in the manufacture of intoxicating liquors, which was referred to the Committee on Agriculture and Forestry.

Mr. CHAMBERLAIN presented a petition of sundry citizens of Clatskanie, Oreg., and vicinity, praying for the prohibition of the manufacture of alcoholic liquors as a measure of food conservation, which was referred to the Committee on Agriculture and Forestry.

Mr. SAULSBURY presented a petition of Pomona Grange, No. 1, Patrons of Husbandry, of Stanton, Del., praying for national prohibition as a war measure, which was ordered to lie on the table.

Mr. FRELINGHUYSEN presented memorials of Miners' Local Union, No. 270, of Oxford; of Carpenters' Local Union, No. 391, of Hoboken; of Glassblowers' Local Union, No. 53, of Swedesboro; and of Carpenters' Local Union, of Union Hill, all in the State of New Jersey, remonstrating against the enactment of legislation to prohibit the manufacture of beer and light wines, which were referred to the Committee on Finance.

Mr. MARTIN presented a memorial of the Religious Liberty Association of Virginia, in convention assembled at Gordons-

ville, Va., remonstrating against the enactment of legislation making Sunday a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. POMERENE. I present a telegram from Gov. James M. Cox, chairman, and Clark S. Wheeler, secretary, of the Ohio branch of the Council of National Defense, on the subject of food control, which I ask to have read.

There being no objection, the telegram was read and referred to the Committee on Agriculture and Forestry, as follows:

COLUMBUS, OHIO, *June 12, 1917.*

HON. ATLEE POMERENE,
Washington, D. C.:

Sensible of the impending danger resulting from the shortage of food and from the waste of foodstuffs by the consumer, the Ohio branch of the Council of National Defense in this crisis therefore recommends that the Congress of the United States take immediate steps toward conferring upon the President power to assume control of the food supply of the country both as to price and as to quantity to be sold to the consumer. We further recommend that such power be also extended to the exportation of foodstuffs to neutral countries.

JAMES M. COX, *Chairman.*
CLARK S. WHEELER, *Secretary.*

Mr. WOLCOTT presented a petition of Pomona Grange, No. 1, Patrons of Husbandry, of Stanton, Del., praying for national prohibition as a war measure, which was ordered to lie on the table.

Mr. PHELAN presented a petition of the faculty of the Leland Stanford Junior University, Palo Alto, Cal., suggesting certain methods for raising increased revenue, which was referred to the Committee on Finance.

Mr. GRONNA. I present a telegram from the Woman's Christian Temperance Union of Cando, N. Dak., which I ask to have printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

CANDO, N. DAK., *June 2, 1917.*

Hon. A. J. GRONNA,
United States Senate, Washington, D. C.:

The Woman's Christian Temperance Union of Cando, N. Dak., most urgently petition you to use your influence to prohibit the manufacture and sale of intoxicating liquor. We are giving our sons born in a prohibition State to the service of our country, and we demand this protection for them. We promise cooperation in every possible way in the saving and increase of food supplies, and we protest against the waste of grain in the manufacture of that which only debauches men.

MABEL NELSON,
President Woman's Christian Temperance Union.
ANNA R. LEAN.
MRS. C. TAYLOR.
EDNA F. SALMONS.

Mr. MYERS. I present a telegram in the nature of a petition, which I ask may be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

ANACONDA, MONT., *June 13, 1917.*

Hon. HENRY L. MYERS,
Senate Chamber, Washington, D. C.:

Associated Press report to-night contains statement from Federal Trade Commission, announcing its failure to relieve paper situation, and predicts further increase. Please circulate as widely as possible among Members of Congress the Standard's reply to announcement in telegram to commission to-night, as follows: "Federal Commission, Washington, D. C.: Suggest your commission will obtain better results toward relieving paper situation if you will urge Senate committee to adopt House bill provisions with regard to zone-system charge for handling second-class mail. Make publishers of every kind of publications using the mails pay for service according to distance and you will solve the problem of paper shortage and at the same time save the Government thirty millions a year, now lost through retaining the ridiculous rate on second-class matter. Metropolitan newspapers have not shown disposition to curtail size of their editions, especially Sundays, and the national weeklies and magazines are permitted to swell their circulations and make enormous profits unjustly through Government subsidy permitting uniform rate of 1 cent a pound, regardless of service rendered. We urge your recommendation of zone rates as most effective remedy."

THE ANACONDA STANDARD.

CONSERVATION OF FOOD.

Mr. GORE, from the Committee on Agriculture and Forestry, submitted a report (No. 53), accompanied by a bill (S. 2447) to prohibit the use of food and feeds in the manufacture of intoxicating liquors for beverage purposes, and authorizing and directing the President to commandeer existing stocks of distilled spirits for the manufacture of munitions and for other military and hospital supplies, if the public interests require it, and for other purposes, which was read twice by its title.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHAMBERLAIN:

A bill (S. 2448) granting an increase of pension to Luther C. Wright; and

A bill (S. 2449) granting an increase of pension to George F. Lasher; to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 2450) granting an increase of pension to Joseph T. Lewis; and

A bill (S. 2451) granting a pension to Lena Howe (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 2452) to regulate the height of buildings on Sixteenth Street and on Massachusetts Avenue, and on such other streets or avenues as may be hereafter designated by the Commissioners of the District of Columbia, in the city of Washington, D. C.; to the Committee on the District of Columbia.

By Mr. ROBINSON:

A bill (S. 2453) to authorize condemnation proceedings of lands for military purposes; to the Committee on Military Affairs.

By Mr. PHELAN:

A bill (S. 2454) granting an increase of pension to John K. Madden (with accompanying papers); to the Committee on Pensions.

By Mr. SHAFROTH:

A joint resolution (S. J. Res. 78) to suspend during the present war with Germany, the requirement that not less than $100 worth of labor shall be performed or improvements made on each mining claim during each year for all owners who, in lieu of such assessment work, expend the sum of $100 or perform 25 days of labor in the raising or manufacturing of products necessary for the maintenance of the Army, Navy, or people of the United States or pay into the Treasury of the United States $100; to the Committee on Mines and Mining.

HEARINGS BEFORE COMMITTEE ON PUBLIC LANDS.

Mr. MYERS submitted the following resolution (S. Res. 84), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Public Lands, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-fifth Congress to send for persons, books, and papers; to administer oaths; and to employ a stenographer, at a cost not to exceed $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recess of the Senate.

PROPOSED COMMITTEE ON AERONAUTICS.

Mr. SHEPPARD. I desire to give notice of the following amendment to the rules of the Senate for the purpose of creating a committee on aeronautics. I ask that it be read.

The Secretary read as follows:

Notice of amendment to Rule XXV of the standing rules of the Senate to be proposed by Mr. SHEPPARD for the purpose of creating a committee on aeronautics, the amendment being as follows:

"*Resolved*, That the standing rules of the Senate be, and they hereby are, amended as follows:

"Amend Rule XXV by inserting after the paragraph reading as follows:

"A committee on additional accommodations for the Library of Congress, to consist of five Senators, the following paragraph:

"A committee on aeronautics, to consist of 17 Senators."

HISTORY OF THE FLAG.

Mr. CURTIS. Mr. President, this being Flag Day, I ask unanimous consent to have printed in the RECORD a brief history of the United States flag, prepared by Mrs. Isabel Worrell Ball.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

THE UNITED STATES FLAG—ITS HISTORY, LEGAL PRESCRIPTIONS AS TO FORM AND SIZE, AND ITS ETIQUETTE ON ALL OCCASIONS.

The United States flag was born June 14, 1777, in Philadelphia, Pa. Myth, tradition, and legend assigned the designing and making of the first United States flag to Betsy Ross, a Quakeress, of Philadelphia. The same myth, legend, and tradition states that she made this flag at the suggestion of a committee of Congress, composed of George Washington, Robert Morris, and George Ross. This myth, legend, and tradition is not authenticated by any written or printed documents of the day, and only had its birth as a public fact about 1876, when the country was getting ready to celebrate the centennial of the Declaration of Independence.

ITS BIRTH.

The authentic history of the flag begins on the hour and day when the Continental Congress—

"*Resolved*, That the flag of the thirteen States be 13 stripes, alternate red and white; that the union be 13 stars, white on a blue field, representing a new constellation"

Who presented the resolution or how it was brought to a vote in Congress is not known. So the flag stands without father or mother, as far as recorded history is concerned, and the beautiful Betsy Ross theory is alike unsubstantiated.

The United States flag was born of revolution and baptized in blood and tears.

From the hour it was brought into existence by the Continental Congress to the present day it has been the symbol of light and liberty, of justice and equality, of patriotism and progress.

It has floated for 140 years, the pride and glory of 3,000,000 of people in 1777 and 110,000,000 in 1917.

OLDEST NATIONAL FLAG.

It is the oldest national flag in the world.

The United States flag has never been anything but stars and stripes. As it appeared in the beginning, so it appears now. In 1791 Vermont was admitted to the Union, and in 1792 Kentucky. In 1794 a bill was introduced in Congress to increase both stripes and stars to 15, thus indicating the intention of the founders to have each State represented upon the flag.

Fifteen stripes and stars continued to be the official United States flag until 1818, when the number of States in the Union had increased to 18, and the three new States demanded representation upon the flag. Then Congress passed the third and final act fixing the number of stars and stripes on the flag. The bill was entitled

"An act to establish the flag of the United States.

"SECTION 1. *Be it enacted, etc.*, That from and after the 4th day of July next, the flag of the United States be 13 original stripes, alternate red and white; that the Union have 20 stars, white in a blue field.

"SEC. 2. *And be it further enacted*, That on the admission of every new State into the Union, one star shall be added to the union of the flag; and that such addition shall take effect on the 4th of July next succeeding such admission."

Approved April 4, 1818.

The adding of the few stripes and stars and the taking away of the few stripes never altered the appearance of the flag a thread. When flying from the peak of ships at sea, or from flagpoles or towers, the United States flag has been stars and stripes from the first, and is known to the uttermost parts of the earth.

ARRANGEMENT OF THE STARS.

The official flags of the United States, those used by the Army and Navy, have, from the very beginning, had the stars arranged in parallel rows. The suggestion that the first flag was made with a circle of stars can not be authenticated. The earliest official flags show the parallel arrangement. May 18, 1818, James Monroe, President of the United States, issued an order that the arrangement of the stars should be in parallel rows on the flags used by the Army and Navy, and other branches of the United States Government. President Monroe also decided that the official flags should be in the proportion of 14 feet to 24; that the union must be one-third of the length of the flag and seven-thirteenths of its depth, so that from the top to the bottom of the union there will be seven stripes, and six stripes from the bottom of the union to the bottom of the flag. The lower stripe and the top stripe to be red. Seven red and six white.

The sun never sets upon the United States flag. Somewhere every hour and every minute of the 24 the sun is shining upon Old Glory.

ETIQUETTE OF THE FLAG.

There is a strict and severe etiquette of the flag. The flag must not be raised before sunrise, and should be lowered at sunset. At all the military posts and forts of the United States a sunrise and a sunset gun is fired as the flag is raised to the top of the staff and as it is lowered.

The flag should not be left out over night, and upon stormy days a very small flag, known as the storm flag, should take the place of the regulation flag.

On Memorial Day Grand Army rules and Army and Navy regulations prescribe that the flag shall be flown at half-staff until noon, and then shall be raised to the peak for the remainder of the day. In half-masting the flag it should be raised first to the top of the staff, then lowered to a distance corresponding to the width of the flag that is used.

In raising the flag upon a staff or a building and in lowering it all the people witnessing the ceremony should stand at attention, men with uncovered head and women with hand at the forehead ready to salute it.

Under no circumstances should the flag be permitted to touch the ground. In the Army and Navy severe discipline is meted out to those who disobey this regulation.

THE UNITED STATES FLAG.

The official designation is the United States flag.

In the Navy the United States flag is generally referred to as an ensign. The Union Jack is the distinctive flag of the Navy. It is comprised of the blue field of the United States flag with a star for every State therein. The Union Jack carried with the United States flag must be just the size of the field of the flag with which it is carried, and should never be carried unless accompanied by the national ensign.

The national salute to the United States flag is 21 guns.

When used in decoration the United States flag should not be draped, as it is a thing made to fly in the free air of heaven. The folds should hang straight down and should never be pinned nor fastened. If you desire to use the colors of the flag in drapery, it is better to use them in the striped red, white, and blue.

BLUE AT THE TOP.

In hanging these colors place the blue at the top. The United States followed the French in the making of the five-pointed star, and they also followed the French in the arrangement of the colors. One of the reasons for this is that the stars of the flag are placed in the blue field, and the stars should always be kept at the top. If one desired to place stars upon a blue stripe, it would be absurd to have the blue stripe at the bottom. There is no regulation of either Army or Navy for the use of the striped bunting, for the reason that neither the Army nor Navy ever use anything but the flag. It is simply a matter of French heraldry and good taste which demands that the blue field shall always be uppermost.

If hung lengthwise, the field should be at the right as one faces it. If hung as it flies from the upright pole, the field should be at the left. When two flags are used in drapery, the two fields should join, and they should always be at the top

FLAG FLOATS TO THE RIGHT.

It is impossible to trace to its original source the conventional use of one flag in reproduction by a printing press, but it seems to have been the custom from time immemorial to place the staff of the flag to the left, with the colors or the length of the banner flowing to the right as you face it, and custom makes law.

FLAG ANNIVERSARIES.

The national anniversaries when flags should be flown are Lincoln's Birthday, February 12; Washington's Birthday, February 22; Memorial Day, May 30; Flag Day, June 14; Independence Day, July 4. Other days that may be observed are the Battle of Lexington, April 19; Bunker Hill, June 17; Battle of Saratoga, October 17; Surrender of Yorktown, October 19; and Evacuation Day, November 25.

SALUTES.

When passing a flag raised on its staff lift the hat or the hand in salute.

When the flag is passing in parade or review, rise, if sitting, and salute with hat or hand, and always lift the hat from the head till the flag has passed. This is the military law of all nations.

A flag hung union down is said to be at "distress," and thus sends a call for help. It is sometimes thus hung by those who do not love it and desire to humiliate it. Custom has thus made law for lovers of the flag. The Army and Navy have no regulations governing this. In very early times it was the custom to carry the banner upside down to denote mourning for the death of a lord or baron. The "distress" signal, so called, has probably grown out of this.

ISABEL WORRELL BALL.

HOUSE BILL REFERRED.

H. R. 2316. An act to promote export trade, and for other purposes, was read twice by its title and referred to the Committee on Interstate Commerce.

AMENDMENT OF INTERSTATE-COMMERCE ACT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2356) to amend the act to regulate commerce, as amended, and for other purposes.

The VICE PRESIDENT. The pending amendment is the amendment offered by the Senator from Nebraska [Mr. NORRIS].

Mr. REED. Mr. President, as a part of my remarks I desire to have read an article which appeared in the May 25 issue of Wallace's Farmer, a farm journal published at Des Moines, Iowa. I respectfully invite the earnest consideration of the Members of the Senate to the opinion of the editor.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

ARE PRICES TOO HIGH.

Last week we were talking with several Members of Congress, when one of them said, referring to the article headed, "Clear thinking needed," which appeared in a recent issue of Wallace's Farmer:

"If I understand what you have been writing, you are of the opinion that the Government should do nothing at all to control these high prices."

We replied that he had the correct understanding.

"But," he said, "what is going to become of the people in the cities who can not afford to pay such high prices? Already there have been bread lines in New York. It seems to me we must do something to control prices or many people will starve."

To which we replied that arbitrary control of prices now would simply make a very much worse situation later; that nothing the Government can do in the way of controlling prices will produce more food; and that when people go hungry it is because of lack of food and not primarily because food is high priced. Many times in the history of the world governments have undertaken to arbitrarily fix the prices of foodstuffs. At no time in all history has any government succeeded in this for any length of time. This is true from the days of the Roman Empire down to the recent experiments in Great Britain, France, and Germany. All efforts on the part of governments to permanently control food prices have failed, and they always will fail.

A distinguished Frenchman, we believe it was, once said that the cure for the evils of democracy is more democracy. That was a true statement. It is equally true that the cure for high prices is high prices. When prices become exorbitantly high, there is a double effect. Production is stimulated, thereby increasing the supply and consequently reducing the price; and consumption is restricted, which has the same effect.

Take the price of wheat, for example. There is a world shortage of wheat. Consequently, the price has gone up. If now the Government steps in and arbitrarily fixes a price lower than the legitimate price produced by the fundamental law of supply and demand, what happens? People continue to eat wheat and exhaust the supply. The fact that the Government has fixed the price has not increased the amount of wheat by one bushel, but it may discourage the production of more wheat. If the high prices are allowed to stand, people are forced to economize by substituting in whole or in part other grains for the wheat to which they have been accustomed. This is only an imaginary hardship. People can live on corn and be just as healthy and feel just as well as when living on wheat.

For a month now one of the editors of Wallace's Farmer has lived on corn and dairy products, with one egg a day, which is used in making corn cakes for breakfast, a little sugar, and, since lettuce and radishes have come, an occasional bite of them. The cost of his daily food has not exceeded 30 cents at any time during the month. On this ration he has maintained his weight, feels in perfect health, and has carried on his work both on the farm and in the office with entire comfort.

Members of Congress and people generally seem to be obsessed with the idea that we must keep down the price of wheat, notwithstanding the great shortage in the world wheat crop. If they would turn even a small part of their ill-considered efforts to fix prices toward teaching people how to use corn in place of wheat, we would get relief much quicker and with much less disorganization of agriculture.

Are the present high prices justified?

Two hundred and fifty years ago an Englishman by the name of Gregory King noticed that wheat prices varied greatly from year to year. Upon searching for the cause he found it chiefly in the size of the harvest. We quote:

"We take it a defect in the harvest may raise the price of corn (wheat was called corn in that country in those days) in the following proportions:

0.1 defect raises the price	0.3
.2 defect raises the price	.8
.3 defect raises the price	1.6
.4 defect raises the price	2.8
.5 defect raises the price	4.5

The ratios laid down by Gregory King may not apply exactly to modern times and conditions, but the principle holds true. A deficiency in production below the normal increases prices much more proportionately. That always has been true, and always will be more or less true of all standard food products.

Our wheat crop last year was 40 per cent less than the year preceding, and 20 per cent less than normal. According to the law of wheat prices as laid down by Gregory King, and as worked out more definitely in modern times, it is to be expected that with such a deficiency prices should double over the normal price, and that without taking into account the unusual condition brought about by the war. When to this normal increase in price because of the short crop we add war conditions, difficulties in transportation, etc., it is a question whether wheat prices of the last 60 days have been out of line at all.

On December 1, 1915, the wheat price got by the farmers of the United States was 92 cents. The price was low notwithstanding the war, because we had a record-breaking crop. On December 1, 1916, the price on the farm was $1.60, an advance of 74 per cent over the preceding year. This advance was caused primarily by the short crop, but even then it was rather less than might have been expected; $1.80 a bushel would have been nearer the true price, making allowance for the crop deficiency. This spring the Government reports on winter wheat indicated the smallest prospective crop in many years. Two bad crops in succession are enough to make prices jump to unusual altitudes. Wheat actually became worth $3 per bushel in the United States. Intelligent agents for the allies were fully justified in bidding such prices. They needed the wheat to feed their people, and as food was imperatively necessary they came into our markets and bid whatever was necessary to get the food. If we had had an abundant crop, the allies would have been able to purchase wheat at much lower prices, but the short supply and the imperative demand sent prices skyrocketing.

Why should prices go so high in times of short crops? Why should prices double in response to a shortage of only 20 to 40 per cent and treble in response to a shortage of 50 per cent? There are very good reasons: The higher prices are necessary to compel people to economize on the small crop, and the high prices are equally necessary to recompense the farmer for the small yield. High prices in seasons of shortage serve as the only form of insurance which farmers have against bad weather and pests.

The situation was immensely aggravated by the fact that a number of people, some of them in responsible positions, lost their heads and all at once began to talk of the necessity of Government regulation of prices. Meetings were held and scare heads appeared in the papers. Some people really got the notion that unless they laid in supplies at once they were in danger of starving.

On the day this was written we met at lunch a gentleman from the State of Washington. Something was said about high prices, and he said that nearly everyone in the city in which he lived had laid in large supplies of food, and that most of his friends had stored away enough flour and sugar in their homes to last them for a year, and that they had laid in supplies of other foodstuffs. This condition prevails all over the country to some extent. In Des Moines a few weeks ago the grocers came out in the papers with the statement that they would sell only a dollar's worth of sugar to any one customer. What was the result? Almost every woman in town who had any money in her pocketbook started out and made the rounds of the grocery stores, buying the limit at each one, and took it home and stored it away. By their silly talk the grocers precipitated the very condition which they wanted to avoid. But the grocers of Des Moines were no sillier in this than many men in very responsible positions.

People can not be forced to economize by official edict. Germany has discovered this. If the information we get from Germany is correct, there is constant evasion of the foodstuff laws. Every family that can do so hides food. Every grocer and dealer in meats sells on the sly to favorite customers who can be depended upon to keep quiet about it. Every farmer hides away as much grain as he can and peddles it out slyly. The result is that there is great irritation between the different States of Germany and the different classes of people because of food control. Notwithstanding all this, it is quite evident that Germany has been able to exercise considerable control over the consumption of food. People there are more obedient to law than in other countries. In addition to this, Germany has taken over the matter of production to some extent, and has crops grown under government supervision. But Germany is a small country. No man with common sense in his head believes that any such policy could be successfully carried out in the United States; and even in Germany we suspect they would have been better off had there been no meddling with the old and fast law of supply and demand. Government action to hold down prices encourages more wasteful use of food and discourages unusual production. It may actually produce a chronic shortage, continuing over a period of several years.

The supply of food to-day, assuming that war conditions are no worse to-day than they were a year ago, would appear to warrant a wheat price of $2.25, a corn price of 90 cents, a price on oats of 60 cents, and a price on potatoes of $1.50 per bushel, and hogs at $13 per hundredweight. But the unusual demands on the other side of the water, brought about by an added year of the war, the increased difficulties of transportation, and the depreciation of the dollar, due to the flood of gold, have combined to justify prices much higher than those just named. Prices of $3 for wheat, $1.40 for corn, 70 cents for oats, $2 for potatoes, and $16 per hundredweight for hogs are not at all out of the way when we consider all of the conditions.

On the whole, looking toward the future, the situation has been unusually healthy, and there will be no difficulty at all in the United States raising all the food necessary to feed herself and her allies if we will but keep in mind fundamental principles and not throw production out of balance by undertaking to overthrow these principles. High prices for wheat will tend to restrict consumption and promote the use of cheaper grains. High prices for corn also will teach us how to produce beef and pork more economically than we have ever done in the past by using more roughage and less grain.

Every attempted interference with food prices by governmental agencies will increase our troubles. Such interference may seem to have a wholesome effect temporarily, but the more it operates to reduce prices now the greater the probability that next winter or next summer we will find ourselves in a far worse situation than we are in now. And, more than that, it will disorganize our agricultural operations and affect us where we least expect it at the present time.

There has been a good deal of talk in Congress and by Government officials about the hoarding of foods. We believe the greatest amount of hoarding of foodstuffs has been done by the housewives of the country, and it was precipitated by the talk of food scarcity which originated in Washington. We have no doubt that in the larger cities there are some speculators who have been laying in supplies with the expectation of selling them out later at handsome profits; but this also has been encouraged by the talk of food scarcity.

Very shortly Mr. Herbert C. Hoover, who has had charge of the Belgian relief work, will be placed in charge of the food problem in the United States. He should be given the power needed to deal summarily with food speculators, whose greed is greater than their patriotism, and who try to fatten themselves at the expense of their countrymen.

The crop-planting season is practically over. Nothing now can be done to increase our acreage. Government activities should now be directed toward helping the farmer to secure needed labor, harvesting machinery, etc., and to organizing transportation facilities. Nothing should be done to interfere with our established methods of marketing or of fixing prices, and nothing should be done to discourage those who have made it their business to store foodstuffs in warehouses, thus taking up the surplus in the flush market season and saving it for the time of need. The way to discourage excessive greed is to take away by tax any excessive profits. Those who think that the Government can displace our established agencies for the handling of foodstuffs and fixing of prices are woefully ignorant of the fundamental conditions which govern these things. Direct Government control will greatly increase cost instead of decreasing it. There are abuses which should be corrected in our present system of distribution, but, taking it by and large, it is by all odds the best system in the world to-day.

Mr. REED. Mr. President, I now ask to have printed as a part of my remarks, but I do not ask to have read, what is known as the Lever bill.

The VICE PRESIDENT. Without objection, it is so ordered.

The bill referred to is as follows:

A bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

Be it enacted, etc., That by reason of the existence of a state of war, it is essential to the national security and defense, for the successful prosecution of the war, and for the support and maintenance of the Army and Navy, to assure an adequate supply and equitable distribution, and to facilitate the movement, of foods, feeds, fuel, and articles required for their production, hereafter in this act called necessaries; to prevent, locally or generally, scarcity, monopolization, hoarding, injurious speculation, manipulations, and private controls, affecting such supply, distribution, and movement; and to establish and maintain governmental control of such necessaries during the war. For such purposes the instrumentalities, means, methods, powers, authorities, duties, obligations, and prohibitions hereinafter set forth are created, established, conferred, and prescribed.

SEC. 2. That words used in this act shall be construed to import the plural or the singular, as the case demands. The word "person," wherever used in this act, shall include individuals, partnerships, associations, and corporations. When construing and enforcing the provisions of this act, the act, omission, or failure of any official, agent, or other person acting for or employed by any partnership, association, or corporation within the scope of his employment or office shall, in every case, also be deemed the act, omission, or failure of such partnership, association, or corporation as well as that of the person.

SEC. 3. That there is hereby established a governmental control of necessaries which shall extend to and include all the processes, methods, activities of, and for the production, manufacture, procurement, storage, distribution, sale, marketing, pledging, financing, and consumption of necessaries, which shall be exercised and administered by the President for the purposes of this act; and all such necessaries, processes, methods, and activities are hereby declared to be affected with a public interest. And in carrying out the purposes of this section the President is authorized to enter into any voluntary arrangements or agreements, to use any agency or agencies, to accept the services of any person without compensation, to cooperate with any agency or person, to utilize any department or agency of the Government, and to coordinate their activities so as to avoid any preventable loss or duplication of effort or funds: *Provided,* That none of the penalties of this act shall apply to this section.

SEC. 4. That it is hereby made unlawful for any person willfully to destroy any necessaries for the purpose of enhancing the price or restricting the supply thereof; knowingly to commit waste or willfully to permit preventable deterioration of any necessaries in or in connection with their production, manufacture, or distribution; to hoard, as defined in section 6 of this act, any necessaries; to monopolize or attempt to monopolize, either locally or generally, any necessaries; to engage in any discriminatory and unfair, or any deceptive or wasteful practice or device, or to make any unjust or unreasonable rate or charge, in handling or dealing in or with any necessaries; to conspire, combine, agree, or arrange with any other person (a) to limit the facilities for transporting, producing, manufacturing, supplying, storing, or dealing in any necessaries; (b) to restrict the supply of any necessaries; (c) to restrict distribution of any necessaries; (d) to prevent, limit, or lessen the manufacture or production of any necessaries, or to enhance the price thereof, or (e) to exact excessive prices for any necessaries; or to aid or abet the doing of any act made unlawful by this section.

SEC. 5. That, from time to time, whenever the President shall find it essential to license the importation, exportation, manufacture, storage, or distribution of any necessaries, in order to carry into effect any of the purposes of this act, and shall publicly so announce, no person shall, after a date fixed in the announcement, engage in or carry on any such business specified in the announcement of importation, exportation, manufacture, storage, or distribution of any necessaries as set forth in such announcement, unless he shall secure and hold a license issued pursuant to this section. The President is authorized to prescribe such regulations governing the conduct of the business of licensees as may be essential to prevent uneconomical manufacture and inequitable distribution of necessaries and otherwise to carry out the purposes of this act. Such regulations may also include requirements for the issuance of licenses and requirements for systems of accounts and auditing of accounts to be kept by licensees, submission of reports by them, with or without oath or affirmation, and the entry and inspection by the President's duly authorized agents of the places of business of licensees. Whenever the President shall find that any rate, charge, or practice of any licensee is unjust, or unreasonable, or discriminatory and unfair, or wasteful, and shall order such licensee, within a reasonable time fixed in the order to discontinue any such unjust, unreasonable, discriminatory and unfair, or wasteful rate, charge,

or practice, thereafter, unless such order is revoked or suspended, such licensee shall, within the time prescribed in the order, discontinue such unjust, unreasonable, discriminatory and unfair, or wasteful rate, charge, or practice. The President may, in lieu of any such unjust, unreasonable, discriminatory and unfair, or wasteful rate, charge, or practice, find what is a just, reasonable, nondiscriminatory and fair, or economical rate, charge, or practice; and in any suit in any Federal or State court of competent jurisdiction such finding of the President shall be prima facie evidence. Any person who, without a license issued pursuant to this section, knowingly engages in or carries on any business for which a license is required under this section, or willfully fails or refuses to discontinue any unjust, unreasonable, discriminatory and unfair, or wasteful rate, charge, or practice, in accordance with the requirement of an order issued under this section, or willfully violates any provision of this section or any regulation prescribed under this section shall, upon conviction thereof, be punished by a fine not exceeding $5,000 or by imprisonment for not more than two years, or both: *Provided*, That this section shall not apply to any farmer, gardener, or other person with respect to the products of any farm, garden, or other land owned, leased, or cultivated by him, nor to any retailer with respect to the retail business actually conducted by him, nor to any common carrier, nor shall anything in this section be construed to authorize the fixing or imposition of a duty or tax upon any article imported into or exported from the United States or any State, Territory, or the District of Columbia.

SEC. 6. That any person who willfully hoards any necessaries shall upon conviction thereof be fined not exceeding $5,000 or be imprisoned for not more than two years, or both. Necessaries shall be deemed to be hoarded within the meaning of this act when either (a) held, contracted for, or arranged for by any person in a quantity in excess of his reasonable requirements for use or consumption by himself and dependents for a reasonable time; (b) held, contracted for, or arranged for by any manufacturer, wholesaler, retailer, or other dealer in a quantity in excess of the reasonable requirements of his business for use or sale by him for a reasonable time, or reasonably required to furnish necessaries produced in surplus quantities seasonably throughout the period of scant or no production; or (c) withheld, whether by possession or under any contract or arrangement, from the market by any person for the purpose of unreasonably increasing or diminishing the price: *Provided, however*, That any accumulating or withholding by any farmer, gardener, or any other person, of the products of any farm, garden, or other land owned, leased, or cultivated by him shall not be deemed to be hoarding within the meaning of this act.

SEC. 7. That whenever any necessaries shall be hoarded as defined in section 6 they shall be liable to be proceeded against in any district court of the United States within the district where the same are found and seized by a process of libel for condemnation, and if such necessaries shall be adjudged to be hoarded they shall be disposed of by sale in such manner as to provide the most equitable distribution thereof as the court may direct, and the proceeds thereof, less the legal costs and charges, shall be paid to the party entitled thereto. The proceedings of such libel cases shall conform as near as may be to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any such case, and all such proceedings shall be at the suit of and in the name of the United States. It shall be the duty of the United States attorney for the proper district to institute and prosecute any such action upon presentation to him of satisfactory evidence to sustain the same.

SEC. 8. That any person who willfully destroys any necessaries for the purpose of enhancing the price or restricting the supply thereof shall, upon conviction thereof, be fined not exceeding $5,000 or imprisoned for not more than two years, or both.

SEC. 9. That to carry into effect the purposes of this act the President is authorized to purchase, provide for the production or manufacture of necessaries; to store them and to provide storage facilities for them by construction, purchase, lease, or otherwise; to sell them; and to require any person having the control of any necessaries, or any storage space suitable for the storing of necessaries, to furnish the whole or any part of such necessaries or storage space to the Government in such quantities, at such times, and at such prices as shall be determined by the President to be reasonable. Upon failure of the person to comply with such requirement, the President is authorized to requisition and take possession of any such necessaries or storage space, and to pay for them at the price so determined. If the price so determined be not satisfactory to the person entitled to receive the same, such person shall be paid the amount prescribed by the President, and shall be entitled to sue the United States to recover such further sum as, added to the amount so paid, will be just compensation for such necessaries or storage space, and jurisdiction is hereby conferred on the United States district court to hear and determine all such controversies: *Provided*, That nothing in this section shall be construed to require any natural person to furnish to the Government any necessaries held by him and reasonably required by himself and dependents for a reasonable time. Any moneys received by the United States from or in connection with the disposal by the United States of necessaries under this section may, in the discretion of the President, be used as a revolving fund for further carrying out the purposes of this section. Any balance of such moneys not used as part of such revolving fund shall be covered into the Treasury as miscellaneous receipts.

SEC. 10. That whenever the President shall find that it is impossible by license or by voluntary arrangement or agreement to assure an adequate and continuous supply of necessaries, he is authorized to requisition and take over, for use or operation by the Government, any factory, mine, or other plant, or any part thereof, in which any necessaries are or may be manufactured, produced, prepared, or mined. Whenever the President shall determine that the further use or operation by the Government of any such factory, mine, or plant, or part thereof, is not essential for the national security or defense, the same shall be restored to the person entitled to the possession thereof. The United States shall make just compensation, to be determined by the President, for the taking over, use, occupation, and operation by the Government of any such factory, mine, or plant, or part thereof. If the amount so determined be unsatisfactory to the person entitled to receive the same, such person shall be paid the amount prescribed by the President, and shall be entitled to sue the United States to recover such further sum as, added to the amount paid, will be just compensation, in the manner provided by section 24, paragraph 20, and section 145 of the Judicial Code. The President is authorized to prescribe such regulations as he may deem essential for carrying out the purposes of this section, including the operation of any such factory, mine, or plant, or part thereof, the purchase, sale, or other disposition of articles used, manufactured, produced, prepared, or mined therein, and the employment, control, and compensation of employees. Any moneys received by the United States from or in connection with the use or operation of any such factory, mine, or plant, or part thereof, may, in the discretion of the President, be used as a revolving fund for the purpose of the continued use or operation of any such factory, mine, or plant, or part thereof, and the accounts of each such factory, mine, plant, or part thereof, shall be kept separate and distinct. Any balance of such moneys not used as part of such revolving fund shall be paid into the Treasury as miscellaneous receipts.

SEC. 11. That, whenever the President finds it essential in order to prevent undue enhancement or fluctuation of prices of, or in order to prevent injurious speculation in, or in order to prevent unjust market manipulation or unfair and misleading market quotations of the prices of necessaries, hereafter in this section called evil practices, he is authorized to prescribe such regulations governing, or may either wholly or partly prohibit, operations, practices, and transactions at, on, in, or under the rules of any exchange, board of trade, or similar institution or place of business as he may find essential in order to prevent, correct, or remove such evil practices. Further, for the purposes of this section, the President may require all persons coming within its provisions to keep such records and statements of account, and may require such persons to make such returns, verified under oath or otherwise, as will fully and correctly disclose all transactions at, in, or on, or under the rules of any such exchange, board of trade, or similar institution or place of business, including the making, execution, settlement, and fulfillment thereof. He may also require all persons acting in the capacity of a clearing house, clearing association, or similar institution, for the purpose of clearing, settling, or adjusting transactions at, in, or on, or under the rules of any such exchange, board of trade, or similar institution or place of business, to keep such records and to make such returns as will fully and correctly disclose all facts in their possession relating to such transactions, and he may appoint agents to conduct the investigations necessary to enforce the provisions of this section and all rules and regulations made by him in pursuance thereof, and may fix and pay the compensation of such agents. Any person who willfully violates any regulation made pursuant to this section, or who knowingly engages in any operation, practice, or transaction prohibited pursuant to this section, or who willfully aids or abets any such violation or any such prohibited operation, practice, or transaction, shall, upon conviction thereof, be punished by a fine not exceeding $10,000 or by imprisonment for not more than four years, or both.

SEC. 12. That, whenever the President shall find that an emergency exists requiring stimulation of production and that it is essential that the producers of any nonperishable agricultural products produced within the United States shall have the benefits of the guaranty provided for in this section in order to stimulate production of such products, he is authorized, from time to time, seasonably and as far in advance of seeding time as practicable, to determine and fix and to give public notice of what, under specified conditions, is a reasonable guaranteed price for any such products, in order to assure such producers a reasonable profit. Thereupon, the Government of the United States hereby guarantees every producer of any merchantable nonperishable agricultural products produced within the United States, for which a guaranteed price shall be fixed by notice in accordance with this section, that, upon compliance by him with the regulations prescribed by the President, he will receive for any such products produced in reliance upon this guaranty within the period, not exceeding three years, prescribed in the notice, a price not less than the guaranteed price therefor as fixed pursuant to this section. In such regulations the President shall prescribe the terms and conditions upon which any such producer shall be entitled to the benefits of such guaranty. When the President finds that the importation into the United States of any such products produced outside of the United States seriously interferes or is likely seriously to interfere with the practical operation of any guaranteed price therefor fixed pursuant to this section, or materially enhances or is likely materially to enhance the liabilities of the United States under guaranties of prices therefor made pursuant to this section, and shall so proclaim, there shall be levied, collected, and paid a rate of duty, upon the products so imported, the amount of which rate of duty shall be ascertained and proclaimed by the President, which amount shall, when added to the value of the product at the time it is offered for entry, be sufficient to bring the price thereof at which imported up to the price which shall have been fixed therefor pursuant to this section; but in no case shall any such rate of duty be fixed at an amount which will effect a reduction of the rate of duty upon any such products under any then existing tariff law of the United States. For the purpose of making any guaranteed price effective under this section, or whenever he deems it essential in order to protect the Government of the United States against material enhancement of its liabilities arising out of any guaranty under this section, the President is authorized also, in his discretion, to purchase any such products for which a guaranteed price shall be fixed under this section, and to hold, transport, or store them, or to sell, dispose of, and deliver the same to any person or to any Government engaged in war with any country with which the Government of the United States is or may be at war or to use the same as supplies for any department or agency of the Government of the United States. Any moneys received by the United States from or in connection with the sale or disposal of any products under this section may, in the discretion of the President, be used as a revolving fund for further carrying out the purposes of this section. Any balance of such moneys not used as part of such revolving fund shall be covered into the Treasury as miscellaneous receipts.

SEC. 13. That whenever the President shall find that limitation, regulation, or prohibition of the use of foods, food materials, or feeds in the production of alcohol or of alcoholic or nonalcoholic beverages, or such nonalcoholic beverages as he shall determine, or that reduction of the alcoholic content of any beverage, is essential, in order to assure an adequate and continuous supply of food, he is authorized, from time to time, to prescribe, and give public notice of, the extent of the limitation, regulation, prohibition, or reduction so necessitated. Whenever such notice shall have been given and shall remain unrevoked, no person shall, after a reasonable time, which shall be prescribed in the notice, use any foods, food materials, or feeds in the production of alcohol or nonalcoholic beverages, except in accordance with the limitations, regulations, and prohibitions prescribed in such notice, or produce any beverage having an alcoholic content in excess of the amount prescribed therefor in such notice. Any person who willfully violates this section shall, upon conviction thereof, be punished by a fine not exceeding $5,000 or by imprisonment for not more than two years, or both.

SEC. 14. That in carrying out the purposes of this act the President is authorized to create an agency or agencies, to accept the services of any person without compensation, to cooperate with any agency or person, to utilize any department or agency of the Government, and to coordinate their activities so as to avoid any preventable loss of funds or duplication of work.

SEC. 15. That under regulations to be prescribed by the President the use of the mails of the United States free of charge for postage for exclusively official business in carrying out the purposes of this act shall be extended to any agency or person designated by the President.

SEC. 16. That the President is authorized to make such regulations and to issue such orders as are essential effectively to carry out the provisions of this act.

SEC. 17. That every person who willfully assaults, resists, impedes, or interferes with any officer, employee, or agent of the United States in the execution of any duty authorized to be performed by or pursuant to this act shall upon conviction thereof be fined not exceeding $1,000 or be imprisoned for not more than one year, or both.

SEC. 18. That the sum of $2,500,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be available immediately and until expended, for the payment of such rent, the expense of such printing and publications, the purchase of such material and equipment, and the employment of such persons and means, in the city of Washington and elsewhere, as the President may deem essential.

SEC. 19. That for the purposes of this act the sum of $150,000,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be available immediately and until expended: *Provided*, That no part of this appropriation shall be expended for the purposes described in section 18.

SEC. 20. That if any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof, directly involved in the controversy in which such judgment shall have been rendered.

SEC. 21. That the provisions of this act shall cease to be in effect when the national emergency resulting from the existing state of war shall have passed, the date of which shall be ascertained and proclaimed by the President; but the date when this act shall cease to be in effect shall not be later than one year after the termination, as ascertained by the President, of the present war between the United States and Germany. Nothing in this section shall be construed to prevent the fulfillment by the United States of any legal obligation incurred pursuant to this act which shall be in force when this act ceases to be in effect.

Mr. REED. Mr. President, I call special attention to sections 1, 3, 9, 10, 12, and 19. Section 1 undertakes by a legislative recital to create a "war necessity," and undertakes to bring the powers of the bill within the limits of the Constitution by a false recital of fact. It then provides that the President shall have the power—

To assure an adequate supply and equitable distribution * * * of foods, feeds, fuel, and articles required for their production, hereafter in this act called necessaries; to prevent, locally or generally, scarcity, monopolization, hoarding, injurious speculation, manipulations, and private controls affecting such supply, distribution, and movement; and to establish and maintain governmental control of such necessaries during the war.

In a word, the proposition is to confer, according to the language of the bill, upon the President—but, as we all know, in fact upon some other individual who is to act in the name of the President—the right to control every one of the prime necessities of life, the distribution of and the commerce in the same.

Mr. President, on account of the storm which has suddenly swept over the Capitol it is a little difficult to make myself heard.

RECESS.

Mr. HOLLIS. Mr. President, I move that the Senate take a recess for 20 minutes.

The VICE PRESIDENT. The question is on the motion of the Senator from New Hampshire.

The motion was agreed to; and (at 12 o'clock and 35 minutes p. m.) the Senate took a recess until 12.55 p. m.

At the expiration of the recess the Senate reassembled.

AMENDMENT OF INTERSTATE-COMMERCE ACT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2356) to amend the act to regulate commerce, as amended, and for other purposes.

Mr. SMITH of Michigan. Mr. President, I think the matter under consideration is a very important one. I make the point of no quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Myers	Smith, Mich.
Beckham	Husting	Nelson	Smoot
Borah	James	New	Sterling
Broussard	Johnson, Cal.	Newlands	Swanson
Chamberlain	Johnson, S. Dak.	Norris	Thomas
Culberson	Jones, Wash.	Page	Thompson
Cummins	Kellogg	Penrose	Trammell
Curtis	Kendrick	Poindexter	Underwood
Fernald	Kenyon	Pomerene	Vardaman
Fletcher	King	Ransdell	Wadsworth
France	Kirby	Reed	Walsh
Frelinghuysen	Knox	Saulsbury	Warren
Gallinger	McCumber	Shafroth	Weeks
Gerry	McKellar	Sheppard	Williams
Gronna	McLean	Sherman	Wolcott
Harding	McNary	Smith, Ariz.	
Hardwick	Martin	Smith, Ga.	

Mr. FRELINGHUYSEN. I announce the necessary absence of my colleague [Mr. HUGHES] on account of illness. I ask that this announcement may stand for the day.

Mr. McKELLAR. The senior Senator from Tennessee [Mr. SHIELDS] is absent from the city on important business. I should like to have this announcement stand for the day.

Mr. SMITH of Michigan. My colleague [Mr. TOWNSEND] is unavoidably absent from the Chamber on account of sickness in his family. I desire this announcement to stand for the day.

Mr. SAULSBURY. I have been requested to announce the absence on official business of the senior Senator from Maryland [Mr. SMITH] and the senior Senator from Arkansas [Mr. ROBINSON].

The VICE PRESIDENT. Sixty-six Senators have answered to the roll call. There is a quorum present.

Mr. REED. Mr. President, when we were interrupted by the storm I was saying that section 1 of the act conveys certain powers, which I had already enumerated.

Section 3, proceeding with the question of powers, provides that there shall be established "a governmental control of necessaries."

I ask the Senate to kindly attend to the power granted this "governmental board of necessaries." The bill recites that its power—

shall extend to and include all the processes, methods, activities of, and for the production, manufacture, procurement, storage, distribution, sale, marketing, pledging, financing—

And now note this language—

and consumption of necessaries.

The bill further provides that—

all such necessaries, processes, methods, and activities are hereby declared to be affected with a public interest.

Yea, in order to afford some kind of shadow of pretense of the exercise of a constitutional power the bill falsely declares that all of these things are affected with a public interest, intending, of course, to plant the exercise of this power upon the ground that the Government has the right to control activities affected with a public interest.

And yet the most casual reading of the language will show that the things embraced by it are not affected with a public interest within the legal meaning of that term at all. They, in fact, have no relation to the public interest save in the sense that the life and happiness of every man, woman, and child in the Republic and every dollar's worth of property may be said to affect the public interest. It is an impudently false and fraudulent recital.

The bill further provides that in order to carry out these powers—

the President is authorized to enter into any voluntary arrangements or agreements, to use any agency or agencies, to accept the services of any person without compensation, to cooperate with any agency or person—

And so forth.

In a word, this somewhat obscure language is plainly intended to authorize the transfer of these great and despotic powers to individuals whose names may not be submitted to the Senate for confirmation, nor even be made known to the public at large.

Section 4 proposes to punish and to make illegal the act of any person who allows any of these necessities under his control "to deteriorate if he can prevent it," and that power is extended to the article when produced and to the production of the article. Under that section every man is made a violator of the law who may have any article whatsoever that suffers any deterioration or waste if he can prevent it.

Section 5 provides that the President may by simple announcement take away from any or all citizens the right to export, import, manufacture, store, or distribute any of said necessaries unless he or they shall first obtain a license permitting him so to do. Of course these despotic and unconstitutional powers will be exercised by Mr. Hoover or some other agent. I read the language of the act:

SEC. 5. That from time to time whenever the President shall find it essential to license the importation, exportation, manufacture, storage, or distribution of any necessaries, in order to carry into effect any of the purposes of this Act, and shall publicly so announce, no person shall, after a date fixed in the announcement, engage in or carry on any such business specified in the announcement of importation, exportation, manufacture, storage, or distribution of any necessaries as set forth in such announcement, unless he shall secure and hold a license issued pursuant to this section

Under that section by the mere issuance of an order the President can compel practically every manufacturer in the United States and every dealer and shipper to secure from Mr. Hoover or some other unnamed gentleman a license to transact his business, to manufacture his product or to import into this country or export from this country the prime necessities of life.

Mr. KENYON. Mr. President——

Mr. REED. I yield.

Mr. KENYON. I should like to ask the Senator a question, because it seems to me his statement is broader than is sustained by the act. Is it not true that that applies only to what are termed necessaries, and the bill in section 1 defines what are necessaries under the act? That would not include all the manufactures within the United States by any means. It simply includes food and fuel and articles required for their production. Those are the necessaries which the act covers.

Mr. SMITH of Georgia. The original act?

Mr. KENYON. The act I have in my hand is the Lever bill as reported from the House committee to the House.

Mr. SMITH of Georgia. As first introduced it went further and covered substantially anything that was needed to eat or to wear, or to be used in any way in connection with them.

Mr. KENYON. That is true; but the bill is now limited to the matters I have designated—foods, feeds, fuel, and articles required for their production.

Mr. REED. I had not intended to discuss the bill; I simply meant to put in a short analysis of it and resume my seat; but since the question is raised, let us see if there is any limit to the power that it is proposed to confer. The first section reads:

That, by reason of the existence of a state of war, it is essential to the national security and defense, for the successful prosecution of the war, and for the support and maintenance of the Army and Navy to assure an adequate supply and equitable distribution and to facilitate the movement of—

Now listen—

foods—

That embraces anything human beings can eat, and I think it would embrace anything animals eat—

feeds—

That, of course, covers the animals.

Now, you have embraced everything that is produced upon an American farm—every animal that walks and is fit for food. You have covered all the cattle upon the thousand hills, the sheep in the 10,000 pastures, the hogs in the million pens, the chickens in the myriads of back yards, the hay, the oats, the shorts, the middlings, the wheat, the corn, the rye, the barley, the hay, the potatoes, the flour, the bran, shorts, and middlings—all that is fit for "food or feed." You have covered all that, and you have gone below the surface of the earth and you have included coal and oil and gas. Moreover, you have covered the trees of the forest, for they are also required for fuel.

Now, notice. The language contained in section 1 is, as I understand it, enlarged by the language of section 3:

That there is hereby established a governmental control of necessaries which shall extend to and include all the processes, methods—

Listen—

activities of, and for the production, manufacture, procurement, storage, distribution, sale, marketing, pledging, financing, and consumption of necessaries.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED. I yield.

Mr. BORAH. Has the Senator referred to the words on page 1, line 8?—

of foods, feeds, fuel, and articles required for their production.

The phrase "and articles required for their production" would practically cover everything.

Mr. REED. I thank the Senator. I have not commented on those particular words, and they, of course, vastly enlarge the preceding clause. But I now say that when we take section 3 in connection with that language it is plain that it is proposed to put within the control of the President, which means Mr. Hoover or some other man, every article used in the manufacture or production of foods, feeds, or fuel, including the instrumentalities of their production. I think that would include the manufacture of steel and of iron and lead and copper and of agricultural implements. It would include, in my opinion, the cotton gin and the cotton mill. It would include the sheep and, in my opinion, it would include the wool and the processes of manufacture. It would include, beyond any question, the packing establishments of the country, big and little. It would include every butcher shop in the country. It could be made to include every railroad, for it embraces all transportation facilities. The movement from place to place is clearly covered by the term "distribution." But above that it includes the right to say what the people shall eat and how much they shall eat. Let there be no mistake; the language is plain. I quote:

There is hereby established a governmental control of necessaries, which shall include * * * the production * * * and consumption of necessaries.

That, sir, is the power of life and death. That power of life and death it is proposed to confer upon the nameless agents whom the President may hereafter select. I repeat, the power to regulate the consumption of food and fuel is the power of life and death. The emissaries and agents of the food dictator can enter every home in this land, tell the housewife how much bread she may set before her children, the quality of flour she shall use; they can tell the head of the family how much coal he shall consume and the kind of coal he shall use; they can, under these powers, dictate to the American people what they shall eat, what they shall wear, how they shall manufacture it, how they shall produce it, how they shall ship it, and whether they shall have it at all or not.

The power demanded is greater than has ever been exercised by any king or potentate of earth; it is broader than that which is exercised by the Kaiser of the Germans. It is a power such as no Cæsar ever employed over a conquered province in the bloodiest days of Rome's bloody despotism.

"Behold, I show you a mystery." There is one Hoover, who many years ago left the United States to seek his fortunes in other lands. He is a mining engineer by profession. He has very recently returned to America. He has for the past year or two been engaged in some most laudable work abroad. In nothing that I say shall I reflect upon his integrity, his intelligence, or the honesty of his intentions. But this man, who voluntarily had sought his fortune in other lands, is brought back to the United States of America; and, reading this bill and reading concurrent public history, we know that it is the purpose to place these immense powers within his hands. It is proposed to give to this man, whom the American people have heard of through the newspapers only in the last few months, the power to say to every housewife what she shall feed her babe, her children, her husband, or herself.

Mr. WALSH. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Montana?

Mr. REED. I yield.

Mr. WALSH. Mr. President, assuming that these enormous powers are to be lodged in some man, can the Senator suggest any wiser choice?

Mr. REED. I say that the man in this free Republic who, under existing circumstances, would lodge these powers in any man has no conception of a Republic. I declare that the man who would set up arbitrary authority ought to establish his abode in countries where there are no constitutions. He should seek a land in which the will of a despot is regarded as more beneficent than the mandate of a free people. So far as Mr. Hoover is concerned, I would not confer this power on him or on any human being.

Mr. WALSH. I rose to say that while I always listen with very intense interest to the discussion of these matters by the Senator from Missouri, I thought that the personal aspect of it had not very much to commend it. I say frankly to the Senator now that I agree that the other is very serious, but why discuss the question as to who is to be the food conservator?

Mr. REED. Because, sir, I want to give it a personal aspect in this sense: I want, if I can, to burn it into the consciences and brains of the people that this power is to be conferred upon a man—upon one man—upon a certain 175 or 200 pounds of flesh and blood; of a creature with body, parts, passions, and frailties—of just a man, whose peer is to be found, so far as integrity and high purpose are concerned, in every community of this great land, and I doubt not whose peer in every respect can be found in any community of considerable size in this country.

I am commenting also upon the personal aspect, because I think that a man who has lived outside the confines of the United States for a number of years, who has practically made his home in foreign countries, is not so well qualified from that standpoint to deal with questions affecting the American people as would be some one who has lived here, but in all that I have said I pass no comment upon Mr. Hoover that in any way reflects upon his integrity.

Mr. SHEPPARD. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Texas?

Mr. REED. Yes.

Mr. SHEPPARD. Perhaps it may be necessary to confer this power in order that the mother may have something on which to feed her babies.

Mr. REED. Oh, yes, Mr. President; but has that time come now?

Mr. SHEPPARD. Those who have looked into the question seem to think so. The President seems to think so and the Secretary of Agriculture seems to think so. I am in favor of

giving the President every power which is necessary successfully to conduct the war and to conserve the resources of the country.

Mr. REED. So am I. So are we all ready to give the President all the power that is necessary to conduct the war. But what have we done and what are we doing? We have voted a $7,000,000,000 war chest—the largest amount of money ever appropriated by any human tribunal. If Adam had been born 1,000 years before the world was created and had earned a salary of a million dollars per annum, and had saved it all, he could scarcely have taken up this bond issue.

I heard a gentleman who was advocating the sale of "liberty" bonds say the other day down here in one of the theaters that if you laid the bonds one on top of the other, counting 50 to the inch, they would make a pile 16 miles high. I never figured it; but that was his statement, and, being a banker, I presume he knew just about how high they would be.

We have given the President every soldier and sailor he has asked. The aggregate already called for, I think, will run very close to a million and a half troops. Another 500,000 is authorized: and I am ready to vote to-morrow for still more and more troops, until we shall have every man that in any contingency may be necessary.

Moreover, we have overturned precedents and policies of this country more than a century old and have resorted to the draft because it was asked we should resort to the draft. We have provided every ship of war that has been asked; we have provided every ounce of ammunition that has been requisitioned; we have provided every pound of shot and of shell that has been requested; we have voted to build a thousand merchant ships; we have requisitioned every vessel in the shipyards of this country, and have practically requisitioned the shipyards. We have appropriated money almost unlimited in order that we may place upon the high seas mighty argosies to bear our troops, munitions, and supplies to foreign lands. We have provided by a bill passed through the Senate that it shall be a criminal offense for a man to corner foodstuffs. We have authorized the President to seize every railroad in the United States, and given him authority to employ them for the purpose of moving any military supplies of the Government. We have done many other things I do not pause to mention. What else do gentlemen want? Do they wish to follow my enthusiastic friend from Texas [Mr. SHEPPARD], who stands here—and I am sorry he has left the Chamber, and so I will not make the remark I was going to make, but will merely say assuming to speak for the President?

What else is wanted? If there be anything relating to the military forces of this country necessary, the Senate and the House of Representatives, I am sure, will grant it. But when it is asked that there shall be put in the hands of one man, of whom this country knows but little—for I speak not of the President now, but of this agent he is to employ and who has already opened his office and assumed to begin activities without sanction of law—when it is asked to put into the hands of a man of that kind the power to seize the great resources of this land, to command the industry and energy of the nearly 40,000,000 people who dwell upon the farms of the United States, to seize almost if not quite every factory of this country, to control the foodstuffs of all the people, to compel business men to obey his demands and operate as his licensees, and to substitute his will for the Constitution of the United States—when so monstrous a proposition is advanced I refuse to give it sanction; nay, I am appalled that it is offered in any legislative tribunal of a free country.

But let me proceed. I read again from the bill:

> There is hereby established a governmental control of necessaries which shall extend to and include all the processes, methods, activities of, and for the production, manufacture, procurement, storage, distribution, sale, marketing, pledging, financing, and consumption of necessaries—

I place emphasis on the words "consumption of necessaries." Let its dreadful import escape no one—

> which shall be exercised and administered by the President for the purposes of this act, and all such necessaries, processes, methods, and activities are hereby declared to be affected with a public interest.

Mr. SMITH of Michigan. Mr. President, who is to prescribe the food formula of the people?

Mr. REED. It will be done in the name of the President, but when you ask me by whom I know of no way to reply save in that vague and indefinite term Hoover or some one with an ambition to become a Hoover.

Now, I read on, and here is the answer to the Senator's question:

> And in carrying out the purposes of this section the President is authorized to enter into any voluntary arrangements or agreements, to use any agency or agencies, to accept the services of any person without compensation, to cooperate with any agency or person, to utilize any department or agency of the Government, and to coordinate their activities so as to avoid any preventable loss or duplication of effort or funds.

Now, my dear friend, you who come here from the great and populous State of Michigan, representing a supposedly free people, three and a half million in numbers, embracing every class of life, from the humblest to the men of power and wealth and education, I answer your question out of the bill. Your housewives are to eat that which some gentleman, "working without compensation," says they can eat; your children are to wear what some unknown and unnamed gentleman, "working without compensation," shall permit them to wear. They will wear shoes in the late spring if it accords with the economic notions of this unnamed gentleman, or they will go barefooted in order to save shoe leather if he shall so dictate.

Mr. SMITH of Michigan. Those are the rules of a county poor farm.

Mr. REED. Yes. The Senator suggests "those are the rules of a county poor farm"; and, if this bill is enacted, it will do much to make the richest country of the world one great poor farm, and to transform its freemen into political paupers who have wasted the heritage of liberty bequeathed them by heroic sires.

I did not, when I took the floor, intend to discuss this bill. I meant simply to call attention to what is contained in these remarkable provisions. But since the Senator from Texas rose—and he has now returned to the Chamber—assuming to speak for the President, to tell us what the President wanted, and how valiantly the Senator wanted to stand back of the President, I thought I would pass a few observations upon the character of this bill.

Mr. SHEPPARD. Mr. President, will the Senator allow me to express the hope that he will not be successful in defeating what the President considers one of the most essential measures in the present emergency? It is a question whether he or the President is to have his opinion carried out.

Mr. REED. Mr. President, I am not like some people, who shall be nameless. When I was sent to the Senate of the United States I may have been a most unworthy representative, but I was sent here by a great free people, numbering nearly three and a half million, to represent them primarily and the country generally in this legislative body. I have no pride of opinion; I am not obsessed with any idea of my own greatness; but I am here charged with a great mission and a great responsibility. My distinguished colleague [Mr. STONE] and myself represent a domain more than one-half as large as Prussia. We must speak for its three and one-half million free citizens; we speak their voice, and, speaking their voice, I say their Constitution shall never be stricken down by my vote or their liberties subverted in a truckling effort to shine in the reflected glory of the White House.

I have exercised my own opinion after consultation with the opinions of other Senators and other men. When I get ready to abdicate the throne of my reason and to subordinate my opinions to the dictation of any other man, however great, I shall hand back to my people the authority they gave me and ask them to send here some man who has courage enough to express their opinions and stand for their rights. When the Congress of the United States shall cease to exercise the powers and perform the duties devolved upon it by the Constitution it will have betrayed its great and solemn trust. Its Members will have perjured their souls before God and man. It will have followed in the infamous footsteps of the cowardly legislators and counselors who in other days and other lands subverted the liberties of the people. Then, as now, such legislators could be seen standing in their places asserting their loyalty and proving it by exhibiting their truculent submission to the dictates of some master mind.

Mr. SMITH of Michigan. Mr. President, will the Senator, who has had the kindness to refer to my State, permit me to add one sentence to the eulogy which he has just bestowed and to say that in the registration under the conscription law the State of Michigan bears the palm as the first State in the Union for registrations in proportion to her population, which shows a loyalty to the Government and an intensity of feeling that is most commendable? But, furthermore, the people of the State are economizing in their use of foodstuffs now. They are doing it voluntarily. Everyone is addressing himself more or less to that very important question; but to have it said in the law that any single individual is to prescribe the amount of food and the character of food that our people shall eat is carrying this rule of supreme judgment just a little bit too far.

Mr. REED. Mr. President, I am very glad to yield to the Senator to hear him pronounce a very just encomium upon his own people; and yet I can not refrain from saying that what the Senator has said for his own glorious State probably can be

asserted of all the States of this glorious Union. Virtue and patriotism are not confined by the red lines of any map. Wherever the American citizen stands proudly in his home, wherever his eyes flash in recognition of the American flag you find a patriot and a man, all of them willing to do their part, all of them willing to make sacrifices, and none of them of that superior virtue which is assumed by a limited few.

I come now to section 4. Observe the language:

It is hereby made unlawful—

And I omit a portion—

to permit preventable deterioration of any necessaries in or in connection with their production, manufacture, or distribution.

Why, under that a man might be punished, might become a lawbreaker, who without the slightest intention to destroy any necessary of life simply failed to prevent its deterioration. How far we are to go with that I do not know, whether we are to go as far as the old farmer I once saw when I was a boy, who drove to the packing house with a load of fine hogs, and who, when he was offered $2.20 a hundred, got back on his wagon and cracked his whip and started to drive away. The buyer said to him, "Well, what are you going to do with them? You can't get any more for them." The old farmer replied, "I can take them home and sit up nights and eat 'em." He would have prevented waste.

But I hesitate to inject anything intended as a pleasantry into remarks regarding a subject that is absolutely tragic.

I proceed:

SEC. 5. * * * Whenever the President shall find it essential to license the importation, exportation, manufacture, storage, or distribution of any necessaries, in order to carry into effect any of the purposes of this act, and shall publicly so announce, no person shall, after a date fixed in the announcement, engage in or carry on any such business specified in the announcement of importation, exportation, manufacture, storage, or distribution of any necessaries as set forth in such announcement, unless he shall secure and hold a license issued pursuant to this section.

In a word, and put into plain, brutal English, the right of the American citizen to engage in his ordinary occupation, to buy and to sell, to trade and to traffic, to ship abroad or purchase from abroad, is made dependent upon the will of some one man.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER (Mr. POINDEXTER in the chair). Does the Senator from Missouri yield to the Senator from Georgia?

Mr. REED. I do.

Mr. SMITH of Georgia. Does the Senator mean that this bill does not give the license as a matter of right? Does it allow this man named by the President to say whether anyone shall or shall not have a license and arbitrarily to deny him the right to a license? Is it possible that that is what the bill provides?

Mr. REED. Plainly the right to license implies that there must be a discretion vested in the licensor, for otherwise there would be no use of having a license. If everybody could engage in the business, and everybody could demand a certificate, of course there would be no use in the license.

Mr. SMITH of Georgia. Why, I supposed it was just to register them, so that they could be observed.

Mr. REED. But it does not say "register"; it says "license."

Mr. SMITH of Georgia. I ought to modify that statement. I did not suppose it. I would suppose it would be urged in that way if I supposed it was language that was permissible, without irritation, to be found in a proposed statute.

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. REED. Certainly.

Mr. McKELLAR. If the Senator will notice the beginning of section 5, it is only after the President has made a publication to that effect; but, of course, as soon as the publication is made no importation or exportation shall be made then. It is in full force, and a man would be violating the law if such importation or exportation should be made.

Mr. REED. Why, certainly; that is immaterial. But notice further. Now, nobody can buy or sell, trade or traffic, ship or manufacture any of these necessities of life unless he shall get a license. But that is not all. Observe how we do progress, how fast the car of reform rolls on.

The President can make regulations for these gentlemen to conduct their business, and among the regulations he may include—

requirements for systems of accounts and auditing of accounts to be kept by licensees, submission of reports by them with or without oath or affirmation, and the entry and inspection by the President's duly authorized agents of the places of business of licensees.

Why, under that monstrous provision, what becomes of the section of the Constitution, or the spirit of it, against unreasonable searches and seizures? That provision was intended merely to prevent officers of the law from entering the place of business of a man and searching it for a particular article; but this confers upon these nameless agents the right to enter any man's place of business, at any time, and inspect his books and accounts. Why, as the Senator from Oklahoma [Mr. GORE] states, it was resistance to unreasonable searches and seizures that started the first flame of the Revolution.

Mr. SMITH of Georgia. The Senator means the Revolution against England?

Mr. REED. The Revolution against England.

Mr. SMITH of Georgia. To gain the freedom of our country?

Mr. REED. The Revolution against the tyranny of George III; and George III never dared assert or ask for rights such as are here demanded. When did George III of England say that no man should do business without his license, making it broad, and applying it to everybody? I believe there were licenses required in a few cases, and that was one of the prime causes which brought our fathers to rebellion. When did George III claim the right to make the business men of the oppressed Colonies keep accounts and make sworn returns to him of their business? Why, as the Senator from Oklahoma states, our fathers would not pay a stamp tax. There were men in those days who said they stood by the Government of King George, but they were not the men whom we revere as patriots, and their blood did not enrich the soil from which the flower of liberty sprang forth.

Everybody is going to be required to keep his books now according to Hoover or somebody else; and then everybody is going to swear to them in the manner and form set forth by Hoover or somebody else; and in this land of the free and home of the brave, where law doth rule and Liberty holds aloft her bright and glorious countenance, we will all form in procession and march forward to make our sworn accounts of our business as licensees graciously permitted by Hoover or somebody else to live!

Mr. President, I jump many important parts of the bill. When I come to discuss this measure in real earnest I shall refer to those sections. In section 9, observe our Government proposes to embark upon the manufacture and production of everything in the shape of necessities. I must keep to that word lest I shall offend my absent friend, the Senator from Iowa.

SEC. 9. That to carry into effect the purposes of this act the President is authorized to purchase, provide for the production or manufacture of necessaries; to store them and to provide storage facilities for them by construction, purchase, lease, or otherwise; to sell them; and to require any person having the control of any necessaries, or any storage space suitable for the storing of necessaries, to furnish the whole or any part of such necessaries or storage space to the Government in such quantities, at such times, and at such prices as shall be determined by the President to be reasonable. Upon failure of the person to comply with such requirement, the President is authorized to requisition and take possession of any such necessaries or storage space, and to pay for them at the price so determined.

Thus, it appears it is proposed that the Government, of course through some if these agents who "work without pay"—some Hoover of greater or lesser mold—can proceed to take over every storage plant in the United States and substantially every great business of the United States, and operate it as he sees fit, taking by the collar the man who created it, whose sweat and toil and brains brought it into existence, and leading him to the door, while somebody bearing a certificate from Washington shall proceed to take hold of the plant and the property of this free citizen.

Mr. SMITH of Georgia. I should like to ask the Senator how much he thinks would be produced from the soil of this country next year if the farmer or producer understood that these agents of somebody could come and take away from him whatever he produced and pay him whatever they wanted to pay him.

Mr. REED. Mr. President, I shall answer that question in a moment, for I want to conclude my remarks.

Over in Prussia, bloody Prussia, tyrant-damned Prussia, where it would seem that the lust of power has absorbed every Christian attribute of the heart, it was not so. Who reads Carlyle's History of Frederick the Great will find, I think, a chapter devoted to a discussion of the old miller. In the days of Frederick's father, likewise father of all the tyrants of Prussia, when blood was inoculated with that poisoned virus which has made the house of Hohenzollern accursed of God, the old despot wanted a piece of ground which belonged to an old miller. The miller declined to sell. The king raised his offer again and again. The miller declined; he declared it was his home and that he would retain it. At last the king's emissaries said, "But his majesty may take it." The old miller rose to his full height and said, "Not while there is law in Prussia." That mill is, I believe, preserved to-day as a revered landmark in Prussia, because it indicated that there was a place where the monarch

himself, with all his military power, could not encroach, and that was the home and private property of the citizen.

But in this day of grace, 1917, 140 years since the soldiers of the Revolution starved and froze at Valley Forge, almost within sight of the tomb of Washington, within the shadow of his monument, it is proposed to give the right not only "to take the mill" but the business of all the American people engaged in producing necessaries, to enter their private business places and compel them to keep an account according to the dictation and command of some one here in Washington, and it is proposed to make them swear to those accounts. It is proposed to do to all the business men of the country that which the father of Frederick the Great did not dare to do in Prussia to one man.

Yet gentlemen will be found accommodating enough to vote for such a measure and to sneeringly insinuate that those who do not so vote are perhaps not quite loyal.

Mr. SHEPPARD. The Senator also sneeringly insinuated that those who vote to carry out the proposition of the President are guilty of subserviency and cowardice?

Mr. REED. Oh, no.

Mr. SHEPPARD. Oh, yes; that is your language.

Mr. REED. The Senator puts himself in the position of subserviency, not me.

Mr. SHEPPARD. I deny that.

Mr. REED. The word "cowardice" has not fallen from my lips in this whole discussion.

Mr. SHEPPARD. And I deny that I put myself in that position.

Mr. REED. The Senator announced almost with the heroic air of a Christian hero entering the arena to do combat with wild beasts and declared that he proposes to do whatsoever the President wants him to do. As the Senator spoke his face was illumined as with the glory of the angels.

Mr. SHEPPARD. With not nearly so tragic an air as that assumed by the Senator from Missouri at the present moment.

Mr. REED. But within the Senator's capabilities it approximated it.

But observe we have not yet covered the entire field. It is true the bill covered all transportation. It covered the manufacture of necessaries and all the things that go into the production of necessaries. It covered the wood that grows above the soil and included the coal in the bowels of the earth. It included all the great lakes and rivers of oil that the good Lord put in the bowels of the earth. All these had been included when some particularly bright mind suddenly recalled that the metal mines had been overlooked, and so we find it in section 10:

That the President is authorized to requisition and take over, for use or operation by the Government, any factory, mine, or other plant, or any part thereof, in which any necessaries are or may be manufactured, produced, prepared, or mined.

Of course, gold is a necessity in time of war. They may take the gold mines. It is necessary to get the food, and if it be not food itself, it is an article required for the production of food. So with lead and zinc and copper and tin—all that vast store of wealth which lines the veins of the earth; they can, if the bill passes, take it all. It is true some individuals have acquired it. They discovered it; they developed it. But of what consequence is that? It is true these men have title deeds to it. It is true they have lived under a Constitution—aye, some of them may hold it in their hands—which declares that the property of a citizen shall not be taken without due process of law, and that due process of law has always been construed to give a man his day in court. As the Senator from Oklahoma [Mr. GORE] has said to me in a side remark, it is our boast that you could not take the shirt off a ragged person's back without giving him a day in court. But now it is all to be taken over by any gentleman working without a salary who presents an order signed for the property.

Then, we are to operate these things:

The President is authorized to prescribe such regulations as he may deem essential for carrying out the purposes of this section, including the operation of any such factory, mine, or plant, or part thereof; the purchase, sale, or other disposition of articles used, manufactured, produced, prepared, or mined therein; and the employment, control, and compensation of employees.

So that in addition to all these other things after the food dictator shall have taken over the factories of the United States it is proposed that he shall fix the wages of employees. Fix the wages, and how can you make the men work? Will he do it at the point of the bayonet? Will he stand every tenth man against a stone wall and shoot him to death and give the other nine an option to work or suffer his fate? How are we to accomplish this beneficent purpose among a people of freemen, among a people who have asserted that to be an American citizen was to be a king, a king of right clothed about with the majesty of constitutional prerogatives and protection so sacred that no man has yet dared trample upon them?

But, Mr. President, there is more of this bill. I call attention to section 12, which is the minimum-price section. The section confers the power upon the President, but it will, of course, be exercised by Hoover. I read:

Thereupon, the Government of the United States hereby guarantees every producer of any merchantable nonperishable agricultural products produced within the United States, for which a guaranteed price shall be fixed by notice in accordance with this section, that, upon compliance by him with the regulations prescribed by the President, he will receive for any such products produced in reliance upon this guarantee within the period, not exceeding three years, prescribed in the notice, a price not less than the guaranteed price therefor as fixed pursuant to this section.

Mr. President, of all the ills and evils and iniquities and enormous and monstrous things wrapped up within the bill, this is perhaps the least of them all. Yet I desire to invite your attention to it for a few moments. If the Government of the United States shall fix a minimum price to be paid to the farmers and producers, for that which the people eat, it follows, does it not, as day follows night, that that minimum price will be of no avail unless it shall be higher than the price which would otherwise obtain, and if it be higher than the price which would otherwise obtain, then that price must be carried on to the ultimate consumer. The tribute must be collected from the homes of every workingman and every other man in the United States, and we will have increased the price of farm products and have collected that increased price from the laboring people and all other kinds of people in the United States.

The moment you do that are you not obliged to make compensation then to the other man? Are you not obliged to allow labor a higher wage, because labor must now pay more for its food? Are you not obliged to allow the business man a higher return on his business, because all he consumes has been increased in cost? Are you not obliged to carry this beneficent scheme through to everybody to make it equitable; and if you have carried it through to everybody upon an equitable basis, who will be benefited? But, upon the other hand, who will be injured?

Now, having talked much longer than I intended, I desire to draw my remarks to a close with just this one observation. There is no more reason for us to copy the tyranny of Prussia in the matter of foodstuffs than there is to imitate her horrible example when she stood women against stone walls and shot them to death. There is no more reason to destroy our commercial and industrial liberty because Prussia has done so than there is to abandon the civilized rules of warfare and sink ships upon which women and children and helpless noncombatants are peacefully pursuing their course. Because the people of other lands should cling to despotism and die bloody deaths to perpetuate the chains their masters have riveted upon them affords no reason for us to cry out for the destruction of our constitutional rights. We are here a great and free people, the most intelligent people, I think, speaking broadly, there are upon this earth—104,000,000 men, women, and children. The heads of these families and many of the women have found their place and niche in the great productive machinery of life. There they have applied their intelligence, there they have employed their energy, there they produce the highest that is within them, and now it is proposed to substitute for their intelligence, applied locally in places where they have lived, applied to business they have created, applied to factories they have conceived, applied to machinery they have produced—it is proposed to substitute for their intelligence, for their energy, the mandate of some man or set of men living hundreds of miles away, who are utterly unacquainted with the business with which they seek to interfere.

More than that, Mr. President, it is proposed by this measure to give the right of arbitrary interference at any moment, so that no man can tell when he enters upon a venture whether he will be allowed to conclude it or whether it shall be wrested from his hands. No man in making his calculations can tell whether he will be allowed to deal with reference to the fixed conditions that surround him when he embarks upon his enterprise, or whether he will be compelled to reckon with the arbitrary mandate of a man who never saw his business, and knows nothing about the production in which he is engaged.

Every farmer who sows his field will sow it knowing that while there may be a minimum price guaranteed to him there is also the right to destroy his market by taking over all the shipping facilities and all the manufacturing facilities and all the distributing facilities necessary to the marketing of his grain; and when that is done he knows that he will be limited in all human probability to that minimum price. From that there can be no escape, in my opinion. When you tell the

farmers of this country that, I say that instead of being up with the lark and staying at his task until the nightingale shall have ceased its song, instead of toiling and moiling in wind and sun, to expand his acreage, instead of going in debt to buy new machinery and to hire additional help he is very likely to reduce his production. When you discourage the farmer you help to produce that very starvation, that very shortage of the necessities of life which we seek to avoid.

Mr. President, there is but one universal solvent for human energy. There is but one thing will start every hand to work, that will cause every muscle to grow tense, that will make every wheel whirr and every spindle turn, and that is the certainty of profit. When you undertake to take away from a free people the right to calculate and to conclude where their interest lies, when you tell them that at any moment a man possessed of arbitrary power can interfere with their profit and their business and wrest their means of livelihood from them, you stop all development, you will stop all energy, you may reduce production to a point where we will be in grave danger of starvation and of want. Such a policy will arrest development and, in my judgment, will bring upon us a panic that will paralyze this country in the very hour when every sinew ought to become strong, when every limb ought to be multiplied in its power, and when every energy of the people ought to be increased.

I protest against the bill as a mistake, an economical mistake. I protest against it as an offense against the Constitution of the United States. I proclaim it to be an invasion of our Bill of Rights. I declare that it will produce that paralysis of business and energy which will make it impossible for us to finance the armies of the world and to feed the nations who are our allies in the great struggle now engulfing mankind.

Mr. NEWLANDS. Mr. President, in view of the prolonged discussion that has arisen over the provisos in this bill, giving the carriers compensation for damages suffered by reason of the priority orders of the President, and the insistence that shippers should also be permitted to recover such damages, on behalf of the committee I wish to state that the committee withdraws the provisions in question; and I move that all after the word "appropriated," on page 4, line 17, down to the words "own order," in line 19, page 5, be stricken from the bill.

The PRESIDING OFFICER (Mr. CALDER in the chair). There is an amendment pending to the bill at this time.

Mr. NORRIS. The pending amendment is one offered by myself. I should like to have the amendment of the Senator from Nevada stated at the desk so that I may see just what the Senator proposes to strike out.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 4, line 17, after the word "appropriated," it is proposed to strike out down to and including the words "own order," on line 19, page 5, including both provisos.

Mr. NORRIS. Mr. President, the language the Senator from Nevada moves to strike out is the language which I have sought to amend by the pending amendment. If that language is to be stricken out I am willing to withdraw my amendment so that the Senator can offer the amendment he desires striking out the language. With that in view, in order to permit the Senator to make the motion now, I withdraw my amendment.

The PRESIDING OFFICER. The amendment offered by the Senator from Nebraska is withdrawn. The question is on the amendment offered by the Senator from Nevada.

Mr. POMERENE. Mr. President, do I understand that the committee favors the striking out of this provision?

Mr. NEWLANDS. I have taken the sense of the committee with reference to it. Does the Senator object to it? If so, I will withdraw the motion.

Mr. POMERENE. No; I shall not object to it; I do not want to prevent a vote on the subject, but this is the first information I have had that any such step was contemplated.

Mr. NEWLANDS. If the Senator wishes to take the matter under consideration I will withdraw the motion.

Mr. POMERENE. I will not ask the Senator to do that.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Nevada?

Mr. GRONNA. Mr. President, may we have the provision read which it is proposed to strike out?

The PRESIDING OFFICER. The Secretary will read the language proposed to be stricken out.

The SECRETARY. After the word "appropriated," in line 17, on page 4, it is proposed to strike out:

Provided, That if by reason of giving preference or priority in transportation under an order or direction authorized hereunder, or by reason of disarrangement of traffic caused by giving such preference or priority, any carrier shall suffer injury or damage, the Interstate Commerce Commission shall upon application by the carrier and upon notice to the Attorney General of the United States, and after due hearing, determine the amount thereof, which amount shall be paid by the Secretary of the Treasury out of any funds in his hands not otherwise appropriated: *Provided further*. That no application for any such damage or injury shall be presented to the commission after six months from the expiration of the crder of preference or priority. In making such determination the commission shall have due regard for the terms of any acts of land grant or contract existing between any such carrier and the United States, and for the purpose of any such inquiry and determination the Interstate Commerce Commission is hereby vested with all the powers which it now has or may be authorized by law to exercise in investigating and ascertaining the justness and reasonableness of rates or charges. Any such findings of the commission shall be subject to review on the merits by a bill in equity, filed either by the Government or by the carrier in a court of competent jurisdiction, with right of appeal as in other equity cases. The final order or decree shall be certified by the court to the Interstate Commerce Commission, which shall enter the same as its own order.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nevada.

The amendment was agreed to.

Mr. NEWLANDS. I ask that a reprint of the bill as amended be made.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. SWANSON. I should like to inquire whether the consideration of the pending bill is to be deferred until to-morrow?

Mr. NEWLANDS. Yes.

EXECUTIVE SESSION.

Mr. SWANSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 2 o'clock and 45 minutes p. m., Thursday, June 14, 1917) the Senate adjourned until to-morrow, Friday, June 15, 1917, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 14 (legislative day of Tuesday, June 12), 1917.

RECEIVER OF PUBLIC MONEYS.

Luke Voorhees to be receiver of public moneys at Cheyenne, Wyo.

REGISTER OF LAND OFFICE.

Ralph R. Read to be register of the land office at Buffalo, Wyo.

PROMOTIONS IN THE NAVY.

Capt. Hugh Rodman to be a rear admiral in the Navy from the 23d day of May, 1917.

The following-named commanders to be captains:

Harley H. Christy.
Noble E. Irwin.
Waldo Evans.
Thomas J. Senn.
Charles F. Preston.
Richard H. Leigh.

The following-named lieutenant commanders to be commanders:

Chauncey Shackford.
Ralph E. Pope.
Zachariah H. Madison.
Charles P. Snyder.
Joseph R. Defrees.
Willis G. Mitchell.
John J. Hyland.
Samuel W. Bryant.
Edward S. Jackson.
Sinclair Gannon.
John D. Wainwright.
George W. Steele, jr.
Stafford H. R. Doyle.
William N. Jeffers.
Harry E. Yarnell.

The following named lieutenants to be lieutenant commanders:

Theodore G. Ellyson.
Hugh Brown.
Wilhelm L. Friedell.
Burton H. Green.
Isaac F. Dortch.
John J. London.
Gordon W. Haines.
Ross S. Culp.
John W. Wilcox, jr.
Laurence N. McNair.
Edward L. McSheehy.
William Baggaley.
Benjamin Dutton, jr.

Halford R. Greenlee.
Vaughn K. Coman.
Reed M. Fawell.
Henry A. Orr.
Alexander S. Wadsworth, jr.
James S. Woods.
Lloyd W. Townsend.
John M. Smeallie.
John E. Pond.
William P. Gaddis.
Kenneth Whiting.
George B. Wright.

The following-named lieutenants (junior grade) to be lieutenants:

Theodore S. Wilkinson, jr.
William W. Smith.
David I. Hedrick.
Olaf M. Hustvedt.
Harold T. Smith.
Cumnings L. Lothrop, jr.
Preston B. Haines.
Gerard Bradford.
Mark L. Hersey, jr.
Frank T. Leighton.
Alva D. Bernhard.
Chester S. Roberts.
Benjamin V. McCandlish.
Daniel A. McElduff.
Arthur S. Dysart.
Hugh P. LeClair.
James D. Maloney.
Alan G. Kirk.
Levi B. Bye.
Granville B. Hoey.
Tracy L. McCauley.
Francis W. Scanland.
Joel W. Bunkley.
Max B. DeMott.
Ernest J. Blankenship.
John J. Saxer.
Leo L. Lindley.
Harold C. Train.
Richard M. Elliott, jr.
Lee P. Johnson.
Monroe Kelly.
Marion C. Robertson.
Edward C. Raguet.
Charles C. Davis.
George K. Stoddard.
Williams C. Wickham.
Freeland A. Daubin.
Roland M. Comfort.
Radford Moses.
Thomas E. Van Metre.
Comfort B. Platt.
Sherman S. Kennedy.
Richard W. Wuest.
Chauncey A. Lucas.
Charles H. Morrison.
Paul H. Rice.
Robert G. Coman.
Holbrook Gibson.
Charles E. Reordan.
Howard H. J. Benson.
Hugo W. Koehler.
George N. Reeves, jr.
Ralph E. Sampson.
Jaseph M. Deem.
Robert H. Bennett.
James B. Glennon.
Vance E. Chapline.
Deupree J. Friedell.
Frank A. Braisted.
George B. Keester.
John Borland.
Oscar C. Greene.
Raleigh C. Williams.
Thalbert N. Alford.
Henry G. Cooper, jr.
Eugene M. Woodson.
James S. Spore.
Wilbur J. Carver.
Charles H. Maddox.
George A. Trever.
Edgar A. Logan.
Mark C. Bowman.
Percy T. Wright.
Frank S. Carter.
Harold A. Waddington.
Percy W. Northcroft.
David H. Stuart.
Ernest L. Gunther.
Augustine W. Rieger.
James B. Rutter.
Alger H. Dresel.
Frank Slingluff, jr.
Clifford E. Van Hook.
Solomon Endel.
Robert P. Guyler, jr.
Ralph G. Haxton.
Joseph A. Murphy.
Lawrence Townsend, jr.
Lucius C. Dunn.
Charles M. Elder.
James M. Doyle.
Rush S. Fay.
Henry T. Settle.
Ewart G. Haas.
Joseph E. Austin.

The following-named ensigns to be lieutenants (junior grade):

Noel Davis.
Charles B. C. Carey.
Carleton F. Bryant.
William J. Larson.
Alfred P. H. Tawresey.
John H. Buchanan.
Herman A. Spanagel.
Joseph R. Redman.
Frank L. Lowe.
Franklin G. Percival.
Theo D. Westfall.
Theodore D. Ruddock, jr.
Andrew H. Addoms.
Albert G. Berry, jr.
James D. Black.
George B. Wilson.
William H. Porter, jr.
William K. Harrill.
Greene W. Dugger, jr.
John M. Creighton.
George F. Neiley.
Russell E. Perry.
Herbert J. Ray.
Charles E. Rosendahl.
John G. Moyer.
Robert W. Hayler.
Bert F. Clark.
Archibald N. Offley.
William A. Corn.
John B. W. Waller.
Robert L. Vaughan.
Homer L. Ingram.
Thomas J. Doyle, jr.
Alexander R. Early.
Charles F. Martin.
Vincent A. Clarke, jr.
Kemp C. Christian.
Philip W. Yeatman.
Samuel G. Moore.
William J. Hart, jr.
John L. Vaiden.
Swift Riche.
George Marvell
Benjamin H. Page.
Frank F. Cunneen.
Raymond A. Deming.
Benjamin S. Killmaster.
Raymond S. Hatch.
James E. Boak.
William A. Heard.
Charles H. Mecum.
George T. Howe.
Rudolph F. Hans.
Simson C. Stengel.
Wilder DuP. Baker.
Julius M. Moss.
Robert S. Wyman.

Lewis H. McDonald.
Horace H. Jalbert.
George S. Arvin.
Foster C. Bumpus.
William C. Burgy.
Frank P. Thomas.
Ralph O. Davis.
Sifrein F. Maury.
Martin Griffin.
William F. Roehl.
Donald F. Washburn.
Stuart D. Truesdell.
Frederick D. Powers.
Thomas C. Latimore, jr.
Robert W. Cary.
Karl R. Shears.
Lloyd J. Wiltse.
Paul W. Fletcher.
Lawrence J. K. Blades.
Henry W. Hoyt.
Robert C. Starkey.
Joseph C. Arnold.
Robert P. Luker.
Clarence J. McReavey.
Oliver O. Kessing.
Wallis Gearing.
William K. Beard.
John H. Brown, jr.
Ralph G. Pennoyer.

The following-named lieutenants (junior grade) to be lieutenants:

Claude S. Gillette.
Benjamin F. Tilley, jr.
Creed H. Boucher.

First Lieut. Elisha Theall, retired, to be a colonel on the active list of the Marine Corps.

The following-named warrant officers and clerks for assistant paymasters in the United States Marine Corps to be second lieutenants in the Marine Corps:

Leon L. Dye.
Lee W. Wright.
Reuben B. Price.
George P. Doane.
John W. Mueller.
John F. McVey.
John T. Baugh.
Harold H. Rethman.
Walter J. Green.
James E. Reich.
Carl S. Schmidt.
John F. Burnes.
Charles Ubel.
Charles C. St. Clair.
John Waller.
Harry Halladay.
Eugene L. Pelletier.
Otto Salzman.
Hary V. Shurtleff.
Fred G. Patchen.
William F. Beattie.
Francis E. Pierce.
Harry W. Gamble.
Leslie G. Melville.
Edwin P. McCaulley.
Robert F. Slingluff.
Roscoe Arnett.
Francis C. Cushing.
Charles L. Eickmann.
Thomas Quigley.
Patrick W. Guilfoyle.
Frank Z. Beckner.
Nathan E. Landon.
Eugene L. Mullahy.
Robert H. Shiel.
John J. Mahoney.
Albert J. Phillips.
Jacob Jacobowitz.
James McCoy.
Augustus B. Hale.
Walter E. McCaughtry.
William O. Corbin.
Thomas J. Curtis.
John P. McCann.
Maurice A. Willard.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 14, 1917.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we bless Thy holy name for the spirit that moved our fathers in Congress assembled, to the high and patriotic resolve that gave to us our national ensign, the Star-Spangled Banner, which for an hundred and forty years, in peace and in war, has floated in triumph o'er land and sea, the emblem of liberty and union.

God grant that it may continue to wave, since in liberty is opportunity, in union strength, in strength peace, in peace prosperity and achievement. And grant, we beseech Thee, that its history and triumphs may be told in song and story till all the ends of the earth shall know liberty, justice, truth, righteousness—yea, until the emblem of peace shall be perched upon every banner and the curse of war be known no more among men; that the Prince of Peace may indeed reign supreme in every heart, to the glory and honor of Thy holy name, our God and our Father. Amen.

The Journal of the proceedings of yesterday was read and approved.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 3971. An act making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Eestablishments on account of war expenses for the fiscal year ending June 30, 1917, and for other purposes.

JOSEPH S. M'COY.

Mr. PARK. Mr. Speaker, I have a privileged resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 97 (H. Rept. 79).

Resolved, That the Clerk of the House is hereby authorized and directed to pay to Joseph S. McCoy, out of the contingent fund of the House, the sum of $125, for services rendered the Ways and Means Committee from April 9 to May 12, 1917.

Mr. PARK. I will state, Mr. Speaker, that that is a unanimous report from the committee.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

AMENDING THE FEDERAL RESERVE ACT.

Mr. GLASS. Mr. Speaker, I call up for further consideration the conference report on the bill (H. R. 3673) to amend the Federal reserve act.

The SPEAKER. The Clerk will report it by title.

The Clerk read as follows:

A bill (H. R. 3673) to amend the act approved December 23, 1913, known as the Federal reserve act, as amended by the acts of August 4, 1914, August 15, 1914, March 3, 1915, and September 7, 1916.

The SPEAKER. The gentleman from Virginia is recognized.

Mr. GLASS. Mr. Speaker, it has been suggested to me by my colleague on the other side [Mr. MCFADDEN] that he needs more time, and I ask unanimous consent that the general debate be extended half an hour, 15 minutes to be controlled by my colleague and 15 minutes by me.

The SPEAKER. The gentleman from Virginia asks unanimous consent that the time for debate on this conference report be extended for 30 minutes, 15 minutes to be controlled by himself and 15 minutes by the gentleman from Pennsylvania [Mr. MCFADDEN]. Is there objection?

Mr. SMALL. Reserving the right to object, Mr Speaker, may I ask the chairman of the committee whether it is the purpose to ask for an additional extension of time more than he has asked for?

Mr. GLASS. It is not my intention now.

The SPEAKER. Is there objection?

There was no objection.

Mr. GLASS. I ask the gentleman from Pennsylvania to use part of his time.

CALL OF THE HOUSE.

Mr. ROBBINS. Mr. Speaker, this is a very important bill, and I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is no quorum present.

Mr. GLASS. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Virginia moves a call of the House. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. A call of the House is ordered. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anthony	Esch	Kennedy, R. I.	Riordan
Austin	Estopinal	Kettner	Rogers
Bell	Fields	Key, Ohio	Rowland
Bland	Fitzgerald	Kitchin	Rucker
Bowers	Flynn	Kreider	Sanders, Ind.
Brand	Focht	LaGuardia	Saunders, Va.
Browne	Fordney	Lehlbach	Scott, Pa.
Buchanan	Foss	Littlepage	Scully
Cantrill	Fuller, Ill.	London	Sells
Capstick	Fuller, Mass.	Lunn	Shallenberger
Carew	Gallivan	McArthur	Sherley
Carlin	Gard	McCormick	Sloan
Carter, Okla.	Garland	McKinley	Snyder
Clark, Fla.	Gould	Madden	Steenerson
Cooper, Ohio.	Graham, Pa.	Maher	Stephens, Nebr.
Costello	Griest	Mann	Sterling, Ill.
Crago	Griffin	Martin, Ill.	Stevenson
Crosser	Hamill	Mays	Stiness
Dale, N. Y.	Hamilton, N. Y.	Miller, Wash.	Sullivan
Dallinger	Haskell	Moon	Talbott
Davidson	Hayes	Morin	Templeton
Davis	Hill	Mudd	Tilson
Decker	Hollingsworth	Neely	Vare
Denison	Hull, Iowa	Nelson	Ward
Dent	Humphreys	Nichols, Mich.	Wason
Denton	Igoe	Olney	Webb
Dickinson	Ireland	O'Shaunessy	Welling
Dill	Johnson, Wash.	Paige	Wilson, Ill.
Dixon	Jones, Va.	Peters	Winslow
Drukker	Kahn	Porter	Wood, Ind.
Dupré	Kearns	Powers	Woods, Iowa
Dyer	Keating	Price	
Eagan	Kelley, Mich.	Rayburn	
Edmonds	Kennedy, Iowa	Reed	

The SPEAKER. On this roll call 297 Members, a quorum, have answered to their names.

Mr. GLASS. I move that further proceedings under the call be dispensed with.

The SPEAKER. The gentleman from Virginia moves to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will unlock the doors.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SINNOTT for five days, on account of illness in his family.

AMENDING THE FEDERAL RESERVE ACT.

Mr. GLASS. Mr. Speaker, proceeding with the debate now, I ask my colleague from Pennsylvania [Mr. MCFADDEN] to use some of his time.

Mr. MCFADDEN. I yield 15 minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I think the gentlemen of the House are fairly aware of what the matter is that now pends for their consideration. We all understand in a general way, at least, the Federal Reserve Bank System. Perhaps it is only in a general way that I understand it, but I understand it to be a system that is composed of all the national banks and a very few State banks which are its sole stockholders, who contribute the only capital, through a requirement that they must keep a certain reserve fund in the Federal reserve bank on which there is no interest. I believe they are entitled to 5 per cent or possibly 6 per cent interest if it is earned on the stock that they hold in the Federal reserve bank; but, in the main, I think there have been no dividends and I believe there will be no dividends. Now, it is not necessary that I should discuss the propriety of the Federal Reserve System, and perhaps it is not proper that I should do so. In any event I have not the time. Naturally the Federal reserve banks and the city national banks in the great financial centers like New York and Chicago, and including Atlanta, as they are in this condition, not receiving any interest upon their balances in the Federal reserve banks are a little bit like the fox in Esop's fable that, having its tail cut off, was in favor of the tails of all the other foxes being cut off. Naturally they are anxious to have additional members, and I state only what is an open secret. It has been the desire of the people controlling the Federal reserve bank to force every bank in the country into that system. Now, the State banks do not want to go, and I will tell you why they do not want to go.

If you will pick up the report of the Comptroller of the Currency, you will find that in 1916 there were 27,513 banks in the United States. Those banks—and that included all of them—had resources in round numbers of $32,000,000,000 plus. Now, of those banks there were 19,934, according to this report, which were other than the national banks and the 12 Federal reserve banks. Now, most of the country national banks do not want this provision, but we have a situation where banks having resources of $14,000,000,000 are undertaking to coerce banks having resources of $18,000,000,000 into the Federal Reserve System. Now, it was said some time ago, I think largely in an interview given out by the gentleman from North Carolina [Mr. KITCHIN], that they would so conduct their business as to force the banks into the Federal Reserve System. I think I have stated substantially what is desired upon the one part and not desired upon the part of the other banks that have almost two-thirds of the resources of all the banks of the United States.

Well now, the Senate adopted an amendment to the House bill in substance that member and nonmember banks of the Federal reserve bank might receive not exceeding 10 cents on each $100 or fraction thereof for collecting drafts or checks and remitting the proceeds to the payee or indorsee of the same; this covered full payment for the trouble of collecting and expense of remitting, including stationery and postage.

The House instructed its conferees to agree in substance to the Senate amendment. The House conferees instead of obeying the instruction agreed to provisions nullifying the instruction.

Now, what is the result? I do not have to argue it. If this conference report is agreed to, it will drive the greater portion, if not all, of these 19,000 banks out of their organizations under the State banking laws and will compel them, whether they desire it or not, to become members of the Federal reserve bank. Well, why? Because the Federal reserve bank controls the national banks, and those national banks must either go out of the system, their circulation is secured by the 2 per cent bonds, and so forth, and if you will stop to think a minute, you will see that they can not go out under existing conditions. There they must remain. Now, if you clear through these Federal reserve banks all the checks, all the bills of exchange that have to be sent for collection, in a country of 100,000,000 people, scattered from one ocean to the other, if you clear through the Federal reserve bank you clear for nothing. Well, that means that it puts these 19,000 banks out of business, because if they keep the accounts of their customers they must make a charge, or organize a clearing house of their own, which would be difficult if not impossible to do. Now, that is what will happen. I will not say that the action of the conferees was dishonorable. I will not say that by any manner of means. I have too high regard for the gentlemen who were the House conferees, but I say it was not fair. They violated the instruction of the House in modifying the amendment of the Senate contrary to the instruction of the House. They may attempt to explain their action, but the explanation does not justify their action; and while I do not want to give offense, the explanation is mere pettifoging and not worthy of the high character of the House conferees.

Mr. HAMILTON of Michigan. I will ask the gentleman what those banks are doing now?

Mr. CANNON. These 19,000 banks clear through State banks in the large centers. They do their business with either national banks or State banks in the commercial centers. And just let me tell the whole story. They have got to keep their accounts good, but they get 2 per cent interest from the State banks in the commercial centers or from the national banks on their daily balances. Of course, they must always keep their balance good, but that comparative pittance, which barely more than pays the expenses of maintaining it, would be gone, because if this conference report is sustained by the House they must clear through the Federal reserve banks, where they receive no interest, and they can not receive any compensation for the work they do in making collections upon paper sent for collection.

Mr. GLASS. Will the gentleman submit to an interruption?

Mr. CANNON. I can not. I have only 15 minutes. If I had a little more time, I would be glad to be interrupted. Now, I want to say—and say it now—that I live in the country. A pretty considerable little city is Danville, Ill. It has 40,000 people, 4 national banks, 2 State banks, with 20 or 30 banks scattered over the county, two or three of which are national banks, and the balance under State organizations.

We had a bankers' convention last fall at Danville attended by from five to seven hundred people. At the banquet there was a large attendance, somewhere from four to seven hundred. John Temple Graves made a speech and Col. Buckingham also. They called upon me to make a few remarks, and I did. I said "I want you men that have got country banks and you men who are from settlements where small national banks exist," and that included pretty much all of them, 96 or 97 per cent, when you get away from commercial centers, I said, "I want

every man that indorses the Federal reserve act, that desires to become a member of it, to rise up." I glanced over that audience of bankers, in the main country bankers, and I said, "No man rises, not one."

Now, what is this. Why, a round robin comes in. The Simmons Hardware Co., the Federal reserve bank's people that they can control, nearly all of it comes from the Federal reserve, and from men like my eloquent friend from Atlanta, the gentleman that calls himself the long-haired crank. Well, he is, is he not? He is a bright one, if he is, although he talks about the infernal little country bankers, and so on. They come with a round robin. We all know what a round robin is. God help the man if he has convictions as to the propriety of legislation to be scared about public sentiment that comes from a round robin! I have got them by the score. You have got them. They do not represent one-quarter, no, not one-fifth, of the banking capital or the banking interests of this country or the people of the United States.

Now, let me tell you something, and I want to talk to you Democrats a minute. It is wonderful how fast you are centralizing. Good Lord! I want to keep you and I want to keep myself so that we can get a little decentralization. In the history of this country there was a great contest under the leadership of Gen. Jackson against one central national bank. The national bank went to the wall. I will not stop here to say whether it ought to have been so or not.

The SPEAKER pro tempore (Mr. BYRNES of South Carolina). The time of the gentleman from Illinois has expired.

Mr. McFADDEN. Mr. Speaker, I ask unanimous consent that the time for general debate be extended 5 minutes, and that that time be given to the gentleman from Illinois.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent that the time be extended five minutes, to be given to the gentleman from Illinois. Is there objection?

There was no objection.

Mr. CANNON. The legislation that has been had in the last decade commenced under the Republican Party, but you adopted the child and it has grown until it is a giant. What has happened to your little village with one preacher, sometimes two, with its banker, with its little churches, the little center for the township? They are everywhere in the State of Illinois. It was the center for what? For churches; yes. With the little newspaper, several little retailers, a little distributing center, and rents were cheap. Why, gentlemen, inside of a decade they will dwindle and dwindle, and we will all be journeying at breakneck speed to the great centers of population. Stop and think a minute, and I am not throwing stones, I am just calling your attention to the fact. Under our postal system you can take a great newspaper like the Chicago Tribune and lay it down at the door before breakfast, or before noon, in two-thirds of the State of Illinois every day for $3 a year. That would not pay one-quarter of the cost of the print paper. I am not abusing the Tribune, am not taking up any other question, but I want to say that practically of these 19,000 banks, representing eighteen thirty-seconds as against fourteen thirty-seconds of the resources of the banking interests of this country, nine-tenths of them have no representatives here. They have not been sending round robins. I have not had one. They are too busily occupied with questions touching this great struggle that we are in; but the other round robins from the great centers come galore, and I want to call upon Members of this House who represent small cities of 40,000, cities of 20,000, villages of 1,000 or less—I want to call upon you to see that you do not vote to-day to confirm this conference report and drive these 19,000 banks out of business, or drive them into the Federal reserve organization. That is all I want to say. [Applause.]

Mr. McFADDEN. Mr. Speaker, I yield 15 minutes to the gentleman from Mississippi [Mr. HARRISON].

Mr. HARRISON of Mississippi. Mr. Chairman, the country bank facilitates trade and is the most valuable aid to the wholesale merchant and manufacturer in the city. It not only expedites the settlement between the wholesale merchant and his customers in the rural sections, but the country bank furnishes information for him that will help to safeguard his business. The free and easy movement of trade without delay and congestion is due largely to the functions performed by the country bank.

I want to present to you in the few minutes I have at my disposal this question, removed from the mystifying influence that my friend from Virginia [Mr. GLASS] has placed around the subject. I know that so far as my own mind is concerned it is as clear as glass [laughter], not the mystifying, smoky kind that comes from Virginia. A merchant in a rural section buys a bill of goods from a wholesale merchant in a distant city. This merchant has his money in his home bank. He has to pay that bill, and he must do it either by transferring or remitting the money. He must either go to the express office and buy an express money order or to the post office and buy a post-office money order or get on a train and take his money to the far-away city or send his check there. Let us see how the check system works. This country bank, that seems to have few friends in some high places to-day, has created and maintained balances in certain centers of business throughout the country against which its checks and drafts can be drawn that settlements may be effected between its customer and the seller without an actual transfer of funds. The money which the country bank takes from its depositors removes it from the amount of money that it may loan to the patrons of the bank in the rural sections, and upon which it may derive 6 or 8 per cent interest. Formerly these banks could obtain 2 per cent interest upon their balances maintained and kept in the distant city solely for the purpose of meeting and paying these checks that go from the rural patrons to the far-away city wholesale dealer, but now under this law these banks are to keep all of this money in the Federal reserve banks, and without interest. Oh, no. The little country banker will not get any interest upon his money kept there as a balance in order to take care of these clearances as formerly it did, but under the law it must increase its balances there in order to take care of these clearances.

I submit to you, Is it fair, is it right, that the country bank must be compelled to take money away from its patrons, which it could loan at interest of 6 or 8 per cent, assist and encourage thrift and industry in its locality, and place it elsewhere in order to meet these checks, and then be prevented from making a reasonable charge for the services performed? The entire overhead expense of the country bank enters into the creation and maintenance of these balances. If you go to the Post Office Department you must pay for a post-office money order, not one-tenth of 1 per cent, but you must pay approximately 1 per cent for it. Is there any difference in the bank-check system than in going to the post office in my town and buying a post-office money order and sending it to the wholesale merchant in New York City or Chicago in payment of a bill? Does the Post Office Department actually transfer the funds to Chicago or to New York? No; because the money is taken out in Chicago and New York and balances are maintained at both places. It is kept there by the Post Office Department. Last year the Post Office Department made approximately $7,000,000 out of exchange charges alone upon post-office money orders. The Post Office Department handled in that way about $700,000,000. Not 1 cent of that was actually transferred, but the charges were made for the service rendered. Practically the same charge is made by the express companies. I submit this to you: Is it right, when the country bank makes such arrangement that expedites settlements and aids trade and business, incurring thereby substantial expenses, even though money is not actually transferred, that it should perform that service without pay?

Mr. HAMLIN. Mr. Speaker, will the gentleman yield?

Mr. HARRISON of Mississippi. Yes.

Mr. HAMLIN. Under the gentleman's system who would pay this exchange?

Mr. HARRISON of Mississippi. The wholesale city merchant. I can not yield further.

Mr. PHELAN. Mr. Speaker, will the gentleman yield for a question?

Mr. HARRISON of Mississippi. No. I have only 15 minutes. If the gentleman will give me some time, I will be glad to answer his question.

Mr. PHELAN. Just one question.

Mr. HARRISON of Mississippi. No. The gentleman from Missouri has asked me who paid it. Let me read to you from a circular that was gotten out the other day by the association of wholesale clothiers, jewelers, hatters, manufacturers, and every other kind of wholesale merchant, signed by W. B. Simmons, of the Simmons Hardware Co., and others. They are against the Hardwick amendment, and here are the reasons for it: These wholesale houses do not want to pay it, but they want somebody else to pay it. Here is what they say. They say that they—

share thoroughly the conviction that the bankers should have adequate compensation for all services which they render to their patrons, and that their compensation should cover not only any direct outlay involved in rendering that service, but should cover also indirect or overhead charges—and a profit besides.

And then follows this language:

However, that compensation should be charged to and paid by the patron of the bank to whom the service is rendered.

They want the little merchant who keeps a deposit in your town and in every other small town in the country to pay the exchange charge, and they want to be relieved of the payment of it, and that is the question here, whether or not you are going to stand by your people back home, your merchants and business people, who are patrons of the bank, or whether you are going to stand by the large wholesale merchants of the city?

Mr. HAMLIN. Mr. Speaker, will the gentleman yield for one question?

Mr. HARRISON of Mississippi. I can not yield any further.

Mr. HAMLIN. Does not the merchant who draws the check pay it as a matter of fact?

Mr. HARRISON of Mississippi. Absolutely he does not pay it at all.

Mr. GLASS. Mr. Speaker, will the gentleman yield?

Mr. HARRISON of Mississippi. Will the gentleman give me some more time?

Mr. GLASS. No; I shall not give the gentleman any time.

Mr. HARRISON of Mississippi. Mr. Speaker and gentlemen, of the House, the check system in this country has grown until to-day $900,000,000,000 worth of trade is done through checks. Ninety-five per cent of all of the trade of the country is done through the checking system, but there seems to be a desire by the Federal Reserve Board and certain men in this House to show favors to the big city banks as against the little country banks. I received a letter the other day from a banker in my district and he said that under an order passed by the Federal Reserve Board in respect to the liberty loan bonds that were to be sold, unless the banks sold $100,000 worth of the bonds they must remit the money to the Federal reserve banks and could not keep it as a deposit in the vaults of the bank. Why should these efforts be put forth to discourage and strangle the little banker in this country? I submit if there were ever a time to popularize the Federal Reserve System and give impetus to patriotism in this country it is now. A great many of the little banks have earned a substantial per cent of their earnings out of exchange.

You ought not to take it from them at one fell swoop. The gentleman from Virginia [Mr. GLASS] will cite you in his closing argument possibly where some banks charge too much, way up beyond what they ought to charge, but that is prevented by the Hardwick amendment. They shall not, in the future, charge over one-tenth of 1 per cent. I submit when you buy a bill of goods and send a check and you only have to pay $1 a thousand that that is not too much, that that is a legitimate charge, and the business people of the country will not oppose it and should not oppose it. This is a question, after all, between the seller and purchaser. The collection system should not be interwoven with the Federal Reserve System. It may be said that this does not affect the State banks, but let me suggest to you that that board has no jurisdiction over State banks; the Federal Reserve Board has done everything in its power to drive the State banks into the par-collection system.

Mr. MEEKER. Will the gentleman please yield?

Mr. HARRISON of Mississippi. No; I will not yield to the gentleman; I have not the time. The State banks have not come into this system, in my opinion, because they can not make this reasonable, this legitimate, charge for the services that they have rendered. You remember a year or two years ago the Federal Reserve Board was very anxious to drive the little State banks into that system, and they requested the Postmaster General to issue an order. That order stated, in substance, that in these country towns where the State banks did not collect and remit at par the post office would collect the check and make no charge thereon. A protest immediately arose in this House and over the country. The leader of the Democratic Party on this floor rose in his place here and called the attention of the country to it, and the Postmaster General withdrew the order. I am informed that in New York City the Clearing House Association passed an order that the banks in that State that did not remit at par would be compelled to remit in actual money through the express companies. That is the kind of tactics that have been employed to drive the little State banks into the system.

The State banks that have come into it for the most part have been forced into it. Now, let me submit this proposition to you: Say you have got in a small town in your district four banks, two national banks and two State banks. If you compel the national banks to clear their checks at par, take away from them this legitimte charge for exchange, and the State banks can continue to charge that exchange, is it fair, is it right to the stockholders of the small national banks? You are discriminating there, gentlemen, and the gentleman from Virginia [Mr. GLASS] knows that that is wrong. It is a species of discrimination for which you have to answer to your people when you go back home.

Mr. GLASS. Will the gentleman yield?

Mr. HARRISON of Mississippi. If the gentleman will give me some time. Oh, the gentleman has 48 minutes remaining. He can smile, but he can not dodge the issue in that way. That reminds me that here is a letter the gentleman from Virginia [Mr. GLASS] received from Mr. Harding, of the Federal Reserve Board, but first I want to recall to the minds of Members here that after we passed this proposition through the House by 246 to 117 instructing the managers to agree to the Hardwick amendment, and appointed the distinguished gentleman from Virginia and the gentleman from Massachusetts and the gentleman from New York as managers upon the part of the House, skipping over, may I say, the gentleman from Iowa, who is entitled to a place on the conferees, why I do not know, but I do know that the gentleman from Iowa was in favor of the charge by the country banks and the gentleman from New York was not in favor of the proposition. [Applause.] I know, too, in appointing conferees that the Speaker appoints those who are suggested by the chairman of the committee in charge of the matter. [Applause.]

If the gentleman did not suggest those names, I wish now he would arise in his seat and say that he did not suggest those names. The gentleman does not rise. [Applause.] Yet they go out and absolutely disregard the will of this House and bring in an amendment here that destroys the very character of the Hardwick amendment. It is a defiance to this House. But back to the letter written by Mr. Harding, governor of the Federal Reserve Board, to Mr. GLASS. It was evidently written immediately after the action of the House on May 10. The gentleman from Virginia went up to see Mr. Harding—had a conference with him. They talked about things, I do not know what—I have not heard; but here is the evidence that they had a talk. Listen to it, gentlemen. He says:

DEAR MR. GLASS—

I am surprised he did not say "My dear CARTER." [Laughter and applause.] He said:

Since you were in my office this afternoon Mr. Delano tells me that he has just had a talk over the telephone with Gov. Strong, of the Federal Reserve Bank of New York, who calls attention to the possibility, if not strong probability, of the Government having to pay bankers a million dollars exchange charges in connection with subscriptions to the liberty loan, assuming that the Hardwick amendment, which the House has instructed its conferees to agree to, becomes a law.

That is an outrage, that is an insult to the patriotic bankers of this country. [Applause.] May I say to the gentleman from Virginia [Mr. GLASS] that these bankers have come forward and have spent their money to advertise the sale of these liberty loan bonds, and if as much patriotism were shown by some other people in this country as has been manifested by the country bankers we would have to-day more patriotism in the country. [Loud applause.] This letter closes by saying:

This, I think, would give you the opportunity that you desire to handle the matter in conference,

[Applause and laughter.]

This will give you the opportunity you desire to handle this matter in conference! [Laughter.] What was his desire? I do not know, but the effect of their action is to defeat the will of this House.

Mr. Speaker, I know some banks in some sections of the country do not make this charge. But you can not apply a universal paring system any more than you can apply the same passenger rates to every section of this country, or the same price of newspapers and advertisements in every town and city throughout the country. In the East, where the population is dense, the railroads make large revenues by charging 2-cent rates, but in the West and South, where population is sparse, the railroads in many instances lose money in charging 3 cents a mile.

In this city and other large cities newspapers sell for 1 cent a copy. In New Orleans and many other cities and towns 5 cents a copy is charged. There is as much justice in compelling a uniform price for papers or a uniform 2-cent rate or no rate at all for passengers over the railroads as to compel the banks of the country to render this clearing service without charge. A bank in an old section, where the value of industries is fixed, can judge with accuracy its assets in advance, but in new and undeveloped sections, where securities are uncertain and deposits vacillating, dividends are less assured and the business more hazardous. And so I submit that any rule that will apply the same to every section of the country, where conditions along business lines are so different, will be unwise as well as unfair. The custom of charging a reasonable exchange for collecting and remitting on checks and drafts in many sections

of the country is firmly established, and to deprive the banks of it at one blow might be disastrous in many cases.

Gentlemen, there is a principle involved here. If you vote to adopt this conference report you say to the managers in the future, "Go and exercise your own judgment; ignore the will of the House; because we will reverse ourselves when you come back."

Are you going to do it? I do not believe you will. I hope that the motion that will be offered by the gentleman from Pennsylvania [Mr. McFADDEN] to recommit this proposition to the conference committee will carry. [Loud applause.]

I yield back the balance of my time.

Mr. GLASS. How much time have I remaining?

The SPEAKER. The gentleman has 43 minutes remaining.

Mr. GLASS. I yield 15 minutes to the gentleman from Massachusetts [Mr. PHELAN].

Mr. PHELAN. Mr. Speaker, while the matter which is of greater interest to the House is the Hardwick amendment, the gentleman from Arkansas [Mr. WINGO] is right when he says that section 7 is an important amendment. In my opinion it is the most important amendment we have before us to-day. Inasmuch as he has asked for some explanation of it, I am very glad to give it so far as I can. The gentleman said he would be glad to find out that he was wrong. If it will please the gentleman any I will state that he was absolutely wrong in two statements that he has made. When he states that under this section $140,000 of Federal reserve notes could be issued against $40,000 of gold, he is absolutely, unquestionably wrong. Except so far as the original Federal reserve act, passed in 1913, lets down the bars through the operation of a progressive tax, 40 per cent in gold must always be maintained. That, however, is not before us to-day. So far as the present act is concerned, it does not change by an iota the amount of reserve that must be held against Federal reserve notes issued.

Mr. WINGO. Will the gentleman yield?

Mr. PHELAN. I am sorry that I can not yield. I have only 15 minutes, and the gentleman could not yield to me when he had 28 minutes.

Mr. WINGO. I want to ask the gentleman to read the law——

Mr. PHELAN. I can not yield.

The SPEAKER pro tempore (Mr. BORLAND). The gentleman declines to yield.

Mr. PHELAN. Except as I have pointed out, there is no way in which any Federal reserve notes can be issued unless there is 40 per cent reserve of gold. That is the first statement.

The second statement in which the gentleman was wrong was the statement in which he tried to make out that in these amendments we are giving power to the Federal reserve banks to buy bankers' acceptances and use those as security against the issue of Federal reserve notes. All the talk he made with reference to that he should have made in September, 1916, because that was when we adopted that provision. He was talking about present existing law. The present amendment does not effect the security that can be put up against Federal reserve notes except in two respects. It permits gold to be held as security, and it also permits as such security 15-day notes of member banks, the direct obligations of member banks; but even these must be accompanied by collateral commercial paper of the proper kind.

To come now to the essentials of this section 7, this section does three important things.

Mr. STAFFORD. Mr. Speaker, on account of the unusual storm outside, which is attracting the attention of nearly all the Members of the House, I ask unanimous consent that there be a suspension of business for five minutes, not to be taken out of the gentleman's time.

Mr. MEEKER. Mr. Speaker, these are all country Members who are going out to look after their horses in the rain; that is all. [Laughter.]

Mr. LOBECK. Evidently it is a million-dollar rain and worth paying attention to.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that the House take a recess for five minutes. Is there objection?

There was no objection.

Accordingly (at 12 o'clock and 35 minutes p. m.) the House took a recess until 12 o'clock and 40 minutes p. m.

The recess having expired, the House resumed its session.

Mr. PHELAN. Mr. Speaker, this amendment proposes in the main to do three things. The first is to permit the exchange of Federal reserve notes for gold; the second is to reduce the amount of commercial paper necessary to be put up as collateral against the issue of Federal reserve notes from 100 per cent to 60 per cent; and the third is to permit the gold thus acquired to be used as reserves either for the further issue of Federal reserve notes or for the further extension of credit by the Federal reserve bank. The purpose of these provisions is to strengthen the Federal reserve banks, and through them to strengthen the whole credit and financial mechanism of the entire United States. These provisions will add exceedingly to their strength. The process is going to work this way: The Federal reserve banks will issue Federal reserve notes and get gold in their place. They will take that gold and put it in what might be termed big reservoirs. When they have occasion to use it, it will be there ready for their use. There is already outstanding approximately $500,000,000 of Federal reserve bank notes. They are passing as money. Nobody makes any complaint against their use. The Federal reserve agents have in their possession approximately $500,000,000 of gold. Now, the Federal reserve banks to-day can not, except possibly by cumbersome, indirect methods, touch a dollar of that gold. It has been gathered there. It has been taken out of circulation and Federal reserve notes issued instead. But even though it is there, it is not available, as it should be, for use as a basis for the credit of the country. This amendment proposes that that $500,000,000, and any additional gold which can be stored away, shall be available——

Mr. HAMILTON of Michigan. Did I understand the gentleman to say that certificates have been issued on this gold?

Mr. PHELAN. I think I said that Federal reserve notes had been issued. To-day the only way that the Federal reserve banks increase their own gold supply is by one of two processes. One is by the contribution to the capital of banks by member banks, and the other is by deposits. There is a limit to the amount of gold which can be secured in these two ways, and a limit which in the near future may not suffice. The possession of gold in large quantity is essential to the proper operation of our credit system. Our whole credit structure is based on gold.

The more gold you can put into control of the Federal reserve banks, the greater power you give them to expand and serve the business interests of the country. The whole purpose or the great purpose of this amendment is to have this gold gathered up in advance, to be kept ready for use if that use becomes necessary. It is not obtained from contributions to capital nor from deposits. It is obtained in a simpler and easier way—by the exchange of Federal reserve notes for gold. Take the case I have stated. We have $500,000,000 of gold. Suppose something should arise in these uncertain times so that the Federal reserve banks are called upon for gold for export, suppose they need additional gold beyond that now supplied through capital and deposits as a basis of credit, there is absolutely no way in which they can get it. This amendment gives them the power to get it, and that is the main purpose of it.

But there is another purpose almost as important. To-day the reserves of the Federal reserve banks are about 60 per cent, a perfectly safe reserve. If they should get to 40 per cent the business of the Nation would become afraid, although the banks might be perfectly strong. If we allow them to use the $500,000,000 of gold already stored up as well as any additional gold they can get through this amendment as reserve it makes the banks stronger, even though they do not use the gold thus obtained. It greatly increases the amount of reserves and that of itself inspires confidence.

Our whole credit structure is built on gold, and we want, as far as we can, to use gold in this country to the best advantage. When it is around in the pockets of the people, in stores, in safes, in hotel tills, and various other places it is not being used to the best advantage. It is simply used as currency. When it can be gathered together in the control of the reserve banks it can be used as a basis for credit and will give an expansion power of approximately one and one-half times additional. This additional one and one-half times is increased in even greater proportions when availed of by member banks.

Under the amendment the banks will immediately exchange Federal reserve notes for gold, as they have been doing indirectly, but this will allow them to do it by direct process. They may accumulate three quarters of a billion or a billion dollars in gold. This vast accumulation will be held ready for any need, for any emergency.

Such need or such emergency may arise at any time. We have vastly increased our supply of gold in the United States since the outbreak of the European war by hundreds of millions of dollars. This vast influx of gold has made it easy for the banks to extend their credits. Deposits have piled up in huge amounts. Business has been flourishing. The basis of the whole credit system is gold. If credit is needed for still further extension of business, gold is at its base. We can not always keep the gold, however. Inevitably economic processes will cause some exportation. Other nations may need our finan-

cial aid during the war or after the war. We may, as the great creditor Nation of the world, find it attractive to invest abroad. The balance of trade at any time may set in against us. At all events we must be prepared to forestall the time when gold will flow out of the country. We must now prepare ourselves so that we can then meet any emergency that arises; supply any demand that may be made; withstand any shock which may come. If business has expanded through the extension of credit, we can not be caught through the lack of gold as a basis of credit in such a way that we must suddenly contract credit. We must be ready to uphold the credit system already established. We must be ready to avoid the shock of a sudden contraction of credit, with a resulting business contraction which would prove disastrous. The whole point is we must employ every reasonable method to use the gold we have to best advantage. We can use some means to help retain gold, but we can not retain it all. We can, however, use what we do retain to best advantage, and it is the proper and most advantageous use of our gold supply which is our principal responsibility.

We now have an abundance of gold. Now is the time to prepare. If later on gold is exported and need for it as the basis of credit arises, it may be extremely difficult, sometimes impossible, to get it, and get it promptly, with it scattered all over the country. It may not be possible to get it at all when needed. If, on the other hand, it has been previously accumulated in the control of the 12 Federal reserve banks, it is already available when need arises, and available immediately. This section 7 affords the means whereby it is gathered together in huge reservoirs by the provision permitting the exchange of Federal reserve notes for gold. This section 7 permits its use for credit purposes after it has been accumulated through the provision permitting it to be used as a reserve for issue of Federal reserve notes or for book credit.

Section 7 makes available great funds of gold for any necessary expansion of credit which even these extraordinarily uncertain conditions may bring about. Scarcely less important, it provides for a much greater reserve for a given amount of credit expansion.

At this time it is important to remember one other thing, that the Federal reserve banks have the privilege of loaning money and extending credits on United States bonds. We are floating to-day, or will within a few days, $2,000,000,000 of liberty-loan bonds. The Federal reserve banks as well as the member banks are going to use their credit to help float these bonds. That means that the member banks are going to invest a large amount of funds in the bonds to carry them for the people who will finally own them. The Federal reserve banks are going to do the same thing. That means that a latent, if not active, source of credit is going to be withdrawn from business. You can not have the banks of the country carrying liberty-loan bonds and the Federal reserve banks doing the same thing without at least running the danger that you are not going to be able to give the credit facilities to business which it demands. If you adopt section 7, you are going to make $500,000,000 of gold immediately available for reserves, which will more than offset any credit which might be used to take care of the two-billion bond issue. That is one reason why it is so essential to adopt the amendment immediately. The reserves of the Federal reserve banks have dropped in a few days. In March the gold reserve of Federal reserve banks against deposits and Federal reserve notes was 74.6 per cent; on June 1, 61.3 per cent; on June 8, 59.2 per cent. The reason for the present drop is that Government deposits have increased because of the liberty-loan issue. This condition is only temporary, but if they get their funds invested in liberty-loan bonds and have not some power to expand we may reach a condition which may cause a great contraction of credits in this country.

If gold is stored and made available as contemplated in section 7, we can stand the demands for credit to float liberty bonds; we can stand for the exportation of $100,000,000 or $200,000,000 of gold and still sustain our credit structure.

To-day the Federal reserve banks have of free gold $200,000,000. There is no knowing when they may be called upon to use a good portion of this. In view of the uncertain but inevitably tremendous demands to be made, we can not be certain how long this supply will last. I have pointed out the demands which will be made in connection with the distribution of liberty bonds. Other war needs may cause additional heavy demands. Why permit the all-essential gold supply of the Nation to be floating in large measure all over the country when it is so easy to accumulate in reservoirs ready for use? In order to have this gold where it can always be available for credit this amendment is essential.

The whole purpose, as I have said, is to gather the gold where it can be used. It is expedient for the Federal reserve banks to get together the gold in big reservoirs ready for use when it becomes necessary. It will not do to wait until the banks need it. It must be got together before it is necessary for them to use it.

If you adopt this amendment the gold will be placed all ready for them, ahead of time, without any expense to them, all ready there for their use, so that when they need to use it it is there for them. That is the essence of the whole thing. The purpose, as I have stated, is to give greater strength and power to meet any possible needs that may come. No one knows what demands are going to be made. We know that every European country in this war has stretched its financial credit to the utmost. We do not know what demands the future is going to make upon us with reference to the liberty loan fund or anything else. We do know that we can expect all kinds of need for credit in this country. We do know that it is vital to the Nation to maintain commerce and trade and agriculture through sufficient credit accommodation.

As long as we are doing it in a safe way, we ought to put into the hands of the Federal reserve banks every power possible to get the gold necessary for credit expansion. Get the gold there and have it ready for them to meet any emergency that may arise. My time is about expired, but if I can answer any question I will be very glad to do so.

Mr. PLATT. Mr. Speaker, I just wanted the gentleman to bring out a little more definitely that this is a gold-collecting process and does not change the reserve requirement at all.

Mr. PHELAN. I meant to state that clearly. The reserve requirements are just the same. They will be 40 per cent against the Federal reserve notes, and in that connection let me say this: The purpose of enacting this amendment relates not only to Federal reserve notes. That is the smallest part of it. It is in order to get the gold, so that the gold can be used not only for necessary expansion of Federal reserve notes, but also in order that it can be used for the extension of credit to member banks. Get it there in advance, and as long as there is commercial paper to substitute you can get the gold and use it for expansion of Federal reserve notes or, more important, book credit.

Mr. FARR. Mr. Speaker, the gentleman from Arkansas [Mr. WINGO] speaks of inflation and the gentleman of expansion. Will he please differentiate?

Mr. PHELAN. They are comparative terms. Inflation, I suppose, applies when you are taking undue chances and expansion means when you are not. As long as you keep an adequate reserve, and as long as you keep your assets in commercial paper, which is liquid, paper which is based upon production and distribution—and that is what every bit of this paper in the Federal reserve banks is based on—it does not seem to me that there is any danger of inflation at all. You ought to have opportunity for that much expansion.

The essentials of the Federal Reserve System are not interfered with. The safety of the system lies in the maintenance of an adequate gold reserve and in the investment of the bank's funds and credit in short-time liquid investments. The commercial paper in which the Federal reserve banks must deal is that kind of paper, resulting from loans the proceeds of which are used for production and distribution. So long as the funds of the Federal reserve banks are employed in production and distribution the banks are traveling the path of safety. Section 7 in no wise interferes with this fundamental principle. It simply provides the means whereby the banks may be stronger and better able to perform their all-essential functions.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. McFADDEN. Mr. Speaker, the discussion of this conference report, and in fact the whole reference to the so-called Hardwick amendment, has produced a very interesting situation.

I intend, because of this, to review very briefly the various stages of this bit of legislation, and I am prompted to do this because of the statements made day before yesterday by my colleague [Mr. GLASS], chairman of the Banking and Currency Committee of the House, when he said, in substance, that the Members of this House voted ignorantly and without knowledge when they instructed the conferees to accept the Hardwick amendment which was added to the bill in the Senate.

The history of this legislation briefly is this: When House bill 3673 first came up for discussion in the House I offered this amendment and lost on the point of order. The bill then went to the Senate, and Senator HARDWICK offered the same amendment, which was accepted. The next morning my colleague [Mr. GLASS] asked to take from the Speaker's table the Senate

bill, and asked that the House disagree to the Senate amendments and that conferees be appointed. I then moved that the managers on the part of the House be instructed to accept the Hardwick amendment. This was the first time the House had had an opportunity of passing on this amendment.

A roll call was had, and the vote to instruct the conferees stood 240 in favor and 117 against. The Speaker appointed the conferees on May 10 upon the suggestion of the chairman of the committee.

On May 11, following a letter written by Gov. Harding on May 10, after the instructions to the conferees, Senator MARTIN attempted to get a reconsideration of this amendment in the Senate, but failed.

I desire to have you note this fact, which was confirmed by the chairman of the committee yesterday in answer to my question if it was not a fact that the conferees were all opposed to the Hardwick amendment as passed by the Senate and are still opposed to it, that immediately after the decisive vote of the House instructing the conferees on May 10, the managers deliberately set about to devise some plan whereby they could defeat the instructions of the House. As proof of this I call attention again to the letter of Gov. Harding to Chairman GLASS, written on the same day that the conferees were instructed, and following an interview, the last paragraph of which reads as follows:

I would suggest, therefore, that you call the attention of Senator OWEN to this, and suggest that he ask the Senate to reconsider the Hardwick amendment, with a view of changing it—

And so forth. And then says:

This, I think, would give you the opportunity that you desire to handle the matter in conference.

Inasmuch as this was the only matter under discussion, I consider this to be sufficient proof that the violation of the instructions of this House was deliberate, and it might be construed as malicious, when you consider that only one side of this question was represented in the conference committee.

The gentleman from Mississippi [Mr. HARRISON] has pointed out, in support of this argument, and I desire to point out again to the House, that the sacred rule and practice of ranking members and priority were absolutely ignored in the selection of the conferees, and, I believe, deliberately so, because if the usual precedent had been followed the minority member of the conferees would have been one who favored this amendment. The present minority member is opposed to the Hardwick amendment.

Mr. Speaker and gentlemen of the House, it strikes me that when the House by a vote of almost two to one instructs its conferees, and a condition arises such as we are confronted with to-day, and partisan conferees are selected, that the course and action of this House should be perfectly plain and clear.

They should vote down this conference report and vote for a motion to recommit the report to conference, and the conferees should either be compelled to obey the instructions of the House or a new set of conferees should be appointed representing both sides of the question in controversy.

I would point also to the fact that there has been conducted and is being conducted to-day one of the greatest lobbies and propagandas for the purpose of defeating this piece of legislation that I believe has ever been carried on here. I would further point out to you that this lobby and propaganda has been carried on with the cooperation and assistance of the Federal Reserve Board, the Federal reserve banks, and here I will place in the RECORD a telegram as proof:

PHILADELPHIA, PA, *June 8, 1917.*

LOUIS T. MCFADDEN,
Care House of Representatives, Washington:

We are advised that the Pennsylvania Bankers' Association, in session at Bedford Springs, voted their disapproval of the Hardwick amendment to the Federal reserve act.

FEDERAL RESERVE BANK OF PHILADELPHIA.

The governors of the Federal reserve banks, in connection with the National Credit Men's Association, organization of jobbers, mail-order houses, including the large financial institutions in the big cities of the country, and that thousands of telegrams and letters have been sent to the Members of the House and many personal interviews held, all of which has taken place since the House instructed the conferees to accept the Senate amendment on May 10. These people, mark you, who are back of this propaganda are satisfied with the amendment as reported by the conferees, and are not all satisfied with it as it was originally.

That ought to be conclusive proof for anyone here that the managers on the part of the House have so changed this amendment as to completely nullify and destroy its original purpose, and should be convincing proof that this report should be returned to conference. Let it be made perfectly clear that the opposition to the original Hardwick amendment, which is the one the House voted for, and not as now reported by the conferees, is backed by the big city banks, the big jobbing and mail-order houses, and that the other side is for the country banks who are claiming the right to make a reasonable charge for actual services performed, and that these banks are owned and controlled by thousands of stockholders who are your constituents and are thus affected by this legislation. I insert as further proof the following letter, which explains itself:

CARLETON DRY GOODS CO.,
St. Louis, May 30, 1917.

Mr. F. E. WALKER,
Milan, Tenn.

DEAR SIR: Since our country has been at war, the attention of all of us has been more or less diverted from matters of ordinary business interest, and some legislation has been proposed in Congress that is decidedly unfavorable to the merchants of the country, both wholesale and retail. I now refer particularly to the Hardwick amendment to the Federal reserve act, which, if passed, will permit the banks in the Federal Reserve System to resume their former practice of charging for the collection of country checks, which works quite a hardship on the commerce of the country. This amendment may be defeated by prompt action, and we ask that you sign and send the inclosed telegram to your Senator or Congressman, or better still word a message in your own phraseology, urging them to oppose the bill. We herewith inclose the money to prepay telegram. Will you kindly advise on the inclosed card that you have sent the message and to whom it went.

Thanking you in anticipation of this action on your part for our mutual good, we are,

Very respectfully,

CARLETON DRY GOODS CO.
J. R. CURLEE, *Secretary.*

But to get down to the real merits of this matter, which have been so misrepresented and misunderstood, I beg to make the following concrete explanation of the question involved at this time.

We are confronted with a condition and not a theory.

Let us get down to the bottom of this proposition.

In the first place, the charters granted for banks, whether granted by a State or the United States, place upon the banks certain restrictions and obligations. At the same time the charters provide certain privileges and functions which the banks may enjoy and perform.

Everyone who knows anything about banks, their duties and functions, will admit that the purchase and sale of exchange and the transfer of funds to liquidate debts or settle trade balances are primary and legitimate functions of banking. In performing these functions the banks render the commercial and industrial interests a most valuable service. This service calls into play the resources of the banks and entails labor, risk, and expense. Why should the banks be required to render a valuable service without compensation?

The opponents will tell us that the Federal reserve act does not require the banks to render this service without pay, but I desire to impress upon you the fact that the law, as interpreted and applied under the rulings of the Federal Reserve Board, does require the thousands of country banks scattered throughout this land to render this service, from which the jobbers, big manufacturers, mail-order houses, wholesalers, and merchants in the large cities get the full benefit, and further requires that they do so at a heavy expense and without any compensation whatsoever. It not only puts the banks to a heavy expense, but takes away a considerable revenue they have heretofore enjoyed, and passes it to the profit accounts of the big mail-order houses, jobbers, wholesalers, manufacturers, and merchants.

In a letter dated April 13, 1917, addressed to Senator OWEN, Gov. W. P. G. Harding, of the Federal Reserve Board stated:

The board realizes that the operation of the Federal reserve check clearing system has in a number of cases deprived banks of an income from exchange on checks which they have hitherto enjoyed.

The President of one of the largest banks in the United States said in a letter to me yesterday:

We quite agree with you that the country banks are entitled to some consideration in the collection business. We have never approved of the Federal reserve bank going into the collection business at all; collection arrangements have been disturbed and reserve agencies have been upset by the Federal reserve act.

In considering this question we must not overlook the fact that three-quarters of the people of America are served by the so-called country banks. These country banks are the backbone of production, and to jeopardize their existence will stifle production, which would be a serious menace to the Nation.

The so-called country check is here, and here to stay. It is the most valuable instrument that serves the commerce of the country. It was not originated, as the opponents would have us believe, merely for the purpose of affording a means through which the country banks might levy a toll upon commerce in the way of exchange charges. It came into being to meet a situation arising from a faulty and inadequate currency system. It was designed for local use only, but the rapid development of business and the conveniences the check afforded to the farmers, merchants, and business people throughout the country soon

led to a tremendous expansion in its scope. It spread from community to county, from county to State, and finally to the length and breadth of the land.

Some fifty-odd years ago the national banks of America held deposits aggregating slightly over $400,000,000. At that time the national-bank-note circulation was about $239,000,000, or 60 per cent of the deposits held by the national banks.

The national banks now hold deposits aggregating over $13,000,000,000; the national-bank-note circulation is but slightly over $700,000,000, or less than 6 per cent of the deposits. Other specie, currency, and coin are in like proportion.

The personal or so-called country check has come in to make up a vast part of the difference. We must not be misled into the idea that the personal check is currency because it has taken care of a trouble arising from a defect in the currency system and has become popular as a means of settling balances, transferring of credits, transferring of funds, and liquidating obligations; the personal check is not currency. It is merely an order to pay or to liquidate an obligation upon certain terms. Law and custom drive it back home over the shortest route. It does not pass by delivery, as does currency, but must be properly indorsed, properly recorded, and further is subject to many legal defenses and conditions that do not apply to currency. There is the question of the solvency of the makers, and other risks that must be considered and assumed by banks in handling checks that do not attend the handling of currency.

There is a liberal profit in national-bank-note circulation. It arises from the interest upon bonds that are deposited with the Treasury Department to secure the circulation. Some of the members of the Banking and Currency Committee of the House would have you believe the country banks can afford to stand the burden of the expense of remitting for all checks at par because of the profits they derive from the deposits of the people who draw the checks. I want you to know there is not a bank in Washington, or in any city, town, or hamlet in America but what has upon its books a large number of accounts that are carried at a loss to the bank. In thousands of instances the only profit that is yielded to the country bank from the accounts of many of their small customers comes from the exchange charged by the banks when remitting for the checks these customers have sent to distant points. The banks take such accounts and nurse them along in hopes that they may later become profitable, and with the broader view of developing ideas of business among all classes of people in their respective communities.

The banks of America are now confronted with the task of collecting annually over 723,000,000 of the so-called country checks. These aggregate $30,000,000,000, and are handled at an annual expense of about $10,000,000. The exchange charged on these $30,000,000,000 worth of checks aggregated for the year prior to the inauguration of the present Federal reserve collection system $20,000,000.

The question is, Shall the country banks that have been and are the greatest factors in productive life of this Nation be called upon to surrender this revenue heretofore termed "exchange" and still be required to serve as the means of collecting all these checks at a tremendous expense, or shall the big jobbers, packing houses, manufacturers, mail-order houses, and wholesalers who get the benefits be called upon to pay it, or demand from their customers exchange that will be furnished by the local bank in the regular course and which will be available on the day it is received in the center at its face?

You say the merchant would have to pay for the exchange. Why should not he have to pay for it? It costs money to produce the exchange. Labor, risk, and expense are involved in every transaction where exchange is used, whether the exchange is issued for direct sale or given in payment for checks that have been sent to distant points.

This is a matter between the buyer and seller. They are the ones who are benefited, and as to which of the two should pay the exchange is a matter they should settle between themselves—in the same manner as they settle the proposition as to who shall pay the freight. It should not be shouldered onto a third party, but as the collection system of the Federal reserve banks now operates the whole burden is thrown upon the country banks. It is not fair or just that a system shall be maintained which requires a lot of country banks to render a valuable service at a heavy expense in order that a few large mail-order houses, manufacturers, packing houses, jobbers, wholesalers, and merchants shall enjoy increased profits.

More than 75 per cent of the banks of America, State and national, are opposed to the present collection system, because it is inefficient, inadequate, and places unwarranted burdens upon the banks. It hinders the development of the more important functions of the Federal Reserve System.

The banks have expressed the earnest desire to cooperate in evolving and developing a collection and clearing system which will give the public the best possible service at the least possible expense. They are willing that the public shall receive the full benefits from the saving that may be effected by any plan that may be operated, whether operated by the Federal reserve banks, by the clearing houses, or otherwise; but the banks are not willing that a system shall continue which does not facilitate to any appreciable degree the handling of the vast volume of checks and which saddles upon the banks unnecessary and unwarranted expense.

Let me make the position of the merchant and manufacturer clear to you. We will suppose that a small merchant at Canton, Ohio, purchases a bill of goods from a manufacturer in New York City. The bill falls due. How can the Canton, Ohio, merchant pay it? Here are the means that are open to him:

(a) He can send the cash by mail or express. If he sends it by mail, the registration fee will be 10 cents; this, coupled with the postage and insurance, will make the cost greatly in excess of what any bank would charge in the way of exchange. Should he ship the cash by express the cost would also be greater than exchange. These two agencies exist by virtue of law, and are regulated by departments of the Government.

(b) He can purchase an express-company or post-office money order. The charges for express money orders are more than three times what the banks charge for exchange. The average charge by the post offices of the United States for money orders last year was $0.10 per $1,000, while the average charge made by banks for remitting to cover the so-called country checks was 66⅔ cents per $1,000.

(c) He can make the trip personally, or send an agent to pay his bill. This is prohibitive.

(d) He can transmit it by telegraph at a great expense.

(e) He can buy exchange that is immediately convertible at its face from his local banker by paying a small fee therefor.

(f) He can, if his creditor will accept it, send his personal check. This is the least expensive and most convenient way to pay the bill. But when the creditor takes the personal check good only in Canton, Ohio, he should assume with it the burdens of expense, and so forth, that attend its liquidation. If the New York manufacturer is not satisfied, and does not want to stand the exchange costs, let him pass it back to the buyer.

Many of the merchants, manufacturers, jobbers, mail-order houses, and other concerns in the large centers who sell their wares over a widely distributed area include in their overhead expense their costs in the way of exchange; in this way the buyer has in many instances paid it, and continues to pay even where no exchange is charged by the country banks when remitting. This means an increased dividend for these big city concerns; but what about the buyer and the country bank? The country bank performs the service, but does not get the exchange; the seller collects the exchange, but is not required to pay it.

One merchant in a middle western town writes that he is against this amendment allowing a reasonable charge, and gives as his reason that he has saved $5,000 this year because the country banks were not permitted to collect pay for their services. Do you suppose that merchant has reduced the prices upon the goods he sold to the country merchants accordingly? No; not by any means.

What is there to the statement made by a certain Member of this House to the effect that the exchange charges made by country banks are "a tollgate upon the highway of commerce"?

It has been shown that checks were originated to serve a definite need; they have served that purpose, and served it well. Checks have been so useful and so convenient that they have become the means through which more than 95 per cent of the business of this country is being transacted. The check has reached this stage, even though it carried with it the charges which one of the opponents has been pleased to term "a tollgate upon the highway of commerce." Is not it a little strange that the check would become so popular if the exchange has been such a tremendous burden? There is not a country in the world where the check has reached the degree of efficiency and usefulness that it has attained in America.

The average charge made by the country banks during the year prior to the inauguration of the Federal reserve clearing system was only 66⅔ cents per $1,000. Is this small charge to be construed "a tollgate," when the Government itself makes an average charge of $9.10 per $1,000 upon post-office money orders, without having any capital invested, does not pay any taxes, and does not render many of the valuable little services that are rendered by the country banks free in their relations with jobbers, wholesalers, merchants, and others located in the big cities?

There is not a representative banker in America who would countenance the practice or defend the few small banks that make unreasonable charges. The amendment which has been offered for your approval prohibits exorbitant charges; it leaves the matter of exchange to be governed by the flow of business to and from the different sections of the country by competition and the other natural elements. If this amendment becomes a law the charge would fluctuate from par to 10 cents per $100 or fraction thereof.

The language of sections 13 and 16 of the Federal reserve act is confusing, but it is evident from the records of the discussions in the House and Senate at the time the law was passed that it was not the intent of either the House or Senate that the clearing and collection feature should be so operated as to deprive any bank from receiving compensation for its service and the expense it might incur in collecting and remitting for checks and drafts. Any law that requires any citizen to work without pay is un-American and should be corrected or eliminated.

This amendment is designed to correct an unjust provision of the law; it does not introduce any element that has not heretofore existed; banks had the right to make an exchange charge prior to the establishment of the present Federal reserve clearing system; the charges which they were privileged to make were unrestricted, yet, as stated before, the charges did not exceed 66⅔ cents per $1,000 on the average; in fact only 15 per cent of the banks charged in excess of 10 cents per $100; 17 per cent of the banks remitted without any charge; a large number remitted at 25 cents per $1,000; another large number at 50 cents per $1,000; still another at 75 cents per $1,000, and so forth, the charges being based upon the flow of business between the communities involved, competition, and the other natural elements.

The statement made that banks will charge their own customers exchange on checks drawn against their own accounts and presented over the counter is entirely erroneous and is not justified, and the proof of this is the last sentence in this amendment, which covers this situation completely:

For collection or payment of checks and drafts and remission therefor by exchange or otherwise.

This can not be construed as meaning that a bank will charge on its own customer's checks presented in the regular course over its own counters.

It has been intimated that if the pending amendment becomes law, banks might make a charge against local people who are not bank customers, but who happen to receive checks from their neighbors and present them at the local banks for payment. This suggestion can best be answered by stating that the banks have always had that privilege, yet no banker has been foolish enough to exercise it. Should any bank undertake such a practice competition would very soon force it out of business; people would refuse to take checks upon any bank that undertook to make such a charge. There is no business that depends so much upon the good will of the people and upon public opinion as does the banking business.

Some of the opponents would have you understand that through some mysterious means the Federal reserve banks have provided that all checks from all sections of the country meet at certain points and offset each other daily; that time and distance have been eliminated; and that the personal check is as good as currency and should be recognized upon practically the same basis. For instance, they would have you believe that a check on the First National Bank at Black Gulf, Mo., should have exactly the same standing in New York City as a check drawn upon the Federal reserve bank at New York. A merchant in New York City receiving a check drawn upon the Federal reserve bank of New York City can immediately deposit that check in his local bank and get the use of the funds instantly, but should the same merchant deposit a check in his local New York bank drawn upon the First National Bank of Black Gulf, Mo., does he get immediate use of the funds? He will get credit immediately and use of the funds if he is willing to pay for the use of the money for a period of five or six days, that being the time required for converting the check drawn upon the First National Bank of Black Gulf, Mo., into actual cash or available funds.

In addition to the elements of time and distance, there is the element of cost of physical handling of the checks; they must be properly indorsed, properly recorded; sent out through the mail; the returns must be received, checked up, and proper entries made. There is also the expense of postage involved.

The Federal reserve banks in handling the so-called country checks have recognized the existence of the expense of the physical handling of checks. They have fixed a charge to be made against the bank that deposits the checks with the Federal reserve bank averaging from 1¼ to 1½ cents per check.

To prove the correctness of this charge of 1¼ cents, I called a national bank in the city of Washington on the telephone and they advised me that that is the price per check they pay to the Federal reserve bank at Richmond, Va., for the collection of checks which they ask that bank to collect for them.

This charge covers only the cost of the handling within the offices of the Federal reserve bank. The Federal reserve banks are presumed to have the most modern equipment and most efficient methods. Granting that they have such equipment and methods, the charge of 1¼ to 1½ cents per check is justified because of the expense incurred within the offices of the Federal reserve bank.

Is it then fair to assume that a like expense is incurred in the physical handling of checks in the bank in which they are originally deposited, also in the bank upon which drawn, and which is required to remit to the Federal reserve bank to cover the checks. The cost in the Federal reserve bank, coupled with the cost in the bank in which deposited, and with the cost in the bank upon which drawn, would make a minimum of 4½ cents per check. Country checks average slightly over $40 each, or about 25 checks to the $1,000. Figuring the cost on the basis of the charge made by the Federal reserve banks, without any allowance for expense and for the creation of exchange, it would be $1.12½ per $1,000, but fortunately the commercial banks have been able to evolve methods whereby they can handle checks at a cost of less than 1½ cents each.

The average cost prior to the inauguration of the Federal reserve collection system was $1 per $1,000—exchange, 66⅔ cents; handling cost, 33⅓ cents. There were in operation at that time 12 country clearing houses. These were located in many of the most important centers. They were merely cooperative organizations, formed by the bankers in those centers for the purpose of reducing the collection cost to a minimum, eliminating all waste of time, stationery, and labor. These country clearing houses were, and are still, the most efficient collection agencies in this country.

I merely cite these facts to let you know that the banks were making every possible effort to render satisfactory service, and to do so with the least possible expense to their patrons. One of these country clearing houses collects items on more than 6,000 banks.

Before going further into this discussion I want to clear up a few points which have been clouded because of misrepresentations and erroneous statements.

The gentleman from New York [Mr. PLATT], during the debate the other day, gave expression to these words:

As a matter of fact, the American Bankers' Association suggested that first amendment themselves that the charges should be regulated by the Federal Reserve Board.

I desire now to contradict this statement of the gentleman from New York and say that the American Bankers' Association did not make this suggestion.

It was stated by a Member of this House that the present Federal reserve clearing system is a success, as is evidenced by the fact that more than 8,000 nonmember banks are in the clearing system and are happy and satisfied because of its operations.

A letter addressed to five representative banks in each State, whose names appear upon the par lists of the Federal reserve banks, brought 156 immediate responses, every State in the Union save one being represented. Seventy-five of the responding banks had arranged to remit direct to the Federal reserve bank; of the 75, 36 stated in strong terms that they were coerced into making the arrangement through fear that their items would be sent through the express company, post office, or some other channel detrimental to their interest; 17 others claimed their arrangements prior to the inauguration of the Federal reserve clearing system was to remit at par, and that the operations of the system had not, therefore, affected them in any way; 70 banks reported that they had no option in the matter, as their items were sent through some member bank, through the express company, or some other agency.

Deducting from the 75 banks that made arrangements to remit direct the 36 that were coerced and the 17 that previously remitted at par leaves a total of 22 banks out of 156 that actually agreed to remit at par and are satisfied with the plan.

SPECIAL REFERENDUM.

A letter written to five representative banks in each State appearing upon the par lists of the Federal reserve banks, requesting that they advise—

(a) Whether items coming through the Federal reserve bank of their respective districts are presented direct, or through a member bank, or through the express company;

(b) Whether these institutions agreed to remit to the Federal reserve bank of their respective districts at par, voluntarily, or whether they were induced to do so because of fear that checks and drafts drawn upon them would be presented through the post office, express company, or other channels, with results detrimental to their business—

Brought replies, to April 3, 1917, showing results as follows:

Number of banks responding.		Presented direct.	Presented through member bank.	Arrangements made voluntarily.	Arrangements made through coercion.	Previously remitted at par.	Not satisfied with arrangement.	No option (not consulted).
Alabama	4	1	3		2		1	2
Arkansas	2	1	1	1	1			
Arizona	5	3	1	2			2	1
California	2		2				2	2
Colorado	3	2	1	1	1		1	1
Connecticut	0							
Delaware	3	3		3				
District of Columbia	1		1					1
Florida	2		2				2	2
Georgia	2	2			2			
Idaho	2	1	1	1	1			
Illinois	3	2	1	2				1
Indiana	2	2		2				
Iowa	3	3		1	2			
Kansas	3	1	2	1				2
Kentucky	3	3		2	1			
Louisiana	1	1		1				
Maine	4	4		4		4		
Maryland	3	1	2	2			2	1
Massachusetts	5	5		4		4		1
Michigan	4	3	1	3		1	2	1
Minnesota	4	2	2	1	2		1	1
Mississippi	3	2	1	1	1		1	1
Missouri	3		3		1		3	2
Montana	4	1	3	2	2	1		
Nebraska	5	5			5			
Nevada	3	1	2	1				2
New Hampshire	3	1	2	1		1	2	2
New Jersey	3		3				3	3
New Mexico	3		2	1			1	2
New York	4	2	2	2			2	2
North Carolina	2	1	1	1		1	1	1
North Dakota	4	3	1		3		1	1
Ohio	4		4				4	4
Oklahoma	2		2				2	2
Oregon	3	1	2		2			1
Pennsylvania	2		2					2
Rhode Island	2	1	1		1	2	1	2
South Carolina	3	2	1		2		1	1
South Dakota	2	1	1		2		1	1
Tennessee	2	2		2				
Texas	2		2				2	2
Utah	3	1	1		1		2	2
Vermont	1	1		1		1		
Virginia	1	1		1			1	
Washington	4		4	1				3
West Virginia	1		1				1	1
Wisconsin	4	1	3		1	1	4	3
Wyoming	3	2	1	2			1	1
	156	75	[1] 79	49	36	17	59	70

[1] 1 bank in Utah reports items being presented through the express company; 1 bank in Idaho, now remitting at par, coerced, reports items formerly presented through the express company.

Included in the above totals are the following figures, not classified in States because of the failure of officials of the banks to insert name of town and State.

Number of banks responding	21
Presented direct	5
Presented through member bank	16
Arrangements made voluntarily	2
Arrangements made through coercion	3
Previously remitted at par	1
Not satisfied with arrangement	12
No option (not consulted)	16

Arizona: 1 bank, not on the railroad, reports items received direct, and a charge of $\frac{1}{10}$ of 1 per cent is charged thereon.

Seventy-five banks out of one hundred and fifty-six have arranged to remit direct; 36 of this number state in strong terms that they were coerced into making such an arrangement; 17 others claim their arrangements previously were to remit for all items at par, and the law has had no effect upon them; 70 banks had no option or privilege to decide as to whether or not items drawn upon them would be handled by the Federal reserve banks.

Deducting from the 75 having made direct arrangement, the 36 coerced and the 17 previously remitting at par, leaves a total of 22 banks out of 156 that have actually agreed to remit at par and are satisfied with the plan.

It has further been stated that the Federal reserve clearing and collection system provides a means whereby the country bank can cover by remittance or otherwise all checks without cost, this being effected by the Federal reserve banks agreeing to pay the transportation costs of shipping currency to cover checks presented through the Federal reserve banks. Coupled with this provision there is a further provision that the banks must first exhaust all other means of paying the checks; that is, if they have checks upon banks whose names appear upon the par lists of the Federal reserve banks they must use them; at the same time they are required to pay 1½ cents to 1½ cents per check when using such checks in offsetting checks received from the Federal reserve banks; if they do not have sufficient items to offset, they are then permitted by the ruling of the Federal Reserve Board to ship money at the expense of the Federal reserve banks, but are required to include in such shipment only lawful money—Federal reserve notes or Federal reserve-bank notes. This ruling excludes national-bank notes from use in paying checks. Such notes have always been good, so far as a bank's relations with an ordinary customer are concerned, and it is to be regretted that the Federal Reserve Board recognized with greater favor a check of any unknown individual than a national-bank note.

The Federal reserve banks take the position that they have met the contention of the country banker that his customers' checks are payable at the bank's own counter. The facts are, that the country banker makes no such contention and the customers do not want their checks paid at the counter. What they do want is their indebtedness at distant points liquidated. Were the cash paid over the counter the customers would then, in the usual course of business, find it necessary to employ some agency to transfer the funds to the distant point where the debt is to be liquidated. There is no agency that will perform this service without charge; furthermore, to base a collection system upon the premise that all checks are payable in lawful money at a bank's counter is not within reason. Ninety per cent of the deposits made with banks consist of checks on other banks. It can readily be seen that if all demands were made that checks be paid in lawful money when the deposits include only 10 per cent cash, such demands could not be met.

In the Senate report No. 11, calendar No. 2, pages 6 and 7, there appear two letters, one written by the governor of the Federal Reserve Board to Senator OWEN, the other written by J. W. Butler, president of the Texas Bankers' Association, bearing date of April 10, 1917, addressed to the Federal Reserve Board. Attention is called by Gov. Harding to a statement made by Mr. Butler in this letter, from which the conclusion is drawn that a change in sentiment has come over the country banks of Texas and they are willing to forego their exchange charges. I quote for your information the following, from a telegram sent by J. W. Butler, president of the Texas Bankers' Association, to the secretary of the committee of twenty-five of the American Bankers' Association, New York City, N. Y.:

TO JEROME THRALLS,
Secretary of the Committee of Twenty-five:

Am sorry the Federal Reserve Board misunderstood my letter of the 10th urging that State banks be permitted to enjoy larger loan limitations and more nearly like the limitations provided by various State laws. Have wired Senator GRONNA thus: "I am convinced that equally important is this, the necessity of the adoption of the recommendation of the Committee of Twenty-five of the American Bankers' Association, providing for reasonable remuneration for the movement of money. In behalf of the 90 per cent of the fifteen hundred members (banks) of the Texas Bankers' Association, I would urge you to support the amendment proposed by the American Bankers' Association. If adopted the effect would be to immediately make popular membership in the Federal Reserve System; it would be a potential factor to bring in the State banks and make a majority of the national banks contented and happy."

This clearly shows that the impression left in the minds of those who have read the report above referred to is erroneous, and the Texas bankers are still as strong as ever in their opposition to the Federal reserve clearing system and in their demands that this feature of the law be corrected.

On May 10, 1917, Gov. W. P. G. Harding, of the Federal Reserve Board, addressed Hon. CARTER GLASS as follows, portions of which have been previously reported in this debate:

FEDERAL RESERVE BOARD,
OFFICE OF THE GOVERNOR,
Washington, May 10, 1917.

Hon. CARTER GLASS,
House of Representatives, Washington, D. C.

DEAR MR. GLASS: Since you were in my office this afternoon Mr. Delano tells me that he just had a talk over the telephone with Gov. Strong, of the Federal Reserve Bank of New York, who calls attention to the possibility, if not strong probability, of the Government having to pay bankers a million dollars exchange charges in connection with subscriptions to the liberty loan, assuming that the Hardwick amendment, which the House has instructed its conferees to agree to, becomes a law.

This estimate is based upon the assumption that one-half of the total issue of bonds will be placed outside of New York. Subscribers are permitted to make payment by their checks upon local banks, properly certified, and under authority given by Congress many of these banks would undoubtedly avail themselves of the opportunity to charge one-tenth of 1 per cent. Should this exchange charge apply to one-half of the subscriptions, the expense to the Government would be $1,000,000.

I would suggest, therefore, that you call the attention of Senator OWEN to this and suggest that he ask the Senate to reconsider the Hardwick amendment, with a view of changing it so as to prevent it from applying to transactions connected with Government bonds. This, I think, would give you the opportunity that you desire to handle the matter in conference.

Very truly, yours, W. P. G. HARDING, *Governor.*

The implication in this letter that the banks might charge the Government $1,000,000 in the way of exchange upon checks arising from the sale of the liberty bonds is an injustice to and is

keenly resented by the many thousands of bankers who did not wait to be drafted, but who patriotically volunteered to give their services and the services of their organizations over to aiding the Government in the flotation of the liberty loan. In doing this every bank in America has incurred heavy expense, and the officers of the banks have given their personal services to this proposition. This has been done without any thought of compensation or profit whatsoever. I challenge the opposition to prove where any member bank has ever charged the United States exchange.

The American Bankers' Association has enlisted its entire machinery and has been conducting for many days a nation-wide campaign to aid the Treasury Department, the Federal Reserve Board, and the Federal reserve banks in the effort to make the liberty loan of 1917 an emphatic success, thereby winning for America the first victory in this great war. That association has sent out from its general offices over 1,000,000 pieces of literature; it has provided every bank in America with a plan book giving directions as to how to form local organizations, as to how to get existing organizations into action, detailed information, and instructions down to and including the consummation of the sales of the bonds; it has had at its command the best advertising specialists in America; through these men has furnished the banks with suggested copy, and has sent talented speakers into all the important cities of America; it has put a supply of slides in more than 15,000 moving-picture theaters, through which there is thrown upon the screens at every performance a patriotic appeal to the people to buy liberty bonds. All this the American Bankers' Association has done at its own expense, voluntarily, and with the view of rendering a patriotic service to the Government.

It is therefore unfortunate that such a letter as the one written by Gov. Harding should have emanated from a high official in the employ of the Government.

The Georgia, Mississippi, Texas, and Wisconsin Bankers' Associations have adopted strong resolutions resenting this statement and agreeing to refund any charge made by any bank in their respective States upon any check issued in connection with the sale of the liberty bonds.

The following is quoted from a message sent under date of May 14, 1917, by the president of the Texas Bankers' Association:

> Referring to protest of Gov. Harding urging reconsideration of your amendment and his representation that the amendment would cost the Government $1,000,000 in selling first installment liberty loan bonds. This argument is great injustice and keenly resented by the banks. Every financial institution clamors for privilege to serve the Government in handling liberty loan without compensation. Please do not allow our patriotism to be assailed and go unchallenged. We confidently count upon the Senate to firmly stand for American principles and democracy as against bureaucracy. We pledge the banks of Texas, more than sixteen hundred in number, to handle settlements for bonds without charge. This association will refund to the Government any exception. An unnecessary assurance, but to emphasize our sincerity.

The Georgia and Mississippi resolutions were equally as strong.

The following is taken from telegram of J. R. Wheeler, president of the Wisconsin Bankers' Association:

> The Wisconsin Bankers' Association agrees to reimburse the Government for any exchange which Wisconsin banks might charge in the distribution and sale of liberty bonds. We do not believe there is a Wisconsin bank that would make a charge, even though it had been right, but since this is being advanced as an argument for defeating the Hardwick amendment, the Wisconsin Bankers' Association, representing practically every bank in the State, agrees to refund any such charges should they be made.

The suggestion has been made that the right to fix the charges should be in the hands of the Federal Reserve Board, and that no charge should be permitted to be made against the Federal reserve banks. Why, then, should they not have the same right to fix the rate of interest charged by banks below the legal rate fixed by law? To give the board this power would be placing the board in the position of a judicial body, as has been already stated. The functions of the board should be kept within administrative lines. The banks insist that exchange, like commodities, should be governed by supply and demand, flow of business to and from the different sections of the country, competition, and the other natural elements. The banks want the cost of production of exchange reduced to the minimum and are willing that the public shall receive the full benefits of any reduction that is made in this cost. The Federal reserve banks have not provided any means whereby exchange can be produced without expense; in fact, their operations in some instances increased the expense of producing exchange. Exchange rates can not scientifically be fixed upon an arbitrary basis; the individual bank can best determine as to what is the cost of producing the exchange which it furnishes to its patrons and which it remits to distant points.

The maximum fixed by this proposed amendment will, as stated before, prohibit exorbitant charges, and under this provision will allow exchange to fluctuate, as it should, from par to 10 cents. Any merchant who is not willing to pay the exchange can refuse the country checks and let them go back to the parties who draw them, with the suggestion that those parties go to their local banks and pay for exchange which will be available at its face on the day it reaches the center.

The suggested provision that no charge be made against the Federal reserve banks would defeat the purpose of this whole amendment. If a channel for collecting the checks at par were thrown open the banks would not then be able to collect any exchange. It is a natural law that bank checks will flow through the channel that affords the least resistance in the way of expense or which affords the best service. Any clearing or collection system that is operated by the Federal reserve banks should be operated on a self-sustaining basis and should develop and endure because of merit only; that is, because of its ability to render the greatest possible service at the least possible expense. If the Federal reserve banks will develop a system of collecting which is more efficient and more economical than is afforded by clearing houses or commercial banks the business will naturally flow into the Federal reserve banks. It costs a member bank just as much to furnish exchange to the Federal reserve bank as it does to any other bank. It should therefore be entitled to receive the same pay for furnishing the exchange to the Federal reserve bank that it would receive for furnishing it to another bank.

It is unfortunate that the Federal reserve banks have undertaken, through the use of the express company, to force nonmember banks to remit at par, without regard to the expense and labor that might be involved in making such remittances. It is not unusual for a country bank carrying in its vaults actual cash, including lawful money and Federal reserve notes, not to exceed $6,000 to receive for payment by remittance, through the mail, in a single day checks aggregating $10,000. It is customary to pay these checks by drawing upon a balance in some central city created there through direct credit arrangements, discounting of bills, shifting of credit, or the accumulation of available exchange, all of which is done at an expense to the small bank. It will be seen that the use of this club is because of the injuries and dangers that are possible to the small banks against which it is wielded. It may not be designed to injure these small institutions, but has in it the possibilities of even causing them to close their doors.

Where is there a bank that can receive deposits, day in and day out, 90 per cent of which consist of checks and like credits, and at the same time pay all demands in lawful money? It can not be done.

It has been suggested that section 16 provides that the Federal reserve banks shall receive checks on deposit at par, and under this provision the Federal reserve banks would be compelled to absorb the tremendous amount of exchange which they would be required to pay under the terms of the amendment providing for reasonable charges.

It will be remembered that the Federal Reserve Board has interpreted this section of the law to give the Federal reserve banks the right to make a charge of 1¼ cents to 1½ cents per check. This establishes clearly the principle that the Federal reserve banks have, under this construction placed on the law by the Federal Reserve Board, the right to assess against the depositing member banks the expense which the board has seen fit to term "service charge," amounting to 1¼ cents to 1½ cents per check. Following the same line of reasoning, the board might readily authorize the Federal reserve banks to assess against the members 10 cents per $100 or fraction thereof if that amount of expense be incurred.

The gold-settlement fund is one feature of the Federal reserve system that has not been criticized. The operation of this fund has been entirely satisfactory.

This proposed amendment will not affect the operations of the gold-settlement fund in any way. This fund, however, can not be safely used as a basis for collecting the ordinary run of country checks. It is a splendid means of settling the balances weekly or semiweekly, but the settlements for checks must be made daily. Checks do not offset each other; in fact, the flow of exchange and trade runs in certain directions over a period of months. During that time readjustments must be made through shipments of currency or through credit arrangements, rediscounting, or some other means which involve expense to the banks.

The system operated by the Federal reserve banks is misnamed. It is not in any sense a clearing system; it is a collection system. It contemplates the diversion of all items

through one center in each district. By reference to the tenth Federal reserve district it can readily be seen as to how unscientific a proposition this is. There are 11 reserve cities in that district; each of these cities is a commercial center of considerable importance; the products and raw materials are marketed and the supplies and finished goods are purchased principally through these 11 different centers. If the exchange and checks are all handled through one of these centers there remains the necessity of transferring the accumulated credits from the 10 other centers to the eleventh center. This can not be done without expense.

As stated before, the banks are willing to cooperate and assist in every way possible to work out a clearing and collection system that will be fair and equitable to the general public, but at the same time the banks are entitled to the consideration in the way of law that will permit them to receive treatment that is fair and equitable. Any law that requires the thousands of country banks throughout this land to create exchange at an expense, and to contribute that exchange free, to the commercial and industrial interests does not recognize the elements of fairness and equity, and it should therefore be changed.

The burdens that have been imposed through the operations of the Federal reserve clearing system have aroused antagonism and opposition not only on the part of nonmember State banks and trust companies, but has been the cause of creating an intense feeling against the system on the part of the small national bank members, which has been a hindrance to the development of the more important functions of the Federal reserve act.

The passage of this amendment will sweep aside this opposition and antagonism, and will substitute in lieu thereof a spirit of friendly cooperation, and will make it possible to bring into the system thousands of State banks and trust companies that will not otherwise join.

Cooperation is the greatest factor in modern business, and it must be recognized in the Federal Reserve System.

It is imperative that the banking system shall be unified if it is to meet in an adequate way the increased demands that will be occasioned because of the entrance of this country into the world war. When this and the other amendments to the Federal reserve act have been passed, and all the eligible banks have entered the system, we will then have a banking system that has no superior, and very few, if any, equals. [Applause.]

Mr. GLASS. Mr. Speaker, I yield three minutes to the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. Mr. Speaker, I am glad of the opportunity afforded me through the courtesy of the gentleman from Virginia [Mr. GLASS] to explain my vote on this conference report, because the course I intend to pursue to-day is not entirely consistent with that which I pursued on the occasion when the conference report was last voted on. I am one of those who believe that consistency, if a rare one, at least is a notable political virtue. In fact, I have on this floor and elsewhere rather vigorously criticized a certain gentleman high in official power in this country for repeated acts of inconsistency, but I never have, nor do I now, believe in carrying consistency to a point which will force me to persist to the end in a course begun, possibly, under a misapprehension of its effect, when I, after consideration, have become convinced that it is unwise. I voted for the so-called Hardwick amendment upon a previous occasion, but the gentleman from Pennsylvania [Mr. MCFADDEN] himself has admitted that it was never debated and has never received up to now any real consideration in this House. At the time I voted for it I was not as familiar as I think I now am with the probable effect of its adoption. I do not know of any round robins or lobbies that have appeared here upon this matter, but I have myself had correspondence and conversations with many of my constituents, and I have had conversations with gentlemen, Members of this House and otherwise, in whose opinion upon matters of this sort I place great reliance. Because of this further consideration and discussion I have been forced to the irresistible conclusion that the passage of the so-called Hardwick amendment in its original form would result in putting a great burden upon American commerce, commerce already burdened and about to be further burdened by new war taxes which will soon be passed. I have, in short, come to the conclusion that the adoption of the Hardwick amendment at this time would be particularly unwise. I intend, therefore, to support the conference report, and I believe that this course may be followed with propriety by other gentlemen who find themselves in the same situation. [Applause.]

Mr. GLASS. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 25 minutes remaining.

Mr. SHOUSE. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. SHOUSE. To make a point of order that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and forty-four gentlemen are present, not a quorum.

Mr. GLASS. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anthony	Estopinal	Kreider	Scully
Bell	Fields	Lea, Cal.	Sells
Bland	Fitzgerald	Littlepage	Shellenberger
Brand	Flynn	Lunn	Sherley
Brodbeck	Fordney	McCormick	Sherwood
Cantrill	Foss	McKinley	Sloan
Capstick	Gallivan	Maher	Snyder
Carew	Gard	Mann	Stephens, Nebr.
Clark, Fla.	Good	Martin, Ill.	Sterling, Ill.
Claypool	Griffin	Mays	Stevenson
Cooper, Ohio	Hamill	Miller, Wash.	Stiness
Copley	Hamilton, N. Y.	Morin	Sullivan
Crago	Haskell	Mudd	Talbott
Crosser	Hayes	Neely	Tampleton
Dale, N. Y.	Heflin	Nicholls, S. C.	Thomas
Dallinger	Hill	Olney	Tilson
Dent	Hollingsworth	O'Shaunessy	Walker
Denton	Hull, Iowa	Paige	Ward
Dickinson	Ireland	Peters	Wason
Dill	Johnson, Wash.	Powers	Webb
Dixon	Jones, Va.	Price	Welling
Dominick	Kahn	Rainey	Welty
Doolittle	Keating	Rayburn	Williams
Drane	Kelley, Mich.	Reed	Winslow
Drukker	Kennedy, Iowa	Riordan	Wood, Ind.
Dyer	Kennedy, R. I.	Rogers	Zihlman
Eagan	Key, Ohio	Rowland	
Edmonds	Kitchin	Rucker	

The SPEAKER. On this roll call 319 gentlemen answered to their names, a quorum.

Mr. GLASS. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will unlock the doors.

Mr. GLASS. I believe I have 25 minutes remaining?

The SPEAKER. Yes.

Mr. GLASS. I yield five minutes to the gentleman from New York [Mr. HUSTED].

Mr. MCFADDEN. If the gentleman will yield for a moment, I understood the gentleman had only one speech.

Mr. GLASS. After this.

Mr. HUSTED. Mr. Speaker, I know I can not add anything to the clear, able, and exhaustive discussion of the Hardwick amendment which was made by the gentleman from Virginia [Mr. GLASS] on Tuesday. I would not take one moment of the time of this House except that I happen to be a director of and somewhat interested in one of these "struggling country banks" which happen to be absolutely opposed to the Hardwick amendment in its original form, and it is opposed to it on three grounds: First, that no adequate service is rendered by the banks to justify the one-tenth of 1 per cent charge on the collection of its checks; second, on the ground that it is not necessary—the country banks are making enough money without it [applause], and this is no time to impose this charge upon the commerce of the country unless it is necessary; the country banks can get along without its imposition—and, third, because it is one of those services which I believe the country bank should render without any charge in consideration of handling its customers' accounts. [Applause.]

Mr. GORDON. Will the gentleman yield?

Mr. HUSTED. I will.

Mr. GORDON. Is your country bank in the Federal Reserve System?

Mr. HUSTED. It is.

Mr. GORDON. What right has Congress to legislate in the interest of these country banks that are not in the Federal Reserve System?

Mr. HUSTED. I do not think Congress is legislating in the interest of banks that are not in the Federal Reserve System.

Mr. GORDON. As to those small country banks that we have heard paraded up and down here, are not most of them in the system, as a matter of fact?

Mr. HUSTED. The State banks are not in the system.

Mr. GORDON. How could any legislation of Congress affect them at all?

Mr. HUSTED. It does not affect them directly. It might affect them indirectly in this way: I know that if a State bank should charge for collecting checks in my town and the national

bank did not charge, the national bank would very soon drive the State bank out of business.

Mr. BATHRICK. Will the gentleman yield?

Mr. HUSTED. Yes.

Mr. BATHRICK. I would like to have the gentleman put this side of the matter before the House. We have all been talking about one-tenth of 1 per cent. But if there is less than $100 deposited, it is 10 cents a hundred, is it not, and lots of small business men will be obliged to pay 10 cents a day or $30 a year for the privilege of banking their money in that bank?

Mr. HUSTED. It would be 10 cents on the smallest checks.

Now, I am opposed on those grounds to the Hardwick amendment in its original form; but if I believed a reasonable charge was justifiable, I could find no fault with the changes made in the Hardwick amendment by the conference committee, because that amendment in its present form does permit a reasonable charge for collecting checks. [Applause.] And to say that the changes made by the conference committee absolutely deprive the country banks of the power of making a collection charge is absolutely untrue.

There is a specific declaration in this amendment in favor of a rate, and it only says that the Federal Reserve Board shall determine the reasonableness of that rate. I have enough confidence in the disinterestedness and in the ability and in the fairness of the members of the Federal Reserve Board to believe that they would consider it their duty under this legislation as it now stands to fix what in their opinion was a reasonable rate. The only thing it does is to provide that the member banks shall not make any charge for collection or any charge for payment against the Federal reserve banks. I do not think there is a Member of this House who would contend that such charge would be justifiable. [Applause.]

Mr. GLASS. Mr. Speaker——

The SPEAKER. The gentleman from Virginia [Mr. GLASS] is recognized for 20 minutes.

Mr. GORDON. May I interrupt the gentleman before he starts? [Laughter.]

Mr. GLASS. I will be pleased to be interrupted by the gentleman before I start, because after I start I shall ask not to be interrupted at all.

Mr. GORDON. I wish to direct the attention of the gentleman to the remarks of the gentleman from Pennsylvania [Mr. MCFADDEN]. The whole burden of his plea was in behalf of these small country banks that are not in the Federal Reserve System. To what extent has this Congress power, in amending the Federal reserve law, to affect at all legally the banks not in the Federal Reserve System?

Mr. GLASS. The gentleman knows possibly better than I that the Congress has not one particle of power to regulate the banks that are not in the Federal Reserve System. Nonmember banks, which are State banks, are not directly affected by this legislation. They are concerned in this legislation only by reason of the competition incident to a collection system which the Federal Reserve Board has established. That is to say, if member banks refrain from making charges for paying and collecting checks, and State banks persist in exacting this toll, business men will prefer to keep their accounts with the banks that do not charge; hence nonmember banks would like to have member banks authorized by law to make these charges.

Mr. SWITZER. Will the gentleman yield for just one question?

Mr. GLASS. I can not yield any more.

Mr. SWITZER. I would like to ask a question. Does your amendment permit, or does it allow, the Federal Reserve Board to give authority to a bank to make a charge for this collection?

Mr. GLASS. To make a "reasonable" charge; yes.

Mr. SWITZER. With the argument made here that there should not be such a charge made, why do you recognize it?

Mr. GLASS. Because the managers on the part of the House were instructed to do it. That is all the reason for it; but for that instruction the conferees would have authorized no charge at all.

Mr. SWITZER. You do not intend to allow anybody to assert that privilege?

Mr. GLASS. I hope not and believe not. That is precisely why we propose these modifications of the so-called Hardwick amendment. We do not want the banks to determine whether the charge is "reasonable," if made at all, or what the amount shall be when made. We want the Federal Reserve Board to regulate these questions strictly—to say in what circumstances it is reasonable to charge and what amount shall be charged.

Mr. Speaker, as to the ethics involved in this legislative procedure, especially with reference to the appointment of the managers on the part of the House, I want to say that the chairman of the Committee on Banking and Currency followed the usual procedure. When the conference was asked he conferred with the senior Republican member of the House committee, the gentleman from California [Mr. HAYES]. That gentleman was ill at his home in Washington, and notified me over the 'phone that he would be unable to act and readily acquiesced in a suggestion that I designate Mr. PLATT, of New York, as a Republican manager on the part of the House. As a matter of fact, I momentarily assumed that Mr. PLATT was the next ranking member of the Banking and Currency Committee.

Mr. MONDELL. Will the gentleman yield?

Mr. GLASS. I will not.

I say I momentarily supposed that Mr. PLATT, of New York, was the next ranking member, and I handed his name to the Speaker as one of the conferees. This I explained in detail to the gentleman from Mississippi [Mr. HARRISON] some days ago and went in person and apologized to my colleague, the gentleman from Iowa [Mr. WOODS], who accepted the explanation. With that statement I will leave it to the House to determine just exactly how fair and precisely how frank the gentleman from Mississippi [Mr. HARRISON] was in his statement of the incident to the House to-day. [Applause.]

I prefer not to believe, and yet I candidly suspect, that my colleague from Pennsylvania [Mr. MCFADDEN] was fully aware of the fact I have just stated, and the House may thus judge of the frankness of his criticism also. I may add that had the senior Republican member of the Committee on Banking and Currency [Mr. HAYES] been in good health he would have been one of the conferees and would have stood unyieldingly with the chairman of the committee in resisting the attempt, by a Senate "rider," to impose this tax on the commerce of the country. [Applause.] Therefore, the effort to make it seem that some advantage was sought or obtained in the designation of the House managers is manifestly a quibble, designed to shift the issue from one of fact to one of resentment.

As to the talk about "the lobby that has beset this House" and the "round robins" that have disturbed the membership, the only lobby we have had was the committee of 25 bankers which settled down in Washington soon after Congress convened, with headquarters at the Willard Hotel. This bankers' committee, dining and wining the proponents of this proposition, sought to influence the action of the House by as thoroughly organized a propaganda as was ever known in legislative annals. [Applause.] This committee was in ceaseless communication with the banks of the country and had Congress flooded with letters and telegrams.

The only word of hearing upon this proposition to delegate the power of taxation to banks by a Federal statute was secured by a transparent trick. Letter after letter and wire after wire came to the chairman of the Committee on Banking and Currency from the business men of the United States asking to be heard against this proposition. My invariable answer was that the proposition was not germane to the amendments that were being considered and that, therefore, there would be no committee hearings on the bill (H. R. 3673). But under the pretense of wanting to be heard upon the major provisions of H. R. 3673, a subcommittee of this committee of 25 bankers was presented to the Committee on Banking and Currency. These bankers spent about two minutes talking about the real provisions of this bill and nearly two hours discussing this check paying and collection charge "rider" which had been proposed by their committee. Thus, the only hearing had on the subject was obtained in the way I have indicated by this famous "committee of 25." without opportunity to the business men of the United States to be heard in rebuttal.

There has been no lobby so far as the opponents of this measure are concerned. Naturally the whole business community of the United States, except a small group of bankers, is opposed to this proposition to authorize certain banks, by law, to tax commerce. It required no lobby; it required only a sense of justice and a comprehension of the injustice that was sought to be perpetrated by this Hardwick amendment.

It is pretended that only the mail-order houses and jobbers oppose the scheme. I hold in my hand a resolution adopted by the Farmers' Educational and Cooperative Union of America, which says:

> We, the National Convention of the Farmers' Educational and Cooperative Union of America, assembled in Palatka, Fla., earnestly and strongly protest against any change in the Federal reserve act with reference to charges on collections on checks and drafts.

I have here also the resolution of the National Grange of the United States, representing more than one million farmers, which says:

> Whereas it has come to the knowledge of the National Grange that a concerted effort will be made this winter to have Congress amend the Federal reserve act so as to restore to certain banks throughout the

country the privilege of indiscriminate taxation taken from them by the system of check collection established by the Federal Reserve Board in pursuance of the act of December 23, 1913.

Therefore be it resolved by the National Grange that we protest against the proposed change of the law and that Congress be, and hereby is, earnestly petitioned by this body in behalf of the farmers of the United States to disregard this organized attempt to so alter the Federal reserve act as to enable certain banks to exact unjust tolls from the commerce and industry of the country, 90 per cent of which business is transacted by drafts and checks rather than by the use of currency.

I have here a dispatch, dated at Peach Bottom, Pa., May 19, from J. A. McSparran, one of the most intelligent and patriotic farmers in the United States, chairman of the legislative committee of the National Grange, in which he says:

BANKING AND CURRENCY COMMITTEE,
House of Representatives, Washington, D. C.

In the name of the National Grange we desire to protest against the adoption of the Hardwick amendment to the reserve act, which gives to the banks of the country the right to levy an unjust tax on the checks of the entire business community of the United States. The National Grange, representing 1,000,000 organized farmers, passed resolutions protesting against this form of extortion.

"Oh," they say, "only the jobbing houses of the United States are opposed to the Hardwick amendment." That is not the fact, as I have already indicated, Mr. Speaker. But suppose it were true. Is there any reason why the men, who have millions of dollars invested in that branch of commerce, should not have their side of a controversy heard here? True, they have not given any dinners to anybody. They have not wined or dined anybody. But have they not a right to be heard? Suppose it were true that only the jobbers of the country were opposed to this form of special taxation. Let us see if, numerically, they do not overwhelmingly overtop the banks, even if all the banks were in favor of the proposition. There were in the United States, according to the census returns of 1909, 51,048 jobbing houses. There are but 7,500 member banks of the Federal reserve system, all told. The more progressive of these are opposed to this Hardwick amendment. But if all were in favor of it, and the jobbers only opposed, there are 51,048 jobbing houses against the 7,500 banks.

But, Mr. Speaker, I have here on the table resolutions from the retail merchants' associations in every line of activity in this country, from the National Association of Retail Hardware Merchants, from the National Association of Retail Grocery Merchants, from the National Association of Retail Dry Goods Merchants, from the national associations of nearly every line of commerce in the United States, opposing this tax. The National Association of Credit Men, representing a body with an actual membership of 25,000 in every line of trade conceivable, has gone on record time and time again in opposition to this unjust species of taxation. Nearly all the manufacturing associations of the United States have presented resolutions against this proposition.

There are more jobbing houses in the single State of Illinois opposed to this proposition than there are member banks in the United States in favor of it. There are as many jobbing houses in the State of Massachusetts opposed to the Hardwick amendment as there are member banks in the entire United States in favor of it. There are three times as many jobbers and retail merchants and manufacturing establishments—not to mention farmers—in the State of Mississippi opposed to this Hardwick amendment as there are member banks in the United States in favor of it.

Take the State of Pennsylvania, the State of the gentleman who proposes this recommittal [Mr. MCFADDEN], and there are 4,783 jobbing houses—more jobbing houses in Pennsylvania opposed to this unjust tax than there are member banks in the United States in favor of it. There are in Pennsylvania 107,134 retail merchants, every one opposed to this form of taxation. The opposition to it is so overwhelming that I offered a colleague my entire year's salary as a Representative in Congress if he could produce a telegram or a letter from any living soul in favor of it unless from a banker. [Applause.]

Then they talk about an "anonymous propaganda." Perhaps I have a misconception of what an "anonymous" thing is. This circular, which is exhibited here presenting reasons why this form of delegated taxation should not be sanctioned, expressly states that the group issuing it included the official representatives of the Button Manufacturers' Association of the United States, the National Association of Clothiers, the National Association of Credit Men, the National Association of Hosiery and Underwear Manufacturers, the National Glass Distributers' Association, the National Hardware Association, the National Retail Dry Goods Association, the National Shoe Wholesalers' Association, the National Dry Goods Association, the National Wholesale Jewelers' Association, the St. Louis Chamber of Commerce, and the Southern Wholesale Grocers Association. It gives the names of the gentlemen who prepared and issued this "anonymous" circular. In addition to that, boards of trade and chambers of commerce from one end of this country to the other have passed resolutions against this rake-off. Nobody is for it except this group of bankers represented by this committee of lobbyists that took up its headquarters weeks ago at the Willard Hotel. [Applause.]

I present to the House for its discriminating judgment a tabulated statement of three classes of business concerns opposed to this legislation in contrast with the number of banks in the Federal Reserve System directly affected by this amendment. It will be noted that this statement does not take account of the millions of farmers and professional men who are in opposition, but merely enumerates three classes whose representative bodies have declared their antagonism to this check paying and collection charge scheme. It must also be considered that not one-third of these banks exact these charges from the business men of the country, and, therefore, that the fewest number of them would care to see the collection system established by the Federal Reserve Board wrecked, as inevitably it would be should this Senate "rider" prevail.

	Manufacturers.	Jobbers.	Retailers.	Member banks.
Alabama	3,242	475	15,383	90
Arizona	322	60	2,467	12
Arkansas	2,604	366	12,471	66
California	10,057	2,174	47,097	264
Colorado	2,126	509	12,163	121
Connecticut	4,104	395	16,824	70
Delaware	808	77	2,966	24
Florida	2,518	375	8,226	54
Georgia	4,639	829	20,640	102
Idaho	698	74	4,162	59
Illinois	18,388	3,420	80,508	469
Indiana	8,022	985	33,330	256
Iowa	5,614	834	29,337	349
Kansas	3,136	505	21,209	223
Kentucky	4,184	866	21,477	133
Louisiana	2,211	688	16,899	33
Maine	3,378	362	10,354	66
Maryland	4,797	1,013	20,244	95
Massachusetts	12,013	3,275	48,761	151
Michigan	8,724	1,308	35,448	103
Minnesota	5,974	990	25,099	287
Mississippi	2,209	238	11,513	35
Missouri	8,386	1,647	43,413	131
Montana	939	129	4,697	82
Nebraska	2,492	447	15,527	191
Nevada	180	41	1,497	10
New Hampshire	1,736	177	5,387	56
New Jersey	9,742	2,635	44,189	203
New Mexico	368	86	2,944	37
New York	48,203	10,869	180,151	675
North Carolina	5,507	598	14,912	81
North Dakota	699	76	846	157
Ohio	15,658	2,666	64,806	371
Oklahoma	2,518	436	18,565	335
Oregon	2,320	381	10,433	80
Pennsylvania	27,521	4,783	107,134	834
Rhode Island	2,190	337	8,208	17
South Carolina	1,885	288	9,237	76
South Dakota	898	118	7,461	125
Tennessee	4,775	863	19,878	112
Texas	5,084	1,150	43,362	534
Utah	1,109	185	4,154	24
Vermont	1,772	119	4,208	48
Virginia	5,508	758	18,845	144
Washington	3,829	629	17,137	77
West Virginia	2,749	392	10,286	115
Wisconsin	9,104	985	26,321	140
Wyoming	337	24	1,530	31
District of Columbia	514	211	5,923	11
Grand total	275,791	51,048	1,169,592	7,571

Now, Mr. Speaker, I want the House to understand how it was sharply misled upon this question. There was not a word of debate. There was not one word of explanation of this Hardwick amendment prior to the adoption of the motion to instruct the House managers. The whole event was sudden and surprising.

Mr. THOMAS. I just want to know about that wining and dining. I have not seen any of it, and I should like to get there. [Laughter.]

Mr. GLASS. I am surprised that the gentleman was not invited. He should indicate his indignation by voting against this proposition.

Mr. THOMAS. I am going to look into this proposition.

Mr. GLASS. Mr. Speaker, I must decline to yield further.

Mr. THOMAS. The gentleman has got to yield——

The SPEAKER. The gentleman from Virginia declines to yield.

Mr. THOMAS. The gentleman has got to yield. I am with him on this. [Laughter.]

Mr. GLASS. No Me[mber] to be troubled by any a word of debate or amendment. A similar thrown out on a point germane. It is a legis[lative] congruous, considered w[ith] legislation proposed her[e] industry and to help the banking business of the United States better to meet impending difficulties. Not only was there no explanation of this "rider," but, on the contrary, when the vote was being taken, gentlemen who now are very critical about the ethics of the case, affecting great concern for the proprieties, stood at the door and told Members as they came in, "Our vote is 'aye,'" as if there were some party division. More than a score of Members have come to me in person, or have told me over the telephone, that they were misled into voting for the amendment, and that they were utterly opposed to it and that their constituents were utterly opposed to it. I do not want to be unpleasant. It is too easy, under provocation, to be unpleasant and too hard to be agreeable; but I do feel some degree of resentment, in the circumstances, at the criticism of the gentleman from Mississippi [Mr. HARRISON] and my colleague of the committee from Pennsylvania [Mr. MCFADDEN] about the ethics of this case, and their talk about a lobby.

[ber of the House should permit himself] [nsideration of consistency, because not] [planation was had on this Hardwick] ['rider" was proposed in the House and] [f order as not germane; and it is not] [ive thorn in the flesh. It is utterly in-] [th respect to this great and momentous] [e for the advantage of commerce and]

Now, Mr. Speaker, a word as to the merits of this proposition. From what source does a bank, whether it is a country bank or a city bank, derive its revenue? From its capital? Why, in the rarest instances. A bank that is prosperous enough to pay a dividend merely by the use of its own capital would be a wonder. Then, how do banks manage to pay dividends? Why, by loaning out the money of their depositors at interest, and some of them at too high a rate of interest, particularly in the territory of the gentlemen who are advocating this check-paying amendment. [Applause.] They derive their profits from loaning out the deposits of their patrons; and anybody familiar with banking processes knows that banks ordinarily require their patrons to keep a certain "line" of deposits to pay for trouble and expense in handling their accounts. I have here a written statement of one of the leading bank examiners of the United States saying that both city and country banks, as a rule, insist that the borrower, who in nine cases out of ten is a depositor, shall maintain an average balance of 20 per cent. In other words, if you are a business man and want to borrow $10,000 from your bank with which to conduct your business, the bank does not actually let you have $10,000. On an average it lets you have $8,000, and requires you to leave the other $2,000 there to be loaned to some other business man at a profitable rate of interest. In this way and by other legitimate devices banks derive their revenue from interest on money loaned them by their patrons. There are few well-conducted banks, either country or city banks, that would care to have the business of any merchant who did not keep a line of deposit with it sufficient to far more than cover all costs and trouble of the account of that business house. The gentleman from New York [Mr. HUSTED], a banker himself, has stated that last year all the banks, country as well as city, made a greater profit than they had made in an average of 47 years before, and they do not need this form of graft. [Applause.]

The banks have the use of their patrons' money, and it is vastly less expensive to remit on balances than it would be to pay funds actually across the counter. Pending the dispatch and return of checks, the accounts on which they are drawn are available to the banks in the discount operations, and from these accounts the banks derive more profit than is involved in the proposed charge of one-tenth of 1 per cent on out-of-town checks. As for having to "ship funds," that is a myth largely—a figure of speech. The Federal reserve banks explicitly agree to pay all cost of shipping currency, so no charge for that can be assessed against any remitting bank.

It is idle to infer that the obligation of banks to business men is not as distinctive or as great as that of business men to banks. The accommodation is reciprocal; and, with the vast majority of banks, the deposits of their patrons are accepted with no other purpose than to pay checks at their face value. There never was any statutory sanction for anything else; but under specious and illusive pleas of compensation for "constructive interest" loss, and for the expense of "shipping currency to distant points," and for "service rendered in transferring credits," the practice of deducting charges, varying from one-tenth of 1 per cent to 1 per cent in some cases, became firmly established in some sections. It got to be not only a burden, but an abuse—in many instances a scandal—which the more progressive business communities of the country long since refused to tolerate. None of the banks of the New England group exacts these charges; few of the Eastern group make the charge; the practice in the Middle West has been greatly abated; the abuse persists in its flagrant form chiefly in parts of the South and the far West. It should be stopped everywhere; and the par collection system instituted by the Federal Reserve Board will put an end to it ultimately, if not tampered with by vicious legislative interference, such as this Hardwick amendment in its original draft proposes.

Bank notes issued under authority of the national bank act signifying the indebtedness of the bank to the holder are required by law to be received everywhere at par. Why should not a merchant's check on his deposit account, duly indorsed by a responsible person or concern, be accepted by common consent of the banks at its face value? What is there extraordinary about the suggestion to standardize checks and drafts? They constitute 92 per cent of the currency of the country in paying accounts and adjusting balances. And the banks themselves adjust their own balances through this very medium.

The talk about the "great expense" of collecting and paying out-of-town checks is in great degree rubbish. The cost is negligible, as any frank banker will tell you. It is so inconsequential that the Federal Reserve Board has been unable to get an actuary with enough skill to figure it out. The collection costs of the Federal Reserve System itself have been less than one hundred and fiftieth of 1 per cent! I have here a letter from a Tennessee banker which furnishes a very definite illustration of the difference between the old system of check collection graft and the new system of inexpensive collections. This Tennessee banker writes:

> The thought has occurred to us that you would like to know how the new collection arrangement is working with member banks. We give you the following example:
>
> At ——, North Carolina, there are three banks—two national and one State. They were evidently in a combination prior to July 15, 1916, on the question of exchange. Most of the checks of their customers had stamped on them "Not collectible through the express office," or some such wording. This is out of our territory, but we could not collect the items through any of the ordinary channels, and were forced to send them direct, only taking the checks for collection and giving our customers all the money we received.
>
> For five days in June we sent them $5,956.85, on which we paid exchange at the rate of 25 cents per hundred, or a total of $15.16. We are handing you herewith one of their remittance letters, which shows they charged us $9.96 on items aggregating $3,985.76.
>
> Taking five days in July, or since the collection arrangement was entered into by the Federal Reserve Banks, we have sent on the same town, through the Federal Reserve Bank of Atlanta, a total of $7,176.63, at a total cost of 12 cents.
>
> The time the items were in transit was greater when sent direct than when sent through the Federal Reserve Bank of Atlanta.
>
> This is not so much a saving to us as it is to our customers, and more people will be benefited by this system of collection, 10 to 1, than will be harmed by a loss of revenue to these banks who have been so outrageous in their charges.

This case is typical. It reveals the vice of the old system as clearly as it exhibits the efficiency of the new. Under the new collection system these Tennessee merchants had checks aggregating $7,176.63 quickly collected at a cost of 12 cents, while under the old system, with its roundabout routing, it cost these merchants $15.16 to collect $5,956.85—the difference between the obsolete stagecoach and the modern steam railroad facilities! But, it is contended, this transaction deprived three "struggling" country banks of the difference between about $18, which they would have received for paying the larger amount of checks under the old system, and 12 cents actual cost under the new system. Leaving out of question the moral obligation of these banks to pay their depositors' checks without deduction, the fact is that two of these struggling" banks have accumulated a surplus almost equal to their capital; they pay an annual dividend of 10 per cent and their stock sells for nearly twice its par value! This illustration could be multiplied indefinitely in an even more aggravated form. However, I would repeat and accentuate the statement that bankers of vision, with a progressive spirit, do not engage in this practice. They long ago discarded it. The thing is pursued chiefly by those who fail to comprehend the advantages of modern methods and who, in their petty acquisitiveness, refuse to adapt their business to a system pregnant with larger success and a higher spirit. The case was tersely put the other day by Mr. Perre Jay, of the New York Federal reserve bank, when he said:

> The banks which are now endeavoring to have the deduction of exchange legalized do not seem to recognize that a new country-wide system to facilitate domestic settlements by both checks and transfers has been created and is in process of development. Instead of looking ahead and endeavoring to cooperate they stand squarely across the path of progress and seek to turn back the hands of the clock. With minds focused on the barrier which the law desires to remove they do not see the situation in its proper perspective. The fail to grasp the advantages to business of economical and scientific methods of making settlements; they fail to understand that every move toward making local checks more acceptible away from home enables the local bank to keep more local money at home.

There is the crux of the matter. That is a happy phrase: "More local money at home." Country bankers—which means

all bankers outside 51 central reserve and reserve cities—in order to clear their own checks, "free of charge," as they vainly imagine, have for years shipped away the funds of their local depositors to the money centers at a 2 per cent interest rate, to be used for stock speculative purposes, instead of "keeping more local money at home," as Mr. Jay says, to loan to local merchants and industries at a reasonable yet profitable discount. There is no telling, Mr. Speaker, of how many hundreds of millions of dollars country communities have been drained nor computing the commercial distress and industrial deprivations they have endured by reason of this practice of country banks sending local funds away from home. There was little rational defense of it under the old system; there is absolutely no excuse for it since the passage of the Federal reserve act. When the required reserve of country banks was 15 per cent, the combined figures show that they actually carried 29 per cent. The average interest rate on these excess reserves carried largely for the purpose of securing the par collecting of their out-of-town checks is 2 per cent. With money worth 5 and 6 per cent, and in many localities bringing 8 and 10 per cent, the cost of 3 or 4 per cent or 6 or 8 per cent on excess reserves of 14 per cent would very much reduce the income side of the exchange accounts. The establishing of the Federal reserve banks makes it in most cases unnecessary for the banks to carry excess reserves and thereby increases their earning capacity.

Moreover, the reserve requirements of country banks were lowered by the Federal reserve act for the express purpose of covering this paltry 2 per cent, which they received for local funds transferred, and which never should have been transferred, to money centers—a fact which they seem always to ignore. A trained banker of Minnesota states the case with great perspicacity in a letter from which I quote two paragraphs:

It should be realized by all that any saving in the expense of collecting checks will be to the advantage of all the banks in the country. The Federal reserve bank, by providing a central agency in each district through which checks may be collected, has provided a method whereby checks may be collected with the least expense. This is due to the doing away with indirect routing, thus reducing the number of times checks are handled, and the saving of time in securing final payment. If the system is properly supported by the banks of the country, it will lessen the expense in remitting for checks, as the banks of New England have demonstrated through 17 years of experience that it is much cheaper to receive one remittance a day and remit in payment, than it is to receive remittance letters from a number of correspondents, as well as others, and account for them.

One strong argument that occurs to us as to why that part of the Federal reserve act relating to charges on bank checks and drafts should not be amended at the present time, is that *the majority of the banks in this country transacting 85 per cent of the banking business of the country, are not charging for remitting for their checks*, and that the collection system of the Federal reserve banks should be given a fair and impartial trial before any amendment to the law is considered, and it would not be fair to the banks of the country to amend the law at the request of the smaller number of banks which have, for selfish reasons, always been opposed to a proper and economical system of collecting checks.

That sums up the case. Nearly 16,000 banks joined the collection system instituted by the Federal Reserve Board. These constitute two-thirds of the commercial banks of the country. They do 85 per cent of the commercial banking business. They do not charge for paying or collecting checks. This Senate "rider," drafted by a bank lobbyist and through organized propaganda grafted onto a bill here designed to help banking and facilitate commerce, is merely a statutory invitation to these 16,000 banks, as well as to the small group doing only 15 per cent of the country's business, to renew this tax on commerce and industry. It is a legislative sanction of an obsolete and vicious practice which has never had the countenance of law and should not have it now.

And I warn this group of bankers which assumes responsibility for this renewed attempt to erect this tollgate across the highway of commerce that it is sowing to the wind and will reap the whirlwind. The business men of the United States are thoroughly aroused over the situation, and if this legislation should be enacted, except in the modified form proposed by this conference report, they will systematically refuse to patronize banks which persist in this vice. Moreover, let the country banks take warning. Under the law they may no longer count balances with correspondent banks as reserve; hence there no longer will be inducement to carry local funds in outside banks at 2 per cent. This will presently occur; and when it does the big banks will begin to charge for remitting funds also, should this Senate rider, unmodified, prevail. If the charge for remitting funds to cover checks becomes general and applies to central reserve and reserve city banks, as well as the country banks, it is evident that banks in general will not profit by the result. A bank in remitting to a Federal reserve bank wishes to be able to send offsetting items rather than cash, and the whole proposition of clearing checks depends upon this principle. Heretofore a charge has been made by the country bank for remitting, but no charge by the city bank, whereas under this Senate "rider" the city bank is authorized to charge as much as the country bank. If, therefore, a bank receives one-tenth of 1 per cent on all items drawn upon itself, but pays out one-tenth of 1 per cent for collecting all items it has received, the probability is that the large city banks will be the gainers.

An accomplished country banker in the State of New Jersey, a man who understands the philosophy of banking as well as the practical details, writes me that—

If the Federal Reserve System was nonexistent, the facilities and economy which it so admirably affords would justify the organization of a system for the exclusive purpose of clearing and collecting out-of-town checks, but the organization of a proper system for this purpose under present circumstances would be a needless waste of labor and capital and in consequence an unnecessary drain upon the public. This may be regarded as an answer to those who contend that the Federal Reserve System should not undertake the matter of handling out-of-town checks.

The condition of affairs was bettered at a stroke when the Federal Reserve Board undertook to collect out-of-town checks.

Mr. Speaker, there are a multitude of reasons why this check paying and collection charge should be abolished entirely and a fairer and more scientific system substituted, but the subject is technical and, therefore, difficult both to explain and understand, especially in the compass of limited time. But I very earnestly protest against this Senate rider which seeks to legalize, in the worst possible form, a banking practice that the best banking sentiment itself condemns.

The gentleman from Ohio [Mr. SWITZER] asked me awhile ago why the conference report does not omit the Senate amendment altogether, if the practice which it proposes to sanction is so indefensible. The only reason we did not discard the provision was the instruction given by the House. While we felt that the House did not act with full knowledge of the facts, and knew that scores of Members had voted under misapprehension, the conferees did not feel at liberty to "contemptuously" disregard the instructions of the House, as the gentleman from Wyoming [Mr. MONDELL] suggests we have done. In the circumstances the best we could do was to retain the phraseology of the Senate "rider" and apply an antidote, which, we feel confident, will correct its evil effects in large degree if not entirely. The gentleman from Ohio [Mr. SWITZER] also suggested that the modification of the Hardwick amendment proposed by the conference report is intended to prevent any check-collection charges being made by anybody. I frankly stated that I hope and believe the modifications proposed by the conferees will have the result of abolishing all charges beyond actual cost, which, in our view, would be the only "reasonable charge" that could be made. Inasmuch as the Federal reserve act requires Federal reserve banks to accept at par all checks and drafts of member banks, the conferees unanimously agreed that member banks should be prohibited from exacting check-collection charges from the Federal reserve banks, as there should be reciprocal arrangements as well as community of interest. This modification itself will largely tend to draw the fangs of the Senate rider and circumscribe its utter viciousness. For these and other reasons, which I have not the time to present, I urge the House to vote down the motion to recommit the bill with instructions.

Without objection, Mr. Speaker, I shall append to my remarks the circular letter which has been several times alluded to here as an "anonymous" letter, but which, as will readily be seen, has a very definite and a very respectable paternity:

ANYWHERE, SOMEWHERE, OR NOWHERE?

WASHINGTON, D. C., *May 19, 1917.*

A group of gentlemen who happened to meet in Washington and who represent widespread business interests in various lines throughout the country have prepared this statement of reasons why Congress should reject the Hardwick amendment to the Federal reserve law, or any other measure designed to accomplish the same purpose, viz, the purpose of allowing bankers to charge for paying checks drawn by their own depositors upon funds in their keeping. Payment of such checks can not be classed as a service to the party presenting them for payment. It is only the discharge of an obligation which the bank is bound to discharge on demand.

The group included official representatives of the Button Manufacturers Association, National Association of Clothiers, National Association of Credit Men, National Association of Hosiery and Underwear Manufacturers, National Glass Distributors Association, National Hardware Association of the United States, National Retail Dry Goods Association, National Shoe Wholesalers Association, National Wholesale Dry Goods Association, National Wholesale Jewelers Association, St. Louis Chamber of Commerce, and Southern Wholesale Grocers Association.

The committee appointed to prepare and issue the following statement consisted of Messrs. S. W. Campbell, C. B. Carter, W. R. Corwine, Thomas A. Fernley, E. L. Howe, J. H. McLaurin, W. D. Simmons, and W. W. Orr.

The Federal reserve law and its development, under the able administration of the Federal Reserve Board, is gradually making a country merchant's check worth 100 cents on the dollar anywhere.

The creditors of these merchants are entitled to payment by check or some other credit instrument which is worth 100 cents on the dollar somewhere.

These country bankers are asking Congress to pass a law which will make a country merchant's check worth 100 cents on the dollar nowhere.

The Hardwick amendment would make it legal for a bank to charge for paying its own checks in any manner.

THE HARDWICK AMENDMENT—REASONS FOR ITS REJECTION.

In order that we may not give any wrong impression of our attitude toward the banking business or that we are in any way disposed to look at this problem only from a one-sided or selfish point of view, let us say right in the beginning that we appreciate thoroughly the difficult situation in which the small town bankers find themselves at present as the result of recent developments, and share the apprehension that they and their friends feel for their welfare in the future if the present course of development continues and if they persist in their opposition to making changes in their methods and to adjusting themselves to present conditions in order to take advantage of additional and new ways of making money offered by the new law and which may be made to act as an offset to the loss of that part of their former revenues which has come from practices which this Hardwick amendment is designed to sanction and perpetuate, but which, for the following reasons, we believe should no longer be authorized or permitted:

Let us say also in that same connection that we share thoroughly the conviction that bankers should have adequate compensation for all services which they render to their patrons and that their compensation should cover not only any direct outlay involved in rendering that service, but should cover also indirect or overhead costs—and a profit besides. However, that compensation should be charged to and paid by the patron of the bank to whom the service is rendered, and no banker should be permitted—much less authorized—to conspire with his patron to put the burden of this expense upon a third party who has no voice in the arrangement. That would be *taxation without representation*, and, if we remember correctly, there was a popular prejudice against that principle in this country at one time—a prejudice against even the established government's taxing those under its jurisdiction without their consent. Certainly we of this generation have a right to object to our Government's conferring upon any very small percentage of the citizens of this country the right to put a tax—direct or indirect—upon the remainder.

As this is practically a Nation engaged in commerce, any plan which authorizes one small group of men to put a tax upon the commerce of the country, practically authorizes them to tax for their own benefit and profit the remaining large percentage of the people.

We appreciate the fact that the universal establishment of the par collection system in this country would put a considerable part of these small bankers in an embarrassing position, but since that is the direct result of their own action, and since they have gotten themselves into this position by juggling with facts and by attempting to get away from sound principles and fundamental laws, there does not seem to us to be any justification in allowing them to continue to abuse the rest of the business community for the purpose of their relief.

That they are responsible for the present situation is due to the fact that, beginning shortly after the close of our Civil War, but beginning more generally about 25 years ago, these bankers offered, as an inducement to persuade local merchants to carry accounts with them, to so handle their checks as to relieve them of having to pay exchange in remitting for their merchandise accounts to the various points at which they were due and payable. They evidently had two objects in mind in making this offer: (1) An increase of their deposits and the holding of all these funds all during the time checks in payment should be in circuit back to their point of origin, and (2) revenue which came to them through the deposit by these country merchants of exchange which they received direct, or from their farmer customers to whom it is paid by buyers of produce, cattle, etc., the payments usually being made in checks or drafts on New York City.

These checks and drafts the country banker accepted for collection, making a charge for that service and incidentally getting the exchange free as well.

Soon after that, however, he developed the idea that, in addition to getting this New York exchange for nothing and charging his depositor for the privilege of giving it to him, he might then draw on the credit thus established to meet his own demand obligations (his depositors' checks), and by doing so retain the further use of the money during the circuit of this second credit instrument. Then, still later he evolved the plan of making a charge for paying this demand obligation in that way, calling it in some instances a collection charge; in other instances he called it exchange.

The question naturally arises, How did he succeed in putting that over and why was he permitted to do so? That was simply because he took advantage of his position and the dependence of the country merchant upon him to influence the country merchant to adopt this course, using the argument (1) that it would relieve the merchant of paying exchange and following that up with the still more pungent and effective argument that as the country merchant expected his bank to do him a favor occasionally, he would, in turn, be expected to cooperate with the banker by making his remittances in this way. It was the price of accommodation from the banker when the merchant might have occasion to need it.

Then when the country merchant received a letter from his creditor objecting to this method of payment as not adequately covering his obligation and took it, as he usually did, to his banker to ask how to answer it, the banker coached him to stand pat and reply that if his own checks were not accepted in payment of his account, he would close the account and buy his goods somewhere else—the banker's argument to the merchant being that no firm would be fool enough to throw away a good account for a 15-cent charge and that would be all that would be involved in any one instance under discussion.

Of course, as one manufacturer or jobber after another yielded to these tactics rather than lose their accounts, the banks began to coach each other with a view to making the proposition as general as possible, because the more general they made it, the more chance they had of holding on to the position permanently since there was practically no way for the victims to get together and fight them. This, in the light of a recent statement made in the official organ of the American Bankers Association, should be kept constantly in mind as evidence that these banks have themselves never seriously contended that they were entitled to collect this charge for paying their checks or that it was right, or good business, or sound banking. They have contended for its maintenance on the principle that *might makes right*. Their arguments are very like those which the German Government has recently tendered to us in their answers to our insistence upon our rights to traverse the high seas. The German Government told us that if we did not stay away from those portions of the high seas which they proscribed, we would be responsible for the results; and if we got hurt, it would be our own fault. In like manner the American bankers, through their official organ, say:

"The seller of goods has a right to demand payment from the buyer in actual cash or exchange, that is worth 100 cents on the dollar at the point of sale, but if that merchant surrenders that right and accepts a check on the local bank in the home town of the buyer, it takes with that check the burden of its liquidation."

The similarity between this and the German sophistry speaks for itself. It is particularly interesting in view of the words which follow the above quotation from the report of the "Committee of Twenty-Five" of the American Bankers Association, which has been most industrious in lobbying this measure through Congress, viz—

"No law, rule, or regulation should permit this burden to be shouldered on to a third party, either the city or country bank. The buyer and seller are the beneficiaries and one or the other should bear the expense * * *. The letter of the Federal Reserve Board overlooks the principles involved, that is, that the purchase and sale of exchange is a legitimate function of banking."

The idea that the Federal Reserve Board does not recognize the principles involved, is interesting but not nearly so much so to us as the recognition of the principle that a "burden" of that kind should not be shouldered on to a third party, as that is exactly what this "Committee of Twenty-Five" bankers have asked Congress to authorize them to do. It should therefore only be necessary to show that to be the case, to bring about the voluntary withdrawal of the measure by those who have been, for several months, working so constantly for its adoption.

It is not that the Federal Reserve Board has failed to see the proposition in its true light; it is the "Committee of Twenty-Five" (bankers) who have failed to see that in an effort to present a plausible reason for being permitted to do a most unwarranted thing, they have overlooked the fact that the sale of merchandise is not the transaction to which this law would apply. The transaction to be effected by this law is one of those which, as they state, "is a legitimate function of banking," viz, the purchase and sale of exchange. This is evidenced by the fact that the law which they ask Congress to pass would apply without respect to the occasion for the payment in question or whether there had been anything bought or sold. The contractual relations of the buyer and seller of exchange are alone affected by this provision; and the proposition that "no law, rule, or regulation should permit or require that the burden be shouldered on to a third party," applies thoroughly.

The patron of the banker in question has occasion to make a payment in a distant point. The reason for having to make it is not a factor. Whatever arrangement is made between him and his banker with reference to the credit instrument which is used to make the payment, it does not involve the payee of that instrument, nor can the compensation for the service rendered be shouldered on to this third party—the payee.

That, however, is what is proposed by this amendment and what they rightfully, although unwittingly, show that "no law or rule should permit."

Now, instead of contending on the basis of principle or right or equity for the continuance of this practice, they fall back universally as a final argument upon the fact that so large a percentage of their revenues has come from this source that to stop them now would be a serious handicap and inroad into their earnings and they therefore ask the United States Congress not only not to disturb them in this practice if they are able to continue it on the principle that might makes right; but as soon as the business interests of the country—by a proper, consistent, and logical law—provided for the gradual adjustment of the practice and conformity to sound principles, these bankers come then to the United States Congress and ask the passage of a law to enable them to retain the right to put this tax burden upon all third parties. They have gone still further in demanding the right to place this charge burden on a third party even when no exchange is asked for or furnished, and hence no basis for a claim that any service has been rendered to anybody.

Why do these bankers insist upon putting it unjustly upon a third party? Simply because they have taught their depositors that they need never pay exchange and have no faith in their ability to recover from that position.

As the result of a most active lobby, they introduce a measure which is designed to give them a special privilege of a most absolute character, designed also to relieve them of some of the most fundamental obligations of a banker to his patrons and to the public. The amendment is carefully and painstakingly worded to relieve the banker from his responsibility for meeting his demand obligations at 100 cents on the dollar and to permit him in practice to keep for himself a small part of every dollar deposited with him by sanctioning his refusal to pay in full any proper demand therefor.

We recognize that it will be very profitable to the bankers of this country to be permitted to do this instead of being responsible for and required to pay out 100 cents for every dollar deposited with them on demand; but it is certainly not commercial banking as that has been known up to this time and it seems to us a most astounding proposition to ask the Congress of the United States to put its sanction upon any such procedure.

When a bank issues its notes in the form of currency, it expects all other banks throughout the length and breadth of the land to accept these (its demand obligations) at 100 cents on the dollar, but this same banker desires Congress to relieve him from the responsibility of accepting his own demand obligations on the same terms.

This whole proposition is therefore not only unsound and unmoral in that it is designed to permit a banker to discharge his obligations by paying less than the amount of them, but in addition to that, it is thoroughly uneconomical in the way it will work out in actual practice. Under this system, a country merchant, in order to pay his account, will mail, let us say from Selma, Ala., to his jobber in Chicago, a check on his local bank, for the exact amount of his debt. That check will go around the circuit from the Federal reserve bank in Chicago, then to the Federal reserve bank in Atlanta, and then to the banker in Selma on whom it is drawn, and when it gets to its destination, it is, according to this plan, nothing more than an order for that banker to send out in exchange for it another check for a less amount to pay the same debt.

This second check then starts on its round, all during which time the banker in question still has the use of the funds, which in reality should have been in the hands of the creditor of the country merchant.

This first circuit, therefore, of the country merchant's own check is a perfectly useless procedure, requiring a lot of handling and consequently unnecessary expense, amounting to a great many millions of dollars of needless burden upon the commerce of the country, for which

it gets absolutely nothing in return, and which would be entirely obviated by having the merchant do what, as stated in the American Bankers Association's official organ, he should do and what his creditor has a right to demand of him; viz, send, in the first place, a check which *will* pay the amount.

Just as the Federal Reserve Board is perfecting a thoroughly well developed system, which would eliminate all of this burden of useless expense, which has been gradually saddled upon the domestic commerce of the country by these bankers, and just as that board is establishing a system which these bankers acknowledge we are justly entitled to, the Congress of the United States proposes to enact a law designed to establish, permanently, the right of bankers to impose this injustice upon the remainder of the citizenship.

This is not a war measure; it is not claimed to be a war measure, but it is proposed to impose it at a time when the business of the country is being asked to shoulder the heaviest burden of taxation it has ever faced, a time when the thoroughly enthusiastic cooperation of the business interests and the ready acceptance of their unusual burdens are of particular importance. Certainly this is not a happily chosen time to add to those burdens by extending to a privileged few the right of taxation and the right to put it upon those with whom they have no business relations, giving those taxed no voice in the matter nor any alternative. Could there be anything more out of harmony with the spirit and attitude which the people of this country are asked to show toward Congress and the administration?

Mr. PHELAN. Mr. Speaker, I ask unanimous consent that the time of the gentleman be extended 10 minutes.

Mr. HARRISON of Mississippi. I object.

Mr. GLASS. Mr. Speaker, I yielded to the other side 10 minutes.

The SPEAKER. The gentleman from Massachusetts [Mr. PHELAN] asks unanimous consent that the gentleman from Virginia have 10 minutes more. Is there objection?

Mr. HARRISON of Mississippi. I object.

The SPEAKER. The gentleman from Mississippi objects, and the Clerk will report the motion to recommit presented by the gentleman from Pennsylvania [Mr. MCFADDEN].

By unanimous consent the following Members were given leave to extend their remarks in the RECORD:

Mr. GLASS, Mr. PHELAN, Mr. RUBEY, Mr. WINGO, Mr. MCFADDEN, and Mr. LANGLEY.

Mr. MCFADDEN. Mr. Speaker, I desire to offer my motion to recommit, and upon that I move the previous question.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MCFADDEN moves to recommit the conference report to the committee of conference with instructions to the managers on the part of the House to agree in conference to that part of section 4 of the Senate amendment to H. R. 3673, which reads as follows:

"*Provided*, Such nonmember bank or trust company maintains with the Federal reserve bank of its district a balance sufficient to offset the items in transit held for its account by the Federal reserve bank: *Provided further*, That nothing in this or any other section of this act shall be construed as prohibiting a member or nonmember bank from making reasonable charges, in no case to exceed 10 cents per $100 or fraction thereof, based on the total of checks and drafts presented at any one time, for collection or payment of checks and drafts and remission therefor by exchange or otherwise."

The SPEAKER. And on that the gentleman from Pennsylvania demands the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER. The question now is on the motion to recommit.

Mr. WINGO. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WINGO. If this motion is voted down, will it be in order to offer another motion to recommit?

The SPEAKER. It will not.

Mr. GLASS. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. GLASS. If this motion now being voted on is voted down, then the vote comes on agreeing to the conference report?

The SPEAKER. Yes.

Mr. GLASS. And those who are in favor of the conference report will vote against the motion to recommit?

The SPEAKER. That is hardly a parliamentary inquiry, but it seems to the Chair that that would be the logical thing to do. [Laughter.] The question is on the motion to recommit.

The question was being taken, when Mr. MCFADDEN and Mr. HARRISON of Mississippi demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 159, nays 170, answered "present" 7, not voting 94, as follows:

YEAS—159.

Almon	Bowers	Church	Dominick
Anderson	Browne	Clark, Pa.	Doughton
Ashbrook	Buchanan	Claypool	Dowell
Aswell	Burnett	Collier	Dunn
Austin	Butler	Crisp	Dupré
Bacharach	Campbell, Kans.	Currie, Mich.	Ellsworth
Bankhead	Candler, Miss.	Dale, Vt.	Esch
Black	Cannon	Davidson	Farr
Bland	Cantrill	Davis	Fess
Blanton	Caraway	Dillon	Fisher
Flood	Kehoe	Pou	Stephens, Miss.
Focht	Kiess, Pa.	Pratt	Strong
Frear	King	Quin	Sweet
French	Kinkaid	Ragsdale	Switzer
Gandy	Knutson	Raker	Taylor, Ark.
Garrett, Tenn.	Langley	Ramseyer	Temple
Godwin, N. C.	Larsen	Rayburn	Tillman
Goodwin, Ark.	Lazaro	Reavis	Timberlake
Gould	Lee, Ga.	Robbins	Towner
Graham, Ill.	Lenroot	Roberts	Venable
Gray, Ala.	Little	Robinson	Vinson
Green, Iowa	McFadden	Rose	Voigt
Greene, Vt.	McKenzie	Rouse	Volstead
Gregg	McKeown	Sanders, La.	Waldow
Hadley	McLaughlin, Mich.	Sanders, N. Y.	Walker
Hamilton, Mich.	McLemore	Saunders, Va.	Walton
Harrison, Miss.	Mansfield	Scott, Iowa	Watkins
Haugen	Mason	Scott, Mich.	Watson, Pa.
Hayden	Miller, Wash.	Sears	Watson, Va.
Heaton	Mondell	Sinnott	Weaver
Heflin	Morgan	Sisson	White, Ohio
Hersey	Mott	Slayden	Williams
Hilliard	Mudd	Slemp	Wilson, Ill.
Hood	Nicholls, S. C.	Small	Wilson, La.
Humphreys	Norton	Smith, Mich.	Wingo
Jacoway	Oldfield	Snell.	Wise
Johnson, Ky.	Oliver, Ala.	Snook	Woods, Iowa
Johnson, S. Dak.	Overmyer	Steagall	Woodyard
Jones, Tex.	Overstreet	Stedman	Young, Tex.
Kearns	Parker, N. Y.	Steenerson	

NAYS—170.

Adamson	Doremus	Kelly, Pa.	Randall
Alexander	Eagle	Kettner	Rankin
Ayres	Edmonds	Kincheloe	Rodenberg
Bacon	Emerson	Kraus	Romjue
Barkley	Fairchild, B. L.	La Follette	Rowe
Barnhart	Fairfield	LaGuardia	Rubey
Bathrick	Ferris	Lea, Cal.	Rucker
Blackmon	Foster	Lehlbach	Russell
Booher	Francis	Lesher	Sabath
Borland	Freeman	Lever	Sanders, Ind.
Britten	Fuller, Mass.	Linthicum	Sanford
Brodbeck	Gallagher	Lobeck	Schall
Browning	Garland	London	Scott, Pa.
Bruckner	Garrett, Tex.	Lonergan	Shackleford
Brumbaugh	Gillett	Longworth	Sherwood
Burroughs	Glass	Lundeen	Shouse
Byrnes, S. C.	Glynn	McAndrews	Siegel
Byrns, Tenn.	Good	McClintic	Sims
Campbell, Pa.	Goodall	McCulloch	Smith, Idaho
Carew	Gordon	McLaughlin, Pa.	Smith, T. F.
Carter, Mass.	Graham, Pa.	Madden	Stafford
Carter, Okla.	Gray, N. J.	Magee	Steele
Cary	Greene, Mass.	Mapes	Sterling, Pa.
Chandler, N. Y.	Griest	Meeker	Sumners
Chandler, Okla.	Hamlin	Miller, Minn.	Swift
Classon	Hardy	Montague	Tague
Coady	Hastings	Moon	Taylor, Colo.
Connally, Tex.	Hawley	Moore, Pa.	Thomas
Connelly, Kans.	Heintz	Moores, Ind.	Thompson
Cooper, Wis.	Helm	Nelson	Tinkham
Costello	Helvering	Nolan	Treadway
Cox	Hensley	Oliver, N. Y.	Van Dyke
Cramton	Hicks	Osborne	Vare
Curry, Cal.	Holland	Padgett	Vestal
Dallinger	Houston	Park	Walsh
Darrow	Howard	Parker, N. J.	Welty
Decker	Huddleston	Phelan	Whaley
Dempsey	Hulbert	Platt	Wheeler
Denison	Husted	Polk	White, Me.
Dewalt	Hutchinson	Porter	Wilson, Tex.
Dies	Igoe	Purnell	Young, N. Dak.
Dooling	James	Rainey	
Doolittle	Juul	Ramsey	

ANSWERED "PRESENT"—7.

Caldwell	Cooper, Ohio	Elston	McArthur
Carlin	Cooper, W. Va	Fuller, Ill.	

NOT VOTING—94.

Anthony	Fordney	Kitchin	Scully
Bell	Foss	Kreider	Sells
Brand	Gallivan	Littlepage	Shallenberger
Capstick	Gard	Lunn	Sherley
Clark, Fla.	Garner	McCormick	Sloan
Copley	Griffin	McKinley	Smith, C. B.
Crago	Hamill	Maher	Snyder
Crosser	Hamilton, N. Y.	Mann	Stephens, Nebr.
Dale, N. Y.	Harrison, Va.	Martin, Ill.	Sterling, Ill.
Dent	Haskell	Martin, La.	Stevenson
Denton	Hayes	Mays	Stiness
Dickinson	Hill	Morin	Sullivan
Dill	Hollingsworth	Neely	Talbott
Dixon	Hull, Iowa	Nichols, Mich.	Templeton
Drane	Hull, Tenn.	Olney	Tilson
Drukker	Ireland	O'Shaunessy	Ward
Dyer	Johnson, Wash.	Paige	Wason
Eagan	Jones, Va.	Peters	Webb
Estopinal	Kahn	Powers	Welling
Evans	Keating	Price	Winslow
Fairchild, G. W.	Kelley, Mich	Reed	Wood, Ind.
Fields	Kennedy, Iowa	Riordan	Zihlman
Fitzgerald	Kennedy, R. I.	Rogers	
Flynn	Key, Ohio	Rowland	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On the vote:

Mr. GEORGE W. FAIRCHILD (for motion to recommit) with Mr. ROGERS (against).

Mr. COOPER of Ohio (for motion to recommit) with Mr. DENTON (against).

Mr. ROWLAND (for motion to recommit) with Mr. KREIDER (against).
Mr. WEBB (for motion to recommit) with Mr. CALDWELL (against).
Mr. HARRISON of Virginia (for motion to recommit) with Mr. OLNEY (against).
Mr. MCKINLEY (for motion to recommit) with Mr. WINSLOW (against).
Mr. TEMPLETON (for motion to recommit) with Mr. MORIN (against).
Mr. STEVENSON (for motion to recommit) with Mr. CARLIN (against).
Mr. SHALLENBERGER (for motion to recommit) with Mr. EAGAN (against).
Mr. DENT (for motion to recommit) with Mr. PETERS (against).
Mr. WARD (for motion to recommit) with Mr. PAIGE (against).
Mr. MARTIN of Louisiana (for motion to recommit) with Mr. ELSTON (against).
Until further notice:
Mr. STEPHENS of Nebraska with Mr. SLOAN.
Mr. CLARK of Florida with Mr. FULLER of Illinois.
Mr. TALBOTT with Mr. STINESS.
Mr. DALE of New York with Mr. HASKELL.
Mr. FLYNN with Mr. POWERS.
Mr. GALLIVAN with Mr. IRELAND.
Mr. MAHER with Mr. KENNEDY of Iowa.
Mr. DIXON with Mr. DRUKKER.
Mr. FITZGERALD with Mr. FOSS.
Mr. CANTRILL with Mr. FORDNEY.
Mr. FIELDS with Mr. DYER.
Mr. RIORDAN with Mr. MCARTHUR.
Mr. BELL with Mr. HAMILTON of New York.
Mr. HULL of Tennessee with Mr. HILL of Connecticut.
Mr. LUNN with Mr. STERLING of Illinois.
Mr. LITTLEPAGE with Mr. COOPER of West Virginia.
Mr. BRAND with Mr. ANTHONY.
Mr. DICKINSON with Mr. CAPSTICK.
Mr. CROSSER with Mr. KELLEY of Michigan.
Mr. GARNER with Mr. KAHN.
Mr. WELLING with Mr. KENNEDY of Rhode Island.
Mr. O'SHAUNESSY with Mr. SNYDER.
Mr. JONES with Mr. REED.
Mr. SULLIVAN with Mr. WOOD of Indiana.
Mr. SHERLEY with Mr. TILSON.
Mr. ESTOPINAL with Mr. HAYES.
Mr. GARD with Mr. COPLEY.
Mr. DRANE with Mr. HOLLINGSWORTH.
Mr. SCULLY with Mr. ZIHLMAN.
Mr. PRICE with Mr. WASON.
Mr. NEELY with Mr. TEMPLETON.
Mr. KEY of Ohio with Mr. NICHOLS of Michigan.
Mr. MAYS with Mr. SELLS.
Mr. GRIFFIN with Mr. HULL of Iowa.
Mr. EVANS with Mr. CRAGO.
Mr. MARTIN of Illinois with Mr. MCCORMICK.
Mr. DILL with Mr. JOHNSON of Washington (commencing Monday and ending Saturday).
Mr. KITCHIN with Mr. MANN (commencing Monday and ending this week).

Mr. ELSTON. Mr. Speaker, I voted "nay," but I find that I am paired with the gentleman from Louisiana, Mr. MARTIN, and I desire to withdraw my vote and answer "present."

The name of Mr. ELSTON was called, and he answered "Present."

Mr. CALDWELL. Mr. Speaker, I voted "nay." I find that I am paired, and I wish to be recorded "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question now is on agreeing to the conference report.

Mr. WINGO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 188, nays 130, answered "present" 8, not voting 104, as follows:

YEAS—188.

Alexander	Booher	Campbell, Pa.	Coady
Ashbrook	Borland	Cantrill	Connally, Tex.
Austin	Britten	Caraway	Connelly, Kans.
Ayres	Brodbeck	Carew	Cooper, Wis.
Barkley	Browning	Carter, Mass.	Costello
Barnhart	Bruckner	Carter, Okla.	Cox
Bathrick	Brumbaugh	Cary	Curry, Cal.
Black	Buchanan	Chandler, N. Y.	Dallinger
Blackmon	Burroughs	Chandler, Okla.	Darrow
Bland	Byrnes, S. C.	Clark, Pa.	Decker
Blanton	Byrns, Tenn.	Classon	Dempsey
Dewalt	Heintz	Magee	Sanford
Dies	Helm	Mansfield	Saunders, Va.
Dooling	Helvering	Mapes	Schall
Doolittle	Hensley	Mason	Scott, Pa.
Doremus	Hicks	Meeker	Sears
Drane	Holland	Miller, Minn.	Shackleford
Eagle	Houston	Montague	Sherwood
Edmonds	Howard	Moon	Shouse
Emerson	Huddleston	Moore, Pa.	Siegel
Evans	Hulbert	Moores, Ind.	Sims
Fairchild, B. L.	Humphreys	Morgan	Smith, Idaho
Fairfield	Husted	Nichols, Mich.	Smith, T. F.
Farr	Hutchinson	Nolan	Stafford
Ferris	Igoe	Oldfield	Steele
Fisher	James	Oliver, N. Y.	Sterling, Pa.
Flood	Jones, Tex.	Osborne	Sumners
Foster	Juul	Padgett	Tague
Francis	Kettner	Park	Taylor, Colo.
Freeman	Kiess, Pa.	Parker, N. J.	Thomas
Fuller, Mass.	Kincheloe	Phelan	Thompson
Gallagher	Kraus	Platt	Tinkham
Garland	LaGuardia	Polk	Treadway
Garrett, Tex.	Lea, Cal.	Pou	Van Dyke
Gillett	Lehlbach	Purnell	Vare
Glass	Lesher	Rainey	Vestal
Glynn	Lever	Ramsey	Waldow
Good	Linthicum	Randall	Walsh
Goodall	Lobeck	Rodenberg	Watson, Va.
Gordon	London	Romjue	Welty
Graham, Pa.	Lonergan	Rouse	Whaley
Gray, N. J	Longworth	Rowe	Wheeler
Greene, Mass.	Lundeen	Rubey	White, Me.
Hamlin	McAndrews	Rucker	Wilson, Tex.
Hardy	McCulloch	Russell	Wood, Ind.
Hastings	McLaughlin, Pa.	Sabath	Woodyard
Hawley	Madden	Sanders, Ind.	Young, Tex.

NAYS—130.

Almon	Frear	McFadden	Smith, Mich.
Anderson	French	McKenzie	Snell
Aswell	Gandy	McKeown	Snook
Bacharach	Garrett, Tenn.	McLaughlin, Mich.	Steagall
Bacon	Godwin, N. C.	McLemore	Stedman
Bankhead	Goodwin, Ark.	Miller, Wash.	Steenerson
Bowers	Gould	Mondell	Stephens, Miss.
Browne	Graham, Ill.	Mudd	Strong
Burnett	Gray, Ala.	Nelson	Sweet
Butler	Green, Iowa	Nicholls, S. C.	Switzer
Campbell, Kans.	Greene Vt.	Norton	Taylor, Ark.
Candler, Miss.	Gregg	Overstreet	Temple
Cannon	Hadley	Parker, N. Y.	Tillman
Church	Hamilton, Mich.	Pratt	Timberlake
Claypool	Harrison, Miss.	Quin	Towner
Collier	Haugen	Ragsdale	Vinson
Cramton	Hayden	Raker	Voigt
Crisp	Heaton	Ramseyer	Volstead
Currie, Mich.	Heflin	Rankin	Walker
Dale, Vt.	Hersey	Rayburn	Walton
Davidson	Hilliard	Reavis	Watkins
Davis	Hood	Robbins	Watson, Pa.
Denison	Jacoway	Roberts	Weaver
Dillon	Johnson, Ky.	Robinson	White, Ohio
Dixon	Johnson, S. Dak.	Rose	Williams
Doughton	Kearns	Sanders, La.	Wilson, Ill.
Dowell	King	Sanders, N. Y.	Wilson, La.
Dupré	Knutson	Scott, Iowa	Wingo
Ellsworth	La Follette	Scott, Mich.	Wise
Esch	Langley	Sinnott	Woods, Iowa
Fairchild, G. W.	Larsen	Sisson	Young, N. Dak.
Fess	Lee, Ga.	Slayden	
Focht	Lenroot	Small	

ANSWERED "PRESENT"—8.

Caldwell	Cooper, W. Va.	Fuller, Ill.	McArthur
Cooper, Ohio	Elston	Hull, Tenn.	Venable

NOT VOTING—104.

Adamson	Gallivan	Kreider	Riordan
Anthony	Gard	Lazaro	Rogers
Bell	Garner	Little	Rowland
Brand	Griest	Littlepage	Scully
Capstick	Griffin	Lunn	Sells
Carlin	Hamill	McClintic	Shallenberger
Clark, Fla.	Hamilton, N. Y.	McCormick	Sherley
Copley	Harrison, Va.	McKinley	Slemp
Crago	Haskell	Maher	Sloan
Crosser	Hayes	Mann	Smith, C. B.
Dale, N. Y.	Hill	Martin, Ill.	Snyder
Dent	Hollingsworth	Martin, La.	Stephens, Nebr.
Denton	Hull, Iowa	Mays	Sterling, Ill.
Dickinson	Ireland	Morin	Stevenson
Dill	Johnson, Wash.	Mott	Stiness
Dominick	Jones, Va.	Neely	Sullivan
Drukker	Kahn	Oliver, Ala.	Swift
Dunn	Keating	Olney	Talbott
Dyer	Kehoe	O'Shaunessy	Templeton
Eagan	Kelley, Mich.	Overmyer	Tilson
Estopinal	Kelly, Pa.	Paige	Ward
Fields	Kennedy, Iowa	Peters	Wason
Fitzgerald	Kennedy, R. I.	Porter	Webb
Flynn	Key, Ohio	Powers	Welling
Fordney	Kinkaid	Price	Winslow
Foss	Kitchin	Reed	Zihlman

So the conference report was agreed to.
The Clerk announced the following pairs:
On this vote:
Mr. DENTON (for) with Mr. COOPER of Ohio (against).
Mr. CALDWELL (for) with Mr. WEBB (against).
Mr. OLNEY (for) with Mr. HARRISON of Virginia (against).
Mr. WINSLOW (for) with Mr. MCKINLEY (against).

Mr. MORIN (for) with Mr. TEMPLETON (against).
Mr. PETERS (for) with Mr. DENT (against).
Mr. CARLIN (for) with Mr. STEVENSON (against).
Mr. EAGAN (for) with Mr. SHALLENBERGER (against).
Mr. PAIGE (for) with Mr. WARD (against).
Mr. ELSTON (for) with Mr. MARTIN of Louisiana (against).
Mr. KREIDER (for) with Mr. ROWLAND (against).
Until further notice:
Mr. ADAMSON with Mr. DUNN.
Mr. KEY of Ohio with Mr. CRAGO.
Mr. DICKINSON with Mr. SWIFT.
Mr. LAZARO with Mr. FORDNEY.
Mr. KEATING with Mr. ROGERS.
Mr. HAMILL with Mr. SLEMP.
Mr. KEHOE with Mr. MOTT.
Mr. OLIVER of Alabama with Mr. GRIEST.
Mr. CHARLES B. SMITH with Mr. HOLLINGSWORTH.
Mr. KELLEY of Pennsylvania with Mr. KINKAID.
Mr. MCCLINTIC with Mr. PORTER.
Mr. OVERMYER with Mr. LITTLE.

Mr. ELSTON. Mr. Speaker, I voted "aye." I am paired with the gentleman from Louisiana, Mr. MARTIN, and I wish to withdraw my vote and answer "present."

The name of Mr. ELSTON was called, and he answered "Present."

Mr. OLIVER of Alabama. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the Hall listening when his name was called?

Mr. OLIVER of Alabama. No.

The SPEAKER. The gentleman does not bring himself within the rule.

The result of the vote was announced as above recorded.

On motion of Mr. GLASS, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

EXTENSION OF REMARKS.

Mr. CANNON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. PARKER of New Jersey. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from New Jersey [Mr. PARKER], the gentleman from Wyoming [Mr. MONDELL], the gentleman from Ohio [Mr. FESS], the gentleman from New York [Mr. PLATT], the gentleman from New York [Mr. LAGUARDIA], the gentleman from Massachusetts [Mr. CARTER], and the gentleman from Kansas [Mr. SHOUSE] ask unanimous consent to extend their remarks in the RECORD.

Mr. GLASS. Mr. Speaker, I ask unanimous consent that there may be a general extension of remarks on this bill for five calendar days.

The SPEAKER. The gentleman from Virginia asks unanimous consent that gentlemen have leave to extend their remarks for five calendar days. Is there objection? [After a pause.] The Chair hears none.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. GRAY of New Jersey was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of H. R. 4057, Sixty-fifth Congress, no adverse report having been made thereon.

THE FLAG OF THE UNITED STATES.

The SPEAKER. Under a special order of the House the gentleman from New York [Mr. HICKS] is permitted to address the House not to exceed one hour. [Applause.]

Mr. HICKS. Mr. Speaker and gentlemen of the House, on this, the one hundred and fortieth anniversary of the ordination of the Stars and Stripes by the Continental Congress, I have thought it fitting and proper to make reference to its wondrous history. The flag held in reverence by 100,000,000 of our people is a modern standard. There are no myths or legends associated with its origin; it tells no story of crushed liberties or violated rights; it sprang neither from the sorrows of the oppressed nor the moans of the conquered. In its majestic beauty it expresses the independence of a thoughtful, courageous, conscientious people; the faith, the lofty aspirations, and the high ideals of representative democracy; the advance of a new Nation dedicated to liberty, to law, to justice, and to the cause of human rights. [Applause.]

The flag of America does more than proclaim mere power or declare a great and glorious history. Its folds wave a benediction to the yesterdays and beckon the to-morrows with hope and confidence; it heralds the noble purposes of a great people; it carries a message of hope and inspiration to all mankind. [Applause.] Its glowing splendor appeals to us to demand international justice and arbitration; it commands us to self-sacrifice and universal obligation of service which alone can maintain equality of rights and fullness of opportunity in our Republic. Its stars and its stripes voice the spirit of America calling to a Nation of indomitable courage and infinite possibilities to live the tenets of Christianity, to teach the gospel of work and usefulness, to advance education, to demand purity of thought and action in public life, and to protect the liberties of free government from the aggressions of despotic power. That is the call of the flag of the Union in the hour of crisis and turmoil, when civilization and the laws of nations and of humanity are being engulfed in the maelstrom of death and destruction. In the words of Robert G. Ingersoll—

> The flag for which the heroes fought, for which they died, is the symbol of equal rights. It means universal education—light for every mind, knowledge for every child. It means that it is the duty of every citizen to bear his share of the public burden. It means that all distinctions based on birth or blood have perished from our laws; that our Government shall stand between capital and labor, between the weak and the strong, between the individual and the corporation, between want and wealth, and give the guaranty of simple justice to each and all. That flag is the emblem of a supreme will of a Nation's power. Beneath its folds the weakest must be protected and the strongest must obey. It shields and canopies alike the loftiest mansion and the rudest hut. That flag was given to the air in the Revolution's darkest days. It represents the sufferings of the past, the glories yet to be, and, like the bow of heaven, it is the child of storm and sun.

While no authentic history prevails relating to the banners and standards used by the people of remote antiquity, it is probable that as soon as men began to form themselves into tribes and clans or unite for a common purpose some symbol was used to express the common sentiment. Among many of the ancient ruins representations of the objects used as ensigns have been discovered. Both sacred and profane history record the use of standards or banners by the armies of all nations in the distant past. From the carvings and paintings on the monuments of Egypt it is evident that the use of standards and flags was common in the Valley of the Nile thousands of years before the Christian era. It was the custom among the Egyptians for each battalion to carry a distinguishing emblem representing some sacred object or a tablet bearing a name or other device. Excavations among the ruins of the Assyrian civilization prove that these ancient peoples were also accustomed to the use of standards. The ancient Hebrews had standards for the various tribes, and the Old Testament recites that—

> The children of Israel shall pitch their tents, every man by his own camp and every man by his own standard.

The Persians at the time of Cyrus used as their standard a white flag on which was displayed a golden eagle. The Romans had many standards, and they were regarded with the greatest reverence by the people, who guarded these emblems of their sovereignty with religious veneration in the temples of the Eternal City. In primitive times each company of the army bore a pole with a bundle of hay attached. Later the figure of a horse, a bear, or a wolf or other animal was substituted. In the time of Marius a silver eagle, with spreading wings and claws grasping the thunderbolts of Jove, was the emblem of the Roman Republic. This device, so common in various forms in countries of modern Europe, was taken from the Etruscans, who were the first to adopt it as the symbol of royal power. The Roman standards changed with their conquests and each emperor displayed new emblems. Augustus adopted a globe to symbolize his rule over the world, and Constantine the cross to commemorate his vision.

The cities of Greece also used standards in their military campaign carrying on their staffs various devices and emblems. Sometimes it was a piece of armor attached to a spear, or an initial letter, or an emblem of the gods. According to Homer, Agamemnon raised a purple veil to rally his soldiers. During the Middle Ages, and especially in the crusades, banners and emblems of every description roused the mail-clad warriors in defense of the cross against the crescent. From ancient times the dragon has been a favorite emblem for standards, especially among eastern nations. It was the device on the banner of Harold at the Battle of Hastings, and was used by other English monarchs.

Ancient flags were of various shapes, some long and pointed, some square, and others ending in two or more points. The banner which the Pope sent Charlemagne was oblong with three points. The standards of Henry VIII of England were long streamers rather than flags as we know them. Time does not permit the description of all these emblems, and they have no bearing upon the flag that floats over us to-day except as an incident, showing that through all the ages and races of hu-

manity some flag has been an emblem to inspire men's hearts with confidence and hope and reverence.

The flags used by the American Colonies prior to the Revolution were naturally those of England, though there were some exceptions, for while the colonists considered themselves Englishmen the ties between them and the mother country did not prevent them from showing their independence.

The ancient standard of England, the cross of St. George, a white flag with a rectangular red cross extending its entire length and breadth, was the emblem usually carried by the English soldiery as early as the fourteenth century, and continued as the national flag until 1606, when James I by proclamation united it with the cross of St. Andrew, a blue flag with a diagonal white cross extending from corner to corner. This flag, intended to represent the union of Scotland and England, was called the "King's colors" or "Union" flag, and was to be displayed from the maintops of all British vessels. In addition, ships were to fly from their foretops flags to designate from which part of the Kingdom they came; those from south Britain—England—carrying the St. George's cross, and those haling from north Britain—Scotland—the cross of St. Andrew. It is presumed that as the *Mayflower* belonged to south Britain the flags under which our Pilgrim fathers sailed on their memorable voyage were the King's colors and the banner of St. George, The same inference can be drawn in reference to the early voyages to the southern colonies.

As the King's colors had been prescribed for ships only, the flag of St. George's cross continued to be used by English subjects on land. On the death of Charles I, in 1649, the union between Scotland and England was dissolved, and in 1651 the St. George's cross was by the Commonwealth Parliament adopted as the national standard of England, while the Union flag again came into use upon the restoration of the monarchy in 1660 under Charles II, it is probable that the St. George's cross flag, with occasional variations was the one displayed in the American Colonies until 1707, when Parliament ratified the union of Scotland and England. Under this act the Union flag of James I, the King's colors, was ordained as the banner for all subjects of the British realm "both at sea and on land." This was the famous "Meteor flag of England," a red ensign with a device of the King's colors in the canton. As Ireland was not incorporated into the British Kingdom until 1801, when the cross of St. Patrick—a red diagonal saltier on a white ground—was conjoined with the other two, the present ensign of Great Britain was never used by the American Colonies.

It may be of interest to note other flags which have flown on American soil in the early days of its discovery and settlement. The first flag to be planted upon our shores, if we exclude reference to the possibility of the Norsemen having reached our continent, was that of Spain, a banner with four quarters, two of which were red, embellished with golden castles, and two white, emblazoned with red lions. This was the standard of Spain during most of the period of her conquests. Columbus also bore a personal flag which had been presented to him by Queen Isabella, consisting of a white ensign with a green cross, having on either side the letters F–Y surmounted by golden crowns. It is stated that Cabot, by reason of his being a Venetian, upon one of his expeditions in addition to the flag of England, whose commission he bore, carried the banner of his native city. This was a scarlet ensign bordered by a broad band of blue, emblazoned by the winged lion of St. Mark holding a cross in his right paw.

The flag of France, which, owing to the splendid assistance rendered by that nation in our struggle for independence, is undoubtedly held in greater esteem by us than any other foreign flag, was at the time Jacques Cartier landed in the New World in 1534 a blue ensign emblazoned with three golden fleur-de-lis. Later a white flag was adopted by the Huguenot party, but it is probable that the Bourbon flag—the fleur-de-lis emblem—floated over the vast territory occupied by the French. Henry Hudson brought the Dutch flag to America when the *Half Moon* sailed into New York Harbor in 1609. It was a flag with three equal horizontal stripes, orange, white, and blue, with the letters "V. O. C. A.," standing for the Dutch name of the East India Co. of Amsterdam, in the middle of the white stripe. In 1621, when the Dutch West India Co. came into control of martime affairs, the letters "V. O. C. A." were replaced by the letters "G. W. C." Between 1630 and 1650 the yellow stripe was changed to red; the design of the present flag and this banner waved over the future metropolis of the world until it was supplanted by the flag of St. George's Cross. The flag of Sweden—a yellow cross on a blue field—also has a place in our history.

In the records of Massachusetts, as early as 1634, mention is made of the use of the flag of St. George's Cross. In 1643 a confederacy known as the United Colonies of New England was formed, but it was not until 1686 that a flag was adopted, being the cross of St. George with the initials "J. R." surmounted by a crown, at the insection of the two bars of the cross. This flag was modified, and in the design most generally used had a red field, with the cross of St. George in the upper corner next the mast. A tree or a globe was usually represented in the upper canton next the staff. This was the famous New England flag. Occasionally the field was blue, and this later design is the flag supposed to have been used at Bunker Hill.

Long before the smouldering embers of revolt blazed into the fires of the Revolution most of the Colonies had adopted a flag of its own. The Massachusetts flag bore a pine tree; South Carolina displayed a rattlesnake; New York had a white flag with a black beaver, symbolical of her industry and the wealth of the fur trade; and Rhode Island a white flag, with a blue anchor and the word "Hope" upon it. The growing discontent of the Colonies was productive of numerous devices for flags and banners, the larger portion inscribed with mottoes more or less defiant of British authority. In 1774, at Taunton, Mass., a "union" flag was raised, bearing the words "Liberty or Death." In New York in 1775 a "union" flag with a red field charged with the inscription "George Rex and the Liberties of America" was displayed. Other devices were employed, the most famous being the pine-tree flag, a white ensign with the motto "An Appeal to Heaven" above a green pine tree, and the rattlesnake flag, a yellow field with the significant words "Don't Tread on Me" beneath a coiled snake.

Many privateers adopted a device consisting of a mailed hand grasping a bundle of 13 arrows. The most famous flag used in the South at the beginning of the Revolution was one designed by Col. Moultrie, of South Carolina. It was a blue ensign with a white crescent in the upper corner near the staff. Usually the word "Liberty" was inscribed upon it. While doubt exists as to whether a standard was carried at Concord and Lexington, it is asserted by some authorities that Capt. Nathaniel Page, a minute man of Bedford, Mass., was flag bearer of his company at Concord, and that his banner had a maroon ground, upon which was emblazoned in silver an armored, outstretched hand, grasping a sword, with the inscription "Vince aut Morire," signifying "Conquer or Die," in a scroll of gold. Three silver disks were also described upon it. It is claimed that this banner was originally designed in England in 1660 for the three county troop of Massachusetts and became the standard of the Bedford company of militia which took part in the battle. [Applause.]

Many writers claim that it is doubtful that the patriots were marshaled under any flag at Bunker Hill. Benson J. Lossing, however, in his History of the Revolution, states that the standard raised on that fateful Saturday was the time-honored New England flag, with its field blue instead of red. In the upper quarter was St. George's cross and in the upper canton the design of a pine tree was shown. Shortly after the Battle of Bunker Hill Gen. Putnam unfurled at Cambridge a flag with a red ground, having on one side the Connecticut motto, "He who transplanted still sustains," and on the reverse side a pine tree with the motto, "An appeal to Heaven."

While the various forerunners of the American flag are inseparably associated with its history, they afford little or no clue to the origin of the Stars and Stripes. It has been conjectured that the idea of the stripes as a symbol of union may have been suggested by the flag of the Netherlands. As early as 1704 the flag used by the Honorable East India Co. of England, strangely enough, consisted of 13 red and white stripes with the cross of St. George in the canton. Another theory is that as the different grades in the ununiformed Continental Army were distinguished by stripes or ribbons, these distinguishing marks suggested the stripes in the flag. It has been frequently asserted, though without tangible evidence, that the stripes as well as the stars on his own coat of arms may have suggested the design to Washington.

The earliest instance of the use of the 13 stripes upon an American flag is found in the banner of the Philadelphia Light Horse Troop. This standard was presented to the company by Abram Markoe in 1775 and is known as the Markoe flag. It was made of yellow silk and both sides were alike. In the center was an armorial design, above which were the letters "L. H." and below the words, "For these we strive." The striking feature of this flag is the representation of 13 stripes, alternate blue and silver, placed in the upper corner next the staff. As Gen. Washington, when en route to take command of the Continental Army at Cambridge in 1775, was escorted from Philadelphia to New York by this troop, he was undoubtedly familiar with the standard it carried, and the significance of the stripes may have suggested the flag raised over his headquarters six months later.

The origin of the first flag distinctly colonial and representing a union of the Colonies is clouded in mystery. In October, 1775,

the Continental Congress, then in session in Philadelphia, sent a committee to Cambridge to confer with Washington on military matters. It has been surmised that this committee suggested the design for a flag, but there are no records to substantiate the assertion. Neither in Washington's correspondence or in the report of the committee to Congress is there any reference to a new flag. Who designed the flag which Washington raised at Cambridge on January 2, 1776, is not known, but here was displayed the stripes emblematic of the union of the Colonies. The standard consisted of 13 red and white stripes, with the "union" or "king's colors" in the canton—the familiar combination of the crosses of St. George and St. Andrew. It was a peculiar flag, half American and half British, for while the Colonies still acknowledged their allegiance to England they were determined that their rights should be respected even at the point of the sword.

It was not until the Declaration of Independence, July 4, 1776, that a complete separation was decided upon, so the Cambridge flag with its 13 stripes represented the union of the Colonies in their protest against unjust taxation, while the union of crosses acknowledged their allegiance to the mother country. This flag was variously designated as the union flag, the grand union flag, and the grand striped flag, but is now referred to as the Cambridge flag, and it seems most probable that the banner officially adopted in 1777 was copied, at least so far as the stripes are concerned, from the flag Washington unfurled the year previous.

While having no bearing on the design of the Stars and Stripes, it may be of interest to note another flag, the Eutaw flag, to which is attached a sentimental story. Col. William Washington, a kinsman of Gen. Washington, in 1780 was ordered to Charleston, S. C., and while there fell in love with a Miss Elliot. Learning one day when the colonel was paying her a visit that his troop was without a flag, Miss Elliot with her scissors cut off a portion of a large damask curtain, which she afterwards fringed and attached to a curtain pole and presented to him for a standard. This flag was carried in the Battle of the Cowpens and at Eutaw Springs and is now the property of the Washington Light Horse Infantry, of Charleston.

Another flag which has a romantic history is Pulaski's banner, now in the possession of the Maryland Historical Society. Count Pulaski, the son of a Polish nobleman, was a soldier of fortune who, at the age of 24, found himself outlawed and his estates confiscated. At the beginning of the Revolution he volunteered in the American Army and in 1778 was commissioned an officer in the cavalry force. Congress authorized him to raise what is known as Pulaski's Legion, and while recruiting his corps the Moravian Single Sisters, of Bethlehem, Pa., presented him with a banner. It is of yellow silk, with the letters "U. S." in the center and in a circle around them the words, in Latin, "Union makes valor." On the reverse side, surrounding an eye, is the motto, also in Latin, "No other governs." This banner was carried in the Battle of Savannah, when Pulaski commanded both the American and French cavalry.

The first authoritative action to establish a flag for a new sovereignty is fraught with peculiar interest, and it is a regret that we know so little as to the origin of the Stars and Stripes. While the Cambridge flag had the 13 stripes, there is no evidence that any flag bearing the union of stars had been in public use previous to the resolution of 1777, and it will probably never be known who designed or suggested this beautiful, distinctive, and emblematic feature of our banner. The records of Congress are silent upon the subject and no authentic reference to it has ever been discovered in the correspondence, papers, or diaries which have been examined. It is claimed in popular tradition that the honor of making the first flag combining the Stars and Stripes belongs to Betsy Ross, a Quakeress upholsteress who resided on Arch Street, Philadelphia. It is asserted by her descendants that Congress appointed a committee composed of Gen. Washington, Robert Morris, and George Ross, the latter an uncle of Mrs. Ross's late husband, who called upon her in May or June, 1776, and commissioned her to make a flag from an imperfectly drawn design embodying the stripes and the union of 13 six-pointed stars.

As the six-pointed stars were peculiar to the British, Mrs. Ross suggested that a star of five points would be more symmetrical and appropriate, and the committee at once adopted the new design. While this story is interesting and may be well founded, there is unfortunately no absolute evidence to support it. It rests on the traditions of the Ross family and upon affidavits made by Mrs. Ross's descendants as to their understanding of the particulars as related by Mrs. Ross herself, or by those to whom she told the story. Unfortunately the annals of Congress make no reference to the appointment of a flag committee, and yet so important a matter must have been under consideration previous to the final adoption of the flag. In Washington's correspondence and writings no mention is made of a visit to Mrs. Ross's house or when or by whom the first flag was made. Neither do any of the historians of the Revolutionary period or any contemporaneous writers throw light upon the subject. The principal argument against the story has been that the flag evidently was not used during any portion of 1776 and was not adopted until a year after Mrs. Ross made it. It is further claimed by those who discredit the story that Washington would have raised this new flag when he caused the Declaration of Independence to be read to his troops in New York on July 10, 1776, had such a flag been in existence, instead of the Cambridge flag, which was unfurled. Those who have had experience in congressional matters will not be convinced by the argument of delay in not adopting the new flag at once, and had Mrs. Ross made the flag it is not probable that Washington or any one else would have used it until Congress had approved it.

Whatever uncertainty may exist as to the true origin of the Stars and Stripes, we know that Congress on June 14, 1777, on the recommendation of a committee, the membership of which is not recorded, adopted the following resolution:

Resolved, That the flag of the 13 United States be 13 stripes, alternate red and white; that the union be 13 stars, white on a blue field, representing a new constellation.

This is the first legislative action of which there is any record for the establishment of a national flag for the sovereign United States of America declared independent July 4, 1776, and proclaiming the official birth of a new constellation as the symbol of their Union.

Thus was born the Stars and Stripes, which through all the ages shall be the emblem of liberty and justice for all mankind. [Applause.] In the words of Washington:

We take the star from heaven, the red from the mother country, separating it by white stripes, thus showing that we have separated from her, and the white stripes shall go down to posterity representing liberty.

It has been said that—

Every nation has its symbolic ensign in their banners. Our fathers chose the Stars and Stripes, the red telling of the blood shed by them for their country, the blue of the heavens and their protection, and the stars of the separate States embodied in one nationality, E pluribus unum. The stars of the new flag represent a constellation of States rising in the west. The idea was taken from the constellation Lyra, which in the hands of Orpheus signified harmony. The blue of the field was taken from the edges of the Covenanter's banner in Scotland, significant also of the league and covenant of the United Colonies against oppression, incidentally involving the virtues of vigilance, perseverance, and justice. The stars were disposed in a circle, symbolizing the perpetuity of the Union, the ring like the circling serpent of the Egyptians signifying eternity.

What eloquence do the stars breathe when their full significance is known: A new constellation, union; perpetuity; a covenant against oppression; justice, equality, subordination, courage, and purity.

I doubt if these poetic and fanciful descriptions, however, are supported by any proof other than the imagination of the writer.

While the flag was adopted June 14, 1777, it was not until September 3 following that Congress officially promulgated the design. The honor of first displaying the Stars and Stripes in battle belongs to the State of New York, when on August 3, 1777, an improvised flag was raised on the northeast bastion of old Fort Stanwix, or Schuyler as it was sometimes called, the site of the present city of Rome. Anticipating an attack by the British, a garrison of some 500 soldiers, under the command of Col. Peter Gansevoort, jr., with Lieut. Col. Marinus Willet second in command, had been placed in the fort. On August 2 the garrison was reinforced by about 200 men of the Ninth Massachusetts Regiment, led by Lieut. Col. Mellon. This detachment brought news of the recently enacted flag statute, and as the garrison was without a standard the fort was ransacked for material of which to make the new flag. According to accounts, shirts were cut up to form the white stripes, a woman's petticoat supplied the red, while the blue ground for the stars was taken from a cloak belonging to Capt. Abraham Swartwort, of Dutchess County, who was then in the fort. This account is confirmed in part by a letter from Col. Swartwort to his commanding officer, asking for an order on the paymaster to reimburse him for the loss of his cloak. The narrative of Col. Willet, however, gives a somewhat different version of the story. He says:

The white stripes were cut out of ammunition shirts furnished by the soldiers, the blue out of the camlet cloak taken from the enemy at Peekskill, while the red stripes were made of different pieces of stuff procured from one and another of the expedition.

Howsoever the flag was made, it was the Stars and Stripes that floated over the brave Americans from August 3 to August 22, when the seige was raised. John Fiske, the eminent historian, further substantiates the claim that to New York belongs the honor of having first unfurled the Stars and Stripes in battle when he says, speaking of the flag:

Hastily extemporized out of a white shirt and an old blue jacket and some strips of red cloth from the petticoat of a soldier's wife, this was the first American flag with Stars and Stripes that was ever hoisted.

Lossing in his Field Book of the Revolution also supports the claim of Fort Stanwix.

Delaware claims the distinction, maintaining that the flag was first raised in battle at Cooch's bridge, near Wilmington, on September 3, 1777. The claim is based on the presumption that the American forces had a flag at that time, and though even if they did, this skirmish took place a month after the flag on Fort Stanwix had been unfurled to the breeze. One of the local Delaware historians, Judge Conrad, defeats his own contention when he says:

On August 2, 1777, a short skirmish or sally occurred at Fort Schuyler, N. Y., in which the Americans floated a rudely devised flag, intended to represent the ideas embodied in the resolve of Congress, and that all historians agree that the flag floated on that occasion was merely an improvised one, and in no sense a complete and regular flag of the United States.

The absurdity of Mr. Conrad's theory is dismissed by Mr. Edward H. Hall, secretary of the American Scenic and Historical Preservation Society, who says:

Thus the 20 days' siege at Fort Schuyler, so courageously and successfully resisted, is dismissed by Mr. Conrad as a short skirmish or sally, and the fine distinction drawn between a heroic siege, with all its terrors of possible starvation and barbarous massacre, and a morning's skirmish at Coach's bridge between two small bodies of troops formally drawn up in line of battle. I do not know of any historian who says that the Fort Schuyler flag was not "complete," although they do agree that it was improvised.

The Stars and Stripes were carried in the Battle of the Brandywine September 11, 1777; they waved in triumph over the victorious field of Saratoga and cheered the ragged patriots of Washington's army amid their sufferings around the camp fires at Valley Forge. Beneath its folds Corwallis surrendered his sword at Yorktown, September 19, 1781. It floated over New York when the British evacuated the city November 25, 1783, and roused the patriotism of our soldiers in every battle during the later days of the Revolution, as the immortal Washington marched onward to victory and to glory.

Soon after its adoption the new flag was hoisted on the naval vessels of the United States. John Paul Jones claimed it was his good fortune to be the first to display the Stars and Stripes on a man-of-war. It has been stated that the Naval Committee of Congress presented to Jones the first official flag of the United States ever made, but there is no official record to confirm this statement. Buell, in his life of Paul Jones, states that the captain displayed the new flag on the *Ranger*, then being fitted up at Portsmouth, on the 4th of July, 1777. The *Ranger*, however, did not go to sea until November 1. With Jones in command—his commission was issued on the same day the flag was established—the *Ranger* reached Quiberon Bay, France, about December 1, 1777, and on February 14, 1778, her flag received the first salute ever paid the American flag by a foreign power. No less an authority than John Adams has erroneously stated that the first American vessel to obtain a salute for the flag was the *Andreas Doria* in the Danish West Indies in November, 1776. This ship, however, carried only a continental ensign, probably the Cambridge flag, which was never legalized or recognized by the Continental Congress, and was not the Stars and Stripes which the French commander saluted. The West Indies incident occurred eight months before the Stars and Stripes existed, for no stars were seen on any flag prior to the adoption of the flag of the United States by act of Congress in June, 1777. A question has been raised as to the exact date on which Jones raised the flag on the *Ranger*, some old reports of the incident stating that it was July 12. Commodore Barry's name has frequently been mentioned in connection with the honor of the first display, but no evidence has been adduced to substantiate the claim that Barry's flag was the first to brave the winds.

No reference to the early history of the flag upon the seas would be complete without a brief allusion to the battle between the *Bon Homme Richard* and the *Serpais* in the evening of September 23, 1779. Thackeray once told a friend that the capture of the *Serapis* by Paul Jones was one of the most extraordinary stories ever recorded in naval history. Without question, that moonlight battle was the most brilliant exploit in the annals of the sea, and the courage of John Paul Jones and his brave crew, fighting to victory from the decks of a sinking ship, forms one of the most glorious pages in our history. [Applause.]

Americans will ever pay tribute to the sublime confidence and daring of Paul Jones. Bidding defiance to all human calculations which had doomed him to defeat, with a foundering ship, half his men dead or dying, when hope and chance seemed irretrievably lost, he fought on and won immortal glory. [Applause.]

All great events seem to invite controversies, and it is so with reference to the flag borne by the *Richard*. In 1898 the Government received what was purported to be the original ensign of Jones's old ship. According to the story, which for a time had some support in the popular fancy, the *Richard*, several days before encountering the *Serapis*, captured a British vessel, the *Kitty*, which had formerly been an American ship. Among the crew was one Stafford, who volunteered for service on the *Richard*, and who, it is alleged, during the action with the *Serapis* plunged into the sea and recovered the *Richard's* flag which had been shot away. When Jones transferred his crew from his sinking ship, this sailor rescued the flag and later accompanied Jones to the *Alliance* upon his assuming command. When the *Alliance* was sold the flag was presented to Stafford in recognition of his services. Beyond the fact that a letter is purported as having been sent by Joseph Myler, Secretary pro tempore of Congress, to Joseph B. Stafford, in which it is alleged Congress presented to him the "starry" flag of the *Alliance* in recognition of his meritorious services, there is no evidence whatever that this Stafford flag was the one that waved from the ensign gaff of the *Bon Homme Richard* in the most desperate of all sea conflicts.

Another story which has gained considerable vogue is to the effect that the flag of the *Richard* had been made by two maiden ladies of Philadelphia, who presented it to Capt. Jones shortly after Congress had adopted the Stars and Stripes. It is claimed that this flag which bore 13 stripes but only 12 stars was flown from the *Ranger* and was afterwards transferred to the *Richard*. There is no foundation whatever for this legend.

Buell, in his life of Paul Jones, gives a rather fanciful account of this much-disputed flag:

The "unconquered and unstricken" flag that went down with the *Richard* was the same one which the girls of Portsmouth made from slices of their best silk gowns, and presented to Jones to hoist on the *Ranger*, July 4, 1777, and he considered it his personal property or, perhaps, the property of the girls who made it, intrusted to his keeping. On relinquishing command of the *Ranger* in 1778, he kept this flag with him and used it on the *Richard*. It was made by a quilting party according to specifications which Jones furnished. The 13 white stars were cut from the bridal dress in which Helen Seary had been wedded in May, 1777.

This was the first edition of the Stars and Stripes that Europe ever saw; the first to be saluted by the guns of a European naval power; but, far beyond that, and beyond anything, it was the first and last flag that ever went down or ever will go down flying on the ship that conquered and captured the ship that sunk her.

When Jones returned to this country in February, 1781, he found Miss Langdon, of the "quilting party," a guest of the Ross family, whose house was always his home in Philadelphia. By way of apology he explained to her that his most ardent desire had been to bring that flag home to America, with all its glories, and give it back untarnished into the fair hands that had given it to him nearly four years before. "But, Miss Mary," he said, "I couldn't bear to strip it from the poor old ship in her last agony, nor could I deny to my dead on her decks, who had given their lives to keep it flying, the glory of taking it with them."

[Applause.]

"You did exactly right, Commodore," exclaimed Miss Langdon; "that flag is just where we all wish it to be—flying at the bottom of the sea over the only ship that ever sunk in victory!"

[Applause.]

Whether or not sentiment has been woven into history in this interesting story I do not know. The records that are extant, while very complete in describing the battle are most meager in their reference to the colors. In Jones's memoirs, compiled from papers in the possession of his neice, Mrs. Taylor, there is a reference stating that few of the personal effects of the officers were saved. In the journal, prepared by Jones for the King of France, he speaks of everything going down with the ship except signal flags.

As the national flag is never used as a signal in the sense in which Jones referred to the signal flags which were saved, Buell evidently assumed that the Stars and Stripes was left flying at the peak when the *Richard* sank beneath the waves. It has been asserted that Jones referred to the loss of the flag in his report of the engagement to Congress, but unfortunately the records do not dislose this fact. The several letters written by the great commander to numerous friends, describing the battle are silent on the flag episode. Yet Mr. Buell states that Jones made a report in which he said:

No one was now left aboard the *Richard* but her dead. To them I gave the good old ship for their coffin, and in her they found a sublime sepulcher. She rolled heavily in the long swell; her gun deck awash to the port sills, settled slowly by the head, and sank peacefully in about 40 fathoms.

The ensign gaff, shot away in action, had been fished and put in place soon after firing ceased, and our torn and tattered flag was left flying when we abandoned her. As she plunged down by the head at the last, her taffrail momentarily rose in the air; so the very last vestige mortal eyes ever saw of the *Bon Homme Richard* was the defiant waving of her unconquered and unstricken flag as she went down. And, as I had given them the good old ship for their sepulcher, I now bequeathed to my immortal dead the flag they had so desperately defended for their winding sheet.

For the sake of history and in honor of the memory of the great sailor, let us hope that Buell based his eloquent and pathetic account of the sinking of the *Bon Homme Richard* upon substantial grounds.

The flag as originally adopted remained unchanged until May 1, 1795. By this time two more States, Vermont and Kentucky, had been admitted into the Union and a change in the flag was made necessary. Not foreseeing the growth of the flag in the addition of both a stripe and a star for each new State, Congress on January 13, 1794, enacted—

That from and after the 1st day of May, 1795, the flag of the United States be 15 stripes, alternate red and white; that the union be 15 stars, white in a blue field.

In the first flag the stars were evidently arranged in a circle, but this custom was soon abandoned. At Annapolis there is preserved the flag of the Third Maryland Regiment, with a union showing 12 stars in a circle, surrounding one in the center. In the flag of 15 stripes the stars were placed in three parallel rows of 5 stars each, and this flag was the national banner from 1795 to 1818, during which period occurred the War of 1812. It was this flag waving over Fort McHenry that inspired Francis Scott Key to write the Star-Spangled Banner. [Applause.]

By 1818 five additional States—Tennessee, Ohio, Louisiana, Indiana, and Mississippi—had been admitted into the Union and therefore to truly represent the Union a further change in the flag was demanded. After considerable discussion in Congress on the subject the act of April 4, 1818, was passed which provided:

First. That from and after the 4th of July next the flag of the United States be 13 horizontal stripes, alternate red and white; that the union have 20 stars, white in a blue field.

Second. That on the admission of every new State into the Union 1 star be added to the union of the flag and that such addition shall take effect on the 4th of July next succeeding such admission.

To Hon. Peter H. Wendover, a Member from New York, belongs the credit of pressing it to final passage. The return to the 13 stripes of the 1777 flag was due largely to the fact that it would not be practicable to continue adding a stripe for each new State, for a further increase in the number of stripes would have made the width of the flag disproportionate to its lengh, unless the stripes were narrowed, and this would have impaired its distinctness. Upon the suggestion of Capt. Reid, of the Navy, who had suggested the return to the 13 stripes, the stars were arranged in the form of one great star in the center of the union. This design, however, did not meet with favor, and the stars were soon thereafter arranged in rows. A newspaper of the times said:

By this regulation the 13 stripes will represent the number of States whose valor and resources originally effected American independence, and the additional stars will mark the increase of the United States since the establishment of the Constitution.

No act has since been passed by Congress altering the general design of the flag, and it is the same as originally adopted except for the increase in the number of stars in the union. In the War with Mexico the flag showed 29 stars in its union; during the Civil War, 35; during the Spanish-American War, 45 stars, and since July 4, 1912, 48 stars. Congress has never legislated upon the arrangement of the stars in the union, and in consequence there has been a lack of uniformity in the matter, although the early confusion has now, however, disappeared, and in the absence of direct legislation an agreement has been reached between the Navy and War Departments on the subject. The present arrangement of the stars is in six horizontal rows of eight stars each.

The term "Old Glory" was evidently first applied to the flag by William Driver in 1831, a skipper from Salem, Mass., who was at that time in command of the brig *Charles Doggett*. It is related that as he was about to sail for the South Seas a party of friends presented him with the flag, and when it was broken from the gaff the captain christened it "Old Glory." It is now preserved in the Essex Institute at Salem.

While we have but one flag for use on sea as well as land, by merchant ships and men-of-war alike, Congress very early in our history adopted a special flag for the Revenue-Cutter Service consisting of 16 perpendicular stripes, alternately red and white. The union is white, on which is depicted in blue the national coat of arms—the eagle surmounted by a half circle of 13 stars. The large number of stripes is accounted for by the fact that at the time the Revenue-Cutter Service was established in 1797 there were 16 States in the Union and the arrangement has never been altered.

Under the act of January 28, 1915, the Life-Saving Service and the Revenue-Cutter Service were combined under the title United States Coast Guard and this flag adopted as a distinguishing flag to be flown from the foretruck or pennant staff.

The union jack, or as it is most commonly called the "jack," consists of the union of the national flag—a blue field with 48 white stars arranged in 6 parallel rows of 8 stars each. The Navy regulations specify that "when at anchor the union jack shall be flown from the jack staff from morning colors to evening colors." The jack is used also as a signal for a pilot and to denote the session of a court-martial. "When a diplomatic official of the United States of and above the rank of chargé d'affaires pays an official visit afloat, the union jack shall be carried on a staff at the bow."

In addition to these flags, there is a flag for the President and several of the departmental heads, as well as for special divisions of the Government service.

Mr. Speaker, while it does not pertain to the origin of the flag, it is of utmost importance in maintaining the flag in its exalted position that the great war loan now being financed be fully subscribed, and I am therefore going to urge upon every Member of Congress the urgent necessity of subscribing for the liberty bonds. [Applause.]

In closing this fragmentary, and I fear somewhat imperfect, history of the flag I want to quote from the late Mr. Justice Harlan, of the Supreme Court:

To every true American the flag is the symbol of the Nation's power, the emblem of freedom in its truest, best sense. It is not extravagant to say that to all lovers of the country it signifies government resting on the consent of the governed, liberty regulated by law; the protection of the weak against the exercise of arbitrary power; and absolute safety for free institutions against foreign aggression.

Henry Ward Beecher made a most eloquent allusion to the flag when he declared:

A thoughtful mind, when it sees a nation's flag, sees not the flag only but the nation itself; and whatever may be its symbols, its insignia, he reads chiefly in the flag the government, the principles, the truth, the history, which belong to the nation that sets it forth. As at early dawn the stars stand first and then it grows light, and then as the sun advances that light breaks into banks and streaming lines of color, the glowing red and intense white striving together and ribbing the horizon with bars effulgent, so on the American flag, stars and beams of many-colored light shine out together. And wherever the flag comes and men behold it, they see in its sacred emblazonry no rampant lion and fierce eagle, but only light, and every fold significant of liberty.

Let us then twine each thread of the glorious tissue of our country's flag about our heartstrings; and looking upon our homes and catching the spirit that breathes upon us from the battle fields of our fathers, let us resolve, come weal or woe, we will, in life and in death, now and forever, stand by the Stars and Stripes. They have been unfurled from the snows of Canada to the plains of New Orleans, in the halls of the Montezumas and amid the solitude of every sea; and everywhere, as the luminous symbol of resistless and beneficent power, they have led the brave to victory and to glory. They have floated over our cradles; let it be our prayer and our struggle that they shall float over our graves.

Stars of the early dawning, set in a field of blue;
Stripes of the sunrise splendor, crimson and white of hue;
Flag of our father's fathers born on the field of strife,
Phœnix of fiery battle risen from human life;
Given for God and freedom, sacred, indeed, the trust
Left by the countless thousands returned to the silent dust.

Flag of a mighty nation waving aloft unfurled;
Kissed by the sun of heaven, caressed by the winds o' the world;
Greater than kingly power, greater than all mankind;
Conceived in the need of the hour, inspired by the Master Mind;
Over the living children, over the laureled grave,
Streaming on high in the cloudless sky, banner our fathers gave.

Flag of a new-born era, token of every right
Wrung from a tyrant power, unawed by a tyrant's might;
Facing again the menace outflung from a foreign shore,
Meeting again the challenge as met in the years before;
Under thy spangled folds thy children await to give
All that they have or are that the flag they love shall live.

—Charles G. Crellin.

[Loud applause, the Members rising.]

NEW YORK AND THE FLAG.

New York may justly be proud of the part she has so conspicuously played in the history of the flag. The great Empire State, with her mighty commerce, her great agricultural interests, her business enterprises, her financial resources, and her maritime industries unequaled by any State in the Union, salutes her sister Commonwealths and pledges her allegiance to the flag which unites all the States—each one an empire and the whole the most magnificent and forward cluster of civil peolity the world has ever seen.

In every crisis which has confronted the Nation the sons of New York have responded nobly to the call of duty and of country. Both before and since the adoption of her State constitution, on April 20, 1777, stirring scenes have been enacted on her soil. In all the Indian wars New York, the home of the famous Iroquois, bore the brunt of those deadly conflicts. During the struggle for independence our State gave freely of her men and her treasure, and her records are replete with stirring incidents in the cause of liberty and freedom.

On August 3, 1777, the Stars and Stripes were raised over Fort Stanwix, and two months later, on October 17, Burgoyne surrendered his army at the decisive battle of Saratoga. On July 16, 1779, "Mad" Anthony Wayne captured Stony Point in one of the most brilliant victories of the war, and on November 25, 1783, the British evacuated New York and the noble Hudson again flowed unvexed to the sea.

At Poughkeepsie on July 26, 1788, the Federal Constitution was adopted. From 1784 to 1790 New York was the national capital, and here, on the 30th of April, 1789, on the balcony of Federal Hall, George Washington took the oath of office as the first President of the United States. In the War of 1812, owing to her proximity to Canada, New York bore her full share of the burden of the conflict and played a conspicuous part in the triumphs of the flag. When the call came in 1861 to preserve the Union, New York responded with all her splendid courage and determination, sending to the front 448,850 soldiers, a total which, by including the 18,197 who paid commutation, was swelled to 467,047, over one-sixth of the Union Army. To show her patriotism in providing men to uphold the supremacy of the Stars and Stripes, she expended in bounties the huge sum of $86,629,000. In the Spanish War her sons charged at San Juan and fought in the jungles of the far-away Philippines, and in the war against Germany the Empire State will send her full quota to the trenches of Europe; and wherever duty calls, whenever bravery and courage is demanded, whether it be charging across the deadly field of "no man's land" or in the air or under the sea, there you will find the men from the Empire State.

New York recognizes the importance of inculcating into the minds and the hearts of her children a noble veneration for the flag of the Nation and has enacted laws to foster their love and inspire their patriotism.

Our education law provides that—

It shall be the duty of the school authorities of every public school in the several cities and school districts of the State to purchase a United States flag, flagstaff, and the necessary appliances therefor, and to display such flag upon or near the public-school building during school hours, and at such other times as such school authorities may direct.

It shall be the duty of the commissioner of education to prepare, for the use of the public schools of the State, a program providing for a salute to the flag and such other patriotic exercises as may be deemed by him to be expedient under such regulations and instructions as may best meet the varied requirements of the different grades in such schools.

It shall also be his duty to make special provision for the observance in the public schools of Lincoln's birthday, Washington's birthday, Memorial Day, and Flag Day, and such other legal holidays of like character as may be hereafter designated by law when the legislature makes an appropriation therefor.

On March 15, 1917, we enacted a law making it a misdemeanor for any person to place any sort of an advertisement, word, figure, mark, or picture of any nature upon the flag of the United States, or to "publicly mutilate, deface, defile, or defy, trample upon or cast contempt upon" the National Flag or any picture or representation of it.

The following history of the New York State flag has been compiled by Hon. James A. Holden, State historian to whom I am indebted for its publication:

Up to 1896 there had been nothing placed in the statutory civil law, so far as I have been able to discover in the time at my disposal, relating to a State flag, either as to color or design. In fact, in the Laws of 1845, chapter 98, "An act for the erection of a flagstaff on the capitol," passed April 26 of that year, this flagstaff was to be erected "on the capitol for the purpose of displaying thereon the American Flag during the daily sessions of the legislature, and on public occasions, and to procure a suitable flag for that purpose" (pp. 81–82). This would show that at that time New York had no State flag recognized as such.

However, in the "General regulations for the military forces of the State of New York" (Albany, 1858), issued by the adjutant general of the State as "General order No. 30," I find in article 34, section 717, page 129, "the State flag is made of white bunting, 12 feet fly by 10 feet hoist, bearing in the center the arms of the State of New York." The regimental colors at that time were to be of yellow silk for the artillery and of blue silk for the infantry and rifle regiments, all bearing the arms of the State of New York.

At this time the standards of the mounted regiments likewise bore the arms of the State of New York, embroidered in silk on a blue ground (p 130).

It should be borne in mind that there is a distinction made in military rules and regulations between the words "flags," "colors," and "standards," as follows: "By 'flag' is meant the emblem displayed from a flagstaff. By 'colors' are meant the National and State flags carried by foot troops. By 'standards' are meant the National and State flags carried by mounted troops."

In this connection we may note that one of the original sources from which the present coat of arms of the State of New York was derived was the flag borne by the Third New York Regiment, Col. Peter Gansevoort, jr., commanding, and was used by that regiment during the Revolutionary War. This flag is said to have been of "dark blue silk and about 7 feet square."

It is stated by the late H. A. Homes, the then State librarian, that "in 1871 the arms were painted on blue silk on regimental flags of 12 feet by 10 * * * but in 1873 upon the new flag of white bunting."

It is indicated that some time between the time of the Civil War and 1878 the State flag, at least so far as it was made a State flag by military usage, had been changed from white to blue, and then back again, inasmuch as I find that in the General Regulations for Military Forces of the State of New York for 1865, General Orders No. 23, article 34, section 717, it is prescribed that "The State flag is made of white bunting, 12 feet fly by 10 feet hoist, bearing in the center the arms of the State of New York." The regimental colors and standards were to be of blue silk for infantry and rifle regiments and for mounted regiments and of yellow silk for the artillery.

The same language is used in the General Regulations for the Military Forces of the State of New York, for 1876, article 35, section 643, viz, "The State flag is made of white bunting, 12 feet fly by 10 feet hoist, bearing in the center the arms of the State of New York." State regimental standards and colors were all of blue, however, at this time.

The first attempt to establish a legal State flag that I have as yet discovered was made in 1896. At that time by chapter 229 of the laws of that year it was prescribed that "The State flag is hereby declared to be buff, charged with the arms of the State in the colors as described in the blazon of this section."

The State flag continued to be buff in color until 1901, when, at the suggestion and through the work and research of the then State historian, Hon. Hugh Hastings, legislation was secured, and by chapter 229 of the laws of 1901 the color of the State flag was changed from buff to blue, and it has remained blue to the present time.

In 1883, by chapter 349, laws of that year, a superintendent of buildings was authorized. Among the other duties imposed upon him was that of seeing that "During the hours when the legislature is in session the State flag having the arms of the State shall be displayed from the capitol together with the flag of the United States."

The formality of displaying the State flag is also carried out whenever the board of regents of the University of the State of New York is in session, in the Education Building, the board being a coordinate branch of the State government.

On formal occasions, therefore, the State flag is always to be seen displayed from the official buildings here in Albany.

FLAG ETIQUETTE.

The flag circular issued by the War Department contains much valuable information:

WAR DEPARTMENT,
Washington.

Many inquiries concerning the proper method of displaying, hanging, and saluting the United States flag are being received in the War Department with the evident object of securing some authoritative statement relating to the subject.

In this connection it should be remarked that while it is within the province of the War Department to prescribe rules and regulations governing the matter in question for observance within the Army, yet it is beyond its province to prescribe any such rules or regulations for the guidance of civilians or to undertake to decide questions concerning the subject that are presented by civilians

There is no Federal law now in force pertaining to the manner of displaying, hanging, or saluting the United States flag or prescribing any ceremonies that should be observed in connection therewith. In fact there are but two Federal laws on the statute books that have any bearing upon this subject, one the act of Congress approved February 20, 1905 (33 Stat. L., 725), providing that a trade-mark can not be registered which consists of or comprises, inter alia, "the flag, coat of arms, or other insignia of the United States, or any simulation thereof," and the other the act of Congress approved February 8, 1917 (Public, No. 305, 64th Cong.), providing certain penalties for the desecration, mutilation, or improper use of the flag within the District of Columbia. Several States of the Union have enacted laws which have more or less bearing upon the general subject, and it seems probable that many counties and municipalities have also passed ordinances concerning the matter to govern action within their own jurisdiction.

Warning against desecration of the American flag by aliens has been issued by the Department of Justice, which has sent the following notice to Federal attorneys and marshals:

"Any alien enemy tearing down, mutilating, abusing, or desecrating the United States flag in any way will be regarded as a danger to the public peace or safety within the meaning of regulation 12 of the proclamation of the President issued April 6, 1917, and will be subject to summary arrest and punishment."

It is the practice in the Army, each day in the year, to hoist the flag briskly at sunrise, irrespective of the condition of the weather, and to lower it slowly and ceremoniously at sunset, indicating the commencement and cessation of the activities of the day, and to display it at half staff on Memorial Day (May 30) from sunrise until noon and at full staff from noon until sunset, and also on other days specially designated for that purpose by the proper authority, the flag always being first hoisted to the top of the staff before being lowered to the half-staff position.

There has been some question among civilians concerning the exact location of a flag hung at "half staff." Theoretically, the flag is always hung on a separate staff, much shorter than the staffs usually erected on buildings, and as a consequence a flag hung at half staff would be located much higher on the ordinary flag staff than under the present practice, but still the custom of placing the half-staffed flag in about the center of the flagpole, whatever its length may be, is rather generally observed throughout the country and this department sees no real objection to this custom.

Considerable discussion has arisen throughout the country concerning the proper manner of hanging and displaying the flag for decorative purposes. As already stated, there is no Federal law governing the subject, and individual opinion differs as to the procedure that should or should not be followed. It has been suggested that as far as possible the hanging of the flag should be restricted to suspending it from a flagpole, in the regular way, and not to displaying it otherwise; that for purposes of decoration only the national colors should be arranged in the form of bunting and not used in the form of the flag; that if it is nevertheless the desire to use the flag for decorative purposes it should always be hung flat whether on the inside or the outside of buildings, with the union to the north or east, so that there will be a general uniformity in the position of the union of each flag displayed; that the flag should rarely be displayed in a horizontal position or laid flat; that under no circumstances should it be hung where it can easily be contaminated or soiled, or be draped over chairs or benches to be used for seating purposes, and that no object or emblem of any kind should be placed above or upon it. This department sees no objection to flying the flag at night on civilian property provided it is not so flown for advertising purposes.

It is becoming the practice throughout the country among civilians to display the national flag on all patriotic occasions, especially on the following days:

Lincoln's Birthday February 12.
Washington's Birthday, February 22.
Mothers' Day, second Sunday in May.
Memorial Day, May 30.
Flag Day, June 14.
Independence Day, July 4.

In certain localities other special days are observed in the same manner.

It seems to be appropriate that where several flags or emblems are displayed on a pole or otherwise the United States flag should always be hoisted first and hung or displayed at the top; that in any parade the United States flag should always have the place of honor, and that the flag should never be hung or displayed with the union down, except as a signal of distress at sea.

Existing regulations governing the Army provide that when officers and enlisted men pass the national flag, not encased, they will render honors as follows: If in civilian dress and covered, they will uncover, holding the headdress opposite the left shoulder with the right hand; if uncovered, they will salute with the right-hand salute. A flag unfurled and hung in a room in which officers or enlisted men of the Army are present will be saluted by them the first time they may have occasion to pass it, but not thereafter. The hand salute is as follows:

"Raise the right hand smartly till the tip of the forefinger touches the lower part of the headdress above the right eye, thumb and fingers extended and joined, palm to left, forearm inclined to about 45°, hand and wrist straight; at the same time look toward the person saluted.

"Drop the arm smartly to the side."

No anthem, hymn, or musical air has been recognized by any Federal law as the national anthem, hymn, or air, but Army and Navy regulations provide that the musical composition familiarly known as the Star-Spangled Banner shall be designated as the national air of the United States of America. It should be stated, however, that these regulations are binding only upon the personnel of the military and naval service.

Whenever the national air is played at any place where persons belonging to the military or naval service are present, all officers and enlisted men not in formation are required to stand at attention, facing toward the music, excepting when the flag is being lowered at sunset, on which occasion they are required to face toward the flag. If in civilian dress and uncovered, they are required to stand and salute at the first note of the air, retaining the position of salute until the last note of the air is played. If in civilian dress and covered, they are required to stand and uncover at the first note of the air, holding the headdress opposite the left shoulder until the last note is played, excepting in inclement weather, when the headdress may be held slightly raised. The custom of rising and remaining standing and uncovered while the Star-Spangled Banner is being played is growing in favor among civilians.

Old or worn-out flags should not be used either for banners or for any secondary purpose. When a flag is in such a condition that it is no longer a fitting emblem for display, it should not be cast aside nor used in any way that might be viewed as disrespectful to the national colors, but should be destroyed as a whole, privately, preferably by burning or by some other method lacking in any suggestion of irreverence or disrespect due the emblem representing our country.

It should be borne in mind that the views set forth in this circular are merely suggestive, and that it is not the intention of the department to give them out as authoritative.

H. P. MCCAIN,
The Adjutant General.

APRIL 14, 1917.

The following is taken from the Navy Regulations:

The national ensign on board a ship of the Navy at anchor shall be hoisted at 8 a. m and kept flying until sunset. Whenever a ship comes to anchor or gets underway, if there is sufficient light for the ensign to be seen, it shall be hoisted, although earlier or later than the time specified. The national ensign shall be displayed on shore from 8 a. m. to sunset, at every naval station.

In order to show proper respect for the flag the following ceremony should be observed:

* * * * * * *

At "morning and evening colors" civilian spectators should stand at "attention" and uncover during the playing of the "Star-Spangled Banner." * * * The flag should never be allowed to touch the ground, and should never be raised or lowered by any mechanical appliance.

When the national colors are passing on parade, or in review, the spectator should, if walking, halt, and if sitting, arise and stand at attention and uncover.

Whenever the "Star-Spangled Banner" is being played or sung all persons within hearing should rise and stand uncovered during its rendition.

When the National and State or other flags fly together the national flag should be on the right.

When the flag is flown at half staff as a sign of mourning, it should be hoisted to full staff at the conclusion of the funeral.

The national salute is one gun for every State. The international salute is, under the law of nations, 21 guns.

* * * * * * *

When flags are used in unveiling a statue or monument they should not be allowed to fall to the ground, but should be carried aloft to wave out, forming a distinctive feature during the remainder of the ceremony.

PERSONAL SALUTES.	Guns.
The President of the United States	21
The sovereign or chief magistrate of a foreign country	21
An ex-President of the United States	21
The Vice President	19
Ambassadors	19
Members of the Cabinet	19
Governors of States, the Chief Justice, and Speaker of the House of Representatives	17

ORAL FLAG SALUTE IN SCHOOLS.

Primary department: "We give our heads and our hearts to God and our country; one country, one language, one flag."

Advanced pupils: "I pledge allegiance to my flag and to the Republic for which it stands; one Nation, indivisible, with liberty and justice for all."

SIZE OF FLAGS.

By Executive order promulgated May 29, 1916, it was ordered that national flags and union jacks for all departments of the Government, with the exception that the colors carried by troops shall be the sizes prescribed for the military service, shall conform to the following proportions:

Hoist (width) of flag	1
Fly (length) of flag	1.9
Hoist (width) of union	$\frac{7}{13}$
Fly (length) of union	.76
Width of each stripe	$\frac{1}{13}$

The size of the union jack shall be the size of the union of the national flag with which it is flown.

Mr. RANDALL. Mr. Speaker, in honor of the flag and in honor of the day which has been set apart for that purpose, I move that the House do now adjourn.

Mr. RAINEY. Mr. Speaker, I hope the gentleman will withhold that. I ask unanimous consent that when the House adjourn to-day it adjourn to meet at 10.30 a. m. to-morrow.

Mr. COX. Mr. Speaker, I will have to object to that.

The SPEAKER. The gentleman from Illinois asks unanimous consent that when the House adjourns to-day it adjourn to meet at 10.30 a. m. to-morrow.

Mr. MADDEN. Mr. Speaker, I object.

Mr. RAINEY. Mr. Speaker, I modify the request, and ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 a. m. to-morrow.

Mr. MADDEN. I object.

The SPEAKER. The gentleman from Illinois objects.

Mr. RAINEY. Mr. Speaker, I move that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

Mr. STAFFORD. Mr. Speaker, I raise the point of order——

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 291. An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes; and

H. R. 3971. An act making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Establishments on account of war expenses for the fiscal year ending June 30, 1917, and for other purposes.

EXTENSION OF REMARKS.

Mr. GREENE of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. STAFFORD. To what, Mr. Speaker?

The SPEAKER. To the gentleman from Massachusetts [Mr. GREENE] extending his remarks in the RECORD. [After a pause.] The Chair hears no objection.

The Chair will state that a motion to adjourn takes precedence over a motion to adjourn to a time certain.

Mr. HICKS. Mr. Speaker, I ask unanimous consent to extend and revise my remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. SMALL. Will the gentleman from California [Mr. RANDALL] withhold his motion?

Mr. RANDALL. I will.

Mr. MADDEN. I renew the motion, Mr. Speaker.

Mr. RANDALL. Then I insist on the motion.

The SPEAKER. The gentleman from California [Mr. RANDALL] moves that the House adjourn out of respect to the American flag.

The motion was agreed to; accordingly (at 4 o'clock and 43 minutes p. m.) the House adjourned until to-morrow, Friday, June 15, 1917, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

By Mr. FERRIS, from the Committee on the Public Lands, to which was referred the bill (H. R. 4617) to authorize absence by homestead settlers and entrymen, and for other purposes, reported the same without amendment, accompanied by a report (No. 80), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LENROOT: A bill (H. R. 5022) to amend section 2 of the act of April 28, 1904 (chap. 1759, 33d Stats., p. 440), as amended by section 13 of the act of May 18, 1916 (chap. 126, 58th Cong., 2d sess.), relating to postal rates; to the Committee on the Post Office and Post Roads.

By Mr. HICKS: A bill (H. R. 5023) authorizing the Secretary of War to deliver to Washington Camp No. 48, Patriotic Order Sons of America, one condemned bronze or brass cannon or field-piece; to the Committee on Military Affairs.

By Mr. MILLER of Minnesota: A bill (H. R. 5024) granting the consent of Congress to the counties of Itasca and Cass, Minn., to construct a bridge across the Mississippi River in said counties; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 5025) granting the consent of Congress to the counties of Cass and Itasca, Minn., to construct a bridge across the Mississippi River, between said counties; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 5026) granting an increase of pension to Edward Lewey; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 5027) granting an increase of pension to Charles C. Newman; to the Committee on Invalid Pensions.

By Mr. CLARK of Pennsylvania: A bill (H. R. 5028) for the relief of Anson Martin Hartson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5029) granting a pension to Bridget E. Reid; to the Committee on Pensions.

By Mr. FORDNEY: A bill (H. R. 5030) granting a pension to Floyd H. Wilkins; to the Committee on Pensions.

By Mr. MONTAGUE: A bill (H. R. 5031) granting a pension to Mary E. Williams, widow of Moses Williams, late of the United States Marine Corps; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Petition of Messrs. L. M. Shanks, M. B. Hayden, E. M. Eager, C. J. Moore, G. L. Brummitt, R. E. Butterfield, Fred Shanks, N. B. Brummitt, and Earl Eaber, of Excelsior Springs, Mo., favoring the prohibition of the liquor business as a war measure; to the Committee on the Judiciary.

By Mr. BATHRICK: Petition of sundry members of the First Congregational Church of Akron, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. BLACKMON: Petition of the Baraca Class of the Church Street Methodist Church, Selma, Ala., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. BURROUGHS: Petition of the faculty and students of New Hampshire College, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. DALE of New York: Petition of the New York Lumber Trade Association, of New York, favoring the passage of H. R. 4630, food administration; to the Committee on Agriculture.

Also, petition of the Crockery Board of Trade, of New York, against an increase in letter postage; to the Committee on Ways and Means.

By Mr. ESCH: Petition of members of Sheboygan Classes of the Reformed Church in the United States, relative to moral influence for soldiers in training camps and garrisons; to the Committee on Military Affairs.

Also, petition of the Wisconsin Woman's Suffrage Association, urging the creation of zones around all military camps; to the Committee on Military Affairs.

By Mr. FITZGERALD: Petition of sundry citizens of Brooklyn, N. Y., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. FULLER of Illinois: Petition of L. R. Havens and 48 other citizens of De Kalb, Ill., favoring national prohibition as a war measure; to the Committee on the Judiciary.

By Mr. KELLY of Pennsylvania: Petition of sundry citizens of Edgewood and membership of 12 churches in Philadelphia, Pa., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Resolutions of the Rhode Island State Federation of Women's Clubs, favoring the establishment of an effective zone about all military camps in which all liquor and all prostitutes shall be forbidden; to the Committee on Military Affairs.

Also, petition of Walter Scott Belcher, of Providence, R. I., favoring the daylight-saving plan; to the Committee on Interstate and Foreign Commerce.

Also, petition of Burroughs & Kenyon (Inc.), of Providence, R. I., protesting against the Pardwick amendment to the Federal reserve act; to the Committee on Banking and Currency.

Also, petition of the Rhode Island Liquor Dealers' Association, protesting against the passage of prohibition legislation; to the Committee on the Judiciary.

Also, petition of the Young Peoples' Branch of the Woman's Christian Temperance Union of Central Falls, in the State of Rhode Island, favoring national prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of the Rhode Island Baptist Sunday School Convention, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. LUNN: Petition of Ray B. Williams and members of the official board of the Canajoharie (N. Y.) Methodist Episcopal Church, praying that the manufacture and sale of all spiritous and malt liquors, beer and wine included, be prohibited for and during the period of the war; to the Committee on the Judiciary.

Also, petition of Frederick Perkins and sundry citizens of St. Johnsville, N. Y., praying for national prohibition during the period of the war; to the Committee on the Judiciary.

Also, petition of Rev. G. H. C. Bain and sundry members of the Methodist Church of Fort Johnson, N. Y., praying for prohibition of the manufacture of alcoholic liquors as a measure of food conservation and for immediate prohibition of the sale of liquors for beverage purposes in order to conserve the health, wealth, labor, transport facilities, and military efficiency of the people; to the Committee on the Judiciary.

Also, petition of J. S. Parent, M. D., of Galway, N. Y., praying for national prohibition during the period of the war, at least; to the Committee on the Judiciary.

Also, petition of Robert L. Thompson and sundry citizens of Johnstown, N. Y., praying for prohibition of the manufacture of alcoholic liquors as a measure of food conservation and for immediate prohibition of the sale of liquors for beverage purposes in order to conserve the health, wealth, labor, transport facilities, and military efficiency of the people; to the Committee on the Judiciary.

By Mr. MAGEE: Petition of residents of Pompey, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. MORIN: Petition of Division No. 6, of the Ancient Order of Hibernians, of Pittsburgh, Pa., reaffirming the loyalty of the Irish race, and urging the Government to insist upon England removing her forces from Ireland, and renouncing all claim to rule over an unwilling people; to the Committee on Foreign Affairs.

By Mr. NOLAN: Petition of the College of the Pacific, San Jose, and San Francisco Theological Seminary, San Anselmo, Cal., stating that the existing Federal estate tax law provides no exemption for educational, philanthropic, and religious bequests, legacies, and gifts, but may tax them up to 30 per cent, and protesting against the same; also telegram from the University of California; to the Committee on Ways and Means.

By Mr. RANDALL: Petition of 14 churches of various denominations in Philadelphia, against the use of food supplies for the manufacture of alcoholic liquors; to the Committee on the Judiciary.

Also, petition of 40 citizens of Needles, 75 of Alhambra, and the Woman's Christian Temperance Union of Los Gatos, all in the State of California, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. ROBBINS: Petitions of sundry citizens and churches of the State of Pennsylvania, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. ROWE: Petition of the Publishers' Association of New York City, protesting against the new postal regulation proposed in the so-called war-revenue bill (H. R. 4280); to the Committee on Ways and Means.

Also, petition of Charles F. Mattlage & Sons, New York City, opposing any advance in letter postage until second-class matter has been advanced to the cost of service; to the Committee on Ways and Means.

Also, petition of Thomas J. Wood, Brooklyn, N. Y., protesting against the zone system of rates for second-class mail matter; to the Committee on Ways and Means.

Also, petitions of Arthur Brockus and Thomas F. Murphy, protesting against the proposed increase of second-class postage rates; to the Committee on Ways and Means.

Also, petition of John S. Sills & Sons, New York City, opposing any advance in letter postage until second-class matter has been advanced to the cost of the service; to the Committee on Ways and Means.

By Mr. SANDERS of New York: Petition of Ralph C. Palmer and 16 other residents of Perry, N. Y., favoring national prohibition as a war measure; to the Committee on Military Affairs.

Also, petition of C. D. Malay and 11 other residents of Spencerport, N. Y., favoring national prohibition as a war measure; to the Committee on Military Affairs.

Also, petition of Moses B. King and 11 other residents of Rochester, N. Y., favoring national prohibition as a war measure; to the Committee on Military Affairs.

Also, petition of the Kendall (N. Y.) Woman's Christian Temperance Union, consisting of 50 members, favoring the prohibition of the liquor traffic as a war measure; to the Committee on Military Affairs.

Also, petition of the Orleans County (N. Y.) Woman's Christian Temperance Union, with 1,000 members, favoring the prohibition of the liquor traffic as a war measure; to the Committee on Military Affairs.

By Mr. SWITZER: Petition of 21 citizens of McArthur and Athens County Dry Federation, of Athens, Ohio, favoring national prohibition as a war measure; to the Committee on the Judiciary.

By Mr. TEMPLE: Petition of Lawrence County Sabbath School Convention, favoring national prohibition in view of present war situation; to the Committee on the Judiciary.

By Mr. TOWNER: Petition of E. J. Laird and 26 others of Weldon, Iowa, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. VESTAL: Memorial of the Grand Council of Indiana of the United Commercial Travelers of America at Richmond, Ind., favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, memorial of the Grand Council of Indiana of the United Commercial Travelers of America, urging an advance of second-class mail rates before any advance in first-class mail rates; to the Committee on Ways and Means.

Also, memorial of the Woman's Benefit Association of the Maccabees of Alexandria, Ind., urging woman suffrage; to the Committee on the Judiciary.

By Mr. WARD: Petition of 2,500 citizens of Kingston; Floyd B. Garrison and 180 citizens of Ellenville; W. W. Proper and other citizens of Schoharie, White Lake, Mongano Valley, and Hurd, all in the State of New York, favoring prohibition as a war measure; to the Committee on the Judiciary.

SENATE.

FRIDAY, *June 15, 1917.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we call upon Thee for Thy guidance this day. In the mighty task Thou hast committed to our hands we desire not only to put into it our human strength but such force as can be measured only by the inspiration and powers that come out of the devotion of the human spirit to the name of the living God. May we be sure that every step that we take is in conformity to Thy will. May we ever keep clearly before us the vision of the Gospel of Jesus Christ for the establishment of righteousness and justice in all the earth. Guide us this day. For Christ's sake. Amen.

The Journal of the proceedings of the legislative day of Tuesday, June 12, 1917, was read and approved.

THE ITALIAN MISSION.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Chamber of Commerce of the United States of America, which will be incorporated in the RECORD.

The communication is as follows:

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,
Washington, D. C., June 13, 1917.

The honorable the PRESIDENT OF
THE SENATE OF THE UNITED STATES OF AMERICA,
Washington, D. C.

SIR: The American Chamber of Commerce for Italy, which has its offices in Milan, has sent to us a cable in which it requests that we express to the Senate, through you, its appreciation for the splendid reception given to the Italian mission and for the opportunity to improve Italo-American relations.

Very truly, yours, ELLIOT H. GOODWIN,
General Secretary.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3673) to amend the act approved December 23, 1913, known as the Federal reserve act, as amended by the acts of August 4, 1914, August 15, 1914, March 3, 1915, and September 7, 1916.

PETITIONS AND MEMORIALS.

Mr. CALDER presented a petition of the Board of Trade of Niagara Falls, N. Y., praying for the enactment of legislation for the establishment of national farm and labor training camps throughout the country, under Government jurisdiction, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition signed by 519 citizens of Jamestown, N. Y., praying for the prohibition of the liquor business as a war measure and remonstrating against a war tax on the same, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Williamson, N. Y., praying for national prohibition during the period of the war, which was ordered to lie on the table.

He also presented petitions of sundry citizens of New York and New Jersey, praying for the passage of the so-called daylight-saving bill, which were ordered to lie on the table.

Mr. JOHNSON of South Dakota presented telegrams in the nature of petitions from the congregation of the Methodist Church of Geddes, from the superintendent of the South Dakota Anti-Saloon League, and from Allen & Fairbanks, of Erwin, all in the State of South Dakota, praying for national prohibition as a war measure, which were ordered to lie on the table.

Mr. ROBINSON presented a petition of the City Council of Gillham, Ark., praying that a tax be imposed on all antimony ore, which was referred to the Committee on Finance.

Mr. PAGE presented a memorial of Local Union No. 191, International Brotherhood of Stationary Firemen, of Bellows Falls, Vt., remonstrating against the prohibition of the manufacture of foodstuffs into intoxicating liquors, which was referred to the Committee on Agriculture and Forestry.

Mr. NELSON presented a memorial of Plumbers' Local Union No. 34, of St. Paul, Minn., remonstrating against the repeal of the Federal child-labor law and the seamen's law as a war measure, which was referred to the Commitee on Commerce.

He also presented a petition of sundry citizens of Minnesota, praying for national prohibition as a war measure, which was ordered to lie on the table.

Mr. McLEAN presented a petition of sundry citizens of Shelton, Conn., praying that funds for war expenses be raised by placing taxes on incomes, which was referred to the Committee on Finance.

He also presented a memorial of the Connecticut State Association of Letter Carriers, remonstrating against the granting of contributory pensions, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the Connecticut State Medical Society; of the congregation of the Congregational Church of Shelton; of the Woman's Christian Temperance Union of Middlesex County; and of sundry citizens of Bristol, Hartford, and Portland, all in the State of Connecticut, praying for national prohibition, which were ordered to lie on the table.

Mr. SHEPPARD presented a memorial of the City Board of Missions, of Houston, Tex., and a memorial of the Sunday School of the First Methodist Episcopal Church South of Marshall, Tex., remonstrating against the taxing of, and praying for the prohibition of, the liquor business as a war measure, which were ordered to lie on the table.

Mr. PHELAN presented a memorial of the Chamber of Commerce of San Francisco, Cal., remonstrating against the passage of the bill (S. 2356) to amend an act to regulate commerce, as amended, and for other purposes, which was ordered to lie on the table.

TRANS-PACIFIC ORIENTAL TRADE.

Mr. PHELAN. I desire to present for publication in the RECORD a statement made by the Chamber of Commerce of San Francisco, Cal., on the decline of the American merchant marine in the Pacific since 1914, the year of the war.

It is an astonishing statement. In 1914 American tonnage was 33 per cent of the total, and Japanese 56 per cent; in 1917 the American tonnage declined to 8 per cent and the Japanese

increased to 74 per cent. Action to restore our ships is imperative.

The table will show in detail the fact which I lay before the Senate. I ask that the statement be referred to the Committee on Commerce.

There being no objection, the statement was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

SAN FRANCISCO CHAMBER OF COMMERCE,
June 8, 1917.

Hon. JAMES D. PHELAN,
Washington, D. C.

MY DEAR SENATOR: We inclose detailed statement of vessels reported in the trans-Pacific trade November, 1914, and June, 1917, which is self-explanatory.

This is sent to you in connection with our efforts to have the interned German vessels at Manila turned over for operation to the only American-owned company on the coast, namely, the Pacific Mail Steamship Co.

In view of the great importance of the matter in order to provide ships for bringing in the raw materials necessary for war supplies, we urge that you personally call on the chairman of the Shipping Board, present these papers, and urge immediate and favorable action in the interest not only of San Francisco and the Pacific coast but of the entire Nation.

Unless shipping facilities are promptly provided, we greatly fear munition factories will shortly shut down for want of raw products.

Yours, very truly,

SAN FRANCISCO CHAMBER OF COMMERCE,
ROBERT NEWTON LYNCH,
Vice President and Manager.

List of steam vessels, with nationalities, not including tankers, in trans-Pacific (oriental) trade in November, 1914, and June, 1917.

SAN FRANCISCO.

1914. American:	Net tons.	1917. American:	Net tons.
China	3,186	China	3,186
Korea	5,651	Colusa	3,622
Manchuria	8,750	Colombia	3,448
Mongolia	8,750	Ecuador	3,435
Mackinaw	2,005	Hattie Luckenbach	3,516
M. S. Dollar	2,674	Venezuela	3,443
Melville Dollar	921		
Robert Dollar	3,419		
Siberia	5,655		
Stanley Dollar	955		
Total	41,966	Total	20,650

PUGET SOUND.

American:		American:	
Minnesota	13,323	Justin	1,779
		Javary	782
Total	13,323	Total	2,561

SAN FRANCISCO.

Japanese:		Japanese:	
Chiyo Maru	7,353	Anyo Maru	5,739
Nippon Maru	2,965	Amagisan Maru	2,305
Seiyo Maru	4,771	Atagosan Maru	2,491
Shinyo Maru	6,368	Hakata Maru	3,869
Tenyo Maru	6,283	Hudson Maru	2,731
Mexico Maru	3,560	Ide Maru	3,237
		Korea Maru (formerly under American flag)	6,103
		Katsu Maru	2,001
		Kotohira Maru	2,267
		Kwanto Maru	3,128
		Kaijo Maru	2,563
		Kenkon Maru	3,423
		Kenkon No. 5 Maru	2,109
		Kiku Maru	1,977
		Kiyo Maru	6,480
		Meiten Maru	2,422
		Milkesan Maru	1,987
		Meikai Maru	1,999
		Nippon Maru	2,965
		Nichiyo Maru	2,101
		Persia Maru	2,673
		Shuichiku Maru	2,223
		Seiyo Maru	4,771
		Siberia Maru (formerly under American flag)	6,112
		Shinyo Maru	6,368
		Suki Maru	1,990
		Shingo Maru	3,000
		Shinyo II Maru	3,617
		Tenyo Maru	6,283
		Yubari Maru	2,958
Total	31,300	Total	101,892

PUGET SOUND.

Japanese:		Japanese:	
Azumasan Maru	2,708	Awa Maru	3,696
Aki Maru	4,002	Ataka Maru	2,481
Awa Maru	3,696	Ayaha Maru	3,564
Asama Maru	2,706	Bankoku Maru	3,752
Canada Maru	3,548	Burma Maru	3,000
Chicago Maru	3,637	Canada Maru	3,548
Java Maru	2,875	Chicago Maru	3,637
Kiyo Maru	5,758	Fukui Maru	3,087
Kongosan Maru	3,351	Hokkai Maru	2,744
Luzon Maru	2,968	Hawaii Maru	5,980
Panama Maru	3,568	Inaba Maru	3,757
Sado Maru	3,653	Kaifuku Maru	1,865
Seattle Maru	3,619	Keishin Maru	2,665

1914. Japanese—Continued.	Net tons.	1917. Japanses—Continued.	Net tons.
Shidzuoka Maru	3,869	Kamakura Maru	3,644
Shinkai Maru	3,025	Kongosan Maru	3,351
Tamba Maru	3,593	Manila Maru	6,033
Tacoma Maru	3,831	Mexico Maru	3,560
Yokohama Maru	3,817	Mitsuki Maru	2,703
		Nankai Maru	3,499
		Panama Maru	3,568
		Shinkoku Maru	3,100
		Saigon Maru	2,740
		Shikzuoka Maru	3,869
		Sado Maru	3,653
		Shimpo Maru	3,692
		Somedono Maru	3,175
		Saikai Maru	2,743
		Sanno Maru	2,119
		Seattle Maru	3,619
		Tsurugisan Maru	2,329
		Tensho Maru	1,987
		Tamba Maru	3,593
		Tenpaisan Maru	2,637
		Tenshyo Maru	1,987
		Ujina Maru	3,248
		Yokohama Maru	3,817
Total	64,224	Total	118,442

SAN FRANCISCO.

Dutch:		Dutch:	
None.		Anakan	3,205
		Bintang	4,155
		Goentnoer	3,706
		Rembrandt	3,670
		Rindjani	2,952
		Tjimanoek	3,510
		Tjisondari	5,019
		Vondel	3,443
Total		Total	29,660

PUGET SOUND.

Dutch:		Dutch:	
None.		None.	

SAN FRANCISCO.

Norwegian:		Norwegian:	
None.		Bayard	1,719
		Volund	1,114
		Maricopa	4,418
Total		Total	7,251

PUGET SOUND.

Norwegian:		Norwegian:	
Christian Bros	2,788	Luise Neilsen	4,271
		Niels Neilsen	4,410
		Thordis	3,523
Total	2,788	Total	12,204

SAN FRANCISCO.

British:		British:	
Bessie Dollar	2,798	None.	
Hazel Dollar	3,580		
Persia	2,744		
Total	9,122	Total	

PUGET SOUND.

British:		British:	
Hyndford	3,483	Falthybins	6,522
Queen Helena	2,755		
Total	6,238	Total	6,522

Recapitulation.

SAN FRANCISCO.

Nationality.	Net tonnage.	Per cent.	Nationality.	Net tonnage.	Per cent.
1914.			1917.		
American	41,966	51	American	20,650	13
Japanese	31,300	38	Japanese	101,892	64
Dutch			Dutch	29,660	19
Norwegian			Norwegian	7,251	4
British	9,122	11	British		
Total	82,388	100	Total	159,453	100

PUGET SOUND.

1914.			1917.		
American	13,323	15	American	2,561	2
Japanese	64,224	74	Japanese	118,442	85
Norwegian	2,788	4	Norwegian	12,204	8
British	6,238	7	British	6,522	5
Total	86,573	100	Total	139,729	100

TOTAL.

1914.			1917.		
American	55,289	33	American	23,211	8
Japanese	95,524	56	Japanese	220,334	74
Dutch			Dutch	29,660	10
Norwegian	2,788	2	Norwegian	19,455	6
British	15,360	9	British	6,522	2
Total	168,961	100	Total	299,182	100

A WAR GOVERNMENT.

Mr. SHERMAN. I present a communication in the nature of a memorial. It is an editorial from the Chicago Tribune of June 14, 1917. I ask that it be printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, June 14, 1917.]

FOR A WAR GOVERNMENT.

The wisdom of urging the formation of a war government by President Wilson is impressive. By discarding the party scheme, which prevents the selection of the best men in the country, the President could organize a government which would command confidence and, we think, retain it.

This is not a war government. The men who manage or who are supposed to manage the country's affairs in this most difficult and dangerous period were not chosen for their preeminent ability in the work which they now have to do.

The President may have been convinced, and may be convinced, that he selected able men of peculiar ability in the work he gave them, but he can hardly be convinced that he has the best men in the country, and he must be convinced that the country needs the best men.

With regard to Secretary Daniels, it is certain that the country has small confidence in his ability to administer Navy affairs. Daniels is an amiable man, energetic, and no doubt conscientious; but if he was not the man for the Navy before the war, what possible opinion could be held of his fitness now?

The Government ought to utilize Theodore Roosevelt. The country must be inspired and its confidence must be strengthened. Roosevelt's worst enemies will concede that he has a dynamic effect upon morale. He knows how to develop enthusiasm. He also is an executive. He knows the Navy.

We are not selecting places for the colonel; but we know that he ought to be used, and if he succeeded Daniels it would be known that the Government had but one intent, and that to win the war.

Great Britain could not conduct the war upon party lines, and did not try to do so very long. It could not conduct the war without the aid of its best men, and the process of elimination went on, regardless of party and personality, until men were fitted in where they belonged.

We shall be forced to do the same thing, we believe, and the wisdom of doing it early seems undeniable.

REPORTS OF COMMITTEES.

Mr. WADSWORTH, from the Committee on Military Affairs, to which was referred the bill (S. 979) for the promotion and retirement of Col. David L. Brainard, Quartermaster Corps, United States Army, reported it without amendment and submitted a report (No. 64) thereon.

Mr. NELSON, from the Committee on Commerce, to which was referred the bill (S. 1004) to provide for the retirement of officers and employees of the Bureau of Lighthouses and the Lighthouse Service, reported it with an amendment and submitted a report (No. 56) thereon.

He also, from the same committee, to which was referred the bill (S. 1005) to regulate the salaries of keepers of lighthouses, reported it with an amendment and submitted a report (No. 57) thereon.

PORT OF NORTHGATE, N. DAK.

Mr. McCUMBER. From the Committee on Finance I report back favorably with an amendment the bill (S. 2203) for the establishment of Northgate, in the State of North Dakota, as a port of entry and delivery for immediate transportation without appraisement of dutiable merchandise, and I submit a report (No. 54) thereon. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was, in line 3, after the word "first," to strike out the words "and seventh sections" and insert the word "section," so as to make the bill read:

Be it enacted, etc., That the privileges of the first section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, be, and are hereby, extended to the port of Northgate, in the State of North Dakota.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LANDS FOR MILITARY PURPOSES.

Mr. KIRBY. For the Committee on Military Affairs I report back favorably without amendment the bill (S. 2453) to authorize condemnation proceedings of lands for military purposes, and I submit a report (No. 55) thereon. I ask for the immediate consideration of the bill, as the public interest requires it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. THOMAS. Let the bill be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That hereafter the Secretary of War may cause proceedings to be instituted in the name of the United States, in any court having jurisdiction of such proceedings for the acquirement by condemnation of any land, or right pertaining thereto, needed for the site, location, construction, or prosecution of works for fortifications and coast defenses, military training camps, and other military purposes, such proceedings to be prosecuted in accordance with the laws relating to suits for the condemnation of property of the States wherein the proceedings may be instituted: *Provided*, That when the owner of such land or rights pertaining thereto shall fix a price for the same, which, in the opinion of the Secretary of War, shall be reasonable, he may purchase the same at such price without further delay: *Provided further*, That the Secretary of War is hereby authorized to accept on behalf of the United States donations of land and the rights pertaining thereto required for the above-mentioned purposes.

Mr. THOMAS. I have no objection to the bill.

Mr. KIRBY. There is no provision made under the law for acquiring by condemnation military training-camp sites, and it becomes necessary now to extend the law so that that may be done. I hope there will be no objection to the passage of the bill.

Mr. SMITH of Michigan. Let me ask the Senator from Arkansas if the bill does not go further than he suggests?

Mr. KIRBY. No. The old law provides for sites for coast-defense fortifications, and this only extends it to military training camps and other military purposes. It is an amendment to the old law.

Mr. SMITH of Michigan. Military training camps and other purposes?

Mr. KIRBY. That is the sole purpose of it. It would be a purpose of a like kind, of course.

Mr. SMITH of Michigan. Of course, the phrase "other purposes" gives a rather wide scope.

Mr. KIRBY. "Other military purposes." The bill limits it to other military purposes.

Mr. SMITH of Michigan. It leaves the whole question of acquiring training grounds to the Secretary of War.

Mr. ROBINSON. If my colleague will allow me, the purpose of the bill is to provide a general law whereby condemnation may be made of land in a State for military purposes generally. I think the language should be broad enough to comprehend other purposes than military training camps. Otherwise they will have to come back here and ask for the passage of another act whenever it becomes necessary to condemn land for additional purposes.

Mr. SMITH of Michigan. It is a very radical departure from the established policy of the Government to confer this wide discretionary power upon the Secretary of War. Of course, if it is necessary that it should be done, I shall not oppose it, but I merely wish to suggest that the scope of the bill is much more far-reaching than appears from a casual reading. They can go into any State and without any further authority upon the part of Congress may lay hold of any piece of property which incidentally or otherwise is related to the Military Establishment of the country, buy or condemn it, and come to Congress for the money. Under that authority the Secretary of War could have purchased the Jamestown Exposition site and paid $2,000,000 for it without coming to Congress until he had committed the Government irrevocably. Under that authority he can purchase any number of sites without the consent of Congress. We simply absolve ourselves deliberately from responsibility. If that is the disposition of the Senate, the sooner we understand it the better.

Mr. KIRBY. I think the Senator labors under a misapprehension. The bill proposes only to amend the law as it now stands in the two particulars I have mentioned in order to allow condemnation for military training camps and other military purposes. The old law provided that after condemnation proceedings were begun the Secretary of War might negotiate or settle if they could agree on a price. We have not changed that in any respect whatever.

The War Department has recommended a bill somewhat similar to this bill which had already been introduced. There is no statute warranting condemnation of lands for this purpose at this time. We framed this to follow the old law and permit the condemnation proceedings under the laws as they exist in each State where camps are located, thinking there would be less confusion about it. There is no objection from any quarter, as I understand it, and there is no disposition to do anything except to get some training-camp locations. Some people who have agreed to donate land and to sell land at a particular price have refused to part with it and are holding it, and the Government is powerless to condemn the land for a military training camp under the law as it exists to-day. This is a general law to relieve that condition and to provide adequate compensation for the man whose property is taken.

Mr. SMITH of Michigan. If this is to be done, I personally would as soon trust such discretionary power to the present Secretary of War as any Secretary we have ever had. I have great confidence in him, but why should Congress absolve itself from responsibility? Sometime the people will demand an accounting and we can not justify ourselves if we fail to perform our constitutional duty to the people who sent us here.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. NEWLANDS. I ask unanimous consent that we proceed to the consideration of Senate bill 2356, the unfinished business.

Mr. SMOOT. I ask that the regular order be proceeded with until the morning business is closed.

The VICE PRESIDENT. Are there further reports of committees?

REPORTS OF COMMITTEE ON COMMERCE.

Mr. FLETCHER, from the Committee on Commerce, to which was referred the bill (S. 993) to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes, reported it with amendment and submitted a report (No. 58) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 1544) to provide for appeals from decisions of boards of local inspectors of steam vessels, and for other purposes (Rept. No. 59);

A bill (S. 1545) to amend the act of March 3, 1913, entitled "An act to regulate the officering and manning of vessels subject to the inspection laws of the United States" (Rept. No. 60);

A bill (S. 1546) to permit the use of certain refined products of petroleum as stores on steam vessels carrying passengers (Rept. No. 61);

A bill (S. 1547) to amend section 5 of the motor-boat law approved June 9, 1910 (Rept. No. 62); and

A bill (S. 1549) to require numbering and recording of undocumented vessels (Rept. No. 63).

EMPLOYMENT OF STENOGRAPHER.

Mr. THOMPSON, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 83, submitted by Mr. WALSH on the 14th instant, reported it favorably without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Mines and Mining, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-fifth Congress to send for persons, books, and papers; to administer oaths, and to employ a stenographer at a cost not exceeding $1 per printed page; to report such hearings as may be had in connection with any subject which may be pending before said committee, the expense thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recess of the Senate.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMITH of Georgia:

A bill (S. 2455) to amend an act entitled "An act to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditures"; to the Committee on Education and Labor.

By Mr. WADSWORTH:

A bill (S. 2456) authorizing Brig. Gen. Theodore A. Bingham, United States Army, retired, to accept the decoration of the Legion of Honor of France; to the Committee on Foreign Relations.

By Mr. CALDER:

A bill (S. 2457) fixing the compensation of United States customs inspectors; to the Committee on Commerce.

By Mr. HARDING:

A bill (S. 2458) granting a pension to Robert Byrnes; to the Committee on Pensions.

By Mr. UNDERWOOD:

A bill (S. 2459) amending the act of June 3, 1916, entitled "An act for making further and more effectual provision for the national defense, and for other purposes"; to the Committee on Military Affairs.

By Mr. MYERS:

A bill (S. 2460) authorizing the issuance of patent to the Milk River Valley Gun Club; to the Committee on Public Lands.

By Mr. POINDEXTER:

A bill (S. 2461) appropriating the sum of $500 for the erection of a suitable monument over the grave of the Indian "Spokane Garry"; and

A bill (S. 2462) appropriating the sum of $200,000 to be paid to the individuals of the Clallam Tribe of Indians residing in the State of Washington; to the Committee on Indian Affairs.

By Mr. WARREN:

A bill (S. 2464) for the relief of the Merchants Transfer & Storage Co., of Washington, D. C.; to the Committee on Claims.

By Mr. SHEPPARD:

A joint resolution (S. J. Res. 79) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

CONSERVATION OF FOOD AND FUEL.

Mr. CHAMBERLAIN. Mr. President, I desire to introduce what is known as the conservation food bill. I claim no originality for it. It is known as the Lever bill in the House. I present it to the Senate in exactly the same form as it was reported from the committee in the House to the House of Representatives. The bill has been printed in the RECORD, and I ask that it be referred to the Committee on Agriculture and Forestry.

The bill (S. 2463) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel, was read twice by its title and referred to the Committee on Agriculture and Forestry.

Mr. CHAMBERLAIN. I ask that the report of the Committee on Agriculture of the House be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[H. Rept. No. 75, 65th Cong., 1st sess.]

CONSERVATION OF FOOD AND FUEL.

Mr. LEVER, from the Committee on Agriculture, submitted the following report (to accompany H. R. 4961):

The Committee on Agriculture, to whom was referred the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel, having considered the same, report thereon with the recommendation that it do pass.

The bill deals with foods, feeds, fuel, and articles required for their production, which are designated as necessaries. Its purposes, broadly stated, are to stimulate production, to reduce waste, to facilitate and clear the channels of distribution, to prevent hoarding, to assure fair prices, to eliminate injurious speculation, and to prohibit evil practices on exchanges. The necessity for accomplishing these aims, as a means to the successful prosecution of the war, is generally recognized and understood.

The bill is a war emergency measure and rests primarily upon the war powers conferred on Congress by the Constitution. Its provisions are intended to operate throughout the United States irrespective of State lines.

Section 1 contains a finding by Congress that the legislation incorporated in the bill is essential by reason of the existing war emergency.

Section 2 defines the word "person" and lays down certain rules of construction applicable to the act.

Section 3 establishes a governmental control of necessaries, and declares all necessaries, and processes, methods, and activities concerning the same, to be affected with a public interest. It authorizes the President to enter into voluntary arrangements to accept services without compensation, to cooperate with any agency or person, and to utilize and coordinate the activities of departments and agencies.

Section 4 declares certain acts and practices in connection with the handling, use, and distribution of necessaries to be unlawful. It lays the legal basis for succeeding sections which provide specifically for the enforcement of the provisions of this section.

Section 5 authorizes the President to license and regulate any business of importation exportation, manufacture, storage, or distribution of necessaries, in order to prevent uneconomical manufacture and inequitable distribution and otherwise to carry out the purposes of the act. The section expressly exempts farmers, gardeners, and others with respect to products of farms, gardens, and other lands owned, leased, or cultivated by them; retailers with respect to the retail business actually conducted by them; and common carriers.

Section 6 defines hoarding and provides punishment therefor. It expressly exempts any accumulating or withholding by any farmer, gardener, or any other person of the products of any farm, garden, or other land owned, leased, or cultivated by him.

Section 7 authorizes proceedings by the Government, in any district court of the United States, to seize and condemn hoarded necessaries, and empowers the court to direct their sale in such manner as to provide the most equitable distribution thereof, the net proceeds of the sale to go to the party entitled thereto.

Section 8 provides for the punishment of any person who willfully destroys any necessaries for the purpose of enhancing the price or restricting the supply.

Section 9 authorizes the President to purchase or provide for the production or manufacture of necessaries, to store and provide storage facilities for them, and to sell them; also to requisition necessaries and storage space therefor and to fix reasonable prices to be paid for the same by the Government, such prices to be subject to review by the courts. It is expressly provided that no natural person shall be required to furnish to the Government any necessaries held by him and reasonably required for consumption by himself and dependents for a reasonable time.

Section 10 provides that whenever the President finds it impossible by license or voluntary arrangement to assure an adequate and continuous supply of necessaries, he may requisition, take over, and operate any factory, mine, or other plant, or any part thereof, in which necessaries are or may be manufactured, produced, prepared, or mined. Just compensation therefor is provided, subject to review by the courts.

Section 11 authorizes the President to prescribe regulations governing, or either wholly or partly to prohibit, operations, practices, and transactions on, or subject to the rules of, exchanges on which necessaries are dealt in, in order to prevent undue enhancement or fluctuation of prices, injurious speculation, unjust market manipulations, and unfair and misleading market quotations. He may also require records to be kept and reports to be made of all such transactions.

Section 12 authorizes the President, when he finds that an emergency exists requiring stimulation of production, to fix, from time to time, a reasonable, guaranteed price for any necessaries, in order to assure the producer a reasonable profit. The Government guarantees the receipt of the price by domestic producers who rely upon the guaranty and comply with the President's regulations. Whenever the President shall find that the importation of necessaries produced outside of the United States seriously interferes, or is likely seriously to interfere, with the practical operation of the guaranteed price plan, or materially enhances or is likely materially to enhance the liabilities of the United States under any price guaranty, there is levied a duty upon importations of such necessaries at a rate to be ascertained and proclaimed by the President, which, when added to the value of the article at the time of entry, will be sufficient to bring its price up to the guaranteed price. In no case shall such rate be less than the rate fixed by existing tariffs. In order to make the guaranty effective, the President is authorized to purchase products covered thereby, and to use or dispose of them.

Section 13 provides that when the President shall find that limitation, regulation, or prohibition of the use of foods, food materials, or feeds in the production of alcohol or of alcoholic and nonalcoholic beverages, or that reduction of the alcoholic content of any beverage, is essential in order to assure an adequate and continuous supply of food, he is authorized, from time to time, to prescribe the extent of the limitation, regulation, prohibition, or reduction so necessitated and to give notice thereof.

Section 14 authorizes the President, in carrying out the purposes of the act, to create agencies, to accept services without compensation, to cooperate with any agency or person, to utilize any department or agency of the Government, and to coordinate their activities.

Section 15 authorizes the President to extend the franking privilege for exclusively official business in carrying out the purposes of the act to any agency or person designated by him.

Section 16 authorizes the President to make regulations and issue orders to carry out the purposes of the act.

Section 17 provides for the punishment of any person who willfully interferes with any officer, employee, or agent of the United States in the execution of any duty under the act.

Section 18 appropriates $2,500,000, available immediately and until expended, for the payment of rent, the expense of printing and publications, the purchase of material and equipment, and the employment of persons and means in the city of Washington and elsewhere.

Section 19 appropriates $150,000,000, available immediately and until expended, for the expenses of carrying out the provisions of the act other than those enumerated in section 18.

Section 20 declares that if any part of the act shall be adjudged by any court to be invalid, such judgment shall not invalidate the remainder of the act.

Section 21 limits the duration of the act to the period of the war and not exceeding one year thereafter. It provides that nothing in the section shall be construed to prevent the fulfillment by the United States of any legal obligation incurred pursuant to the act which shall be in force when the act ceases to be in effect.

Appropriate penalties are provided for willful violations of sections 5, 6, 8, 11, 13, and 17.

BUILDINGS AT MILITARY CANTONMENTS.

Mr. STERLING. I submit a resolution, which I send to the desk and ask to have read.

The Secretary read the resolution (S. Res. 85), as follows:

Resolved, That the Committee on Military Affairs be, and is hereby, directed to at once make inquiry and investigation as to buildings constructed or to be constructed at the various cantonments lately designated and established on the order or approval of the Secretary of War throughout the United States for the mobilization of troops, and that such inquiry relate to the following:

(1) The kind and character of buildings constructed or to be constructed at such cantonments, including the material entering into such construction;

(2) The estimated cost of such construction at each of the various cantonments;

(3) The nature and basis of the contract or contracts entered or to be entered into by the War Department for such construction, and the guarantees for the performances thereof by the contractors, together with the basis of compensation for such contractors;

(4) The wages or compensation paid per diem or otherwise to carpenters and mechanics engaged in such construction as compared with the usual and ordinary wages for like labor or services; and

(5) The price paid for material used in such construction as compared with the average market price of like material.

And that said committee make such investigation and report thereon to the Senate at the earliest practicable date.

Mr. STERLING. I ask unanimous consent for the immediate consideration of the resolution.

The VICE PRESIDENT. Is there objection?

Mr. FLETCHER. Mr. President, it strikes me that the resolution ought to go to the Committee on Military Affairs. The committee ought to determine whether or not it can make the investigation. If it has to be made, there may have to be some special provision for covering the expenses of it, and so forth. I think the resolution ought to be referred.

Mr. STERLING. It is merely a direction to the Committee on Military Affairs, and it seems to me there ought to be the action of the Senate on the question as to whether or not to give that direction.

Mr. CHAMBERLAIN. Mr. President, the committee can report the resolution promptly, and then the Senate can take such action with reference to it as it desires. I think it best to allow the resolution to go to the committee to be first considered.

Mr. STERLING. On the statement of the Senator from Oregon, I will consent to the reference of the resolution to the Committee on Military Affairs.

The VICE PRESIDENT. The resolution will be referred to the Committee on Military Affairs and printed.

PROPOSED COMMITTEE ON AERONAUTICS.

Mr. SHEPPARD. Pursuant to the notice which I gave on yesterday, I submit the following resolution and ask that it be referred to the Committee on Rules.

The resolution (S. Res. 86) was read and referred to the Committee on Rules, as follows:

Resolved, That the standing rules of the Senate be, and they hereby are, amended as follows:

Amend Rule XXV by inserting after the paragraph reading as follows:

A committee on additional accommodations for the Library of Congress, to consist of five Senators, the following paragraph:

A committee on aeronautics, to consist of 17 Senators.

AMENDMENT OF THE FEDERAL RESERVE ACT—CONFERENCE REPORT (S. DOC. NO. 46).

Mr. OWEN. I submit the conference report on the bill H. R. 3673, known as the Federal reserve act, which I ask to have printed and lie on the table.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3673) to amend the act approved December 23, 1913, known as the Federal reserve act, as amended by the acts of August 4, 1914, August 15, 1914, March 3, 1915, and September 7, 1916, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the amendment proposed by the Senate insert the following:

"That section 3 of the act known as the Federal reserve act be amended and reenacted so as to read as follows:

"'SEC. 3. The Federal Reserve Board may permit or require any Federal reserve bank to establish branch banks within the Federal reserve district in which it is located or within the district of any Federal reserve bank which may have been suspended. Such branches, subject to such rules and regulations as the Federal Reserve Board may prescribe, shall be operated under the supervision of a board of directors to consist of not more than seven nor less than three directors, of whom a majority of one shall be appointed by the Federal reserve bank of the district, and the remaining directors by the Federal Reserve Board. Directors of branch banks shall hold office during the pleasure of the Federal Reserve Board.'

"SEC. 2. That section 4 in the paragraph relating to the appointment of class C directors and prescribing their duties be amended and reenacted so as to read as follows:

"'Class C directors shall be appointed by the Federal Reserve Board. They shall have been for at least two years residents of the district for which they are appointed, one of whom shall be designated by said board as chairman of the board of directors of the Federal reserve bank and as "Federal reserve agent." He shall be a person of tested banking experience, and in addition to his duties as chairman of the board of directors of the Federal reserve bank he shall be required to maintain, under regulations to be established by the Federal Reserve Board, a local office of said board on the premises of the Federal reserve bank. He shall make regular reports to the Federal Reserve Board and shall act as its official representative for the performance of the functions conferred upon it by this act. He shall receive an annual compensation to be fixed by the Federal Reserve Board and paid monthly by the Federal reserve bank to which he is designated. One of the directors of class C shall be appointed by the Federal Reserve Board as deputy chairman to exercise the powers of the chairman of the board when necessary. In case of the absence of the chairman and deputy chairman, the third class C director shall preside at meetings of the board.

"'Subject to the approval of the Federal Reserve Board, the Federal reserve agent shall appoint one or more assistants. Such assistants, who shall be persons of tested banking experience, shall assist the Federal reserve agent in the performance of his duties and shall also have power to act in his name and stead during his absence or disability. The Federal Reserve Board shall require such bonds of the assistant Federal reserve agents as it may deem necessary for the protection of the United States. Assistants to the Federal reserve agent shall receive an annual compensation, to be fixed and paid in the same manner as that of the Federal reserve agent.'

"SEC. 3. That section 9 be amended and reenacted so as to read as follows:

"'SEC. 9. Any bank incorporated by special law of any State, or organized under the general laws of any State or of the United States, desiring to become a member of the Federal Reserve System, may make application to the Federal Reserve

Board, under such rules and regulations as it may prescribe, for the right to subscribe to the stock of the Federal reserve bank organized within the district in which the applying bank is located. Such application shall be for the same amount of stock that the applying bank would be required to subscribe to as a national bank. The Federal Reserve Board, subject to such conditions as it may prescribe, may permit the applying bank to become a stockholder of such Federal reserve bank.

"'In acting upon such applications the Federal Reserve Board shall consider the financial condition of the applying bank, the general character of its management, and whether or not the corporate powers exercised are consistent with the purposes of this act.

"'Whenever the Federal Reserve Board shall permit the applying bank to become a stockholder in the Federal reserve bank of the district its stock subscription shall be payable on call of the Federal Reserve Board, and stock issued to it shall be held subject to the provisions of this act.

"'All banks admitted to membership under authority of this section shall be required to comply with the reserve and capital requirements of this act and to conform to those provisions of the law imposed on national banks which prohibit such banks from lending on or purchasing their own stock, which relate to the withdrawal or impairment of their capital stock, and which relate to the payment of unearned dividends. Such banks and the officers, agents, and employees thereof shall also be subject to the provisions of and to the penalties prescribed by section 5209 of the Revised Statutes, and shall be required to make reports of condition and of the payment of dividends to the Federal reserve bank of which they become a member. Not less than three of such reports shall be made annually on call of the Federal reserve bank on dates to be fixed by the Federal Reserve Board. Failure to make such reports within 10 days after the date they are called for shall subject the offending bank to a penalty of $100 a day for each day that it fails to transmit such report; such penalty to be collected by the Federal reserve bank by suit or otherwise.

"'As a condition of membership such banks shall likewise be subject to examinations made by direction of the Federal Reserve Board or of the Federal reserve bank by examiners selected or approved by the Federal Reserve Board.

"'Whenever the directors of the Federal reserve bank shall approve the examinations made by the State authorities, such examinations and the reports thereof may be accepted in lieu of examinations made by examiners selected or approved by the Federal Reserve Board: *Provided, however*, That when it deems it necessary the board may order special examinations by examiners of its own selection and shall in all cases approve the form of the report. The expenses of all examinations, other than those made by State authorities, shall be assessed against and paid by the banks examined.

"'If at any time it shall appear to the Federal Reserve Board that a member bank has failed to comply with the provisions of this section or the regulations of the Federal Reserve Board made pursuant thereto, it shall be within the power of the board after hearing to require such bank to surrender its stock in the Federal reserve bank and to forfeit all rights and privileges of membership. The Federal Reserve Board may restore membership upon due proof of compliance with the conditions imposed by this section.

"'Any State bank or trust company desiring to withdraw from membership in a Federal reserve bank may do so, after six months' written notice shall have been filed with the Federal Reserve Board, upon the surrender and cancellation of all of its holdings of capital stock in the Federal reserve bank: *Provided, however*, That no Federal reserve bank shall, except under express authority of the Federal Reserve Board, cancel within the same calendar year more than 25 per cent of its capital stock for the purpose of effecting voluntary withdrawals during that year. All such applications shall be dealt with in the order in which they are filed with the board. Whenever a member bank shall surrender its stock holdings in a Federal reserve bank, or shall be ordered to do so by the Federal Reserve Board, under authority of law, all of its rights and privileges as a member bank shall thereupon cease and determine, and after due provision has been made for any indebtedness due or to become due to the Federal reserve bank it shall be entitled to a refund of its cash paid subscription with interest at the rate of one-half of 1 per cent per month from date of last dividend, if earned, the amount refunded in no event to exceed the book value of the stock at that time, and shall likewise be entitled to repayment of deposits and of any other balance due from the Federal reserve bank.

"'No applying bank shall be admitted to membership in a Federal reserve bank unless it possesses a paid-up, unimpaired capital sufficient to entitle it to become a national banking association in the place where it is situated under the provisions of the national-bank act.

"'Banks becoming members of the Federal Reserve System under authority of this section shall be subject to the provisions of this section and to those of this act which relate specifically to member banks, but shall not be subject to examination under the provisions of the first two paragraphs of section 5240 of the Revised Statutes as amended by section 21 of this act. Subject to the provisions of this act and to the regulations of the board made pursuant thereto, any bank becoming a member of the Federal Reserve System shall retain its full charter and statutory rights as a State bank or trust company, and may continue to exercise all corporate powers granted it by the State in which it was created, and shall be entitled to all privileges of member banks: *Provided, however*, That no Federal reserve bank shall be permitted to discount for any State bank or trust company notes, drafts, or bills of exchange of any one borrower who is liable for borrowed money to such State bank or trust company in an amount greater than 10 per cent of the capital and surplus of such State bank or trust company, but the discount of bills of exchange drawn against actually existing value and the discount of commercial or business paper actually owned by the person negotiating the same shall not be considered as borrowed money within the meaning of this section. The Federal reserve bank, as a condition of the discount of notes, drafts, and bills of exchange for such State bank or trust company, shall require a certificate or guaranty to the effect that the borrower is not liable to such bank in excess of the amount provided by this section, and will not be permitted to become liable in excess of this amount while such notes, drafts, or bills of exchange are under discount with the Federal reserve bank.

"'It shall be unlawful for any officer, clerk, or agent of any bank admitted to membership under authority of this section to certify any check drawn upon such bank unless the person or company drawing the check has on deposit therewith at the time such check is certified an amount of money equal to the amount specified in such check. Any check so certified by duly authorized officers shall be a good and valid obligation against such bank, but the act of any such officer, clerk, or agent in violation of this section may subject such bank to a forfeiture of its membership in the Federal Reserve System upon hearing by the Federal Reserve Board.'

"SEC. 4. That the first paragraph of section 13 be further amended and reenacted so as to read as follows:

"'Any Federal reserve bank may receive from any of its member banks, and from the United States, deposits of current funds in lawful money, national-bank notes, Federal reserve notes, or checks, and drafts, payable upon presentation, and also, for collection, maturing notes and bills; or, solely for purposes of exchange or of collection, may receive from other Federal reserve banks deposits of current funds in lawful money, national-bank notes, or checks upon other Federal reserve banks, and checks and drafts, payable upon presentation within its district, and maturing notes and bills payable within its district; or, solely for the purposes of exchange or of collection, may receive from any nonmember bank or trust company deposits of current funds in lawful money, national-bank notes, Federal reserve notes, checks and drafts payable upon presentation, or maturing notes and bills: *Provided*, Such nonmember bank or trust company maintains with the Federal reserve bank of its district a balance sufficient to offset the items in transit held for its account by the Federal reserve bank: *Provided further*, That nothing in this or any other section of this act shall be construed as prohibiting a member or nonmember bank from making reasonable charges, to be determined and regulated by the Federal Reserve Board, but in no case to exceed 10 cents per $100 or fraction thereof, based on the total of checks and drafts presented at any one time, for collection or payment of checks and drafts and remission therefor by exchange or otherwise; but no such charges shall be made against the Federal reserve banks.'

"SEC. 5. That the fifth paragraph of section 13 be further amended and reenacted so as to read as follows:

"'Any member bank may accept drafts or bills of exchange drawn upon it having not more than six months' sight to run, exclusive of days of grace, which grow out of transactions involving the importation or exportation of goods; or which grow out of transactions involving the domestic shipment of goods provided shipping documents conveying or securing title are attached at the time of acceptance; or which are secured at the

time of acceptance by a warehouse receipt or other such document conveying or securing title covering readily marketable staples. No member bank shall accept, whether in a foreign or domestic transaction, for any one person, company, firm, or corporation to an amount equal at any time in the aggregate to more than 10 per cent of its paid-up and unimpaired capital stock and surplus, unless the bank is secured either by attached documents or by some other actual security growing out of the same transaction as the acceptance; and no bank shall accept such bills to an amount equal at any time in the aggregate to more than one-half of its paid-up and unimpaired capital stock and surplus: *Provided, however*, That the Federal Reserve Board, under such general regulations as it may prescribe, which shall apply to all banks alike regardless of the amount of capital stock and surplus, may authorize any member bank to accept such bills to an amount not exceeding at any time in the aggregate 100 per cent of its paid-up and unimpaired capital stock and surplus: *Provided further*, That the aggregate of acceptances growing out of domestic transactions shall in no event exceed 50 per cent of such capital stock and surplus.'

"SEC. 6. That section 14, subsection (e), be amended and reenacted so as to read as follows:

"'(e) To establish accounts with other Federal reserve banks for exchange purposes and, with the consent or upon the order and direction of the Federal Reserve Board and under regulations to be prescribed by said board, to open and maintain accounts in foreign countries, appoint correspondents, and establish agencies in such countries wheresoever it may be deemed best for the purpose of purchasing, selling, and collecting bills of exchange, and to buy and sell, with or without its indorsement, through such correspondents or agencies, bills of exchange (or acceptances) arising out of actual commercial transactions which have not more than 90 days to run, exclusive of days of grace, and which bear the signature of two or more responsible parties, and, with the consent of the Federal Reserve Board, to open and maintain banking accounts for such foreign correspondents or agencies. Whenever any such account has been opened or agency or correspondent has been appointed by a Federal reserve bank, with the consent of or under the order and direction of the Federal Reserve Board, any other Federal reserve bank may, with the consent and approval of the Federal Reserve Board, be permitted to carry on or conduct, through the Federal reserve bank opening such account or appointing such agency or correspondent, any transaction authorized by this section under rules and regulations to be prescribed by the board.'

"SEC. 7. That section 16, paragraphs 2, 3, 4, 5, 6, and 7, befurther amended and reenacted so as to read as follows:

"'Any Federal reserve bank may make application to the local Federal reserve agent for such amount of the Federal reserve notes hereinbefore provided for as it may require. Such application shall be accompanied with a tender to the local Federal reserve agent of collateral in amount equal to the sum of the Federal reserve notes thus applied for and issued pursuant to such application. The collateral security thus offered shall be notes, drafts, bills of exchange, or acceptances acquired under the provisions of section 13 of this act, or bills of exchange indorsed by a member bank of any Federal reserve district and purchased under the provisions of section 14 of this act, or bankers' acceptances purchased under the provisions of said section 14, or gold or gold certificates; but in no event shall such collateral security, whether gold, gold certificates, or eligible paper, be less than the amount of Federal reserve notes applied for. The Federal reserve agent shall each day notify the Federal Reserve Board of all issues and withdrawals of Federal reserve notes to and by the Federal reserve bank to which he is accredited. The said Federal Reserve Board may at any time call upon a Federal reserve bank for additional security to protect the Federal reserve notes issued to it.

"'Every Federal reserve bank shall maintain reserves in gold or lawful money of not less than 35 per cent against its deposits and reserves in gold of not less than 40 per cent against its Federal reserve notes in actual circulation: *Provided, however*, That when the Federal reserve agent holds gold or gold certificates as collateral for Federal reserve notes issued to the bank such gold or gold certificates shall be counted as part of the gold reserve which such bank is required to maintain against its Federal reserve notes in actual circulation. Notes so paid out shall bear upon their faces a distinctive letter and serial number which shall be assigned by the Federal Reserve Board to each Federal reserve bank. Whenever Federal reserve notes issued through one Federal reserve bank shall be received by another Federal reserve bank, they shall be promptly returned for credit or redemption to the Federal reserve bank through which they were originally issued or, upon direction of such Federal reserve bank, they shall be forwarded direct to the Treasurer of the United States to be retired. No Federal reserve bank shall pay out notes issued through another under penalty of a tax of 10 per cent upon the face value of notes so paid out. Notes presented for redemption at the Treasury of the United States shall be paid out of the redemption fund and returned to the Federal reserve banks through which they were originally issued, and thereupon such Federal reserve bank shall, upon demand of the Secretary of the Treasury, reimburse such redemption fund in lawful money or, if such Federal reserve notes have been redeemed by the Treasurer in gold or gold certificates, then such funds shall be reimbursed to the extent deemed necessary by the Secretary of the Treasury in gold or gold certificates, and such Federal reserve bank shall, so long as any of its Federal reserve notes remain outstanding, maintain with the Treasurer in gold an amount sufficient in the judgment of the Secretary to provide for all redemptions to be made by the Treasurer. Federal reserve notes received by the Treasurer otherwise than for redemption may be exchanged for gold out of the redemption fund hereinafter provided and returned to the reserve bank through which they were originally issued, or they may be returned to such bank for the credit of the United States. Federal reserve notes unfit for circulation shall be returned by the Federal reserve agents to the Comptroller of the Currency for cancellation and destruction.

"'The Federal Reserve Board shall require each Federal reserve bank to maintain on deposit in the Treasury of the United States a sum in gold sufficient in the judgment of the Secretary of the Treasury for the redemption of the Federal reserve notes issued to such bank, but in no event less than 5 per cent of the total amount of notes issued less the amount of gold or gold certificates held by the Federal reserve agent as collateral security; but such deposit of gold shall be counted and included as part of the 40 per cent reserve hereinbefore required. The board shall have the right, acting through the Federal reserve agent, to grant, in whole or in part, or to reject entirely the application of any Federal reserve bank for Federal reserve notes; but to the extent that such application may be granted the Federal Reserve Board shall, through its local Federal reserve agent, supply Federal reserve notes to the banks so applying, and such bank shall be charged with the amount of notes issued to it and shall pay such rate of interest as may be established by the Federal Reserve Board on only that amount of such notes which equals the total amount of its outstanding Federal reserve notes less the amount of gold or gold certificates held by the Federal reserve agent as collateral security. Federal reserve notes issued to any such bank shall, upon delivery, together with such notes of such Federal reserve bank as may be issued under section 18 of this act upon security of United States 2 per cent Government bonds, become a first and paramount lien on all the assets of such bank.

"'Any Federal reserve bank may at any time reduce its liability for outstanding Federal reserve notes by depositing with the Federal reserve agent its Federal reserve notes, gold, gold certificates, or lawful money of the United States. Federal reserve notes so deposited shall not be reissued, except upon compliance with the conditions of an original issue.

"'The Federal reserve agent shall hold such gold, gold certificates, or lawful money available exclusively for exchange for the outstanding Federal reserve notes when offered by the reserve bank of which he is a director. Upon the request of the Secretary of the Treasury the Federal Reserve Board shall require the Federal reserve agent to transmit to the Treasurer of the United States so much of the gold held by him as collateral security for Federal reserve notes as may be required for the exclusive purpose of the redemption of such Federal reserve notes, but such gold when deposited with the Treasurer shall be counted and considered as if collateral security on deposit with the Federal reserve agent.

"'Any Federal reserve bank may at its discretion withdraw collateral deposited with the local Federal reserve agent for the protection of its Federal reserve notes issued to it and shall at the same time substitute therefor other collateral of equal amount with the approval of the Federal reserve agent under regulations to be prescribed by the Federal Reserve Board. Any Federal reserve bank may retire any of its Federal reserve notes by depositing them with the Federal reserve agent or with the Treasurer of the United States, and such Federal reserve bank shall thereupon be entitled to receive back the collateral deposited with the Federal reserve agent for the security of such notes. Federal reserve banks shall not be required to maintain the reserve or the redemption fund heretofore provided for against Federal reserve notes which have been retired. Federal reserve notes so deposited shall not be reissued except upon compliance with the conditions of an original issue.

"'All Federal reserve notes and all gold, gold certificates, and lawful money issued to or deposited with any Federal reserve agent under the provisions of the Federal reserve act shall hereafter be held for such agent, under such rules and regulations as the Federal Reserve Board may prescribe, in the joint custody of himself and the Federal reserve bank to which he is accredited. Such agent and such Federal reserve bank shall be jointly liable for the safe-keeping of such Federal reserve notes, gold, gold certificates, and lawful money. Nothing herein contained, however, shall be construed to prohibit a Federal reserve agent from depositing gold or gold certificates with the Federal Reserve Board, to be held by such board subject to his order, or with the Treasurer of the United States for the purposes authorized by law.'

"SEC. 8. That section 16 be further amended by adding at the end of the section the following:

"'That the Secretary of the Treasury is hereby authorized and directed to receive deposits of gold coin or of gold certificates with the Treasurer or any Assistant Treasurer of the United States when tendered by any Federal reserve bank or Federal reserve agent for credit to its or his account with the Federal Reserve Board. The Secretary shall prescribe by regulation the form of receipt to be issued by the Treasurer or Assistant Treasurer to the Federal reserve bank or Federal reserve agent making the deposit, and a duplicate of such receipt shall be delivered to the Federal Reserve Board by the Treasurer at Washington upon proper advices from any Assistant Treasurer that such deposit has been made. Deposits so made shall be held subject to the orders of the Federal Reserve Board and shall be payable in gold coin or gold certificates on the order of the Federal Reserve Board to any Federal reserve bank or Federal reserve agent at the Treasury or at the Subtreasury of the United States nearest the place of business of such Federal reserve bank or such Federal reserve agent: *Provided, however*, That any expense incurred in shipping gold to or from the Treasury or Subtreasuries in order to make such payments, or as a result of making such payments, shall be paid by the Federal Reserve Board and assessed against the Federal reserve banks. The order used by the Federal Reserve Board in making such payments shall be signed by the governor or vice governor, or such other officers or members as the board may by regulation prescribe. The form of such order shall be approved by the Secretary of the Treasury.

"'The expenses necessarily incurred in carrying out these provisions, including the cost of the certificates or receipts issued for deposits received, and all expenses incident to the handling of such deposits shall be paid by the Federal Reserve Board and included in its assessments against the several Federal reserve banks.

"'Gold deposits standing to the credit of any Federal reserve bank with the Federal Reserve Board shall, at the option of said bank, be counted as part of the lawful reserve which it is required to maintain against outstanding Federal reserve notes, or as a part of the reserve it is required to maintain against deposits.

"'Nothing in this section shall be construed as amending section 6 of the act of March 14, 1900, as amended by the acts of March 4, 1907, March 2, 1911, and June 12, 1916, nor shall the provisions of this section be construed to apply to the deposits made or to the receipts or certificates issued under those acts.'

"SEC. 9. That section 17 be amended and reenacted so as to read as follows:

"'SEC. 17. So much of the provisions of section 5159 of the Revised Statutes of the United States, and section 4 of the act of June 20, 1874, and section 8 of the act of July 12, 1882, and of any other provisions of existing statutes as require that before any national banking association shall be authorized to commence banking business it shall transfer and deliver to the Treasurer of the United States a stated amount of United States registered bonds, and so much of those provisions or of any other provisions of existing statutes as require any national banking association now or hereafter organized to maintain a minimum deposit of such bonds with the Treasurer is hereby repealed.'

"SEC. 10. That section 19 be further amended and reenacted so as to read as follows:

"'SEC. 19. Demand deposits within the meaning of this act shall comprise all deposits payable within 30 days, and time deposits shall comprise all deposits payable after 30 days, all savings accounts and certificates of deposit which are subject to not less than 30 days' notice before payment, and all postal savings deposits.

"'Every bank, banking association, or trust company which is or which becomes a member of any Federal reserve bank shall establish and maintain reserve balances with its Federal reserve bank as follows:

"'(a) If not in a reserve or central reserve city, as now or hereafter defined, it shall hold and maintain with the Federal reserve bank of its district an actual net balance equal to not less than 7 per cent of the aggregate amount of its demand deposits and 3 per cent of its time deposits.

"'(b) If in a reserve city, as now or hereafter defined, it shall hold and maintain with the Federal reserve bank of its district an actual net balance equal to not less than 10 per cent of the aggregate amount of its demand deposits and 3 per cent of its time deposits.

"'(c) If in a central reserve city, as now or hereafter defined, it shall hold and maintain with the Federal reserve bank of its district an actual net balance equal to not less than 13 per cent of the aggregate amount of its demand deposits and 3 per cent of its time deposits.

"'No member bank shall keep on deposit with any State bank or trust company which is not a member bank a sum in excess of 10 per cent of its own paid-up capital and surplus. No member bank shall act as the medium or agent of a nonmember bank in applying for or receiving discounts from a Federal reserve bank under the provisions of this act, except by permission of the Federal Reserve Board.

"'The required balance carried by a member bank with a Federal reserve bank may, under the regulations and subject to such penalties as may be prescribed by the Federal Reserve Board, be checked against and withdrawn by such member bank for the purpose of meeting existing liabilities: *Provided, however*, That no bank shall at any time make new loans or shall pay any dividends unless and until the total balance required by law is fully restored.

"'In estimating the balances required by this act, the net difference of amounts due to and from other banks shall be taken as the basis for ascertaining the deposits against which required balances with Federal reserve banks shall be determined.

"'National banks, or banks organized under local laws, located in Alaska or in a dependency or insular possession or any part of the United States outside the continental United States may remain nonmember banks, and shall in that event maintain reserves and comply with all the conditions now provided by law regulating them; or said banks may, with the consent of the Reserve Board, become member banks of any one of the reserve districts, and shall in that event take stock, maintain reserves, and be subject to all the other provisions of this act.'

"SEC. 11. That that part of section 22 which reads as follows: 'Other than the usual salary or director's fees paid to any officer, director, or employee of a member bank and other than a reasonable fee paid by said bank to such officer, director, or employee for service rendered to such bank, no officer, director, employee, or attorney of a member bank shall be a beneficiary of or receive, directly or indirectly, any fee, commission, gift, or other consideration for or in connection with any transaction or business of the bank,' be amended and reenacted so as to read as follows:

"'Other than the usual salary or director's fee paid to any officer, director, employee, or attorney of a member bank, and other than a reasonable fee paid by said bank to such officer, director, employee, or attorney for services rendered to such bank, no officer, director, employee, or attorney of a member bank shall be a beneficiary of or receive, directly or indirectly, any fee, commission, gift, or other consideration for or in connection with any transaction or business of the bank: *Provided, however*, That nothing in this act contained shall be construed to prohibit a director, officer, employee, or attorney from receiving the same rate of interest paid to other depositors for similar deposits made with such bank: *And provided further*, That notes, drafts, bills of exchange, or other evidences of debt executed or indorsed by directors or attorneys of a member bank may be discounted with such member bank on the same terms and conditions as other notes, drafts, bills of exchange, or evidences of debt upon the affirmative vote or written assent of at least a majority of the members of the board of directors of such member bank.'"

And the Senate agree to the same.

ROBT. L. OWEN,
G. M. HITCHCOCK,
GEO. P. MCLEAN,
Managers on the part of the Senate.

CARTER GLASS,
MICHAEL F. PHELAN,
EDMUND PLATT,
Managers on the part of the House.

RIFLES, MACHINE GUNS, AND FIELD ARTILLERY.

Mr. SMOOT. Mr. President, I desire, if other morning business has been concluded, to ask the Chair to lay before the body Senate resolution 82, coming over from a previous day.

The VICE PRESIDENT. The Chair lays before the Senate the resolution referred to by the Senator from Utah, which will be stated.

The SECRETARY. A resolution (S. Res. 82), submitted by Mr. SMOOT, requesting the Secretary of War to transmit certain information to the Senate.

Mr. JONES of Washington. I suggest that the resolution be read before it is considered, Mr. President.

Mr. FLETCHER. I think the resolution ought to be read.

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 82), as follows:

Resolved, That the Secretary of War be requested, if not incompatible with the public interest, to furnish to the Senate as soon as possible the following information:

First. Has the British Enfield rifle been adopted for the American Army; and if so, are such rifles being chambered so as to fit the American type of rifle cartridge?

Second. Are machine guns for the use of the American Army using the same type of rifle cartridge as the Army rifle to be used by the American Army?

Third. Do the American cartridges for use in rifles and machine guns differ in size or otherwise so as to prevent their being used in the rifles and machine guns of the English or French? If so, what is the character of the differences and what advantage is gained thereby?

Fourth. To what extent does the field artillery of the American Army differ in caliber and character of ammunition used from that of the English and French Armies?

Fifth. Can the ammunition of the English or French Armies be used in the field artillery of the American Army?

Sixth. If the American ammunition for rifles, machine guns, and field artillery is not interchangeable for like British or French guns, what advantage is gained by having it differ from that of the English Army or the French Army?

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. JONES of Washington. Mr. President, I ask the Senator from Utah whether or not the information which would be received on a request of that kind would be proper at this time to be made public?

Mr. SMOOT. I can not conceive of any harm that could come to the United States from the information asked for by the resolution.

Mr. JONES of Washington. It struck me, as I heard the resolution read, that if it is agreed to there might be information made public which might be pretty valuable to the other side. I know the Senator from Utah has given the matter careful consideration.

Mr. SMOOT. I will say to the Senator from Washington that I submitted the resolution because these questions have been raised in newspapers and magazine; and I have received letters asking if such and such things are so. All I desire is to obtain an authoritative statement from the department as to these questions in order that I may answer them.

Mr. JONES of Washington. Though that be true, yet the department might have information which it would not desire to give out.

Mr. SMOOT. If there is anything called for in the resolution which is incompatible with the public interest, it will not be furnished.

Mr. JONES of Washington. Does the resolution so provide?

Mr. SMOOT. Yes; it says:

That the Secretary of War be requested, if not incompatible with the public interest—

No possible harm can come from the adoption of the resolution.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

AMENDMENT OF INTERSTATE-COMMERCE ACT.

The VICE PRESIDENT. The morning business is closed.

Mr. NEWLANDS. Mr. President, I ask that the unfinished business be laid before the Senate.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2356) to amend the act to regulate commerce, as amended, and for other purposes.

Mr. NEWLANDS. Mr. President, the bill as amended is upon the desks of Senators, a reprint having been made. Last night I offered an amendment to the pending bill which referred to different lines from those in the reprint. I therefore renew the amendment with the proper lining.

The VICE PRESIDENT. It will be necessary to have the amendment submitted to the original bill as reported from the committee.

Mr. NEWLANDS. I do not understand the statement of the Chair.

The VICE PRESIDENT. There was a report of this bill originally by the committee. When amendments are submitted they must be submitted to the original bill as reported. There is no way for the Secretary to be shifting from one print of the bill to another.

Mr. LODGE. What is the precise request, Mr. President?

Mr. NEWLANDS. In view of the statement of the Chair, the amendment will have to be submitted to the original bill.

The VICE PRESIDENT. The Senator from Nevada is offering an amendment to what he calls "a reprint of the bill," which has no authoritative standing whatever in the Senate.

Mr. NEWLANDS. Very well.

The VICE PRESIDENT. The Senator can offer his amendment to the original bill.

Mr. NEWLANDS. Then I ask the Secretary to state the amendment that I offered last night to the original bill.

The VICE PRESIDENT. The Secretary will state the amendment proposed by the Senator from Nevada.

The SECRETARY. On page 4, line 4, after the word "expedite," insert the words "and provide for needed"; in line 5, after the word "carriers," insert the words "to permit and authorize carriers"; in lines 5 and 6, strike out the words "with two or more carriers"; and in line 6, after the word "proper," insert the words "and equitable," so that the paragraph as amended will read:

The President is hereby authorized, whenever in his judgment it becomes necessary in order to expedite and provide for needed transportation and to do justice between carriers, to permit and authorize carriers to enter into agreements looking to a proper and equitable division of earnings for a time to be specified and upon kinds of traffic to be prescribed.

Mr. NEWLANDS. I will state that the amendment was acted upon by the committee last night and was approved.

Mr. REED. I ask to have the amendment again stated.

The VICE PRESIDENT. The amendment will be again stated.

The SECRETARY. In the original print of the bill, on page 4, beginning in line 2, with the sentence "The President is hereby authorized," it is proposed to amend so as to read:

The President is hereby authorized, whenever in his judgment it becomes necessary in order to expedite and provide for needed transportation and to do justice between carriers, to permit and authorize carriers to enter into agreements looking to a proper and equitable division of earnings for a time to be specified and upon kinds of traffic to be prescribed.

Mr. REED. I can not follow it, Mr. President.

Mr. NEWLANDS. Then I will not press the amendment now.

Mr. REED. I could probably look at it in a moment. I should like to see it.

Mr. NEWLANDS. I will state, Mr. President, that the original provision in the bill was as follows:

The President is hereby authorized, whenever in his judgment it becomes necessary in order to expedite transportation and to do justice between carriers, to enter into agreements with two or more carriers looking to a proper division of earnings for a time to be specified and upon kinds of traffic to be prescribed.

That was not accurately expressed, and the committee simply amended it by adding in the original print, after the word "expedite," on page 4, line 4, the words "and provide for needed"; in line 5, after the word "carriers," by inserting the words "to permit and authorize carriers"; by striking out the words in lines 6 and 7 "with two or more carriers"; and in line 6, after the word "proper," by inserting the words "and equitable," so that the sentence as amended will read:

The President is hereby authorized, whenever in his judgment it becomes necessary in order to expedite and provide for needed transportation and to do justice between carriers, to permit and authorize carriers to enter into agreements looking to a proper and equitable division of earnings for a time to be specified and upon kinds of traffic to be prescribed.

The original provision was that the President was to enter into agreements. That was an inaccurate expression. The President is simply to authorize or permit the carriers themselves to make agreements looking to a division of earnings. The amendment was unanimously agreed upon by the committee, and I can see no possible objection to it.

Mr. REED. Mr. President, there is a very important difference between the two provisions of which I think the Senate ought to be advised. Under the section as it was reported originally by the committee the language was:

The President is hereby authorized, whenever in his judgment it becomes necessary in order to expedite transportation and to do justice between carriers, to enter into agreements with one or more carriers looking to a proper division of earnings—

And so forth. That put it in the power of the President, when he should requisition the railroads for any particular purpose or order preference to be given to any one class of freight over another, to enter into arrangements with the roads that might be regarded as equitable. The section as changed means that when the President has ordered a preference of traffic of one kind over another, thereupon the railroad presidents are authorized to get together and make such agreements as they see fit to make with reference to a division of the profits or of the earnings; in other words, the moment the President shall issue an order giving a preference in traffic, as I understand this language, the railway presidents are then authorized to do that which they have been prohibited from doing by every law we have written for many years, namely, to get together and pool their earnings and business.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Iowa?

Mr. REED. I do.

Mr. CUMMINS. The Senator from Missouri is, I think, mistaken. There is no essential difference between the provision as originally reported and the provision as it would be if amended, although the amendment probably puts it in better form. The original provision authorized the President to enter into agreements with two or more carriers. Of course, the carriers were at liberty to enter into the agreements or not, as they might see fit. The amendment simply proposes that the carriers shall make the agreement. Under the original form they would make the agreement, but the carriers under the amendment can not make the agreement for a division of earnings without the permission, the authority, of the President.

That is all that the President could do under the terms of the bill originally, because there was no obligation on the part of the United States that could be incurred; the United States had nothing to give and nothing to promise; and, even if the bill remains as it originally was, the President's part in it would be in substance an approval or granting of authority.

The Senator from Missouri is right in saying that the provision permits the railways to do a thing which is now forbidden by law, and has been forbidden for many years. If it were not so, the provision would be entirely unnecessary.

Mr. REED. Well, Mr. President, there is more in this amendment than that. I do not like to differ from my friend from Iowa. A railroad president came before the committee. That railroad president insisted that the railroads should be permitted to make these agreements among themselves, and objected to certain language contained in an amendment that was under discussion which placed it in the power of the Government to compel a division of earnings, this railway president insisting that the railways had the right to make those arrangements among themselves and control their own affairs; and there was, of course, from their standpoint, much to be said in favor of that.

As I understand the difference between the two propositions, however, it is this: Under the proposition as contained in the bill originally the President was authorized, whenever in his judgment it became necessary in order to expedite transportation and do justice between carriers, to enter into agreements with two or more carriers looking to a division of the earnings.

That made the President, or some representative of the Government, a party to this agreement. Before the agreement to divide the earnings could be made, it must be made through some representative of the Government. Accordingly, the Government would have a check upon it. It would know what was being done; and it might be that the man selected to represent the President in a matter of that kind would be a member of the Interstate Commerce Commission, conversant with the business.

That is one proposition; but the other proposition—the one that is now submitted by way of this amendment—is that the President may simply give his consent, and thereupon the railway managements themselves take up the question and settle it to suit themselves, the Government not being represented and not being in any way necessarily advised of what is going on.

Let us see how that might work. I am not here now to attack the transportation lines. They will have plenty of trouble on their hands without making any unnecessary trouble, and I want to treat them fairly, but we also want to treat ourselves fairly. Let us see how it may work out.

Under the proposition of the original bill, if it became necessary to haul great quantities of a particular kind of goods on rush orders and over a particular road, and the rates were high, the President or his representatives would call together the railway presidents and say: "There ought to be a division of rates." Thereupon he certainly would sit there to some extent as a kind of umpire to see that fair and just treatment was extended to all the railroads that might be concerned, big and little, and until he was satisfied the agreement could not be made. His consent would be essential to the agreement. Under the law as it is now proposed, however, the President having granted the permission, the railway presidents would get together to settle among themselves the question of the railway management.

The small railroads, the weak railroads, might very grievously suffer under those circumstances. The powerful railroads, represented upon this controlling board here in Washington, probably would not be worsted in the deal. So I think the language that was in this bill originally is better than the language that is put in by the committee by this amendment; and I think the language in this amendment is put in here to conform to the views of this distinguished railway president who was before the committee.

I have always believed that if we are to escape absolute public ownership we will do so by enlarging governmental control and direction, and that the law which provided that there should be no pooling of earnings was a wise and prudent law. If it is to be set aside during this war, then the act of setting it aside, together with all that follows from that act, ought to be subject to some kind of governmental check. That is not in the bill, if the language proposed is accepted, and I regret that the committee brings in that kind of report.

I hope, for that reason, that the amendment will not be accepted.

Mr. LODGE. Mr. President, I do not care to say anything specifically about the amendment now pending. That is a minor point; but I am unable to be in the Senate this afternoon owing to the meeting of the Finance Committee, and I do desire to say a few words about section 2.

It is there provided that—

> the President is authorized, whenever in his judgment such action is necessary to the public security and defense, to direct that certain kinds of traffic or particular shipments, as may be determined by him, shall have preference or priority in transportation by any common carriers by railroad or water, under such arrangements, rules, and regulations as he may prescribe. He may give these directions at and for such times as he may determine, and may modify, change, suspend, or annul them, and for any such purpose he is hereby authorized to issue orders direct, or through such person or persons as he may designate for the purpose.

It recognizes further that persons not in the employ of the United States may be designated, and receive such compensation as the President may fix.

Mr. President, there can be no doubt that in time of war very great power must be given to the Executive in regard to the matter of transportation. He must have authority to control all transportation that relates to the Army or the Navy, or the conduct of the war and the munitions necessary for it. This goes far beyond that, however. Under this bill the President can say to one great manufacturing establishment whose product is not going into the war at all, "You can not ship," and to another, whose product is equally unrelated to the war, "You shall have priority over your rival." There is nothing to prevent his putting his hand on every business in the country, without reference to whether it concerns munitions of war or has anything whatever to do with the war. The whole business of the country—not transportation alone, but the whole business of the country through transportation—is put in his hands. There is not a business in this country that under this law can not have a preference given to it or a discrimination made against it, no matter whether it is concerned with military operations or not. Now, surely there can be no such need as that under pretense of war authority. This goes far beyond anything of that kind.

I have unfortunately been unable to be in the Senate lately on account of work on the revenue bill, but I understood yesterday that some adjustment had been made to modify some of the extreme features of this bill, and while leaving in the hands of the President ample authority for everything connected with the war, to allow the other business of the country to be conducted in the ordinary way, the railroads, if it was necessary, getting authority to establish priority for any particular shipment through the Interstate Commerce Commission. I had understood that those modifications were generally satisfactory. I hear to-day that they are not satisfactory; that they have been dissipated, blown to the winds; that it must be all the authority possible or nothing.

Of late, Mr. President, among enthusiasts who in my judgment confuse the President with the country—which is just as unreasonable as confusing the Congress with the country; we are all alike the servants of the country—among those enthusiasts a very favorite method of eulogy is to put the President alongside Washington and Lincoln. I want to call attention

to a speech which Mr. Lincoln made at Pittsburgh in February, 1861, when he was standing on the edge of a war which brought this country within measurable range of destruction.

Mr. Lincoln said:

> By the Constitution the Executive may recommend measures which he may think proper, and he may veto those he thinks improper; and it is supposed that he may add to these certain indirect influences to affect the action of Congress. My political education strongly inclines me against the very free use of any of these means by the Executive to control the legislation of the country. As a rule, I think it better that Congress should originate as well as perfect its measures without external bias.

That sounds very simple in these days——

Mr. GALLINGER. And old-fashioned.

Mr. LODGE. Quite old-fashioned, as the Senator from New Hampshire suggests. With four years of desperate war on his hands, I do not recall that Mr. Lincoln asked for a press censorship. I do not recall that he came to Congress for abnormal powers. It is very true that he was severely criticized by the press which he did not attempt to muzzle. He was very severely criticized for suspending the habeas corpus act—a pure exercise of the war power—and he rested it on that doctrine. I, at least, have stumbled on no traces of his coming here to Congress personally and trying to get unreasonable powers; and yet, somehow or other, he managed to carry on a four years' war and bring it to success.

Mr. President, it is not as if the President himself were going to do these things. That is a physical impossibility. If he could give his whole time to regulating these questions of priority of transportation, undoubtedly he would do it well. I question neither his integrity nor his great ability. But we know perfectly well that that is not the way it will be done. As a matter of fact, some person will be designated whom the country has probably never heard of. He will be summoned "out of the anywhere into here," and we shall suddenly see another great man created by the touch of the Executive wand. He will exercise these great powers, and his word will be all powerful with the President.

When we give these powers, we talk about giving them to the President. We do not give them to the President. The President can not exercise them. It is utterly impossible for him to exercise them, or to attempt to exercise one tithe of them. They are done by these people whom he selects and puts in; and, as I have observed, some of the recent creations of men who are to be armed with these mighty authorities, it has occurred to me that it is extremely dangerous for Congress to abdicate its rights, to abdicate the functions conferred on it by the Constitution.

It is for that reason, Mr. President, that I hoped there would be some reasonable modification made; that all possible authority should be given that relates to the conduct of the war; but I regard it as extremely dangerous to put the whole business of the country not in the President's hands but in the hands of some man of whom we know nothing, as has been done in many instances. I hope—it may be a vain hope—that there will be some modification made.

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. LODGE. I yield.

Mr. NELSON. Would the Senator have no regulation at all on the subject?

Mr. LODGE. Why, I have tried, as far as the English language could express it, to say——

Mr. NELSON. Well, would the Senator——

Mr. LODGE. One moment; I have the floor—to say that I thought he ought to have the fullest possible power for military purposes.

Mr. NELSON. But if not in the hands of the President, where would the Senator put it?

Mr. LODGE. I would leave it where it belongs—in Congress or in the——

Mr. NELSON. How can Congress be in session and act in every one of these cases of shipping?

Mr. LODGE. Well, the way we are going on now, Congress is going to stay in session for some time.

Mr. NELSON. Suppose we do—how can we pass upon it?

Mr. LODGE. We can prevent the abuse of the powers.

Mr. NELSON. That we can do in any event.

Mr. LODGE. And we can withhold the powers from men unfit to use them.

Mr. NELSON. Mr. President, it is as utterly impossible for us to regulate these matters as it is for Congress to regulate railroad rates. We have committed that to an Interstate Commerce Commission.

Mr. LODGE. Very well, Mr. President; commit this to your Interstate Commerce Commission. That is what is proposed by the modification. We know the Interstate Commerce Commission, at least we know those who are now there. Who the next will be we do not know, but we know those who are now there. We know that at least they have been trained in the service. Why can not all the business that does not relate to the war be left to be settled by the Interstate Commerce Commission, who are trained men? They would not allow anything to be done that would interfere with the prosecution of the war.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER (Mr. FERNALD in the chair). Does the Senator from Massachusetts yield to the Senator from Ohio?

Mr. LODGE. I do.

Mr. POMERENE. The Senator has suggested that the President be given control over those things that relate to the war. Can the Senator lay down any rule whereby we can determine what will relate to the war and what will not when we come to administer it?

Mr. LODGE. Very easily——

Mr. POMERENE. If it is so easy——

Mr. LODGE. The movement of troops, the transportation of munitions, all those things relating to the efficiency of the Army and the Navy.

Mr. POMERENE. The Senator and I agree as to that proposition.

Mr. LODGE. I thought we would. Give the President absolute authority over those.

Mr. POMERENE. It may be that it is necessary to ship troops to-day, foodstuffs to-morrow, and bricks the day following, because they may be necessary for the very purpose of manufacturing the steel which is necessary in order to build our ships. I have in mind to-day a situation in Ohio where there was some complaint made by the brick manufacturers because an order had been made for the distribution of cars which interfered with their business. It was the purpose of the Shipping Board to give preference to the shipment of coal and iron and steel for Government purposes. It so happened that these brick companies were furnishing the bricks to build large additions to one of the steel mills in order to enable them to furnish the supplies of steel which the Government wanted. Surely under those circumstances the shipment of brick was just as necessary to the defense of the country as the shipment of steel itself.

Mr. LODGE. Mr. President, I am not questioning anything used for military purposes, but this does not stop there. It does not limit it to a military purpose. Under the words "military purpose" or "the service of the Army and Navy" or "munitions of war" you can cover everything that is needed. But why should all shipments be interfered with? Why should the power be given to help one corporation against another, to help one industry against another? That is what I object to. I object to carrying it to things that have nothing to do with the war. The illustration of the Senator from Ohio is for the building of ships that we need immediately for the purposes of the Government. I am not proposing to cut those away.

Mr. POMERENE and Mr. REED addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield, and if so, to whom?

Mr. LODGE. I yield to the Senator from Ohio. I will yield to the Senator from Missouri in a moment.

Mr. POMERENE. I felt quite sure the Senator and I would agree in that particular, inasmuch as it was very important and very necessary that preference be given to the shipment of those bricks; but the point I seek to make is that we as a legislative body can not determine from day to day what may be war supplies and what may not be. Allow me to call the Senator's attention to the phraseology of the bill, which confers upon the President this power only when in his judgment such action is necessary to the public security and defense.

Mr. LODGE. But who gave the orders about the bricks? Who said that they were needed? The President probably never heard of it.

Mr. POMERENE. I think perhaps that is true.

Mr. LODGE. Exactly. He acted through an agency.

Mr. POMERENE. Through an agency.

Mr. LODGE. Who did it?

Mr. POMERENE. I assume the railroad committee that has been acting in this matter.

Mr. LODGE. Of the advisory council?

Mr. POMERENE. Perhaps so.

Mr. LODGE. That the advisory council established by law have been picked out, selected by this council composed of Cabinet officers. They have neither responsibility nor power, except indirectly. We do not know who is doing it. That is the point I have tried to make clear. It is not giving it to the President; that is merely nominal. It is giving it to these men whom he selects. I yield to the Senator from Missouri.

Mr. REED. Mr. President, just a preliminary word, so that my statement may be as clear as I can make it.

The language of the bill is—

That during the continuance of the war * * * the President is authorized, whenever in his judgment such action is necessary to the public security and defense, to direct that certain kinds of traffic * * * shall have preference.

The Senator states that he has been absent on committee work, and I know that is the case; we all know it. It developed during the course of the debate that the words "public security and defense" were not intended by the committee to apply to the shipment of iron and the shipment of troops, and the shipment of munitions and the shipment of supplies to be used in their manufacture or production. It was not intended to be limited to that.

Mr. LODGE. Precisely.

Mr. REED. But it was intended that there should remain included within it other things, and it appeared after further discussion that those other things would embrace everything if the President concluded that it was necessary to embrace everything in order to further the public security and defense.

We reached that situation in the debate when it was proposed then to try and have some sort of conference to work out a plan by which the President would be given full authority to control everything that does relate to the Military Establishment in the progress of the war and to perhaps find some other authority to control the other shipments.

In answer to the interrogatory of the Senator from Ohio [Mr. POMERENE], who I am sorry has just left the Chamber, I will state that this amendment was prepared, and I say that it does cover and does give to the President complete control over everything necessary to the conduct of the war, unless you take the broad view that he must control every resource of the country to conduct the war.

I call the attention of the Senator from Massachusetts to the language:

That during the continuance of the war in which the United States is now engaged the President is hereby authorized, whenever in his judgment such action is necessary to the prompt movement of the military and naval forces, equipment or supplies, including materials to be employed in and for the production of the same of the United States or any nation making war against any nation with which the United States is at war, to direct that the same shall have preference or priority in transportation over all other shipments.

That covers the bricks of the Senator from Ohio.

Mr. LODGE. Absolutely.

Mr. REED. It covers anything that is to be used in the production of war supplies. It was proposed in this conference that having conferred those powers upon the President, broad and sweeping, covering everything necessary to the conduct of the war itself, when they came to preference in other shipments that that should be referred to the Interstate Commerce Commission with power on its part to act summarily if necessary.

Mr. LODGE. That is what I understood. I am as anxious as anybody and I am as ready to go as far as anybody in giving every power, every form of revenue, bonds, to aid in the prosecution of this war. I have but one desire, to fight this war to the very utmost and to win it at the earliest possible day. I am ready to give the President every possible power for the prosecution of the war. What I dislike is this attempt to depart from the prosecution of the war and invest him with these huge powers for the control of American business and American industry even when it has not the remotest connection with the war. That hesitation and doubt arise from the fact that I know the President can not attend to these things himself; it is impossible. If he could manage all the powers that we give to him that would be one thing, but that is an utter physical impossibility, and everybody knows it. The powers are deputed to somebody, and it is there where I begin to hesitate about giving vast and unnecessary powers.

Mr. NEWLANDS and Mr. SHAFROTH addressed the Chair.

Mr. LODGE. I yield first to the Senator from Nevada.

Mr. NEWLANDS. I understand, of course, that the Senator is desirous of giving the President every necessary power, and the committee considered that question particularly and carefully.

Mr. LODGE. I yielded for a question. I want to leave the floor. I have to go back to the committee room. I yielded for a question. I can not yield for a speech.

Mr. NEWLANDS. I simply wished to make a prefatory remark. I will ask the Senator whether he would wish the President to exercise the power of determining priority of shipments in case it should appear that the French nation now engaged in war with Germany lacked wheat, while the military forces of France might have an adequate supply?

Mr. LODGE. Mr. President——

Mr. NEWLANDS. If the Senator will permit me to ask him a question——

Mr. LODGE. I was ready to answer it.

Mr. NEWLANDS. I had not asked it.

Mr. LODGE. I beg the Senator's pardon. I thought he had asked a question.

Mr. NEWLANDS. The Senator had some vision in his mind——

Mr. LODGE. My mind perhaps moved a little more quickly.

Mr. NEWLANDS. A little more quickly than my own.

Mr. LODGE. That is possible.

Mr. NEWLANDS. His apprehension outruns my expression.

Mr. LODGE. That again is possible.

Mr. NEWLANDS. I wish to ask the Senator, in a case of this kind, assuming that the military forces of France had sufficient wheat to supply them, but assuming that the population of France were on the verge of starvation and required wheat, and there were large quantities of wheat in the Dakotas, and it was essential to get that wheat to the seaboard in order to supply not the French Army but the French people, would the Senator regard that as a case in which the President should be authorized to determine a priority?

Mr. LODGE. May I reply now?

Mr. NEWLANDS. Certainly.

Mr. LODGE. I shall make the same reply that I made three minutes ago. Unquestionably that is a military purpose. Who can doubt it? But the question whether one grower of cotton shall ship his cotton to a New England cotton mill, where it is to be made into calicoes to be used in this country or whether another should have the power of shipping his to another New England cotton mill for precisely the same purpose, I do not regard as a military question at all.

Mr. NEWLANDS. I will state to the Senator that some of the Senators who are opposed to giving these powers to the President when I put that precise question to them stated that was not the case of munitions of war or of military supplies or of military necessity. So there is a difference of opinion regarding it. It seems to me that this is not the case of a war such as we had during the Civil War——

Mr. LODGE. I yielded for a question. I want to get through and leave the floor. The Senator can make his argument at great length whenever he feels inclined.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor and will proceed.

Mr. LODGE. I think the necessities of war can be differentiated by the exercise of a little common sense. It does not seem to me a difficult thing to do. As to the question of giving authority, I want to reiterate, it is not a question of giving authority to the President; it is giving authority to the men whom he selects to exercise these vast authorities. I prefer to give him direct the military authority, and I give that a very broad interpretation in the question of transportation. The other authorities necessary can go to the Interstate Commerce Commission, who are familiar with the railroads, whom we know, who were not created night before last.

Mr. SHAFROTH. Mr. President——

Mr. LODGE. I yield to the Senator from Colorado.

Mr. SHAFROTH. I should like to ask the Senator whether in this power that he says is going to be exercised by persons other than the President the restraining influence of the President and the power to overthrow the very will of the men who may be exercising the power is not a safeguard which gives to the President the direction, and is it not necessary that it should be so?

Mr. LODGE. Mr. President, of course the men whom the President appoints are responsible to him. They have his ear. He will take and will be obliged to take their opinion ninety-nine times out of a hundred. He can not investigate every case that is brought up. Moreover, it is not at all clear that he would agree with popular opinion as to some of the selections already made.

Mr. SHAFROTH. Does not the Senator think that if any of the men whom the President selects should commit a gross error or a gross wrong he would immediately correct it?

Mr. LODGE. I hope so, certainly.

Mr. SHAFROTH. Does not the Senator think to vest this power in the Interstate Commerce Commission would be to crowd a body that is already worked almost to death, so that it could not expeditiously determine these matters?

Mr. LODGE. Mr. President, I understand we have just enlarged the Interstate Commerce Commission, and I think the most important things are the questions growing out of the war. That is a body of trained, experienced men, and I am not afraid to leave the extensive powers in their hands. I am not afraid to leave great powers in the hands of Gen. Goethals. I wish

he had them. It is not that I fear giving the powers, but I should like to have it given to people of whom the country knows something.

Mr. SMITH of Michigan. Will the Senator permit me?

Mr. LODGE. Yes.

Mr. SMITH of Michigan. The inquiry of the Senator from Colorado prompts me to inquire whether or not the President is not overburdened with responsibilities now?

Mr. LODGE. Yes.

Mr. SMITH of Michigan. The Senator suggests that the Interstate Commerce Commission is overburdened. The President is overburdened with responsibilities. He can work through agents, and so may the Interstate Commerce Commission work through agents.

Mr. SHAFROTH. The Interstate Commerce Commission is supposed not to operate through agents.

Mr. SMITH of Michigan. But it may.

Mr. SHAFROTH. It operates upon its own judgment.

Mr. SMITH of Michigan. Exactly.

Mr. SHAFROTH. The remedy that exists in the President is the remedy that whenever an error is made that is manifestly wrong he immediately can correct it. That being the case——

Mr. LODGE. I shall be glad to conclude. I must be elsewhere in a very short time. I desire to assure the Senate that there is nothing captious in what I am saying here about giving these great powers, which in practice pass into the hands of many men hitherto absolutely unknown to the country. I do not care one straw whether they are Democrats or Republicans. If Democrats are to be preferred, the Democratic Party is abundant in strong and able men who are known to the country.

Mr. President, I have been following with deepest anxiety this loan which is brought to a conclusion to-day. There is no denying the fact that we have had great difficulty in carrying that loan through.

My own belief was, when the loan was first put out, and I told the Secretary of the Treasury that I agreed with him, that the loan would be a great and immediate success. It has not been. I have heard some people say who have been doing their very best to sell those bonds, working night and day to do it, and that is the report that comes in, that the great trouble about the loan has been, first, the gigantic and disproportionate taxation that is proposed, and, second, the lack of confidence, not in the President, not in the Treasury, but the lack of confidence in some of the recent selections of the great unknown. That has been one thing that has held up the loan, and it will continue to hamper the movements of the Government.

I want to see those movements expedited; I want to see them promoted in every possible way. That is the point I tried to make in reference to Gen. Goethals, and it is as good an illustration as any. He has the confidence of the American people; they know him; they know what he has done; they are ready to trust him; but there are a great many men being brought here and placed in positions of enormous power on whom we are asked to confer all these authorities, but of whom the country knows nothing. That breeds distrust; it hampers the loan; and it is going to hamper you in other ways. It is that which I feel to be such a serious thing.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Minnesota?

Mr. LODGE. I yield to the Senator.

Mr. NELSON. I do not want to take up the Senator's time, but I merely desire to say that I understand that Mr. Willard, the president of the Baltimore & Ohio Railroad Co., is to be at the head of the railroad organization of the country, and that he and his colleagues will be the men with whom the President will consult. If that is the case, I do not think the Senator from Massachusetts would consider Mr. Willard as a very incompetent or unfit man.

Mr. LODGE. I should regard him as a man of the highest competency, as I know him to be; but what guaranty have we that he is to be left in control? When the Shipping Board was organized it had at its head Mr. Baker. I disagreed with some of Mr. Baker's plans in the bill, but he is a ship man, familiar with the running and conduct of ships and an authority on the subject; a man fit to be there. He, however, has disappeared.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Missouri?

Mr. LODGE. I yield.

Mr. REED. If the Senator will permit me, I call attention to the fact that it stands here conceded by the authors of this bill that it is not expected that this railroad committee will remain in control; it is not proposed that they shall direct the transportation of the country. On the contrary, it is proposed that they shall simply be here to carry out orders that are given to them. That has been conceded time and time again upon the floor in this debate, and it is plainly in the bill. So we might as well get it out of our heads now, and it will be a mistake on the part of any Senator who votes for this proposition if he does it upon the idea that four or five wise railroad presidents are going to sit here in Washington, distribute this business, declare these priorities, and work out the intricacies of this problem. They are to take their orders from somebody else who is to be hereafter appointed. Having received those orders, they will then, of course, execute them as best they can.

Mr. LODGE. Yes; probably somebody, as I have said, of whom the country has never heard.

We have these tremendous alarms brought in. The newspapers this morning have a statement of Mr. Price in regard to the impending destruction of the United States and of all the allies. That is the letter to which I referred yesterday as what was shown me the day before. I will not argue about it. It was violently alarming. What was going to save us? Why, to allow somebody to build wooden ships. What is going to save us if you turn in another direction? To confer huge powers on somebody to control the food supply of the country. Each one is going to save us; and the burst of terrific alarm always precedes a proposition to give power to save the country through building wooden ships or putting maximum and minimum prices on food or regulating railroad transportation in every possible direction—each one is necessary to salvation. The trumpets sound the alarm and then we find a bill is summoned forth to give powers to somebody who was never heard of yesterday, and who gets his appointment to-morrow.

Mr. NEWLANDS and Mr. SHAFROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. NEWLANDS. Mr. President, I wish to say, in reply to the Senator from Massachusetts [Mr. LODGE], that it has been the earnest desire of the Interstate Commerce Committee to avoid giving unnecessary powers to anyone. The committee, however, found itself confronted by the situation that there are five nations or more engaged in war with Germany; that we are at war with Germany, and we are to conduct that war in two ways: One is by helping the allies, and the other is by active movements ourselves.

We have confronting us the most thoroughly organized military power in the world; a power unequaled in military efficiency in the history of the world. In a condition such as prevailed during our late Civil War, the war of the Nation was against a section of the Nation, which was unorganized, unequipped, and unprepared for war, a war in which both sides could vie with each other in inefficiency without affecting the result substantially for a considerable period of time; but we are now engaged in a war for which we are unprepared, and with a country that is prepared beyond all experience in history.

We look upon the history of the world, and what do we find? That in every war success depends practically upon the leadership of one man, control of all the energies of a nation by one man, and that the trusted man of the nation. These war powers, unusual under ordinary conditions, not at all belonging to democratic institutions, are absolutely necessary not only to maintain the principles of democracy but the existing life of democracy itself.

Mr. REED. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Missouri?

Mr. NEWLANDS. Yes.

Mr. REED. The Senator states that history proves that all wars are conducted and won by one man. Will the Senator kindly tell us what one man is now conducting the war on behalf of England?

Mr. NEWLANDS. It is perhaps a misfortune that there is not one.

Mr. REED. But she is putting up the greatest fight that has been waged in history.

Mr. NEWLANDS. All great wars of history—the wars conducted by Alexander the Great, the wars conducted by Julius Cæsar, the wars conducted by Napoleon Bonaparte—have been wars in which the judgment of the nation has been exercised in discerning the commanding qualities of one man and intrusting to him leadership.

Mr. REED. Mr. President, if the Senator will pardon me further, will not the Senator please tell me what one man is winning the war for France?

Mr. NEWLANDS. The war is not being won.

Mr. REED. Well, will the Senator please tell us, then, what man is winning for Germany?

Mr. NEWLANDS. The Emperor.

Mr. REED. The Emperor! I deny that. If it had not been for Hindenburg, the Emperor would have been licked long ago, and a lot of other men with him.

Mr. NEWLANDS. Hindenburg is one of the Emperor's lieutenants. The Emperor has almost unlimited power. Now, Mr. President, the one country that has been efficient in the present war has been the country that is under the direction practically of one man, whose will is law, and Germany——

Mr. REED. Is that what the Senator wants now in this country?

Mr. NEWLANDS. Understand me, I am stating what history is, and not what I want.

Now, Mr. President, what has Germany accomplished? She has seized all the adjoining territory. She is now in possession, if I recollect aright, of the whole or portions of six countries—Belgium, northern France, Serbia, Roumania, Montenegro, and part of Russia. She owes this to the high efficiency of her organization, her discipline, and her preparation; and this great Nation, without preparation, without discipline, without efficiency, is now challenging the dominant nation of the world.

With France nearly exhausted, with Russia chaotic, with England near the maximum of her preparation, the burden of this great war is to fall upon America; and concentration of power is necessary somewhere, and where shall it be placed? Where must it be placed under our Constitution? In a council of 10? In a responsible ministry? Does our form of government contemplate that? No. In our organic act the people have ordained that the President of the United States shall be the Commander in Chief of the Army and the Navy, and under our Constitution he is vested with all executive power. So the very theory of our Government as to executive power is that the power shall be vested in one man, and that a man elected every four years by the people of the United States. If we should desire some other Commander in Chief, we could not secure him; we could not give him power.

The people have acted under the Constitution, and there in the White House stands the Commander in Chief of the Army and the Navy. Yet in this condition of peril we are wasting days and weeks in arguing the old principles of government, the essential principles of democracy, as to how much power we can give the Executive with a view to saving the Republic, and how much we shall withhold!

Mr. President, I have no fear of democracy. Democracy is progressing with giant strides throughout the entire world. Just now autocracy, represented by Germany, is at war with democracy, and thus far has been everywhere triumphant on land; but we see the workings of democracy in Russia and everywhere else, and while temporarily democracy has weakened and paralyzed Russia, it will ultimately be her strength. Autocracy is dying, but the German federation must be beaten, and finally beaten, in order to secure the triumph of democracy. In that great contest are we to be quibbling over the power that we will give the Commander in Chief of the Army, upon the assumption that unless we withhold from him power democracy will be imperiled and a despot will be enthroned?

Mr. SMITH of Georgia. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Georgia?

Mr. NEWLANDS. Certainly.

Mr. SMITH of Georgia. It is not that democracy will be imperiled, but that you will hang a sword over all business and over every industry in this country, creating an uncertainty about it that will make every intelligent man quit doing anything to the extent that he can.

Mr. NEWLANDS. I am very glad to hear the Senator from Georgia take that position. I wish I could be sure that the Senator from Missouri would take that position. As I understand, the Senator from Missouri feels that democracy is imperiled; that we are about to create a despot who will hold on for all time to the power which we unwisely give him in this great conflict.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Missouri?

Mr. NEWLANDS. Certainly.

Mr. REED. The Senator can find nothing that I have said that warrants him in asserting that I made any such charge. The Senator has found me inveighing against the placing of great and arbitrary powers in the hands of some gentlemen whose names we do not even know; he has heard me argue upon the floor of the Senate against disrupting and destroying the business of the people of the United States by turning it over to a lot of men who want to assume the unconstitutional powers and prerogatives of dictators. The only time I am alarmed for democracy is when I see a man stand on the floor of the United States Senate, as the Senator has done, and hear him proclaim that the democratic governments of the earth are trembling in the balances of destruction and about to go down before the blows of a despot, and then hear him urge that, because that despot is successful with his despotic power, we ought to concentrate all of our powers of government in one man. That is the only time I tremble; and yet I know the Senator is too much of a patriot to mean what his words imply.

Mr. NEWLANDS. Mr. President, my words will stand in the record and will indicate my meaning. The Senator disclaims any fear for democracy from the grant of these extraordinary powers.

Mr. REED. Oh, no—no, no! I said I disclaimed the idea that if we gave these powers the President would set up a despotism and perpetuate himself in power.

Mr. NEWLANDS. Very well. The Senator, as I understand, disclaims the idea that the temporary grant of these powers in time of peril involves danger to democracy.

Mr. REED. No; I do not disclaim that.

Mr. NEWLANDS. The Senator does not disclaim it? Very well; then I was mistaken.

Mr. REED. Let me say it again. I disclaimed the idea that I have charged, or now charge, or insinuate, or mean, that if we grant these powers the President of the United States is going to set up a despotism and try to perpetuate himself as a despot; but I nevertheless say that you can not grant the powers that you seek to grant by this bill without infringing upon the constitutional liberties of the people, without disrupting the business of the United States, without setting up petty despots and dictators, and that that is un-American and undemocratic, and I will add the word "infamous."

Mr. NEWLANDS. Then I think, from the explanation of the Senator, that I was justified in my original statement.

Mr. REED. We will stand on the record, then.

Mr. NEWLANDS. I had hoped that the Senator from Missouri had taken the position of the Senator from Georgia [Mr. SMITH], that this bill would merely disturb the business activities of the country, and I was about to address myself to that, but I find that I did not misapprehend his remarks of yesterday and the day before regarding "the man on horseback." He does apprehend that the grant of these powers will weaken democracy, while I say that the grant of these powers will save democracy.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Washington?

Mr. NEWLANDS. Certainly.

Mr. POINDEXTER. There is nothing in the powers conferred on the President in this bill that is any more obnoxious than the powers that are exercised almost every day by unknown private business men in the railroad corporations. Whether they have the right under the law or not, as a matter of practice and as a matter of fact they favor one shipper and disfavor another, prefer one line of shipments and postpone another. I am not any more apprehensive of giving that power to a public official than I am of leaving it in the hands of private railroad companies.

Mr. NEWLANDS. Mr. President, let us get out of our minds, then, the idea that we are going to drift into a despotism.

Mr. SMITH of Georgia. Mr. President——

Mr. NEWLANDS. The Senator from Georgia disclaims it, and the Senator from Missouri half disclaims it.

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Georgia?

Mr. NEWLANDS. I should like to go on. If the Senator wishes to ask me a question, however, I will yield.

Mr. SMITH of Georgia. I was going to ask the Senator a question, but I will not.

Mr. NEWLANDS. As I say, the Senator from Missouri half disclaims it, and I do not intend to address myself to that point any further. If we have got to temporarily Prussianize America in order to beat Prussia, I am willing to do it.

Mr. REED. I thought so.

Mr. NEWLANDS. Though there is nothing in the powers granted in any of these bills that reaches that limit.

I shall have no fear for democracy. We are engaged in a struggle to save democracy, to save the rights of the people, to save the liberties of the masses, to save individualized government, to save the rights of races and peoples to determine their own form of government, and above all we are for the power of the people, as expressed in a law-making body. If we are successful, there will not be a nation in the world that will not have a parliament of the people making its own laws and providing for their execution.

Now, Mr. President, as to the danger to business: The Senator from Washington very wisely remarked that somebody must determine the order of transportation; somebody must determine the order in which trains shall run; somebody must determine the manner in which trains shall be made up; somebody must determine the kinds of traffic that shall go on each one of of these trains. That power is being exercised now by the officials of our railroads, and this is a mere question of order.

Mr. BORAH. Mr. President——

Mr. NEWLANDS. The question is whether, in the matter of order, in the supreme moment——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Idaho?

Mr. NEWLANDS. I do.

Mr. BORAH. I do not desire to interrupt the Senator's argument, but I wanted to ask a question with reference to the status of this bill. We adjourned a couple of days ago in order to permit Senators to come to an agreement. May I ask the Senator if any progress has been made with reference to adjusting these differences?

Mr. NEWLANDS. No. I was going to reach that in a moment, if the Senator will permit me. I will explain that.

The question, then, is one of order. The order must be determined by somebody; and at this time it is of the highest importance that preference should be given not only to ordinary munitions of war and supplies of war, but to the materials that enter into those munitions, into supplies that not only go to great military forces but that go to peoples and nations the feeding of whom is absolutely essential to the success of the war in which we are engaged. You can not limit the sphere of activities into which the United States may be called upon to enter so as to insist upon the order in which things shall move which are essential not only to the armies but to the nations themselves engaged in the war. If somebody is to determine that order, why should not the President of the United States, knowing the military status and necessities and acting for the entire people, determine it, with a view to the successful prosecution of the war in which they are engaged and under the general rule prescribed in this bill of providing for the national security and defense?

Mr. President, this bill has dragged along now for a week. That has been the only question in it of any importance. The question was raised as to whether damages secured to the railroads by reason of these preferential orders should be also secured to the shippers, and we solved that question by withdrawing that entire provision from the bill.

Mr. REED. When was it withdrawn?

Mr. NEWLANDS. Last night.

Mr. REED. After Congress adjourned?

Mr. NEWLANDS. No; it was done on the floor. So this is the only question, and for practically a week, when the Nation is in peril, we have been arguing the question, first, as to whether somebody should be given the power to determine the order of the shipments in which the security and the safety of the Nation are involved, and, second, as to whether that power should be given to the Commander in Chief of the Army and Navy, selected by the people of the United States, or whether it should be given to a quasi judicial body, organized to deliberate, not to act, at a time when promptitude of action may be of the highest moment.

Mr. President, an endeavor was made yesterday to reconcile these differences. Prominent Senators in opposition to the bill were invited by several members of the Interstate Commerce Committee to a conference, and the result was the shaping of a provision which, as I understood it, was the utmost concession that the Senators opposed to this bill were willing to make. The proceedings were purely tentative. I had no power. these members of the committee had no power, either from the Senate or from the Committee on Interstate Commerce, to bind. It was tentative. I withheld my approval from that provision, though it was acquiesced in by some, until I could consult the friends of the bill. I did consult the friends of the bill, and I found that if we accepted that provision we would have as hard a contest with reference to the passage of the bill as if we let the bill remain as it is. As I believed in granting these powers to the President, and was willing to make a concession only in order to pass the bill speedily and effectively, realizing that the conclusion of the debate would come no sooner by reason of the change, I came to the conclusion that it would be unwise to recommend it; and that was the conclusion of the Interstate Commerce Committee, assembled last evening for the purpose of considering this matter.

Mr. President, what are the objections urged during this deliberation? The objection made to the limitation sought by the opponents of the bill was that it would restrict the President to a narrow field of operations. The friends of the bill realized that a scarcity of food in New York might be as fatal in this war as a scarcity of food at the battle front in Europe; and for that reason it might be most important, if during a congestion of traffic caused by a strike or other bad conditions there was a scarcity of food in any part of the country, for the President to take hold of the matter and determine priority in shipments for the purpose of relieving purely a domestic condition of distress. Would you deny him that power? Does not the successful prosecution of this war depend not only upon coordinating all the industries of the country and bringing them to our relief upon the battle field but upon sustaining the energies of the country in every enterprise that enters into the war, and also, above all things, upon preserving order and contentment and satisfaction at home?

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Michigan?

Mr. NEWLANDS. Certainly.

Mr. SMITH of Michigan. I should like to ask the Senator from Nevada if he believes that such powers as he seeks to bestow could and would be exercised fairly with reference to all sections of the country? Under the conditions which the Senator from Nevada has just described, the seaboard is, of course, paramount. Does he believe that all sections of the country would be fairly and equitably treated? Does he not believe that our commercial and industrial and agricultural necessities are vital; we can not furnish the money with which to equip our armies and defend our country unless we have some way of earning it? We have got to get it from the soil or we have got to get it from the factory.

I want to say to the Senator from Nevada that the city of Detroit, of which I am so proud, depends for its prosperity upon a just and fair equalization of the transportation facilities of the country. Transportation facilities are vital to our existence. We can furnish men and money, but our right to labor must not be abridged. Detroit was allotted $33,000,000 to raise for the liberty loan; and Detroit to-night, in my opinion, will report nearly $50,000,000 for the liberty loan. It comes out of our prosperous industries, and it is a great deal to say that any one man shall have the right to declare whether or not our industries and our business are of paramount importance. They are important to the prosperity of the country, and the country can not defend itself if it is not prosperous.

Mr. NEWLANDS. Mr. President, I think the President can be acquitted of any malign purpose to afflict the industries of any section of the country.

Mr. SMITH of Michigan. I do not know what the Senator meant by that.

Mr. NEWLANDS. I can assure the Senator——

Mr. SMITH of Michigan. I do not know whether the Senator meant to infer that I said he would be actuated by any malign purpose. I did not say any such thing, and what I said was not open to the remotest construction of the kind, because I have confidence in the President of the United States. But he is being seriously burdened in this crisis. Responsibilities and duties are being lodged on him which it would take many men to perform. If he can give attention to them in their detail, I shall be very glad; if not, then let the Senate, which represents the States, delegate this transportation task to some responsible officer of the Government who has both time and experience for the task. No novice or patronage monger can do this work. It is a task for a giant, and the President ought not to be burdened with such a duty.

Mr. NEWLANDS. Mr. President, I assume that the President can be relied upon simply to exercise these powers for the national security and defense, as the law provides, and I do not think it can be assumed for a moment that this power is to be exercised in such a way as to paralyze the industries of the country or of any section.

As I remarked a few moments ago, it is simply a question of order as to whether or not these shipments, essential to the prosecution of the war and to the maintenance of the people fighting Germany, not only the combatant portion but the noncombatant portion, shall be left simply to chance, to the determination of inferior officials of railways and subject to a law which compels equality of service and forbids priority and preference of service or shall be intrusted to the Commander in Chief of the Army and Navy of the United States.

So I decline to go into the field of conjecture to paint pictures of distress arising from paralyzing industries here and there. I assume that the man who has behind him a vote of the majority of the people of the United States is a man of some judgment and discretion, and that this power will be exercised under the standard imposed by the bill with judgment and

discretion and with a view to promoting not paralyzing or destroying the industries of the United States. I assume that he will be as intent upon preserving the vital powers of the United States as he is upon preserving the vital powers of our allies and that he will act with discretion and judgment.

I was addressing myself to the suggestion which was made that we should give to the President the power of directing priority as to munitions of war and the things that enter into the supplies of war and beyond that the determination of priorities should be intrusted to the Interstate Commerce Commission.

The objection to that is that the power is one and it ought to be in one person or body, and it would be unwise to divide the power, to give one part with limitations to the President when it might be absolutely necessary for him to go beyond the limits prescribed and to give another part to the Interstate Commerce Commission acting with the deliberation with which that commission usually acts and with which it ought to act.

Now, Mr. President, how is the President to act? We all admit that he is responsible for the executive administration of the United States, and that he can not do all the things that are necessary to be done in government; that there must be subordinate officials and boards acting under him, and we therefore give him the power to give these directions regarding priorities through either existing officials designated for the purpose, or, if he sees fit, to go outside and create officials for the purpose. It gives him the power to compensate such new officials, and if he goes outside those persons so designated do not remain outside the Government; they become a part of the executive department of the Government. They are not irresponsible people; they are responsible people whose appointment is provided for by law.

Under this act the President can not only select a single individual, but he can select several and turn them into a board, or he can, if he chooses, designate the Interstate Commerce Commission as the medium through which this power shall be exercised, or he can take an individual of that commission, skilled and experienced as they all are, and assign him to the task.

Much has been said about the existing organization, much of it by way of undeserved criticism, carping, and cavil. The President is represented as a man who is reaching out for power. If he is reaching out for individual power, why was the Council of National Defense organized upon his recommendation, a council consisting of six Cabinet officials? If he wished one-man power and proposed to act without counsel or advice or without getting in touch with the great mass of the people, why did he ask for this Council of National Defense, and then why did he suggest that in addition to that the great body of the people should be represented in cooperation with the Council of National Defense by an advisory commission and membership in the various committees of nearly a thousand men, almost all of whom are prominent in the industries and the activity and the enterprises of the country. That indicates that he wishes to go to every source of every industry in the country and secure cooperation in the exercise of powers intrusted to him, thus seeking their advice seeking their cooperation, and appealing to their patriotic instincts to serve without reward and without regard to their individual interests.

I believe that the men on those various committees are responding to the appeal which was made to them. We are not conscious of the activities that are being employed by those men or the time which is being given up by them in the various sections of the advisory commission in considering the various problems relating to the industries and activities with which they are connected that relate to the security and defense of the Republic.

There could not, in my judgment, in any democracy be established a form of administration that would be so thoroughly considerate of the vast mass of democracy and indicate so thoroughly a desire to consult with the people as the source of all power as this form of administration which has been recommended by the President and adopted by Congress. That machinery is our machinery, and why should we hold it up to ridicule and contumely whenever the occasion presents itself?

How it is acting with reference to this very matter. At first there were sneers with reference to the participation of railway officials in these things. Of course, it was assumed that railway officials would always act selfishly and in the interest of the corporations which they represented. Now, it seems to be universally concluded that the one man who is at the head of the advisory commission, Daniel Willard, of the Baltimore & Ohio, is one of the best men in the country, and all now on both sides express confidence in him. He is a man who has risen to the highest position in the railway world from the very lowest position in it—that of a trackman on a railroad. He is thoroughly experienced in everything that belongs to transportation, and is patriotically giving his entire time to this work and disassociating himself practically from the work of the corporation with which he is connected, giving advice in which he is careful to divorce himself from the special interests which he has represented. He has appeared before our committee, and before our subcommittee, and I wish to say that there is no man in this country connected with large enterprises who has more thoroughly won my respect and my confidence than Mr. Daniel Willard.

Now, you say that he will probably be the man through whom this power will be exercised. I do not know whether he will or not, but if he is he will be a good man.

Some suggestion is made that instead of authorizing the President to appoint these intermediate officials through whom he is to communicate his directions to the railroads he ought to seize upon the executive committees of the railroads themselves for that purpose. I can imagine what a storm of criticism would have arisen if we had put into this bill a provision to the effect that this power of direction should be exercised by a committee of railway officials. We would not then have had, as we now have, the despot and the man on horseback, but we would have had the octopus. The octopus would have been described to us with its tentacles reaching out to all the enterprises and energies of the country and grasping even the President himself in its embrace.

Now, as to the character of this executive railway committee, the bill provides that the committee shall not give orders but it shall obey. It is a committee of five officials—high-minded, honorable men, men not connected at all with the scandals of railway management, selected by all the railroads of the country and empowered to act for them. Would there be any more workable conception than this idea of bringing all the railroads of the country, with 250,000 miles of track, under the control of one executive committee and putting that committee at Washington, and placing it under the direction of the President, so far as the national security and defense are concerned in priority of shipment?

Those who criticize the bill say no, we should not make that committee the body to receive and obey the President's orders; we should create an original body for giving orders, and it should have the power to determine the order in which the shipments should be made. There is not the slightest doubt that the President in all these matters will ask the advice of the executive committee as to the best method of carrying out the powers conferred upon him, but the power is his; it belongs to him as the Commander in Chief of the Army and Navy; and whilst he may consult them in an advisory capacity, they stand there as instrumentalities of the railroads to obey his orders issued in the interest of the national security and defense.

Now, Mr. President, let us dismiss these pictures of the despot, the man on horseback, and the octopus. Let us determine that talk shall no longer be despot in the Senate of the United States. Let us rival in efficiency the executive branch of the Government under the leadership of Mr. Wilson. Let us parallel that efficiency, efficiency that is being displayed by the National Council of Defense and the advisory commission, by prompt and speedy action here. Let us give the Commander in Chief the powers that are essential to the successful conduct of this war, and let us adjourn and let the Commander in Chief conduct the war instead of compelling him to turn his eye away from scenes of contention abroad to scenes of contention at home and scenes of contention here.

Mr. President, I hope we will have action upon this bill to-day.

Mr. SMITH of Georgia. Mr. President, we have heard a very remarkable speech from the Senator from Nevada [Mr. NEWLANDS]. It has seemed at times he thought the President as Commander in Chief of the Army and Navy of the United States was also the controller of the property of every enterprise in the United States, of every farm in the United States, and the right of every citizen in the United States to live or to enjoy the privileges of activities of any kind. That is so unreasonable that it hardly needs reply.

What power as Commander in Chief that the President required to carry on the war has been withheld from him one moment? None.

The Senator talked about occupying time resisting legislation. I suggest to him a criticism of time used to defend indefensible and unneeded legislation.

The President is Commander in Chief of the Army and Navy. What has that to do with discriminating between two of my constituents in Georgia as to whether fruit shall be hauled

from the State or as to the kind of fruit that is to be hauled? Yet that power is given in this bill. I resent it because I wish my constituents to have the privilege of conducting their business as they have been taught to conduct it for years gone by. I resent it because it is not needed to conduct the war, and nobody has shown the slightest reason why this power should be given in order to conduct the war.

Mr. KING. Will the Senator yield?

The PRESIDING OFFICER (Mr. KENYON in the chair). Does the Senator from Georgia yield to the Senator from Utah?

Mr. SMITH of Georgia. I do.

Mr. KING. Does the Senator from Georgia feel that a fair and reasonable interpretation of the bill which has just been discussed by the Senator from Georgia would justify or warrant the President of the United States, or any agency created by the bill to discriminate between the two constituents of the Senator from Georiga? Does not the Senator think that if this agency or the President should show any priority so as to help one constituent in his private business at the expense of another it would be in direct contravention of the terms of the bill and subject the President of the United States to criticism if not to impeachment because of the infraction of a positive statute which limits his powers?

Mr. SMITH of Georgia. I will answer the Senator that it would not subject him to impeachment. He will have practically nothing to do with it. It would be within the power of the agencies which he creates.

We have had called to our attention discrimination by subcommittees of the advisory board. If they consisted of a legally established and formally named board of men with legal responsibilities they would not do it, but organized as they are in the indefinite way in which they are selected, without statutory responsibility and unapproachable except as they study to a considerable extent their own business——

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield further to the Senator from Utah?

Mr. SMITH of Georgia. Yes; I yield.

Mr. KING. As I understand the last statement of the Senator from Georgia, those controlling the operation of the railroads—and by that I suppose the Senator refers to the railroad commission that have been acting under the Council of National Defense—have shown discriminations in matters, as I understand him, affecting the private enterprise and business transportation of some of his constituents. If that be true, if they have shown discriminations are they not subject or are not the railroads subject to the pains and penalties that the railroads would have been subjected to at any time before the breaking out of this war?

Mr. SMITH of Georgia. The Senator has misconstrued my language. I did not refer to the board of railroad managers and I did not refer to discriminations in transportation. If there have been discriminations in transportation, of course as the law now stands the parties against whom the discrimination was made would have legal redress, but after the passage of this bill if discriminations take place they will have no redress.

I was referring to the difficulty of handling your affairs when placed in the charge of men really without office, of an indefinite character without official responsibility named by statute or as an incident to the office which they fill, and yet with unlimited power.

I was referring to the fact that under this bill the President could put anybody he saw fit in charge of priority of shipment with the power to determine to whom shipments should be given and to whom they should not; that these men not holding public office would not have attached to them the responsibility that would attach if we named the office and required them to be appointed by the President and confirmed by the Senate and if we defined the duties of their offices; with no obligation to make their names public for months they might exercise the power and be publicly unknown.

The President could not, if he had nothing else to do, perform the duties covered by this bill. If it was simply to give him the right to requisition the railroads for transportation for military supplies or those things required to produce munitions and military supplies or even also food supplies for the Army and for the armies of Europe, I would not object to the bill. The issue we make upon the bill, Senators, is that it does not stop there at all. It extends to every line of private business. It gives an unlimited and unrestricted right of discrimination.

I understand the language is used "when he deems it necessary for the national security and defense," but that does not mean that the particular shipment is for that purpose. It does not mean anything of that kind, and it would not be so construed. If you create a separate board and require them to apply such a rule to each discrimination, it will occupy a different position.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Iowa?

Mr. SMITH of Georgia. I do.

Mr. CUMMINS. Does the Senator desire to repeal the act of 1906, in which the President was given the power to declare a preference or priority for all things connected with the Army and the Navy and for war materials?

Mr. SMITH of Georgia. Not at all. I recognize the necessity for that provision.

Mr. CUMMINS. That the Senator wants reserved to the President. This is what bothers me, and I put it now to the Senator from Georgia for such answer as he may think it deserves: The words "war material" used in the act of 1906 are very elastic and, of course, susceptible of a very broad interpretation. Suppose we should give the right of preference or priority to either the Interstate Commerce Commission or to some other board in shipments other than those which involve war material, would we not have this situation: The President orders certain priorities; the Interstate Commerce Commission or another board orders other priorities. How are we to reconcile the exercise of these two powers when we start out with the assumption that the facilities of the railway companies are inadequate to move all the traffic of the country? Would we not very soon find ourselves in inextricable confusion?

Mr. SMITH of Georgia. I do not think so. I think it would be very easy to provide that in the exercise of the powers heretofore given to the President they should take precedence, and that whenever he made a requisition for military purposes it should take precedence over all other orders, and that the railroads that received the orders should promptly enforce them.

This bill provides for a committee representing the railroads, to be stationed in Washington City. It provides that they shall obey the orders issued by these representatives of the President with reference to priorities, and, following those orders, disregarding ordinary rules of priority of shipments, the railroad companies should be free from any liability to the shipper. It would be perfectly easy to say that they should obey, first, the orders from the President with reference to the movement of supplies of a military nature and, second, that they could exercise additional priorities where the Interstate Commerce Commission regarded it essential as an incident to the condition of the business of the country, or with some language of limitation.

Mr. CUMMINS. Just one more question along that line. These orders could not be given with the idea that they are to be obeyed in a moment. Railway companies must arrange their affairs in order to give priority to anything anywhere. Suppose that the independent board or the Interstate Commerce Commission should direct a railway company to assemble its facilities in Minneapolis in order to transport flour to a certain part of the country and the railway company should proceed to carry out the order; that then the President, or some one authorized by him, should reach the conclusion that these same facilities which had been ordered to be assembled at Minneapolis were needed in Chicago for the purpose of transporting war material from Chicago to another point in the country, does not the Senator see that in that conflict we should render the whole transportation system inefficient and unworkable?

Mr. SMITH of Georgia. No; I do not think so. The railroads themselves are planning continuously the distribution of their cars to meet the demands of their shippers. They plan the distribution of their cars to meet the pressure upon transportation by the commerce in different parts of the country. Whenever the President issues an order at all he interferes with the organization; he interferes with that system of locating shipments and locating the cars for the purpose of meeting the pressure of transportation.

Really, the object of this bill is to free railroad companies from liability to shippers for making the preferences. That is the truth about it; that is the greatest object of the bill.

Mr. CUMMINS. That may be the object of some persons, but it is not mine. My object in supporting the bill is this: The act of 1906 is confined to war material. I believe that it is necessary, in view of the inadequacy of railway facilities, to extend the power to require priorities in things that are not, strictly speaking, war material. The railroad companies are under no obligation to give those other things preference or priority; indeed, it would be against the law as it now exists to give them preference or priority.

If we are to successfully carry on the system, which we are apparently about to organize, there must be legalized prefer-

ence or priority. Who shall direct it? Who shall order it? We have before us a bill, or we shall have presently—I do not say that I am in favor of it; I think there are some things in it that can not command my approval—a bill which has been reported to the House of Representatives, and which is now before our Agricultural Committee. It must be assumed that the powers that are sought there are to be exercised in view of and in connection with our war with Germany. No one would ever dream of providing such things if it were not for the exigencies, emergencies, and perils of this war. The things that are there systematized are not war material; and it would be utterly impossible to carry out the idea, whether or not it goes one-half the way suggested in the bill, unless the war power in our country is permitted to establish priorities or preferences in shipments of food, fuel, and the like.

I should be glad to see this power either in one person or in one body. I do not believe it is capable of division without the most lamentable confusion and inefficiency.

Mr. SMITH of Georgia. I wish to ask the Senator if he thinks it is possible for the President to perform it?

Mr. CUMMINS. No more than it is for the President to order a major general in a fight. The President does not say where the cannon on a battle front shall be placed; he does not say when this regiment shall advance and when it shall retire, and yet every order that is given by every officer of the Army is the order of the President.

Mr. SMITH of Georgia. But the organization of the Army is prescribed by statute. Congress provides for its organization, and we provide for no organization in this matter.

Mr. CUMMINS. I am not discussing that phase of it. I am discussing the question of indivisibility of power. I say this power can not be successfully distributed between two independent bodies, and it would be fatal to the practical operation of the project if it were divided.

If the Senate desires that the President shall act through a Cabinet officer, or through a board to be appointed by him, and confirmed by the Senate, I shall have no objection to that, and I never have had any objection to it. Still the action of that board would be the action of the President; the authority would be the authority of the President; and the only advantage which that system would have over the one proposed in the bill would be that the public would know who constituted the representatives of the President, and the Senate would have an opportunity to pass upon the qualifications of the persons whom the President might select and order to administer the power that we give to him. Still we would hold the President responsible for the exercise of the power.

The Senator from Georgia said a few moments ago that there was no one to whom to look for responsibility. I can not think of the subject in that way. If this bill passes in the form in which it is now before the Senate, or if there should be a confirmation of his representatives by the Senate, it would still be the President who is responsible to the people of this country, and they will hold him responsible for the faithful and intelligent exercise of this power.

Mr. SMITH of Georgia. Mr. President, they may hold him responsible; I am indifferent to their holding him responsible; I want service for the people, and the President can not render it. He will be of absolutely no use to them in the details of the performance of the duties.

I am not particular about the President being held responsible or his being praised or criticized. I am vastly more interested in the people of this country than I am in the President. I am more interested in my constituents than I am in the President. I care more for their welfare; I care more for the efficient service that is to be rendered to them than I do for the President's reputation. I care very little for high officers, except as they are to serve the people. What I am seeking to say is that under the plan of this bill there will be nobody to serve them with responsibility. There will be nobody to exercise this vast power whom they can reach or have a hearing before. They can not present their case to the President; he will not pass on it. They can not complain of unjust discriminations to him; he will know nothing about it. We, their representatives, will have permitted, if we allow this bill to pass as it is, the transfer of all of their rights as to transportation; we will have permitted the transfer of the privilege of creating priorities, in disregard of their rights as now established by law, under a bill which says they shall have no claim against the transportation companies or against anybody else on account of the withdrawal of their present rights. We will have taken from them their present rights, and permitted them to be changed, to be withdrawn, without even giving them a tribunal to pass upon the question; without even naming any responsible men who could hear them if they objected to what was being done.

I would vastly rather provide that this board of railway officers should carry the responsibility; I would rather in this bill say that the committee of railroad presidents should have this privilege, and put the responsibility upon them before the whole country for what is to be done than to leave the authority to men unknown.

Mr. WALSH. Mr. President, I should like to ask the Senator from Georgia a question with respect to that. Just exactly what responsibility would the Senator like to put upon these gentlemen? As I understand the bill, it contemplates that, by reason of considerations bearing upon the public security, upon the wise and effective prosecution of the war, it may be necessary to give priority to one class of goods over another. Now, how does this board know anything about the secrets of the military campaign, so as to enable them to determine whether the security of the country requires that one particular kind of freight should be given priority over another?

Mr. SMITH of Georgia. Why, Mr. President, this bill does not limit the ordering of priorities to the secrets of the war. If the Senator will put the limitations contained in his language in the bill, I will have much less objection to it.

Mr. WALSH. Mr. President, let me get down to a specific case. Let us take such an ordinary product as oats. They need oats over in Europe; they need them in France to feed the horses. We have some cavalry over there; the French have their cavalry, and oats are needed to feed the horses. The live stock of France likewise is in need of oats in order that they may be maintained; they need oats for feed. Well, we have some oats out in Montana. We produce a fine quality and a great abundance of oats. It is desired to get oats from Montana to send to France, and it is at that season of the year when practically all of the railroad service is utilized for the purpose of transporting beef to Chicago. But the oats are needed; they are needed imperatively. Now, who is going to say whether the shipment of cattle should give place to the shipment of oats? This railroad committee? It is a matter as to whether oats are so imperatively needed in France as that priority ought to be given to their shipment. How does the railroad committee know anything about that? That information all comes to the President. It comes to the President through the Army and the Navy in France and from the representatives of the President in France. The President, reaching the conclusion that the priority ought to be given, could easily send a direction to the railroad committee, "I want these oats sent forward and expedited as rapidly as possible." Let me inquire now of the Senator, How is that railroad committee constituted so as to be able to say whether oats should have a priority over cattle?

Mr. SMITH of Georgia. Mr. President, the Senator has not been in the room during all the time to-day, or he would have understood that those of us who oppose this bill as it is now drawn have distinctly declared our willingness to concede to the President the right to designate for priority of shipment any supplies needed for military purposes, the transportation of soldiers, the transportation of foodstuffs, and the transportation of supplies needed for plants engaged in making munitions and engaged in making ships.

Mr. WALSH. Mr. President, I have put to the Senator this condition, however: The oats are needed in France, not only as a military supply to feed the cattle and horses, but also necessary for the purpose of keeping up the economic conditions in France. At the same time, when we are going to send oats there for the military force, we want to complete the cargo with oats that will go upon the general market in France. I ask the Senator now, where he would lodge the determination of the question whether those oats should be given priority of shipment?

Mr. SMITH of Georgia. I would not give the President unrestricted power to control, except for military purposes or as to military supplies. I really doubt very much whether anybody ought to have such power. Now, this is the proposition that we have offered:

That during the continuance of the war in which the United States is now engaged the President is hereby authorized, whenever in his judgment such action is necessary to the prompt movement of the military and naval forces, equipment, and supplies, including the materials to be employed in and for the production of the same, of the United States or any nation making war against any nation with which the United States is at war, to direct that the same shall have preference or priority in transportation over all shipments by any common carrier by railroad or by water, under such rules and regulations as he may prescribe.

I think, Mr. President and Senators, that that is as broad language as ought to be asked. That certainly covers everything along the line that the Commander-in-Chief would be concerned with.

Mr. NELSON. Mr. President, if it is not disagreeable to the Senator, will he yield to me for a moment?

Mr. SMITH of Georgia. I yield to the Senator.

Mr. NELSON. I desire to suggest that I think the amendment of the Senator from Georgia is too narrow. I hope we can agree on something like this, which I suggest to the Senator:

That during the continuance of the war in which the United States is now engaged the President is authorized, if he finds it necessary for the successful prosecution of the war, to direct that such traffic or such shipments of commodities as may be essential to the prosecution of the war, shall have preference or priority in transportation by any common carrier by railroad or water, under such rules and regulations as he may prescribe.

That makes it broad enough to cover everything connected with the prosecution of the war. With all due respect to the Senator from Georgia, I think the enumeration in the amendment suggested by him is too narrow. I would broaden it so as to cover everything pertaining to the successful prosecution of the war. Therefore, I shall offer an amendment such as I have read, and I hope that we can agree on it, for I concede that we need such legislation in the emergency which now confronts us.

The Senator knows how in "piping times of peace" the cars on our railroads have been stalled on the Atlantic seaboard and used as warehouses, thus preventing the transportation of goods from the interior to the seaboard. When it comes to a time of war, we do not want anything of that kind to happen. In order that we may be successful in the prosecution of the war, we must lodge the power somewhere, and I can not conceive of any one in whom that power could so well be lodged as the President, who is Commander in Chief of the Army and the Navy.

If the Senator will bear with me a moment further, there is no executive officer in whom such power could be lodged against whom the same criticism would not be made, namely, that too much authority was being conferred upon him. The men who framed the Constitution of the United States could have risen in the convention and made as plausible arguments as the Senator from Georgia and the Senator from Missouri have made against that paragraph of the Constitution making the President the Commander in Chief of the Army and the Navy. They might have said, as has been said here, "that is lodging in the President a most dangerous power; Congress ought to have something to say about that; and we should never give the President the unlimited power to be Commander in Chief of the Army and the Navy."

Mr. SMITH of Georgia. Mr. President, I shall read with a great deal of pleasure the suggestion of the Senator from Minnesota. It may be that it points the way for an adjustment of this question. It certainly does not go nearly so far as the provision of the bill as drawn. The provision of the bill as drawn has no stopping place. I ask the consideration of the Senator from Minnesota to that fact. It gives unlimited power of interference in transportation. Where only those things are to be given priority which are essential to the conduct of the war, the priorities will be limited, very limited; they will not touch the great bulk of the transportation of the United States; but as the bill is drawn the priorities may reach practically everything.

Mr. CUMMINS. Mr. President, I have authority to speak only for myself, but I think the language of the Senator from Minnesota [Mr. NELSON] is a little broader than the language in the bill. He makes the test "the successful prosecution of the war." The bill makes the test "the public security and defense." I believe they are substantially equivalent expressions; and, while I do not pretend to speak for any other member of the committee, so far as I am concerned, if we can agree upon the substitution of the words "successful prosecution of the war," I would be very glad to accept such an amendment.

Mr. SMITH of Georgia. I would not agree to any language which carries to an unknown board the privilege of unrestricted discrimination as to shipments. I think, whatever the power is, as the President can not execute it himself, it is desirable to name a board of transportation priorities. The first draft that was gotten up was shaped along the line of the creation of a priority board—a board of transportation priorities; an organized body of men—through whom the President could act, but charged by Congress with a responsibility—men who would be held responsible for their acts, men upon whom shippers could call, and before whom they could protest interference with shipments. There is nothing of the kind in this bill. This bill will permit the President to name men, to change them, and move them around, like the advisory committee of the Council of National Defense. It will leave us with no known place where this power is being exercised.

I insist, Senators, that it is the duty of the Senate to legislate for the people; and, while they may desire to confer a power upon the President, they ought to confer it in a way where they have themselves determined something about the administration of the power.

The Senator from Nevada [Mr. NEWLANDS] spoke of the great national necessity. From the tenor of his argument I was almost led to forget that France and Great Britain have 16,000,000 more population than has Germany; that France, Great Britain, Canada, Australia, and Italy have 10,000,000 more population than Germany and Austria combined; that they are crumbling the Germans now and driving them back on the west; that France and England have had nobody but Germany to fight in the west, and they have had, as I have said, 16,000,000 more population than Germany with which to fight; that Germany and the German people have been compelled to dig from the ground the food for themselves and their children and to make their ammunition; that they are scarce of copper for ammunition and without cotton to make clothes or powder, while France and England have been furnished ample food from the United States, ample copper, ample cotton, and all the necessaries with which to conduct a war.

To be sure, they were not as ready at first, but they are better prepared now. Now they have the better guns and the better ammunition; and it is gratifying to me, every two or three days, to see how the English crumple up the German line and drive them back. At first, England and France had a hard time; they were not the equal of the Germans in their military supplies, but to-day they are the superiors.

I can not feel that such a dire danger hangs over us and threatens us as does the Senator from Nevada. With England and France, 16,000,000 people stronger than Germany, getting all the foodstuffs and all the ammunition they need from the United States, and a good deal of money besides, and with Germany hemmed in and cut off from supplies, I do not think the English and the French are in any danger on the western side of Europe, even if Russia does not keep on in the fight. They have a large majority over the Germans in population, and they have every advantage in ammunition and supplies, and they are showing that they know how to use them. I have not a question that, man for man, an Englishman or a Frenchman, equally equipped, can whip a German. The only reason they did not do it at first was that the Germans had the better ammunition and the guns; they had so much better artillery and so much greater supplies and ammunition; but now, that condition has utterly changed. Why, only two or three days ago the English blew up a whole line of Germans with mines, and this morning we hear of the German line moving back 2 miles. We might fight the submarine and continue to put food and ammunition in England and France. I am confident they can win the fight.

I have not the dread of the German that the Senator from Nevada has. The German is a fine, stolid character in industry; but there never were any men, when you finally got them at it, who fought better than the English, unless it was the French, except the people of our own country. I do not believe there ever were such soldiers as the two lines that faced each other when the blue and the gray met in Virginia. I am tired of being frightened by Germans, or hearing talk about Germans when I am not frightened. I am tired of that nightmare being brought out to scare the children and the women. Actually there are some good women in this country who are looking for 10,000,000 Germans to come over, land any day, and march to Washington to-morrow morning. Why, they could not land. If they had all the vessels in the world they could not bring over more than 500,000 at a time; and if we will keep enough officers in the United States to train these boys we are calling out, by this time next year we will have a million and a half of splendid citizens from every State of the Union, magnificently trained. Why, if they should bring a million Germans at a time they could not land when we get a million and a half of our men prepared to meet them.

I hate to see the effort to play upon the credulity of the public by this talk about Germany coming over here to fight us. I believe in preparedness, too, and I have some vision on the subject. In August, 1914, I urged a large appropriation for the Navy. I was ready then, when the industries of the country were almost stopped, when men were out of work, and every kind of material was cheap, to vote a billion dollars, put it in our navy yards, and prepare at once for the possibilities of the future. But we could not make any progress. The man who thought it possible that we might become involved in war was considered then to be suffering from some disturbed mental condition. I am not much more disturbed now than I was then. I am sorry we did not do this work when things were cheap, and save a great deal of money; but we did not. Now, I am not willing for the women and children to be disturbed by the threat

of a German invasion—not just at this time—and I am not willing to see the people of the United States have all normal conditions upset by any such hysteria.

Mr. President, our people have built up their industries and their activities with individual self-reliance. They have been wlling to take their chances to sell the products of the farm at what the market would bring them. Our manufacturers have built up their great enterprises relying upon the privilege of shipment according to established rules and sales in the market at the prices which demand and supply fixed. If we set ourselves to the task of uprooting all the principles upon which our business has been established, we will break it down. Instead of strengthening the Commander in Chief, we will break him down.

Why, during the Civil War Mr. Lincoln asked for no such powers; and we were all right on the same soil then, without any ocean separating us. He never took charge of the food supply in order to fix maximum and minimum prices. He did not ask Congress to give him the right, as Commander in Chief of the Army, to commandeer all the products of the country. If he had, he would have paralyzed it. It is not so much the fear of despotic power in the long run against which I protest, because our people are not going to stand it from anybody. It is the immediate injury to the prosperity of the country which I fear. It is the immediate blow that legislation like this will inflict upon our whole country against which I protest.

If the growers of melons and fruits and vegetables in Florida and Georgia have no rights of shipment, why should they produce them? If some invisible board created by the President here in Washington is to have the power of discrimination and when they telegraph their Senators their Senators reply, "We can not find them; they are here, but hidden," they will quit growing fruits and melons and vegetables. If the lumber interests are to be suppressed in the same way, or are in danger of it, if they are subject to the arbitrary whim of an undiscoverable board, they will quit producing lumber. If the factories of the country have no longer an assurance of transportation, you will discourage them.

Oh, this is the mere starting of the wedge of industrial destruction that this reckless legislation would bring upon the country. You interfere now with transportation; next you give the right to control the product of the soil and the product of the mill; and you permit it to be requisitioned, not for Government use—not at all—but because somebody representing the President does not like the price at which things are selling.

Why, Mr. President, if that kind of legislation prevails, and we substitute for our present system of business, with individual liberty and individual rights, such a plan, in 12 months' time you will paralyze the industries of the country. I said to the Senator that it was not democratic rights that were concerning me. What I meant was that I had no fear that any man could live politically in this country long enough to be a permanent menace who would support legislation of that kind, and I have not; but you will injure us right now. These bills could be amended harmoniously by a provision that the President shall fix the compensation of all labor and the hours of work and put in the penitentiary anybody who declines to obey him.

Mr. President, the Nation is not in such peril. There is not any occasion for that kind of fear. I am very fond of the chairman of the committee who has reported this bill, and ordinarily he is one of the sanest of thoughtful business men. I do not know how they got him to support this measure; it is so unlike him.

Now, what we ask is this—and I still hope it will be given without a vote. We ask, first, that these powers be limited to military supplies, including therein foodstuffs of all kinds intended for those at war with Germany. That is what we think ought to be done. If that is not enough, then, going one step further, give some kind of tribunal to pass upon the other interferences with powers of transportation. Give us some visible agents to do it. We are willing to give the President all the power he has any use for and more. We would like to know who is going to be the President in exercising the power, because we know Mr. Wilson can not be.

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Nevada?

Mr. SMITH of Georgia. Yes.

Mr. NEWLANDS. May I ask the Senator whether the person or persons whom the President designates as the person or persons through whom he will issue these directions will be invisible?

Mr. SMITH of Georgia. I fear so.

Mr. NEWLANDS. Does the Senator suppose that such a designation will be made secretly; that public announcement will not be made of the person or persons designated, and that such person or persons will not have an established place of business where persons complaining of the orders made can be heard?

Mr. SMITH of Georgia. I do not know.

Mr. NEWLANDS. Another thing; in case the President of the United States should designate existing officials, no compensation is to be made; but if he designates persons who are now outside of the public service, I will ask the Senator whether they will not become public officials, paid by the public, and whether they will be the invisible specters to which he alludes?

Mr. SMITH of Georgia. Well, they will be quite invisible. The view of them will be dim and indistinct.

Mr. President, we have these subcommittees of all sorts and kinds connected with this advisory board. I would not say that they were completely invisible, but they are very unsatisfactory. It is very difficult for men having something to furnish to the Government to approach one of these advisory committees, if they have all been selected from some other class of men who have the same thing to furnish to the Government. It is very embarrassing for the outsider, and they are difficult of location.

Now, Mr. President, if we mean to have somebody act for the President, why shall not we say it? Are we afraid to legislate? We are supposed to come directly from the people, and to represent them. Do we have to hide behind the President? It is conceded that there must be men to take charge of this work. Why is it that the committee does not name them, if they are to be designated?

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Nevada?

Mr. SMITH of Georgia. I do.

Mr. NEWLANDS. If the Senator will permit me, I will say to him why the committee has not designated any particular form of organization through which the President shall give his directions. The reason is this: We believe that experience will be the best guide to the President in the selection of those persons; that he may find the persons first designated inadequate for the work, or he may conclude that he would like a board of three instead of a single individual; or he may conclude that the best form of organization would be to select a single great transportation expert.

I will state that early in the history of the Panama Canal Congress sought to fix the form of organization that the Panama Canal Commission should take, and the legislation of Congress constituted an embarrassment to the Executive in securing an efficient administration under that act. I can not recall definitely what the process was, but gradually it took the form of centering the power in Gen. Goethals. They first tried a divided power, a board, and finding that that did not work they finally substantially centered the power in Gen. Goethals.

Now, Congress will probably be adjourned.

Mr. SMITH of Georgia. I do not think so.

Mr. NEWLANDS. We did not wish to put the President in a strait-jacket with reference to an exercise of the most important power, and fix to-day exactly the form of organization through which he should give his directions; and I think that is wise action.

Mr. SMITH of Georgia. Mr. President, the Senator did not want to put the President in a strait-jacket. I do not want to put the men interested in transportation throughout the country in a strait-jacket. The Senator has not shown any necessity for any of this legislation, not the slightest; and yet he says that the President might want one, might want two, might want three men, and then might want to change the form of the organization. That is just what I have been arguing—that we have an indefinite, uncertain, invisible agency, and one that can not be reached.

I think, if we give such powers, it is as little as we can do to have some voice, some expression, in advance about how they are to be exercised. It is as little as we owe the people at large to determine the character of the agency that is to perform these duties. They are very vast. They are as great—they are far-reaching while they last in their effect upon the people of the United States—as the powers of the Interstate Commerce Commission; even greater. You take away from every producer in the country his right of transportation—a right established by law—and you leave him without redress; and you are willing to do this through the President, who can not exercise the power, without even saying that there shall be a board named in advance by the President on the subject of transportation and confirmed by the Senate. You will not even give the producer and the shipper that much safeguard against oppression.

Mr. HARDWICK. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to his colleague?

Mr. HARDWICK. I make the point that there is no quorum present.

The VICE PRESIDENT. Does the Senator yield to his colleague for the purpose of suggesting the absence of a quorum?

Mr. SMITH of Georgia. I yield.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	McKellar	Shafroth
Bankhead	Hardwick	McLean	Sheppard
Borah	Hitchcock	McNary	Smith, Ariz.
Brady	Hollis	Martin	Smith, Ga.
Brandegee	Husting	New	Smith, Mich.
Broussard	James	Newlands	Smoot
Chamberlain	Johnson, S. Dak.	Norris	Swanson
Culberson	Jones, N. Mex.	Owen	Thomas
Cummins	Kellogg	Page	Thompson
Curtis	Kendrick	Poindexter	Trammell
Fernald	Kenyon	Pomerene	Vardaman
Fletcher	King	Ransdell	Wadsworth
Gallinger	Kirby	Reed	Warren
Gerry	Lewis	Robinson	Williams

Mr. HUSTING. I desire to announce the unavoidable absence of the senior Senator from California [Mr. PHELAN] and the senior Senator from Maryland [Mr. SMITH] on official business.

Mr. REED. I wish to announce that my colleague [Mr. STONE] is unavoidably detained from the Senate.

Mr. McKELLAR. I desire to announce the absence of the senior Senator from Tennessee [Mr. SHIELDS] on account of illness.

Mr. SMITH of Michigan. I wish the RECORD to show that my colleague [Mr. TOWNSEND] is detained from the Senate on account of illness in his family.

Mr. CURTIS. I desire to announce the absence of the Senator from Maryland [Mr. FRANCE] on account of illness. I also desire to announce the absence of the Senator from Washington [Mr. JONES] and the Senator from California [Mr. JOHNSON] on business of the Senate. I ask that this announcement may stand for the day.

Mr. HITCHCOCK. I desire to state that the Senator from Delaware [Mr. SAULSBURY] is absent on official business of the Senate.

Mr. LEWIS. I desire to announce that the junior Senator from Kentucky [Mr. BECKHAM] is detained from the Senate on public business.

The VICE PRESIDENT. Fifty-six Senators have answered to the roll call. There is a quorum present.

Mr. SMITH of Georgia. Mr. President, I will close in less than five minutes. My objection to the bill is, first, that it confers nominally upon the President, really upon some agency that he must create, the unrestricted power to fix priority of shipments in all kinds of goods, both those of a military character needed to conduct the war and those not in any way connected with the war. I insist, first, that it ought to be limited to things that pertain to military affairs or to foodstuffs to be used by the armies of the United States or by the armies of the countries that are at war with Germany. I am willing to make that just as broad as anybody will want it; I urge a stopping place without carrying the right of discrimination into private affairs of life disconnected with the war.

Second, if the Senate insist that this power of creating priority of shipments should extend all along the line, then I urge that there should be a definite board created through whom the President may administer this responsibility. The Senator from Nevada has just said that he objects to a definite board because the President might want to name first one man and then another man and then two or three men. I urge that the shippers are entitled to stability in the performance of the duties that will be given, and if this bill is passed with the broad power it now covers at least we should provide that the Interstate Commerce Commission, or a board of three men to be known as the transportation priority board, should give shippers a hearing that the careless disregard of the rights of individuals might be avoided.

I do not desire to take any more of the time of the Senate at present. I must really go to a meeting of the Committee on Finance.

Mr. SHAFROTH. Mr. President, I am in favor of the passage of this bill, and I wish to state a few reasons why I will support it. The discussion has been very interfesting to me. Great powers are given to the President in the bill, and all the remarks which have been made concerning extension of power and the danger of usurpation would be eminently proper if applied to times of peace. There is not a man on the floor of the Senate who would be willing to vote for the bill if it were a general law applicable to all times. There is, however, a clause in the bill that it shall be in force only during the existing war, and that makes an entire change with respect to the dangers that have been set forth as being so imminent by the passage of such a measure.

Mr. President, we know and all history has taught us that democracies can not prosecute or defend wars successfully as long as they have divided powers. The liberties of the people are so safeguarded by limitation of authority that democracies can not operate with expedition. It is on account of the fact that we have so many commissions, that we have so many officials whose jurisdiction conflict with each other. That is the reason why democracies can not wage war. It takes autocracies to win wars. Consequently when a republic stands by all the laws that are made for the benefit of the individual and for the safety of the people in times of peace, it cripples its ability to execute its purposes and designs to win the victory. In order to win the war it is necessary to centralize the power, to waive those laws which are so necessary for our happiness in times of peace.

Mr. President, the safeguard in the bill against any usurpation lies in the fact that this power is limited absolutely to the duration of the war. That limitation is contained in the very law that grants the power, and automatically the power ceases when the war ends. Therefore it can not be used as a means for the usurpation of our rights and liberties.

It is suggested that we should have a tribunal to determine what freight should have priority in shipment, and some have said that the Interstate Commerce Commission should be the tribunal. In peaceful times that would be wise. The Interstate Commerce Commission is a commission that is supposed to deliberate upon questions, not to act quickly. The very object of having hearings before that commission, the very purpose of letting it examine into various other questions that should determine as to the entering of an order, makes it so that quick action is impossible. I doubt, as the Senator from Nevada has said, whether it would be wise to give to that tribunal any power whatever except that of a deliberative character.

That being the case, Mr. President, I can not believe that we ought to take powers that are essential to effective execution and transfer them to a deliberative body. No one would think of giving to a judge or to a court composed of a number of judges such powers. Their very existence, as well as their duties contemplate deliberation and sound judgment. Large bodies, of course, will only act after discussion, and necessarily delays must follow. By that means they arrive at a more correct opinion; but when we engage in a war things must be done quickly, a decision must be made immediately, or else often a battle will be lost, a favorable opportunity passed.

Mr. President, the Interstate Commerce Commission is now overworked. Its docket is so crowded that bills have been urged in this body providing for an increase of its membership; and if we impose upon it the burden of determining quickly and rapidly the question of transportation of these various products, it seems to me we are going to impose upon it a burden by which it can do nothing else than attend to the immediate necessities which are provided in the bill. So it seems to me, so far as the Interstate Commerce Commission is concerned, that the proposition should be abandoned. Any other commission will make a divided authority.

But Senators say that they agree that the transportation of everything that is necessary for the prosecution of the war shall be determined by the President, but that the commission shall determine as to those products that are not essentially war munitions or things that are absolutely necessary to the prosecution of the war. The difficulty about that is the line of demarcation. That line of demarcation will always be the subject of dispute and is disputed right on the floor of this body. The Senator from Nevada cited one illustration in which he said that some of the members of the Interstate Commerce Committee contended the material to be transported was a war necessity and others said it was not. If we have a commission, it will contend for its jurisdiction, and the result will be that there will always be disputes as to what are the things that are essential to the conduct of the war.

We know there are various materials essential to the manufacture of munition supplies that are scattered in this country. Copper is away out in Montana and Arizona, and it has to be brought to the factory down at Bethlehem, Pa., or at other places. It may be necessary that it should be shipped even ahead of passenger traffic. There should be somebody to determine that. It should not be an independent tribunal that

might consider that that is as essential to the prosecution of the war as something else which the Commander in Chief is demanding. The man who is going to get the credit or the blame for the war is the man in whom this power should be vested.

We know that the shipment of coal becomes sometimes a very important commodity to be brought to certain points. It may be necessary that some railroad that is doing a great and remunerative traffic in passengers or in the transportation of high-class freight must carry coal instead of passengers or that higher priced freight. The result will be that a hardship may be worked. That has to be worked if it is necessary to gain the advantages in bringing that coal to the proper place where it can be made most expeditious in the conduct of the war.

Any number of illustrations would show the necessity of some person having control of the shipment of freight, and when you put it in a body composed of more men you have disputes, you have controversies, you have divided opinions, and it is bound to result in having less expedition. But when you put it in the hands of the President, although he has somebody else to examine into it, he has the corrective power if any wrong is being done. He has a right to say "No; there is no necessity for that," and I have no doubt if arbitrary and unreasonable power should be exercised by any board he would say that that shall not be done, but that the ordinary traffic shall prevail.

Mr. President, in view of the situation and the fact that this power to control shipments over railroads is limited to the duration of the war, there is no danger of the power extending to times of peace, and on account of the fact that the centralization of power in times of war becomes necessary in order to either conduct an army or a campaign, it seems to me that we ought to support this bill and not have a commission to divide this authority, but that the power should be placed in the Commander in Chief of the Army and Navy of the United States.

Mr. HUSTING. Mr. President, I have listened to the debate with a good deal of interest, and I have heard arguments here upon this floor which can and should be answered. This I am going to try to do. In discussing this matter, it seems to me as though we were really losing sight of the main question. It is stated here that the question is "Where should we lodge the power to control shipments of commodities in this emergency?" That is not the question to my mind. Such control is now in the hands of the railroads themselves. The question, therefore, is, "Are we going to leave it where it is in private hands or are we going to give control to ourselves; that is to say, the Government?" The power is lodged now in the hands of private citizens, in the officials of companies engaged in the transportation business. As it is the control of shipments is in the railroads. It is a control divided into many hands and interests, each of which is intent in serving its own interests.

So the question really comes down to whether it is better for the country to control the movement of the things necessary for the prosecution of the war by placing such control in the hands of the Commander in Chief of the armed forces of the United States or to leave it in the hands of those agencies which have a direct personal interest in their own business and who will consider themselves in duty bound to operate the business primarily to subserve their own interests. In other words, the question is, when we are at war, whether we want to intrust the Commander in Chief with the facilities to move troops, supplies, munitions, and everything necessary to successfully conduct the war or whether we are going to leave it to a thousand private commanders in chief of private industries or private transportation companies for each to act as its own not the public's interests dictate. That is the question. The question is whether you are going to leave it where it is or put it in the hands of the President.

It has been said here if the President would handle this matter himself personally they would all trust him and would be willing to permit him personally to handle the transportation business of the country. The arguments made here on this bill, when sifted down, do not bear out the assertion. There has been too much protest here, it seems to me, in the Senate of the confidence Senators repose in the President of the United States as the Commander in Chief of our armed forces. There has been too much talk about Mr. Wilson being trustworthy, being reliable, and that Senators would gladly give him the power if he would personally exercise it and not delegate it to subordinates. There has been too much talk along the line "Brutus is an honorable man," followed up by attacks on the honorable man, the good man, the trustworthy man, or at least on the recommendations he makes, and ending in a supreme effort to tie his hands and preventing the man in whom they profess to have so much confidence from exercising the power that he needs and must have if their confidence is to be vindicated.

It is said that if he could handle these matters they would be willing to trust them to him. The President of the United States, as has been said here, is the Commander in Chief of the armed forces of the United States. We have passed a law to conscript the men of this country who are going to place themselves under the command of the Commander in Chief of the Army. Is every man in this Army going to be under the direct supervision and under the eye of the President of the United States? Has not the President got to act through the Secretary of War whom he has appointed? Has he not got to act through the instrumentalities of the generals whom he has appointed, the colonels, the captains, and lieutenants, and so forth? Yes; of course he has. Not only that, but they are going to transport these armies across the sea to France, and there they are going to be under the eye of a man selected by the President of the United States to command that army over there, 3,000 miles away from the Commander in Chief.

The lives of these young men are in the hands of the subordinates of the President of the United States. Their life or their death may depend upon the discretion and the ability of the general in command, who is a subordinate of the President. That is nothing; Senators are willing to do that. There is no trouble at all about that part of the business. We put a fleet under the command of an admiral who is subordinate to the President of the United States and selected by him. Our fleet sails on the ocean and the lives of the men carried in our ships are dependent upon the very bravery, discretion, and ability of the admiral. We have not had anything to say about that matter, though. He is an invisible instrument of the Government, and that is all right. Senators do not complain about trusting the lives of our soldiers to the President of the United States, even when he does—as he of necessity must—place them and their lives—yes, and the country's safety and welfare—in the hands of subordinates. Senators do not complain about taking a young man out of employment, reducing his salary, if he is getting a salary, say, of $2,500 or $3,000 a year, and setting him to work for $360, a soldier's pay, and placing him under the charge of a subordinate and sending him over to France to fight our battles, and thus conscript his earning capacity about 1,000 per cent and requiring him to give his life if need be.

The Commander in Chief may be intrusted with the lives of American citizens and American soldiers, which he may place in the hands of subordinates, but we can not trust our dollars and our business to him. As the Secretary of the Treasury has said, Are we going to be more tender with our dollars than with our sons? Are we going to be more tender with our cents than with our soldiers? It is not necessary to do that. We give the President power to appoint his Cabinet. These Cabinet officers in turn appoint their assistant secretaries, their bureau chiefs, and these bureau chiefs appoint subordinates.

The President of the United States, as President in peace time, has control over vast power that must be intrusted to subordinates. Otherwise it could not be done. We know that the President can not attend to the details of government, so he appoints subordinates to attend to these. But we hold the President responsible for their acts, because their acts are his acts and are made under his authority and by his direction. But here in time of war, in time of an exigency of this kind, they are willing to trust the President of the United States with transportation matters, but they do not want to trust it to his subordinates. They are willing to trust everything in the world to the President except these particular things we are handling now, unless he does it personally. They might just as well go right out and say they have no confidence in the President of the United States. Why protest otherwise? If you have not confidence in a man that he will appoint the right officers to administer these affairs, then do you not in that same breath say you have not any confidence in the judgment of the man himself? Why not hit him direct instead of hitting his appointees over his shoulders? You can not shoot constantly at men appointed by the President without some of the bullets finding lodgment in the person of the President. Or, if you indeed have confidence in the President why not have confidence enough to believe that whether he performs acts in person or by his duly authorized subordinates he will see in either case that the thing is well done and that your confidence is not misplaced.

If you have not confidence in the President's appointees, I repeat, you have not confidence in the President—not that the President is infallible—but when the President makes an appointment which is a mistake, and he discovers it to be a mistake, and he soon will—his critics will see to that—he will rectify that mistake.

It is not just the same question in appointments, whether you give this power direct to a board or give it direct to the President, and he appoints a board or person to attend to the details. Why? Because the President is the man who is Commander in Chief and has the power to name the men under him. While everything goes well and no complaint is made, there is no necessity for his passing upon anything; but with the President in supreme command, when abuses obtain in the administration of affairs, when men make mistakes or show their incompetency, and it is brought to his attention, then, as Commander in Chief, he rectifies that mistake. He will see to it that the work is well done, because it is his work, whether done by himself or his subordinates. So if you have confidence in the President of the United States, you know that if this power is intrusted in his hands the matter will be administered with him as the responsible head, not merely as a figurehead, but as a man there to do the right thing if perchance the wrong thing is about to be done by his subordinates. So the question gets right down to this: Have you confidence in the President of the United States, the Commander in Chief of the Army and the armed forces of the United States? If you have, are you going to let him fight this war, or are you going to hamstring him and tie his hands and tie his feet at every opportunity that presents itself, and thus obstruct and hinder, if not destroy, his usefulness and efficiency?

This country has placed the responsibilty in the hands of the President of the United States; he is Commander in Chief of our forces. These powers, it will be conceded, have got to be placed somewhere. They can not be placed in any other hands than in the hands of the Commander in Chief; you can not put them in auxiliary or subsidiary bodies. The President can not get into a wrangling over it or go into an executive session every time he wants to make an order and bring about efficiency, because in such a case you would have talk instead of action; you would have the same discussions there which we have in the Senate every time something comes up which is to be done that ought to be done, and that ought to be done quickly.

In a war like this in which we are now embarking, with the history of two and a half years war before us, I do not think there is any question in any Senator's mind that we are up against a very serious proposition; that we shall need all the strength and all the power that we possess to successfully conduct this war. I want to see that back of the punch that we put into our armed forces the whole body politic puts itself into such a swing that we can deliver the knock-out blow.

It has been said here that this is hysteria. Prudence is not hysteria, and we would be imprudent, indeed, to close our eyes to the character, the ability, and the efficiency of the powers that are opposing us in this war. When we let our minds wander back over the last two and a half eventful years and now see embattled Europe struggling with all its might to keep back the Hohenzollern power we need not be afraid that we can exaggerate our peril. Nothing more menacing than mad Prussianism has ever lifted its horrid head above the horizon of time. When one power can hold at bay upon foreign soil the legions of England, France, Russia, Roumania, Portugal, Serbia, and other countries, and can make the ocean unsafe for travel, and at the same time can defy the neutral powers of the world with impunity, we can not be charged with hysteria when we take up stock of our power and our resources with a purpose of overcoming this menace. We can not go too far in getting ready for it.

It is said we need not be afraid of Germany because she can not land sufficient troops here. Why, our sovereignty is going to reach over across the sea into France; our men are there fighting for this country. Are we going to say it does not make very much difference to us what happens to them so long as it does not happen to us here; that we are not afraid here because we are here, and we do not care what happens to them there, because they are there? Is that the logic upon which we are going to base our warfare? Every time one of our battleships sails across the sea and engages in a contest with the enemy, shall we say we do not fear anything over here, because they can not shoot over here and they can not land here upon our coast?

One thing is just as sure as sure can be. If Germany wins this war, she can only do it by first destroying men of this country. If, notwithstanding the aid that we are going to give the older belligerents in this fight, they should suffer defeat, we shall indeed have the menace of autocracy put upon us here. It is said we do not want Kaiserism in the United States. I want to say to the Senate that we will get it whether we want it or not—and there will not be any debate about it—if this war is lost. If England, France, Russia, Italy, and the other belligerents are finally obliged to bend their knees to Germany, that will be the time when the menace to this country will become a direct one; that will be the time when Germany's eyes will be turned to this country.

Does anybody suppose that the only way that Germany can attack us is to land her troops upon our soil? If Germany keeps the circle that she has put out, which is an invisible line out into the ocean, in the event that she should win this war, and should then tell us that we can not trade with Europe, I ask, What then? We would be confronted with the alternativ of giving up our rights to sail the seas or we would have to go and land our troops over in Germany and fight her there and upon the seas; or, perchance, if she did not do that, why should she not land her troops down in South America in open violation of the Monroe doctrine and make us go down there and fight, instead of fighting on our own soil; or, for that matter, why not land her troops in Cuba and make us either give up Cuba or fight? There are a good many ways that Germany could make us fight her without landing her troops here. If she wins this war, she will be in a position to and will choose her own battle ground and make us fight her there or make us quit and take our orders from her. This would mean that she would enforce her will and her ways upon us if we did not fight.

But what is the use of talking about that? We are in this war; we are one of the belligerents, and we have got to win this war. The question is, Whether this is a fight for the United States and our allies to a finish, with us the winners, or whether we are going to fight Germany alone after she gets through with the other allies?

We can not dally or deceive ourselves into any other belief than that the measures that the President of the United States has asked Congress to pass, or which he has recommended to Congress as the thing that he vitally needs if we are going to win this war means that unless he is given these instruments of warfare, these facilities for equipping and supplying our troops, we can not be efficient; we can not win.

Just one more word on that phase of the question. The logic of some Senators seems to be that when we give the President all the men he needs and all the ships he needs the needs of the Government as well as our duty are at an end. Is it possible that we do not understand that when we send our armies and navies over to Europe we have got to continue to send the stuff across to enable them to fight and to subsist? What are armies and navies unless they are provided with all they need? Have not these men got to be fed? Have they not got to be clothed? Have they not got to have guns, rifles, powder, shot, and shell with which to fight? Who is going to do it? Is "George" going to do it?

Have we not been told here that we have got to maintain and to sustain our own armies over there with our own supplies? Well, of course we have. How are we going to do it? It is said we will do it in some way; there is no need of being afraid; let us not get into hysteria. Somehow, some way, at some time we shall get the stuff over there. Who is going to see to that? Why, anybody—everybody is going to see to it. Let the presidents of the railroads see about it; let the brakemen, let the conductors, let anybody see about it. Let any or all irresponsible men who owe no duty or shoulder no responsibility attend to that. Everybody's business, of course, is nobody's business. But the President, the Commander in Chief, the man who carries all of the responsibility, to whom we look to see us through, shall he be given the power to do it—perish the thought! That is autocracy. That is unconstitutional.

Now, I am not reflecting on the patriotism of the railroad presidents or of the men who are in control of the roads, but I want to say that a railroad president who does not look out for the interests of his own road first will not hold his job very long. He may be as patriotic as any man, but he can not use the property of others to demonstrate his patriotism.

His duty is to make money for his stockholders, and however much he might be induced to do the right thing his position would not permit him in case the thing came in conflict with the interests of his concern. Moreover, there are many railroad presidents and officials and their interests are divergent. They could not long agree to act in concert without the bias of self-interest intervening to throw order into discord.

It would, of course, be different if the President appointed them as public officials and they were free to act in their public capacity. Then their oaths would bind them to serve the Government and the people of the United States and not their own personal roads; in other words, they would be free and it would be their duty to act for the interests of the Government; but when they are in their own private business it is the most natural thing in the world for them to look after that interest first. It must be clear then that the present system will not do. And so it does seem that we have got to place control elsewhere to do the work well.

Does any Senator for a moment think that the men who are to be sent across the sea—a half million or a million or a million and a half men—should not have somebody in authority here that is going to take care of them and labor for and provide for them? If not, then we would better keep our men here; we had better withdraw our declaration of war and admit that we will not fight until the Germans come over here and camp on our soil; but if we are going to fight this war, as we have got to fight it or surrender, then we have got to take every weapon, every power, every resource into our own hands which is necessary to carry this war to a successful conclusion.

Every time anything of this kind is suggested, the specter of the Constitution—our own Constitution—comes to the aid of our enemies. I do not say that in a disparaging way of anyone who invokes the Constitution, but I say it is working in that way. Our Constitution comes up to prevent us from defending our own lives and our country. I want to ask whether this is a war with the people of the United States on one side and the Kaiser and our Constitution always on the other? Is our Constitution our friend or our enemy? I take it for granted that our Constitution, which was born of the country itself, was so conceived as to enable us to defend the life of the body that gave it birth. We have a right to defend ourselves; and, as was well said this afternoon by one of the Senators—I forget just by whom—the fact that the writers of our Constitution provided that the President should be Commander in Chief carries with it the power and the right for him to do anything and everything which is necessary to defend our national and independent existence. The Constitution was designed to be a life-giving thing, not a poison or an instrument of death to the country, and to the principles and ideals which it embodies. We can not go any further, so far as the delegation of power is concerned, than when we give the President the power of life and death over our citizens. When he can send them into the trenches and into the teeth of the enemy and the jaws of death, is there any greater or more important power that can be delegated to him that outweighs this power or that should cause more hesitation in the giving.

The Constitution can not be construed in any other way than that in time of war these powers may be lodged in the hands of the Commander in Chief. As has been said here over and over again, if this bill embodied a new policy in this country, a policy to the effect that hereafter in times of peace the President shall be a food dictator, that he shall do all the things that now have to be done, of course no Senator would vote for it. But we are not at peace. It can not be repeated too often that we are at war, the most extraordinary war in all history. Precedents of all kinds have got to go by the board. It becomes necessary for us to do everything that is needful to give the Commander in Chief the power and the right to use the might of this land to the last ounce of our strength. To do anything else would be hysteria; to do anything else would be imprudent, would be folly. Not to do it would be worse than a crime—it would be an inexcusable, unjustifiable, unforgivable blunder. Does the Senate want to assume the responsibility for it? I do not.

While nations are organized to the last button, to the last farthing, and are contemplating our destruction, shall we stand here and argue over and over again the question of whether we shall defend ourselves? Mr. President, that question was settled when the Congress declared that a state of war existed and when under the Constitution the powers and might of this Government went into the hands of the Commander in Chief. Now, he comes here and says, "I must have this power, if you want me to assume the responsibility. I tell you what we need to win this war; I must have the power, if necessary—and I will not use it unless it is necessary—to control and regulate the shipment of those things which I think are necessary to make us successful in the prosecution of the war."

How can there be any chance for an argument about that, when it is as plain as day that, unless he is given that right, the movement of equipment and supplies will be beyond his control and he will be impotent to do the essential thing at the essential time? So when we talk here about the tremendous power that we are giving the President we are arguing that it be left in the hands of men who owe no responsibility to this Government except in a very remote way. When we say we are alarmed about the power that we are going to place in the hands of the President we say that we are not alarmed to have this right lodged in the hands of private individuals who are in business for what there is in it and who owe no responsibility to their Government, except in a very remote way and only as an individual owes a duty to his country.

That does not apply only to this bill. We would be deaf really to what is going on and too blind to see what the movement is about if we have not learned that an organized effort is going to be made to withhold almost any or all additional power from the President. A fine prospect indeed! Go ahead, Mr. President; organize an army of a million and a half soldiers, send them over to Europe, and when you get them over there let them shift for themselves and take their chances with what may ooze over there from this country, so far as conflicting and confusing and intricate private interests may be willing to serve them! Is that the idea of American efficiency? German efficiency is different. Things move when they say "move." It is said here that we do not want that sort of government over here.

I repeat, that if we do not arouse ourselves in this country to fight this war as it should be fought, we will have it over here; but the difference will be that instead of having a slight restriction here temporarily, we may have the real thing here permanently, and our consent will not be asked either. The Kaiser will not ask us whether we like it or not; he will ram it down our throats if he has his way and we let him have his way. So it is a question sometimes whether we can not afford in the interest of self-defense, self-protection, and self-preservation, to trust the President of the United States with a few of our rights, in order that our important rights may be perpetuated indefinitely rather than to withhold them from the President and lose all of them permanently. In other words, are we going to stay here and haggle and haggle about what we are going to give the President of the United States for perhaps three months or six months or perhaps for a year, but only for the purposes of this war, or are we going to lie supinely upon our backs and let those who are fighting for us shift for themselves on the plea that we ought not to be afraid and ought not to be hysterical and should only concern ourselves when we have finally had our nose put to the grindstone and have to fight for our own personal existence?

What is true of transportation is true of the food situation in the United States. There, again, it is asked, "Are we going to establish a dictator here? Are we going to let some expatriate come over here and run our business?" Men are being abused here who have come to help their country and whose only desire is to give unselfish service to their native land. The greatest offense they have ever committed is to come back here and volunteer their services. Mr. Hoover's name has been mentioned here. While I have not been delegated to hold a brief for Mr. Hoover, yet I want to say that I have been an admirer of his because of the high reputation which he enjoys throughout the civilized world for the work he has done in Belgium. This gentleman is charged with being an expatriate, yet when the call came from his country—and he did not seek the service—he surrendered a $100,000 position to come here and work for his country. Mr. Hoover's record is his best armor and defense against the attacks made against him. All of civilized Europe honors him. Poor bleeding Belgium acclaims him as its friend and benefactor. The world applauds him for his marvelous efficiency. Verily a prophet is not without honor save in his own country! And when he came here upon the call of the President to perform the work than whom none is better fitted, and coming in a spirit of service, his fellow countrymen heap ungenerous and ill-natured abuse upon his head for only standing ready to do what his Commander in Chief commands him to do. But he is no expatriate. He is a real and typical American. But if he were an expatriate, I wish to Heaven that we had a million such as he, because we are going to need them before we are through with this conflict.

However, Mr. President, I do not wish to talk personalities. That is not the thing that should control discussion of this kind.

The question is purely and simply whether, in the situation in which we find ourselves, we are going to put in the hands of the President of the United States the power to mobilize and utilize our resources for us. That is all, and the question again will be whether we are going to give the President authority to do the things he wants to do and which he needs to do if we desire to win this war? I say again that I hope when the food-control bill comes up the Kaiser and the Constitution will not again be lined up against the United States and that again we will find ourselves hindered instead of helped by that immortal instrument designed by its authors to be the protection and shield of the Union and not the ally of its enemies.

The President of the United States, I reiterate, being the Commander in Chief of the Army and the Navy, bears upon his shoulders the responsibility for a successful war. He comes here and says, "I must have these powers." It is said by Senators that they have the greatest confidence in the President of the United States. Well, if so, give him those powers. That is the best way to demonstrate their confidence in him.

We surely can not prove confidence by refusing to put it to the test.

It has been said here that the liberty-loan bonds did not go because of a want of confidence, not in the President, but because of a want of confidence in some of the men whom he has appointed to office—some of the unknown men, the invisible men, as some of the Senators have been pleased to term them.

I wish to say to those Senators that we used to hear some talk of invisible Government, but I am proud to say that we have heard little or nothing of it since Woodrow Wilson has been President. There is no danger of any invisible government so long as President Wilson is in the White House. We know that there was an invisible government, or, at least, charges were made to that effect, before his administration.

But it is said, in connection with the liberty loan, that confidence has been lacking. The Secretary of the Treasury was attacked here not long ago, and it was said that the course pursued by him in connection with the sale of liberty bonds was unseemly. Why, bless him, he did the thing that made the loan a success. This body did nothing to aid him; Congress did not do so. On the contrary effort was made, apparently, to discourage it. Unseemly what? When it lagged because cordial support was lacking, and when many were expecting—some, perhaps, even hoping—to see it end in failure, Secretary McAdoo, one of the strongest men who ever graced the Treasury portfolio, when he saw what he was up against, went direct to the people, and the people heard him, believed him, backed him, and the result is the verdict given him. Unseemly to do what was necessary and succeed or to lie down in a seemly manner and fail? The people do not think so, let me assure the Senator. If there has been any lack of confidence at all, it is because of the attacks that have been made upon the President of the United States in this Chamber and in the other Chamber over and over again, and the obstacles placed in his path. Take the CONGRESSIONAL RECORD for the last 8 or 10 weeks and read it and there you will find the answer to the question why confidence is not there.

Constructive criticism, it has been said, is a good thing. Yes; constructive criticism is a good thing, but destructive criticism is a bad thing. Destructive criticism is what is responsible for the want of confidence, if any there be, all along the line. But let me say that the want of confidence is not in the President. There is a want of confidence in Congress because Congress does not stand back of the Government and do the things that are necessary to give it strength and vigor.

It has been said here that the President has gotten everything that he wanted. That is true; but he had to fight for everything that he got. He was always met with obstacles—the same arguments, the same dire predictions of disaster, the same fear of usurpation of power, the same Constitution. Now, we can not inspire confidence in the people by criticizing everything that the President wants Congress to do and criticizing everything that it is proposed to do. We can not inspire the people to have confidence in our success when we are everlastingly predicting disaster. We can not inspire faith when we are constantly impeaching our own integrity of purpose. We can not abuse and hammer our Government and expect enthusiasm to bubble like a spring. We can not arouse the people to the great spirit of achievement when we are constantly criticizing everything that is to make for that achievement.

Does anybody believe for a minute that he can inspire confidence in a friend by assailing him all the time, defaming him all the time, and exuding insinuations against him all the time? You can not boost your friends in that way; you can not boost the country in that way; you can not boost Congress in that way; you can not boost the President of the United States in that way. At a time like this when unity and harmony are so essential, so indispensable, why can we not bury our differences and unite together? Our Government is not our enemy. Our interests are identical. We have all the enemies we can handle, and we need all the harmony and unity we can muster. Yet we spend our time in fighting amongst ourselves instead of preparing and unifying ourselves and our people against the common enemy. But you can go through the RECORD here for months, and you will find one series of attacks after another, not intended, I am sure, but tending in their effect to undermine the confidence of the people in their own Government and in their own administration. You can not keep that up indefinitely without making a breach in the wall.

It does seem to me, Mr. President, that the time for that sort of thing is over. We ought to quit it. It is all right to have constructive criticism of bills; but why this eternal attack, these continual attacks on the things that have got to be done if we are to win? No need to argue this. We all know it to be true.

Perhaps it would be wrong to take that position if we had found that the President had made one mistake after another in this war; but there is not a word of criticism of what has been done. Almost every act of the President has justified itself. Contrary in some respects to judgment of some, his judgment has been vindicated. He has proven a reliable chief. He is the Commander in Chief of the Army. He is the only one we have. We elected him last November. The people of the United States, almost regardless of party, elected him President of the United States, and so he is our Commander in Chief of the Army. He is going to be Commander in Chief of this country for the next three years and more, and we ought to be good enough soldiers to follow his lead and follow his judgment when he has so many times demonstrated that his judgment is better, in fact, than the collective judgment of many of us here.

The President of the United States will never go down in history as Woodrow Wilson, the impulsive, or Woodrow Wilson, the sudden, or "the man on horseback," or anything of that kind. No! He will go down in history as one of the most conservative, able, efficient, patriotic, and wise Presidents of the Republic. I say he is the Commander in Chief of the United States. He will be such for three years more, at least, and over three years. For weal or for woe, this matter is in his hands. The responsibility is placed upon him as Commander in Chief.

He says he needs these things to fight a successful war. His judgment has been unimpeached and unimpeachable so far as he has gone along in this war. Such being the case, why do we not give him what he asks, and what he must have, and what he demands? Why should we think that our transportation facilities are in better hands when they remain, as I said, in the hands of those who are running the railroads as a private business? Why is the matter of food safer in the hands of the speculators and manipulators of food of whom we have heard so much in the last two months?

We have heard some talk here about hanging these food speculators, about hanging these men who forgot themselves so far as to wring the last bit of money and the last pound of flesh out of a suffering public. We have heard that, and what is the proposition now? Why, we would sooner leave it to them, as it is to-day, than leave it in the hands of the President of the United States. Instead of hanging the speculator, we now hold him up as a man whom it is safer to leave the matter with and entrust with the power than the President. In other words, it is safer to leave things as they are now, in the hands of the speculators and the manipulators and the avaricious men who have driven up the cost of living almost to an intolerable height, than to place it in the hands of the President of the United States to use in our defense!

That is the situation we are up against. There is no constructive proposition here—no. There is only destructive criticism and destructive propositions. The Senators do not come in here and tell us what they propose to do or in whose hands they propose to put these things. They merely say: "For Heaven's sake, do not give this power to the President. Any man, anything, is better than that. The food speculator or the food manipulator is better than he is." That is the effect, if not the words, of the argument. When living is so high that the toiler can hardly make ends meet; when, if things are left to drift upward as they have in the past two years; when we know that if we do not act that men and their families will go hungry and ragged; I say when we know all these things shall we cross our arms now—when we are at war—and say let men starve and go ragged and freeze rather than put into the hands of our Commander in Chief the means to insure tranquillity at home and victory abroad?

Something has been said here about a division of responsibility. Some say: "Give the President the powers which relate to munitions of war and war supplies, and leave the other powers to the Interstate Commerce Commission." What would be the result if that were done? Why, we have talked here for days and days defining what munitions of war are. The term is a varying one. What may be munitions of war to-day may not be munitions of war to-morrow, and vice versa. Do you want the President to go down and visit the Interstate Commerce Commission and haggle with them as to how far his responsibility goes and how far theirs? Can you expedite the dispatch of troops can you fight a war in that way? I say, Mr. President, that you can not do it.

In this bill, concretely, we come right down to this: Are we going to give the President of the United States this power to use in the interest of the country and the interest of the Army

of the United States and the armies of our allies, or are we going to leave it to men who will run this thing to suit themselves? There is no middle ground about it. We have either got to give it to the President or leave it where it is. If you give it to a halfway committee you are leaving it where it is, because then it simply means no action, it means inaction, impotency. It means tying up the President. It does not mean any relief whatever.

The Senate can take its choice of the two propositions. Either pass this bill or let the thing go as it is going now; do not interfere with the railroads or the transportation concerns at all; let them do just as they see fit and trust to their collective patriotism and judgment to do the right thing. But if you want to do that better make them the commanders in chief of your Army also, so that the responsibility may be theirs also. I do not know how many railroad presidents there are in the country, but every time you want to get a few trainloads of soldiers by, let them have a convention somewhere and discuss which road is going to carry the soldiers, who is going to get the pay for it, what the price is going to be, and whether they will let them through after all—whether something else is not better than that. Those are the two alternatives—control by the United States in the interest and for the benefit of the Army and the people or control by and for and of the railroads.

The railroad presidents themselves see, in the services that some of these distinguished gentlemen are rendering the Government gratis now, the necessity of coordinating these things. They are wise men. They know their own shortcomings and their own frailties. They know their duties to their own stockholders, and they know that they can not do justice to them unless they put the matter in the hands of the Government, when they will have to say: "The Government comes first, because we are serving under the Government." They will become good soldiers and run the matter then in the interest of the Government, and not for the benefit of their private pockets.

Mr. President, I just want to say in conclusion that we can not too soon get these bills into the proper shape, pass upon the proper amendments if any are needed, and pass the bills, so that the President may get these things in his hands and know that he is going to have the power that he needs. Let us not exhaust his power here in trying to persuade Congress to help him, instead of fighting the enemy and devoting his time and attention to the enemy. Let us not compel him to waste his time here in trying to get Congress to give him the power that he is entitled to have without asking. Instead of enabling him to devote his time and attention to matters against our enemies, we are engaged here in fighting ourselves and holding ourselves back from doing the things that it is necessary and essential to do.

The crop-moving time will soon come, when the railroads will be congested, when these powers will be of the utmost importance and the most pressing necessity. The harvest is coming on, and crop moving will soon start. Let us not recommit the follies of the allies and the mistakes that the allies have made by getting into everything just a little bit too late. Let us get there just a little bit too early for the other fellows—for the enemy. Let us not dillydally along and then finally do what we will have to do anyway—but too late; for there is not any question that the people of this country will demand that the President receive the support that he is entitled to have as Commander in Chief; that their Commander in Chief is entitled to have; that Abraham Lincoln had when he wanted it.

Without fear of contradiction, I venture to say that Abraham Lincoln got every help that he wanted to have. I know that President McKinley got everything he asked for, regardless of politics. It was spontaneously given to him. There was not any wrangling about it, either. It was turned into his hands for the mere asking, and no war can be fought successfully without that authority. If they were not given all the powers asked for by the President here, it was because they did not ask for them; and if they did not ask for them, they did not need them, and if they needed them, Congress would have given these to them. No Congress yet has refused to give the President what he needed in any war in which we have been engaged, and this Congress dare not do so now. The people will not let you do so long.

It is said of Grant that one of the things that contributed to his unparalleled success was his insistence that he personally, as commander of the Army, should have absolute control of its movements without interference or hindrance by Congress or even by the Cabinet. It is said that the other commanders, able as they were, were unable to win because there was a debate over their movements every time before they were given the orders to move. Congress can not handle that matter. If Congress had stayed here and debated for two weeks whether Dewey should sail out of Hongkong to Manila Bay, he never would have sailed there at all, and certainly he never would have destroyed the Spanish fleet. If we are going to stay here and argue what the movements of our fleets and our armies shall be, if Congress is going to decide just how much food and what kind of food is going to be sent to our soldiers and what kind of supplies we want to give them, our soldiers will not get any in the first place, or if they do, they will get there too late to be of any use in the war.

In war it is absolutely necessary for the period of the war to put the punch in the hands of the President, and to put the country back of that punch if we are going to deliver a knockout blow. So I say that I, for one, during and for the purposes of this war, with the presumption always in favor of doing that which is necessary to strengthen the arm of the Government and to strengthen the arm of the President, am going to vote for every measure giving him the aid and the strength needed to defeat our enemies. If we do that, we need not be afraid of kaiserism or autocracy, because when this war shall have ended successfully to us we shall resolve back, as we resolved back after the Civil War and attended to our business in the usual way. We can then take up these economic questions. We can go back to our old quarrels, our old differences. We can discuss with the other side of the Chamber the various policies of government then. We can have all the party fights we want; but until that time let us fight the enemy and not amongst ourselves. But I say again, it can not be said too often, and over and over again, that if we lose this war—and we may lose it if we do not exercise all the strength and power we have—another autocracy will be imposed upon us; not of our own making, not of our own choosing, but, perforce, imposed on us; and I do not want to see that happen, because I do not want to live in a country dominated by a German autocracy. I do not want to live in a world dominated by Germany's autocracy. I want to live in this country, during this war and after this war, under the flag that sustains and upholds the President as Commander in Chief of the Army; that sustains and upholds the Government of the United States; that stands for the liberties and happiness of our people and for democracy the world over; a flag that floats over a people who are ready to die to preserve their ideals, their institutions, and their independence.

When we talk about our business here, I say that the supreme and most important business of the country to-day is to win this war. This business of winning this war is our paramount and supreme business. All of our ordinary affairs and business of life must yield at least in part to the exigencies of the paramount and supreme business of winning this war. To preserve this country we must win this war, and that is why every business must be concentrated on work coordinated to this end. This is the country I want to live in. I do not want to live after the war is over under a government that imposes its will, its strait-jacket upon the people of the United States as it is now attempting to do upon the world, as it has almost done in countries to the extent of nearly double its own size.

Do you want examples? Let your eyes go across the ocean, and see whether we are inviting that kind of treatment for ourselves over here.

It is the part of wisdom, it is the part of prudence, it is the part of statesmanship as I see it in my own way for this Congress, as expeditiously as possible, to do anything and everything to strengthen the arm of the President and our Army and our Navy in fighting this war, to get under way the mobilization of every resource that we have of men, money, and materials, so that this war may end speedily and successfully for us. This is the only way we ought to act and can act with prudence and wisdom.

I shall vote for the pending measure therefore, and for such other measures as may appear necessary to marshal our resources, might and power to the last degree and put them in the hands of the President and thus enable him to deal the blow to our enemies that spells victory.

The PRESIDING OFFICER (Mr. BRADY in the chair). The question is on the amendment of the Senator from Nevada.

Mr. REED. Mr. President, I ask to have the amendment stated.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 4, line 2, it is proposed to strike out, after the word "court," the following words:

The President is hereby authorized, whenever in his judgment it becomes necessary in order to expedite transportation and to do justice between carriers, to enter into agreements with two or more carriers looking to a proper division of earnings for a time to be specified and upon kinds of traffic to be prescribed.

And to insert in lieu thereof the following words:

The President is hereby authorized, whenever in his judgment it becomes necessary in order to expedite and provide for needed transportation and to do justice between carriers, to permit and authorize carriers to enter into agreements looking to a proper and equitable division of earnings for a time to be specified and upon kinds of traffic to be prescribed.

Mr. REED. Mr. President, I hope that the Senators here will permit me just about two minutes to say what the effect of this amendment is. It looks innocent enough; but, as the bill stood, the only way in which there could be any pooling of earnings was for the President to direct an agreement to be made with reference to the pooling. He was a party to that pooling agreement. The new language changes that so that if the President gives permission for a pooling, then the matter of the pooling is left entirely to the railroad presidents or managers.

In the first instance, the Government is in some form represented in every pooling arrangement. In the second instance, the Government is not represented; and I think the Government ought to be represented in any agreement relating to the pooling of earnings by railroads.

Mr. HARDWICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Georgia?

Mr. REED. I do.

Mr. HARDWICK. I want to ask the Senator from Missouri this question: If this equalizing process between the railroads, because some of them may get freight which is very remunerative under this new arrangement and some of them may get freight that is not remunerative, is to be carried out at all, why should not the railroads be forced to make these agreements whether they want to or not? In other words, why should it be left to the option of the big railroads, who may get the best of it, to do right by the little ones, who may get the worst of it? Why should they be required to do that only if they want to?

That is what bothers me about this thing. It is a heap more important than the other matter, I think.

Mr. REED. That is involved absolutely in the question I am raising.

Mr. HARDWICK. Yes; I think it is; but even if the language were left as it was originally in the bill reported by the committee it would still be subject to the criticism I have just suggested to the Senator.

Mr. REED. Oh, yes.

Mr. President, there are very few Members of the Senate here. It is nearly 5 o'clock, and I think we ought to adjourn until to-morrow. I do not want to raise the question of a quorum, but an important matter of this kind ought not to be settled by just a few Members of the Senate.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Nevada?

Mr. REED. Yes.

Mr. NEWLANDS. I should like to ask the Senator whether it would not be possible for us to fix some time to-morrow for a vote upon this bill?

Mr. REED. Mr. President, the time will come to vote on this bill in due and natural course, when Senators have gotten through discussing it. Nobody is trying to filibuster against this bill. The time has been taken up in honest debate. I would be perfectly willing to vote on this amendment now if the Members of the Senate had been in attendance and had heard the discussion; but I undertake to say that not one-third of the Members of the Senate know what this amendment is. They have not been present. That is the reason why I say it ought to go to the morning when the Senate Chamber will be filled again, and a very brief statement on it is all that I desire to have made before the Senate votes. Indeed, I should be perfectly willing, as far as this amendment is concerned, to agree to a limited debate on it of 10 minutes on a side. I should be willing to do that, as far as I am concerned; but when you ask to have a time fixed for voting on the bill, that is another question. There may be many things brought in before the debate is over.

Mr. NEWLANDS. Would it be possible, then, to limit the time for speeches?

Mr. REED. The Senator asked me those questions in private, and I told him no, not with my consent. I suppose he wants to make a record——

Mr. NEWLANDS. I do.

Mr. REED. And therefore the Senator is asking me again, within 5 or 10 minutes after he asked me in private. He is quite welcome to that.

Mr. NEWLANDS. Mr. President, I want to move that the time for speeches be limited, but I will not do so now. I now move that the Senate take a recess until 11 o'clock to-morrow morning.

Mr. REED. Why not make it 12?

Mr. SMITH of Georgia. Mr. President, I do not think we have a quorum, and I am afraid we can not get one to-night.

Mr. SMOOT. Mr. President, before the Senator from Georgia suggests the absence of a quorum I should like to call the attention of the Senator from Nevada to the fact that before a vote is taken upon this matter I think a great many of the Senators would like to hear at least a brief discussion of it. The Senator knows that there are committees that are compelled to meet every day in the week. To-morrow the Finance Committee is not going to meet, and I suppose the members of the committee would like to be here when there is some little discussion of the bill. Why not take a recess until 12 o'clock to-morrow? Then, if there is any question as to forcing a vote upon it, if the Senator feels that way hereafter, we will at least have a chance to be here, and the Senator then can take any position that he desires.

Mr. CUMMINS. Mr. President, I have no objection at all to the suggestion made by the Senator from Utah; but I should like to say this, in order that there may be real debate upon the proposed amendment to-morrow morning:

Since the Senator from Missouri left the subject immediately after the morning hour had expired, not a word has been said to-day upon this amendment. Since the analysis of the amendment by the Senator from Missouri, with a remark that I made in connection with his presentation of the matter, not a word has been said about it this afternoon in any part of the discussion. The Senate has discussed an entirely different question.

I only hope that to-morrow, before the amendment is voted upon, those who discuss the bill will devote themselves to this amendment, leaving the other question to come up, as it will come up, immediately upon other amendments that will be offered.

RECESS.

Mr. NEWLANDS. I ask unanimous consent that a recess be taken at this time until 12 o'clock to-morrow.

The PRESIDING OFFICER. The Senator from Nevada asks unanimous consent that a recess be taken until 12 o'clock to-morrow. Is there objection?

There being no objection, the Senate (at 5 o'clock p. m.) took a recess until to-morrow, Saturday, June 16, 1917, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June 15, 1917.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite and Eternal Spirit, Father of all souls, above all, through all, and in us all, humbly and reverently do we bow in Thy presence and acknowledge with love and gratitude all that has come down to us out of the past to uplift, ennoble, and purify mankind; and we most fervently pray that if there be any virtue and any praise we may not only cherish them in our hearts but strive earnestly as individuals and as a nation to live "whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely, whatsoever things are of good report"; that Thy kingdom may come and Thy will be done in earth as in heaven. In the spirit of the Lord Jesus Christ. Amen.

THE JOURNAL.

The Journal of the proceedings of yesterday was read.

The SPEAKER. The Journal ought to say that adjournment was had out of respect for Flag Day.

Mr. HICKS. Mr. Speaker, may I correct a title in the Journal? The official title of the flag is "the flag of the United States" and not "the American flag."

The SPEAKER. That is the way it ought to be. The Clerk will correct it. Without objection, the Journal as corrected will stand approved.

There was no objection.

EXTENSION OF REMARKS.

Mr. EVANS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing the speech delivered by the President yesterday on "The Flag."

The SPEAKER. The gentleman from Montana asks unanimous consent to extend his remarks in the RECORD by printing the President's speech on Flag Day. Is there objection?

There was no objection.

Mr. MONTAGUE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a message from the Baptist Union of Great Britain and Ireland to the Baptists of the United States of America in relation to the pending war.

The SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD by printing a communication from the Baptists of Great Britain and Ireland to the Baptists of the United States touching this war. Is there objection?

There was no objection.

Mr. FESS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an oration by my colleague, Hon. DICK T. MORGAN, of Oklahoma, on the occasion of the graduation exercises at Merom College, Indiana.

The SPEAKER. Is there objection?

There was no objection.

Mr. CURRIE of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of Army registration by inserting an editorial appearing in the Midland Sun.

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD by inserting an editorial as indicated. Is there objection?

There was no objection.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a speech made by my colleague, Mr. BORLAND, yesterday at the Elks, on Flag Day.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks by inserting the speech delivered by his colleague, Mr. BORLAND. Is there objection?

There was no objection.

RIVERS AND HARBORS.

Mr. SMALL. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4285, the river and harbor bill.

The motion was agreed to.

The SPEAKER. The gentleman from Mississippi [Mr. HARRISON] will please take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4285, the river and harbor bill, with Mr. HARRISON of Mississippi in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4285, the river and harbor bill. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 4285) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. SMALL. Mr. Chairman——

Mr. PARKER of New Jersey. Mr. Chairman, has the first section been read?

The CHAIRMAN. It has been read. The Chair will have to recognize the chairman of the committee [Mr. SMALL] first.

Mr. SMALL. Mr. Chairman, I offer a committee amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the committee amendment offered by the gentleman from North Carolina.

The Clerk read as follows:

Committee amendment: At the top of page 2 insert the following paragraph——

Mr. PARKER of New Jersey. Mr. Chairman, my amendment is to come before that. My amendment is to the first paragraph—not a new paragraph.

The CHAIRMAN. The gentleman's amendment will be read first.

Mr. SMALL. I think this amendment which I have offered will be in order, for this simply adopts a project for Portland Harbor.

Mr. PARKER of New Jersey. This is not on a special subject. It is a general amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New Jersey.

The Clerk read as follows:

Amendment offered by Mr. PARKER of New Jersey: Page 1, line 9, at the end of the first paragraph, after the words "works hereinafter named," insert:

"*Provided*, That during the continuance of the present war no money shall be so expended except for necessary repair and preservation of the existing public works, or for construction and completion of works of immediate military necessity to be determined by the President."

Mr. PARKER of New Jersey. Mr. Chairman, we have had a great deal of talk here——

Mr. CURRY of California. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from California reserves a point of order against the amendment.

Mr. PARKER of New Jersey. Mr. Chairman, when the point is made I will speak to it. I am speaking now to the amendment. I do not see how any point of order can be made to a restriction on the expenditure of money. The reason I offer this amendment is that I think the vast majority of this House is in doubt as to the meaning of the letter of the Secretary of War which talks of and includes the continuance of certain projects already authorized. Take, for instance, the Mississippi River and the Ohio River, and a number of projects to be completed by successive installments in a long course of years before they will become of any real advantage in any way for transportation or otherwise.

This House is determined that the energies and powers of the United States, whether they be of money or whether they be of workmen, skilled mechanics, or of sailors on dredging boats, or of the boats themselves, or whether they be of still more importance, the services of the engineers and the Engineer Corps, the House is determined that these energies shall not be diverted from the work of this war in order to dig ditches and channels.

I know of one case where a military attaché, thoroughly acquainted with the work of the army in France, full of the modern warfare, ready to instruct and train others in it, on his return only a few months ago was ordered to Milwaukee to dig a harbor there.

I know how I felt about that, and the emergency finally prevented that detail, but there are in the Engineer Corps nearly 300 of the best graduates of West Point. Those who pass with the highest honors are taken for the engineers, and they are the men who are trusted to plan trenches and defenses, to plan forts, and to make arrangements wherever works become necessary for siege or defense as war is carried on now. Such officers are needed on the other side and such officers are needed here.

Mr. HULBERT. Will the gentleman yield?

Mr. PARKER of New Jersey. Yes.

Mr. HULBERT. Does the gentleman know that this House has already passed a bill authorizing the calling back into the service of retired engineers, and that it is the purpose of the War Department to put the retired officers in charge of this work who would not be fitted for the work that the gentleman refers to?

Mr. PARKER of New Jersey. The gentleman speaks of their not being fitted for the work referred to—retired officers are fitted for the planning of forts, the planning of trenches, and the planning of defenses. The engineer officer's work is not so severe in the field. They are fitted also to instruct our soldiers in modern warfare. We are short of officers. We are denuding the Regular Army of officers for instruction of the reserve officers, and we are going to denude them still more for the instruction of the troops that will be called out.

There is nothing we need so much as skill and brains, and at this time Congress should order that not a single one of these officers, except for immediate military necessity, should be detailed to this work. I do not know whether Hell Gate or any other particular project is an immediate military necessity, but I think Congress means to say that there shall be no implied authority granted by this bill to detail officers or use our energies during this war for anything except immediate military necessity or the absolutely necessary preservation of existing work. That is my amendment, and I submit it to the good judgment of this House. [Applause.]

Mr. CURRY of California. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is overruled.

Mr. SWITZER. Mr. Chairman, the War Department has invested in a plant for the improvement of rivers and harbors something like fifteen to twenty million dollars—invested in dredges and machinery, and so forth, and probably 10,000 men employed for work therein. A great deal of this plant will be out of commission, will be rusting on the banks of the river, and you will have to have caretakers, and no good can come of it whatever for the people.

Take, for instance, the Ohio River. The gentleman says he is not in favor of any appropriation except that which goes to these harbors or streams that are to be strictly used for the movement of troops or war vessels. I want to say to the gentlemen of this House that the mobilization of the food supply of this country is just as important to bring the war to a successful close as the movement of troops. Take the 7,000,000 tons along the Ohio River and the twelve or fourteen million tons of the Monongahela River, and it will require 100,000 cars to

move this tonnage. There are thousands and thousands of trains that you could use for coal trains hauling the coal to the Northwest and the Atlantic seaboard for the use of war vessels and to go across the oceans. You would have these cars hauling the low-grade tonnage of the Ohio River. Would not that interfere with the carriage of this coal? Would not that interfere with the projects with reference to the carriage of lumber? Take the phosphate rock that is so important for the farmers of this country. Here is an appropriation of three or four thousand dollars for Tampa, Fla., for the movement of this phosphate rock. It can be taken out of the earth, shipped from Tampa cheaper than from any other point in the United States. I think about 90 per cent of the phosphate rock mined in Florida goes through Tampa and Hillsboro Harbors.

Now, gentlemen, these things are necessary. This mobilization of food is just as necessary as the mobilization of men. As I pointed out here the other day, do you want to break down this water transporation service round about Pittsburgh, in the Pittsburgh-Wheeling iron district? Why, gentlemen, you have spent on this project in the Ohio River something like $30,000,000. Thirty million dollars more will complete it. How long is this war going to continue? We have established an armor-plate plant on the Kanawha River at Charleston, W. Va. That stream is canalized, but recollect that the Ohio River from Pittsburgh down to the mouth of the Kanawha is not yet completely canalized, though one or two more dams will complete it, and one more dam will complete the canalization from the mouth of the Kanawha River to the Ashland-Ironton district. Where do you propose to obtain the pig iron you are going to use in the two factories which, I believe, have been established at Charleston, W. Va.?

Will they not want to obtain that iron from the Ashland-Ironton district in Ohio or from the Pittsburgh district? By water the Pittsburgh district is something like 300 miles away, and the Ashland-Ironton district is about 130 miles away. I say it would be a mistake to stop the work upon such an important improvement as this. And, besides, gentlemen, in 1910, when you passed that act, you said this work should be done in 12 years. It can not be done in that time now. You are appropriating $7,500,000 this year to build railroads in Alaska. You have appropriated $6,000,000 for the lower Mississippi, and why do you want to discriminate against the Ohio River?

The CHAIRMAN. The time of the gentleman has expired.

Mr. FREAR. Mr. Chairman, I desire to support the amendment, although I will say I expect to vote against the bill, whether the amendment is accepted or not. It seems to me the amendment is along the right line, but it is not sufficiently definite, in my judgment, to meet the situation presented.

I rise more particularly to address myself to the remarks of the gentleman who has just spoken in regard to the Ohio River [Mr. SWITZER], in which he mentioned the necessity of using trains to carry the food products of the country. The other day I placed in the RECORD some official statistics taken from the Engineer's report relating to the Ohio and Mississippi and Missouri Rivers. They will be found in the RECORD of June 12. I did that because the average Member is too busy to examine the reports; but I want you to know where your money is going and how it has been wasted during all these years. Waste is the only word that can be applied to it. We can talk in generalizations as much as we want to, but what amount of money that has been put into rivers? Sixty million dollars has gone into the Ohio River.

Mr. SWITZER rose.

Mr. FREAR. I can not be interrupted at this moment. The gentleman and I can discuss this question later. A minute ago it was suggested to me that I was opposed to rivers and harbors. That is not true. On the other hand, I will say that the gentleman has not voted for a single amendment to perfect a river and harbor bill during the last four years, and has voted for every bill. These are matters that each Member must decide for himself.

Turning to page 3820 of the report of the Army engineers, it shows that in 1915 the Ohio River commerce amounted to 4,814,000 tons.

Mr. SWITZER. Will the gentleman allow me to correct a misstatement?

Mr. FREAR. The gentleman can correct me in his own time. Of that amount of 4,814,000 tons reported commerce, gravel reached 1,181,000 tons; sand, 1,184,000 tons; and waste, 28,000 tons; or one-half of all that tremendous tonnage of over 4,000,000 tons was sand and gravel, just as it has been in past years, all of it hauled less than 26 miles on a stream 1,000 miles in length. There is some open-river tonnage, of course. There has been, and it has been hauled for 40 years, and there was more tonnage on the Ohio River 40 years ago by far than there is to-day after $60,000,000 expenditure by the Government.

As I understand, the amendment of the gentleman from New Jersey proposes that only necessary expenditures for maintenance be placed on the river at this time. It seems to me that, so far as it goes, that is a good provision to put into this bill, although it does not go far enough. I concede that it will stop the $5,000,000 contained in this bill for the Ohio River, all excepting that which is necessary for canalization purposes. But, gentlemen, over $3,000,000 balance to-day exists to the credit of the Ohio River project, or did exist on the 1st day of March last, uncontracted for; and the Army engineers at that time knew that there was going to be opposition to this bill because of the action taken on that side of the aisle in their caucus, an action noted throughout the country at the time.

Now, Mr. Chairman, I am not going to discuss the Ohio River at length at this time. Any one of these projects would take 15 or 20 minutes or more to place carefully before the House. I have placed in the RECORD the statistics upon this river, as I have on the Mississippi River and on the Missouri, and I invite any Member who wants to find out where the money of the Government has gone to make an examination of the record and ascertain what kind of an investment we have made year after year without increasing the tonnage on these rivers. At the present time 95 per cent of all the balance of the commerce on the Ohio River is coal, and coal went down the Ohio River 30 years ago just as it goes to-day. That is the best proposition according to tonnage we have for the Government, I am frank to say. Col. Townsend made a report, which is placed in the RECORD, urging that 58 of these projects be stopped and remain in statu quo, to use his term.

Mr. SWITZER. Not the Ohio River.

Mr. FREAR. Not the Ohio River, which he advises he tried out, and one other stream.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I ask unanimous consent that the gentleman's time be extended five minutes.

Mr. SMALL. Mr. Chairman, reserving the right to object, which I do not intend to do, I desire to ask if we can not have some understanding as to the length of debate?

Mr. PARKER of New Jersey. Mr. Chairman, I should think that gentlemen who wish to speak upon the general amendment—I do not wish to speak so much upon the special projects as on this, which is that the President, as Commander in Chief, shall, during the time of the war, determine what projects are of a military character—ought to have opportunity to speak.

Mr. SMALL. Does the gentleman desire further time?

Mr. PARKER of New Jersey. I desire to speak, and the gentleman from Wisconsin [Mr. STAFFORD] desires to speak, and Mr. GILLETT and Mr. LENROOT desire to speak.

Mr. GILLETT. Mr. Chairman, I think the gentleman will recognize that this is one of the most vital and important amendments touching the whole bill which could come up, and it does not seem to me that it is fair to try to cut off debate upon the bill. There is no disposition, as far as I know, to debate simply for the sake of debate, or to delay, but simply to genuinely discuss this proposition. I do not think it would be fair to try to eliminate debate upon it.

Mr. SMALL. Mr. Chairman, any suggestion of the gentleman from Massachusetts always impresses me. It is not my intention to cut off debate, but I desire to ascertain how much time will be required. The gentleman knows that when we go along indefinitely sometimes unnecessary time is consumed.

Mr. MADDEN. Mr. Chairman, I would like to ask the gentleman if it would not be a good idea to ask for about three hours upon a side on this amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, I should think the statement of the gentleman from Massachusetts would be satisfactory that there is no disposition to delay.

Mr. CLARK of Missouri. Mr. Chairman, reserving the right to object, I would like to say a word. I am not going to object to this extension of time, but I do think that we should speed up and that this bill ought to be finished to-morrow. [Applause.] There is not a man on earth, not even the gentleman from Wisconsin [Mr. FREAR], who can say a new thing about river and harbor improvements. It has all been said. There are important bills waiting here, and some of them vitally affect the conduct of the war. We ought to get through with this bill to-morrow night. Debate ought to be shortened up as much as possible. The gentleman from Massachusetts [Mr. GILLETT] says that this is an important matter. I am not going to dispute with him about that, but after that is disposed of, this miscellaneous and promiscuous talk, delivering the same speeches that have been delivered here to my certain knowledge a hundred times ought to end. [Applause.]

Mr. SMALL. Mr. Chairman, I withdraw the objection.

Mr. HUMPHREYS. Mr. Chairman, reserving the right to object, I would like to make this suggestion to the gentleman

from North Carolina [Mr. SMALL]. If we are to debate this particular amendment, it occurs to me that debate ought to be confined to the amendment. The various items of this bill are going to be discussed and debated when they are reached in the bill, and the fact that they are discussed now is not going to shorten debate when we reach the item, because whatever is said now is going to be repeated when the item is reached, and it occurs to me that the gentleman from North Carolina would do well if he could confine this debate to the amendment offered by the gentleman from New Jersey.

Mr. PARKER of New Jersey. I agree with the gentleman.

Mr. SMALL. If we could confine the debate as the gentleman from Mississippi suggests, to the amendment itself, it would be well; and I think gentlemen should endeavor to conclude their remarks within five minutes, for I think that can well be done. In that event we can get along.

Mr. STAFFORD. The gentleman is aware that there are many gentlemen who wished to participate in general debate who could not be heard.

Mr. SMALL. Oh, that was not my information.

Mr. MEEKER. If the gentleman will remember, there was an adjournment here at 4 o'clock one afternoon because there was no one to speak for the opposition. They had run out of wind works.

Mr. STAFFORD. Oh, I beg the gentleman's pardon, but that is not the fact. There were persons who were willing to go ahead, but they could not go ahead because there was no quorum present. [Laughter.]

Mr. MADDEN. Mr. Chairman, I would like to ask the gentleman from North Carolina if he will yield to a question?

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

Mr. MADDEN. Mr. Chairman, reserving the right to object—I do not know what the request is.

The CHAIRMAN. The gentleman's request is to proceed for five minutes more.

Mr. MADDEN. I reserve the right to object, so that I may ask the gentleman from North Carolina a question. I wish to say to him that I think since we are giving the President of the United States power to regulate everything, there can be no more important action taken by the House to-day than to adopt the substitute offered by the gentleman from New Jersey [Mr. PARKER] giving the President power to say what, in his judgment, is a war measure in connection with this bill. Does not the gentleman from North Carolina therefore think it would be a good idea to adopt the suggestion made by the gentleman from New Jersey and let us pass the bill right away, in the form of that resolution?

Mr. SMALL. I certainly do not.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin [Mr. FREAR], that he may proceed for five minutes more? [After a pause.] The Chair hears none.

Mr. FREAR. Let me say, Mr. Chairman, that the reason I rose to discuss this amendment was because the particular item was reached that ought to be considered in the bill. No one objected to a discussion along that line. I objected to having a statement appear in the RECORD undisputed about the necessity for the Ohio River project. That is a matter for determination, and that is all I care to say about that. The gentleman from Missouri, the distinguished Speaker of this House, whom we all highly respect, says that we ought not to make speeches on the floor that he has heard a hundred times. I care not if he has heard them a thousand times. I conceive it to be my duty to discuss the bill. I am prepared to show at the proper time that the Missouri River has had $15,000,000 put upon the lower part of it, and that only approximately 30,000 tons of actual commerce was carried on that river in 1915, substantially, outside of sand and gravel last year; and I may reiterate other facts during the discussion of this bill. I do not desire to take the time of the House unnecessarily. I do believe a bill of $27,000,000 should be discussed when one-third of the committee is opposed to the bill. I have placed in the RECORD official reports showing that of $1,000,000 annually expended on the Missouri River approximately 90 per cent is going into revetment and dike work for land reclamation projects. This you will find on page 3821 of the RECORD of June 12, taken from official reports.

I do not desire to take any undue time of the committee. I did not expect to speak upon this amendment of the gentleman from New Jersey.

Does the gentleman from Ohio [Mr. SWITZER] now wish to make an inquiry?

Mr. SWITZER. Why does the gentleman quote from the statistics of the annual tonnage on the Ohio River within the State of Pennsylvania and undertake to make this House believe that that is all the tonnage of the Ohio River?

Mr. FREAR. That is a fair question. Let me answer.

Mr. SWITZER. And does not the gentleman know that the tonnage of the Ohio River is seven and one-third millions of tons annually—in the year 1915, at any rate—and the ferriage was two millions of tons on that river?

Mr. FREAR. The engineers quoted the ferriage on the river. This is a 1,000-mile river. All the tonnage that is shown in that statement had an average haul of 26 miles, although it is a 1,000-mile river. Of course, commerce is carried 26 miles on the average at this point, some more and some less, but what I am trying to show is that the average tonnage is small, that the Government is getting practically no return for the enormous investments we have made upon the Ohio, upon the Missouri, upon the Mississippi, aye, upon the Cumberland, Tennessee, and many other rivers. And I call as witness the testimony of the gentleman who is now at the head of the Mississippi River Commission, Col. Townsend, who says that we should stop all the work except on the Ohio River, which he believes we should try for an experiment. He says—to use his words—"To ascertain whether or not these streams will be utilized." That is the expression he used. Why not follow his advice at this time?

Now, Mr. Chairman, I do not desire to take any undue time of the House.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. FREAR. I will.

Mr. MOORE of Pennsylvania. I would like to know whether it is a custom, ordinarily, to occupy a house before the roof is on?

Mr. FREAR. If that is all, I would like to answer the gentleman. We have not made a single success of these inland waterways, based upon commercial reports of the Army engineers, to my knowledge, unless you take a deep-river way like the Delaware River, on any of the inland waterways, and I do not know any one of them that is given as a success.

Mr. MOORE of Pennsylvania. There is the Monongahela.

Mr. FREAR. That is a stream that brought coal down before, and continues to bring it down now.

The CHAIRMAN. The gentleman from California [Mr. OSBORNE] is recognized.

Mr. HOWARD. Mr. Chairman——

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Georgia.

Mr. HOWARD. I should like to move to strike out the last word.

The CHAIRMAN. The Chair has recognized the gentleman from California.

Mr. OSBORNE. Mr. Chairman, I am opposed to this amendment. In the five minutes at my disposal I will have insufficient time to cover the subject, and I will simply outline what I would like to say and ask leave to extend my remarks in the RECORD.

First. I deny with the utmost emphasis that there is any basis in fact for the statement contained in the minority report that "an indefinite amount is provided in this bill for Los Angeles and Richmond, Cal., both of which last-named harbors show very decided appearance of reclamation schemes."

Second. I will show by reference to the volume of hearings on this bill before the Committee on Rivers and Harbors that, while I was present almost continuously during the hearings, no member of the minority ever raised these questions or indicated in the most remote way that he believed the amount to be indefinite or that there was any appearance of reclamation schemes connected wieh the Los Angeles Harbor.

Third. I desire to protest again the illiberal spirit which is shown by the minority of the committee throughout their report, and particularly with reference to Los Angeles Harbor and the Pacific coast generally. I call the attention of the committee, and particularly that of the Republican leaders on the floor of the House, to the growing illiberality which is shown toward the Pacific coast as the western boundary line of our country. Particularly during the past three administrations—two Republican and one Democratic—the Pacific coast has been illiberally treated. No serious effort has been made at coast defense; its shores, from Alaska to the Mexican line, have but few and scattered lighthouses; the naval force on the Pacific is represented by a few small and inferior warships, the entire Pacific Coast Fleet being unequal in effectiveness to a single battleship; our harbors are neglected and not only not developed to meet the new commerce which the citizens of the Pacific coast are striving for in the Orient and in Central and South America, but they are actually allowed to deteriorate by a niggardly policy such as is demonstrated on this floor in connection with this very bill.

After the Eastern and Middle Western States had been settled and built up under the liberal policies of the Republican Party

in its homestead and mining laws and those States had received the full benefit of those liberal policies, a general change has been adopted toward the Rocky Mountain and Pacific States of treating the homesteaders, the prospectors, and the vigorous developers of the public domain as men under suspicion and public enemies.

As a consistent and lifelong Republican, who has voted for every Republican nominee for President from Gen. Grant to Justice Hughes, I am bound to say that, in my opinion, this narrow and niggardly policy has had its effect upon the public mind in the Western and Pacific Coast States, which found expression in the general elections of 1916.

The CHAIRMAN. The gentleman's time has expired.

Mr. OSBORNE. Mr. Chairman, may I have five minutes more?

The CHAIRMAN. The gentleman from California asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. PARKER of New Jersey. Mr. Chairman, I do not desire to object, but I do wish that the debate on this amendment could be confined to the amendment. It is an important military need.

The CHAIRMAN. The gentleman from California will proceed.

Mr. OSBORNE. It will be remembered that the Republican nominee for President in 1916 in his great western tour made a speech at Minneapolis, Minn., during the campaign, in which he took an adverse position upon river and harbor legislation similar to that which is voiced in this minority report and upon this floor. Immediately afterwards he proceeded on that ill-fated mission to the Pacific Coast States, to whose just demands for harbors for national purposes he had just expressed his complete dissent, and which was then fresh upon the minds of their people. I ask my Republican colleagues, and particularly the distinguished gentlemen who comprise the advisory committee of our party in this House, if they are so enamored of the results in California and Washington of a reversal by its party nominee of a time-honored principle of the Republican Party of liberal public improvements that they consider it worthy of their efforts in perpetuation?

Mr. MOORE of Pennsylvania. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Pennsylvania?

Mr. OSBORNE. No; I do not.

While the Democratic Party has in these respects not much improved upon the Republican policies, we still find the Republican leaders on this floor, with the notable exception of the gentleman from Pennsylvania [Mr. MOORE] and a few others, on the narrow side of the questions involved in this bill.

I seriously ask my Republican colleagues of this House if it is their policy to have a Republican Party limited to New England and a few States along the Great Lakes, abandoning the South, the great West, and the Pacific coast? Are we to have an inland, fresh-water line of statesmanship as the basic principle of the Republican Party?

Mr. Chairman, during the general debate on the rivers and harbors bill on June 11, the following colloquy took place between the gentleman from Pennsylvania [Mr. ROSE] and the gentleman from Ohio [Mr. SWITZER]:

Mr. ROSE. I would like to know the answer of the gentleman to the part of the minority report wherein they make this statement:

"An indefinite amount for Los Angeles and Richmond, Cal., both of which last-named harbors show very decided appearances of reclamation schemes."

Mr. SWITZER. The gentleman who wrote the report is a little vague. He does not mean we have made an indefinite cash appropriation. He means the ultimate appropriation; that the estimate for the ultimate completion is indefinite. You can say that about everything.

Mr. ROSE. Will the gentleman say it is true or not true?

Mr. SWITZER. It is not true that we have appropriated an indefinite amount

Mr. ROSE. For reclamation schemes?

Mr. SWITZER. There certainly can not be any sort of a reclamation scheme found by anybody at Los Angeles. There is some contention that it will aid in the reclamation of a little land at Richmond, but recollect Richmond is the terminus of the Santa Fe Railroad, one of the great transcontinental railways.

Mr. CURRY of California. Will the gentleman yield?

Mr. SWITZER. I will.

Mr. CURRY of California. I have been trying to get time from both sides of the House to talk on the Richmond Inner Harbor project ever since this general debate started. I have not been able to get the time, and I shall talk about the proposition under the five-minute rule. There is not a single, solitary square foot of reclamation connected with the Richmond Inner Harbor. The reclamation there is the same as in any harbor where there is tideland. The city has done the reclamation itself, and the reclamation is completed, and the money to be appropriated by the Government is $428,000 for the dredging of a channel, and the city of Richmond is to appropriate $428,000, an equal amount, and that is for the physical dredging of a channel 3½ miles long, 600 feet wide, and 24 feet deep and a turning basin 1,800 feet. It is on San Francisco Bay and surrounded by hills. The city of Richmond itself owns the water front. There is not a private interest connected with it. The land is all owned by the city of Richmond, two blocks back from the water front and clear out to low-tide water. The initial appropriation carried in this bill is $100,000.

Mr. SWITZER. Mr. Chairman, I want to say to the gentleman that I personally inspected the Richmond project, and I believe that it is a meritorious one.

My able colleague from California [Mr. CURRY] is well qualified to speak for Richmond Harbor, and I will devote my attention to the unjustified and insinuating reference to Los Angeles Harbor.

I will state at once that there is not the slightest foundation in fact for the two assertions contained in the report.

There is no "indefinite amount" provided in the bill for Los Angeles Harbor.

There is no "very decided appearance of reclamation schemes" embraced in the bill in connection with Los Angeles Harbor, and there is none in fact.

The amount carried in the bill for Los Angeles Harbor is $75,000, of which $25,000 is for maintenance and $50,000 for straightening and widening the entrance to the inner harbor, as recommended by the Board of Engineers, in House Document No. 896, Sixty-third Congress, second session, the estimated total cost of which is $626,000—not an indefinite amount.

There are two other references to Los Angeles Harbor in the bill:

First. Providing a preliminary survey in the west basin, which would be done by the employees of the district engineer, probably with no additional expense to the Government.

Second. Authorizing a modification of silt diversion discharge into the ocean, for the protection of Los Angeles and Long Beach Harbors, provided in the act of Congress of July 27, 1916, with a provision that "such modification shall not increase the total cost of the work."

This, Mr. Chairman, embraces every reference to Los Angeles Harbor contained in the pending bill. The total sum appropriated is $75,000, and there is nothing indefinite about it, and there are no "reclamation schemes" involved, either present or remote. On the contrary, there are no lands within miles of Los Angeles Harbor that are within the possibility of being reclaimed, or any that can be purchased for less than hundreds of dollars per acre. The county of Los Angeles a few months ago voted bonds to the extent of $4,450,000 to control the flood waters of Los Angeles and San Gabriel Rivers that now periodically discharge silt into Los Angeles and Long Beach Harbors, and the county has authorized the expenditure of $1,080,000 for the purchase of right of way for the diversion into the ocean at a cost of hundreds of dollars per acre.

I hold in my hand, Mr. Chairman, a copy of the volume which contains the hearings held on this bill before it was presented to the House. It is a volume of 160 pages, and quite complete. I was present throughout the hearings, almost continuously. I will ask you, Mr. Chairman, and members of the committee to look over this report and verify what I now tell you, that not one of the gentlemen who signed this minority report ever raised a question on Los Angeles Harbor. Not a single objection, or even a request for an explanation upon any point, was presented to me at any time during the hearings, or at any other time.

You may imagine my surprise, Mr. Chairman, when, upon looking over this minority report for the first time, I read this reference to Los Angeles Harbor. I find it difficult to find language to truthfully characterize the statements and at the same time to preserve the dignified forms of expression that are properly enjoined by the rules of this House. I come to the House as a new Member, representing one of the most public-spirited communities in the United States. The history of California is unique among the States of the Union in its vivid character and vast accomplishments. It has added between two and three billions of dollars to the gold supply of the world. The rebuilding of San Francisco after its destruction by earthquake and fire in 1906 was one of the wonders of all time. The transformation of Los Angeles from a semi-Mexican pueblo of less than 15,000 people to one of the most beautiful cities of America, with a population of 600,000 people, has occurred under my own eyes within a third of a century. What the public-spirited people of the Pacific coast have done in the past 40 years to strengthen the Nation is something which you people here in Congress ought to know in order that you should deal justly and sympathetically with them in public affairs.

The history of my own city of Los Angeles would interest you like a romance. When I first lived there there was not a yard of paved street in the pueblo. Now we have hundreds of miles of paved streets of cement and asphalt, equal, if not superior, to those of Washington. We have a hundred thousand beautiful homes, not crowded together into solid blocks, but each with its ample grounds in lawns, shrubs, trees, and flowers. We have the most extensive and the most solid, convenient, and comfortable city and suburban transportation lines of any community in America.

Some years ago, warned by the large influx of citizens from all parts of the country, and desiring to guard against a shortage of water, we went into the main Sierras, 250 miles distant, and brought a river of pure mountain water from the base of Mount Whitney to Los Angeles, by an aqueduct as solid in its construction of concrete and in its source of water vastly more extensive than the world-famed aqueducts of ancient Rome. The Los Angeles aqueduct, more than twice as long as the recently constructed Ashokan aqueduct of New York City, runs through hills, valleys, and mountains, and includes 52 miles of solid tunnel work through the mountains, these tunnels being lined with concrete. The aqueduct is lined and covered with concrete throughout the 250 miles, excepting through the depressions, where the water is carried in enormous steel spyhons. The aqueduct carries a power system of which 37,000 horsepower is completed, which will be increased to 120,000 horsepower. This has been done by the city of Los Angeles at a cost of between $30,000,000 and $40,000,000.

We are stretching our arms across the seas, to China, Japan, and Australia, and down the Pacific coast to Mexico, Central America, and South America, to build up foreign commerce for ourselves and for the American Nation. We have sent delegations of our successful business men to those countries for that purpose. We have stretched our own city boundaries more than 20 miles to cover our harbor front, in order that we might protect the rights of the people in the harbor, and have the legal right to expend our own money in developing the harbor. We have spent on the harbor dollar for dollar with the National Government, and we are doing so to-day. We have achieved splendid results, and aside from all other business Los Angeles Harbor handles the greatest amount of lumber of any harbor in the world.

I say these things, Mr. Chairman, not in any vainglorious spirit, or to boast of my own city, but to show you the kind of a community which I have the honor to represent, and to ask you if you really think that such a community as I have described would be likely to conspire to rob the Nation on an appropriation of $75,000 or any other amount. Would you expect Los Angeles, with the honorable record that it has, to try to "put over a reclamation scheme," which, as the term is used in the minority report, would seem to mean some sort of crooked real estate scheme?

Gentlemen of the minority, who generally reside far from the invigorating influence of the salt breezes of the ocean, and in old and settled if not stagnant communities, can hardly conceive or comprehend the spirit of the great and growing communities of the Pacific Coast States of California, Oregon, and Washington. To us who have seen them grow from infancy to youth and lusty young manhood, and who may have had somewhat to do with that expansion, their just honor and deserved fame is dear to us, second only to that of our own families. We have a peculiar pride in our own creation, if it is good. That is the feeling of all our people. Our people are generous and hospitable to strangers to a degree that is unknown east of the Rocky Mountains. In all Pacific coast cities, and notably in Los Angeles, our people, and particularly our chambers of commerce, entertain in one way or another as many distinguished men from the older parts of the country as they find among them. It is a pleasure to them to do it. As President of the Los Angeles Chamber of Commerce I have had the honor to entertain for that body some Members of this and of former Congresses. With the intense municipal and State pride that I have described, you can conceive the impression that would be created by a report of this kind, so unjustified and unrelated to the truth, being published as a congressional document. It would be something like the feeling toward one who had been a guest of your house and home and an intimate of your family, who would go forth and spread damaging reports as to the acts or character of its members.

I can not refrain from comment on some of the alleged witticisms that have characterized this debate, particularly the one with reference to the "water hyacinth." To those whose observations have by necessity or otherwise been limited anything that is unfamiliar to them, or which to their unaccustomed ears sounds queer, like a foreign language, is "funny." But that by no means makes it funny. What the foreigner says, or the unfamiliar topic of conversation, really may be very serious. It is thus with the water hyacinth of the Southern States. It is really so profuse and powerful a vegetable growth that it may fairly be termed malignant. It rapidly and seriously obstructs navigation in the narrow rivers and bayous, and has to be cut out. It is not a joke at all, and there is nothing convincingly humorous or funny about it. The indulgence in this line of humor indicates a rather narrow and provincial limitation.

I now again repeat my appeal to the Representatives of the interior States to take a broad and national view of the question of caring for the harbors of the country, and especially those of the Pacific coast, as a measure of national defense and safety. On the Pacific coast we are on the border line of our national continental territory. Do not permit yourselves to take the dormant and selfish attitude that your districts, being far from either ocean, will not suffer materially in the event of a foreign invasion. Take the position that every inch of American territory, from the Atlantic to the Pacific, is as much a part of your country as your own front yard at home, and that you will give it the full benefit of your service and protection as a Member of Congress, and preach the same doctrine to the people of your district. [Applause.]

The CHAIRMAN. The gentleman from Maryland [Mr. LINTHICUM] is recognized.

Mr. LINTHICUM. Mr. Chairman, I am opposed to this amendment. It seems to me there are certain gentlemen of the House who seem to think that because we have entered upon this war we ought to stop all internal improvements. I think that if we want to carry on this war successfully we ought to do those things in this country which will be an incentive to more labor and more commerce. In the city of Baltimore we are pushing ahead. We are not stopping because of the war. We are subscribing to the liberty loan, we are furnishing and training men for the Army and the Navy, and we are going ahead on our internal improvements in both the city and the State. I do not believe that because we have entered upon a world-wide war that we should devote all our energies to destruction and none to creative processes. I believe that the harbors and channels of this country are important, just as important in time of war as in peace. Some say, "Let us stop." You can not stop all the harbor improvements. You can not stop all the river improvements. If you do, they fill up and the money that has been expended is generally lost. I think for this Government at this time to hesitate upon the expenditure of $26,000,000 to open up the harbors and channels of this country while spending $7,900,000,000 for war purposes is certainly very unwise.

Mr. REAVIS. Will the gentleman yield?

Mr. LINTHICUM. No; I can not yield.

I say that what we want to do is not to discontinue creative processes, but work for the upbuilding and the greater improvement of the country. The European war does not stop the work on internal improvements in other countries. They are going ahead with that work, just as they are going ahead with the prosecution of the war. The war will no doubt continue for several years. Shall we let our harbors silt up and our industries lag and our manufacturers discontinue because we can not get our products to the other side and sell them, or shall we go into this matter vigorously for commerce and business and carry on this war with the usual vigor of the American people, so that the Stars and Stripes shall float over the battle fields of Europe, with abundance of business and abundance of money being made by the people at home to carry on that war?

I realize that many of the expenditures of Congress are subject to protest because of the failure of an equitable distribution of benefit thereunder; but if there is one bill which ought to be safe from attack on that score it is this annual appropriation for the improvement of our rivers and harbors. An appropriation for the erection of a public building here or there is, in most instances, but local in its effect and appreciation. With this bill, however, it is different. The opening, improvement, and enlargement of every river and harbor places at the disposal of commerce another source of trade, and thereby even those who may live at remote distance therefrom are benefited by the increased trade conditions made possible by the appropriation expended.

A number of gentlemen from inland States apparently fail to realize that the seaboard cities of the land are its gateways to the people of the world. They appear to quite overlook the fact that through these gateways flows annually that vast volume of commerce which we carry on with the other countries of the earth. If these gentlemen will pause for a moment to consider the importance of these gateways, with their ever-increasing traffic, I feel sure that objections which they may entertain relative to their improvement will be subordinated to the desire to do that which is essential to the greatest good to the vast majority of our people, for the welfare of the great majority of our people is vitally involved and directly affected by legislation for the improvement of our rivers and harbors.

I am confident that our people appreciate the value of improved waterways, and feel that money wisely expended in the improvement of our rivers and harbors can not be put to

better use. Meritorious cases should be taken care of, regardless of the heavy expenses incurred by virtue of the war in which we are engaged, and cities like Baltimore, from whose port the great export and import business is conducted, should be provided for at the earliest possible moment. The country will not commend us for economy solely because we confine our expenditures to old projects, and without reference to the present or prospective demands of commerce or naval necessity. The country will not applaud our good judgment when it ascertains that we have neglected great harbors that are of material benefit to the entire Nation. As was well said by Senator Burton to Maj. Denny, my predecessor, when on a visit to Baltimore to inspect our harbor in connection with the proposed ship channel through the Patapsco River and the Chesapeake Bay to the ocean:

I am not so particularly interested in the city of Baltimore. I know it is a great city and has splendid people, but my particular interest in this project is that great western section which produces so much for exportation and depends upon the harbors of the Atlantic coast for ports from which to ship its products. I know that when this channel is constructed it will be another gateway to the West and an outlet from the West to the countries of the world.

At this time, however, I am mainly interested in the item in the present rivers and harbors bill providing for the maintenance of Patapsco River and Channel to Baltimore, including channel of approach at York Spit, Chesapeake Bay; for improvement in accordance with the report submitted by the Army engineers, for the reason that it is a military necessity that our channel be further improved and maintained.

The Navy Department is anxious to load its colliers at Curtis Bay, a part of the Baltimore Harbor, but the channel to this port being only 30 feet deep prevents them loading to their full capacity, because when the colliers are loaded to their full capacity—19,000 tons of coal—they draw 30 feet of water. This state of affairs naturally makes it expensive to partially load the colliers at the piers where every facility is to be had and complete their loading in the main channel, which is 35 feet deep, or at some other port.

A letter from Hon. Franklin D. Roosevelt, Acting Secretary of the Navy, says:

NAVY DEPARTMENT,
Washington, June 8, 1917.

CHAIRMAN COMMITTEE ON RIVERS AND HARBORS,
House of Representatives.

MY DEAR MR. CHAIRMAN: I am informed that the bill reported by your committee on the 9th day of May last embodies an appropriation of $250,000 for the construction work of the channel to Baltimore, including that of Curtis Bay, which is considered in the Engineer's Report as part of the general harbor improvements.

On January 11, 1915, I wrote you setting forth the necessity and advantage to the Navy of the appropriation which was then contemplated of $123,400 for the widening and deepening to 35 feet at mean low tide the channel into Curtis Bay, Baltimore Harbor. The bill which has now been reported, I note, embraces both the Curtis Bay Channel and the improvement of the Baltimore Channel into Spring Gardens, by a depth of 35 feet in place of the present narrow, crooked, and shallow channel leading into that portion of the harbor. This is very wise, in view of the fact that the Western Maryland Railroad is now in position to load coal at its piers in Spring Gardens, giving us another much-needed facility for obtaining fuel for the Navy.

The whole matter is of vital military necessity to the service. The Navy has had contracts for some years for the loading of coal at Curtis Bay, and the fact that this coal comes from one of our largest suppliers and is of the highest grade makes the Curtis Bay Harbor an asset of great military value to the naval service. The supply of coal is highly essential at this time. Now that we are at war, we must take into consideration that there may be a coal famine or that strikes may take place elsewhere when the coal supply at Baltimore Harbor would become invaluable.

At the present time it is impossible to load the colliers to their full capacity at this port owing to the inadequate depth of the channel, both into Curtis Bay and Spring Gardens; in fact, the *Neptune* was grounded in the Curtis Bay Channel in 1912. The colliers are now being constructed larger and require such a depth of water that in order to obtain coal from these sections it is necessary to load partially at the piers and complete loading in the channel or at some other port.

The improvement of this channel, according to the bill, is of great value not only to the Navy but also to the commerce of the city of Baltimore and the State of Maryland. I respectfully urge that you give the Baltimore appropriation every assistance to its final approval by the House.

It is needless for me to mention the $104,000 necessary for the maintenance of the channel approaches at York Spit, Chesapeake Bay, and through the Patapsco River to Baltimore. We all recognize the absolute necessity of maintaining the waterways which we have already constructed.

Sincerely, yours,
FRANKLIN D. ROOSEVELT,
Assistant Secretary of the Navy.

With the exception of Norfolk there is no harbor along the Atlantic coast so important to the Government as a source of fuel supply. This work is meritorious and should be started at once. What is the use of building the enormous Navy which we have provided for when you will not appropriate sufficient money to construct a deeper channel to Curtis Bay to coal that Navy, especially when the advantages of this point as a coaling station have been so ably set forth by our Assistant Secretary of the Navy.

In addition to this, Mr. Roosevelt has told me that it is dangerous to load coal to the full capacity of the colliers at Philadelphia, as they are likely to be grounded in the Delaware River. It will cost many hundreds of thousands of dollars to dredge the Delaware River for these colliers and require considerable time, whereas for the sum mentioned in the Engineers' Report Curtis Bay and Spring Gardens can be deepened to 35 feet, which will accommodate the largest of them without difficulty.

Since the time the main ship channel was completed to Locust Point and channels extended from that into Spring Gardens and Curtis Bay, great industries have sprung up further along the river in Spring Gardens, notably the Western Maryland Railroad, which has by its arteries and connection with other roads become a transcontinental railroad, and likewise reaches the coal fields of Maryland and Pennsylvania. It has constructed huge coal piers in Spring Gardens and every facility necessary for the Navy and the shipment of grain and other products from the West to the four corners of the world. This serves to impress the need of the extension of this channel and the widening and deepending to 400 feet and 35 feet, respectively, to accommodate the great industries which have sprung up along the present channel. There is no question but that this improvement is absolutely essential at this time.

This bill has passed the House several times, the Committee on Rivers and Harbors of the House realizes the need for this improvement, and the Navy has been crying for coal from this section. The delay is no doubt occasioning great loss not alone to the commercial interests of Baltimore, but to the Government itself because of its inability to load these colliers to their full capacity.

When the Curtis Bay Channel is deepened it will open up a strong competitor in Baltimore for the immense coal trade of the United States Government, which is now practically confined to Norfolk and Newport News. As it is, when the Government desires to coal the colliers to their full capacity, they are limited to the latter ports. If the channel to Baltimore is deepened as provided in this bill, the Baltimore & Ohio and Western Maryland Railroad coal piers will open up strong competition. With the large number of vessels now under construction and to be constructed, together with the enormous amount of coal that will be consumed by our Navy in the prosecution of the war we are now waging and in supplying our allies with fuel, it can easily be seen that better facilities must be afforded our warships and the colliers must be given additional ports at which they can load to their full capacity.

Under ordinary circumstances the Government requires and purchases for its naval vessels on the Atlantic coast about 700,000 tons of coal per year. This year I am told that the estimates for the Atlantic seaboard is 1,200,000, an increase of 500,000 tons over the usual estimates. The freight rates for the coal fields reached by the Baltimore & Ohio Railroad leading to Curtis Bay is $1.23 per ton. The lowest rate which can be had to the Norfolk and Newport News Harbors from the nearest coal fields, together with the fact that the best coal that can be secured for the Navy is the Georges Creek coal, the coal hauled via Baltimore, we have a difference of 17 cents per ton, and on 1,200,000 tons of coal it amounts to $204,000. Therefore, if you will add what will be saved by competition to the amount saved in freight rates, I venture to say that the money saved by the department will amply repay us for the expenditure. Then, too, the Government will be in touch with more coal fields and more railroads to haul it in times of necessity.

The Baltimore & Ohio Railroad, as also the Western Maryland, have expended huge sums of money for increased facilities and additional trackage to bring coal to our port. The present coal piers at Curtis Bay have a tried capacity of about 275,000 tons of coal, 6,000 cars a month, approximately 3,330,000 per year, and the Baltimore & Ohio Railroad, which owns the large coal pier, is building another which will double the capacity. I say this to show how Baltimore is hampered by her lack of a deep channel and to illustrate another one of the many reasons why Curtis Bay Channel and the Spring Gardens Channel should be widened and deepened. The effect of the improvement will be wonderful when the large ocean-going naval colliers who would use this port if greater depth were available will be able to do so.

I quote from the report of the Army engineers in further support of my claim, from which it will be seen that the Army engineers believe that Baltimore will ere long become an industrial harbor second to New York alone:

The terminal facilities at the port, while not exactly inadequate for present traffic, are being constantly enlarged, and unless the work is promptly undertaken by the United States there is grave danger that the growth of the harbor will be restricted and the commerce of a large section of country hampered, for the influence of a port like Baltimore reaches to the center of the United States and affects the price of all

commodities. It is believed that it is not a fair criterion to judge the future commerce of Baltimore Harbor by the past; for, owing to various influences and causes which have existed, but are now being pushed aside or removed, and the awakening which has occurred to the city's great natural advantages as a port, and the extensive terminal improvements now in progress or in plan by every one of the railway systems of the port, there is reason to confidently expect that the harbor will soon see a movement of freight through it greater and much larger than has ever yet taken place, and which will give the city the place to which it is naturally entitled but not heretofore tried to attain. There is no reason why Baltimore, with proper utilization of its advantages, should not be at lowest the third port of the country in point of tonnage, and the Government should promptly begin the work of providing channels of proper dimensions and suitable anchorage areas to serve the terminals already planned and others that there is every reason to believe will before long be constructed. As an industrial harbor it promises soon to be second only to New York.

The project for Curtis Bay has already been recommended to Congress, and no further statement of commercial statistics would seem necessary. It might be added, though, that the Baltimore & Ohio Railroad is constructing additional terminal facilities for coal, estimated to cost $1,500,000; that the Davison Chemical Co., on Curtis Creek, is expanding and is planning a pier about 400 feet long to accommodate ocean vessels; that the Curtis Bay Chemical Co., on the north shore of the bay, has nearly completed a very extensive plant; and that, according to report, the Pennsylvania Railroad is considering establishing terminals somewhere on this water front. The harbor lines in the bay were extended in 1915 so as to permit larger docks. It is believed with the improvement as indicated that large commercial development will follow.

As to the Southwest Harbor, the existing channel, 27 feet deep, is very crooked and narrow, and is often complained of. The Western Maryland Railway has a large terminal, covering the land east of Light Street and south of McComas Street, and is developing rapidly its terminal facilities, with grain elevators, larger docks, etc. The harbor line was extended in 1915 so as to permit piers of greater length, and accommodation is sought for the largest ocean steamers; that is to say, a depth of 35 feet. To the eastward of this point the city of Baltimore is preparing to acquire property and to develop, after which this front will be under the control of the city. A depth of 35 feet and a width of 400 feet to Ferry Bar is considered essential on account of the length of the channel and the extent of the development, past and prospective. The necessity of dredging by private parties from the channel to the various docks will give to the private owners or the city their full share of the expense of the improvement.

It can be seen by the Army Engineer's Report that the city of Baltimore has done everything in its power to cooperate with the Government and has extended aid on every possible occasion. A number of our private firms, notably the Westport Brick Co., which has dug its own channel from the main channel near the new Hanover Bridge to its wharf, a distance of about four-fifths of a mile, and the Western Maryland Railroad has enlarged its terminal facilities by the construction of the additional large coal piers and a grain elevator, and which has dug its own channel 32 feet deep from the Government channel of 27 feet depth, to its piers, have certainly done their part.

The city of Baltimore has spent many millions of dollars since the great fire of 1904 in building docks and piers for the accommodation of the vessels entering that port, but in the work so far done it has merely "scratched the surface." There are miles of water front adjacent to and opposite the city along the Patapsco River, all of which can be and will be improved by docks and piers which will have abundant railroad facilities. With the utilization of this water front we will be enabled to expand our shipping indefinitely and accommodate any number of vessels coming into our port.

We have also spent a great deal of money in the inner harbor and have dredged a channel 35 feet deep to the docks and piers. Our railroad companies have spent vast sums of money in the enlargement of their terminal facilities and in the procuring of deep water to their wharves. Baltimore has done her part, and we wish to impress upon Congress that it is unfair for it to be compelled to do more. Baltimore being one of the great seaports and one of the few cities of the world having a 35-foot channel is entitled to serious consideration from the National Government in the widening and deepening of its channel so that it may not be hampered in the great commercial enterprises in which its people are engaged. Give us what we are entitled to; we ask no more; and certainly before long we will reach our coveted goal as an industrial harbor second alone to New York.

Baltimore is the strategic point of the Atlantic coast. It enables commercial and industrial enterprises to defy competition from other seaboard cities. Figure it out from a map. It is the shortest route to southern Europe and Africa. It is closer than any other big Atlantic seaport to Cuba, Jamaica, and South American cities on the east coast. It is 470 miles closer than San Francisco to the city of Valparaiso, Chile, the chief seaport on the west coast of South America. As a distributing center, it is closer to the South and the great Middle West than any other Atlantic seaport. It has 19 steamship lines engaged in trans-Atlantic and other foreign trade, 8 local steamship companies operating 68 vessels in Chesapeake Bay and coastwise trade. It has 6 miles of municipal wharfage front; 32 miles of private wharfage, of which 10 miles are occupied by railroad piers and docks, 1.3 miles by steamship companies, 2 miles by wharf and dock companies, and 19 miles by industrial concerns.

By reason of its geographical location the city, from the very first days of the "iron horse" became a railroad center. It has also always been one of the important seaports of the country. That Baltimore lived and flourished may be attributed to its natural maritime advantages. It early became a distributing point for merchandise that came over all seas and from all lands. It sent and still sends back ships burdened with products of every section of this country. Long before steam became the propelling force of commerce Baltimore's supremacy was assured. The Baltimore clipper was famous; it was sailing every sea and was seen in every port.

The city has a largely developed trade in every respect, particularly through the South. Being of the South, this seems natural, but Baltimore is not dependent upon sentiment alone. As a metropolis of the South, Baltimore is the natural source of supply of this section, and its trade throughout this vast country is large and ever increasing. Nor is Baltimore's sphere of commercial influence confined to the great region south of the Mason-Dixon Line. Its merchants are invading the North. They have captured a good percentage of trade of Pennsylvania and New York State, and are successfully operating in the Ohio Valley.

The following statistics for the year 1915, the latest I have been able to obtain, show the volume of business transacted through our port:

COMMERCIAL STATISTICS.

Season of navigation, year 1915: Opened January 1, 1915; closed December 31, 1915.

Vessel classification.

	Foreign.		Domestic and coastwise.		Total.		Passengers.
	Entered.	Cleared.	Arrivals.	Departures.	Number.	Net tonnage.	
Foreign:							
Steam vessels	1,032	1,064	.....	.....	2,096	4,408,387	252
Sailing vessels	20	18	.....	.....	38	38,194	.....
American:							
Steam vessels	63	49	258	246	616	1,409,276	23,893
Sailing vessels	27	31	.....	3	61	69,992	.....
Steamers	.....	.....	6,740	6,698	13,438	11,556,680	951,756
Sailing vessels, scows, and barges	.....	.....	18,780	18,630	37,410	4,828,200	.....
Total	1,142	1,162	25,778	25,577	53,659	22,310,729	975,901

Principal articles imported.

Articles.	Amount in customary units.	Amount in short tons.	Value.
FREE.			
Ammonia, sulphate of	11,834,000 pounds	5,917	$355,084
Bananas	1,975,484 bunches	[1] 49,387	610,639
Burlaps	9,396,609 pounds	4,698	644,153
Clover seed	4,472,203 pounds	2,236	480,629
Cocoanuts	2,598,000 pounds [2]	1,299	64,940
Corkwood and waste	2,261,953 pounds	1,131	40,513
Chrome ore	35,491 tons	35,491	384,175
Fertilizers	12,104 tons	12,104	202,513
Hair, unmanufactured	44,189 pounds	22	6,755
Herring, salted	489,259 pounds	245	20,903
Iron, pig	33,541 tons	33,541	1,972,540
Iron ore	573,813 tons	573,813	1,670,012
Mackerel, salted	228,196 pounds	114	11,324
Manganese ore	279,372 tons	279,372	2,213,054
Mineral oil, crude	86,206,771 gallons	[1] 284,482	1,238,265
Palm oil	4,744,601 pounds	2,372	320,660
Paper stock	8,308,944 pounds	4,154	139,270
Potash:			
Carbonate of	100,538 pounds	50	3,239
Muriate of	9,121 tons	9,121	341,147
Sulphate of	1,416 tons	1,466	66,673
Soda, nitrate of	77,025 tons	77,025	1,816,149
Sulphur ore	186,687 tons	186,687	1,046,742
Salt	9,684,300 pounds	4,842	13,050
Tea	159,925 pounds	80	37,616
Tin, in pigs	851,363 pounds	426	299,483
Wood pulp	58,396 tons	58,396	2,092,395
All other free goods	17,096 tons	[1] 17,096	1,709,635
Total free of duty	.....	1,645,517	17,801,558
DUTIABLE.			
Ammonia, muriate of	691,182 pounds	346	34,414
Bristles	94,849 pounds	47	76,344
Cheese	72,099 pounds	36	15,905
China and earthenware	.....	[2]	756,216
Clays and earths	12,861 tons	12,861	51,154
Cork manufactures	428 tons	[1] 428	770,936
Cotton cloths	197,220 yards	[1] 47	32,175
Cotton hose	46,260 dozen pairs	[1] 40	33,571
Cotton laces	.....	[2]	61,964
Cotton manufactures	128 tons	[1] 128	64,148
Enamel ware	.....	[2]	10,244
Iron bars	1,281 tons	1,281	63,460

[1] Estimated. [2] Weights unobtainable.

Principal articles imported—Continued.

Articles.	Amount in customary units.	Amount in short tons.	Value.
DUTIABLE—continued.			
Linens, etc.	140 tons	[1] 140	$112,109
Linoleum	376,146 yards	[1] 1,128	106,422
Licorice root	3,459,747 pounds	1,725	79,169
Marble	2,091 tons	[1] 2,091	41,822
Matting, straw	2,777,015 yards	[1] 2,083	193,179
Molasses	247,479 gallons	[1] 1,361	38,285
Olive oil	413,191 gallons	[1] 1,446	455,129
Paper manufactures	362 tons	[1] 362	72,329
Pepper, unground	611,886 pounds	306	47,236
Rice, broken	4,716,278 pounds	2,358	100,239
Spirituous liquors	83,346 gallons	[1] 292	157,507
Straw braid		[2]	200,175
Tobacco, leaf	136,068 pounds	68	85,202
Toys and dolls		[2]	910,802
Wool dress goods	180,000 yards	[2]	34,258
All other dutiable articles	10,037 tons	[1] 10,037	1,003,737
Total dutiable		38,611	5,608,130
Grand total of free and dutiable imports		1,684,128	23,449,688

[1] Estimated. [2] Weights unobtainable.

Principal articles exported.

Articles.	Amounts in customary units.	Amount in short tons.	Value.
Agricultural implements	5,409 tons	[1] 5,409	$540,913
Animal feed, etc.	2,375 tons	[1] 2,375	61,665
Bacon and hams	979,610 pounds	490	115,903
Beef, canned, cured, and salted	2,513,642 pounds	1,257	383,767
Binder twine	2,985,994 pounds	1,493	226,759
Barley	4,674,206 bushels	112,181	3,476,537
Casings, sausage	81,250 pounds	41	8,250
Cars, carriages, etc.	11,120 tons	[1] 11,120	1,112,074
Copper	87,918,803 pounds	43,959	14,337,528
Chemicals and drugs	7,086,830 pounds	[1] 3,543	708,683
Coal, all kinds	1,904,620 tons	1,904,620	5,567,250
Coke	35,291 tons	35,291	137,596
Cotton, raw	57,877,837 pounds	28,939	6,234,824
Cotton cloth	1,636,330 yards	[1] 1,636	470,937
Corn	17,477,008 bushels	524,310	14,007,300
Flour	861,083 barrels	86,108	5,097,890
Fruits	14,955 tons	[1] 14,955	448,647
Glucose and grape sugar	7,629,593 pounds	3,815	189,215
Hair	1,750 tons	[1] 1,750	393,634
Iron and steel manufactures, except rails and machinery.	145,080 tons	[1] 145,080	6,528,681
Lard	1,734,266 pounds	867	175,107
Leather manufactures	11,452 tons	[1] 11,452	1,236,857
Lumber, manufactures of	56,750 tons	[1] 56,750	1,135,067
Machinery	2,364 tons	[1] 2,364	236,387
Milk, prepared and condensed	74,090 cases	[1] 1,852	296,361
Neutral lard and oleo oil	885,620 pounds	443	107,749
Naval stores	3,450 tons	[1] 3,450	172,497
Oats	23,925,087 bushels	358,876	13,347,467
Oils:			
Illuminating	191,565 gallons	[1] 670	15,437
Lubricating	6,038,137 gallons	[1] 21,133	746,444
Cottonseed	2,238,988 pounds	1,119	150,665
Oil cake and meal	35,490,407 pounds	17,745	539,103
Paper, manufactures of	342 tons	[1] 342	68,359
Paraffin wax	25,165,032 pounds	12,583	617,335
Rye	9,415,558 bushels	282,467	11,203,264
Starch	18,249,836 pounds	9,125	492,847
Steel rails	22,543 tons	22,543	594,794
Tallow	449,048 pounds	225	34,392
Tobacco, leaf	79,837,237 pounds	39,919	9,152,442
Tobacco stems	27,240 pounds	14	380
Tin manufactures	1,318 tons	[1] 1,318	131,802
Wheat	21,563,399 bushels	646,902	29,367,313
All other articles	42,152 tons	[1] 42,152	4,215,276
Total		4,462,683	134,085,398

[1] Estimated.

Canadian articles received in bond and exported during the year.

Articles.	Amount in customary units.	Amount in short tons.	Value.
Agricultural implements	178 tons	[1] 178	$17,757
Barley	621,414 bushels	14,914	385,406
Canned goods	9,050 cases	303	13,300
Cheese	48,700 pounds	24	7,000
Clover seed	40,866 pounds	20	4,477
Ferrosilicon	115,160 pounds	58	3,695
Flaxseed	567 bushels	17	1,360
Flour	62,450 barrels	6,245	354,826
Grapenuts	31,900 pounds	[1] 16	3,190
Iron and steel	1,138,786 pounds	569	29,816
Linseed-oil cake	678,000 pounds	339	8,580
Oatmeal	240,000 pounds	120	7,928
Rye	7,140 bushels	214	8,263
Wheat	12,489,072 bushels	374,672	12,611,488
Total		397,689	13,457,086

[1] Estimated.

Domestic and coastwise commerce.

Articles.	Amount in customary units.	Amount in short tons.	Value.
Acid, sulphuric	226,146 tons	226,146	$1,583,022
Ammonia, sulphate of	13,936 tons	13,936	836,160
Asphalt	24,019 tons	24,019	288,228
Boots and shoes	18,069 tons	18,069	1,445,520
Brick, all kinds	26,337,000	79,011	263,370
Barrel staves	500,000	125	3,000
Cans, empty	2,199,120 cases	18,693	1,099,560
Canned goods	2,916,574 cases	97,705	4,374,861
Cement and lime	13,495 tons	13,495	84,344
Cotton	147,848 bales	36,962	7,392,400
Cotton manufactures	193,331 cases	29,000	8,699,895
Coal, all kinds	3,432,417 tons	3,432,417	10,297,251
Clams	252,500	32	1,283
Crabs, hard	6,860 barrels	515	13,720
Crabs, soft	73,085 dozen	219	29,234
Cordwood	23,850 cords	35,775	95,400
Cottonseed meal	728,000 pounds	364	12,132
Dry goods	70,895 tons	70,895	(1)
Fertilizer and materials	580,089 tons	580,089	8,701,335
Flour	215,520 barrels	21,552	1,293,120
Fruit and farm produce	117,884 tons	117,884	1,768,260
Fish, all kinds	18,286 tons	18,286	1,462,880
General merchandise	1,763,800 tons	1,763,800	176,380,000
Grain (wheat and corn)	1,577,810 bushels	47,334	1,577,810
Hay and feed	3,689 tons	3,689	73,380
Iron and steel manufactures	88,122 tons	88,122	7,049,760
Ice	17,815 tons	17,815	53,445
Lumber, all kinds	378,384,000 feet b. m	662,172	7,567,680
Leather	4,530,000 pounds	2,265	3,171,000
Marble	16,000 tons	16,000	320,000
Naval stores	19,437 tons	19,437	1,554,960
Oysters, shucked	217,000 gallons	1,085	173,600
Oysters, in shell	3,090,625 bushels	123,625	1,236,250
Oyster shells	6,879,734 bushels	205,192	68,397
Oils, all kinds	95,427,714 gallons	333,997	6,679,940
Ore	31,802 tons	31,802	318,020
Peanuts	5,427 tons	5,427	596,970
Piling	3,152,116 linear feet	63,042	394,000
Rails, iron and steel	26,274 tons	26,274	788,220
Soda and potash	21,849 tons	21,849	1,310,940
Sand and gravel	844,764 tons	844,764	295,667
Seeds	6,030 tons	6,030	603,000
Salt	11,598 tons	11,598	81,186
Tin plate	7,720 tons	7,720	540,400
Tobacco, leaf	46,625 tons	46,625	9,325,000
Tobacco, manufactures	5,258 tons	5,258	2,629,000
Tar, coal	17,759 tons	17,759	1,243,130
Wool	8,724,000 pounds	4,362	3,751,320
Whisky	1,780,000 gallons	6,230	3,560,000
Total		9,218,442	281,088,030

Value unobtainable.

Summary.

	Short tons.	Value.
Foreign:		
Imports	1,684,128	$23,409,688
Exports	4,462,683	134,085,398
Canadian articles exported	397,689	13,457,086
Coastwise and domestic	9,218,442	281,088,030
Grand total	15,762,942	452,040,202

Imports.

	Free.	Dutiable.	Total.
1914	$20,417,412	$9,900,479	$30,317,891
1915	17,801,558	5,608,130	23,409,688
Decrease, 1915	2,615,854	4,292,349	6,908,203

Imports in American vessels, 1915:	
Sailing	$120,533
Steam	2,428,837
Imports in foreign vessels, 1915:	
Sailing	33,685
Steam	20,748,861
Imports in cars overland, 1915	77,772
Total	23,409,688

Domestic exports.

Exports in American vessels, 1915:	
Sailing	210,036
Steam	311,639
Exports in foreign vessels, 1915:	
Sailing	196,513
Steam	133,367,210
Total	134,085,398
Amount of duties collected in 1915	1,626,583
Miscellaneous custom receipts in 1915	149,413
Total receipts in 1915	1,775,996
Duties on merchandise remaining in bond, 1915	199,304

Summary of duties collected in 1915.

Duties and miscellaneous customs receipts	$1,775,996
Duties on merchandise remaining in bond	199,304
Merchandise transported with appraisement	11,005
Total	1,986,305

The number of vessels documented in the district of Maryland, which includes Baltimore, Crisfield, Annapolis, Washington, D. C., and Alexandria, Va., is 2,014, with a gross tonnage of 278,504. In addition it is estimated that there are operated within the district of Maryland over 5,000 small motor boats.

Vessels built in 1915.

Classes.	Number.	Tons.	Value.
Sailing	5	1,468	$56,500
Steam	8	39,644	4,148,000
Gasoline	16	357	74,100
Barges	10	1,792	105,000
Total	39	43,261	4,383,600

All of the above were built at the port of Baltimore, Md., with the exception of four sail, 150 tons, value $16,500, and eight gasoline, 191 tons, value $46,100, which were built at Crisfield, Md.

The only new line of transportation established during the year was the Furness-Johnson Manchester Liners Joint Service (Ltd.) between Baltimore and Manchester, England.

The sailings of the North German Lloyd to Bremen, Germany; the Hamburg-American Line to Hamburg, Germany; and the Red Star Line to Antwerp, Belgium, have been suspended, due to the European war.

BALTIMORE AS A PIONEER.

Peter Cooper made the first railroad coach run from Baltimore to Ellicott City August 28, 1830.

The first railroad was organized in 1827.

The first patent for a locomotive was granted in 1828.

The first ribbon of American silk was made.

The first steam engine for traction purposes was operated.

The first steam vessel to cross the Atlantic set sail.

The first steam vessel entirely of iron was constructed.

The first telegraph line was operated.

The first iron building was erected.

The first revolving cylinder press was made.

The first armor plate was made.

The first electric car was operated.

The first electric locomotive was used by a railroad.

The first dental college was established.

The first linotype machine was made.

The first carbureted hydrogen gas for illuminating was made.

The first merchants' exchange was erected.

The first monument to Washington was erected.

The *Dewey*, the largest floating dry dock in the world, was built.

Baltimore is the Monumental City, with 21 notable memorials.

Baltimore is the birthplace of "The Star-Spangled Banner"—the national anthem.

Baltimore is the first in the canning and preserving industry.

Baltimore is the first in the manufacture of cotton duck.

Baltimore is the first in manufacture of straw hats.

Baltimore ranks first in medical science and education in America.

The Johns Hopkins is the one real university in America.

Baltimore is first in the oyster industry.

Baltimore is the largest banana market in the world.

Baltimore stands first in the bonding business.

Baltimore is first in manufacture of fertilizers.

Baltimore ships more bituminous coal than any other American port.

In conclusion, Mr. Chairman, let me say that Baltimore has forged ahead as never before in her history. Vast enterprises have been established along her water fronts, and in the section of Curtis Bay alone more than $25,000,000 have been invested. Wherever there is a water front large factories have arisen and great business is now being conducted. There is no question but that the extension of the present channel farther up the river into Spring Gardens and the widening and deepening of the channel into Curtis Bay will be a still further incentive for more business, more work for the laborers, and greater prosperity for our city and the country.

Nor have other matters been neglected. Baltimore has expended millions of dollars upon the construction of the most elaborate and improved sewerage system in the world. It has laid miles upon miles of smooth streets. Its filtration plant, at the cost of several millions, has been completed and in operation for some time. In fact, everything tending to make an old city the most modern in the country has been done or is being done by those in control of our municipal affairs.

All we want is that the Government give us an opportunity to still further expand and we will show by our resources and business enterprise that our people, each and every one, appreciate what has been done in their interest, and will cooperate in money and in energy with the National Government to the end that greater facilities and greater accommodations may be given to this one of the great gateway cities of the land.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. LINTHICUM. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. Mr. Chairman, this bill is being very severely criticized, but the criticisms are no more vigorous than were those leveled at the bill of 1916. That bill of 1916 was denounced in every way possible for those who deal in denunciation to bring their vocabulary to bear upon it. It was called needless, useless, corrupt.

Now, that was in the year—the presidential year—of 1916. It went to the President in July. The President was a candidate for renomination. Presumably he wanted to be very careful as to the measures which he might approve at so late a time in that, to him, most important year. So when Congress passed and sent him that bill, which had been said to contain many fraudulent schemes and so much "pork," he asked the Secretary of War to examine it, item by item, and report to him his conclusions. The Secretary of War kept the bill for 10 days, the limit of time allowed by the Constitution to the President to consider a bill, and then the Secretary of War wrote this letter:

JULY 24, 1916.

MY DEAR MR. PRESIDENT: I return to you herewith the river and harbor bill, which I have gone over with great care and upon which I hand you a report made by the Chief of Engineers with certain attached memoranda. The net result of this examination is to show that in this bill, carrying $42,886,085, $611,200, or about 1½ per cent, is, in the judgment of the Engineer Department of the War Department, regarded as economically indefensible, although in the case of some of these expenditures the improvements are probably not primarily for navigation purposes.

I concur in the view expressed by Gen. Black that the direct loss to the United States as a result of suspension of work, were this bill not to receive your approval, would be greater than the amount appropriated for improvements of a doubtful value; that is to say, upon all the great river and harbor projects of the country, if work were suspended, there would be loss due to the breaking up of existing organizations, the care of idle plants, etc., which would be very serious. Should this bill receive your approval, the department would have so much work on its hands that it would probably be obliged to delay some portion of it, and, of course, in selecting that to be delayed, the work of doubtful economic importance would be postponed, so that the entire $611,200 marked as questionable would probably not be expended in any event.

Respectfully submitted.

NEWTON D. BAKER.

It thus appears that the Secretary, after he had been over that viciously abused bill item by item with the Chief of Engineers, both officers being commanded by the President to make a thorough, honest investigation of its provisions, reported that of that bill of $42,000,000 only 1½ per cent was not economically defensible. And therefore the Secretary and Chief of Engineers recommended the bill to the President. He signed it, and it became law; and we know now that it was a law in the public interest.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. COOPER of Wisconsin. Now, nobody contends that the pending measure is worse than was the bill of 1916, which the President signed. It is much less in the aggregate amount which it carries.

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. MEEKER. I wish while the gentleman is on his feet he would say to this House what he said to me in regard to the repeated charge that the bill which passed here was defeated in the Senate. Will you get the facts straight, so that we can have them?

Mr. COOPER of Wisconsin. I do not know that I can give the facts straight as to that measure.

Mr. SMALL. Mr. Chairman, will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. SMALL. The river and harbor bill was not defeated in the Senate at the last session of Congress any more than the sundry civil bill or the Army bill or the deficiency bill was defeated in the Senate. All of those bills failed simply because they were not taken up for consideration by the Senate, as alleged, for lack of time.

Mr. COOPER of Wisconsin. Yes. I now direct the attention of the House to what the Chief of Engineers said about the bill of 1916, many of the projects in which were so savagely denounced on this floor:

JULY 24, 1916.

From: The Chief of Engineers, United States Army.
To: The Secretary of War.
Subject: Report on pending river and harbor bill.

1. In compliance with your verbal instructions, the following report on the pending river and harbor bill is submitted.

2. For the past 8 or 10 years Congress has, in general, followed the policy of adopting no new projects except such as were favorably recommended by the Chief of Engineers. The recommendations of the Chief of Engineers are in each case based upon a careful examination and survey to determine the nature and cost of the improvement to be undertaken and a full study of the probable benefits to be derived. The study is such as would be made by a careful business firm to determine whether it would undertake a new business venture.

The study is made by the district engineer and reviewed by the division engineer and the Board of Engineers for Rivers and Harbors before being acted on by the Chief of Engineers.

And I stop right here to refer to what Senator Burton said in a speech which, I think, ought to be quoted before this debate ends—Senator Burton, who has been characterized as the greatest river and harbor expert by the gentleman from Wisconsin [Mr. FREAR] now attacking this bill, as he has all other river and harbor bills. Senator Burton has repeatedly said on this floor and in the Senate and in the report of the Waterway Commission, of which report he is the reputed author, that of all bodies to whom the general subject of the worth of proposed river and harbor improvements could be submitted, no other would be so impartial and none more competent than a board of the Engineers of the United States Army.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. I shall not occupy time again on this bill, and I ask for five minutes more.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. MONDELL. Will the gentleman yield?

Mr. COOPER of Wisconsin. I can not yield now. I have but five minutes. The Senator said that the Board of Engineers were less susceptible to political and personal pressure than would be a commission of civilians appointed by the President.

The Chief of Engineers goes on to say—

Prior to the time mentioned above—

That time being 8 or 10 years before—

Congress adopted many projects which had not been subjected to such a careful study and which were not recommended by the Chief of Engineers.

He says:

As a rule it is certain of these projects which have been subject to recent attacks. To determine whether the attacks were justified, a proviso was inserted in the river and harbor act approved March 4, 1915, directing a reexamination of all existing river and harbor improvements to determine which, if any, of them should be modified or abandoned. The results to date of this reexamination are set forth in brief in memorandum No. 1 herewith.

He says that owing to lack of time the reports on these recommendations could not, with few exceptions, be made available for the consideration of Congress in connection with the then pending bill. He continues:

4. An examination of the bill shows that it contains certain items which were not included in the annual estimates of the Engineer Department, or which were included for a less amount than the bill provides. Memorandum No. 2, inclosed, cites these items in detail, and shows that, without exception, the added items and the increased amounts were introduced into the bill on recommendation of the Chief of Engineers based upon facts that came to light after the annual estimates had been submitted. There are also many items for which a less amount is provided than called for by the annual estimates. No discussion of them is deemed necessary.

5. Memorandum No. 3, inclosed, gives a list of all the items in the bill which may be classed as of doubtful value to the interests of navigation when subjected to the tests usually applied by the department. A final analysis shows that, of the total, $42,886,085, carried by the bill, $611,200 (about 1½ per cent) is not economically defensible in the judgment of the Engineer Department for navigable purposes, however meritorious it may be for other purposes.

He closes with a statement to which I direct especial attention:

6. To conclude, the items in the bill which can be justly condemned are few and the amount provided for them is small, as compared to the loss to the commercial interests of the country that would result from the failure to enact a river and harbor bill. Moreover, the direct loss to the United States as a result of suspension of work and care of idle plant pertaining to improvements of unquestioned merit would, as shown by the experience of 1914, in less than three months amount to more than is provided for the doubtful items.

7. It is recommended, therefore, that the bill be approved by the President.

W. M. BLACK,
Chief of Engineers, United States Army.

Thus we see that this report also shows the injustice of the abuse heaped upon the bill of 1916.

I have read repeatedly, as you have, that it would not have been possible for Germany to continue the war as she has continued it had it not been for her magnificent system of internal waterways. Her rivers and streams, almost her brooks, are canalized everywhere, and persons who in peaceful times have traveled through that country can not have forgotten how crowded those waterways were with barges carrying coal, stone, lumber, iron ore, fertilizer, and practically all the other heavy freight of that nation.

Mr. LENROOT. Will the gentleman yield?

Mr. COOPER of Wisconsin. I can not. I have agreed not to talk longer than five minutes, and I have remaining only a little time. France has just completed, at the expense of millions of dollars, during the progress of the great war, a canal which now runs from Marseille on the sea up to the River Rhone and to the Saone. That, we have read, is to be connected on up so that barges may go up to Paris from the Mediterranean. France does not look upon that as a useless expenditure. I can not conceive of anything that would be of more benefit to the commercial interests and thus to all the people of the United States and to the railroads of the country than would be, if possible, the thorough completion to-morrow of the proposed improvements of the rivers and streams of this country. It would promptly result in an enormous development of the commerce of the Nation and benefit transportation companies, including the railroads, in the greatest degree. [Applause.]

There may be some items in this bill that ought to be eliminated. That is very true. There will be in all bills. I hope that these will be stricken out. But some of the arguments that are made on this floor mean that the men who make them are for some reason opposed not especially to those items but to all river and harbor improvement. Their speeches mean that, and only that. Not the Mississippi, they say; that is a failure. Not the Ohio; that is a failure. Not the Missouri, they say; that is a failure. What, then, shall be improved? Not one of these great streams has ever been improved except in part. Commerce has never had opportunity to develop on them. What do you suppose Germany would do with the Mississippi if she possessed that magnificent river? What would France do with it? Look what they have done with streams of vastly less capacity. They have improved them for purposes of navigation to the last inch. France, less than half the size of Texas, has spent more than $600,000,000 on her rivers and harbors. Go to Germany and France and see everywhere through the country barges carrying freight to the factories, which get their heavy raw materials on these waterways, and see the railroads carrying away the finished products. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. HOWARD. Mr. Chairman, I want to devote five minutes to this bill, first and paramount for the reason that I would like to know from some source what is in this bill that, in view of the conditions confronting this country, we as legislators representing the great American people ought to provide for as pure emergency provisions and nothing more; emergencies for the reason that if we fail to appropriate for them the Government in some degree would be the loser; emergencies that if we do appropriate for them they will bring to a more efficient condition the rivers or harbors that are necessary to meet the emergency.

I am going to support the amendment of the gentleman from New Jersey [Mr. PARKER], although I see the State of Georgia has $953,250 in this bill, all of which may be very beneficial and in one or two instances emergencies.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. HOWARD. I can not yield because I have only five minutes, and I do not want to ask for any more time. As I say, Georgia is interested to the extent of about $1,000,000 in this bill and no doubt I would favor those projects, because probably I would be biased in my opinion about the importance of my particular project if it was in my district. But are there not enough others here who are unbiased and unprejudiced, who can coolly and deliberately leave this to some disinterested tribunal that has the judgment to decide it; that has got honesty enough to decide it in the interest of the taxpayers of this country at this particular time? Now, should we be appropriating money here to improve rivers and harbors or to improve streams that a "highland" terrapin would die of thirst in simply because we have got a war on and these things are brought in here as emergencies? I recognize in this bill some old propositions that have been knocked out time and time again. Now, we want to do a little thinking. I want to do a little thinking for myself, and I do not propose to let another body

at the other end of this Capitol do it for me; and I want to do a little voting for my constituents in this body that is primarily responsible for legislation originating here. How are we going to segregate these absolutely foolish, preposterous, and wasteful appropriations from those that are absolutely needed?

It is becoming a disgusting spectacle to see bills drawn for rivers and harbors appropriations with a view of obtaining a majority of the votes of this House rather than from the real necessities of commerce.

Have you gentlemen forgotten that a few days ago we passed a bill for raising revenue to carry on this war that taxes every conceivable business interest in this country; not the normal or ordinary tax, but a most tremendous and burdensome tax? Now, already set by a special order next Monday, we have a bill coming in here for the control of every item of human food that goes to sustain our people in time of war, because it is said the time has arrived for our people to practice the utmost frugality in our homes to conserve the food resources of our Nation.

Mr. SMALL. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. SMALL. Has the gentleman read the majority report on the bill?

Mr. HOWARD. No, sir; I have not, and I will tell the gentleman why.

Mr. SMALL. I did not ask the gentleman why.

Mr. HOWARD. I would like to give him my reason.

Mr. SMALL. Has the gentleman done me the honor to read some remarks that I made on the bill?

Mr. HOWARD. No; I always listen to what the distinguished gentleman says, but I never read anything that he says, for it always sounds better than it reads. [Laughter.]

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. HOWARD. Mr. Chairman, I ask for two minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. SEARS. Will the gentleman yield?

Mr. HOWARD. Well, I did want to say something myself. [Laughter.]

Mr. SEARS. Did the gentleman vote for the last bill or against it?

Mr. HOWARD. Well, I have forgotten. I have done so many foolish things that I might have voted for it.

Mr. DUPRÉ. May I correct the gentleman?

Mr. HOWARD. Well, if I did vote against it, I used better judgment than I thought I did. Now I know how alert the industrious, the active, Congressman is. I have been here long enough to know how every man feels about his own projects, and I want to do what is right and best for the country at such a time. For instance, take the Hell Gate, New York, proposition. I have read some remarks about that. New York is one of the greatest harbors in the world, if not the greatest. Should the Hell Gate proposition suffer, should we fail to appropriate for it, when our naval officers and the Secretary of the Navy and the Secretary of War and other men are urging us to pass upon it favorably, because there is so much indiscreet and indiscriminate waste of money in this bill? Should we on that account put this burden on the American people that ought not to be put upon them?

Mr. DIES. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. DIES. Does the gentleman know of a single item in this bill that has not been approved of by the Secretary of War and the administration in the interest of war?

Mr. HOWARD. Oh, well, I know all about some of the creeks. I have fished in some of them, and if the Secretary of War recommended these projects as war emergency propositions, all I have to say is that some Member of this House has perpetrated a great joke upon him. He is at least a most credulous man. [Laughter and applause.]

Mr. TREADWAY. Mr. Chairman, I intend to vote for the amendment of the gentleman from New Jersey [Mr. PARKER]. It is not phrased in as strong language as I think it should be, but nevertheless if it meets with the approval of the majority of the Members of the House I, for one, will be glad to support it. I want particularly to address myself in the few minutes that I have to the remarks of the gentleman from California [Mr. OSBORNE]. I am very sorry that his enthusiasm for his particular section evidently has somewhat run away with his discretion. He has made a speech here which evidently he intends to elaborate in the RECORD, rather attacking the Republican Party in connection with the river and harbor legislation. I myself think that that is not exactly what he intended to do, because if there has been one claim made stronger than another about river and harbor legislation it was that it was nonpartisan. We have been informed, of course, that it was nonsectional, and therefore we should not select the Pacific coast for particular favors beyond the reach of any other section, so that I think the gentleman's enthusiasm for his location does, as I say, rather carry him further than he intended to go in tying up any direct political relation between this bill and the Republican Party and its vote last fall.

Mr. RANDALL. Will the gentleman yield?

Mr. TREADWAY. I prefer not to yield in the few minutes that I have. The gentleman takes exception to certain statements made in the minority report. I have conversed with him and with other gentlemen from California in reference to that statement. I am inclined to think that the sentence to which he refers as applied to Los Angeles is somewhat of a confusion and was not intended by the writer of that portion of the minority report to refer to the project carried in this bill. I am very glad indeed, as one of the signers of the minority report, to make this statement. I think it is due to the gentleman from California that I should make it.

Now, in reference to the other California item in the same line, referring to Richmond, I had the pleasure two years ago of visiting Richmond Harbor, and I can assure the House that it offers great opportunities and possibilities of development.

Mr. BATHRICK. Will the gentleman yield?

Mr. TREADWAY. I will yield to the gentleman.

Mr. BATHRICK. I want to ask the gentleman this—my question does not pertain to the amendment and the gentleman is not talking about the amendment. I do not want to make the point of order against the gentleman's speech, but the time is going——

Mr. TREADWAY. Let the gentleman make the point of order.

Mr. BATHRICK. I do not care to.

Mr. TREADWAY. Then why did the gentleman interrupt me?

Mr. BATHRICK. Well, Mr. Chairman, I will make the point of order that the gentleman is not talking to the amendment. I did not want to do it.

Mr. TREADWAY. I am answering the argument made by the gentleman from California [Mr. OSBORNE].

Mr. STAFFORD. Mr. Chairman, I think the gentleman was in order.

The CHAIRMAN. The gentleman from Massachusetts will proceed in order.

Mr. STAFFORD. I think he is in order.

Mr. TREADWAY. Mr. Chairman, when I was interrupted by the gentleman from Ohio without any apparent reason I was referring to the harbor at Richmond. I had made the explanation of the language in the minority report in reference to Los Angeles. Now, if it will meet with the approval of the gentleman from Ohio who interrupted me, I would like to continue sufficiently to make reference to Richmond Harbor. But if he thinks it is not in order, and desires to continue to raise the point of order, well and good.

Mr. BATHRICK. Go ahead; I am not raising the point.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. TREADWAY. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

Mr. SMALL. Mr. Chairman, I think the gentleman ought to have the two minutes.

Mr. TREADWAY. The gentleman from Ohio, I think, took up about two minutes of my time with his interruptions.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for two minutes? Is there objection?

There was no objection.

Mr. TREADWAY. Mr. Chairman, Richmond is opposite or near San Francisco, and, as you all know, is a very important harbor upon the Pacific coast. It seems to me that if there is an overflow of commerce or harbor needs from San Francisco, it is right and proper that Richmond should be improved. The reference to any possible reclamation scheme, as referring to Richmond, in the minority report, comes about from the fact that certain real-estate interests in that neighborhood have been particularly anxious to boom the immediate vicinity where the improvement was expected to be made. I do not say, nor do I think, that the effort to secure an improvement in the harbor of Richmond was agitated or particularly pushed by the real-estate interests, but nevertheless there was a certain amount of correctness in the statement that a reclamation and a real-estate scheme might be considered as possible there.

The other gentleman from California [Mr. CURRY] in whose district this proposition is, certainly does not so consider it, and I am very glad, so far as I am concerned, to accept his judgment. Therefore, so far as the statement in the minority report

is concerned, so far as I had anything to do with signing it, I am glad at this time to have the opportunity of withdrawing any reference to either Richmond or to Los Angeles Harbor projects as they appear in the bill.

Mr. AUSTIN. Mr. Chairman, I am opposed to the amendment offered by the gentleman from New Jersey [Mr. PARKER]. We are constantly passing legislation here turning over our duties to the President of the United States, and when we cease doing that we are creating numerous commissions and unloading upon these commissions duties and responsibilities which belong to us as Members of Congress. The gentleman from Georgia [Mr. HOWARD] says we can depend upon the impartiality and honesty and the integrity and the efficiency of the President of the United States in handling this matter. Can we not depend upon our own honesty and our own efficiency and our own integrity and our own patriotism? [Applause.] If we can not, then we ought to frankly say so to our constituents and retire and give others an opportunity to make good.

Mr. PARKER of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. AUSTIN. If I can get a little more time.

Mr. PARKER of New Jersey. Is not military necessity left by the Constitution to the President of the United States?

Mr. AUSTIN. Yes; but the duty of providing for improving the rivers and harbors of the country is an obligation and responsibility devolving upon Congress. We passed during the last and this session of Congress 12 or 14 of the general supply bills. We have provided for every Government activity except the rivers and harbors.

Mr. SMALL. Mr. Chairman, will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. SMALL. Does the gentleman from New Jersey, or anyone else, contend that transportation is not a military necessity, that the operation of the railroads is not necessary, and, therefore, that increased facilities for waterway transportation is not a military necessity?

Mr. AUSTIN. Mr. Chairman, I think we have unloaded enough upon the President of the United States. We ought to take up our burden and our share of the responsibilities and discharge them fully and faithfully under our oath and obligation. Here is a great country—the greatest in all the world—with a population of over 110,000,000 people, reaching from ocean to ocean and from the Lakes to the Gulf and to insular possessions in the Atlantic and Pacific Oceans, and we are asked to pause, stop short, suspend one of the greatest and most important activities of the Government. The improvement of all of our harbors upon the Atlantic and the Pacific coasts and upon the Gulf and on the Lakes, in Alaska, Porto Rico, the Hawaiian Islands, and the interior waterways of the country is absolutely to be stopped and paralyzed. Would we cease to construct railroads because we are engaged in a war? We have not stopped the construction of railroads in Alaska; manufacturing plants, roads, and bridges; we have not stopped the construction of reservoirs or reclamation work in the Western States.

Mr. SMALL. Nor the protection of the lower Mississippi River?

Mr. AUSTIN. Nor flood control; and we have not stopped appropriations to carry forward the construction and completion of public buildings throughout the United States. If we are going forward with every Government activity in every field of endeavor, what reason is there based on common sense, on intelligence, and patriotism which says we must stop Government activities in improving the harbors of every great city on the Atlantic and the Pacific and the Gulf and the Lakes?

Mr. BURNETT. Mr. Chairman, will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. BURNETT. Is it not a fact that the chairman of the Public Buildings Committee, the Senator from Virginia, has absolutely held up appropriations for public buildings on the Senate side and afterwards helped Virginia get the Jamestown graft?

Mr. AUSTIN. Mr. Chairman, we passed the sundry civil appropriation bill, which carried millions of dollars for the continuation of work upon public buildings, and so forth, in the United States.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. AUSTIN. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. AUSTIN. What greater subject can appeal to the American Congress for consideration and action than the improvement of transportation facilities?

Mr. HULBERT. Mr. Chairman, will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. HULBERT. Does the gentleman believe it can be successfully contended that the present river and harbor facilities are sufficient for present purposes?

Mr. AUSTIN. Mr. Chairman, I think not. Now, what Congress ought to do in this great hemisphere of ours—the richest and most powerful country in the world—is to pass an annual river and harbor appropriation bill carrying $50,000,000 and finish in our day and generation the completion of meritorious waterway propositions in the various States of the Union.

There is a great national river and harbor congress which meets in Washington every year, composed of the flower of our business men, who have no selfish purposes or aims to serve, who come at their own expense to the number of 3,000 from every business organization and important city of this country, and submit to Congress the vital and far-reaching importance of legislation upon this subject. Are we worthy of the trust and confidence of the American people if we sit here and are paralyzed in the discharge of a great responsibility? Why, my colleagues, let us measure up to the hour. Let us, in our representative capacity, prove to the American people that we recognize, duly appreciate, and will faithfully serve our country; that we recognize the importance of considering promptly, courageously, and patriotically all of these great propositions involving the growth, the development, prosperity, and happiness of all the American people.

Mr. LENROOT. Will the gentleman yield for just one question?

Mr. AUSTIN. Yes.

Mr. LENROOT. I would like to ask the gentleman if he is willing to vote for taxes to defray these expenditures?

Mr. AUSTIN. The gentleman from Wisconsin is an obstructionist when it comes to the development of rivers and harbors. He finds an excuse to get in the way of a great program affecting the industrial development of our country. Get above the "Wisconsin idea," my dear friend. [Applause.] Take on a national spirit and national position if you want to do something great and important for this great country of ours.

Now, there is my distinguished friend from Illinois [Mr. MADDEN], who is leading the fight against this bill, a gentleman of long training and experience in public life, well equipped and fitted not only for a seat here but for a promotion to the other end of the Capitol, from the great State of Illinois. [Applause.] The development and improvement of the lake front in Chicago did a wonderful thing for the great growth and development of that imperial city which he so well represents in part. What it has done for Chicago it is capable of doing and will do for other communities and other cities in the United States.

Now, I wish to appeal to my Republican friends in this House. The Republican Party has always stood for development, for the improvement of business, for the growth of our country. When it was intrusted with power for 50 years it was always great enough, big enough, and patriotic enough to pass river and harbor bills. To its many wonderful achievements look at the great waterway improvements carried on under the Republican administrations of the past. Let us do our part here to put this bill through. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask leave to extend and print in full these letters to which I made reference.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to include in the RECORD certain letters to which he refers. Is there objection? [After a pause.] The Chair hears none.

Mr. SMALL. Will the gentleman from Pennsylvania [Mr. MOORE] yield for a moment for the purpose of asking if we can not conclude the debate?

Mr. MOORE of Pennsylvania. I am ready to do it now.

Mr. SMALL. I do not mean now. But this discussion has proceeded for an hour, I think, and perhaps more, and many gentlemen have spoken——

Mr. PARKER of New Jersey. It is true that this discussion has gone on for an hour, but mighty little of it has been devoted to the question brought up by this amendment.

Mr. SMALL. Mr. Chairman, I ask unanimous consent that debate on this amendment close in 20 minutes.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that debate on this amendment close in 20 minutes. Is there objection?

Mr. COX. Mr. Chairman, reserving the right to object——

Mr. GILLETT. Reserving the right to object, I think the gentleman will concede that so far the time has been largely occupied by those on his side of the question. There are some of us here who have been waiting the opportunity to discuss the

exact amendment before us and have not had an opportunity to do so. I do not think it is fair now to say that we shall be cut off by limiting the debate to 20 minutes, which will be only 10 minutes on a side. Your side has occupied as much as 20 minutes more than this side.

Mr. SMALL. Mr. Chairman, possibly some of the gentlemen who wish time desire to discuss items. They can do that later in the bill.

Mr. GILLETT. I simply wish to discuss this amendment.

The CHAIRMAN. What is the request of the gentleman from North Carolina [Mr. SMALL]?

Mr. SMALL. I ask unanimous consent that general debate close in 45 minutes.

Mr. COX. Reserving the right to object——

Mr. MOORE of Pennsylvania. Mr. Chairman, reserving the right to object, and I expect to object unless the gentleman will listen to me, I do not propose that the gentleman shall get unanimous consent to agree that everybody in favor of this amendment shall speak to the prejudice of those who oppose it. There must be a fair and equal division of time.

Mr. GALLAGHER. They have had 20 or 25 minutes on the other side.

Mr. MOORE of Pennsylvania. All those who have asked for time are going to support the amendment and are in opposition to the bill.

Mr. SMALL. We wish to be fair. I withdraw the request temporarily, but I may make a point of order if gentlemen do not confine themselves to the amendment. Some of us may have to object to gentlemen asking more than five minutes.

Mr. MADDEN. I think we ought to confine this debate to the amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, I hope to confine my remarks to the amendment that has been offered by the gentleman from New Jersey [Mr. PARKER]. He proposes what has become more or less popular recently, that Congress shall abdicate its powers and turn over its discretion, and its common sense, and the business for which it was elected, to a commission. On general principles I am opposed to that proposition, but that is exactly what the gentleman from New Jersey proposes. He has so much confidence in the President's ability to deal with the matter of the Suwanee River that he wants this whole matter turned over to the President, who, of course, will delegate his power to somebody down along the line. We should not agree that that shall be done.

I believe, with the President and with the Secretary of War, that this is a war measure, and is as important a war measure, relatively, as any other discussed by this body. I take occasion now to differ with some of my Republican friends as to their attitude on this bill. In my judgment opposition to it will not make political capital in any State in this Union. Republicans are as much interested in this bill as Democrats are interested in it. As much, if not more, of the total appropriations go to the northern States as to the southern, and it can not be contended that this bill will bring special favor to any one who opposes it.

The gentleman from Georgia [Mr. HOWARD] has made one of those clever, but rather surprising speeches of his in favor of the Parker amendment. He wants the President or some commission under the President, to have an exercise of power that Congress ought to reserve to itself. He is willing that the lump-sum incubus that has been thrust upon the House of Representatives on several occasions by another body, shall again be a barnacle on our congressional river and harbor ship. I am not in favor of so abdicating the power of the House, as I am not in favor of abdicating it generally.

The gentleman from Georgia wants to know wherein this is a war measure. Well, if he has been conferring—and I take it from some of his speeches that he has—with the Council of National Defense he will understand that there is a great mobilization scheme at work in this country now, under the direction of the President and by authority of Congress, and that we are proposing to group all of the raw materials and all of the finished products for purposes of war. We are proposing to seize the railroads and use them for war purposes. We are proposing to seize the raw materials and appoint food dictators in order to direct the distribution of our products. But if the gentleman knows what the Council of National Defense knows, he knows that the railroads are less competent to carry the business of the country to-day than they were in 1907, when James J. Hill said it would take $5,500,000,000 of new capital to put the railroads of the country then in a condition to do the business of this country.

There has been no material increase of railroad mileage since, but now, when they can be of greater service, it is proposed to shut up the waterways; to treat them as if they were a grab or pork-barrel proposition from which, perchance, we should run because some metropolitan newspapers comment adversely upon a river and harbor bill. The Council of National Defense has constituted an advisory committee on waterways to recommend relief for the railroads, and that committee is now scouring the country for information, and to secure barges and inland carriers to relieve the railroads of their present congestion, a movement that is essential to get the supplies from the inland country to the coast line for purposes of war.

I believe we should have an annual river and harbor bill. I do not believe Congress should permit waste to exist, and it must exist and will exist if we shut off appropriations for the maintenance of streams. You can no more keep a stream in order by stopping appropriations and neglecting it than you can keep in order your office in the House Office Building, over yonder, by neglecting to have the charwoman come in to sweep out the dirt and carry away the waste paper. You must spend money to keep your mill in order, just as the Government must spend money to keep in order its manifold activities, and just as every railroad must necessarily spend money to keep its equipment in shape.

The trouble is that somebody seems to have organized a raid on Congress just now in the interest of one kind of transportation. Somebody wants to stop the progress that has been made in attaining cheap transportation by water. But, gentlemen, we can not afford to do that. I would not be able to retain my self-respect if I were to stand here and assent to a proposition that the Delaware River should be set back. It is too important to the Nation just now to be set back. I assume other gentlemen feel the same way about their streams.

Now, if it were a southern stream we were discussing, some sluggish stream with overhanging boughs and obstructed channel, that could be of service in carrying food to the market, why should so much stress be laid upon it? Would it not be better to help that stream, open up the territory, and let the products get to market rather than let them go to waste? Have you been down in the South and observed the little streams leading into the larger streams, and the larger streams leading into the ports where the great ships are moored, ready to receive their freight? If so, you have seen the little sloop coming along with a one-man crop, the crop that could not obtain railroad transportation, the crop for which no other carriage could be secured. That is the small producer, the poor man coming to market, because perchance the Government had expended a few thousand dollars in making navigable those means of approach by which men who have no railroad facilities can get to market. I do not believe with the gentleman from Georgia that this is the time to stop the river and harbor improvements of this country. They are needed for war as much as for peace.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. COX. Mr. Chairman and gentlemen, I have announced on the floor time and time again that I stand ready to support President Wilson in any war-emergency legislation that he wants in order successfully to carry this war to a complete and speedy termination. I have heard a great many complaints, and, among others, the gentleman from Pennsylvania [Mr. MOORE], who has just spoken on this question, has criticized the President for trying to get the necessary power to fight this war. Why, the trouble in Russia to-day is that they have no government, no power, no centralized place where they can put power to fight this war. Our country can not win this war unless we centralize power in the hands of the President of the United States. Besides, under the Constitution it is his duty to fight and maintain this war. He is the Commander in Chief of the Army and the Navy.

Mr. CALDWELL. Mr. Chairman, will the gentleman yield?

Mr. COX. I can not yield now. This river and harbor bill is sought to be maintained by its friends as being a war measure. I have read it from lid to lid. I have read the report of the majority of the committee and the views of the minority members of the committee, and out of this vast appropriation of $26,000,000 I am unable to pick out more than a very small proportion that in the remotest degree can be regarded as war measures. To the men who are willing to give President Wilson the power to fight this war I say that the Parker amendment is the only thing in this bill that will ever give him the power to do it. [Applause.] Therefore I am for it with all my soul. This amendment contains two distinct propositions. First, it provides that no money shall be expended except for the maintenance of projects already in process of construction, and, second, that no new improvement shall be entered upon unless the President determines it to be a matter of military necessity. You have given the President authority over food control. You

are going to give him greater power over food control when the bill passes this House next week. Why are you doing it? You are doing it as a military necessity, to enable him to fight this war. This is the only amendment that is in the remotest degree connected with this bill which puts it up to the President of the United States. Are you willing to trust him? Are you willing to say to President Wilson, on whose shoulders rest the responsibility of fighting this war to victory or defeat, that he can pick out Hell Gate or some point in Massachusetts or on the Atlantic seaboard, and, if he thinks it necessary, then he may spend the money on them? I am willing to trust him. I am willing to trust the President of the United States to say that this is a war measure pure and simple, and to turn this money over to him and let him spend it. Of all times, in my opinion, when a general river and harbor bill should not come in, that time is now. I am not so much concerned about the amount of money expended here, but we need badly the technically trained, highly educated men in this country for other purposes than the dredging of Raccoon Creek in New Jersey or picking the water hyacinths out of rivers in Florida.

France is calling for our highly trained engineers to-day. Already a regiment of about 1,000 engineers has gone to France. We have got to rebuild the railroads of France, not only for the French armies, but Gen. Joffre plainly told us that we had to build our own railroad lines there with our own steel and equip them with our own locomotive engines. We have got to rehabilitate the railroads of Russia. We have got to rebuild the railroads from Port Arthur to Petrograd and from Petrograd to the firing line in the trenches, and there is where we need our highly trained, technical men, instead of fooling around here dredging some little river, creek, or harbor. Col. Newcomer has been quoted here, a great man, no doubt, educated at a cost to our Nation of not a penny less than $50,000. I imagine that Col. Newcomer and all men occupying similar positions are smarting under the collar at being held down to a little river or harbor work instead of being allowed to serve their country in the work for which they were educated. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. COX. I would like two minutes more.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that his time be extended two minutes. Is there objection?

There was no objection.

Mr. COX. Is this river and harbor bill a war measure? There are 71 new surveys in here——

Mr. MADDEN. Seventy-five.

Mr. COX. Seventy-five. How is that going to be a war measure? Here are a number of little creeks that are to be surveyed. There is an appropriation of $200,000 carried in this bill for that purpose, and then as much more as Congress may see fit thereafter to appropriate to carry forward those projects. Is that a war-necessity measure?

This bill is put forward first as a military necessity and then it is supported as an economic necessity; but this Parker amendment brings us to the issue squarely confronting us. It puts it squarely up to the President of the United States, for him and for him alone to determine when and where a project shall be improved as a military necessity. I propounded the question a moment ago, and I repeat again, Are you willing to trust him? I am. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. GILLETT. Mr. Chairman, I sympathize with the desire of the gentleman from North Carolina [Mr. SMALL] to hasten the consideration of this bill, and not to have the same arguments reiterated, and I feel almost like apologizing for taking any time, because the gentleman who has preceded me [Mr. Cox] has pretty much stated my view. I will take just a moment. I favor heartily this amendment. I can not see how the gentleman from North Carolina, in view of the attitude he has taken, can oppose it. It simply provides that the President shall decide what portion of this bill is necessary for war measures, and then leaves it to his decision to have those projects carried forward.

Mr. SMALL. Will the gentleman pardon an interruption?

Mr. GILLETT. Certainly.

Mr. SMALL. The gentleman asked a question.

Mr. GILLETT. I do not know what I did, but I yield to the gentleman.

Mr. SMALL. The gentleman asks why the chairman of the committee is opposed to this amendment.

Mr. GILLETT. I said I could not see why he was.

Mr. SMALL. May I answer why I am opposed to it?

Mr. GILLETT. Certainly.

Mr. SMALL. He says that it ought to be left to the President to determine what appropriation or authorization in this line shall be expended or executed. If it were left to the President, in accordance with the amendment of the gentleman from New Jersey [Mr. PARKER], the President would consult the Secretary of War, and through him the Chief of Engineers. The President has already formulated a plan imposing certain limitations upon this bill, and in obedience to the request of the President the Secretary of War and the Chief of Engineers have made recommendations, and there is no item in this bill which the Secretary of War and the Chief of Engineers have not already recommended.

Mr. GILLETT. Then I will ask the question, Why do you object to it?

Mr. SMALL. I will answer that, too. I say that the amendment of the gentleman from New Jersey would be mere surplusage because I prefer that this Congress should act on the recommendations of the Secretary of War and the Chief of Engineers, that this House shall specifically provide the appropriations rather than leaving it to the will of the Secretary of War and the Chief of Engineers. I think it is unnecessary to surrender the functions of Congress.

Mr. GILLETT. Mr. Chairman, if the gentleman is perfectly sincere in his statement that it would amount to the same thing, then, of course, I can not see why he should have any objection to it, except a mere formal and perfunctory one. It makes me suspect that they really fear that under the Parker amendment many of their schemes would not be carried out, and while the President may have generally indorsed this bill if the responsibility were placed on him they fear he would eliminate many of the items. It seems to me that it is inconsistent for that side of the House, considering the program they have marked out for this session, to oppose such an amendment. They have told us that the only legislation to come before this session was war legislation. The gentleman from North Carolina [Mr. SMALL], in bringing in this bill, advocated it as a war measure. Now, when the proposition is brought in limiting this to specifically war legislation he objects. I understood a gentleman arguing on his side of the question to state that the War Department said that there was only 1 per cent in this bill economically indefensible. Now, if there is 1 per cent economically indefensible, there must be a good deal more than that indefensible purely as a war emergency.

Mr. SMALL. The gentleman from Massachusetts misunderstood the gentleman from Wisconsin. He was referring to a prior bill.

Mr. GILLETT. I may have misunderstood him. I do not believe from my study of the bill that every item in here is defensible, and still less do I believe that it is defensible for purely war purposes.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. GILLETT. I ask for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GILLETT. Mr. Chairman, I want to say that I agree with a part of what the gentleman from Pennsylvania [Mr. MOORE] has said. I do not like to put any more upon the President's shoulders. I probably have a different feeling toward him than does the gentleman from North Carolina. I trust him less, and I do not believe his decision on these questions would be governed by any partial feeling toward projects that I might be interested in. But this provision leaving the determination to the President was intended to relieve this proposition of criticism and appease that side of the House. I do not like to give the power to the President; I do not like him to decide for us; but I object to this bill as it is, and its scope would be limited and its viciousness lessened if any tribunal could cut from it everything not related to the war, and I am even willing to trust that to the President. [Applause.]

Mr. DEMPSEY. Mr. Chairman, I have no greater respect for any Member of the House than I have for the gentleman from Massachusetts who has just preceded me. I may add to that by saying that I have no greater respect for any man in or out of the House, or any man in the country, than for the learned and able gentleman who has just preceded me, but I want to call the attention of the House to how our views change. I want to direct the attention of the House to how we look at things differently within a few days.

I listened with the greatest interest the other day to the remarks of the gentleman from Massachusetts in which he described the never-ending struggle between the executive and the legislative branches of the Government. I want to read what he said on that occasion as a commentary on the position which he takes here. He said on that occasion this:

I recognize the head of the department may often feel, and he may sometimes be justified in feeling, that if he were given a lump sum that he could expend where he pleased, and give the advanced salaries that he pleased, that he could get better results from his administration than being restricted as he is by the limitations which Congress puts upon him.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. MOORE of Pennsylvania. Was this the gentleman from Massachusetts [Mr. GILLETT], a member of the Committee on Appropriations?

Mr. DEMPSEY. Yes; it was when a bill was before the House that came from the Committee on Appropriations.

Mr. MOORE of Pennsylvania. And the gentleman was opposing the presidential control?

Mr. GILLETT. Will the gentleman permit me to make this suggestion. There is no inconsistency because here this amendment does not give to the President any power outside of this bill. His powers are limited by the bill. He can cut down this bill, and that is all the power that this amendment gives him.

Mr. DEMPSEY. I think this amendment and what the gentleman advocates is in direct conflict with his advocacy the other day.

Now I want to read what he said the other day, and you all know what he said here to-day. All we can do is to judge by the two occasions—by what he said to-day and what he said before. I propose to read what he said before, and then I propose to comment and compare that with what he said to-day. He said:

I presume very often that would be true. I think every member of any appropriating committee often feels as he sits in the committee and hears the recommendations of the departments and knows that he can not really probe to the root of the matter, and that it is very much a matter of guessing and trusting to the recommendations of the department—as I say, I think every member of any appropriating committee often feels his helplessness and feels that there is a just argument on the other side. But, on the other hand, we all must remember that the responsibility of Congress and the restrictions of Congress on the power of expenditure have been recognized as one of the fundamental necessities of a free government.

[Applause.]

The control of the purse in England for centuries has been the real contest between the Parliament and the King, and it has been the success of Parliament in preserving its control which has established free government there. And I suspect that in every constitutional nation representatives of the people can not afford to abandon and yield to the Executive the control of the purse. And I thought it might be, if not interesting, at least useful, to the House, especially to the new Members, for me in a few moments to briefly review what Congress has done in the last 10 years along this line and just what restrictions we have put upon the Executive.

[Applause.]

I will only go back 10 years and refer to a few of the important pieces of legislation which this House has enacted which have limited the Executive in control of appropriations. And I think every student of our National Government in the last few years will admit that in every field except this one the Executive has been gaining power, and has been gaining it at the expense of the Legislature. It may be progress, but there is only one line that I know of where Congress has increased its power, and that is in this line of control over the expenditures. And it has done this because there has been a constant reaching out of the Executive to increase its power over appropriations, and Congress, seeing and feeling in each case some specific grievance, has enacted legislation to curb that specific act.

[Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. DEMPSEY. I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DEMPSEY. Now, the proposition here is precisely the proposition as I take it as a lawyer, as I take it as an ordinary observer, as I take it as a Member of this House; it is precisely the proposition against which the gentleman from Massachusetts animadverted the other day. I believe that you do increase the serious danger in each instance when you place a lump sum in the unguided, unrestricted, ungoverned control of the Executive, and that is precisely what this amendment proposes, nothing more and nothing less. We can not trust ourselves, we can not go through the bill and judge and scan the items in the light of the advice of the executive department or the advice of the engineers. We can not trust our judgment with all that. We must, on the other hand, hand over a lump sum to the Executive because we can not trust ourselves and because we can trust him. Why, gentlemen, Congress can not afford, as the learned gentleman from Massachusetts [Mr. GILLETT] pointed out, to abrogate its functions in that way; it can not afford, after a long fight covering many years—and he reviewed 10 years of such legislation—after winning in this one domain, and losing, as he well pointed out in every other field, now, three or four days afterwards, when a different committee, not the Committee on Appropriations, comes before the House, to make an abrogation and abdication of its functions. [Applause.]

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. BARKLEY. Will not the President, if this amendment be adopted, be compelled to accept the very same advice about these matters that we are compelled to accept now in passing upon them?

Mr. DEMPSEY. I do not know.

Mr. BARKLEY. And is he any better qualified, with the multiplicity of duties he has, to devote his time to the picking out of different harbors and rivers that ought to be improved than we are, with that same advice at our disposal?

Mr. DEMPSEY. Mr. Chairman, I assume that he would follow, if he is permitted to follow, the same advice which he has followed in recommending to the Secretary of War the passage of this bill; but I am not a good enough lawyer, nor do I believe there is one among my colleagues here who is a good enough lawyer, to tell precisely what this does mean; nor do I believe that anyone will know until it is construed by a court, not alone of original jurisdiction, but one having ultimate appellate jurisdiction. I thank the committee.

Mr. MADDEN. Mr. Chairman, will the gentleman yield to me for a question?

Mr. DEMPSEY. I have finished.

Mr. CALDWELL. Mr. Chairman, I am opposed to this amendment, and I am opposed to it because I do not believe that we have any right to saddle off our responsibilities upon the President. We have passed legislation here that will arm 2,000,000 men, and we expect to send them, and many hundreds of thousands more, to do battle in Europe. It has been demonstrated that 2,000,000 soldiers require 27,000,000 workers at home. Every man in America, before this war is over, must be doing his share. There is no time when a man should begin to do his share in this war better than now.

The President of the United States has honestly come to us and asked for power where he wanted it, and where he has conceived he needed it, but where he has not wanted it, where he has not seen that he has needed the power, he has left us to do our share, and I believe it is our duty to do our share now. Therefore, Mr. Chairman, I propose to vote against this amendment, and I hope that this additional burden will not be placed upon the Commander in Chief of our Army, who already has upon his shoulders a greater burden than was ever borne by a human since the beginning of time. [Applause.]

Mr. GILLETT. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GILLETT. Mr. Chairman, I should not intrude upon the committee again, but we are all of us a little sensitive about charges of inconsistency, and the remarks of my friend from New York [Mr. DEMPSEY] I think should be answered immediately. I am glad that he approves of what I said the other day, and I hold those opinions to-day just as strongly as I did then. I think a little inspection will show that it is not at all inconsistent with what I said to-day. We do not give the President by this amendment any lump sums to expend. We do not give him any increased power of expenditure. This amendment simply says that after Congress has appropriated specifically, as it does in this bill, and has provided just what moneys can be expended and where, then the President may decrease these expenditures by deciding some of them are not of immediate military necessity.

Mr. CALDWELL. Mr. Chairman, will the gentleman yield?

Mr. GILLETT. Yes.

Mr. CALDWELL. The men who will have the administration of carrying out this work are Army officers.

Mr. GILLETT. Of course they are.

Mr. CALDWELL. And the President is Commander in Chief of the Army.

Mr. GILLETT. Yes.

Mr. CALDWELL. Then can he not stop any work that is undertaken by those men?

Mr. GILLETT. I suppose the proposition means that he would leave it to the military men to decide.

Mr. CALDWELL. Without this legislation can he not stop it when he sees that it interferes with military operations?

Mr. GILLETT. Oh, he can; but nobody pretends that any of it interferes with military operations, only some of it has nothing to do with military operations. With the good will existing between the legislative and the executive branches, it is probable that he would allow whatever the Legislature provided. This simply provides a limitation upon the appropriations which we make. It specifies them and then allows the President to expend what is needed as a military necessity. And I believe with that specific

responsibility on him, under the advice of the engineer officers, he would forbid work on many of these items.

Mr. MADDEN. Mr. Chairman, I am decidedly in favor of granting the President the power to say which of the items in this bill, when it is enacted into law, shall be considered of sufficient importance to be classed as a war-emergency measure. That does not give the President any additional power. It simply limits the possibility of extravagant expenditure of public money. The gentleman from North Carolina [Mr. SMALL] a short time ago, when asked why he would not be willing to grant this power to the President of the United States, if I understood him correctly, said that he would prefer to have Congress exercise its functions and make the appropriations and designate the improvements that are to be made. I do not use his language and do not pretend to, but I try to state the sense of what he said.

Now, if that statement of his means what it says, I am at a loss to understand why the committee of which he is the distinguished chairman came into the House with the recommendation that a great many items in the bill be grouped and the power be delegated to the Secretary of War to say upon which item the money should be expended. If his statement to the effect that Congress ought to exercise its right has any force, then his recommendation as chairman of the committee to the effect that the Secretary of War shall exercise his right as to which item in a certain group shall be carried forward and money expended upon it is inconsistent with the position he takes upon the floor. If there ever was a time when the Congress of the United States should extend power to somebody that will prevent extravagant expenditure of money, now is the time. If there ever was a time when we ought to lighten the burden of taxation upon the American people, now is the time. And if there ever was a time when we ought to utilize the engineering force of the Army toward the successful conduct of the war, instead of having their time taken up on backwoods creeks that have no relation whatever either to navigation or to war, now is the time. If there ever was a time when the Congress of the United States ought to give some evidence of its interest in the welfare of the American people, this is the time. If there ever was a time when we should go on record to prove our patriotism and our desire for victory to the flag in the cause upon which we have entered and in connection with which we have already obligated the people of America to the expenditure of $12,000,000,000 and to which cause we have called 2,000,000 men, this is the time. If there ever was a time when we ought without any question to cease logrolling and enacting pork-barrel legislation, this is the time and here is the place. And we ought, by all means, to adopt the amendment offered by the gentleman from New Jersey [Mr. PARKER], which will give the power to the President of the United States to limit the amount of expenditure to those projects which can be proved beyond a doubt to be emergency war measures. [Applause.]

The CHAIRMAN. The gentleman from South Carolina [Mr. BYRNES] is recognized.

Mr. BYRNES of South Carolina. Mr. Chairman, I desire to say only a few words. I am going to support this amendment of the gentleman from New Jersey [Mr. PARKER]. I do not see how any man on this side of the House can afford to vote against it. We went into a Democratic caucus. It was sought to add to the program for this special session of Congress, called to consider only war measures, a river and harbor bill which in form would be substantially the same as the bill passed at the last session of Congress. That was the language of the amendment to the program offered by the gentleman from North Carolina. The majority of the Democrats in that caucus defeated that amendment, yet we find this bill brought into this House later on, in violation of the action of the caucus. It is argued it is not a violation, because it is not exactly the same bill, but no man can successfully contend that it is not "substantially" the same as the bill that was passed by the House at the last session of the Congress.

But another argument is urged in its behalf. It is urged now that it should be passed because the Secretary of War has written a letter laying down certain principles which should be applied in framing this bill.

Mr. SEARS. Will the gentleman yield for a question?

Mr. BYRNES of South Carolina. No; I have but five minutes.

Mr. SEARS. Did you vote for the bill the last time?

Mr. BYRNES of South Carolina. I have voted against every river and harbor bill for the last four years, but never before have I raised my voice in protest. But you have exceeded the speed limit, and I now wish to protest against it, in time of war. [Applause.] I not only protest against it, but the people of America will protest against it, and they will be justified, inasmuch as the gentleman and every other man on this side of the House recently voted to tax them $1,800,000,000, and they now see that after levying these extraordinary taxes you are going to spend $26,900,000 fixing up creeks and rivers all over the country.

I want to say something to the chairman of this committee, for whom I have great respect. In reply to a question asked of him by some gentleman in this House as to why he was opposed to this amendment, he stated he believed it was mere surplusage. He urges you to vote for this bill for one reason only, and that is that the Secretary of War has sent a letter down here indorsing the passage of a bill in accordance with the principles set forth by him, namely, for military or naval purposes. Well, the amendment of the gentleman from New Jersey [Mr. PARKER] does nothing but limit the expenditure to such projects as shall be approved by the President for military and naval purposes. If it is only surplusage, why not adopt it and pass the bill? Why not trust the President, if you believe the items are meritorious? I will tell you why the chairman of this committee would not agree to that. It was for this reason: As it stands now there is a division of responsibility. The Secretary of War set forth certain principles which should govern the framing of the bill, and the Secretary will say, "I did not authorize the various items in this bill. I laid down principles, and if the bill was not framed in accordance with those principles it is the fault of Congress and not of the department." And Congress, on the other side, says, "This bill is brought to the House and is put through solely because the Secretary of War said that he was in favor of a bill that would provide for military and naval purposes." Between the two, between the Congress and the Secretary of War, items will get into this bill, and inevitably will get into the bill, which should not be included in it. There are meritorious projects which can well be postponed during the period of the war, while the engineers are needed at the front, and the money is needed to support them there.

Mr. SMALL. What authority has the gentleman for stating that the Secretary of War does not approve every item in this bill?

Mr. BYRNES of South Carolina. I never said that. The gentleman certainly did not understand me. I said the Secretary of War wrote a letter which you put in the RECORD, setting forth the principles upon which this bill should be framed.

Mr. SMALL. And stating he approved the bill as reported to the House.

Mr. BYRNES of South Carolina. If he did, did he investigate every one of these items?

Mr. SMALL. Either he or the Chief of Engineers did.

Mr. BYRNES of South Carolina. Do you know that the Secretary of War did?

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. BYRNES of South Carolina. Mr. Chairman, I ask that my time be extended five minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to continue for five minutes.

Mr. SMALL. Mr. Chairman, I must begin to object to extensions of time.

Mr. BURNETT. Let the gentleman have time to answer your question.

Mr. BYRNES of South Carolina. The gentleman interrupted me and took some of my time.

Mr. SMALL. Can the gentleman get along with less than five minutes?

Mr. MADDEN. The gentleman from South Carolina does not speak frequently, but he speaks well when he does speak.

Mr. BYRNES of South Carolina. Well, I will not press my request.

Mr. SMALL. I withdraw the objection, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] is recognized.

Mr. STAFFORD. Mr. Chairman, as stated by the gentleman from South Carolina [Mr. BYRNES], who has just preceded me, this bill is substantially the river and harbor bill of the last session of Congress that failed of passage because of its being blocked in the Senate. That bill provided for 81 new projects, which, according to the report of the majority on this bill, would require $47,000,000 to complete. This bill, it is true, provides for only 34 new projects, but the report shows that those projects will require $44,000,000 to complete, or a difference of only $3,000,000 between the cost of the projects which are carried in this bill and those which were carried in last year's bill.

But since then something has happened which causes the country—and which should cause every Representative here, represent-

ing the people—to hesitate in favoring extravagant appropriations for the development of unnecessary waterways. Seventy-five surveys are provided for in this bill, which will require the attention of thousands of Government officials who will be needed later elsewhere, if we are to cope with the great task before us in coordinating all the resources of this country. If this bill were but to drop $27,000.000 into some creeks and rivers or harbors in this country, there would not be so much objection to it from my standpoint as there is when you are going to utilize the services of these thousands of men in the survey of creeks and rivers that will not add anything to the commerce of the country.

The pending amendment provides for the maintenance and repair of all necessary projects, and then authorizes the President to spend the money carried in this bill for new projects where he deems a military necessity exists. The committee acknowledges that there are items upon items in the bill that can not be justified on the ground of military necessity. They would utilize the personnel of the Government in developing projects which can not add to the tonnage of the country. What is more necessary than aught else is that the present available rivers and harbors carrying the traffic of the country should have the means of conveyance rather than that we should expend money on waterways which will not add any increase to the tonnage of the country.

Why, it would be far better to have the country spend this $27,000,000 in building barges and ships that will add to the tonnage rather than spend the money and extend its expenditure over three or four years, as admitted by the gentlemen who are advocates of this bill, in needless improvements that will not add to the present tonnage.

Mr. HULBERT. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. I can not yield in five minutes. Take the case of the gentleman from New York [Mr. HULBERT], who advocates the improvement of the Hudson River, with less than the normal tonnage coming into New York Harbor, he claims there is need for an additional channel there when the normal tonnage is lessened by reason of the war——

Mr. HULBERT. It is nothing of the kind.

Mr. STAFFORD. There can be no pressing commercial necessity for an additional channel under these war conditions.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired. The gentleman from Illinois [Mr. MCKENZIE] is recognized.

Mr. SMALL. Mr. Chairman, can we not now agree as to the conclusion of the debate on this amendment? There are four gentlemen besides the chairman of the committee who desire to speak.

Mr. PARKER of New Jersey. I ask leave for two minutes to speak in reply.

Mr. SMALL. I ask unanimous consent that the debate on this proposition conclude in 25 minutes.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that the debate on the pending amendment close in 25 minutes. Is there objection?

Mr. GALLAGHER. Reserving the right to object, Mr. Chairman, does that give the required time?

Mr. SMALL. That includes the gentleman from Illinois [Mr. MCKENZIE], and the other gentleman from Illinois [Mr. GALLAGHER], and the gentleman from New Jersey [Mr. PARKER], and the gentleman from Michigan [Mr. HAMILTON]. Mr. Chairman, I ask that the debate on this amendment close in 30 minutes.

Mr. FESS. Reserving the right to object, the gentleman from Ohio wants time, too.

Mr. SMALL. The gentleman from Mississippi [Mr. HUMPHREYS] is another who has asked for time.

Mr. PARKER of New Jersey. Let us say that the debate close at 3 o'clock.

Mr. SMALL. I will ask unanimous consent, Mr. Chairman, that all debate close at 3 o'clock.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that the debate on this amendment and all amendments thereto close at 3 o'clock. Is there objection?

Mr. FESS. Reserving the right to object, I would like to know if I am included in that?

Mr. SMALL. You are.

Mr. GALLAGHER. Am I included?

Mr SMALL. Yes.

Mr. REAVIS. Reserving the right to object, Mr. Chairman, I did not hear the request of the gentleman from Ohio. Is it part of the gentleman's request that those who sought recognition shall be recognized?

Mr. SMALL. Yes. That was my purpose.

Mr. REAVIS. Is that the understanding of the Chair, that those to whom time was allotted will be recognized in those 40 minutes?

The CHAIRMAN. That is the understanding of the Chair if the time will go around.

Mr. MADDEN. I suggest to the gentleman from North Carolina that it would be more agreeable to say 40 minutes than to say that the debate shall close at 3 o'clock.

The CHAIRMAN. It is substantially the same thing.

Mr. MADDEN. There may be some interruptions and that would make it necessary to extend the time.

The CHAIRMAN. Is there objection to the request?

There was no objection.

The CHAIRMAN. The gentleman from Illinois [Mr. MCKENZIE] is recognized.

Mr. MCKENZIE. Mr. Chairman and gentlemen of the committee, I have no doubt that there are a great many meritorious projects in this bill. I am sure there are projects for the improvement of some of the great harbors of our country which are meritorious, but I regret exceedingly that the chairman of the committee has felt that it was necessary to bring the matter up at this special session of Congress. To my mind the American people will resent, as one gentleman has said, the attempt at this time to pass legislation of this character.

Now, if there are certain projects in this bill—and I assume that there are—that would be useful so far as the military or naval welfare of our country is concerned, the President of the United States could come to Congress and ask us to enact legislation taking care of those particular projects. But when we undertake to say that the making of surveys of 75 little projects scattered over this country which we have not, during the 300 years of settlement of this country, discovered to be navigable, it is to my mind absurd, and it makes a laughing-stock out of the bill to dub it a "war measure."

Another thing, so far as I am personally concerned, I expect to vote against the bill, and instead of the amendment of the gentleman from New Jersey [Mr. PARKER] an amendment ought to be offered to strike out the enacting clause of the bill and say to the people of the country that we are not going to pass legislation of this character at the session that was called simply to take care of war measures.

But to those of you who are not willing to vote for the amendment offered by the gentleman from New Jersey [Mr. PARKER] I want to say that the President of the United States has the power now to defeat every project in this bill, and in my judgment he will do it. He can call in every engineer who is now engaged in river and harbor work and put them all where they belong, at the task of helping to train the armies of the United States and doing something to carry on this war rather than be spending their time, as one gentleman said here, surveying some little backwoods creek. And if the President of the United States is the man I think he is he will see to it that no Army engineer will be spending the long summer months of 1917 beneath the shade of some sheltering tree on the banks of one of these little streams of our country, but he will be called to the front, where he belongs, to do something for his country in this time of war; and I hope that the amendment of the gentleman from New Jersey [Mr. PARKER] will be adopted, to show that at least the Congress of the United States is willing to leave this war matter in the hands of the President, where it properly belongs and where he now has the power over every Army officer engaged in river and harbor work. What he ought to do is to call them in and set them to work in the pressing business of our country in the conduct of this war.

Mr. COX. Judging the future by the past, does not the gentleman think that if this bill passes, carrying $26,000,000 as it does, by the time it gets through the Senate and gets back here it will carry at least $40,000,000?

Mr. MCKENZIE. Yes; and as far as the war is concerned the war will be over and peace will be reigning in our country before some of these appropriations will be used on the projects in this bill. [Applause.]

Mr. JAMES. Mr. Chairman, if the advocates of this bill are sincere in calling it a war measure, and if they are sincere in the statement that the Secretary of War and the President are back of the bill, they will have no objection to the amendment of the gentleman from New Jersey [Mr. PARKER]. [Applause.] The people of the United States are not as much interested in "pork" as they are in the price of the necessaries of life, and I am sorry that the advocates of this bill would not grant permission the other day for the food-control bill to be taken up to-day, because the food-control bill is the measure that we should be discussing now instead of this river and harbor bill.

The apologists for this bill call it a war measure. If raiding the Treasury of the United States is a war measure, then this is certainly a war measure. It has no further excuse for being called a war measure. It is new to me that spending money on streams that can hardly float a rowboat can be called a war measure.

The cry used to be "We want pork!" Last year the call to arms was, "Necessary for the national defense!" Now the war cry is, "It is a war measure!" Next year it will be—well, trust the advocates of this kind of legislation to think of a suitable battle cry.

This is no more a war measure than a bill to erect a statue to James Buchanan is a war measure, or a bill to make a new committee on equal suffrage is a war measure, or a bill to appoint a committee to investigate the moral conditions among the Hottentots is a war measure.

The proponents of this bill in the majority report state, in part, as follows:

The river and harbor section of the War Department maintains in the aggregate a large force of assistant engineers and employees in the several districts, many of whom would have to be discharged, and the personnel of the force disorganized.

I would respectfully recommend that those of them that are still able to fight be sent to France to serve their country in the trenches, and those that are too fat to fight let them seek other employment.

The advocates attempt to bolster up their bill with the statement that this bill is advocated by the Secretary of War. But the gentleman from Illinois [Mr. GALLAGHER], a member of the committee, kills their argument. He states, in part, as follows:

This measure is put forth here as a war measure, and that is the reason that it is brought here to-day for your consideration. I want to say at the outset that this is not a war measure. It is practically the same river and harbor bill that was before this House at the last session of Congress, and you will recollect that that bill received 132 votes in this House against its passage. I am going to show that it is not a war measure. And, to start with, I want to inform the House that, at the request of certain members of the committee when it was determined that this bill was to be forced upon this House, I went to the Secretary of War and asked for an interview. When I got to the Secretary's office I was told that the Secretary was very busy, but that I could talk to his private secretary. I told his private secretary that there were members of the River and Harbor Committee who had decided views regarding the passage of a river and harbor bill at this time, and as the bill was proposed as a war measure some of us would like to talk with the Secretary of War before he made any recommendations, because we believed we could inform him to some extent as to what the bill ought to be, and that possibly he might change his mind with reference to some of the items in the bill. His private secretary told me he would call the attention of the Secretary of War to our proposition, but I heard nothing more about it from him, and, so far as I know, none of the members of the minority have had any conversation with the Secretary of War with reference to the bill.

Then the gentleman from Illinois [Mr. GALLAGHER] goes on and states:

The next step was when the committee was called to order, when I made a motion in the committee that the Secretary of War and the Chief of Engineers be invited to come before the committee. We wanted to hear from them the necessity for a river and harbor bill as a war measure at this time, and other matters, so far as river and harbor improvements were concerned. The Rivers and Harbors Committee adopted that motion, but at the very next meeting we were told that the Secretary of War was too busy and that he could not attend any meeting [note the word "any"] of the Rivers and Harbors Committee. Neither did the Chief of Engineers come.

Now, listen to this:

But the same methods that are always employed in the manufacture of a rivers and harbors bill were employed in making up this bill.

It is also very clearly shown by the letter from the Secretary of War to the gentleman from Oklahoma [Mr. FERRIS] and the reading of the letter from the Secretary of War to the gentleman from North Carolina [Mr. SMALL] that the Secretary has not even read the bill, to say nothing about carefully examining the bill. In the debate on Monday the gentleman from Ohio [Mr. SWITZER], a member of the committee, admitted in response to a question from his colleague [Mr. FESS] that he did not consider this bill a "war" measure.

We have been called here on serious business, and it is our duty to pass as quickly as possible all bills necessary to win this war, and also to pass as quickly as possible all bills making the conditions under which we are to live for the next two or three years as easy as possible on our people. The food-control bill, the biggest bill now before us, has been reported out of committee, and every day wasted on this miscalled "war" measure means just so much delay in the important food-control bill. People are more interested in having the price of food lowered and laws providing for the punishment of "food pirates" and "fuel pirates" than they are in removing snags, overhanging trees, sunken logs, and water hyacinth.

President Lincoln called a special session—a "War Congress"—in 1861, which met on July 8 and adjourned on August 6.

That Congress spent more time working than they did in talking. In less than a month the Thirty-seventh Congress had passed, among other bills, and gone home, the following bills:

1. To refund and remit duty on arms imported by the States.
2. To provide for payment of the militia and Volunteers.
3. To provide for the collection of duties on imports, etc.
4. To provide for the appointment of assistant paymasters.
5. To authorize a national loan.
6. To make additional appropriations for the Army.
7. To make additional appropriations for the Navy.
8. To authorize the employment of Volunteers.
9. To make additional expenses for sundry civil expenses.
10. To provide for the forwarding of soldiers' letters.
11. To provide for the temporary increase of the Navy.
12. Another bill regarding the better establishment of the Army.
13. Another act regarding refunding duties on arms imported by the States.
14. To provide for the better organization of the Marine Corps.
15. An act relative to the Revenue Marine, etc.
16. To provide for indemnifying States for expenses incurred by them in defense of the United States.
17. To provide for calling out the militia.
18. To make additional expenses for the legislative, executive, judicial, etc.
19. An act to increase the Military Establishment of the United States.
20. To provide for furnishing arms to the Home Guards, etc.
21. To provide for the purchase of arms for the troops.
22. To provide for the increase of the Medical Corps.
23. An act regarding imports.
24. To provide for additional marshals and district attorneys.
25. Another act regarding the better establishment of the Army.
26. To prohibit the sale of liquor in the District of Columbia to soldiers in uniform.
27. Another act regarding revenue.
28. Another act regarding the Military Establishment.
29. An act against piracy.
30. Another act regarding increase of the Navy.
31. Another act providing for appropriations for the naval service.
32. To provide for fortifications, etc.

The Thirty-seventh Congress also passed many minor bills in this session of less than a month and had adjourned. They wasted no work on a bill like this rivers and harbors bill, which should not be brought up until the winter session.

The "pork barrel" known to Congress, which in the aggregate carries a large sum of money and distributed among congressional districts on the principle, apparently, of the "if you tickle me, I'll tickle you." As one of the Philadelphia papers put it last session:

In most sessions there are two pork barrels. One contains juicy hunks of appropriation pork for rivers and harbors. The other contains—in most cases—pap for nice little Congressmen who have influence to demand and receive all sorts of public buildings in all sorts of towns of their districts. The abuses which have crept into these two pork barrels have been extremely serious. Mud flats have been dug out for the benefit of catboats. Expensive buildings have been erected out of all proportion to practical requirements.

I do not remember at this time which particular paper made these editorial comments, but I think it was the paper for which the gentleman from Philadelphia [Mr. MOORE] writes some articles occasionally.

Congress will eventually have to adopt a better policy than the "mutual-tickle" policy that we now have, and we might as well begin now. We will have to "blacklist" the foolish projects—to put it mildly—that have been eating up millions and millions of money simply because Members of Congress think that they are judged and rewarded according to the "hunks of pork" they can land for their districts.

Ports that have and rivers that have, and can be improved to produce, substantial commerce should receive all the help that they need. But these ports and these rivers will not get the support they deserve until waterless rivers receive no more money and "trout streams are given back to the trout."

It is not necessary to "bring back the bacon" in order to satisfy the people of your district that you are looking after their interests. People are not such fools as many people think they are.

Senator KENYON expressed the right kind of sentiment when he said a year ago:

Your motto is "Let the people squeal." Mr. President, if the price of holding my seat in this body is to vote for bills of this kind, the seat may go. If getting appropriations for my State is getting the essential thing for my people, then my usefulness to them in this body is ended.

Some day a Congress will be here that will not consider those the greatest statesmen that can get the most out of the National Treasury. Some day a Congress will think along National lines and not along State and district lines. And that day is coming just as certain as to-morrow's sun.

We are beaten perhaps in this preliminary skirmish, but this is not the end of the fight. We appeal our case from a Congress drunk with extravagance to a people sober, meditative, and very discriminating.

Let us examine a few of the items in this "war" measure.

ALTAMAHA, OCONEE, AND OCMULGEE RIVERS.

These rivers, with the high-sounding names, are old friends. The following quotations from pages 6417–6418 of the CONGRESSIONAL RECORD of April 6, 1916, illustrates pretty well how out of place the rivers—so-called by charity—would be in a real war measure:

Mr. TREADWAY. I congratulate the gentleman on his facility in pronouncing these names, which he has evidently acquired by long practice. I can not swing my tongue around them. But I want to refer to the report of the hearings before the committee. The chairman of the committee [Mr. Sparkman] the other day offered some criticisms or references to my speaking about shallow rivers. This is one of them. The witness appearing before the committee was Mr. Walter De Four. He stated:

"The shallow water made it necessary for us to get together all the information that it was possible to get and then, in addition to all the information we could get from the outside, to apply a little ingenuity of our own and develop a boat about which Mr. Long will tell you later on—a boat with which we are able to navigate the river. We can now navigate this river, which is something we were never able to do before, notwithstanding the fact that the people of Macon had spent more than $100,000 in the building of boats."

The gentleman from Minnesota [Mr. SMITH], who sits by me, suggests that they could navigate the boat a great deal better if they put wheels under it, because then they would not need any water at all for the keel and the rudder.

Then Mr. De Four goes on to say:

"That boat is now in actual operation."

Think of it, gentlemen, a wonderful advance. They are asking Congress to appropriate money for these high-sounding names, and there is actually a boat in operation on the river, by the testimony of a gentleman who appeared before the committee.

Then he goes on to say:

"When we appeared here in 1914 we promised to build a boat and put it in operation on the river if given the necessary appropriation. We did not give up, but we have built the boat." [Applause.]

A wonderful event! Further description of the boat:

"In building this boat and operating it since July 20 last, we have learned more about navigation than we knew when we undertook to build that boat." [Laughter.]

They learned considerable about navigation.

"As the result of that, we now have in process of construction a boat that is built on even higher scientific principles and more advanced theories than the former one. With the information about this boat which Mr. Long will be able to give you later on, you can go back home to your people and assist them greatly in the navigation of the waters throughout their territory. I would like to impress upon the members of the committee that what we have done is the best that we could do under the conditions. We were forced to do something, and usually a man can do something when he is forced to do it."

This is the kind of an item by which this bill secures the reputation of being "pork." [Laughter.]

Mr. HUMPHREY of Washington. Mr. Chairman, I did not intend to take part in the discussion of this particular item, but inasmuch as the gentleman from South Carolina objected to the continuation of the description of this boat by the gentleman from Massachusetts I think the committee ought to have the benefit of it. We are asked to appropriate $53,000 a year to keep this boat running.

I want to read a little further description of this boat, given by one gentleman who appeared before the committee. He said:

"There is not a piece of wood in this boat as big as your lead pencil, except what went into the screens to keep the mosquitoes from biting the crew and what went into the construction of the ice box." [Laughter.]

Here is another thing about this wonderful boat for which they want $53,000 a year to run:

"We were just as careful about the installation of the power in this boat as we were about the boat itself, because we realized that that is the heart of the boat. If we made a mistake in the installation of the parts, the whole structure would be a failure. We investigated every engine made in this country, and I regret to say that we had to select a European article to put in that boat because of its superiority. We selected a Bollinger engine, manufactured at Stockholm, which required 28 cents an hour to run.

"We put an electric plant on this boat. We can blow a horn, or rather a whistle, by electricity, and do various other things. [Laughter.]

"We have a number of conveniences, and so on. Our boat carries 83 tons on a 30-inch draft, 160 tons on 48 inches. We can load that boat down as low as 54 inches. When those photographs get back to me I will go into detail, because there are some points that are very important. It requires a crew of 10 men on this boat to run it night and day. We do run it night and day. By the way, it is the first boat that was ever installed on that system of rivers that runs night and day. It is the first boat that ever made the trip between Hawkinsville and Macon in less than 40 hours' running time.

"We have solved the problem of navigating water less than 4 feet in depth without a shadow of doubt." [Applause and laughter.]

On page 168 of the report of the majority of the committee we find the following comparative statement regarding the commerce on the Altamaha and the Oconee, and on page 169 we have figures regarding the Ocmulgee:

ALTAMAHA.

	Short tons.	Value.
1914	103,306	$1,896,363
1915	76,763	967,205

OCONEE.

1913	10,440	$574,125
1914	38,242	[1] 1,509,975
1915	41,923	484,091

OCMULGEE.

1913	28,474	$1,388,260
1914	28,063	1,484,645
1915	33,645	1,127,558

[1] Marked difference in value of commerce for 1914 and 1915 is on account of classified freight reported as general merchandise in 1914 and an overestimate of the value of the same.

The committee majority report further states:

Amount expended on all projects from Aug. 14, 1876, to June 30, 1916:

New work	$809,398.34
Maintenance	221,917.21
Total	1,031,315.55

Project started 40 years ago, and commerce on every one of the misnamed rivers was less in value in 1915 than it was in 1913. And yet this is a "war" measure.

ARKANSAS RIVER.

Of this river it was said a year ago, "which Army engineers have, within the past year, recommended for abandonment." The bill carried $35,000, instead of the $200,000 recommended a year ago.

THE BIG SANDY.

Why does the Big Sandy not have a place in this war measure, or is it covered up under an assumed name in this bill? It certainly is just as much entitled to a place in this war measure as some of the other items in it. From what the gentleman from Wisconsin [Mr. FREAR] said on January 13, 1916, on page 1137 of the CONGRESSIONAL RECORD, it certainly ought to have its share. The gentleman from Wisconsin then said, in part:

"Big Sandy costs $11 per ton-mile.

"Actual commerce costs the Government $350 per ton.

"Big Sandy 'commerce' in 1913 reached 172,403 short tons, but 172,126 tons, or over 99¾ per cent, consisted of logs, ties, and lumber that floats. Just 277 tons of miscellaneous commerce floated 33 miles in 1913. Counting interest on $1,717,811 now invested, with depreciation included, at 4 per cent, and a reported annual maintenance of $31,998, the cost to the Government for floating 277 tons of actual commerce 33 miles in 1913 was $100,678."

Engineers quote tables on page 2817, but the following table can be easily understood by those who pay the bills:

Total actual commerce, 1913	tons	277
Average distance floated	miles	33
Actual 1913 cost to Government on investment		$100,678
Actual cost to Government per ton		350
Actual cost to Government per ton-mile		11

The Big Sandy was exploited by Army engineers and local interest in order to provide transportation for coal and other "undeveloped resources." It is the same specious argument, supported by the same engineers' estimates, which to-day are given for the Muscle Shoals, the Coosa, Black Warrior, Kentucky, Cumberland, Tennessee, and scores of other worthless canalization projects. The Big Sandy was sure to float millions of tons of coal every year; that was the promise. After 35 years and $1,717,811 spent in development only 12 tons of coal were floated in 1913, and that coal was for Government purposes. This is a worse record than is shown by the Hennepin Canal, to which reference will be made. Have I made good the statement that the 10 condemned projects named in the 1915 bill are not the worst that Army engineers recommend?

How engineers have reveled in Treasury millions and how Congress has been duped by men who have furnished a "waterway" that is now floating commerce at a cost to the Government of $11 per ton-mile!

BRAZOS RIVER.

The last bill carried $390,000 for our old friend, the Brazos River. "Only 1,080 tons of commerce was floated in 1913."

When another bill was up—it was not called a "war" measure then, however (although a rose by any other name would smell as sweet)—the Detroit News made the following comment: "The river and harbor bill will cost the Nation about $39,000,000, and special taxes are being suggested; but citizens of Michigan can find joy in the news that the Brazos River, in Texas, is to be made navigable for shallow-draft mud turtles for at least three months a year."

When the previous bill was up, about a year ago, the gentleman from Texas [Mr. CALLAWAY] (p. 6495, CONGRESSIONAL RECORD, Apr. 7, 1916) made the following comments on the Brazos, Trinity, and Red Rivers:

Mr. CALLAWAY. Mr. Chairman, I am acquainted with the Brazos River. I and mine have been acquainted with it as long as Mr. Guyler, and we know it nearly as well. Our friends from Texas, if they do not get appropriations for the Brazos, Trinity, and Red Rivers, would not vote for the intercoastal canal. [Laughter.]

Let us look at the Brazos. As I said when I was talking about the Trinity, I am not partial to the Brazos. It is as good as many other projects in the bill. It is as good as the Trinity, and they look alike. They are both infinitely better than the intercoastal canal.

From the mouth of the Brazos to old Washington we have spent $425,462.15. From old Washington to Waco, the present head of navigation—from old Washington to Waco we have spent up to the present time $1,350,654.74.

Mr. TREADWAY. Will the gentleman yield?

Mr. CALLAWAY. Yes.

Mr. TREADWAY. Has the gentleman any explanation of what we have got for the amount we have expended?

Mr. CALLAWAY. You had a Congressman here for 18 years. [Laughter.] My colleague [Mr. HENRY] could say, like the gentleman from Missouri [Mr. BORLAND] of the Mississippi River, that he knows it is navigable because he has navigated it time and time again to Congress. [Laughter.] Now, we have expended up to the present time on these sections $1,776,116.89, and we are asked to appropriate $215,000 additional on that proposition, making $1,900,000, in round numbers, that we have spent on the Brazos River up to the present time. Let us see what they say about the commerce. The Engineer's Report says:

"No freight is now carried on this section of the river. There can be no commercial effect of the improvement until it is completed."

Mr. Chairman, it is estimated that it will cost about $10,000,000. They have been at work on it for 15 years. They have spent up to the present time about $2,000,000. In 15 years if they have spent $2,000,000, and no traffic can go up the river until it is completed, and if we work in the future as we have in the past we will spend $10,000,000 in five times 15 years, or 75 years, from the time it was begun, or 60 years yet.

About the same proposition applies to the Trinity. It is estimated to cost $10,000,000, and, according to the way they are working at it, it will take 41 years yet to complete it.

Children of the men who are getting the appropriation for the river may see this project completed. A large part of the time there is no water in the river to furnish navigation even if they had locks and dams.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. CALLAWAY. Yes.

Mr. MADDEN. Does the gentleman wish the House to understand that there is no water in either the Trinity or the Brazos?

Mr. CALLAWAY. Oh, there is some water. You can find water at times. [Laughter.] Here is an interesting letter concerning the Brazos put into the RECORD April 7, 1916, by the gentleman from Wisconsin [Mr. FREAR]. The writer, Mr. Guyler, is president of a bank, as well as vice president of other banks, and connected with other business interests:

WALLIS, TEX., *January 26, 1916.*

Hon. JAMES A. FREAR,
Washington, D. C.

DEAR SIR: Noticing in the press your attitude respecting appropriations toward improvement of various streams and more particularly those applying to the Brazos and Trinity Rivers of Texas, I felt constrained to write you expressing my complete approval of your course. I am a native Texan, born and raised within 2 miles of the Brazos River; am 50 years old. My father and myself have owned land bordering on the Brazos for 58 years. I now own one tract which borders river for about 3 miles. I beg your pardon for mentioning these items. It is done to evidence my familiarity with the subject. The Brazos is an alluvial-banked stream; easily caves in banks. The work the Government has done and is doing is so utterly useless that it is contemptible and farcical, and apart from the absolute, complete, total, utter waste of such appropriations; engineers have made regulations which are costing the people along the banks of said streams large sums of money.

I will mention two. If I should put in a ferry, I have to raise my cable 60 feet above low water; 40 feet ordinarily would do. This additional height necessitates longer cables and stronger and more costly posts for elevating. The same applies to bridges. It has cost the people of Fort Bend County at least $40,000 excess to erect four bridges across the river, and this same expense will apply to every bridge and ferry from the mouth to Waco. The reason given for this is to allow height sufficient to clear steamboats. Now, I have lived on Brazos for 50 years and my father since 1858, and never in all that time has there ever been a steamboat either up or down, except the Government snag boat and possibly one or two small gasoline boats sent out by Waco boosters to prove the navigability of the stream. I am not a civil engineer, but I believe it would be cheaper to dig a canal from the Gulf to Waco than attempt to deepen the Brazos; and if an honest, capable engineer would investigate, without being wined and feted by those interested, it would be overwhelmingly defeated. Our politicians seemed to be governed by those who make the loudest noise, and the common people have no horns or bands or champions.

I wish you every success. No patriotic American can continue to support such heartless graft. We educate our children that it is proper and commendable to steal from the Government. You are welcome to use my name.

Yours, respectfully, R. W. GUYLER.

Now, Mr. Chairman, I would suggest to the people of Texas that here is an honest man, a man who shows statesmanship, for his home country, and will be a good candidate, in view of the vacancy which may occur, as I am informed, in that district. [Applause.]

COLD SPRING ISLET.

When I looked through the index of the majority report I thought that our old friend the Cold Spring Islet was not in this "war" measure, but finally found it, being "grouped" with some other items.

When the bill was up a year ago my colleague [Mr. MCLAUGHLIN of Michigan] made the following remarks regarding Cold Spring Islet—he was then quoting the words of Col. Lockwood, of the Corps of Engineers: "The project of improvement if carried to completion will be of material benefit to the city of Cape May as a pleasure resort by filling the adjacent swamp lands, obliterating mosquito-breeding beds, and furnishing opportunity for expansion for building sites."

My colleague further states: "We find also in the report made by Capt. Flagler, of the Corps of Engineers, the following statement concerning this project. The report says that it 'would also permit a resumption of the yacht races that were at one time sailed on Cape May and formed the most attractive event of the season. The Cape May cup, an international trophy, is now sailed for at New York. Together with the projects in real estate improvement at Cape May, the establishment of a secure harbor would, I am sure, largely increase the present patronage of summer visitors at this locality.'"

CONGAREE RIVER.

Now, just a few words regarding the Congaree. According to the report of the Army engineers for 1916, there was only one boat—an old stern wheel at that—on this "war" river in 1916. As there were three in 1914, two in 1915, one in 1916, the chances are that even the poor lone "one" has gone to the scrap heap by now, 1917.

According to page 154 of the majority report, the "commerce" declined from 6,077 tons in 1914 to 4,324 tons in 1915; also, according to report, same page, there has been spent $626,117.97 by the Government on work and maintenance.

GUADALUPE RIVER TO VICTORIA, TEX.

This item seems to have as much place in this war measure as some others.

The commerce on this river was 109,823 tons in 1913 and only 63,110 tons in 1915. Value of commerce was $64,701 in 1913 and only $36,040 in 1915.

Report of the majority of the committee, page 299, says in part: "Snags and overhanging trees have been removed, but each freshet brings in additional obstructions." The Texas Legislature ought to pass a law forbidding rain in the vicinity of the Guadalupe.

The report further states: "Sand and gravel are the principal items moved over this waterway." Eliminating the amount dredged by the Government, I wonder how much "commerce" would remain.

In talking about this and some other Texas projects, Senator Burton said two years ago: "I think they are so rank that they smell to heaven, some of them; I really think I could prove to any dispassionate audience that such is the case." Two hundred and seventy-six thousand nine hundred and seventy dollars and fifty-eight cents has already been spent on this "project," and it is crying for more.

MISSISSIPPI RIVER FROM THE MOUTH OF THE OHIO TO THE MOUTH OF THE MISSOURI.

This war measure seems to carry $350,000 more for the above. It was stated by Senator Burton at one time that this project has received more money than Germany had spent on the entire Rhine. While the Rhine has more than 40,000,000 tons of commerce annually, this 200 miles of the Mississippi has not more than one-half of 1 per cent of that amount.

In the Sixty-third Congress Senator Burton stated that it would cost more than $17,250,000 to complete this "improvement."

MISSOURI RIVER.

This bill carries an appropriation of over a million dollars for the Missouri River. I understand that it will cost a million dollars a year to maintain. From the debate on this item a year ago I doubt whether we will ever receive any substantial returns from the money expended.

NORFOLK-BEAUFORT.

It appropriates $100,000 more for the "never-to-be-forgotten and indefensible Norfolk-Beaufort farce."

NORTHEAST RIVER, N. C.

On page 141 of the majority report on this war measure we find commerce for the calendar year 1914 was 128,518 tons, and for 1915 it was 68,116 tons. "War is hell," all right.

OHIO RIVER.

The bill also carries $5,000,000 for the Ohio River, although the commerce of the Ohio is less than 2 per cent of the commerce at New York Harbor.

In the Sixty-third Congress Senator Burton stated that it would cost $51,057,000 to complete this project.

OKLAWAHA RIVER, FLA.

This war measure also contains proposed appropriations for the Oklawaha River, about which the gentleman from Wisconsin, in his minority report in the last Congress, said, in part: "In this time of financial stringency with the Government, what words can sufficiently condemn the new Oklawaha project with $27,000 annual maintenance, counting interest, to serve 1,760 tons of 1915 'commerce,' or the $47,000 Kissimmee Creek new project, both of which were stricken from the 1914 bill by the Senate committee after they had passed the House that year?"

If the river had no place in a bill last year when we had no such large war expenses, it has even less excuse for being in a bill this year. Commerce in 1915 was not half as large as it was in 1913.

OUACHITA RIVER.

The Ouachita River is another project that received favorable mention in this bill.

The gentleman from Wisconsin [Mr FREAR], in his speach of 1916, January 13, describes this river as follows: "Curiously, no mention is made of present commerce in volume 1 of his reports, so volume 2, page 2362, was examined to ascertain present conditions. There it is learned that the industrious snag boat *Joseph E. Ransdell*, flagship of the fleet, hauled 6,436 different pieces of commerce during the year, in the shape of snags, stumps, and leaning trees taken from the river, United States derrick boat *No. 2* was a close second, with 5,071 more snags, stumps, deadheads, and leaning trees, while over on page 2372 we learn that a 'party of laborers,' in circus tents, collected in 3,333 more snags, stumps, deadheads, and so forth, from the river. To be exact, 14,840 snags, deadheads, leaning trees, and so forth, were rescued from the Ouachita in 1913, and of these Chief Kingman's deforesting of Arkansas reached 6,984 trees."

The tale of the lonesome pine will soon reach Arkansas, although its once popular Arkansas traveler has nothing on the flagship *Joseph E. Ransdell* or other members of the perambulating Ouachita snag fleet, including the circus-tent laborers.

PASCAGOULA HARBOR, MISS.

The committee recommends that the above harbor be awarded $113,000 in this "war" measure. Although $1,318,129.58 has been spent on this harbor in work and maintenance, the commerce seems to be on the decline. According to the report of the committee in its apology for this bill, it says on page 223:

"Commercial statistics.—The total commerce for Pascagoula Harbor during the past three years is given below:

Comparative statement.

Calendar year.	Short tons.	Value.
1913	1,020,938	$7,064,738
1914	604,560	4,557,481
1915	102,851	910,570

The committee gives us no information for the reason for this decline in commerce, to show that Pascagoula is a "live" town, it does give information that "a small municipal wharf has been built at Pascagoula, Miss., by the town of Pascagoula, at a cost of $300." Long live Pascagoula.

RACCOON CREEK, N. J.

Raccoon Creek, according to page 71 of the report of the majority of the committee, had commerce of $1,158,170 in 1913 and only $844,290 in 1915. Work according to the report is 95 per cent completed, so commerce ought to be increasing instead of decreasing.

RED RIVER.

It further carries $55,000 for the Red River, of which it was said in the debate on the last bill, by the gentleman from Wisconsin [Mr. FREAR]—

"On which the actual commerce costs the Government $80 to $100 per ton," and also, "that outside of logs and timber, that floated down, just 5 tons," was the actual commerce of the river.

I note on page 271 of the report of the committee the following comparative statement:

Fiscal year ending June 30—	Short tons.	Value.
1914	26,166	$310,333
1915	47,351	2,939,073
1916	27,325	1,895,867

I presume the drop of over 20,000 tons and over $1,000,000 in value of commerce for 1915 to 1916 is one good reason why the committee says this bill is a "war measure."

The following letter also explains itself:

KIOMATIA PLANTERS' CO.,
Kiomatia, Tex., June 13, 1914.

Hon. Mr. FREAR, M. C.,
Washington, D. C.

DEAR SIR: In the June 6th edition of the Saturday Evening Post the first article in the editorials is one with reference to yourself and your proposed investigation of the waste of the public money on rivers and harbors.

Allow me to congratulate you on the step you have taken and wish you great success in your much-needed probe.

As a Red River planter, one who has spent 20 years on Red River, allow me to say (and it is the consensus of opinion of all my neighbors) that the improvement (?) of Red River this high up by snagboats is not only a farce, but actually detrimental to navigation—were such a thing possible—and to the land on the banks of the river. It is even a joke among the crews of the snagboats themselves. I will not go into figures and dates as to the number of boats navigating Red River, amount of money spent on it, etc., as you have all these at hand. But as for the good it does I can speak. There has not been a boat (except a snagboat) on the river here in six years, and the last one was a booster boat that went to Shreveport to prove that Red River was navigable this high up, and it went down on the biggest rise we have had since 1843. The crews of these snagboats quit at 4 p. m.

I wish you to know that this plantation has actually suffered from the work of the Government snagboats.

These snagboats are all right in their places, but this Simple Simon business is the limit.

I understand the work on the Trinity is even more foolish and wasteful of money.

If this matter is of interest to you, I will gladly get up some more facts for you. At any rate, I would be pleased to have you keep me posted as to the headway you are making in this line.

GEORGE T. WRIGHT.

SCUPPERNONG RIVER, N. C.

Let us see about another item of this great "war measure." On page 132 of the committee report it states that the commerce on the Scuppernong for year ending June 30, 1913, was 27,224 short tons, and for year ending June 30, 1915, it was only 9,448 tons. Committee states reasons as follows: "The decrease in tonnage below that of last year is due to the closing down of a sawmill." If closing down one sawmill would take away two-thirds of the tons of commerce of the river, what would the closing down of another sawmill do? And yet we are informed by the committee that this is a war measure.

TENNESSEE RIVER.

It carries $401,000 now instead of $944,000 in the last bill. At that time it was stated and not disproved that so far as actual commerce was concerned "apart from floatable timber on that river reaches only 200,000 tons, of which 7,800 tons was coal hauled 16 miles."

TRINITY RIVER.

The last bill carried $300,000 for the "notorious Trinity River," although it was claimed by many that it had no commerce and needed artesian wells to furnish moisture. Due to the above facts, I presume, and the further fact that "a Government engineer at one time suggested that artesian wells should be dug to supply water for this stream, and that the ardent advocate of the appropriation should have offered as a possible explanation of this idea at the committee hearing that if the water was flowing underground it might be well to get it above the surface by boring into it," this bill only carried $3,500.

It may be that as a "war" measure some other committee may recommend that we spend several hundred thousand dollars in making it a military road.

This is the river that the gentleman from Texas, Mr. Callaway, spoke of, on page 5659, CONGRESSIONAL RECORD, April 7, 1916, when he said in part:

"Now I say, not because I am partial to my State, but because I wanted to take this thing in a way that anybody could understand that I was not partial in taking it; I was taking it because of the inherent rot in the thing. I first called attention to the projects in my own State, and they rear up on their hind legs and fan themselves with their ears when I say anything about their river. But for the delectation of the House I want to read the engineer's report on one of these rivers for last year.

"The item of work performed is as follows:

"On the Trinity. I said at the outset that the Trinity is as good as the general projects in this bill, and I am not partial to the Trinity—

"Number of miles worked over, 18; snags destroyed, 28—

"That is doing work, is it not? [Laughter.] Stumps destroyed, 4; shore snags cut, 758; trees girdled, 204; quarter boat *No. 1* started at the dam of White Rock Shoals and worked over 11½ miles. Snags destroyed, 68; stumps destroyed, 14; side jams removed, 5; leaning trees cut, 6." [Laughter.]

There was expended during the fiscal year for maintenance of the open-river navigation on the Trinity River the sum of $11,536.68. The total amount expended on these improvements that year was $192,228.58.

Mr. MADDEN. Will the gentleman state whether there was any navigation there?

Mr. CALLAWAY. Why, no; there will never be any navigation there. [Laughter.] But it is not different from the other streams in this project. The report further says:

"The high water of December, 1914, caused a considerable caving of the bank and bed behind and below the north abutment, and a special allotment of $10,000 was received for repairing this damage."

In conclusion, let us devote all the time necessary to "war" bills, all bills necessary to carry this war to a successful and an early issue, and all bills necessary for our people to have all the necessaries of life, and those as cheaply as possible, but let us waste no time in legislation of this kind. [Applause.]

Mr. HUMPHREYS. Mr. Chairman, I would like to ask the gentleman from Illinois [Mr. MADDEN] a question, if he will allow me.

Mr. MADDEN. Certainly.

Mr. HUMPHREYS. If this amendment should be agreed to, would the gentleman then be willing to support the bill?

Mr. MADDEN. Surely. Yes; I am in favor of the bill if the Parker amendment is adopted.

Mr. HUMPHREYS. I will ask the gentleman from Wisconsin [Mr. LENROOT] if that is his view of it?

Mr. LENROOT. If this amendment is adopted, I shall vote for the bill.

Mr. HUMPHREYS. I wonder if there is any other gentleman who has been fighting the bill who will object to it if this amendment is adopted?

Mr. PARKER of New Jersey. This amendment covers only one section.

Mr. MADDEN. With the right, of course, to object to individual items.

Mr. LENROOT. With the right, of course, to perfect the bill by amendment; but I shall vote for the bill on final passage if this amendment is adopted.

Mr. HUMPHREYS. I just want to see if there is some way in which we can get together. I do not want to make any speech.

Mr. PARKER of New Jersey. This amendment could not cover surveys.

Mr. HUMPHREYS. I understand this amendment does not cover surveys. If this amendment should be adopted, my own idea is that surveys would go out. Now, with this amendment adopted, I wonder if there will still be a persistent and determined fight on the bill, or if it will mean that we can pass the bill?

Mr. MADDEN. If the gentleman from Mississippi [Mr. HUMPHREYS] will yield, I would suggest that there may be some items in the bill that ought not to be in it. For instance, I think there are some items in the bill subject to a point of order.

Mr. HUMPHREYS. Undoubtedly there may be.

Mr. MADDEN. And those items ought not to remain in the bill.

Mr. HUMPHREYS. Undoubtedly they ought not.

Mr. MADDEN. But when the bill is finally perfected, if the amendment offered by the gentleman from New Jersey [Mr. PARKER] is adopted, I shall be glad to vote for the bill.

Mr. HUMPHREYS. Let me ask the gentleman this question: Of course what is subject to a point of order goes out, but with a proviso in the bill that the President must first approve them under the terms of this amendment, why should the gentleman object to the other items in the bill?

Mr. MADDEN. For example, if a man was able to prove that a certain item was twice as large as it ought to be, the gentleman would not object to having the item cut in two, would he?

Mr. HUMPHREYS. No; but that opens up the whole bill for discussion again. These items have been passed upon by the committee. And now we propose to leave it to the President, and I want to know, if we are willing to do that, can we pass this bill?

Mr. MADDEN. Does the gentleman mean pass it in the exact form in which it now is or in its final form? In its final form, after we have perfected it, I shall be glad to vote for it with the Parker amendment in the bill.

Mr. HUMPHREYS. I was in hopes we could get some sort of an agreement.

Mr. MADDEN. Does the gentleman mean that we shall vote for the bill blindly?

Mr. HUMPHREYS. No; not blindly. The gentleman has read this bill most carefully, or else he would not have denounced it as he has. He did not denounce it blindly, did he?

Mr. MADDEN. I only denounced the policy.

Mr. HUMPHREYS. The gentleman has investigated only the policy, he has not investigated the items that he has been criticizing. In other words, he has been striking blindly at the bill.

Mr. MADDEN. No; I do not think the gentleman wants to say that.

Mr. HUMPHREYS. We have heard all that many times, and with all due respect to the gentleman I want to know whether there is any chance to get together and pass this bill or if we are to fight on and continue to-day and to-morrow and attempt to put it off until next week. If the proponents of this amendment really mean what they say, why can not we get together, agree to the amendment, and pass the bill?

Mr. McKENZIE. The surveys would go out on a point of order.

Mr. HUMPHREYS. I take it that they would go out if the amendment is agreed to. Now, I am not making this proposition by the authority of anybody; it is on my own hook, so to speak.

Mr. FESS. Will the gentleman yield?

Mr. HUMPHREYS. Yes.

Mr. FESS. As the bill stands I intend to vote against it, but if this amendment is carried I intend to vote for it, reserving the right, as the items are considered, if we can reduce certain items, to make an effort to do it. But if the amendment is carried I will vote for the bill.

Mr. HUMPHREYS. Does the gentleman intend to help any sort of filibuster to prevent voting on the bill; that is, if certain items are not agreed to or certain amendments that he wants?

Mr. FESS. I do not.

Mr. LENROOT. Will the gentleman allow me to say that if this amendment or some such one is passed, I feel very certain that this bill can be passed by to-morrow night. It would eliminate most of the objections.

Mr. HUMPHREYS. And the gentleman would help pass the bill?

Mr. LENROOT. Yes; although I would not want to cut off any legitimate discussion.

Mr. HUMPHREYS. But the gentleman would help put it through, and even if he felt that he did not get his way, he would support the bill?

Mr. LENROOT. Yes.

Mr. HUMPHREYS. How about the other gentleman from Wisconsin?

Mr. FREAR. Mr. Chairman, I never allow another gentleman to put a statement into my mouth. I think this time is profitably taken, and I believe that we are of the same disposition. I want to say to the gentleman that I did not expect to move to strike out a single item contained in the bill, and I do not intend to delay the action upon it, although I have done so in the past. I desire very much to have something similar to this proposition placed in the bill. I have a motion to recommit, which is stronger than the amendment of the gentleman from New Jersey, and I would gladly support the bill if that were placed in it. It goes further than the amendment of the gentleman from New Jersey. I can not see how any gentleman on the other side of the House would object to the proposal to recommit.

Mr. COOPER of Wisconsin. Will the gentleman from Mississippi permit a suggestion?

Mr. HUMPHREYS. Yes.

Mr. COOPER of Wisconsin. Before stating it I want to read the amendment as proposed by the gentleman from New Jersey:

Provided, That during the continuance of the present war no money shall be so expended except for necessary repairs and preservation of existing public works, or for the construction and completion of works of immediate military necessity, to be determined by the President.

Do not gentlemen think that if anything of this kind is to pass it ought to read this way:

For the construction and completion of work of immediate military or commercial necessities, to be determined by the President.

Mr. PARKER of New Jersey. The word "military" covers every war necessity.

Mr. HUMPHREYS. My opinion is that the word "military" covers a multitude of sins.

Mr. COOPER of Wisconsin. Does the gentleman from Mississippi understand that a military necessity would include preparations for a war 3,000 miles away involving the improvement of a river out in the middle of the continent?

Mr. HUMPHREYS. Yes; I think that well might be, and I will tell the gentleman why.

Mr. COOPER of Wisconsin. I have heard of the latitude of construction, but that is the widest latitude I ever heard of. [Laughter.]

Mr. HUMPHREYS. I am a latitudinarian when it comes to construction. [Laughter.] Here is the reason why I think that might well be held by the President. Not counting the big rivers like the East River, the Delaware, the St. John, the Passes of the Mississippi, the Ohio River and rivers connecting the Great Lakes, eliminating those and taking all the other little rivers throughout the country, they carried last year 135,000,000 tons actual floating commerce. That would take, as I calculate it, 135,000 loaded freight trains. Now, with the tremendous necessity that confronts us for transportation facilities, and which necessities will grow as the days pass by, I can well see that the President might conclude that this, that, or the other river, although it might be in the interior, was performing such a useful function in the transportation of various products of the country needed in the war as to be a military necessity. That we propose to leave to him. So I can see no reason why the President should not conclude that any river in the country, it matters not where it rose or where it emptied, might come within the limits prescribed by this amendment of a military necessity. Now, if we can agree and all get together on that proposition and pass this bill it would be much better than to proceed with what—without attributing motives to anybody—what appears to be a determination to prevent a vote on this bill at all.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREYS. Yes.

Mr. LENROOT. I entirely agree with the gentleman's construction, but let me give the gentleman an illustration of what could not be a military necessity within that definition. For instance, let us take the construction of a dam, which could not be completed for several years—long after this war would be over.

Mr. COOPER of Wisconsin. When is the war going to end?

Mr. HUMPHREYS. The question would naturally arise then, "When is the war going to end?" There being few prophets here, and perhaps still fewer sons of prophets, we would find difficulty in finding a man who would give the answer, so that it would be left to the President of the United States.

Mr. FESS. Mr. Chairman, the suggestion made by our colleague from Mississippi [Mr. HUMPHREYS] is a good one, it seems to me, because it relieves the individual membership of the committee from the charge that they are voting against the bill simply because they are opposing river and harbor legislation. Having voted against the river and harbor bills for the last two sessions, I fear that I would fall in that class. That is not true. I believe in waterway transportation wherever it can be made a profitable project. I have always believed in it, but there seems to be something in the character of legislation in this omnibus method that leads to compromises, and I do not like to be compelled to vote for a measure that contains numerous items which I do not approve in order to vote for measures which I do approve. This omnibus legislation does that sort of thing. I would have to vote for needless items I do not approve in order to get a measure containing items that I do approve. In other words, I do not like the log-rolling method or the "scratch my back, and I will scratch yours" method. That is why I have opposed these bills for the last two sessions. Now, in the midst of war, if the administration authoritatively would say to this committee that this bill or these items in the bill are of present military necessity I would even surrender my own individual judgment and vote for the measure, if recommended on that basis; but as an individual member of the committee I do not want to take the statement, generally made that we are bringing it in as a war measure, when really we know that much of it is not a war measure. I now state that if this amendment be adopted I should want to have the privilege of voting against the individual items of the measure as they would come up, or at least to amend them; but whether the items were modified or not I would not oppose the whole bill when it comes to a final vote. I shall vote for the measure when this committee limits the expenditures to military necessity. In case the committee refuses to accept this limitation I shall be compelled to vote against the bill when it comes up for a final vote.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. COX. This amendment puts it squarely up to the President of the United States to determine when a military necessity exists.

Mr. FESS. Yes; it certainly does.

Mr. COX. Then, does not the gentleman feel, knowing the membership of this House as he does, that practically unanimously every Member of the House really wants to support the President in this war?

Mr. FESS. Yes; I think so; and I believe if we can agree on something of that sort, this legislation would go through at once without any compromising statements.

Mr. COX. And let the President himself determine?

Mr. FESS. And put the responsibility where it belongs. If there be a military necessity, there is not a man in the House who, when so convinced, would not vote for the measure, but we do not want Members to say that it is a military necessity when we can not find any authority from any proper sort that it is.

Mr. COX. There has been nothing in the bill up to this hour showing its military necessity.

Mr. FESS. That is true. Not a word thus far to place this legislation in that class.

Mr. HUDDLESTON. And this discretion vested in the President will terminate with the war?

Mr. FESS. Yes.

Mr. HUDDLESTON. Hence, if there are iniquitous provisions and propositions in the bill, we are approving them and putting them on foot, although temporarily we stay them during the pendency of the war. Take, for instance, the proposition of this Delaware & Chesapeake Canal; that does not smell good to some of us.

Mr. COX. But that is going out on a point of order.

Mr. FESS. But suppose the administration should say that it is a military necessity? I would be inclined in that event to vote for the measure, even though I might question it.

Mr. Chairman, we were called into special session because of the imminence of war. We at once, under the leadership of the President, entered upon necessary legislation. The Democratic Party, in control of the Government and responsible for legislation, by caucus action limited all legislation to war measures. This program has been respected in the main until this legislation came to this House. The proponents have attempted to classify this measure as a war measure. Every man knows that it is not such a measure. This amendment proposes to give the President authority to eliminate such items as are not for military purposes or to assist in the prosecution of the war. If the proponents are sincere, they will accept this amendment. If they reject it, there can be but one interpretation, that it is not a war measure, but simply an effort to include under the excitement of war all sorts of projects which, if standing alone, would have no chance whatever to pass this House. My vote on this measure depends upon our action on this pending amendment.

Mr. LENROOT. Mr. Chairman——

The CHAIRMAN. The gentleman from Wisconsin.

Mr. SMALL. Does the gentleman from Wisconsin desire recognition?

Mr. LENROOT. Not if the gentleman is going to accept the amendment.

Mr. SMALL. Of course, the gentleman will not accept it.

Mr. LENROOT. Mr. Chairman, the supporters of this measure, especially the chairman of the committee, say that this is a war measure. If this pending amendment is adopted, it will make it such, but it is very apparent that most of the supporters of the measure are not willing to have it tested by their own standard. They say this measure has been approved by the President of the United States and the Secretary of War as a war measure. If that is so, why are they not willing to let it go back to the President and let him approve items specifically as items of necessary maintenance, or for the carrying on of the war. Their very opposition to this amendment casts a most serious reflection upon their good faith in attempting to make this House believe that this measure as it stands is a war measure. As a matter of fact, Mr. Chairman, there are items in this bill now that the Chief of Engineers has never attempted to defend as a war measure, nor anyone connected with the War Department, as shown by the hearings. I can not take the time now, but in three of the largest projects in this bill, amounting to $7,000,000, namely, the Missouri River, the upper Mississippi River, and the Ohio River, Col. Newcomer, the only representative of the department appearing before the committee, said that the reason the War Department had not eliminted them was because they had supposed that Congress had pledged itself to complete the improvements within a certain number of years. There is not a line of testimony that shows that that $7,000,000 of expense is necessary as a case of military necessity. Gentlemen speak of the upper Mississippi River involving an appropriation of $1,200,000, and other gentlemen speak of the necessity of further improving the river, citing us to the River Rhine in Germany. On the 8th day of last month Gen. Black, in a speech made in St. Louis, placed in the RECORD the day before yesterday, said that the Mississippi River to-day, without another dollar's worth of improvement, is better improved than the River Rhine is in Germany. Yet what commerce is there upon it?

Mr. Chairman, you upon that side of the aisle, who by your caucus have resolved to confine yourselves to war measures at this session, are in duty bound, if you believe in the judgment of your caucus, to vote for this amendment, which will make it a war measure, and will not work any injury to any existing river and harbor. The chairman of the committee says the President has approved this. If that is so, the amendment can do no harm. The most distinguished advocate of the bill on this side of the aisle, the gentleman from Pennsylvania [Mr. MOORE], says that if this amendment is adopted we will ruin the rivers and harbors of this country. Ah, Mr. Chairman, I think the gentlemen know full well that if the President of the United States passes upon each individual item upon the recommendation of the Secretary of War, as he will, he knows that the $28,000,000 of this bill will be reduced many millions of dollars. And that is why they are afraid to leave it to their own President, the President of the United States. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Maine [Mr. HERSEY] is recognized.

Mr. HERSEY. Mr. Chairman, I wish in the five minutes allotted me to place myself right. I am a new Member of this Congress. I have witnessed for the first time, of course, the making of a river and harbor bill. At the present time I stand in favor of this amendment, for two reasons. There is a project in it for my State—the deepening of Portland Harbor—which I consider one containing the most merit of any in this bill. [Applause.] And yet if this bill comes up to a vote as reported from the committee, even with the Portland Harbor appropriation in it, I must vote against it. [Applause.] I can not retain my self-respect, I can not longer remain a Member of this Congress and vote for the bill. Why, the other day, in the discussion of this bill under the general debate, one gentleman rose here on the floor—an old Member of Congress—and objected to certain appropriations to be made in the bill because, he said, they were wasteful and extravagant, and he objected to them on that ground. A Member who supported one of the largest appropriations in this bill sprang to his feet and said to him, in substance, "Did you not vote for a pork-barrel bill in such and such a Congress?" "Yes." "You are a great reformer! Sit down." And he sat down. If I vote for this bill as it comes from the committee in 1917, when the next bill comes up in 1918, the annual pork barrel, I will be silenced. It depraves and debauches this Congress to pass the ordinary annual pork-barrel bill in the way you have been doing it here. It debauches the conscience of the people at home. Down in my State I am flooded with telegrams, day and night, asking me to support this bill, no matter how bad it is, in order that Portland Harbor may get what it ought to have.

From my place on the floor of this House I look through the open door into the press room, and I see there a large picture of the President, and underneath it are the words, "Stand by the President." I have seen that picture every day that I have been in this Congress. I have stood by him to the present, and I want to stand by him now. April 16 last he said in his memorable address to his fellow countrymen, "This is a time for America to correct her unpardonable fault of wastefulness and extravagance." I am willing to put it up to the President. I want to stand by his admonition to correct wastefulness and extravagance. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

The gentleman from Illinois [Mr. GALLAGHER] is recognized.

Mr. GALLAGHER. Mr. Chairman, there has been a reference made here to the amount of opposition apparently against this bill. Now, is it any wonder that there is opposition, and general opposition, to this bill, inasmuch as the bill is brought here under pretenses that are not facts? The men who are promoting the passage of this bill pretend it is a war measure, when every thinking man in this House knows it is not a war measure.

Reference was made also to the fact that this House passed a bill the other day to bring from retirement certain engineers of the Army. It is in evidence that the engineers now in charge of this work are demanded in other sections and in other ways. And so it might be said of the men that are brought in from retirement. The fact that this is proposed as a war measure can hardly be justified, and such an amendment as the amendment of the gentleman from New Jersey [Mr. PARKER] gives the President the right to say whether this is a war measure or not. Why, the people who brought in this bill here say it is a war measure because it has the indorsement of the Secretary of War. Well, if it has the indorsement of the Secretary of War, there is no reason why they should object to the amendment offered by the gentleman from New Jersey, because it puts it squarely up to the President to say whether this is a war measure or not.

A bill was passed here the other day for the purchase of the Jamestown site. It had the indorsement of the Secretary of the Navy. The House would not pass or favor the passage of that bill until it was put up to the President to say whether it was a necessity or not and that the price was right. That bill carried but a small amount of money in comparison with the bill that we now have under consideration. Why, to hear the people who are in favor of this bill talk, it would lead us to believe that the rivers are going to cease to flow if this bill does not pass; that all the boats were going to disappear from the rivers; and that in face of the fact that it has been established here that there is $32,000,000 in the hands of the engineers now for the purpose of prosecuting this work; and that they can not possibly spend more money than that this year. Next year a bill will be brought in here for river and harbor improvements, and that

is the time to debate this question as to whether it is necessary to make river and harbor improvements or not. Members should understand, when they realize the condition of the finances of this country, when everybody is being taxed to death to get the money necessary to carry on this war, that the proposed appropriation of $26,000,000 in this bill is absolutely unnecessary at this time.

The CHAIRMAN. The time of the gentleman has expired.

The gentleman from Nebraska [Mr. REAVIS] is recognized.

Mr. REAVIS. Mr. Chairman and members of the committee, I have always been very greatly in favor of legislation with reference to those rivers and those harbors that are a material factor in the commerce of America. I have always regretted that river and harbor bills are presented here year after year carrying items whose legitimacy nobody will defend—so obnoxious are they that I could not support a bill which carries them.

I should be glad indeed to vote for the present bill if the amendment of the gentleman from New Jersey [Mr. PARKER] becomes a part of that measure. I realize that according to the letter of the Secretary of War, this bill has been indorsed by this administration as presenting projects necessary to the national defense. But, gentlemen, there is a vast difference between recommending somebody else to do something and the doing of that something yourself. There is a vast difference between signing a petition for proposed action and performing that action yourself. My judgment is—and if it were not so I would not vote for this bill even with this amendment—that when the responsibility of acting upon these projects is put upon the President of the United States, he will by the very force of that responsibility cut out of this bill those projects that are not necessary to the national defense. When the responsibility is placed upon him, acting under that responsibility, there are many items in this bill which in my judgment will not meet his approval, notwithstanding the recommendation of the Secretary of War.

Gentlemen of the committee, I grow a little apprehensive at times as to just what is going to happen to this Nation in the next few years. We are the richest people on earth, and we are very fond of boasting of that fact. But there is a limit to American resources. We have taken over a war wherein most of the powers allied with us are practically bankrupt. If the time should ever come when America should exhaust her resources, and such condition is not impossible, we would have no allies to go to for the purpose of borrowing money. This is the time for economy, though the proponents of this bill do not seem to realize it. We will have in this House next week a food bill, putting into the hands of the President the greatest power that was ever placed in the hands of a ruler during all recorded time. What is the purpose of it? It is to prevent extortion. It is to permit the poor of this Nation to buy their food products at a living price. Where are you to get the millions that you are going to spend on such projects as the Congaree River? Where are you going to get the $26,000,000, a portion of which is to be expended on that stream in Georgia which the gentleman from Georgia [Mr. HOWARD] said he could jump across? You are going to get it by a tax on sugar, on coffee, on tea, on cocoa—by a tax on the necessities of the very poor of the Nation. You have no right to expend money so derived upon some of the projects that are in this bill, even though the Secretary of War says it is a part of military preparedness. [Applause.]

The CHAIRMAN. The time of the gentleman from Nebraska has expired. All time has expired.

Mr. SMALL. Mr. Chairman, the gentleman from Massachusetts [Mr. TREADWAY] desired to ask unanimous consent for a few minutes.

Mr. TREADWAY. I desire to offer a substitute for the amendment of the gentleman from New Jersey [Mr. PARKER].

The CHAIRMAN. There are five minutes remaining, according to the agreement. Those five minutes are reserved by the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. That is true, but I ask unanimous consent that the time be extended five minutes to be utilized by the gentleman from Massachusetts.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

The CHAIRMAN. The Clerk will read the amendment offered by the gentleman from Massachusetts [Mr. TREADWAY].

The Clerk read as follows:

Moved by Mr. TREADWAY, as a substitute for the amendment offered by Mr. PARKER of New Jersey: After the word "named," line 9, on page 1, insert the following: "*Provided*, That no money shall be expended for the items of maintenance in this act until and unless the items are certified to by the President of the United States as necessary, in his judgment, for the commercial needs of the country or for the successful prosecution of the present war: *And provided further*, That no money shall be expended for the items of new projects, surveys, or for continuing improvements until and unless the items are certified to by the President of the United States as necessary, in his judgment, for the successful prosecution of the present war."

Mr. TREADWAY. Mr. Chairman, this substitute is offered by the gentlemen who have signed the minority report as an indication of their desire to pass a river and harbor bill based on the statement as presented to the committee that it was a war measure.

We are willing—I for one am willing; of course I can not bind anybody else—and shall be glad, if this substitute is adopted, to vote for the river and harbor bill, and I think those who are opposed to the bill in general terms will be glad to vote to pass the bill if this substitute is included.

Mr. FESS. Mr. Chairman, will the gentleman yield for a question?

Mr. TREADWAY. Yes.

Mr. FESS. What is the significance of the word "commercial"?

Mr. TREADWAY. The first provision cares for the maintenance of existing projects. We have in course of operation a large number of projects having a maintenance item in the present bill. Now, if in the judgment of the President it is necessary from a commercial viewpoint to continue that maintenance, we are willing that the present projects should be kept to their present commercial value and the depths now available be maintained——

Mr. FESS. Then the word is limited to maintenance?

Mr. TREADWAY. To maintenance only. The gentleman will observe that it does not appear in the second provision.

Mr. HAMILTON of Michigan. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. HAMILTON of Michigan. What is the essential difference between the gentleman's amendment and the amendment of the gentleman from New Jersey?

Mr. TREADWAY. The amendment of the gentleman from New Jersey does not include that feature directly bearing on maintenance. It does not include a reference to surveys and has a little different phraseology when it says, "the immediate military necessity to be determined by the President," whereas we say "the successful prosecution of the war."

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. COOPER of Wisconsin. What has the substitute amendment to say on the subject of continuing improvements?

Mr. TREADWAY. What has it to say?

Mr. COOPER of Wisconsin. Yes; improvements that are now under way?

Mr. TREADWAY. It says that "no money shall be expended for the items of new projects, surveys, or continuing improvements until and unless certified to by the President as necessary" for successfully carrying on the war.

Mr. HUMPHREYS. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. HUMPHREYS. You left out the word "preservation" there. Had you a particular reason for that? The other says "maintenance and preservation of the existing work."

Mr. TREADWAY. Maintenance is always used in bills as presented by the committee. So far as I am concerned, I am willing to include the word "preservation."

Mr. HUMPHREYS. I wondered if you had something particular in your mind.

Mr. TREADWAY. Would it be agreeable to the gentleman from Mississippi to include the word "preservation"?

Mr. HUMPHREYS. I am not particular.

Mr. SEARS. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. SEARS. Does the gentleman believe that all necessary works should stop because of the war and that all our money should be expended abroad?

Mr. TREADWAY. All the money is to be expended in this country. We can not spend any money abroad on works of this nature.

Mr. SEARS. Do you believe that all improvements, however necessary they may be, should stop?

Mr. TREADWAY. The whole matter is left to the President, I will say to the gentleman from Florida.

The CHAIRMAN. The gentleman from North Carolina [Mr. SMALL] is recognized.

Mr. SMALL. Mr. Chairman, we have had a debate here of two hours and one-half or more upon an amendment offered by the gentleman from New Jersey [Mr. PARKER] to follow the

enacting clause of this bill, which proposes to limit all the expenditures in the bill to necessary maintenance items and to such further improvements of projects already adopted, or of new projects as are of "immediate military necessity." The gentleman from Massachusetts [Mr. TREADWAY] thinks he has improved it by a substitute providing for necessary maintenance based upon commercial and military needs, and such appropriations for improvement as are necessary in the carrying on of the war.

Mr. Chairman, if gentlemen believe in a river and harbor bill in a period of war, under proper limitations, the bill reported by the committee is the proper bill to support. Not all but most of the gentlemen who have advocated this amendment have, when speaking upon this bill in general debate, indicated their opposition to any bill whatever at this session of Congress. I am appealing for support to the friends of a river and harbor bill who believe that even in a period of war we ought not to abandon our rivers and harbors. [Applause.]

Mr. Chairman, what is necessary in the successful prosecution of this war? This war has impressed upon us more than any war in past history the necessity of mobilizing all the resources of the Nation—its industries, agricultural, manufacturing, and mining, every industry which produces things that are necessary for the support of the Army and of the people, and which will enable us to extend aid to our allies. What else is necessary besides industrial production? Every intelligent student of economics knows that transportation is vital, and that it accompanies production as a corollary without which production will be of no avail. We have realized that already in this war. The Council of National Defense created a committee on railway transportation, composed of experts in transportation, primarily in railway traffic. They have mobilized the railways of the country until to-day they are operated substantially as one system. The Council of National Defense, recognizing that waterways are also an important and essential instrumentality of transportation, have just within the last two weeks appointed a committee on waterway transportation, composed of eminent students of transportation primarily connected with waterways. I have the names of the gentlemen who compose that committee, if I had the time to read them.

This bill treats of an essential instrumentality of transportation—waterways. Will you build up your railways and neglect your waterways? No less than the chairman of the advisory commission, Mr. Daniel Willard, upon a recent occasion—I think in the organization of the committee on waterway transportation—used these words:

> The railroads of the United States, operated as one system, are carrying more freight than ever before in the history of the country; but when they have carried traffic up to 100 per cent of their capacity there still remains 20, 25, perhaps 30 per cent of traffic which it is impossible for them to carry at all.

I have quoted from a circular communication prepared by the Secretary of Commerce, sent to me, and I presume sent to every Member of Congress, on yesterday, in which the Secretary of Commerce emphasizes the supreme necessity of continuing the improvement of our rivers and harbors and of promoting traffic upon them.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMALL. May I ask unanimous consent for two minutes more?

Mr. GALLAGHER. Will two minutes be enough?

Mr. SMALL. Yes; plenty of time.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that his time be extended two minutes. Is there objection?

There was no objection.

Mr. SMALL. The Secretary of Commerce prepared this for the press, as I said, as emphasizing the supreme necessity of improving our waterways and of promoting waterway transportation upon them. This bill is along that line. Its disposition is with the membership of this House. The majority of your Committee on Rivers and Harbors have endeavored to divorce themselves from sectionalism, from partisanship, from selfishness, and have endeavored to devote the best that was in them to the preparation of this bill.

Believing that such a course would meet with the approval of the House, they consulted the President and the Secretary of War, and your committee at its first meeting resolved that it would include in this bill no item without the recommendation of the Secretary. The President and the Secretary of War formulated the lines upon which this bill should be drafted. They gave directions to the Chief of Engineers to make recommendations coming within those limitations. Then those recommendations were again submitted to the Secretary of War and approved, and then submitted to your Committee on Rivers and Harbors.

This amendment is not necessary. The country is protected and the Treasury is protected.

Mr. DUPRÉ. This amendment is a Trojan horse, is it not?

Mr. SMALL. It seems to be so. The Treasury is protected. The bill promotes an essential instrumentality which we need in the prosecution of this war. And while I am loath to question the motives of gentlemen, the suggestion of my friend from Louisiana [Mr. DUPRÉ] may be appropriate. No friend of waterways, no Member who believes that your committee have endeavored to present a bill limited to the necessities of the country, in the preservation of our rivers and harbors and in the promotion of waterway transportation, ought to hesitate about voting against this amendment and then helping us to pass this bill. [Applause.]

Mr. HULBERT. Mr. Chairman, is it in order to offer an amendment to perfect the substitute offered by the gentleman from Massachusetts [Mr. TREADWAY]?

The CHAIRMAN. It is in order to offer an amendment to the amendment offered by the gentleman from New Jersey [Mr. PARKER] or an amendment to the substitute.

Mr. HULBERT. I send such an amendment to the desk and ask that it be reported.

The CHAIRMAN. Does the gentleman offer an amendment to the substitute?

Mr. HULBERT. Yes.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

> Amendment offered by Mr. HULBERT to the Treadway substitute: Before the words "prosecution of the war" insert "preparation for and."

Mr. LONGWORTH. I ask unanimous consent that the Treadway amendment be again reported.

Mr. BURNETT. And I would like to have the Parker amendment reported.

The CHAIRMAN. Without objection, these amendments will be reported again.

Mr. LENROOT. I should like to ask what the unanimous-consent agreement was with reference to the closing of debate, whether it was limited to the amendment then pending or to any amendments thereto?

The CHAIRMAN. The unanimous-consent request, as the Chair understood, was for 40 minutes on the amendment of the gentleman from New Jersey [Mr. PARKER]. That was extended five minutes to apply to the amendment of the gentleman from Massachusetts [Mr. TREADWAY].

Mr. LENROOT. This amendment is open to debate under the unanimous consent?

The CHAIRMAN. This amendment is open to amendment under the unanimous consent.

Mr. SMALL. I thought that I made the request that debate should close on the amendment and all amendments thereto.

The CHAIRMAN. The Chair did not so understand the gentleman.

Mr. LENROOT. Mr. Chairman, I desire two minutes to say that if the amendment of the gentleman from New York [Mr. HULBERT] is adopted, the entire amendment might as well be defeated, because "preparation for" mean the commencement or the construction of any project the completion of which might take 10 years, and if this is to be a war measure and confined to the prosecution of the war, this amendment that is now proposed ought not to be adopted, and if adopted I want to frankly say that I shall vote against the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. HULBERT] to the substitute offered by the gentleman from Massachusetts.

The question was taken, and the amendment to the substitute was rejected.

Mr. BURNETT. Mr. Chairman, may we have read now the amendment offered by the gentleman from New Jersey [Mr. PARKER] and the Treadway substitute?

The CHAIRMAN. The Clerk will read the amendment and substitute.

The Clerk read as follows:

> Amendment offered by Mr. PARKER of New Jersey: Page 1, line 9, end of the paragraph, after the words "works hereinafter named," insert:
>
> "*Provided*, That during the continuance of the present war no money shall be so expended except for necessary repair and preservation of existing public works or for construction and completion of works of immediate military necessity, to be determined by the President."
>
> Substitute offered by Mr. TREADWAY for the amendment offered by Mr. PARKER of New Jersey: After the word "named," in line 9, on page 1, insert the following:
>
> "*Provided*, That no money shall be expended for the items of maintenance in this act until and unless the items are certified to by the President of the United States as necessary, in his judgment, for the commercial needs of the country or for the successful prosecution of the present war: *And provided further*, That no money shall be ex-

pended for the items of new projects, surveys, or for continuing improvements until and unless the items are certified to by the President of the United States as necessary, in his judgment, for the successful prosecution of the present war."

Mr. DUPRÉ. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. DUPRÉ. If the Treadway substitute should be adopted over the Parker amendment, then the Treadway amendment would come up for adoption.

The CHAIRMAN. That is true. The question then would come on the amendment as amended. The first question is on the substitute offered by the gentleman from Massachusetts [Mr. TREADWAY].

Mr. COOPER of Wisconsin. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COOPER of Wisconsin. Is a motion to strike out the last word now in order?

The CHAIRMAN. It is.

Mr. COOPER of Wisconsin. Mr. Chairman, I wish to say a word, in order to direct the attention of the committee to the fact that the amendment proposed by the gentleman from New Jersey [Mr. PARKER] omits all mention of the continuation of improvements. The gentleman from Massachusetts [Mr. TREADWAY] was careful to include that in his substitute amendment, and therefore I think it is a much better proposition for the committee to adopt than is the amendment proposed by the gentleman from New Jersey. The continuance of improvements is a matter of the utmost consequence to many important rivers and harbors. The gentleman from New Jersey has offered an amendment which simply provides for the maintenance of certain projects, without any provision whatever for continuing improvements. Therefore, I think the Treadway amendment is much better than is the original, to which it is offered as a substitute.

Mr. SMALL. Mr. Chairman, I move that all debate on the pending amendment and all amendments thereto be now closed.

The motion was agreed to.

The CHAIRMAN. The question now is on the substitute offered by the gentleman from Massachusetts [Mr. TREADWAY].

The question was taken; and on a division (demanded by Mr. TREADWAY) there were—ayes 72, noes 104.

Mr. TREADWAY. Mr. Chairman, I demand tellers.

Tellers were ordered; and the Chair appointed as tellers the gentleman from Massachusetts [Mr. TREADWAY] and the gentleman from Missouri [Mr. BOOHER].

The committee again divided; and the tellers reported that there were—ayes 69, noes 111.

So the Treadway substitute was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from New Jersey, Mr. PARKER.

The question was taken; and on a division (demanded by Mr. PARKER of New Jersey) there were—ayes 68, noes 95.

Mr. PARKER of New Jersey. I demand tellers, Mr. Chairman.

Tellers were ordered; and the Chair appointed as tellers the gentleman from New Jersey [Mr. PARKER] and the gentleman from Missouri [Mr. BOOHER].

The committee again divided; and the tellers reported that there were—ayes 66, noes 99.

So the amendment offered by Mr. PARKER of New Jersey was rejected.

Mr. SMALL. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Committee amendment by Mr. SMALL: At the top of page 2 insert the following paragraph:

"Portland Harbor, Me.: For completing improvements in accordance with the report submitted in House Document No. 71, Sixty-fifth Congress, first session, and subject to the conditions set forth in said document, $300,000."

Mr. SMALL. Mr. Chairman, let me make a brief explanation. This is a very important new project for the improvement of Portland Harbor, Me. It was not included in the bill when reported, because at that time the Secretary of War and Chief of Engineers did not have sufficient evidence or the evidence which was in process of being procured at the time was not ready when the bill was reported.

The gentleman from Massachusetts, Mr. TREADWAY, Senator HALE of Maine, Mr. WHITE of Maine, and others of the Maine delegation had the matter up with the British ambassador on the question of whether Canada desired this improvement to be made. I will read and include in my remarks a letter from Gen. W. M. Black, Chief of Engineers, United States Army, to the chairman of the Committee on Rivers and Harbors; also a letter from United States Senator FREDERICK HALE to Gen. Black; also a letter from the British ambassador to Senator HALE:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, May 14, 1917.

Hon. JOHN H. SMALL,
Chairman Committee on Rivers and Harbors,
House of Representatives.

MY DEAR MR. SMALL: I am inclosing herewith a copy of a letter received from Senator HALE, with which he submits a letter from the British ambassador, copy also inclosed, stating that the Governor General of Canada informs the British ambassador that the Canadian Government would be glad to make use of the facilities recommended by the Engineer Department in the way of additional improvement at Portland Harbor; that these facilities will be of great service during the time when navigation on the St. Lawrence is closed; and that they would be of great importance for the successful prosecution of the war. In view of this statement it is recommended that the pending river and harbor bill be amended, if practicable, so as to include a provision adopting the project for the improvement of Portland Harbor, Me., in accordance with the report submitted in House Document No. 71, Sixty-fifth Congress, first session. A proposed form of amendment is inclosed herewith.

Very sincerely,

W. M. BLACK,
Brigadier General, Chief of Engineers.

—

UNITED STATES SENATE,
Washington, D. C., May 14, 1917.

Brig. Gen. WILLIAM M. BLACK,
Chief of Engineers, Washington, D. C.

DEAR SIR: I am sending herewith a copy of a letter which I have received from the British ambassador stating that the Canadian authorities would be glad to make use of the improved facilities in the harbor at Portland, Me., recommended by the Board of Engineers, and also that they would be of great importance for the successful prosecution of the war.

Very truly, yours,

FREDERICK HALE.

—

BRITISH EMBASSY,
Washington, May 14, 1917.

DEAR MR. SENATOR: I have informed the Canadian Government of the provision in the House river and harbor bill relative to improved facilities for Portland Harbor. The Governor General informs me that the Canadian Government would be glad to make use of the facilities recommended by the Board of Engineers of the War Department during the continuance of the war, and that these facilities will be of great service during the time of navigation in the St. Lawrence being closed. They would be of great importance for the successful prosecution of the war.

Yours, sincerely,

CECIL SPRING-RICE.

The Hon. FREDERICK HALE.

The Grand Trunk Railway, which is a Canadian Railway, has fine terminals in Portland.

During certain months of the winter Canadian harbors are closed, and it is desired to use to a large extent Portland Harbor, which is an open harbor, during the prosecution of the war for the transshipment of food and other supplies.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Yes.

Mr. STAFFORD. It is well known that the Chicago & Grand Trunk Railroad is principally owned by British capital, and that so far as improvements are concerned in that part of their system in the United States, they have been rather niggardly in expending money. For instance, in the city of Detroit they enter a large field of manufacturing districts, and yet have done nothing about meeting pressing conditions arising out of the war. We are making this improvement at the request of the Governor General of Canada for the benefit of the Grand Trunk Railway system of Canada and Great Britain. I wish to know whether the committee is considering any proposal to compel them to give better facilities to the American manufacturers located along their lines, because it is well known that they are not giving the needed service to meet the pressing conditions arising out of the war with Europe.

Mr. SMALL. The gentleman is mistaken about its being intended for the benefit of the Grand Trunk Railway.

Mr. STAFFORD. The gentleman just stated so.

Mr. SMALL. I just stated that the Grand Trunk Railway had terminals at Portland.

Mr. STAFFORD. It is generally known by everyone that the Grand Trunk Railway will be the principal beneficiary of the $300,000 that we are proposing to expend.

Mr. SMALL. It does not make any difference by whom the railroad is owned. It is an instrumentality of transportation that we desire to use.

Mr. STAFFORD. I am calling attention to the fact that these British bondholders and stockholders are not spending any money toward the improvement of their railroad in this country to meet the pressing conditions of business arising out of the war, and the merchants in our country are suffering by reason of their niggardly policy, and yet the Government is expending large sums of money for their benefit.

Mr. SMALL. I will say further that this provides for local cooperation to the extent of deepening the berth space for deep-

draft vessels, affording a depth of not less than 35 feet at low water at spring tide. That is a condition of local cooperation which will be quite extensive.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from North Carolina has expired, and the Chair recognizes the gentleman from Wisconsin [Mr. FREAR].

Mr. GALLAGHER. Will the gentleman from Wisconsin yield while I ask the chairman a question?

Mr. FREAR. Yes.

Mr. GALLAGHER. I just wanted to ask the chairman of the committee if all of the important terminals in Portland Harbor are not controlled by the Grand Trunk Railroad?

Mr. SMALL. I am not advised as to that, and I think that is entirely beyond the question. The railroads there, regardless of who owns them, are important for bringing materials from Canada and for transshipment there.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Yes.

Mr. SLAYDEN. I want to ask the gentleman if our primary and maximum interest in the matter is not that it will facilitate the successful prosecution of the war by supplying people whom we will be called upon to supply with food more rapidly and more regularly?

Mr. SMALL. The gentleman is absolutely correct.

Mr. SLAYDEN. It is the successful prosecution of the war. If that was not the case there would be no such item in the bill.

Mr. SMALL. The gentleman is entirely correct.

Mr. FREAR. Mr. Chairman, I desire to speak for a moment upon this proposition, because I may be able to throw a little light upon the query of the gentleman from Illinois [Mr. GALLAGHER] a few moments ago in regard to the terminals. The argument made in favor of this proposition is that the Grand Trunk Railway and terminals in the city of Portland, Me., entitles it to have the Government of the United States carry on this improvement of several hundred thousand dollars. I quote from volume 3, page 15, of the report of the Commissioner of Corporations, of September 26, 1910:

> At Portland, Me., the water front is private. About one-half of it is owned by the railroads.

At that time there was not a public wharf in the city of Portland. I remember I raised this point once before. I do not know what the facts are at the present time, but that is the statement of the official report of the Government.

Mr. SWITZER. Does the gentleman think that, the railroad wharfage being private, there would be any disposition on the part of the railroads or the private interests to prevent the movement of soldiers and goods across those wharves?

Mr. FREAR. Oh, that is argumentative; that does not reach the point. I have stated that there is not a public wharf in the city of Portland, Me., according to the report of the Commissioner of Corporations, and we are asked to put this $400,000 in there as an improvement. The Engineer's Report says, on page 57:

> A commodious anchorage of 30 feet deep at mean low tide exists at Portland.

There are a great many steamers that come in there at the present draft. I wish to quote now from the testimony of the Army engineer, Col. Newcomer, who appeared before our committee in reference to this harbor, to show that the draft of this harbor to-day answers the purposes, so far as the engineer's report is concerned. I quote from Col. Newcomer, on page 151 of the hearings:

> About Portland Harbor, in that case he [Gen. Black] does not see any reason why it should be included in this bill; but thought if the Canadian Government should ask that it be included as a military measure he would be very glad to recommend it simply on their opinion that it was needed. The main use that is expected for this increase in depth is the shipment of grain that is diverted from Montreal and other Canadian ports during the winter weather, when they are stopped by ice. They have made, of course, in Canada, very great expenditures for the purpose of accommodating this grain traffic wholly within their boundaries, so we do not understand that they favor the diversion of that traffic to Portland. But, in view of the existing conditions it is possible that they may consider it a matter of military value in the shipping of grain to Europe to have this done at this time, so we are awaiting the result of the conference with the officials of the Canadian Government. I understand the matter is being taken up to-day with the British ambassador, and we will get their views next week, so that there is no definite proposition yet for his conclusion. I might state in that connection as bearing upon the present urgency that there is a 9-foot tide at Portland, and the project depth is 30 feet, so there is no question of any boats being able to get in and out on the tide, and if the additional depth is provided at the dock so that a boat can lie at the dock and load during the low tide it is a question of simply waiting a few hours to get out on the tide. The lack of depth at the dock is one difficulty there. A boat drawing 34 feet simply could not load there. They are now deepening the space at the dock to 33 feet at low water.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. FREAR. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

Mr. SMALL. Can the gentleman not get along with less time than that?

Mr. FREAR. Yes; two minutes.

The CHAIRMAN. Is there objection to the gentleman proceeding for two minutes?

There was no objection.

Mr. FREAR. That is the statement of Col. Newcomer, that 30 feet exists there, with a 9-foot tide. That is sufficient to float any boat. The only thing he suggests is that it needs dredging at the wharves. I presume that may be true, but here are wharves that are owned by the railroad companies and controlled exclusively by private parties according to the official Government reports.

I am not going to move to strike this out. I simply want to present to the House this emergency proposition, so that all would know what kind of measures you propose to offer by amendment at this time. If these railroads own the wharves, they should dredge up to the wharves. The channels are kept open by the Government sufficiently to allow the largest boats in existence to go up those channels to near the wharves. Now, Mr. Chairman, I am not going to oppose or move to strike out either this proposition or others that come before us. I wish to make a statement of the conditions that surround Portland at this time, and suggest this in addition, that if it be necessary for the Grand Trunk to send its shipments to a deeper harbor, a few miles farther is Boston. They run clear across the State of Maine and go to Portland, and ask us to dredge out the channel for the Grand Trunk Railway wharves.

The CHAIRMAN. All debate on this amendment is exhausted.

Mr. HERSEY. Mr. Chairman, I move to strike out the last word.

Mr. LENROOT. Would the gentleman yield for a question? Are there big lines established in this harbor?

Mr. HERSEY. There are lots of them.

Mr. LENROOT. And are these inside or outside?

Mr. HERSEY. The dredging is done in the harbor—one section only of the harbor. The city of Portland has spent millions of dollars out of its own treasury on this harbor. The Government in the past has spent much money on this harbor. It is one of the most magnificent harbors in the Union. In times of war and times of peace Casco Bay is protected against war vessels and against storms and is the most beautiful harbor in the United States; and it is the greatest harbor in the Nation for commercial purposes at the present time, and in this present war emergency it becomes the most material harbor to be developed for war emergency, if there is such a thing.

Portland Harbor, in Casco Bay, is not controlled by the Grand Trunk Railroad nor any other railroad. It is under the charge of the municipality of the city of Portland. It is true the Grand Trunk has its terminals there, as well as the Canadian Pacific, the Maine Central, the Boston & Maine; and all the great railroad centers of the East are in Portland. It is further true that in the winter season, which comes very early in northern Maine, it closes the St. Lawrence, it closes the traffic everywhere, except by rail and except through the port of Portland. To-day, in a time of war, all the traffic from the great Canadas, supplying the mother country with food in time of war, and everything else which is necessary in time of war, must pass through Portland. And out of Portland Harbor and Casco Bay ships must sail to Liverpool. There is no other place. It becomes a very important port. And this project is to lower obstructions in Casco Bay 5 feet, so that trans-Atlantic ships can come to the wharves and there load food, soldiers, ammunition, and materials for Europe from those wharves, which can not be loaded on those vessels unless the harbor is lowered. It is the immediate necessity at this time. As I said a few moments ago, it is the most material project in all this bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TREADWAY. Mr. Chairman——

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. TREADWAY. Mr. Chairman, I am heartily in favor of including the Portland item in the bill, as recommended by the committee. The statement of the gentleman from Maine [Mr. HERSEY], who has just taken his seat, is amply proven by anyone who has either visited Portland or has examined into the conditions under which this item is recommended by the committee. The harbors of our neighbor on the north, Canada, are closed very early and remain closed both throughout the winter season and late into the spring. It is absolutely necessary in moving both the war supplies and the men and material for our allies, from Canada, that every facility possible should

be given in the nearest port, and the nearest port that can be used is Portland.

Mr. STAFFORD. Will the gentleman yield?

Mr. TREADWAY. I will.

Mr. STAFFORD. Will the gentleman inform the committee what this appropriation is for? As to whether it is for deepening the channel or making available the wharfage owned by the railroads?

Mr. HERSEY. Will the gentleman from Massachusetts yield to me to explain that?

Mr. TREADWAY. I will.

Mr. HERSEY. In the recent report of Maj. Gen. Pope, two months ago, on this project, he says, in giving his reasons for doing this work:

For the above reasons it is my opinion that Portland Harbor, Me., is worthy of improvement to the extent of dredging the channel shown on the map to a depth of 35 feet at mean low tide and the removal of ledges Nos. 2 and 3 in the main ship channel to a depth of 40 feet at mean low tide, all at a cost of $300,000.

Mr. STAFFORD. It is only for channel work, and deepening to 35 to 40 feet, respectively?

Mr. HERSEY. Five feet more.

Mr. TREADWAY. It is a long channel, and there are numerous rocks projecting into it. I should call it a rather dangerous harbor to go into with deep-draft vessels at the present time. And while I am opposed to the passage of the bill, there are very few items in it more meritorious, so far as the basis on which we suppose this bill comes before us—namely, war measures—than Portland Harbor.

Mr. GALLAGHER. Will the gentleman yield?

Mr. TREADWAY. I will.

Mr. GALLAGHER. Is it not a fact that railroad traffic could be diverted through central Vermont to New London, Conn.?

Mr. TREADWAY. So far as that is concerned, I would like to see it come through Boston.

Mr. GALLAGHER. You have got direct railroad communication?

Mr. TREADWAY. I acknowledge the criticism of the gentleman as applied to Portland, but nevertheless Portland is the nearest harbor to Canada of any along the New England coast.

Mr. WHITE of Maine. Mr. Chairman, may I make one suggestion in that connection. Portland Harbor not only is the outlet of the Grand Trunk Railway system of Canada, but it serves as an outlet for the entire Maine Central system and for the Bangor & Aroostook system. This improvement is of benefit to these interests, but of greater consequence it is to the advantage of all citizens and the entire industrial life of Maine.

Through this port go the lumber, the potatoes of the great agricultural district of Aroostook, and all the other products of our State. I know very little about the details of this proposition. I feel free to say that no citizen of Portland and no commercial interest of that city called this matter to my attention until this bill came before the House, and no one furnished any information in connection with it, but I have since been subjected to criticism by the press and by people of Portland because of my alleged opposition to this bill. I feel that their attitude is unwarranted, and I resent it. Nevertheless I am not able to lose sight of the fact that this is a meritorious project, and I hope the amendment will have the approval of the House. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. TREADWAY. Mr. Chairman, I ask for one minute more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. TREADWAY. Mr. Chairman, there is just one more statement that I would like to make, and that is this: This project has been asked for by our allies. I know of no way in a small matter in which we can show our friendly disposition toward our allies than by the adoption of the Portland project. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last two words.

Mr. MOORE of Pennsylvania. Mr. Chairman, I am in favor of this amendment. I believe it ought to go in the bill as a war necessity. I am glad to have the gentlemen from Maine speak in favor of this proposition within the confines of their State. If gentlemen coming from various sections of the country were as familiar with other local projects as the Maine Members are with the Portland project there would be less opposition to the river and harbor bill. No one disputes the accuracy and the truth of the statements of the gentlemen from Maine with respect to the merits and the necessity of their harbor, but how many Members are there now in the House who seem inclined to dispute with other Members with respect to projects about which they know absolutely nothing and concerning which they have not taken the pains to find out? Are Members to vote projects up or down merely because of public report, such newspaper reports as have been referred to by the gentleman from Maine [Mr. WHITE], reports that describe in glaring headlines "The Pork Bill of Congress"? If we continue to do that we may defeat many projects of equal merit with that presented by the gentlemen from Maine.

I am for this Portland Harbor proposition, because I believe the country needs it. But the gentleman from Massachusetts [Mr. TREADWAY] has injected a thought here that I do not want to see escape without comment. He says he approves this improvement at Portland Harbor, although his minority report was against all kinds of river and harbor improvements, because our allies asked it.

Mr. TREADWAY. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. TREADWAY. Does not the gentleman intend to be fair in his statement?

Mr. MOORE of Pennsylvania. Of course I do.

Mr. TREADWAY. The minority report says very positively that we are in favor of any appropriation for river and harbor work that has to do with preparedness or the successful conduct of the war, and that is the ground on which we favor Portland.

Mr. MOORE of Pennsylvania. But the gentleman and his six colleagues who signed that minority report so framed it that the entire newspaper world understood that they were opposed to this bill because it was a "pork-barrel" bill, and the gentleman can not come in now because our allies have asked him to make an appropriation out of the American Treasury to improve an American port, and then condemn every other project in the bill because he wants to serve our allies. I am in favor of giving our allies help. Every bill that we have passed in this war Congress seems to have been intended to give our allies help. But I am an American, and I am not going to forget here and now that I am appropriating the money of American taxpayers, and that American citizens in American ports and on American rivers have as much right to have facilities for the carriage of their commerce as have our allies. [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. The gentleman from Wisconsin [Mr. LENROOT] is recognized.

Mr. SMALL. Mr. Chairman, before the gentleman begins, I wish to move that all debate on the pending amendment and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from North Carolina moves that all debate on the pending amendment and all amendments thereto close in five minutes. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. LENROOT. Mr. Chairman, in the speech just made by the gentleman from Pennsylvania [Mr. MOORE] he has implied that because a Member from a State in which an improvement is situated knows more about it than anybody else, if that Member is in favor of that improvement it should be accepted as a matter of course.

Now, I want to say in reply to the gentleman that if every other item of this bill could be justified as both of the gentlemen from Maine have justified this item, there would be no criticism of river and harbor bills. [Applause.] The trouble is—and it will reach the gentleman from Pennsylvania, perhaps, a little later—when they come to other matters they can not justify them as the gentlemen from Maine have justified this proposition.

Mr. MOORE of Pennsylvania. Will the gentleman from Wisconsin yield?

Mr. LENROOT. Certainly.

Mr. MOORE of Pennsylvania. The gentleman from Pennsylvania will justify the items in which he is interested at the proper time; but I would ask the gentleman from Wisconsin if he does not now propose to vote for a $300,000 appropriation for Portland Harbor largely because the Members from Maine have indorsed it?

Mr. LENROOT. No. I take the statement of fact from the gentleman from Maine and from the report, and on that statement of fact I come to the conclusion that the item is justified. I will take the statements of facts made by the gentleman from

Pennsylvania, but I will not necessarily accept his conclusion upon the facts. There is the distinction.

Mr. MOORE of Pennsylvania. Would the gentleman accept the statement of fact from the gentleman from Wisconsin with regard to the necessity of an appropriation to improve the harbor at Duluth, which is not in this bill?

Mr. LENROOT. Not with regard to the necessity, no; but I will accept the statement of gentlemen as to the facts existing in the harbor of Duluth, and then I will form my own judgment as to the necessity.

Mr. MOORE of Pennsylvania. Would the gentleman believe his own statement with regard to the harbor of Duluth? As a Member of this House, I would, he being a colleague of mine. [Laughter.]

Mr. LENROOT. I certainly appreciate the compliment paid me by the gentleman, but he would take more from me than I think he ought to take if he would blindly follow my conclusion, and with the highest respect that I have for the gentleman from Pennsylvania I can not in return accept his conclusions in all cases upon his own projects.

Mr. MOORE of Pennsylvania. Then the gentleman must always be right, and the gentleman from Pennsylvania must always be wrong.

Mr. LENROOT. No; the gentleman ought to form his own judgment upon any matter that the gentleman from Wisconsin is interested in and not accept the conclusions of the gentleman from Wisconsin, and I have the same liberty with reference to the projects of the gentleman from Pennsylvania.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

Boston Harbor, Mass.: The unexpended balances of appropriations heretofore made and authorized for this improvement are hereby made available for improvement in accordance with the report submitted in House Document No. 931, Sixty-third Congress, second session.

Gloucester, Beverly, Salem, Lynn, Plymouth, and Provincetown Harbors, Mystic, Malden, Weymouth Fore and Weymouth Back Rivers, and Dorchester Bay and Neponset River, Mass.: For maintenance, $24,000.

Mr. SMALL. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

Mr. LENROOT. Mr. Chairman, my attention was diverted, and I ask unanimous consent to return to the Boston item. It is a new project, and I think we ought to have a word of explanation upon it.

Mr. SMALL. Let us complete this amendment first. Then we will return after that.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin for unanimous consent to return to the Boston item?

There was no objection.

Mr. SMALL. May we dispose of this committee amendment first?

Mr. LENROOT. Yes.

The CHAIRMAN. The gentleman from North Carolina offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment:

On page 2, after line 10, insert a new paragraph, as follows:

"Providence River and Harbor, Pawtucket River, Newport Harbor, harbors of refuge at Point Judith and Block Island, entrance to Point Judith Pond, and Great Salt Pond, Block Island, R. I.: The unexpended balance of appropriation heretofore made for improvement of Providence River and Harbor in accordance with reports submitted in House Document No. 919, Sixtieth Congress, first session, are hereby made available for improvement of said river and harbor in accordance with reports submitted in House Document No. 1369, Sixty-second Congress, third session."

Mr. STAFFORD. Will the gentleman yield?

Mr. SMALL. I will make this brief statement: The item carries no appropriation for maintenance. These items are simply grouped there in order for better administration of some available funds on hand with regard to maintenance. There is adopted a new project, however, for Providence Harbor, and the unexpended funds of the old project which has been completed are simply made available for the new project. That is the purpose of it. It carries no additional appropriation.

Mr. STAFFORD. Will the gentleman yield?

Mr. SMALL. Certainly.

Mr. STAFFORD. Can the gentleman inform us how much money was turned back into the Treasury from the Providence Harbor project by reason of the completion of the original project?

Mr. SMALL. It is estimated that on July 1 there will be on hand $80,000. That is not separated as to maintenance and improvement. How much of that is a balance for maintenance and how much from the old project which has been completed, I am unable to say. But that is all there is which is made available for the new project.

Mr. STAFFORD. What is the limit of cost that is contemplated for the building of this new project?

Mr. SMALL. The exact amount is $927,800.

Mr. STAFFORD. It is not a small project?

Mr. SMALL. No.

Mr. STAFFORD. From the phraseology of the amendment the committee and the country would never get any knowledge as to our launching on a project that virtually commits us to $1,000,000.

Mr. SMALL. I will say to the gentleman that there is in Providence Harbor a depth of 25 feet. That is not a sufficient depth for the most economical class of shipping that uses that harbor.

Mr. STAFFORD. This bill carries throughout the utilization of appropriations that have been made for projects in the localities to which the items in this bill refer. I should like to make this inquiry—as to whether the total amount of $26,000,000 in this bill includes the amount of appropriations made available through this bill for these respective improvements?

Mr. SMALL. It does not include the available balances.

Mr. STAFFORD. So that the total amount that can be utilized for work during the next fiscal year on these respective items does not exceed that total.

Mr. SMALL. Yes; on Providence Harbor.

Mr. STAFFORD. Oh, no. I am speaking of all the items in the bill.

Mr. SMALL. I understood the gentleman to be referring to Providence Harbor.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I ask unanimous consent that the gentleman's time be extended, because my question has not been answered.

Mr. SMALL. I think three minutes will be sufficient.

The CHAIRMAN. Unanimous consent is asked that the gentleman's time be extended three minutes. Is there objection?

There was no objection.

Mr. STAFFORD. This matter has not been brought out heretofore in general debate, and I had it in mind when an item was reached to make an inquiry as to the amount of these sums of unexpended balances made available for use in this bill.

Mr. SMALL. If I understand the gentleman's inquiry, it is whether the available balances are included in the total of appropriations carried in this bill, say $26,893,000.

Mr. STAFFORD. No; I am trying to ascertain whether this amount, as stated, $26,900,000, is merely the face value as stated in the amounts herein enumerated, or whether it includes the amounts made available, which are utilized in this bill.

Mr. SMALL. It does not include the various balances made available in the bill.

Mr. STAFFORD. Then $26,900,000 is the total amount that may be expended on these respective items during the next fiscal year?

Mr. SMALL. Reference has been made several times during the consideration of this bill to the available balances to the credit of various works of improvement. These balances are independent of the appropriations carried in this bill. Those appropriations are for works of improvement other than those for which the balances may be applied. In my remarks when presenting this bill on June 8, appearing in the CONGRESSIONAL RECORD, page 3363, I quoted a letter from the Chief of Engineers explaining that "these balances all contemplate different work from that proposed with the funds carried in the bill."

The CHAIRMAN (Mr. GARNER). The question is on the amendment offered by the gentleman from North Carolina.

The question was taken, and the amendment was agreed to.

Mr. SMALL. Mr. Chairman, it is very desirable that we proceed as far as possible with this bill this afternoon, and I propose to ask the committee to remain in session, say, until 7 or 8 o'clock, in order that we may make as much progress as we can.

Mr. LENROOT. Mr. Chairman, I ask unanimous consent to return to the item in relation to Boston Harbor.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to return to the Boston Harbor item. Is there objection?

There was no objection.

Mr. LENROOT. Mr. Chairman, I do not desire to occupy any time on this, but it is a new project. I assume that it is one of those recommended by the board as purely for military purposes. I think the gentleman from Massachusetts or the chairman of the committee ought to explain to the House just what the proposition is, and I yield for that purpose.

Mr. TREADWAY. Mr. Chairman, the inquiry of the gentleman from Wisconsin relative to the Boston Harbor is a very pertinent one, I think. In the bill that passed the House at the last session of Congress there was an item adopting the improvement of the Boston Harbor project and appropriating $400,000 as a part of the $1,250,000 that it will require to make Boston a harbor of 40 feet in depth. When the preparation of this bill was started this year, as has already been said, a little different method was pursued than previously. In other words, since I have been a member of the River and Harbor Committee the clerk has prepared and presented to the members of the committee a book similar to the one I hold in my hand, but there has been no book of any kind furnished at this session. At this time a print was placed before us at our first meeting. There was some inquiry made, and possibly there may be some reference made later in debate to that matter, from Col. Newcomer.

There were omitted in this bill some items from Maine that were in the last bill. But as Boston was one of the first items, and as I am from Massachusetts, although I have not the honor to represent any part of Boston, I naturally was somewhat surprised to find that in the bill as presented to us as members of the committee, and as furnished by the board of engineers, the continuance of the Boston project was not included.

I was astonished, because it has been shown on this floor time and time again that there is no harbor in the United States as important in the conduct of commercial affairs, or in the conduct of preparedness for national defense, as the harbor of Boston. If any place needs 40 feet depth, Boston Harbor needs it.

I failed during the hearings before the committee to secure any satisfactory explanation of why that item was omitted from the bill. I will not go into any argument as to the merits of the Boston project, because it already appears in the CONGRESSIONAL RECORD. One of the first speeches I heard when I came to Congress was from a Representative from Massachusetts, from the city of Boston, who now holds the highly responsible position of postmaster of Boston. He spoke for an hour and elaborated upon the merits of Boston Harbor. I have done the same thing in previous Congresses, and I will not take the time of the committee in that respect at the present time. I can not explain to the gentleman from Wisconsin why that item of $400,000 is excluded from this bill.

Mr. LENROOT. Will the gentleman yield?

Mr. TREADWAY. I will.

Mr. LENROOT. This general board included Boston Harbor as a matter of military necessity, but their recommendations did not require any appropriation, did it?

Mr. TREADWAY. I will say that there was no reference whatever to the 40-foot project in Boston Harbor when the first committee print was presented to the committee. Later on I called on Gen. Black and he informed me that he could not say that the 40-foot project was a military necessity, but if we thought best to include the item for the adoption of the Boston project without a cent to carry out the project, he would recommend it to the committee, and that is what Gen. Black did. He recommended the adoption of the project with no money to prosecute the work. That is the reason why to-day the item appears here without any appropriation whatever. Now I would like very much to move the adoption of an amendment, which I will do, that the sum of $400,000 be appropriated to carry out this recommendation.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment which the Clerk will report.

Mr. SMALL. Mr. Chairman, I understand that the gentleman from Wisconsin [Mr. LENROOT] asked to return to this for no other purpose than to make an inquiry.

Mr. LENROOT. That was my only purpose in making the request.

Mr. TREADWAY. If the gentleman feels that I am intruding by offering the amendment, I shall withdraw it.

Mr. SMALL. Go ahead.

The CHAIRMAN. Will the gentleman kindly inform the Clerk where he desires to offer his amendment—at what point in the bill?

Mr. TREADWAY. After the word "Massachusetts" insert the words "Continuing the improvement, $400,000 and."

The Clerk read as follows:

Page 2, line 1, after the word "Massachusetts" insert the words "Continuing the improvement, $400,000 and."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

Mr. SMALL. Mr. Chairman, I am obliged to ask the committee not to adopt that amendment. It has not the recommendation of the Secretary of War or the Chief of Engineers, and for other reasons which I could state it is not advisable or necessary at this time. In making that statement I have no intention of disparaging in the slightest degree the commercial importance of the great harbor of Boston.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The amendment was rejected.

Mr. TREADWAY. Mr. Chairman, when the committee offered an amendment a few moments ago we had just completed the reading of the end of line 10, and I moved to strike out the last word there and then yielded, and I would like the privilege of making that motion again.

The CHAIRMAN. Does the gentleman desire to offer an amendment?

Mr. TREADWAY. I move to strike out the last word. During the progress of the general debate considerable was said about the merits or demerits of the so-called grouping system, and I am very glad indeed that the first item of that nature appears in the Massachusetts items. Here we have 13 projects grouped, and the amount appropriated therefor is $24,000. During the progress of the preparation of the bill in the last Congress the only one of those 13 items that was recommended by the engineers or that was carried in the bill was that of the Mystic River, the amount being $24,000. In other words, we here see a very fine example of the grouping system. The only project the engineers recommended as desiring to have an appropriation for is placed in the bill, and then there have been grouped with that item 12 other items which previously they have asked no appropriation for whatsoever. If that item previously recommended needed the $24,000, it becomes discretionary with the engineers whether they shall use the $24,000 where they recommend it to be needed a year ago or transfer the entire item and subdivide it among 12 other projects.

Mr. DUPRÉ. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. DUPRÉ. Did not the representative of the War Department who appeared before our committee indicate that it would be the policy of the department under such conditions as the gentleman has indicated to utilize the money appropriated for those particular items where a special recommendation had been made?

Mr. TREADWAY. If that be true, and quite likely it was so represented, then what earthly object is there in asking Congress to include those 12 other items? If those 12 other items need no money for maintenance, why not say so? Why leave this whole thing discretionary in the hands of the engineers? It is exactly what I am speaking about as an example of the bad feature of the so-called grouping system. It is another effort to remove from the hands of Congress the authority over its own appropriations.

Mr. DUPRÉ. Does not the gentleman admit the possibility of need for an appropriation in Glocester?

Mr. TREADWAY. Every single one of those items bears an amount on the balance sheet, as carried by the engineers, entirely sufficient for any emergencies that may arise. It is all right to apologize and exercise it, but it is cloaking the very idea we are condemning under this sort of a scheme.

Mr. DUPRÉ. Did not the gentleman offer an amendment to turn over the whole thing to the President of the United States, and now he does not want to turn over a small item like this?

Mr. TREADWAY. I did not offer any such amendment.

Mr. DUPRÉ. The gentleman offered a substitute for the amendment offered by the gentleman from New Jersey.

Mr. TREADWAY. I offered an amendment that has nothing whatever to do with the criticism that I am now making. I offered an amendment asking the President to approve specifically as war propositions every measure that we put into the bill.

Mr. DUPRÉ. And now the gentleman does not want the Chief of Engineers to prorate an amount of money among 14 items.

Mr. TREADWAY. I will say to the gentleman that I am using this illustration as a most excellent example of the fallacy of this policy that we are asked to adopt.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired. Without objection, the proforma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

Duck Island, Branford, New Haven, Milford, Bridgeport, Southport, Norwalk, Five Mile River Stamford and Greenwich Harbors, Westport Harbor and Saugatuck River, breakwaters at New Haven, and Housatonic River, Conn.: For maintenance, $71,000.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I notice in this item harbors named that have not

been carried in river and harbor appropriation bills for years and years, and I would like to have some one explain the expediency and nature of providing for maintenance of river and harbor work where there may be no occasion for such work, and having them grouped and designated in this fashion, so that nobody knows how much money will be expended on any one harbor or on any one river during the next fiscal year.

Mr. SMALL. Does the gentleman prefer I should answer that now?

Mr. STAFFORD. I rose to get some information, because the gentleman has not in general debate made any extended explanation of this policy.

Mr. SMALL. I did endeavor to explain it in general debate, but it gives me pleasure to make this explanation now:

In the first place, the grouping system is certainly more than 25 years old in the river and harbor bills; so it is not new. The grouping system has been in use during the incumbency as chairmen of Mr. Burton, Mr. ALEXANDER, and Mr. Sparkman, and there has scarcely ever been a bill in which these groups have not been included in this form, although I admit that the system has been amplified in this bill.

Mr. STAFFORD. I have followed rivers and harbors bills for nearly 14 years back, but I do not recall ever before of any 14 or 16 projects being grouped together, as is instanced throughout this bill, in any former bill. I may recall items where they included two or three projects, but nothing of the wholesale extent as carried in this bill. Does the gentleman mean to say——

Mr. SMALL. There are numerous instances in past bills of projects grouped.

Mr. STAFFORD. The grouping of 12 or 14 or 16 items?

Mr. SMALL. I am not positive of the number, but in all prior bills there have been groups of projects containing as many different items as some which appear in this bill.

Let me make this statement for the information of the gentleman: You take this item. The gentleman has the bill before him. In those items there, beginning with Duck Island, the only projects for which estimates are made are New Haven, $14,000; Bridgeport, $24,000; Norwalk, $8,000; Stanford, $14,000; Greenwich, $3,000; Housatonic River, $8,000; making a total of $71,000. Now, the appropriation for maintenance will be expended upon those projects for which estimates are made. The only reason for including the other projects is this: In the first place, I will state that they have all at some time or other been under improvement by the United States. They are all navigable rivers and come within the jurisdiction of the Federal Government, and the advantage of including them is this: In all of those rivers along the Atlantic coast and, in fact, in all other sections, deterioration of channels is caused by flood conditions, or by storms, or other events, and when such unanticipated condition occurs, unless we have some provision of this kind, they must wait until another river and harbor bill is passed before there are any funds to restore the channel, unless, perchance, there is some available balance existing to the credit of that project.

Mr. STAFFORD. It has this advantage, that it enables the money to be used up on other projects which the committee did not intend it should be utilized on?

Mr. SMALL. Not used up, but used, if essential, to restore any channel which has deteriorated because of unanticipated conditions, and if it is in the public interest.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I ask unanimous consent that the gentleman's time, or my time, be extended five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. DUPRÉ. I want to call the gentleman's attention to the rivers and harbors act of July 27, 1916, which under the caption items of Rock Hill, Queenstown, and other streams in Maryland, there were 12 items contained in one appropriation, for which $12,000 was appropriated.

Mr. STAFFORD. It was not general in the bill?

Mr. DUPRÉ. I have not had opportunity to go over the bill, but I found this one in order to call your attention to it.

Mr. STAFFORD. While I have the floor I wish to make some general inquiries that I might make later, but which may be pertinent here. Do I understand this appropriation is available for dredging of the rivers at these respective places?

Mr. SMALL. The report of the Chief of Engineers shows the respective purposes for which the money is to be expended. On some of these rivers it is to restore dikes, or breakwaters, or retaining walls, and on some of them to restore channels where silt has been deposited and they have shoaled up.

Mr. STAFFORD. I understand it is the policy of the committee——

Mr. SMALL. The purpose differs in accordance with the necessity.

Mr. STAFFORD. I understand it is the policy of the committee to make appropriations for the dredging of rivers along the Atlantic shore line, the Pacific shore line, and the Gulf coast line. Now, I would like to inquire why it is in Great Lake cities like my home city of Milwaukee, which is one of the principal ports on the Great Lakes and has large lake traffic——

Mr. SMALL. It is a very important port.

Mr. STAFFORD (continuing). That the municipality undertakes the expense of maintaining the dredging in the inner harbor and no money whatsoever is appropriated by the National Government for that purpose?

Mr. SMALL. I think an investigation would show, although I have not recently examined the reports on Milwaukee Harbor, that all the municipality does is to dredge in a slip or pier, which is regarded as a municipal burden.

Mr. STAFFORD. The municipality of Milwaukee, if the gentleman will permit, undertakes the complete cost of dredging that great interior waterway, the Milwaukee and Menominee Rivers, which carry hundreds of thousands of tons of lake traffic, without any contribution on the part of the National Government. I am rising to protest against this one-sided policy, whereby you have that expense borne by the Federal Government in one part of the country and have the entire expense borne by the municipality in other sections of the country.

Mr. SMALL. I agree with the gentleman; there should be no discrimination, and I am not aware of any, but I will be glad, on his suggestion, to look into it.

Mr. STAFFORD. I had that same reply four years ago from the then chairman of the Committee on Rivers and Harbors when I called this unfair method of appropriation to the attention of the committee.

Mr. DUPRÉ. It may be that the city of Milwaukee is unfortunately represented here. [Laughter.]

Mr. STAFFORD. Oh, the city of Milwaukee is not represented here by a Representative who is giving his attention to have pork dangling before his eyes, as is the case with some gentlemen representing districts along the Mississippi.

Mr. SMALL. I will say to the gentleman in all seriousness that the engineers do not recommend any specific sum as being necessary for the maintenance of Milwaukee Harbor.

Mr. STAFFORD. That is what I am criticizing. They only provide for the improvement of the outer channel, and make no provision whatever for the dredging of the interior channel, and place all that burden on the municipality. I protest against the unfairness of favoring one section with improvements of that kind and not favoring other sections of the country equally.

Mr. SMALL. All has been done there that has been recommended in any report.

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The Clerk will read.

The Clerk read as follows:

Burlington Harbor, Vt.; Plattsburg and Port Henry Harbors, N. Y.; and Narrows of Lake Champlain, N. Y. and Vt.: For maintenance, $5,000; for improvement of Narrows of Lake Champlain in accordance with the report submitted in House Document No. 1387, Sixty-second Congress, third session, and subject to the conditions set forth in said document, $300,000; for completing improvement of Port Henry Harbor in accordance with the report submitted in House Document No. 369, Sixty-fourth Congress, first session, and subject to the conditions set forth in said document, $71,500; in all, $376,500.

Mr. FREAR. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last word.

Mr. FREAR. I do not intend to question this project, excepting that I desire to make an inquiry. On page 3 of the report, House Document No. 1387, at the bottom of the page, the engineers say:

The board, however, is not satisfied that the cut-off at Maple Bend and Chilton Bend may not be omitted without serious inconvenience to navigation and with a very material reduction in cost and recommends that a further study be made of the proposed channel at these localities.

Now, there is nothing indicated there as to what is proposed. Has that change been made in the cut-off, mentioned here? The engineers have left the matter in an indefinite way.

I also desire to inquire about one or two other matters that seem to be treated in the same way by the engineers.

Mr. SMALL. Where is that?

Mr. FREAR. At the bottom of page 3. The board says it means a considerable expense and that it can be considerably

reduced. But there is nothing here to indicate what is their position in regard to it.

Mr. SMALL. The gentleman will find, frequently, in reading these reports that the Chief of Engineers, in discussing the detailed reports made by district engineers and then by the Board of Engineers, will say that he is not convinced that a certain recommendation is advisable, and that further study will be given to it; and when a new project is adopted in accordance with the document it is with the understanding that that further study will be given, with a view to eliminating or changing or modifying the character of the improvement, as the case may be.

Mr. FREAR. That is left undecided at this time?

Mr. SMALL. Yes; it is left undecided at this time.

Mr. FREAR. Then, on page 10, at the top of the page, it is said:

It is doubtful if the commercial value of this waterway, measured by the tonnage which it carries to-day, would justify expenditures on the Narrows of Lake Champlain for anything further than maintaining past improvement.

And so forth.

Then they go on to speak of the canal project in New York, where they hold that if that is carried on, this must be continued, as a part of it; and then following, on page 15, the report says:

The business originating at the port of Whitehall is relatively small. The wharves at this port are all privately owned.

Again, on page 16, it is said that the wharves at Fort Henry are privately owned. At the city of Burlington it is the same, and also at Plattsburg, N. Y. Then, turning to page 16 of the report, it says:

The bill as reported provides for the construction of adequate terminal docks, equipped with the most modern appliances for the handling, storage, and transshipment of freight at Whitehall, Fort Henry, Plattsburg, and Rouses Point, on Lake Champlain, and at all important ports on the Hudson River and the Erie Canal.

Have they been constructed pursuant to that bill?

Mr. PARKER of New York. Yes. I was going to call the attention of the gentleman to the fact that the State of New York has appropriated about $8,000,000, of which a portion goes to various places along the Champlain Canal.

Mr. FREAR. I was wondering whether that has been done.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Olcott, Charlotte, Pultneyville, Great Sodus Bay, Little Sodus Bay, Oswego, Cape Vincent, and Ogdensburg Harbors, N. Y.: For maintenance, $33,500.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MADDEN. Mr. Chairman, I have criticized the policy of grouping these different projects and making it impossible for any person to understand for what project the money is to be expended. I have always advocated in the river and harbor bill as much detail as possible, so that every person may be clear as to what the money is to be expended for. But it seems to have been the conclusion of the Committee on Rivers and Harbors on this occasion that it would be wise to so group the items that no person would know where the money was to be expended. A number of meritorious items will be grouped with a number of items that are not meritorious, and discretion is given to some executive officer to say whether the money is to be spent on the meritorious projects or on those that are not meritorious.

I think the policy is a bad one. It ought not to be pursued. We ought to frown it down on every occasion that is possible, and should say to the committee that it is not in the judgment of the House as wise a policy as it would be to give as much detail as possible in the making up of this important bill.

While I have been in favor and still am in favor of giving the President of the United States the power to say whether or not this is a war measure, rather than to say that we are without any information that will lead us to a proper conclusion, I am unalterably opposed to a combination of items being grouped in a single paragraph without any information as to what expenditures are to be made upon each item in the paragraph.

This bill is a marvel of grouping. It certainly is not anything like as meritorious in its make-up as former river and harbor bills, and I would like to suggest to the chairman of the committee and to the gentlemen who are members of the committee that it would meet with more general approval on the part of the membership of the House if the bill were so made up that the Members of the House who are not members of the committee might have some information as to what the items are for and how much money is to be expended upon them. I can not condemn too strongly this practice of making bills in groups of this sort. The practice in years gone by was followed by many committees of the House, and we have been getting away from that practice and making the bills more in detail, so that every person in the House as well as every person in the country who would want the information could be in possession of it by merely reading the bill.

There is no man, no matter how intelligent he may be, who can tell by reading this bill, or many of the sections of the bill, whether any money is to be expended on improper items in a given paragraph or whether all the money provided for in the paragraph is to be expended on a single item, or whether that item is worthy of consideration. It seems to me that we are entitled as Members of the House, called upon to vote for the bill, responsible for the expenditure of the public money as we are, to the information which ought to be contained in the bill. This bill contains no information in most of the paragraphs that would enable any man to reach an honest and intelligent conclusion as to what he ought to do in connection with the expenditure of the public money.

I withdraw the pro forma amendment.

Mr. SMALL. Mr. Chairman, I hesitate to take the time of the committee, but in order that everyone may understand this matter I wish to say that there is available to every Member of the House the annual report of the Chief of Engineers. Any Member by consulting this report may obtain detailed information. For instance, in the Great Sodus Bay the estimate is $21,500; that is the amount carried. On page 1519 of the last report of the Chief of Engineers is found the estimate for Great Sodus Bay. For Little Sodus Bay $12,000 is estimated, as appears on pages 1521 and 1522 of the last annual report of the Chief of Engineers.

I think it would have been better, perhaps, if the committee had included in their report a statement of the items for which estimates were made, and that will be done hereafter.

Mr. MADDEN. The gentleman does not pretend to say that the statement contained in the report of engineers is any part of the law when this bill is passed, does he?

Mr. SMALL. We make the bill, based on the recommendations and estimates.

Mr. MADDEN. Yes; but the bill covers certain items without any specific instructions to anybody to spend any money on any one of the items.

Mr. SMALL. It carries an appropriation, and then the expenditures of the appropriation rests in the discretion of the Chief of Engineers, subject primarily to his duty to expend it on this project or projects for which estimates are made, unless in the meantime there has been some deterioration of the channel or impairment of the work, making it necessary to divert some part of it.

Mr. MADDEN. Does not the gentleman think, however, that any person who reads this bill ought to be able to give the information, from reading the bill, as to what is to be expended on a project described in the bill?

Mr. SMALL. That was not regarded as necessary.

Mr. LONGWORTH. Will the gentleman yield?

Mr. SMALL. I will.

Mr. LONGWORTH. I do not know as I quite understood the gentleman. I understood him to say that the estimates on the two Sodus Bay items in the bill covered the total amount in the bill?

Mr. SMALL. Exactly.

Mr. LONGWORTH. Then why did the committee include the other project?

Mr. SMALL. In order to provide for unanticipated needs. For instance, take Olcott or Charlotte. At the time this recommendation was made, June 30, 1916, there appeared to be required no expenditure. That was either because they had an available balance on hand which the engineer considered sufficient for the ensuing fiscal year or because in the condition of the improvement no further expenditure was necessary. But by the time the appropriations in this bill become available, assuming that this bill becomes a law by July 1, 1917, a year will have elapsed and some flood may have occurred, or by reason of some condition not anticipated Charlotte Bay may require an expenditure, and it would have to wait another year o more unless it is now included in the group as appears in the bill.

Mr. LONGWORTH. Under these circumstances the engineers would not expend this amount of money on the two Sodus Bays alone, but would spend a certain portion of this for some of the other projects?

Mr. SMALL. Yes.

The Clerk read as follows:

East River, N. Y.: Continuing improvement in accordance with the report submitted in House Document No. 188, Sixty-third Congress, first session, $1,250,000: *Provided*, That a depth of 40 feet is authorized across Diamond Reef: *Provided further*, That the unexpended balances of appropriations heretofore made and authorized for a depth of 35 feet across Diamond Reef are hereby made available for a depth of 40 feet. *And provided further*, That so much as may be necessary of this and any other appropriations made herein or hereafter for specific portions of New York Harbor and its immediate tributaries may be allotted by the Secretary of War for the maintenance of these waterways by the collection and removal of drift.

Mr. SMALL. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Amend, pages 4 and 5, by changing paragraph for East River, N. Y., to read as follows:

"East River, N. Y.: For improvement in accordance with the report submitted in House Document No. 188, Sixty-third Congress, first session, and for a 40-foot channel through East River and Hell Gate, in accordance with the report submitted in House Document No. 140, Sixty-fifth Congress, first session, $1,250,000.

"*Provided*, That the unexpended balances of appropriations heretofore made and authorized for the improvement of East River and Hell Gate are hereby made available for improvement in accordance with the report submitted in said document.

"*Provided further*, That a depth of 40 feet is authorized across Diamond Reef: *And provided further*, That so much as may be necessary of this and any other appropriations made herein or hereafter for specific portions of New York Harbor and its immediate tributaries may be allotted by the Secretary of War for the maintenance of these waterways by the collection and removal of drift."

Mr. SMALL. Mr. Chairman, just a brief statement. As the item for East River was originally reported it provided for 40 feet from the lower bay to the navy yard in East River, but did not provide for 40 feet through Hell Gate at the upper end of East River running into Long Island Sound. The naval officers and the Secretary of the Navy were quite insistent for strategic reasons that we should have also 40 feet from East River into Long Island Sound. They took it up with the Secretary of War, resulting in a general recommendation. The committee then considered it and agreed to it.

By reason of 40 feet through Hell Gate it became necessary to adopt another project and refer to another document, thus requiring the paragraph to be rewritten; but the amendment offered only changes the paragraph in the bill by increasing to 40 feet the depth through Hell Gate to Long Island Sound.

Mr. MADDEN. Will the gentleman yield?

Mr. SMALL. Yes.

Mr. MADDEN. Does the gentleman from North Carolina know how much this addition of 5 feet through Hell Gate will add to the cost?

Mr. SMALL. A little more than $2,000,000.

Mr. MADDEN. Two million dollars more than the original cost contemplated?

Mr. SMALL. Yes.

Mr. MADDEN. So that instead of $1,200,000, as provided in this amendment——

Mr. SMALL. That is simply the initial appropriation.

Mr. MADDEN. How much is the total cost?

Mr. HULBERT. The total cost of the old project was $13,400,000.

Mr. SMALL. The gentleman from New York is right. The original 35-foot project from the lower bay through East River, Hell Gate, and Long Island Sound for 35 feet was at a total cost of about thirteen and one-half million dollars.

Mr. MADDEN. And we have added $2,000,000 to that.

Mr. SMALL. If I may answer just a little more fully——

Mr. MADDEN. Certainly.

Mr. SMALL. The last naval bill directed the Secretary of War and the Secretary of the Navy to report any further improvement in our harbors necessary to the operation of the fleet, and this is one improvement which they recommended; that is to say, increasing from 35 to 40 feet the main channel only from the lower bay, between the Battery and Governors Island, in East River and up through Hell Gate into Long Island Sound.

Mr. MADDEN. But that makes the total cost of this project $15,400,000 then, according to the statement of the gentleman from North Carolina?

Mr. HULBERT. Thirteen million.

Mr. MADDEN. Thirteen million, and $2,000,000 more for the added depth.

Mr. SMALL. The actual total cost now, as nearly as we can approximate it, is $18,216,000.

Mr. MADDEN. And at the rate of $1,250,000 a year it will take about 15 years to complete it, instead of three years, as the gentleman from New York [Mr. HULBERT] said a day or two ago.

Mr. HULBERT. The gentleman is confusing the project for $13,400,000, which provides not only for 35 feet in the main channel but approaches to the dock as well, with the statement which I made the other day, that the work of removing the shoal known as Diamond Reef off the Battery, and the work of blasting out Hell Gate, so that there would be a depth of 40 feet at both places, thereby giving a through channel, with a minimum depth of 40 feet from deep water in the upper bay to Long Island Sound, would be done in less than three years' time.

Mr. MADDEN. How much of this total cost would be expended in the improvement suggested by the gentleman from New York [Mr. HULBERT]?

Mr. HULBERT. I understand the total amount at Diamond Reef would be about $3,000,000, and the total amount at Hell Gate about $5,000,000.

Mr. MADDEN. That makes $8,000,000.

Mr. HULBERT. No; there is already appropriated $750,000 for Diamond Reef, to which there is added $1,250,000 at this time, which makes a total of $2,000,000.

Mr. MADDEN. Two million dollars divided into $11,000,000 will make it practically six years before it is completed.

Mr. HULBERT. The gentleman should divide it into $8,000,000 and not into $11,000,000.

Mr. MADDEN. The gentleman said $8,000,000 and $3,000,000, did he not?

The CHAIRMAN. The time of the gentleman has expired.

Mr. FREAR. Mr. Chairman, I desire to make an inquiry more particularly of the chairman, in reference to a policy which seems to be newly undertaken by the committee, and I want to direct his attention to Col. Newcomer's testimony at the top of page 5 of the hearing, wherein, speaking of this Hell Gate project, he says:

Thirty-five feet is ample for all commercial needs.

And subsequently, upon the query of the gentleman from New York [Mr. HULBERT]—

Do you say 40 feet is more than commercial needs require?

Col Newcomer replied—

It is, because they do not need any more than that in the East River.

He was referring to the commercial needs. Then he goes on to say at the top of page 5:

But the Navy wants a greater depth, and primarily that should be provided for from some other fund than the river and harbor fund, because the latter is intended mainly for commercial needs.

Now, I never understood before the distinction that has been drawn by the engineers between the commercial needs and the military or naval needs so far as particular appropriations are concerned. Of course Col. Newcomer says, on page 118 of the committee hearings, that there is no naval need, and he claims that this project at flood tide will accommodate the largest battleship, drawing 33 feet, and leave 7 feet in excess; but I am not discussing that.

Mr. HULBERT. Will the gentleman yield?

Mr. FREAR. I am glad to do so, provided the gentleman can give any light on that question as to why we are taking out this money for naval needs if it properly should be confined to commercial needs.

Mr. HULBERT. I wanted to ask the gentleman, as a member of the Committee on Rivers and Harbors, whether he concurs in the suggestion of Col. Newcomer that the amount should be found in some separate fund, or whether he believes it is in the province of this committee, in this bill, to accommodate both the commercial and the naval needs with regard to the specific authorization of this channel?

Mr. FREAR. That is not the point here at all.

Mr. HULBERT. Oh, yes; it is.

Mr. FREAR. No; not at all. Apparently there has been a distinction drawn heretofore by the engineers. That is the suggestion contained in the testimony here, and for that reason I make the inquiry; not what my judgment may be, but what has been the practice.

Mr. MADDEN. Who makes the recommendation about the naval needs?

Mr. FREAR. There is no recommendation, so far as I know, here.

Mr. MADDEN. Is there nothing before the Rivers and Harbors Committee to indicate that there is a naval need?

Mr. HULBERT. If I can get recognition, I am going to put it before the House.

Mr. MADDEN. I am asking for information.

Mr. FREAR. I was speaking of the testimony before our committee.

Mr. HULBERT. The gentleman, if he were present at all the hearings, heard the recommendation from the Navy Department.

Mr. FREAR. Col. Newcomer, when he was present before the committee, and I was present at that hearing, stated as follows to the committee:

Col. NEWCOMER. It seems to me that 35 feet at Hell Gate is really adequate, for this reason: The depth of 35 feet, with 5 feet of tide, gives you practically 40 feet. The draft of our heaviest battleship contemplated is about 33 feet. It seems to me that 35 feet will answer.

That was the statement made by Col. Newcomer.

Mr. HULBERT. Mr. Chairman, will the gentleman yield?

Mr. FREAR. In a moment, when I finish my statement. I am not criticizing his statement except that I call attention to this fact, that afterwards apparently the question arose as to which fund the money was to be drawn from on account of some recommendation of the general board for the 40-foot propositions, which, I take it, is in that report. I yield to the gentleman from New York.

Mr. HULBERT. Does the gentleman concede the necessity for a 40-foot channel at Diamond Reef?

Mr. FREAR. I do not concede the necessity for commercial needs, and I offer the opinion of Col. Newcomer here as repeatedly presented to the committee.

Mr. HULBERT. I am talking about Diamond Reef.

Mr. FREAR. Oh, I have been talking about Hell Gate.

Mr. HULBERT. I ask the gentleman if he concedes the necessity for a 40-foot channel for Diamond Reef?

Mr. FREAR. That is a question. A 35-foot channel seems sufficient at all places unless it may be required because of the turning of the channel where a 40-foot depth may be needed. I am not an expert, and I have offered Col. Newcomer's. He is the only engineer who came before the committee. I am not opposing the project, but have inquired as to the funds mentioned by the engineer in the hearings.

Mr. HULBERT. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HULBERT. Mr. Chairman, the last river and harbor appropriation bill contained an appropriation authorizing the deepening of the East River at Diamond Reef to 35 feet. The present bill contains an authorization to carry the depth to 40 feet, and the additional 5 feet are provided for, because the Army engineers, supported by the testimony of Col. Newcomer, contend that as a means of ready access to and egress from Brooklyn Navy Yard it is essential to have 40 feet, because, under existing conditions, it is impossible for capital ships of the Navy to secure an entrance to the navy yard, except at high tide. Mr. Chairman, if it is necessary to have 40 feet at the southern entrance to the navy yard, then it stands to reason that it is necessary to have 40 feet to the northern entrance, if the same character of vessels are to use the navy yard through the northern channel. When this matter came up in the Committee on Rivers and Harbors after the reporting of this bill, there was submitted to the committee a letter from the Secretary of the Navy, which I desire to read in order to place this matter accurately and forcefully before the Members of the House. That letter is as follows:

NAVY DEPARTMENT,
Washington.

Hon. JOHN H. SMALL, M. C.,
Chairman Committee on Rivers and Harbors,
House of Representatives, Washington, D. C.

MY DEAR MR. SMALL: In a letter of May 7, 1917, regarding the approaches to the navy yard at New York, I quoted from the General Board as follows:

"Deepen, widen, and straighten channels through Hell Gate to Long Island Sound to a depth of 35 feet, and eventually to 40 feet, with a channel adapted to the use of vessels up to 1,000 feet in length."

While deepening and straightening the channel through Hell Gate will be of unquestioned advantage to the commercial interests of the country, the strategic value to the Navy is so great that I believe consideration should be given to securing this channel of 40 feet depth at the present time. While in the beginning a concession was made to obtain a depth of 35 feet and ultimately 40 feet, it is considered that it would be highly desirable, both from an economical standpoint and from a strategical standpoint, to have the work, after it was once begun, continued until the depth of 40 feet had been obtained throughout, and the straightening of the channel, in order to allow the easy and free passage of large ships as well as to prevent the formation of tidal eddies and currents, had been accomplished.

It will be readily understood that with a 40-foot depth of channel leading in to the navy yard from the south and an equal depth through Hell Gate would practically double the strength of our fleet if concentrated in Long Island Sound, for the reason that the exits at Ambrose Channel and Montauk Point are so far apart that it would take double the force to contain our fleet in these waters in order to guard the outlets at both of these points to prevent the egress of our fleet.

A deep channel through each entrance is desired in order to permit of the passage of vessels at all stages of the tide and without undue risk to the large and very expensive battleships of the near future, and also to permit the passage of these vessels through either entrance after having been injured in an engagement off the coast in the immediate vicinity. New York, being the center of commercial interests on our coast and the great commercial activity and wealth extending particularly to the northward of this point, increases the probability of an engagement somewhere in the vicinity of the eastern end of Long Island Sound. This also increases the desirability of having a deep channel through Hell Gate in order to carry a vessel or vessels safely through that may have been injured in an engagement in the vicinity of Block Island or Montauk Point.

Sincerely, yours,

JOSEPHUS DANIELS.

There also came to the committee under date of May 15, 1917, a letter from the Secretary of War, which letter I desire to read:

WAR DEPARTMENT,
Washington, May 15, 1917.

Mr. JOHN H. SMALL,
Chairman Committee on Rivers and Harbors,
House of Representatives.

MY DEAR MR. SMALL: In the river and harbor bill, which I ventured to send for the consideration of your committee and for introduction into the House, I undertook, as you know, to provide for the continuance of necessary projects and the introduction of such new projects only as were directly concerned with the national defense in the present emergency. Many very desirable projects had to be omitted in view of the situation, and I have desired as far as possible to refrain from suggesting additions to the program contained in the bill. I have, however, taken up with the Secretary of the Navy the situation respecting the channel through Hell Gate in the harbor of New York, and after a full discussion of the subject the Secretary of the Navy has written you a letter in which he recommends that the bill be amended so as to provide for a 40-foot channel at that point. The bill under consideration looks to a present depth of 35 feet, and my judgment at the time the bill was drawn was that while the ultimate depth of 40 feet was contemplated the present improvement to 35 feet was all that could be at this time undertaken. As the result of mature reflection and in view of the recommendation of the Secretary of the Navy I beg leave to concur in the suggestion that an amendment be introduced providing for the present increase in this proposed depth to 40 feet. In other words, I am seconding the recommendation of the Secretary of the Navy, and I trust that you and your associates on the committee will find it possible to make this one change in the proposed measure.

Cordially, yours,

NEWTON D. BAKER,
Secretary of War.

Mr. Chairman, the Chief of Engineers has stated that the adoption of the 40-foot channel project at Diamond Reef instead of a 35-foot channel will result in a very substantial saving; and if you can save by constructing a 40-foot channel in the first instance in one place you can do the same in the other; and I submit it will result in a saving of millions of dollars to this Government if in the beginning they will make their contracts to deepen this channel upon the 40-foot basis instead of the 35, because it is conceded that after you have constructed a channel to a depth of 35 feet you will have to go over the same thing again in order to get 40 feet.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. HULBERT. Yes.

Mr. MADDEN. I do not know anything about the location of the subways through which the passengers are carried under the river, but will the blasting of the rock at Hell Gate have anything to do with seriously damaging any of these tunnels?

Mr. HULBERT. They are a long distance away. Hell Gate is at Ninety-first, and the nearest subway connects Forty-second Street with Long Island city opposite Thirty-fourth Street. My belief is they will not, and that is the belief that has been expressed to me by engineers in New York with whom I have discussed the situation.

Mr. MADDEN. Is there any provision made for the protection of the city of New York or the people who travel in these subways in case they do damage them?

Mr. HULBERT. That is a detail to be arranged by the department when the work is authorized and undertaken.

The CHAIRMAN. The time of the gentlemen from New York has expired.

Mr. LAGUARDIA. Mr. Chairman, I want to say to the gentleman from Illinois [Mr. MADDEN] that the people of New York are indeed very grateful to him for his kindly interest toward their welfare and safety in using the tunnels of their city, and I assure the gentleman from Illinois that we will be well able to protect the citizens of New York in traveling through these tunnels.

Mr. MADDEN. Oh, the gentleman does not want to take himself too seriously.

Mr. LAGUARDIA. I am not.

Mr. MADDEN. Members of the House have a right to ask questions where life is at stake.

Mr. LAGUARDIA. We have managed those subways pretty well. The city of New York built them, and we transport millions of people in them every year.

Mr. MADDEN. I understand, but there is danger of injury from blasting the rock over them, and it may be just as well to call it to the attention of the House and the country.

Mr. LAGUARDIA. There seems to be always danger when any money is to be appropriated for the State of New York.

Mr. MOORE of Pennsylvania. Is there any danger of blasting the subways of Chicago?

Mr. LAGUARDIA. I do not know anything about the subways of Chicago. I have only five minutes, and I refuse to yield further. I have learned that from the gentleman from Illinois [Mr. MADDEN].

The committee amendment and the provision for the improvement of the Hudson River and the East River is not a local matter. It is a national matter and of national importance. We have this situation in New York: Battleships in the Brooklyn Navy Yard can only leave or enter the port at high tide. Can you gentlemen imagine the situation where there would be a call for help, where these battleships would be called out for immediate duty, and they would be obliged to flash out the message, "We can not come now; wait for eight hours until high tide." It does seem strange——

Mr. STAFFORD. Mr. Chairman——

Mr. LAGUARDIA. I refuse to yield. It does seem strange that in this bill, where you have water hyacinths, where you have little bits of creeks and mudholes of doubtful commercial importance, there should be any hesitancy on the part of this House in passing without a murmur or protest this very important measure for improvement in New York Harbor.

Mr. Chairman, I want to read the following telegrams:

The following are the telegrams referred to:

NEW YORK, N. Y., *June 14, 1917.*

Hon. F. H. LAGUARDIA,
Washington, D. C.:

Believe appropriations for purposes mentioned your telegram are of first order of importance.

JOHN PURROY MITCHEL, *Mayor.*

—

NEW YORK, N. Y., *June 14, 1917.*

Hon. F. H. LAGUARDIA,
House of Representatives, Washington, D. C.:

We consider the provisions in rivers and harbors bill for deepening channels across Diamond Reef and Hell Gate in the East River and for dredging the Hudson River of the most urgent importance, both as a necessary measure for national defense and to meet the pressing needs of commerce at this port. We have no detailed knowledge of the other items in the bill, but are creditably informed that they have been recommended by the Board of Army Engineers, and approved by the Secretaries of the Navy and of War as proper and necessary measures for the national defense.

THE MERCHANTS' ASSOCIATION OF NEW YORK.

—

NEW YORK, *June 14, 1917.*

Hon. F. H. LAGUARDIA,
Washington, D. C.:

River and harbor bill not perfect in all phases, but Diamond Reef and Hell Gate, East River, and Hudson River dredging so urgent to New York that minor defects in measure must be accepted; are advised certain items, though apparently unnecessary, are indirect consequences of main features. New York needs the improvements.

REAL ESTATE BOARD OF NEW YORK.

—

NEW YORK, N. Y., *June 14, 1917.*

Hon. F. H. LAGUARDIA,
House of Representatives, Washington, D. C.:

We consider necessities of Diamond Reef and Hell Gate alone under present conditions war measures of first importance and urge passage of this bill.

E. H. OUTERBRIDGE,
President New York Chamber of Commerce.

—

NEW YORK, *June 14, 1917.*

Hon. F. H. LAGUARDIA,
House of Representatives, Washington, D. C.:

Telegram received. Am not sufficiently familiar with projects in other parts of the country to express opinion concerning their merits. My knowledge of the thoroughness with which the United States engineering officers work, with the careful supervision exercised by the Chief of Engineers, gives me greatest confidence in their recommendations. Projects affecting the port of New York are of vital importance both to city and entire Nation, are urgently needed as measures of national defense, and are required for development of commerce. In my opinion all Representatives of State of New York should use every effort possible to secure required appropriations as promptly as possible.

R. A. C. SMITH,
Commissioner of Docks.

Mr. LAGUARDIA. From these telegrams, Mr. Chairman, you will see that the city of New York, through its mayor, who, by the way, has given the great metropolitan city an efficient, economical, and businesslike administration and who can speak with authority on this subject, and the dock commissioner of the greater city, who has made a special study of port improvements, as well as commercial organizations representing a large part of the Nation's commerce, concur in this project and are willing to take it at the expense of having to take with it the many small projects so severely criticized on the floor of this House. I confess that I have not an intimate knowledge of each and every item contained in this bill, but I fail to see how there can be any dispute on the facts and necessity of these projects. Either a stream is a ditch or a river, either it is navigable or a mudhole. When the chairman of this committee and the members who concur with him state on the floor of the House that each item has the approval of the War Department and is of commercial or military necessity they assume full responsibility for the entire bill, and in the absence of proof to the contrary I shall support it. I have failed to hear convincing objection to any specific item. Most of the gentlemen who have opposed the bill have indulged only in generalities, a thing not difficult to do with a river and harbor bill.

There can be no doubt as to the immediate need of the removal of Diamond Reef in the East River and the immediate commencement of the Hell Gate project. My colleague from New York [Mr. HULBERT], in his interesting and instructive talk on the bill covered every detail, and there is no necessity at this time to elaborate upon his statement.

For the benefit of the distinguished gentleman from Illinois [Mr. MADDEN], who inquired the other day whether the docks in the city of New York were not all privately owned, I will read the following figures: We have in New York 578 miles of straight shore line; of this, 128 belongs to the city of New York and 450 miles privately owned. Measuring around piers and shore we have 163 miles owned by the city and 579 miles belonging to private parties, a total of 742 miles.

The wharf property was acquired by the city at a cost of $43,062,162. The construction of piers, bulkheads, and terminals cost the city of New York $71,515,826. These items, together with repairs and maintenance, represent a total of $135,529,572 which the city of New York has invested in her port. It is a fair estimate to multiply this amount by four to obtain the amount representing the investments of private owners. The city of New York has recently constructed new piers along the North River and the East River and has done everything within its power to keep the port modern and capable of handling the constantly increasing traffic. Only recently a pier 1,740 feet long by 175 feet wide was completed at Thirty-fifth Street, in South Brooklyn. There are 252 piers owned by the city and 582 privately owned. We have a $4,000,000 pier near Forty-second Street, Manhattan, which can not be used to its full extent owing to low water and which awaits the action of this bill before it can be dredged. I hope that the gentleman from Illinois will consider these figures.

During the year 1916 the tonnage engaged in foreign trade which entered the port of New York was 14,330,700. I emphasize foreign trade to make it clear to some of the gentlemen who are accustomed to river statistics that this does not include ferries, lighters, barges, or river boats. The values of the imports and exports were given to you in detail by my colleague from New York and I need no repeat them now. Suffice it to say that in 1913, 46.2 per cent of the entire foreign commerce of the United States passed through the port of New York. And in comparison with this let me say that the total appropriation of the United States from the time of the first river and harbor bill to and including 1913 was $789,288,370.50. Out of this, for the same period of time, $21,301,639.35, equal to 2.68 per cent, was expended in the port of New York. It seems that nature in its infinite wisdom guarded against geographical selfishness and mudhole proclivities of American Congressmen and provided for the American people the great natural port of New York. But even nature seems to have failed in allowing for the ingenuity of man and the rapidity of progress. With the large steamers of the day and our immerse battleships our traffic in and out of the port of New York along the East River is limited to high tide. The purpose of the Diamond Reef item is to remove this encumbrance so that vessels may enter and leave the port at all times regardless of the tide.

The Hell Gate project already sufficiently explained is imperative in order to give our shipping another outlet to the sea via Long Island Sound. The gentleman has had occasion to examine the maps and I need not now go into detail. I wish to emphasize the fact that these improvements in the port of New York affect the welfare of the whole Nation. You can not compare it with any other item in this bill. I would like to see it included in a bill of itself, but this is not the time to endeavor to correct all evils. As long as it is necessary to obtain these needed appropriations in a bill of this kind I shall follow the judgment of men in my city who have given this subject consideration and study all of their lives, and who urge me and my colleagues from the Greater City to bring about the passage of this bill owing to the urgency and necessity of the proposed improvements, and I shall vote for the bill.

Mr. MADDEN. Mr. Chairman, I think we have had a long and strenuous day, and I make the point of no quorum.

Mr. LAGUARDIA. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SMALL. I hope the gentleman will not make the point of no quorum.

Mr. HULBERT. Let us get a vote on this amendment.

Mr. MADDEN. I think there is not any objection to the amendment.

Mr. SMALL. Will the gentleman withhold his point for a moment?

Mr. MADDEN. Yes.

Mr. SMALL. I hope there is a quorum present, but even if there is not, I hope the gentleman will withdraw his point of no quorum. We had to-day the most generous debate on the amendment of the gentleman from New Jersey [Mr. PARKER], and we have made very little progress on the bill.

Mr. MADDEN. We are just getting into the heart of the bill. If the gentleman will agree to rise at half past 5, I will withdraw my point.

Mr. SMALL. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. Does the gentleman from Illinois [Mr. MADDEN] withdraw his point of no quorum?

Mr. MADDEN. Yes; if the gentleman wishes to rise.

Mr. SMALL. Mr. Chairman, I ask for a vote on the committee amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. SMALL].

The question was taken, and the amendment was agreed to.

Mr. SMALL. Whatever the procedure is, I want to ascertain in the proper way whether there is a quorum here or not. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. SMALL. Is it the proper procedure to move to rise and then ask for tellers?

The CHAIRMAN. The gentleman from Illinois makes the point of no quorum. The Chair will have to count to ascertain whether or not a quorum is present. If the gentleman moves to rise, he can demand a vote by tellers on the motion.

Mr. SMALL. If we move to rise, the count will only have to be 100?

The CHAIRMAN. There will have to be 100 present for a quorum.

Mr. SMALL. Then I move that the committee rise.

The CHAIRMAN. The question is on the motion of the gentleman from North Carolina [Mr. SMALL] that the committee do now rise.

The motion was rejected.

Mr. MADDEN. Mr. Chairman, I make the point of no quorum.

Mr. SMALL. Mr. Chairman, I ask for tellers.

The CHAIRMAN. It is too late to ask for tellers now.

Mr. SMALL. Mr. Chairman, I was interrupted at the moment and——

The CHAIRMAN. Does the gentleman move that the committee do now rise?

Mr. SMALL. Yes.

The CHAIRMAN. The gentleman from North Carolina moves that the committee do now rise.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. MADDEN and Mr. CALDWELL demanded tellers.

Tellers were ordered, and Mr. MADDEN and Mr. SMALL took their places as tellers.

The committee divided; and the tellers reported—ayes 5, noes 61.

So the committee refused to rise.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. There are a number of gentlemen present who have not passed through the tellers. Can they be counted?

Mr. MADDEN. No quorum, Mr. Chairman.

The CHAIRMAN. Does the gentleman insist on the point of no quorum?

Mr. MADDEN. Yes.

The CHAIRMAN. The Chair will count.

Mr. MADDEN. We just had a count, Mr. Chairman.

The CHAIRMAN. One hundred Members are present, a quorum. The Clerk will read.

The Clerk read as follows:

Keyport and Shoal Harbors, Woodbridge, Cheesequake, Matawan, and Compton Creeks, Elizabeth, Raritan, South, and Shrewsbury Rivers, and Raritan Bay, N. J.: For maintenance, $58,000.

Mr. MEEKER. Mr. Chairman, I move to strike out the last word.

In my time I will ask the Clerk to read the announcement in the Washington Evening Star as to what the Council of National Defense is now doing in regard to inland waterway transportation.

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

COMMITTEE NAMED ON INLAND TRANSPORTATION—COUNCIL OF NATIONAL DEFENSE ANNOUNCES GEN. BLACK, CHIEF OF ENGINEERS, WILL BE CHAIRMAN.

The Council of National Defense to-day announced the creation of an inland water transportation committee, with Gen. W. M. Black, Chief of Engineers, United States Army, as chairman. Daniel Willard, chairman of the advisory commission of the council, who has special charge of matters relating to transportation, is a member ex officio. The other members of the committee are: Walter S. Dickey, vice chairman, Kansas City, Mo., president Kansas City-Missouri River Navigation Co.; George E. Bartell, president of the Philadelphia Bourse; Capt. J. F. Ellison, Cincinnati, former secretary of the National River and Harbors Congress; Joy Morton, Chicago, director in many financial, mercantile, and transportation companies; James E. Smith, St. Louis, president Mississippi Valley Waterways Association; M. J. Sanders, president New Orleans Board of Trade, representing Harrison-Leyland Lines. Lieut. Col. C. Kellon, of the Corps of Engineers, will act as secretary of the committee.

It will be the function of the new committee to bring together the companies engaged in inland water transportation, including those on the Great Lakes, in order better to meet the war situation and increase and make more efficient the freight-carrying facilities of the country's waterways.

Mr. MILLER of Minnesota. Will the gentleman from Missouri yield for an inquiry?

The CHAIRMAN. The gentleman from Missouri [Mr. MEEKER] is recognized.

Mr. MILLER of Minnesota. I want to make an inquiry of the gentleman.

Mr. MEEKER. Yes.

Mr. MILLER of Minnesota. I notice this council evidently wants the cooperation of transportation lines on the Great Lakes, but there is nobody on the Great Lakes represented on it.

Mr. MEEKER. Joy Morton, of Chicago, is on it. Chicago, you know, is a village on the lake. [Laughter.] This clipping, however, was read for the information of the gentleman from Wisconsin.

Mr. MADDEN. That has been published in the newspapers for a week past.

Mr. MILLER of Minnesota. I would like to ask the gentleman from Missouri an additional question.

Mr. MEEKER. Very well.

Mr. MILLER of Minnesota. And I would like to ask the gentleman from Pennsylvania [Mr. MOORE] a question, if he will be kind enough to answer.

Mr. MOORE of Pennsylvania. Does the gentleman think I ought to commit myself as to Chicago?

Mr. MILLER of Minnesota. No. I would like to know who is this gentleman from Chicago?

Mr. MADDEN. He is in the salt business.

Mr. MOORE. I understand he is a very distinguished gentleman.

Mr. SMALL. Mr. Chairman, what is pending?

The CHAIRMAN. The gentleman from Missouri moved to strike out the last word.

Mr. MILLER of Minnesota. I ask this as a serious question.

Mr. MADDEN. Mr. Joy Morton, of Chicago, is an extensive dealer in salt.

Mr. MILLER of Minnesota. Has he any experience with respect to water transportation?

Mr. MADDEN. I think he has been trying to ship some salt down the Mississippi River.

Mr. MILLER of Minnesota. I have no doubt he is a fine public-spirited citizen, but with no expert knowledge on the subject of water transportation.

Mr. SMALL. Mr. Chairman, I make the point of order that we are not discussing any item.

The CHAIRMAN. The gentleman from Missouri moved to strike out the last word.

Mr. MILLER of Minnesota. I have no desire to delay the consideration of the bill, but this matter has been injected into the discussion and it is pertinent to the bill; and inasmuch as the names of the members composing the commission have been read, it is rather pertinent to inquire as to the personnel of the commission. I beg leave to submit that the greatest commerce of the world—and I pause right there for rhetorical effect [laughter]—without exception is on the Great Lakes, and here is a commission designed to aid the commerce of the country by means of transportation by water of all the commodities that are piled up and anxious to be transported in the United States, and there is not a man conversant with lake transportation now on the commission. But I am glad to see

that they have a gentleman from Philadelphia, who is president of the Bourse, on the commission. Perhaps he has some knowledge of money. Perhaps he has had experience in flatboat operations.

Mr. GILLETT. Mr. Chairman, I think it is only fair, now that it is half-past 5, that I should ask the gentleman from North Carolina [Mr. SMALL] what is the purpose of the committee as to sitting this evening, if it is possible to keep a quorum?

Mr. SMALL. As I said earlier in the day, Mr. Chairman, it was our purpose to have the House remain in session until 7 o'clock, but in view of the anxiety of some gentlemen to get away I have suggested 6 o'clock, but with the understanding that there will be no objection to meeting at 11 o'clock to-morrow.

Mr. GILLETT. At what time did the gentleman expect to adjourn to-morrow?

Mr. SMALL. We had not considered that.

Mr. GILLETT. It will be Saturday afternoon, and if there is an agreement to be made I think it would be wise to make it now, in order to avoid further points of order.

Mr. CLARK of Missouri. I would like to inquire, if this is a free conversation, whether the gentleman from North Carolina expects to finish this bill to-morrow?

Mr. SMALL. We do. We would like to, and we expect to complete the bill to-morrow afternoon, and we think we can do it if the discussion is confined to the items in the bill.

Mr. CLARK of Missouri. Why not take a recess now until 8 o'clock and have a night session, and get through with this thing? [Applause.] That would give everybody a chance to go home and get their dinner and come back feeling well.

Mr. MADDEN. Mr. Chairman, I certainly do not think we ought to do anything of that sort. We have been here all day. We are here all day, many of us, while a good many men are not here at all, and I think when Members stay in this House from 11 o'clock until 6 at night, with the bad air that we breathe here, we have been here all the time that we ought to be.

Mr. CLARK of Missouri. I will ask this question: Do not you think, if we speed up, we will get away quicker this summer than if we dawdle around as we have been doing heretofore?

Mr. MADDEN. If we sit here until 8 o'clock to-night and other nights, there will be nights when we shall be waiting for action by the Senate, and we will have many idle days with time on our hands, and we shall be here with nothing to do in the daytime.

Mr. CLARK of Missouri. The day of miracles is past, but perhaps the Senate may get a move on it. [Laughter.]

Mr. MADDEN. I do not think we ought to sit in this bad air until 8 o'clock on any night unless there is an emergency, and there is no emergency now.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Cold Spring and Absecon Inlets, Absecon and Tuckerton Creeks, and Toms River, N. J.: For maintenance, $35,000.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. This is an illustration of the bad policy of grouping various projects for maintenance, concerning which criticism has been lodged against this bill. Here we have a paragraph containing some five separate items, three or more of which have no estimates, so far as I have been able to ascertain, for maintenance work during the coming year. I looked at the index of the report of the majority of the committee and found no reference whatsoever to a majority of these items. The gentleman, in defense of this policy, refers you to the report, and yet when you look at the report you find no mention whatever of the respective items. I took occasion to try to ascertain as to Cold Spring Inlet. The report presented by the committee shows that they have no information as to tonnage, and yet they are recommending the allowance of an appropriation of $35,000 to be made available for that project.

Absecon Inlet is referred to. Everyone who has visited Atlantic City knows something about Absecon Inlet and has noticed the dredge there engaged continuously at work in trying to keep open a 12-foot channel running from the ocean into the upper inlet, which dredging is necessary every time they have a storm there. It was originally projected in view of the establishment of a line of steamers from New York to Atlantic City, but that soon was found to be unprofitable and it was abandoned. As far as I know, Absecon Inlet has no commerce to-day whatever, except some small sloops that can get in through the natural channel without the necessity of a 12-foot channel.

Mr. HULBERT. Will the gentleman yield?

Mr. STAFFORD. I will be glad to yield.

Mr. HULBERT. Does the gentleman know that the line of steamers between Atlantic City and New York was discontinued because in this high market for steamers they were able to sell their steamers at a higher price than the freight could earn for them on their investment, and not because of the lack of business there?

Mr. STAFFORD. Whatever the cause, it shows that there is no necessity whatsoever for the maintenance of this channel during these existing times.

Mr. HULBERT. What are we going to do with the ships that are building now?

Mr. STAFFORD. I do not suppose that any ships are going to be used in a chimerical project, which is shown to be chimerical by reason of the fact that the people who came from New York down to Atlantic City had such unsettled stomachs, by reason of the high life they led, that they preferred to go by rail rather than by boat.

Mr. HULBERT. New York people do not go to Atlantic City.

Mr. STAFFORD. That only shows the ignorance of the gentleman, so far as that cosmopolitan resort is concerned. Of course there are a few New York people who are satisfied with Coney Island as their resort.

Mr. JAMES. Mr. Chairman, there is no reference to the Cold Spring Inlet project in the majority report, but Col. Lockwood has said of it:

The project of improvement, if carried to completion, will be of material benefit to the city of Cape May as a pleasure resort, by filling the adjacent swamp lands, obliterating mosquito breeding beds, and furnishing opportunity for expansion for building sites.

Mr. STAFFORD. That shows the character of this grouping. The engineers make no recommendation whatsoever and no estimates, and yet the gentlemen of the committee, in their omnibus policy of including everything and everybody, apparently in order to get support for this measure, group in here items for which no estimate of any character has been made. I will ask the chairman of the committee [Mr. SMALL] whether there has been any estimate made for three of these items by the district engineers?

Mr. SMALL. Mr. Chairman, if the gentleman had taken the trouble to examine the annual reports of the Chief of Engineers he would have found the information which I am now giving him.

Mr. STAFFORD. I will direct special inquiry as to whether there is any estimate for maintenance for Cold Spring Inlet, Absecon Creek, and Toms River?

Mr. SMALL. There was no estimate for Cold Spring. There was an estimate of $45,000 for Absecon Inlet, which has been reduced to $30,000, and there was an estimate of $5,000 for Tuckerton Creek, making a total of $35,000 carried in the bill.

Mr. STAFFORD. That simply confirms what I said. There is no estimate for three of these projects, Cold Spring, Absecon Creek, and Toms River; and yet, despite the failure of the engineers to make an estimate, they are included in this paragraph.

Mr. SMALL. That has been explained time and again. The gentleman simply does not like the explanation.

Mr. STAFFORD. I do not believe it is a proper policy for this Congress to adopt. We should seek at all times to hold control over the purse strings and not leave it merely to the district engineers or somebody else to determine how this money shall be spent. In the opinion of Members of the House it may well be that some of this money should not be spent on Toms River or on Cold Spring Inlet, for which there is no report of tonnage, or on these other items. The gentlemen may justify the appropriation for the other items, but not for these for which there is no estimate.

Mr. FREAR. Mr. Chairman——

Mr. SMALL. Does the gentleman want to discuss this item?

Mr. FREAR. I want to put in some data in regard to this item.

Mr. SMALL. I was going to move to close debate. I ask unanimous consent that debate close in five minutes.

The CHAIRMAN. The gentleman asks unanimous consent that debate on this item and amendments thereto close in five minutes.

Mr. MOORE of Pennsylvania. I should like to have five minutes. These gentlemen are attacking the project.

Mr. SMALL. I ask unanimous consent that debate on this item and amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman asks unanimous consent that debate on this paragraph and amendments thereto close in 10 minutes. Is there objection?

There was no objection.

Mr. FREAR. Mr. Chairman, ordinarily I present official reports and leave the House to draw its own conclusions. In the Cold Springs and Absecon Inlets and Toms River, N. J., items there is a balance of $75,000 shown to be on hand March 1, according to the balance sheets.

This item calls for $35,000, a small amount comparatively, for maintenance, but I desire to show how this money can be used on certain items.

Cold Springs Inlet will be found in Document 388, page 5. In the 1916 Engineer's report, page 2083, he says that it is not practicable to obtain any commercial statistics for Cold Springs Inlet in 1915. Yet we have appropriated $961,200 for that project to date.

That was the report made on that project several years ago; and this last year, after spending over $900,000, there is no commerce developed or reported. Engineer Flagler said, on page 5 of the same document, that the improvement "will increase the attractive features of Cape May to visitors, and a good harbor would doubtless have a very advantageous effect. It would also permit the resumption of yacht races, which at one time they had at Cape May and which form one of the most attractive features of the season." That is the Army engineer's report concerning commercial necessities of Cold Springs Inlet.

Now, coming to Absecon Inlet, which had about 5,000 tons of commerce this last year, the engineer said, in the former report, that there was going to be a large profit through saving of freight rates when the project was completed.

On page 7 of Document No. 1395 it was estimated by the engineer that they would save $502,000 annually in freight rates on the tonnage on this project when the project was completed. It is completed now, and how much tonnage did we have last year? Five thousand two hundred and thirty-five tons. They were going to save a half million dollars in freight expenses annually, and yet only 5,000 tons of freight were handled altogether.

Let us take Toms River, another project. The engineers said in regard to that—

> Toms River is located on one of the principal automobile lines of travel Dredging it to a suitable depth would increase the traffic, owing to the ease with which owners could communicate with the yachts at this point.

They could come down with their automobiles and get out on the yachts; that was an important consideration. Four thousand nine hundred and ninety tons was the amount of commerce on Toms River in 1915. So, here are three items in the grouping system—Cold Spring Inlet, Absecon Inlet, and Toms River—all of a kind, apparently. I have not spoken of the grouping system before, but how can any Member take that grouping system as proposed and ascertain what money is to be used and where? The Chief of Engineers can use it on any one of these projects, which now have balances of $75,000, and none of which are necessary for any commercial needs or possess any value in proportion to the money that has been expended on them.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COSTELLO. Mr. Chairman, the statement made by the last speaker, the gentleman from Wisconsin, does not convey fairly the situation. Cold Spring Inlet last year was a rendezvous for the entire submarine fleet of the United States and for many battleships. Absecon Inlet is a harbor of refuge for all seagoing yachts along the coast, and it is something that the United States Government ought to support.

Mr. MOORE of Pennsylvania. Mr. Chairman, the gentleman from Pennsylvania [Mr. COSTELLO] yields the balance of his time to me. I am glad that my colleague [Mr. COSTELLO] made his statement, because he knows whereof he speaks. The gentleman from Wisconsin [Mr. STAFFORD] is an occasional visitor at Atlantic City, after his arduous labors here at the Capitol, but he gets so hilarious on the boardwalk he comes back thinking he knows all about the waterways question. He estimates the commerce and tonnage from the angle of the boardwalk which he perambulates with great gusto as a Member of Congress. [Laughter.] My other friend from Wisconsin [Mr. FREAR] is not so familiar with Atlantic City, because he does not go down there so often. He is more sedate than his colleague, but gets equally mixed in statements of facts and figures, which he confuses.

Mr. HULBERT. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes; although I have only a minute.

Mr. HULBERT. Do they sell Milwaukee's hilarious fluid at Atlantic City?

Mr. MOORE of Pennsylvania. They do; and the gentleman from Wisconsin has never been known to go back on his home product. [Laughter.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

The Clerk read as follows:

> Schuylkill River, Pa.: For improvement in accordance with the report submitted in House Document No. 1270, Sixty-fourth Congress, first session and subject to the conditions set forth in said document, $300,000.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. As I understand this item in reference to the Schuylkill River, it is a new project, never before undertaken by the Government, and planned, as far as I am able to learn, for a channel with a depth of 35 feet in a river that is largely used as a conduit for sewage supplied by the city of Philadelphia. [Laughter.] If I am mistaken, I will yield to the gentleman from North Carolina.

Mr. SMALL. The gentleman is mistaken; it is not for sewage purposes.

Mr. STAFFORD. As I read the report, the statement is that the Schuylkill is used largely for conveying the sewage of Philadelphia down to the Delaware River, and it is now the purpose to excavate the sewage of this foul stream to the depth of 35 feet at the Government expense.

It is true that I have occasion to visit the city where my parents were born, and on my visits there——

Mr. MOORE of Pennsylvania. Did the gentleman come from that sewage district to which he refers? It is not in the bill.

Mr. STAFFORD. I decline to yield. I have had occasion to see the number of ships that ply that famous Schuylkill River. I remember it in years gone by as being utilized largely for the conveyance of coal barges from the Schuylkill mines, but that is almost a thing of the past. The river is narrower and shallower now than then; it is getting filled up with silt from the upper sources, and now it is proposed to have the Government excavate it to a depth of 35 feet.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. MADDEN. I understood the gentleman to say that they used to use it for the transportation of barges, and that now they use it for the transportation of sewage.

Mr. STAFFORD. Yes. In those days they utilized it somewhat for the transportation of sewage also, and also to obtain drinking water for the denizens of Philadelphia.

Mr. MOORE of Pennsylvania. The Philadelphia water does not appeal to the gentleman as does the beverage that made Milwaukee famous.

Mr. STAFFORD. Of course there are some breweries up around Brewery Town in Philadelphia located along this stream, and the beer manufactured there is not as good, of course, as that which made Milwaukee famous. You have got to have good water in order to make good beer. I am not surprised at the gentleman for being envious of the beverage that made Milwaukee famous. Perhaps his purpose in having this dredged out is to furnish an easy conveyance to the sea of the sewage of Philadelphia and the communities above, but as far as I know, on the Schuylkill below the dam at Lemon Hill there is little or no tonnage, and where most of the abutting shore line is bounded by industrial establishments that do not permit of the building of piers and wharves. And here we are starting a project that will involve the expenditure of a million dollars, perhaps, for some development that is chimerical. There is neither military necessity nor commercial necessity connected with this work. The river at the navy yard is improved. This plans a deep channel of 35 feet for the greater part of the distance. I do not know what is back of it, whether the energy of the gentleman from Philadelphia, who is the main spokesman, though not on the committee, for not only the items concerning Philadelphia, but all of the items in the bill. But everyone acquainted with the facts will agree that there is no pressing need, if need at all, of spending more than $1,650,000 for deepening the channel of this stream, with little or no tonnage, and with little in prospect.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. COSTELLO rose.

Mr. SMALL. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in three minutes.

The CHAIRMAN. Is there objection?

Mr. MOORE of Pennsylvania. I ask unanimous consent for enough time in which to reply to a personal attack.

Mr. STAFFORD. I had no purpose in making a violent attack.

Mr. SMALL. I withdraw my request.

Mr. COSTELLO. Mr. Chairman, about one-third of the commerce of the city of Philadelphia, about 3,000,000 tons, went out of that stream last year. It also affords an entrance to the navy yard. The gentleman from Wisconsin left Philadelphia at so early an age that he has lost all sense of information or knowledge that he did possess about it. Here are located the great elevators and the great oil-refining industries and other large industries of Philadelphia. This item is one of the best items in the bill.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, I know the gentleman from Wisconsin [Mr. STAFFORD]—distinguishing him from the other brilliant waterway experts of that State—is not serious in his attack upon the Schuylkill River, but I am inclined to think there was a sting in his personal references to one of the Representatives from Philadelphia, and for that reason I shall have to reply to him in brief. The gentleman from Wisconsin is an authority upon parliamentary law. I think all of us in the House recognize that when he rises to a point of order it is time to quiet down and wait with bated breath his interpretation of the law, even as it has been handed down from the days of Carlisle.

But the trouble with the gentleman from Wisconsin is that while he is a great parliamentarian and occasionally crosses the Delaware on his way to Atlantic City for those thoughtful board walk perambulations which I recently attempted to describe, he is not well posted on waterways. Not that his own State of Wisconsin is not well provided with appropriations, for those in the vicinity of the Great Lakes have been very careful to see to it that very ample appropriations have been made there; it is because the gentleman from Wisconsin gets it into his head once in a while that it is his bounden duty to pick flaws in the projects which he does not understand. The other day, for instance, when the gentleman from Wisconsin was interrogating the gentleman from New York [Mr. DEMPSEY] and was showing how much he knew about waterways, this very interesting colloquy occurred:

Mr. DEMPSEY. I do not think there is a steel plant or furnace in the United States that is not located where it has water facilities. I do not know of any.

Mr. STAFFORD. Take, for instance, the great Cambria Steel Works. They are located on the Conemaugh River, at Johnstown, and they get their freight both by rail and by boat.

Has anyone in this House ever been on the Conemaugh River at Johnstown where, according to this new waterways expert from Wisconsin, they get their freight both by rail and "by boat"? If we have such a Member and he has ever been able to pass under the bridge at Johnstown in a canoe, I would like him to present himself. [Laughter.] And yet the distinguished gentleman from Wisconsin, who tells us they get ore by boat on the Conemaugh at Johnstown, knows all about the Schuylkill River, the Absecon Inlet, and the Delaware River, and would have them stricken from the bill.

But the gentleman from Wisconsin, interrogating the gentleman from New York [Mr. DEMPSEY], went on to say:

Take the furnaces in Pennsylvania. They get their ore part by lake and part by rail.

We touch on the lakes in Pennsylvania up yonder by Erie. Perhaps that is what the gentleman referred to. But Mr. DEMPSEY said:

That is true, for instance, at Buffalo. The gentleman is entirely right. They get their limestone by rail. I think they get all their limestone by rail.

But Mr. STAFFORD, Wisconsin waterway expert, said:

Take the Bethlehem Works; take the Cambria Works—I can enumerate some of the largest works where they get their ore largely by rail and partly by rail and partly by water.

Here is an experienced Member of the House telling new Members of this body how they ought to vote on the waterway question. He tells them he knows about the Delaware and Schuylkill Rivers, great commerce carriers in peace and war, because he makes an occasional trip to Atlantic City, and then he solemnly assures them that the Conemaugh carries ore to the Cambria Steel Co. and that Bethlehem also gets its ore by water. The Lehigh River would rejoice at such a statement. [Applause.]

The Clerk read as follows:

Delaware River, Pa., N. J., and Del.: Continuing improvement and for maintenance from Allegheny Avenue, Philadelphia, to the sea, $1,870,000; for maintenance of improvement from Allegheny Avenue, Philadelphia, to Lalor Street, Trenton, $40,000; in all, $1,910,000.

Mr. TREADWAY. Mr. Chairman, I move to strike out the last word.

The gentleman from Pennsylvania [Mr. MOORE] who has just taken his seat, made some comments on the minority report. Of course, he is very free in his criticism of other Members and asks always for great accuracy. It is advisable, perhaps, to look for the same merit in yourself that you expect to secure from others.

Now, he said that the minority members, as I recall it, had made the statement that we were not in favor of any kind of a river and harbor bill, and that we had stated that this bill was entirely pork. I take exception to that remark, and I did at the time, and asked the gentleman to make a fair statement about it.

I desire to call his attention to the part of the report signed by the minority, on page 5, where the minority said:

The minority are convinced that the only items that can be justified at this time are of two classes. First, items of maintenance for meritorious projects that would retain the present channel depth or are of such commercial importance as to require continual attention. Second, such harbor improvements as are of value and importance in the general plan of better preparedness, considering both the commercial requirements and naval needs.

I desire to call the gentleman's attention to that statement in the report, which with his great desire for accuracy at all times he should have seen when he was offering the criticism he did against the minority report. It is not always well to be continually expecting the great virture of accuracy in everyone else and omitting to have it in yourself.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. We might as well cross these bridges as we come to them. The gentleman from Massachusetts [Mr. TREADWAY] has indicated that I was unfair in my criticism of the minority report. I am glad he has called attention to my omission to commend the minority for its approval of the Delaware River. I do not now know how they could have done anything else but approve a project of that commercial importance and of such naval and military importance to the Nation. That statement holds also for the Schuylkill, which is also carried in the bill.

But I observe the gentleman from Massachusetts, in his minority report—he and his colleagues—reflected upon certain other projects in which Members of the House are earnestly interested and which they have advocated because they believe in those projects. I give the gentleman from Massachusetts [Mr. TREADWAY] and his committee credit for praising worthy projects in the bill, but because he has approved the Delaware it does not follow that he should reject all other projects in this bill. I believe we should be liberal with our colleagues and with other sections of the country aside from our own. I criticized the minority report because I thought it manifestly unfair to certain sections of the country. And the minority may not be altogether unworthy of criticism.

Witness the gentleman from Massachusetts. He favors in his minority report a worthy and commendable project like the Delaware River, which he could not very well disapprove. We thank him for that, but the gentleman from Massachusetts, who opposes many other projects in the bill, takes advantage of the first opportunity that comes to him when the Massachusetts paragraph is reached to inject into the proceedings of the House an amendment for an extra $400,000 for his own port of Boston in advance of a favorable report by the United States Army engineers.

Now, every other project in this bill is approved by the United States Army engineers and the War Department, but the gentleman from Massachusetts was not satisfied. There was something not in the bill which he would like to have had in the bill. If the committee did not put the $400,000 Boston item in the bill it was the misfortune of the gentleman from Massachusetts, but the gentleman rose in his time and place and endeavored to get it in, and that to a certain extent neutralizes his opposition to other projects in the bill.

Mr. WATSON of Pennsylvania. Mr. Chairman, I want to speak in favor of this section which provides $40,000 to open the channel from Trenton to the sea. We all recall that Christmas eve when Washington crossed the Delaware, marched on to Trenton, and raised that flag of liberty, which, thank God, has never yet been hauled down by any nation. [Applause.] If there is any patriotism in this House, the Members will not fail to give to the city of Trenton, now a population of nearly 200,000, a waterway to the Atlantic. [Applause.] This channel is one of the connecting links of the great inland routes which my distinguished colleague, Mr. MOORE, from Pennsylvania, has fought so gloriously and so wonderfully on the floor of this House for many years, to give to the American people a watercourse from Maine to the shores of Florida. [Applause.] I therefore believe that this bill should be passed as

a whole, even if it was for nothing more than to give old historical Trenton an outlet to the sea. [Applause.]

Mr. SMALL. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HARRISON of Mississippi, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 4285) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

EXTENSION OF REMARKS.

Mr. TILSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein a letter received from the Grand Army Post of my home town.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. JAMES. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a speech made yesterday on Flag Day at the Central High School by the gentleman from Pennsylvania [Mr. KELLY].

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD by inserting a speech delivered by Congressman KELLY yesterday, Flag Day. Is there objection?

There was no objection.

Mr. LAZARO. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting an editorial from the New Orleans Medical and Surgical Journal on the subject of salvarsan.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Following is the editorial referred to:

SALVARSAN OR ARSENOBENZOL.

[From the New Orleans Medical and Surgical Journal, June, 1917.]

We were preparing a convincing editorial urging congressional action for the purpose of voiding or suspending the patent rights on salvarsan, but what's the use? We learn that Mr. EMERSON, from one of the Ohio districts, has already introduced a bill which is entitled "A bill to abrogate the patent upon the article known as salvarsan," which has the advantage of being both clear and concise. It has been referred to the Patent Committee, and reads as follows:

"Whereas the use of salvarsan is now necessary to the medical profession and the output of the article is so handicapped because of certain patent rights: Therefore

"*Be it enacted, etc.*, That the patent rights issued upon the article known as salvarsan is hereby abrogated and set aside and declared null and void."

The only thing for us to do is to urge our Congressmen to give their active support to the measure.

Whatever place future observation will grant to the chemical in the permanent cure of syphilis, it is generally conceded that it exerts the most prompt effect in controlling lesions, and in that manner, if in no other, it is of most valuable aid in treatment. Its scarcity at intervals during more than two years has been seriously felt, but was due mainly to the prohibitive rights secured for it in this country. It can be and is being made in several countries, but could not be made and sold here or imported into this country under any other name, hence the intolerable monopoly and the impossibility of using a definite chemical compound for the good of the sick.

We hope rapid congressional action will correct the abuse, and we know that salvarsan under any other name will act just as well.

HOUR OF MEETING TO-MORROW—11 O'CLOCK A. M.

Mr. RAINEY. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning.

The SPEAKER. The gentleman from Illinois asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning. Is there objection?

Mr. GILLETT. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman if he would couple with that request a suggestion that on to-morrow (Saturday) afternoon adjournment will be had at some reasonable hour. If he will agree to that, I shall have no objection.

Mr. SMALL. Mr. Speaker, I realize, of course, that we must have unanimous consent to meet at 11 o'clock to-morrow, but to-morrow afternoon is Saturday afternoon, and I do not think gentlemen ought to impose any conditions by asking to have the time set for adjournment to-morrow afternoon.

Mr. GILLETT. Personally I am willing that it should be a good, long, liberal afternoon, but I do not think we ought to be kept here late Saturday night.

The SPEAKER. Is there objection?

Mr. GILLETT. I shall object unless there is some arrangement on that point.

Mr. MEEKER. The Speaker himself during the session of the committee this afternoon urged that we should do everything in our power to get this bill out of the way to-morrow. With all deference to the Speaker, I think surely we shall have plenty of time in the next few weeks waiting on the Senate, and we should be willing to keep in session to-morrow and finish this bill if possible.

Mr. GILLETT. I, too, have great deference for the Speaker, but many Members have assured me that it will not be possible to complete this bill to-morrow, and I do not see why we should be tied down all day to-morrow uselessly.

Mr. SMALL. I will leave it to the gentleman from Illinois [Mr. RAINEY] and other gentlemen to arrange.

Mr. RAINEY. Would not the gentleman from Massachusetts be willing to meet at 11 o'clock to-morrow?

Mr. GILLETT. I would be willing to meet at 11 o'clock to-morrow morning and run to 5 o'clock.

Mr. RAINEY. Would half past 5 to-morrow afternoon be satisfactory to the gentleman as the time to adjourn to-morrow?

Mr. GILLETT. Yes.

Mr. RAINEY. The gentleman from North Carolina assures me that it will be satisfactory to him to adjourn at half past 5 to-morrow. Mr. Speaker, I renew my request that the House, when it adjourns to-day, adjourn until 11 o'clock to-morrow morning.

Mr. GILLETT. Does the gentleman from North Carolina make that agreement?

The SPEAKER. Is there objection to the 11 o'clock proposition?

Mr. MADDEN. And the half past 5 proposition?

The SPEAKER. And coupled with that is an informal agreement with the gentleman from North Carolina [Mr. SMALL] that he will move that the committee rise to-morrow not later than half past 5. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. HULBERT. Mr. Speaker, I ask unanimous consent to extend my remarks by printing two letters on the subject of conscription and a letter on the subject of aeronautics.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection?

There was no objection.

Mr. VOLSTEAD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

FOOD CONTROL.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent to file a minority report (No. 75, pt. 2) on the food-control bill (H. R. 4961).

The SPEAKER. The gentleman from Iowa asks unanimous consent to file a minority report on the food-control bill. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. RAINEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 5 minutes p. m.) the House adjourned, pursuant to the order previously made, until to-morrow, Saturday, June 16, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. Letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Key West Harbor, Fla., with a view to removing the middle ground (H. Doc. No. 185); to the Committee on Rivers and Harbors, and ordered to be printed, with illustrations.

2. Letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Navy submitting an estimate of appropriation for recreation purposes for enlisted men of the Navy at training stations and camps now established or which may hereafter be established (H. Doc. No. 186); to the Committee on Appropriations and ordered to be printed.

3. Letter from the Secretary of the Treasury, transmitting copy of a communication of the Secretary of the Navy submitting an additional estimate of appropriation for mainte-

nance, Bureau of Supplies and Accounts, for the service of the fiscal year ending June 30, 1918 (H. Doc. No. 187); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FERRIS, from the Committee on the Public Lands, to which was referred the bill (H. R. 4991) providing for the counting of service in the Army or Navy of the United States as equivalent to residence and cultivation upon homestead entries, and in the event of the soldier's death in such service providing for the issuance of patent for such land to his widow or minor children, reported the same with amendment, accompanied by a report (No. 81), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RUSSELL: A bill (H. R. 5032) extending the arm of the United States Civil Service Commission; to the Committee on Reform in the Civil Service.

By Mr. FRANCIS: A bill (H. R. 5033) extending the franking privilege through the mails to officers and enlisted men in the Army, Navy, and Marine Corps of the United States; to the Committee on the Post Office and Post Roads.

By Mr. JACOWAY: A bill (H. R. 5034) to authorize condemnation proceedings of lands for military purposes; to the Committee on Military Affairs.

By Mr. MILLER of Minnesota: A bill (H. R. 5035) to amend a paragraph of section 1 of "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1917, and for other purposes"; to the Committee on Appropriations.

By Mr. LAGUARDIA: A resolution (H. Res. 103) to designate a day on which the people of this country may express their sympathy by contributing toward the relief of the Russians in the war zones; to the Committee on Foreign Affairs.

By Mr. EDMONDS: A joint resolution (H. J. Res. 102) to prevent speculation in bituminous coal; to the Committee on Interstate and Foreign Commerce.

By Mr. HUMPHREYS: A concurrent resolution (H. Con. Res. 13) to provide for the printing of the address of Hon. FREDERICK C. HICKS, of New York, on "The Flag of the United States"; to the Committee on Printing.

By Mr. FULLER of Illinois: Memorial of the Legislature of the State of Illinois, favoring action by the United States Government to bring about self-government for Ireland and Poland; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARNHART: A bill (H. R. 5036) granting a pension to Florence A. Warrington; to the Committee on Invalid Pensions.

By Mr. BLAND: A bill (H. R. 5037) for the relief of Frank Hardesty; to the Committee on Claims.

By Mr. DILL: A bill (H. R. 5038) granting a pension to Edward L. Burnett; to the Committee on Pensions.

By Mr. DOWELL: A bill (H. R. 5039) granting an increase of pension to Joseph M. Johnston; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 5040) granting a pension to Edward D. Boothby; to the Committee on Pensions.

Also, a bill (H. R. 5041) granting a pension to Rufus Adamson; to the Committee on Pensions.

Also, a bill (H. R. 5042) granting a pension to Winfred W. Rockwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5043) granting a pension to Lulu Hendrixson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5044) granting an increase of pension to Henry Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5045) granting an increase of pension to Thomas Cullum; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5046) granting an increase of pension to Maria P. Evans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5047) granting an increase of pension to John C. Rinehart; to the Committee on Invalid Pensions.

Also, a bill (H. R 5048) granting an increase of pension to Stephen Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5049) granting an increase of pension to James T. Pitts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5050) granting an increase of pension to Melvina Brunk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5051) granting an increase of pension to Rebecca J. Bridge; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5052) granting an increase of pension to Amos McKinley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5053) granting an increase of pension to Silas H. Shepherd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5054) granting an increase of pension to George W. Anderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5055) granting an increase of pension to Lorain Marsh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5056) granting an increase of pension to James Leming; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5057) granting an increase of pension to William S. Lattimer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5058) granting an increase of pension to Doctor E. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5059) granting an increase of pension to Leander J. Day; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5060) granting an increase of pension to Leonidas W. Day; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5061) granting an increase of pension to John Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5062) granting an increase of pension to James A. Nichols; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5063) granting an increase of pension to Cread Milstead; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5064) granting a pension to Adaline Young Swearingen; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 5065) granting an increase of pension to Isaac Whittaker; to the Committee on Invalid Pensions.

By Mr. NEELY: A bill (H. R. 5066) granting an increase of pension to Owen Moore; to the Committee on Invalid Pensions.

By Mr. OSBORNE: A bill (H. R. 5067) for the relief of Austin G. Tainter; to the Committee on Claims.

By Mr. RAMSEYER: A bill (H. R. 5068) granting a pension to Mary C. Halloway; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5069) granting a pension to Peter Dell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5070) granting an increase of pension to Ezra Stevens; to the Committee on Invalid Pensions.

By Mr. SANDERS of Indiana: A bill (H. R. 5071) granting a pension to Edward Brockway; to the Committee on Pensions.

By Mr. WOOD of Indiana: House resolution (H. Res. 102) to pay Edward F. Warfel, clerk of Daniel W. Comstock, deceased, $125; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the International Stereotypers' and Electrotypers' Union, protesting against the proposed increase of the postage rate on second-class matter and opposing the zone system; to the Committee on Ways and Means.

Also (by request), petition of the International Stereotypers' and Electrotypers' Union, favoring the conscription of all foodstuffs and the regulation of prices and distribution; to the Committee on Agriculture.

Also (by request), petition of United Garment Workers' Union No. 131, protesting against the abrogation of existing laws or agreements restricting or regulating immigration; to the Committee on Immigration and Naturalization.

Also (by request), petition of the Ladies' Auxiliary, Ancient Order of Hibernians in America, relative to the freedom of Ireland; to the Committee on Foreign Affairs.

Also (by request), petition of James McClintock, rector of St. Barnabas Protestant Episcopal Church; Lee E. Rife, pastor of Norris Square United Presbyterian Church; and John Parks, pastor of the Fifth Reformed Presbyterian Church, all of Philadelphia, signing for 14 churches of various denominations, in favor of prohibition as a war measure; to the Committee on the Judiciary.

By Mr. ANTHONY: Petitions of C. E. Holman and others, of Highland, and Samuel Hensi and others, of White Cloud, Kans., and vicinity, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. BLAND: Petition of 500 citizens of Lyons and Levity City, Ind., relative to the liquor question; to the Committee on the Judiciary.

By Mr. BURROUGHS: Petition of Belknap County (N. H.) Pomona Grange, praying for legislation fixing maximum and

minimum prices for foodstuffs in order to stop the manipulating and gambling in the necessities of life; to the Committee on Agriculture.

By Mr. COOPER of Ohio: Petition of citizens of Hubbard and the Woman's Christian Temperance Union of North Benton, Ohio, favoring prohibition as war measure; to the Committee on the Judiciary.

By Mr. DALE of New York: Petition of the New York State Automobile Association, protesting against the proposed tax of 1 per cent on list price of automobiles from the factory, with no reduction for age or wear and tear of car; to the Committee on Ways and Means.

By Mr. DOWELL: Memorial of the Allied Temperance Committee of Iowa, relative to prohibition as a war measure; to the Committee on the Judiciary.

By Mr. DRUKKER: Petition of sundry citizens of Paterson, N. J., favoring woman suffrage; to the Committee on the Judiciary.

By Mr. FAIRFIELD: Petitions of 2,710 residents of Fort Wayne; Anderson Methodist Church, with a membership of 1,200; 45 residents of Valentine; Whitley County Sunday School Association, with a membership of 4,000; Woodburn Woman's Christian Temperance Union; Auburn Sunday schools, with a membership of 750; residents of Fremont totaling 320; Noble County Woman's Christian Temperance Union; Wolcotville Methodist Episcopal Church, with a membership of 200; Fort Wayne Box Co.; 260 residents of Coesse; Kendallville Methodist Church, with a membership of 400; Columbia City Civic League of 600 members; Jasonville residents totaling 203; Howe Military School; Twelfth District State Federation of Clubs, with a membership of 1,500; Steuben County Sunday School Association; Ashley Methodist Episcopal Church; Ligonier Methodist Church, with membership of 300; 400 residents of Waterloo, attending a public meeting; 200 residents of Larwill; Ray Sunday school convention of 250; 100 residents of Avilla; all in the State of Indiana, respectfully requesting Congress to enact Nation-wide prohibition as a war measure; to the Committee on the Judiciary.

By Mr. FOSS: Petition of sundry citizens of Evanston, Ill., favoring food conservation and national prohibition; to the Committee on the Judiciary.

By Mr. FREEMAN: Petition of A. G. Rowley and others, of South Coventry, Conn., favoring food conservation and prohibition; to the Committee on the Judiciary.

Also, petition of the Windham Association of Congregational Churches and Ministers of Connecticut, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the Manufacturers' Association of Connecticut, favoring the passage of the bill to provide daylight saving; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER of Illinois: Memorial of the Merchants' Association of New York, favoring legislation for food control; to the Committee on Agriculture.

Also, petition of Swan Lindskeld and 106 others, of Rockford, Ill., favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of Gartner & Bender, of Chicago, Ill., opposing an increase of postage on post cards; to the Committee on Ways and Means.

Also, petition of the Joliet, Ill., Manufacturing Co., protesting against an increase in letter postage; to the Committee on Ways and Means.

By Mr. GANDY: Memorial of the congregation of the First Presbyterian Church of Sturgis, and sundry citizens of Faith and Hot Springs, S. Dak., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. HAMILTON of New York: Petition of citizens of Jamestown, N. Y., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. HASTINGS: Memorial of the Oklahoma State Board of Agriculture, regarding the food situation; to the Committee on Agriculture.

By Mr. HERSEY: Petition of the union meeting of churches of Bangor, Me., Rev. B. P. Brown, moderator, urging Congress to pass a national prohibitory law; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petition of Harry Tattersall, John Lee, Robert J. Clear, Louis McGowan, William T. Connolly, Fred Wright, Frank J. Wilde, George F. Street, Joseph Hilton, John Richardson, Norman H. Smith, Howard D. Hawkins, Hugh McKeon, Charles V. Andrews, James H. Whalen, E. A. Fiske, J. C. Singele, John McKnight, L. A. Asquith, and James Haigh, all of Pawtucket; Lester D. Patt, Joseph Steveson, Everett I. Patt, and James Jamieson, all of Central Falls; and Lester B. Davenport, of Lincoln, all in the State of Rhode Island, favoring food-control legislation; to the Committee on Agriculture.

By Mr. KIESS of Pennsylvania: Petition of citizens of North Bingham, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. LINTHICUM: Petition of John R. Hooper, of Baltimore, Md., praying that a tax of 2 cents be put upon all checks; to the Committee on Ways and Means.

Also, petition of the Frederick W. Lipps Co. requesting strenuous opposition to the proposition to tax confectionery, as follows: 5-cent packages 1 cent, 10-cent packages 1½ cents, 15-cent packages 2 cents, 20-cent packages 2½ cents, 25-cent packages 3 cents; to the Committee on Ways and Means.

Also, petition of the Neudecker Tobacco Co. vigorously protesting the passage of the law taxing profits at the rate of 16 per cent on an amount exceeding the average profits for three years, namely, 1911, 1912, 1913; to the Committee on Ways and Means.

Also, petition of Miss Lulie P. Hooper, of Baltimore, Md., urging the creation of zones around all military camps; to the Committee on Military Affairs.

Also, petition of sundry citizens of Maryland, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. LONERGAN: Resolution of the Connecticut State Association of Letter Carriers, opposing contributory pension; to the Committee on the Post Office and Post Roads.

By Mr. LUNN: Petition of Rev. John Landry and members of the Methodist Church, of Canajoharie, N. Y., praying for prohibition of the manufacture of alcoholic liquors as a measure of food conservation, and for the immediate prohibition of the sale of liquors for beverage purposes in order to conserve the health, wealth, labor, transport facilities, and military efficiency of the people; to the Committee on the Judiciary.

Also, petition of James N. Lorber and sundry citizens of Broadalbin, N. Y., praying for prohibition of the manufacture of alcoholic liquors as a measure of food conservation, and for the immediate prohibition of the sale of liquors for beverage purposes in order to conserve the health, wealth, labor, transport facilities, and military efficiency of the people; to the Committee on the Judiciary.

Also, petition of Rev. Walter C. Carrol and members of the Methodist Episcopal Church of Northampton, N. Y., praying for the immediate enactment of prohibition of the manufacture of alcoholic liquors as a measure of food conservation and for the immediate prohibition of the sale of liquors for beverage purposes in order to conserve the health, wealth, labor, transport facilities, and military efficiency of the people; to the Committee on the Judiciary.

Also, petition of Mary Derby Drew and members of the parent teachers' association of the Van Corlear School, Schenectady, N. Y., praying for enactment of effective prohibition of the use of any kind of foodstuff during the war for the manufacture of intoxicating beverages, and to limit liquors on hand to nonbeverage uses; also to protest against increasing the tax on liquors thus raising a higher revenue barrier to securing national prohibition; to the Committee on the Judiciary.

Also, petition of Rev. L. A. Bard and sundry members of the Methodist Episcopal Churches of Scotia and Center, Glenville, N. Y., praying for enactment of total prohibition of the manufacture and sale of intoxicating liquors, including wine and beer, during the war; also against increased taxation of liquor business; to the Committee on the Judiciary.

Also, petition of Ernest Miste and members of the Baraca Class of the First Baptist Church of Gloversville, N. Y., praying the enactment of prohibition in the manufacture of alcoholic liquors, and to limit the liquors on hand to nonbeverage uses, as a measure to conserve foodstuffs; to the Committee on the Judiciary.

Also, petition of Rev. Lewis E. Corter and members of the Ministerial Association of Schenectady, N. Y., and vicinity, praying for the entire prohibition of the manufacture and sale of intoxicating liquors during the period of the war; to the Committee on the Judiciary.

Also, petition of Mr. A. W. Henshaw, the joint boards of elders, deacons, and trustees of the Union Presbyterian Church, of Schenectady, N. Y., praying for the enactment of prohibition of the use of grain for the manufacture of alcoholic liquor in the United States during the period of the war; to the Committee on the Judiciary.

By Mr. McKENZIE: Memorial of citizens of Milledgeville, Ill., favoring national prohibition; to the Committee on the Judiciary.

By Mr. MAGEE: Petition of residents of the village of Marcellus, N. Y., in favor of national prohibition; to the Committee on the Judiciary.

Also, petition of Mr. R. H. Herring, of 123 Westminster Avenue, Syracuse, N. Y., in favor of national prohibition; to the Committee on the Judiciary.

By Mr. MILLER of Minnesota: Petition of sundry citizens of Deer River, Minn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. MORIN: Petition of the Wolfe Tome Club of Pittsburgh, Pa., pledging the loyal service which the Irish race has ever given in times of national crisis and urging that this Government insist that England withdraw her forces from Ireland and renounce all claim to rule over an unwilling people; to the Committee on Foreign Affairs.

By Mr. O'SHAUNESSY: Petition of members of the women's class of the First Baptist Church of Providence, R. I., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. POLK: Memorial of Pomona Grange No. 1, Stanton, Del., relative to prohibition during the war; to the Committee on the Judiciary.

By Mr. POWERS: Petition of the Baptist Church of Livingston, Ky., for the interning of all saloons, barrooms, and other places where intoxicating liquors are sold as a war measure; to the Committee on Military Affairs.

By Mr. RAKER: Petition of 20 citizens of Whitmore, Cal., against the conscription act; to the Committee on Military Affairs.

Also, petition of E. W. Murphy, of Los Angeles, Cal., favoring the bill for the revision of postal rates; to the Committee on the Post Office and Post Roads.

Also, petition of Dr. Harry P. Beaser, of Fresno, Cal., indorsing the dental section of the national-defense bill; to the Committee on Military Affairs.

Also, petition of Henry B. Halfield, of Berkeley, Cal., against exempting from tax gifts, bequests, etc.; to the Committee on Ways and Means.

Also, petition of John L. Seaton, of San Jose, Cal., relative to exempting from tax bequests for educational and scientific purposes; to the Committee on Ways and Means.

By Mr. ROWE: Petition of the Champlain Silk Mills, of New York, relative to legislation proposed in House bill 4630; to the Committee on Agriculture.

Also, petitions of Franklin Avenue Presbyterian Church and sundry citizens of Brooklyn, N. Y., favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of the Brewer Bag Co., of New York, favoring House resolution 73, relative to interference with American trade and shipping; to the Committee on Foreign Affairs.

Also, petitions of J. A. Auble and S. J. Rees, of Brooklyn, N. Y., against an increase of second-class postage; to the Committee on Ways and Means.

By Mr. SANDERS of New York: Petition of Mr. Sherman Russell and 11 other residents of Stafford, Genesee County, N. Y., favoring national prohibition as a war measure; to the Committee on Military Affairs.

By Mr. SNELL: Petition of citizens of Westville, N. Y., for full national prohibition of the manufacture, sale, and transportation of intoxicating beverages for the period of the war in conservation of the man power, military and industrial efficiency, and the food supply of the Nation, and that all liquors now in bonded warehouses and elsewhere shall be commandeered by the Government and redistilled for undrinkable alcohol, to be purchased by the Government for war purposes, and that we oppose an increase in the tax on intoxicating liquors as a means of raising a revenue to prosecute the war; to the Committee on the Judiciary.

Also, petition of citizens of Harrietstown, N. Y., for full national prohibition of the manufacture, sale, and transportation of intoxicating beverages for the period of the war in conservation of the man power, military and industrial efficiency, and the food supply of the Nation, and that all liquors now in bonded warehouses and elsewhere shall be commandeered by the Government and redistilled for undrinkable alcohol, to be purchased by the Government for war purposes, and that we oppose an increase in the tax on intoxicating liquors as a means of raising a revenue to prosecute the war; to the Committee on the Judiciary.

By Mr. TAGUE: Petition of the Massachusetts State Federation of Women's Clubs, favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, petitions of Samuel W. McCall and the War Emergency Committee of the Baking Industry, favoring the conservation of food products; to the Committee on Agriculture.

By Mr. TIMBERLAKE: Petition of sundry citizens of Merino, Colo., favoring prohibition as a war measure; to the Committee on the Judiciary.

SENATE.

SATURDAY, *June 16, 1917.*

(Legislative day of Friday, June 15, 1917.)

The Senate reassembled at 12 o'clock m., on the expiration of the recess.

CONSERVATION OF FOOD AND FUEL.

Mr. GORE. Mr. President, out of order I desire to say that I am directed by the Committee on Agriculture and Forestry to report back the bill which I send to the desk, without amendment and without recommendation. It is the so-called Lever bill in relation to food conservation.

The VICE PRESIDENT. The bill will be read by title.

The SECRETARY. A bill (S. 2463) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

Mr. HARDWICK. Mr. President, I desire to give notice that in connection with the bill just reported at the proper time I shall raise the constitutional question that the Senate has no right to originate bills that undertake to raise revenue as this bill does, and that that matter shall be submitted to the judgment of the Senate before any action is taken by the Senate on the measure.

Mr. GALLINGER. Did I understand the Senator from Oklahoma to say that the bill is reported without recommendation?

Mr. GORE. Yes, sir; that is my statement.

Mr. GALLINGER. Have the committee given it careful consideration?

Mr. GORE. I will say, Mr. President, that there have been several bills in relation to this subject generally, varying slightly in detail but not at all, I will say, varying in principle. From time to time the committee has considered measures of this character. Indeed we had elaborate hearings on the subject generally but not on this particular bill. The bill is reported without recommendation for final action by the Senate for reasons I deem it unnecessary to explain at this time, but which the committee may take occasion to explain later.

Mr. GALLINGER. As I have casually glanced at the bill during its somewhat tempestuous voyage in the House I have thought it was a bill of great consequence. I observed that it was referred to the committee on yesterday, and I wondered how much attention the committee had given to it before making the report.

Mr. GORE. I will say the substance and the principles and the details involved in the bill have received a great deal of attention at the hands of the committee, certainly at the hands of members of the committee. We had hearings extending over three or four weeks on the subject of the bill.

Mr. VARDAMAN. I ask the Senator if the bill has been printed?

Mr. GORE. It has been printed. The members of the committee will express their individual judgment concerning the matter, but it is deemed desirable by some that the discussion should begin, because the friends of the measure think that its efficiency and efficacy will largely depend upon the date of its passage, and unless it should be enacted into law before the present harvest is marketed it would lose much that it is desired to accomplish by the measure.

Mr. GALLINGER. I will ask the Senator further whether a written report will be submitted with the bill?

Mr. GORE. There is no written report concerning the measure because no amendments have been recommended by the committee. I may say to the Senator that there is quite a diversity of views among the members of the committee in regard to this proposed legislation.

Mr. GALLINGER. I thought that was probably so.

Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Newlands	Smith, Md.
Brady	Husting	Norris	Smith, Mich.
Brandegee	Johnson, S. Dak.	Owen	Smith, S. C.
Chamberlain	Jones, Wash.	Page	Smoot
Culberson	Kendrick	Phelan	Sterling
Cummins	Kenyon	Pittman	Swanson
Curtis	King	Poindexter	Thomas
Dillingham	Kirby	Pomerene	Thompson
Fernald	Lewis	Ransdell	Trammell
Gallinger	Lodge	Reed	Vardaman
Gerry	McCumber	Robinson	Wadsworth
Gore	McKellar	Shafroth	Warren
Gronna	McLean	Sheppard	Watson
Hale	McNary	Simmons	Williams
Hardwick	Nelson	Smith, Ariz.	
Hitchcock	New	Smith, Ga.	

Mr. CURTIS. I announce the absence of the junior Senator from Maryland [Mr. FRANCE] on account of illness. I will allow this announcement to stand for the day.

Mr. SMITH of Michigan. I desire to announce the unavoidable absence of my colleague [Mr. TOWNSEND] on account of sickness in his family. I wish to have this announcement stand for the day.

Mr. THOMPSON. I desire to announce that the junior Senator from Delaware [Mr. WOLCOTT] is necessarily absent on official business.

Mr. NELSON. I wish to state that my colleague [Mr. KELLOGG] is necessarily absent on account of important business. He is paired with the senior Senator from North Carolina [Mr. SIMMONS].

Mr. McKELLAR. I desire to announce that my colleague [Mr. SHIELDS] is absent because of illness.

Mr. POMERENE. I was requested to announce that the senior Senator from Delaware [Mr. SAULSBURY] is absent on account of important business.

Mr. LEWIS. I desire to announce that the junior Senator from Kentucky [Mr. BECKHAM] is detained on important business.

The VICE PRESIDENT. Sixty-two Senators have answered to the roll call. There is a quorum present.

HEARINGS BEFORE THE COMMITTEE ON PUBLIC LANDS.

Mr. THOMPSON, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 84, submitted by Mr. MYERS on the 14th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Public Lands, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-fifth Congress, to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recess of the Senate.

PETITIONS.

Mr. GALLINGER presented a petition of the Good Neighbors' Circle of the King's Daughters of the First Congregational Church of Concord, N. H., praying for national prohibition, which was ordered to lie on the table.

He also presented a petition of Belknap County Pomona Grange, No. 4, Patrons of Husbandry, of Laconia, N. H., praying for the fixing of maximum and minimum prices on food products, which was referred to the Committee on Agriculture and Forestry.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GALLINGER:

A bill (S. 2465) providing for the purchase of the "Dean tract," so called, in the District of Columbia, for a public park; to the Committee on the District of Columbia.

By Mr. POMERENE:

A bill (S. 2466) granting a pension to Lafayette Fasnaugh (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 2467) fixing the status as naturalized citizens of enlisted men, commissioned officers of the Army, Navy, or Marine Corps; to the Committee on Military Affairs.

WAR REVENUE.

Mr. HOLLIS submitted an amendment intended to be proposed by him to the bill (H. R. 4280) to provide revenue to defray war expenses, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

REGULATION OF FOOD PRICES.

Mr. HOLLIS. Mr. President, I ask unanimous consent to have placed in the RECORD, without reading, an article on "The Federal power to regulate commodity prices under the commerce clause," by Mr. Edward A. Adler, a distinguished lawyer of Boston, Mass.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NOTES ON THE FEDERAL POWER TO REGULATE COMMODITY PRICES UNDER THE COMMERCE CLAUSE.

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The question of power must not be confused with considerations of expediency and administrative details. It is also to be observed at the outset that the power of a State to regulate prices results from its sovereignty, while that of the United States must be derived from the Constitution.

A.—LEGISLATIVE POWER IN GENERAL OVER PRICES AND RATES.

1. HISTORICAL.

As is well known, price regulation, historically considered, is one of the most commonplace phenomena. In England the following price-fixing statutes, among others, may be noted:

23 Edward III (1349); the statute of laborers, fixing prices of all kinds; 37 Edward III (1363), poultry; 25 Henry VIII (1533), chapter 2, produce; 25 Henry VIII, chapter 8, books; 25 Henry VIII (1543), beer barrels; 16 and 17 Charles II, coal; 3 P. and M., rates of land carriage.

In our own country the Colony of Massachusetts Bay, at a general court held in "Newe Towne" on September 1, 1635, passed the following enactment:

"Whereas two former laws, the one concerning the wages of workmen, the other concerning the prices of commodities, were for divers good considerations repealed, this present court now, for avoiding such mischiefs as may follow thereupon by such ill-disposed persons as may take liberty to oppress and wrong their neighbors by taking excessive wages for work or unreasonable prices for such necessary merchandises or other commodities as shall pass from man to man, it is therefore now ordered that if any man shall offend in any of the said cases against the true intent of this law he shall be punished by fine or imprisonment according to the quality of the offense as the court upon lawful trial and conviction shall adjudge."

In 1777 an elaborate tariff of charges for labor and merchandise was enacted for the city of Boston, but was repealed in the same year. In 1780 the State of New York, on suggestion of the Continental Congress, passed "An act for a general limitation of prices and to prevent engrossing and holding within the State," which provided that the prices of all articles of domestic produce (as well as farming and common labor and the wages of tradesmen and mechanics) should not exceed certain rates, which were specified in great detail as to commodities, ranging from rendered hog lard to manufactured steel and new scythes; and further provided that if any person having more of any such article or articles than might be necessary for his family's use or subsistence or for carrying on his trade or business should refuse to sell the overplus, or a reasonable part thereof, to any person who might be in want of the same for his family's use or subsistence or for carrying on his trade or business, the persons desiring to purchase might apply to any justice of the peace where the person having such overplus resided; and if it should be evident to the justice that the party complained of was possessed of a greater quantity than was thus necessary, the justice might issue a warrant to the constable empowering him to call to his assistance as many persons as might be necessary and take such proportion of the overplus as might be necessary for the supply of the complainant, the same to be sold to the complainant, and the money, after deducting $10 for the justice's fees, together with other necessary and reasonable costs for the constable and his assistants, to be lodged in the hands of the justice, to be by him delivered to the owner when he applies for the same.

These statutes were typical of many others and suffice for illustration. By slow degrees, however, and step by step with economic change, exertion of the power of price control died out in this country and by the close of the Civil War was practically nonexistent, although a general memory of the regulation of canal, turnpike, mill, ferry, and wharfage tolls still lingered in the judicial mind. So true was this that when the regulation of railroad rates was first proposed it was strenuously resisted.

2. RECRUDESCENCE OF PRICE REGULATION.

One of the first acts of this character was a statute of Iowa, passed in 1874, entitled "An act to establish reasonable maximum rates of charges for the transportation of freight and passengers on the different railroads of this State." The constitutionality of this statute was tested in Chicago, Burlington & Quincy R. R. Co. *v.* Iowa (94 U. S., 155, 1876). It was argued that the act, so far as it prescribed the rates of compensation for the transportation of persons and property, was not a police regulation and could not be maintained under the police power of the State. But the court (Waite, C. J.) pointed out that it was a mistake to assume that because this general legislative power had long lain dormant it had thereby ceased to exist. The Chief Justice said:

"In 1691, during the third year of the reign of William and Mary, Parliament provided for the regulation of the rates of charges by common carriers. This statute remained in force, with some amendment, until 1827, when it was repealed, and it has never been reenacted. No one supposes that the power to restore its provisions has been lost. A change of circumstances seemed to render such a regulation no longer necessary, and it was abandoned for the time. The power was not surrendered. That remains for future exercise, when required. So here the power of regulation existed from the beginning, but it was not exercised until in the judgment of the body politic the condition of things was such as to render it necessary for the common good."

In the same year the celebrated case of Munn *v.* Illinois (94 U. S., 113, 1876) came before the same court. This case involved the constitutionality of a statute of Illinois, fixing the maximum charges for the storage of grain in warehouses at Chicago and other places in the State having not less than 100,000 inhabitants. It appeared that at that time there were in Chicago 14 warehouses adapted to this particular business, owned by about 30 persons comprised in 9 business firms, and that the prices charged and received for storage were such as were agreed upon and established from year to year and published in one or more newspapers in the month of January of each year as the established rate for the year then next ensuing. The court, in sustaining the statute, used the following language paraphrased from the remarks of Lord Chief Justice Hale in his treatise De Portibus Maris:

"Looking, then, to the common law, from whence came the right which the Constitution protects, we find that when private property is 'affected with a public interest, it ceases to be juris privati only' * * * property does become clothed with a public interest when used in a manner to make it of public consequence and affect the community at large. When, therefore, one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use, and must submit to be controlled by the public for the common good, to the extent of the interest he has thus created."

Reference was also made to the remarks of Lord Ellenborough in the case of Allnutt *v.* Inglis (12 East, 527, 1810) to the effect that—

"There is no doubt that the general principle is favored, both in law and justice, that every man may fix what price he pleases upon his

own property or the use of it; but if for a particular purpose the public have a right to resort to his premises and make use of them, and he have a monopoly in them for that purpose, if he will take the benefit of that monopoly he must, as an equivalent, perform the duty attached to it on reasonable terms."

A similar situation came before the Supreme Court in the case of Budd *v.* New York (143 U. S., 517, 1892), involving an act of the Legislature of New York, providing for a maximum charge for elevating, receiving, weighing, and discharging grain. Munn *v.* Illinois was reviewed and reaffirmed. Mr. Justice Brewer, with whom Justices Field and Brown concurred, dissented.

"Everything the manner and extent of whose use affects the well being of others," he said, "is property in whose use the public has an interest. Take, for instance, the only store in a little village. All the public of that village are interested in it; interested in the quantity and quality of the goods on its shelves, and their prices, in the time at which it opens and closes, and, generally, in the way in which it is managed; in short, interested in the use. Does it follow that that village public has a right to control these matters? That which is true of the single small store in the village is also true of the largest mercantile establishment in the great city. The magnitude of the business does not change the principle. There may be more individuals interested, a larger public, but still the public. The country merchant who has a small warehouse in which the neighboring farmers are wont to store their potatoes and grain preparatory to shipment occupies the same position as the proprietor of the largest elevator in New York. The public has in each case an interest in the use, and the same interest, no more and no less. I can not bring myself to believe that when the owner of property has by his industry, skill, and money made a certain piece of his property of large value to many, he has thereby deprived himself of the full dominion over it which he had when it was of comparatively little value; nor can I believe that the control of the public over one's property or business is at all dependent upon the extent to which the public is benefited by it.

"Surely the matters in which the public has the most interest are the supplies of food and clothing, yet can it be that by reason of this interest the State may fix the price at which the butcher must sell his meat, or the vendor of boots and shoes his goods? Men are endowed by their Creator with certain inalienable rights, 'life, liberty, and the pursuit of happiness'; and to 'secure,' not grant or create, these rights governments are instituted. That property which a man has acquired he retains full control of subject to these limitations: First, that he shall not use it to his neighbor's injury, and that does not mean that he must use it for his neighbor's benefit; second, that if he devotes it to a public use he gives to the public a right to control that use; and, third, that whenever the public needs require, the public may take it upon payment of due compensation.

"It is suggested that there is a monopoly, and that that justifies legislative interference. There are two kinds of monopoly: one of law, the other of fact. The one exists when exclusive privileges are granted. Such a monopoly, the law which creates alone can break, and being the creation of law justifies legislative control. A monopoly of fact any one can break, and there is no necessity for legislative interference. It exists where any one by his money and labor furnishes facilities for business which no one else has. A man puts up in a city the only building suitable for offices. He has therefore a monopoly of that business; but it is a monopoly of fact, which any one can break who, with like business courage, put his means into a similar building. Because of the monopoly feature, subject thus easily to be broken, may the legislature regulate the price at which he will lease his offices? So here there are no exclusive privileges given to these elevators. They are not upon public ground. If the business is profitable anyone can build another; the field is open for all the elevators and all the competition that may be desired. If there be a monopoly it is one of fact and not of law, and one which any individual can break."

3. MODERN AMERICAN THEORY OF REGULATION AS APPLIED TO BUSINESSES.

Until quite recently there has been great confusion in the minds of American lawyers as to the true basis of the power of regulation in general and of business in particular, and this confusion has persisted to some extent to the present time. It would carry us too far afield to go into the subject generally in this memorandum and to deal with the power to regulate (which is really the power to legislate) in its widest aspects. We will confine ourselves to businesses which are by many supposed to be beyond the power of regulation unless they are public. Declare them public, first describe them as "public utilities," and then, curiously enough, those who entertain these views have little difficulty in conceding the power to regulate.

Consider the opinion of the court (Chief Justice Waite) in Munn *v.* Illinois and the dissenting opinion of Mr. Justice Brewer in Budd *v.* New York. At first glance these two opinions seem to be irreconcilable, but in reality they are not so. Chief Justice Waite did not state the whole truth and nothing but the truth when he said that when "one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use and must submit to be controlled by the public for the common good." The one thing that the owners of the elevators contended that they did not do was "to grant" a public right. Justice Brewer was quite right when he declared that "the country merchant who has a small warehouse in which the neighboring farmers are wont to store their potatoes and grain preparatory to shipment occupies the same position as the proprietor of the largest elevator in New York. The public has in each case an interest in the use, and the same interest, no more and no less."

The great source of difficulty lay in the failure of both justices to perceive or, at least, fully to state what I have pointed out at length in my essay on "Business jurisprudence" and on "Labor, capital, and business at common law" (Harvard Law Review, December, 1914, and January, 1916), namely, that at common law there is no such thing as private business, that all business from its nature is and must be public, and that the only way in which one business differs from another is in the degree of public interest.

In some respects a more accurate statement of the basis of the right to regulate was made by the Court of Appeals of New York in People *v.* Budd (Budd *v.* N. Y., below) (117 N. Y., 127, 1889), as follows:

"The attempts made to place the right of public regulation in these cases upon the ground of special privilege conferred by the public on those affected can not, we think, be supported. The underlying principle is that business of certain kinds hold such a peculiar relation to public interests that there is superinduced upon it the right of public regulation. We rest the power of the legislature to control and regulate elevator charges on the nature and extent of the business, the existence of a virtual monopoly, the benefit derived from the canal, creating the business and making it possible, the interest to trade and commerce, the relation of the business to the prosperity and welfare of the State, and the practice of legislation in analogous cases. These circumstances, collectively, create an exceptional case and justify legislative regulation."

Some two years after the decision in Budd *v.* New York, the nature and extent of the legislative power to control prices and rates was further illuminated in the case of Brass *v.* Stoeser (153 U. S., 391, 1894). This case involved a statute of North Dakota, regulating grain warehouses and the weighing and handling of grain, fixing rates of storage, and requiring owners to keep insurance for the benefit of those storing grain with them. In the case before the court there was no monopoly such as might have been considered to exist in the terminal warehouses in Chicago and Buffalo. It appeared that there were literally hundreds of elevators scattered throughout the State; that at every station there was land purchasable at $1.25 to $40 per acre; and that a granary sufficient to store the average product of a Dakota farm could be erected at a cost not exceeding $150. But the Supreme Court said:

"When it is once admitted, as it is admitted here, that it is competent for the legislative power to control the business of elevating and storing grain, whether carried on by individuals or associations, in cities of one size and in some circumstances, it follows that such power may be legally exerted over the same business when carried on in smaller cities and in other circumstances. It may be conceded that that would not be wise legislation which provided the same regulations in every case and overlooked differences in the facts that called for regulations. But, as we have no right to revise the wisdom or expediency of the law in question, so we would not be justified in imputing an improper exercise of discretion to the Legislature of North Dakota. It may be true that, in the cases cited, the judges who expressed the conclusions of the court entered, at some length, into a defense of the propriety of the laws which they were considering, and that some of the reasons given for sustaining them went rather to their expediency than to their validity. Such efforts, on the part of judges, to justify to citizens the ways of legislatures are not without value, though they are liable to be met by the assertion of opposite views as to the practical wisdom of the law, and thus the real question at issue, namely, the power of the legislature to act at all, is obscured. Still, in the present instance, the obvious aim of the reasoning that prevailed was to show that the subject matter of these enactments fell within the legitimate sphere of legislative power, and that, so far as the laws and Constitution of the United States were concerned, the legislation in question deprived no person of his property without due process of law, and did not interfere with Federal jurisdiction over interstate commerce."

So the law stood for the next 20 years, when, in the case of German Alliance Insurance Company *v.* Kansas (233 U. S., 389, 1914), Mr. Justice McKenna made a notable contribution to American legal theory. This case involved a Kansas statute entitled "An act relating to fire insurance, and to provide for the regulation and control of rates of premium thereon, and to prevent discrimination therein." There was nothing in the nature of monopoly as commonly understood. There were many fire insurance companies in Kansas doing business in each other's territory. It was purely a "private" business in the sense in which those words are usually employed. Speaking of the opposition encountered in the Bull and Munn cases, the court says (409):

"Every consideration was adduced, based on the private character of the business regulated, and, for that reason, the constitutional immunity from regulation, with all the power of argument and illustration of which that great judge (Justice Brewer) was a master. The considerations urged did not prevail. Against them the court opposed the ever-existing police power in government and its necessary exercise for the public good and declared its entire accommodation to the limitations of the Constitution. The court was not deterred by the charge (repeated in the case at bar) that its decision had the sweeping and dangerous comprehension of subjecting to legislative regulation all the businesses and affairs of life and the prices of all commodities."

Again, referring to Brass *v.* Stoeser:

"It extended the principle of the two other cases and denuded it of the limiting element which was supposed to beset it—that to justify regulation of a business the business must have a monopolistic character."

Continuing (411):

"The cases need no explanatory or fortifying comment. They demonstrate that a business, by circumstances and its nature, may rise from private to be of public concern and be subject, in consequence, to governmental regulation."

The opinion in this case is epoch making, and no abstract can do it justice. The following extracts, however, are of special importance in the present connection (p. 413):

"Complainant feels the necessity of accounting for the regulatory State legislation and refers it to the exertion of the police power but, while expressing the power in the broad language of the cases, seeks to restrict its application. Counsel states that this power may be exerted to 'pass laws whose purpose is the health, safety, morals, and the general welfare of the people.' The admission is very comprehensive. What makes for the general welfare is necessarily in the first instance a matter of legislative judgment and a judicial review of such judgment is limited. 'The scope of judicial inquiry in deciding the question of power is not to be confused with the scope of legislative considerations in dealing with the matter of policy. Whether the enactment is wise or unwise, whether it is based on sound economic theory, whether it is the best means to achieve the desired result, whether, in short, the legislative discretion within its prescribed limits should be exercised in a particular manner, are matters for the judgment of the legislature, and the earnest conflict of serious opinion does not suffice to bring them within the range of judicial cognizance.' Chicago, Burlington & Quincy Railroad Co. *v.* McGuire (219 U. S., 549, 569)."

"The principle we apply is definite and old and has, as we have pointed out, illustrating examples. And both by the expression of the principle and the citation of the examples we have tried to confine our decision to the regulation of the business of insurance, it having become 'clothed with a public interest' and therefore subject 'to be controlled by the public for the common good.'"

"If there may be controversy as to the business having such character, there can be no controversy as to what follows from such character if it be established. It is idle, therefore, to debate whether the liberty of contract guaranteed by the Constitution of the United States is more intimately involved in price regulation than in the other forms of regulation as to the validity of which there is no dispute. The order of their enactment certainly can not be considered an element in

their legality. It would be very rudimentary to say that measures of government are determined by circumstances, by the presence or imminence of conditions, and of the legislative judgment of the means or the policy of removing or preventing them. The power to regulate interstate commerce existed for a century before the interstate-commerce act was passed, and the commission constituted by it was not given authority to fix rates until some years afterwards. Of the agencies which those measures were enacted to regulate at the time of the creation of the power, there was no prophecy or conception. Nor was regulation immediate upon their existence. It was exerted only when the size, number, and influence of those agencies had so increased and developed as to seem to make it imperative. Other illustrations readily occur which repel the intimation that the inactivity of a power, however prolonged, militates against its legality when it is exercised. (United States v. Delaware & Hudson Co., 213 U. S., 366.) It is oftener the existence of necessity rather than the prescience of it which dictates legislation. And so with the regulations of the business of insurance. They have proceeded step by step, differing in different jurisdictions. If we are brought to a comparison of them in relation to the power of government, how can it be said that fixing the price of insurance is beyond that power and the other instances of regulation are not?"

4. CONCLUSION.

At the present time the power of the State to legislate as to prices is indisputable. (See as to Stock Yards, 183 U. S., 79; Street Railways, 187 Mass., 436; Ferries, 109 Mass., 506; Bridges, 8 Fed., 190; Turnpike Roads, 164 U. S., 578; Telegraphs, 98 Fed., 335; Telephones, 105 Ind., 250; Artificial and Natural Gas, 71 Fed., 610; Water, 110 U. S., 347; Irrigation, 89 Fed. 274; Wharfage, 121 U. S., 444; Milling, 88 Me., 102; 40 W. Va., 480; Log Booming, 50 Fed., 902; Maximum Fee for Soliciting Pensions, 157 U. S., 160.)

Practically every American State has a commission to regulate the prices of services of so-called public utilities, and the list of services placed in the "public utility" group is an ever-increasing one. It is quite evident that the argument against the power of a State to fix prices generally must stand or fall with the acceptance or rejection of the "public utility" or "monopoly" theories of the basis of regulation. Since the decision of German Alliance Insurance Co. v. Kansas (233 U. S., 389, 1914), the Supreme Court has completely broken away from the old-fashioned notion that a concern must be a monopoly or enjoy the franchise or be like a common carrier before it can be regulated or become an object of public interest. What the court now directs its attention to is the business. Indeed, a careful reading of the opinions in Munn v. Illinois (194 U. S., 113, 1876), Budd v. New York (143 U. S., 517, 1892) and Brass v. Stoeser (153 U. S., 391, 1894) will show that the court has always had its mind intent upon the business, but has been confused in its reasoning by the thought that there was such a thing as private business, a proposition which I have attempted to refute in my studies in the Harvard Law Review already referred to.

In the German Alliance case the Supreme Court abandons all fanciful "public utility" distinctions and lays down the absolute rule that "The basis of the ready concession of the power of regulation is the public interest.' On page 416 they say:

"We may venture to observe that the price of insurance is not fixed over the counters of the companies by what Adam Smith calls 'the higgling of the market,' but is formed in the counsels of the underwriters, promulgated in schedules of practically controlling constancy which the applicant for insurance is powerless to oppose, and which, therefore, has led to the assertion that the business of insurance is of a monopolistic character and that 'it is illusory to speak of liberty of contract.' It is in the alternative presented of accepting the rates of the companies or refraining from insurance, business necessity impelling, if not compelling, that we may discover the inducements of the Kansas statute, and the problem presented is whether the legislature could regard it of as much moment to the public that they who seek insurance should no more be constrained by arbitrary terms than they who seek transportation by railroads, steam or street, or by coaches whose itinerary may be only a few city blocks, or who seek the use of grain elevators, or be secured in a night's accommodation at a wayside inn, or in the weight of a 5-cent loaf of bread. We do not say this to belittle such rights or to exaggerate the effect of insurance, but to exhibit the principle which exists in all and brings all under the same governmental power."

Throughout the cases one can trace the progressive application of one general principle—that of the exercise of the police power for the general welfare—to new cases and subject matter. Any limitation based upon the nature of the commodity or service affected is impossible. Take the case of natural gas, the right to regulate the price of which would readily be conceded. It has been expressly held that natural gas "is as much a commodity as iron ore, coal, or petroleum, or other products of the earth, and can be transported, bought, and sold as other products." (221 U. S., 256.) Conversely, iron ore, coal, or petroleum, or other products are no less commodities than natural gas.

This branch of the inquiry may be concluded with a reference to the case of Oklahoma Gin Co. v. State (158 Pac., 629), decided by the Supreme Court of Oklahoma on March 14, 1916, sustaining an order of the Oklahoma Corporation Commission under a statute, section 13 of which, based on the constitution of the State, was as follows:

"Whenever any business, by reason of its nature, extent, or the existence of a virtual monopoly therein, is such that the public must use the same, or its services, or the consideration by it given or taken or offered, or the commodities bought or sold therein are offered or taken by purchase or sale in such a manner as to make it of public consequence, or to affect the community at large as to supply, demand, or price or rate thereof, or said business is conducted in violation of the first section of this act, said business is a public business, and subject to be controlled by the State, by the corporation commission, or by an action in any district court of the State, as to all of its practices, prices, rates, and charges. And it is hereby declared to be the duty of any person, firm, or corporation engaged in any public business to render its services and offer its commodities, or either, upon reasonable terms, without discrimination, and adequately to the needs of the public, considering the facilities of said business."

The order sustained was the following:

"It is therefore ordered that the defendant, the Chandler Cotton Oil Co., a corporation; D. R. Owens, L. H. Rooney, Kate Gordon, and the Oklahoma Gin Co., gin custom cotton in the town of Chandler for 50 cents per 100 pounds lint cotton, with minimum charge of $2.50 per bale; that defendants furnish the standard bagging and ties at a price not to exceed 15 per cent above the wholesale cost thereof, with a minimum charge for bagging and ties of $1 per bale, and for the year 1913, the price of bagging and ties shall not exceed $1.15 per standard pattern. That the order heretofore issue by the commission for the year 1912, which was set aside upon the defendants giving bond to refund the difference to the parties entitled thereto of the amount charged and the amount finally fixed as the legal rate for ginning at Chandler, is hereby reinstated, and the reasonable charge for 1912 is 50 cents per 100 pounds for lint cotton, with a minimum of $2.50 per bale, with an additional charge of $1 for bagging and ties.

"The defendants are further ordered to permit any person who may have cotton ginned to go upon the premises for the purpose of getting the cotton and the seed; that the parties having cotton ginned shall call for the seed at the time the cotton is ginned, or as soon thereafter as may be convenient to the owner of the gin. That the refunds herein described shall be made by the 1st day of December, 1913. That this order shall be in full force and effect on and after the 1st day of November, 1913."

B.—THE POWER OF THE NATIONAL GOVERNMENT WITHIN THE SCOPE OF THE COMMERCE CLAUSE IS AS GREAT AS THAT OF ANY STATE.

As stated by Judge Cooley in his work on Constitutional Limitations (p. 732):

"It is not doubted that Congress has the power to go beyond the general regulations of Congress which it is accustomed to establish and to descend to the minutest directions if it should be deemed advisable, and that to whatever extent ground shall be covered by those directions, the exercise of State power is excluded. Congress may establish police regulations as well as the States, confining their operations to the subjects over which it is given control by the Constitution; but as the general police power can better be exercised under the provision of the local authority, and mischiefs are not likely to spring therefrom so long as the power to arrest collision resides in the National Congress, the regulations which are made by Congress do not often exclude the establishment of others by the State covering very many particulars."

Again, Judge Hughes, in the Minnesota Rate cases (230 U. S., 352, 398) made this summary statement:

"The powers of Congress to regulate commerce among the several States is supreme and plenary. It is 'complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution.' (Gibbons v. Ogden, 9 Wheat., 1, 196.) * * * The words 'among the several States' distinguish between the commerce which concerns more States than one and that commerce which is confined within one State and does not affect other States. 'The genius and character of the whole Government,' said Chief Justice Marshal, 'seem to be that its action is to be applied to all the external concerns of the Nation, and to those internal concerns which affect the States generally; but not to those which are completely within a particular State, which do not affect other States, and with which it is not necessary to interfere, for the purpose of executing some of the general powers of the Government. The completely internal commerce of a State then may be considered as reserved for the State itself.' (Id., p. 195.) This reservation to the States manifestly is only of that authority which is consistent with and not opposed to the grant to Congress. There is no room in our scheme of Government for the assertion of State power in hostility to the authorized exercise of Federal power. The authority of Congress extends to every part of interstate commerce, and to every instrumentality or agency by which it is carried on; and the full control by Congress of the subjects committed to its regulation is not to be denied or thwarted by the commingling of interstate and intrastate operations. This is not to say that the Nation may deal with the internal concerns of the State as such, but that the execution by Congress of its constitutional power to regulate interstate commerce is not limited by the fact that intrastate transactions may have become so interwoven therewith that the effective government of the former incidentally controls the latter. This conclusion necessarily results from the supremacy of the national power within its appointed sphere."

To the same effect are the remarks of Chief Justice White in sustaining the constitutionality of the Adamson Act, which included the following:

"In the presence of this vast body of acknowledged powers there would seem to be no ground for disputing the power which was exercised in the act which is before us so as to prescribe by law for the absence of a standard of wages caused by the failure to exercise the private rights as a result of the dispute between the parties; that is, to exert the legislative will for the purpose of settling the dispute and bind both parties to the duty of acceptance and compliance to that end that no individual dispute or difference might bring ruin to the vast interests concerned in the movement of interstate commerce, for the express purpose of protecting and preserving which the plenary legislative authority granted to Congress was reposed. This result is further demonstrated, as we have suggested, by considering how completely the purpose intended to be accomplished by the regulations which have been adopted in the past would be rendered unavailing or their enactment inexplicable if the power was not possessed to meet a situation like the one with which the statute dealt. What would be the value of the right to a reasonable rate if all movement in interstate commerce could be stopped as a result of a mere dispute between the parties or their failure to exert a primary private right concerning a matter of interstate commerce? Again, what purpose would be subserved by all the regulations established to secure the enjoyment by the public of an efficient and reasonable service if there was no power in government to prevent all service from being destroyed? Further yet, what benefits would flow to society by recognizing the right, because of the public interest, to regulate the relation of employer and employee and of the employees among themselves and to give to the latter peculiar and special rights safeguarding their persons, protecting them in case of accident and giving efficient remedies for that purpose, if there was no power to remedy a situation created by a dispute between employers and employees as to rate of wages, which if not remedied, would leave the public helpless, the whole people ruined and all the homes of the land submitted to a danger of the most serious character? And finally, to what derision would it not reduce the proposition that government had power to enforce the duty of operation if that power did not extend to doing that which is essential to prevent operation from being completely stopped by filling the interregnum created by an absence of a conventional standard of wages because of a dispute on that subject between the employers and employees by a legislative standard binding on employers and employees for such a time as might be deemed by the legislature reasonably adequate to enable normal conditions to come about as the result of agreements as to wages between the parties?"

It must be apparent that the power of the National Government in the field of that commerce which concerns the people of the United States generally is in no way different from the power of the State over that commerce which concerns only the people within its borders. In some respects it might be said that the Federal Government has traveled further in the exercise of its power than have the States. The Adamson Act, for example, is a piece of legislation that in many respects is more far-reaching in its effect and implications than anything heretofore done by the States, and it is to be noted that the Supreme Court was unanimous in sustaining the power of the National Government in this field, subject only to the condition that it concerned commerce among the States. The dissenters did not deny the power. They differed on the question whether the statute related to commerce among the States or was a regulation of such commerce. Note their language.

Pitney, J.: "I am convinced in the first place that the act can not be sustained as a regulation of commerce, because it has no such object, operation, or effect.

"The primary and fundamental constitutional defect that I find in the act now under consideration is precisely this: That it undertakes to regulate the relations of common carriers by railroad to their employees in respect to a particular matter—an increase of wages—that has no real and substantial connection with the interstate commerce in which the carriers and their employees are engaged."

Day, J.: "I am not prepared to deny the Congress, in view of its constitutional authority to regulate commerce among the States, the right to fix by lawful enactment the wages to be paid to those engaged in such commerce in the operation of trains carrying passengers and freight. While the railroads of the country are privately owned, they are engaged in a public service, and because of that fact are subject in large measure to governmental control."

McReynolds, J.: "I have not heretofore supposed that such action was a regulation of commerce within the fair intendment of those words as used in the Constitution; and the argument advanced in support of the contrary view is unsatisfactory to my mind. I can not therefore concur in the conclusion that it was within the power of Congress to enact the statute."

The concurring opinion of Mr. Justice McKenna dealt merely with the meaning of the act. As to the matter of power he had no doubt.

"When one enters into interstate commerce," he says, "one enters into a service in which the public has an interest and subjects one's self to its behests. And this is no limitation of liberty; it is the consequence of liberty exercised, the obligation of his undertaking, and constrains no more than any contract constrains. The obligation of a contract is the law under which it is made and submission to regulation is a condition which attaches to one who enters into or accepts employment in a business in which the public has an interest."

In short, as Chief Justice Marshall said (Gibbons *v.* Ogden, 9 Wheat., 1, 197):

"If, as has always been understood, the sovereignty of Congress, though limited to specified objects, is plenary as to those objects, the power over commerce with foreign nations and among the several States is vested in Congress as absolutely as it would be in a single government having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States."

Finally it may be taken as settled that:

"If any one proposition could command the universal assent of mankind we might expect it would be this: That the Government of the Union, though limited in its powers, is supreme within its sphere of action. This would seem to result necessarily from its nature. It is a government of all; its powers are delegated by all; it represents all and acts for all." (Marshall, C. J., in McCulloch *v.* Maryland, 4 Wheat., 316.)

C. THIS POWER HAS BEEN EXERCISED BY THE NATIONAL GOVERNMENT IN A NUMBER OF WAYS.

As stated by Judge McPherson in Shawnee Milling Co. *v.* Temple (179 Fed., 517, 524, 1910), sustaining the constitutionality of the Federal pure food and drugs act:

"Congress has enacted a safety-appliance law for the preservation of life and limb. Congress has enacted the antitrust statute to prevent immorality in contracts and business affairs. Congress has enacted the live-stock sanitation act to prevent cruelty to animals. Congress has enacted the cattle contagious-disease act to more effectively suppress and prevent the spread of contagious and infectious diseases of live stock. Congress has enacted a statute to enable the Secretary of Agriculture to establish and maintain quarantine districts. Congress has enacted the meat-inspection act. Congress has enacted a second employer's liability act. Congress has enacted the obscene-literature act. Congress has enacted the lottery statute, above referred to. Congress has enacted (but a year ago) statutes prohibiting the sending of liquors by interstate shipment with the privilege of the vendor to have the liquors delivered C. O. D. and to prohibit shipments of liquors except when the name and address of the consignee and the quantity and kind of liquor is plainly labeled on the package. These statutes, police regulations in many respects, are alike in principle to the act of June 30, 1906, under consideration. Can it be possible they are all void?"

But it is interesting to note that in hardly any case has Congress asserted the full measure or anything approaching the full measure of its power. Examine, for instance, the following statutes:

(1) An act to regulate commerce (24 Stat. L., 379, 1887). This act was limited to "any common carrier or carriers engaged in the transportation of passengers or property" among the States, etc., but with the proviso that provisions of the act are not applied "to the transportation of passengers or property or to the receiving, delivering, storage, or handling of property wholly within one State and not shipped to or from a foreign country from or to any State or Territory." This statute has been frequently amended, and its comprehensiveness at the present time as to rates, service, connections, etc., is too well known to require repetition here.

(2) An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes (34 Stat. L., 768, 1906). This act prohibited "the introduction into any state * * * from any other State * * * or from any foreign country * * * of any article of food or drugs" within the purview of the act and applied to persons shipping, receiving, and delivering.

(3) An act to promote the safety of employees and travelers upon railroads by limiting the hours of service thereon (34 Stat. L., 1415, 1907). This act was made to apply "to any common carrier or carriers * * * engaged in the transportation of passengers or property by railroad" between States, and "railroad" was defined so as to include "all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any common carrier operating a railroad, whether owned or operated under a contract, agreement, or lease"; the term "employee" as used in the act was defined to mean person "actually engaged in or connected with the movement of any train."

(4) An act relating to liability of common carriers in the District of Columbia and Territories and common carriers engaged in commerce between the States and between the States and foreign nations to their employees (32 Stat. L., 232, 1906). This act applied to "every common carrier engaged in trade or commerce * * * between the several States" and made it liable "to any of its employees." This statute was held unconstitutional in Two hundred and seventh United States, 463 (1908) under a false conception, as I believe, of the commerce power, a phase of the matter which will be treated below.

(5) An act relating to the liability of common carriers by and to their employees in certain cases (35 Stat. L., 65, 1908). This statute was passed after the preceding one was declared unconstitutional and was restricted to "every common carrier while engaged in commerce" between the States for the benefit of "any person suffering injury while he is employed by such carrier in such commerce."

(6) Federal farm-loan act (July 17, 1916). This act reaches down to the farmers and the soil and provides that "10 or more natural persons who are the owners or about to become the owners of farm land qualified as security for a mortgage loan under section 12 of this act may unite to form a national farm-loan association"; also that "no persons but borrowers on farm-land mortgages shall be members or shareholders of national farm-loan associations"; also that loans may be made "for the following purposes, and no other:

"(a) To provide for the purchase of land for agricultural uses.

"(b) To provide for the purchase of equipment, fertilizers, and live stock necessary for the proper and reasonable operation of the mortgaged farm; the term 'equipment' to be defined by the Federal Farm Loan Board.

"(c) To provide buildings and for the improvement of farm lands; the term 'improvement' to be defined by the Federal Farm Loan Board.

"(d) To liquidate indebtedness of the owner of the land mortgaged existing at the time of the organization of the first national farm-loan association established in or for the county in which the land mortgaged is situated, or indebtedness subsequently incurred for purposes mentioned in this section."

(7) An act relating to bills of lading in interstate and foreign commerce (Aug. 29, 1916). This act only embraces bills of lading "issued by any common carrier for the transportation of goods in any Territory of the United States or the District of Columbia or from a place in a State to a place in a foreign country, or from a place in one State to a place in another State, or from a place in one State to a place in the same State through another State or foreign country."

(8) Warehouse act (Aug. 11, 1916). "Warehouse" as used in the act was defined to mean "every building, structure, or other protected inclosure in which any agricultural product is or may be stored for interstate or foreign commerce."

(9) An act to prevent interstate commerce in the products of child labor, and for other purposes (Sept. 1, 1916). This act merely provides that "no producer, manufacturer, or dealer shall ship or deliver for shipment in interstate or foreign commerce any article or commodity the product of any mine or quarry situated in the United States" upon which child labor had been employed.

(10) An act to establish an eight-hour day for employees of carriers engaged in interstate and foreign commerce, or for other purposes (Sept. 3, 5, 1916). This act was limited to employees of "any common carrier by railroad, except railroads independently owned and operated not exceeding 100 miles in length, electric street railroads, and electric interurban railroads, which is subject to the provisions of the act of February 4, 1887, entitled 'An act to regulate commerce,' as amended, and who are now or who may hereafter be actually engaged in any capacity in the operation of trains used for the transportation of persons or property on railroads, except railroads independently owned and operated not exceeding 100 miles in length, electric street railroads, and electric interurban railroads, from any State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or from one place in a Territory to another place in the same Territory, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States: *Provided*, That the above exceptions shall not apply to railroads though less than 100 miles in length whose principal business is leasing or furnishing terminal or transfer facilities to other railroads or are themselves engaged in transfers of freight between railroads or between railroads and industrial plants."

The many different ways in which the general power to regulate commerce among the States has been exerted as illustrated by the statutes above set forth make an interesting study. While many of them apply to transportation, at least in some of its phases, others apply to commodities. All of them are limited and qualified in such a way as to show that while a deduction can be made from them and the cases decided under them as to some of the things that the commerce clause embraces, no such deduction can be drawn as to all that it embraces or the full extent of the power of Congress to regulate commerce among the States. With the exception of the farm-loan act the theory behind most of them is evidently that the power to regulate commerce among the States is limited to actual transportation between the States, articles in the course of such transportation or persons or instrumentalities actually engaged in such work. For example, in a case arising under the second employer's liability act (Shanks *v.* Delaware, Lackawanna & Western Railroad, 239 U. S., 556, 1916), where a railroad which was engaged in both interstate and intrastate transportation conducted a machine shop for repairing locomotives used in such transportation, and an employee, while taking down and putting up fixtures in such machine shop, was injured, it was held that he could not recover although on other occasions his employment related to interstate commerce. The court said (p. 558):

"Having in mind the nature and usual course of business to which the act relates and the evident purpose of Congress in adopting the act, we think it speaks of interstate commerce not in a technical legal sense but in a practical one better suited to the occasion. (See Swift & Co. *v.* United States, 196 U. S., 375, 398.) And that the true test of employment in such commerce in the sense intended is, Was the employee at the time of the injury engaged in interstate transportation or in work so closely related to it as to be practically part of it?"

That this is too narrow a view of the nature and scope of the power to regulate commerce among the States as such, we shall now proceed to show:

D. NATURE AND SCOPE OF THE POWER OF CONGRESS TO REGULATE COMMERCE AMONG THE STATES.

1. SOURCES OF CONFUSION.

Very little has been added to the interpretation of the commerce clause since the time of Chief Justice Marshall. In Gibbons v. Ogden (9 Wheat., 1, p. 195), he says:

"The genius and character of the whole government seem to be that its action is to be applied to all the external concerns of the Nation and to those internal concerns which affect the States generally, but not to those which are completely within a particular State, which do not affect other States, and with which it is not necessary to interfere, for the purpose of executing some of the general powers of the Government. The completely internal commerce of a State, then, may be considered as reserved for the State itself."

This passage is sometimes quoted as authority for the proposition that the National Government can not deal with the internal commerce of a State, but in reality it is direct authority for the contrary proposition when such action is necessary for the national good. The "internal concerns which affect the States generally" must necessarily have their situs in a State. The Chief Justice does not deny national authority to concerns which are within a particular State but to those "which are completely within a particular State," and "which do not affect other States, and with which it is not necessary to interfere, for the purpose of executing some of the general powers of the Government." The proposition involves two parts, but the first is the one commonly repeated, while the second is all but forgotten.

This is but one of the common sources of confused thought. Another results from failure to make any distinction between commerce and the power to regulate commerce. It is generally assumed that the vital thing is whether an article or commodity is moving in interstate commerce, whereas the only question is whether the regulation proposed or act done has a reasonable relation to commerce among the States. This sort of confusion is illustrated by the reasoning in Kidd v. Pearson (128 U. S., 1, 20), where the court said:

"No distinction is more popular to the common mind or more clearly expressed in economic and political literature than that between manufactures and commerce. Manufacture is transformation—the fashioning of raw materials into a change of form for use. The functions of commerce are different. The buying and selling and the transportation incidental thereto constitute commerce, and the regulation of commerce in the constitutional sense embraces the regulation at least of such transportation. The legal definition of the term, as given by this court in County of Mobile v. Kimball (102 U. S., 691, 702), is as follows: 'Commerce with foreign countries and among the States, strictly considered, consists in intercourse and traffic, including in these terms navigation and the transportation and transit of persons and property, as well as the purchase, sale, and exchange of commodities.' If it be held that the term includes the regulation of all such manufactures as are intended to be subject of commercial transactions in the future, it is impossible to deny that it would also include all productive industries that contemplate the same thing. The result would be that Congress would be invested, to the exclusion of the States, with the power to regulate, not only to manufactures, but also agriculture, horticulture, stock raising, domestic fisheries, mining—in short, every branch of human industry. For is there one of them that does not contemplate, more or less clearly, an interstate or foreign market? Does not the wheat grower of the Northwest and the cotton planter of the South plant, cultivate, and harvest his crop with an eye on the prices at Liverpool, New York, and Chicago? The power being vested in Congress and denied to the States, it would follow as an inevitable result that the duty would devolve on Congress to regulate all of these delicate, multiform, and vital interests, interests which in their nature are and must be local in all the details of their successful management."

Another fruitful source of confusion arises out of decisions dealing with the relative taxing powers of the State and Federal Governments and so-called "direct" and "indirect" restraints. While on the one hand, it is laid down that—

"The States can not tax interstate commerce, either by laying the tax upon the business which constitutes such commerce or the privilege of engaging in it or upon the receipts, as such, derived from it." (Minn. Rate cases, 230 U. S. 352, 400, 1912).

On the other hand, it was stated by the Supreme Court in Kansas City, M. & B. R. Co. v. Stiles, December, 1916, that—

"Each case must depend on its circumstances, and that while the State could not tax property beyond its borders, it might measure a tax within its authority by capital stock, which in part represented property without the taxing power of the State. * * * The State may not regulate interstate commerce or impose burdens upon it, but it is authorized to levy a tax within its authority, measured by capital in part used in the conduct of such commerce, where the circumstances are such as to indicate no purpose or necessary effect in the tax imposed to burden commerce of that character."

In Kansas Railway v. Kansas (240 U. S., 227, 231, 1916) Justice Hughes said:

"It must be assumed, in accordance with repeated decisions, that the State can not lay a tax on interstate commerce 'in any form' by imposing it either upon the business which constitutes such commerce or the privilege of engaging in it, or upon the receipts, as such, derives from it (citing cases), and, further, in determining whether a tax has such a direct relation to interstate commerce as to be an exercise of power prohibited by the commerce clause, our decision must regard the substance of the exaction—its operation and effect as enforced—and can not depend upon the manner in which the taxing scheme has been characterized (citing cases). * * * It is also manifest that the State is not debarred from imposing a tax upon the granted privilege of being a corporation, because the corporation is engaged in interstate as well as intrastate commerce (citing cases), and agreeably to the principle above mentioned, it has never been and it can not be maintained that an annual tax upon the privilege is in itself, in all cases, repugnant to the Federal power merely because it is measured by authorized or paid-up capital stock."

Referring to the case of Baltic Mining Co. v. Massachusetts (231 U. S., 68), Justice Hughes said:

"It is true that in that case it was pointed out that the taxing act did not apply to corporations engaged in railroad, telegraph, etc., business or to those corporations whose business is interstate commerce, but it was also distinctly stated that the products of the corporation before the court were 'sold and shipped in interstate commerce' and were 'entitled to the protection of the Federal Constitution against burdening commerce of that character.'"

In the Massachusetts Stock Ticker case (Western Union Tel. Co. v. Foster, 224 Mass., 365, June, 1916) the court decided that the transactions involved did not constitute interstate commerce, and said that in the view which it took of the case it became unnecessary to discuss or decide whether the order of the commission might be sustained also as affecting interstate commerce only incidentally and not imposing a direct burden upon it within the principle declared in numerous cases.

It must be apparent that cases of this kind do not define the extent of the power to regulate commerce among the States; that a given law affects commerce among the States only "indirectly" certainly does not prove that the thing affected is not or may not be commerce among the States within the regulatory power of Congress when it chooses to exercise it. Nor does the fact that a given State law affects commerce among the States "directly" show that that law is beyond the power of the State when that law, looked at in a reasonable way, is seen to be an exercise by the State of its power over things within the State and not an attempt to make its legislation operate extraterritorially. As stated by the Supreme Court of Texas in a case decided in January, 1916, justifying an order of the State railroad commission which required interstate trains to wait 30 minutes at a point for connections—

"The order is very plainly not directed against interstate commerce. It is not an attempt to regulate commerce; it has to do merely with the manner of operation of trains. It has no further object than to bring about dispatch and certainty of operation as essentials of efficient service to the public. And it seeks to do no more than require that kind of operation merely within the limits of the State. The effect of its observance upon commerce, whether domestic or interstate, is purely incidental, since as a consequence of its obedience commerce will be affected as the result of only the ordinary operation of trains upon their schedule time. It is no more of a regulation of commerce, and in particular it is no more of a burden upon or interference with commerce in its effect than familiar enactments requiring competency of train operatives as a means of affording safety to passengers and coemployees."

A number of decisions turn merely upon the construction of State law. Take, for example, the case of Davis v. Commonwealth of Virginia (236 U. S., 697, 1915). The headnote reads as follows:

"The business of taking in one State orders for portraits made in another State is interstate commerce, and if the original order contemplates an option on the part of the purchaser to have a frame also sent from the other States, the business is one affair and exempt from imposition of license fee by the State in which the sale is made."

The court below thought the purchase of the frames was to be regarded as a separate transaction occurring wholly in Virginia. If the Supreme Court had taken the same view of the facts, doubtless it would have sustained the imposition of the license fee, and therefore all that it was necessary to decide was that the practice in question did not fall within the meaning of the statute or ordinance.

In Sligh v. Kirkwood (237 U. S., 52), a statute of Florida was sustained, which undertook to make it unlawful for anyone to "sell, offer for sale, ship, or deliver for shipment any citrus fruits which were immature or otherwise unfit for consumption." And this in spite of the Federal food and drugs act. Now it is difficult to think of a statute affecting commerce more "directly" than this statute, but it was sustained merely because the action of the State was not regarded as incompatible with the national requirements.

In the case of Wilmington Transportation Co. v. California Railroad Commission (236 U. S., 151, 1915) the Supreme Court even held that the State might in the absence of any action by Congress prevent through proper orders of its railroad commission exhorbitant charges for transportation having both origin and termination within the State though part of such transportation was over the high seas. Yet it would be a mistake to cite this case as authority for the proposition that the transportation upon the high seas was not foreign commerce and that the State regulation was not a "direct" burden upon that commerce.

The concluding and very searching remarks of Mr. Justice McKenna in the case of Hall v. Geiger-Jones Co. (242 U. S., 539, 558), decided last January and dealing with the blue-sky laws, make it apparent that many opinions concerning direct and indirect restraints and goods in the original package must ere long be revised in the light of more enlightened views as to what commerce among the States really means. In that case it was contended that the law under review was a burden on interstate commerce and contravened the commerce clause of the Constitution. He said:

"We might, indeed, ask, When do the designated securities cease migration in interstate commerce and settle to the jurisdiction of the State? Material things, choses in possession, pass out of interstate commerce when they emerge from the original package. Do choses in action have a longer immunity? It is to be remembered that though they may differ in manner of transfer, they are in the same form in the hands of the purchaser as they are in the hands of the seller, and in the hands of both as they are brought into the State. We ask again, Do they never pass out of interstate commerce? Have they always the freedom of the State?

"Is there no point of time at which the State can expose the evil that they may mask? Is anything more necessary for the supremacy of the national power than that they be kept free when in actual transportation, subjected to the jurisdiction of the State only when they are attempted to be sold to the individual purchaser? The question are pertinent, the answer to them one way or the other, of consequence; but we may pass them, for regarding the securities as still in interstate commerce after their transportation to the State is ended and they have reached the hands of dealers in them, their interstate character is only incidentally affected by the statute."

But the greatest of all confusions results from a lack of appreciation of the nature of commerce itself.

2. WHAT "COMMERCE AMONG THE STATES" MEANS.

It is a significant fact that the early opinions of the Supreme Court speak of "commerce among the States," whereas in these later days that expression is seldom used, but instead we find the phrases "interstate commerce," "interstate-commerce business," "the business which constitutes such commerce," and the like. The reason is to be found in confused notions as to the nature of commerce.

Commerce among the States means business intercourse among the States. As stated by Chief Justice Marshall in Gibbons v. Ogden:

"Commerce, undoubtedly, is traffic, but it is something more—it is intercourse. It describes the commercial intercourse between nations

and parts of nations in all its branches and is regulated by prescribing rules for carrying on that intercourse."

The statement of Mr. Justice Johnson in the same case is to the same effect, but has a more modern ring:

"Commerce," he said, "in its simplest signification, means an exchange of goods, but in the advancement of society labor, transportation, intelligence, cars, and various mediums of exchange become commodities, and enter into commerce; the subject, the vehicle, the agent, and their various operations become the objects of commercial regulation. Shipbuilding, the carrying trade, and propagation of seamen are such vital agents of commercial prosperity that the Nation which could not legislate over these subjects would not possess power to regulate commerce."

In other words, commerce is commercial intercourse—business in short—which may involve an infinite number of factors and relations of the greatest intricacy; the power to regulate commerce is a wholly different and much more inclusive thing than the power to legislate as to particular items of commerce. In the case of United States *v.* United Shoe Machinery Co. (234 Fed., 127, June, 1916) the court showed evident confusion on this subject in dealing with the argument that a lease is no more commerce than insurance or manufacturing. The contention was finally disposed of as follows:

"It is sufficient to say that as new methods of transacting business are devised, if they are found to be in effect methods of carrying on commerce in any business, and the means for commercial transactions between the owner of the article, on the one hand, and the person who wants to deal in it or use it in carrying on his business, on the other hand, whether it be manufacturing, selling, trading, leasing, transportation, communication, or information, and it is sent or transported from one State to another, it is interstate commerce, and therefore subject to be regulated by Congress under the commerce clause of the Constitution."

The Sherman Antitrust Act asserts the power of regulation in the broadest way, and its theory is in marked contrast to that of the statutes which have been enumerated. It deals with restraints of commerce among the States in the widest conception of that commerce. It is not limited to transportation or to transit across States' lines. It does not say "every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade between persons of different States, which restrains trade or commerce among the several States," but does say "every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States or with foreign nations is hereby declared to be illegal." So long as attention is centered upon the subject matter or instrumentalities of commerce instead of business intercourse among the States of national concern no real progress can be made.

3. EVIL RESULTS OF CONFUSION AS TO THE COMMERCE POWER.

The serious consequences which result or may result from a false conception of the commerce power are in no way better illustrated than by the injustice, if not absurdity, of the practical working of many of the acts of Congress. Take, for example, the first Employers' Liability Case (207 U. S., 463). The statute which was held unconstitutional in that case, as above noted, was directed to "every common carrier engaged in trade or commerce * * * between the several States" and in favor of "any of its employees." Mr. Justice Moody, in his dissenting opinion, urged these enlightened views:

"It is settled beyond the necessity of citing cases that the transportation of persons and property is commerce. In other words, that the business of carriers is commerce. Where, therefore, the business is foreign or interstate Congress, it has frequently been decided, has the paramount, if not the sole, power to legislate for its direct control. An obstruction of such commerce by unlawful violence may be made punishable under the laws of the United States, suppressed by the armies of the United States, or, at the instance of the United States, enjoined in its courts. In re Debs, ubi supra. It is difficult to conceive how legislation may effectively control the business if it can not regulate the conduct of those engaged in the business, while engaged in the business, in every act which is performed in the conduct of the business. The business of transportation is not an abstraction. It is the labor of men employed with the aid of instrumentalities, animal and mechanical, in carrying men and things from place to place. In every form of transportation, from the simplest to the most complex, whether the man carries the burden on his back, or drives an animal which carries it, or a locomotive which draws a car which carries it, the one and only constant factor is the labor of mankind. I am quite unable to understand the contention made at the bar that the power of Congress is to regulate commerce among the States and not to regulate persons engaged in commerce among the States, for in the case of transportation at least the labor of those engaged in it is commerce itself. How poor and meager the power would be if, whenever it was exercised, the legislator must pause to consider whether the action proposed regulated commerce or merely regulated the conduct of persons engaged in commerce. The contention derives some plausibility from its vagueness. Of course the power to regulate commerce does not authorize Congress to control the general conduct of persons engaged therein, but, unless it is an idle and useless power, it authorizes Congress to control the conduct of persons engaged in commerce in respect to everything which directly concerns commerce, for that is commerce itself."

But the majority of the court record their views as follows:

"The act then being addressed to all common carriers engaged in interstate commerce, and imposing a liability upon them in favor of any of their employees, without qualification or restriction as to the business in which the carriers or their employees may be engaged at the time of the injury, of necessity includes subjects wholly outside of the power of Congress to regulate commerce. Without stopping to consider the numerous instances where, although a common carrier is engaged in interstate commerce, such carrier may in the nature of things also transact business not interstate commerce, although such local business may indirectly be related to interstate commerce, a few illustrations showing the operation of the statute as to matters wholly independent of interstate commerce will serve to make clear the extent of the power which is exerted by the statute. Take a railroad engaged in interstate commerce, having a purely local branch operated wholly within a State. Take, again, the same road having shops for repairs, and it may be for construction work, as well as a large accounting and clerical force, and having, it may be, storage elevators and warehouses, not to suggest besides the possibility of its being engaged in other independent enterprises. Take a telegraph company engaged in the transmission of interstate and local messages. Take an express company engaged in local as well as interstate business. Take a trolley line moving wholly within a State as to a large part of its business, and yet as to the remainder crossing the State line."

In consequence of this decision the act was amended and reenacted in the terms set forth above, with the result that we now have such decisions as the following:

New York Central R. R. *v.* Carr (238 U. S., 260, 1915). A brakeman on an intrastate car in a train consisting of both intrastate and interstate cars who is engaged in cutting out the intrastate car so that the train may proceed on its interstate business is, while doing so, engaged and employed in "interstate commerce." Page 263. "Each case must be decided in the light of the particular facts with a view of determining whether at the time of the injury the employee is engaged in interstate business or in an act which is so directly and immediately connected with such business as substantially to form a part or a necessary incident thereof."

Waters *v.* Guile (234 Fed., 532, 1916). A brakeman on a train containing cars loaded with interstate freight is engaged in "interstate commerce," though the train runs only between intrastate points.

Grand Trunk Ry. Co. of Canada *v.* Knapp (233 Fed., 950, 1916). A carpenter riding on a train which carried equipment for repair of a bridge used by the railroad company in "interstate commerce" is where the repairs were to be made by him engaged in "interstate commerce."

Louisville & Nashville R. R. Co. *v.* Parker (242 U. S., 13, 1916). A fireman upon a switching engine moving upon a switch track was engaged at the moment of striking a caboose on the main track in transferring an empty car from one switch track to another. This car was not moving in "interstate commerce," but the court held that if the switching movement was simply for the purpose of switching and moving an interstate car "the purpose would control and the business would be interstate."

C., B. & Q. R. R. Co. *v.* Harrington (241 U. S., 177). An employee of the railroad engaged in removing coal from storage tracks to coal chutes is not engaged in "interstate commerce" even if the coal had previously been brought from another State and was to be used by locomotives in interstate hauls.

Raymond *v.* C., M. & St. P. Ry. Co. (233 Fed., 239, 1916). A laborer in a tunnel which when completed was intended to be used by a railroad company to shorten its line over which it transported intrastate and "interstate commerce" is not engaged in interstate commerce.

May it not well be asked in view of these decisions whether the Supreme Court acted wisely in holding the first act unconstitutional? Was not the first act a much better and more enlightened statute? Why, it may be asked, was it not within the constitutional power of Congress under the commerce clause to deal with the transportation system of the country and all its instrumentalities and employees upon the theory that it had become a matter of national concern, and that the things which are interstate and the things which are intrastate had become so intermingled that in its judgment it was impossible to separate them?

In dealing with the safety appliance act, Texas & Pacific Railway Co. *v.* Rigsby, 241 U. S. 33 (1916), where an employee even though he was engaged at the time in intrastate and not interstate commerce was held to have a right of action, the Supreme Court said:

"While it may be conceded, for the purpose of the argument, that the mere question of compensation to persons injured in intrastate commerce is of no concern to Congress, it must be held that the liability of interstate carriers to pay such compensations because of their disregard of regulations established primarily for safeguarding commerce between the States, is a matter within the control of Congress; for unless persons injured in intrastate commerce are to be excluded from the benefit of a remedial action that is provided for persons similarly injured in interstate commerce—a discrimination certainly not required by anything in the Constitution—remedial actions in behalf of intrastate employees and travelers must either be governed by the acts of Congress or else be left subject to regulations by the several States, with probable differences in the law material to its effect as regulatory of the conduct of the carrier. We are therefore brought to the conclusion that the right or private action by an employee injured while engaged in duties unconnected with interstate commerce, but injured through a defect in a safety appliance required by the act of Congress to be made secure, has so intimate a relation to the operation of the act as a regulation of commerce between the States that it is within the constitutional grant of authority over that subject."

It is hard to reconcile this statement with other language of the Supreme Court and it certainly discloses a more enlightened view of of the power of Congress to regulate commerce among the States as applied to transportation.

(4) REAL SCOPE OF THE COMMERCE CLAUSE.

Commerce is a much broader term than transportation, which is only one of the forms of commerce or instruments of commerce. The loose identification of commerce with transportation is probably due to the fact that until recent times the important and "big" business of the country was largely that of railroading.

The term is so broad that it is almost impossible to place limits to the exercise of control by Congress.

When the matter involved relates to commerce and is of national concern, the power of Congress is plenary. In the case of The Daniel Ball (10 Wall., 557, 1870), where the power of Congress was asserted over a vessel plying only between two points within a State, but over what the court regarded as part of a highway of commerce among the States, it was argued that if the position asserted was sustained there would be no such thing as a domestic trade of a State; that Congress might take the entire control of the commerce of the country and extend its regulations to the railroads within a State on which grain or fruit was transported to a distant market. The court replied:

"We answer that the present case relates to transportation on the navigable waters of the United States, and we are not called upon to express an opinion upon the power of Congress over interstate commerce when carried on by land transportation. And we answer further, that we are unable to draw any clear and distinct line between the authority of Congress to regulate an agency employed in commerce between the States, when that agency extends through two or more States, and when it is confined in its action entirely within the limits of a single State. If its authority does not extend to an agency in such commerce, when that agency is confined within the limits of a State, its entire authority over interstate commerce may be defeated. Several agencies combining, each taking up the commodity transported at the boundary line at the one end of a State, and leaving it at the boundary line at the other end, the Federal jurisdiction would be entirely ousted, and the constitutional provision would become a dead letter."

To the same effect is the recent case Seven Cases *v.* United States (239 U. S., 510, 514 1916), where the court said:

"So far as it is objected that this measure, though relating to articles transported in interstate commerce, is an encroachment upon the re-

served powers of the States, the objection is not to be distinguished in substance from that which was overruled in sustaining the white slave act (c. 395, June 25, 1910, 36 Stat., 825). Hoke v. United States (227 U. S., 308). There, after stating that 'if the facility of interstate transportation' can be denied in the case of lotteries, obscene literature, diseased cattle and persons, and impure food and drugs, the like facility could be taken away from 'the systematic enticement of and the enslavement in prostitution and debauchery of women,' the court concluded with the reassertion of the simple principle that Congress is not to be denied the exercise of its constitutional authority over interstate commerce, and its power to adopt not only means necessary but convenient to its exercise, because these means may have the quality of police regulations."

Now, what concerns the United States as a whole is a matter for the determination of Congress. "What makes for the general welfare is necessarily, in the first instance, a matter of legislative judgment and a judicial review of such judgment is limited. 'The scope of judicial inquiry in deciding the question of power is not to be confused with the scope of legislative consideration in dealing with a matter of policy.'" (German Alliance Ins. Co. v. Kansas, 233 U. S., 389.) In the Adamson case the attention of the court was, of course, directed to interstate transportation. But the power to regulate commerce among the States is evidently not confined to transportation (as the legislation of Congress itself shows) and extends to and may affect commodities.

E. EXTENT TO WHICH COMMODITY PRICES ARE SUBJECT TO CONTROL UNDER THE COMMERCE CLAUSE.

In theory it is impossible to set any limit to the power of price control by the Nation if the need exists, but to demonstrate this by actual decisions would be difficult, and no practical necessity for making the attempt seems to exist. This memorandum is confined to commodities which are recognized articles of commerce among the States. As to these, it has been held—

(a) That their movements can not be restrained. The Danbury Hatters' and the Packers' cases are authority for that proposition. In the case of Hood Rubber Co. v. United States Rubber Co. (229 Fed., 583), decided in this district in January of last year, the plaintiff was held entitled to relief under the Sherman Act, although it was not a dealer in lasts, and only desired to buy for its own use, and all purchases would have been intrastate transactions.

(b) A State can not prohibit them from coming in. (Heyman v. Hays, 236 U. S., 178, 183.)

"In American Express Co. v. Iowa (196 U. S., 133, 143), referring to previous rulings concerning the operation of the commerce clause, it was said 'those cases rested upon the broad principle of the freedom of commerce between the States and of the right of a citizen of one State to freely contract to receive merchandise from another State and of the equal right of a citizen of a State to contract to send merchandise into other States'; and again, in West v. Kansas Natural Gas Co. (221 U. S., 229), where the law of a State prohibiting the piping out from the State of natural gas was held to be repugnant to the commerce clause, it was observed (p. 260): 'At this late day it is not necessary to site cases to show that the right to engage in interstate commerce is not the gift of a State and that it can not be regulated or restrained by a State or that a State can not exclude from its limits a corporation engaged in such commerce.'"

To the same effect see Kirkmeyer v. Kansas (236 U. S., 568).

(c) A State can not prohibit them from going out. West (Okla.) v. Kansas Natural Gas Co. (221 U. S., 229, 255, 1911), McKenna, J.:

"Gas, when reduced to possession, is a commodity; it belongs to the owner of the land, and, when reduced to possession, is his individual property subject to sale by him, and may be a subject of intrastate commerce and interstate commerce. The statute of Oklahoma recognizes it to be a subject of intrastate commerce, but seeks to prohibit it from being the subject of interstate commerce, and this is the purpose of its conservation. In other words, the purpose of its conservation is in a sense commercial—the business welfare of the State, as coal might be, or timber. Both of those products might be limited in amount, and the same consideration of the public welfare which would confine gas to the use of the inhabitants of a State would confine them to the inhabitants of the State. If the States have such power a singular situation might result. Pennsylvania might keep its coal, the Northwest its timber, the mining States their minerals. And why may not the products of the field be brought within the principle? Thus enlarged, or without that enlargement, its influence on interstate commerce need not be pointed out. To what consequences does such power tend? If one State has it, all States have it; embargo may be retaliated by embargo, and commerce will be halted at State lines. And yet we have said that 'in matters of foreign and interstate commerce there are no State lines.' In such commerce, instead of the States, a new power appears and a new welfare, a welfare which transcends that of any State. But rather let us say it is constituted of the welfare of all the States and that of each State is made the greater by a division of its resources, natural and created, with every other State, and those of every other State with it. This was the purpose, as it is the result, of the interstate-commerce clause of the Constitution of the United States. If there is to be a turning backward it must be done by the authority of another instrumentality than a court."

Penn. R. R. Co. v. Sonman Shaft Co. (242 U. S., 120, 1916).

It was held to be a duty of a carrier in "interstate commerce" to furnish cars for coal to be loaded at the mine and forwarded promptly for delivery to purchasers in other States, notwithstanding the sale of the coal is f. o. b. at the mine.

Van Devanter, J.: "The coal company sold its coal f. o. b. cars at the mine, and when the cars were loaded the coal was promptly forwarded to the purchasers at points within and without the State, largely to points in other States. This was well understood by both companies—by the coal company when it asked for cars and by the railroad company when it supplied them. Cars were not requested or furnished merely to be used in holding or storing coal, but always to be employed in its immediate transportation. While furnishing some cars for this service, the railroad company failed to furnish as many as the coal company needed and requested. It is plain that supplying the requisite cars was an essential step in the intended movement of the coal and a part of the commerce—whether interstate or intrastate—to which that movement belonged. It was expressly so held in Pennsylvania R. R. Co. v. Clark Coal Co (238 U. S., 456, 465–468). We there said of the sale and delivery of coal f. o. b. at the mine for transportation to purchasers in other States: 'The movement thus initiated is an interstate movement and the facilities required are facilities of interstate commerce.' Here the State court ruled that, as the coal was sold f. o. b. at the mine, the commerce involved was intrastate, even though the coal was going to purchasers outside the State. This was error, but it plainly was without prejudice unless it led the State court to exercise a jurisdiction which it did not possess."

Rosenberger v. Pacific Express Co. (241 U. S. 48, 1916).

A statute of Texas imposing special licenses on express companies maintaining offices for C. O. D. shipments of intoxicating liquors was held unconstitutional as a burden on and interference with interstate commerce and not to justify an express company accepting such a shipment in not delivering the same. It had been argued that the act imposing the burden on the contract to collect on delivery did not reach over into the domain of shipment, was independent of the same, and therefore was not repugnant to the commerce clause. To this the Chief Justice answered:

"The reasoning referred to rests upon a misconception of the elementary notion of interstate commerce as inculcated and upheld from the beginning and as enforced in a line of decisions of this court beginning with the very birth of the Constitution and which in its fundamental aspect has undergone no change or suffered no deviation; that is, that the interstate commerce, which is subject to the control of Congress, embraces the widest freedom, including as a matter of course the right to make all contracts having a proper relation to the subject. Indeed, it must be at once apparent that if the reasoning we are considering were to be entertained, the plenary power of Congress to legislate as to interstate commerce would be at an end and the limitations preventing State legislation directly burdening interstate commerce would no longer obtain and the freedom of interstate commerce which has been enjoyed by all the States would disappear."

In the light of these decisions, there can no longer be any doubt as to the power of Congress under the commerce clause to legislate as to the prices of commodities which are the subject matter of commerce among the States; in other words, as to its power to regulate such commerce. The term "police power" means no more than the power to legislate. The power to regulate commerce among the States is in reality the power to legislate with respect to that commerce—in short, to exercise a police power over it. If price regulation is not a regulation of commerce, it would be difficult to describe it.

In the case of Landon v. Public Utilities Commission of Kansas (234 Fed., 152, 164) the court, speaking by Judge Sanborn, were unanimously of the opinion—

"(1) That the gas purchased or procured in Oklahoma, transported from Oklahoma, and sold or delivered by the receiver or by the gas company to parties in Kansas or Missouri, is an article of interstate commerce, as is the gas procured in Kansas and sold or delivered by them, or either of them, to parties in Missouri; (2) that this gas, which is probably at least 95 per cent of all the gas the receiver or the company handles, does not lose its interstate character by the fact that a small portion, probably not exceeding 4 per cent, of the gas they handle is procured and delivered in Kansas, is an article of intrastate commerce, and is inseparably mingled in the pipes with the interstate gas; (3) that the purchase or procuring of interstate gas in Oklahoma, its transportation, sale, and delivery by the receiver or the gas company to parties in Kansas and Missouri is interstate commerce, and the receiver and the company are engaged in interstate commerce; (4) that the enforcement by a State through its officers of any legislative act preventing interstate commerce in this article of interstate commerce, either by a direct prohibition of such commerce in this article by State law, or by an inhibition of a sale of the article in the State at any price whatever, or at any price above a price so low that the laws of trade make it impossible to purchase or procure it in another State, and to sell and deliver it in the prohibiting State at that price with profit, substantially burdens and unduly interferes with interstate commerce in violation of the commerce clause of the Constitution of the United States."

That Congress not only has the power to control the price of commodities entering into commerce among the States, but that the time is fast approaching when Congress must exercise this power, is emphasized by the case of Manufacturers' Light & Heat Co. v. Ott (215 Fed., 940, 1914). This was a bill to enjoin putting into effect an order of the public-service commission of West Virginia fixing the rates to be charged consumers by a Pennsylvania corporation and certain West Virginia corporations, all of whose stock was held by the Pennsylvania company. The court said (p. 944):

"The regulation of companies engaged in the transportation of gas is expressly excluded from the scope of the interstate-commerce statute. Neither the West Virginia statute nor the orders of the commission purport to interfere in any manner with the transportation of natural gas from West Virginia to other States. Nothing is attempted except regulation of prices of natural gas to the citizens of West Virginia to be charged by corporations operating in West Virginia under State authority. The action of these corporations in uniting their operations with those of like corporations of Ohio and Pennsylvania in pumping gas into a common system of pipes, supplying customers in the three States, may produce the result that some gas from Ohio and Pennsylvania comes into West Virginia, although it is undisputed that a much larger quantity of gas goes out of West Virginia into Ohio and Pennsylvania than can possibly come in from those States. But this overflow of gas from one State to another, according to the pressure from the main gas pipes as common reservoirs, can not affect the power of the State of West Virginia to make reasonable regulations as to rates for gas furnished to its own citizens. West v. Kansas Gas Co. (221 U. S., 229) relied on by complainant, has no application, for in the present case no effort is made to prevent the transportation and sale of natural gas from West Virginia into other States. It is not necessary to decide whether the Congress may not regulate charges for natural gas under such conditions, and under the well-known rule the court should not anticipate that question. In the present state of the law, the Congress having taken no action, it was fairly within the power of the State legislature to provide for the protection of its own citizens against excessive charges. If it be assumed that interstate commerce will be incidentally affected, yet the regulation of the local charges of a natural gas company as a public-service corporation is within the police power of the State until the Congress sees fit to act. The recent and full review of the subject by the Supreme Court in the Minnesota rate cases, Simpson v. Shepard (230 U. S., 352), leaves no room for discussion."

One need only imagine a time when the several State legislate as to the prices of commodities which are the subject of commerce among the States and upon the free circulation of which the general welfare depends, to vividly realize the existence in Congress of the power of price regulation and the necessity of its exercise. If Congress would have that power at that time and under those circumstances, it has the power now, because that depends upon the language of the Constitution and not upon the circumstances. Congress in fact has the right to legislate generally as to business of national concern, as to stock

and produce exchanges, and the coal and oil industries, for example, on the principle of the Munn, Budd, Stoesser, and German Alliance Insurance Co. cases.

National legislation is obviously destined to take the same course that State legislation has already taken, and so far as business of national importance is concerned will without doubt eventually equal and even surpass it. This is not because of any change in the law, but is to be explained by changing conditions, the increasing complexity of our national life, which is daily adding to the number of matters of national concern. Instead of being a thing to be feared this is a consummation devoutly to be wished. It by no means involves a centralization of power, but does imply a unification of business law, a law which shall not interfere with the domestic concerns of the State, and shall be administered alike in the local tribunals throughout the breadth of the land.

EDWARD A. ADLER.

BOSTON, MASS., *May 18, 1917.*

AMENDMENT OF INTERSTATE-COMMERCE ACT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2356) to amend the act to regulate commerce, as amended, and for other purposes.

Mr. NEWLANDS. Mr. President, I understand that there is no disposition to prolong the debate, and I ask unanimous consent that the Senate proceed at or before 4 o'clock this afternoon to vote on the bill and pending amendments, and that meanwhile no Senator may speak more than once nor longer than 15 minutes upon the bill or more than once nor longer than 15 minutes upon any amendment offered thereto.

Mr. SMITH of Michigan. Let me ask the Senator if it is very essential that we should vote to-day. Could not the unanimous-consent agreement be so framed that we might vote on Monday morning immediately after convening the Senate?

Mr. NEWLANDS. The Senator understands that we ought to proceed with all possible expedition to the consideration of another bill now pressing upon the attention of the Senate.

Mr. SMITH of Michigan. Senators have engagements which are imperative during the afternoon, matters have been put off and hearings are being held. I think Monday morning would be much more preferable.

Mr. CUMMINS. Mr. President, I am as anxious as the Senator from Nevada can be to see the bill passed. I believe that all Senators who have been engaged in the debate are willing to accept the amendment proposed by the Senator from Minnesota [Mr. NELSON].

Mr. HARDWICK. With an amendment. I understand there is to be an amendment offered to it.

Mr. CUMMINS. I was about to suggest that I think we could conclude the consideration of the bill within an hour.

Mr. SMITH of Georgia. There has been no agreement about any additional amendment, but I will read one which I may offer and which I think will be acceptable. It does not in any way affect the amendment proposed by the Senator from Minnesota. It adds an additional provision for handling congested transportation. This is what I expect to offer:

In addition to the authority hereinbefore conferred upon the President and subject to such priority of shipments as the President may direct by reason of said authority, the Interstate Commerce Commission is hereby authorized whenever in its judgment such action is necessary as an incident to the congested condition of transportation, after such inquiry as it may deem proper, to direct such preferences or priorities in kinds of traffic or shipment or other service to be observed by common carriers under such arrangements, rules, and regulations as the commission may prescribe; and it shall be the duty of the commission where practicable to give priority to shipments of food and fuel. The commission is further authorized to create a division composed of not less than three of its members, and when so created the said division shall have and may exercise the authority herein conferred upon the commission.

I do not make it a condition that this amendment shall be accepted, and I am willing to accept and to vote for the amendment of the Senator from Minnesota.

Mr. CUMMINS. My first impression is that I would not favor the proposed amendment of the Senator from Georgia, because it bears the implication at any rate that the successful prosecution of the war might not require priority or preferences in food or fuel. I think the prosecution of the war may require preferences in both food and fuel. Therefore there would be an inconsistency between the amendment proposed by the Senator from Minnesota and the one proposed by the Senator from Georgia.

Mr. SMITH of Georgia. I will strike out that clause if the Senator desires. I do not propose in any way to restrict control by the President of food and fuel for war purposes. Suppose there is a shortage of coal here in Washington entirely disconnected with the war and private citizens not in the war need coal, that would not be connected with the war or be covered by the Nelson amendment.

Mr. CUMMINS. Does the Senator from Georgia propose in his amendment a continuing statute not limited to the war?

Mr. SMITH of Georgia. During the war only. The whole provision is limited to the war.

Mr. CUMMINS. That very clearly indicates that we intend to take care of the situation created by war. However, be that as it may, I will be very glad to see the amendment of the Senator from Minnesota adopted.

Mr. SMITH of Georgia. I do not seek an agreement to vote for anything else as a condition upon which the Nelson amendment will be supported. I am entirely satisfied with the amendment of the Senator from Minnesota, and I hope it will be adopted. It limits the direction of priorities in transportation to commodities essential to the prosecution of the war. It does not permit direction of priorities in transportation of traffic not needed for war purposes. It does not go to the extent even in allowing priorities which I have been willing to concede.

Mr. NELSON. Mr. President, I have not kept track of the proceedings. Is the bill up now?

Mr. NEWLANDS. The bill is up, and I am about to attempt to secure a unanimous-consent agreement for a vote at 4 o'clock upon the bill and amendments, meanwhile limiting the debate to 15 minutes on the part of each Senator.

Mr. NELSON. Probably if this amendment is accepted, it will not delay the proceeding. If the bill is up, I will offer the amendment.

Mr. REED. There is an amendment pending.

Mr. BRANDEGEE. The Senator from Nevada is asking unanimous consent now.

Mr. NEWLANDS. All right, let the Senator from Minnesota present his amendment now.

Mr. BRANDEGEE. The Senator does not want to secure unanimous consent before——

The VICE PRESIDENT. One moment. The Senator from Nevada has presented a unanimous-consent agreement. Adopting the usual practice before ordering the roll to be called, the Chair will ask whether there is any objection to the agreement upon the part of any Senator present.

Mr. BRANDEGEE. I wish to cooperate with the Senator in getting an agreement, but I desire to ask if he has his proposed agreement written out so that it may be read by the Secretary?

Mr. NEWLANDS. I will ask the Secretary to prepare the order pursuant to the suggestion that I have made.

The SECRETARY. It is proposed by unanimous consent that, at not later than 4 o'clock p. m. to-day, the Senate will proceed to vote, without further debate, on the bill (S. 2356) to amend the act to regulate commerce, as amended, and for other purposes, through the different parliamentary stages to its final disposition——

Mr. SMITH of Georgia. I do not think it best to fix a time to vote on the bill. So far as I am concerned, I am perfectly willing, without any roll call, to limit debate now to 10 minutes on any amendment and on the bill. I think we shall finish the bill by 3 o'clock, but I should like to have Senators here voting on the amendment and hearing what takes place.

Mr. NEWLANDS. I ask unanimous consent that the suggestion of the Senator from Georgia be adopted.

Mr. REED. Mr. President——

Mr. SMITH of Michigan. What is the request, Mr. President?

The VICE PRESIDENT. To limit the debate to 10 minutes.

Mr. NEWLANDS. That from now on debate on the bill and amendments be limited to 10 minutes on the part of each Senator.

Mr. SMITH of Michigan. Is that the understanding?

Mr. NEWLANDS. That is the understanding.

Mr. BRANDEGEE. But for the fact that many times when such agreements have been made we have been almost trapped by all the time being taken up upon one or two amendments I would not object to the suggestion of the Senator from Georgia, if it were to be a part of the agreement that it shall not be in order to move to table an amendment until the Senator who offers it has had an opportunity to explain it.

Mr. SMITH of Georgia. I think that ought to be considered a part of the agreement, and I should be glad to have it embodied in the agreement.

Mr. BRANDEGEE. Under the language proposed all we are agreeing to is that no Senator shall speak more than 10 minutes upon the bill or upon any amendment proposed, but that in itself——

Mr. SMITH of Georgia. And that no motion to table an amendment shall be made.

Mr. BRANDEGEE. That will fix it to-day, but the agreement would leave it so——

Mr. NEWLANDS. I have no objection to that, Mr. President.

Mr. REED. Mr. President, I hope the Senator from Nevada will not insist upon even that agreement at this time. If we

could dispose of the amendment proposed by the Senator from Minnesota [Mr. NELSON], which I regard as a fundamental proposition, I would have no objection to making an agreement to limit the debate to 10 minutes or to 15 minutes by each Senator; but I should like to have that proposition first disposed of, because, as I have said, I think it is fundamental.

Mr. SMITH of Georgia. What is that?

Mr. REED. Answering the Senator from Georgia, I desire to say that I should like to have the amendment of the Senator from Minnesota disposed of before we make any agreement with reference to limiting this debate, because the amendment is a fundamental proposition. If that is disposed of and is accepted as a part of this bill I shall be reasonably content with the bill. There will be one or two matters which I should like to offer, but I can submit them very briefly.

Mr. BRANDEGEE. Mr. President, if the Senator from Missouri will allow me to ask him a question, would the Senator not be satisfied if the unanimous-consent agreement should read that after the amendment to which the Senator from Missouri refers has been disposed of, then this unanimous-consent agreement shall be in operation?

Mr. REED. The unanimous-consent agreement can be called up as soon as the amendment to which I refer has been disposed of.

Mr. SMITH of Georgia. I should like to suggest, in addition, that amendments to be offered must be germane to the bill.

Mr. BRANDEGEE. I think that would raise a question that nobody can decide. I should like to have it so if there were any way of finally deciding the germaneness of amendments, but if that is agreed to we shall spend most of the time appealing to the Senate as to whether or not amendments are germane.

Mr. SMITH of Georgia. If the food-control bill should be offered as an amendment to this bill we would not wish to be bound by a 10-minute debate as to that.

Mr. BRANDEGEE. If the proposition of the Senator from Georgia as to the germaneness of amendments were agreed to, much time of the Senate would be taken up in discussing the question of their germaneness and in appeals from the decision of the Chair——

Mr. SMITH of Georgia. No.

Mr. BRANDEGEE. For Senators would not be content with the ruling of the Chair on the question of the germaneness of amendments.

Mr. SMITH of Georgia. We can not afford to make a 10-minute agreement as to speeches upon amendments at all if under our liberal rule of amendments some independent bill should be offered as an amendment. I believe we can go right on and finish this bill without any agreement in two hours.

Mr. REED. Let us try it.

Mr. SMITH of Georgia. Yes; let us try it.

Mr. NEWLANDS. Well, I shall not press the request for a unanimous-consent agreement.

The VICE PRESIDENT. The pending amendment is the amendment proposed by the Senator from Nevada [Mr. NEWLANDS].

Mr. REED. Mr. President, since we have had so much discussion about the amendment of the Senator from Minnesota [Mr. NELSON], I ask the Senator in charge of the bill if he will not withhold his amendment temporarily and let us dispose of what I call the Nelson amendment?

Mr. NEWLANDS. I have no objection to that, but the Senator from Minnesota has not yet offered the amendment in a formal way.

Mr. NELSON. I will offer my amendment if the Senator from Nevada will temporarily withdraw his amendment.

Mr. NEWLANDS. I will withdraw my amendment.

The VICE PRESIDENT. The Senator from Nevada withdraws his amendment; and the Senator from Minnesota presents an amendment, which will be stated by the Secretary.

Mr. NEWLANDS. Mr. President, I wish to state that I have had no conference with the members of the Committee on Interstate Commerce regarding the proposed amendment of the Senator from Minnesota, and I should like to have it presented and printed.

Mr. NELSON. It has been printed in the RECORD.

Mr. NEWLANDS. I desire to confer with members of the Interstate Commerce Committee in regard to the amendment.

Mr. REED. The amendment is printed in the RECORD.

Mr. NEWLANDS. I know that, but——

Mr. NELSON. If the bill is up for consideration, I offer the amendment which I send to the desk.

Mr. NEWLANDS. While the amendment appears in the RECORD, there does not appear what words in the original bill are to be displaced and what lines of the pending bill shall remain upon the subject.

Mr. HARDWICK. Mr. President, may we not have the amendment which is proposed by the Senator from Minnesota stated at the desk?

Mr. NELSON. I repeat, if the bill is under consideration, I will offer the amendment. As I have said, it has already been printed in the RECORD.

The VICE PRESIDENT. The Senator from Minnesota is in order to offer the amendment.

Mr. NELSON. My amendment is to strike out all of lines 14, 15, 16, 17, 18, 19, 20, and 21, down to the end of the line, including the word "prescribe," and to insert what appears in the RECORD on page 3914.

The VICE PRESIDENT. The Secretary will state the amendment proposed by the Senator from Minnesota.

The SECRETARY. In section 2, page 2, line 14 of the original print, it is proposed to strike out down to and including the word "prescribe," on line 21, and in lieu of the words stricken out to insert:

That during the continuance of the war in which the United States is now engaged the President is authorized, if he finds it necessary for the successful prosecution of the war, to direct that such traffic or such shipments of commodities as may be essential to the prosecution of the war, shall have preference or priority in transportation by any common carrier by railroad or water, under such rules and regulations as he may prescribe.

Mr. THOMAS. Mr. President, my duties on the Committee on Finance have prevented my giving that attention to the arguments which have been directed to and against this bill which their importance and the importance of the bill demand. I have endeavored but imperfectly to inform myself of the progress of the discussion, however, by reading the CONGRESSIONAL RECORD during such few spare moments of my time as have been available for that purpose; and last night I read the bill for the first time since it has been before the Senate.

I have had some curiosity regarding its purpose because of the existing law on the subject, and I have tried to ascertain in what respects it differs from the act of August last, either as enlarging or as placing a limitation upon it. Under that statute the President has the power in time of war to take over and operate the railroads of the country or such of them as, in his judgment, may be necessary. It is very brief but very comprehensive.

The first section of this bill imposes penalties for the disregard of its requirements. The second seems to impose a limitation upon powers which the President already possesses. Whether it is wise to do so may be a debatable question; but, if the authority which we have given the President to take control of the railroads in times of war is one which he should have the right to exercise, I do not believe that we should impose any restrictions upon its exercise. If, on the contrary, it is not a power which he should possess, then the act now upon the statute books should be repealed.

In times of war, Mr. President, there must be concentration of power and authority. It is of the very essence of our military and naval departments that responsibility should be concentered, and obedience to that responsibility made absolute. Any measure which tends to diffuse authority, to create different heads of divisions which may act independently of or even in subordination to a general one, should be avoided, except where absolutely necessary to the public welfare.

Mr. President, any violation of the law as it exists should be punished by the courts, and any penalty exacted for such violation should be inflicted upon the citizen only after conviction by due process of law. Therefore the first section of this bill, in my judgment, would be a desirable piece of legislation as a complement to the present law; but everything else should be stricken out of the bill unless it be the intention of Congress, as I have already stated, to place a limitation upon powers already granted.

Of course, every Senator within the sound of my voice recalls the military appropriation act for the fiscal year 1917, which contains a clause that I had the honor of presenting to the Committee on Military Affairs, and prompted by the then very acute relations between this country and Mexico.

Mr. LA FOLLETTE. Mr. President, I ask that better order may be preserved in the Chamber. It is next to impossible to follow the Senator.

The VICE PRESIDENT rapped with his gavel.

Mr. THOMAS. Mr. President, I am speaking with some difficulty, but I hesitate to be so rude as to object to conversations, which are audible all around me, and which, of course, must be extremely important or they would not be conducted on the floor of the Senate.

That clause reads as follows:

The President in time of war is empowered, through the Secretary of War, to take possession and assume control of any system or systems of transportation or any part thereof, and to utilize the same to the exclusion, as far as may be necessary, of all other traffic thereon for the transfer or transportation of troops, war material, and equipment, or for such other purposes connected with the emergency as may be needful or desirable.

Now, Mr. President, my purpose in framing that amendment was to make it as brief and, at the same time, as comprehensive as possible, to give the President the supreme power of drafting into the service of the country every mile of railway within our borders, if at any time during a period of war such action was necessary in his opinion and in the opinion of his advisers.

Mr. SMITH of Michigan. Does that cover water transportation also?

Mr. THOMAS. It was not designed to cover water transportation, although its terms are broad enough to include them. It is directed to land transportation, and was prompted, although I do not recall the facts distinctly, by the conditions on the Mexican border. The difficulties which the Government then encountered in its efforts rapidly to transport its troops to the border, which were the direct outcome of the conflict between Government business and the regular business of the railroads, prompted the thought from which this amendment proceeded. At that time soldiers en route to the front were being sidetracked while private—if I may use that expression in connection with a public carrier—while private transportation was given the right of way. The demands made by the ordinary passenger traffic upon these roads were at that time so great as to make the acquiring of cars of sufficient capacity for the conveyance of our troops extremely difficult. I saw passing through the city of Toledo on the 16th of last June, while waiting for a belated train, some half dozen or more troop trains composed of cars which doubtless had seen service in the War between the States, cars which were unfit for actual use, and in which the soldiers of the United States were crowded and compelled to occupy during the period of transit from their homes to the Mexican border. I heard many of their very just complaints, especially when they contrasted their own accommodations with the more luxurious trains that swept through that great center of population while they were waiting for orders to move. I thought then that of all the war powers which the Government should possess the control of transportation was perhaps the most important, and that such a power should be given with as few limitations as possible, so that the Government business would not only have the right of way but the Government officials should determine what other traffic should move during times of exigency, in what direction, and to what terminal points, since otherwise, there being divided authority—that of the Government upon the one hand and the railroad companies upon the other—both sorts of traffic would very naturally be injured by the collision and by absence of a common source of supreme authority.

Mr. CUMMINS. Mr. President——

Mr. THOMAS. Just a moment.

Hence this provision of the law, which in my judgment confers upon the President everything, and more than everything, sought to be conferred upon him by the pending bill. I now yield to the Senator from Iowa.

Mr. CUMMINS. May I say for those who had in charge the preparation of the bill now before the Senate that they had in mind the amendment offered by the Senator from Colorado to the military bill? It was not intended in any wise to impair or affect that legislation; and I should like to have the Senator's view with respect to the point at which the present bill conflicts in any way with the former bill. I do not think there is the least conflict. I agree that the President of the United States ought to have the power to take possession of and manage and operate the railroads if necessary for military purposes; but this is intended to give him another power in the event that he does not want to take possession of the railway systems themselves.

Mr. THOMAS. Mr. President, I heard the Senator yesterday state that he did not believe in a division of authority upon so important a subject as this, and in that statement I fully concurred. The bill contained a clause with regard to preferential or preferred shipments which I believe has been modified by the report of June 14. Am I correct in that?

Mr. CUMMINS. So far as the report of the committee is concerned, it gave to the President the right to direct priority or preference in any and all shipments that were necessary for the public security and the national defense. It did not divide the authority in any way. There has been an effort, since the bill came to the Senate, to divide the authority by transferring a portion of it to the Interstate Commerce Commission; but that is not in the bill as reported by the committee.

Mr. THOMAS. No; that is not in the bill, and perhaps I questioned the Senator inaccurately in the form in which I put it. That is one of the controverted propositions which is before the Senate in the shape of amendments which are offered.

Mr. CUMMINS. Well, in the shape of debate. No amendment of that sort has yet been offered, but there has been notice of amendments to be offered.

Mr. THOMAS. I am glad the Senator interrupted me to make that statement, and my necessary absence from the Senate Chamber, and my inability to keep up entirely with the proceedings of the Senate, must be my apology for not being entirely acquainted with what has occurred during the progress of the discussion.

However, coming to the Senator's statement, I may say that wherever the effect of this bill is to impose a limitation upon the powers of the President outlined in the act of 1917, I think it is objectionable. The power which the Senator says this bill seeks to confer upon the President is one which he has under the provisions of the existing law, upon the principle that the greater includes the less.

Mr. HARDWICK. Mr. President——

Mr. THOMAS. I yield to the Senator from Georgia.

Mr. HARDWICK. I wonder if the Senator thinks that the power in the Army appropriation act, which he drafted, includes the power to direct shipments utterly disconnected with the war?

Mr. THOMAS. I have not a particle of doubt but that it gives the President entire control of the traffic of the United States, of whatever character, whenever he acts under it and takes possession of these systems.

Mr. HARDWICK. Will the Senator read the language, though, as to the cases in which he is authorized to do it, and for what purposes?

Mr. THOMAS (reading)—

The President, in time of war—

And we certainly are in time of war now——

Mr. HARDWICK. Yes.

Mr. THOMAS (reading)—

is empowered, through the Secretary of War, to take possession and assume control of any system or systems of transportation or any part thereof—

Which includes all or any portion of the railway system of the country—

and to utilize the same to the exclusion, as far as may be necessary, of all other traffic thereon, for the transfer or transportation of troops, war material, and equipment, or for such other purposes connected with the emergency as may be needful or desirable.

Can the power be broader?

Mr. HARDWICK. The Senator drafted that, and I admit that it is pretty broad; but it seems to me what the Senator had in mind was that the President should have that power if it were necessary to move the troops, their equipment or supplies, or anything reasonably connected with those objects, and for no other purpose. I do not know, of course. That is what I should think the language meant.

Mr. THOMAS. Of course, Mr. President, what I had in mind might be one thing, and the effect of the language used in the act might be somewhat different. It might be broader or it might be narrower.

Mr. HARDWICK. I think that is what the language means, too.

Mr. THOMAS. But I disagree with the Senator in his construction of the language. Who is to determine, under the exercise of a power like this, what shipments may be necessary, and what must give way to that necessity? Who is to determine what are the other purposes connected with the emergency out of which springs into exercise the power given by the Congress of the United States to the President under this provision? Certainly the authority which is empowered to exercise the power thus conferred, to wit, the President of the United States and his advisers.

Mr. HARDWICK. I wonder, though, if we have a right to assume that, in exercising the power, the President will take into full account the reasons and purposes for which it is given, and will undertake to exercise it only for those purposes.

Mr. THOMAS. Why, Mr. President, I have not a doubt of it. I do not think this power is going to be subject to abuse. I do not believe the present President, or any other President of the United States, would assume the responsibility of utilizing this vast authority to the wanton injury of a single individual, however humble,

Mr. HARDWICK. If that is true, then the President will be confined to the interpretation I suggested.

Mr. THOMAS. That would depend upon whether the President's interpretation and that of the Senator from Georgia should happen to agree.

Mr. HARDWICK. If the Senator assumes that he is only going to exercise this power for the purposes that Congress confers it for——

Mr. THOMAS. I assume that, but what are those powers? It depends upon what particular emergency calls forth the exercise of those details with regard to shipments. The war is the emergency under which the railroads are taken possession of; but let us assume, Mr. President, that coal was absolutely essential for our allies in France, or wheat, if you please, or medical supplies. I have no doubt that under this power the President could suspend traffic, interfere with the transportation of such materials, and get them to the seaboard as rapidly as possible. Suppose that there should be a food famine in the city of Chicago, or the exorbitant prices that now prevail there and elsewhere, which is another name for the same thing—because it makes no difference how much food there may be in a place; if the people are unable to comply with the requirements of those possessing it, it means starvation, although it may be starvation in the midst of plenty. Now, let us assume that the attitude of the people of Chicago should, because of that condition, become so threatening, should so menace the peace and security of that great community, as to require the instant relief of the situation by throwing trains loaded with Government supplies into Chicago at once. Does anyone doubt that in time of war the President should have the authority to suspend all other traffic, if necessary, for the purpose of relieving that tense situation? And if he did otherwise would he not be justly reprehensible? Could we not then justly charge him with a disregard of his duty, with the nonperformance of obligations in the anticipation of which Congress passed this act of 1917?

Mr. CUMMINS. Mr. President——

Mr. THOMAS. I yield to the Senator from Iowa.

Mr. CUMMINS. The reply of the Senator from Colorado to the interruption of the Senator from Georgia is absolutely unanswerable, and I do not rise to direct the attention of the Senator from Colorado to that phase of it. I think I failed to make myself understood in a former interruption, however. My suggestion is that the act approved August 29, 1916, requires for its efficiency the taking possession by the President of the railway instrumentality. I am in favor of that; but the President could not do what he is authorized to do by the act of last year unless he took possession of the railway itself and directed and controlled it. Our committee thought that he might find an instance in which it was not necessary to take possession of a railway, and still very necessary, for the very purposes so well stated by the Senator from Colorado, to direct the railway company still in possession of the property as to the order of shipments that were to be made upon it, so as to give to the United States and to the successful prosecution of the war the first right in a congested or confused system of transportation. I do not think there is any conflict between the two from that point of view.

Mr. THOMAS. I understood the Senator. He is always very clear in his statements. I did not further refer to his interruption, because I did understand the distinction which he drew so very clearly.

Mr. CUMMINS. I feared I had not made it clear.

Mr. FLETCHER. Mr. President, may I call the attention of the Senator to another phase of that matter?

Mr. THOMAS. I yield to the Senator from Florida.

Mr. FLETCHER. I was going to suggest another thought in that connection. The national-defense act provides for the taking over of systems of railways, or parts of systems.

Mr. THOMAS. Or all of them.

Mr. FLETCHER. But does it cover waterways? Does it cover also foreign commerce as well as interstate commerce? This provision is intended to reach not only transportation by railways but transportation by water carriers, and it refers not only to interstate commerce but to foreign commerce; so that it would seem to be broader in that respect than the provision in the national-defense act.

Mr. THOMAS. I shall take a very few more minutes of the time of the Senate in what I want to say, and I should have by now concluded but for the interruptions—which, however, are always welcome.

I think that in so far as this bill enlarges the powers of the President so as to include traffic by waterways, which may not be included in the act of 1916, it is unquestionably appropriate. I think that so far as foreign or domestic commerce is concerned, the powers of the President under the existing law are ample to meet any and all exigencies they may present. I think that the first section of the law, which is designed to define offenses against the power hitherto granted, and to provide for their punishment through the processes of the courts, is very desirable if designed as a supplement to the statute of 1916, because every good citizen abhors punishment by military tribunals wherever it is possible to avoid them. They are always arbitrary, and therefore frequently unjust. The right to trial by jury in the courts of the country is too sacred a one, it has cost the Anglo-Saxon people too much blood and too much treasure, to be lightly disregarded or set aside at any time. Consequently, that provision seems to me to be desirable, coupled, of course, with the extension of the President's authority to which the Senator from Florida refers.

But, Mr. President, all efforts to diffuse the authority of the Executive, to make it dependent upon some board, however capable and experienced; upon some other individual, however great the confidence of the public in that individual, constitute, in my judgment, unwise legislation. The concentration of power in times of national peril is an absolute essential to national safety. A diffusion of power at such times will inevitably invite disaster. Hence, the suggestions which have been made regarding the danger of confiding to the President a power which must be exercised by some subordinate, while they may be well founded, are mild, in my judgment, in comparison to the probable dangers, aye, the disasters, which may ensue from a conflict of powers in a great moment fraught with crisis both to the Government and to the people.

I hope, therefore, that so far as that feature of the discussion is concerned, the Senate will reject its application to the bill in hand; and such portions of the bill as may be designed for that purpose should be eliminated.

Mr. NEWLANDS. Mr. President——

Mr. THOMAS. I yield to the Senator from Nevada.

Mr. NEWLANDS. I wish to state to the Senator that the Senator from Minnesota [Mr. NELSON] has offered a substitute for the first sentence of section 2 of the pending bill, with which the Senator is probably familiar.

Mr. THOMAS. I am not familiar with it. I heard it read just before I took the floor.

Mr. NEWLANDS. I will state what it is:

That during the continuance of the war in which the United States is now engaged, the President is authorized, if he finds it necessary for the successful prosecution of the war, to direct that such traffic or such shipments of commodities as may be essential to the prosecution of the war shall have preference or priority in transportation by any common carrier by railroad or water, under such rules and regulations as he may prescribe.

Mr. THOMAS. Let me ask the Senator if that is designed as a substitute for all of section 2?

Mr. NEWLANDS. Oh, no; only for the first sentence, down to the word "prescribe" on line 21.

Mr. THOMAS. I should like it better if it were a substitute for the entire section.

Mr. NEWLANDS. Now, it is stated by those who thus far have been critical of the bill that they are willing to accept the amendment offered by the Senator from Minnesota. I took time for its consideration; I have consulted all the members of the Interstate Commerce Committee on the floor, and the Senator from Virginia [Mr. MARTIN], the leader of the Democratic side, and they all agree that if the acceptance of this amendment will secure the speedy passage of the bill it would be wise to make no objection to it. I will ask the Senator whether he has any objection to it?

Mr. THOMAS. If that is the consensus of opinion, it would be presumptuous in me, having been engaged elsewhere on other business, to object to its adoption. Indeed, I am not objecting to any specific part of the bill. I am merely calling attention to it for the purpose of emphasizing the law as it exists, and also of criticizing that character of legislation which would deprive the President of any part of the power with which, in my judgment, he must be clothed in a great emergency like the present. I think, so far as the amendment is concerned to which the Senator has called my attention, the fact that it includes water transportation as well as railway transportation makes it quite desirable, and if it is otherwise unobjectionable it should be enacted into law.

Mr. NEWLANDS rose.

Mr. THOMAS. Just one word more and I will yield the floor.

Mr. NEWLANDS. I will state that at the conclusion of the Senator's remarks I will ask the Senate to consider the amendment offered by the Senator from Minnesota, and will make no objection to the amendment.

Mr. THOMAS. I will yield the floor in a moment. I merely wish in conclusion to add that there must be a concentration of

authority, because by that means and by that means alone can we fix responsibility and hold those clothed with the duty of its exercise but of its wise, its constant, and its efficient exercise as long as the emergency exists which originally called it forth.

Mr. NEWLANDS. I ask for a vote upon the amendment offered by the Senator from Minnesota.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Minnesota [Mr. NELSON].

The amendment was agreed to.

Mr. NEWLANDS. I now ask for a vote on the amendment offered by me.

The VICE PRESIDENT. The Senator from Nevada offers an amendment which will be read.

The SECRETARY. Strike out the following words, on page 4, line 2, beginning with the word "President":

The President is hereby authorized, whenever in his judgment it becomes necessary in order to expedite transportation and to do justice between carriers, to enter into agreements with two or more carriers looking to a proper division of earnings for a time to be specified and upon kinds of traffic to be prescribed.

And in lieu thereof insert:

The President is hereby authorized, whenever in his judgment it becomes necessary in order to expedite and provide for needed transportation and to do justice between carriers, to permit and authorize carriers to enter into agreements looking to a proper and equitable division of earnings for a time to be specified and upon kinds of traffic to be prescribed.

Mr. NEWLANDS. I will state that that is a committee amendment.

Mr. REED. Mr. President, on two or three occasions I have tried to state what I understand to be the import of this amendment. I simply desire to make that statement and to occupy only a moment in so doing. I do not desire to argue the question.

As the bill stands and as it was originally reported by the committee, as I understand its language, if the President finds it necessary in order to expedite transportation and to do justice between carriers, the President is authorized to enter into agreements with two or more carriers looking to a proper division of the profits. Thus under the bill as it was reported by the committee in any agreement for the pooling of profits the President's presence and consent and supervision are necessary. Of course, it would not be his individual presence but probably some expert or man designated by him.

Under the language as it is now submitted in the amendment, as I understand that language, the President would merely give permission to make pooling arrangements, and thereupon, that order having been made, the railway companies will proceed in their own way and according to their own desires, without any governmental supervision of any kind, to make such pooling arrangements as they see fit.

It does seem to me that if we are to permit railroads to enter into pooling arrangements there should be some representative of the Government to supervise those arrangements, to know what they are, to protect the small railway company against the large railroad company, and to protect the public in so far as the public's rights may be affected.

Mr. NEWLANDS. May I suggest to the Senator from Missouri that this section does not permit carriers to enter into agreements looking to a proper and equitable division, such agreements to be absolutely operative according to their will. They enter into such agreements only as shall be permitted and authorized by the President of the United States.

Mr. REED. If that was the language of this amendment, if that were the purpose of this amendment, I would have no objection to it, but if that is the purpose of the amendment then it means exactly the same as the text did before the amendment was offered.

I know why this amendment is here. The Senator who offers it knows why it is here. The railroad presidents appeared before the committee asserting the right of the railroads to make their own agreements among themselves. If it means the same as the text does now, why do you offer it? Why do you insist upon it?

Mr. BRANDEGEE. Mr. President——

Mr. NEWLANDS. Does the Senator wish an answer to his question?

Mr. REED. Yes.

Mr. BRANDEGEE. The other day I called the attention of one of the members of the committee to what I consider an ambiguity in this language, because as it was printed it authorized the President to enter into agreements with the carriers looking to a proper division of earnings, and so forth, and I did not understand what was intended to be done. I think there is no doubt about the effect of the amendment offered by the Senator from Nevada, but in order to clarify my own views upon it, and to enable me to appreciate the point about to be made by the Senator from Missouri, I should like to have the amendment read by the Secretary.

Mr. REED. Or the Senator will have a copy sent to him. It is printed. I think when the Senator reads it he will catch its import.

Mr. BRANDEGEE. I did not know that it had been printed.

Mr. REED. I ask the Senator from Nevada, is it not his purpose to change the effect of the language in the original bill when he offers this amendment?

Mr. NEWLANDS. Of course it is.

Mr. REED. Is it not the effect of the change, then, that under the amendment the railway presidents once they have obtained permission to pool will make their own agreements without any interference by any officer of the Government?

Mr. NEWLANDS. I do not so understand it.

Mr. REED. Why not?

Mr. NEWLANDS. If the Senator is not through, I will wait until he concludes, for it will take some little time.

Mr. REED. I thought perhaps the Senator could explain it to me in a moment. I do not want to stand here and take any time on the bill.

Mr. NEWLANDS. If the Senator yields to me, I will explain it.

Mr. REED. I yield.

Mr. NEWLANDS. It is perfectly evident that the language contained in the original bill is faulty. What does it provide? It provides that the President shall enter into agreements with two or more carriers looking to a proper division of earnings for a time to be specified and upon the kinds of traffic to be prescribed. It is not a function of the President to enter into agreements with carriers regarding the public regulation of their transactions. The carriers are subject to public regulation and control. They are now forbidden by law to make any arrangements for pooling or for a division of earnings. Inasmuch as the bill provides for priorities and preferences which may act disastrously or injuriously as to one of the roads and beneficially as to others, and inasmuch as we have stricken out that section of the bill which authorizes those who are injured to apply to the Interstate Commerce Commission for compensation, that compensation to be paid out of the Treasury, we have provided that they can agree among themselves for a division of the earnings, and that agreement must be permitted and authorized by the President of the United States. It is entirely, it seems to me, lacking in dignity; it is a withdrawal from the dignity of the office of President of the United States to require him to enter into an agreement, but it is the duty of the Government to regulate and control. Now, we regulate and control.

Mr. REED. I am trying to ask the Senator a question, with all due courtesy.

Mr. NEWLANDS. Very well.

Mr. REED. The Senator states that the President must authorize the agreement.

Mr. NEWLANDS. Yes.

Mr. REED. Does the Senator mean that the agreement before it becomes effective must be submitted to the President and that agreement by him authorized, or does the Senator mean that all the President will do will be to say, "I hereby authorize an agreement to be made between the railway companies with reference to a division of their earnings," and thereupon, after that general permission has been given, the railway companies shall go on and make their agreement?

Mr. NEWLANDS. My understanding of the bill is that each agreement with reference to earnings must be approved.

Mr. REED. Very well. Will the Senator change his amendment now and add the language so that it will read:

The President is hereby authorized, whenever in his judgment it becomes necessary, in order to expedite and provide for needed transportation and to do justice between carriers, to permit and authorize carriers to enter into agreements looking to a proper and equitable division of earnings for such time as may be specified and upon kinds of traffic to be prescribed, such agreement in each instance to be approved by the President or his duly authorized representative.

Mr. NEWLANDS. I have no objection to that.

Mr. REED. I ask the Senator to accept that amendment.

Mr. NEWLANDS. I accept it.

The PRESIDING OFFICER (Mr. KING in the chair). The amendment to the amendment will be stated.

The SECRETARY. At the end of the proposed amendment insert:

Such agreement in each instance to be approved by the President or his duly authorized representative.

The PRESIDING OFFICER. The Chair understands the Senator from Nevada to accept the amendment.

Mr. NEWLANDS. I do.

The PRESIDING OFFICER. Without objection, the amendment will be so modified. The question is on agreeing to the amendment of the Senator from Nevada as modified.

The amendment as modified was agreed to.

Mr. REED. Has the chairman of the committee any other amendments that he desires to offer?

Mr. NEWLANDS. I have not.

Mr. REED. I offer the following amendment to be added as a new section. I send it to the desk to be read.

The PRESIDING OFFICER. It will be read.

The SECRETARY. Add as a new section at the end of the bill the following:

SEC. —. The Interstate Commerce Commission is hereby authorized and directed, after proper investigation and hearing, to require the various railway companies of the United States engaged in interstate commerce to provide with all possible dispatch sufficient cars and equipment to promptly move and transport all traffic tendered to them, and it is hereby made the duty of the said railway companies to comply with such orders when so made.

Mr. POMERENE. Does the Senator intend that they shall provide all the cars needed?

Mr. REED. They must get them.

Mr. POMERENE. In what way? By purchase?

Mr. REED. Yes.

Mr. POMERENE. The amendment does not provide any appropriation for the purpose. If I may give the Senator the benefit of a little information which I received yesterday, I think the Senate will perhaps conclude that there is not any occasion for the amendment, and if it were adopted that the Interstate Commerce Commission, even if they had the funds on hand, would not be able to procure the cars.

Mr. REED. The Senator did not hear the amendment correctly. There is no proposition that the Interstate Commerce Commission shall buy the cars.

Mr. POMERENE. As I understood it, it read that the Interstate Commerce Commission shall provide the cars.

Mr. REED. Oh, no; the Senator did not hear it correctly.

Mr. POMERENE. Then I misunderstood it.

Mr. REED. Let the Secretary again read the amendment.

The PRESIDING OFFICER. The Secretary will again read the amendment of the Senator from Missouri.

The SECRETARY. Add as a new section at the end of the bill the following:

SEC. —. The Interstate Commerce Commission is hereby authorized and directed, after proper investigation and hearing, to require the various railway companies of the United States engaged in interstate commerce to provide with all possible dispatch sufficient cars and equipment to promptly move and transport all traffic tendered to them, and it is hereby made the duty of the said railway companies to comply with such orders when so made.

Mr. POMERENE. I think I did perhaps misunderstand it, but I desire to state what was in my mind in any event as bearing upon this subject. A few days ago a communication taken from a newspaper was read to the Senate in effect that the Advisory Council had given an order for 100,000 freight cars. That matter was under consideration. Upon investigation it was found that the railroads themselves had given orders for about 100,000 cars and they had already financed their proposition. The car builders at that time were unable to provide those cars, because they could not get the necessary iron, steel, and other material. At once an effort was made to increase the output of iron and steel in the furnaces and steel mills. At that time the furnaces and steel mills were operating, according to the best information that could be obtained, to about 90 per cent of their capacity. The effort by the railroad men here was to enable the mill owners to use their capacity to the full limit. Because of that desire, an order was issued requiring the use of certain freight cars in the transportation of coal, coke, ore, iron, and steel; and they are using every effort now to get that extra iron and steel for the express purpose of building these additional cars.

Mr. REED. Mr. President, the Senator from Ohio, I trust, will not oppose this amendment because some cars have been ordered. If cars have been ordered and all due diligence is being employed to get them, and if they are sufficient in numbers, that will be a complete answer, when made, to any request of the Interstate Commerce Commission.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Ohio?

Mr. REED. Certainly.

Mr. POMERENE. I do not know that I shall oppose the amendment, but my belief is that it is not going to be effective, for the reasons I have stated.

In addition to that, permit me to call attention to the fact that the car-shortage bill, which was passed the other day, gives to the Interstate Commerce Commission plenary power when it comes to a question of the movement, distribution, exchange, interchange, and return of cars.

Mr. REED. But it does not require any additional equipment.

Mr. NEWLANDS. Mr. President, will the Senator from Missouri allow me to say a word?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Nevada?

Mr. REED. Yes.

Mr. NEWLANDS. I can say that, individually, I can see no objection to the amendment which the Senator from Missouri offers; but it has been the custom—and the well-reasoned custom—of the Interstate Commerce Committee to sanction no important change of this kind in the interstate commerce act without referring the proposed legislation to the Interstate Commerce Commission, in order that we may have the benefit of their information and suggestion, and also without having a hearing at which the shippers and the railroad companies may be heard.

If the Senator from Missouri will present this matter in a separate bill, I, as chairman of the committee, will expedite action upon it, because I believe it is a matter of great importance; but I should much prefer that it take the course I have indicated, instead of hastily having passed here a provision that has not been seriously considered either by the Committee on Interstate Commerce, the Interstate Commerce Commission, or the railroads. I ask the Senator from Missouri whether it will not satisfy him to introduce this proposition as a separate bill, with the assurance that it will be speedily presented to Congress in some form or other?

Mr. REED. Well, Mr. President, in normal times and under normal conditions I might be willing to do that, but I hope I shall not be asked to do it under existing circumstances. We all know that the business of Congress is crowded; we all know that there is going to be an attempt, at least, made to adjourn Congress as soon as what is termed war legislation is concluded. This amendment can not by any possibility work any wrong or outrage on any person or on any company, unless it be a wrong or outrage to require a common carrier to provide with all possible dispatch sufficient cars to transact its business.

I have no desire to see these companies placed under hardships; but this is a matter to which I challenge the attention of Senators: I believe that more than one-half of the difficulties that exist to-day with reference to exorbitant prices, especially for coal, arises from inadequate transportation facilities. If you go to a coal merchant in Washington and ask to buy your winter's coal, he will tell you that he can not get the coal into Washington; that he can not get cars to haul it. If you inquire why large quantities of provisions were allowed to go to waste in the western portion of our country a few months ago, you will find that the difficulty arose from lack of transportation.

These transportation companies exist; the public depends upon them to do the business of the country. If they do not do the business of the country, the gravest injury results. We are talking now about having, and many people believe we ought to have, food dictators—men authorized to take charge of the entire industrial organization of our land—the same men or man to be authorized to take charge of the transportation facilities of our land. The proposition that I make is so modest a demand by the Government that I feel very small and insignificant when I put it forward. It is merely that transportation companies shall perform the functions which they have undertaken to perform, and that they shall be required to do it as a matter of law, and not left to do it as a matter of choice. I hope there will be no opposition to the amendment.

Mr. POMERENE. May I ask the Senator from Missouri merely one question?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Ohio?

Mr. REED. I do.

Mr. POMERENE. I made a statement a moment ago, and I was satisfied my information was reliable, that the railroads have already contracted for a hundred thousand cars, which can not be built because there is not a sufficient iron and steel supply for that purpose. That being the situation, as a temporary measure, what good would the Senator expect to derive from his amendment if it were adopted?

Mr. REED. But, Mr. President, railroad companies may have ordered that many cars, and they may not be using all possible dispatch to secure them. Suppose, however, that they have ordered them and are using all possible dispatch, there is no harm to be done to them under the amendment, because they will appear before the Interstate Commerce Commission and say, "We have already ordered the cars; we are doing all we

can," and that will be the end of the matter; but if it should transpire that they are not doing all that they ought to do, it will do no harm for the Interstate Commerce Commission to have the authority to say to them, "You must do it." Besides I do not know, and nobody, I imagine, will undertake to say, that every railroad in the United States is doing its duty in this behalf.

Mr. POMERENE. Well, I think they are acting pretty well, as a whole. I can see this effect, as it seems to me, namely, that if the amendment is adopted it will certainly give the railroads another very cogent reason in support of their petition for an increase in freight rates at the present time.

Mr. REED. I can not be frightened by that, because their petition for increased freight rates would be as well bolstered up by the claim that they have ordered the cars, which the Senator from Ohio thinks they have ordered, as by a law which gives the Interstate Commerce Commission the authority to require them to get necessary cars. In any event, it must be plain to every candid man and to every man with an open mind that the country's demands and needs are more transportation; that the place we can get it from is the railroad companies; and that once we require them by law to use all reasonable means to secure it we are only making a reasonable requirement. I hope this amendment may be accepted and go on this bill.

Mr. FLETCHER. Mr. President, it may not be necessary to adopt this amendment, but I can not see any harm in it. It was reported, according to the best authority, that on May 1 there was a shortage of 150,000 cars. I think the Senator from Ohio [Mr. POMERENE] has said that the railroad companies have ordered 100,000 cars. That may be sufficient; and it may be that they are pursuing with energy the whole subject of providing these facilities as they are needed; but this amendment provides, first, that the Interstate Commerce Commission shall investigate the subject. That means they shall give hearings on it where needed; that they shall inquire into it; that they shall find what roads are acting in good faith, what cars are being built, what shops are available, and what the possibilities are for providing this equipment. Then it provides that the railroads shall be ordered, if it is found that they ought to be so ordered, by the Interstate Commerce Commission to provide the cars with as great dispatch as possible. There is nothing unreasonable about that.

If we provided by law that the Interstate Commerce Commission should ascertain how many cars were needed, and that the railroads should be required to provide them at once, it might be said we were doing an absurd thing, because it is possible that they could not be built and furnished at once; but here the language is broad in that respect; and it seems to me entirely reasonable that the railroad companies should be required to supply the needed equipment with as great dispatch as possible. So far as I am concerned, I can see no objection to the amendment.

Mr. SMITH of South Carolina. Mr. President, as a member of the Committee on Interstate Commerce I heartily indorse the amendment proposed by the Senator from Missouri. It does seem to me in this emergency, when so great complaint has been made on the ground of the inadequacy of facilities for shipment, while we are making provision for the mobilization of the resources of this country to meet the emergency upon us, that this amendment is peculiarly fitting now. In my opinion, we should put into the hands of the Government, through the Interstate Commerce Commission, the power to say to the railroads, after investigation, "We find that you have not sufficient equipment to do the business that is now entailed upon you, and in all reasonable time we expect you to furnish the equipment for which your roads were chartered and for which the privileges of common carriers were granted to you." I do earnestly hope that this amendment will be incorporated in the bill, because, according to my judgment, it is one of the most helpful provisions that possibly could be attached thereto.

Mr. HARDWICK. Mr. President, this amendment ought to be adopted, in my judgment, and it ought to be adopted for a great reason of public policy. When we passed the Hepburn law in 1906 we declared the established policy of this country to be the great democratic principle of "first come, first served"—equality of treatment to all of the business of all the industries of this Republic. If for the moment inadequate facilities force us to declare for preferences and for favoritism, according to the merits of each shipment, certainly we ought to take every step to return at the earliest possible moment to the true and safe ground on this question. We can not do that in any other way except by requiring the public carriers, who are public servants, to provide adequate facilities.

Of course it goes without saying, Mr. President, that the Interstate Commerce Commission when it requires this of the carriers, is bound to allow them whatever money is necessary, if any is necessary, in order to enable them to procure this equipment, and I suppose that that will be attended to. It is my opinion, Mr. President, in any event, that possibly, under some of the general provisions of the Hepburn law, the Interstate Commerce Commission already has this power; but I think this an appropriate place, when we are about to enact legislation, departing, temporarily at least from the correct principle, to make some expression of our desire to employ whatever methods are necessary to enable us to return to the true and correct principle and rule about this matter. For that reason I earnestly favor this amendment and hope it may be adopted by the Senate.

Mr. BRANDEGEE. Mr. President, while I was a member of the Interstate Commerce Committee I learned something about car shortage, the conditions of traffic, the degrees of its variation, the uncertainties of provision, and the difficulty of ascertaining what amount of traffic would be offered to each and all the railroads of the country at different seasons of the year and during different years. Of course I agree to the proposition—and I think everybody will—that a common carrier ought to be able to transact its business. If it sets up in the business of carrying traffic in the territory through which it runs, it ought to have sufficient equipment to do that business; but, Mr. President, it is not always the easiest thing for a railroad company to be in that position, in view of the fact that there may be hard times, when hundreds of thousands of its cars are sidetracked, and no freight offers for them at all for a year or two, and then there may come a boom time or a great excess of crops, when everybody rushes at the same time to a railroad and wants his product carried first and at once. I can well understand—and I think any man who will reflect upon the varying conditions that exist in different parts of the country as to its production can understand—that it is not physically possible for every railroad company, rich and poor, at all times to maintain the number of cars which would be adequate to accommodate the maximum rushes that occasionally do arise to congest interstate commerce.

I would have no objection at all to this amendment if the Senator had not included in it the word "direct." This matter comes before us very suddenly. It has not had the consideration of the committee. We are a legislative body——

Mr. REED. If the Senator please, if that is all the objection the Senator has, I am perfectly willing to leave it as an authorization.

Mr. BRANDEGEE. I would have no criticism at all then. That gives the specialists that we have constituted the commission the authority to do this if they think it is necessary.

Mr. REED. Yes.

Mr. BRANDEGEE. But I did not feel in a frame of mind to issue a direct order to our experts to do a thing when we knew nothing about it.

The PRESIDING OFFICER. The Senator from Missouri accepts the amendment.

Mr. POMERENE. Mr. President, that very materially changes the amendment; and I want to say just a word further on the subject of car shortage.

As a member of the subcommittee I went somewhat thoroughly into this question. The fact is that the railroads of the country own about 2,500,000 freight cars. There are some privately owned cars in addition to those. One of the difficulties has been the method of returning cars to the owning company. There have been several different plans adopted by the railroad companies, and until recently they had the plan that if a car was sent out from the owning company it should not be returned from its point of destination to the owning company unless it was loaded. The result was that there was a vast number of empty cars here in the East and at other terminal facilities. One witness suggested that if they had many, many more cars it would not materially change the present state of transportation, because they were lacking in terminal and elevator facilities; and I think there is a good deal of force in that proposition.

I was interested a few days ago to receive a circular which had been issued by this railway committee, in which they suggest to the various railroads methods of improvement of the present service, and in substance they make a statement like this: That if they would increase the speed of the freight trains, as they readily could do, and would load their cars more heavily, which they readily could do, and hurry up repairs on the cars that were out of repair, they could increase the present equipment to what would be the equivalent of 750,000 cars.

Mr. REED. Who made those suggestions?

Mr. POMERENE. This was a statement made by the committee of railway presidents, which was issued to the railroads of the country, urging them to increase the speed, to load their cars more heavily, and to hurry up the repairs on the cars that were out of repair.

Mr. REED. Did the railroad presidents inform the country why they had permitted their roads to be run in such an outrageous manner, as they must have been if all these reforms could be made?

Mr. POMERENE. I can not answer for the railroad companies. I am simply giving the Senate the benefit of a statement which is contained in a circular which was issued by this committee here.

The PRESIDING OFFICER. The question is upon the amendment offered by the Senator from Missouri.

Mr. HOLLIS. Mr. President, I understand that the amendment has been modified. I should like to hear it in its modified form.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to add a new section, to be known as section 3, as follows:

SEC. 3. The Interstate Commerce Commission is hereby authorized, after proper investigation and hearing, to require the various railway companies of the United States engaged in interstate commerce to provide with all possible dispatch sufficient cars and equipment to promptly move and transport all traffic tendered to them, and it is hereby made the duty of the several railway companies to comply with such orders when so made.

Mr. NEWLANDS. Mr. President, so far as I am concerned, I wish to say that as to the merits of this amendment I can see no objection; but I think it is objectionable that any legislation so important as this should be passed without committee inquiry and without the usual course of procedure, which involves getting the views of the Interstate Commerce Commission, the railroads, and the shippers. I therefore can not accept this amendment, but I am perfectly willing that it shall go to a vote.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Missouri.

The amendment was agreed to.

Mr. SMITH of Georgia. Mr. President, I desire to state that I shall not offer any further amendments to this bill, with the amendment which has just been placed upon it, the amendment offered by the Senator from Minnesota, and the modification which the Senator from Nevada himself made in the bill. The amendment by the Senator from Minnesota limits the power of directing priorities in shipments to commodities essential to the prosecution of the war. While I have been willing to give the Interstate Commerce Commission the power to direct certain other priorities, I much prefer making it the duty of the commission to take such action as will cause the prompt shipment of all traffic. The amendment just adopted accomplishes even more than the amendment I had suggested. I will now vote for the bill as amended.

Mr. BRANDEGEE. Mr. President, I call the attention of the Senator from Nevada, in charge of the bill, to section 1 of the bill. I do not consider it a matter of great importance; but in line 4, if I have the right print——

The PRESIDING OFFICER. The Chair will state to the Senator that there is a reprint.

Mr. BRANDEGEE. I read from the reprint of June 12. In line 4, page 1, it states that whoever shall "during the war with Germany" do these various acts, and so forth, shall be punished. On page 2, when you come to section 2, the language of the bill is "that during the continuance of the war in which the United States is now engaged the President is authorized" to do certain things.

Is there any difference in the minds of the committee as to the period during which this bill is to operate? If not, unless there is some distinction between those two phrases, I should think it would be better to have a uniformity in describing the period during which the bill shall remain in effect. Of course it may be a purely technical matter; but we are at present at war with Germany, and we may possibly be at war with a dozen other powers before we get through; or some of them may drop out, and we may continue at war with the rest.

Mr. ROBINSON. Mr. President, I suggest to the chairman of the committee that there can be no objection to broadening the language so as to embrace any conflict in which the United States may become engaged before the termination of the present war.

Mr. BRANDEGEE. If you should say in each instance "during the continuance of the war in which the United States is now engaged," it seems to me it would be better than specifically referring to Germany.

Mr. ROBINSON. Yes; I think that would be the better language. I suggest to the chairman that he offer to make the language uniform, in line with the suggestion of the Senator from Connecticut.

Mr. HARDWICK. Mr. President, I do not think it ought to be exactly that way. We might be willing to confer on the President a lot of powers in connection with this matter, when we are at war with a great power, that we would not be willing to confer if we were engaged in war with a very small power.

Mr. ROBINSON. If the present conflict continues, in all probability the suggestion of the Senator from Georgia would not apply, because when Germany is whipped in all probability the war will be approaching an end.

Mr. SMITH of Georgia. When the war is over between the United States and Germany——

Mr. HARDWICK. We will not need any such power as this.

Mr. SMITH of Georgia (continuing). We can confidently expect that we will be at peace with all the balance of the world for a long time.

Mr. NEWLANDS. May I ask the Senator what amendment he suggests?

Mr. BRANDEGEE. I was going to suggest that, on line 4, page 1, we strike out the words "war with Germany" and insert in lieu thereof the same words that are used on page 2, lines 14 and 15.

Mr. NEWLANDS. There is no objection to that.

Mr. BRANDEGEE. Strike out the words "with Germany" and insert in lieu thereof the words "in which the United States is now engaged."

Mr. HARDWICK. Mr. President, let me ask the Senator a question. Does not that mean the war with Germany?

Mr. BRANDEGEE. Well, while we have not declared war on anybody but Germany, I think we are really engaged in a war against Germany and Turkey and Austria and the allies of the central Teutonic powers, and will be actually fighting them shortly.

Mr. HARDWICK. In my judgment, the words "the war in which the United States is now engaged" would be construed by anybody, in Congress or in the courts, to mean the war we have declared. I do not think there would be the slightest difference if we should use that phraseology.

Mr. BRANDEGEE. I think if our troops on the front continue in the war, we had better have the bill operate during the period of the war, until we make peace.

Mr. HARDWICK. My judgment is that it would operate in exactly the same way no matter whether you say "the war with Germany" or "the war in which the United States is now engaged," because the war in which we are now engaged by law is the war with Germany.

Mr. BRANDEGEE. I was not so anxious about which phrase we used as that we should not use two phrases, unless they meant the same thing.

Mr. HARDWICK. Yes; I agree with the Senator about that.

Mr. BRANDEGEE. And if they do mean the same thing, you had better drop one of them out.

Mr. SMITH of Georgia. We use one in one place and another in another place.

Mr. HARDWICK. Yes; I did not catch the Senator's criticism. I agree with him about that.

Mr. SMITH of Georgia. I desire, however, to express the hope that we will not be involved in war with Austria or in war with Turkey, and that the war will be limited to Germany, and that both of those other countries will realize the danger from submarining one of our vessels. Furthermore, I should be gratified to know at an early date that they have retired from the war.

Mr. BRANDEGEE. I will say to the Senator that if he will read the first account of the meeting of some Austrians or Turks with Gen. Pershing's division over in the trenches, he will agree that we are at war with them.

Mr. NEWLANDS. Mr. President, I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Connecticut, which will be stated.

The SECRETARY. On page 1, line 4, it is proposed to strike out the words "with Germany" and to insert in lieu thereof the words "in which the United States is now engaged."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THE LIBERTY LOAN.

Mr. LEWIS. Mr. President, prior to adjournment I desire to submit what I hope will not occupy a minute of the time of the Senate.

Mr. President, I assume that I am permitted by the Senate to express its gratification at the display of patriotic support of the liberty loan. The American Nation has delivered $3,000,000,000 in response to a call for two billion for the first installment for national defense against Prussian invasion of American rights. Let the once-doubting world note that the people of the United States, when suddenly precipitated from peace to war on a day's demand, rescued themselves from business obligations, commercial undertakings, banking and industrial pledges, and in 15 days paid to their Nation a sum of money the equal of which the warring nations of Britain took six months to deliver, France five months, Germany eight months, and Russia more than a year and two months.

If there be those in America who doubted if America's zeal in this war was aroused, or her interest awakened, or her people unanimously enlisted, let them heed this response to the call of the President and the appeal of the Secretary of the Treasury. Let the world behold that upon the first call to our Nation by her Commander her response was that of the prophet to the Lord, "Here am I." For victory quick and certain, America responded for the largest sum in a given time to a national defense recorded in all history.

To the people whose bankers have taken from their millions, whose business men have taken from their fortunes, whose citizens have given from their possessions, whose women have given from their savings, and whose toilers from their wages, all of our Government sends its praise and gratitude.

Mr. President, I thank the Senate for its indulgence.

Mr. NEWLANDS. I move that the Senate adjourn.

The motion was agreed to; and (at 1 o'clock and 55 minutes p. m., Saturday, June 16, 1917) the Senate adjourned until Monday, June 18, 1917, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June 16, 1917.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Impress us, O God our Heavenly Father, as a people, from the least to the greatest, with the extreme gravity of the situation which confronts us in the world-wide struggle against autocracy and militarism for democracy which insures to the individual the right to think and act according to the dictates of his conscience in the things which are vital to life, liberty, and the pursuit of happiness. What we are called upon to do, let us do it with might, that a peace crowned with the glory of right and truth may prevail, to the honor of Thy holy name. Amen.

The Journal of the proceedings of yesterday was read and approved.

LAKES WINNIBIGOSHISH AND POKEGAMA—WATER POWER.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent to change the reference of the bill (H. R. 156), authorizing the Secretary of War to grant leases or licenses for the use of surplus water at the United States Government dams at Lake Winnibigoshish and at Lake Pokegama, in the State of Minnesota, from the Committee on Rivers and Harbors to the Committee on Interstate and Foreign Commerce. This is a water-power bill, and the Committee on Interstate and Foreign Commerce has always had jurisdiction of the subject.

Mr. SMALL. What is the nature of the bill?

Mr. ADAMSON. It is a bill to authorize the Secretary of War to utilize the surplus water at a couple of dams at the headwaters of the Mississippi River.

Mr. SMALL. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. SMALL. In the first place, I ask the gentleman if he will kindly wait until the gentleman from Minnesota [Mr. MILLER] comes into the Hall? The gentleman from Minnesota introduced the bill.

Mr. ADAMSON. I will do that, if I can be recognized then.

Mr. SMALL. At that time I will make the statement I intended to make now.

Mr. FERRIS. Will the gentleman yield to me for a question?

Mr. SMALL. Certainly; I yield to the gentleman from Oklahoma.

Mr. FERRIS. I notice that section 5 of the pending river and harbor bill contains the same proposition.

Mr. SMALL. Yes.

Mr. FERRIS. I have not compared it critically to see whether the words in section 5 of the river and harbor bill are identical with the words in the bill H. R. 156, introduced by the gentleman from Minnesota [Mr. MILLER], but I think they are.

Mr. SMALL. The gentleman from Minnesota [Mr. MILLER] told me they were.

Mr. FERRIS. I think they are. I hope we may have some sort of an agreement to take the water-power provision out of this river and harbor bill altogether.

Mr. SMALL. Mr. Speaker, the point can be made when we reach section 5 in the river and harbor bill. I think there is undue haste as well as undue insistence in this matter; but, at all events, the gentleman from Georgia has agreed to wait until the gentleman from Minnesota comes in.

Mr. ADAMSON. If I can be recognized to make the request, then I will do it.

The SPEAKER. The gentleman will be recognized if the Speaker is in the chair. The House may be in Committee of the Whole.

Mr. ADAMSON. I will state, by permission, that I do not wish to be considered in haste at all, but I do not want to be prejudiced in any rights that my committee may have.

The SPEAKER. The gentleman will not be prejudiced in any rights.

Mr. ADAMSON. I am perfectly willing to register the request, and if it is not granted, to enter a motion to make the change of reference and not press either one at this time.

The SPEAKER. The Chair understands the gentleman from Georgia is going home. How soon is he going?

Mr. ADAMSON. I am going home to-night. I am afraid I will not be here when section 5 of the river and harbor bill is reached.

The SPEAKER. The reason the Chair asked the gentleman the question is that the gentleman from North Carolina [Mr. SMALL] is going to move in a minute that the House go into the Committee of the Whole for the consideration of the river and harbor bill.

Mr. ADAMSON. I am not disposed to hinder the progress of the bill at all, but I do not want to be prejudiced in any right about it.

The SPEAKER. The gentleman will not be prejudiced.

Mr. ADAMSON. I want to give notice that we claim jurisdiction of both questions, and that we want to perfect a better section than that whenever the water-power bill is framed.

Mr. STAFFORD. Will the gentleman yield to me to make this suggestion——

Mr. ADAMSON. I yield to the gentleman.

Mr. STAFFORD. That the gentlemen enter into some understanding that when the gentleman from Minnesota [Mr. MILLER] makes his appearance the committee rise and take up this question for consideration.

Mr. SMALL. Oh, Mr. Speaker, that can be done when we reach the item in the bill or at some other time.

Mr. ADAMSON. I am not even insisting on that. I am afraid I will not be here when section 5 is reached.

The SPEAKER. The gentleman might deputize some other gentleman to represent him in the matter.

Mr. ADAMSON. I am perfectly willing to enter the request for the change of reference, giving notice that if the request is refused I will enter a motion to change the reference, and to let it stand until some future time.

The SPEAKER. All right.

CALL OF THE HOUSE.

Mr. SMALL. I move that the House resolve itself——

Mr. MADDEN. I make the point of order that there is no quorum present, Mr. Speaker.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. Evidently there is no quorum.

Mr. SMALL. I move a call of the House, Mr. Speaker.

The motion was agreed to.

The SPEAKER. The Sergeant at Arms will notify absentees, the Doorkeeper will lock the doors, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Almon	Bland	Browning	Cantrill
Anthony	Bowers	Bruckner	Capstick
Bacharach	Brand	Butler	Carew
Bell	Brodbeck	Campbell, Kans.	Carlin

Chandler, N. Y.	Goodwin, Ark.	Langley	Saunders, Va.
Clark, Fla.	Gould	Larsen	Schall
Connally, Tex.	Graham, Pa.	Littlepage	Scott, Pa.
Copley	Gray, N. J.	Longworth	Scully
Crago	Griest	Lunn	Shallenberger
Cramton	Griffin	McCormick	Sherley
Crisp	Hamill	McCulloch	Sinnott
Crosser	Hamilton, N. Y.	McKinley	Slayden
Currie, Mich.	Harrison, Va.	Maher	Slemp
Dale, N. Y.	Haskell	Mann	Sloan
Davis	Hayes	Martin, Ill.	Smith, C. B.
Dent	Heaton	Morin	Smith, T. F.
Denton	Helm	Mudd	Snyder
Dixon	Hill	Neely	Stephens, Nebr.
Dooling	Hollingsworth	Nelson	Sterling, Ill.
Doremus	Howard	Nichols, Mich.	Stevenson
Drukker	Hull, Iowa	Oliver, N. Y.	Stiness
Dyer	Hutchinson	Olney	Strong
Eagan	Igoe	Paige	Sullivan
Eagle	Ireland	Parker, N. J.	Swift
Edmonds	Johnson, Ky.	Peters	Tague
Estopinal	Jones, Va.	Porter	Talbott
Fairchild, B. L.	Kearns	Pou	Taylor, Colo.
Fields	Keating	Powers	Templeton
Fitzgerald	Kelley, Mich.	Price	Van Dyke
Flynn	Kelly, Pa.	Ramseyer	Vare
Fordney	Kennedy, Iowa	Reed	Walton
Foss	Kennedy, R. I.	Riordan	Ward
Francis	Key, Ohio	Robinson	Wason
Freeman	Kiess, Pa.	Rogers	Watson, Va.
Fuller, Mass.	Kitchin	Rose	White, Me.
Gallivan	Knutson	Rowland	Wilson, Tex.
Garland	Kraus	Rucker	Wingo
Garrett, Tenn.	Kreider	Russell	Winslow
Glass	LaGuardia	Sabath	Woodyard

The SPEAKER. On this call 274 Members, a quorum, have answered to their names.

Mr. SMALL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to, and the doors were opened.

HOUR OF MEETING ON MONDAY.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. next Monday.

The SPEAKER. The Chair will inquire of the gentleman if he intends to call up the food-control bill on Monday.

Mr. LEVER. Yes.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. next Monday. Is there objection?

Mr. YOUNG of Texas. I object.

EXTENSION OF REMARKS.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an editorial from the New York World of May 18, 1917.

The SPEAKER. The gentleman from Maryland asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. TIMBERLAKE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a resolution by the members of the Centennial Chapter, No. 58, Order of the Eastern Star, of Colorado Springs, in favor of the Susan B. Anthony amendment.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. HICKS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by publishing some further facts in regard to the flag.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ALMON, for to-day, on account of illness.

To Mr. JOHNSON of Kentucky, indefinitely, on account of critical illness in his family.

THE RIVER AND HARBOR BILL.

Mr. SMALL. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the river and harbor bill (H. R. 4285), and pending that I ask to make a statement and to submit a request for unanimous consent.

The SPEAKER. The gentleman from North Carolina asks unanimous consent for two minutes. Is there objection?

There was no objection.

Mr. SMALL. Mr. Speaker, during the consideration of the river and harbor bill to-day in the Committee of the Whole I respectfully suggest that Members remain in the Chamber during the day. Mr. Speaker, I ask unanimous consent that at 5.30 o'clock p. m. to-day the committee rise and report the bill to the House with all amendments and that the previous question be considered as ordered on the bill and all amendments thereto.

Mr. MADDEN. I object.

Mr. SMALL. Mr. Speaker, I modify the request by making it 8 o'clock.

Mr. MADDEN. Mr. Speaker, there was an understanding yesterday between the gentleman and Members of the House that the committee should rise this afternoon not later than half past 5. If the gentleman from North Carolina does not want to keep it, well and good.

Mr. SMALL. That is gratuitous. I was asking unanimous consent.

The SPEAKER. The time of the gentleman from North Carolina has expired, and the question is on the motion of the gentleman to go into Committee of the Whole House on the state of the Union on the river and harbor bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. HARRISON of Mississippi in the chair.

The Clerk read as follows:

Government iron pier in Delaware Bay, near Lewes, Del.: For maintenance and repair in accordance with the report submitted in House Document No. 1059, Sixty-fourth Congress, first session, $68,000.

Mr. TREADWAY. Mr. Chairman, I move to strike out the last word. I think the House is entitled to an explanation as to why this item is included in the present bill. If I remember rightly, it was not in the bill as it passed at the last session of Congress. The present bill under consideration is supposed to be based on that bill. Now, in some way the construction of an iron pier appears to be necessary for the national defense.

I hold in my hand the report of the Chief of Engineers, submitted to the first session of the Sixty-fourth Congress, House Document 1059, and I find that this pier was originally authorized by act of Congress in 1870, and that it has so far cost the Government $387,839.40. The district officer states, and I read from the report, "that the iron substructure is now heavily rust eaten and the entire timber superstructure is badly decayed," and he estimates that "an expenditure approximately of $78,000 will be required to place it in proper condition."

The pier has never been used to any extent for commercial purposes.

May I ask the people interested in having this item go into this bill for what purpose it has been used, if not for commercial purposes? Then, again, we read that the Board of Engineers is of the opinion that it is not advisable to repair the pier in the interest of general commerce and navigation, but that repairs are urgently needed if its use is to be continued in behalf of other interests. I take it that "the other interests" there referred to near Lewes, Del., are the interests of yachtmen and possibly some Government lighthouse boats, and that sort of thing, but we are passing here, or the majority of the committee is endeavoring to have passed here, a bill based upon national defense. One of the items in the bill is for repair to a rusted iron pier which was built in 1870 and maintained at an expense of $387,000. It is now so rusted that the understructure is nearly gone and the upper structure badly decayed. That is the kind of an item which to-day is an emergency proposition, so claimed, in behalf of national defense. My mentality does not carry me to the extent wherein that emergency appears at the present time. It was not a national emergency at the time we passed the river and harbor bill last session, but it becomes one now, and I think the House is entitled to an explanation, which I hope some gentleman will be able to give, as to the national emergency now confronting us requiring an appropriation of $70,000 for this rusted pier.

Mr. SMALL. Mr. Chairman, it should not be necessary to furnish to a member of the committee the information which I shall now with pleasure submit. This pier was originally constructed in 1870 and was intended primarily for commercial needs. It is true that the commerce there did not develop to the extent anticipated. The present emergency for the repair of this pier is based on these facts: That it is located near the Delaware Breakwater, that in that section during this period of war particularly there will be large numbers of naval craft, patrol boats, submarines, destroyers, and it is absolutely necessary that the pier be repaired to have a convenient landing place for these small naval craft. Col. Newcomer, representing the Chief of Engineers in the hearing before the committee, in explanation for the necessity for this appropriation, made the following statement:

This pier is important at this time on account of the fact that we have so many of these patrol boats, torpedo boats, and other small boats

which now have no good landing at Lewes. This, of course, is the Delaware Breakwater, where they are apt to collect in considerable number.

I hope this statement makes it clear that it is an emergency matter.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Yes.

Mr. MOORE of Pennsylvania. If my colleague cares to he might call the attention of the gentleman from Massachusetts to the report, which the gentleman from Massachusetts had in his hand, and from which he read only a part, and which report following the extract the gentleman read says:

The United States Lighthouse Establishment uses the pier at the place for the storage of boats, the United States Lifesaving Service has a boathouse at a point about midway of the pier, and the United States quarantine service uses it occasionally for landing passengers.

The pier is situated at one of the most vital points of the Delaware River and Bay approaches, and if the gentleman will permit me to say further, it seems absurd that because a pier has grown old and is no longer serviceable in certain of its parts Congress in war times should not put it in order for the use of the Government of the United States.

Mr. POLK. Mr. Chairman, it might be well for me to state to the House that there is located at the land end of this pier a marine hospital, and I have a letter from Gen. Black, which I send to the desk and ask to have read in my time.

The Clerk read as follows:

FEBRUARY 7, 1917.

Hon. WILLARD SAULSBURY,
United States Senate.

MY DEAR SENATOR: 1. Replying to your letter of yesterday, relative to my appearance before the Commerce Committee on the subject of needed repairs to the iron pier at Lewes, Del., I take pleasure in giving you a statement of a portion of my testimony given before the committee.

2. The pier is in need of immediate repairs. The ironwork is badly eaten by the rust, some of the braces are broken, and the decking is so badly decayed that life is risked in walking thereon. This pier was erected for the purpose of providing communication with the shore for vessels coming to the harbor, so that provisions and supplies could be obtained and also to give access to lines of travel and afford mail accommodations.

3. Whether much use is made of this structure for commercial reasons or not is of small importance, due to the fact that it is the only pier extending to deep water behind the breakwater, which forms a harbor of refuge during storms. Its greatest value, however, lies in its use as made by the Lighthouse Department, the Coast Guard Service, the Public Health Service, the War Department, and the use that can be made of it by the Navy. It is a fact that all departments of the Government are anxious to use this pier and the desire to retain it.

4. In view of the need and use of this pier by the various branches of the Federal Government, the factor of commerce should not be considered, and its repair was recommended. It is evident that the repairs and control of the pier can be accomplished most advantageously if this duty is made the charge of one department, and if it is desired that the Engineer Department retain control and make repairs the item has a proper place in the present river and harbor bill.

5. I trust that the foregoing will be sufficient, but if it is not, I will be glad to give any additional data which you may indicate.

Very truly, yours,

W. M. BLACK,
Brigadier General, Chief of Engineers.

The Clerk read as follows:

Waterway between Rehoboth Bay and Delaware Bay, Del.: Continuing improvement and for maintenance, $50,000.

Mr. FREAR. Mr. Chairman, I move to strike out the last word. This is an inland-waterway proposition, a canal, but I wish to address myself to another subject which is directly in point, and which is brought forth by the CONGRESSIONAL RECORD. In the Appendix of the RECORD there appears extension of remarks by the distinguished gentleman from North Carolina [Mr. SMALL], the chairman of our committee, for whom I have personally high respect. I desire to call attention to one statement which appears in that extension of remarks wherein he has included an address to the press by Secretary Redfield. Incidentally the chairman of the committee makes use of the following language:

It must seem strange to intelligent citizens that in the face of this crisis some Members of Congress are contending that we should suspend the maintenance and improvement of our waterways during the period of the war, and are indulging in facetious and unfounded criticism of our waterways. Such opposition can not find defense at the bar of public opinion and will be justly rebuked.

Mr. SMALL. Mr. Chairman, will the gentleman permit me to say right there that I still subscribe to that?

Mr. FREAR. Very well. Mr. Chairman, I do not care to undertake the defense of seven members of the committee who have opposed this bill; I do not care to defend the 120 Members of the House who opposed the consideration of the bill, and I do not care to defend a majority side of the Democratic House which directed that there should be no such bill as this river and harbor bill at this session of Congress. It must rest with the chairman of the committee to determine whether or not all of these gentlemen who have been in opposition to the bill are to be criticized because of their attitude upon this question. That is the chairman's right whether advisable or not.

But I wish to address myself—and this is the point for which I rose—more particularly to the timely remarks of Mr. Redfield, the Secretary of Commerce. Secretary Redfield makes a statement for the press of a commission that has been appointed by the public defense league—a commission or board to carry on inland-waterway expenditures. Secretary Redfield has taken a very active part in some matters, particularly in the city of Chicago, if I remember aright, on a waterway proposition that involved the wreck of the *Eastland*, but I wish to consider the personnel of the commission.

Mr. HARDY. Mr. Chairman, I make the point of order the gentleman is not discussing the amendment or the bill.

Mr. FREAR. I am discussing the statement of the chairman of the committee.

The CHAIRMAN. The point of order is sustained. The gentleman will discuss the amendment.

Mr. FREAR. The amendment is to strike out the last word on this proposition on inland waterways, and I wish to come to the question of the commission that is extended in the RECORD and mentioned by the chairman of the committee. Now, I am trying to find out whether I am in order or not.

The CHAIRMAN. The gentleman will proceed in order.

Mr. FREAR. Let me discuss that commission which is to have charge of this inland waterway work according to the chairman's remarks. First——

Mr. HARDY. Mr. Chairman, I raise the point of order that the commission is not involved in the motion to strike out the last word.

The CHAIRMAN. The gentleman has not proceeded far enough to ascertain whether or not the gentleman is in order.

Mr. FREAR. First, in this commission is Gen. Black——

The CHAIRMAN. The time of the gentleman has expired.

Mr. FREAR. Mr. Chairman, I ask unanimous consent for five minutes more.

Mr. HARDY. I object.

Mr. MADDEN. Mr. Chairman, I move to strike out the paragraph.

Mr. SMALL. If the gentleman will permit me, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in five minutes.

Mr. MADDEN. I object.

Mr. SMALL. I move that all debate on this paragraph and all amendments thereto close in five minutes.

Mr. MADDEN. I have the floor, and I do not recognize the gentleman's right to take me off the floor.

Mr. SMALL. I understood the gentleman to yield for that purpose.

Mr. MADDEN. I did not yield for any such purpose.

The CHAIRMAN. Does the gentleman yield for the purpose?

Mr. MADDEN. No.

Mr. BORLAND. Mr. Chairman, I make the point of order that the gentleman has spoken five minutes to his amendment. Unless the gentleman is recognized for five minutes as opposed to it, he would not be in order.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] moves to strike out the paragraph. There has not been five minutes of discussion yet on that amendment.

Mr. MADDEN. Now, Mr. Chairman, I think this paragraph certainly ought to be stricken from the bill. It has no place in it. It does not amount to anything as a war emergency. We are endeavoring to appropriate $50,000 for a project that has no value as a war emergency. And I understand that we are considering this bill as a war emergency. And then the question I wish to ask the gentleman from North Carolina [Mr. SMALL], if he cares to answer, is, in what respect will this improvement be used as a war emergency if the appropriation is made? I pause for an answer. The gentleman does not reply.

Mr. MOORE of Pennsylvania. Will the gentleman take an answer from me?

Mr. MADDEN. Yes; I will take an answer from anybody.

Mr. MOORE of Pennsylvania. If you could get foodstuffs over a waterway that you could not get over a railroad in time of war, it is a war proposition. That is exactly what this is.

Mr. MADDEN. The State of Delaware is not so large but that you could haul foodstuffs anywhere with a mule team. I could get on a street car line and go through the State before the 5-cent fare is out. So I do not think the gentleman can come here with the idea that foodstuffs must be carried on a waterway across a State where if you enter a street car and pay a 5-cent far you would only have half the fare used up before you would cross the State.

Mr. MOORE of Pennsylvania. There are not any street cars.

Mr. MADDEN. If so, the people of Delaware are not progressive.

Mr. POLK. I would like to state to the gentleman from Illinois that while the State of Delaware may not be very large she has oversubscribed her quota to the war loan by three times.

Mr. MADDEN. I am very glad to hear that, and the State of Delaware ought to do that, because there is no State in the Union that has made so much out of war as its citizens have. They have made money out of war and preparations for war when everybody else in the United States was broke. They ought to subscribe. They ought to subscribe for half of the war loan, because they have made their money out of the war. It is no indication of patriotism because they have contributed a small part of that which they have taken out of the blood of the men of the country and of the world by making ammunition and creating sentiment in favor of war.

Mr. CALDWELL. Will the gentleman yield for a minute?

Mr. MADDEN. No; I do not yield now.

Mr. CALDWELL. I did not think you would.

Mr. MADDEN. I think now the time has come when we ought to insist, inasmuch as the chairman of the committee and members of the committee say this is a war-emergency measure, on knowing wherein it is a war-emergency measure. I assert, and I pause for reply again and for any member of the committee to say in denial, that this is not in any sense a war-emergency measure and it can not be justified as any part of this bill.

Mr. CALDWELL. Will the gentleman yield?

Mr. MADDEN. If the chairman of the committee makes the assertion it is, I will accept his word. I deny it, and I ask any member of the committee to assert that it is. Will they refuse to assert what they have already claimed, that this is an emergency-war measure; that this 7-foot channel on which we are proposing to expend $50,000 of the people's money in these days of stress, when everybody is taxed beyond limit, is a war-emergency measure to carry food supplies to the Army? Ah, it is absurd and ridiculous.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMALL. Mr. Chairman, I desire to answer the gentleman in my own time. He asserts that this is not an emergency measure. He moves to strike out the paragraph. The committee has a chance to say whether or not it will strike it out.

These are the facts: In this, the lower part of Delaware, there are large agricultural interests. Vegetables and various kinds of fruits, including small berries, are largely grown. These farmers are absolutely without any railroad facilities of any kind, and this waterway furnishes the only outlet which these farmers engaged in agriculture have for sending their produce to market. It is the only opportunity they have of reaching the Delaware River.

The gentleman from Illinois speaks of "war measures." I do not know, when the gentleman from Illinois is discussing this bill, how to distinguish between facetiousness or humor and seriousness. If the gentleman is serious and intends to tell the House that transportation in this hour of stress and war, in consideration of the importance of increasing our agricultural production, is not a war measure, he either displays his humor or his prejudice. [Applause.]

I submit, Mr. Chairman, it is a war measure; and if in face of these facts the committee wishes to strike out this item, it will have an opportunity of doing so.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield for a question?

Mr. SMALL. Certainly.

Mr. COOPER of Wisconsin. The gentleman from Illinois indicated that there was a street car system or electric car system which could transport all the products, and so forth. Now, the gentleman from North Carolina says there are no railroads in that section of Delaware at all. Is that true?

Mr. SMALL. That is true. That is the information before the committee. I think there are no street car lines in that part of Delaware.

Mr. POLK. Mr. Chairman, if the gentleman will permit, there are no street car lines there, and the only outlet for this section of the country is the waterway connecting Rehoboth Bay with Delaware Bay.

Mr. SMALL. Mr. Chairman, I ask that the debate on this section close.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that the debate on this section close. Is there objection?

There was no objection.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Illinois [Mr. MADDEN].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. MADDEN. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is asked for.

The committee divided; and there were—ayes 25, noes 62.

So the motion was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Improving inland waterway from Delaware River to Chesapeake Bay, Del. and Md., in accordance with the project recommended by the Chief of Engineers in paragraph 3 of his report, dated August 9, 1913, as published in House Document No. 196, Sixty-third Congress, first session: The Secretary of War is hereby authorized to enter into negotiations for the purchase of the existing Chesapeake and Delaware Canal, and all the property, rights of property, franchises, and appurtenances used or acquired for use in connection therewith or appertaining thereto; and he is further authorized, if in his judgment the price is reasonable and satisfactory, to make a contract for the purchase of the same, subject to future ratification and appropriation by Congress. In the event of the inability of the Secretary of War to make a satisfactory contract for the voluntary purchase of said canal and its appurtenances, he is hereby authorized and directed through the Attorney General to institute and to carry to completion proceedings for the condemnation of the said canal and its appurtenances, the acceptance of the award in said proceedings to be subject to future ratification and appropriation by Congress. Such condemnation proceedings shall be instituted and conducted in, and jurisdiction of said proceedings is hereby given to, the District Court of the United States for the District of Delaware substantially as provided in "An act to authorize condemnation of land for sites for public buildings, and for other purposes," approved August 1, 1888, and the sum of $5,000 is hereby appropriated to pay the necessary costs thereof and expenses in connection therewith.

Mr. MADDEN. Mr. Chairman, I reserve a point of order on that paragraph.

Mr. FOSTER. I make the point of order, Mr. Chairman.

Mr. SMALL. Mr. Chairman, will the gentleman withhold his point of order just a moment? There is a clerical error in the paragraph.

Mr. MADDEN. I reserve it, but my colleague [Mr. FOSTER] makes it. I do not think the gentleman from North Carolina can correct the paragraph until we have disposed of this point of order. It is not before the House yet for consideration.

Mr. SMALL. I hope the gentleman will withdraw his point of order.

Mr. FOSTER. I make the point of order, Mr. Chairman; if it is to be made at all, it might as well be made at one time as another. This is not authorized by law.

Mr. MOORE of Pennsylvania. I understand the gentleman from Illinois [Mr. FOSTER] makes the point of order against the paragraph?

The CHAIRMAN. Yes.

Mr. MOORE of Pennsylvania. I ask the gentleman from Illinois, in all fairness to this proposition, to reserve his point of order until its merits can be explained.

Mr. FOSTER. I will reserve it for five minutes, but not for a long discussion.

Mr. MOORE of Pennsylvania. I ask that the gentleman reserve it without limit. I shall not be unreasonable as to time.

Mr. FOSTER. Certainly.

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER] reserves his point of order.

Mr. MOORE of Pennsylvania. I desire to speak on the merits for a brief period.

Mr. MADDEN. Is the gentleman going to talk on the merits or on the point of order?

Mr. MOORE of Pennsylvania. On the merits. Does the gentleman object to that? Because if he does, we might as well understand it now, if that is the move to be made.

Mr. MADDEN. No.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] asks unanimous consent to proceed in the discussion of this section on its merits. Is there objection?

Mr. MADDEN. Mr. Chairman, while the point of order is pending, I assume that the gentleman will have that right?

The CHAIRMAN. The Chair does not care to express himself as to that.

Mr. SMALL. How much time does the gentleman from Pennsylvania desire?

Mr. MOORE of Pennsylvania. This is one item in the bill that will probably be more contested than any other, and there ought to be at least 20 or 30 minutes for the explanation of the project. I should like to have 30 minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for 30 minutes to discuss the merits of the proposition. Is there objection?

Mr. FOSTER. Reserving the right to object——

Mr. LENROOT. Reserving the right to object, Mr. Chairman, I shall not object, provided that an understanding can be

had that an equal amount of time shall be given to those opposed to the proposition on the merits. That is only fair.

Mr. SMALL. That will consume an hour.

Mr. MOORE of Pennsylvania. I have no objection to that, of course.

Mr. SMALL. The gentleman knows that the gentleman from Pennsylvania is quite familiar with and interested in this proposition.

Mr. LENROOT. May I make this suggestion to the chairman of the committee, that if this shall be held in order, the chairman of the committee will not move to close debate until the opposition has had an equal amount of time?

Mr. SMALL. I will agree to 30 minutes.

Mr. LENROOT. Very well.

Mr. MADDEN. Let us see if we understand that. If the gentleman from Pennsylvania is given unanimous consent to talk for 30 minutes, speaking on the merits in favor of this project, when the point of order is decided and the item is held to be in order those in opposition to it shall have 30 uninterrupted minutes to speak on the other side? Is that what the gentleman understands?

Mr. SMALL. That is a new descriptive word "uninterrupted." [Laughter.]

Mr. MADDEN. I mean they will have 30 minutes without question.

Mr. SMALL. Yes.

The CHAIRMAN. The gentleman from Pennsylvania asks leave to proceed for 30 minutes.

Mr. FOSTER. Reserving the right to object, Mr. Chairman, if it is going to take a long time to discuss the point of order after the merits of the proposition are discussed——

The CHAIRMAN. The Chair will state that he would like to hear argument on the point of order.

Mr. MADDEN. Does the Chair want to hear an argument on the point of order now?

The CHAIRMAN. The Chair does not desire to express a positive opinion on that.

Mr. MADDEN. I will discuss the point of order with the Chair after the gentleman from Pennsylvania has discussed the merits.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for 30 minutes to discuss the merits. Is there objection?

There was no objection?

Mr. MOORE of Pennsylvania. Mr. Chairman, this matter has been before the committee previously, and I shall regret it if the statement of the facts appears to be reiteration. It is an old story, but an intensely interesting one, to those who live along the Atlantic seaboard and who are interested in the development of commerce and in the welfare and defense of our country.

The gentlemen from the Mississippi Valley are naturally proud of their territory. They have a fertile soil, and they have it well irrigated by the Mississippi River and its tributaries, and they have labored in this House valiantly to obtain improvement of that river and those tributaries, and have succeeded wonderfully well.

While all this has been going on in the Middle West the Atlantic seaboard has not received the same attention from Congress in a commercial sense that the Mississippi Valley has received. Not that those of us living along the Atlantic seaboard are at all envious of the progress of our friends in the Middle West. but we feel that the time has come when recognition should be given to the worthy projects of the East.

It is a geographical fact that the Atlantic seaboard is dotted inland with lakes, ponds, sounds, bays, and rivers, which, if linked up into one united chain, would make a complete inland waterway, safe from the dangers and risks of outside sailing, all the way from New England to the Gulf.

Mr. Chairman, I feel constrained to ask for order, and that gentlemen who are opposed to this project refrain from loud conversation. It is a strange thing that those who oppose a proposition will persist in irritating those who are endeavoring to make a fair presentation of it; but that seems to be the rule in the consideration of this bill, and it is not fair play. [Applause.] Now, I am asking for fair play, and I have been here long enough to know how to get it, and I notify the gentlemen who are constantly keeping up a noise by conversation that I propose to get a square deal for the presentation of this proposition.

Mr. MADDEN. What does the gentleman want to get peeved for?

Mr. MOORE of Pennsylvania. I am not getting peeved. The gentleman could not get me peeved if he tried.

Mr. MADDEN. It does not help the gentleman's case any for him to make threats.

Mr. MOORE of Pennsylvania. I am not making any threats. I am appealing to those who are not obstinate and who are willing to listen.

Mr. FREAR. I am satisfied that there was no intention to create any interruption, and of course there are only two or three gentlemen talking, so I think the gentleman ought to withdraw his remarks which he made about those who are engaged in conversation in view of the fact that an extension of time has been given him without any question.

Mr. MOORE of Pennsylvania. At the special request of the gentleman from Wisconsin, who, I assume, is in favor of this bill, I withdraw what I said. [Laughter.]

Here is a geographical situation that deserves consideration at the hands of this Congress, particularly now in these times of war. Gentlemen in the interior may not understand this situation so thoroughly as we do who are more directly affected by it. But we have tremendous wealth along the Atlantic coast; we have great industries there. The gentleman from Illinois [Mr. MADDEN] a little while ago made merry over a proposition at Wilmington, Del., because men had made money out of munitions of war. Yet I recall no one who was more enthusiastic for war than the gentleman from Illinois, and I am amazed that he should stand here in the face of a proposition to make ammunition to carry on that war, and deride those who are doing their best to further the interests of the country in that regard. That is a dog in the manger policy that I object to, even if the gentleman insinuates that I get peeved in making the statement.

Here is the great coast line of the Atlantic [indicating]. Inland all the way from Boston—and we can carry it farther north—are a series of sounds and bays back from the shore line, back from the dangers of this great ocean out here, safe from the danger in ordinary times of storm and at present from the danger of the submarines of a hostile country. Here is the city of Boston. Vessels leaving Boston now proceed to the open sea. Here is a short canal cut through Cape Cod to save an outside sailing distance from Boston to New York of upwards of 70 miles and to save the outside risk of fog and shoal and storm. The Government did not build that canal, which is 8 miles in length. It was built by a private company and is now being used not only by vessels of commerce but by submarines and small war craft of the United States Navy and of the United States Army, which of itself has a fleet of more than 2,500 vessels. Now, this is a great saving to the Government. It cheerfully and willingly pays toll through that privately owned canal on Cape Cod to save time and get from Cape Cod Bay down through Buzzards Bay into Long Island Sound.

For strategic reasons, therefore, that canal may be used as an inland course for vessels of war, passing them practically safe from the sea into Long Island Sound, which was described here the other day, and with which every schoolboy should be familiar—one of the best sheets of water for harboring vessels in the United States. Here is the entrance from the north to Long Island Sound, and here is the entrance from the south. But, so far as war vessels are concerned, the difficulty is this: That while certain vessels now may pass from Boston inland for our own purposes or to circumvent an enemy who may be lurking out here somewhere, if we once get into Long Island Sound on this inland course with battleships we strike Hell Gate in the East River before we can get beyond the port of New York, and large vessels of the Navy do not pass Hell Gate. So that, as a matter of fact, if Hell Gate stands as it now is, and if our large vessels find it advisable to use Long Island Sound and to come into New York Harbor either to protect it or to drive out an enemy or to seek repairs at the Brooklyn Navy Yard, they are blocked here at Hell Gate.

The argument that the gentleman from New York made the other day was that we should make the necessary improvements that have been so long delayed at Hell Gate now, so that during this year, or should the war continue for three years, we may have the inside passage to New York and points south. And why should we not have two entrances to Long Island Sound? These little dots on the map indicate where a foreign fleet might be outside the port of New York waiting for our vessels to come out, just as the submarines outside the ports of England are waiting now for English vessels to come out or for our vessels to go in.

This of all times seems to be the best time for us to properly protect out coast line. We can not begin too soon to make these necessary defensive and strategic improvements.

Mr. FESS. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. FESS. How long would it take to clear the channel at Hell Gate?

Mr. MOORE of Pennsylvania. I will let the gentleman from New York answer that. The War Department has approved the project as necessary now. It may take two years, speaking offhand, but if it takes two years, would it not be well to begin now rather than to wait until the two years have expired?

Mr. FESS. I think it would.

Mr. MOORE of Pennsylvania. Is it not cheaper to buy property now than to buy it when the price has gone up? Is it not cheaper to prepare ourselves for war now than to wait until the enemy has sacked our shores?

Mr. LENROOT. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Certainly.

Mr. LENROOT. The project, as the gentleman states has been approved, is a 12-foot channel.

Mr. MOORE of Pennsylvania. I have not reached the project that I want to talk about. The Cape Cod Canal is 25 feet and there is good water——

Mr. WALSH. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. WALSH. Does the project the gentleman is speaking of include the taking over of the Cape Cod Canal?

Mr. MOORE of Pennsylvania. It does not; the Cape Cod Canal is a private enterprise, and while it has been approved by waterways men, the project, which includes the Chesapeake & Delaware Canal, contemplates getting to Boston by a still more inland route, at a 12-foot depth, although the plans provide for a larger depth if need be.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I will.

Mr. SMITH of Michigan. How long will it take to complete that improvement?

Mr. MOORE of Pennsylvania. I regret I can not take time to go into the Massachusetts project until I get through with the discussion of the Chesapeake & Delaware paragraph.

Mr. TOWNER. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes; I will yield.

Mr. TOWNER. The gentleman states that the depth of the Cape Cod Canal is 25 feet?

Mr. MOORE of Pennsylvania. Twenty-five feet is the ruling depth.

Mr. TOWNER. That depth is insufficient to pass a large battleship.

Mr. MOORE of Pennsylvania. It is not sufficient to pass a battleship, but is sufficient for minor craft.

Mr. TOWNER. Is it proposed to deepen the canal by private owners or by an appropriation?

Mr. MOORE of Pennsylvania. That canal was built wholly from private funds by a private company.

Mr. TOWNER. I know it was, but is it proposed to deepen it?

Mr. MOORE of Pennsylvania. I have not heard that they have any such intention. I am using the Cape Cod Canal as a going canal as an argument and because the inner Massachusetts canal is not in existence. It is a short cut, as is the East River here at Hell Gate. There is a good depth at Hell Gate now. Vessels owned by the New York, New Haven & Hartford Railroad traverse the channel and get back and forth with safety, as gentlemen who travel to Boston know. But battleships——

Mr. SLAYDEN. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. SLAYDEN. How much do these vessels that go through there draw?

Mr. MOORE of Pennsylvania. I do not know, but probably 13 or 14 feet, and they may draw more.

Mr. FESS. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. FESS. May I ask the gentleman whether the item that we adopted yesterday takes care of the Hell Gate proposition?

Mr. MOORE of Pennsylvania. I understand that it does to the satisfaction of the engineers at the present time.

Now, here is the Delaware & Raritan Canal, a very old canal, opened in 1834, bisecting the State of New Jersey from Raritan Bay, which is south of New York Bay, across to the Delaware River at the point indicated on the map. It is about 33 miles long, but it is impossible as a modern proposition. It was a great carrier between New York and Philadelphia in the old days, but when the railroads became active this, in common with other canals in the South and West that did a great business, began to slump.

They had come before the era of railroads, and when the railroads came the canals began to go, and this one, although it competed with the railroad after it did come, was subsequently absorbed by one of the railroads, which owns it now. This old canal across New Jersey is in operation and is carrying considerable tonnage. Under war pressure it has been carrying special lines of barges suited to its dimensions back and forth from New York to Philadelphia. That is not Philadelphia and New York commerce exclusively, it is the commerce of the country that has squeezed itself through the canal because of the incompetence of the railroad to carry all the freight presented.

That canal is not under discussion now except that the State of New Jersey has passed an act providing $1,000,000 for a right of way which it will dedicate to the Government the moment the Government is ready to begin operations on a new canal. That project enters the Delaware River at a point near Trenton, and a 12-foot depth carries it down to the city of Philadelphia, where the 35-foot channel begins, and to the sea, in this direction. As is well known the Delaware River has grown in importance enormously during the last two years.

The Delaware always was a great commercial river. As a matter of State pride I have contended that it is the most important commercial river in the United States. There are 100 miles of the Delaware River from the sea to Philadelphia, inland, that does a tonnage business of more than 26,000,000 a year. That is an enormous tonnage for an inland river. There is nothing like it upon an inland river in the United States. Great establishments, factories, industries of one kind and another, oil refineries, and recently munition establishments, as well as shipbuilding plants have come along the Delaware River, until from a point at or near Wilmington up to Philadelphia it is a perfect beehive of industries upon both sides of the river in New Jersey and Pennsylvania. There is a splendid depth of water. We take the largest vessels afloat, certainly those that have a draft under 31 feet, all the way up to Philadelphia. It is a most unusual proposition for an inland river, and we do an enormous business upon it and are proud of it.

Now comes the point that I desire to discuss. Gentlemen seek to strike out the paragraph in the bill proposing to take over what is known as the Chesapeake & Delaware Canal, and gentlemen will probably use as an argument against that canal that the owners of it want to dispose of it, which is not the fact. If anyone would know that fact, I would know it. I have investigated this matter for 10 years, and the fact is that the old canal, the Chesapeake & Delaware Canal, has been in the possession of estates and heirs since long after its completion in 1829, and there is no power within the corporation, as I understand it, to dispose of it. It must be either condemned or seized by the Government of the United States.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. LENROOT. Did they have a charter for that canal?

Mr. MOORE of Pennsylvania. Yes.

Mr. LENROOT. Will the gentleman tell us from whom they got the charter?

Mr. MOORE of Pennsylvania. The gentleman will find upon my desk the first report upon the canal, which the Pennsylvania State Historical Society sent to me the other day, and I shall be glad to give the gentleman the particulars as soon as I am able to examine it. As a matter of fact, this canal was regarded of great importance to the people of the United States when it was agitated prior to 1825, as much so as was the construction of the Union Pacific Railroad to the people of the West.

Mr. BATHRICK. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. BATHRICK. Is it not a fact that the Government of the United States owns stock in that canal?

Mr. MOORE of Pennsylvania. It owns stock in it now, and the State of Pennsylvania does, as do also Delaware and Maryland.

Mr. BATHRICK. And the final determination of whether it is constitutional to appropriate money for waterways or to engage in the construction of canals was determined in this case?

Mr. MOORE of Pennsylvania. That may be.

Mr. BATHRICK. It was decided then that it was constitutional for the Government to do so?

Mr. MOORE of Pennsylvania. Just as we began to finance the early stages of our Government by lotteries, so we induced the Government and the States to invest in canals before we ever dreamed of railways, and some of these antiquated conditions, though matters of great historical interest, are not understood by the modern generation.

Mr. ROWE. How long is that canal?

Mr. MOORE of Pennsylvania. Thirteen miles, and one of the difficulties about any one State or individual or corporation getting control of the property there is that it bisects two

States. It is an interstate canal. It runs from the Delaware River at a point near Delaware City across lowlands, until it enters what is known as the Elk River, on the Maryland side, and then goes out into Chesapeake Bay. The builders of the canal, according to this first report, had 850 men working upon it with horses and carts and picks and shovels, and it cost them upward of $2,100,000 when it was completed in 1829—a wonderful job, done in that way. Gentlemen say that when the Government appraises this property at $2,500,000 now it is appraising a defunct and worthless property, and yet when it was completed in 1829, when money was certainly more valuable than it is now, when it would go much further than it goes now, it cost upward of $2,100,000.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. MADDEN. Of course, the gentleman knows, as does everyone else, that when this canal was dug there was no machinery such as is now used in the construction of great public works, and whereas it would cost a dollar and a half a yard or two dollars a cubic yard for the materials taken out then, moved by horses and wagons, to-day it would cost fifteen cents by machinery.

Mr. MOORE of Pennsylvania. And labor was cheaper then than now.

Mr. MADDEN. Machinery is more advanced than it was then, so that what you could do at a dollar and a half a cubic yard then, even at low wages, you could do for fifteen cents to-day at high wages.

Mr. MOORE of Pennsylvania. If I understand the gentleman, he would not make any allowance whatever for the value of the property at the time of construction or the improvements made upon it, and since it is a going property, without any friends in particular, he would just take it and drive the people out of business who own it?

Mr. ROWE. And at that time Illinois farms were worth about a dollar an acre.

Mr. MOORE of Pennsylvania. That is a fact, and I have plenty of proof here to show that Illinois was working very strongly for canals subsequent to the construction of this one, which is of so great value to the coast. Let me explain the value of this canal if I can. I have records here which, of course, I can not quote in half an hour, but here is a great waterway lined with tremendous industrial improvements and activities, and here is one of the most vital sheets of water from a naval standpoint to the Government of the United States. If foreign vessels were to approach Delaware Bay, they could proceed, of course, if we were not to meet them at sea, as far up this bay as these three lines of fortifications marked upon the map, a little more than 40 miles below the city of Philadelphia. They would have substantially a free run of 60 miles up that bay before they were halted. If our fleet happened to be in Chesapeake Bay maneuvering somewhere around Hampton Roads or going into Norfolk Navy Yard for repairs, and should not care for strategic reasons to come outside to meet the enemy, but should prefer to go inside or send supplies inside up the Chesapeake Bay, it would be all over the minute they got up here to Chesapeake City, on the Maryland side of the Chesapeake & Delaware Canal. They would be blocked.

That old canal carries only 10 feet of water, which would permit the passage through it of vessels of a draft of certainly not more than 9 feet. Any vessel with a draft of more than 9 feet would be helpless or hopeless either on this Chesapeake side of that canal or on the Delaware side. Is it not possible that sometime in this war with Germany we may find it advisable, being very active along the coast here, at Boston, or active down here at Norfolk, or active at the Panama Canal, or active on the Pacific coast, or while helping our allies upon the other side of the water—is it not possible we might find it advisable to pass vessels inland from the New York Navy Yard to the Philadelphia Navy Yard, and from the Philadelphia Navy Yard through that canal down to the sheltered waters of the Chesapeake Bay and the Norfolk Navy Yard? Is not this possible?

Mr. LENROOT. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I will.

Mr. LENROOT. I will ask the gentleman a question. What is the depth of the water proposed in the option of the project in this paragraph?

Mr. MOORE of Pennsylvania. Engineers have recommended two depths.

Mr. LENROOT. This project is for 12 feet?

Mr. MOORE of Pennsylvania. Yes.

Mr. LENROOT. Did not the engineers of the War Department testify in the hearings before this committee that a 12-foot depth would not be of the slightest value to the Navy and would not afford access for submarines, and that the Navy would consider nothing less than 16 feet?

Mr. MOORE of Pennsylvania. And I testify to that statement myself. I admit it on all fours. It is absurd to think that a 12-foot channel would carry war vessels. It could not be done. But I am asking the gentleman from Wisconsin in all fairness and reason to answer me this, whether when Congress is obstinate as it has been on the 12-foot proposition, and apparently still more obstinate on the proposition which the engineers have presented, to give a 25-foot depth through that 13 miles, whether we had not better take a 12-foot depth and put it in the hands of the Government to get the work started?

Mr. LENROOT. The gentleman asks me that question?

Mr. MOORE of Pennsylvania. Yes.

Mr. LENROOT. I say that if we are going to have only a 12-foot depth it is of no value from a military standpoint.

Mr. MOORE of Pennsylvania. There is a report, and I would be delighted if I had time to quote it, from officials of the Navy, from men who have investigated this for the last 50 years and who have reported to Congress from time to time, that there must be a start, and that if it is a question of money it is better to take 12 feet and get started and prove up the worth of the enterprise rather than to postpone until it is too late.

Mr. LENROOT. Then the gentleman admits that this would have nothing to do with the present war?

Mr. MOORE of Pennsylvania. I do not admit that. I certainly do not admit it. I have evidence here from the Secretary of the Navy, evidence from experts of the Army and the Navy, that even now this canal would be of tremendous value to the Government in the passage of supplies on such ships as are able to pass through. And I want to say to the gentleman what I have said to the House before, and it is not bombast but the solemn truth, that this old canal in its present condition was the saving clause when Abraham Lincoln was calling for troops to save the National Capital, because the Confederates were right across the river here, and the railroad bridges from the North were burned, just as they could easily be burned and destroyed now, and it was through this old canal, so much berated at times in this argument, that the northern troops were taken on barges down to Annapolis in order that they might move up to Washington and save the day at Lincoln's call. [Applause.]

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I will.

Mr. HAMILTON of Michigan. How long is it estimated it would take to dig this canal to a depth of 16 feet?

Mr. MOORE of Pennsylvania. Why does the gentleman ask about 16 feet, because that is confusing?

Mr. HAMILTON of Michigan. Put another depth, then, for a more practical proposition, and say 32 feet.

Mr. MOORE of Pennsylvania. Thirty-two feet would destroy the project just now, because of the cost. It did before. It was the little joker.

Mr. HAMILTON of Michigan. I was speaking about the practical utility of this canal for the purpose the gentleman is arguing.

Mr. MOORE of Pennsylvania. My judgment is, if you want my judgment, that if you give the Army engineers authority to build this canal you will have it ready within a year or two, so that it will be available for the defense of the country. The point is to get started.

Mr. LENROOT. The gentleman speaks about the possible destruction of railroads by a foreign foe. In the event that should happen, would it not be just as easy, and in fact easier, to destroy the canal than the railroads?

Mr. MOORE of Pennsylvania. The situation there is fairly well fortified, I will say to the gentleman, and it would be as difficult to get to the canal as it would be to get to the railroads.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MEEKER. How much would you save in mileage in going through there than around the other way?

Mr. MOORE of Pennsylvania. The saving in mileage from Philadelphia—which is 90 miles from Baltimore, as the bird flies—the saving in distance would be 325 miles.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LENROOT. Mr. Chairman, the gentleman has generously yielded, and I ask that he have 10 minutes more.

The CHAIRMAN. Is there objection?

Mr. MOORE of Pennsylvania. I am very serious about this matter, and I would like to get it presented to the committee properly.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GOOD. How wide is this canal?

Mr. MOORE of Pennsylvania. At present?
Mr. GOOD. Yes.
Mr. MOORE of Pennsylvania. It is 24 feet wide in the locks.
Mr. GOOD. How wide outside of the locks?
Mr. MOORE of Pennsylvania. They fix the limit. There are three locks in the canal. Let me explain to the gentleman. That is interesting and apropos.
Mr. GOOD. Just another question before the gentleman gets to the locks. In the event this was authorized it would take three years to cut deep enough for naval purposes during that time, and the canal would be entirely out of commission for commercial purposes and defensive purposes?
Mr. MOORE of Pennsylvania. I think not.
Mr. GOOD. And for defense purposes?
Mr. MOORE of Pennsylvania. I think it has been so stated by the engineers. I have seen it stated in some of the reports that they could manage to keep the canal going.
Mr. GOOD. So that if we went ahead and appropriated this money it would practically eliminate the use of this canal?
Mr. MOORE of Pennsylvania. No. The engineers have indicated that it would not. The use of the canal would go on. I am so advised by the engineers.
Mr. MADDEN. I think that is so.
Mr. MOORE of Pennsylvania. Here is an expert in engineering. I refer to the gentleman from Illinois [Mr. MADDEN]. [Laughter.] He coincides with me.
Mr. MEEKER. Mr. Chairman, will the gentleman yield?
Mr. MOORE of Pennsylvania. Yes.
Mr. MEEKER. Of course the gentleman understands that a railroad does not quit business when it builds a new bridge.
Mr. MOORE of Pennsylvania. That is true. They simply provide another means. But that question has been discussed by the engineers and has been answered in the negative. It would not stop the operation of the canal.
Mr. FESS. Mr. Chairman, will the gentleman yield?
Mr. MOORE of Pennsylvania. Yes; I yield to the gentleman from Ohio.
Mr. FESS. I was going to suggest that in view of the time being extended only 10 minutes, I am very anxious to hear the statement which the gentleman is about to make, and unless the time can be still further extended I suggest that the gentleman be permitted to go on uninterrupted. I want to hear him.
Mr. MOORE of Pennsylvania. I am obliged to the gentleman from Ohio.
Let us take the element of cost from the official report; and incidentally I must repeat, because it has often been said before here, that this project has several times been approved in official reports. The United States Army engineers have several times officially indicated that the Government ought to have this property; that the property ought to be improved and developed even to the extent of a ship canal, which I think would be the present war demand, if the Government was given authority by Congress to proceed.
The cost of this project has been the bone of contention, and I think it is due largely to the fact that Congress has authorized the purchase of other canals, some of them in the West, which have fallen down and have been failures and waste. I will not refer to any of them now, because I do not want to harass any particular Representative; but Congress has authorized the purchase of numerous canals in this country in the past at large expense, and those canals have not been workable.
Mr. MADDEN. Why not state them?
Mr. MOORE of Pennsylvania. Well, the Hennepin Canal, if the gentleman wants to go near home, is one of them.
Mr. MADDEN. The Government authorized the construction of it, not the purchase of it. It is a fake.
Mr. MOORE of Pennsylvania. The gentleman is very frank about it, and condemns a canal in his own State. I am commending mine, although it is not in my State.
Mr. SWITZER. Mr. Chairman, will the gentleman yield?
Mr. MOORE of Pennsylvania. Yes.
Mr. SWITZER. Does the gentleman know what the annual tonnage of traffic through the canal is?
Mr. MOORE of Pennsylvania. There is a business now of upward of a million tons a year, privately carried and paying tolls to the owners of the canal. That tends to answer the constant charge that this is a worthless property. The owners of the bonds of this property—the stock being valueless, it is said—the bonds, which are substantially equivalent to the appraised value of the canal, pay 4 per cent interest, and these old estates which own those bonds are thoroughly satisfied to draw that interest.
The canal is a paying property, even ancient and limited as it is in capacity.

Now, the appraisement of this canal by the engineers—and I trust I may not be asked to quote their report—is $2,500,000 with some odd figures. That appraised value includes locks, engines, towboats, barges, and such other equipment, buildings, land, right of way, and other property as the company possesses.
The engineers have reported that the cost of a 12-foot channel, making it a sea-level waterway, which would dispense with the locks and unite the waters of Chesapeake Bay with the waters of Delaware Bay, would be $7,900,000.
Now, that, plus $2,500,000, would be the cost of taking over the property and improving it and deepening the channel to a depth of 12 feet and making it a sea-level proposition; and 12 feet will carry some of the vessels of the Navy, some of the torpedo boats, and many supply boats, and it will carry a major portion of the fleet of vessels that are now attached to the Army of the United States.
Mr. MADDEN. Mr. Chairman, will the gentleman yield?
Mr. MOORE of Pennsylvania. Yes.
Mr. MADDEN. What is the tonnage of the vessels that now run through the canal?
Mr. MOORE of Pennsylvania. I will give that later in my speech. There is a line known as the Ericsson Line, a very old and respected company, that does business between Philadelphia and Baltimore, taking freight from the region roundabout Philadelphia and New York to New England and then carrying it to Baltimore, where it is distributed to points south and southwest and vice versa. It has three or four boats that are built to fit the dimensions of these locks. I think they are exactly 23 feet 4 inches wide, which gives them a leeway going through these locks of a few inches, and they are built so high that their proportions attract attention as they pass up and down the river or the bay. They are peculiarly constructed, and their capacity is limited. But, even limited as it is, they still seem to be engaged in a paying business through that canal, and they have been doing it for generations.
Mr. MADDEN. Are they of 50 tons?
Mr. MOORE of Pennsylvania. Oh, more than that.
Mr. MEEKER. Down on the Potomac they haul 115 tons on boats of this type.
Mr. REAVIS. Mr. Chairman, will the gentleman yield?
Mr. MOORE of Pennsylvania. Yes.
Mr. REAVIS. I am reluctant to take any of the gentleman's time, but have any Government experts expressed any opinion as to the utility of this canal if it were improved so as to accommodate the larger warcraft?
Mr. MOORE of Pennsylvania. Yes; they have very emphatically, and always favored taking it over. I say on my honor as a Representative that the reports of the Army engineers are in nearly all instances—for there are many reports—strongly in favor of taking this property over as a war proposition.
Mr. REAVIS. Are they in favor of taking it over with the ultimate purpose of deepening it for the larger craft?
Mr. MOORE of Pennsylvania. That is the idea. I make no concealment as to that. We would never be content with a 12-foot depth in that waterway. It will not be a canal if the Government takes it over. It will be a waterway. Every canal feature will be dispensed with. The canal to-day is a positive obstruction to navigation along the coast. It is a hindrance to business. It is a hindrance to the proper defense of the coast line in time of war, and we want to get rid of these old locks and these old appurtenances of a canal and make it a sea-level waterway, so that the water will flow from one bay to the other at a depth sufficient to carry our ships of war; and if we do that, then it will follow logically that, the canal being open and free, business will sweep through the canal and commerce will be stimulated.
Mr. JAMES. How much will it cost to deepen it to a depth of 25 feet?
Mr. MOORE of Pennsylvania. To deepen it to a depth of 25 feet will cost, according to the engineers, $12,424,500.
The CHAIRMAN. The gentleman's time has expired. Does the gentleman from Illinois desire to make the point of order?
Mr. MADDEN. I make the point of order. If the Chair wants to hear arguments upon it I shall be glad to present them.
The CHAIRMAN. Does anybody desire to say anything against the point of order?
Mr. MOORE of Pennsylvania. I certainly do.
Mr. SMALL. I desire to be heard, but would it not be better to have the proponents of the point of order heard first?
Mr. MADDEN. I shall be glad to hear the gentleman.
The CHAIRMAN. The Chair would like to hear from those who conceive that the point of order should be overruled.
Mr. SMALL. Mr. Chairman, I submit that the point of order against this paragraph providing for the Chesapeake and Delaware waterway can not be sustained. In the first place,

because this item appears in this bill, and for other reasons which I shall submit, this committee has prima facie jurisdiction of this item. This item is in this bill by reason of an authorization reported by the Committee on Rivers and Harbors for an examination and survey of an intracoastal waterway from Boston, Mass., to Beaufort Inlet, N. C. That was authorized in the river and harbor act of 1909, if I am not mistaken, and this item is based upon that and the supplemental report, being the final report of the Chief of Engineers. So that, for the reason that the item is in the bill, for the reason that it occurs here as the result of a favorable recommendation based upon an examination and survey authorized by Congress, as reported in the river and harbor bill, I say that the River and Harbor Committee prima facie has jurisdiction, and that the burden is upon those who make the point of order involving the jurisdiction of the committee to sustain the point of order. I think that is an elementary proposition of law, and I submit it is applicable to points of order involving the jurisdiction of the committee.

Mr. Chairman, the making of this point of order is not for the purpose of preserving the jurisdiction of the alleged Committee on Railways and Canals. Further, it is not for the purpose of attacking the jurisdiction of the River and Harbor Committee on similar projects. The sole purpose of it is to use this moribund Committee on Railways and Canals as a refuge for defeating the consideration of this item and its enactment into law.

What is the Committee on Railways and Canals, which gentlemen assert has jurisdiction of this proposition? Fortunately or unfortunately there is such a committee, and yet most Members of the House have to be reminded of its existence, or else its existence would not be recalled.

Mr. LENROOT. Will the gentleman yield for a question?

Mr. SMALL. Certainly.

Mr. LENROOT. Is the gentleman aware that the Committee on Railways and Canals has, in fact, exercised jurisdiction over this very canal, and upon two occasions reported upon it?

Mr. SMALL. I am coming to that in a moment upon another phase of this matter. I say that the purpose of this point of order, Mr. Chairman, is to defeat this item, and not in behalf of the preservtion of any jurisdiction upon the part of the Committee on Railways and Canals. That committee is called "Railways and Canals," and yet there are precedents for the proposition that it has lost its jurisdiction of railways by custom of the House, and by the activities of that most assiduous and industrious committee in asserting its own jurisdiction, the Committee on Interstate and Foreign Commerce. So that although it is called "Railways and Canals," and has jurisdiction of railways, nobody would rise in his place and make a point of order against a bill reported by the Committee on Interstate and Foreign Commerce or any other committee of the House upon the ground that the Committee on Railways and Canals had and should assert jurisdiction of it. I submit that in this case it ought also to be ruled that the Committee on Railways and Canals has lost jurisdiction of the waterways denominated canals. Now, I come to the suggestion of the gentleman from Wisconsin [Mr. LENROOT], who, I presume, will support the contention that the point of order ought to be sustained. I hold in my hand here a report by the Secretary of War based upon a resolution of the Senate asking him to furnish information containing summaries of reports of Government commissions, officers, and engineers on the commercial, naval, and military advantages of this canal. I refer to Senate Document No. 14, Sixty-fourth Congress, first session. In that report, on page 5, is a summary of all the reports which have been made upon this canal. And I presume the gentleman from Wisconsin, who is always industrious in whatever he presents to the House, has assimilated this valuable report. Among these reports which have been submitted to Congress——

Mr. HARDY. Before leaving that point will the gentleman permit an interruption?

Mr. SMALL. Certainly.

Mr. HARDY. It seems to me a very serious fact that the time to raise the question as to which committee has jurisdiction of a matter is upon the reference of the bill, and that when it comes before the House the point of order ought not to be sustained on the ground that the matter belongs to another committee. On the question of reference, the reference might be to the right or the wrong committee, but this House has jurisdiction of everything, and this Committee of the Whole has jurisdiction, whether it comes from the right or the wrong committee, if there is no other ground for objection.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield in that connection?

Mr. SMALL. I yield to the gentleman.

Mr. STAFFORD. Is not my friend the gentleman from Texas [Mr. HARDY] aware that this bill has never been referred, but is an original bill presented by the chairman of the committee as a privileged matter, and that all points of order were reserved as soon as it was presented to the House?

Mr. HARDY. So it may be, but whether the right committee or the wrong committee presents the bill, the Committee of the Whole has jurisdiction over every matter involved in it.

Mr. STAFFORD. There are two points of order in this case: First, that the Committee on Rivers and Harbors has not jurisdiction over the subject matter, because it relates to a canal; and, second, because even if it had jurisdiction over the subject matter it is not privileged under the rules of the House.

Mr. HARDY. I submit that both committees have jurisdiction—the River and Harbor Committee and the Committee on Railways and Canals—for that matter.

Mr. REAVIS. Will the gentleman yield to me before he leaves the question of committee jurisdiction?

Mr. SMALL. I will yield.

Mr. REAVIS. If the gentleman from Pennsylvania is correct that the purpose of putting the item in the bill was to change its character from a canal into a waterway, that purpose would defeat the jurisdiction of the Committee on Railroads and Canals.

Mr. SMALL. Without commenting on the quotation of the gentleman from Pennsylvania, I shall endeavor to assert, before taking my seat, and to prove that this project does not involve a canal within the meaning of the rules of the House.

Mr. REAVIS. The point I had in mind is, if the gentleman will indulge me that supposing the Committee on Railways and Canals has jurisdiction of it as a canal, would that prevent another committee having jurisdiction for the purpose of changing its character from a canal into a waterway?

Mr. FOSTER. The gentleman from North Carolina does not contend that this is anything but a canal?

Mr. SMALL. If the gentleman thinks otherwise, I will beg him to examine some of the reports——

Mr. FOSTER. Because you intend to change it from a canal into a waterway does not prevent it being a canal.

Mr. SMALL. That is not any canal proposition. I will come to that later.

Mr. GALLAGHER. Will the gentleman yield?

Mr. SMALL. Yes.

Mr. GALLAGHER. Is it not a fact that a proposition was taken away from the committee the other day that was originally lodged in another committee in answer to the gentleman from Texas?

Mr. SMALL. That did not settle any question of jurisdiction. I do not desire now to be diverted to another question. Mr. Chairman, I said as to this proposition that the Committee on Railways and Canals had gone into innocuous desuetude, and in this report by the Secretary of War in respect to the Senate resolution there are a large number of reports, I think 18, which have been made on this waterway connecting the Chesapeake Bay and the Delaware River. The only reports based on legislation reported by the Committee on Railways and Canals was one in January, 1907, authorizing a commission to be appointed, which consisted of Gen. Felix Agnus, Maj. C. A. F. Flagler, and Mr. F. T. Chambers, civil engineer of the United States Navy, and a report based on the action of the Committee on Railways and Canals, February 5, 1886, and a report of April 24, 1904, by Representative DAVIDSON and Representative STRONG. All the other reports were recommended and were reported from the Committee on Rivers and Harbors.

The CHAIRMAN. The Chair would like to ask the gentleman if any part of this appropriation is to be used for anything else than for the improvement of rivers and harbors?

Mr. SMALL. To be perfectly frank with the Chair, a part of it is to be used for the purchase of a canal.

The CHAIRMAN. That is what the Chair wished to know.

Mr. DEMPSEY. Will the gentleman pardon me for a question?

Mr. SMALL. Yes.

Mr. DEMPSEY. Is it not a fact that on page 18 of the bill there is a project set out of which this committee has had jurisdiction for 10 or 12 years, which involves, and has involved during all that time, the improvement of connecting a canal with waterways, precisely the thing that is done in this case?

The CHAIRMAN. The Chair would like to have gentlemen argue this proposition, that if any part of this appropriation is used for the purchase of a canal, how does the Committee on Rivers and Harbors get jurisdiction under the rules of the House?

Mr. SMALL. That is a most pertinent inquiry, and I am coming to that.

Mr. SWITZER. Will the gentleman yield?

Mr. SMALL. Yes.

Mr. SWITZER. I would like to ask the gentleman if in making a waterway under the jurisdiction of rivers and harbors, some of the money to purchase a canal, or some other piece of property, would preclude the River and Harbor Committee from building it any more than if it was a roadway or a railroad we had to purchase?

Mr. HARDY. Will the gentleman allow me a suggestion?

Mr. SMALL. Yes.

Mr. HARDY. There is this statement on page 514 of the Manual, that when a bill embraces subjects belonging to the jurisdiction of several committees the main object of the bill may be taken as the test to show to which committee it should go to.

Mr. SMALL. I am glad that the gentleman cited that, and I call the Chair's attention to it without further citation on my part.

Mr. ALEXANDER. Will the gentleman yield?

Mr. SMALL. I will.

Mr. ALEXANDER. I understand the proposition contained in the river and harbor bill is not to improve the canal. That might be given to the Committee on Railways and Canals, but they take the territory of a right of way now occupied by the canal, propose to abandon it as a canal and make it a waterway and appropriate money for that purpose. Is not that true?

Mr. SMALL. That is entirely correct.

Mr. TREADWAY. Will the gentleman yield?

Mr. SMALL. I will.

Mr. TREADWAY. Is it not a fact that the present Chesapeake & Delaware Canal is an 8-foot canal?

Mr. SMALL. Nine feet.

Mr. TREADWAY. Is it not the purpose of the bill to make it 12 feet in depth?

Mr. SMALL. Yes.

Mr. TREADWAY. The proposition is to enlarge and deepen it, but it still remains a canal of 12 feet rather than one of 9 feet.

Mr. SMALL. Instead of a private waterway it becomes a public waterway.

Mr. TREADWAY. But still a canal.

Mr. SMALL. I do not think so.

Mr. DEMPSEY. Does not it become not a canal but, as the gentleman from Pennsylvania [Mr. MOORE] said, a sea-level waterway, a sea-level waterway at both ends, so that it is a continuous sea-level waterway?

Mr. FOSTER. I would like to ask the gentleman from North Carolina what he calls the work at Panama. Is that a canal?

Mr. SMALL. The so-called Panama Canal does not furnish an analogy to the case illustrated by the gentleman from New York [Mr. DEMPSEY].

Mr. Chairman, the gentleman from New York [Mr. DEMPSEY] made a suggestion to which I wish to respond. The gentleman said there were items in the bill which were as susceptible to points of order, perhaps, as this. There have been such items in every bill. This point of order is invoked only for the purpose of defeating some proposition which some Member or group of Members may wish to defeat, and is not universally made against projects in the river and harbor bill.

Mr. FESS. Mr. Chairman, before the gentleman leaves that question I desire to state that I am somewhat confused. This project is now a canal, and when it is completed, if I understand the gentleman correctly, it will then be a waterway. I would like to know the distinction technically.

Mr. SMALL. If the gentleman will listen, I shall try to make it as plain as I can, but I am not making refined distinctions here; I am discussing broad propositions involving the jurisdiction of a committee. I would like to advert to and discuss the proposition which was so clearly stated at length by the gentleman from Missouri [Mr. ALEXANDER]. This does not involve a canal in such a way as to defeat the jurisdiction of the committee. What is it? It is a waterway connecting Chesapeake Bay with the Delaware River. It is true that there exists now what may be denominated a canal, about 13 miles long, and originally constructed many years ago by private capital, and still owned and controlled by a private corporation. The project which is sought to be carried out in this item involves the improvement of natural waterways, leading to this alleged canal at both ends. It involves the improvement of the Delaware River leading up to it at a cost of $57,000.

It involves the improvement of several natural waterways at the southern end. First, the improvement of Back Creek for a distance of 4½ miles at a cost of $405,000. Back Creek empties into Elk River, and it involves the improvement of Elk River a distance of 8½ miles at a cost of $314,000, and it involves further improvement in the upper part of Chesapeake Bay for a distance of 10 miles, involving a cost of over $500,000.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. SMALL. In just a moment. So that this project recommended by the engineers involves and must carry necessarily appropriations and expenditure of money for the improvement of natural waterways constituting the approaches. I now yield to the gentleman.

Mr. MADDEN. The question I desired to ask the gentleman was, Whether he contends that the purchase of this canal can in any wise be connected with the proposition which he has just stated and thereby be made to appear what it really is not?

Mr. SMALL. I think so, if the gentleman desires to put it in that way. I say this project involves a waterway. What is proposed? In addition to the improvement of natural waterways, the approaches to either end of this so-called canal, it is proposed to purchase the canal, and instead of a lock canal as at present to convert it into a tide-level canal or, as some call it, a sea-level canal, so that the water will flow freely by natural processes from Chesapeake Bay at the southern end to the Delaware River at the northern end, and vice versa. So there we have a project involving the improvement of natural waterways and the acquisition of some property which is to-day, if you please, claimed by private owners, enlarging it from 9 feet deep to 12 feet in width, and widening it from its present inadequate width to 90 feet bottom width and about 150 feet top width, and in addition removing the three present locks in the canal and converting it into a tide-level canal, making it a public waterway, the property of the United States; so that when this project shall have been completed we will have, to all intents and purposes, a waterway or artificial river connecting the Chesapeake Bay and the Delaware River—by the way, two of the busiest interior waterways in the country excepting the Great Lakes—making what will be a river between the Chesapeake Bay and the Delaware River.

Mr. Chairman, there ought not to be any narrow construction placed upon this. How frequently is it known by gentlemen familiar with river and harbor legislation that we cut off bends in rivers by making a new channel across a bend to save sharp curves and distance in a tortuous river. Yet no complaint is made. How often have we needed land, for instance, for repairing the banks of streams by revetment work or otherwise? How often have we required contiguous land to deposit the material dredged from streams? How often do we have to go into various phases incidental to river and harbor improvement, and so, forsooth, because the purchase of an existing canal claimed by a private corporation is involved in carrying out this project it is said that the Committee on Rivers and Harbors has no jurisdiction, and that it ought to be buried with the Committee on Railways and Canals. To that proposition we protest, and we say that whatever jurisdiction upon a narrow construction may be claimed by the Committee on Railways and Canals arising out of the report on this project, it is incidental and is not the primary purpose of the improvement. The primary purpose of the improvement is a waterway, making it a free waterway, open to commerce of all the people, and that brings it within the jurisdiction of this committee. We contend that no strained construction ought to be taken by the Chair as to the jurisdiction of respective committees, so as to cut the matter up, having one committee having jurisdiction of a part of it and another committee having jurisdiction of another part of it.

Mr. Chairman, with just a citation I shall close.

On February 15, 1910, CONGRESSIONAL RECORD, volume 45, part 2, page 1945, the river and harbor bill was under consideration in the Committee of the Whole. The item of survey with a view to locating a channel from the Gulf of Mexico to the Apalachicola and St. George Sound by "an artificial cut across St. George Island" was under consideration.

Mr. Keifer, of Ohio, made the point of order against the paragraph because it provided a survey for an artificial waterway or canal. Mr. MANN, of Illinois, in discussing the point, stated that the survey was for a channel which could not be considered a canal in the ordinary sense. He said: "It is simply making an entrance from the Gulf of Mexico to this city, where there are now large bodies of water, much of which is shallow, and where it may be desirable in making the entrance to cut through St. George Island rather than run away around an island; to cut through that island, which is a small island, in order to make a direct channel." The Chair overruled the point of order.

On January 15, 1915, CONGRESSIONAL RECORD, volume 52, part 2, pages 1656-1658, in the consideration of the item involving a waterway from Rehoboth Bay to Delaware River, the point

of order was made against the paragraph because it involved a canal and also the construction of a bridge. The first point of order was overruled and the latter sustained.

The CHAIRMAN. Does that appear in Hinds' Precedents?

Mr. SMALL. My memorandum does not show. I desire now to call the attention of the Chair to Hinds' Precedents, section 4218, volume 4, where it is stated that the jurisdiction of the Committee on Railways and Canals as to railways has been absorbed by the Committee on Interstate and Foreign Commerce.

I only mention that in connection with the proposition I previously submitted, that jurisdiction of alleged canals has been more largely with the Committee on Rivers and Harbors—very much more with that committee—than with the Committee on Railways and Canals. And I make the further statement that certainly for the last 18 years the Committee on Railways and Canals has never reported, or, if it has reported, there has never passed the House, any constructive legislation involving the improvement or construction of any canal. And all that it has reported to the House which passed has been these two or three resolutions for the appointment of commissions, which died there, nothing more ever being done about it.

Mr. STAFFORD. Will the gentleman yield?

Mr. SMALL. Certainly.

Mr. STAFFORD. Does the gentleman recall about 12 years ago—maybe 10—the Committee on Railways and Canals, as I recall it, brought in a bill providing for the construction of the Lake Erie & Ohio River Canal? It was discussed here and passed the House after a very vigorous fight.

Mr. SMALL. Instead of for the construction, was it not for a commission and examination?

Mr. STAFFORD. It was for the construction of that canal.

Mr. SMALL. I remember there was such a proposition, but the exact nature of it I do not recall. But it did not become a law.

Mr. STAFFORD. It passed the House, though. I was citing that instance to show that the Committee on Railways and Canals was not moribund at that day.

Mr. REAVIS. Will the gentleman yield for a question?

Mr. SMALL. Certainly.

Mr. REAVIS. I understand the jurisdiction of the Committee on Railways and Canals, so far as it pertains to canals, is restricted to canals. The committee could not construct a waterway out of a canal.

Mr. SMALL. The gentleman is right.

Mr. REAVIS. And if it should be held that the Committee on Rivers and Harbors could not construct a canal, once a canal always a canal.

Mr. SMALL. Certainly.

Mr. REAVIS. There must be jurisdiction in this House somewhere to change the character of a canal. It is self-evident the Committee on Railways and Canals can not do it. What other committee can do it than the Committee on Rivers and Harbors?

Mr. SMALL. The query of the gentleman, Mr. Chairman, very strongly sustains the proposition that this point of order is based merely upon technicalities and not upon substance, and that the only purpose, if it should be sustained, will not only be to deny the Committee on Rivers and Harbors jurisdiction of this item but virtually—perhaps as some of its proponents hope—to defeat and kill a meritorious proposition.

Mr. FOSTER and Mr. MOORE of Pennsylvania rose.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. MOORE] desire to be heard?

Mr. MOORE of Pennsylvania. I do. I would like to follow the gentleman from Illinois.

The CHAIRMAN. The Chair would like to hear a full discussion of this matter before ruling.

Mr. MOORE of Pennsylvania. Supplementing the statement of the gentleman from North Carolina [Mr. SMALL], I wish to make reference to the authorization for a survey for the intercoastal waterway. The act of March 3, 1909, carried this provision:

SEC. 13. * * * The Secretary of War is hereby authorized and directed to cause preliminary examinations and surveys to be made at the localities named in this section, as hereinafter set forth.

Survey for the construction of a continuous waterway, inland where practicable, from Boston, Mass., to Long Island Sound, including a waterway from the protected waters of Narragansett Bay through the ponds and lagoons lying along the southern coast of Rhode Island to Watch Hill and Fishers Island; thence to New York Bay; thence across the State of New Jersey to a suitable point on Delaware River or Bay; thence to Chesapeake Bay; thence from Norfolk, Va., to the sounds of North Carolina and Beaufort Inlet, N. C., for the purpose of ascertaining the cost of a channel with a maximum depth of 25 feet, or such lesser depths along any section or sections of the said waterway as may be found to be sufficient for commercial, naval, or military purposes. Such survey shall include an examination of all practicable routes, the preparation of plans and estimates of cost along the most available route, and a report upon the desirability of utilizing as a part of such waterway any existing public or private canal, or any part thereof, and the probable cost of acquiring the same.

Now, that was the authorization for what is known as the intercoastal waterway. Congress appropriated $100,000 to make that survey. The complete report included certain points of the intercoastal waterway that had been covered in preceding reports of the United States Army engineers, some of which had previously approved sections of the entire projects. The law contemplated that the waterway should be opened up inland along the entire course. After the survey was completed and reported upon to Congress, Congress made appropriations for certain sections of the intercoastal waterway consistent with the the plans laid down by the Army engineers in their report. For instance, the upper Delaware was improved to a depth of 12 feet from Philadelphia to the approach to the contemplated waterway across the State of New Jersey. That improvement was made so that the upper reaches of the Delaware would connect with the lower reaches of the Delaware, in consistency with the general plan. An appropriation was also made for the purchase of the so-called Norfolk-Beaufort Canal, extending from a point south of Norfolk into the sounds of North Carolina. That purchase was made, and Congress proceeded to improve that Norfolk-Beaufort link of the entire waterway by ample appropriations, which still continue, for maintenance and completion; so that the coastal plan has not only been written into the law but has been provided for in certain sections which are now being worked together under the plans of the United States engineers to secure a continuous chain.

What is known as the Beaufort Cut, south of the sounds of North Carolina, leading into the Atlantic Ocean, has been completed by an appropriation made by Congress, so that the act of 1909, authorizing a survey, which survey resulted in the report of a plan, has led to the adoption of that plan by Congress along certain links of the chain considered most important by Congress at the time the appropriations were made.

Now, as to the particular project before the committee, that of the so-called Chesapeake & Delaware Canal, connecting up the Delaware Bay and River with the Chesapeake Bay, that is a part of the plan for which appropriations have already been made by Congress in acts heretofore passed, and is simply in line and in harmony with the continuation of the general waterway thus contemplated. It is an essential link of the waterway. Without its inclusion in the plan the appropriations heretofore made for other parts of "the intercoastal waterway," which is the term used in the law, would be of little or no national avail.

The doctrine heretofore held with respect to continuing work in the matter of public buildings and appropriations for public works, I assume, would hold in this case. That is one point, Mr. Chairman.

Another point in respect to the Chesapeake & Delaware link in this coastal plan as approved by law is as to the jurisdiction, it being contended that the Committee on Rivers and Harbors has stepped in where the Committee on Railways and Canals should operate. The fact of the matter is that such decisions as the Miami Canal decision, which will be cited by gentlemen arguing the point of order, and other decisions that may be cited, contemplate the purchase and taking over of canals to be operated as canals. Now, even if the Committee on Railways and Canals had jurisdiction there—and I suppose it is a fair statement to make that it had jurisdiction, because it is proposed to take over and operate canals—that is not this proposition. This proposition is that this canal shall be taken over, not to be maintained and operated as a canal, but to be translated into a sea-level waterway.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman permit a question?

Mr. MOORE of Pennsylvania. Yes.

Mr. COOPER of Wisconsin. Suppose that this canal were bought by the United States Government and then made a sea-level waterway 25 feet in depth, with no locks, just open water 25 feet deep. Is there any question that the subsequent appropriations for dredging and maintenance of that open sea level affair would be under the jurisdiction of the Committee on Rivers and Harbors?

Mr. MOORE of Pennsylvania. There is no doubt in the world that that is where it would go.

Mr. COOPER of Wisconsin. It would not go to the Committee on Railways and Canals?

Mr. MOORE of Pennsylvania. It would not go to the Committee on Railways and Canals. It would no longer be a canal. I made that statement in a general way in stating the merits

of the proposition. The whole purpose of this project is to get rid of a canal and to establish a waterway.

Now, Mr. Chairman, the Government issues through the Department of Commerce an inside coast pilot, which shows existing routes of waterways from the northern tier of States to the Southern States, all the way to the lower extremity of Florida, so that it has been for a long time the policy of the Government, apart from these laws especially applicable to this intercoastal waterway, to encourage the development of a continuous waterway along the coast. Here is an inside coast pilot, issued by the Coast and Geodetic Survey for the use of mariners, for use up and down the inland waters of the Atlantic coast, substantially in line with the plan that is here adopted and approved by the United States Army engineers, and which in large part has already been appropriated for by Congress.

I contend that the question of jurisdiction is not sound in this instance, because the jurisdiction must necessarily go to the Committee on Rivers and Harbors, once this canal is taken over and turned into a waterway. It must be kept improved for the purposes of the Government. Surely the Committee on Railways and Canals would have no jurisdiction to report appropriations for the improvement of this waterway once it is established.

Now, I contend that this is an essential link in the waterway chain that has been approved by the Government and by Congress; that the Committee on Rivers and Harbors has jurisdiction over it, because it is not a canal proposition; it is a waterway proposition.

Moreover, Mr. Chairman, I make the point that the point of order in this instance comes too late, and I call to the attention of the Chair a decision by Mr. Speaker CLARK in connection with the jurisdiction of the Committee on Flood Control. I was aware that certain chairmen had had this question of jurisdiction before them, and personally raised it in the matter of the Committee on Flood Control.

When the first flood-control bill was called up by the gentleman from Mississippi [Mr. HUMPHREYS], the chairman of the Committee on Flood Control, I made the point of order that the committee had exceeded its power, that the work that it was reporting was properly the work of the Committee on Rivers and Harbors. Mr. Speaker CLARK ruled upon that question. At that time this colloquy took place:

Mr. MOORE of Pennsylvania. I desire to call the attention of the Speaker to the fact that on numerous occasions when canal bills have been introduced here, simply because the word "canal" appears, although they pertained exclusively to waterways and navigation, they have been taken away from the Committee on Rivers and Harbors and referred to another committee. Navigation comes under the jurisdiction of the Committee on Rivers and Harbors——

Then the Speaker said:

That was because they were put in a privileged bill. The history of this discussion and the rights of everybody are these: This bill was introduced—the Chair does not know who introduced it; but that does not matter. It is a public bill. It was referred to the Committee on Flood Control. If the gentleman or any other gentleman felt aggrieved or thought his rights had been trampled on or the jurisdiction of the Committee on Rivers and Harbors was being usurped, the proper remedy was for the gentleman to come in here and move that it be re-referred.

Mr. MANN. Mr. Speaker—the Speaker will pardon me—but no one can move, except one of the committees, unless by unanimous consent.

The SPEAKER. The gentleman is technically right, that it takes one committee or the other to ask it.

Mr. MANN. Or unanimous consent.

The SPEAKER. Or unanimous consent.

The Speaker, further ruling on the point of order that the Committee on Flood Control had usurped jurisdiction of rivers and harbors matters, said:

These gentlemen sinned away the day of grace, and the Flood Committee took charge of this bill and worked on it, and it was a matter of public notoriety that they were doing it. It was not done in a corner. They went to work and investigated the matter and made this report here. As to the proposition of the gentleman that it takes a piece out of the jurisdiction of the Committee on Rivers and Harbors, of course the whole scheme of the Flood Committee did that very thing. That was what it was intended to do, to relieve the Committee on Rivers and Harbors of a part of its work. It was overloaded.

You can not put water into a river and you can not take water out of a river and you can not do anything about controlling the waters of a river that it does not in some way affect the improvement of the river and the navigation thereof. So the point of order is overruled.

Now, Mr. Chairman, we were alive to the probability that a point of order would be raised, and have been alive to it for some time, and this question was raised before Mr. Speaker CLARK in order that a ruling might be had as to whether it was too late to come in when a bill is called up, after it had been under consideration for weeks, and after it was a matter of notoriety, as the Speaker said in his decision. Mr. Speaker CLARK ruled that the gentleman who made the point of order at that stage of the procedings was too late, and he ruled against the point of order.

Now, I make these points: The Committee on Rivers and Harbors has jurisdiction; this is not a canal proposition but a proposition to do away with a canal and to complete a waterway authorized in part by appropriations already made; that the operation and maintenance of a canal is not contemplated, as was the case of the Miami Canal; and that it is too late to make the point of order against the jurisdiction of the Committee on Rivers and Harbors at this time.

Mr. BRUMBAUGH. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Ohio desire to be heard?

Mr. BRUMBAUGH. Mr. Chairman, I want only one moment, to say this: Something has been said during my temporary absence from the Chamber about the Committee on Railways and Canals. Just a few days ago I was elected by the House to the chairmanship of that committee. It has been stated that this committee has been a dead committee. I propose to make it a live committee, or else to ask that it be abolished altogether. [Applause.]

Mr. MOORE of Pennsylvania. No one receives that statement with more pleasure than myself; but I would like to ask the gentleman whether his predecessor, or whether he since he has become chairman has indicated in any way that he desired to have control over this proposition, as of the Railways and Canals Committee?

Mr. BRUMBAUGH. I have not, because, as I stated, I have been chairman only a week or such a matter.

Mr. MOORE of Pennsylvania. The gentleman does not know that his predecessor asked to have this matter referred to his committee?

Mr. BRUMBAUGH. I know he did not, because the former chairman resigned, and Congress did not act upon that resignation until recently; but as soon as Congress will give the committee a clerk I propose to call the committee together and make it a live committee. The fact that it has been a dead committee in the past does not indicate that I do not propose to make it a live committee in the future. I want to say this one word in a general way, that I am opposed to a few gentlemen on large committees taking every bill of every conceivable kind and character and having all these bills referred to them and monopolizing all the legislation that should properly go to other committees. And while I am not at this time going to make a fight to have any legislation or bills referred to this committee before I have had time to organize it or even to occupy the committee room, I do propose to insist that this committee be treated fairly, and I propose to make it a live committee, and any time that Members of the House desire to send any bills to this committee we will meet and give them proper hearing and take action upon them.

Mr. FOSTER. Mr. Chairman——

The CHAIRMAN. The Chair is ready to rule, and does not care to have the time of the committee occupied by further discussion.

Mr. MADDEN. Does not the Chair want to hear anything from our side?

The CHAIRMAN. The Chair has made up his mind on the proposition.

The Chair, without regard to what his personal desires are in the matter of these appropriations, must decide these questions according to the rules of the House. The Chair's own district is vitally interested in the inland-waterway proposition, but the Committee on Rivers and Harbors has jurisdiction to report on certain matters. In Rule XI, paragraph 8, we find that jurisdiction over questions relating to the improvement of rivers and harbors is given to the Committee on Rivers and Harbors.

In section 56 of Rule XI we find that certain committees of the House are given a privileged status, that is, that they can make reports at any time, and have questions over which they have jurisdiction immediately considered by the House, and under that rule this bill is now being considered. The rule says the following-named committees shall have leave to report at any time on matters herein stated, and then it names the committees. It says—

The Committee on Rivers and Harbors, of bills for the improvement of rivers and harbors.

It has jurisdiction to report at any time on bills for the improvement of rivers and harbors. Now, that removes it from the case cited by the gentleman from Pennsylvania [Mr. MOORE], because the flood-control bill is not a privileged bill. The Committee on Flood Control is not a committee that can report at any time, but you must introduce your bill and have it referred to that committee, and if there is a question of jurisdiction, some gentleman in the House must move to transfer the bill from that committee to the committee having jurisdiction, and any Member can take advantage of that opportunity. Now, the precedents hold that if Members wait until it is too late they can not take advantage of that rule. But when this

privileged bill was reported to the House by the Committee on Rivers and Harbors, delegated by its privileged character to report on improvements for rivers and harbors, the gentleman from Illinois [Mr. MANN], on May 9, reserved all points of order. He could not have made that reservation sooner, because the bill was then for the first time reported to the House, so he took prompt advantage of the situation.

Now, the question is presented to us whether or not this paragraph goes beyond the jurisdiction of the Committee on Rivers and Harbors. If no part of the appropriation was to be used other than for the improvement of rivers and harbors, clearly it would not be subject to a point of order; but the gentleman from Pennsylvania [Mr. MOORE] and the gentleman from North Carolina [Mr. SMALL] both concede that part of the appropriation is for the purchase of a canal, which clearly removes it from the privileged status given to the Rivers and Harbors Committee under section 56, Rule XI, to report bills for the improvement of rivers and harbors.

Every other appropriation that would go for the improvement of rivers and harbors would be clearly within the jurisdiction of that committee and would not be subject to a point of order; but under the precedents, if any part of the paragraph is subject to a point of order, then all of it is subject to a point of order. The Chair must follow the precedents in this matter, and every time a question similar to this has come up the point of order has been sustained. The Chair has made diligent investigation into this question, giving it the most careful considerartion, hoping that possibly the committee had not exceeded its authority and that the point of order could be overruled, but he has not been able to find any decision sustaining that point of view, and for that reason he has not desired to hear from gentleman on the other side of the question.

The gentleman from North Carolina [Mr. SMALL] has cited one case applying to the Apalachicola Bay and St. George Sound improvement, which was with a view to determining the best location for a deep-water harbor with entrance channel from the Gulf of Mexico by way of East Pass, West Pass, New Inlet, or by an artificial cut across St. George Island, consideration being given to the respective needs of the cities of Apalachicola and Carrabelle for increased harbor facilities.

Mr. SPARKMAN, who was chairman of the Committee on Rivers and Harbors, in speaking at that time on that proposition, said:

Mr. Chairman, this is in no sense a canal even if that should make any difference, nor would the improvement be in the nature of a canal.

The gentleman from Illinois [Mr. MANN], in speaking on the proposition, not speaking in favor of the point of order, but speaking on the other side, used this language:

Mr. Chairman, I did not make the point of order against this paragraph, because I am familiar with the situation there, having made a personal visit to this place with the distinguished Committee on Rivers and Harbors, and I remember very distinctly much of the situation there. This clearly is not a canal. It is no more a canal and no more the construction of a canal than it was when we made a new entrance to New York Harbor. It is simply, as I understand, making an entrance from the Gulf of Mexico to this city where there are now large bodies of water, much of which is shallow, and where it may be desirable in making the entrance, rather than run away around an island, to cut through that island, which is a small island, in order to make a direct channel.

So the facts in that case were, without question, that it was for the improvement of a harbor and did not either appropriate for or take over a canal.

Now, in Hinds' Precedents we find, in section 4219, that on February 19, 1885, a question arose over a paragraph in the river and harbor bill providing for the construction of the Hennepin Canal, and the chairman sustained the point of order on similar grounds to those the Chair has just stated.

On January 15, 1915, on an amendment to a paragraph in the river and harbor bill to improve an inland waterway between Raritan Bay and Delaware Bay there was a point of order made that it was to improve a canal. At that time the chairman, the gentleman from Illinois [Mr. RAINEY] held, in a very elaborate opinion, that it was clearly subject to a point of order and sustained the point of order.

Mr. MOORE of Pennsylvania. May I ask the Chair when that decision was rendered?

The CHAIRMAN. January 15, 1915.

Mr. MOORE of Pennsylvania. Was not that the case where the opinion was withheld?

The CHAIRMAN. No; the gentleman has in mind the following year or the year before, when Mr. DENT offered an amendment to improve an inland waterway near Mobile, Ala., and the point of order was made, but the opinion was reserved for argument, and subsequently the amendment was withdrawn and the Chair did not pass on that proposition.

The Chair is very clearly of the opinion that in the present case the Committee on Rivers and Harbors did not have jurisdiction to make the appropriation to improve the canal, and for that reason sustains the point of order to the paragraph.

Mr. MOORE of Pennsylvania. Mr. Chairman, I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Pennsylvania appeals from the decision of the Chair, and the question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. LENROOT. Mr. Chairman, before the question on the appeal is put I desire to say just a word. Upon every decision where a similar question has come up the same ruling has been made that the present chairman of the committee has made. There is not one single exception. As a question of parliamentary law there can be no question but that the chairman is correct in his ruling. Now, upon this appeal I want to make this observation——

Mr. AUSTIN. A point of order, Mr. Chairman.

The CHAIRMAN (Mr. FOSTER). The gentleman will state it.

Mr. AUSTIN. Is this question debatable?

The CHAIRMAN. It is debatable. The present occupant of the chair some time ago made an erroneous statement, saying that it was not debatable, but afterwards corrected that statement by saying an appeal was debatable, subject to the will of the committee.

Mr. AUSTIN. I have been in the House eight years and I never heard it discussed.

The CHAIRMAN. It is debatable in Committee of the Whole. The committee can close it in the committee or rise and close debate in the House. In the House debate is avoided by moving to lay the appeal on the table, but no such rule applies in the committee, so the only way to close debate is by moving that it be done.

Mr. LENROOT. Mr. Chairman, I want to make this one observation: Criticisms have been made to certain items in the bill. Other criticisms will be made, no doubt, as to items when reached, but if the supporters of this bill are so desperate and the bill is of such a character that they shall refuse to sustain the decision of the Chair upon a question of parliamentary law upon which the Chair is undoubtedly correct—and the gentleman who made the decision is one of the best parliamentarians in the House and one of the fairest—if the supporters of this measure now desire to overrule the Chair upon this proposition, they will demonstrate to the country beyond peradventure that this bill is not being considered upon its merits, and that wherever there is a piece of pork in it they are willing to violate the rules of this House in order to keep that pork in it, so that the pork may be had for other items in the bill that they are afraid might be lost unless all the other items remain in.

Mr. MOORE of Pennsylvania and Mr. HARDY rose.

Mr. LENROOT. I will yield to the gentleman from Pennsylvania.

Mr. HARDY. I thought the gentleman had yielded the floor.

Mr. LENROOT. I am through.

Mr. MOORE of Pennsylvania was recognized.

Mr. STAFFORD. The gentleman from Pennsylvania has discussed the point of order.

Mr. MOORE of Pennsylvania. But I made the appeal and the gentleman from Wisconsin has attacked the appeal.

Mr. HARDY. I would like to be heard for five minutes.

Mr. MOORE of Pennsylvania. Mr. Chairman——

Mr. LENROOT. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. LENROOT. I did not mean to intimate that the gentleman from Pennsylvania had not made his appeal in good faith. I simply meant that the majority of the House ought to sustain the Chair.

Mr. MOORE of Pennsylvania. I understand the gentleman. Mr. Chairman, I do not regard a favorable vote upon this appeal as in any way reflecting on the gentleman from Mississippi, the chairman of the committee. He has rendered his decision in good faith according to the precedents as he understands them, but I submit that the House some time or other ought to have an opportunity to vote on this question to take over an important waterway absolutely necessary at this time for the preparedness of the defense of the country. For more than 10 years to my knowledge this project has been the victim of "battledore and shuttlecock," and always subject to points of order. How long is the country to submit, in a matter of this kind, to one precedent after another, based on technicality, and the decision of some one long since dead? I have such a regard for the gentleman from Mississippi that I would hesitate to vote against his decision; and I wish the gentleman had exercised his own judgment in the matter rather than have fallen back on precedents.

It seems to me that if the President of the United States were to be guided altogether by precedents from the Revolution to the present time, we would never be prepared to conduct a war with Germany. Sometimes we have to cut the red tape and get down to business. That is the reason I made the appeal. I respect the high parliamentary qualities of the gentleman from Mississippi [Mr. HARRISON], as does the gentleman from Wisconsin [Mr. LENROOT], but the question is whether we shall so hamstring ourselves to precedents and what has passed as never to meet absolute necessities of the present time. I hope the appeal from the decision of the Chair will be sustained in the interest of the common defense of the people of the United States. [Applause.]

Mr. HARDY. Mr. Chairman, I want to answer the lecture that the gentleman from Wisconsin [Mr. LENROOT] has been giving us about pork. The anxiety that certain gentlemen here have about pork is very amusing. I have such a contempt for this denunciation of pork-barrel legislation which comes from newspapers and from various sources that I can not make any other reply than that the man who is influenced by it signs a warrant of his own shame. As to the merits of the point of order that this canal item ought to belong to the Committee on Railways and Canals, I wish to say that I was a member of the Committee on Railways and Canals at one time, and I know it to have been a fact that the Speaker of the House never referred a single bill to that committee. That committee went into a state of innocuous desuetude, and to-day the House at this session has refused to grant it even a clerk. Are we to be confronted with a situation in which a nonexistent or moribund committee is allowed to intervene or be thrust in in order to prevent proper and needed legislation? It is pertinent to observe that the Committee on Railways and Canals did not inject itself into this matter, but that the opponents of the bill have injected it here. The truth of the business is simply this, that the functions of committees in this House overlap each other in many instances. There is not a phase of the jurisdiction of the Committee on Railways and Canals that has not been absorbed by either the Committee on Rivers and Harbors or the Committee on Interstate and Foreign Commerce. I soon found that out when I was on the committee in the days of Republican rule in the House. I concluded that it was useless and got off the committee.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. BRUMBAUGH. Will the gentleman yield?

Mr. HARDY. I yield to the gentleman from Ohio.

Mr. BRUMBAUGH. Is not the condition the gentleman is describing the result of the chairman not calling the committee together and organizing to receive business?

Mr. HARDY. In my innocent ignorance when I first came here, from the name of it, I thought that the Committee on Railways and Canals would be an important committee, but I found that it did not have anything to do and could not get anything to do. I think we did ourselves frame a bill that some reference has been made to, and tried to get some attention paid to it, but we could not. Let me say one thing further. It seems to me that this is a matter in which the jurisdictions of more than one committee overlap each other. Here is a project and that project is to make navigable the waterways from Philadelphia down to Baltimore. That waterway consists of one river, the Delaware River, about 50 miles of it, and a canal of 13 miles, and then of a land-locked bay, and then two harbors, and are you going to cut that project up into half a dozen different committee jurisdictions and have the bill cut up in three or four pieces? Will you give a part of one project to Rivers and Harbors, one part to Interstate Commerce, and one part to the Railways and Canals Committee? It seems to me that common sense demands that the House treat the matter as a whole, and, according to the argument made here, no one committee could pass the bill, because it would not have jurisdiction of all of it. If the Committee on Railways and Canals were here in charge of this bill, objectors would say that they had nothing to do with the Delaware River or the harbor at Philadelphia or Baltimore, and that every item, except the one, for this 13 miles of canal. Common sense says that it ought to be handled and presented in one bill, and this bill, which is, in the main, a rivers and harbors bill, is a most appropriate bill for it to stand in. I have the greatest regard for the gentleman from Mississippi [Mr. HARRISON]. He followed the precedents in this matter, but it is time that precedents should yield to common sense, and that we should cut the red tape and technical rules that prevent all possible action. Further, gentlemen, I cited a moment ago an authority which stated that a bill should be referred to that committee which had jurisdiction of the major part of the subject matter of the bill. You can not frame a bill that would treat this whole project unless you include that 13-mile canal, and also include any necessary improvements in the Delaware River or the harbors of Philadelphia and Baltimore. Let us have more common sense. Here is a whole project, and let the House break away from any precedents that have crippled it for years and have stood in the way of legitimate improvement. Now, to him who says there is pork in it I simply say, "Evil be to him who evil thinks." If any gentleman believes this item is pork or is worthless, he ought to vote against it, but he ought not to stigmatize every other man who does not think as he does, and if he has a decent and proper respect for himself, he will not do so.

For one, and for the sake of this discussion only, I am glad to say that my district has not one item in this bill, and I certainly have no interest in the item here in question, but I would be ashamed of my intellect if the facts presented did not convince me of the merit of the item, and ashamed of my manhood if I permitted the pork-barrel cry to drive me from its support.

Mr. AUSTIN. Mr. Chairman, I have as much respect for the gentleman from Mississippi [Mr. HARRISON], who rendered this decision, as any Member of this House. My attachment and affection for him is as deep and as sincere as any colleague who sits on the other side of the House. Why should we, when the interest of the country is involved, be tied and gagged by some precedents or rulings of the presiding officer of this House? Is that of more importance than the consideration of a great public measure involving the safety of the country in time of stress and war? There are revolutions necessary at times throughout the world, and this is a time when a legislative revolution against being tied down by precedents and rulings and opinions of presiding officers of this House is necessary. The individual ruling or judgment of one man out of 435 should not absolutely make us powerless to do something which a majority of us conscientiously believe is for the best interest of the country.

A word now in relation to the reflection of the gentleman from Wisconsin [Mr. LENROOT], who in closing his speech said that if we do not sustain the ruling of the Chair we will have committed an offense in the interest of pork-barrel legislation.

Mr. DUPRÉ. Mr. Chairman, will the gentleman yield?

Mr. AUSTIN. Not now. This is supposed to be the greatest lawmaking body in the world. I believe every Member of this House is honest, faithful, and conscientious, and while some may differ, as they do upon this bill, ill does it become any Member to reflect upon the honor of his colleagues in the discharge of what they believe to be their conscientious duty in supporting one of these bills. I give every man in this House—the gentleman from Wisconsin [Mr. LENROOT] and every other man—the same right to think and act which I claim for myself. I believe he is just as honest, just as conscientious, and just as patriotic as myself, but not one bit more so, and I repudiate the conduct or the utterance of any man in this House who will ascribe improper or unpatriotic motives to those who do not see as he sees or act as he acts. [Applause.] If this body has incurred public disfavor through the public press in criticizing this measure and other bills as pork-barrel legislation, as graft, let us think too much of our own character and the standard of this great lawmaking body to make ourselves voluntary witnesses for such a contemptible, scornful utterance or public opinion of ourselves and colleagues. How can you expect the American press, yellow or otherwise, to hesitate to denounce and criticize us when some of our own colleagues stand here and by their public utterance furnish proof that what they say is true? I believe every one of the 435 Members of this House is honest.

They are acting here under oath. I repudiate and condemn the language of the gentleman from Wisconsin. I believe it to be my duty to do it. I resent it on my own part and in behalf of every man in this House. [Applause.]

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] is recognized for five minutes.

Mr. STAFFORD. Mr. Chairman, after recognition, I believe there is no limit on time. At the end of that time I would like to be heard on the proposition, before the Chair rules.

The CHAIRMAN. The Chair will decide the question now.

Mr. STAFFORD. I would like to be heard, if the Chair will hear me, on that question.

The CHAIRMAN. The Chair will state that the mind of the Chair is fully made up.

Mr. STAFFORD. I would like to show the precedents that the five-minute rule does not apply in the Committee of the Whole on the argument of the question of appeal, and I have precedents here to that effect. If the Chair will permit, the five-minute rule in the Committee of the Whole, as the Chair will note, extends to amendments that are then pending. A gentleman may offer an amendment, and under that rule five minutes may be granted in favor of the amendment and five

minutes in opposition. The rule that I refer to is Rule XXIII, subclauses 5 and 6. Subsection 6 says:

The committee may, by the vote of a majority of the Members present, at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph of a bill, close all debate upon such section or paragraph or, at its election, upon the pending amendments only (which motion shall be decided without debate); but this shall not preclude further amendment, to be decided without debate.

Subsection 5 of that rule provides:

When general debate is closed by order of the House, any Member shall be allowed five minutes to explain any amendment he may offer, after which the Member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate thereon, but the same privilege of debate shall be allowed in favor of and against any amendment that may be offered to an amendment; and neither an amendment nor an amendment to an amendment shall be withdrawn by the mover thereof unless by the unanimous consent of the committee.

Mr. Chairman, under those clauses that I have just read, which have been frequently put into practice, the chairman of the committee having the bill in charge can move to limit debate whenever debate has occurred on an amendment. I wish to direct the Chair's attention to the history of proceedings in the Committee of the Whole, and it is only by the Chair understanding the history and the early procedure and practice of the House when the Committee of the Whole was first established in the early times of this Government that he will appreciate there is no limit and that the hour rule applies on questions of this kind. If the Chair will examine the precedent closely, he will see that when the Committee of the Whole was first organized, and when business came up after the morning hour and the House resolved itself into the Committee of the Whole House on the state of the Union to consider legislation that was on the calendar, to consider matters relating to the state of the Union, or just merely private matters, that the Member gaining recognition was entitled to one hour's time. That is the basis for the rule at present when we go into Committee of the Whole on general debate. It recognizes the old-established rule that the Member who gets recognition when the House resolves itself into the Committee of the Whole House on the state of the Union, without any limitation by the House, is entitled to an hour's time, which he can parcel out as he sees fit.

Mr. Chairman, the Chair has ruled here that there is no limit of debate and that debate can only be limited by the committee rising to go into the House.

Now, I wish to call the Chair's attention to that rule——

The CHAIRMAN. Let the Chair state to the gentleman right here that debate can be closed any time by the gentleman having the floor moving to close debate. It can be done either way.

Mr. STAFFORD. Does the Chair agree that we are not limited to five minutes?

Mr. MADDEN. You can move to close debate.

Mr. STAFFORD. I call the attention of the Chair——

The CHAIRMAN. Let the Chair state that under the precedents, and there are not very many of them, he is led to believe that the question of appeal does not come under the one-hour rule but under the five-minute rule, the same as discussions upon amendments. So the Chair would be inclined to hold that it is under the five-minute rule.

Mr. STAFFORD. I hope the Chair will bear in mind because we are establishing precedents here and I do not wish to argue unnecessarily——

Mr. HARDY. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. HARDY. I make the point of order that the gentleman should address himself to the appeal from the decision of the Chair upon this amendment.

The CHAIRMAN. The Chair begs to state that when the gentleman from Wisconsin [Mr. STAFFORD] took the floor the Chair stated that he was recognized for five minutes, and the gentleman from Wisconsin took exception to that, and is now trying to convince the Chair that the Chair is wrong and that the gentleman is entitled to an hour.

Mr. HARDY. Can he superimpose that question?

The CHAIRMAN. The Chair thinks he has a right to do it.

Mr. STAFFORD. I am addressing myself to that point, if the gentleman from Texas [Mr. HARDY] will give attention.

Mr. HARDY. I withdraw my point of order.

Mr. STAFFORD. I am very thankful to the gentleman that he saw the difference. Now, Mr. Chairman, I ask the Chair's especial attention to this rule, which is directly applicable, and that is clause 2 of Rule XIV, which forecloses the Chair from holding that the five-minute rule applies. I grant that the chairman of the committee has the right to move to close debate in committee——

Mr. SMALL. Mr. Chairman, a parliamentary inquiry.

Mr. STAFFORD. The gentleman can not take me off the floor with a parliamentary inquiry.

Mr. SMALL. Will the gentleman yield?

Mr. STAFFORD. I yield for a question.

Mr. SMALL. I wanted to ask the Chair a question.

Mr. STAFFORD. It may interfere with my argument, and I will be willing to yield in a very few minutes.

What does that clause 2 say? It says:

And no Member shall occupy more than one hour in debate on any question in the House or in committee, except as further provided in this rule.

Remember it says, "In the House or in committee." I again direct the attention of the Chair to the original practice in the Committee of the Whole House on the state of the Union, or merely in the Committee of the Whole, before the establishment of the five-minute rule, and that was, that any Member gaining recognition on any amendment, or on the bill itself, was entitled to one hour's recognition. The only limitation that you find anywhere in these rules cutting down the hour recognition to discuss any question is that which I have cited before, which is the five-minute rule in the Committee of the Whole, so far as amendments are concerned. You can not find any other rule anywhere else that limits the discussion of any question to five minutes except on amendments.

Here we have a direct mandate on the Chair, not only on the Speaker but on the chairman of the Committee of the Whole, that no Member shall occupy more than one hour in debate on any question in the House or in the committee, except as further provided for in this rule.

Mr. Chairman, there can be no escape from it. I do not intend to take much more than 10 or 15 minutes at the outside.

The CHAIRMAN. The Chair would kindly suggest to the gentleman, in order to avoid any further delay, that he proceed if he desires to do so.

Mr. STAFFORD. I do not intend to abuse the patience of the House, and when I conclude the gentleman from North Carolina [Mr. SMALL] can move to close debate.

The CHAIRMAN. The Chair would want some additional time to look this matter up. Even if the gentleman is right, the Chair suggests that the gentleman proceed for the present without deciding the point of order just now.

Mr. STAFFORD. I will not take more than 10 minutes, or perhaps 15 at the outside.

Mr. SMALL. I am not assuming that the gentleman is purposely consuming time. May I ask a question of the Chair at this time?

Mr. STAFFORD. I yield to the gentleman to ask a question of the Chair.

Mr. SMALL. I did not understand the Chair to decide that the chairman of the committee in charge of the bill did not have the right to move to close debate or to move that the committee rise and go into the House during a discussion under the five-minute rule. Is the Chair in doubt about that?

The CHAIRMAN. The Chair believes from the rules and precedents that he has examined—and the precedents are not quite clear on many of them—that they apply to discussion under the five-minute rule; but the gentleman from Wisconsin has contended that the Chair is wrong, and if so the Chair would be glad to be corrected. There is no question in the mind of the Chair, so far as the right to control debate is concerned. That has been decided as shown by paragraph 6949 of volume 5 of Hinds' Precedents.

Mr. STAFFORD. I admit that contention of the Chair.

Mr. SMALL. I did not intend to take the gentleman off the floor.

The CHAIRMAN. It is within the province of the committee to close debate when it sees fit, or the chairman of the committee in charge of the bill has the right to move that the committee rise and go into the House and so close debate.

Mr. SMALL. Mr. Chairman, while the Chair is considering that matter, the gentleman is proceeding in that indefinite situation?

The CHAIRMAN. The Chair would suggest at the same time that the Chair will examine further into the matter; for the Chair's benefit the gentleman from Wisconsin has kindly consented to proceed for the present.

Mr. LENROOT. Mr. Chairman, will the gentleman yield there for a question?

Mr. STAFFORD. Just for a brief question.

Mr. SMALL. I hope the gentleman will yield.

Mr. LENROOT. This is a very important matter, and it ought not to be decided—because it is so important—without the fullest care, and I suggest that the gentleman proceed for a reasonable time on the merits of the appeal, and then it will be in order to close debate when he gets through.

Mr. HARDY. Why should the five-minute rule be made to apply to everybody except the gentleman from Wisconsin?

Mr. STAFFORD. Because "the gentleman from Wisconsin" knew what his rights were, and the Chair is most fair.

The CHAIRMAN. While the Chairman has not yet been convinced that his opinion is not right, he is endeavoring to be fair and right in the matter to all members of the committee, and he would want time to look it up more fully. The Chair made the suggestion which he did make for the purpose of saving time, and the gentleman from Wisconsin [Mr. STAFFORD] is proceeding with the understanding that his rights will be preserved.

Mr. STAFFORD. On the question of appeal, no more serious question can confront this committee or any committee than to take an appeal from the decision of the Chair on a parliamentary question which it is acknowledged that the Chair was right in his rulings and is supported by all the precedents. These rules have been established and the precedents have been placed here in permanent form so that we can proceed in regular order. If at any time when, perchance, a majority of the committee might be in favor of some proposition that was not in order a Member should rise and appeal from a decision of the Chair and overrule the Chair, there would be chaos rather than order in the control of the discussions of this House.

There was not a quorum and far less than a quorum present when this matter was under discussion. There is not a quorum present now, and yet you are attempting to make in order something that Members of the House have reason to believe is out of order, something on which every precedent that has ever been passed upon this question has been one way, as the Chairman of the committee ruled, and attempt to overset it, so that it might be considered in order.

This is not the only proposition that is out of order in this bill. In the back part of this measure there are provisions after provisions that the Chairmen in times past have ruled were not in order, provisions relating to water powers in this country, as to which there is no question but that the Committee on Rivers and Harbors has no jurisdiction.

Think for one moment, gentlemen, of what would happen if the Members who would be interested in that special provision in section 5, relating to singling one single water-power proposition in Minnesota against many other water-power companies seeking a like privilege from Congress, and not receiving the privilege because we have not passed any general dam law, could come in here and overrule the decision of the Chair declaring that provision out of order. What consistency or regularity would there be in the proceedings of this committee or of this House?

I can not recall at the present time any decision of the Chair in committee where the precedents have all been one way and where the decision has been overruled in Committee of the Whole House. Certainly on this provision you should not be swayed by the merits of it. I am frank to say to you, gentlemen, that a year ago when this item was under consideration I did not make a point of order against it because it was in a different form from what it is to-day. Then it provided merely for a lump-sum amount to be paid to the owners of this canal. The provision in this bill now authorizes condemnation proceedings in the courts whereby the owners, because of its peculiar value, could go into court and obtain all manner of return upon the showing that they might make, which this House might not be willing to favor under such conditions.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Let me make my argument, because I do not want to take up unnecessary time. [Laughter.]

Mr. BATHRICK. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. If it is a brief question, I will yield.

Mr. BATHRICK. I want to ask the gentleman this: Suppose it was generally conceded that this enterprise was very important, where could it go so that no point of order could be made against it?

Mr. STAFFORD. That involves the consideration of a very close parliamentary question, which I will proceed upon with the indulgence of the committee just for two or three minutes.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. STAFFORD. No; I want to answer the question of the gentleman from Ohio [Mr. BATHRICK]. Even granting that the Committee on Rivers and Harbors has jurisdiction of this subject matter, nevertheless under the rules of the House and the precedents based upon those rules, it has not the right to incorporate legislation into a river and harbor appropriation bill, which is privileged, unless the legislation relates to the improvement of rivers and harbors. I will not prejudge that question and say that the Committee on Rivers and Harbors has not the right to introduce a special bill relating to this individual project, and have it dropped in the basket and take its regular course on the calendar; but the Committee on Rivers and Harbors occupies a unique position, and that is that while this river and harbor bill is not considered a general appropriation bill, it is a regular appropriation bill, and all legislation which is in order under that paragraph of the rule which provides that the Committee on Rivers and Harbors shall have the right to report at any time, is privileged, but it has not the right to incorporate in that bill, which is limited to the improvement of rivers and harbors, other matters of legislation over which it has jurisdiction. The Committee on Rivers and Harbors may have jurisdiction of this subject, but it has no right to bring it here in this privileged bill, because the rule limits the privilege to matters relating to the improvement of rivers and harbors. This distinction has been recognized time and again in the rulings of the Chair, so I think I have sufficiently answered the question by saying that the Committee on Rivers and Harbors may have jurisdiction to report this very provision, but not to incorporate it into a river and harbor appropriation bill.

Mr. MOORE of Pennsylvania. Does the gentleman think we ought not to have a connecting waterway between the Chesapeake and Delaware Bays for war purposes?

Mr. STAFFORD. Oh, I would support it much more freely on commercial grounds than for war purposes. I think for war purposes it is an iridescent and chimerical dream—a proposition involving a depth of 25 feet——

SEVERAL MEMBERS. Vote! Vote!

Mr. FREAR. Mr. Chairman, I ask for order.

Mr. STAFFORD. I will say in all fairness to the committee I stated that I did not intend to speak more than 15 minutes without interruption.

Mr. LINTHICUM. The gentleman has spoken 25 minutes.

Mr. STAFFORD. The gentleman from Maryland is very shortsighted. I have not spoken over 10 minutes.

Mr. LINTHICUM. I think I was very shortsighted when I said 25 minutes. I ought to have said 40 minutes.

Mr. STAFFORD. Oh, well, the gentleman is always verbose on these matters and always wrong.

Mr. LINTHICUM. I desire to say that the gentleman from Milwaukee is not always wrong.

Mr. STAFFORD. Mr. Chairman, we are not going to gain any time——

Mr. SMALL. How much more time does the gentleman desire?

Mr. STAFFORD. I will conclude certainly in five minutes if not interrupted. I was about to conclude when interrupted by the gentleman from Ohio [Mr. BATHRICK] and the gentleman from Maryland [Mr. LINTHICUM].

Mr. GALLAGHER. How long will it take to finish the condemnation proceedings?

Mr. STAFFORD. This item differs from the item contained in last year's appropriation bill, because it authorizes condemnation proceedings, and there is no limit of cost, whereas the proposition of last year was limited to a certain definite amount, a little over $1,000,000, as I recall; and now the owners of these bonds may go into court and claim that by reason of war conditions this canal has been made much more valuable than it was a year ago. As I said before, I did not seek to interpose a point of order against this provision a year ago, when the cost was limited. I was willing to give the benefit of the doubt in favor of the proponents of that measure. I am not opposed to the improvement of the waterway, but I have the right, and the Members of this House have the right, to adhere to the rules of the House when an attempt is made here to bring in matters that may go contra to the best policy of the country. If you are going to overrule the decision of the Chair on this proposition, then you must concede that those who desire to single out a dam proposition should also have the right, when a point of order is sustained against them, to appeal from the decision of the Chair. I do hope that those who are in favor of river and harbor improvement will not go to the extreme of establishing a revolutionary precedent, that they will overrule the decision of one of the best-known parliamentarians in the House in order to try to bring before it something that is not in order under the rules of the House. You certainly do not want it to go out to the country that in the Committee of the Whole, where no roll call can be had, you are willing to take up for consideration a proposition that has never, under the rules of the House, been regarded as in order in the consideration of a river and harbor bill. You should be very loath to take that step, because if you do it will result in disorder and confusion, and will be against orderly parliamentary procedure.

Mr. SMALL. Mr. Chairman, I ask unanimous consent that all debate close in six minutes, that the gentleman from Ohio [Mr. BRUMBAUGH] be recognized for one minute, and that I may be recognized for the remainder of the time.

The CHAIRMAN (Mr. FOSTER). The gentleman from North Carolina asks unanimous consent that all debate be limited to six minutes, one minute to go to the gentleman from Ohio [Mr. BRUMBAUGH] and the other five minutes to himself. Is there objection?

There was no objection.

Mr. BRUMBAUGH. Mr. Chairman, I want the membership of the House to understand me thoroughly. In behalf of myself as chairman of the Committee on Railways and Canals and my colleagues on that committee, we are not bidding for the reference of this proposition. In fact, I think it should not at this date be referred to our committee.

Mr. MOORE of Pennsylvania. Should your committee report an appropriation bill anyhow?

Mr. BRUMBAUGH. Now, Mr. Chairman, I want to say that I do not see the propriety or good taste in regard to the eternal fitness of things for the chairmen of other committees making adverse remarks about committees outside of their own. I did not inject myself into this; others have done it. I want to say that this House should treat this committee fairly and on the level, as it does other committees. We shall organize for business, and in the future I do not propose to consent that other large committees take these bills that properly should be referred to this committee. I want to repeat that because this committee has not been alive in the past is no indication that we do not intend to make a live one of it in the future. Having been elected chairman of this committee only a few days ago, I do not ask a clerk at this short session, but when the regular session opens we will expect a clerk and get down to business as a live committee ready to receive and consider any bills which may be referred to it.

Mr. MADDEN. As I understand, the gentleman does not consider his committee moribund?

Mr. BRUMBAUGH. I certainly do not; and all these remarks that have been made are gratuitous and unjust, so far as the present is concerned, and so far as our intention for the future is concerned.

Mr. SMALL. Mr. Chairman, I desire to submit a few remarks on the appeal from the decision of the Chair holding this paragraph with reference to the Chesapeake & Delaware Canal out of order. While I do not desire to retravel the same ground, I am as strongly of the opinion now as I was when I endeavored to present the question that the Rivers and Harbors Committee has jurisdiction of the proposition as it appears in the bill, and that the ruling of the Chairman is wrong. We have appealed from the decision of the Chair. Does that involve any discredit to the Chairman? What is involved in his ruling? Only an expression of an opinion upon a question of parliamentary law—a disputed question, a doubtful question, on which there are two sides. Lawyers who are familiar with trials in nisi prius courts know that where the judge holds a certain way upon a question of law that an appeal is taken to the supreme court of appeals, which may consist of three judges or five judges or nine, as the case may be, and which is the court of last resort. The rules of this House provide that there may be an appeal from the decision of the Chair, and it involves no more discourtesy to the Chairman of the committee than does an appeal from a nisi prius judge involve a discourtesy to that judge.

Gentlemen like my good friend from Wisconsin [Mr. STAFFORD] and his colleague [Mr. LENROOT] seem to regard with dismay this appeal from the decision of the Chair. I think there is not a gentleman in this House, upon either side, who in his past record as a Member has exhibited the ingenuity and skill in parliamentary law by presenting appeals from the decision of the Chair more frequently than my distinguished friend the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Chairman, the gentleman does not wish to misrepresent me.

Mr. SMALL. I do not.

Mr. STAFFORD. I do not recall—I may be short of memory—but I do not recollect that I ever appealed from the decision of any Chairman or from the decision of any Speaker.

Mr. SMALL. Or argued in favor of an appeal? Did not the gentleman argue at some length to sustain an appeal from the decision of the Speaker in the cotton-tax proposition?

Mr. STAFFORD. The gentleman is confusing me with some other Member.

Mr. AUSTIN. Let the gentleman ask him if he did not vote to overrule the decision of the Speaker [Mr. CLARK].

Mr. SMALL. My colleague instances one occasion when the gentleman from Wisconsin [Mr. STAFFORD] was in favor of an appeal. The gentleman has corrected me in my assertion as to the cotton tax, and I yield to his recollection. But the gentleman himself, I have no doubt, would not deny that he has voted to overrule the Chair, either the Chairman of the Committee of the Whole or the Speaker, in various rulings that have been made, sustaining the contention that I am making that there is no discourtesy intended by this appeal from the ruling by the distinguished gentleman from Mississippi, the chairman of the committee.

The rules provide that the Members of the House sitting in in Committee of the Whole shall be a court of last resort and a finality. The Committee of the Whole ought to vote on this appeal in the light of law and reason and in furtherance of wise legislation. The Committee on Rivers and Harbors reported the legislation authorizing the examination and survey of this project. The report of the Chief of Engineers when submitted to the House was referred to the Committee on Rivers and Harbors. The same Committee on Rivers and Harbors now reports the legislation embraced in this paragraph adopting the project for the Chesapeake and Delaware waterway. Now, for the first time the jurisdiction of the Committee on Rivers and Harbors is assailed. It comes too late. The point of order is a subterfuge and a snare and is actuated primarily by the desire to defeat the project. Let us assert ourselves and maintain the rightful jurisdiction of the Committee on Rivers and Harbors.

Mr. DUPRÉ. Mr. Chairman, I ask unanimous consent for just one minute.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent for one minute. Is there objection?

There was no objection.

Mr. DUPRÉ. Mr. Chairman, some very handsome sentiments have been uttered regarding the gentleman from Mississippi [Mr. HARRISON], in which I heartily concur; but I do not see how a vote to overrule the decision of the Chair involves any disloyalty to him or disrespect of his high parliamentary qualifications. In fact, I gravely suspect that no gentleman in the House would be more pleased than the gentleman from Mississippi if his own decision were repudiated by the House. [Laughter and applause.]

The CHAIRMAN (Mr. FOSTER). The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken; and there were 42 ayes and 55 noes.

Mr. GILLETT. Mr. Chairman, I ask for tellers.

Tellers were ordered; and the Chair appointed Mr. BOOHER and Mr. MOORE of Pennsylvania.

The committee again divided; and the tellers reported that there were 40 ayes and 64 noes.

So the decision of the Chair was not sustained as the judgment of the committee.

Mr. LENROOT. Mr. Chairman, I move to strike out the paragraph.

Mr. SMALL. Will the gentleman yield to let me perfect the paragraph?

Mr. LENROOT. I will.

Mr. SMALL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Committee amendment: Page 7, after the word "in," at the end of line 6, insert the words "House Document No. 391, Sixty-second Congress, second session, in."

Mr. SMALL. This merely inserts the document, which was omitted by a clerical error.

The amendment was agreed to.

Mr. MADDEN. Mr. Chairman, it is understood now that the opponents to this paragraph of the bill shall have 30 minutes.

Mr. SMALL. That was the agreement.

Mr. LENROOT. Mr. Chairman, what has just transpired in this committee in overruling the decision of the Chair would not have happened on any bill other than a river and harbor bill. It could not and would not have happened had it not been that members of this committee determined to overrule the Chair not upon the merits of the proposition, many of them—some of them did—but it is no secret that many members of this committee voted to overrule the decision of the Chair to sustain the river and harbor committee upon all of the items in this bill, fearing, some of them, that their own items might suffer if they did not do so. I listened to the reply of my friend from Tennessee [Mr. AUSTIN], in which he undertook to criticize me for suggesting that there was anything in the action of any Member of this House in the consideration of this bill before the House but the most patriotic motives.

He asserted that in the consideration of every item in this bill every member was actuated only by the best interests of his country. My friend from Tennessee may make such a statement as that, but it seems to me it rather ill becomes a Member of this House to make such a statement when his boast is that in this House he never votes against an appropriation or for a tax; and yesterday when I asked him whether he would be willing to vote for a tax to raise the expenditures provided for in this bill he declined to answer, and I yield now and ask him that question and ask for a reply.

Mr. AUSTIN. Mr. Chairman, I shall answer the gentleman in my own time.

Mr. LENROOT. I thought that would be the reply that the gentleman would make, but I yield now for a reply.

Mr. AUSTIN. I want to talk a little longer than that when I get after the gentleman.

Mr. LENROOT. Does this House realize that if the doctrine of the gentleman from Tennessee should prevail, voting for all appropriations and against all taxes, it would leave the United States helpless in this crisis, in this war time, with Germany winning the war, leaving the United States nothing with which to carry it on? Mr. Chairman, there does not seem to be a realization on the part of some Members of the House that we are in war. When you talk about carrying on all of these projects involving millions and millions of dollars, do you stop to realize that in the liberty-bond sale, which was concluded yesterday, we had gone to the humblest laboring man in the country and asked him to buy a $50 liberty bond, because we said to him that we needed the money to carry on this war? What do you suppose would have been thought by the thousands of laboring men in this country who have made sacrifices to buy liberty bonds if we told them that we wanted this money to spend a million dollars on the Missouri River, to spend $1,200,000 on the Mississippi River, such as is proposed in the bill? Do you spppose they would have come to the front?

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. LENROOT. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. In a moment. In this revenue bill that has passed the House and is now pending in the Senate, we have taxed the necessaries of life, we have taxed sugar, we have taxed heat and light and various other things. Did we impose that taxation for the purpose of carrying on the improvements that are proposed in this bill? Can any Member of this House justify taking money next winter from possibly starving women and babies for the purpose of expending millions of dollars shown by the hearings themselves to be unnecessary either in the maintenance of existing projects for commercial purposes or for the carrying on of the war? I yield now to the gentleman.

Mr. MEEKER. I just wanted to inform the gentleman that not long ago I filed a petition of 3,500 workingmen of the city of St. Louis in favor of these improvements.

Mr. LENROOT. That is always so. I have no doubt there are 3,500 workingmen in St. Louis who, because they think they have a peculiar and special benefit in this proposition, might be willing to take the bread from the mouths of millions of other people of the country.

As to this proposition which is now pending, which I have made the motion to strike out, the only member of the Office of Engineers who appeared before the Committee on Rivers and Harbors in discussing the proposition made no pretense that it was a military necessity, so far as the Navy is concerned. Of the canal he said that "it is not, of course, important for the movement of vessels of defense"; that is, naval vessels; that the Navy Department desired nothing less than 16 feet as of any special value for their purpose, for the movement of submarines or naval boats and things of that kind; and yet this is being urged as a war measure—a 12-foot canal, when the Navy says they can make no use of it whatever for naval purposes.

Mr. Chairman, in this crisis, whatever we may believe in times of peace when we are going along in a normal way with reference to these appropriations, in this time of war when all of the resources of the country are necessary for the carrying on of the war, every one of us ought to be willing to forget our own projects, to forget the few votes that might come to us from our districts by favoring this bill, if there be such, and remember only that never since the foundation of the Government has there been a time when Members should forget themselves and their districts more than in this hour, when we should consider this question only from the standpoint of the country. If that is done, this bill without any injury to anyone, can be cut down several millions of dollars. [Applause.]

Mr. GOOD. Mr. Chairman, I was interested and somewhat amused the other day when the gentleman from Illinois [Mr. MADDEN] characterized this item as being rotten, and the criticism was taken as a personal affront by the gentleman from Pennsylvania [Mr. MOORE], who at once defended it; and he became so bitter in his criticism I thought we ought to look into the history of this item a little and see whether or not it was above reproach, whether or not there was anything rotten in this item, whether all of the transactions connected with the canal it is proposed to purchase were straight and legitimate. So I got a copy of this letter of the Secretary of War, and what do you suppose I found? I find here that the men in charge of this canal, of a concern where 38 per cent of the stock was paid for out of the Treasury of the United States, and is now owned by the Government, had stolen or permitted to be stolen $609,000 of the bonds of this canal, and the company owning the canal, and the Government owns 38 per cent of the stock in this company, is now paying interest upon that amount of bonds that were spirited away, and now we are about to appropriate money, we do not know how much, ten or twelve million dollars, and the fellows who got those bonds will get $609,000 out of the Treasury of the United States for the bonds for which not a dollar, according to this report, was ever paid to the canal company.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. GOOD. Yes.

Mr. MOORE of Pennsylvania. Does not the gentleman know that that whole matter was thoroughly investigated by a Senate committee?

Mr. GOOD. I know that whole matter was thoroughly investigated by a commission appointed by Congress to investigate it, and the secretary of the company in his letter says that the total bonds of the company amount to $2,609,000, and that there was included a fraudulent overissue of $609,000.

And yet the gentleman from Pennsylvania complains because the gentleman from Illinois used the mild term of "rotten" when referring to the very rotten canal transaction, a transaction which the secretary of the company itself characterizes as fraudulent.

Mr. MOORE of Pennsylvania. Will the gentleman yield now? The gentleman tries to be fair at times. Because a bank clerk has peculated from a bank, has been arrested and put in jail, should the bank be forever condemned as rotten because it brings the crooks to terms?

Mr. GOOD. I am not condemning the bank. I am criticizing the rotten canal transaction. The canal company was responsible for these bonds. It permitted $609,000 of its bonds to be stolen, and now this concern wants to get into the Treasury of the United States.

Mr. MOORE of Pennsylvania. The gentleman is harping on something that occurred years ago, of course.

Mr. GOOD. I am complaining that this canal company, owned in part by the Government, permitted $609,000 of its bonds to be stolen.

Mr. MOORE of Pennsylvania. And the mote has grown to such proportions that it obliterates his sight. Will the gentleman yield?

Mr. GOOD. I decline to yield for a speech. If the gentleman has information and wants to give it, I shall be very glad to yield, but he seems to be ignorant of the early history and fraudulent action of the officers of this canal company. But I want to make this observation, that a company like this, owned in part by the Government, that will permit others to rob it will, if given a chance, itself rob the Government. Remember that we are starting on a project now that was conceived in fraud. The men who had charge of the building and financing of this canal, of which 38 per cent of the stock was subscribed by the Government, stole or permitted to be stolen from the company $609,000. How much will they be able to get away with of the $10,000,000 that you are about to appropriate for the purchase and repair of this canal?

Mr. MOORE of Pennsylvania. Here is a report dated 1829. Those men are dead long since. The gentleman is thrashing over their graves.

Mr. GOOD. You see when you put your finger on these tender spots, not only spots that are tender but spots that are rotten, spots that are corrupt and fraudulent, and admittedly so, the gentleman rises immediately and tries to interrupt one who is trying to give the House a little information that the committee has tried to keep in the dark. Not a word in the report of the

chairman of this committee that reported the bill of the $609,000 of fraudulent overissue. Why?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. Mr. Chairman——

The CHAIRMAN. The gentleman from Illinois is recognized for five minutes.

Mr. MADDEN. Mr. Chairman, this scheme we are about to vote upon very soon now was conceived in iniquity and sin, and it is still iniquitous, and still rotten, and still undeserving, and now we are to purify it by the expenditure of millions of dollars out of the Treasury of the United States. [Applause.]

Mr. SMALL. Will the gentleman allow me to ask him a question?

Mr. MADDEN. Yes, sir.

Mr. SMALL. Can not the gentleman possibly be serious while indulging in those violent adjectives? [Laughter.]

Mr. MADDEN. I will say to the gentleman from North Carolina I never was more serious in my life, and never more serious in my purpose to expose the iniquity involved in this nefarious enterprise, never more serious in my purpose to prevent the consummation of an iniquity, than I am in my purpose to defeat this rotten measure. Does the gentleman think that is serious enough? [Laughter.] If he thinks I am not sufficiently serious I will say a few more things that are still more serious. Is the gentleman serious in his endeavor to foist this rotten incubus onto the Treasury of the United States? Does he believe that this wart, known as an inland waterway, sought to be purchased on the recommendation of the gentleman from North Carolina [Mr. SMALL], chairman of the Committee on Rivers and Harbors, is justified as an emergency war measure?

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask that the gentleman's words be taken down.

Mr. MADDEN. Does the gentleman want to come to the defense?

Mr. MOORE of Pennsylvania. He says it was being foisted on the Government at the recommendation of the gentleman from North Carolina.

The CHAIRMAN. Does the gentleman ask that the words be taken down?

Mr. MOORE of Pennsylvania. If the gentleman will modify his language I will not ask that they be taken down.

Mr. MADDEN. I demand the gentleman prove his statement that I am stating an untruth. I challenge the statement of the gentleman.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. MOORE] desire the words to be taken down?

Mr. MOORE of Pennsylvania. If the gentleman yields to me to prove to him the inaccuracy of his statement——

Mr. MADDEN. I do not yield the floor. The gentleman seems to think he has a right to the floor no matter who occupies it.

Mr. MOORE of Pennsylvania. I will defend those who are in their graves.

The CHAIRMAN. Does the gentleman from Pennsylvania desire the words be taken down?

Mr. MOORE of Pennsylvania. If the gentleman withdraws what he said about the personal interest of the gentleman from North Carolina about this rotten scheme I will.

Mr. MADDEN. Mr. Chairman, I deny I made any such statement.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] is recognized.

Mr. MOORE of Pennsylvania. Then the gentleman will proceed in order, and I will call him again.

Mr. SMALL. I do not desire that he withdraw it.

Mr. MADDEN. I made the statement and continue to reiterate the statement that this measure is being considered upon the recommendation of the gentleman from North Carolina [Mr. SMALL] as chairman of the Committee on Rivers and Harbors. That is what I said. That is what I still say. Does anyone deny it? Does the gentleman from Pennsylvania deny it? Does the gentleman from North Carolina deny it?

Mr. MOORE of Pennsylvania. I do not deny it.

Mr. MADDEN. Then why do you want to inject interruptions into what I say?

Mr. MOORE of Pennsylvania. The gentleman said it was a rotten scheme.

Mr. MADDEN. I say so now. It is still rotten.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. The gentleman from North Carolina holds a different opinion.

The CHAIRMAN. The gentleman's time has expired.

Mr. FREAR. Mr. Chairman, the time is to be occupied equally by those who were in favor of this and those who were opposed to it.

The CHAIRMAN. The present occupant of the chair was not in the chair at the time.

All time has expired. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

Mr. GILLETT rose.

The CHAIRMAN. The gentleman from Massachusetts is recognized for five minutes.

Mr. GILLETT. I rose simply to call the attention of the Chair to the fact that the time has not elapsed.

Mr. GREEN of Iowa rose.

The CHAIRMAN. The time has elapsed. The Chair will recognize the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Chairman, I do not intend at any length to discuss the merits of this proposition, nor the merits of any other proposition in the bill, beyond saying that it seems to be quite clear that this can not be considered as a military necessity at this time, for the reason that it is utterly impossible for the canal to be completed in time to be used or to be of any use before this war is over and we either win the war or are beaten.

Such being the case, I can not approve appropriations of this kind at this time. As a member of the Committee on Ways and Means, I sat with the other members of that committee for many weeks hunting and searching in every direction possible to find something upon which we could lay a tax without inflicting any hardship upon the American people. After all our searching and hunting we were unable to find anything that did not surpass either in degree or in form taxes which were proper in times of peace, and we were obliged in some measure to levy taxes which necessarily inflict hardship on those who will have to pay them. Unfortunately, too, we felt compelled, in order to raise the great amount of money necessary, to put taxes to some extent on the necessaries of life, although our bill only carried taxes on necessities to a small extent. Now, another body has been searching and hunting to find some other means of revenue and other objects of taxation, and after all their searching, as I understand it, they have found simply a tax on candy—some method of taking pennies from the children—and a tax on checks.

In addition to this enormous sum that we have called upon the people of the United States to raise, and which we will eventually go out and tell them as patriotic citizens they ought to pay—in addition to this enormous sum of $1,500,000,000 or $1,800,000,000 that we have thought proper to raise, we have been conducting a canvass from house to house all over this country, asking the citizens to do their patriotic duty and subscribe for liberty bonds. To do what? To build these canals, to dredge some of these creeks, to widen some of these channels? No; to carry on this war and save the country and win the war. And that is what the people subscribed for, and nothing else.

Mr. Chairman, I think this proposition ought to be voted down. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. LENROOT. Mr. Chairman, a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 24, noes 52.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk began to read.

Mr. MADDEN. Mr. Chairman, I make the point of no quorum.

Mr. MOORE of Pennsylvania. I make the point, Mr. Chairman, that that is too late. The Clerk had begun to read.

Mr. SMALL. I hope the gentleman will withdraw that.

Mr. MADDEN. Mr. Chairman, it has been suggested to me by a number of gentlemen that I should let that go, and I will withdraw it.

The CHAIRMAN. The gentleman from Illinois withdraws the point of no quorum. The Clerk will read.

The Clerk read as follows:

Baltimore Harbor and Channels, Maryland: For maintenance of Patapsco River and Channel to Baltimore, including channel of approach at York Spit, Chesapeake Bay, $104,000; for improvement in accordance with the report submitted in House Document No. 799, Sixty-fourth Congress, first session, and subject to the conditions set forth in said document, $250,000; and the Secretary of War is hereby authorized to prosecute maintenance work in the inner harbor in accordance with the recommendation submitted in said document; in all, $354,000.

Mr. AUSTIN. Mr. Chairman, in reply to the gentleman from Wisconsin [Mr. LENROOT] I wish to read from his speech which called forth my criticism. He said:

If the supporters of this measure now desire to overrule the Chair upon this proposition, they will demonstrate to the country beyond

peradventure that this bill is not being considered upon its merits, and that wherever there is a piece of pork in it they are willing to violate the rules of this House in order to keep that pork in it, so that the pork may be had for other items in the bill that they are afraid might be lost unless all the other items remain in.

Mr. Chairman, the Secretary of War, who is charged under his oath with the responsibility of caring for river and harbor improvements, has O. K'd and approved every item in the pending bill, and that Cabinet officer is at the head of the Army which is to wage a successful war against Germany. Now, can the gentleman from Wisconsin [Mr. LENROOT] be more deeply concerned in the successful prosecution of this war than a high Cabinet officer who is directly charged with the management of the Army?

Mr. GOOD. Will the gentleman yield for a question?

Mr. AUSTIN. No; I have only five minutes.

Mr. GOOD. I had only five minutes, and I yielded to several questions.

Mr. AUSTIN. I have only five minutes. Each and every item in this bill has been approved by the Secretary of War.

What else? Why, the gentleman from Wisconsin [Mr. LENROOT], who aspires to the leadership of this side of the House, is unkind and unjust enough to say that his Republican colleagues and his Democratic colleagues are not voting for or considering this bill upon its merits. Is not that a challenge to the honor of every man on this floor? If those of us who favor it—and a majority of us favor it—are not considering it upon its merits, but alone upon the lines of "pork," is it not a challenge to our honor; and if that challenge holds good, is it not a reflection upon the integrity and the conscience of every man here who favors this bill, and has he not, according to the statement of the gentleman from Wisconsin [Mr. LENROOT], violated his oath of office? If the gentleman from Wisconsin is proud of his utterance, I do not envy him. I think he owes it to himself and to his colleagues who have honored, respected, and trusted him to apologize to them before the close of this day's session.

Now, the gentleman says something about voting for revenue bills. I voted for the last Republican tariff bill which passed this House, and the gentleman from Wisconsin [Mr. LENROOT] voted against it. I voted with more than nine-tenths of the Republican Party, and he voted with all the Democrats. I put my record for voting for the last Republican tariff bill against the record of the gentleman [Mr. LENROOT] and of Senator LA FOLLETTE, who also voted against it. I repudiate the reflection sought to be cast upon the gentleman's colleagues by him. I stand here for the integrity and the honor of the membership of this House. If we do not respect ourselves and stand up here for our own honor, who will stand up for us? I prefer to believe in the honor and integrity of my colleagues, rather than to stand up with the yellow journalism of this country in reflecting upon their honor and questioning their motives in supporting this and other measures. [Applause.]

Mr. LENROOT. I have only this to say in reply to my good friend from Tennessee—and we are personal friends—that whenever I find the gentleman from Tennessee voting against any appropriation that is proposed in this House I shall be prepared to apologize to him for the remark that I have made, but not until then.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. I yield to the gentleman.

Mr. GOOD. A short time ago the gentleman from Wisconsin [Mr. LENROOT] propounded an inquiry to the gentleman from Tennessee as to whether or not he would vote for a tax to pay this appropriation, and the gentleman was going to answer it, but I listened patiently, and the gentleman from Tennessee did not state whether he would vote for such a tax, and I hope the gentleman will yield his time so that the gentleman from Tennessee can answer that question.

Mr. AUSTIN. I have said that I voted for the last Republican tariff bill, and the gentleman from Wisconsin [Mr. LENROOT] voted against it. I voted for these appropriation bills because I believed them to be meritorious; and the Members of this House who compose those committees, acting under their oaths, reported out those bills that were meritorious and deserved my support.

Mr. LENROOT. Now, I have some time left, and I ask the gentleman will he not answer the question I have several times propounded to him, whether he is willing to vote at this session for taxes to pay these appropriations?

Mr. AUSTIN. I voted against the late revenue bill, which the gentleman from Wisconsin supported and the country repudiated, and which the United States Senate is going to repudiate. [Laughter.]

Mr. LENROOT. That does not answer my question.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Rockhall, Queenstown, Claiborne, Tilghman Island, Cambridge, and Crisfield Harbors, Elk and Little Elk, Chester, Corsica, Choptank, Tuckahoe, Warwick, La Trappe, Tred Avon, Wicomico, Manokin, and Pocomoke Rivers, Slaughter, Tyaskin, and Broad Creeks, Twitch Cove and Big Thoroughfare River, and Lower Thoroughfare, Deal Island, Md.; Nanticoke River (including Northwest Fork), Del. and Md.; and Broad Creek River, Del: For maintenance, $15,800.

Mr. FREAR. Mr. Chairman, I invite the attention of the committee——

Mr. SMALL. Is there any motion pending?

Mr. FREAR. I move to strike out the last word. I invite the attention of the committee to this paragraph of the bill which has just been read by the Clerk. Heretofore the statement has been made to the House that it will not be difficult to move to strike out certain items from this grouping system wherever they occur, whenever it is the disposition of the House to do so. I point out here that about 30 items are placed in this group, which never before have been grouped together, with a $50,000 balance remaining to their credit substantially. According to the bottom of page 8 of the bill, substantially 30 items, possibly 29, are grouped, while heretofore some of these items have been criticized in the House. I do not propose to enter into any discussion with regard to the individual items now, but I call the attention of the House to the fact that no one hereafter will ever be able to challenge one of these items when it appears in this bill, nor in any other grouping system can you challenge a single item. When it is placed in the bill it stays there. It is no matter whether it may be worthless, no matter whether there is no commerce on the stream, the money may be poured in there, as we have seen in so many cases, without any return whatever to the public, and we continue to pay that money without an opportunity to know where the money is going or how to get rid of the objectionable items.

Here are 30 items strung all along the coast in this neighborhood and grouped, and some of them have been already criticized. This is only one evidence, possibly one of the worst of the system, in which you have covered up for all time any effort hereafter to get after these specific items or to show up the character of them, because the appropriation goes to the total and the engineers can give it to any item they choose.

As I stated early in the discussion, in the case of the Toms River and in the case of Cold Springs Inlet and two or three other items that were in that group, the most of which will not stand the light of day, the Army engineers can turn the money over in the same way. It is said, "Oh, yes; you can pick them out; you can move to strike out," but you can not move to strike out unless you have before the committee the amount of money that is to be expended on the item. So I say that the Army engineers have succeeded in preparing a bill which I have no doubt will be followed in the future, and which will prevent the striking out of any items by the House.

Mr. MADDEN. Mr. Chairman, I move to strike out in this group the word "Queenstown."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 8, line 20, strike out the word "Queenstown."

Mr. MADDEN. Mr. Chairman, I move to strike out this word because no one would know from the reading of this bill whether any money is appropriated for the Queenstown improvement or not. No one will know if that paragraph is passed whether Queenstown will ever have any part of the $15,800 appropriated for the total aggregate expended at the improvement.

Mr. JAMES. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. JAMES. On page 103 of the report of the committee, it states that the value of the commerce in 1913 was $1,307,000. In 1914 it was $1,067,000 and in 1915 $323,000.

Mr. MADDEN. So it appears from the record of the War Department that the commerce has fallen off two-thirds since 1913, and the presumption is that if we keep that up another year or two there will be no commerce at all.

Mr. JAMES. And the next item in reference to Claiborne Harbor, the value of the commerce in 1913 was $9,075,000, and in 1915 it was $1,502,000.

Mr. MADDEN. So it seems that even Claiborne, once a great mart of trade, having a commerce valued at $9,000,000 has now fallen into a state of innocuous desuetude. And then, it seems to me, Mr. Chairman, that with a paragraph like this, with 30 or 40 items in it, with no indication given as a matter of information as to the value of the commerce in either case, it is no evidence as to what amount of money is to be expended for

any item in the paragraph, with an appropriation of $15,800 for them all, it is utterly lacking in information. Who knows but that the whole $15,800 will not be expended on the least meritorious item in the paragraph? Who knows that it will not be spent on one item in the paragraph that has no merit whatever? Does not the chairman of the Committee on Rivers and Harbors believe that the time has come when evidence or information, or whatever you may call it, should be furnished to Members of the House charged with the responsibility of legislating on these great propositions in the name of war emergency? Does not the gentleman know and ought he not to accede to the request of the Members of the House to furnish information to the effect that at any rate each one of the items in this paragraph has something to do with the war emergency?

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. GREEN of Iowa. Is there any way of finding out whether the creeks or duck ponds mentioned here are located on any map?

Mr. MADDEN. The gentleman from North Carolina and the gentleman from Pennsylvania, his successful ally, have not condescended to furnish to the ordinary Members of the House any information as to the location of these places where the money of the Treasury is to be expended and for which the people, already overburdened with taxation, are to be taxed again in order that they may be able in the name of an unknown war emergency to take large sums of money out of the Federal Treasury.

Mr. MOORE of Pennsylvania. Does the gentleman want the information?

Mr. MADDEN. Certainly; but I do not believe that the gentleman from Pennsylvania can give it, and therefore I decline to yield. [Laughter.]

Mr. MOORE of Pennsylvania. I thought the gentleman would, although he asked for it.

The CHAIRMAN. The time of the gentleman from Illinois has expired. All time has expired, and the question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. MADDEN. Mr. Chairman, I move to strike out the words "Elk" and "Little Elk" on page 21.

The Clerk read as follows:

Page 8, line 21, strike out the words "Elk" and "Little Elk."

Mr. MADDEN. Mr. Chairman, I want to elicit some information with reference to these animal names.

Mr. MOORE of Pennsylvania. Does the gentleman want the information?

Mr. MADDEN. I decline to yield. I do not know whether this is to be a hunting ground of some member of the committee that reports the bill or one of those places where you meet in social gayety in some backwoods town or whether it is a place where we have commerce that has something to do with the war. Elk and Little Elk would seem to indicate some condition that would enable a man to exercise his disposition and privilege of hunting. But it might mean that it belongs to some feature of the Elk Order where men can enjoy social converse with their fellows when they find themselves in a town where they are unknown except to brother Elks.

It certainly can not mean that it has anything to do with the conduct of the war, and yet the chairman of the Committee on Rivers and Harbors tells the House that the Secretary of War was persuaded by him to certify to the fact that this is an emergency war measure, and he also tells the House that the President of the United States certified to the fact that this bill is an emergency war measure. I wonder if the President of the United States and the Secretary of War were taken into the confidence of the gentleman from North Carolina with respect to what Elk and Little Elk mean, and where they are—whether they are animals to be shot at or things to eat or places of social converse; whether they have anything to do with moving the food supply to the starving soldiers abroad or the people in Belgium who have been put into a position of starvation by the conduct of the Germans; whether we are going to be able to float ships to carry the seasickness out of the sea through one of the channels known as Elk and Little Elk, or whether this is just a pleasantry that has been put into the bill for the delectation of the Members of the House; and if so, or in any case, however the thing happens, about how much money is to be spent upon it, and what is the amount of commerce carried upon it, if it is water, and, if it is beer, why we will not call attention to the commerce in connection with it. But in any case, it seems to me that the chairman of this committee, otherwise industrious, intelligent, patriotic, insistent upon bringing this bill to the light of day, ought to tell the Members of the House what these Elks consist of, whether they are simply the skins of elks or the horns of elks, or whether they have four feet and are able to run, or whether it is simply a channel that carries water between two banks, or one of these streams that sleeps in its own bed, or whether it is a sluggish stream that has no current; whether it contains water hyacinths that have to be removed as the result of the appropriation out of the Public Treasury, and whether water hyacinths are really good food for elks, and, if they are not good food for elks, if they are good food for the soldiers that are to fight the battles to preserve the honor of the Nation—whether, in short, as a matter of fact, Elk and Little Elk have any place in this bill or any other bill.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SMALL. Mr. Chairman, in listening to the gentleman from Illinois [Mr. MADDEN] we have difficulty in determining whether he is humorous or merely serious, but on this occasion there is no doubt whatever. He varies in his opposition to items. Sometimes he exhausts his vocabulary in applying derogatory adjectives, in which he is unjustified, and sometimes he indulges in facetiousness and satire. It is for him to judge how successful he is in either rôle; but I do call the attention of the committee and, if possible, the country to the kind of opposition to the river and harbor appropriation bill, of which this is a fit sample. Mr. Chairman, if the gentleman had consulted the reports of the Chief of Engineers, which are available to him and to every other Member of the House, consisting of three volumes, on page 425 of the first volume he would have found a full discussion of the Elk and Little Elk Rivers, in Maryland, which constitute one project, and in that he would have learned that there was no estimate or recommendation for any appropriation in the bill, and none is carried, the reason being that the available balance on hand is sufficient to take care of this project during the ensuing fiscal year ending June 30, 1918. And I commend to the gentleman these reports, with which he does not seem to be familiar, before indulging with such satisfaction in humor and facetiousness in discussing river and harbor items.

I desire further to submit this observation: We had an attack here a moment ago upon the Chesapeake & Delaware Canal. I say, upon my reputation as a man for intelligence and official integrity, that it is a proposition of great merit, both for commerce and for national defense.

I have here before me these reports, all recent ones, first, Senate Document No. 215, Fifty-ninth Congress, second session, which is a report made by the commission of which Gen. Felix Agnus, the distinguished editor of the Baltimore American, was chairman, which is filled with arguments and recommendations in favor of the project. Gen. Agnus is an eminent economist and a distinguished Republican. I have before me another report, House Document No. 391, Sixty-second Congress, second session, a general report of a special board of engineers, followed by a report of the Board of Engineers for Rivers and Harbors, and then followed by the report of the Chief of Engineers, all favorable to this project. One feature of the project was left for final conclusion, and a final report was embodied in House Document No. 196, Sixty-third Congress, first session. Then I cite another document, Senate Document No. 14, Sixty-fourth Congress, first session, being the report of the Secretary of War upon a Senate resolution asking him to report as to the military value of this waterway. I commend those reports to gentlemen. I think it is fair to say that no gentleman who rose in his seat this afternoon and criticized this project has read any of those reports. I further say this, that I would be willing to hand these reports to the distinguished gentleman from Massachusetts [Mr. GILLETT], a man of trained mind, and in whose intellectual integrity I have confidence, give him several days to digest them, and I say that I will abandon the advocacy of this project if that gentleman will then come in and say that the characterization of the project by these other gentlemen is well founded. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The amendment was rejected.

Mr. MADDEN. Mr. Chairman, I move to strike out, on page 8, line 24, the word "Slaughter."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: Page 8, line 24, strike out the word "Slaughter."

Mr. MADDEN. Mr. Chairman, I do not know what this item in the bill entitled "Slaughter" refers to, whether it is a slaughter pen for mosquitoes or bedbugs or flies or gnats or muskrats, or what, whether it is something over which they carry commerce; but in all events it has no place in the report of the committee, and this is not the only item in this paragraph that

is not printed in the report of the committee. For example, we have Tilghman Island, Cambridge, neither of which is reported, Crisfield Harbor not reported, Elk and Little Elk not reported. Choptank not reported, Tuckahoe not reported, and Warwick not reported, Tred Avon not reported, Wicomico, Manokin, Pocomoke Rivers, Slaughter, Broad Creeks, Twitch Cove, and so forth, not reported.

Now, it may be that the word "Slaughter" should have been annexed to the words "Elk" and "Little Elk." And then we would have understood by the words that "Elk" and "Little Elk" had appeared on a former line. Then we would have realized that the hunting ground of the men who shoot elk could be found in the neighborhood of these titles. But as it is we find the words "Elk" and "Little Elk" in one place and "Slaughter" in another place, way down on the page.

Mr. COX. It may be that the word "Slaughter" there may mean slaughter of the Treasury of the United States.

Mr. MADDEN. I had forgotten that. I know the Committee on Rivers and Harbors never thought of that side of the case, for they have no consideration for the Treasury of the United States. That is the last thing they think about.

The question with them is, Are there any streams anywhere in the United States upon which the money of the Treasury can be used? Not the question of how much traffic there is on the stream, not the question of how much we can economize, not the question of how much the burden of taxation may be upon the already overburdened tax-laden people of the United States, not the question of what is an emergency war measure, not the question of how we can transport troops, not the question of how we can transport the food to the troops, but how can we slaughter the Treasury. That is the question. That is the question that is foremost in the minds of those who advocate these improvements for rivers and harbors.

True there are items in the bill that are worthy, and I am proud to certify to that, and I am for the items in the bill that are worthy, and I would like to see a river and harbor bill framed every item of which is worthy, so that we could have unanimous support for it and let it go to the people of the country as the work of the unanimous membership of the Congress of the United States.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. HUMPHREYS. Mr. Chairman——

Mr. MADDEN. Does the gentleman from Mississippi wish to ask me a question?

Mr. HUMPHREYS. No.

Mr. MADDEN. I thought the gentleman was curious.

I yield to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. The gentleman from Illinois [Mr. MADDEN], as I understand, does not see the value of these creeks in a military and naval way, and the thought has just occurred to me that possibly if we get the mouths of these creeks open the Germans might sail up there and get stuck in the mud.

Mr. MADDEN. The trouble is that these creeks are getting the mouth of the Treasury open. That is where the trouble lies. They eat up every dollar we have in the Treasury that ought to go to other and more valuable purposes.

Mr. SMALL. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HUMPHREYS. Mr. Chairman, the gentleman from Illinois [Mr. MADDEN] said that I looked curious, and I am. It is enough to excite the curiosity of any man to listen to the address just delivered by the gentleman from Illinois on the Slaughter Creek proposition, and it is in keeping with a great many criticisms that are made of the river and harbor bill. Up to date all the appropriations the Government has ever made for Slaughter Creek are less than $5,000, all put together. Yet the commerce floated on Slaughter Creek last year was valued at more than $1,000,000. [Applause.] A great many gentlemen object to appropriations because they are carried for creeks, or, as they frequently say, "Carried for 'cricks.'" The fact of the business is, that is due entirely to the ignorance of the critics concerning the geography of this country, and not due to any lack of merit in the creeks. [Applause.]

Now, let us take the Suez Canal as a standard by which to measure values. It floats around 20,000,000 tons a year. The creeks in this country for which we provide appropriations carry annually more than 7,000,000 tons, all of it American commerce and tonnage, valued at, last year, $185,000,000. [Applause.] We have spent in all the tide of time combined less than $3,000,000 for all the creeks in the United States since we began to make appropriations. And yet those creeks float annually approximately $200,000,000 of American commerce. And because gentlemen are not informed, because they have not taken the time to ascertain where the creeks are located, and what the creeks are named, they assume that they are some worthless, trivial, unimportant waterways, and, as one gentleman expressed it yesterday, that a terrapin would grow thirsty in.

Now, there is carried in this bill $35,000 of appropriations for all these creeks put together. There never has been and never will be a railroad constructed in the United States that can carry the commerce borne on the creeks provided for in this bill for $35,000 annual maintenance. There may be just criticism of items in the bill. It may be there are things here that ought not to be here, but certainly the creeks are not those items. And gentlemen who pick out that particular feature of the bill to level their criticisms against are simply giving evidence, if evidence were needed, that they were striking blindly, as a gentleman suggested yesterday.

Now, although there is nothing specifically mentioned in this bill for Slaughter Creek, last year it carried $1,000,000. There are $15,000 carried for all the small streams mentioned in that particular paragraph. If Slaughter Creek should be allotted out of this appropriation as much as has been allotted to it in all the years put together heretofore, it would be $4,000, and I submit to the gentlemen of this House that a stream that carries $1,000,000 worth, or more, of commerce every year is worthy to be allotted $4,000.

Mr. MADDEN. That is the information I have been searching for and which I would not have received if I had not made the statement that I did make.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. MADDEN].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Potomac River, at Washington, D. C., at Alexandria, Va., and at Lower Cedar Point, Md., Anacostia River, D. C., Occoquan, Aquia, Upper Machodoc, and Nomini Creeks, Va.: For maintenance, $30,000.

Mr. GILLETT. Mr. Chairman, I move to strike out the last word.

The gentleman from North Carolina [Mr. SMALL] a few moments ago criticized the tactics of those who are opposing this bill, and I wish to say just a word about the tactics of the majority who favor this bill. There happened a few moments ago a very unusual incident. The Chairman of the Committee of the Whole on appeal had one of his decisions overruled. Now, the Chairman of the Committee of the Whole is always from the majority party, and it is a very rare thing that his decision is reversed, because appeals from the decisions of the Chair are generally taken by the minority on the ground that they think the Chair has been partisan and has ruled against their interests. That is the usual cause of an appeal, and being supported by the minority it is very rare that it succeeds. But when it does it is generally by the votes of the minority supported by a very few from the majority. In this case the facts are quite different. The gentleman from Louisiana [Mr. DUPRÉ] suggested that the Chair would probably be delighted to have its decision overruled, indicating that the Chair's sympathies were with the resolution, but that performing his duty as a presiding officer he looked not to the merits of the proposition but at the legal problem before him.

Mr. DUPRÉ. Mr. Chairman, will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. DUPRÉ. The gentleman from Louisiana does not presume to speak with any authority.

Mr. GILLETT. I did not suppose so.

Mr. DUPRÉ. My remarks were largely jocular.

Mr. GILLETT. They were very effective, I think.

Mr. DUPRÉ. Somebody said I talked as well as the gentleman. [Laughter.]

Mr. GILLETT. The fact that he ruled against his sympathies did credit to the Chair, of course. The Chair, under the responsibility of his position, did as the Chairman of the Committee of the Whole and as the Speaker of the House generally do, looked not at the merits of the question involved but at the legal question brought before him, and so the Chair sustained the point of order. He subordinated his wishes to the law. And, as I say, it did him credit. But we, when we come to vote on the appeal, ought not to be influenced by our feelings toward the merits any more than the chairman is. We, when we are voting on an appeal, are just as much subject to the duty of following parliamentary law as the chairman is. His responsibility is no greater than ours. He decides what he thinks is parliamentary law. When an appeal is taken from his decision and we vote upon that appeal we are acting as judges, and we ought to vote not according to our wishes but according to parliamentary law.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. LONGWORTH. I think the gentleman is correct in saying that the overruling of the decision of the Chair on a river and harbor bill is unusual, but it is not altogether unprecedented. I recall an instance, and probably the gentleman will recall it, when an amendment offered not to the river and harbor bill, but to the sundry civil bill containing items for public buildings, requiring that the public building at Cleveland should be constructed of granite rather than sandstone, was ruled out of order by the Chair, and the House overruled that decision of the Chair.

Mr. GILLETT. I remember that proposition well, and as the gentleman also will recall, the incidents that led up to it. There were some alleviating circumstances. But although I sympathized with the gentleman who took the appeal yet, because I thought the Chair was right in his ruling, I voted to sustain the Chair.

Mr. LONGWORTH. I merely desired to call it to the attention of the House that this was not absolutely unprecedented.

Mr. GILLETT. No; it is not absolutely unprecedented, but it is very unusual, and that very vote was on what is known as pork legislation, on an item for a public building, that shows the viciousness and meaning of this vote. The river and harbor bill, more than all others, is considered by the outside world as a question where men's own interests are involved as against the public good, and therefore it is a question where we should scrupulously observe parliamentary law and not vote down the decision of the Chair, because we do not like the effect of that decision. But to secure a certain appropriation the Chair was overruled, and the votes were cast mainly by members of his own party, while we on this side were the ones who supported him.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. SMALL. Mr. Chairman, I ask unanimous consent that the debate on this paragraph and all amendments thereto now close.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that debate on this paragraph and all amendments thereto close. Is there objection?

Mr. FESS. Reserving the right to object, Mr. Chairman, I would like to ask the chairman of the committee one question. It will not take more than a minute.

Mr. SMALL. I withdraw the request temporarily, then.

Mr. FESS. I wanted to ask whether there is carried in this bill anywhere an item with reference to the narrowing of the channel in the Potomac out beyond Potomac Park?

Mr. SMALL. Of course, there are so many items which are under improvement by the Government that it is difficult sometimes to be correct by memory, but I do not think there is any recommendation for any narrowing of the channel, and I am confirmed in that opinion by the Clerk.

Mr. FESS. I wanted to make some inquiry as to the policy of the Government in narrowing the channel, and I wondered whether this was the place to make the inquiry.

Mr. SMALL. It would be perfectly appropriate. It would not be narrowed except as the result of an investigation. I renew my request, Mr. Chairman.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Norfolk Harbor and Channels, Va.: For improvement, including channel to Newport News, in accordance with the report submitted in House Document No. 605, Sixty-third Congress, second session, and in accordance with the report submitted in Senate Document No. 3, Sixty-fifth Congress, first session, item "B," page 5, $900,000. The unexpended balance of appropriations heretofore made for improvement of channel to Norfolk, Va., is hereby made available for continuing improvement of said channel in accordance with the report submitted in said document.

Mr. SMALL. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from North Carolina offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment, page 9: Strike out the words "Senate Document No. 3," in lines 13 and 14, and insert in lieu thereof the words "House Document No. 140."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word in order to ask the gentleman from North Carolina a few questions about this.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MADDEN. We have been spending a good deal of money down at Norfolk. Is this an extension of the project that we entered upon some years ago and upon which we have spent a large amount of money? Exactly what does it do that we have not been doing?

Mr. SMALL. I can explain that very briefly. There has been an existing project for several years for 35 feet up to the navy yard. That depth prevails there now. This new project which is adopted here provides for widening the channel up to the navy yard, which is on the southern branch of the Elizabeth River, and also for widening the anchorage grounds at Lamberts Point, and also on the western branch at Pinners Point, and also widening the channel up to Newport News. That is the House document referred to—the first document that is referred to. The second document—House Document No. 140, Sixty-fifth Congress, first session—according to the amendment that I have just sent to the Clerk's desk, is based upon the recommendation of the Secretary of War and the Secretary of the Navy in response to a provision in the last naval appropriation bill asking for recommendations as to harbors and channels for the better operation of the fleet, and so forth, and that report recommended an increased depth of 40 feet up the southern branch of the Elizabeth River to the navy yard and a little further widening of the channel up to the navy yard.

Mr. MADDEN. That will cost $900,000 more than the project we have under way. Is that right?

Mr. SMALL. That does not include the entire cost. The entire cost of the larger project adopted here is $4,039,000, but the engineers said that this was all we could profitably expend during the next fiscal year. The greatest expense there is in acquiring the additional width of 750 feet.

This appropriation is to be used first in giving the increased channel of 40 feet in order to accommodate these large capital ships that are in process of construction or authorized.

Mr. MADDEN. Has this project any connection whatever with the appropriation of $1,600,000 that we made a day or two ago in the war deficiency bill for the deepening of the channel at Jamestown?

Mr. SMALL. None whatever. Has the gentleman ever been in Norfolk?

Mr. MADDEN. No.

Mr. SMALL. The southern branch of the Elizabeth River begins between the cities of Norfolk and Portsmouth. There the river divides into the Southern and Eastern Branches, whereas this Jamestown site is 12 miles farther down and fronts on Hampton Roads, so that it is an entirely different location. This does not include any improvement of the channel anywhere near the naval site.

Mr. MADDEN. So that we are adding to the expense of the project already adopted $4,250,000 in this project?

Mr. SMALL. No; I would not say that. The $4,039,000 project supersedes the former project as to the southern branch of the Elizabeth River, and but for the fact that the former document recommended also enlarging the anchorage ground off Lamberts Point and the widening of the channel up to Newport News and the anchorage ground up to Pinners Point, there would be no necessity at all for citing the former report, being House Document No. 605, Sixty-third Congress, second session.

Mr. MADDEN. I am very much obliged to the gentleman for the information. I think it is one of the meritorious projects in the bill, and of course I am anxious to promote meritorious projects wherever I can discover them. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

James, Nansemond, Pagan, and Appomattox Rivers, Va.: For maintenance, $26,000; continuing improvement of James River, $46,000; in all, $72,000.

Mr. FREAR. Mr. Chairman, I move to strike out the last word. I desire first to offer, as a part of my remarks, a proposed substitute for section 16 of the bill when we reach the commission proposition. I just want to have it printed at this time.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD by inserting his proposed substitute for section 16. Is there objection?

There was no objection.

The proposed substitute is as follows:

Mr. FREAR'S substitute for section 16:

"That a commission is hereby created and established, to be known as the National Waterway Commission, hereafter referred to as the commission, which shall be composed of five commissioners who shall be appointed by the President, by and with the advice and consent of the Senate. Not more than three of the commissioners shall be members of the same political party. The first commissioners appointed

shall continue in office for terms of three, four, five, six, and seven years, respectively, from the date of the taking effect of this act, the term of each to be designated by the President, but their successors shall be appointed for terms of seven years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed. The commission shall choose a chairman from its own membership. No commissioner shall engage in any other business, vocation, or employment. Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. A vacancy in the commission shall not impair the right of the remaining commissioners to exercise all the powers of the commission.

"SEC. 2. That each commissioner shall receive an annual salary of $10,000, payable in the same manner as the judges of the courts of the United States. The commission shall appoint a secretary, who shall receive an annual salary of $5,000, payable in like manner. The commission shall have the authority to employ and fix the compensation of civil engineers, clerks, and other employees as it may from time to time find necessary for the proper performance of its duties and as may be from time to time appropriated by Congress, and in making appointments for continuous service the commission, so far as practicable, shall select its employees from the classified service.

"All property of the United States in the hands or under the control of Army engineers or other officials or of private individuals or public contractors, including dredges, steamboats, barges, yards, and other property used in the improvement of public waterways, shall be placed under the jurisdiction and authority of the commission.

"SEC. 3. That the Secretary of War may, if practicable, detail such Army engineers as are requested by the commission to assist in organizing and establishing a comprehensive system of waterway improvement, providing that such details of engineers shall not be made to the detriment of their military duties.

"SEC. 4. That the commission shall have the authority and it shall be its duty to make an investigation of all waterway projects now constructed in whole or in part by Federal aid. The commission shall prepare a complete and succinct statement, by years, of the amount heretofore appropriated for each project, the estimated amount required to complete such project, a report of the commerce now served and to be served, the character of such commerce given by separate items so far as can be furnished, the source of information, the interests to be served, the kind of water craft used, and such other information as may be useful in determining the public use and value of the project. The commission shall also furnish Congress, at the earliest practicable date, information concerning all harbors and waterways now improved or being improved in whole or in part by Government aid, showing the amount of commerce, character of terminals or landings, ownership thereof, and, so far as practicable, ownership of regular lines of craft used thereon; and the commission shall also report its recommendations for the finishing of the projects now being constructed or modifications of existing plans or abandonment of work on any project, together with findings upon which such recommendations are based.

"The commission shall further ascertain and report what projects are now being improved for purposes other than navigation, and if for power development, a full statement of interests concerned, officers and stockholders, public use to be served, if any, private or public contributions toward expense of construction, and the commission's recommendations thereon. Said commission shall further ascertain and report what projects are now being carried on in whole or in part for land reclamation purposes, the character of such project, amount of lands to be recovered, estimated value of such lands, ownership thereof, and contributions now being made by beneficiaries toward such expenditures, together with the commission's recommendations.

"The commission shall make a full investigation into all work now being performed by the Mississippi River Commission, the amount of money heretofore expended on such river, character and permanency of work performed, and reclamation interests now being served, if there be any, a full statement of contributions by public or private interests toward said work, together with a comprehensive and intelligible report of the probable cost of the present plans of levee construction or other river improvement now being undertaken, the percentage of project completed, and this commission's recommendation thereon. Such Mississippi River report shall be separate and distinct from reports on other projects now under improvement by the Federal Government.

"All of such data and all other available information of a pertinent character affecting particular projects or entire waterway improvements now being conducted by the Federal Government shall be collected in convenient form and presented to Congress in installments at the earliest practicable date.

"When the commission shall have reason to believe at any time that the proposed project is not for general use of the public or will not warrant further expenditures, or if contributions shall be required to be furnished before further appropriations are made or further expenditures authorized, such commission shall immediately report to Congress, with a preliminary recommendation thereon, and shall furnish a copy thereof to the United States Treasurer. That thereupon, when so recommended, the Treasurer shall withhold all funds theretofore appropriated not specifically obligated under existing contracts and shall refuse further payments until subsequent and specific action shall be had thereon by Congress.

"SEC. 5. That prior to the presentation of any new waterway project appropriations the commission shall cause a careful survey of the proposed improvement, and if it shall appear such project is to serve a public use and is feasible, the commission shall thereupon collate data showing the estimated cost thereof, commerce to be served, water craft to be used, public terminals furnished, and contributions recommended to be made by public or private interests, together with such additional data as has heretofore been specifically required to be furnished on existing projects The commission shall thereupon transmit to the Committee on Appropriations of the House of Representatives a full report concerning such new project or projects, its recommendations thereon, and, if requested so to do, all other and further information that may be required by the Committee on Appropriations.

"Whenever the commission shall determine that any waterway project is primarily for power or land-reclamation purposes or to serve special interests, the commission may recommend Government aid for such project, notwithstanding the special interests to be served, and shall prepare data showing the proportionate amount of Federal aid recommended, together with suitable restrictions as to audit and payment of funds from the Public Treasury. Such recommendation shall be presented as a proposed separate bill to the Committee on Appropriations of the House and shall not be embodied in any general waterway appropriation bill by such committee.

"Whenever any new survey shall be proposed for any waterway project, the commission, prior to such survey, may require data to be furnished showing the public use and prospective commerce to be served and such other information as may be desired, and a brief synopsis of such information shall be furnished to Congress by the commission to accompany any recommendations made for new surveys.

"All existing waterways, new projects, and new surveys shall be classified, so far as practicable, prior to each regular session of Congress, together with estimates of appropriations required for maintenance and improvement for the ensuing two-year period, and a brief report as to each project considered shall be separately prepared and, with the commission's recommendation thereon, shall be placed in the hands of the Committee on Appropriations of the House at the beginning of each session.

"Whenever the Appropriations Committee so requires, the commission shall furnish additional data concerning any project, and shall further aid the Committee on Appropriations when requested so to do in the preparation of the regular river and harbor bill, which shall be prepared and presented by the Committee on Appropriations of the House.

"The commission shall further compile and cause to be published at the earliest practicable date for the use of Congress an intelligent, concise statement of past waterway expenditures by the Government and of amounts needed to complete all continuing projects, and shall further give estimates of future obligations to be incurred by new projects recommended for construction. The commission shall give preference in its recommendations to Congress of appropriations needed to complete the more important projects, and, so far as practicable, shall enter upon a program looking toward the early completion of such projects.

"The commission shall make a thorough investigation of reasons for loss of river traffic and shall make recommendations for the reestablishment of such traffic. It shall ascertain and determine the most available craft for river use, and, as soon as practicable, shall prepare plans and build experimental craft for such purpose.

"Whenever reason therefor shall appear the commission may fix reasonable freight rates on all interstate water-borne traffic by common carrier and upon all such traffic on navigable waters wholly within the State, subject, however, to the jurisdiction now conferred by law on the Interstate Commerce Commission to fix maximum joint rates between and over rail and water lines.

"The commission shall determine the reasonableness of wharfage or water-terminal charges, whether such terminals are owned by private persons or municipalities, and all river and harbor improvements, including terminal facilities, shall be under the supervision and control of the commission.

"Whenever the commission shall determine that unprofitable railway freight tariffs are maintained in any given case in order to prevent waterway competition, it shall be the duty of the commission to make a report thereon in duplicate to the Interstate Commerce Commission and to Congress, with recommendations that Congress give power, if need be, to the Interstate Commerce Commission for fixing minimum railway rates.

"The commission shall at the earliest practicable date adopt an intelligent system of natural waterway improvement and shall perform such other and further duties as may present themselves from time to time.

"Whenever it shall be desirable to secure sworn testimony from any witness or witnesses relating to any project or to navigation generally, or whenever the commission shall have reason to believe that private interests are secretly or improperly seeking to influence the commission or to force the passage of any private or public waterway measure through Congress, the commission may cause a hearing or summary investigation to be held, and for that purpose may issue summons, subpœnas, or other writs in the same manner and under the same procedure as is more specifically set forth in the act to regulate commerce approved February 4, 1887, and the amendments thereto, which portions of such act relating to procedure, so far as applicable, are made a part of this act, and may bring before such commission all parties believed to be informed concerning the facts or interested in the passage of such measure. A complete record shall be preserved of the testimony taken at such hearing and a certified transcript thereof shall be transmitted immediately to the Committee on Appropriations.

"SEC. 6. That all unexpended balances to the credit of any project not specifically obligated under existing contracts shall, from the date of the passage of this act, be transferred by the Treasurer to the general fund, and all vouchers thereafter paid by the Treasurer shall be upon order of the National Waterway Commission.

"SEC. 7. That the sum of $500,000, or so much thereof as may be necessary, be, and the same hereby is, appropriated, out of any money in the Treasury, to carry out the provisions of this act."

Mr. FREAR. I desire further to speak briefly of this particular paragraph, Mr. Chairman, because the James River has been a subject of frequent discussion before the House. Finally the Army engineers, as will be remembered, changed the original project and modified it so that the present work is being undertaken. This item carries $46,000 for the continuing improvement of the James River. The suggestion has been made occasionally that if this bill fails to pass these projects will be without any moneys with which to carry on the improvements. We have before us the balances and have frequently referred to the balance sheets which were furnished by the Army Engineers. The James River, for instance, has to its credit, or did have to its credit on the 1st day of March last, uncontracted, $185,900. To that is to be added this $46,000. I speak of that because this proposition is a very expensive one. We are paying over $11 a cubic yard to take out the rock for this improvement, which work has been carried on for many years. It would seem that at this particular time it is a wasteful and an unnecessary expense. I will not use a harsher term, because it is advised by Army engineers, but it is a project that seems to be an unnecessary burden at this time. However, I have not moved to strike out any of the items, and I wish to leave the subject with the simple statement that with $185,900 on the 1st of

March uncontracted for on the James River, an additional $46,000 was recommended by the Army engineer, and appears in the bill.

Mr. SMALL. Mr. Chairman, I deem it only necessary to make this observation, that if any criticism is to be made of this item it is that an insufficient amount has been appropriated.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

Waterway from Norfolk, Va., to Beaufort Inlet, N. C.: Continuing improvement, $100,000: *Provided*, That the route of the waterway may, in the discretion of the Secretary of War, be modified in accordance with the report submitted in House Document No. 1478, Sixty-third Congress, third session: *And provided further*, That not more than $75,000 shall be expended in acquiring the necessary rights of way between Albemarle Sound and Pungo River.

Mr. FREAR. Mr. Chairman, I move to strike out the last word. This is a proposition that I have discussed many times on the floor, and I do not intend to discuss it now, so far as the merits of the waterway itself are concerned, excepting to call attention to the fact that $75,000 of the $100,000 contained in the bill appropriated for this waterway is to be expended for purchasing necessary rights of way between Albemarle Sound and the Pungo River. This is to be a change or a modification or correction of plans for this waterway from the old project, for the Army engineers, as I understand, deem that advisable; that is, it is a waterway which extends down from Norfolk, and this is a branch of it, down below Albemarle Sound. I believe originally $150,000 was provided for the purchase of this right of way by the Government, but afterwards the amount was reduced. When the Army engineer was before our committee last session, although the hearings are not printed, I think I quote him correctly—if not I ask to be corrected—when I say he testified that about 800 acres of land were to be used for this right of way, the land being, as he stated, largely marsh land of little value, and yet $75,000 is now set apart for the purchase of a right of way which ordinarily is required by engineers to be given to the Government by the various localities as a consideration or a prerequisite to the making of the improvement. That amount is nearly $100 an acre for land much of which is practically of no value. The testimony of the engineer was further to the effect that much of the adjoining land would be improved by the dredging and filling in, so that it would be made more valuable. However, we find here an item of $75,000 for 800 acres of land in addition to the land which may be used at the sides for dumping purposes, which would be benefited instead of damaged. It would seem that under ordinary circumstances that land ought to have been donated to the Government. Under such circumstances land is donated in many cases, and in any event so large an amount for such a small proportion of land ought not to have been allowed. But I will not offer any further statement.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

Winyah Bay, Waccamaw, Little Peedee, and Great Peedee Rivers, S. C.: For maintenance, $70,000.

Santee, Wateree, and Congaree Rivers, S. C.: For maintenance, including the Estherville-Minim Creek Canal and the Congaree River as far up as the Gervais Street Bridge, Columbia, and for improvement of the Congaree River in accordance with the report submitted in House Document No. 702, Sixty-third Congress, second session, $30,000.

Mr. FREAR. Mr. Chairman, I move to strike out the last word, and I do it with better satisfaction because I know that the gentleman who is interested in the new project on the Congaree River is present.

Lines 13 and 14 of the bill contain items which have been criticized heretofore, and I shall not refer to them, excepting to say that on the Little Peedee River there was spent for office expenses last year $739, and nothing was spent for actual improvement, according to the report of the Army engineers.

The Congaree River has had spent upon it thus far something like $668,298, and $1,268,000 for the Congaree, Santee, and Wateree combined. After all that expenditure of money we have secured 4,000 tons of commerce each year on an average. On page 3 of the document the engineer says:

I therefore report that the further improvement by the United States of the Congaree River, S. C., is deemed advisable to the extent of maintaining a 4-foot navigable channel by dredging, assisted by properly designed bank protection, and recommend that this protection be provided first at Congaree and Gill Creek, and that $100,000 be provided in one appropriation for that purpose, together with $10,000 annually for the operation of the dredge now owned by the work, and for other necessary maintenance.

In the hearings that were held upon this proposition—and I have them before me—the engineer, Col. Newcomer, stated it was not deemed advisable to go on with this improvement at this time; but subsequent to that time, it seems, gentlemen interested in the project went before the committee and it was inserted. It is inserted in this war measure. Let us see what we have before us in that proposition.

It is stated on page 8 of the document that at present "nothing which could be described as terminal facilities in the usual meaning of those terms are on the river." There is only an ordinary river landing with a small tent to protect freight; and that is true at Columbia.

Now we have spent over $600,000 on this stream, and here we are called upon to spend $100,000 more for the purpose, apparently, of revetment work along the banks.

That is the report of the board, and the improved facilities for navigation consist of one stern-wheeler, according to the engineers' report, which made last year 36 trips, and in the last three years has averaged about 4,000 tons of commerce annually. After an appropriation of $600,000 for this river during past years we are asked to spend $100,000 more, in addition to $30,000 through this war-measure waterway bill.

Mr. LEVER. Mr. Chairman, in answer to the criticism of the gentleman from Wisconsin [Mr. FREAR] on this item, I think the committee should have the facts. There was a special board of Army engineers appointed a few years ago to examine the Congaree River with a view to further improvement. That board in its report, paragraph 26, suggests the following:

Referring to the list of shoals in paragraph 6, Congaree and Gill Creeks are the only places at which revetment and contraction work is at the present time urgently necessary and where it would produce the most immediate beneficial results. The estimated cost of revetment and contraction work at those points is about $100,000, with $10,000 annually for maintenance. The board recommends that this sum, $100,000, be made available in one appropriation, and that it should be in addition to the cost of maintenance of the river by dredging and snagging. After the works have been completed and their effects on the river have been studied, a definite final project for bank protection and contraction works can be adopted.

That is the first proposition. That recommendation was concurred in by Col. Dan C. Kingman, who was Chief of Engineers of the Army, and his recommendation is as follows:

5. After due consideration of the above-mentioned reports, I am compelled to disagree with the views of the Board of Engineers for Rivers and Harbors and am disposed to accept those of the special board on the Congaree River. I have no doubt that a very large dredge, or a sufficient number of them, would maintain an adequate channel in the Congaree River throughout the period of low water, but, after careful, special study of the river, I am of the opinion that it is best to attempt to reduce the amount of material to be excavated by protecting the badly caving banks and thus reducing the supply of bar-making material. I believe, also, that public terminals at Columbia would be very desirable, and think that the municipality should take advantage of the privilege that it now has to compel a junction to be made between the canal and the river whereby the former can be used as a landing place for boats. But, as the local interests have shown a willingness in the past to provide terminals, I do not think that it would be quite fair to render the moderate appropriation which it is proposed to recommend conditional upon the accomplishment of this rather expensive piece of canal work. I therefore report that the further improvement by the United States of the Congaree River, S. C., is deemed advisable to the extent of maintaining a 4-foot navigable channel by dredging, assisted by properly designed bank protection, and recommend that this protection be provided first at Congaree and Gill Creeks and that $100,000 be provided in one appropriation for that purpose, together with $10,000 annually for the operation of the dredge now owned by the work and for other necessary maintenance.

Gen. Black, now Chief of Engineers, in his report says:

Unless the channel below the lock is made more stable and permanent and a low-water depth of about 4 feet secured, the expenditures already made will be of little benefit. It seems advisable, therefore, to undertake some additional work with a view to securing a more permanent channel of about 4 feet in depth at low stages under proper conditions of cooperation.

It will be recalled that the last river and harbor bill that passed the House carried an authorization and an appropriation of $50,000 for making good that authorization.

That $50,000 was to be expended for the purpose of revetment work at Congaree and Gill Creeks where the banks are composed of shifting sands and at high rainfall the banks cave in and clog the channel for navigation purposes with the result that the boats are unable to make their connections at Georgetown with the Clyde Line or to make their schedules coming from Georgetown into Columbia, with the further result that necessarily the patronage of the boat line has gradually fallen off.

The Congaree River, according to my information, has had only one year a real 4-foot channel, and that was in the year 1909, and in that year they handled over 12,000 tons of freight. When this item in the last river and harbor bill was passed carrying an appropriation of $50,000, not now provided in this bill, I telegraphed the chamber of commerce in the city of Columbia, and in response I received this letter:

A committee from the chamber of commerce appeared before the city council yesterday morning, and they agreed to include in the proposed bond issue for city improvements an item of $50,000 for the construction of municipal wharves, warehouses, railroad track facilities, thereby providing suitable terminal facilities for river navigation.

In addition to that in a letter addressed to me from the secretary of the chamber of commerce, in further response to my telegram he says:

At a meeting of the merchants just held [dated May 28, 1917] I was instructed to proceed in the preparation of papers to organize a $100,000 company to operate on the river between here and Georgetown.

I happen to know personally that one of the largest capitalists in South Carolina, a man of large public spirit and interest, is back of that proposition, and rather than criticize this item, it seems to me that if there is any criticism it falls upon the Congress of the United States in not heretofore providing for a 4-foot channel which that stream is capable of furnishing 12 months in the year.

It is said that this is not a war measure. I do not know whether it is or not, but I know this: Recently one of the cantonments for the Army was located at Columbia, S. C. I know that freight congestion is increasing each day at the city of Columbia. I know also that the largest cotton manufacturing establishment in the world is at the city of Columbia. The freight which I refer to is nonperishable; it is now being handled by the railroads, and it should be handled by water transportation. Rather than have this item go out, I am going to offer an amendment here to test out the sincerity of this committee, increasing the appropriation $50,000, to take care of 5 miles of nonnavigable stream in a stream that is navigable for 200 miles, and I move to amend by striking out "$30,000" and inserting "$80,000," in line 21, on page 11.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. LEVER: Page 11, line 21, strike out "$30,000" and insert "$80,000."

Mr. LEVER. Mr. Chairman, let me be heard for a moment upon that. I never have been more earnest on any proposition than I am upon this. Let me show you what the proposition is and see if it is not a good business proposition. From Columbia to Georgetown by the Congaree and Santee Rivers is a distance of 208 miles, and except for 5 miles there is a 4-foot channel in all that distance. Seven or eight miles below the city of Columbia there is a stretch of caving banks of 5 or 6 miles, where two creeks run into the river. Heavy rains cause these banks to cave in. The boats come up and find the channel clogged with sand. They have got to send to the city of Columbia—7 or 8 miles above—to get the dredge. The dredge comes down and pumps the sand out, opens the channel, and two or three days are lost, and the patrons of the boats in the city of Columbia are waiting for their goods. On the other hand, it would leave Columbia for Georgetown, laden with cotton and other freight, to connect with the Clyde Lines at Winyah Bay or Georgetown for Baltimore, New York, Philadelphia, and northern ports. It runs into a heavy rain, runs into these caving banks, and finds itself tied up for 24 hours probably, or 12 hours—sufficiently long at least to lose its connection at Georgetown.

Does anyone blame the patrons of the boat line of Columbia for complaining? Does anyone blame the Clyde Line for finally refusing to make the connection with this boat line? There is only one cause for it, and that is that Congress has not appropriated a sum sufficient, though recommended by the War Department, to revet the 4 or 5 or 6 miles of caving banks on this river, which revetment work would give you an open 4-foot channel for 12 months in the year.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. FESS. I wondered whether the congestion of freight, due to the cantonment that is to be placed there, could be much relieved by this proposed improvement?

Mr. LEVER. My judgment is that the cantonment so far has not congested freight, because the work has not been begun. The congestion is due to the rapid growth of the city of Columbia. We have to take into consideration that Columbia is one of the large interior cotton markets of the State, that it is a market not only for raw cotton, but it is one of the largest markets of the South for the manufactured product. It is not good business, in my judgment, to load your freight cars, which ought to be handling the more perishable stuff, with these nonperishable products, when with the expenditure of a small sum of money within a few months we could have this stretch of water 200 miles long to carry this heavy and nonperishable freight.

Mr. ROBBINS. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. ROBBINS. What would these two embankments you speak of cost?

Mr. LEVER. The War Department recommended originally $100,000, but I think the representative of the War Department who appeared before the Committee on Rivers and Harbors last year recommended the sum of $50,000. It does seem to me that there could not be any better investment than this small sum of money. The gentleman from Wisconsin [Mr. FREAR] is right. We have expended $600,000 on this river. We have been working on it for many years—25 years or more—and yet it is not thoroughly navigable now, and in that connection I desire to say that it does seem to me there should come a time when the War Department should finish some of these projects. I trust that I may have the support of the committee on this small amendment.

Mr. MADDEN. Mr. Chairman, I would like to talk about two minutes before the chairman of the committee makes his reply.

Mr. SMALL. Mr. Chairman, I ask unanimous consent that debate may close in seven minutes, two minutes to be occupied by the gentleman from Wisconsin [Mr. FREAR].

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FREAR. Mr. Chairman, I do not care to add to what I have stated, because I simply read from the report. I do desire to read what Col. Newcomer stated to the committee, which may be of interest in regard to this item. When $30,000 was mentioned as a maintenance item, Mr. TREADWAY said to the colonel, "May I ask the immediate need for this appropriation?" and the colonel replied:

Col. NEWCOMER. This is mainly for use on the Congaree River. You know that from Columbia out they are maintaining a barge line, and the Columbia merchants claim, of course, that it is a matter of great importance for them to have that barge line in operation, and this is mainly for maintenance work on the Congaree River. In the last bill there was an additional improvement authorized, but we left that out because we thought it was not sufficiently urgent.

That is the statement of the engineer before the committee. I do not question the interest and the anxiety of the gentleman from South Carolina [Mr. LEVER], and I presume it is entirely proper, but I am making this statement for the benefit of this committee to show the lack of necessity for this project at this time. That is the testimony placed before the Committee on Rivers and Harbors which you are now asked to set aside.

Mr. SMALL. Mr. Chairman, I have no disposition to and could not combat the contention of the gentleman from South Carolina [Mr. LEVER] as to the merit of the project involved in this recommendation. The section of the Congaree under improvement extends, as the gentleman says, up to Columbia, S. C., and it is an important project and has rendered and is rendering valuable commercial service to the city of Columbia. I have pleasure in saying that because the minority of the committee in their report use this language:

The adoption of a $100,000 new project on the Congaree is only cited by way of illustration of the emegency items included.

Mr. HUMPHREYS. Will the gentleman yield for a question?

Mr. SMALL. Certainly.

Mr. HUMPHREYS. As to the extract you just read from the minority report, did the minority favor this, or is it cited as an illustration of an unwise expenditure?

Mr. SMALL. I should say they criticized it as an unwise expenditure. They put it among those projects which are criticized. The committee discussed this matter at length and had the benefit of the opinion of Col. Newcomer.

Mr. MEEKER. That is on all fours with the position we have heard all the afternoon, is it not, on these other items?

Mr. SMALL. The question of the gentleman answers itself.

While the committee, following the recommendation of the War Department, were willing to appropriate $30,000 for maintenance, they could not see their way to appropriate a larger sum in connection with the improvement under this new project. The reason the new project was adopted without any additional appropriation over and above the $30,000 was in order that the maintenance might conform to the character of the improvement suggested in the new project. With the expenditure of this $30,000 maintenance can be carried on and maintenance of a kind to conform with the procedure and plans in the new project. That is the reason for adopting the project without increasing the appropriation. The committee could not without discrimination consent to the increased appropriation. And for that reason, in order that no injustice might be done to various sections of the country, which under similar circumstances have asked for increased appropriations, I hope the committee will vote down the amendment.

Mr. SWITZER. The Chief of Engineers refused to make that recommendation that is asked for here?

Mr. SMALL. Yes. He declined to recommend an increased appropriation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. SMALL].

The question was taken, and the Chair announced that the noes appeared to have it.

Mr. LEVER. Division, Mr. Chairman.

The committee divided; and there were—ayes 20, noes 20.

Mr. LEVER. I ask for tellers, Mr. Chairman.

Tellers were ordered; and Mr. BOOHER and Mr. LEVER took their places as tellers.

The committee again divided; and the tellers reported—ayes 22, noes 17.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Waterway between Beaufort, S. C., and St. Johns River, Fla.: For maintenance, $43,000.

Mr. LENROOT. Mr. Chairman, I move to strike out the last word.

Mr. SMALL. Will the gentleman allow me to present a committee amendment here?

Mr. LENROOT. I will.

The CHAIRMAN. The gentleman from North Carolina offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Page 11, strike out the word "for," in line 23, and insert in lieu thereof the words "continuing improvement and for."

The CHAIRMAN. Without objection, the amendment will be agreed to.

The amendment was agreed to.

Mr. LENROOT. Mr. Chairman, I want to say just a word in reference to the amendment last adopted. I am sure the country is now in so much better position to prosecute the war than it was a few moments ago——

Mr. DUPRÉ. Did the gentleman vote for the proposition?

Mr. LENROOT. He voted against it. But it is an illustration of really how this bill is being considered upon its merits. No one will find that a single item is ever stricken out of this bill, and, of course, it is not extremely difficult to get additional items added to it. And this is another illustration of the patriotism of the membership of this House, and how they are regarding all of these items, strictly upon their merits and solely for the purpose of successfully prosecuting this war.

Mr. HARDY. Will the gentleman yield right there?

Mr. LENROOT. Yes.

Mr. HARDY. Does not the gentleman think he would do more credit to himself now in criticizing that measure if he would attempt to answer the argument presented by the gentleman from South Carolina [Mr. LEVER]? I did not vote for it, but I do think the gentleman would do himself credit to answer that argument.

Mr. LENROOT. As I listened to the gentleman from South Carolina [Mr. LEVER], for whom I have the greatest respect, he did not advocate this as a matter of military necessity, did he?

Mr. HARDY. The gentleman knows that this bill is presented as a commercial measure intended and calculated to aid the country in time of war, as well as a military matter strictly.

Mr. LENROOT. Now, the gentleman from Texas is frank enough to get away from what the proponents of this bill have been arguing throughout, from the report of the Secretary of War himself, who advocated that no new projects be considered in this bill except those that were matters of military necessity, and the chairman of the committee has repeatedly said that there were no new projects in this bill except those that were of military necessity.

Mr. HARDY. Now, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. HARDY. The gentleman misunderstands my understanding, for I think every measure that helps to marshal the transportation resources of this country, if they are needed for that purpose, are military measures.

Mr. LENROOT. The gentleman is too intelligent a man to believe for a single moment that in the prosecution of this war this increase of $50,000, that may possibly mean an increase of 2,000 tons a year in commerce, can be in the remotest degree a matter of military necessity.

Mr. HARDY. Will the gentleman yield again?

Mr. LENROOT. Yes.

Mr. HARDY. I think the gentleman is too intelligent a man not to know that every means that helps the transportation facilities of this country during this war is a war measure.

Mr. LENROOT. According to the gentleman's position, then, for the purpose of carrying some commodities of this country on water we ought to pay ten times what the commodities are worth for the purpose of doing it.

Mr. HARDY. Oh, no. The gentleman does not contend that.

Mr. LENROOT. That is the gentleman's position.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last word.

Mr. COOPER of Wisconsin. Mr. Chairman, in view of what my colleague [Mr. LENROOT] has just said, I invite the attention of the committee to the letter of Mr. Secretary Redfield. I think it is apropos, following the remarks just made by the gentleman from Wisconsin. You will find it in the Appendix of the RECORD. He says:

No one who knows the facts will question that the railways of the country are overwhelmed by the threatened traffic.

Then he says they are going to have some new engines and cars, but that even with these the facilities of the railroads will be insufficient for the task laid upon them. On the next page he continues:

If, as is quite possible, the war shall last more than a year, our Nation may find itself a year hence with its industries of all kinds driven to the full and with special energy devoted to more extensive as well as more intensive cultivation. At the same time our troops will have to be moved and the regular flow of supplies maintained for the armies abroad. It will be difficult, if not impossible, to expand the railroad system in time to meet the additional demands upon it which these circumstances may bring. Many of the great waterways of the land, however, are almost unused, and a great opportunity for national service is open by means of them to those who have the energy and foresight to take the matter up and develop water transportation into a practical fact. Every river, lake, and canal should be used. Every enterprise, large or small, looking toward their practical use should have encouragement. The president of one of our greatest railway systems has recently said, "So long as the war lasts the railroads of the United States will cooperate to the fullest possible extent with the waterways of the country in order that the needs of the country may be served."

It must be evident to reflecting men that nothing which advances the interests of the country as a whole can be permanently hurtful to the great transportation systems of the land. There is no reasonable basis for antagonism between the railway and the waterway. Each is the servant of the other, and the success of each is in the long run helpful to the other. It is not to the final and the largest interest of the railway that the waterway should be neglected. Each has its own place in the national economy, and the highest success of each depends in no small measure upon the success of the other.

Listen to this, please:

It is at this time a matter of national duty to develop the interior waterway and to give it that part in the Nation's economic life to which its extent and variety entitles it, and this should be done as promptly and as thoroughly as possible by temporary means if need be in order to get the traffic moving, and then by permanent means in order to make the movement a solid part of our national life.

[Applause.]

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. COOPER of Wisconsin. I can not. I read further:

This process can only be helpful in the long run to everyone concerned and to the country as a whole.

That is a very strong presentation of the facts, showing, he declares, the necessity for the improvement by temporary means—the immediate improvement—of the interior waterways, and then their permanent improvement to the benefit of the industries of the country and the people of the country as a whole.

Mr. LENROOT. Does the gentleman think there should be any limit to the expenditures made by our Government upon waterways?

Mr. COOPER of Wisconsin. The gentleman's question is not germane to anything pending before the House.

Mr. LENROOT. Then I will make it germane.

Mr. COOPER of Wisconsin. I will answer the gentleman's question by saying this: There is a limit. France has expended about $600,000,000 on her rivers and harbors, and she is less than one-half the size of Texas. We have expended about $800,000,000 on all the magnificent rivers and harbors of this country. [Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

Savannah Harbor, and Savannah River, below, at, and above Augusta, Ga.: For maintenance, $380,000; for improvement of Savannah Harbor in accordance with the report submitted in House Document No. 1471, Sixty-fourth Congress, second session, and subject to the conditions set forth in said document, $500,000: *Provided*, That no expense shall be incurred by the United States for acquiring any lands required for the purpose of this improvement; in all, $880,000.

Mr. FREAR. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last word.

Mr. FREAR. I do this in order to command the attention of the gentleman from Texas [Mr. HARDY] for just a moment. I desire to call the gentleman's attention to the fact that while I desired to discuss the proposition contained in Mr. Redfield's

statement just read, but from the other standpoint earlier in the day, the gentleman from Texas raised a point of order against it because it was not directed to the item in the bill. I recognized that; but the gentleman sat here and heard the discussion of Mr. Redfield's statement on the other side of the question and did not make a point of order. I never wish to transgress the rules of the House if I can help it, but call attention to the manifest unfairness.

That is all I desire to say.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MADDEN. I do so in order to ask the chairman of the Committee on Rivers and Harbors if he will kindly explain the importance of Savannah Harbor and Savannah River below Augusta, Ga., and the necessity of spending this large amount of money upon it, and what is the amount of commerce upon it?

Mr. SMALL. The distance from Augusta to Savannah is a little more than 200 miles. The existing project is to provide a depth of 5 feet. The amount carried in the bill is $30,000, all of which goes to maintenance.

Mr. MADDEN. Three hundred and eighty thousand dollars, is it not?

Mr. SMALL. Thirty thousand dollars of that only is for this section of the river. The remainder of it is for Savannah Harbor.

Mr. MADDEN. What is the nature of the improvement there?

Mr. SMALL. That, the gentleman will realize, is for maintenance. If he reads further in the paragraph he will find that a new project is adopted there, for which $500,000 is appropriated.

Mr. MADDEN. The whole thing is $880,000?

Mr. SMALL. One item is for $500,000, and that, plus $380,000, makes $880,000.

Mr. MADDEN. What is the purpose of it?

Mr. SMALL. I can give the gentleman that.

Mr. MADDEN. What is the project under which it is being expended?

Mr. SMALL. I can best give it from the last annual report showing how this money is expended. This is below Augusta. It is between Augusta and Savannah. The Chief of Engineers says:

It is proposed to use the available balance, $3,421.60, in the care of the plant in use on this river at an average rate of $500 per month, until such time in the fall as the river will require additional work, probably September 1, 1916, and to expend the balance remaining in the operation of one snag boat for approximately six weeks, making proper reservation for office expenses, surveys and contingencies, and care of plant

The funds provided in the river and harbor act approved July 27, 1916, will be expended as follows, after reserving $4,000 for the engineer depot at Savannah, Ga., and proper amount for office expenses, surveys, and contingencies:

For operation, repair, and care of 1 pipe-line dredge 4 months, at $1,500 per month, in removing bars	$6,000
For operation, repair, and care of 1 snag boat 6 months, at $1,500 per month, in removing snags, etc., and in miscellaneous work	9,000
For repair under contract or by day labor of 2,000 linear feet of bank protection and training walls, at $5	10,000

The following estimate is submitted of funds needed for proposed operations from July 1, 1917, to June 30, 1918, for maintenance work, including proper reservation for office expenses, surveys, and contingencies:

For operation, repair, and care of 1 pipe-line dredge 6 months, at $1,500 per month, in removing bars	$9,000
For operation, repair, and care of 1 snag boat 6 months, at $1,500 per month	9,000
For repair under contract or by day labor of 2,400 linear feet of bank protection and training walls, at $5	12,000
Total	30,000

That is from the report of the Chief of Engineers, an excerpt of which appears on page 165 of the report accompanying this bill.

Mr. MADDEN. This is $380,000.

Mr. SMALL. The $350,000 goes for the maintenance of the Sapannah River, at Savannah, known as Savannah Harbor.

Mr. MADDEN. How much commerce is there all the way down the river?

Mr. SMALL. The commerce between Augusta and Savannah on that part of the upper river is 52,874 tons, at a valuation of approximately $4,000,000.

Mr. MADDEN. So that we are spending $6 a ton for every ton of traffic on the river to maintain the river?

Mr. SMALL. Oh, no; only $30,000 goes to that river.

Mr. MADDEN. Anyway, there are only 50,000 tons of traffic, and we are spending $380,000.

Mr. SMALL. No; $350,000 is to be expended at Savannah Harbor, not on this part of the river at all.

Mr. MADDEN. It is all in the project.

The CHAIRMAN. The gentleman's time has expired.

Mr. HULBERT. I ask unanimous consent that the time of the gentleman from Illinois be extended two minutes in order that he may procure enlightenment on this question.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the time of the gentleman from Illinois be extended two minutes. Is there objection?

There was no objection.

Mr. MADDEN. It seems to me that we are spending $380,000, and while part of it is for the harbor and part of it for the river, it is $380,000 all told, and then the new project, $500,000, making $880,000, and only 52,000 tons of traffic; and if we divide 52,000 into $880,000 it will be seen that we are paying about $16 for every ton of traffic.

Mr. SMALL. I am sure the gentleman wishes to be correct.

Mr. MADDEN. Oh, yes; certainly.

Mr. OVERSTREET. Will the gentleman yield?

Mr. SMALL. I wish to answer the remark of the gentleman from Illinois first. Surely the gentleman from Illinois did not understand me when I stated that the $30,000 was to be expended for maintenance of that part of the river between Savannah and Augusta, a distance of about 200 miles, and with a commerce of a valuation of about $4,000,000.

Mr. MADDEN. It is not a question of valuation. It is a question of the transportation of tonnage.

Mr. SMALL. And the $350,000 is to be expended for maintenance at Savannah Harbor, which has a commerce of more than 3,000,000 tons.

The CHAIRMAN. Did the gentleman from Georgia [Mr. OVERSTREET] desire to be recognized?

Mr. OVERSTREET. I only wanted to be recognized in order to correct the gentleman from Illinois [Mr. MADDEN], and that has now been done by the gentleman from North Carolina [Mr. SMALL]. That is all I care to say.

Mr. MADDEN. I was not making a statement at all. I was simply asking questions. I did not make any statement, and therefore did not need to be corrected.

The Clerk read as follows:

Sapelo and Darien Harbors, Cowhead and Satilla Rivers, Club, Plantation, and Fancy Bluff Creeks, Ga., and St. Marys River, Ga. and Fla.: For maintenance, $12,500.

Mr. WALSH. I move to strike out the last word in order to ask a question of the chairman of the Committee on Rivers and Harbors. I notice that on some of these streams that are appropriated for in this item it is stated that naval stores are transported. I would like to know what sort of naval stores are transported on these various streams.

Mr. SMALL. The term "naval stores" means the products of the long-leaf pine tree. Turpentine is gotten by cutting the base of the tree. Tar is gotten from the resinous part of the pine, and also resin; and spirits of turpentine are distilled from the resin and the raw turpentine. All these go under the general designation of naval stores.

Mr. WALSH. Is that a local term?

Mr. SMALL. No; it is a very old term.

Mr. WALSH. I noticed that that term runs through the report, and I was wondering what it meant.

Mr. SMALL. The production of naval stores has gradually moved south. Formerly naval stores were produced in North Carolina. Then, later the production moved down to South Carolina, and now the production of naval stores is practically confined to Georgia, Florida, and some in Louisiana.

Mr. SLADYEN. And Texas.

The Clerk read as follows:

Santee, Wateree, and Congaree Rivers, S. C.: For maintenance, including the Estherville-Minim Creek Canal and the Congaree River as far up as the Gervais Street Bridge, Columbia, and for improvement of the Congaree River in accordance with the report submitted in House Document No. 702, Sixty-third Congress, second session, $30,000.

Mr. MADDEN. I move to strike out the last word. I should like to ask the chairman of the committee if he will be kind enough to inform the committee about how much commerce there is in connection with these two appropriations here.

Mr. SMALL. Does the gentleman really wish information about that?

Mr. MADDEN. Certainly. I never was more serious about anything.

Mr. MEEKER. Mr. Chairman, if the chairman has any information, will he kindly give it, for nobody in God's world needs it more than the gentleman from Illinois does. [Laughter.]

Mr. MADDEN. I admit it.

Mr. SMALL. With that prodding, I will be more than delighted to furnish the information. [Laughter.]

Mr. MADDEN. I hope the information will make the gentleman from Missouri [Mr. MEEKER] a little more intelligent in his conception of what we are considering. [Laughter.]

Mr. SMALL. Mr. Chairman, the Oconee and Ocmulgee together form the Altamaha. The Oconee is 300 miles long and the Ocmulgee 350 miles long. The commerce on the Oconee River is 41,425 tons, on the Ocmulgee 33,645 tons, and on the Altamaha 76,763 tons, at a valuation of about $1,000,000.

Mr. MADDEN. What is the depth of the channel there?

Mr. SMALL. It varies. On the Altamaha, which is formed by the junction of the two former rivers, the project is to maintain a depth of 3 feet, gradually increasing to 4 feet, but with a minimum depth of 3 feet.

Mr. MADDEN. What do they run there, Indian canoes?

Mr. SMALL. No; they have quite a commerce there, as the gentleman can see. There are lines of boats on these rivers, both barges and self-propelled.

Mr. MADDEN. I think I heard some Member of the House——

Mr. SMALL. I can tell the gentleman in all seriousness that this is a valuable system of rivers for a section of Georgia a good part of which is lacking in any other method of transportation.

Mr. MADDEN. Does the gentleman think a 3-foot channel is capable of carrying any commerce of any consequence?

Mr. SMALL. Oh, yes. They have a type of boat which can navigate and carry quite a cargo on a depth of 3 feet.

Mr. MADDEN. What commerce is carried on the rivers?

Mr. SMALL. Mostly agricultural and forest products.

Mr. GILLETT. Was it not on one of these rivers where they developed a steamboat that had to stop every time they blew the whistle? [Laughter.]

Mr. SMALL. My friend from Georgia might answer that; I have no information. The gentleman from Georgia suggests that it might have been on a Massachusetts stream.

Mr. MEEKER. Perhaps it was a Massachusetts statesman and not a steamer. [Laughter.]

Mr. HUMPHREYS. Mr. Chairman, let me say, with the permission of the gentleman from North Carolina, that on this question of a 3-foot depth, referred to by the gentleman from Illinois, a great deal of commerce can be floated on a stream 3 feet in depth. For instance, I do not know what it was last year, but I remember a few years ago the Alabama River carried a tonnage value of $13,000,000 with a depth in that river of only 3 feet. On a great many rivers where they have small boats they push barges in front, putting the cargo on the barges, and they do not require any greater depth than 3 feet, and certainly not beyond 4.

Mr. MADDEN. Are these side-wheel steamers?

Mr. HUMPHREYS. No; stern wheel.

Mr. MADDEN. The gentleman from Mississippi always contributes a great deal of information on any question before the House, and I am obliged to him.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

Indian River, St. Lucie Inlet, Miami Harbor (Biscayne Bay), and Harbor at Key West, Fla.: For maintenance, $6,000; completing improvement of Miami Harbor, $160,000: *Provided*, That the work proposed under the project adopted by the river and harbor act approved July 25, 1912, may be done by contract if reasonable prices can be obtained; in all, $166,000.

Mr. SEARS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 12, line 21, after the word "obtained" insert "for improvement, Key West Harbor, by removal of middle ground and other improvements, $50,000"; and strike out "$166,000" and insert "$216,000."

Mr. SEARS. Mr. Chairman, before proceeding under the five minutes allotted to me, I ask unanimous consent that this amendment be passed over until some time next week, at which time I will have the report of Gen. Black. If the House will take my statement for it, I can give the information this afternoon.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to postpone the consideration of this amendment until next week, or until such time as the bill is taken up again. Is there objection?

There was no objection.

The Clerk read as follows:

Tampa and Hillsboro Bays. St. Petersburg Harbor, Hillsboro, and Manatee Rivers, Fla.: For maintenance, $66,500; for improvement of Hillsboro Bay in accordance with the report submitted in House Document No. 1345, Sixty-fourth Congress, first session, and subject to the conditions set forth in said document, $300,000; in all, $366,500: *Provided*, That nothing in this act, nor in the act approved June 25, 1910, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," shall be so construed as to prevent the use of any part of the Ybor Estuary zone for industrial or other legitimate purposes when the same is not needed for commercial uses, nor to exclude the building and operation of a railroad or railroads by private parties or railroad companies under such rules and regulations as the Secretary of War may prescribe, subject to the right of the city of Tampa to construct and operate a municipal railroad on said estuary zone as set forth in said report. The Secretary of War is hereby authorized to prosecute the work of improvement on the existing project for St. Petersburg Harbor, in accordance with the modified conditions recommended by the Chief of Engineers and the Board of Engineers for Rivers and Harbors in the report printed in Rivers and Harbors Committee Document No. 6, Sixty-fourth Congress, second session.

Mr. MADDEN. Mr. Chairman, I reserve a point of order on this item in the bill. I would like to have the gentleman from North Carolina give us some explanation. I reserve the point for the purpose of giving the gentleman an opportunity to explain to the House what facilities the Government of the United States furnishes by the expenditure of this money to the railroad companies who are to be authorized to build railroads in connection with the improvement.

Mr. SMALL. Mr. Chairman, the river and harbor act of 1910, in imposing local cooperation connected with the improvement of Ybor Estuary and Tampa Bay, provided that no expenditure be made on that part of the harbor until the Secretary of War is assured that the local municipality will construct wharves and slips which shall be open to the use if the general public under reasonable regulations and charges.

In the line of local cooperation the report of the Chief Engineer adopting this project further provides:

That no work shall be done by the United States under such project until the city of Tampa shall have given assurances, satisfactory to the Secretary of War, that the city of Tampa will within a reasonable time, and when in his opinion the facilities are needed, acquire full ownership and possession of sufficient land for the establishment of terminals fronting on the Ybor Estuary; will complete the construction thereon of piers and slips in accordance with the plans for the development of the Ybor Estuary zone, heretofore approved by the Secretary of War, or such modified plans as he may approve; will build adequate warehouses and storage sheds on these piers and equip them with suitable rail connections and freight-handling appliances; will construct and put in operation a municipal railroad having physical connection with all railroads entering the city of Tampa, and serving the channel frontage on both sides of the estuary, in accordance with the plan of development of the estuary zone approved by the Secretary of War; will open, pave, and make available for use a sufficient number of streets and highways to give proper access to all parts of the estuary channel frontage; and will open these terminals for business under a schedule of reasonable wharfage charges and a set of regulations to be approved by the Secretary of War for the control and operation of the property fronting on the estuary channel, designed to insure its use primarily in the interests of general commerce, on equal terms to all; and provided, further, that no work shall be done in the channels constituting the Harbor of Tampa proper until local interests shall agree to provide, without cost to the United States or to any contractor for the work, a suitable place for deposit of material dredged from these channels.

I think that will constitute an answer to the gentleman's inquiry as to the construction of a railroad contiguous to this improvement.

Mr. MADDEN. Mr. Chairman, the question arises whether the local community contributes anything toward the expense of the improvement, and whether when they build what I assume will be a belt-line railroad connecting all the railroads, the traffic that goes over the main line will be held to pay tribute to the belt-line railroad; and whether that will add to the cost of the commodities which are moved by rail out of Tampa, and whether the city of Tampa is to absorb the charges of moving the supplies and freight over the belt-line railroad to connect with the main line. All these things are important in this question, and I think that as a matter of justice to the membership of the House who are asked to vote on this item, the information should be supplied. I do not know whether the gentleman has the information or not.

Mr. SMALL. I have not the information as to the charges that will be imposed by the belt-line railroad upon the railroads that serve that community in sending their cars over the belt line road. That is a matter for municipal regulation, and I assume the trackage charges are satisfactory to the railroads.

Mr. MADDEN. That is not the question involved here. The question I am concerned about is, How it is going to affect the shipper, the man that pays the bill, the final consumer? It is not how it affects Tampa or the citizens of Tampa or the municipality of Tampa or the railroads that connect with the belt railroad, but how does it affect you and me. That is what concerns me.

Mr. SMALL. I think an answer is carried in this suggestion, that it is to the interest of the municipality owning the belt-line road to attract traffic to its municipal water terminal, and that in obedience to its own interests it will impose only reasonable charges for the use of the belt line, and in subserving its own interests any complaint will be avoided. The committee has no knowledge of any complaint.

Mr. SWITZER. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. SWITZER. I will say this to the gentleman: Has not the gentleman always contended here that all persons who have been interested in river and harbor improvements—that the cities and municipalities should own the terminals?

Mr. MADDEN. Yes.

Mr. SWITZER. Is not that this case; and now you are going to assume that they are going to abuse the privilege which you have always contended they should have?

Mr. MADDEN. Mr. Chairman, I think the gentleman misunderstands me. I am only asking for information. I am not criticizing. I think it is only fair that we who are here as the conservators of public good and public interest ought at least to be permitted to ask questions that would give us an intelligent conception of what we are doing without being criticized for having done so. I am rather surprised at the gentleman from Ohio, a member of the Committee on Rivers and Harbors, questioning the good faith of my questions, when I am trying to elicit information that ought to be in the possession of every person who wants to serve the public good.

Mr. SMALL. May I say that I overlooked the further provision requiring that charges and regulations be submitted to the War Department for approval?

Mr. MADDEN. The main thing that I am concerned about is this: In giving authority to construct a belt-line railway to connect with the main lines running into Tampa, there should be a provision—and maybe there will be, I do not know—which will prohibit the city of Tampa or its citizens from making such charges as will permit the payment of dividends either to the city of Tampa or to any person who might be interested in the road. The charges should be made to cover not more than the cost of the operation and the maintenance of the tracks, and in a case of that sort I believe this terminal would serve a good purpose. I have no intention or desire to in any way embarrass the establishment of institutions of this kind, but, on the other hand, I have every desire to promote them, and at the same time, while wishing to promote them to also protect the man who is not in control, so that he may not be charged an undue price for the thing that he is to receive at the hands of those to whom we grant privileges.

Mr. ROBBINS. Would not that be regulated by the Interstate Commerce Commission?

Mr. MADDEN. No; that is a local terminal.

The CHAIRMAN. Does the gentleman withdraw his point of order?

Mr. MADDEN. I withdraw the point of order.

Mr. FESS. Mr. Chairman, this question brings up a thought that has been in my mind, and which I want the chairman to clear up at once. What is the policy of river and harbor legislation on local cooperation where the Government appropriates for the improvement of harbors? Is there any local cooperation in the way of expenditure of money?

Mr. SMALL. There may be said to be a settled policy to this extent, that local cooperation is required in excavating the channel leading from the main channel furnished by the Government into the slips and up to the wharves to be used by vessels. There ought to be another principle of cooperation which is not so uniform. Individually I believe that no river or harbor ought to be substantially improved without imposing as a condition the construction of adequate water terminals, constructed, managed, and regulated by the municipality in the interest of the public, and also such water terminals should be physically connected with all the railroads serving the community by a belt-line railroad also owned and controlled by the municipality, and in so far as our committee can do so we intend hereafter to insist upon compliance with such a degree of local cooperation.

Mr. FESS. If we expended $26,900,000 in this bill, that will not represent all of the expenditure for the improvements where this money is applied. There will be some appropriation locally?

Mr. SMALL. Yes; in the aggregate a very large sum.

Mr. FESS. And the gentleman has no estimate of how much?

Mr. SMALL. I am not sure whether that is available or not. The gentleman heard the gentleman from Wisconsin [Mr. STAFFORD] speak yesterday of the city of Milwaukee making a large contribution for excavation in the channel there.

Mr. FESS. And in the case of Boston and New York it is also true?

Mr. SMALL. The city of Boston has been for several years expending millions of dollars in the construction of terminals and of a large dry dock, probably one of the largest in the country, and in the most creditable way cooperating and providing water terminals, and the city of Philadelphia is also engaged in the same activity.

Mr. SLAYDEN. And the cities of Houston and Corpus Christi, in Texas, are other examples where there have been local contributions of importance.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

The Clerk read as follows:

St. Johns River, Fla., Jacksonville to the ocean, opposite the city of Jacksonville, Jacksonville to Palatka, and Palatka to Lake Harney, Lake Crescent and Dunns Creek, and Oklawaha River, Fla.: For maintenance, $335,000.

Mr. SEARS. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question. Last year when this appropriation was up, I asked Mr. Sparkman, who was chairman of the committee at that time, if this appropriation included the perfecting of the jetties, and he replied that the appropriation was intended to cover that project. I will state to the present chairman that I understand the jetties are in bad shape and need some repair, and I would like to know if the present chairman believes that this appropriation will cover that work? It was so reported by the Board of Engineers, as I understand it, Mr. Chairman, but I would like to have it definitely understood.

Mr. SMALL. In answer to the gentleman, I think I can state it unequivocally that the maintenance of this jetty is included in the improvements. That was the question?

Mr. SEARS. Yes.

Mr. SMALL. Mr. Chairman, I ask that all debate on this paragraph and amendments thereto close in seven minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FREAR. Mr. Chairman, I do not know that I care to ask for five minutes, but I wish to ask the chairman this: We have adopted the grouping system, which has been discussed in several cases, but I can not understand the purpose of the group on the bottom of page 13. On the St. Johns River, Fla., there are several different portions of the river included, and the lower portion of the river has a balance of $239,276 uncontracted for, and $15,000 is for the next item and $16,000 for another item. The Oklawaha River is joined with this group. What is the reason for joining the Oklawaha River in a grouping system of that kind, if the chairman has the information? I know the engineers have assumed charge of this, but what possible reason could they have for that method of grouping and for giving for maintenance $335,000, all of which, of course, might possibly be expended on the Oklawaha River? Of course that would not be likely, but that is a possibility.

Mr. SMALL. I will state that the Oklawaha River empties into the St. Johns River, and that gives it a direct connection with it, and makes the grouping consistent, and of the appropriation $330,000 is for the St. Johns River from Jacksonville to the sea and $5,000 for the maintenance of the Oklawaha.

Mr. FREAR. It would be possible under this grouping system for the Army engineers to use any portion or all of that $335,000, if they desire, on any of these projects, including the Oklawaha River?

Mr. SMALL. No; the gentleman is incorrect. They could divert the money to other projects only if conditions unanticipated should cause any deterioration of the channel, which conditions do not now exist. But unless conditions change from the time when the annual report was submitted on June 30, 1916, and in fact after this bill was formulated—because it was formulated upon information existing at that time—unless some conditions should occur to make additional funds necessary for maintenance none of this $335,000 will be used upon these other sections of the St. Johns River, but all of it will be expended on that part of the St. Johns River from Jacksonville to the sea.

Mr. FREAR. I presume that is true, but I am calling attention to this to show the powers we have lodged in the hands of the Army engineers by this grouping system, when over $300,000 can be given for maintenance of any project, two or three of which are on the St. Johns River.

Mr. HULBERT. Mr. Chairman, I ask that I may be recognized for the remaining two minutes.

During my membership in this House and prior thereto I have been much interested in the subject of aeronautics. I rise at this time to call attention to the fact that there will presently be brought into this House a bill to appropriate $650,000,000 for our aeronautical system. That will represent a greater appropriation than the combined appropriations for the Army and Navy in time of peace. I introduced and put in the basket this afternoon a resolution for the creation of a committee on aeronautics, and I think such a committee should be created at this time, because when bills are brought in here which seek to coordinate the activities of the Government with relation to the aeronautical service in the Army and Navy there will always be arising questions with regard to the committee to which they should be referred. Therefore, I hope

Members of the House will give their earnest and serious consideration to the importance of this matter.

Mr. FESS. Does the bill include also the creation of an extra Cabinet member?

Mr. HULBERT. I will say to the gentleman that I also introduced on the opening day of this session a bill, H. R. 3, and Senator SHEPPARD introduced a counterpart of the bill in the Senate, S. 80, and hearings are now going on before a subcommittee of the Committee on Military Affairs, of which the Senator from Texas [Mr. SHEPPARD] is the chairman, upon that measure. Admiral Peary, Lieut. Col. Rees, of the Royal Flying Corps, and Howard E. Coffin have already appeared and been heard; and Mr. Walker, the editor of the Scientific American, Gen. Goethals, and other noted men connected with aeronautics will appear before that subcommittee on Monday and Wednesday of next week.

The CHAIRMAN. The gentleman's time has expired. The Clerk will read.

Mr. POLK. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the pending bill.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FREAR. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SEARS. Mr. Chairman, two minutes ago, the committee, by unanimous consent, passed the Key West item. I would like for the members of the committee to read page 669 and the following pages, in volume No. 1, and also page 2307, of the report of the engineers on this proposition in order that they may familiarize themselves with it.

Mr. SMALL. Mr. Chairman, I move that the committee do now rise, and pending that to make this statement: I understand the food bill is in order for next Monday, but after the conclusion of the food bill the river and harbor bill will resume its status and will follow for consideration. I think that is the legislative status of the rivers and harbors bill.

The CHAIRMAN. The question is on the motion of the gentleman from North Carolina [Mr. SMALL] that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HARRISON of Mississippi, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 4285) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

THE ITALIAN MISSION (H. DOC. NO. 189).

The SPEAKER laid before the House the following communication:

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,
Washington, D. C., June 13, 1917.

The honorable the SPEAKER OF THE HOUSE OF REPRESENTATIVES,
Washington, D. C.

Mr. SPEAKER: The American Chamber of Commerce for Italy, which has its offices in Milan, has sent us a cable in which it requests that we express to the House of Representatives, through you, its appreciation for the splendid reception given to the Italian mission and for the opportunity to improve Italo-American relations.

Very truly, yours,

ELLIOT H. GOODWIN,
General Secretary.

The SPEAKER. The communication is ordered printed and referred to the Committee on Foreign Affairs.

EXTENSION OF REMARKS.

Mr. HULBERT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing the text of the resolution which I introduced here for the creation of a separate committee on aeronautics, and a statement by Gen. Squiers and Howard Coffin, and an editorial on the subject.

Mr. WALSH. Reserving the right to object, Mr. Speaker, I wish to inquire if this has not already been printed as a separate document?

Mr. HULBERT. It has not yet been printed in the RECORD. I want to put them in the RECORD for information.

The SPEAKER. Is there objection?

Mr. WALSH. I object.

Mr. HULBERT. I ask unanimous consent, Mr. Chairman, to extend my remarks in the RECORD on the subject of aeronautics.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection?

Mr. FARR. Reserving the right to object, Mr. Speaker, I want to ask if the gentleman is going to give some information as to what the Government itself is doing?

Mr. HULBERT. That is what I am trying to put in if they do not object to it. If they want enlightenment, I am trying to give it to them.

Mr. WALSH. Reserving the right to object, Mr. Speaker, is it the gentleman's intention to insert the same documents that he asked permission to insert?

Mr. HULBERT. Certainly not. I am not going to transgress the objection that the gentleman made against the printing of documents that are already printed.

The SPEAKER. Is there objection?

There was no objection.

Mr. SMALL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

LEAVE OF ABSENCE.

Mr. ADAMSON. Mr. Speaker, for providential reasons I ask unanimous consent that I may have leave of absence next week.

The SPEAKER. The gentleman from Georgia asks unanimous consent for leave of absence during next week. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2203. An act for the establishment of Northgate, in the State of North Dakota, as a port of entry and delivery for immediate transportation without appraisement of dutiable merchandise; and

S. 2453. An act to authorize condemnation proceedings of lands for military purposes.

The message also announced that the President had, on June 12, 1917, approved and signed bill of the following title:

S. 2133. An act to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, and for other purposes.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 2203. An act for the establishment of Northgate, in the State of North Dakota, as a port of entry and delivery for immediate transportation without appraisement of dutiable merchandise; to the Committee on Ways and Means.

ADJOURNMENT.

Mr. SMALL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 34 minutes p. m.) the House adjourned until Monday, June 18, 1917, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on reexamination of Grosse Pointe Channel in Lake St. Clair, Mich. (H. Doc. No. 188), was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. JACOWAY: A bill (H. R. 5072) to authorize condemnation proceedings of lands for military purposes; to the Committee on Military Affairs.

By Mr. KELLY of Pennsylvania: A bill (H. R. 5073) to establish direct contact between the people and the National Government by the creation of the war information commission; to the Committee on Education.

By Mr. CARTER of Oklahoma: Resolution (H. Res. 104) making exercises appropriate to acceptance of statue of Sequoyah the special order of business on June 23; to the Committee on Rules.

By Mr. HULBERT: Resolution (H. Res. 105) as to creation of committee on aeronautics; to the Committee on Rules.

By Mr. JAMES: Resolution (H. Res. 106) instructing the Committee on Immigration and Naturalization to interview the Secretary of State with a view to opening negotiations with the Italian mission relative to naturalization; to the Commitee on Foreign Affairs.

By Mr. CARTER of Oklahoma: Concurrent resolution (H. Con. Res. 14) auhorizing the printing and binding of the proceedings in Congress, together with the proceedings at the unveiling in Statuary Hall, upon the acceptance of the statue of Sequoyah, presented by the State of Oklahoma; to the Committee on Printing.

By Mr. RAKER: Joint resolution (H. J. Res. 103) extending provisions of section 2296 of the Revised Statutes to all homestead entries; to the Committee on the Public Lands.

By Mr. BORLAND: Joint resolution (H. J. Res. 104) designating the army raised under the act of May 18, 1917, as the "National Army of the United States"; to the Committee on Military Affairs.

By the SPEAKER: Memorial of the Legislature of the Territory of Hawaii, favoring the ratification of the arrangements of certain named persons made with the commissioner of public lands of the Territory of Hawaii, and the issue of land patents to those eligible under the terms of the agreement; to the Committee on the Territories.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DICKINSON: A bill (H. R. 5074) granting an increase of pension to Levi Covey; to the Committee on Invalid Pensions.

By Mr. DILL: A bill (H. R. 5075) for the relief of Vince P. Brown; to the Committee on the Public Lands.

By Mr. KAHN: A bill (H. R. 5076) authorizing the President to nominate and, by and with the advice and consent of the Senate, appoint Henry S. Kiersted, late a captain in the Medical Corps of the United States Army, a major in the Medical Corps on the retired list, and increasing the retired list by one for the purpose of this act; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of the International Farm Congress in support of the war; to the Committee on Military Affairs.

Also (by request), petitions of sundry citizens of Clarendon, Pa., and congregations of Disciples of Christ in the State of Missouri, favoring prohibition as a war measure; to the Committee on the Judiciary.

Also (by request), memorial of Northwest Suburban Citizens' Association relative to erection of a memorial hall in the District of Columbia; to the Committee on the District of Columbia.

By Mr. ANTHONY: Petition of Mullinix Cash Store and other merchants of Horton, Kans., in favor of House bill 4737, to regulate postage; to the Committee on the Post Office and Post Roads.

By Mr. AUSTIN: Petition of Centenary Methodist Episcopal Church South, of Knoxville, Tenn., favoring the prohibition of the liquor business as a war measure; to the Committee on the Judiciary.

By Mr. CARY: Petition of the Milwaukee County Council of Defense relative to passage of food-control bills; to the Committee on Agriculture.

Also, petition of I. M. Candlin and 30 others of Wisconsin, favoring the daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

By Mr. DALE of New York: Memorial of the New England Newspaper Alliance against tax on newspaper advertising; to the Committee on Ways and Means.

By Mr. DOWELL: Memorial of letter carriers of Des Moines, Iowa, relative to pay of National Guard while on Mexican border; to the Committee on Military Affairs.

By Mr. GEORGE W. FAIRCHILD: Petition of Oneonta (N. Y.) Trades and Labor Council, against prohibition measure; to the Committee on the Judiciary.

By Mr. FULLER of Illinois: Petition of A. S. Johnson, of Streator, Ill., protesting against Federal tax on gross receipts of agricultural fairs and associations; to the Committee on Ways and Means.

Also, petition of Rev. Almer Pinniwell and 120 others, of Morris, Ill., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. GANDY: Petition of 51 citizens of Rapid City, Mich., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. GRAHAM of Illinois: Petition of Rev. William H. Dickman, pastor of the Bethel Baptist Church, Port Byron, Ill., and 89 other citizens and residents of Coe and Zuma townships in Rock Island County, Ill., for the immediate enactment of prohibition of the manufacture of alcoholic liquors as a measure of food conservation, and for the immediate prohibition of the sale of liquors for beverage purposes in order to conserve the health, wealth, labor, transport facilities, and military efficiency of the people during the period of the present war; to the Committee on the Judiciary.

Also, memorial of members of the Moline Woman's Christian Temperance Union, Moline, Ill., urging conservation of foodstuffs used in making alcoholic beverages and passage of all war prhibition measures, and urging that no added tax be placed on liquor; to the Committee on the Judiciary.

Also, petition of the members and adherents of the United Presbyterian Church of Sunbeam, Ill., asking the prohibition of the use of all grain in the manufacture of beer or whisky; to the Committee on the Judiciary.

Also, petition of Rev. H. T. Jackson, pastor, and the official board of the Methodist Episcopal Church, of Good Hope, Ill., for the passage of a bill to prohibit the manufacture of intoxicating drinks during the period of the war; to the Committee on the Judiciary.

Also, petition of students of Carthage College, Carthage, Ill., for legislation prohibiting the consumption of food products in the manufacture of intoxicating liquors; to the Committee on the Judiciary.

By Mr. HADLEY: Petition of sundry citizens of Hamilton, La Conner, and Home Guard of Anacortes, Wash., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. HAMILTON of New York: Petition of sundry citizens of Jamestown, N. Y., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. KELLY of Pennsylvania: Petition of Woman's Home and Woman's Foreign Missionary Societies of the First Methodist Episcopal Church, of Braddock, Pa., favoring the prohibition of alcoholic liquors; to the Committee on the Judiciary.

Also, petition of the Michael Dwyer Club, of Pittsburgh, Pa., favoring the independence of Ireland; to the Committee on Foreign Affairs.

By Mr. KENNEDY of Rhode Island: Resolution of Roger Williams Association of Baptist Church of State of Rhode Island, and Mount Pleasant Baptist Church of Providence, in the State of Rhode Island, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. LONERGAN: Petition of Connecticut Chamber of Commerce, favoring passage of House bill 4630, the food-control bill; to the Committee on Agriculture.

Also, petition of Glastonbury (Conn.) Grange, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. LUNN: Petition of William A. Campbell, representing all of the Methodist Episcopal Churches of the counties of Montgomery and Fulton, also a part of the county of Schenectady, State of New York, praying for enactment of prohibition of the use of such grain as is now being lost in the manufacture of intoxicating liquors, and also to limit the liquors now on hand to nonbeverage uses; to the Committee on the Judiciary.

By Mr. MAGEE: Petition of Union of Churches and Men's Club of Trinity Church, of Fayetteville, N. Y., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. NOLAN: Petition of Division No. 12, Ancient Order of Hibernians, San Francisco, Cal., praying for the passage of House joint resolution 88; to the Committee on Foreign Affairs.

Also, petition of the San Francisco Theological Seminary, praying for the amendment of the existing Federal estate tax law which provides no exemption for educational, philanthropic, and religious bequests, legacies, and gifts; to the Committee on Ways and Means.

By Mr. O'SHAUNESSY: Petition of the Rhode Island State Federation of Woman's Clubs, urging the creation of effective zones around all military camps; to the Committee on Military Affairs.

By Mr. PLATT: Petition of members of the Home Culture Club of Cold Springs and citizens of Orange, Monroe, and Newburgh, N. Y., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. RAKER: Petition of Drs. Walker and Finney, Baltimore, Md., relative to patents on salvarsan; to the Committee on Patents.

Also, petition of A. J. Harder, president Northern California Editorial Association, Sacramento, and Mrs. Paul R. Sprague.

Woman's Home Missionary Society, Quincy, both in the State of California, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. RANDALL: Petition of 40 citizens of Montebello, Cal., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ROWLAND: Petition of Tenth District Sunday School Association of Clearfield County, Pa., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. SANDERS of New York: Petition of Rev. W. Swales, pastor, and the congregation of the Methodist Episcopal Church of Hamlin, N. Y., favoring national prohibition for the conservation of food and as a war measure; to the Committee on Agriculture.

By Mr. SMITH of Idaho: Petitions of citizens of Payette and Gooding and First Methodist Episcopal Church of Payette, Idaho, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. TAGUE: Petition of American Association of Masters, Mates, and Pilots, indorsing the Wadsworth-Dale bill, providing for the retirement of civil-service employees; to the Committee on Reform in the Civil Service.

By Mr. TILSON: Petition of the Connecticut State Medical Association, urging Congress to enact legislation to prohibit the sale of liquor during the war; to the Committee on the Judiciary.

Also, petition of Connecticut State Association of Letter Carriers, against contributory pension law; to the Committee on the Post Office and Post Roads.

By Mr. TIMBERLAKE: Memorial of Contemporary Alumnæ Association of Colorado Springs, Colo., relative to protection for morals of those in training camps; to the Committee on Military Affairs.

Also, petition of the Colorado Metal Mining Association, relative to exemption from military service of employees of metal industries; to the Committee on Military Affairs.

Also, memorial of council of the city and county of Denver, Colo., relative to high cost of living; to the Committee on Agriculture.

SENATE.

MONDAY, *June 18, 1917.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

O God, we feel that we gather this morning to consider questions pertaining to the welfare of our Nation upon the very crest of a wave of petition that has gone up to Thee out of millions of hearts seeking Thy divine guidance and blessing in this day of our national trial. O God, answer the prayer of Thy people. Look with infinite compassion upon us as we strive to walk in the light to do that which will be justified before the bar of Almighty God. Give to us wisdom and counsel. Give us a spirit of might and of understanding that we may so direct the affairs of this Nation that Thy approval shall be upon it and that great victory shall rest at last upon our efforts. For Christ's sake. Amen.

The Journal of the proceedings of the legislative day of Friday, June 15, 1917, was read and approved.

PLANT DISEASES AND PRICE FIXING.

Mr. SMITH of Michigan. Mr. President, I have a letter from the plant pathologist of the Michigan Agricultural College bearing upon the question of food conservation and plant disease survey. I should like to have the letter read.

I have also a letter from Hon. James N. McBride, the Michigan director of markets of the Michigan Agricultural College, bearing upon the question of a minimum price for agricultural products. It contains much valuable information in view of the present food situation and our proposed legislation. I will not ask to have the second communication read, but I will ask that it may be printed in the RECORD and the first communication read.

The VICE PRESIDENT. Without objection, the Secretary will read the first communication.

The Secretary read as follows:

MICHIGAN AGRICULTURAL COLLEGE,
East Lansing, Mich., June 4, 1917.

Senator WILLIAM ALDEN SMITH,
Washington, D. C.

DEAR SIR: There is at present before the Senate, the bill having passed the House, the matter of augmenting the food supply by scientific survey work and extension work. I am particularly interested in the matter of plant-disease survey, which is one of the minor items of this larger matter.

Plant-disease survey has for its object the determination by a corps of experts the exact conditions in the various great producing centers with reference to losses by plant disease. The data collected permits of immediately turning of the extension forces of the Department of Agriculture of the various colleges to the amelioration of conditions. It also assembles a body of facts which enable conclusions to be drawn which will permit relief measures to be planned.

As an example of this latter form of return, I might illustrate from my own experience here in Michigan. In 1912 and in 1915 the State was swept by an epidemic of late blight. This disease came in August and September and took, in 1912, 25 per cent of the crop, and in 1915, 50 per cent of the crop. In my work with the plant-disease survey I took up data as to the distribution of the disease, its extent, etc. In making comparisons with the weather maps for the various months of August and September when the blight occurred, I was surprised that other than the evidence that there was a moderate amount of rainfall there seemed no connection between the weather of those two months and the severity of the disease. On the other hand, the weather map for July presented almost the same picture as a disease map of the State in which the percentage of the disease was indicated. A study of the epidemics of the past years shows that in the vast majority of cases late blight epidemics in Michigan have been associated with cold wet Julys followed by months of heavy or even moderate rainfall. The inference drawn from this plant-disease survey study is going to be of great value to us this year, since it will enable us to predict whether late blight is going to attack our potato crop, and it will enable us, in case the disease is imminent, to get spraying started in Michigan.

This is only one instance of the sort of work that we may expect from the plant-disease survey. The work is to be done in the field by trained mycologists and plant pathologists. In this State we are able to secure a few men who have had training along this line who are available in the summer. In the House discussions I noticed that there was some fear expressed that there would be waste in the carrying out of such a large program of agricultural extension and investigation. This particular fear does not seem at all well grounded considering the long record of usefulness behind the Department of Agriculture. I think I can assure you that the plans of the plant-disease survey are carefully made, experts are available, and that the matter promises great returns in conserving our food supplies.

It is very likely that in the near future we shall not increase our yields by discovery of varieties that give phenomenal crops so much as by conserving from plant diseases and insect pests the crops which we already raise. I wish to ask your aid in furthering this particular branch of the Agricultural bill.

Very truly, yours,

G. H. COONS,
Plant Pathologist.

The VICE PRESIDENT. Without objection, the second communication will be printed in the RECORD.

MICHIGAN AGRICULTURAL COLLEGE,
East Lansing, Mich., May 16, 1917.

Hon. WILLIAM ALDEN SMITH,
United States Senate Chamber, Washington, D. C.

MY DEAR SENATOR: The question of minimum prices for agricultural products in Michigan is one that farmers are greatly interested in—in fact, not only farmers but business men of all lines. This office sent out a large number of inquiries, and I am inclosing to you a portion of some of the answers. Not 2 per cent of the answers received were in opposition to minimum prices.

I feel certain you would like to know public sentiment in Michigan.

Very truly, yours, JAS. N. MCBRIDE,
Michigan Director of Markets.

PUBLIC SENTIMENT IN MICHIGAN ON MINIMUM PRICES FOR FARM CROPS.

Colon C. Lillie, Coopersville: "My opinion is that fixing a minimum price would have a tendency to make food cheaper to the consumer and yet release the farmers from any possible loss. I would favor fixing a minimum price."

A. G. Hathaway, Hastings: "The proposition of minimum prices for farm crops was presented to 20 representative farmers Saturday and unanimously indorsed; $6 beans, $1 corn, and $1 potatoes are fair and compensatory."

At a county meeting of bankers and farmers held at Adrian May 3 R. C. Rothfus, banker, said that in case of overproduction, fixing a minimum price would cause all the people to bear the burden that otherwise would be borne by the farmer alone. In case of a short crop, curtailment of consumption would prevent

excessive prices. In either case the loss would be distributed among all the people, for the farmer is also a consumer.

Edward Frensdorf, banker, Hudson: "Minimum prices would greatly increase the borrowing power of the farmer by removing the factor of uncertainty of prices."

L. C. Robertson offered the following resolution which was unanimously adopted:

"We, the bankers of Lenawee County, in meeting assembled, do recommend the fixing of compensatory minimum prices for farm crops."

Dean Clark, Buchanan: "A minimum price for farm products would be a benefit in increased production and lessen some of the methods of extravagant distribution. Farmers are having difficulty in getting seed beans and potatoes."

R. G. Brumm, Nashville, reports one man as saying: "One dollar potatoes as a minimum price plants 20 acres, but with the uncertainties now none will be planted."

Chester Smith, Nashville: "When a farmer is urged to double his production, he is entitled to be safeguarded against a glutted market and speculating in his product."

County Line Grange, Pinconning, unanimously indorsed and urged minimum prices—beans, $6; corn, $1; and potatoes, $1 per bushel.

Emory Eddy, Linwood: "If the sugar companies can grant minimum prices on sugar beets, why can not the Federal Government do as much for us on other staple products? It would give the farmer a basic price to figure without danger of a slump in prices."

Fred Curtiss, Crystal Lake: "Compensatory minimum prices will cause maximum production. One man told me $1 potatoes this fall would make 'me plant the 15 bushels I have in my cellar and go without potatoes to eat until they grew again.'"

At a meeting of the Lenawee County Pomona Grange the executive committee unanimously declared for minimum prices.

Lowell Sours (representative), Grand Traverse County: "A fair minimum price for crops by the United States Government would be a boon to the farmer."

Michael Harris (representative): "Minimum prices would be a great help to the farmer of limited means in this year of high seed prices. The arguments against a liberal minimum price are very poor, for we certainly need a large food supply."

Frank A. Smith (representative), Wexford County: "The way to increase the production of foodstuffs is to guarantee the price; then the farmer can put forth every effort to raise a large crop and feel assured that a large crop will pay. Heretofore, oftentimes the small crop brought the most money."

L. W. Oviatt, Bay City: "Minimum prices for farm crops would give a great impetus to crop production."

Maj. Arthur P. Loomis, Ionia: "A minimum price would speed up production."

J. J. Henderson, Paris: "Minimum prices by the United States Government would be the greatest move that could be made to solve the problem of food shortness."

J. R. Tanner, Allegan: "A fair minimum price on beans, corn, and potatoes would do more to increase the total production than anything else."

Samuel W. Spicer, Ypsilanti: "Our grange unanimously indorsed minimum prices by the United States Government."

Frank Clark, Vernon: "Farmers would work harder, hire more help, and increase their acreage if they would not lose money by it. A minimum price would underwrite them against loss."

Duncan Campbell, Lincoln: "A minimum price would remove the gamble of planting $3 potatoes and $10 beans. Farmers should, with a minimum price, market as needed."

John P. Espie, Eagle: "The farmers are patriotic and will stand by the flag to a man. Public sentiment here is for minimum prices and in opposition to the food speculator having the advantage of the producer or consumer. The present price of milk and cream allows no profit to the farmer. Cows do not pay."

Peter Koelsch, Standish: "I am in a position to know the sentiment of farmers and can say that they would feel safer and work harder and grow more staple crops if the United States would establish a fair minimum price. It will take 15 bushels of potatoes at $4 per bushel to plant an acre, and not one farmer in fifty will take the chance without a guaranty."

Jason Woodman, Paw Paw: "If the Government really wants a very large amount of food, this is the only practical way to get it. Every farmer knows that the larger the crop the lower the price. * * * It must not be forgotten that when the farmer pays his help, his expenses, and his taxes, all of which will be extraordinarily high, he can not pay those bills with patriotism; his creditors ask cash."

I. W. Byers, Iron River: "I am most heartily in favor of compensatory minimum prices for farm crops. At a meeting of the Patriotic League it was determined that locally we should guarantee a price of at least 75 cents per bushel to farmers for potatoes next fall."

R. D. Bailey, Gaylord: "A minimum price will put the grease where the squeak is. If there is no risk, why not the Government take that risk. In Antrim and Otsego Counties farmers, worthy and substantial men, are asking for a minimum price."

Albert G. Griggs (representative), Oakland County: "I would say that a price of 75 cents per bushel for potatoes would increase the acreage 25 per cent and with a normal season give us three times the crop of last year. If you want more potatoes, raise the price to $1 per bushel and you will get them. No experienced farmer of good judgment will plant an increased acreage with a prospect of 30 to 50 cents per bushel price."

J. C. Merriam (representative), Sanilac County: "I was formerly opposed to minimum prices, but now have come to the conclusion that it should be done. Most farmers will not hire help at the price asked and take the risk of failure and low prices. I would favor a minimum price of grain only."

John Schmidt (representative), Osceola County: "I strongly favor minimum prices for farm products."

J. J. Jakway, Benton Harbor: "No force or forces directed toward increase of foodstuffs would be so effectual as guaranteed prices. Give us a mark to aim at and food will certainly be produced."

At a meeting of the bankers of Washtenaw County the following resolutions were passed:

"That a minimum price should be fixed by the Federal Government for spring crops, and this minimum should be $1 for potatoes, $1 for corn, and $5 for beans."

W. E. Underdown, Ann Arbor: "With the present high prices for seed, farmers seem reluctant to take the chance of increasing their acreage without some assurance of a fair price in the fall. I fully believe that the greatest stimulant to the increase of crop production would be for a minimum price fixed by the United States Government."

George Winnegar, Morrice: "The seed and fertilizer will cost me about $60 per acre to plant potatoes this year. Is this a good proposition? If I were assured of $1 per bushel I would not hesitate to get the help and grow an increased acreage. The man who farms from a city office says that this year there can be no overproduction and that speculators can not manipulate prices this fall. If this is true, the Government takes no chances on a minimum price. We all know that if the United States said $1, the price would not go lower."

T. F. Marston, Bay City: "Absolutely in favor of minimum price. Such action will stimulate production."

Edwin D. Greenhoe, Sheridan: "The Montcalm County Agricultural Committee discussed minimum prices and indorsed $6 beans, $1 potatoes, and $1 corn. Our best farmers say that the United States should fix prices."

Claire Blackman, Plainwell: "On motion, the Gun Plains Grange, No. 1281, indorsed the movement for the Government to fix a minimum price for beans, potatoes, corn, and wheat for the ensuing year, as follows: $6 for beans, $1 for corn, $1 for potatoes, and $1.50 for wheat, per bushel."

C. J. Chambers, Ithaca: "In reply to your inquiry as to the advisability of minimum price fixing as a stimulus to greater production, will say that there are in this county those that advocate the fixing of a minimum price. However, when it is explained to them that action along this line by Congress might lead to the fixing of a maximum price, there seems to be some uncertainty in the minds of the farmers as to whether it would be a good thing or not. Of course, if the minimum and maximum were high enough there would be no objection and might result in a slightly increased acreage in Gratiot County."

E. G. Amos, Manistique: "Farmers would increase the potato acreage 1,000 acres if they could be assured of compensatory minimum prices."

R. E. Morrow, Bellaire: "In reply to your circular letter dated May 1, 1917, would say that I don't believe 'minimum prices' will make much difference in production here. I believe nearly every tiller of the soil is working himself and the farm to the maximum anyhow in our county. It seems as though it might be profitable for the Government to devote considerable time and thought to organizing 'consumers' leagues' and, of course, more producers' selling associations just now, in order that the cost of distribution may be reduced to a minimum."

M. A. Rathburn, Sherwood: "In reply to your letter of May 1, I would say that we don't want a price set on our produce unless there is one on the manufacturers' goods, for it would be one-sided, like a jug handle."

Resolutions by the Farmers' Clubs of Alpena, May 4, 1917:

"Whereas the condition of our country is critical; and

"Whereas our farmers are asked to increase production beyond any previous year; and

"Whereas the high prices of seed and labor will double the cost of production: Therefore be it

"*Resolved*, That the farmer be guaranteed a compensatory price for his produce by the Federal Government setting minimum prices to the producer for staple crops."

Hon. John C. Ketcham, master Hastings Grange, Hastings: "You may count me in strongly for the minimum-price idea. More than any other thing it will increase our food supply.

"Contracts are made for all sorts of war supplies at fixed figures, and in no case are these prices based upon anything lower than cost plus a reasonable profit. The farmer has enough contingencies to face in the labor, weather, and pest factors without having to run the risk of noncompensatory prices, frequently made so by speculation or manipulation."

M. E. Duckles, Traverse City: "Farmers who have been interviewed in this section maintain that to insure them against the calamity of overproduction would only be justice, inasmuch as the Government is asking them to put forth every effort to increase their acreage. If the Government secures the munition plants and other war factories by contract, the farmers think they should be secured also.

"Commission men and consumers here demand a maximum limit if a minimum price is fixed.

"From all I can learn such a law to insure the farmer against great loss in case of overproduction would probably increase the acreage in this locality 10 to 20 per cent if it were passed at once."

S. S. Fall, State agricultural agent, Mount Pleasant: "In answer to your letter of May 1 in regard to the public sentiment in Isabella County as to minimum price fixing by the United States in order to increase food production, I will say that the people are very much in favor of such action, as it will greatly encourage the planting of a large acreage."

PETITIONS AND MEMORIALS.

Mr. NELSON presented petitions of the Farmers' Club, of Midway; of S. R. Lewis, of Duluth; of L. Marvin, of West Duluth; of the Woman's Christian Temperance Union of Etna; of the Baraca Class of the First Methodist Episcopal Church of Duluth; and of John Helmer, of Duluth, all in the State of Minnesota, praying for national prohibition as a war measure, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Minneapolis, Minn., remonstrating against the use of food products in the manufacture of intoxicating liquors, which was referred to the Committee on Agriculture and Forestry.

Mr. ROBINSON. I present a telegram in the nature of a petition from V. G. Craig and other members of the Methodist Church of Conway, Ark., which I ask may be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

CONWAY, ARK., *June 17, 1917.*

Hon. JOE T. ROBINSON,
Washington, D. C.:

We, the members of the Business Men's Bible Sunday School Class of the Methodist Church, Conway, Ark., hereby express to our United States Senators our earnest hope that they will stand for national prohibition as a war measure.

V. G. Craig, W. A. Bragg, A. L. Jones, W. O. Wilson, T. R. Douglass, W. N. Jones, J. N. Legg, Dr. G. D. Huddleston, Dr. G. A. Bennafield, J. T. Murphy, G. G. Hancock, J. J. Smith, W. F. Smith, T. C. Harned, W. R. Hairston, J. M. Jackson, Claude Martin, N. C. Martin, D. H. Colquette, J. J. Livingston, N. B. Nelson, J. V. Major, E. H. Major, T. A. Graham, A. R. Richardson, O. F. Bolls, J. M. Bolls, J. Z. Bailey, C. J. Greene, J. A. Pence, J. R. Pierce, Y. T. P. Landers, J. E. Little, A. M. Ledbetter, W. B. Hubble, J. H. Reynolds, W. D. Bryant, W. J. Redd, J. D. Voss, W. D. Cole, jr., E. L. Hinton, S. N. Bolton, W. E. Jumper, W. S. Cazort, S. G. Smith, R. C. Reid, C. C. Jones, S. E. Anderson, E. H. Allison, H. M. Anderson, J. W. Bassett, C. R. Berry, E. V. Leverett, J. H. Durham, C. E. Durham, J. E. Opie-Hart, J. W. James, G. L. Bahner, L. E. A. Munn, Dick Johnson, Dr. H. E. Cureton, H. C. Mode, J. D. Collier, E. F. Edwards, Guy R. Farris, W. J. Gardner, E. L. King, R. B McCulloch, J. H. Bailey, J. C. Clark, W. H. Smith, A. P. Dollahite, J. D. Brady, J. J. Nixon, S. T. Simpson, W. B. Stark, G. F. Miles, J. P. Womack, D. L. Young, B. T. Deal, C. H. Newbern, F. E. Bolls.

Mr. ROBINSON. I present a petition of the Woman's Missionary Society of the Methodist Church, of Little Rock, Ark., which I ask may be printed in the RECORD.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

LITTLE ROCK, ARK., *June 12, 1917.*

Hon. JOSEPH T. ROBINSON.
United States Senate, Washington, D. C.:

Undersigned petition your honorable body not to tax but prohibit the liquor business as a war measure.

Above petition was indorsed by vote at meeting held under auspices of Woman's Missionary Society, Methodist Episcopal Church South, in city of Little Rock, State of Arkansas, by the Little Rock District Conference in annual session, representing 5,000 women.

Attest:

Mrs. JOE GOETZ, *Presiding.*

Mr. ROBINSON. I present a large number of letters and telegrams from bankers in my State relative to the stamp tax on bank checks, which I ask may be received and referred to the Committee on Finance.

The VICE PRESIDENT. Without objection, that action will be taken.

Mr. McLEAN presented a petition from the Connecticut Branch of the National Woman's Party, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

He also presented a petition of Union Grange, No. 25, Patrons of Husbandry, of Southington, Conn., and a petition of Glastonbury Grange, No. 36, Patrons of Husbandry, of Glastonbury, Conn., praying for national prohibition, which were ordered to lie on the table.

He also presented a memorial of the Allied Printing Trades Council of Hartford, Conn., remonstrating against the proposed increase in the rate on second-class postage, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of New Britain, Conn., praying for the passage of the so-called daylight-saving bill, which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Connecticut, praying for Federal control of food products, which was ordered to lie on the table.

Mr. POMERENE. I present a telegram in the nature of a petition from the Chamber of Commerce of Columbus, Ohio, urging the support of the bill to provide further for the national security and defense by encouraging agriculture and regulating the marketing and distribution of food, and also a similar telegram from the Central Labor Union of Canton, Ohio, which I ask may be printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

COLUMBUS, OHIO, *June 16, 1917.*

Hon. ATLEE POMERENE,
Washington, D. C.:

The Columbus Chamber of Commerce, after consultation with the best authorities of this community and ascertainment of business and professional opinion, by action of its board of directors earnestly urges your support of House bill 4630, being the bill to provide further for the national security and defense by encouraging agriculture and regulating the marketing and distribution of food. We believe passage of this bill vesting control of food supplies in the President is vitally necessary in view of the present emergency and hope nothing will prevent your favoring enactment of the law. We regard it desirable, if possible, to have the law amended so as to include in the system of control producers as well as manufacturers and distributors.

COLUMBUS CHAMBER OF COMMERCE,
M. J. CAPLES, *President.*

CANTON, OHIO, *June 16, 1917.*

Hon. ATLEE POMERENE,
United States Senate, Washington, D. C.:

Canton Central Labor Union insists Congress immediately pass legislation to protect our citizens against results of speculation in foodstuffs. Organized labor is doing its part in the world crisis, and workingmen and their families must not be exploited for the benefit of food gamblers. We look to you to help us.

CANTON CENTRAL LABOR UNION.

OFFICERS OF HEALTH SERVICE.

Mr. RANSDELL. From the Committee on Public Health and National Quarantine I report back favorably without amendment the joint resolution (S. J. Res. 67) to fix the status and rights of the officers of the Public Health Service when serving with the Coast Guard, the Army, or the Navy, and I submit a report (No. 66) thereon. I ask for the immediate consideration of the joint resolution. It is a war measure and very important.

The VICE PRESIDENT. The joint resolution will be read.

The Secretary read the joint resolution, as follows:

Resolved, etc., That when officers and other persons of the United States Public Health Service are serving aboard Coast Guard vessels in time of war, or are detailed for duty with the Army or Navy in accordance with law, they shall be entitled to all the rights, privileges, benefits, and allowances, including rights to pensions for themselves and widows and children, if any as are now provided for officers of corresponding grade and length of service of the Coast Guard.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC HEALTH SERVICE RESERVE.

Mr. RANSDELL. Also from the Committee on Public Health and National Quarantine I report back favorably with amendments the joint resolution (S. J. Res. 63) to establish a reserve of the Public Health Service, and I submit a report (No. 65) thereon. This is also an emergency measure of an important character and is unanimously reported by the committee. I ask for its present consideration.

The VICE PRESIDENT. Is there objection?

Mr. GRONNA. May we have the joint resolution read?

The VICE PRESIDENT. The Secretary will read the joint resolution.

The Secretary read the joint resolution, as follows:

Resolved, etc., That for the purpose of securing a reserve for duty in the Public Health Service in time of national emergency there shall be organized, under the direction of the Secretary of the Treasury, under such rules and regulations as the President shall prescribe, a reserve of the Public Health Service. The President alone shall be authorized to appoint and commission as officers in the said reserve such citizens as, upon examination prescribed by the President, shall be found physically, mentally, and morally qualified to hold such commissions, and said commissions shall be in force for a period of five years, unless sooner terminated in the discretion of the President, but commission in said reserve shall not exempt the holder from military or naval service. Said officers shall consist of sanitarians, senior assistant sanitarians, and assistant sanitarians, and when ordered to active duty in the service of the United States shall receive the pay, allowances, and leaves of absence of surgeons, passed assistant surgeons, and assistant surgeons, respectively: *Provided*, That the Secretary of the Treasury may appoint for duty with said reserve employees in such number as the public interest may require and the funds appropriated may permit.

SEC. 2. That for the purpose of carrying out the provisions of this act the sum of $300,000 be appropriated out of any money in the United States Treasury not otherwise appropriated.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The first amendment was, on page 2, line 4, before the word "pay," to insert the word "rank" and a comma.

The amendment was agreed to.

The next amendment was, on page 2, line 6, after the word "respectively," to strike out the proviso in the following words:

Provided, That the Secretary of the Treasury may appoint for duty with said reserve employees in such number as the public interest may require and the funds appropriated may permit.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HARDING:

A bill (S. 2469) to authorize the change of name of the steamship *Caldera* to *A. T. Kinney* (with accompanying papers); to the Committee on Commerce.

By Mr. CHAMBERLAIN:

A bill (S. 2470) to provide for the planning, improvement, relocation, construction, and maintenance of a system of improved national highways and State highways designed to facilitate the movement of troops, equipment, munitions, and supplies, in time of peace and in time of war, and to promote the general welfare of the people of the United States; to the Commitee on Military Affairs.

A bill (S. 2471) granting a pension to Marguerite Daugherty (with accompanying paper); to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 2472) granting an increase in pension to Martha R. Sutton (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 2473) extending the franking privilege for the purpose of transmitting to the Department of Labor papers relating to naturalization cases (with accompanying papers); to the Committee on Post Offices and Post Roads.

A bill (S. 2474) for the relief of the widow of Rudolph H. von Ezdorf, deceased; to the Committee on Claims.

A bill (S. 2475) granting an increase of pension to Malinda K. McGowen; to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 2476) granting a pension to Laura L. Junkin; to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 2477) to authorize the construction of a building for the use of the Treasury Department; to the Committee on Public Buildings and Grounds.

By Mr. WILLIAMS:

A bill (S. 2478) to repeal the restriction on appointments and promotions in the Pension Bureau; referred to the Committee on Appropriations.

By Mr. OWEN:

A joint resolution (S. J. Res. 80) to provide further for the national security and defense by insuring the supply and equitable distribution of print paper; to the Committee on Manufactures.

CONSERVATION OF FOOD.

Mr. GRONNA. I have a copy of a bulletin prepared by Dr. Wilbur F. Crafts on conservation of food and other resources by war prohibition. I ask that it may be printed in the RECORD without reading.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

CONSERVATION OF FOOD AND OTHER RESOURCES BY WAR PROHIBITION.

[Facts and figures prepared by the International Reform Bureau.]

This is not an argument, but certified facts classified to answer questions bearing on food conservation and war prohibition.

1. What are the facts as to national and world shortage of food as a war problem?

Hon. David F. Houston, Secretary of Agriculture, on April 23, 1917, said to the Senate Committee on Agriculture and Forestry, speaking of the relation of world agriculture to the war:

"I need scarcely dwell at length at this time on the tremendous importance and necessity of greatly increasing production this year, of conserving foods, of eliminating waste, of improving distribution, and of preventing manipulation of foodstuffs and uneconomic speculation in them. This struggle is one of endurance—of resources. Its outcome is dependent in no small measure on the abundance of supplies of all kinds, especially of food, just now. There was a world shortage of a number of important staple crops. The weather conditions the world over last year were unfavorable. There was a shortage especially of wheat and potatoes. In Europe, of course, agriculture, like everything else, is in a highly abnormal and disturbed state. It is handicapped by lack of labor, by disruption of organization and of transportation, and by lack of fertilizers, of seed, and of animals. The reserves are very low. We must not only produce more for our own people, but also a large surplus to dispose of to Europe."

David Lubin, American representative to the International Institute of Agriculture at Rome, sent a warning to the American people April 5: "For the first time in many years there exists a deficit in the supply of corn, wheat, rye, barley, and oats, estimated at a total of 130,000,000 bushels less than normal requirements for countries open to trade. We can avoid high prices by the elimination of waste." Manifestly the greatest waste is in making drink.

Instead of producing more than usual for this emergency, all our cereal crops were less in 1916 than in 1915, as Senator SHAFROTH showed in May 12 debate, from World Almanac for 1917, page 283, our total cereal shortage being 1,114,337,000 bushels, equivalent to 62,402,872,000 pounds. The greatest cereal shortage last year was in the chief cereal, "the staff of life," wheat, and there is no assurance of any surplus this year. Secretary Houston, at hearing already spoken of, said: "Of wheat the Nation needs for its liberal domestic use for human food and for seeding 640,000,000 bushels." In the Senate debate of May 12 Senator GRONNA (CONGRESSIONAL RECORD, p. 2180) quoted the Department of Agriculture to the effect that "production of winter wheat this year will be less than 400,000,000 bushels." He adds: "Never in the history of this country have we produced so much as 250,000,000 bushels of spring wheat. That makes a total of less than 650,000,000." It will be noted that this highest total of wheat that can be hoped for is almost exactly what Secretary Houston names as what is needed for our normal domestic uses. From a department report sent out in May, 1917, headed "Food crop must be increased," we quote two statements as to wheat prospects for this year: "The condition of this crop [winter wheat] as shown by the department in its report of April 1 is more than 25 per cent below the average condition April 1 for the past 10 years. This condition forecasts a production this year nearly 52,000,000 bushels less than that of 1916 and 243,000,000 bushels less than the crop of 1915. * * * The spring-wheat acreage of 1916 (17,956,000 acres) was more than 5 per cent less than that of 1915 (19,161,000 acres), and more than 4 per cent less than the preceding five-year average (18,799,000 acres)."

That our shortage is serious apart from the war is suggested also by the perilous rise of food prices, which speculators could hardly send so high if the supply was abundant. Such a shortage is also proclaimed loudly in the call of thousands of college students in the early spring from their lessons to the farms. Was this only to produce enough extra foodstuffs to supply the brewers?

2. How much do our allies ask us to export to them this year?

In Washington Post of May 15, 1917, it was stated that "the allies had called on the United States to furnish 600,000,000 bushels of grain this year." In contrast with this figure we note that Secretary Houston intimated to Senate committee that we could expect only "a small surplus." It has been said that the issue of the war may be determined by the last million bushels of grain. We must keep in mind that to get 600,000,000 bushels of grain to Europe we must send enough extra to pay generous toll to the submarines. Mr. Herbert C. Hoover is quoted in the Continent of June 7, 1917, page 33, as saying that the minimum need of the allies and neutrals for grain the coming year will be 971,000,000 bushels, of which he names six to eight hundred millions as our share. He talks more hopefully of getting it since he was appointed to public office and has met with criticism and opposition because he urged before the Senate committee the conservation of the grain wasted in the making of intoxicants. But we shall not forget his former more unbiased testimony in the Senate hearing, pages 374–376, where he said that "The allies, in order to provide the minimum bread rations which they are now giving to their people," which he calls a "drastic ration," will need "from a fifth to a quarter" more than can be sent them if they get "everything we could hope for from every quarter of the globe." As to conservation of the grain used to

manufacture liquors, Mr. Hoover said (p. 417): "Entirely aside from ethical questions, my impression is that we could save somewhere from 50,000,000 to 60,000,000 bushels of grain on the brewing side after having allowed for the fodder proposition, and that grain is of the utmost value to the allies. On the distilling side we will probably also want the whole capacity of the distillers for industrial purposes in connection with munitions. And without the intervention of some food control they would probably normally make that alcohol out of grain, but by the establishment of food control and the insistent installation of substitutes for grain in distillation we could probably save anywhere from 25,000,000 to 50,000,000 bushels of grain in the manufacture of industrial alcohol, because there are other things that may be used equally well for that purpose. There are two savings to be made there, one on the suppression of brewing and the other on the substitution of material other than grains for the manufacture of industrial alcohol."

Senator KENDRICK. If 100,000,000 bushels might be saved in that way, Mr. Hoover, it would supply about one-half of the shortage you spoke of yesterday that would be required by the allies?

Mr. HOOVER. It will be of very great importance, indeed.

(Prof. A. E. Taylor, Assistant to the Secretary of Agriculture, said to the writer that two-thirds of the capacity of American distilleries was occupied in producing munition alcohol before the United States entered the war, and their full capacity will be needed now. He also said that barley has only half the nutritive value for human food when it is fed to cattle, whether before or after the brewers have used it, and becomes meat, as when it is fed to human beings in bread.

No question is raised here as to any depreciation of the barley through alleged "food value" transferred to beer, or whether brewery refuse grain, as ordinarily handled, may not affect the healthfulness of the meat or milk of brewery-fed cattle.)

It is appropriate to quote here from a liquor paper (American Brewers' Review, June, 1917, pp. 182, 183) the statements of the British food dictator, Mr. Kennedy Jones, who opines it would not be wise or advisable to discontinue the making of beer in England or in Germany because "the workingman has been accustomed to his beer so long that he would not work well if he were suddenly deprived of it" (reductions are made), but he "thinks conditions are different in this country, and that it might be well, on the whole, for the United States to forbid the brewing of beer." In support of this distinction it should be recalled that in the United States alone has it been the custom of more than half the employers of labor for a quarter of a century (United States Labor Bureau Report on "Economic Aspects of the Liquor Question") to require abstinence for safety and efficiency or at least to give preference to abstainers. It is on this account partly that such great cities as Atlanta, Seattle, and Denver go from license to prohibition with no excitement and no exodus except of criminals and loafers.

NO SAVING IF USE OF GRAIN FOR WHISKY ONLY IS FORBIDDEN.

4. How much reduction of the use of foodstuffs in the manufacture of liquors would be assured by a really prohibitive tax on materials used for making distilled liquors, as proposed by the Senate Finance Committee, or by direct prohibition of the making of such liquors?

None whatever, as it might result only in the transfer of foodstuffs from distillery to brewery. Nor would such action conserve man power by suspending the drinking of distilled liquors, as the stock of spirits on hand June 30, 1916, was 231,452,740.4 gallons, according to internal-revenue report for 1916, page 113. The Distillers' Securities Corporation, in a statement dated May 2, 1917, page 4, say that the annual consumption for beverage purposes is 113,000,000 gallons. The alcohol that could be derived from this stock of distilled liquors would provide a supply for our munition plants for several months, and we might, therefore, postpone for so long the use of any foodstuffs for making explosives by commandeering these liquors for war purposes.

5. To what extent would the suspension of beer making conserve food?

Nearly twice as much grain is used annually for making beer as for making whisky—68,439,849 as against 39,341,566 (internal-revenue report, 1916). The brewers, in a statement to the Senate Committee on Agriculture and Forestry (see published hearings), seeking to minimize their drain upon food supply, first of all estimate a decrease of beer production on account of prohibition of more than one-seventh (from 58,663,624 to 50,000,000 bushels), and then ask us to credit 35 per cent for the value as cattle feed of the refuse grain they have used to make beer, and so reach a residue which they say is but three-quarters of 1 per cent of total grain product of the Nation.

Off against this claim should be considered the former claims of the Brewers' Yearbook, for example, the volume for 1914, page 156, claims that the brewers use grain equal to the entire grain crop of Maine, Connecticut, Delaware, Nevada, New Mexico, and Wyoming. Perhaps the Senators from those States may question whether such an amount of grain is negligible at a time of food shortage. In the remarks of Mr. RANDALL in the Appendix of the CONGRESSIONAL RECORD it is also shown that they claim to consume the product of 300,000 farmers.

The injury wrought by beer in the impairment of health and efficiency is very fully shown in the remarks of Mr. SMITH of Idaho in the Appendix of the CONGRESSIONAL RECORD and in "Scientific testimony on beer," quoted on the floor of the Senate by Senator GALLINGER on January 9, 1901. (See supplementary statement on brewers' fallacies.)

SHIPPING GRAIN TO MAKE BEER ABROAD.

The brewers (American Brewers' Review, June, 1917, p. 182) and their political friends (Courier-Journal, May 6, 1917) are citing the fact that if we conserve the American grain used to make liquors in order to ship more abroad, it will be made into beer in Great Britain, as much of our grain has been so used every year of the war while its price was rising to our own people. Our legislators and reformers have been seeking to avoid action on this question of exporting grain to our allies for making beer and whisky, but when liquor dealers introduce this fact for their defense it can no longer be avoided. If the Cummins amendment had not been reconsidered and defeated, a supplementary amendment would have been offered forbidding the export of foodstuffs during the war except on official guaranty that it should not be used to make liquors. Manifestly we must also see that it is not merely substituted for other grain that would have been used for bread so that the foreign grain may be turned to beer or whisky. M. Wintringer (Sunday School Times, Oct. 28, 1916) said that by cooperation of British and American Governments 12,000 tons of barley per month was sent to the Belgian Brewers' Federation at the very time that country was living on the world's charity. We are struggling to confine this document to questions and certified answers, and we will therefore interpose here only the question, Should that action be considered one of the "Belgian atrocities"? If the food shortage is as serious as Secretary Houston and Mr. Hoover described it to the Senate committee, is it not the duty of all the allies to take the heroic step of war prohibition together? This step the leaders of Britain and France advocated at the war's beginning, as thousands of their men of "light and leading" do to-day in the strength of Britain's movement (see book Defeat or Victory), and perhaps they might win in spite of the liquor power in politics if we should bravely lead the way, for their sake as well as ours.

In contrast to a general decrease in brewing elsewhere in Europe, the Brewers' Journal of June 1, 1917, intimates that during the first quarter of 1917 the French breweries increased their business and have almost "attained the normal level of antewar times."

6. What facts should be considered in deciding whether wine should be included in any legislation to conserve food and other resources?

It is said that our people do not use much intoxicating wine, and therefore that conservation of fruits so used would not help largely in meeting the food shortage. But, on the other hand, if few use wine would there not be so much less opposition to meet? And if the making of beer and whisky is forbidden, would not the making of wine be increased, and men and land now used for raising grain be diverted to raising fruits for wine? Tables of wines show that the weakest wines have higher alcoholic content than strongest beers—ranging from 8 per cent to 25.41 per cent. (Appleton's American Cyclopedia, article on wines, p. 667.) Cyclopedia of Temperance and Prohibition, article on vinous liquors, page 647, quotes from United States Agricultural Department, showing alcoholic content of American wines as from 9.66 per cent to 17.85 per cent. Distilled liquors are also in some cases made from fruits—brandies, for example. France and Germany, just beginning to experiment on liquor legislation, treat wine and beer as 'temperance drinks." The United States passed that experiment stage many years ago. All liquor laws of the United States, whether license laws or prohibitory laws, treat wine, beer, and whisky alike as "intoxicating liquors." All destroy grain, health, efficiency, character, public tranquillity. Wine is an "old offender," with a bad record back to the days of Noah and Lot and Solomon. Can it be reasonably expected the American people will tolerate any conservation or prohibition that leaves wine out? This year's crop might perhaps claim exemption on the ground that we usually grant a year to inaugurate prohibition, and while we can not wait so long in the case of grain in this crisis, we might wait till winter in case of fruits.

CONSERVATION OF THE NATION'S MONEY ALSO NECESSARY IN WAR TIME.

Attention has been too exclusively directed to the need of conserving food for victory. Wars have been determined by financial resources oftener than by food supply.

7. What is the direct retail cost of drink to our people?

Ex-President Charles W. Eliot, of Harvard University, in a table quoted in the Union Signal, March 23, 1916, estimates the "annual liquor bill" of the United States at $2,200,000,000. This is a conservative estimate.

8. What is the indirect cost of drink as a producer of disease, death, crime, accidents, dependency, and inefficiency?

This can not be answered exactly, but is estimated in the following table prepared by W. G. Calderwood, executive secretary of war prohibition committee of 60, and used in a speech by Representative CHARLES H. RANDALL, which explains the estimates in detail (CONGRESSIONAL RECORD, Appendix).

Loss on foodstuffs	$146,000,000
Loss of commercial value of 120,000 lives (destroyed yearly)	966,720,000
Loss time of 589,000 farmers and wage earners	539,000,000
Loss through crime, insanity, and poverty	93,377,500
Loss in production of wealth (by lowered efficiency)	2,000,000,000
Total indirect cost of drink	3,745,097,500
All direct retail cost of liquors to people (President Eliot's estimate)	2,200,000,000
Total cost of liquors to the Nation	5,945,097,500

THE LIQUOR REVENUE AN UNLUCKY 13 TO 1.

This is about twelve times the half million total liquor revenues to Nation, State, and city, including new war-revenue taxes not yet enacted. (National Herald, liquor paper, Mar. 6, 1915, gave $325,000,000 as the estimated total then.)

This estimate of 1 to 12 in above figures for the whole Nation strikingly corresponds with result of a prize contest in Baltimore conducted by the Antisaloon League, which showed the local saloons cost the people thirteen times as much as the total revenue they paid.

The Liberal Advocate, a liquor paper, in June, 1917, pictured "the goose that laid the golden eggs" labeled "internal revenue," with three eggs, one of which was marked to represent that one-third of Federal revenue is paid by the liquor business. But when it is shown that liquor revenue is only an unlucky thirteenth paid back to the people's Government out of what the liquor traffic costs the people, directly and indirectly, in money, besides other greater costs, who is the "goose" anyhow?

There has been some dispute as to whether liquor dealers asked the extra tax put upon them in the pending revenue bill, regarding it as an intrenchment. So far as distillers are concerned, the proof that they did is in a letter sent to Senators and Representatives by the Distillers' Securities Corporation, dated May 2, 1917, in which the president of that corporation said: "We are in favor of increasing (during the period that the present war continues) the tax from $1.10 to $2.20 per proof gallon."

Prof. Irving Fisher, chairman of war prohibition committee of 60, has this to say of liquor revenue: "If saloons were closed, two billions would be set free for something else, some useful articles of consumption. Whatever these articles might be, they could, if desired, bear the tax now borne by the liquor, which they would replace. In short, prohibition would not reduce the volume of taxable goods, but it would simply substitute other goods than liquor—such, for instance, as soft drinks, candy, foods, and clothing, which otherwise would never have been produced at all. Furthermore, prohibition, by keeping sober one or two hundred thousand men now incapacitated each day by drunkenness, and by increasing the productive power of those who, while not drunk, are 'slowed down' by alcohol, would speed up production probably at least 10 per cent (a manufacturer estimates it from actual records as over 20 per cent in his factory), which 10 per cent, if applied to the more than half of our national dividend now produced in 'wet' territory, would add over two billions to our national dividend. It follows that the more than two billions now spent on alcohol and the more than two billions of national income which prohibition would bring could all be paid in taxes without making the people one cent poorer."

CONSERVATION OF MAN POWER.

9. What are the significant statistics as to conserving and increasing man power by war prohibition?

The committee of 60 state that the wage and salary list of the liquor traffic is about 289,000. (CONGRESSIONAL RECORD, Appendix.) The Antiprohibition Manual states that the portion of farm produce that liquor makers use requires the full service of 300,000 men. Adding the two groups we have 589,000 men, more than enough to take the places in industry vacated by our first conscription of half a million men. With so many men about to be withdrawn from business pursuits and immigration at ebb tide, it is not at all a problem to use in other trades those now in the liquor business.

The Liquor Dealers' Manual for 1917 says: "Production and distribution of alcoholic beverages altogether give employment to 1,200,000 people." On this William J. Johnson remarks in the Continent, June 14, 1917, page 762: "If men are drafted for the farm, and women are drafted to do men's work, why should 1,200,000 persons be allowed to continue in a food-destroying, efficiency-destroying business?"

The acreage used to produce the material for drink, as stated in an article from the Continent, quoted above, which is based on statistics in Liquor Dealers' Manual for 1917 is as follows: Rice, 225,000 acres; hops, 45,000 acres; molasses, 700,000 acres; grain, 6,500,000 acres; total, 7,500,000 acres—more than one-third as much as the cultivated land of Illinois. The number of persons this wasted grain would support, as stated elsewhere, namely 7,000,000, is more than the population of Illinois, and the number that are employed in producing and distributing the liquor, dealers stated elsewhere, as 1,200,000, is double the population of that State.

The money spent for drink is four times the normal value of the cotton crop, three times the value of our normal wheat crop, 50 per cent more than the value of the corn crop. It is approximately equal to the wheat and corn crops combined.

TRANSPORTATION CLOGGED BY BEER BARRELS GOING BOTH WAYS.

One of the important aspects of conservation in war time is transportation. Trains and ships must not be clogged with goods that are not really needed. It is a serious matter that liquors require a double haul—the barrels, cases occupying as much space when returned empty as when sent out full. From the Continent article, previously quoted, we add a full statement of this.

"The Liquor Dealers' Hand Book says: 'According to United States statistical abstract for 1913, the total movement of manufactures of wine, whisky, and beer industries in 1912 amounted to over 7,000,000 tons, or 2½ per cent of the total traffic of all manufacturing industries.'

"To this must be added the grain, fruit, molasses, coal, bottles, empty kegs, and barrels going to the breweries and distilleries. It amounts to about 500,000 carloads a year. All such space in freight and express cars should be released for other materials needed in the prosecution of war and the distribution of the Nation's food, fuel, and clothing.

"The transportation board of the National Council of Defense suggests that all work that entails the use of railroad equipment that can be dropped until after the war, be postponed so the equipment can be used elsewhere here, and such of it as can be spared be transported abroad to be used there.

"Let us make the car shortage less serious by demanding the prohibition of the transportation of alcoholic liquors and all that pertains to it.

"Mr. Arthur Mee, in a letter to Lloyd George, published in the British Weekly March 29, 1917, says: 'This trade (liquor traffic) has used up shipping equal to a fleet of 60 ships of 5,000 tons working all the time; * * * the weight of food and other stuffs carried about for it in ships and trains has been equal to the solid material carried by the navy to all our fighting fronts.'

"Alcoholic liquors in large quantities are being shipped from America to Africa, China, and other countries.

"The amount of liquor passing Madeira, a port of registry for the coast of Africa, in one week, is reported as follows: Twenty-eight thousand cases of whisky, 30,000 cases of brandy, 30,000 cases of Old Tom, 36,000 barrels of rum, 800,000 demijohns of rum, 24,000 bottles of rum, 15,000 barrels of absinthe, 900,000 cases of gin. Since the war began, 55 per cent of all the liquor shipped to Africa goes from the port of Boston!

"With the Nation exerting every energy and spending millions upon millions of dollars in building ships, which are imperative, why should any part of our shipping be diverted to the use of the liquor traffic?

"Shall Germany's strongest ally be allowed to continue the staggering waste in itself, and to spread waste in all directions? Shall Uncle Sam keep on fiddling while the Nation is burning with alcohol?"

10. What are the reliable statistics as to weakening of man power in military service through drink and attendant vices?

(a) How much does it hinder mobilization?

Russia found it delayed mobilization to so serious an extent at the beginning of the war with Japan that war prohibition preceded mobilization in the present war. The first blow was at the drink enemy in the rear.

(b) How much does it hinder marching?

The Washington Star, before the war, published the story of marching tests in the British Army: Three regiments were selected from each of several brigades for tests at different times, partly during maneuvers. In one, every man was forbidden to drink a drop while the test lasted; in the second, malt liquor only could be purchased; in the third, a sailor's ration of whisky was given to each man. The experiment was repeated in several instances where forced marches and other work was required. The whisky drinkers showed more dash at first, but generally in about four days showed signs of lassitude and abnormal fatigue. Those given malt liquors displayed less dash at first, but their endurance lasted somewhat longer. The abstainers, however, are said to have increased daily in alertness and staying powers. As a result of this experiment, the British war department decided that in the Soudan campaign not a single drop of stimulant should be allowed in camp, save for hospital use. The officers, including even the generals, could no longer enjoy their accustomed spirits, wines, and malt liquors at their mess tables. Liquid refreshment was to be limited to tea, oatmeal water, or lime juice, and Nile water. It is a great feather in the headgear of the advocates of military total abstinence that Lord Kitchener's Egyptian victory was won for him by an army of teetotalers, who made phenomenal forced marches through the desert, under the burning sun, and in a climate famed for its power to kill or prematurely age the unacclimated. Indeed, 'tis said that never has there been a British campaign occasioning so little sickness and profiting by so much endurance.

Gen. P. H. Ray, of the United States Army, says: "Several times within the last 10 years I have noticed, when extra and continued exertion has been required in marching, that in every instance the first men to drop out of the ranks and fall by the wayside have been the beer drinkers." British generals said the same in the Boer War.

(c) How much does drink impair marksmanship?

"Tests in the Swedish Army under Staff Surg. Mernetsch, showed that 1½ ounces of brandy, equivalent to less than one glass of beer, with each meal, reduced the accuracy of marksmen 30 per cent. (CONGRESSIONAL RECORD, Appendix.)

Experiments in the Swiss Army have shown that even a little wine lowers the record of marksmanship on a target. (World Book of Temperance, p. 50.) Admiral Jellicoe is quoted as saying that drink causes 30 per cent inefficiency in shooting (American Issue, Apr. 13, 1917).

(d) How much does drink and the vices to which it leads impair the soldier's health and general effectiveness and reliability? In a petition against the restoration of the Army beer saloon in 1912, signed by a score of the leading physicians of the United States, including Drs. Benedist, Boos, Cabot, Hastings, Hall, Kelly, Loeb, Lichty, Litchfield, Lipman, Montgomery, McFarland, Mann, Woolley, Wilson, and Fannagan, the following statements are made:

"It is not only in the state of drunkenness that men step into danger of incurring venereal diseases, but in the state of exhilaration and weakened self-control, which follows the use of comparatively small amounts of alcoholic liquors. Modern scientific investigation has shown clearly that one of the earliest effects of the use of alcoholic liquors is impaired self-control. This impairment of self-control not only follows the use of the stronger alcoholic liquors, but may also follow the use of beer.

"Army tests conducted by generals and Army medical officers, have repeatedly shown the disadvantage not only of the spirits drinker, but of even the beer drinker, in health, endurance, morale, and marksmanship—the qualities which are especially necessary for the efficiency of the soldier."

The present law forbidding the "sale" of liquors to American soldiers in uniform is good as far as it goes, but it does not forbid treating the soldier, nor does it forbid dealers in foreign lands to sell to him. Manifestly the soldier is very imperfectly protected until we all share his prohibition.

The British Army officers, before the war, to encourage soldiers to join the British Army Total Abstinence Association that they might so become more effective, published statistics yearly showing that the abstaining groups not only ranked higher in athletic tests, but also had a much lower record in the three black lists of disease, desertion, and disorder. (Many reasons why there should be a strong Army and Navy abstinence society in the United States, promoted by War and Navy Departments, are given in World Book of Temperance, pp. 289, 314, 315, 316, 330, 331, 347.)

It is often said that "the Germans fight pretty well even though they still get their beer and wine." But it is also said that the wine cellars of Belgium kept them from capturing Paris, besides disgracing their nation through drunken outrages; and it was the German Emperor himself who said in 1911, "The nation that drinks the least alcohol will win the next war," referring to the fact that nerve will win, and "alcohol kills nerve"—prophecies never more worthy of the consideration of war leaders in all armies than in the present "tug of war." Dr. J. H. Kellogg, of Battle Creek, long before the war, in a stereopticon lecture, picturing the leading nations as trees dying at the top, tested by the "Century run," the number of persons in each living 100 years or more, placed Bulgaria at the head, with one in a thousand living to a hundred years, and Germany at the foot with only one in seven hundred thousand. Germany then drank eight times as much beer per capita as Bulgaria, says Hayler's "Prohibition Advance in All Lands."

Many physicians testify that beer is more brutalizing than any other drink. Does that have a bearing on the unprecedented brutality that spares neither babes nor cathedrals?

(e) Does drink impair the military commander's efficiency?

Gen. O. O. Howard gives the following among other instances of defeat through drink in the American War for the Union: "In one of our great battles we suffered defeat, and many of us have believed that the mistake which caused the defeat was due to an excess of whisky drunk by the officer in command. I had the testimony from an officer who was with him that pitchers of liquor were brought to his table, and that he and those around him drank as freely from them as if they contained only water. The orders the commander gave were the direct opposite of what he would have given had he not been suddenly confused by drink. A heavy loss of men and material and a dreadful defeat for our cause was the result."

Even Homer, 10 centuries before Christ, knew that wine was harmful to the general's body and brain, as witness the following dialogue in the Iliad (vi, 258) between Hector's mother and her hero son:

"'Stay till I bring the cup with Bacchus crowned,
Then with a plenteous draught refresh thy soul
And draw new spirits from the generous bowl.'
'Far hence be Bacchus gifts!' Hector rejoined.
'Inflaming wine, pernicious to mankind,
Unnerves the limbs and dulls the noble mind:
Let chiefs abstain, and spare the sacred juice
To sprinkle to the gods—'tis fitter use.'"

(See also the story of the defeat of drunken chiefs by sober princes in I Kings xx, 13-21; cf. Proverbs xxxi, 4, 5.)

HOW DRINK WEAKENS MAN-POWER BEHIND THE LINES.

11. How much does drink reduce efficiency in munition work?

"British lads at the front were dying for lack of munitions, and yet during the month of March, 1915, the munition workers of Great Britain lost one-fourth of their entire time. With the fate of their country in their hands, they lost 670,000 hours, or 217 years of labor, and 82 per cent of this loss was due to drink." (Margaret Wintringer, after tour of investigation in Europe in Sunday School Times of Nov. 11, 1916, p. 666.)

CONSERVING PUBLIC ORDER.

14. We close saloons in riots—why not in war? Especially in a land in which there are not only many scattered immigrants but large colonies from all the races at war, a land in which we have already had bread riots and race riots and peace riots and draft riots, and are likely to have more, which will be less frequent and less dangerous if saloons are closed. When we entered the war Pittsburgh's mayor asked for a hundred more policemen to deal with expected riots.

Manifestly the best check on riots for the whole Nation is war prohibition.

H. A SQUARE DEAL FOR THE LIQUOR SELLER.

Usually when prohibition is enacted, a year is allowed for liquor dealers to get out of the business. As not more than three months could be allowed in such an emergency measure as war prohibition to save grain, the advocates of war prohibition have put into Webb-Thompson bill (H. R. 4540; S. 2327), which is the bill that war prohibition advocates all prefer, permission for redistillation of liquors on hand for munitions and other nonbeverage uses, with waiver of tax in such cases. Prof. Irving Fisher, chairman of war prohibition committee of sixty, shows that with such permission there would be no serious hardship put on distillers if they should be closed as a war necessity. He says:

"A recent circular issued by the Distillery Securities Corporation (40 Exchange Place, New York City, May 2, 1917) indicates that the demand for explosives for the war and the commercial uses for alcohol will tax the capacity of all the distilleries. In fact, we now need for our military preparations to put the full resources of distilleries to use in the manufacture of industrial alcohol. Each pound of smokeless powder requires two pounds of alcohol in its manufacture. Some big guns need for each shot as much alcohol as is contained in a couple of barrels of whisky and a score of barrels of beer. The stocks of spirits in bond should all be denatured and used for powder making, fuel, or other military purposes. The breweries can probably also find a way to be useful, e. g., in producing foods and other necessities and providing cold storage."

III. CONSTITUTIONAL SCOPE OF "WAR POWER."

Senator P. C. KNOX, ex-Attorney General, speaking on war bills in general (CONGRESSIONAL RECORD, May 14, 1917, p. 2265), said:

"The Constitution must always be construed in such a manner as to give effect to all of its powers. The war power in the Constitution stands upon the same authority as the other powers in the Constitution, and it is a sound and well-recognized rule of construction of any instrument that, if possible, it must be construed so as to give meaning to all of its parts. When the fathers said in the Constitution that Congress should have the right to declare war, and that it alone should have that power, they did not undertake to define what war is. They dealt with a status that was well known, and when the Constitution conferred upon Congress the right to declare war, it by necessary implication conferred upon Congress the right to do anything that in its judgment was necessary to carry that war to a successful conclusion.

"The war powers of the Constitution, in my opinion, are dormant until a status of war is declared by Congress, and then they may be exercised without limitation or qualification to the extent that the safety of the Nation demands. Of this Congress is the judge, except as the Commander in Chief of the Army and the Navy in the actual conduct of the war and in a case of great emergency or dire necessity may be compelled to act. By this construction of the Constitution the Constitution itself is preserved in its entirety. Indeed, the exercise of the war power is the only way in which the Constitution can be preserved. Madison said, and I quote from paper 41 in Lodge's edition of the Federalist: 'If a Federal Constitution could chain the ambition or set bounds to the exertions of all other nations, then indeed might it prudently chain the discretion of its own Government and set bounds to the exertions for its own safety.' But, as Madison said, 'It is in vain to oppose constitutional barriers to the impulse of self-preservation. It is worse than in vain, because it plants in the Constitution itself necessary usurpations of power, every precedent of which is a germ of unnecessary and multiplied repetitions.'

"Or, stated in simpler language, if you undertake to impose in the Constitution limitations on the power of self-preservation, the very fact that those limitations exist causes them to be set aside and creates a precedent for violation of the Constitution.

"Those are the views that I entertain, and they constitute the lamp by which my feet shall be guided in all war legislation."

Senator J. K. SHIELDS, CONGRESSIONAL RECORD, May 12, pages 2185–2186:

"I have come to the conclusion that the Congress has the power to legislate upon this subject. In other words, when this Nation is at war I believe that Congress has the power to provide for the conservation of the supply of foodstuffs under the control of the Nation and to use them for the benefit of the country in supporting and maintaining not only its armies but its inhabitants and its allies.

"Under Article I, section 8, paragraph 11, of the Constitution, we find that Congress is authorized to declare war. Paragraph 12 provides that Congress has power to raise and support armies. Paragraph 13 vests in Congress the power to provide and maintain a navy, and paragraph 15 the power to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions. Paragraph 18 of the same section authorizes Congress 'to make all laws which shall be necessary and proper for carrying into execution the foregoing powers.' Whatever is necessary, or some of our cases say 'convenient,' to carry into effect and execute any power vested in the Congress by the Constitution may be resorted to by Congress for that purpose."

(See p. 2193, CONGRESSIONAL RECORD, Senator T. J. WALSH'S quotations from Willoughby on the Constitution; also in hearings in Senate Committee on Agriculture and Forestry, part 5, brief of Wayne B. Wheeler.)

IV. WHO ASK FOR WAR PROHIBITION AND WHY.

First, we note, it is asked for by many influential leaders never before identified with the prohibition movement, who seek war prohibition primarily for the necessary conservation of our scanty foods and feeds, but also for efficiency in both the fighting Army and the industrial army that supplies munitions and rations.

On April 23, 1917, in a memorial to Congress, a thousand leaders of the Nation's thought and activity asked for prohibition of the manufacture, sale, import, export, and transport of alcoholic liquors, 800 of them urging immediate enactment of prohibition as a war measure.

No more representative list of names has ever been affixed to a petition to Congress. The signatures were collected under the direction of the war prohibition committee of 60, whose leading spirits are Gov. Foss, of Massachusetts, and Prof. Irving Fisher. Eminent professors of Harvard and Yale and other universities, scientists, railroad presidents, capitalists, socialists, men of letters, men learned in the law and in medicine are among the signers.

The list includes Dr. W. J. Mayo, of Rochester, Minn., eminent surgeon; Warren S. Stone, chief of the Brotherhood of Locomotive Engineers; Luther Burbank, horticulturist; Orville Wright, inventor of the aeroplane; and Gen. Nelson A. Miles. Capital is represented by such men as John D. Rockefeller, jr., and ex-Judge Elbert H. Gary, head of the Steel Corporation.

Among the other signers are Dr. James Brown Scott, secretary of the Carnegie Endowment for International Peace; John Burroughs, naturalist and author; Raymond Robins, social worker; Darwin P. Kingsley, president of New York Life Insurance Co.; Mark Sullivan, editor Collier's Weekly; F. A. Vanderlip, president National City Bank, New York; John Spargo, author and socialist; Dr. Richard M. Pearce, professor of research medicine, University of Pennsylvania; Simon Lake, president of the Lake Submarine Co.; Dr. Roswell C. McCrea, professor of economics and dean of the Wharton School of Finance and Commerce; Frederick Frelinghuysen, president of the Mutual Benefit Life Insurance Co.; Winston Churchill, novelist; Dr. F. W. Taussig, member of the Federal Tariff Commission.

President Frank J. Goodnow, of Johns Hopkins University, is also among those that have asked for war prohibition.

President George E. Vincent, then of the Minnesota State University, ex-Gov. Van Sant, ex-Gov. John Lind, and many other noted men of that State sent telegrams to President Wilson urging war prohibition. Dr. H. E. Robertson, professor of pathology at the State university, who was in Germany for 18 months after the beginning of the war, sent this telegram:

"That intoxication lowers vitality, resistance to disease, power to work, ability to recover from exhaustion, and general usefulness is beyond doubt. In my opinion no other measure could accomplish the moral and economic conservation of resources that would result from national prohibition at this time."

Ex-President Roosevelt said in Chicago April 28: "The world is facing a shortage of food. Therefore let us use all the grain we have for food and not for 'ntoxicants. Now that the war is on, let us forbid any grain or corn being used in the manufacture of intoxicating liquors."

William J. Bryan said: "I am in hearty sympathy with the effort to conserve the food supply by not allowing the bread supply to be shortened in order to lengthen the supply of alcohol. It is not wise to starve the people in order to make them drunk."

Many governors, several of them representatives of "wet" States, including Brumbaugh, of Pennsylvania, Boyle, of Nevada, Burnquist, of Minnesota, are among the eminent petitioners for this war measure. The following leaders of the Progressive Party, HIRAM W. JOHNSON, Raymond Robins, Harold L. Ickes, William Draper Lewis, Gifford Pinchot, MILES POINDEXTER, Ogden Reid, E. A. Vankenburgh, Chester Rowell, and William Allen White in a "Progressive Statement on the War" name as the ninth article in their war creed: "The conservation of grain, so far as possible, for food purposes."

Surgs. Gen. Gorgas, Braisted, and Blue, and other medical members of the Council of National Defense; the Philadelphia County Medical Society, and other influential medical bodies; the Kansas City Board of Trade, and many other commercial organizations; many agricultural granges; the Daughters of the American Revolution; the General Federation of Women's Clubs; and welfare societies of many names in many places have earnestly petitioned for war prohibition on economic, humanitarian, and patriotic grounds.

Second, the Federal Council of Churches, speaking for 18,000,000 members, mostly adults and more than one-third of them voters, sent to Congress an eminent deputation headed by Gov. Carl E. Milliken, of Maine, asking for war prohibition, with permission for redistilling liquors on hand for military and other nonbeverage uses. The same constituency was represented by the petition of the "legislative conference," composed of about all religious and reform organizations that favor national prohibition in war or peace, or both. This conference is not only for complete war prohibition but against increasing the liquor tax for war revenue.

PROTESTS AGAINST LIQUOR TAX AND EVASIONS AND COMPROMISES.

Christian citizens generally protest against any increase of the liquor tax. By making the Government more dependent on the liquor traffic for financial support it makes it more difficult to get those who are beneficiaries or manipulators of the taxes to kill the evil traffic. Some Senators and Congressmen fear that if they vote against any proposal to increase liquor taxes it will be construed as befriending the saloon. They need have no such fears, for all temperance bodies regard liquor revenue as an "entrenchment tax."

Many of the church people protest also against Congress evading its plain duty by adding the arduous responsibility of deciding whether the liquor traffic shall be suspended for the war to the heavy burdens already laid on the President.

Christian citizens also protest against the various compromises proposed. They would regard it as no adequate settlement—

To merely forbid the manufacture of grain into intoxicants, because such a law would allow fruits to be made into wine and brandy, and permit the consumption of the two years' stock of whisky on hand.

Or to forbid making any new liquors and leave stocks of liquors on hand to be used as beverages.

Or to suppress whisky and spare beer and wine—a century-old fallacy.

Or to reduce the percentage of alcohol in certain drinks, and the number of breweries and distilleries and saloons.

Or to conserve food only, and neglect to conserve man power and public order.

None of these acts would necessarily restrict either the consumption of intoxicants or the consequences. Such half measures usually satisfy no one and accomplish nothing worth while, and are justifiable only when a half measure is all that can be secured and further legislation is contemplated. It is far better to press one measure that covers the whole case in a defensible way.

What is asked by the great host of petitions might be accomplished by amending second Lever food bill in the House (or failing there, in the Senate) by substituting for the paragraph referring this strenuous legislative problem to the President a complete prohibition by Congress of the use of our American foodstuffs here or elsewhere in the manufacture of liquors, and limiting the "alcoholic content" of liquors on hand to an infinitestimal fraction. This double amendment would be "in order" even under the strict rules of the House, because the original bill authorizes the President to prohibit use of foodstuffs in making liquors, or restrict "alcoholic content." If anything essential to effectiveness was ruled out on Lever bill in the House, it could be added in the Senate, where an earlier opportunity to enact complete prohibition will be afforded when the war-revenue bill comes up, as the Finance Committee have adopted Gore amendments putting prohibitive tax on food materials used to manufacture whisky, with regulations of import and export, that open the way to enact complete war prohibition in one substitute amendment to the amendment that would make

the prohibitive tax apply to the material used in making all kinds of liquors, and commandeer all intoxicating beverages on hand at some near date to be redistilled for munitions and other war purposes.

The Senate Committee on Agriculture and Forestry reported favorably to the Senate on Flag Day a bill providing full war prohibition, which may be enacted separately if its purpose is not accomplished by amending food or revenue bill.

FALLACIES OF BREWERS' ADS AND STATEMENT TO CONGRESS.

First fallacy: "Beer contains only 3 to 4 per cent alcohol."

Answer: The Cyclopedia of Temperance and Prohibition, article on beer, gives the range of American lager beer as from 3 to 6 per cent. This is well known to all familiar with the subject; also that there are some beers still stronger, and if whisky was cut out and beer spared there is little doubt the strongest beers would flourish.

Second fallacy: "The claim that beer used in brewing is subtracted from the food supply is false."

Answer: Herbert C. Hoover, pages 380 and 417 in hearing before Senate Committee on Agriculture, said: "Barley mixed in the bread makes a bread which has as fine a texture as wheat * * * and would enable us to release just exactly that quantity of wheat. * * * There is a certain deduction from the barley—the total barley used in brewing—to account for the malt which is given back to the feed, but even then there is a large margin of saving if the brewing could be cut out. * * * The difference between the feeding value and the fodder and the intake of the brewery in grain means just that much more foodstuffs to our allies. * * * We could save from 50,000,000 to 60,000,000 bushels of grain on the brewing side after having allowed for the fodder proposition, and that grain is of utmost value to our allies." Prof. A. E. Taylor, professor of physiological chemistry, University of Pennsylvania, and crop expert, Department of Agriculture, says (Senate hearings, p. 438): "In my opinion, on the basis of crop prospects, the need of grain, and especially barley, which has proved itself valuable as a flour, is such as to make it imperative upon us after the present maltings in operation and under contract have been concluded, in about three months, to cease the manufacture of malt for internal or export trade for brewing."

Third fallacy: "The amount of grain used in beer and the land area upon which it is grown is too small to be considered in the food-conservation plan of this country."

Answer: The Brewers' Yearbook for 1914, page 156, says that the farm products used in the manufacture of liquors annually is equal to the total value of the crops in Maine, Connecticut, Delaware, Nevada, New Mexico, and Wyoming. The major part of this is used by brewers. The National Wholesale Liquor Dealers' Association in its anti-prohibition manual for 1916 says that the liquor traffic uses the product of 300,000 farmers. When Mr. Hoover says that all the crops that can be hoped for in all the world will not be enough to maintain more than three-fourths or four-fifths of the present "drastic ration" of our allies next year, we can hardly agree that the farm products of 300,000 farmers, or of six States, is to be neglected (Senate hearings, p. 376), or even the brewers' major part of it.

Fourth fallacy: "None of the European countries has stopped the brewing of beer."

Answer: An official statement of the exact action taken by Russia, which Mr. J. M. Hogge, M. P., of England, received from the British ambassador at Petrograd, was published in Scottish Woman's News for March, 1915, in which it is stated that "beer saloons" as well as wine shops and the Government vodka shops were closed at the very beginning of the war for the period of mobilization, except that wine and beer were allowed with meals in first-class restaurants and hotels. The beer allowed in the exceptional cases was to contain not over 3.7 per cent alcohol. "This order," said the British ambassador, "has been renewed from time to time and remains in force at the present moment." It may be interesting to note that the liquor revenue promptly sacrificed by Russia, $445,000,000, was even more than that in our pending war-revenue bill. The Pirogroff Society is the leading medical society of Russia. In the twenty-ninth number of the Russian Physician (1915) may be found the report which this society passed concerning alcohol and prohibition. In that report the following item about beer is to be found: "To the question, Shall we eliminate vodka but allow the return of beers? the answer is that the use of wine and beer can not be a remedy for alcoholism, because they lead to alcoholism. Beer and wine are dangerous because, being weaker and pleasanter to the taste, they attract women and children."

The Brewers' Journal of June 1, 1917, page 325, incidentally remarks: "In Russia the late Czar's prohibition decree has already been repealed in regard to beer and light wines," which implies that beer was under prohibition.

The London letter in the same issue of the Brewers' Journal says: "In most of the countries on the Continent the output of the breweries has been reduced to hardly more than is doled out with a measly hand to the armies in the field." As to Great Britain, this Brewers' Journal records a decrease in home consumption for year 1916–17 of 9,433,000 barrels of beer and 8,598,000 gallons of spirits. The letter forecasts "the probability of not being allowed to brew or sell any beer at all after November next."

About 3,000 of the most eminent Britons enrolled in the Strength of Britain Movement are campaigning persistently for complete war prohibition, as is shown in the famous book "Defeat or Victory?" War prohibition here might bring it there also and in France, where the American market for French wines is the chief obstacle to a victory (Senate hearing, p. 439) over what leaders there and in Britain have proclaimed "a greater foe than Germany." We should fight for all the allies against King Alcohol as well as the Kaiser.

Hear what Lloyd-George said: "We are fighting Germany, Austria, and drink; and, so far as I can see, the greatest of these three deadly foes is drink. I have the greatest convictions, based on accumulating evidence, that nothing but root-and-branch methods would be of the slightest avail in dealing with the evil. I believe it is the general feeling that if we are to settle with German militarism we must first of all settle with liquor."

Fifth fallacy: "The food value of barley used in brewing is absorbed by the consumer of beer."

Answer: "The statement so often attributed to the famous German chemist, Baron Von Liebig, 'Beer is liquid bread,' can not be located in any of Von Liebig's scientific works, and in Letter VI of his 'Letters on Chemistry,' to be found on page 22 of his 'Complete Works on Chemistry,' he says: 'Beer, wine, and spirits furnish no elements capable of entering into the composition of the blood, muscular fiber, or any part that is a vital principle.'" And still again, "If a man drinks daily 8 or 10 quarts of the best Bavarian beer, in the course of 12 months he will have taken into his stomach the nutritive constituents of a 5-pound loaf of bread."

WILBUR F. CRAFTS.

WASHINGTON, D. C., *June 15, 1917.*

AGRICULTURAL PRODUCTION.

Mr. KENYON. Mr. President, in view of the statement made by the Senator from Michigan, or rather the letter placed in the RECORD by him, I wish to ask the Senator from Oklahoma, the chairman of the Committee on Agriculture and Forestry, a question, if I can have his attention. The Senator from Michigan placed in the RECORD this morning a letter in the nature of a petition with reference to the work in plant diseases. I wish to ask the Senator from Oklahoma what has become of the bill passed by the Senate over two weeks ago known as the first food-control bill? At that time the Senate appointed conferees and asked for a conference with the House upon its amendments. I ask the Senator, who is the chairman of the Committee on Agriculture and Forestry, if any conferees have been appointed by the House, or if anything has been done to hurry that bill?

Mr. GORE. I may say that the Senator and the Senate will remember that June 1 the Senate took final action on the bill referred to by the Senator from Iowa, known as the food-production act. On June 1 the Senate passed the bill, and the request was made for a conference with the House of Representatives. On that day the Senate appointed five conferees.

I may say that no response has yet been made on the part of the House to that request on the part of the Senate. I understand that the bill is still with the Committee on Agriculture of the House of Representatives. I had a talk with the chairman of that committee this morning. He advised me it was his purpose to defer the appointment of conferees concerning that measure until the unfinished business in the House is completed, which is the so-called Lever bill, or the food-control bill.

I understand that the consideration of that measure will begin in the House of Representatives this morning. How long its consideration will require I do not know. The chairman of the House Committee on Agriculture told me that he would defer the appointment of the conferees until the pending measure in the House has been passed in that body. I took the liberty to suggest that he during this interval give some attention to the bill previously passed by the Senate, in order that it could be brought out of conference and speeded to final enactment. It was my impression, and I so advised the chairman, that there are Senators who will insist upon final action upon that measure before the Senate proceeds to final action upon the Lever bill, or the so-called food-control bill. That is the present status.

Mr. KENYON. I raised the question because I read in the papers every day of a delay in the Senate on this and other bills. I think the statement of the Senator from Oklahoma, the chairman of the committee, shows that the responsibility for the delay of that bill is not on the Senate.

Mr. SMITH of Georgia. I desire the attention of the Senator from Oklahoma.

Mr. GORE. The Senator always has my attention.

Mr. SMITH of Georgia. I would also be glad to suggest, if agreeable to the Senator from Oklahoma, that he call attention to the fact that the bill which we passed not only provided the funds to enable the Secretary of Agriculture to make the food census, to employ demonstrators, and to stimulate food production, but it also added an amendment carrying the provision of the bill of the Senator from Washington [Mr. POINDEXTER], perfected by the Judiciary Committee, a most complete plan of suppression of food manipulation between the time foodstuffs leave the farm and reach the consumer. I desire to call attention to the amendment suppressing speculation in foodstuffs, and I hope the Senate's action upon this subject will be still further brought to the attention of the public.

Mr. GORE. Mr. President, I merely wish to say in response to what the Senator from Georgia has said that the Senate was appealed to when that measure was the unfinished business not to delay final action upon it. In fact, I was somewhat impatient with the delay that was incident to the position of the Senate. The Senate, however, yielded to the importunities of myself and other supporters of the measure, and it was passed without any considerable delay. The reason for that insistence was the argument made by the department and others that unless the bill was double-quicked to passage the entire season of 1917 would be lost. The bill was primarily designed to stimulate production. Of course that stimulation must be afforded while the planting season is on hand. On that ground the

urgency of the measure was impressed on the Senate, and the Senate yielded to that urgency. For my own part I must disclaim any responsibility for the delay. Of course, the Senate must be acquitted of any responsibility for the delay that has been occasioned.

Mr. SMITH of Michigan. I should like to ask the Senator from Oklahoma if that bill did not contain a liberal appropriation for the investigation of plant diseases.

Mr. GORE. Yes, sir.

Mr. SMITH of Michigan. Does the Senator recall the amount? It was substantially $400,000, was it not?

Mr. GORE. I think it was considerably more than that. Altogether it carried something like $15,000,000, but distributed and devoted to different purposes, among them the purpose designated by the Senator from Michigan.

Mr. SMITH of Michigan. Is there any controversy between the two Houses on that question?

Mr. GORE. I will say to the Senator, I am unable to answer his question. No conferees have been appointed on the part of the House. Consequently we have not been able to canvass the differences on the amendments.

Mr. SMITH of Michigan. No conferees have been appointed by the House?

Mr. GORE. No, sir.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Missouri?

Mr. GORE. I yield to the Senator from Missouri.

Mr. REED. I have the legislative record of this body, and I should like to put it into the RECORD now in concrete form for the edification of the Senate.

Mr. GORE. The Senator refers to the bill which has already passed the House and the Senate.

Mr. REED. Yes; House bill 4188, commonly known as the food-production bill. It was introduced in the House of Representatives on May 4, 1917, was reported from the House committee on May 7, 1917, and was passed by the House May 28, 1917. It was reported to the Senate on May 29, 1917—the very next day after it reached the Senate. It was passed by the Senate on June 1, 1917, with certain amendments.

Mr. GORE. That was the second legislative day.

Mr. REED. That was the second legislative day after the bill reached here.

The bill was immediately sent to the House of Representatives. When it reached there the following proceedings appear in the RECORD—I am simply going to read the salient parts—I quote from page 3521 of the RECORD of June 12.

Mr. LEVER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 4188) to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products, disagree to all of the Senate amendments, and agree to the conference asked for by the Senate.

Then follows a colloquy, which I shall not read. Then Mr. CANNON said:

Mr. Speaker, I can not find the Senate amendments. I am informed they have not been printed, and in view of the fact that it is alleged that the present stock of corn and wheat, and so forth, is substantially exhausted and will be fully before the incoming crop comes, it seems to me now, as it did when the bill was being considered, that this census, so called, is a useless work, and for the present, until I can see the Senate amendments in print, I am not willing to give unanimous consent that the House disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Illinois objects.

I find nothing in the RECORD to indicate that this bill has been touched since that time, which was on June 12. How the bill came to lie there in the House of Representatives from the 2d of June to the 12th of June without any action I do not know. It was actually ordered printed, I think, by the House on the 5th of June. Of course, the bill is subject to be taken up in the other House at any time for the purpose of disagreeing to the Senate amendments, and whatever delay there is here is plainly the fault of the House.

I call the attention of the Senate to another fact. It is complained that our people are being despoiled by virtue of the prices which are being exacted for foodstuffs. The cry is made that we must turn over to some one man the right to fix the price on all the farmer produces; the right to practically take charge of all of the wheat and other food products of the country, and that the only relief we can have from these alleged terrible conditions is to create this food dictator, and to do it at once; and yet, Mr. President, in the hands of the chairman of the committee in the House of Representatives, who is the author of what is known as the Lever bill, rests this bill, which has been passed by the House, and which contains an amendment which completely answers the difficulty with reference to food speculators.

Then it is claimed that the principal evil consists in a lot of men getting hold of foods and speculating in them. Many of us thought that that could be reached under the present provisions of the antitrust laws—speaking of them all broadly—but lest that might not be true, or whether or not it were true, the Senator from Montana [Mr. WALSH] introduced an amendment to this bill, which had been introduced in the Senate some time before in the form of a separate bill by the Senator from Washington [Mr. POINDEXTER]. That provision I desire to read as a part of my remarks. It is as follows:

SEC. 10. That any person carrying on or employed in commerce among the several States or with foreign nations or with or in the Territories or other possessions of the United States in any article suitable for human food, fuel, or other necessaries of life, who, either in his individual capacity or as an officer, agent, or employee of a corporation, or member of a partnership, carrying on or employed in such trade, shall store, acquire, or hold, or who shall destroy or make away with any such article for the purpose of limiting the supply thereof to the public or affecting the market price thereof in such commerce, whether temporarily or otherwise, shall be deemed guilty of a felony, and be punished by imprisonment in the penitentiary for not less than six months nor more than three years: *Provided*, That any storing or holding by any farmer, gardener, or other person, of the products of any farm, garden, or other land cultivated by him, shall not be deemed to be a storing or holding within the meaning of this act: *Provided further*, That farmers and fruit growers, cooperative and other exchanges, or societies of a similar character, shall not be included within the provisions of this section: *And provided further*, That the foregoing shall not be construed to prohibit the acquiring, storing, or holding of such article for future sale for such advanced price as might prevail in the ordinary course of business, and in a free and unrestricted market.

Mr. President, there is a proposed statute, which has been passed by the Senate nearly, aye, more than two weeks ago, which would enable the Government to lay its hands upon every wretch who seeks to corner food products for the purpose of speculation or otherwise; who, instead of trading in them in good faith, enters upon any scheme, conspiracy, plan, or device looking to the extortion of unjust prices from the people of this country. It is in the hands, I repeat, of the author of the Lever bill; it has been in his hands, with nothing done, for two weeks; and the country has the right to know why it is that this important legislation is held up.

PRIVILEGE OF THE FLOOR.

Mr. OWEN. Mr. President, I desire to call up the conference report on House bill 3673, making amendments to the Federal reserve act.

Mr. McLEAN. Let me inquire if morning business has closed? If not, I ask for the regular order.

The VICE PRESIDENT. Morning business has not been concluded. The introduction of bills and joint resolutions is in order.

Mr. McLEAN. Mr. President, I have in my hand what is in substance a copy of a bill reported to the Senate in 1881 by a select committee composed of Senators George H. Pendleton, W. B. Allison, D. W. Voorhees, J. G. Blaine, M. C. Butler, J. J. Ingalls, O. H. Platt, and J. T. Farley. It embraces a subject which, it seems to me, might well be brought to the attention of Congress at this time. If we are to give absolute control over the production, distribution, and consumption of all the necessaries of life to a single executive department or to a single individual, I think we ought, if possible, to harmonize the thoughts and actions of those who make the law with those who interpret and administer it. I should not have dared to have brought the attention of Congress to this matter at this time if I had not discovered that in 1881 it received the hearty support of many of the prominent Democratic Members of this body. I introduce a bill and ask the Secretary to read it.

The bill (S. 2468) granting privilege of the floor and right to participate in debate to heads of Executive Departments and other officers, was read the first time by its title, and the second time at length, as follows:

Be it enacted, etc., That the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of Agriculture, the Secretary of the Interior, the Secretary of Commerce, the Secretary of Labor, the Attorney General, the Postmaster General, the governor of the Federal Reserve Board, the chairman of the United States Tariff Commission, the chairman of the Federal Trade Commission, the chairman of the United States Shipping Board, the chairman of the United States Bureau of Efficiency, and the chairman of the Civil Service Commission shall be entitled to occupy seats on the floor of the Senate and House of Representatives, with the right to participate in debate on matters relating to the business of their respective departments, under such rules as may be prescribed by the Senate and House respectively.

That the said secretaries and officers, the Attorney General, and the Postmaster General shall attend the sessions of the Senate on the opening of the sittings on Tuesday and Friday of each week, and the sessions of the House of Representatives on the openings of the sittings on Monday and Thursday of each week, to give information asked by resolution or in reply to questions which may be propounded to them under the rules of the Senate and House; and the Senate and House may by standing order dispense with the attendance of one or more of said officers on either of said days.

Mr. McLEAN. I ask that the bill be referred to the Committee on the Judiciary.

The VICE PRESIDENT. The bill will be referred to the Committee on the Judiciary.

Mr. OVERMAN. Mr. President, the bill should go to the Committee on Rules, as it proposes to change the rules of the Senate.

Mr. McLEAN. I will say to the Senator from North Carolina that in 1881 a similar bill was referred to a special select committee. It does not seem that that is now necessary, but I think the Committee on the Judiciary is a much larger committee than the Committee on Rules, and evidently is the appropriate committee to consider the subject.

Mr. BORAH. Mr. President, I think that the bill ought to go to the Committee on Privileges and Elections, because I do not presume that the American people will ever favor such a proposition unless these officials are elected to office. I presume, in these times of democratic propaganda, we ought to keep in touch with those who hold the franchise.

Mr. SMITH of Michigan. Why should it not go to the Committee on Civil Service and Retrenchment?

Mr. OVERMAN. It proposes to change the rules of the Senate, and it belongs to the Committee on Rules.

Mr. GALLINGER. Mr. President, ultimately the bill will go to the Committee on the Disposition of Useless Papers in the Executive Departments.

Mr. McLEAN. I will say, Mr. President, that I have no doubt that the same influences that defeated this bill in 1881 will defeat it now; but that does not convince me that it is not a matter that Congress should consider, and consider seriously. I think that in 1864 a similar bill was reported favorably to the House of Representatives. I am not at all particular as to what committee the bill is referred. I am perfectly willing that it shall go to the Committee on Rules, and as——

The VICE PRESIDENT. There have been so many suggestions made to the Chair as to where the bill should go that the Chair is somewhat in doubt.

Mr. McLEAN. I prefer to have it go to the Committee on the Judiciary, and so move.

The VICE PRESIDENT. It is moved that the bill be referred to the Committee on the Judiciary. The question is on that motion.

The motion was agreed to.

Mr. McLEAN. I ask to have printed in the RECORD, without reading, extracts from constitutional provisions of various countries on this subject, and also an extract from Story on the Constitution.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

CONSTITUTIONAL PROVISIONS OF VARIOUS COUNTRIES ON THIS SUBJECT.

AUSTRIA.

Fundamental law of December 21, 1867.—ART. 28. The members of the ministry are authorized to take part in all the deliberations of the delegates in the Reichsrath and to submit their propositions personally or through the medium of a delegate. They have the right to be heard whenever they demand it. The delegates have the right to address questions to the ministry or to any one of its members, to call for answers and explanations, and to nominate committees of inquiry, to which the ministers must furnish the necessary information.

BELGIUM.

Constitution of 1831.—SEC. II, ART. 88. The ministers have no deliberative voice in either chamber of the legislature, except where they are members thereof. They have the right to be present in each of the chambers and to be heard whenever they demand it. The chambers may require the presence of the ministers.

BRAZIL.

Constitution of 1824.—CHAP. IV, ART. 53. The executive power exercised through one of the ministers of state, the right to propose laws; and it is only after an examination made by a committee of the Chamber of Deputies in which the law is to originate that such proposition can be converted into a bill.

ART. 54. The ministers may discuss and defend the proposition after the report of the committee, but they can not vote unless they are senators or deputies.

DENMARK.

Fundamental law of 1865.—V, 59. The ministers in virtue of their duties have admission to the Rigsdag and have the right during discussions to participate in the debate as often as they please, while observing the established rules. They have no vote, except when they are members of the Rigsdag.

FRANCE.

Constitutional law of July 18, 1875.—6. The ministers have the right of being present in the two chambers and may be heard whenever they demand. They may cause themselves to be assisted by commissioners designated by decree of the President of the Republic for the discussion of any bill proposed.

GERMANY (EMPIRE OF).

Constitution of 1871.—The Bundesrath is presided over by the chancellor of the empire, who has also the right to be present at the deliberations of the Reichstag, or house of representatives, which is an elective body.

GREAT BRITAIN.

While the executive government is vested nominally in the Crown, it is practically in a committee of ministers known as the cabinet. All the acts of the ministry are liable to be questioned in Parliament; and, as they may require prompt explanation, it is essential that the members of the cabinet should have seats either in the upper or lower house, where they may constantly answer for the policy and action of the Government.

GREECE.

Constitution of 1864.—VII, 78. The ministers are admitted to the sessions of the chamber, and may be heard whenever they demand it. The ministers have no deliberate voice in the chamber except when they are members of the same. The chamber may require the presence of the ministers.

ITALY.

Constitution of 1848 (extended over the annexed Provinces of the Kingdom of Italy).—66. The ministers have no deliberate voice in either chamber except when they are members thereof; but they have constantly the right of being present, and may be heard as often as they demand.

NETHERLANDS.

Fundamental law of 1815 as amended in 1848.—SEC. IV, 89. Heads of the ministerial departments have the right of admission to the two chambers. They have only a deliberative share in legislation unless they are members of either house. They communicate to the chambers, either verbally or in writing, the information demanded whenever its communication is not judged contrary to the interest and safety of the Kingdom or of its possessions and colonies in the other parts of the world. They may to that end be invited by each of the two chambers to be present at their sessions.

NORWAY.

Fundamental law of 1814.—SEC. 76. Every law must be first proposed to the Odelsting (house of representatives), either by its own members or the Government, and in the latter case through the medium of a counselor of state.

PORTUGAL.

Constitutional charter of 1826 as amended in 1852.—IV, 46. The executive power exercised by one of the ministers of state, the right of proposing bills, which belongs to it in the preparation of laws, and it is only after an examination in that chamber which must originate it that such a proposition can take the form of a bill.

47. The ministers may discuss and defend a proposition after the report of a committee, but they can not vote unless they are peers or deputies.

PRUSSIA.

Constitution of 1850.—IV, 60. The ministers, as well as the state functionaries who represent them, have admission to both chambers, and may be heard whenever they demand it. Each chamber may require the presence of the ministers.

SPAIN.

Constitution of 1845, readopted in 1856.—IX, 64. The ministers may be senators or deputies, and may take part in discussions of the legislative assemblies; but they have no right to vote except in that chamber to which they belong.

SWEDEN.

Constitutional law of 1809 as amended up to 1866.—II, SEC. 53. The members of the council of state may assist at the sittings of each chamber, with the right of taking part in its deliberations, but not of voting unless they are members of the chamber.

SWEDEN AND NORWAY.

Act of union of 1815.—V. The minister of state of Norway and the two counselors of state who accompany the King shall have a seat and a deliberative voice in the Swedish council of state whenever affairs relative to the two Kingdoms are in question. If affairs relative to the two Kingdoms are brought before the King in the Norwegian council of state, at whatever time or place it may be assembled, three members of the Swedish council of state shall also have seats and right of deliberation thereon.

SWITZERLAND.

Constitution of 1874.—ART. 101. The members of the federal council have a consulting voice in the two sections of the Federal Assembly, as well as the right to introduce propositions upon subjects under deliberation.

CHILE.

In the deliberations of the National Congress it listens to the orators of the Senate and of the Government, who must be one minister, one counselor of state, and one secretary of state.

COLOMBIA.

It is the duty of the ministers to communicate to both chambers, with the approbation of the executive power, all the information which may be demanded of them, orally or in writing, on the affairs of their respective departments, except in cases where publicity would be improper.

COSTA RICA.

The secretaries of state may be present at the discussions in Congress or at either of the two houses, and they may take part in the same discussions, but they shall retire before the votes are cast.

GUATEMALA.

In Guatemala they fill both positions, and, in fact, they always go together; so that the secretaries of government fully share in the discussion and have both voice and vote.

NICARAGUA.

In Nicaragua there is absolute incompatibility, and practically the secretaries leave the cabinet in order to go to Congress at the time of meeting, returning, often, to the secretaryship as soon as the Congress finally adjourns.

HONDURAS.

In Honduras the secretaries can not be members of Congress, but they may take part in discussions of all measures pending before them.

SALVADOR.

The practice and the law are the same as in Honduras.

HAITI.

The secretary of state and the grand judge are the orators charged with representing the executive power, by oral communication, on the floor of the Senate and the Chamber of Communes.

Story on the Constitution, section 869 et seq.:

"The heads of the departments are, in fact, thus precluded from proposing or vindicating their own measures in the face of the nation in the course of debate, and are compelled to submit them to other men who are either imperfectly acquainted with the measures or are indifferent to their success or failure. Thus that open and public responsibility for measures which properly belongs to the executive in all governments, and especially in a republican government, as its greatest security and strength, is completely done away. The Executive is compelled to resort to secret and unseen influences, to private interviews, and private arrangements to accomplish its own appropriate purposes, instead of proposing and sustaining its own duties and measures by a bold and manly appeal to the Nation in the face of its representatives. One consequence of this state of things is that there never can be traced home to the Executive any responsibility for the measures which are planned and carried at its suggestion. Another consequence will be (if it has not yet been) that measures will be adopted or defeated by private intrigues, political combinations, irresponsible recommendations, and all the blandishments of office, and all the deadening weight of silent patronage. The Executive will never be compelled to avow or support any opinions. His ministers may conceal or evade any expression of their opinions. He will seem to follow when, in fact, he directs the opinions of Congress. He will assume the air of a dependent when, in fact, his spirit and his wishes pervade the whole system of legislation. If corruption ever eats its way silently into the vitals of this Republic it will be because the people are unable to bring responsibility home to the Executive through his chosen ministers. They will be betrayed when their suspicions are most lulled by the Executive under the disguise of an obedience to the will of Congress. If it would not have been safe to trust the heads of departments, as representatives, to the choice of the people as their constituents, it would have been at least some gain to have allowed them seats, like Territorial Delegates, in the House of Representatives, where they might freely debate without a title to vote.

"In such an event their influence, whatever it would be, would be seen and felt and understood, and on that account would have involved little danger and more searching jealousy and opposition, whereas it is now secret and silent, and from that very cause may become overwhelming. One other reason in favor of such a right is that it would compel the Executive to make appointments for the high departments of Government, not from personal or party favorites, but from statesmen of high public character, talent, experience, and elevated services; from statesmen who had earned public favor and could command public confidence. At present gross incapacity may be concealed under official forms, and ignorance silently escape by shifting the labors upon more intelligent subordinates in office. The Nation would be, on the other plan, better served and the Executive sustained by more masculine eloquence as well as more liberal learning. * * * There can be no danger that a free people will not be sufficiently wakeful over their rulers and their acts and opinions when they are known and avowed, or that they will not find Representatives in Congress ready to oppose improper measures or sound the alarm upon arbitrary encroachments. The real danger is when the influence of the rulers is at work in secret and assumes no definite shape; when it guides with silent and irresistible sway, and yet covers itself under the forms of popular opinion or independent legislation; when it does nothing, yet accomplishes everything."

AMENDMENT OF FEDERAL RESERVE ACT—CONFERENCE REPORT.

Mr. OWEN. Mr. President I ask the Chair to lay before the Senate the conference report on House bill 3673, to amend the Federal reserve act as amended.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3673) to amend the act approved December 23, 1913, known as the Federal reserve act as amended by the acts of August 4, 1914, August 15, 1914, March 3, 1915, and September 7, 1916.

The VICE PRESIDENT. This report has been printed and is on the table of every Senator. Is it desired that the Secretary read the entire report?

Mr. HARDWICK. Mr. President, there is one part of the report about which there will be some controversy, and which I should like to have read.

The VICE PRESIDENT. The Chair did not want to stop the reading except to save time.

Mr. HARDWICK. I think perhaps the part of the report on page 4, being section 4, should be read.

Mr. OWEN. If there is no objection, I move that the reading of the report in full be dispensed with. I think everyone understands it.

The VICE PRESIDENT. The Senator from Georgia wants a part of it read.

Mr. HARDWICK. I should like to have section 4 read. I do not care as to the rest of the report.

The VICE PRESIDENT. The Secretary will read section 4.

The Secretary read section 4.

The report of the committee of conference in full is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3673) to amend the act approved December 23, 1913, known as the Federal reserve act, as amended by the acts of August 4, 1914; August 15, 1914; March 3, 1915; and September 7, 1916, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the amendment proposed by the Senate insert the following:

"That section 3 of the act known as the Federal reserve act be amended and reenacted so as to read as follows:

"'SEC. 3. The Federal Reserve Board may permit or require any Federal reserve bank to establish branch banks within the Federal reserve district in which it is located or within the district of any Federal reserve bank which may have been suspended. Such branches, subject to such rules and regulations as the Federal Reserve Board may prescribe, shall be operated under the supervision of a board of directors to consist of not more than seven nor less than three directors, of whom a majority of one shall be appointed by the Federal reserve bank of the district, and the remaining directors by the Federal Reserve Board. Directors of branch banks shall hold office during the pleasure of the Federal Reserve Board.'

"SEC. 2. That section 4 in the paragraph relating to the appointment of Class C directors and prescribing their duties be amended and reenacted so as to read as follows:

"'Class C directors shall be appointed by the Federal Reserve Board. They shall have been for at least two years residents of the district for which they are appointed, one of whom shall be designated by said board as chairman of the board of directors of the Federal reserve bank and as "Federal reserve agent." He shall be a person of tested banking experience, and in addition to his duties as chairman of the board of directors of the Federal reserve bank he shall be required to maintain, under regulations to be established by the Federal Reserve Board, a local office of said board on the premises of the Federal reserve bank. He shall make regular reports to the Federal Reserve Board and shall act as its official representative for the performance of the functions conferred upon it by this act. He shall receive an annual compensation to be fixed by the Federal Reserve Board and paid monthly by the Federal reserve bank to which he is designated. One of the directors of class C shall be appointed by the Federal Reserve Board as deputy chairman to exercise the powers of the chairman of the board when necessary. In case of the absence of the chairman and deputy chairman, the third-class C director shall preside at meetings of the board.

"'Subject to the approval of the Federal Reserve Board, the Federal reserve agent shall appoint one or more assistants. Such assistants, who shall be persons of tested banking experience, shall assist the Federal reserve agent in the performance of his duties and shall also have power to act in his name and stead during his absence or disability. The Federal Reserve Board shall require such bonds of the assistant Federal reserve agents as it may deem necessary for the protection of the United States. Assistants to the Federal reserve agent shall receive an annual compensation, to be fixed and paid in the same manner as that of the Federal reserve agent.'

"SEC. 3. That section 9 be amended and reenacted so as to read as follows:

"'SEC. 9. Any bank incorporated by special law of any State, or organized under the general laws of any State or of the United States, desiring to become a member of the Federal Reserve System, may make application to the Federal Reserve Board, under such rules and regulations as it may prescribe, for the right to subscribe to the stock of the Federal reserve bank organized within the district in which the applying bank is located. Such application shall be for the same amount of stock that the applying bank would be required to subscribe to as a national bank. The Federal Reserve Board, subject to such conditions as it may prescribe, may permit the applying bank to become a stockholder of such Federal reserve bank.

"'In acting upon such applications the Federal Reserve Board shall consider the financial condition of the applying bank, the general character of its management, and whether or not the corporate powers exercised are consistent with the purposes of this act.

"'Whenever the Federal Reserve Board shall permit the applying bank to become a stockholder in the Federal reserve bank of the district its stock subscription shall be payable on call of the Federal Reserve Board, and stock issued to it shall be held subject to the provisions of this act.

"'All banks admitted to membership under authority of this section shall be required to comply with the reserve and capital requirements of this act and to conform to those provisions of law imposed on national banks which prohibit such banks from

lending on or purchasing their own stock, which relate to the withdrawal or impairment of their capital stock, and which relate to the payment of unearned dividends. Such banks and the officers, agents, and employees thereof shall also be subject to the provisions of and to the penalties prescribed by section 5209 of the Revised Statutes, and shall be required to make reports of condition and of the payment of dividends to the Federal reserve bank of which they become a member. Not less than three of such reports shall be made annually on call of the Federal reserve bank on dates to be fixed by the Federal Reserve Board. Failure to make such reports within 10 days after the date they are called for shall subject the offending bank to a penalty of $100 a day for each day that it fails to transmit such report; such penalty to be collected by the Federal reserve bank by suit or otherwise.

"'As a condition of membership such banks shall likewise be subject to examinations made by direction of the Federal Reserve Board or of the Federal reserve bank by examiners selected or approved by the Federal Reserve Board.

"'Whenever the directors of the Federal reserve bank shall approve the examinations made by the State authorities, such examinations and the reports thereof may be accepted in lieu of examinations made by examiners selected or approved by the Federal Reserve Board: *Provided, however*, That when it deems it necessary the board may order special examinations by examiners of its own selection and shall in all cases approve the form of the report. The expenses of all examinations, other than those made by State authorities, shall be assessed against and paid by the banks examined.

"'If at any time it shall appear to the Federal Reserve Board that a member bank has failed to comply with the provisions of this section or the regulations of the Federal Reserve Board made pursuant thereto, it shall be within the power of the board after hearing to require such bank to surrender its stock in the Federal reserve bank and to forfeit all rights and privileges of membership. The Federal Reserve Board may restore membership upon due proof of compliance with the conditions imposed by this section.

"'Any State bank or trust company desiring to withdraw from membership in a Federal reserve bank may do so, after six months' written notice shall have been filed with the Federal Reserve Board, upon the surrender and cancellation of all of its holdings of capital stock in the Federal reserve bank: *Provided, however*, That no Federal reserve bank shall, except under express authority of the Federal Reserve Board, cancel within the same calendar year more than 25 per cent of its capital stock for the purpose of effecting voluntary withdrawals during that year. All such applications shall be dealt with in the order in which they are filed with the board. Whenever a member bank shall surrender its stock holdings in a Federal reserve bank, or shall be ordered to do so by the Federal Reserve Board, under authority of law, all of its rights and privileges as a member bank shall thereupon cease and determine, and after due provision has been made for any indebtedness due or to become due to the Federal reserve bank it shall be entitled to a refund of its cash-paid subscription with interest at the rate of one-half of 1 per cent per month from date of last dividend, if earned, the amount refunded in no event to exceed the book value of the stock at that time, and shall likewise be entitled to repayment of deposits and of any other balance due from the Federal reserve bank.

"'No applying bank shall be admitted to membership in a Federal reserve bank unless it possesses a paid-up, unimpaired capital sufficient to entitle it to become a national banking association in the place where it is situated under the provisions of the national-bank act.

"'Banks becoming members of the Federal Reserve System under authority of this section shall be subject to the provisions of this section and to those of this act which relate specifically to member banks, but shall not be subject to examination under the provisions of the first two paragraphs of section 5240 of the Revised Statutes as amended by section 21 of this act. Subject to the provisions of this act and to the regulations of the board made pursuant thereto, any bank becoming a member of the Federal Reserve System shall retain its full charter and statutory rights as a State bank or trust company, and may continue to exercise all corporate powers granted it by the State in which it was created, and shall be entitled to all privileges of member banks: *Provided, however*, That no Federal reserve bank shall be permitted to discount for any State bank or trust company notes, drafts, or bills of exchange of any one borrower who is liable for borrowed money to such State bank or trust company in an amount greater than 10 per cent of the capital and surplus of such State bank or trust company, but the discount of bills of exchange drawn against actually existing value and the discount of commercial or business paper actually owned by the person negotiating the same shall not be considered as borrowed money within the meaning of this section. The Federal reserve bank, as a condition of the discount of notes, drafts, and bills of exchange for such State bank or trust company, shall require a certificate of guaranty to the effect that the borrower is not liable to such bank in excess of the amount provided by this section, and will not be permitted to become liable in excess of this amount while such notes, drafts, or bills of exchange are under discount with the Federal reserve bank.

"'It shall be unlawful for any officer, clerk, or agent of any bank admitted to membership under authority of this section to certify any check drawn upon such bank unless the person or company drawing the check has on deposit therewith at the time such check is certified an amount of money equal to the amount specified in such check. Any check so certified by duly authorized officers shall be a good and valid obligation against such bank, but the act of any such officer, clerk, or agent in violation of this section may subject such bank to a forfeiture of its membership in the Federal Reserve System upon hearing by the Federal Reserve Board.'

"SEC. 4. That the first paragraph of section 13 be further amended and reenacted so as to read as follows:

"'Any Federal reserve bank may receive from any of its member banks, and from the United States, deposits of current funds in lawful money, national-bank notes, Federal reserve notes, or checks and drafts, payable upon presentation, and also, for collection, maturing notes and bills; or, solely for purposes of exchange or of collection, may receive from other Federal reserve banks deposits of current funds in lawful money, national-bank notes, or checks upon other Federal reserve banks, and checks and drafts, payable upon presentation within its district, and maturing notes and bills payable within its district; or, solely for the purposes of exchange or of collection, may receive from any nonmember bank or trust company deposits of current funds in lawful money, national-bank notes, Federal reserve notes, checks and drafts payable upon presentation, or maturing notes and bills: *Provided*, Such nonmember bank or trust-company maintains with the Federal reserve bank of its district a balance sufficient to offset the items in transit held for its account by the Federal reserve bank: *Provided further*, That nothing in this or any other section of this act shall be construed as prohibiting a member or nonmember bank from making reasonable charges, to be determined and regulated by the Federal Reserve Board, but in no case to exceed 10 cents per $100 or fraction thereof, based on the total of checks and drafts presented at any one time, for collection or payment of checks and drafts and remission therefor by exchange or otherwise; but no such charges shall be made against the Federal reserve banks.'

"SEC. 5. That the fifth paragraph of section 13 be further amended and reenacted so as to read as follows:

"'Any member bank may accept drafts or bills of exchange drawn upon it having not more than six months sight to run, exclusive of days of grace, which grow out of transactions involving the importation or exportation of goods; or which grow out of transactions involving the domestic shipment of goods provided shipping documents conveying or securing title are attached at the time of acceptance; or which are secured at the time of acceptance by a warehouse receipt or other such document conveying or securing title covering readily marketable staples. No member bank shall accept, whether in a foreign or domestic transaction, for any one person, company, firm, or corporation to an amount equal at any time in the aggregate to more than 10 per cent of its paid-up and unimpaired capital stock and surplus, unless the bank is secured either by attached documents or by some other actual security growing out of the same transaction as the acceptance; and no bank shall accept such bills to an amount equal at any time in the aggregate to more than one-half of its paid-up and unimpaired capital stock and surplus: *Provided, however*, That the Federal Reserve Board, under such general regulations as it may prescribe, which shall apply to all banks alike regardless of the amount of capital stock and surplus, may authorize any member bank to accept such bills to an amount not exceeding at any time in the aggregate 100 per cent of its paid-up and unimpaired capital stock and surplus: *Provided, further*, That the aggregate of acceptances growing out of domestic transactions shall in no event exceed 50 per cent of such capital stock and surplus.'

"SEC. 6. That section 14, subsection (e), be amended and reenacted so as to read as follows:

"'(e) To establish accounts with other Federal reserve banks for exchange purposes and, with the consent or upon the order and direction of the Federal Reserve Board and under regulations to be prescribed by said board, to open and maintain ac-

counts in foreign countries, appoint correspondents, and establish agencies in such countries wheresoever it may be deemed best for the purpose of purchasing, selling, and collecting bills of exchange, and to buy and sell, with or without its indorsement, through such correspondents or agencies, bills of exchange (or acceptances) arising out of actual commercial transactions which have not more than 90 days to run, exclusive of days of grace, and which bear the signature of two or more responsible parties, and, with the consent of the Federal Reserve Board, to open and maintain banking accounts for such foreign correspondents or agencies. Whenever any such account has been opened or agency or correspondent has been appointed by a Federal reserve bank, with the consent of or under the order and direction of the Federal Reserve Board, any other Federal reserve bank may, with the consent and approval of the Federal Reserve Board, be permitted to carry on or conduct, through the Federal reserve bank opening such account or appointing such agency or correspondent, any transaction authorized by this section under rules and regulations to be prescribed by the board.'

"SEC. 7. That section 16, paragraphs 2, 3, 4, 5, 6, and 7 be further amended and reenacted so as to read as follows:

"'Any Federal reserve bank may make application to the local Federal reserve agent for such amount of the Federal reserve notes hereinbefore provided for as it may require. Such application shall be accompanied with a tender to the local Federal reserve agent of collateral in amount equal to the sum of the Federal reserve notes thus applied for and issued pursuant to such application. The collateral security thus offered shall be notes, drafts, bills of exchange, or acceptances acquired under the provisions of section 13 of this act, or bills of exchange indorsed by a member bank of any Federal reserve district and purchased under the provisions of section 14 of this act, or bankers' acceptances purchased under the provisions of said section 14, or gold or gold certificates; but in no event shall such collateral security, whether gold, gold certificates, or eligible paper, be less than the amount of Federal reserve notes applied for. The Federal reserve agent shall each day notify the Federal Reserve Board of all issues and withdrawals of Federal reserve notes to and by the Federal reserve bank to which he is accredited. The said Federal Reserve Board may at any time call upon a Federal reserve bank for additional security to protect the Federal reserve notes issued to it.

"'Every Federal reserve bank shall maintain reserves in gold or lawful money of not less than 35 per cent against its deposits and reserves in gold of not less than 40 per cent against its Federal reserve notes in actual circulation: *Provided, however*, That when the Federal reserve agent holds gold or gold certificates as collateral for Federal reserve notes issued to the bank such gold or gold certificates shall be counted as part of the gold reserve which such bank is required to maintain against its Federal reserve notes in actual circulation. Notes so paid out shall bear upon their faces a distinctive letter and serial number which shall be assigned by the Federal Reserve Board to each Federal reserve bank. Whenever Federal reserve notes issued through one Federal reserve bank shall be received by another Federal reserve bank, they shall be promptly returned for credit or redemption to the Federal reserve bank through which they were originally issued or, upon direction of such Federal reserve bank, they shall be forwarded direct to the Treasury of the United States to be retired. No Federal reserve bank shall pay out notes issued through another under penalty of a tax of 10 per cent upon the face value of notes so paid out. Notes presented for redemption at the Treasury of the United States shall be paid out of the redemption fund and returned to the Federal reserve banks through which they were originally issued, and thereupon such Federal reserve bank shall, upon demand of the Secretary of the Treasury, reimburse such redemption fund in lawful money or, if such Federal reserve notes have been redeemed by the Treasurer in gold or gold certificates, then such funds shall be reimbursed to the extent deemed necessary by the Secretary of the Treasury in gold or gold certificates, and such Federal reserve bank shall, so long as any of its Federal reserve notes remain outstanding, maintain with the Treasurer in gold an amount sufficient in the judgment of the Secretary to provide for all redemptions to be made by the Treasurer. Federal reserve notes received by the Treasurer otherwise than for redemption may be exchanged for gold out of the redemption fund hereinafter provided and returned to the reserve bank through which they were originally issued, or they may be returned to such bank for the credit of the United States. Federal reserve notes unfit for circulation shall be returned by the Federal reserve agents to the Comptroller of the Currency for cancellation and destruction.

"'The Federal Reserve Board shall require each Federal reserve bank to maintain on deposit in the Treasury of the United States a sum in gold sufficient in the judgment of the Secretary of the Treasury for the redemption of the Federal reserve notes issued to such bank, but in no event less than 5 per cent of the total amount of notes issued less the amount of gold or gold certificates held by the Federal reserve agent as collateral security; but such deposit of gold shall be counted and included as part of the 40 per cent reserve hereinbefore required. The board shall have the right, acting through the Federal reserve agent, to grant, in whole or in part, or to reject entirely the application of any Federal reserve bank for Federal reserve notes; but to the extent that such application may be granted the Federal Reserve Board shall, through its local Federal reserve agent, supply Federal reserve notes to the banks so applying, and such bank shall be charged with the amount of notes issued to it and shall pay such rate of interest as may be established by the Federal Reserve Board on only that amount of such notes which equals the total amount of its outstanding Federal reserve notes less the amount of gold or gold certificates held by the Federal reserve agent as collateral security. Federal reserve notes issued to any such bank shall, upon delivery, together with such notes of such Federal reserve bank as may be issued under section 18 of this act upon security of United States 2 per cent Government bonds, become a first and paramount lien on all the assets of such bank.

"'Any Federal reserve bank may at any time reduce its liability for outstanding Federal reserve notes by depositing with the Federal reserve agent its Federal reserve notes, gold, gold certificates, or lawful money of the United States. Federal reserve notes so deposited shall not be reissued, except upon compliance with the conditions of an original issue.

"'The Federal reserve agent shall hold such gold, gold certificates, or lawful money available exclusively for exchange for the outstanding Federal reserve notes when offered by the reserve bank of which he is a director. Upon the request of the Secretary of the Treasury the Federal Reserve Board shall require the Federal reserve agent to transmit to the Treasurer of the United States so much of the gold held by him as collateral security for Federal reserve notes as may be required for the exclusive purpose of the redemption of such Federal reserve notes, but such gold when deposited with the Treasurer shall be counted and considered as if collateral security on deposit with the Federal reserve agent.

"'Any Federal reserve bank may at its discretion withdraw collateral deposited with the local Federal reserve agent for the protection of its Federal reserve notes issued to it and shall at the same time substitute therefor other collateral of equal amount with the approval of the Federal reserve agent under regulations to be prescribed by the Federal Reserve Board. Any Federal reserve bank may retire any of its Federal reserve notes by depositing them with the Federal reserve agent or with the Treasurer of the United States, and such Federal reserve bank shall thereupon be entitled to receive back the collateral deposited with the Federal reserve agent for the security of such notes. Federal reserve banks shall not be required to maintain the reserve or the redemption fund heretofore provided for against Federal reserve notes which have been retired. Federal reserve notes so deposited shall not be reissued except upon compliance with the conditions of an original issue.

"'All Federal reserve notes and all gold, gold certificates, and lawful money issued to or deposited with any Federal reserve agent under the provisions of the Federal reserve act shall hereafter be held for such agent, under such rules and regulations as the Federal Reserve Board may prescribe, in the joint custody of himself and the Federal reserve bank to which he is accredited. Such agent and such Federal reserve bank shall be jointly liable for the safe-keeping of such Federal reserve notes, gold, gold certificates, and lawful money. Nothing herein contained, however, shall be construed to prohibit a Federal reserve agent from depositing gold or gold certificates with the Federal Reserve Board, to be held by such board subject to his order, or with the Treasurer of the United States for the purposes authorized by law.'

"Sec. 8. That section 16 be further amended by adding at the end of the section the following:

"'That the Secretary of the Treasury is hereby authorized and directed to receive deposits of gold coin or of gold certificates with the Treasurer or any assistant treasurer of the United States when tendered by any Federal reserve bank or Federal reserve agent for credit to its or his account with the Federal Reserve Board. The Secretary shall prescribe by regulation the form of receipt to be issued by the Treasurer or Assistant Treasurer to the Federal reserve bank or Federal re-

serve agent making the deposit, and a duplicate of such receipt shall be delivered to the Federal Reserve Board by the Treasurer at Washington upon proper advices from any assistant treasurer that such deposit has been made. Deposits so made shall be held subject to the orders of the Federal Reserve Board and shall be payable in gold coin or gold certificates on the order of the Federal Reserve Board to any Federal reserve bank or Federal reserve agent at the Treasury or at the Subtreasury of the United States nearest the place of business of such Federal reserve bank or such Federal reserve agent: *Provided, however*, That any expense incurred in shipping gold to or from the Treasury or substreasuries in order to make such payments, or as a result of making such payments, shall be paid by the Federal Reserve Board and assessed against the Federal reserve banks. The order used by the Federal Reserve Board in making such payments shall be signed by the governor or vice governor, or such other officers or members as the board may by regulation prescribe. The form of such order shall be approved by the Secretary of the Treasury.

"'The expenses necessarily incurred in carrying out these provisions, including the cost of the certificates or receipts issued for deposits received, and all expenses incident to the handling of such deposits shall be paid by the Federal Reserve Board and included in its assessments against the several Federal reserve banks.

"'Gold deposits standing to the credit of any Federal reserve bank with the Federal Reserve Board shall, at the option of said bank, be counted as part of the lawful reserve which it is required to maintain against outstanding Federal reserve notes, or as a part of the reserve it is required to maintain against deposits.

"'Nothing in this section shall be construed as amending section 6 of the act of March 14, 1900, as amended by the acts of March 4, 1907, March 2, 1911, and June 12, 1916, nor shall the provisions of this section be construed to apply to the deposits made or to the receipts or certificates issued under those acts.'

"SEC. 9. That section 17 be amended and reenacted so as to read as follows:

"'SEC. 17. So much of the provisions of section 5159 of the Revised Statutes of the United States, and section 4 of the act of June 20, 1874, and section 8 of the act of July 12, 1882, and of any other provisions of existing statutes as require that before any national banking association shall be authorized to commence banking business it shall transfer and deliver to the Treasurer of the United States a stated amount of United States registered bonds, and so much of those provisions or of any other provisions of existing statutes as require any national banking association now or hereafter organized to maintain a minimum deposit of such bonds with the Treasurer is hereby repealed.'

"SEC. 10. That section 19 be further amended and reenacted so as to read as follows:

"'SEC. 19. Demand deposits within the meaning of this act shall comprise all deposits payable within 30 days, and time deposits shall comprise all deposits payable after 30 days, all savings accounts and certificates of deposit which are subject to not less than 30 days' notice before payment, and all postal savings deposits.

"'Every bank, banking association, or trust company which is or which becomes a member of any Federal reserve bank shall establish and maintain reserve balances with its Federal reserve bank as follows:

"'(a) If not in a reserve or central reserve city, as now or hereafter defined, it shall hold and maintain with the Federal reserve bank of its district an actual net balance equal to not less than 7 per cent of the aggregate amount of its demand deposits and 3 per cent of its time deposits.

"'(b) If in a reserve city, as now or hereafter defined, it shall hold and maintain with the Federal reserve bank of its district an actual net balance equal to not less than 10 per cent of the aggregate amount of its demand deposits and 3 per cent of its time deposits.

"'(c) If in a central reserve city, as now or hereafter defined, it shall hold and maintain with the Federal reserve bank of its district an actual net balance equal to not less than 13 per cent of the aggregate amount of its demand deposits and 3 per cent of its time deposits.

"'No member bank shall keep on deposit with any State bank or trust company which is not a member bank a sum in excess of 10 per cent of its own paid-up capital and surplus. No member bank shall act as the medium or agent of a nonmember bank in applying for or receiving discounts from a Federal reserve bank under the provisions of this act, except by permission of the Federal Reserve Board.

"'The required balance carried by a member bank with a Federal reserve bank may, under the regulations and subject to such penalties as may be prescribed by the Federal Reserve Board, be checked against and withdrawn by such member bank for the purpose of meeting existing liabilities: *Provided, however*, That no bank shall at any time make new loans or shall pay any dividends unless and until the total balance required by law is fully restored.

"'In estimating the balances required by this act, the net difference of amounts due to and from other banks shall be taken as the basis for ascertaining the deposits against which required balances with Federal reserve banks shall be determined.

"'National banks, or banks organized under local laws, located in Alaska or in a dependency or insular possession or any part of the United States outside the continental United States may remain nonmember banks, and shall in that event maintain reserves and comply with all the conditions now provided by law regulating them; or said banks may, with the consent of the Reserve Board, become member banks of any one of the reserve districts, and shall in that event take stock, maintain reserves, and be subject to all the other provisions of this act.'

"SEC. 11. That that part of section 22 which reads as follows: 'Other than the usual salary or director's fees paid to any officer, director, or employee of a member bank and other than a reasonable fee paid by said bank to such officer, director, or employee for service rendered to such bank, no officer, director, employee, or attorney of a member bank shall be a beneficiary of or receive, directly or indirectly, any fee, commission, gift, or other consideration for or in connection with any transaction or business of the bank,' be amended and reenacted so as to read as follows:

"'Other than the usual salary or director's fee paid to any officer, director, employee, or attorney of a member bank, and other than a reasonable fee paid by said bank to such officer, director, employee, or attorney for services rendered to such bank, no officer, director, employee, or attorney of a member bank shall be a beneficiary of or receive, directly or indirectly, any fee, commission, gift, or other consideration for or in connection with any transaction or business of the bank: *Provided, however*, That nothing in this act contained shall be construed to prohibit a director, officer, employee, or attorney from receiving the same rate of interest paid to other depositors for similar deposits made with such bank: *And provided further*, That notes, drafts, bills of exchange, or other evidences of debt executed or indorsed by directors or attorneys of a member bank may be discounted with such member bank on the same terms and conditions as other notes, drafts, bills of exchange, or evidences of debt upon the affirmative vote or written assent of at least a majority of the members of the board of directors of such member bank.'"

And the Senate agree to the same.

ROBT. L. OWEN,
G. M. HITCHCOCK,
GEO. P. MCLEAN,
Managers on the part of the Senate.

CARTER GLASS,
MICHAEL F. PHELAN,
EDMUND PLATT,
Managers on the part of the House.

Mr. OWEN. Mr. President, the only point, I believe, that will arouse any controversy in connection with the confirmation of the conference report is the fourth section, which involves the question of a charge upon checks.

The language of the amendment which was added in the Senate is as follows:

Provided further, That nothing in this or any other section of this act shall be construed as prohibiting a member or nonmember bank from making reasonable charges, but in no case to exceed 10 cents per $100 or fraction thereof, based on the total of checks and drafts presented at any one time, for collection or payment of checks and drafts and remission therefor by exchange or otherwise.

The conference committee made changes by inserting after the words "making reasonable charges" the phrase "to be determined and regulated by the Federal Reserve Board," and at the end of the amendment inserting the words "but no such charges shall be made against the Federal reserve banks."

The Federal reserve act, of which this is an amendment, reads as follows:

Every Federal reserve bank shall receive on deposit at par from member banks or from Federal reserve banks checks and drafts drawn upon any of its depositors, and when remitted by a Federal reserve bank, checks and drafts drawn by any depositor in any other Federal reserve bank or member bank upon funds to the credit of said depositor in said reserve bank or member bank. Nothing herein contained shall be construed as prohibiting a member bank from charging its actual expense incurred in collecting and remitting funds, or for exchange sold to its patrons. The Federal Reserve Board shall, by rule, fix the charges to be collected by the member banks from its patrons whose

checks are cleared through the Federal reserve bank and the charge which may be imposed for the service of clearing or collection rendered by the Federal reserve bank.

Mr. SMITH of Michigan. Mr. President, is the Senator reading from the conference report?

Mr. OWEN. I read the Federal reserve act in its relation to the conference report. Now, the conference report practically modifies the Federal reserve act by permitting charges to be made on checks, but providing that the charge shall not be made against the Federal reserve banks, and providing that the Federal Reserve Board shall regulate the extent to which these charges are made, but not to exceed 10 cents a hundred dollars.

Mr. SMITH of Michigan. Mr. President, if I understand the Senator, the Federal reserve bank has no right, under this bill as it is now reported, to make any charge of the character described by the Senator from Oklahoma.

Mr. OWEN. No; it clears at par, by law.

Mr. SMITH of Michigan. And a member bank has no right to make a charge against the Federal reserve bank.

Mr. OWEN. The member bank, in remitting to the Federal reserve bank for a bunch of checks sent to that bank, has no right, under the present system, to charge the Federal reserve bank for such remittance. It sends its check on the Federal reserve bank to settle such daily checks remitted by the Federal reserve bank.

Mr. SMITH of Michigan. Now, suppose a member bank is clearing the checks of a State bank. Has the member bank, the national bank, the right to make a charge for that service?

Mr. OWEN. I should say that it would have a right to make a charge against the State bank by some mutual arrangement.

Mr. SMITH of Michigan. But I do not understand how it would be within the power of Congress to fix rules for State banks, desirable as that might be——

Mr. OWEN. Congress does not deal with the nonmember bank.

Mr. SMITH of Michigan (continuing). Or charge for the clearance of checks in a State institution.

Mr. OWEN. It is the intention of this amendment to the Federal reserve act to permit State banks and trust companies to open accounts with the Federal reserve bank and clear through the Federal reserve bank, at their option, if they choose to carry a balance for that purpose.

Mr. SMITH of Michigan. Is that provided for in the bill?

Mr. OWEN. That is provided for in the bill.

Mr. SMITH of Michigan. Any State bank?

Mr. OWEN. Any State bank may open an account with the Federal reserve bank, and draw checks against it, and clear against it.

Mr. SMITH of Michigan. Of course, Mr. President, it is a very serious burden to the business men of the country if they are obliged to pay an excessive charge for the clearance of their checks, and, as I understand, this bill as it now comes from conference is intended to remedy that situation.

Mr. OWEN. Yes. I am opposed to interfering with the clearing of checks at par by the reserve banks.

Mr. SMITH of Michigan. It at least opens the door for them, so far as the Federal reserve banks are concerned, and checks will be cashed at par, with the approval of the Federal Reserve Board.

Mr. OWEN. Yes.

Mr. SMITH of Michigan. That is the situation in which we find ourselves under this bill as amended.

Mr. OWEN. Yes. Of course a bank can take a foreign check and charge for taking it, if it pleases, and I do not object to this.

Mr. SMITH of Michigan. Personally I do not want to see business men burdened by any unnecessary charge of that kind.

Mr. OWEN. This amendment arose because of the complaint on the part of some of the country banks that they were not getting a sufficient compensation for checks which they remitted. That is where the complaints arose. Of course the business men would rather have their checks cleared at par everywhere; but a country bank that makes a remittance has the right, under the existing statute, to make a charge for it, if it sees fit to do it. Some of them do that and some of them do not. It depends upon conditions. Seven thousand six hundred and thirty-four national banks are now clearing at par through the reserve banks.

Mr. SMITH of Michigan. But the Senator, I think, agrees with me that Congress would be powerless to regulate that charge so far as it relates to State banks operating under State laws. They must account to the State and be governed by State legislation.

Mr. OWEN. Yes; I want to say this: It is a very important matter not to interfere with the clearing functions of the Federal reserve banks. I had a letter from the President with regard to that matter last May which it may be of interest to the Senate to hear. I will put it in the RECORD, if it be agreeable.

Mr. SMITH of Michigan. I hope the Senator will read it.

Mr. OWEN. He said:

MY DEAR SENATOR: I have been a good deal disturbed to learn of the proposed amendment to the Federal reserve act which seems to contemplate charging the Federal reserve banks for payment of checks cleared by them, or charging the payee of such checks passing through the reserve banks with a commission. I should regard such a provision as most unfortunate and as almost destructive of the function of the Federal reserve banks as a clearing house for member banks, a function which they have performed with so much benefit to the business of the country.

I hope most sincerely that this matter may be adjusted without interfering with this indispensable clearing function of the banks.

Sincerely, yours,

WOODROW WILSON.

Mr. PAGE. What is the date of that letter?

Mr. OWEN. May 29. Since that time the conferees have put on an amendment to this proposed amendment that these charges shall not be made against the reserve banks. The banks can charge each other for making these accommodations if they like, and they can adjust that to their own satisfaction with one another without troubling the reserve banks.

Mr. PAGE. Mr. President——

Mr. OWEN. I yield to the Senator from Vermont.

Mr. PAGE. May I ask the Senator whether that particular language does not really neutralize every benefit which the country bank is receiving in the way of collection? In other words, will it be practicable to collect 10, 20, or 50 cents, or even $1 or $2 from different banks scattered around the country if they are forced to look to these local banks for their collection charges?

Mr. OWEN. There is no reason why they should not adjust these accounts among themselves if they want to.

Mr. PAGE. Well, that will really be the result, will it not?

Mr. OWEN. They can do that if they wish to. They can do that under the existing law.

Mr. PAGE. Will it be practicable for a bank in Vermont, for instance, to collect from a bank in Oklahoma 10 or 20 or 50 cents for the collection of checks?

Mr. OWEN. They would undoubtedly find it more convenient to adjust these accounts monthly, and not follow up an account of 5 or 10 cents individually, when taking a check against an alien or distant bank many banks charge the person so accommodated; but taking the volume of business in a month, it will amount to a considerable item. As far as the Federal reserve banks are concerned, they found as an actual fact that the cost of clearing checks going through the Federal reserve banks, for clerical services and stationery, amounted to 1½ cents each. Whether it was a check of $10 or a thousand dollars, they found that the cost amounted to only a cent and a half, on an average; and now they distribute that cost against the member banks according to the volume of checks which are cleared for those banks.

Mr. SMITH of Michigan. That is, the postage and the clerical work necessary to the entry of these checks?

Mr. OWEN. Yes; it amounts to only 1½ cents each.

I think I have nothing further to say with regard to the matter, Mr. President.

Mr. PAGE. Mr. President, I confess that I am not satisfied with the proposed amendment. While it seems to allow the country bank to make a charge not exceeding one-tenth of 1 per cent for collecting an uncurrent check, it virtually compels the country bank to look to a bank in a far-off city. For instance, a Vermont bank may cash a check for some one in Oklahoma. The check may be for $100 or $200, involving a charge of 10 or 20 cents. That becomes a debt from the Oklahoma bank to the Vermont bank for a very small sum. But I am going to say, in view of the conditions that surround us just at this time, and inasmuch as this applies only to national banks, except as the State banks may conclude to accept the provisions, that purely as a matter of patriotism and with full knowledge and understanding, that our State banks are compelled to surrender a very valuable privilege, I am going to support this amendment. I do it under protest. I do it not because I believe I ought but because, in view of the conditions that surround us, I do not want to prolong the discussion of this bill; and I am rather inclined to accept it for that reason.

Mr. VARDAMAN. Mr. President, what are the conditions that make it necessary for the Senator to surrender to the conferees who have gone contrary to the instructions of the Senate on this matter?

Mr. PAGE. Well, Mr. President, the conditions that surround the Federal reserve banks to-day are, I think, very serious. They were discounting a comparatively small sum a month

ago. I do not recall the amount, but, I understand, within the last 30 days they have increased those discounts by some 300 to 400 per cent.

Mr. VARDAMAN. Does this impose any burden upon the banks?

Mr. PAGE. No; but I should like to see the bill passed, because it is a patriotic measure, and it ought to pass, and pass quickly.

Mr. HARDWICK. The bill can pass just as well with this amendment as without it, can it not?

Mr. PAGE. Yes; unless this amendment calls for a long debate, as it did the other day.

Mr. HARDWICK. Well, a few minutes, a few hours, or even a day is not a matter of great importance about this, is it?

Mr. PAGE. Well, I want to say that this amendment applies only to national banks; and I believe that whether the national banks are or are not willing to accept this provision the power of the Federal reserve banks over the national banks is sufficient so that in some way or other the national banks are going to be forced into whatever the Federal reserve banks think should be done. I believe that it is really a transference of a great burden from the city merchants to the country banks, but it is not a burden transferred to the State banks; and so far as they are concerned they may or may not, as they please, come into this arrangement. In view of the fact that it applies only to national banks who are, I hope, going to receive some great benefits from the Federal Reserve System, I think perhaps we ought to consent to the proposed arrangement.

Now, as to those benefits: I know that the country national banks have taken hundreds of millions of the liberty bonds. The result is that many of them will have their deposits drawn down so low by those who withdraw their money to put into these liberty bonds that they must borrow in very large sums of the Federal reserve bank. The amount will be so large that I do not know but that it is going to be a severe strain upon the Federal Reserve System, and in view of this fact I have thought it best to yield my convictions in regard to this matter of collection on checks and to aid in its prompt passage without further controversy about what has come to be a really unimportant feature of the bill.

Mr. WEEKS. Mr. President, there are many reasons for the passage of this bill, not only the one expressed by the Senator from Vermont, but, what is more important, the merits of many of its provisions.

In fact, this is a measure of very great importance, and there ought not to be any delay in passing it. We have been floating, successfully, a great loan. It has been done through the united endeavors of the Government forces, the business community, and the bankers of the country. It is a matter in which we should all take much pride that the country has responded as it has to the flotation of this loan; but we can not readjust the location of billions of credit and of dollars without straining something somewhere. There is going to be more or less disorder resulting from the placing of this loan, which we should provide against as far as possible, and to a considerable extent the provisions of this bill will enable the reserve banks and the Federal Reserve Board to provide for the contingencies which will arise.

I do not think there is any material objection to most of the features of this bill. There certainly should not be, but there have been objections in the paragraph relating to collections. These come from certain bankers. This is a practice which has grown up through many years, and is partially unjustified and partially justified. I am not going to discuss it in detail now, but the so-called Hardwick amendment would set back the policy on this subject provided in the Federal reserve act which attempts to provide for a general clearing system. There can be no objection to a Federal clearing system if it can be put into operation, because it does aid in simplifying business and reduces expense. No one in Washington, for instance, having an account in one bank, paying a bill with his check on his bank, would expect the payee depositing it in another, which in turn would send it over to his own bank, to have to pay for its collection, and yet that is exactly what is done by many of the country banks to-day, though it is not followed by all banks. There are whole sections of the country where clearing is done at par now, but there are many sections where that is not true, and the Hardwick amendment would encourage and probably result in all banks following the practice.

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from North Dakota?

Mr. WEEKS. Yes.

Mr. GRONNA. The Senator uses the words "country banks." I hold no brief, of course, for the country banks, but I want to assure the Senator that the country banks do not take advantage of the charging of exchange on checks any more than the banks in the larger cities. While I do not want to take the time of the Senator from Massachusetts, I could, if I would, give him instances where these large banks are really the ones who are charging the exchange.

Mr. WEEKS. The Senator is partially right and partially wrong. There are large cities where there are large banks which do make charges for collections, and there are large cities which have large banks where there is no charge for collections. In the territory where the Senator lives, which is tributary, in a way, to Chicago, collection charges are made by the Chicago banks. That is not true in St. Louis; it is not true in Boston; it is not true in various other large cities of the country. I am not saying anything against the country bank. I am simply stating a fact that has developed through the passage of time.

This will modify what has been a charge on business—to some degree an unfortunate and an unjustified charge on business. It leaves the situation so that, in my judgment, the expense of collections can be met either directly or indirectly, and that is all anyone ought to ask. We ought not to expect that a bank shall be able to charge for the collection of a check drawn on itself.

In other words, if you had a deposit in a bank and you gave a check on that deposit to me, and I sent the check for collection, under the present conditions many banks would charge for paying me your money deposited in their bank. There is not a single reason for that practice, and it ought to be discontinued.

Mr. HARDWICK. Will the Senator yield?

Mr. WEEKS. Yes.

Mr. HARDWICK. There is nothing in this amendment which authorizes it, and I never heard of a bank that did.

Mr. WEEKS. I think I know of hundreds of such banks. If the Senator will read the testimony before the Committee on Banking and Currency when the Federal reserve act was under consideration he will find innumerable instances.

Mr. HARDWICK. Will the Senator allow me?

Mr. WEEKS. Yes.

Mr. HARDWICK. The Senator knows very well the banks have no such rights—that any payee who presents a bank check over the counter can collect the last cent of it.

Mr. WEEKS. Mr. President, the Senator does not understand me. I said if I sent the check of another person to the bank on which it was drawn for payment it could charge me for cashing that check.

Mr. HARDWICK. They can not do it under any law of any State of the Union. I challenge that.

Mr. WEEKS. It has been done under the laws of many States of the Union, and I have no doubt it is being done to-day in many cases.

Mr. HARDWICK. I just make the statement baldly and boldly that it is not done to-day in any State in the Union.

Mr. WEEKS. The Senator from Georgia is not often mistaken, but he is radically mistaken on that subject.

Mr. HARDWICK. I do not wish to dispute about the practice. I know it has not been done.

Mr. WEEKS. Let me go one step further. If a merchant in a country town, for example, sent his check in payment for goods to the city of New York, and that check came back to the rural town through the usual channels for collection, the bank on which that check is drawn might charge for paying the check.

Mr. PAGE. May I interrupt the Senator?

Mr. WEEKS. Yes.

Mr. PAGE. I do not agree with the Senator's position in regard to the collection of checks. He knows very well, speaking from his experience, as I know from my own, that one by one the national banks of the country—I emphasize the word "national"—have been yielding to the persuasiveness of the managers of Federal reserve banks to come into this arrangement whereby no charge is to be made for the collection of checks. Our national banks have one by one yielded to this persuasiveness until I am inclined to think that a large majority of them have come into the arrangement whereby country checks are being cleared through the Federal Reserve System without charge.

The national banks of my section of the country have finally decided that it is best, all things considered, to enter the clearing-house system provided by the Federal reserve banks. We did not like to do it, for it took from us a little profit to which we thought we were legitimately entitled. But, Mr. President, here is a great system, which is endeavoring to clear at par the checks of the whole country, and while I fear it means a loss to the little national banks scattered throughout the country, yet I

believe that, in view of the conditions which surround us to-day, they had better yield to the extent asked for by this measure, and so while I have in the past sustained my good friend the Senator from Georgia in his contention I think the time has come when I ought to reverse myself on this matter, and I am going to vote to sustain the conference report.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER (Mr. WALSH in the chair). Does the Senator from Massachusetts yield to the Senator from Mississippi?

Mr. WEEKS. I yield to the Senator from Mississippi to ask a question.

Mr. VARDAMAN. Does not the Senator think that these little country banks have contributed something to the floating of this great loan, and that they are entitled to a little consideration at the hands of Congress?

Mr. WEEKS. Yes; and they are here permitted to pursue their own way in regard to this matter. So far as the State banks are concerned, I presume the State of Mississippi has a large number of State banks and they are not in any way controlled by this legislation.

Mr. GRONNA. Will the Senator from Massachusetts yield to me?

Mr. WEEKS. I yield to the Senator from North Dakota.

Mr. GRONNA. May I ask the Senator from Vermont if it is not true that the State banks are now being charged exchange by the national banks, by the Federal reserve banks, and will not the provision which is inserted in the bill protect the people who are doing business with the State banks?

Mr. PAGE. I do not think I clearly comprehend the Senator's question. If he will repeat it to me, I will answer the best I can.

Mr. GRONNA. Is it not a fact that the State banks or those doing business with State banks now pay exchange on their checks, while this amendment will not protect those who are doing business with the State banks?

Mr. PAGE. Will the Senator kindly illustrate that by a concrete example?

Mr. GRONNA. For instance, I have a State bank. My customers draw a check on my bank and send it through the Senator's bank. Under the law and under the rules of the Federal Reserve Board you have a right to charge exchange on the State bank's checks, and the same condition will prevail if you pass the amendment which is incorporated in the bill.

Mr. PAGE. Do I understand the Senator to say that he believes the State bank checks or the business of the State bank is in any way changed by this legislation?

Mr. GRONNA. No; it would not be changed; but exchange is being charged on checks issued through a State bank.

Mr. PAGE. Yes.

Mr. GRONNA. I do not say I believe that; I say I know that.

Mr. PAGE. I do not doubt that; but if the Senator's bank sends a check to New York and he does not have some arrangement by which it clears the check for his bank the New York bank charges him exchange. It is a reciprocal arrangement. On the other hand, I do not think there is any doubt but that the Senator's checks will go through the Federal reserve banks at par if he will agree with the Federal reserve bank that he will make them no charge when they send their checks on the Senator's bank for collection.

Mr. GRONNA. If the Senator from Massachusetts will further permit me——

Mr. WEEKS. I am willing to yield, but I have only a word more to say.

Mr. GRONNA. I wish to say to the Senator from Vermont that I know it to be a fact that the national banks which are connected with the Federal reserve banking system to-day charge exchange on checks issued by State banks, although these very same banks clear checks for that same particular bank. In other words, they are their own correspondents.

Mr. WEEKS. Mr. President, that is undoubtedly due to the local practice. If the Senator investigates it in other sections of the country than the one in which he lives, I think he will find that that condition is not true.

I rose, however, to say that in my judgment, in the first place, the so-called Hardwick amendment was unwise and unfortunate legislation, but its effect has been so modified by the conferees that I do not see how it can do any great harm to any particular interests, and that it would be very unfortunate if this legislation were delayed or changed from the form in which it has been reported by the conferees. I hope the report will be adopted.

Mr. PAGE. I should like to ask the Senator from Massachusetts a question before he sits down.

Mr. WEEKS. I yield to the Senator.

Mr. PAGE. I ask it because the Senator is very well informed in regard to banking matters of New England. I ask him if it is not true that perhaps two-thirds of the national banks of New England have entered into this Federal Reserve System and waive their charge on national-bank checks?

Mr. WEEKS. As far as I know, substantially all the national banks of New England have done so.

Mr. PAGE. That is my understanding; and inasmuch as this bill does not affect State banks, and inasmuch as the State banks have all entered into this arrangement freely, it seems to me perhaps wise that we should adopt the legislation suggested by the conference committee as to national banks.

Mr. HARDWICK. Mr. President, I am not quite willing to consent that the distinguished Senator from Vermont [Mr. PAGE] shall haul down the flag, for some of us anyway. Of course, the Senator may not have understood what he was voting for; I think not from his argument to-day, but most of us who supported this proposition did it because we thought it was right and because there was a real principle involved in it—namely, that we should not require service from anybody by law in this country without giving any compensation whatever for that service.

I can not consent, so far as I am concerned, to that sort of thing. I can not come in and say I want to surrender because a few minutes or a few hours might be taken up in debate when the fact is that the bill passed the House on May 5, passed the Senate on May 9, and was held in conference until a day or two ago simply because the conferees would not accept the judgment of both Houses of Congress on this question of exchange.

Mr. PAGE. May I ask the Senator a question?

Mr. HARDWICK. I yield.

Mr. PAGE. I would like to ask the Senator if it is not true in his State of Georgia that the great majority of all the national banks—and this amendment affects nothing but national banks—have concluded to yield to the arguments or appeals of the Federal reserve bank managers and enter their clearing-house system?

Mr. HARDWICK. Answering the Senator from Vermont, of course this legislation could not apply to anybody else except to national banks. We can not enact legislation of this sort with reference to State banks, and we are acting only for banks that are under the control and jurisdiction of the Federal Government.

Of course, it is true that under the language read by the Senator from Oklahoma [Mr. OWEN] in the progress of the debate, these banks, under regulations of the Federal Reserve Board, have been literally forced not to charge the exchange that they are justly entitled to. They were like a man who surrenders at the point of a weapon to a highwayman. Yet the Senator from Vermont and others urge that against them when they are required by law to give up this exchange under regulations established by the Federal Reserve Board.

Mr. PAGE. The Senator has not answered my question. I asked him if the national banks of Georgia have not practically all entered into this clearing-house system?

Mr. HARDWICK. I do not know. I know that the national banks of Georgia, certainly all in the country in smaller towns, are in favor of this amendment and are opposed to the position of the Federal Reserve Bank and the present position of the Senator from Vermont on this question.

Mr. PAGE. The Senator from Vermont has gone halfway in this matter. I supported the Senator from Georgia in his original plan, but now a concession has been made, though, I confess, a not very satisfactory one.

Mr. HARDWICK. I am going to take that up. I hope I may convince the Senator that he is mistaken in his present attitude. There is no need for any one to misunderstand the situation with respect to this amendment, for the conferees have destroyed the amendment, as I shall show.

Mr. PAGE. I agree that the House amendment very much lessens the real value of the collection charge.

Mr. HARDWICK. Not one that I know of has given up its exchange voluntarily except some large city banks who have rather catered to the jobbing trade than insist upon their own rights.

Mr. PAGE. Perhaps I ought not to have used the word "voluntarily surrendered."

Mr. HARDWICK. Of course, they obeyed the law. Every good citizen does whether he approves the law or not.

Mr. PAGE. They have surrendered this charge at the request of the Federal reserve banks.

Mr. HARDWICK. Who had the right under the law to make rules and regulations that they must comply with.

Mr. PAGE. The Senator misunderstands me. They have practically all entered this arrangement voluntarily.

The Senator says that this concession is granted without the slightest advantage granted to the national bank which makes the concession in return therefor. I must take exception to that statement, because every country bank which sends its uncurrent checks for collection is obliged to maintain a large deposit with its correspondent banks, as for instance in Boston or New York. In other words, the country bank is compelled to carry liberal balances with those banks which take care of their uncurrent checks. The Federal reserve bank does not require this except in a comparatively small amount, and there is no charge made to the national bank for collections. It is therefore not quite right to say that the country banks are receiving nothing for the concession they make.

Mr. HARDWICK. I say, as far as the exchange proposition is concerned, I think it is just as well to understand that we are getting nothing, according to my view of the matter, and my fear about how this amendment, as modified by the conferees, will be construed, as I will explain to the Senate, if we should accept the position now advocated by the Senator from Vermont.

Mr. PAGE. There is a large concession made. Let me illustrate. A bank in Albany compels a State bank in Vermont to carry three times——

Mr. HARDWICK. I hope the Senator will pardon me and will present this in his own time.

Mr. PAGE. I wish to make but one suggestion. I say the country bank has had to carry large balances to effect these clearances, and nearly all the national banks have now entered the Federal Reserve System, and why and whether voluntary or not is not material in the discussion of this matter at this time.

Mr. HARDWICK. Of course the Senator from Vermont must be the judge of his own conduct about that, but as far as I am concerned I do not want anyone in this body or outside to think that I believe for one minute that there is anything left in this amendment by the conference report. Both the Senator from Vermont and the Senator from Massachusetts contend that we ought to do this principally because of the great delay involved in sending the matter back to conference again. Before the Senate shall take that position I invite its attention to the fact that while this bill passed the House of Representatives on the 5th day of May and passed the Senate on the 9th day of May it was not until the 15th that the conferees reported it. It is a matter of common knowledge in this body and in the other House that for days and weeks the conference refused to take up this matter at all for the consideration of this measure that Senators now say is all important—this bill upon which the liberty loan and the fiscal operations of the Government depend.

The conferees refused to consider this bill for weeks and weeks, because they were not willing to yield to the expressed judgment of both Houses of Congress on that subject, after a fair discussion and direct vote on this question. In the House of Representatives, when this matter was under consideration, a distinguished Member of that body from the State of Mississippi, Mr. HARRISON, called attention to the fact that in writing to the chairman of the House Committee on Banking and Currency with reference to this matter the chairman of the Federal Reserve Board said in substance, "Yes, you have got this matter in conference where you can do what you please with it, not what the two Houses of Congress instructed you; not what the Senate said and what the House of Representatives said, but you can now do what you please with it." The Senator from Vermont knows just as well as I do that that is what has been done with this matter—what these gentlemen now report it from conference.

I do not want to hear any more speaking, for myself at least, and without, of course, intending offense to anybody, about delaying this bill. I do not want to hear the arguments seriously advanced in this body that we ought not to send the report back to conference for any such reason as that. We could have passed it long ago if the conferees had carried out the will of both Houses, and it is absurd to contend that we ought not to send this matter back to conference because a very brief delay might be involved, when for weeks and weeks these conferees would not meet at all, would not consider the question at all, and would not act at all, although both Houses had already acted, and acted in unison, on this question. The conferees would not agree to pass this great, important bill, because of this exchange question and because they wanted to substitute their will and the will of the Federal Reserve Board for the will of the two Houses of Congress.

Of course the Senator from Massachusetts [Mr. WEEKS] is satisfied with this amendment as reported by the conferees. He opposed the original amendment before, and every Senator who opposed it before ought to be satisfied now with the conference report; there is no reason why he should not be. Of course the Senator from Massachusetts is willing to vote for the conference report; but I am a little surprised that my friend from Vermont [Mr. PAGE] is willing to do so.

Now, let us see what they did. They went to conference. The Senate had adopted this amendment adding to section 3 a proviso which reads as follows:

Provided further, That nothing in this or any other section of this act shall be construed as prohibiting a member or nonmember bank from making reasonable charges, in no case to exceed 10 cents per $100 or fraction thereof, based on the total of checks and drafts presented at any one time, for collection or payment of checks and drafts and remission therefor by exchange or otherwise.

When the conferees, after much travail, after much delay, and after much propaganda from the credit associations and jobbing interests of the country, finally thought they had waited long enough to risk a vote, and everybody had had time to talk to everybody else and to use every sort of a—oh, a reasonable influence—and every sort of personal appeal that could be made they brought it back and asked the two Houses of Congress to reverse their position in this matter. The House of Representatives has done it by a very narrow margin; the Senate may do it if a majority of its Members want to do it; but I am determined that they shall not do it without knowing exactly what they are doing, exactly what it means, and certainly not with my vote, even if my distinguished friend from Vermont does favor such a course.

Let us see. The President intervenes in this matter; intervenes by letter—not by message to the two Houses of Congress, but by a personal letter to the distinguished Senator from Oklahoma [Mr. OWEN]. I am not going to be unduly critical of that; I quite realize that in the practical affairs of legislation it is not practicable for the President to write a message about every little matter when he feels he has some view to communicate, and I am not opposed to his expressing whatever view he wants to about this or about any other matter. I shall always agree with him when I think he is right, and I shall always disagree with him when I think he is wrong; and I hope every other Senator will do that, and that every Member of the other House will also do that; but the President writes this letter under date of the 29th day of May, 1917, addressed to the Senator from Oklahoma; he says:

MY DEAR SENATOR: I have been a good deal disturbed to learn of the proposed amendment to the Federal reserve act which seems to contemplate charging the Federal reserve banks for payment of checks cleared by them, or charging the payee of such checks passing through the reserve banks with a commission.

I digress there to show you what the President thought the amendment meant. He was not quite sure what it meant. The man who explained it to him did not understand it—of course I do not mean the distinguished Senator from Oklahoma—he did not understand it well enough to know exactly who paid the exchange, or it may be the amendment was so poorly drafted that its critics could not tell exactly which it meant; but they said it means one of two things: Either that the Federal reserve banks will themselves have to pay this exchange or the exchange will be paid by the payee of the check. The President says:

I should regard such a provision as most unfortunate and as almost destructive of the function of the Federal reserve banks as a clearing house for member banks, a function which they have performed with so much benefit to the business of this country.

I hope most sincerely that this matter may be adjusted without interfering with this indispensable clearing function of the banks.

Of course the amendment never did mean, and I do not think by a fair construction could have ever been seriously contended to have meant, that the exchange charges should be absorbed by the Federal reserve banks themselves, paid out of their own funds, and out of their own pockets; but unless these charges are to be collected from the payee, through the Federal reserve banks, it is utterly useless to contend that anything will be left of the amendment.

It is also my judgment that it is utterly impracticable for these member banks to open a thousand accounts with each other, as suggested by the distinguished Senator from Oklahoma. It might be that in a few cases where banks did a great deal of business with each other they could run such current weekly or even monthly accounts, but how on earth could they afford to do it for items that come once a month or once a year for 10 cents or 20 cents on a Vermont bank; 10 cents or 20 cents on an Oregon bank, from Georgia, or from Florida? Would it pay even the postage stamps to collect most of these exchange charges in that way? How would those amounts of money be transferred and collected? A money order for the exchange would cost more than the amount of the exchange itself in many cases. The allowance of this exchange and the crediting of

this exchange is a bookkeeping matter which must be done through the clearing banks, and unless you do permit the clearing banks to do this there is no need to go through the pretense of saying that you are allowing these men to collect exchange, because they will never get it.

I suggested to the distinguished Senator from Oklahoma, in a conference I had with him, that we avoid all trouble on this subject by amending this provision so as to provide that no such charges shall be made against Federal reserve banks, to be absorbed and finally paid by those banks. Just add those words to it so that these banks would be permitted simply to do the clearing and to do the bookkeeping, making each man who presents one of these checks have deducted that much from the credit that is given him for the item. Of course, if language like that were employed, nobody could contend that a single penny of this money could finally come out of the Federal reserve banks themselves, and there is no such desire on the part of anyone.

Mr. NORRIS. Mr. President——

Mr. HARDWICK. I yield to the Senator from Nebraska.

Mr. NORRIS. I have had no opportunity to read the conference report, and know of it only as it has been read from the Secretary's desk. I wish, therefore, that the Senator would point out specifically the difference between the Senate amendment and the amendment brought in by the conferees.

Mr. HARDWICK. I did that just a moment ago, but I will do it again for the benefit of the Senator.

Mr. NORRIS. I did not hear the Senator.

Mr. HARDWICK. The Senator remembers the amendment was adopted in substance. To the provision that nothing in this act shall be construed as prohibiting a member bank or nonmember bank from making reasonable charges, in no case exceeding 10 cents per hundred dollars, and so on, the conferees interpolated the words "reasonable charges, to be determined and regulated by the Federal Reserve Board," and, of course, that is objectionable.

I would not make that an insuperable objection, if that was all they did in connection with the provision, although we know the Federal Reserve Board is against this provision; we know it is hostile to it.

Mr. NORRIS. As I heard it read, I thought the only material change was in the clause that was added at the end.

Mr. HARDWICK. That is the most material change, because I say frankly that, while I do not like the words I have just quoted, I would not resist the conference report if it were not for the fact that the conferees added at the end of it, as the Senator evidently caught it, this provision:

But no such charges shall be made against the Federal reserve banks.

That destroys the whole amendment; and the President's letter proves that it was intended to destroy the whole business, and that it will be construed so as to destroy the amendment, because he says he does not want any amendment allowing a commission to be charged the payee of such checks passing through the Federal reserve banks.

Mr. OWEN. Mr. President, I call the attention of the Senator to the date of the letter, showing that it was written before the conference met, and that the language which was added related only to charging the Federal reserve banks with the items. It says nothing about the payee.

Mr. HARDWICK. Yes; while the language does not mean that, if it were given the construction that I should like to see given to it, and that I think the Senate ought to force to be given to it, if it is in its power to do so, yet I think, in view of the President's letter which the Senator has brought to us, that it is perfectly plain that the President's object is not only that they shall not have this exchange out of the pockets of the Federal reserve banks, which none of them wanted, but that they shall also not have this exchange on checks passing through the Federal reserve banks, which was exactly what they did not want to accomplish.

Mr. OWEN. Mr. President——

Mr. HARDWICK. I yield to the Senator.

Mr. OWEN. The expression of opinion by the President was in accord with the opinion of the Federal Reserve Board and the governors of the various Federal reserve banks. They all entertained this opinion generally against the proposed amendment as it was originally presented. They did not approve it in any form, for the reason that they believed that the business men of the United States and the depositors of banks should have the right to have their checks cleared at par, so as to avoid the necessity of bookkeeping in connection with every check of the hundreds of thousands and millions of checks that go through our banks and reserve centers. That was their belief, and it is the belief of a very large part of the banking world—I think almost nine-tenths of them.

Mr. HARDWICK. The Senator is very much in error, in my opinion, in that respect. As I explained to the Senate—and the Senator must have heard it—the proposition came from the great American Bankers' Association after city bankers and country bankers and everybody else had thrashed it out, and after practically all—I do not know that the vote was unanimous, but it certainly represented the overwhelming sentiment of that great association—determined on this very provision.

Mr. OWEN. I would remind the Senator that the membership of the American Bankers' Association is not confined to national banks.

Mr. HARDWICK. No; but many national banks——

Mr. OWEN. Just a moment.

Mr. HARDWICK. I beg the Senator's pardon; I am yielding to the Senator.

Mr. OWEN. The State banks, as a matter of fact, have a much larger number of members than have the national banks. They are numerically in excess, and the activity of the State banks in trying to force a change in the Federal reserve act I do not think is justified.

Mr. HARDWICK. Mr. President, in my judgment the Senator from Oklahoma is again mistaken. Those who are active in favor of this provision are not State banks in any State, but the country national banks. The present Federal law on exchange does not hurt the State banks; they can not do anything with them, or they have not tried to so far; they are not prohibited from getting the exchange; the law has not taken that away from them. The man who has been active in this matter is the man who feels that he has been deprived of this rights to charge something for a service, a right which nowhere else in this country have we denied to anybody by the law of the land.

Mr. VARDAMAN. Mr. President, if the Senator from Georgia will permit me——

Mr. HARDWICK. I yield to the Senator.

Mr. VARDAMAN. I have had a great many telegrams and letters from banks in my State, and I think that nine-tenths of the telegrams I have received have been from national banks in Mississippi. It is my judgment that fully nine-tenths of the national banks of the State of Mississippi and all of the State banks favor the Hardwick amendment as passed some weeks ago.

Mr. HARDWICK. Mr. President, of course, that is right. I think it would take but a moment's reflection to show that that is where it would come from. The State banks have not any interest in this exchange matter; they would not get any of it. The banks that are deprived of what they regard, and what I believe, are their just rights in this matter and of their legitimate earnings in this respect are not the State banks, but the national banks. They are the ones who are making this complaint.

The State banks have no interest in it, except, possibly, a sympathetic one, and a desire to see justice done.

Mr. NORRIS. Mr. President——

Mr. HARDWICK. I yield to the Senator from Nebraska.

Mr. NORRIS. I wish to ask the Senator a question for information, for I have been deprived of the privilege of hearing all the debate that has taken place on this question. I desire to ask the Senator if I am right in the belief, compressed into a nutshell, that the amendment, as the Senator introduced it and as it passed the Senate, would permit the national banks, member banks in the Federal Reserve Association, where they were asked by their correspondents to send exchange for checks that had been cashed by those correspondents, to charge exchange? Was not the provision really confined to business of that kind? If the correspondent who has cashed the check sends it to the bank on which it is drawn and asks that exchange be sent for the check, the question arises whether there should be allowed a charge for exchange or not?

Mr. HARDWICK. Exactly.

Mr. NORRIS. Is not that the real contention?

Mr. HARDWICK. That, of course, is the primary object; but let me say to the Senator—and I think I can draw the line pretty plainly, and the Senator from Massachusetts referred to it—this amendment was not intended to mean, it does not mean, and it can not mean that any banker in this country will be authorized to charge one penny of exchange to anybody who brings his own check and presents it across the counter of the bank where he keeps his deposit, and demands the money.

Mr. NORRIS. I agree with the Senator.

Mr. HARDWICK. The Senator from Massachusetts, however, thought otherwise if I understood him correctly.

Mr. NORRIS. The very contract between the banker and the depositor as a matter of law——

Mr. HARDWICK. Would force the banker to pay the full face value of the check.

Mr. NORRIS. It would force the banker to pay the check if lawfully signed whether presented by the depositor or any other person; but if the check were sent through the mail, or if the depositor or the payee went to the bank himself and, instead of getting the money which the bank would be compelled to pay on the presentation of the check without any diminution or commission, asked for a draft, then he is taking up a new proposition.

Mr. HARDWICK. He is asking for a transfer of either money or credit to another place for the performance of a service.

Mr. NORRIS. Yes. It has gone beyond the duty of the bank to pay the check.

Mr. HARDWICK. Exactly; and in every case that is true.

Mr. NORRIS. And the banker, of course, would have the right to charge him if he wanted to do so; to give him a draft or to refuse entirely to give him a draft if he wanted to do so.

Mr. HARDWICK. The Senator is right, and this amendment does not apply to any exchange, except where actual service is rendered either in the transportation of money or in the transfer of credit; and in every case not only are arrangements of that sort involved, but also bookkeeping and the transfer of book credits, where there is no actual transfer of currency itself.

Now, Mr President, I want to get through. I think the Senate understands this question pretty well. We voted on it twice in one form or another after full argument on its merits. The Senators who constituted the majority when these votes were taken believed that it was to the very best interest of the national banking system—of the Federal Reserve Bank System itself, if you prefer that term—that these country banks that were in the system as member banks in the smaller towns and villages of this country, who had small capital and comparatively heavy overhead charges, and to whom this item was a considerable and an important item, might be encouraged to remain in the system, which they are not likely to do if you do not allow this reasonable exchange, which all their State bank competitors can charge and do charge.

We also thought that in the interest of this selfsame Federal Reserve Banking System it was best to adopt a somewhat liberal policy toward these people with small capital and small business, and yet who are immensely important in the aggregate and on the whole to the great productive and industrial affairs of this country, to encourage these banks to become members of the national system; and we thought the best way to do it was to allow them these charges, so that they might come in where they had not already joined the reserve system.

Now, the situation has not changed. The question now is just exactly what it was then. It has not shifted one iota, in my opinion and judgment. There has been a good deal said about it, a good deal of influence brought to bear in, of course, a perfectly proper and argumentative way, on various Members of both bodies of Congress with respect to this matter.

Mr. PAGE. Mr. President, may I ask the Senator a question there?

Mr. HARDWICK. Yes; I yield to the Senator.

Mr. PAGE. The Senator says that this matter has not changed one iota since we passed upon it last month?

Mr. HARDWICK. Yes.

Mr. PAGE. I think if the Senator would investigate as to the inside facts he would find that, one by one, the country national banks have been approached by agents of the Federal Reserve System and have been told that they would be very glad indeed to have them enter this new clearing-house arrangement; and it is not impossible that these agents may have said to them that "if you will do this, we will be good to you if you happen to need especial aid later on." This is purely a suspicion on my part and is probably unwarranted. However this may be, I am willing to hazard the opinion that more than 75 per cent of all the New England national banks, and I shall be somewhat surprised if it is not found upon investigation—I have asked to have the investigation made—that 80 to 90 per cent of the New England national banks have entered this system.

Mr. HARDWICK. Since this amendment was voted on in the Senate?

Mr. PAGE. Many of them have come in since that time, but they have been coming in from time to time for many months.

Mr. HARDWICK. I know, but I should like to know how many of them have come in since that time.

Mr. PAGE. I hope I may give the Senator some light on this point from official sources before I get through. I have asked for it. I agree with the Senator on the general principle. I agree with him that the country banks should have some remuneration for the collection of and remittance for these checks. But if 80 or 90 per cent of the national banks for one reason or another have gone into this system and there are only 10 or 20 or even 25 per cent left outside, and those the smaller banks, and if the State banks are in no way affected by this legislation then it seems to me that this compromise should be accepted. I confess it is a pretty bad compromise; nevertheless, it is a compromise.

Mr. HARDWICK. If the Senator thinks so, then he has been badly outtraded.

Mr. PAGE. I think the advantage is, in part, made good, but even if not what is the use of the Senate saying that three-fourths or nine-tenths have gone into the system voluntarily, we should not now clean up the whole slate and have the national banks all go into it?

Mr. HARDWICK. Of course, it has not changed much since we voted in the Senate. If that is true, the Senator ought not to have voted for this proposition at all, in my judgment.

Mr. PAGE. I have no doubt that a large number of the national banks have entered the system within the last 30 days.

Mr. HARDWICK. Well, possibly; but not in my country. It may be different in the Senator's country.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Missouri?

Mr. HARDWICK. I yield to the Senator.

Mr. REED. I desire permission to make a statement more than to ask a question. I have been informed, from what I think are undoubtedly reliable sources, that if this bill is accepted as amended, very large numbers of the State banks and trust companies are coming into the Federal Reserve System.

Mr. OWEN. There is no doubt about that.

Mr. REED. And that some of the greatest of these companies have already formally made application in the expectation that this bill will pass.

Mr. HARDWICK. Would the Senator mind, unless this bears directly on what I am saying, withholding his statement for a minute? I am not going to take the time of the Senate much further.

Mr. REED. Will not the Senator give me just one instant?

Mr. HARDWICK. Yes.

Mr. REED. That is all I desire, and I thought this did bear upon the question—and that it is the opinion of the Federal Reserve Board, or at least some of its members, that it is necessary to mobilize as speedily as possible the financial resources of the country.

Mr. HARDWICK. Why did they hold this bill, then, for three weeks or four weeks, or longer, in conference, with no meeting of the conferees, and with this great, important measure held up simply on account of exchange?

Mr. REED. Well, I can not answer that.

Mr. HARDWICK. If it was of all that importance——

Mr. HITCHCOCK. Mr. President, I can not permit the Senator to say that this matter was held three or four weeks without a meeting of the conferees.

Mr. HARDWICK. I did not say that. I said that it was held up on account of this amendment.

Mr. HITCHCOCK. No; the Senator just said that it was held three or four weeks without any meeting of the conferees.

Mr. HARDWICK. Well, I did not intend to say "without any meeting of the conferees." What I meant was without effort to pass the bill and carry out the will of the two Houses on this question.

Mr. HITCHCOCK. Well, that is what the Senator did say.

Mr. HARDWICK. The Senator from Nebraska knows full well—and I will not yield to him right now—that in spirit and in substance the Senator from Georgia has stated what the condition was with reference to this matter. Now, I did not mean to say that the conferees had not met at all. I think the Senator from Oklahoma was away the most of this time.

Mr. OWEN. I should like to say that the gold amendment was adjusted after the other amendment had been agreed upon.

Mr. HARDWICK. There was no trouble except on this amendment.

Mr. OWEN. The Senator is mistaken.

Mr. HARDWICK. Well, I say there was no real trouble except about this amendment, in my judgment.

Mr. OWEN. The Senator is very much mistaken.

Mr. HARDWICK. Of course, I accept the Senator's statement; but will the Senator say, or will either of the Senators say—and if they will do it, I shall be glad to apologize to both of them, and it will be a pleasure for me to do so—that this matter was not really held up on account of this bank-collection amendment?

Mr. OWEN. There was a very serious difference between the House and Senate conferees over the gold amendment, and

that was a matter which was not agreed upon until after this had been agreed upon.

Mr. HARDWICK. Well, I do not yield to the Senator except to answer the question I asked. Evidently the Senator can not make the statement that I thought he could make, although I would have been glad for him to do it if he could. If the truth is, coming right squarely down to brass tacks on this proposition, that this conference report was not delayed all these weeks on account of this bank-exchange amendment, then I want to be corrected.

Mr. OWEN. I think the Senator is exaggerating the importance of this matter.

Mr. HARDWICK. I think the conferees did that. They ought to have accepted it and gone on and passed the legislation like the two Houses adopted it, in my judgment; and since they did not do so, it is now for the masters of the conferees—the body that appointed them—to say whether they will approve their action in not doing it, or not.

If this bill is of all the tremendous importance that is now contended, and if it is necessary to mobilize the industries of this country, the banking interests of this country, as my friend from Missouri suggests, I do not see why you delayed three or four weeks right at the critical time of raising the liberty loan on account of this one poor little amendment, or largely on account of this one poor little amendment providing a very small exchange for these country banks.

Mr. PAGE. Mr. President, will the Senator permit me to give one concrete instance?

Mr. HARDWICK. Certainly.

Mr. PAGE. I know of one bank in Vermont that has received notice from its depositors that, on the 1st day of July, when they can withdraw without loss of interest, $250,000 will be withdrawn largely by those who are going to put the money into liberty-loan bonds, and when that amount is withdrawn it will compel this bank to go into the markets and borrow. All who study the money market know that to-day the price of money is very high, and I do not believe there is any place to borrow money to-day without paying at least 5 per cent, or perhaps more than that, while their liberty loan is paying only 3½. The banks are facing a serious condition at this time. They have got to borrow, in large sums soon, in order to meet the demands that will be made by their depositors, purely to take care of these liberty loans. The Federal reserve banks are under moral obligations to make loans to national banks on liberty bonds as collateral at 3½ per cent, and we must strengthen their hands in every reasonable way or they will be unable to keep the faith with those banks which have lifted so heavily in floating liberty bonds.

Mr. HARDWICK. Well, now, grant it; grant it. If that is true, and I do not doubt it—the Senator is an able banker and a good financier, I doubt not, although I do not much like him as an ally in this sort of fight; but grant it—what happens? Where are we? If that was so important, what did these people delay this bill for? If this bill means anything to meet that situation, or has any connection with it or any relation to it, why were they, from the 9th of May until the 15th day of June, in working around to this amendment; and then, after it has been here two days, why do they come in and try to urge it through the Senate on the ground that the whole industrial and commercial and banking fabric of the country is going to fall to pieces unless we do it right away and exactly like they want it, when they let the whole thing wait from the 9th day of May to the 15th of June, in order to get it done a different way from the way the majority of us wanted it?

That is the way it impresses me; and I do not see why the Senate should permit itself to be dragooned into any such position as that. If this measure was important, and as important as they say it was, they had no right to delay it the length of time they have delayed it; and if they could delay it with safety to the country, in order to get their will about this matter, from the 9th day of May until the 15th day of June, we might take a day or two more in trying to get our will. I think if we do, if the Senate will take that position, and we ask these conferees to put on this bill at the end of it, leaving this thing like they reported it, this language—

> But no such charge shall be made against the Federal reserve banks, to be absorbed or finally paid by them—

We will have this amendment like we ought to have it and like they ought to accept it.

I have no interest in this matter except the interest of the Federal Banking System itself, except my belief that the strongest thing you can do for that system is to popularize it with the bankers of the small towns and villages, except my belief that you have not a right, either in banking or in anything else, to require of anybody by a law you write on the statute books that he shall give his services for nothing.

Because of those beliefs, and because of the condition that confronts us here, I hope the Senate will send this matter back to conference. I hope and I believe they will take, this time, the specific instruction of the Senate by this action, if it should take it, as binding absolutely upon them to make this amendment—to propose it to the conferees of the other House—and I feel sure—of course, this is merely my opinion—that the House of Representatives will agree to that modification without the slightest trouble.

So that if all these people want is to see that the Federal reserve banks themselves shall not pay this exchange out of their own pocket, we will write it double-riveted into this bill; but if they mean to use that language to destroy this amendment and to defeat the will of the Senate, then the better way to do would be to wipe it out entirely and not leave it in the bill the ghost of what it was, a mere remnant of what it was intended to be—something that appears and purports to mean something and yet means nothing.

I hope the matter will be sent back to conference again.

Mr. PAGE. Mr. President, before the Senator sits down I should like to ask him a question. Since I have been conversing with the Senator about this matter I have made inquiry of two Senators from New England with regard to the percentage of New England national banks that are now handling checks through the Federal Reserve System and without charge for collection, and in both cases the answer has been "probably more than 90 per cent." Now, if 90 per cent are already in, and if this can not apply to the State banks, does not the Senator think it would be wise——

Mr. HARDWICK. Will the Senator let me answer his question now? I understand it.

Mr. PAGE. Yes.

Mr. HARDWICK. The Senator must take a broader view about it than New England. The Senator must look at the whole country, not merely at Vermont or New England, either. That is not true, so far as I know, except maybe in New England. I have not heard of it elsewhere. It is not the condition in my State, or it has not been until very recently, if it is true at all.

This amendment in the form I have suggested, the Senator knows, would not do any harm; it would accomplish what he wants and what I want, and it would not put on the Federal reserve banks any of the things that the Senator from Oklahoma contends ought not to be put upon them. Now, why not do that?

Mr. PAGE. Well, it is a fair presumption that if 90 per cent of the national banks of New England have entered this system that a very large majority of all the other national banks have also gone into it. I believe it will be found to be true that more than three-fourths of all the national banks in the United States have already entered the Federal Reserve System and are to-day clearing their checks at par through that system.

Mr. VARDAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Mississippi suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hitchcock	Nelson	Smith, Ariz.
Beckham	Hollis	New	Smith, Md.
Borah	Husting	Norris	Smith, S. C.
Brady	James	Overman	Sterling
Brandegee	Johnson, Cal.	Owen	Sutherland
Chamberlain	Johnson, S. Dak.	Page	Swanson
Colt	Jones, N. Mex.	Phelan	Thompson
Dillingham	Kendrick	Pittman	Trammell
Fernald	Kenyon	Poindexter	Vardaman
Gallinger	King	Pomerene	Walsh
Gerry	Kirby	Reed	Watson
Gore	McCumber	Robinson	Weeks
Gronna	McKellar	Saulsbury	Williams
Hale	McLean	Shafroth	
Harding	McNary	Sheppard	
Hardwick	Martin	Sherman	

Mr. McKELLAR. I desire to state that the senior Senator from Tennessee [Mr. SHIELDS] is detained from the Chamber by reason of illness. I should like to have this announcement stand for the day.

Mr. JAMES. I have been requested to announce that the Senator from New Jersey [Mr. HUGHES] is detained from the Senate on account of illness.

Mr. GERRY. I desire to announce that the Senator from Louisiana [Mr. BROUSSARD] is detained on official business.

Mr. SHAFROTH. I desire to announce the absence of my colleague [Mr. THOMAS] on account of illness.

Mr. SAULSBURY. I wish to announce the absence of my colleague [Mr. WOLCOTT] on official business.

Mr. GALLINGER. I was requested to announce the unavoidable absence of the junior Senator from Maryland [Mr. FRANCE] on account of illness.

Mr. SUTHERLAND. I desire to announce the absence of my colleague, the senior Senator from West Virginia [Mr. GOFF], on account of illness. I will let this announcement stand for the day.

The PRESIDING OFFICER. Sixty-one Senators have answered to their names. A quorum is present. The question is on agreeing to the conference report.

Mr. HITCHCOCK. Mr. President, I desire to say a few words before the question comes to a vote, because I think it is rather unfortunate that nothing has yet been said in support of a number of important provisions of this bill while great emphasis has been placed upon the so-called Hardwick amendment to it, and the modification of that amendment which was agreed upon by the conference committee. That modification of the Hardwick amendment has already been accepted by the House of Representatives. That amendment after all was only a small portion of the bill. It was a contentious portion because of the fact that a number of banks desired to have ingrafted upon the law an uncontrolled authority by which they could make charges for paying checks if remittance became necessary. The conference committee felt justified in making a modification of this privilege asked by the banks by requiring such charges to be subject to rules and regulations and limitations provided by the Federal Reserve Board. We believe that that modification is of the highest importance in order that business may not be burdened. We also made an additional modification that any charge made by a bank in remitting for checks against it, should not be a charge against the Federal reserve banks; and that also is of large importance to the country.

But, Mr. President, we ought not to lose sight of the fact that after all the Hardwick amendment as to the payment of checks and the contention which arose out of it is only a very small portion of this important legislation. The Senator from Georgia has indicated that conditions have not changed since this bill was considered in the Senate. He is mistaken in that.

Mr. HARDWICK. The Senator will pardon me, Mr. President. The Senator does not want to misstate my position.

Mr. HITCHCOCK. I will let the statement go as the Senator makes it. But conditions have vastly changed concerning the urgency of the bill.

We are undergoing now a most extraordinary transformation in the banking world. When this bill was considered by the Senate last month the banks of New York City held $147,000,000 in excess of their legal reserves. Week by week those reserves have run down until they now are only $54,000,000 in excess of the legal reserves; next week they will run lower, and the week after they will run lower still. The same change is going on all over the country. The banks are encountering a strong demand for loans. Their reserves are being materially reduced. They are now calling upon the Federal reserve banks for currency. There has been an extraordinary demand for rediscounts. That is to say, the national banks of the United States, which heretofore have called upon the Federal Reserve Board for almost no assistance, are now applying in large numbers for credit and currency. The amount of commercial paper rediscounted or purchased by the Federal reserve banks has increased enormously. A year ago the Federal reserve banks had discounted only about $20,000,000 worth of commercial paper. The banks were in an easy and comfortable condition with abundant funds. Even when this bill passed the Senate in May the reserve banks held less than $75,000,000 worth of commercial paper purchased of member banks. To-day they hold over $200,000,000 worth of such commercial paper which they have purchased of member banks which wanted currency.

Mr. VARDAMAN. Will the Senator allow me to ask him what bearing that has upon the Hardwick amendment?

Mr. HITCHCOCK. It has only a bearing upon the urgency of the legislation. We have undertaken to float a loan of two thousand million dollars. We have asked people to subscribe to those bonds and, if necessary, borrow money from the banks to do so. We have asked the banks to subscribe to those bonds, and they are assured that when they buy them in the tremendous amounts that they have subscribed for they can borrow of the Federal Reserve System with those bonds as security.

Mr. VARDAMAN. If legislation was so urgent, by the adoption of the Hardwick amendment the Senate and the House could have put the legislation on the statute books three weeks ago.

Mr. HITCHCOCK. That is true, but one of the contentions which the committee of conference had before it was closely linked with the strengthening of the Federal Reserve System. That was the gold amendment which the Senate adopted and which finally the House conferees accepted, but not until after a considerable time had been exhausted in debate. That gold amendment had been adopted by the Senate for the purpose of strenthening the Federal Reserve Banking System.

Mr. VARDAMAN. That is very true, I grant it, but the changes that the conferees made in the Hardwick amendment resulted in delay. If you had adopted that amendment your legislation would have been perfected some time ago.

Mr. HITCHCOCK. The Senator is not entirely informed of what went on among the conferees, and I am not privileged to state it. I know this, that the Hardwick amendment was agreed upon in conference long before the gold amendment was agreed upon, and that was the cause of much of the delay. It was not concluded until the House conferees finally accepted it.

Mr. President, this legislation amending the Federal reserve act is to strengthen the Federal Reserve System. We are proud of the fact that the Federal Reserve System was created. We believe that the Federal Reserve System has been a tower of strength for the United States during the last few years of crisis and extraordinary conditions; but the Federal Reserve System has not been put to its great test. It is about to be put to that test. Thousands of national banks which belong to the system have not heretofore applied to the Federal reserve banks to furnish currency by buying commercial paper. They are now beginning to do it, and within a few months thousands of national banks will be rediscounting commercial paper at the Federal reserve bank and the Federal Reserve System will be issuing notes against that commercial paper backed by 40 per cent in gold.

Mr. VARDAMAN. Does not the Senator think the system would be strengthened by offering an inducement to the State banks that would be affected by the Hardwick amendment to join in the system, while the small banks do not?

Mr. HITCHCOCK. Mr. President, this bill does offer inducement to State banks to come into this system, and the passage of the bill will undoubtedly be followed by many State banks entering the system. Not only that, the bill provides means by which State banks that do not desire to come into the system as members may nevertheless open deposits with the Federal reserve banks, a privilege they have never had before. When they open those deposits they will have relations with the Federal reserve banks which will be valuable. They can use in their deposits in Federal reserve banks checks on distant banks and deposit them at par, no matter whence the checks come from. That is one of the desirable provisions of the new act. That is the opportunity for the State banks all over the United States to establish deposits with the Federal Reserve System and get credit at par for all kinds of checks they may deposit. They in their turn give credit at par for checks against themselves.

The bill provides also in detail for establishing here at Washington a gold-clearing house, so that all the Federal reserve banks, by keeping large gold deposits here at Washington in the Treasury, can do their business in exchange with each other without actually shipping the gold from bank to bank, as they would otherwise be compelled to do. By this gold-clearing house the eight Federal reserve banks settle gold balances with each other by simply issuing to each other from time to time orders on the Federal Reserve Board in Washington, which holds the gold and keeps the accounts.

Mr. PAGE. Will the Senator please explain the very small amount which the country bank is compelled to carry with the Federal reserve bank in order that the Federal reserve bank may clear its checks at par?

Mr. HITCHCOCK. It is provided in the bill that the smallest possible amount to protect the Federal reserve bank deposited with that bank by a State bank, even though not a member of the system, will enable the State bank to clear its checks at par through the Federal reserve bank.

Mr. PAGE. They are compelled to carry only enough to cover the loss to the Federal Reserve System of the day or two of interest that is required to send it to another reserve bank and get it back. That is all that is required.

Mr. HITCHCOCK. That is true. Then another provision which we ought to hold in mind, which will immensely strengthen the Federal Reserve System is the release of unneeded reserve. This bill reduces the legal reserve of country banks to 7 per cent; it cuts the reserve of banks in reserve cities to 10 per cent and in central reserve cities to 13 per cent. This

cuts down the legal reserve requirements of the national banks something like $375,000,000, which will be added to the loaning power of those national banks. By that same provision also the gold deposits of 7,600 national banks in the Federal Reserve System will be increased several hundred million dollars, and that will increase the credit or loaning power of the Federal reserve banks.

So I say, Mr. President, these are the important provisions. These and others strengthening the system and improving it are in this bill and are virtually needed at the present time. They are provisions under which the eight Federal reserve banks of the United States will be able to gather six or seven hundred million dollars of additional gold into the vaults to protect the gold supply of the country and to act as a basis for loans for credits and for note issues. Under the provision for issuing currency against gold and gold certificates the eight Federal reserve banks will have their loaning power increased hundreds of millions of dollars. The reduction in legal reserve requirements for national banks will increase the loaning power of the individual member banks of the Federal Reserve System nearly as much more. These provisions to strengthen the Federal Reserve System are vital at this time, when there must inevitably be a tremendous expansion of our currency and our credit, if we are to meet the great war strain now placed upon the country.

I say, Mr. President, it would be unfortunate to have this great bill with these important provisions for the welfare of our whole financial system dragged down in the discussion to a mere question of what banks shall charge in the collection of checks. There will be no injustice to these country banks. I represent a State which has many country banks. I think we have more country national banks in Nebraska than there are in the State of Georgia. I know within a few months after this act is in operation those banks will realize that we have a system so improved that they will get the benefit of it. They will be enabled to get their checks cleared at par. Some of us remember the time in the United States when a bank note 100 miles from home was at a discount. When the remedy came for that evil and bank notes were made worth par whether 100 miles from home or a thousand miles from home, what a tremendous relief came to the business world. There is no more reason why a thousand miles from home a good check should not pass at par than a bank note, and this is designed to bring it to par. It is not done at the expense of one class of banks or another. It is a reciprocal matter. What one bank loses in one way another loses in another. Moreover, the Federal Reserve Board has shown that it is desirous of protecting all banks in any legitimate charge they made; and a bank today which is called upon to receive from the Federal reserve a batch of checks, if it has an account with a Federal reserve bank, can keep the currency there and the Federal reserve bank pays express charges on it. So, I say, it is important that this bill should be passed, and should be passed at once, in order that we can go forward and carry on the great work before the country.

Mr. VARDAMAN. Mr. President, I am ready to vote on this measure.

I think that when the senatorial mind is made up it is proper to permit an expression at the earliest practicable moment.

This is an important question to the small banks of the country and, I think, to the people generally; and if it were necessary, or if I thought further discussion would avail anything, I might hold the Senate a few moments longer, but I am sure the Senate is ready to act upon the matter, and what I might say will not change the vote of a single Senator.

I realize that further opposition to the adoption of this report will be futile.

The ukase of the President has been issued, the big banks have done their work, and the Senate is ready to do the rest.

It does not matter what becomes of the little man just so the big man prospers.

The big fish may have his doubts about some things, but he has no doubt but that the little fish were made especially for him to feed upon.

I am willing to vote now, but I ask for the yeas and nays.

Mr. GRONNA. Mr. President, I do not intend to delay a vote. The Senator from Georgia [Mr. HARDWICK] so thoroughly explained the provision of his amendment that I shall not undertake to amplify it. There is one thing, however, which I want to say in reply to what the Senator from Vermont [Mr. PAGE] said relative to the charging of exchange. If a check is sent from one community to another—if a check is sent from Vermont to Massachusetts—and the man who issued that check, if it is sent to his own local bank and if it is not presented by the man who made the check, the banker, of course, will have to make a draft and there will be a transfer of credit, and the banker in Massachusetts who remits the money to the man in Vermont will not get anything for his work, but he will be out the postage for the transmission of a bank draft to pay the check. I think the Senator from Vermont will agree that in the transaction of business that is exactly what will happen.

Mr. President, I said about all I care to say on this question when the bill was before the committee and before the Senate before it was sent to conference. I am for the Hardwick amendment. I was for it then as a question of principle, and I said then, and I say now, that it is not a question of charging the depositor exchange on his own money, because that is not being done now, nor will it be done under the Hardwick amendment. The whole question is, simply, shall the wholesaler, the jobber, the mail-order houses be able to cash all these checks without paying any exchange? The whole question is between the large banks, the wholesaler, the jobber, and the country banker, and that is all there is to it.

But, Mr. President, I was opposed to this bill on account of certain provisions in it which are more fundamental than even the Hardwick amendment, and that is the question of mobilizing all the gold from every bank in the United States into the so-called Federal reserve banks and these Federal reserve banks are not Government banks. Every dollar of stock is owned by individuals and not a penny is owned by the Government. They are private corporations as the Senator from Michigan [Mr. SMITH] suggests. When you take all the gold there is in the country and place that gold in the possession of a few men, you are liable to have the same thing happen now that happened during the Civil War when gold advanced to a tremendous premium of 285 per cent.

Mr. President, I have been told by some of the men who explained this provision and how important it is on account of the war. Of course, all legislation that will benefit the big interests of the country can always be pressed during a time such as we are having now. There is always an opportunity to pass legislation like this in times of war and especially when it is asked for the Chief Executive of the Nation.

There is another provision in the bill which is objectionable. There is a provision in the bill which will permit the organization of branch banks, and the American banker and the American people are not ready for branch banks in this country, I believe. It is true it does not apply to the whole country, but it is simply an entering wedge for branch banks.

Mr. President, the argument made by the senior Senator from Nebraska [Mr. HITCHCOCK] as to the necessity in order to mobilize the finances of this country I want to say to the Senator from Nebraska that the finances of the country have been mobilized while this amendment to the Federal law has been sleeping in the committee. The bankers all over the country, State bankers and national bankers, have shown their patriotism by subscribing and by paying their good hard money for the liberty bonds. They did not wait until this bill was passed, and so far as the mobilization of the finances are concerned the bill will not help the situation in the least. Not with the people in my part of the country; not with the people in any agricultural part of the country, because in an agricultural country they do not happen to have the paper that these Federal reserve banks want, and the Senator from Nebraska knows it. The Senator from Nebraska knows that the banks in the agricultural sections and the people in the agricultural parts of the country will not be able to borrow any more after the passage of this bill or with this amendment than they were before.

Mr. HITCHCOCK. I do not desire to have the Senator's remarks express my opinion, because I know a great deal better. I know that after this bill is passed the Federal Reserve System will perhaps have seven or eight hundred million dollars of possible loans to make.

Mr. GRONNA. Yes; and I can tell the Senator——

Mr. HITCHCOCK. I can speak for my own State by saying that we will have the paper to offer.

Mr. GRONNA. I say to the Senator I know what paper they will have to offer in the State of Nebraska. They will have these bonds to offer. They can not sell the bonds, but they will put them up as collateral. The conditions are no different in the State of Nebraska from what they are in my State. I repeat that no people of any agricultural country will be allowed to borrow any more after the passage of the bill with this amendment than they could before.

Mr. President, I do not care to take up any more time. I join with the Senator from Mississippi [Mr. VARDAMAN] and ask for a record vote. I am opposed to this legislation and I shall vote against the conference report.

Mr. OWEN. Mr. President, I ask to place in the RECORD a statement of the changes which are made in the bill as passed

by the Senate and the House, and a telegram from Philadelphia from some thirty banks wiring their approval of the conference report.

The PRESIDING OFFICER (Mr. KING in the chair.) Without objection, it is so ordered.

The matter referred to is as follows:

STATEMENT OF MANAGERS ON THE PART OF THE SENATE.

Section 1 of the bill as agreed to by the conferees was contained in the House bill as section 7, but was not in the Senate bill. It authorizes the Federal Reserve Board to require the establishment of branch banks where deemed necessary. The only substantial change from existing law is that the existing law does not give the Federal Reserve Board authority to require the Federal reserve banks to establish branches.

Section 2, relating to appointment of assistants to Federal reserve agents, is substantially as passed by the Senate, except that the bonds of the assistant Federal reserve agents are given to the Federal Reserve Board directly and not to the Federal reserve agent as provided for in the Senate bill.

Section 3 of the bill as agreed to by the conferees (relating to admission of State banks into the system) is identical with section 2 of the Senate bill, and is substantially the same as section 9 of the House bill.

Section 4, amending section 13 of the reserve act, and permitting nonmember banks to make deposits in the Federal reserve banks for check-clearance purposes, is identical in substance with section 3 of the bill as passed by the Senate, with the addition of the following words after the proviso authorizing a charge for the collection of checks and drafts: "No such charges shall be made against the Federal reserve banks." It is also provided that the charges shall be determined and regulated by the Federal Reserve Board.

Section 5, relating to acceptances, corresponds with section 3 of the House bill and section 4 of the Senate bill. The section as approved by the conferees is identical with the Senate bill down to the proviso. The proviso contained in this section of the Senate bill was as follows:

"*Provided further*, That in no event shall a bank accept for any one person, company, firm, or corporation to an amount equal at any time in the aggregate to more than 20 per cent of its paid-up and unimpaired capital stock and surplus."

This proviso was stricken out and the following House proviso inserted in lieu thereof:

"*Provided further*, That the aggregate of acceptances growing out of domestic transactions shall in no event exceed 50 per cent of such capital stock and surplus."

Section 6 of the bill as reported by the conferees corresponds with section 8 of the House bill. There was no similar provision in the Senate bill. The only substantial change in existing law provided for in this section is that the Federal Reserve Board is authorized to require a Federal reserve bank to open and maintain accounts in foreign countries. It provides that when such an account is opened the Federal Reserve Board may authorize any other Federal reserve bank to use this agency thus established under such regulations as may be prescribed by the Federal Reserve Board.

Section 7, relating to note issues on gold collateral, corresponds to and is identical with section 5 of the bill as it passed the Senate.

Section 8, permitting deposits of gold coin and gold certificates with the Treasurer to the credit of the Federal Reserve Board for purposes of convenience in bookkeeping, corresponds to and is identical with section 6 of the bill as it passed the Senate.

Section 9, relieving national banks of the necessity of keeping on deposit with the Treasurer United States bonds, corresponds to and is identical with section 7 of the bill as it passed the Senate.

Section 10, relating to reserves, corresponds to and is identical with section 5 of the House bill, and corresponds with section 8 of the Senate bill. It differs from section 8 of the Senate bill in the following particulars:

A country bank is required to maintain a reserve of 7 per cent. Under the Senate bill the requirement was 6 per cent.

Under the Senate bill every member bank was required to maintain till money equal to 4 per cent of its demand deposits. The section as adopted contains no such provision.

The Senate bill designated these balances as "reserves." The bill as adopted refers to them as "net balances."

The Senate bill excepted the Philippine Islands from those insular possessions in which could be maintained member banks. The bill as reported contains no such exception.

Section 11, permitting directors and officers of member banks to receive interest on deposits and to obtain accommodations under certain restrictions, corresponds to and is in substance identical with section 9 of the bill as it passed the Senate.

—

PHILADELPHIA, *June 11, 1917.*

Hon. ROBERT L. OWEN,
United States Senate, Washington, D. C.:

We approve the amendments to the Federal reserve act as submitted by the conference committee to the Senate and House under date of June 9, 1917, with the understanding that section 4 shall be construed as prohibiting member or nonmember banks from making any exchange charge on checks or other items deposited with and collected through the Federal reserve banks. We earnestly urge the adoption of said amendments.

Philadelphia National Bank, Bank of North America, Farmers' and Mechanics' National Bank, Southwark National Bank, Kensington National Bank, Penn National Bank, Girard National Bank, Tradesmen's National Bank, Corn Exchange National Bank, Union National Bank, First National Bank, Third National Bank, Sixth National Bank, Eighth National Bank, Central National Bank, National Security Bank, Centennial National Bank, Ninth National Bank, Tenth National Bank, Northwestern National Bank, Southwestern National Bank, Fourth Street National Bank, Market Street National Bank, Quaker City National Bank, Northern National Bank, Franklin National Bank, Textile National Bank, Land Title & Trust Co., Real Estate Title Insurance & Trust Co., Girard Trust Co., West Philadelphia Title & Trust Co., Philadelphia Trust Co., Pennsylvania Company for Insurance on Lives and Granting Annuities, Provident Life & Trust Co.

Mr. OWEN. I should like to state that there are 7,581 national banks now clearing at par, pretty nearly all of them.

The PRESIDING OFFICER. The question is on the adoption of the conference report.

Mr. HARDWICK. On that question I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. KNOX]. In his absence I transfer that pair to the Senator from Tennessee [Mr. SHIELDS] and vote "yea."

Mr. GERRY (when his name was called). I have a general pair with the junior Senator from New York [Mr. CALDER]. I am informed that if he were present he would vote the same as I do. I will therefore vote. I vote "yea."

Mr. HARDING (when his name was called). I have a general pair with the junior Senator from Alabama [Mr. UNDERWOOD]. I understand that if he were present he would vote as I will, and therefore I will vote. I vote "yea."

Mr. HARDWICK (when his name was called). I have a general pair with the junior Senator from Kansas [Mr. CURTIS]. I transfer that pair to the junior Senator from Louisiana [Mr. BROUSSARD] and vote "nay."

Mr. KENDRICK (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL]. Understanding that he would vote as I shall I am free to vote. I vote "nay."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. THOMAS], who is absent from the Chamber, and I withhold my vote.

Mr. McKELLAR (when his name was called). I have a pair with the junior Senator from New Jersey [Mr. FRELINGHUYSEN] and I withhold my vote.

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. KELLOGG], who is absent. I understand that if he were present he would vote as I would do, and I shall therefore vote. I vote "yea."

Mr. SWANSON (when his name was called). I have a general pair with the Senator from Washington [Mr. JONES]. In his absence I transfer that pair to the senior Senator from Illinois [Mr. LEWIS] and vote "yea."

Mr. SHAFROTH (when the name of Mr. THOMAS was called). I desire to announce the absence of my colleague [Mr. THOMAS] on account of illness and to state that he is paired with the senior Senator from North Dakota [Mr. McCUMBER].

Mr. SAULSBURY (when Mr. WOLCOTT's name was called). My colleague [Mr. WOLCOTT] is absent on official business. If present, my colleague would vote "yea."

The roll call was concluded.

Mr. BANKHEAD. I have a pair with the junior Senator from Maryland [Mr. FRANCE] and therefore withhold my vote. If at liberty to vote, I should vote "nay."

Mr. RANSDELL. I wish to announce the unavoidable absence of my colleague [Mr. BROUSSARD] on official business. If he were present, my colleague would vote "nay."

Mr. WEEKS. I wish to announce the unavoidable absence of my colleague [Mr. LODGE]. If he were present, he would vote "yea."

Mr. DILLINGHAM (after having voted in the affirmative). I inquire if the senior Senator from Maryland [Mr. SMITH] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. DILLINGHAM. Then I am compelled to withdraw my vote, having a pair with that Senator.

Mr. WATSON (after having voted in the affirmative). I have a general pair with the junior Senator from Delaware [Mr. WOLCOTT]. In his absence I transfer that pair to the junior Senator from New York [Mr. CALDER] and will permit my vote to stand.

Mr. GALLINGER. I have been requested to announce the following pairs:

The Senator from Massachusetts [Mr. LODGE] with the Senator from Georgia [Mr. SMITH]; and

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN].

The result was announced—yeas 51, nays 14, not voting 31, as follows:

YEAS—51.

Ashurst	Husting	Page	Smith, Mich.
Beckham	James	Phelan	Smith, S. C.
Brandegee	Johnson, S. Dak.	Pittman	Sterling
Chamberlain	Jones, N. Mex.	Poindexter	Sutherland
Colt	King	Pomerene	Swanson
Culberson	Kirby	Reed	Thompson
Fletcher	McLean	Robinson	Townsend
Gallinger	McNary	Saulsbury	Trammell
Gerry	Martin	Shafroth	Walsh
Hale	Nelson	Sheppard	Warren
Harding	New	Sherman	Watson
Hitchcock	Newlands	Simmons	Weeks
Hollis	Owen	Smith, Ariz.	

NAYS—14.

Borah	Gronna	La Follette	Vardaman
Brady	Hardwick	Norris	Williams
Cummins	Kendrick	Overman	
Fernald	Kenyon	Ransdell	

NOT VOTING—31.

Bankhead	Goff	Lodge	Smoot
Broussard	Gore	McCumber	Stone
Calder	Hughes	McKellar	Thomas
Curtis	Johnson, Cal.	Myers	Tillman
Dillingham	Jones, Wash.	Penrose	Underwood
Fall	Kellogg	Shields	Wadsworth
France	Knox	Smith, Ga.	Wolcott
Frelinghuysen	Lewis	Smith, Md.	

So the conference report was agreed to.

CONSERVATION OF FOOD AND FUEL.

Mr. CHAMBERLAIN. Mr. President, I do not see the Senator from Oklahoma [Mr. GORE], the chairman of the Committee on Agriculture and Forestry, in the Chamber. In his absence I move that the Senate proceed to the consideration of the bill (S. 2463) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

The PRESIDING OFFICER. The question is on the motion of the Senator from Oregon.

Mr. HARDWICK. Mr. President, on Saturday last I gave notice that at the proper time I should raise, for the consideration of the Senate, the question that the Senate had no right to consider, and could not with propriety consider, this bill, because it violates the provision of the Constitution that all bills raising revenue shall originate in the House of Representatives. Upon a somewhat hasty examination of the bill—for the duties which confront us are so many that we are not able to give as much time as we should like to all these questions—I observe that section 12 of the bill provides:

SEC. 12. That, whenever the President shall find that an emergency exists requiring stimulation of production and that it is essential that the producers of any nonperishable agricultural products produced within the United States shall have the benefits of the guarantee provided for in this section in order to stimulate production of such products, he is authorized, from time to time, seasonably and as far in advance of seeding time as practicable, to determine and fix and to give public notice of what, under specified conditions, is a reasonable guaranteed price for any such products, in order to assure such producers a reasonable profit. Thereupon, the Government of the United States hereby guarantees every producer of any merchantable nonperishable agricultural products produced within the United States, for which a guaranteed price shall be fixed by notice in accordance with this section, that, upon compliance by him with the regulations prescribed by the President, he will receive for any such products produced in reliance upon this guarantee within the period, not exceeding three years, prescribed in the notice, a price not less than the guaranteed price therefor as fixed pursuant to this section. In such regulations the President shall prescribe the terms and conditions upon which any such producer shall be entitled to the benefits of such guarantee. When the President finds—

I invite particularly the attention of the Senate to this language—

that the importation into the United States of any such products produced outside of the United States seriously interferes or is likely seriously to interfere with the practical operation of any guaranteed price therefor fixed pursuant to this section, or materially enhances or is likely materially to enhance the liabilities of the United States under guaranties of prices therefor made pursuant to this section, and shall so proclaim, there shall be levied, collected, and paid a rate of duty, upon the products so imported, the amount of which rate of duty shall be ascertained and proclaimed by the President, which amount shall, when added to the value of the product at the time it is offered for entry be sufficient to bring the price thereof at which imported up to the price which shall have been fixed therefor pursuant to this section—

And so forth.

Mr. President, the Constitution of the United States provides that no bill raising revenue shall originate in this body. My recollection of the language is that it says in substance that all bills to raise revenue must originate in the House of Representatives—not bills that incidentally propose to levy a tax, but any bill which proposes directly or indirectly, to use the taxing power of the United States, must originate in the popular branch of Congress.

Mr. POMERENE. Mr. President, may I ask the Senator from Georgia a question?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Ohio?

Mr. HARDWICK. I yield to the Senator from Ohio.

Mr. POMERENE. Do I understand the Senator's objection goes to the entire bill or only to this particular provision of the bill?

Mr. HARDWICK. I think, giving the Senator my own opinion, that the Senate has no right to consider a Senate bill any part of which relates to the raising of revenue. My own opinion is that if the Senate were in future asked to pass this bill, namely, Senate bill 2463, the Senator from Ohio, if he should happen to favor it, and the Senator from Oregon [Mr. CHAMBERLAIN], who reports it and champions it, would find it necessary at least to strike from the bill every provision for the use of the taxing power of the Government of the United States before they could vote for it.

Mr. POMERENE. Mr. President, in order to get the Senator's view, may I ask another question?

Mr. HARDWICK. I yield to the Senator from Ohio.

Mr. POMERENE. Assume, for the sake of the argument, that Congress will pass this bill, even though it be conceded that it should have originated as a parliamentary matter in the other House, is the Senator still of the opinion that a court would be obliged to hold the law unconstitutional?

Mr. HARDWICK. I would answer the Senator from Ohio that frankly I would think not, as a general proposition, because I do not think as a rule—and I certainly think it is the correct rule—that the courts ought to go behind the certificates of the presiding officers of the two bodies and of the Executive, and that the courts can not concern themselves with the details of how legislation is enacted.

Mr. POMERENE. In other words, then, the Senator's view is that this provision of the Constitution is directory only and not mandatory?

Mr. HARDWICK. Yes. But it is mandatory on us.

Mr. POMERENE. I agree with the Senator.

Mr. HARDWICK. I am giving the Senator now again my personal view—my view as a lawyer—but the Senator from Ohio must remember that the day is not very far back in the past when the courts of the United States held that the cotton futures' law, which was enacted only a few years ago by the Congress of the United States, was unconstitutional because the provision taxing the cotton exchanges, or using the taxing power to regulate the cotton exchanges, originated in this body, instead of in the House of Representatives; and that the courts of the United States having so held the Congress of the United States reenacted the legislation in question to avoid that constitutional difficulty. I merely mention that as a part of the current history of the country.

Mr. POMERENE. Has the Senator the reference to that decision before him now?

Mr. HARDWICK. I do not remember the decision, but it is a case from the southern district of New York.

Mr. HOLLIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. HARDWICK. I yield to the Senator from New Hampshire.

Mr. HOLLIS. The case was that of Hubbard against Lowe. It is found in 226 Federal Reporter, at page 135.

Mr. HARDWICK. I thank the Senator for the reference.

Mr. HOLLIS. But, if the Senator will permit me, the case was decided on a record that stated that it was a bill for raising revenue.

Mr. HARDWICK. Yes.

Mr. HOLLIS. It is quite doubtful whether it was or not; but that was admitted on the record. That was a decision of the district court; it was not carried to the court of appeals.

Mr. HARDWICK. I see, of course, where the Senator is leading up to; it is to the proposition that, if the bill were for something else besides raising revenue, the Senate might incidentally enact a taxing provision; but I utterly dissent from that position, and I do not believe any court in this country will ever so hold.

Mr. HOLLIS. Mr. President, will the Senator yield to me further?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. HARDWICK. Yes.

Mr. HOLLIS. The Supreme Court has so held in two cases.

Mr. HARDWICK. I disagree with the Senator utterly. I am reasonably familiar with the decisions on which the Senator relies, I think, and possibly I have studied them as much as has the Senator from New Hampshire. I do not think any one of them can be fairly construed to mean what I understand the Senator will contend on this question, if I understood his interruption correctly.

But, Mr. President, I have been somewhat doubtful about the manner in which this question ought to be raised and when and how it could be decided. I frankly say to the Senator in charge of this bill that I do not believe it would be within the power of any Presiding Officer to sustain a point of order based on such a proposition, and I would not invoke such a ruling. No matter what the opinion of the presiding officer was on the question of constitutional law, I think it would be a matter for the Senate itself. So that at this stage of the proceedings, at the beginning of what will be a thorough and exhaustive discussion of this question, I do not think it is at all necessary to go into an extended argument of this phase of the question. I think it ought to be suggested to the Senate. It will, of course, be a matter resting upon the conscience and judgment and opinion of each Senator when he comes to vote upon the measure itself or when the motion is made, if it should be made, at a later stage of the proceedings, to recommit the bill for that reason.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. HARDWICK. I yield to the Senator from Idaho.

Mr. BORAH. Suppose we should proceed with the consideration of this bill until the bill which is now in the House reaches the Senate and it should be substituted for this bill. That would obviate the Senator's objection, would it not?

Mr. HARDWICK. Undoubtedly; but I take it, Mr. President, the Senate would be in a rather humorous position to be debating, with a pretense that it was actually considering its passage, a bill that it never intends to consider, and could never pass. If we must pass a bill that originates in the House, if we pass any, we had better wait until the bill comes here from the House.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Connecticut?

Mr. HARDWICK. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. Without expressing any opinion as to whether or not the point raised by the Senator from Georgia is well taken, if the section which the Senator has quoted should finally appear to the Senate to be in violation of the provision of the Constitution to which the Senator has referred, and the Senate should strike it out, should we now assume that the mere introduction of a bill containing that provision tentatively should prevent the Senate from considering any part of the bill whatever? After we have debated the motion raised by the Senator it seems to me then would be the time for the Senate to decide what its powers are as to the enactment of that section.

Mr. HARDWICK. I am inclined to agree with the Senator; I think he is eminently correct about it; and, as I said just now, I do not think any Presiding Officer could foist upon the Senate or could, even in justice to himself, lay before the Senate his personal opinion of the merits of a question like that. It is for the Senate itself to determine, and I expect to ask the Senate at the first appropriate point in the proceedings to determine that question on its merits and standing by itself.

Now, when I have said that much, I do not care to delay these proceedings further, except to say that as to this bill itself I feel that we ought to give it a great deal of consideration and very careful consideration. It presents some of the most novel, some of the newest, some of the most far-reaching, and some of the most dangerous propositions that were ever presented to the representatives of a free people.

I hope that before the discussion shall end the country may get a somewhat different idea about this measure from that which is so assiduously circulated in some portions of the public press. If what the country wants is to deal with the food pirates of this country, the monopolists, the men who forestall and regrade and engross the food and fuel necessities of the Republic, and if the Sherman antitrust law is not adequate, I am willing to help enact adequate legislation at any moment. If the country is now denied adequate legislation in order to save it from the food pirates who are robbing it and starving and freezing it, it is not the fault of the Senate in any respect whatever, as has been pointed out this morning. Once the bill were passed that we considered some time ago relating to this question—the food-survey bill, I think it was called—with section 8 embodied in it, as proposed by the distinguished Senator from Montana [Mr. WALSH] and as drafted by the distinguished Senator from Washington [Mr. POINDEXTER], there would not be, in my judgment, the slightest excuse whatever for this legislation, nor the slightest basis upon which to rest any real propaganda for its enactment.

At the appropriate time, Mr. President, as soon as the Senators in charge of the measure shall make whatever statements they please, I expect to raise the constitutional question I have suggested and to press it for the judgment and decision of the Senate.

Mr. GORE. Mr. President, I wish to say that I hope the motion to make Senate bill 2463 the unfinished business will prevail. It was my intention to submit that motion when the conference report was disposed of, but it happened that I was temporarily absent from the Chamber.

The PRESIDING OFFICER. Will the Senator from Oklahoma pardon the Chair?

Mr. GORE. Certainly.

The PRESIDING OFFICER. The Chair understood the motion of the Senator from Oregon [Mr. CHAMBERLAIN] was that the Senate proceed to the immediate consideration of Senate bill 2463.

Mr. GORE. I understand that that was the motion of the Senator from Oregon, and I wish to express my satisfaction that he has made the motion.

I desire to add that the bill was introduced by the Senator from Oregon [Mr. CHAMBERLAIN] on Friday last. As chairman of the Committee on Agriculture and Forestry I assembled the committee the next morning—last Saturday morning—and the bill was immediately reported to the Senate, it will be recalled, without amendment and without recommendation. It was my desire and the desire of the Committee on Agriculture and Forestry to speed this measure to early consideration. I was not willing, and neither was any member of the committee willing, to assume the responsibility of occasioning any delay.

I wish to state further, Mr. President, that, as the bill is drawn, I do not feel in a position to support it. I can not vote for the measure unless it is materially amended. I think that it ought to have a fair chance for its life, however, in the Senate, and I shall, therefore, as chairman of the Committee on Agriculture and Forestry, ask the Senator from Oregon, both on account of his ability and his familiarity with this subject, to take control of this measure in the Senate. The bill ought to be in friendly hands; and, as I can not support it unless it is essentially modified, I shall request him to do the Senate this service.

I wish to add to what I have just said, Mr. President, that I am in favor of legislation to enable this Government, if such legislation be necessary, to cooperate with the allied powers in purchasing supplies in the markets of the world. These countries ought not to compete with each other in the world's markets in purchasing supplies; they ought not to run prices up against each other. To meet that situation and to obviate that difficulty, I have prepared and introduced a bill enabling representatives of this Government to cooperate with the representatives of the allied powers in making purchases so as to avoid competition. Undoubtedly that ought to be done.

I may say that I am also in favor of legislation punishing those who gamble in the necessaries of life. If there be monopolists and manipulators who would even seek to fatten and batten upon the needs and misfortunes of their countrymen, certainly the most severe penalties known to civilized jurisprudence ought to be inflicted upon them. I supported the Walsh amendment, being the Poindexter bill, to the measure which passed this body on June 1. Its object and its purpose were to penalize those who would make merchandise of the calamities of their countrymen. I regret that that measure is not already a law, and that the shield of this great Government has not been interposed to protect the consumers of the country against such machinations. I regret that the Department of Justice has not been armed with the sword which that measure sought to place in its hands to smite those who would smite their country.

The measure which passed this body on June 1 also carried the Nelson amendment, empowering the President to close the boards of trade and chambers of commerce if they undertook to manipulate the grain markets and food markets of this country, to run prices up unduly, or to permit and abet extortion. I regret that that measure is not already the law of the land in order that the consumers and producers alike might be vouchsafed the benefit of that protection.

I hope that this measure will assume such shape before the final vote shall occur as will enable me to render it my earnest and conscientious support. As now drawn I can not do so.

In addition to constitutional objections, there are many other objections which, to my judgment, are controlling. I think that the best asset, or at least one of the best assets, which this Republic has in this time of stress is the efficient business organization of this country. That ought to be conserved; it ought not to be destroyed. I fear that it would be seriously impaired if this measure should be enacted as drawn. If the powers sought to be vested by this bill are vested in any food controller or food administrator, and these powers should be exercised, I have not the slightest doubt but that the business machinery and business organization of this country will come down in one sudden and irresistible crash. If these powers should be so vested, and should not be exercised, they would, nevertheless, occasion such unrest, such anxiety, and such uncertainty on the part of business men as to be fraught with the most serious consequences. There are enough factors of uncertainty in connection with the future at the very best. We ought to minimize those uncertain factors rather than multiply them. This is an added reason upon which I base my position. On an appropriate occasion I shall take the time, perhaps, to elaborate my views more particularly and more at large. For the present I shall surrender the control of the measure to the distinguished and able Senator from Oregon.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Oregon [Mr. CHAMBERLAIN] that the Senate proceed to consideration of Senate bill 2463.

Mr. KENYON. Mr. President, it would be presumptuous in me to discuss the bill prior to the statement and argument to be made by the Senator from Oregon [Mr. CHAMBERLAIN], but I do not believe the statement of the Senator from Georgia [Mr. HARDWICK] should go unchallenged, because if this bill is really a bill for raising revenue, then we have no business to originate it in the Senate.

Section 7 of Article I of the Constitution, to which he refers, provides that—

> All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills.

I had so much doubt of this question in my own mind that I raised it in the committee and suggested that we strike out the provision to which the Senator from Georgia has referred; but the committee was not of the same mind. I had not given the matter very much study at that time, but since then I have given to it what study I could in the rush of matters here, and am satisfied that this bill can properly originate in the Senate. If it can not, we ought to settle the question, and not be debating a bill which is not properly and can not properly be before us.

If the Senate will note the language of section 12 in connection with the purpose of section 12, it is not in any way a section to raise revenue. This bill is not in any sense a bill to raise revenue. Whatever revenue may be raised—and it is not certain that any ever will be raised—is incidental to the main purpose of the bill.

The section which the Senator cites is what is commonly known as the minimum-guaranty section. That is to say, the President is given power, as to certain staples, to fix a minimum guaranty. In order that this may be effective, the bill goes on and provides that where importations of products into this country may affect that minimum guaranty, then, and only then, the President can fix these tariffs to be levied and collected.

Now, that is not for the purpose of raising revenue at all. That is merely to make the minimum-price guaranty effective. Not only that—to which I shall cite an authority or two, so that they may be in the RECORD, so that the Senators may reflect upon them—but, further, this section of the Constitution which provides that bills for raising revenue must originate in the House is based on the old English philosophy, under which these bills must originate in the House of Commons because they represent the people. That section of the Constitution was placed there because the House, elected directly by the people, was supposed to represent the people more truly than the Senate, representing the States. Now that Senators are elected by the people the reason for that constitutional provision does not apply, because Senators are elected by the people the same as Members of the House.

Mr. HARDWICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Georgia?

Mr. KENYON. I do.

Mr. HARDWICK. Does it not occur to the Senator from Iowa, however, that the representatives of the people represent, each one of them, with one vote, exactly the same number of people, and that that is not true about the Senate, where two Senators may come from a State with 300,000 people and have only two votes, as against two Senators who come from a State with 9,000,000 people with only two votes?

Mr. KENYON. But is it not the philosophy of section 7 of Article I and was it not placed there because the Members of the House were regarded more directly as the representatives of the people, so that the people were voting this tax upon themselves? That is true of the English House of Commons.

Mr. HARDWICK. I think the Senator is right about that; but the consideration I have suggested, I believe, also enters into it, as you will find from reading the debates. And then anyway, if the Senator will pardon just one interjection, it is like the case of the man in jail: It is there anyway, no matter why they put it there.

Mr. KENYON. Oh, that is true. I am not making any particular point about it. It is not necessary; but I believe the section is practically obsolete now, since Senators are elected by the people.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Wyoming?

Mr. KENYON. I do.

Mr. WARREN. We pass a great many bills that levy fines and collect money for certain delinquencies, but not especially for revenue. I take it from what the Senator says, and I agree with him, that this bill is more nearly like a bill of that kind than for the purpose of raising revenue.

Mr. KENYON. Yes; those bills are not for the purpose of raising revenue.

The Supreme Court of the United States has sustained this doctrine. I refer to the case of Twin City Bank against Nebeker, in One hundred and sixty-seventh United States, page 196. This question arose under section 41 of the national banking act, imposing certain taxes upon the average amount of the notes in circulation of a banking association. That was a taxing proposition. Among other things, the Supreme Court said when this very question was raised:

> The case is not one that requires either an extended examination of precedents or a full discussion as to the meaning of the words in the Constitution, "bills for raising revenue." What bills belong to that class is a question of such magnitude and importance that it is the part of wisdom not to attempt by any general statement to cover every possible phase of the subject. It is sufficient in the present case to say that an act of Congress providing a national currency secured by a pledge of bonds of the United States, and which, in the furtherance of that object and also to meet the expenses attending the execution of the act, imposed a tax on the notes in circulation of the banking associations organized under the statute, is clearly not a revenue bill which the Constitution declares must originate in the House of Representatives. Mr. Justice Story has well said that the practical construction of the Constitution and the history of the origin of the constitutional provision in question proves that revenue bills are those that levy taxes in the strict sense of the word, and are not bills for other purposes which may incidentally create revenue. (Story on Const., 880.) The main purpose that Congress had in view was to provide a national currency based upon United States bonds, and to that end it was deemed wise to impose the tax in question.

That is the exact question here. The court says:

> The tax was a means for effectually accomplishing the great object of giving to the people a currency that would rest, primarily, upon the honor of the United States, and be available in every part of the country. There was no purpose by the act or by any of its provisions to raise revenue to be applied in meeting the expenses or obligations of the Government.

The case of Millard *v.* Roberts (202 U. S., p. 429) arose over an act of Congress levying taxes in the District of Columbia for public improvements, and the court there, in a very interesting opinion, discusses this very question. This bill originated in the Senate, and was a bill for taxation, but not primarily for revenue. The court says:

> This language is applicable to the acts of Congress in the case at bar. Whatever taxes are imposed are but means to the purposes provided by the act.

And in Story, on the Constitution, is a most interesting discussion of the genesis of section 7 of Article I of the Constitution as it is derived and borrowed from the English law, because of the reason I have heretofore stated. This section,

which, it seems to me, settles the matter, I want to read for the purpose of the RECORD.

What bills—

Says Story, on the Constitution—

are properly "bills for raising revenue," in the sense of the Constitution, has been matter of some discussion. A learned commentator supposes that every bill which indirectly or consequentially may raise revenue is, within the sense of the Constitution, a revenue bill. He therefore thinks that the bills for establishing the post office and the mint and regulating the value of foreign coin belong to this class, and ought not to have originated (as in fact they did) in the Senate. But the practical construction of the Constitution has been against his opinion. And, indeed, the history of the origin of the power already suggested abundantly proves that it has been confined to bills to levy taxes in the strict sense of the words, and has not been understood to extend to bills for other purposes, which may incidentally create revenue.

That is the whole subject, Mr. President, and covers the whole thing.

The Senate in dealing with the income-tax bill substituted the corporation tax for the income tax. That was questioned in the courts, but never very seriously. The point I am making is simply this, that the provisions of section 12, which are the ones complained of, providing that the President may levy and collect a rate of duty, are only for the purpose of carrying out and making effective the minimum guaranty of that section, and in no way are they provisions for the purpose of collecting revenue. Hence, this bill with that section is not a bill for raising revenue, and can properly originate in the Senate.

Mr. HOLLIS. Mr. President, I believe the argument of the Senator from Iowa [Mr. KENYON] is unanswerable, and that the two Supreme Court cases which he has cited settle this question, but I think perhaps some of the Senators have in mind the cotton-future case, which apparently was decided the other way. Before I discuss that case briefly, however, I wish to call the attention of the Senate to the attitude of the Senate itself upon this question. It is found in Gilfry's Precedents, first volume, on page 230.

It there appears that the Senate has never conceded the sole and exclusive right of the House of Representatives to originate bills that are purely for the purposes of raising revenue. The Senate has always claimed that right, but frequently it has had conflict with the House of Representatives, and when the two Houses have been in conflict the matter has usually been disposed of without a decision. But it is stated in Gilfry's Precedents, page 230:

In 1883 the compromise tariff bill was introduced in the Senate by Henry Clay, but as the same bill was passed by the House of Representatives while Mr. Clay's bill was pending in the Senate, the latter was laid on the table and the House bill was passed.

Now, undoubtedly we shall have the same result here. If the Senate debates this bill at anything like the same length it has other bills that have been before the Senate, the House will have passed its bill long before the bill has been passed here.

But I continue to read from Gilfry:

When this bill was introduced a point of order was raised against its reception by Mr. Forsyth that it contained a section proposing an increase of duties on certain woolens and was, therefore, a bill in conflict with the clause of the Constitution above cited. It was introduced with the section retained, and the debate and action upon its reception and passage indicate the opinion of that Senate at least that a bill both to increase and reduce duties could originate in the Senate.

Numerous bills have originated in the Senate that subsequently became laws, and covering the period from 1815 to the present time, that give strength to the contention of those who believe the Senate has power to originate revenue measures.

And a fairly careful search finds no authority in the precedents of the Senate for the position stated by the Senator from Georgia [Mr. HARDWICK].

Referring to the cotton-futures case, which is freshly in the minds of some of the Members of the Senate, I wish to say—and I am now referring to the case of Hubbard *v.* Lowe (226 Federal Reporter, p. 135)—that that was a decision by the district judge of the Federal court for the southern district of New York, Judge Hough, and the case went off on that decision; but the real point involved was this, quoting from the opinion, on page 137:

I am perhaps saved from inquiry whether the cotton-futures act is a bill for raising revenue by the agreement of counsel on this point.

When counsel had agreed that the cotton-futures act was a bill to raise revenue there was nothing for the district judge to do but to write that it could not originate in the Senate. Where, however, we have a bill that is not intended primarily and principally for the purpose of raising revenue, but a bill that is intended to safeguard the United States Government and for the national safety and defense, with merely incidental revenue provisions, it clearly does not come within the inhibition of the Constitution.

This case of Hubbard against Lowe was not appealed. The Government did not care to appeal it, because the Congress repassed the bill immediately, having it originate in the House. So that as far as I can find there is no authority whatever for the position taken by the Senator from Georgia.

I merely make these few remarks in order that Senators who might be disturbed by the attack on our right to originate the bill here may look up the matter for themselves, if they have any further doubts.

The PRESIDING OFFICER. The question is upon the motion of the Senator from Oregon.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2463) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

Mr. CHAMBERLAIN. Mr. President, I do not propose at this time to enter into any lengthy discussion of the bill that has just been laid before the Senate, but I think it proper to make a very brief statement in reference to it, in view of the attitude of the distinguished chairman of the Committee on Agriculture and Forestry [Mr. GORE], who is in opposition to it.

Mr. President, this bill was reported out by the committee without amendment and without having been thoroughly discussed in the committee, for the reason that it had been argued at great length and extensive hearings had been had before the Agricultural Committee of the House of Representatives and the bill finally reported to the House from that committee, so that the bill as introduced in the Senate and as it was referred to the committee was an exact copy of the one which was reported by the House committee.

Now, there had been hearings before the Senate committee as well as before the committee of the House of Representatives on this whole subject, so that really nothing was to be gained by having additional hearings before the committee of the Senate. It was felt by many members of the committee, and I think properly so, that if the Senate committee, after a week's discussion, and after extensive hearings, agreed upon the form of a bill, the bill would still have to be discussed in all of its phases when it reached the Senate. So that the committee felt that time would be saved if the bill could be taken up in the Senate as an original proposition and the country advised as to its nature and contents.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER (Mr. KING in the chair). Does the Senator from Oregon yield to the Senator from North Dakota?

Mr. CHAMBERLAIN. I do.

Mr. GRONNA. Of course it was understood that the members of the committee had the right to oppose the bill.

Mr. CHAMBERLAIN. Oh, yes.

Mr. GRONNA. It was not understood that the members of the committee favored this bill.

Mr. CHAMBERLAIN. Oh, no, Mr. President; the Senator is right. It was left open for the members of the committee to take such position in the Senate as they might see fit.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Mississippi?

Mr. CHAMBERLAIN. I yield.

Mr. VARDAMAN. I should like to ask the Senator from Oregon whether the bill has been read?

Mr. CHAMBERLAIN. Not yet.

The PRESIDING OFFICER. The Chair advises the Senator from Mississippi that the bill has not yet been read.

Mr. VARDAMAN. After the Senator from Oregon has concluded his speech I shall call for the reading of the bill.

Mr. CHAMBERLAIN. Mr. President, I thought it just as well to make a brief statement about it before the bill is read, and then, of course, it will have to be read.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Missouri?

Mr. CHAMBERLAIN. I do.

Mr. REED. If the Senator is going to make a statement in regard to this bill, I think we ought to have a full attendance of the Senate; and unless it is against the Senator's wishes, I will suggest the absence of a quorum.

Mr. CHAMBERLAIN. I really do not care, Mr. President. Senators do not remain very long after they get here.

Mr. REED. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Missouri suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hitchcock	Martin	Reed
Beckham	Hollis	Myers	Robinson
Borah	Husting	Nelson	Shafroth
Chamberlain	James	New	Sheppard
Culberson	Johnson, S. Dak.	Newlands	Smith, Ariz.
Cummins	Jones, N. Mex.	Norris	Smith, Md.
Fernald	Kendrick	Overman	Sterling
Fletcher	Kenyon	Owen	Stone
Gallinger	King	Page	Sutherland
Gore	Kirby	Penrose	Swanson
Gronna	La Follette	Phelan	Vardaman
Hale	McCumber	Pittman	Warren
Harding	McKellar	Poindexter	Weeks
Hardwick	McNary	Pomerene	

Mr. GALLINGER. I desire to announce that the junior Senator from Maryland [Mr. FRANCE] is detained on account of illness. I will ask that this statement may remain for the day. I also desire to announce the unavoidable absence of the senior Senator from Utah [Mr. SMOOT].

Mr. HUSTING. I desire to announce that the Senator from Delaware [Mr. WOLCOTT], the Senator from Rhode Island [Mr. GERRY], and the Senator from Louisiana [Mr. BROUSSARD] are detained from the Senate on official business.

The PRESIDING OFFICER. Fifty-six Senators having answered to their names, there is a quorum present.

Mr. CHAMBERLAIN. Mr. President, as I stated a while ago, I do not propose at this time to enter into any lengthy discussion of the measure, but very briefly to state its purpose.

The bill is not very long, and it is so plain in its terms that it seems to me that it is a work of supererogation to undertake to tell what its purpose is. But, Mr. President, this country is involved in a war the probable duration of which it is impossible for any man to foretell. All of us in America have hoped and still hope that it may, at some time in the very near future, end as suddenly as it was commenced in 1914. But now that we are involved in it, and owing to the uncertainty of its duration, the United States has to place itself in the best possible position to successfully assist those who are allied with us in carrying it on, and at the same time protect our own people.

In order to win the war it is just as essential for this country to have a sufficient amount of food as to have the necessary munitions, soldiers, and battleships. A relative scarcity of food supplies has already been created by the war situation, vast amounts of labor having been diverted abroad from fields of production into the pursuits of war. As a result it has become of vital importance to the Nation to conserve existing food stocks and to consider such measures as may encourage further production and proper distribution.

Under normal conditions we have been accustomed to rely upon the force of competition to control economic relations affecting the production and distribution of the necessaries of life. With the advent of war, however, and the relative scarcity of food, it is clear that competition can not be relied upon to insure such production and distribution of food supplies as will be needed to safeguard the general interest. We must devise other methods of control that shall be available and adequate to meet the situation at hand and to meet the new situations that are likely to present themselves as the war advances.

Prices in the United States are soaring skyward all the time. The same condition exists in other countries, so that not only must we look to the production of food, but we must look to the care and conservation and distribution of it in such a way that these prices may remain at some figure the consumer can pay.

Mr. BORAH. Does the Senator prefer to go ahead, or will he yield now for a question?

Mr. CHAMBERLAIN. I would a little rather go ahead, because I am going to be very brief.

Mr. President, as tending to show that there has been a constant upward tendency in prices, not only here but abroad, I call the attention of the Senate to a table which shows the comparative level of food prices in the several countries on certain dates as compared with prices in July, 1914. In volume 17, No. 5, of the Labor Gazette issued by the department of labor of the Dominion of Canada, on page 394 will be found this table which I ask to have printed as a part of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

The table referred to is as follows:

Approximate increases in the cost of staple foods and groceries in certain countries by percentages over July, 1914.

	1915		1916								1917			
	Jan.	July.	Jan.	Apr.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.
Canada	7	5	12	12	14	16	21	25	32	36	38	41	44	45
United Kingdom	18	32½	45	49	61	60	65	68	78	84	87	89	92	94
United States	1	— 1	6	7	9	12	16	19	24	25	25	31	31	[1]43
Australia	7	30	29	31	30	28	26	25	26	25	25	.....	.....	.....
New Zealand	11	12	16	18	19	20	18	20	23	25	27	26	.....	.....
Italy [2]	8	20	33	32	32	32	32	32	33	38	44	.....	.....	.....
Switzerland	.....	19	26	.....	40	.....	44	.....	.....	.....	.....	.....	.....	.....
Holland	13	30	35	42	50	50	53	58	62	65	65	65	.....	.....
Denmark	.....	28	34	.....	46	.....	.....	.....	[3]75	[3]78	[3]82	[3]86	.....	.....
Norway	[3]9	[3]19	[3]41	[3]55	[3]169	[3]82	[3]82	[3]82	[3]87	[3]94	[3]104	[3]102	.....	.....
Sweden	[3]15	[3]30	[3]39	[3]41	[3]51	.....	[3]68	[3]71	[3]79	[3]81	[3]85	[3]100	.....	.....
Stockholm	[4]13	[4]24	[4]30	[4]34	[4]42	.....	.....	[4]52	.....	[4]54	.....	.....	.....	.....
Austria	21	79	113	121	.....	178	169	.....	177	.....	172	.....	.....	.....
Germany	31	70	88	120	118	116	120	109	110	.....	.....	.....	.....	.....

[1] This number has been added to the table as published. For May it was 50 per cent.
[2] Seven foods only. In Milan, 18 foods in January were 70 per cent higher than in the first six months of 1914.
[3] Including coal, wood, and petroleum.
[4] Foods only, at Stockholm.

Mr. CHAMBERLAIN. Note the approximate increases in the cost of staple foods and groceries in certain countries by percentages over July, 1914. Taking Canada, in January, 1915, the percentage of increase was 7 per cent; in July, 1915, it was reduced to 5 per cent over the cost of 1914. In 1916 these prices continued to rise during every month in the year, and the same is true of 1917, when the increase for April was 45 per cent over the 1914 cost on these staple necessaries.

In the United Kingdom the increase in the cost of staple foods and groceries for January, 1915, was 18 per cent, and these increases gradually rose until April, 1917, when the rate was 94 per cent over the price of July, 1914. In the United States the rate of increase in January, 1915, was 1 per cent, and this rate gradually increased until April, 1917, when it amounted to 43 per cent, while to-day, according to estimates made, the rate of increase is far in excess of this last amount. It might be nearer accurate to say that the increase ranges from 75 to 100 per cent. What is said of these three countries is applicable to all of the other countries named in the statement herewith presented, the rates varying and being much higher in some countries than in others.

Mr. REED. Mr. President, just a question. Does the same table show the increase in the price of other articles than food?

Mr. CHAMBERLAIN. No; it shows the increases to be in staple foods and groceries only.

Mr. REED. I thought perhaps the Senator could show how the price of steel and copper and lead and zinc and coal and cotton and wool might have increased; whether it had gone along with the increase in food prices.

Mr. CHAMBERLAIN. The table does not show that. It only shows the staple food and groceries at the heading. I will say as a matter of fact as to the commodities which the Senator mentions the increases have been in the same proportion and sometimes in a very much larger proportion. I have not a table showing that before me.

Mr. REED. Then the rise in price has been general?

Mr. CHAMBERLAIN. Yes; general.

Mr. REED. It has not been any greater than it has been in many other of those prime necessities of life which must be had to be used by the people in all countries.

Mr. CHAMBERLAIN. That is correct.

Mr. President, with this constant soaring of prices there must be lodged somewhere the power to regulate. I do not know that anyone knows exactly what has been the cause of these rapid increases in the price of the necessaries of life. There is a conflict of opinion amongst many as to the real causes which have brought it about. But one thing is sure, Mr. Presi-

dent, that in those countries where this tendency upward has existed legislative regulation along the lines proposed has tended to hold the prices down.

If the wage paid labor in all walks of life kept pace in upward tendency with the increase in the price of necessaries of life the situation might not be so unbearable, but it is a fact that this has not been the case. Dr. Clyde L. King, assistant professor of political science in the University of Pennsylvania, in a hearing before the Senate committee, conclusively proved this by a careful study of the relation between the increase of wages on the one hand and the increase of food prices on the other, and the conclusion reached by him was that wages had not increased certainly over 20 per cent, and that foods have increased from 27 to 33 per cent for the period covered by his investigation, namely, during the year 1916 and a part of 1917. In other words, as he testified, "The actual wage has gone down; and it is very clear—I am giving these figures here in order to drive home the necessity for national action—it is certainly very clear that the actual wage can not continue to go down without very great suffering and real direful consequences." I call the attention of the Senate to his testimony upon the subject.

Mr. President, one of the main purposes of the pending bill is to provide for some governmental agency for the regulation of these prices. I have sometimes wondered that those individuals, associations, and corporations that are measurably responsible for conditions which it is now sought to regulate and restrain do not heed the warning voice of the public and restrain their avarice and greed in advance of legislation. It is one of the peculiar things in this world's history that these men will not listen to the murmuring of the hungry multitude but prefer to wait for actual revolution to come with its destructive hand. They wait and at all times have waited until these crowds, urged on by the demands of hunger, tear down the very walls within which these crimes against the masses are perpetrated and carried on. Have these agencies of evil not had warnings in our own country in the bread and hunger riots which have occurred in New York and other thickly settled communities? It would indeed be well for them to pay heed to the clamor of the starving and hasten to assist legislation instead of standing in the way by obstructive tactics.

Mr. REED. If the Senator will pardon another interruption—I do not interrupt to argue but to get light upon the question—is it not a fact that it is now pretty generally conceded that the recent bread riot in New York was instigated by the agents of Germany?

Mr. CHAMBERLAIN. Possibly. I would not like to say. I do not know but that suggestion has been made.

Mr. REED. I refer to the bread riot the other day. It was so charged by the papers.

Mr. CHAMBERLAIN. I think there are emissaries of interested Governments that are at work here all the time, not only instigating that class of riots but ready to instigate any other kind of riot or to commit any kind of crime in order to weaken the hand of our Government and those with whom we are allied in this contest.

Mr. President, this legislation with reference to the control of prices may seem revolutionary, but such legislation is almost as old as time. I was very much interested in a statement received by me from an old friend in Pennsylvania the other day giving me a copy of a decree issued by Zeno in A. D. 483, and the pending bill, or some of it at least, might have been copied from that ancient decree. So, not only in ancient times but in more modern times such legislation has been common. But the power to legislate has been so seldom exercised in the past century that our own people have forgotten that any such legislation was ever in effect in this country. It was in effect in colonial days and a part of the law of the land then. So while seeming to be revolutionary in its terms, it will be found that it conforms to the laws of other countries the world over, and more particularly in the recent past and since this war has been going on in Europe.

Mr. President, another problem arises in connection with food storage which the bill endeavors to solve. It is realized that there is both legitimate and illegitimate storing of food. Storing is legitimate when it is designed to supply food to the consumer as he needs it. Storing is illegitimate when it is designed to withhold food for the purpose of causing an increase in prices. Especially in time of war, such as this, when there is a relative scarcity of food there is increased temptation to hoard the same in order to take advantage of an anticipated abnormal rise in prices. Hoarding must be prevented in the public interest, and storage houses should be licensed in order that any tendency toward hoarding may be disclosed through proper inspection and the necessary remedies applied. It is to be assumed that if any dealer holds greater stocks than he ordinarily keeps on hand in the normal conduct of his business he acts contrary to the public interest and that such action should not be permitted.

At the same time there is need for legitimate storing and for the proper potection of legitimate storing business. Where the incentive to hoard and speculate exists an undue demand for storage space is created which may give storage concerns an opportunity to charge abnormally high storage rates. Such storage charges add to the cost of distribution and discourage legitimate storage. To protect and encourage legitimate storing, therefore, it is necessary to regulate storage charges.

Now, how much of that is done in this country it is impossible to state. I do not know whether there are any complete statistics on the subject, but we all know that is the fact, and this bill addresses itself to the regulation of those who are engaged in it.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield?

Mr. CHAMBERLAIN. I yield.

Mr. REED. The statement the Senator has now made is a very interesting statement. We all know it to be the fact that a large amount of foodstuffs are being hoarded for the purpose of increasing the price. I am interested in having all the light we can get on that subject, because I want to convey it to the Attorney General's office and to the Federal Trade Commission and have these scoundrels sent to prison. I wish to ask the Senator now to kindly give us some specific information. I am in search of it, and I am in dead earnest about my request. Does the Senator know of any such cases? I should like very much to have him enlighten us.

Mr. CHAMBERLAIN. I do not care to enter into a lengthy discussion of it at this time; I am simply making a brief statement as to the purpose of the bill, but I think I will be able to accommodate the Senator some time during the discussion.

Mr. REED. I hope the Senator will.

Mr. WEEKS. Will the Senator permit me? I do not know what my position is going to be on this legislation, but I am interested in the discussion, and particularly interested in any development that may come from an investigation of the general charges that are made. The Senator from Missouri has just asked for specific evidence about hoarding. I noticed a couple of days ago in a Washington paper a statement that poultry in storage was five times greater than in June of last year. It goes on to say:

> Cold-storage houses held 54,834,191 pounds of frozen poultry June 1, 487 per cent, or nearly five times, greater than a year ago, according to a Department of Agriculture report. Stocks of broilers were 611 per cent larger, roasters 557 per cent, fowls 289 per cent, turkeys 976 per cent, and miscellaneous poultry 490 per cent.
>
> During May stocks increased, although marked decreases were reported during May, 1916.

I do not know whether the supply in May, 1916, was very low and this is a normal supply, but if there is any evidence of a violation of the law, there is evidence for the Attorney General to proceed against the people who are violating the law.

Mr. REED. With the permission of the Senator who has the floor, may I ask the Senator from Massachusetts what authority he quoted for this statement? The newspaper quotes some authority, I think.

Mr. WEEKS. It is the type of the Washington Post, and it does not give any authority for the statement.

Mr. REED. I thought there was something in the article that stated these figures were obtained from a source. I only wanted to know.

Mr. LA FOLLETTE. I think, as the Senator from Massachusetts read the clipping, the information is derived from a report of the Department of Agriculture.

Mr. CHAMBERLAIN. It says, "According to a Department of Agriculture report." The Senator is right.

Mr. LA FOLLETTE. So the Government is in possession of that information already, if that is authentic.

Mr. REED. If it is authentic.

Mr. President, may I ask one question further, and I beg the Senator's pardon? Does the Senator's article state the percentage?

Mr. WEEKS. It says "cold-storage houses held 54,884,191 pounds of frozen poultry June 1; 487 per cent, or nearly five times greater than a year ago."

Mr. REED. That would make about half a meal to the people of the United States. It is illustrative of the fact, if the Senator will indulge me, that figures can be given in such a way as to be startling and make people think there is some tremendously bad situation. For instance, I saw the other day that there was a corner on eggs, that there were 100,000,000

eggs in cold storage. It sounded big, yet that probably would not supply the breakfast table of the American people for two days.

Mr. CHAMBERLAIN. Yes, Mr. President, there are men out in the western country who have grown rich by simply buying eggs when they are cheap and storing them and selling them at high prices later.

Mr. REED. Exactly; but if they had not bought them up in the cheap season, eggs would probably have been sold by the farmer during two or three months for 5 cents a dozen, and they probably would have been paid for in the scarce months of the year, if there had been nothing in cold storage, at 75 cents to $1 a dozen. It is because eggs are bought in the spring of the year when hens are laying, and that steadies the price of them for the farmer in giving him a better price, and it is because eggs are then on hand to be sold in the scarce months of the winter that the citizen of a town is able to get them at all.

I am not saying, and I want to be understood about it, that there may not have been some attempt and some successful attempt of certain gentlemen to corner the supply of the necessities of life, but I am insisting that a figure which shows that there are 54,000,000 pounds of chickens in cold storage, which will not make one Sunday dinner for all the people of the United States, is a misleading thing when it is put before us in the form of per cents, that it is 487 per cent greater than it was last year, for instance. It means nothing.

Mr. VARDAMAN. May I ask the Senator from Oregon if there have been 54,000,000 pounds of chickens and other food supplies of that sort in cold storage, are not the laws on the statute books sufficient to deal with that problem and to correct that mistake without any additional legislation?

Mr. CHAMBERLAIN. If there was a conspiracy to do this on the part of a number of persons within the meaning of the statute, perhaps they could be reached under the Sherman antitrust law; but the Sherman antitrust law has not been effective to hold down the prices to consumers in this country.

Mr. VARDAMAN. If additional laws are made, what assurance has the Senator that they will be enforced? Is it necessary to have one man enforce the law and permit him to send a man to jail without benefit of clergy or trial by jury?

Mr. CHAMBERLAIN. I think there are other ways by which we are likely to catch them and correct the evils that are complained of. I think the Senator knows without my saying it that prices have gone up. There must be some reason for it. It is not a theory which confronts us, it is a condition that every man in the country knows exists.

Mr. WEEKS. If the Senator will permit me once more, there is a great deal of irregularity in prices undoubtedly. Of course, the Senator from Oregon would not contend that there should not be cold storage, because that does even up things and enables the keeping of a supply when it could not be obtained under normal conditions.

Only a few days ago, certainly within two weeks, we were seriously discussing the price of fish in the Senate and there was a proposition submitted to the Senate, an amendment to a bill providing that the Government should be put in the fish business—to catch fish and store them and cure them and sell them. I noticed in an evening Boston paper within 10 days—and Boston is the second largest fish port in the United States—a general statement which I should like to put in the RECORD, if the Senator from Oregon does not object. It says:

> Favorable weather off the coast of late has allowed the market fishermen to bring in good catches, and consequently prices are down to the usual summer basis. There is now no excuse for inflated prices for fresh groundfish, and fresh cod can be had at 8 cents—

And so forth Then it goes on and gives the price of various kinds of fish, which are the normal summer prices.

Mr. CHAMBERLAIN. I have no objection to having the statement the Senator makes inserted in my remarks, or anything that will assist in getting the facts before the country.

As I said a while ago, we do not always know what causes the rise in prices. In the Northwest, for instance, a year ago the price of the canned salmon went up enormously. It may have been due to the fact that a large part of the output had been engaged by the allies. The result was that prices generally went up. So conditions have been prevailing on account of war times that have made prices change, usually upward, but that does not account for all the abnormal prices existing here lately. Take the enormous cost of flour. It is not the producer who gets the benefit of it. I am advised that with the price of flour in New York to-day the farmer gets a comparatively small proportion of the amount of the increased value. It is true he gets a better price for wheat than he formerly received.

Mr. President, the purpose of this bill is measurably to assist in correcting that and other kindred evils.

Problems also arise in connection with the proper conservation of food materials in the hands of manufacturers. If food material is to be properly conserved, it may become necessary to prevent its utilization for certain uses other than those for human consumption in order to insure an adequate supply of human food. Here again the public interest is paramount. Manufacturers of food or food material should be licensed in order to insure that the proper utilization of food material be made as demanded in the interest of public policy.

It can be clearly demonstrated that enormous preventable wastes occur in food products while they are in transit, in storage, and held for sale. In the present emergency, when an adequate food supply is so essential to the winning of the war, it is imperative that every practicable means be employed to eliminate such unnecessary waste. Deterioration in food products, due to faulty storage or to improper handling in transit, and when held for sale, should be prevented by requiring the timely disposition of such products under proper governmental authority. One situation that inevitably leads to a great waste of this kind is a glut in the market in connection with the handling of a food product. Under the present war situation the Nation can not afford to incur waste of this sort. It is important therefore that such means as are available be utilized to prevent gluts and to promote the equitable apportionment of food products among markets. With the aid of the information which the Government obtains through its market news service, it is in a position intelligently to direct market movements when gluts are likely to occur or when other causes of unnecessary waste are operative.

Mr. VARDAMAN. Will the Senator explain what the urgency is against waste? Is it to prescribe the conduct of individuals in cooking and in preparing food for the family, or what is meant by it?

Mr. CHAMBERLAIN. There is very great waste in the transportation of perishable properties that might be cared for under proper regulations, and there are men wicked enough in this country to destroy commodities in order to increase the price.

Mr. VARDAMAN. That is covered by another section. That is not connected with waste. Probably it means that an order may be issued preventing some sort of waste.

Mr. CHAMBERLAIN. This is only addressed against knowingly or willfully permitting preventable deterioration. There is nothing very stringent about it.

Mr. STONE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Missouri?

Mr. CHAMBERLAIN. I yield.

Mr. STONE. Answering the question propounded by the Senator from Mississippi, I should like to call the specific attention of the Senator from Oregon and those collaborating with him to one source of waste that somebody in some way ought to prevent, if it can be done, and that is the enormous wicked waste that occurs about big hotels.

I have known men and women sitting at tables with great big steaks only eating a little of it, and my information from the chef and from the waiters is that what is not eaten of this very choice food is absolutely taken out and thrown away. The waiters can not be permitted to take it home, and it is not distributed to charity or for any other purpose. It is an absolute waste and amounts to many thousands of dollars.

Mr. VARDAMAN. I thought that was used in making hash.

Mr. STONE. There may be some of it used in making hash, but this is not a joke; it is a fact. There is in the large cities enough waste of that kind and more than enough to feed the people we hear so much about who are hungry around over the cities.

Mr. GALLINGER. Will the Senator permit me? How is the Senator going to regulate that? Would he have Mr. Hoover go to a hotel and say they shall not serve a juicy steak to a customer who is willing to pay for it unless he will eat it all?

Mr. STONE. I was not providing a remedy; I was merely calling attention to a specific case of waste and upon a large scale. It occurs in the city of Washington as well as elsewhere. Yet we are told that within a stone's throw of this Capitol—Mr. Hoover has said so and others—you will find women and children who are absolutely in a state of half want for something to eat. I think it is a wicked waste of nutritious food that ought to be preserved in some way. How you are going about it I do not know. If somebody could be authorized to prevent that waste it ought to be done.

Mr. GALLINGER. My observation has been when I was at a certain hotel, for that matter at several hotels in the city at

different times, large baskets of this unused food were given to charity and women and children came to the hotels and were supplied with the food to carry home. I do not know that they used it all, but a very considerable part of it was used in that way.

Mr. CHAMBERLAIN. I think a good deal of that is done now, I will say to the Senator. At least I have heard of its being done.

As already stated, one of the abuses affecting the food situation, in time of war especially, is the hoarding of food products and the consequent effect on food prices. To meet this situation it is not only necessary to have means at hand that may disclose such practices under a proper system of licensing, but it is also necessary that governmental authority be definitely delegated to prevent such practices. Food is so essential to national existence in time of war that any individual practicing hoarding thereby weakens one of the Nation's leading lines of defense. Such an individual should be compelled by the proper governmental authority to cease from such action under severe penalty.

It is necessary that the Government shall be able, as occasion may arise, to obtain the necessaries of life at reasonable prices for its military forces, for its civilian population, and for the entente nations of Europe. The public interest in obtaining such supplies at reasonable prices is paramount to all other interests. To this end Government authority should be delegated to requisition, if necessary, the particular food supplies needed and arrange for the just compensation for the same.

Even though the authority be delegated to requisition the necessaries of life, as suggested, such action would be effective only in so far as the existing stocks of the Nation were available. If it were known that the war situation would continue only for a period during which such existing stocks would be adequate, no further provision would be necessary. While it appears likely that further stocks will be produced as needed without additional governmental action, it is clear that the production of such stocks is of paramount importance to the Nation and that the public interest may require the continued operation of the factories and mines concerned. If necessary, therefore, in case of extreme emergency, authority should not be lacking under which the Government itself would proceed to take over and operate industries whose output was essential to a successful waging of the war.

Because of unusual forces affecting both the demand and the supply of the necessities of life under war conditions, there is a danger that evil practices may arise in connection with the operations and transactions of the market exchanges and that injurious speculation and manipulation may develop. At such a time especially such evil practices would be disastrous. These exchanges, while performing their proper and normal functions, are of vital importance to the public welfare. If involved in evil practices, however, they become a menace. The importance of these exchanges in relation to the Nation's distributive system requires that they should be subject to such governmental regulation as may protect them in the performance of their proper functions and at the same time prevent injurious speculation and manipulation.

The purpose of giving the President power to offer a guaranteed price to the farmer for any given product is to induce the farmer to produce a sufficient supply of the given product to meet the needs of the public. Under normal conditions the economic incentive expressed by market prices is ordinarily sufficient to induce adequate production. Under abnormal conditions, however, created by the war situation, the costs of production are increased and the prospective price becomes more than ordinarily uncertain. At the same time the Nation must feed its soldiers and thus becomes a leading buyer of food supplies. The civilian population must also be fed. The interests of public policy therefor require that such inducement be offered through price guaranty as will insure adequate production.

To insure an adequate and continuous supply of food has become of paramount public interest. Under these conditions the public welfare demands that any diversion of food material for other than food uses imperils and weakens the Nation. If the considerable portion of food materials and feed now diverted to the production of beverages should be needed in order to provide the food necessary for the people, the public interest demands that necessary steps be taken to prevent the use of such material for the production of beverages. To this end authority should be delegated by which the President may stop such diversions to the extent and in the manner that the public interest may demand.

Mr. GALLINGER. Mr. President, I had hoped that the Senator from Oregon would address himself to section 12 of this bill, which deals with fixing a minimum price. It provides, in effect, that the President shall fix a minimum price for nonperishable agricultural products, and if they do not bring the price fixed by the President that the Government shall pay the difference. That strikes me as being most extraordinary legislation. I know of no similar legislation in any country on the face of the earth. I think France did undertake to fix both the maximum and minimum prices, but it was a failure, as I have read. When the President of the United States says to a farmer: "Plant 10 acres of sweet potatoes; keep an account of the cost of them; and when you market them, if they do not bring a fair price the Government will pay the difference," I think we are going mad in the matter of legislation on this subject. That is exactly what is now contemplated, as I happen to know from a source that is unquestioned.

Mr. CHAMBERLAIN. I think that is the purpose of the legislation. I will say to the Senator that very many farmers in the West to whom I have talked have said that they were afraid to put in a larger acreage than will insure more than the average crop, because in these war times they feared the price might go down. If a certain price were guaranteed by the Government they would not be afraid to do so. It would stimulate production.

Mr. GALLINGER. But does the Senator think that the other taxpayers of the country, including those who are now, as the Senator pointed out, somewhat hungry, should be called upon to pay this difference to the farmers who may make a venture in the matter of raising an agricultural product that did not net them when they came to market it as much as they thought would properly compensate them for it? Does the Senator think that all the other taxpayers of the country should be called upon to make up that deficit?

Mr. CHAMBERLAIN. I do, Mr. President; but this is not a farmers' war; it is a war of all of us; and if a man is going to venture his all in the production of a crop for the whole country, and for the allies as well, I do not see any objection to guaranteeing him not less than a certain price for it.

Mr. GALLINGER. I will ask the Senator if there is any reason why that should not extend to all of the industries of the country? If losses are incurred and men venture upon enterprises that meet with losses, why should not such men be paid as well as the men who harvest nonperishable agricultural products? Why stop at that point?

Mr. CHAMBERLAIN. Well, Mr. President, this is to meet a single emergency at this time; it is for the stimulation of the production of food. That is the purpose of the bill. If it went out and gathered up all of the industries of the country I do not know whether or not we could ever get it through at this session.

Mr. GALLINGER. I hope the Senator will never get section 12 through at this session of the Senate or at any other session, because I think it is a most extraordinary and unheard-of proposition, and I do not believe that the people of the United States will ever indorse a proposition of that kind, though I may be mistaken.

Mr. CHAMBERLAIN. It has been adopted in other countries, I will say to the Senator.

Mr. GALLINGER. I think not. If so, where has it been done?

Mr. CHAMBERLAIN. It has been done during this war. The bill proposed is only for this emergency.

Mr. GALLINGER. I understand that.

Mr. CHAMBERLAIN. Therefore it could probably cover only one or two crops, and it would induce men who would otherwise not raise crops to put in large plantings.

Mr. REED. I desire to ask the Senator if it is not true that the authors of this very legislation when they started out did not have a maximum price for farm products?

Mr. CHAMBERLAIN. I think they did.

Mr. REED. Is it not true, if we fix a minimum price for farm products, that it will not do the farmer any good, unless it raises the price above what it would otherwise be?

Mr. CHAMBERLAIN. I do not know that I exactly understand the Senator's question.

Mr. REED. Is it not true that a minimum price will not do the farmer any good unless it raises the price above what it would otherwise be without the law?

Mr. CHAMBERLAIN. It will protect him against loss.

Mr. REED. Is it not also true that if you raise the price of farm products for the farmer you necessarily raise the price of farm products to the ultimate consumer?

Mr. CHAMBERLAIN. The only purpose of this is to guarantee the farmer against an actual loss in the production of a crop.

Mr. REED. How will you get at "an actual loss"? Here is one farmer who has ground that will raise 100 bushels of corn to the acre, and he can make money raising corn at 50 cents a bushel, and here is another farmer whose land will only raise 25 bushels of corn to the acre, and he can not make money unless he gets a dollar and a quarter a bushel for it. How are you going to get at a price regulation for conditions of that kind?

Mr. CHAMBERLAIN. The Senator from Missouri has doubtless had cases, as I have had in my experience, where it was undertaken to prove how much it cost to raise a bushel of wheat, for instance, or some other commodity, and no two men would testify exactly the same; but there is a general average that can be reached as to all these commodities.

I have endeavored briefly to direct attention to the purposes of the pending bill, although I question, in view of its brevity, if any statement upon the subject was necessary. The one thing that must be apparent to all is that in the present crisis some steps must be taken to regulate the food supply if the war in which America is now involved is to be brought to a successful termination. The remedy proposed by the pending bill may not be the best to apply, but, following in the footsteps of other countries, we are undertaking to profit by their experience, and every effort of every Senator ought to be directed to the accomplishment of the purpose which it has in view.

In this connection I desire to have printed as an appendix to what I have had to say a discussion upon governmental regulation of prices during the war, to be found in the Labour Gazette of the Dominion of Canada, volume 7, No. 5, at page 392.

The VICE PRESIDENT. Without objection, it will be so ordered.

Mr. CHAMBERLAIN. I desire to have printed as a Senate document a compilation on food control in Canada, Newfoundland, and Great Britain "Statutes and Orders in Council," which was compiled at my request from data furnished by the legislative-reference service of the Library of Congress. It shows the legislation of those countries for the regulation of the food supply during the present war.

The VICE PRESIDENT. In the absence of objection, that order will be made.

The matter referred to (S. Doc. No. 47):

GOVERNMENT REGULATION OF PRICES DURING THE WAR.

[From the Labour Gazette, official publication of the Department of Labor, Canada.]

From the first days of the outbreak of war in 1914 most countries in Europe took measures to conserve the supplies of food and materials and to keep down prices. When the main sources of supply were liable to be cut off at any moment and the regular movements of trade were already being stopped with the temporary cessation of sailings of ships and the use of railways for movements of troops, dealers would not be able to keep up stocks. There was, in many cases, a movement on the part of householders to lay in stocks before existing supplies in store should become exhausted and before prices should rise steeply. On the other hand, dealers would take advantage of the temporary or possible scarcity to raise prices of stocks on hand, expecting to be able to get future supplies or attempting to realize as much as possible in cash before a real scarcity, when the supplies were certain to be seized by the Government at fixed prices. Also some dealers would attempt to buy up stocks to anticipate the rise in prices expected. This abnormal buying on the part of dealers and householders would immediately tend to raise prices. To prevent a continuance of these conditions, various governments took power to fix prices and take over stocks. In many parts of Europe the law permits mayors of cities to fix prices of bread and other staple foods in a state of siege and at similar crises. These local powers were increased and placed under Government regulation in August, 1914, in many instances. Laws were generally made prohibiting the export of food and materials suitable for war supplies, and maximum prices for important foods were immediately set in many cities and regulated according to supplies until trading conditions had settled down to a war basis; this was denoted by the resumption of shipping and the completion of the mobilization of armies, permitting the railroads to resume freight carriage, for neutral countries mobilized their forces at least partially.

When it became evident that German warships would not be raiding commerce in European or North Atlantic waters, over-seas shipping was resumed, but many changes were necessary in the forwarding of goods. German merchant ships were not sailing, and many British ships were requisitioned by the Government; other governments and their agencies therefore had to charter ships and buy up supplies of food and raw materials, as these would no longer be available by the usual commercial agencies. Later the various governments cooperated in buying and chartering shipping to secure economy and efficiency. Holland, Denmark, Norway, Sweden, Switzerland, and Italy (while neutral) made arrangements with the British and French Governments as to the search of ships, detention of cargoes, and quantities to be passed to prevent the transportation of war supplies to Germany and Austria through these countries. These measures involved a direct responsibility on the part of these Governments for the maintenance of the food supplies and for the trade and industry of their countries. Under such conditions regulations tend to become far-reaching and to involve the detailed regulation of industry and of the lives of the people. In countries outside of Europe, where conditions were less affected by the war, fewer measures have been taken.

World conditions as to crops and supplies had a most important bearing on prices. The grain crops of 1914 were short in most countries, and in Australia there was practically a failure, so that large quantities had to be imported instead of exported. Also the Russian crop could not be marketed in western Europe. This condition made it necessary for many countries to make early efforts to obtain a grain supply. The record crops of 1915, on the other hand, made this problem much lighter in 1915 and 1916 than would have been the case if a great surplus from that crop had not been certain. Other foods also were plentiful from the 1915 crops. In 1916, however, shortages again developed, not only in grain but the potato crop was particularly short. Live stock had been considerably reduced in numbers by the demands of war and by the high prices of feed; a shortage of feed and the drought of the summer increased the prices of live stock. The demand for Government purposes and increasing losses due to submarine warfare combined to increase freight rates. Toward the end of 1916, therefore, different governments took still further measures for conserving the food supply, for increasing the efficiency of distribution, and keeping down prices. Experience had shown that the chief remedy lay in conserving or increasing the supply and facilitating distribution, although in the abnormal circumstances speculators and combines had sometimes found unusual opportunities for raising prices and increasing profits.

The advance of prices in various countries has been dependent on the degree to which local conditions were affected by the war. European countries drawing normally considerable supplies of food and raw materials from abroad were keenly affected by freight rates and by the increased cost in countries of origin. Germany and Austria, shut in to an increasing extent from over-seas supplies, experienced greater difficulties as their stocks and those in adjacent countries became exhausted, their own production being also decreased by the lack of supplies, such as fertilizers, cotton, etc. It has been difficult to secure reliable information as to prices in these countries, and, further, maximum prices have been set for many articles of which supplies often were not available or could be secured only by means of official tickets under a system of rationing. The labor department of the Board of Trade of the United Kingdom has calculated the increases in prices from month to month over prices in July, 1914, as shown in Prussian and Austrian official journals for Berlin and Vienna, respectively. For recent months, however, these figures have not been available. Many countries have long published index numbers of prices, but since the outbreak of war not only have many begun publishing prices and index numbers monthly instead of at greater intervals but several additional countries have begun the collection and publication of statistics as to prices, the information being necessary for the measures for the regulation and control of prices.

The accompanying table shows the comparative levels of food prices in several countries on certain dates as compared with prices in July, 1914. It should be noted that, particularly in northern climates, prices in July are usually somewhat lower than at any other time of the year, but the increases during the war have usually been so great as to make such differences of comparatively small importance.

Approximate increases in the cost of staple foods and groceries in certain countries by percentages over July, 1914.

	1915		1916								1917			
	Jan.	July.	Jan.	Apr.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.
Canada	7	5	12	12	14	16	21	25	32	36	38	41	44	45
United Kingdom	18	32½	45	49	61	60	65	68	78	84	87	89	92	94
United States	1	— 1	6	7	9	12	16	19	24	25	25	31	31	43
Australia	7	30	29	31	30	28	26	25	26	25	25	.....	.....	.....
New Zealand	11	12	16	18	19	20	18	20	23	25	27	26	.....	.....
Italy [1]	8	20	33	32	32	32	32	32	33	38	44	.....	.....	.....
Switzerland	.....	19	26	.....	40	.....	44	.....	.....	.....	.....	.....	.....	.....
Holland	13	30	35	42	50	50	53	58	62	65	65	65	.....	.....
Denmark	.....	28	34	.....	46	.....	.....	.....	[2] 75	[2] 78	[2] 82	[2] 86	.....	.....
Norway [2]	[2] 9	[2] 19	[2] 41	[1] 55	[2] 169	[2] 82	[2] 82	[2] 82	[2] 87	[2] 94	[2] 104	[2] 102	.....	.....
Sweden [2]	[2] 15	[2] 30	[2] 39	[1] 41	[2] 51	.....	[2] 68	[2] 71	[2] 79	[2] 81	[2] 85	[2] 100	.....	.....
Stockholm	[3] 13	[3] 24	[3] 30	[3] 34	[3] 42	.....	.....	[3] 52	.....	[3] 54	.....	.....	.....	.....
Austria	21	79	113	121	.....	178	169	.....	177	.....	172	.....	.....	.....
Germany	31	70	88	120	118	116	120	109	110	.....	.....	.....	.....	.....

[1] Seven foods only. In Milan, 18 foods in January were 70 per cent higher than in the first six months of 1914.
[2] Including coal, wood, and petroleum.
[3] Foods only, at Stockholm.

The greatest increases appear in Germany and Austria, but Norway had great advances in coke and coal. In Russia no statistics are available, but reports indicate that prices advanced steeply owing to a large extent to the prevalence of paper money, which was also a great factor in the rise in Germany and Austria-Hungary and to some extent in other countries. The inflation of money through the expansion of credit, the floating of large loans by governments, and great government expenditure is also stated by economists to be an important factor in raising prices.

Government purchases of wheat, meat, sugar, and other supplies in various parts of the world became important factors in affecting prices. The taking over of crops in some cases and the entire production of

materials exerted a steadying influence on markets. For instance, the British Government contracted for the meat production in Argentina, and the Indian wheat crop was taken over for the British Government. The 1915 wheat crop in Australia was taken over by the Government and a large part of it sold to the Imperial authorities. The wool production in Australia and New Zealand was similarly taken over, and the same policy was followed with regard to some other materials. In determining the prices for these products the prices received by the producer before the war were taken as a basis, allowances being made for increased cost of production.

The more important measures, so far known, taken by the various countries for the control of prices and regulation of trade are given below. Summaries of these laws and regulations, continuously amended, fill large sections of official reports. Owing to the irregularity with which foreign publications are received, newspaper reports and the correspondence of commercial and economic journals have to be relied upon to a considerable extent, and information as to recent developments is not always available, even from these sources.

THE UNITED KINGDOM.

Drawing supplies of food and materials from all parts of the world by sea, with its communications protected by its navy, there was little interruption to supplies and the immense wealth of the country increased the facilities for the purchase of supplies, the great investments of British capital in all parts placing the products in many lines freely at the disposal of the British investors in control. It was, however, thought desirable to take certain precautions, and the "unreasonable withholding of food supplies act" was passed on August 14, 1914; the act provides that "if the board of trade are of the opinion that any foodstuff is being unreasonably withheld from the market, they may, if so authorized by His Majesty's proclamation (made generally or as respects any particular kind of foodstuff) and in manner provided by the proclamation, take possession of any supplies of foodstuff to which the proclamation relates, paying to the owners of the supplies such price as may in default of agreement be decided to be reasonable, having regard to all circumstances of the case, by the arbitration of a judge of the high court, selected by the lord chief justice of England." No action was taken under this legislation. In the case of sugar, however, a commission was appointed to control the trade in the United Kingdom, etc. In normal times sugar came largely from Germany, France, Belgium, and other European countries, from which further supplies could not be expected. The commission, therefore, bought up stocks all over the world, particularly in the East and West Indies. The prices at which these supplies were sold were regulated by the commission. An advisory committee of dealers reported to the board of trade each week what the prices of the most important commodities ought to be or how much higher than normal they were justified in being. These prices were made public. This was discontinued in a few weeks, but was again done for meat early in 1915. Soon after the outbreak of the war the export of foods was temporarily prohibited and similar action has repeatedly been taken since. Steps were also taken to secure for the Government from time to time such commodities as wool, hides, leather, iron and steel products and various metals, etc. Supplies of meat and wheat were purchased by the Government in South America and in other countries. In the winter of 1915 the high price of coal, particularly in London, led to the appointment of a committee to investigate. As a result measures were taken to increase supplies and facilitate transportation and distribution and to regulate exports. Committees were appointed for England, Scotland, and Ireland, respectfully, to consider methods of increasing food production in 1916. These proposed various schemes for bringing more land into cultivation, especially for wheat production and for securing a maximum of production and minimum of waste. On June 17, 1916, the president of the board of trade appointed a committee to report on the supply and prices of foods, and a preliminary report on milk, meat, and bacon was made on September 22, 1916. The committee recommended further regulation of retail trading in these commodities and further action in obtaining increased supplies. The second report was on bread, flour, and wheat; and the third and final report on sugar, tea, and potatoes. These were presented in November and December, respectivly, but not published till spring.

Toward the end of 1916 the great falling off in the harvest in North America, South America, and Europe, and the increasing shortage of ships due to commandeering for Government service and losses by submarines, etc., led to the adoption of stricter regulations regarding the supply and prices of foods, restriction in exports and imports, and in some directions as to production. The import of wheat was placed almost entirely under the control of a royal commission. An order in council on November 16, 1916, further amended December 5 and December 25, gave to the board of trade full control of "any articles of commerce, the maintenance of which is important as being part of the food supplies of the country, or as being necessary for the wants of the public or for the wants of any section of the public." It was announced that there was no intention of limiting the amount of any article of food which would be allowed each person for consumption, but that such steps might be necessary. This had already in a measure been done in the case of sugar. Later, certain amounts per week for each person were recommended to the public as the maximum of consumption, which it would be necessary to enforce by ticket distribution if it were not adopted voluntarily. An order required that the percentage of flour extracted from wheat must be from 72 to 78 per cent, according to variety, and a later order provided that 5 per cent must be added to this, either by further milling or adding flour from barley, oats, corn, or rice, and millers were allowed to increase this to 10 per cent. Regulations as to courses and meals in restaurants and hotels were made. The use of wheat for brewing was prohibited, and the quantity of barley allowed for that purpose was reduced, while the use of any grain for the production of spirits was allowed only under license by the ministry of munitions. Potatoes being very scarce, regulations were made as to dealing in seed potatoes and establishing prices for the 1916 and 1917 crops. A plan was also drawn up to fix prices for the crops of oats and wheat for the next four years to encourage an increase in the areas in their cultivation, and a director general of food production under the board of agriculture was appointed. The use of sugar, milk, flour, and many other foodstuffs in the manufacture of luxuries was restricted. The output of beer was reduced. The shape of loaves of bread was prescribed and only weights in even pounds were allowed. Dealers were not allowed when selling any article to make conditions involving the purchase of other commodities. In February the coal mines were put under a controller of coal mines in the board of trade. On March 30 the control of the output of beer was transferred from the board of trade to the food controller. Further restrictions on the consumption of liquor were effected. In the middle of April one meatless day per week was ordered by the food controller, but this was later rescinded, as it led to increased consumption of bread.

The Board of Trade (United Kingdom) index numbers of wholesale prices of 47 articles, by groups, 1913 to 1916.

(1900—100.)

Year.	Coal and metals.	Textiles (raw materials).	Food, drink, and tobacco.	Miscellaneous.	All articles combined.
1913	92.5	135.0	117.7	109.4	116.5
1914 (January-July)	86.2	135.1	114.8	106.2	113.6
1914 (August-December)	88.8	116.8	130.4	119.1	122.6
1914 (year)	86.7	128.8	120.9	111.3	117.2
1915	116.7	119.8	154.1	143.8	143.9
1916 [1]	166.1	180.2	189.2	204.7	186.5

[1] Figures for 1916 are preliminary and subject to correction.

FRANCE.

Immediately after the outbreak of war in France two commissions were appointed—one to buy foodstuffs abroad and to transport the same to France, the other to gather stores in France. Maximum prices were set by the local authorities in Paris and other cities. Import duties on certain grains and hay, and also on frozen meats and potatoes, were suspended. The export of foodstuffs and contraband of war was prohibited. A special committee of stock dealers, butchers, and grocers was appointed to fix maximum prices. In September duties on imported live stock were removed and a department was created to facilitate imports of food and their distribution. Exports of other commodities were prohibited and special credits were voted by Parliament to purchase and supply food for the civil population. Flour was provided below cost for bakers in Paris and some other cities, but it was stated that bakers were still making bread at a loss. The intervention, with the support of the Government, of chambers of commerce in facilitating distribution was reported to be a success in some cases, but a failure in others, where cooperation with the Government was lacking. In the autumn of 1915 officials were authorized to requisition grain for the civil population at maximum prices. This action was to be taken on the authority of the minister of commerce, who was to distribute according to need, and the minister was empowered to fix maximum prices for flour according to the price of wheat and to delegate the power to the local authority. The duty on grain was revived, thus in practice placing all imports in the hands of the Government. The result of this importation and distribution of wheat and flour, below cost, by the Government has been that bread has risen very little in France. Coal prices were also made subject to regulation, the Government paying importers a bonus to cover any loss in selling at domestic prices. In the spring of 1916 arrangements were made with the British Government to secure coal for France at maximum prices of French and foreign coal. The sale of oleomargarine was also permitted. In April, 1916, a law was passed giving the Government power to fix maximum prices for certain commodities, including grain, certain foods, and materials. In November the list was added to. The list of articles whose import was permitted only by the Government was extended. Early in 1917 a ministry of food supplies was created and the Government enacted restrictions on meals served in restaurants and also regulations for restriction in the consumption of meat. The food minister set maximum prices for milk, butter, and cheese throughout the country. A scheme for rationing sugar through the use of cards was also put in force.

The French general statistical offices.

[Index number of wholesale and retail prices in France, 1912–1916.]

	Retail prices.		Wholesale prices.
	France.[1]	Paris.	
1913.			
First quarter	1,020	.....	116.2
Second quarter	.....	.....	116.7
Third quarter	.....	.....	115.1
Fourth quarter	.....	.....	114.3
1914.			
First quarter	.....	.....	115.4
Second quarter	.....	.....	115.7
Third quarter	1,004	[2] 1,075	115.3
Fourth quarter	.....	.....	120.4
1915.			
First quarter	1,105	[2] 1,295	139.3
Second quarter	.....	[2] 1,230	152.7
Third quarter	1,235	[2] 1,288	160.0
Fourth quarter	.....	[2] 1,266	178.5
1916.			
First quarter	1,336	[2] 1,439	205.1
Second quarter	1,379	[2] 1,423	218.0
Third quarter	1,420	[2] 1,387	212.1
Fourth quarter	.....	[2] 1,451	.....

[1] Paris not included. [2] First month of quarter.

RUSSIA.

Russia, the greatest grain-producing country of the world, was lacking its normal means of export through the Baltic and Black Seas, and the surplus wheat was therefore to a great extent shut in. The problem was not one of food supply so much as of distribution. The great extent of territory, the scarcity of railways, and the necessity of devoting these first to the transportation of troops and army supplies made distribution difficult. Normal means of importing manufactured goods, etc., were also lacking to a great extent. Disorganization and congestion caused scarcity and high prices in many localities, particularly in the large cities. Maximum prices were fixed in many localities. In March, 1915, the export of food and forage, except under Government license, was forbidden. The Government also took over a

monopoly of the sugar trade. In the summer of 1915 it was found that the setting of maximum prices locally caused insufficient supplies to come, and the prohibition of the transfer of cattle and provisions from one district to another did not make supplies obtainable. In October, 1916, all sugar in the Empire was requisitioned. The card system of distribution was introduced in many localities. In January, 1917, rules for requisitioning foodstuffs were changed and fixed prices for Government purchases were supplemented by proportional allowances.

ITALY.

Early in the war the Government was authorized to take such measures for conserving food supply and regulating prices as became necessary. The export of food was forbidden and the municipalities generally fixed prices. The Provinces and chief towns were authorized to unite for the purchase and distribution of grain and flour in the public interests. The city of Rome purchased and distributed food extensively. In January, 1915, import duties on grain and flour were removed from February 1 to June 30. The freight rates on railways and shipping lines were decreased by state subsidies and the same measures were taken for transportation of foreign grain. The minister of the interior was authorized to seize stores of grain and flour and to make regulations in conjunction with the minister of agriculture as to the baking of bread and the sale of bread and flour. The percentage of flour to be obtained from grain was set in March at 80 per cent. Municipalities were required to set maximum prices for bread. The suspension of import duties on grain and flour was extended. In October, 1915, bread was allowed to be made of inferior quality and sold at maximum prices, the quality to be stated. The Government required all stocks of grain should be registered, and each family was allowed 3 quintals for a year, with additions for seed and live stock. The price at which corn was to be requisitioned by provincial commissions was made subject to review by the war office. In March, 1916, prefects were required to fix maximum prices for wheat, flour, and corn meal, and were allowed to do so for macaroni. Prices and the size of the bread loaf were fixed in each municipality. Export of grain could be forbidden by prefects. Wheat was to be milled to 85 per cent and only bran removed. In April, 1916, a decree gave to the ministers of agriculture, commerce and industry, and of the interior power to fix maximum prices for all necessities. In September, 1916, a central provision commission was established at the ministry of agriculture, with power to requisition supplies of cattle, sheep, and pigs, with a view to regulating the consumption of meat and to consider the importation of frozen meat. A general supervision and control over the trade and production of goods of which there was a lack was conferred. In October, 1916, a commission was appointed to supervise the consumption of sugar, a commissioner being stationed at each refinery. In December, 1916, luncheons served in hotels and restaurants were limited to two courses, while the use of meat and pastry was restricted and two meatless days per week were prescribed. In January, 1917, a committee was appointed to increase the fuel production, with power to provide for greater efficiency in mining when necessary. A commission, consisting of the ministers of agriculture, interior, and transportation, was authorized to exercise the functions of the Government as regards food supplies and the functions previously conferred on the minister of agriculture in the control of food were vested in a commissioner general under this commission, except that the purchase of food supplies continued under the temporary department created for that purpose. In February, 1917, bonuses for increased grain production were provided. In April restrictions on imports were made. The production, sale, and delivery, even gratuitously, of sweets of all kinds, except certain chocolates, preserved fruit, and crackers, in public shops was forbidden.

GERMANY.

The food problem in Germany, as in Austria, was from the first different from that in other countries, as these countries were cut off under war conditions from the chief foreign sources of supply. With France and Russia, and later Italy, they were at war, and the shipments by sea and by way of adjacent neutral countries were affected at first by restrictions on the shipping of contraband goods, including under some circumstances foods, later by the declaration of the allies that all foods were contraband, and finally by the declaration and continual tightening of a formal blockade. Duties on foods and raw materials were immediately removed and imports arranged for. Almost from the first maximum prices were set locally, stocks being seized and sold by officials if rules were evaded under a law of August 4. The small crop in 1914 caused a shortage of grain which the imports from Hungary and Roumania, considerable producers, could not fully meet, especially as feed for live stock had to be provided to a considerable extent. Maximum prices were set by the various State and municipal authorities almost from the first. A mixture of wheat, rye, and potato flour only was allowed for the making of bread. On February 1, 1915, the Federal Government took over all stocks of grain and flour, and these were rationed out to the various localities according to population; each State controlled its own supply. Difficulties arose between various parts of the Empire and between urban and rural districts. The 1915 crop afforded a better supply of grain and permitted a smaller proportion of potato flour. Various foods, however, became scarcer and maximum prices were set for additional articles. These prices had constantly to be advanced, since no goods could be otherwise secured; for instance, the high price of feed made it impossible for dairymen to produce milk without higher prices for the products. The local control of supplies, setting of maximum prices, etc., at length was abandoned. By the spring of 1916 a food dictator for the whole Empire was appointed. Nearly all staple commodities were put on a rationing basis, each family receiving tickets, according to its size, without which none of the prohibited commodities could be purchased. A census of the meat supply was taken. The harvest of 1916 was short, especially in potatoes, and the increasing scarcity of fodder had seriously depleted live stock and reduced the supply of milk, butter, and fats. Reports indicated that such articles were unobtainable at times and the consumption of milk had to be restricted chiefly to children.

AUSTRIA-HUNGARY.

Conditions were much the same as in Germany, especially in Austria, Hungary being to a greater extent an agricultural country, and so local supplies of food were larger, but these were greatly depleted by shipments to Austria and to Germany. Authority to establish maximum prices, etc., was given at first to local authorities as in Germany, but as scarcity increased all control was vested in a single official.

BELGIUM.

Under authority of a law of August 4, 1914, a decree was issued on August 14, setting maximum prices for flour, bread, potatoes, wheat, salt, sugar, and rice, authorizing governors of Provinces and burgomasters to requisition stocks and crops at these prices, with penalties for monopolists, etc. On October 6 a decree authorizing maximum prices to be set in each commune by a commission consisting of the military governor, the civil governor, and the burgomaster of the capital of the commune. Further powers were given the local authorities in requisitioning foods, in distribution, in controlling flour mills, etc. As the country passed into military occupation all control passed into the hands of the military authorities. Later the Belgium Relief Commission imported supplies and distributed them to the people according to a system of tickets for each person or family for each commodity supplied.

HOLLAND.

On August 3, 1914, an act was passed to supplement the expropriation act of August 28, 1851, and the Government was empowered through the mayors to seize food, materials, etc. Very soon maximum prices were established for many articles, including foods and fuel, and the Government took over the stock of wheat, prohibiting the export of cheese, butter, and (except under military authority) bread. A bureau was instituted for the distribution of grain and flour with authority to requisition, to set prices, etc. A reserve supply of sugar was provided for. Rye was to be used for fodder only if unfit for human food. In October, 1915, a royal commission on the supply and export of foodstuffs was appointed. Bureaus were established to deal with special commodities in connection with the commission, to regulate export according to stocks available for home consumption and to regulate maximum prices. In May, 1916, the import of feeding stuffs was put under the control of the Government and prices for the compulsory purchase of the 1916 rye crop by mayors for the Government were set. In June, 1916, brown bread was made compulsory, no white bread being allowed. In July, 1916, it was provided that all stores of food, fuel, and household articles above the requirements of the owners were to be handed over to the State. Municipalities were required to report on their estimated needs of food and fuel supplies on hand and to be responsible for supplying the needy. Retailers were to estimate the quantities required and wholesalers were to fill orders only with the approval of the authorities. Over $30,000,000 was voted to facilitate purchases by the authorities. In December, 1916, measures were taken for the cultivation of pasture lands. It was promised that good prices for 1917 crops would be guaranteed by the State and the production of luxuries was prohibited. In January, 1917, maximum prices were fixed for buying as well as for selling prices of wholesalers and retailers. In March it was required that potato flour, bran, etc., should be mixed in all flour for bread.

DENMARK.

In August, 1914, commissions were set up to regulate the export of goods and to regulate prices. The export of various foodstuffs and materials and supplies was forbidden. Local commissions on food supply were created. In November a grain census was taken and the use of wheat and rye for fodder was forbidden. In December the price regulating committee recommended fixing maximum prices for rye, wheat, and flour purchased in America, while in the same recommendation prices for native rye were set. In January, 1915, the Government took over supplies of wheat flour and all stores of rye were to be placed at the disposal of the Government for the millers and bakers. An inquiry was made into the country's yield and supplies of cereals, fodder, potatoes, etc. Maximum prices for home-grown wheat and bran were set. In the spring the Government bought rye and wheat in America and Russia, and placed it at the disposal of farmers. In milling, rye and wheat were to give at least 64 and 68 per cent of flour, respectively. Millers were to report bimonthly as to quantity of grain and flour milled from it. Brewers were forbidden to use native barley for beer. Export of live hogs was forbidden and regulations were made respecting the export of pork. Maximum prices for bacon were set, and the export of various foods was forbidden. The export of eggs was allowed only under Government supervision. In September, 1915, the State food commission arranged for large imports from the United States. In December, 1916, the use of flour in bread making was restricted and the consumption of sugar was restricted to 1 pound per head per week. In the spring of 1917 the Government took over all supplies of rye and wheat, allowing each farmer a certain amount for his own use.

NORWAY.

In August, 1914, a commission to administer the food supply was appointed and maximum prices were established for certain necessaries, and the use of grain and potatoes for brewing and distilling was forbidden. The export of certain commodities was prohibited. A commission was appointed to carry out the law with local commissions. In December the commission bought a large quantity of wheat and flour and in the summer of 1915 the import of corn and flour was made a state monopoly, and it was provided that this power could be extended to other foods, and that goods might be expropriated. Imports and exports in many commodities were kept under Government control. In January, 1917, the Christiania victualing department fixed maximum prices for coal and coke, supplies being rationed out to each family.

SWEDEN.

On August 11, 1914, a State commission on food supply of four Government officials was appointed to ascertain the food supply and, subject to royal order, to fix maximum prices for certain goods. On August 7 local commissions had been appointed and the central commission was to cooperate with them and with producers, distributors, etc. The Government loaned $134,000 to the National Farmers' Federation for a year to meet the expenses involved. In October, 1914, it was provided that maximum prices might be established from time to time for fodder, fuel, food, clothing, etc., and the authorities could seize and sell in the public interest any articles not required by their owners for their own use if owners refused to sell at maximum prices. In November a commission on food supply was appointed to purchase wheat for a reserve. The food-supply commission and millers agreed on a maximum price for wheat and flour. Some municipalities also purchased wheat. In December, 1914, import duties on wheat, rye, and flour were suspended till May and from time to time the suspension was continued. In March, 1915, regulations were made as to the milling of rye, 90 per cent flour being required, no other flour to be used in bread for sale. In April an inquiry was made as to quantity of grain farmers would require before next harvest. Maximum prices on bread were set for certain districts. Regulations were made as to the price and quality of bread. In June an act provided for the regulation of transportation and delivery of goods. Costs of transportation and delivery were made subject to regulation by the King. In Stockholm the Swedish provision committee purchased and retailed potatoes, eggs, peat, turf, etc. In September, 1915,

a committee of experts in various departments was appointed to share in the discussion of the commission on the food supply. Bureaus were established to deal with special products. Regulations as to the prices and exports and imports of various products were made. In October, 1916, the Government made arrangements for the control and distribution of raw materials and foodstuffs especially. In February, 1917, butter and margarin were admitted free of duty.

SWITZERLAND.

In August, 1914, an order prohibited the unreasonable raising of prices for foodstuffs or the taking of unusual profits. Maximum prices were to be established by cantonal governments and other restrictive measures were taken to prevent undue raising of prices or withholding of commodities. The Federal Council was authorized to take all measures necessary for the interests of the country and was given an unlimited credit and the right to fix prices for all Switzerland. It was provided that only one kind of flour was to be milled and all bran was to be removed. In September the Government undertook to buy all native grain directly from producers to sell on behalf of the people to millers who were to grind and sell immediately, one month's supply to be furnished at one time. Considerable purchases of grain by the Government averted actual distress. In January, 1915, the import of cereals, flour, and fodder was made a Government monopoly. In March, 1915, producers of hides and skins were required to provide tanneries with all supplies needed, exports of the surplus only being permitted. In August, 1915, the minister of war was authorized to suspend the act re the purchase and milling of native grain. Later in the month all stores of food were taken over by the Government. In October and November two committees were provided to control and supervise supplies of certain foods and materials. In November the minister of agriculture and industry was authorized to forbid temporarily the manufacture of milk products, the industries affected to be compensated. In January, 1916, a state monopoly of sugar was instituted and the cantonal governments were to seize all stocks and set maximum prices. A bureau was created to regulate the importation and distribution of petroleum and benzine. In November, 1915, it was forbidden to build or open new hotels without authority from Parliament. Maximum prices were set for butter and cheese. In December the Swiss National Purchasing Trust began operations in the purchase of necessary supplies and raw materials. In September the central bureau for the potato supply bought directly from the producers and sold directly to consumers. Private trade in potatoes was to be conducted in the public interest. Maximum prices for various kinds of wood were set in October and wood cut was reserved for Swiss industries. In December the authorities were given power to regulate the manufacture of paper. In Berne the municipal authorities sold food at reduced prices to families with less than $579 per year. In January, 1917, maximum prices were fixed for wholesale buying as well as for selling and for retailers. Shoe factories were placed under State control.

SPAIN.

In August, 1914, certain foods and fuel were exempted from customs duties and those on other articles were lowered 50 per cent. Local authorities took steps to regulate prices. All exports were temporarily prohibited in December, 1914, and it was provided that the duties should be regulated according to prices. In February, 1915, the Government was authorized to decrease or suspend import duties on necessary foodstuffs and raw materials, and to decrease freight charges in foods, recompensing the railways, also to buy foodstuffs and sell to municipalities who could sell at an advance of 3 per cent. In April, 1915, it was provided that the Government should inform the national food committee of the prices paid for foreign cereals, this body to inform the district committees who were to see that the price of flour did not exceed the price of wheat by more than specified amounts. The price of bread per kilogram was not to exceed the price of flour per kilogram. The committees were to supervise the retail sale of all other articles of food, taking into consideration the cost of production, the expenses of sale, and market, so that profits did not exceed 15 per cent. The duty on coal was removed. In November the Government advanced the cost of importing a large quantity of wheat. In January, 1916, most of the import duties were removed, while the export of foodstuffs was restricted. In February all food supplies were commandeered by the State. In November, 1916, an economy board was formed with a committee of men of all parties to carry out a law consolidating most of the previous measures and authorizing the Government to seize Spanish ships not engaged in Spanish trade, also to seize mines and coal depots and to suspend private contracts. In December, 1916, the export of many articles was prohibited. The Government was authorized to buy all necessary foodstuffs and raw materials in order to sell them at regulated prices. In January, 1917, owing to dissatisfaction with the enforcement of the subsistence laws, further regulations as to maximum prices and exports were made. In February the maximum price of wheat in producing districts was set at $2.95 per hundred pounds and in other districts the price plus the normal cost of transportation. Selling prices of flour and bread were fixed accordingly. In March an inventory of wheat was taken and the central provisions board bought 200,000 metric tons for importation.

PORTUGAL.

During the first few months of the war the export of certain foodstuffs was prohibited and regulations were made as to the prices of certain staples, maximum prices being set for some commodities, but as markets were not greatly affected by the war, prices were not much higher. Powers were given to a commission to purchase and retail foodstuffs and fuel. It was reported that the moral effect of the measures taken was considered of the most importance. During 1915, steps were taken to increase the production of rice, the tax being abolished, maximum prices being established and imports prohibited till native stocks were exhausted. In April, 1916, import duties were removed from live animals, certain grains, potatoes, and meats. In October the district committees were abolished, their functions being transferred to the civil governors. In March, 1917, duty on wheat, bread, and other cereals was removed.

GREECE.

Under a law of 1835 the police in Greece may, with the approval of the ministerial council, regulate prices, and at the beginning of the war it was reported that the exercise of this power and the setting of maximum prices prevented speculative advances, but in districts where the usual imports of supplies were cut off prices advanced. Early in 1915 the Government purchased wheat to be distributed to millers at the lowest possible price. When mobilization was expected, toward the end of 1915, a law was enacted to be put in force by the minister of justice, in the event of mobilization, against taking unreasonable profits on the sale of foodstuffs or other goods. The authorities were empowered to seize the stock of anyone guilty of (1) taking advantage of existing conditions and scarcity of goods to make unreasonably high profits; (2) withholding from the market the necessaries of life for such a purpose; (3) destroying such goods, limiting production thereof or trade therein, or attempting in any way to raise prices; (4) taking part in any contract having such aims in whole or in part. The exportation of wool, woolen yarn, and sugar was prohibited.

BULGARIA.

In the autumn of 1914 the export of foodstuffs was prohibited and the Government authorized the municipalities to fix the prices "of all edible and other objects of first necessity." In the following March the only commodity under maximum prices was maize. In the spring of 1917 it was decided to replace the committee on supplies by a military officer by committing into his hands the absolute control of all food supplies and necessaries of life.

ROUMANIA.

In December, 1914, legislation was passed providing for regulation of food prices and food supplies by fixing maximum prices, etc. In April, 1915, maximum prices on certain articles were established. In May, 1916, a commission was appointed to decide on the quantity of grain required for home use and available for export. In the summer of 1916 the use of meat was prohibited on three days per week instead of two.

SERBIA.

On the outbreak of war the Government fixed prices for the necessaries of life in those parts to which the population fled before the invading enemy, and thus, it was reported, stopped the advances in prices.

TURKEY.

Owing to advances in prices on the outbreak of war the Government placed an embargo on foodstuffs and fixed maximum prices for certain articles, but it was reported that this only checked the movement. Mobilization of the armies took the peasants from the fields and the situation grew worse, prices advanced still more steeply, and supplies became scarcer.

INDIA.

Early in the war in Bombay the food prices committee, in cooperation with trade associations and merchants, fixed prices periodically and the price lists were published by the Government. In Calcutta official prices were also set and measures were taken to provide food for the poor. In April, 1915, export of wheat was allowed only through Government agents, maximum prices were set, and any profit from sales in London went to the Government. In August the export of raw hides and skins to foreign countries was prohibited, with certain exceptions. In December, 1915, the period for which these regulations had been made was extended indefinitely. In March, 1917, further measures for the control of tanning materials were taken and also for the control of mines and industrial establishments.

SOUTH AFRICA.

In September, 1914, legislation was passed providing for fixing prices for foodstuffs. The Government also made provision for stores of materials and to finance producers. In July, 1915, the export of coal and coke to foreign countries was prohibited. A commission was appointed to investigate the rise in prices in July, 1916, and report remedies. In August wool and yarns were added to the prohibited list.

EGYPT.

Prices advanced immediately on the outbreak of the war, apparently due to panic, as supplies were not affected, until maximum prices for foodstuffs and articles of primary necessity were fixed at about normal levels by a commission. These were revised each week, posted in the markets, and published in the newspapers.

AUSTRALIA.

The severe drought in Australia in 1914, causing a great crop shortage and loss in live stock, quickly made the problem of supplies and prices at the beginning of the war very serious. The great distance from Europe, where its products are largely marketed and many of its supplies obtained, was the more severely felt on account of the presence of German cruisers in the Pacific and Indian Oceans, and it was some months before this danger was removed. Freights, insurance, and the difficulty of shipping were thus greatly increased. Immediate action was therefore taken by the Commonwealth and the various State governments, and, owing to the necessity of further action arising from time to time and the uncertainty or conflict of jurisdiction in these matters, some confusion developed. As a result a comprehensive scheme was, in August, 1916, adopted by the Commonwealth coordinating local and central control.

In August, 1914, New South Wales passed legislation for the control of prices of necessaries of life, and a commission of three was appointed to report on prices. Maximum prices were declared by the Government, with penalties for offering for sale at higher prices and provisions for the seizure of commodities by the State for distribution to the public. Prices were fixed for wheat in November and merchants' stocks were seized. A commission was appointed to control prices. In September the State government of Victoria legislated against undue restriction of the supply of goods or undue raising of prices of seed in time of war. The Government was authorized to appoint a prices board to inquire into and report on prices, distribution, and supplies on hand. The Commonwealth Government prohibited the export of wool and allowed the export of meat, wheat, sugar, and coal only under ministerial license to Great Britain and allied countries. A food supplies commission was appointed, and it was estimated there was a sufficient quantity of wheat. The various State governments fixed prices for wheat, some higher than others, guaranteed to take over the next crop at fixed prices, arranged to supply seed to those having none, and attempted to increase the acreage.

In November the Victoria Government decided to discontinue the policy of fixing prices of wheat and flour. It was found that the regulations of the various States prevented the movement of wheat as, for instance, purchases of wheat by one State government in another State would be unavailable owing to the prohibition of movement by that State. The duty on wheat was repealed but the duty on sacks was allowed to remain and this nullified the action to a great extent. The seizure of wheat by the New South Wales Government deprived the other States of supplies. A conflict as to jurisdiction between the New South Wales Government and the Commonwealth government was taken to the courts and decided in favor of the latter. The conflict over the

jurisdiction of the prices boards in the various States, it was reported, made the attempt at price regulation a failure. The Queensland Government took over the business of sugar refining and fixed prices for the growers and arranged to sell to the Commonwealth government at cost. In the summer of 1915 the Commonwealth government bought butter in the United States to sell at fixed prices. Toward the end of 1915 the Commonwealth government chartered ships to carry the new wheat crop to Great Britain. It was arranged to pool the wheat crop and pay for it according to prices received in England for it. In the spring of 1916 the Commonwealth government undertook to set the local prices of bread to prevent the local manipulation of prices prevailing. The question of jurisdiction was carried to the courts and decided in favor of the Commonwealth government. A comprehensive scheme for the fixing of prices throughout the Commonwealth was adopted in August, 1916, to apply to foodstuffs, necessary commodities, and to services. A commissioner was appointed in each State to make recommendations to the Federal prices board, which would coordinate the recommendations received and make representations to the minister. In the fall of 1916 the sugar-growing industry in Queensland found the fixed-prices scheme of the State government a heavy burden and the industry was placed under the full control of the Commonwealth government. The Canadian trade commissioner at Melbourne, in reporting on these regulations, in the Weekly Bulletin of the trade and commerce department for March 12, remarks:

"Traders' difficulties through fixed prices: It can not be denied that Australian importers and manufacturers—particularly of foodstuffs—have been much perturbed, since the inception of fixed prices, at the uncertainty as to whether the legal rates imposed would prove remunerative, and in regard to future determinations applicable to orders placed oversea for forward deliveries. The price fixed on regulation corn sacks (required for wheat, etc.) of 9s. 6d. ($2.31) per dozen was claimed by importers to be unremunerative, hence this very necessary commodity was not ordered from India in speculative quantities with the result that a very serious shortage exists during the present harvesting in the State of Victoria. The price fixed on tin plates 20-inch by 14-inch of £1 15s. 0d. ($8.52) per box is stated to be less than the present landed cost and, obviously, importers are not disposed to part with their stocks at a loss.

"Other instances have been quoted, but it is beyond question that the commissioners have been working under extraordinary pressure in making investigations desired by consumers, hence, with greater experience, some of the anomalies that exist may be rectified in due course.

"Results claimed: Although it is yet too early to definitely indicate the extent to which Australian consumers have benefited by the fixing of prices of foodstuffs and necessary commodities, it is claimed by the Federal commissioners that large savings have been effected without subjecting the trading community to any material hardship or denying them profits in the same ratio as those they received prior to the war."

Recently the Commonwealth government has made an arrangement with boot manufacturers, tanners, and others, restricting prices of boots, leather and hides, and controlling the export of hides, in order to prevent a rise in the prices of boots of 25 per cent above the prices of December 1, 1916.

NEW ZEALAND.

In August, 1914, the supplies of wheat and flour usually obtainable from Australia were not available owing to drought there, and in fact there was a demand for fodder from Australia. Owing to the uncertainty there was an unusual demand for provisions, especially flour and sugar. The Government set maximum prices for wheat and flour in order to prevent speculation and to protect the consumer. The export of foodstuffs and war materials was prohibited except to certain countries and under authority from the minister of customs. This list was added to and revised from time to time, thus placing the produce at the disposal of the British and Allied Governments. On June 28, 1915, a commission on food supplies and prices reported that the crop had exceeded expectations and would nearly suffice, any deficiency being made good by imports from Vancouver. The commission found that retailers generally, while receiving higher prices for some articles, were seldom making more profit than in normal times, that in regard to butchers' meat no indication that undue profits were being made nor was there any evidence of any combination of merchants to maintain a higher level of prices. In December, 1915, maximum prices were set for mineral oil imported prior to August 26, 1915, on which date customs duties were imposed. The appropriation act, 1916, was passed to prevent unfair competition by importation of wheat and flour. Government was authorized in such case to increase the customs duty, but not to exceed the present rates payable in Australia.

The "cost-of-living act, 1915," established a board of trade under the presidency of the minister of commerce and industry, to investigate and report on infringements of the "commercial trusts act, 1910," to inquire into all questions of trade, unreasonable prices, markets, development of commerce and industry. The "commercial trusts act, 1910," which forbade combinations or agreements to affect the supply, demand, or trade in certain commodities and foods was amended to include all foodstuffs. The governor in council was also empowered to make regulations authorizing and controlling borough councils in carrying on business in milk, cold storage, fish trawling, bakeries, and brick making. For the purpose of inquiry the board was authorized to delegate its powers to one or more of its members, or to any fit person with the approval of the governor in council. The first investigation was in regard to the prices of wheat, flour, and bread, and the trade in these commodities. No serious manipulations were found, but certain improvements were recommended by the board, including scales of prices in certain districts according to circumstances. At a later date investigations were made into coal, gasoline, butter, and other commodities. Some improvements in distributing methods were recommended for action by the Government and some maximum prices were recommended and put into effect by the Government.

THE UNITED STATES.

In the United States the foreign demand in the early days of the war was followed by high prices for food, although the export was held up temporarily by the suspension of sailings of ships; resolutions of the House of Representatives on this matter were referred to the Secretary of Commerce. The Department of Justice instructed its special agents to ascertain whether these price increases were due to combinations in restraint of trade or other unlawful action. In some localities the United States district attorneys found conditions calling for further inquiry. The mayor of New York appointed a food committee to investigate conditions and the Federal Department of Commerce sent a special agent to assist. New city markets where producers could sell directly to consumers were opened in New York. Before long it was reported that the demand was so curtailed by high prices that the prices fell. Later it was reported that no evidence of conspiracy in restraint of trade had been found. The various antitrust laws were mainly depended on to prevent abuses in regard to prices and legislation along these lines in Congress, supplementing previous legislation, much of it introduced before the war, was proceeded with and considerable powers in investigating alleged combinations and methods of trading were conferred on the new Federal Trade Commission.

The United States Bureau of Labor Statistics, index numbers of wholesale prices, by groups of commodities, 1913 to 1916.
(1916—100)

Year or month.	Farm products.	Food, etc.	Cloths and clothing.	Fuel and lighting.	Metals and metal products.	Lumber and building materials.	Drugs and chemicals.	House furnishing goods.	Miscellaneous.	All commodities.
1913	82	79	79	87	67	99	70	91	83	81
1914	85	81	78	80	59	96	72	94	81	80
1915	86	83	78	75	65	93	80	92	81	81
1916	100	100	100	100	100	100	100	100	100	100
1916.										
January	89	90	87	88	85	98	98	95	89	89
February	89	90	89	89	89	99	101	95	88	90
March	91	91	92	90	95	100	103	95	91	92
April	93	93	94	91	99	100	105	99	92	94
May	95	94	96	90	102	101	107	99	95	96
June	95	94	97	91	101	100	105	99	100	96
July	96	96	99	91	98	98	100	101	101	97
August	103	101	100	92	98	99	92	101	103	100
September	107	106	103	96	100	99	92	101	105	103
October	111	111	108	111	102	100	95	104	110	108
November	118	119	114	130	108	103	99	104	112	116
December	116	115	122	141	125	105	100	104	113	118

When prices again rose rapidly toward the end of 1916, this body was able to make investigations in cooperation with the Department of Justice. Early in 1917 a special appropriation was voted by Congress to carry on such investigations and the Attorney General appointed a board to conduct the investigation. The prices, supply, and distribution of coal, which constituted a serious problem during the late winter months, were investigated. The high price of news-print paper was also investigated. Bakers were warned that agreements to raise the price of bread by decreasing the size of the loaf were illegal. Among local investigations those in New York were most important. The New York State commissioner of foods and markets also made investigations, the governor of New York State and the mayor of New York appointed committees on food supply, and the State legislature appointed a committee. These authorities discussed proposals for an extensive State market department to guard the interests of the consumer and producer with local departments in each city. The bill introduced in the legislature for this purpose, however, was not passed. In April, 1917, the National Defense Council appointed a food board, and the Secretary of Agriculture, in response to a resolution, sent to the Senate proposals for Government action in regulating prices and supplies of foods and other commodities, giving the President large powers to use in the national interest by controlling stocks and production, fixing prices, etc.

NEWFOUNDLAND.

A commission to investigate the increasing cost of living was recently appointed by the government of Newfoundland, with power to take evidence under oath. The commission consisted of the president of the legislative council, three government officials, and the former mayor of St. Johns.

CANADA.

The export demand for wheat, flour, meat, oats, eggs, butter, etc., on the outbreak of war led to advances in prices. There was considerable buying by householders to lay in stocks before prices advanced, and the abnormal demand was a factor in raising prices. The Dominion Government directed the deputy minister of trade and commerce and the chief statistician of the department of labor to act as a committee on prices and report as to any needed action. The department of labor secured statistics of retail food prices in each city weekly instead of monthly as before, and reports as to market conditions were secured from various quarters. In "the war-measures act" the Dominion Government was given full power to control prices and trading by order in council. Exports of goods of value to the enemy were prohibited except to certain countries. From time to time exports were temporarily prohibited in the case of certain commodities supplies of

which were required for war supplies, such as hay, wool, etc. In addition there was already in existence the criminal code prohibiting conspiracy to raise prices unduly or restrain trade, and the combines' investigation act, 1910, provided for a special investigation on petition of six persons, if approved by a judge. In a short time the disturbance on the market subsided and the demand for supplies for export remained as the chief factor influencing prices, together with some shortage in certain foods due to an unfavorable crop season. The 1915 crop, however, was unusually large and was a great factor in preventing steep advances until the summer of 1916, when crop shortage not only in Canada but in other parts of the world appeared to be imminent. The potato crop was particularly short in Ontario and Quebec, and prices advanced steeply and rapidly. Butter, eggs, and cheese were also rising, as feed was high and constantly advancing. Various municipal councils discussed the high prices and charges as to abnormal storage of foods in cold storage warehouses, and as to manipulation of potato prices and shipments were made. A delegation from various city councils met a committee of the Dominion Government in the House of Commons at Ottawa on October 20, 1916, and asked for remedial measures. On November 10 an order in council was passed, under the authority of the war-measures act, having the force of an act of Parliament, making it a criminal offense for any person or corporation to conspire or combine to restrain or limit trade or production of any necessary of life, or withhold from sale at reasonable prices any such articles beyond the ordinary needs of his household or business. Farmers and gardeners were exempted in respect to holding the products of their land, as also were associations of employees and workmen in combining for their reasonable protection as such. The minister of labor was authorized to require information as to stocks, supplies, time held, prices, and such other information as might be required as to contracts and agreements from any person operating a cold-storage plant, factory, mine, etc., where any necessary of life was held, produced, etc. It was also provided that the council of any municipality might make an investigation on its own account into the stocks, prices, etc., of necessaries of life within its bounds, if it was believed excessive prices were being charged, and might report the result to the minister of labor if the circumstances justified it; also any person withholding information might be reported to the minister. The minister could thereupon further investigate and take evidence under oath. If, in the opinion of the minister, any offense under the regulations had been disclosed, the information was to be forwarded to the attorney general of the Province in which it had been committed for such action as might be instituted by way of indictment or where a contravention of the order is disclosed the municipality or any individual may, with the consent of such attorney general, institute such action under the Criminal Code, a penalty of $5,000 or two years' imprisonment, or both was named. The minister of labor then undertook an inquiry as to stocks, prices, and methods of trading in supplies, coal, butter, potatoes, and other necessaries of life, the prices of which were rapidly advancing. Several municipalities also conducted local investigations under the regulations.

Index numbers of wholesale prices by groups of commodities in Canada from month to month, 1916.

[Average price, 1890–1899—100.]

	Number of commodities.	Jan.	Feb.	Mar.	Apr.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.
I. Grains and fodder:													
Grains, Ontario	6	189.5	184.8	176.5	182.9	188.1	189.2	194.8	206.3	230.3	252.7	285.5	276.0
Grains, western	4	174.0	172.5	162.2	165.4	168.2	163.0	173.3	195.9	206.6	236.8	263.9	241.1
Fodder	5	176.5	177.6	176.1	179.1	191.7	177.8	164.6	159.4	159.7	169.7	184.5	191.3
All	15	181.0	179.1	172.5	177.0	184.0	178.4	179.0	187.9	200.5	220.7	246.1	238.4
II. Animals and meats:													
Cattle and beef	6	199.9	201.6	207.0	213.5	230.4	243.8	231.0	216.7	210.4	204.8	211.0	229.7
Hogs and hog products	6	181.5	187.2	192.2	204.7	210.8	210.5	216.3	224.8	222.9	221.6	224.9	236.1
Sheep and mutton	3	189.4	193.9	211.0	217.7	223.9	215.8	212.6	213.6	193.1	194.5	204.0	220.2
Poultry	2	240.7	263.5	271.5	272.8	288.7	305.8	308.5	294.1	227.4	227.4	234.9	264.2
All	17	196.3	202.4	200.1	218.1	229.2	234.4	231.7	228.1	213.8	211.5	217.5	234.5
III. Dairy products	9	186.7	175.8	171.1	170.1	153.8	154.1	160.5	169.4	184.8	211.4	227.8	245.7
IV. Fish:													
Prepared fish	6	151.8	151.8	151.8	151.8	154.7	160.7	168.7	154.7	165.9	165.9	167.7	180.6
Fresh fish	[1] 4	187.3	176.7	182.0	200.9	183.2	179.6	138.8	163.7	192.3	173.3	178.6	178.7
All	[1] 10	163.7	160.1	161.9	171.4	166.1	169.1	155.9	157.7	174.6	168.2	171.3	180.0
V. Other foods:													
(a) Fruits and vegetables—													
Fresh fruits, native	[1] 8	183.8	183.8	174.6	183.8	183.8	165.9	113.4	99.5	97.3	95.1	216.4	220.6
Fresh fruits, foreign	3	100.6	110.2	98.7	105.0	104.3	120.2	115.9	124.8	113.1	103.6	118.9	114.5
Dried fruits	4	143.0	146.1	150.3	150.9	149.3	152.6	153.4	153.4	128.9	168.4	183.5	203.6
Fresh vegetables	[1] 6	269.2	266.2	266.1	271.5	270.0	341.8	359.8	394.5	263.2	246.2	318.6	351.6
Canned vegetables	3	103.3	102.4	102.4	105.5	109.7	114.9	115.8	123.5	132.4	152.7	176.0	181.6
All	[1] 24	169.6	171.0	169.3	173.5	172.8	178.1	170.5	155.6	152.7	165.8	214.2	230.1
(b) Miscellaneous groceries—													
Breadstuffs	10	147.0	151.9	147.5	147.5	158.8	156.1	157.3	168.7	177.0	190.8	209.4	194.9
Tea, coffee, etc	4	126.5	126.5	125.4	125.4	126.5	126.5	126.5	127.9	131.6	132.2	133.9	133.9
Sugar, etc	6	153.7	151.8	158.6	162.9	168.4	167.6	169.5	163.4	166.3	170.8	179.3	181.6
Condiments	5	136.4	137.8	141.9	145.6	147.5	147.5	148.6	149.3	147.3	149.5	151.8	155.3
All	25	143.2	145.0	145.3	147.3	153.7	152.4	153.6	157.0	161.2	169.4	178.5	174.1
VI. Textiles:													
Woolens	5	204.2	207.4	213.3	212.7	211.3	217.3	231.9	224.6	223.6	223.4	237.6	238.7
Cottons	4	145.4	146.0	143.6	151.6	158.0	158.6	160.4	162.5	169.9	180.9	187.9	191.0
Silks	3	100.6	106.1	108.8	111.2	112.0	108.5	108.5	113.6	112.8	114.3	119.0	120.9
Jutes	2	277.6	298.0	320.8	320.2	312.4	299.7	293.4	316.8	316.8	323.9	330.1	381.4
Flax products	4	198.1	202.7	203.4	205.5	211.8	213.1	218.9	224.8	224.8	227.7	243.3	243.3
Oilcloths	2	125.6	125.6	125.6	132.5	132.5	132.5	132.5	132.5	139.8	139.8	139.8	139.8
All	20	174.2	179.8	183.7	186.1	188.1	188.2	192.7	195.6	197.4	202.3	210.5	216.3
VII. Hides, leather, boots and shoes:													
Hides and tallow	4	230.7	230.7	232.2	248.5	295.2	313.7	306.4	290.0	290.0	293.2	337.4	416.0
Leather	4	171.9	175.7	182.8	182.8	196.2	199.0	200.9	202.3	204.0	208.9	244.6	281.9
Boots and shoes	3	166.9	166.9	180.6	180.6	180.6	198.6	198.6	198.6	198.6	198.6	220.3	220.3
All	11	191.9	193.3	200.5	206.1	227.9	240.6	338.6	233.2	233.8	236.0	271.1	306.6
VIII. Metals and implements:													
Iron and steel	11	128.9	132.6	137.3	144.0	146.3	148.9	149.3	150.5	153.1	157.9	166.9	180.9
Other metals	[2] 12	262.4	304.2	299.6	283.2	272.9	246.7	230.8	215.4	228.8	240.9	226.7	233.4
Implements	10	116.6	122.0	127.9	134.8	134.4	136.1	136.7	136.7	139.1	141.2	145.9	151.5
All	33	173.6	191.8	193.5	191.8	188.7	180.6	175.1	169.9	176.4	177.1	182.3	191.1
IX. Fuel and lighting:													
Fuel	6	144.3	147.9	158.3	148.3	156.0	152.3	151.4	152.3	154.9	165.0	201.7	211.6
Lighting	4	88.5	88.5	88.5	88.5	88.5	88.5	86.8	86.8	88.2	88.2	90.4	91.8
All	10	122.0	124.2	129.6	124.4	129.0	126.8	125.6	126.1	128.2	134.3	157.2	163.7
X. Building materials:													
Lumber	14	178.1	177.3	180.2	182.4	182.4	182.2	182.2	182.2	182.9	185.5	184.1	185.3
Miscellaneous materials	20	132.4	136.6	141.1	152.5	153.8	155.2	153.5	154.0	160.8	165.3	171.9	181.6
Paints, oils, and glass	14	193.9	192.5	190.1	198.9	196.8	193.7	197.4	199.9	199.7	203.7	215.1	222.6
All	48	163.7	164.8	166.8	174.8	174.7	174.3	174.7	175.6	178.6	179.1	187.9	194.6
XI. House furnishings:													
Furniture	6	143.6	143.6	143.6	143.6	143.6	143.6	144.4	170.3	170.3	171.5	171.5	171.5
Crockery and glassware	4	178.8	181.7	183.8	183.8	195.5	195.5	195.5	195.5	198.1	198.1	208.4	208.4
Table cutlery	2	126.6	126.6	126.6	126.6	132.2	132.2	132.2	132.2	132.2	132.2	132.2	132.2
Kitchen furniture	4	129.3	129.3	132.4	132.4	132.4	132.4	132.4	132.4	132.4	143.0	144.5	155.4
All	16	146.7	147.4	148.7	148.7	152.3	152.3	152.6	162.3	163.0	166.1	169.0	171.8
XII. Drugs and chemicals	16	250.4	255.8	267.4	260.9	263.5	262.1	249.0	249.4	251.9	243.9	239.2	238.5
XIII. Miscellaneous:													
Raw furs	4	269.6	273.7	287.4	295.7	307.8	300.8	292.3	292.3	292.3	292.3	342.7	351.0
Liquors and tobacco	6	136.7	143.5	143.5	143.5	143.6	143.6	136.7	139.0	141.3	143.6	148.2	169.1
Sundries	7	135.1	139.4	139.2	139.9	141.8	141.6	142.1	142.6	142.5	146.6	150.7	154.8
All	17	167.3	172.1	175.2	177.5	181.5	179.8	175.6	176.6	177.3	179.8	195.0	198.8
All commodities	[1] 271	172.1	175.9	177.9	181.0	183.3	183.6	180.9	180.7	183.4	188.2	200.5	207.4

[1] The number changes during the year according to season.

[2] One line of spelter was dropped in 1915.

Considerable publicity was given to many features of the trade in some commodities and the conditions affecting prices. In some cases leave for prosecution was secured from the attorney general concerned. No further legal proceedings were instituted, however, as the firms concerned discontinued the illegal practices. Complaints from consumers in various localities as to agreements among dealers to advance milk and bread prices elicited an announcement from the minister of labor that such agreements or understandings were illegal, which constituted a warning to dealers throughout the country. The Government of Manitoba also authorized the public utilities commissioner to investigate the rise in prices in that Province, and after extended public hearings he reported no evidence of illegal measures for raising prices. The agricultural committee of the Legislative Assembly of the Province of Quebec also investigated conditions and considered remedies in the way

of increased agricultural production, inspection of cold-storage warehouses, and prohibition of the export of live stock and foods. Early in 1917, owing to the scarcity and high price of paper, the Dominion Government placed the control of export and of prices of paper under the minister of customs, who arranged with producers for a lower price than that recently reached, at 2½ cents per pound for news print. Owing to congestion in shipping coal, etc., in winter the railway commission reduced the number of passenger trains on certain lines.

Mr. REED. But it is just as impossible to reach the price that it will cost any individual farmer to raise a bushel of wheat until he has actually tried it out, as it is to do any other impossible thing. After a crop has been raised you can perhaps approximately arrive at the general average of the cost, but the general average of the cost will not compensate the man whose productive capacity is below the general average, and it will allow a large profit to the man whose productive capacity is the highest. So, when you talk about framing a law so that the farmer will simply be compensated for what he puts into his ground you will have to keep a set of books with every farmer in the United States, and you will have attempted a thing that is an utter impossibility.

Mr. President, before leaving the floor I desire to send to the desk, and have read, an article from the American Cooperative Journal, a farm journal, printed at Chicago, Ill. I ask to have it read in the order I have marked. I invite the attention of the Senate to this article from this farm journal.

The VICE PRESIDENT. Is there objection to the request of the Senator from Missouri? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

At the very time when the Government fixes the price on wheat, then, to insure patriotic effort and an ample food supply it should also fix or control the price on labor, farm tractors, gasoline, oil, coal, plows, harrows, drills, seed, fertilizer, lime, binders, binding twine, wagons, harness, and thrashers, all of which enter into the production of a single wheat crop.

The bill which fixes the farmer's price on corn should also control the price on the labor, disk, planter, cultivator, shovels, harvester, sheller, and engine used in the production of the corn.

As a guaranty of continued increased production, the same rule should apply to oats, barley, rye, potatoes, beans, rice, and all other food products as they are put alongside of steel, lumber, shoes, clothing, and the other products of the mines, the forests, and the factories.

Mr. BORAH. Mr. President, will it interrupt the Senator from Missouri if I ask a question at this point, in order to understand, if I may, this article? I do not understand that this bill undertakes to fix prices at all, except the minimum price, which at this time I do not think will do any harm or any good; but I take it that the article—I have read it, and it is a very illuminating article—was written at a time when this bill was supposed to fix the maximum price.

Mr. REED. It will not take very much logic or very much study to know that under the terms of this bill the power is absolutely conferred upon the food dictator, whoever he may be, to fix one price.

Mr. BORAH. That is the minimum price.

Mr. REED. One price. When he fixes the minimum price he can make that the only price.

Mr. KENYON. What section gives that power?

Mr. REED. That is not found in express terms in the bill, but it is found in the power of this man to absolutely control the market; and unless he does control the market, then the bill is even worse than it otherwise would be. He is also allowed to requisition supplies and take them over at a price fixed by the Government. There is no question, if the Senator will put his very keen mind on this bill, that he will speedily find that a man who possesses the powers provided in this bill can fix one price to the farmers.

Mr. BORAH. I confess, Mr. President, that I have been at a loss to know just what the powers are under the bill. I have been endeavoring for the last few days to analyze the bill sufficiently to get a guide as to what is intended upon the part of the sponsors of the bill. I asked the question for information, because I knew the Senator had given a great deal of attention to it.

Mr. REED. The Senator says he has been unable to grasp the powers conferred by the bill. The Senator likewise has been unable to grasp the infinitude; but he has a sort of faint, auroral dawn of opinion as to what it might be.

Mr. BORAH. I have an intuition, as it were.

Mr. GALLINGER. Let the reading proceed, Mr. President.

The VICE PRESIDENT. The Secretary will continue the reading.

The Secretary continued the reading, and read as follows:

ERADICATING CERTAIN EVILS.

As the Government is hunting down those pirates who would wish to make profit by exploiting life's necessities under the stress of these terrible times, we wonder if they should not go beyond the actual authority given to them by the antitrust law.

This magazine has always condemned speculation, not so much because of its influence on prices as because of its moral effect upon the speculator. Our country is literally honeycombed from one end to the other with speculation. The most easily discerned and probably the worst form of speculation consists of the small group of "incompetents" who sit around the click of the telegraph instrument in almost every small town and try to beat the market. If there is no law that will force these people to depend upon results of honest labor for a livelihood, then the instruments which make possible their daily practice should be taken away from them.

We are a nation of speculators. The housewife who lays in an unnecessary supply of food products because she fears an advance is a speculator. The merchant who stocks his shelves for the next 12 months is likewise a speculator. The farmer who holds his grain for a higher price is a speculator. There may be a fundamental moral difference between the man who buys a million bushels of wheat because he believes the price will go up and a million housewifes who buy a million bags of flour because they think the price will go up, but the effect upon the price is the same and the principle underlying the act is speculation.

Another evil fully as bad as speculation has been the unnecessary and reckless advancing of prices on all commodities, regardless of cost or any other consideration excepting profit. The demand and apparently the money supply has been such that men could sell almost anything they could manufacture or offer at almost any price they wished to ask. We have sometimes said that merchandisers have simply closed their eyes and made prices, being only careful not to get them too low. This condition, which we all know exists at this time, may lead some of us, who do not think clear through to the end, to the opinion that the only solution is for the Government to fix or control prices. We doubt if any man is wise enough or conceited enough at this time to say that he knows what the future will bring forth, or even what it is best to do in these matters to-day.

One safe and conservative opinion which rather appeals to us might be put in the following language: Let us be sure that we have a suitable substitute for systems of production and distribution and for methods of price making before we destroy or overthrow the systems now in use. Let us set about with great care and thoroughness and with much counsel to correct the evils and limit the abuses which may be the result of avaricious and evil men rather than the fault of the system. Revolutions which will throw many men out of employment, dispense with those who are most skilled and practical in a given line, and substitute therefor those who are zealous and patriotic but lacking in knowledge may result disastrously to the country.

CAN VALUES ARBITRARILY BE "FIXED."

Gold is the Nation's standard. On it are based the values of all products of the soil and manufacture. A few short years ago the platform of one of the political parties had for its chief plank a recommendation that gold divide its responsibility with silver at the ratio of 16 to 1. The friends of silver lost out and we are still on a gold basis. If the stocks of gold are doubled, then it is logical to assume that its buying power is divided in two. Statements are published showing that stocks of gold, due to a flow of the yellow metal into the United States, have increased over 50 per cent since the war began. An analysis of this condition would indicate that manufactured articles had advanced in proportion to the increase in the gold supply. Certain commodities, notably steel products, were not only responsible for bringing the supply of gold to this country, but the owners of these industries have benefited more than any other class. When a farmer seeks to buy machinery and other articles necessary to run his farm, he must pay the advance brought about through an agency of which he has been a very small factor. If values are dependent upon the gold supply and fluctuate in adverse ratio to that supply, then it must appear as an unjust discrimination for the price of any commodity to be arbitrarily fixed. Controlling of values, either "fixed" maximum or minimum, must be done in absolute harmony with relation to all other commodities, as well as to our gold standard. Astronomers tell us that we could not stop a planet in its onward course without throwing the universe out of gear, and economists tell us that we can not take one commodity and arbitrarily fix its value without upsetting other related commodities.

PRICE FIXING THAT FAILED.

Governmental price fixing without the proper complementary machinery for production and distribution has not only utterly failed within the past year in France, but it has greatly reduced the efficiency of both production and distribution, according to Mr. A. R. Decker, special correspondent for the Chicago Daily News, now in Paris.

The trouble in France came from discrimination. Had price fixing been universal and scientifically done, had enforcement been possible, the results might have been different.

It was a mistake, for instance, to fix prices on potatoes and butter by law, and at the same time allow the price on farm implements and material for use on farms to increase.

Mr. Decker ascribes the present prevailing high prices in France not alone to scarcity but to disturbed economic conditions. At the first sign of a decrease of production the people feared a scarcity of foodstuffs and commenced hoarding nonperishable food, such as macaroni, canned goods, sugar, and potatoes. This created a false demand. While the large percentage of the people were thus speculating, each in a small way, through fear and hysteria, the ever-present, greedy money grabber speculated for profit.

Theoretically price fixing seems simple, but practically it has not worked out successfully at any time in any country, so far as we know.

Mr. SHEPPARD. Mr. President, immediately after the declaration of war the Secretary of Agriculture, David F. Houston, with that diligence and clarity of vision which so signally characterize him, called a conference at St. Louis, Mo., on April 9 and 10, of State agricultural officials and representatives of agricultural colleges in States east of the Rocky Mountains. President Wheeler, of the University of California, was requested by Secretary Houston to hold a similar conference at Berkeley, Cal., on April 13, for the Rocky Mountain and Pacific Coast States.

The conservation and production of foodstuffs for the United States and the nations of Europe allied with the United States formed the subject of these conferences. A definite and comprehensive program was adopted. Manifestly nothing could have been of more vital importance than these conferences and the subject with which they dealt. The program which they developed prescribed cooperation between Federal and State agencies

as to production and labor, distribution and prices, the proposed care and use of foodstuffs, and the effective assembling of the various instrumentalities for food production, and food preservation.

On April 6 the Council of National Defense cabled Mr. Hoover, who was then abroad and who had made a magnificent record there in the handling of foodstuffs, in their preparation, conservation, and distribution among large masses of people, to return to this country. Unselfishly and patriotically he came, in answer to his country's call. After going over the subject thoroughly with the President, the Secretary of Agriculture, and the Council of National Defense, he was named by President Wilson, on April 20, as the administrator of food matters. He did not thrust himself upon Congress and the country, but was asked to come here; and he is entitled to gratitude and appreciation, not to criticism and suspicion.

On April 18 Secretary Houston transmitted to the Senate recommendations based largely on the action of the St. Louis and Berkeley conferences.

Indeed, Senate resolution No. 26, adopted on April 6, the author of which was no other than the Senator from Missouri [Mr. REED] had requested the Secretary of Agriculture to submit to the Senate—and I now read from the resolution:

A comprehensive plan for increasing the production of food supplies, especially by the cultivation of town lots and unused lands adjacent to towns, and of the arid or semiarid lands, and by promoting the raising of all classes of food or food-producing animals, and for the creation of an organization to promote and in a practical and effective way carry out the purposes aforesaid, together with his estimate of the amount of moneys necessary to be appropriated by Congress for the promotion of the purposes aforesaid.

After submitting his report of April 18, the Secretary conferred with the members of the Agricultural Committees of both House and Senate, and at their suggestion proposed tentative measures embodying the substance of needed legislation. These measures involved two distinct propositions: First, food production on a larger and more expeditious scale; second, food control to the extent made necessary by the existing emergency.

Hearings were held by the House and Senate Committees on Agriculture, and as the hearings proceeded changes were made in the tentative measures proposed by the Secretary at the request of Representatives and Senators.

Two measures were finally introduced along the lines heretofore indicated, the one dealing with production, the other with control.

The measure relating to production has passed the House and Senate and is now, or is soon to be, in conference. It provides, first, a survey of the national food supply; second, authority for the Department of Agriculture to furnish seed at reasonable prices under certain conditions; third, stimulation of live-stock production, conservation, and utilization of meat, poultry, dairy, and other animal products, larger means of resistance to animal diseases and pests, which cause a loss of over $200,000,000 every year; fourth, larger means of resistance to plant diseases and pests, which cause losses difficult to measure; fifth, protection of perishable stuffs by teaching better methods of storage, drying, canning, and so forth; sixth, enlargement of cooperative demonstration forces by placing at least one county agent in every rural county in the Nation, there being at present county agents for only 1,300 out of 2,850 rural counties; seventh, larger development of educational forces relating specially to women in agriculture; eighth, enlargement of the market news service for fruits and vegetables; ninth, cooperation with Department of Labor in dealing with the farm-labor problem; tenth, extension of the work of the Bureau of Crop Estimates, the Bureau of Chemistry, of the Biological Bureau in the destruction and control of animals that prey on live stock and crops, and of the agencies of the department dealing with publicity and information.

The other measure is known as the food-control bill and is now before the Senate.

Mr. REED. Mr. President——

Mr. SHEPPARD. I yield to the Senator.

Mr. REED. Those provisions which the Senator has now presented are in consonance with the resolution which I introduced. That bill was introduced in the House May 4; it was passed by the House on May 28; it was reported from the Senate committee on May 29, the very next day, and passed by the Senate June 1, 1917. It does relate to a stimulation of production. The bill has remained in the House of Representatives absolutely without action up to the present time. I have been informed that the chairman of the committee in the House has declared that it shall not receive consideration by the House until the present bill is taken care of. The Senator has just stated that that bill is about to become a law.

Mr. SHEPPARD. No; I stated——

Mr. REED. Can the Senator give me any information showing that I was in error?

Mr. SHEPPARD. I was under the impression that it was about to go to conference. However, be that as it may, the bill has passed the Senate, and I am describing it.

Mr. REED. It passed the House; it then was amended in the Senate, and it has gone back to the House. That is the situation, and the Senator's description of it, I think, is accurate; I am not criticizing that. The thing I am interested in is the statement of the Senator that the bill is going to conference, which would seem to indicate that it might become a law speedily. I should be glad to know the truth about that, and I thought perhaps the Senator could tell me.

Mr. SHEPPARD. I stated that the bill had gone to conference or was about to go to conference, and I wish to take this opportunity of expressing the hope that it will soon go to conference and soon become a law. I thank the Senator for his suggestion. I am merely describing the bill in order to present a connected description of the entire food program embodied in the two bills.

The first section of the bill now before the Senate, the food-control bill, states its purpose, and that section is as follows:

That, by reason of the existence of a state of war, it is essential to the national security and defense, for the successful prosecution of the war, and for the support and maintenance of the Army and Navy, to assure an adequate supply and equitable distribution, and to facilitate the movement, of foods, feeds, fuel, and articles required for their production, hereafter in this act called necessaries; to prevent, locally or generally, scarcity, monopolization, hoarding, injurious speculation, manipulations, and private controls, affecting such supply, distribution, and movement; and to establish and maintain governmental control of such necessaries during the war. For such purposes the instrumentalities, means, methods, powers, authorities, duties, obligations, and prohibitions hereinafter set forth are created, established, conferred, and prsecribed.

The bill provides that there is, by its terms, established—

A governmental control of necessaries which shall extend to and include all the processes, methods, activities of, and for the production, manufacture, procurement, storage, distribution, sale, marketing, pledging, financing, and consumption of necessaries, which shall be exercised and administered by the President for the purposes of this act; and all such necessaries, processes, methods, and activities are hereby declared to be affected with a public interest.

It further provides that in carrying out the purposes before mentioned—

The President is authorized to enter into any voluntary arrangements or agreements, to use any agency or agencies, to accept the services of any person without compensation, to cooperate with any agency or person, to utilize any department or agency of the Government, and to coordinate their activities so as to avoid any preventable loss or duplication of effort or funds.

No penalties are established in connection with this section. It is, therefore, a mere definition of the general course which the President may pursue, if in his discretion he finds it necessary so to act.

Mr. WOLCOTT. Mr. President——

Mr. SHEPPARD. I yield to the Senator from Delaware.

Mr. WOLCOTT. I assume that the Senator has given to this bill careful study. I am struck by what seems to me to be a curious sentence in section 3, which the Senator from Texas has just read, starting on line 8:

Provided, That none of the penalties of this act shall apply to this section.

Mr. SHEPPARD. I called attention to that clause.

Mr. WOLCOTT. I should like to know the purpose of any such sentence. Section 3 defines no duty laid upon anybody, and it imposes no prohibition upon anybody. Where is there anything in section 3 which in human reason could be spoken of in connection with the possibility of penalties? Hence, why the necessity of an exception from penalties of the things referred to in this section?

Mr. SHEPPARD. The section provides that the President may cooperate with any agency or person and may utilize any department or agency of the Government. If there were a penalty attached to the section, the department or agency refusing to cooperate would be subject to the penalty, if the President indicated a desire to have either cooperate.

Mr. WOLCOTT. Do the subsequent sections of the bill at any time define the failure to cooperate as a crime?

Mr. SHEPPARD. I think the addition of a penalty here would do so.

Mr. WOLCOTT. It simply strikes me as a curiosity. A penalty is attached to a crime, which must be defined somewhere. There is no definition of a crime in section 3. Now, I ask the Senator, is there anything in any other portion of the bill that will make criminal something in section 3 for which the penalties are otherwise prescribed somewhere else?

Mr. SHEPPARD. I have said to the Senator that in my opinion the addition of penalties here would make anyone who

failed to cooperate with the President subject thereto. I say to him, however, in answer to his question, that there is nothing else in the bill relating directly to this section.

Mr. REED. Mr. President, suppose the President, then, were to undertake to exercise the powers of section 3. Does the Senator mean to say that he could not exercise them, that he could not carry them out?

Mr. SHEPPARD. He could not, except in so far as his own powers of appeal and persuasion extended. There is no penalty clause in this particular section relating to the entire bill or to this section alone.

Mr. REED. That is an interesting statement, "That the President could not carry out these provisions contained in section 3 except in so far as his powers of persuasion are concerned." Of course, we all know that the President will not do this individually. He could not. He will do it through an agency, through a man; and let us assume that that man will be Mr. Hoover, because the Senator has already stated that Mr. Hoover was brought here for that purpose.

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator yield to the Senator from Oklahoma?

Mr. REED. Let me finish my question, please.

Now, if it be true that there are no powers to be exercised under the provisions of section 3 except the powers of persuasion, so that Mr. Hoover can simply appeal to the people of the United States and ask them to produce foods in large quantities, to conserve such foods, to exercise economy, and to do voluntarily those other things which might make for a greater plenty in our country, if that is all there is in section 3, I am for it; but I can not conclude that the language of that section, taken in connection with the other language of the bill, means only a mere power of persuasion.

Mr. GORE. Mr. President, I think section 17 probably will illuminate that subject. That is a general penal clause, and provides for the punishment of anyone who resists any of these proposed activities.

Mr. STONE. That does not apply to this section.

Mr. GORE. It applies to the whole act.

Mr. SHEPPARD. No; this section states specifically that none of the penalties of the act shall apply to it.

Mr. CHAMBERLAIN. Mr. President——

Mr. REED. Now, let me get the Senator's view, because the Senator is supporting this bill, and it is important that we understand each other and that the Senate understand the matter. The Senator's assertion, as I understand it, is that in this section—section 3—there is no power conveyed except the power of persuasion.

Mr. SHEPPARD. In this particular section?

Mr. REED. In that section.

Mr. SHEPPARD. This particular section, however, is a very small part of the bill.

Mr. REED. I understand. Does the Senator mean to say that there are not clauses in other parts of the bill which give the right to enforce everything that is found in section 3?

Mr. CHAMBERLAIN. Mr. President, may I call the Senator's attention to one thing? Will the Senator from Texas permit me?

Mr. SHEPPARD. Certainly.

Mr. CHAMBERLAIN. Section 3 stamps the governmental activities provided for in this act as affected with a public interest, and authorizes a governmental control of the production, manufacture, procurement, storage, distribution, sale, marketing, pledging, financing, and consumption of necessaries, and so forth. I think the purpose of the exemption of the Government official acting under that section from the penalty prescribed in another section of the bill—section 6, for instance, which prevents the hoarding or storing of these things—is because the Government officials who store them will be storing them for the public use.

Mr. REED. I want to get at this. I do not care to cavil about terms or methods of expression. I want to know if it is the purpose of the Senator in charge of this bill, or the distinguished Senator who now has the floor, to have section 3 so limited that it is nothing but a section giving powers of persuasion? And if that is their construction are they willing to accept an amendment making that purpose plain and that limitation clear?

If they are, so far as I am concerned debate on that section is ended now, and I am ready to accept it when it is so stated. I am not only ready to accept it when it is so stated, but I am ready to vote any reasonable amount of money to help perfect an organization to exercise these persuasive powers, to carry to all parts of the country every bit of information that can be gathered that will be of use, and to do all of those things which may make for a greater production through persuasion. But if, on the other hand, this section, in connection with other sections, proposes to lay the strong hand of the law, or the hand of the agent of the law, upon the private property of citizens, and to control the prices that are to be paid and received, and the amount of food that is to be eaten upon the tables of our people, and the character of that food—if those powers are to be conferred, then, of course, we have a very different question.

Just now, with reference to section 3, I come back to my question—whether the Senator in charge of the bill is willing to accept an amendment which will provide that all of the powers above enumerated are to be exercised solely and only by persuasion? I should like to get an answer to that question.

Mr. CHAMBERLAIN. That is not the purpose of the bill, Mr. President, or any part of it.

Mr. REED. That was the Senator's argument; that is all.

Mr. FLETCHER. Mr. President——

Mr. SHEPPARD. Not at all; not at all. I think the section is plain enough. Let me say this: The section now under discussion applies to all acts except those specifically penalized in other sections of the bill. I do not think there is any room at all for controversy over the meaning of the section.

Mr. GORE. Mr. President——

The PRESIDING OFFICER (Mr. HOLLIS in the chair). Does the Senator from Texas yield to the Senator from Oklahoma?

Mr. SHEPPARD. I yield to the Senator.

Mr. GORE. I merely desire to say that I think the point in section 3 is the phrase stamping these activities, processes, methods, and so forth, with a public character. It declares that these things shall be affected with a public interest. Of course the purpose of that is to render these activities, processes, and methods liable to the public regulation provided for in subsequent sections of the act, and the entire measure hangs on that provision, on that section, and, indeed, on that clause, "affected with a public interest."

I may say that the Supreme Court has recently held that a legislative body can not stamp a private business with a public character; that the ipse dixit of the legislation of Congress is not final on that point, but that it is a matter of fact to be determined by evidence, and to be determined by the character of the business itself.

That is the point involved in section 3. I intend to discuss that a little more fully hereafter.

Mr. REED. Mr. President——

Mr. SHEPPARD. The Senator from Florida [Mr. FLETCHER] desired to interrupt me. I yield first to him.

Mr. REED. I wanted to say a further word with regard to this particular matter.

Mr. FLETCHER. I yield to the Senator for that purpose.

Mr. REED. I simply wanted to say that if the Senator from Oklahoma is correct—and of course he does correctly define this section in many respects—but if all that the section is intended to do is merely to define these various activities as within the public control, then there was no use in ever putting in the sentence "*Provided*, That none of the penalties of this act shall apply to this section," because, as was said by the Senator from Delaware [Mr. WOLCOTT], that is a meaningless thing.

Mr. FLETCHER. I suggest to the Senator that that proviso is a restriction on the power of the President. It is intended to say that if the President directs and orders these things to be done as they are pointed out in section 3, and they should not be done, then no one is subject to the penalties or to be punished for refusing to do them.

Mr. SHEPPARD. Unless the refusals are specifically penalized in other sections of the bill.

Mr. GORE. That is the point. That lays the foundation, and the other sections are the superstructure providing specific penalties.

Mr. FLETCHER. In other words, the arrangements provided for in section 3 are to be practically voluntary arrangements. Whatever arrangements the President may make are to be voluntary.

Mr. GORE. Except such matters as are involved in subsequent sections which establish specific penalties for specific acts.

Mr. FLETCHER. Precisely. The proviso is a limitation and restriction rather than an extension of the power of the President.

Now, I should like to ask the Senator this question: The bill deals with "foods, feeds, fuel, and articles required for their production." Before the Senator concludes, I should like to have him consider and discuss that portion of the bill which deals with articles essential for food production. I can see, of course, that in section 10 of the bill provision is made for the President commandeering plants and warehouses, for instance, and mills and manufacturing establishments, for the purpose of supplying these things called necessaries, which I take it are

included in the expression "supplies necessary for the production of food."

In other words, this situation has been presented to me by constituents, and I have no doubt it has been to others. There is no trouble about producing ample crops, it has been stated—and I think it is pretty generally accepted to be true—provided they can get fertilizers, in one instance. The complaint is that fertilizers have gotten beyond the reach of the farmer. The prices have been advancing and advancing and advancing, and within the last week there has been another advance of $6 a ton on fertilizers, so that they have gotten almost beyond the reach of the farmers. Now, the farmer can not produce these crops without fertilizer. He must have the fertilizer, and particularly in my section of the country, and certain of these crops can not be produced without fertilizer. If the Government will provide a means whereby he can get the fertilizer, he can produce the crops. If that is covered in this bill, it seems to me it is quite an important thing to consider.

In another instance, I am assured that there is no trouble about producing cattle, no trouble about getting a sufficient supply of beef or meat, provided the producers can get wire fencing. They say, "We can not get wire fencing; we can not inclose any plat of ground because it is impossible to get the fencing." Now, that is a situation that is very important. If the people are ready to produce the cattle, and can produce the cattle providing they can get the fencing, that would solve their problem.

On the other hand, there are people ready to produce all sorts of foodstuffs—potatoes, vegetables of all kinds, and so forth—if they can get fertilizer. But they must have that fertilizer in the one instance, and in the other instance they must have the wire fencing; otherwise, they can not produce the ordinary supplies.

Although this is entitled a bill to conserve the supply and distribution of food products, and so forth, and is said to deal with foods and feeds and fuel and articles required for their production, I do not know where the matters I mention are covered in the bill unless it is in section 10, which gives the President the power to take over manufacturing plants like those that manufacture fertilizer or wire fencing.

Mr. SHEPPARD. I think the question of the Senator may be answered by the statement that the ultimate definition of the term "articles required for their production" will rest within the discretion and the judgment of the President.

The bill makes it unlawful for any person, first—

Willfully to destroy any necessaries for the purpose of enhancing the price or restricting the supply thereof.

The penalty on conviction being a fine of $5,000 or imprisonment for not more than two years, or both.

Mr. WOLCOTT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Delaware?

Mr. SHEPPARD. I do.

Mr. WOLCOTT. I am very much attracted by the statement made by the Senator from Texas. Let me make sure. Is it the Senator's view that the phrase "articles required for their production" is to have as wide a scope as the discretion of the President might give to it?

Mr. SHEPPARD. The discretion and judgment of the President. I do not see any other ultimate construction.

Mr. WOLCOTT. Well, let us suppose that the President exercised an arbitrary judgment—is it final?

Mr. SHEPPARD. It is; just as final as any of his other acts as Commander in Chief of the Army and Navy of the United States. We are in a great emergency, and we are investing him with that character of power.

Mr. WOLCOTT. I want the Senator to understand that I am not speaking in antagonism.

Mr. SHEPPARD. I understand. That is why I am describing the power.

Mr. WOLCOTT. Let me put this hypothetical case: Suppose the President entertains the opinion that steel, for instance, which must be used in the manufacture of farm implements, is an article required for the production of foods and feeds. Is it the Senator's view that the President will have the discretionary power to bring the steel within the scope of this food bill?

Mr. SHEPPARD. Undoubtedly. I should hate to think that he did not have the power to do so if the manufacturers of steel should so conduct themselves as to place farm implements beyond the reach of the farmers. I should hate to think that we did not have the power somewhere to correct a situation of that kind.

Mr. REED. Mr. President, if the Senator will permit me——

Mr. SHEPPARD. Certainly.

Mr. REED. I am sure there can be no doubt left in the mind of the Senator from Delaware that this bill undertakes to confer on the President power to take over every mine in the United States, almost if not quite every manufactory in the United States, and I think it will reach every bank in the United States, although I do not assert that positively; but it does reach the financing of all the various activities, and that comes mighty close to the banks, if it does not get them. Indeed, I do not see why they should not be taken. If the farms are taken, the cattle are taken, the sheep are taken, why not the banks?

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from South Dakota?

Mr. SHEPPARD. I yield.

Mr. STERLING. The Senator has passed over, as I understand, the subdivisions of section 4.

Mr. SHEPPARD. No, sir; I am coming to that.

Mr. STERLING. I will wait, then, until the Senator has discussed that section before I ask him any questions about it.

Mr. SHEPPARD. Secondly, the bill makes it unlawful for any person knowingly to commit waste or willfully to permit preventable deterioration of any necessaries in or in connection with their production, manufacture, or distribution; third, willfully to hoard any necessaries; the penalty on conviction being a fine of not exceeding $5,000 or imprisonment for not more than two years, or both.

Necessaries are deemed hoarded within the meaning of the act when—

(a) held, contracted for, or arranged for by any person in a quantity in excess of his reasonable requirements for use or consumption by himself and dependents for a reasonable time; (b) held, contracted for, or arranged for by any manufacturer, wholesaler, retailer, or other dealer in a quantity in excess of the reasonable requirements of his business for use or sale by him for a reasonable time, or reasonably required to furnish necessaries produced in surplus quantities seasonally throughout the period of scant or no production.

Mr. STERLING. Mr. President, may I ask where the Senator is reading from just now? Has he not passed over a portion of section 4?

Mr. SHEPPARD. Not at all. If the Senator will look at line 16 of section 4 he will note the following language:

To hoard, as defined in section 6 of this act, any necessaries.

Mr. STERLING. Oh, yes.

Mr. SHEPPARD. I am passing to section 6 to show what "hoarding" means within the terms of this act.

Mr. STERLING. I understand the Senator.

Mr. KIRBY. Mr. President, with the permission of the Senator, I desire to suggest the absence of a quorum.

Mr. SHEPPARD. I would not yield for that purpose.

The PRESIDING OFFICER. The Senator declines to yield for that purpose.

Mr. SHEPPARD. To resume the analysis of the bill, it states that necessaries shall be deemed to be hoarded when—

(c) withheld, whether by possession or under any contract or arrangement, from the market by any person for the purpose of unreasonably increasing or diminishing the price: *Provided, however,* That any accumulating or withholding by any farmer, gardener, or any other person, of the products of any farm, garden, or other land owned, leased, or cultivated by him shall not be deemed to be hoarding within the meaning of this act.

Proceedings to enforce the provisions against hoarding shall be had in the United States district court of the district where the hoarded necessaries are found, and shall be in the nature of a libel for condemnation, conforming as nearly as may be to proceedings in admiralty, except that either party may demand trial by jury on the issues of facts.

If adjudged to be hoarded, the necessaries are to be disposed of by sale in such manner as to provide the most equitable distribution thereof, as the court may direct; and the proceeds, less legal costs and charges, are to be paid to the party entitled thereto. The United States attorney for the district where hoarded necessaries are found shall institute and prosecute action on the presentation of satisfactory evidence.

The bill makes it unlawful—

Fourth. To monopolize or attempt to monopolize, locally or generally, any necessaries.

Fifth. To engage in any discriminatory and unfair, or any deceptive or wasteful practice or device, or to make any unjust or unreasonable rate or charge in handling or dealing in or with any necessaries.

Sixth. To conspire, combine, agree, or arrange with any other person (a) to limit the facilities for transporting, producing, manufacturing, supplying, storing, or dealing in any necessaries; (b) to restrict the supply of any necessaries; (c) to restrict distribution of any necessaries; (d) to prevent, limit, or lessen

the manufacture or production of any necessaries, or to enhance the price thereof; or (e) to exact excessive prices for any necessaries; or to aid or abet the doing of any act made unlawful by this section.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from South Dakota?

Mr. SHEPPARD. I yield to the Senator.

Mr. STERLING. The Senator from Texas has now read that to which I wished to call his attention a moment ago; that is, the various subdivisions of section 4, beginning with (a).

Does the Senator understand that it is meant by these subdivisions, taking subdivision (a) first, for example, to limit in any event the facilities for transporting, producing, manufacturing, supplying, storing, or dealing in any necessaries? If so, what about this situation?

Suppose that there were, in the case of any particular kind of necessaries, no demand for them. Suppose there were no price sufficient to warrant their manufacture or production. Would the manufacturer or producer, under this provision, be prohibited from laying off his help or shutting down a portion of his plant? He would, would he not, under the strict terms of the bill?

Mr. SHEPPARD. Under a strict and technical construction probably he would; but I have not the slightest idea that such a construction would be applied.

Mr. STERLING. Well, take this case: He is prohibited from restricting the supply of any necessaries. Suppose the supply has already exceeded the demand, and there is no sufficient price to warrant the further production of those necessaries; yet, under the provisions of this bill, he would be prevented from restricting the supply, and so with the distribution.

Mr. WOLCOTT. Mr. President, I will suggest to the Senator that his statement, perhaps, is not entirely correct. The penalty here would not be applicable to the individual.

Mr. STERLING. I understand.

Mr. WOLCOTT. There must be a conspiracy, a confederacy, with some other person.

Mr. STERLING. I understand.

Mr. WOLCOTT. If there is that combination or that agreement between one manufacturer and another, then I think the Senator's statement is correct.

Mr. STERLING. Does the Senator from Delaware think that there ought to be a prohibition against an agreement between producers or manufacturers in regard to restricting the supply, the production, or the manufacture of any article called necessaries of which the market is already full?

Mr. WOLCOTT. Certainly there ought not to be any legislation that affects that situation—no new legislation that affects it, anyhow.

Mr. SHEPPARD. I think the clear intention of the bill is to apply to actions which injuriously affect the conservation of the food supply or its distribution.

Mr. STERLING. Should not all these restrictions be, in order to make them prohibitory, such restrictions as would unreasonably enhance the price thereof?

Mr. SHEPPARD. I think perhaps the meaning might be made clearer along the line I have indicated.

The bill provides that whenever the President shall find it essential to license the importation, exportation, manufacture, storage, or distribution of any necessaries, in order to carry out the purpose of the act, and shall publicly so announce, no person shall, after the date fixed in the announcement, conduct any business specified in the announcement without a license. The President may prescribe such regulations of licenses as are essential to prevent the uneconomical manufacture and inequitable distribution of necessaries and otherwise to carry out the purpose of the act.

Mr. REED. Mr. President, may I ask the Senator if that does not give Mr. Hoover, or whoever is appointed, the right to go into and take charge of any factory and tell the factory owner how he shall run it? And now, just about what kind of a manager does the Senator think Mr. Hoover would make—not of one factory, for I think he is a man of very great ability—but if he should undertake to manage all the factories of the United States, how does the Senator think he would succeed?

Mr. SHEPPARD. Mr. President, the bill provides that this authority shall be exercised only when the President finds it essential to exercise it in order to carry out the purposes of the act.

Mr. REED. Then very few——

Mr. SHEPPARD. This provision applies, like other provisions of the bill, only when the President thinks the emergency is sufficiently ominous to justify it.

Mr. REED. It does give the power, however——

Mr. SHEPPARD. It does give the power.

Mr. REED. Over all factories in the United States?

Mr. SHEPPARD. If the President should consider the situation sufficiently emergent.

Mr. REED. All that would be necessary would be for the President to issue a general order saying: "Mr. Hoover, proceed and see that all these factories are run right," and Hoover could take possession——

Mr. SHEPPARD. A specific order applying to a specific factory?

Mr. REED. I do not see anything in the bill which says it shall be specific; it is general.

Mr. SHEPPARD. The chances are that the conditions would be specific and exceptional. At any rate, the power must be reposed somewhere in an emergency of this kind.

Mr. President, when we have entered the most tremendous war of history, and when the very existence of the Nation is in the balance, I am not afraid to intrust such a power to the President or to the man he selects to effectuate it.

Mr. REED. Will the Senator pardon me if I ask him if he thinks the people of the United States should not have something to say about who should possess this power? I think they wrote something in the Constitution to the effect that property should not be taken without due process of law.

Mr. SHEPPARD. The American people realized, however, that exceptions might be made in time of war when in adopting the Constitution they made the President Commander in Chief of the armed forces of the United States, and authorized Congress to raise and support armies, to provide and maintain a Navy.

Mr. REED. The Senator holds——

Mr. SHEPPARD. Let me answer the question. The American people realized, further, that it might be better in some emergencies temporarily to part with or to modify some rights in order that such rights might be permanently preserved.

Mr. REED. Does the Senator think that when the Constitution made the President Commander in Chief of the Army of the United States and the Navy it made him Commander in Chief of Congress, Commander in Chief of the Supreme Court, Commander in Chief not only of the Army but also of the civilian population of the United States——

Mr. SHEPPARD. Under modern conditions——

Mr. REED. Does the Senator think that?

Mr. SHEPPARD. Under modern conditions the entire American people compose the American Army. All our people and all our resources must be placed, if necessary, under one authority in order that the Nation may most efficiently prosecute war.

Mr. REED. Has the Senator forgotten that Congress has the power to raise the army, to prescribe its size, and has he now in mind any law of Congress declaring that all the people of the United States are hereby drafted into an army?

Mr. SHEPPARD. That is what we are doing now.

Mr. REED. Does the Senator claim that that is done by this bill?

Mr. SHEPPARD. Congress is doing it. The President realizes that Congress must do it, and therefore he asks for this legislation.

Mr. REED. Does the Senator say this act, which provides that the President may take possession of the private property of citizens through an agent, and that agent is to be Mr. Hoover, although not named in the bill, is an act of Congress raising an army within the meaning of the Constitution?

Mr. SHEPPARD. It is, under modern conditions. The bill provides, however, that property taken must be paid for and furnishes legal redress.

Mr. REED. What have the modern conditions to do with the act of Congress?

Mr. SHEPPARD. To-day war can not be efficiently conducted unless the resources and the people are mobilized equally with the soldiers at the front. It is the people's army and the people's war.

Mr. REED. That is a new doctrine.

Mr. SHEPPARD. It is a new emergency.

Mr. REED. Has it not always been true that a nation in carrying on a war had to draw for its resources upon the property of all the people? And yet that did not make them a part of the army; they would remain a part of the civil population. Does the Senator mean to say now as a lawyer that he thinks this bill is authorized by the provisions of the Constitution which authorizes Congress to raise armies? Does he say that this bill that relates to food and factories, and so forth, is a bill to draft an army?

Mr. SHEPPARD. I think so; in part at least.

Mr. REED. The Senator thinks that?

Mr. SHEPPARD. I do.

Mr. REED. That is beyond discussion, Mr. President.

Mr. SHEPPARD. It is true, however, these regulations may also include systems of accounting, reports, entry, and inspection by the President's duly authorized agents and places of business of licensees. Licensees must within a reasonable time comply with the President's orders to discontinue any rate, charge, or practice found by him to be unjust, unreasonable, discriminatory, unfair, or wasteful. The President may find what is a just, reasonable, nondiscriminatory, fair, or economical rate, charge, or practice, and in any court of competent jurisdiction this finding shall be prima facie evidence. Violation of provisions as to licensees is punishable by fine not exceeding $5,000 or by imprisonment not exceeding two years, or both. These provisions are not applicable to any farmer, gardener, or other person with respect to the products of any farm, garden, or other land owned, leased, or cultivated by him, nor to any retailer with respect to the retail business actually conducted by him, nor to any common carrier, nor shall they authorize any duty or tax, imported to or exported from the United States or any State, Territory, or the District of Columbia.

The bill provides that in order to carry out the purposes of this act the President is authorized to purchase and to provide for the production or manufacture of necessaries; to store them and provide storage facilities for them by construction, purchase, lease, or otherwise; to sell them; to require any person controlling any necessaries or storage space suitable for storing of necessaries to furnish the whole or any part of such necessaries or storage space to the Government in such quantities, at such times and at such prices, as the President shall determine to be reasonable. If compliance is refused or fails, the President may requisition and take possession of such necessaries or storage space and pay for them at the price he determines to be reasonable. If the price is not satisfactory to the person entitled to receive it, such person shall be paid the amount prescribed by the President, and shall be entitled to sue the United States to recover such further sum as the court may find to be just. No natural person, however, shall be required to furnish to the Government any necessaries held by him and reasonably required for consumption by himself and dependents for a reasonable time.

Mr. President, I do not believe that I can conclude within a reasonable time this afternoon, and I shall discontinue for the present.

COMMITTEE SERVICE.

Mr. MARTIN. Mr. President, there are one or two little matters in reference to committee assignments which I should like to have disposed of before the Senate adjourns. They have been agreed on between the Senator from Wyoming [Mr. WARREN] and myself.

In the first place, I ask unanimous consent that the membership of the Committee on Public Lands be increased from 15 to 17 in order to make places for two Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MARTIN. Now I ask unanimous consent that the membership of the Committee on Indian Affairs be increased from 15 to 16 in order to make place for one minority Senator. I move that the Senator from Wyoming [Mr. KENDRICK] be assigned to one of the vacancies on the Committee on Public Lands which have just been created.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MARTIN. I will state that the Senator from Wyoming [Mr. WARREN] will fill the other vacancies on the Committee on Public Lands and Indian Affairs by the appointment of a member of the minority party.

I move that the Senator from Utah [Mr. KING] be assigned to the Committee on Indian Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MARTIN. The Senator from Wisconsin [Mr. HUSTING] is at present chairman of the Committee to Investigate Trespasses on Indian Lands. At his request, I ask that he be relieved from the chairmanship of that committee and that he be assigned to the chairmanship of the Committee on Fisheries.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MARTIN. That, I believe, covers the points I wished to dispose of. The Senator from Wyoming has some assignments which he will ask the Senate to agree to.

Mr. WARREN. I am authorized to announce the resignation of the senior Senator from New Hampshire [Mr. GALLINGER] as a member of the Committee on Manufactures, the resignation of the senior Senator from Utah [Mr. SMOOT] as a member of the Committee on Public Health and National Quarantine, the resignation of the senior Senator from Washington [Mr. JONES] as a member of the Committee on Pacific Railroads, the resignation of the Senator from Idaho [Mr. BRADY] as a member of the Committee on Expenditures in the Department of Commerce, the resignation of the Senator from Wyoming [Mr. WARREN] as a member of the Committee on Irrigation and Reclamation of Arid Lands.

Having announced these resignations, I now ask the adoption of the following order:

Ordered, That Senator MCNARY, of Oregon, be appointed a member of the following committees:

On Expenditures in the Department of Commerce, to fill the vacancy occasioned by the resignation of Senator BRADY, of Idaho.

On Indian Affairs, to fill an original appointment.

On Irrigation and Reclamation of Arid Lands, to fill the vacancy occasioned by the resignation of Senator WARREN, of Wyoming.

On Manufactures, to fill the vacancy occasioned by the resignation of Senator GALLINGER, of New Hampshire.

On Pacific Railroads, to fill the vacancy occasioned by the resignation of Senator JONES, of Washington.

On the Philippines, to fill the vacancy occasioned by the death of Senator Lane, of Oregon.

On Public Health and National Quarantine, to fill the vacancy occasioned by the resignation of Senator SMOOT, of Utah.

On Public Lands, to fill an original appointment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. WARREN. I will state that on to-morrow or some early day I shall ask the Senate to consider the matter of a couple of chairmanships that we wish to change on the minority side, but I am not ready to present the matter to-night.

CONSERVATION OF FOOD AND FUEL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2463) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

Mr. VARDAMAN. Mr. President, I realize that economy and prudence are very necessary at this time, but the products of the garden, the field, and the ranch are not the only things where economy should be practiced. The revelations made by the public press this morning regarding the rise in the price of steel and the refusal on the part of Chairman Denman, of the Shipping Board, to approve contracts made by Gen. Goethals for the building of steel ships at an exorbitant price should challenge the attention of Congress. The prodigality with which money from the Public Treasury has been expended during the last six months is a matter of profound concern to the people whose labor and toil produce the materials with which these bills are to be paid, and it ought to interest the Representatives of the people in Congress.

I read from the Washington Post of June 18. It is suggested that the steel mills of this country will hold out for a price of $95 per ton for the steel that goes into the great fleet of merchant vessels to be built by this Government. And also an interview of Chairman Denman, of the Shipping Board, regarding this matter:

"I shall sign no contracts at that figure," said Mr. Denman. "The price is absurd when the Navy is getting steel at $30 a ton less."

Although Maj. Gen. Goethals, general manager of the Shipping Board's emergency-fleet corporation, has entire charge of the shipbuilding program, Mr. Denman, as president of the corporation, signs all contracts.

MAY DECIDE AUTHORITY.

Now that the chairman has apparently thrown down the gauntlet to Gen. Goethals, close observers here believe that it will lead to one of two alternatives—the resignation of Gen. Goethals or else his designation as the one authority having power to build ships, which would mean that the Shipping Board would confine its work to operating ships after they are built.

This will be decided very quickly, probably within the next two or three days, when the President designates who shall have authority to expend the $500,000,000 appropriated last week by Congress for shipbuilding purposes.

PRICE LEFT TO COMMITTEE.

In a statement yesterday Gen. Goethals said the price of steel would be left to the committee on raw supplies of the Council of National Defense, and contracts would be let with the understanding prices determined on by the committee would govern present contracts also.

Chairman Denman said yesterday that the committee would act in an advisory capacity.

"I feel," he said, "that we would embarrass the committee if we were to embody in contracts now Gen. Goethals's tentative agreement with the steel men for $95 a ton steel because in so doing we would give respectability to a price which on its face is absurd for the Government to contemplate."

Mr. President, I shall not animadvert upon the conduct of the parties to this controversy, but I do know that Congress ought to take notice of this sudden rise in the price of steel. Evidently, if the papers are telling the truth about it—and I am inclined to think they are—some plutocratic patriot is taking advantage of this world emergency to put money in his pocket or the pockets of his stockholders. The American people are able to pay for everything which the Government needs, every legitimate necessity, but the representatives of the American people ought to see to it that they are not robbed even by the preparedness patriots of the Steel Trust.

If necessary, the President ought to commandeer every steel plant in the United States, use the output, and then pay a fair profit to the stockholders.

A man who would take advantage of this abnormal state of things to make money out of this Government is a public enemy, and ought to be treated as such.

This revelation ought to be a warning to Congress against the tendency to concentrate all the powers of government in the hands of one man or a few men.

Congress has its proper functions to perform in these days of trial, and it ought to perform them fearlessly, independently, and intelligently.

I know it is popular to the point of becoming a fad to insist upon the concentration of authority and placing in the hands of the President or some bureau head autocratic powers.

Now, I have no criticism to make of any individual. I have no fault to find with the man who occupies the office of President, but I do know that he is merely a human being, with the faults and frailties which belong to his race. I do not think he is infallible. I know he is not without error. The only man who possessed the qualities of infallibility was crucified 2,000 years ago. I might add that He was crucified by the character of men who are now attempting to rob and plunder their Government in this hour of stress. I hope I may be permitted in this connection to express my utter lack of patience or tolerance with that pack of Cerberean poodles and self-constituted guardians of the White House, who are provoked to vociferous barking every time anybody happens to question the inerrancy of the President or one of his bureau heads, some of whom are insisting on running the Government in their own way regardless of the interests of the masses of the people.

The American people owe Chairman Denman a debt of gratitude for calling attention to this piece of unwarranted extravagance.

Mr. KING. Mr. President, in view of what the Senator from Mississippi [Mr. VARDAMAN] has just said, and in the light of the eulogistic statements so frequently made of late in the Senate, concerning Gen. Goethals, it seems to me that it is not inappropriate, assuming the truth of the newspaper report just read, to commend Mr. Denman for the course which he has taken with respect to the contracts for the building of ships for the Government. Senators will remember that a few days ago when the conference report upon the appropriation bill was being considered there was considerable discussion as to whether if adopted it would permit the discharge of Gen. Goethals from the position now held by him. There was a great deal of apprehension expressed upon this point, and some Senators in strong terms approved of this selection and spoke of the confidence in which he was held by the people of the United States. While there was no condemnation of the Shipping Board, it was clear that the Senators who spoke upon the subject were willing to support a very large appropriation for the construction of ships providing Gen. Goethals was placed at the head of the enterprise.

It seems to me, Mr. President, that if Gen. Goethals has entered into tentative contracts of the character referred to in the article just read he has not been quite just to the American people; that he has not quite served the best interests of the Government; and in view of the condemnation, at least by inference, of Mr. Denman upon the floor of the Senate, it seems to me that we should pause for a moment to express our commendation of the course which he has taken in trying to prevent the Government from being robbed by the steel interests of the country. I do not think, Mr. President, that it would be inappropriate for the Senate to serve notice upon the Steel Corporation and all other corporations with which the Government must deal, and from which the Government will be compelled to make large purchases, that if they attempt to extort from the Government it may lead to the course just suggested by the Senator from Mississippi [Mr. VARDAMAN]. I would regard it as very unfortunate if the Government were compelled to take over and operate the railroads, the great steel and shipping plants of the United States, and other manufacturing institutions engaged in producing the multitudinous articles needed by the Government in the prosecution of this war.

Mr. SMITH of Arizona. The Senator might mention the paper industry.

Mr. KING. Yes; and my friend, the Senator from Arizona, refers to the paper industry, which he denominates a trust. I believe the best interests of the public will be subserved if business, so far as is possible in these abnormal times, can be conducted in a normal way. Every effort should be made to encourage and stimulate legitimate business. No one desires its demoralization or destruction, and no one should desire to see a Government paternalism rest upon the country. So far as I am able to determine, there is no disposition upon the part of Congress or the administration to place the business activities of the country in the hands of the Government. Many Senators are averse to the requisitioning upon the part of the Government of the manufacturing plants, which have been so efficiently managed by those in control of the same; but if an attempt be made to levy tribute upon the Government, the Government may be compelled to seize those plants and to operate them as Government instrumentalities.

Mr. VARDAMAN. Mr. President, if the Senator will pardon me, the Government ought to do it now, before the contracts are made. Congress ought to see to it that contracts are not made whereby the people are to be robbed, as they would be under this $95 a ton proposition.

Mr. KING. I am not willing at present to assent to the suggestion of the Senator from Mississippi. I would not care to go further than what I have just suggested; but I do think, Mr. President, that if those corporations that control the steel output of the United States should attempt to hold up the Government in order to swell their profits the Committee on Finance might with propriety take cognizance of such conduct when they frame the provisions of the bill now being framed which deal with excess profits. If corporations drive piratical contracts, and by so doing obtain enormous and unconscionable profits, I am inclined to think there may be a disposition upon the part of some Senators who want to be fair to the corporations and to the business industries of the country, and who desire them to derive large profits upon their investments, when the revenue bill comes before the Senate, to levy upon them such excess profits taxes as will place back into the Treasury of the United States the millions that they may seek to take from the Treasury of the United States. I venture the hope that the Finance Committee will take into consideration, in passing upon the revenue bill now before it, the question of excess profits and the attitude of corporations dealing with the Government, whether it is fair or extortionate, and that where profits are excessive and enormous, as the result of the monopoly enjoyed by them, such taxes will be levied as will meet the situation and in a way repress further and continued unlawful exactions.

Mr. MARTIN. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 19, 1917, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 18, 1917.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We thank Thee, our Father in heaven, for the eternal principles revealed by the Master, principles which our fathers used in laying the foundation upon which the great superstructure of our Republic has been reared: Fatherhood, Brotherhood.

"In the beauty of the lilies, Christ was born across the sea,
With a glory in His bosom that transfigures you and me.
As He died to make men holy, let us die to make men free,
While God is marching on."

In the crucial test through which we are passing, the call to the colors has gone forth to the young men of our Nation to go forth and battle for the right. Give them strength, courage, valor that they may carry Old Glory with its bright stars and broad stripes to victory; that the principles which it represents may live a blessing to all mankind. In the name of Him who lived and died that they might survive the flight of time, the wreck of worlds. Amen.

The Journal of the proceedings of Saturday, June 16, 1917, was read and approved.

SPEAKER PRO TEMPORE TO-MORROW.

The SPEAKER. The Chair designates the gentleman from New York [Mr. FITZGERALD] to preside to-morrow.

LEAVE TO EXTEND REMARKS.

Mr. GREGG. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a short poem entitled "Origin of the Banner," written by Mrs. Rose C. Deming, of Palestine, Tex. Mrs. Deming is the editor of the Palestine Advocate, which is one of the oldest, if not the oldest, weekly paper published in east Texas.

The SPEAKER. Without objection, that leave will be granted.

There was no objection.

Mr. HERSEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting the address of Hon. Elihu Root, chairman of the United States commission to the Russian people, delivered on Friday, June 15, 1917.

The SPEAKER. The gentleman from Maine asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HOWARD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a speech of Hon. F. David Warfield, of Baltimore, upon the rate proposition.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CLASSON, indefinitely, on account of sickness in his family.

To Mr. ALMON (at the request of Mr. SMALL), indefinitely, on account of illness.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed a bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2356. An act to amend the act to regulate commerce as amended, and for other purposes.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 2356. An act to amend the act to regulate commerce as amended, and for other purposes; to the Committee on Interstate and Foreign Commerce.

EDWARD F. WARFEL.

Mr. PARK. Mr. Speaker, I present the following privileged resolution from the Committee on Accounts.

The SPEAKER. The gentleman from Georgia presents a privileged resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 102.

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to Edward F. Warfel, clerk to Daniel W. Comstock, late a Representative from the State of Indiana, at the time of his death, May 19, 1917, the sum of $125, being an amount equal to one month's salary of a clerk of a Member of the House.

The resolution was agreed to.

PANAMA CANAL.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of a joint resolution which the Clerk will report.

The Clerk read as follows:

House joint resolution 105 (H. Rept. No. 82).

Joint resolution to correct an error in the sundry civil appropriation act for the fiscal year 1918.

Resolved, etc., That that portion of the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes," which reads: "For maintenance and operation of the Panama Canal, salary of the governor, $100,000." is amended to read as follows: "For maintenance and operation of the Panama Canal, salary of the governor, $10,000."

Mr. FITZGERALD. Mr. Speaker, this is to correct an error that was made in the printing of the sundry civil appropriation bill.

The joint resolution was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. FITZGERALD, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

FOOD CONTROL.

Mr. LEVER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel, and pending that motion, Mr. Speaker, if I may have the attention of the gentleman from Iowa [Mr. HAUGEN], I would like to see if we can not enter into some agreement as to the time for concluding the general debate on this bill.

Mr. HAUGEN. There have been a great many requests for time, and I imagine it will take a good deal of time. I suggest that we run along for the day, and then possibly we can reach some agreement later. I have not had an opportunity to discuss the matter with all the members of the committee and others who have requested time, as to the time they may desire, and which it will be necessary to give.

Mr. LEVER. Will there be any objection on the part of the gentleman to running until 10 o'clock this evening in general debate on this bill?

Mr. MADDEN. I shall object to that, I will say to the gentleman.

Mr. HAUGEN. I shall not object.

Mr. MADDEN. I shall object if you run after 6 o'clock.

Mr. GILLETT. If you are going to run this evening, ought you not to take a recess from 5 o'clock until 8?

Mr. LEVER. I would be perfectly willing to recess at half past 5 and reassemble at 8 and run until 10 during the general debate. I would like to do that, but not without the committee knowing that we are going to do it. Would the gentleman from Illinois object to that arrangement?

Mr. MADDEN. I think if you sit here all day in this bad air you have done pretty well. Of course, a great many Members do not sit here. Other people do. Some men feel as though they ought to be here all the time because they are elected to sit here. Other men feel as if it is not necessary to be here, and it is easy for them to agree to something that they are not going to participate in.

Mr. LEVER. I appreciate that.

Mr. MADDEN. Personally I am not in favor of sitting here after 6 o'clock.

Mr. LEVER. But the thought in my mind was that we might recess at 5.30 until 8, so that Members might get their dinners and a little fresh air, and assemble and run until 10 o'clock in the general debate.

Mr. MADDEN. How long does the gentleman expect the general debate to run?

Mr. LEVER. I am hoping we may be able to conclude the general debate under such an arrangement as I suggest by to-morrow night at 10 o'clock.

Mr. MADDEN. How soon does the gentleman expect we will get a vote on this bill?

Mr. LEVER. I hope to pass this bill, if we pass it at all, and I think we will, by Friday or Saturday.

Mr. HAUGEN. There is no disposition, so far as I know, to delay the passage of this bill.

Mr. LEVER. I am sure of that.

Mr. HAUGEN. I believe everybody agrees that if we are to pass it at all it should be passed immediately.

Mr. LEVER. Exactly.

Mr. HAUGEN. And no effort will be made to delay, so far as I know, and I think we can gain time by running along this afternoon, and if the House sees fit then to take a recess from 6 to 8, very well, but we had better go along good-naturedly, I think we will make better time and progress.

Mr. LEVER. Undoubtedly.

Mr. HARDY. May I be allowed to make a suggestion in the interest of saving time? If you can not succeed in limiting the time for general debate, can you not agree that the speeches in general debate shall be limited to the subject of the bill?

Mr. LEVER. Yes; I shall insist in general debate that speeches be limited to the subject of the bill.

Mr. HAUGEN. My understanding is that it is an unwritten rule that everything is in order under general debate, and I do not think we can gain anything by adopting a special new rule for the discussion of this bill. If anybody has a campaign speech in his system, you might as well give him an opportunity at one time as another. I do not think you would save any time.

Mr. COOPER of Wisconsin. Mr. Speaker, I am opposed to the suggested restrictions on general debate. Several times since I have been a Member of the House attempts have been

made to change its practice and to restrict discussion during general debate to the bill. Gentlemen do not seem to understand fully all that is implied in the proposed restriction. A House organization closely united, having in control its Committe on Rules, can bring in such measures as it wants considered, and if general debate is to be thus limited the Members could not discuss any subject at all except such as it might please the House organization to have discussed. Very often the only way that subjects of great public importance can effectively be brought before the people of the country is in general debate in Congress. If the press refuse to mention them, there is then no place in the United States where these things can be thoroughly, effectively presented and brought to public attention except in general debate here. That is the reason for the present rule containing no restrictions as to the matters which may be talked about during general debate on this floor. Members of the House now have the right and they ought to retain the right, in general debate, to speak upon any subject which they may deem of importance to their respective constituencies or to the Nation. I am opposed to the suggested restriction.

Mr. LEVER. But that proposition is not before the House.

Mr. COOPER of Wisconsin. It was before the House by the gentleman's own proposition.

Mr. LEVER. I will withdraw it. Mr. Speaker, I ask unanimous consent that the time for general debate on the bill shall be equally divided between the gentleman from Iowa [Mr. HAUGEN] and myself, and that it shall be controlled by the gentleman from Iowa and myself, and that the yielding of time shall be alternate.

Mr. EMERSON. Reserving the right to object, is the gentleman from Iowa opposed to the bill? I am in favor of the bill, and I do not know where I am to get my time from.

The SPEAKER. The gentleman can get his time from the gentleman from South Carolina or, if the gentleman from Iowa is in favor of the bill, get it from him.

Mr. YOUNG of Texas. Reserving the right to object, I would like to know where under this arrangement men stand who are absolutely opposed to the bill from start to finish. As the gentleman knows, I have fought this bill from its inception. As far as I know, the men controlling the time on this side will probably vote for the bill.

Mr. LEVER. The gentleman from Iowa has filed a minority report.

Mr. YOUNG of Texas. I shall not make any agreement unless I get an opportunity to be heard, especially after I have fought the bill five weeks in committee.

Mr. HAUGEN. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAUGEN. My understanding is that if the time is divided, as suggested by the gentleman from South Carolina, it is the duty of the Republican Member to parcel the time between the Republicans, and the duty of the gentleman from South Carolina to parcel the time among the majority.

Mr. LEVER. My thought was that this bill has two sides to it and no political side; that the gentleman from Iowa and the gentleman from Texas—certainly the gentleman from Texas—is opposed to the bill——

Mr. HAUGEN. Mr. Speaker, the gentleman has no right to make such an insinuation. I have filed my minority report and if the gentleman has read it he knows why I am opposed to such a provision. My objection to the bill is that it singles out the farmer for slaughter when it comes to the regulations.

Mr. LENROOT. Mr. Speaker, I would like to make this suggestion, that the gentleman from South Carolina couple with his request the further request that the time controlled by the chairman of the committee and the ranking Member on the Republican side be divided by them equally between those for and against the bill. That would take care of the Republicans on this side and the Democrats on that side who are opposed to the bill.

Mr. LEVER. As far as I am concerned, I am perfectly willing to do that although I think it would expedite and clarify the situation to have it the other way. I assure the gentleman from Texas [Mr. YOUNG] that he shall have such time as he desires, certainly not less than an hour.

Mr. YOUNG of Texas. Reserving the right to object, as far as I am personally concerned, I shall want one hour.

Mr. LEVER. The gentleman shall have it.

Mr. GILLETT. Mr. Speaker, may I make a suggestion? Ought it not to be understood that if we have evening sessions there shall be no business transacted except general debate on the bill?

Mr. LEVER. Undoubtedly, Mr. Speaker, I ask unanimous consent that the time be controlled by the gentleman from Iowa and myself, half and half, and that the gentleman from Iowa shall take care of those on his side of the House both for and against the bill, and I shall take care of those on this side both for and against the bill, and that the gentleman from Texas [Mr. YOUNG] shall have one hour.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that the time be divided equally, to be controlled by the gentleman from Iowa [Mr. HAUGEN] and himself, and that each one shall take care of the Members who are opposed to the bill, and that if there is any evening session, nothing shall be transacted except general debate on the bill. Is there objection?

Mr. DYER. Reserving the right to object, is the gentleman from South Carolina going to make another unanimous consent request that the debate be ended to-morrow night?

Mr. LEVER. Not just at this time.

The SPEAKER. Is there objection?

There was no objection.

The motion of Mr. LEVER to go into Committee of the Whole House on the state of the Union was then agreed to; accordingly, the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. HAMLIN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 4961, which the Clerk will report.

The Clerk reported the title of the bill.

Mr. LEVER. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LEVER. Mr. Chairman and members of the committee, I desire in presenting this bill to do so, at least for a time, in a connected and uninterrupted manner, and I shall therefore decline to yield to any questions or to anyone until I have in a measure covered, as I see it, the general purposes sought to be accomplished by the proposed legislation. I make that statement so that no one may feel that by refusing to be interrupted I am discourteous.

Mr. Chairman, whether the country realizes it or not, we are now engaged in war with the most thoroughly organized and autocratic military nation on the face of the earth. Her people are the most stubborn in thought, tenacious in purpose, resourceful in methods, and for generations have been schooled and trained with the one predominant thought of world dominance through industrial and military prowess. Their industries have been organized down to the minutest detail to fit into the military machine which is recognized to be the most efficient and capable and powerful ever brought together since the beginning of time.

The contest between German autocracy and American democracy will be determined in the end by the character and strength of the organization which one can put against the other. A loose-jointed, unorganized democracy has no ghost of a chance in a contest with such an autocracy as is Germany. Organization is the only weapon with which organization can be overcome. Organization, as the term is used here, means not only whipping into shape the man power of the Nation, the money power of the Nation, but as well every resource of the Nation which may be used in the contest.

That a democracy can be organized has been demonstrated repeatedly in history. It is being demonstrated in a remarkable way at this very time in this country.

In the short space of a few months the foundation of a great army has been laid, the expenditure of $7,000,000,000 has been authorized, and the machinery for the mobilization of this stupendous sum is well under way. The enthusiastic reception by the American people of the liberty bonds, largely oversubscribing them, is the best test of their willingness to get together as one in the prosecution of the task before them; order is being worked out of chaos in the shipping industry of the country; the railroads are rapidly developing plans to meet the strain upon them incident to the enlarged and rather disorganized commerce of the Nation; the Federal Reserve System, with its power to assemble quickly and at strategic points the financial resources of the Nation, fortunately is already well established and in operation; our munition factories are highly efficient, and our navy yards are capable and ready.

Indispensable as are these, they do not include all that is needed to win this war.

Germany was ready with her great army, her navy, her industrial machinery, her State-controlled shipping, her State-controlled transportation facilities, her closely coordinated banking system, her navy yards, her great Krupp's establishment, and her warlike attitude of mind. All these she had, but within five days after the mobilization of her army on the French front her food and fuel became a matter also of the most rigid State control.

In the light of events it is easy to understand the German Government's solicitude in the past for agriculture. She realized, as we must be made to realize, that the Napoleonic axiom that armies fight on their bellies was true when uttered, and is even more true now. Hungry armies do not win victories. Men who fight must be fed. Those who send their loved ones into the ranks must likewise be fed. The supreme duty as well as the supreme necessity of this hour is to feed our fighting forces, the fighting forces of our allies, and adequately to provide necessaries at living prices for our own people and, as largely as we can, the civilian population of our allies.

Agriculture becomes to-day the one industry more important than all others. The American farmer never occupied such a position of responsibility. I do not doubt how he will meet it. It was the embattled farmer at Lexington that set the flames of revolution and liberty going. [Applause.] It was the heroic farmer at Kings Mountain that assured these liberties we now enjoy, and for the preservation of which we are now fighting. The American farmer to-day is no less a patriot, no less equal to the discharge of the responsibilities placed upon him, than were his forebears at Lexington and Kings Mountain. He can and will furnish all food necessary in this conflict. It is our duty to see that those for whom he toils shall not be gouged and robbed by heartless and unpatriotic intermediaries; it is our duty to see that the results of his patriotic efforts shall not be made the football of the gambler, the manipulator, the hoarder, the unconscionable food speculator and cormorant. It is equally our duty to see that the products of his labor shall reach the consumer without the waste necessarily incident to an uncontrolled and unorganized system of distribution. [Applause.]

That some kind of food and fuel control is necessary to their most efficient mobilization is imperative thoughtful men everywhere recognize.

Immediately upon the entrance of the United States into the war the Secretary of Agriculture called a conference at St. Louis of the agricultural leaders of the Nation, including the State agricultural officials, commissioners, representatives of the agricultural colleges of each of the States, and representatives of more than a hundred farm journals, with a total circulation aggregating approximately 11,000,000. Later the Secretary, realizing the special importance of ascertaining the views of the executive heads of the great national farm organizations, invited them to confer with him. There were represented the Grange, the Farmers' Union, the Gleaners, and the Farmers' National Congress. Later the American Society of Equity appeared before the House Committee on Agriculture. In general these agricultural leaders indorsed the proposals contained in the food-products bill, which has already passed both Houses of Congress, and the propositions contained in the bill which I now present for your consideration.

The bill deals with foods, feeds, fuel, and articles required for their production. It aims to facilitate and clear the channels of distribution; to prevent hoarding; to prevent willful destruction of necessaries in order to enhance the price or restrict the supply thereof; to eliminate injurious speculation; to regulate exchanges and boards of trade in order to prohibit undue fluctuation of prices, unjust market manipulation, or unfair or misleading market quotations; to reduce waste, including the power to regulate or completely to prohibit the use of cereals in the manufacture of alcoholic beverages; and to stimulate production by assuring the farmer a reasonable profit guaranteed by the Government, and a free and open market for his products, unrestricted by manipulation and uncontrolled by gambling operations. [Applause.] We intend in this bill to drive from the established agencies of distribution the market manipulator, the gambler, the man who buys as cheaply as he can and sells as dearly as he may, the Shylock of commerce who would rob the widow and the orphan or filch the pennies from the blind man upon the street corner with as much complacency and unconcern as he would evidence in ordering a meal at a down-town restaurant. [Applause.]

I shall not undertake to discuss the constitutionality of this bill. A very thorough and able brief has been filed with the committee, with full citations of the decisions of the Supreme Court, which, from a casual reading at the hands of a layman, seems to me to sustain the constitutionality of the bill. I am going to rely for the presentation of that phase of the subject upon my colleague upon the committee, the gentleman from Ohio [Mr. OVERMYER], and my other colleague on the committee, the very distinguished lawyer and able and growing young statesman, the gentleman from Minnesota [Mr. ANDERSON], whose services in the preparation of this bill have been absolutely invaluable. [Applause.]

The measure we proposed is a war measure pure and simple, and is predicated upon the idea of providing for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel, both for the uses of ourselves and our allies. These are the ends sought.

In attaining them, Mr. Chairman, the bill establishes a governmental control of necessaries, which shall be exercised and administered by the President through voluntary arrangement or agreement and in cooperation with any agency or person. This is the most far-reaching and important provision of the bill, and upon it we confidently rely for that sane and adequate control necessary to the stabilization of prices and for the satisfactory and orderly distribution of necessaries. The administrative directive authority is here conferred without which any real solution of the problem of food and fuel control is impossible, and without which control the same chaos and confusion and waste and lost motion and manipulation and sky-rocketing prices of the past few months will only be exaggerated and increased, both for ourselves and for those for whom we fight.

The power is conferred upon the President to require the fullest publicity of the methods and practices of persons engaged in the importation, exportation, manufacture, storage, or distribution of necessaries as defined in this bill, by requiring such persons to hold an unrevoked, unsuspended license from the President to do business, and such business must be done under such methods as will provide for the highest efficiency in manufacture and the most equitable methods of distribution. The authority is also conferred upon the President to fix in lieu of any rate, charge, or practice of any licensee that is unjust or unreasonable or discriminatory and unfair or wasteful a rate which is just, reasonable, nondiscriminatory, and fair or economical.

Under this power we propose that those who furnish the machinery which links up the producer and the consumer shall stand always during this war emergency in the full light of publicity, upon the theory that darkness is the haven of the criminal and light his death. I am happy to believe that the great overwhelming majority of the business men of this country engaged in distribution of necessaries are not unwilling to allow the light to be thrown upon their dealings, because I know that they are as patriotic as any class of citizens that we have. More than this, I am confident that the larger per cent of these men actually desire some such regulation as here proposed as a protection to themselves against the crooks found in every particular line of business—that small fraction to be found in every occupation.

Why, members of the committee, men have come to me from the four corners of this Nation, business men doing millions of dollars of business, and they have said, "We want some kind of regulation such as you are proposing so that we shall not be forced as a matter of self-protection to engage in some of the practices of the men in our own business." That statement can be verified a hundred times over by letters on file in my office.

It is not fair nor just to the patriotic business men of this country that any infinitesimal minority of them shall, under the cover of the patriotism and honesty of the majority, ply their tricks of crookedness and thievery which must cast suspicion upon the entire trade. No honest business man can be hurt under this power. Some small inconvenience may be occasioned him by these requirements. It is not intended that any honest business man shall be hurt. It is the crook that shall suffer in the sunlight, and it is the crook, unpatriotic, selfish, and greedy, that we are after.

Further to accomplish the purposes of this bill certain conduct is declared to be criminal, such as hoarding, the destruction of food or fuel to enhance prices, or to limit supply, and under certain described conditions speculation and the use of foods and food materials in the production of alcoholic and nonalcoholic beverages, and suitable penalties are provided for these offenses.

Such in general is the machinery set up to carry out the purposes described in the title of the bill. There are other important features which will be discussed in detail under the five-minute rule. I have hoped to give a succinct but sufficiently comprehensive outline of the bill to enable the members of the committee to understand what we seek to do.

Some small inconvenience may be occasioned by these requirements, but there is not a man, woman, or child in this great land of ours—110,000,000 of them—who is not going to suffer inconvenience by reason of the fact of our entrance into the war, and I believe the business men engaged in distributing the necessaries are quite as willing to do their bit as any other class of citizens in the United States.

Mr. Chairman, I desire to express the personal belief that in a sane and wise use of the machinery here created business can not and will not suffer undue disturbance, but, on the contrary, from a fuller understanding and appreciation of the national and international needs, and the coordination of effort to meet these needs, business in the end is going to profit largely.

One further suggestion in this connection, and it is that the mere conferring of many of the powers in this bill will make the exercise of them unnecessary.

I want now to discuss with you, if I may, certain conditions existing in this country which must challenge the thoughtful attention of every member of this committee, and which must make every wise man pause before he is willing to cast his vote against the measure, which, at least, holds out some measure of relief. What are the conditions?

This bill, Mr. Chairman, grants extraordinary and unprecedented powers to the Executive. It will be attacked as a remarkable proposal. I freely admit that it is unprecedented and remarkable. The burden of justifying the enactment of this bill into law is upon the committee which reports it favorably. Willingly I assume my share of that responsibility. Unreservedly I press upon your favor the general purposes of this legislation as being necessary in the emergency which confronts the people of the country. Unprecedented, yes; but we are engaged in an unprecedented war, which is shaking the foundations of the world to its very center. We are about to make sacrifices in treasure and blood which no one is wise enough to measure. We must either confer the so-called autocratic powers upon the constitutional head of our Government or be prepared to have them assumed by the German Kaiser. "No war was ever won by a debating society." The time is upon us for getting down to brass tacks. Every man, woman, and child must be prepared to make sacrifices—great sacrifices—and no man is going to be permitted to stand behind fine-spun theories and technicalities in his opposition to this measure. This is no pink-tea affair, nor is it a ladies' sewing-club matter. It is a war against the most powerful autocracy the world ever saw.

My friends, in my long service here with many of you, I think you will agree that I am not given to making alarming statements. I am, by training, thought, and breeding, a conservative, but I have looked into this question closely, thoughtfully, and the statement just made, I say to you, is supported by every fact that comes to my attention from every source. What are the facts? I want to read to you a statement showing how wages have increased since 1907 up to 1916, and then I shall give you the comparative increase in prices of things that wages must buy in order that people may live. I take my figures from a table prepared by the Bureau of Labor Statistics. This table shows that while union wages increased throughout the United States 19 per cent between 1907 and 1916, retail prices increased 39 per cent during the same time, and if February 17 is taken as a base, then the retail prices of food increased 62 per cent.

These facts in themselves are startling, but they are not nearly so startling as some others that I shall later present for your consideration. Nineteen per cent increase in wages and 62 per cent increase in the price of retail foodstuffs since 1907!

Mr. Chairman, I ask unanimous consent now that I may have leave to print in the RECORD these various tables to which I am referring.

The CHAIRMAN. Is there objection?

There was no objection.

Index numbers of union-wage rates and hours of labor 1907 to 1916, and of retail prices of food, 1907 to February, 1917.

Year.	Rates of wages per hour.	Full-time hours per week.	Rates of wages per week full time.	Retail prices of food.
1907	100	100	100	100
1908	101	100	101	103
1909	102	99	102	108
1910	105	99	104	113
1911	107	98	105	112
1912	109	98	107	119
1913	111	97	109	122
1914	114	97	111	125
1915	115	97	112	123
1916	119	96	116	139
January, 1917				156
February, 1917				162

Mr. LEVER. Now, Mr. Chairman, I desire to call attention to a statement appearing in a series of articles written for the New York Evening Post by Miss E. Miller King, a very remarkable young student of political economy. She has made a first-hand study of prices in the great city of New York, and this is one excerpt bearing directly upon this proposition that I think is worth while. It is headlined, "The Wife's Account Book."

I do not suppose you would print some of the totals from Jane's account book. They talk. Here they are—

This is first-hand information—

Living expenses (food) for the month of April, 1910, $40.43; 1911, $52.63; 1912, $80.13; 1917, $170.90.

That is for one month. She summarizes it by years. Let me give you those:

Totals for food expenses for the years from 1910 to 1916 tell the whole story: Nineteen hundred and ten, $567.36; 1911, $608.90; 1912, $785.82; 1913, $851.51; 1914, $950.29; 1915, $1,005.94; 1916, $1,051.17.

Mr. SIMS. The same size family?

Mr. LEVER. Of course, the same size family; a family of five.

Mr. SIMS. The family might have increased in that time, I did not know.

Mr. LEVER. Mr. Chairman and members of the committee, when you think that the wages of the average man of America to-day is less than $1,000 a year you get some little comprehension of the problem that is before this country with prices rising every day. I am standing here to-day in no spirit of demagogy at all, but with all the earnestness of my soul, because I come from a line of people pleading for this Congress to give the machinery and intrust to the President of the United States the machinery by which the mothers, the wives, the widows, and the babies of this country may at least be fed during the coming war. [Applause.] But that is not all, members of the committee. What I have read you just now was written by a young lady. You may attack her facts, because she may not be an accredited authority on political economy. I propose to submit to you now a statement from a man who is known the world over as one of the great economists of America, Prof. Irving Fisher, of Yale University. Nobody will dispute that he is capable of stating the facts and drawing conclusions therefrom. Prof. Fisher says that by April last prices had risen in Russia since the war began by 165 per cent; in Germany, 111 per cent; in France, 87 per cent; in England, 66 per cent; and even in neutral Sweden, 46 per cent.

The price level in the United States had at that time risen only 19 per cent, but it is now 40 per cent higher than before the war. That is a statement by a well-recognized political economist. My friends, I have great difficulty in giving proper weight to figures. It took me 10 long years to learn how to work long division, but when you talk in terms of dollars and cents and bushels and things of that sort, while I have had some bushels but not many dollars, I can understand. I want to give you some figures now of what took place in the interior of the United States. I want to bring to your attention conditions that are prevailing in the city of Washington, not last year, not last December, but now, in the way of prices for things that men and women must eat. You have heard of the Old Dutch Market, which runs a chain of stores all over this country, I understand, and is a reliable concern. This is a statement which shows the comparison of retail prices of food during April, 1914, before the war, and April, 1917, which comparison will show the prices and a comparison of figures. I am going to read you a few and then print the others. Sugar is one of the necessaries of life, and I may pause to say that the best authority in this country tells me that unless there is some adequate control of the sugar situation this country in six months will be facing a sugar famine. The price of sugar in 1914 in the city of Washington was 4 cents per pound. April, 1917, it was 9 cents per pound, or an increase of 125 per cent. Flour is undoubtedly a necessity. Bread is the staff of life, and in 1914 flour sold in the city of Washington at $7.25 per barrel, and in April, 1917, that same barrel of flour sold at $14 per barrel, or an increase of 93 per cent.

Mr. MEEKER. Will the gentleman yield for a question?

Mr. LEVER. I am sorry I can not yield. I will after I finish my general statement. If I yield to you, I would have to yield to others.

Milk, the food of the babies of America, in April, 1914, sold at 9 cents per can. In April, 1917, it sold at 15 cents per can, or a 67 per cent increase. Members of the committee, that is in the city of Washington. Corn, a staple article of food, in April, 1914, sold at 7 cents a pound. In 1917 it sold for 13 cents per pound, or an increase of 85 per cent in those few years. Baked beans sold at 8 cents per pound in 1914, as against 13 cents per pound in 1917, or a 65 per cent increase. Rice—now listen, members of the committee, because there is no reason on earth, except that manipulators are controlling it, why the price of rice should increase, because the crop is good and the supply is plentiful—rice in 1914 sold in the city of Washington at 8 cents

a pound, and is now selling at 9 cents a pound, or an increase of 12 per cent—not so awfully much. And even prunes increased in price during that time 60 per cent. Listen! Navy beans show an increase in price of 140 per cent since 1914, lima beans an increase of 185 per cent since 1914, canned sirup an increase of 41 per cent since 1914, black-eyed peas an increase of 100 per cent since 1914.

Now we come down to meat—roast beef, chuck roast, beef per pound, sirloin, hamburg—and there is an increase of 25, 30, 23, 42, 60, 38, 33 per cent since 1914. Coming to ham, shoulders, pork, corned shoulders, smoked ham, sausage, the range of increase runs 50, 80, 75, 50, 65, 47, 50, and 42 per cent. Lard, an absolute necessity, pure lard and compound lard, an increase of 100 per cent since 1914. Butter, first grade, an increase of 83 per cent. Eggs, an increase of 80 per cent. Potatoes, per peck, 23 cents in 1914 and 90 cents in 1917, or an increase of 291 per cent. Even spaghetti and macaroni increased from 65 to 75 per cent in the city of Washington.

But that is not all, members of the committee. I am not going to weary you with this, but I want you to get the picture. I want this House to know the facts. I want you Members to realize what you are up against and then put your conscience up against the price and the facts against the finespun theory of governmental power. It is a serious proposition with me.

I was not satisfied with that. I wanted to see if the prices were continuing to increase, and so I wrote my friends, the Old Dutch Market, and asked them to give me the prices from January, 1917, up to May, 1917. I would have had them for June, but I had hoped to have this bill through before now. Now, listen. Let us see what happens to sugar. Sugar in January, 1917, sold at 7 cents a pound in Washington. In May it sold for 10 cents per pound, or 43 per cent increase in three months. Flour sold at $9.60 in January this year, and in May it sold at $15.20, or a 58 per cent increase. Baked beans were 10 cents in Jannary and 15 cents in May, or an increase of 50 per cent. Macaroni and spaghetti show an increase of 62 per cent since January, 1917.

I could go down the line here and show you that in a total of 79 items on this list the average increase in price from January, 1917, to May, 1917, was 51 per cent. And yet the orator, who loves to hear his own voice, and who has convinced himself long since that in him is centered all there is of constitutional knowledge and patriotism, loves to stand up and squawk and scream about the conferring of autocratic power on somebody somewhere. Whom do you think the people of this country prefer to have this thing go to for the purpose of regulating it—the food gambler, the manipulator, the cormorant, the man of greed, or the chosen head of 100,000,000 people? [Applause.] That is the question, members of the committee. So much for that.

Comparison of retail prices of foods during April, 1914, before the war, and April, 1917.

	April, 1914.	April, 1917.	Increase.
			Per cent.
Groceries:			
Sugar, granulated, pound	$0.04	$0.09	125
Flour—			
Gold Medal, barrel	7.25	14.00	93
Hecker's, barrel	6.50	13.50	107
Milk—			
Condensed, can	.09	.15	67
Evaporated, tall can	.07½	.12	65
Evaporated, small can	.03½	.06	70
Tomatoes, Standard 2½'s, can	.07	.17	142
Corn, Standard 2½'s, can	.07	.13	85
Peas, E. J.	.07	.10	45
Baked beans	.08	.13	65
Corn meal, pound	.02½	.05	100
Hominy, pound	.03	.05	66
Rice, best, pound	.08	.09	12
Oatmeal, pound	.03½	.06	70
Macaroni and spaghetti, bulk, pound	.08	.13	65
Prunes, small, pound	.05	.08	60
Salmon—			
Chum, can	.08	.14	75
Red Alaska, can	.14	.23	64
Soups, can	.08	.13	65
Navy beans, best, pound	.07½	.18	140
Lima beans, dried, pound	.07	.20	185
Catsup, bottle	.08	.12	50
Sirup, can	.08½	.12	41
Corn flakes (Quaker), package	.04½	.08	78
Split peas, pound	.06	.12	100
Scotch peas, pound	.05	.09	80
Black eye peas, pound	.04	.08	100
Beef:			
Rib roast, pound	.20	.25	25
Chuck roast, pound	.17	.22	30
Plate (soup meat), pound	.13	.16	23
Porterhouse steak, pound	.28	.37	32
Sirloin steak, pound	.24	.34	42
Round steak, pound	.20	.32	60
Chuck steak, pound	.18	.25	38
Hamburg steak, pound	.15	.20	33

Comparison of retail prices of foods during April, 1914, etc.—Continued.

	April, 1914.	April, 1917.	Increase.
			Per cent.
Pork:			
Fresh hams	$0.15	$0.27	80
Fresh shoulders	.13½	.22	58
Fresh pork chops, lean	.16	.28	80
Fresh pork chops, loin	.18	.32	80
Fresh pork roast, lean	.16	.28	75
Fresh pork roast, center	.18	.30	66
Corned shoulders	.13½	.20	50
Corned hams	.15	.24	60
Smoked hams, whole	.17	.25	47
Smoked hams, sliced	.28	.45	60
Smoked shoulders	.13½	.21	50
Smoked bacon, sliced	.24	.34	42
Smoked sausage	.12½	.25	100
Lard—			
Pure, pound	.12½	.25	100
Compound, pound	.10	.20	100
Butter, first grade, pound	.30	.55	83
Eggs, fresh, dozen	.21	.38	80
Vegetables:			
Potatoes, peck	.23	.90	291
Kale, peck	.20	.40	100
Spinach, peck	.20	.40	100
Onions, yellow, pound	.04	.13	250
Lettuce, head	.05	.10	100
Sweet potatoes, peck	$0.35	$0.75	114
Cabbage, new, pound	.03	.15	400
Yams, peck	.40	.60	50

Total of items, 60.
Total increase, 5,119 per cent.
Average increase on all items shown on this list, 85.32 per cent.

Comparison of retail prices of foods January, 1917, and May, 1917.

	January, 1917.	May, 1917.	Increase.
			Per cent.
Groceries:			
Granulated sugar, pound	$0.07	$0.10	43
Gold Medal Flour, barrel	9.60	15.20	58
Pride of Columbia, barrel	8.00	13.20	65
Challenge Milk	.10	.15	50
Evaporated milk, tall	.10	.13	30
Evaporated milk, small	.04	.06	50
Standard Tomatoes, No. 3 can	.12	.18	50
Maine corn	.13	.17	30
Sugar corn	.09	.15	66
Sifted E. J. peas	.12	.19	58
E. J. peas	.10	.15	50
Wagner's Baked Beans, No. 2	.10	.15	50
Ritter's Baked Beans, No. 2	.09	.15	66
Campbell's Baked Beans, No. 2	.09	.18	100
White corn meal	.04	.06	50
Hominy	.04	.05	25
Head rice	.08	.10	25
Broken rice	.04	.06	50
Oatmeal	.04	.06	50
Macaroni, bulk	.08	.13	62
Spaghetti, bulk	.08	.13	62
Prunes, small	.05	.08	60
Prunes, large	.14	.16	14
Chum salmon	.09	.16	77
Pink salmon	.12	.18	50
Red salmon	.17	.25	47
Navy beans	.12	.19	58
Lima beans	.10	.20	100
Wagner's Catsup	.09	.12	33
Campbell's Soups	.09	.13	44
Split peas	.08	.12	50
Black eyed peas	.07	.08	14
Asparagus	.20	.23	15
Asparagus tips	.21	.25	19
Beets, canned	.12	.18	50
Cream of Wheat	.15	.20	33
Brooms, No. 7 parlor	.45	.65	44
Domestic sardines	.04	.06	50
Molasses, No. 3 can	.10	.18	80
Table sirup, G. C.	.09	.13	44
Table sirup, Karo	.09	.13	44
California peaches, No. 3, seconds	.12	.16	33
California peaches, extra standard, No. 3	.15	.20	33
Plantation pineapple, No. 2	.13	.18	30
Peanut butter, bulk	.10	.15	50
Lump starch	.04	.06	50
Corn starch	.05	.07	40
Canned spinach, large can	.13	.18	38
Beef:			
Rib roast	.24	.25	4
Chuck roast	.20	.22	10
Plate beef	.15	.16	7
Porterhouse steak	.32	.37	16
Sirloin steak	.28	.34	22
Round steak	.25	.32	28
Chuck steak	.20	.25	25
Hamburg steak	.16	.20	25
Butter, extra creamery	.43	.55	28
Pork:			
Fresh hams	.22	.27	23
Fresh shoulders	.18	.22	22
Fresh pork chops, shoulder	.22	.28	27
Fresh pork chops, loin	.26	.32	23
Fresh pork roast, blade	.22	.28	27
Fresh pork roast, loin	.25	.30	20
Corned shoulders	.16	.20	25
Corned Hams	.20	.24	20

Comparison of retail prices of foods—Continued.

	January, 1917.	May, 1917.	Increase.
Pork—Continued.			*Per cent.*
Smoked hams	$0.20	$0.25	25
Smoked hams, sliced	.35	.45	28
Smoked shoulders	.17	.21	24
Smoked bacon	.27	.34	26
Smoked sausage	.22	.25	14
Lard—			
Pure	.19	.25	31
Compound	.16	.20	25
Vegetables:			
Potatoes, peck	.60	1.00	66
Onions, pound	.08	.10	25
Lettuce, each	.05	.10	100
Sweet potatoes, peck	.45	.75	66
Cabbage, pound	.10	.15	50
Fruits:			
Apples, peck	.40	.60	50
Bananas, dozen	.20	.25	25
Lemons, dozen	.08	.20	150
	2,990	4,530	3,355

Total of items, 79.
Average net increase, 51 per cent.

My friends, I want to read you a brief letter here from one who is evidently a very bright woman, writing from Philadelphia: "There are no cheap cuts of meat in Philadelphia to-day. The shin of beef is 22 cents per pound." That is all I want to read you. Do you know what the shin of beef is? It is a bone, which has not enough of meat on it to satisfy the hunger of an ordinary kitten, and out of which the poor people of this country make their soups. It used to sell at 1½ to 2 cents per pound in every market. It is 22 cents a pound in Philadelphia.

I bring these facts to your attention. Are you going to call me an alarmist when I say that good citizens, good men and women, sometimes are forced to desperation? My friends, these facts convince me that this is no time for the tom-tit politician nor the leather-lunged orator. I read that deliberately, because I wanted the country to have it.

Mr. DYER. To whom is the gentleman referring?

Mr. LEVER. Those whom the shoe fits.

If the people have not demanded relief, it is because they are long-suffering and patient, but even patience in the face of actual and acute necessity may cease to be a virtue. To delay in this matter, to dillydally, to hesitate, to waver, is but to stay temporarily, very temporarily, the day of wrath. The people are not going to be satisfied with the silly excuses the delegation of legislative power to the Executive. They trust the great man in the White House, they believe in his sense of justice, and in his love for those who earn their living from the sweat of their brows. The wrath of the people is not going to be appeased by the screams and squalls about conferring autocratic powers upon the President. They know that the fathers of the Republic gave him the control of our Army and Navy, they know that we ourselves in this very Congress have given him the power, the absolute, unrestrained power, to select from the 10,000,000 registered manhood the 600,000 of them who must first bare their breasts to the fire of the enemy. They know that if we can trust him with the lives of our boys, we can not find excuse in refusing to trust him with a restrictive and definitely formulated plan for the control and regulation of the vital necessities of life. Be not deceived; the American people are not asleep. Their eyes are upon this Congress. Twenty-two cents per pound for a soup bone with not enough meat on it to satisfy the hunger of an ordinary tom cat may make dangerous men and women out of ordinarily peaceful and good citizens. I am no alarmist, and by nature I am conservative, and I have no fear as to the outcome in this matter, because I have an abiding faith in the wisdom of the American Congress. [Applause.]

Now, my friends, I hope I am not wearying you. I shall conclude soon. Now, what are the causes, members of the committee? What are the reasons for these extraordinarily high prices? We must find the reasons before we can apply the remedy. I want to discuss my view of the causes underlying this situation.

First, there is a world shortage in foodstuffs, due in part to a universal failure of crops for the season of 1916. I am giving you now what I concede to be the natural causes that enter into this elevation of prices.

Second, the withdrawal from the arts of production into the arts of destruction of 30,000,000 or more men, with an increase of 33 per cent in their consumptive necessities, due to the hardships of the trenches. Is that plain?

Third, the complete disruption of commercial relations between our allies and the central powers of Europe, and the termination or the cessation of the trade with Russia, with the result that our allies have had to draw on new sources of supply for many products, either from America or from countries from which America obtained some of her supplies.

Fourth, the world-wide inflation of currency, reducing the purchasing power of money, thereby enhancing prices. Even before the war there was a very considerable increase of the money supply of the world, and this fact found expression in gradually rising prices.

These statements I can verify with the facts, but I will not weary you with them. To illustrate, $1 during the nineties had a purchasing power equivalent to about $1.37 in 1912, 1913, and 1914 in the case of all commodities. In the case of farm products $1 during the nineties had a purchasing power equivalent to $1.60 in 1913, and $1.65 during 1914. This rise in price was a world-wide phenomenon. The salary of a Member of Congress to-day, based upon the purchasing power of money now as compared with that of the early nineties is about $3,500. Is not that about right? Why, after all, members of the committee, do not deceive yourselves that you are getting a very large salary.

Now, since the war began the increase in the volume of money in this country has been enormous. The paper circulation of Great Britain has increased 534 per cent; of France, 175 per cent; of Russia, 426 per cent; of Italy, 144 per cent. True, the gold holdings of these countries have decreased from the normal level, but the decrease is many times offset by the increase in the volume of paper currency. The gold holdings of the United States, as we all know, have increased tremendously since the war began. The net importation from August 1, 1914, to May 18, 1917, according to the Federal Reserve Bulletin of June 1, 1917, amounted to $1,146,839,000, or about 49 per cent.

Now, we can account for some of the rise in prices upon the theory of the reduced purchasing power of money, owing to a world-wide inflation of currency. But, my friends, I shall undertake to prove that while these causes which I have mentioned and described as normal causes are important, they are not the only factors entering into this equation of prices. Some curious things that I want to call to your attention have come to my attention in the study of this problem.

For example, while the paper currency of England has increased 534 per cent since the war began, and while England is many thousands of miles from her bases of food supplies, with the dread submarine lurking around her borders, sending food ship after food ship to the bottom of the sea; and while the increase of gold supply of the United States in the same time has increased only 49 per cent, yet we find old potatoes, Irish potatoes, white potatoes, selling in New York of date May 12, 1917, for $3 to $3.30 per bushel, while the same character of potatoes exactly were selling on the same date at Liverpool, England, for $1.54 per bushel.

You can not account for that difference on the theory of an inflated currency, because the currency of Great Britain is many times more largely inflated than is the currency of the United States; and yet potatoes are selling in England almost at one-half the price that they are selling for in the city of New York on the same day, and that day May 12, 1917.

That is not all. We find that bread on April 16 sold in Washington at 7 cents per pound, while in London and Liverpool it sold at 6 cents per pound—bread, as suggested by my distinguished friend from Wisconsin, made out of wheat grown in this country, paying the cost of transportation, insurance, and the dread of the submarine. These are curious facts, are they not?

But that is not all. We find that bacon sold in New York at 31 cents per pound on May 12, and in Liverpool at 28 and 29 cents per pound, practically the same price—bacon that they bought from the farmers in the district of my friend from Kansas, my colleague on the committee [Mr. DOOLITTLE], paying the charge of transportation half across the continent and 3,000 miles across the Atlantic Ocean, and then selling at a price equivalent practically to our own. It is curious, is it not?

That is not all. We find that wheat, No. 2 hard winter, sold at New York at $3.25 per bushel on May 9, in Liverpool at $2.40 to $2.45, and in Paris at $2.45 to $2.55 per bushel—our own wheat, in all probability, wheat that the farmers of the great Northwest produced by their toil. We also find that butter sold in New York and Liverpool at practically the same prices, while sugar sold at a somewhat lower price in New York than in Liverpool.

Listen! Even in Germany the price of bread has been held to a figure that amounts to a little less than 5 cents per loaf as against our 8 cents per loaf on May 3. Think of that. Germany, surrounded with a ring of steel, cut off from the supply of the world, dependent absolutely upon her own resources, seeing to it that her consuming population is getting bread

at 5 cents a loaf, while we, the richest and freest and greatest Nation on the earth, with nothing to interrupt transportation facilities, with nothing to interfere with our getting to our bases of supplies, wherever they have been, are permitting our consuming population to pay 3 cents more per loaf than they are paying in Germany. Those are curious facts; very curious.

That is not all. Sugar in Germany has fluctuated between 7 and 8 cents per pound, while sugar in Washington in the same time has fluctuated from 4 cents in April, 1914, to 10 cents per pound in 1917. Potatoes are being sold at $1.75 per hundredweight, or about $1 per bushel in Germany, although it is stated that during the past year in Germany potatoes were exceedingly scarce. We are paying $3 and $4 and $5 per bushel for such potatoes. Curious, I say. These are strange facts.

And in that connection, members of the committee, for fear you may undertake to explain it on the theory that Germany has a contracted currency, I desire to call your attention to the fact that the inflation of currency in Germany since the war began amounts to 359 per cent. You can not explain it on that theory. I have made some little study of the German prices, and I have come to this conclusion, which I think is absolutely inevitable from the presentation of the facts, that wherever there is food control the prices of the articles so controlled are within reach of the wage earner, and where there is no control prices are within the reach of the wealthy only. Is there any proof of that? Let me give you the proof. There is no control over the price of poultry in Germany, and poultry is sold there at $1.50 to $2 per pound live weight. Only the wealthy can buy poultry at $1.50 per pound. I repeat that my study of German prices leads me, inevitably forces me, to the only conclusion which can be reached, which is that where there is price control the articles of human necessity are within the reach of the average man, and where there is no control the prices are absolutely beyond the reach of all save the rich. I shall extend my remarks along this line with further facts.

WHOLESALE PRICES OF POTATOES ON OR ABOUT MAY 12, 1917.

New York, old potatoes, $3 to $3.30 per bushel. ($9 to $10 per 180 pounds.)

Liverpool, England, $1.54 per bushel. (12 shillings per 112 pounds.)

Paris, France, new, southern, $6.30 to $9.98 per bushel. (120 to 190 francs per 100 kilograms.)

WHOLESALE PRICES OF VARIOUS FOODSTUFFS ON OR ABOUT MAY 12, 1917.

NOTE.—Owing to disturbed markets and local variations in grades and conditions of sale some of the quotations below may not be comparable even approximately.

Article (representative or medium grades).	New York, United States.	Liverpool, England.	Paris, France.
Wheat, No. 2 hard winter, per bush.	[1] $3.25	$2.40 -$2.45	[3] $2.45-$2.55
Wheat flour, per barrel	[2] $15.40 -16.15	[4] 24.00 -29.83	
Bacon, American, per pound	.31	.281- .295	
Sugar, granulated, do	.0750- .0755	.09	.125
Butter, do	.37 - .38	.399- .424	.578
Eggs, per dozen	.34 - .35	.50 - .60	.42- .45

[1] May 9.
[2] In various provincial markets. No grade specified.
[3] Spring patents.
[4] Imported flour.

London quotations reduced to United States money on the basis of 1 shilling = 24 cents.

Paris quotations reduced to United States money on the basis of 1 franc = 19.3 cents.

RETAIL PRICES OF BREAD.

[Monthly Review of the United States Bureau of Labor Statistics, June, 1917.]

Washington, D. C.:		
Apr. 16, 1917	per pound	$0.071
May 3, 1917	do	.083
Denmark (Copenhagen), February, 1917	do	.081
Sweden (Stockholm), February, 1917	do	.122
United Kingdom: London and Liverpool (official price) Apr. 23, 1917 (1 shilling per 4 pounds)	per pound	.06

Let me call your attention to another fact, my friends, which is that every nation engaged in this war has been forced—some of them reluctantly—to some kind of food directorship. Even Australia, New Zealand, and Canada have adopted rigorous food-control measures. Much of the theory and even the language of this bill follows the Canadian law, which I am told has worked without a jar or a hitch, and to the satisfaction of all concerned. Are we to profit by the inevitable logic of the facts? Are we to profit by the experience of others, or shall we shut our eyes to the situation which confronts the people of this country? The utter chaos which characterized the marketing and distribution of necessaries of life during the past few months, the very hysteria which is driving men to hoard and secrete necessaries, the wild speculation that has thrown wheat up or down 50 cents in the course of one day, can be attributed to a lack of control at the hands of some one with the power to do it and with a complete view of the entire situation.

Another thing, my friends. Most of you remember the description of the wild scenes on the Chicago Board of Trade during the month of May, and on all other grain exchanges, when prices were rising and falling with lightninglike rapidity and men were becoming millionaires and paupers in the twinkling of an eye. Why? I will tell you why. In my judgment it was due to the unrestrained, uncontrolled, foolish, competitive bidding of the agents of the allied Governments for wheat, which of course set in motion the speculative instinct of the American people, which added somewhat to it. So wild, so horrible were the conditions that the board of managers of that exchange, on their own initiative, closed the exchange temporarily, and finally fixed a maximum beyond which prices should not be allowed to go.

Mr. SIMS. Beyond which settlements could not be made.

Mr. LEVER. Now, my friends, I want to ask you if I am not correct in this conclusion: The allied Governments now have concentrated or pooled their buying power. One man in New York will buy all the wheat that goes from this country to the allied nations. The man who has the power to fix the price upon the export wheat of this Nation largely fixes the price of wheat in the hands of the producer.

If there were no other reason for setting up some kind of an agency for food control in this country than this it would be that we can not permit the power of fixing practically the value of the wheat crop of this country to be held by some foreign agent who has no concern with the price of wheat in the hands of the farmer. It is absolutely necessary that we ourselves shall put into operation our own machinery in order to protect our own producers against what might be a selfish, radical, and revolutionary reduction in the price of wheat next fall. I bring that out incidentally, and I shall hurry through because I am physically exhausted.

I have been discussing the necessity for food control largely from the domestic viewpoint. The international aspect of the question is of equal importance. We not only have a duty with respect to helping to feed our allies and their armies, but as a matter of national security for ourselves it becomes an absolute necessity that we should do it. Every bushel of wheat, every pound of meat, every loaf of bread, every bushel of potatoes that we may save under proper control, means just so much more for export, for the feeding of our allies, who are now almost totally dependent upon us. America has an excess of food supplies. Everybody knows that. We have got more food in this country to-day than we know what to do with, is the judgment of men who ought to know. It is only a question of conserving it and making it go the farthest.

The wastage in this country is tremendous. The saving of 1 pound of bread per week for each person, so Mr. Hoover tells us this morning, will increase the export supply of wheat 100,000,000 bushels per year, and that 100,000,000 bushels of wheat may win this war. That 100,000,000 bushels of wheat may mean victory or disaster for the allies in this contest before the full strength and weight of the great American people can be thrown into the scale in man power and other resources. The problem of properly feeding our allies in order to keep their armies going and to assure tranquillity back of the lines is stupendous. Listen! The population of England is 45,000,000; of France, 40,000,000; of Italy, 35,000,000; of Belgium, 10,000,000; a total of 130,000,000 men, women, and children who are practically dependent upon us and on what little they can produce themselves for meeting the necessities of life. That is the problem. The bulk of the foodstuffs for this tremendous population in the past, aside from local production, came from Argentina, Australia, India, Russia, Roumania, and Bulgaria. To-day these sources of supply for practical purposes are cut off. Argentina has a crop failure and an embargo.

Australia has a good crop and a large accumulation of foodstuffs, but she is three times farther from the point of demand than we are, and requires three times the tonnage, and is much more liable to submarine attack.

In addition to these difficulties, my friends, the crop yields of England and France have been materially reduced by heavy frosts in early April. The conclusion from this statement is that the bulk of food for the allies must come from us. The conclusion from this is that if we are to supply it we must set up such an agency of control as will both stimulate production, eliminate waste, and conserve the supply. [Applause.]

Unless we can find some way of relieving the shipping situation with respect to Australia and India, we are going to be forced to supply our allies with 1,000,000,000 bushels of grain, of which at least 500,000,000 bushels must be wheat. Our natural export of wheat is from 100,000,000 to 150,000,000

bushels a year. The largest export we have had since the war began was in 1915—the bumper-crop year—when we sent abroad 332,000,000 bushels. With somewhat better prospects for a grain crop this past season, we may be able, under present conditions, to export as much as 45,000,000 bushels. Canada would supplement this with 200,000,000 bushels. But even this does not meet the situation fully, and unless we can greatly reduce our own consumption by sane methods of conservation, and unless we can relieve the shipping situation in respect to Australia and India, the problem of feeding our allies and keeping the Army going stands out as the all-important critical problem ahead of us for solution. Can we do this? If so, we win this war certainly and in a comparatively quick time; if we can not, it means of a long-drawn-out struggle, with the burden of men, money, and other sacrifices falling most largely upon us.

We can control the situation if we will control it—if we will have the courage to forget our own little theories of government for the time being and if we will have the wisdom to awake to the awful truths. Which shall we do? Shall we send biscuits to our allies, and in proportion as we do that keep our boys among us, or shall we debate and split hairs over technicalities and complain about autocratic power and all that kind of thing while our allies collapse for want of food?

Ah, Mr. Chairman, you give Germany the control of the seas, with the English, French, and Italian Fleets combined with her own, and I should have doubt for the safety of New York City or Charleston for 30 days. Shall we mobilize to the last ounce of efficiency now at this hour every resource of the Nation, or shall we debate until the fatal words "too late" have been written upon the scroll? Mr. Hoover says:

> But what I wish chiefly to convey to you is the gravity of the situation and the problem, from the military and naval point of view, that it is up to us to secure for them—the allies—during the next year as large a surplus as we can produce from our own people.

Mr. Chairman, imperfectly stated, this is the case of the majority of the Committee on Agriculture. To summarize: The problem for our solution is to find ways and means of securing for our own domestic population foods and fuel at prices within the reach of the wage earner, to provide necessities for our own Army and Navy, and to largely increase our contribution in foodstuffs to the support of our allied army and civilian population. The central thought in the mind of the committee in the framing of this bill is that in modern warfare food is as important to successful military operations as is ammunition. To accomplish these purposes we have authorized the President to set up an agency with broad powers over the food and fuel of the country in the confident belief that through the wise exercise of these powers we shall bring about a system of better and more economical national and international distribution, the elimination of injurious speculation, hoarding, manipulation, and combinations for injurious restraint in manufacture or distribution, and the stabilizing and steadying of the whole fabric of commerce in foodstuffs. That is our case. [Applause.]

Mr. LENROOT. Mr. Chairman, I would like to ask the gentleman a few questions.

Mr. LEVER. I shall be glad to yield to the gentleman.

Mr. LENROOT. First, with reference to section 3, which establishes governmental control, whether it is the gentleman's theory that section 3 creates any greater control over necessaries or confers greater powers upon the President than those specifically enumerated in the bill?

Mr. LEVER. It is.

Mr. LENROOT. It is the gentleman's theory that under section 3 the bill would be complete in itself and all of the remaining sections of the bill are simply by way of adding penalties and making suggestions to the President and making the appropriations?

Mr. LEVER. Very largely that is true. If the gentleman will permit, I will say in my own mind section 3 is the hub around which this whole business revolves.

Mr. LENROOT. The gentleman's construction of section 3 is that the President is given unlimited power, with no limitation whatever over the control of necessaries?

Mr. LEVER. That is essentially true, except as to the limitations there may be in the bill.

Mr. LENROOT. But there are none, are there?

Mr. LEVER. Practically none.

Mr. LENROOT. Then with reference to the sale of necessaries to our allies. In section 12, the one providing for the guaranty of minimum prices——

Mr. TOWNER. Mr. Chairman, if the gentleman from Wisconsin will permit, before he leaves that other section, I would like to have the opinion of the gentleman from South Carolina in regard to the language used in this respect:

> There is hereby established a governmental control of necessaries * * * which shall be exercised and administered by the President for the purposes of this act.

I would like to have the gentleman's idea as to whether that is a limitation on the control?

Mr. LEVER. I probably made my statement in answer to the gentleman from Wisconsin [Mr. LENROOT] too broad. I think the President, under section 3, can not go beyond the purposes of this act.

Mr. LENROOT. Mr. Chairman, will the gentleman yield there?

Mr. LEVER. But that is a matter for the discussion of lawyers rather than laymen.

Mr. LENROOT. The purpose of this act is to provide for the national security and defense?

Mr. LEVER. Yes.

Mr. LENROOT. So that anything that would come within that scope under the gentleman's construction would be within his power?

Mr. LEVER. Certainly. The powers conferred in section 3 are very broad, and are intended to be so.

Mr. TOWNER. Let me suggest to the gentleman that it does not say the purpose, and it certainly could not be held as an intendment of a general statement of the purpose of what was meant, but it says "for the purposes of this act," and certainly that would be enumerated, as I understand, as to the various provisions made in the bill with regard to it. As I would construe that language, it would only mean that the President was given this control within the purposes as expressed in the act, just as if the language was expressly stated "that for the purposes expressed in this act" the President, and so forth.

Mr. LEVER. And if the gentleman will permit, for the purpose of encouraging the production and conserving the supply, and so forth.

Mr. LENROOT. The gentleman's theory is that if there is anything in connection with encouraging the production or conserving of the supply and controlling the distribution of necessaries that are not treated of in this act, section 3 confers the additional power on the President?

Mr. LEVER. I am not so sure about that.

Mr. LENROOT. That is very important. If that is not so, if it is limited to the things specifically enumerated in the act, what application could the proviso to section 3 have—

> Provided that none of the penalties of this act shall apply to this section.

Mr. ANDERSON. Mr. Chairman, if the gentleman from South Carolina will permit, I intend to develop that when I get into my argument. There are two theories of control involved in this bill, one of which is through voluntary arrangements and agreements with the trade itself, putting into operation through those agreements rules and regulations which the trade is willing to consent to. Section 3 deals solely with voluntary arrangements and agreements of that character. Section 3 is not regulatory in its terms, and for that reason the proviso to the effect that the penalties of the act should not apply to it was attached, so as to make it perfectly clear that this was not a regulatory or penal section. There is no substantial authority previously conferred in the bill.

Mr. LENROOT. I wanted the gentleman's construction of that.

Mr. ANDERSON. The authority in the bill for voluntary agreements is in section 3. The bill does not confer any such authority anywhere else.

Mr. LENROOT. So far as voluntary agreements are concerned?

Mr. ANDERSON. Yes.

Mr. LENROOT. But section 14 is in exactly the same class.

Mr. ANDERSON. I think not.

Mr. CAMPBELL of Kansas. Mr. Chairman, may I ask the gentleman a question?

Mr. LEVER. I yield to the gentleman from Kansas.

Mr. CAMPBELL of Kansas. Is it under the contemplated power under section 3 that the President is now directing a Mr. Hoover to proceed to organize the country with a view of carrying out some of the provisions of this act?

Mr. LEVER. Yes; surely.

Mr. ANDERSON. I think likely that is true.

Mr. CAMPBELL of Kansas. That is, then, the unpenalized portion of the proposed section?

Mr. LEVER. Yes.

Mr. CAMPBELL of Kansas. Is it proposed to clothe the President with any authority in addition to that which he expressed in his letter on yesterday?

Mr. ANDERSON. I have not seen the letter.

Mr. LEVER. I have not seen the letter.

Mr. CAMPBELL of Kansas. He gave very broad instructions, as though authorized by law, to Mr. Hoover.

Mr. LEVER. To proceed by voluntary arrangements?

Mr. CAMPBELL of Kansas. No; to proceed to carry out the authority that he was given.

Mr. DYER. That is to housewives.

Mr. LEVER. Purely a voluntary arrangement?

Mr. DYER. Yes.

Mr. CAMPBELL of Kansas. And he was authorizing this man to proceed to organize the country.

Mr. BORLAND. Mr. Chairman——

Mr. LEVER. Has the gentleman from Wisconsin finished? If the gentleman would permit, I will say that I am very tired, and the gentleman knows that I am not very strong.

Mr. BORLAND. I would like to ask the gentleman from Minnesota a question upon this section.

Mr. ANDERSON. I will ask the gentleman to wait until I get the floor.

Mr. LEVER. I would prefer to answer these questions in the five minute debate, because I am now very tired.

Mr. LENROOT. I would like to have the gentleman's construction at sometime.

Mr. LEVER. I should be very glad to give it. More than that, I would say that the gentleman from Minnesota [Mr. ANDERSON] is going to discuss the legal phases of this bill.

Mr. LENROOT. I was not going to ask any question of the gentleman concerning the legal theories.

Mr. LEVER. Go ahead.

Mr. LENROOT. I wanted to ask the gentleman with reference to retailers. The gentleman cited the very great increase in retail prices, and I want to ask the gentleman if there can not be as great an evil through a combination of retailers exacting extortionate prices as by wholesalers or by manufacturers?

Mr. LEVER. I would say to the gentleman that the committee considered that very carefully, and it was the thought of the committee that it would be almost impossible to keep in very close, definite, and efficient touch with some 200,000 retailers in the country.

Mr. LENROOT. I appreciate that. I was not coming to that point.

Mr. LEVER. In that connection I may say to the gentleman that I happened last night to be reading a statement from the Harvard School of Economy to the effect that the retailer as a general proposition is a pretty decent kind of a fellow; that he did not get very large profits, although I can very well see that there might be a combination; but it is hard to combine a large number of people.

Mr. LENROOT. Now, section 4—that is what I am coming to—makes unlawful certain practices, by whomsoever indulged in, and also makes unlawful conspiracies, by whomsoever indulged in, but there are no penalties anywhere in this act for the violation of that section.

Mr. LEVER. The theory of the committee on that was this: That, inasmuch as the penalties there were so broad and applied to so many people and so many different classes of people, and the terms themselves were in some particulars rather indefinite, we were afraid we would disturb business and keep people in a state of fear if we were to attach penalties, so we took certain of these propositions made unlawful here into other sections of the bill and attached penalties.

Mr. LENROOT. So far as the provisions of this section are concerned as to which there are no penalties attached, they are valueless in the bill. Is that the gentleman's idea?

Mr. LEVER. Except as a notice to people that they ought not to commit these things.

Mr. LENROOT. One other question. With reference to the sale of necessaries to our allies, I find in the bill that the only place that is authorized is in the section where our Government has previously guaranteed a minimum price. I want to ask the gentleman whether there should be any such limitation as that? Why ought not we be authorized to sell to our allies for the purpose of carrying on this war any necessaries purchased by this Government under any condition?

Mr. LEVER. Has the gentleman read section 9 carefully?

Mr. LENROOT. Yes, sir. That is the one I refer to. Does the gentleman think that does it?

Mr. LEVER. I do.

Mr. LENROOT. I want to ask the gentleman this question, although perhaps I ought to ask the gentleman from Minnesota [Mr. ANDERSON], because it is somewhat of a legal proposition: Does the gentleman think we can authorize as a war measure the President to purchase necessaries and sell them to neutral Governments or to anyone whom he saw fit?

Mr. LEVER. As a legal proposition I prefer not to answer. As a matter of necessity I think he should have the power to do it.

Mr. LENROOT. To neutral Governments?

Mr. LEVER. I thought the gentleman meant our allied Governments.

Mr. LENROOT. That was not the question——

Mr. LEVER. My own thought about that is that the President should be exceedingly careful to see that all our wants are supplied and the wants of our allies before neutrals are supplied.

Mr. LENROOT. Does not the gentleman think inasmuch as in the case of guaranteeing prices express authority is given to sell to our allies the same authority ought to be given in all cases where the Government purchases——

Mr. LEVER. That might be; I will be glad to discuss that later.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. LEVER. The gentleman from Illinois [Mr. SABATH] desired to ask me a question some time ago. I yield to him.

Mr. SABATH. The gentleman realizes my interest in this bill and in this legislation in view of the fact I have taken the matter up with him frequently as to the prevention of gambling in the necessaries of life and bring about a certain control. The gentleman from Wisconsin [Mr. LENROOT] has pointed out the provision which exempts the retailer from the operation of the act, but somehow he has omitted to note that the provision also excludes the farmer from the operations of this act.

Mr. LEVER. On the same theory exactly.

Mr. SABATH. Namely, section 5, as well as section 6, and under this act as it is drafted and the provisions of this bill it authorizes and legalizes the farmers' organizations all over the United States to withhold from the markets their products. Now, in view of the fact that it has been the practice to a great extent, due to a combination on the part of the farmers of various sections of the country, due to agreements through their organizations, being responsible for withholding the products from the markets, which to my mind is bad and has a bad effect upon the high cost of living, does not the gentleman believe that it is a mistake to have that provision or exemption in this bill?

Mr. LEVER. No; the gentleman does not; on the contrary this bill is built upon the theory not only of cleaning out the channels of trade so that the gentleman's constituents may get the farmers' products without the heavy charges of the intermediaries, some of whom are illegitimate intermediaries——

Mr. SABATH. Many of them.

Mr. LEVER. Many of them. But also it is built upon the theory of stimulating production. In other words, the committee acted on the thought that unless the farmer is encouraged to produce there would be no necessity for any legislation.

Mr. SABATH. A little while ago the gentleman stated that no one can tell what a large surplus of food we have in this country. Of course I agree with the gentleman, because for many months I have been endeavoring to secure the passage of a bill giving the Government and the Congress the right information.

Mr. LEVER. The gentleman has been exceedingly diligent in that respect.

Mr. SABATH. Then I am still of the opinion that the gentleman is correct that we have in this country tremendously large surpluses of wheat and other foodstuffs, but, due to manipulation and due to withholding on the part of certain farmers' organizations and the gamblers of the country, the people of this country are robbed and are obliged to pay twice as much for some of these articles, as the gentleman stated a few minutes ago, as they are paying in Great Britain, in France, and in Germany.

Mr. LEVER. If the gentleman will permit me just one minute, when I come to discuss this bill under the five-minute rule I will demonstrate to the entire satisfaction, I am sure, of the gentleman and of the committee that the price that the farmer gets in comparison with that which the consumer pays will make a satisfactory showing to relieve the farmer of any criticism in that respect.

Mr. SABATH. I believe the gentleman is right as to the average farmer, but there are certain combinations of farmers who are given to this practice.

Mr. SMITH of Michigan. As I listened to the gentleman's able argument I thought it was based largely upon the food control. Now, one of the purposes of the bill is to aid in the supply. In reading the bill rather cursorily I discovered that the President was authorized to fix the price of certain commodities, and now I hear the gentleman say in answer to the gentleman from Illinois [Mr. SABATH] that in allowing them to store their product that is done for the purpose of increasing the supply. Is there any other theory in the bill by which they are encouraged to increase their supply except the power given to the President to fix the minimum price and the right to the farmer to store his products?

Mr. LEVER. If the gentleman has read the bill with the understanding that there is any power in it anywhere to fix the maximum price, then he has not read the bill correctly.

Mr. SMITH of Michigan. I have not read it with that purpose.

Mr. LEVER. And if the gentleman has read this bill with the thought of fixing a minimum price in the general interpretation and meaning of that word, he is mistaken in that. What is undertaken to be done in section 12 is to write a guaranty of profit to the farmer in order to stimulate and encourage production.

Mr. SMITH of Michigan. The theory is to stimulate production simply by guaranteeing a minimum price?

Mr. LEVER. Yes; and also in providing for the farmer a free and uncontrolled market for his products.

Now, I yield to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. The only thing I wanted to call attention to was that the combinations that the gentleman from Illinois [Mr. SABATH] referred to are not exempted by the terms of this bill, because it provides to only limit it to those products of the farm, garden, or other land owned, leased, or cultivated by him. So it is an individual exemption, not to any combination or to any person who would accumulate or control in any form all farm products. They would still be subject to the penalties of the bill.

Mr. LEVER. The gentleman is entirely right.

Mr. EMERSON. Could this proposition be settled by regulating the profit from the farmer to the consumer?

Mr. LEVER. You mean the basic price?

Mr. EMERSON. A basic profit, by regulating the profit, not the price. I do not believe the farmer is to blame for the high price of living. It is in the passing from the producer to the housewife.

Mr. LEVER. The theory of the gentleman is, at least, that if you will open the channels of trade, if you will give the producer on the one hand and the consumer on the other hand a free and uncontrolled market, the prices are very likely to be regulated at both ends of the line. That is what we are proposing.

Mr. EMERSON. And Uncle Sam is to act as a sort of middleman in this crisis?

Mr. LEVER. Yes.

Mr. DYER rose.

Mr. LEVER. I will yield to the gentleman.

Mr. DYER. I was going to say that I know the gentleman is fatigued, and I was going to make the point of no quorum unless he is relieved.

Mr. LEVER. I will first yield to the gentleman from Oklahoma [Mr. MORGAN] and then to the gentleman from Tennessee [Mr. AUSTIN].

Mr. MORGAN. In reply to the suggestion made by the gentleman from Michigan, as I have read the bill, section 12 is the only provision that is intended to stimulate production?

Mr. LEVER. Yes.

Mr. MORGAN. The other provisions are largely for the control of distribution. Those other provisions naturally tend to depress the prices to the farmer.

Mr. LEVER. Not at all. The gentleman understands that for time without memory they have been begging for legislation that would prohibit their products being made the football of gambling and speculation, and we are trying to bring that about in this bill.

Mr. MORGAN. Now, just this question: Then the increase of production, it seems to me, is a very large part of the proposition, and yet you have but one provision in here tending to increase the production, and that is the so-called guaranteed price?

Mr. LEVER. On the contrary, the gentleman is entirely mistaken. We have in this bill that which I think will do more to encourage production than even the so-called minimum guaranty, and that is guaranteeing to the farmers that if they will produce we will see that their products shall not be made the football of manipulation. That is the very thing the farmers have been contending for for years.

Mr. DYER. Mr. Chairman——

The CHAIRMAN. Does the gentleman make the point of no quorum?

Mr. DYER. I will do so unless the gentleman is relieved from further questioning. I think he is fatigued.

Mr. AUSTIN. Will the gentleman yield?

Mr. LEVER. I will do so, and then I will stop.

Mr. AUSTIN. I was called out of the Chamber and did not hear all of the very excellent speech delivered by the chairman of this committee. I would like to know his opinion of Mr. Hoover, inasmuch as he is acquainted with him, who will practically have the administration of this legislation.

Mr. LEVER. That will be a personal opinion, but I can say this——

Mr. AUSTIN. I would like your judgment on that.

Mr. LEVER. I have been in rather close contact with Mr. Hoover several times, and he strikes me as being a man of very broad vision, of very great patriotism, and with a mind trained to grasp thoroughly big propositions. I have been very favorably impressed with him.

I will yield to the gentleman from Ohio, and then decline to yield further.

Mr. FESS. I wanted to ask two questions. One question was referred to a while ago, when the gentleman was speaking about the bidding against each other in American markets by the allies, which naturally ran up prices. That will be cared for? That will be regulated, will it?

Mr. LEVER. Yes. My judgment is that that entire matter will be brought under very strict regulation and control.

Mr. FESS. The other question my friend is just as much interested in as I am. In our State there is a good deal of trouble to secure labor on the part of the producer just now. For example, the farmers say they can not get labor for their clover crop and for their corn crop, and they say labor is being taken almost entirely from their immediate vicinity, which I know to be true, much of it going to Akron, where it receives $6 or $8 a day, where expenses are very high, but not so high but that that is a high price, because that is the rubber section and the automobile section. A good deal of it is also going over to Osborne, at the aviation field, where the Government is now putting 18 acres under roof and making great bids for labor. One correspondent says he is absolutely embarrassed about the lack of labor, and it has caused him to entertain fears as to production; and, secondly, he says the price is going to be prohibitive. While this bill does not touch it, are we in a position to say to them that we will care for them ultimately?

Mr. LEVER. I will say to the gentleman from Ohio that I am frank to say that I believe we are not just yet in a position to relieve that situation. I understand that the Department of Labor and the Department of Agriculture have some kind of a joint arrangement by which they are undertaking to work the problem out. I do not know just what kind of a solution it will be. I have been busy with other matters.

Mr. FESS. It is not possible to use the conscription method to secure labor for the farm?

Mr. LEVER. I do not think we have come to that yet. We may come to it later.

Mr. FESS. It is a very serious problem.

Mr. LEVER. Yes; I agree with the gentleman that it is a very serious problem.

Gentlemen of the committee, I thank you very much for your kindness. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker, having resumed the chair, a message from the Senate by Mr. Waldorf, its enrolling clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3673) to amend the act approved December 23, 1913, known as the Federal reserve act as amended by the acts of August 4, 1914, August 15, 1914, March 3, 1915, and September 7, 1916.

CONSERVATION OF FOOD AND FUEL.

The committee resumed its session.

The CHAIRMAN. The gentleman from Iowa [Mr. HAUGEN] is recognized.

Mr. LEVER. Mr. Chairman, I understand that the gentleman from Texas [Mr. YOUNG] desires to follow my opening. If the gentleman from Iowa will let him, I will yield to him.

Mr. HAUGEN. I have promised to yield to the gentleman from Minnesota [Mr. ANDERSON].

Mr. YOUNG of Texas. I think the opposition should be heard.

Mr. HAUGEN. It seems fair that this side of the House ought to be heard.

The CHAIRMAN. The gentleman from Iowa is entitled to recognition.

Mr. LEVER. If the gentleman from Iowa will agree, I yield to the gentleman from Texas [Mr. YOUNG] one hour.

The CHAIRMAN. The gentleman from Texas is recognized for one hour.

Mr. YOUNG of Texas. Mr. Chairman and gentlemen, it is not usual, when the Committee on Agriculture brings a bill on

the floor of the House, to have opposition views expressed, and there is some good reason for that in the ordinary legislative affairs that come before that committee. But the present bill is without a parallel in the history of this country. It has no parallel in the history of any other country in the world. And then it would be remarkable indeed on that committee of 21 men if somebody did not have an opposition view.

Ah, you call it a "food-control" bill. I do not care what name you give to it. But when you read the language of this bill you read in it that we have forgotten that there is a Magna Charta of our liberties that our fathers gave to us, and you have got to forget that you have a Constitution if you vote for everything that there is in this bill.

The idea of making a dictator's office located here in our Capital, that will go to the remotest precincts in the State of Texas or the State of Washington and take charge of the little, humble farmer who is seeking to eke out an existence for himself and his hungry children! That is what this bill does.

They try to change the word "dictator" now, do they not? They call it an "administrator." That may be a very apt name to give the gentleman who is going to occupy that position, because I believe that administrators usually have the charge and care of dead men's estates. We may have a whole lot of people whose estates are going to be administered on.

Now, what is the purpose of this bill? They say that one of the purposes is to encourage production. Well now, if there is not anything in this bill that will do that, what is the reason for enacting such a bill? The farmer is an intelligent man. He has got the same kind of brain power that you have got and that I have got. Do you know what is the greatest thing on earth to make a man expend every ounce of energy that he has got in any line of business? It is that he is going to be richly rewarded for spending that energy.

Oh, we have heard these high prices discussed. Yes; we have got those high prices. I am not going to controvert that. But when you come in with a power vested in one man, and they say we have all got confidence in the President, I answer, "So have I." No man disputes that he is a great man. But God knows that man has more on his shoulders with a foreign war to fight than he ought to be called upon to bear, and when you write these extraordinary powers in any bill and say you are giving the powers to the President it is a fiction of the law, because those powers are going to be exercised by some agent just an ordinary human being. So that leaves the President out of it.

The power is put into the hands of this dictator or administrator, as you may care to term him, for what? How is he going to exercise it? To encourage production, that not only our own people may be fed, but that our allies and the neutral nations of the earth may be fed. We all want to feed them, and we are going to do it. Yes; we are going to do it. Are you going to encourage the farmers by this kind of legislation? We *are talking* as sensible men here, one to the other, in trying to reach conclusions that ought to be just and proper, and if we make a mistake in the language that we insert in this bill, that mistake will not only be felt by us as a nation but it will be felt also by our allies and the neutral nations of the earth.

Let us get back to the proposition. I want you to see what it is. I want you who represent the agricultural districts to listen to this suggestion: Is there a man from an agricultural district who hears me speak who has the slightest doubt that every farmer in his district knows that the world at this moment is short of food supplies, and does not every farmer in your district and in mine know that he has a crackajack opportunity of getting a magnificent price for everything he grows this year? Does he need encouragement along that line? Is he not doing everything that it is physically possible for him to do to make the old earth bring forth everything that she will produce? He is doing it. He is going to get the prices for it. Now, let me inject this remark: Suppose that we had more wheat and more oats and more barley and more corn and more cotton and more oil than we could consume at this minute, even though the war is going on. Suppose we had that condition, do you think you would see such a bill as this on the floor of this House? It would not be here. It would not have been reported here, but the shortage that exists has called for the request for this extraordinary power.

The farmer is not uneasy if you will let conditions go as they are. He is not uneasy about getting value received for his services this fall, but he is uneasy when you step in with an untried law and say that you are going to fix the value of the stuff that he grows. It is like throwing a wet blanket on him and on his energies and his industry. He is not a beggar. He is not a pauper. He is just as patriotic as you are and just as patriotic as I am, and he is going to do his bit on the farm or at the battle front while this war is on. Now you step in with these powers, and you are going to fix a profit on the stuff he grows. Who says so? Did you read the language of this bill? Who says so? Ah, it does not say what profit, except that it does say that the only crops on which there are any risks—that is, the perishable crops—are excluded, and they say, "We do not guarantee you any profit on those crops." So that leaves the staple crops, and they are going to apply the price-fixing power to those crops and leave the farmer to bear all of the risks incident to those perishable crops, like tomatoes, beans, and other vegetables. You excuse the Government from protecting the farmer on those great perishable crops, but when you come down to the crops that the world must have and that the farmer knows it must have, then you step in and say, "We are going to guarantee you, Mr. Farmer."

Mr. MADDEN. Will it interrupt the gentleman if I ask him a question?

Mr. YOUNG of Texas. I ask the gentleman to defer his question until I get through with my main statement.

The CHAIRMAN. The gentleman declines to yield.

Mr. YOUNG of Texas. We have had over here recently commissions or committees representing the allied Governments, advising us of the errors and blunders that they have made in this war, and warning us not to follow in their footsteps along certain lines; and I want to ask my colleagues on this committee if we are going to take their advice on these war matters—and we ought to do it, in my judgment, where they have made blunders—why do you not take that same advice when it comes to putting these powers in the hands of a man to control the farmers' products?

There is not a man on the Committee on Agriculture who can stand on this floor and tell this committee anything except that when the other nations undertook to place the price-fixing power in the hands of any one man they have been in every case rank and egregious failures. Yet you come in here and ask us to do what those nations have failed in. I am willing to follow their advice when it is good, but when they have made a blunder, I say, we should steer clear of following in their footsteps.

Now, what happened in Germany? That is an autocratic government. I will tell you what happened there. I am just a little fearful of giving these great powers that we are giving every day here. I am fearful that in a democratic form of government like ours—down at home, in every district in this land, there will arise in the hearts of our constituency the thought, "Is this free America? Am I a free American citizen?" That thought may not be expressed, but I am afraid it will be in the minds of our constituents. There is danger incident to these powers, and they ought not to be granted except as an actual war emergency. I am willing to grant them within constitutional limitations when it comes to handling the Army and Navy, and the Constitution was so framed that our President is clothed with the authority, and I will go the limit with any man in Congress to see that the President has every authority given him under that Constitution of ours. But we are going beyond that, and are taking charge of the individual citizen. What happened in Germany? They tried price fixing. They tried it maximum and they tried it minimum. Gentleman, I have not been able to keep up with this bill. We have had it under consideration for five weeks and it has been reprinted so often I have lost track of it, so that I do not know how many different prints have been issued, but I do know that five pages of powers have been cut off from the original bill. Five pages of power have disappeared at the end of a five weeks' fight. I do know that in the original bill and up to the very last issue there was carried in the bill the right to fix maximum prices, but that has disappeared in the last issue that you are now considering.

But those were the powers that they asked us to give. How about Germany? The testimony that came before our committee from Germany, given by Dr. Taylor, of the University of Pennsylvania, who spent weeks in that country studying war conditions, was that this price fixing was a failure, and here was the result in that country, as it appeared to him. He said it did not increase production. The farmers were dissatisfied with what they were getting under the supposed guaranty price, and the consumers in the great congested centers of that nation were dissatisfied because they were thinking they were having to pay too much for the products of the farms. That is your maximum and that is your minimum. Gentlemen, let me tell you this language guaranteeing a profit is only molasses to catch flies, to fool somebody. That is what it is going to do. They are endeavoring to fool the producers in this language, as I will show you later. But I want to say to you as Members of this Congress, if this statute were to accomplish what its advocates say it will accomplish, even if it encouraged the producer to produce more, I should have to cast my vote against

it. It is class legislation pure and simple. You hold up the farmer as a class. If you carry out the law, as you say you mean to have it carried out, you guarantee the farmer a profit on his energy and his industry. You have made a separate class out of him, and you are protecting him by statutory enactment. Are you going to do that for anybody else? How about the manufacturer? Can he not come in and ask the same kind of privileges? How about the miner? Can he not come in and ask the same kind of privileges? How about railroad men, they can come in and ask for the same privilege? Are you going by legislation to cut the citizenship up into classes and legislate for a class? That is what this bill does. I am speaking from the farmer's viewpoint. God knows that every relative that I have got is on the farm making a living. When old age overtakes me every dollar of revenue that I shall have will come from the farm, and I want to say to you as a farmer, whose relatives are all farmers, whose friends are all farmers, we do not want the United States Congress or any other body of men to make a special class out of us, impeach by that our patriotism, impeach by that our love of citizenship. We will do our mite; do not make a class out of us, because there will come a day when other classes will be made and anarchy will rule and prevail in this fair land of ours. That is what happened to Germany, the country people and the city people are at the throats of each other, each believing that the Government has unduly cared for the other.

I am talking to you men from the great congested centers, and I am appealing to you from the point of view as I see it. The people are paying higher prices. The farmers are large consumers, and they have to pay higher prices for things that they consume. Are the farmers responsible for the prices you city people pay? Let us see what is the condition in your part of the country and in mine. What has been the condition for years past and gone? The people are leaving the farms and going to your congested centers. Why? Because there are broader opportunities for them and they can get more for their labor, they can reap richer rewards, and that is true in every part of the country. They leave the farm where they get $1.50 or $2.50 a day and go to the automobile centers where they get $5 to $8 and $10 a day.

What effect does this have on the farm? We have less producers, we are having more trouble year by year in getting enough stuff grown to feed our people. As long as the farm does not bring in the same reward that other lines of business bring in you are going to find that the farmer will continue to leave the farm.

Now, how are you going to get around it? It is not what the farmer gets out of the product that has made the people pay great prices, it is the distribution process. There is where the trouble comes in. Take wheat. Flour reached $17.50 a barrel recently. Mr. Hoover happened to be before our committee and was testifying about the time flour went to that price. You know what he said the average price the farmer got for his wheat? One dollar and thirty cents a bushel. Wheat goes from the farm into the elevator, into the centers, and across the water, the farmer receives $1.30, and the flour which is made out of that wheat sells for $17.50 a barrel. Is the farmer to blame for that?

Suppose you should go to the farmers of Texas and agree to underwrite them, and say you will give them $1.30 for all the wheat they raise in 1918. There would not be an acre planted to wheat in Texas. They would plant something else. They could not make a dollar on that basis. There is where the blunder is going to be made. Exercise this power, place it in the hands of a man that does not know whether peanuts grow on the vine or on the tree. If you are going to exercise this power, why not get a good common-sense farmer who knows that line of business and is patriotic. But I am against placing this power in the hands of anybody. The farmer gets $1.30 a bushel, flour sells for $17.50 a barrel. There is where the people have the trouble.

What is the remedy? There is a part of this bill which I agree to, and I am going to show you how we can have legislation, if the chairman of the committee will agree with me, in less than a week's time. You have now lying snugly in the Speaker's desk at this moment a bill which we passed from the Agricultural Committee appropriating money for the Department of Agriculture. It went to the Senate. They put an antihoarding clause on the bill and I am for that. I, too, am for legislation that will not only stop the hoarding, but for a strong statute that will govern operations of the speculators. We have such a paragraph in this bill; clip it out and paste it in the other bill and rigidly control the exchanges and boards of trade. Paste it on that bill and see how quick you will have legislation, and products raised by the farmers all over the country will come into the open channels of commerce and help you city people out and you will have to pay only legitimate prices. Do that and you have done sensible legislation.

Oh, power! power! They say they are not afraid to grant these powers. Well, I am. I have not forgotten that the blood of our ancestors was shed to give us these liberties. We do not want to give away these powers unless it is absolutely necessary and advisable under our Constitution and our theories of government. I have not yet reached that point, and God knows I never want to reach it, where socialism is on one hand and kaiserism is on the other.

However, men differ on this all-important question. When I have reached the point that the distinguished chairman of the committee has reached when he presented this bill with a favorable report, I can understand how he does it when he gives utterance to a statement through the press in the early days of the bill that reads thus:

> If I should meet the world leader of socialism I would say to him, "Take off your hat to me for I give you a measure that is more socialistic than any you ever dreamed of."
>
> If I were to meet the Kaiser I would say to him, "Take off your hat to me, for this bill would make our President more of an autocrat than you ever dared to be."

[Applause.]

Mr. Chairman, men will stand for wild things when they have reached that kind of a conclusion in a democracy like ours. You have got to forget your democracy, and I do not want to be guilty of having an apology rendered to me by the Kaiser; I do not want to do anything that will make me get down on my knees to the socialists of this country. [Applause.]

Let us see if this thing is thought of. You gentlemen have got to act upon this. They have put this bill under whip and spur in the committee, of which I have the honor to be a member, and they have shot me pretty full of holes in the last three or four weeks, but I have stood there representing the thought of the people as I understood it, just as I am standing here representing their thought to-day as I understand it. We are not going to starve to death.

Mr. HARDY. Mr. Chairman, would the gentleman mind naming the sections which he approves?

Mr. YOUNG of Texas. I will get to the numbers after a while. This thing has not had from the beginning the most active support of some of those close to the administration. It is only recently that new friends have been had for this bill, and if members of the Cabinet are only recently converted to extending these great powers, had not you and I as Members of this House better think a while before we record our votes yea or nay on the great powers this bill confers? Let us see about that. I think the Secretary of Agriculture thought a good deal of our trouble now is hysteria, and I desire to read to you from an article recently published in one of the food journals by the Secretary himself. He says:

> There is nothing in the food situation of the country which justifies hysterical thinking or action.

The concluding paragraph in it is as follows:

> The department and all agricultural agencies of the country are giving definite and careful attention to these problems. The Federal Government, through several of its departments, is giving continuous consideration to the immediate problems presented and to the possibility of remedial legislation.

And now listen—

> The solution will certainly not involve a Federal dictatorship—

And yet what is in this bill? They call him an administrator. A rose is just as sweet by any other name—

> The solution will certainly not involve a Federal dictatorship, and it is highly unlikely that it will involve a dictatorship in any State or community.

I appeal now to you gentlemen to listen to this further thought, and say whether it is not that which springs from the heart of every American citizen—

> America does not take kindly to dictators. The difficulties in any event would be very nearly insuperable. We have a continent to deal with, and there are difficulties of double jurisdiction.

Yet this bill tells us to ignore State lines. That is what it says—

> Consider, for instance, the matter of fixing a minimum price. The Federal Government could deal only with commodities passing into interstate commerce. The States might be hampered in attempting to fix prices.

That was his opinion just a few days ago. He states pretty sound doctrine, it seems to me; and yet this bill, bearing the name of my distinguished colleague, the chairman of the committee, saw its birth in the Department of Agriculture, and reached our committee for consideration. Are you gentlemen ready to swallow it?

Mr. SISSON. When was the article from which you quote written by the Secretary of Agriculture?

Mr. YOUNG of Texas. Recently. The ink was hardly dry on it when the bill came to our committee. What are you going to do about it? Here is your price fixing. Do you think the farmers will approve of it? On what basis are they going to figure? It strikes me that if you are going into a great big business venture you should start at the right point. You are going to figure out all of the details, and farming is a great big business proposition in the United States. Possibly 30,000,000 people arose before daylight this morning and will not retire until after nightfall. They have been following the plow throughout this day, while we are here debating their rights on the floor of Congress. They are leaving it to us to reach a conclusion that will not do an injustice to them. They think just as you do and just as I do. He has got to buy his cultivators, he has got to buy his teams, he has got to buy his plow tools, he has got to buy his power of different kinds. You fix the value of his product. How are you going to know whether it is a profitable price or not, and how are you going to know how to fix it until you go into the price-fixing business from the pin point up. The farmer can never be made to understand that you can guess at the value of his stuff and say to him in the same breath that you will not fix the value of the plow tools or of the harness that he has to buy or of the clothing on his back or of the wagons in the field. He will never understand it, and neither would you or I if we were down there like he is to-day. We had that tested out before our committee. A very learned gentleman, a very intelligent gentleman, came in from the city of New York. His business there was to build great warehouses on the water front in which to store articles that went into the commerce on this side of the water as well as on the other. His is a very useful business. He committed himself to the proposition that we ought to fix a price upon the farmer's product and guarantee him a profit.

It came around to my turn to cross-examine. I said to him, "Your business is a legitimate business. The country must have you as one of the middlemen; we need your kind of people to get these products from the farmer to the consuming world, but if you are going to fix the price on the farmer's stuff let us go up a little, and why not fix the price on the service which you render?" Gentlemen, he had nothing to say, but when pressed for an answer, what do you suppose that answer was? He said, "Mine is a great business institution, and if the Government should appoint an agent to tell me how to run my business I would have to go out of business." Yet when cross-examined further he admitted that he could go to his books and tell every dollar that he had invested in the plant; he could tell every dollar of labor that went into that line of business; he could tell every dollar of expense of any description, and he could strike his profit and loss account any day of the week, and yet with those definite figures, with this succinct data he said, "Do not, for God's sake, put the power in the hands of an agent of the Government to fix the price of my service," and they have not done it. Now, I turned it on him. I said, "Mr. Warehouseman, the farmer plants in faith, and he is betting his seed and his labor that the winter's freeze will not get it; he is betting his time and his work that the summer's drought will not get it; he is betting the time of himself and his children as they follow the plow that the summer floods and the winter rains will not destroy his crop, and that the insects will not take from him every prospect that he has." These are some of the uncertainties that surround the farmer. Do you now think it good business to guess off prices by some agent of the Government who knows nothing of the farming business?

Oh, then he back tracked and said, "I am not advocating that you fix the price on farm products." Your farmers are going to ask that question, gentlemen. When you go to Texas they are going to ask some right pointed questions. When you go to Texas they are going to ask you why it was that you put the power in the hands of a man who has never seen or never heard of the farmer's problems, the power to fix the price of the products of his labor, and you do not put the power in the hands of some one to fix the manufacturer's price, to fix the miner's price, to fix the railroad's price, to fix the price of their products between him and the consumer. What excuse could you give? I asked Mr. Hoover why not go into the price-fixing business right, and I thought it was a perfectly legitimate discussion, because he is the power that is behind that matter. I asked him why should not he fix the manufacturer's price, the clothing man's price, the shoe man's price. "Why," he said, "you could not get enough machinery together to fix the prices of all those people." What are they going to do? Mr. Farmer walks behind the plow way down in Texas and Washington and Maine, and they make a guess-off as to the farmer, but they never dare guess off as to these great business institutions of this country who are making the things that the farmer must buy before he can produce his crop. How are you going to answer the question? I can not do it. How recent has been this proposition of the power of the Government to step in on the farmer and make a special class out of him? How recent is it? I appeal as I would appeal for my life, that if this Congress does it, you are making a blunder that will rise up to plague you in the days to come. In 1914 this same war we are now engaged in was going on. I then happened to represent a section of the country which produced a great crop of cotton. Nature fixed it so that my section should be the cotton country.

From the bowels of the earth of Pennsylvania and States like that come ores and oils. Nature fixed it so as to be a great manufacturing section, and nature fixed it so that the South is the cotton-producing section. Change it if you will, you have got nature's laws to contend with. We go forth and grow the cotton that goes to all the peoples of the world, both in food and clothing. In 1914 this war was on. My people and the people of other States that grow cotton had given their energy, their time, their money, and had put in a great crop that year; 16,000,000 bales of cotton were produced. War came in the nick of time, commerce was closed; 65 per cent of that crop had heretofore found a market in Germany, in England, in France, in Russia, in Italy, and when some gentlemen who lost their heads stood on this floor and pleaded for all kinds of socialistic wild ideas as to cotton, gentlemen here said, "The Government can not go into anything like that; we have certain principles of government." The only thing we could have done under that condition was to do like the Government does in great industrial centers, put some money in the banks and thereby help the banks and business men so that the crop might be financed. That is all I can see that could be done, but gentlemen here said that there was a governmental principle to take care of, that while they sympathized with the people in their loss they could not help. Our people did go bankrupt selling cotton at 5 and 6 cents a pound when it cost 11 and 12 cents to make it, and to-day, my friends, the farmers in my district well remember that in 1914 when their cotton was sacrificed the Government was impotent. It was impotent and said that nothing could be done for the great cotton belt of this country. What do you say in this resolution? My friend from South Carolina, the chairman of this committee, who has my utmost esteem and respect, and how I reverence the State from which he comes because it is the birthplace of my mother who in the pioneer days of Texas went to that great empire State and helped mold its destiny—how the mighty have fallen and democratic principles have fallen in the great old State of South Carolina when the chairman of this committee will raise his hat to the most ardent Socialist in the world and ask the pardon of the Kaiser. [Applause.] I am not ready to do it. We have got to account to the people for this. I am ready to go as far as anyone to help win this war. The farmer is going to do his part, just let him alone.

Open up these channels of commerce and let his stuff get out from the farm to the consumer. He can not hold it. It goes when it is ready for the market. Stop speculation, stop this hoarding, stop gambling.

You are in deep water, my friends. There are some agencies between the producer and the consumer that you must take care of. How would it accomplish the purpose to pass some legislation here that would destroy the cold-storage plants of the country? The egg-producing seasons are in the spring months, and the eggs are taken at the market price and held over by the storage plants until the months of nonproduction. It is a useful piece of machinery and you have got to care for it. So all along the line; you can not destroy the useful machinery, the useful agency.

You have a bill here, but we do not know how it will be interpreted. There is power placed in the hands of a man that we never heard of. He can exercise this power, it is said.

What are you giving it to him for? I do not want to give a man power that ought not to be exercised. That is a pretty safe legislative rule. How do you think this law, if written on the statute books, will affect the business of the country? I know what it is doing to the cattlemen of Texas. We have 7,000,000 head of cattle in that State. It is the great breeding ground of the world, and when we get through with the cattle tick we will feed the world. We are getting rid of the tick pretty rapidly now. It is a pretty difficult proposition to get a man to invest his money in cattle. It is only a few men now who handle cattle on a great scale. The small fellows, with 50 or 100 head of cattle, are nearly all out of business. While you are legislating do not, in one fell swoop, put in the hands of one man the power to destroy the cattlemen of this country. Did ever any of you own 100 head of cattle? Did you ever drive them into the stock pens for shipment? Here is one grade you put in one pen, and some

in another, and you can not fix the price on those grades of cattle yourself. You can not tell within $10 a head of what they will bring when you get to market. And yet they mean to put the power in one man, to put it in his power to place a price at such and such a sum, and drive them into bankruptcy, and you scare him to death. You men who represent these great business centers better think a little of what your folks are thinking on these things.

I want to read what those representing the great cattle interests of Texas have to say on this subject:

JUNE 2, 1917.

Hon. HERBERT C. HOOVER,
Washington, D. C.

DEAR SIR: The undersigned were appointed by Gov. James E. Ferguson, of Texas, to confer with you in regard to the meat situation from the standpoint of the cattleman, and after conferring with you on May 31 it was understood we were to see you again and lay before you our views as to what action should be taken, if any, by you, as "food administrator," or by other governmental agencies at Washington to increase the production of meat-producing live stock and with respect to fixing prices for such animals and their carcass or flesh, we beg to report:

1. We believe the Government should not fix either a maximum or minimum price on meat-producing animals, as it would demoralize the business, frighten many producers out of the business entirely, and could not be successfully carried out.

To attempt to do this would first require fixing the price of all foodstuffs that are necessary to be used in finishing the stock, to regulate pasturage charges, and fix stable carriers' charges.

If a minimum price should be fixed per pound on fat cattle, you would have to take into consideration the many classes of beef; and if this was scientifically determined and an adequate price agreed upon, the cowman could not know whether a charge to his injury might not be made six weeks later, and the result would be that where the cowman was operating on borrowed money and leased range, as is the case in a majority of producers, he would ship out his herd and quit the business, thus decreasing the production.

Suppose you fix a price per pound, say, 10 cents on foot. The packers buy and slaughter more than 55 per cent of all cattle, and, in our opinion, absolutely fix the commercial price of all fat cattle, and they are only willing to pay 8 cents. Who will pay the producer the other 2 cents? And if they can buy for 8 cents they might say, "Well, the Government must protect the minimum price, so we will only pay 6 cents."

As before stated, you would have to fix the price of hay, corn, cottonseed products, and other foods used in fattening cattle; you would have to take into consideration the several grades and kinds of hay and other foods in determining the price the farmer should receive for such feed, which would be an endless job.

By the way, I see that the Government has bought a whole lot of hides, many millions and millions and millions of dollars' worth. Who fixed the price on that great bargain that was made? Who fixed that price less than a week ago? If it has the right to fix it on the man who walks betwen the plow handles, that must create the food to feed starving stomachs and help win this war, why was it not right for the Government to say to these great packers, who owned 55 per cent of the hides of the country, "We have got to have your material, and we say to you, here is the price"? And then let them fix the price. Oh, no. It is barter, and we deal with these great business institutions. Under this bill when we barter with the farmer it is a contract with one party to it. The farmer has no word in his own behalf. When I studied law I understood there must be of necessity two parties to a contract. But the farmer under this bill has no right to say what the price is that is to be fixed.

I will read:

2. It is our opinion that to increase production in cattle you should speedily say to the Nation, there will be no price fixing of cattle on the hoof, and the stock farmers and ranchmen can be depended on to increase their herds, if they are assured and believe they will have an open, fair, and unmanipulated market for their stock.

We believe that the price of beef on the hoof will remain sufficiently high to stimulate production without any attempt at fixing prices by the Government. We further believe that the fixing of prices is economically unwise and contrary to economic principles, and will have a tendency to lower prices, because it is impractical for the Government to fix prices, guarantee, and maintain them.

To sum it up, if the cowmen know they will have a competitive market, free from ill-advised governmental regulation and free from combinations in restraint of trade, they believe they would then have stable prices, and confidence in the cattle business would be restored and production increased.

We indorse the memorandum of suggestions on this subject filed with you by the American National Live Stock Association and National Wool Growers' Association on this day.

Respectfully,

DAYTON MOSES,
IKE T. PRYOR,
R. J. KLEBERG,
Committee.

That is a committee of cattlemen from my State, who represent that great industry, and that is the way they are looking at this legislation. How are you business men looking at it? How are you farmers looking at it?

Let the farmers know when they write you about this bill that their perishable stuff, by the language of the bill, is stricken from the guaranteed price. Let them know that nothing but the staples, things that will not perish, remain in the bill. Let them know there is nothing in this bill that demands that this power must be exercised nolens volens by the agent the President is to appoint and has appointed, but that it rests within his sweet will to exercise that power. Let them know, again, if their farms prosper and they produce more than is needed by our Nation or the nations of the allies, let them know that every farmer will be called upon to sustain the loss caused by overproduction. It is a fact that there is an underproduction of grain this year, and naturally the farmer has lost his land, has lost his labor, and his seed. Naturally his price ought to go up, so that he may be compensated in some measure of profit in order to take care of his wife and his children. Let them know that this is a suspended power in the hands of this dictator, and that just one logical conclusion can be drawn, and that conclusion is inevitable that he will step in and exercise that power, because grain and wheat will be too high, and therefore every farmer by reason of underproduction again becomes the goat. That is the law. That is the power you are giving. They have been rushing this bill, gentlemen. They first told us that they must have this legislation out by the 15th of June. That time is here, and we are a good long ways from enacting the legislation, are we not? They were in a big hurry to get it out by the 15th of June. According to the last statement, they must have it by the 1st of July. That is the statement that they gave out. Why? I can tell you why. I want you gentlemen from the great Northwest and the great West, which are the granaries of the earth, to understand. It is your wheat that this power is aimed at as a primary proposition. Take it from me.

They must have this law enacted by the 1st of July. Why? Down in my country the farmers are mowing their grain, working night and day in trying to harvest the wheat and the oats and the other grain grown in that State, and it is going on the market. They want this power to reach out and get the farmer's grain in Texas and in Illinois and in the Dakotas and the other States that grow grain. Look out. Texas is a little ahead of you. When it comes to getting the grain and putting it on the market they want to use this law swiftly as a means of reaching this Texas grain, and they will "reap you in due season if they faint not."

Eighteen million bushels of grain will be grown in Texas this year. Much of that country is making less than 5 bushels to the acre this year. Are you going to take care of that man? The farmer has lost his time and his team's work. His children and his wife have been at work. Some of them may have less than 5 bushels to the acre. In some of those great farms down there the binder will not be used at all. Will you take care of them?

They say they will strike general averages over a series of years back. When you do that will you inquire about the higher prices necessary to make a crop? Oh, no. My poor farmer, who has suffered from the drought, who has suffered from the flood, who has suffered from the green bug, is still patriotic. If you do not believe they are patriotic, go down there and see what they are trying to do. They are doing their very best. They want to go after the little grain, perhaps in some places 5 bushels to the acre, and——

Mr. BLACK. Mr. Chairman, will the gentleman yield for a moment there?

Mr. YOUNG of Texas. Yes.

Mr. BLACK. Is it not true that Mr. Grant Hamilton, of the American Federation of Labor, gave out a statement last week to the effect that we must hurry up with the enactment of this law because they are now beginning the Texas wheat crop?

Mr. YOUNG of Texas. Yes; and that sentiment goes up a little closer to the central authority than that, higher up than these laboring people.

That is the situation that confronts us. Does that encourage us to make more this year? I want to burn this into you gentlemen who represent this committee from the Southern States: You have got to answer it to your constituencies in the States you come from, and I want especially to refer to my friend from Alabama [Mr. HEFLIN], who talks so eloquently in season and out of season about cotton—I want to burn this into him: In the year 1914 his people were absolutely driven to starvation by reason of the prices of cotton going to nothing on account of this war. Cotton is now worth 25 cents a pound. Let my eloquent friend explain to the Alabama farmer about cotton. Let him explain why this Government in 1914 was asked to give the cotton farmers relief, and why in 1917, with the war still on, when cotton is selling at 25 cents a pound, you now say we give you a dictator to cut down that price. The cotton farmer still owes his debts of 1914. Now he has a chance to get even with his losses of 1914. Explain that to him in the South.

Mr. Hoover said they would have to attack the cotton problem from two sources. God knows, one is enough under the powers that are given here. One is a food product and the other is a product which is to go into the manufacture of cloth. There is no cotton in the world. It has been all used up. It is not here. The farmers do not get that 25 cents a pound for it.

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Texas. Yes.

Mr. MEEKER. Is it the opinion of the gentleman that if the dictator could get hold of that proposition the price of cotton would be put down?

Mr. YOUNG of Texas. I will tell you what I could do if I were a dictator. I am talking about giving powers. I do not want to impeach anybody's honesty or integrity. I am making an argument for four and a half million people in Texas who grow cotton and wheat. I will tell you what I would do with that power if I were a dictator. You know two great exchanges in this country have had much to do with the dictating of the prices of our cotton products. Suppose an appeal were made to me as a dictator to the effect that the Army has got to have tents, that the soldiers have got to have uniforms, that the gunners must have powder, and the automobiles must have tires.

God knows we will make the cotton, although the cold weather has given us a close race. But suppose those fellows interested in the bear side of it could convince me as an act of patriotism that cotton was too high, and I had come to that conclusion and knew that to-morrow morning I was going to write into the headlines of the newspapers of this country that cotton was a thing that we must have as a war measure and that I would fix the price of cotton at 15 cents a pound. Where, gentlemen of the South, would your cotton go? What a rich harvest for the bear gamblers! And if it can be applied to cotton, I appeal to you—gentlemen from the Northwest, where you grow wheat, and where in a similar manner you have to contend with these gambling leeches that exist between the producer and the consumer—where would your wheat go? Are you ready to give this dictator that power?

Mr. REAVIS. Mr. Chairman, will the gentleman yield for a question?

Mr. YOUNG of Texas. Yes.

Mr. REAVIS. I have listened to the speech of the chairman of the committee [Mr. LEVER] with reference to the high price of products and the desire to encourage this production, and I want the gentleman's judgment——

Mr. YOUNG of Texas. My time is about up.

Mr. REAVIS. I will make it very brief.

Mr. YOUNG of Texas. I have only two minutes left and I must close. There is a lot of this bill that I can not discuss. I wanted to take it up more fully. I can not yield to anybody now unless I can get more time.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended 15 minutes.

Mr. WEBB. That he be allowed to conclude his remarks.

The CHAIRMAN. The time is controlled by the gentleman from South Carolina [Mr. LEVER] and by the gentleman from Iowa [Mr. HAUGEN].

Mr. LEVER. How much time does the gentleman want?

Mr. YOUNG of Texas. About 20 minutes.

Mr. LEVER. I yield to the gentleman 20 minutes.

Mr. REAVIS. Will the gentleman allow me to finish my question?

Mr. YOUNG of Texas. If the gentleman will ask it rapidly.

Mr. REAVIS. The point I want to get at is this: There are two declared purposes in this bill—one to increase production and one to reduce the price.

Mr. YOUNG of Texas. Yes.

Mr. REAVIS. How can you increase the production by reducing the price to the producer? [Applause.]

Mr. YOUNG of Texas. That "can't be did," except that you open up channels of distribution, cut out speculation, and stop waste.

Mr. LEVER. Let me answer by saying that you do not do that.

Mr. YOUNG of Texas. There is another little power hidden away in this bill that also gives the authority to sort of limit our rations.

Mr. REAVIS. If the purpose of this bill is not to reduce the price, why does the chairman of the committee utilize so much of his time in telling us of the exorbitant prices now obtaining which should be reduced?

Mr. LEVER. I hope to show, if the gentleman from Texas will permit, that the producer of the things which are consumed does not get the price by any means which the consumer pays, and we are trying to take care of the sweet-smelling gentlemen who come in between the producer and the consumer. [Applause.]

Mr. YOUNG of Texas. All of which can be done readily by clipping out these three or four sections on speculators, exchanges, hoarders, and so forth, and putting them in the bill that is snugly ensconced on the Speaker's table. If you had ingrafted those provisions, as I intended to ingraft them on that bill, this bill could not have gotten anywhere in this House.

Mr. HARDY. Will the gentleman state what section in the bill fixes the prices?

Mr. YOUNG of Texas. Section 12 fixes prices.

Mr. HARDY. And also the sections that the gentleman approves?

Mr. YOUNG of Texas. I have not got the numbers. The gentleman can read them. They are all in there. I read from a food journal here, which says, "Don't tie the hand that feeds you." I think this journal circulates in the Northwest, in the wheat belt of the country. It struck me as being a very fine argument that I should like to read it to you gentlemen.

Do not fix the price on what the farmer grows to sell unless the prices are fixed on what he must buy as well.

You can not get that out of the minds of the farmers. Here is what the article says:

DON'T TIE THE HANDS THAT FEED US—DON'T "DISCRIMINATE" AGAINST THE FARMER—"FIXED PRICES" ON FARM PRODUCTS WILL REDUCE PRODUCTION—DON'T "FIX THE PRICE" ON WHAT THE FARMER GROWS TO SELL UNLESS "PRICES ARE FIXED" ON WHAT HE MUST BUY AS WELL.

Steel sold at $30 before the war; now sells at $130.
Coal has advanced from 100 to 200 per cent.
Wire has advanced 100 per cent.
Wagons have advanced 30 per cent.
Prepared feeds have advanced 100 per cent.
Tankage costs 100 per cent more now.
All fertilizer has advanced 50 per cent; potash 600 per cent.
Binder twine has advanced from 8 cents to 18 cents.
Plow shovels that were bought for $2.50 now cost $7.
Cultivators sold at $28 before; now $50.

All men and all industries in America are equal before the law. Don't "make a goat of the farmer."

On May 22 Congressman A. F. LEVER, of the House Committee on Agriculture introduced an administration bill, the text of which gives the President the power, among other things, to fix the price of food products as a war measure. On about the same day Senator GORE introduced the companion bill in the Senate. The committees of both Houses have been struggling with these bills ever since. Revisions, modifications, amendments, have been urged upon them from all sections of the country.

These legislative attempts, taken together with the appointment of Herbert Hoover as food administrator and his well-known theories of price control, have awakened a nation-wide discussion more interesting and absorbing, it seems to us, than any discussion before the country except that of the declaration of war itself. The sweeping plans and positive ideas of food control promulgated by Mr. Hoover, as set forth by our Washington correspondent in this issue, outlines methods of fixing prices on grain and other food products in such a manner that we wish to enter our protest in the following language:

When this great Nation, which was conceived in liberty and dedicated to the proposition that all men are created free and equal, suddenly appoints a "food dictator" and introduces into its National Congress a "food bill," the text of which empowers the President to seize all food, fix all prices on the same, and arbitrarily and at will close the natural channels of trade through which the products of our farms have from the beginning of our very existence passed in distribution, it is fitting and proper that every man whose freedom, whose business, or whose just and equal rights are thus disturbed and even threatened with destruction should lift his voice in solemn warning and in patriotic protest. He owes this not alone to himself and those dependent upon him for care and protection, not alone to his country and its just and righteous laws, but to all humanity. A war for liberty and humanity can be waged to a successful conclusion only by the strictest possible adherence to those same principles in the conduct of the internal affairs and relations of the citizens of the Nation in their private as well as their public work.

Why all this food hysteria? Is anyone hungry? Does famine stalk abroad through the land? Is the visible supply of food exhausted? Are our prospects blighted? Who can explain why our allies have bought so wildly or why our housewives have stored so generously for the future? Are we all suddenly crazed with fear? Surely there is no immediate appalling calamity and no reasonable explanation for hysteria. We are not hungry. There is no famine. There is plenty and there will continue to be plenty and to spare. Look sanely from your window. God is in His heaven. The farmer is in his field. To-day we sow abundantly; to-morrow we shall "reap as we have sown." The harvest is almost here.

Has this war into which we have hardly entered and which need not cut down our acreage of production now or at any known date in the future changed the relation of equality and a square deal between different classes of our patriotic people? Is it necessary or in any sense just at this stage to single out the producers of food or any other separate products or commodity and say to these producers: "Your price shall be fixed by the Government; so much shall you have and no more"? Is the toiler in our fields to be treated by a special code of war ethics, rules, or laws designed for him alone? If so, why, and by what course of reasoning can such a procedure be explained and justified?

The American farmer is a high-born patriot. He is a property owner. He has gone through all the stages from log-cabin and sod-house discomforts, privations, and denials to these days of relative comfort and convenience. He knows better than any other class of American citizen by what processes America has become the most beautiful, the wealthiest, and in many respects the greatest Nation on earth. He loves his country with the same devotion and concern that a mother loves a strong young man whom she has nursed from a weak and puny babyhood. Just as the mother remembers all the days of misgivings and doubts and the

nights of prayer and watching, so he remembers all the crop failures, all the lonesome, neighborless days, the pests, and the exposures by which the wild, unguarded prairie was converted into a fruitful, life-sustaining, comfort-giving home. Just as the mother now takes a mother's full degree of pride as she looks upon a strong young man reared by her nursing and care to do a man's work in the world, so the farmer looks with pride upon a country which he has had a large part in making worthy of defense.

These builders of the Nation at the very outset of this war should not receive at the hands of their Government any discouraging or unfair discrimination on the products of their toil. Listen to the plea of the organized grain growers of the great West:

DON'T TIE OUR HANDS.

"We, the organized farmers of the grain belt, a half a million strong, claim to be as patriotic, as courageous, and as ready to sacrifice our sons, pour out our last drop of blood in defense of 'liberty and humanity' as any like army of our fellow citizens, but in fairness to the land we love and the country we have had a large part in building, we plead for fair treatment and a square deal right now.

"If in the judgment of our National Congress it shall be necessary here and now to fix the price on food, which is the sole produce of our farms (we have no by-products, no side lines) so as to limit our profits and net returns in behalf of the Nation, then we submit that mere and simple justice demand that prices on all other commodities and products produced or distributed by our fellow countrymen shall be fixed in the same way and at the same time.

"Be assured that in our effort to increase our acreage we have purchased feed, seed, machinery, and necessary farm supplies at an increase in prices of from 100 to 1,000 per cent. For example, plow shovels which cost $2.50 before the war now cost $7; cultivators which sold at $28 before now sell at $56; binder twine which sold at 8 cents before now sells at 18 cents; potash has advanced 600 per cent, fencing 100 per cent, wagons 30 per cent, prepared feeds 200 per cent, tankage 100 per cent. The price for labor advances with the high prices already being offered by all other lines of industry.

"We must meet the ravages of cholera, drought, frost, rust, rain, and hail. Already some of our crops are gone and our fields are being replanted. Of these things we do not now complain.

"So long as the Constitution of our country is upheld, so long as our business is surrounded by the same degree of protection that is thrown around all other industries, our country will receive at our hands a full measure of sacrifice, devotion, and cooperation."

Let us not tie the hands that feed us.

When I see that the laboring people are going to petition Congress to pass this bill, I wish I could send this to them so that they would read it. The farmer is the laboring man's friend. The farmer's work is not governed by any eight-hour day. He works from sun till sun. The farmers are being driven off the farms because they are not prospering on the farms, and when you come in here and advocate legislation that will put another burden on the back of the farmer who has been feeding you while you have been drawing these high salaries in these congested centers, you drive another man off the farm to enter competition with you, and produce that much less on the farm. If you keep up that line of conduct you will drive him to that desperate condition where with him it will be—

Me and my wife,
And my son John,
And my son John's wife,
Us four and no more.

Do you want to drive him to that condition? Keep up this conduct of putting these burdens on the farmer that are not put on anybody else and you can not expect him to give forth that energy that he is now giving forth. Some things you can not do by law. Can you make an additional bushel of wheat by law this year? Why, when I listened to the chairman of the committee [Mr. LEVER] this morning, it appealed to me as though if we wrote this statute the granaries would all be amply filled with wheat. You can not create an additional bushel of wheat by law. You can not make an additional bushel of corn by statute. You can not make an extra bale of cotton by statutory enactment, but I want to tell you how you will make it. If you will give the freeman who gives his time and his energy not only the inducement of patriotic sentiment, but that same inducement that every other man has, and that sentiment that wants to earn something for himself and family, let him go unshackled, and you will get your additional bushels of wheat, you will get your additional bushels of corn and bales of cotton. Would not a man be a fool if he should undertake by statutory enactment to change the law of gravitation? What fool would undertake to do that?

God Almighty made some laws in this world, and those are inevitable laws. Human agency may buck against them, but those laws still rule and still operate. There is another law almost as immutable as the law of gravitation, and that is the law of supply and demand. You may impede it, you may hinder it, you may call out leeches who will take your grain and hoard it, but after all the great, fundamental, underlying law that controls commerce in this country is the law of supply and demand. If you make short crops, inevitably the price is going to be high and you can not help it, and those crops are going to move out to the markets where they get the highest prices. You can not change that. If you have an overproduction, the price is going to be low. The speculator may get in and may upheave and depress prices here and there, but the great, fundamental, underlying law is there and you can not change it by these statutes that you are asking this American Congress to write on the statute books of the country. Then what is the remedy? The remedy is simple, and it is all that you can do. Open up these channels of trade. Control exchanges, boards of trade, speculators, and your hoarders, and when you have done that the farmer is satisfied and happy, praising his God that that relief has come to him that he has prayed for these many years; that these leeches shall no longer prosper at the sacrifice of the farmer. But do not try to fool the farmer. Do not throw a wet blanket on him and offer to guarantee something to him with a suspended power, not one that the law says he must exercise, and Mr. Hoover says there are only seven or eight articles he wants to exercise it on—wheat, barley, rye, corn, oats, and hogs. Now, if I were to speak selfishly about it I would say, "For God's sake do not go any further and get cotton." I do not want that power exercised on cotton. That is what he says in his testimony that he may exercise it on, but he does not promise to exercise it on any. How about potatoes? He says the farmers have got to carry potatoes through in their barns and houses. There might come up an extremity, and then he might exercise the power.

What are the extreme conditions? There could be but one, and that is the shortage in potatoes.

Mr. MADDEN. What about coal?

Mr. YOUNG of Texas. I do not know much about coal. We burn firewood down in Texas.

Mr. REAVIS. What about cattle?

Mr. YOUNG of Texas. Mr. Hoover was up in the air about the cattle business.

Mr. OVERMYER. Will the gentleman yield?

Mr. YOUNG of Texas. Yes.

Mr. OVERMYER. The gentleman stated awhile ago what he could do in fixing the price of cotton over night if he were a dictator. Does not the gentleman know that any price fixed under this bill must be fixed in advance of seed time, before the crop is planted, and that there is no price fixed in the bill, only a guaranty for a minimum price? Will the gentleman explain how any farmer can be harmed by knowing in advance what the lowest price will be that he will get for his crops? [Applause.]

Mr. YOUNG of Texas. Oh, it is true that they cut out the maximum price after I fought it for five weeks, but you put in another section in the bill that gives the President the power to purchase everything under the sun; and when you give him the power to purchase, you give him the power to buy the surplus and make the maximum and minimum price both, and I take it that when they agreed to cut out the maximum price and it went out of the bill, that the other section, that gives the President or his agent the power to buy anything under the sun, that clothes him with the power to fix maximum as well as minimum prices. You also give $150,000,000 in money to enable a "corner" on the part of the Government so as to "fix" prices. Where is the poor farmer going to be when that power is in the hands of a man who has hold of both ends of the string?

Mr. LEVER. Will the gentleman yield?

Mr. YOUNG of Texas. Yes.

Mr. LEVER. Is there any power in this bill to compel a man to sell?

Mr. YOUNG of Texas. No; down in your country or my country it is not necessary to have the power to compel him to sell. When a man has starving babies, as they have in Texas and South Carolina, there is a power greater than any law that you can put on the statute books. He must sell the stuff that he has raised.

Mr. RAGSDALE. Will the gentleman yield?

Mr. YOUNG of Texas. Certainly.

Mr. RAGSDALE. For what purpose was the $150,000,000 put in the bill if it was not for the purpose of breaking down the price and making the seller sell?

Mr. YOUNG of Texas. It might have been put in to give him the power to make a corner, a governmental corner.

Mr. LENROOT. Will the gentleman yield?

Mr. YOUNG of Texas. I will yield to the gentleman from Wisconsin.

Mr. LENROOT. The gentleman assumes that the question of making of a maximum price has been eliminated from the bill. I want to ask whether under section 3——

Mr. YOUNG of Texas. I know what the gentleman is going to ask; and as my time is limited, I will say that we might as well wipe out all the rest of the bill. You gentlemen who are lawyers read section 3, and if you can find a power under the sun that is not in that section 3 I would like to have you sleep on it overnight and tell me to-morrow morning what power

has been left out of section 3. They have not left anything out. If they left anything out, it was an egregious blunder, for they tried to get it all in.

Mr. EMERSON. Will the gentleman yield?

Mr. YOUNG of Texas. Yes.

Mr. EMERSON. The gentleman has made an excellent speech against the bill, and I would agree with him in time of peace, but when the country is at war, does not the gentleman think that that changes it?

Mr. YOUNG of Texas. This bill is supposed to increase the food supply. That is the only purpose it has. If you know the farmer like I know him, you will let him alone, and he will give you a food supply, but if you hamstring him with power to be exercised by some man that is not a farmer, you will fail. Now, I am not reflecting on Mr. Hoover. That is not my purpose. I take it that he is a man with a big heart; he has been over there feeding starving people for two and a half years, sustained by voluntary subscriptions. That big heart has welled up in him to save lives, and he can have but one instinct coming back from that field of action, and that is in coming to the ground where the food is made to go to the ultimate consumer and make it as low as possible, but you handicap the farmer with the power that hamstrings him and your war will lag. You leave the farmer alone, take it from me, and he will feed not only our Army and our allies but he will feed the starving nations. If there is a man in the House who thinks that the farmers in his district are not doing all they can without a law to handicap them in any way, if you have constituents that are not patriotic enough to do everything they can, then you vote to hamstring him by voting for this bill. I know that my people are doing all they can.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. YOUNG of Texas. I will yield to my colleague.

Mr. McLAUGHLIN of Michigan. The gentleman referred to section 3 and said if there was any power to be conferred on the President or the food administrator that was not conferred in this section he would like to have somebody mention it. I answer it by saying that there is absolutely no power conferred in section 3 upon the President except to make volunteer arrangements or agreements with those with whom he would cooperate.

Mr. YOUNG of Texas. Then the gentleman agrees with me that it ought to be stricken out.

Mr. McLAUGHLIN of Michigan. It is entirely voluntary, entirely declaratory of the desire to have food control.

Mr. YOUNG of Texas. With all due deference to my colleague, I do not think he heard the chairman of the committee when he was discussing so eloquently the features of this bill, and he said that section 3 was the hub of the wheel around which the whole bill revolved. That is what he said. [Applause.] I desired to strike out section 3, and I want to strike it out now. The power is so general and indefinite and so far-reaching that no American citizen knows when he wakes up in the morning whether overnight he has not become a felon under the provisions of this bill. You go then to section 9, and if they have left out anything in section 3 they get it in in section 9. This matter of licensing legitimate business institutions—if he does not apply for a license and get a license he becomes a criminal. Does the gentleman think that they are going to encourage business, do they think they are going to encourage food production, do you think a man has wisdom enough overnight to reconstruct business affairs of this country when men have devoted generations to building it up? Do you think one man is wise enough to do it? I do not believe it. These business men are patriots, and I believe that they will exercise good common sense and sound judgment and will do their best to provide the crops for caring for the armies and the folks at home. All we need to do is to shackle the speculator and the gambler and the hoarder; and when you have done that, patriotism of business men and of farmers will do the rest. I thank you, my friends. [Applause.]

Mr. HAUGEN. Mr. Chairman, I yield one hour to the gentleman from Minnesota [Mr. ANDERSON].

Mr. ANDERSON. Mr. Chairman and gentlemen of the committee, I should deprive myself of a real pleasure and the gentleman from South Carolina [Mr. LEVER] of something that is justly due him if I did not at this time acknowledge the very generous compliment which he paid me during the course of his speech. If I have been zealous, the gentleman from South Carolina has been more zealous. If I have been diligent, he has been more diligent. He has brought to the consideration and discussion of this bill the splendid energy and ability which he possesses in such abundant measure, and he has done it with an eye single to the general welfare and success of the United States in this war. [Applause.] He has turned away from his own political future and the political future of that party of which he is an able and distinguished member. There have been differences in the committee; there are differences in the committee now. I think it would have been absolutely impossible to reconcile those difficulties, even to the extent they have been reconciled, had it not been for the endless patience and the infinite tact of the gentleman from South Carolina. [Applause.]

Mr. Chairman, we are beginning the consideration of the most far-reaching, important, and drastic legislation which the Congress has ever been called upon to consider. The powers granted under this bill are so potential for good or evil that we may well hesitate to grant them, and those to whom they are granted may well shrink from exercising them.

These facts in themselves require that the conditions which make the granting of these powers both expedient and imperative should be thoroughly well understood, their purposes well defined, and the manner of their exercise fully appreciated not only by the Congress but by the people of the United States. It is only in the light of that full information that we can expect the cordial and patriotic cooperation and support both of the industries and businesses affected and of the people of the United States as a whole.

With this end in view, I propose to discuss the bill frankly in relation to the conditions which it is designed to affect and remedy and the method by which these remedies are expected to be enforced. Suppose we make an estimate of the situation, as they say in the Navy.

For nearly three years 14 of the great powers of the world, with a total area of 33,000,000 square miles and a population of over a billion people, have been engaged in the most destructive and expensive war of all history. In this war 25,000,000 men have been withdrawn from productive employment. With the exception of England, none of them is producing a normal supply of food, and none of them is producing a sufficient amount for its own needs. The food supply is low—exceedingly low—in all of them; how low it would not be wise to state.

At least seven neutrals are in substantially the same position, especially as they are under the necessity of maintaining constantly a considerable army for the preservation of their neutral status.

In all of them, belligerents and neutrals alike, and especially in those engaged in war, the normal ration has been greatly reduced, in some to very close to the minimum. Each of them is and has been under the sternest necessity known to man—that of preventing actual starvation among the civil population and providing amply for the men at the front, who must be fed under all circumstances.

The necessities of the soldier in the field and the civilian population of these belligerent and neutral countries are brought face to face at the present moment with a food shortage, augmented by an actual destruction by submarines aggregating, perhaps, as much as 300,000 to 400,000 tons per month. At the best, there is certain to be a world food shortage, which will make necessary among our Europeon allies further reductions and deprivations among the civilian population, at least, of these countries.

There is, and will be, a sufficient amount of food for the people of the United States without resorting to rationing, but the compelling economic pressure of the tremendous demand of both belligerents and neutrals presents possibilities of price inflation and food scarcity which, if unchecked, can not be contemplated without the keenest concern.

The situation with respect to the food supply from the angle of our own people is dangerous in three particulars. First, the demands of neutrals and belligerents upon our own none-too-large supply of food, if unchecked, is likely to result in an actual scarcity in this country; second, the competition of allied and neutral countries with our own Government and civilian population, particularly upon forward contracts, is likely to result in a price level which will mean actual deprivation on the part of the poorer people of the country of sufficient food to prevent starvation; third, the desire of both neutral and belligerent nations for a certain and continuous supply has resulted in excessive forward contracts; that is, contracts for future delivery. The prices fixed in these contracts, which must of necessity be high in view of the existing uncertainty in the food situation, will set the price for all at a level which can not be exacted from the domestic consumer and maintain tranquillity.

And it may be suggested that the maintenance of tranquillity is one of the first requisites in the successful prosecution of a war.

Another phenomenon of the abnormal situation with which we are now confronted is that legitimate and patriotic businesses have been forced by it into practices which are in themselves

uneconomical and into the establishment of a price level which in the aggregate, combined with the economic pressure caused by the excessive demand and insufficient supply, imposes burdens which no people can or will bear without social disturbances and phenomena which I do not care either to contemplate or describe.

Again, the economic forces and instrumentalities of commerce, which ordinarily in normal times control the distribution of food products and serve to maintain a fairly constant level of prices, have so broken down under the pressure of the conditions which I have described that they no longer serve their normal functions.

The condition which I have just outlined is one which readily lends itself to the manipulation of the speculator, to food monopolization and the evils which attend it, to extortion, to waste, and to every uneconomical and evil practice which imagination can conjure up. It is inconceivable to me that any man should take the position, either that this condition should not be remedied or that the forces which so far have proven utterly incapable of controlling it will by some miracle or alchemy of nature be able to control it in the future, when the conditions which have rendered their control by natural forces impossible in the past will have increased tenfold in difficulty.

To sum up, the food situation is fast getting out of control—running away, as it were. There is immediate and imperative need for some intervention which will reduce this abnormal condition, so far as our own people are concerned, to something approaching the normal. These are the conditions which confront us. How are they to be remedied?

It is proposed that the Government shall step in and by the exercise of the powers conferred in this bill restore the situation to approximate normality. The first essential to this control is to set up an engine by means of which the whole situation can be brought under a single hand. This it is proposed to accomplish by the appointment of a food administrator, who will, in the first instance, administer the powers conferred. Through the food administrator, arrangements will be made to combine, or pool, the purchasing power of all our allies, and to compel them and neutral Governments to purchase their supplies under the direction and control of a single central agency.

Two results will follow from this policy: First, it will eliminate competitive bidding for future delivery; second, it will enable us to retain at home a sufficient supply of food to support our population.

Then there will be set up separate engines of control under the direction of the food administrator for each commodity which it is necessary to control. These bodies will be so selected as to be representative of each link in the chain of distribution from the producer to the consumer, and will exercise a general restraining and regulating influence by arrangements and agreements, and by the adoption of rules and regulations accepted by the trade, with a view to taking up the slack and eliminating the useless links, and correcting evil and uneconomic practices.

It is the theory of this bill that industry in America is in general patriotic, and well organized to perform the functions of distribution; that the abnormal conditions which exist have combined to force industry into uncertainties and practices which industry itself would be glad to be rid of; and that most of the objects to be accomplished by the bill can be accomplished by voluntary arrangements with the trade, and by the establishment of rules and regulations for the conduct of a business which the legitimate trade itself will be entirely willing to adopt. It would be unfair, however, to bring legitimate industry within the scope of limiting and restricting rules and regulations unless a means were provided for compelling the unwilling, the unpatriotic, the vicious, and the unscrupulous, who, unfortunately, seem to exist in every line of business, to subject themselves to the same restricting rules and regulations. The penal provisions of the bill are therefore designed to compel the latter element to abide by the rules and regulations which legitimate industry recognizes are necessary for the control of distribution in the crisis which now confronts the country.

It is the intention of the committee in reporting the bill that legitimate industry shall not be unduly restricted or hampered, on the one hand, and, on the other, that no person guilty of crime against the food supply of the country shall be permitted to go unpunished.

In this legislation there can be no halfway station. The worst thing that could happen, both from the standpoint of the people as a whole and from the standpoint of legitimate industry everywhere, is that the control established should be so restricted as to be only partial or incomplete, for such control would not serve to reduce the uncertainty in which business now finds itself, but, on the contrary, would increase this uncertainty by placing legitimate industry at the mercy of both the skunk and the parasite. If we are to cross the river which confronts us, the means adopted must be effective enough to get us to the other side.

Having discussed the conditions which justify the bill as a whole, it is my intention to discuss its merits in their relation to its legal basis. It is not my purpose to quote extensively from books, but to state the conclusions at which I have arrived after a somewhat extensive examination of the decisions. These conclusions, I believe, can be sustained in every instance by the decisions of the Supreme Court.

It is my opinion that the provisions of this bill are well within the constitutional powers of Congress, that it in no case violates or invades any right guaranteed to the citizen, and that every section in it can be justified upon well-settled principles of law.

War is a fact. The existence of this fact brings into operation the so-called "war powers" of Congress and of the President. The war powers of Congress are "to declare war," "to raise and support armies," "to provide and maintain a navy," and "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof." I do not quote all of them, but only those which seem essential to the discussion which I have in mind.

These powers are both inclusive and exclusive. The powers granted Congress in the commerce clause are limited to transactions between the States or with foreign countries. The war powers are not so limited, and operate without reference to State lines or to the power of the States to regulate intrastate transactions.

> The Government of the United States, within the scope of its powers, operates upon every foot of territory under its jurisdiction. It legislates for the whole Nation and is not embarrassed by State lines. (Pensacola Telegraph Co. *v.* Western Union Telegraph Co., 6 Otto, 1, 10.)

The power to declare war is, of course, the power to carry on that war to a successful conclusion, and therefore to use any and every means necessary or appropriate or adapted to that purpose. (McCulloch *v.* Maryland, 4 Wheaton, 316.) The question of whether the means adopted is necessary or appropriate is, subject to review by the courts, to be determined by the legislative discretion. Whether the means are appropriate or necessary must be determined by the conditions which exist or which the legislature finds are likely to exist during the operation of the war power.

The subject matter of the bill under discussion is "To provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel." What is the relation between the national security and defense and the conduct of the war with Germany, on the one hand, and the conservation and regulation of the food supply, on the other? Is there such a relation between the conservation and regulation of the food supply and the conduct of the war as will make these purposes necessary or appropriate to the conduct of the war? Unless this question can be answered in the affirmative the legal basis of this bill fails altogether, for it is not contended that it can be sustained wholly under other provisions of the Constitution if it fails to come within the war powers.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. MADDEN. Does the gentleman think that we have the power to authorize the President of the United States to levy customs duties as provided in this bill?

Mr. ANDERSON. There is no such provision.

Mr. MADDEN. What about section 12?

Mr. ANDERSON. It does not convey any such power.

Mr. MADDEN. I think it does.

Mr. ANDERSON. The gentleman has reference to the minimum price proposition?

Mr. MADDEN. I have reference to the authority granted to the President to levy customs taxes on importations.

Mr. ANDERSON. I shall come to that shortly.

I think I can dispose of this whole question by three statements: First, if the allies should be wholly cut off from the food supply of America for 30 days they would within that time be compelled to make terms of peace; second, if the allies and neutrals are permitted to have unchecked access to the food supply of America there will be an actual shortage of food in the United States within eight months; third, if the abnormal conditions which now exist are not reduced to approximate normality, and the restraints and uneconomic practices which have grown up under and by reason of this abnormal condition are not removed, the price of food will be so high in this country

as to result in social disturbances wholly inconsistent with the successful prosecution of the war.

These facts demonstrate a direct and conclusive relation between the prosecution of the war, and therefore between the war power, and food regulation and control.

Having thus established the relation between the war power and the conservation and control of the food supply I intend now to discuss the bill section by section, but not necessarily in the order in which the sections occur, with a view of establishing the legal purpose and the legal basis of each.

In considering the legal basis of the bill, section by section, consideration must always be given to the general basis established, the general conditions outlined, and, of course, to the fact that this general basis is the foundation of all of the discussion which follows relative to the particular sections, and, further, that much of the discussion pertinent to one section is likewise pertinent as establishing the legal basis for others.

Section 1 of the bill declares in legal terms the fact which I have just undertaken to establish, namely, that for the purpose of conducting the war and maintaining the Army and Navy, the legislative provisions which the bill contains are essential. The purpose of this declaration is to establish the essentiality of the legislation to the prosecution of the war by the deliberate finding of the Congress, it being the judgment of those who are responsible for the language of the bill that while the court has the power, upon review, to determine that question for itself, it would be less likely to determine it adversely to the constitutionality of the bill in the face of such a legislative declaration. The power of Congress to make such a declaration, while not conclusive upon the courts, is certainly unquestioned.

Under the conditions which now exist, or which are in contemplation as reasonably probable, there are two possible devices for preventing local or general scarcity, which, of course, includes the equivalent of local or general scarcity due to the fact that food is held at a price which the general public can not pay, either of which might be used alone or in combination with the other. They are: First, the regulation of the distribution of the food supply, including limitations upon exports; and, second, control by Government purchase and possession of the necessaries themselves, or by Government manufacture. The first method is provided for in sections 3, 5, 6, 7, 11, and 13. The second method is provided for in sections 9 and 10.

The first device is in turn again subdivided into two methods of accomplishing control and regulation: First, by setting up voluntary arrangements and agreements with the trade and the voluntary adoption in the trade of rules and regulations for the government of its operations; second, the regulation of the practices, devices, rates, charges, and transactions within the trade by legislative provisions and the promulgation of regulations under penalty. Section 3 relates exclusively to the first method.

Section 3 is, in some respects at least, the most important section of the bill, for by its express terms it declares the intention of the Congress to establish a governmental control of food to extend to all the processes, methods, and activities of and for the production, manufacture, procurement, storage, distribution, sale, marketing, pledging, financing, and consumption of necessaries. It is in no sense regulatory, because the authority which it confers can only be exercised through voluntary arrangement and can in no circumstances by its express conditions be enforced under legal penalty.

Mr. LENROOT. Mr. Chairman, will the gentleman yield, or would he prefer to wait until he gets through?

Mr. ANDERSON. I am willing to yield at this time. I only want to say that there are a great many gentlemen who want to speak upon the bill, and every minute that I occupy of course deprives some other gentleman of time.

Mr. LENROOT. That is true; but this bill is very important, and time may be so limited under the five-minute rule that we can not discuss this matter fully. I think upon these crucial things time should be given now, but I do not want to interrupt the gentleman if he desires me to wait.

Mr. ANDERSON. I will be very glad to yield at this time.

Mr. LENROOT. The gentleman, then, does not concur with the view of the chairman of the committee, that this creates in itself a power beyond and outside of the other sections of the bill?

Mr. ANDERSON. Only to the extent that this confers an additional power to make voluntary agreements.

Mr. LENROOT. Yes.

Mr. ANDERSON. Which power is not carried in any other section of the bill.

Mr. LENROOT. I want to ask the gentleman this: The proviso provides that none of the penalties shall apply to this section. If this relates to voluntary agreements, is it the thought of the committee that if a voluntary agreement is entered into with the Government, even though it may violate the express provisions of the act, the penalties shall not apply?

Mr. ANDERSON. I do not know that I catch the idea that the gentleman has in mind.

Mr. LENROOT. Let me state it differently.

Mr. ANDERSON. If the act was not a violation of some other section of the bill, of course no legal penalty could be applied to it as a violation of this section.

Mr. LENROOT. Then, what possible penalty could be applied to it? What does the proviso mean unless it does modify other penalties in the specific sections?

Mr. ANDERSON. I will say to the gentleman that I am responsible for this section, whether good or bad. As I drew it originally it did not contain this proviso, because it was my thought that by its express terms without the proviso no penalty could attach to it, but there were gentlemen in the committee who wanted that made perfectly plain, and so, in order that it might be made perfectly plain, we adopted an amendment in the form of the proviso now in the bill.

Mr. LENROOT. Then I want to ask the gentleman a further question. Under familiar rules of construction, that being there, will not the court look for some purpose for its being there and therefore, in all probability, permit voluntary arrangements in violation of express prohibitions if they are made voluntarily?

Mr. ANDERSON. As far as I am concerned I am perfectly willing that it shall go out. I think it would be much better out than in, but the gentleman knows, as I do, that in consideration of a bill in the committee there are necessarily compromises, and this is a compromise.

Mr. LENROOT. I do not intend any criticism of the committee, but I am anxious to get their construction of the question.

Mr. REAVIS. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. REAVIS. Acts committed under section 3, if committed under voluntary agreement, would not be a violation of the law, but would be a violation of the law if not done under voluntary agreement. Is that it?

Mr. ANDERSON. I do not think that the mere fact that a man to-day entered into a voluntary agreement with the Government under section 3 would relieve him from responsibility for a violation of any other section of the bill.

Mr. REAVIS. The point I am getting at is this: If they are relieved of liability under section 3, would not the practical operation of the bill be that those who wanted to violate other sections, to relieve themselves of liability, would enter into a voluntary arrangement?

Mr. ANDERSON. I do not feel that that result could follow at all. I venture to say that if the committee had taken the other horn of the dilemma, and had provided the power conferred in section 3 under penalty, instead of by voluntary arrangement and agreement, every gentleman in the House would be tearing his hair because the committee had given the power to the President of the United States to regulate every business in the country under penalty. There could not be a penal violation of a voluntary agreement.

Mr. REAVIS. Do not misunderstand me. I am trying to get myself into an attitude so that I can support the bill.

Mr. ANDERSON. I shall be very glad to help the gentleman come to that attitude.

Mr. REAVIS. That is what I am seeking to have the gentleman do now. What I want to know is this: Is not section 3 a sort of harbor of safety for those men who violate other sections of this law? Would they not be relieved of liability if they entered into voluntary arrangement?

Mr. ANDERSON. I do not see how it could possibly be. The Government will not make that kind of a contract.

Mr. REAVIS. I do not see how it could be otherwise.

Mr. ANDERSON. There can be no agreement in violation of any section of this bill between the Government and the trade.

Mr. REAVIS. I appreciate that, and the point I am getting to is this: If there is a voluntary agreement between certain individuals and the Government with reference to the provisions of section 3, there can be no penal liability for a violation of those things in that section, can there?

Mr. ANDERSON. Not if nothing were done any further than to make a voluntary arrangement.

Mr. REAVIS. But acts under that section if committed under other sections, in the absence of a voluntary agreement, would have a penal liability attached to them, would they not?

Mr. ANDERSON. Yes.

Mr. REAVIS. And is it not within the realm of possibility that some one who seeks to violate the other sections will make

himself immune from penal liability by entering into a voluntary agreement?

Mr. ANDERSON. I do not see how he can make himself immune by entering into a voluntary arrangement. Of course if the voluntary agreement were violated it would fail at once.

Mr. REAVIS. But until it did fail the immunity would prevail.

Mr. ANDERSON. I do not regard it as immunity at all. I do not see how there can be any immunity about it.

Mr. REAVIS. I say the provision makes him immune; it relieves him of his liability.

Mr. ANDERSON. It relieves him of penal liability for violation of a proposition he has entered into by voluntary arrangement.

Mr. REAVIS. Yes; but those same acts committed under other sections of the bill would have a penal liability attached to them.

Mr. ANDERSON. That is an assumption which the gentleman makes which I do not think is justified by the facts.

Mr. REAVIS. Does not the bill declare so?

Mr. ANDERSON. I do not get the gentleman's point of view at all. What the committee was trying to avoid was making it a penal offense to fail to obey an order or direction or to enter into an arrangement which might be made or required under the broad terms of this section if its provisions were subject to penalty. The purpose of the proviso was to make it certain that the powers granted were to be exercised and the purposes to be served brought about by voluntary agreement.

Mr. NORTON. Will the gentleman yield?

Mr. ANDERSON. I will yield.

Mr. NORTON. The gentleman has suggested if the Government made a voluntary agreement with a concern it should carry on, for instance, the business of the exchange of grain, and that concern violated the purposes of this bill in such respect as to increase the prices unfairly, would not the Government at once put an end to the voluntary agreement?

Mr. ANDERSON. Unquestionably, and the penalty would be the loss of the voluntary arrangement.

Mr. NORTON. It seems to me that safeguards it; there is no question about it.

Mr. ANDERSON. Section 3 is, and is intended to be, all inclusive in its provisions and to permit the control of necessaries from the time they leave the hands of the producer until they reach the consumer. The principal legal question involved in the section, which controls the scope of the authority of the bill, is whether the control provided goes beyond that which is necessary, appropriate, or adapted to the purposes of the legislation. It is the conception of the committee that no scheme of control of the food supply can be stronger than the weakest link in the chain of control. To put it in other words, if the scheme of control fails at any point in the chain of distribution from producer to consumer, the whole scheme of control fails. It is a well-settled principle of law that where the power of Congress operates it operates absolutely and without limitation, except as to the limitations laid down for the protection of the rights of the citizen by the Constitution itself.

In Veazie Bank *v.* Fenno (8 Wall., 533, 549), upholding an act of Congress imposing a tax on the circulation of State banknotes, the court said:

> Having thus in the exercise of undisputed constitutional powers undertaken to provide a currency for the whole country, it can not be questioned that Congress may constitutionally secure the benefit of it to the people by appropriate legislation. To this end, Congress has denied the quality of legal tender to foreign coins and has provided by law against the imposition of counterfeit and base coin on the community. To the same end, Congress may restrain, by suitable enactments, the circulation as money of any notes not issued under its own authority. Without this power, indeed, its attempts to secure a sound and uniform currency for the country must be futile.

Therefore if food control is essential we have the right to extend that control by legislation or regulation to every process, method, or activity affecting the supply or distribution. The control proposed in this section is obviously appropriate and essential to the conservation and regulation of the distribution of food, which, as I have already outlined, is in its turn directly related, necessary, and appropriate to the conduct of the war.

Section 3 also includes a legislative declaration which is designed to afford a legal basis for the provisions of the bill, which authorize the requisitioning of food and the regulation of its distribution, as well as for the taking over of plants for the manufacture of food under certain circumstances. It declares that necessaries and the processes, methods, and activities incidental to their production, manufacture, procurement, storage, distribution, sale, marketing, pledging, financing, and consumption, are affected with a public interest. This declaration is related to and rests upon the basis of the conditions surrounding the food situation, which I have already outlined. It is my own theory that when there is an actual undersupply of food, and the probability that this undersupply will result in disturbances inimical to the public welfare and wholly inconsistent with the successful prosecution of the war, that the public interest in the food itself and the things and instrumentalities which are indispensable to an adequate supply, is paramount to the interest of the individual, and that that public interest, following the decision of the court in the case of Munn *v.* Illinois (94 U. S., 113) warrants, and in a legal sense justifies the regulation of the commodity and the activities connected with it to an extent and in a manner which would not be justified in the absence of the existence of such a public interest. In addition, the declaration of this public interest forms a basis for those provisions in the bill which authorize the requisitioning of foods and the taking over by the Government of plants for their manufacture, storage, and so forth.

It follows as a necessary consequence of the essentiality of a continuous and adequate supply of food for the conduct of the war that all of the means which are reasonably calculated to increase the production of food are within the purview of the war power.

It is a well-established fact that the aggregate price received by the producer for a short crop has invariably been greater than the aggregate price received for a long crop. The Government is officially asking the farmers of the country to increase production to raise the largest crop in the history of the country. In making this request, we are asking the farmer to take a risk which no other line of business is required to take, namely, first, that he will receive less money for the crop than if he had produced less; second, in the event of the ending of the war at an earlier date than is now anticipated, or in the event of the control of the submarine menace, he may be confronted with an actual loss, due to a price below the cost of production, considering the very high cost of everything which enters into that production.

To express it in a few words, it is our conclusion that one of the means of increasing production is to remove from the purview of the farmer uncertainty and the possibility of loss due to a price below the cost of production. In order to give this stimulus to production the committee has provided that the President may guarantee to the farmer a price below which he shall not be required to sell his product.

Mr. MADDEN. Will the gentleman yield there?

Mr. ANDERSON. Yes.

Mr. MADDEN. How would the President or anyone else fix the price for a man's crops where it was more than three-fourths of a failure or fix the price of a crop of a man who had a very large crop of the same cereal?

Mr. ANDERSON. That is a risk which a man would take in any event and takes under normal conditions.

Mr. MADDEN. But it might be a loss to one man and a great profit to another man.

Mr. ANDERSON. That is true, but that is a situation that pertains all the time and is not peculiar to the conditions with which we are now dealing.

Mr. GORDON. Will the gentleman yield to me right there?

Mr. ANDERSON. I will.

Mr. GORDON. The gentleman cited the Munn case against Illinois; that is the case, I believe, where the Government asserted the power over the control of the service of elevators, was it not?

Mr. ANDERSON. Yes.

Mr. GORDON. What analogy is there between a case that affected the service rendered by elevators and railroads and any other public servant?

Mr. ANDERSON. The analogy is not in the facts; the analogy is in the conclusions. The court in that case held that the power to regulate existed because the legislature had declared the instrumentality to be regulated affected a public interest. The court found as a matter of judicial fact——

Mr. GORDON. It was affected by public interest. Would the court necessarily have to find that because Congress had simply declared it is affected by public interest therefore we will take jurisdiction and legislate upon it—is that conclusive upon the court?

Mr. ANDERSON. I did not say it was conclusive upon the court. I said that the declaration served a legal purpose, as the basis for the regulations provided in other sections of the bill. The court would not be precluded by the declaration. It could determine for itself that the facts justify or do not justify the declaration of public interest in the instrumentalities affected.

But the court would be more likely to find that the facts do justify if the declaration is contained in the law.

Mr. GREEN of Iowa. While I think the gentleman may be correct in the analogy which he draws, I think, technically speaking, he is hardly correct as to the finding of the court in reference to the Munn case. Was not the finding this, that the elevators were impressed in the public service and undertook to render a public service, and for that reason were subject to legislative control?

Mr. ANDERSON. The character of the service and the conditions govern. I am not contending that this declaration, any more than the declaration in section 1 of the bill, is conclusive upon the court. In drawing this bill we very naturally attempted to give it all the legal basis that we could, and with the view of establishing that legal basis we undertook to provide a legislative declaration by Congress to the effect that in view of the conditions concerning which we are now legislating there was a public interest in the control and distribution of food.

Mr. MADDEN. Will the gentleman yield to me for a question right there?

Mr. REAVIS. Will the gentleman yield?

Mr. ANDERSON. I will yield first to the gentleman from Nebraska.

Mr. REAVIS. That declaration is put in the legislation, as I understand the gentleman, with no hope other than it may prove persuasive if the act is ever construed by the court, not as a conclusive determination of the policy?

Mr. ANDERSON. I do not think we could make a determination of the policy that would be conclusive upon the court.

Mr. REAVIS. The only purpose in putting it in there was in a persuasive capacity?

Mr. ANDERSON. The gentleman puts it very mildly, I think. Courts usually are very reluctant to overturn a legislative finding of fact, and, I think, would be very reluctant in this emergency to overturn a legislative finding of fact with respect to this particular proposition.

Mr. REAVIS. That was the purpose of its incorporation?

Mr. ANDERSON. Yes.

Mr. MADDEN. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. MADDEN. Would the Government of the United States, under this bill, have the power to fix minimum prices on farm products that did not enter into interstate commerce?

Mr. ANDERSON. Well, the war power is very extensive, and whether it applies to any particular condition or not must always depend upon the condition itself. The courts must find as a matter of judicial conclusion that the particular method or means provided is essential or adapted to the carrying out of some purpose which the Congress has the power to carry out under the Constitution.

Mr. MADDEN. The question is, Have we the power under the Constitution to authorize anybody to fix the price upon a thing that does not enter into the realm of interstate commerce?

Mr. ANDERSON. My answer to that is that that limitation which applies to the commerce clause in the Constitution does not apply to the war power.

Mr. LENROOT. Will the gentleman yield right there?

Mr. ANDERSON. Yes.

Mr. LENROOT. I agree with the first construction; but this is also true, is it not, that the court might look at the act as a whole and in all of its parts and determine whether the given legislation is intended by Congress as an exercise of the war power? If it is, it will be sustained. If, on the other hand, they find the intention of the Congress in a particular thing was municipal, it could not be sustained.

Mr. ANDERSON. The gentleman's argument is persuasive. I do not know that it is conclusive in the form in which he puts it.

Mr. REAVIS. Does the gentleman believe, even though the court should determine in construing the legislation that it was the intention of Congress to exercise the war power, but the facts did not justify the exercise, that the intention would be persuasive enough upon the court to decree the legislation constitutional?

Mr. ANDERSON. The court, of course, would not construe this act to be constitutional upon what it thinks the intention of Congress was. It will construe it upon the intention which is expressed in the act.

Mr. REAVIS. Will not they construe it, rather, upon the fact itself, that if the legislation is a legitimate use of the war power of the Constitution it will be held valid by the court without regard to the intention of Congress?

Mr. ANDERSON. I said some time ago that the question of the constitutionality of this act or any act under the war power was very largely a question of the determination of fact, and that any legislative declaration of the essentiality of a provision was only worth what it was worth on its face as a declaration.

Mr. REAVIS. The only thing that is valid would be what is determined by the courts to be necessary for the conduct of the war?

Mr. ANDERSON. Yes.

Section 4 of the bill serves a legal purpose. This purpose primarily is to avoid the vice of delegation of legislative power to the Executive, and in it we undertake to lay the legal basis for the regulation which is provided in sections 5 and 11, by declaring that it is unlawful to—

> destroy any necessaries for the purpose of enhancing the price or restricting the supply thereof; knowingly to commit waste or willfully to permit preventable deterioration of any necessaries in or in connection with their production, manufacture, or distribution; to hoard, as defined in section 6 of this act, any necessaries; to monopolize or attempt to monopolize, either locally or generally, any necessaries; to engage in any discriminatory and unfair or any deceptive or wasteful practice or device, or to make any unjust or unreasonable rate of charge, in handling or dealing in or with any necessaries; to conspire, combine, agree, or arrange with any other person (a) to limit the facilities for transporting, producing, manufacturing, supplying, storing, or dealing in any necessaries; (b) to restrict the supply of any necessaries; (c) to restrict distribution of any necessaries; (d) to prevent, limit, or lessen the manufacture or production of any necessaries, or to enhance the price thereof; or (e) to exact excessive prices for any necessaries, or to aid or abet the doing of any act made unlawful by this section.

Neither the Executive nor the courts can make any act or omission unlawful. But where Congress has declared certain things to be unlawful the Executive may, by administrative action, by the making of rules and regulations, prevent the doing of the things which Congress has declared to be outside the law. All of the things prohibited constitute offenses against the express purposes of the act, namely, to conserve the food supply and provide for the equitable and economic distribution thereof. If food is essential to the conduct of the war, it is necessary that the restraints which prevent its manufacture and production in the largest possible quantities and in the most equitable and economic manner should be removed. This fact brings the prohibitions of section 4 within the purview of the war power.

Section 5 rests for a legal basis upon the statement which I have just made that if a continuous and adequate supply of food is essential to the conduct of the war, it is within the purview of the war power to remove from it the restrictions, evil practices, and unjust, discriminatory, unfair, and unreasonable charges and devices which prevent or hinder or limit the procurement, manufacture, or use of food in the most economical and efficient manner from the standpoint of the country as a whole.

Again, if food and the processes, methods, and activities connected with its production, manufacture, procurement, and so forth, are, as I have attempted to demonstrate, affected with a public interest by reason of the conditions obtaining as a result of the war, food and the activities, methods, and processes connected with its production, manufacture, procurement, and so forth, are subject to a regulation extending beyond that which would be legal as applied to articles or instrumentalities not so affected. We have therefore undertaken to establish a control of food and the processes, methods, and activities to which I have referred by prohibiting these activities except under licenses issued under authority of the section, when the President shall have found the fact that this regulation is essential to carry into effect the purposes of the act. Using the license as a convenient method of control, we undertake to regulate through this section the practices, devices, rates, and charges which any of the instrumentalities licensed may use or adopt.

Mr. MADDEN. Will the gentleman yield there?

Mr. ANDERSON. Yes.

Mr. MADDEN. Are these licenses supposed to be voluntary agreements entered into with the people?

Mr. ANDERSON. They are not. The license is compulsory when required at all. We have established a legislative basis of authority for the exercise of the power of regulation conferred in this section by declaring in section 4 that it is unlawful to engage in any discriminatory and unfair or wasteful device or practice, or to make any unreasonable or unjust rate or charge, and by requiring the administrative power to determine the fact that a given practice or device is or is not discriminatory and unfair or wasteful, or that a given rate or charge is unjust or unreasonable.

Mr. GREEN of Iowa. Will the gentleman yield there?

Mr. ANDERSON. I yield to the gentleman from Iowa.

Mr. GREEN of Iowa. Was there any special reason for not providing a penalty for a violation of section 4?

Mr. ANDERSON. Yes. It was the opinion of the Solicitor of the department that the prohibitions of this section were of such

a general character that to apply a penalty to all of them would put the entire country under fear and adversely affect the ordinary processes of trade. That in many instances the offense, if I might call it that, was stated in such general terms that it probably could not be sustained in any event as a purely criminal statute subject to penalty. That is the reason given by the Solicitor, which the committee accepted.

Mr. PLATT. Mr. Chairman, will the gentleman yield further?

Mr. ANDERSON. I yield to the gentleman from New York.

Mr. PLATT. Is there any reason why there should not be a penalty for willfully destroying necessities for the purpose of enhancing their value?

Mr. ANDERSON. There is a penalty for that in another section of the bill. I might add that there are some things in the section which are not now penalized which I think ought to be penalized, but I think they ought to be penalized separately instead of attempting to apply a general penalty to all of them.

Mr. PLATT. It seems to me that a penalty for unlawfully destroying things would be the most important penalty in the bill.

Mr. ANDERSON. There is a penalty in another section covering that.

Now, sections 7 and 8 deal with the hoarding of food. Everything that I have already said with reference to the power to enact this legislation justifies the provisions of these two sections. If it is necessary to maintain an adequate supply of food, it is essential to remove the restraints which prevent the equitable distribution and use of that food and to make it available for the use of the Army and the Navy, the civilian population, and our allies. No one, I think, can successfully controvert that conclusion.

Section 7 makes it a crime to hoard food. For the purpose, first, of giving notice to the public of what hoarding is; second, to make the crime sufficiently definite to bring it within the legal requirement that the crime shall be so defined as to put the public upon notice as to what acts or omissions constitute it; we have undertaken to define it. The definition is self-explanatory, but a word may make its purpose clear. The definition provides that food shall be deemed to be hoarded within the meaning of the act when (a) held, contracted for, or arranged for by any person in a quantity in excess of his reasonable requirements for use or consumption by himself and dependents for a reasonable time. This language is designed to protect the householder in the ordinary practices of his household with respect to purchasing or holding a supply of food for domestic use.

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield there?

Mr. ANDERSON. Yes.

Mr. CAMPBELL of Kansas. The gentleman is acquainted with farm life, as most of us here are, and he knows of farmers who have probably carried over from last fall to this spring anywhere from 1,000 to probably 2,000 bushels of wheat. If this law had been in effect, this food dictator could have taken Mr. Abrams, for example, who carried over 2,000 bushels of wheat, and socked him in jail, could he not?

Mr. ANDERSON. No. The gentleman is entirely mistaken about that.

Mr. CAMPBELL of Kansas. Then why not?

Mr. ANDERSON. Because there is a proviso at the end of this section that exempts from its operations food that is withheld by any farmer which was produced upon land owned or operated or leased by him. This hoarding section does not apply to the farmer at all.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. TOWNER. That is the latter part of section 5, on page 6.

Mr. CAMPBELL of Kansas. I asked the question because of the construction that the gentleman had placed on the bill as a whole—that any person who held more than enough for himself and his immediate necessities and those dependent upon him would come within the operation of the act.

Mr. ANDERSON. The gentleman unfortunately interposed at a point in the middle of the definition. If the gentleman had waited a moment, we would have gotten to the point where his inquiry would have been entirely pertinent.

Food is hoarded under this section if it is held, contracted for or arranged for, by any manufacturer, wholesaler, retailer, or other dealer in a quantity in excess of the reasonable requirements of his business for use or sale by him for a reasonable time, or in excess of a quantity reasonably required to furnish necessaries produced in surplus quantities seasonably throughout the period of scant or no production. Two purposes are served by this part of the definition. First, it protects the manufacturer, wholesaler, or retailer in holding or contracting for a supply of raw materials or other products used or sold by him in accordance with the usual practices of the trade; second, it is designed to provide for the storage of the character of foods which are produced in large quantities at some seasons and produced either in small quantities or not at all at others.

Mr. SINNOTT. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes; I yield to the gentleman from Oregon.

Mr. SINNOTT. I would like to have the gentleman's explanation as to how this hoarding provision will affect, for instance, the northwestern fruit raisers and apple raisers. They ship out some 10,000 or 15,000 carloads each year. They have some warehouses in the West where they store their apples. The apples are harvested by October or November and are either placed in the warehouses in the West or they are sent to eastern points, where they are sold thereafter. Some of those apples do not become ripe or mellow until January or February, and the growers are compelled to store the apples. I would like to have the gentleman's view as to how they are affected by the provisions of the bill.

Mr. ANDERSON. They would not be affected at all unless they were held or stored in unreasonable quantities or for an unreasonable time—that is, if they were held or stored in quantities in excess of the amount required to take care of the season of no production or short production.

Mr. SINNOTT. Is it the gentleman's view that they will be permitted to carry on the business in the future as they have done in the past in the face of this provision?

Mr. ANDERSON. Absolutely so.

Again, food is hoarded when it is withheld, whether by possession or under any contract or arrangement, from the market by any person for the purpose of unreasonably increasing or diminishing the price. It is apparent that food may be withheld from the market just as effectively by a contract or series of contracts as by actual possession, and it is the view of the committee that when so withheld by either possession or contract or arrangement, solely for the purpose of increasing or diminishing the price, the possession or withholding for that purpose ought to and properly does constitute hoarding within the purview of regulation of the food supply for the purpose of successfully conducting the war.

May I have the attention of the gentleman from Kansas [Mr. CAMPBELL]? I am referring now to the matter about which he asked a moment ago. The section also exempts from the operation of the section products of the farm or garden accumulated or withheld by any person who produces them. The power of the legislature to make the distinction which is herein made is well established, and in this case only amounts to a declaration on the part of Congress that under the conditions which now exist regulation of food products actually produced by the farmer or gardener and withheld by him is not essential for the purposes of the act. Manifestly the exemption is within the rule with respect to classification laid down in German Alliance Insurance Co. *v.* Kansas (233 U. S., 389), in which the court said, page 418:

> A citation of cases is not necessary, nor for the general principle, that a discrimination is valid if not arbitrary, and arbitrary in the legislative sense—that is, outside of that wide discretion which a legislature may exercise. A legislative classification may rest on narrow distinctions. Legislation is addressed to evils as they may appear, and even degrees of evil may determine its exercise.

Mr. SWITZER. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes; I yield to the gentleman from Ohio.

Mr. SWITZER. Do I understand the product of the farm is not exempt unless it is produced by the man who raised it? Suppose a man is on a farm and he receives so much in grain as rent? He does not produce it.

Mr. ANDERSON. This is the language, and it probably expresses the thought better than I could do it in a similar number of words:

> *Provided, however,* That any accumulating or withholding by any farmer, gardener, or any other person, of the products of any farm, garden, or other land owned, leased, or cultivated by him shall not be deemed to be hoarding within the meaning of this act.

The gentleman will note that the language is very broad and seems to cover every possible contingency.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes; I yield to the gentleman from Nebraska.

Mr. SLOAN. Has the gentleman made any estimate, based on the conditions obtaining this year, as to how much the food product of this year could be reached, eliminating, of course, that which was held on the farm and that which was held by the legitimate retailer or wholesaler, leaving a portion of it to be under the ban or control of this law? Can the gentleman tell

how much would probably be affected by the bill, eliminating the farm holdings, and so forth?

Mr. ANDERSON. It would vary, of course, a great deal with different products. I might say that our theory about it is that there is not any necessity, and if there was any necessity it would be absolutely impossible to undertake the regulation of the food until it leaves the hands of the producer. In making that statement I base my conclusion very largely on the experience which I understand Germany has had in that direction. She has attempted to require the farmer to sell his products. That attempt has been a failure, because she found that the only way she could compel him to sell was to take them away from him. When she came to take them away from him she found that she did not have the actual wagons and horses and machinery to do it, so that any attempt to take the product out of the hands of the producer has been an absolute failure wherever it has been tried, and would be here.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes; I yield to the gentleman from Missouri.

Mr. ALEXANDER. To undertake to do that would be to discourage the production itself, and thus defeat the whole purpose of the legislation.

Mr. ANDERSON. Yes. I agree with the gentleman on that.

Mr. PLATT. Mr. Chairman, will the gentleman yield again?

Mr. ANDERSON. Yes.

Mr. PLATT. Is it not a fact that a considerable number of western farmers, owning thousands of acres, do store a great deal of grain and are really speculators as well as farmers?

Mr. ANDERSON. There are a few, but they are by far the exception, both in number and in quantity of grain controlled.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAUGEN. Does the gentleman want more time?

Mr. ANDERSON. Yes.

Mr. HAUGEN. How much?

Mr. ANDERSON. I do not know. It may take me 20 minutes, if I am not interrupted.

Mr. SNOOK. Mr. Chairman, I want to ask one question.

Mr. LEVER. I suggest to the gentleman that he proceed without interruption.

Mr. ANDERSON. I should be glad to do that.

Mr. SNOOK. I should like to ask the gentleman one question on this section, which he has been discussing.

Mr. LENROOT. I should like to ask the gentleman one question before he concludes.

Mr. ANDERSON. All right.

Mr. LEVER. The gentleman from Iowa [Mr. HAUGEN] has control of the minority time.

Mr. LENROOT. Just one question.

Mr. ANDERSON. I will be glad to yield to the gentleman later.

Mr. SNOOK. Just one question.

Mr. ANDERSON. I yield to the gentleman for one question.

Mr. SNOOK. In describing the necessaries to be hoarded, paragraph A of that section uses this language:

(a) Held, contracted for, or arranged for by any person in a quantity in excess of his reasonable requirements for use or consumption by himself and dependents for a reasonable time.

And the same language is used in the section as to retailers. How is that question to be decided? Do you understand that if a person were indicted it would be a question for the jury to decide?

Mr. ANDERSON. I should think so.

Mr. SNOOK. It would be a question for the jury?

Mr. ANDERSON. I should think so; yes.

It is obvious that where food is actually hoarded within the purview of section 6 that the authority to prosecute the person offending against the law does not constitute a complete remedy. It is also necessary to provide a method of getting the food into the channels of trade and to make it available for consumption. The committee has therefore, in section 7, provided a legal method of getting the food out of the possession of the person who is hoarding it and placing it on the market. The language of the section is adapted from the language which is found in the pure-food law and proceeds upon the theory that where an article is used, produced, or held unlawfully the article is itself outlawed and subject to disposition by the Government under appropriate legal process. Indeed we might have gone much further than we did in this section. We could have provided for the actual confiscation of the goods without payment, as is provided in the pure-food law and also in the antitrust act.

Section 11 relates to the regulation of speculation and transactions upon exchanges, boards of trade, and similar institutions and places of business. The indispensability of the regulation of these institutions, which have directly to do with the control and distribution of food, can scarcely be questioned if the fundamental basis of the bill is accepted, but the necessity and appropriateness of this regulation to the purposes of the bill may be made even more apparent by an analysis of the effect of this trading upon the normal processes of exchange and distribution and the relation which these processes now bear to the new conditions which have resulted from the war. It may be admitted, for the purpose of argument, that speculation in its broad sense in normal times serves a useful purpose both in stabilizing the price and maintaining a fairly constant level of prices throughout the entire crop season, and that exchanges in general serve a useful purpose in broadening and extending the market for food products.

It is not necessary to deny the usefulness of either exchanges or speculative transactions in order to establish a basis for the regulation provided in this section. The large volume of purchases and sales upon exchange in times of normal production and consumption, and of normal relation between supply and demand, both as to cash and future trading, tend to neutralize each other, and therefore to keep the price at a comparatively stable level. But the conditions now with respect to supply and demand are abnormal. There is, as I have already stated, an actual world undersupply of food products. This undersupply, coupled with the imperative and compulsory need of foreign governments, and of manufacturers, results in a price tendency in only one direction; that is, upward. Foreign governments, both allies and neutrals, and domestic manufacturers as well, recognizing the fact of an undersupply, undertake to reduce the resulting uncertainty of a supply for their compelling requirements to a certainty by forward contracts. In making these forward contracts the price is of little importance compared with the assurance of a certain supply. It is therefore apparent that the price is not fixed as it would be in normal times by normal buying and selling but by the unprecedented and imperative necessity occasioned by the war. Our people can not compete with this necessity under the present condition of the supply. If there were no war, the price level might be left to the determination of normal operations, but under existing conditions, leaving the price level to the determination of the ordinary operations of trade will defeat the success of the war, either by draining the country dry of its food supply or by establishing a price which the public can not and will not pay without social and economic disturbances which will threaten the very existence of the Government.

Section 9 authorizes the President to purchase or otherwise provide for the production or manufacture of necessaries, to store them, and to procure storage facilities for them by construction, purchase, lease, or otherwise, to sell them, and also for the purposes of the act to requisition them. You will notice that this section contains two distinct processes of obtaining food on the account of the Government for effectuating the purposes of this act. One of them is by voluntary arrangement and the other is by requisition under the power of eminent domain. The latter process rests upon the theory that the articles and facilities mentioned in the section are in the purview of the conditions which now exist affected with a public interest. The same question is presented with reference to this section as is presented with respect to others. Is the means herein prescribed essential and appropriate to the general scheme of control which it is proposed to establish in order to provide an adequate supply of food for all of those governments and interests which must be served if the war is to be brought to a successful conclusion and in order to maintain the domestic tranquillity which is essential to its prosecution? The essentiality of the provision is again a matter of fact, either existing or probable in the future.

We have provided in the bill for a guaranty to the farmer of a minimum price for his product. We are under obligation to maintain for our own people during the war a supply of food in adequate quantities and at prices which they can pay. It is quite conceivable that to accomplish either of these purposes the Government might find it necessary to purchase large quantities of food in the open market, or provide for its manufacture, or actually to requisition it. Indeed, without these powers the whole scheme of control would fail absolutely; without them it would be impossible to establish the control at all.

This section contemplates that the Government may find it necessary to purchase, or manufacture, or requisition food for either one or all of three purposes: First, to make good the minimum guaranty; second, to regulate the price by controlling a substantial portion of the product; third, to provide against local shortage by governmental distribution at a fixed price.

It is provided in every instance where necessaries are requisitioned by the Government that adequate compensation shall

be paid, and with respect to the compensation to be paid we have followed the language with reference to requisitioning in the Army and Navy bills. The only question which might be raised in connection with this section is as to whether or not providing that just compensation may be recovered in an action against the Government constitutes due process of law. The adequacy of this provision as against the constitutional right of the individual for just compensation has been established by numerous decisions.

We have provided that the power of requisitioning shall not extend to necessaries held by individuals for consumption of themselves and dependents, thereby declaring that it is not the purpose of the Congress to allow the invasion of the home, and that the regulation of consumption by individuals through regulations for rationing is not considered essential by the Congress to the purposes of the act.

Section 10 authorizes the President, whenever he shall find it impossible by license or voluntary arrangement or agreement to assure an adequate and continuous supply of necessaries to requisition and take over, for use or operation by the Government, any factory, mine, or other plant, or any part thereof, in which any necessaries are or may be manufactured, produced, prepared, or mined. Compensation is provided for the taking over, use, or occupancy of any such factory, mine, or plant, in the same manner as in section 9.

That which I have already said in relation to section 9, and with regard to the general process of this bill, is applicable to this section, and seems to make unnecessary any discussion of it in detail. It is designed to meet such a situation as this: Suppose that one of the large mills in Minneapolis, manufacturing a substantial part of the flour supply of the country, should for any reason refuse to continue operation. The refusal would have an immediate effect upon the food supply of the country. This section is designed to take care of such a situation and to provide Government operation of a factory or mine where private operation for any reason fails.

Section 13 authorizes the President to limit or prohibit the use of other food products in the manufacture of alcohol or of alcoholic or nonalcoholic beverages. The relation of this prohibition to the conservation of the food supply is too apparent to need comment, explanation, or elucidation.

This bill is national in its scope. It is not designed to benefit any class as against any other class. To the producer it holds out that if he rises to the patriotic necessity of the situation and produces a large crop, he will not again have the experience of receiving for that crop a less amount in the aggregate than he would have received if he had produced a small one. It guarantees to the farmer the cost of production and a reasonable, even a liberal, profit, taking into consideration the cost of everything which he has to buy entering into the production. It gives him the assurance that he will get the benefit of every dollar paid for his product by the ultimate consumer less reasonable profits to the necessary middlemen in manufacturing and distributing it. It proposes to give him an open market, freed from the manipulations of the speculator and from the charges and burdens of the parasite.

Mr. GORDON. Will the gentleman yield there?

Mr. ANDERSON. I agreed not to yield, and I would prefer not to be interrupted until I finish.

To the consumer it gives the assurance that the price he has to pay will not represent a price inflated by hysterical or uneconomical purchases by foreign governments, by speculation or conspiracy, or by the imperative and compulsory demands of war, but on the contrary that the price he has to pay will be a reasonable price and will bear a reasonable relation to the price which the farmer received for the crop in the first instance. Neither the producer nor the consumer has a right to ask more.

To the business man this bill gives the assurance of relief from the awful uncertainty which now surrounds every trade relation and transaction, an assurance that he will be informed as to just what his Government expects from him, both in the manner of conducting his business and the service which he is expected to render.

Congress declares war; the President makes war. The President is responsible for the successful prosecution of the war, but responsibility contemplates and must be accompanied with power and authority. The President must have every power and every authority essential to meet his responsibilities, and these powers must not be hampered by restricting or limiting provisions which may prevent the doing of any necessary thing. For my part, I am willing to give the President that power and authority. But this power and authority will be worthless and ineffectual unless it is sustained by the cordial and unstinted support of a united and determined people.

Food in large quantities is absolutely indispensable to the success of the war. Nothing that can be done now will greatly increase the actual amount which will be available for the current year. We can only increase it by eliminating every preventable waste, every uneconomic practice, every unnecessary use. Laws or the enforcement of laws can not alone accomplish this elimination. It can be accomplished only by cheerful acquiescence in the methods and means adopted by the Government to effectuate it, by voluntary surrender and willing sacrifice of wonted privileges, rights, and customs to the common cause. [Applause.]

I can not comprehend the attitude of those who set themselves up as champions of individual rights, and cloaking themselves in this disguise oppose the measures designed to permit the administration to assert the full force and vigor of the Nation for the redress of its wrongs, the vindication of its rights, the maintenance of its place among the nations of the world, and the establishment of a peace so just and so permanent that war may be hereafter impossible. [Applause.]

Mr. Chairman, nations have been sustained because men have been willing to surrender every individual right and privilege to secure their preservation. We are requiring some of the men of the Nation to fight in foreign lands, to surrender everything, even unto death, in payment of their obligation of citizenship, that the Nation's rights may be vindicated and her wrongs redressed. Is it too much to ask that those who remain at home surrender somewhat of their accustomed rights, privileges, and practices that these men shall not sacrifice in vain? [Applause.]

Now I yield to the gentleman from Wisconsin [Mr. LENROOT], if he is in the Chamber, or to any other gentleman.

Mr. PLATT. I want to ask the gentleman one question.

Mr. ANDERSON. I yield to the gentleman from New York.

Mr. PLATT. I want to ask the gentleman if it is his opinion that the provisions of this bill, when carried into effect, are likely really to reduce present prices, and whether it is not true that present prices are what are most instrumental in effecting saving?

Mr. ANDERSON. Of course in the broad economic sense the price does bear a relation to the quantity of consumption.

Mr. PLATT. Unquestionably.

Mr. ANDERSON. But the gentleman realizes, of course, that it would be quite impossible at present for us to undertake to reach that situation by a system of rations; and, of course, while reduction in the price may to some extent encourage a greater use of food, it is expected that an appeal to the patriotism of the public will result in an actual reduction in the consumption. And I may say to the gentleman that I am told that the propaganda already made toward a smaller consumption of wheat has resulted in a reduction in the domestic demand equivalent very nearly to 30 per cent.

Mr. PLATT. I have not any doubt that is true; but the gentleman has not fully answered one thing. Does he think the carrying out of the provisions of this bill are likely to much reduce prices? Are not the people somewhat in danger of being deceived as to what the bill can do?

Mr. ANDERSON. I think there is, of course, a more or less well-defined limit as to the extent to which you can reduce prices, or to which it is desirable to reduce them. You have two ends to this problem. One is the production end, which you desire to stimulate. The other is the consumption end, which you desire to reduce as far as possible. There might be another end, and that is the price end. They are more or less inconsistent with each other. But it is a theory of Mr. Hoover, if I understand correctly, that there is a point at which you can fix the price which will stimulate the largest production and that the minimum price will be fixed at that point, which will not be unfair to the consumer.

Mr. TILSON. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. TILSON. Is it not the intention to prevent further elevation of prices and relieve the uncertainty in the minds of the people as to the level to which prices may rise unless something is done?

Mr. ANDERSON. There is a great uncertainty, and the stabilization of prices is very desirable.

Mr. TILSON. And if the prices are not reduced, if there was a feeling that there would not be extremes in prices one way or the other, it would have a beneficial effect on the producer and the prospective consumer?

Mr. ANDERSON. Yes.

Mr. LENROOT. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. LONGWORTH. I have not had the advantage of hearing all of the gentleman's excellent speech. I do not know whether he referred to the provisions in section 12 authorizing the

President to fix certain tariff rates; has he any doubt as to the constitutionality of that?

Mr. ANDERSON. If I have, I do not think I care to express them here. [Laughter and applause.]

Mr. LENROOT. I want to ask the gentleman a question as to section 21, which provides that this bill may remain in operation one year after the war is closed. Upon what theory does the committee contend that we have any right to enact this kind of legislation and let it remain in force after the war is over?

Mr. ANDERSON. That is a question which has not been raised by anyone, so far as I know. I have an impression, however, that I have read somewhere a decision which seems to justify the extension of this legislation beyond the point of the actual end of the war if the emergency resulting from it still continues.

Mr. LENROOT. Is the case the gentleman has in mind the cases arising in California, where the Mexican War legislation was sustained on the ground that we got territory by the conquest, and we had a right to legislate on that ground?

Mr. ANDERSON. I have read that case; I do not know whether that is the case I have in mind or not. My recollection of it is rather hazy.

Mr. HAUGEN. Mr. Chairman, I yield 30 minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Chairman, it is not my purpose in what I shall say to discuss either the necessity for nor the provisions of the bill. I shall not at this time even discuss the constitutionality of particular provisions of this bill. I intend to discuss the war powers of Congress under the Constitution, not only as applicable to this bill but as to all legislation enacted or proposed which invokes the war powers of the Constitution. The constitutionality of some of the legislation already passed by Congress during this war has been challenged, the powers sought to be given by this bill are now challenged, the exercise of the war powers by Congress in the passage of further legislation doubtless will be challenged. It may be that a discussion of these questions in a general way will be of value both now and in the future.

The major war powers conferred by the Constitution on Congress are found in Article I, section 8, paragraphs 11, 12, and 13. It is therein provided that Congress shall have power "to declare war," "to raise and support armies," "to provide and maintain a navy."

As directly interpretive of these, as well as other grants of power to Congress, it is provided—Article I, section 8, paragraph 18—that Congress shall have power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers."

The nature and scope of these provisions have been under consideration and interpretation for more than a century. They have been discussed and passed upon by statesmen and jurists as able and worthy as any the world has ever seen. It will help us to clear views and sound judgment to review some of this comment and exposition.

These war powers of the Constitution were most persistently and bitterly assailed both in the convention which formulated the Constitution and in the discussion which preceded its adoption. It is a matter of history that no other powers of the Government were more strongly contested than were these. That the provisions were retained in such broad and practically unlimited form after such critical and careful consideration is ample vindication of their wisdom. With full understanding of their significance they were finally approved as necessary for the security and preservation of the Nation.

The discussions regarding these powers in the Federalist are among the ablest in that great work. Frankly and without qualification the matchless statesmen who wrote those papers contained in what we now know as the Federalist contended for the granting of the tremendous war powers as now written in the Constitution without restriction and in full plenitude.

In one of these papers written by Hamilton he said:

> The authorities essential to the common defense are these: To raise armies, to build and equip fleets, to prescribe rules for the government of both, to direct their operations, to provide for their support. These powers ought to exist without limitation, because it is impossible to foresee or define the extent and variety of national exigencies or the correspondent extent and variety of the means which may be necessary to satisfy them. The circumstances that endanger the safety of nations are infinite, and for this reason no constitutional shackles can wisely be imposed on the power to which the care of it is committed. This power ought to be coextensive with all the possible combinations of such circumstances.

Not less emphatic was Madison on the subject. In one of the papers written by him, he said:

> With what color of propriety could the force necessary for defense be limited by those who can not limit the force of offense? If a Federal constitution could chain the ambition or set bounds to the exertions of all other nations, then, indeed, might it prudently chain the discretion of its own Government, and set bounds to the exertions for its own safety. * * * The means of security can only be regulated by the means and the danger of attack. They will, in fact, be ever determined by these rules and by no others. It is in vain to oppose constitutional barriers to the impulse of self-preservation.

From these extracts it is evident that at the outset the framers of the Constitution clearly understood that it conferred practically unlimited power to prepare for and wage war, and that they justified such grant of power on the ground that because it was not possible to limit the character nor the extent of the attack it would be folly to limit the character or the extent of the defense, and that position was indorsed by the approval of the Constitution by the people. They had just passed through seven years of foreign war and they were not disposed to handicap the young Republic which had just won its independence by restrictions which might imperil its continued existence.

The same view has been held by jurists and the courts.

Willoughby, in his late work on Constitutional Law, volume 2, page 1212, says:

> The constitutional power given to the United States to declare and wage war, whether foreign or civil, carries with it the authority to use all means calculated to weaken the enemy and to bring the struggle to a successful conclusion. When dealing with the enemy all acts that are calculated to advance this end are legal.

In Ex parte Milligan (4 Wall., U. S., 2), a decision of the Supreme Court of the United States, it was said:

> Congress has the power not only to raise and support and govern armies, but to declare war. It has, therefore, the power to provide by law for carrying on war. This power necessarily extends to all legislation essential to the prosecution of war with vigor and success, except such as interferes with the command of forces and the conduct of campaigns. That power and duty belong to the President as Commander-in-Chief. * * *
>
> The power to make the necessary laws is in Congress, the power to execute in the President. Both powers imply many subordinate and auxiliary powers. Each includes all authority essential to its due exercise.

In delivering the opinion in the Legal Tender cases (12 Wall., U. S., 457), Mr. Justice Bradley said:

> It is absolutely essential to independent national existence that Government should have a firm hand on the two great sovereign instrumentalities of the sword and the purse, and the right to wield them without restriction on occasions of national peril. In certain emergencies government must have at its command, not only the personal services, the bodies and lives of its citizens, but the lesser, though not less essential, power of absolute control over the resources of the country. Its armies must be filled and its navies manned by the citizens in person. Its material of war, its munitions, equipment, and commissary stores must come from the industry of the country.

POWER TO DECLARE WAR.

John Randolph Tucker, in his able and exhaustive work, The Constitution of the United States, volume 2, page 577, says:

> The words "to declare" include the power to make war, with all the incidents of raising armies and navies which the Constitution has confided to Congress.

This language is not, however, so much intended as a delegation of power as a limitation of power of the Executive. Under a monarchical system the king held exclusive possession of the power to make war and declare peace. By granting the prerogative to declare war to Congress this great power is removed from Executive authority and conferred expressly on the representatives of the people.

The grant of power as particularly applying to the Army is conveyed in the words—

"TO RAISE AND SUPPORT ARMIES."

The clause as originally reported was "to raise armies." The addition of the word "support" was added in the report of the committee. Over this a spirited debate occurred in the convention. It was finally adopted with full understanding of its far-reaching significance.

It was held in Tarble's case (13 Wall., U. S., 408) that under this provision of the Constitution the control of Congress over the subject is—

> plenary and exclusive. It can determine without question from State authority how the armies shall be raised, whether by voluntary enlistment or forced draft, the age at which the soldier shall be received, the period for which he shall be taken, the compensation he shall be allowed, and the service to which he shall be assigned.

Mr. Tucker, in discussing the clause "to raise and support armies," says, volume 2, page 579:

> The question arose under the conscription act passed by the Confederate congress during the late war whether it was competent for that congress by conscription substantially to exhaust the material out of which the militia was composed. It was objected that this would make a standing army composed of the whole of the militia and would leave to the States no armed force to resist its power. The Court of Appeals of Virginia decided there was and could be in reason no limitation put upon the size of the army which was to be raised, and that the objection to the law was not good.

"TO PROVIDE AND MAINTAIN A NAVY."

This provision confers on Congress the same powers with regard to the Navy as that with regard to the Army.

The corresponding language in the confederation was "to build and equip a Navy." It will be noticed that the language adopted in the Constitution is broader and more comprehensive.

This provision was assailed as dangerous to the Republic. To attempt to rival European powers would only invoke war and probably conquest, it was said. The cost, too, of maintaining a navy would be enormous and much beyond our resources.

To these objections it was argued that the absolute necessity of a navy, both as a protection to our commerce and our coasts, was apparent. Blackstone's Commentaries was quoted, in which he said that the navy of England had ever been its greatest defense and ornament.

> It is its ancient and national strength; the floating bulwark of the island; an army, from which, however strong and powerful, no danger can be apprehended to liberty.

It was held in United States *v.* Rhodes (27 Federal Cases, No. 16, 151) that the clause of the Constitution which declares that Congress shall have power "to provide and maintain a navy," authorizes the Government to buy or build any number or character of ships, to man, arm, and otherwise prepare them for war, and to dispatch them to any accessible part of the globe.

CONGRESSIONAL DISCRETION.

Not less important than these direct grants of power, "to declare war," "to raise and support armies," and "to provide and maintain a navy" is the further express declaration of the Constitution that Congress shall have power also "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers." If any doubt could exist as to whether the grants enumerated were intended to carry with them the necessary power to select and adopt means to make them effective and to carry them to the utmost limit into execution that doubt is removed by this declaration.

Interpreting that provision in the great case of McCulloch against Maryland, Marshall, Chief Justice, said:

> The Government, which has a right to do an act and has imposed upon it the duty of performing that act, must, according to the dictates of reason, be allowed to select the means.
>
> The sound construction of the Constitution must allow to the national legislation that discretion with respect to the means by which the powers it confers are to be carried into execution which will enable that body to perform the high duties assigned to it in the manner most beneficial to the people. Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited but consist with the letter and spirit of the Constitution, are constitutional.

In the Legal Tender Case (110 U. S., 421) the Supreme Court still further emphasized the proposition, saying:

> Congress must possess the choice of means and must be empowered to use any means which are in fact conducive to the exercise of a power granted by the Constitution.

Immediately applicable to the interpretation of the war powers is the case of Stewart *v.* Kahn (11 Wall., U. S., 493). In that case it was held that the power to declare and wage war carries with it the authority not only to bring it to a full conclusion but, after the cessation of active military operations, to take measures to prevent its renewal. In so determining the court said:

> The measures to be taken in carrying on war and to suppress insurrection are not defined. The decision of all such questions rests wholly in the discretion of those to whom the substantial powers involved are confided by the Constitution. In the latter case the power is not limited to victories in the field and to the dispersion of the insurgent forces. It carries with it inherently the power to guard against the immediate renewal of the conflict and to remedy the evils which have arisen from its rise and progress.

An interesting and instructive case construing the grant of powers under consideration is United States *v.* Gettysburg Electric Railway Co. (160 U. S., 668). In that case a proceeding was brought by the Government to condemn land including the right of way of a railroad for the purpose of establishing a public park on the site of the battle field of Gettysburg.

In sustaining such action the Supreme Court said:

> Congress has power to declare war and to create and equip armies and navies. It has the great power of taxation to be exercised for the common defense and general welfare. Having such powers, it has such other and implied ones as are necessary and appropriate for carrying the powers expressly given into effect. Any act of Congress which plainly and directly tends to enhance the respect and love of the citizen for the institutions of his country and to quicken and strengthen his motives to defend them, and which is germane to and intimately connected with and appropriate to the exercise of some one or all of the powers granted by Congress must be valid.

The Constitution provides that Congress shall have power "to regulate commerce." We have seen how far-reaching that provision has been carried.

Congress is given power "to establish post offices and post roads." Under this simple grant of power we have established the most elaborate system of communication and transportation, both foreign and domestic, the world has ever seen.

Under the general power to raise revenue and carry on the fiscal operations of the Government Congress has incorporated a bank of the United States, has established a system of national banks, and now has put in operation the still more elaborate and powerful Federal Reserve System.

In view of these facts, who shall be able to set limits to the war powers conferred by the Constitution on Congress, which, as Hamilton, and Madison, and Marshall held, must be of necessity and in their very nature unlimited?

WAR POWERS CONSTITUTIONAL POWERS.

There is widely prevalent an opinion that in time of war the Constitution and the laws which govern in time of peace are not to be observed, because not adequate to meet the emergency. Inter armes silent leges. The view is that at such time the President is justified in assuming and using powers not conferred upon him by the Constitution, and that Congress may legislate without constitutional restraint to meet the emergency. This is the popular view of what are called "war powers."

Such a view is erroneous. The President has ample authority granted him by the Constitution to meet any emergency. Congress is expressly and by fair implication granted all the "war powers" needed to make and maintain war on land and sea. with a prescience no less than marvelous, with a wisdom which has won the admiration of the world, the statesmen who gave us our Constitution and instituted our Government met every demand of the present and the future.

It would, of course, be possible for the President to assume and exercise unauthorized power. It is possible for Congress to exceed its constitutional powers. It may attempt to do something not authorized, or to do something authorized in an unauthorized manner. But there is no necessity in either case for such unauthorized assumption of power. As was said by the Supreme Court in Ex parte Milligan (4 Wall., U. S., 118):

> The Government within the Constitution has all the powers granted to it which are necessary to preserve its existence.

It is certain that a state of war will call into exercise powers which do not exist in time of peace. Even in dealing with our own people the power to wage war enables the Government to override in many particulars private rights which in time of peace are inviolable.

But still that right is an authorized right, is a legal right, is a constitutional right. Just as in time of pestilence the Government may deprive the citizen of his liberty, just as in case of a great fire the authorities may destroy private property to stop the progress of a conflagration, so in time of war the Government may take away the liberty of the citizen and appropriate his property, if necessary, to carry on the war. It is imperative in such cases that the individual right yield to the general good; that the personal privilege, carefully guarded by law in time of peace, be given up in time of war for the preservation of the Government.

Mr. Justice Cooley, in his notes to Story on the Constitution, calls attention to the remarkable fact that during the Civil War but few questions respecting the war power were passed upon by the courts. Some extravagant claims were put forth on behalf of this power by theorists, as if where war existed Constitution and laws alike were to give way and the military authority to be supreme and unlimited. That is to presume that the Constitution does not contemplate that the Nation shall engage in war and makes no provision for the national defense, for raising and supporting armies and for providing and maintaining navies. We have seen that these contingencies are provided for in the Constitution and full authority given to Congress to provide for the national defense.

The war power is therefore a constitutional power. It is not a power outside or above the Constitution. It is within the Constitution—a part of it, a function of it. And this constitutional grant of power to Congress is given with all the fullness and comprehensive scope such a tremendous emergency demands.

War powers are greater than other powers because war is the supreme effort of a nation. It is its utmost endeavor. It is at the time its paramount duty. War powers are extraordinary powers because war is not ordinary; it is extraordinary. War is not the normal condition of a nation. It is abnormal. It is for these reasons the use of extraordinary powers in war seems above and beyond constitutional sanction. But that is only seeming. It is not real. To meet these extraordinary conditions extraordinary powers are granted, so that the exercise of those powers necessary to carry on war shall have constitutional sanction, to the end that even in time of war we shall continue to have a government of laws and not of men.

EXERCISE OF WAR POWERS.

To what do these principles of interpretation lead? Clearly to the unequivocal proposition that Congress may use such

means as in its judgment are necessary and appropriate to carry the war to a successful termination. It may raise and support armies. It may provide and maintain a navy. In raising an army it may volunteer or conscript any or every citizen of the United States. All the man power of the Nation is available for its preservation. Congress is given absolute power to say how many and who shall serve, for what period they shall serve, and under what conditions they shall serve. No man can question the necessity of service or its character or its duration. The citizen receiving the protection of the Government owes it unquestionable allegiance and must do his full duty in its support. [Applause.]

And to "support" the Army Congress has full power and complete discretion. It may provide arms and ammunition made in its own arsenals or it may purchase them at home or abroad. It may take over all the private manufactories making arms and ammunition in the country and operate them itself. It may requisition such arms and ammunition wherever found and by whomsoever owned if it so desires. The Constitution provides that private property shall not be taken for public use without just compensation. But that does not prohibit the taking; it merely provides that if taken by the Government private property must be paid for.

The same is true with regard to uniforms and supplies of all kinds for the Army and Navy. Ships may be built by the Government, shipyards purchased, materials of all kinds appropriated and condemned for the use of the Government if necessary.

The same is true with regard to the food supply. It is as essential as arms and ammunition. Food may be purchased or taken as may be necessary and regulations regarding the handling, disposition, and distribution enforced.

It would appear that it is within the power of Congress to fix prices on all the necessities of life in support of its armies and to maintain its navy. It requires the combined forces of all the people in a supreme struggle to maintain and support its fighting force. To do this efficiently it may be necessary to regulate transportation, to fix rates, or even to take over the railroads. It may be necessary to regulate the marketing of foodstuffs and other necessaries of life; to fix maximum or minimum prices or to itself purchase and distribute such necessaries. Such action may be necessary at any time, and Congress is the sole judge of the necessity. Because it may be unwise under the circumstances to exercise any of these powers does not imply that they can not be exercised. I am not now discussing the wisdom of such exercise. I am only contending for the existence of the power to exercise them.

It is also clearly within the power of Congress to limit, regulate, or entirely prohibit the manufacture and sale of intoxicating liquor as a war measure.

Its right rests on at least two grounds. It is within the power of Congress to fix rations and to establish a regimen for the soldiers and sailors in service. That may include or exclude intoxicating liquor. If it determines to prohibit the use, Congress may use any measures it may deem necessary to prevent soldiers and sailors in service from securing and using intoxicating liquor, whether on duty or not.

The prevention of grains which are food products being used for the manufacture of intoxicating liquor would be proper as a measure of conservation and for the prevention of waste. It is entirely within the power of Congress to take any measures necessary and appropriate to conserve the food products of the Nation. If in its judgment the taking of grain for the making of intoxicating liquor is harmful or useless, it may absolutely prohibit such manufacture.

In Parham *v.* The Justices (9 Georgia, 341) it was held that in cases of urgent necessity, such as pulling down houses and raising bulwarks to repel invasion, seizing supplies for the support of an army in the field, taking cotton bales, as Gen. Jackson did at New Orleans, to build ramparts against the enemy, property may be taken without process of law. Whether or not in such cases the Government will thereafter compensate the owner is a matter that may be afterwards determined, but there is no doubt of the power of the Government to make the seizure under such circumstances.

The true rule would appear to be that property used in any way for or in behalf of the enemy may be confiscated without compensation. Property may also be condemned and confiscated without compensation as a penalty for the violation of a law or a regulation. Otherwise, while the power of the Government is unlimited as to the right to appropriate any property necessary to assist in carrying on the war, the Government will nevertheless be liable for its value to the owner from whom it is taken.

I have endeavored to show that Congress has every power necessary to carry on the war and may exercise such power under constitutional sanction. The grant of such power is practically unlimited, commensurate with the extraordinary occasion of its exercise. But this grant of power is not a direction, it is merely an authorization for its use. If the power is great, so much the more should restraint be used in its exercise. If constitutional sanction is granted for the exercise of this extraordinary power as a necessary exception to the rule limiting in a free country the exercise of arbitrary power, we should see to it that we carry our exercise of such power no further than the occasion warrants.

No one who has read the history of nations but knows how often the possessions of unlimited power, whether by an individual or an assembly, leads to its harmful exercise. In no other way can we so well justify the grant of power conferred upon us by the Constitution as by the moderation and wisdom we shall show in its use. Indignation and resentment at the sordid grasping and the wicked conspiracies of food pirates and market manipulators who ought to be and must be restrained and punished should not lead us to impose burdens and inflict penalties on the innocent and deserving. Nor should we in the endeavor to protect the consumer sacrifice the interests or rights of the producer. Nor should we with purpose to further the cause of democracy throughout the world establish an autocracy at home and among our own people. [Applause.]

Mr. LEVER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAMLIN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 4961, and had directed him to report that that committee had come to no resolution thereon.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that the House take a recess until 8 o'clock to-night, with the understanding that general debate shall proceed until not later than 10 o'clock and that no business shall be conducted except general debate. At the request of the gentleman from Tennessee I will yield to him.

Mr. SIMS. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

DEATH OF JUDSON C. CLEMENTS.

Mr. SIMS. Mr. Speaker, it appears from the afternoon papers that the Hon. Judson C. Clements, the senior member of the Interstate Commerce Commission, died rather suddenly in this city to-day. Mr. Clements served in this body during five Congresses. He was a Member of the Forty-seventh, Forty-eighth, Forty-ninth, Fiftieth, and Fifty-first Congresses.

He has served on the Interstate Commerce Commission more than 25 years, a longer period of time than any other member that has ever served on the commission. Since my services began in this House, more than 20 years ago, I can say with certainty that in all the amendments to the interstate commerce act that have been adopted in that time that Mr. Clements has been fully and freely consulted by the Committee of the House on Interstate and Foreign Commerce and that he has rendered able and wise assistance in all the amendatory measures that have been enacted and in this way has been of very great service to the Congress in framing of all such amendments.

The services that Mr. Clements has rendered on the Interstate Commerce Commission are well known throughout the United States. His services have been of national scope and benefit. On account of his long service on the Interstate Commerce Commission and the fact that he served so long and so ably in this body I felt that I ought to say a few words as to his character and services at this time. [Applause.]

Mr. Speaker, I hope that the vacancy thus so sadly created on the commission may be filled by some man who will render his country the great and enduring services that the lamented Mr. Clements has rendered.

LEAVE OF ABSENCE.

By unanimous consent the following leave of absence was granted:

To Mr. DENTON, indefinitely, on account of illness in his family.

To Mr. FOCHT, for one week, on account of illness.

To Mr. ALMON, indefinitely, on account of illness.

RECESS.

Mr. LEVER. Mr. Speaker, at the suggestion of the gentleman from Iowa [Mr. HAUGEN] I am going to change my request, and ask unanimous consent that the House stand in recess until 8 o'clock to-night, with the understanding that general debate shall proceed until 10.30 o'clock to-night, with no other intervening business, the understanding being that when the House adjourns it shall adjourn to meet at 12 o'clock to-morrow.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that the House stand in recess until 8 o'clock to-night, at which time general debate shall be resumed upon the bill, to run not later than 10.30 o'clock, and that no other business be transacted, with the understanding that when the House adjourns it adjourn to meet at 12 o'clock to-morrow. Is there objection? [After a pause.] The Chair hears none and appoints the gentleman from Tennessee, Mr. SIMS, to preside as Speaker pro tempore.

Accordingly, at 5 o'clock and 36 minutes p. m., the House stood in recess until 8 o'clock p. m.

AFTER RECESS.

The recess having expired, the House at 8 o'clock p. m., was called to order by Mr. SIMS as Speaker pro tempore.

FOOD CONTROL.

Mr. RUBEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4961, the food-control bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4961, with Mr. HAMLIN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4961, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I yield 20 minutes to the gentleman from Minnesota [Mr. KNUTSON]. [Applause.]

Mr. KNUTSON. Mr. Chairman, were I to express entire satisfaction with the measure now before this body for consideration I would be guilty of not speaking my true sentiments. At the outset I wish to state frankly that H. R. 4961 falls far below the expectations of those who have at all given careful study to present living conditions in this country. While the Lever bill contains several meritorious provisions, it does not go far enough. It exempts several important industries from supervision that need supervision equally with the food producers and speculators.

I am at a loss, Mr. Speaker, to understand why some of the very necessary and important provisions contained in the original bill prepared by the Agricultural Department have been eliminated. My understanding is that the measure submitted by the department provided for the inclusion of shoes, clothing, and other necessaries of life, as well as foodstuffs and fuel. Evidently the committee eliminator was on the job all the time, quite different from the one in the story I recently heard of two gentlemen on a trip who had occasion to go into the dining car for breakfast. One of them ordered, among other things, poached eggs on toast. The other gentleman in ordering said "give me the same order, but eliminate the eggs." "Yes, sah; yes, sah," exclaimed the darky. In a few minutes the waiter returned, saying, "Say, boss, how did you say you wanted dem eggs?" "I said I wanted them eliminated," replied the traveler. "Yes, sah; yes, sah," replied the darky, and off he again hurried to give the order. In a few minutes he again returned, saying, "Say, boss, you'll have to take dem eggs some other way, de 'liminator isn't wukin' dis mornin." I am at a loss to understand why the American farmer has been selected by the Agricultural Committee to be the goat, and I venture the prediction that the farmers will demand to know before this thing is finally settled why they have been selected for the sacrifice. Why were not the manufacturers of shoes, clothing, and other necessaries of life included in the bill? That is a question that will arise with growing frequency during the remainder of the war, and it will haunt those who are responsible for the omission.

Mr. Chairman, I am frank to say that the American farmer needs no such supervision as is provided for in this bill. It is the food speculators and pirates who need looking after. They are the ones who have been robbing and exploiting the producer and consumer alike, and I believe a majority of this House will agree with that statement. Why the Agricultural Committee should have seen fit to ignore the recommendations of the Agricultural Department that wearing apparel and farm implements also be included in the Lever bill is something that no doubt will be explained by members of the committee ere a final vote is taken.

Now, my friends, a very erroneous impression seems to prevail among many consumers. They aver that the American farmer was never more prosperous in his life. A more colossal mistake never was made. It may be news to many on the floor of this House, but it is nevertheless a fact, that the average price received by the wheat farmer for his crop last year was $1.30 per bushel. When one considers that only half a crop was harvested in many sections of the country last year that price is only equivalent to 65 cents per bushel with a normal crop. To-day wheat is more than $3 per bushel. Who has made the difference between $1.30 and $3? The food pirate, of course. He makes $1.70 per bushel, less the actual cost of handling, while the man who plowed, sowed, and reaped only receives $1.30. I ask, is that fair? Is it equitable? Is it any wonder that the farmer resents being made the goat?

Not long ago I read a report issued by the Department of Agriculture which I consider authentic. That report contained the statement that the average farmer only received $402 for his entire year's work, including that of his children. No wonder he complains. If the income of the average Member of Congress were $402 I imagine there would be some howling, and many would no doubt be compelled to live in their offices and dispense with many of the luxuries to which they are accustomed.

Many refer to the farmer as a prosperous individual, who rides about his estate in a limousine with a chauffeur and footman. Yes; his lot is an enviable one. He can lie abed until 4 or 4.30 in the morning. Then he arises, chores around for a couple of hours in order to create an appetite for breakfast, after which he spends 10 or 12 hours in the fields working like a beaver, after which he returns home and puts in a couple of hours at some physical-culture exercise, such as swinging a fork, milking cows, and other forms of true recreation. By 10 o'clock he is usually free to retire and sleep, if his aching bones will permit of his doing so.

Under this bill he will no longer have to worry about his marketing. A kindly Government, through the assistance of the Agricultural Committee and Department, will look after that for him. Under the Lever bill he will become a sort of a white ward of the Government. Uncle Sam will fix the price he is to receive for everything he raises and also fix the acreage to be planted. Providence will have nothing to do with it but to see that the furnace and sprinklers are working properly, while the farmer will only have the purely mechanical part to look after. Truly the Lever bill marks the dawning of a perfect day for the American farmer, and on his behalf do I most sincerely thank the Agricultural Committee for producing such a humane measure, which will lengthen immeasurably the life of the average agriculturist and at the same time permit him to retain his citizenship in this land of the free.

Let us for a moment scrutinize the increase in price of some of the necessities upon which the independent farmer depends:

Wire has increased 100 per cent; coal has advanced from 100 per cent to 200 per cent; wagons have advanced 30 per cent; harvesters have advanced $100; prepared feeds have advanced 100 per cent; binder twine has advanced from 8 cents per pound to 18 cents; plow shovels that cost $2.50 before the war are now going at $7; cultivators sold at $28, now $50; hired help has increased from 60 per cent to 80 per cent; steel sold at $30 before the war, now sells for $130; the steal on wheat has in cases increased by 400 per cent.

I appreciate that this measure contains several meritorious provisions. In fact, they would have been termed socialistic or anarchistic 20 years ago, and it merely goes to show that we are progressing. However, the bill does not go far enough, and I predict that when its scope becomes generally understood a wave of disappointment, if not of righteous indignation, will sweep over the rural and industrial sections of the country. The farmers will demand to know why manufacturers of farm implements were not placed under control; the laboring man with a large family of children will wish to know why those who deal in shoes and clothing were not taken in. It is inevitable that they will reach the conclusion that they were not properly dealt with. If the present administration is as sincerely the friend of the producer as it would have the masses think it is, it will bring all possible pressure to bear to secure the enact-

ment of legislation that will put exploiters of every variety and breed out of business, and if it fails to do this the American people will conclude that its promises in the past have been as sounding brass and tinkling cymbals. There is a widespread discontent among the toilers, who, by reason of the unprecedented high cost of living, are compelled to forego many actual necessaries and all luxuries. All about them they see men who are accumulating vast fortunes out of the miseries of the world. They see these fortunate ones rolling in wealth and luxury, and their resentment grows apace.

This Congress must take immediate steps to effectively stop all sorts of speculation in all the necessaries of life or the American people will arise in their righteous indignation and repeat the performance of the Russian people. A point may be reached in the affairs of the Nation where patience would cease to be a virtue. [Applause.]

The CHAIRMAN. The gentleman yields back 10 minutes.

Mr. RUBEY. Mr. Chairman, I yield 30 minutes to the gentleman from Ohio [Mr. OVERMYER]. [Applause.]

Mr. OVERMYER. Mr. Chairman, the thought that must be borne in mind continuously in connection with this bill is that it is strictly a war measure. This legislation would not be before us, nor would such legislation even be proposed, if we were not engaged in a world war requiring such conservation of food supplies and international handling of food problems as heretofore has been unnecessary. Yet, as a member of the Committee on Agriculture of this House, having heard all the testimony given our committee by the leading food experts of the country, and having given the matter some study and attention, I am of the opinion that many of the provisions of this bill would be salutary and proper, even in peace times. In war time, and especially a world war in which the food resources of our allies have been very much exhausted, I consider this legislation absolutely necessary.

Let us for a moment consider our situation and the situation of the world regarding food. The United States has become an unwilling party to a world war of unforeseeable duration and magnitude, and its enemy is the most powerful military nation on earth and is using the most effective weapon for the destruction of commerce ever invented—the submarine. Methods of warfare have been revolutionized and now involve instrumentalities whose cost and destructive effects tax and drain the financial and natural resources of the world to an extent hitherto unknown.

Two-thirds of the world's population and more than half of its area are involved. More than 25,000,000 men are now under arms. The warring powers have already spent more than $60,000,000,000 in the prosecution of the war. This country is creating an Army of 2,000,000 men and has authorized bond issues of $7,000,000,000. Millions of men throughout the world have been withdrawn from production and vast productive areas have been devastated by military operations and the populations scattered to the four winds. Submarines have destroyed millions of tons of shipping and are still active. Preference movements of troops and military supplies have monopolized transportation lines to the exclusion of other shipping. These and other incident extraordinary demands upon industry and commerce have caused a scarcity of labor, a scarcity of fertilizers, a demoralization of the entire producing machinery of the world and resulted in a subnormal food supply throughout the world. Our allies in this war comprise a population of about 130,000,000 souls. The food supply of these populations, outside of their local production, has hitherto come principally from sources outside of North America. Argentine, Australia, India, Russia, Roumania, Bulgaria, all these quarters have fed the populations of England, France, and Italy to a greater degree than we have. To-day practically the whole of these sources of food supply are cut off. Argentine has a crop failure and an embargo. Australia is so far away that it would require three times the tonnage to transport from there and would offer much greater liability to submarine attack.

The supply from India is cut off by way of the Mediterranean and would have to pass around Cape of Good Hope, an impractical trip. In addition, late frosts and lack of capable labor may reduce the production in our allied countries considerably below normal. It is estimated by those in position to know, that America will be called upon to furnish to our allies during the next year about 800,000,000 bushels of grain. This is not beyond the capacity of the United States and Canada, but is beyond our ordinary exports by four or five hundred million bushels. To allow for losses by submarines and feed our allies sufficiently to keep their military operations at successful high tide and the civil populations pacified we ought to export from America a billion bushels of grain, 60 per cent of which should be wheat. To do this will require extraordinary efforts in production in the United States and Canada, efficient handling of products, elimination of waste, and considerable individual self-denial on the part of our people.

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Missouri?

Mr. OVERMYER. Yes.

Mr. MEEKER. I heard that same thing in the speech of the gentleman from South Carolina [Mr. LEVER] this afternoon. Is that on the authority of Mr. Hoover?

Mr. OVERMYER. These facts were stated in testimony given before our committee, not only by Mr. Hoover, but by Mr. Taylor, who spent most of last year in Europe studying the food situation for the United States Government.

The problem calls for centralized authority in efficient hands, to handle the entire transaction with a view to feeding our own people liberally, but economically and without waste, yielding to our producers a fair return and delivering to our allies as much food as possible at reasonable prices.

We have assumed the task of provisioning our allies in this war. It is a duty forced upon us by a chain of circumstances over which we had no control and which we now can not escape if we would. Whether we enjoy the prospect is beyond the point. We have undertaken the contract and must faithfully perform it. But when we undertake this stupendous task we find at the outset that our machinery of production and distribution, built up through a century without any particular organization and in haphazard fashion, is not adapted to meet the strain that will be put upon it by a war of such magnitude, a war in which the burden of feeding approximately 250,000,000 people falls upon us. The food situation in this country was bad enough before the war, with rising prices, faulty distribution, congested transportation lines, and general bad adjustment between producer and consumer. Its difficulties and weaknesses are many times multiplied by present conditions. The law of supply and demand has broken down as a controller of prices. Our allies are bidding against each other for our dwindling food reserves, forcing prices to fictitious heights and creating consternation and hysteria where confidence and calmness should reign.

The strong hand of the Federal Government is needed, and needed at once. Every hour's delay in enacting this legislation simply adds to our difficulties. There is food enough in the United States, in existence and in process of production, to supply everyone's needs and billions for export. But what the situation needs is centralized authority to regulate distribution and consumption. The very fact that such authority exists will operate powerfully to restore confidence, prevent panicky buying by consumers, and keep prices somewhere near a reasonable level.

The necessity for this legislation has been fully explained by the chairman of our committee, the very able, hard-working, and conscientious gentleman from South Carolina [Mr. LEVER]. Newspapers, statesmen, economists, labor organizations, manufacturers, chambers of commerce, farmers organizations, all have urged for some months the necessity for legislation providing food control, the elimination of speculation in foodstuffs, and the conservation of our food resources. The Committee on Agriculture spent many weeks on this measure, having had before us representatives of every phase of activity in connection with the production, conservation, and distribution of foods. Our task was indeed a difficult one, this being pioneer legislation of a character never before proposed in this country. The product of our labors is the measure under consideration, which we think will meet with the approval of the country and will accomplish the purposes sought to be accomplished.

That the provisions of this measure are drastic, we admit. They were purposely made so. No half-way measures ought to be considered for one moment in any legislation touching the war, for it is the part of wisdom to prepare for a long struggle, to prepare for the worst and hope for the best. Let us not deceive ourselves as to the importance of the struggle into which we have been forced against our desires. Let us not be misled by the peace talk periodically emanating from European sources. Let us not hug "the delusive phantom of hope" that the war will be over before we get into it, for peace is no more possible in Europe now than peace would have been possible in our own Civil War before the issues of slavery and secession were settled for all time. Out of this war must come more than a mere truce, more than a temporary and paper peace. There must come a new emancipation proclamation, striking from civilization forever the shackles of military autocracy. Either all the civilized world must come under the yoke of military despotism or all the world must be free, and the world can not be free until militarism is destroyed, until this fright-

ful monster is obliterated. Without this new birth of freedom all this suffering and sacrifice and bloodshed will have been in vain. [Applause.]

Mr. MEEKER. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Missouri?

Mr. OVERMYER. I will yield.

Mr. MEEKER. Let us take a specific case. Suppose this bill becomes a law, the wheat shortage is such as is prophesied, and practically now assured. Is there anything in this bill that will prevent that wheat from going to $3.50 or $4 a bushel, and flour made out of that wheat costing proportionately?

Mr. OVERMYER. Yes, sir.

Mr. MEEKER. Then there is a maximum regulation?

Mr. OVERMYER. There is no maximum regulation, but there is control provided in the bill, and in a few minutes I will explain——

Mr. MEEKER. How that price can be held down?

Mr. OVERMYER. And I will also explain, if the gentleman will permit and give me time without interruption, why wheat went to $3.25 in the last month.

The success of this war from this time forward will depend upon the United States. Our allies have nobly performed their part in holding the monster in check. It will remain for us, with their continued help, to complete the task which their bravery and sacrifice have thus far so nobly advanced. [Applause.] We will have to furnish troops, and many of them, but above all we must furnish the food that will win this war. We have in this country more than a billion acres of tillable land, only a fourth of which is under cultivation. We have more acres of tillable land than all of Europe, Russia included. The United States could produce food for one-half the population of the globe. We produced last year farm products of the value of thirteen and a half billion dollars, and had sufficient not only for our national consumption, but were able to export agricultural products valued at several billions. Reports from every part of the country indicate that the American people are fully conscious of their duty of bringing our agricultural production to a maximum this year and that there have been planted more acres of agricultural products than ever before in the history of the country, and with a fairly good season our production will exceed that of last year by a total of several billion dollars. The wheat crop will be under normal, but that deficiency will be met by a larger production of other foodstuffs, perhaps, however, of a more perishable nature, and by proper handling and conservation of what we do produce.

Common sense and prudence dictate that steps should be taken to keep this enormous production, when harvested, out of the hands of food speculators, to see that an efficient system of marketing and distribution is worked out, and that waste and extravagance be reduced to a minimum. The Secretary of Agriculture estimates that we waste $700,000,000 worth of food annually in this country. Germany found, after taking a food survey and taking control of her food situation, that her people were wasting 30 per cent of their food production annually. By a system of food control she has been able to reduce that waste to a minimum, though unable to increase her production for reasons that are self-evident. In this country we not only can reduce our waste by properly organized effort but we can enormously increase production. We have unlimited acres, we have all the necessary soil and climatic conditions, and only can be hindered by a lack of interest, a shortage of labor, or by discouragement on the part of our people if they should realize that no governmental effort will be made to control the food supply when produced and keep it out of the hands of food speculators, and also to prevent the indiscriminate competitive buying of food products in our markets by representatives of our allies, a practice which was almost wholly responsible for the unheard of prices of wheat and other staples within the past few months, yielding no benefit to the producer, but untold hardship to the consumers.

The opposition to this measure comes from those who are afraid to place the broad powers authorized in the bill into the hands of the Executive, and those self-constituted guardians of the American farmer who express the fear, fancied or real, that this bill may work a hardship on their ward. We may expect also, of course, the opposition to this bill of those of our people who do not want to see Germany defeated in this war. Arguments have been advanced by opponents of this measure that it is aimed at the American farmer; that it has only been within the past few years that the farmer has really been securing good prices for his products and making money, and that now we propose to bridle him and regulate the prices of his products and throw about him a guard of inspectors and Government agents to harass and annoy. Nothing of the kind is contemplated or will be done under this bill. The whole measure is drafted with a view to protecting the interests of the farmer as well as those of the consumer, and the only section directly affecting the farmer is the guaranteed price-fixing section. No one will contend that the farmer ever did have the power to fix, at least never did fix, the prices of his own products. They always have been fixed by some one else, and that some one else was usually the speculator and market gambler of the stock exchange, supplemented in normal times by the influence of the law of supply and demand. I am sure the interests of the American farmer will be safer in the hands of the United States Government than they possibly could be in the hands of those who heretofore have exercised the function of price fixing on farm products. [Applause.]

And the only price regulation provided in the bill is authority to fix a guaranteed minimum to the producer, and this will be fixed only in case of an emergency which, in the judgment of the President and his experts, makes it necessary, and must be fixed seasonably and in advance of seeding time. Surely no farmer can be harmed by knowing in advance what the lowest price will be that he will secure for his crop. No one will contend that the price of three and a quarter dollars per bushel for wheat, paid in the Chicago market a few weeks ago, inured to the benefit of the American farmer. That price was probably $2 per bushel above the average price received by the producer of that grain through last fall, winter, and early spring. That fact alone ought to make all of us blush. There is a limited supply of wheat in sight, it is true, a supply inadequate to the demand. A world at war must have the supply, no matter what the cost. So one man bids a dollar and a half; another bids two dollars; another bids two and a half; and another three; and so it could go on to five dollars as well as three and a quarter, for hungry purchasers were at the door with unlimited means and orders to buy at any cost. So it was not the wheat situation but a war situation that made prices what they were, and the American farmer did not profit by it, but the American consumer was hit a blow that staggered.

Mr. BORLAND. Will the gentleman yield?

Mr. OVERMYER. Yes.

Mr. BORLAND. Does not the artificial rise in price frequently occur by duplication of the same demand? For instance, the allies would be in the market for 100,000 bushels of wheat, and A, B, and C would be in the market bidding for 100,000 bushels, optioning to get the opportunity to sell it to the allies? In other words, it would appear on the surface that there would be a demand for 300,000 bushels when there was only a demand for 100,000 bushels?

Mr. OVERMYER. Yes; and under governmental control those things can be eliminated and these fictitious prices can not occur.

Mr. BORLAND. I wanted the gentleman to bring that out, because that is one of the common mistakes by not knowing how the price can be run on a grain exchange. This bill can do a good deal toward equalizing prices.

Mr. OVERMYER. I agree with the gentleman absolutely, and one of the purposes of this measure is to place centralized authority and control of that situation in the hands of the Government, where it can prevent a manipulation of those things and create a central buying authority for our allies and our own Government in this war.

Mr. SMITH of Michigan. Can not that be remedied now by the allies purchasing through one agency?

Mr. OVERMYER. I understand they have undertaken a voluntary arrangement of that kind, but without legislative authority in this country we would have no right to participate in that except as a voluntary arrangement, and there is the danger too that our country would be the loser in an arrangement of that kind to which we were not a party.

Mr. MORGAN. Will the gentleman yield?

The CHAIRMAN. Will the gentleman from Ohio yield to the gentleman from Oklahoma?

Mr. OVERMYER. I should be pleased if I could be permitted to finish my statement now, Mr. Chairman, after which I will yield if I have time.

It is senseless that the Government should sit by and let individual competition, almost all on the bull side, boost prices to any figure. War has thrown everything out of gear, and it is time the Government stepped in with a controlling hand. If the farmer is guaranteed a minimum price for his product by the Government, and the Government controls the food during its journey from the producer to the consumer, by preventing hoarding, by eliminating waste, by controlling stock exchanges,

by licensing packing, storage, and ware houses, and manufacturing plants and facilitating marketing and distribution, then there will be little danger of an excessive price when that food reaches the consumer.

Some gentlemen express almost hysterical fear that by legislation of this character, broad and sweeping in its scope, we are establishing an autocracy here while legislating to carry the banner of democracy to Europe. These gentlemen can have but little faith in their Republic. There are entirely too many checks and safeguards in our form of government to permit the existence of dangerous autocratic power here. Autocratic power is not harmful when exercised for the public good and the welfare of civilization. We are giving autocratic power in this bill, to be exercised and administered for the public good. Around that exercise and administration are thrown a thousand restraints which will manifest themselves quickly if the power is abused. In the first place, the bill provides for its own death at the close of the war. Then, too, public sentiment and opinion, expressed through a practically uncensored press, will wield its influence. And Congress will be in almost continuous session during this war and can and will exercise its power if this measure is not being properly administered. And our courts, the bulwark of individual liberty, are always open to the aggrieved.

With all these safeguards and restraints thrown about it, living as we do under a republican form of government, where the supreme control depends upon the opinions of the people, and those opinions enlightened, I for one am not afraid to grant these broad powers to our President, and I should not be afraid to do so if my highest confidence did not repose in him as it now does. [Applause.]

I had intended to discuss at some length the constitutional questions involved in this measure, but to do so would consume more time than I care to occupy, and besides we already have had a very able presentation of these questions by my colleague [Mr. ANDERSON], and also have available for our use a very exhaustive opinion and brief on the constitutional features of the bill by the Solicitor of the Department of Agriculture, Mr. Caffey. I do not claim the ability to improve on this brief, and it would be presumptuous in me to attempt it. This brief was filed in connection with the bill before the Committees on Agriculture of both Houses, and is printed as part 10 of the hearings on the bill before the House committee. I shall ask at this time unanimous consent to insert this brief as a part of my remarks.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD by printing the matter indicated. Is there objection?

There was no objection.

Mr. OVERMYER. I respectfully direct the attention of those gentlemen interested in this feature of the bill to this very able and convincing opinion, with a reminder that the brief was prepared in support of the bill as originally introduced, and that some of the sections of the bill were afterwards eliminated.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. OVERMYER. Will the gentleman from Missouri in charge of the time give me two minutes more?

Mr. RUBEY. Yes; I yield two minutes more to the gentleman.

The CHAIRMAN. The gentleman is recognized for two minutes more. The gentleman will proceed.

Mr. OVERMYER. The purposes and provisions of this measure will be found to be so well supported by long-recognized judicial decisions that its constitutionality can not, in my judgment, be questioned. It is a war measure. Its constitutionality rests upon the war powers of Congress granted in the war clauses of the Constitution. These war clauses have been judicially defined, as have the powers of Congress to legislate under them, in dozen of cases by the highest courts of the country.

At this time I desired only to make these general observations as to the necessity for this legislation, its purposes and objects, and the constitutionality of the powers we are seeking to exercise under it. Perhaps under the reading of the bill I may want to take up particular features of the bill and discuss them in greater detail. But let me urge upon this House the supreme necessity for enacting this legislation at the earliest possible moment. Time is more important, in my judgment, than the exact wording of the measure itself.

If we do not act speedily and pass this legislation in some form, I fear we will suffer consequences to ourselves and our allies that I do not care to contemplate, consequences so serious, possibly, as to jeopardize our national interests and success in this war. [Prolonged applause.]

Following is the brief of Mr. Caffey, which was filed to the original bill, some sections of which have been eliminated:

MEMORANDUM ON THE CONSTITUTIONALITY OF BILL H. R. 4630 (NOW 4961), ENTITLED "A BILL TO PROVIDE FURTHER FOR THE NATIONAL SECURITY AND DEFENSE BY ENCOURAGING AGRICULTURE AND REGULATING THE MARKETING AND DISTRIBUTION OF FOODS AND OTHER NECESSARIES OF LIFE."

OUTLINE OF THE BILL.

Sections 1, 3, and 4 lay the general legal basis for the bill; each of the sections numbered 5 to 16 deals specifically with one or more matters embraced in sections 3 and 4; sections 2 and 17 to 22 provide for definitions, rules of construction, administrative details, the protection of employees, and the appropriation; and section 23 prescribes the period of the duration of the act.

Section 1 provides that, by reason of the existence of a state of war, it is essential to the national security and defense, for the successful prosecution of the war, and for the support and maintenance of the Army and Navy, to assure an adequate supply and equitable distribution and to facilitate the movement of foods, feeds, shoes, clothing, fuel, and other necessaries of life, and articles required for their production, thereafter in the act called necessaries; to prevent, locally or generally, scarcity, monopolization, hoarding, injurious speculation, manipulations, and private controls affecting such supply, distribution, and movement, and to establish and maintain governmental control of necessaries during such war.

Section 3 establishes a governmental control of necessaries and declares, in substance, that all processes, methods, and activities employed in connection with necessaries are affected with a public interest.

Section 4 makes it unlawful for any person to commit or permit preventable waste or deterioration of any necessaries in or in connection with their manufacture or distribution; to hoard any necessaries; to monopolize or attempt to monopolize, either locally or generally, any necessaries; to engage in any discriminatory and unfair, or any deceptive practice or device in handling or dealing in or with any necessaries; to enter into any contract, arrangement, or conspiracy to restrict the supply or, except as permitted by law for preventing gluts and for effecting equitable apportionment of perishable products among markets, to restrict distribution, or to enhance the prices of any necessaries; to exact excessive prices for any necessaries; or to aid or abet the doing of any act made unlawful by this section.

Section 5 provides that when the President shall find it essential, in order to facilitate distribution or to carry out any other section of the act, he is authorized to establish standards for foods, feeds, and seeds, and, for the purpose of preventing deception, to subject the labeling of such commodities to regulation. Whenever a standard is established its use is compulsory unless the commodity be marked so as to indicate that it is ungraded or unclassified. Penalties are provided for willful violations.

Section 6 provides that when the President shall find it essential to license the manufacture, storage, or distribution of any food, food material, or feed in order to prevent uneconomical manufacture or inequitable distribution thereof, no person shall, after a date specified in a public announcement of such finding, engage in or carry on a business specified in such announcement without a license. The President is authorized to prescribe regulations governing the conduct of the business of licensees, including the making of reports by them and entry and inspection of their places of business by authorized agents of the President, and, when found necessary, to require licensees to dispose of hoarded stocks and to refrain from unfair practices and charges. Penalties are provided for knowingly carrying on any business for which a license is required without such license and for willful violations.

Section 7 provides that when the President or his duly authorized agent finds that any food in storage, in transit, or held for sale is in such condition that unless promptly disposed of it will become unfit for food purposes, the person having the possession or control of such food may be required to dispose of it so as to preserve its food value, and also, when found necessary to prevent gluts or to effect equitable apportionment of perishable products among markets, the market movement or distribution of such products may be directed. Penalties are provided for willful violations.

Section 8 provides that when the President shall find that it is essential in order to prevent the hoarding of necessaries, any person hoarding such necessaries may be required to offer them for sale and to sell them within a reasonable time if he finds a purchaser. Penalties are provided for willful violations.

Section 9 authorizes the President, when he finds it essential in order to assure equitable distribution or to prevent hoarding, monopolization, exacting excessive prices, or injurious speculation, to procure necessaries, to store them, to dispose of them at cost, to requisition any such necessaries and storage space therefor from any person having them at his disposal in excess of his reasonable individual needs for a reasonable period, and to fix a reasonable price to be paid for the same, subject to review by the courts.

Section 10 authorizes the President, when he finds it essential in order to assure an adequate and continuous supply of food or fuels, to requisition, take over, and operate any factory, mine, or plant in which food or fuel is or may be produced or mined, and to make just compensation therefor, subject to review by the courts.

Section 11 authorizes the President, when he finds it essential in order to prevent undue enhancement or fluctuation of prices, or injurious speculation, or unjust market manipulation, or unfair and misleading market quotations of prices, to prescribe regulations governing, or either wholly or partly to prohibit, operations, practices, or transactions on exchanges on which necessaries are dealt in, in order to eliminate such evil practices. Penalties are provided for willful violations.

Section 12 authorizes the President, when he finds that an emergency exists requiring stimulation of production, to fix, from time to time, a reasonable, guaranteed price for any necessaries, in order to assure the producer a reasonable profit. The Government guarantees the receipt of the price by domestic producers who rely upon the guaranty and comply with the President's regulations. Whenever the President shall find that the importation of necessaries produced outside of the United States seriously interferes or is likely seriously to interfere with the practical operation of the guaranteed price plan, or materially enhances or is likely materially to enhance the liabilities of the United States under any price guaranty, there is levied a duty upon importations of such necessaries at a rate to be ascertained and proclaimed by the President, which, when added to the value of the article at the time of entry, will be sufficient to bring its price up to the guaranteed price. In no case shall such rate be less than the rate fixed by existing tariffs.

Section 13 authorizes the President, when he finds that an extreme emergency exists requiring such action in order to prevent or break corners or to prevent extortion, to fix, from time to time, the highest price at which it is reasonable to deal in any necessaries. In fixing such price, he is directed to consider the costs of production, manufacture, and distribution, and a reasonable profit thereon, and, so far as practicable, to safeguard the equities and bona fide investments of all legitimate interests concerned. It is made unlawful for any person to deal in necessaries at a price higher than that fixed and in force. Penalties are provided for willful violations.

Section 14 provides that, when the President shall find that limitation, regulation, or prohibition of the use of foods, food materials, or feeds in the production of alcohol or of alcoholic and nonalcoholic beverages, or that reduction of the alcoholic content of any beverage, is essential in order to assure an adequate and continuous supply of food, he is authorized, from time to time, to prescribe the extent of the limitation, regulation, prohibition, or reduction so necessitated, and to give notice thereof. It is made unlawful to use any such foods, food materials, or feeds in such production except in accordance with such notice, or to produce any beverage having an alcoholic content in excess of that prescribed in the notice. Penalties are provided for willful violations.

Section 15 provides that the President may prescribe the pencentages of flour to be derived from wheat in milling in order to yield the maximum economical percentage of flour for human food, and the methods to be used, and to give notice thereof. It is made unlawful to manufacture such flour except in accordance with the notice. If found essential in order to prevent deception, labeling may be required plainly showing the percentage of flour derived from the wheat. Penalties are provided for willful violations.

Section 16 provides that when the President shall ascertain that any specified mixture of wheat, wheat flour, or other wheat product with any other material of vegetable origin is wholesome and economically fit for food and that the right freely to produce the same is essential to conserve the food supply, such mixture, if marked so as to disclose the ingredients, shall not be subject to the mixed-flour law of 1898, nor to any conflicting State or local law. Whenever the President shall find that the maintenance of an adequate supply of foodstuffs necessitates such action and shall give public notice thereof, the manufacture and use of any mixture permitted by this section may be required, and it is made unlawful to manufacture any mixture of any wheat, wheat flour, or other wheat product, or any wheat, wheat flour, or other wheat product required for such mixture, except in accordance with the notice. Penalties are provided for willful violations.

Section 23 provides that the act shall cease to be in effect when the national emergency resulting from the existing state of war shall have passed, but not later than one year after the termination as ascertained by the President of the present war between the United States and Germany. Nothing in this section shall be construed to prevent the fulfillment of any price guaranty made pursuant to the act which shall be in force when the act ceases to be in effect.

With respect to the products of lands cultivated by them, farmers, gardeners, and others are exempted from the hoarding and highest price limitation provisions of the bill.

Any moneys received by the Government under sections 9, 10, or 12 may be used as a revolving fund for further carrying out the purposes of the particular section.

CONSTITUTIONAL BASIS OF THE BILL.

The bill is a war measure. Its constitutionality rests primarily upon the following clauses of the Constitution of the United States, which will be hereafter referred to as the war clauses of the Constitution, or as the war powers of Congress:

"The Congress shall have power * * *

"To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

"To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

"To provide and maintain a navy;

"To make rules for the government and regulation of the land and naval forces;

"To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

"To provide for organizing, arming, and disciplining the militia, * * *; and

"To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

"Section 8, Article I, clauses 1, 11, 12, 13, 14, 15, 16, and 18."

It is not herein contended that the power of Congress to legislate for war purposes is derived from any source other than the Constitution, or that the Constitution is suspended or abrogated during the existence of a state of war.

"When Congress declares war, by that declaration it puts in force the laws of war, and the war powers of the Government, which are not to be exercised, under the Constitution, in time of peace, now come into full force by virtue of the Constitution, and are to be exerted by the President and Congress. After the declaration of war every act done in carrying on the war is an act done by virtue of the Constitution, which authorizes the war to be commenced. Every measure of Congress and every executive act performed by the President intended and calculated to carry the war to a successful issue are acts done under the Constitution, whether the act or the measure be for the raising of money to support armies, or a declaration of freedom to fill their ranks and weaken the enemy; whether it be the organization of military tribunals to try traitors, or the destruction of their property by the advancing army, without due process of law, and the validity of such acts must be determined by the Constitution." (McCormick et al. *v.* Humphrey, 27 Ind., 144, 154.)

Every act of Congress passed during war times must square with the Constitution.

"The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances." (Ex parte Milligan, 4 Wall., 2, 120.)

CONSTRUCTION OF THE CONSTITUTION.

The full extent of the powers granted by the Constitution is not to be found in a literal reading of its express terms. As said by the Supreme Court in Juilliard *v.* Greenman (110 U. S., 421, 439):

"A constitution, establishing a frame of government, declaring fundamental principles, and creating a national sovereignty, and intended to endure for ages and to be adopted to the various crises of human affairs, is not to be interpreted with the strictness of a private contract. The Constitution of the United States, by apt words of designation or general description, marks the outlines of the powers granted to the national legislature, but it does not undertake, with the precision and detail by which they may be carried into execution."

Any legislation which is appropriate and conducive to the execution of any or all code of laws, to enumerate the subdivisions of those powers, or to specify all the means of the expressly enumerated powers of Congress and which is not prohibited by, or inconsistent with the Constitution, is authorized by the Constitution.

Undoubtedly this would be so even in the absence of the clause which confers upon Congress power "to make all laws which shall be necessary and proper for carrying into execution" the expressly enumerated powers, but that clause incorporates the rule in the Constitution. The words "all laws which shall be necessary and proper" mean laws which are conducive or convenient and calculated to produce or appropriate to the end. Congress may exercise its judgment in the selection of means, and is not limited to those only which are indispensable or absolutely necessary, or without which the end could not be attained.

These fundamental principles of constitutional construction were announced and applied in 1819 by Chief Justice Marshall, in a unanimous opinion in McCulloch *v.* Maryland (4 Wheat., 316), in which it was said (p. 421):

"But we think the sound construction of the Constitution must allow to the national legislature that discretion, with respect to the means by which the powers it confers are to be carried into execution, which will enable that body to perform the high duties assigned to it, in the manner most beneficial to the people. Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional."

This opinion has been frequently followed and cited by the Supreme Court. It is to-day the fixed and settled law of the land.

Even in the case in which the Supreme Court held unconstitutional an act of Congress making paper money of the United States legal tender, these principles were affirmatively approved. (Hepburn *v.* Griswold (first Legal Tender case), 8 Wall., 603, 617.)

In Knox *v.* Lee (the second Legal Tender case), 12 Wall., 457, upholding the same statute, the court said (p. 539):

"Even in Hepburn *v.* Griswold both the majority and minority of the court concurred in accepting the doctrine of McCulloch *v.* Maryland as sound expositions of the Constitution, though disagreeing in their application.

"With these rules of constitutional construction before us, settled at an early period in the history of the Government, hitherto universally accepted, and not even doubted, we have a safe guide to a right decision of the questions before us."

WAR POWERS NOT RESTRICTED BY STATE LINES.

With the exception of the commerce clause, which is self-limiting, all of the enumerated powers of Congress and those which properly arise by implication, operate directly throughout the United States without regard to State lines.

"The Government of the United States, within the scope of its powers, operates upon every foot of territory under its jurisdiction. It legislates for the whole Nation and is not embarrassed by State lines." (Pensacola Telegraph Co. *v.* Western Union Telegraph Co., 6 Otto, 1, 10.)

Congress, within its sphere, is supreme and may enforce and protect the operation or execution of its powers against any interference or obstruction by an State or its inhabitants.

The Constitution of the United States, article 6, clause 2, provides:

"This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land, and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."

In Veazie Bank *v.* Fenno (8 Wall., 533, 549), upholding an act of Congress imposing a tax on the circulation of State bank notes, the court said:

"Having thus, in the exercise of undisputed constitutional powers, undertaken to provide a currency for the whole country, it can not be questioned that Congress may, constitutionally, secure the benefit of it to the people by appropriate legislation. To this end, Congress has denied the quality of legal tender to foreign coins and has provided by law against the imposition of counterfeit and base coin on the community. To the same end Congress may restrain, by suitable enactments, the circulation as money of any notes not issued under its own authority. Without this power, indeed, its attempts to secure a sound and uniform currency for the country must be futile."

EXTENT OF THE WAR POWERS.

The Constitution expressly grants to the Congress the powers to declare war, to raise and support armies, to provide and maintain a Navy. These are the important war powers of Congress. The power to declare war, by necessary implication, includes the power to carry on the war. (Knox *v.* Lee, 12 Wall., 457, 546.)

Both Hamilton and Madison appreciated the necessity for sweeping powers for these purposes, and in the Federalist, urged their adoption. Hamilton said:

"The authorities essential to the common defense are these: To raise armies; to build and equip fleets; to prescribe rules for the government of both; to direct their operations; to provide for their support. These powers ought to exist without limitation, because it is impossible to foresee or define the extent and variety of national exigencies, or the correspondent extent and variety of the means which may be necessary to satisfy them. The circumstances that endanger the safety of nations are infinite, and for this reason no constitutional shackles can wisely be imposed on the power to which the care of it is committed. This power ought to be coextensive with all the possible combinations of such circumstances; and ought to be under the direction of the same councils which are appointed to preside over the common defense.

"This is one of those truths which, to a correct and unprejudiced mind, carries its own evidence along with it; and may be obscured, but can not be made plainer by argument or reasoning. It rests upon axioms as simple as they are universal; the means ought to be proportioned to the end; the persons, from whose agency the attainment of any end is expected, ought to possess the means by which it is to be attained.

"Whether there ought to be a Federal Government intrusted with the care of the common defense, is a question in the first instance, open for discussion; but the moment it is decided in the affirmative, it will

follow that the Government ought to be clothed with all the powers requisite to complete execution of its trust. And unless it can be shown that the circumstances which may affect the public safety are reducible within certain determinate limits; unless the contrary of this position can be fairly and rationally disputed, it must be admitted, as a necessary consequence, that there can be no limitation of that authority which is to provide for the defense and protection of the community, in any matter essential to its efficacy—that is, in any matter essential to the formation, direction, or support of the national forces." (The Federalist No. 23, pp. 152, 153, edition of Central Law Journal Co., 1914.)

Madison said:

"Is the power of declaring war necessary? No man will answer this question in the negative. It would be superfluous, therefore, to enter into a proof of the affirmative. The existing confederation establishes this power in the most ample form.

"Is the power of raising armies and equipping fleets necessary? This is involved in the foregoing power. It is involved in the power of self-defense.

"But was it necessary to give an indefinite power of raising troops, as well as providing fleets, and of maintaining both in peace as well as in war?

"The answer to these questions has been too far anticipated in another place to admit an extensive discussion of them in this place. The answer indeed seems to be so obvious and conclusive as scarcely to justify such a discussion in any place. With what color of propriety could the force necessary for defense be limited by those who can not limit the force of offense? If a Federal Constitution could chain the ambition or set bounds to the exertions of all other nations, then indeed might it prudently chain the discretion of its own Government and set bounds to the exertions for its own safety.

"How could a readiness for war in time of peace be safely prohibited unless we could prohibit in like manner the preparations and establishments of every hostile nation? The means of security can only be regulated by the means and the danger of attack. They will, in fact, be ever determined by these rules, and by no others. It is in vain to oppose constitutional barriers to the impulse of self-preservation." (The Federalist, No. 41, pp. 275, 276, edition of Central Law Journal Co., 1914.)

In Knox *v.* Lee (12 Wall., 457) the Supreme Court had under consideration the extent of the war powers and said (p. 540):

"It is not to be denied that acts may be adapted to the exercise of lawful power and appropriate to it, in seasons of exigency, which would be inappropriate at other times."

It has been contended that Ex parte Milligan (4 Wall., 2), is not in harmony with the foregoing views as to the extent of the war powers of Congress. In fact the decision in that case is not inconsistent with those views. Any expression therein to the contrary is pure dictum. The only issue was the power and authority of the Executive. The question of the power of Congress to legislate for war purposes was not involved. This clearly appears from the argument of counsel and was recognized by the court. David Dudley Field, of counsel for Milligan, said (p. 22):

"It is not a question how far the legislative department of the Government can deal with the question of martial rule. Whatever has been done in these cases has been done by the executive department alone."

The court said (p. 121): "It is not pretended that the commission" before which Milligan was tried "was a court ordained and established by Congress."

Four members of the court dissented from the dictum in the majority opinion as to the power of Congress, although concurring in its decision on the real issue involved as to the power and authority of the Executive, saying (p. 142):

"And we are unwilling to give our assent by silence to expressions of opinion which seem to us calculated, though not intended, to cripple the constitutional powers of the Government and to augment the public dangers in times of invasion and rebellion."

CONSTITUTIONALITY DEPENDENT ON THE FACTS.

In determining the constitutionality of bill H. R. 4630 the first inquiry is whether its provisions are appropriate and conducive to the exercise of the war powers of Congress. This is primarily a question of fact, and, in the first instance, must be determined by the legislature. However, the legislative determination is subject to review by the courts to ascertain whether or not the facts behind the legislation are sufficient to bring it within the doctrine of McCulloch *v.* Maryland. This is strikingly illustrated in the first and second Legal Tender cases.

In Hepburn *v.* Griswold (first Legal Tender case, 8 Wall., 603) five out of the eight judges held that the legal-tender statutes were not appropriate and conducive to the carrying out of the war powers or any other power enumerated in the Constitution, and therefore were not within the doctrine. In the following year, with a slight change in the personnel of the court, five out of nine judges, in Knox *v.* Lee (second Legal Tender case), held that the facts behind the statutes did bring them within the operation of this doctrine and that the statutes were appropriate and conducive to the execution of the war powers of Congress.

It is interesting, as an evidence of the evolution of the judicial mind, to note that in Juilliard *v.* Greenman (110 U. S., 421, the third Legal Tender case) the court, with only a single dissenting voice, held statutes making notes of the United States legal tender to be constitutional, on the ground that they were measures appropriate, conducive, and plainly adapted to the execution of the power of Congress, expressly granted, to borrow money on the credit of the United States.

The following cases further illustrate the extent to which the Supreme Court has gone in holding acts of Congress appropriate and conducive to the exercise of its expressly enumerated powers:

In United States *v.* Fisher (2 Cr., 358), the Supreme Court held an act of Congress giving priority to debts due the United States over those of other creditors of insolvent or bankrupts conducive to the exercise of the power to pay the debts of the United States.

In McCulloch *v.* Maryland (4 Wheat., 316), the court held that an act of Congress establishing a bank was plainly adapted to the exercise of its enumerated powers.

In Stewart *v.* Kahn (11 Wall., 493), an act of Congress which had the effect of extending the period of the statutes of limitations prescribed by State law for civil and criminal proceedings was upheld by the Supreme Court of the United on the ground that it was a necessary and proper exercise of the war power.

In United States *v.* Gettysburg Electric Railway Co. (160 U. S., 668), the court held that an act providing for the condemnation of land to commemorate the Battle of Gettysburg was germane to or intimately connected with and appropriate to the exercise of the war powers of Congress.

A SURVEY OF THE GENERAL FACTS.

The bill carries on its face a declaration by Congress, in the first section that, by reason of the existence of a state of war, the things required or forbidden are essential to the national security and defense, for the successful prosecution of the war, and for the support and maintenance of the Army and Navy; and, in the third section, that processes, methods, and activities concerning necessaries are affected with a public interest. Is this legislative declaration well founded?

The United States has become a party to a war of unforeseeable duration and magnitude with a formidable enemy of vast and indefinite ability and resources. Methods of warfare have been revolutionized and now involve instrumentalities whose cost and destructive effects tax and drain the financial and natural resources not only of the countries engaged but of the world, to an extent hitherto unknown. At least two-thirds of the world's population and more than one-half of its land area are involved. More than 25,000,000 men are now under arms and battle lines encircle half of a continent. The governments of the warring powers have already spent more than $60,000,000,000 in the prosecution of the war. Our own Government has authorized the issuance of bonds for war purposes to the extent of $7,000,000,000. We now have over half a million men in the military service, and provision has been made for adding more than 2,000,000 others. Military necessities have withdrawn millions of workmen from the fields of production, and wide, productive areas have been devastated by military operations. Submarines have destroyed millions of tons of shipping and supplies and have deflected commerce from its wonted channels. Preference movements of troops, war supplies, and munitions have partially monopolized transportation facilities, to the detriment of other shipping. These and other sudden and extraordinary demands upon industry and commerce have cause a scarcity of labor and fertilizer in the great producing areas which, with contributing natural causes, have resulted in a subnormal food supply throughout the world. Great Britain and France have been unable, notwithstanding supreme effort and drastic laws for the purpose, adequately to provide themselves with the necessities of life, and are making increasingly heavy drafts upon this country We are now cooperating with these countries. The United States is the principal foreign source of their supplies, and is under obligation and necessity to meet their needs.

The foregoing facts demonstrate that some control or regulation by Congress of production, conservation, and distribution of the necessaries of life is appropriate and conducive, even essential, to the support and maintenance of the Army and Navy, and to the successful prosecution of the war. The question then is, whether the particular means proposed in the bill are appropriate and conducive. This depends upon their nature and scope.

DISCUSSION OF THE FACTS APPLICABLE TO THE VARIOUS SECTIONS OF THE BILL.

The chief aims of the bill are to eliminate waste, to conserve the supply of human food, to stimulate production, to prevent hoarding, to restrain injurious speculation, to prevent corners and extortion, and to prevent deceptive practices and effect equitable distribution.

The accomplishment of these aims is within the public policies of both our National and State governments. Many statutes with closely related objects in view have been enacted and have been upheld by the courts. See the following decisions: Manufacturers' Light & Heat Co. *v.* Ott (215 Fed., 940); Munn *v.* Illinois (94 U. S., 113); Spring Valley Water Works *v.* Schottler (110 U. S., 347); Budd *v.* New York (143 U. S., 517); Brass *v.* Stresser (153 U. S., 391); German Alliance Ins. Co. *v.* Kansas (233 U. S., 389); Seven Cases *v.* United States (239 U. S., 510); Wilson *v.* New (U. S. Sup. Ct.), decided March 19, 1917

While the bill is a war measure, none of the powers conferred by it can be employed until after the President shall find a specifically described condition or emergency which justifies its exercise. These powers are really designed to take care of acute situations which may arise during the progress of the war.

Section 12 of the bill: By reason of the fact that there is a subnormal supply of food in the world and an abnormal demand for military supplies, increased production is essential for the successful prosecution of the war. It is impossible to forecast weather conditions and crop yields. In many directions farmers may be faced with increased costs of labor, of fertilizers, of farm machinery, and of capital. In respect to one or more staple crops the Nation may find it desirable directly to stimulate production by giving producers a guaranty of a reasonable price. In such an emergency the guaranty would be a direct and plainly adapted means of bringing about prompt and continuous increase in production.

Section 10: It may be found that certain mines, factories, or plants are idle and that their owners are not able or willing to operate them; that some are engaged in producing foods or fuels when other foods or fuels are more desirable in the light of war needs; or that others are engaged in producing foods or fuels which are essential for ourselves and the countries with which we are cooperating, but are disposing of them in neutral countries. Obviously, in such cases, the exercise of the power to take over and operate is plainly adapted to stimulating production and to assuring an adequate and continuous supply of food or fuel for ourselves and the countries relying upon us for assistance.

Section 7: Experience has shown that blind market movements of perishable products have frequently resulted in congested terminals and disastrous losses. Some markets have been glutted while others were suffering from scarcity. The nature of these products often makes transfers from market to market impossible, and when such conditions arise vast losses result from spoilage. Court and other official records show that perishable products frequently have been withheld from sale to the point of decomposition, and at times edible products have been dumped or destroyed in order to maintain prices. Great losses are suffered from careless methods of manufacture, packing, transportation, and handling. Even in times of peace and plenty, waste is deplorable. In the face of war and a real necessity, waste becomes dangerous. Having declared waste unlawful, the bill provides for directing the disposition of foods going out of condition and the market movement of perishable products. If the prevention of food waste is a legitimate end, clearly the means proposed for coping with the problem are appropriate and plainly adapted

Sections 14, 15, and 16: The substantial shortage in our wheat crops of last year and the estimated shortage for this year point to the possible necessity of resorting to certain expedients in order to increase the flour supply. The provisions of these sections would make it possible, if the emergency required, to increase the percentage of flour

derived from wheat in order to bring about an increase in the amount of flour; to permit or require wholesome mixtures of wheat, wheat flour, and other wheat products with other cereals or materials of vegetable origin, in order to increase the flour supply; and to restrict or prohibit the manufacture of alcohol, and alcoholic or other oeverages, in order to conserve for food purposes the materials which enter into these articles. It has been asserted that in the case of alcohol 60 per cent of the food value of the food products entering into its production is lost. It has been estimated that from seventy to eighty million bushels of cereals could be saved for food purposes through the exercise of the power to curtail the use of foodstuffs in the manufacture of alcohol and beverages. If this amount of grain were taken for human food, the distillers' and brewers' grains would be withdrawn from cattle feed and would have to be replaced. Surveys in the Department of Agriculture indicate that other protein substitutes can be supplied for the dairymen, without difficulty, through proper organization for the handling of the problem. If an emergency should require action along these lines, these powers are manifestly appropriate and plainly adapted to the conservation of the food supply. Whether they would be exercised would depend upon the emergency.

Sections 6 and 8: In times of alleged or real shortage there is a disposition amongst consumers, based upon the fear of actual need or the apprehension of higher prices, to buy up and store quantities of necessaries in excess of their ordinary requirements. Such practices frequently result in spoilage and abnormally tend to increase prices. The fear or apprehension on the part of the consumer is commercialized, and inspires hoarding, by speculators, for the purpose of making unusual profits. There are indications that hoarding is being practiced throughout the country by both consumers and speculators. If hoarding be not restrained by Congress, it is likely to result that, while there were sufficient necessaries in the country to supply all the needs of the Government and the people, the Government and many of the people could not get sufficient for their needs unless at excessive prices. Therefore hoarding is defined and declared to be unlawful, and machinery is provided for compelling the placing of hoarded necessaries on the market.

Section 11: In order to restrain injurious speculation the exchanges on which necessaries are dealt in may, if the emergency requires, be subordinated to control by the President. While exchanges undoubtedly render many useful services to legitimate business, nevertheless it is a fact that at time some of them may be employed for purely speculative purposes and they are susceptible to use for manipulation. The privilege of dealing on small margins through exchanges may enable market manipulators, upon the investment of relatively small capital, to depress or enhance prices as their interests may appear, without regard to the law of supply and demand. This privilege may be exercised against the producer and the consumer alternately. War conditions have a tendency to inflame cupidity and create uncertainties which breed destructive speculation Unjustifiable price fluctuations may take place overnight. These demoralize and disturb legitimate business interests and the processes of production and distribution. The exchanges afford facilities for speculative trading in forward contracts for necessaries by citizens and aliens, which under readily conceivable circumstances might be inimical to the best interests of this country and seriously hamper the Government in provisioning its Army and Navy.

Section 13: In case of extreme emergency, in order to prevent or break corners or to prevent extortion, the President is vested with power to fix the highest price at which any necessaries shall be dealt in. This provision goes hand in hand with the guaranteed price to the producer, and is primarily for the protection of the Government and consumers generally. The mere existence of the power in the President should have a marked tendency to prevent hoarding, monopolization, and other speculation, as it will be generally understood that it will be exercised if it becomes necessary to curb greed. Experience demonstrates that in the excitements and uncertainties of war local and general monopolies, manipulations, and other speculative schemes are unusually prevalent, tending to drive prices alternately to abnormally low or high levels. In the face of such legislation it is thought that selfish men would not dare to commercialize war conditions to exploit the Government and the people.

Section 6: Licensing is recognized as a convenient and necessary means by which any business may be brought under direct supervision and control, and therefore has been proposed for the purpose, if the emergency requires, of eliminating waste, preventing hoarding, regulating rates and charges, conserving the food supply, preventing discriminatory and unfair practices, and procuring from time to time valuable information concerning supply and demand. Among other things, licensing affords a means through which to protect the producer in his business transactions with the classes of middlemen with whom he comes in contact, and thereby ipdirectly to encourage production. The preservation of foods through storage from season to season, especially in the case of perishables, is of the highest importance. However, the system itself in some instances has been abused and employed by speculators for selfish purposes. Bringing these valuable and indispensable instrumentalities for food preservation under Federal supervision may become highly essential to their proper utilization.

Section 5: Should a guaranteed price to producers or the highest price for dealing in any necessaries be fixed, uniform grades for such necessaries would be helpful as a basis for the application of the prices. In the regulation of exchanges it may become desirable to prescribe grades in order to promote commercial convenience and prevent fraud. Such grades might also be needed by the Government in the large purchases which are essential for conducting the war. War, with its consequent high prices, brings about an increased tendency on the part of some dealers to misrepresent. The consumer is at a relative disadvantage in buying, and the distributor is enabled more easily to practice deception. Federal action would be necessary to bring about the general use of such uniform grades and proper labeling in order to prevent deception.

Section 9: Supplementing the specific powers for carrying out the chief aims of the bill, a general power to purchase, requisition, store, and sell necessaries is vested in the President. In extreme cases this power would be available to bring such products immediately under the ownership and control of the Government. In war times the Government should be in a position to procure needed supplies at reasonable prices for itself and for its people.

No government competent to declare and carry on war can afford to leave itself or its people at the mercy of grasping interests in the matter of the prices for military supplies and the necessaries of life. Artificial enhancement of prices diminishes the purchasing power of the Government and hence its ability to finance and sustain itself during the war. Such prices directly tend to lessen the ability of the people to respond to taxation. They also tend to prevent the masses from obtaining the proper amount of necessaries, inflame popular passions, bring about strikes, lockouts, and boycotts, and otherwise disturb the normal course of industry and trade, thus resulting in impaired efficiency for industrial and military purposes. Undoubtedly industrial efficiency is equally as necessary to the successful prosecution of the war as military efficiency.

ARE ANY LIMITATIONS OF THE CONSTITUTION VIOLATED?

The second inquiry in determining the constitutionality of House bill 4630 is whether, in any respect, it is prohibited by or inconsistent with the Constitution.

There is a strong belief that in the exercise of its war powers Congress is free from the necessity of observing any constitutional limitations as to personal guaranties which would obtain in times of peace.

It has been held, on the principle of the necessity for self-preservation, that the power to tax is not limited by the personal guaranties in the Constitution. In Billings *v.* United States (232 U. S., 261, 282), the Supreme Court said:

"It is also settled beyond dispute that the Constitution is not self-destructive. In other words, that the powers which it confers on the one hand it does not immediately take away on the other; that is to say, that the authority to tax which is given in express terms is not limited or restricted by the subsequent provisions of the Constitution or the amendments thereto, especially by the due process clause of the fifth amendment. McCray *v.* United States (195 U. S., 27) and authorities there cited."

If, in the opinion of the Supreme Court, it is necessary that the taxing power be free from constitutional limitations, surely that court, if occasion should arise, would not hesitate to hold that the war powers of Congress are fully as comprehensive as the power to tax and as free from restriction. Mr. Justice Bradley, in his concurring opinion in the second legal tender case, Knox *v.* Lee (12 Wall., 457, 563), said:

"It is absolutely essential to independent national existence that government should have a firm hold on the two great sovereign instrumentalities of the sword and the purse, and the right to wield them without restriction on occasions of national peril."

In this connection see also the opinion of the Supreme Court in the case of Miller *v.* United States (11 Wall., 268, 305).

If the framers of the Constitution did not intend to make the war powers the most comprehensive conferred by that instrument, then why did they in express terms recognize the power of Congress, by appropriate legislation, to quarter troops in any house without the consent of the owner, and the power to suspend the great writ of liberty, the habeas corpus, without which all the personal-liberty guaranties in the Constitution lose their efficacy? If, in the exercise of the war powers, soldiers may be thus quartered and the writ of habeas corpus suspended, it follows that the lesser property rights need not be observed.

However, it is not necessary, in order to accomplish the aims of this bill, to invade any constitutional guaranty as to personal-liberty or property rights. Even if those guaranties are limitations on the war powers, the bill as framed is not in conflict with them. It is thought that the only objections which opponents could raise in connection with the limitations in the Constitution are the following:

1. That it deprives the person of property without due process of law and takes private property for public use without just compensation, contrary to the fifth amendment.

2. That it compels self-incrimination, contrary to the fifth amendment.

3. That it authorizes unreasonable searches and seizures, contrary to the fourth amendment.

4. That it provides for taking money out of the Treasury, otherwise than in consequence of appropriations made by law, contrary to article 1, section 9, clause 7.

5. That it provides for the expenditure of public funds for private purposes, contrary to article 1, section 8, clause 1.

6. That it delegates legislative power to the Executive, contrary to article 1, section 1.

DUE PROCESS.

The question whether property may be taken without due process of law arises in connection with section 6 of the bill, relating to fixing rates and charges and the disposition of hoarded stocks of licenses; section 7, relating to the disposition of food to avoid spoilage and to the direction of market movements of perishable products; section 8, relating to the sale of hoarded necessaries; and section 13, relating to the fixing of the highest sale price of necessaries.

This bill, in specific terms, in substance declares all processes, methods, and activities concerning necessaries to be affected with a public interest. As previously shown in this brief, any business affected with a public interest is in a higher degree subject to governmental regulation and control than mere private enterprise.

In every instance, save one, in which the above-mentioned sections authorize the President to take any action affecting the property rights of any person, the property involved must be in an unlawful status, or it must be an unlawful rate, charge, or practice.

The only way in which the operation of the hoarding section may be said to have invaded property rights is that when any person is found to have hoarded any necessaries, he must, if ordered by the President, put them on the market. It is to be noted, however, that the section does not require any person to dispose of property which it is lawful for him to possess; it merely requires him to expose for sale at reasonable prices property which is being held by him contrary to law. Practically the same rules apply to the disposition of property about to go out of condition under the spoilage provision, which requires the person merely to dispose of the food so as to preserve its food value. The highest price section interferes with property rights only to the extent that it provides for a general limitation upon the price at which all persons may sell any necessaries, and merely prohibits the exercise of the privilege of sale at an unlawful price. This might curtail possible profits and result in actual loss to particular individuals. The power over rates and charges of licensees operates upon the same theory as the power of the Interstate Commerce Commission over railroads. The direction of market movement and distribution may take away from a person the privilege of selecting the market to which he may send perishable products, and is just another instance in which private property rights must yield to the public interest. This power is sustainable, and the other powers are also sustainable, on the ground that all dealings in necessaries are specifically declared to be affected with a public interest, as being appropriate and conducive to the exercise of the war powers of Congress. The incidental interference with property rights involved in the exercise of these powers is mild, compared with the treatment of property held or handled in violation of other statutes.

Section 6 of the Sherman antitrust law of 1890 authorizes the forfeiture to the United States and the seizure and condemnation of any

property in the course of transportation from one State to another or to a foreign country which is owned under any contract or combination or pursuant to any conspiracy declared illegal by section 1 of that statute. Furthermore, under that statute the dissolution of illegal combinations frequently has been required and the offending members have been forced to dispose, as best they could, of shares of stock illegally held by them. On numerous occasions the constitutionality of this statute has been attacked and has been upheld by the Supreme Court. Addyston Pipe & Steel Co. *v.* United States (175 U. S., 211); Standard Oil Co. *v.* United States (221 U. S., 79); United States *v.* American Tobacco Co. (221 U. S., 168); Northern Securities Co. *v.* United States (193 U. S., 197).

Again, Congress has authorized the seizure and condemnation of goods imported in violation of the customs laws, and also of property employed in aiding or abetting the evasion of the payment of duty. Similar provisions are embodied in the internal-revenue statutes.

Property shipped in interstate or foreign commerce contrary to the provisions of the food and drugs act of June 30, 1906, is also subjected to forfeiture, seizure, condemnation, and sale, and the net proceeds from such sales go to the United States. In addition to forfeiture and condemnation of offending property, this statute prescribes personal punishment for violations. This statute has been upheld by the Supreme Court. Hipolite Egg Co. *v.* United States (220 U. S., 45); Seven Cases *v.* United States (239 U. S., 510).

The fact that the value of any property held by a particular person is affected or impaired is a mere incident to the lawful exercise of a constitutional power and does not offend the due process clause of the Constitution.

As stated by the Supreme Court of the United States in Knox *v.* Lee (12 Wall., 457, 551, the second legal-tender case):

"Closely allied to the objection we have just been considering is the argument pressed upon us that the legal-tender acts were prohibited by the spirit of the fifth amendment, which forbids taking private property for public use without just compensation or due process of law. That provision has always been understood as referring only to a direct appropriation, and not to consequential injuries resulting from the exercise of lawful power. It has never been supposed to have any bearing upon, or to inhibit laws that indirectly work harm and loss to individuals. A new tariff, an embargo, a draft, or a war may inevitably bring upon individuals great losses; may, indeed, render valuable property almost valueless. They may destroy the worth of contracts; but whoever supposed that because of this a tariff could not be changed, or a nonintercourse act or an embargo be enacted, or a war be declared?"

See also Dent *v.* West Virginia (129 U. S., 114); Louisville & Nashville R. R. *v.* Mottley (219 U. S., 467, 482).

These and other cases to like effect authoritatively dispose of any question of due process of law which may arise out of the operation of any provision of the bill.

As a matter of fact, there is no compulsory process provided by which any person can be, in any respect, actually deprived of his property. By refusing to comply with any notice, order, regulation, or requirement made under the law any person may create a justiciable controversy with the Government and have his day in court. No order, notice, requirement, or regulation directed against any person is final or conclusive as to either the facts or the law. The accused may successfully defend upon a showing that the order, notice, requirement, or regulation was not justified by the facts or was unauthorized or contrary to law.

EXEMPTION OF FARMERS.

It may be argued that the exemption of farmers, gardeners, and others, with respect to products of lands cultivated by them, constitutes an unreasonable or arbitrary classification, and is therefore unconstitutional. There is, however, a differentiating equity in favor of such persons. Statutory precedent for such an exemption is found in section 6 of the Clayton amendment to the antitrust laws, and in many of the State statutes. Manifestly, the exemption is within the rule with respect to classification laid down in German Alliance Insurance Co. *v.* Kansas (233 U. S., 389), in which the court said (p. 418):

"A citation of cases is not necessary, nor for the general principle, that a discrimination is valid if not arbitrary, and arbitrary in the legislative sense—that is, outside of that wide discretion which a legislature may exercise. A legislative classification may rest on narrow distinctions. Legislation is addressed to evils as they may appear, and even degrees of evil may determine its exercise." (Ozan Lumber Co. *v.* Union County Bank, 207, U. S., 251.)

PROPERTY TAKEN FOR PUBLIC USE.

Although in every case provision is made for just compensation when it is proposed to take private property, for the United States, it may be argued that such taking is not for a public use. It will not be denied that Congress has the power to authorize the taking of necessaries whenever needed for the Army and Navy or for the Government itself, upon the payment of just compensation. To that extent, the constitutionality of this bill can not be questioned. Nor will it be seriously contended that Congress may not provide for the taking of such necessaries and furnishing them to the Governments of countries with which we are or may be cooperating in the prosecution of the war, because their interests and ours in the successful prosecution of the war are common. The objection, if any, arises because property taken by the United States may be disposed of to private purchasers.

The purposes for which the power of requisitioning necessaries may be exercised are to assure equitable distribution and to prevent hoarding, manipulation, the exaction of excessive prices, and injurious speculation. These are broad public purposes, principally aimed at the correction of practices elsewhere in the bill declared to be unlawful. As previously stated, the power granted in this section is purely supplementary for the accomplishment of the chief aims of the bill. Resale of such requisitioned supplies is not limited to a particular person or class of persons, and is merely incidental to the carrying out of the public purposes specified. Likewise the requisitioning and governmental use or operation of factories, mines, and plants is authorized only for the broad public purpose of assuring an adequate and continuous supply of necessaries; and the later possible disposition of products to private purchasers is incidental and subordinate to the carrying out of the principal purposes for which the power is exercised.

SELF-INCRIMINATION.

The second objection, that the bill compels self-incrimination, contrary to the fifth amendment, might be made only under section 6 of the bill, which authorizes the President to require the submission of reports by licensees. The fifth amendment to the Constitution provides, in part, "nor shall (any person) be compelled in any criminal case to be a witness against himself."

This constitutional guaranty applies only to natural persons. Corporations, and their officers as such, may be compelled to furnish any information relating to the corporate business, whether self-incriminatory or not, which is required by Congress. Wilson *v.* United States (221 U. S., 361).

The constitutional protection of natural persons against self-incrimination is not an absolute right, but a privilege which operates in favor of the person only when claimed by him at the time of an attempted deprivation or invasion thereof; otherwise it is waived. Brown *v.* Walker (161 U. S., 591, 597).

As stated with reference to the corresponding provision in the Massachusetts constitution by the Supreme Judicial Court of Massachusetts in Commonwealh *v.* Farmers and Mechanics' Bank (21 Pick (Mass.), 542, 555):

"The immunity given to all the citizens of the Commonwealth by which they are exempted from the obligation to criminate themselves is a privilege which each individual may claim for himself, or may waive, as he pleases. The act authorizes the commissioners to examine under oath all directors, officers, and agents of banks. It may be presumed that in most cases such officers and agents would prefer to waive their privilege and make a full disclosure of all the facts within their knowledge, rather than lie under the suspicion, which their declining to answer would imply; and in such case there is no reason why the commissioners, and through them the public, should not avail themselves of information which such answers voluntarily given would afford."

Any natural person, notwithstanding the constitutional provision, may be compelled to give self-incriminating evidence, if there has been granted to him immunity from prosecution, on account of such evidence, as broad as the constitutional protection. Counselman *v.* Hitchcock (142 U. S., 547); Brown *v.* Walker (161 U. S., 591).

Thus, in an attempt to secure the information desired, Congress may adopt either of two methods. If it supplant the constitutional barrier with respect to self-incriminating evidence with an immunity as broad as the privilege which may be claimed by the person from whom the information is sought, such person may be compelled to disclose the information, whether it is self-incriminating or not. On the other hand, if it let the barrier remain undisturbed, the person may be compelled to disclose only information with respect to which he does not claim the privilege conferred by the Constitution to withhold self-incriminating evidence. In drafting section 6 the latter course was followed, because the real inconvenience to arise from the introduction of the immunity clause is that it would hamper the Department of Justice by making the President the unwitting instrument for stopping prosecutions by the Department of Justice. Not only does the section under consideration contain no immunity clause, but it also contains no provision requiring any person to furnish self-incriminating evidence and penalizes only through regular criminal proceedings willful violation of the regulation under which such information may be required.

The question for determination is whether the section as framed, without any immunity clause, is in conflict with the constitutional provision regarding self-incrimination. Unless the language otherwise affirmatively require, the section should be construed with the implied exception, which exists by virtue of the Constitution, that no one shall be obliged to incriminate himself. Under the provision of the Massachusetts constitution similar to that of the United States Constitution the Massachusetts Supreme Judicial Court, upholding a statute, requiring the giving of information, which contained no immunity clause, said:

"The specific objection is that by the Constitution no person is bound to furnish evidence which may render him liable to a criminal prosecution; but by the act all directors and other officers are liable to be put to interrogatories, which may thus oblige them to criminate themselves.

"To this there are several answers. First, taking the Constitution to be as supposed, then it will be presumed that the provision was to be taken with the implied exception that no one shall be obliged to criminate himself." (Commonwealth *v.* Farmers and Mechanics Bank, 21 Pick. (Mass), 542, 554.)

The only form of compulsion directed against the person who may be called upon to make reports pursuant to this section is his liability to criminal punishment for willful violation of the regulation requiring such reports. He has full opportunity when called upon to comply with the regulation, and again when prosecuted in the criminal courts for failure or refusal to give the information, to claim and assert his constitutional privilege against giving self-incriminating evidence. Furthermore, it is the duty of the court in which any such prosecution is brought to recognize the right, if claimed by the person from whom the information was sought. This was asserted by the Supreme Court of the United States in the following language:

"Suffice it in the present case to say that as the Interstate Commerce Commission, by petition in a circuit court of the United States, seeks, upon grounds distinctly set forth, an order to compel appellees to answer particular questions and to produce certain books, papers, etc., in their possession, it was open to each of them to contend before that court that he was protected by the Constitution from making answer to the questions propounded to him; or that he was not legally bound to produce the books, papers, etc., ordered to be produced; or that neither the questions propounded, nor the books, papers, etc., called for relate to the particular matter under investigation, nor to any matter which the commission is entitled under the Constitution or laws to investigate. These issues being determined in their favor by the court below, the petition of the commission could have been dismissed upon its merits." (Interstate Commerce Commission *v.* Brimson, 154, U. S., 447, 479.)

The penalties imposed by the section do not apply to all failures or refusals to furnish reports, but only to such failures or refusals as are "willful." The word "willful" has been held to be synonymous with the words "intentional," "designedly," "without lawful excuse." It implies that the act is done knowingly and of stubborn purpose. It means with "evil intent" or with "legal malice." It is frequently understood as signifying evil intent without justifiable excuse. (Bouvier, vol. 3, p. 3454.)

In the statute upheld in the Massachusetts case above cited the words "without justifiable cause" were used, and it was held by the court in that case that to decline answering, when it is provided by the Constitution that the person shall not be held to answer, would plainly be a justifiable cause. Therefore it would seem that proof that the information was self-incriminatory would be a complete defense to a charge of "willfully" violating the regulation requiring the submission of the reports.

SEARCHES AND SEIZURES.

The third objection is that section 6 of the bill authorizes unreasonable searches and seizures, contrary to the fourth amendment of the Constitution, in that it provides for entry and inspection by the Presi-

dent's duly authorized agents of the places of business of licensees. It is believed that the section in question does not authorize an unreasonable search and seizure within the meaning of the Constitution. It authorizes entry only by the President's duly authorized agents for the purposes of the section. It should be observed that it does not authorize entries into dwelling houses, but relates only to the places of business of licensees. It does not authorize any search of the person. There is no machinery provided for entry over the protest or resistance of any person. The only penalty is for willful violation of the regulation, or, under section 20 of the bill, for willfully obstructing or hindering the President's duly authorized agents in the performance of their duties under the section. The question whether an entry under this section would constitute an unreasonable search and seizure would arise only in case the person had, in the place to which entry was sought, information which, if obtained through such entry, would be self-incriminatory. It is believed that this question is settled by the fact that the section does not deprive the person of his right to prevent an entry of his place of business when such entry would lead to the disclosure of self-incriminatory information. If the entry be effected over his protest and claim of the protection of the constitutional guaranty, any self-incriminatory evidence obtained by such entry, upon timely objection, could not be used against him in any proceeding to subject him to punishment for a crime or to a penalty or forfeiture. (Weeks *v.* United States, 232 U. S., 383.)

In case he has protested against an entry and has claimed the protection of the constitutional guaranty and thereupon is brought to trial upon a charge of willfully violating the regulation, or willfully obstructing or hindering the President's duly authorized agents, he may plead his constitutional guaranty by way of defense to the charge. There is nothing in the section which deprives him of such a defense.

These conclusions are supported by exactly the same line of reasoning hereinbefore used with respect to the self-incrimination clause of the Constitution.

REVOLVING FUND.

The fourth objection that the bill provides for taking money out of the Treasury otherwise than in consequence of appropriations made by law, may arise in connection with the revolving-fund features of sections 9, 10, and 12, which provide that moneys received in carrying out the purposes of the respective sections may, in the discretion of the President, be used over and over in further carrying out those purposes, without being immediately deposited in the Treasury. Only balances not used as part of such revolving funds are required to be covered into the Treasury. The original fund for carrying out these purposes is provided for in a direct appropriation made by section 21 of this bill from moneys in the Treasury.

It is apparent from this analysis of the section that the only moneys which may actually be taken from the Treasury are drawn in consequence of an appropriation made by law. The constitutional prohibition applies only to moneys which are actually in the Treasury, and not to moneys which remain under the control of the President. (Knote *v.* United States, 95 U. S., 149.)

There is nothing novel in the application of the revolving-fund principle in this bill, as there are statutory precedents for the practice. For example, see the act of March 4, 1913 (37 Stat., 828), relating to the Forest Service; the act of March 4, 1915 (38 Stat., 1145), relating to the Alaskan railway; the acts of February 21, 1911 (36 Stat., 926), and March 31, 1905 (33 Stat., 1032), relating to the United States Reclamation Service; and the act of July 1, 1898 (30 Stat., 604), relating to the United States Revenue-Cutter Service.

PUBLIC FUNDS FOR PRIVATE PURPOSES.

The fifth objection, that the bill provides for the expenditure of public funds for private purposes, arises with reference to section 12, providing for a guaranteed price.

The sole purpose of this section is the stimulation of production and the assurance of an adequate and continuous supply of necessaries during the war. It is national in its scope. It is not confined to any particular geographical area, and is operative only when the President shall find that an emergency exists. Whatever benefit may accrue to the producer under its operation would be merely incidental to the carrying out of its declared purpose. The objectors may cite the cases arising out of the sugar-bounties provisions of the act of October 1, 1890 (26 Stat., 567). The provisions of this bill are fundamentally different from those of the sugar-bounties act. That act was intended to indemnify the growers of sugar in the United States for actual or theoretical losses which they might have sustained by reason of the removal of the tariff duty upon the importation of sugar into this country, and was, in effect, a mere bounty or gratuity. The sugar-bounties act was intended as permanent legislation and in no way related to any war or to the assurance of an adequate and continuous supply of sugar.

Section 12 of this bill is directly related and limited to the emergency which may arise out of the progress of the war and is directly connected with the assurance of an adequate and continuous supply of necessaries during the war. Its duration is expressly limited. Therefore it is inseparably connected with providing for the common defense and promotion of the general welfare and is clearly within the principles laid down by Story in his work on the Constitution, volume 1, section 978, in which, quoting Hamilton, he said:

"It is therefore of necessity left to the discretion of the National Legislature to pronounce upon the objects which concern the general welfare and for which under that description an appropriation of money is requisite and proper. And there seems no room for doubt that whatever concerns the general interests of learning, of agriculture, of manufactures, and of commerce are within the sphere of the national councils so far as regards an application of money. The only qualification of the generality of the phrase in question which seems to be admissible is this, that the object to which an appropriation of money is to be made must be general and not local—its operation extending in fact or by possibility throughout the Union and not being confined to a particular spot."

The Supreme Court of the United States refused to pass upon the constitutionality of the sugar-bounties provisions, but did authorize the payment of earned bounties thereunder. (United States *v.* Realty Co., 163 U. S., 427.)

DELEGATION OF LEGISLATIVE POWER.

The sixth objection which may be made to the bill is that it delegates legislative power to the Executive. This may arise in connection with any of the regulatory sections from 5 to 16, inclusive. A discussion of this objection requires a clear understanding of the legal theories upon which the bill is based. In the first place, the bill declares the legislation to be essential by reason of the existence of a state of war. Thereupon, specific acts and practices are denounced as unlawful. It also declares all processes, methods, and activities concerning necessaries to be affected with a public interest. In each of the regulatory sections it lays down a primary rule or standard to govern and guide the President. The President is confined within the field of action prescribed by Congress. The penalties apply and the machinery provided in the regulatory sections operates only after the President shall have found the existence of specifically described facts or emergencies and shall have promulgated a notice or regulation or made an order or requirement intended to effect the legislative will. In every case the offending party, even if found guilty of any of the acts or practices denounced as unlawful in section 4, may escape criminal punishment by compliance with the notice, regulation, order, or requirement. Having prescribed the rule of conduct for both the Executive and the citizen, the bill confers upon the President merely administrative functions. Congress does not authorize the President to create any crime nor to apply or withhold punishment for any crime. The crime and the punishment therefor are to be determined by facts, circumstances, and conditions described in the bill, as they, respectively, arise.

The bill as drawn is obviously within the rules laid down by the Supreme Court, as shown in the following quotation from United States *v.* Grimaud (220 U. S., 506, 517, 518).

"Thus it is unlawful to charge unreasonable rates or to discriminate between shippers, and the Interstate Commerce Commission has been given authority to make reasonable rates and to administer the law against discrimination. Interstate Commerce Commission *v.* Chicago, Rock Island, etc., Railroad (218 U. S., 88). Congress provided that after a given date only cars with drawbars of uniform height should be used in interstate commerce, and then constitutionally left to the commission the administrative duty of fixing a uniform standard. St. Louis & Iron Mountain Railroad *v.* Taylor (210 U. S., 281, 287). In Union Bridge Co. *v.* United States (204 U. S., 364); In re Kollock (165 U. S., 526); Butterfield *v.* Stranahan (192 U. S., 470), it appeared from the statutes involved that Congress had either expressly or by necessary implication made it unlawful, if not criminal, to obstruct navigable streams; to sell unbranded oleomargarine; or to import unwholesome teas. With this unlawfulness as a predicate the executive officers were authorized to make rules and regulations appropriate to the several matters covered by the various acts. A violation of these rules was then made an offense punishable as prescribed by Congress. But in making these regulations the officers did not legislate. They did not go outside of the circle of that which the act itself had affirmatively required to be done, or treated as unlawful if done. But confining themselves within the field covered by the statute they could adopt regulations of the nature they had thus been generally authorized to make, in order to administer the law and carry the statute in effect."

See also Red "C" Oil Manufacturing Co. *v.* North Carolina Board of Agriculture (222 U. S., 380; Field *v.* Clark, 143 U. S., 649).

BILL COULD HAVE BEEN BASED ON TAX POWER.

While the bill is thus undoubtedly constitutional as a direct exercise of war powers, it was not necessary, with respect to practically all of its provisions, to employ these powers. Repeatedly in the past, Congress, when it conceived that acts and practices within State lines were inimical to the public interests, has reached, regulated, or eliminated such acts and practices by laying prohibitory taxes upon them. This was done in the matter of the regulation of State-bank notes, act of July 13, 1866 (14 Stat., 146); oleomargarine colored in imitation of butter, act of August 2, 1886 (24 Stat., 209), as amended by the act of May 9, 1902 (32 Stat., 193); the antinarcotic act of December 17, 1914 (38 Stat., 785); the United States cotton-futures acts of August 18, 1914 (38 Stat., 693), and August 11, 1916 (39 Stat., 476); and the phosphorous-match act of April 9, 1912 (37 Stat., 81). Only two of these statutes have ever been challenged before the United States Supreme Court. The tax on the circulation of State-bank notes and that on oleomargarine were both upheld by the court as a valid exercise of the taxing power of Congress. Veazie Bank *v.* Fenno (8 Wall., 533); McCray *v.* United States (195 U. S., 27).

In this connection Quong Wing *v.* Kirkendall (223 U. S., 59) is illuminating as to the possible uses of the taxing power for the accomplishment of purposes other than that of obtaining revenue.

What Congress may do at any time indirectly through the taxing power, surely, in time of war to meet war emergencies, it may accomplish directly in the exercise of its war powers.

In this the greatest crisis of this country, and of the world, can the legislative department of the Government, directly charged with providing for the common defense and general welfare, including the support and maintenance of its Army and Navy, afford to leave the great issues of production, conservation, and distribution of the necessaries of life to unorganized action by State, municipal, and private agencies? Is it not clearly within the constitutional powers of Congress to subject them to orderly Federal control?

FRANCIS G. CAFFEY,
Solicitor.
CHESTER MORRILL,
JNO. M. BURNS,
EDMUND B. QUIGGLE,
Assistants to the Solicitor.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. RUBEY. Mr. Chairman, I yield one minute to the gentleman from Oklahoma [Mr. HASTINGS].

The CHAIRMAN. The gentleman from Oklahoma is recognized.

Mr. HASTINGS. Mr. Chairman, I want to submit some observations prepared by Hon. F. M. Gault, president of the Oklahoma State Board of Agriculture, commenting upon the difference in market prices of certain products, particularly wheat, between what is received by the producer and what is paid by the consumer.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection?

There was no objection.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I yield 15 minutes to the gentleman from Indiana [Mr. WOOD].

The CHAIRMAN. The gentleman from Indiana is recognized for 15 minutes.

Mr. WOOD of Indiana. Mr. Chairman, this so-called food-control measure is made up of a queer admixture of good and evil. I fear, however, that the evil it contains is far in excess of the good it will provide should it become a law.

The purposes announced for the measure, namely, to encourage the production and conservation of sufficient food for all of our people at a fair price, and to assist in feeding our allies, are admirable, but the machinery employed to bring about this result is so drastic that it will defeat the very purpose for which it is intended. In my opinion this measure is unconstitutional, and if not unconstitutional it is inimical to the fundamental principles upon which this Government was founded.

After reading this bill and analyzing it a person can readily see how the gentleman from South Carolina [Mr. LEVER] was prompted in a newspaper interview to say of it, "If I should meet the world leader of the Socialists I would say to him, 'Take off your hat to me, for I have given you a measure which is more socialistic than any you ever dreamed of.' If I were to meet the Kaiser I would say to him, 'I take off my hat to you, for this bill would make our President more of an autocrat than you ever dared to be.'" This very estimate of this bill should be sufficient to condemn it.

We are told that it is a war measure, in aid of a war to establish a world democracy and to destroy European autocracy. Yet its provisions are more autocratic than were ever dreamed of by any czar in the history of all time.

The provisions of this bill are aimed primarily at the farmer and the products of the farm, and at those who are dealing in the products of the farm. Why the farmer should be singled out and made the object of this autocratic authority without making any provision for the control of the prices of the things that are necessary for the proper conduct of a farm has not as yet been explained by the friends of this measure, and that this is an unfair discrimination the recital of a few facts will readily demonstrate.

There is nothing in this measure giving authority to the President to fix the prices of plows, cultivators, binders, binder twine, fertilizer, tankage, fencing wire, wagons, harness, coal, gasoline, oil, or the many other necessities used upon the farm, all of which have gone up in price within the last three years from 25 to 200 per cent. Steel, used so largely in the manufacture of farm implements, before the war was quoted at $30; now it is selling at $130. Coal has advanced from 100 to 200 per cent. Fencing wire has advanced from 35 to 40 per cent. Prepared foods have advanced more than a hundred per cent. Tankage is over a hundred per cent higher than it was at the beginning of the war. Fertilizers have advanced from 50 to 60 per cent. Potash, one of the principal ingredients used in the manufacture of fertilizer, has advanced between 600 and 700 per cent. Binder twine has advanced from 8 cents to 18 cents. Plow shovels from $2.50 to $7. Cultivators from $28 to $50. Farm harness from $25 to $50. Farm labor from $25 to $40, and it is hard to obtain at any price. Before the administration undertakes to fix the price of the products of the farm it should fix the price of these essentials in the conduct of the farm.

In addition to this the administration, before it could with any degree of justice or fairness fix the price of the products of the farm, would have to be able to control the weather, the foot-and-mouth disease, hog cholera, glanders, roup, chinch bugs, black rust in wheat, smut in oats, and all the other pests and conditions with which the farmer has to contend.

Everybody is interested in a plentiful food supply, and it is absolutely necessary that the price to be paid for such supply shall be reasonably within the reach of every citizen. But the method provided in this measure will not produce these much to be desired results. On the other hand, in my opinion, they will serve to diminish the supply and to increase the price. The food dictator to be appointed under this proposed law can not add one grain of wheat, corn, or oats more to the visible supply by any fiat that he may issue, but he may easily be the means of preventing the raising of millions of bushels of each of these cereals by reason of foolish and impractical requirements exacted under the authority of this law. Unless the farmer is reasonably sure that he is going to have a fair return for the products of his soil, he will not go to any extraordinary pains to produce big crops, and he must know in advance that in the event of a shortage of crops he will receive an increased price in proportion to that shortage for what he does actually raise. This is the only insurance that a farmer has, and is the only encouragement that he receives to make the effort that he does each year.

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. MEEKER. I am going to keep right on until somebody will answer the question I asked of the gentleman from Ohio [Mr. OVERMYER], and which he did not answer, as to what would happen if there is a shortage of wheat. Is there anything in the world that would keep that shortage of wheat from increasing the price?

Mr. WOOD of Indiana. Absolutely the law of supply and demand would take care of that proposition.

Mr. MEEKER. There is nothing in this bill that would keep the price of that wheat down?

Mr. WOOD of Indiana. No; and in my opinion there is nothing that can be put into it that would.

Mr. AYRES. Mr. Chairman, if the gentleman will yield, does not the gentleman contend that it is the law of supply and demand that is making the high prices of wheat?

Mr. WOOD of Indiana. No. It is responsible to a certain degree for the high prices, but it is not entirely the reason. I hope to point that out before I get through. I hope to point out what is the cause.

Mr. AYRES. Well, what is the cause?

Mr. WOOD of Indiana. I will refer to it in a few minutes.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, will the gentleman yield there?

Mr. WOOD of Indiana. Yes.

Mr. McLAUGHLIN of Michigan. The gentleman says that there is nothing in the bill that will prevent wheat going very high and flour going very high. The authority is given in this bill to control the different kinds of business through which the wheat and flour would pass; and without mentioning names, I will tell you that some of these gentleman who are interesting themselves in this matter and who will have something to do with it told us this only last week that they had followed the wheat from the producer to the consumer through all its stages of holding and production into bread, and in their opinion the price of flour could be reduced by eliminating unnecessary movements and unnecessary charges and costs to $6 a barrel. Under this bill the authority is given to them to regulate and control and eliminate unnecessary costs and charges.

Mr. WOOD of Indiana. Then the remedy should be against those who are guilty of these evil practices, and not against the men who are primarily responsible for the raising of the cereals. That is what I am complaining about.

Mr. McLAUGHLIN of Michigan. Why do you say this is a burden upon the farmer? He is the only one who is protected by this bill.

Mr. WOOD of Indiana. He is not protected by it, because his business is the only business that is made the object of this special legislation. He is the only business man of any consequence who is discriminated against, and as to all others the discrimination goes in their favor. There is nothing, as has been repeated here from time to time, to fix the price of a single thing that he buys.

Mr. McLAUGHLIN of Michigan. There is no price fixing in this bill.

Mr. WOOD of Indiana. But there is.

Mr. McLAUGHLIN of Michigan. I beg the gentleman's pardon.

Mr. WOOD of Indiana. I think that is one of the principal things in it.

Mr. McLAUGHLIN of Michigan. There is a section in this bill which says to the farmer, regardless of what may happen in the direction of reducing the cost of the product, "We will not permit you to take less than a certain amount." He can take anything else he can get, up to the sky, but we stand behind him and say, "We will not let our price go below a certain figure." There is no price fixing at all.

Mr. NORTON. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. The gentleman from Indiana has the time.

Mr. WOOD of Indiana. The gentleman from North Dakota can ask a question of the gentleman from Michigan if he wants to.

Mr. NORTON. Does the gentleman know that there is a gentleman's agreement at this time between this Government and the entente allies whereby they agree to take all the surplus wheat of the United States for the year 1917 at whatever price this Government will sell it to them for?

Mr. McLAUGHLIN of Michigan. I did not know whether there was such an agreement or not, Mr. Chairman.

Mr. MEEKER. Mr. Chairman, will the gentleman yield? I want to ask him a question.

Mr. WOOD of Indiana. I would like to answer, but my time is going.

Mr. MEEKER. The gentleman from Michigan has just now said that so far as this House is concerned the sky is the limit. Now, if we are going to the farmers and telling them that the sky is the limit, how are we going to convince the consumers that they are to be protected?

Mr. McLAUGHLIN of Michigan. There are things in this bill that will prevent prices from going sky-high. But if they do go there the farmers will get the price. But we do not let the price to the farmers go below a certain amount. I repeat, there is no price fixing in this bill.

Mr. MEEKER. But there is nothing to keep the farm prices from going just as high as they choose to go.

Mr. McLAUGHLIN of Michigan. Yes; there is the power, if it is exercised.

Mr. OVERMYER. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. OVERMYER. I fear that the misunderstanding on the part of the gentleman from St. Louis [Mr. MEEKER] is not the fault of those who are undertaking to enlighten him. [Laughter.]

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. MEEKER. Mr. Chairman, I ask that the gentleman from Indiana have five minutes more time.

Mr. McLAUGHLIN of Michigan. I yield 10 minutes more to the gentleman from Indiana, but I yield it to him. [Laughter.] He has been interrupted frequently.

Mr. MEEKER. I would like to ask the gentleman from Ohio [Mr. OVERMYER] a question.

Mr. WOOD of Indiana. I hope the gentleman from Michigan will not be one of the offenders.

Mr. MEEKER. Did the gentleman from Ohio answer the question I put to him and which he said he would answer?

Mr. OVERMYER. I did, by explaining exactly what happened on the Chicago stock market to increase the price of wheat, and how it happened.

Mr. MEEKER. But the gentleman did not explain all that happened there, and he knows he did not.

Mr. OVERMYER. I will say to the gentleman that I do not know everything that happened there. I was not present, but I know what did regulate the price of wheat, and I explained it.

Mr. WOOD of Indiana. The trouble in this whole matter does not lie with the farmer. There is no farmers' trust or combination that sends the price of farm products sky-high when there is no reason for it so ascending, and all that he asks is a fair return for his produce and he is willing to take his chances with prices actually fixed by the law of supply and demand and this he is entitled to. The trouble arises after the corn, the wheat, and the oats leave the farm and after it is hoarded in warehouses and in the hands of speculators. True, occasionally some farmer who is able to hold on to his grain gets the advantage of these speculative prices, but he is the exception and is not one in a thousand as compared with those who dispose of their grain at normal prices.

If this bill or some other bill in its stead provided the means for the prevention of speculative prices in food products, the problem would be solved, for if it was not possible to exact and receive speculative prices there would be no undue hoarding of these commodities, and their equitable distribution would be easily made, provided adequate transportation is afforded. I am in favor of the most drastic laws for the punishment of those found guilty of hoarding necessaries of any kind for speculative purposes. [Applause.]

One of the greatest misfortunes that has occurred in the past year, to my mind, was the sending out from this Capitol the scarecrow notices of the shortage of foodstuffs and of the necessity for conservation to avoid a threatened famine. The result of all this was a tendency to produce the very condition that was sought to be avoided. From every section of the country the report comes that farmers and business men have been laying in supplies of flour, of meat, of sugar, and of other necessities sufficient to last them for a year. This has caused prices to go higher, and has also caused a scarcity of these necessities, when there was absolutely no immediate reason for this precaution. This hysteria has produced another condition far more damaging and far-reaching in its injurious effect than this. For some time past farmers have been selling cattle weighing from 500 to 700 pounds that should have been kept through the summer and fed next fall and marketed at 1,100 or 1,200 pounds. Readily may it be seen how this thing is cutting the meat supply nearly in two. For the last several weeks you could have picked up any newspaper and by consulting the market page discovered that the Chicago, Kansas City, Omaha, and other large stock markets are receiving thousands of pigs weighing from 60 to 100 pounds, and market writers in stock-journals say that this condition is brought about because farmers feel that these pigs are worth more now than they would be after this food-fixing law goes into effect.

In passing I want to call attention to another astounding fact for which there should be and must be sooner or later supplied a remedy. It is estimated that there are slaughtered in this country every year 6,000,000 calves between 6 and 8 weeks old. It is fair to assume that half of these calves are heifers. If we had a law to prohibit their sale, it is said that within 10 years, with their natural increase, there would be a beef animal for every man, woman, and child in the United States. It is also reported that we have 6,000,000 fewer cows in this country to-day than we had 10 years ago, notwithstanding our population has increased more than 20,000,000. Some law for the conservation of the beef supply of this country would be of far more benefit to the future than any bill that we might enact to fix the prices of the products of the farm.

The point that I wish to emphasize in these remarks is that it is unjust to discriminate against the farm and fix the prices for the products of the soil and not fix the prices of the products of the manufacturing industries throughout the country. This attempt is class legislation pure and simple, and in discriminating against the farmer as this measure does I fear that the very reverse of the result that we would have to obtain will follow. [Applause.]

The CHAIRMAN. The gentleman yields back 10 minutes.

Mr. RUBEY. I yield 15 minutes to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Mr. Chairman, the bill under consideration at this time is one of the most important measures that Congress will be called upon to enact for the successful prosecution of this world-wide war. It belongs to the great triumvirate of measures which have distinguished the present special session, to wit, the conscription act, the liberty-loan bill, and the food-conservation bill. By the conscription act our country has mobilized its full force of man power. By the liberty-loan bill we have reached our reserves of wealth and capital, and by the food-conservation bill we shall conserve our supply of the necessities of life which will make victory possible. In the present crisis of the world's history one of the greatest factors of success is the wise use of the food products of this Nation.

The correct solution of this problem—the curbing of extortion and the elimination of food hoarding—is of tremendous importance to our allies and of equal importance to ourselves. It means not only our power to maintain successfully an effective army in the field, but it means the power to sustain the great army of industrial workers who must supply that army and who must maintain the normal production of our country. Bread is equally important with bullets in this great struggle of democracy. The wageworkers of this country are united in their demand for the passage of this bill. They have a right to be protected from the food criminal who would seek to take advantage of the distress of the people and force extortionate prices for the necessities of life.

The farmers of the Nation realize that an adequate control of the food products and elimination of all speculation and cornering of the market will result in a wholesome stimulation of production and will benefit greatly the agricultural population by assuring them a just price and a free market to reach the consumer. The business men of the cities are ready to concede that a control of this vital subject is necessary and can not in any way affect injuriously legitimate business.

The method by which it is sought to control this subject is one of the lessons which has been taught us by the three years' experience of our allies. It is the only sane and effective way of reaching the evil, and consists of putting a large measure of control into the hands of nonpolitical executive officers under the President, who will have power to marshal all of the assets and resources of the country, stimulate our productive energy to the highest point, and secure a uniform and free distribution of the products to the great centers of population. All of this must be worked in harmony and cooperation with the movement of our troops and with the production and shipment of munitions and other supplies for the Army. In other words, the subject is too vast to be left to private enterprise or to the manipulation of private greed. The people are entitled to know where the food supplies are, their character and quality, and how they can best be gotten to market at a price within the reach of the ordinary worker.

For the performance of this great task the President has secured the aid of Herbert C. Hoover, whose work for the relief of Belgium has reflected glory upon the country which he is proud to call his own. [Applause.]

Statesmen of all lands have united in praise of the highly efficient, thorough, and successful way in which the feeding of

the homeless Belgian population was carried on. We are proud to claim that at the head of this great work was a plain American business man. The task was one which seemed hopeless. Chaos reigned. Millions of Belgians were homeless, without employment, and without the possibility of helping themselves or renewing the activities of their lives. The avenues of commerce were demoralized by war, and such means of transportation as could be kept up were imperatively needed to supply the fighting men locked in a death grip upon the plains of France. It seemed that the helpless civilian population, the aged, the women, and children, must sink back with a despairing cry into the bloody dust. The cry of humanity was answered from the land of democracy, and the millions who have suffered and been saved are a testimony to-day of the efficiency of the plain American business man who applied business methods to humane objects.

But apparently neither the purpose of this beneficent measure nor the high character and proved efficiency of the man who will be appointed to administer it meet with the approval of certain politicians in our own land whose chief ability consists in tearing down and destroying rather than in building up and saving. Probably no greater compliment could be paid Mr. Hoover than the abusive attack which has been made upon him in certain quarters. It comes from a source which was never known to produce constructively anything humane, anything in the interest of the people. It comes from an element which has always been at the service, secretly or openly, of the special interests, and who regard Government as a mere game of politics to be played for the prizes at stake.

The real source of this criticism should be unmasked so that it will be thoroughly understood by the American people. Fortunately, the opposition thus created represents a minority today in the great legislative gathering of the American people. It is more vociferous than virile. It is the kind of opposition which dreads the man of direct action. It hates the man who gets results. It is opposed, therefore, to the direct and open method of the President's administration; to his frank and confident appeal to the heart and mind of the American people. It prefers that he should seek some devious and underground passage to accomplish his purpose—a course which it loves to denominate "regular." Anything like frankness, straightforwardness, or efficiency in political action is regarded by this element as decidedly irregular. It much prefers that the man who should be put in control of this great authority should first be compelled to kneel before a selected group of political masters and have his hands tied to see that he shall not harm favored interests; be properly held down to the appointment only of such assistants as have the approval of particular organizations, and take a binding oath that he will distribute the patronage as patronage in the regular and customary way. Under this method it is assumed that a much more honest and efficient man can be secured than by the very unpolitical method chosen by the President of securing a man who had made a conspicuous success in exactly the kind of work which was needed. [Applause.]

There is a type of politician in this country, apparently successful, unfortunately, in insinuating himself into office, who is always ready to give the people at any great crisis an unlimited supply of wind. Do the people cry for national defense? Give them wind! Do they demand a strong financial system? Give them wind! Do they ask for the freedom of the seas, the protection of international law, and the rights of humanity? That is a splendid chance to expend wind. Do they rise in their might and seek for the safety and perpetuity of democratic institutions in the world? Nothing is needed to pacify them but a little wind. Is it necessary to raise taxes to support the Government in its struggle? How much safer and cheaper it is to expend only wind. And now, when the people cry for bread, they are to be offered wind. Wind is a current commodity in times of peace. When the business men, the farmers, and the wage earners are all busy with their own affairs, and when politics is but a minor consideration to most of them, a fair wind will get many a man far upon his course, but in times of great national storm it is entirely possible to have too much wind. What is needed then are stanch craft and stout hearts. I am glad to believe that Mr. Hoover is a food merchant and not a wind merchant. [Applause.]

I am glad to believe that he will give the people food in sufficient quantities on fair terms and without waste, but that he will not expend upon them any unwelcome oratory. Oratory will fill very few empty stomachs. The American workers can not subsist on glittering phrases. Though we speak with the tongues of men and angels, and have not charity, it is as sounding brass and tinkling cymbals. Let those whose stock in trade consists of wind take a back seat at once behind the real leaders of the hour—the men who can accomplish and have accomplished results. For one I am willing to trust the President with what I know to be a tremendous and far-reaching power. I am more willing to trust him than I am to trust the best of private enterprises, or possibly the worst of human greed, in its efforts to supply the vital needs of the people. [Applause.]

I am willing to trust his appointee; first, because he appointed him, and second, because his record and his achievements justify the confidence thus expressed. I am willing to see the President and his associates carry on this great work in the white light of American public opinion rather than in the subterranean passages of politics. I have confidence in the American people that they will be able with the light which their intelligence will give to correct speedily any false or dangerous tendencies.

It may be that the opposition is confined entirely to wind. I hope so. I am willing at the present time to believe so. I should hate to feel that there was a class of men in our own ranks willing to shoot their own officers in the back. One of the most dreaded terms in war is that of "snipers"—men who conceal themselves upon the roofs of houses and shoot down soldiers in the streets. It may be at least said in extenuation of the snipers that they are showing a devotion to some cause and are fighting in their own way against their country's foe. I do not know that any term hateful enough has been invented for the soldier in the ranks who shoots down his own officer when a charge has been ordered into victory. Apparently, no term of reproach has been found which will adequately describe such a man.

Let us hope that we are not combating such an element in official life. It throws such a dark shadow against the picture that every true and loyal American will be repelled with horror from it. These men may not realize that they are giving aid and comfort to the enemy; that their words are being eagerly quoted in Germany, expanded, amplified, and construed to put America in the worst light. They may not realize that the destructive criticism which degenerates into mere abuse, which points no way to a better method, which promises no solution of great problems, which holds out no promise of protection from impending peril, is hardly the part of enthusiastic loyalty. They may not realize that the American people demand results, constructive work, honest effort, and courageous leadership. The man who does anything is always liable to attack and can always be criticised with more or less success. But the heart of the American people rings true after all. The man who does things is the man who secures their confidence, retains their respect, and is cherished in their memory. Let us give the American people food and not wind! [Applause.]

Mr. McLAUGHLIN of Michigan. I yield 20 minutes to the gentleman from Michigan [Mr. JAMES].

Mr. JAMES. Mr. Chairman, the men who are going to do our fighting for us must be well fed. The men who are going to keep them supplied with the munitions of war must be well fed, and the men who are to furnish the material for the manufacture of the munitions of war must be well fed, as must the men who are going to raise our crops, and so forth. The families of all of these men must be well fed as well. We can not expect men to give their lives for liberty and justice and expect them to leave the daily bread of their families to the whims of food gamblers.

The man who poisons the food of the men fighting for his country is a traitor and a murderer, but he is no worse than the man who makes fictitious profits out of the food sold his countrymen, especially in time of war. We would shoot the man who betrayed his country, and the same fate is none too good for the "food pirate" or the "fuel pirate" who is willing to rob his countrymen so that he can make still more exorbitant profits.

The man who to-day charges an exorbitant price on the necessaries of life puts himself into the class of Benedict Arnold, of unsavory fame and reputation.

Every patriotic American can have nothing but loathing for those enemies of our country—the food gamblers and the food speculators who are willing in these days of war to rob our American citizens. By such actions they ally themselves with the enemies of their country.

There is only one way to stop these vultures in human form from preying on our people, and that is to place the control of food in the Government, the same as this Lever bill will do.

We must decide now whether we are going to allow these unscrupulous sharks to keep on fattening themselves at the expense of the American people, or whether we shall pass a bill now that will either put them out of business or regulate them so that they can not charge any unreasonable prices. I can not see how anyone can oppose a fair bill of this kind.

If we have Government control, or the right to exercise Government control in case of necessity, then, and not until then, can we have food conservation; then, and not until then, can we put the food speculator out of business when he commences to rob the American people right and left.

I am not afraid of a food famine, but until we have a food-control law we are going to be charged outrageous prices not only for necessaries of life but for fuel as well.

We need middlemen, and we need merchants, but we do not need food speculators and food gamblers. Food speculation and exploitation and outrageous prices for fuel must be stopped. The new food controller must have power to regulate the prices of all of these things, if necessary.

Not only must prices to our people be reasonable, but the food furnished our soldiers must be good. There must be no more "embalmed beef" outrages. There must be no more outrages of the kind of 1898, when the men doing the fighting were being fed on the refuse of the land. I do not know whether this bill is broad enough to punish the people of this kind or not, but if it is not broad enough I shall offer an amendment of this kind if it is in order on a bill of this kind. A man who would sell embalmed beef to the Government, knowing it was to be sent to feed the men who are fighting to save the freedom of the land, is committing an act of treason and should be shot for treason.

No bill will be fought harder than this bill will be fought. We will hear much about the "violation of the Constitution," much about "food dictator," much about a mining man running the Government, much about autocracy, and much about centralized power.

Those who talk about the Constitution should bear in mind that, if we do not win this war, not only will the Constitution be the same as treaties—a mere "scrap of paper," but "every principle upon which this Nation was founded will be ground under the iron heel of foreign militarism."

Those who talk about "food dictator" might better spend some time in considering the kind of a "dictator" we will have if we lose this fight for liberty. Better to have a "food dictator" than a "foreign dictator." What an awful thing a food dictator is to some people—a man who only sees that our people shall not be robbed, that our people shall be able to purchase the necessaries of life at a reasonable price. Personally I would have no objection to a food controller—or a food dictator, as the enemies of the bill call it—stating how much food I can eat each day during the duration of this war. Better that we shall be put on "short rations" now and exist than to let things drift, allow ourselves to be robbed right and left, not earn enough to secure the necessaries of life, and have food riots, and so forth, later. But this bill does not go that far, it does not attempt to say how much food each person shall eat, it only provides that people can secure the food that they need at a reasonable price; and yet some people get up here and denounce the bill as providing for an "autocracy" and other things of the kind.

Other people criticize the bill because they want to know, "What does a mining engineer know about food control?" Mr. Hoover has had considerable experience in that best of all schools, "the school of experience"—real experience, not book knowledge.

Some of the strongest critics of Mr. Hoover have never had any military experience, but they profess to know more about raising an army than men who have grown up in the service.

Having no knowledge of the mining business, the banking business, the insurance business, the shipping business, the building business, does not prevent some of these same gentlemen from passing laws regulating the business of banking, insurance, mining, and so forth. They would be offended if one were to insinuate that their having no knowledge of the mining business, the insurance business, and so forth, should prevent them from legislating on matters of this kind. I have heard learned (?) discourses from gentlemen on insurance who know absolutely nothing about the business, and many speeches on the farming business by gentlemen who have no knowledge of the business. Yet, these same gentlemen want to know what a man who has had experience, real experience, in Belgium, knows about food and food control.

To those who talk about "autocracy," might I suggest that the American Federation of Labor has never been accused of favoring "autocracy," and neither have the great railroad brotherhoods. I presume that there is no one in the country who does not know how organized labor, standing side by side with unorganized labor in this fight, stands on this bill for food control.

If the people of the United States were ever aroused in favor of a bill, it is this matter of food control. A man who opposes a bill of this kind to secure reasonable prices will have to give the people back home some better reason than "food dictator," "autocracy," when he is asked why he voted against a bill providing for the regulation of reasonable prices for the necessaries of life.

One reason for the high price of food is that neutral countries have entered our markets and have bid high for our food supplies. Part of this food has gone to the central powers. The passage of the espionage bill—with the clauses in it regarding Government control of food exports—will prevent our food supplies going to that people that we are now fighting. Neutrals will now receive only enough to supply their own needs, and when it is used for any other purpose exports to them will be stopped entirely.

Another reason for the high prices was given, among others, by Senator SHERMAN the other day. He stated in part that "a fiscal representative of Germany, operating from New York City, has been engaged in similar manipulations with hostile intent, and that he has even bought up large supplies of foodstuffs and caused them to be emptied into the sea." Nothing of this kind could happen in any European country, and nothing of the kind should be allowed to happen here. This bill will take care of things of that kind as it should.

Another good reason for the passage of this bill is that the producer, who patriotically cultivates every foot of ground to its utmost capacity, is toiling for the consumers of America and Europe. He is not working in order that exorbitant profits shall be made by food pirates and food gamblers. It would not be a square deal if the fruits of his hard labor should fall into the hands of men who will manipulate prices on these extra food supplies to rob our people and the suffering people of Europe.

Another cause of high prices are the grain exchanges, and this bill takes care of them as well as other things. According to reliable authorities, the American farmer received something over an average of $1.30 the past year for his wheat. The ultimate consumer paid more than twice this amount. Who received the difference? Not the retailer; not the elevator man who stored it. Most of the difference, amounting to millions and millions of dollars, went to nonproducers—wheat speculators.

The wheat speculators have been aptly described as "human leeches." They feed upon the fruits of others' toil. They give nothing into the hopper of production, yet they take out millions of dollars.

What is the average board of trade? The board of trade has become a hall of chance, where daily convene a horde of gamblers, compared to whom the twirler of the roulette wheel and the faro dealer are pikers. It is as if the pit were a giant poker joint, with the Nation's wheat supply a jack pot and the possible future supply the upturned cards in the more uncertain game of stud poker.

The less the wheat supply of the country, then the greater demand for it; then the more brisk and the more energetic becomes the gambling at the boards of trade.

"Gaunt babes and starving mothers are a far cry from the moneyed atmosphere of the pit, yet fate chains them unhappily together. Excessive prices breed poverty, and speculators in wheat breed excessive profits."

As a matter of sound economics, there is no legitimate place, and there never has been, for the wheat gambler and people of his kind. Gamblers who live off of the earnings they make in this way are as useful in economics as men who live off of their earnings from poker, but no more so.

This bill will, I hope, take care of these gentry.

It is bad enough to speculate in foodstuffs in time of peace, but a man who speculates in grain and foodstuffs of any kind in time of war is putting himself in the class of the enemies of his country.

The man who to-day juggles with food prices, the man who forces poverty on our people, and the man who impoverishes the Treasury of the United States by making us pay fancy prices for the food furnished our sailors and soldiers is committing as wicked and as vicious a sin as that for which the name of Arnold will ever be branded.

The other day the Federal jury in Boston indicted 88 corporations and individuals on the charge that they had conspired to monopolize commerce in onions. The evidence showed that the last annual crop of onions amounted to 200,000,000 pounds, and that the defendants had gobbled up 75 per cent of this crop. Then they hoarded the supply, raised the prices, and then in order to eliminate competition so that they could better rob the people they had divided the country. Fining people of this kind is too mild a punishment.

In a few weeks several hundred thousand of the most effective workers in the country will be leaving their positions to learn

the art of war. There is greater demand for labor than can be supplied. The withdrawing of these men for our Army will make the demand still stronger, and will most likely make for higher wages. We must bear in mind that while the munition factories, many of our mines, and many other factories are making more money than they were before, there are industries that are earning less than they were before the war. If some of these industries have to pay a very marked increase in wages they will be compelled to go out of business.

The following statement from President Wilson some time ago well shows the necessity for this legislation. He said, in part:

> The objects sought to be served by the legislation asked for are:
> Full inquiry into the existing available stocks of foodstuffs and into the costs and practices of the various food producing and distributing trades; the prevention of all unwarranted hoarding of every kind and of the control of foodstuffs by persons who are not in any legitimate sense producers, dealers, or traders; the requisitioning when necessary for the public use of food supplies and of the equipment necessary for handling them properly; the licensing of wholesome and legitimate mixtures and milling percentages and the prohibition of the unnecessary or wasteful use of food.
> Authority is asked also to establish prices, not in order to limit the profits of the farmers, but only to guarantee to them when necessary a minimum price which will insure them a profit where they are asked to attempt new crops and to secure the consumer against extortion by breaking up corners and attempts at speculation when they occurred by fixing temporarily a fair price at which middlemen must sell.
> Although it is absolutely necessary that unquestionable powers shall be placed in my hands in order to insure the success of this administration of the food supplies of the country, I am confident that the exercise of those powers will be necessary only in the few cases where a small and selfish minority proves unwilling to put the Nation's interests above personal advantage. * * *
> The proposed food administration is intended, of course, only to meet a manifest emergency and to continue only while the war lasts. Since it will be composed for the most part of volunteers there need be no fear of the possibility of a permanent bureaucracy arising out of it. All control of consumption will disappear when the emergency has passed.

Congress should not adjourn until it has passed a law prohibiting the making of any but legitimate profits on the necessities of life. Many of the greatest fortunes of America were founded by cowardly scoundrels who remained at home speculating and robbing while their betters were fighting so that this Nation might live. The past two generations have had to pay grudging homage to these men and their descendants. Let us see that what happened in 1861 and 1898 will not happen in this war. The best way to see that it does not happen would be for Congress to pass the so-called food-survey bill and this food-control bill.

As has been well said: "The country is confronted with the alternative of submitting to private control of food by conspirators, with the risk of crippling the allies and thus losing the war, or asserting control of all food by the Government. Talk of 'paternalism' and 'centralization' and 'Government usurpation' becomes idle when the dire alternative is thoroughly understood. The Government must act for all the people in the food question just as it acts for the people in military and naval operations. Bread and bullets are weapons of war which must be controlled exclusively by the Government."

Who fights the bill? Farmers, planters, and gardeners are not opposed to this bill, because it assists them to increase their output, and it also guarantees them a good profit on their crops.

The consumer does not oppose this bill, because he knows that unless a bill of this kind is passed he will be at the mercy of the food speculator, the food gambler, and the fuel pirate.

The legitimate jobbers, middlemen of all kinds, and merchants do not oppose this bill, as they will not oppose Government supervision.

Who, then, oppose the bill? Only those who take unreasonable profits, those who "take undue toll between producer and consumer," those who corner markets, those who reap but do not sow, those who would destroy part of produce so as to get an unreasonable price for the balance, and the grain speculators—these are the men who naturally oppose a food control of this kind.

In voting there is no hesitation on my part that it is my duty to vote for the man who will be "robbed" if this bill does not pass, and do what little I can to put the "robber" out of business, and I shall so vote. [Applause.]

The CHAIRMAN. The gentleman from Michigan yields back five minutes.

Mr. RUBEY. I yield 20 minutes to the gentleman from Pennsylvania [Mr. CAMPBELL].

Mr. CAMPBELL of Pennsylvania. Mr. Chairman and gentlemen of the committee, it is with distinct diffidence that I ask your indulgence. As a new Member of the House of Representatives, I naturally feel hesitant to intrude my voice and views in these historic halls. For weeks past I have sat at the feet of wisdom, enraptured by the eloquence and learning of my distinguished colleagues. And were it not that I am deeply mindful of my duty, and in the words of a renowned colonel and ex-President of the United States, feel "called upon to testify," I should not now presume to address this body. But this is a crucial period in our history. Precedents are being shattered daily as the records and ideas of the past are swept into the discard of a new era, or poured into the crucible of a new thought and tested in the fires of a new patriotism. Therefore, I trust I may not be held guilty of presumption in proclaiming my convictions on a subject that closely touches my consciousness.

Famine or food? Which? The hour has struck. We must make our decision. We have come to the parting of the ways.

To the left is a road with whose windings we are all familiar. It is broad, well traveled, easy of grade, bordered by the landmarks of past experience. But it leads surely and certainly into a jungle of juggled prices, a wilderness of want, a swamp of speculation, a morass of misery.

To the right we enter upon another road. Of landmarks there are few. Its progress is steep. Its ruts are rocky. But its foundation is sure and its end our reward. It leads ever upward, and following it we emerge finally and triumphantly upon the plains of plenty, the paths of peace.

That there is paramount necessity for food control or food regulation during the war none can gainsay. The necessity is neither past nor potential. It is present. It is demonstrated daily in the extortionate prices we pay for foodstuffs. As the war goes on—and do not flatter yourself that it will soon stop, or that we shall not feel it—the necessity for governmental regulation and safeguards will become increasingly manifest. The retail prices of many staples and commodities in the United States, which is self-sustaining in all its foodstuffs with the possible exception of sugar, are more excessive to-day than they are in warring nations of Europe, which have never been self-sustaining. Certainly they are higher than in any European capital at the beginning of the war. And there is not a Member of the House, or a thinking man anywhere, who honestly believes that prices will drop in the absence of control during the war's progress. Why, then, should there be any hesitancy in applying the remedy of regulation? Why procrastinate? Why longer delay?

In this emergency Congress unquestionably has the power to act. The country expects it to act. Each day of delay increases the disgust of those whose representatives we are. The people have had their fill of investigations which investigate but do not correct. They have had enough of commissions whose sins are sins of omission and never of commission. They are convinced that there are enough departments, bureaus, divisions, sections, commissions, committees, experts, special assistants, assistant-assistants and clerks in Washington to fill all the trenches in France. Yet with all our governmental machinery, and in defiance of the pledge of party leaders and party platforms to reduce the cost of living, prices continue to mount higher and higher. What the people demand now is action. They are clamoring for action. And they are going to get action. This is no time for theorizing. If the Government fails to act, the people themselves will act, and it should be self-evident that acquiescence in a just demand is better than popular anarchy.

In considering the necessity for food-control measures, one fact stands forth above all others: The Nation must have food to fight. The men in the trenches—your boys, my boys, our boys—must have it. Those in the homes of the country must have it. We have placed upon this country enormous tax burdens, to bear which there must be a margin between income and outgo sufficient to enable the people to pay the assessments which have been and will be levied. Otherwise the war must fail, the Nation be stripped of its honor, and prospective victory degenerate into disastrous defeat. To win the war we must have closest cooperation in every avenue of activity, and that implies cooperation between the constituted government and the people who constitute it, as well as cooperation between industries and individuals. Thus far, we have dealt successfully with problems of war organization. We have dealt successfully, or will deal successfully, with problems of war finance. We have succeeded in stimulating food production. The Government is conducting a nation-wide propaganda in the interest of greater economy and efficiency in the utilization of the products of the soil. We now face the task of insuring adequate distributing facilities for these products at prices which will protect both the producer and the consumer. To accomplish this we must first eliminate speculation and exterminate the speculator, and that is one of the chief objects and purposes of this measure. [Applause.]

From Chicago the other day came a story to the effect that a certain individual had made a net profit of between two and

three million dollars on the recent rise in the price of grains. From the same city come other reports that speculators are storing up vast quantities of foodstuffs against the day when the Nation shall require them. We must feed our armies. We must feed our allies. We may yet have to feed the world. This means that we must call upon our reserves of food no less than our reserves of men, and the speculator knows it.

As a scintillating example of the speculator's lofty patriotism we have the testimony of reputable wholesalers that these highwaymen have been buying canned corn at 62½ cents a dozen, canned tomatoes at 90 cents, and canned peas at 75 cents, and selling them at from $1.50 to $2.10. They are doing this in the face of the fact that the coming year promises to produce the greatest crops of garden products in the country's history. They know that the waste of war will consume all available supplies, and that in this situation they will reap their unjust and unearned reward. Their slimy talons have reached out and clutched greedily at the market for eggs. Their claws are smeared with butter. Reports of the Department of Agriculture from various parts of the country indicate an increase of from 50 to 5,000 per cent in the volume of cold-storage poultry on hand as compared with a year ago. This can only mean that the speculator has already discounted a war shortage in meats and that he is preparing a campaign to mulct millions from the masses. This creature is to be found in independent operations, operating through associations and organizations of various kinds, and dealing in futures on boards of trade. He is omnipresent, and the threat of prison bars and the fare to which he has reduced many of his victims is the only language he understands. [Applause.]

Some of our enemy aliens we have interned. Others we have permitted to run at large. Government investigations have shown that the latter are in part responsible for the stench of speculation, and there is a well-grounded suspicion that inflated prices of some commodities are due to an organized conspiracy directed from the Wilhelmstrasse. But while no punishment is too severe for these treacherous enemies who have come here to abuse the hospitality offered by our shores, it is not the enemy alien who need worry us, nor is it he for whom we should have the greatest contempt. His activities we can understand, and he will be cared for in due season. It is the enemy American, the traitor who wears a made-in-America label, who is mainly responsible for the sufferings which prevail, and who even now is tightening the screws on the man whose earnings are never more than a few cents above his necessary expenditures. This is the villain of the plot. It is he whom we must catch. [Applause.]

We can account for the enemy alien. The exponents of ruthlessness could not be expected to do otherwise than to spread wreck, ruin, and disaster in whatever direction their murderous maraudings may take them. But the Kaiser, who boasts that he has blotted the words "humanity" and "pity" from his dictionary, only murders the women and children of the peoples he has enslaved. In all his bloodthirsty brutality, even he does not countenance the slaughter of innocents among his own people. Yet in our midst, in what we are pleased to call civilized, enlightened America, there has risen up this prophet-flushed fiend who preys upon stranger and friend alike, and whose wealth is born of the blood and toil and weariness of those whom he expects to fight his battles. He is a producer of nothing but unrest and unhappiness. He toils not, and spins only yarns about bad crops. If the truth were known, I doubt whether a single food gambler would be found among the subscribers to the Liberty Loan. He is neither patriot nor producer. Seemingly secure in his depredations, he bellows defiance at government, authority, and law exactly as the leader of the Huns, self-righteous in his partnership "mit Gott," flaunts his blood-flecked fingers in the face of humanity and civilization.

The food pirate of our own country is a lower creature than the slinking pirate of the seven seas. The commander of the *U–47*, slipping quietly and unseen from behind Helgoland Bight, to prey upon Red Cross and relief ships in the name of "kultur," is a respectable member of society compared to him who, likewise below the level of visibility, deliberately conspires to starve the men who are battling in the trenches to preserve the world's liberty and the fair name of democracy and their loved ones who are battling no less at home. Capt. Kidd was a fugitive from society. The food pirate, generally, is a social favorite. The pirate of Berlin is an outlaw. The pirate of Chicago quite likely belongs to one of our first families.

We say of some men that they would "steal sheep." The gentle speculator would not only steal sheep, but would slaughter them and then sell them to the public at double prices.

This new Dr. Jekyl and Mr. Hyde, this Machiavellian monster—and I refer to no individual, but to all those who make up this piratical and murderous system—would tear babes from their mothers' breasts, steal pennies from the baby's bank, snatch the housewife's purse, pick the pockets of a blind man, send his own brother away hungry. He is the epitome of greed. He is a new personification of the meanest man. Beside him, the grave-robbing ghoul is a gentleman, for the ghoul robs only the dead. This voracious vulture, more shameful than Shylock, not only demands, but collects, his pound of flesh. [Applause.]

Let me cite some of the chief features of this bill:

1. Creation of a food dictatorship to be vested by the President in Herbert C. Hoover. Although Mr. Hoover is not specifically named, he is already acting in this capacity. And why not? Has he not demonstrated beyond the shadow of a doubt his ability to handle just such conditions as confront us? He has no other ends to serve than to see that the American people are properly fed and are permitted to purchase their foodstuffs at fair and equitable prices, thus aiding in winning the war.

2. It authorizes the President to license and regulate business, to prevent uneconomical manufacture and inequitable distribution. Why not give this power to the President? Have not the people of this country twice elected him as the Chief Executive of the Nation, and has not this Congress repeatedly placed greater powers in his hands?

3. It provides drastic powers and penalties to prevent cornering of foodstuffs. Why not? The man or men who would profit through extortionate prices at such a time as this deserve neither consideration nor compassion.

4. The bill gives authority to the President to purchase or provide for the production or manufacture of necessities and to store and sell them. How better can the situation be handled than for the Chief Executive to have supervision over the manufacture of necessities and their storage at strategic places?

5. It gives power to the President to requisition necessities, and plants, factories, and mines which produce them. Does not this necessarily follow, and is it not prerequisite to the carrying out of the other purposes of the bill?

6. It empowers the President to close exchanges to prevent speculation. No legitimate exchange will be affected by this measure, and it is right and proper that the people's chosen representatives should be in authority to restrict these operations.

7. It provides for minimum price fixing to guarantee producers a reasonable profit and thus stimulate production. A minimum price is essential to the successful execution of this measure, and I believe it will be carefully safeguarded in the hands of the Chief Executive.

8. The bill authorizes an appropriation of $152,500,000 to carry out its purposes. We have appropriated billions for the destruction of mankind. Why not the smaller sum to conserve the food supply of our civil population, so necessary to the success of our Army?

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL of Pennsylvania. Yes.

Mr. BLANTON. The gentleman seems to think this bill does not propose to authorize the fixing of a maximum price.

Mr. CAMPBELL of Pennsylvania. It does not so state.

Mr. BLANTON. What about section 5? Does not that authorize the fixing of a maximum price indirectly?

Mr. CAMPBELL of Pennsylvania. I should say that, if it does not, it should; and I say why not? We have trusted many things to our Chief Executive, including the lives of our fellow countrymen, and I am willing to allow him to fix food prices. I think he is capable of doing it.

Mr. BLANTON. Have not the members of the committee indicated that they did not believe in fixing maximum prices?

Mr. CAMPBELL of Pennsylvania. I do not think all of them have.

This bill is a war measure, as distinctly directed at the defeat of Germany as is the mustering of the new army. Food control is made imperatively necessary by existing conditions in the United States and by the situation into which our allies have been plunged as a result of unrestricted submarine warfare. We are not merely fighting the German army and navy. We are fighting an immeasurably well-organized system—the acme of organization; a nation prepared to live on black bread and water before it will admit defeat in its ambition for world conquest. If we place our food strategy on a plane with our military strategy, we can deal a death blow to Germany. If we fail, we may soon find German bombs crashing through the dome of this Capitol, German batteries bombarding our coasts, German ruthlessness swaggering down our streets.

Critics of this measure may oppose it because food control in the United States is a novelty. So also were aeroplanes and

submarines a few years ago. To-day the war may be decided in the air and under the sea. What if its success is not absolutely assured? Neither was the success of the Liberty Loan 10 days ago. Revolutionary? So was the Declaration of Independence, and what is this but a declaration of independence from a speculative autocracy? Interference with private rights? So was the Emancipation Proclamation, and what is this but a measure proclaiming and insuring our emancipation from speculative slavery? All talk of paternalism, centralization of power, Government usurpation, and dictatorships becomes the merest cant when the alternative is considered. Just as the Government must act for all the people in military and naval operations, so it must, in time of war, act for them in problems of food supply. In any war, and particularly in this war, bread shares importance with bullets, food and fuel with artillery and ammunition.

I quote from the report of the conference of agricultural representatives from 32 States with the Secretary of the Department of Agriculture:

The very low food reserves of the world, due to last year's short crops, the increased demands due to the consumption and waste of war and the disappointing condition of the winter grain crop give ample assurance of profitable prices to producers this year. Therefore the fixing of maximum or minimum prices need not be undertaken at this time, but the fact that such a course may become necessary in the future advises the creation of agencies which will enable the Government to act wisely when the necessity may arise. To this end it would be well for the Congress of the United States to authorize the Council of National Defense, if deemed necessary, to purchase, store, and subsequently distribute food products, or to fix prices in any national emergency caused by a temporary or local overproduction, or by a sudden ending of the war, or by restraints of trade, manipulations or uneconomic speculation, in order that producers may not be required to suffer loss on account of the extraordinary efforts they are now asked to make, and in order that consumers may not be required to pay oppressive prices in case of disorganized or inadequate transportation.

This measure is in absolute alignment with the recommendations of that conference. Instead of the Council of National Defense, it has been deemed advisable to intrust the responsibility for the carrying out of this program to the President of the United States. If he desires, he may delegate the details to others.

We are the most wasteful people in the world. Our tastes and desires have been educated and tempted beyond our incomes. Now we have reached the point where there must be an accounting. We are plunged from peace-time extravagance into the necessity for war-time economy. We must not only increase production and conserve consumption, but must take steps to protect producer and consumer alike from the machinations of the middleman who attempts to extort an unrighteous profit. We must protect the people against the manipulations and fluctuations of a war-worried market. Gigantic conspiracies, criminally conceived and executed, are operating to defeat America. The conspirators are as much the enemies of this Government and this people as are the crimsoned overlords of central Europe. Both must be curbed, chained, and chastised before we can have peace and plenty. [Applause.]

We have taken the sword of the just, and, with high resolve and our faces to the sun, have started out, like the knights of old, to restore chivalry and righteousness upon the earth. If liberty, justice, and freedom are not also to be wiped from life's lexicon, we must band ourselves together in a single holy purpose for the perpetuation of the principles on which this Nation was founded and for which our forefathers fought. [Applause].

We have come to the parting of the ways. Shall we take the road to the left, that "leadeth but to destruction"? Or shall we take the road to the right to the heights of human happiness? We are given a choice. For me there can be only one answer. I choose the ascent—the road to the heights. I shall take the road to the right. [Applause.]

Mr. McLAUGHLIN of Michigan. I yield 10 minutes to the gentleman from Maine [Mr. HERSEY].

Mr. HERSEY. Mr. Chairman, after a careful consideration of the evidence before this committee, and the attention that I have given every moment to the discussion of it in this House, I am heartily in favor of this bill. [Applause.] Its constitutionality seems to be admitted. The great bill we passed to investigate and have a census of the food production of this country has grandly paved the way for this legislation. It seems to me that this bill is a fitting climax to the recent bill just passed by us for a census and the conservation of the food resources of this country. Many things that guided us in the past can not be our guide to-day. We are in a war different from any other war. It is calling upon us for resources never called for before, and it seems to me that we must conserve every food resource of our great country.

I am in favor of this bill, Mr. Chairman, because the President has been frank with us and named beforehand the "dictator," so to speak, who will have charge of this food bill, and I have faith in Mr. Hoover.

Further than that, I am in favor of this measure because it is a bill that stands by the farmer, the agriculturist. Some have expressed fear upon this floor to-day that this bill is against the farmer. I come from a district where nearly every man is a farmer. Agriculture is the principal occupation.

I know these men, nearly every one of them, and I know their wishes and their desires. I know their hopes and their fears, and I know that everyone trusts Mr. Hoover. I know that every one of them is in favor of this bill. I know, further, that the farmer has never profited in the past by combinations; he has fought them, and is to-day fighting the food gamblers. They have been his enemies in the past and they will be his enemies in the future, unless we give the President power to destroy them.

It has been well said that it is the farmer who raises the food, but it is the speculator who raises the prices. The farmer does not fix the prices; he is at the mercy of the food gamblers, who are driven by the sole motive of avarice to raise the price of food, that great gains may come to the middleman and the food speculator. I feel that the President, through Mr. Hoover, will destroy the power of these food gamblers, and under this bill he would give the farmers a chance to market their crops, free from unlawful combinations.

I feel, further, Mr. Chairman, that whatever has been said on the floor here to-day in regard to politics has no place in this discussion nor in this bill. [Applause.] Hitherto I have stood with the President. I have trusted him in his great work. I have voted for the billions given him. I will continue to trust him as the Commander in Chief of the Army and Navy. Into his hands I am willing to put this great power which is called autocratic, and it is. I want him to exercise it, and I feel that the whole country is in favor of the project, outside of the food gamblers and speculators, and outside of the few men who want to give the country beer instead of bread. [Applause.]

I am willing to give him this great power to look after and protect the food and producers of the country, and I feel that the law-abiding people of the Nation everywhere, regardless of party, stand for this great food bill. Outside this Congress no one except the gamblers and the brewers are against this bill, and I believe the Congress of the United States should unanimously stand in favor of the bill on its final passage. Republicans, Democrats, Independents, everybody, should stand together and support the President in this great war for humanity.

There was a time, Mr. Chairman, in the old days when Rome was at the height and zenith of its great world power when she had a patriotic and united people. Afterwards she fell, through her vices, when there were slaves on the one hand and great power in a few gamblers and criminals upon the other. Macauley, the poet-historian, writing of the days of Roman greatness, said:

For Romans in Rome's quarrel
Spared neither land nor gold,
Nor son nor wife, nor limb nor life,
In the brave days of old.

Then none was for a party;
Then all were for the State;
Then the great man helped the poor,
And the poor man loved the great.

Then lands were fairly 'portioned;
The spoils were fairly sold;
The Romans were like brothers
In the brave days of old.

I hope the passage of this great food bill will show to the country and to the world that, like the Romans of old, Americans are like brothers in the brave days of to-day. [Applause.]

Mr. RUBEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. SIMS having taken the chair as Speaker pro tempore, Mr. HAMLIN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 4961) for the conservation of food and fuel and had directed him to report that they had come to no resolution thereon.

EXTENSION OF REMARKS.

Mr. DYER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Cement Trust.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent to extend his remaks in the RECORD on the Cement Trust. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. RUBEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock p. m.) the House adjourned until to-morrow, Tuesday, June 19, 1917, at 12 o'clock noon.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills were introduced and severally referred as follows:

By Mr. KEATING: A bill (H. R. 5077) to provide for the retirement of superannuated employees in the classified civil service of the United States of America; to the Committee on Reform in the Civil Service.

By Mr. OSBORNE: A bill (H. R. 5078) providing an indestructible medal of identification for each soldier in the United States Army who may be designated for foreign service; to the Committee on Military Affairs.

By Mr. TAYLOR of Colorado: A bill (H. R. 5079) to expatriate citizens who leave the United States to evade registration or selective draft; to the Committee on Immigration and Naturalization.

By Mr. JOHNSON of Washington: A bill (H. R. 5080) to provide for the abandonment of parts of Thirty-eighth Street and Bellevue Terrace NW., and the public alley between said streets, in block 1812, in the District of Columbia; to the Committee on the District of Columbia.

By Mr. TAYLOR of Colorado: A bill (H. R. 5081) to suspend the requirements of annual assessment work on mining claims during the year 1917; to the Committee on Mines and Mining.

By Mr. TIMBERLAKE: A bill (H. R. 5082) providing for an amendment to section 2293 of the Revised Statutes, allowing homestead and other public-land affidavits to be taken before the military commander of any person engaged in military or naval service of the United States; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. DAVIDSON: A bill (H. R. 5083) granting a pension to Dudley G. Allen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5084) granting a pension to Bessie Hanson; to the Committee on Pensions.

Also, a bill (H. R. 5085) granting an increase of pension to Albert Pride; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5086) granting an increase of pension to Mathew Kerwin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5087) granting an increase of pension to George F. Sabin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5088) granting an increase of pension to Bertha Fenz; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 5089) granting a pension to Samuel A. Demarest; to the Committee on Pensions.

By Mr. JOHNSON of Washington: A bill H. R. 5090) granting an increase of pension to Aaron L. Stevens; to the Committee on Invalid Pensions.

By Mr. KEATING: A bill (H. R. 5091) granting a pension to Sarah A. Dirlam; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5092) granting a pension to John G. Williams; to the Committee on Pensions.

Also, a bill (H. R. 5093) granting a pension to William F. O'Neill; to the Committee on Pensions.

My Mr. KIESS of Pennsylvania: A bill (H. R. 5094) granting an increase of pension to Lewis R. Montague; to the Committee on Pensions.

My Mr. McKENZIE: A bill (H. R. 5095) granting an increase of pension to James C. Goldthorp; to the Committee on Invalid Pensions.

By Mr. OSBORNE: A bill (H. R. 5096) granting an increase of pension to George Young; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 5097) granting a pension to Angeline Brand; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Petition of 90 representative citizens of Harrison County, Mo., favoring the prohibition of the liquor business as a war measure; to the Committee on the Judiciary.

By Mr. ASHBROOK: Papers to accompany House bill 4008, granting a pension to Lemuel S. Darr; to the Committee on Pensions.

By Mr. BRUMBAUGH: Petition of Mrs. C. W. Clark and other citizens of Columbus, Ohio, in behalf of national prohibition and protesting against the increase of tax on liquors; to the Committee on the Judiciary.

By Mr. BURROUGHS: Petition of Rev. Lyman D. Bragg and other residents of Epping, N. H., praying for national prohibition; to the Committee on the Judiciary.

By Mr. CURRIE of Michigan: Petition of Rev. L. G. Beacock and other citizens of Bay City, Mich., requesting immediate enactment of a measure providing for national prohibition; to the Committee on the Judiciary.

Also, petition of Samuel J. Throp and other citizens of Big Rapids, Mich., and vicinity, requesting the immediate enactment of a measure providing for national prohibition; to the Committee on the Judiciary.

Also, petition of J. C. Jenkins and other citizens of Big Rapids, Mich., and vicinity, requesting the immediate enactment of a measure providing for national prohibition; to the Committee on the Judiciary.

Also, petition of the members of the Young People's Union of Bay County, Mich., requesting the immediate enactment of a measure providing for national prohibition; to the Committee on the Judiciary.

Also, petition of Mrs. E. A. Armstrong and other citizens of Big Rapids, Mich., and vicinity, requesting the immediate enactment of a measure providing for national prohibition; to the Committee on the Judiciary.

By Mr. DYER: Petition of the Wheeler & Motter Mercantile Co., of St. Joseph, Mo., and the Missouri Bankers' Association, protesting against any increase in letter postage without a liberal advance in the second-class mail rate; to the Committee on Ways and Means.

By Mr. DALE of New York: Petition of the Merchants' Association, of New York, relative to deepening of the channel at Hell Gate and other improvements; to the Committee on Rivers and Harbors.

By Mr. DUNN: Petition of sundry citizens of Rochester, N. Y., asking for national prohibition during the period of the war; to the Committee on the Judiciary.

By Mr. EAGAN: Petition of American Manufacturing Association of Products from Corn, against prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of New Jersey Osteopathic Society, relative to osteopath's plea for services in Army; to the Committee on Military Affairs.

Also, petition of the National Retail Hardware Association, Argos, Ind., against Hardwick amendment to the Federal reserve act; to the Committee on Banking and Currency.

Also, petition of Bryden Horse Shoe Co., New Brunswick, N. J., relative to duty on horseshoes; to the Committee on Ways and Means.

Also, petition of the Chicago Association of Commerce, relative to appropriation allotted to the Bureau of Naturalization; to the Committee on Appropriations.

Also, memorial of Chamber of Commerce of the State of New York, relative to objections to war-revenue bill; to the Committee on Ways and Means.

Also, memorial of Chamber of Commerce of the State of New York, favoring the daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

By Mr. FOSTER: Petition of citizens of New Baden, Ill., urging favorable consideration of national prohibition; to the Committee on the Judiciary.

By Mr. FREEMAN: Memorial of Connecticut State Association of Letter Carriers, opposing the contributory pension plan for letter carriers; to the Committee on the Post Office and Post Roads.

By Mr. FULLER of Illinois: Petition of the Chicago Historical Society, advocating the exemption of legacies and bequests for educational, philanthropic, and religious societies or purposes from Federal estate taxation; to the Committee on Ways and Means.

Also, petition of citizens of Rockford, Waterman, and Genoa, Ill., favoring legislation for prohibition of the liquor traffic as a war measure; to the Committee on the Judiciary.

Also, petition of the Free Sewing Machine Co. and employees thereof, of Rockford, Ill., and of Charles Elyeam, Axel Anderson, and W. A. Riding, of Morris, Ill., in re national prohibition as a war measure; to the Committee on the Judiciary.

By Mr. FULLER of Massachusetts: Memorial of the New England Newspaper Alliance, protesting against a tax on newspaper advertising; to the Committee on Ways and Means.

By Mr. HAMILTON of New York: Petitions of sundry citizens of Lakewood and Jamestown, N. Y., favoring national prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of sundry residents of the city of Jamestown, in the county of Chautauqua, N. Y., favoring the prohibition of the liquor business as a war measure; to the Committee on the Judiciary.

By Mr. HILLIARD: Memorial of St. Paul's Methodist Episcopal Church South, of Denver, Colo., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. HOUSTON: Petition of sundry citizens of Petersburg, Tenn., urging the conservation of food products in making liquor, etc.; to the Committee on the Judiciary.

By Mr. JOHNSON of Washington: Petition of 21 citizens of Raymond, Wash., favoring Federal amendment for woman suffrage; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Resolution of Providence (R. I.) Wholesale Drug Co., protesting against proposed tax on alcohol for pharmaceutical and prescription purposes and on proprietary preparations; to the Committee on Ways and Means.

By Mr. LINTHICUM: Petition of American Association of Masters, Mates, and Pilots, Rescue Harbor No. 14, Baltimore, Md., against increase of postage rates on second-class matter; to the Committee on Ways and Means.

Also, petition of J. F. Wilson, Washington, D. C., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. LONERGAN: Memorial of Union Grange, of Southington, Conn., favoring prohibition during the war; to the Committee on the Judiciary.

By Mr. LUNN: Petition of Charles H. Bennett and 53 men of Broadalbin, N. Y., praying for enactment of prohibition of manufacture of all alcoholic liquors as a measure of food conservation and prohibition of sale of liquors for beverage purposes to conserve the health, wealth, labor, transport facilities, and military efficiency of the people; to the Committee on the Judiciary.

Also, petition of John Thomas, secretary to the social service committee of the Episcopal diocese of Long Island, praying for enactment of a law which will prevent grain, which is needed to feed the hungry of the world, from being turned into alcoholic drink during the war; to the Committee on the Judiciary.

By Mr. MAGEE: Petition of E. D. Roe, jr., and others, of the city of Syracuse, N. Y., favoring full national prohibition; to the Committee on the Judiciary.

Also, petition of Charles L. Nye and others, of the city of Syracuse, N. Y., favoring full national prohibition; to the Committee on the Judiciary.

Also, petition of Ray M. Hudson and others, of the city of Syracuse, N. Y., favoring full national prohibition; to the Committee on the Judiciary.

Also, petition of John G. Giles and others, of the city of Syracuse, N. Y., favoring full national prohibition; to the Committee on the Judiciary.

Also, petition of W. L. Gardner and other residents of the town of Onondaga, Onondaga County, N. Y., favoring full national prohibition; to the Committee on the Judiciary.

By Mr. MEEKER: Memorial of Prosperous Lodge, No. 706, International Association of Machinists, St. Louis, Mo., protesting against prohibition; to the Committee on the Judiciary.

Also, memorial of Car and Coach Painters' Union, Local No. 304, St. Louis, Mo., favoring investigation by Congress into controversy between Chamber of Commerce of San Francisco, Cal., and organized labor; to the Committee on the Judiciary.

Also, petition of Woman's Christian Temperance Union, of St. Louis, Mo., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. MORIN: Petition of J. M. Baldy, of the Bureau of Medical Education and Licensure of Philadelphia, Pa., urging the abrogation of the patents on salvarsan and also on all other drugs held by Germans; to the Committee on Patents.

By Mr. NOLAN: Petition of United Brotherhood of Carpenters and Joiners of America, Local No. 1296, San Diego, Cal., protesting against any amendment of the Chinese exclusion act to permit of the importation of Chinese into the United States; to the Committee on Immigration.

By Mr. OSBORNE: Petition of the members of the Methodist Episcopal Church of Redondo Beach, Cal., for the immediate enactment of prohibition of the manufacture of alcoholic liquors as a measure of food conservation and for the immediate prohibition of the sale of liquors for beverage purposes in order to conserve the health, wealth, labor, transport facilities, and military efficiency of the people; to the Committee on the Judiciary.

Also, petition of Methodist preachers of southern California, in the First Methodist Episcopal Church of Los Angeles, June 11, 1917, urging Representatives in Congress to see that each soldier shall be provided with an indestructible medal so inscribed that in case of death under circumstances where he might not be cared for by those who know him his body might be identified; to the Committee on Military Affairs.

By Mr. POLK: Petition of Wilmington Lodge, No. 184, International Machinists, relative to food-control legislation; to the Committee on Agriculture.

By Mr. RAKER: Petition of State Board of Agriculture of California, favoring bill exempting from tax nonprofiting agricultural fairs; to the Committee on Ways and Means.

By Mr. ROBBINS: Petition of First Presbyterian Church of Vandergrift and Grace Reformed Congregation of Jeannette, Pa., favoring prohibition as a war measure; to the Committee of the Judiciary.

By Mr. SCULLY: Petition from members New Jersey Osteopathic Society, offering their professional services to the United States Government and favoring the establishment of the osteopathic school of practice as a separate department of the service; to the Committee on Military Affairs.

By Mr. SNELL: Resolution of Black River and St. Lawrence Association of Congregational Ministers and Churches, at a meeting held at Norwood, N. Y., heartily approving of the prohibition of the manufacture and sale of all intoxicating beverages during the time of the war; to the Committee on the Judiciary.

Also, petitions of citizens of Saranac Lake, Wadhams, North Elba, and Moira, N. Y., for full prohibition of the manufacture, sale, and transportation of intoxicating beverages for the period of the war in conservation of the man power, military, and industrial efficiency, and the food supply of the Nation, and urging that all liquors now in bonded warehouses and elsewhere be commandeered by the Government and redistilled for undrinkable alcohol, to be purchased by the Government for war purposes, and opposing an increase in the tax on intoxicating liquors as a means of raising a revenue to prosecute the war; to the Committee on the Judiciary.

By Mr. TAYLOR of Colorado: Memorial of city council of Denver, Colo., urging legislation to fix food prices; to the Committee on Agriculture.

Also, memorial of Colorado Branch of the National Congress of Mothers of Denver, Colo., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. TIMBERALKE: Memorial of Business Woman's Club of Colorado Springs relative to protecting morals of those in training camps; to the Committee on Military Affairs.

Also, memorial of Rankin Presbyterian Church, of Brush, Colo., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. VARE: Memorial of 14 churches in the Kensington district, Philadelphia, favoring prohibition as a war measure; to the Committee on the Judiciary.

SENATE.

TUESDAY, *June 19, 1917.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we lift our hearts reverently to Thee with Thy name upon our lips, the name of the God of our fathers, the holy one of Israel, our guide and our God in this our day. We thank Thee for the patriotism, for the wisdom, for the patience with which Thy servants who have been called into leadership have committed themselves to the task of ordering the affairs of this Nation to meet conditions that are new and untried. We bless Thee that throughout the country there is a spirit of divine optimism, believing that Thou who hast guided us from the beginning will still lead us on to the consummation of the divine purpose as a Nation. We ask Thy blessings upon us, with the forgiveness of our sins and the inspiration of Thy Spirit. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

SUNDRY CIVIL APPROPRIATION ACT.

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the House had passed a joint resolution (H. J. Res. 105) to correct an error in the sundry civil appropriation act for the fiscal year 1918, in which it requested the concurrence of the Senate.

Mr. MARTIN. I ask that the joint resolution which has just been received from the other House be laid before the Senate.

The joint resolution (H. J. Res. 105) to correct an error in the sundry civil appropriation act for the fiscal year 1918 was read twice by its title.

Mr. MARTIN. I ask unanimous consent for the present consideration of the joint resolution.

There being no objection, the joint resolution was considered as in Committee of the Whole, and it was read, as follows:

Resolved, etc., That that portion of the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes," which reads: "For maintenance and operation of the Panama Canal, salary of the governor, $100,000;" is amended to read as follows: "For maintenance and operation of the Panama Canal, salary of the governor, $10,000."

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CALLING OF THE ROLL.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Johnson, S. Dak.	Page	Smith, S. C.
Calder	Jones, N. Mex.	Penrose	Smoot
Chamberlain	Kirby	Pittman	Sterling
Colt	La Follette	Poindexter	Stone
Culberson	McKellar	Pomerene	Sutherland
Cummins	McLean	Robinson	Trammell
Fernald	McNary	Shafroth	Vardaman
Frelinghuysen	Martin	Sheppard	Warren
Gallinger	Nelson	Sherman	Watson
Gerry	New	Smith, Ariz.	
Hitchcock	Norris	Smith, Md.	
James	Overman	Smith, Mich.	

Mr. SHAFROTH. I desire to announce the absence of my colleague [Mr. THOMAS] on account of illness.

Mr. GALLINGER. I have been requested to announce the unavoidable absence of the junior Senator from Maryland [Mr. FRANCE] on account of illness. This announcement may stand for the day.

Mr. SUTHERLAND. I wish to announce the absence of my colleague, the senior Senator from West Virginia [Mr. GOFF], on account of illness. I will let this announcement stand for the day.

Mr. McKELLAR. I desire to state that the senior Senator from Tennessee [Mr. SHIELDS] is absent on account of illness.

The VICE PRESIDENT. Forty-five Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of the absentees.

The Secretary called the names of the absent Senators, and Mr. KENDRICK, Mr. REED, Mr. SIMMONS, and Mr. WALSH answered to their names when called.

Mr. HOLLIS, Mr. FLETCHER, Mr. BRADY, Mr. RANSDELL, Mr. GORE, and Mr. SAULSBURY entered the Chamber and answered to their names.

Mr. SMITH of Michigan. My colleague [Mr. TOWNSEND] is detained from the Chamber on account of official business with a committee of the Senate. That accounts for his absence.

Mr. GERRY. I desire to announce that the junior Senator from Kentucky [Mr. BECKHAM] and the junior Senator from Utah [Mr. KING] are detained necessarily from the Senate on public business.

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present.

COMMITTEE SERVICE.

Mr. SHEPPARD. Mr. President, if I may resume the analysis of the bill which is the unfinished business——

Mr. WARREN. I ask the Senator from Texas if he will yield to me on a matter of committees.

Mr. SHEPPARD. Certainly.

Mr. WARREN. I was requested by the Senator from Washington [Mr. JONES] to announce his resignation as member and chairman of the Committee on the Disposition of Useless Papers in the Executive Departments. I ask that his resignation be accepted.

The VICE PRESIDENT. Without objection, it is accepted.

Mr. WARREN. On behalf of the junior Senator from Ohio [Mr. HARDING] I ask that he be excused from further service on the Committee to Investigate Trespassers upon Indian Lands.

The VICE PRESIDENT. It is so ordered.

Mr. WARREN. I ask for the adoption of the following order:

Ordered: That Senator JONES, of Washington, be appointed chairman of the Committee to Investigate Trespassers upon Indian Lands; that Senator BRADY, of Idaho, be appointed chairman of the Committee on Disposition of Useless Papers in the Executive Departments.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. STONE. I observe that the Senator from Texas has taken the floor to continue his speech on the bill pending before the Senate as the unfinished business. Am I correct about that?

Mr. SHEPPARD. The Senator is correct.

Mr. STONE. The Senate adjourned yesterday until 12 o'clock to-day, and I had supposed that there would be a morning hour under the rule.

Mr. GALLINGER. I will say to the Senator I rose to ask that the regular order be followed and that the morning hour be observed.

Mr. STONE. I ask for the regular order.

Mr. SHEPPARD. I have no desire to begin until the morning business has been concluded.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT. The Chair lays before the Senate a concurrent resolution passed by the Legislature of the Territory of Hawaii, which will be incorporated in the RECORD and referred to the Committee on Pacific Islands and Porto Rico.

The concurrent resolution is as follows:

Concurrent resolution.

Whereas certain persons entered into homestead agreements with the commissioner of public lands of the Territory of Hawaii, and are in process of proving up their claims; and

Whereas certain other persons have entered into homestead agreements with the commissioner of public lands of the Territory of Hawaii, and have faithfully performed all the terms of their agreements and are awaiting their land patents; and

Whereas certain other persons entered into homestead agreements with the commissioner of public lands of the Territory of Hawaii, and have faithfully performed all the terms of their agreements and have received their land patents; and

Whereas all the persons above referred to took up, occupied, and transferred their homesteads under the advice and concurrence of, and made their agreements with, a former commissioner of public lands of the Territory of Hawaii, who had a misconception of the law; and

Whereas the said homesteaders either transferred or surrendered their original homesteads and under the advice of and concurrence and agreement with the then commissioner of public lands of the Territory of Hawaii entered into homestead agreements a second time; and

Whereas section 73 of the act of Congress of August 12, 1898, as amended August 1, 1910, provides that—

"No person shall hereafter be entitled to receive any certificate of occupation, right of purchase lease, cash freehold agreement, or special homestead agreement who or whose husband or wife shall have previously taken or held any land under any such certificate, lease, or agreement hereafter made, or issued, or under any homestead lease or patent based thereon": Therefore be it

Resolved by the Senate of the Territory of Hawaii (the House of Representatives concurring), That the Congress of the United States is hereby memorialized to authorize the governor of Hawaii to ratify the agreements of the following-named persons made with the commissioner of public lands of the Territory of Hawaii, and to issue land patents to those who are living up to the terms of the agreements when the same have been completed, and to issue land patents to those who have already complied with all of the terms of their agreements, and to ratify the land patents already issued.

The following are the agreements of homesteaders who are in process of proving up:

Name.	Lot taken.	Tract.	Island.
Sarah E. Harris	30	Kuiaha-Kaupakalua	Maui.
Dollie Henning	45	do	Do.
Hugh Howell	51	do	Do.
D. Venhuizen	56	do	Do.
Maniole Malule	156	Kalaheo	Kauai.
Joaquin Vieira	92	do	Do.
Augustine Caraballo	3	Omao	Do.
Eulojio Martin	42	Lawai	Do.
Nicholas Vegas	39	do	Do.
Elmer M. Cheatham	133, 134, 135	Kapaa	Do.
Robert D. Israel	138, 139, 146	Kapaa	Kauai.
George Brandt	24	Omao	Do.
Emily M. Hoopii	18	do	Do.
Libbie K. Kula	56	Lawai	Do.
John Souza	19	do	Do.
Frank Souza	49	do	Do.
Louisa Hellum	58	do	Do.
John Awa	198	Lualualei	Oahu.

The following are the agreements of homesteaders who have proved up and are awaiting patents:

Name.	Lot taken.	Tract.	Island.
Mrs. Leila Ontai	36, 37	Pahoa, Waianae	Oahu.
Silva Costa Ayres	34	Lawai	Kauai.

The following are homesteaders who have already been granted land patents:

Name.	Lot taken.	Tract.	Island.
Joseph Bento	47A	Lawai (grant 6777)	Kauai.
Mary Ikua Harper	21	Lawai (grant 6749)	Do.
John Silva	48A, 48B	Lawai (grant 6765)	Do.
Kioshi Tamamoto	55	Lawai (grant 6778)	Do.
Manuel Nunes	30	Lawai (grant 6414)	Do.
Mrs. E. K. Kanehiwa	11A, 11B	Lawai (grant 6633)	Do.

THE SENATE OF THE TERRITORY OF HAWAII,
Honolulu, Hawaii, April 21, 1917.

We hereby certify that the foregoing resolution was this day adopted in the Senate of the Territory of Hawaii.

CHAS. T. CHILLINGWORTH,
President of the Senate.
O. SOARES,
Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES
OF THE TERRITORY OF HAWAII,
Honolulu, Hawaii, April 26, 1917.

We hereby certify that the foregoing resolution was this day adopted in the House of Representatives of the Territory of Hawaii.

H. L. HOLSTEIN,
Speaker House of Representatives.
EDWARD WOODWARD,
Clerk House of Representatives.

The VICE PRESIDENT presented a petition of the City Council of Los Angeles, Cal., praying that freedom be granted to Ireland, which was referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Pittsfield, Mass., remonstrating against the imposition of a tax on proprietary medicines, which was referred to the Committee on Finance.

He also presented a petition of the Northwest Suburban Citizens' Association of the District of Columbia, praying for the enactment of legislation providing for the erection of a national convention hall in the city of Washington, which was referred to the Committee on Public Buildings and Grounds.

Mr. CHAMBERLAIN presented a petition of the Congregation of the Methodist Episcopal Church South, of Corvallis, Oreg., praying for national prohibition as a war measure, which was ordered to lie on the table.

Mr. PHELAN presented a petition of sundry citizens of San Luis Obispo, Cal., praying for national prohibition, which was ordered to lie on the table.

Mr. SMITH of Maryland presented a petition of the Calvary Methodist Episcopal Sunday School, of Mount Airy, Md., praying for the prohibition of the manufacture and sale of alcoholic liquors during the war, which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union, of Washington County, Md., praying for the prohibition of the manufacture and sale of liquors as a war measure, and remonstrating against the placing of an increased tax upon intoxicating liquors, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Kent County and Baltimore, in the State of Maryland, and of the Red Cross Auxiliary, of Pocomoke, Md., praying for the conservation of food products and for national prohibition as a war measure, which were ordered to lie on the table.

Mr. FRELINGHUYSEN presented a petition of sundry citizens of Wallington, N. J., praying that an appropriation be made for the improvement of the Passaic River in that State, which was referred to the Committee on Commerce.

He also presented a petition of Typographical Union No. 103, of Newark, N. J., praying for Federal control of foodstuffs, which was ordered to lie on the table.

He also presented memorials of Palisade Brotherhood of Railroad Trainmen No. 592; of Trunk Makers' Union No. 2, of Newark; of Barbers' Union No. 381, of Hoboken; of Beer Bottlers' Union No. 268, of Newark; of Journeymen Barbers' Local Union, of Plate Printers and Assistants Local Union No. 99, of Elizabeth; of Embroidery Workers' Union No. 5, of Cigar Makers' Local Union No. 146, of New Brunswick; of Journeymen Barbers' Union No. 315, of Plainfield; and of Painters' Union No. 814, of Englewood, all in the State of New Jersey, remonstrating against the enactment of legislation to prohibit manufacture of beer and light wines, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Newark, Passaic, Orange, East Orange, Maplewood, and Trenton, all in the State of New Jersey, praying for national prohibition as a war measure, which were ordered to lie on the table.

Mr. WEEKS presented a petition signed by sundry manufacturers of Holyoke, Mass., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors during the period of the war, which was ordered to lie on the table.

Mr. SMITH of Michigan. I have a telegram from the Patriotic League of Lenawee County, Mich., which I ask to have inserted in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

ADRIAN, MICH., *June 18, 1917.*

Hon. WILLIAM ALDEN SMITH,
Senate, Washington, D. C.:

Patriotic League of Lenawee County, embracing all patriotic activities in county, most earnestly urges immediate passage of Lever food-control bill without material change. In our opinion there is absolutely no danger from lack thereof. Control should not be vested in commission but in a single administrator who must be given radical and plenary powers. Our laboring men, business men, and farmers are thoroughly aroused upon this question.

PATRIOTIC LEAGUE OF LENAWEE COUNTY,
ROBERT DARNTON, *President,*
W. H. BURNHAM, *Vice President,*
R. C. ROTHFUSS, *Secretary.*

EFFICIENCY OF THE PRESS.

Mr. SHERMAN. I present a communication from the Illinois State Journal, of Springfield, Ill., which I ask to have inserted in the RECORD.

There being no objection, the communication was ordered to be printed in the RECORD, as follows:

THE ILLINOIS STATE JOURNAL,
Springfield, Ill., June 14, 1917.

Hon. LAWRENCE Y. SHERMAN,
Senate Office Building, Washington, D. C.

DEAR SENATOR: With this country's fate trembling in the balance, its future offering unlimited possibilities conditioned upon the stability of democracy, or threatened with all the horrors of ruthless autocratic domination if it fails to make certain the defeat of those who would oppress, upon what one great widespread and dominating influence does the Nation depend to-day to uphold and win support to the war program of the administration?

How many persons would be influenced to respond to the call for subscriptions to the liberty-bond issue; how many would respond to the appeal of the Red Cross and the dozens of other patriotic organizations that are swamping the newspapers with requests for free space; how could universal registration for conscription be quickly brought about without serious social disorder but for the voluntary, prompt, and enthusiastic support of the patriotic press of the United States?

To what can the Nation look for such service hereafter if the power of the press is devitalized or destroyed by oppressive and destructive taxation?

To be efficient, the newspapers of this land must be prosperous.

To be prosperous they must be relieved of injustice and inequitable taxation.

Is it reasonable, right, or good business at this time of all others to permit individual personal animosities to dominate the course of this Nation in discriminating against the Nation's most powerful ally, the untrammeled press, while specially favoring other and more prosperous industries that possess no means of influencing the course of public sentiment?

For days and weeks the wires and mails have been burdened with news of plans proposed for exacting undue tribute from the daily press, already staggering under the load of increased expenses due to advancing cost of paper, ink, metals, machinery, and wages, and crippled by the loss of trained workers.

Add to this the prospective exactions of further heavy increases in all overhead expenses, including many varieties of taxation, and still further deprivation of experienced workers, and you can picture what confronts a publisher threatened by Congress with additional oppressive special taxation beyond the ability of many to meet.

Contrast with this picture the view, easily obtained, of many flourishing industries whose greater comparative prosperity is enhanced instead of burdened by the prospect of war taxation.

In the mails to-day comes to the State Journal this unsolicited expression from one of the builders of automobiles, rejoicing over the benefit to be derived by such manufacturers from equitable consideration shown to the trade by Congress.

This is what the general manager of one such concern is sending to newspapers:

"No greater impetus to the automobile industry could have been given than that which has resulted from the voting by Congress of the war tax on motors, for it definitely settles the status of car ownership. With the knowledge that only a reasonable and moderate fee is to be assessed on the automobile, the general public is flooding dealers all over the country with orders and compelling factories to work full time to meet them.

"Telegraphic reports from 35 State managers of one large eastern factory, the Metz Co., of Waltham, Mass., show an increase of 100 per cent in sales in the six days following the passing of the tax. Other car makers report increases also."

No such reports are to be heard from newspaper publishers.

Every mail brings a new crop of appeals to the press to donate additional space free of all expense to the Government for pressure to be brought in its behalf; some to urge prompt registration, others to point the finger of shame at the slacker; one after another to help induce the indifferent to subscribe for bonds, all to invite the press to turn loose its best thought, its most earnest effort and space, ad libitum, to influence public sentiment in the direction of liberty and freedom. Does the press hesitate? Is it backward or niggardly in responding to the call of its Government for free service and free space in this great extremity?

A thousand times, No!

Without hesitation, or murmur, and without limitation; with no suggestion or thought of reward or recompense, the American press welcomes the call, gives of its best without limit and asks what more can it do.

We, of the press, volunteer to render our service ahead of all others and without regard to what others may do. We recognize no command greater than the needs of the Nation, and our resources are subject to the suggestions of our Commander in Chief, the ruler of the Nation, whenever he may call upon us.

Is any other industry more prompt, more patriotic, more liberal, or more potent?

Is any other industry so harassed and threatened?

I submit, with all respect, the much-used but appropriate fable of the murder of the goose that laid the eggs of gold.

To what source will Congress turn for aid, if it cripples or kills the newspapers that have shown such loyalty to their country?

Why not help make the press prosperous so that it may be more potent, instead of harassing and crippling it so that its influence shall be weakened or destroyed?

America's advancement is largely due to its enlightened, patriotic press.

To help win the war and to promote the reconstruction of the Nation after the war, if we win, this country will need the greatest possible efficiency in its public press.

Is it not plainly the part of judgment and wisdom to free the press from oppression and give it opportunity to make itself more efficient?

The weaker the press the weaker the Government! The less prosperous the press the weaker it must be.

Give the newspapers a chance to do their share in the best possible manner.

Sincerely and respectfully, yours, LEWIS H. MINER.

FOOD PRODUCTS.

Mr. PHELAN, from the Committee on Irrigation and Reclamation of Arid Lands, to which was referred the bill (S. 1725) to stimulate the production of food upon private and public lands within reclamation projects, and for other purposes, reported it with amendments and submitted a report (No. 68) thereon.

BOTANIC GARDEN.

Mr. GALLINGER. I am directed by the Committee on the Library to report back favorably without amendment the bill (S. 346) to increase the area of the United States Botanic Garden in the city of Washington, D. C., and I submit a report (No. 67) thereon. At the last session a similar bill was passed without dissent, and I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That the United States Botanic Garden, situated in the city of Washington, D. C., be, and the same is hereby, increased and enlarged by attaching thereto those two certain parcels of land situated, lying, and being between Third Street on the east and Sixth Street on the west, and Missouri Avenue on the north and Maine Avenue on the south, which said parcels are known as East Seaton Park and West Seaton Park.

SEC. 2. That said two described parcels shall, upon the passage of this act, become part and parcel of the said United States Botanic Garden and immediately available for the purposes thereof: *Provided*, That the location of conservatories and other improvements of a permanent character which may be built within said parcels shall be confined to areas not intended as the sites for future public buildings and driveways in the plan for that vicinity prepared by the park commission.

SEC. 3. That all laws and parts of laws inconsistent with any of the provisions of this act be, and the same are hereby, repealed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 2479) for the protection of the owners of mining claims in time of war; to the Committee on Mines and Mining.

By Mr. McKELLAR:

A bill (S. 2480) to amend section 11 of the act approved December 23, 1913, known as the Federal reserve act, as amended by the act of September 7, 1916; to the Committee on Banking and Currency.

NATIONAL DEFENSE.

Mr. WATSON submitted an amendment intended to be proposed by him to the bill (S. 1786) to amend certain sections of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, and for other purposes, which was referred to the Committee on Military Affairs and ordered to be printed.

AMENDMENT TO PENDING BILL.

Mr. BORAH submitted an amendment intended to be proposed by him to the bill (S. 2463) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel, which was ordered to lie on the table and be printed.

WITHDRAWAL OF PAPERS—ELIZABETH GATES PERRY.

On motion of Mr. SMITH of Maryland, it was

Ordered, That the papers accompanying the bill (S. 6976) granting a pension to Elizabeth Gates Perry, Sixty-fourth Congress, be withdrawn from the files of the Senate, no adverse report having been made thereon.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed the following act and joint resolution:

On June 15, 1917:

S. J. Res. 70. Joint resolution relating to the service of certain retired officers of the Army.

On June 14, 1917:

S. 995. An act to authorize the issue to States and Territories and the District of Columbia of rifles and other property for the equipment of organizations of home guards.

PRICE OF STEEL.

The VICE PRESIDENT. Concurrent and other resolutions are in order.

Mr. STONE. Mr. President, I do not rise to offer a resolution of any kind, but I suppose, under this head as well as any other, I might place in the RECORD matters which may seem to be, and are, of special interest at this juncture in our affairs. We are appropriating enormous sums for various purposes and are organizing a multitude of ways and means of expending the money thus appropriated in the public interest and for the public good. We know about the appropriations, but it is of vital interest to know how the money we appropriated is expended.

Among other things Congress has done for the prosecution of the war has been to pass a bill appropriating $500,000,000 to construct merchant ships to convey the products of this country to Europe and also to other parts of the world, but especially to that part of Europe occupied by our allies in the war in which we are now engaged.

Only the other day—June 17—I read an article in the Washington Post, which I desire now to read to the Senate for the purpose of calling special attention to what it says. It relates to the work to which I have particularly referred—of building merchant ships to meet the demand upon us in the conduct of the war. The article is headed, "Ship steel prices to U. S. pushed up—Corporation asks $95 a ton—Navy has been paying only $65." And then the following:

That the United States Steel Corporation is attempting to charge the Government $95 a ton for steel for the proposed commercial fleet, as compared with $65 a ton for steel for the Navy, was the remarkable disclosure made here yesterday. The difference, shipbuilders estimate, represents $40,000,000 profit.

Gen. George Goethals said the price submitted was not satisfactory. He had been compelled, however, to fix that as a basic price—

That is, $95 per ton—

upon which shipbuilders have been told to make their estimates. Later, in case of a revision, the shipbuilders will be protected.

The price fixed by the Steel Corporation is considered here to be all the more remarkable in view of the investigation of steel prices by Congress when the tariff was being considered. At that time—

That was only a short time ago—

the Bureau of Corporations, after an exhaustive inquiry, determined that at $31 a ton the Steel Corporation was able to pay a dividend of 10 per cent on its entire stock issue.

The majority of that stock, as the world knows, was what in Wall Street parlance, and in what is now universal parlance, is called "watered stock."

Experts who have been making an inquiry into the subject for the United States Shipping Commission, declare that the increase is not justified.

Mr. SMITH of Michigan. That is, Mr. President, the increase from $35 to $95 a ton?

Mr. STONE. The increase from $31 per ton.

Mr. SMITH of Michigan. That the increase from $31 to $95 is not justified?

Mr. STONE. Is not justified. However, I think, though I do not speak with certainty, that the experts referred to condemn the increase from $31 per ton, under which price a 10 per cent dividend was declared on the entire stock issue of the steel company, even to $65 per ton, which the Navy Department is paying. The increase to $95 per ton certainly was condemned as not justified.

Mr. SMITH of Michigan. Mr. President, will it bother the Senator if I interrupt him?

Mr. STONE. It will not.

Mr. SMITH of Michigan. I should like to say to the Senator, for I know he wants to be accurate, and will be accurate, in what he says——

Mr. STONE. I will so far as I can be; that is my desire.

Mr. SMITH of Michigan. That the truth is that no contract has been let at $95 per ton, nor is it proposed to let any contracts at $95. The contracts let were let at a price to be fixed by the Council of National Defense, which was to be the measure of cost and the sole measure of cost. Both parties agreed on that. If they should agree on $40, that will be the price; and if they should agree on $31, that will be the price; but there is no proposition in any contract that Gen. Goethals has executed which holds the Government to any such cost as $95 per ton. In each of the contracts he put a clause that the price of the steel in the contracts shall be that agreed upon by the Council of National Defense. Everyone knows, as the Senator has intimated, that the Navy Department is buying steel at about $65, and it is hoped, both by Gen. Goethals and by the other members of the Shipping Board, that the price of the steel for these vessels will not exceed $45 or $55 per ton.

Mr. STONE. Well, nevertheless, while it is stated that Gen. George Goethals says the price of $95 per ton is not satisfactory,

he has been compelled to fix that as the basic price—compelled to fix that basic price.

Mr. SMITH of Michigan. That is correct only in this, Mr. President, that the offer of the Los Angeles Shipbuilding Co. was at that figure, but Gen. Goethals refused to sign a contract until there was inserted in it a clause that the price to be paid should be the price agreed upon by the Council of National Defense, thus protecting the Government entirely and at every point as completely as though the price had been fixed at $50, because, on the statement of the Senator, if our steel plants were commandeered and operated by the Government 10 per cent could be made at $31 a ton.

Mr. STONE. But the remarkable thing to me is that Gen. Goethals, however his name may be pronounced——

Mr. SMITH of Michigan. The country knows how to pronounce his name.

Mr. STONE. I do not know whether the country can pronounce it or not.

Mr. SMITH of Michigan. No matter whether they can pronounce it or not, history will take care of him. There is no doubt about that, is there?

Mr. STONE. I think it will; but just how it will take care of him I do not know.

Mr. SMITH of Michigan. Many other innocent men have been assailed, many men not very far from me have been criticized very severely, perhaps unjustly.

Mr. STONE. I am not assailing anybody. The Senator is unduly precipitate——

Mr. SMITH of Michigan. No; I am not.

Mr. STONE. In rising in defense. When a man's friends defend him too quickly, they lay him open to suspicion.

Mr. SMITH of Michigan. Yes; and one who assails too quickly lays himself open to criticism, and that is what the Senator has done.

Mr. STONE. I have not assailed; I may do so, but I have not done so as yet. The Senator had better wait until the indictment is preferred or presented before he rises to plead.

Mr. SMITH of Michigan. Mr. President, the Senator gave me the privilege.

Mr. STONE. Oh, I yielded to the Senator.

Mr. SMITH of Michigan. Yes.

Mr. STONE. Of course; and I will yield again whenever he desires.

Mr. SMITH of Michigan. I will not bother the Senator; I will use my own time.

Mr. STONE. That is all right; the Senator can do as he pleases as to that.

Mr. SMITH of Michigan. The Senator from Missouri usually does as he pleases, and I think he ought to accord that privilege to his colleagues.

Mr. STONE. I could not help doing that if I desired to do otherwise, and I have no wish to do otherwise.

The point I make, Mr. President, is that there was, according to what I have read, a tentative agreement made at $95 a ton. It may have been subject, as the Senator says, to review by some one else, as it was subject to the review of some one else; but what I complain about is this—that any contract should be made, even tentatively, which had too much upon it the coloring of graft.

Mr. SMOOT. Mr. President——

Mr. STONE. I am not accusing Gen. Goethals of graft; I exonerate Gen. Goethals of that; but I will accuse the people with whom he was dealing with an attempt, a deliberate, cold-blooded attempt, to rob the Treasury of the United States, and the general must have known that.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Utah?

Mr. STONE. Yes.

Mr. SMOOT. I desire to suggest to the Senator that I think the newspaper has made a mistake as to the price of the steel to go into these ships. I have the confidential statement made——

Mr. STONE. Confidential statement?

Mr. SMOOT. The testimony given before the Committee on Appropriations where the price of plates and sheets was mentioned by Gen. Goethals. I wish also to say that Gen. Goethals expected to get even a lower price than that mentioned here. In his testimony he says:

I have a proposition this morning in the office to build some steel ships at Seattle at $155 a ton, on the basis of 4¼ cents for plate—

That is, $85 for plates—

and 3⅜ cents for sheets—

Which would be $75 for sheets. He thought, even then, that the price for the sheets and plates was too high, and said also that he could make the contract at a lower price than that with eastern firms. I simply call the Senator's attention to that, thinking perhaps that the newspaper report was an error, because I have quoted absolutely what he did say.

Mr. STONE. I nevertheless complain that an officer of this Government, put into a great and responsible position, whether civil or military, should consent even to a tentative proposition that involved mulcting the Treasury of the United States of from $40,000,000 to $50,000,000. It was, at least, very poor judgment and contributed naught to his administrative ability. That criticism I do make. There I leave that part of what I have to say, which is the first half.

This morning I find in the same paper, the Washington Post, another very interesting article relating to the same subject, which I wish to read that it may go into the RECORD:

WOODEN SHIP VICTORY—DENMAN TO CARRY OUT THE PLAN DESPITE GOETHALS'S OPPOSITION—CUTS GENERAL'S STEEL PRICE—MILLS AGREE TO $56 TENTATIVELY INSTEAD OF $95, ORIGINAL COST—DENMAN CONFERS WITH WILSON, AND GOETHALS WILL SEE HIM TO-DAY—U-BOAT TOLL GROWS AND ENGLAND URGES SHIPS—DENMAN FEARS FOR UNITED STATES TRANSPORTS—CONGRESS CRITICAL OF "WAR ADMINISTRATION."

Though contracts were signed for 10 ships with steel tentatively at $56 by Chairman Denman, of the Shipping Board, yesterday, as against $95, agreed to by Col. Goethals and the steel makers recently, the controversy between the two on the shipbuilding program apparently has not been ended. Chairman Denman called at the White House yesterday and had a long conference with President Wilson. Gen. Goethals also called, but the list of appointments proved to be filled until Friday. Meantime the controversy was discussed in Congress.

After his conference with the President, Chairman Denman said U-boat sinkings for the past week would average a total of 9,000,000 tons loss annually. Every ship possible, and of every kind, must be built by the United States.

PLAN FOR UNITED STATES TROOP SHIPS.

"The most serious thing," said Denman, "and the most important, is the mounting of figures on sinkings of British ships. The decrease in the sinkings the last two weeks in May evidently showed Germany had recalled her submarines to prepare them for expected sailings of American troop ships. Sinkings are again on the increase.

"Our conference had nothing to do with the reported differences between myself and Gen. Goethals," Mr. Denman continued. "There is no real difference in our views. There never has been anything but a smile between us. We talked about U boats and need of merchant ships."

The increased submarine sinkings last week indicate that Germany has her entire submarine fleet in action. There was evidence that the German Government called in its undersea boats for repairs during the month of May, so that they would be ready to lie in wait for the American transports when they began carrying our troops to France. Germany is now sinking merchant shipping faster than it can be replaced unless the present shipbuilding plans of the United States are greatly extended.

CHAIRMAN DENMAN'S STATEMENT.

The contracts yesterday went to the Downey Construction Co., of New York, for 10 vessels, and were signed by Chairman Denman after he had refused to approve them when they first came to him from Gen. Goethals naming a price of $95. The price of $56 will stand, Mr. Denman announced, until a final figure is set by the President or by some agency he may designate.

"Since the Government now has the power to force a lower price," said Mr. Denman, "I should not go on approving contracts at $95. If the price of $56 is raised finally, the steel plants will be refunded; if it is lowered, the Government will benefit by the reduction."

ACCEPTED BY THE PLANTS.

A base price of $95 was agreed on between Gen. Goethals and the steel plants some weeks ago. It was to stand until a final price was arranged, but Chairman Denman said yesterday he had declined to sign more contracts at that figure because he did not care to set a precedent that would embarrass the board when final negotiations for a price basis were begun. The Navy is obtaining steel at about $65.

The country's steel plants, it was said yesterday, accepted the price of $56 on condition that its acceptance would not determine the final price to be paid. Steel men, it is said, estimate the cost of production now at around $45, but they have been able to sell all the plates they could produce at from $95 to $125. The commercial demand, however, will cease with the Government's requisitioning of ships building and shipyard facilities.

COMMITTEE MAKING ESTIMATES.

The committee on war supplies of the Council of National Defense is making estimates for the fleet corporation now on steel prices. Gen. Goethals has said he is ready to leave the whole matter of prices to the committee. But Mr. Denman said the committee would not fix prices, although it would advise.

As to the controversy between Chairman Denman and Gen. Goethals, Congress in voting a $500,000,000 appropriation for shipbuilding authorized the President to exercise powers granted in the act through any agency he might designate. But both Mr. Denman and Gen. Goethals, it is said, are anxious that the other should not be designated to carry out the act's provisions. Gen. Goethals, it is understood, feels he can not accomplish half as much as he might if hampered by the Shipping Board with powers to direct his efforts. Mr. Denman, it is said, believes the Shipping Board should be given full powers.

DENMAN HOLDS THE STOCK.

As Denman holds 95 per cent of the capital stock of the shipping corporation for the Government, such designation, it is said, means he will remain in power, and that the wooden-ship program will go through, possibly with all steel ships that can be constructed under Gen. Goethal's plan.

I merely read this and leave it for your reflection without comment.

And now, Mr. President, a word and I am done. There is an issue, it seems, between Mr. Denman and Gen. Goethals. Gen. Goethals desires plenary power to proceed with shipbuild-

ing as he pleases. Mr. Denman, the chairman of the Shipping Board, desires supervisory powers. That seems to be the issue between them. Gen. Goethals did make tentative contracts, subject, of course, to approval by others, Denman among them, at $95 per ton for steel. Mr. Denman, chairman of the board, turned down those contracts, would not even countenance them, and made contracts proposing tentatively $56 per ton. That is the difference between the one man, who contends for supremacy in the exercise of power, and the other man, who contends for the exercise of a supervisory power in the construction of this commercial fleet for the war emergency.

I am bound to say, Mr. President, that I rejoice that such a man as Denman is in this emergency at the head of the Shipping Board.

Mr. VARDAMAN. Mr. President, it is not my desire to do anybody an injustice.

I called attention on last evening to the matter which the Senator from Missouri [Mr. STONE] has just discussed.

I did not undertake to determine Gen. Goethals's authority in the transaction mentioned but contented myself with simply calling attention to the transaction.

Evidently there is a purpose somewhere of somebody to do something that ought not to be done.

A Senator came to me this morning with a message from Gen. Goethals, saying that the general had nothing to do with the fixing of the price of steel; that that was a matter for the board to determine. I can not recall just now which board, but it was one of the many boards appointed by the administration to work for the Government for nothing, I presume.

There is no question in my mind but that the matter of the price of steel to be furnished the Government for shipbuilding had been under consideration for some time by the altruistic patriots who control the enterprises which manufacture that very essential material.

It was the purpose of the steel manufacturers to force the United States Government to pay $95 a ton for steel. The mere suggestion is an outrage, an exasperating thought, but nevertheless I believe it is true.

They were going to take advantage of this emergency to rob and plunder the taxpayers—coin this dire and desperate necessity into dollars and fill their capacious coffers with blood money.

Sustaining my own judgment in the matter, I am going to ask permission to read an editorial published in the New Republic, of Saturday, June 9, which throws a flood of light on this dark, damnable conspiracy, and is a straw which shows where and which way the wind is blowing. It puts the American people on guard and should call the Congress to arms to defend the taxpayers against such shameless conduct.

I take it that no one will charge the New Republic with viewing the question from a partisan standpoint. I have read this publication for some time and find it inclined to be ultra-conservative.

The subject of the editorial is "The price of steel for ships." I shall read it in full:

The foundation of the Shipping Board's new program of ship construction is steel. It was the apparent inability of the steel interests to promise deliveries within a reasonable period that at first made it seem necessary to rely on inferior wood construction. It was a change of front on the part of the steel manufacturers, and explicit promises of enough steel to build 3,000,000 tons of shipping within a year and a half, that induced the recent change from wood to steel. Henceforth, if we may judge from statements of Gen. Goethals, and of Members of Congress, our main hopes are to be staked on steel; wood is to be merely a side issue, to be pushed as vigorously as may be without interfering with the steel program.

The responsibility for this change is a staggering one, and it may be assumed that it was not made without the most searching consideration. If there has been a miscalculation, if the enthusiasm of the steel manufacturers has outstripped their judgment, if deliveries are delayed and the output of ships falls far short of the promise, the triumph of the central powers may be the price of the mistake. It is to be assumed that Mr. Farrell and Mr. Gary and Mr. Schwab have weighed the possibilities earnestly and anxiously, and that their promise rests on a genuine belief in their ability to perform.

Nevertheless complete confidence in the soundness of their decision can rest only on a conviction that it was rigorously impartial, that it was based exclusively on an estimate of the measure of disinterested service which the steel industry is capable of rendering. Unfortunately there have been disquieting rumors as to the price which the steel industry expects to exact for its services; and the soaring stock-market quotations of United States Steel, since these rumors have made their appearance, lend to them an air of plausibility. It can hardly be a mere coincidence that steel common has advanced 20 points since the middle of May. In 1910 the Steel Corporation was selling steel plates at an average of about $31 a ton. A thorough investigation of costs in steel production by the Commissioner of Corporations led to the conclusion that this price brought a return of 10½ per cent on the invest ment. Since then, of course, costs have risen considerably, and to-day an impartial investigation would call for some revision of these figures, even as to steel made for the Government, which it may be assumed is entitled in time of war to the best that its citizens can do. In practice, the Government is now paying more than double the price which was in 1910 bringing such abundant returns. The figure fixed upon by Secretary Daniels for steel plate for the Navy is $65 a ton, and, though this figure is attacked by steel manufacturers, it errs on the side of liberality.

The disquieting rumor which has apparently gained credence in Wall Street is that the Shipping Board will be expected to pay 4¼ cents a pound for the steel plates to be used in its gigantic merchant fleet—a price that figures at more than $95 a ton, more than three times the price in 1910, and nearly 50 per cent more than the present price for Navy construction. No confirmation of this figure has been published, but its accuracy seems to be generally accepted. The Wall Street Journal, a publication known to have unusually good sources of information, stated definitely in a leading article last Monday that the price will be in round numbers $100 a ton.

It is hardly credible that far-sighted steel manufacturers of the type of Messrs. Gary, Schwab, and Farrell should lend themselves to anything of this sort. At a time when the men of the country are being drafted into service, perhaps to be maimed or killed, for a paltry $30 a month, it is inconceivable that the wealthiest industry in the United States should be willing thus to coin more riches out of the Nation's peril. It would have a most sinister aspect. Socialists and radical labor leaders have for years preached to their followers that war was an institution designed by the capitalist class to enable it to extort more profits out of the sweat of labor.

And I will say just at this point that this is not an exception to the rule.

Unrest among workingmen the world over has been predicated on the supposition that while human beings were drafted for war at nominal compensation, property was allowed to exact what the market would bring. Would not hundred-dollar steel look like a startling confirmation of this charge? Politically, such a thing would be suicidal. It would supply deadly ammunition to the western Senators, such as LA FOLLETTE, who have maintained that the President plunged us into the war at the behest of the Wall Street interests.

The United States Steel Corporation and the other steel manufacturers have an opportunity, which will perhaps never return, of demonstrating that they place solicitude for the national safety and welfare above the desire for profit. They should be content to furnish steel to the Government at the price already determined upon for Navy work—at $65 a ton. That is a fair, indeed a liberal, price. Anything more savors of extortion. Under the new shipping legislation, the President has drastic and extensive commandeering power; he has a club which can make itself felt. But he should not be forced to use it. Ships can not be rapidly built in an atmosphere of suspicion and antagonism. The offer of steel at $65 a ton should come from the steel interests, and it should be a voluntary one, made from a sense of public obligation. Let it be their contribution toward the prosecution of the war.

Mr. President, the Senate will judge for itself as to whether or not there is a conspiracy among the Garys, Schwabs, and Farrells to profit pecuniarily by this war. Personally I do not expect patriotism from that source. Money is conscienceless, and the man whose life is devoted to money-making is usually incapable of patriotic motives.

I would as soon expect to find virtue in the realm of the lost as altruism in the soul of a man whose life is devoted to the accumulation of wealth.

There may not be anything wrong in this incident which the Senator from Missouri and myself have called to the attention of the Senate, but the sunlight of publicity will not do any harm. It is a matter that the Congress ought to understand, so that if anything should happen to go wrong, Congress could block the game of the conspirators and protect the American people from plunder.

Mr. SMITH of Michigan. Mr. President, I do not know that I am called upon to say anything in reply to the statement made by the Senator from Missouri [Mr. STONE]. I asked him a question or two, and he made reply in the same good humor which has always characterized our relations. But the only reason I interrupted the Senator was because I did not desire any false impression to grow out of the statement, which perhaps without elucidation might be the case.

The truth about that shipbuilding contract is simply this, and nothing more, that a shipbuilding company offered to build certain ships for the United States Government, fixing the price. Their contracts were accepted, but a clause was written in each contract that the price fixed for the steel was purely tentative and must be finally fixed by the National Council of Defense. It made no difference whether that contract read $100 a ton or whether it read $500 a ton, neither one was binding upon the Government. The price was left to the National Council of Defense. The fact that we were buying our steel for our naval vessels at practically $65 indicates that there is a very wide discrepancy between what would actually be paid and what was asked.

This Los Angeles Shipbuilding Co. I know nothing about. They made this proposition. The Government wanted the ships, no time was to be lost, and it was useless to haggle over the price. So the matter was left entirely to the Government. If Gen. Goethals had said the price would be $95 a ton he would have made a great error, justly open to criticism. If he had said $65 a ton the Senator from Missouri might have risen with great propriety to criticize his course; therefore no price was fixed.

Mr. WEEKS. Mr. President——

The PRESIDING OFFICER (Mr. MCLEAN in the chair). Does the Senator from Michigan yield to the Senator from Massachusetts?

Mr. SMITH of Michigan. I do.

Mr. WEEKS. I wish to ask the Senator if he knows anything about the Los Angeles Shipbuilding Co.?

Mr. SMITH of Michigan. I do not.

Mr. WEEKS. I was given some information not long ago, which I think I put in the RECORD—I am not quite sure—to the effect that the Los Angeles Shipbuilding Co. was a company on paper——

Mr. SMITH of Michigan. I think the Senator has made a mistake, which he rarely does.

Mr. WEEKS. That it had no shipbuilding plant constructed; that a corporation had been formed with a very reputable man as president; that a little money had been paid in, but that it will take at least a year for the Los Angeles Shipbuilding Co. to construct its plant to get ready to lay down ships. The purpose, I understood, of the Shipping Board is to have ships delivered within that time and practically the entire contract delivered within 18 months.

Mr. SMITH of Michigan. I think, in reply to the Senator from Massachusetts, that as far as the responsibility of the Los Angeles Shipbuilding Co. was concerned, the Shipping Board and Gen. Goethals satisfied themselves about it. A man who has expended $350,000,000 of our Government money without a breath of criticism from any source, receiving the praise of the entire civilized world, does not change his course of conduct overnight.

I know nothing about this company. I see the Senator from California [Mr. PHELAN] in his seat. Perhaps he would care to say whether the Los Angeles Shipbuilding Co. is a responsible company. I know nothing about it. Mr. Denman evidently thinks it is or he would not have made the contract; he is a resident of San Francisco himself.

Mr. PHELAN. Mr. President, I have not any very definite information about the Los Angeles or California Shipbuilding Co. apart from the fact that it was awarded a contract by the Navy Department, and hence the presumption is that it is an established plant. It is a comparatively new concern. I have in my hand a letter from the Long Beach Chamber of Commerce, in which it speaks of the two yards—Craig's and California—as proposing to lay keels immediately for four large merchant vessels for the Shipping Board and to rush them to completion. It indicates that there are companies springing up in every part of the country for the purpose of meeting the extraordinary demands of the Navy and the Shipping Board. I do not know that a company requires anything more than capital and the ordinary equipment, which are easily obtained, in order to be a shipbuilding plant. I do not know that it is a reproach upon a company that it has not already turned out ships. We are in an era of progressive construction.

Mr. SMITH of Michigan. Mr. President, as I said, I know nothing about the Los Angeles Shipbuilding Co., but I do know that they have no contract with the Government which binds the Government to pay any set price for steel, and they have no contract with the Government to pay $95 a ton for steel. It is the cheapest kind of notoriety to give currency to such a proposition as that, and to give it at the expense of a man who has proven himself both capable and honest in the discharge of his public duty. I hold no commission from Gen. Goethals; what I say is purely voluntary; but I know his reputation. It belongs to the Nation and should be protected from slander, and I know that no contract has been made by him and no contract was refused by Mr. Denman which would tend in the slightest degree to discredit either gentleman.

I ought not to say it again, but there has been so much misinformation about this teapot tempest that I do want to say once more that the price according to the article read by the Senator from Missouri was merely tentative and is now only tentative. When it went over to Mr. Denman he said, "I would rather have it at $50." So would Gen. Goethals, and the way was provided for $50 steel not by the chairman of the Shipping Board but by their agent and manager; but if the testimony read by the Senator from Missouri is correct, $50 would be exorbitant. If idle gossip and tin-pan publicity is to open the flood gates of criticism at the very beginning of this war our domestic problems will be more serious than our foreign.

In this matter the Government was entirely protected. Surely that ought not to be the subject of criticism, and would not have been if it had not been for the advertised controversy between Mr. Denman and Mr. Goethals, and how recent that controversy is. As I turn to his testimony, which I hold in my hand, I find Mr. Denman says: "We selected Gen. Goethals because of his well-known reputation. He sought no responsibility. We dragooned him into the service of his Government." I read the language of Mr. Denman in this report: "We dragooned him into the service of the Government." Why did they dragoon him? Because he had performed the most gigantic task ever undertaken by the American Government, honestly, fearlessly, and expeditiously.

I do not often criticize people. Sometimes it is unwarranted, and in my opinion this controversy never should have been precipitated, especially when its motive was cheap notoriety.

I have heard honest and fearless and patriotic men sharply criticized and villified; I have seen them wounded in their spirit and in their hearts; but I do not deal in that kind of subterfuge.

Mr. Denman is undoubtedly an active, enterprising, forceful man. What I said of him the other day I now repeat—that if he is a great man or has unusual abilities for his present work he has yet to demonstrate them—but the mere fact that he took his pencil and rubbed it through "$95" and wrote "$50" in its place in a contract to be absolutely controlled by the Government will not give him a very high place in history. If the statement of my honored friend from Missouri can be relied upon, even $50 or $55 is too high. What is to be said if the National Council of Defense write $31 where $50 now is? They can write anything they please in the contract, because in the wisdom of this great Army officer and those associated with him the right is reserved to the Government.

If every department of the American Government in times like this is run with as much concern for the welfare of their Government as these men show, I do not think we will have any occasion for criticism.

I perhaps ought not to have said even this. I apologize to my friend from Missouri if I seemed to fly too quickly to the support of Gen. Goethals. I only did it because of my sense of fairness and justness and my jealousy for a reputation that ought not to become the football of little souls hungering for glory.

Mr. STONE. Mr. President, my chief object in calling attention to this matter was to emphasize the danger the country is in of having the vast sums we are appropriating unwisely—I will merely say unwisely—expended. It is a fact, as I understand the truth to be, that the Shipping Board, of which Mr. Denman is the head, had developed a plan for the building of wooden vessels to meet the emergency confronting the country, which vessels could be built far more speedily and with far less expense than steel vessels. Gen. Goethals, at the head of the construction arm of this business, adopted, I will say, a plan, after more or less contention, of building steel vessels in preference to wooden vessels.

Without desiring unduly or unfairly to reflect upon anybody, it struck me as being strange, and the eloquent defense of my friend from Michigan has not removed that thought from my mind, that the head of this construction arm, after his insistence for steel vessels, should make even a tentative contract with a ship-building corporation at $95 for steel, thereby setting, tentatively at least, the price of steel, which meant a concession to that extent to the grafting demands of those who had steel to sell instead of turning it down peremptorily. It struck me that it was a rather remarkable performance.

I do not assail Gen. Goethal's integrity. I do not assail the integrity of any man, but I speak of a fact which the Senate and the country should keep in mind when we are expending not millions but billions of dollars and when every sort of effort will be made by all kinds of people to thrust their greedy claws into the Treasury to plunder it. Men who permit things to be done even tentatively that lead to such results seem to me to lack an administrative ability at least that does them no credit.

I have never been, I am frank to say, a very enthusiastic admirer of Gen. Goethals. I barely know him. I do not recall ever meeting him more than once, but I am somewhat familiar with his career, and for one I venture to say, which I would not have done except in the immediate circumstances, that he is rather a pampered hero, whose reputation, such as it is, has been built largely upon the genius of other men. I go further and say that with the combined genius of them all, with the genius and intelligence of them all, the Panama Canal lacks a vast deal of being a great engineering success. I regard it rather as a failure. I express that as my opinion.

But, Mr. President, the eyes of those who are appropriating these vast sums of money as well as the eyes of those who are expending them should be keenly fixed upon what is done, and all of us—we here and those of the executive departments—should be very watchful of what is done.

Mr. SMITH of Michigan. Mr. President, I will only take a moment. The Senator from Missouri [Mr. STONE] says he is not a very enthusiastic admirer of Gen. Goethals. Of course, that was quite evident from what he said in the fore part of his address. He says that Gen. Goethals's fame results largely from the work of others. I want to say to the Senator that Gen. Goethals is big enough and generous enough to concede

that fact. When honors from his countrymen were being bestowed upon him and when he was being highly praised for the great work he did, he had the greatness, the courtesy, and the consideration to say that all of the men engaged in the work of building the Panama Canal had enabled it to be an accomplished fact, and that he claimed only to be one of the sixty thousand. I think the fame of almost any man who outlives his own generation, perhaps, may be attributed to the action of his fellows and those who are associated with him. Generally, if they are big enough such men are willing to divide the glory, and if they are small men, fearful that others may get a little glory, their names do not long endure in history. This man is big enough to concede that he is only one of the thousands of men who did an important work, and his fame is imperishable.

Mr. WEEKS. Mr. President, it seems to me that it is particularly unfortunate that the name of a great public servant, a great engineer, should be dragged into this kind of a controversy. I have not any brief to say anything for Gen. Goethals, but it will surprise the country and will surprise the engineering profession when they read what the Senator from Missouri has just said, that the Panama Canal is not an engineering success. I have never heard it suggested that it was not an engineering success so far as engineering capacity could perform the work. It is true that nature has played some peculiar freaks with the territory through which the Panama Canal passes, but no engineering skill could have prevented the slides and other conditions which have prevented the canal from being a complete success.

I did not rise, however, to discuss the Panama Canal, or even to discuss Gen. Goethals, but to say that it is well known to everyone in the Capitol that there has been friction, and very pronounced friction, between Gen. Goethals and the chairman of the Shipping Board ever since Gen. Goethals's connection with the enterprise. I do not know anything about the merits of the case; I do not know anything about the merits of the contention about the prices of steel. It would seem that $95, $90, or even $85 was a very high price for steel. I do not know how many strings there are on that; I do not know what the conditions of its supply are; nobody seems to know about it; but to try the case like this, and in some degree to jeopardize the well-established reputation of a great engineer in a cursory discussion of this sort seems to me to be entirely unjustifiable.

That brings me to the suggestion which I think should be brought to the attention of the Senate at every opportunity—and I think I shall offer it as an amendment to this bill—of a committee to really investigate such reports as this and to give the public the information. My judgment is that 95 per cent of the ills which the body politic thinks exist would be cured by publicity. You can not cure them by this kind of discussion based on reports in the public press, with no more investigation probably than we are giving it here; but it can be cured and the information can be given to the public if a properly constituted committee investigates such matters as this, involving the expenditure of tens and hundreds of millions of dollars; and the public is entitled to the information.

Mr. President, not long ago I introduced a joint resolution providing for a committee on the conduct of the war. One of the functions of that committee would be to investigate just such a case as this and to give to Congress and to the public the real facts relating to it. We are, in my judgment, going to have any number of such controversies as this growing out of the great power which we are giving to certain men and the unusual amounts of money authorized to be expended and the unusal conditions which surround the expenditure. Somebody should have the power immediately to determine any question of this character as to which the public is entitled to information. This very contract ought to be before the Senate and ought to be referred to a committee of the kind which I have described. Then, in a very short time the Senate would have the exact facts.

The joint resolution to which I refer has been resting quietly in the committee to which it was referred for now something like six weeks, perhaps two months. I do not know that it is ever going to be reported. I have been told that the President is opposed to its being adopted because it might embarrass the administration in some respects. I want to say that there is no intention on the part of the proposer of the resolution or of anybody interested in it to embarrass the administration in the slightest degree; but there is an intent to furnish Congress and the public with the information which they should have. If I were in the position of responsibility, I should want to have such a committee organized and in operation for the purpose of investigating these questions and for the purpose of protecting the men who are involved in making these contracts and expending these appropriations.

I am going to see that the Senate has an opportunity to vote on the joint resolution. I do not know just exactly how I am going to do it; perhaps I shall propose it as an amendment to this bill; but I am going to have it determined by the Senate whether it wishes to have real information furnished it when it wishes to pass on these questions involving the expenditure of hundreds of millions of dollars, or whether it is willing to take newspaper reports as the basis for acting on great questions, and especially those affecting and, perhaps, destroying the reputations of men.

The PRESIDING OFFICER (Mr. McKELLAR in the chair). Concurrent and other resolutions are in order.

Mr. VARDAMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Mississippi suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Jones, N. Mex.	Phelan	Smoot
Broussard	La Follette	Pittman	Stone
Calder	McKellar	Poindexter	Sutherland
Chamberlain	McLean	Pomerene	Swanson
Colt	McNary	Shafroth	Vardaman
Fernald	Martin	Sheppard	Warren
Frelinghuysen	New	Sherman	Watson
Gerry	Norris	Simmons	Wolcott
Husting	Overman	Smith, Md.	
James	Page	Smith, Mich.	
Johnson, S. Dak.	Penrose	Smith, S. C.	

Mr. GERRY. I desire to announce that the junior Senator from Kentucky [Mr. BECKHAM] and the junior Senator from Utah [Mr. KING] are detained necessarily from the Senate on public business.

Mr. SHAFROTH. I desire to announce the absence of my colleague [Mr. THOMAS] on account of illness.

Mr. WOLCOTT. I wish to announce the absence of my colleague [Mr. SAULSBURY], who is detained on account of public business.

The PRESIDING OFFICER. Forty-two Senators have answered to their names. There is not a quorum present.

Mr. CHAMBERLAIN. I ask that the names of the absentees be called.

The PRESIDING OFFICER. The Secretary will call the names of the absent Senators.

The Secretary called the names of absent Senators, and Mr. HOLLIS, Mr. KENDRICK, Mr. KENYON, Mr. NELSON, Mr. NEWLANDS, Mr. RANSDELL, Mr. STERLING, Mr. THOMPSON, Mr. TOWNSEND, and Mr. WALSH answered to their names when called.

Mr. FLETCHER, Mr. HITCHCOCK, Mr. BRADY, Mr. GORE, Mr. MCCUMBER, Mr. WEEKS, Mr. ASHURST, and Mr. SMITH of Arizona entered the Chamber and answered to their names.

The PRESIDING OFFICER. Sixty Senators have answered to their names. A quorum is present. The morning business is closed.

CONSERVATION OF FOOD AND FUEL.

Mr. CHAMBERLAIN. Mr. President, I ask that the unfinished business be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2463) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

Mr. SHEPPARD. Mr. President, taking up again the analysis of the bill before the Senate, I desire to say that it further provides that whenever the President shall find it impossible, by license or by voluntary arrangement, to assure an adequate supply of necessaries, he is authorized to requisition and take over, for use or operation by the Government, any factory, mine, or other plant, or any part thereof, in which any necessaries are or may be manufactured, produced, prepared, or mined; said factory, mine, plant, or any part thereof, to be returned to the owner when use by the Government is no longer required. Just compensation is to be made for such use; and if the amount determined by the President is unsatisfactory, recourse may be had to the courts.

The bill provides that whenever the President finds it essential, in order to prevent undue enhancement, fluctuation, or manipulation of prices of necessaries, or injurious speculation therein, he is authorized to regulate or close any exchange, board of trade, or similar institution or place of business. He may require clearing houses, clearing associations, or similar institutions which clear, settle, or adjust transactions of such exchanges, boards of trade, etc., to keep such records as he may

require. The penalty for violation of the provisions regarding such exchanges, boards of trade, etc., is a fine not exceeding $10,000, or imprisonment for not more than four years, or both.

The bill provides that when the President finds stimulation of production necessary, and that producers of any nonperishable agricultural products produced within the United States should have a guaranteed price in order to bring about such stimulation, he is authorized seasonably, and as far in advance of seeding time as practicable, to determine and fix and give public notice of what, under specified conditions, is a reasonable guaranteed price for any such products to assure producers a reasonable profit. The United States thereupon guarantees to the producer complying with the President's regulations within the period prescribed by him, not exceeding three years, a price not less than said guaranteed price. The President may levy an import duty necessary to prevent interference with the guaranteed price, which duty shall be sufficient to make the import price equal to the guaranteed price. In no case shall any existing duty be reduced. In order to make the guaranteed price effective, or in order to protect the Government against materially increased liabilities by virtue of the guaranty of price, the President may purchase all products for which a price has been guaranteed, hold, transport, or store them, or sell and deliver them to any person or to our allies, or use them for our Government.

The bill provides that the President may make such regulation or prohibition of the use of foods, food material, or feeds in the production of alcoholic or nonalcoholic beverages or such reduction of the alcoholic content of any beverage as he may deem essential to an adequate and continuous supply of food. The penalty on conviction for violation of this provision is a fine not exceeding $5,000 or imprisonment for not more than two years, or both.

The bill provides that every person who willfully assaults, resists, impedes, or interferes with any officer, employee, or agent of the United States in the execution of any duty prescribed by the act shall, on conviction, be fined not exceeding $1,000 or be imprisoned for not more than one year, or both.

The sum of $2,500,000 is made immediately available for the payment of such rent, the expense of such printing and publication, the purchase of such material and equipment, and the employment of such persons and means in the city of Washington and elsewhere as the President may deem essential.

The sum of $150,000,000 is made available immediately for the purposes of the act. No part of this sum is to be expended for rent, publication, printing, material and equipment, or the employment of clerical forces.

Judgment by the courts that any part of the act is invalid shall not impair any other part.

The act shall cease to be in effect when the national emergency resulting from the existing state of war shall have passed, the date of which shall be ascertained and proclaimed by the President. In no event shall the act continue in effect longer than one year after the termination, as ascertained by the President, of the present war. All legal obligations, however, incurred by the United States pursuant to the act shall continue in force until fulfilled.

The measure may now be summarized as follows:

First. It penalizes the willful destruction of necessaries for the purpose of enhancing the price or restricting the supply.

Second. It penalizes hoarding, which is carefully defined. This does not apply to any farmer, gardener, or other person who accumulates or withholds the products of any farm, garden, or other land under lease or cultivated by him.

Third. It enables the President, under effective penalties, to license and regulate importation, exportation, manufacture, storage, or distribution of any necessaries, whether he finds such steps essential to economical manufacture and equitable distribution. The licensee is first given an opportunity to conform charges, rates, and practices to the President's direction. This section does not apply to any farmer, gardener, or other person with respect to the products of any farm, garden, or other land owned, leased, or cultivated by him, nor to any retailer with respect to the retail business actually conducted by him, nor to any common carrier.

Fourth. It authorizes the President, when he deems it necessary to the purposes of the act, to purchase, produce, manufacture, store, or sell any necessaries. He may commandeer any necessaries, as well as storage space therefor, paying for what he takes; and if the party entitled to payment is not satisfied, he may have recourse to the courts.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Iowa?

Mr. SHEPPARD. I yield to the Senator from Iowa.

Mr. KENYON. I should like to ask the Senator a question—in no controversial spirit, because I agree with him in nearly everything—in regard to the section he now refers to—section 9. Does he think that under that section the President could fix the price of farm products; or has the Senator discussed that phase of the matter? I have not been here. It seems to me that there should be an amendment to section 9 making it clear that farm products are not included, the same as the proviso to section 6, or similar to that, and the section dealing with the licensing system.

Mr. SHEPPARD. I was about to call attention to the proviso in this section, which is to the effect that no natural person is required to furnish any necessaries held by him and reasonably required for consumption by himself and dependents for a reasonable time.

Mr. BRADY. What section is that?

Mr. SHEPPARD. The section referred to by the Senator from Iowa.

Mr. KENYON. Section 9. That is true as to necessaries held by him and reasonably required for consumption; but, now, suppose the farmer is holding something he has produced—and I do not think we ought to injure the farmer or the producer in any way; we must take care of production. If he is holding that beyond the mere purposes which the proviso covers—that is, the amount reasonably required for consumption by himself and his immediate relatives—under this section, could not the President take the farmer's product and fix the price? That is the question that is worrying me.

Mr. SHEPPARD. Under this section the President may determine the price which he considers just, but if the party entitled to payment is not satisfied he may have recourse to the courts.

Mr. KENYON. Does the Senator think we ought to give any power to fix the price of what the farmer may produce? Now, this is outside of the minimum guaranty. I do not refer to that. That is to stimulate production. But if the President can take the products of the farm by fixing a price, or take them as this section provides, I am afraid we are going to injure production very much. That is a troublesome question in section 9.

Mr. SHEPPARD. I do not believe that the President would ever find it necessary to go to that extent.

Mr. KENYON. I do not think so, either.

Mr. SHEPPARD. This section becomes effective only when the President finds an emergency sufficiently acute to justify action under its terms.

Mr. KENYON. I do not think the President would, either; but I do think that the thought going out to the country, to the farmer and to the producer, that some power is given to fix this price absolutely will be a deterrent to production.

Mr. SHEPPARD. I think it well to discuss that point a little further along in the debate.

Mr. KENYON. Does not the Senator believe that some such proviso as has been inserted in the other sections—that it shall not apply to the farmer or the producer as to what he himself produces on his own land or land leased by him—would make the matter clear?

Mr. SHEPPARD. Very probably. I shall be glad to hear the Senator on that point at a later stage in the debate, and also to give it careful consideration myself.

Mr. KENYON. I wish the Senator would. I have prepared an amendment on that line which I believe is rather essential.

Mr. SHEPPARD. Fifth. The bill empowers the President, if he deems it necessary to an adequate and continuous supply of necessaries, to requisition and take over, for use or operation by the Government, any factory, mine, or other plant, or part thereof. He must make what he considers just compensation to the party entitled to payment, who has an appeal to the courts if dissatisfied.

Sixth. It authorizes the President to regulate or close exchanges, boards of trade, and similar institutions when he finds such action necessary in order to prevent undue enhancement or fluctuation of prices of necessaries, injurious speculation, unjust market manipulation, or unfair and misleading market quotations. Violation of this provision is punished by fine not exceeding $10,000 or by imprisonment for not more than four years, or both.

Seventh. It authorizes the President to fix a guaranteed minimum price for any nonperishable agricultural products produced within the United States whenever he finds stimulation of production essential and such action needed to effect such stimulation. To sustain said price he may, if he finds it advisable, impose import duties, or purchase the products for which a price has been guaranteed for storage, for sale to any person, or to our allies, or for use by our Government.

Eighth. It authorizes the President to regulate or prohibit the use of foodstuffs in making alcoholic or nonalcoholic beverages or to reduce the alcoholic content of any beverage, if he considers such action necessary to assure an adequate and continuous supply of food. The penalty for violation of this provision is a fine not exceeding $5,000, or imprisonment for not more than two years, or both.

It will be observed, Mr. President, that the powers conferred by this measure are to be exercised only when the President finds the exercise necessary in order to carry out the purposes of the legislation; that is, in order to safeguard and assure the proper production, conservation, and distribution of food, to prosecute the war successfully, and to save the people from the Saturnalia of speculation, corruption, and extortion attending emergencies like the present one, if it should be left unguarded.

These powers are war powers, therefore, of the first magnitude and the first necessity. Food is life. The transfer of millions of men from the farms in the European countries with which we are allied to the battle front, increasing the drain on our food resources as well as theirs, and the approach of a similar condition here will undoubtedly disorganize the usual processes of food production, imperil the usual food supplies, and create a situation of extraordinary danger—a situation requiring extraordinary, prompt, and vigorous treatment. The strain upon our food supply has only begun. The enormous demand already in existence creates opportunities and temptations for speculators which many men can not resist, and which many will eagerly embrace. In the wake of great disasters men are always found who would rifle the pockets of a corpse and gamble on the bosoms of the dead.

Mr. McLEAN. Mr. President——

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). Does the Senator from Texas yield to the Senator from Connecticut?

Mr. SHEPPARD. I yield.

Mr. McLEAN. Right on the point of the exaction of excessive prices, we find it prohibited in section 4, which I think is a very important section. I should like to ask the Senator if it is the intention of the committee not to provide penalties for the offenses described in section 4?

Mr. SHEPPARD. There is a general penalty clause in the bill.

Mr. McLEAN. Does the Senator refer to section 17?

Mr. SHEPPARD. I do.

Mr. McLEAN. That does not seem to me to provide any penalty for violations of the provisions of section 4. That section applies to persons who shall willfully assault, impede, or interfere with an officer or employee, and so forth.

Mr. SHEPPARD. That is the only clause which purports to provide a general penalty, Mr. President.

Mr. McLEAN. It does not seem to me that it provides any penalty for violations of the provisions of section 4. If the Senator will turn to section 4 he will see that for the unlawful destruction of any necessaries a penalty is provided in section 8.

Mr. SHEPPARD. Exactly. I have referred to that fact.

Mr. McLEAN. That section only provides a penalty for destruction of necessaries.

Mr. SHEPPARD. Hoarding is prohibited, also.

Mr. McLEAN. The penalty for hoarding is provided for in section 6.

Mr. SHEPPARD. Exactly.

Mr. McLEAN. But I find no other penalties provided for violation of the other provisions of section 4, which are very important.

Mr. SHEPPARD. Except in so far as section 17 may be applicable.

Mr. McLEAN. Yes; but was it the understanding of the committee, or is it the belief of the Senator, that section 17 does provide penalties for exacting excessive prices?

Mr. SHEPPARD. I think that is a debatable question, I will say to the Senator. He makes a point that should be cleared up in the course of the debate.

Mr. McLEAN. It does not seem to me that it does; and the section is a very important one. I call the attention of the committee to it; and there is one other question I would like to ask.

On line 21, page 3, it is provided that no one shall make any unjust or unreasonable rate or charge in handling or dealing in or with any necessaries. Does the Senator understand that the words "rate or charge" for handling apply to retail dealers?

Mr. SHEPPARD. I so take it. There is a subsequent section which deals more particularly with that proposition.

Mr. McLEAN. I think that should be made very clear. Otherwise, the Senator will observe that the prohibition against an excessive price applies only to a conspiracy, which is provided for in the latter part of that section.

Mr. SHEPPARD. Section 5 deals with that question in detail, with rates and charges.

Mr. McLEAN. Yes, it does; but I think section 4 ought to be drawn so as to carry out the purpose of the committee. The Senator will see that unless it is made clear that there is a prohibition against exacting excessive prices on the part of the individual, any retailer who is exempted from the provision requiring a license may control supply or distribution and exact excessive prices without penalty.

Mr. SHEPPARD. I thank the Senator for the suggestion. I shall endeavor to bring it to the attention of the committee.

Mr. President, the assurance of an adequate food supply for the people at home and the soldiers at the front, the repression of infamous men who would coin the people's needs into personal gain, are as vital a war operation as the assembling of artillery, the construction of a trench, or a charge on the battle field.

This measure is more than justified by the war clauses of the Constitution; nay, it is, in my judgment, demanded by them. The war clauses of the Constitution are as follows:

> The Congress shall have power * * *
> To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;
> To raise and support armies, but no appropriation of money to that use shall be for a longer period than two years;
> To provide and maintain a Navy;
> To make rules for the government and regulation of the land and naval forces;
> To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;
> To provide for organizing, arming, and disciplining the militia, * * *; and
> To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.
> (Section 8, Article I, clauses 1, 11, 12, 13, 14, 15, 16, and 18.)

It will be observed that it is not necessary to invoke unspecified war powers in order to justify this measure. It is specifically authorized in the sections of the Constitution which empower Congress to provide, support, and maintain an Army and a Navy. Certainly the provision of a food supply is essential to the support and maintenance of the armed forces of the country both on land and sea. Even if it were necessary to invoke unspecified powers, Mr. President, they would be ample under the circumstances.

I wish to call attention to a quotation from Madison, one of the greatest of the commentators on the American Constitution. He says:

> With what color of propriety could the force necessary for defense be limited by those who can not limit the force of offense? If a Federal Constitution could chain the ambition or set bounds to the exertions of all other nations, then indeed might it prudently chain the discretion of its own government, and set bounds to the exertions for its own safety.
> How could a readiness for war in time of peace be safely prohibited, unless we could prohibit, in like manner, the preparations and establishments of every hostile nation? The means of security can only be regulated by the means and the danger of attack. They will, in fact, be ever determined by these rules, and by no others. It is in vain to oppose constitutional barriers to the impulse of self-preservation. (The Federalist No. 41, pp. 275, 276, edition of Central Law Journal Co., 1914.)

I wish to say again, Mr. President, that it is not necessary to go beyond the plain provisions of the Constitution in so far as this measure is concerned.

Mr. President, it is the solemn duty of the American Congress to enact this legislation. We have embarked upon as noble a mission as has ever engaged the activities of men. The forces of autocracy and democracy are in a death lock for the domination of mankind, and the side that wins will govern the destinies of the earth for centuries to come. Millions of American young men are preparing to enter the contest for liberty, for brotherhood, and for humanity. If they should suffer for lack of food, or from improper food, due to our failure to adjust production, or facilitate distribution, or if famine and extortion should walk hand in hand through this Republic while the people are striving with every energy to sustain the men in the trench and the sky, it would be a crime whose shame would never fade, a crime the blame for which would lie at the door of the American Congress. Let denunciations cease. Let recrimination end. Let bitterness die. Let the sounds which reach the enemy from this Chamber be not the sounds of discord and altercation, but of a harmonious patriotism, typical of a common determination to press every resource and every power into the service of liberty, notes of unity and devotion that shall bring terror to the despotism whose ambitions have converted the fairest valleys of the earth into flaming hells,

encouragement and hope to the heroes who are offering their lives that the rights of men may be preserved.

Mr. CHAMBERLAIN. Mr. President, the bill has not yet been read.

The PRESIDING OFFICER. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That by reason of the existence of a state of war, it is essential to the national security and defense, for the successful prosecution of the war, and for the support and maintenance of the Army and Navy, to assure an adequate supply and equitable distribution, and to facilitate the movement, of foods, feeds, fuel, and articles required for their production, hereafter in this act called necessaries; to prevent, locally or generally, scarcity, monopolization, hoarding, injurious speculation, manipulations, and private controls affecting such supply, distribution, and movement; and to establish and maintain governmental control of such necessaries during the war. For such purposes the instrumentalities, means, methods, powers, authorities, duties, obligations, and prohibitions hereinafter set forth are created, established, conferred, and prescribed.

SEC. 2. That words used in this act shall be construed to import the plural or the singular, as the case demands. The word "person," wherever used in this act, shall include individuals, partnerships, associations, and corporations. When construing and enforcing the provisions of this act, the act, omission, or failure of any official, agent, or other person acting for or employed by any partnership, association, or corporation within the scope of his employment or office shall, in every case, also be deemed the act, omission, or failure of such partnership, association, or corporation as well as that of the person.

SEC. 3. That there is hereby established a governmental control of necessaries which shall extend to and include all the processes, methods, activities of, and for the production, manufacture, procurement, storage, distribution, sale, marketing, pledging, financing, and consumption of necessaries, which shall be exercised and administered by the President for the purposes of this act; and all such necessaries, processes, methods, and activities are hereby declared to be affected with a public interest. And in carrying out the purposes of this section the President is authorized to enter into any voluntary arrangements or agreements, to use any agency or agencies, to accept the services of any person without compensation, to cooperate with any agency or person, to utilize any department or agency of the Government, and to coordinate their activities so as to avoid any preventable loss or duplication of effort or funds: *Provided*, That none of the penalties of this act shall apply to this section.

SEC. 4. That it is hereby made unlawful for any person willfully to destroy any necessaries for the purpose of enhancing the price or restricting the supply thereof; knowingly to commit waste or willfully to permit preventable deterioration of any necessaries in or in connection with their production, manufacture, or distribution; to hoard, as defined in section 6 of this act, any necessaries; to monopolize or attempt to monopolize, either locally or generally, any necessaries; to engage in any discriminatory and unfair, or any deceptive or wasteful practice or device, or to make any unjust or unreasonable rate or charge in handling or dealing in or with any necessaries; to conspire, combine, agree, or arrange with any other person, (a) to limit the facilities for transporting, producing, manufacturing, supplying, storing, or dealing in any necessaries; (b) to restrict the supply of any necessaries; (c) to restrict distribution of any necessaries; (d) to prevent, limit, or lessen the manufacture or production of any necessaries, or to enhance the price thereof; or (e) to exact excessive prices for any necessaries; or to aid or abet the doing of any act made unlawful by this section.

SEC. 5. That, from time to time, whenever the President shall find it essential to license the importation, exportation, manufacture, storage, or distribution of any necessaries in order to carry into effect any of the purposes of this act, and shall publicly so announce, no person shall, after a date fixed in the announcement, engage in or carry on any such business specified in the announcement of importation, exportation, manufacture, storage, or distribution of any necessaries as set forth in such announcement, unless he shall secure and hold a license issued pursuant to this section. The President is authorized to prescribe such regulations governing the conduct of the business of licensees as may be essential to prevent uneconomical manufacture and inequitable distribution of necessaries and otherwise to carry out the purposes of this act. Such regulations may also include requirements for the issuance of licenses and requirements for systems of accounts and auditing of accounts to be kept by licensees, submission of reports by them, with or without oath or affirmation, and the entry and inspection by the President's duly authorized agents of the places of business of licensees. Whenever the President shall find that any rate, charge, or practice of any licensee is unjust, or unreasonable, or discriminatory and unfair, or wasteful, and shall order such licensee, within a reasonable time fixed in the order to discontinue any such unjust, unreasonable, discriminatory and unfair, or wasteful rate, charge, or practice, thereafter, unless such order is revoked or suspended, such licensee shall, within the time prescribed in the order, discontinue such unjust, unreasonable, discriminatory and unfair, or wasteful rate, charge, or practice. The President may, in lieu of any such unjust, unreasonable, discriminatory and unfair, or wasteful rate, charge, or practice, find what is a just, reasonable, nondiscriminatory and fair, or economical rate, charge, or practice; and in any suit in any Federal or State court of competent jurisdiction such finding of the President shall be prima facie evidence. Any person who, without a license issued pursuant to this section, knowingly engages in or carries on any business for which a license is required under this section, or willfully fails or refuses to discontinue any unjust, unreasonable, discriminatory and unfair, or wasteful rate, charge, or practice, in accordance with the requirement of an order issued under this section, or willfully violates any provision of this section or any regulation prescribed under this section shall, upon conviction thereof, be punished by a fine not exceeding $5,000 or by imprisonment for not more than two years, or both: *Provided*, That this section shall not apply to any farmer, gardener, or other person with respect to the products of any farm, garden, or other land owned, leased, or cultivated by him, nor to any retailer with respect to the retail business actually conducted by him, nor to any common carrier, nor shall anything in this section be construed to authorize the fixing or imposition of a duty or tax upon any article imported into or exported from the United States or any State, Territory, or the District of Columbia.

SEC. 6. That any person who willfully hoards any necessaries shall, upon conviction thereof, be fined not exceeding $5,000 or be imprisoned for not more than two years, or both. Necessaries shall be deemed to be hoarded within the meaning of this act when either (a) held, contracted for, or arranged for by any person in a quantity in excess of his reasonable requirements for use or consumption by himself and dependents for a reasonable time; (b) held, contracted for, or arranged for by any manufacturer, wholesaler, retailer, or other dealer in a quantity in excess of the reasonable requirements of his business for use or sale by him for a reasonable time, or reasonably required to furnish necessaries produced in surplus quantities seasonally throughout the period of scant or no production; or (c) withheld, whether by possession or under any contract or arrangement, from the market by any person for the purpose of unreasonably increasing or diminishing the price: *Provided, however*, That any accumulating or withholding by any farmer, gardener, or any other person, of the products of any farm, garden, or other land owned, leased, or cultivated by him shall not be deemed to be hoarding within the meaning of this act.

SEC. 7. That whenever any necessaries shall be hoarded as defined in section 6 they shall be liable to be proceeded against in any district court of the United States within the district where the same are found and seized by a process of libel for condemnation, and if such necessaries shall be adjudged to be hoarded they shall be disposed of by sale in such manner as to provide the most equitable distribution thereof as the court may direct, and the proceeds thereof, less the legal costs and charges, shall be paid to the party entitled thereto. The proceedings of such libel cases shall conform as near as may be to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any such case, and all such proceedings shall be at the suit of and in the name of the United States. It shall be the duty of the United States attorney for the proper district to institute and prosecute any such action upon presentation to him of satisfactory evidence to sustain the same.

SEC. 8. That any person who willfully destroys any necessaries for the purpose of enhancing the price or restricting the supply thereof shall, upon conviction thereof, be fined not exceeding $5,000 or imprisoned for not more than two years, or both.

SEC. 9. That to carry into effect the purposes of this act the President is authorized to purchase, provide for the production or manufacture of necessaries; to store them and to provide storage facilities for them by construction, purchase, lease, or otherwise; to sell them; and to require any person having the control of any necessaries, or any storage space suitable for the storing of necessaries, to furnish the whole or any part of such necessaries or storage space to the Government in such quantities, at such times, and at such prices as shall be determined by the President to be reasonable. Upon failure of the person to comply with such requirement, the President is authorized to requisition and take possession of any such necessaries or storage space and to pay for them at the price so determined. If the price so determined be not satisfactory to the person entitled to receive the same, such person shall be paid the amount prescribed by the President and shall be entitled to sue the United States to recover such further sum as, added to the amount so paid, will be just compensation for such necessaries or storage space, and jurisdiction is hereby conferred on the United States district courts to hear and determine all such controversies: *Provided*, That nothing in this section shall be construed to require any natural person to furnish to the Government any necessaries held by him and reasonably required for consumption by himself and dependents for a reasonable time. Any moneys received by the United States from or in connection with the disposal by the United States of necessaries under this section may, in the discretion of the President, be used as a revolving fund for further carrying out the purposes of this section. Any balance of such moneys not used as part of such revolving fund shall be covered into the Treasury as miscellaneous receipts.

SEC. 10. That whenever the President shall find that it is impossible by license or by voluntary arrangement or agreement to assure an adequate and continuous supply of necessaries, he is authorized to requisition and take over, for use or operation by the Government, any factory, mine, or other plant, or any part thereof, in which any necessaries are or may be manufactured, produced, prepared, or mined. Whenever the President shall determine that the further use or operation by the Government of any such factory, mine, or plant, or part thereof, is not essential for the national security or defense, the same shall be restored to the person entitled to the possession thereof. The United States shall make just compensation, to be determined by the President, for the taking over, use, occupation, and operation by the Government of any such factory, mine, or plant, or part thereof. If the amount so determined be unsatisfactory to the person entitled to receive the same, such person shall be paid the amount prescribed by the President and shall be entitled to sue the United States to recover such further sum as, added to the amount paid, will be just compensation, in the manner provided by section 24, paragraph 20, and section 145 of the Judicial Code. The President is authorized to prescribe such regulations as he may deem essential for carrying out the purposes of this section, including the operation of any such factory, mine, or plant, or part thereof, the purchase, sale, or other disposition of articles used, manufactured, produced, prepared, or mined therein, and the employment, control, and compensation of employees. Any moneys received by the United States from or in connection with the use or operation of any such factory, mine, or plant, or part thereof, may, in the discretion of the President, be used as a revolving fund for the purpose of the continued use or operation of any such factory, mine, or plant, or part thereof, and the accounts of each such factory, mine, plant, or part thereof, shall be kept separate and distinct. Any balance of such moneys not used as part of such revolving fund shall be paid into the Treasury as miscellaneous receipts.

SEC. 11. That whenever the President finds it essential in order to prevent undue enhancement or fluctuation of prices of, or in order to prevent injurious speculation in, or in order to prevent unjust market manipulation or unfair and misleading market quotations of the prices of necessaries, hereafter in this section called evil practices, he is authorized to prescribe such regulations governing, or may either wholly or partly prohibit, operations, practices, and transactions at, on, in, or under the rules of any exchange, board of trade, or similar institution or place of business as he may find essential in order to prevent, correct, or remove such evil practices. Further, for the purpose of this section, the President may require all persons coming within its provisions to keep such records and statements of account, and may require such persons to make such returns, verified under oath or otherwise, as will fully and correctly disclose all transactions at, in, or on, or under the rules of any such exchange, board of trade, or similar institution or place of business, including the making, execution, settlement, and fulfillment thereof. He may also require all persons acting in the capacity of a clearing house, clearing association, or similar institution, for the purpose of clearing, settling, or adjusting transactions at, in, or on, or under the rules of any such exchange, board of trade, or similar in-

stitution or place of business, to keep such records, and to make such returns as will fully and correctly disclose all facts in their possession relating to such transactions, and he may appoint agents to conduct the investigations necessary to enforce the provisions of this section and all rules and regulations made by him in pursuance thereof, and may fix and pay the compensation of such agents. Any person who willfully violates any regulation made pursuant to this section, or who knowingly engages in any operation, practice, or transaction prohibited pursuant to this section, or who willfully aids or abets any such violation or any such prohibited operation, practice, or transaction, shall, upon conviction thereof, be punished by a fine not exceeding $10,000 or by imprisonment for not more than four years, or both.

SEC. 12. That whenever the President shall find that an emergency exists requiring stimulation of production and that it is essential that the producers of any nonperishable agricultural products produced within the United States shall have the benefits of the guaranty provided for in this section in order to stimulate production of such products, he is authorized, from time to time, seasonably and as far in advance of seeding time as practicable, to determine and fix and to give public notice of what, under specified conditions, is a reasonable guaranteed price for any such products, in order to assure such producers a reasonable profit. Thereupon the Government of the United States hereby guarantees every producer of any merchantable nonperishable agricultural products produced within the United States, for which a guaranteed price shall be fixed by notice in accordance with this section, that, upon compliance by him with the regulations prescribed by the President, he will receive for any such products produced in reliance upon this guaranty within the period, not exceeding three years, prescribed in the notice, a price not less than the guaranteed price therefor as fixed pursuant to this section. In such regulations the President shall prescribe the terms and conditions upon which any such producer shall be entitled to the benefits of such guaranty. When the President finds that the importation into the United States of any such products produced outside of the United States seriously interferes or is likely seriously to interfere with the practical operation of any guaranteed price therefor fixed pursuant to this section, or materially enhances or is likely materially to ennance the liabilities of the United States under guaranties of prices therefor made pursuant to this section, and shall so proclaim, there shall be levied, collected, and paid a rate of duty upon the products so imported, the amount of which rate of duty shall be ascertained and proclaimed by the President, which amount shall, when added to the value of the product at the time it is offered for entry, be sufficient to bring the price thereof at which imported up to the price which shall have been fixed therefor pursuant to this section; but in no case shall any such rate of duty be fixed at an amount which will effect a reduction of the rate of duty upon any such products under any then existing tariff law of the United States. For the purpose of making any guaranteed price effective under this section, or whenever he deems it essential in order to protect the Government of the United States against material enhancement of its liabilities arising out of any guaranty under this section, the President is authorized also, in his discretion, to purchase any such products for which a guaranteed price shall be fixed under this section, and to hold, transport, or store them, or to sell, dispose of, and deliver the same to any person or to any government engaged in war with any country with which the Government of the United States is or may be at war or to use the same as supplies for any department or agency of the Government of the United States. Any moneys received by the United States from or in connection with the sale or disposal of any products under this section may, in the discretion of the President, be used as a revolving fund for further carrying out the purposes of this section. Any balance of such moneys not used as part of such revolving fund shall be covered into the Treasury as miscellaneous receipts.

SEC. 13. That whenever the President shall find that limitation, regulation, or prohibition of the use of foods, food materials, or feeds in the production of alcohol or of alcoholic or nonalcoholic beverages, or such nonalcoholic beverages as he shall determine, or that reduction of the alcoholic content of any beverage, is essential, in order to assure an adequate and continuous supply of food, he is authorized, from time to time, to prescribe, and give public notice of, the extent of the limitation, regulation, prohibition, or reduction so necessitated. Whenever such notice shall have been given and shall remain unrevoked, no person shall, after a reasonable time, which shall be prescribed in the notice, use any foods, food materials, or feeds in the production of alcohol or of alcoholic or nonalcoholic beverages, except in accordance with the limitations, regulations, and prohibitions prescribed in such notice, or produce any beverage having an alcoholic content in excess of the amount prescribed therefor in such notice. Any person who willfully violates this section shall, upon conviction thereof, be punished by a fine not exceeding $5,000, or by imprisonment for not more than two years, or both.

SEC. 14. That in carrying out the purposes of this act the President is authorized to create an agency or agencies, to accept the services of any person without compensation, to cooperate with any agency or person, to utilize any department or agency of the Government, and to coordinate their activities so as to avoid any preventable loss of funds or duplication of work.

SEC. 15. That under regulations to be prescribed by the President the use of the mails of the United States free of charge for postage for exclusively official business in carrying out the purposes of this act shall be extended to any agency or person designated by the President.

SEC. 16. That the President is authorized to make such regulations and to issue such orders as are essential effectively to carry out the provisions of this act.

SEC. 17. That every person who willfully assaults, resists, impedes, or interferes with any officer, employee, or agent of the United States in the execution of any duty authorized to be performed by or pursuant to this act shall upon conviction thereof be fined not exceeding $1,000 or be imprisoned for not more than one year, or both.

SEC. 18. That the sum of $2,500,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be available immediately and until expended, for the payment of such rent, the expense of such printing and publications, the purchase of such material and equipment, and the employment of such persons and means, in the city of Washington and elsewhere, as the President may deem essential.

SEC. 19. That for the purposes of this act the sum of $150,000,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be available immediately and until expended: *Provided*, That no part of this appropriation shall be expended for the purposes described in section 18.

SEC. 20. That if any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof, directly involved in the controversy in which such judgment shall have been rendered.

SEC. 21. That the provisions of this act shall cease to be in effect when the national emergency resulting from the existing state of war shall have passed, the date of which shall be ascertained and proclaimed by the President; but the date when this act shall cease to be in effect shall not be later than one year after the termination, as ascertained by the President, of the present war between the United States and Germany. Nothing in this section shall be construed to prevent the fulfillment by the United States of any legal obligation incurred pursuant to this act which shall be in force when this act ceases to be in effect.

Mr. STERLING. I ask leave to introduce a bill.

The bill (S. 2481) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel was read twice by its title.

Mr. STERLING. I ask that the bill may lie on the table and be printed.

The PRESIDING OFFICER. It will be so ordered.

Mr. CHAMBERLAIN. Mr. President, quite a number of Senators were anxious to hear the statement of Mr. Hoover this morning, and the hearings were continued in the afternoon. They were very anxious to be present at those hearings, and it was supposed that they would be continued all the afternoon. There was a general understanding, in order to give Senators an opportunity to be present, that the Senate would take a recess until to-morrow at 12. I shall make that motion, but I wish first to make the statement that when the Senate convenes to-morrow at 12 o'clock it will be my purpose to keep this bill before the Senate until it is finally disposed of. I hope Senators who intend to speak upon it will be prepared to commence to-morrow at 12 o'clock to speak either upon the bill or on amendments to it. I now move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and (at 2 o'clock and 20 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, June 20, 1917, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June 19, 1917.*

The House met at 12 o'clock noon, and was called to order by Mr. FITZGERALD, as Speaker pro tempore.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We come to Thee, O God, our Heavenly Father, fountain of life and light and love, before entering upon the duties of the hour. Pour down upon us Thy spiritual gifts and quicken all that is purest, noblest, best in us, that we may be one with Thee, working in Thee, through Thee, for Thee, for the best interests of our Republic and of mankind; that we may hasten the coming of Thy kingdom; that wars and rumors of wars may cease to be, and all the earth rejoice together in peace and good will, in the spirit of the Lord Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. J. Res. 67. Joint resolution to fix the status and rights of the officers of the Public Health Service when serving with the Coast Guard, the Army, or the Navy; and

S. J. Res. 63. Joint resolution to establish a reserve of the Public Health Service.

The message also announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 105. Joint resolution to correct an error in the sundry civil appropriation act for the fiscal year 1918.

FOOD CONTROL.

Mr. LEVER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel. Pending that, I desire to ask unanimous consent that all Members who desire to discuss this bill may be permitted to extend their remarks in the RECORD for five legislative days after the passage of the bill.

Mr. CAMPBELL of Kansas. Mr. Speaker, reserving the right to object, does that refer to Members who have addressed the House?

Mr. LEVER. Oh, no; all Members—those who have addressed the House and those who have not.

Mr. CAMPBELL of Kansas. Are these extensions to be confined to the bill?

Mr. LEVER. To the bill.

The SPEAKER pro tempore. The gentleman from South Carolina moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4961, and pending that motion asks unanimous consent that Members have five legislative days after the passage of the bill to extend their remarks in the RECORD on the bill. Is there objection?

There was no objection.

Mr. LEVER. Mr. Speaker, one moment further. I desire to state that the demand for time on both the gentleman from Iowa and myself is very, very heavy, and it is going to be almost impossible to gratify the wishes of all gentlemen with as much time as they desire; but as far as this side of the House is concerned I wish to say to Members that I shall undertake to see to it that at least some time is yielded to those to whom I have made promises, and I presume that statement will be concurred in by the gentleman from Iowa, so far as his side is concerned?

Mr. HAUGEN. So far as possible.

The SPEAKER pro tempore. The question is on the motion of the gentleman from South Carolina that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4961.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4961, with Mr. HAMLIN in the chair.

Mr. LEVER. Mr. Chairman, I yield 30 minutes to the gentleman from Alabama [Mr. HEFLIN]. [Applause.]

Mr. HEFLIN. Mr. Chairman, and gentlemen of the committee, it seems that it is hard for some gentlemen here, as well as in another body that I know of, to realize that we are in war. Some of the speeches that have been made have proceeded, it seems to me, upon the theory that we are legislating about conditions that obtain in time of peace. I wonder what it will take to arouse these gentlemen to a realization of the fact that we are engaged in war? Some of our boys are out at the training camps with their aeroplanes, learning to perform their duties in the war. Some of them have been crippled and some of them have been killed. Some of our munition plants are being blown up by German spies. Spies are roaming around the country with poison and explosives in their possession. They are stirring up all the trouble that they can for us. They are begging our laborers to strike and they are urging our citizens in some sections to resist the selective-draft law, and yet some gentlemen here, a very few I am glad to say, do not seem to realize that we are called upon by the Commander in Chief of our Army and Navy to give him legislation that he says is absolutely necessary for the successful conduct of the war. The sooner we realize the fact that we are engaged in war against the most brutal, the most skillful, and the most dangerous tyrant that ever appeared upon the earth, the better it will be for us and our country. [Applause.] Alexander the Great longed to be a ruler of the world and now the most colossal of all those who have sought world power rages like a mad man in the Old World, and for 40 years he has been making war preparations and lying in wait for the nations of the earth. [Applause.] He has not been preaching peace on earth, good will toward men. He has failed to attend the peace conferences of the nations. When arbitration for the settlement of international questions was suggested and disarmament was the expressed desire of more than 20 nations, the Kaiser remained away. All the while he was lying in wait, making war preparations, laying money aside, laying aside provisions, building war equipment day and night, making ready to dash upon an unsuspecting and an undefended world. That is the man we are fighting and yet a few gentlemen stand here and quibble and parley and dally about things that our Commander in Chief says are necessary for him to successfully fight this mad monster of the Old World. [Applause.]

Gentlemen are willing to trust the President with power over the man force of the country and over the purse of the country. You are willing to put the boys, the bravest spirits that ever marshaled beneath a flag, at the command of the Chief of our Army and Navy, but when he manifests concern about the food supply for the Army and the people some gentlemen become exceedingly nervous, and in their anxiety and concern for the farmer they put him in the attitude of being willing for his boy to go to war, but demanding that his hay and corn be let alone. [Laughter.]

My friend from Texas, Mr. YOUNG, a member of the Committee on Agriculture, is the friend of the farmer, but he is not the only friend that the farmer has here. He realizes that there are other men here who are the sincere friends of the farmer. Gentlemen, the farmer is asking for fair and just treatment, and he is willing to do his part in every respect. He realizes that war produces conditions that call for legislation that would not be thought of in time of peace. The President has the power now to commandeer or take over the produce of the farmer. If he needs it for the use of the Army and Navy, he can take it and pay whatever he thinks is right; but the President does not want to do that. He prefers to take the farmer into his confidence and to have an understanding about just what is to be done. The President realizes what an important part that food supplies are to play in this war, and he realizes how dependent the Army and the people are upon the farmer, and knowing the patriotism of the farmer and appreciating his willingness to do all in his power to serve the country by his efforts to increase the food supply the President has determined to extend to the farmers of the country the measure of assurance and certainty that this bill affords in the guaranty of a reasonable profit on the food supplies that they produce. [Applause.] The farmer in these hazardous times, times full of uncertainty and risk, had rather be sure of a reasonable profit than to be left to the mercy of a band of food speculators and gamblers. [Applause.] The President realizes, as the farmer does, that the speculators and gamblers rob the producers and prevent them from receiving a fair price and a reasonable profit. They misrepresent the facts as to the demand and supply while the produce is in the hands of the farmer, and they tell a story of small supply and great demand when the food supply is in their hands and out of the control of the farmer. [Applause.] It is a skin game, pure and simple. They pillage the producer with one hand and rob the consumer with the other. So in removing the food speculator and gambler we benefit producer and consumer alike, and at the same time we safeguard the farmer with the guaranty for a reasonable profit while he farms on such a large scale to produce food supplies for us and our allies. [Applause.]

The President, the Commander in Chief of our Army and Navy, has called upon the farmers all over the country to plant more grain than ever, and to produce more food products of every kind. He realizes that thousands of farmers are changing their crops entirely; that the cotton farmers, many of them, are trying for the first time to produce food products on a large scale, and in order that there shall be no doubt about a sufficient food supply he is willing to do the extraordinary thing and back the farmer at this critical time and see to it that he does not lose, but that he shall receive a reasonable profit. [Applause.] The farmers of my State have cut their cotton acreage 50 per cent, and they have planted more grain than ever before. This last statement is true of every other Southern State. The farmers of other States are striving for large grain crops, and the prospects for a bumper crop are exceedingly good. Now, then, suppose we do make a tremendous crop of food products and when we are ready to market them the submarine operations are so successful that we can not reach the allies with these products. What would happen if we did not have back of the farmer then the guaranty for a reasonable profit? Why, gentlemen, the bottom would drop out of prices and the cry of big crop and oversupply would greet the farmer as his produce sold below the cost of production. [Applause.]

But the President is taking no chances in the matter of producing adequate food supplies, and he favors legislation that will safeguard and protect the farmer who is to produce this food against hazards and uncertainties that war conditions might produce. As a war measure this Government is now insuring certain American ships and cargoes against loss upon the high seas. If it is wise and just to guarantee the shipowner that he shall not lose anything while carrying on a certain kind of necessary work in connection with the war, why is it not wise and just to protect the farmer against loss while he is engaged in producing the things without which we can not win the war? [Applause.] The President sees the justice of giving to the farmer this guarantee and assurance of a reasonable profit. The President is saying to the farmer, You are a very important man, Mr. Farmer. Our success in this war depends upon you, and we do not propose to urge you to go into the work of producing food supplies on a large scale for the use and benefit of the Government in time of war and then leave you to the uncertainties of speculation and chance. And the President says to the farmer, In the name of a hundred millions of people, I

beg you to go forth and use your industry and enterprise in producing a bumper crop of food supplies. In doing this you are helping to win the war, and we are going to guarantee to you a reasonable profit on your produce. [Applause.] Why, gentlemen, are you afraid to trust the President? Has he not repeatedly shown that he is the friend of the farmer? Look at the good-roads measure that we put through Congress under his leadership, the building of highways through the country out into the rural districts to the homes and firesides of the farmers. [Applause.] Take the Federal reserve act. It contains the first recognition of the farmers' land for loan purposes by national banks. You could not borrow money at a national bank on your land until President Wilson signed the bill that gave you that right. [Applause.] The farmer could not borrow money on his staple products until that bill became a law. The farmers of this land begged for an opportunity to buy homes and farms for themselves and families, and President Wilson urged us to pass the rural-credits bill to give to the farmers long-time loans at a cheap rate of interest. [Applause.] All this Woodrow Wilson has done for the farmers of the country. [Applause.] Now, some gentlemen express fear as to the farmers' interest being taken care of by President Wilson, the farmers' friend. He has shown his friendship for the farmer, and surely he can be trusted to do the just and fair thing by the farmer when in the outset he demands in these hazardous times a reasonable profit for his produce. Nobody knows what is going to happen. If prices of food products were low now, these same gentlemen would say, give us the guaranty of a reasonable profit. The war and speculators who rob the farmer and hoard food supplies have made legislation necessary. The Kaiser would rejoice to see us fail to take charge of the food situation. It would make him happy to see that the American Congress had thrown its food-supply legislation to the four winds and was stumbling along in the dark with no knowledge as to what would be produced or how it would be handled. But suppose we should make a big crop and we had no guaranty of a reasonable profit and the prices should go down and down? Suppose we could not reach our allies beyond the sea with our products? Why then the farmers would say to you gentlemen that the President's plan was the safest and best, and if you had followed his suggestion we would have had no losses. [Applause.] The farmer is a very intelligent citizen and he is pretty hard to fool. In my section he remembers well his experience of 1914, when cotton fell from 14 to 6 cents per pound. I, with others from the South, begged Congress to give him the guaranty of a minimum price which would give him a reasonable profit, because the war had caused that condition and prevented us from getting cotton across the sea. What will happen to our grain if we can not get it to the other side of the ocean. Why the bottom will drop out of the price and some Members will then be saying, "I wish now that I had voted to protect the farmer against this situation." The farmer sees the food speculator, the food hoarder, and gambler obtaining his produce at unprofitable prices, and then holding them for higher prices, until he pinches with hunger millions of our people. [Applause.] The farmer is a sensible man and he is as good a patriot as ever drew the breath of life, and all that he wants is to be treated fairly and squarely.

But the effort has been made here right recently to mistreat and impose upon the southern farmer. Just a few days ago the gentleman from Pennsylvania [Mr. MOORE] tried to place a tax of $2.50 a bale on cotton. I opposed his amendment then and contributed as best I could to its defeat, and I want to say to him and to all others concerned that his amendment should never have been offered. It was inexcusable and indefensible, for cotton has to do with nearly every phase of the life of the individual and the life of the Nation. [Applause.]

Mr. Chairman, cotton is the most serviceable product in the kingdom of agriculture. No other one product contains the three essential necessities of life—food, clothing, and shelter. [Applause.] It is the most useful product in time of peace, and on account of its vast and various properties, it is indispensable in time of war. It is now playing the most important part in the greatest war that the world has ever known. [Applause.] Cotton has treasured in its fiber the heat of the sun, and imprisoned in its snowy locks the secret of the lightning's power. When touched with nitric acid it hurls implements of destruction more powerful than the thunderbolts of Jove. [Applause.] Our gunpowder and explosive shells derive their tremendous power from cotton. In this boll of cotton is the substance to which our soldiers must look for their uniforms and shelter. Cotton furnishes wings for the aeroplanes and sails for our ships at sea. [Applause.] It flies in the flag above the soldier. It goes with him in his uniform and it spreads its white wings above him when he sleeps on the tented field. [Applause.] Cotton is the power behind the bullet, and it is the healing balm in the bandages of the Red Cross and Hospital Corps. It soothes and comforts the wounded soldier and wraps its mantle about him in his long, last sleep.]Applause.[The oil of the cotton seed is a wholesome food and contains a substitute for glycerin, large quantities of which are used in the manufacture of powerful explosives. The seed contains food for man and beast, and it has in it choice elements of plant food, which when applied to the soil makes the earth to blossom as a rose. [Applause.] Cotton is the poor man's friend. It clothes the naked and its seed feeds the hungry. It blesses and serves the people in many ways. The Government as never before is dependent upon cotton. It is a national necessity and an international factor in the struggle now going on in Europe. In this world struggle in which we have been compelled to fight to preserve our own rights and liberties, cotton is to perform the most signal service [applause], and any man who would burden it with a tax and handicap and injure those who produce it, in his shortsightedness and recklessness, is weakening the arm of this Government in the prosecution of a war in which our very existence as a free country is at stake. [Applause.] The rust, the cotton worm, and the boll weevil are doing enough to decrease the cotton production and to cause the cotton producer to turn to other crops and to abandon his efforts to produce cotton on a large scale. Gentlemen, the cotton producer needs your help and your encouragement, and not your persecution in the form of unjust taxation. [Applause.] He is producing cotton now under great difficulty and at tremendous cost. Do not add to the burden that he is already carrying. During the trials through which he is passing in his efforts to produce cotton, a product so necessary to the successful conduct of this war, if you can not give him your sympathy and good will, be just and patriotic enough to let him alone. [Applause.]

Now, let me get back to the bill under consideration. You have not had any protest from the farmer against this bill. The trouble is that my friend YOUNG started out against this bill when it had in it the maximum price. I have always been opposed to the maximum price. We struck that out. And when we did so we left our friend without anything to talk about. The gentleman from Texas answered his own speech when he said that the speculator had paid the farmer upon the average $1.30 per bushel for his wheat and had then put the price of flour up to $17.50 per barrel.

If I should speak until sundown, I could not make a more convincing argument as to why some sort of legislation should be had on this subject. [Applause.] Not only that, gentlemen, but I know and the gentleman from Texas [Mr. YOUNG] knows that there is going to be legislation on this subject; and, in view of that fact, I feel it my duty to help to pass the very best measure possible, and that is what I am trying to do. I am tired of these iconoclasts and marplots who never construct anything themselves but are ready at all times to break down and destroy. We want constructive statesmanship at a time like this. [Applause.] The man on either side who is always complaining about measures brought in here but who has nothing to offer in its place is rendering service to no one here or elsewhere. If this bill needs to be improved, offer your amendments. When I voted to report it out of the committee I reserved the right to support amendments that would improve it. The gentleman from Texas complains that the chairman made changes in the bill, and, as redrafted, introduced it three times. Well, he improved it, and the last bill is the best of all.

Mr. SWITZER. What amendment would the gentleman propose to the bill?

Mr. HEFLIN. We did about the best that we could with the bill when we reported it out of the committee. I would like to see your amendments, if you have any, and if they meet with my approval I will vote for them. But you know and I know that there are a few fellows in here—not many—who have not been in sympathy with the administration at any time about anything. Even when Germany challenged our independence and shot down our flag and murdered our citizens some of them growled and whined because we struck back in self-defense. We were drawn into war, and no nation with any self-respect, no nation with an ounce of courage, no nation with a particle of national honor, would have endured longer the insults of the murderous Kaiser. [Applause.] Mr. Chairman, the fact is some of these gentlemen have been at cross purposes with the administration ever since the McLemore resolution was up for consideration in this House. Some of the gentlemen who supported that resolution are standing loyally by the President now, and I have no quarrel with them about a stand taken in the early stages of Germany's brutal treatment of us, but now it is the duty of every true American to stand with his country against the Germany autocracy. [Applause.] Let me say here in passing that in the beginning I

thought that the volunteer plan of raising an army was wisest and best, but when I studied the situation with regard to this war and considered the obligation and responsibility to serve, I was convinced that the selective-draft plan was fairest and best. Other gentlemen here favored the volunteer plan. I did not fall out with them for that, but I do want to say that when the President put his signature to that law it became the solemn act of Congress speaking for the people of the United States, and when it became the law of the land it was entitled to the support of every citizen in the country [applause], and no man in either House of Congress or elsewhere in our country can now be a true American and repudiate that law and advise men to ignore or disregard it. [Applause.]

It is all right for the Member of Congress to tell his people at home how he voted on that question and then it is his duty to say that the question is settled and that it is now the duty of all true Americans to stand by the law. When the question is discussed and the matter is settled by Congress, it is the duty of all honest men to do all that they can to see that the law is obeyed. [Applause.] Any other course means sedition and disloyalty. The man who now stands in the way of that solemn act of Congress and tries to prevent its successful operation is injuring his own country and giving aid and comfort to Germany. I do not care on which side of the aisle he sits, or whether he is in this or another body near by, he is not the right kind of an American. [Applause.] Gentlemen, I witnessed a very touching scene last Sunday. I saw the brave mission from martyred Belgium in solemn procession pass in front of this Capitol. I saw our boys on their spirited cavalry chargers riding in front and in the rear, fitting escorts to the brave mission in their charge. I saw our honored guests from Belgium lift their eyes to the dome of the Capitol, where flies the banner of constitutional liberty, and I could see new hope springing up in their hearts, and a look of new determination came into their eyes as they thought of the aid and friendship of the oldest Republic in the world. [Applause.] I thought of the outraged women of prostrate Belgium, the victims of the brutality of the German soldier. I thought of the once proud freemen of Belgium carried away and now working as slaves in the Empire of Germany, and I thought of the starving children and the little Belgian boys whose right hands had been cut off by German soldiers, and I said in my heart, Hope on, trust on, fight on, brave Belgians. The day of your deliverance is near at hand. [Applause.] The German autocracy, your enemy, is our enemy. It is the enemy of mankind. It regards neither God nor humanity. [Applause.] Through brute force and murder its Kaiser is trying to conquer the world. He has made war upon this, the oldest Republic upon the earth, and would make this fair land a part of the German Empire. But, thank God, we have the courage and the disposition, the man force, and the wealth to strike with the allied armies until this blood-bespattered monarch is destroyed and happy peace shall come again to a world now cursed by war. [Loud applause.]

Mr. HAUGEN. I yield 30 minutes to the gentleman from Illinois [Mr. MASON]. [Applause.]

Mr. MASON. Mr. Chairman and members of the committee, I expect in the roll call to vote with the gentleman from Alabama, my colleague who just preceded me. He said so many good things. Of course, I agree with him that President Wilson was the man of destiny and not of chance, and we think it was a mighty good thing for destiny that Hughes went to California on that particular trip. [Laughter and applause.] Having agreed with my friend and expecting to vote with him, I know you will pardon me for imitating him by talking for 30 minutes without mentioning the bill under consideration. [Laughter.]

We who think we are just as patriotic as anyone, who voted against the declaration of war when the Congress of the United States having the war-making power declared war, we consider that incident closed, and everyone of us, so far as I know, has rendered the very best assistance in his power in making that war a success. We who voted against conscription believed that we were right and are confirmed in it every day as we hear from the people, but not one of us who sits in the Chamber has directly or indirectly, in this forum or out of it, discouraged the enforcement of the law, because we believe that the safety of this Republic lies only in obedience to the law of this land. [Applause.]

But I can not go quite as far as my colleague from Alabama and insist that a man who wishes to amend the law is therefore guilty of treason. When you passed a law for conscription it became the law, but it became the right and prerogative of every Member of Congress at any time under the Constitution to offer an amendment to that law or a repeal of that law. That is our constitutional right that I purpose to indulge myself in, believing I represent the people of the State of Illinois. [Applause.]

Therefore I intend, unless someone in the majority very soon offers an amendment to the law directing the President to accept volunteers, to offer that amendment myself, believing, with all due respect to the Executive, that the lawmaking power is here. The right under the Constitution to make laws governing the "land and naval forces" of the Government is here and not in the executive department of the Government. When the people passed that law, known as section 7, which gave the President of the United States "authority" to call for volunteers it was just as binding upon the Executive as the other sections which gave him "authority" to call for conscription of the people of this country. And believing that it is the duty of Congress to pass laws in accordance with the Constitution of the United States governing the land and naval forces, I intend to offer an amendment, complying with the Constitution, that the militia of the United States can not and may not be sent out of the country into foreign service.

Mr. DYER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Missouri?

Mr. MASON. I only have a limited amount of time, and as I stated at the beginning I will be glad to yield after I get through.

Mr. DYER. Mr. Chairman, I make the point of order that the gentleman from Illinois is not discussing the bill.

Mr. LONGWORTH. That point of order does not lie.

The CHAIRMAN. The gentleman from Illinois is not confined to the bill.

Mr. DYER. My understanding was from the gentleman of South Carolina [Mr. LEVER] and others, that the debate was to be limited to the bill.

The CHAIRMAN. The Chair did not so understand it; that was the request, but it was not granted. The point of order is overruled.

Mr. MASON. I do not expect this to be popular with the press or to receive your immediate approval, but I hope that after we have had a chance to visit our constituents, and during this Congress, that action will be taken by the Congress of the United States. I am aware of the feeling that has grown up in this country among the Congress and the people, that the President, being the Commander in Chief of the Army and Navy, is the sole power to regulate the military branch of our Government.

Such is not the law. By the Constitution of the United States the Congress not only is empowered to raise the Army and the Navy, but section 8, paragraph 14, provides that the Congress shall have power "to make rules and regulations governing the land and naval forces of the United States." Under our oath this is our constitutional duty. To-day the thing most disturbing the American people is whether it is just or wise to order our militia—our conscripted men—into the trenches of Europe. While I believe 90 per cent of the American people are opposed to forcing our soldiers into the trenches of Europe unless they volunteer for that purpose, Congress has been so busy determining whether there shall be a tax on cigarettes, automobiles, and snuff that not a single rule governing the action of American forces has been offered in Congress upon that subject or recommended by the Executive to Congress. Since the days of the Constitution legislative powers have been gradually diminished and Executive powers increased. This is not more the fault of the Executive than it is of the legislative branch.

At the time of the passage of the conscription bill I had never, so far as my recollection goes, had my attention called to the question of the power of Congress to use the militia of the United States outside of the United States. Upon reading, however, a pamphlet addressed to Congress by Mr. Hannis Taylor, a distinguished member of the Washington bar, I have made an investigation on my own account, with what time and strength I have had, and I state now to my colleagues that under our Constitution Congress has no power to call the militia of the United States or the militia of the several States, by conscription or otherwise, and order them into service outside of the United States; that, therefore, the conscripted men can not be sent to the aid of our allies by order of the Congress of the United States or by the Commander in Chief, and if attempted it will be a plain and clear violation of the organic law of our Nation. Having reached this conclusion, it is clearly my duty to call the attention of my colleagues to that fact—that law—and let them decide whether they would attempt to violate the Constitution or attempt to authorize the Executive to do so.

Section 8, paragraph 15, of the Constitution provides that Congress shall have power to provide for calling forth the militia

"to execute the law of the Union, suppress insurrections, and repel invasions."

When this clause was originally presented to the Constitutional Convention it gave Congress an added power, which was to "enforce treaties," and for reasons which will be approved by students in examining this question it was unanimously agreed to strike out the power of Congress to use the militia to "enforce treaties," as that might give Congress the power to order the militia into foreign service, and while none of the authorities which I quote call attention to that fact, it is a most significant thing, as you will see.

In other words, "the right to enforce treaties" by the militia of the United States having been stricken out, then under the elementary rule of construction the law writes into the Constitution an affirmative prohibition against using the militia to enforce treaties. Besides, the familiar rule of construction of the Constitution what is not permitted is prohibited. It is perfectly clear that when the framers of the Constitution used the word "militia" they used it in the sense "which had been affixed to it by those from whom we borrowed it," and those from whom we borrowed it, namely, Great Britain, for centuries held that the militia "is a force for national defense that could never be taken out of the realm for service in foreign countries."

Mr. Speaker, may I be permitted here to cite in full the opinion of George W. Wickersham, Attorney General of the United States, who was called upon February 17, 1912, by the Secretary of War to answer the very question which I am herein discussing. May I read the conclusion of that opinion:

I think that constitutional provision here considered not only affords no warrant for the use of the militia by the General Government except to suppress insurrection, repel invasions, or to execute the laws of the Union, but by its careful enumeration of the three occasions or purposes for which the militia may be used it forbids such use for any other purpose, and your question is answered in the negative.

Gentlemen may say that we may send our militia to Europe to enforce "the laws of the Union." That question is completely answered by Attorney General Wickersham, and he says:

As no law of the Union can exist and be enforced in any foreign country, the militia can not be called out to enforce any such law there.

Gentlemen may claim that we may send them there to "repel invasion." That question is completely answered by Attorney General Wickersham, and he appeals to the common-sense rule of reason. He says:

If an armed force were assembled on our border, so near and under circumstances which plainly indicated hostility and an intended invasion, this Government might attack and capture or defeat such forces, using either the Regular Army or the militia for that purpose. This also would be but one of the ways of repelling an invasion.

Gentlemen may say that we may send them under the clause which allows us to use the militia to "subdue insurrection." The Attorney General answers that completely by saying:

As "insurrection" is necessarily internal and domestic, within the territorial limits of the Nation, this portion of the sentence can afford no warrant for sending the militia to suppress it elsewhere.

This is the opinion of the Attorney General of the United States. It is, by that custom which makes law binding on the executive departments of the United States, binding to-day, unless reversed by some other Attorney General or by the courts of our country.

That opinion I insert here in full:

AUTHORITY OF PRESIDENT TO SEND MILITIA INTO A FOREIGN COUNTRY.

The Constitution, which enumerates the exclusive purposes for which the militia may be called into the service of the United States, affords no warrant for the use of the militia by the General Government, except to suppress insurrection, repel invasions, or to execute the laws of the Union, and hence the President has no authority to call forth the Organized Militia of the States and send it into a foreign country with the Regular Army as a part of an army of occupation.

DEPARTMENT OF JUSTICE,
February 17, 1912.

SIR: I have the honor to respond to your note of the 8th instant, in which you ask my opinion upon the following question:

"Whether or not, under existing laws, the President has authority to call forth the Organized Militia of the States and send it into a foreign country with the Regular Army as a part of an army of occupation, especially should the United States intervene in the affairs of such country under conditions short of actual warfare?"

From very early times, in both England and this country, the militia has always been considered and treated as a military body quite distinct and different from the Regular or Standing Army, governed by different laws and rules, and equally different as to the time, place, or occasion of its service. One of the most notable points of difference is this: While the latter was in the continued service of the Government and might be called into active service at all times and in all places where armed force is required for any purpose, the militia could be called into the actual service of the Government only in the few special cases provided for by law. Their service has always been considered as of a rather domestic character, for the protection and defense of their own country, and the enforcement of its laws.

This has always been the English doctrine, and in some instances acts of Parliament have expressly forbidden the use of the militia outside of the Kingdom.

Our ancestors, who framed and adopted our Constitution and early laws, got their ideas of a militia, its nature, and purposes from this, and must be taken to have intended substantially the same military body, with the same limitations of the occasion and nature of their service. If they had intended to enlarge this they would have said so, just as they have when they intended to further limit or restrict the occasion or nature of their service.

When the Constitution gives to Congress the power "to raise and support armies," and to provide "for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions," and makes the President "the Commander in Chief of the Army and Navy of the United States, and the militia of the several States when called into the actual service of the United States," it is speaking of two different bodies—the one the Regular Army, in the continuous service of the Government, and liable to be called into active service at any time, or in any place where armed force is required; and the other a body for domestic service, and liable to be called into the service of the Government only upon the particular occasions named in the Constitution. And acts of Congress relating to the Army and the militia must have the same construction.

It is certain that it is only upon one or more of these three occasions—when it is necessary to suppress insurrections, repel invasions, or to execute the laws of the United States—that even Congress can call this militia into the service of the United States, or authorize it to be done.

As "insurrection" is necessarily internal and domestic, within the territorial limits of the Nation, this portion of the sentence can afford no warrant for sending the militia to suppress it elsewhere. And even if an insurrection of our own citizens were set on foot and threateningly maintained in a foreign jurisdiction and upon our border, to send an armed force there to suppress it would be an act of war which the President can not rightfully do.

The term "to repel invasion" may be, in some respects, more elastic in its meaning. Thus, if the militia were called into the service of the General Government to repel an invasion, it would not be necessary to discontinue their use at the boundary line, but they might (within certain limits, at least) pursue and capture the invading force, even beyond that line, and just as the Regular Army might be used for that purpose. This may well be held to be within the meaning of the term "to repel invasion."

Then, too, "if an armed force were assembled upon our border, so near and under circumstances which plainly indicated hostility and an intended invasion, this Government might attack and capture or defeat such forces, using either the Regular Army or the militia for that purpose. This, also, would be but one of the ways of repelling an invasion."

But this is quite different from and affords no warrant for sending the militia into a foreign country in time of peace and when no invasion is made or threatened.

The only remaining occasion for calling out the militia is "to execute the laws of the Union." But this certainly means to execute such laws where, and only where, they are in force and can be executed or enforced. The Constitution or laws of the United States have no extra-territorial force and can not be compulsorily executed beyond or outside of the territorial limits of the United States.

It is true that treaties made in pursuance of the Constitution are, equally with acts of Congress, the supreme law of the land; but their observance, outside of our own jurisdiction, can not be enforced in the same way. The observance and performance, outside of our own jurisdiction, of treaty stipulations and obligations are left much to the honor, good faith, and comity of the other contracting party, reenforced, at times, by a regard for the consequences of a breach. We can not send either the Regular Army or the militia into a foreign country to execute such treaties or our laws. Such an invasion of a foreign country would be an act of war.

Outside of our own limits "the laws of the Union" are not executed by armed force, either Regular or militia.

The Constitution had already given to Congress the unlimited power to declare war, at any time and for whatever cause it chose. It did not, in this provision, attempt the useless thing of giving to Congress an additional power to declare war, or to afford an additional ground for doing so.

What is certainly meant by this provision is, that Congress shall have power to call out the militia in aid of the civil power, for the peaceful execution of the laws of the Union, wherever such laws are in force and may be compulsory executed, much as a sheriff may call upon the posse comitatus to peacefully disperse a riot or execute the laws.

Under our Constitution, as it has been uniformly construed from the first, the military is subordinate and subservient to the civil power, and it can be called upon to execute the laws of the Union only in aid of the civil power and where the civil power has jurisdiction of such enforcement. Even the Regular Army can be thus called upon only on such occasions; and, certainly, the militia can not be thus called upon at any other.

Then, as the civil power is without force in a foreign country, and as even the Regular Army can not be sent into another country to there execute the laws of the Union, it follows that the Constitution confers no power to send the militia into a foreign country for the purpose stated in the question here considered. On the contrary, by its specific enumeration of the only occasions for calling out the militia, it clearly forbids this.

In all this I am not unmindful that nations sometimes do make hostile demonstrations and use armed force to compel the observance by another nation of its treaty obligations, and sometimes send armed forces into another country to protect the lives and rights of its own citizens there.

I shall briefly notice these in their application to our own country, its Constitution and laws. It will be observed, and as controlling and conclusive of the present question, that in case of a hostile demonstration against or a forcible attack upon another nation to enforce its treaty obligations, or to punish their infraction, there is no question involved of executing the laws of the invading nation, for such laws have no force or existence there.

While the Constitution makes itself and the laws and treaties, in pursuance thereof, the supreme law of the land, it is only in our own land where such laws are supreme or of any force. As to the other contracting party, a treaty is a mere compact, depending for its observance upon the good faith, comity, or other moral considerations. The Constitution can not make itself or the treaties or laws made under it the supreme law of any other nation or give to either any force or existence beyond our own borders. So that when an armed force is used to compel the observance of treaty obligations or to punish or obtain compensation for their violation there is no question of executing any

law of the Union, for there is no such law there. It is but the forcible compelling of the observance of an agreement or compensation for its breach. The provision referred to does not warrant the use of the militia for this purpose.

Just so it is when in troublous times an army of occupation, large or small, is sent into a foreign country to protect the lives and the rights of our own citizens. Here, too, no law of the Union is being executed by such invasion, for no law of the Union exists or can be enforced there.

While it is the duty of every nation to afford proper protection to foreigners who are lawfully within its borders, yet this is not because of any law of the nation of which such foreigners are subjects, for no such laws exist or have any force there. No one can say in such a case that we are executing or enforcing any law of the Union. We are but aiding or compelling the foreign Government to execute its own laws and to perform its own duty. As no law of the Union is being executed by such invasion, the militia can not be called out, under this provision, to take part in it. "As no law of the Union can exist or be in force in any foreign country, the militia can not be called out to enforce any such law there."

The plain and certain meaning and effect of this constitutional provision is to confer upon Congress the power to call out the militia "to execute the laws of the Union" within our own borders where, and where only, they exist, have any force, or can be executed by any one. This confers no power to send the militia into a foreign country to execute our laws which have no existence or force there and can not be there executed.

If authority is needed for the conclusion here reached, the following may suffice:

In Ordronaux, Constitution Legislation, page 501, it is said:

"The Constitution distinctly enumerates the three exclusive purposes for which the militia may be called into the service of the United States. These purposes are: First, to execute the laws of the Union; second, to suppress insurrection; and, third, to repel invasions.

"These three occasions, representing necessities of a strictly domestic character, plainly indicate that the services required of the militia can be rendered only upon the soil of the United States or of its Territories. * * * In the history of this provision of the Constitution there is nothing indicating that it was even contemplated that such troops should be employed for purposes of offensive warfare outside the limits of the United States. And it is but just to infer that the enumeration of the specific occasions on which alone the militia can be called into the service of the General Government was intended as a distinct limitation upon their employment.

"Being the ministers of the law to enforce its commands, they can only be summoned by the law-making power to act within the extent of its jurisdiction and in the manner prescribed by the Constitution. They can not, consequently, be used to invade the territory of a neighboring country or to enforce any public rights abroad. * * *

"The militia of the States, restricted to domestic purposes alone, are to be distinguished therefore from the Army proper of the United States, which, whether in the form of regular troops or volunteers, may be used to invade a foreign country as well as to repel the attack of foreign enemies."

And Von Holtz, Constitutional Law, page 170, it is said, "the militia can not be taken out of the country."

In Kneedler *v.* Lane (45 Pa. St., 238, 276), Judge Strong, speaking for the court, said:

"Apart from the obligations assumed by treaty, it was well known that there are many cases where the rights of a nation and of its citizens can not be protected or vindicated within its own boundaries. But the power conferred upon Congress over the militia is insufficient to enable the fulfillment of the demands of such treaties or to protect the rights of the Government or its citizens in those cases in which protection must be sought beyond the territorial limits of the country."

And see Houston *v.* Moore (5 Wheat., 1) and Martin *v.* Mott (12 Wheat., 19, 27).

It is true that the act of January 21, 1903, as amended by the act of March 27, 1908 (35 Stat., 399), provides:

"That whenever the President calls forth the organized militia of any State, Territory, or of the District of Columbia to be employed in the service of the United States he may specify in his call the period for which such service is required, and the militia so called shall continue to serve during the term so specified, either within or without the territory of the United States, unless sooner relieved by order of the President."

But this must be read in view of the constitutional power of Congress to call forth the militia only to suppress insurrection, repel invasions, or to execute the laws of the Union. Congress can not by its own enactment enlarge the power conferred upon it by the Constitution; and if this provision were construed to authorize Congress to use the Organized Militia for any other than the three purposes specified, it would be unconstitutional. This provision applies only to cases where under the Constitution said militia may be used outside of our own borders, and was doubtless inserted as a matter of precaution and to prevent the possible recurrence of what took place in our last war with Great Britain, when portions of the militia refused to obey orders to cross the Canadian frontier.

I think that the constitutional provision here considered not only affords no warrant for the use of the militia by the General Government, except to suppress insurrection, repel invasions, or to execute the laws of the Union, but, by its careful enumeration of the three occasions or purposes for which the militia may be used, it forbids such use for any other purpose; and your question is answered in the negative.

Respectfully, GEORGE W. WICKERSHAM.

To the SECRETARY OF WAR.

Upon the question of the power of Congress to order the militia into a foreign territory has been fully discussed in the case of Kneedler *v.* Lane (Pa. State Reports 45, p. 238), and I desire to recommend it to any student in the investigation of this question. The syllabus of the case gives but a faint idea of the questions discussed. It sustains the constitutionality of the conscription act of March 3, 1863, and each of the five members of the court rendering opinions in the case. It is sufficient to say that while they disagree as to the constitutionality of that conscription to subdue an insurrection, repel invasion, or enforce the law every one of the judges clearly indicated the law in absolute harmony with the opinion of Attorney General Wickersham, which I have heretofore read. I beg leave to insert an extract from the opinion of Justice Strong, who held that act was constitutional and who called attention to the fact that our Government was given the power to make treaties with other nations which power was denied to the States. He says, further:

This unstricted power of making treaties involved the possibilities of offensive and defensive alliances. Under such treaties the new Government might be required to send armies beyond the limits of its territorial jurisdiction, and in fact at the time when the constitution was formed, treaty of alliance, offensive and defensive, was in existence between the old Confederacy and the Government of France. Yet more. Apart from the obligations assumed by the treaty, it was well known that there are many cases where the rights of a nation and of its citizens can not be protected or vindicated within its own boundaries. But the power conferred upon Congress over the militia is insufficient to enable the fulfillment of the demands of such treaties, or to protect the rights of the Government, or its citizens in those cases in which protection must be sought beyond the territorial limits of the country. The power to call the militia into the service of the Federal Government is limited by express terms. It reaches only three cases. The call may be made "to execute the laws of the Union, to suppress insurrections, and to repel invasions," and for no other uses. The militia can not be called for the invasion of a country without the limits of the United States. They can not be employed, therefore, to execute treaties of offensive alliance, nor in any case where military power is needed abroad to enforce rights in foreign lands.

The United States Supreme Court says:

Every act of Congress passed during war times must square with the Constitution.

The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances. (Ex parte Milligan, 4 Wall., 2, 120.)

Gentlemen may claim that the proposed conscription act does not purpose to use the militia. But they say that our purpose is to draft from the great body of American citizens who do not compose the militia.

Unfortunately for that contention, Congress has itself, so far as is in its power, placed every man between the ages of 18 and 45 in the military department of our Government. Under the act of June 3, 1916, as I have stated, first it described the Army of the United States and says it shall consist of the Regular Army, the Volunteer Army, the Officers' Reserve Corps, the Enlisted Reserve Corps, the National Guard while in the service of the United States, and such other land forces as are now or may hereinafter be authorized by law. Section 2 of that act provides that the Regular Army shall consist—it does not include any branch of the militia thereinafter described—as follows:

SEC. 2. Composition of the Regular Army: The Regular Army of the United States, including the existing organizations, shall consist of 64 regiments of Infantry, 25 regiments of Cavalry, 21 regiments of Field Artillery, a Coast Artillery Corps, the brigade, division, Army corps, and Army headquarters, with their detachments of troops, a General Staff Corps, an Adjutant General's Department, an Inspector General's Department, a Judge Advocate General's Department, a Quartermaster Corps, a Medical Department, a Corps of Engineers, an Ordnance Department, a Signal Corps, the officers of the Bureau of Insular Affairs, the Militia Bureau, the detached officers, the detached noncommissioned officers, the chaplains, the Regular Army Reserve, all organized as hereinafter provided, and the following as now authorized by law: The officers and enlisted men on the retired list; the additional officers, the professors, the Corps of Cadets, the general Army service detachment, the detachments of Cavalry, Field Artillery, and Engineers, and the band of the United States Military Academy; the post noncommissioned staff officers; the recruiting parties, the recruit depot detachments, the unassigned recruits; the service school detachments; the disciplinary guards; the disciplinary organizations; the Indian Scouts; and such other officers and enlisted men as are now or may be hereafter provided for: *Provided*, That hereafter the enlisted personnel of all organizations of the Regular Army shall at all times be maintained at a strength not below the minimum strength fixed by law: *Provided further*, That the total enlisted force of the line of the Regular Army, excluding the Philippine Scouts and the enlisted men of the Quartermaster Corps, of the Medical Department, and of the Signal Corps and the unassigned recruits shall not at any one time, except in the event of actual or threatened war or similar emergency in which the public safety demands it, exceed 175,000 men: *Provided further*, That the unassigned recruits at depots or elsewhere shall at no time, except in time of war, exceed by more than 7 per cent the total authorized enlisted strength.

Every able-bodied male citizen outside the Regular Army, as here described, is by this act of the last Congress placed in the militia.

It will be noticed that in section 57 it is called "the militia of the United States." Of course, the United States has no militia and can not have. The following from Van Holts' Federal Constitution, section 49, page 169, which I beg leave here to insert:

There is no militia of the United States. The Constitution recognizes only a militia of the several States, and the authority of the Federal Government as to them is precisely defined. It is nowhere made the express duty of the several States to have a militia. But not only does the Constitution take the existence of the State militia for granted, but the States can be compelled to maintain one by Federal legislation, for Congress is authorized "to provide for organizing, arming, and disciplining the militia."

Section 57 of act of June 3, 1916, is as follows:

Composition of the militia: The militia of the United States shall consist of all able-bodied male citizens of the United States and all other able-bodied males who have or shall have declared their intention to become citizens of the United States who shall be more than 18 years of age, except as hereinafter provided, not more than 45 years of age, and said militia shall be divided into three classes, the National Guard, the Naval Militia, and the unorganized militia.

It will be noticed that every able-bodied male citizen between the ages of 18 and 45, except those in the Regular Army, are in the militia, and the militia is by section 57 divided into three classes, "the National Guard, the Organized Militia, and the unorganized militia." As this act of the last Congress of June, 1916, authorizes Congress to draft the National Guard, which is the State militia, gentlemen may claim that because Congress has authorized Congress to draft the National Guard that it relieves the present Congress from the constitutional limitations.

The absurdity of this proposition is so apparent that it answers itself, for if we should allow Congress to authorize some future Congress to pass a law and thereby relieve that law from its constitutional limitations, then there is no provision of the Constitution which could not be avoided and be classified as "a scrap of paper," if one Congress could permit some future Congress to violate the Constitution of the United States.

No better illustration of this can be found than the fact that Attorney General Wickersham was asked the question whether the militia could be taken out of the country. Congress had before that time and under the act of March 8, 1908, attempted to avoid constitutional limitations by providing that whenever the President calls the militia of any State that that militia should continue to serve "either within or without the territory of the United States," but the Attorney General very properly says, "This statute must be read in view of the constitutional power of Congress"; and further, "Congress can not by its own enactment enlarge the power conferred upon it by the Constitution."

Will you permit me to call attention to another most flagrant violation of the Constitution in this effort to draft the State militia into the Government service, with the claim that they may be used for service in a foreign country? Section 15 further provides that "Congress may call the militia to enforce the laws of the Union, suppress insurrection, and repel invasion." Then proceeds in section 16 to provide for the organizing of that militia, "reserving to the States respectively the appointment of officers." The act of the last Congress, June, 1916, provides that the officers shall be appointed by the President up to and including the colonel, and above the office of colonel to be appointed by the President with the consent of the Senate. It is true that the officers by that act are to be appointed from among the members by the President. But the Constitution reserves the appointing of all officers of the States respectively even after they are employed in the service of the United States, and the present act, known as the conscription act, which we passed last month, provides in the second section that the President may draft the National Guard, which is the State militia, into the military service of the United States and further, "and to organize and officer in accordance with the provision in section 111 of said national defense act," which act, as I have shown you, clearly violates the Constitution by permitting the President to select the officers when the Constitution says it should be left to the States.

As we did not attempt to draft the Naval Militia, and the Government never has, so far as my knowledge goes, I will not discuss that branch of what the Congress has declared to be the militia of the United States, which is designated as the "Naval Militia." The remaining question is whether or not the Congress of the United States under the Constitution has power to call into service the unorganized militia for foreign service. The act of the last Congress, June, 1916, declares, as I have shown you, that all able-bodied males between the ages of 18 and 45 are placed by act of Congress into the unorganized militia, excepting those who are in the National Guard, the Naval Militia, and the Regular Army. It will be observed that this attempt on the part of Congress to make the "militia of the several States" the militia of the United States, which takes in the ages between 18 and 45, as above quoted, and on that subject I desire to quote briefly from the opinion of Chief Justice Lowrie, of the Supreme Court of Pennsylvania, in the case before cited, in referring to the conscription act then under consideration:

It seems to me that this is an unauthorized substitute for the militia of the States. If valid, it completely annuls for the time being the remedy for insurrection provided by the Constitution and substitutes a new and unprovided one. Or rather it takes that rather free force, strips it of its officers, despoils it of its organization, and reconstructs its elements under a different authority, though under somewhat similar forms. If this act is law, it is supreme law, and the States can have no militia out of the class usually called to militia duty, for the whole class is appropriated as a national force under this law, and no State can make any law that is inconsistent with it. The State militia is wiped out if this act is valid except so far as may be permitted by the Federal Government. If Congress may thus, under its power to "raise armies," constitute all the State militiamen into "national forces" as part of the Regular Army and make them "liable to perform duty in the service of the United States when called out by the President," I can not see that it may not require from them all a constant military training under Federal officers as a preparation for the greatest efficiency when they shall be so called out, and then all the State militia and civil officers may be put into the ranks and subject to the command of such officers as the President may appoint, and everyone would then see that the constitutional State militia becomes a mere name. The Constitution makes it and the men in it a national force in a given contingency and in a prescribed form, but this act makes them so irrespective of the constitutional form and contingency. This is the substantial fact, and I am not able to refine it away.

In the case we are now discussing the last Congress attempted to put in all between the ages of 18 and 45, which exactly covers the ages above provided for in the State militia, and exhausts the State militia entirely.

Every male citizen of the several States between the ages of 18 and 45 is subject to State militia duty, and by act of Congress is made a part of the militia, and the attempt now to take them bodily, or man by man, out of the State militia and compel them to serve in a foreign land would, in my humble opinion, be a clear violation of the Constitution.

Please remember I am not raising the question of the power of the State to demand military service by the conscription act; that is uniform in its application; but, on the contrary, I am pleading that the Congress of the United States, which has the sole power to make the laws and rules for the regulation of the armed forces of the United States, to amend the present law, so that we may have an Army under the Constitution which might be sent anywhere in the world in the interest of the country as Congress may decide. Please remember that the present act gives to the President authority to draft those men, and by section 7, using exactly the same language, the President was authorized to raise and maintain by voluntary enlistment four divisions known as the Roosevelt Volunteers.

Gentlemen will not forget the roll calls and the struggle made in Congress to secure the services of these men of experience above the age of 25 years who were ready and willing to go, and when that act was passed the people of the United States supposed that section 7 was just as binding on the Executive of the United States as was the other section, providing for conscription. I have no desire to criticize the President, who has enforced the conscript part of that act and refused to use the power given him by Congress to accept volunteers in section 7. The language used giving him power is exactly the same—"authorized" to conscript and "authorized" to raise volunteers—and whatever may have been whispered by those in conference with the General Staff and the administration that the Executive would not take advantage for this country of the volunteers, yet to every man on this floor and in the minds of the plain people section 7 authorizing volunteers was just as binding upon the President of the United States as were the other sections authorizing conscription. The desire to receive the volunteers was in the hearts of the American people; it became the will of the Congress of the United States; and if Congress will have the courage to enforce the will of the people and the will of Congress itself, it can amend section 7 by inserting the words "authorized and directed" to accept the volunteers.

But gentlemen seem to be timid for fear it may be an offense to the executive department of this Government. Gentlemen, it is no time for timidity. We are not questioning the honor or sincerity of the Chief Executive. That department has no power to make laws and rules governing the land and naval forces of the United States. That power was given to you—to Congress—and every power that the Executive may exercise as Commander in Chief is subject to the power given to the Congress of the United States. There is an honest difference of opinion between the Congress and the Executive as to the use of volunteers for foreign service. Congress says, and so expresses the sentiments of the people, that at least four divisions of volunteers should be accepted. The Executive declines to accept them for the present. No one doubts for a moment that if we would insert the word and "direct" the Executive to accept these volunteers, those four divisions would be made up of men who believe in assisting our allies in the trenches.

Why do we pursue the unconstitutional method of attempting to draft the militia into the service. Why not pursue the constitutional methods and raise your army by volunteers, and then, if your volunteers who are willing to go abroad fail, meet and solve that question when the time comes, under the Constitution we have sworn to uphold. Please understand I do not

contend that the Congress of the United States can not call the militia of the States, organized or unorganized, into the service of the United States, but I do insist that if the militia is so called into the service of the United States it can only be used for the three purposes which I have repeatedly set out in this argument.

Mr. Wilson is just as much my President as yours. I want him to be right. If I believe that his failure to enforce section 7 has done injury to the cause in this war with the Imperial Government of Germany, it is my duty to say so here and now. There is plenty of time to get a constitutional army; and while gentlemen have differed with me upon questions of war and conscription and taxation, I have never found it in my heart to believe that any gentleman on this floor had anything but one desire, namely, that when our country was in war it should be a successful war, and that we would fight to the end for the preservation of American ideals and ideas; but you can not shift your responsibility as a part of the law-making power by imitating Pontius Pilate and washing your hands and saying, let your Executive do it. [Applause.] I know we are talking about food control. Let us talk for a moment about food for thought and thought control and the right of the Executive to control legislative thought. There has been a constant letting up of legislative authority and a constant growth of executive authority. It is just as much the fault of the legislative branch as it is of the executive, and it is not more the fault of this present President than it was of those before him, who for years past have constantly encroached upon the legislative power, and today when we are in the midst of a war, when we offer you the very best thing that we thought we could, we are met with the cry of treason simply because we want to give you men who will fight instead of violating the Constitution by taking the State militia because some past Congress has authorized us to violate the clear provisions of the Constitution of the United States.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MASON. Mr. Chairman, I would ask the gentleman for five minutes, because I have lost about five minutes of time.

Mr. HAUGEN. Mr. Chairman, I yield the gentleman five minutes.

Mr. MASON. When the conscription bill of 1814 was before the Congress of the United States Daniel Webster, the great student defender of our Constitution, gave as one of his reasons for opposing conscription the fact that the bill then before Congress, just exactly like the present law, did not prohibit the Congress or the President from sending the militia out of the United States. But let me quote the language of Mr. Webster upon that point so there may be no misunderstanding:

> But, sir, there is another consideration. The services of the men to be raised under *this act* are not limited to those cases in which alone this Government is entitled to the aid of the militia of the States. These cases are particularly stated in the Constitution, "To repel invasion, suppress insurrection, or execute the laws." But this bill has no limitation in this respect. The usual mode of legislating on the subject is abandoned. The only section which would have confined the service of the militia proposed to be raised within the United States has been stricken out; and if the President should not march them into the provinces of England on the north or of Spain at the south it will not be because he is prohibited by any provision of this act.

The law which we have passed for conscription has the same defect. It has no limitation as to what the Commander in Chief may do with the militia when drafted into the service of the United States, and, to paraphrase the statement of Mr. Webster, if he does not send them into England, France, or Italy "it will not be because he is prohibited by any provision of this act."

That fact alone should have caused the defeat of the present conscription act; and while we do not as a Congress limit the use to which this conscripted army could be employed, our great Constitution writes into every statute the living principles of human liberty, and, whether we like it or not, it writes into our last conscription act in words of fire that can not be extinguished, "The militia herein conscripted or drafted can not be sent out of the territory of the United States and can only be used to repel invasions, suppress insurrections, and enforce the laws of the Union." Mr. Webster, in the same speech, in replying to the Secretary of War, now known as the Geperal Staff, said:

> If the Secretary of War has proved the right of Congress to enact a law enforcing a draft of men out of the militia into the Regular Army, he will at any time be able to prove quite as clearly that Congress has power to create a dictator. The arguments which have helped him in one case will equally aid him in the other.

What becomes, gentlemen, of our constitutional requirements as construed by the court that our laws must be uniform? Under the law every man between the ages of 18 and 45 belongs to the Military Establishment of the United States; this is the unorganized militia you propose for selective draft, which means drawing by chance. Out of these millions of men you have protected yourself as Members of Congress, and while we have been hearing talk about slackers by your law you provide that three-fifths of the slackers may not even be exposed to the chances of your slacker's draft and hold that two-fifths, those between the ages of 21 and 31, must take their chance. It would be just as much within the keeping of the spirit of the Constitution to say that all black men or all yellow men or that all men belonging to certain schools or religion should be selected by the draft. I can not find words to express the abhorrence I have for this conscript law, especially when the spirit of the Constitution is so wantonly and ruthlessly violated by class legislation of this sort. But gentlemen say, suppose they do not volunteer? My answer is they are volunteering, but—please read Mr. Webster's answer:

> But it is said that it might happen that an army could not be raised by volunteer enlistment, in which case the power to raise armies would be granted in vain unless they might be raised by compulsion. If this reasoning could prove anything it would equally show that whenever the legitimate power of the Constitution should be so badly administered as to cease to answer the great ends intended by them, such new powers may be assumed or usurped as any existing administration may deem expedient.

Will you allow me to insert the speech—or a part—of this same Daniel Webster as to one reason why he voted against conscription?

He was speaking in this House, December 9, in 1814, where free thought and free speech is guaranteed, and the American people have never believed him to be a traitor:

> If this war should continue there will be no escape, and every man's fate and every man's life will come to depend on the issue of the draft. Who shall describe to you the horror which your orders of conscription shall create in the once happy villages of this country? Who shall describe the distress and anguish which they will spread over those hills and valleys where men have heretofore been accustomed to labor and to rest in security and happiness? Anticipate the scene, sir, when the class shall assemble to stand its draft and to throw the dice for blood. What a group of wives and sisters and mothers, of helpless age and helpless infancy, shall gather around the theater of this horrible lottery as if the stroke of death were to fall from heaven before their eyes on a father, a brother, a son, or a husband And in a majority of cases, sir, it will be a stroke of death. Under present prospects of the continuance of the war not one-half of them on whom the conscription shall fall will ever return to tell the tale of their sufferings. They will perish of disease and pestilence, or they will leave their bones to whiten in fields beyond the frontier. Does the lot fall on the father of a family? His children, already orphans, shall see his face no more. When they behold him for the last time they shall see him lashed and fettered and dragged away from his own threshold, like a felon and an outlaw. Does it fall on a son, the hope and staff of aged parents? That hope shall fail them. On that staff they shall lean no longer. They shall not enjoy the happiness of dying before their children. They shall totter to their grave, bereft of their offspring and unwept by any who inherit their blood. Does it fall on a husband? The eyes which watch his parting steps may swim in tears forever. She is a wife no longer. There is no relation so sacred or so tender that by these accursed measures you do not propose to violate it. There is no happiness so perfect but that you propose to destroy it. In the paradise of domestic life you enter, not, indeed, by temptations and sorceries, but by open force and violence.

Mr. Speaker, I wish to be understood and I make the statement of my intentions in order that there may be a fair discussion as to the powers of Congress, and as far as possible free from malice or excitement. Unless there is shortly offered an amendment to the present conscript law which will insert the word "direct" in section 7, so that the President will be induced to call for and accept the volunteers for foreign service, I intend to present that amendment myself.

Second, unless the present conscript law is amended or suggested by some gentleman in the majority upon this question so that the law may comply with the Constitution, and provide that the conscripts shall not be forced against their consent into foreign countries, I intend respectfully to offer that amendment myself. Failing in that I intend to offer a bill which will repeal the entire conscription law and leave this or the next Congress to carry out the will of the people.

Mr. Chairman, I have made this statement so that we may have a fair discussion upon our constitutional rights. I have no pride of opinion. If Attorney General Wickersham is wrong, if we have that right, I have nothing further to say. I felt it my duty, after examining the constitutional debates, after having read the opinions of the Attorneys General of the United States, to call the attention of my colleagues to the fact that volunteers were ready to go, they offered to go, but by the action of Congress and the Executive, one is just as much to blame as the other, these men who are ready to go and give encouragement to the allies, these men over 25 years are told, "You can not go," and those men who do not want to go are told, "You must go." Our duty, gentlemen of this Congress, seems to be plain. It is to fight the enemy and at the same time keep our eyes upon our allies. My distinguished friend, the chairman of the committee, whose bill we were discussing yesterday, called attention to the

fact that the allies had been purchasing in this country, and he called attention to the fact, which is true, that you can buy American wheat and American bread and potatoes cheaper in Great Britain than you can in New York or Chicago, and when we see our people hungry and realize that the allies, through their agents, have been speculating on the boards of trade, it is not treason to call attention to the fact. We want our allies to do their "bit," but when we see American flour cheaper in London than it is in Chicago we feel that they are not only "doing their bit," but they are "doing us quite a bit." [Applause.] And I say it is not treason to call attention to a provision against sending State militia abroad when there are others ready to go; it is not treason to call attention to the fact that our allies, God bless them and help them in every way and let them do their share, with nearly 2,000,000 men in Great Britain, are insisting and pleading for us to send our boys to the trenches of France, and you know it is a good deal nearer from Dover to Calais than it is from San Francisco to Paris, and travel is a good deal safer for those people. It is only 55 minutes across the English Channel, when it may be two or three weeks or months, aye, it may be eternity, in crossing the Atlantic Ocean.

Gentlemen, we have plenty of time. Again I say, why pursue unconstitutional methods when there are constitutional methods open before us? Why should we violate the Constitution, the clear law and the spirit of the Constitution, by saying that we are going to draft the militia of the United States in violation of the opinion of the Supreme Court of the United States, of the supreme courts of the several States, in violation of the opinion of the Attorney General of the United States. Now, Mr. Chairman, in conclusion, I have had long experience in matters of this kind, and in all these years I have never found a man, either in the House or in the Senate, but that he wanted to do right as God gave him the light to see the right, and he wanted to do the best he could for his country. This is a friction point where gentlemen disagree, and I thank God upon this floor—in this forum—the right of free speech still exists. [Applause.] I remember once in riding to Mount Vernon I met a Confederate soldier and a Union soldier, who told me that at the tomb of Washington, even during war times, they met and left their guns upon the outside, and I thank God that there was one spot, the tomb of Washington, where the blue and gray could meet and fraternize, and that small piece of ground "leavened the whole lump" and made a united country. So, I thank God, upon this floor, in my association with you, gentlemen, most of whom are younger than I, you have been willing to grant me that right of free thought and free speech which you demand for yourselves, and in that freedom lies the safety of our Nation. [Applause.]

Mr. LEVER. Mr. Chairman, I yield 30 minutes to my colleague on the committee [Mr. DOOLITTLE]. [Applause.]

Mr. DOOLITTLE. Mr. Chairman and gentlemen of the committee, I shall not consume the 30 minutes, and before I speak the few words I am about to do I want to say a word concerning the action of the committee—the Committee on Agriculture—while we were considering this bill and the final action of the committee. While we were considering this bill we had no chart to follow, we had no blazed trail to go upon; we had to branch out and cover the best we could an unknown field and to meet emergencies which are confronting the country now by reason of the war in the way we have done, and which I hope and believe will meet with your approval. It has been my pleasure during the two and part of three terms that I have been a Member of this House to serve on the Committee on Agriculture under the chairmanship of the distinguished gentleman from South Carolina [Mr. LEVER].

I believe I state the exact fact when I say that not in the legislative history of this country has there gone forth to the country at large more big laws for the good of all the people bearing the name of a single man than of the laws bearing the name of "LEVER." I have in mind four in particular. We all know of the advantages of the Lever Extension Act and the warehouse act which also bears his name, and that great boon to the cotton farmer and to the cotton operatives of the country known as the Lever Cotton Futures Act; and then we have the Lever Bureau of Markets Act, which law is just now getting into full operation.

Gentlemen of the committee, the bill which we are now considering is a war measure pure and simple. It is a bill which will solidify and conserve and bring together in the most compact form that we know how all the food, feed, and fuel resources of our country in our endeavors to win a permanent and speedy victory against the common enemy. I am not going to discuss the details of the bill, because they have already been discussed here much better and more eloquently than I can discuss them. I simply want to call your attention for a moment to a few words that were spoken yesterday by my good friend from Texas [Mr. YOUNG], my colleague on the committee, who put himself in the attitude of defending the farmer. And, Mr. Chairman and gentlemen, I can not conceive that when it comes to a question of a war measure, and if this measure is one for the use of our country in winning the war, why any further argument should be necessary in behalf of it, why anyone should attempt or feel it incumbent upon him to defend a part of the country if the whole country requires this legislation. [Applause.] But just for a moment, gentlemen, I take sharp issue with my friend in his theory and in his statement regarding the welfare and the desire of that part of our country, that noble part, that part which we could not get along without, the farming communities and the farmers of the country.

The farmers have been anxious in past years in times of peace, and they are anxious in times of war, to get rid of the speculator who has been preying upon them. He has complained about the treatment that he has received at the packing houses, and he has complained about the injurious speculation and the machinations upon the boards of trade of the country. In this bill, H. R. 4961, we eliminate in this war measure all of those things which he has complained about so bitterly, and we give to the American farmer something which he has never yet asked before, namely, we give him a guaranteed profit for the things which he produces, but do not limit his profit to that guaranty. [Applause.] I simply mention that in passing.

As a matter of fact, I suspect, if it has not already been done, that when Representatives of manufacturing constituencies here take the floor, either to oppose or to speak in behalf of this bill, they will tell us we have favored the farmer and shown undue favor to him to the disadvantage of the manufacturing interests of the country. The bill is a fair bill to every legitimate business, calling, occupation, and enterprise. It is a bill which, in my opinion, will do what it is expected it shall do, and that is to help win a glorious victory for our armies and our country for the cause of human liberty and mankind.

Now, about prices; and I submit this to my friends from agricultural districts. It has been said that flour sold for $17.50 a barrel, and that the farmer received only $1.30 a bushel on the average for his wheat, showing that the spread in profit by the time that the wheat finally reached the consumer in the nature of flour had increased tremendously, and that some intermediary between the producer and the consumer made the enormous profit.

I want to give you a specific example, a small item, an incident which happened here in the city of Washington Sunday of this week—just two days ago. Although it is a small item, perhaps, it shows exactly one of the reasons why a bill of this kind should go into operation now. It is the matter of a roast chicken. If you will go to a delicatessen shop—and I am not talking about the highflying and expensive kind but the little modest delicatessen shop; and this was one out on Fourteenth Street—and buy a chicken, they will not price it to you by the pound. It will cost you 15 cents an ounce. That is the way they price it to you.

Mr. JACOWAY. Will the gentleman yield there?

Mr. DOOLITTLE. Yes.

Mr. JACOWAY. I want to ask him if it is not his idea, as well as the idea of the entire personnel of the Committee on Agriculture, that in passing this bill as drawn and as presented to this House it will bring about two results, namely, it will bring about a condition which on its face would seem like an anomaly within anomaly; that is, that it would give a higher and more generous price to the producer of foodstuffs and at the same time, by eliminating the unnecessary middleman, put that stuff before the consumer's table at a less cost than he has had before?

Mr. DOOLITTLE. That was the point I was about to make on this little item. The poultry man or farmer who sold that chicken probably received for it, live weight, something about 18 or 20 cents a pound, and it does not take a mathematician or an expert in the culinary art to know that we could not increase legitimately the price of it to the consumer to $2.40 a pound as a cooked chicken ready for the table. Just as my friend from Arkansas said, one of the advantages of this bill is to eliminate the lost motion between the producer and the consumer. If the consumers of the country have to pay $2.40 a pound for chicken, then somebody besides the middleman and the speculator ought to get the price.

Now, my friend from Texas also stated that in European countries the food dictatorship had been a failure, as he called it. In other words, insinuating that the food administration in this country would also be a failure. He cited Germany as an instance. It is true. But where the German dictator was

unsuccessful and where the German food dictatorship fell down, was in trying to set the price on the producer, which could not be done.

Mr. Hoover testified before our committee that the producer, if the price would not satisfy him, would look into other and additional channels and make his private contracts. But this bill in express words does not touch the producer. It recognizes the right of the producer on the farm of the necessities of life, the man who toils from early morn to late at night, to hold the fruits of his toil, but it denies to any middleman the right to hold that to the detriment of the consuming classes of the country. [Applause.]

My friend from Texas said something about the increased cost of implements and everything that the farmer uses on his farm or in raising cattle and other live stock. He is absolutely correct about that. They have increased enormously in price, but if it should become necessary to fix a minimum price in order to stimulate production, as is provided in this bill, there would be taken into consideration, as was testified to by Mr. Hoover—a very intelligent and patriotic citizen—that increase in the cost of production. The increase in the cost of farm implements and everything that the farmer uses in the production of those products would be taken into consideration and added to his cost of production, and a profit added onto that in fixing such minimum price.

So much for the argument of our friend from Texas, that because the cost of implements, etc., was not specifically mentioned in this bill it would not be taken care of. It is taken care of, and everything else is taken care of that goes into the production of a crop.

Now, gentlemen, I want to say in closing that the country is at war. That may seem like an unnecessary statement. But I am led to believe that there are some people who do not fully realize the fact that the United States is probably at this moment engaged in the most collossal war, even so far as our own country is concerned, that we have ever yet engaged in.

The thing for us to do is to win the war, and this bill is drawn on the theory of the war power of the Constitution, and that the winning of this war is an absolute necessity, and that all other things should stand aside and work toward the winning of the war as speedily as possible. [Applause.]

Whatever the criticism of the bill may be, it will not be said that the measure is not drastic enough. The bill is all teeth, and intentionally so, as a typical war measure. There are two sources of objections to this measure becoming a law. One is a misunderstanding of the provisions of the bill, or what the effect will be. The other source of opposition lies with the food speculators, and they are the ones who will get hit and smashed hard by this bill. Still other subtle forces working against this bill are pro-German influences. Producers the country over favor the bill, and the approval of the American consumer is universal. I have received not a single word of protest against this measure from any source. The producers of the country are for it unanimously, so far as I know, and the consumers are the same way. This is one time when the producers and the consumers are working together, hand in hand.

Mr. DENISON. Mr. Chairman, will the gentleman yield for a question?

Mr. DOOLITTLE. I will.

Mr. DENISON. Is there anything in this bill to prohibit farmers or groups of farmers by agreement among themselves from holding wheat until they get a satisfactory price?

Mr. DOOLITTLE. Nothing whatever, so far as the individual farmer is concerned. If the wheat passes out of the farmer's hands into the hands of a third party, then it comes within the provisions of the bill.

Mr. DENISON. Then the question whether or not it will give the consumers cheaper foodstuffs is a matter of conjecture, largely, is it not?

Mr. DOOLITTLE. I do not think so. It does away with speculators and manipulators of the market, and that is one of the chief causes of high prices to-day.

Mr. JACOWAY. Mr. Chairman, will the gentleman yield there?

Mr. DOOLITTLE. Yes.

Mr. JACOWAY. I will ask the gentleman if the testimony does not show this fact, that it will cut off the middleman in most of the food products if this bill becomes a law?

Mr. DOOLITTLE. That is the purport of our testimony; yes.

Two-thirds of the price of food—and I want to say that especially to my friend from Illinois [Mr. DENISON]—to the consumer is added after the food leaves the hands of the producer.

In other words, there is an increase of about 200 per cent. This measure will reduce very materially that spread in prices between the man who produces and the man who consumes; the lost motion and added cost now directly attributable to the too numerous middlemen and the oppressive speculator is eliminated. The speculator and food gambler become impotent. Exchanges and boards of trade are properly regulated or become closed. The hoarder is required to disgorge; the meat packer and the distributor submit to Government regulation; fuel companies can not extort excessive prices; uneconomical manufacture of necessaries is prohibited; foodstuffs may not be wasted in the manufacture of alcoholic or nonalcoholic beverages; manipulation of price and distribution is stopped; cold-storage concerns perform their proper functions.

One of the things that the cattle producers of this country have wanted for a long time is some sort of light on the operations of the great meat packers. This bill calls for that light, and it even goes further and gives them Government regulation.

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. DOOLITTLE. Yes; I yield.

Mr. CAMPBELL of Kansas. The gentleman has stated that this bill would reduce the margin between the producer and the consumer. Will the gentleman state what section of the bill he expects will bring about that result?

Mr. DOOLITTLE. Under the licensing section and also under the section giving the President the power to regulate and control boards of trade, the antihoarding section, and section 4.

Mr. CAMPBELL of Kansas. Now, in what way by granting license to a man to do business would that bring about the reduction so desirable between the producer and the consumer?

Mr. DOOLITTLE. If the licensee engages in practices prohibited by this bill, the fact will be known by reason of the supervision and the right of inspection given the President.

Mr. CAMPBELL of Kansas. Can not that man or concern now be prosecuted under the antitrust law for practices in restraint of trade if guilty of such practices?

Mr. DOOLITTLE. We might do that; but we are trying to avoid the condition that will make the prosecution necessary, because a prosecution presupposes that the evil already existed. We want to avoid that in order to save the producer and also the consumer.

Mr. CAMPBELL of Kansas. But you provide for prosecutions under this bill in each instance.

Mr. JACOWAY. Mr. Chairman, will the gentleman yield?

Mr. DOOLITTLE. Yes.

Mr. JACOWAY. If I remember the testimony of Mr. Anderson, who is district attorney for the district in which Boston is located, and who has had peculiar knowledge of these affairs, and who has prosecuted the parties under existing law, he said before the committee that the provisions of the antitrust law will not fulfill in detail the requirements of the situation.

Mr. CAMPBELL of Kansas. If men conspire in restraint of trade——

Mr. JACOWAY. That, looking at it in its entirety, the provisions of the antitrust law will not meet the situation.

Mr. CAMPBELL of Kansas. I venture to differ, then, with the district attorney.

Mr. NOLAN. How long does the gentleman think it would take to restrain the speculators and secure relief for the country from these tremendously high prices along the line suggested by the gentleman?

Mr. DOOLITTLE. I was going to answer that a little more fully, and I will answer it now. A prosecution presupposes that there has been an evil practice, a breach of law. You have got to wait until it happens before you can prosecute. We want to prevent its happening. It would probably take two years to bring a prosecution to a successful conclusion.

Mr. NOLAN. Does the gentleman remember that in the District of Columbia here a number of commission merchants were indicted and convicted in the United States court, but practically admitted to probation and fined only $25 apiece after they had been found guilty of unfair practices in holding their products and conspiring to control food prices? We have waited a great many years to get relief under the Sherman antitrust law. This war will be over before any prosecution will be successfully concluded.

Mr. AYRES. Is it not a fact that the Sherman antitrust law will not reach an individual speculator?

Mr. DOOLITTLE. Of course it does not apply to farmers' organizations.

Mr. AYRES. The Sherman antitrust law will not apply to the individual at all.

Mr. DOOLITTLE. Not at all.

Mr. CAMPBELL of Kansas. Not if he conspires with others in restraint of trade?

Mr. AYRES. Can one individual conspire?

Mr. DOOLITTLE. He can not conspire with himself.

Mr. CAMPBELL of Kansas. He can conspire with others.

Mr. AYRES. Certainly it will reach him then, if he conspires with others, but it will not reach the individual speculator or gambler.

Mr. CAMPBELL of Kansas. I am not talking about the individual speculator or gambler. I am talking about what provisions of this bill will reduce the margin of cost between the producer and the consumer.

Mr. AYRES. I understood the gentleman to say that, in his opinion, the Sherman antitrust law would afford a remedy for the situation.

Mr. CAMPBELL of Kansas. Yes.

Mr. NOLAN. The gentleman probably recollects that a year or so ago a commission merchant in Chicago admitted that he had a million dozen eggs or so in storage. He was not conspiring with any other individual in doing that, because he was holding them off the market for a high price. Could he be prosecuted under the Sherman antitrust law for that?

Mr. DOOLITTLE. Not at all.

Mr. CAMPBELL of Kansas. Could he not be reached under the licensing clause of this bill?

Mr. DOOLITTLE. Absolutely; and there is another clause of the bill which provides that the food administrator or the President may go in and put those eggs on the market, which could not be done under any law now on the statute books.

Mr. THOMPSON. He could also be reached under the hoarding clause, could he not?

Mr. DOOLITTLE. Absolutely.

Mr. JACOWAY. In answer to the gentleman from Kansas [Mr. CAMPBELL] about prosecuting parties who conspire to raise the prices of food, I will remind the gentleman that Mr. Anderson stated that the day had long since passed when these conspirators would even write each other letters; that the day had long since passed when they would meet in the same hotel or send messengers from one to the other, but he said that the entire thing was done over the telephone, and that it was the most difficult matter in the world to get the evidence that would result in a conviction.

Mr. DOOLITTLE. These conspirators leave no tangible evidence. A successful prosecution is extremely difficult.

Mr. SCOTT of Iowa. I want to make a suggestion, that the Sherman antitrust law is confined to matters of interstate commerce, whereas this bill proposes to go further than that and to cover intrastate matters as well.

Mr. DOOLITTLE. Yes. The bill puts the necessaries of the country on a war basis. Coupled with the first food bill, it guarantees sufficient food, protects the producer of nonperishable food products from loss from overproduction, and gives the consumer assurances of a greatly reduced cost of living. It will restore and retain contentment among our people, keep as a unit our determination to crush the menace of German imperialism, and lend a virile power at home and abroad to our allies and our armies, whom we must feed, to win a complete and speedy victory. [Applause.]

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from Ohio [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman and Members of the House, when Roosevelt was President I used to feel that oftentimes he transgressed the constitutional rights of Congress by using the "big stick," but since I have been a Member of Congress I realize how little Congress would do if it were not for the constant prodding by the President.

At the second session of the Sixty-fourth Congress I introduced a resolution asking for an investigation of the food-storage warehouses, and the next day I received a telegram from a manager of such a warehouse in Cleveland protesting against my resolution, and asking me if I thought it would pass, to which I replied that he need not worry, as there was no danger of Congress doing anything that it should do upon that subject.

And Congress would not be doing anything to-day if it were not for the fact that the present war, public sentiment, and the President are forcing us to act.

There are apologists who believe that the country would be endangered if a few speculators in food and fuel, with instincts of ravenous wolves eyeing a defenseless flock of sheep, were to have their individual greed curbed in the interests of the public good.

We should fix the amount of profits that can be made upon the handling of food products by the middleman.

We fix the amount of profit that a person can make upon the loaning out of his money. We fix railroad fares and many other charges. What would there be wrong in fixing the price of food in this crisis, or fixing the profits to be made out of the handling of food products.

This is a war of efficiency. It is to be won by the nations that are most efficient. It is a contest as to whether a democratic republic is more or less efficient than a monarchy. The war is going to be won through the efficiency of the victor.

Is the Republic of the United States more efficient than Imperial Germany? That is the question.

The efficiency of this Republic is to be determined largely by the kind of food-control bill the Congress of the United States passes.

Every great nation now at war has found it necessary to regulate the production, distribution, and the consumption of food.

It is a question of the greatest good for the greatest number. It is useless to waste any time discussing the cause of the high prices of food. One word answers that question. It is the "middleman."

The United States Government must act as the middleman during this war, and get the food from the producer to the consumer with the least possible expense.

Uncle Sam must deliver the food f. o. b. "kitchen door." The manipulation of prices while the food products are passing from the farmer or producer to the housewife is the cause of the high cost of living.

It is a question of scientific distribution by the Government. And as Congress is the Government, this question is up to us.

As I have stated, this is a war of efficiency. Men who fight and men who work must be fed, and the mothers of this country must be fed also, and well fed.

Under the present conditions it seems a great extravagance to allow food products to pass through so many hands before reaching the public. By this I mean that the ultimate consumer pays profit to each and every person through whose hands the goods pass.

Now, what must Congress do? Well, the first thing to do is to cut out this hot-air festival we are having in this Chamber every day, get down to business, and mix brains with legislation.

The trouble with this House is that there is too much of a marathon going on between the Members to see which one can put the most words in the CONGRESSIONAL RECORD.

If we would abolish the publication of the CONGRESSIONAL RECORD, we would transact the business in half the time.

There are several things that must be gone into in the consideration of this great question of food control:

First. The production of food has not increased in proportion to the increase of population.

Second. There must be no shipping of food products to neutrals, for fear they may reach the enemy.

Third. Freight rates must not be increased upon food shipments.

Fourth. Preference must be given food shipments, both as to cars and freight rates.

Fifth. We have drafted men to fight, and we must draft men to work in the fields. There are nearly 200,000 prisoners in our prisons who could be used in cultivating the soil. The larger boys could be used upon the farms during vacation time. School children must do their part.

I here quote a little poem that has the right ring:

PLANTING TO-NIGHT.

Many are the backs that are weary to-night
From using the spade and the hoe;
Many are the men who are straining their sight
Watching for the stuff to grow.
Planting to-night, planting to-night, planting
in the old back yard.

The Government itself has ably supported the food speculators, foisting upon the public the specter of shortage and famine, when in reality no famine existed.

Food manipulation and not shortage has taken possession of the whole country, resulting in the greatest food hysteria we have ever undergone.

We are now at war with the greatest military power in the world, and we must be just as efficient in handling the food question as Germany, for Germany has had a food shortage from almost the very beginning of the war, but she has handled the situation with the greatest of efficiency.

Sixth. Fear among the people is one of the greatest dangers we have. Fear causes hoarding and false increases in prices.

Seventh. The Government must teach people how to handle food and which foods are the most nutritious, as well as cheapest. For instance, the food value of corn is very high, and there is enough corn on hand in the United States to feed the people of this country and all of Europe until the next crop is harvested.

Eighth. Food products should be exempted from taxation during this war. To help the farmer get to the housewife is the duty

of this Congress, and it can be done if we work together with that end in view.

Ninth. The greatest patriot to-day is the one who makes 2 bushels of grain or potatoes grow where one grew last year, and especially if this Congress will see to it that those farm products are delivered to the kitchen door.

Simplifying distribution is the duty of Congress.

This bill appeals to me, and I shall support it, as it has some very excellent features. And while it may have some that Members may criticize, as a whole it is very good.

This Government is a government of compromises. Every bill that passes Congress has been compromised somewhere along the line.

Sections 3 and 4 contain some very strong language. They will prevent food hoarding and prevent the purchasing of food products by the enemy for the purpose of destroying same or keeping the same away from the market.

This legislation is to be administered by the President for the public good, and he is given unlimited powers in section 3, which make him practically a food dictator, and that is what we need in this crisis.

Section 4 prevents waste, hoarding, monopoly, manipulation, dealing, discriminating, or conspiring.

If the Government would do some of these things I have suggested, we could regulate the production, distribution, and consumption of food products for the benefit of all the people.

We certainly must do something.

The people will demand that we do something.

We have drafted men to fight, and we must draft the food supply of this country for the benefit of all the people of this country.

We are loaning millions of dollars to other countries. Why not spend some for the benefit of the folks back home here in the United States.

I have stood by the President in this crisis, and propose to stand by the Commander in Chief during this war.

I propose to stand by him by voting for this bill.

Let the people of this country who are to do all the fighting, let the people of this country who are to pay all the taxes, be given some consideration, and I know no better way than by passing this bill.

It protects the food supply from every angle.

In addition to the powers herein enumerated that are granted to the President, section 11 gives him power to regulate exchanges.

Section 10 gives him power to requisition any factory.

Section 9 gives him power to buy food products and hold them for the benefit of the people.

Section 12 gives him power to stimulate the production of food products if he finds it necessary.

Section 13 gives him the power to prohibit the use of food products in the production of alcoholic beverages.

Section 14 gives him the power to use every agency of the Government that may be necessary, and to create such agencies as he may deem necessary.

The law as a whole is well written, and I congratulate the chairman of the Committee on Agriculture and the whole committee for bringing out and reporting to Congress such valuable legislation at a time when it is so much needed.

The CHAIRMAN. The gentleman from Ohio yields back five minutes.

Mr. JACOWAY. I yield to the gentleman from Oklahoma [Mr. THOMPSON] 30 minutes.

Mr. THOMPSON. Mr. Chairman, in my opinion, we are considering the most important subject which has occupied the time of this Congress. We are overwhelmed as we look out on the struggling world. Things have happened and are happening which a few months ago we did not dream were possible. Mankind seems to have gone mad with the wild passions of war. We are engaged in the greatest struggle of all time. No one can forecast with any degree of accuracy when this contest will end or how it will result. Having put our hands to the plow, however, there is no looking back. Our duty is plain. We must win this war no matter how great the cost in blood and treasure. I very greatly fear our people do not realize the tremendous task ahead of them. We are engaged in a bloody struggle with a courageous, resourceful, and mighty people. During three years the soldiers of the German Empire have held at bay the armed forces of practically all Europe, a large part of Asia and Africa, as also Australia and Canada.

Russia, in the throes of internal revolution, was practically eliminated from the contest as we entered it. It will be a miracle if Russia is of future assistance to the allied cause. We should be gratified if she does not actually aid the enemy. It would be a hopeful mind indeed that would expect a vigorous and efficient campaign by a people just released from the thraldom of autocracy. It will reverse the verdict of history if these long-oppressed people are able to contain themselves in the presence of freedom. They are more likely to follow the example of all generations gone before and become intoxicated with their success. Liberty has never been born full-grown. Self-government is not an overnight development. They are plants of slow growth. I read from the dispatches ominous signs of civil strife and bloodshed. The people are divided into classes. There is suspicion and division in their ranks. Unusual and unheard of demands are made. The specter of revolution and anarchy looms before them. I trust they may succeed in establishing a just, an efficient, and a free democracy. I fear they may not. But one thing appears certain to me—we can not depend for final success on the strength of their arms.

The defeat of Germany presents no small task. It calls for the combined resources of our country in money, in supplies, and in blood. Those who in the past have dreamed—or now dream—that it is not a difficult enterprise, had better undeceive themselves. Germany and her allies have an army of more than 12,000,000 men, veterans of many sanguinary fields, splendidly equipped and provisioned. They represent the perfection of fighting efficiency of all time. The armies of our allies—for we are now full partners with those at war with Germany—are perhaps numerically stronger and equally as well equipped, but the larger part of them are fighting in strange countries and on foreign soil. We are also the attacking party. We have before us a long, a bloody, and an arduous contest. Many thousands of our young men, before the struggle is ended, will rest forever under strange skies.

Having said this much in a general way, I pass to a brief discussion of this bill. Why is this legislation necessary, and what does it provide? At this time England and France, Belgium and Italy, Russia and Roumania are doing the fighting for our side. We do not ask, we do not desire that they should continue to do it all. We know, however, that every blow they strike will be one less required of us. The nations engaged on the western front—England, France, and Italy—are bearing the greater part of this burden. They are doing it heroically. They will continue to do it so long as they are supplied with sufficient food. During normal times they import a large part of their food supplies—Great Britain about three-fourths and France about one-half. Now, after three years of war and the terrible devastation it has wrought they are compelled to look beyond their borders for the supplies to support their armies and their civil population. If we supply them with food, they can and will win the war. If we do not, we will be compelled to win it.

The question of a sufficient food supply is therefore of more immediate importance than putting men into the trenches. A proper food supply to our allies may render it unnecessary for us to send large bodies of men to the battle fields.

The question of a sufficient food supply at reasonable prices is not altogether a war question. It is a peace problem as well. For many years the American farmer has not been receiving a sufficient price for his products. On the other hand, the American consumer has been charged outrageous and exorbitant prices for these same products. The system of handling farm products between the producer and consumer has been uneconomical, wasteful, and expensive. It has also afforded opportunities to the evil disposed to manipulate the markets and levy conscienceless tribute on both producer and consumer. The result has been the impoverishment of both and the enrichment of a lot of piratical parasites who toil not but always succeed in spinning. If this war results in destroying this system and establishing in its place an economic and just system of distribution, it will not have been fought in vain.

It is quite an easy matter to paint the evils of the present system. To invent and apply a remedy to those evils is more difficult. We know something is wrong when the farmer receives only one of every three dollars which his product finally costs the consumer; we know something is wrong when a lot of gamblers and speculators can raise and lower the price of farm products without reference to the amount of production or demand for that production; we know something is wrong when the people of the United States, where the food is produced, are compelled to pay more for it than the people of the warring nations of Europe are charged for the same products. When food products in America can be shipped by rail to our ports, unloaded and reloaded into ships and transported oversea, the freight and ocean insurance paid, and sold cheaper in England and France than at home, a wayfaring man, though a fool, knows there is a "bug under the chip" somewhere.

I read the other day a statement, which has since been corroborated by testimony before our committee. The statement reads:

Do you know that right here in Washington you are paying about 35 per cent more for food than you would in London?

An American arrived in Washington to-day from London and brought with him a menu from Simpson's Grand Divan Tavern, on the Strand, as the best argument he could find for a food-control bill in America.

Compared with the menu of the average Washington hotel, the prices were mild. And England has been in the war three years, while the United States hasn't realized that it is fighting.

Here's the way the tourist started to compare figures:

He went into a well-known downtown hotel for luncheon to-day and ordered julienne soup, roast beef, a vegetable, a pudding, and coffee. The waiter brought him a check for $2.05.

"Why, this is preposterous," he protested. "The same luncheon would have cost me $1.50 in London, and London is on rations."

Then he sat down and made a comparison of London and Washington prices, using menus from restaurants of the same class. Here are some of the results:

In London julienne and tomato soups cost 25 cents a portion; here 30 cents. Other soups compare proportionately in price.

In London mushrooms cost 37 cents and here 65 cents. Onions are 8 cents a portion in London and 35 cents in Washington. Comparison of other vegetable prices bring practically the same results.

Lamb chops cost 90 cents here and 72 cents in London. Puddings which cost 30 cents here are 9 cents in London. Jelly is 6 cents at Simpson's; here it is 21. Fruits are nearly 100 per cent higher here than in London. So are coffee and tea.

There can be but one explanation for a condition of this kind: Our system of distribution—handling of food products between the producer and the consumer—is too expensive. It permits too much tribute to be levied on the misfortunes of the people. The food question has for a long time been a most important one to the American people, the producing and consuming public. During normal times it has not been possible to arouse the people to a sense of impending danger. If this great war rivets their attention on the subject we may confidently hope for relief.

Mr. Chairman, the people are slow to anger, but when once aroused and made aware of the outrages they have suffered woe to the highwaymen who have held them up. Our system of handling farm products between the farm and the consumer has both reduced the price to the farmer and increased the cost to the consumer. The immediate effect has been to drive the farmer away from the farm, reduce the amount of production, and pauperize the consumer.

Heretofore I have had occasion to refer to this condition. In a speech on the good-roads bill, February 7, 1914, I said:

It is a demonstrated fact that consumption of farm products is increasing at a much more rapid rate than production. If this consumption continues to increase in proportion to the production during the next three decades as it has during the past three we will be face to face in this country with famine. If we, as we should, are willing to look into the future and face this problem we will begin at this time to encourage and promote every movement that looks toward making farm life more pleasant and agricultural pursuits more profitable. I do not believe there is any other one thing that would more promote "back-to-the-farm" movement than the building of good roads. It has been often said that we have in the United States the best railroads in the world and the poorest dirt roads, and this is true. We have been during all the history of this country neglecting the farmers of the country, the source from which originates all wealth, and giving our attention, governmental and otherwise, to the promotion of the interests of those engaged in other lines of business.

And again on May 13, 1916, in speaking on the rural-credit bill, I said:

The increase of population in the rural districts is not keeping pace with the increase in the cities. The ratio of increase during the decennium between 1900 and 1910 was 3 to 1 in favor of the cities. During the same decade the increase in population in the United States was more than twice as great as the increase in farm products. During the same 10-year period the supply of meat animals—sheep, swine, and cattle—decreased a little more than 7 per cent. The census figures for the same period further disclose that the number of tenant farmers also increased. The average profits of the farmer on invested capital is about 5½ per cent, and the fact that he is compelled to pay an interest rate greatly in excess of his profit explains why so many farmers are abandoning the farms and moving to the congested centers of population. More than 60 per cent of our population reside in cities and towns having a population of more than 2,500 and less than 40 per cent reside in the country and towns containing a population of less than 2,500, and there is actually residing on the farm not to exceed one-third of our population.

Farming is the most important industry in the world. Without the farm all other business would stagnate and die, the railroads would cease to run, the banks and mercantile establishments could no longer operate, and grass would grow in the streets of our cities. No other business can succeed without the farmer, but the farming business can succeed, if left unfettered, without the aid of any other business.

If this war results in remedying this condition, it will prove neither an expensive nor unholy contest. In my judgment the legislation we are now considering goes further toward correcting the evils of our middleman system than it would have been possible to advance during a half century of peace.

What does this bill propose? Many misleading statements of its provisions have been made. I read from page 2 of the minority report on this bill, filed by Mr. HAUGEN of our committee on the 15th of this month. He said:

House resolution 4961 contains many valuable provisions, but it would seem that if these fines, penalties, and hardships may be imposed upon the producer—

To which he raises no objection, provided they are extended to others—

the same control, fines, and penalties should be applied to others.

If Mr. HAUGEN, a member of the committee, who was present at all the hearings and helped to prepare the bill, so far misunderstands its provisions as to contend that the fines and penalties of its provisions are visited on the producer, the general public, who are unacquainted with its provisions, must be pardoned for misunderstanding it.

Mr. HAUGEN. Will the gentleman yield?

Mr. THOMPSON. Yes.

Mr. HAUGEN. Does the gentleman say that it is not the intention to reduce the price which the producer receives?

Mr. THOMPSON. There is only one section in the bill that applies to the producer, and that is section 8, page 8.

Mr. HAUGEN. If the gentleman had listened to the chairman and had read the statements of Mr. Hoover as reported in the press, he would know that the only object of this bill is to reduce the prices of products of the farmer. How can the farmer be benefited by that.

Mr. THOMPSON. I challenge the gentleman to show by the testimony of Mr. Hoover or anybody else, any statement of the President or anybody else, that it was the intention of anybody to reduce the price to the producer.

Mr. HAUGEN. Let the gentleman read the press.

Mr. THOMPSON. I challenge the gentleman to read from the press that it is the intention of anybody to reduce the price to the producer.

Mr. HAUGEN. I will procure a copy of the press and read it into the RECORD.

Mr. THOMPSON. Mr. Hoover was before our committee and the gentleman from Iowa cross-examined him at great length, and Mr. Hoover at no time stated that it was the intention to reduce the price to the producer.

Mr. JACOWAY. Will the gentleman yield?

Mr. THOMPSON. Yes.

Mr. JACOWAY. Did not Mr. Hoover say that before fixing the minimum price he would take into consideration the overhead charges?

Mr. THOMPSON. Of course, everything that entered into the cost of the farmer's products, and in addition to that at a liberal profit to the farmer, and guarantee that.

Mr. HAUGEN. I have no desire to take up the gentleman's time, but I want to call the gentleman's attention to a statement made in the press reporting Mr. Hoover, in which he said that his biggest task would be to reduce the price on flour to $6.60, and that means a dollar a bushel for wheat to the farmer; and a gentleman heard Mr. Hoover say on another occasion that it was possible that it might put wheat up to $1.50 a bushel. The price was then more than $3 a bushel. Can the gentleman tell me where the farmer is to be benefited by having the price of his wheat cut in two? I say it is no benefit; I say it is a hardship.

Mr. THOMPSON. I am in favor of increasing the price of the products and everything of that kind to the farmer. The testimony shows that the farmer got $1.30 a bushel for his wheat, and that was less than $7 a barrel for flour; yet flour was bringing at that time $17.50. Now, who got that other $10?

Mr. HAUGEN. Now, it is proposed to cut the price in two.

Mr. THOMPSON. Nobody proposes that. The Farmers' Union, the National Grange, the great Northwestern Society of Equity, which reaches from Minneapolis to the Pacific coast, which elected a governor in North Dakota, were all in favor of the bill containing the provision for a maximum price. They said they would rather the Government fix the price than to have the speculator fix the price, which he had been doing in the past.

Mr. HAUGEN. Exactly as I stated in the minority report. No objection is made, and the farmers coming before the committee said that "we are patriotic. If it is necessary to make sacrifices we are willing to do so." But a number objected to being singled out and proposed that you shall include others.

Mr. THOMPSON. I do not want the gentleman to make a speech in my time. I will be glad to have the gentleman make a speech, because I heard a speech yesterday by the gentleman from Texas [Mr. YOUNG], which did not touch, side, edge, or bottom of this bill. [Applause and laughter.] He talked about conditions that do not exist, he talked about fixing maximum and minimum prices, and no price is fixed here. We guarantee to the farmer a minimum price, and the farmer can take more than that if he can get it.

Mr. KINCHELOE. Will the gentleman yield?

Mr. THOMPSON. Yes.

Mr. KINCHELOE. I am much interested for the bill. The argument has been made inside of Congress and out that by establishing a minimum price it would eventually become a maximum price.

Mr. THOMPSON. We do not fix a minimum price.

Mr. KINCHELOE. If the President should fix a minimum price——

Mr. THOMPSON. He is not authorized to fix a minimum price. He is authorized to guarantee a minimum, and the farmer can get as much more than that as he can under the law of supply and demand. If there is nothing in the law of supply and demand, if it does not apply, then these gentlemen who have been talking about it are all wrong. Why, I am in favor of the farmer. All of my people are farmers; I am a farmer myself; that is all I know. I would not favor a bill that would rob the farmer; of course not.

Throughout the bill the farmer, the gardener, and other producers of farm products are specifically exempted from the provisions of the bill. In short, the bill is an attempt on the part of Congress to stimulate production by increasing the price of farm products to the farmer and at the same time reduce the high cost of living to the consumer.

Mr. SWITZER. Will the gentleman yield?

Mr. THOMPSON. Yes.

Mr. SWITZER. The gentleman is a member of the committee. I have had constituents who insist on having a maximum rate fixed for some unperishable food products. The gentleman says that that provision has been cut out of the bill. Will the gentleman state why it was eliminated from the original bill?

Mr. THOMPSON. I can only state my own opinion. I do not know whether this is the judgment of the committee.

Mr. SWITZER. I do not say that I am in favor of it.

Mr. THOMPSON. I am in favor of cutting it out. I would not be in favor of doing it if it robs the consumer. The theory of this bill is that if we provide a just system of distribution, so that the middleman shall receive a fair profit and nothing else, then the farmer's product will be increased in value and the cost to the consumer will be reduced at the same time. That is the exact idea, and that is the reason, in my judgment, that provision was cut out. That is the reason I voted for it, and I think that is the reason all members of the committee voted for it.

To do this we have not found it necessary to fix in the bill, or to authorize the President to fix, either a minimum, a fixed, or a maximum price for farm products. The bill seeks to accomplish the result by making it a crime for any person to willfully destroy any necessaries which include food, feed, fuel, and articles required for their production, or to knowingly commit waste or willfully to permit preventable deterioration of any necessaries in or in connection with their production, manufacture, or distribution; to hoard, monopolize, or attempt to monopolize, either locally or generally, any such products; to engage in any discriminatory and unfair, or any deceptive or wasteful practice or device, or to make any unjust or unreasonable rate or charge in handling or dealing with the same; to conspire, combine, agree, or arrange with any person (a) to limit the facilities for transporting, producing, manufacturing, supplying, storing, or dealing in any necessaries; (b) to restrict the supply of any necessaries; (c) to restrict the distribution of any necessaries; (d) to prevent, limit, or lessen the manufacture or production of any necessaries, or to enhance the price thereof; or (e) to exact excessive prices for any necessaries. And it visits on those guilty of hoarding a penalty not exceeding $5,000 fine and imprisonment for not more than two years.

Necessaries are defined to be hoarded when (a) held, contracted for, or arranged for by any person in a quantity in excess of his reasonable requirements for use or consumption by himself and dependents for a reasonable time; (b) held, contracted for, or arranged for by any manufacturer, wholesaler, retailer, or other dealer in a quantity in excess of the reasonable requirements of his business for use or sale by him for a reasonable time, or reasonably required to furnish necessaries produced in surplus quantities seasonably throughout the period of scant or no production; or (c) withheld, whether by possession or under any contract or arrangement, from the market by any person for the purpose of unreasonably increasing or diminishing the price, with the following proviso:

Provided, however, That any accumulating or withholding by any farmer, gardener, or any other person of the products of any farm, garden, or other land owned, leased, or cultivated by him shall not be deemed to be hoarding within the meaning of this act.

In addition to making unlawful these acts and providing penalties therefor, the bill also confers on the President authority to license the importation, exportation, manufacture, storage, or distribution of any necessaries, and in connection with this licensing to prescribe rules and regulations governing the conduct of the business of licensees so as to prevent uneconomical manufacture, inequitable distribution, unjust, unreasonable, discriminatory, and unfair or wasteful rate, charge, or practice, and he is authorized to revoke the license if he should find his rules and regulations violated. The bill also makes it unlawful to engage in this character of business without a license and provides a penalty of not exceeding $5,000 and imprisonment of not more than two years for its violation.

The authority conferred by this provision of the bill is far-reaching. It puts into the hands of the President an instrument which will enable him to drive out of business those who are illegally and unlawfully profiting at the expense of their unfortunate neighbors. They ought to be driven out of business. They contribute nothing to society; they derive their sustenance from contributions which they unlawfully levy on the public. Under this licensing provision it is possible to prohibit and eliminate from every character of business all unlawful, extortionate, unreasonable, unfair, discriminatory, and evil practices of every character and description. This ought to be done, and we ought not to have waited until the coming of this war to do it. The American people—both producer and consumer—should have had relief long ago.

The bill further authorizes the President, whenever any necessaries are hoarded, to proceed against them in the district court of the United States, to condemn and dispose of them in such manner as to provide for their most equitable distribution, the proceeds of their sale to be paid to the owner. This provision gives the President a weapon to compel the disposition of hoarded necessaries in the event the hoarder, in the face of criminal prosecution, should refuse to dispose of them.

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON. Yes.

Mr. CAMPBELL of Kansas. How is it to be ascertained under this bill when men are guilty of those practices?

Mr. THOMPSON. I will say this: The gentleman and I are just common, ordinary citizens of the Republic. The President of the United States is supposed to appoint an expert to go out and look after these matters, and if that expert finds that these practices are unreasonable, discriminatory, unfair, unjust, extortionate, then the President, upon the responsibility of that man, provides rules and regulations and they become part of the provisions of this license, and if a man is found to violate those provisions then he should not continue in business.

Mr. LEVER. Just like the Interstate Commerce Commission does.

Mr. CAMPBELL of Kansas. As I understand it, when this agent finds that this particular man is guilty of these unlawful practices, then on the recommendation of the agent the license to do business would be taken away from him?

Mr. THOMPSON. I do not take it that upon the recommendation of this agent that the license would be taken away. The President is elected by more than 100,000,000 people and he is supposed to be one of the greatest men in this Republic. The President when he gets these recommendations, if the man complained of is dissatisfied, can then grant to the man a hearing, and if on the hearing the President says that his practice is unfair or comes within the provisions of the rules the license is revoked.

Mr. CAMPBELL of Kansas. Of course, it is not the contention of my colleague that the President personally would hear complaints of that character?

Mr. THOMPSON. I think either the President would or he would have some man just as large as he is to hear them. I do not think the President would take the judgment of very small men on matters of that kind, because I would not do it myself. I do not believe there is a man in this Republic who would want to revoke the license of men who are doing a decent business in the country.

Mr. CAMPBELL of Kansas. I am asking for information.

Mr. THOMPSON. I understand.

Mr. CAMPBELL of Kansas. This license section has struck me as it has struck the gentleman from Oklahoma, as having a very far-reaching effect.

Mr. THOMPSON. That is true, and, in my judgment, it is the best section in the bill.

Mr. CAMPBELL of Kansas. I am not ready to agree to that until I know how it is to be operated.

Mr. THOMPSON. I am in favor of that section in times of peace, because our people have been robbed so much, the producers and the consumers, by a lot of parasites who operate between them that I want to cut out those parasites for all time. [Applause.]

Mr. DYER. Mr. Chairman, will the gentleman yield?
Mr. THOMPSON. Yes.
Mr. DYER. When the gentleman was interrupted by the gentleman from Kansas [Mr. CAMPBELL] he was saying what conditions could be looked into by the President and regulated. I take it he means only food and fuel, or does the bill take in anything else?
Mr. THOMPSON. Food, feed, fuel, or the products necessary in their production. That is the definition of necessaries in the first section of the bill.
Mr. SLAYDEN. Mr. Chairman, will the gentleman yield?
Mr. THOMPSON. Yes.
Mr. SLAYDEN. If I understand the gentleman's contention, it is that a permit to do business or a license may be withheld from a citizen on the recommendation or by the determination of one man, nominally the President; but in point of fact, as the gentleman from Kansas [Mr. CAMPBELL] suggests, some one else, for the President is too much occupied with even greater matters; but does the gentleman want to confer by law the authority on any one citizen of the United States to deny any other citizen the right to engage in and prosecute any line of legitimate business?
Mr. THOMPSON. I would answer my colleague by saying this: I simply quote the testimony of all of the farmers' organizations. They said that they would rather submit this matter to the President than to submit to the fellows who are trying to make money out of it.
The CHAIRMAN. The time of the gentleman from Oklahoma has expired.
Mr. LEVER. Mr. Chairman, I yield 30 minutes more to the gentleman.
Mr. SLAYDEN. Is that the alternative? Have we reached a condition where one man or one man selected by one man shall determine these things? Are there no other tribunals? If the business is not legitimate, stop the business; but if it is legitimate, give the citizen the right to engage in it, and do not put him at the mercy of one individual.
Mr. THOMPSON. A little later on in my speech I shall answer that question, but I prefer to put a man at the door and guard the horse before the horse is stolen than to try to catch the thief after he has already stolen the horse. That is my position, and that is the position of this bill. We desire to protect the people before they have been robbed rather than try to prosecute a lot of criminals after they have robbed the people—both producer and consumer.
Mr. SLAYDEN. But the gentleman will not prosecute a man for a crime that he has not committed?
Mr. KING. Mr. Chairman, would the distinguished gentleman from Oklahoma yield for just one question?
Mr. THOMPSON. Yes; if the gentleman will cut out the "distinguished."
Mr. KING. Oh, I beg to differ with the gentleman. He is distinguished. I am strongly in favor of this bill and the principles enunciated in it, but why on earth were the packers left out of the bill?
Mr. THOMPSON. Why, it takes in everybody who is trying to rob the people; the packer and everybody else.
Mr. GOODWIN of Arkansas. The packers are in.
Mr. KING. Does it cover meat?
Mr. THOMPSON. Of course; feed and food. Is meat food? Of course it covers meat.
Mr. RUCKER. Not nowadays.
Mr. KING. Would it enable the commissioner to get after the packing interest in Chicago or elsewhere if they are engaged in depriving the farmer of his market?
Mr. THOMPSON. Of course.
Mr. CAMPBELL of Kansas. This is an important bill, and we must take plenty of time for its discussion. Do I understand a license would be granted Armour & Co., Swift & Co., to do business?
Mr. THOMPSON. Sure.
Mr. CAMPBELL of Kansas. If this inspector found that the concerns had been charging more than he thought was right, then their license to do business would be taken away?
Mr. THOMPSON. I would say that after a license had been granted, and it was found they had not complied with the conditions, that the license would be revoked and they could not do business any further.
Mr. CAMPBELL of Kansas. The license specifies the scope within which they must do business. Is that the idea?
Mr. THOMPSON. There is no doubt about that. The license requires them to do business in a certain way, and it would put an end to unfair and discriminatory practices.
Mr. CAMPBELL of Kansas. Will the license also extend to a man from whom I buy the chuck steak I get?
Mr. THOMPSON. The retailer?
Mr. CAMPBELL of Kansas. Yes.
Mr. THOMPSON. It does not.
Mr. CAMPBELL of Kansas. In what way am I protected, because the chuck-steak man is the man who gets my money?
Mr. THOMPSON. The gentleman would not want every farmer in his district restricted by the provisions of this bill, would he, because there are too many farmers there to combine, and these farmers are going to do the right thing? The retailers of the gentleman's district are not going to violate the provisions of the bill; it is the great middlemen, the men who have control of the vast capital of this country, that we are trying to get after in this bill.
Mr. CAMPBELL of Kansas. Why do not you say so?
Mr. THOMPSON. We are saying so just as plainly as we possibly can.
Mr. CAMPBELL of Kansas. What I am trying to find out is who are included in the bill, and I am asking one of the men who has made the bill.
Mr. THOMPSON. The retail men are not and the farmers are not. Is that satisfactory to the gentleman?
Mr. CAMPBELL of Kansas. Well——
Mr. THOMPSON. That is the truth about it.
Mr. HARDY. Exporters, importers, manufacturers, and those named in section 5 are included.
Mr. THOMPSON. There are special provisions for the exclusion of the farmer and the retailer. The bill further authorizes the President to purchase, provide for the production or manufacture of necessaries, store them, provide storage facilities, sell them, and so forth.
It also authorizes the President to prescribe such regulations governing exchanges and boards of trade or other such businesses or institutions as he may find essential in order to prevent undue enhancement or fluctuation of prices, injurious speculation in, or in order to prevent unjust market manipulation or unfair and misleading market quotations of the price of necessaries.
Mr. BLACK. Will my colleague yield?
Mr. THOMPSON. I have a very limited time.
Mr. BLACK. Only one question and I will be very brief. It is in reference to section 9, which gives the President power to requisition supplies where the other machinery of the bill does not exclusively operate. As I understand he can go to any holder of produce——
Mr. THOMPSON. Outside the producer.
Mr. BLACK. There is no exemption.
Mr. THOMPSON. The gentleman does not understand the bill.
Mr. BLACK. I call attention to the fact the only exemption is a natural person, and he may retain as much as he needs for the support of himself and dependents.
Mr. THOMPSON. The other sections of the bill take care of the farmer—the producer.
Mr. BLACK. We have no reference to that section and I think anyone who reads the section will agree that covers the farmers or anybody else.
Mr. THOMPSON. I do not think so.
Mr. DYER. Why would not the farmer be covered?
Mr. THOMPSON. There is only one section of the bill that applies to the farmer, and that provision of the bill is found in section 8, page 8, where he willfully destroys for the purpose of raising the price. That is the only section that applies to the farmer in this bill.
Mr. SLAYDEN. Prevents him destroying?
Mr. THOMPSON. For the purpose of raising prices, that is all.
Much has been said about abolishing exchanges, boards of trade, and so forth. If that were a remedy our task would be easy. But all the testimony before our committee disclosed that exchanges legitimately conducted are not injurious. On the contrary, they are beneficial to both the producer and the consumer. It is the evil practices that have grown up in the operation of exchanges—speculation, manipulation, false information, and other known and unknown methods—that have proven injurious. An exchange honestly conducted is a place where people meet to sell or purchase products for future delivery. The transaction is open and on the square. As actually conducted, only about 1 out of every 1,400 transactions are real; the other 1,399 are wind. The testimony disclosed that the sale of wheat for future delivery on the Chicago Board of Trade amounts annually to more than 70,000,000,000 bushels. The gross amount of wheat, which is practically the only grain dealt in, actually received at the Chicago market annually is less than 50,000,000 bushels. So there is practically 3,000 bushels of wind bought and sold every time 1 real bushel of wheat

changes hands. The incentive for this evil practice is the revenue which the commission men, the board of trade operators, secure. The minimum commission, one-eighth cent per bushel, on this enormous gambling in futures yields annually to these board of trade operators from seventy-five to one hundred million dollars, while the maximum revenue for handling real grain never exceeds $2,500,000. Grain marketing, as carried on under the rules and regulations of exchanges and boards of trade to-day, is largely a matter of gambling and not of real trading.

Under this authority the President can eliminate from our distributive system future trading, short selling, and price manipulation without interfering in any way with the legitimate functions of these exchanges. The undisputed testimony before our committee was to the effect that it would not be wise to wholly abolish them. They have a legitimate function. If they were abolished, there would be no way to ascertain the market value of products; both seller and purchaser would be taking a leap in the dark, and, as the purchaser is the man with the money, the seller is the party who would get the worst of the transaction. This is exactly what happened in 1914 when the cotton exchanges were closed. The farmer took his cotton to town, and there were no market quotations. He was compelled to take exactly what was offered him, and to take that price in trade or other "chips and whetstones."

It is urged that the bill confers too much power on the President. It does confer vast power, but those who criticize the bill in this respect offer no substitute for its provisions. In the face of prevailing high prices to the consumer and the low prices which the producers have heretofore been receiving, I do not understand how those who criticize this bill can stand paralyzed and offer no substitute. The President says, "Give me this power and I will remedy the wrongs." Those who oppose conferring this power and offer no better method seem to be willing to permit the great producing and consuming masses of their countrymen to be robbed and plundered by a conscienceless bunch of speculators and extortioners because they object to conferring authority on some one to stop the robbery. A bill conferring no power would be a worthless instrument in a fight against speculators, hoarders, monopolists, manipulators, and various other species of parasites who grow rich on the misfortunes of others. If these nefarious practices are stopped, power must be given to some one to stop them. The individual robbed can not stop them. He does not know who they are. Their methods are so subtle and refined that it requires an expert to detect them. You can not enact a statute that deters them. They invent new methods as fast as the old ones are exposed and outlawed. The only effective way to handle them is to confer authority on some one to put them out of business and confine them in the penitentiary, and then hold that party responsible if they continue their outlawry. This bill confers such authority on the President, and if after it is enacted the people are not protected they will know exactly who to hold responsible.

The bill further authorizes the President, in order to stimulate production of nonperishable agricultural products within the United States, to guarantee to every producer a fixed minimum price in order to assure the producer a reasonable profit. It does not require the producer to sell at that price if he does not choose to do so. If the law of supply and demand fixes a higher price, the producer can dispose of his products at the higher price. If the law of supply and demand fixes a lower price, the Government must either take the products at the price guaranteed or permit the producer to sell them at the lower price and pay him the difference. The producer is not required to sell at any price. He is left entirely free to exercise his own judgment. The provision was inserted for the protection of the producer, and the reason it was inserted are these:

First. If this war were to close immediately, farm products might be reduced as a result from a quarter to a half in value.

Second. If Germany were to succeed in her submarine warfare and prevent the exportation of farm products from the United States, their value might be very largely, if not wholly, destroyed, as was the value of cotton in 1914.

Third. If the foreign Governments engaged in war were to combine and appoint one purchasing agent and refuse to purchase except through him, our producers would be at his mercy, and he could fix the price at which they would be compelled to sell their products.

In order to avoid any of these contingencies, and guarantee to the producer a profitable price under all circumstances and conditions, this provision was inserted in the bill.

The bill further authorizes the President, at any time he sees fit, to prohibit the use of food, feed materials, or feeds in the production of alcohol, alcoholic, or nonalcoholic beverages. I am sure that no one will assert that this is not a wise provision. Food is more important than drinks of this kind. I tried to amend this provision of the bill so as to prohibit the use of these articles in the manufacture of alcohol, alcoholic, or nonalcoholic beverages during the continuance of the war, but my amendment was rejected.

The other provisions of the bill are largely administrative in character.

There are two ways of protecting the farmer and the consumer. One is to lock the stable door after the horse has been stolen—prosecute or attempt to prosecute the malefactor after the farmer and the consumer have been robbed. The other is to place an armed guard at the stable door before the horse is stolen and drive away the thief. This bill is along the lines of the last method. We confer power which will enable the President to drive the thief, the manipulator, the speculator, out of business, and reduce the overhead charges between the producer and consumer.

The Sunday Post contained an editorial which is in line with this thought. It said:

PROSECUTION V. CONTROL.

The Government has tried so frequently to reduce prices of various commodities by resort to legal prosecutions, and has failed so frequently to get results, that it must be admitted now that some other method is preferable. Invariably the suits have been against large combinations, which, when the facts were brought out in court, were shown to have reduced the cost of production and overhead expense to the point where lower prices were actually put into effect. The fault of higher prices, it was found, must be located elsewhere.

Prevention has always been more effective than an attempt to cure after the evil has developed. Control of food distribution will prevent higher prices, whereas if there is mere reliance upon Federal attorneys to prosecute those who engage in combinations to inflate prices all the legal machinery of the Government will not be effective in restoring quotations to a normal level.

Delay in enacting the pending bills is an incentive to higher prices. It is not merely the natural selfishness of individuals that produces this result. The fear of the consumers contributes to the competition for available supplies, and the result is that productive interests are hard put to it in supplying the demand for two or four months' stock in one or two weeks' time.

Control of food distribution will be an assurance of safety alike to the producer and the consumer. There need be no fear that it will be necessary to exercise all the power implied in the food-control bills. The mere existence of such power will act as a check against unfair practices, against hoarding, and against speculation. The moral influence of having such bills on the statute books will bulwark the educational and cooperative work which is proposed as a solution of the food and fuel problems.

Special interests may be opposed to the bills, but the public generally is for them.

WHY DID WE ENTER THIS WAR?

Mr. Chairman, this legislation is rendered imperatively necessary by the war in which we are engaged. I wish the necessity did not exist. I belong to that class of my countrymen who are commonly referred to as "pacifists." I regret that we found it impossible to remain disentangled from this conflict. I wish it were possible that the bitter cup might have passed from the lips of the American people. We tried in every way possible, short of ignominious, cowardly, and base surrender of our undisputed international rights, to remain out of this conflict. Germany willed it otherwise. She deliberately, in contemptuous disregard of international law, in defiance of the dictates of humanity, and in violation of the morals of God, destroyed our ships and murdered our women and children while in the pursuit of their peaceful missions on the high seas. She notified us that we could no longer travel on the highways of the world, and, when we went about our peaceful task, she sent, without warning, 15 of our vessels and 224 of our innocent men, women, and children to watery graves. She bade us fight or beat a cowardly retreat. She mistook our patience, our long suffering, our forebearance, for timidity. She thought we would not fight. We did not bring on the conflict. We sadly and reluctantly entered into a war which was cruelly and ruthlessly thrust upon us. We had to fight or become slaves. We had to fight or suffer the destruction of the products of our mines, our factories, and our farms. We had to fight or to suffer the universal bankruptcy of our people. We had to fight or show ourselves the cowardly and degenerate sons of inspired and heroic sires, who were ready and willing to die for the right. Had we quailed and accepted the path of ease instead of accepting the call of battle thrust high in our face by the Imperial German Government the days of the Republic would have been numbered. A people who are unwilling to fight and die for freedom will not long enjoy freedom. This has been the inexorable law of God in all ages. Had our forefathers been willing to surrender their rights the War of the Revolution could have been avoided. Had they submitted to taxation without representation; had they permitted the housing of British troops in their homes without their consent; had they submitted to foreign dictation, they could have continued slaves in peace. They did not choose to do this, and we honor them for their choice. They preferred to have a little party in Boston Harbor and spill the tea. They

went to war. They endured seven years of unspeakable hardships. They marched over frozen ground, crimsoned by the blood of unshod feet. They starved and fought and died that posterity might be free. They left us a glorious heritage of heroic deeds. We would not have it otherwise.

In 1812 they went to war to assert their freedom from search and seizure. They could have avoided that contest by a humiliating and cowardly submission, but they did not do it, and it is to our glory that they did not.

There was only one way that we could have avoided this war. We would to-day be at peace had we meekly retired from the sea and thereby confessed our degeneracy and degradation. Had we done so we would have admitted our craven cowardice and brought the blush of shame and humiliation to the face of posterity. We are engaged in a war from which there was no honorable escape—a war of self-defense.

I confess all this talk of our entering the war in order to free the peoples of other countries does not appeal to me. I was unwilling to enter this war except as a last resort and in the necessary defense of our freedom. Kaisers, kings, and czars all look alike to me. If their people are satisfied with their rule—or misrule, whichever it may be—we also should be satisfied. This is not a contest to free other peoples. It is a struggle to retain our own freedom. There has been too much talk in connection with this war about world democracy, the freedom of other peoples, and such like subjects. While we sympathize with those struggling for freedom and the right to rule themselves all over the world, we do not feel it our duty to enter every such war. We ought to be frank and let the American people know the truth. We are in this war not because of any desire on our part but because we were forced into it.

As a neutral nation we were in strict compliance with international law, selling our products to those belligerents who could come to our shores and get them. We sold to Germany the same as we sold to her enemies. The *Deutschland* made two trips to our country last year and returned laden with our products. We sold and delivered at our ports every character of goods—contraband as well as noncontraband. When our vessels carried contraband, they were liable to search and seizure under the well-known rules of international law. The allies blockaded the ports of the central powers and prohibited our vessels from entering them, but in doing so they complied with international law. They did not sink our ships and ruthlessly murder our men, women, and children. They took charge of the ship, took it into port, and subjected it to the judgment of a prize court. Germany did not have control of the seas and could not pursue the same lawful practice. She therefore, without possessing the power to lawfully enforce her orders, declared a blockade of the ports of the allies, and sought to enforce compliance with these orders by sinking without warning neutral vessels loaded with noncontraband and carrying citizens of neutral countries—men, women, and children. She sought by outlawry and terrorism to do what she was unable to do in a legal manner—to drive neutral vessels from the seas, paralyze neutral shipping, annihilate the prosperity of neutral countries, destroy their every industry—agricultural, manufacture, and mineral—throw out of employment the working people and plunge them into universal bankruptcy.

Submission to such conduct was unthinkable. Our fathers fought and died to give us freedom and independence. We would have been unworthy of them had we refused to fight and die to maintain that freedom and independence.

THE METHOD OF RAISING AN ARMY.

Mr. Chairman, I have cast a number of votes at this session of Congress which I would not have cast under ordinary circumstances. I cast them in the light of our surroundings. I did what I thought was the best thing to do to preserve this Government and the liberty of its people.

I voted a few days ago, at the earnest solicitation of the President, to permit him to raise the Army required to fight this war by the selective-draft method. My hostility to large armies and mighty navies in time of peace is well known and has not abated in the least. If this war results in the destruction of militarism, as we are wont to believe, the blood of its heroic dead will not have been shed in vain. If, on the contrary, it enthrones militarism and forever fixes in their places those who claim to rule by divine right, the pendulum of time will have been swung back many centuries.

I want to take a few moments to explain the reasons for the vote I cast. Modern warfare is not the warfare of the past—of history. Wars are no longer settled by a single battle. In modern warfare the men and women at home who supply the food, the clothing, the ammunition, and transportation for those in the trenches on the far-flung battle line, are just as much a necessary part of an efficient army as those at the front. Formerly, this was not so. In the olden times men went into the fighting units or were considered slackers. But in these new days the men on the farm who grow the grain and meat, the men in the factory who produce the clothing and ammunition, the men in the forest and mine who furnish the raw material, and the men on the railroad and ship who transport these products are just as essential to the creation of an efficient fighting machine as the men who handle the guns at the front.

It would be fatal if all were engaged either on the farm, in the factory, the mine, on the railroad, the ship, or the firing line. Those who can render more efficient service on the farm, in the factory or mine, on the railroad or ship, must be left there while the others do the fighting.

I am unalterably opposed to universal compulsory military service in time of peace. I would not oppose universal military training, but I am opposed to large standing armies in time of peace, no matter how created, for they have ever been instruments by which kings and tyrants have enslaved the people. The measure we passed does not establish such a system. The measure, by its terms, is temporary and continues only during the period of the present emergency. I would have voted against it had it not been specifically so limited.

All, I take it, will agree that the war must be conducted in such a way as to insure victory and peace at the earliest moment and that every citizen who receives the protection of the flag should contribute, even to the extent of his fortune and his life, to the victory of his country. Those who do not so agree confess that slavery is to be preferred to freedom if freedom can only be purchased at the price of blood. If it be agreed that the war must be fought speedily, efficiently, and victoriously, it follows that this can not be done without men, and the only question that remains is the proper method to pursue in enlisting these men.

If they be recruited by the volunteer method, who will go? The flower of the country's young manhood, the brave, impetuous, and patriotic youths from field and factory, from mine and shop, from the avenues of transportation and commerce. Young men with widowed mothers to support, young men with wives and children, young men with aged parents dependent upon them. These will lay down their burdens and respond to their country's call. What will be the result? What was the result in England? Every line of industry was paralyzed. The farms lay idle, the factories closed, transportation was disorganized, and the army was helpless for the want of food and clothing, guns and ammunition. England was finally compelled in sorrow to admit her mistake and send thousands home from the front to take again their places in the ranks of industry.

Let us see who fight the wars under the volunteer system. Here is a letter written by the Commissioner of Pensions, the Hon. G. M. Saltzgaber, to the Hon. JOSEPH G. CANNON, on March 20, 1916, and published in the CONGRESSIONAL RECORD March 21, 1916:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., March 20, 1916.

Hon. JOSEPH G. CANNON,
House of Representatives, Washington, D. C.

MY DEAR MR. CANNON: In compliance with your verbal request of to-day, I have the honor to hand you herewith what is believed to be a correct statement of the relative ages of the men who enlisted in the Union Army during the Civil War.

Trusting this will serve your purpose, I am,
Very truly, yours,

G. M. SALTZGABER,
Commissioner.

Age at enlistment, 1861–1865.

Those 10 years and under	25
Those 11 years and under	38
Those 12 years and under	225
Those 13 years and under	300
Those 14 years and under	1,523
Those 15 years and under	104,987
Those 16 years and under	231,051
Those 17 years and under	844,891
Those 18 years and under	1,151,438
Those 21 years and under (these two classes make the total number of enlistments)	2,159,798
Those 22 years and over (these two classes make the total number of enlistments)	618,511
Those 25 years and over	46,626
Those 44 years and over	16,071

Total men enlisted, 2,778,309. The estimated number of individuals in service is given as 2,213,365.

Only 681,208 men 22 years and upward of age fought on the Union side in the Civil War, while 2,097,096 boys under 22 years of age fought, bled, and died in that mighty struggle. Does anyone, can anyone, think this the fair, the just, and the proper way to carry on war? Does anyone think these brave, patriotic,

immature, impetuous boys should do the fighting, while the rich, the idle, the habitues of pool halls, and the frequenters of the golf links, the members of riding and dancing clubs, and bachelors remain at home? In fixing the service age at 21 to 30 the bill enlists mature men and leaves the children at home.

It would be pleasing to all, I am sure, if this war could be fought without an army, without the loss of life, without the expenditure of gigantic sums; but such a thing is impossible. Somebody must go, and a number of those who go must die. Who shall these be and how shall they be chosen? That is the question. Shall it be the children who volunteer, or the mature men, the rich and the idle, the slacker and the bachelor. That the volunteer has always been a good soldier, that he has reflected imperishable glory on our country and its flag, on all the battle fields of the Republic, is not denied. It is affirmed. Those who opposed selective conscription did not propose the volunteer system as a substitute. They recommended a selective system just as in the bill as passed, with a provision permitting the President to call for volunteers while the selective system was being put in operation. The proviso was a sham, a delusion. If they believed the additional men required in this war and those already in the Regular Army and State militia should be raised by the volunteer system, why did they not submit that question squarely? Why did they sugar-coat the issue by submitting the selective-draft system with a permissive volunteer proviso?

The bill passed does not prevent volunteers. It provides for volunteers. It provides for increasing the Regular Army and the National Guard to war strength by the volunteer method. The Regular Army is short at this time 161,519 men of its full war strength. The National Guard lacks 206,349 men of having its full enlistment. Here is presented an opportunity for the enlistment by the volunteer method of 367,868 men. What is happening? From all over the country the enlistment, I am informed, is less than a thousand a day, and practically all of these are from the smaller towns and rural districts. The great cities are not furnishing their quota. The selective system will avoid this condition. No system can be devised which will provide an army without taking men, and no war can be fought without many of these men yielding up their lives. Whatever plan is adopted will be odious, for under its provisions the Army will be recruited, and those who must go to the front and their relatives will imagine that it would have been otherwise but for the system in effect.

It fills my heart with inexpressible sadness to think of those homes with vacant chairs and silent lips. But that is the price of war, and for that reason I have always exerted whatever influence I had in favor of peace.

The big overshadowing question which confronts us is how to successfully and efficiently conduct this war. The President is the Commander in Chief of the Army and Navy, made so by the Constitution. He is charged with the responsibility of conducting the war. For its success or failure the people will hold him to strict account. He said to us he wanted the selective system, that it was the only plan whereby he could conduct this mighty struggle. What was our patriotic duty under these circumstances? Should we have tied his hands and commanded him to bring us victory in the face of his warning? I was unwilling to do so. For these reasons I voted for the selective draft provision. It was not the bill favored and recommended by the Army Board. They recommended that the selective ages should be between 19 and 25. I could never have voted for a bill containing such a provision. I do not believe it consistent with the principles of democratic government to require boys to whom the right of franchise is denied to fight the battles of that Government. This was a matter of principle with me, and where principle is involved there can be no surrender. The President was willing, however, to waive this provision and accept the change in age.

The people elected the President Chief Magistrate of this Nation. They will hold him responsible for the conduct of this war—for its success or failure. If he conducts it successfully, the credit will be his. If there be failures, for these he will be condemned. In the face of the statement that he could not conduct the war successfully under any other than the selective draft plan, I felt it my duty, regardless of the consequences to myself, to give him my loyal support.

RAISING MONEY TO PAY FOR THE WAR.

Mr. Chairman, as I have already said, the real truth with reference to the manner in which this war was forced upon us has not been made plain to the American people; and another thing has also been bothering them, and that is the manner of financing this war.

The first question will take care of itself as soon as the facts are known. The financial question must be cared for by Congress. Up to date all must admit that this war is not any too popular with the people. The fathers and mothers are a little bit hazy about sending their sons across the sea to fight for world democracy. They would much prefer to purify our democracy here at home. When all this talk about world democracy is cast into the scrap heap and the people understand that this war was forced upon us and we are fighting in self-defense, this feeling will largely disappear, but we must see to it in raising revenue that a feeling is not created that a larger part of the burdens are being placed on the shoulders of the common people. The young men, between 21 and 31, who will be called to do the fighting, will very largely come from the common, ordinary homes of the country. Now, if you go into these homes and take their boys—the idols of their hearts—and send them to the trenches to fight and die, and then reach into the pockets of the fathers and mothers left at home and levy a contribution to support the boys at the front, you are certain to create the impression that this is a rich man's war and a poor man's pay and fight. Nothing could possibly be more disastrous than the spread of such a sentiment.

There is but one way that this war can be popularized and that is to let the people know the facts and convince them that everyone is bearing his part of the burden, that there are no financial "slackers." This can be done in only one way—pay the expenses of this war as we go; do not unload it on posterity. If this is a just war, if we were right in entering it, we should be willing to pay its cost and not shift the burden to the shoulders of our children.

The credit system has bankrupted more individuals than all other causes combined, and it is as fatal to a Government as it is to an individual. Money obtained on credit comes cheap. Its burden is not felt; there is no sacrifice in connection with its collection and the people do not really know what is happening. There is no economy in the expenditure of borrowed money. Extravagance runs wild, the burden and mistakes are visited on posterity. Every dollar of this war's burden should be paid as it is incurred. If we are compelled to make sacrifices as we proceed, there will be more care exercised in what we do. I have been alarmed at what has already taken place in the way of expenditures. It seems that everyone connected with the Government is trying to secure some kind of an appropriation under the guise of national defense, and that as soon as the appropriation is secured its expenditure is proceeded with regardless of economy or efficiency. The surest way to call a halt on this mad hysteria of expenditures is to collect the money at the time the expenditure is being made.

Money should also be levied on the wealth of the country. It should be collected by a tax on incomes, on inheritances, and on profits. Those who enjoy incomes, who receive inheritances and collect profits can bear the burdens of this conflict without making any real sacrifice. Every other character of tax should be stricken from the revenue bill, for in the end they are shifted to the shoulders of the consumer.

The common ordinary people of the United States are not in a position to be further taxed, and they can not be without adding to the unpopularity of this war. The people are not blind. They know that the wealth of this country is being gradually concentrated in the hands of a comparatively few rich people. They know also that these rich people will not go into the trenches and fight this war. They are asking the question, "If my son can be conscripted to fight this war, why can not the money of the rich—those who will lose most if this war is lost—be conscripted to pay its cost."

The incomes reported to the Treasury Department in 1915 were:

Classification of incomes.	Number of returns.	Mean gross aggregate taxable incomes.
$3,000 to $5,000	127,994	$506,928,100
$5,000 to $10,000	120,402	903,015,000
$10,000 to $15,000	34,102	426,275,000
$15,000 to $20,000	16,475	288,312,500
$20,000 to $25,000	9,707	218,407,500
$25,000 to $30,000	6,196	190,190,000
$30,000 to $40,000	7,005	245,175,000
$40,000 to $50,000	4,100	184,500,000
$50,000 to $75,000	4,791	299,337,500
$75,000 to $100,000	2,054	179,900,000
	336,652	3,341,140,600

Let us look for a moment at the tremendous profits of corporations which an excess profits tax would reach. I hold in my hand a list of 44 corporations, showing the amount of incomes they received in 1914, before they commenced to receive

the huge war profits, and in 1916, after these profits began to come in:

[Figures shown are net profits earned for the stockholders after deducting cost of materials, labor, depreciation, overhead, interest, and all other charges. All figures are official, having been taken from the companies' annual reports.]

Corporations.	1914	1913	Amount of increase.
American Can Co.	$2,916,339	$7,962,982	$5,046,643
American Smelting & Refining Co.	9,271,565	23,252,248	13,980,483
American Hide & Leather Co.	107,205	1,643,266	1,536,061
American Beet Sugar Co.	452,074	2,445,189	1,993,115
American Locomotive Co.	2,076,127	10,769,429	8,693,302
American Steel Foundries Co.	231,481	3,418,057	3,649,538
American Woolen Co.	2,788,602	5,863,819	3,075,217
American Writing Paper Co.	108,310	2,524,378	2,632,688
Armour & Co.	7,509,908	20,100,000	12,590,092
Atlas Powder Co.	294,150	2,939,790	2,645,640
Baldwin Locomotive Co.	350,230	5,982,517	5,632,287
Bethlehem Steel Corporation.	5,590,020	43,593,988	38,003,948
Barrett Co. (American Coal Products Co.)	1,280,476	4,247,858	2,967,382
Brown Shoe Co.	495,890	1,467,757	971,867
Central Leather Co.	4,876,924	15,489,201	10,612,277
Colorado Fuel & Iron Co.	905,968	2,210,171	3,107,139
Crucible Steel Co.	1,015,039	13,223,655	12,208,616
Cuban-American Sugar Co.	2,705,723	8,235,113	5,539,320
E. I. du Pont de Nemours Powder Co.	4,831,793	82,107,693	77,275,900
General Chemical Co.	2,857,898	12,286,826	9,428,928
Hercules Powder Co.	1,247,255	16,658,873	15,411,618
International Agricultural Corporation.	160,022	1,279,832	1,194,924
International Nickel Co.	4,792,655	11,748,279	6,955,614
Lackawanna Steel Co.	1,652,444	12,218,234	13,870,678
Morris & Co. (packers)	2,205,672	3,832,213	1,626,541
National Enameling & Stamping Co.	548,758	2,417,803	1,869,047
New York Air Brake Co.	641,046	8,214,962	7,573,916
Phelps-Dodge Corporation.	6,664,839	21,974,263	15,309,424
Pittsburgh Steel Co.	416,551	4,564,068	4,147,517
Railway Steel Spring Co.	374,454	3,710,805	3,336,351
Republic Iron & Steel Co.	1,028,748	14,789,163	13,760,415
Sloss-Sheffield Iron & Steel Co.	490,139	1,912,624	1,422,485
Swift & Co.	9,450,000	20,465,000	11,015,000
Texas (Oil) Co.	6,185,974	13,898,861	7,712,887
United States Steel Corporation.	23,496,768	271,531,730	248,034,962
United States Cast Iron Pipe Co.	59,868	1,368,641	1,368,509
United Fruit Co.	2,264,911	11,943,151	9,678,240
United States Industrial Alcohol Co.	653,264	4,884,587	4,231,323
United States Smelting, Refining & Mining Co.	2,265,641	8,898,464	6,632,823
Westinghouse Air-Brake Co.	3,482,994	8,396,103	5,913,109
Westinghouse Electric & Manufacturing Co.	4,058,809	9,666,789	5,607,980
Wilson & Co. (packers)	1,511,528	4,913,873	3,402,345

Let us analyze for a moment these startling increases:

The American Can Co. from $2,916,339 to $7,962,892, a net increase of nearly threefold.

The American Woolen Co. from $2,788,602 to $5,863,819, a net increase of more than double.

Armour & Co. from $7,509,908 to $20,100,000, a net increase of nearly threefold.

Baldwin Locomotive Co. from $350,230 to $5,982,517, an increase of nearly twentyfold.

Bethlehem Steel Corporation from $8,590,020 to $43,593,968, an increase of nearly eightfold.

Cuban-American Sugar Co. from $2,705,723 to $8,235,113, an increase of threefold.

General Chemical Co. from $2,857,898 to $12,286,825, an increase of fourfold.

Lackawanna Steel Co. from a deficit of $1,652,444 to a profit of $12,218,234, an increase of thirteenfold.

Phelps Dodge Corporation from $6,664,839 to $21,974,263, an increase of over threefold.

Republic Iron & Steel Co. from $1,028,748 to $14,789,163, an increase of over fourteenfold.

Swift & Co. from $9,450,000 to $20,465,000, an increase of over twofold.

United States Steel Corporation from $23,469,768 to $271,531,730, an increase of nearly twelvefold.

United Fruit Co. from $2,264,911 to $11,943,151, an increase of fivefold.

United States Industrial Alcohol from $653,264 to $4,884,687, an increase of nearly eightfold.

United States Smelting, Refining & Mining Co. from $2,265,641 to $8,898,464, an increase of over threefold.

Westinghouse Air-Brake Co. from $3,482,994 to $9,396,103, an increase of nearly threefold.

Cost of materials, labor, depreciation, overhead, interest, and all other charges have been deducted to secure these figures.

In addition to income, excess profits, and inheritance taxes the only taxes that are justified are taxes on distilled and rectified spirits, fermented liquor, and wine, which aggregate $151,000,000. The taxes on freight, express, passenger, pipe lines, seats and berths, electric light, gas, telegraph and telephone, advertising, and insurance aggregate $212,500,000, and are taxes which would be shifted to the workers in the long run. A tax upon dissemination of information, through taxing postal matter, is a deplorable admission of fear of general enlightenment. All these, together with all kinds of stamp taxes, should be eliminated from the bill.

A rapidly progressive income tax with an exemption of $4,000 for married persons and $3,000 for single persons, together with the excess profits tax, taxes on liquors, spirits, and so forth, would yield the total revenue which it is estimated is required, $1,810,420,000.

Mr. Chairman, I hope when the revenue bill comes back from another body it will have placed the burden of this war, in a money way, where it should be placed. There is one other thing vital to the successful prosecution of this war, and that is to let the people know exactly what is going on. Do not conceal the truth. Do not keep them in the dark. They have been called upon to make great sacrifices, to send their sons to fight the war. They are entitled to know how those sons are being treated, whether they are fed embalmed beef as they were in the Spanish-American War.

They are also entitled to know how the tremendous sums of money appropriated are being spent—if there is any graft or stealing connected with the expenditures. The Government has already full power to prevent information from reaching the enemy. It has control of the post office, the telephone, the telegraph, the wireless, and the cable.

The Constitution defines a traitor as one who gives aid or comfort to the enemy. On conviction, a traitor is subjected to the death penalty. This affords sufficient protection against information being conveyed to the enemy. No law should be passed which prevents information from being circulated among the people at home whose money is paying the country's bills, and whose sons are fighting its battles. I shall never vote for a bill intended to suppress free speech and a free press.

Mr. Chairman, this war will not be over when the echoes of its hostile guns shall have sunk to silence on the blood-drenched fields of Europe. There will linger in its trail enmity and hatred, unspeakable sorrow and misery. But it has come, and we must meet it with hearts unafraid and councils undivided. In this way only can we hope for its speedy, victorious, and just termination. Those who hesitate, withhold, and oppose now are not contributing to their country's success in this conflict. They are but adding to the burdens of the brave boys who are bearing our flag in triumph at the front.

Speaking as one who contributed all he possibly could to avoid this conflict, with a full realization of what war means, and with sorrow, but not with faltering, I shall vote for a successful prosecution of this war until our flag is respected and American lives are protected the world around. [Applause.]

Mr. HAUGEN. I yield 30 minutes to the gentleman from Illinois [Mr. GRAHAM].

Mr. GRAHAM of Illinois. Mr. Chairman, this bill proposes certain measures leading to a regulation and control of food prices during the war with Germany. It prohibits waste, unfair practices, and monopolies in the production and sale of the necessaries of life, prohibits hoarding, and provides for the regulation or closing of stock exchanges; but its principal distinguishing feature from all other legislation heretofore enacted is that it establishes a control of necessaries—foods, feeds, fuels, and means for producing them—in the Government. To complete and elaborate this power it authorizes the President to license the business of producing and distributing necessaries, to requisition, take over, and operate, when necessary, all or any mines, factories, or plants where necessaries are produced, and confers upon the President two extraordinary powers: The right to establish minimum prices for farm products and the right to prohibit the use of foodstuffs for the manufacture of intoxicants.

This is radical and extraordinary legislation, and confers powers such as were never granted in this Government before. Such legislation is only justifiable in view of some conditions of vital character that require it. That such conditions exist I have no doubt, and in the time allotted to me I desire to state my reasons for such a belief.

It is very evident to anyone that the decision of this war is to go to the belligerent that best conserves its food supply. Practically the whole world is in arms. The vigorous man power of the nations of Europe is not producing, but is destroying, and now we, so long on the margin, are caught and swung out into the mighty maelstrom of war. To be brutally frank about it, it is now a question of something to eat. If we may believe reports in the press, the central powers—at least, the civilian population—are already half starving; the entente nations are on rations.

When we engaged in this war we went to war with the most powerful military nation on earth, with an army trained to all the arts of conflict by two and one-half years of intensive war-

fare. With war declared, we had one of two things to do: Disregard the entente powers and wage our war in our own way or assist the entente nations with money, credit, munitions, and food, and supplement their armed forces with such of ours as we could furnish. We wisely adopted the latter course. Every entente soldier that we feed and arm removes the necessity of an American soldier taking his place. But if we permit them to starve and lack the things that will keep their armies afoot and their navies afloat, the whole mighty burden will fall upon our untrained shoulders. If this is, then, our wisest policy—and who can doubt it—it is equally evident we must, as a very first war measure, take steps to increase, preserve, and properly distribute our food supply. It is absolutely futile for us to expect to do so under our present laws. We have absolutely no laws on the subject, except such as have been passed by this Congress. We have always gone ahead and raised what we pleased on our farms and bought what we wanted to and wasted what we desired and sold wherever and whenever we could get the best prices. There has not even been any State regulation of our food supply, except our new and imperfect pure food laws to prevent adulteration and impure foods. It must be manifest that we can not long continue this policy. If we do not speedily adopt a policy of regulation we shall fail before the war begins.

Under the war clause of the Constitution we now have power to do what is necessary in the conservation and regulation of our food supply. The question now presented is whether we shall do so. There can be but one answer to that question, and that is a decided affirmative. But just how far we ought to go and what steps we ought to take to accomplish the desired end are mooted questions.

A lamentable condition of affairs exists in this country to-day. Since August, 1914, the people of this country have been systematically and in an ascending ratio exploited. There can be no doubt that men and corporations have been fattening at the expense of all of us. The man who speculates and traffics in the food supplies of this Nation and wrings his unconscionable profits from the toilers of the land is a more detestable scoundrel and traitor than he who gives open aid and comfort to the common enemy. [Applause.] For the traitor would only destroy the fighting force of the Nation, while the food speculator would rob the sick and starve the little child and weaken and sap the vitality of his own people. The cost of living has mounted sky-high, until to-day, before we have struck a single blow for the liberty of the world, before a single American soldier has faced the common foe of mankind, we find the necessities of life higher and more costly than almost anywhere else on earth. Before we go across the sea to put down Prussian autocracy and establish there the right of all men to live and enjoy social liberty and freedom, let us do a little fighting here at home, and abolish an autocracy here, the most offensive and indefensible monopoly and manipulation of prices of life necessities that ever existed anywhere.

I want to call your attention to the wonderful increase in the prices of some food necessities of life during the last six years. I quote the price of eggs, butter, cheese, poultry, potatoes, and beef on the open market on the 1st of May of each year at Chicago, as taken from quotations given by the Chicago Tribune. I shall extend this in a tabulated form in the RECORD, but shall content myself now with comparing the prices on May 1, 1914, before the war began, and May 1, 1917: Eggs, on May 1, 1914, sold for 19½ cents per dozen; on May 1, 1917, for 32 cents per dozen, an increase of 64 per cent. Butter, in the same period, increased from 22½ cents to 37 cents per pound, an increase of 64 per cent. Cheese increased from 16½ to 26½ cents per pound, an increase of 60 per cent. Poultry increased from 16 cents to 22 cents per pound, an increase of 37 per cent. Potatoes increased from 72 cents to $2.75 per bushel, an increase of 282 per cent. Loin steak increased from 22 cents to 27½ cents per pound, an increase of 25 per cent; and round steak from 13 cents to 17 cents, an increase of 30 per cent. I might add parenthetically that these figures were taken on the 1st of May and since that time they have steadily increased.

This is a most remarkable and unusual increase in prices. When an increase of from 25 per cent to 282 per cent in the cost of some of the prime necessities of life occurs in such a brief period either some extraordinary conditions create this or the prices are being manipulated. Two reasons are ascribed for this great increase: First, that immense quantities of these foodstuffs have been exported on account of the war, and, second, that there has been a scarcity of production. These claims will bear investigation.

I have procured from the publications of the Department of Commerce and from the Agricultural Yearbooks issued by the Department of Agriculture certain statistics which I shall insert in tabulated form in connection with these remarks, but which I shall not read here. In some cases production has been increased from 1914 to 1917. For instance, the total receipts of eggs at Boston, Chicago, Cincinnati, Milwaukee, New York, St. Louis, and San Francisco in 1914 were 13,150,018 cases, while in 1916 they were 15,820,207 cases, an increase in production of 15 per cent. This probably correctly gauges the egg production. Yet, irrespective of this increase in production, the price rapidly increased. The number of cattle inspected for slaughter increased from 6,724,117 in 1914 to 7,346,709 in 1916, an increase of about 9 per cent. The number of hogs increased from 33,289,705 to 40,287,692, an increase of about 21 per cent. And the total number of animals inspected for slaughter increased from 56,909,387 to 61,286,304, or an increase of about 9 per cent. But, nevertheless, the price soared skyward. Examine this subject and you will find that the price was not at all controlled by the amount produced. In some staples, such as rye and oats, the supply has slightly increased. But the surprising decrease in production has been in wheat, potatoes, and beans. In 1914 we produced 409,921,000 bushels of potatoes, and in 1916 only 285,437,000 bushels, a decrease of about 30 per cent. The production of wheat decreased from 1,011,505,000 to 639,886,000 bushels, a decrease of about 30 per cent. The production of beans decreased from 10,321,000 bushels in 1915 to 8,846,000 bushels in 1916, or a decrease in production of about 20 per cent.

In the same time our population has increased from 98,781,324 to 102,826,309, or an increase of about 4 per cent, which must be taken care of by increased production. If, however, production decreases we must either eat less or buy more elsewhere. With other producing fields cut off by the war the problem is one we must solve by the resources of our own country.

And while I am on this subject let me call attention to the amazing folly of the course of this House in the recent action on the revenue bill. Here, at a time when we are attempting to conserve every ounce of energy we have, we passed an act imposing a duty of 10 per cent ad valorem on food products imported from other countries. Why, no one seems to know. We ought to encourage imports of foodstuffs during this war, instead of discouraging it. Our farmers and producers are protected by a condition that excells any protective-tariff law ever devised, an almost total lack of production in Europe and Asia. If, perchance, we can procure imports of foodstuffs from South or Central American countries, even in limited amounts, every pound imported will aid in conserving our own products. As soon as the war is over then entirely different conditions are presented, and if this people is not to be overwhelmed in a flood of imports we must go immediately to a Republican system of high protective tariffs. But just now the 10 per cent provisions of the revenue bill are foolish, unscientific, and perfectly unjustifiable.

The price of labor has not increased proportionately with the astounding increase in the price of foodstuffs. Since 1912, to illustrate, in the city of Chicago, which is more familiar to me than other localities, there has been an increase of 6 per cent in the wages of bakers, 4 per cent in bricklayers, carpenters 3 per cent, hod carriers 3 per cent, plasterers 1 per cent, teamsters and freight handlers 3 per cent. The present union scale of wages is fixed, in many cases, by three-year contracts. Note the following telegram:

CHICAGO, ILL., *June 16, 1917.*

Congressman W. J. GRAHAM,
Washington, D. C.:

Bricklayers, carpenters, hod carriers, plasterers, and other building trades have received no increases in wages since May 1, 1915, their agreements being for three years, expiring May, 1918. Bakers received $2 a week increase, but this increase was cut down on account of working conditions conceded to employers in settlement of strike. Some of the teamsters' unions have increases not to exceed 10 per cent. It was reported that the freight handlers received 5 per cent increase on piecework; that is, by the tonnage. The freight handlers are not organized. The railway company succeeded in breaking up the union when about to be organized.

E. M. NOCKELS,
Secretary Chicago Federation of Labor.

And yet, while the laboring man has only had the advantage of average increase in his wage, the prices of the food he and his family uses and the clothes he and his wife and children wear have risen amazingly and beyond reason. Imagine, if you can, the position of a man who has a family of three or four growing children to support and educate and a salary of $2 a day to keep them on. Do you say that there are not many such cases? There are millions of them. I imagine there is not a man in this House who saves anything from the salary he now receives. But suppose the salary were $625 a year! The demands of the present-day civilization are greater than they were 50 years ago. Children require more care, more education, more expense than they did then. The wage earners of the country are suffering to-day from the extreme exactions of high prices. At a time when the country is requiring from its manhood the full measure

of devotion and sacrifice, it is incumbent upon us, whom the people have selected as their representatives, to see to it that the country, in turn, deals fairly with its defenders and secures them from conscienceless exactions. [Applause.] Hunger does not breed patriotism, nor does injustice and wrong engender love of country.

Now, while our production has been decreasing, we have those among us who have seized the opportunity to swell their profits by the gains they have made by selling to the allied nations. It has been entirely a cold-blooded proposition. The food supplies that have been bought by the speculator to sell to the allies have not included the producer of them in the profits. The farmer's prices are higher, but his profits have been infinitesimal compared with those of the food speculator. This speculation has not had in mind the necessities of this people but has totally disregarded everything but the profits involved. While production of our principal foodstuffs decreased exports increased. I now insert in my remarks a tabulated statement showing the exports on our food products, eggs, beans and peas, potatoes and meats. The exports of eggs increased from 16,184,849 dozen in 1914 to an estimated export for 1917 of 27,472,656 dozen, or an increase of 69 per cent. The amount of beans and peas exported in 1914 was 314,655 bushels, while in 1917 it is estimated to be 1,987,032 bushels, an increase of 533 per cent. In 1914 we exported 1,794,073 bushels of potatoes, while in 1917 it is estimated we shall export 3,022,644 bushels, or an increase of about 68 per cent. The export of meats increased from 904,000,000 pounds in 1914 to 1,917,349,702 pounds in 1916, or an increase of about 111 per cent.

I take it it does not take much far-sighted wisdom to see what this leads to. It leads to want and starvation and bread riots if it is not curbed. If some one who wants to make his profits can buy 100,000,000 bushels of wheat and sell it to agents of other countries whenever he pleases and without regulation, how long will it be before we in this storehouse and granary of the world, will come to dire want? Already it is commonly rumored Great Britain or agents of the British Government has or have entered into contracts for a considerable part of our wheat crop for 1917, and that our Government might ask some of the allied governments to cancel some of their contracts so that we may get necessary food supplies. Whether this be true or not I do not know. It has been stated to be true, as I understand it, on the floor of the Senate. The Department of Agriculture, in answer to my inquiry on this subject, says:

This bureau does not have any information as to the quantity of the 1917 wheat crop of this country that has already been contracted for by citizens of foreign countries and representatives of foreign governments, etc. I would express my doubt as to whether such information is available anywhere.

Very truly, yours,

NAT C. MURRAY,
Acting Chief of Bureau.

But I do know that such a state of affairs might exist and that our markets to-day are open to the competitive bidding of all the nations of the world; and I know, further, that so careful has been the management of Great Britain that in London to-day many of the necessaries of life are cheaper than they are here. I read from a letter received by me on this subject:

BRITISH EMBASSY,
Washington, May 19, 1917.

The Hon. W. J. GRAHAM,
House of Representatives.

DEAR SIR: I much regret the delay in answering your letter of the 7th instant, but you will understand that with the present mass of business delays are sometimes inevitable.

We have no official account of prices in England in the embassy, but I append a list which has been furnished to me by a person who has recently arrived from the other side. I hope that this may be of service to you.

I am, dear sir,
Yours, faithfully,

CECIL SPRING-RICE.

Beef, sirloin, etc., about 1s. 10d. per pound.
Butter, 1s. 8d. to 2s. 4d. per pound.
Potatoes, old crop (maximum), 1¾d. per pound (3½ cents).
Cured bacon, about 2s. per pound.
Onions, no recollection.
Dried beans, haricots, no recollection.
Flour, about 58s. to 60s. per 280 pounds.

Reduced to terms of American currency this would be:

Beef, sirloin, 44 cents per pound.
Butter, 40 cents to 56 cents per pound.
Potatoes, old crop (maximum), $2.10 a bushel.
Cured bacon, about 48 cents per pound.
Flour, about $8.20 per barrel.

Mr. GILLETT. Will the gentleman allow a question?

Mr. GRAHAM of Illinois. Yes.

Mr. GILLETT. Does the gentleman know whether those London prices were affected by Government control or not?

Mr. GRAHAM of Illinois. Well, I do not know. I know that in France, which I will come to in a moment, there is Government control, and I will allude to that when I get to it. But in England I do not know whether there is governmental control that affects prices or not.

Mr. THOMPSON. If the gentleman will permit, there is Government control in England. The testimony before the Committee on Agriculture showed that there was.

Mr. GRAHAM of Illinois. I am glad to have that information. I will allude to the French matter when I come to that.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. GRAHAM of Illinois. I will.

Mr. GREEN of Iowa. Does the gentleman know what the freight rate on wheat now is across the ocean?

Mr. GRAHAM of Illinois. No; I do not.

Mr. GREEN of Iowa. I understood, counting the insurance and everything, it was somewhere in the neighborhood of 46 cents.

Mr. GRAHAM of Illinois. The war rate has been unusually high. I do not know what it is. I have not informed myself, I am sorry to say, on that subject.

On the same day I received this letter I asked the prices for the same articles in the public market in Washington. They were as follows: Porterhouse steak, 40 cents a pound; butter, 42½ cents a pound; bacon (sliced), 45 cents a pound; potatoes, $3.75 a bushel; and Gold Medal flour, $17.60 a barrel. Will any man here tell me why potatoes in London, after three and a half years of vicious war, and within waters infested with submarines, should sell for $2.10 a bushel and for $3.70 here? Will you tell me why flour should sell there for $8.20 a barrel and for $17.60 here? I now desire to read you a brief translation of an item in a French paper, L'Économiste Français, of April 28:

The situation does not change, as the mills are working but little. The official prices have been raised in the Department of Seine-et-Oise. In our market (Paris) the tendency is firm, and small purchases are made only at the price of 52 and 53 francs, ready for shipment, Paris district.

Mr. JACOWAY. I would like to ask the gentleman what he considers the remedy for that condition of affairs?

Mr. GRAHAM of Illinois. I will tell you. If I have not answered you before I get through I will pause and answer the question then.

Mr. JACOWAY. Does the gentleman think this bill if enacted into law will solve the situation?

Mr. GRAHAM of Illinois. It will, if it is properly administered, and, as to the administration, I want to say I will express my opinion in a moment on that subject. If this is properly administered it will solve all our troubles.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. GRAHAM of Illinois. I would like a few minutes more.

Mr. HAUGEN. How much time does the gentleman want?

Mr. GRAHAM of Illinois. I think I will have to have about 15 minutes more.

Mr. HAUGEN. While I understood that there was an agreement this morning that there should be no extension, inasmuch as the chairman of the committee has extended time to others, I think I am justified in extending time on this side to those who desire it. I want to be absolutely fair to the chairman and Members on this side who desire time.

Mr. LEVER. I will say to the gentleman that I would like very much if he would extend the time to the gentleman who is speaking, because he has a very ably prepared statement.

Mr. HAUGEN. There are 20 Members on the list, and it will take 20 hours. If it is the purpose to close debate to-morrow night, I will be doing the other Members an injustice.

Mr. LEVER. I feel that we must close debate to-morrow night, even though we run until 12 o'clock. I am going to cut the list that I have very much, and I have extended time only to the members of the committee that I felt were entitled to time.

Mr. HAUGEN. Some of the members of the committee have asked for an hour's time. I do not feel that I am justified in yielding their time to any other Member. I want to be perfectly fair about it. It is immaterial to me.

Mr. LEVER. Let us go along. I would like the gentleman from Iowa to yield to the gentleman from Illinois, because the gentleman from Illinois is presenting a very carefully prepared argument, and we will try to get along somehow or other with the others.

Mr. HAUGEN. How much time does the gentleman desire?

Mr. GRAHAM of Illinois. I think I could finish in 15 minutes, if I am not interrupted.

Mr. HAUGEN. I will compromise with 10 minutes.

Mr. GRAHAM of Illinois. Now, gentlemen, flour is quoted by the 100 kilograms. Hence the prices that are quoted in this article would be equivalent to $8.92 to $9.09 per 196 pounds, taking the franc as equal to 19.3 cents. Thus it will be seen that flour sold in Paris on April 28 for $9.09, and much of the wheat from which that flour was made necessarily grew in America.

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. CAMPBELL of Kansas. How much did the wheat sell for?

Mr. GRAHAM of Illinois. In reply to the gentleman's question, I find that there was an act passed in France in July, 1916, which took effect on August 1 of that year, for the period of the year and for the period ending with the demobilization of the French armies, fixing a maximum price of $1.73 a bushel for wheat, so that in France there is a maximum price, and there has been since August, 1916.

Mr. LEVER. It was selling here in April of this year at $2.55 a bushel, and for about that much in England.

Mr. CAMPBELL of Kansas. Then the imported wheat sold for more than the domestic product over there?

Mr. THOMPSON. No, Mr. Chairman; the testimony taken before our committee was to the effect that they had found the maximum price to be absolutely incapable of enforcement and that they had abandoned it absolutely in all the foreign countries.

Mr. LEVER. I believe that is true.

Mr. THOMPSON. The gentleman from Kansas indicated that the imported wheat brought more than the domestic wheat.

Mr. LEVER. Wheat was selling at from $2.45 to $2.55.

Mr. THOMPSON. The maximum price was abandoned altogether.

Mr. CAMPBELL of Kansas. Then maximum price fixing was a failure?

Mr. GRAHAM of Illinois. Yes; that was the experience, and in my opinion it would be no good to try it here, basing my opinion on that experience.

Will you permit me to challenge your attention to the wonderful financiering displayed by our allies when they protect their home markets in this way. If it be true that agents of the allies, or of neutral nations, have contracted for large quantities of American foods or food products, then when our millers go upon the market they find the grain available for milling decreased in amount, and immediately the decreased amount available forces up the price to the miller, and hence the price of flour rises to the American consumer while other nations, protecting themselves by their American contracts, keep down the price to their own people. And to complete the circle, we loan them the money at 3½ per cent which they may use to control our market.

There is another reason why there should be immediate supervision and control of our food supplies. I have no doubt that we are, and have been since the beginning of this war, contributing to the food supply of our enemies, the central powers, through importations into neutral countries, from which countries these supplies get into Germany. To illustrate: We exported no barley to Denmark in 1914, but in 1915 we sent them 4,906,634 bushels; in 1914 we sold to the Netherlands 142,173 bushels and in 1915, 545,997 bushels; Norway, in 1914, imported from us no barley, but in 1915 took 617,744 bushels. We exported to Denmark in 1914, 118 bushels of corn, but in 1915 approximately 11,000,000 bushels and in 1916 approximately 10,000,000 bushels.

Mr. THOMPSON. Right there, if the gentleman will permit, the gentleman said 118 bushels of corn were exported to Denmark. Was it so many thousand bushels?

Mr. GRAHAM of Illinois. No. The Department of Commerce in its report shows 118 bushels, or practically none. I simply quoted it to show how insignificant the amount was. It rose last year to 10,000,000 bushels.

In 1914 we exported to the Netherlands 373,770 bushels of corn, and in 1915, 15,875,674 bushels; Norway, which in 1914 took no corn, in 1915 bought 613,996 bushels; and Sweden, having purchased no corn from us in years, in 1915 took over a million bushels. In oats and rye the same is true. I extend these exports in tabulated form in the RECORD, as follows:

Exports of food products to neutral countries.

	1914	1915
Wheat:		
Denmark.....bushels..	870,433	2,754,746
Greece.....do....	.....	8,768,549
Netherlands.....do....	19,949,519	31,551,992
Norway.....do....	71,895	2,504,051
Spain.....do....	127,871	7,155,971
Sweden.....do....	272,500	4,093,080
Switzerland.....do....	.....	520,720
Oats:		
Denmark.....do....	.....	314,847
Netherlands.....do....	14,388	861,531
Norway.....do....	5,920	706,425
Sweden.....do....	.....	3,340,728

Exports of food products to neutral countries.—Continued.

	1914	1915
Rye:		
Denmark.....bushels..	609,870	3,039,458
Netherlands.....do....	604,290	1,204,257
Norway.....do....	.....	5,563,722
Sweden.....do....	.....	1,582,111
Barley:		
Denmark.....do....	.....	4,906,634
Greece.....do....	.....	623,928
Netherlands.....do....	142,173	545,997
Norway.....do....	.....	465,665
Sweden.....do....	.....	617,744
Corn:		
Denmark.....do....	118	11,169,550
Greece.....do....	.....	31,143
Netherlands.....do....	373,770	15,875,674
Norway.....do....	.....	613,996
Sweden.....do....	.....	1,023,236
Wheat flour: Netherlands.....barrels..	958,063	1,725,837
Bacon: Netherlands.....pounds..	1,718,481	8,284,647
Pickled meats: Europe (except United Kingdom and Germany).....pounds..	1,895,098	7,568,751
Lard: Europe (except Belgium, France, Germany, Italy, Netherlands, and United Kingdom).....pounds..	4,224,200	138,523,515
Pickled pork: Europe (except United Kingdom, Belgium, France, and Italy).....pounds..	1,929,640	11,640,215
Butter: All countries.....do....	3,693,597	9,850,704
Cheese: All countries.....do....	2,427,577	55,362,917
Cottonseed oil:		
Netherlands.....do....	26,994,772	90,979,466
Norway.....do....	6,958,490	26,442,259

Itemized statements of most of above exports are not available for 1916.

Mr. COOPER of Wisconsin. Where did those countries get their wheat and other products before the war began?

Mr. GRAHAM of Illinois. I think a great deal of it came from Russia and some from Germany and some from the Argentine and——

Mr. LEVER. And some from Roumania?

Mr. GRAHAM of Illinois. Yes; some from Roumania.

Mr. GILLETT. And some from Belgium?

Mr. GRAHAM of Illinois. Yes; some from Belgium. In wheat Denmark's imports from us rose from 870,433 bushels in 1914 to 2,754,746 bushels in 1915. The Netherlands took of our wheat in 1914, 19,949,519 bushels, and in 1915, 31,551,992 bushels. Norway increased her purchases from 71,895 bushels in 1914 to 2,504,051 bushels in 1915. Spain increased her purchases from 127,871 bushels in 1914 to 7,155,971 bushels in 1915; Sweden from 272,500 in 1914 to 4,093,080 in 1915; Switzerland from nothing in 1914 to 520,720 in 1915. The same is true with practically all our food products.

Mr. SWITZER. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. SWITZER. Does the gentleman know whether these countries have increased their importations as a whole? While they may have increased from the United States, has there been an increase on their importations of 1915 and 1916 over those of 1910 and 1911?

Mr. GRAHAM of Illinois. I can not tell you. That is the only weak link in my chain of argument. I do not know. I will say to the gentleman that I can not ascertain how much their total importation was. Perhaps the chairman of the committee can tell you. I was curious to see what they were doing with our food.

Mr. LEVER. I am sorry I have not those figures in my head. I have them somewhere in my notes.

Mr. GRAHAM of Illinois. I will tell you about other food products. In 1914 the Netherlands bought 1,718,481 pounds of our bacon, and in 1915, 8,284,647 pounds; in 1914 the Netherlands bought 26,994,772 pounds of our cottonseed oil, and in 1915, 90,979,466 pounds; in 1914 Norway bought 6,985,490 pounds of cottonseed oil, and in 1915, 26,442,259 pounds. The most amazing increases of sales to neutral countries occurred, leading, without question, to my conclusion already stated.

Mr. LEVER. Now, if the gentleman will permit, I think that statement rather answers the question asked by the gentleman from Ohio [Mr. SWITZER], because this country is practically the only country that exports cotton seed.

Mr. GRAHAM of Illinois. Yes. It is surprising to see what they did in the Netherlands, increasing from 36,000,000 to 90,000,000, and also in Norway. The fact seems to be that the Germans were getting it. Gentlemen, that is all there is to that. These most amazing increases of exports to neutral countries lead to that conclusion.

In addition to these drains upon our food resources, let me briefly call your attention to the crop situation. I have already called your attention to the fact that our wheat crop last year was 639,886,000 bushels. Let me read you the following portion of a letter from the Bureau of Crop Estimates:

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF CROP ESTIMATES,
Washington, D. C., May 29, 1917.

Hon. W. J. GRAHAM,
House of Representatives, Washington, D. C.

DEAR SIR: I beg to acknowledge receipt of your letter of May 26 in regard to the prospects for this year's wheat harvest. The condition of winter wheat on May 1 was estimated by this bureau to be 73.2 per cent of a normal, and the acreage standing for harvest 27,653,000 acres. This condition and acreage was interpreted as forecasting a yield of winter wheat of 366,116,000 bushels, which compares with an estimated production of 482,000,000 last year, 674,000,000 in 1915, and 495,000,000 the average of the preceding five years. The first statement of this bureau in regard to spring wheat will be issued on June 8. The acreage in spring wheat last year was estimated as 17,956,000 acreas, and the production 158,000,000 bushels; in 1915, 19,161,000 acres and 352,000,000 bushels.

Mr. CAMPBELL of Kansas. Does not the gentleman believe that these abnormal exports that have gone to the central powers are largely the cause of the increase of prices here?

Mr. GRAHAM of Illinois. I think so. If you can stop that drain on our resources we can feed our people and our allies, but we do not want to feed our enemies. Our people should not starve in this country, here in a land of plenty. We are the greatest producing country on earth. We ought to take care of our own people. I say put the power in somebody's hands. I am not responsible for the administration which shall have charge of it.

This letter from the Bureau of Crop Estimates shows that our winter-wheat crop will be 100,000,000 bushels less than it was last year. I know in my wheat country of Illinois, in the uplands, the winter wheat was killed and the farmers plowed it up and put in oats and other spring cereal crops. The same was not true on the lowlands of the Mississippi, but it was true on the uplands, and if the Bureau of Crop Estimates are correct, and there should be a shortage of 100,000,000 bushels, there will be only 539,000,000 bushels produced this year.

Gentlemen of the committee, the powers conferred by this bill are far-reaching. When once conferred, they may be used as instruments of oppression and injustice. I have heard it privately argued that those who must administer this law, if once written in the statutes, are incompetent and will show neither wisdom nor prudence in its administration. This may be true. But for that this Congress is not responsible. Congress can not legislate on every matter that may arise in the control of our food products from time to time. Legislation moves at best, and necessarily, but slowly through these two branches of Congress; there are the minds of many men here, and the majority must concur before bills become laws; this takes time. Many details will arise from day to day that will require quick action. Hence, Congress can do but one thing—confer the power on some representative of the Government for administration. On whom shall it be conferred if not on the President? If he fails or is unfair in the administration of this law, it is a matter that I am not responsible for. If this power was to be conferred on a man of my party, I would not hesitate; Congress is only responsible for the power granted; for the administration of it the people of this country will hold the President and his party responsible when they exercise their right of suffrage at the polls.

My conclusions are these: We are confronted with a great decrease in production of our principal food crop; our rural population has been rapidly decreasing and our urban population increasing; our exports of foodstuffs have greatly increased; our population has rapidly increased; we are involved in a war where we must not only feed ourselves but millions of other peoples. These are serious questions and such as may control the result of this war and they need our most careful consideration. The regulation and control of our food supplies is not only desirable but absolutely necessary. This can not be done by attempting to fix by proclamation or law prices for farmers' products. Let the farmer alone; he is doing all he can to fill our granaries and win the war, and he will do it. Instead of foolish attempts to say by law what he shall get for his crops, encourage production by keeping hands off from him; he knows his business better than we do. The farmer has not been responsible for these high prices. The farmer sold his wheat for $1.15 a bushel that is now selling for $3 a bushel—someone else got the profit. But this Government should at once, either by acts of Congress or through the President acting by delegated power, enact laws or regulations prohibiting exportations of necessaries except as we shall direct, prohibiting hoarding, providing that dealing and speculating in futures shall cease, and that all purchases and sales shall be bona fide, abolishing food speculation and monopoly by the most drastic laws, providing adequate facilities to move necessaries rapidly direct from producer to consumer, and providing stringent and drastic rules against the practice of keeping freight cars standing idle on sidings while the business of the country stagnates and the speculator grows rich.

I believe this bill provides much relief in this direction. There are many things about it I do not like, and I reserve the right to vote on amendments to it as I may think best. But in such a time as this it is essential that we do something, and that we do it soon. And for the reasons I have given I favor the general principles of this bill. [Applause.]

Exports (12 months ending June).

	1913	1914	1915	1916	1917[1]
Eggs.....dozen..	20,409,390	16,148,849	20,784,424	26,396,206	27,472,656
Beans and peas, bushels.....	400,868	314,655	1,214,281	1,760,383	1,987,032
Potatoes..bushels..	2,028,261	1,794,073	3,135,474	4,017,760	3,022,644
Meats[2].....pounds..	977,000,000	904,000,000	1,391,000,000	1,917,349,702	.....

[1] Figures taken from 1915 Yearbook and from Report Bureau Crop Estimate. No available figures for 1917.
[2] Estimated from first nine months of year.

Population.
[Estimated by Census Bureau.]

1912 (July 1)	95,545,636
1913 (July 1)	97,163,306
1914 (July 1)	98,781,324
1915 (July 1)	100,399,318
1916 (July 1)	102,017,312
1917 (Jan. 1)	102,826,309

Market prices of food products, Chicago, May 1.

	1912	1913	1914	1915	1916	1917
Eggs[1].....dozen..	$0.18	$0.18	$0.19½	$0.19	$0.21	$0.32
Butter[2].....pounds..	.29	.28	.22½	.26	.31	.37
Cheese[3].....do....	.16⅜	.15	.16½	.15½	.16⅜	.26½
Poultry[4].....do....	.13½	.16½	.16	.14½	.19	.22
Potatoes.....bushels..	1.10	.44	.72	.40	1.00	2.75
Beef, loin.....pounds..	.22	.18	.22	.16	.24	.27½
Beef, round.....do....	.11	.13½	.13	.11½	.13½	.17

[1] Firsts. [2] Firsts. [3] Young America. [4] Fowls.

Prices of farm products, Chicago, May 1.
[Prices of wheat, corn, and oats for May delivery.]

	1912	1913	1914	1915	1916	1917
Wheat.....	$1.13⅜	$0.91⅞	$0.91½	$1.62	$1.15	$2.78
Corn.....	.79⅜	.55⅝	.63⅝	.76⅞	.77½	1.49½
Oats.....	.56⅝	.34⅝	.36⅜	.54¼	.45	.70
Rye.....	.95	.63	.62½	1.18	.97½	2.05
Barley.....	1.00	.54	.53	.76	.72	1.38
Cattle.....	7.90–9.00	8.20–8.80	8.40–9.40	7.80–8.25	9.80–9.95	12.25–13.35
Hogs.....	7.75–7.90	8.40–8.55	8.25–8.35	7.50–7.75	8.60–9.95	14.45–15.85

Production of food products.

	1912	1913	1914	1915	1916
Potatoes.....bushels....	420,647,000	331,525,000	409,921,000	359,721,000	285,437,000
Rye.....do....	.....	41,381,000	42,383,000	49,190,000	47,383,000
Barley.....do....	.....	178,189,000	194,953,000	237,009,000	180,927,000
Oats.....do....	.....	1,121,768,000	1,141,060,000	1,540,362,000	1,251,992,000
Wheat.....do....	.....	763,380,000	891,017,000	1,011,505,000	639,885,000
Corn.....do....	.....	2,446,980,000	2,672,804,000	3,054,535,000	2,583,241,000
Beans.....do....	11,145,000	.....	.....	10,321,000	8,846,000
Eggs[1].....cases..	13,696,401	13,604,385	13,150,018	14,327,182	15,820,207
Cattle for slaughter[2].....number..	7,532,005	7,155,816	6,724,117	6,964,402	7,346,709
Hogs for slaughter[2].....do....	34,966,378	32,287,538	33,289,705	36,247,958	40,287,692
Total animals for slaughter[2].....do....	59,014,019	56,322,859	56,909,387	58,022,884	61,826,301

[1] Receipts at Boston, Chicago, Cincinnati, Milwaukee, New York, St. Louis, and San Francisco. [2] Inspected for slaughter under Federal inspection.

Prices of food products in Germany.

[Figures furnished by Dr. A. E. Taylor, formerly an attaché to the Berlin Embassy.]

German potato price, 1916–17 (out of a short crop), $1.75 per 100 pounds.
Amount received by grower, $1.45 per 100 pounds.
Price of wheat to grower, $1.77.
Price of rye to grower, $1.35.
Price of bread, 78 pfennigs per 1,950-grain loaf (less than 5 cents per pound).

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. RUCKER having taken the chair as Speaker pro tempore, a message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed bills and a joint resolution of the following titles:

On June 15, 1917:

H. R. 3971. An act making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Establishments on account of war expenses for the fiscal year ending June 30, 1917, and for other purposes;

H. R. 291. An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes; and

S. J. Res. 70. Joint resolution relating to the service of certain retired officers of the Army.

On June 14, 1917:

S. 995. An act to authorize the issue to States and Territories and the District of Columbia of rifles and other property for the equipment of organizations of home guards.

CONSERVATION OF FOOD AND FUEL.

The committee resumed its session.

Mr. HAUGEN. I yield 30 minutes to the gentleman from Iowa [Mr. SCOTT].

Mr. SCOTT of Iowa. Mr. Chairman and gentlemen of the committee, the fact that we are at war has been mentioned with such frequency the last few days as at times to become provocative of a smile. It has been intimated that the American people are hardly yet conscious of that fact. When I look over the vacant seats in this House this afternoon and see about three score men I am almost constrained to believe that we ought to advertise the fact in order that it might be known to all Members of the House.

Mr. ROBBINS. Perhaps the fact ought to be recalled that over 100 Members of the House went to Valley Forge to-day to dedicate a monument, and they ought to be excused.

Mr. SCOTT of Iowa. They are excepted from my remarks. I appreciate highly the patriotic mission and pilgrimage being made to that historic spot.

Mr. LEVER. But the best of us are here.

Mr. SCOTT of Iowa. And it is to be hoped the best of us are here.

Mr. HARDY. I want to suggest to the gentleman that the attendance, although small enough, is a little larger than he says.

Mr. SCOTT of Iowa. Perhaps a little larger, and I am grateful that the gentleman from Texas is here, and that the record now shows that fact. [Laughter.]

The debate heretofore has been fairly well attended, and I know that the membership of the House have approached the consideration of this bill with deep consciousness of their responsibility. No measure that has come before the House since this session convened is of greater or more far-reaching importance to the American people. In this debate it is our duty to discuss this measure fairly, candidly, and fearlessly. No Member not responsible for the present condition of the proposition before the House should hesitate to analyze its provisions or criticize its imperfections; and no Member through feeling of responsibility for its conduct should resent such criticism or defend the measure against any proposed change or modification which bears the impress of wisdom and practicability.

The bill as originally introduced in the House, if I may be permitted to assume its continued identity, was of much broader scope than in its present form. The former embraced a number of classes of very important necessaries of life which are now eliminated. The bill is now confined primarily to foodstuffs and fuel. There are many who would have preferred that the other important necessaries had remained in the bill. The bill was not reported in the form of the original bill referred to the committee with recommendations for amendments, but it is introduced as a new bill by the chairman of the committee and as such has not been referred to the committee. What the parliamentary situation will be in this respect I am unable to predict. If the precedent observed during the consideration of other bills since this session opened is to be followed, it is quite likely that the scope of the bill will not be enlarged by amendment on this floor. The essential object of the measure, however, is not materially altered, and that object is a most laudable one. When a great Nation such as ours enters upon a great war it is confronted with many problems. In this instance one of our first tasks is to mobilize our national resources to the end that all of our national energy may be most effectively directed against our enemy; and that in the meantime the burdens and privations and hardships of our citizens may be reduced to a minimum and be justly and equitably laid and borne. This thought involves the consideration of maintaining an adequate existing and potential supply and an equitable and expeditious distribution of the necessaries of life. It also presents the task of making it possible for all classes of our people to obtain those necessaries at just and reasonable prices.

As I have suggested, the bill when originally introduced embraced foodstuffs, fuel, clothing, boots and shoes, and other necessaries of life. The matter of clothing, shoes, and other necessaries have been excluded from our consideration. The reason for so doing has not been made satisfactorily plain.

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption?

Mr. SCOTT of Iowa. Certainly.

Mr. COOPER of Wisconsin. The omission from the new bill of what was contained in the original bill is very important. Is the gentleman able to assign any reason why these other matters were stricken out?

Mr. SCOTT of Iowa. I am unable to give any explanation. As I said a moment ago, the reason for doing this has not been satisfactorily explained.

Mr. LEVER. Will the gentleman yield?

Mr. SCOTT of Iowa. Certainly.

Mr. LEVER. If the gentleman will permit, I will say to the gentleman from Wisconsin [Mr. COOPER] that these matters were stricken out of the bill because it was suggested in the mind of the committee and also in the mind of Mr. Hoover that there was no one single brain in the world which could handle all that was contemplated in the first bill, and that he was particularly interested in the food proposition, and the committee felt that we ought to acquiesce in his judgment as nearly as possible.

Mr. SCOTT of Iowa. I shall assume, then, at this stage of the consideration of the bill that we have food and fuel only to deal with. It has been said heretofore during the debate that our country has wonderful capacity for producing, but that we are unorganized and have no market facilities, that we are confronted with the necessity of now organizing these things. It is true that we need more efficient and intense organization, but I am not ready to concede that we are exceptionally derelict in the organization of our markets with respect to foodstuffs. On the contrary, I believe we have the framework for the most efficient, systematic, and complete market organization of any nation in the world. A system of markets requires three elements of consideration: First, the ability and means of knowing the extent of our supply, where it is, and in whose hands; second, a marketing system adequate and efficient to handle and distribute the products; and, third, a transportation system reaching every section of the country and to deliver our surplus at ports of export. We have all of these things in a very highly organized state—a state of organization that has grown up naturally responding to existing conditions of our country. No nation in the world has so complete and efficient system of railways as the United States. Our great triple system of markets, beginning at local points, extending to the great primary markets at our centers, and from thence to the seaboard, comprises an aggregate storage capacity for grain of approximately 800,000,000 bushels. Our mills, located in 17 of our principal milling cities, have an aggregate daily capacity of 166,000 bushels. Our export markets have an adequate storage capacity if we will only keep the product moving with reasonable efficiency. New York alone has a storage capacity of nearly 12,000,000 bushels.

The trouble is not, gentlemen, with our market and transportation facilities. It lies with some of our methods and practices. Many of these practices ought to have been corrected long ago, but they have not been and the matter of their correction is now before the Congress for consideration, and I believe that this bill is designed, after proper amendment, to go far in the correction of these evils, so far as foodstuffs are concerned.

Mr. SWITZER. Will the gentleman yield?

Mr. SCOTT of Iowa. Certainly.

Mr. SWITZER. Does not the gentleman think those evil practices should be abolished not only as to food but as to shoes, clothing, and all other products?

Mr. SCOTT of Iowa. Certainly. I think the bill should go much further in that direction than it does since its revision, but I am assuming that we are not to go beyond the limits of the present measure.

In dealing with remedial legislation of this character one of the first problems which is presented to the legislative mind is. How far shall the subject be dealt with by prescribing specific rules of law and of conduct, and to what extent by delegating discretionary powers to the executive branch of the Government? The American mind intuitively prefers prescribing the rules which shall govern the conduct of the individual. We have always cherished the idea that ours is a Government of laws and not of men. We have been reluctant to commit to the arbitrary discretion of any man, however pure and however exalted, both the framework and executing of our rules of conduct. But I recognize that there are instances where the line of demarcation which separate the field of legislation from the field of administration is dim and shadowy, and that there is a twilight zone that requires some elasticity to accommodate.

This bill undertakes to deal with the subject on both of these plans. It not only prescribes specific rules and states specific prohibitions but extends and delegates great discretionary powers to the President to be exercised through instrumentalities responsible only to him. To what extent we are adopting the one plan and to what extent the other will never be known until we have finally construed and interpreted the complicated terms of this bill. It must be first determined whether the preliminary declarations of power and purpose are to be taken as substantive law overreaching the specific provisions which appear later in the bill, or whether the specific provisions of the bill are to be considered as limitations upon the general declarations of power. If we are to assume the first proposition, then the power of the President is almost without limit. In that case the business activities of the individual, the instrumentalities of production and distribution in their minutest detail, and all that pertains to this great subject are committed without restraint into his hands. I am not yet ready to give that construction to the bill. I believe that fair interpretation requires us to come to the conclusion that the specific provisions in the bill are limitations upon the general powers and purposes declared and that these specific provisions are intended as the guide and authority of the administration in the execution of law.

Mr. THOMPSON. Will the gentleman yield?

Mr. SCOTT of Iowa. Certainly.

Mr. THOMPSON. I presume that the gentleman refers to section 3.

Mr. SCOTT of Iowa. Sections 1 and 3.

Now, there are a number of matters that I want to touch upon in the bill, and I may have to ask a little extension of time. First, the question of license. I believe in the main that is a very good measure. The matter of license, however, is a little too limited to suit me. It does not give that extent of power to the President that has been suggested in some of the debate this afternoon. There is no intimation in the section that he can put a man out of business by revoking the license once issued. The license in the bill I believe to be nothing more than a system of registration. The penalty provided is a criminal one. I do not believe that it would be at all consistent with the idea of the bill that the President should undertake to put out of business any of the great institutions that are providing the necessaries of life in this country. The purpose is the contrary of that.

But there are some things that ought to be controlled more effectively. I have in my mind fuel. Why was the miner left out?

Mr. THOMPSON. The miner of coal is not left out. Fuel is covered by this bill.

Mr. SCOTT of Iowa. The gentleman has not read the section with the degree of care that he should. The miner is not covered by the section, neither is the retailer covered. Right on that point I suggest that in the greater part of the consuming territory of our country the large dealers in coal, in large towns and cities, buy from the mines.

Mr. GREEN of Iowa. Will the gentleman designate the section?

Mr. SCOTT of Iowa. It is the license section 5.

Mr. LEVER. Will the gentleman submit to an interruption?

Mr. SCOTT of Iowa. Yes; certainly.

Mr. LEVER. The gentleman makes the statement that the coal miner is not provided for in section 5. Upon what theory?

Mr. SCOTT of Iowa. On the theory that he is not mentioned.

Mr. LEVER. It is mentioned in the language, line 8, where it says "to license the exportation, manufacture, storage, or distribution of any necessaries."

Mr. SCOTT of Iowa. Yes; but you do not say production, and the miner produces; he is not a distributor at all. Your miner is left clear out of the section. The miner sells a great deal of his coal direct to the retailer and delivers it at the mine mouth. I looked this matter up a few days ago and I found the Federal Trade Commission reported a short time ago to Congress that white ash coal at the mouth of the mine was selling for $3.61 a ton. I called up the Interstate Commerce Commission and they told me that the through all-rail rate on that product to the Missouri River was $5.50. That is $9.11 a ton laid down, and from personal knowledge I know that we have been buying coal for $14 and $14.35 a ton, showing a profit between the price at the mine and the retail price of 160 per cent on the total value of the product at the mouth of the mine.

Mr. LEVER. I am very much interested in the gentleman's criticism of the section, because I agree with him that aside from section 3 this section is the most important one in the bill. Would the gentleman construe the word "manufacture" to include the production of coal at the mine?

Mr. SCOTT of Iowa. I certainly would not.

Mr. LEVER. I am not familiar with mines; there are none in my district.

Mr. SCOTT of Iowa. The miner is not included under this section. The miner can sell to the retailer over the whole country and you can not touch the subject at all, notwithstanding the people are mulcted a profit 160 per cent on the total value of the product in one transaction.

Mr. LEVER. I know the gentleman's criticism is an earnest criticism of the matter, and I am trying to get together with him on the proposition. Would it be included in section 3, line 20. I will read the whole section:

SEC. 3. That there is hereby established a governmental control of necessaries which shall extend to and include all the processes, methods, activities of, and for the production, manufacture, procurement, storage, distribution, sale, marketing, pledging, financing, and consumption of necessaries, which shall be exercised and administered by the President for the purposes of this act; and all such necessaries, processes, methods, and activities are hereby declared to be affected with a public interest. And in carrying out the purposes of this section the President is authorized to enter into any voluntary arrangements or agreements, to use any agency or agencies, to accept the services of any person without compensation, to cooperate with any agency or person, to utilize any department or agency of the Government, and to coordinate their activities so as to avoid any preventable loss or duplication of effort or funds: *Provided*, That none of the penalties of this act shall apply to this section.

Mr. SCOTT of Iowa. No; it could only to this extent, that under other sections of the bill the President could commandeer the mine and take possession of the mine, and mine the coal by Government action. That is all he can do under this bill. You can take the mine and run it as a Government concern, but you can not license him and regulate his conduct as can be done with other industries.

Mr. LEVER I am very much in sympathy with the gentleman's idea, and I am try to get it fully in my mind.

Mr. SCOTT of Iowa. That is one feature of the bill that ought to be amended, and I shall offer such an amendment if the committee does not do so before I do.

I want now to touch upon the question of this guaranteed price. A provision for a guaranteed price to the farmer has been put forth as one of our greatest anticipated blessings. It is proposed to give the farmer the benefit of a guaranteed price higher than competitive conditions will warrant. That would be a very nice thing for the farmer if it would work out. Let us see what is the theory of this section. The President, when he deems necessary in advance of the seeding time, will prescribe a guaranteed price for the farmer's product available to everyone who desires to come within the conditions prescribed. But the section does not stop there. The section goes on to provide protective measures for the Government. If the President is of opinion that the Government of the United States is going to sustain loss or incur liability on a guaranteed price, his duty is to protect the Government by levying an import duty, if necessary, but principally by buying the crop, in the discretion of the President.

When you are exercising this guaranteed scheme the President may buy the crop and store it and sell it to anyone at war with any nation with which we are at war, or, in fact, sell it to anyone. Now, let us assume just for a moment that this guaranteed scheme goes into effect, that the President through his agency buys up three or four hundred million bushels of wheat. What are you going to do with it? You can not consume it or dispose of it locally right away. He is going to take advantage

of the storage facilities which you are authorizing him to construct and lease and procure and put the wheat there. What time of the year is he going to fill them? He is going to fill them from the crops of that class of farmer who sells early in the season when the price is low, lower than the guaranteed price would be, otherwise you could not use the guaranteed price. Time passes, one week, two, three, until that class of farmer has marketed his crop, and within these warehouses are stored three or four hundred million bushels of guaranteed wheat. How is the President going to protect the Government of the United States against liability for this guaranty as stated in the bill? He will have to sell it, will he not? To whom will he sell it? I will tell you to whom. We are in a northern latitude. We do not harvest as early as Argentina, as early as Australia or India. In the early part of the season in the foreign market the crop of those countries comes in and meets us in competition. That is why the price of our crop under normal conditions is at a low level during the early part of the importing season. When those harvests have been absorbed and when Europe becomes a little short, she then turns to the great American market, and then, if you gentlemen have observed, the upward trend of the price begins, which is late in the season and on through the winter. It is when we are getting the benefit of the competition of the European demand in our markets that the price advances. What is going to occur, then, with the Government having 400,000,000 bushels of wheat stored, bought earlier in the season at a guaranteed price? Will the Government sell it or hold it?

If the President is going to protect the Government as stated in the bill, he will sell, he will take advantage of that opportunity and the accumulated surplus will pour into the foreign market, taking advantage of the strong demand, and the result will be that the Government supplies the foreign customer and depresses the price. The result will be inevitably that your guaranteed minimum price will at once become your maximum price. There will be leveling influence all along the line. The guaranty will tend to raise slightly the price at the beginning, but it will tend to depress it in the end. Just to the extent that this Government buys and accumulates the cheap product of the American farmer and holds it and stores it and then meets the strong demand of the foreign market later in the season, to that extent you have made the Government of the United States the organized strong competitor of every farmer in the country.

Mr. SUMNERS. Mr. Chairman, will the gentleman yield?

Mr. SCOTT of Iowa. Yes.

Mr. SUMNERS. Suppose the 300,000,000 bushels of wheat had been purchased by private individuals and held, would not the same thing occur when the price went up? Would it not be put into the market?

Mr. SCOTT of Iowa. The price would go up if individuals were permitted to corner the product and manipulate the supply, one of the very evils that we are trying to avert here—the cornering and holding and accumulating—and it would not be held and accumulated to the extent it would if the Government of the United States should accumulate millions of bushels and be able to control the buying and the selling. Do not overlook the fact that all of the buyers of the European nations that are our allies are going to be organized and represented by one man, and he is going to meet Mr. Hoover representing the United States, and those two men are going to sit down at the table and fix the price of the farmer's product in this country so far as the surplus is concerned.

Mr. SUMNERS. Then if the Government did not go into this market and the representative of the nations had offered an agreement and we were buying together, would not this wheat have one less strong competitor, competing against the low price for the wheat?

Mr. SCOTT of Iowa. The gentleman means a competitor for our wheat?

Mr. SUMNERS. Yes.

Mr. SCOTT of Iowa. I have no fear whatever of our being without a buyer from abroad. They will want all of our surplus and more. There is no question about that. The only question is of our delivering it to them under equitable conditions. But the point I am contending for is that this guaranteed price will in fact be the maximum price. Whether we are going to give the farmer who purchases it the benefit of the competition of that market or whether we are going to take it away from him and put it in an organized system of elevators and then sit down to a table with the representatives of the allies and fix a price in a cold-blooded way is the question.

Mr. LEVER. On that point will the gentleman yield, as it is a very interesting argument the gentleman is making?

Mr. SCOTT of Iowa. Yes.

Mr. LEVER. Under present conditions I take it that the wheat business as in the cotton business is greatly distressed, cotton and wheat must be put upon the market at whatever price the market is bringing at the time. Now, if the Government fixes the guaranty of a reasonable profit, do we not in this bill put the farmer, who ordinarily is a distressed farmer, in a position where he is not in distress, and therefore can market his crop in accordance with his own judgment as to prices?

Mr. SCOTT of Iowa. I will answer that question in this way.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAUGEN. How much more time does the gentleman desire?

Mr. SCOTT of Iowa. Fifteen minutes.

Mr. HAUGEN. I yield the gentleman 10 minutes.

Mr. SCOTT of Iowa (continuing). That in my judgment there will be no dearth of a demand for the farmer's products during the continuance of this war. I believe the competitive conditions will be of more advantage to the farmer than the price that will be fixed by the representatives of the Government.

Mr. LEVER. But the gentleman concedes that there is a large class of farmers who are not now able to take advantage of competition. This bill by its guaranty of a minimum profit would put those farmers in a position to take advantage of the loss of competition.

Mr. SCOTT of Iowa. Well, I do not see it that way when we consider the season's range of prices.

Mr. LEVER. In the past who has been benefited by this competition where it has been free of any limitation as in this bill, the farmer himself or the speculator who stores it?

Mr. SCOTT of Iowa. The competition, as I would like to show a little later on, has redounded—that is, the foreign competition—more to the benefit of the speculator than the farmer, and for this reason, that, as I said a little while ago, the early deliveries of American grain are not exported primarily. They are held until the demand in Europe is strengthened by reason of the depletion of the harvest coming in from other countries, so that two conditions, as I believe, tend to an upward trend of prices in this country after the first rush of the grain from the farm: First, the manipulation of the speculator, who indulges in a multiplicity of sales, which naturally tend to raise prices artificially. Second, a strong demand from the foreign markets later in the season. That is true. Now, I want to be fair in this argument. I think the gentleman's idea is correct that a guaranteed price would help to some extent those farmers who were obliged to sell at the very beginning when the market is in a measure glutted and competitive conditions might bring wheat below the guaranteed point if the guaranteed price is high enough; but, as I say, a little later on it would be all equalized and more, in my judgment.

Mr. LEVER. The other class of farmer does not have to sell except as he gets ready to sell.

Mr. SCOTT of Iowa. Oh, it does not make any difference whether he holds or not. If the Government has a large supply, and all at once the foreign price goes down, it does not make any difference whether he sells or holds, he absorbs the loss. He may hold his wheat until December or January and then offer it, but if the President is there with four or five million bushels to meet the foreign demand he is going to absorb a share of the loss just the same.

Mr. THOMPSON. Will the gentleman yield?

Mr. SCOTT of Iowa. I will.

Mr. THOMPSON. Now, the testimony before our other committee showed that about 90 per cent of the farmers of the country were compelled to sell their products as they were harvested, and therefore these speculators who purchase and take advantage of that fact can purchase at a less price than the parties who held and got the increased price.

Mr. SCOTT of Iowa. I think the gentleman would betray no confidence if he would give the names of those who made that statement.

Mr. THOMPSON. Every representative of every farmers' organization who appeared before the committee—the Grange, the Farmers' Union, the Gleaners, the Equity Association—all testified to that.

Mr. SCOTT of Iowa. Within what length of time?

Mr. THOMPSON. Something like 90 per cent, at the time the crops are harvested.

Mr. SCOTT of Iowa. Why, such a statement is preposterous. We know that last winter, clear into February and March, we could not get cars to move the stuff, it was flowing in such great volume.

Mr. THOMPSON. I will say to the gentleman, if he will yield, that in my State of Oklahoma a greater per cent than 90 sells at the time of the harvest.

Mr. SCOTT of Iowa. What do you raise in Oklahoma that you sell from the machine?

Mr. THOMPSON. Wheat.

Mr. SCOTT of Iowa. How much?

Mr. THOMPSON. About 70,000,000 bushels of wheat.

Mr. SCOTT of Iowa. Less than 30,000,000, I think. And corn?

Mr. THOMPSON. I do not remember. But about 1,000,000 bales of cotton. We sell practically all of our products as they are harvested. There is a mortgage on practically all of it, and farmers are compelled to sell. Therefore the speculators take advantage of that condition and force the price down, purchase it and hold it, and get the increased price.

Mr. SCOTT of Iowa. That is an unfortunate condition in Oklahoma, and such a one as does not prevail in Iowa.

Mr. ELSTON. Does the gentleman believe that the competition should be unrestricted, then, so that the sky would be the limit for the farmers? Where would the consumer come in?

Mr. SCOTT of Iowa. I think the farmer should be placed on the same level as the man who produces clothing, shoes, agricultural implements, steel bridges, or engaged in any other business. I think there should be no discrimination.

Mr. SNYDER. Does the gentleman know of any manufacturer of clothing or shoes, or any other merchandise, that holds the goods for a price?

Mr. SCOTT of Iowa. They have held them for a pretty high price occasionally when I have undertaken to buy.

Mr. SNYDER. There is no such thing in the trade. All that class of goods is sold on a regular season basis. The prices are made, and they go out and sell their goods. As I understand your argument, you want every State to build storehouses so that they can hold this wheat until every man has got to pay $3 a bushel or $5 a bushel for it? I do not think that is the intent or purpose of this act in any way, shape, or form, and ought not to be.

Mr. SCOTT of Iowa. We have in this country storage capacity for 800,000,000 bushels, not counting the freight cars, not counting the farm storage. We have sufficient storage capacity now, if our rolling stock was in just a little better condition, to move any crop that we have ever produced properly and equitably.

Mr. McKENZIE. Will the gentleman yield for a question?

Mr. SCOTT of Iowa. Yes.

Mr. McKENZIE. You have stated that there will be a sufficient demand to take all the wheat of our country, and that if the Government goes out and buys from the farmer who is ready to sell early in the market, and gives him the guaranteed price, and takes this wheat in, then afterwards the farmer who is obliged to hold his wheat will suffer from the fact that the Government will have a great store of wheat to sell to the purchaser of wheat. Now, I want to ask, will the American farmer who has held his wheat and who can receive and must receive the guaranteed price, which means the cost with a reasonable profit, have any reason to complain?

Mr. SCOTT of Iowa. The farmer who holds the wheat?

Mr. McKENZIE. Yes.

Mr. SCOTT of Iowa. He does not receive the guaranteed price under this bill. He sells under competitive conditions.

Mr. McKENZIE. Is it your contention that he will have to compete with the Government?

Mr. SCOTT of Iowa. Yes, sir.

Mr. McKENZIE. Is it the purpose of the Government to sell his wheat for less than they pay for it?

Mr. SCOTT of Iowa. No.

Mr. McKENZIE. If he does not, he will have to receive the guaranteed price. If that is true, and he gets the cost of production and reasonable profit, has he any reason to complain? And would it not be well to let him complain a little bit if we did justice to the great majority of the wheat growers of the country by giving them what it costs them to produce the wheat? [Applause.]

Mr. SCOTT of Iowa. That depends entirely on whether this system is going to work as its friends anticipated. It seems to be understood that the price of the agricultural product is to be fixed in advance. Now, it is proposed to fix or control the prices of commodities generally, and it will be the relative price which the farmer gets which will determine his profit, and that relation will not be established until after the guaranteed price is fixed.

Mr. SUMNERS. Will the gentleman yield there?

Mr. SCOTT of Iowa. Certainly.

Mr. SUMNERS. If instead of the Government buying this wheat a private speculator had bought the wheat, would not he turn it loose upon the high European markets just the same, and would not the effect upon the man who held be just the same?

Mr. SCOTT of Iowa. No private speculator would ever buy that quantity of wheat which it is proposed that the Government will buy.

Mr. SUMNERS. What would become of it if it remained on the market?

Mr. SCOTT of Iowa. It would be divided up among numerous purchasers. One of the purposes of this bill is to do away with the speculator, and if I can have a moment or two on that I will release you from further punishment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAUGEN. I will yield to the gentleman five minutes more.

Mr. SCOTT of Iowa. I believe the board-of-trade section of this bill is one of the best sections in it, not that I would regulate the subject in that way, because I am perfectly convinced that we can get along in this country from now to the end of the war without the short sale.

I am firmly convinced that we can restrict dealings in futures to a very short interval. I know what the grain men say. I know what all of the writers say, because the writers on this subject, as a rule, have been without personal experience. They are college professors. They write scientifically, and they prove conclusively that we must have the short sale, we must have the hedge, we must have a long future delivery; and they also accompany their assertions with the proof, and the proof always comes from the speculator. When you read their books you find that they get their information from the men who are in the wheat business, from presidents of boards of trade, grain inspectors, men who are in the grain business for speculation.

They say that we must have a system in this country which enables men in the market to sell what they do not have. I believe we could do business successfully in this country selling only what we do have or expect to procure within a very short interval. [Applause.]

I would write into this bill a specific prohibition against the short sale, unless it was a delivery within three to ten days' time. That is what I would do. The next best thing, of course, if you can not legislate specifically, is to give some man the power to regulate. In other words, to give Mr. Hoover the power to prescribe the rule and regulation. If the membership of this House and the House at the other end of the Capitol are incapable of sitting down and writing a rule that will govern this subject, then abdicate your function, turn it over to Mr. Hoover, and say to him, "Write the rule." When you pass this bill in its present condition, my friends, you are saying just that thing.

Mr. SIMS. Mr. Chairman, will the gentleman yield?

Mr. SCOTT of Iowa. Yes.

Mr. SIMS. I wanted to suggest to the gentleman that I have a remedy that would be absolutely operative, and that would be to levy a tax upon every sale for future delivery, the tax to be refunded when the delivery was made, and then all this speculation would be stricken out. I have tried to get that legislation enacted, but have never succeeded.

Mr. SCOTT of Iowa. I hope the Congress of the United States will have the courage some time to sit down and write into the law a regulation that will put that class of men out of business. It is true Mr. Hoover will write a regulation, but we do not know what Mr. Hoover's views are on this subject. We do not know what kind of a regulation he will write. We do not know whether he is in favor of restricting speculation or whether he entertains the same opinion as those who do business on the Chicago Board of Trade. We must take him on faith, blind faith, gentlemen, when we pass this bill in its present condition. But if we can get nothing else, I apprehend we had better pass it, because we have got a condition now that is as bad as it could be. He can not make it very much worse, and he may help it some. [Applause.]

Now, there is one more feature of this bill that I want to call attention to. It is a matter that has neither been explained by the committee nor referred to in the debate. It will be observed that the first section, which declares the purpose of the proposed law, enumerates "foods, feeds, fuels, and articles required for their production" and then brings them all under one common expression "necessaries." From that point on we find the term "necessaries" in every section of the bill with the exception of the one dealing with the guaranteed price. Then suddenly the language changes. The term "necessaries" is not found in section 12. That section deals altogether with "nonperishable agricultural products." And this section being in its character quite independent of the balance of the bill and capable of standing alone, the expres-

sion "nonperishable agricultural products" is in no way limited by either the enumeration of particulars or the general term "necessaries" found in the first paragraph. "Nonperishable agricultural products" not only takes in food and feed, but it takes in everything that is the product of agriculture—cotton, tobacco, and hemp, for illustration. Now it seems to have been thought necessary to prohibit hoarding and inflict severe punishment upon the men who hoard and conspire respecting the necessaries that are referred to in these other sections of the bill; it seems to have been thought necessary to regulate boards of trade and exchanges upon which necessaries are dealt in and to have given the widest authority for regulation not only of production and manufacture but of consumption of these necessaries. But when it comes to the enlarged class of nonperishable agricultural products no regulation is prescribed whatever. By simply changing the expression in a section from "necessaries" to "nonperishable agricultural products" you relieve such products as cotton, tobacco, and hemp from all the burdens and regulations of the bill and at the same time bring them in on the ground floor with respect to all of its benefits. I have not yet heard this matter explained or a reason given for the plan. Unless some adequate reason is given it seems to me that this bill ought to be corrected to reach every class that falls within the purview of its benefits, and this amendment is offered to correct that inequality in the bill. It confines the operation of this section to the same crops, to the same products, as the other sections of the bill apply to. [Applause.]

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. HAUGEN. Mr. Chairman, I yield 10 minutes to the gentleman from New Jersey [Mr. PARKER].

Mr. LEVER. I would like, Mr. Chairman, to yield at least 15 minutes. Certain gentlemen have been waiting all day to be heard.

Mr. HAUGEN. I suggest that other men over here have been waiting all day, and you have used more time than I. I will yield 10 minutes to the gentleman from New Jersey [Mr. PARKER].

Mr. LEVER. Before he does that I hope the gentleman will permit me to yield 15 minutes to the gentleman from Pennsylvania [Mr. KELLY].

Mr. HAUGEN. Very well.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 15 minutes.

Mr. KELLY of Pennsylvania. Mr. Chairman and gentlemen of the committee, we have all listened to the rather far-fetched fears, as I think they are, of my good friend from Iowa [Mr. SCOTT] regarding this measure and its possible interference with and disarrangement of world-wide markets; but while we are listening to fears like these the people of America are facing not fears but facts, and tragic facts. The people of America are presenting to this Congress a petition of grievances, and it is written not in letters but in hunger and hardship. The food question is the biggest problem confronting us, and it grows more serious with every passing day.

Mr. Chairman, always and everywhere there has been a close relation between governments and bread. From the days when Pharaoh built his granaries for storing food for Egypt's "seven lean years" down to the overthrow of the Romanoffs in Russia the bread question has been a vital one for the governments of mankind.

The French Revolution was caused by the refusal of royalty to recognize the people's need for bread. When Foulon jeered, "If corn is scarce, the people can eat grass," or Marie Antoinette innocently asked, "If there is no bread, why do they not eat cake?" they expressed both the insolence and the innocence which brought on the mighty catastrophe that changed the history of the world.

English records show many events determined by the food problem, from Wat Tyler's bread riots down to the present day. One of the greatest parliamentary struggles ever known was Peel's successful attempt to abolish the corn taxes. On his retirement from Parliament he said:

> It may be that I shall leave a name remembered sometimes with expressions of good will in the abode of those whose lot it is to labor and to earn their daily bread in the sweat of their brow, when they shall recruit their strength with abundant and untaxed food, the sweeter because it is no longer leavened by a sense of injustice.

Time and again the course of history has been changed by hunger, just as the land of Holland was given over to the sea, when the great dikes were leveled so that the grain ships might bring food to the besieged cities of the Netherlands.

In this great war now raging the question of food is as important as the question of armies. In Russia autocracy was demolished when the bureaucracy, with bursting granaries on every side, told the hungry people that the stoppage of the export trade through the Dardanelles had resulted in a shortage of corn. In a fury the people demanded the bread that was theirs, and when the sudden, brief uprising was over the Czar of all the Russias was without a throne and a new democracy had joined the free nations of the earth.

If there comes a similar revolution in the realm of the Kaiser, it will be under similar circumstances and because the people have been deprived of food beyond human endurance.

In fact, the whole outcome of this war hinges on food supplies. If the allies can be kept from securing food by the activities of the submarines, they will be starved into submission and surrender. It is not too much to say that the future of the world, the course of its history and the direction of its development, depends upon which side can secure adequate supplies of bread.

Nor has America escaped this age-old, world-wide question. The food problem is the most serious which confronts this Nation. Upon the way in which it is met depends vast issues of weal or woe. There is no time to lose in dealing with it, for every hour is big with danger. The strain upon the American citizenship is rapidly reaching the breaking point and immediate action is demanded.

Mr. Chairman, what is the situation? Food prices so high that millions go hungry. The gaunt specter of famine frowning upon America in 1917. Flour at $17 a barrel and a bushel of wheat bringing $3.18 in a frenzied market. Bread selling at prices which spell suffering and want in countless families.

It may seem like a small matter to add a single cent to the price of a loaf of bread. But under certain conditions that one act may be full of menacing possibilities. Experts declare that the addition of 1 cent to the price of a loaf of bread in New York City alone means an extra expenditure of $16,500,000. In America as a whole, that 1-penny raise will mean an increase in the Nation's bread bill of almost a billion dollars.

But it is more than the price of bread that has mounted to dizzy heights. There has been a steady increase in the price of all articles of food until they have become prohibitive as to quantities to maintain normal life and efficiency.

Recently I gave on the floor of the House a comparative review of retail food prices between April, 1914, before the war began, and April, 1917. That report showed such astounding increases as the following: Flour, 107 per cent; corn meal, 100 per cent; sugar, 125 per cent; beans, 185 per cent; lard, 100 per cent; meats, 80 per cent; potatoes, 291 per cent; cabbage, 400 per cent.

The average increase in the retail prices of 60 food items in common use was 85 per cent.

I have here a report covering the comparative prices for October, 1916, and May, 1917. It shows one unvarying trend upward, with prices which had before reached a point which spelled tragedy, mounting still further upward. The entire list of 79 articles shows an increase since last October of 54 per cent. Nor is the end reached yet, for almost every day sees announcement of still further increases in food products which are actual necessities.

What does this mean? It means that the dollar of the consumer will purchase but a meager portion of the food it formerly secured. Even with increased wages the income is in fact smaller than ever, for its purchasing power has been greatly lessened by these high prices.

The Labor Department in a bulletin states:

> A workingman who made $3 a day in 1907, working 10 hours a day, in 1916 worked 9 hours and 36 minutes and drew $3.48, but it cost him $4.17 to buy the same quantity of food his $3 bought in 1907.

Figure the enormous increases in food prices since those figures were prepared, and it is safe to say that it requires $5 to-day to purchase the food that could be bought for $3 10 years ago.

Mr. Chairman, there is neither time nor need to go further along this line. It is a universally admitted fact that food prices are higher than ever before in American history—so high that they form the greatest danger sign on the horizon.

Then what is the reason for such prices? Are they due to the great war now raging? Are they due to the increased production of gold or underproduction of food in this country? All these are given as explanations by theorizers, as well as by those who profit from the situation. But, although each of these causes may have some effect, they do not explain the condition which confronts America to-day.

The fact is that even in the beleagured and ravaged countries of Europe food prices have been lower than in America. If the war itself, or the world-wide influence of increased gold pro-

duction were controlling, these countries would witness the highest prices.

Mr. PLATT. Will the gentleman yield there? The gold has been sent from those countries to this country, and if gold has an influence on those prices, here is where it would be felt.

Mr. KELLY of Pennsylvania. Oh, the gentleman understands that the production of gold is world wide, and if it had a dominating influence it would have affected the nations engaged in war for the last three years, as well as ourselves.

Now, what is the reason? Is it because America, with her boundless territory and fertile lands, has not produced and can not produce sufficient food to supply her own needs? Is America too barren to support her own population? Such a contention is absurd. America has always been the garden spot of the world and it is more so now than ever.

It is stated that a quarter of an acre of ground, under the intensive-farming system of Holland, will support a family of six persons. The entire human race, all the population of this globe, could be divided into groups of six and set down in the center of the State of Texas, each on its quarter acre of ground. Then there would still be left an unoccupied fringe of ground greater than the area of England, Wales, and Scotland, with all the New England States, Maryland, Delaware, and New Jersey thrown in for good measure. The population of the United States, divided into groups of six, could be cared for in the country with an allotment of a 120-acre farm to each group.

And America has not been barren. She has been producing food sufficient to supply the world. From her fields of gold, her orchards, and her gardens she has brought forth the products needed for the sustenance of mankind in such colossal quantities that there is not the slightest legitimate excuse for hunger, or extortionate and oppressive prices anywhere in America.

We are producing more food than ever before and consuming less at the same time. Figures compiled by the Department of Agriculture show that the consumption of edible grain, meats, dairy products, and other foods has decreased during the past three years, even though their production increased.

No. Thousands of Americans have felt the pinch of hunger and suffering, but not because there was not enough food produced. Food riots have raged in many cities, but not because the land refused to yield its abundant harvests. "God give us bread" has been the cry of men and women and children with famished lips, but not because mother nature defeated the productive efforts of the husbandmen.

Then, Mr. Chairman, what is the reason for the exorbitant prices charged for food supplies in every market in America, prices which mean enfeebled life and health? The responsibility rests on the gambler, the grabber, and the grog maker. [Applause.]

I maintain that the main reason is that between the man who produces the food and the man who consumes it stand these parasites, levying enormous toll for their own enrichment. The American public is subject to criminal extortion by food pirates and monopolists and destroyers. Without performing a single act of service, these conspirators are exploiting an entire nation by cornering food supplies and juggling with the very things upon which life depends.

The primary question to-day is not whether sufficient food supplies can be produced to supply not only this country but the other nations dependent upon us. We have been doing that and will continue to do it. The real question is whether the producer and consumer of foods shall be held at the mercy of treasonable and criminal interests, bent solely upon robbing them both.

I am in hearty accord with the efforts of Government officials and others to increase production of foods by increased acreage, home gardening, and other methods. But I insist that the food to be raised shall be protected from the manipulations of pirates of commerce, who would use even this increased production to build unholy fortunes for themselves.

With the great river of food products flowing on its life-giving mission, these gamblers and speculators and monopolists dam up the stream and divert its flow, exacting extortionate prices for the supply as they choose to allow its passage.

We have grown familiar with many phases of the madness of money getting, but this juggling with food supplies is the most ruthless and alarming of them all. It is a return to the barbarism of the Dark Ages. Three times a day it comes to the table of every family in the land and exacts tribute. Through its iniquitous power it holds the lives of men in the hollow of its hand, and no set of men should have that power. I desire to confine my attention now to the gamblers and hoarders. Later I hope to have an opportunity to show the waste of foods in the manufacture of intoxicants.

It is not guesswork that attributes responsibility for high prices to food gamblers and speculators, for every investigation by Federal authorities has established that fact.

The District of Columbia food investigating committee, after a two months' investigation into the increased prices, has but recently made its report to the commissioners. This committee puts itself on record that the element of speculation in foodstuffs has been one of the most potent factors in the enormous increases in prices which consumers have been compelled to pay.

The grand jury investigation of food prices in Chicago established beyond a doubt that there is a manipulation in the handling of eggs in that market, which to a substantial extent sets the price of eggs for the country. Reports of the investigation state that the Chicago butter and egg board is a sham market. A session of a few minutes is held early in the morning. A few sales are made and these sales are marked up on the blackboard as establishing the market price. These prices are then telegraphed over the country and largely influence prices.

Doubt is expressed by the grand jury that even the sales made are bona fide and the prices made certainly do not depend on the supply. During one week in this month prices were 33 cents a dozen wholesale, with receipts of 173,000 cases. During the corresponding week a year ago, with receipts of 170,000, the price was 20 cents a dozen on the board.

Mr. Chairman, I maintain that even in time of peace every American has a right to demand that his Government protect him from the highwayman tactics of the food gambler and speculator. But in time of war, when the Nation is engaged in a mighty conflict, the Government must end such vampire-like activities as a measure of self-protection. [Applause.]

Any system that lays iniquitous tax upon a nation's bread in time of war is treasonable and must be exterminated. These gamblers and speculators not only rob the producer and exploit the consumer, but they are equally destructive in their effects upon the legitimate distributor. The small business men who serve an essential part in the distribution of commodities are nailed like dried beetles to the wall by these manipulators who put prices beyond the reach of possible buyers.

I noted in a Philadelphia newspaper the other day an article which describes a situation which has counterparts in every town and city in America. An excerpt is as follows:

> Near Philadelphia a long-established bakery has supplied the wants of the citizens of a small town. A woman customer found the dispenser of bread, also a woman, in tears. A few sympathetic questions brought the explanation. It was simple. "I have just been obliged to pay $18 for a barrel of flour. I don't know how much higher it is going, but at $18 I am losing money. The price of a loaf of bread now is as high as anyone will pay. I must go out of business. My living is gone."

That same problem confronts every individual baker and retailer. The high prices that put commodities beyond the reach of the buyers, inevitably react disastrously upon the merchants who supply the wants of their communities.

Can anyone doubt that such despoilers are operating to defeat the Nation in war. I submit that the empty flour barrel, either in home or store, which can not be refilled save by paying a monstrous tax to greed, is not an incentive to patriotism. These gamblers in the people's food are making the liberty loan doubtful. They are impairing the taxable strength of the Nation. They are poisoning the patriotic impulse of many citizens. They are sowing bitterness and strife and enmity, and breeding discontent and anarchy. They are furnishing aid and comfort to the enemy. They are double-dyed traitors, for they are waging war on the United States as dangerous as the German submarines. [Applause.]

Mr. Chairman, I admit that I feel strongly on this question. During the Sixty-third Congress, the Rules Committee of the House, of which I was a member, held extended hearings on certain resolutions dealing with grain exchanges and boards of trade in this country. We had before us members and officers of the Chicago Board of Trade and similar organizations. I shall never forget some of the facts brought out at that hearing. Since then whenever I hear these food speculators referred to as gamblers I feel that an apology is due the poker players of the country.

Little bootblacks will shoot craps; lovers of the ponies will play the races; others like shaking dice or playing faro or roulette, and in any of these a man can limit his loss by stopping the play. He can choose his own companions, and has reasonable assurance that in the ordinary gambling den the cards are not marked nor the dice loaded nor the ponies doped. He also knows that if he keeps away from the game he will not lose his money.

But in the great gambling game in foodstuffs the men who have nothing to do with the gambling are the chief losers—the farmers who produce the food and the consumers who eat it.

It is said that there is an excuse for those who bet on horse races, since horse racing develops magnificent horses. But no such excuse can be made for those who bet on the price of the people's bread. That kind of gambling develops nothing but dangerous fortunes for the few and equally dangerous suffering and privation for the many. This gambling is with the farmer's load of wheat, with the flour barrel of the miller, and the loaf of bread in the poor man's pantry, and it has an oppressive influence upon them all.

It was stated at that hearing that more wheat is bought and sold on the Chicago Board of Trade than reaches Chicago in a year. That means that the price of food was being fixed by deals in "shadow" wheat, for the prices are fixed by the blackboard where the gamblers quotations are posted.

Mr. YOUNG of North Dakota. Will the gentleman yield?

Mr. KELLY of Pennsylvania. Yes.

Mr. YOUNG of North Dakota. The investigation that the gentleman speaks of was an excellent one and furnished a great amount of valuable information. I was wondering if the gentleman believed that the Government in this instance in administering this bill will consider it necessary to begin a long investigation? I am hoping that under this bill we can get down to business with the facts that have already been brought out in the hearings without any further investigation.

Mr. KELLY of Pennsylvania. I agree with my friend, and I hope we are through with investigations and probes, and have reached the time to inflict the penalties and put these gamblers out of business. [Applause.]

The sacred "'aw of supply and demand" has no bearing upon their operations. In 1909 there was a bumper grain crop in this country, yet the price of grains averaged 10 cents more a bushel that year than in 1911, a year of greatly lessened production. The price was not fixed by the supply and demand, either of this country or the world. It was fixed by board of trade gamblers, who juggled figures on a blackboard in their gambling dens and thus levied tribute on every American family.

The extent of that tribute can be realized by the further fact brought out at the Rules Committee hearings, that every time these manipulators change the price of grain 1 cent a bushel they thereby change values to the extent of $50,000,000. If they drop the price 1 cent they lower the value of the farmers' product by $50,000,000, or a drop of 10 cents means $500,000,000. Then, when the bulk of the grain has left the farmers' hands, they reverse the process and by every additional cent on the price they increase values to the consumer a full $50,000,000.

Mr. Chairman, here is what S. H. Greely, of Chicago, a member of the Chicago Board of Trade for 20 years, said before the Rules Committee:

> Although the board of trade deals in 25,000,000 bushels of wheat a day, Chicago does not receive on an average more than 25,000,000 bushels of wheat in a year.
>
> I know what trading in grain is. I know what future trading is. I have been in it. I was brought up in it; bred in it from youth. No man on the board of trade that knows anything will deny that in the wheat pit alone, on an average, every day in the year the total amount of the purchases plus the total amount of sales in the futures will total at least 25,000,000 bushels a day, from 9.30 in the morning until 1.15 in the afternoon. There are those who have boasted that they have traded in 20,000,000 a day—a single firm. I, myself, although I have been a little dealer, what you might almost term an "insignificant trader," have many a day traded in 500,000 to 1,000,000 bushels and never thought much about it at the time.
>
> I did not handle the wheat, and there are men in the business to-day, trading in millions upon millions of futures, tens of millions of futures, hundreds of millions of futures, firms that do it every year, that do not know what the color of a warehouse receipt is; they never saw a carload of grain. Mr. Canby the president of the Chicago Board of Trade, is sitting here to-day, and I will challenge him to show by his records where he ever handled 10 carloads of grain since he has been a member.

Now, what does that testimony mean. It means that both producer and consumer are robbed by men who never perform a single act of service in handling food supplies. It means that prosperity is denied those who have toiled faithfully for it and is diverted to those who do not labor but destroy.

The entire system is built upon sham and false pretense. Look at the reasons given for fluctuations in the market. Here are a few headlines of news items that were given to explain rapid changes in the price of grains in the exchanges. "Hot winds in Kansas." "Rain in Argentina." "Crop outlook good." "Crop outlook poor." "Patten selling." "Patten buying." "Heavy snow coming." "Puts were good." "Calls were good." "Margins exhausted." "Cattle scarce." "Hogs plenty." "Money scarce." "Money plenty." "Cars scarce." "Cars plenty." "Armour says wheat a purchase." "Leiter thinks wheat a sale." "Steamer sunk." The headline "War declared" sends up wheat 40 cents. The headline "Peace probable" sends it down 25 cents.

And do not forget that every fluctuation of 1 cent was changing values in this country $50,000,000. Can any man who studies such a system with a view to the common good say one word in its behalf? Is it any wonder that its continued existence without interference by the Government has caused the speculator to turn the American hymn into a version of his own.

> My country, 'tis from thee
> I get the liberty
> And right to sting.
> Long may we work our blight
> 'Neath freedom's holy light;
> Protect us by thy might,
> Great Greed, our King!

Mr. Chairman, hand in hand with the gamblers on stock exchanges and boards of trade work the food cornerers and price boosters. Warehouses are filled to bursting with foods out of the reach of the people. Carloads of perishable products are left on the sidings until they rot, and in some cases great quantities of foods are deliberately destroyed in order to maintain high prices. The whole product of great orchards have been contracted for and then left to spoil untouched. Potatoes have been purchased in the ground and then never dug, simply because their entrance on the market would lower prices.

Both producer and consumer suffer by such vandalism. Here is an article clipped from the Cooperators' Herald, published in North Dakota:

> According to newspaper reports a lady in Dayton, Ohio, purchased a bushel of potatoes at $4. Among these potatoes the lady found one that had been hollowed out, and upon examination found it contained a note stating that the farmer producing the potatoes desired to know the purchaser. The request being granted, the lady was informed that the producer had sold the bushel of potatoes last fall at 69 cents.

In Boston last week 88 corporations and individuals were indicted for conspiring to monopolize interstate commerce in onions. The indictments allege that the supply was hoarded in order to increase prices. United States Attorney Anderson stated that the producers received less than 2 cents a pound while consumers were forcel to pay 10 and 15 cents a pound.

Under such circumstances the consumer is out on the firing line and without a gun. It is undiluted false pretense for these monopolists of food to tell housewives that food products are high because they are scarce, or the crops were poor, or the war is raging.

It is more than false pretense, it is treasonable. These greedy interests are breeders of anarchy. Their activities are dangerous to justice and the public safety. They are traitorous forestallers of bread.

We are told that among savage tribes if one finds a child who is hungry, it is absolute evidence that the chief also is hungry. To-day the hungry children in America simply prove that our gambling and cornering chiefs are fattening at the expense of the helpless. There is something horribly wrong in a situation where those who work hardest have the least of life's necessities, where honest toil is forced to eat a crust while infamous nonproducers pile up evil wealth by doling out small quantities of food at the top-notch price from their storehouses. [Applause.]

Mr. Chairman, I believe that such gambling in the Nation's food is a sin against God and man. It should be prohibited as a deadly crime. I remember that the Bible says that there are three sins that have cried to heaven. The first was the sin of Cain, "The voice of thy brother's blood crieth unto me from the ground." The second was the sin of Sodom. "The cry of it came up to God." The third was the exploitation of the laborers in their weakness. "Behold the hire of the laborers, who mowed your fields, which has been held by you, crieth out, and the cries of them that have reaped have entered into the ears of the Lord of Hosts."

Murder, iniquity, exploitation! All these are combined in the practice of those who gamble in the foods upon which life depends. Their names must be in the bluebook of hell. Their crimes have long gone unheeded and unpunished, but in the light of this world-wide conflagration of war surely this Congress will see the necessity of blotting out forever such a system, begotten in sin and conceived in iniquity.

It is going to take drastic action, but that action is sure from one source or another.

In Chicago, the other day, before an investigating committee, a dealer boldly declared that he had millions of eggs in storage, and that he proposed to keep them there until the price had reached the highest possible point. After giving this information he sneeringly asked, "What are you going to do about it?"

That question is going to be answered. If this Congress makes the craven acknowledgment that it can not or will not curb unscrupulous greed, the people will act for themselves. I believe that unless the Government places its hands upon these necessities of life and says, "Thus far and no farther," a breaking point will be reached by a vast majority of the people of this country. Widespread hunger is always dangerous. It is especially so when there is no legitimate reason for it. There

is hunger now in some places, and it will continue to become more widespread if a few gamblers are longer permitted to control the prices of those foods which every human being must have in order to sustain life. If there is no action here, the myriad monarchs of America will take that which is theirs.

Yes; the Chicago speculator asked a most pertinent question, "What are you going to do about it?"

Congress now has the opportunity to take up that sneering challenge thrown down by the Chicago speculator by ending the nefarious practices of every criminal like him in the United States. Congress will take such action, too, if it has one drop of red blood in its make-up, one spark of desire to do justice to millions of American citizens.

No appeal to inhuman greed, no fond reliance on the law of supply and demand, no hopes pinned to the play of free competition will avail. The entire control of food supplies, production, distribution, and price making must be placed in the hands of the Federal Government.

The ordinary processes have been proven utterly inadequate to meet the food situation. Manipulators have juggled prices and monopolists have cornered foods and gone unwhipped of justice. Prices have been forced by artificial means to a point where hunger and suffering is widespread and growing.

Mr. Chairman, we can not hope to pass details of legislation to deal with every phase of this situation, for such a process is too tardy and tedious to protect those who are suffering or to punish the guilty.

The great staples of food must pass into the hands of the Government—the wheat, corn, rye, oats, barley, sugar, beans, meats, and potatoes. The control must be as complete over the supply, distribution, and prices of foods as control over the Nation's Army and Navy. We want none of the law's delays which mean denial of justice, the necessity of going from one court to another, while the manipulator and monopolists retain their hunger hold upon the people. [Applause.]

Only through such absolute control can the situation be handled. Through it hoarding, monopolizing, and price boosting can be eliminated. Through it preference movement by common carriers can be effected in order to secure a steady and continuous supply. Through it regulations as to the use of food supplies can be enforced. Through it prohibition of the waste of food supplies in the manufacture of intoxicants can be secured. Through it both producer and consumer can be assured a fair price, no more and no less.

Mr. Chairman, gentlemen hold up their hands in horror at the thought of a food "dictatorship." We have had dictatorship by treasonable manipulators of the market long enough. Let us try putting the control in the hands of the Government which represents all the people.

They shout protests against "paternalistic legislation." The very word shows they do not understand the questions involved. There can not be paternalistic legislation save from a despot to a subject people. Laws such as this in a free government are based on the principle of self-help, the action by the people in behalf of the people, the American Government acting at the command of the American people for the common good.

They talk of this legislation being contrary to the principles of democracy. Think a moment. Does anyone deny that the very existence of democracy depends upon the overthrow of autocracy? Then I defy you to find a place on earth where the principle of autocracy is more firmly established than in the haunts of these food gamblers, who juggle heartlessly with the lives and health of men and women and little children. They boast of their "wheat kings" and "egg kings" and "meat kings" themselves, using the very phraseology of autocratic rule.

The fact is that every principle of democracy demands the extermination of these autocrats of foods. Just food prices, untouched by the manipulation of parasites, are due to free men, not as a matter of benevolent kindness but as a matter of absolute right. I have noted in the newspapers recently the following item:

> The settlement price for May wheat, wiped from the board of trade yesterday as a speculative option, was fixed at $3.18 a bushel to-day. The price committee, of which James A. Patten was chairman, met an hour before the opening of the board and fixed upon $3.18 as the proper price for the reason that this was the figure established by competitive bidding at the close yesterday.
>
> There are in the Chicago elevators 219,000 bushels of wheat of the grade required for delivery on contracts. A rough estimate places the amount contracted for at perhaps a hundred times that quantity. Had not the board intervened, probably 99 per cent of these contracts would have had to be settled at any price, even $10 a bushel, demanded by the holders of the contracts, in trade parlance known as the "longs," who held the sellers, or "shorts," absolutely at their mercy.

Mr. Chairman, shall the American people depend for fair food prices upon these monarchs of the pit, who call a halt only when frightened themselves at the dizzy heights to which their manipulations have forced prices? Such a suggestion is an insult to Americans. It means that they must rely wholly upon the spirit of condescension and contempt in the breasts of gamblers, who would act toward the whole citizenship of this country as one would throw a bone to a dog. And they make sure that the bone they throw has been scrupulously cleaned of any particles of nourishment.

No. The American people are not asking favors from food gamblers. They are not supplicating, they are demanding justice. Justice means that the iron hand of a just Government shall be laid upon these evildoers in punishment for their crimes, and the power to repeat them taken away once and for all.

Let us hear no more of this prating that absolute control of food supplies in this crisis will destroy democracy. There can be no doubt but that the joint interest of 100,000,000 Americans in a common storehouse will be more inspiring support to democracy than the continued triumph of food speculators and monopolists whose activities endanger every man's right to life, liberty, and the pursuit of happiness.

Mr. Chairman, it is easy to stand here and talk about theories of government. You can quote stock phrases to prove that the Government should keep its hands off business and not interfere with prices. But what are all your axioms, mottoes, and aphorisms? Words, words, words. Is this a time to argue in froth logic against the Government control of foods, when without such control the Government itself may perish?

Here are the American people, facing widespread hunger and hardship. Yonder are the allies, fighting the battles of democracy and depending upon America for food. To refuse to take the necessary action now is either the malignest or the maddest course imaginable.

Those of you who counsel delay, how long will you wait? Will you wait until there are meal mobs in all the highways and byways? Will you stand inactive in a powder mill while fire is smoking and smoldering all around? Will you still hand out bread pills and milk and water remedies when solid food is imperatively needed?

I want to say to these apostles of the white corpuscle that no halfway measures will avail. The time demands radical and fundamental action. The whole principle of democracy is at stake, and this advocacy now of the "golden" mean is simply an argument for the meanest thing on earth. While it is true that there is no pain like the pain of a new idea to a "standpatter," this is a time when even that excruciating agony must be administered by those who are not paralyzed by a new idea, in dealing with new conditions.

Out of this experience, enforced by war conditions, I am convinced that America will learn a lesson for peace—that the distribution of food supplies can never be justly left to the erratic manipulation of those whose sole aim is to exact the highest possible profit rather than to serve the public good.

Because a man possesses food supplies is not valid reason why he should demand and receive a price fixed by starvation. If a man with a life preserver throws it to a drowning person, has he a right to take all his victim may have to give? Shall he be upheld when he shouts, "A thousand dollars or I let you drown"? The very statement of such a repulsive proceeding is sufficient. Then, neither has the man who possesses food a right to offer starvation or piratical prices as alternatives to the American people in their hour of need.

But if possessors have no such right, what shall we say of the speculator who does not produce nor possess a bushel of wheat but fixes the price of every bushel in the country? Instead of having rights to be protected by government, there is a sacred duty resting upon government to prevent such destructive activities.

The Federal Government must now and in the future undertake and carry on the work of guarding the Nation's food and protecting the people from exploitation in its distribution. The great fundamental basis of our national wealth—our crops—must not be kicked about as a commercial football while values are regulated by gamblers. Grain should no more be subject to such juggling than the national currency.

We shall not need a "dictator" always, but we shall need to prevent manipulation and exploitation in the things upon which the very life of every citizen depends. We shall need to banish the day forever when warehouses burst with unavailable food; when cargoes of unspoiled tropical fruit are thrown overboard; when tons of sound vegetables are left to rot in cars on a siding; when fruits rot unpicked and unused; all because such dastardly tactics will maintain increased prices through an artificial scarcity.

Mr. Chairman, this great war is destined to mark a new era in international politics. May it also stand as a shining landmark in the social and economic life of America. Edward

Everett Hale once said, "There is much talk about abolishing war. Abolish injustice and war will abolish itself." It is a true word. This war rages around the world because of the injustice wrought by crowned irresponsibles, who dreamed of world dominion won by the mailed fist.

We shall go through with this war until that menace is removed from the world, and it is our sacred duty to do so. But no less sacred is it to strike down the injustice at home, the injustice of strong-armed greed. The twin gods of barbarism, Mammon and Mars, must be banished from the world together; they can not be banished separately.

The American Government, even in this storm and stress of war, perhaps because of the storm and stress, has an opportunity that comes but once in an age, to take a 7-league stride toward justice and the assurance of equal opportunity to every man, woman, and child beneath the flag.

May it take action now that will mean simple justice to all in regard to food supplies, and which will mean no injustice to any honest interest of producer, consumer, or merchant. Such action will mean the dawning of a new day for American business, wherein is recognized the truth that any business transaction where only one side prospers is an iniquitous one, when business itself will say:

I come no more in gray disguise,
With grasping hands and greedy eyes,
Living on larceny and lies.

No longer do my mighty hosts
Of ministers and servants boast
Of giving least and getting most.

But now, with eyes, greed can not blind,
With open hands and willing mind,
I live in service to mankind.

And hold him first among the rest
Who bears this motto on his breast:
"He profits most who serveth best."

[Applause.]

Mr. HAUGEN. Mr. Chairman, I yield 10 minutes to the gentleman from New Jersey [Mr. PARKER].

Mr. PARKER of New Jersey. Mr. Chairman, I shall not speak upon the details of this bill. I am chiefly anxious lest in providing for details we limit the general power to preserve the Nation which belongs to the Commander in Chief of the Army and Navy. We do not find legislation of this sort in our books, because our forefathers always recognized that in time of war the Commander had that power. When Washington wanted food during the Revolution, he did not stop at the rights of the States nor rules of law to go and get that food. If he could find food, he went and got it, or if he wanted sulphur or powder or guns and could find them, he went out and brought them to his starving army, and waited to pay for them with what they could. If a general is in charge of a city and it is in a state of siege, he declares a state of siege, which is a military declaration and not a legislative one, and he sees to it that every man in the city works as he wishes him to work, digging trenches or building up the battlements, and he will take the food, store it, and see that it is not wasted, and he will see to it that those who can make necessary articles make them. In olden times it was cartridges that would be made, while now it is everything, from automobiles to steamships. If we have come in these days to a state of siege, which now prevails not merely as to cities but as to whole nations, the same power belongs to the Commander in Chief, and it is a military power. If war is going on and we are short of food and he declares that we are in a state of siege and that food must be preserved, it is every man's duty to do it. In the Civil War we had no law for any such purpose.

The President of the United States ran the railroads. We know that Tom Scott ran the railroads under Stanton. It was not done by law, but done as a means of war. I remember a story in the newspaper, and a very good one, that in the middle of the war they wanted mortar carriages at New Orleans. They had the mortars, but not the carriages. Mr. Lincoln called a telegraph operator to his side at the White House and got in communication with Mr. Abram S. Hewitt, who had been out at a dinner. He told him by telegraph that they had just one mortar carriage. Mr. Hewitt asked where it was and he said at Springfield. Then Mr. Lincoln said that we wanted duplicates right away, so that within a month the mortar carriages could be used. Mr. Hewitt asked that the one carriage be sent immediately to New York and that he would see what could be done. It was sent, and by the time it got there Hewitt had arranged with different iron manufacturers in different places to make different parts by the hundreds, and the mortar carriages were made and every one of them was shipped in a single box car as near New Orleans as it could go, to be carried on passenger trains with the legend "This car not to be sidetracked under penalty of death," and Mr. Stanton meant that when he said it. We do not wait in war for legislation, because legislation has no power to do what we want. Congress can not confiscate a man's goods. We can not confiscate a man's services. We can not tell him to come here and to go there. We can not order him arrested without warrant if he is suspected of aiding the enemy and is to be treated as an enemy. The soldiers and agents of the President in the conduct of the war must do it. I am only afraid as to this bill lest it limit the President too much. I think this bill, instead of saying "there is established a control" should say "there is recognized a control" when deemed necessary by the President in the conduct of the war. Instead of limiting necessaries to particular things like food and fuel do not we know the military authorities had to seize every automobile manufactory in every one of the warring nations so as to get enough? Do we not know that cotton became to our great astonishment the only thing out of which they can make munitions? Do we not know that rubber had to be seized? Do we not know that at this present moment the bells of the churches of Hamburg are being pulled down by the Government in order to get brass and bronze and to get the component metal?

Do we not know that in the conduct of a war everything or anything may become necessary and that the Commander in Chief is not given the power by Congress, but it comes to him from the Constitution? We only recognize his power to commandeer necessaries, and the only limitation in the whole Constitution upon any necessary that he can commandeer is one which says that soldiers shall not be quartered in a house in time of peace nor in time of war except by law. In that respect only have we the right to qualify the power of the military authority. If he says it is a state of siege he can make anything go, if there be necessity—make every power of the Nation go to the benefit of the Nation. Now, I could have wished under these circumstances that this bill had been confined to sections 3, 4, and 5. Take section 3, the first few lines. It says:

There is hereby established—

I say "recognized"—

a governmental control of necessaries—

I would say "in the discretion of the President"—

which shall extend to and include all the processes, methods, activities of, and for the production, manufacture, procurement, storage, distribution, sale, marketing, pledging, financing, and consumption of necessaries, which shall be exercised and administered by the President for the purposes of this act.

Pass that and Congress will recognize the President's military power to be exercised under his own regulations. That includes the power to license. That covers all the necessary articles you have left out, because this bill only mentions food and fuel, and there are plenty more necessaries in time of war. Such a general provision will prevent the necessity of mentioning each article and bringing up the question of whether brewing and distilling shall go on. This is a matter to be determined by the Commander in Chief according to the absolute necessities of the particular time. Some people think that a mild beer is good for soldiers in the field. England has decided that rum is good to revive them after a night in the trenches. Congress can not determine these questions as to each individual case any more than it can tell what your physician must do for your family when you are ill. It must be determined by the military authorities and is not a proper thing in this bill. As I say, I am for the principle of this bill, and I would that it were shortened and that it simply said that the Congress of the United States recognizes and confirms the absolute power which exists in the Commander in Chief to protect this Nation in time of war, and that if he thinks it is necessary, if he declares a state of siege, he may seize, commandeer, and control all of our energies and all of our lives for that purpose. [Applause.]

Mr. LEVER. Mr. Chairman, I yield 15 minutes to the gentleman from Arkansas [Mr. TILLMAN]. [Applause.]

Mr. TILLMAN. Mr. Chairman, the supreme issue now is, What legislation shall be enacted to bring proud Germany to her knees and lift from a stricken world the somber shadow of Prussian imperialism? We are now in the great world conflict, opposed by the deadliest war machine of the centuries. The more vigor we put into our blows the sooner the struggle will be ended. England's greatest poet said:

In peace there's nothing so becomes a man as modest stillness and humility; but when the blast of war blows in our ears, then imitate the action of the tiger.

We are fighting the mad monarch of modern militarism, more of an imperialist than any purple-clad Cæsar that ever bestrode the narrow earth. For more than 40 years this mad king has seen visions and dreamed dreams of world domination. We must give him blow for blow and shot for shot. Now that war is on, down with the dove and up with the eagle! If we fight as we should fight, with all the weapons at our command, we

will win. The cheering news reaches us that Italy, France, and England are facing the insolent foe like heroes, and the bear that walks like a man is pledging anew his determination to stand up and fight like a man. The young manhood of the Nation, choice brave spirits of this day and generation, 10,000,000 strong, has cheerfully registered for conscription. We are conscripting wealth in the revenue bill now pending; now let us pass this food bill desired by the President and Germany will know that we are in earnest.

This is no time for raising technical, constitutional questions utterly without merit. It is no time for threatening Members; it is no time for petty objections or small politics. Let us stand by the administration, led by the foremost man of all the world to-day, the great-hearted Virginian, Woodrow Wilson, pass this bill, and mobilize our food supply as well as the Army and Navy.

There are two provisions in this bill of paramount excellence.

First, it proposes to eliminate as far as may be the century-old noxious parasite, the far-away middleman; and it promises to dispense with the pernicious and sinister activities of the food grabber and gambler, the conscienceless price booster, and likewise it will regulate the grafting, greedy, dishonest commission man in the large cities. And hereon hangs a tale.

My district is in the fruit belt. Washington and Benton Counties, in this district, have more apple trees than any two counties in the world, Niagara County, N. Y., ranking as third. My people have been robbed by commission men for a quarter of a century. A few days ago there came to Washington from Bellefonte, in Boone County, a very intelligent farmer and shipper, Mr. J. F. Hawkins, who knows this subject better than any half dozen men in the House, and who presented to Mr. LEVER, Mr. JACOWAY, and myself an argument in favor of the section in this bill dealing with this subject, now section 5, and at our request reduced his argument to writing, which I will put in the RECORD. It follows:

STATEMENT OF MR. J. F. HAWKINS, OF BELLEFONTE, ARK.

Mr. Chairman, my name is J. F. Hawkins, of Bellefonte, Ark.; occupation, farmer. My object in coming before you is to make known to you certain existing conditions of national importance at this time and to make certain specific charges as to the cause thereof.

The great army of small producers of this country are languishing for want of protection by laws insuring them a square deal in the great market centers. The consumer is paying the price of the high cost of living, but the small producer is not reaping the benefit. There is a lack of confidence on the part of the producer in the wholesale distribution of fruit and produce, which has resulted in the falling off of production in these lines of endeavor, because it is not profitable to continue therein The practice of unfair dealing on the part of a few dealers has caused loss of confidence in all. The large trade organizations, such as the Western Fruit Jobbers' Association and the National League of Commission Merchants of the United States, are in a way largely responsible for this condition, and to that extent it might be called combinations in restraint of trade. It has been my experience that these organizations give aid and protection to unfair dealers by refusing to give to the shipper or his agent information that will enable him to get a square deal on commission-shipped goods. As an example of this particular charge I submit the following statements of fact and evidences thereof:

In August, 1915, we, the Farmers Shipping Co., of Bellefonte, Ark. (of which I am a member), shipped to George E. Ford, a commission man in Chicago, who is a member of Western Fruit Jobbers' Association and the National League of Commission Merchants of the United States, 15 cars of peaches, relying on letters from him, and filed herewith, marked Exhibits 1 and 2. After receiving an unsatisfactory accounting for the 15 cars of peaches, early in September I wrote a letter of protest and received in answer to same letter filed herewith and marked Exhibit 3. Not being satisfied with this explanation, I made a personal investigation of all these shipments, and I herewith submit the sales and other documents showing the transaction in full on three cars:

Car No. 947, F. R. L., marked "Exhibit 4."
Car No. 1919, F. R. L., marked "Exhibit 5."
Car No. 1767, F. R. L., marked "Exhibit 6."

Other cars in these shipments showed the same unfair method. I later made an investigation for other parties shipping to the same man and found the same conditions throughout. To sum it up, I investigated 46 cars shipped to him. I found 52 separate and distinct frauds committed on same. Thirty in the form of cartage charge, where it was not paid by him, and a few items of refund on freight collected by him from the railroad and not reported to the shipper. Twenty-two cars showed they sold for more money than he reported them sold for. Total collections from him on these shipments, $1,485, as shown by copies of releases held by me. As a further evidence of unfair methods of this most unfair dealer I herewith submit a copy of an affidavit of Ford's account sales clerk showing all the details of this fraud. Affidavit marked Exhibit No. 7.

During this investigation I got no assistance from any member of the Western Fruit Jobbers' Association or the National League of Commission Merchants, and some of them flatly refused to tell me the price they paid for these goods. I got the information in spite of their refusal in one case, and as a concrete example of how this shipper loses I hand you the sale on car No. 7358, S. F. B., marked Exhibit 8.

After a careful study of statements and exhibits filed herewith, it will be evident that we were defrauded in the original sale, and that a second fraud was committed in subsequent settlements, and that there is more money yet due the shippers of these goods.

As an illustration of other methods of unfair dealing, I submit a collection of papers representing 29 cars of peaches shipped to the Voelker Product Co., of St. Louis, Mo., in July and August, 1915, by the Hardy Fruit Growers' Association, Hardy, Ark. These papers, taken as a whole, show a studied attempt on the part of the commission company to deceive the shipper and keep them blind as to the real facts attending the shipments and disposal of same.

The sales on this business were all made up to show St. Louis sale and delivery, whereas no such thing occurred. The goods were all reconsigned by the Voelker Product Co. to other commission merchants and by them sold on a commission basis, and all charges made thereon paid by them, and the net return made to the St. Louis company. They then made up and sent the shipper a St. Louis account sale, showing amount sold for, amount of freight paid, and commission, which sale is both false and fraudulent. It is false for the reason that it is not the correct price paid; it is not the correct amount of freight and commission paid. It is fraudulent for the reason that it conceals from the shipper the fact that he has paid another commission to the party who really did sell his stuff and thereby earned a commission, enabling the St. Louis company to collect another commission for which they rendered no service. I submit these papers marked "Exhibit 9."

I have in my possession papers covering 85 cars of peaches shipped by Pope County Produce Co., Russellville, Ark., July, 1915, to the same company and handled in the same way. I have papers covering 17 cars shipped by other parties and handled in the same way, making a total of 131 cars shipped to this company for which a selling charge was made and practically no valuable service rendered by them, and depriving the grower of a sum of money approximated $4,000. This practice is widespread and growing and is generally done by keeping the shippers blinded as to real facts.

A form of contract is sometimes used that carries a joker in it, which, if the shipper is kept hoodwinked, is never needed, but in case the shipper gets wise, and makes a "kick" he is referred to this clause: "Sample contract is herewith submitted marked 'Exhibit No. 10.'"

There are some commission merchants now bold enough to uphold and openly advocate the practice of charging double commission, notwithstanding the fact that the highest courts, without exception since 1851, have held that the practice of commission merchants reconsigning goods to other commission merchants and charging for both services is contrary to common reason and justice.

Three reputable commission merchants of St. Louis made the statement that this was a common practice in St. Louis, and that it is now being done regularly.

Under this system of business it is possible to reconsign the shippers' goods clear out of existence. It is an endless chain and a dangerous one to the producer. I know of a case of this kind where the producer paid three commissions, two to the commission merchants and one to the home man. There are many other forms of unfair dealing by middlemen, but I cite these two, as I have absolute and positive proof to back these statements.

I am not sent here by anyone, and yet in a way I represent many who may not be able to produce the truth along these lines, and I make these statements and present this proof, in the hope that justice may be assured the producer in the future and many be profited thereby.

In my opinion section 6 of House bill 4630 will, if enacted and enforced, remedy a good many evils now existing, and also stimulate the production of fruit and produce. When the small grower finds that he can get a square deal, he will exert himself as he never has before.

In some fruit-growing sections of Arkansas the growers have been cheated out of their fruit year after year and many orchards have been abandoned, especially peach orchards, and unless some legislative protection is given them, peach growing will decline to a point of home consumption.

Mr. Chairman, I hope that I have been enabled to serve you and my people in some small way, and I thank you for this opportunity.

Respectfully submitted.

Exhibit 1 was a letter addressed to me soliciting shipments of peaches and setting forth the advantages to be gained by shipping to him, and saying he was going to give the Arkansas peach deal his own personal attention, and when you can get a commission man to do this you have nothing to fear at this end of the line.

Exhibit 2 was to farmers shipping company and about the same line of hot air.

Exhibit 3 among other things, said, "I think your peaches were sold well. I did the best I could with them and you were extremely lucky to get as much as you did for them."

Exhibit 4 shows Ford's account sale, showing peaches to be sold at 65 cents f. o. b. Also a letter from Bunn Bros., of Rockford, Ill., stating they paid 75 cents f. o. b. In settlement Ford claimed he didn't sell to Bunn Bros., but sold to Will H. Peck, who sold to Bunn Bros., and I lost the $46.90 due me on sale price. Later I wrote to Bunn Bros. asking who they bought this car from and they answered "George E. Ford."

Exhibit 5, car 1915, shows Ford claimed to have sold this car at 50 cents f. o. b., and wrote across the face of the sales account these words, "Tell your shippers this car originally sold for 70 cents. was rejected and resold for 50 cents, and letter from buyer says car arrived in good condition and cleaned up around $1.50, averaged that, and could have been reshipped."

Exhibit 6 contains Ford sales on 1767 at 45 cents f. o. b., and says car sold at 70 cents. rejected and resold for 45 cents. Letter from buyer says it was rejected and rebought at 65 cents.

Exhibit 7 shows Ford accounts sales sheets were fraudulent and were made so on every order and that it had been going on for a period of three years and with reference to all shippers from all points. Also that other commission companies furnished bulk account sales and same were made out by order of Ford to conform to crooked account sales sheet. Also that duplicate sales tickets were made, cars sold in Chicago to show all cash sales and that duplicate cash sales slips and bogus account sales forms were presented in settlement made with me for the purpose of misleading me; also contains other damaging statements of like nature.

Exhibit 8 shows account sales as sold in Chicago. Also statement of Glass Fruit Co., showing they sold in Wausau, Wis. Letters of Glass Fruit Co. (members of the Western Fruit Jobbers Association) positively refusing to tell me the price paid. Upon threat of action they rendered duplicate account sales showing a difference of over $50 and two commissions paid.

I think Exhibit 9 is explained in my typewritten statement of which you have a copy. Hoping I have made myself intelligible to you, I remain,

Respectfully,

J. F. HAWKINS.

Mr. Hawkins said that old section 6, now section 5, will prove a boon to farmers, producers, and shippers, and asks me to

urge Members to vote for it. I respectfully do so. The bill nowhere compels the farmer to sell any product, but allows him to hold as long as he wishes.

Mr. THOMPSON. Will the gentleman yield?

Mr. TILLMAN. I will.

Mr. THOMPSON. Oftentimes, I am satisfied, down in the gentleman's district, where they ship fruit he has observed that after they pay the freight the shipper does not get anything. Oftentimes he has to pay part of the freight.

Mr. TILLMAN. That is very true.

Mr. THOMPSON. And this bill seeks to remedy that.

Mr. TILLMAN. It does, and Mr. Hawkins is of the opinion that the publicity required in section 5, and the licensing of these commission dealers will give the producer a fair show and prove an effective barrier to fraud on the part of commission men given to unfair practices.

Referring to the remarks just made by my friend, the gentleman from Oklahoma [Mr. THOMPSON], I beg to present the actual figures of two or three real transactions showing how producers suffer at the hands of unlicensed and unregulated commission men and transportation companies:

ANOTHER CITATION OF PECULIAR DEALINGS.

Three years ago a farmer shipped to an eastern city 1,050 watermelons, for which he received 5 cents each, net $52.50. The city consumer paid 60 cents each for them, or a total of $630—an advance over the producer's price of $577.50. This is quite too much to go for freight and commission. The man who sweats in the sun and produces this wealth gets next to nothing for it, while the nonproducer gets an immense profit.

The farmer sells his eggs at 20 cents a dozen. The consumer in a dining car or in a first-class hotel pays 12½ cents each for these eggs.

During the peach season a farmer picked 41 baskets of peaches and delivered them to the express company to be sold in New York City at the best market price obtainable. In due time the company accounted. They said the shipment was three baskets short at the destination. For the remaining 38 baskets they accounted as follows:

28 baskets, at 50 cents		$14.00
10 baskets, at 37½ cents		3.75
		17.75
Less express charges	$13.09	
Telegram	.50	13.59
	13.59	4.16 net.

"We inclose $4.16 for the amount," wrote the express company. Now, this gives the farmer between 10 and 11 cents a basket for the fruit, which would hardly pay for the labor involved in picking the peaches. Obviously the farmer was not satisfied, and would do better to let his peaches fall to the ground and rot. And yet there were a great many million people in the eastern cities who were not able to buy all the peaches they wanted.

BREAD RATHER THAN BOOZE.

Another wholesome and commendable feature of this measure is the section giving the President authority to prevent the use of grain for the manufacture of beverages. In this bloody war bread will count for more than beer.

Congress may be criticized for many things, but it will have to its credit the fact that it has driven liquor out of the District of Columbia, out of Alaska; it has curtailed the red king's privileges in the matter of advertising his wares in dry States, in the matter of shipments into dry territory. Whereas hundreds of liquor joints followed our soldiers to the Mexican border, under the present Army bill neither drinking places nor their side evil, social impurity, can exist any longer near where our boys are quartered.

Speaking of war measures against intoxicants, I want to take off my hat to the late Czar of Russia. He made a bid for immortality which ought to be recognized by the world—and will be. They make a strong alcoholic drink in Russia, called vodka. During the war between Russia and Japan—Russia having 200,000,000 people and Japan being a little island in the sea—in a very short time Japan triumphed over that great autocracy. The Japs were sober; the Russians were drunk on vodka. Up there close to the Arctic Circle they are very fond of vodka, a strong alcoholic drink which tastes like fire and smells like hair oil. The Russian soldiers drank much of it. They were brave and numerous, but in a short time the vigorous and brave Russians, drunk on vodka, were compelled to yield to the little sober Japs. This time when the war came on the Czar and his people knew they had to fight against the greatest military power in the world, the greatest war machine on earth; and Nicholas, with a stroke of his pen, wiped out every vodka joint in Russia, and in this war, barring the last few months of inaction, the Russians have made the second best showing of any of the allies against the central powers.

They have a strong liquor in France, called absinthe. It makes a man forget his joys and sorrows for hours at a time. The Frenchmen knew they were going up against that deadly German war machine, which rapidly rolled to Paris in 1870, and so the Government authorities prohibited the use of absinthe in France. And the game little Frenchmen at Verdun, and now fronting the Hindenburg line, have made the very best showing of any of our allies against that wonderful German machine. Why? Because they are sober. [Applause.] When England got into this war her rulers found that they were not getting munitions fast enough. Lloyd-George, that splendid Welshman, one of the great world figures of to-day, began to make inquiries to ascertain why it was that they could not get munitions fast enough, and found that it was because the English workmen were drunk. Lloyd-George remedied that evil, and he gave to the world this great classic. He said:

England is fighting Germany, she is fighting Austria-Hungary and Turkey, and she is fighting alcoholic beverages, but the most powerful and dangerous enemy she has is alcoholic liquors.

Mr. RANDALL. Will the gentleman yield?

Mr. TILLMAN. Gladly.

Mr. RANDALL. I notice the gentleman stated that one of the acts of Congress was to prohibit the advertisement of liquors in dry States. Permit me to call the gentleman's attention to the fact that the Post Office Department has ruled that under the advertising law adopted by the last Congress advertising is not only driven out of dry States but is driven out of dry towns in all wet States.

Mr. TILLMAN. I am very glad the gentleman reminded me of that fact. I know he is a thorough student of this subject. I commend the Post Office Department for that decision. [Applause.]

We have 26 States that are now dry. I will ask the gentleman from California [Mr. RANDALL] if that is not true?

Mr. RANDALL. Twenty-six.

Mr. TILLMAN. Yes; 26. Now, it is time, as a war measure, to put into the hands of President Wilson—and I know that he will invoke it—the power to eliminate the further making of liquors during this emergency. [Applause.] May God speed the day when the red plume of King John Barleycorn will wave no more in all the world. That day is coming as swiftly as the flight of an arrow. Our mothers and sisters, soon to be invested with the regal right of suffrage, will hasten its coming.

Liquor subtracts from our bread supply annually 107,000,000 bushels of grain, 11,000,000 pounds of bread a day—daily bread for 22,000,000 men.

King Alcohol will have but few real mourners when he abdicates his throne. He has been destroying men and women at the rate of 100,000 a year. This haughty red ruler demands of his subject more than any potentate on earth, and when he has stripped him to his foolish hide he kicks him into the street. If one of King John's followers, after paying tribute to him for many a weary year, finally yields to delirium tremens and dies a pauper's death, King John does not even give him swift burial in the potters' field. Generous governments and fair-minded princes pension their soldiers and sailors when they become old and disabled and often provide for their widows and orphans if they fall while serving the state. Individuals and corporations are likewise generous in this way, but you may serve this hard master until money, character, happiness, and life are gone, and King John Barleycorn will not even provide a poorhouse to shelter your helpless wife and babies. [Applause.]

Mr. YOUNG of North Dakota. Mr. Chairman, the gentleman from Iowa [Mr. HAUGEN] requested me to take charge of the time at this point. I will ask the Chair to notify me when I have spoken 30 minutes.

The CHAIRMAN. Very well.

Mr. LEVER. Let me say, Mr. Chairman, that the committee will rise at the conclusion of the gentleman's statement.

The CHAIRMAN. The gentleman from South Carolina states that the committee will rise at the conclusion of the remarks of the gentleman from North Dakota.

Mr. YOUNG of North Dakota. Mr. Chairman and gentlemen, I desire to express appreciation first of all for the courtesies of the chairman of the committee [Mr. LEVER], and also of the Democratic members of the Committee on Agriculture, extended throughout the entire consideration of this bill, and also throughout the period when we were having hearings. In some of the committees of this House I understand the majority members hold executive sessions. That does not happen to be the practice in the Committee on Agriculture. The Committee on Agriculture during the period that I have had the honor to serve upon it has been one where politics has no place. The consideration of this bill has been nonpartisan. I was not able to notice on either side any disposition to seek party advantage.

Mr. Chairman, this great war, this titanic struggle between giant nations, has blotted out the ordinary distinctions between the various classes of society, and to-day, when the Nation is confronted with a peril which the average man has only begun to comprehend, in its imminence and fearfulness, there is but one impulse which actuates all classes—the passion of patriot-

ism. There are distinguished Members upon the floor who represent great metropolitan, great manufacturing, and great commercial interests. I come from a constituency which is almost exclusively agricultural, am a grain grower myself, and therefore speak from the standpoint of the farmer. But I bring to you no less of that spirit of passionate patriotism and eagerness to serve the country from the fields and firesides of the farmers of the Northwest than any that may be voiced by the representatives of commerce. The bugle which calls the boys from the workshops and the farms is that which roused the "embattled farmers," whose first shot at Concord in defense of democracy and liberty was "heard round the world." The Nation whose foundations were laid by farmers has become two-thirds commercial and one-third agricultural. The safety, the prosperity, and the happiness of the people still rest to a supreme degree upon those who produce its food, its wool, and its cotton.

We are not a military nation—yet we are confident of our latent military power. We are in no fear for our Navy nor for the Army to be organized, but there is the greatest peril in the possible shortage of our food supply, due to the fact that the fighting world is making increasing demands upon us for food, and the war is robbing our farms of their vigorous manhood and will continue to take from the furrow and the plow, for the trench and the cannon, the best of our young farmers. Gentlemen, I speak in all seriousness of the embarrassment of our farmers through the taking away of farm help to the Army, and especially to the highly stimulated industries of the cities—the munition factories and allied manufactories where high wages are paid even to unskilled workers.

My mail is loaded with letters from alert, intelligent, and patriotic farmers protesting against conditions which make them powerless to carry on their farm operations for lack of help. Farm wages must be increased in competition with the inflated wages of other lines or we shall see perforce decreased acreage. All other elements of production as well as wages—the cost of farm implements, the cost of clothing, groceries, the cost of everything that farmers must have has greatly increased. The situation as to farm help, already acute, will grow more desperate when the organization of the Army reaches out to take from the farms their proportion of willing, patriotic young soldiers. Those administrative officials charged with the responsibility must give to the situation earnest consideration from the standpoint of broad national necessity.

It is a trite quotation to refer to Napoleon's dictum, that "An army fights on its stomach." Yet common sense teaches us it is true. It is of greater importance to provide increased food supplies than it is even to increase munitions and armament. It is equally important to enlist farmers in agriculture as it is to enlist soldiers in the army, for a hungry nation is a defenseless people, and this war will ultimately be fought to a finish over the dinner tables of the world rather than behind the cannon. Whether the individual farmer realizes the tremendous importance of the part he plays in preserving liberty by the food he produces or not, it is up to Congress and the administration to make no mistake in appreciation of the fact that our chief defense is the American farm. Let us see to it then that conditions are such that will keep the hand as steady at the plow as at the trigger.

I have a letter, Mr. Chairman, that just came in this afternoon from a farmer living near Velva, N. Dak., and I want you to give more than an ordinary hearing to this letter, because it gives an insight into the conditions on many of the farms of North Dakota. My mail has been heavy during the last few weeks, and I have not attempted to abstract these letters or even reflect them in this address; but I am going to read this letter, which, I think, will give you a real view of the problem on the farm, and if it is a problem there that is going to mean decreased production, it is a problem that you, representing other and consuming portions of the country, should take into account. I read:

THE GRANVIN STOCK FARM,
Velva, N. Dak., June 16, 1917.

Hon. GEORGE M. YOUNG,
Washington, D. C.

DEAR SIR: It is quite a while ago since I have written you, and I am going to take the liberty of bothering you once more to assist me in carrying out my farming business. I guess, perhaps, it is not necessary for me to tell you our troubles here in North Dakota with the hired-help proposition. Skilled farm labor is at a premium. According to what I have been reading in the newspapers, a good share of the Representatives in Congress seem to have an idea that you can farm with cripples and fools or practically any kind that can walk on two legs. But this is not so. It takes a man with brains to farm, practically more so than a great many other forms of business. Now, for instance, a banker can possibly use unskilled labor, for the reason that they can give them a close supervision, whereas a farmer operating extensively can not watch each man, for the reason that they must variously be at great distances from one another.

Coming to the subject of which I wish particularly to mention it is this: I have a hired man by the name of Julius A. Hauge, registered under the draft laws as No. 18, precinct 45, McHenry County, N. Dak. This man has been working for me for about eight years, and if he is taken away from me I would not be able to do my bit to carry on my farming business. He has also got a farm of his own. He is unmarried.

Now, I will tell you, Mr. YOUNG, the last crop I had was in the year 1915. At that time I raised 23,000 bushels of wheat, and I sold the bulk of it for 84 to 86 cents per bushel. And in 1916 I raised no crop, and for a fact I do not know what the 1917 crop will bring, as it looks rather dry at the present time. Would there be any chance that this one man that I have got could be left with me to superintend my work? I really think it would be wise for this Government to look into the matter. Furthermore, do you think that he is a subject of this country, being he took out his intention papers eight years ago, and has not taken out his second papers?

Kindly let me hear from you relative to these matters of which I have written, stating what your opinion is, and it will be very much appreciated.

Yours, very truly, H. L. SPILDE.

N. B.—Mr. Hauge, of whom I have made mention, is a very loyal citizen, and will serve for his country if he shall be needed.

Now, I do not pretend to say for a minute, gentlemen, that farmers as a whole should be exempt. That would be preposterous, to take any great class and say that they should all be exempt. But I think that the officers representing the United States who look after this matter of exemptions ought to be men who appreciate at least the need of the production of food, and that they should act with wisdom, caution, and discretion.

The food bill gives a wide control and almost limitless power to the President to be exercised by the food administrator, which will extend to and cover the farmers of the country. The exercise of these powers will affect the business of these farmers in an arbitrary way. They are for the most part men of comparatively small incomes. They are usually called producers, but they are in fact also consumers. The prices upon all things which they buy have gone up. Their expenses of living have increased. Farm implements have also greatly advanced in price. We passed recently in this House a revenue bill which is now being considered in the Senate. This bill provides for the raising of a huge amount of money by taxing the citizens of our country in various ways. It is a fact, however, that much, if not nearly all, the taxes upon the manufacturing and jobbing industries will be passed on to the consumers. In other words, the amount of the tax will be added to the cost of the article sold. Among these consumers are the farmers. Upon them the burdens of war taxation will rest heavily.

Many measures to increase production have been discussed in committee. Representatives of farmers' organizations have appeared before the committee with their well-thought-out recommendations and practical suggestions and their views have been carefully considered, especially by those Members who through years of close association are naturally in close sympathy with the farmers' standpoint.

I am satisfied that the farmers are ready to sacrifice their own conclusions in many respects and to make great concessions to the verdicts of men high in the councils of the Nation. But before we set aside the traditions and teachings of such organizations as the Grange, the Nonpartisan League, the American Society of Equity, and practically every other agricultural unit as to the personal profits of increased acreage and increased production it behooves us to give the experience of men in the business of farming, to experts in agriculture, the same respectful attention that we would accord to experts in medicine if we were seeking the remedy of a bodily disease, or to experts in finance if we were considering banking, or to experts in armament and navigation in connection with the Navy.

The teachings of all farm organizations and practically of all agricultural papers and other agricultural economists is that increased production of farm products, however beneficial it may be to consumers and especially to middlemen handling the crops on a commission per bushel basis, is quite as likely to lower the profits of the farmers as to increase those profits.

A good illustration of this was given to our committee by Dr. Russell, of the Agricultural College of Wisconsin. He said that they ordinarily grew 30,000,000 bushels of potatoes in Wisconsin and usually got 40 cents per bushel, or $12,000,000. He said last year they grew about 14,000,000 bushels and got $1.50 a bushel. In other words, for a half crop they got 75 per cent more than they ordinarily receive for a whole crop. Instances of this kind might be multiplied indefinitely. The farmers had taken such conditions into account and were long prior to this war attempting to obtain reforms in marketing machinery and methods rather than attempting to increase grain production. So when the Government said, "Raise more farm products and we will make you a guaranteed price," they replied, "We haven't asked for a guaranteed price; we want open markets freed from monopoly, from gambling, from dishonest practices, and the

selfish control of those who purchase our products." They said, "We want public storage houses made public not only in name but in fact." Gentlemen, if you want to stimulate the farmers, if you want to send a pleasurable sensation down their spinal columns, give them something they want, not what some self-constituted guardian thinks they ought to have.

Now, what are we giving them by this bill? Government officials assured them that they would have a price for their commodities sufficient to cover the cost of production and a reasonable profit. This bill does not do that. It simply authorizes the President, if he deems it advisable, to establish prices for nonperishable farm products. It is an open secret that the man whom the President is to name for that position has no notion of fixing prices generally for farm products, and that no prices whatsoever will be fixed for the crop of 1917. So that so far as the crop of 1917 is concerned the Government is making no effort to redeem its pledges of fixed, indemnifying prices. But the farmers, accustomed to tribulations, and in spite of the fact that they have patriotically increased their acreage, come up smiling, with the statement that they will accept the legislation with good nature, because they see in it promise of free markets and elevator storage freed from monopoly.

Having failed to make good as to a guaranty of prices in 1917, will the farmers be fooled also as to the character of this legislation in other respects? It is to be noticed that there is nothing mandatory in the provisions in respect to the control of grain exchanges and of elevator storage. The food controller may exercise such control. I hope that all Members of the House anxious to see fair play extended to the farmers will at least see to it that no amendments are permitted to these sections just referred to designed to weaken the measure in case the food controller shall desire to deal vigorously with the grain exchange and storage abuses.

If there ever was a trust, an ironclad combination, it is that existing between the members of the Minneapolis Chamber of Commerce, the owners of big storage elevators, and the owners of flour mills.

The bill contains a provision to punish with heavy penalties any person guilty of destroying food necessaries or withholding them from consumption. But if we are guilty of permitting conditions to exist which lessen production the effect is the same as to destroy what has already been produced, and I intend to point out some of the conditions in the marketing of grain, which to a scandalous degree robs the farmers of the legitimate rewards of their labor, even in times of normal production, but more particularly in case of increased production, and unless we can assure the farmers that those conditions will be regulated and controlled we have no right to ask them for increased acreage and increased yield.

Section 4 of the bill under consideration makes it unlawful to hoard, to monopolize, or attempt to monopolize any necessaries; to engage in any discriminatory and unfair or any deceptive or wasteful practice or device, or to make any unjust or unreasonable rate or charge in handling or dealing in or with any necessaries; to conspire, combine, agree, or arrange with any other person (a) to limit the facilities for transporting, producing, manufacturing, supplying, storing, or dealing in any necessaries; (b) to restrict the supply of any necessaries; (c) to restrict distribution of any necessaries; (d) to prevent, limit, or lessen the manufacture or production of any necessaries, or to enhance the price thereof, or (e) to exact excessive prices for any necessaries, or to aid or abet the doing of any act made unlawful by this section.

If the farmers of the Northwest could be positively assured of the strict enforcement of that paragraph they would feel confident of getting a full measure of the reward for their effort, and they would not hesitate to increase their grain acreage to the full limit of their labor capacity, for it would be impossible to enforce that clause without closing the doors of the most unmerciful and greedy monoply that ever held a strangling hand upon the arm of the producer and the throat of the consumer.

Between the grain raisers of the Northwest and the bread eaters of the world there exists in the greatest grain market and milling center in the world a monopoly uncontrolled, so powerful that it practically dictates what every farmer may receive and what every consumer must pay for the food produced on the broad prairies of the West, the bread basket of the Nation. This is the Minneapolis Chamber of Commerce, unrivaled in the world in its volume of actual grain, and with scarcely a rival in its volume of speculative gambling in fictitious grain.

It is a hydra-headed monster that dominates the finance of the Northwest, dominates the transportation facilities, dominates the press, and dominates agricultural production. It controls the great flour mills of the city, the greatest flour milling center in the world. The alleged public grain elevators of Minneapolis are no more public than is the door of a bank vault whose combination is known only to the officials of the bank. For many years the farmers have been struggling to free themselves from the deadly grasp of this monopoly. It is superior in its decrees to any court; it has the power to fine its members, and by the word of its board of control any member, no matter how powerful or how wealthy, may be put out of business as a penalty for violating its rules, and there is no appeal to any court of law or equity whereby the disciplined member may secure redress. The Constitution of the United States provides that a citizen may not be deprived of his property without just compensation and due process of law. But the Constitution itself is supine in the presence of the Minneapolis Chamber of Commerce, which can deprive and has deprived its members of thousands of dollars and of their established business when they have dared to offend its ruthless power. The greatest military autocracy in its utmost recklessness would blush to exercise the drastic power of the Minneapolis Chamber of Commerce when its members dare defy its edicts.

I know that I am using strong language, but there is not a northwestern farmer who has ever attempted to break the shackles with which he is bound who will not bear out and verify every word I say. I am not making loose statements; I am not standing here for the purpose of heaping abuse upon a great organization; but I am here to say that if we will give to the northwestern grain raisers only what they well deserve and have a right to claim, a free and unmonopolized market for their grain, they will ask no Government guaranty of price; they will ask no artificial stimulation; they certainly will not ask for any favored treatment, for all that they demand is justice and the free operation of the fundamental law of markets, the law of supply and demand. They have never had that for their grain, and the grip of the grain monopoly, in spite of all of the struggles of the farmers, grows stronger year by year.

Nominally there are 550 seats in the Minneapolis Chamber of Commerce. This number has not been increased since the chamber was organized, some 30 years ago. The seats originally cost $100. They have grown in value, so that they are now selling for over $5,000, and many of these seats are held as an investment by retired and inactive members on account of their continual increasing value. That reduces the number of active memberships very materially.

Then some of the larger commission and milling firms own from 2 to 20 seats apiece. In short, instead of their chamber being made up of 550 independent dealers in grain, all of its seats are owned by less than 100 different firms.

Further than that, these 100 firms include their subsidiary companies. There is one group of 13 supposedly separate grain commission companies, all owned by one parent company, and that same parent company has so loaned money to two or three other commission firms as to be able to dictate to them. In short, the Minneapolis Chamber of Commerce is a monopoly controlled by seven powerful firms or companies. Seven men hold the power of a czar over the greatest milling and grain-producing region in the world. This has been testified to in court and uncontradicted, but the courts have no jurisdiction. It has been sworn to in a thorough investigation by the Minnesota Legislature, but the legislature failed to take action. Naturally these seven dictators are men of wealth and power in business circles. Their voice is heard in bank directorates. Their representatives are found in all lines of business throughout the Northwest.

Country banks are encouraged to send the notes of country merchants for rediscount to the Federal reserve bank located in Minneapolis, but has there ever been a farmers' elevator note accepted for rediscount by the Federal reserve bank, even though it bore the individual personal indorsement of every farmer in the township or county? If you think there has been fair treatment accorded by the Federal reserve banks to the farmers' elevators, ask the United States Treasurer, whose correspondence with Gov. Wold, of the Minneapolis Federal Reserve Bank, about a year ago, disclosed a discrimination against the farmers in the interests of the grain monopoly at the terminal markets which was simply scandalous. United States Treasurer Burke went even to the extent of declaring that if conditions were not remedied he would use his influence toward abolishing the Minneapolis Reserve Bank and transferring its business to another. So far as I have been able to learn there has been no change in the discriminating policy against which he complained. The dealers, so long as they behave themselves toward the dictators of the chamber of commerce and of the banks of Minneapolis have no trouble in financing their purchases of the farmers' grain. The dealers are thereby enabled to take over the grain soon after threshing, when the great

volume of shipments depresses the price received by the farmers, and the dealers thereby are enabled to hold their purchases until later in the season, when they can get the benefit of a spread in the market. I have been referring to the Federal reserve bank. Many of the local banks have helped to finance local elevators of farmers.

In recent years farmers have been organizing and building country elevators, but except in a few cases they have not been strong enough financially to finance and hold their grain in their country elevators, and as soon as they ship it to the market it passes out of farmers' hands, for there is no real public terminal elevator in the Northwest, excepting the one-half million bushel elevator of the Equity Cooperative Exchange at St. Paul. There are so-called public elevators, but let a farmer present a carload of grain, or a trainload of grain for that matter, for storage in one of these alleged public elevators, and he is invariably informed that the elevator is full; or if he chances to know of empty bins he is told that they are out of order and must be repaired, and that therefore his grain can not be taken in.

If he goes to the great flour mills to sell his wheat direct to the millers, he is told that the mills confine their purchases to the "regular channels," namely, the chamber of commerce. The individual farmer can neither get storage nor a valid sale for any grain in the greatest grain market of the world. He is at the mercy of the chamber of commerce.

The CHAIRMAN. The gentleman has consumed 30 minutes.

Mr. YOUNG of North Dakota. In the absence of the gentleman from Iowa [Mr. HAUGEN], who left me in charge of the disposal of the time on this side for the remainder of the day, I ask for 30 minutes more.

The CHAIRMAN. The gentleman is recognized for 30 minutes more.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of North Dakota. Yes.

Mr. PLATT. Does the gentleman know of any farmers in North Dakota who mortgage their crops and have to sell them the minute they are harvested, as told by the gentleman from Oklahoma [Mr. THOMPSON] a little while ago? It is not the usual practice in North Dakota?

Mr. YOUNG of North Dakota. There was a time when pretty nearly every crop in North Dakota was mortgaged. That period has passed, but there is still quite a percentage of farmers who mortgage their crops. I will say this, though, that ordinary notes, ordinary debts of farmers, come due usually October 1, November 1, or December 1 of each year. Those debts, while they are not probably in many cases secured by mortgages on the crop, are such that still, when they become due, there is a little pressure brought to bear upon them to pay them.

Mr. PLATT. Surely.

Mr. YOUNG of North Dakota. I imagine that there are very few farmers in North Dakota who are not in debt during the crop season. When their crop is harvested they haul it to the market, or at least the great bulk of wheat is marketed either from the machine or within, say, two or three months afterwards.

Mr. PLATT. There is no restriction on the farmers of North Dakota in the way of using their land as a basis of credit, as there is in Oklahoma, is there?

Mr. YOUNG of North Dakota. Not at all, that I know of.

Two of my neighbors in Barnes County, Louis Noltimier and Charles J. Lee, three years ago went into Minneapolis to sell four carloads of wheat. I want you to take note of the fact that this is not the case of a farmer who has driven into Minneapolis with a wagonload of wheat, where the great mills might not have the facilities to elevate wheat in those small quantities. This is a case where a couple of my neighbors went to Minneapolis with their wheat contained in the same identical form that wheat is sold to those mills by dealers who belong to the chamber of commerce. They went from mill to mill, asking them to buy this wheat, and they were invariably met with the reply that they bought their wheat through the ordinary channels; that is to say, the chamber of commerce. One of the millers, who was a little bit more frank than the others, said, "We do not care to buy wheat through anybody outside of the chamber of commerce members, because next summer when the wheat supply gets short they might close up our mills."

Now, it would seem, gentlemen, that if there was any place on earth where a farmer ought to be able to sell his wheat to a flour mill it would be in the great city of Minneapolis, the greatest flour-milling center in the world. There is a gentleman sitting here on the floor who is in the flour-milling business, and I do not doubt that he buys wheat from every man who comes to his door and wants to sell it; and in passing judgment on the flour millers and this combination or trust in Minneapolis, I do not want to indicate that I wish to make similar charges against flour millers the country over. The people with whom we have to deal at our terminals where our wheat goes happen to be controlled by that kind of combination. The flour mills refuse to buy our wheat. If we want to sell it to them, we have got to go to some member of the chamber of commerce and give him a rake-off.

If we say, "Well, we will store our wheat in one of these elevators and keep it," we are met with the same wall of opposition. They say, "No; we have not got any room here." They never have any room except when a member of the chamber of commerce asks them to put something in the elevator. So that with absolutely all of the storage, about 55,000,000 bushels of it, under their control, with all the flour mills there in on the arrangement by which they will not buy excepting from the chamber of commerce, they are enabled to form an ironclad combination or trust.

Mr. JAMES. Will the gentleman yield?

Mr. YOUNG of North Dakota. Certainly.

Mr. JAMES. Does the average elevator man belong to the chamber of commerce?

Mr. YOUNG of North Dakota. No; not in the country. They have got to pay a commission to some member of the chamber of commerce to handle their grain. I presented the situation to the Attorney General, and other Members from the Northwest also did so, and later the Attorney General of the United States promised me he would prosecute the Chamber of Commerce of Minneapolis for violations of the Sherman antitrust law. Afterwards he went back on his word.

Now, we are all hoping in the Northwest that under this law we are going to get some relief which we have not been able to get under the Sherman law, and that is why, in spite of the fact that we are not enthusiastic about price fixing, we are going to give our support to this bill.

Mr. PLATT. Will the gentleman yield?

Mr. YOUNG of North Dakota. Certainly.

Mr. PLATT. Is that the case merely with the small farmers, or does that prevail with the big bonanza farmers? Every once in a while I hear a man say—I have heard Members of the House say—"I sold my wheat last week and got $2.50 a bushel for it." What did they mean?

Mr. YOUNG of North Dakota. There is absolutely no farmer in the Northwest big enough to sell his grain to the Minneapolis mills unless he joins the chamber of commerce.

Mr. PLATT. No matter how many bushels he has or how many thousand acres?

Mr. YOUNG of North Dakota. It makes absolutely no difference. It may be that there are one or two men in North Dakota who belong to the chamber of commerce who are big farmers. I doubt, however, if they took out their membership simply for the purpose of selling their own grain, because a membership costs $5,000, and any man who takes out a membership of that kind expects ordinarily to trade actively on the board, or else he could not afford to have the membership. [Applause.]

Now, to refer again to the failure of the Attorney General to prosecute the Minneapolis Chamber of Commerce after he had promised to do so. Have the malign influences which were strong enough to defy the courts of law in the Northwest and influential enough to make the Minnesota legislative investigation a mockery, and to bar country banks from financing farmers through the Federal reserve bank, even power to silence the Department of Justice of the United States? And if so, what reliance can our farmers put upon the enforcement of the provisions of this pending bill?

It is optional with the President, who will act through the controller of foods; but unless the controller, through study or the advice of trusted men, becomes familiar with the operation of the grain market will he comprehend and appreciate the ramifications of this monopoly in time to smite it and demonstrate the sincere enforcement of the law before next year's acreage shall be decided by the farmers? Any wavering, any temporizing, any failure to take tangible action in protecting the farmers from the monopoly prior to next midwinter will make the entire law futile and vain as a remedy for the reducing acreage devoted to food production. During the last census decade the acreage devoted to food production decreased 8 per cent per capita. The farmers have been so often fooled with specious promises, high-sounding phrases, and threats that they are likely to do some thinking for themselves next spring. I wish to say, however, that I have great confidence in the honesty and ability of Mr. Hoover. This view is shared by the delegation of northwestern farmers who were here recently, and whose testimony may be found in No. 9 of the hearings. Upon the return of the delegation a member of the party—the editor of the Courier-News—made a report in which he quoted certain

statements made by Mr. Hoover. As these statements made by Mr. Hoover were very important to the producers of North Dakota and their correctness was questioned, I am glad now to have the confirmation made by Mr. Hoover himself. A copy of the Courier-News is just at hand, in which is this statement:

STATEMENTS CORRECTLY QUOTED IN THE COURIER-NEWS INTERVIEW, SAYS HOOVER.

On Friday morning, June 1, the Courier-News printed a dispatch from Washington signed by Herbert E. Gaston, reporting an interview given by Herbert C. Hoover, the new Federal food administrator, to a delegation representing farmers of the Northwestern States. The material contained in this interview was so important that versions of it were telegraphed to the leading eastern newspapers by correspondents in the West. A garbled form of the interview was printed in one or more eastern papers and caused Mr. Hoover to issue a denial that he had made such statements. An eastern correspondent then telegraphed to a St. Paul paper the statement that Mr. Hoover had characterized the interview in the Courier-News as a "wild dream."

Knowing that he had quoted Mr. Hoover absolutely correctly and doubting that Mr. Hoover ever had given out any denial of the Courier-News story, Mr. Gaston sent Mr. Hoover a copy of the interview as printed in the Courier-News, asking him to make such comment as he cared to make. The letter printed below is Mr. Hoover's answer:

Mr. HERBERT E. GASTON,
Care of the Courier-News, Fargo, N. Dak.

DEAR MR. GASTON: I am very much obliged to you for the interview which you inclosed with your favor of June 7. It puts quite a different light on the interview which was telegraphed to the eastern papers. The brief extracts given there conveyed a definite plan and policy in regard to grain and elevator control which I see from the original was not justified.

I set forth a series of hypothetical plans and you so reported in your interview. The eastern version caused much criticism and comment unfavorable to us, and my reply was in answer to this version. Naturally I did not characterize the report in the Courier-News as a "wild dream," for I would not criticize any article without first reading it.

Your cooperation will be exceedingly valuable to us, and as soon as we are officially organized I shall not hesitate to call upon you for assistance. As soon as Congress gives us an official status we shall have many messages for the farmers of the Northwest, and I know of no better way of reaching them than through the publications which cover that region.

Yours, faithfully, HERBERT HOOVER.

The section of this bill which provides for the requisition of storage and also for the construction of storage is exceedingly important, not only because it will take these elevators out of the hands of monopolists, who have denied elevator space to all excepting those to whom the chamber of commerce gave its consent, but more particularly because the taking over by the Government and the pooling of all such storage will facilitate the movement of grain. There was a short crop in the Northwest last year, but even under such conditions there was bad congestion at the Minneapolis terminals. By the pooling of the present elevator capacity by the Government and the possible construction of another elevator or elevators, there can be effected a great saving upon cars. In other words, the cars can be received and released very much more quickly, and cars which may be loaded for eastern shipment can also be loaded and assembled more quickly. At present a train, we will say, coming in on the Great Northern Railroad, may have cars which must be delivered at several different elevators in various portions of the city. In war times like this, if the Government undertakes to take over these elevators, it is probable that certain elevators will be designated to take care of the grain which comes in on the Great Northern and certain other elevators for the grain which comes in on the Northern Pacific, the Soo, the Milwaukee, and so forth, making it possible to deliver an entire trainload at an elevator, thus making a saving on trackage and switching and releasing the cars quickly for reuse. This would be an arbitrary proceeding, but governments must be arbitrary in time of war. The acreage in the Northwest is considerably larger this year than last year, and if there is anything like a normal crop there will be great danger of congestion at the terminals, even under the most favorable conditions.

Section 11 provides that whenever the President finds it essential, in order to prevent undue enhancement or fluctuation of prices of, or in order to prevent injurious speculation in, or in order to prevent unjust market manipulation, or unfair and misleading market quotations of the prices of necessaries, hereinafter in this section called evil practices, he is authorized to prescribe such regulations governing, or may either wholly or partly prohibit operation, practices, and transactions at, on, in, or under the rules of any exchange, board of trade, or similar institution or place of business as he may find essential in order to prevent, correct, or remove such evil practices.

There is one thing which above all others the grain producers hope will not be inflicted upon them, and that is an investigation. As a matter of fact, astute grain dealers thrive on investigation. They are long-practiced experts in beclouding investigation, and anyone who suggets that the law is likely to result in any tangible action through an investigation of the manifold evil practices of grain markets in time to affect next year's acreage displays an ignorance and innocence that is both sublime and childlike. There have been investigations enough; there is evidence enough to justify the Government taking over the grain markets of the country and the public elevators, and making both the markets and the elevators, in fact as well as in name, public institutions under Government direction. If that were done to-day, without any guaranty of price, but with a guaranty of a square deal to the farmers under the law of supply and demand, I venture to predict that the grain acreage of the country for 1918 would almost double that of 1917.

What is a fair price for a bushel of wheat? This is a reasonable and proper question at this time when we are asking the farmers to produce more. A few years ago the United States Department of Agriculture made an investigation of the time and labor required in different parts of the country in growing and harvesting wheat. Careful statistics were kept of the man time and horse time upon a large number of farms in different States. It was found, for example, that an acre of wheat in New York State averaged 20 hours of man and 30 hours of horse labor. In the State of Washington, 17 hours of man and 58 hours of horse labor. Minnesota was the lowest in labor cost, but there it averaged 10 hours for the man and 23 hours of horse. In other words, about one good full day of a man and team per acre of wheat, and that is not on the basis of union hours either. A man and team at that time could be hired for a day for $5. Now, the cost would be at least $7 for a 10-hour day. An acre requires a bushel and 3 pecks of seed, and at $2.50 per bushel, which is less than the market price at seeding time this year, the seed cost per acre is $4.37. If the land is worth $50 per acre—the average value—the interest at 6 per cent amounts to $3 per year. In those days it required about $1,600 for equipment, including horses, for 160-acre farm, or $10 per acre. The cost at present market prices will be nearly double that. The equipment will wear out every five years on most farms, but we will figure it on the basis of seven and a half years, showing a depreciation of 15 per cent, amounting to $3 per acre each year, with an interest cost per acre on the equipment of $1.20. That makes a total cost for these items alone amounting to $18.57. But we have not yet included the largest item of cost, which is the item of the fertility elements taken out of the soil by every crop.

I am aware of the fact that there is a school of modern scientists which persists in shutting its eyes to soil robbery and denies that a crop takes away from the soil nitrogen, potash, and phosphoric acid, although they must concede that these elements are found in the grain when it is examined. These scientists in some way undertake to claim that 4 less 2 still leaves 4. But there is another school of scientists of at least equal standing which recognizes that when a bushel of wheat carries off the farm a pound and a quarter of nitrogen that farm contains a pound and a quarter less nitrogen than it did before, and we find that to-day's market value of the chemical constituents taken out of the soil amounts to not less than 63 cents per bushel of wheat. The average yield in the United States is about 15 bushels per acre, although it is less than that in the Northwest. On the basis of 15 bushels, the average crop reduces the soil wealth of the farm by taking out potash, phosphates, and nitrates worth now $9.45 per acre. This is at present market prices for nitrogen, potash, and phosphoric acid, which of course have greatly increased on account of the war. At prices prior to the war, the loss of fertility, according to agricultural colleges, ranged from $4 to $5.40 per acre. Potash then was valued at $38 a ton. Now it is worth $300 to $500 a ton, and other prices have risen greatly. I am not undertaking to estimate the persistent losses through insect and other pests, or through hail or frost, flood or droughts, but simply figure the large and indisputable items of cost of production.

Now, taking $18.57 as already found to be the cost of labor, interest, and depreciation in producing an acre of wheat, and adding $9.45—the fertility loss per 15 bushels—we find the farm cost per acre is $28.02. To that the farmer must add his haul to the railroad, at 6 cents per bushel or 90 cents per acre; average freight to the terminal market 12 cents per bushel, or $1.80 per acre; commission 1 cent per bushel, or 15 cents per acre, making a marketing cost of $2.85, which brings the total cost of a 15-bushel crop up to $30.87 per acre, or $2.06 per bushel.

But in the Northwest, with an average of 11 bushels, the cost per bushel is still higher. The labor, seed, and depreciation items remain the same—$18.57 per acre. The fertility at 63 cents a bushel for 11 bushels is $6.93, and the marketing at the same scale per bushel as in the previous case, is $2.09 per acre, making a total cost per acre of $27.59. Divide by 11 and we

find the cost per bushel delivered to the terminal market is $2.51. And the figure we have heard as a reward to be guaranteed to the farmers for producing wheat costing $2.51 was $1.50 per bushel at the market—so that the farmers' penalty for patriotism would be a loss of a little over $1 a bushel for every bushel produced.

These figures are indisputable. Is it any wonder that official statistics show that in the last census decade, while there was an increase of population amounting to over 20 per cent, the increase of wheat yield was less than 4 per cent, in spite of better farming, and that there were 8,325,982 fewer acres devoted to wheat in 1909 than in 1899—an acreage decrease of 15.8 per cent. Is it any wonder that the cost of wheat to the consumer is increasing? Gentlemen, if we are going to increase the farmers' food production we must make it worth while for the farmer to grow more. We can not accomplish it by patting the farmers on the back and saying how patriotic a thing it is to grow wheat. We do not expect the munition factories to make shells at a loss because the owners are such good patriots. Why should we reward farmers with buncombe?

In making this computation I overlooked the item of twine, which will probably cost the farmers this year about 40 cents per acre, although nobody can tell what the real cost will be. The task of fixing the price this year, if it is attempted by Mr. Hoover, whom the President has announced he will appoint as food administrator, will be an exceedingly difficult one, and the work should be done with exceedingly great care. I have never known anyone to make an estimate of the cost of growing grain who did not fail to include some one item of cost. After preparing the estimate of the cost of growing wheat per acre the item of twine came to my mind. I concluded not to disturb the figures, but to make the open confession here that I overlooked the item. It is possible that I have also overlooked other items, and if so it emphasizes the need of having about Mr. Hoover at the time the prices of farm products are made actual producers of such products from the farms. The farmers of the Northwest have never asked for a price guaranty. The idea of guaranteeing an indemnifying price to the farmers evidently came to the brain of some one in the Agricultural Department at Washington. However that may be, it was never suggested by the farmers or by any farm organization. But that does not mean, since the system is to be imposed on them, that they have not a very decided interest in how the work is to be done. When the committee of northwestern farmers came to Washington recently to appear before the Committee on Agriculture, one of their first requests was that they might have the opportunity of talking with Mr. Hoover. They wanted to see and converse with the man who was to pronounce their doom next fall. I am glad to say that these farmers were well impressed with Mr. Hoover. He looked good to them. He promised them full representation and that they will be fully consulted before a minimum price is fixed. Among those who called on Mr. Hoover at that time were State Senator Thomas Pendray, of Jamestown, N. Dak.; State Senator Charles E. Drown, of Page, N. Dak.; Samuel J. Aandahl, president of the State board of railroad commissioners, of Litchville, N. Dak.; Herbert E. Gaston, editor of the Courier News, Fargo, N. Dak.; J. M. Anderson, president of the Equity Cooperative Exchange, Minneapolis, Minn.; F. A. Bennett, of Great Falls, Mont.; C. A. Holman and Charles Lyman, of Madison, Wis. I am glad that these gentlemen saw and talked with Mr. Hoover and that they also saw and had a 25 minutes' interview with the President, and that they expressed themselves before the committee, for it is a big responsibility to pass judgment upon this legislation giving such extraordinary powers to the President of the United States. When these men left for home they assured me that this bill ought to be supported, not because it contained promises of price-fixing, for which they had not asked, but because it promised a control of the markets, a control of the great exchanges, and the establishment there of a free, open market, and also the opening to the public without discrimination of public elevator storage. These are the things which they have fought for during recent years and which if given to them will do more to stimulate crop production than all other things combined which Congress might do. [Applause.]

I yield 10 minutes to the gentleman from Missouri [Mr. DYER].

Mr. DYER. Mr. Chairman, I am in favor of this bill and intend voting for it, notwithstanding the vast power it confers on the President of the United States. I hope the bill will be passed substantially as it has been reported from the Committee on Agriculture. I will not support any amendment to prohibit the use of grain, and so forth, in the manufacture of alcoholic liquors. We give in this bill the power to the President to prohibit same if he finds it necessary to conserve the food supply. That is ample for all purposes and needs, so far as this situation is concerned, and that is and ought to be the test, so far as this legislation is concerned, if our object is to win the war and furnish our people ample food at reasonable prices. Prohibition has no part in this bill.

Mr. Chairman, there is no reasonable excuse for all the complaints we have regarding high prices and scarcity of the necessaries of life. In my judgment it is due to the gamblers on the stock exchanges in foodstuffs. If for no other reason I would support this bill in order to get rid of them. They are the worst criminals in all the land. They rob the people and starve the children to fatten the purses in this nefarious, wicked, and sinful business. They ought to be subjected to the severest punishment possible and that we can provide for in this bill.

Then, Mr. Chairman, there is the fuel situation. It is inexcusable to see the high prices being paid for coal and other fuel. I have been after these robbers for some time. On May 9 I introduced a resolution—H. Res. 78—asking the Attorney General why conditions were so horrible regarding coal prices, and so forth, and I received a letter and copies of correspondence from him upon the subject, which I include in my remarks, to wit:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., May 17, 1917.

Hon. L. C. DYER,
House of Representatives, Washington, D. C.

DEAR SIR: I beg to acknowledge receipt of your letter of the 16th instant inclosing a copy of a resolution which you have introduced in the House in relation to the high price of coal.

Chairman WEBB, of the Judiciary Committee, had already sent me a copy of the resolution, and I inclose herewith a copy of my letter to him. If you wish any further information I will be glad to supply it if I can.

Yours, very truly,

T. W. GREGORY, *Attorney General.*

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MAY 17, 1917.

Hon. E. Y. WEBB,
Chairman Committee on the Judiciary,
House of Representatives.

DEAR MR. WEBB: I have your letter of the 15th instant transmitting for the information of the department and such reply as it may desire to make for the use of your committee, a copy of House resolution 78, introduced by Mr. Dyer, relative to the coal situation.

This department has been especially active in the investigation and prosecution of alleged combinations of both anthracite and bituminous coal producing companies.

The control of anthracite coal has become centered in a few railroads. The backbone of the combination is the Reading Holding Co., which controls two of the great railroads from the anthracite field, namely, the Philadelphia & Reading and the Central of New Jersey, and two great coal mining companies, namely, the Philadelphia & Reading and the Lehigh & Wilkes-Barre, which together possess about 63 per cent of all the unmined anthracite coal. A suit to dissolve the Reading Holding Co. was instituted under the antitrust laws and the commodities clause in September, 1913. The decision of the lower court was in part favorable and in part adverse to the Government. Appeals were taken to the Supreme Court, where the case was argued early in October.

Suits have also been instituted under the antitrust laws and the commodities clause against the Delaware, Lackawanna & Western Railroad Co. and its affiliated coal companies and the Lehigh Valley Railroad and its affiliated coal companies, branches of the combination.

In the case against the Lackawanna companies the decision of the lower court was adverse to the Government, but on appeal to the Supreme Court the decision of the lower court was reversed and the relief asked by the Government granted. In the suit against the Lehigh Valley companies the decision of the lower court was also adverse to the Government. An appeal was taken to the Supreme Court, where the case was argued early in October.

In addition to these proceedings under the antitrust laws and the commodities clause, the Attorney General, in a letter to the Trade Commission, after the recent advance in wages but before the increase in prices, called the attention of the commission to the fact that on three prior occasions when wages were increased, namely, in 1900, 1902, and 1912, the price of anthracite coal was increased out of all proportion to any increased cost of production due to the higher wages; and in view of past history he recommended to the commission that, in the event the recent advance in wages should be followed by an advance in price (as subsequently it was), a thoroughgoing investigation be made for the purpose of ascertaining whether there was any justification for the increase in the price.

Subsequently Senator Hitchcock brought this matter before the Senate, calling attention especially to the letter of the Attorney General, and the Trade Commission was directed by resolution of the Senate to conduct such an inquiry as the Attorney General had recommended. A copy of the Attorney General's letter is attached hereto.

In the course of the investigation into increases in prices generally, the several United States district attorneys and an investigating force of the department have been inquiring into conditions in the anthracite and bituminous coal markets. As regards anthracite coal, no evidence has thus far been found which would warrant any proceedings in addition to those heretofore instituted. As regards bituminous coal, the investigation thus far made has resulted in the return of three indictments in the southern district of New York against alleged combinations to increase the price of so-called smokeless coal, produced largely in the State of West Virginia.

I also call your attention to the following recommendation contained in my last annual report:

"In United States *v.* Delaware & Hudson Co. (213 U. S., 366), the Supreme Court construed the commodities clause as prohibiting a railroad from transporting articles produced, mined, or purchased by it only where it has an interest in the articles in a legal or equitable sense

at the time of transportation. It further held that a railroad does not necessarily have an interest in a legal or equitable sense in articles produced, mined, or purchased by a bona fide corporation, of which the railroad is a stockholder. In a later case (United States v. Lehigh Valley Railroad Co., 220 U. S., 257) the court held that if the corporation owning the articles transported by the railroad was so identified with the railroad as in fact to be but an arm of the railroad, then the railroad would have an interest in the articles in the sense of the statute. The following plan was devised to meet the requirements of the statute as thus construed:

"A railroad engaged, say, in mining coal, either directly or indirectly, through a controlled corporation which is but a part of itself, will organize a new corporation, the stock of which is distributed ratably amongst the stockholders of the railroad, and the management of which will be dominated by officers of the railroad. Thereupon the railroad will sell to the new corporation at the mouth of the mines its production of coal under a contract which puts the new corporation largely, if not completely, within the power of the railroad.

"This plan was challenged in the case of United States v. The Delaware, Lackawanna & Western Railroad Co. and the Delaware, Lackawanna & Western Coal Co. The Government lost in the district court, but an appeal was taken to the Supreme Court, which, in an opinion handed down on June 21, 1915, unanimously reversed the decision of the lower court. (238 U. S., 516.)

"I stated in a previous report that even should the Government be successful in this case in the Supreme Court, the commodities clause would still fall short of accomplishing its purpose—the divorce of transportation from production. This is not less evident now that the case has, in fact, been decided in favor of the Government, since railroads are still able to claim that the clause does not prohibit them from engaging in production along their lines, provided only that they sell the articles produced before transporting them.

"I therefore urge an amendment which will prohibit a railroad from transporting in interstate commerce articles which it manufactured or produced, or which were manufactured or produced by any corporation controlled by it or affiliated with it by having the same controlling stockholders, irrespective of whether such railroad or such controlled or affiliated corporation has an interest in the articles at the time of transportation. It is also necessary, if transportation and production are to be completely divorced, that Congress prohibit any railroad owned or controlled by a producing or trading corporation and not operated merely as a plant facility, from transporting in interstate commerce articles produced or owned by such corporation.

"A bill to carry out this recommendation was introduced in the Sixty-third Congress, third session, by the chairman of the House Committee on Interstate Commerce (H. R. 20470)."

Yours, very truly,

T. W. GREGORY,
Attorney General.

MAY 6, 1916.

The FEDERAL TRADE COMMISSION,
Washington, D. C.

GENTLEMEN: It has been stated in the public press, with apparent authority, that, having agreed to an advance in wages, the railroad coal companies will now use that as an excuse for materially increasing the price of anthracite coal to consumers.

It has been brought out in the various legal proceedings against the anthracite railroads that on similar occasions in the past when wages have been advanced the railroad coal companies, on the pretext of increasing prices for the purpose of meeting the increased cost of production resulting from the higher wages, have made much greater increases than were necessary for that purpose.

Since January 1, 1900, there have been three general advances in the wages of mine workers in the anthracite regions, exclusive of the present advance.

In October, 1900, wages were advanced approximately 10 per cent. In the fiscal year immediately preceding this advance (July 1, 1899–June 30, 1900) the cost of production of the Philadelphia & Reading Coal & Iron Co., whose mines are amongst the most expensive to operate, was $1.67 per ton. In the fiscal year immediately following (July 1, 1900–June 30, 1901) its cost of production was $1.826 per ton—an increase of $0.156 per ton, which includes not only the increase due to the advance in wages but the increase due to all other factors. On the other hand, the same company (the others following suit) increased prices by $0.232 per ton on all sizes, making the excess of price increase over cost increase $0.076 per ton.

On November 1, 1902, there was another general advance in wages of approximately 14 per cent. In the fiscal year immediately preceding this advance (July 1, 1901–June 30, 1902) the cost of production of the Philadelphia & Reading Coal & Iron Co. was $2.066 per ton. In the fiscal year immediately following (July 1, 1902–June 30, 1903) its cost of production was $2.199 per ton, an increase of $0.133 per ton, which includes not only the increase due to the advance in wages but the increase due to all other factors. On the other hand, the same company (the others following) increased prices by $0.494 per ton on all sizes, making the excess of price increase over cost increase $0.363 per ton.

Undoubtedly the prices immediately following the wage increase in 1902 were abnormally high, due to the scarcity of coal in consequence of the long strike. It will be fairer, therefore, to take the prices prevailing in the fiscal year ended June 30, 1904, as the basis for comparison. This would show an excess of price increase over cost increase of $0.245 per ton.

In 1912 another advance in wages took place amounting to about 5.6 per cent net. Again, prices were increased on the pretext of meeting the resulting increase in the cost of production. On this occasion the House of Representatives directed the Bureau of Labor to make an investigation. The bureau found that whereas the advanced wages increased the cost of production only $0.09 per ton, prices were increased $0.25 per ton, making the disparity between price increase and cost increase $0.16 per ton.

The report of the Bureau of Labor states:

"Following the agreement of May 20, 1912, the wholesale price of anthracite coal was advanced by the mining companies about 25 cents per ton when all sizes are taken into consideration. The advance in miners' wages under the above agreement and the increase in wages granted to men not specifically covered by the agreement was equivalent to an increase of between 8 and 10 cents per ton in the cost of labor, or an average increase of about 9 cents per ton for the anthracite region as a whole. Deducting this increase in labor cost from the increase in the selling price per ton it will be seen that the prices realized by the coal mining companies were increased about 16 cents per ton more than was required by the new scale of wages alone. (H. Doc. 1442, p. 33.)"

As the total consumption for some years past has been in the neighborhood of 75,000,000 tons, this excess of price increase over cost increase following the advance in wages in 1912 meant a surtax upon consumers of about $12,000,000 annually.

In view of these facts, I take the liberty of suggesting that if the advance in wages just agreed upon shall be followed, as in the past, by an increase in the price of coal to consumers, the Federal Trade Commission, under the authority of section 6 of the act creating it, institute a searching investigation into the operations and accounts of the great producing companies for the purpose of ascertaining all the facts upon which such increase in price may be based, including the relation between any increase in the cost of production due to advance of wages and the increase of profits caused by the increase in price.

Very truly, yours,

T. W. GREGORY,
Attorney General.

This all shows, Mr. Chairman, that the laws are not sufficient apparently to meet these robbers and gamblers, so I am for giving arbitrary power to the President to cure the situation. It is the only thing to do if we are not to starve for food and freeze for want of fuel during the coming winter. Food is not scarce, neither is coal to the extent of the high prices prevailing. It is the food gamblers, the hoarders of food, the coal barons, and such enemies of our country. Let us put an end to them. [Applause.]

Mr. LEVER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. FITZGERALD having taken the chair as Speaker pro tempore, Mr. HAMLIN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 4961 and had come to no resolution thereon.

EXTENSION OF REMARKS.

Mr. RANDALL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of war-time prohibition.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

RECESS.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that the House stand in recess until 8 o'clock to-night.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Accordingly the House stood in recess until 8 o'clock p. m.

AFTER THE RECESS.

At 8 o'clock p. m., the recess having expired, the House was called to order by Mr. FITZGERALD as Speaker pro tempore.

FOOD CONTROL.

Mr. LEVER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4961, with Mr. HAMLIN in the chair.

The Clerk reported the bill by title.

Mr. LEVER. Mr. Chairman, I yield 30 minutes to the gentleman from Missouri [Mr. HAMLIN].

Mr. RANDALL assumed the chair.

Mr. HAMLIN. Mr. Chairman, I take advantage of this opportunity to submit some observations, not especially upon this bill, but refer to it incidentally as a type of the character of legislation which we have been passing for some time and perhaps will continue to consider until the end of this session. Some weeks ago I became very much interested in the question of the constitutionality of this character of legislation. I have examined some of the authorities, and I desire now to submit my views for what they may be worth.

Mr. Chairman, we are seeking to pass bills which give to the executive department of the Government autocratic powers to deal with certain things during the war. Powers not to be thought of in times of peace. It seems to me, therefore, that the first thing we ought to determine is, Have we authority under the Constitution to enact such legislation; and if so, does the present situation warrant us in taking a step which we all concede is a radical departure from our time-honored customs? If so, why?

We are now face to face with grim war. War means large and often profligate expenditures of money. Large expendi-

tures mean inflation of values. Inflation always means extravagances. War also means increased necessities. Increased necessities mean increased opportunities for speculation. Increased speculation means increase in prices, and increase in prices means increased hardship, in fact, often increased misery and distress. In a word, war is an abnormal condition and abnormal conditions require abnormal and radical remedies to neutralize and control inevitable abuses. Therefore, I, as a natural Democrat, not in a partisan but in the broadest sense, am willing to adjust my conduct to meet existing conditions and necessities, provided always that I am convinced that we have a right to take such action and stay within the limits of the Constitution.

We have already passed several drastic measures and are contemplating the passage of others. It is not necessary for me to stop to mention all these bills, but I think that it will suffice to call attention to the espionage bill, the ship bill, the explosive bill, and I might mention others, all of which give to the President large and ample powers to act during the war.

Only a few days ago we passed through the House what is known as the explosive bill, by the terms of which, during the war, the President is practically given control of the manufacture, possession, storage, and distribution of powder, explosives, blasting supplies, etc. I realize that this is giving him great powers, but I feel as every one else must, that in times of war when men's minds are inflamed and prejudices run high, they are liable to do things that they would not do under normal conditions, and it is the part of wisdom for us to make it as difficult as possible for them to do harm to their fellows. I think that it is necessary to give some one person authority to act in such matters so as to promptly meet any unforeseen emergencies.

There are two things, especially in times of war, which ought to be safely guarded, regulated, and controlled. I refer to the two opposing agencies, to wit, the one which sustains life and the other which destroys it. The one you must have to sustain your friends and the other is indispensable in the destruction of your enemies. Food and firearms ought therefore, to be under the control of the Commander in Chief of the Army and Navy.

I realize, and feel that everyone else must, that an effective war can not be carried on without the most perfect teamwork, and that you can not have this teamwork unless the power to direct and control is centered in one place. No one who reads history will doubt for a moment that the secret of the success of the Napoleonic armies was Napoleon.

We have now taken up for consideration the bill known as the "Lever food-control bill," and which, I think, easily ranks as among the most important measures to be considered by Congress at this session. The bill as drawn gives to the President practically unlimited powers during the war to control the supply, distribution, and movements of foods, feeds, fuel, and other necessaries of life. I am not going to discuss the merits of this bill except in a general way, but I am impressed with the wisdom of passing legislation of the character sought to be enacted by this bill, and I also am impressed with the fact that the things treated of in this bill are of such vital importance to every individual in the United States that we ought not to hesitate to provide for the most effective and rapid means of accomplishing the things which this bill seeks to have done. If that effective way is to delegate to the President full authority to act, then I favor it, and I believe that we ought not to hesitate to do it, because no one doubts for a moment the good intentions, patriotism, and intelligence of the President.

Whatever may be our opinions as to the merits of this bill or the wisdom of passing it at this time, I think that we will all agree that, under the circumstances, the Committee on Agriculture, and especially the chairman thereof, who comes, as many of the members of his committee do, from a section of the country where the "shibboleth" of the people is "States rights" and a "strict construction" of the Constitution the only passport into polite society, have demonstrated rare courage born of real patriotism in reporting a bill which gives broad powers to the Federal Government to deal with a vital situation which is so critical as to well-nigh appall us all. It is just such unselfish patriotic statesmanship as this that will save the situation and help to win this war.

Among other things which the bill seeks to accomplish is to prohibit waste, destruction, hoarding, storing, or holding by any individual, firm, or corporation, or of any person or combination of persons, other than the individual farmer or gardener, of any of the necessaries of life beyond the amount reasonably required for the individual use or business requirements of persons engaged in the production or handling of such necessities.

The evident purpose of this bill being to prevent the possibility of rendering inadequate the food supply of the country by any artificial means whatsoever, and to prevent the enhancement of the price thereof to the consumer, and also to see that the opportunity to buy is available to all on equal terms.

If the enactment of this law will accomplish these things, it will surely be a godsend, and we ought not long to delay its passage.

How true I do not know, but we too frequently hear of willful and criminal storage and sometimes actual destruction of food products after they have passed out of the hands of the producer into the hands of the speculators. The purpose of this evidently is to render scarce this vital necessity in order to enable them to receive large and inordinate profits. If these reports be true, then the lamp-posts of the cities where these criminals reside have not yet been utilized in the most needful way. Every monther's son of them ought to be hanged.

The handling of the necessaries of life offers one of the most fruitful fields for speculation and oppression. The person or persons who will take advantage of his fellow man and rob him by increasing, by artificial means, the price in dollars and cents, or by short weights or measures, in the handling of these vital necessaries is a criminal and ought to be punished. It is hardly necessary for me to point out the class who engage in this nefarious business, as we all know them. As a rule, it is not the farmer, who produces the raw material, nor, of course, the people who ultimately consume it, but it is the fellow through whose greedy hands the products must pass on their way from the producer to the consumer. Unfortunately this condition is not a result of the war. We have all realized that this nefarious business has been going on for years, but the somewhat chaotic condition incident to the war only increases the opportunity for this infamous practice, and accentuates the importance of us taking some steps to put an end to this thing. I repeat, if autocratic power placed in the hands of the President is the most effective way to deal with this situation, then let us do it, provided, of course, we have authority under the Constitution to do so.

The bill to which I have referred covers many other activities incidental to the production and handling of the vital necessities of life, all of which are undoubtedly of the greatest importance. Whether this particular bill should pass or not is a question upon which we will not likely all agree, but, after all, I am persuaded that the disagreement, if any will come, will be on the plan rather than on the principle.

I think we ought not to overlook the fact that at this session we are having to legislate under conditions and in the face of circumstances different from any which have confronted the Members now composing the American Congress. This session is destined to go down into history as one of the notable ones in the life of our Nation. The work of this Congress will be to the credit of those of us who are Members, or else the mere mention of it will be a sufficient condemnation of those of us who are responsible for its work.

We have been and are dealing with grim war—real war—to last how long, God only knows. If the inventive wizards of our country, or of the countries with which we are allied, can find a way to destroy the deadly submarine, then I believe that this war will soon be over. If not, then the end is not in sight, and the crimson stream which is now flowing through northern France will be swollen by the blood of thousands of our American boys.

In this session nothing common or ordinary has been considered. In appropriations we have dealt only in billions, in international matters we have done nothing less than to declare war, in the raising of armies we have provided for the conscription of millions of men; but after all I predict that the food and fuel question to which I have referred will overtop all else in importance and interest, for it forms the very basis of all our activities. It affects every man, woman, and child in our land—and in every other land, for that matter, throughout the world. Modern implements of warfare may be destroyed, and yet men could go on fighting with stones, staves, and pickaxes, as they did of old; but if the food supply should be destroyed or exhausted, both sides and all people would suffer and die. I plead, therefore, that in the consideration of this character of legislation we throw aside all preconceived ideas and notions which may have been formed under the influence of peculiar environments, and demonstrate our real statesmanship and patriotism by finding a solution to these most vital questions, not only for our own salvation but for the salvation of the world.

Of course, whatever we do must be done within the power granted to us by the Constitution. That brings me to the point of making a few observations on the constitutionality of the kind of legislation about which I have been speaking. Certainly I

would not presume to impose my limited knowledge of this question upon the House, among the membership of which are so many eminent lawyers, but I only dare do it in justification of my action in supporting this character of legislation. I know that there are some Members who affect to believe that some of us think that when the country is engaged in war the Constitution, or some portions of it, is suspended.

I think a sufficient answer to that criticism will be to paraphrase a statement made at one time by Chief Justice Marshall, when he said, in effect, that no legislative dreamer was ever wild enough to think that there has been a moment of time since it was first declared in effect down to this good hour when the Constitution, and every part thereof, was not in full force and effect as the supreme law of the land. If, indeed, the time should ever come when a majority in Congress should ignore that bulwark of human liberty, it will be the beginning of the end of this Republic.

May I suggest that perhaps the trouble with some Members who doubt our right to enact this character of legislation is that they seem to be unable to differentiate between the purposes for which certain authority is given in the Constitution and under which Congress must perform its functions. For them all authority granted for any end or purpose is of equal importance. So far as that authority is the voice of sovereignty I agree with them, but when we come to consider the effect and purposes for which certain authority is granted we can readily discover very great differences. Let me illustrate: The Constitution gives to Congress the right to prohibit—in fact, to make it a crime—to do certain things and to fix a penalty for a violation of the same. In the natural order of things it frequently occurs that this regulatory power affects but a small percentage of the people, because only a few in comparison ever violate the law, and the enforcement of that law is quite simple.

But the authority to declare war, while not any more of an authority under the Constitution than the other, is infinitely more far-reaching and important, for a declaration of war vitally affects not a few only, but every citizen, whether law-abiding or criminal, sane or insane, mature or immature. The things necessary to be done in order to carry that declaration of war into effect are multitudinous and of necessity drastic, and, as compared to peace times, well nigh revolutionary. Therefore no thoughtful person, it seems to me, can fail to realize that Congress is authorized to do things after it has exercised its authority under the Constitution to declare war that it could not do before that declaration was made, because without the declaration there would be no basis or necessity for the doing of these other things.

The Constitution, I think, clearly recognizes this difference. For instance, no soldier shall in times of peace be quartered in any house without the consent of the owner, but this may be done after Congress has declared that a state of war exists.

No property may be taken in times of peace without the consent of the owner or just compensation made, but in times of war the President as Commander in Chief of the Army and Navy may, without the consent of the owner or without the ordinary condemnation proceedings familiar to peace times, certainly when authorized by Congress, commandeer private property for the use and in aid of a successful prosecution of the war.

While Congress, I am inclined to think, would have a right to compel enlistments in the Army in time of peace—before war has been declared—yet I doubt that any Congress would have the temerity to attempt such a thing; yet it will not hesitate, and frequently in the interest of public safety ought not to hesitate, to provide for conscription in the times of war.

While the Constitution is just as effective in times of war as in peace times, the purpose always being to insure domestic tranquillity, provide for the common defense, and promote the general welfare, and thereby make secure the blessings of liberty, not only to the present generation but to the generations of those who are to live after us, yet I maintain that there is a vast difference as to the duty of Congress in making effective this splendid purpose in times of war as compared to that of peace times.

The legislation which we are enacting is not only drastic, but radical; but I believe it reasonably necessary to a successful prosecution of the war, and if it is, then, in my opinion, there can be no doubt of its constitutionality.

Mr. YOUNG of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. HAMLIN. Yes.

Mr. YOUNG of North Dakota. Does the gentleman believe the constitutionality of this act is likely to be attacked in the court?

Mr. HAMLIN. Of course, I can not tell. It may be. It has been attacked on the floor of the House and very likely will be attacked again before it is finally passed.

Our Supreme Court has repeatedly said in unmistakable terms that Congress has authority under the Constitution to do anything which is necessary to make effective the authority given it under the Constitution. I think the language of our Supreme Court in the case of Cohens against Virginia, in Sixth Wheaton, pages 264, 413, from which I quote, is significant:

> That the United States, for many and for most important purposes, is a single Nation, has not yet been denied. In war, we are one people. In making peace, we are one people. In all commercial relations, we are one and the same people. In many other respects the American people are one; and the Government, which is alone capable of controlling and managing their interest in all these respects, is the Government of the Union. * * * The people have declared that in the exercise of all powers given for the objects it is supreme. * * *

In One hundred and thirtieth United States, page 606, this significant language is used:

> To preserve its independence and give security against foreign aggression and encroachment, is the highest duty of ever nation, and to attain these ends nearly all other considerations are to be subordinated. It matters not in what form such aggression and encroachment may come, whether from a foreign nation acting in its national character or from vast hordes of its people crowding in upon us. The Government possessing the powers which are to be exercised for protection and security is clothed with the authority to determine the occasion on which the powers shall be called forth; and its determination, so far as the subjects affected are concerned, are necessarily conclusive upon all its departments and officers.

By the way, that comes pretty nearly answering the question which was injected yesterday into the debate to this effect, that our declaration that certain kinds of legislation is a war necessity will not bind the court. If the constitutionality of this question should arise before the court, I believe they would be bound by the decision of Congress expressed in its enactment.

In the case of Miller against the United States, in Eleventh Wallace, page 305, the court says:

> The Constitution confers upon Congress, expressly, power to declare war, grant letters of marque and reprisal, and make rules respecting captures on land and water. Upon the exercise of these powers no restrictions are imposed. Of course—

Says the court—

> the power to declare war involves the power to prosecute it by all means and in any manner in which war may be ligitimately prosecuted.

Language could scarcely be stronger or broader than that.

But some may say this clearly refers to the things expressly mentioned in the Constitution and does not include the right to control the manufacture, handling, and distribution of such things as explosives or the control of the foodstuffs of the country. But I think it does. War can not be successfully prosecuted in these times without the use of modern implements of warfare. The Government must have them. Neither can war be prosecuted unless food, feed, and fuel are furnished to the soldiers and the noncombatants as well, and I do not believe for a minute that the framers of the Constitution were silly enough and short-sighted enough to intend to limit the power of Congress to a simple declaration of war and the granting of letters of marque and reprisal; and the making of rules respecting captures on land and water. That very authority carried with it, of course, the right to do anything else necessary to make the declaration of war effective. But we are not left to speculate on that. Again, the Supreme Court, in the case of Nishimura Ekiu against the United States, in One hundred and forty-second United States, page 659, said:

> That there is granted Congress under the Constitution certain powers, among which is one "to declare war and to provide and maintain armies and navies; and to make all laws which may be necessary and proper for carrying into effect these powers and all other powers vested by the Constitution in the Government of the United States, or in any department or officer thereof."

This, you will readily recognize, is a literal quotation of the eighteenth paragraph of section 8 of the Constitution.

In the case of Logan, in One hundred and forty-fourth United States, page 283, we find this same article quoted, and then the court says:

> In the exercise of this general power of legislation, Congress may use any means appearing to it most eligible and appropriate which are adapted to the end to be accomplished and are consistent with the letter and spirit of the Constitution.
>
> Although the Constitution contains no grant, general or specific, to Congress of the power to provide for the punishment of crimes, excepting piracies and felonies on the high seas, offenses against the laws of nations, treasons, and counterfeiting the securities and current coin of the United States, no one doubts the power of Congress to provide for the punishment of all crimes and offenses against the United States, etc.

The Constitution must be construed in the light of reason.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. HAMLIN. Yes.

Mr. SMITH of Michigan. What does the gentleman think about the power of Congress to fix the prices of food products or other commodities of manufacture, both minimum and maximum prices?

Mr. HAMLIN. If the fixing of the price of things absolutely necessary for the maintenance of our armies or our people in time of war, I believe that we would have a right under the Constitution to do so. My study of these decisions leads me to believe that after all is said and done, it depends upon the one central fact—is it necessary to do this particular thing in order to make effective the declaration of war? If so, then we have the authority to do it.

Mr. SWITZER. Does the gentleman believe that the court would have the right to set aside our declaration of necessity?

Mr. HAMLIN. Whether they would have the right to declare it not a necessity? I very seriously doubt that they would have that right. I think the quotation from the court's decision I called attention to a moment ago indicates that our conclusion on this matter is final. I do not believe the Supreme Court would go back of the opinion of Congress on the question of what is necessary to prosecute the war.

Perhaps the case of McCulloch *v.* State of Maryland, reported in Fourth Wheaton, 316 et seq., can well be regarded as a leading case, and in which case the opinion was rendered by Chief Justice Marshall. I shall refer to only such parts of this opinion as I think directly affects the questions now confronting us. I want to say for the benefit of our "strict constructionist" that in this elaborate opinion the court did not overlook that phase of the case. There were those arguing that the Federal Government had only such powers as were "expressly" granted to it by the people. Chief Justice Marshall calls attention to the fact that the tenth amendment was evidently framed for the very purpose of negativing the contention just referred to. He calls attention to the fact that the amendment provides that the powers "not delegated to the United States nor prohibited to the States are reserved to the States or to the people," and emphasized the fact that the word "expressly" was left out of the amendment, and he reasons, and I think correctly, that it was purposely left out. In other words, that the powers granted to the Federal Government are to be considered and construed in a reasonable, sensible way, with the view of giving to Congress power to do anything reasonably necessary to carry out the things which the Constitution gives it permission to do and the conditions require should be done. He says:

> But it may with great reason be contended that a Government intrusted with such ample powers, on the due execution of which the happiness and prosperity of a Nation so vitally depends, must also be intrusted with ample means for their execution. The power being given, it is the interest of the Nation to facilitate its execution. It could never be their interest, and can not be presumed to have been their intention, to clog and embarrass its execution by withholding the most appropriate means. * * *

Also—

> It is then the subject of fair inquiry how far such means may be employed. It is not denied that the powers given to the Government imply the ordinary means of execution. * * * But the Constitution of the United States has not left the right of Congress to employ the necessary means for the execution of the powers conferred on the Government to general reasoning. To its enumeration of powers is added that of making all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States or any department thereof. * * * The subject is the execution of those great powers on which the welfare of the Nation essentially depends. It must have been the intention of those who gave these powers to insure, as far as human prudence could insure, their beneficial execution. * * * The result of the most careful and attentive consideration bestowed upon this clause is that if it does not enlarge it can not be construed to restrain the powers of Congress or to impair the right of the Legislature to exercise its best judgment in the selection of measures to carry into execution the constitutional powers of the Government. * * * We admit, as all must admit, that the powers of the Government are limited and that its limits are not to be transcended. But we think the sound construction of the Constitution must allow to the National Legislature that discretion with respect to the means by which the powers it confers ought to be carried into execution, which will enable that body to perform the high duties assigned to it in a manner most beneficial to the people.

That pretty nearly answers the question of the gentleman from North Dakota [Mr. YOUNG].

I do not hesitate to say that if I did not believe it is necessary to enact legislation such as is provided in the pending bill in order to successfully and properly conduct this war, I would not vote for it. I would not vote for it in time of peace; but believing, as I do, that it is necessary now, I do not hesitate to vote for it, because I believe it is constitutional. [Applause.]

I could go on almost ad infinitum, adding citation upon citation to this same effect, but I feel sure that no lawyer after careful and serious investigation will doubt the authority of Congress to enact such legislation, though drastic, as may be necessary to a successful prosecution of the war viewed from every possible corner and angle.

Mr. Chairman, I presume there never has been a war fought when there have not been those who hesitated, criticized, and objected to the doing of the things which were necessary to a successful prosecution of the war and otherwise hindered rather than helped to bring about the very victory which they so much desired. I presume it will ever be thus. Unfortunately we have in this country now those who are willing to be the beneficiaries of the Government's insurance of "life, liberty, and pursuit of happiness," but who are not willing to pay the premiums. They are willing to delegate to the other fellow the sole and exclusive right to represent them in the trenches in the face of the enemy, but are not willing to delegate to the President authority necessary for him to care for and provide for those who are there defending with their lives that liberty which these critics so much desire.

Some go so far as to contend that Congress has no constitutional right to grant to the Executive the power to make and promulgate rules and regulations for the carrying into effect the general laws which we enact, and I suggest that the difficulty perhaps is that they fail to appreciate that a law may be complete within itself, so far as declaring what may or may not be done, and yet leave to the Executive, whose duty it is to enforce it, the working out of details in the way of rules and regulations for the convenience in its enforcement.

In the Stranahan case, reported in One hundred and ninety-second United States, 470, the court seems to hold that Congress may leave to the Executive the duty of providing certain details in the execution of the law, which details involve certain independent action in the nature of discretion to the Executive. In that case Congress had passed a law giving the Secretary of the Treasury a right to appoint a board to consist of seven members, whose duty it should be to recommend to the Secretary certain uniform standards of purity, quality, and fitness of certain teas being imported into the United States, and upon said recommendation the Secretary should establish and promulgate a standard, and so forth.

The validity of this statute was contested on the ground that it was unconstitutional, because it granted to an executive official of the Government legislative power. The court said in that case that the contention was without merit; that the duty devolved upon the Secretary of the Treasury was merely an executive duty to effectuate the legislation as declared in the statute. The court then cites the case of Field *v.* Clark (143 United States, 649), where it was contended that the third section of the tariff act of October 1, 1890, was repugnant to the Constitution as conferring legislative and treaty-making power on the President, because it authorized him to suspend the provision of the act relating to the free introduction of sugar, molasses, coffee, tea, and hides. The court goes on to say that—

> We may say of the legislation in this case as we said of the legislation considered in Field versus Clark, that it does not, in any real sense, invest administrative officials with the power of legislation. Congress legislated on the subject as far as was reasonably practicable, and from the necessities of the case was compelled to leave to the executive officials the duty of bringing about the result pointed out by the statute. To deny the power of Congress to delegate such a duty would in effect amount but to declaring that the plenary power vested in Congress to regulate foreign commerce could not be efficaciously asserted.

It seems to me that this effectually covers this question. I think that we must all realize that it would be a physical impossibility for Congress, in these stirring, changing, kaleidescopic times to provide in the law every minute and necessary detail for its enforcement. We know that condtions are changing constantly. What may be necessary to be done to-day may not be necessary to be done to-morrow, or vice versa. Therefore, we recognize and the court recognized that the only practical thing for Congress to do is to legislate generally upon these subjects and then delegate to the Executive authority to make such rules and regulations for carrying out the law as may be necessary for its intelligent and effective execution.

To the same effect is the holdings of the court in One hundred and forty-second United States, page 651, to which I have referred in another connection. In the matter to which I now refer, Congress had, by law, in a general way, regulated the admission of aliens into the United States. The first section of that law simply declared that certain kinds of aliens should not be admitted, and section 8 thereof provided:

> That the Secretary of the Treasury may prescribe rules for the inspection along the borders of Canada, British Columbia, and Mexico so as not to obstruct or unnecessarily delay, impede, or annoy passengers in the ordinary travel between said countries, etc.

The right of the Immigration Commissioner under appointment by the Secretary of the Treasury to enforce certain rules and regulations which had been promulgated, based upon that law, was challenged. In the course of the opinion on this

point the court after first quoting paragraph 18 of section 8 of the Constitution, said:

The supervision of the admission of aliens into the United States may be intrusted by Congress either to the Department of State, having the general management of foreign relations, or to the Department of the Treasury, charged with the enforcement of the laws regulating foreign commerce; and Congress has often passed acts forbidding the immigration of particular classes of foreigners and has committed the execution of these acts to the Secretary of the Treasury, to collectors of customs, and inspectors acting under their authority.

So in the food-control bill, to which I have been referring, it is proposed by Congress to prohibit preventable waste or deterioration of foodstuffs or to prevent the hoarding of the same, or discrimnatory, unfair, or deceptive methods in the handling of the same; to do anything which is necessary to conserve the foodstuffs of the country and fixing a penalty for the violation of these inhibitions but of necessity leaving to the President the making of such rules and regulations as shall be necessary for carrying out in the most effective way the will of Congress thus expressed. I can not believe that in doing this we in any sense transcend our authority.

What is the final test? War has been declared. Is the doing of these things to which I have just referred necessary to a successful prosecution of the war and for the general welfare of all the people? If so, there can be no doubt in my mind of the right of Congress to enact such laws.

In the language of the court—

Let the end be legitimate, let it be within the scope of the Constitution, and all powers which are appropriate, which are plainly adapted to that end, which are not prohibited but consistent with the letter and spirit of the Constitution, are constitutional.

Mr. Chairman, we all love liberty, and in times of peace we may enjoy to the fullest that freedom of thought and action which can be had only in a democracy. But when the sovereignty of our Nation is challenged, when the very freedom we love is in danger, when the sacredness of home, of liberty and of ideals are imperiled, when to maintain and defend them we must fight, then every loyal, true patriot should not hesitate to forego that individual freedom of action and thought incident to peace times but lay that right, together with his life, upon the sacrificial altar of his country to the end that a concerted and united effort, under the Commander in Chief, may be made, so that the enemies of that liberty and freedom may be driven from the face of the earth. [Applause.]

The CHAIRMAN. The gentleman yields back five minutes.

Mr. HAMLIN resumed the chair.

Mr. YOUNG of North Dakota. Mr. Chairman, I yield 20 minutes to the gentleman from Oklahoma [Mr. MORGAN]. [Applause.]

Mr. MORGAN. Mr. Chairman, in considering this bill we should, of course, keep in mind the fact that we are engaged in war and that this bill is a war measure, and I have no doubt that this one thing will be very important in securing votes for it, as it should, because this bill is intended to strengthen our country, to bring this war to a successful conclusion at the earliest date possible with the least possible sacrifice on the part of our people.

It is intended to safeguard our citizens at home, but that is not all; it is intended also to aid our allies and their people. But it is not simply ourselves and our allies that this bill is intended to aid; but, as I believe we recognize, it has a world-wide scope, because through this measure and others we hope to bring this war to a successful conclusion, and if we do so all the nations of the earth and all the people of the earth will be benefited and blessed by the result. [Applause.]

I intend to support this bill. I intend to vote for it. There are some things about it that do not satisfy me. There are some things about it that I feel like criticizing, and I shall make some of those suggestions here to-night.

Now, this bill, according to its title, is designed primarily to encourage the production of foodstuffs and fuel; it is designed to carry out three things, namely, to encourage the production, to conserve the supply, and facilitate the equitable distribution of foodstuffs and fuel. But the encouragement of production is the chief object and purpose of this bill, as indicated by its title. Production is placed first in the title, in the first section, and in the third section; and I submit that the production of food is the great purpose and object of this bill. I do not want to underestimate the importance of conserving the supply of food or facilitating its equitable distribution. Certainly those things are of the very highest importance, and yet I think the increase in production is still the most important problem that we should deal with in this bill.

And yet here is a bill covering 18 pages of printed matter and a little over two pages devoted to the section which provides for the stimulating of food production. There are 21 sections and only one section relates in any way to provisions which are designed to stimulate and encourage the production of food. In other words, those who had charge of this bill, those who have had much to do in the discussion of this measure outside of the committee, those who are to have charge probably of its administration, have placed too much prominence, too much stress, too much emphasis upon the control of foodstuffs and not enough upon the increase of production.

Take the distinguished gentleman, Mr. Hoover, a gentleman whom I have never met but for whom, of course, I have great respect and admiration, as I know him by reputation, and his work has been largely not upon questions relating to the increase of production of food but in the distribution of food. That has been the great problem in Belgium, while the increased production of food for the next year, it seems to be, is a question of the very highest importance.

Now then, take the discussion of this matter in the public press, take the hearings before the Committees on Agriculture of the two Houses, take the speeches made by the distinguished chairman of this committee and other distinguished members of the Committee on Agriculture, and they tell us there is a shortage of food products; they tell us that our allies and our own country must have a largely increased amount of food or else somebody must go hungry. They emphasize the fact in introducing their discussion of this bill that we need so many hundred million bushels of wheat and corn, and so on and so forth, and yet here is your bill which I contend does not give any assurance that it will increase the production of food to any material extent.

Mr. LEVER. Will the gentleman permit a question?

Mr. MORGAN. I certainly shall be glad to yield to the distinguished chairman.

Mr. LEVER. Has the gentleman any suggestion which would more encourage farmers to produce than, in the first place, to guarantee to them a free and open market for the sale of their goods as against the market now manipulated by gamblers and speculators on the one hand and, in the second place, to guarantee to them a reasonable and fair profit upon that which they produce? Can the gentleman suggest any way by which we can increase production other than that, except by conscripting men and putting them on the farm?

Mr. MORGAN. That is a fair question. And, of course, I shall do my very best to answer that question, because that is the very thing I wish to discuss.

Now, then, the free and open market to which the gentleman refers, I think, is somewhat indirect and indefinite. I do not see how the farmers will comprehend that in a way that will induce them to enlarge their production in any manner. It may have some effect and may be of some benefit to the farmer, but on the other hand, it may be some detriment because the speculator sometimes serves the interests of the farmer. It is true the farmer usually sells a greater part of his grain early after it is harvested and the farmer does not get the benefits of the advanced price, but sometimes the speculators play in the hands of a large portion of our farmers. So it is not altogether an evil, this speculation, so far as farmers are concerned. But there is danger with this large control that you place in the hands of the Government or the man who has control of these matters; that when the Government controls large amounts of wheat or corn or any other product it will tend to depress prices rather than to enhance them.

Mr. SWITZER. Now will the gentleman yield?

Mr. MORGAN. Yes.

Mr. SWITZER. Is it not true that with the enormous supply of coal, with the mines in this country open and profits on coal greater than ever before known, the production of coal has not been greatly stimulated in the last year, or the quantity enhanced, rather?

Mr. MORGAN. I am not so familiar as the gentleman is with that question, but I am inclined to think that is true.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. Yes.

Mr. HOWARD. The gentleman is talking about wheat?

Mr. MORGAN. Yes.

Mr. HOWARD. Does the gentleman know that the farmers of the United States got for the 1916 wheat crop, by actual statistics of the Agricultural Department, an average price of $1.22, and to-day it is selling for $2.15 a bushel?

Mr. MORGAN. That may be perfectly true, and yet I know that last November, just before the election, as I went over my district my farmers were hauling their wheat to town and getting $1.75 a bushel. I know also that I read in my local papers only a few days ago that some of my farmers hauled their wheat into town and got $3 a bushel for it.

Mr. SWITZER. Is it not also true that some of that $1.22 wheat made flour that sold for $8 a barrel?

Mr. MORGAN. That may be true. Now, what is the effect of this provision which gives the President the right to fix a reasonable guaranteed price? That is the term used, "a reasonable guaranteed price."

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. Yes.

Mr. BLANTON. Along the line of the gentleman's argument, is it not a fact that the farmers of our country through necessity are forced to market their product within 60 days?

Mr. MORGAN. That is true to a large extent.

Mr. LEVER. And for that reason is it not true that if you guarantee to these farmers a reasonable profit you will increase the stimulus of production?

Mr. MORGAN. That is a question I want to discuss in a little while.

The bill gives the President the power to fix a reasonable guaranteed price, and that is the one thing that is intended to stimulate production. Now, then, who can tell me, except by conjecture or opinion, what will be the effect of that? My friend from South Carolina says it will stimulate production. That is only an opinion; that is only a conjecture. I have heard a farmer say, talking to him personally in Indiana a few days ago, that that would discourage production. He said: "We want no price fixing. We want to be let alone. We are willing to take our chances." I repeat, it is only a matter of conjecture and opinion whether that will increase production or not.

It is too general also. How much will it increase production? I will ask that question. Would it add 10 per cent, will you say—is that your opinion—to last year's production? Will it add 20 per cent? Is that your opinion? Will it add 25 per cent or 50 per cent? There is the question. No man can tell. One man will say one thing and another man will say another thing. But no man living can tell what stimulating effect that will have on production. It is a matter of absolute conjecture on your part.

Mr. LEVER. The gentleman and I will agree, I presume, that we do want to stimulate production.

Mr. MORGAN. Yes, sir.

Mr. LEVER. The committee has tried to provide two methods of doing it, one by guaranteeing a free market and another by guaranteeing a reasonable profit.

Mr. MORGAN. We have in the United States nearly 3,000 counties—about 2,850 counties altogether. We have, I think, now something like 2,000 county agents. I would put a county agent in every one of those other counties, as I believe the other bill we passed authorized. I would immediately put those agents to work making contracts with farmers to increase their production in wheat and corn and other products such as are wanted. It would be absolutely a practical way. I would put 3,000 men to work, and, if necessary, let them appoint deputies in the counties, and within 30 days you can contract for any additional amount of acreage of wheat or corn or other products within the power of the farmers to produce. You could go at it in a systematical and plain and practical way. If you want an extra million acres of wheat, you can contract for that. If you wanted 2,000,000 extra acres of corn, you can contract for that.

Is not that the practical way? You would know then just about how much you would have, taking in the possibilities of failure, and so forth. You would at least know what additional acreage you would have. I insist if one of our great business corporations had this proposition to handle that is the way it would handle it. It would send out its agents and make contracts for so much additional acreage of corn or wheat or potatoes.

But under this provision it is absolutely indefinite. This provision may bring 50,000 additional acres of wheat or a million additional acres of wheat. You can not tell. It is only conjecture. There is no head, no knowledge about it at all. When the time is over for planting wheat, you know then what you have got, but then it is too late for the next season.

Mr. LEVER. The gentleman's theory is very nice and interesting, and it is that you just put folks out in the field and hook up with the farmer and make a contract with him for so many acres of wheat. But on what basis? What price?

Mr. MORGAN. Right there, the gentleman says, "At what price?" The question of price is not the most vital thing, so far as this Government is concerned, and so far as our allies are concerned. The question of price to the consumers at home, the great masses of our people, is supremely important, but to this Government and our allies it is unimportant and insignificant. Whether it is $1 or $2 or $3 a bushel, is not the essential thing. It is the food that we want to sustain life and to sustain our armies until we can win a victory. Did we talk about price when we proposed to make a loan to our allies? Oh, no; we voted to loan $3,000,000,000. We did not higgle with our allies. We said to them, "How much do you want? Here it is, and there is more to come if you want it." Three billion dollars in a gift, so to speak, or for 40 years' time. But when you come to deal with the farmers of the country, then you higgle with them and higgle with them and higgle with them about the price. The price is unimportant. It is our national life that is at stake, and the question of price so far as the Government is concerned is a secondary matter. I know the farmers would respond with patriotic hearts. They would not hold up this Government in this great cause. They would contract to plant that wheat at reasonable prices, and do their utmost to produce the food necessary to feed our people and our allies.

Mr. LEVER. Is it the gentleman's idea that we should call upon these farmers to produce millions and millions of bushels of wheat, and run the risk of an increase in submarine warfare to such an extent that prices would go far below the cost of production to the farmer? Is the gentleman absolutely ignoring the proposition of a reasonable and profitable price to the farmer in this matter?

Mr. MORGAN. There is danger, gentlemen, that when the Government decides what is a reasonable guaranteed price, when the Government decides what will give the farmers a reasonable profit, what is sometimes called the minimum price or reasonable price will become largely the maximum price that the farmer gets for his grain. It will go out over the Nation to dealers, millers, and everybody that the Government has said, "So and so is a reasonable price to the farmer," and it will be difficult for the farmer to get anything in excess of that. I am expressing my honest conviction, as well as my fear, that that so-called "reasonable price" will be a price that will tend to depress the natural and fair price to the farmer.

Mr. WASON. Will the gentleman yield?

Mr. MORGAN. I am glad to yield to my friend from New Hampshire.

Mr. WASON. Does the gentleman think that a reasonable profit in fixing this guaranteed price would be prejudicial to the interest of the producer on the land?

Mr. MORGAN. Just as I have said, the farmer certainly is not any more selfish than the rest of us. He naturally magnifies the increased cost of production. As has been said here frequently, everything the farmer uses in producing this grain has increased, especially the price of labor. Our munition factories and other great demands in the cities are paying labor what might be called excessive wages and taking the farm labor away from the farm, so it has largely increased in price. It is natural for the farmer to take these things into consideration, while it is natural for the nonfarmer to think that what the farmer gets is all profit.

The CHAIRMAN. The time of the gentleman has expired.

Mr. YOUNG of North Dakota. I yield to the gentleman 10 minutes more.

Mr. SWITZER. I should like to ask the gentleman from Oklahoma a question, because I have been having some correspondence along this line. Suppose it costs $1.50 a bushel to produce wheat. In some parts of the country it costs on an average this year certainly $1.25. What would the gentleman call a reasonable profit where it costs $1.50 to produce wheat, taking into consideration that this year you may not have any, that you may not have any wheat on that land next year, although you plant it, and you may have a crop the third year? What does the gentleman call a reasonable profit?

Mr. MORGAN. That is hard to tell. I have a letter from a grain dealer in one of my counties, in the extreme western part of my district. He said, "Last year we had a good wheat crop, but this year it is an entire failure, so the farmers this year will make nothing."

Mr. WASON. In your contract that you speak of, made by the Government and the farmer, what would be the consideration expressed in that contract?

Mr. MORGAN. I would say in consideration that the farmer did so-and-so, the Government of the United States agrees to do so-and-so, or, if necessary, I would put in the nominal consideration of $1. There would be no trouble about the consideration.

Mr. WASON. When you have done that, would you provide in the contract which you are talking about that the price of the product the farmer will raise under that contract shall be so arrived at that he shall receive a reasonable profit for his labor?

Mr. MORGAN. I am not going into details. I would give him a reasonable profit; pay him $1.50 or $2; but that is a detail. I would make some contract with the farmers that would be reasonable.

Now, I want to present this proposition: You propose to give a reasonable price as the best way to encourage production. It seems to me that if you are in earnest that is not the proper way to do it. The proper way is to say to the farmer, "We will give you a bonus of 10 cents or 15 cents or 25 cents a bushel if you will produce so many additional bushels to what you produced last year, or if you will produce so many bushels we will give you 10 per cent or 15 per cent or 25 per cent above the market price for your stuff. That would encourage production. That would be an inducement to the farmer to increase his crop. That would be an encouragement, because then he would know that we were giving him something extra for his labor, but under this proposition the farmer does not know but that the effect will be to depress the regular prices. So if you want to encourage the farmer to increase the production, give him a bonus above the regular price. That would be fair. Or the two propositions might be combined. Let the guaranteed price stand and, in addition, give the farmer a bonus or premium on his increased production.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. MORGAN. Certainly.

Mr. SMITH of Michigan. Suppose the crop was an entire failure, like it is in some States in the West, and the man did not raise anything, what would be the basis of the reasonable profit in that case?

Mr. MORGAN. Like what it is now; he would make nothing.

Mr. SMITH of Michigan. But the Government says it will guarantee a reasonable profit.

Mr. MORGAN. Yes; on what he produces.

Mr. WASON. Suppose the market price was away below the cost of production. You would give the farmer a bonus which might not under some circumstances amount to the cost of production plus the reasonable profit. Would he not be better off under this bill?

Mr. MORGAN. If the supposition is true, but the gentleman is assuming that the price will be below the cost of the reasonable profit. At any rate, under this bill you do not pretend to give the farmer anything extra, you give him a reasonable price and make him believe he is going to get something higher. To this reasonable price you can give him a bonus.

Mr. WASON. How does the gentleman construe this language," And fix and to give public notice of what under specified conditions is a reasonable guaranty price for any such product"?

Mr. MORGAN. I do not think that will encourage production. If you want to encourage production, the way is to give the farmer a premium on the ordinary price he would get in the regular trade. Then there would be some inducement, but under this there is no inducement.

Another proposition that is practical and that would tend to help the farmer is the question of credit, and I want to close on that point. You know I have talked about that a good deal, but it is a subject that ought to be talked about a good deal. If the farmer is to increase the production he must have increased facilities, better tools, better machinery, better equipment for the farm, and he must have more labor. One-third of the farmers of the United States are tenants; they do not own the farms. One-third of the farmers of the country who own farms have mortgages on them. So that two-thirds of the farmers, over 4,000,000 of them, either have their farms mortgaged or they are men who have no farms and have little credit. To enlarge the business of the farmers means you must enlarge their credit, and you can not increase that business unless the farmer does have increased credit. It can not be enlarged on cash. The farmers do not have the cash.

It takes money to put in wheat; it takes money to buy seed wheat; it costs money to prepare a farm for seeding and sowing wheat, and there is a large percentage of farmers who have not the money and neither have they the credit. So the bill ought to provide some way that the farmer may secure personal credit and increase their farming operations at a reasonable, if not a nominal, rate of interest. Remember that the fate of the Nation, remember that the destiny of the world depends on this proposition, whether we can feed ourselves and our allies and the people inhabiting these great nations. The fate of the Nation is hanging on that, and here you higgle and haggle over a few dollars and cents. Why not extend to the farmers of the United States ample personal credit; authorize the Secretary of the Treasury, through the Federal Farm Loan Board and the Federal land banks, to go to the farmers of the Nation and see if they need credit, and give it to them on reasonable terms so that they may be equipped and ready to do this work. That, then, would be along the right line. I repeat that in my honest judgment, certainly without any partisan spirit, as I study this bill, so far as it is a measure to increase the production of food products I regard it a comparative failure, and it ought to be amended. We ought in some way to put propositions in here that would insure that during the next season we shall produce all of the foodstuffs necessary for ourselves and for our allies, for our armies and navies, to the end that this great conflict in which we have entered so unselfishly shall be carried to triumph and victory, that all of the nations of the world shall be blessed through our efforts and sacrifices. [Applause.]

Mr. LEVER. Mr. Chairman, I yield 15 minutes to the gentleman from Georgia [Mr. HOWARD].

Mr. HOWARD. Mr. Chairman and gentlemen of the committee, I do not know that I can add anything to this debate beyond what has already been said, and ably said. I do not want to say anything in criticism of this committee; I would not say it. I think the able and distinguished gentleman who is the chairman of the Agricultural Committee has done as much, if not more, in the time that he has been chairman of this committee in this House, with the assistance of his able associates on the committee, the gentleman from Georgia, my able colleague, Mr. LEE, and others, for the agricultural interests of this country as has ever been done for the country by any committee in the history of the country. [Applause.]

If I were to make any criticism of this bill at all it would be upon the ground that it is not drastic enough. For instance, take these gentlemen who hail from the North Atlantic States, the great industrial centers of the country. They have, in many instances, been paying their labor liberally. Their labor comes to them day after day and week after week with the plea that upon the wage they are now receiving they can not exist, and some of these great manufacturers and owners of these great industrial plants have been granting increases to the wage scale until they have about reached the breaking point, where they can not give these poor fellows any more, under the circumstances, because they have existing contracts for future delivery. Yet in 90 days, from the 1st day of March until the 1st day of June, the principal commodities consumed upon the average American citizen's table daily have increased 51 per cent. Let us take the statement of my good and very able friend, the gentleman from Oklahoma [Mr. MORGAN]. He thinks this bill will be prejudicial to the farmer's credit. What does this bill do? Let us see how it affects the farmer. You are talking about credit. What could stimulate the credit of the farmer more in this great crisis, when no man can look beyond the day, than for the banking interests of the country to know that the farmer was planting his crop on a certain reasonable-profit basis? It would give him a credit he never had before in his life, and the thing that he has been dreaming of under the shade of the apple trees while the June bugs and bumblebees were playing among the clover blossoms, would come true—a reasonable rate of interest from the banks to meet his financial demands.

Mr. Chairman, there are a lot of tender-footed people, I know. I have some colleagues here that I am very fond of, but I know some of them who weigh as much as 180 pounds who could walk on eggs and never crack a shell. [Laughter.] They are absolutely afraid to take the bridle off of their intellect or give it free rein. My friend YOUNG, of Texas, is afraid that his little yearlings down in Texas will not sell for a dollar a pound on the hoof if this bill passes. He raises 2,000 bushels of wheat, so I understand, in his whole district.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. Not now.

Mr. BLANTON. Just for one question?

Mr. HOWARD. Very well.

Mr. BLANTON. The gentleman spoke of contracts existing.

Mr. HOWARD. Yes.

Mr. BLANTON. Does not the gentleman from Georgia know that right at this season of the year the cattlemen of the South are making their contracts for their calves, and the purchasers who pay them are expecting to get a certain price for them after developing them?

Mr. HOWARD. Yes; I know that; and I know that these very men who are producing these calves you are talking about would make my wife and yours pay 60 cents a pound for round steak if they could do it, and I am against them on that proposition. [Applause.] There is a limit to this extortion in food, and you might as well meet this proposition manfully. You need not think that the farmers of the United States are less patriotic than any other class of men. They are not. What the farmer has been asking for 50 years of this Nation is not for any false profits, not any get-rich-quick schemes, not extortionate profits. He has been asking nothing on the face of the earth but justice, and that is all he expects—a fair and reasonable profit on his toil and sweat. What is the farmer making

out of this? Take them in my section of the country, as good a section of country as God's sun ever smiled on.

They are paying two prices for fertilizers. They are paying 100 per cent increased prices for farm implements. They are paying and buying back this minute the wheat on which they averaged $1.25 a bushel on a basis of $3.80 per bushel, and the miller retains the shorts in the bran. It is all wrong to be approaching a great question in a tender-footed manner, afraid you are going to offend some farmer friend back home. I will tell you what the farmers of Georgia want, irrespective of what some people that have some legislative functions to perform may think. They want the great President of the United States to have in his hands in this crisis the power to relieve him of every burden it is possible to relieve him of in bringing this war to a speedy and successful conclusion, and they are willing to trust this great and just man implicitly in this war. All the demagogues under the sun can not shake their confidence in him or their affection for him. They are no longer his critics, they are his sympathizers. [Applause.] Now, what have you got? You have got a whole lot of mink-eyed, conscienceless speculators in this country that are squeezing the lifeblood out of the citizens of the country by exacting outrageous and unheard of prices for the commodities they get their hands on. Why, if this thing keeps up, if some regulation is not speedily enacted, the ordinary workingman's child that sees a biscuit six months from now will be so unaccustomed to the sight of one that it will put a coal of fire on it to see if it will not crawl like a terrapin. [Laughter.] And, talking about biscuits, why everybody has quit eating biscuits except the millionaire. We commenced to eat corn bread. And it is mighty good when you know how to make it; but I never saw a Yankee in my life that did know how to make it. [Laughter.] The minute we commenced with corn bread, corn that these speculators had cornered went to $2 a bushel. If you go to eating round steak and abandon porterhouse, these beef barons will put up the round steak and allow the porterhouse to stand where it is. There never was in the history of this country as much high-handed robbery going on as there is to-day in the United States without any justification for it on the face of this earth, and yet gentlemen say they are afraid of vesting the President with plenary power to take these speculators by the scruff of the neck and shake them loose from their hoardings. Take my friend HAUGEN's great dairy folks up there.

The greatest philanthropists that ever lived are the dairy people of the Northwest. Elgin, Ill., fixes the price of butter every morning. Let us see what they are doing for their dear patrons at this time. Right at this time the production of milk and butter can be made cheaper than at any other season in the year. Grass is the best balanced ration on earth for the production of milk and butter. Milk and butter are being produced this month cheaper on an average all over the United States than during any other month of the year; but yesterday morning I paid 60 cents for 1 pound of Elgin butter.

Now, you talk about being tender-footed about this thing. You are talking about offending the farmer. This bill starts after the product leaves the farmer. It does not touch food in the hands of the actual producer. It formulates an effective marketing system, it regulates the price between the farmer and the retail merchant, and I can understand readily why my good and distinguished friend, the chairman of this committee, did not reach out and get the retailer. I would like to drive a few pegs around him in this bill if I could get at him. But there are about 250,000 of them in the United States, and we would have to employ an army of employees to run around and catch them.

Now, getting back to this foodstuff, I want to leave the farmer just a minute. We want to leave him sitting under the June apple tree and not worrying, like my friend Morgan is, about what is going to happen, but perfectly contented with provisions of this bill, because I tell you right now, and you mark my prediction, it will be 10 years after this war before the products of the farm will reach anything like the normal prices of the spring of 1914. I will not take time to go into it, but a man that has enough brains to fill a mustard seed can see it is a physical impossibility for the farmers, not only of this country but of the world, to produce enough in the next 10 years to meet the demand occasioned by the great devastation that has taken place because of this war, if the war did not last another minute.

There is another class of gentlemen I want to pay my respects to. I do not know of but two or three prosecutions have taken place against these coal operators in the country. You are all jumping onto the manufacturers and saying that they are exacting outrageous prices. Yes; they have been doing so. They have exacted them, and some of them are robbing the folks in their prices, but there is a great number of these honest manufacturers in this country that have had their overhead charges increased by a 100 per cent increase in coal in the last six months, that is as unjustifiable as the murder of an innocent babe, so far as the circumstances surrounding this increase are concerned.

I know of one coal-operating company—I will not name it, but I will state it authoritatively from the inside—that declared a 54 per cent dividend in 10 months on a $14,000,000 capitalization, and on the 1st day of June divided in their office in the city of New York $9,000,000 net profits. The people in the great city of Atlanta, the labor organizations and the poor people and the manufacturers have been appealing to me for relief in the region where the increased cost of producing a ton of coal now over the cost in 1915 has been only 12 cents per ton, and that has been paid to an underpaid crowd of mine workers.

Mr. SWITZER. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. Yes.

Mr. SWITZER. Have you ever heard anyone say what methods or means are to be employed to bring about a reduction of coal prices? That is one thing I have not heard discussed at all.

Mr. HOWARD. Just suppose for a minute—it is a violent presumption; but just suppose—that I was President of the United States for 20 minutes. [Applause and laughter.]

Mr. SWITZER. Along that line please state, if you know——

Mr. HOWARD. It seems as if I would get all the Democrats and a good many Republican votes. [Laughter.]

Mr. SWITZER. I think you would. Please state just who is looking after that on this Council of National Defense?

Mr. HOWARD. I do not know. But let me tell you about the Council of National Defense. Do not condemn the Council of National Defense too quickly. There are a lot of good, patriotic gentlemen on that council that are down here trying to serve their country patriotically and without compensation. They may not all be in that class, but the great majority of them that I have met I have found to be conscientious, alert business men who are patriotically attempting to drive good bargains for their country, and I am glad to say they are driving many good bargains for Uncle Sam. [Applause.]

And right here I want to say I had received some information from my district, and I made a statement here on the floor of this House about contracts that were let in the South, and after I had made a thorough and sifting investigation of it I found out that the Council of National Defense did not let that contract, but that it was let by other parties in authority, and that the statements made about high prices paid were made about two or three thousand feet of lumber instead of the great bulk of lumber that was used in that construction. That was simply bought to finish up this job, which was one of emergency. Probably this statement should be made at another time, and I shall, if the opportunity presents itself, tell the House what I know of the splendid service being rendered the country by these gentlemen comprising this Council of National Defense.

Mr. SWITZER. I wanted to know what they are doing. I was not trying to discredit them. I wanted simply to know what they were trying to do.

Mr. HOWARD. Let us see what they are trying to do. They are trying to drive a bargain for coal for the Government of the United States, and they are in this position—here is what the coal operators say: They say, "We have not been making any money. We have got a chance to make it now. We have got the coal. You need this coal badly, and you have got to pay for it." That is their attitude.

Mr. JACOWAY. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. Yes.

Mr. JACOWAY. I would like to ask the gentleman from Georgia if he thinks the coal operators and the men who have the coal now in their possession and now hoard it would at once double the price of coal and make it twice as high as it was this time last year?

Mr. HOWARD. Of course. That is what I am telling you. The people of the United States will suffer, and do not you fret about the President of the United States. I have as much confidence in him as any living man, and I am not by myself. The people of this country believe that he has got the courage to do anything he believes is for the preservation of this Nation and to see to it that the common people get a square deal; and as soon as this bill becomes a law, under it he can go to these coal operators, and if they will not run the mines on a reasonable profit basis he will and he will give the people coal at a reasonable price. That is what will happen, and that is what ought to happen. [Applause on the floor and in the galleries.]

The CHAIRMAN. The Chair wants to admonish the occupants of the galleries that they have no right to express approval or disapproval of anything that is said on the floor. The people in the galleries will kindly pay attention to that.

Mr. HOWARD. The coal fields near my great city and in the surrounding territory, from which all the surrounding manufacturers get their supply of coal, have increased, as I said a little while ago, their cost of production 12 cents a ton, and yet that coal has risen in price from $4 a ton to $8 a ton, and the retail coal dealers in the city of Atlanta have notified their regular customers that if they do not get their winter supply by the 1st of September they will have to pay between $9 and $11 a ton for it.

Mr. ROBBINS. Will the gentleman permit a question there?

Mr. HOWARD. With pleasure.

Mr. ROBBINS. Are there not some elements in this coal situation that are peculiar—for instance, lack of transportation and lack of labor? I admit the gentleman's argument, but I want him to consider those things.

Mr. HOWARD. Good. I can answer that. I see both the gentleman's questions now, and I will answer both. In the winter of 1916 the coal operators said there was a shortage of coal cars. The people believed it, and they said that if there was a shortage of coal cars and the railroads could not get the cars to transport the coal, they would pay the price. That was when coal cars were supposed to be used to their utmost capacity in the transportation of coal. But here it is in June, in the summer time, when the great quantity of coal to keep the people from the shivering blasts of winter is not being used or moved, and yet these conscienceless coal operators in the month of June, when they can get plenty of cars, are saying to the American people, "Pay the price or freeze next winter."

Mr. GALLAGHER. Is it not a fact that it was established that hundreds of cars were loaded and kept on sidetracks last year?

Mr. HOWARD. Why, certainly. I saw hundreds of cars of coal in the month of December away out on a spur track 4 miles from the city of Atlanta.

Now, I want to answer the other question about labor.

Mr. ROBBINS. Before the gentleman goes on I want to say this, that conditions are different in different parts of the country.

Mr. HOWARD. Yes. You have been congested up in your country; I will admit that. Congestion brought about by lack of storage facilities at the great ports for the supplies of our allies.

Mr. ROBBINS. For instance, in the Pittsburgh district there is the lake trade that takes the coal in the summer.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOWARD. Will you give me five minutes more?

Mr. YOUNG of North Dakota. If the gentleman will tell us what he will do when he becomes President, I will give him five minutes more.

Mr. HOWARD. I appreciate that courtesy. I said that was a very violent presumption, and as I am so well satisfied with my President now, I must refrain from saying all that I would do.

Mr. PLATT. I should like to ask the gentleman whether it is not a fact that people who are not in any danger of freezing to death are buying coal?

Mr. HOWARD. Why, certainly. It is being delivered all over the country. People are panic-stricken, and I do not blame them. I do not know any more uncomfortable condition than to be nearly frozen to death, especially when we know that there is plenty of coal in the ground and willing hands to dig it, but a lot of operators who will withhold the normal output and make coal scarce so as to exact blood money from the people.

There is enough coal in the United States to furnish plenty of coal for the people on the basis of past increase in population and consumption for over a thousand years. God Almighty gave this country that fuel for the protection of our families from cold and to furnish power for our industries. We are entitled to this God-given product at a reasonable price, plus cost of transportation and labor. If these men who have these properties continue to rob us, then the only alternative is given in this bill. The President can commandeer these mines and operate them for our people.

There is one subject dealt with in this bill in which I am deeply interested, and I am always ready to talk about it. It is this: You have in section 13 in this bill, which provides for the conservation of grain in the manufacture of alcoholic and nonalcoholic beverages. I do not think I will support that section in its original form, and I will tell you why I will not do it. I am going to offer an amendment, and I think my amendment is going to be adopted. I believe it will be adopted when that part of this bill is reached. I want you gentlemen to think about that phase of it between now and the day when that section is reached. There never was a more important or greater economic question than the liquor question in this country, and there never will be until we get rid of it.

You are fixing to conserve the grain for the manufacture of distilled spirits and the grain for the manufacture of malt liquor—beer. Now, what do you do? In five months every drop of beer in the United States will have been consumed. Then you will have these delightful friends of the people, the liquor distillers, in possession of between 300,000,000 and 500,000,000 gallons of distilled liquor, and the men who are inclined to consume alcoholic beverages will be forced to drink distilled liquors or liquor. And if this war lasts three years, by the enactment of that very section of this bill you will create more drunkards than have been created in a decade before, because you will force every man who has a craving for alcohol to drink distilled liquors. My friends, I believe that the President of the United States is expecting this Congress to assume some of the responsibilities and some of the burdens of the Government. I believe firmly that the President is waiting for this Congress to initiate some legislation along that line. We have no right to go out and ask the mothers and the fathers of this Nation to give their sons to us and move them into an atmosphere of immoral influences. I will admit that we took a long step when we said you shall not sell this stuff to an officer or a private in the uniform of this country. But we are going to make a mistake if we adopt this section 13 and stop there. I am as good a prohibitionist as any man; I am mighty near as good a prohibitionist as the gentleman from California [Mr. RANDALL]. I am bone dry; I am as dry as a bone in the Desert of Sahara. [Laughter.] But I am not going to vote to give these liquor people a monopoly on alcoholic beverages in this country and enhance the value of their liquor from $3.50 or $4 a gallon to $8 or $9 or $10 a gallon. Of course, they will pay the additional tax of $1.10; of course, the patriotic gentlemen who have defrauded the Government out of not less than $150,000,000 in the last six or eight years on all sorts of schemes and conspiracies to defraud the internal-revenue office will pay this additional tax.

Mr. SABATH. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. SABATH. Will the gentleman enlighten the House as to who would pay $8 or $10 a gallon for this liquor?

Mr. HOWARD. Did the gentleman ever see a man who wanted a drink right bad? If he has, he will see one who will give his soul, let alone his money, for a drink.

Mr. SABATH. I did not know that we had any people who wanted a drink so badly as that.

Mr. HOWARD. The pawnshops have been run from time immemorial by men who loved liquor better than the most esteemed and revered heirloom. Talk about enhancing the value of liquor; of course it will. The man that does not know that it will do it—I can put the brains of that man in a mustard seed, and it will have as much room as a bat in a meeting-house. [Laughter.] Of course it will do it. It will give them a monopoly unless the President of the United States steps in and fixes the maximum price of liquor.

Mr. SABATH. Would the people of the gentleman's State pay an exorbitant price for this liquor?

Mr. HOWARD. I do not know; it is bone-dry now. If they could get a gallon to-day, I suppose they would give $10, and they might give $20. I expect you could get $1 a drink for it right now in some quarters of my State.

Mr. SABATH. Does the gentleman want to say to this House that none of it can be secured in his State?

Mr. HOWARD. Of course, it can not legally be bought. I will tell the gentleman the result of prohibition in my State. I got a letter last week from a gentleman in my district. He stated that the city was now forced to hire free labor to work the streets. Since the Reed amendment was made the law of Georgia by a session of the legislature, drunkenness and crime in the entire State has been reduced 75 per cent. That is the effect of prohibition in Georgia. The reason we have never been able to enforce it is because the liquor men polluted our territory by setting up blind tigers and financing them and shipping liquor into our State, debauching the people with the meanest kind of liquor at that. This is a serious problem during the war. If I can not get absolute prohibition during the war, for which I pray most earnestly, then between the two give the people the less harmful and the more wholesome—beer. But for the sake of the country let us have war prohibition, and after the war peace prohibition. [Applause.]

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. YOUNG of North Dakota. Mr. Chairman, I yield 15 minutes to the gentleman from California [Mr. OSBORNE].

Mr. OSBORNE. Mr. Chairman, I support and shall vote for this bill. Why?

I admit that it is the most drastic, the most restrictive, and the most far-reaching bill in its application to what are ordinarily considered the rights of citizens ever introduced into the American Congress.

The gentleman from Texas [Mr. YOUNG] and the gentleman from Indiana [Mr. WOOD] are fully justified in their scathing criticism of the bill but for one supreme fact—the fact of war.

That supreme fact changes and revolutionizes the ordinary and accepted rules of society and the laws governing human rights that prevail in times of peace.

None of us like these drastic laws and autocratic interferences with the freedom of action of the individual.

When we voted the resolutions declaring a state of war on the 5th of April, however, we took the supreme and irrevocable step, and removed ourselves from the orderly rules and sensitive protection of a condition of peace.

Speaking for myself, the great struggle of mind and heart was over the question of declaring war. I realized that all these other distressing things would follow—the raising of a great army; the voting of vast sums of money for war purposes; unusual and burdensome taxation in a war-revenue bill; restrictions upon the freedom of individuals in many ways, to render more effective our own efforts in war, as well as those of our allies.

When I voted for war I voted for all these things, and I knew it then. The great struggle with me occurred before and when I cast that solemn vote. I speak for no one but myself, and I judge none other; but when I voted that there was no path of national safety and honor except that of war and placed the conduct of that war, so far as my own vote was effective, in the hands of our Chief Executive I felt in honor bound to extend to the President as Commander in Chief of our forces all the power that may be necessary to bring the war to a successful issue. [Applause.] In good conscience I can not escape that responsibility if I would. However objectionable might be the measure under consideration in time of peace, in time of war, and especially in the present terrible and unexampled war, which it seems more than likely finally will be decided upon the question of food supply, it appears to me to be necessary and desirable, and I shall vote for it as a war measure without hesitation.

In discussing the emergency military bill on this floor on April 26 I used the following language:

> The United States has been at peace for more than 50 years, with the exception of the brief War with Spain in 1898. Two generations have come into the world since the close of the great Civil War in 1865, who have no knowledge of the grim character of war except as they have gained it in their reading of history. It is difficult for them to realize that the necessities of war demand repressive and restrictive rules of conduct and a concentration of the entire power of the Nation in ways that are unusual, harsh, and sometimes even cruel, in order that war may be effectively carried on.
>
> From the moment the President signed the resolutions declaring a state of war, conditions were fundamentally changed. The Congress by its own act had placed upon the President the responsibility of successfully conducting that war. In the performance of that great duty he was entitled to receive from the Congress the widest latitude of power and authority, and this extraordinary power must be extended throughout the entire period of the war. Congress having delegated this extraordinary task upon the President should accompany it with the utmost degree of confidence that justly, wisely, and considerately it will be exercised, and that at the conclusion of the war these extraordinary powers conferred for the accomplishment of a great purpose will be returned to the Congress and to the people by whom they have been conferred.
>
> For my own part, as the Representative in Congress of a constituency of a half million American people, I do feel and I do extend that confidence, and in good faith it is my intention to carry out upon the floor of the House of Representatives the mandate which was given the President when the resolution declaring war was passed by voting him in principle and in detail every power necessary to a successful outcome of the great adventure of liberty and freedom of the peoples upon which our country has thus been launched.

The rapidly increasing prices of foodstuffs growing out of the rivalry of the powers engaged in war in their efforts to obtain food for their own armies and peoples, combined with a diminution of crops in this country, present an emergency which must be met immediately and by extraordinary exercise of national power. In whom shall that power be placed? Who can we trust with greater confidence than the chosen representative of the entire people—the President of the United States. [Applause.]

It was truthfully said on this floor that this is a greater exercise of power than was ever given to a President throughout our history. But we were never involved in a war so vast as the present war, and no combination of circumstances has ever before arisen like that which confronts us to-day—the whole world in war and an extremely limited food supply. That the President desires this power for any other purpose than that of the welfare of the Nation, I can not conceive and do not believe. That he will exercise this power with justice and moderation and with an eye single to the welfare of the people and the success of the great cause in which we are engaged I do firmly believe.

Within our history more than one President has been charged by opposing partisans with a desire to exercise the powers of a dictatorship and, in fact, to become a dictator. Such charges were freely made against the grim victor of the Battle of New Orleans—President Andrew Jackson. During the Civil War our beloved President Lincoln was continuously assailed with charges of exercising tyrannical powers and of desiring to be the dictator of the country. When Ulysses S. Grant was a nominee for President of the United States and after he became President he was accused of an ambition to be the dictator of the country, and was constantly referred to in ribald print as "The man on horseback." One of our living ex-Presidents, whose devoted patriotism to-day none denies, was similarly charged. The same charge will probably be made against the present President of the United States.

It is to the everlasting honor, however, of every man who has ever held the exalted place of President that not one could ever truthfully be charged with such unholy ambitions. Every President, from Washington to Wilson—holding a commission of higher honor than that of any king, emperor, or dictator—has arisen to the high altitude of his exalted position in human society and has exercised his great power and authority in a conscientious discharge of his duties to the highest and best interests of the American people. I look for no less devotion and integrity in the present distinguished incumbent of that great place. I speak as one who is not a member of the political party of which the President is the head and who did not vote for him for President, but I accept the judgment of the American people and honor and trust him as the freely chosen head of the Nation and worthy of the great place. [Applause.]

I shall support the President by voting for this bill for these reasons:

First. I believe that some extraordinary power must be exercised to conserve the food supply of America and provide for feeding the world.

Second. I believe that this extraordinary power is necessary to stabilize the cost of food and, without injury to the farmer and producer, keep the price from being inflated by groundless alarm and the manipulation of speculators, so that the poor shall not go hungry and the working man and woman shall be able to secure food at reasonable and moderate cost.

Third. Because this is one of the most effective measures proposed for successfully prosecuting the war.

Fourth. Because its exercise will be confined to the war, and will close by its own provisions when the war is over.

During the long Civil War of four years there was a stalwart body of patriots on the floor of this House and in the Senate who differed with President Lincoln on political questions, but who accorded him the most unreserved and absolute support in all his war measures. They were known as "war Democrats." They were honored then and ever will be honored by their political opponents and by the press for their unswerving loyalty. On the other hand, there was a small body of Representatives in Congress, generally known and generally despised, who were denominated as "Copperheads." I sincerely hope that during this great war, which is still before us, we will have no counterpart in Congress of the men of the Vallandigham type.

For myself, I would desire that in the future, when this war shall be over and the victory won, if mention should be made in history of the actions of this Congress in prosecuting this war, I might have a humble place among those who shall be recorded as composing the body of war Republicans of the House of Representatives. I trust that their record shall be that they gave invariable and loyal support to the Commander in Chief of the Army and Navy in such legislation as was necessary for the conduct of the greatest war in history.

In conclusion I shall say that I gladly give my support and vote to this bill. [Applause.]

I ask unanimous consent to extend my remarks in the RECORD by adding the following telegram received this morning from the American League of California:

SAN FRANCISCO, CAL., *June 18, 1917.*

Hon. HENRY Z. OSBORNE,
Washington, D. C.:

At a meeting of the executive committee of the American League of California, held to-day, the following resolution was unanimously adopted:

"*Resolved*, That the Senators and Congressmen of the State of California be urged to do everything in their power in support of the food-

administration bill and the appointment of Herbert C. Hoover as director of food supply and control. Mr. Hoover is personally known to many members of the American League, many Californians, and to many officials of the league. We not only believe, but we know that Mr. Hoover is eminently endowed to serve his country and the world in the administration of such a bill, and we believe that the fullest powers should be given in the bill, knowing that the more power he is given the more wisely and the less he will use it. We also believe that prompt action on the above administration bill, with the appointment of Mr. Hoover, will satisfy and stimulate the American people."

W. B. BOURN, *Acting Chairman.*

Mr. LEVER. Mr. Chairman, I yield 20 minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Chairman, on the 5th day of April last this House by an overwhelming vote, exercising its constitutional function, declared a state of war to exist between this Government and that of Germany. It was the final and determined, though reluctant, protest of a proud but patient people against a series of outrageous and indefensible aggressions against our citizenship and our national sovereignty. To have longer endured them without a resort to arms would not only have righteously subjected us to the contemptuous scorn of our national contemporaries, but would inevitably have hopelessly cankered and mildewed our own self-respect, without which no free people can aspire or hope to endure. [Applause.]

By the fateful resolution of April 5 we as a Nation put our hands to the plow; and what man is there here who would turn back? By that resolution the Congress pledged all the resources of the Government to carry on the war to a speedy and successful conclusion. We have so far, despite clamorous disputation here and at the other end of the Capitol, held resolutely to a legislative program to make available and to scientifically mobilize the resources of the people for an effective prosecution of the war. We have voted unlimited credit; we have made it possible to call to the colors unnumbered soldiers; the people have oversubscribed an unparalleled bond issue; legislation will be enacted to raise ample revenues; the shipyards ring with the clamor of construction, building a great host of ships to carry commerce and supplies to our brethren in arms across the sea; and, better than all else, there lives in the hearts of the people of this Republic a suppressed but nevertheless a stern and unconquerable resolution to win, and to win gloriously, this fight. So, I say, we are making headway in making preparation for the grim business which lies ahead of us, for God alone knows how many, many months. But we have not completed the task.

We will have made a miserable failure if we do not provide for the safeguarding of the food supply of our people under the most adverse conditions that may be visited upon them, for that is necessarily the ever-present and always paramount problem of economics; it is so brutally persistent that it is inevitably compelling.

We all recognize that it is a legislative problem fraught with many difficulties. An absolutely unique and most heavy burden was laid on the Committee on Agriculture to conceive and construct this bill, and likewise a grave responsibility rests upon this House to consider it; to correct its defects, if they exist; to nullify its dangers, if any appear; to modify its harsh or unjust operation, if argument here points out such effects; but when those efforts are made and their benefit obtained, then, gentlemen, we must pass the bill. [Applause.]

Candor compels the admission that there is contained in this measure the delegation of plenary powers to the President or his selected agents which in ordinary times would be regarded as repugnant to every conception of a democratic government and subversive of individual freedom of action and management of one's affairs. But these are not ordinary times.

The conditions of the world require, at least temporarily, a readjustment of preconceived standards. If essential results are to be obtained by new means or by traveling uncharted courses, we must not and we will not in this tremendous issue be too tenderfooted or hesitant about adopting them. [Applause.]

Gentlemen here have invoked the limitations and the inhibitions of the Constitution against this bill. I am not disturbed at the prospect of doing violence to that sacred document by an affirmative vote for this measure. The legal aspect has been ably presented by gentlemen who have preceded me, showing ample warrant for constitutional favor under the war power and the general welfare clause to justify the provisions of the bill as framed. It is amazing to what lengths some men will go in constitutional interpretation to conjure up fictitious objections of organic violations in order to make Representatives hesitate as to the propriety of voting for a measure the validity of which might be assailed. This is always a persuasive and sometimes insidious weapon of forensic attack, for no Member is willing deliberately to violate that instrument which he has sworn to uphold; but I challenge any lawyer here to produce one single decision or even a fragmentary dictum handed down by John Marshall or Chief Justice Taney or any other of our great juridical luminaries to the effect that the Constitution, a great covenant for the preservation of the liberty of the people, in time of war can stand in the way of any measures necessary for the saving of the life and very sovereignty of the Government itself when in desperate peril. To take that view would be tantamount to saying that our supposed ark of the covenant of safety may be used by our enemies as the inviolable agency of our own destruction.

I repudiate the doctrine that the Kaiser of Germany can invisibly but potentially assail us in the most vulnerable part of our autonomy behind the mask of our own organic law.

And we have heard much in this debate concerning a dictatorship for the free people of this Nation. Great apprehension has been expressed that we are on the threshold of disaster and that the iron hand of despotic regulation is the precursor of total destruction of personal liberty among our people, and we are solemnly admonished that the ghastly apparition of a new and unbridled autocracy will soon stalk abroad, and that liberty will soon lie dead in the street.

Over against that imaginary fear I catch the vision of a real and sinister calamity. Already there comes to this Congress from the weltering beehives of concentrated populations the ominous appeal "We can not live upon what we make." As already shown here, in the last 10 years, while union wages in the country have increased 19 per cent the cost of living has risen over 60 per cent. There is no reason to expect during this war that the conditions will be improved, but upon the contrary that they will become more harsh and unbearable. They will inevitably become so unless by sumptuary and drastic legislation now we forestall the possibilities of actual famine and a rebellious people.

For one, I am not afraid of the application of healthy power, equally and humanely administered, to crush and destroy an existing power that is rooted in iniquity and has no longer an excuse to live. [Applause.] I am not afraid of a war-time dictatorship to help and to save our people and our Government, but I am deeply apprehensive of the continuance of an existing dictatorship, which by manipulation and jugglery and secret connivance and sinister cupidity feeds and fattens upon the substance, if not upon the souls, of helpless people. I am not afraid of a so-called food dictatorship, counseled and dominated by that best loved and most trusted of all Americans, who now presides in large measure over the destiny of this Nation, Woodrow Wilson, who has no ambition to lure him and no inducement to oppress. [Applause.] But, sir, I shiver at the possibility of a dictatorship directed by the morals and inspired by the conscience of that "imperial impersonation of blood and murder," called William the Second.

It is to save us against such a contingency that this bill is urged. Primarily, it is a domestic problem, but incidentally a community enterprise with our allies.

We must not attempt to cure the cancer of food speculation, exorbitant middle profits, and secret compacts with salves and blisters; we must cut it out by the roots, and this measure confers the power to apply the knife.

I represent a district composed very largely of men whose occupation is farming. For two years, on account of floods, droughts, and the depredations of the boll weevil, there has been an almost total failure of crops. And though the opponents of this bill argue with great zeal that it means the destruction of the farming interests of this country, practically all the letters I have received from home urging me for the love of God to try to do something to reduce the price of meat and bread are from farmers themselves. If a temporary crop failure by farmers can so deeply disturb their condition, what must be the fate of the 70,000,000 of our people who never produce anything?

But can we who represent farming districts in this hour of national peril afford to fail to consider the interests of the millions who toil in other industries and occupations, and out of a sense of territorial greed be mindful only of our own household, and let our fellow citizens at a distance go starve? Speaking for my people, I am unwilling to certify to that as the measure of either their humanity or their patriotism.

I shall vote for the bill, because it is urgently requested by our Commander in Chief as a war measure of tremendous importance. I shall vote for it because I believe that in its conservative administration it will assure and insure a reasonable food supply for domestic consumption and a surplus for our needy allies. I shall vote for it because I believe that it will bring the producer and the consumer into more equitable and just relations of profit and understanding; because it will encourage production by a guaranty of a minimum price insuring a fair profit to the producers of foodstuffs, if such guaranty be found necessary; because it will tend greatly to reduce the cost

of living to millions of our fellow citizens, now so sorely pressed to make tongue and buckle meet; because it affords an absolute curb to the ruthless and merciless gambler and manipulator; and because it finishes our program of national defense.

And then America mobilized; America ready for all eventualities; America conscious of the justice of her cause and the righteousness of her quarrel, calling upon the God of battles and the God of our fathers to witness the integrity of her high purpose and the unselfish motives which impelled her action in accepting the gage of battle, will strike with her full power. And we will win.

If need be, soon upon the far-flung battle line of France, touching elbows and in gracious comradeship with the descendants of the fellow citizens of Lafayette, will stand a million Americans of the iron blood and race type of the men who, drunk with the liquor of battle, whirled around the dragon standard at Senlac; who fought with Richard Grenville; who rode to immortality at Balaklava; who went down with the *Cumberland* at Hampton Roads; who charged to deathless fame and martial glory with Pickett at Gettysburg—the Anglo-Saxon race, unconquered and, please God, unconquerable. [Applause.]

And some day, after the captains and the kings depart—when "the pomp and circumstance of glorious war" shall be known no longer in the land—then peace. A temporary truce? No. Just a time for recuperation, then another and more tremendous Saternalia? No. My countrymen, let me here and now adjure you, in the name and by the token of the sacrifices this war will entail upon us, not using it as a pretext but seizing it as an opportunity, make common purpose to see to it that before this bitter business is concluded arrangements shall be made and covenants signed and sealed which will insure that hereafter war as a recognized human institution shall perish from the face of the earth. [Applause.] And when that deliverance shall happily come the people of this great Nation, God's last and best experiment in human freedom, shall go about their business of rebuilding in their national life the music and the dream of having given back to them the upward looking and the light and of being retouched with civic immortality. [Applause.]

Mr. YOUNG of North Dakota. Mr. Chairman, I yield 20 minutes to the gentleman from Indiana [Mr. FAIRFIELD].

Mr. FAIRFIELD. Mr. Chairman and gentlemen, there is no legislation that has come before this body in this session in which I have been more intensely interested, save in that legislation on that fateful night when we declared war against Germany. No thoughtful man but could have seen that that declaration would carry with it much legislation different in kind from what we had had before and strange to our people. It is not my purpose to speak to any constitutional questions, because I am not competent to do so. Reared in that political school which believes in the implied powers of the Constitution, believes that any government in its organic capacity has a right to take whatever means are necessary for its perpetuity, I can have no hesitation in supporting this bill on the ground of its constitutionality. Very little of correspondence has come to me in connection with this bill. When the first bill or possibly the second draft was prepared—I understand that this is the third draft that has been prepared—I read the bill very carefully and sent it to a number of men in my own district and said to those men, competent men, business men, professional men, lawyers, "Study it and report to me if you have objection to any particular part of it," because I assured them that it is a character of legislation, in part at least, too long delayed. One of them replied, "I have waited for four long years, wondering if the Department of Justice in this great Nation of ours had gone to sleep and left the people of this country to be robbed at will by the most conscienceless body of men that ever had to do with business in a free government."

Then, too, upon the coal question, which the gentleman from Georgia [Mr. HOWARD] so pointedly discussed. We have had recently in Indiana an investigation of coal operations. Some time prior to that a gentleman who is at the head of large business interests wrote me and said, "I tell you that the situation in our town of only 4,000 people is becoming dangerous." Hitherto the people of the Middle West, in the northern part, have been able to go to the forests and get their fuel, but the towns and cities and even the villages in these country districts now depend absolutely upon coal to keep them warm in winter. This letter came from no alarmist. It came from no man who was in the habit of complaining, whose attitude of mind was unfriendly to business. Another letter came from my own town, saying that that town in the middle of summer was out of coal; that it could be secured only by paying two and three times the price that was charged only a year ago. So the matter was taken up by the governor of the State and investigated. The coal men took a lofty, independent attitude with regard to it, but it was discovered upon investigation that not only 100 per cent but 200 per cent and 300 per cent and 400 per cent had been charged for the delivery of coal. Not only that, but the local dealers, gripped by those who were producing it, would make no contracts. We face danger in this country, Mr. Chairman, unless there is some control over fuel. In the centers of population we face danger unless there is something done with regard to food control. No man believes that this bill is perfect. It is said to be a war measure, but, gentlemen, some legislation, drastic in character, would have had to come, peace or war, for those who have controlled are willing selfishly to let people freeze and starve—crushed under economic power.

Talk about a dictatorship, talk about dangers to freedom! Already too long have we permitted men to almost crush out the poor in the great cities.

Then, too, a letter came from a farmer to me, which illustrates the essential difficulty of the legislation. He told me in this letter that in 1915 he planted 40 acres and reaped nothing; that in 1916 he planted 40 acres of wheat and reaped a half crop, about 400 bushels; and now he says, "My crop bids fair to be a good one, and what is a fair price to me under these circumstances?" I recognize, Mr. Chairman, the essential difficulty involved in this legislation, but I want to call your attention to this fact, that this legislation is framed in a right attitude of mind. The men who are responsible for the bill are honest and earnest in their desire to do for this country what ought to be done.

I want to say to you that the American people when they have set themselves to the solution of a problem have never been discouraged.

May I digress a moment? We hear much of efficiency in this day, and no doubt the German Government has been very efficient in its organization; but we have in this country subdued a continent, we have organized a Government, we have had the evolution of a Nation. That is general and not specific. But, men, when you want to think of the efficiency of our people do it by concrete illustrative example. The German Empire has 208,000 square miles of territory, and into that territory they have crowded all their thought power, all their man power, all their money power, and they have wrought wonderfully.

The State of Texas has 276,000 square miles. In its extent it would about accommodate the population of the United States without greater crowding than has been done in the German Empire, and if you want to know how efficient the American people have been, crowd every railroad into Texas, dig every canal through Texas, including the Panama Canal, put every trolley line into Texas, put the great cities of New York, Chicago, Boston, and Philadelphia, and all the other great cities, within the confines of Texas, put every hamlet and every town into Texas. Ah, men, no people on the face of the earth have ever wrought as we have wrought in the subduing and development of this continent. [Applause.] And I am not afraid that a people like that, earnestly and honestly desirous of solving this problem, will fail.

This bill undertakes to control food and fuel; it did include clothing, boots, and shoes, and I was very glad this afternoon to have it explained why they were eliminated at this particular time; but men, this legislation is a warning to godless men and unprincipled men that, if need be, we shall go further—if they will not take the warning—in the control of these essentials of fuel and food. [Applause.]

There is no desire to cripple the farmer. There is no protest, except in this letter, so far as I know. And I do not believe that every man who criticizes the bill is the opponent of such legislation. Many things have come to my mind as I have listened to the discussion to-day that I otherwise could not have thought of. Many suggestions have been made, and when the bill is taken up in regular order and amended, much that has been objected to will be taken out of it. But, men, if there were only one provision, and that for the control of the fuel of this country, I should gladly support this bill. [Applause.] It undertakes to control the fuel and the food, and in the controlling of that we shall have friction, we shall have difficulty. Solutions of that kind are not easily arrived at. But I have faith in the ability of this people to solve the problem. So far as the Members of Congress are concerned, this little audience here to-night is no indication at all of the profound interest that every man in this House has in this subject. Each of the men is studying and desiring, earnestly and honestly, to do the right thing. The law will succeed if it is efficiently administered. After all, government finally in its efficiency depends upon who is to execute it. Those in power have asked that we give them this responsibility. It is up to them to make good, and it is up to us to see that every safeguard is thrown around the bill that will make it possible for them to do the work efficiently and with the least possible criticism. [Applause.]

Mr. LEVER. Mr. Chairman, I yield 10 minutes to the gentleman from Connecticut [Mr. LONERGAN].

Mr. LONERGAN. Mr Chairman, on April 16, 1917, I introduced in the House of Representatives the following resolution:

Resolved, That the Secretary of War be, and he is hereby, directed to furnish to the House of Representatives copies of all regulations and orders pertaining to the inspection of food supplies for the Army in time of war, and to state whether or not the present regulations and orders for the inspection of such supplies are applicable and feasible in time of war.

On the same day I also introduced a similar resolution, requesting that the Secretary of the Navy furnish to the House of Representatives like information concerning the inspection of food supplies in the Navy in time of war.

These resolutions were referred, respectively, to the Committee on Military Affairs and to the Committee on Naval Affairs, and in accordance with the stipulations therein the Secretary of War forwarded through the proper channels to the Committee on Military Affairs information concerning the inspection of food supplies in the Army in time of war; in a letter written under his direction to the chairman of the committee, the Hon. J. HUBERT DENT, jr., and signed by Assistant Secretary of War William M. Ingraham.

Also Secretary of the Navy Josephus Daniels forwarded to Chairman L. P. PADGETT, of the House Committee on Naval Affairs, complete information as to the inspection of food supplies in the Navy in time of war.

In these days when the Navy and the Army, as the fighting arms of the Nation, must at all times be maintained at the highest point of efficiency, it is proper to inquire into the method of supplying and inspecting food intended for both branches of the service. If every precaution to safeguard the health of the men, as far as the food supply is concerned, obtains, it will be reassuring to know this: If there are certain points which can better be looked after, the responsibility lies with us to make such changes as will effect the results desired.

The Navy, recognized as the first line of defense, might properly be first considered. There are two general classes of provisions purchased for the Navy—perishable provisions such as fresh and refrigerated meats, fresh vegetables, fresh fruits, bread, butter, eggs, and the like; and nonperishable provisions such as tinned meats, tinned vegetables, coffee, sugar, flour, rice, and other articles sometimes designated as groceries.

Owing to the difference in the keeping qualities of these two classes of provisions and the fact that the Navy does not own any cold-storage plant, the two classes are necessarily purchased under different conditions. The nonperishable provisions are purchased in large and specific quantities for storage and subsequent supply to the fleet, whereas the perishable articles are purchased for monthly and quarterly deliveries—the quantities being estimated only and the contract being in effect merely an agreement on the part of the contractor to supply such quantities of the articles contracted for as may be required by the Navy during the life of the contract.

All provisions are covered by leaflet specifications, and provisions delivered must be strictly in accordance with these specifications—no deviation whatever being allowed.

All bidders are required to submit samples of what they propose to furnish with their bids. The contract is awarded to the lowest bidder, whose articles are in accordance with the standard samples.

The greatest danger from inferior quality, of course, lies in tinned meats. In looking after such supplies, inspection is made by a representative of the Bureau of Animal Industry at the plants where these meats are put up. Specifications require that such meats shall be United States inspected and passed in accordance with the regulations of the United States Department of Agriculture. Upon delivery, samples are taken at random from the quantity delivered, and a rigid inspection made at the provisions and clothing depot to see whether or not these samples are in strict accordance with the specifications. If they are not, the delivery is rejected. All inspections of nonperishable provisions, without regard to where these provisions are delivered, are made at the provisions and clothing depot at New York, thus insuring uniformity of inspection.

Tinned butter is inspected at the factories where made, by inspectors of the Bureau of Animal Industry, and every process in its manufacture and packing is carefully watched.

Fresh and refrigerated meats and meat products are also inspected by Government inspectors at the packers' plants, in addition to which they are inspected upon delivery at the navy yard by a representative of the Bureau of Animal Industry stationed at the yard for this particular purpose. This also applies to fresh vegetables, fruits, and dairy products, final inspection of these articles being made according to the Navy Regulations by the medical officer of the ship to which they are delivered.

Reviewing these regulations, it is well to recall here the statement of the present Paymaster General of the Navy in one of his first intrabureau orders issued by him after taking office, in which he said:

Enlisted men have no choice as to what they shall eat, being compelled by the very necessities of the service to take whatever is served out to them. For this reason and because adequate and satisfactory subsistence is the very foundation not only of real efficiency but of discipline itself, there is no class of purchases for the naval service that needs to be more constantly watched than provisions, our men being no "poison squad," but human beings and American citizens for whom we stand in the relation of trustees in so far as relates to the question of food.

As a result of this statement there were uniformly good reports from the medical officers submitted to the Surgeon General in 1915, and in turn passed on by the Surgeon General of the Navy to the Paymaster General. Again in 1916 similar gratifying reports were made, to which the Surgeon General added in his official report:

I can assure you that no navy in the world is as well fed, as well clothed, its general welfare so thoroughly looked out for, as that of the United States; and I am glad to offer you and the entire personnel of your corps my heartiest congratulations for the large share you have had in producing this well-being and its resultant contentment.

The food supply of the Army is similarly safeguarded. Due to the passage of the food and drugs act of 1906, and amendments since, as to the sale of poisoned or deleterious food, and also the meat-inspection law of 1906, and amendments since, against the use of meat that is "unsound, unhealthful, unwholesome, or otherwise unfit for human food," the supply is carefully watched.

Meat for the use of the Army is rigidly inspected at the packing houses, the inspection beginning with the animal before it is killed and all through the afterprocess, by inspectors of the Agriculture Department stationed at the various packing houses throughout the country. In addition to this, meat inspectors and experts of the Quartermaster Corps are also stationed at the great packing houses in such centers as Chicago, Kansas City, Omaha, Buffalo, and elsewhere where meat is prepared or cured for the Army, and they also watch it through the whole process from the killing of the animal until turned over to the Government.

With regard to other food articles or stores purchased for the Army, trained experts at depots and purchasing stations carefully inspect all supplies purchased, and at stations where troops are actually located, inspections are made by the officers who procure the supplies.

All provisions, of whatsoever nature, must measure up to the specifications and conditions imposed by the Quartermaster Corps for subsistence and supplies. Beef, for instance, which is perhaps the principal item of the soldier's fare, must be fit for immediate use, and equal numbers of fore and hind quarters must be delivered, including all the best cuts; no carcass to weigh less than 500 pounds when trimmed; the difference in weight between fore and hind quarters not to exceed 25 pounds per carcass. Every article is specifically covered, including mutton, canned beef, bacon, ham, and the like.

All trade labels on provisions and other articles must conform to the requirements of the meat-inspection and pure-food laws, and rulings thereunder, and also to the laws of the State in which delivery is made. All packing-house products canned after date of award must have the required labels stamped in the can. Authority from the Secretary of Agriculture has been obtained for a stamped-in-the-tin label on containers of canned meats or meat food products, in lieu of the trade label, but in order to prevent the appearance of misleading statements on containers of food products, it is required that copies of all labels be submitted for the approval of the Department of Agriculture prior to the making of the dies.

All these regulations govern the furnishing of supplies up to the time of delivery to the Army. Thereafter, when the provisions have been received at the various Army posts and camps, care is taken that the food is properly handled. In addition there has been printed by order of the Secretary of War a "Manual for Army Cooks," prepared under the direction of the Quartermaster General of the Army and approved by the Major General, Chief of Staff. This is for the information and guidance of the Regular Army and of the Organized Militia of the various States, and covers the handling, care, and preparation of food for the table in an admirable manner. A similar manual has been prepared for Army bakers, and both, besides being replete with information and instructions, are well illustrated.

The costly errors that have been made in the past in regard to the inspection of food supplies for our fighting forces must in the present war be avoided. Strict enforcement of the regulations just cited will aid materially in this. If other steps should, from

time to time appear best to be taken we should be ready at all events to take them, to the end that our men in the field and at sea shall have every guarantee of health that we can possibly give them. [Applause.]

Mr. YOUNG of North Dakota. Mr. Chairman, I yield 20 minutes to the gentleman from New Jersey [Mr. LEHLBACH].

Mr. LEHLBACH. Mr. Chairman, this bill is avowedly a war measure. Otherwise its advocacy would be wholly indefensible. In normal times, vesting in the Executive of our Government such complete powers over the every-day activities of a large proportion of the people, and further over the very means of subsistence of all, is repugnant to the genius of American institutions. It is asserted that the need of control over the necessaries of life and the activities of those engaged in their production and distribution arises out of the war which has engulfed not only our country but also all civilization.

The present exercise of such control is in reality consonant, not repugnant, to American institutions and the Constitution, which is their index. America always has and can adapt herself to every emergency, and her Constitution has adjusted itself to every crisis. The right and privileges of the American citizen in times of peace and safety are subject to the minimum of interference and limitation consistent with the public weal. But in times of stress and danger, when we are forced to unsheathe the sword to preserve undiminished our right as a free people to live and move and pursue our destiny among the nations of the world, then it behooves our Government to emphasize the duties and obligations of the citizen rather than his rights and privileges, and to exercise such control over him and his as may be necessary for the national defense. The spirit of America demands it, and the Constitution permits it.

The continual destruction of supplies in transit, the shadow of the specter of famine already creeping over the peoples with whom we have made common cause in the fight for mutual self-preservation, the barometer of market prices presaging the gathering of the storm clouds of need at home must necessarily convince the reasonable mind that a real emergency exists. Hence the normal ways of peace regarding the raising and distribution of food products must be suspended, and the wisdom and power of the Government must temporarily control, if we are successfully to ride the storm. The power of such control must of necessity be vested in that branch of the Government solely adapted for its exercise—the Executive. Such power should be given freely, measured by the exigencies of the case out of which the need for its exercise arises. While the power that may be necessary should be given without stint, it should be limited absolutely to meet the emergency. It is always the duty of the legislature, as the guardian of the liberties of the people, not only, in a case like this, to grant the Executive the necessary power to protect those liberties but to guard against, under the guise of necessity, wanton and unreasonable interference with popular rights.

The purposes to be attained by this bill are twofold. To eliminate waste and confusion which the production and distribution of food by unguided and uncontrolled individual initiative would in these abnormal conditions entail, and second, to prevent the conscienceless depredations of food speculators, price manipulators, and the rest of the evil crew, who always seek to prey upon the necessities of the people. Such purposes are set forth in the first section of the bill.

Section 3 of the bill provides that there is hereby established a governmental control of necessaries, including in terms every conceivable activity in connection therewith from the planting of the seed to the eating of a piece of bread, which shall be exercised and administered by the President for the purposes of this act. Manifestly a power so absolute as to be practically inconceivable is far beyond the necessities of the situation, far beyond the necessities of any plight in which our country could within human probability ever find herself. This language makes of the remainder of the bill a work of supererogation, for greater than such power can not be vested in mortal man. The fact is that subsequent provisions of the bill set forth with particularity all conceivable powers necessary to be exercised by the Executive to fight the evils apprehended, and this section should either be stricken out in its entirety, or at least so amended that by it there is established such governmental control of necessaries as hereinafter set forth in this act.

Section 4 makes it unlawful to do any and all of a series of acts, specifically enumerated, which would tend to interfere with an adequate supply and the equitable distribution of necessaries. This catalogue of crimes is so exhaustive and complete as to cover every nefarious scheme that an ingenious malefactor could devise. With these proposals I find no fault, but there is inserted in the section a clause making the following unlawful:

To engage in any discriminatory and unfair, or any deceptive or wasteful practice or device, or to make any unjust or unreasonable rate or charge, in handling or dealing in or with any necessaries.

It has been the curse of American business in recent years to have prohibited alleged practices in vague and uncertain language susceptible of as many constructions as there are many minds. This has resulted in the indulgence in practices, pronounced legitimate in certain jurisdictions, by the more unscrupulous or venturesome spirits in business who thus obtained unconscionable advantages over their more scrupulous or fearsome competitors. Our soundest authorities, in dealing with the subject of antitrust legislation, have repeatedly declared that unlawful and unfair practices ought to be defined specifically in statutes, and then the perpetrators punished. Here we have a splendid example of how the American business man is hampered, harrowed, and harassed by unwise and ill-considered legislation. He is afforded no star or compass and must steer his course by guess. In consequence he may wake up some morning and find himself a felon in a prison cell, or else he may wake up and find a receiver in charge of his affairs.

If any possible necessity for this provision could be pointed out, its presence in the bill might be defended, but the rest of the section so completely covers the evils sought to be prevented that its incorporation is inexcusable.

Evidently the bedevilment of men engaged in useful and necessary pursuits was not sufficiently thorough by creating a class of unascertainable crimes, but the guilt of such a hapless offender is not to be established by the ordinary judicial process. Under section 5 the President, and that may mean in reality one of hundreds of uncompensated volunteers, may, by order, after the commission of the act, decide it a crime, and such order shall be prima facie evidence in any court of competent jurisdiction even in a criminal trial. Here we have ex post facto legislation by imperial ukase.

Section 13 provides for the limitation, regulation, or prohibition of the use of foods or feeds in the production of alcohol or beverages, when essential to assure an adequate and continuous supply of food. The inclusion of alcohol in this provision is unfortunate, as its use in the arts, particularly in war time, is of much greater value than the food material consumed in its manufacture could possibly be. With reference to beverages, it includes both alcoholic and nonalcoholic kinds. However, the section draws an unwise distinction between the two kinds of beverages.

It provides for the elimination of nonalcoholic beverages, or such nonalcoholic beverages as the President shall determine, and expressly omits the authority to exercise such discrimination between various kinds of alcoholic beverages. Manifestly this differentiation would seem to compel the construction that the President was not authorized to make such discrimination between various kinds of alcoholic beverages, but must apply whatever regulation or limitation is deemed essential to all such beverages alike. The restriction of the President's right to discriminate may easily result in harmful consequences neither contemplated by Congress nor desired by the President, and which could easily be forestalled by him if this distinction between alcoholic and nonalcoholic beverages were removed.

I intend to support this bill. I believe the exercise of the control therein provided in an emergency is compatible with American institutions and permissible under the law of the land. I believe the emergency is here.

I have endeavored very briefly to point out wherein certain provisions of the bill transcend the need of the emergency and consequently do violence to the principles upon which such legislation should be framed. I sincerely trust the bill will be perfected and, when so perfected, passed. [Applause.]

Mr. YOUNG of North Dakota. Mr. Chairman, I yield 15 minutes to the gentleman from Pennsylvania [Mr. ROBBINS].

Mr. ROBBINS. Mr. Chairman and gentlemen of the committee, the bill now pending before Congress for consideration is known as House bill 4961 and is entitled "A bill to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel."

This bill has been rightly characterized as the most far-reaching and drastic of any of the extreme legislation that has been enacted or proposed in this Congress. The law passed for the purpose of contracting national indebtedness by the bond issue, after all, affects only a portion of the people. Those without property, those under age or disability are free entirely from its provisions.

The law passed to conscript soldiers affects less than one-tenth of our people, and the law we have passed to raise revenue by taxation to prosecute the war does not concern a very large portion of our population.

But this act proposes to deal with the necessaries of life, and affects every man, woman, and child in the Nation, and, indeed,

extends its influence directly to our allies by attempting to relieve them from high prices and give them constant supply of food.

In the enactment of any law the lawmaking body should consider—

1. The evil to be corrected;
2. The old law; and
3. The proposed remedy and its effects.

Considering these briefly in the order suggested:

1. The evil to be corrected is, as I view it, a serious situation that is universally admitted. Everyone agrees that the necessaries of life are to-day at such high level in price as to make it impossible for many of our people, especially those who are working for a day's wage or at a fixed salary, to enjoy the essentials and, in many instances, the actual necessities of life. But even more appalling than this present situation, which is bad enough, is the conditions which confront us of the probable danger of a famine in the near future unless some action is taken to, if possible, avert it. And it may also be admitted that there is no action that can be taken that will bring any relief except congressional action, and that action when taken must be such as will meet the emergency.

The only law we have on the statute books now that deals with this situation in any way is the Sherman antitrust law, which has been amended by the Clayton Act and the Federal Trade Commission act. Under these acts an unlawful combination in restraint of trade is punishable by indictment; but these laws have proved ineffectual and are entirely too slow to meet the existing emergency that confronts the people of the United States. Hence it is universally admitted that new legislation is required, and the present bill is the answer of Congress to this popular demand.

It has been charged, especially concerning the war-tax bill, that Congress gave no hearings or investigations, but simply hurriedly framed a bill because "we needed the money." Such can not be charged against the present bill. The committee have given many hearings and have rewritten and reprinted the bill at least five times, as has been asserted during the argument by the members of the committee, so that this legislation comes from the committee bearing evidence of careful investigation and preparation, and it therefore ought to command the respect of the House. It certainly must command its most careful scrutiny because of its importance, its drastic provisions, and its telling effect upon the production and distribution of food and fuel.

To those of us who come from the eastern and more populous section of the United States this bill comes with an appealing purpose. Our people have felt the oppression of high prices and hardship of the diminishing purchasing power of money. Throughout western Pennsylvania, where it can confidently be asserted the highest wages are paid to the working people and usually the greatest contentment and prosperity prevails, they have been singularly met with and shocked by the rapid advance in the price of the necessaries of life.

For instance, in Greensburg, Pa., my native city, which can be taken as fairly indicative of the whole section of western Pennsylvania, eastern Ohio, and West Virginia, the prices of necessaries within the last two years have changed thus:

Flour in 1915 sold for $5.50 a barrel; in 1916, $7.50; 1917, $15, an increase of 100 per cent in the last year.

Sugar in 1915 sold for 6 cents per pound; 1916, 7 cents per pound; 1917, 9½ cents per pound, an increase of 36 per cent.

Potatoes, 1915, $1 per bushel; 1916, $1.40 per bushel; 1917, $4.50 per bushel, an increase of over 250 per cent.

Meat of all kinds advanced from 33⅓ per cent to 80 per cent.

Shoes and clothing have advanced from 40 per cent to 100 per cent, and in fact it is difficult to procure shoes, even at that price, such as workmen and the people generally wear. The advance in prices is further shown by the following table:

Comparison of retail prices of foods during April, 1914, before the war, and April, 1917.

[From Government reports.]

	April, 1914.	April, 1917.	Increase.
Groceries:			*Per cent.*
Sugar, granulated, pound	$0.04	$0.09	125
Flour—			
Gold Medal, barrel	7.25	14.00	93
Hecker's, barrel	6.50	13.50	107
Milk—			
Condensed, can	.09	.15	67
Evaporated, tall can	.07½	.12	65
Evaporated, small can	.03½	.06	70
Tomatoes, standard 2½'s, can	.07	.17	142
Corn, standard 2½'s, can	.07	.13	85
Peas, E. J.	.07	.10	45
Baked beans	.08	.13	65
Corn meal, pound	.02½	.05	100

Comparison of retail prices of foods during April, 1914, and 1917—Contd.

	April, 1914.	April, 1917.	Increase.
Groceries—Continued.			*Per cent.*
Hominy, pound	$0.03	$0.05	66
Rice, best, pound	.08	.09	12
Oatmeal, pound	.03½	.06	70
Prunes, small, pound	.05	.08	60
Salmon, chum, can	.08	.14	75
Beef:			
Rib, roast, pound	.20	.25	25
Chuck roast, pound	.17	.22	30
Plate (soup meat), pound	.13	.16	23
Porterhouse steak, pound	.28	.37	30
Sirloin steak, pound	.24	.34	42
Round steak, pound	.20	.32	60
Pork:			
Fresh hams	.15	.27	80
Fresh shoulders	.13½	.22	58
Fresh pork chops, lean	.16	.28	80
Fresh pork chops, loin	.18	.32	80
Fresh pork roast, lean	.16	.28	75
Fresh pork roast, center	.18	.30	66
Butter, first grade, pound	.30	.55	83
Eggs, fresh, dozen	.21	.38	80
Vegetables:			
Potatoes, peck	.23	.90	291
Spinach, peck	.20	.40	100
Onions, yellow, pound	.04	.13	250

Comparison of retail prices of foods, January, 1917, and May, 1917.

	January, 1917.	May, 1917.	Increase.
Groceries:			*Per cent.*
Granulated sugar, pound	$0.07	$0.10	43
Gold Medal flour, barrel	9.60	15.20	58
Pride of Columbia, barrel	8.00	13.20	65
Standard tomatoes, No. 3 can	.12	.18	50
Maine corn	.13	.17	30
Wagner's baked beans, No. 2	.10	.15	50
White corn meal	.04	.06	50
Broken rice	.04	.06	50
Oatmeal	.04	.06	50
Macaroni, bulk	.08	.13	62
Prunes, small	.05	.08	60
Beef:			
Rib roast	.24	.25	4
Plate beef	.15	.16	7
Porterhouse steak	.32	.37	16
Sirloin steak	.28	.34	22
Round steak	.25	.32	28
Butter, extra creamery	.43	.55	28
Pork:			
Fresh hams	.22	.27	23
Fresh shoulders	.18	.22	22
Fresh pork chops, shoulder	.22	.28	27
Fresh pork chops, loin	.26	.32	23
Fresh pork roast, blade	.22	.28	27
Fresh pork roast, loin	.25	.30	20
Vegetables:			
Potatoes, peck	.60	1.00	66
Onions, pound	.08	.10	25
Sweet potatoes, peck	.45	.75	66
Cabbage, pound	.10	.15	50
Fruits:			
Apples, peck	.40	.60	50
Bananas, dozen	.20	.25	25
Lemons, dozen	.08	.20	150

The wages, while they have been advanced in all our mills, at our mines, and in our factories, they have not been increased commensurate with the increase in the cost of the necessaries of life. Those who work by the day and those who work for a fixed salary and those who work on the farms and in small factories have had comparatively small increase, in many instances none at all, as in case of the salaried employee, and yet they are confronted with this arbitrary and extraordinary increase in the cost of living. The advance in wages is not equal to the advance in the cost of living.

Comparison of wage rates of labor, 1907 to 1916, and of price of food, 1907 to May, 1917 showing difference in advance in wages and food.

[From record of committee, filed by its chairman.]

Year.	Rates of wages per hour.	Retail prices of food.
	Per cent.	*Per cent.*
1907	100	100
1908	101	103
1909	102	108
1910	105	113
1911	107	112
1912	109	119
1913	111	122
1914	114	125
1915	115	123
1916	119	139
January, 1917		156
February, 1917		162

I now assert that the situation, so far as my district is concerned—the twenty-second district of Pennsylvania—is critical and demands and requires at the hands of this Congress some relief.

Which proviso safeguards the farmer in the ownership and pressing and demands correction, which answers the first matter to be considered.

In the second place, in considering the pending proposition, I further assert that the old law—that is, the antitrust law above referred to—is entirely inadequate, and that we must enact some other law to meet the existing, imminent, and pressing emergency.

This bill is leading us into a new and untried legislative field. Never before in the 141 years of our history has Congress been called upon to appoint a food dictator or to place in the hands of the President the arbitrary and unlimited power contained in this bill to control the food supply of the Nation. We might well consider it in its extreme aspect, because our people will feel its operation and criticize us if we pass an act the full force and probable effect of which we do not comprehend. Therefore I characterize this bill as the most extreme, arbitrary, and unlimited piece of legislation ever proposed in the American Congress, and the only justification for even considering such legislation is to avert a condition which will be far more terrible on our people than can be brought about by its extreme enforcement.

If I did not believe that we are in danger of a famine, to be brought about by the shortage of the food supply, not only in America but in Europe, and that our food shortage is so extreme and the demands on it are so great that unless we enact this law, which in its first section declares "is to prevent monopolization, hoarding, injurious speculation, manipulations, and private controls, affecting the supply, distribution, and movement of such food supplies"—we can not prevent hunger and distress among our people, and especially among the poor, I would not support this bill at all; but, believing that these conditions are imminent and will exist more and more during the coming fall and winter, I am going to support this bill and vest in the President all the power and authority that it confers, with the hope that this dreadful foreboding and these coming conditions of suffering and distress may be averted. [Applause.]

This bill provides in a general way for control of the food and fuel supply of the Nation and arranges that the price thereof be kept upon a reasonable basis, and that the supply be conserved in every possible way and neither wasted nor hoarded.

The third section of the act provides as follows:

SEC. 3. That there is hereby established a governmental control of necessaries which shall extend to and include all the processes, methods, activities of, and for the production manufacture, procurement, storage, distribution, sale, marketing pledging, financing, and consumption of necessaries, which shall be exercised and administered by the President for the purposes of this act; and all such necessaries, processes, methods, and activities are hereby declared to be affected with a public interest. And in carrying out the purposes of this section the President is authorized to enter into any voluntary arrangements or agreements, to use any agency or agencies, to accept the services of any person without compensation, to cooperate with any agency or person, to utilize any department or agency of the Government, and to coordinate their activities so as to avoid any preventable loss or duplication of effort or funds: *Provided*, That none of the penalties of this act shall apply to this section.

This section is the one that contains the declaration of the power and purposes of the whole act, because if the intendments of this section are carried out the whole purpose of the act will be accomplished.

The act has been attacked vigorously, because it is held to be unfriendly, in its effect, on the farmer and producer. It has been asserted by members of the committee who attacked it that it fixes the prices of farm products but fails to fix the prices of the articles that the farmer must buy. This is not my understanding of the bill at all. It fixes the price of every manufactured commodity in section 10 and controls the method of production and distribution. Hence, under this bill the President, through the proper bureau, ought to fix the price of shoes, sugar, flour, clothing and all the articles that are covered by the general terms used in this act. It would be manifestly unfair that the President could fix the price of corn, wheat, oats, cotton, which the farmer produces, and not be able to deliver to the farmer agricultural implements, shoes, clothing, sugar, and coffee at a price also controlled and fixed by him through the same bureau. This act has no such narrow purpose in view and will not be administered to produce a result so unfair and arbitrary.

The farmer is the one that enjoys the immunity of this act and for that reason it has been styled "class legislation." Section 6 contains this proviso:

Provided, however, That any accumulating or withholding by any farmer, gardener, or any other person, of the products of any farm, garden, or other and owned, leased, or cultivated by him shall not be deemed to be hoarding within the meaning of this act.

Which proviso safeguards the farmer in the ownership and supply of his own products, and he ought to be so protected. There is no espionage provision in this act. The granary and cellar are the farmers' storehouses, and they are secure and their contents are not to be considered under its terms, but when the farmer wishes to sell, he will, of course, be met by a price, that is established by law, under the provisions of this act for his protection and benefit. In the same market in which he sells his grain and buys his supplies, he will find the same law protecting him, as to the price he received for his product and the price he must pay for the necessaries of life, which he must buy in the same or other market with the money received for his own products.

This law also protects the wage earner and the poor by allowing the President to fix the prices of the necessaries of life to them also.

This appears to me to be equitable and fair. It may, it is true, modify the fixed law of supply and demand, but the law of supply and demand as we have it to-day is fixed by artificial war conditions, and they are leading us into an abyss, not the result of the legitimate law of supply and demand but the result of war and its evils, which we must meet by the extraordinary legislation that this bill proposes. It is only because of war that we, of course, justify this proposed law. It must be discussed and considered always with that thought in view.

This bill concerns especially western Pennsylvania, where coal mines and factories exist, such as abound in the district, which I have the honor to represent. It vests in the President power to requisition and take possession of coal mines or factories "in which any necessaries are or may be manufactured, produced, prepared, or mined" (section 10). The price of bituminous coal to the poor has increased from $1.50 to $2 a ton in 1915 and from $4.50 to $5.50 at present, and the increase in anthracite is greater than bituminous.

This increase in the cost of coal has been brought about by car shortage, lack of labor supply. In other words, failure of both production and distribution. There is just as much coal and as many mines, and the facilities are just the same as when the coal was at the normal price. The fault is with the production and distribution, and it is difficult for one, who is familiar with the situation, and I claim some familiarity with these conditions, to see how this bill is going to bring about the relief desired in coal prices.

This industry is met with another difficulty. The Government has taken control of the railroads, has given preference to the movement of its freight, and thereby preventing coal operators from handling the amount of coal they can produce, even with the short supply of labor. Indeed, the coal situation is more critical than the people are willing to admit, and unless there can be some loosening up in the distribution of coal, the poor people of our cities will be great sufferers from cold in addition to hunger during the next winter.

I wish to now and here sound the alarm to those controlling car distribution to coal mines, and movement of coal traffic to its destination, and warn them that they are during this good weather pursuing a course that will cause intense suffering to the poor and humble in all our great cities during the cold days of the coming winter for lack of coal to warm their homes.

Mr. Chairman, I have gone over very carefully the voluminous reports of the hearings before the Agricultural Committee on this bill, and they disclose a startling state of facts, with reference to the grain crop and visible supply of wheat, corn, and oats on hand in the United States. It seems to me from the arguments made by the members of the committee here on the floor they have either purposely or unintentionally neglected to disclose these facts. Whether it is because there are astonishing, alarming, and fear producing, in their effect, on the American people or whether it is because there is a hope that we can "just muddle through," as we generally do somehow, I do not know.

Now, Mr. Chairman, the statement has been authentically made by those who know that on the 12th of May, 1915, the visible supply of wheat in the United States was 102,000,000 bushels; in May, 1916, 62,000,000 bushels; and in May, 1917, 33,000,000 bushels; and at the present time less than 15,000,000 bushels. Why conceal these facts? If this law is to accomplish its full purpose, it must have the hearty support and endorsement of the American people, and certainly this statement of facts, which come from authentic sources, calls for immediate action by Congress and for universal support toward the conservation of our grain and food supply from the American people.

Last year's crop was short, and last year's demand from abroad was unprecedented, hence the low visible supply of wheat at this time and the visible supply of corn is practically exhausted.

This year's estimated crop of wheat will be 750,000,000 bushels, which is much below normal. It requires 600,000,000 bushels to feed the United States and furnish seed for the new crop. Thus we will have but 150,000,000 bushels for export. This will not supply one-fifth of the foreign demand, because the United States must feed the armies of the allies that are fighting at the front, for the reason that they are now fighting our war. They stand between us and German invasion. The liberty of the United States is at this time only protected by the armies and navies of our allies. We must feed these armies and support them in the field, even if we deny our own people bread by doing so.

It does not require much of an imagination to see our American people living on corn meal and our poor people going hungry next winter. Why, therefore, at this time, when we can do something to alleviate this coming calamity, should we hesitate, discuss constitutional questions, or argue about vesting arbitrary power in the President?

If there are those who believe that the Constitution is being transgressed by this legislation, it ought only to be necessary to cite them to the words of the Constitution itself and to some of the well-known decisions of the Supreme Court thereunder:

Provisions of the Constitution authorizing the legislation.

The preamble to the Constitution, among other things, states the purpose of government as follows: "To promote the general welfare—to provide for the common defense." These purposes are carried out by the legislation authorized in the Constitution.

Section 8 of Article I of the Constitution provides: "The Congress shall have power to declare war, to raise and support armies, to maintain a Navy, to provide for the common defense and general welfare."

"To make rules for the government of the land and naval forces, to make all laws necessary and proper for carrying into execution the foregoing powers, and all other powers vested by the Constitution in the Government of the United States."

The tendency of the Supreme Court has been to construe the powers contained in this section of the Constitution most liberally. During the Civil War new vitality was given to this section when considering the legal-tender acts and other war legislation.

Thus the Supreme Court has expressed itself in considering the power of Congress under this section of the Constitution:

It is not indispensable to the existence of any power claimed for the Federal Government that it can be found specified in the words of the Constitution, or clearly and directly traceable to some one of the substantive powers expressly defined, or from them all combined. It is allowable to group together any number of them and infer from them all that the power claimed has been conferred. Such a treatment of the Constitution is recognized by its own provisions.

It is absolutely essential to independent national existence that government should have a firm hold on the two great sovereign instrumentalities of the sword and the purse, and the right to wield them without restriction on occasions of national peril. In certain emergencies government must have at its command not only the personal services, the bodies, and lives of its citizens, but the lesser, though not less essential, power of absolute control over the resources of the country. Its armies must be filled, and its navies manned by the citizens in person. Its material of war, its munitions, equipment, and commissary stores must come from the industry of the country.

I deem further citation of authority as to the constitutionality of this proposed legislation entirely unnecessary.

The bill itself provides that should any section be stricken down the remaining sections shall retain their original vitality. We need not worry about the Constitution, it is safe in the hands of the courts of last resort. Our concern, and serious concern too, is the conditions which confront our people.

This is no time for talking about preserving our liberty. Our liberties are in much more danger from German aggression than from the President. And our liberties are only being temporarily suspended and authority vested in the President of the United States during the stress of a foreign war.

Mr. Chairman, the same indomitable love of liberty that characterized our fathers and has been our lamp and guide for almost a century and a half will, when this crisis is past, assert itself and take back, if need be, our liberties from the President or any other authority in whose hands arbitrary power has been temporarily placed pending this emergency.

A republican form of government, where liberty is universally enjoyed by all its citizens, can not carry on a war without halting and turning about and forming an efficient national organization, whereby its strength and power may be concentrated in the hands of one man, who is necessarily the President, so that it can be effectually used to carry on such war.

In the present war we are endeavoring to accomplish this result by centering in the President the full power and strength of the Republic by acts of Congress enacted for that purpose, but all of these have a limitation in them that when the war is over the power they have taken from the people and vested in the Chief Executive shall cease.

This present bill has a specific provision in it to cover this, in section 21, which provides:

This act shall cease to be in effect when the national emergency resulting from the existing state of war shall have passed, * * * which shall not be later than one year after the termination of the war.

Why, then, should any Member of this House, or any citizen, claim that this bill deprives our citizens of their liberty, or creates a dictator, or vests in the hands of one man arbitrary, unlimited, or unreasonable power permanently? Such is not the case.

There is another important feature in this bill that should not be overlooked. The provision relating to the storage of food and food products and the prevention of speculation therein.

During the month of May the allies in Europe were bidding against each other and the price of wheat ran up to $3.50 per bushel. To remedy this they centered all their purchasing power in one agency. This eliminated competitive bidding against themselves, but this has not cured the evil. Private speculators were buying up wheat on the exchanges of the country—in Chicago and New York—by dealing in what is known as "futures"; that is, buying wheat for future delivery. The result was all stock exchanges have closed entirely or restricted that branch of their business, and wheat men can only buy wheat to-day like coal or brick or sand—cash on delivery, at a price fixed when the deal is made.

Speaking of the market conditions, the secretary of the Chicago exchange stated on May 15 last:

At the present time they contract to purchase in a market where there is really no wheat to sell. I think that practically all the wheat in this country is sold for delivery for export. I think that this Congress might well consider the question of controlling exports. I think it would be the part of wisdom to have a food-control commission who would, so far as exports are concerned, have the absolute control and who would allow grain to go out only by permit.

Thus indicating that those who know most about the wheat situation regard it as most critical and favor this bill.

What has brought about this great transformation in the method of conducting the grain business? Two causes—short crops, which made speculative control possible, and excessive foreign demand, which made a market in excess of the supply.

This created a condition whereby the speculator had absolute control of the food supply, and I assert it on the authority of one of the largest grain men of the country that if the New York and Chicago Exchanges would open and permit dealing in wheat for future delivery unrestricted wheat would sell at $5 per bushel within a week and flour would go to $20 or $30 per barrel in the same time.

Thus we see that the food situation of the country is resting on a dangerous basis. We are at the mercy of speculators. What could be more terrible than a corner in wheat or a corner in bread? An event of this kind would try the strength of popular government.

This bill provides for summary conviction of the food speculators who buy up our food supplies and hold them in warehouses, cold-storage depots, and force up the prices, thus causing great distress among our people, especially among the people of moderate means and the very poor. These speculators are the enemies of the people. They are the highwaymen of commerce. They sail under the black flag of treason and leave in their trail misery, suffering, and death. Let us pass this act and exterminate them as we would exterminate smallpox and filth from our midst. I have no patience with delay or waste of time in discussing a law that proposes to remove from the body of our people these leeches upon the commerce of our country.

The existing law is helpless to meet such an emergency. It is cumbersome and slow and it has no application to the individual, because it requires more than one party to be guilty of conspiracy.

The Federal Trade Commission law confers authority to investigate, but has no power to punish the guilty corporations or individuals.

For instance, last February when there was a Federal investigation of Wentz, the so-called egg king of Chicago, who had bought millions and millions of dozens of eggs during the summer at a price of from 10 to 15 cents, and placed them in cold storage and was selling them during the winter months at a price ranging from 40 to 80 cents per dozen, a great human cry went up all over the country against this man. At the investigation he simply stated the facts, that he was making enormous profits, amounting to millions of dollars, and that he did not like to be investigated because "it made him laugh and cracked his lips," and that is all that came of it.

This bill proposes to reach not only such cases but all other cases where men speculate in food supplies. The purpose, in the first place, is that no one can deal in food supplies except by the

license issued by the President, which if abused will be revoked; and it proposes, in the next place, to prevent dealing and speculating on any exchange whereby the cost of food supplies is thereby enhanced. Section 11 specifically sounds the death knell to the food speculator, in these words:

That whenever the President finds it essential in order to prevent undue enhancement or fluctuation of prices of, or in order to prevent injurious speculation in, or in order to prevent unjust market manipulation or unfair and misleading market quotations of the prices of necessaries, hereafter in this section called evil practice, he is authorized to prescribe such regulations governing or may either wholly or partly prohibit operations, practices, and transactions at, on, in, or under the rules of any exchange, board of trade, or similar institution or place of business as he may find essential in order to prevent, correct, or remove such evil practices.

It also prevents the accumulation of foods by hoarding either in cold-storage houses or elsewhere as a means of enhancing the prices, and for the violation of its provisions severe and certain penalties are provided.

Under this law it will not be possible to bring about a condition of facts such as exist in the potato market at present and for the last three months. Last September potatoes were selling in Aroostook County, Me., the chief potato-producing district in New England, at $2.50 per barrel. In January and February speculators bought up the supply and forced the price up to $10, $12, and in some instances even $15 per barrel. The farmer did not benefit by this enhanced price, only the speculator and the middleman, but the consumer was compelled to pay this outrageous and exorbitant price for this necessary article of food.

Onions, during the same time, were forced up in price from 1½ cents to 15 cents per pound by pure manipulation of the market. Some 50 dealers were indicted under the Sherman law, but those of us who eat onions know that the prices are still up, and that the cases are still pending and likely to pend for several years in the courts.

Bituminous coal, which ordinarily sells at from $1.50 to $2.50 per ton with freight added, is now selling at from $5 to $6 per ton, and the supply unequal to the demand.

The fact is that when we talk about the economic law of supply and demand controlling prices, these three staple commodities conclusively prove that such is not the case. Manipulation controls the prices largely in the United States to-day, and this law proposes to abolish this artificial, unlawful, and unjust situation, and give to the consumers—to the plain people, to the people of moderate means, and to our poor and helpless, who need relief—the necessaries of life at reasonable prices. If this Congress can bring about this result, it will be entitled to go down in history as the people's Congress, as the just Congress, as the righteous Congress, and receive and be entitled to the grateful plaudits of all the people. [Applause.]

Mr. LEVER. Mr. Chairman, I move the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker pro tempore, Mr. FITZGERALD, having resumed the chair, Mr. HAMLIN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel and had come to no resolution thereon.

HOUR OF MEETING TO-MORROW—11 O'CLOCK A. M.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that when the House adjourns to-night it adjourn to meet to-morrow at 11 o'clock a. m.

The SPEAKER pro tempore. The gentleman from South Carolina asks that when the House adjourns to-night it adjourn to meet at 11 o'clock to-morrow morning. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. LEVER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 5 minutes p. m.) the House adjourned, pursuant to its previous order, until to-morrow, Wednesday, June 20, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of War submitting a supplemental estimate of appropriation for the rental of a two-story fireproof warehouse at Washington, D. C., for the use of the medical department from October 1, 1917, to June 30, 1918 (H. Doc. No. 190); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Navy, recommending that House bill 292 be amended so as to exclude the purchase of the special character coal necessary for the Navy and fuel-burning equipment for the Navy (H. Doc. No. 191); to the Committee on Mines and Mining and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. JONES of Texas: A bill (H. R. 5098) to provide for the suspending of statutes of limitations as to all crimes and offenses against the United States during the war with Germany; to the Committee on the Judiciary.

By Mr. COOPER of Wisconsin: A bill (H. R. 5099) to provide for the erection of an addition to the Federal building in the city of Kenosha, county of Kenosha and State of Wisconsin; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5100) to provide for the purchase of a site and the erection of a public building thereon at Whitewater, Walworth County, Wis.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5101) to provide for the purchase of a site and the erection of a public building thereon at Lake Geneva, Walworth County, Wis.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5102) to provide for the erection of an addition to the Federal building in the city of Janesville, county of Rock and State of Wisconsin; to the Committee on Public Buildings and Grounds.

By Mr. TAYLOR of Colorado: A bill (H. R. 5111) to draft into the military service all citizens who leave the United States to evade registration or selective draft; to the Committee on Foreign Affairs.

By Mr. RAKER: A bill (H. R. 5112) to relieve homestead and desert entries of alien entrymen until termination of existing war and for a reasonable time thereafter, and for other purposes; to the Committee on the Public Lands.

By Mr. RANDALL: A bill (H. R. 5113) to provide further for the national security and defense by conserving the supply of foods, food products, and feeds; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COOPER of Wisconsin: A bill (H. R. 5103) granting an increase of pension to Leannah Bullis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5104) granting an increase of pension to Mrs. F. B. Ward; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5105) granting an increase of pension to Levi L. Beers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5106) for the relief of the city of Racine; to the Committee on Claims.

Also, a bill (H. R. 5107) for the relief of Charles Akerlund; to the Committe on Claims.

Also, a bill (H. R. 5108) for the relief of William A. Persons; to the Committee on Military Affairs.

By Mr. FERRIS: A bill (H. R. 5109) for the relief of Jacob Osterhus; to the Committee on the Public Lands.

By Mr. TALBOTT: A bill (H. R. 5110) granting an increase of pension to Oliver Sutor; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. COOPER of Wisconsin: Memorial of Wisconsin Association of the Women's National Service League, urging that all contaminating and debauching influences be removed from the vicinity of encampments of the Army; to the Committee on Military Affairs.

Also, petition of dairy farmers of Jefferson and Waukesha Counties, Wis., concerning the feeding of so-called balanced rations; to the Committee on Agriculture.

Also, petition of business men of Kenosha, Wis., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. DALE of New York: Petition of National Association of Game and Fish Commissioners, urging the passage of the bill to give effect to the migratory bird treaty between the United States and Great Britain for the protection of migratory game and insectivorous birds in the United States and Canada; to the Committee on Foreign Affairs.

By Mr. DICKINSON: Petition of 112 citizens of Montrose and Belton, Mo., in favor of legislation prohibiting the use of foodstuffs in the manufacture of alcoholic liquors; to the Committee on the Judiciary.

By Mr. FITZGERALD: Petition of citizens of the Borough of Brooklyn, N. Y., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. GREGG: Petition of Missionary Society of Lowington and Woman's Missionary Society of Palestine, Tex., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. HENSLEY: Petitions of Mrs. S. M. Ivy, secretary Farmington district, St. Louis conference, and Mrs. William Court, secretary Woman's Missionary Society, St. Louis conference, favoring prohibition; to the Committee on the Judiciary.

By Mr. HILL: Petition of Connecticut Branch of the Association of Collegiate Alumnæ, relative to the creation of prohibitive zones around the military camps of the United States Army; to the Committee on Military Affairs.

By Mr. KING: Petition of William A. Whyers and others, of Quincy, Ill., favoring increase in pay of men employed in the Federal buildings under control of the Treasury Department; to the Committee on Appropriations.

By Mr. KINKAID: Petition of members of the American Society of Equity of Nebraska and South Dakota, protesting against the passage of the bill to change the name of oleomargarine to butterine; to the Committee on Agriculture.

By Mr. LONERGAN: Petition of Shell Fish Commission of the State of Connecticut, favoring law regulating the discharge of commercial and other waste into streams and tidal waters; to the Committee on the Merchant Marine and Fisheries.

By Mr. LUNN: Petition of George Blood, J. D. Losher, Cyrus Blood, Ernest Knablauch, Victor Huddleston, and Charles McCreary, asking for the prohibition of the manufacture, sale, and transportation of intoxicating beverages for the period of the war in conservation of the man power, military and industrial efficiency, and the food supply of the Nation, and that all liquors now in bonded warehouses and elsewhere shall be commandeered by the Government and be redistilled for undrinkable alcohol, to be purchased by the Government for war purposes; to the Committee on the Judiciary.

Also, petition of Edgar B. Moyer and citizens of the town of Root, Montgomery County, N. Y., asking for full national prohibition of the manufacture, sale, and transportation of intoxicating beverages for the period of the war, and opposing an increase in tax on intoxicating liquors as a means of raising revenue to prosecute the war; to the Committee on the Judiciary.

Also, petition of Charles L. Travis and citizens of Schnectady, N. Y., asking full national prohibition of the manufacture, sale, and transportation of intoxicating beverages for the period of the war, and opposing an increase in the tax on intoxicating liquors as a means of raising revenue to prosecute the war; to the Committee on the Judiciary.

Also, petition of H. C. French and citizens of Amsterdam, N. Y., asking for full national prohibition of the manufacture, sale, and transportation of alcoholic beverages during the period of the war, and in opposition to an increase of tax on intoxicating liquors as a means of raising a revenue to prosecute the war; to the Committee on the Judiciary.

Also, petition of C. R. Osborn and citizens of Schnectady, N. Y., asking for full national prohibition of the manufacture, sale, and transportation of intoxicating beverages during the period of the war; to the Committe on the Judiciary.

Also, petition of Albert S. Thorn and citizens of Amsterdam, N. Y., asking prohibition of the manufacture, sale, and transportation of intoxicating beverages during the period of the war; to the Commitee on the Judiciary.

Also, petition of John F. Miller and sundry citizens of the town of Root, Montgomery County, N. Y., asking prohibition of the manufacture, sale, and transportation of intoxicating beverages during the period of the war; to the Committee on the Judiciary.

Also, petition of W. J. Davus and sundry citizens of Rotterdam, N. Y., asking prohibition of the manufacture, sale, and transportation of intoxicating beverages during the period of the war; to the Committee on the Judiciary.

By Mr. MORIN: Petition of the Central Trades and Labor Council, Mr. Fred J. Domard, secretary, of Allentown, Pa., urging Congress to immediately take steps to care for soldiers' families while they are in service; to the Committee on Military Affairs.

By Mr. MOTT: Petition of Baptist Church of New Woodstock N. Y., and Home Economics Club of Clayton, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Clayton (N. Y.) Grange 647, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. NOLAN: Petition of Philip Banwarth and John Burns, of San Francisco, Cal., praying for the passage of House joint resolution No. 88, introduced by Hon. W. E. Mason, of Illinois; to the Committee on Foreign Affairs.

By Mr. O'SHAUNESSY: Petition of the Catholic Total Abstinence Union of the diocese of Providence, R. I., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. OSBORNE: Petition of Asbury Bible Class and others, of the Pico Heights Methodist Episcopal Church, of Los Angeles, Cal., in favor of House bill 2308, and asking that a bill for nationwide prohibition be put through Congress; to the Committee on the Judiciary.

By Mr. RAKER: Petition of Frank B. Peterson Co., of San Francisco, Cal., in re advance in letter-postage rate; to the Committee on Ways and Means.

Also, petition of the Frank B. Peterson Co., protesting against any advance in letter postage; to the Committee on Ways and Means.

By Mr. RANDALL: Petition of George Bradbeer and 25 other citizens of Los Angeles, asking immediate prohibition as a war measure instead of drawing revenue from much larger liquor expenditures of our people; to the Committee on the Judiciary.

By Mr. REED: Resolutions of C. W. Bell, of Zela, W. Va., president; J. Tyree Wells, of Mount Cove, W. Va., secretary; and the delegates to the Hopewell Baptist Association Sunday School Convention, urging the enactment of a national prohibition law and the conservation of foodstuffs; to the Committee on the Judiciary.

By Mr. SANDERS of New York: Petition of representatives of the Epworth League of the 65 churches of the Rochester (N. Y.) district, favoring the prohibition of the manufacture and sale of intoxicating liquors for beverage purposes; to the Committee on the Judiciary.

Also, petition of the 16 ladies of the Sons of Veterans' Auxiliary of Batavia, N. Y., favoring national prohibition of the use of food products in the manufacture of intoxicating liquors; to the Committee on Agriculture.

Also, petition of the S. L. Miner Co., of Rochester, N. Y., favoring national prohibition as a war measure; to the Committee on Military Affairs.

Also, petitions of 113 residents of Rochester, N. Y., favoring national prohibition as a war measure; to the Committee on Military Affairs.

Also, petition of the Alexander Campbell Bible Class of the First Church of Christ Disciple, Rochester, N. Y., with 62 men present, favoring national prohibition as a war measure; to the Committee on Military Affairs.

By Mr. SMITH of Michigan: Petition of Mrs. Hugh Kennedy, of Albion, and W. S. Pullen and others, of Hillsdale, Mich., favoring prohibition; to the Committee on the Judiciary.

By Mr. TIMBERLAKE: Petition of Young Woman's Auxiliary of the First Congregational Church of Colorado Springs, Colo., urging the creation of effective zones around all military camps; to the Committee on Military Affairs.

By Mr. WARD: Petition of 250 citizens of Cobleskill, N. Y., urging the enactment of national prohibition, to continue during the war; to the Committee on the Judiciary.

Also, petition of citizens of Hensonville, Big Hollow, East Jewett, Clintondale, Gilboa, and Forest Glen, N. Y., urging the enactment of a law to prohibit the manufacture and sale of alcoholic liquors as a war measure; to the Committee on the Judiciary.

By Mr. WOODYARD: Petition of Central Woman's Christian Temperance Union of Huntington, W. Va., favoring the passage of a law prohibiting the manufacture of grain into alcoholic liquors and also asking for the purity of cantonments; to the Committee on the Judiciary.

Also, petition of Sussana Wesley Bible Class of the First Methodist Episcopal Church of Parkersburg, W. Va., favoring the passage of a law prohibiting the manufacture of grain into alcoholic liquors and the sale of intoxicating liquors; to the Committee on the Judiciary.

SENATE.

WEDNESDAY, *June 20, 1917.*

(Legislative day of Tuesday, June 19, 1917.)

The Senate reassembled at 12 o'clock m., on the expiration of the recess.

CONSERVATION OF FOOD AND FUEL.

Mr. CHAMBERLAIN. Mr. President, I ask that the unfinished business be laid before the Senate.

The VICE PRESIDENT. It is before the Senate, the Senate having taken a recess.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2463) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

Mr. GORE. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harding	Martin	Smith, Md.
Bankhead	Hitchcock	Nelson	Smith, Mich.
Beckham	Hollis	New	Smith, S. C.
Brady	Husting	Norris	Smoot
Brandegee	Johnson, S. Dak.	Overman	Sterling
Broussard	Jones, N. Mex.	Page	Sutherland
Calder	Kellogg	Penrose	Swanson
Chamberlain	Kendrick	Poindexter	Thompson
Colt	Kenyon	Pomerene	Townsend
Culberson	King	Ransdell	Underwood
Cummins	Kirby	Reed	Vardaman
Fernald	La Follette	Shafroth	Wadsworth
Frelinghuysen	McCumber	Sheppard	Warren
Gerry	McKellar	Sherman	Watson
Gore	McLean	Simmons	Williams
Hale	McNary	Smith, Ariz.	Wolcott

Mr. PAGE. I wish to announce that my colleague [Mr. DILLINGHAM] is absent on account of a death in his family. I should like to have this announcement stand for the day.

Mr. SUTHERLAND. I should like to announce the absence of my colleague, the senior Senator from West Virginia [Mr. GOFF], on account of illness. I will let this announcement stand for the day.

Mr. McKELLAR. I desire to announce the unavoidable absence of the senior Senator from Tennessee [Mr. SHIELDS] on account of illness. I should like to have the RECORD show in the proceedings of yesterday that the senior Senator from Tennessee was absent owing to the same cause.

Mr. SMOOT. I wish to announce the unavoidable absence of the junior Senator from Maryland [Mr. FRANCE] on official business.

Mr. KIRBY. I desire to announce that the senior Senator from Arkansas [Mr. ROBINSON] is absent on official business. I will let this announcement stand for the day.

Mr. SHAFROTH. I wish to announce the unavoidable absence of my colleague [Mr. THOMAS] on account of illness.

Mr. WOLCOTT. I desire to announce that the senior Senator from Delaware [Mr. SAULSBURY] is detained on official business.

Mr. GERRY. I desire to announce that the senior Senator from New Jersey [Mr. HUGHES] is detained by illness.

The VICE PRESIDENT. Sixty-four Senators have answered to the roll call. There is a quorum present.

NEWS-PRINT PAPER INDUSTRY (S. DOC. NO. 49).

Mr. SMITH of Arizona. There was referred to the Committee on Printing for printing a paper prepared and facts gathered by the Federal Trade Commission in regard to print paper, together with a draft of a resolution proposing that an investigation should be made. By direction of the committee I report the resolution favorably, and I ask unanimous consent for its present consideration.

The resolution (S. Res. 87) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the report on the news-print paper industry, submitted by the Federal Trade Commission on June 13, 1917, in response to Senate resolution 177, Sixty-fourth Congress, be printed as a Senate document, and that 5,000 additional copies be printed for the use of the Senate Document Room.

REPORT OF COMMISSION OF FINE ARTS (S. DOC. NO. 48).

Mr. SMITH of Arizona. To the Committee on Printing there was referred the report of the Commission of Fine Arts for the fiscal year ended June 30, 1916, accompanied by a message from the President of the United States. This report is printed every year, and I report from the committee a resolution providing for the printing. I ask unanimous consent for its present consideration.

Mr. CHAMBERLAIN. I am not going to object to this request, but I must insist that the bill which is now before the Senate as the unfinished business shall be proceeded with.

The resolution (S. Res. 88) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the report of the Commission on Fine Arts for the fiscal year ended June 30, 1916, transmitted by the President on June 2, 1917, be printed as a Senate document, with accompanying illustrations.

COAL SITUATION (S. DOC. NO. 50).

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Federal Trade Commission, transmitting, in response to resolutions of the Senate of June 22, 1916, and April 30, 1917, a report on the anthracite and bituminous coal situation and the relation of rail and water transportation to the present fuel problem. The communication and accompanying papers will be referred to the Committee on Interstate Commerce.

Mr. CALDER subsequently said: The Federal Trade Commission sent to the Senate to-day a report on the coal situation, the result of an inquiry in response to resolutions submitted by the Senator from Nebraska [Mr. HITCHCOCK] and myself. I ask unanimous consent that the report be inserted in the RECORD. It is a matter of very grave concern. The Federal Trade Commission have given the subject very attentive study.

The VICE PRESIDENT. Does the Senator from New York realize the size of the report?

Mr. CALDER. It would take about five pages of the RECORD, I think. I have a copy in my hand.

The VICE PRESIDENT. The papers which were handed down by the Chair would fill one volume of the CONGRESSIONAL RECORD.

Mr. CALDER. I think not. I have a copy in my hand.

Mr. SHAFROTH. I suggest to the Senator from New York to have it printed as a document.

Mr. CALDER. Very well. I move that it be printed as a Senate document, and that 10,000 additional copies be printed for the use of the Senate document room.

The VICE PRESIDENT. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the Vice President:

H. R. 3673. An act to amend the act approved December 23, 1913, known as the Federal reserve act, as amended by the acts of August 4, 1914, August 15, 1914, March 3, 1915, and September 7, 1916; and

H. J. Res. 105. Joint resolution to correct an error in the sundry civil appropriation act for the fiscal year 1918.

PETITIONS.

Mr. MARTIN. I present a communication signed by the President of the Virginia Christian Endeavor Union, which I ask to have printed in the RECORD.

There being no objection, the communication was ordered to be printed in the RECORD, as follows:

VIRGINIA CHRISTIAN ENDEAVOR UNION,
June 18, 1917.

The honorable UNITED STATES SENATE,
Care of Hon. THOMAS S. MARTIN,
Washington, D. C.

GENTLEMEN: It is an honor to forward to your honorable body the following message sent to President Woodrow Wilson as adopted at the State convention held in Norfolk, Va. It speaks for itself:

"Loyalty to Christ inspires loyalty to our country. Representatives of 10,000 Christian Endeavorers of Virginia in State convention in Norfolk assure you of their prayers and pledge you their support. May statutory prohibition as an emergency war measure become a reality soon."

We also urge the prompt adoption of proper food regulations in order that the prices of staple foods may not be inflated by unfair speculative dealings, which are an oppression that is neither fair or just. Our members are young people from 14 denominations and of small average earning power, so beg for relief from conditions that it should be possible to correct.

Respectfully, W. J. FINCH, *President.*

Mr. GALLINGER presented the petition of Michael P. Morrisey and sundry other citizens of Portsmouth, N. H., praying for the freedom of Ireland, which was referred to the Committee on Foreign Relations.

Mr. PAGE presented a petition of sundry citizens of Castleton, Vt., praying for national prohibition as a war measure, which was ordered to lie on the table.

Mr. VARDAMAN. I present resolutions adopted by the Winona District Conference of the Methodist Church in session at Drew, Miss., June 14, which I ask to have inserted in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

The Winona District Conference in session at Drew, Miss., June 14, 1917, representing a communicant membership of more than 5,000, and in harmony with more than 150,000 Methodists and a vast majority of the voters of Mississippi, adopted the declaration set out below, and directed the undersigned to send a copy to the Commercial Appeal for publication in its columns, and a copy to each Senator and Representative in Congress from Mississippi. It is a pleasant duty to comply with the instructions of the conference.

J. R. BINGHAM, *Carrollton, Miss.*

"The church has won its fight for temperance and prohibition to the extent that this great moral reform is now written in the conscience of the people. Great corporations and other employers prohibit the use of intoxicants by employees. Newspapers of wide and powerful influence, notably the Commercial Appeal and others, are potent aids in this and other phases of civic righteousness.

"Impelled by insistent demands from the people, legislatures have enacted stringent prohibitory statutes, and in many States prohibition has been embedded in the constitution.

"Congress has enacted laws to strengthen State prohibition. Such laws came more quickly and in greater number and effectiveness than was thought to be possible less than a decade ago. We commend our Senators and Representatives in Congress for active aid in passing these wise and helpful measures, and urge them to ceaseless activity until nation-wide prohibition shall be the supreme law of the land. National prohibition by statute should be accomplished during the present session, and then should be firmly fixed forever in the Constitution. To this end we pledge our earnest efforts, and invoke the cooperation of all lovers of mankind."

J. R. BINGHAM,
R. L. WARD,
Committee.

Unanimously adopted by a rising vote.

L. M. LIPSCOMB, *President.*
E. L. DWIGGEN, *Secretary.*

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SWANSON:

A bill (S. 2482) to reinstate Armor S. Heffley as a second lieutenant in the United States Marine Corps; to the Committee on Naval Affairs.

By Mr. CHAMBERLAIN:

A bill (S. 2483) for the relief of William Fulton Hedges; to the Committee on Claims.

By Mr. SMITH of Arizona:

A joint resolution (S. J. Res. 81) to provide further for the national security and defense by insuring to the Government of the United States an adequate supply of paper at a fair price and by insuring a supply and equitable distribution at fair prices to the industries of the United States; to the Committee on Printing.

AMENDMENTS TO PENDING BILL.

Mr. McKELLAR submitted four amendments intended to be proposed by him to the bill (S. 2463) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel, which were ordered to lie on the table and be printed.

ILLINOIS 2-CENT RATE CONTROVERSY.

Mr. SHERMAN. I desire to offer a concurrent resolution, which I ask to have referred to the Interstate Commerce Committee. It does not relate to the pending bill, but I ask that it be printed at length in the RECORD, and not read.

I wish to ask the chairman of the Interstate Commerce Committee to have an early consideration of this resolution. There is a conflict of jurisdiction between the State and the Federal courts in Chicago and St. Louis on a matter of rate fixing. There is a case pending in the United States Supreme Court here which will settle the entire question. Judge Dyer, of St. Louis, has threatened to incarcerate the governor of Illinois, the attorney general, the public utilities commission, and a number of subordinate State officers in jail at St. Louis. The State officers themselves are required by oath to enforce, and many persons concerned are insisting that they enforce, the 2-cent rate law in Illinois, so it brings these officers between two fires.

Interstate rate making was originally a function of Congress. That function has been delegated to the Interstate Commerce Commission; and I think it proper, in connection with the resolution I have offered, that the Interstate Commerce Commission take some action, as they have caused this condition, with this pending case, that threatens to disable a portion of the State government by depriving it of its executive head and chief law officer, temporarily at least, until this case shall be heard. It is now set for hearing on the 2d day of October, 1917, by agreement between the railways concerned and the counsel of the Interstate Commerce Commission, Mr. Folk, and the attorney general of Illinois, Mr. Brundage.

I ask the chairman of the committee to give this resolution early consideration.

There being no objection, the concurrent resolution (S. Con. Res. 5) was referred to the Committee on Interstate Commerce, as follows:

Whereas the State of Illinois by an act of its general assembly in force July 1, 1907, provided that it should thereafter be unlawful for any company or corporation engaged in the carriage of passengers between points in such State to charge in excess of 2 cents per mile for the carriage of passengers, and providing penalties for the violation thereof, and requiring the attorney general and other officers of the State concerned therein to prosecute and enforce the same, whereby and by other laws of such State it became, and still is, the duty of the governor of said State, its public-utilities commission, its attorney general, the State's attorneys of the several counties through which any such railway passes, and the various public officers and agencies to enforce such act relating to railways; and

Whereas on December 1, 1914, the railroad companies entering St. Louis, Mo., advanced their passenger fares between Illinois points and St. Louis to a basis of 2½ cents per mile, and in June, 1915, certain business interests in St. Louis complained to the Interstate Commerce Commission that there was discrimination against St. Louis and in favor of certain Illinois points, whereupon said commission in October, 1916, made an order finding that on interstate business to St. Louis 2.4 cents per mile was a reasonable maximum rate of fare, and directed the railways concerned to remove the alleged discrimination against St. Louis without directing whether it should be done by raising the intrastate fare or by lowering the interstate fare, in which proceeding the State of Illinois and none of its officers were a party. The railways concerned interpreted this order to be a permission to make a 20 per cent advance of all intrastate passenger fares in Illinois, contrary to the 2-cent fare act in said State, and instituted suit in the United States district court at Chicago to enjoin the State authorities from prosecuting them for a violation of said State law, which upon application for a temporary injunction was heard by Judges Evans, Landis, and Carpenter, and was by them denied; and such case was thereafter heard on its merit before Judge Landis and the bill dismissed for want of equity, Judge Landis holding that the order of the Interstate Commerce Commission was invalid for the purpose of annulling or modifying the Illinois statute, from which order of dismissal the railways took an appeal to the Supreme Court of the United States, and there applied for an injunction against the Illinois authorities to restrain them from the enforcement of said State law pending the appeal and decision by the United States Supreme Court. Justice Clark of said court denied said injunction so applied for. The railways then asked to have the case advanced for hearing, to which the State of Illinois, through its authorities, consented, and the United States Supreme Court thereupon assigned said case for hearing on October 2, 1917, the decision of which by the Supreme Court will settle and permanently adjudicate the validity of said Illinois statute and the order of the Interstate Commerce Commission herein mentioned. The carriers, pending the decision of said case, have made no attempt to violate the Illinois 2-cent fare law, and it appeared to be assumed by all of the authorities of said State and the railways concerned that the then status of the controversy would be maintained until the final adjudication by the Supreme Court; and

Whereas a few weeks ago the Interstate Commerce Commission, through its attorney, Joseph W. Folk, and not through the Attorney General of the United States, who by law is in charge of such cases, exhibited a bill in the United States District Court at St. Louis against said railways to enforce the order of the commission held invalid by Judge Landis of the court. The railways concerned applied to the district court in St. Louis for an order to make the State of Illinois, its State public-utilities commission, the attorney general, and other State authorities whose duty it is to enforce such 2-cent fare law, parties to that suit. Such railways, however, did not attack the validity of the order of Judge Landis setting aside the order of the Interstate Commerce Commission, which judgment is appealed from and pending to be heard in the Supreme Court October 2, 1917, as stated. The application to make the State of Illinois and its public authorities was heard by Judges Hook and Dyer and denied. The railways, however, practically consented to the entry of a decree requiring them to obey such order of the Interstate Commerce Commission so suspended from operation by the order of Judge Landis and the refusal of Justice Clarke of the Supreme Court to protect by a temporary injunction, and said railways then gave notice that in order to comply with the decree entered by Judges Hook and Dyer that they would advance their Illinois rate to 2.4 cents per mile, upon which suit was brought by the attorney general of Illinois under the direction of the State public-utilities commission to restrain the railroad company from violating the said State 2-cent fare act in the Superior Court of Cook County of Illinois, upon which a preliminary injunction was obtained, and all the railroad companies, with the exception of the Wabash Railroad, elected to obey such superior court's injunction and withdrew their notice and abandoned their intention to advance passenger rates between points in Illinois to more than 2 cents; and

Whereas the Interstate Commerce Commission thereupon brought proceedings in the United States District Court at St. Louis alleging the railroad companies were in contempt for refusing to obey the decree of the latter court to remove the alleged discrimination against St. Louis, in which contempt proceedings said railroads again made further attempts to have the State of Illinois and its authorities made parties, which application was again denied by District Judge Dyer, who heard said case; Judge Dyer in his opinion gave notice to the State of Illinois and its authorities that if they attempted in any way to enforce the injunction issued by the Superior Court of Cook County, or prosecuted the railroad companies concerned if they attempted to advance their rate between Illinois points to 2.4 cents a mile he would adjudge such Illinois State authorities to be in contempt and incarcerate them in jail although in none of the proceedings in said district court in St. Louis was the State of Illinois or any of its authorities party nor was the said 2-cent fare act of Illinois submitted so as to decide upon its validity, and nothing in the order or decree entered by Judge Dyer refers to the Illinois statute or to the action of its State authorities; and

Whereas the circumstances show that the railway companies, or some one of them, such as the Wabash Railroad, is or are attempting indirectly to avoid the effect of said Illinois 2-cent fare act without entering into an inquiry as to its reasonableness applied to railway earnings from passenger fares within the State of Illinois, and are merely using the alleged discrimination against St. Louis as a means or subterfuge to increase passenger rates; and

Whereas it is the duty of the Illinois authorities under the statutes of that State to enforce all the laws thereof including the 2-cent fare act, which has not been held invalid by any State or the United States; and the governor of said State, Frank O. Lowden, Edward J. Brundage, its attorney general, the public utilities commission, and other State authorities are threatened by District Judge Dyer with arrest and confinement in jail in such a way as to impair or temporarily destroy the operation of said State government, while said cause in the United States Supreme Court is pending and which will finally adjudicate by a court of last resort the conflicts of jurisdiction and of orders entered in the foregoing manner, and which could with propriety and justice be disposed of thereby rather than the unseemly and unnecessary controversy between different judicial tribunals, the Interstate Commerce Commission and the State of Illinois: Now therefore be it

Resolved by the Senate (the House concurring therein), That said Interstate Commerce Commission be, and is hereby, directed to dismiss their application or petition in said cause and modify or vacate its order herein referred to in such a way that the status of the parties in the cause pending in the United States Supreme Court shall be preserved in accordance with the order of District Judge Landis and the refusal of Justice Clark of the Supreme Court to grant a temporary injunction until said cause shall have been finally determined in the United States Supreme Court on or after October 2, 1917.

THE COMMITTEE ON PRINTING.

Mr. SMITH of Arizona submitted the following resolution (S. Res. 89), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Printing or any subcommittee thereof be and hereby is, authorized during the Sixty-fifth Congress, to send for persons, books, and papers; to administer oaths and to employ a stenographer, at a cost not exceeding $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recess of the Senate.

EXECUTIVE SESSION.

Mr. MARTIN. Mr. President, in order to dispose of some matters that are rather urgent and which will occupy only a very few moments, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business.

After 10 minutes spent in executive session the doors were reopened.

CONSERVATION OF FOOD AND FUEL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2463) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

Mr. GORE. Mr. President, I desire to have a telegram, which I send to the desk, read to the Senate at this juncture. I do not wish the name signed to the telegram read, because I do not feel at liberty to use it

The VICE PRESIDENT. The Secretary will read the telegram, omitting the name of the signer.

The Secretary read the telegram, as follows:

FORT WORTH, TEX., *June 19*.

Hon. T. P GORE,
United States Senate, Washington, D. C.:

Do Congressmen realize the effect produced by the introduction of the food-control bill and the action of exchanges of the country in restricting trading in wheat to short selling? This effect has been to thoroughly disorganize the grain and milling business of this country. The new harvest is on. Our farmers want a fair and open market for their grain. The grain dealer and miller are at sea without a rudder and without a compass. Speculative buying has been prohibited by the exchanges. There is no market for grain. It has been declining an average of 10 cents per bushel every day for nearly a week. Almost before it is released the farmers of this country are going to rise up and sound a protest against the present order that will shake the foundation of this Republic. This simply for your information and guidance.

Mr. GORE. Mr. President, I may say that this telegram comes from a grain concern in Fort Worth, Tex. Perhaps the signer overstates the case, but the statement is at least significant.

I wish to say, Mr. President, that this telegram states as a fact what I have entertained as a most serious fear. I have feared that the farmer would be the chief, if not the only, victim of the proposed legislation and of this entire campaign to hammer down the price of wheat and corn and of other farm products. The farmer is expected to make a vicarious sacrifice for the whole country, and apparently for the whole world. If it be desired in any quarter artificially and arbitrarily to drive down the prices of wheat and corn, no more efficient weapon could have been devised than the pending bill as now drawn.

We may be able to drive down the prices of farm products this year; we may be able to cut down the prices this year. I apprehend that this legislation, if passed, will cost the producers of wheat in the United States $250,000,000 this year; that it will cost the producers of corn $500,000,000 this year. You may cut down prices this year; you may effect an enormous saving this year; but I predict that next year will be a lean year—will be a famine year—if this short-sighted policy is persevered in by the Congress of the United States.

In 1914 the cotton exchanges closed; business collapsed; cotton sold for 5 and 6 cents a pound. That cost the cotton farmers of the South $500,000,000; it cost the cotton farmers of my State $50,000,000. I heard neither "a still, small voice," nor did I hear the mighty voice of any governmental authority, raised at that time to guarantee a minimum price to the cotton producers of the South. They took their loss with widespread sufferings to the people of that section.

I do not mention the closing of the cotton exchanges as the chief but only as a contributing cause of this calamity.

Mr. President, a demoralized market, a disorganized market, a chaotic market, reacts on the producer; all the uncertainties of the situation are discounted, and they react on the man who produces the stuff to sell. Human ingenuity can not prevent such an effect following such a cause.

Take the closing of the exchanges in Chicago on May 12. That was a panic in spots, not a panic in futures. Portugal placed an order for 500,000 bushels of wheat on that day. In the public elevators of Chicago that day there were only 156,000 bushels of wheat. Those two facts furnish the raw materials of a panic. Further, to confirm that conclusion, on that very day millers were bidding and paying 16 cents more for spot wheat than the speculators were offering for future contracts. I repeat, it was a crisis in spots and not a crisis or a panic in futures.

By a strange, grim sort of irony, when the Chicago exchange closed on May 12, buying, the bull factor, was prohibited; selling short, the bear factor, was permitted. I asked a member of the Chicago exchange why that was done. "Why," he said, "buying is the bull factor; selling is the bear factor, and tends to lower prices." That was done on the 12th day of May. Wheat is now being harvested in Texas and in Oklahoma. This action was taken when the farmer was on the eve of marketing his harvest. I will not say that the intention of this whole movement is to drive down the prices of products in the hands of the farmer. But whether that be the intention or not, it will be the inevitable effect unless this measure is materially amended. Rational men are presumed to intend the inevitable consequences of their conduct. Perhaps I ought not to impute to Congress any intention whatever; perhaps I ought not to suggest that they are either voluntary, moral, or political agents exercising a responsibility of their own; I mean no reflection, but I think Senators understand what I do mean. Prior to the French Revolution the "Bed of Justice" in Paris had practically no other function than to register the edicts of the King. What a splendid, dignified performance! I have no reference to Congress in this allusion, but I might say that if Congress should surrender its own self-respect it can not escape forfeiting the respect of everybody else whose respect is worthy of consideration.

I see that the English food controller has ventured to make certain suggestions as to what Congress should do. Of course, we welcome suggestions from any quarter; we need them, perhaps; but I want to repeat, Mr. President, that the pending bill is the sweepings of all the acts of the Canadian Parliament and their orders in council; it is the sweepings of the acts of the British Parliament and the orders of the British privy council. They have been strung together like a string of beads in this bill, without any reference to the Constitution of the United States and without any reference to the situation of the United States.

It seems to be forgotten that the situation in this country is diametrically opposite to the condition or position which prevails across the sea. The allies consume more than they produce; they are importing countries; they have difficulty in securing shipments of food. That raises an immediate and overpowering crisis. We must help them meet it. The United States produces more than it consumes; it is an exporting country. That difference in situation calls for a difference in treatment.

This bill was prepared by an attorney down here in one of the departments, I am informed. Some seem to imagine that it comes to us in the handwriting of Divinity; that it would be a blasphemy and a sacrilege to lay our hands on the bill; and that the wrathful lightnings of an offended Heaven would come down upon us as they did upon the presumptuous man who laid his hands upon the Ark of the Covenant.

There are other measures which ought to be taken with reference to the food situation in the United States. I take it that everybody is in favor of some sort of coordinated purchasing agency that will insure cooperation between this country and the allies in the markets of the world and which will obviate competition among them. They ought not to run up prices against each other, as they have done in the past. Everybody will subscribe to that self-evident necessity. Everybody is in favor of legislation that will penalize the gamblers. I take it that everybody is willing to let loose the thunderbolts of congressional condemnation against them. We can agree upon that.

Possibly some legislation with reference to minimum prices should be enacted. Newspaper dispatches from Washington indicate that that is practically all that is desired by the President in "his food-control legislation." If it is, I take it that it can pass without delay and without serious obstruction. The judgment of this country is no doubt based on these glittering headlines from Washington respecting this legislation, and, basing their judgment upon these glittering generalities, the country may well wonder why Congress refuses to enact legislation that is so self-evidently desirable. When we come to consider the pending bill, however, it in no sense corresponds with those glittering headlines.

It was evident from Mr. Hoover's statement on yesterday that he was not familiar with the provisions of this bill, and that he had no conception of its far-reaching consequences.

He expressed surprise when it was called to his attention that under section 9 he could, if this bill were passed and he were appointed to administer it, commandeer wheat in the crib of the farmer, and not only that but that he could commandeer the crib in which the wheat was stored, and he could fix the price to the farmer. The farmer is, indeed, vouchsafed the inestimable privilege of resorting to the courts to determine whether or not Mr. Hoover's price is a reasonable price, but perhaps the attorney's fee in the case, tried in a Federal court, would more than make up the difference in price fixed by the food controller and the price awarded by the court.

I am not willing to give any one man the power to compel a farmer in Oklahoma to plant corn instead of cotton, to plant wheat instead of corn, to plant oats instead of wheat, to plant rye instead of oats, to plant beans instead of rye and to plant potatoes instead of beans. I think that the farmers of my State and of the United States taken either collectively or individually have more wisdom and better judgment as to what they should plant than any man or set of men who might be chosen to direct their business or to dictate their activities. Are we ready for a dictatorship of this character? In saying this I insist that in point of patriotism the farmers are the equal of any other class of our citizenship.

I hope, Mr. President, that before we take action on this bill it will be rendered constitutional in its provisions, and that it will be restricted to the real needs of the country, to the real needs of the situation, and made to conform to the headlines, the glittering and splendid headlines in Washington press dispatches, which everybody favors and nobody opposes.

I may say, as suggested by my colleague on my right [Mr. REED], that Mr. Hoover expressed some wonderment that this bill contained the power to regulate what should be eaten upon the tables of this country; but there is no doubt that section 3 undertakes to confer that power. If a man should order a sirloin steak and Mr. Hoover should suggest the ordering or the substitution of a round steak, this bill goes to that extent. Under the language of section 3 this governmental control is extended to the production, pledging, financing, and consumption of necessaries and articles required in the production of necessaries. To state the case in extremis, no farmer could mortgage a mule if this universal overseer should forbid it. No bank could make a loan to any farmer, factory, mine, or other plant engaged in the production of necessaries or articles essential to the production of necessaries. In its terms the control is thus universal, without perhaps any sanction equal to its execution. So far as I am able to interpret its terms, paints, powders, and plumes, and like luxuries are about the only things that escape its universal surveillance, authority, and dictatorship.

Mr. President, I have made these remarks merely as suggestions. I may discuss the bill and its merits and demerits before the debate is closed.

Mr. CHAMBERLAIN. Mr. President, just a word or two in reply to the Senator from Oklahoma. I rather infer from the Senator's remarks that he wants to have the bill recommitted to the Committee on Agriculture and Forestry.

Mr. GORE. Mr. President, the Senator is mistaken. If the Senate will pass the bill in this shape I shall content myself with expressing my views against it and casting my vote against it. I thought the bill ought to come to the Senate in this form, and if the Senate feels that it is its duty to accept it in this form it ought, of course, to exercise that duty. My own views as to what the bill should contain differ from the views of those who champion the measure, and perhaps on some other occasion we may reach the point when we can get down to considering amendments in detail; but I would not suggest the recommittal of the bill, certainly not at this time. I think it ought to be fully discussed.

Mr. CHAMBERLAIN. That was my hope, Mr. President, and I understood that was the express desire of the distinguished chairman of the committee when the bill came into the Senate from the committee.

The Senator has read into the RECORD an anonymous telegram from Texas. The gentleman who subscribed his name to the telegram may be all right, but there are distinguished Senators here from Texas who ought to know the man if his name were given, and I hope the Senator from Oklahoma may get the authority of the gentleman who sent the telegram to have his name divulged, so that, if he has any interest, the Senate will be able to judge for itself whether it is a selfish interest or whether he is interested only in behalf of the public.

Mr. President, the Senator, basing his statement on the telegram, calls attention to the fact that the price of wheat when wheat is ready to be sold by the farmer in Texas is going down at the rate of 10 cents a bushel a week. I predict, Senators, that the price of wheat will continue to go down from now until after the harvest while the farmer has it for sale; but just as soon as it is bought up by such men as those who are sending telegrams to the Senator the price will commence to go up. That is what Mr. Hoover says about it.

Mr. REED. Mr. President——

Mr. CHAMBERLAIN. Just a moment. Let me finish with what I have to say. I think Mr. Hoover has expressed in a very few words just exactly what is attempted to be done now, and what is done every year about the time the farmer gets ready to sell his wheat. He testified yesterday before the committee—and I regret that I did not hear his testimony on cross-examination—as follows:

> If we assume that the farmer last year received an average of, at the highest, $1.60 per bushel for his wheat, then with the addition of the normal manufacturing cost, righteous profits of distribution, the price of flour should not throughout the country in the larger consuming centers have exceeded $9 per barrel, and yet the price of flour at a great many centers is $15 per barrel throughout the country and probably averages over $14. Some one is taking $5 per barrel on 10,000,000 barrels per month, which is marketed in this country.

That, Mr. President, answers the suggestion in the telegram which has been read by the Senator from Oklahoma. Wheat is being hammered down now by those who are purchasing it from the farmer, but just as soon as practical control of it is attained, whether it be by the warehousemen or the middlemen or anyone else, then the price of flour will go up to the consumer out of proportion to the price paid for the wheat.

Mr. REED. Mr. President, I think, since the Senator is quoting Mr. Hoover as an authority, he ought now, in connection with what he has read, to read his cross-examination, or his examination, for Mr. Hoover first made a dissertation to the committee——

Mr. CHAMBERLAIN. Mr. President——

Mr. REED. The Senator ought to read that part of it in which Mr. Hoover admitted, as he had to admit, that when wheat was a dollar or a dollar and twenty-five cents in Chicago, flour sold at a proportionate price, and when wheat went to a dollar and thirty-five or a dollar and forty cents, flour did not rise out of proportion to the rise in wheat; that the country was fed with flour at moderate prices until within——

Mr. CHAMBERLAIN. Mr. President——

Mr. REED. I hope the Senator will let me complete the statement—until within the last few weeks, when the wheat crop having been largely consumed and the wheat cornered by the purchases of the allies and the price run up, the price of flour then went up in response to the price of wheat.

Mr. CHAMBERLAIN. Mr. President, let me say to the Senate that I do not object ordinarily to being interrupted, but I am merely trying to reply to the appeal that has been made here by the Senator from Oklahoma [Mr. GORE] in behalf of the American farmer. I am trying to answer that by the record that was made here yesterday, to show that this bill is in the interest of the farmer, and is designed really to control the middleman and to protect the public.

Now, with reference to Mr. Hoover, I did not hear the cross-examination of Mr. Hoover by the distinguished Senator from Missouri, for I was compelled to be on the floor of the Senate. I know, without anybody telling me, that that was a rigid cross-examination, because the able Senator knows how to do that

thing; but I think, in all fairness to Mr. Hoover, it ought to be said that in making his statement to the committee in the outset he said he was not a lawyer; that he did not know what the legal effect of the several provisions of the bill was; that he trusted the legal aspects of the bill to the lawyers of the department, the solicitor and others who had to do with the framing of it, but he got down to the facts as a layman, as a man of large experience, and not as a lawyer. If there is anything wrong about the bill from a legal aspect, if it is in danger of going further than the facts justify going, the Senate of the United States can correct it. To that end our efforts should be directed, with the zeal and patience which the great crisis now pending demands.

Mr. REED. Mr. President, if the Senator will pardon me, I did not raise any legal objection or question Mr. Hoover's legal knowledge.

Mr. CHAMBERLAIN. I know that.

Mr. REED. I am asking the Senator to give to the Senate the fact that Mr. Hoover admitted that it was not true, as has been stated to the country repeatedly and as was in substance stated by him, that the wheat of the country had been bought up at low prices, held by speculators, the price of flour forced up to $17 and $18 a barrel, and the public robbed to that extent, the farmer getting no benefit; but, on the contrary, the fact was that the price of flour went up as the price of wheat went up; that just so long as wheat was low flour was low; that during the greater part of the year flour was at a moderate price throughout the United States; and that it was only when Mr. Hoover and men of his ilk in the United States began to say that this country was going to starve to death, and it was only when the allies had cornered something like 100,000,000 bushels of wheat on the Chicago market and forced up the price that the price of wheat went kiting and the price of flour followed it.

That is a very different thing from a statement to the effect that the farmer was bilked out of his wheat for a few cents and then that the consumer during the entire year was robbed on $17 flour.

Mr. CHAMBERLAIN. Mr. President, as I said a while ago, I am not going to discuss the general statement made by Mr. Hoover, because he covered every branch of this subject, and the record will disclose all that he said. I am simply replying to one proposition now; and the statement that I have read as having been given by Mr. Hoover is verified by the everyday experience of every man in the Senate that has to do with supplying a home. We know that the price of flour has gone up out of proportion to the price of wheat. We know that the farmer has not been getting it. We do know that somebody has been getting it because we have been paying it. Who is it? It is somebody between the farmer and the ultimate consumer, Mr. President.

That is not only true with reference to wheat in this country, but it is true of everything. I got a letter from a friend in New York City this morning. He does not happen to be a dealer, but it illustrates further the truth of what I have said with reference to wheat. He tells me that a man in New Jersey, whose name he gives, can not sell the spinach he raises at $1 a barrel of 60 pounds in the city, and yet that same vegetable which he is buying for an old lady for whom he says he is purchasing agent costs him 15 cents a quart or pound, or at the rate of $9 a barrel. There is the same proportionate increase in the price of wheat after it is manufactured into flour and goes into the hands of the consumers. This bill is intended in the interest of the farmer, if you please, in the interest of the producer of this country, to regulate those prices to the ultimate consumer, and not to injure the farmer or the producer. In other words, to put an end to the iniquitous practices of the middlemen.

Mr. BORAH. Mr. President, I should like to ask the Senator a question. The Senator states that the bill purports to deal with this particular situation. If I can be satisfied that the bill does deal with this particular situation effectively, it will help me very much in casting my vote; but I should like to have the Senator, or some one else supporting this bill, state what provisions they rely upon to deal with this situation. Now, what are the provisions in this bill? Let some one analyze it that will show how that situation is going to be dealt with. Is it by fixing prices, or how are you going to deal with it?

Mr. CHAMBERLAIN. By licensing, preventing waste and hoarding, by governmental purchase, by stimulating production, and preventing unfair practices. These things are specifically provided for by the express terms of the bill, but it is difficult at this time to analyze each section.

Mr. BORAH. I know the generality is there; but in what respect will you deal with it differently from the way you would under the Clayton Act or under the Federal Trade Commission act? In what respect will you deal with it differently under this bill from the way you would under those acts?

Mr. CHAMBERLAIN. The Senator is one of the ablest lawyers in the Senate, and the Senator can analyze this bill better than I can. There are cases, however, where food products may be stored, hoarded, controlled, and sold at high prices to the consumer that would not come within the provisions of the Sherman antitrust law. The individual might do it without forming any combination with his fellows or those dealing in the same commodity, and this bill would enable the Government to reach him.

Mr. BORAH. Mr. President, I ask this question because, after an examination of the bill, I am unable to find anything in the bill which is not already provided for in measures which are now upon the statute books. Unless you are going to assume that this is a price-fixing measure, unless you are going to assume that under it not only the minimum price but the maximum price may be fixed, I can see no difference in the power given to prevent hoarding and speculation and monopoly than the power which is already accorded in other statutes. I should like to know from some of the advocates and sponsors of the bill wherein the distinction lies and wherein we are going to get relief. I for one will waive any doubts I might have as to the constitutionality of some of its provisions if we can be satisfied as a working proposition, as a practical fact, that it will effectuate that which it is claimed that it will effectuate.

Mr. CHAMBERLAIN. Mr. President, I think the sections of the bill to which I have called attention and covering the subjects mentioned, with the power given the executive department to prevent unfair practices, rates, and charges, to establish if necessary a governmental monopoly in all necessaries so as to sell to the consumer at reasonable prices, and the further power to take charge of plants and industries in order to cheapen production, are cases not covered by existing statutes. If there are any statutes to cover the abuses which this bill is intended to remedy, I hope the Senator, when he comes to discuss the measure, will point them out so that there may be no duplication of legislation on this great subject.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Iowa?

Mr. CHAMBERLAIN. I do.

Mr. CUMMINS. In saying what I am about to say, I do not want it to be understood that I favor all parts of this bill, for I do not ; but the Senator from Oregon might refer to the latter part of section 4, in which it is made unlawful to exact excessive prices for any necessaries. That is not the law now; but if that provision can be enforced, it will give great relief to the situation.

Mr. BORAH. That is just exactly what I should like to know from the Senator from Iowa. How are you going to enforce that particular provision?

Mr. CUMMINS. I do not intend to answer that question, because I do not know; but those who are responsible for putting that provision in the bill ought to be able to tell how that can be enforced.

Mr. BORAH. Mr. President, I concede that there are enough generalities in this bill to bring on the millenium; but I say in all frankness that I have not been able to find, either in the hearings of Mr. Hoover or anyone else, how you are going to operate under this measure in order to effectuate these things. Now, it is all right to pass a statute saying that no one shall exact a higher price than that which is right and just under all the circumstances. What I want to know from the sponsors of the bill is, How are you going to enforce it if some one does exact such a price? I want practical results. I do not want to vote for a bill which may be ineffective. Of all measures before Congress, this one should be wisely and effectively drawn.

Mr. CHAMBERLAIN. Mr. President, I have no doubt but that the bill provides the means that will enable the executive department of the Government to carry out these provisions. The President, as Commander in Chief of the Army and Navy, ought to be in a better position than anyone else to know exactly what is needed in the way of food conservation at this time, and he approves of this measure, I am advised, and thinks it will enable the executive departments to protect our people during this war. He understands what is necessary to be done to feed the young men who are going to the front, whether in the Navy or in the Army. He understands the situation better than anyone, because he has taken particular pains to find out the conditions with reference to production and consumption in this and other countries as affected by the pending war. I am willing to follow his lead in all matters of policy affecting the present war, and Senators ought not to hesitate to do so, if

they desire to see our country win against the most perfectly systematized Government in the world.

In order that the Senator from Oklahoma may know the President's views I am going to ask to have printed in the RECORD a letter addressed by the President to Mr. BORLAND, Representative from Missouri.

Mr. REED. It has been in the RECORD once.

Mr. CHAMBERLAIN. I am afraid maybe some of our friends in the Senate have not seen it. I am going to ask to have it printed in the RECORD, Mr. President.

Mr. SMITH of Michigan. It will not be the first time a letter has been printed twice.

Mr. CHAMBERLAIN. No; as the Senator from Michigan says, it will not be the first time that a letter has been published the second time, and sometimes it has been published several times.

Mr. REED. I simply wanted to call attention to the fact. I did not know whether the Senator was aware of it or not.

Mr. CHAMBERLAIN. That is all I care to say at this time.

Mr. KENYON. Is the letter to be read?

Mr. CHAMBERLAIN. Yes; I should like to have it read.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read as requested.

Mr. CHAMBERLAIN. It could be printed in the RECORD if desired.

Mr. KENYON. I was not asking to have it read. I thought the Senator wanted to have it read.

Mr. CHAMBERLAIN. I ask to have it read, Mr. President.

The Secretary read the letter as follows:

JUNE 18, 1917.

MY DEAR MR. BORLAND: You are quite right about the food-administration measure. In my opinion it is one of the most important and most imperativly necessary of the measures which have been prepared in connection with the war.

A certain disservice has been done the measure by speaking of it as the food-control bill. The object of the measure is not to control the food of the country but to release it from the control of speculators and other persons who would seek to make inordinate profits out of it and to protect the people against the extortions which would result.

PLAYING IN ENEMY'S HANDS.

It seems to me that those who oppose the measure ought very seriously to consider whether they are not playing into the hands of such persons and whether they are making themselves responsible should they succeed, for the extraordinary and atrocious price of food in the United States. Foodstuffs will, of course, inevitably be high, but it is possible by perfectly legitimate means to keep them from being unreasonably and oppressively high.

I hope and believe that the Congress will see the measure in this light, and that it will come to an early passage. For time is of the essence. The legislation should be secured by 1st of July to make the country safe against the dangers it is meant to guard against.

Cordially, yours,

WOODROW WILSON.

Mr. KENYON. Mr. President, I want to discuss this bill at some length and explain its provisions.

I am going, Mr. President, to invite interruption to the extent of questions, and any reasonable reasons to sustain the questions, for a while, at least, because this bill is in a most peculiar situation here. It has apparently no parentage, and is a fit subject for adoption. It is brought out of committee without recommendation, because the committee were in an absolutely hopeless difference of opinion about the bill, so the Senate really is now acting as a committee of the whole, in all that the term implies, in the discussion of this bill.

I have no pride in the bill and am not the author thereof, but am earnestly in favor of some action along the lines of the bill. I have some amendments to offer, and believe that we can hammer out here in the Senate, in the next two or three days, this bill so that it will cover these important questions.

The Senator from Oklahoma [Mr. GORE] speaks of the farmer. I represent a great farming State, the greatest in the Union. I do not want to see anything done to injure the farmer, not only for the farmer's sake but for the country's sake. There is no one on the committee or in Congress, who thinks soberly on this question, who wants any injury done to the farmer, because production is the essential thing, and if we do not have anything at all to eat it will not make much difference what the prices are. We can not do anything here to injure the producers of this country and not injure the country in its food power and its man power and its ability to carry on this war.

That is not what the bill does. The farmer should have his reasonable profit, but everyone knows that the man who comes to pay for the things which the farmers produce is paying a price of which the farmer receives a very small or not a very substantial part.

Mr. Dillon, who was before our committee, discussed this question in its relation to the farmer. It would be an advantage to Members of the Senate to read his testimony and his analysis as to what percentage of the price the consumer paid that the farmer really received.

I say this, Mr. President—that the farmers of this country are perfectly patriotic. They want a square deal, and they are entitled to it. They are taking great risks in raising produce by reason of labor and by reason of climate and the high prices they are compelled to pay for what they must have; but I think it was a governor of North Dakota, a real farmer, not a political farmer, who said before the committee that after all was said and done the farmers of this country preferred a food supply controlled by the Nation rather than a food supply controlled by the gamblers.

I appreciate, and appreciate deeply, as every legislator does, the tremendousness of these problems, and I will be apprehensive about the bill in its present form somewhat as to the effect it might have on the producer. That is one viewpoint. But I am also deeply apprehensive as to the effect upon the country if something is not done to curb these high prices. We must in traveling this new field—absolutely new—realize the gravity of the situation in which our Nation is placed. If we do not believe that our Nation is in a grave situation we would not for one moment think of legislation of this character, and unless we can realize the tremendous importance of the position that our Nation has now taken in the affairs of the world, we can not get up a bit of enthusiasm over legislation of this kind.

The people of this country must bear some sacrifices in this war. Farmers may have to bear some sacrifices, laboring men, and everybody. The man with a small salary is certainly bearing it now. The people of this country are willing to bear these sacrifices. The farmer is willing to bear sacrifices, but he wants others to bear their proper part of the sacrifices also.

It is hard for us to realize, it has been hard for me to realize, what the demands are upon us from the allies, and to realize what this question of domestic tranquillity in this country is going to mean on this food question. But I believe we are coming to realize it. We are realizing that we must mobilize our people, every branch of our industries. We must mobilize our energy, we must mobilize our food, we must mobilize the efficiency of this Nation, because efficiency is going eventually to win this war, and this food question may become the most important of all questions that we are compelled to deal with.

You can not live without food. You can live without clothing or shoes, though it is unpleasant to be compelled to do so and you might be put in jail, but you can not live without food. Soldiers can not fight without food. You can not have a nation enthusiastically behind the war that has thousands and thousands of hungry people in it while others have all that wealth can bring.

So I want to discuss this bill as to practical questions. First, its relationship to our duties abroad, and second, its relationship to our duties at home. Then I want, in the third place, to discuss the law of the bill, especially its constitutional features. I do not want to dodge any of its difficulties, and I know they are there. I am perfectly willing and anxious that the meeting be thrown open to suggestions about the bill and amendments. I am going to make them, too, so that we can work out something for this emergency.

Now, Mr. President——

Mr. BORAH. The Senator said he would like to have suggestions as he goes along so as to get at the practical features of the bill. I suppose every one agrees upon the general situation as to the necessity of doing all that can be done to conserve the food supply of the country, and the only debatable question before the Senate is whether or not this bill will accomplish that fact.

Mr. KENYON. There is another question, too, and that is the question of power, whether it is within the constitutional power of Congress.

Mr. BORAH. So far as any view affecting that, it is held in the Senate apparently that the Constitution is not to interfere with anything we want to do. So far at least the question of its constitutionality has not been raised. In any event the first question is whether or not we have a practical and workable measure.

Mr. REED. Will the Senator let me interject there? The Senator says there seems to be a disposition on the part of the Senate to lay the Constitution aside and to proceed regardless of it. I agree with the Senator on that; but does the Senator think when it comes to the enforcement of a bill which we may pass some citizen of the United States may not invoke the protection of the Constitution, and actually go into court and vindicate his rights?

Mr. BORAH. I think that undobutedly will occur. I did not mean to say that I myself was in favor of disregarding the Constitution.

Mr. KENYON. Mr. President, I am willing to throw the meeting open, as far as I am concerned, to both sides, but I am not willing to have a prolonged discussion over that question. I do not agree with the Senator from Idaho that the Senate has set aside the Constitution or that we are exercising or could exercise war powers without the Constitution. Every war power that it is necessary for us to exercise to fight this war can be exercised under the Constitution and not outside the Constitution.

Mr. BORAH. I am delighted to hear the Senator say that.

Mr. KENYON. I have never claimed anything else, and I do not believe anyone in the Senate claims anything else.

Mr. BORAH. If you read the RECORD, you will find it stated in the RECORD.

Mr. KENYON. That the Constitution is abrogated?

Mr. BORAH. It has been stated here upon the floor of the Senate that the Congress of the United States can pass any law which in its judgment might seem necessary to deal with the war situation. Did we not seek to pass a censorship bill in the very teeth of the Constitution, and was it not argued that, regardless of the plain terms of the Constitution, we could do so?

Mr. KENYON. Of course there are certain war powers in the Constitution that are not exercised in time of peace, that are sleeping and are brought forth in times of war. Perhaps somebody has said such a thing as that; but I contend that every single power that we need to exercise is provided for under the Constitution, and those are wide powers. We may differ as to just how far they go.

Mr. BORAH. I am in perfect harmony with the Senator's views on that question; I am delighted to hear him state them; but I do think that if we can arrive at the question whether this is a practical working bill or not we will have progressed rapidly, and perhaps by the time it has been resolved into a practical bill many of the unconstitutional propositions will disappear. It seems to me that we ought to determine first what the bill means, and, second, what we hope to accomplish.

I wish to ask the Senator as to page 1, line 8, which says:

To facilitate the movement of foods, feeds, fuel, and articles required for their production.

What does the Senator understand by the words "articles required for their production"? What would enter into that? What would the bill cover?

Mr. KENYON. I think the bill covers the question of steel, and I think it ought to do so. It enters into the manufacture of farm implements.

Mr. BORAH. Does the Senator understand, then, that the term "articles required for their production" would include farm implements, binder twine, and fertilizer and shoes or goods and clothing that are ordinarily used by agriculturists?

Mr. KENYON. I do not think that food and clothing properly would come within the term "articles required for their production." I do think all those other matters the Senator has enumerated would come under those terms. Binder twine, fertilizer, and farm implements would be included.

Mr. BORAH. Would the Senator and the sponsors of the bill be willing to insert so there could be no mistake about it that it includes binder twine and farm implements?

Mr. KENYON. The bill as originally introduced covered clothing and shoes and things of that character. That was stricken out.

Mr. BORAH. I take it that if it was stricken out it was intended that it should not cover it.

Mr. KENYON. I do not think it does cover shoes because they are not essential to the production of food, feed, and fuel. The Senator can go back to the days of his boyhood on the farm when he did not have many shoes.

Mr. BORAH. I did not wear shoes, but I did have clothing. I think if under any reasonable construction the Senator will include binder twine and farm implements, he would have to include the others.

Mr. KENYON. I think by their nature they must enter into the production of the articles. I think it would include fertilizer. I think it would include steel. It is hard to lay down a rule. I do not think it would go to the question of clothing.

Mr. WADSWORTH. May I interject an observation in respect to the regulation of the price of binder twine? It would be quite useless for the Government to undertake to regulate the price of binder twine. It is absolutely regulated, with no hope of any interference whatsoever, by the Government of Mexico.

Mr. BORAH. I know that, but——

Mr. KENYON. That is a combination this Government is now trying to get at.

Mr. BORAH. There are several banks in this country which are fostering and sustaining the monopoly which controls the binder-twine proposition. We might possibly reach it in that way. I have some facts which I shall present to the Senate later on upon that proposition. But it would include farm implements. I should like to know then if the Senator would be willing to include those things.

Mr. KENYON. I am not in charge of the bill, I will state to the Senator. I should like to cover those questions in some kind of a bill and to cover the steel question if there is any doubt about it, and particularly after the evidence we had here yesterday of the attempt to hold up the Government of the United States in the purchase of steel.

Mr. BORAH. Does the Senator believe it would include the power to control and fix prices of meat products of the Armour Co., the Swift Co., and such institutions?

Mr. KENYON. Oh, yes.

Mr. BORAH. The Senator would have no objection to including them?

Mr. KENYON. That is covered by the food, feed, and fuel proposition.

Mr. BORAH. It would be if that stood alone, but in view of other provisions of the bill I think it ought to be made plain.

Mr. KENYON. Does the Senator think that we can go ahead and cover everything by specific reference? One of the essential things that section 5 certainly covers is necessaries—food, feed, fuel, and matters entering therein. Any of those necessaries under section 5 are included.

Mr. BORAH. What is the objection, so that there may be no doubt about the construction, to specifically including those things?

Mr. KENYON. I do not know that there is any objection to it, but the limits of human language are such that you can not put in all those things in any kind of a reasonably lengthened bill. We do not do that in bills.

Mr. BORAH. I have drawn an amendment here of four lines which I think will cover them all. I will not submit it at the present time in the Senator's speech. Do I understand the Senator would be an advocate of the proposition that they should be practically included?

Mr. KENYON. I would be.

Mr. President, I started to make an observation or two before getting to the bill as to the general circumstances under which the bill is presented. Here we have a situation in the world of 25,000,000 men under arms, of $60,000,000,000 already spent, of our own Government advancing $7,000,000,000 in bonds or authorizing them, of half a million men now in service in our country, and probably 2,000,000 more will be in service, and of the needs of the allies. If we are in good faith, and no one questions it, we must do our part in feeding the allies. If the allies collapse for want of food, then the burden is squarely on us. So those things enter into the purposes of this bill. These powers granted are tremendous. Our part in this war is tremendous. They may be abused, but that is, of course, no argument against the existence of power. The remedy for abuse of power is with the people. It is certainly giving tremendous authority to one man, and there is danger, of course, as the Senator from California [Mr. JOHNSON] so well expressed it at one time, that in the attempt to set up democracy for Europe we may lose our own democracy.

I do not know just how much democracy can thrive in times of war, but there has to be some strong central authoritative power, and that is given under this bill. If Russia had some strong power to-day it would be better for Russia as far as this war is concerned. I am not, however, ready to surrender my belief that we can fight this war as a democracy. There is no need of Kaiserizing the United States to overturn the Kaiser abroad.

These powers are only given for the war. They will end as quickly as the war is over by the universal demand of the American people, who would not stand for any such exercise of power unless it was an absolutely essential thing.

I do not believe, Mr. President, in giving all of the power that Congress has to exercise to the President. We have our duties and we have our powers and we ought not to shirk them or shift responsibility. This still remains a Government of three branches. But we must in this crisis give more power to the President than perhaps many people want to do. Under this bill Mr. Hoover will have great power.

There seems to have been a persistent attempt in this Chamber to rather discredit Mr. Hoover by calling him a food dictator. England has adopted strenuous acts on the food question. They practically have a food controller. The orders which he has issued have seldom been disobeyed. The power being there to remedy the situation has made unnecessary the exercise of that power. When we give these great powers to Mr. Hoover, as it is conceded he will be the man, then probably they never

will be exercised. But if they are to be exercised, there is no better man to do it. Mr. Hoover does not want to put the American people on rations. Mr. Hoover does not want to injure the American farmer or the American business man. He does not want to injure his country. He is just as patriotic as we are, and he has made the sacrifice, I understand, of coming here without any compensation at all and giving his time and his talent to the tremendous critical and abusive work that he will have to carry on, because no man can occupy that position and not be condemned by criticism throughout the length and breadth of the country.

The Senator from Oklahoma [Mr. GORE] referred this morning to the statement of the British food controller. I think perhaps it may be well to place that in the RECORD, and I will ask that that be done. This is as it appeared in the morning papers. I place it in the RECORD merely as a matter of information.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Without objection, that order is made.

The matter referred to is as follows:

BRITAIN'S MEASURES ARE TIED UP PENDING ACTION OF UNITED STATES CONGRESS, SAYS CONTROLLER—TRUSTS HOOVER—LORD RHONDDA DECLARES PROBLEM OF SUPPLIES COEQUAL WITH MAN POWER—DEPENDENT UPON AMERICA AND CANADA FOR EDIBLES—SURE GERMANY CAN NOT STARVE ALLIES OUT.

LONDON, *June 19.*

"In this war, and especially at this stage, food power is coequal with man power," said Lord Rhondda, the new food controller, in an interview to-day. 'The problem of Great Britain's food primarily depends upon the supply, and in the main the solution of the problem of supply lies in America. I am sure they will not 'let us down.'"

Lord Rhondda took over the duties of food controller to-day, and this was his first interview with members of the American press.

MUST BE ASSURED OF FOOD.

"The whole problem of the nation's food primarily depends upon the supply," he continued, "and unless we can be assured of food sufficient to enable this and the other allied countries of Europe to carry on the war to a successful conclusion it would be almost superfluous to appoint a food controller.

"For this food supply we depend to a vital degree upon the United States and Canada. No one recognizes that more fully than I do.

CONFIDENCE IN CONGRESS.

"In accepting this office one of its few attractions—perhaps its only attraction—was the knowledge that President Wilson had asked a man of Mr. Hoover's caliber, experience, and understanding of the allies to tackle in America those problems which have an intimate bearing day by day upon the food situation in this country. I have perfect confidence that the American Congress and the American people will respond to the calls now being made to them.

"I hope I shall not be misconstrued or thought impatient if I say that the sooner your food administration measures are enacted the sooner we shall breathe more easily. At present our policy and the practical details of our buying are rendered more difficult, more complex, by the uncertainty regarding the future.

SURE GERMANY WILL FAIL.

"My experiences in America before and since the war have given me an unusual opportunity of appreciating the vastness of her resources. If these are organized to their full capacity I am confident the German hope of starving the allies or of causing civilians unrest by the scarcity of food or high price is doomed to failure.

"We are doing what we can 'off our own bat' by increasing home production and decreasing consumption, but in the main the solution of the primary problem of supply lies in the hands of our American allies. I am sure they will not 'let us down.'"

Mr. KENYON. I wish to refer for a minute to the question of the Nation's needs.

Mr. NELSON. You mean in the United States?

Mr. KENYON. In the United States, I am referring to.

WHEAT.

The Nation needs 640,000,000 bushels. That includes a carry over of 50,000,000 bushels, and 80,000,000 of that for seed. The crop this last year was just about that.

Export of wheat up to within a year or so of the breaking out of the war averaged 105,000,000 bushels.

The year before the war we exported 145,000,000 bushels.

The year after the war broke out we exported 332,000,000 bushels.

The second year of the war we exported 245,000,000 bushels.

From the 1st of July last year to the 1st of March this year 130,000,000 bushels, which is no more on the average than the year before.

We carried over last year 170,000,000 bushels. So there was enough wheat to supply the Nation's domestic needs.

The corn crop last year was 2,600,000,000 bushels—less than the five-year average.

Oats, barley, and rye were about the five-year average.

Rice, 40,000,000 bushels, against 29,000,000 the year before.

Apples, peaches, and pears were about the five-year average.

Oranges, 2,600,000 boxes more than the last year.

Meat products were over 22,000,000,000 pounds, as against a five-year average of 19,000,000,000. This is the fiscal year I refer to.

Milk was 7,900,000,000 gallons against a five-year average of 7,500,000,000.

Butter was over 1,059,000,000 pounds, as against the five-year average of 1,007,000,000.

Eggs were 1,847,000,000 dozen, as against the five-year average of 1,700,000,000.

Fowls were 567,000,000, as against the five-year average of 522,000,000, showing there is not a shortage unless covered by increase in exports.

The exports for the year preceding the war from July 1, 1913, to June 30, 1914, were—meats—1,200,000,000 pounds; from July 1, 1915, to June 30, 1916, 2,000,000,000 pounds. The meat supply, however, increased last year 2,000,000,000 pounds. The export of cereals for the year before the war was 166,000,000 bushels; for the last year, 419,000,000 bushels.

Meat and dairy animals increased in the South last year in the neighborhood of three-quarters of a million.

The Department of Agriculture has rendered a report that the condition of the winter-wheat crop is the poorest for a long series of years. The report forecast puts the winter-wheat crop for the year at 266,000,000 bushels, the smallest in 13 years. Spring wheat is not yet estimated. The largest spring-wheat crop was in 1915, it being 352,000,000 bushels. The five-year average of the spring-wheat crop, from 1910 to 1914, was 234,000,000 bushels. The estimated production this year of 266,000,000 bushels of winter wheat falls 116,000,000 bushels below the last year's crop and 308,000,000 bushels below the crop of 1915, and is 129,000,000 bushels below the average for the preceding five years.

The allies will demand and need over 500,000,000 bushels of wheat, of which we are expected to furnish one-half. In this country we can learn to use corn as a substitute for wheat, but that seems to have been a difficult proposition to our allies across the sea. They do not know how to make corn bread, which we regard as such a splendid article of food. I received this morning a letter on the back of which was inscribed "Be patriotic and eat corn bread," though out in our country we think it does not require any unusual amount of patriotism to eat corn bread. The food strain of the world is on wheat. That is a troublesome thing throughout the world, and it can be relieved somewhat by the American people in the greater use of corn.

There is a strange thing about the wheat question. A loaf of wheat bread seems to be the fetish of foreign nations, as it is our own. The people demand bread. If there are any riots, they are not cake riots or caviar-sandwich riots, but they are always bread riots. If you take the people abroad and furnish them with the same amount of nutrition in something else, it does not seem to accomplish the same purpose as bread, which they regard as the staff of life, and which has come down to us from the old prophets as the staff of life. So that "bread" means essentially wheat bread, though I believe the allies will have to learn, and I do not know why they should not learn, to eat corn bread and to eat the products of corn. There is already a movement to send abroad people who shall instruct them in the art of making corn products and corn bread.

Mr. SHERMAN. Will the Senator yield to me a moment on that subject?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Illinois?

Mr. KENYON. Yes.

Mr. SHERMAN. I wish to say that they have been instructed as to the uses of corn bread for 20 or 25 years.

Mr. KENYON. That is true.

Mr. SHERMAN. But they have persistently and very steadfastly refused to eat corn bread, fried mush, or any thing else that is made in the breadstuff form out of corn. They want to take it in a liquid form, if they take it at all. [Laughter.] We tried instructing them in the various uses of corn.

Mr. SMITH of Arizona. It may be that it depends on how the corn bread is made.

Mr. KENYON. There is corn bread and corn bread.

Mr. SHERMAN. The making of corn bread and the uses of corn have been taught in many of the large centers of Europe by the diplomatic representatives of this country, for instance, in Denmark, in Sweden, in France, and in certain parts of England. Notwithstanding that, although that began 25 years ago, Mr. President, Europeans refuse to eat anything except wheat bread. The riots in the large cities, about which the Senator from Iowa talks, could not be appeased by offering the rioters bread made from barley or rye or corn. I venture to say it would increase the intensity of the riots if the people were sought to be placated with corn bread, on which we people out West were raised.

Mr. KENYON. And we offer ourselves as exhibits of what corn bread will do. [Laughter.]

Mr. SHERMAN. Yes, sir.

Mr. KENYON. Mr. President, I thank the Senator from Illinois for this little diversion. I am making this statement more to get into the RECORD the necessities of our allies, before proceeding with some points I want to make in relation to the bill, than for any other purpose.

The cereal supplies, especially of England, France, and Italy under prewar conditions originated in large measure in Russia, Roumania, Bulgaria, Australia, India, and the Argentine. Now, Russia, Bulgaria, and Roumania are cut off; Australia and India are probably cut off by distance; and the Argentine now has an embargo. The harvest carried on with a reduction of man power is an important item. The women have not been able to put all the fields into grain. That must be considered. The winter wheat in parts of Europe has had a blight from the hard frosts at the end of March. So the French Government have estimated their wheat harvest as being down 55 per cent which amounts to 150,000,000 bushels of a deficit.

Where are the allies going to get this wheat? Outside of wheat, they will demand other cereals—oats for the cavalry, some barley, and they seem to be shipping some barley over there to make booze out of it. I trust that will be ended. They will need between 900,000,000 and a billion bushels of cereals.

Then, take into consideration that since the 1st of February 15 per cent of the foodstuff en route has been sunk by submarines. So the United States is called on to perform a mighty task in furnishing food supplies to the allies, though I insist that we shall take care of our own people first. The allies can get a couple of hundred million bushels of wheat in Canada; they may draw a couple of hundred million bushels from other parts of the globe; and then it becomes our business to furnish them what they require if we can without injury to our people. The better food they have the better fighters they will be and the sooner this war will end.

I think I will not take any more time putting in the figures as to the food situation abroad. The condition as to sugar in England is most serious. They are down to about one-fifth of the amount of sugar per person they had before the war—less than 1 ounce a day for human consumption, whereas the average man needs from 6 to 8 ounces.

So much for our duty abroad and so much for the needs of the allies. I desire now, before discussing the legal aspects, to refer to the situation at home.

I insist, Mr. President, that this Nation is not going to be brought to the position of feeding its soldiers in the field on food the price of which is fixed by gamblers and speculators in this country. It is all very well to theorize about high prices, and of course in war times prices will be high. We must expect that; we can not prevent it. There will be some speculation, and we can not prevent that, for there is a perfectly legitimate speculation; but it is idle to cite the increased gold supply as an excuse for the prices that people are compelled to pay in this country.

It is necessary, Mr. President, to have domestic tranquillity in the United States. That is a condition which enters into this war; it enters into legislation; and we can not have domestic tranquillity under present circumstances. The Senator from Oklahoma is apprehensive about how this proposed legislation may affect the producers, and so am I; but I am also apprehensive about how present conditions are going to affect the people of this country who are working on salaries and small wages. That is fundamental. Senators can talk about the Government taking the food and somebody controlling the amount and kind of food a mother shall give her baby to eat. Some Senators do not like that; they say it involves too much power; but it is far better that there be such power granted if by that drastic action we may have something to give to the babies whose mothers in many places of this country can not get enough for them to eat.

We are told constantly that there is nothing to this outcry against speculation, and that whatever speculation there is is perfectly legitimate. I concede there must be speculation to some extent. The egg crop can not all be dumped on the market as it comes along; it must be kept for a while; and so must other things, or we would have a perfectly impossible situation, and that might be called speculation. That is not what we are trying to get at. This bill does not stop legitimate business along that line; but we are trying to clear a channel between the farmer, who works and toils to produce these commodities, and the people who are to eat them, so as to get rid of some of the middlemen in the transaction. In other words, the Government may be compelled as to many of these commodities to be the middleman.

There is a statement in the paper this morning as to the increase in prices here in Washington from January of this year to May—five months. In that time granulated sugar has gone up 43 per cent, evaporated milk 30 per cent, standard tomatoes 50 per cent, baked beans 50 per cent, hominy 25 per cent, oatmeal 50 per cent, cornstarch 40 per cent, smoked hams 25 per cent, pure lard 31 per cent. I will not read all the figures in detail, but ask unanimous consent to insert the table in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table referred to is as follows:

GOING UP.

Mr. Hoover makes the declaration that with a plentiful supply, food is still going up. The following table shows the increase in retail prices in May of this year as compared with January, four months previous:

	January, 1917.	May, 1917.	Increase per cent.
Granulated sugar, pound	$0.07	$0.10	43
Evaporated milk	.10	.13	30
Standard tomatoes, No. 3 can	.12	.18	50
Sugar corn	.09	.15	66
Sifted E. J. peas	.12	.19	58
Baked beans	.10	.15	50
White corn meal	.04	.06	50
Hominy	.04	.05	25
Head rice	.08	.10	25
Broken rice	.04	.06	50
Oatmeal	.04	.06	50
Macaroni, bulk	.08	.13	62
Spaghetti, bulk	.08	.13	62
Salmon	.09	.16	77
Navy beans	.12	.19	58
Lima beans	.10	.20	100
Split peas	.08	.12	50
Domestic sardines	.04	.06	50
Molasses, No. 3 can	.10	.18	80
California peaches, extra standard, No. 3	.15	.20	33
Peanut butter, bulk	.10	.15	50
Lump starch	.04	.06	50
Corn starch	.05	.07	40
Rib roast	.24	.25	4
Chuck roast	.20	.22	10
Plate beef	.15	.16	7
Porterhouse steak	.32	.37	16
Sirloin steak	.28	.34	22
Round steak	.25	.32	28
Chuck steak	.20	.25	25
Hamburg steak	.16	.20	25
Butter	.43	.55	28
Fresh hams	.22	.27	23
Fresh shoulders	.18	.22	22
Fresh pork chops, loin	.26	.32	23
Fresh pork roast, loin	.25	.30	20
Smoked hams	.20	.25	25
Smoked bacon	.27	.34	26
Smoked sausage	.22	.25	14
Pure lard	.19	.25	31

Average net increase in these and 39 other staple articles, 51 per cent.

Mr. KENYON. Mr. President, I do not know how poor people are going to stand the ever-increasing high prices. We have tried in this country to break up the trusts and monopolies, but have not succeeded. There has been, I think, only one jail sentence imposed on conviction under the Sherman Anti-trust Act, and that case was reversed by the Supreme Court of the United States. Fines have been imposed; but this class of lawbreakers does not care anything about fines. The gentlemen who always rise when the orchestra plays the Star-Spangled Banner, who put an extra flag on their automobiles, and then mark up prices to the people, might as well understand that this country is not going to endure this kind of business; and we, interested in the success of this war, have a duty upon us to stop them. If they can not be controlled under the Sherman Act, if we can not reach them under other laws, we will take their product for the benefit of the people of the country, who are supreme in this matter.

These food speculators—and I do not want to say anything very mean about them—are the highwaymen of internal commerce. I want, however, to apologize for using the term "highwaymen of internal commerce" in connection with them. The highwayman or the sea pirate is a Christian gentleman compared to them. It takes some courage to be a highwayman, but no courage to be a food speculator. It is unfair to the highwayman to use him for a comparison. These gentlemen at the present time are allies of the Kaiser, as they are weakening the American Nation in its contest. The men who fight must be fed, the mothers of the Nation must be fed, the babies of the Nation likewise, and the men who work to make the things with which to fight must be fed. Napoleon's statement is true—that an army fights on its stomach.

We have heard on the floor about this bill giving the right to a food controller to tell mothers how much food they shall give their babies, a matter to which I referred a few moments ago. The bill does not do that at all; but, as I have already said, there are some questions just as important as the question of the amount of food a mother shall give her baby; and one of those questions is whether the baby shall have any food at all or whether the food that should go to feed the babies of the poor shall feed the poodle dogs of the rich. We are contending that the babies of the poor shall have food; that there shall be no extraordinary profits during this war, either in foodstuffs or in steel or in anything else.

In the days of French trouble Foullon sneeringly remarked that the people could eat grass, and Marie Antoinette talked about the people eating cake. The people of this country are not going to eat grass and they can not get cake. The people of France did not eat grass, although Foullon was kind enough to invite them to eat it; but they took him and stuffed his mouth, his ears, and his eyes with grass, and Foullon, the tyrant, ate the grass he intended for the people.

We are paying more for food in this city and in this country—for bread, and I think for meat—than they are in the city of London. Belgium has bread for less than we have it. France has bread for 50 per cent less than we have it, made out of our own wheat.

Mr. SMITH of South Carolina. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from South Carolina?

Mr. KENYON. I do.

Mr. SMITH of South Carolina. So far as controlling these combinations that unjustly lay a burden upon the people in foodstuffs is concerned, in reference to the point that the Senator made, is it not true that France buys wheat at the competitive price, and that she pays as much for it as we pay for ours, but, by a law, sells it at 50 per cent cheaper to her people, and then lays that tax on the people of the country generally? I am informed—I will bring the document to the Senate later on, in connection with some remarks that I want to make—that last year, I think, her deficit between the price at which she furnished wheat to the people and the price she had to pay for it was something like $150,000,000. I am not officially advised as to England, but I have been informed that the Government there is pursuing the same course; that they are buying wheat at the ordinary market price, selling it to the people for a less price, and charging the difference in the ordinary budget of taxation.

Mr. KENYON. I do not know as to that; but it is the result of France having what may be termed a food controller.

Mr. SMITH of South Carolina. The reason I said that was because I did not think the impression should go out that under their superior management in the general markets these things were cheaper, because what we are seeking to do here under this legislation is to see that those who are unjustly getting an extraordinary profit shall share and share alike with whoever is concerned in the handling of food.

Mr. KENYON. I can not make my statement accurate as to the French situation concerning the remarks the Senator makes; but they have a food controller there, and their system, at least, has brought down the price of bread to one-half what we are paying for bread in this country, and a lot of it is made out of American wheat.

Mr. SMITH of South Carolina. Yes.

Mr. KENYON. But I may not be entirely accurate in my statement as to causes.

Mr. SMITH of South Carolina. I happened to get from official sources here the manner in which France was controlling her food products; and I might say in passing that there has been in operation since 1791 a municipal control of bread in France.

Mr. JOHNSON of South Dakota. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from South Dakota?

Mr. KENYON. I yield to the Senator.

Mr. JOHNSON of South Dakota. I simply want to ask the Senator if he does not think the logic of those who are opposed to this bill or something of this kind is entirely wrong, based upon the fact that they do not want the food of the country controlled, and if the object of this bill is not to prevent that very thing being done by food speculators?

Mr. KENYON. Absolutely; but I do not want to criticize anyone else's view about things. I am not dogmatic in my own views, but like to accord to everybody the same right to think about and discuss a proposition that I claim for myself, realizing my view is not always correct.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. KENYON. I do.

Mr. BORAH. I do not know that I am against this bill, but I know that I am not against the thing which the Senator from Iowa desires to achieve. I am very much in favor of the proposition and very much in favor of what seems to be the desire of the Senator from South Dakota [Mr. JOHNSON]; but there is the question whether or not this is the way to do it, and whether or not this bill in its terms will effectuate that which you desire.

Mr. KENYON. The Senator will admit that we have not been able to do it in any other way.

Mr. BORAH. Well, no; I do not admit that we have not been able to do it in any other way. I admit that we have not done it; but if there has been any settled attempt to enforce the Clayton Act, or if the Federal Trade Commission has performed any service in this matter, I have yet to have any knowledge of it. I do not admit that we are not able to do it or would not have been able to do it. I simply admit that we have not done it.

I want to call the Senator's attention to the fact that if the reports of the Agricultural Department are correct, there is ample evidence in the possession of the Government now to effectuate many things which are desired to be effectuated under this bill.

Mr. KENYON. The Senator has had a good deal of experience with the Sherman Act, and so have I. I spent about six months of the hardest work of my life trying to convict the packers under the Sherman Act in a case that I thought was as complete as any case could be, but the jury very promptly acquitted them. I discovered at that time that there is a general running sentiment among business men particularly that the Sherman Act is interfering with business, and the tentacles are such that they can reach out everywhere and unconsciously—I do not say consciously—affect juries who come from towns where these matters are discussed; and the Sherman Act in its criminal features has been almost impossible to enforce. While now you can punish monopoly under the Sherman Act, as to the individual and combinations as to others, this bill tries to get at the zone between such a control as would be a monopoly and a control that might merely affect the price to some extent. It supplements the Sherman Act.

Mr. BORAH. Mr. President, I realize that the provisions of the Sherman Act which relate to criminal prosecutions have not been successful. After the Government has stood by for three or four years and witnessed the formation of a trust and permitted men to go on and form the trust with the full knowledge in the possession of the Government that they were forming the trust, I think it is very difficult then to call upon a jury to convict them for doing that which the Government has connived at their doing; and that has been the trouble with the enforcement of the Sherman law from the beginning. There is a provision of the Sherman law, however, by which you can inhibit and prevent the formation of the trust, and by which you can preclude the monopoly before it arrives at the point where you need to call in a jury at all; and that provision of the Sherman law has never been called into action by any administration that I know of with any persistency whatever. Now, it is there. Here only a short time ago one of the business concerns of this country advertised that it was going to form a trust. It was flouted through the country in the newspapers. We were in full possession of the facts as to what they were going to do, and no steps at all were taken in regard to the matter. It could have been prevented; and there are numerous instances prior to that in which the knowledge was in the possession of the Government.

After all those things have been permitted, it would be difficult, of course, to enforce the criminal feature of the law. But in addition to that, you have the Clayton Act, which was specifically designed to supplement the Sherman law for that purpose; and you have the Federal Trade Commission act, which was specifically designed to prevent the formation of trusts and to prevent unfair competition and speculation, and so forth.

I want to say again that I have been unable to discover in this bill any discriminating feature of it which distinguishes it from these acts which are already upon the statute books.

Mr. KENYON. I am going to discuss it later, but I will say to the Senator now that in my judgment section 5 covers the matter entirely.

Mr. BORAH. I will not interrupt the Senator, then.

Mr. KENYON. I am very glad to have the Senator interrupt me.

Mr. BORAH. The Senator says he is going to discuss it later, and I will await that discussion. I know what section 5 says; but in my inquiry as to how that is going to be enforced and carried into effect, I have yet to receive any enlightenment as to any feature which distinguishes it from these others.

Mr. KENYON. I can answer that in a word, as I see it. I may be wrong. The people have grown a little tired of waiting for the Sherman Act and political platforms to reduce the price of living. Now, we are up to the proposition of taking the food, and that is what you can do under this bill.

Mr. BORAH. That throws a good deal of light on the subject.

Mr. KENYON. And I want to add to that section 9, too, which gives the President power to buy food.

Mr. BORAH. Do I understand, then, that the ultimate object of this bill, in order to effectuate the purposes, will be to take possession of such institutions as the Armour Co. and the Swift Co. and those who are dealing in foodstuffs, and so forth, and operate them upon the part of the Government itself?

Mr. KENYON. I will go as far as the first part of the Senator's question—that the taking of them can be carried out under section 5.

Mr. BORAH. Exactly.

Mr. KENYON. Now, as to operating them, it could be carried out under another section—section 10.

Mr. BORAH. Then this bill contemplates, and those who believe it will effectuate the things we have to accomplish contemplate, the Government taking possession of these plants, commandeering them?

Mr. KENYON. This bill contemplates that where extortion or hoarding is going on in necessaries the President can prescribe regulations governing the conduct of that business. He can ask and compel them to take out licenses and he can fix the rates under which they can operate. Now, whether they could under section 5 take the business itself, in contradistinction from the products of the business, I am not quite prepared to say.

Mr. BORAH. Did I understand the Senator to say that the President can fix the price of the articles which they sell?

Mr. KENYON. He can find what is a just, reasonable, nondiscriminatory, and fair or economical rate, charge, or practice. That is, taking the case of packing-house products, he could fix a rate at which they should be sold, provided the other portion of section 5 had been carried out. That is my present construction of it.

Mr. BORAH. I am very glad to have the Senator's view of that.

Mr. KENYON. I wish the Senator would study that over and see whether he does not agree with me about it.

Mr. BORAH. I will say to the Senator frankly that I am not disagreeing with him; but I have had statements from other advocates of the bill that this did not contemplate the Government taking over these plants, or the Government operating them, or even fixing prices; and I must say, with all due respect to those who have drafted the bill, that it is not, it seems to me, plain and distinct in its authoritative power. Now, I agree with the Senator that under the provisions of this bill that might be done; but I am told by many advocates of the bill that it is not contemplated, and, in fact, if I read correctly the President's address and his letter, that is not in contemplation of the President at all.

Mr. KENYON. Has the Senator read section 10?

Mr. BORAH. Yes.

Mr. KENYON. I will read just a part of it:

That whenever the President shall find that it is impossible by license or by voluntary arrangement or agreement to assure an adequate and continuous supply of necessaries, he is authorized to requisition and take over, for use or operation by the Government, any factory, mine, or other plant, or any part thereof, in which any necessaries are or may be manufactured, produced, prepared, or mined.

The word "prepared" would cover the packing houses. He can then go ahead and prescribe the terms of labor under that; and that objection has been raised—that the bill gave him the power to fix wages.

Mr. BORAH. Precisely. The Senator's opinion is, then, that in its final operation this bill results in the President or the Government taking over these institutions, commandeering them, and, as it were, operating them through the Government?

Mr. KENYON. I will say that, in my judgment, the power to do that is in this bill.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Connecticut?

Mr. KENYON. I do.

Mr. BRANDEGEE. If the bill contains power under which the Government can take over or commandeer a food-producing plant, for instance, like that of the Armour Packing Co., does it also contain power for the President to commandeer the skilled force of employees and managers of that company in its service and compel them to continue the production?

Mr. KENYON. It does not, but I think our draft bill covers that.

Mr. BRANDEGEE. Very well. I did not remember whether that was so or not, but unless it did, if the Government should take over a concern of the magnitude of the Armour Co., with the ramifications of that company, unless they could commandeer those who were accustomed to the business, instead of increasing the food supply it would absolutely halt it.

Mr. KENYON. I agree with the Senator, but under the draft bill the President can conscript men for those services as well as for war.

Mr. BORAH. I was going to say that it seems to me the draft bill would cover that proposition.

Mr. KENYON. I think so; and if without violating the Constitution we can conscript men to go out and give up their lives, I think it is entirely feasible to conscript the plants making the things to feed those men; that the property is not more sacred than the lives.

I think I had finished what I had to say about that. I had just as soon, when we talk about a dictatorship, have the dictatorship of a food controller as the dictatorship of these food gamblers; and while we talk about the farmer, he has raised the food, while the speculator has raised the price, and the farmer has not had the benefit of it.

Again, on this wage question, which enters into it, in volume 2, page 100, of the hearings before the committee will be found a most interesting discussion of the wage question by Dr. King, saying that while wages have not increased over 20 per cent foods have increased about 33 per cent. However the doctor figures that out, he did not figure it out on the basis on which I have been figuring, because I think food has increased a great deal more than that; but he went ahead to tell the committee that these food prices were affecting the standards of living, and that is an important thing for us to consider—hungry, emaciated children and men and women without enough to eat. It affects the very life and heart of the Nation. Those children can not grow to be the best and strongest citizens, and those husbands and wives can not be happy and enthusiastic and patriotic. Of the price of a manufactured article as he set forth paid by the consumer, 30 or 40 per cent goes for food production and 50 to 60 per cent for distribution and for perishable products. The consumer's price, as Dr. King set forth, is 130 to 136 per cent greater than the price the farmer receives.

Now, Mr. President, as bearing on how the people—the average, everyday, common folks around the country who do not understand some of these theories of an inflated currency—feel about this matter, I am going to ask the Secretary to read from the desk an editorial from the Manson Democrat, a paper published in my State having an editor who is a very mild-mannered and sensible man.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

THE FOOD GRABBER.

[Manson Democrat.]

The food grabber is even worse than the slacker. Like a vulture he trains his greedy eyes on the field of business to discern what article of food is likely to be most in demand and then he prepares to buy all he can of it, store it away in his bins, and hold it until he can squeeze a robber's ransom for it. The food grabber has been the curse of every European country engaged in the war and now he is the curse of the United States. Nothing is being done to stop his villainous incursions into the food supply of the country and he is buying butter, eggs, meat, flour, sugar, coffee, tea, beans, corn, canned goods, and everything he can get his talons on to place in storage until such time as he and his coconspirators can shriek "Pay or starve!" at the people who must eat to exist.

The people are asked to plant, plant, plant; to increase the acreage of all crops and especially the crops that produce human food. The newspapers are urged to keep continually pounding away at the people to get them to plant more food crops, raise more meat animals, and conserve everything.

And for whom are the people doing this?

For the food grabbers only—unless Congress puts its iron heel down on the necks of the robbers so tight that it will strangle the life out of them, vipers and vultures that they are.

The people are asked to produce more food and then see it gobbled up and stored away by traitorous thieves in order to get more gold to spend in lavish living.

Congress must at once enact drastic legislation to conserve the food and fuel supply of the United States or there will be widespread distress, and the industries of the country will be paralyzed. Men can not be paid wages enough to enable them to live if the prices of foodstuffs are allowed to be manipulated by the food grabbers, hence labor will be thrown out of employment and industry will be at a standstill, for the limit of profit has been reached by manufacturers and they will refuse longer to comply with the demands of labor for wages sufficient to pay the penalty imposed by the food vultures.

Conserve the food supply of the Nation. Let the Government assume immediate control of the visible food supply and establish supervision over future production. Put every coal mine under Government super-

vision. Fstablish a rigid censorship over the use of gasoline and motor fuels. Conserve everything. Waste nothing.

And how about traitors, you say?

There is little difference between them and the slacker and the food grabber. They surely are little worse, but they can be shot or hung, and that is something that can not be done to the other two greatest enemies of the flag.

Mr. KENYON That is an editorial from a very mild-speaking Democrat in my State, who never voted for more than one Republican in his life. I do not know what might be the expression of some radical Democrat in that State, but it illustrates how some of the common folks feel about it.

I turn here to the testimony before our committee of a distinguished New York gentleman, who is not at all in the poverty shadow of the fence, Mr. Perkins, who had been in charge of the food situation in New York. He said this among other things:

Why, you know the way this country has been held up by speculation this last year in foodstuffs is something appalling. You take the matter of fish in New York Some of you may know that one of the things we did was to go out on the Pacific coast when a certain kind of fish known as "Pacific coast smelts" were running out there. We bought large numbers of them and brought them to New York by express in refrigerator cars, and they were landed in New York in four and one-half days after they had been swimming in the Pacific Ocean. We brought those to New York and retailed them at 6 cents a pound. We paid for catching them, we paid for loading them and boxing them, paid the expressage to New York, and delivered them to the fish dealers at 4½ cents a pound; and the fish dealers and meat dealers sold those fish at retail at 6 cents, so that they made a fair profit and we came out within $80 of even—we only lost $80 on the entire transaction of 10 or 11 carloads of fish.

I may say in passing that an amendment was offered to one of the bills here enabling the Government to get fish from Alaska. Enough could be secured there to relieve the situation. But there is so much antipathy to the Government going into any kind of business, even if the people are going to starve, that we secured very little support for that measure. It was the thought of a man whose heart was always for the common, everyday fellow, the late Senator from Oregon, Mr. Lane.

Mr. Perkins further said:

The people are not going to stand for the conditions, and we are going to have trouble just as sure as can be on the eastern side of New York on the food question if there is not something done pretty soon. In the rioting and the disturbances we had three or four months ago, we were only able to quiet the people by such methods as we took in bringing those fish there and educating the people as to substitute foods.

Pretty strong language, but none too strong.

I asked him what caused the riots? He said:

The riots were caused by the price of foods. You know in New York City there are a very large percentage of men working on fixed salaries, clerks in banks and clerks of corporations, clerks in large stores, and all that sort of thing, and their wages have not gone up.

That is from a man who knew the situation in New York and had much to do with the attempt to relieve it. I could go on and quote from this record if it was the trial of a lawsuit and cite the various witnesses before the committee which give the contrary thought to the suggestion that has been made on this floor so many times, that there is no speculation or nothing but legitimate speculation. There are no more interesting statements than some of this testimony before the committee.

Mr. KELLOGG. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. KENYON I yield.

Mr. KELLOGG. I should like to ask the Senator from Iowa if it is not a fact that every time we have orders for the purchase of grain by a foreign Government in the grain exchanges of this country there is a perfect swarm of purchasers?

Mr. KENYON. Yes, that is true; and I may say since the Senator suggested it, this competitive buying between agents of the allies and our country ought to be stopped. The allies' buying is largely responsible for the great advance in the price of wheat; and to-day I understand the allies and our Nation are competing against each other for the sugar crop of Cuba, which is some 180,000,000 tons less this year.

Mr. KELLOGG. I should like to have the Senator's opinion as to whether it is not absolutely necessary to prevent this competitive buying by foreign Governments in our market? I should like to have the Senator's opinion.

Mr. KENYON Unquestionably there must be absolute cooperation in buying in common. Nobody can tell just what the shortage of the wheat crop is going to be. I see it is estimated by the agricultural bureau at Rome that the world shortage will be 150,000,000 bushels this year. It seems to me that that can not be accurate. I fear it will be double that.

Mr. McKELLAR. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Tennessee?

Mr. KENYON. I yield.

Mr. McKELLAR. I wish to ask the Senator how the provisions of this bill affect the matter that the Senator from Minnesota [Mr. KELLOGG] has just pointed out. In other words, is there any control vested anywhere over the buying by foreign Governments of food supplies in this country, and if so will the Senator point it out?

Mr. KENYON. I think there is in the general provisions of the bill. I will say to the Senator I have that in mind as something that we should make absolutely clear in this bill. I think it is not clear enough.

Mr. McKELLAR. Does not the Senator think the bill ought to be amended so as to provide that our Government should in some way control the purchase of foodstuffs in this country by foreign Governments and their agents?

Mr. KENYON. I do. I agree with the Senator.

Mr. REED. Mr. President——

Mr. KENYON. I yield to the Senator from Missouri.

Mr. REED. That question I intend to discuss at some length, but I will say now there is not any necessity for one single word of legislation upon that proposition. First, we have already made a law which gives the President the full right to declare an embargo upon the shipment of any grain whatsoever, and in the exercise of that authority alone he could control the situation. But, in addition to that, we are loaning the allies some billions of money. Mr. Hoover, who was in very great doubt about the meaning of his own bill, and who evidently had never read it, disclosed by his examination yesterday——

Mr. KENYON. Why does the Senator call it Mr. Hoover's bill? He did not draft the bill.

Mr. REED. Because I think I have a right to, and I think I shall be able to prove it. But I will call it this bill. Yesterday Mr. Hoover stated that the organization was already perfected by which the allies would buy through one agent. Surely our Government, when it is loaning $5,000,000,000 to the allies and cooperating with them on the field of battle, can cooperate in the mere purchase of grain, so that the entire foreign market, every part of our exports, shall be thus brought into one control. Everybody knows that it is the law in this country that whosoever controls the price of the surplus likewise controls, or largely controls, the price of that which remains for home consumption.

I thank the Senator for his permission to interrupt him.

Mr. KENYON. I am very glad of the interruption. I remember the Senator made the suggestion before the committee, and it had escaped my mind when the Senator from Tennessee spoke, that under the embargo clause of the act which we passed the power would undoubtedly be with the President, and that he can exercise the power by virtue of the club he might have under the embargo act. But I am afraid the terms of this bill do not cover that question, and it may be best to amend it.

Mr. McKELLAR. In dealing with this particular question, does not the Senator think it would be very advisable for the specific power to be vested somewhere, in a board, or some method given so that they can deal with the entire matter of the selling of food to our allies, and to neutrals for that matter?

Mr. KENYON. I was inclined when the Senator from Missouri made the suggestion before the committee the other day to think that the power was in the hands of the President under his authority to place an embargo. Of course the power should be somewhere. I agree with the Senator that it should be made clear in this bill, if that power does not exist under present law. I want to think about that a little before reaching a definite conclusion.

Mr. SMITH of Arizona. If the Senator from Iowa will permit me, how does the mere fact of an embargo fix in any degree the price France or England or Italy might pay for wheat? It seems to me that the power used by the President would not prevent those abroad who have purchased from shipping it to their homes.

Mr. KENYON. Does not the Senator believe that if the agents of the allies would bid in this country against our buyers the President could place an embargo and stop such competitive bidding?

Mr. SMITH of Arizona. Yes. I think the President should place an embargo in such event. I am only arguing in the light of the suggestion of the Senator from Tennessee [Mr. McKELLAR].

Mr. KENYON. I am not antagonistic to that at all.

Mr. SMITH of Arizona. It seems to me in the mere matter of placing an embargo on purchases to go to any foreign country the President would feel very much inclined to let the grain go at whatever price it had been purchased. It seems to me also that the embargo might very well act as a deterrent against competition.

Mr. KENYON. I am sure we all agree that there should not be this competition in buying.

Mr. McKELLAR. Will it discommode the Senator if I interrupt him again?

Mr. KENYON. I am very glad to yield.

Mr. McKELLAR. This thought has been running through my mind, and I intend to enlarge upon it later in the discussion: If power is given to a board to act as the agent of the allies' governments to make purchases, it would prevent fluctuations in price by the present system of foreign governments sending their agents here and buying up as much wheat as possible, as the Senator has just pointed out. In other words, to regulate it and make the prices more stable would in time absolutely control the disposition of our surplus foodstuffs in this country. I want at some subsequent time to urge this position on the Senate.

Mr. KENYON. I shall listen with great interest to the Senator on that subject.

I return to one or two letters, parts of which I wish to put in the RECORD. Here is a letter which I received a short time ago:

The writer can place his hands on two cars of sugar purchased at $7.65 for speculative purposes only. This sugar is stored in a small town in Iowa.

This two carloads of sugar causes sacrifice to from 2,000 to 4,000 families for a given period, while only one or two men are benefited in the advance caused by holding.

This writer further says:

It seems very necessary that the producer and the consumer should have protection against the speculator.

* * * * * * *

The mass of the people can not survive with the present high price of potatoes, sugar, flour, coal, etc., and while the producer should, in my opinion, be protected with a minimum price, the consumer should likewise be protected with a maximum price.

Patriotic men and women give their lives to their country; patriotic men and women advance money to their country; but a few sharks sacrifice nothing and can take advantage of both the above conditions and drain from the mass a tax for profits on the necessities of life.

I read a little from a letter from one of the editors of a great farm paper in the Middle West:

People are wondering why Congress moves so slowly in the matter of food legislation.

Mr. STERLING. Will the Senator state the name of the writer?

Mr. KENYON. I think there is nothing confidential about it. He is one of the editors of Successful Farming, a paper with a very great circulation. He says:

It is already too late this season to influence planting by enactment of minimum prices on staple products. If it comes at once it would have some influence in the attempt made to harvest the crops. We have tried to assure the farmers that they would not be the losers if there was an unusual production, and I am sure that the farm press is getting anxious to see these often-repeated statements made good. I am glad to know that Mr. Hoover is chosen as the power behind the throne in these matters. I understand that those who will be hit by any food regulation are lobbying as never before.

Then he goes on and speaks of the local situation and says it is "almost intolerable."

I have another letter from an editor of a great farm paper. He says in part:

Something should be done to prevent the few from profiting unduly by the war. One thing I do not like about the packing industry, it is reaching out for everything eatable. Swift, in particular, is getting into the poultry, butter, and egg business, into the fruit, fruit juice, and canning business, and somebody told me that they were even getting into the bakery business. How true this is I do not know. When we as a nation must get down on our knees and beg food from one or two packing concerns, we have ceased to be a free people. Conditions are ripe for a revolution.

And he is a very conservative citizen. He continues:

They will make Russia's troubles look like a side show. I am not a calamity howler, but it is my business to watch which way the wind blows by noticing the straws. The direction of the wind indicates the coming storm. I believe in digging a cyclone cellar now before it breaks.

I wish to put into the RECORD without stopping to read them a statement by Mr. Joseph Hartigan, city commissioner of weights and measures of New York; also a letter from the United Mine Workers of America from Tipperary, Iowa, which is not a long way to go, and a resolution of that organization; also a statement that appeared in the Chicago Tribune of April 20 concerning food speculators.

The matter referred to is as follows:

SAYS FOOD DEALERS ARE PILING UP CASH—NEVER MADE SUCH PROFIT BEFORE, ADDS NEW YORK OFFICIAL.

NEW YORK, *May 28.*

Joseph Hartigan, city commissioner of weights and measures, in a statement issued to-night, declared that never in the city's history had so much money been made by individuals and corporations dealing in foodstuffs as in the last few months.

"While foods have been kept in abundance in storehouses and while prices have been advancing by leaps and bounds," asserted Mr. Hartigan, "no thought has been given to the consumers. The dealers have said, 'Here is our golden opportunity,' and they have seized it."

"Reports made to him by inspectors of his department," Mr. Hartigan said, "showed that the food jobbers and brokers resented Government interference with speculation, which they call 'business acumen.'"

"The wholesalers are surprised and disappointed that the Government should place so little reliance upon their ability to handle the situation without Government interference," added Mr. Hartigan. "The Government's effort will not work well, they say, because it will take so long to set in operation and because the highly complicated food trade will be tampered with by men of little or no experience."

—

UNITED MINE WORKERS OF AMERICA,
Tipperary, Iowa, May 21, 1917.

Hon. W. S. KENYON,
United States Senate, Washington, D. C.

YOUR HONOR: I write at this time to say that—

Whereas the ever increasing cost of foodstuffs and other necessities is making it more difficult for the wage earners of our country to provide the food and clothing needful for themselves and those dependent on them; and

Whereas the high cost of living has reached larger proportions than any increase of wages that the wage earners are likely to receive; and

Whereas we believe that speculating interests in our country are taking advantage of the abnormal conditions now existing throughout the world and are forcing prices to unreasonable proportions: Therefore be it

Resolved by Local Union 550, United Mine Workers of America, Tipperary, Iowa, That we demand the following:

First. That the Government of the United States take over all food supplies and other necessities of life and regulate distribution and prices so that even the poorest paid laborer may be able to purchase a just portion of the necessities of life.

Second. That exports of foodstuffs are prohibited until the 1917 crops are available or a food census can be had to determine what portion of our food supply can be termed a surplus available for export.

Third. We ask that this matter be taken up before the respective assembly of the United States Senate.

Respectfully,

DAVID HENDERSON,
President.
ANTHONY JURES,
Recording Secretary.
C. A. CROSS,
Financial Secretary.
FRANK GREENHALGH,
Treasurer.

—

FEED OUR COUNTRY FIRST.

Resolution.

Whereas the food supply of our country is in the possession of private individuals who are arbitrarily fixing prices which places food beyond the reach of many of our people, and are constantly and insidiously increasing prices without warrant or justification; and

Whereas the greed for profit on the part of those who control and fix prices of our country's food has led them into wild speculation whereby vast fortunes have been won on gambling devices popularly known as "boards of trade," "stock exchanges," and the like, all of which fortunes are wrung from the toiling masses of our country through increased prices of food, and as a result of such manipulations our country is facing one of the gravest problems in its history, starvation in the midst of plenty; and

Whereas starvation is already stalking abroad in our country, food riots are occurring in our large cities, and the condition of many of the working classes is gradually becoming more precarious, while cold-storage plants are filled with food products, packing plants are producing an abundance of meat, grain elevators are filled to overflowing, fruit and vegetables are rotting in cars and warehouses, and fish is being thrown back into the water by those who control our country's food, in order to maintain and further advance the already exorbitant prices; and

Whereas past experience, coupled with the action of all belligerent and most neutral countries of Europe, justify the belief that it is a dangerous proposition to allow the food supply of our country to remain in private hands, even in time of peace and doubly dangerous in time of war: Therefore be it

Resolved, That the food supply should command the first consideration of the President and Congress of our country; that starvation is not conducive to patriotic enthusiasm; that our flag can not command the reverence and respect which is due it, either at home or abroad, so long as it stands for the starvation or enforced underfeeding of the great mass of our people by a few profiters and food gamblers; neither can our people rally to the defense of their country with the physical stamina and whole-heartedness which is necessary to victory after having been underfed previous to entering the Army, and while knowing that their wives and children at home are at the mercy of unscrupulous patriots for profit, and are suffering the pangs of hunger and privation: And be it further

Resolved, That we urge upon Congress and the President of the United States to immediately take such measures as may be necessary to eliminate all sources of profit in the production, transportation, and distribution of the food supply of our country, to the end that every man, woman, and child shall be supplied with sufficient good and wholesome food to keep them in perfect physical condition.

Adopted this the 18th day of May by Council Bluffs (Iowa) Central Labor Union.

P. H. REUERMANN, *Secretary.*

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HIDDEN FOOD FOUND STORED BY SPECULATORS.

CHICAGO, *April 20.*

With food prices mounting daily on the grounds of scarcity, investigators in Chicago have learned that storage houses of this city were stocked to the roofs with stores of hitherto unapproached magnitude.

Not only are the private warehouses of the dealers and jobbers fairly bursting with food, but the public warehouses as well, while thousands of tons are in cars on sidings.

The bulk of the stored products consist of sugar, rice, canned goods, coffee, and other nonperishables. Ownership of these goods is not confined to regular dealers and the brokers, but in many instances by men in other lines who have "taken a flyer" in food.

Mr. KENYON. The people of the District of Columbia had some experience in this matter. A committee was appointed along about January or February, 1917, to investigate the question of the cost of living in the District of Columbia. I have here the report, which is very voluminous. I wish to read short extracts from it here and there:

It was the uniform testimony that any foodstuffs ordinarily on the market at this time of year could be obtained by paying the price demanded.

They sought to show that there was no shortage.

Interesting figures were obtained from the proprietors of some of the smaller stores, whose business is with the poorer people. They show clearly that the poor have been compelled to resort to the strictest economy in order to provide food, on account of high prices. Their purchases are of the cheapest possible articles and in smaller quantities than heretofore. The sale of ordinary cuts of meat in this class of stores seems to have been discontinued, and the meat now purchased consists of hog livers, hog kidneys, neck bones, hog faces, etc.

Then this committee also shows, which is most interesting, how cars were held and deliveries of foodstuffs were delayed. In one case, from January 24 to March 7, a car of sugar leaving New York February 2 arrived in Washington February 14; another car of sugar left New York February 15 and arrived in Washington Febuary 24. A car of corn meal left Indianapolis February 6 and arrived in Washington March 2; 200 cases of salad dressing left Bradford, Mass., February 15 and arrived in Washington March 7; 200 cases of condensed milk left Oconomowoc, Wis., January 16 and arrived in Washington March 7; 200 cases of pancake flour left Indianapolis February 12 and arrived March 6.

They discuss the relation of that problem of the distribution to the cost of living.

Now, on speculation, here is more testimony:

In the opinion of the committee the element of speculation in food products has been one of the potent factors in the enormous increase in prices which consumers have been compelled to pay. Investigations made by the Federal authorities seem to have established this fact. In Chicago, for instance, the number of carloads of potatoes in the railroad yards "held for orders" day by day a year ago and this year, as disclosed by investigators of the Department of Justice, were as follows:

I will not read them, but they show nearly double the holding. I am still reading from the committee report:

On February 26 potatoes were selling in Washington at $8 per barrel, onions were selling for $14 per 100 pounds, eggs were selling for 43 cents a dozen. Three days later, on March 1, after this committee and certain departments of the Federal Government had begun to make an investigation of the situation, these articles had dropped to the following prices:

Potatoes, per barrel	$6.50
Onions, per 100 pounds	11.00
Eggs, per dozen	.30

Showing the value of investigation.

There had, of course, been no increase in the total potato and onion supply of the country between these dates. It is also a fact which should be considered that the shipments to the belligerent countries of these commodities have not affected prices because there have been practically no shipments of either of them. There was no addition to the American stock and no reduction in the American demand, yet prices dropped.

Mr. McCUMBER. Mr. President——

Mr. KENYON. I yield to the Senator from North Dakota.

Mr. McCUMBER. I have been wanting to ask the Senator a question for some time in his able discussion of this matter, and that is what relation the retail prices have to do with the fixing of what we will call a very high cost of living. A short time ago I made an investigation on my own account as to the retail prices of food in this city, and I found that the price of those products had risen away out of proportion to the wholesale price. According to the statement of the Senator, now, the prices which he quoted are the retail prices, and it was the retailers who reduced their prices when the investigation was made. The Senator from Oregon [Mr. CHAMBERLAIN] cited one instance where a farmer could not get 90 cents a barrel for his spinach in New York, and yet it was sold by the retailer in New York, I think, for $9 a barrel, or something like that figure.

It seems to me that we are giving so much attention to what we call the food speculators, those who have been conserving the food for future sale, that we have forgotten entirely the retailer whose prices are so enormous they are out of proportion to the rise in the price of the products which he purchases. I notice in the bill that retailers are especially excepted from its provisions. Therefore, no matter how cheaply the retailer may buy his products if he can hold up the public he is at perfect liberty to do so. Does not the Senator from Iowa think that that provision ought to be changed or modified?

Mr. KENYON. That is one of the questions which I asked Mr. Hoover yesterday. I think the Senator will find it in the printed testimony. He gives some reason for that which may be satisfactory or not. That it is absolutely impossible under the license system to license all retailers. That is where the retailers are excepted, I think.

Mr. McCUMBER. Yes.

Mr. KENYON. It is absolutely impossible to handle that question as to all the retailers of the country. When it is known what the wholesaler has to pay, then the people knowing that will not permit the retailer to advance the price to such a degree as to oppress the people. That is his theory.

Mr. McCUMBER. I wish to say to the Senator that notwithstanding the fact that the wholesale prices have been published right along the retail prices in the last two years have risen enormously beyond the wholesale prices.

Mr. KENYON. That may be true. I think there are other provisions of the bill, however, which apply to that situation. Section 5 of the bill provides for that question. I think it is a very important question to discuss here.

Mr. LEWIS. Mr. President——

Mr. KENYON. I yield to the Senator from Illinois.

Mr. LEWIS. May I refer the Senator to the last observation in which he concludes that the fall of the prices was no doubt incited by the result of the investigation? I ask the Senator if a measure were put through Congress that gives the President the right, through his own hands or those he might choose, to seize the food products whenever they are held for the apparent purpose of being monopolized and for the object of raising prices exceeding cost, giving to him the right of distribution and remitting the owner to a jury, where they would not take a fair price, would not that serve the public and serve equally to keep the prices down because of the knowledge that the moment they began to raise prices in the manner referred to the articles could be promptly seized?

Mr. KENYON. I think there is a great deal in what the Senator says, and I will call his attention to the English act—a very drastic act—of August 28, 1914, which authorized the board of trade to take possession of any article of commerce unreasonably withheld on the payment of a reasonable price, and so forth. The fact is that it has never been necessary to use that particular power, because the knowledge that it existed remedied the situation.

Mr. LEWIS. Mr. President, I call the able Senator's attention, thanking him for that reference, to the fact that I have a measure pending here to give such power to the President, because I felt that it would operate in that way. I am glad to have the suggestion made, as I was not conscious that the English act went to the extent the Senator indicates.

Mr. WEEKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Massachusetts?

Mr. KENYON. Certainly.

Mr. WEEKS. I hope the Senator from Iowa, who is a member of the committee, and has given a great deal of attention to this subject, will investigate further the suggestion which has been made by the Senator from North Dakota. The complaint which the people have to make is more particularly about the retail prices. The wholesale prices are only a drop in the bucket compared with the retail prices in most of the products which the people buy for food purposes.

The evidence is found right here in this Capitol of the extreme to which prices may go before they reach the actual consumer. If one will take the menu which is furnished in the restaurant below and compare the prices which we pay—and I understand that the net results of the restaurant are a loss—with the wholesale prices which have been complained about, he will find in many cases they are five or six times greater. Something must be done, if we are going to get food prices down to a reasonable level, to regulate the many steps between the wholesaler or the producer and the actual consumer. That is a matter which should have the attention of the committee and of those who have given most attention to this bill.

Mr. KENYON. I entirely agree with the Senator from Massachusetts, and I think the only exception found in this bill as to the retailer is under section 5. That shows the value of taking the matter up and discussing it very frankly, because if this bill does not give the power to reach the retailer it should do so. It is impossible to license all the retailers of the United States, and that is the theory under which the exception should be made.

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Utah?

Mr. KENYON. I yield to the Senator.

Mr. KING. I should like to ask the Senator whether or not in the investigations which his committee made an inquiry was

made into the various State laws punishing monopolies in food products and combinations in restraint of intrastate trade, and if such an investigation was made, whether it was not found that in most States there were very drastic laws to punish such monopolies and combinations, especially with respect to food products? I should like also to ask the Senator if it was not found that the State authorities rarely ever prosecuted under their statutes or attempted to invoke local statutes against those who were violating them?

Mr. KENYON. The same observation, I think, would be in point as that which I made a moment ago, as to the difficulty of enforcing such laws. Such laws do exist in many of the States.

Mr. KING. In the light of what was said by the Senator from North Dakota, did not the Senator from Iowa in his investigations find that in many instances the complaint should have been that there were combinations on the part of the retailers to unduly enhance prices?

Mr. KENYON. Undoubtedly. I think, Mr. President, I shall read no more of this, but I would commend the report of the committee to anyone seeking the evidence on the question of whether or not there is any speculation.

There is one thing more on this subject which I desire to put into the RECORD, an extract from a letter of a gentleman in Iowa, who writes me. I shall quote a part of the letter, as follows:

From information gathered I find that the sweet-corn pack for Iowa for 1917 will approximate 2,000,000 cases of two dozen cans each. During the month of January this pack was sold to jobbers at from $1.76 to $1.80 per case. In quoting prices for delivery of this pack the jobbers ask $2.90 to $3.20 per case. The sale price by the canners I have from records and the delivery price I obtained from dealers who have asked for quotations. The pack for 1916 was sold at from $1.30 to $1.36, and for this corn, which is in the hands of the jobbers, quotations from $3.20 to $3.50 are made. These figures I have from records of sales and purchases.

He adds:

The people are studying these questions and know that they are being robbed, and thousands of old-line Republicans and Democrats will be found in the ranks of the Socialists unless some relief is soon forthcoming. As for myself, I am still a good Republican, though editor of a Democratic newspaper, and still have faith in my party. Let me tell you, dear Senator, that when the Socialists get rid of some of its radical and unsound ideas that party will become a power in American politics.

I wrote him thanking him for this letter, and received a reply, in which he says:

You are at liberty to use my name in connection with anything I write to you.

But I think I shall not use it. He continues:

If the Government would appoint a committee that would make an honest report on the speculative features of the food question a showing could be made that would astonish the country. Not alone has the canned corn been taken over by the brokers, but every other article of food which passes through their hands. The same is true of the canned peas in Wisconsin and other States, tomatoes, and all other canned goods. This could all be brought to light if an honest committee had full authority to act. As I stated in my former letter, the people of this country will not stand for this robbery for any great length of time, and when they act there will be a general house cleaning of those statesmen who have made present conditions possible.

I think that a little harsh, because the statesmen are probably not responsible.

I have cited these things, Mr. President, on the general question of speculation, because it has been said so many times that there is no speculation. They show a situation in this country which thinking men who love their country, as we all do, must pay some attention to, and we might just as well make up our minds that though this bill may hurt some people, if this thing is going on of cornering foodstuffs and fuel—which is not quite as important, but is getting to be about as outrageous in its handling—if this is going on we are going to have hunger and bread riots in this country, and something worse. There is no use of going around Robin Hood's barn.

The people of this country who have an interest in the welfare of their country and an interest in the living of their own families, and who see enormous fortunes piled up in this country and plenty in the homes of the rich—and I am not blaming the rich particularly for this matter; I am simply pointing to the fact and sounding a note of warning—they are not going to have their children hungry and starving in this country.

Mr. VARDAMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. KENYON. I do.

Mr. VARDAMAN. I can not command language with which to express the heartiness of my approval of what the Senator from Iowa has said about the necessity for exterminating the food speculator. I think the man who would take advantage of conditions which exist in this country to-day for private gain to corner the food market with all of its attendant evils and sufferings that follow is a monster. The law could not deal with such a creature too harshly. The traitor who reveals his country's secrets in time of war—the midnight assassin that thrusts the dagger into the heart of his unoffending victim—the robber who would invade the quiet of the peaceful home and take human life for plunder is not a more despicable character than the man who would monopolize the food market for personal pecuniary gain. The great purpose to be attained by this bill I most cordially approve. I heard Mr. Hoover's testimony before the committee yesterday, and I confess that I was impressed with the honesty of his purpose and the exalted patriotism and spirit of altruism that inspired him. I think he is bent upon a work which he believes will bring good to the world by ameliorating the suffering of the poorer people. I bid him Godspeed in his every endeavor in that direction, but I think all of that can be accomplished without the aid of powers given by certain sections of this bill. No law can be perfectly enforced without the cooperation and sympathy of the people who are to be governed by it. In all matters of legislation the psychological side of the question should never be lost sight of. I do not think it is necessary to give the food administrator the power carried in section 3, which, if enforced, would necessarily make of the administrator—what Mr. Hoover does not desire, I am sure—a despot in fact. The people of America will not consent that any official shall have the right to prescribe what they shall eat, how it shall be cooked, and whether they shall have meat once a week or not at all. That is a power which governments, except in extreme cases, should never undertake to exercise. I maintain that the time has not come nor the occasion arisen in the United States for conferring such power as that upon any individual, and therefore it ought to be left out of this bill.

Mr. Hoover said he hoped to accomplish the great work designed by this bill by voluntary enlistment and cooperation among the people. He said he hoped to enlist the housewives in the matter of practicing economy and appeal to the patriotism of all classes. And that is the American way of doing it. That is the efficient way to do it. If he finds he can not accomplish it in that way and Congress shall conclude it necessary to go further, Congress will be in session and ready to lend its assistance by any proper enactment to carry out this great scheme. I am growing weary of all this talk heard in Congress these days about the American people being helpless subjects or spineless serfs rather than the free, sovereign, patriotic citizens that they are. If the people are given a chance, unhindered, unproscribed, they will attend to their own private affairs better than any Government official can attend to them for them. All the Government needs to do is to paralyze the hands of the speculator, protect the laborers from the ravages of the usurer, and then leave free and untrammeled that fruitful initiative, that good judgment, sense, and patriotism which have always characterized the American citizen and made him the most potential governmental agency and forceful economic unit on earth.

Mr. KENYON. Mr. President, the Senator from Mississippi has not heard me indulging. I think, in that line of talk, which he condemns; but I am pleading for some of the American people who seem perfectly powerless as against the great gambling proclivities of certain wealthy people in this country.

Mr. FLETCHER. Is it not pretty well established that the American people have not been able to take care of themselves in these circumstances; that the prices of foodstuffs have been controlled by private interests for the benefit of private interests? Is it not time that the Government should intervene, or that some power should intervene, so that foodstuffs may be controlled by the Government in the public interest rather than be controlled by private interests?

Mr. VARDAMAN. Mr. President, if the Senator from Iowa will pardon me, the Senator from Florida does not understand that anything that I have said means or would indicate that I am opposed to the Federal Government using its strong arm to destroy these agencies that have caused the prices of foodstuffs to rise; not at all. I want to destroy these malign agencies; but, in my opinion, that can be done without invading the sacred precincts of a man's home and prescribing how he shall direct his own private life.

Mr. FLETCHER. Precisely. I understood the position of the Senator from Mississippi to be that the American people were perfectly able to take care of themselves——

Mr. VARDAMAN. In that regard, yes.

Mr. FLETCHER. And that the wise and proper course to pursue would be to let the people handle the situation themselves in a voluntary sort of way. I am simply suggesting that they do not seem to be able to handle it. They have been handling it up to this time, but the situation is getting so dis-

tressing now that, as the Senator from Iowa has said, there arises the question of some power intervening somewhere to help the people take care of themselves. That is the position, it seems to me, in which we find ourselves, and this talk about interfering with business and all that sort of thing ignores the fact that the main business of this country to-day is war. That is the business that has got to be taken care of.

Mr. KENYON. The Senator from Mississippi is always such a champion of the people—and one of their best champions in this country, too, and perfectly fearless about it—that I am sure if he believed this bill was for the purpose of helping the people of this country and protecting them against the extortions that have been going on he would be just as much for the bill as I am. That is why I am for the bill. I am willing to give a great deal of power to anybody who can remedy the situation and am not going to tremble very much about that power being granted.

Mr. MYERS. Mr. President, will the Senator yield to me for a question?

Mr. KENYON. Yes.

Mr. MYERS. I have heard a good deal of talk about the despotic provisions of this bill, and particularly about section 3, which has just been referred to by the distinguished Senator from Mississippi [Mr. VARDAMAN]. We all want to protect the people. There is no doubt about that, I am sure, but there seems to be a very grave difference of opinion about the proper method. I will ask the Senator if he finds anything in section 3 which empowers the President or anybody in his behalf to prevent my going to a butcher shop and buying a piece of beef to roast for dinner? If the Senator can not find anything in that section to prevent me from doing that, I will be glad if the Senator from Mississippi will point out something along that line.

Mr. KENYON. The power is not there. We have heard a great deal about the use of the word "consumption." In my opinion it is merely descriptive, and I would have no objection to seeing that word go out of the bill. There is nothing in section 3 that gives the power to anybody to say what the Senator shall eat. He can go to the Willard Hotel, eat two baked potatoes and pay 60 cents for them if he desires to do so, or he can eat a soup bone. Mr. Hoover would have nothing to say about it, nor would anybody else. The terms used in section 3 are merely descriptive terms for the legal effect thereafter in impressing upon them a public interest.

Mr. VARDAMAN. If that power is not conferred in this section, what is the necessity for it?

Mr. KENYON. I was just about to argue that question.

Mr. VARDAMAN. I want the Senator to understand that I am in favor of the purpose, the thing sought to be accomplished by this bill, and, as I stated a moment ago, in Mr. Hoover's testimony yesterday he said he did not expect to invoke the strong arm of the law to accomplish the desired economy in the home, but he expected to do it by voluntary cooperation; he was going to enlist the people. Now, I think that is a very fine way, and an American way of doing it, and I am very much in favor of it, but if this extraordinary power is not given, then I have read the provision incorrectly, and other men who are quite as capable of understanding the English language as I am have construed it to mean the same thing.

Mr. KENYON. I will say to the Senator that if it means that it should go out of the bill. I contend it does not mean that; and further contend that the words are merely descriptive, in order that there may be a public interest attached to these necessities. I do not know whether the Senator is a lawyer or not, and I was going to discuss the legal phases of the question later on, but I will merely say a word on that question now.

There may be things in private life when we are not at war, when we are at peace, that are not at all affected by any public interest, but when war comes many matters that have heretofore been private—and I realize I am going far ahead on that proposition legally—may become affected with a public interest, so that the Government would have the right to regulate them the same as any other public utility.

We regulate gas rates and water rates and things of that character, and I think that the Supreme Court of the United States—I am going to refer to its decisions in a moment or two—has indorsed the proposition that in times of great emergency those things which no one would claim in time of peace could be affected with any public purpose, such as foodstuffs and fuels, may become affected with a public interest; that consequently the Government may regulate them; and they are not in the strict sense of the Constitution private property. While I did not draw that section, that is what I have worked out as the meaning legally of that section.

Mr. VARDAMAN. That is illuminating, and the Senator is always interesting to me; but I think that his statement only proves what I said a moment ago, that the section is designed to give the food dictator or administrator the right to limit consumption. There may a time come some day when that will be necessary, but I do not think it is necessary now.

Mr. KENYON. I agree with the Senator.

Mr. VARDAMAN. I would prefer that Mr. Hoover's original plan be tested and be carried out, and if, in the course of events and the development of affairs as the war progresses, it becomes necessary to compel the practice of this rigid economy, there will be sufficient time for the Congress to act upon that question. The general principle of giving the President the power to break up combinations and trusts, to prohibit the cornering of the market, to provide for purchases for the allies, and to keep the prices down to a fair level—those are all good objects, and those objects of the bill will meet with the approval of the American people; but they have not become sufficiently accustomed to the methods of the Kaiser to submit as yet to legislation prescribing what they shall have on their tables. I think it will be prudent for Congress to move cautiously in this new field of legislation.

Mr. KENYON. The purpose of this bill is to have this war result in such a way that they will never become accustomed to the dictation of the Kaiser.

Mr. VARDAMAN. I hope so.

Mr. MYERS. Mr. President, if the Senator from Iowa will permit me, I am very glad to have my judgment upheld by him; but I find in section 3 no such alleged despotic powers as have been ascribed to it. But I would a great deal rather that the President, or anybody in his behalf, should have the power to tell me what to eat or how much to eat than for Germany to prevail over this country in our war with that nation. I think it would be a great deal better.

Mr. VARDAMAN. Mr. President, I presume that remark of the Senator from Montana is directed to me.

Mr. MYERS. No; it is directed to the Senator from Iowa.

Mr. VARDAMAN. I want to say that I am not called upon to defend my patriotism upon the floor of this Chamber. I yield to no man in my devotion to the American flag and the American cause in this world war. I have no fear whatever of any Kaiser, whether he be German or American, exercising sway over this country very long; but the thing I want to do is to conduct this Government along the lines prescribed by the Constitution, and I do not want to become accustomed to using methods that are un-American when they are not necessary to the happiness of the American people and the integrity of our Government.

Mr. MYERS. Mr. President, if the Senator from Iowa will permit me just a word, I want to say that I think the Senator from Mississippi is unduly sensitive. I did not have him in mind; I made no reference to his patriotism, and had no reference to him whatever.

Mr. KENYON. I am sure the Senator was not questioning anybody's patriotism.

Mr. MYERS. I was not questioning the patriotism of anybody.

Mr. KENYON. If that very important question is settled, I should like to proceed.

Mr. MYERS. I should like to say, if the Senator will allow me a word further in the interpretation of what I had in mind, that I think if we are to have a long war, as many people think we are to have, as to the power of regulating the amount of food to be consumed by the people, how they shall consume it, and what they shall consume, it would be a great deal better for that power to be exercised by our own Government than for it to come as a result of the war, a power in the hands of some alien government, to be exercised as it was toward the people of the South during the Civil War, who were literally starved into submission.

Mr. VARDAMAN. Mr. President, if the Senator from Iowa will permit me just a word further, let me ask does the Senator from Montana not think it would be very much better for the American people, and for the country generally, if economy in the home could be effected in the way Mr. Hoover suggested yesterday before the committee, by voluntary arrangement and voluntary cooperation among the housewives of this country, rather than to issue an edict or a ukase fixing a menu for the home?

Mr. MYERS. It would be better; but I do not think it is possible; I do not think it would be done.

Mr. KENYON. Mr. President, I do not want to lose the floor; and while I am very thankful for the suggestions of the Senator from Montana, I should like to proceed.

Mr. GALLINGER. Mr. President, may I interrupt the Senator a moment?

The PRESIDING OFFICER (Mr. JOHNSON of California in the chair). Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. KENYON. Yes.

Mr. GALLINGER. In common with certain other provisions of this bill, I have been troubled over the very point—section 3—raised by the Senator from Mississippi [Mr. VARDAMAN].

Mr. KENYON. If the Senator will allow me to proceed, I will soon reach that in the discussion.

Mr. GALLINGER. I will occupy but a moment.

Mr. KENYON. Very well.

Mr. GALLINGER. The section reads in a way that we can not misunderstand it, I think. It reads:

SEC. 3. That there is hereby established a governmental control of necessaries which shall extend to and include all the processes, methods, activities of, and for the production, manufacture, procurement, storage, distribution, sale, marketing, pledging, financing, and consumption of necessaries—

Mr. President, there is a provision that the control of these matters shall be put into the hands of some man, and that that control shall include consumption. I think really that that word "consumption" ought to come out. The other provisions cover pretty much everything.

Mr. KENYON. If I had charge of the bill, I would have no objection to the elimination of that word; but I think the words in that clause are merely descriptive, because the "consumption of necessaries" enters into the control of necessaries. The Senator will observe that there are no penalties at all attached to that section. That section is merely a peg on which to hang other sections.

Mr. GALLINGER. I can not bring myself to believe that it is descriptive. I think it is absolutely imposed upon this individual to control those things; and among others is "consumption."

Mr. KENYON. That is a control that is limited by the other sections, I will say to the Senator from New Hampshire. Take the instance that was cited here: Suppose the food dictator, so called, says the Senator from New Hampshire shall eat but one meal a day. It has been advanced by the Senator from Mississippi that that could be done. That or anything of the kind is perfectly impossible under this bill. There is no penalty in connection with the provision regarding the consumption of necessities. The bill goes ahead and hangs up the legal question involved in sections relating to hoarding and licensing on section 3.

Mr. GALLINGER. That is the very reason why I think it ought to come out, because I think it is foolish, unnecessary, and that it could not be enforced even if there were a penalty.

Mr. KENYON. I do not believe it is necessary. The Senator must remember, however, that consumption may not refer entirely to eating; necessaries might be consumed in manufacturing.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. KENYON. I do.

Mr. KING. I dislike to interrupt the Senator; but with his permission, I should like to make a brief suggestion as a foundation for an interrogatory. In attempting to formulate a bill to cover this food situation it occurred to me that the wheat supply was the most important subject for consideration, and the investigations which I made showed that there will be produced approximately 650,000,000 bushels of wheat in the United States this year. The Senator from Iowa has said that the allies require perhaps 300,000,000 bushels of wheat.

Mr. KENYON. Five hundred million bushels.

Mr. KING. But 300,000,000 bushels probably from the United States.

Mr. NELSON. From America.

Mr. KING. I understood the Senator from Iowa to say from the United States. At any rate, the allies will require several hundred million bushels of wheat from the United States. Now, it is obvious that there is not sufficient wheat in the United States to answer the domestic demand and to furnish the amount which we must furnish our allies. It would seem therefore to be important that the wheat supply be acquired or controlled by the Government. I can see no constitutional objection to the Government requisitioning the wheat, paying, of course, the value of the same.

The point I was about to suggest to the Senator from Iowa was this: What objection would there be to a bill authorizing the Government to requisition all of the wheat produced in the United States? It could then furnish the allies 100,000,000 bushels or 200,000,000 bushels or whatever we determine can be spared; and the residue could be held in reserve for distribution to the American people, selling it to them at the same price the Government paid, plus the expenses to which the Government was put in requisitioning, handling, and making disposition of the same.

Now, a policy of that kind would not be subject to any constitutional objection, because, as it appears to me, the Government would have the constitutional power to requisition wheat as it has the constitutional power to requisition the powder or the copper or any other article essential for the prosecution of the war. If the Government should be authorized to acquire the wheat, it could requisition it in the warehouses, granaries, or other depositaries. A fair and just distribution of it could then be made to the States in proportion to their population or their necessities, and at prices that would be equitable and just.

May I make one other observation? It seemed to me that if that course could be pursued it would break down the arch that has been erected by the speculators, and other prices would conform to the price that the Government established, and the owners of other food products would conform their conduct and prices to meet the stabilizing results of the Government and its method of distribution and level of prices for fear that the Government might reach out its hands and requisition other food products and make like distribution. Now, why could not a plan of this kind be adopted rather than the one contemplated by this bill, which possesses so many complications, suggested here during its consideration?

Mr. KENYON. I will answer the Senator from Utah in this way: If he will read section 9 of this bill he will find that that exact proposition is covered, except as to requisitioning the wheat in the hands of the producers. Now, I think we must consider that. You can not do anything in this country to injure production. It is better that we have the things produced, no matter what the cost, than that we do not have them at all; and in enacting this bill we must be very, very careful that we do not injure production. Now, section 9 covers everything else that the Senator has suggested. Under that the President may buy the wheat; he may sell it to the allies, I think. Anyhow, he can buy it; he can requisition it.

Mr. KING. Does the Senator mean that it would interfere with production or stifle production for the Government to buy from the farmers all the wheat that they now have at a fair price?

Mr. KENYON. No; I did not understand the Senator in that way—that the Government was to buy it.

Mr. KING. Yes; the suggestion was for the Government to buy it. When I used the word "requisition," I meant, of course, to buy it.

Mr. KENYON. Does the Senator have in mind that the President should fix the price?

Mr. KING. Yes.

Mr. KENYON. I think it would injure production very much if it went out to the farmers of this country that anybody had the power to fix absolutely the price they were going to get. Now, we must be careful about that. This bill goes to the extent of giving the President power to fix a minimum guaranty, not a minimum price. Even that has affected the farmers' thought on this bill to some extent, who think it is a minimum price. It is not. It is a minimum guaranty, entirely for the purpose of stimulating production. England has been compelled to do that, and so has France. Recognizing that a nation does absolutely nothing sanely, and acting as sane men, to injure or decrease production, I am afraid the Senator's proposition would do that.

Mr. KING. Let me see if I understand the Senator. Do I understand the Senator from Iowa to contend that if it should go out—using his expression—to the farmers of the United States that the Government intended to purchase all of the wheat in the United States at a fair price—indeed, at a price that would give them a large profit, because the Government would be willing that they should have a large profit—it would have any tendency to interfere with production during the coming year?

Mr. KENYON. I certainly do. You must send out to the farmer, then, an assurance as to what his farm implements are going to cost, and fix some limit as to that. You have got to assure him about his labor, and all the things that he has to buy. If you are going to put a price on what the farmer raises, then you must put a price on what he buys.

Mr. KING. Let me ask the Senator this question: Is it not a fact that many of the farmers of the United States have already sold, or have made arrangements to dispose of the wheat crop for the current year?

Mr. KENYON. Oh, I assume that that is so to some extent. I do not know accurately as to this, however.

Mr. KING. What objection would there be to the Government buying the wheat instead of private individuals buying it? I believe that the farmers of the United States would be entirely satisfied with a fair price for their wheat, and that they would prefer to sell it to the Government for honest and fair distribution to the allies and to the people of the United States than to sell it to the food speculators, and have the food speculators rob the allies and rob the people of the United States.

Mr. KENYON. In other words, the farmers are just as patriotic, of course, as anyone else.

Mr. VARDAMAN. Mr. President, will the Senator from Iowa permit me to ask the Senator from Utah just one question?

Mr. KENYON. Certainly.

Mr. VARDAMAN. I want to ask the Senator from Utah whether his plan contemplates taking all of the wheat? Suppose the farmer did not want to sell all his corn or his wheat, but wanted to keep sufficient for his own family: Does the Senator's scheme comprehend taking all of the wheat and then distributing it back among the people?

Mr. KING. The plan which I suggested was that the Government buy all the wheat in the United States.

Mr. VARDAMAN. The corn and the meat, too?

Mr. KING. No; I was speaking only of wheat; and, of course, the plan suggested contemplated the retention by the farmers of sufficient for their own needs.

Mr. SHERMAN. Mr. President——

Mr. KENYON. That is virtually a maximum price, and I will say to the Senator that it has been a failure in every country that has tried it. It does not work, and I am afraid we would have vastly less wheat to distribute if we did anything of that kind.

Mr. WADSWORTH and Mr. McKELLAR addressed the Chair.

Mr. KENYON. Mr. President, I want to yield to every Senator, and I rather invited all of these questions; but I am through the discussion of the facts and do want to take up the law. However, I am going to yield to those who are now on the floor.

Mr. SMITH of Michigan. I will get up, then, so that the Senator may include me. [Laughter.]

Mr. KENYON. I yield first to the Senator from New York.

Mr. WADSWORTH. I thank the Senator for his generosity in this matter; and I know, of course, that we are prolonging his remarks beyond the time he has fixed for himself. But a very interesting little colloquy—and I can state it in about three sentences—has taken place between the Senator from Utah [Mr. KING] and the Senator from Iowa. May I put the question to the Senator somewhat in the form of a statement and wind it up with a question mark at the end?

The Senator from Iowa proposes that the Government shall have the power to requisition the wheat that is in the hands of the wholesaler and, of course, in doing that, fix the price. The Senator from Utah says that we ought to go further than that and have the power placed in the hands of the Government to requisition the wheat in the hands of the farmer, and, of course, fix the price when we do that. Would not either method have exactly the same result in fixing a maximum price to the farmer?

Mr. KENYON. I do not think so, though I know that quite an argument can be made that the price must be reflected back to the farmer, and I am not certain but that it might affect it to some extent. That is one of the troublesome things, to my mind, with regard to this bill.

Mr. SHERMAN. Mr. President——

Mr. KENYON. I yield to the Senator from Illinois.

Mr. SHERMAN. I wish to inquire if the same reasoning processes would not apply to sugar?

Mr. SMITH of Michigan. That is what I was going to ask.

Mr. SHERMAN. Would they not apply to both cane and beet sugar? And if so, how would that work out?

Mr. KENYON. I have no doubt the Senator from Illinois is going to answer that question himself after a while. He can do it better than I can.

Mr. McKELLAR. Mr. President, I want to ask the Senator this question: The Senator stated that the fixing of a maximum price has been a failure whenever tried. Will the Senator, for my information, please state what governments have fixed a maximum price, and whether they have entirely abandoned it?

Mr. KENYON. England endeavored to fix a maximum price.

Mr. McKELLAR. Did she actually fix a maximum price, and try it out?

Mr. KENYON. Yes.

Mr. WADSWORTH. France did.

Mr. KENYON. I have the documents here.

Mr. McKELLAR. I will state frankly to the Senator that I have no information on the subject, and I would like to know what the fact is. Did France try a maximum price?

Mr. KENYON. Yes.

Mr. McKELLAR. And has she abandoned it?

Mr. KENYON. She has abandoned it; yes.

Mr. McKELLAR. Has she abandoned it outright?

Mr. KENYON. And, as I understand it, England did the same thing.

Mr. McKELLAR. Has the Senator those laws?

Mr. KENYON. I have the English acts here, and orders of the board of trade and food controller. I shall be very glad to turn them over to the Senator.

Mr. McKELLAR. Did the Senator put them in the RECORD?

Mr. KENYON. I did not, because they are so extensive; but it shows every order that has been made by the food controller, and all orders of the board of trade and statutes relating to these matters. I shall be very glad to turn them over to the Senator.

Mr. McKELLAR. The reason why I ask the question is because I noticed in the morning's paper that it was rather apparent that the food controller in England is in some doubt as to what step to take next, and I was wondering just what England had done.

Mr. KENYON. I had intended to discuss that, and read from this record. I had a number of notations in regard to it; but time was flying so that I omitted it.

Mr. McKELLAR. I wish the Senator would give those citations.

Mr. KENYON. I may do it at another time. In the meantime, I shall be very glad to turn this over to the Senator if he wants to examine it.

Mr. McKELLAR. I thank the Senator very much.

Mr. SMITH of Michigan. Mr. President——

Mr. KENYON. I think the Senator was not one of those who was on the floor a while ago.

Mr. SMITH of Michigan. I was on my feet, but a little late. I was very much impressed with the suggestion made by the Senator from Utah [Mr. KING], and was prompted to ask this question:

If the price is fixed, and the requisitioning of the crop takes place, and it should turn out to be an unprofitable price to the farmer, one that brought him no return and left him in debt after he had gotten all that he could get, then next year, when the conditions perhaps may be more acute than this year, would he raise the requisitioned crop, or would he raise a profitable crop as to which he could deal in his own way with the consumer? Now, if he would not raise the requisitioned crop which has taken this year, and did raise the sugar beet, as the Senator from Illinois [Mr. SHERMAN] says, at a more profitable figure, the plan of the Senator from Utah would not be effective at just the time when this source of food supply was most needed. It is a very well known fact, I think, that wheat is not a very profitable crop. I do not know how it is in Iowa, but I think in Iowa they prefer to raise corn.

Mr. KENYON. We do not raise any large quantity of wheat.

Mr. SMITH of Michigan. No; but they raise a great deal of stock, and they use their corn to feed their stock. Now, in my State we raise large quantities of wheat, but we also raise large quantities of corn and of sugar beets and other products. The farmer whose wheat is requisitioned at an unfair price will, as a matter of necessity—and necessity begins at home—put such a crop in the ground next year as promises him at least a fair return; and he will not be unpatriotic in taking that course, because sugar may be as important to us as wheat. If it is, he is certain that with a little different kind of labor he can produce a crop which will pay him a much larger price.

Mr. KENYON. Mr. President, I want now to discuss the law of this matter just as briefly as I can. I am not responsible for taking so much time, because so many have spoken.

Mr. SMITH of Michigan. I hope the Senator will take all the time he wants.

Mr. KENYON. I want to offer at this time an amendment to section 9, and ask that it may lie on the table and be printed. It is to clear up the question as to whether that section permits the taking from the farmer of cereals in his hands.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. KENYON. I am not going to read from all of the cases or authorities I have. I am going to put them in the RECORD in the hope that perhaps somebody may look at them. Now, I want to talk about this bill and the Constitution.

Mr. WOLCOTT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Delaware?

Mr. KENYON. I do.

Mr. WOLCOTT. I just want to know if the Senator from Iowa still has the intention of discussing section 3?

Mr. KENYON. Yes; if I get a chance.

Mr. WOLCOTT. I will not interrupt the Senator. I want him to get it.

Mr. KENYON. Mr. President, I think there is very little disagreement as to what we want to do; and that brings us to the query, Does the bill do what we want it to do, and is it constitutional?

Whenever anybody refers here to the war powers of Congress, there seems to be an assumption that he is in favor of laying aside the Constitution, and we are always referred to the Milligan case. There are troublesome constitutional questions in this bill.

The Federal Government certainly has some incidental powers; and it is perfectly apparent that it has, if not a specific power, an incidental power to preserve its own existence. The Supreme Court has recognized certain incidental powers.

Where in the Constitution is the national power to charter a corporation? That was sustained in the very famous case of McCulloch *v.* Maryland (4 Wheaton. 316).

Where is the power to take land, by the Government, in a State by the right of eminent domain, which is sustained in Cole *v.* United States (91 U. S., 367)?

And by implication we learn the national inability to tax the salary of an official paid by one of the States, as held by the Supreme Court in Collector *v.* Day (11 Wallace, 113).

There is power that inheres in the United States as a sovereignty, and that certainly covers the power to sustain itself, as I have heretofore said.

There are certain war powers in the Constitution, and everything necessary to carry on a successful war is found in the Constitution. Emergency does not create new law. The Supreme Court, in the eight-hour-day case, has recently said, referring to the Milligan case, that—

Although an emergency may not call into life a power which has never lived, nevertheless emergency may afford a reason for the exertion of a living power already enjoyed.

And in sustaining the Adamson Act, in this case of Wilson against New, the Supreme Court took into consideration the emergency as calling into life powers that, perhaps, had been dormant.

Now, what are the war powers?

Article I, section 11:

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

Part of that comes into effect only when we declare war.

12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years.
13. To provide and maintain a Navy.
14. To make rules for the government and regulation of the land and naval forces.
15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.
16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

* * * * * * *

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof.

These are the war powers in the Constitution that enable us to do everything necessary, and, I think, everything that we are trying to do in this bill.

I ask to have inserted in the RECORD without reading it a part of the opinion in McCormick and others *v.* Humphrey, in Twenty-seventh Indiana, referring to these war powers of Congress.

The PRESIDING OFFICER. In the absence of objection, it is so ordered.

The matter referred to is as follows:

When Congress declares war, by that declaration it puts in force the laws of war, and the war powers of the Government, which are not to be exercised, under the Constitution, in time of peace, now come into full force by virtue of the Constitution, and are to be exerted by the President and Congress. After the declaration of war every act done in carrying on the war is an act done by virtue of the Constitution, which authorized the war to be commenced. Every measure of Congress and every Executive act performed by the President intended and calculated to carry the war to a successful issue are acts done under the Constitution, whether the act or the measure be for the raising of money to support armies or a declaration of freedom to fill their ranks and weaken the enemy; whether it be the organization of military tribunals to try traitors or the destruction of their property by the advancing army, without due process of law; and the validity of such acts must be determined by the Constitution.

Mr. KENYON. I have no trouble in abiding by the judgment set forth in the Milligan case, that—

The Constitution of the United States—

And we ought to read it often—

is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times and under all circumstances. No doctrine involving more pernicious consequences was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government.

I ask to place some extracts from that opinion in the RECORD.

The PRESIDING OFFICER. There being no objection, it is so ordered.

The matter referred to is as follows:

Time has proven the discernment of our ancestors; for even these provisions, expressed in such plain English words that it would seem the ingenuity of man could not evade them, are now, after the lapse of more than 70 years, sought to be avoided. Those great and good men foresaw that troublous times would arise, when rulers and people would become restive under restraint, and seek by sharp and decisive measures to accomplish ends deemed just and proper; and that the principles of constitutional liberty would be in peril, unless established by irrepealable law. The history of the world had taught them that what was done in the past might be attempted in the future. The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances. No doctrine, involving more pernicious consequences, was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism, but the theory of necessity on which it is based is false; for the Government, within the Constitution, has all the powers granted to it which are necessary to preserve its existence, as has been happily proved by the result of the great effort to throw off its just authority.

Mr. KENYON. We have had decided in our legal history a case where the principle involved was three times before the Supreme Court of the United States that goes to the very limit of the exercise of war powers under the Constitution that no one would ever dream of at other times. I refer to the Legal Tender cases. The first one is in Eighth Wallace, 603, and there the legal-tender act was declared unconstitutional. I think you would find very few lawyers, if the question were presented to them of the issuance of these legal-tender notes and making them payment for contracts already entered into, payable in something else, who would say that even under the stress of war a man could be compelled to take the credit of the United States. When the second Legal Tender case reached the Supreme Court (12 Wall., 529), the act was held constitutional. I want to read, just as bearing on this general question, an extract or two from that decision. The court says:

It would be difficult to overestimate the consequences which must follow our decision. They will affect the entire business of the country, and take hold of the possible continued existence of the Government. If it be held by this court that Congress has no constitutional power, under any circumstances, or in any emergency, to make Treasury notes a legal tender for the payment of all debts (a power confessedly possessed by every independent sovereignty other than the United States), the Government is without those means of self-preservation which, all must admit, may, in certain contingencies, become indispensable.

Mr. KING. Bad economics and bad law.

Mr. KENYON. My friend from Utah says it is bad law, but it has never been reversed.

Again, on page 551:

As in a state of civil society, property of a citizen or subject is ownership, subject to the lawful demands of the sovereign, so contracts must be understood as made in reference to the possible exercise of the rightful authority of the Government, and an obligation of a contract can extend to the defeat of legitimate Government authority.

* * * * * * *

Admit it was a hardship—

The court says, on page 552:

But it is not every hardship that is unjust, much less that is unconstitutional, and certainly it would be an anomaly for us to hold an act of Congress invalid merely because we might think its provisions harsh and unjust. * * * What we do assert is that Congress has power to enact that the Government's promises to pay money shall be, for the time being, equivalent in value to the representative of value determined by the coinage acts or to multiples thereof. It is hardly correct to speak of a standard of value. The Constitution does not speak of it.

I know there is a tendency to decry the Legal Tender cases, and possibly justly so, but it was a time of a great war emergency. Justice Bradley, in a concurring opinion, which is most illuminating, says, among other things, page 561:

In time of war or public danger Congress, representing the sovereign power, by its right of eminent domain, may authorize the President to take private property for the public use and give Government certificates therefor.

About as far as you could go with any kind of power.

This is largely done on such occasions. It is an indirect way of compelling the owner of property to lend to the Government. He is forced to rely on the national credit.

Further quoting:

It might subserve the present good if we should declare the legal-tender act unconstitutional, and a temporary public satisfaction might be the result. But what a miserable consideration would that be for a permanent loss of one of the just and necessary powers of the Government, a power which, had Congress failed to exercise it when it did, we might have had no court here to-day to consider the question nor a Government or a country to make it important to do so.

And that is right in point on taking over food. Food, which may be, in private life and when we are at peace, an absolutely private matter, when we are at war becomes charged with a public interest, because the Government can not exist unless soldiers are fed, and the soldiers can not be fed unless the Government has some power to take the things if necessary to feed them, so they are charged in a way with a public interest.

I will insert, I think, without reading, an extract on page 563 of this case, which I have marked.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

It is absolutely essential to independent national existence that government should have a firm hold on the two great sovereign instrumentalities of the sword and the purse, and the right to wield them without restriction on occasions of national peril. In certain emergencies government must have at its command not only the personal services—the bodies and lives—of its citizens, but the lesser, though not less essential, power of absolute control over the resources of the country. Its armies must be filled and its navies manned by the citizens in person. Its material of war, its munitions, equipment, and commissary stores must come from the industry of the country. This can only be stimulated into activity by a proper financial system, especially as regards the currency.

A constitutional government, notwithstanding the right of eminent domain, can not take physical and forcible possession of all that it may need to defend the country, and is reluctant to exercise such a power when it can be avoided. It must purchase, and by purchase command materials and supplies, products of manufacture, labor, service of every kind. The government can not, by physical power, compel the workshops to turn out millions of dollars' worth of manufactures in leather and cloth and wood and iron, which are the very first conditions of military equipment. It must stimulate and set in motion the industry of the country. In other words, it must purchase. But it can not purchase with specie. That is soon exhausted, hidden, or exported. It must purchase by credit. It can not force its citizens to take its bonds. It must be able to lay its hands on the currency—that great instrument of exchange by which the people transact all their own affairs with each other; that thing which they must have and which lies at the foundation of all industrial effort and all business in the community. When the ordinary currency disappears, as it often does in time of war, when business begins to stagnate and general bankruptcy is imminent, then the government must have power at the same time to renovate its own resources and to revive the drooping energies of the nation by supplying it with a circulating medium. What that medium shall be, what its character and qualities, will depend upon the greatness of the exigency and the degree of promptitude which it demands.

Mr. KENYON. Further quoting from page 564:

These are legislative questions. The heart of the Nation must not be crushed out. The people must be aided to pay their debts and meet their obligations. The debtor interests of the country represents its bone and sinew and must be encouraged to pursue its avocations. If relief were not afforded universal bankruptcy would ensue and industry would be stopped, and government would be paralyzed in the paralysis of the people. It is an undoubted fact that during the late Civil War the activity of the workshops and factories, mines and machinery, shipyards, railroads, and canals of the loyal States, caused by the issue of the legal-tender currency, constituted an inexhaustible fountain of strength to the national cause.

These views are exhibited, not for the purpose of showing that the power is a desirable one and therefore ought to be assumed, much less for the purpose of giving judgment on the expediency of its exercise in any particular case, but for the purpose of showing that it is one of those vital and essential powers inhering in every national sovereignty and necessary to its self-preservation.

But the creditor interest will lose some of its gold. Is gold the one thing needful? Is it worse for the creditor to lose a little by depreciation than everything by the bankruptcy of his debtor? Nay, is it worse than to lose everything by the subversion of the Government? What is it that protects him in the accumulation and possession of his wealth? Is it not the Government and its laws?

And so goes on the case.

The third legal-tender case was Julliard *v.* Greenman (110 U. S., 421). See pages 438, 493, and 440.

I desire to place in the RECORD a reference to the case of Miller *v.* The United States (11 Wallace) on the subject of constitutional limitations in time of war. It was a proceeding to confiscate stocks in a railroad company held by a person alleged to be a rebel, and the question of war powers is discussed. The court says, on page 304:

The Constitution confers upon Congress expressly power to declare war, grant letters of marque and reprisal, and make rules respecting captures on land and water. Upon the exercise of these powers no restrictions are imposed.

There is a very strong dissenting opinion on page 315.

The war powers of the Government have no express limitation in the Constitution, and the only limitation to which their exercise is subject is the law of nations.

This case applies entirely to the confiscation of the property of the enemy.

A most interesting case, if Senators would read it, on this subject is the United States against Gettysburg Electric Railway Co. The language of that case would do for a Fourth of July address. Here is a case of condemning the battle ground of Gettysburg. There is no power in the Constitution therefor, unless you get it from the war powers. The court practically said in that language that under the war power the Government had the right to take property to bury its soldiers. If so, can we not say that under the war power the Government has the right to take property to feed its soldiers? The principle is the same. The court says:

It results from the powers that are given, and it is implied because of its necessity, or because it is appropriate in exercising those powers. Congress has power to declare war and to create and equip armies and navies. It has the great power of taxation to be exercised for the common defense and general welfare. Having such powers, it has such other and implied ones as are necessary and appropriate for the purpose of carrying the powers expressly given into effect. Any act of Congress—

Listen to this—

which plainly and directly tends to enhance the respect and love of the citizen for the institutions of his country and to quicken and strengthen his motives to defend them, and which is germane to and intimately connected with and appropriate to the exercise of some one or all of the powers granted by Congress, must be valid.

* * * * * * *

The end to be attained by this proposed use, as provided for by the act of Congress—

That is, the condemnation of this property—

is legitimate and lies within the scope of the Constitution. The Battle of Gettysburg was one of the great battles of the world. The numbers contained in the opposing armies were great; the sacrifice of life was dreadful; while the bravery and, indeed, heroism displayed by both the contending forces rank with the highest exhibition of those qualities ever made by man. The importance of the issue involved in the contest of which this great battle was a part can not be overestimated. The existence of the Government itself and the perpetuity of our institutions depended upon the result. Valuable lessons in the art of war can now be learned from an examination of this great battle field in connection with the history of the events which there took place. Can it be that the Government is without power to preserve the land, and properly mark out the various sites upon which this struggle took place? Can it not erect the monuments provided for by these acts of Congress, or even take possession of the field of battle in the name and for the benefit of all the citizens of the country for the present and for the future?

Where is the power in the Constitution to do it? Nowhere, except as a war power.

Such a use seems necessarily not only a public use—

Now, listen—

but one so closely connected with the welfare of the Republic itself as to be within the powers granted Congress by the Constitution for the purpose of protecting and preserving the whole country.

Is the burying of soldiers as necessary for the preservation of the Nation as keeping the soldiers alive with food, and if we can find constitutional authority under the war power to condemn cemeteries in which to bury soldiers have we not the constitutional power to take over food supplies to keep soldiers alive, as the court says, for the welfare of the Republic?

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. KENYON. I was not through reading what the court said but I will gladly yield.

Mr. BORAH. I will wait then.

Mr. KENYON. I would like to read all this if I had time, and I recommend it to any Senators who are getting ready for the Fourth of July.

Mr. BORAH. I do want to ask the Senator a question right here.

Mr. KENYON. All right.

Mr. BORAH. I take it from what the Senator says that in all probability the Senator would not have written that opinion.

Mr. KENYON. I certainly would. I wish the ability was in me to write such an opinion.

Mr. BORAH. Then do I understand when the Senator referred to a Fourth of July speech it was not with any disrespect to the opinion?

Mr. KENYON. Not at all. I have known the Senator to make Fourth of July speeches, I have made a few myself, and I do not want to refer to them in a disrespectful way.

Now, I will read just a little more:

Such action on the part of Congress touches the heart, and comes home to the imagination of every citizen, and greatly tends to enhance his love and respect for those institutions for which these heroic sacrifices were made. The greater the love of the citizen for the institutions of his country, the greater is the dependence properly to be placed upon him for their defense in time of necessity, and it is to such men that the country must look for its safety.

* * * * * * *

The right to take land for cemeteries for the burial of the deceased soldiers of the country rests on the same footing and is connected with and springs from the same powers of the Constitution. It seems very clear that the Government has the right to bury its own soldiers and to see to it that their graves shall not remain unknown or unhonored.

No narrow view of the character of this proposed use should be taken. Its national character and importance, we think, are plain. The power to condemn for this purpose need not be plainly and unmistakably deduced from any one of the particularly specified powers. Any number of those powers may be grouped together, and an inference from them all may be drawn that the power claimed has been conferred.

I can not think of anything much stronger than that. I may be stupid about it, but where there is no power in the Constitution to condemn except as you draw it from all these war powers—the Supreme Court of the United States says that is enough—the Government has the power to take care of its soldier dead. It certainly must have the power to keep its soldiers alive by seeing that the food that goes to them is proper and sufficient.

Mr. BORAH. What I rose to say a moment ago was this: It seems to me that we might sustain this bill in its essential principles without appealing, as the court apparently there did, to the general-welfare clause upon the theory that Congress has power to raise and support armies. Certainly one means of supporting armies is to conserve the food, and under the provisions of the Constitution, which authorizes the passage of any law to carry into effect the power granted by the Constitution, it seems to me it might be very properly sustained. I ask the Senator if he does not think so.

Mr. KENYON. Of course there is no question about that.

Mr. BORAH. It has always seemed to me that the opinion which the Senator has been reading from is one of those opinions which are brought forth by reason of the peculiar exigency of the case. But it is not necessary. In other words, if I had to rely upon the doctrine of that opinion to support the proposed measure, I do not think I could support it.

Mr. KENYON. We do not have to rely upon that, of course. I was citing it to show to what extent we might go if necessary to sustain the pending bill. We do not have to do it.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. KENYON. I do.

Mr. KELLOGG. I should like to ask the Senator from Iowa if he has the slightest doubt of the power of Congress to commandeer men, wealth, food, transportation, property, or anything else in the country?

Mr. KENYON. Of course we have the power to conscript men. It is not taking life without due process of law. It is not a violation of the fifth amendment. We can conscript men and take their lives without infringing on the Constitution, and certainly we can take the property necessary to sustain the lives of those men without impairing the Constitution. There is no particular sanctity that surrounds property which does not surround life.

Mr. KELLOGG. Then we can do in a less degree what is necessary to conserve those things without taking them over bodily, can we not?

Mr. KENYON. Absolutely.

I was leading up to the next section, section 3. Section 3, it will be observed, has no penalty attached to it. I have regarded it more as a descriptive section. The purpose of section 3 was more to be found in these words than in any others:

And all such necessaries, processes, methods, and activities are hereby declared to be affected with a public interest.

Mr. WOLCOTT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Delaware?

Mr. KENYON. I do.

Mr. WOLCOTT. Is it the idea of the Senator that the language of section 3 might as well be put in the shape of a whereas? Just to enable me to get clearly the idea of the Senator, suppose the proposed statute started off with a recital—whereas it is deemed advisable to establish a control over necessaries, and whereas the things that are necessary are affected with a public interest: Therefore, be it enacted, and so forth—would the statute in that case express any more than the Senator states it expresses now?

Mr. KENYON. It would be expressive of everything that seems to me to be necessary for it to express on constitutional ground. I think the balance of the proposed statute is merely descriptive. I do not want to say it should not be there, but it covers a general description of what the bill is—the governmental control of necessaries.

Mr. WOLCOTT. I am impressed with the same idea the Senator has, namely, that section 3 confers no power except that in a very limited sense the President is authorized to make voluntary arrangements. What these are we do not know.

Mr. BORAH. The Senator refers to the language authorizing the President to make voluntary arrangements. He has that power without it.

Mr. WOLCOTT. We may eliminate that part of it.

Mr. KENYON. That part of the section is not necessary. It is a statement of policy and it does no harm.

Mr. WOLCOTT. So we have left in the section simply a sort of a declaration of the legislative state of mind.

Mr. KENYON. I think that is right; it is a legislative declaration that these things are affected with a public interest.

Mr. WOLCOTT. That might as well be in a whereas, might it not?

Mr. KENYON. Possibly it might.

Mr. WOLCOTT. I merely wanted to say, if the Senator would agree with us on that point, it could be placed anywhere else just as effectively.

Mr. KENYON. My judgment is that it could be just as well set out anywhere else. The public-interest question is the peg on which is hung section 5. Where these necessities are affected with a public interest, then I think you have a different rule as to the compensation therefor. If they are affected with a public interest, the rule of compensation is a legislative one and not a judicial one; and, besides, it gets away somewhat from the question of taking private property for public use. I do not think we can legislate and say that a stove is something else, or things of that kind; but I do believe that in war times this can be done as to food and other necessaries to carry on war and keep alive our Army and Navy.

Mr. BORAH. Can the mere fiat of legislation make something a public use that is not?

Mr. KENYON. No; but the Supreme Court has said, I think, practically this—at least it is what I have worked out in my own mind in the Munn case and the Boyd case and another one that has escaped my mind, a case that is better than either one of these—that certain things would merely be private property when there was no great emergency, as food and fuel; but where the emergency comes, such as war, then they become affected with a necessary public interest, and that goes to the very vitals of the Government. The Government can not live without them. They become in a way public, so that they can be regulated, so that they can be taken without offending the Constitution prohibiting taking private property for public use; and there is also a different rule as to compensation, as I said, it being a legislative question instead of a judicial one.

Mr. McKELLAR. Mr. President——

Mr. KENYON. I yield to the Senator.

Mr. McKELLAR. The Senator shows familiarity with this bill, and he has mentioned the fact once or twice that there was an absence of a penalty. Does the Senator consider the absence of a penalty to be important?

Mr. KENYON. If there was a penalty for these voluntary agents disobeying an order of the President I think it would be most unfortunate. This is a great voluntary organization that has to be built up of the women of the country, the children of the country, and everybody who will help in a patriotic way to save the waste in this country, which now amounts to $700,000,000 in the course of a year.

Mr. McKELLAR. That is a very laudable purpose, and I understand the President has that power now. But the reason why I asked that question was for the purpose of asking a second one, and that is, if the Senator will notice section 4, which prescribes quite a number of things as being unlawful, to wit:

To hoard * * * to conspire, combine, agree, or arrange with any other person, (a) to limit the facilities for transporting, producing, manufacturing, supplying, storing, or dealing in any necessaries; (b) to restrict the supply of any necessaries; (c) to restrict distribution of any necessaries; (d) to prevent, limit, or lessen the manufacture or production of any necessaries.

All of which is set out in this section and no penalty attached to them. Why should there not be a penalty? I am asking for information merely.

Mr. KENYON. I will say to the Senator the question of hoarding is covered by a subsequent section.

Mr. McKELLAR. I know that, but as to the rest?

Mr. KENYON. The destruction is covered by a penalty. The others are not covered by a penalty.

Mr. McKELLAR. Why the distinction?

Mr. KENYON. I do not know. I think they should be covered by a penalty or taken out.

Mr. McLEAN. If the Senator will pardon me, the Senator in charge of the bill called the attention of the committee to it and said that section 8 should be transposed so as provide penalties for the other provisions in section 4.

Mr. McKELLAR. There are quite a number of very important offenses created by the act without any penalty at all, and I

should think they may all be meaningless. Merely to call them unlawful would not be a very effective way to deal with those propositions.

Mr. KENYON. I agree with the Senator. I had supposed there was some general Federal statute fixing penalties when certain acts were declared to be unlawful, but after a very careful search I am unable to find any such provision. I asked a gentleman who has had something to do with this bill why the omission of penalty as to section 4, and the answer was not very satisfactory to me. He suggested that permitting willful waste and deterioration are difficult matters to interfere with and would arouse a great deal of irritation. So they were just left as a sort of proclamation of a policy. I do not agree with him.

Mr. McKELLAR. The Senator agrees with the idea that there should be an amendment which would fix a penalty for a violation of all these offenses set out?

Mr. KENYON. Absolutely; or else they should be taken out of the bill.

Mr. McKELLAR. Or else they should be taken out of the bill. I believe they ought to be left and a penalty affixed.

Mr. KENYON. I do, too.

Now, Mr. President, to get back to this troublesome section 3 that brings us right down to the proposition as to what the term "affected with a public interest" amounts to, whether Congress can make a declaration that certain things are affected with a public interest, whether Congress can take a blacksmith shop or a bakery or a clothing shop and say it is affected with a public interest. That is a pretty difficult proposition. I wish to put in the RECORD some authorities. I will say first Congress is authorized to make all laws necessary and proper to carry into effect a grant of power. And Congress has wide latitude in determining what is a public use. Such decision of Congress must not be merely arbitrary and without reason. Dillon on Municipal Corporations, fourth edition, page 600, says:

> When legislation has declared the use or purpose to be public, its judgment will be respected by the courts, unless the use be palpably without reasonable foundation.

That seems to be the rule. Whether under the circumstances in which this Nation is now placed these uses are without reasonable foundation will have to be a question first for Congress to settle, and if the question is raised later it will be for the courts to settle.

On the question of public necessity warehouses and storage of grain have a public interest.

Ownership of property may be private and the use public.

We find such terms as "public wharves," "public roads," "public houses," "public warehouses," even though the property is the subject of private ownership.

In the Munn case—Munn *v.* Illinois (94 U. S., 113)—which is a leading case along this line, in the brief of counsel is found this statement:

> Whenever any person pursues a public calling and sustains such relations to the public that the people must of necessity deal with him and are under a moral duress to submit to his terms if he is unrestrained by law, then, in order to prevent extortion and an abuse of his position, the price he may charge for his services may be regulated by law. (Commonwealth *v.* Duane, 98 Mass., 1; Murray's Lessee et al. *v.* Hoboken Land & Imp. Co., 18 Howard, 272.)

That is not the statement of the court; it is the statement of one of the attorneys in the case, but I believe it to be an accurate legal statement.

I wish to recur for a minute to the Munn case.

Let me make first these observations:

The Constitution contains no definition of the word "deprive" as used in the fifth and fourteenth amendments.

When one becomes a member of society, he necessarily parts with some rights or privileges which, as an individual not affected by his relations to others, he might retain.

Under powers of government, it has been customary in England from time immemorial, and in this country, to regulate ferries, common carriers, hackmen, bakers, millers wharfingers, innkeepers, etc., and the fixing of a maximum charge for services rendered, accommodations furnished, and articles sold.

Statutes of that kind can be found in most of the States.

Here in Washington Congress conferred power upon the city of Washington "to regulate the rates of wharfage at private wharves, the sweeping of chimneys, and to fix the rates of fees therefor, and the weight and quality of bread, rates of fare of carriages, rates of commission of auctioneers," on the theory that there was some public interest involved.

I want to read a little from the Munn case. In that case the court said:

> When private property "is affected with a public interest, it ceases to be juris privati only."
>
> These are the words of Lord Chief Justice Hale more than 200 years ago.
>
> * * * * * * * *
>
> Property does become clothed with a public interest when used in a manner to make it of public consequence and affect the community at large.

That is to say, things that may not be of public consequence in peace may become such in war.

If the property is devoted to public use, it is subject to public regulation.

The question arises whether the property in this bill is in any way devoted to public use.

On page 134 of the Munn case the court further says:

> Undoubtedly, in mere private contracts relating to matters in which the public has no interest, what is reasonable must be ascertained judicially.

The dissenting opinion in the Munn case, which arose over a statute of Illinois fixing storage charges on grain, makes plain some of the points at least that were in issue, because in that dissenting opinion the justice said:

> Whether the State can fix the compensation which an individual may receive for the use of his own property in his private business and for his services in connection with it. (P. 138, Munn case; 4 Otto.)

They discuss exactly what comes up in this bill.

> No magic in language, they say, which can convert a private business into a public one.
>
> A tailor shop would still retain its private character even though the State should declare it a public workshop.

Question of fixing rates for water and gas is akin to the proposition we are discussing.

It has been held that it is within the power of the legislature to regulate the price at which water shall be sold to one who enjoys a virtual monopoly of the sale. (Spring Valley Water Works *v.* Schottler, 110 U. S., 354.)

These things come within the scope of general legislation. So if these matters which we are trying to affect with a public interest can be brought by the circumstances within a rule of reason, then the rule of compensation is different, and then Congress has a right to regulate these matters the same as any public utility.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Oklahoma?

Mr. KENYON. I yield.

Mr. GORE. I think the point of distinction may be illustrated by this fact. The Munn case related to the public elevators in Chicago, elevators that were in the business of receiving and storing grain for private individuals and companies. Those public elevators would receive the grain of Jones, Smith, and Brown and hold it on their account, charging them for that service. The court held that those were public elevators and that those charges were subject to regulation by public authority.

There are in Chicago now private elevators. The owners and operators of those elevators do not receive and hold grain or store grain for the public. They buy the grain from Jones, Smith, and Brown before it is covered into these private elevators and cover it in on their own account and hold it in their own name and for their own purpose. Those are private elevators and are not subject to control or regulation by public authority. I think that clearly illustrates the point.

Now, as the Senator knows, in the recent case of Macfarland against the American Sugar Refining Co. the Legislature of Louisiana undertook to stamp the Sugar Refining Co. with the character of a public utility by declaring that they were affected with a public interest. Both the lower court and the Supreme Court of the United States held that that recital in the statute was a vain thing, that the legislature could not change the character of the business, that its character depended on the fact, that it was a matter of fact and not of law.

In those instances the refiners purchased the cane or the raw material and converted it into sugar on their own account. If they received the raw material from Brown, Smith, and Jones, and converted it into sugar for those parties, then it would undoubtedly be affected with a public character and would be subject to regulation.

The Senator will pardon me for interjecting this statement. I think probably it illustrates the difference between the two characters of property.

Mr. NELSON. Will the Senator yield to me?

Mr. KENYON. I yield to the Senator from Minnesota.

Mr. NELSON. There is a case entirely different from the Munn case. I can not give the exact title of it, but we know it in Minnesota as the Lanesboro Elevator Case. It was the case of an elevator company that refused to become a public elevator. We passed a law in Minnesota requiring every grain elevator in the State on the right of way of any railroad to take out a license and pay $1 to get it on the State book, so that we could regulate them. This elevator company refused to do it, and the Supreme Court held it was amenable to our law and was re-

quired to take out a license like the other elevators. They decided that every elevator on the right of way was a public market place where the farmers had to go and have their grain weighed and inspected. They put it on the principle of the market overt of Europe and held that it was subject to public control.

If the Senator will allow me to go one step further, I think this power that is sought to be exercised under the bill can be put on much stronger ground than that of the Munn case. It can be placed under the war-making power. Congress can operate and legislate under any of the powers conferred upon it. It can exercise it in connection with what we call the police power in carrying out one of the powers conferred upon Congress. I have a quotation here from Judge Cooley in his work on Constitutional Limitations to that effect.

It has time and again been decided by our Supreme Court, particularly in the Adair case, and also in other cases, that the right of personal liberty, the right to make a contract, is all subrogated to what we call the police power of the State; in other words, under the war-making power the Government of the United States has a right to exercise the police power, and the police power extends to everything that pertains to the life, the safety, and the well-being of the Republic. I put the right of this legislation upon that ground, rather than upon the principle laid down in the Munn case.

Mr. KENYON. Mr. President, I thank the Senator from Minnesota. I am trying to put the bill on a number of grounds. It would seem that if the storing of grain in an elevator is a public matter. the transportation and hoarding of grain would likewise be a public matter, and if the business of grain is affected with a public interest the production of foodstuffs and feed would be affected with a public interest.

Mr. CALDER. Mr. President——

Mr. KENYON. I yield to the Senator from New York.

Mr. CALDER. Mr. President, in view of an opinion of a distinguished ancestor of the Senator from Iowa, I am going, with his permission, to read from Lord Kenyon during the reign of King George.

Mr. KENYON. I think I will make a point of order on that. I want to interrupt to say that I never had an ancestor who was a lord. I do not want such a statement to go out to my people. [Laughter.]

Mr. CALDER. I desire to read from the distinguished Lord Kenyon in his charge to a jury in a very important case during the reign of King George. Parliament sought to repeal all the existing statutes relating to offenses of regrating, forestalling, and engrossing; but the courts of England, under the leadership of Lord Kenyon, held that, without the aid of statutes, regrating was an offense at common law. Among other things, in his charge to the jury, the distinguished gentleman, who bears the same name as does the Senator from Iowa, said:

> This cause presents itself to your notice on behalf of all ranks—rich and poor, but more especially the latter. Though in a state of society, some must have greater comforts and luxuries than others, yet all should have the necessaries of life; and if the poor can not exist, in vain may the rich look for happiness and prosperity. The legislature is never so well employed as when they look to the interests of those who are at a distance from them in the ranks of society. It is their duty to do so; religion calls for it, humanity calls for it, and if there are hearts who are not awake to either of those feelings, then, our interests would dictate it. The law has not been disputed; for though in an evil hour all the statutes which had been existing above a century were at one blow repealed, yet, thank God, the provisions of the common law were not destroyed. The common law, though not to be found in the written records of the realm, has long been well known. It is coeval with civilized society itself, and have been formed from time to time by the wisdom of man. Good sense did not come in with the conquest or any other time, but grew and increased from time to time with the wisdom of mankind. Even amongst the laws of Saxons are to be found many wise provisions against forestalling and offenses of this kind, and those laws laid the foundation of our common law; that is, remains an offense nobody has controverted.

Mr. President, the courts of England and our States in their statutes have followed the common law of England in this regard, and I am very glad to put into the RECORD at this time the judgment of so distinguished a gentleman as Lord Kenyon.

Mr. GORE. Mr. President——

The PRESIDING OFFICER (Mr. NORRIS in the chair). Does the Senator from Iowa yield to the Senator from Oklahoma?

Mr. KENYON. Of course, I yield to the Senator from Oklahoma, though I am anxious to get through.

Mr. GORE. I think it but pertinent to follow the statement which has been made by the Senator from New York [Mr. CALDER] with a suggestion. It is true that forestalling was a crime at common law before the Norman Conquest. Afterwards engrossing and regrating came to be offenses at common law and a number of statutes were passed reinforcing the common-law penalties in regard to the crime of engrossing, forestalling, and regrating.

In the year 1772 Parliament repealed those statutes, as suggested by the Senator from New York. Lord Kenyon did hold, however, that the acts were still offenses at common law, notwithstanding the statutes had been repealed; but in 1843 and 1844 the British Parliament abrogated the common law making those acts penal at common law. So they are to-day not offenses at common law.

Mr. KENYON. Mr. President, I wish to insert in the RECORD from the syllabus in the case of Budd *v.* New York (143 U. S., 517), the following:

> An act of the Legislature of New York (Laws of 1888, ch. 581) provided that the maximum charge for elevating, receiving, weighing, and discharging grain should not exceed five-eighths of 1 cent a bushel, and that in the process of handling grain by means of floating and stationary elevators the Lake vessels or propellers, the ocean vessels or steamships, and canal boats should only be required to pay the actual cost of trimming or shoveling to the leg of the elevator when unloading and trimming cargo when loading: *Held*, that the act was a legitimate exercise of the police power of the State over a business affected with a public interest and did not violate the Constitution of the United States and was valid.

In this connection let me observe—

If the elevation of grain in warehouses is a public matter, why is not the transportation and the hoarding of grain likewise public?

If the business of elevating grain is affected with a public interest, why is not the production of foodstuffs to feed an army affected with a public interest?

If the business is clothed with a public interest, what is reasonable compensation is not a judicial but a legislative question.

The question will be raised that this was the exercise of police power and that the Nation has no police power.

The Nation really has a police power such as under the interstate-commerce act it has power to keep the channels of interstate commerce free.

A number of cases are cited in Budd against New York, on pages 538 and 539, that are interesting, all following the line of the Munn case.

In Davis *v.* the State (68 Ala., 58) it was held—

> That a statute declaring it unlawful, within certain counties, to transport or move, after sunset and before sunrise of the succeeding day, any cotton in the seed, but permitting the owner or purchaser to remove it from the field to a place of storage, was not unconstitutional.

It was claimed—

> That the statute was such a despotic interference with the rights of private property as to be tantamount, in its practical effect, to a deprivation of ownership without due process of law.

But the court held otherwise, relying on Munn against Illinois. The court said:

> That the object of the statute was to regulate traffic in the staple agricultural products of the State so as to revent a prevalent evil, which, in the opinion of the lawmaking power might do much to demoralize agricultural pursuits to the public detriment, at least within the specified territory.

The court of appeals of Kentucky in Nash *v.* Page (80 Ky., 539, 545), held that the character of the business of the tobacco warehousemen was that of a public employment, subject to legislative regulation.

In Sawyer *v.* Davis (136 Mass., 239) the Supreme Judicial Court of Massachusetts said:

> That nothing is better established than the power of the legislature to make what are called police regulations, declaring in what manner property shall be used and enjoyed and business carried on, with a view to the good order and benefit of the communty, even though they may interfere to some extent with the full enjoyment of private property.

In Hockett *v.* the State (105 Ind., 250) the Supreme Court of Indiana held—

> That a statute of the State which prescribed the maximum price which a telephone company should charge for the use of its telephones was constitutional, and that in legal contemplation all the instruments and appliances used by a telephone company in the transaction of its business were devoted to a public use.

Hence the property was a legitimate subject of legislative regulation.

Then I want to refer—and I should like attention—to what I think is the most important case of all. I do not know whether or not the Senator from Minnesota [Mr. NELSON] has seen the case, though perhaps he has. It is on the question of public interest. I refer to the case of the German Alliance Insurance Co. against Lewis, Two hundred and twenty-third United States, page 389, on which I place reliance for the position I am taking, that foodstuffs and fuels can be affected with a public interest in times of war.

This was a statute regulating the price of insurance that could be paid. The question, of course, at once was raised that it was taking private property for public use, and that it was infringing on the Constitution, especially on the fourteenth amendment. The syllabus in this case, in part, says:

The business of insurance is so far affected with a public interest as to justify legislative regulation of its rates.

A public interest can exist in a business, such as insurance, distinct from a public use of property and can be the basis of the power of the legislature to regulate the personal contracts involved in such business.

Where a business, such as insurance, is affected by a public use, it is the business that is the fundamental thing; property is but the instrument of such business.

I want to read now just a short extract from this case, for I regard it as a most remarkable case. On page 411 the court says:

The cases need no explanatory or fortifying comment. They demonstrate that a business, by circumstances and its nature, may rise from private to be of public concern and be subject, in consequence, to governmental regulation.

That is the question that is involved in section 3. If we can under section 3 say that these necessaries are involved with a public interest, that sustains section 5, the licensing section, which is a very important section of the bill. They speak of the language of Judge Andrews in the case of The People against Budd but do not particularly indorse it.

Mr. KING. If the Senator will permit me to ask him a question, was not that case construing the interstate-commerce clause of the Constitution?

Mr. KENYON. No. This case involved the question of whether the statute of Kansas offends the fourteenth amendment to the Constitution fixing insurance rates. The opinion of the court continues:

Is the business of insurance within the principle? It would be a bold thing to say that the principle is fixed, inelastic, in the precedents of the past and can not be applied, though modern economic conditions may make necessary or beneficial its aplication. In other words, to say that Government possessed at one time a greater power to recognize the public interest in a business and its regulation to promote the general welfare than Government possesses to-day. We proceed then to consider whether the business of insurance is within the principle.

A contract for fire insurance is one for indemnity against loss and is personal. The admission, however, does not take us far in the solution of the question presented. Its personal character certainly does not of itself preclude regulation, for there are many examples of governmental regulation of personal contracts, and in the statutes of every State in the Union superintendence and control over the business of insurance are exercised, varying in details and extent. We need not particularize in detail. We need only say that there was quite early (in Massachusetts, 1837, New York, 1853) State provision for what is known as the unearned premium fund or reserve; then came the limitation of dividends, the publishing of accounts, valued policies, standards of policies, prescribing investment, requiring deposits in money or bonds, confining the business to corporations, preventing discrimination in rates, limitation of risks, and other regulations equally restrictive. In other words, the State has stepped in and imposed conditions upon the companies, restraining the absolute liberty which businesses strictly private are permitted to exercise.

Those regulations exhibit it to be the conception of the law-making bodies of the country without exception that the business of insurance so far affects the public welfare as to invoke and require governmental regulation. A conception so general can not be without cause. The universal sense of a people can not be accidental; its persistence saves it from the charge of unconsidered impulse, and its estimate of insurance certainly has substantial basis. Accidental fires are inevitable and the extent of loss very great. The effect of insurance—indeed, it has been said to be its fundamental object—is to distribute the loss over as wide an area as possible. In other words, the loss is spread over the country, the disaster to an individual is shared by many, the disaster to a community shared by other communities.

Further quoting, from page 413:

Their efficiency, therefore, and solvency are of great concern. The other objects, direct and indirect, of insurance we need not mention. Indeed, it may be enough to say, without stating other effects of insurance, that a large part of the country's wealth, subject to uncertainty of loss through fire, is protected by insurance. This demonstrates the interest of the public in it, and we need not dispute with the economists that this is the result of the "substitution of certain for uncertain loss" or the diffusion of positive loss over a large group of persons, as we have already said to be certainly one of its effects. We can see, therefore, how it has come to be considered a matter of public concern to regulate it, and, governmental insurance has its advocates and even examples.

The restrictions upon the legislative power which complainant urges, we have discussed; or, rather, the considerations which take, it is contended, the business of insurance outside of the sphere of the power. To the contention that the business is private we have opposed the conception of the public interest. We have shown that the business of insurance has very definite characteristics, with a reach of influence and consequence beyond and different from that of the ordinary businesses of the commercial world, to pursue which a greater liberty may be asserted.

Just one thing more on another branch of this question, namely, the exemption of farmers. In the case from which I have quoted the statute exempted farmers' mutual insurance companies, just as we exempt farmers in certain sections of this bill, and I have offered an amendment to section 9 to exempt the farmers, and that case holds that that is not arbitrary and that such an exemption can be sustained as being within the doctrine of a reasonable rule. Here we have a case where insurance, because of the losses which would be inflicted upon the people and the harshness which would result if one man should be compelled to bear them, becomes a matter of public interest subject to regulation. It seems to me, Mr. President, that pretty nearly settles the question involved in section 3. If it is within the power of the legislative body to go so far as to say that insurance against the burning of property is a matter of public concern, because the insurance spreads the loss over a number and does not put the loss on one, the taking over and regulating of food, coal, storing plants, and packing houses in time of war merely for one purpose, the public interest, is certainly sustainable. No one in this Chamber, I think, has any doubt in his mind—I said "in this Chamber"—that the Supreme Court will ever say that we can not in war times affect these things with a public interest and regulate them without violating the Constitution.

On the question of the exemption of farmers under this bill I also place in the RECORD extracts from the case of Ozan Lumber Co. against Union County National Bank of Liberty, in Two hundred and seventh United States, pages 251, 256, 257.

The extracts referred to are as follows:

The manufacturer of a patented article, who also sells it in the usual course of business in his store or factory, would probably come within the exception of section 4. He may be none the less a dealer, selling in the usual course of his business, because he is also a manufacturer of the article dealt in.

It is almost impossible in some matters to foresee and provide for every imaginable and exceptional case, and a legislature ought not to be required to do so at the risk of having its legislation declared void, although appropriate and proper upon the general subject upon which such legislation is to act so long as there is no substantial and fair ground to say that the statute makes an unreasonable and unfounded general classification, and thereby denies to any person the equal protection of the laws. In a classification for governmental purposes there can not be an exact exclusion or inclusion of persons and things. See Gulf, etc., Co. *v.* May, 165 U. S., 150, and cases cited; Missouri, etc., Co. *v.* May, 194 U. S., 267. We can see reasons for excepting merchants and dealers who sell patented things, in the usual course of business, from the provisions of the statute, and we think the failure to exempt some few others, as above suggested, ought not to render the whole statute void, as resulting in an unjust and unreasonable discrimination.

Mr. KENYON. The action was upon certain promissory notes which the defendant alleged had been given in payment of a patented article. Such notes not being executed upon a printed form as required by the statute of Arkansas.

The circuit court held the act in violation of the fourteenth amendment.

The question arose on the fourth section, excepting merchants and tailors who sold in the usual course of business.

The Supreme Court of the United States differed from the circuit court.

On the question of invading State rights—I am not going to take the time to read it, but I will place in the RECORD extracts from the cases of Pensacola Telephone Co. *v.* Western Union Telegraph Co. (96 U. S., p. 1) and Houston, and so forth, R. R. Co. *v.* United States (234 U. S., 342).

The extracts referred to are as follows:

Pensacola Telephone Co. *v.* Western Union Telegraph Co., 96 U. S., 1, 10, the court says: "The Government of the United States, within the scope of its powers, operates upon every foot of territory under its jurisdiction. It legislates for the whole Nation, and is not embarrassed by State lines. Its peculiar duty is to protect one part of the country from encroachments by another upon the national rights which belong to all."

"Wherever the interstate and intrastate transactions of carriers are so related that the government of the one involves the control of the other, it is Congress, and not the State, that is entitled to prescribe the final and dominant rule, for otherwise Congress would be denied the exercise of its constitutional authority, and the State, and not the Nation, would be supreme within the national field." (Houston, etc., R. R. Co. *v.* U. S., 234 U. S., 342. This quotation is found in vol. 215 Fed. Rep., p. 951.)

Mr. KENYON. On the question of the delegation of power of which we hear so much, and the suggestion that this bill proposes an unconstitutional delegation of power, I desire to refer to the case of Interstate Commerce Commission *v.* C. R. I. & P. Ry. (218 U. S., 88). This case is not particularly of interest. It is cited to bring to attention the point that Congress has given to the Interstate Commerce Commission the power to make reasonable rates. That is a delegation of power not against constitutional limitation.

I refer also to the case of St. Louis & Iron Mountain Railway *v.* Taylor (210 U. S., 281), in which the court discussed the safety-appliance act of March 2, 1893, and provision 5 thereof, referring to the American Railway Association and the Interstate Commerce Commission the power to designate and promulgate the standard height and maximum variation of drawbars for freight cars, and holds it is not unconstitutional as a delegation of legislative power.

The court said:

"It is contended that there is here an unconstitutional delegation of legislative power to the railway association and to the Interstate Commerce Commission. This is clearly a Federal question. Briefly stated, the statute enacted that after a date named only cars with drawbars of uniform height should be used in interstate commerce, and that the standard should be fixed by the association and declared by the commission. Nothing need be said upon this question except

that it was settled adversely to the contention of the plaintiff in error in Buttfield *v.* Stranahan (192 U. S., 470), a case which in principle is completely in point.'

In this connection I call attention also to the case of Buttfield *v.* Stranahan (192 U. S., 470, 496), which is a leading case.

This is a case with reference to the constitutionality of the tea-inspection act, approved March 2, 1897. The act will be found in the margin of the case.

It was claimed that the act of March 2, 1897, conferred authority to establish standards, and that such power is legislative and can not be delegated by Congress to administrative officers. The court says:

The claim that the statute commits to the arbitrary discretion of the Secretary of the Treasury the determination of what teas may be imported, and therefore in effect vests that official with legislative power, is without merit. We are of opinion that the statute, when properly construed, as said by the circuit court of appeals, but expresses the purpose to exclude the lowest grades of tea, whether demonstrably of inferior purity, or unfit for consumption, or presumably so because of their inferior quality. This in effect was the fixing of a primary standard and devolved upon the Secretary of the Treasury the mere executive duty to effectuate the legislative policy declared in the statute. The case is within the principle of Field *v.* Clark (143 U. S., 649), where it was decided that the third section of the tariff act of October 1, 1890, was not repugnant to the Constitution as conferring legislative and treaty-making power on the President, because it authorized him to suspend the provisions of the act relating to the free introduction of sugar, molasses, coffee, tea, and hides. We may say of the legislation in this case, as was said of the legislation considered in Field *v.* Clark, that it does not in any real sense invest administrative officials with the power of legislation. Congress legislated on the subject as far as was reasonably practicable, and from the necessities of the case was compelled to leave to executive officials the duty of bringing about the result pointed out by the statute. To deny the power of Congress to delegate such a duty would in effect amount but to declaring that the plenary power vested in Congress to regulate foreign commerce could not be efficaciously exerted.

I also cite the case of Field *v.* Clark (143 U. S., 649), construing the tariff act of October 1, 1890. In that case it was claimed that Congress conferred legislative and treaty-making power on the President because it authorized him to suspend the provisions of the act relating to the free introduction of sugar, molasses, coffee, tea, and hides. The Supreme Court held otherwise.

I also refer to the case of Union Bridge Co. *v.* United States (204 U. S., 364.)

The river and harbor act of 1899 provided for the removal or alteration of bridges which are unreasonable obstructions to navigation, after the Secretary of War has, pursuant to the procedure prescribed in the act, ascertained that they are such obstructions. This was held not unconstitutional either as a delegation of legislative or judicial power to an executive officer or as taking of property for public use without compensation.

I also cite the case in re Kollock (165 U. S., 526), where a question arose under the act of August 2, 1886, imposing a tax on oleomargarine. The act authorized the Commissioner of Revenue to make regulations describing the marks, stamps, and brands to be used. It was held that this involved no unconstitutional delegation of power.

In the case of Interstate Commerce Commission *v.* Goodrich Transit Co. (224 U. S., 194) found on page 943 of Federal Reporter, volume 215, it was held that—

The Congress may not delegate its purely legislative power to a commission, but, having laid down the general rules of action under which a commission shall proceed, it may require of that commission the application of such rules to particular situations and the investigation of facts, with a view to making orders in a particular matter within the rules laid down by the Congress.

Mr. President, during Washington's administration Congress authorized the President, when Congress was not in session, when public safety so required, to lay an embargo on all ships and vessels in ports of the United States.

Congress passed, during Adams's administration, an act suspending commercial intercourse between the United States and France, and providing that if France should disavow certain things before the next session of Congress, the President could remit and discontinue the prohibition. Those were not unconstitutional delegations of power.

Congress in 1806 passed an act making it unlawful to import into the United States from Great Britain or Ireland articles of which leather, silk, hemp, flax, and so forth, were parts. The operation of this act, not subsequently suspended by another act and the last act, gave to the President of the United States the power to suspend the operation of the act if in his judgment the public interest should require it. At this session we have passed an act authorizing the President to place an embargo on certain products.

So there have been all through the history of the Nation similar delegations of power, which did not authorize the President or anyone else to make laws, but simply, under the law, to act when a certain state of facts developed. In this connection I may refer to the act with reference to the importation of neat cattle, the operation of the act to be suspended by the Secretary of the Treasury whenever he should officially determine, and give public notice thereof, that such importation would not tend to the introduction or spread of contagious diseases. This act does not invest at present with the power of legislation. Legislative power is exercised when Congress declares that upon a named contingency prices shall be fixed. The President does not make any law with reference thereto. He merely acts under the law of Congress. He is the agent of Congress to ascertain the event upon which prices shall be fixed.

The true distinction (p. 693, 143 U. S., Field *v.* Clark) is between the delegation of power to make the law, which necessarily involves a discretion as to what it shall be, and conferring authority or discretion as to its execution, to be exercised under and in pursuance of the law.

The legislature can not delegate its power to make the law. We have not done so. The legislature may make a law to delegate a power to determine some fact or state of things upon which the law makes, or tends to make, its own action depend. This we have done. The question of delegation of power under section 12 is the most serious constitutional question in the bill.

Mr. President, I think I said, in reply to the Senator from Tennessee, that section 4 does not provide penalties for the commission of certain prohibited acts. That, it would seem, should be changed.

Section 5, it seems to me, is the all-important section of this bill. That section gives power to the President to license dealers in necessaries. I say that that section does not cover farmers. It gives no power to the President to take over any farm and license it, and I do not think there can be found in it language that sustains that view, although it has been stated that it did both before the committee and on the floor of the Senate. That section does compel the submission of reports. It does give the right to the President's duly authorized agents to enter the places of business of licensees. Does that violate the fourth and fifth amendments of the Constitution? There is no immunity granted in any way in this proposed statute. That could be done, but those who have drawn the statute seem to have preferred simply to rely on the barrier that could be raised by any citizen that he was not compelled to submit any reports that might criminate him, nor was he compelled to permit the search of his place of business for the purpose of securing criminating testimony. They are subjects which I think we should consider; but when we come to consider them, Senators, bear in mind, too, that the same section provides a penalty for those who willfully violate any of the provisions of the section. "Willfully" has a well-defined legal meaning. "Without legal excuse," I believe, would be a good definition, so that if reports are required, and a person claims that reports are being required that criminate him and he does not make these reports, when he comes to prosecution under this act he can simply say that he did not willfully do this, because he had a legal excuse, namely, his constitutional rights. So the situation is the same as if we wrote into this section the exception that the reports and searches must be such as do not violate the Constitution of the United States.

I place in the RECORD a few extracts on this question. In the case of Boyd *v.* United States (116 U. S., 616), on the question of producing books and papers and violating the fourth and fifth amendments, fifth section of the act of June 22, 1874, requiring the defendant to produce in court his private books, invoices, and papers, or else the allegations of the attorney to be taken as confessed, was held unconstitutional and repugnant to the fourth and fifth amendments to the Constitution.

The court held that—

It does not require actual entry upon premises and search for and seizure of papers to constitute an unreasonable search and seizure within the meaning of the fourth amendment; a compulsory production of a party's private books and papers to be used against himself or his property in a criminal or penal proceeding, or for a forfeiture, is within the spirit and meaning of the amendment. It is equivalent to a compulsory production of papers to make the nonproduction of them a confession of the allegations which it is pretended they will prove.

The court says that the two amendments are alike when the object of the search and seizure is to secure testimony against a person. In other words, compelling him to be a witness against himself, it is an unreasonable search and seizure.

A leading case on self-incrimination is Brown *v.* Walker (161 U. S.), summed up on page 609. The doctrine of the case may in brief be said to be this: Where there is immunity from punishment a person is not protected from testifying. If his testimony can not be used against him, then he must testify. There was a strong dissenting opinion rendered in this case.

The case of Wilson *v.* United States (221 U. S., 361) relates to the fourth and fifth amendments.

The fourth amendment protects a person from the compulsory production of private books and papers, but it does not extend to the corporate books.

If they are his private papers they could not be produced.

The correct doctrine is that the corporation books can not be withheld even though they might show the party guilty of a crime. But if one has the papers himself, as a private matter, he can withhold them if incriminating.

In the case of Weeks *v.* United States (232 U. S., 383), the general subject of the fourth amendment is discussed.

The court says:

> Personal property, personal security, and private property can not be invaded.
>
> It is to forever secure the people, their persons, houses, papers, and effects against all unreasonable searches and seizures under the guise of law.

This was the search of a man's house.

Query: Is there any difference in the law between house and place of business?

The house is more the man's castle than place of business, but the place of business could not be searched to secure incriminating evidence.

I quote from the case of Dent *v.* West Virginia (129 U. S., 114, 123–124), as follows:

> As we have said on more than one occasion, it may be difficult, if not impossible, to give to the terms "due process of law" a definition which will embrace every permissible exertion of power affecting private rights and exclude such as are forbidden. They come to us from the law of England, from which country our jurisprudence is to a great extent derived, and their requirement was there designed to secure the subject against the arbitrary action of the Crown and place him under the protection of the law. They were deemed to be equivalent to "the law of the land." In this country the requirement is intended to have a similar effect against legislative power; that is, to secure the citizen against any arbitrary deprivation of his rights, whether relating to his life, his liberty, or his property. Legislation must necessarily vary with the different objects upon which it is designed to operate. It is sufficient, for the purposes of this case, to say that legislation is not open to the charge of depriving one of his rights without due process of law, if it be general in its operation upon the subjects to which it relates, and is enforceable in the usual modes established in the administration of government with respect to kindred matters; that is, by process or proceedings adapted to the nature of the case. The great purpose of the requirement is to exclude everything that is arbitrary and capricious in legislation affecting the rights of the citizen. As said by this court in Yick Wo against Hopkins, speaking by Mr. Justice Matthews: "When we consider the nature and the theory of our institutions of government, the principles upon which they are supposed to rest, and review the history of their development, we are constrained to conclude that they do not mean to leave room for the play and action of purely personal and arbitrary power."

In the case of Commonwealth against Farmers and Mechanics' Bank, in Twenty-first Pickering, page 542, the question arose over a provision of the statutes providing for the appointment of bank commissioners, giving them power to visit the banks, to make inquiries concerning the conditions of the banks, and examine under oath all officers and agents of the banks, and punishment where the officer or agent refused, without justifiable cause, to appear and testify.

Held that the statute is not unconstitutional on the ground of its compelling the officers and agents of a bank to furnish evidence to criminate themselves; it imposes a penalty only upon those who "without justifiable cause" refuse to testify.

The court says:

> It will be presumed that the provision was to be taken with the implied exception that no one shall be obliged to criminate himself.

Further, the exemption is a privilege which each individual may claim or waive.

But the act used the term "without justifiable cause."

Declining to answer under protection of the constitutional privilege would plainly be a justifiable cause, so it would be as to section 5 of this bill.

In the case of Counselman against Hitchcock, in One hundred and forty-second United States, page 547, with which all lawyers are familiar, it was held that a party was not compelled to testify where he claimed it would criminate him.

The statute under question did not fully protect the party, and the court held—

> In view of the constitutional provision a statutory enactment to be valid must afford absolute immunity against future prosecutions for the offense to which the question relates.

There is no immunity clause in this bill, but two methods are left—one to have immunity, the other to let the barrier remain. The latter is here deemed the better.

In Billings against United States, in Two hundred and thirty-second United States, pages 261 and 282, the court says:

> It is also settled beyond dispute that the Constitution is not self-destructive. In other words, that the powers which it confers on the one hand it does not immediately take away on the other; that is to say, that the authority to tax which is given in express terms is not limited or restricted by the subsequent provisions of the Constitution or the amendments thereto, especially by the due-process clause of the fifth amendment.

I have tried to quote briefly from these decisions the parts that bear on the question.

In the case of Interstate Commerce Commission *v.* Brimson (154 U. S., 476, 477, and 478), the court said:

> We have before us an act of Congress authorizing the Interstate Commerce Commission to summon witnesses and to require the production of books, papers, tariffs, contracts, agreements, and documents relating to the matter under investigation. The constitutionality of this provision—assuming it to be applicable to a matter that may be legally intrusted to an administrative body for investigation—is, we repeat, not disputed, and is beyond dispute. Upon everyone, therefore, who owes allegiance to the United States or who is within its jurisdiction enjoying the protection that its Government affords, rests an obligation to respect the national will as thus expressed in conformity with the Constitution. As every citizen is bound to obey the law and to yield obedience to the constituted authorities acting within the law, this power conferred upon the commission imposes upon anyone summoned by that body to appear and to testify, the duty of appearing and testifying, and upon anyone required to produce such books, papers, tariffs, contracts, agreements, and documents, the duty of producing them, if the testimony sought and the books, papers, etc., called for relate to the matter under investigation, if such matter is one which the commission is legally entitled to investigate, and if the witness is not excused on some personal ground from doing what the commission requires at his hands. These propositions seem to be so clear and indisputable that any attempt to sustain them by argument would be of no value in the discussion. Whether the commission is entitled to the evidence it seeks and whether the refusal of the witness to testify or to produce books, papers, etc., in his possession is or is not in violation of his duty or in derogation of the rights of the United States seeking to execute a power expressly granted to Congress, are the distinct issues between that body and the witness. They are issues between the United States and those who dispute the validity of an act of Congress and seek to obstruct its enforcement. And these issues, made in the form prescribed by the act of Congress, are so presented that the judicial power is capable of acting on them. The question so presented is substantially, if not precisely, that which would arise if the witness was proceeded against by indictment under an act of Congress declaring it to be an offense against the United States for anyone to refuse to testify before the commission after being duly summoned, or to produce books, papers, etc., in his possession upon notice to do so, or imposing penalties for such refusal to testify or to produce the required books, papers, and documents. A prosecution for such offense or a proceeding by information to recover such penalties would have as its real and ultimate object to compel obedience to the rightful orders of the commission while it was exerting the powers given to it by Congress. And such is the sole object of the present direct proceeding. The United States asserts its right, under the Constitution and laws, to have these appellees answer the questions propounded to them by the commission and to produce specified books, papers, etc., in their possession or under their control. It insists that the evidence called for is material in the matter under investigation; that the subject of investigation is within legislative cognizance and may be inquired of by any tribunal constituted by Congress for that purpose.
>
> The appellees deny that any such rights exist in the General Government, or that they are under a legal duty, even if such evidence be important or vital in the enforcement of the interstate-commerce act, to do what is required of them by the commission. Thus has arisen a dispute involving rights or claims asserted by the respective parties to it. And the power to determine it directly, and as between the parties finally, must reside somewhere. It can not be that the General Government, with all the power conferred upon it by the people of the United States, is helpless in such an emergency and is unable to provide some method, judicial in form and direct in its operation, for the prompt and conclusive determination of this dispute.
>
> We do not overlook these constitutional limitations which, for the protection of personal rights, must necessarily attend all investigations conducted under the authority of Congress. Neither branch of the legislative department, still less any merely administrative body established by Congress, possesses or can be invested with a general power of making inquiry into the private affairs of the citizen.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. KENYON. I do.

Mr. BORAH. I should like to ask the Senator a question. Section 5 provides:

> That, from time to time, whenever the President shall find it essential to license the importation, exportation, manufacture, storage, or distribution of any necessaries—

What does the Senator understand by the word "necessaries" there?

Mr. KENYON. "Necessaries" is defined by section 1 of the bill.

Mr. BORAH. Yes.

Mr. KENYON. "Necessaries" are foods, feeds, fuel, and those things entering into their production.

Mr. BORAH. "And articles required for their production."

Mr. KENYON. Yes.

Mr. BORAH. Mr. President, if the section said "foods, feeds, and fuel" there would be something definite and ascertainable about it, but when it says "articles required for their production" it puts us upon a sea without rudder or compass.

Mr. KENYON. We are on that kind of a sea in a good many statutory enactments.

Mr. BORAH. One can not sit down himself and work out in his own mind how many things enter into the production of "foods, feeds, and fuel." "All articles which enter into their production," unquestionably, Mr. President, would include farm implements; it would include such clothing as is used in the ordinary walks of life in agriculture.

Mr. KENYON. No.

Mr. BORAH. Well, they are "necessaries."

Mr. KENYON. They do not enter into the production of "necessaries."

Mr. BORAH. But they do enter into the production, just as much, I venture to say, as many other articles which would be readily accepted as entering into the production.

Mr. WOLCOTT. The phrase is "required for their production," not "entering into their production."

Mr. BORAH. That would be still broader.

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. KENYON. I yield.

Mr. NELSON. I agree with the Senator from Idaho that the phrase is unfortunate; and I think if we should substitute the words "raw materials," then we would have it within well-defined limits. It would then read "and to facilitate the movement of foods, feeds, fuel, and the raw materials required for their production." I think that the term "raw materials" in such connection has a well-defined meaning in the courts. Then, it would not reach any of the commodities to which the Senator has referred—agricultural implements, binding twine, and the like of that. The raw material for flour would be wheat, and so on. That would make it clearer and limit its scope.

Mr. BORAH. It would make it clearer, but, in my judgment, the limitation would be manifestly unfair in its working. As the Senator who sits beside me [Mr. WOLCOTT] has suggested, the wording here is "and articles required for their production," which, in my judgment, would include almost everything that a farmer has to buy to run a farm.

Mr. KENYON. Does the Senator object to that?

Mr. BORAH. No; I do not, if it can be made definite; and I have an amendment on my desk to make it definite. The reason why I am anxious to have it definite is because the bill carries all the way through it the word "necessaries," and refers back, as the Senator from Iowa has said, to section 1 for a definition of the word "necessaries"; and when we get back to section 1 we have what, in my judgment, is such an indefinite description that it makes the entire bill nebulous and uncertain.

Mr. KENYON. I would be glad to consider with the Senator that amendment. The points which have been brought up show that the discussion has not been in vain.

Mr. WOLCOTT. Mr. President——

Mr. KENYON. I yield to the Senator.

Mr. WOLCOTT. I should like to ask the Senator for his views as to another phase of section 5. Does not the Senator think that under section 5 there is the power to regulate the prices—to name the prices at which necessaries as defined in the bill may be bought and sold by certain classes?

Mr. KENYON. Just what does the Senator mean by that? Can he give me an illustration?

Mr. WOLCOTT. I will take, for illustration, an elevator man who buys quantities of wheat. Has not the President, under section 5, the power to specify at what figure he shall sell his wheat?

Mr. KENYON. I can not answer that "yes" or "no." The President would have the power, for instance, to require licenses——

Mr. WOLCOTT. Yes.

Mr. KENYON. And then to make rules and regulations for the licensee. If he finds that the rates being charged by the licensee are unreasonable, unfair, and discriminatory, he can issue an order providing what will be a reasonable rate.

Mr. WOLCOTT. Then, it is true that the President is constituted a tribunal before whom is brought the question of what is a reasonable price for these commodities in certain hands?

Mr. KENYON. I think so; just the same as the Interstate Commerce Commission so acts in cases within its jurisdiction.

Mr. WOLCOTT. Then, let me go a step further——

Mr. KENYON. I want to say that that does not apply to the farmer or the gardener or the producer.

Mr. WOLCOTT. No; I said, "in certain hands." I except the farmer.

Mr. KENYON. After it leaves their hands, the provision may apply.

Mr. WOLCOTT. It applies to the manufacturer and the retailer; but if the term "necessaries" is so broad as to include steel, as the Senator indicated by an expression this morning he thought it did, then the President has power under section 5 to fix the price of steel, has he not?

Mr. KENYON. I am inclined to think so. There is, however, opportunity for great differences of opinion on that question.

Mr. WOLCOTT. And unquestionably he has the authority to fix the price of coal and other fuel, and so on, and so on.

Mr. KENYON. I think so. I wish somebody would fix it.

Mr. WOLCOTT. Does not the Senator think it wise that there should, as suggested by the Senator from Idaho [Mr. BORAH], be a more accurate definition of the term "necessaries," so that we may know just what we are embracing in the terms of this bill?

Mr. KENYON. I am not prepared to say. My judgment is that the powers conferred by this bill will never be exercised; that the very enactment of the bill will end these troubles. I may be dreaming about that, but personally, speaking only for myself—because in this instance each member of the committee can only speak for himself—I see no objection to a more specific definition. I think in the other House there was some objection when the words "clothing and shoes" were originally included. My platform as to this matter is simply this: That nobody ought to make unreasonable profits out of this war, and that if we can not some way stop that being done, we had better resign and go home and let some one else try it.

Mr. WOLCOTT. I quite agree with the Senator; I am quite in harmony with that view.

Mr. BORAH. We can arrange that when we come to the tax bill, if we will just do it. We can then get at the profits.

Mr. KENYON. Oh, yes; I am with the Senator on that, too.

Mr. WOLCOTT. I should like to ask the Senator another question.

Mr. KENYON. The people who have made millions and hundreds of millions in the last few years ought to have a very substantial tax levied upon them. I suggested here one day that the tax be increased——

Mr. VARDAMAN. Has the Senator any hope that that is going to be done by Congress?

Mr. KENYON. We are going to stand here and fight for a long time to see if it can not be done.

Mr. VARDAMAN. I am very much in sympathy with the Senator's position on that.

Mr. KENYON. I happened to say one day here that we ought to conscript all incomes over $100,000 in this country during the war, and some of these papers immediately said that that bordered close on to treason, because "it disturbed conditions in this country." If those of tremendous wealth in this country do not bear the heavy part of this war burden it "will disturb conditions in this country." That is true as Holy Writ.

Mr. VARDAMAN. Why did the Senator want to make it $100,000? Why not cut it down to $50,000? That would not hurt a good many people. It would not affect a great many people.

Mr. WOLCOTT. Mr. President, may I ask the Senator one other question?

Mr. KENYON. Yes.

Mr. WOLCOTT. Section 3 establishes a governmental control of necessaries. This control extends to a control over the consumption of necessaries. Now, section 5 provides that—

> The President is authorized to prescribe such regulations governing the conduct of the business of licensees as may be essential to prevent uneconomical manufacture and inequitable distribution of necessaries, and otherwise to carry out the purposes of this act.

One of the purposes of the act is to exercise control over consumption. Does the Senator think there is any danger in the view that section 5, by tying in with section 3, might establish an authority to regulate in some way the consumption of food?

Mr. KENYON. I have not thought so; but if there is danger of that I should be one of those who would favor striking out the consumption feature of section 3. I do not think it is of any practical importance, anyhow.

Mr. WOLCOTT. I do not think it is, either.

Mr. KENYON. I think it is merely descriptive, and it raises so much trouble in the discussion that it might as well go out.

A question that has troubled me, also, along this line is that we do compel a person to sell his product to some one else. That may raise a serious constitutional question as to whether you are taking private property for public use; but whatever there may be to that the selling is merely incidental to the purposes of the bill. We have compelled the selling of stocks owned by companies, as in the Northern Securities Co. case.

I want to put in a decision or two under the question of taking private property, of police power, whether it exists as to the National Government, and also one decision on the constitutionality of the revolving-fund theory.

The PRESIDING OFFICER. In the absence of objection, the matter referred to will be printed in the RECORD.

The matter referred to is as follows:

QUESTION OF PRIVATE PROPERTY TAKEN FOR PUBLIC USE.

This question is discussed in Union Bridge Co. v. United States (204 U. S., 390):

"The point is made that the incidental consequence of the lawful and proper exercise of a governmental power in taking of private property for public use without compensation. It is damnum absque injuria."

See also language of the court on page 399.

In Northern Securities Co. v. United States (193 U. S., 197) the decree of the court provided for "enjoining the holding company from voting such stock and from exercising any control whatever over the acts and doings of the railroad companies, and also to enjoin the railroad companies from paying any dividends to the holding corporation on any of their stock held by it." In other words, they compelled the sale of the stock. Many statutes have provided for the forfeitures of property shipped in interstate commerce, such as under the pure food and drug act. (See Hipolite Egg Co. v. United States, 220 U. S., 45.)

On the question of police power in Hoke v. United States (227 U. S., 308; found in 239 U. S., 514) the court said:

There, after stating that "if the facility of interstate transportation" can be denied in the case of lotteries, obscene literature, diseased cattle and persons, and impure food and drugs, the like facility could be taken away from "the systematic enticement of and the enslavement in prostitution and debauchery of women," the court concluded with the reassertion of the simple principle that Congress is not to be denied the exercise of its constitutional authority over interstate commerce, and its power to adopt not only means necessary but convenient to its exercise, because these means may have the quality of police regulations. (227 U. S., 322, 323; see Gloucester Ferry Co. v. Pennsylvania, 114 U. S., 196, 215; Hipolite Egg Co. v. United States, 220 U. S., 45, 57; Lottery case, 188 U. S., 321.)

REVOLVING FUND.

The question of the revolving fund being contrary to subdivision 7, section 8:

"No moneys shall be drawn from the Treasury but in consequence of appropriation made by law."

Knote v. United States (95 U. S., 149) holds that the constitutional provision applies only to moneys which are actually in the Treasury and not to moneys which remain under the control of the President.

The "revolving-fund" principle is not new.

We have it in Forest Service (37 Stat., 828); Alaskan Railway (38 Stat., 1145); the United States Reclamation Service (33 Stat., 1032); United States Revenue-Cutter Service (30 Stat., 604).

Mr. KENYON. Mr. President, I thought I was discussing this matter rather hurriedly, but I am not responsible for all the time that has been taken.

Mr. BORAH. I think the Senator has done us a favor by occupying the time. We are glad to hear from somebody who will discuss this bill.

Mr. KENYON. My purpose has been to throw whatever light I could on the bill. I want to say, as to section 9, that I am offering an amendment to that section which makes it clear that it does not cover the farmer or the gardener or the producer. I have emphasized before, and I can not emphasize too much, that we must not do anything here to injure the producers of this country. The farmers are willing to go and till their fields at a loss, if it becomes necessary, to support our armies or our navies. Such conditions have not as yet been reached. There are no more patriotic lot of people in the world. What we need is more production and still more production. If we fix a maximum price for the farmer, we are going to injure production. Now, there is not any doubt about it; and it is not fair to the farmer unless you go ahead and fix a maximum price on everything that he has to buy. The farmer is not wanting in patriotism; and I am not pleading for the farmers as a class. I am pleading, on the great question of public policy, that we must have the foodstuffs produced. I do say there must be a "square deal" for the great producing classes of the country. The more we can stimulate production in this country the sooner these questions will be solved.

Mr. BORAH. Mr. President, if this bill results through the license process in fixing the price at which the middleman may sell the product, must it not inevitably fix the price of the farmer?

Mr. KENYON. I do not believe so, though I have been troubled a great deal about that question. There are so many of these obstacles between the producer and the consumer, so many of these middlemen. Now, you fix the price; you say that certain middlemen shall not charge over so much. That will have some effect, as it gets near to the farmer. If it is the immediate purchase from the farmer it will have a great deal of effect; but if it is on down the line, that is another matter. Now, I do not believe the farmers got over $1.34 or $1.50 for their wheat last year. I will ask the Senator from Minnesota about that. They were not getting more than that out of the last year's crop, were they?

Mr. NELSON. The average price the farmer received out of the last year's crop has been variously estimated from $1.50 to $1.60.

Mr. KENYON. Yes.

Mr. NELSON. And yet wheat went up here in the early part of April, under speculation, to $3.33.

Mr. KENYON. Yes.

Mr. BORAH. Exactly; but the price which the farmer got was paid several months before that.

Mr. KENYON. Well, suppose the farmer got his price several months before that? You come along to a great lot of hoarded stuff which has gone up in price. If you take that and fix a price on it, do you think you are affecting the farmer?

Mr. BORAH. Suppose we take the packing houses and fix the price at which they can dispose of their product. Is there any possible doubt that that will fix the price at which they will purchase the animal from the farmer?

Mr. KENYON. Oh, well, the packing houses have robbed the farmers all of these years, and they will keep on robbing them if they can. They always have done it, and they always will attempt to. The Government under this bill may take over the packing houses.

Mr. BORAH. But the point with me is this: We say that this is not to fix the price for the farmer or the producer, and not to injure the producer. Now, I do not believe it is within the compass of the human mind to adjust prices and fix them for the men standing between the farmer and the consumer without at the same time materially affecting, if not actually fixing, the price which the producer will get for his product.

I think that is inevitable; and if we are going to deal with this price-fixing proposition at all I think we have got to come to the question of fixing a price not only for the farmer but fixing a certain price. As Mr. Hoover says in one instance, it is the only workable proposition which they have ever had in Europe; because when you say that you are not going to fix the price of the product of the farmer and turn around and fix the price at which the man who is dealing with it sells it, you do fix the price of the farmer.

Mr. HARDING. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. KENYON. I yield to the Senator.

Mr. HARDING. I want to ask either of the Senators on the floor if it is not the intention of this bill that the Government shall become the sole and exclusive purchaser of food grains, and in that way fix the price to the farmer?

Mr. KENYON. Oh, no; I think not. I think the suggestion of the Senator might possibly be pertinent as to wheat, which is the one thing for which there is a great export demand, and where there is something of which a large amount is exported the Government possibly might be able to do that by purchase. But you take the corn supply, with 3,000,000,000 bushels, and it is an impossible proposition.

Mr. HARDING. I have gotten the impression that the object of this bill was to enable the Government to enter into the purchase of wheat in particular for both the allies and our own Army supply and for our civilian use.

Mr. KENYON. Section 9 gives that power.

Mr. BORAH. I do not think we ought to mislead ourselves or mislead the country, and I know we will not do it intentionally; but the country ought to understand, it seems to me, that this is going to result in the fixing of prices all along the line, if you fix a price anywhere along the line. You can not stop the business world and fix a price at a certain point and say that the prices beyond that and the prices below that will fix themselves. The very moment you fix the price anywhere in the transaction, you must necessarily fix the price all along the line.

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. KENYON. Yes.

Mr. NELSON. As I understand it, but I am not clear, this is not an absolute price fixing. It simply amounts to this: At whatever price the retailer succeeds in buying the stuff, either from the farmer or the jobber or the manufacturer, it is simply to regulate what percentage would be a reasonable profit upon the sale. It is not to say at what rate, absolutely, he shall sell it; but it is simply to say, "If you pay so much for this commodity when you buy it, either of the commission man or the manufacturer or the farmer, you shall only get such a percentage of profit"—25 or 30 per cent, or whatever it may be. It is not an absolute price fixing.

Mr. KENYON. That is, the President would have the power to do just as the Senator from Minnesota has said. He would have the power to say to the elevator man, "Your profit shall be so and so," and to the miller, "Your profit shall not exceed so and so." Now, he has that power under this bill.

Mr. BORAH. And then the elevator man and the mill man will say to the farmer, "Your profit shall be so and so," and they have the right and the power to say it under this bill. The very moment you start in to say that you shall have such and such a profit, you inevitably, under the laws of business

and of trade, fix the price of the other men with whom you are dealing.

Mr. KENYON. There is, of course, something in that, though it is not clear to me how the elevator man could enforce any such thing as to the farmer. You have got to rely now on the President, or whoever is to be food controller, to see that the interests of the producing classes are not affected; and he has got to make a price that is going to enable the farmer, the gardener, the producer, to raise his stuff without loss. If the President does not do that, we have involved this country in a terrible condition. There is no doubt about that. I am willing to rely on Mr. Hoover's doing that.

This is a time when we must rely on others to a large extent. We are relying on our Army and Navy, on our President, and on each other to do the right and patriotic thing.

Mr. BORAH. Mr. President, I have a very profound respect for Mr. Hoover and for what he has done, and I have no doubt in the world of his great desire to serve in this situation; but I do doubt Mr. Hoover's ability to annul the laws of supply and demand and to change the laws of business as they have built themselves up inevitably out of human character for the last thousand years. I do not believe that can be done.

I have no doubt Mr. Hoover will do the very best he can under the circumstances, and I think the President did exactly right, if he was going to select anybody to execute this law, in selecting Mr. Hoover; but I do not want to be placed in the position of voting for a measure which has gone to the country and to my constituents, most of whom are farmers, as a measure which will not affect them at all, which will leave them in full power to charge what they see fit, when I know as well as I know anything that this measure, if it is carried out, will fix the price of their products.

Mr. KENYON. Well, how would the Senator regulate these excessive profits? In any way but by taxation, or would he let them alone?

Mr. BORAH. There are a number of ways in which you can regulate excessive profits; but I do not flatter myself at all that you can enter into the regulation of these things and exempt the farmer. I think where the mistake has been made for the purpose of giving this bill standing has been in sending out to the country the statement that the great agricultural classes are not going to be affected by it. We had infinitely better say to them: "This is a crisis. It is a situation where you must take your chances with the rest of the economic world. We will protect you in so far as we can; but when we enter into the economic world and undertake to change the laws which fix trade and fix prices, you must understand that you will be affected just the same as the rest of us."

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator for just a moment?

Mr. KENYON. I was going to stop at this point, but I will yield to the Senator from Oregon.

Mr. CHAMBERLAIN. I do not believe that I place the same construction on section 5 that the Senator does. I believe he takes the position that section 5 permits the Government or the executive department to place the price on the commodities mentioned in section 5. I do not so understand section 5, and I do not think it was the purpose of the framer of the bill to give that power to the executive department.

The Senator will notice that section 5 has reference to the licensing of the importation, exportation, manufacture, storage, or distribution of any necessaries. That is the purpose of the section. Farther down, in line 16—

> The President is authorized to prescribe such regulations governing the conduct of the business of licensees as may be essential to prevent uneconomical manufacture and inequitable distribution of necessaries and otherwise to carry out the purposes of this act.

That is limited to carrying out——

Mr. KENYON. Now, will the Senator read the top of page 5?

Mr. CHAMBERLAIN. Just a moment. I am coming to that now. At the top of page 5, to which the Senator calls attention, it says:

> Whenever the President shall find that any rate, charge, or practice of any licensee is unjust, or unreasonable, or discriminatory and unfair, or wasteful, and shall order such licensee, within a reasonable time fixed in the order to discontinue any such unjust, unreasonable, discriminatory and unfair, or wasteful rate, charge, or practice.

Mr. KENYON. What is the charge, except what it sells for?

Mr. CHAMBERLAIN. I have construed that section to apply particularly to the methods of carrying on the business and the distribution of the commodities and the rate of storage charged. The word "price" is not anywhere mentioned in that section.

Mr. KENYON. No; that is true.

Mr. CHAMBERLAIN. My view of that is that it simply regulates the business under a license system. The license can be withheld or granted, as the President sees fit. Now, the matter of regulating the prices of steel and other commodities that the Senator is anxious to control—and I am in accord with him in the hope that they may be regulated—comes under another section, where the President is authorized, for instance, to take charge of a plant and operate it if the charges are unjust; or he can buy and store wheat and other commodities for the purpose of selling them at a reasonable price. I think that those subsequent sections are the sections which fix the price, and that section 5 only fixes the regulation for the conduct of the business. I may be mistaken in my construction of it, however.

Mr. JOHNSON of California. The Senator refers to section 9.

Mr. CHAMBERLAIN. Section 9, I think, and section 11.

Mr. KENYON. Section 10 is the one that gives the power to take over factories and mines, but I understand that is a section that Mr. Hoover feels is not at all essential to this bill. I am inclined to think it a very important section.

Mr. CHAMBERLAIN. If the President found, for instance, that a steel company was charging an unjust rate for a commodity that the Government needed to carry on the war, he could take charge of the company's plant and operate it.

Mr. KENYON. What does the Senator mean by "an unjust rate"?

Mr. CHAMBERLAIN. An unjust rate for storage.

Mr. KENYON. Is not that what the licensee is charging for what he is selling or manufacturing? If he is unjust about it, it is because his charge is too high, or it is discriminatory; and so the President makes the rule, just like the Interstate Commerce Commission. My thought is that it is just the same as the Interstate Commerce Commission.

Mr. CHAMBERLAIN. I draw a distinction between a rate and a price.

Mr. KENYON. I see. There is confusion in the words used. This should be cleared up.

Mr. CHAMBERLAIN. The Senator will notice, on reading that over carefully, that it has reference to the storage and the distribution and the manufacture of a commodity, but it does not undertake to fix the price. Now, if these concerns that are licensed should undertake to distribute all of their imported product to one concern, for instance, so that a monopoly might be built up, or if they undertook to unfairly distribute it in any way, the license would control them.

Mr. KELLOGG and Mr. BORAH addressed the Chair.

Mr. KENYON. I want to give up the floor at this point. I have been on my feet for nearly five hours and, with this oppressive heat, I am somewhat wearied.

Mr. CHAMBERLAIN. I simply wished to suggest that that was the view I had of this section.

Mr. BORAH. Mr. President, I should like to ask the Senator from Oregon a question.

Mr. KENYON. The Senator does not want to ask me the question?

Mr. BORAH. No.

Mr. KENYON. I want to say that I have given careful study to section 5 and have reached the conclusion, as I have suggested here, that it gives the President practically the same kind of power that we are giving to the Interstate Commerce Commission over any of the matters for which he may require a license.

That is all I care to say about the bill, Mr. President. I did not mean to take so much of the time of the Senate, but I have been interrupted so many times that I am not entirely to blame. I am glad that Senators have been willing to remain here and listen and offer suggestions.

Mr. BORAH. Mr. President, I desire to ask the Senator from Oregon [Mr. CHAMBERLAIN] a question in regard to section 5.

This section says:

> That, from time to time, whenever the President shall find it essential to license the importation, exportation, manufacture, storage, or distribution of any necessaries, in order to carry into effect any of the purposes of this act, and shall publicly so announce, no person shall, after a date fixed in the announcement; engage in or carry on any such business specified in the announcement of importation, exportation, manufacture, storage, or distribution of any necessaries as set forth in such announcement, unless he shall secure and hold a license issued pursuant to this section. The President is authorized to prescribe such regulations governing the conduct of the business of licensees as may be essential to prevent uneconomical manufacture and inequitable distribution of necessaries and otherwise to carry out the purposes of this act. Such regulations may also include requirements for the issuance of licenses and requirements for systems of accounts and auditing of accounts to be kept by licensees, submission of reports

by them, with or without oath or affirmation, and the entry and inspection by the President's duly authorized agents of the places of business of licensees. Whenever the President shall find that any rate, charge, or practice of any licensee is unjust, or unreasonable, or discriminatory and unfair, or wasteful, and shall order such licensee, within a reasonable time fixed in the order to discontinue any such unjust, unreasonable, discriminatory and unfair, or wasteful rate, charge, or practice, thereafter unless such order is revoked or suspended, such licensee shall, within the time prescribed in the order, discontinue such unjust, unreasonable, discriminatory and unfair, or wasteful rate, charge, or practice.

Now, suppose the President were dealing with an institution like the Armour Packing Co. or the Swift Packing Co. If I correctly understand the Senator's construction of this provision, there would be very little that the President could effect with reference to them, because they have no charges and no rates such as the Senator supposes this section to cover.

Mr. CHAMBERLAIN. That is correct. Just as the Senator from Iowa says, the powers granted under this section are a good deal like the powers granted to the Interstate Commerce Commission. Now, suppose the President, having these books of account before him or his agents, ascertains that they are doing an unfair business. He could take over those plants, under a subsequent section of the bill, and fix the rates himself if they refused to obey the order of the President to fix a fair and nondiscriminatory rate.

Mr. BORAH. In the first place, however, there would not be anything under section 5, according to the construction I understand the Senator to place upon it, which the packing company would have done in violation of the order, because it does not enter into the rate question or the charge question, and so forth, if those rates and charges are to be limited merely to the question of storage. They buy this stuff; they own it themselves. They are not simply storing it for somebody else. They are not simply holding it for some one else. They are the owners of it, and they buy it, and they resell it. Now, if the President wishes to fix a rate at which they must resell it, he could not do it under section 5, according to the Senator's construction.

Mr. CHAMBERLAIN. Only by an order.

Mr. BORAH. Yes.

Mr. CHAMBERLAIN. If he found that the rate was unfair.

Mr. BORAH. But the rate for what? The Senator means the price when he says the rate there, does he not?

Mr. CHAMBERLAIN. I am speaking of the rates of storage.

Mr. BORAH. But the packing company is not engaged in storage. It is engaged in purchasing the product itself from the farmer; and when it purchases the product it owns it. It manufacturers it, puts it into salable form, and sells it. Now, unless you understand "charge" to mean "price," there is nothing which the President could do with reference to the Armour Co. under section 5 at all.

Mr. CHAMBERLAIN. I do not think the President has the power, under section 5, to fix the price of the commodity at all.

Mr. BORAH. Then he could not deal with anybody except those who are engaged in the storage business.

Mr. CHAMBERLAIN. Only indirectly could he fix the price, and that would be under a subsequent section. If he found the prices charged under this section were excessive or exorbitant, he might do it.

Mr. WALSH. Mr. President, permit me to suggest to the Senator that he could regulate packing houses under the exportation clause.

Mr. BORAH. Exactly. But only to a limited and ineffective extent. He might make them licensees. But as licensees, he could not, according to the Senator from Oregon, control their prices.

Mr. WALSH. That is to say, the Armour Packing Co., being engaged in the business of exporting, could be licensed under the provisions of section 9?

Mr. BORAH. Oh, yes; but after they had licensed them under that provision the President could not do anything with reference to fixing the price at which they could sell abroad, could he?

Mr. WALSH. I quite agree with the Senator from Oregon that he could not.

Mr. BORAH. Then section 5 is a dead letter so far as institutions of that kind are concerned?

Mr. WALSH. No; not at all.

Mr. CHAMBERLAIN. I think not, because the company being engaged in this business and having the license, it brings them right under the jurisdiction.

Mr. BORAH. But when you get them under the jurisdiction, what do you do to them? You can ask them to take out a license, but they are not storing stuff. They are not engaged in that kind of business. They own it, just the same as one owns a farm.

Mr. CHAMBERLAIN. The class of company that the Senator mentioned awhile ago, it was charged here on the floor of the Senate, was going into the storage business in every walk of life.

Mr. BORAH. The cold-storage business?

Mr. CHAMBERLAIN. Yes; everything.

Mr. BORAH. Well, suppose you limit the amount that they can charge for cold storage. Does the Senator contend that that stops with the mere question of the price for storage? They own the car in which they store it.

Mr. CHAMBERLAIN. I am satisfied that my construction of this act is correct. If it does not carry out that purpose, I think it ought to be amended. It seems to me that it does, in that it brings these businesses under the jurisdiction of the executive department, and gives the President power, after an inspection of their books, to fix these rates.

Mr. BORAH. I agree with the Senator from Montana that the President could bring them under the license by reason of the exportation clause; but what I want to know is: After the President gets them in the attitude of a licensee, what can he do, if anything, toward fixing the price at which they may sell their products to the people of the United States? What power has he under that? I do not think he has any power at all.

Mr. CHAMBERLAIN. I do not think he has power to fix the price.

Mr. BORAH. Let me call the attention of the Senator to this proposition. I have mentioned it here before on the floor of the Senate:

Last year the Armour Packing Co. declared a cash dividend of $20,000,000 and a stock dividend of $80,000,000. The Swift Packing Co., I think, declared a cash dividend of $23,000,000 and a stock dividend of $75,000,000. I am not certain as to the latter figures. It is not at all difficult to arrive at the reason why meat products in this country are high under those conditions. The Armour Co. made about $14,000,000 last year in excess of what they made in 1913, to say nothing of their stock dividends, and the Swift Co. made about the same amount, although I have not the exact figures. Now, unless this bill deals with that kind of a situation we are merely fulminating in the air, because there is where the profits have gone and where they have been accumulating; and they are gathered from the millions of pockets in the United States, from the people who buy meat products, because we know that these meats are shipped from the great inland places into Chicago, shipped back again, and purchased again. Unless we can deal with that situation, it seems to me that we are not regulating this matter at all.

Mr. VARDAMAN. Mr. President——

Mr. BORAH. Just a moment. On the other hand, Mr. President, if we take possession of that class of institutions and operate them ourselves as a Government—which I believe we may have to do—and fix the price, it is useless to say to the intelligent farmer of this country that you are not fixing the price of his animal when you fix the price of the article which is made out of the animal.

Mr. VARDAMAN. I was called from the Chamber. I have so much confidence in the Senator's judgment I want to ask him if it is his opinion that section 5 of the bill does not give the President the right to fix the price of the products of the packers?

Mr. BORAH. Yes; I am inclined to agree with that proposition.

Mr. VARDAMAN. That the word "charge" employed here does not mean the price that the packers charge?

Mr. BORAH. I am inclined to think that the word "charge" was not intended there as synonymous with the word "price." In the first place, there is no occasion for using the word "charge" if it meant price. In popular parlance it would mean the same thing, but, technically speaking, I am inclined to agree with the Senator from Montana and the Senator from Oregon that it has reference to another kind of charge than the price of the article.

Mr. VARDAMAN. I am obliged to the Senator for his opinion.

Mr. McLEAN. I call the attention of the Senator from Idaho to page 3, line 22, section 4, where precisely the same language is used—

or to make any unjust or unreasonable rate or charge in handling or dealing in or with any necessaries.

That section was under consideration and the Senator from Texas [Mr. SHEPPARD] stated that the words "rate or charge" meant price, as he understood them, dealing in these goods, and if that were not so then there would be no prohibition at all

against a retailer charging an excessive price; the law would only apply to conspiracies.

Mr. BORAH. Mr. President, I wish to say while I am on the floor just a word generally with reference to the bill. It seems to me that we may not occupy very much time in discussing the general situation as to the necessity of dealing with the situation if it can be dealt with from a legislative standpoint to effectuate a better condition of affairs in the country. I suppose we all realize the exigency which is upon us and are desirous of arriving at some intelligent conclusion as to how we can deal with the situation.

I read in the newspapers of the last day or two a statement which purported to come from the White House. Of course, I do not know whether it is authentic or not, but upon the face of it it purports to be, and if it is correct, and if this is the idea which the President has in his mind, it seems to me we could incorporate it in a bill and effectuate all he desires without very much extended discussion or controversy. It is altogether a different proposition from what we find in this bill. I do not think I offend anyone because I do not think anybody in the Chamber drew this bill, when I say that the bill has all the appearance to me of a town-meeting resolution instead of a statute. It seems to express that which we want to do in general terms, but when it comes to authorize and specify the manner in which we shall do it there are no two minds agreeing upon what the bill means. It is rather the description of a situation.

Mr. CHAMBERLAIN. May I interrupt the Senator for just a moment?

Mr. BORAH. Certainly.

Mr. CHAMBERLAIN. The Senator is right about the draft of the bill. It was drawn as a matter of fact by the Solicitor and attorneys in the Agricultural Department. But if the Senator will compare it with the statutes of some of the other countries engaged in this war he will find that the essential provisions of it are taken from the statutes of those countries.

Mr. BORAH. I have no desire to be offensive. But I wish to say with reference to these foreign statutes, it is not meeting the situation to take down the statutes of some foreign country and rewrite them for the United States unless we know what has been the effect of those statutes in those countries. I have undertaken to inform myself to some extent as to what has been the effect of those statutes in Canada and other countries, and I sincerely trust that we will put something through the Congress of the United States which will better deal with the situation than those statutes have done in those countries. They have practically changed the situation in no respect whatever, so far as prices and economic conditions are concerned. Those statutes are in countries where the very worst conditions prevail with reference to the poor or those living upon small salaries, and they have not dealt with the situation at all, so far as the situation ought to be dealt with in protecting them against high prices.

Mr. POMERENE. Mr. President——

Mr. BORAH. I yield to the Senator from Ohio.

Mr. POMERENE. As I recall it, the statement was made by Mr. Hoover yesterday that in France and Great Britain the prices of breadstuffs were 25 and 40 per cent—I may not give the exact figures—less than they were in this country. The Senator has just stated, if I understood him correctly, that the statutes which have been adopted in those countries had not been effective. How does the Senator account for the reduction in the price of foodstuffs in those countries as compared with the price of foodstuffs in this country, which is the producer?

Mr. BORAH. I will state to the Senator one way by which they have dealt with it. The Governments have purchased the food products and redistributed them to the people and have made up the deficit by large sums through taxation which have gone into their budgets. France alone, I think, paid in $38,000,000 last year as a deficit of this nature.

Mr. GORE. And expects to pay $65,000,000 this year.

Mr. BORAH. They simply went into the market, bought the food, sold it to the people at a lower price, and then put the deficit up to the taxpayers. That is the way by which they have dealt with that situation in those countries. But I was going to read from this newspaper article, and then take my seat.

Mr. POMERENE. May I ask the Senator if they have not, to a certain extent, eliminated the middle classes between the producer and the consumer, and in that way saved a large part of the price?

Mr. BORAH. In some instances the Governments have actually taken possession of the institutions and are running them themselves.

This statement which was put out, as I understand, from the White House, states:

1. A food control office, which will do all the buying of foodstuffs for the United States and her allies, with a view to eliminating the bidding against each other of the entente powers, and to distributing the purchases and shipments on an orderly basis, thus tending to stabilize the market instead of upsetting it.

It seems to me that could be done wisely and effectively, and, as far as I am concerned, I shall be glad to support that kind of a proposition.

Mr. WALSH. Let me inquire of the Senator if we could do anything about that? Would not that come from the entente powers?

Mr. BORAH. The President wants, I understand, a food-control officer for the purpose of becoming a common disbursing agent for the United States and the entente powers. If he desires the creation of that kind of an office and designates Mr. Hoover for the place I would be very glad myself to vote for it.

Mr. WALSH. The idea the Senator infers from this is that we shall pass a law prohibiting them from purchasing in this country except through an agent to be designated by us?

Mr. BORAH. No; I do not understand that that is called for, but I take it if a food-control office was provided for and filled, owing to the relationship which exists between this country and the allies in all probability there would be but one purchasing agent.

Mr. WALSH. I had an idea that probably it could be accomplished by a voluntary arrangement between the allies, that they would agree to unite on one agent, so that we would not have to impose that kind of an arrangement upon them.

Mr. BORAH. I think myself that this matter could be covered by a voluntary arrangement, but as I said if the President sees in it a situation which should be taken care of by making the purchasing agent an officer of the Government of the United States I would have no objection to creating the office.

Mr. KELLOGG. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. BORAH. I yield.

Mr. KELLOGG. Is it not a fact that so far as the purchases by all foreign Governments for export are concerned, the matter is now in the hands of the President to compel all purchases to be made through one agent named by him?

Mr. BORAH. I have assumed so.

Mr. JOHNSON of California. Under the recent law.

Mr. KELLOGG. Under the embargo act which we passed giving the President power to embargo all commerce.

Mr. BORAH. I believe that bill has been signed.

Mr. KELLOGG. Yes.

Mr. BORAH. However, Mr. President, as I was saying, if the President sees in the situation the necessity for the creation of such an office, I certainly would have no objection to it. I yield to his judgment.

2. Power to be vested in this office to make hoarding impossible. The right would be given the office to take hoarded stocks by force and sell them, turning the proceeds over to the owners after subjecting them to the penalty clause of the bill.

That at least would have the virtue of being direct, and we would know precisely what we were doing. If that kind of a provision is brought in here to deal with some of these institutions I should support it.

Mr. President, that is not the bill which is before Congress. Indeed, with all due respect to the authors of the bill, I am satisfied that Congress is not certain what is before it. It is drawn in such a way that we are about to pass a law the powers and terms of which we ourselves do not undertake to define or circumscribe. We are dealing with the business world, we are dealing with the economic world. If the statute has any effect at all, it might have a very bad effect unless we can know in advance ourselves something of its terms, something of its conditions, and the manner in which it will probably affect reasoning men on the outside. It is in a measure a fulmination; it is a general clause of universal authority filled with, I may say, glittering generalities. It will have the effect of bewildering or confusing or benumbing the initiative, the self-reliance, the voluntarism, which it is absolutely essential to maintain and keep alive among the producers and the business men of the country.

Mr. CHAMBERLAIN. I move that the Senate adjourn until to-morrow at 12 o'clock.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Thursday, June 21, 1917, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 20 (legislative day of June 19), 1917.

REGISTERS OF LAND OFFICES.

James F. Burgess, of Oregon, to be register of the land office at Lakeview, Oreg., his term of office having expired. Reappointment.

Wade H. Fowler, of Wyoming, to be register of the land office at Douglas, Wyo., his present term expiring June 22, 1917. Reappointment.

PROVISIONAL APPOINTMENT IN THE ARMY.

William B. B. Wilson, of Massachusetts, to be a second lieutenant of Field Artillery in the Army of the United States, with rank from date of appointment.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Acting Pay Clerk David P. Polatty to be an assistant paymaster in the Navy from the 18th day of June, 1917.

Commander Reginald R. Belknap to be a captain in the Navy from the 23d day of May, 1917.

Lieut. Commander Austin Kautz to be a commander in the Navy from the 29th day of August, 1916.

Lieut. Commander John W. Timmons to be a commander in the Navy from the 23d day of May, 1917.

Lieut. (Junior Grade) John M. Ashley to be a lieutenant in the Navy from the 5th day of June, 1917.

Ensign Edwin J. Gillam to be a lieutenant (junior grade) in the Navy from the 7th day of March, 1915.

The following-named ensigns to be assistant naval constructors in the Navy from the 6th day of June, 1917:

Edward Ellsberg,
Edward L. Cochrane,
Robert W. Ferrell,
George C. Manning,
Donald Royce,
Fred E. Pelton,
Adrian R. Marron,
Gordon W. Nelson,
Joseph L. McGuigan,
Fred M. Earle, and
John I. Hale.

The following-named ensigns to be assistant civil engineers in the Navy from the 6th day of June, 1917:

James T. Mathews, and
Paul J. Searles.

The following-named citizens to be assistant civil engineers in the Navy from the 15th day of June, 1917:

Cuthbert P. Conrad, a citizen of Wisconsin,
Roy E. McCorkindale, a citizen of Massachusetts,
Ben Moreell, a citizen of Missouri,
Robert L. Pettigrew, a citizen of Wisconsin,
Carl A. Trexel, a citizen of Iowa,
Kendal B. Bragg, a citizen of Ohio,
Thomas J. Shack, a citizen of New York,
Alden K. Fogg, a citizen of Illinois,
Arthur F. Peaslee, a citizen of Massachusetts,
Robert E. Thomas, a citizen of Illinois,
Edward C. Selbert, a citizen of Maryland,
Walter N. Moore, a citizen of Missouri,
George W. Plaisted, a citizen of Massachusetts,
Arthur H. Bond, a citizen of Massachusetts,
Joseph J. Strachan, a citizen of New York,
Hector C. Griswold, a citizen of New York,
William H. Smith, a citizen of Massachusetts,
Henry G. Lehrbach, a citizen of New York,
Thomas E. Dunham, a citizen of New York,
Henry Niemann, a citizen of Massachusetts,
James L. McDonald, a citizen of New York,
Robert S. Johnson, a citizen of Iowa,
Edward L. Marshall, a citizen of Massachusetts,
Richard H. Gifford, a citizen of Delaware, and
George D. Wetsel, a citizen of New York.

Capt. Frank E. Evans, United States Marine Corps, retired, to be a major on the active list of the Marine Corps, an additional number in grade, to rank next after Harold C. Reisinger, from the 25th day of May, 1917.

First Lieut. Charles A. E. King to be a captain in the Marine Corps from the 29th day of August, 1916.

Second Lieut. David H. Miller to be a first lieutenant in the Marine Corps from the 29th day of August, 1916.

Roy C. Swink, a citizen of Pennsylvania, to be a second lieutenant in the Marine Corps for a probationary period of two years from the 5th day of May, 1917.

Boatswain Frank Bruce to be a chief boatswain in the Navy from the 6th day of February, 1917.

Lieut. Commander Julius F. Hellweg to be a commander in the Navy from the 23d day of May, 1917.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 20 (legislative day of June 19), 1917.

ASSISTANT SECRETARY OF THE TREASURY.

Leo S. Rowe to be Assistant Secretary of the Treasury.

SURVEYOR OF CUSTOMS.

A. Arnold Barksdale to be surveyor of customs in customs-collection district No. 20, with headquarters at New Orleans, La.

PROMOTION IN THE NAVY.

Acting Pay Clerk David P. Polatty to be an assistant paymaster.

WITHDRAWAL.

Executive nominations withdrawn June 20 (legislative day of June 19), 1917.

James C. McNally, of Pennsylvania, to be a consul general of class 5 of the United States of America.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June 20, 1917.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord, our God and our Father, let Thy blessing descend, we beseech Thee, in full measure and give to us the receptive mind and open heart, that we may be inspired to go forward and do Thy will in whatsoever our hand findeth to do this day, that the law and the prophets may be fulfilled in us as it was in Jesus Christ; for Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

WASHINGTON MEMORIAL ARCH AT VALLEY FORGE.

Mr. WATSON of Pennsylvania. Mr Speaker, I ask unanimous consent to print in the RECORD the speech of Hon. CHAMP CLARK at the dedication of the United States Washington Memorial Arch at Valley Forge yesterday. [Applause.]

The SPEAKER. The Chair will suggest to the gentleman that Gov. Brumbaugh's speech also be printed.

Mr. WASTON of Pennsylvania. I also ask unanimous consent to print in the RECORD the speech of Hon. Martin G. Brumbaugh on the same occasion.

The SPEAKER. The gentleman also asks unanimous consent to print in the RECORD the speech of Gov. Brumbaugh on the same occasion. Is there objection?

There was no objection.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill and joint resolution of the following titles, when the Speaker signed the same:

H. R. 3673. An act to amend the act approved December 23, 1913, known as the Federal reserve act, as amended by the acts of August 4, 1914, August 15, 1914, March 3, 1915, and September 7, 1916; and

H. J. Res. 105. Joint resolution to correct an error in the sundry civil appropriation act for the fiscal year 1918.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 346. An act to increase the area of the United States Botanic Garden in the city of Washington, D. C.

The message also announced that the President had approved and signed bill and joint resolution of the following titles:

On June 14, 1917:

S. 995. An act to authorize the issue to States and Territories and the District of Columbia of rifles and other property for the equipment of organizations of home guards.

On June 15, 1917:

S. J. Res. 70. Joint resolution relating to the service of certain retired officers of the Army.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 346. An act to increase the area of the United States Botanic Garden in the city of Washington, D. C.; to the Committee on the Library.

CONTROL OF FOOD AND FUEL.

Mr. LEVER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the food-control bill, H. R. 4961.

The SPEAKER. The gentleman moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of H. R. 4961.

Mr. LEVER. And pending that I should like to have the attention of the gentleman from Iowa [Mr. HAUGEN] for a moment. I should like to see if we can not agree this morning to an hour for closing general debate on this bill. We have been running now for two days solidly and have accommodated a good many of the gentlemen who desired to be heard, and I am inclined to think we might agree to close general debate at some time to-night.

Mr. AUSTIN. Can we not close it this morning? We have had two days and two nights of continuous debate, and if there is any bill that ought to be passed promptly it is this bill.

Mr. DIES. Has the gentleman from Tennessee got his speech in?

Mr. AUSTIN. No; but I can put it in in five minutes under the five-minute rule, and I am even willing to forego any speech at all if we can get prompt action.

Mr. LEVER. I appreciate the attitude of the gentleman from Tennessee [Mr. AUSTIN], but there are a number of gentlemen on both sides who have had time promised them, and I hope we can take care of most of these gentlemen, if they are willing to take a little reduction of time.

Mr. HAUGEN. Mr. Speaker, may we be advised how much time has been used on each side?

The SPEAKER. Seven hours and thirty-five minutes by the gentleman from Iowa [Mr. HAUGEN] and 7 hours and 40 minutes by the gentleman from South Carolina [Mr. LEVER].

Mr. WELLING. They are running neck and neck.

Mr. LEVER. I ask unanimous consent that the general debate on this bill close not later than 11 o'clock to-night.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that general debate on this bill close not later than 11 o'clock to-night. Is there objection?

Mr. HAUGEN. Mr. Speaker, as I stated before, there are quite a good many requests for time, and I rather think we can get through; but I would like to consult with some of the gentlemen who have asked for time, as I shall have to cut down the time considerably in order to accommodate them all.

Mr. LEVER. I suggest to my friend from Iowa that I am autocratic in cutting down time on this side very much, with the consent of the gentlemen who have been promised time. I think there is a feeling here that the debate on this bill has been exceedingly liberal, and that we ought to close the general debate to-night in order to be certain that we pass the bill this week.

Mr. HAUGEN. Mr. Speaker, as I said at the beginning, I do not want to delay the passage of this bill.

Mr. LEVER. I am sure that is true.

Mr. HAUGEN. But, after all, I know that the gentleman wants to accommodate all those gentlemen who desire to speak on this most important proposition.

Mr. LEVER. Certainly.

Mr. HAUGEN. As I said at the beginning, I do not think any time can be gained by cutting off debate, and my candid opinion is that most of the Members who desire to speak can be taken care of in that time. So I do not desire to make any objection to closing at 11 o'clock to-night, so far as I am concerned.

Mr. LEVER. If the gentleman will permit, we have been taking a recess from 5.30 until 8, and I think there would not be any objection to running right along without any recess to-day. Some of us can go to our dinners while others remain, and then others go in relays. I think the House is in a temper to make progress on this bill.

Mr. HAUGEN. In consenting to close debate at 11 o'clock to-night it is in the expectation that we may go on with the good feeling that has prevailed, and that no point of no quorum or anything of that kind will be made.

The SPEAKER. Is there objection?

Mr. CANNON. One moment. There are just a handful of us here, and you are closing debate on this important bill with nearly everybody absent, and are trying to get an agreement that the point of no quorum shall not be made. This debate, if it is important at all, ought to have the House here to listen to it, and I make the point of no quorum.

Mr. LEVER. If the gentleman from Illinois will withdraw that point, I will withdraw my suggestion for the time being, until there are more Members present.

Mr. CANNON. Well, but has the gentleman any intimation when they will be present?

Mr. LEVER. No more than the gentleman has, I am sure.

Mr. BARNHART. Most of the gentlemen who have made speeches do not stay here after making them.

Mr. CANNON. But we have not had 50 speeches.

Mr. BARNHART. The gentleman from Illinois [Mr. CANNON] has not made any speech.

Mr. CANNON. I do not know that I will.

Mr. BARNHART. And "the gentleman from Indiana" has not made any, but we have heard most of the speeches that have been made, and we are fully convinced, and the country is waiting, and the House is tired of this debate, and we ought to get through with it and do business.

Mr. CANNON. Get through with it! Gentlemen say this is the most important bill of this session.

Mr. BARNHART. Yes.

Mr. CANNON. Does the absence of the Members suggest that that is true? I am not questioning the fact that it is an important bill.

Mr. BARNHART. The RECORD will show, from these remarks, that there are not very many here.

Mr. CANNON. I make the point of no quorum.

Mr. FOSTER. I would not do that.

Mr. CANNON. The gentleman says he would not do it.

Mr. FOSTER. I would not.

Mr. LEVER. Let me suggest to my friend from Illinois that at 5.30 this afternoon, when the committee rises, I will ask to close debate to-night at 11 o'clock. I want to be fair in this matter, and I do not want to take advantage of those who are absent and who may not have known that the House was meeting this morning at 11 o'clock; and, for the time being, if the gentleman will withdraw his point of no quorum, I will withdraw my request.

Mr. SIMS. Mr. Speaker, it seems to me that the handful of Members who remain here and keep the House running ought not to suffer for the sins of those who are absent. If Members do not think it is important enough for them to remain here I do not think those who do remain should be made to suffer.

Mr. LEVER. I hope the gentleman from Illinois will let us get an agreement on this proposition, but I do not want to take any advantage of those who are absent.

Mr. AUSTIN. Mr. Speaker, let me submit this proposition: If you will take up the bill under the five-minute rule you will have a quorum, but if you go on with general debate as it has been running for the last two days you will not have 50 Members upon the floor of the House to-day.

Mr. LEVER. No one knows that better than the gentleman from South Carolina.

Mr. CANNON. Mr. Speaker, I will withdraw the point of no quorum.

Mr. LEVER. Does the gentleman withdraw it on the theory that I withdraw my request?

Mr. CANNON. I thought the gentleman had withdrawn it.

Mr. LEVER. I do withdraw it, Mr. Speaker.

The motion of Mr. LEVER to go into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4961 was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. HAMLIN in the chair.

Mr. LEVER. Mr. Chairman, I yield 10 minutes to the gentleman from Arkansas [Mr. CARAWAY].

Mr. CARAWAY. Mr. Chairman, this proposed measure is without precedent in our history. It is violative of our traditions. The authority for its enactment rests in those implied powers of the Constitution which are to be invoked only in times of war. National necessity alone can justify our support of this bill. But it seems to me untenable and absurd to contend that the Constitution, called into being by a people for their protection, should forbid the doing of acts necessary to be done that the Nation may live. To do so is to assert that the thing created is greater than its creator; that the Nation has delegated powers which render it powerless to protect itself. None of us will seriously assert this. Therefore the only questions demanding

answers of us are, whether legislation of this kind is demanded at this time; and if so, whether the provisions of this bill meet these requirements.

If we shall answer both of these in the affirmative, our duty is imperative to support this measure. If we should answer either in the negative, we should vote against it.

To determine, then, our course, let us examine the facts. All will agree that our duty demands of us to make provision to feed and care for the soldiers we have authorized to be called into the field to wage the war in which we are now engaged. And it is equally our duty to protect from want and exploitation those peoples remaining at home. In addition to this, we ought, so far as possible, help to feed the armies and peoples engaged with us in this war for human rights. No one should seek exorbitant profits while whole nations bleed. No good man will; no bad man should be permitted to do so.

Now, what are the facts? All food and food products are nearly, or quite, twice as high as they were before this war began, and coal for fuel is almost unattainable at all. An investigation by Government agencies disclosed the fact that these increases in prices were not warranted by the law of supply and demand; that they are artificial. Wheat, for instance, sold last year at harvest time for about $1.20 a bushel; flour this spring at $16 per barrel, or more than twice as high as justified by the price the farmer received for his wheat. All other things in proportion. Was this increase in prices warranted by the supply? To show it was not, I append here two tables. The first shows the actual supply of these necessities in 1916 and the estimates for 1917. The second table shows the prices prevalent in 1916 and those of 1917.

Production and price Dec. 1, 1916.

	Quantity.	Price.
Wheat.....bushels..	639,886,000	$1.60⅛
Oats.....do....	1,251,992,000	.52⅝
Hay.....tons..	109,786,000	10.59
Potatoes.....bushels..	285,437,000	1.46⅛

Estimated production of year of 1917.

Wheat.....bushels..		656,000,000
Oats.....do..		1,381,000,000
Hay.....tons..		102,000,000

Potatoes not complete, but larger than in 1916.

Prices prevalent in 1916 and 1917.

	1917	1916
Wheat.....per bushel..	$2.70	$1.07
Corn.....do....	1.79	.83
Oats.....do....	.82	.55
Potatoes.....do....	3.02	1.12
Hay.....per ton..	17.20	11.39

Last week potatoes were selling in Chicago at three times as much as the farmer received for them.

From which it is apparent that the tremendous advances were the result of speculation and came after the products had left the hands of the producer. They represent the profit of the gambler—not the farmer. Therefore in seeking means to reduce these unprecedented advances, we do not seek to diminish by one cent the price the farmer receives for his product, but rather to increase that. But we do seek to destroy those agencies which alike rob the farmer and despoil the consumer. [Applause.] We, in this legislation, aim to drive out the gamblers in food products. For all of us who know conditions know that the farmer was not the beneficiary of these greatly enhanced prices. That came to some one who dealt in these products between the times they left the hand of the producer and reached the retail dealer, because in most instances retail dealers have sold on closer margins of profit than in other years. This "taker," then, of unholy and unjustifiable profits is the middleman, the speculator, the gambler in the lifeblood of a people. He it is who has wrung gold from a people's bread and made Want sit at every workingman's table, and has clothed in rags the producers of a Nation's wealth. And it is he who now demands his pound of flesh from the young men who are going beyond the seas to offer their lives that this Nation may live. And it is this robber of a Nation's food that this bill proposes to strike down. [Applause.] No line in it, no penalty or provision is directed against the farmer or honest dealer.

There are 21 sections in the bill, but 4 only are important. These are sections 3, 6, 12, and 13.

Section 3 clothes with full power the President of these United States to deal with food, feed, and fuel, the indispensables of life. It does so in this language:

That there is hereby established a governmental control of necessaries, which shall extend to and include all the processes, methods, activities of, and for the production, manufacture, procurement, storage, distribution, sale, marketing, pledging, financing, and consumption of necessaries, which shall be exercised and administered by the President for the purposes of this act; and all such necessaries, processes, methods, and activities are hereby declared to be affected with a public interest. And in carrying out the purposes of this section the President is authorized to enter into any voluntary arrangements or agreements, to use any agency or agencies, to accept the services of any person without compensation, to cooperate with any agency or person, to utilize any department or agency of the Government, and to coordinate their activities so as to avoid any preventable loss or duplication of effort or funds: *Provided,* That none of the penalties of this act shall apply to this section.

Section 6 provides penalties for willfully hoarding and keeping from the people these necessities, but exempts from its provisions those who actually produce them—the farmers, gardeners, and stock raisers. The section reads as follows:

That any person who willfully hoards any necessaries shall, upon conviction thereof, be fined not exceeding $5,000 or be imprisoned for not more than two years, or both. Necessaries shall be deemed to be hoarded within the meaning of this act when either (a) held, contracted for, or arranged for by any person in a quantity in excess of his reasonable requirements for use or consumption by himself and dependents for a reasonable time; (b) held, contracted for, or arranged for by any manufacturer, wholesaler, retailer, or other dealer in a quantity in excess of the reasonable requirements of his business for use or sale by him for a reasonable time, or reasonably required to furnish necessaries produced in surplus quantities seasonably throughout the period of scant or no production; or (c) withhold, whether by possession or under any contract or arrangement, from the market by any person for the purpose of unreasonably increasing or diminishing the price: *Provided, however,* That any accumulating or withholding by any farmer, gardener, or any other person of the products of any farm, garden, or other land owned, leased, or cultivated by him shall not be deemed to be hoarding within the meaning of this act.

Section 12 does what never before has been attempted in this country. It authorizes the President, whenever he thinks it advisable and necessary, to guarantee to the farmers of this land that they shall receive a fair and equitable price for the products of their toil. It authorizes him to say to them, "Produce, that the nations may be fed, and if these products do not sell in the open markets of the world at a price high enough to compensate you for your labor the Government will pay you the difference." It does not compel him to sell at these figures guaranteed. It does not prevent him, the farmer, from selling at the highest price procurable, but merely guarantees that he shall not be compelled to sell at a less price. For the first time in our country has the farmer thus been recognized as of as great a necessity in times of war as the soldier at the front. It proclaims the hoe as much a weapon in winning battles as the musket. And this bill does more; by stimulating production it guarantees to those who dwell in cities and those who toil in factories and in mines that we may be clothed and warmed that they shall be fed. It guarantees to our boys who shall fight in France that they shall be fed, and it guarantees to them and to all those who fight with them that liberty may not perish from off the face of the earth; that those they love and have left behind shall eat and be clothed while they, the soldiers, shall keep watch in the trenches. [Applause.]

Section 13 gives to the President the power to say, while this war shall last, if he shall deem it wise so to direct, that no grain that would make either food or feed shall be manufactured into intoxicating liquors; that no child shall cry for bread that booze may be manufactured to corrupt men. It should have gone further. It should have declared by legislative enactment that as a war necessity no grain should be distilled into poison to damn men's souls. And, if no member of the committee which reported out this bill shall move to amend it so to do, I shall when that section shall be reached in reading this bill.

There should also be put back in this measure those provisions stricken out by the committee which authorized the President to deal with those other necessities, such as clothing, shoes, and the implements of industry, those the farmer and workingman must employ in his daily toil. Why the committee struck them out I do not know. I shall move to restore them to the bill.

Mr. Chairman, I know we shall be criticized for advocating this measure. We shall be accused of disregarding our oaths and striking down the Constitution. Constitutional lawyers will rail at us and greed will impugn our motives. It has been said, and will be again proclaimed, that this measure creates a dictator; that it grants absolute power to deal in all the things that support life. I grant it. Its terms are absolute and full. It grants more than will ever be exercised. The very granting

will relieve the necessity to exercise these powers. Nothing else would. Some one must control these conditions in times of war, and I would infinitely rather that it should be he whom more than eight millions of sovereign citizens by their vote made Commander in Chief of the Army in times of war than some gambler on a board of trade. I would rather risk him who, by my vote and yours, is President of the greatest Republic beneath the sun than some one who seeks to coin into gold the tears of starving babes and the withered hands of unrequited toil. I am more willing to trust him to deal justly with those who love and pray for the boys he leads in battle than they who would see dishonored that flag if from its tarnished folds they might wring gold. I shall without hesitancy and without misgiving follow in this matter the lead of him who under God's direction shall marshal our young men to go forth and die that justice, honor, and truth shall live among men, and that this Republic may lead the way to universal peace. I shall vote for the bill. [Applause.]

Mr. LEVER. Mr. Chairman, I yield 15 minutes to the gentleman from Ohio [Mr. WELTY].

Mr. WELTY. Mr. Chairman, the bill under consideration is another of the emergency war measures so vital to the success of this fight we have voted to undertake. It is sweeping in effect and aims to grant powers never before granted to any Chief Executive of this Government.

I do not believe that this phase of the prosecution of a war has ever been considered before the present conflict. But we might say that never before have so many of the great nations of the world been at war at one time.

In 1861 and 1862 Congress granted power to seize cotton, but that might have been considered a contraband of war. During that period, and prior to 1861, armies did commandeer food and food products in the war zones, not by virtue of legislation but because of the element of force. The Spanish-American War was fought without any thought of granting the Commander in Chief the power this bill will grant if enacted into law. Germany was perhaps the first nation to enact legislation of this nature. In fact, she did so within such a short period after the declaration of war that it might well be considered that the authorities knew this war must be fought out, not by the soldier in the trenches, but by the industrial and agricultural classes. And we now know that autocracy will never be subdued so long as the food supply holds out.

The powers proposed by the pending legislation cause some Members to question the wisdom on the grounds that we are a Republic; as though a democratic form of government has not the inherent power to defend its own existence.

We have been granted so many advantages and have enjoyed so long the blessings of liberty, life, and property that we are now prone to carry this to the extreme, and ready to declare that private property can not be taken by the Government when necessary for the Government's preservation. Some Members have gone so far as to consider property rights more sacred than individual rights.

They seem to forget that there are times when their Government has a right to call upon all, not only for the man power but for their property as well. This House voted without a dissenting voice to bond this country for $7,000,000,000. The Members did not question the authority to tax our posterity, but they now hesitate to make the necessary personal sacrifice, and why? Is it possible that the present mind has been so long engrossed in making money that we have become selfish and are now loath to part with our possessions? I hope the Members of this House did not vote for war on the same theory—that others would have to fight, and that it will not entail any personal sacrifices. The time has come when each must be willing to make his share of the necessary sacrifices to permit the speedy and successful prosecution of this war with the least possible loss of life and property.

Some argue the constitutionality of this proposed legislation. It is not so much a question of its constitutionality as a question of the preservation of the country for which that Constitution was written.

When the life of a country is at stake we can not question the constitutionality of an act if that act will preserve the Constitution. Did Andrew Jackson ask whether his acts were constitutional when he was forcibly taking the property of private citizens, necessary for the defense, not only of New Orleans, but of the Nation? I do not care to spend any time in arguing the constitutionality of the proposed legislation for gentlemen have ably handled that situation.

But I do note that the Constitution grants Congress the power "to declare war," "to raise and support armies," "to provide and maintain a Navy," and "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers." If these powers about to be granted to the Commander in Chief are not constitutional, then why was this question not raised during the debates on the resolution declaring a state of war? Why did we say in that resolution that "to bring the conflict to a successful termination all of the resources of the country are hereby pledged by the Congress of the United States"?

I say this solemn pledge was made to the Commander in Chief by this Congress, and not a single Member questioned its constitutionality then. And why? Because the very life of the Republic was at stake and no one took thought or counsel in the matter of raising the right of this Congress to pass the resolution. Why question now, when the President asks us to give him a free hand so that he might mobilize not only the man power of the Nation, but "all of its resources" as well?

It is said that "resources" can refer only to money, and they say, "We have already voted every dollar the President has asked." I am afraid that we are forgetting the plain and ordinary meaning of the word "resources" in our attempt to deny this power. The Standard Dictionary defines "resources" as—

> The aggregate of one's available property; funds or means of raising funds; pecuniary means; in business, opposed to liabilities, and including cash on hand, merchandise, bills receivable, etc: said also of natural advantages; as, a country of inexhaustible resources.

It seems that just because we are fighting the Germans we are now forgetting our English.

Mr. Chairman, we can not now cavil with words. This war must be won, and in order to win the Army must have, and has a right to, all the resources of the country, just as we pledged in our war resolution. But there are those who say they are willing to vote for this measure provided the same is necessary. In astonishment they declare that "we have been at war only a little over two months and not a single shot fired by the soldiers in battle." Do you suppose that the President will use the power if not necessary to prosecute the war? Are you afraid that he will use it to build up a strong central government which will fall because of its own weight? Then you have not read the bill with care. After the enacting clause it says:

> That by reason of the existence of a state of war it is essential to the national security and defense, for the successful prosecution of the war, and for the support and maintenance of the Army and Navy, to assure an adequate supply and equitable distribution, and to facilitate the movement of foods, fuel, and articles required for their production.

And then, to make the intent specific and certain, the last section provides—

> That the provisions of this act shall cease to be in effect when the national emergency resulting from the existing state of war shall have passed.

Mr. Chairman, it can only be a war measure "for the successful prosecution of the war and for the support of the Army and Navy." If that is the clear meaning and intent, will you dare to tie the hands of the Army and Navy? Who are the soldiers and sailors constituting this Army and Navy? Are they not our boys—flesh of our flesh and blood of our blood? And will you deny them success?

There is no doubt but that this proposed legislation is purely a war measure. If it were not I would never vote such large powers upon any living person. At the end of the war this bill, if passed, will fall of its own accord and cease with the conclusion of the conflict.

I am just as jealous as anyone of the rights of the States and will refuse to vote any power not clearly conferred by the Constitution. In times of peace local and State governments should be supreme in the matter of passing upon individual and property rights. But, Mr. Chairman, we are at war, and this Congress should demand, if necessary, that everyone should have a part in its prosecution. It is not only the soldier who should be called upon to make the sacrifice. Every patriot will be glad to be able to do his share and carry such burdens as are necessary to bring the struggle to a speedy conclusion. The patriot does not concern himself with making money during the war. He is content to make a sacrifice and knows that otherwise it will be impossible to comprehend and understand the meaning of the new luster to the flag when our liberties and rights are maintained while autocracy crumbles beneath it.

The gentleman from Texas [Mr. YOUNG] eloquently declared that he will never vote to give the President the same power the Kaiser has nor fall on his knees to socialism. It seems to me that a gentleman coming from the plains should know something about prairie fires, and realize that the only way to fight one is with fire.

Is it possible that the Republic is not strong enough to fight organized autocracy? Has the dictatorial power granted a President in time of war ever been abused? Are not the affairs of the country safe in the hands of the champion of democracy? Is it not safer for a republic to assume temporarily a dictatorial

aspect than to tie the hands of its leader and permit the enemy of democracy to destroy it? The gentleman from Texas said he had not "forgotten the blood shed by our ancestors." The blood which our ancestors shed was shed under the direction of George Washington, whose powers were absolute. The Continental Congress never questioned his power. No one asked whether his acts were constitutional, for the Constitution was not then in existence.

He also says that the bill in question proposes to fix prices of foods, feeds, and fuel. The only price it attempts to fix is found in the language of section 12, as follows:

That whenever the President shall find that an emergency exists requiring stimulation of production * * * he is authorized from time to time * * * to determine and fix and to give public notice of what * * * is a reasonable guaranteed price for any such products, in order to assure such producers a reasonable profit.

This is a guaranteed minimum and not an enforced limit of profit, and the same section further provides that—

Thereupon the Government of the United States hereby guarantees every producer of * * * agricultural products * * * that * * * he will receive for any such products produced * * * a price not less than the guaranteed price therefor as fixed pursuant to this section.

It does not hinder but encourages the farmer to produce the articles desired by the Government. It does not curb his profit.

Mr. Chairman, if this bill is passed it will satisfy at least two classes—the farmer and the consumer. It aims at only one class—the food gambler or speculator. We are told that this is class legislation. If you call this class legislation, make the best of it. Some gentlemen, who seem to be against the bill, glibly say, "Hang him!" The bill is more charitable—it provides only for a fine and imprisonment. Do they cry "Hang him!" because they know no jury will ever convict in view of the severe penalty? Do they thus attempt to provide an escape for the culprit?

Other critics of the measure find it useless on the ground that the antitrust laws are ample and sufficient to punish the food speculator and gambler. These critics object to taking the power away from the courts and placing it in the hands of one of the departments under the President. They take delight in criticizing the Department of Justice for failure to enforce the Sherman law. The gentleman from Pennsylvania [Mr. MOORE] has informed this House that there is already ample provision under the Sherman antitrust statute, and that nothing is necessary except the enforcement of the measures we now possess. I agree with him when he declares that there is ample provision and that nothing is needed but enforcement of existing statutes. But I fear that the gentleman is unfamiliar with the attitude of the courts in the matter of enforcement of the same Sherman law which he now invokes.

If you will pardon a personal reference, I will say that I had charge of the prosecution of the so-called Plumbers' Trust, and the evidence showed conclusively that this combination made a practice of pooling the prices on plumbing material furnished to the builder. Twenty per cent of the contract price was divided among the members of the group, and if a manufacturer had the courage to sell to anyone outside of the membership the associated members blacklisted the manufacturer. In many instances the latter was heavily fined for selling to nonmembers of the trust.

Eighty-seven of the members were indicted and convicted, in three different parts of the country—Pennsylvania, Iowa, and Utah. Thirty-six were convicted in Iowa. The circuit court of appeals affirmed the case, and when it came to sentence the district court informed the defendants that they were not guilty of the law in the ordinary sense, and that he would not impose any sentence which would bear heavily upon them. He imposed trivial fines ranging from $50 to $150, and asked the defendants whether or not they could pay these fines without inconvenience. The court in Pennsylvania, too, imposed small fines.

The Department of Justice, because of these inadequate sentences, was compelled to institute a fourth suit, and finally the trust came in and agreed to discontinue the practices. The builder and the manufacturer will know best how far this has been observed. The trusts and combinations, I tell you, do not fear the Federal courts. It is only necessary to cite the beneficent effects of the prosecution of the Standard Oil and Tobacco Trust cases, wherein the court handed down the now famous "rule-of-reason" decision.

The prosecutions against the coal barons, the Steel Trust, and the Harvester Trust have resulted equally disastrously to the Department of Justice. But there may be some hope, for I note that the Supreme Court last month, for some reason or other, restored the following cases to the docket:

United States against The United States Steel Corporation et al.
United States against The Shoe Machinery Co. et al.
United States against The International Harvester Co. et al.
United States against The Reading Railroad et al.
United States against The Lehigh Valley Railway Co. et al.

The last two cases involved combinations in coal.

Hope of relief may come from the courts if the people can only remain patient a little while longer. But I predict that unless Congress will by some legislation retire some of the reactionary judges and substitute others who will enforce the law, the people will sooner or later take the matter in hand. Look at the landmarks. Just a few days ago the press dispatches reported that the homes of the Danbury hatters would have to be sold to pay a judgment of $252,130, and that the sale of the homes of these workingmen would aggregate $200,000. I repeat, look at the landmarks. The only time the courts gave true expression and intent to the Sherman antitrust law was when the laboring man's rights were involved. This necessitated a law from Congress exempting the farmer and the laborer from the operation of the Sherman statute. And now some of these same men are opposing this legislation who were opposed to the Clayton antitrust law, and to an act passed by the Senate, during the last Congress, which made possible the retirement of some of the judges who are not in sympathy with the persons to be benefited by this proposed measure. The Attorney General has well said, in answer to criticism for failure to enforce the Sherman law, that—

The executive department alone can not enforce these laws. It must have the sympathetic cooperation of the Federal courts. I regret to say that a number of the Federal judges always have been, and are still, apparently reluctant to enforce the Sherman Act.

The food and coal gamblers have been reaping a new harvest during the last year. Indictments have been obtained by the Department of Justice, but, Mr. Chairman, does this Congress still hope for relief from a source not in sympathy with the enforcement of the law? Juries will readily indict and convict, but the verdicts are futile if a court will nullify them with an apology.

You can not kill this bill by crying "dictator!" so long as the shadow is cast by selfishness, avarice, greed, and the influence of the German autocracy. Your vote must be either for or against all these when it comes to voting on the bill.

If you are not going to profit by the mistakes of our allies during this war, I ask you to look back and visit again the camp at Chickamauga Park and other camps during the Spanish-American War. Look at that greenish, slimy meat. Who has furnished it but the food gambler? Look at Crawfish Spring, with its sweet and pure water, along the camp, bursting forth in ample quantity to quench the thirst of the weary soldiers and cool the brow of the sick in the hospital. Then ask why, O why, these soldiers are not permitted to drink of its refreshing water, and why they are compelled to haul their supply in barrels from sources 4 and 5 miles distant. Do not you see standing there the gambler and speculator shaking the dice for the life or death of the boys who volunteered that Cuba might be free? The gambler must have his share, and what is the result in the camp? Disease, sickness, and death among the bravest of the brave who were sent there to be hardened before they went to battle against Spain. Yes, Mr. Chairman, they were sent to the southern camp to be hardened, and at the end of four months' training two-thirds of the 60,000 were sick and unfit for duty, while not a few had made their last campaign on earth, and lost, because of the food gambler.

I ask you, Are you not going to profit by these mistakes because of fear of a "dictator"? Gentlemen, I want you to remember that we won during the Spanish-American War not because of our strength but because of the weakness of the enemy. The present war offers quite a different aspect. Germany is highly organized and in full control of all her resources, and we can not win this struggle unless we require every man, whether in the trenches, in the factory, or on the farm, to do his part. The temper of the American people will stand for nothing less. The man or woman who will refuse is not worthy longer to enjoy the blessings of a democratic government. [Applause.]

Mr. HAUGEN. Mr. Chairman, I yield one hour to the gentleman from New Jersey [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Chairman, I have the honor to be a member of the committee that prepared and has offered for your consideration the measure now under discussion, and while I do not approve of all the provisions, yet I favor its immediate passage in order that the security of the Nation, from the standpoint of food and fuel, may be assured and the present supply conserved and the future production greatly increased.

There will undoubtedly be some objections to the unlimited authority given to our President by the bill, but such authority is to be used only when the situation is such that conditions make it necessary for him to act, and at such times he should have power to use every possible resource for the control and regulation of the food and fuel supplies for the benefit of the country.

To those that make such objections I might add that the authority given to the President is more than overbalanced by the responsibility we are placing on his shoulders for carrying out the provisions of the bill. The question involves the production, conservation, storage, transportation, distribution, and finally the consumption of the food and fuel supply of the Nation, so that not only the millions of this country but the nations of the world, especially our allies, can depend on receiving sufficient food and fuel during this crisis.

On account of the size and location of our country the matter of production has concerned us but little in the past, but with increased population and export demands from nations not so favorably situated we have been brought to realize the necessity of some action that will increase and make available at reasonable prices the supply of both food and fuel.

It is for these reasons that the passage of this bill is desired, and to my mind never has a more important piece of legislation been considered, for it aims to regulate the necessaries of life on which depends the existence of the Nation.

In referring to the regulatory features of the bill your attention is directed first to section 5, which provides that, whenever the President shall find it essential, he may license the importation, exportation, manufacture, storage, or distribution of any necessaries, and he is further authorized to prescribe such regulations governing the conduct of the business of the licensees as may be essential to prevent uneconomical manufacture and inequitable distribution of such necessaries.

If it becomes necessary for the President to avail himself of this authority it will do at least two things, first, place the Government in control of every branch of the food and fuel business, and second, place that business on a scientific basis, the value of which would soon be appreciated by both the business man and consumer.

Section 6 prohibits the willful hoarding of necessaries for the purpose of unreasonably increasing or diminishing prices by persons other than the original producers of the products of any farms, gardens, or other lands owned, leased, or cultivated by him.

This provision is bound to release for consumption large quantities of food and fuel that now and for some time have been held for just what the section prohibits.

Section 9 authorizes the President to purchase, or provide for the production or manufacture of necessaries, to store and provide storage facilities for them, and to sell them; also to requisition necessaries and storage space therefor and to fix reasonable prices to be paid for the same by the Government, such prices to be subject to review by the courts. It is expressly provided that no natural person shall be required to furnish to the Government any necessaries held by him and reasonably required for consumption by himself and dependents for a reasonable time.

This section, in my judgment, covers the entire situation, for if it becomes necessary to take such a step, immediately all values will be based on the figure named by the President, and the fact that such authority is available, business will adjust itself, so that the use of such power may not be necessary.

Section 11 authorizes the President to prescribe regulations governing or either wholly or partly to prohibit operations, practices, and transactions on, or subject to the rules of, exchanges on which necessaries are dealt in, in order to prevent undue enhancement or fluctuation of prices, injurious speculation, unjust market manipulations, and unfair and misleading market quotations. He may also require records to be kept and reports to be made of all such transactions.

This section applies to the operation of exchanges trading in necessaries and will give the Government general supervision over these essential and indispensable agencies and compel them to render to the trade the service for which they were established.

Section 12 authorizes the President, when he finds that an emergency exists requiring stimulation of production, to fix from time to time a reasonable, guaranteed price for necessaries, in order to assure the producer a reasonable profit. The Government guarantees the receipt of the price by domestic producers who rely upon the guaranty and comply with the President's regulations. Whenever the President shall find that the importation of necessaries produced outside of the United States seriously interferes, or is likely seriously to interfere, with the practical operation of the guaranteed price plan, or materially enhances, or is likely materially to enhance, the liabilities of the United States under the price guaranty, there is levied a duty upon importations of such necessaries at a rate to be ascertained and proclaimed by the President, which, added to the value of the article at the time of entry, will be sufficient to bring its price up to the guaranteed price. In no case shall such rate be less than the rate fixed by existing tariffs. In order to make the guaranty effective, the President is authorized to purchase products covered thereby and to use or dispose of them.

This section means the establishing of minimum prices, a practice to which I am strongly opposed, as I do not think any farmer or producer, after seriously considering the situation, will desire it, nor do I think we ought to empower the President to fix duties on importations if we could. What the farmer wants is assistance from the Government to enable him to produce at a minimum expense a maximum crop from the soil under cultivation, and this can be done only by returning to the soil in the form of plant food the life and energy taken by the growing plant.

For years those interested in agriculture have been alarmed by the constantly increasing number of abandoned farms and reduced production, especially in the great Western States, and no permanent improvement in crops or reduction in prices can be looked for until every acre of land under cultivation is made to yield the maximum crop.

It has been the practice in some parts of our country for farmers to settle on virgin soil, plant and harvest the crops such soil would produce, and in a few years when the soil is worked out and of little value he would then move to another section and apply the same methods. Little attention was given to this practice, because at that time our population seemed limited and the supply of farm lands unlimited, but conditions have changed in the last 25 years, and now our population seems unlimited and the supply of land limited, and the result is that the crops are about one-half what the soil should produce, while the demand is constantly increasing.

Just what this means is hardly realized by the average person, as the Government has no statistics or estimates of the yearly depreciation in dollars per acre of farm land, but the several State experimental stations throughout the country, after a careful study, have estimated the loss or depreciation in land value to be from $3 to $4 per acre every time a crop is taken from the soil and no plant food returned. It is for this reason we have been compelled to increase our acreage in order to produce enough to supply our ever-increasing population, but instead of solving the problem the additional acreage has required more labor and burdened the farmer with other expenses until the business, especially that of raising wheat, has become unprofitable.

The following figures should convince you of the necessity of helping the farmer produce a greater yield, which would enable him to increase his profits and at the same time lower prices for the consumer.

	Population.	Acres.	Yield.	Bushels per acre.
			Bushels.	
1890	62,947,714	39,917,000	611,781,000	15.3
1916	102,017,310	52,785,000	639,886,000	12.1
1917	.....	46,692,000	[1] 656,000,000	14

[1] Estimated.

In the 1917 estimated yield there is included 283,000,000 bushels of spring wheat which has about two months more to go until harvest. At this time last year the same crop was estimated at 245,801,000, but unfavorable conditions prevailed after the figures were made up and the final yield was reduced to 158,142,000 bushels. Should the same happen this year our total wheat crop would be less than 500,000,000 bushels.

You will notice from the above figures that our population has increased about 40,000,000 during the past 25 years while the wheat production shows an increase of only 28,000,000 bushels. If the allowance of 6 bushels per person is required our increase should have been 240,000,000 bushels to keep pace with the growing population.

Unless our method of farming is changed, I predict that inside of 10 years it will be necessary for us to import wheat to feed our people.

The lack of fertilizer is largely responsible for the enormous wheat acreage plowed up this spring on account of winterkilling, which is estimated at 16,000,000 acres, and is chiefly caused

by the plant not having sufficient strength to stand the changeable winter weather.

That the grain situation is serious is evident from the official statement made public June 18 which shows that the supply of wheat during the previous week decreased 3,716,000 bushels, making the visible supply in the United States 20,142,000 bushels. This includes Canadian wheat now in store in the United States but has nothing to do with the visible supply in Canada.

Corn decreased 713,000 bushels, making the visible supply 3,437,000 bushels. Oats decreased 2,897,000 bushels, making the visible supply 13,793,000 bushels.

The foregoing figures compare with one year ago, as follows: Wheat at that time including Canadian within the borders of the United States and our own grown in the United States was 51,223,000 bushels. Corn was 10,127,000 bushels, and oats was 14,534,000 bushels.

Corn and oats are all United States grown grain.

It is interesting to note at this time that we have a visible supply of 20,142,000 bushels of wheat with a possible 20,000,000 bushels more in the farmers' hands, and still six weeks to go before new wheat will be available for use, while last year we had a carry over of about 170,000,000 bushels.

The movement of wheat at primary markets of the United States from July 1, 1916, to June 1, 1917, was about 365,000,000 bushels, compared with 487,000,000 bushels the corresponding time in 1915 and 1916. Exports of flour and wheat during the same time were about 173,000,000 bushels compared with 230,000,000 bushels for the same time the year previous, showing a decrease of 52,000,000 bushels, or about 22½ per cent less than the crop year of 1915 and 1916.

We can learn a great deal from the methods of farming employed by Germany, with a population of 70 per cent of the United States, and with only 25 per cent as much soil under cultivation, they grow 95 per cent of the food products required by their people. The reason for this is that the soil is forced to yield the maximum crop by the application of plant food necessary to bring this about, and the Government takes advantage of every opportunity to encourage the farmer by furnishing him with this material at the least possible cost.

They have absolute control of the potash situation, and that they fully realize and appreciate their position is evident from a statement made in the Reichstag on March 22 of this year by Vice Chancellor Helffrich, who said when predicting another bad harvest, that—

The bad international harvest is not accidental. It is due to the scarcity of saltpeter, and the world's next harvest will be bad owing to the same reason. Germany now has the lowest grain prices in the world. It is due to our firmly fixed policy since the beginning of the war. Present conditions wil lcontinue to prevail after the conclusion of peace, so that no progressive decrease in prices will occur in other countries. Furthermore, we shall all receive no grain from abroad and must take precautions that none be exported.

That our Nation is face to face with a crisis can not be denied, and the principal object of this bill is to remedy that condition.

The American farmer has been called upon as never before to produce maximum crops, and never before have factors that enter into production been so unfavorable. He will respond to the best of his ability, and by most careful economy of distribution and consumption the demands of the Nation and of our allies can be met. But under conditions with regards to labor, fertilizer supply, and unfavorable weather the demand can only be met by a great increase in the cost of production and consequent high prices for the product.

The tremendous desertion of farm labor for the city, due to the high wages paid by munition and manufacturing plants and the additional drain to be caused by the call to arms is a factor appreciated by many; but the critical condition of the fertilizer supply for the American farmer is understood by few. Yet the use of large amounts of fertilizer offers the quickest means of producing the supply of food needed, and at a reduced cost, by increasing the yield per acre without additional labor. While the war prices of food have intensified the situation and brought the food-control bill before this Congress, the high cost of all farm products was a problem of increasing seriousness to the American people before the war. The solution of the problem lies in an increase in the yield per acre without additional cost, and this result can be obtained by the application of cheap fertilizer on a scale that will replenish the soil with the elements which have been depleted by the wasteful agricultural system of the past.

Consideration was given to this problem more than a year ago, and those of you who were in the Sixty-fourth Congress will recall the passage of the military bill which was approved June 3, 1916, one of the provisions of which carried an appropriation of $20,000,000 for the purpose of determining and establishing the most available means for the production of nitrate.

We have been informed that two or three commissions have been appointed and, after investigation, reported to those having the matter in charge; but up to this time apparently nothing definite has been accomplished, and, so far as I know, absolutely nothing is being done in the way of producing nitrate, a material so essential in the manufacture of both munitions and fertilizer.

In advocating the necessity for a nitrate plant, from the standpoint of fertilizer alone, I quote from the hearing before the Committee on Military Affairs, February 11, 1916. Mr. Frank S. Washburn, of New York, whose authority on such matters has never been questioned, was asked by Mr. SHALLENBERGER:

Is it not a fact that the tremendous increase in the price of our fertilizer is going to add materially to the cost of food products if the shortage is not relieved?

Mr. WASHBURN. Unquestionably so.

Mr. SHALLENBERGER. Is it not the opinion of those who are studying the matter that inevitably the price is bound to be higher next year than it is this year, if the war goes on?

Mr. WASHBURN. Fertilizers are high in price, and will undoubtedly continue so during the war, and high-priced fertilizer, of necessity, means high-priced food

When you think of it, American agriculture needs fertilizer far more than Germany, because Germany has the intensive method of cultivation, with cheap labor—labor that costs only about a quarter or a fifth of what our labor costs here.

The fertilizer is essentially a labor-saving device. In every other industry when we have high-priced labor we turn to labor-saving devices. So that the low cost of an efficient fertilizer in unlimited quantities in this country will substantially help not only to reduce the cost of food but will help to maintain the wage or the returns to the man in the field.

The following comparative prices will confirm the above statement:

Retail prices.

	Before the war.	Now.
Raw bone.....per ton.	$35.00	$45.00
Farmer's special potato.....do....	35.00	103.00
4-8-3 Potato "Used this year".....do....	28.00	61.00
Corn mixture.....do....	25.00	49.00
Grain manure.....do....	25.00	49.00

Cost of materials, wholesale.

	Before the war.	Now.
Sulphuric acid.....per ton..	$8.00	$50.00-$60.00
Acid phosphate.....do....	7.50	16.00
Tankage.....per hundredweight..	$2.25-2.50	5.50- 6.00
Potash.....per ton..	35.00	[1] 350.00-400.00
Nitrate of soda.....do....	35.00	82.00

[1] And has been to $600.

The question of fuel is also covered by this bill and I would favor an amendment dealing with this subject separately and making it compulsory for the Government to take over and operate the coal mines during this crisis.

Conditions are such that it is almost impossible to buy coal at a price and of such quality that will allow the industries of our country to operate at a profit, and many plants will soon be compelled to shut down unless some relief is given.

This condition also applies to the private citizen who is unable to get any assurance that it will be possible for him to be supplied with coal for next winter.

The Federal Trade Commission have issued several statements claiming that the supply of coal is unlimited and that there is no reason for the present high prices charged for coal.

The advance including the increase in wages and freight rates will not exceed $1 per ton, but to-day it is almost impossible to buy either anthracite or bituminous coal unless a premium of from two to four dollars per ton is paid over the prices charged two years ago. Even at these prices there is no guarantee as to quality and it is claimed that operators are mixing with coal the accumulation of mine dirt and are shipping the same on contracts regardless of grade.

I know from my own experience that contracts made at $3.50 per ton are not being filled, yet orders will be accepted and shipments made at $6.50 per ton.

I have had several complaints regarding the coal situation and have taken the matter up with the Federal Trade Commission but have met with little success, the only reply I received stated that the matter was under consideration.

I would like to have the Clerk read for your information an editorial from the Trenton Evening Times, of Trenton, N. J., showing the need for Government supervision of coal mines.

COAL PRICES.

[Editorial from the Trenton Evening Times, Trenton, N. J., June 16, 1917.]

A committee of the Manufacturers' and Business Men's Association of Brooklyn investigated the coal situation and reported that there is no shortage of coal, but that the crisis was created by the juggling of prices by sales agents and speculators. The report is to be laid before the Federal Trade Commission, and Congress will be asked to pass a law giving to that commission power to fix prices at the mines.

The need of such a law is shown by the statement made by one of the silk companies of Paterson, which in 1914 bought a good grade of "smokeless" bituminous coal for $1.25 per gross ton, free on board at the mines. In 1915 the price was advanced to $1.35; in 1916 to $1.50, and during the present year it has been jumped to $5.50 per ton for the low grade. Another company that paid $3 per gross ton for buckwheat coal in 1914 and 1915, is now paying $5 for a "short" ton, and $8 for bituminous coal.

Transportation rates are fixed and have not been increased. If there have been changes in the prices of labor, they have been but a few cents per ton, not sufficient to justify increases of from 100 to 300 per cent in selling prices at the mines. The Federal Trade Commission has been investigating for several weeks and should be prodded into action that will give relief.

In trying to impress the public with the necessity of food control many misstatements have been made, and I call your attention to an article appearing in the Washington Star of June 14, 1917, referring to a conference at which Mr. Hoover was present:

Figures were quoted at the conference to show abnormal profits taken by the middlemen. The statement was made that while flour is selling for around $15 per barrel, it is being manufactured in the West at a cost of about $7 and could be sold at $8 or $9 and still give a good profit to the dealers. The middleman, it is declared, in flour alone is taking $120,000,000 profit monthly from the American people.

Statements of this character are absolutely wrong and are creating impressions that will be hard to overcome. At the present price of wheat flour can not be produced for the price it is selling for to-day.

Following is the cost of flour, based on the cost of wheat last week. The average mill figures on 5 bushels or 300 pounds of wheat:

Five bushels, $3.13¼ per bushel	$15.66¼
Cost of manufacture	.50
Package or barrel	.40
Commission for selling	.10
Total cost	16.66¼

This wheat will produce the following:

180 pounds patent flour, at $15 per barrel	$13.50
16 pounds low-grade flour, at $6 per barrel	.48
4 pounds loss in manufacturing	.00
30 pounds middlings, at $1.75 per hundredweight	.52
70 pounds bran, at $1.50 per hundredweight	1.05
	15.55

This shows an actual loss of $1.11¼ per barrel for flour made from wheat purchased on the open market.

I have endeavored to cover the bill with the idea of showing the importance of not only conserving our present small crops but the necessity of doing everything possible to bring about greater production. [Applause.]

Mr. AUSTIN. Has the gentleman any figures showing what the farmer gets for his wheat?

Mr. HUTCHINSON. He got $3.25 six weeks ago. That is what I paid.

Mr. AUSTIN. Did the gentleman buy the wheat directly from the farmer?

Mr. HUTCHINSON. Yes.

Mr. AUSTIN. Does the gentleman recall the statement made by the gentleman from South Carolina [Mr. LEVER] quoting the price of flour in Liverpool at $8 per barrel?

Mr. HUTCHINSON. I was not here at the time, but I think the gentleman is mistaken.

Mr. AUSTIN. He fixed it at $8 a barrel, and the gentleman from Pennsylvania calls my attention to the fact that Mr. Hoover stated that they are selling it at that price now. Now, if wheat costs $3 a bushel, how can they afford to sell flour in Liverpool at $8 a barrel?

Mr. HUTCHINSON. They can not; the freight costs 60 cents a bushel.

Mr. ROSE. I notice that Mr. Hoover is quoted in the Washington papers as saying that flour is now selling at $8 or $8 and a few cents a barrel in Liverpool.

Mr. HUTCHINSON. Perhaps the Government is paying the difference with the money that we are loaning them.

Mr. ALEXANDER. May it not be that England bought the wheat out of which this flour is made some time ago, and the farmer did not get more than $1 a bushel for his wheat?

Mr. HUTCHINSON. The wheat that was bought for $1 a bushel was soon ground up into flour, for no mill can hold more than two days' milling.

Mr. ALEXANDER. I want to disabuse the minds of gentlemen that the farmer is getting $3 for his wheat. Now and then you may find a farmer who gets that, but the quantity is negligible compared with the vast quantity of wheat grown in the West.

Mr. HAUGEN. The farmer who has wheat is getting $3 a bushel.

Mr. ALEXANDER. Oh, a very few farmers that held on to it.

Mr. HAUGEN. But there are some.

Mr. FESS. Will my colleague yield for one question?

Mr. HUTCHINSON. Yes.

Mr. FESS. The gentleman who is speaking is a manufacturer of flour and a purchaser of wheat and evidently knows whereof he speaks. I saw in the paper a statement that flour ought to be sold here at $9 a barrel, and when it is sold for so much more it is apt to produce a bad situation in the public opinion of the country. I would like to know from the gentleman's standpoint, from the standpoint of a manufacturer of flour, whether that is possible to-day.

Mr. HUTCHINSON. It is not. The figures that I gave are the actual cost of the wheat. It takes 5 bushels in the average mill to make 200 pounds, or a barrel of flour. If the miller buys wheat at $1.20 he can sell the flour for $6 a barrel. If he buys it at $2 a bushel he has got to sell at $10 a barrel. We know that wheat to-day is sold for over $3 a bushel.

Mr. DENISON. Where do the millers obtain their wheat now?

Mr. HUTCHINSON. They can hardly get it.

Mr. DENISON. Then how do they make the flour?

Mr. HUTCHINSON. A great many mills are shut down absolutely, waiting for the new harvest. About all of the available wheat supply of the country is 20,000,000 bushels, and there is supposed to be about the same amount in the farmers' hands.

Mr. HARDY. Do I understand the gentleman to say that it takes five bushels of wheat to make a barrel of flour of 196 pounds?

Mr. HUTCHINSON. The average mill takes that. Some take less and some more, according to the system used in the mill.

Mr. HARDY. What do they do with the other pounds of wheat?

Mr. HUTCHINSON. There are 30 pounds of middlings and 70 pounds of bran which goes for feed.

Mr. HARDY. Do not these by-products have a great value themselves?

Mr. HUTCHINSON. Middlings to-day are sold at $35 per ton and bran at $30 per ton.

Mr. HARDY. What would that make the total selling value? If you make flour enough to cover the cost of the wheat, how much profit would that leave to the middleman in these by-products?

Mr. HUTCHINSON. What does the gentleman mean?

Mr. HARDY. Wheat weighs 72 pounds to the bushel?

Mr. HUTCHINSON. Sixty.

Mr. HARDY. So that you would have 300 pounds of wheat out of which you get 196 pounds of flour, leaving 104 pounds for something else?

Mr. HUTCHINSON. We figure a loss of 4 pounds in manufacture.

Mr. HARDY. Then 100 pounds of by-products?

Mr. HUTCHINSON. Yes.

Mr. HARDY. And that is worth something?

Mr. HUTCHINSON. Yes; it is worth $1.57 to-day.

Mr. HARDY. So that upon 5 bushels of wheat, if the flour sold for as much as the wheat come to, there would be a profit of $1.57?

Mr. HUTCHINSON. Yes; if you sold it at the same price you paid for the 5 bushels of wheat.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. Yes.

Mr. BORLAND. Mr. Chairman, I have always understood that one of the purposes of bleaching flour is to increase the amount of bread value that could be made out of the same amount of wheat. Is that true?

Mr. HUTCHINSON. No; the purpose of bleaching flour is to age it. We do not consider flour that is fresh milled good until it has a month's age. By the bleaching process you can use it right away. It ages it.

Mr. BORLAND. It is not for the purpose of increasing the amount of flour that can be made out of the wheat?
Mr. HUTCHINSON. Not at all.
Mr. BORLAND. Is it not true that you can increase the amount of flour that is made out of the wheat? Can you not increase the percentage of flour?
Mr. HUTCHINSON. You can put germ middlings into it or middlings, but that reduces the keeping quality in it.
Mr. BORLAND. That is what I wanted to ask the gentleman. What is the effect of increasing the amount of flour that is made from the kernel of wheat?
Mr. HUTCHINSON. It has several effects. In the first place, it has an effect upon the color. The average mill tries to make the flour as strong as possible. In other words, you take 50 per cent patent and it will give you from 325 to 350 loaves of bread per barrel, and if you make it 80 or 90 per cent patent you reduce the loaves of bread.
Mr. BORLAND. You mean that 90 per cent of the wheat has gone into the patent flour?
Mr. HUTCHINSON. Ninety per cent of all of the flour in the wheat.
Mr. BORLAND. Has gone into the so-called patent flour?
Mr. HUTCHINSON. Yes.
Mr. BORLAND. You say that makes a stronger flour?
Mr. HUTCHINSON. Yes.
Mr. BORLAND. Is the flour just as nutritive if you use a higher percentage of wheat?
Mr. HUTCHINSON. Some people claim it is, but I think it is an injury to health, provided you use too much. Statistics show that.
Mr. BORLAND. In a time when it is absolutely necessary to conserve all of the wheat supply, would it be practical to use a larger percentage of wheat in the manufacture of flour?
Mr. HUTCHINSON. You would reduce the quantity of bread. In other words, if you use a percentage of middling, or bran, you lower the grade, and the lower the grade the less bread you get out of it.
Mr. BORLAND. The gentleman does not think by increasing the percentage of wheat that is used in the so-called patent flour you could increase the bread supply?
Mr. HUTCHINSON. Oh, you would reduce it wonderfully.
Mr. LONDON. Does the gentleman believe that the control of food supply should have begun long ago?
Mr. HUTCHINSON. It might have been of benefit; yes.
Mr. LONDON. If it had begun months ago?
Mr. HUTCHINSON. Yes.
Mr. REED. Mr. Chairman, will the gentleman yield?
Mr. HUTCHINSON. Yes.
Mr. REED. In reply to my colleague's question the gentleman stated the mills were getting no wheat, that they were shutting down, not manufacturing. Where are the grocers that are furnishing flour getting their supply of flour? Where is it stored?
Mr. HUTCHINSON. A great many of them bought ahead. A great many grocers bought flour when it was up to $18 a barrel, and then there is something else of which I can personally speak. Six weeks ago the people in my town began to purchase flour. We were selling as high as fifty and sixty 98-pound bags a day. The consumers themselves were hoarding it, and lots of them have flour enough to last them for a year. At present prices to-day they are not buying any flour. They have all of the flour they want, on account of this agitation and talk, thinking they were never going to get any more.
Mr. SWITZER. Will the gentleman yield?
Mr. HUTCHINSON. I will.
Mr. SWITZER. Does the gentleman have any notion as to what the farmer figures the cost of producing a bushel of wheat this year, say, in North Dakota?
Mr. HUTCHINSON. We had a gentleman from North Dakota before our committee and he figured the cost of wheat at $1.95 a bushel.
Mr. SWITZER. To produce it?
Mr. HUTCHINSON. Yes; to produce it.
Mr. MEEKER. Will the gentleman yield?
Mr. HUTCHINSON. I will.
Mr. MEEKER. How much did the gentleman say?
Mr. HUTCHINSON. One dollar and ninety-five cents a bushel.
Mr. MEEKER. To produce the wheat?
Mr. HUTCHINSON. Yes. His idea was to get the committee to fix the minimum price.
Mr. MEEKER. At $1.95?
Mr. HUTCHINSON. Oh, no; more than that; that is the cost.
Mr. MEEKER. That is going some, even for economy.
Mr. YOUNG of North Dakota. It is the truth, however.
Mr. MEEKER. It costs $1.95 to produce in North Dakota?
Mr. YOUNG of North Dakota. Certainly.
Mr. MEEKER. And without any profit?
Mr. YOUNG of North Dakota. It costs more than that. If the gentleman will read my speech, he will see I am right about that.
Mr. MEEKER. I read it in the middle of the night.
Mr. HAUGEN. Will the gentleman yield?
Mr. HUTCHINSON. I do.
Mr. HAUGEN. The gentleman is a miller and has experience, and I would like to ask the gentleman, with the price of flour fixed at $9 a barrel, if that is settled upon, what price should be paid to the farmer for wheat?
Mr. HUTCHINSON. We figure $1.80. We generally figure the bran and middlings will pay all expenses of manufacture and sale.
Mr. HAUGEN. That is the cost of manufacturing?
Mr. HUTCHINSON. Yes.
Mr. HAUGEN. How much would it net the farmer per bushel at $9?
Mr. HUTCHINSON. One dollar and eighty cents. We figure the cost of manufacture, selling, the profits of the retailer, and all. We would get probably about $7.50 wholesale at $1.80 wheat.
Mr. SIMS. Will the gentleman permit another question?
Mr. HUTCHINSON. I will.
Mr. SIMS. Does that include transportation charges from the far West, such as North Dakota?
Mr. HUTCHINSON. The price I gave includes the cost.
Mr. SIMS. So that if the transportation were near by it would not really cost that much to the miller?
Mr. HUTCHINSON. The price we pay is generally fixed, for instance, if the farmer lives near a mill in New Jersey, he would get just about the price we pay for wheat on cars delivered at our station.
Mr. SIMS. Gets that much more?
Mr. HUTCHINSON. He would get the same.
Mr. AUSTIN. Has the gentleman any information as to what wheat is selling for in England?
Mr. HUTCHINSON. I have no such information.
Mr. LEVER. I will say to the gentleman, if I may be permitted, the information I have is that wheat is selling in England, April, $2.45 a bushel. I think Mr. Hoover repeated that statement to the Senate committee yesterday, although I have not had time to go carefully over his statement.
Mr. AUSTIN. What was wheat selling for here at that time?
Mr. LEVER. Something over $3.
Mr. HICKS. Will the gentleman yield for a question?
Mr. HUTCHINSON. Certainly.
Mr. HICKS. What is the price of flour in England; about $9.20 a barrel?
Mr. LEVER. I just glanced at Mr. Hoover's statement in the paper. I have not had time to read it carefully.
Mr. HICKS. That is where I got the statement from.
Mr. LEVER. I got the impression flour was selling at about $9 a barrel.
Mr. HICKS. Does the gentleman know whether that is correct of not?
Mr. LEVER. That is also an impression I got from figures furnished by the Department of Agriculture.
Mr. AUSTIN. Where do they get their figures?
Mr. LEVER. I presume they take them from the London papers.
Mr. HICKS. Why do we pay higher for it in this country than they do in England when it is all probably made from American-grown wheat?
Mr. LEVER. Because we have not got the control of the machinery of marketing, which is what we are tryng to set up now.
Mr. HICKS. The difference between the price in England and here then is probably due to unscientific methods of handling plus the lack of regulations as to distribution—the slack which this bill seeks to remedy.
Mr. LEVER and the hurley-burly chaotic condition of the market.
Mr. HITCHINSON. I want to answer Mr. HICKS. I want to say this: We are sending about 8,000,000 bushels of wheat, and they are paying the same price for it we do, and how they can sell flour for that price I do not know and I do not believe it.
Mr. HICKS. The gentleman doubts the truth of the statement as given in this morning's papers?
Mr. HUTCHINSON. Yes.
Mr. HAUGEN. In estimating wheat at $1.80 a bushel, that is at the mill?

Mr. HUTCHINSON. That is at the mill.

Mr. HICKS. And from that deduction must be made for freight and transportation to the mill and the commission of the elevator man?

Mr. HUTCHINSON. That is delivered at the mill.

Mr. HAUGEN. Which would probably reduce it how much to the farmer? For instance, you buy your wheat and ship it to your mill, what would be the expense of handling it?

Mr. HUTCHINSON. I think wheat which costs us $1.80 in New Jersey, spring wheat, would probably net the farmer of North Dakota $1.40.

Mr. MILLER of Washington. Speaking of your basis on the production of the pounds of flour to a bushel of wheat, what quality of wheat are you referring to—hard wheat, soft wheat, spring or winter wheat, or what grade?

Mr. HUTCHINSON. That is on hard wheat.

Mr. MILLER of Washington. Winter wheat?

Mr. HUTCHINSON. No. 1 hard spring wheat.

Mr. MEEKER. In a discussion here a moment ago it was suggested by one of the Members that about five bushels of wheat are necessary to make a barrel of flour.

Mr. HUTCHINSON. That is the ordinary run. It has been down as low as four and one-half bushels. It is according to the system of the mill.

Mr. MEEKER. Let us take the suggestion of the gentleman from North Dakota, of wheat at $1.95, it would make the cost of that flour $10. Does this bill hold out to the ultimate consumer the hope that he would get his flour less than $18 a barrel?

Mr. HUTCHINSON. I do not think he will do that, unless wheat is sold less than $3.25 per bushel.

Mr. HAUGEN. If the arbitrary price is fixed at $9, the farmer has got to take what he can get.

Mr. MOORE of Pennsylvania. The gentleman from Illinois [Mr. GRAHAM] made a speech yesterday and inserted in the RECORD this morning a statement from the British Embassy as to the cost of food supplies in England. In that statement the British ambassador fixed the price of flour on May 19 at $8.20 a barrel in England. Mr. GRAHAM said he made inquiry as to the price of flour in the United States at that time and found it quoted in Washington at $17.60 a barrel, making a difference of $9.40 as between the cost of flour in England and the cost of flour in the United States. In the papers this morning Mr. Hoover is quoted as saying that the allies' food supply will be 40 per cent deficient even with American food supplies assisting, and that the deficiency must be made up by sacrifice abroad and economy here. Now, I wanted to ask the gentleman whether, if the allies' food supply is 40 per cent deficient and they are paying one-half per barrel for flour what the people of the United States are paying, how we are going to reduce the cost of living in the United States if we continue to send our flour to England to be sold at one-half the price it is sold for here?

Mr. HUTCHINSON. I do not think it can be done; neither do I think it is done.

Mr. MOORE of Pennsylvania. The gentleman thinks the statement of Mr. Hoover is not correct?

Mr. HUTCHINSON. I do not think that he made the statement. However, if he did, I do not think it is right.

Mr. MOORE of Pennsylvania. I understand the gentleman's position. He is informed on this question. But the British ambassador states in his letter to Mr. GRAHAM of Illinois that the price of flour over there is $8.20 a barrel, and Mr. GRAHAM states that in the United States $17.60 per barrel is asked at the present time, and Mr. Hoover states that the allies' food supply is 40 per cent deficient. To me it is an anomalous condition. It is anomalous that the price should be so high in the United States to the people who are producing the food and so low to the people in England who are not at the front fighting the battles.

Mr. HARDY. Will the gentleman yield?

Mr. HUTCHINSON. I will.

Mr. HARDY. Will the gentleman tell the committee what, as a minimum, he paid for wheat last July and August when the new crop came in?

Mr. HUTCHINSON. I do not recall. I am not sure.

Mr. HARDY. Not over $1.50?

Mr. HUTCHINSON. No; we did not pay that much.

Mr. HARDY. Now, is it not a fact that over 90 per cent of the wheat bought by the millers of England was bought at about that figure?

Mr. HUTCHINSON. I think they have bought a good deal, and my judgment is they have bought a good deal of the next crop.

Mr. HARDY. Is it possible that the low price of the English crop is due to the fact that the great bulk of the wheat was not bought at the high prices for the little remnants that are being bought, but was bought at prices of $1.50 or $1.80 a bushel?

Mr. HUTCHINSON. The average miller generally follows the market.

Mr. HARDY. The gentleman thinks by a species of abuse the remnant now in the hands of the farmer can be run to $3 a bushel and the miller ought to take the profit and the people pay for the whole crop on the basis of the remnant? For that very reason it is very necessary that some control over the distribution and disposition of crops should be had somewhere in order to hold a reasonable average.

Mr. HUTCHINSON. I will ask you this question: Suppose Mr. Hoover is the dictator of food, and he fixes the minimum price, which he has got to do before the wheat is planted. We have two seasons, as we have spring wheat and winter wheat. He fixes the price on winter wheat, we will say, at $1.50, and by some unforeseen event the spring wheat is a failure. How will the farmer feel after his winter wheat is sold and the price goes up? How are you going to regulate it by this law?

Mr. MEEKER. Mr. Chairman, will the gentleman yield again?

Mr. HUTCHINSON. Yes.

Mr. MEEKER. A friend of mine, who is a commission man in St. Louis, told me that following the speech of the Secretary of Agriculture some weeks ago, when he sent out the scare words that we were going to be short on wheat, everybody was frightened and wheat went up. We are condemning the men in the Chicago Board of Trade—and I am not here particularly to defend them in any way—but here is what occurred: The Kansas millers, the Nebraska millers, purchased wheat from this St. Louis commission man at $3 a bushel to grind into flour to sell to the Kansas farmers to haul that flour home in 5 or 20 barrel lots to feed themselves. That is what put this price up. Is there anything in this bill that is calculated to get hold of that Kansas farmer after he has got his 15 barrels?

Mr. HUTCHINSON. No; this law exempts him.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. Yes.

Mr. LONGWORTH. What was the price of flour when wheat was $1.80 a bushel?

Mr. HUTCHINSON. Nine dollars.

Mr. SWITZER. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. Yes.

Mr. SWITZER. If it costs the English Government $1.50 a bushel here for wheat, it costs another 60 cents a bushel to get it to Liverpool, does it not?

Mr. HUTCHINSON. Yes; that is right.

Mr. SWITZER. That will make it cost $2.10 a bushel at Liverpool?

Mr. HUTCHINSON. Yes.

Mr. HAMILTON of Michigan. Mr. Chairman, may I ask the gentleman a question?

Mr. HUTCHINSON. Yes.

Mr. HAMILTON of Michigan. Before the loaves of bread began to shrink in size under normal conditions preceding the war, how many loaves of bread was it estimated that a bushel of wheat would make?

Mr. HUTCHINSON. Taking it on the barrel basis, the average loaves of bread made were according to the quality of the flour. For instance, low-grade flour will not make more than 200 loaves, while patent flour will run up to 325 or perhaps 350 loaves.

Mr. HAMILTON of Michigan. That makes how many to the bushel; about 60 on the average?

Mr. HUTCHINSON. Yes; about 60.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. Yes.

Mr. HARDY. It makes how many loaves did the gentleman say?

Mr. HUTCHINSON. It varies from 200 loaves up to 325, according to the quality of the flour?

Mr. RAGSDALE. Mr. Chairman, will the gentleman permit an interruption?

Mr. HUTCHINSON. Yes.

Mr. RAGSDALE. As I understand it, the United States Government itself has gone into the market and bought enormous quantities of supplies?

Mr. HUTCHINSON. So I understand.

Mr. RAGSDALE. The Government bought this at the tail end of the season, when the visible supply was lower than at any other time. This necessarily itself increases the price enormously, does it not?

Mr. HUTCHINSON. Undoubtedly.

Mr. RAGSDALE. And this legislation could not reach that purchasing department in any way, could it?

Mr. HUTCHINSON. No.

Mr. RAGSDALE. If this administration had waited until a new crop had come on and had gone directly into the field, could not much of this enormous increase of price have been avoided?

Mr. HUTCHINSON. I do not see how it could when you get a crop down to nearly nothing. That makes the price.

Mr. RAGSDALE. But while you have got nearly nothing, unless there is a demand and an offer of certain prices to bring this out from the places where it is, would it attain this new level except through some artificial pressure?

Mr. HUTCHINSON. Well, as I suggested awhile ago, the agitation about the scarcity scared everybody, and the prices went up.

Mr. REED. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. Yes.

Mr. REED. We are now interested in getting the greatest food value out of a bushel of wheat. Is it true that one miller will have his mill so adjusted that it will send the farmer back home with more flour out a bushel of wheat than another mill?

Mr. HUTCHINSON. Very few millers do that nowadays.

Mr. REED. One farmer goes to mill and is sent back home with a higher grade of flour than another, and another farmer is sent back home with more flour, but that larger quantity is made possible by more middlings that have gone into the process, and he gets more of the wheat, but less of the food value?

Mr. HUTCHINSON. Yes; he will have less food value and a less number of loaves of bread.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. Yes.

Mr. FESS. I have had intimations from some sources that the allies had purchased largely in the American market when the price of wheat had not gone so high, and that we are now selling simply the remnants of the product. Have we any figures as to what purchases have already been made on the coming crop?

Mr. HUTCHINSON. We have no record, but it is rumored that about one-half of the anticipated crop has been bought. Whether there is any truth in it I can not say.

Mr. FESS. This legislation, which I am inclined to support, will not reach that situation?

Mr. HUTCHINSON. The situation, as I understand it, will be, after they get this law passed, that they will have a board where there will be only one purchasing agent for all the allies.

Mr. FESS. For all the allies?

Mr. HUTCHINSON. Yes.

Mr. FESS. And that will fix the price?

Mr. HUTCHINSON. Yes.

Mr. FESS. But suppose a contract has already been made. Would that be affected?

Mr. HUTCHINSON. You could not get away from it. That has been one of the causes of the high prices of wheat. They have been bidding against each other.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. Yes.

Mr. HARDY. Several gentlemen have been speaking of the prices of flour in England and the prices here. That is one of the essential things that renders section 12 necessary, in order to encourage the utilization of other products as substitutes for wheat largely and the encouragement of the production of other products under section 12.

Mr. HUTCHINSON. Yes; I think it is a very good idea.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. Yes.

Mr. SNYDER. Referring again to the price of flour sold in England and the price here, is it possible that the English miller and the English food controller purchased his wheat at an advantageous price, at an advantageous time, and by reason of the control that the controller has over the production of flour in England he has had the wheat made into flour at the price it was purchased at, whereas in this country the miller takes advantage of every increase in price that may have been brought about by speculation and does not use up the wheat he has on hand, which may have been bought at an advantageous price, thereby making the barrel of flour in this country cost $17 as against the barrel of flour in England at $9?

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. MEEKER. I ask unanimous consent that the gentleman have five minutes more. I want to ask him a question.

The CHAIRMAN. The time is under the control of the gentleman from South Carolina [Mr. LEVER] and the gentleman from Iowa [Mr. HAUGEN].

Mr. HAUGEN. I regret exceedingly to have to say that if the general debate is to close to-night it is impossible for me to grant additional time.

Mr. MEEKER. Two minutes?

Mr. SNYDER. Just to let the gentleman answer my question.

Mr. HAUGEN. With the gentleman's experience in milling, I take it he is better informed and in a better position to enlighten the House than anybody else in it on this subject.

Mr. MEEKER. That is the reason I want him to have the two minutes.

Mr. HAUGEN. I yield to the gentleman two minutes.

Mr. SNYDER. Now, will the gentleman from New Jersey answer my question?

Mr. HUTCHINSON. In answer to the gentleman's question I will say that that might very easily be the case.

Mr. SNYDER. Is it not a probable proposition?

Mr. HUTCHINSON. It is.

Mr. MEEKER. Now, I would like to ask the gentleman this question: The farmer comes in and offers you his this year's crop, sells it to you at $1.50 or $2 a bushel. You advance the money on that. When he harvests this crop he brings it in. You grind it into flour and hold it. Under this law they could not reach the farmer if he should hold the wheat, but they will get you if you hold the flour, will they not?

Mr. HUTCHINSON. Yes.

I thank the committee for the patience with which they have listened to me. [Applause.]

Mr. LEVER. I yield 40 minutes to the gentleman from Missouri [Mr. RUBEY], a member of the committee. [Applause.]

The CHAIRMAN. The gentleman from Missouri is recognized for 40 minutes.

Mr. RUBEY. Mr. Chairman, the country is confronted with an extraordinary emergency. Not since the grave days which followed 1776, when a handful of gallant soldiers won our glorious independence and paved the way for the establishment of the Republic, has this country faced so great a crisis as that which is impending at this time. Wars we have had, long, hard-fought, and bloody wars, but they have been carried on for the most part within the borders of our own country. To-day we find that, against our own desires, in absolute self-defense, to protect the rights of our citizens, defend the lives of our people, and maintain the honor, the integrity, and the self-respect of our glorious Republic, we have joined in that awful conflict, which, for nearly three years, has been raging in the Old World. To-day we are fighting with the Imperial German Empire, a country far removed from our shores and a country whose whole history is one long story of militarism. No one doubts the military power of Germany, and no one for a moment doubts the seriousness of the conflict into which we have entered. The devoted, patriotic, liberty-loving citizens of this Republic are looking to the Congress of the United States to pass the necessary legislation which will enable the President, as Commander in Chief of the Army and Navy, to carry on the war and bring it to a speedy and successful termination. No Congress in all history has this Congress. Thus far it has done well. I feel sure that has had to face as many serious and extraordinary problems as the great mass of the people of the country will approve the legislation thus far accomplished. Let us review it for a moment, especially the work done in the House.

The Sixty-fifth Congress, called into extraordinary session by the President, met at noon on April 2. The House proceeded at once to its organization, and within the short space of a few hours elected its Speaker and other officers, adopted its rules, and announced to the President and the Senate that it was ready for business. At 8.30 p. m. on that same day President Wilson delivered his message in person to the joint session of the House and Senate, setting forth in a most remarkable address the causes which led to the calling together of the Congress. The gravity of the situation impressed itself upon us all; we went to work at once. After mature and serious consideration, at 3 o'clock on Friday morning, April 6, the declaration that a state of war existed with Germany, pledging all the resources of the country to its successful prosecution, passed the House with but 50 dissenting votes. On April 14, after full and free debate, we passed the bonding bill providing for the issuing of $5,000,000,000 of bonds and $2,000,000,000 of certificates of indebtedness—in all, $7,000,000,000—the largest bond issue ever authorized in one measure in any country in all the history of the world. That bill, coming from the Committee on Ways and Means with a unanimous report, passed the House without a dissenting vote. Shortly before midnight on April 28, after a week of earnest and ofttimes spirited debate, during which time the House held many night sessions, we passed the bill providing the method for the raising of an army with which

to prosecute the war. That bill passed the House with only 24 votes against it. On May 2 we passed the war appropriation bill, carrying an appropriation of two and three-quarter billion dollars, a sum which almost staggers human comprehension. That bill, the largest appropriation bill ever passed by any Congress, and which has since been increased to more than $3,000,000,000, went through the House with practically a unanimous vote, there being only one vote recorded against it. The war-revenue bill, after two weeks of debate and consideration, passed the House on May 23, the vote being 329 for and 76 against. The amount of revenue to be raised by that measure was variously estimated at from $1,800,000,000 to $2,000,000,000 annually. This is by far the largest revenue measure ever passed by any legislative body in the world.

Many other measures of great moment have been considered and passed. I have taken the time to mention only those of supreme importance which have thus far been considered by the House. I repeat, thus far the House has done well. It has been doing big things; precedent after precedent has been broken and measures of such great magnitude and of such vital importance to the Nation in this emergency have been passed with such unanimity of action on the part of the membership of this House that, when known to the countries of Europe, challenge the admiration of our friends and bring astonishment and consternation to our adversaries. No one can doubt, judging by our work thus far, that we propose to win this war.

We come to-day, Mr. Chairman, to the consideration of a measure which, in my humble judgment, at least equals in importance any of those we have heretofore passed. It is the bill to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel. In brief, it is known as the food-control bill. At the very outset, in the discussion of this bill I desire to call the attention of the membership of this House to the wording of the war declaration passed on April 6 last. Whether you voted for that declaration or whether you voted against it, I am sure you are ready now to do your utmost to carry its provisions into effect.

Whereas the Imperial German Government has committed repeated acts of war against the Government and the people of the United States of America: Therefore be it

Resolved, etc., That the state of war between the United States and the Imperial German Government which has thus been thrust upon the United States is hereby formally declared; and that the President be, and he is hereby authorized and directed to employ the entire naval and military forces of the United States and the resources of the Government to carry on war against the Imperial German Government; and to bring the conflict to a successful termination all of the resources of the country are hereby pledged by the Congress of the United States.

Mr. Chairman, in that declaration we authorized and directed the President to employ not only the entire naval and military forces but also the resources of the Government to carry on war against the Imperial German Government, and, further, to bring the conflict to a successful termination, the Congress of the United States pledged all the resources of the country. The greatest, the most important resource the United States has to-day and the one which will do more to help bring the war to a successful termination is its food supply. It is just as essential to give the President control over the foodstuffs of the country as it is to give him control over the Army and Navy. In the declaration of war we have pledged the President this important resource and the pending bill will enable him to take control of it. In the passing of this measure we are therefore but carrying into effect a solemn pledge already made. [Applause.]

In a time of peace such control would be out of the question, it would never be necessary. This great country could supply from year to year enough food for its own people to live in ease and comfort for generations yet to come. In a time of war, it is different, especially in such a war as this, the like of which has not been known since the beginning of time. There is not a European country to-day, whether neutral or in war, whose supply of food is not limited. The lives of men, women, and children in every country in Europe are depending upon the results of the planting, cultivating, and harvesting in America.

It is not my purpose at this time to go into detail and to give the facts and figures as to the shortage of foodstuff in Europe or to give the estimated needs of England, France, and other countries during the coming year. These facts and figures will, no doubt, be given during this debate. I take it for granted that the Members of this House are somewhat acquainted with that situation and know the seriousness of it. It is the solemn duty of the people of this country to encourage production to the utmost, to conserve our food products, and to furnish supplies to England, France, and Italy, as far as lies within our power, without denying the necessaries to our own Army and Navy and without deprivation to our own people. It goes without saying that we should also, as far as possible, supply foodstuff to the neutral nations. Already we have taken steps to encourage production; the farmers have been urged to increase their cultivation, and they have responded nobly. The increased cultivation will amount to millions of acres. Patriotic farmers, far and near, are toiling early and late, and if the sunshine and rain come in due season, greatly increased production will be the result of the harvests. With favorable weather conditions, increased production will be assured. Yet we should not be too optimistic; conditions all over the country have been more unfavorable than in many years. Cold weather has retarded growth and often necessitated replanting of crops. Excessive rains and storms have recently done much damage, while the floods from high water have inundated thousands upon thousands of acres and completely destroyed the crops. We must also bear in mind that the months of July, August, and early September, the period of drought in the Central West and the South, are yet to come. Excessive heat, dry weather, and hot winds may yet cut short, if not destroy, our crops.

The passage of this bill will come too late to stimulate production for the coming season; but what about the products after they have been raised, harvested, leave the farms, and go into the channels of commerce? Aye, Mr. Chairman, there is the rub; there is where all the trouble lies. The high cost of foodstuff does not lie with the farmer, but with the distributor. There are certain changes which should be brought about in the economic conditions of this country whether in peace or in war. The question of distribution is the unsolved problem in the United States. The farmer has at all times been the poorest-paid man in the country. I have heard men say that now the farmer was coming into his own, that now he was, for the first time, getting a reasonable and a fair price for his products. That would be true if the farmer had his products on hand and was awaiting a purchaser, but such is not the case. The farmer disposed of his crops long ago. Farmers, as a rule, are compelled by force of circumstances to sell their crops as soon as matured and harvested. They are compelled to sell at a time when, under present economic conditions, prices are at their very lowest ebb. The staple farm crops of the country go into the hands of the trade, and at once begins hoarding, manipulation, speculation, with the result that the ultimate consumer pays two, three, or four times as much for the product as the farmer got for it when it left the farm. Do not blame the farmer for the high price you are compelled to pay to-day; rather lay the blame on the present uneconomic policy of distribution which permits men to manipulate markets, hoard supplies, and work out all sorts of schemes whereby they may enrich themselves out of the products of the farm after those products go into the channels of commerce. The farmer ekes out a miserable existence, toiling early and late, disposing of his crops often for less than it costs him to produce them. He is frequently compelled to mortgage his farm in order that he may continue to have a home, and it frequently happens that the men who furnish him the money are the very men who have made that money by dealing in his products. That it is far more profitable to distribute than it is to produce, all will agree. More money is made in handling wheat than is made by raising wheat. More money is made off of corn after it leaves the farm than is realized by the farmer who raises it, and the same is true of other products.

The study word often becomes an interesting subject. Cattle, feeding in the pasture and fattening in the feed lot, when sent to slaughter become beef. The hog is the live animal; when butchered it becomes pork. Sheep, when placed in the packing house, become mutton. The cattle, the hogs, and the sheep belong to the farmers of the country and upon them they realize very little profit. In fact, it is claimed by the cattle feeders that they have lost money during the last few years. The beef, the pork, and the mutton become the property of the packers, and upon these products alone are builded vast fortunes. The trouble is not with the high cost of cattle, hogs, and sheep, but the thing that bothers the people of this country most, from one end of it to the other, is the high cost of beef, pork, and mutton.

In this food-control bill we are seeking to insure an adequate supply and equitable distribution, and to facilitate the movement of foods, feeds, and fuel. We are endeavoring to prevent, locally and generally, scarcity, monopolization, hoarding, injurious speculation, manipulation, and private control affecting such supply, distribution, and movement. By this act we propose to establish and maintain Government control over these things during the war. Members of the House seem to forget that we are in war when it comes to dealing with measures of this kind. They will pass a $7,000,000,000 bond bill without a dissenting vote; they will pass a new Army bill practically without opposition; they will appropriate more than $3,000,000,000 and enact a great revenue measure with practical

unanimity, but when it comes to a measure of this kind they begin at once to discuss theories of Government and say we are putting too much power in the hands of one man.

A few days ago, when we were considering the food-survey bill, a bill which gave the Secretary of Agriculture unequivocal power to ascertain the food supply of the country, a measure which enabled him, under certain conditions, to furnish the farmers of the country with seed at cost, a measure which appropriated a few millions of dollars to enable the Secretary of Agriculture to promote agriculture and to conserve the grain and live stock of the farm, Members said we were granting too much power to one man, that it was too autocratic, failing to realize that we have never won a war without one-man power and that we can not win this war without one-man power. We have been legislating along peaceful lines so long that it is hard to get down to the real thing of legislating along the lines of war. In times of peace we have in view high governmental ideals, we believe in a democracy, that the people shall rule. I believe in the fundamental principles of a free government, you believe in them, we all agree that the Government derives its just powers from the consent of the governed. Our fathers laid the foundations of this Republic and laid them secure and well. Their ideals of liberty and the freedom of the people have inspired those in other lands, and Republics have sprung up the world around. Those same fathers realized that in war times we would need a more centralized power to carry it forward to a successful issue. In that great document, the foundation of American liberty, the Constitution, it was provided that the President of the United States should be the Commander in Chief of the Army and Navy. In war times, I say to you, we must have a centralized function of government, we must have one-man power. We raise an army, we place our boys in the hands of one man, the President, we say to him: "Here they are, do with them as in your judgment they may best conserve the interests of the Republic in this great emergency." Already we have solemnly pledged the resources of our country. Why not then say to the President: "Here are our resources, here is our foodstuff, our feed, our fuel, take them, use them in the way which will most speedily bring this war to a successful conclusion." That is what we propose to do in this food-control bill.

Somebody is going to control the food products of the United States, you can be assured of that. Either they will be controlled by the speculator, the manipulator, and the food grafter, or they will be controlled by the President of the United States—Woodrow Wilson. Which do you prefer? It is up to you. Upon this question every Member of this body must take his stand. There is no middle ground. For years and years these speculators have been in complete control, they have fixed prices, raised and lowered them at their own sweet will, and they will continue to control and to fix prices as long as they are permitted to do so. I repeat there will be control. Shall we continue to permit speculators to have full sway or shall we give this great power to the President, the Commander in Chief of our Army and Navy, the responsible head of the Government in this great crisis when all Europe is crying for bread and when our success or failure in this war depends upon our being able to come to their relief?

Mr. Chairman, it is my purpose now to take this bill up and briefly direct the attention of the House to some of its most important provisions. It shall not be my purpose to discuss the bill at length, nor the provisions of each individual section. My purpose is to present to the House as briefly and concisely as I am able the things sought to be accomplished in this measure.

The first section of the bill bases the necessity of the legislation upon the existence of the war and sets forth in concise form the purposes of the measure, which are to prevent locally or generally scarcity, monopolization, hoarding, injurious speculations, manipulation, and private controls affecting the supply, distribution, and movement of foods, feed, fuel, and articles used in their production. It further declares that the purpose of this act is to establish and maintain Government control of those necessaries during the period of the war, and sets forth the fact that for these purposes the instrumentalities, means, methods, powers, authorities, duties, obligations, and prohibitions contained in the bill are created, established, conferred, and prescribed.

Some Members may contend that this section is unnecessary, that it is in the nature of a preamble. It is more than a preamble. It fixes the basis upon which this legislation is sought to be enacted and sets forth clearly and concisely the intended purposes of the Congress in the enactment of this important piece of legislation.

Section 2 is merely a defining section.

Section 3 is the very crux of the bill. This is the section which seeks to establish governmental control over the foodstuffs of the country. The first part of the section establishes that control and provides that it shall extend to and include all the processes, methods, activities of, and for the production, manufacture, procurement, storage, distribution, sale, marketing, pledging, financing, and consumption of necessaries, and that this control shall be exercised and administered by the President. It further provides that all such necessaries, processes, methods, and activities are declared to be affected with a public interest.

This section will doubtless meet with more opposition than any other part of the bill. Already some of those who are opposed to it are claiming that under its provisions the President or his agents can go into every household in the land and prescribe the amount of food that may or may not be daily consumed within that household. The language does not warrant such a construction, and I think I am safe in saying that there was not a member of the Committee on Agriculture who ever for a moment thought that this section conveyed such power. Some Members of Congress have seized upon the word "consumption" and have based their assumption upon that, that this bill provides for fixing the amount daily to be consumed by the citizens of the land. In this, however, they are mistaken. Such a construction was never intended, and neither the President nor anyone who may be called upon by him to administer it will ever so construe it.

The second part of this section provides the agencies by which the President may carry its provisions into effect.

Section 4 of the bill sets forth clearly the things which are made unlawful by this act, and in the succeeding sections penalties are prescribed for the committing of these unlawful acts. This section makes it unlawful for any person willfully to destroy necessaries for the purpose of enhancing the price or restricting the supply. It makes it unlawful knowingly to commit waste or willfully to permit preventable deterioration in connection with the production, manufacture, or distribution of necessaries. It makes it unlawful to hoard or to monopolize or to engage in any discriminatory, unfair, or deceptive practice in the handling or dealing in necessaries, or for persons to conspire, enter into combinations, agreements, or arrangements for purposes specifically set forth in the section.

Section 5 contains the licensing feature of the bill and authorizes the President, whenever he shall find it essential, to license the importation, exportation, manufacture, storage, or distribution of necessaries. After the President shall announce that any business engaged in these processes shall be licensed, no person shall engage in such business without first securing a license. This section authorizes the President to prescribe such regulations governing the conduct of the business of licensees as may be necessary in order to prevent uneconomical manufacture and inequitable distribution. Such other powers are conferred upon the President as are necessary to enable him or his agents to carry out the purposes of this act. These additional powers include requirements for systems of accounts, auditing of accounts, submission of reports, and things of that sort. This section also authorizes the President's duly authorized agents to enter and inspect licensed institutions. It gives the President the right to regulate rates, charges, and practices of the institutions so licensed and provides that whenever he finds their rates, charges, or practices are unjust, unreasonable, or discriminatory and unfair, he may order them to be discontinued, and his orders shall be obeyed or the license will be suspended or revoked. The President may, when he finds it necessary, determine and fix what are just, reasonable, and nondiscriminatory, fair, and enonomical rates and charges, and the licensed institution is compelled and required to comply with the President's findings. In a word, this section authorizes the President to license certain big business concerns which deal in food products and, through the license feature, enables him to have complete control over them. It does not apply to the farmer, and it does not apply to the small retailer nor to a common carrier.

Section 6 fixes the penaly for hoarding and defines specifically what constitutes hoarding within the meaning of this act. Certainly no one can object to the provisions of this section.

Section 7 prescribes the procedure under which necessaries which have been hoarded may be taken by the Government and disposed of by it, so that they may go without delay into the channels of commerce.

Section 8 provides the penalty against any person who shall willfully destroy any necessary for the purpose of enhancing the price or restricting the supply.

Section 9 authorizes the President to purchase necessaries or to provide for their production and manufacture. It further authorizes him to provide storage for such necessaries and to

sell them. It requires persons having in their possession or under their control necessaries to furnish them to the Government in such quantities, at such times, and at such prices as the President shall determine to be reasonable. If the price so determined upon is not satisfactory to the owner of the necessaries, he may sue for additional compensation in the United States court. Natural persons are not required to furnish to the Government necessaries held by them which are reasonably required for consumption by themselves or their dependents for a reasonable time.

Section 10 authorizes the President, under certain conditions, to requisition and take over, for the use and operation of the Government, any factory, mine, or other plant or any part thereof in which the necessaries are manufactured, produced, prepared, or mined. The President is given full control over the operation of such requisitioned institutions and the Government is required to make just compensation to the owners for use, occupation, operation, and so forth.

Section 11 gives the President the authority to regulate the exchanges of the country and authorizes him, in order to prevent injurious speculation, unjust market manipulation, unfair or misleading market quotations, to prescribe the rules and regulations governing transactions upon the exchanges. He may, in his discretion, either wholly or in part, prohibit operations, practices, transactions upon exchanges, boards of trade, and similar institutions.

Section 12 authorizes the President, whenever he finds that an emergency exists requiring the stimulation of production, to fix and establish a guaranteed minimum price to the producer of any nonperishable agricultural product produced in the United States. The guaranteed price must be determined and fixed in advance of seeding time and must be such a reasonable guaranteed price of any product as to insure to the producer a reasonable profit. This section also provides the means of carrying its provisions into execution, and authorizes the President to protect the Government as far as possible against loss by such guaranty. In order to do this, he may increase rates of duty should foreign products be imported at a price less than the guaranteed price. He may also protect the Government by purchasing, holding, storing, transporting, or selling agricultural products for which the guaranteed price has been fixed.

Section 13 authorizes the President to limit, regulate, or prohibit the use of foods, food material, feeds in the production of alcohol, or of alcoholic or nonalcoholic beverages. It prescribes the manner in which this can be done and establishes heavy penalties for violation.

Sections 14, 15, 16, and 17 relate to the administrative features of the bill.

Sections 18 and 19 carry appropriations for putting the act into effect.

Section 20 provides that should part of the act be declared invalid by the courts such judgment shall not repeal or invalidate the remainder of the act.

Section 21 provides in specific terms that the provisions of this act shall cease within one year after the termination of the war.

These, in brief, are the salient features of the food-control bill. May I be pardoned, Mr. Chairman, if I say just a few words relative to the work of the committee? I have seen in the press some criticism of the Committee on Agriculture for the delay in bringing in this bill. Let me say for the committee—and I am not saying it in any apologetic spirit, because the committee has done its full duty and no apology is necessary—that in this legislation the committee and the Congress are venturing into new and heretofore untried fields of effort. We had no precedents to follow; no one had blazed the way. The committee has labored long and diligently in the preparation of this bill. A few days ago, when the House was in recess in honor of the Confederate Reunion and for registration day, our committee continued to hold daily sessions. For days and days we have worked on this bill, held extensive hearings, have gone over the bill not once but many times, striking out some sections, amending others, and rewriting still other sections. In drafting, perfecting, and presenting this bill to the House I want to compliment the untiring efforts and the faithful and efficient work of our honored chairman, Mr. LEVER, of South Carolina [applause], and I may say, and I think I should say, that he has had the earnest and the sincere cooperation of every member of his committee. While the bill may not, of course, in every detail meet the approval of each individual member, yet I am sure that as a whole it meets the hearty and unequivocal indorsement of a very large majority of the committee.

Now, Mr. Chairman, I want to direct the attention of the House to the charge that is made in some quarters here and elsewhere that this bill discriminates against the farmer. Such is not the case. This bill does not discriminate against the farmer; on the contrary, if there is any discrimination at all, it is in favor of the farmer.

There is not a provision in this bill which relates to the farmer, except the requisition section, section 9, which affects him only in a very small way, and section 12, which authorizes the guaranteeing to him of a reasonable profit for his labor and his investment. Every other section of the bill has to do with the products of the farm after they leave the farm and get into the channels of trade. Even under section 9 I doubt if a bushel of grain or any other product would be purchased by the Government directly from the farmer. The purchases would be made in large quantities from the dealers who had it on hand, and in many cases in storage.

Mr. Chairman, there is not a single fine or penalty imposed in this bill which will ever be applied or can possibly be applied to the farmer. On the contrary, all the penalties are for the purpose of restraining those who handle the products after they leave the farm. In a number of sections it is specifically provided that the provisions of the section shall not apply to farmers.

I have heard it argued that we are seeking to interfere with the farmer's business; that we are going to tell him what to plant, and how much; that we are going to compel him to produce and then we are going to fix the price he shall take for his product. This bill seeks to encourage him by authorizing the President to fix a minimum guaranteed price, so that the real, true, patriotic farmer who obeys the injunction, "Go forth, till the soil, raise the foodstuff to feed the world and help win this war," will receive at least a reasonable return for his labor.

In some sections of the country, notably in the South, the farmers are consumers. They do not produce cattle, hogs, and grain; they must buy their meat and their flour and many other things. Only a few days ago I took occasion to make some investigations. I talked with Dr. Knapp, one of the best-informed men in the Department of Agriculture, on agricultural conditions, especially in the South. He showed me many letters he had but recently received recounting instances of high, exorbitant prices charged the farmers. With hogs selling at from 12 to 15 cents a pound, the farmers were compelled to pay 40 cents a pound for salt pork, the cheapest portion of the hog, 40 cents a pound for lard, and excessive prices for flour and corn meal, and so forth. Another thing, I found that in many instances when the farmer wanted to plant corn, something that he could depend upon for food, credit was denied him by the banker or merchant who carried him. He could only get credit when he planted cotton or tobacco. And still another hardship which confronted those farmers was that when they bought on credit, as in many cases they were compelled to do, they were required to pay an increased price, which amounted in interest, in many cases, to from 25 to 50 per cent.

In some sections of the country the crops will soon begin to move, and it is essential that this legislation be speedily enacted. Already the agents of speculators are out contracting with farmers for their crops, paying a portion of the purchase price in advance, and in other ways seeking to obtain their products at the lowest possible figures.

I have no fear, Mr. Chairman, but that this measure will meet with the approval of the farmer. Every farmers' organization which has ever existed has appealed to Congress to pass a law to get rid of the speculator. These appeals and petitions have been coming in for many, many years. Now is our opportunity. This bill will absolutely put the speculator out of business. [Applause.]

Mr. FESS. Mr. Chairman, will the gentleman yield for two questions?

Mr. RUBEY. Yes.

Mr. FESS. I should like to have the opinion of the gentleman, who is a member of the committee, on two queries that have been in my mind. One is, Will the minimum price likely become the maximum price?

Mr. RUBEY. I do not think so at all.

Mr. GORDON. That would depend on how high it was, I suppose.

Mr. RUBEY. The minimum price was made to take care of a situation which might come, in case of an unexpected and much desired immediate closing of the war, or something of that sort. The minimum price is made for the purpose of encouraging the farmer to look into the future; and if something unex-

pected should occur, and if an abundant crop should be raised and there should be an oversupply, if he has gone out and cultivated his fields and has done the work, we want to assure him that he will get a reasonable price, and that price is fixed before he ever puts the seed into the ground.

Mr. FESS. Now, the question with me, as an economic question, under the control of economic law, is whether that minimum price will not rule as the maximum price. I am asking for information.

Mr. RUBEY. I can not see that view of it at all.

Mr. FESS. Has that been gone into by the committee?

Mr. RUBEY. That has been gone into by the committee. I will say further that the bill as originally introduced contained a provision for a maximum price; and if the committee or the author of the bill had thought that the minimum price would be the maximum price, of course no maximum price would have been put into the original bill.

Mr. HARDY. Will the gentleman allow me to interpolate here?

Mr. RUBEY. Yes.

Mr. HARDY. I do not think there is a farmer who would not be glad to-day to have some responsible man guarantee him a reasonable minimum price. For instance, on cotton many of our people will sell their crop in advance, thereby fixing their maximum price. Now, if we could get somebody to guarantee us a minimum price, I would agree to-morrow to sell every bale of cotton I could produce.

Mr. FESS. I wanted to know whether the committee had gone into that proposition.

Mr. RUBEY. The committee has gone into it thoroughly, and has considered it time and again and from every possible angle.

This war into which we have entered and in which we are to do our part is not going to be won by troops alone, although those troops may be trained and drilled and furnished with ammunition piled mountain high; this war is not going to be won with vast sums of money and credit unlimited. At last it has come to be realized by every country engaged in this fearful conflict, with the possible exception of our own, that the most essential thing is going to be the food supply, both for the armies and for the people. The United States is the only great country in all the world at the present time that raises a surplus of food products. It is one of our greatest and at this time it is our most important resource. Already the Congress has pledged this resource to the prosecution of the war. Let us prepare without delay to conserve it and use it in a fair, just, and economical way.

Mr. Chairman, our people love peace; they hate war. They are patriotic; they love their country. They stand ready to make any sacrifice, to endure any hardship to win this war, and they want to win it just as speedily as possible. They are hoping that the day may not be far distant when peace will again be ours, and they are praying that when it does come it will be a world-wide, lasting peace. The people of the United States realize, too, that in times like these it is necessary to place the conduct of the war and everything pertaining to it into the hands of some one man. The Constitution has decreed for the people who that man shall be. It is the President of the United States. In this hour of our country's greatest crisis we are fortunate in having an Executive whose faithfulness and fidelity to the country is acknowledged on every hand, a great President, loved, honored, trusted by all, and into his hands I am willing to place the food control of this Republic. Faithful thus far to every trust imposed, I know that this additional responsibility will be administered by him to the satisfaction of the people. I am willing to trust Woodrow Wilson, your President and mine. [Applause.]

Mr. BORLAND. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting a letter from the President of the United States, explaining the necessity for the proposed legislation.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The letter referred to is as follows:

JUNE 16, 1917.

Hon. WOODROW WILSON,
The President, White House.

MY DEAR MR. PRESIDENT: I believe Congress is thoroughly in accord with the proposals of the administration to provide adequate legislative machinery to deal promptly and effectively with the fuel problem. I join with you in feeling that the vital question of this hour is to provide means to marshal the full resources of this Nation in the way of food and forage, and make it count in our industrial and military preparedness and in the early triumph of ourselves and our allies in the cause of democracy. The evils of waste, extortion, and hoarding must be eliminated not only in the interest of our Army in the field and of our allies, but in the interest also of the great body of American wage earners who must be relied upon to provide the supplies and munitions of war. I am convinced that the effective way to do this is by the flexible method of executive control through men of recognized experience and ability rather than by the rigid method of legislative restrictions and penalties.

The business men of the Missouri Valley, even those whose business will be directly affected by such regulations, concede the necessity for such control. The wage earners are united in demanding it, and the farmers recognize that it can not result otherwise than as a spur to production. It can not have escaped your notice, however, that systematic efforts are being made to prejudice various classes of our people against the proposed legislation, ostensibly on the ground that it is despotic in character and is intended to be put to unjust and oppressive usage. I am inclined to think that below the surface some of the real objections are that it will curb the special interests and make the rights of the people paramount, and that it will not lend itself to the ordinary uses of politics.

I am quite satisfied that the people will understand that the whole system has been initiated and will be conducted in the white light of public opinion, and that it must and can justify itself by its results in this important national crisis. In view of the fact, however, that a special effort has been made in the Central West to forestall by attack and misrepresentation the benefits of any adequate method of food control, I should be very glad, if possible, to have a word from you to our people on the subject.

With kindest regards, I remain,

Yours, very truly

WM. P. BORLAND.

COPY OF THE PRESIDENT'S REPLY.

THE WHITE HOUSE, *June 18, 1917.*

Hon. WILLIAM P. BORLAND,
House of Representatives.

MY DEAR MR. BORLAND: You are quite right about the food-administration measure. In my opinion, it is one of the most important and most imperatively necessary of the measures which have been proposed in connection with the war.

A certain disservice has been done the measure by speaking of it as the food-control bill. The object of the measure is not to control the food of the country but to release it from the control of speculators and other persons who will seek to make inordinate profits out of it, and to protect the people against the extortions which would result. It seems to me that those who oppose the measure ought very seriously to consider whether they are not playing into the hands of such persons and whether they are not making themselves responsible, should they succeed, for the extraordinary and oppressive price of food in the United States. Foodstuffs will, of course, inevitably be high, but it is possible by perfectly legitimate means to keep them from being unreasonably and oppressively high.

I hope and believe that the Congress will see the measure in this light, and that it will come to an early passage, for time is of the essence. The legislation should be secured by the 1st of July to make the country safe against the dangers it is meant to guard against.

Cordially and sincerely yours,

WOODROW WILSON.

Mr. LEVER. Mr. Chairman, I yield 15 minutes to the gentleman from Ohio [Mr. GARD].

Mr. GARD. Mr. Chairman, it is the high duty of Members of Congress to afford every ounce of the power of this great Government for the winning of the war in which we are engaged, and to preserve for the citizens of the United States the rights guaranteed them by our Constitution. Sometimes we have heard discussed here on the floor the idea that the so-called "war powers" of Congress and the President are outside of the Constitution, exceeding its authority, and conferring broader powers than exists therein. Very fortunately for us that is not true, because we are governed by the same institutions in war as in peace. The fact that we are at war and devote every bit of power we have toward the successful and early conclusion thereof does not for one moment take away any right guaranteed by the Constitution to any citizen of the United States. So, in my discussion of this bill I will deal mostly with the legal side of it, calling attention to the ways in which I think possibly the bill may be remedied, my only purpose being to assist in the formulation of a law which will make effective its expressed high intent.

The bill provides for three different things, one for the production, one for the distribution, and one for the transportation of necessaries. With production there can be little or no combination save in the case of fuel. With regard to fuel the situation is one of the most important to the American people to-day, and the Government should be quick to act against monopoly therein; but with the products of the foodstuffs there can be little or no combination, because farmers are individual and their crops individually made. By their honest toil they furnish the food for millions, and their honesty and patriotism are established.

The transportation of foodstuffs is largely industrial, although combination may be made there; but in the distribution of foodstuffs, and of fuel, too, there comes a question where the idea embraced in this bill is essentially right and proper. Some may say that these are new proceedings, but if they are new proceedings they have an old basis, and that is the basis of constitutional authority.

The great good which this bill will do, in my opinion, is that it will remove artificial obstructions from the path of distribution. It is incomprehensible that this Nation, the greatest in resources in the world, can not furnish its people the necessities of life at fair and honest price. The big question, aside from unnecessary waste, is the question of removing obstructions

from the proper distribution, and by obstruction I mean the artificial creation of a condition which will prevent food and fuel being distributed to the people, as is their right. Therefore I say this bill has almost unlimited possibilities for good in that it removes these artificially created obstructions. It takes out the element of all speculation; it does away with the men who would speculate and hazard in foodstuffs, while their neighbors starve for want of food. In this land of plenty the wage earner should be enabled to buy food and fuel for his family unhampered by conscienceless greed and monopoly. Certainly as affecting the life of the people to-day, this bill is one that deserves our best consideration and our speedy enactment.

I desire to call the attention of the committee to certain new things which may be of interest. In the first place, I think the constitutionality of the bill, except as I shall call attention to it, is established. I think that the opinion of the court in the celebrated case of Ex parte Milligan is now recognized fully as the law of the land. I think that when the Constitution of the United States has provided that "the President shall be Commander in Chief of the Army and Navy," and that Congress upon its part "may make rules for the government and regulation of the land and naval forces," and "may make all laws which may be necessary and proper for carrying into execution the foregoing powers, and all powers vested by this Constitution in the Government of the United States or in any department or officer thereof," abundant authority has been created.

However, an interesting decision has been rendered in the last year in the courts of Australia, where provisions of law somewhat similar have been construed. In the Australian court the case was brought as to whether the legislative powers of the Commonwealth included the power during the present state of war to fix within the limits of a locality the highest price which, during the continuance of the war, may be charged for bread. (Farey *v.* Burrett, 21 C. L. R., 433.)

Now, I understand, of course, that this had to do with fixing the maximum price, and that there is no maximum-price provision in this particular bill. But the reasoning of the court has to do with many of the things we are here giving consideration to, and therefore, in that light, I think it is interesting.

The language of the Australian constitution concerning the provision is similar to the one I have just read in the American Constitution, namely, that the Parliament may "make laws for the peace, order, and good government of the Commonwealth with respect to the naval and military defense of the Commonwealth and of the several States, and the control of the forces to execute and maintain the laws of the Commonwealth."

I shall append to my remarks the reasoning of the judges of this high Australian court who have given their sanction to the proposition that in time of war in certain proclaimed areas, which, by the way, took in the largely inhabited areas in Australia, the Parliament had the right and power to pass a law which would preserve for the people a reasonable price for bread.

This is in recognition of the great principle that battles are now not fought alone by armies and navies; they are not fought alone by peoples, but they are fought by countries, and that the winning of a war is as much a match of resources of one country against another as is the matching in battle array of one man of one country against the one man of another country.

Another case to which I desire to call your attention is a very late case, the case of the First National Bank of Bay City against Grant Fellows, attorney general for the State of Michigan, decided by the Supreme Court of the United States on the 11th of June, 1917, just a few days ago. This case had to do with the construction of section 11 of the act of Congress establishing the Federal Reserve Board, "to grant by special permit to national banks applying therefor, when not in contravention of State or local law, the right to act as trustee, executor, administrator, or registrar of stocks and bonds under such rules and regulations as the said board may prescribe." This provision was attacked and was held by the Supreme Court of the United States to be constitutional, largely upon the authority of McCullough against Maryland, as appearing in Fourth Wheaton, page 416, in which the court quotes thereupon as follows:

> Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited but consistent with the letter and spirit of the Constitution, are constitutional.

The things which I particularly desire to call to the attention of the committee in respect to the bill now under consideration are two. In section 5 provision is made for "entry and inspection by the President's duly authorized agents of the places of business of licensees." The fourth amendment to the Constitution guarantees "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures," and that "no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized." I speak of that, because I think this is a matter which easily can be remedied to come within the constitutional purview. I refer particularly now to section 12, which provides in its latter part:

> There shall be levied, collected, and paid a rate of duty upon the products so imported the amount of which rate of duty shall be ascertained and proclaimed by the President—

And so forth.

I question whether authority is given in the Constitution of the United States to authorize the President to fix a rate of tariff imposts.

Mr. THOMPSON. Mr. Chairman, will the gentleman yield?

Mr. GARD. I have but a few moments.

Mr. THOMPSON. That does not authorize the President to fix the rates. It fixes them itself. The President simply finds the amount.

Mr. GARD. As I read it, the President fixes the rate.

Mr. GORDON. He fixes the rate.

Mr. GARD. He fixes the exact rate. The case of Field *v.* Clark (143 U. S., 649) was one, I think, the framers of this bill have sought to bring themselves within. This case had to do with the construction of the third section of the act of October 1, 1890, wherein a suspension of free introduction of certain products was held to be within the power of the President and during such suspension there might be assessed cerain rates of taxation which the Congress had already made. "That Congress can not delegate legislative power to the President is a principle universally recognized as vital to the integrity and maintenance of the system of Government ordained by the Constitution." The difference as I see it in this bill is that under the Grimaud case and under the Field case certain regulations were held rightfully to be given to the President, but I question if "regulation" extends to the extent of fixing a tariff rate. Judge Ranney, speaking for the Supreme Court of Ohio, says that "the true distinction is between the delegation of power to make the law which necessarily involves the discretion as to what it shall be and conferring authority or discretion as to its execution to be exercised under and in pursuance of the law." Applying that decision in this Field case, following the decision only lately rendered in the Michigan case, I take it that there is no question of legality now, but that certain regulations may and should be rightfully reposed in the President of the United States.

In the Field case—

> it became his (the President's) duty to issue a proclamation declaring the suspension as to that country which Congress had determined should occur. He had no discretion in the premises except in respect to the duration of the suspension so ordered, but that related only to the enforcement of the policy established by Congress. As the suspension was absolutely required when the President ascertained the existence of a particular fact, it can not be said that in ascertaining that fact and in issuing his proclamation in obedience to the legislative will he exercised the function of making laws. Legislative power was exercised when Congress declared that the suspension should take effect upon a named contingency. What the President was required to do was simply an execution of an act of Congress. It was not the making of law. * * * It was a part of the law itself as it left the hands of Congress, that the provisions full and complete in themselves permitting the free introduction of sugar, molasses, coffees, teas, and hides from a particular country should be suspended in a given contingency, and in case of such suspension certain duties should be imposed.

In Locke's Appeals, 72 Pennsylvania State, 491 to 498, the proper distinction, the court said, was this:

> The legislature can not delegate its power to make a law, but it can make a law to delegate a power to determine some fact or state of things upon which the law makes or tends to make its own action dependent.

Under this provision of the present bill it would seem that the "levying, collecting, and paying of a rate of duty, the amount of which rate of duty shall be ascertained and proclaimed by the President," is not a delegation of power by a legislative body and that this language is not in accord with section 7 of Article I of the Constitution of the United States, "all bills for raising revenue shall originate in the House of Representatives."

I am in full accord with the undoubted purpose of this bill, which is to assure the success of American arms in the field and the health and happiness of our people at home.

I append hereto certain citations and decisions.

WAR POWER OF THE PRESIDENT.

Constitution, Article II, section 2: "The President shall be Commander in Chief of the Army and Navy of the United States and of the militia of the several States when called into the actual service of the United States."

The power of the President under this clause is commonly called the "war power" of the President. It is an immense power to exercise and might be used in a most dangerous manner by an unwise Executive, as there does not seem to be any limitation prescribed by the

Constitution to the exercise of the power by the President in the field of military operations.

By this clause he is made commander of the military and naval forces of the United States for the whole time that he is President. No other department of the Government and no other officer of the Government can exercise this power or assume to command either the Army or the Navy unless designated by the President to do so. Congress can legislate relative to the number of the Army or the Navy, the compensation of the officers and men, and the term of their service, as well as many other matters, but the command of the Army and Navy is vested in the President, and Congress can neither command them nor take that power from the President.

The power is vested in the President to dispose of or arrange the component parts of the Army and Navy at his pleasure. In practice he does this through the military and naval departments of the Government, but their action is his action. While Congress can make rules for the Army and Navy, it can not interfere with the President's power as commander of such forces. The line between the exercise of his power as commander and that of Congress is plain, and neither can rightfully or legally invade the other.

This line of demarcation was well defined by Chief Justice Chase and the dissenting justices in the Milligan case, where it was said:

"Congress has the power not only to raise and support and govern armies, but to declare war. It has, therefore, the power to provide by law for carrying on war. This power necessarily extends to all legislation essential to the prosecution of war with vigor and success, except such as interferes with the command of the forces and the conduct of campaigns. That power and duty belong to the President as Commander in Chief. Both these powers are derived from the Constitution, but neither is defined by that instrument. Their extent must be determined by their nature and by the principles of our institutions. The power to make the necessary laws is in Congress; the power to execute in the President. Both powers imply many subordinate and auxiliary powers. Each includes all authorities essential to its due exercise. But neither can the President, in war more than in peace, intrude upon the proper authority of Congress, nor Congress upon the proper authority of the President. Both are servants of the people, whose will is expressed in the fundamental law. Congress can not direct the conduct of campaigns; nor can the President, or any commander under him, without the sanction of Congress, institute tribunals for the trial and punishment of offenses, either of soldiers or civilians, unless in cases of a controlling necessity which justifies what it compels, or at least insures acts of indemnity from the justice of the legislature." (Ex parte Milligan, 4 Wall., 2, 139, 140.)

"The Army regulations derive their force from the power of the President as Commander in Chief, and are binding upon all within the sphere of his legal and constitutional authority." (Kurtz *v.* Moffit, 115 U. S., 503.)

How far such orders and regulations in time of peace, and without the consent of Congress, would confer authority upon civil authorities does not seem to be settled by judicial construction. They do not authorize civilians to arrest or detain deserters from the Army, and neither a civilian nor a police officer can arrest a deserter without authority to do so. The authority of the President over the Army and Navy to command and control is only subject to the restrictions of Congress "to make rules for the government and regulation of the land and naval forces," and that the appointment "of officers should be by and with the advice and consent of the Senate." (Street *v.* United States, 24 C. Cls., 230, 247.) The power of Congress and that of the President over the Army and Navy are separate and distinct; neither can impair or invade the authority of the other. (Swain *v.* United States, 28 C. Cls., 173, 221.) The powers of the President under this clause are only those which may be called "military." He can direct the movements of the Army and Navy so as to injure the enemy in the most effective way, and to do this may order an invasion of the enemy's country, and, if possible, establish the authority of the United States over it; but such policy would not enlarge the boundaries of the United States nor extend our institutions outside the jurisdiction previously conferred upon them by Congress. (Fleming *v.* Page, 9 How., 603–615; Cross *v.* Harrison, 16 How., 190; Leitensdorfer *v.* Webb, 20 How., 176; The Grape Shot, 9 Wall., 129.)

The President, as Commander in Chief, has power to form a temporary government for a conquered country, and to impose duties on imports and tonnage for the support of the government and to aid in sustaining the burdens of the war.

So as such commander he has power to organize a provisional court in territory taken from the enemy during a foreign or a civil war. (Grapeshot, 9 Wall., 133; Mechanics' Bank *v.* Union Bank, 22 Wall., 276.) It was within his power as Commander in Chief to order the collection of duties on goods shipped from a domestic port to Porto Rico from the time of taking possession of that island until the establishment of business relations between the belligerent countries. (Dooley *v.* United States, 182 U. S., 222.)

The President, under his power as Commander in Chief, may employ secret agents to obtain information from the enemy concerning their position, resources, and general condition. (Totten *v.* United States, 92 U. S., 106.)

President Roosevelt in the exercise of this power dismissed three companies of United States troops for supposed unsoldierly conduct. The order of dismissal provided "that they will be discharged without honor from the Army by their respective commanding officers and forever debarred from reenlisting in the Army or Navy of the United States, as well as from employment in any civil capacity under the Government." (Special Order No. 266.) The power of the President to make an order preventing soldiers discharged without honor from being employed in any civil capacity under the Government was challenged as beyond his constitutional authority, and he thereupon revoked that part of the order and frankly admitted that it was beyond his authority to make. Whether he had the power to prevent the soldiers from reenlisting without their guilt being first determined according to law is unsettled and is questionable.

When William H. Seward was Secretary of State he sent a note to Lord Lyons in 1861, in which he set forth the power of the President as Commander in Chief, as follows:

"It seems necessary to state that Congress is by the Constitution invested with no executive power or responsibility whatever, but, on the contrary, the President of the United States is, by the Constitution and laws, invested with the whole executive power of the Government and charged with the supreme direction of all ministerial agents as well as of the whole land and naval forces of the United States, and that invested with these ample powers he is charged by the Constitution and laws with the absolute duty of suppressing insurrection, as well as of preventing and repelling invasion, and that for these purposes he constitutionally exercises the right of suspending the writ of habeas corpus whenever and wheresoever and in whatsoever extent the public safety, endangered by treason or invasion in arms, in his judgment requires.

"If it be said that these acts of the President in time of war are unconstitutional, the answer is that as Commander in Chief of the Army and Navy the President has the constitutional power to employ the means recognized by the laws of war as necessary to conquer the enemy.

"Congress can pass no law which can deprive the President of the power conferred in creating him Commander in Chief." (Woodburn's American Republic, 181; 14 Fed. Cases, No. 8006, p. 976.)

There are, however, certain limitations upon the power of the President as Commander in Chief. He has no authority to establish a court during a war in a conquered country and empower it to pass upon the rights of the Government or individuals in prize cases, nor to administer the laws common among nations, and the judgments of such courts would be a nullity. (In the Civil War President Lincoln issued an order establishing a "provisional court" in Louisiana.)

The President has no authority under his power as Commander in Chief to detain for trial before a court-martial or military tribunal or to restrain for an unreasonable period private citizens, while the civil courts are accessible, except in case of insurrection or actual war, when he can exercise such power and delegate it to his subordinate officers.

No President, under the authority conferred upon him by this clause, has ever assumed to take the active command of the military and naval forces of the Government in time of war, and while it is probable that he would have that power, it is by no means certain. There are other clauses of the Constitution which impose duties upon the President, and these become very onerous and numerous and important, especially in time of war. He is required to nominate and, with the advice and consent of the Senate, appoint ambassadors and other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not otherwise provided for. The Constitution also makes it his express duty to receive ambassadors and other public ministers, and "he shall take care," says the Constitution, "that the laws be faithfully executed, and shall commission all the officers of the United States." The question arises, how would the President be able to execute these duties, solemnly imposed upon him by the Constitution, should he assume the active command of the Army and Navy? The command of the active forces during war would necessarily require him to be on the march, in the camp, and on the battle field or on the high seas, and consequently cause his absence from the seat of government for a long period of time. He might be compelled to establish his military headquarters far from the seat of government and of national legislation. If he should undertake to command the military and naval forces of the Government in time of war, he would be exercising a power which would necessarily prevent him from executing important duties required of him by the Constitution.

How he could be restrained from the exercise of the command, if he should insist upon exercising it, would be difficult to determine, and it might be that he could not be prevented; but such a course would certainly impair his usefulness and effectiveness as the head of the Government in discharging many other duties directly imposed upon him. It was probably the fear that such a contingency might arise that induced Mr. Paterson, as we have already seen, to insert in his plan of a constitution that the "Executive should on no occasion take command of any troops or conduct personally any military enterprise, as general or in any other capacity." (Journal, 165. It was doubtless the same feeling which influenced the New York convention to suggest as a constitutional amendment "that the President of the United States should never command the Army, militia, or Navy of the United States, in person, without the consent of the Congress." (Elliot, vol. 2, 408.)

"The power of the President as Commander in Chief of the Army and Navy has in practice never been exercised by the President's taking immediate command of the Army or the Navy during the existence of actual hostilities; so that, in that sense, no President has ever been Commander in Chief when the Army immediately confronted an enemy. Such authority as the President has exercised under this constitutional provision has been almost exclusively through the Secretary of War and the Secretary of the Navy, offices created, among others, by an act of the first session of the Congress, which distributed the exercise of the executive functions among several departments, at the head of each of which was placed a minister, called usually a 'Secretary.' And so strong and prominent to the public eye has been the control of these secretaries in the operations of the Army and Navy in the few wars of an important character which we have had during the existence of the Government that the influence of the President in the actual movements of the Army and Navy has been hardly perceptible. Whether in case a war should occur during a period when the incumbent of the executive office is a man who has had experience in the command of armies, with a good military reputation, it would be judicious for him to place himself at the head of the Army, or to conduct its campaigns, or to be present and directing in battle, or whether public sentiment would tolerate such a course of action is extremely doubtful." Miller on the Constitution, 162.)

The command of the President over the militia is limited to the time during which it is called into the service of the United States; but as to the Army and Navy, he is Commander in Chief at all times. (Johnson *v.* Sayre, 158 U. S., 115.)

The President is forbidden to appoint the officers of the militia or to train the militia, these powers being reserved to the States exclusively (Art. 4, sec. 8, cls. 16); though he can call out the militia in case of invasion by a foreign enemy, or to suppress a domestic insurrection. (The brig *Amy Warwick*, 2 Black., 668.)

While this section makes the President commander of the militia of the several States when called into the service of the United States, it omits to confer in express terms upon him, or anyone else, the right to determine when the militia of the several States shall be so called. It became a serious question during the second war with England where this power resided, and the governor of Massachusetts asked the opinion of the supreme court of that State, first: "Whether the commanders in chief of the militia of the several States have a right to determine whether any of the exigencies contemplated by the Constitution of the United States exist, so as to require them to place the militia, or any part of it, in the service of the United States, at the request of the President, to be commanded by him, pursuant to the acts of Congress?" Second, "Whether when either of the exigencies exists authorizing the employing of the militia in the service of the United States, the militia thus employed can be lawfully commanded by any officers but of the militia, except by the President of the United States?"

On the first question three justices of the Supreme Court—being all that were accessible—decided that "the right was vested in the com-

manders in chief of the several States." On the other question they held "The Federal Constitution provides that when either of these exigencies exists the militia may be employed, pursuant to some act of Congress, in the service of the United States; but no power is given, either to the President or to the Congress, to determine that either of the said exigencies does in fact exist. As this power is not delegated to the United States by the Federal Constitution, nor prohibited by it to the States, it is reserved to the States respectively; and from the nature of the power it must be exercised by those with whom the States have respectively intrusted the chief command of the militia. It is the duty of these commanders to execute this important trust agreeably to the laws of their several States respectively, without reference to the laws or officers of the United States, in all cases, except those specially provided for in the Federal Constitution. They must, therefore, determine when either of the special cases exists, obliging them to relinquish the execution of this trust, and to render themselves and the militia subject to the command of the President." (8 Mass., 548–552.)

In some other States it was held the same. (This doctrine was subsequently abandoned by the States holding it. Story on the Constitution, vol. 2, p. 122.)

But the Supreme Court of the United States declared that it was in the power of the President exclusively to determine when the exigencies of calling out the militia should arise. (Houston *v.* Moore, 5 Wheat., 37; Martin *v.* Mott, 12 Wheat., 30 The New York convention in 1788 recommended as an amendment to the Constitution that, "The militia of any State should not be marched out of the State without the consent of the executive thereof, nor be continued in service out of the State without the consent of the legislature of the State, more than six weeks, and that the power to organize, arm, and discipline the militia shall not be construed to extend further than to prescribe the mode of arming and disciplining the same." 2 Elliot, 406.) The language of Mr. Justice Story in delivering the opinion of the court is: "Is the President the sole and exclusive judge whether the exigency has arisen, or is it to be considered an open question to every officer to whom the orders are addressed to decide for himself, and equally open to be contested by every militiaman who has refused to obey orders of the President? We are all of the opinion that the authority to decide whether the exigency has arisen belongs exclusively to the President and his decision is conclusive upon all other persons."

Source: Watson on the Constitution, volume 2, pages 913–922.

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AUSTRALIA—WAR POWERS OF THE COMMONWEALTH PARLIAMENT—POWER TO FIX PRICE OF BREAD.

(Opinions of the justices of the high court of Australia in Farey *v.* Burvett (21 C. L. R., 433), June 8, 1916.)

Farey *v.* Burvett (21 C. L. R., 433) June 8, 1916.

Held, by Griffith, C. J., and Barton, Isaacs, Higgins, and Powers, J. J. (Gavan, Duffy, and Rich, J. J., dissenting), that the legislative powers of the Commonwealth Parliament conferred by section 51 (VI) and (XXXIX) of the constitution include a power during the present state of war to fix within limits of locality the highest price which during the continuance of the war may be charged for bread.

Griffith, C. J. The legislative act of which the validity is impeached in this appeal is the war precautions act No. 10 of 1914, as amended by the act No. 3 of 1916, so far as it purports to authorize the making of certain regulations and orders by the Governor General. That act, which is to continue in operation during the present state of war and no longer, purports to authorize the Governor General to make regulations for securing the public safety and the defense of the Commonwealth, and by order published in the Gazette to make provision for any matters which appear necessary or expedient with a view to the same objects.

The act No. 3 of 1916, which is retrospective in its effect, purports to authorize the Governor General to make, in particular, such regulations as he thinks desirable for the more effectual prosecution of the war or the more effectual defense of the Commonwealth or of the realm, "prescribing and regulating" (inter alia) "the conditions (including times, places, and prices) of the disposal or use of any property, goods, articles, or things of any kind."

By a regulation of 24th of March, 1916, certain areas, comprising the area within a radius of 10 miles from the general post offices at Sydney and Melbourne, within 7 miles of the general post office at Brisbane, within 6 miles of the general post office at Adelaide, within 4 miles of the general post office at Perth, and within 3½ miles from the general post office at Hobart, together with certain other populous districts in the Commonwealth were declared to be "proclaimed areas," and the Governor General was authorized on the recommendation of a board to be constituted under the regulations to determine the maximum prices which might be charged for flour and bread in any proclaimed area. By a regulation of 12th of April the Governor General was empowered to fix the prices without the recommendation of the board. The "proclaimed areas," in fact, include almost all the populous parts of Australia.

By an order of 10th of April, 1916, the Governor General determined the maximum prices which might be charged for flour and bread in the proclaimed areas. The appellant was convicted of selling bread in a proclaimed area at a greater price than that so determined.

All this legislative action purports to have been taken in execution of the power conferred by pl. XI of section 51 of the constitution, by which the Parliament is authorized to make laws with respect to "the naval and military defense of the Commonwealth and of the several States, and the control of the forces to execute and maintain the laws of the Commonwealth." The question is whether it is warranted by that power.

The general principle to be applied in determining whether an attempted exercise of a power is valid has been more than once enunciated by this court. In Jumbunna Coal Mine, no Liability, *v.* Victorian Coal Miners' Association (6 C. L. R., 309, at p. 344), Barton, J., quoted the well-known passage from the judgment of Marshall, C. J., in the celebrated case of McCulloch *v.* Maryland (4 Wheat., 316, at p. 421): "We admit, as all must admit, that the powers of the Government are limited, and that its limits are not to be transcended. But we think the sound construction of the Constitution must allow to the national legislature that discretion, with respect to the means by which the powers it confers are to be carried into execution, which will enable that body to perform the high duties assigned to it, in the manner most beneficial to the people. Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional."

The first question, then, is what is the nature and extent of the power conferred by pl. vi. It is contended by the appellant that the word "defense," as there used, must bear a single and uniform meaning at all times, in the sense that an act which is not authorized to be done in time of peace can not be authorized in time of war, and that any wider meaning of the word is excluded by the context. No one disputes that an attempt by the Commonwealth Parliament to fix the price of food in time of peace would be a trespass on the reserved powers of the States. It is contended that it is therefore equally a trespass in time of war.

As to the suggested limitation by the context, the words "naval" and "military" are not words of limitation, but rather of extension, showing that the subject matter includes all kinds of warlike operations. The concluding words can not have any restrictive effect, unless they are read as an exhaustive definition of all that may be done, which is an impossible construction. In my opinion the word "defense" of itself includes all acts of such a kind as may be done in the United Kingdom, either under the authority of parliament or under the royal prerogative, for the purpose of the defense of the realm, except so far as they are prohibited by other provisions of the Constitution.

This, then, is the subject matter with respect to which power to legislate is given. It includes preparation for war in time of peace, and any such action in time of war as may conduce to the successful prosecution of the war and defeat of the enemy. This is the constant and invariable meaning of the term. It is obvious, however, that the question whether a particular legislative act is within it may fail to be determined upon very different considerations in time of war and time of peace.

It is hardly necessary to say that the best security of Australia lies in the success of the British arms. Certainly any measure which may have the effect of tending to secure an adequate food supply to Great Britain during the war, and so increasing, or preventing the diminution of the resources of that part of the Empire, would be a measure tending also to the more efficient defense of the Commonwealth as a part of it.

I agree generally with Mr. Mann's argument that the power to legislate with respect to defense extends to any law which may tend to the conservation or development of the resources of the Commonwealth so far as they can be directed to success in war, or may tend to distress the enemy or diminish his resources, as, for instance, by the prohibition of trading with him or with persons associated with him. But this definition is not exhaustive. The control of finance or trade may be the most potent weapon of all. One test, however, must always be applied, namely: Can the measure in question conduce to the efficiency of the forces of the Empire, or is the connection of cause and effect between the measure and the desired efficiency so remote that the one can not reasonably be regarded as affecting the other?

History as well as common sense tells us how infinitely various the means may be of securing efficiency in war. Sumptuary laws have always been common war measures. No one would dispute that the regulation of the supply and price of food in a beleaguered city would be a proper and might be a necessary war measure. The legislative act now in question is in substance a sumptuary law.

The power to make laws with respect to defense is, of course, a paramount power, and if it comes into conflict with any reserved State rights the latter must give way.

It has often been pointed out by this court, following decisions of the judicial committee in Canadian cases, that in a Federal Constitution the ambits of Federal and State powers may often really or apparently overlap, and that in such cases it is the duty of the court to inquire whether the subject matter of the law in debate falls substantially within the one or the other ambit.

It is true that up to the present time no case has decided that in answering that inquiry regard may be had to extrinsic temporary circumstances of which the court takes judicial notice. But, in my judgment, the principle is the same in all cases. The inquiry in every case is whether the act impeached is or may be substantially an exercise of a power conferred on the Parliament. In making the inquiry the court cannot shut its eyes to the fact that what could not rationally be regarded as a measure of defense in time of peace may be obviously a measure of defense in time of war. I content myself with two illustrations. I take the first, the case of a commonwealth law enacting that any person plying for hire with a boat or launch in any harbor or river in the commonwealth shall obtain a license from a commonwealth officer. Such a law if passed in time of profound peace could not possibly be regarded as a law substantially dealing with defense. An identical law passed in time of war, and limited in its operation to the duration of the war, might obviously be a necessary war precaution. The second instance I will give is that of what was once regarded as a very heinous offense and called "forestalling." A law passed by the Commonwealth Parliament in time of profound peace prohibiting the accumulating of foodstuffs could not be regarded as substantially an exercise of the defense power. In time of war the same act might well be made a capital offense.

Applying this well established doctrine, the question is whether the act and regulation, the validity of which is now called in question, can be regarded as substantially laws relating to defense. In other words, whether the provisions of the regulation can conduce to the more effectual prosecution of the war. It is not necessary for the court to point out the particular way in which they can have that effect. But the court may, I think, take judicial notice of the fact that the past season's harvest was most abundant, and that vast quantities of wheat, far exceeding the possible consumption of the Commonwealth, are waiting export, while owing to the operations of war the supply of freight is deficient. It is obvious that for economical as well as other reasons the export of the surplus to the United Kingdom or the allied nations may be highly desirable for the more efficient prosecution of the war. It seems to follow that any law which may tend, with or without the aid of other measures, to encourage such export may be conducive to the more efficient conduct of the war.

It is then contended that the necessity and desirability of making the law are questions of fact to be adjudged by the court. In answer to that argument I refer to another well-known passage in the judgment of Marshall, C. J., in McCulloch *v.* Maryland (4 Wheat., 316, at p. 423), also quoted by my Brother Barton in the Jumbunna Case (6 C. L. R., 309, at p. 345): "Where the law is not prohibited, and is really calculated to effect any of the objects intrusted to the Government, to undertake here to inquire into the degree of its necessity would be to pass the line which circumscribes the judicial department and to tread on legislative ground."

So far as the attack is made upon the act as distinct from the regulation, the court is invited to assume the function of determining whether

the facts were at the time when the act was passed such as to warrant the Parliament in exercising the defense power by passing it. Whether it was or was not authorized to do so much, so far as the authority depends upon facts, depend upon the facts as they appeared to it, of which we have not, and can not have, any knowledge. In my opinion there is no principle, and there is certainly no precedent, which would justify a court in entering upon such an inquiry, if upon any state of facts the exercise of the legislative power in the particular way adopted could be warranted. If it appeared on the face of the act that it could not be substantially an exercise of the defense power, different questions would arise. I am not prepared to say that it may not have some, and some important, influence upon the successful conduct of the war.

If the attack is transferred, as it must be, to the regulation—that is, if it is treated as a denial of the desirability of making it at the time when it was made—the question, though not formally the same, is the same in substance. The act expressly designates the Governor General as the person to determine that question of fact. How can this court say that it will assume the function of revising his opinion? In this aspect of the case Lloyd *v.* Wallach (20 C. L. R., 299), decided by this court last year, is exactly in point and is conclusive.

For these reasons I am of opinion that, since the existence of a state of war might, under some circumstances, create an exigency justifying the exercise of the power to legislate with respect to defense in the way in which it has been exercised by the Parliament and by the Governor General, it is not competent for any court to entertain the question whether the circumstances were in fact of such a character.

In my judgment, therefore, the act and the regulation are valid.

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Barton, J.: In the first instance, I wish to apply to the constitution of the Commonwealth the following words of Gray, J., delivering the opinion of the Supreme Court of the United States in the great Legal Tender case (Juillard *v.* Greenman, 110 U. S., 421, at p. 439): "A constitution establishing a frame of government, declaring fundamental principles, and creating a national sovereignty, and intended to endure for ages and to be adapted to the various crises of human affairs is not to be interpreted with the strictness of a private contract. The Constitution of the United States, by apt words of designation or general description, marks the outlines of the powers granted to the National Legislature; but it does not undertake, with the precision and detail of a code of laws, to enumerate the subdivision of these powers or to specify all the means by which they may be carried into execution."

The United States Constitution, after granting legislative power to Congress, including authority to declare and conduct a war, gives this further power: "To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof."

The last-mentioned provision was expounded by Marshall, C. J., in United States *v.* Fisher (2 Cranch, 358), as follows: "In construing this clause it would be incorrect and would produce endless difficulties if the opinion should be maintained that no law was authorized which was not indispensably necessary to give effect to a specified power. Where various system might be adopted for that purpose, it might be said with respect to each that it was not necessary, because the end might be obtained by other means. Congress must possess the choice of means and must be empowered to use any means which are in fact conducive to the exercise of a power granted by the Constitution."

The Australian constitution, by section 51, empowers the Parliament, subject to the constitution, "to make laws for the peace, order, and good government of the Commonwealth, with respect to" (inter alia) "(VI). The naval and military defense of the Commonwealth and of the several States, and the control of the forces to execute and maintain the laws of the Commonwealth"; "(XXXIX). Matters incidental to the execution of any power vested by this constitution in the Parliament * * * or in the government of the Commonwealth * * * or in any department or officer of the Commonwealth."

The power in subsection VI would be sufficient to include matters incidental to the exercise of that power without subsection XXXIX, but that section puts it at least beyond doubt. If the power in the United States Constitution "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers" bears the sense attributed to it by Marshall, C. J.—and that is settled law of the United States—it appears to me that subsection VI, probably without, but more certainly with the aid of subsection XXXIX, gives the Parliament of Australia at least as wide a choice of means in the exercise of the power, so far as they are conducive to such an exercise. The word "incidental" gives at least as ample scope as the expression "necessary and proper," and the Australian power is not complicated with any difficulty arising from necessity in fact. (See Jumbunna Coal Mine No Liability *v.* Victorian Coal Miners' Association, 5 C. L. R., 309, 344.) The end being once found to be legitimate—that is, authorized by the constitution—then whether it is "wise and expedient" to resort to the means proposed is, to adapt the words of Gray, J., "The political question to be determined by Parliament when the question of exigency arises, and not a judicial question to be afterwards passed upon by the courts." Quoting again from the judgment of Marshall, C. J., in McCulloch *v.* Maryland (4 Wheat., 316, 423): "To undertake here to inquire into the degree of its necessity would be to pass the line which circumscribes the judicial department and to tread on legislative ground."

The war precautions act (No. 10 of 1914), as amended by No. 3 of 1916, which is restrospective both as to the act and as to any regulations under it (sec. 3), provides in section 4 (1A), inter alia: "The Governor General may make such regulations as he thinks desirable for the more effectual prosecution of the war or the more effectual defense of the Commonwealth or of the realm, prescribing and regulating * * * (b) the conditions (including times, places, and prices) of the disposal or use of any property, goods, articles, or things of any kind."

It is under that section that the Commonwealth justifies Regulation No. 40 of 1916, paragraph 9 of which empowers the Governor General, on the recommendation of the board, to determine the maximum prices which may be charged for flour and bread sold in any proclaimed area; and under that paragraph the Governor General, with the advice of the Federal Executive Council and on the recommendation of the board, made Prices Adjustment Order No. 1, which came into force on the 12th of April last. It is to apply to the proclaimed area (c) in the Schedule to Regulations No. 40. Concurrently a similar order was applied to each of the other proclaimed areas. These included in each case the area within a specified number of miles from the principal post office in one of the large cities in the Commonwealth—Sydney, Newcastle, Melbourne, Adelaide, Brisbane, Perth, Hobart, and Launceston.

To determine whether the appellant was rightly convicted of a sale of bread at a higher price than the maximum allowed by the order, it is necessary, first, to determine the validity or otherwise, in relation to the defense power, of the fourth section of the war-precautions act as lately amended retrospectively, and also the validity of the regulation and the order quoted, which, if section 4 is valid, are admitted to be within its authority.

First, then, as to the ambit of section 51, subsection 6, of the Constitution: We can not, of course, say that any statute or provision is within it until we know how wide it is.

The armies of Australia are now engaged in her defense in several fields of the world, for the safety of Australia is notoriously involved in the success of the Empire in the present war. It is a common error to suppose that the defense of a country is limited to the protection of its shores when invasion is actually made or attempted. There is much more hope for the country which, at need, sends its armies or its ships, or both, abroad, to engage, to overcome if possible, or to cripple the enemy in whatever field he may be found. One is safer from a burglar if he can grapple with him at the gate without waiting until he has entered the house, and one's belongings are by this means infinitely safer. Success in a distant field is therefore often the surest means of saving one's own country from invasion.

Next, attack may be and often is the best defense. This needs no proof. Now, these principles do not apply to the operations of troops and warships alone. In these days the strategy of war is not so limited. It applies to war by many other methods devised to assist in the subjection of the enemy. The enemy uses every resource of his nation against us, and if we of the Empire leave any of our resources unused against him; that is, by the abstention, culpable or chivalrous, of people or Parliament, and not through the want of such resources or of the right to use them. Almost any resource of a nation can now be made an assistant to its success in war, whether the resource be mental or material, and whether in its application it be political, financial, economic, industrial, or of any other kind. Parliament may be limited only by its own wisdom or its own discrimination in the choice of the resources it will employ or the means by which it will employ them. The Parliament of one belligerent may think its country most wisely defended while refraining from methods which appeal to another as weapons to be used or avoided purely according to their effectiveness. But, in any case, if the enemy can be injured by curtailing his food supply, or our countrymen or allies can be best helped by supplying part of the food they need, the enforcement or encouragement of the one or the other, or both, is capable of giving substantial aid toward success in war. To aid in supplying the food needs of any part of the Empire outside Australia or of Australia herself may greatly assist that Empire's defense, especially, but not only when that supply may be used for the feeding of armies of which at this moment Australia forms an active part. To employ that resource may be one of the many methods of contributing to success, for the wars of to-day are wars of country against country and not only of army and navy against army and navy; the war in the fighting line is only part of the hostilities. And these hostilities, so far as we are concerned, must be carried on by the authorities constitutionally charged with defense. It is not to the purpose to say that they involve the exercise of powers which are the proper province of Governments which have no direct concern with that duty. If they are admittedly so in time of peace, it does not follow that they are so, or exclusively so, in time of war.

It is argued that the defense power has the same meaning at all times whether in peace or in war. I doubt that, but it may not be necessary to determine it, for the true question is whether many things that can not aid defense in peace, and when no enemy is in view, are not urgently necessary when an enemy has arisen who must be defeated if the nation, or family of nations, is to live.

If the object of this order and the regulation on which it depends, and, indeed, of the portions of section 4 in dispute, is of either of the two kinds, namely, the augmentation of the food supplies at the disposal of the mother country, or of any of our allies, or, on the other hand, the augmentation of the food supplies at the disposal of our Government and people; either object is, in my opinion, a legitimate means of defense in time of war; and whether these means, or either of them, be necessary must be a question for our Parliament, or the authority validly delegated by it for the purpose, to determine. What is necessary in the control and disposal of this country's resources, in food as well as in arms, ships, and men, is a matter that can only be known by those who, as Government and Parliament, have the best knowledge of the facts relating to the strategy of the war and the conditions under which the people can be victorious. Such facts are not lightly disclosed beyond the eyes and ears of those who alone can determine the degree of necessity or fitness. For us to determine it would be, to repeat a phrase already quoted, "to tread on legislative ground."

I have endeavored to show how widely section 51, subsection vi, extends in its ambit, but it is very difficult, even if it is possible, to express its ambit, as it exists in this time of war, by any proposition intended to define it. Many matters may—not because of enthusiasm or excitement but by compelling reason—be seen to come within it at a critical time, which at a time less critical were not realized as embraced in its scope as aids to defense. It may be only in a great emergency that it is demonstrated that they must be utilized to render defense successful. For instance, a great battle is fought on our land, or in our waters, or thousands of miles away. Suppose the result to be indecisive or even adverse. Subjects which before that battle seemed only indirectly or remotely connected with defense as the means of winning the war may after the battle be seen quite clearly to be within it. It may be, as Sir William Irvine urged, that the power does not change. If that is so, it is because of the perspective of affairs; because the power looks narrower in peace, when it is not in the foreground of our view than it does as a means of present war when war brings us into close contact with it—when its exercise becomes the most vital of our activities. It may be that the power does not become enlarged in war, but that when seen closely we know how large it is in relation to existing war. Then at least we are able to envisage the reach of its long arm. If the thing be capable, during war, of aiding our arms by land or sea, here or elsewhere, we are to say so, but we say no more. It may be wholly beside the mark in peace, and, if it be so, we are to say so upon due occasion. But the necessity is not for us, when facts of which we take judicial notice establish that the thing is capable of aiding directly the execution of the power. If it is thus capable, then the question

of the necessity, or the wisdom or expediency, of invoking such aid, is for Parliament or its duly delegated authority.

It has been urged that this exercise of power is a usurpation of State activities. The individual States can not always use such activities as this efficiently for the purposes of war, because they, like ourselves, can not gauge the necessity. They can not know all the facts which dictate or forbid action in time of war, and they can not individually deal with the case of the whole Commonwealth. The war-precautions act is limited to the duration of the war, and the regulations and orders that owe their life to it can not exist when it expires. If an activity belongs solely to a State in time of peace it does not follow that it is not a means of defense for Commonwealth hands in time of war.

Apart from that, if this action is only incidental to the defense of the country against an actual state of war, it is, of course, incidental to this power; and the Commonwealth may, incidentally to the legislative exercise of a power, make ancillary provision on a subject as to which substantive legislation on its part would be unconstitutional and invalid. As an instance see the Jumbunna case (6 C. L. R., 309).

I can not but think that as a mere war precaution, though in no other way or guise, and not in time of peace, this legislation and the derivative regulations and orders are, as far as they are impeached, authorized by the Constitution.

Isaacs, J.: The contention, and the only contention, on behalf of the appellant, is that even in time of war, whatever be the national exigency, it is wholly incompetent to the Commonwealth Parliament to make any provision with respect to the sale of the necessaries of life, except so far as relates directly to the armed forces or some actual military operation. The needs of the civil population, it is said, are altogether outside the limits of Commonwealth protection, because within the meaning of the Australian constitution no scheme of national defense can possibly comprehend them. Monopoly, according to the argument gravely presented, may lay the community under private contribution, may sap their energies, or unconscionably reduce their means of living, with the most direct consequences of impeding the nation in its struggle for existence, and yet the National Government, charged by the Constitution with the duty of universal defense, is by the same instrument forbidden to remove the impediment. The remedy suggested for such an evil is in the State powers. But though the States may, in directions not contravening express prohibitions, most advantageously act by means of their own constitutional powers in aid of the common object, yet this possibility does not insure a remedy at all, and certainly does not insure a remedy on broad national lines, with unity of purpose and action, even if the requisite knowledge were always possessed by the State authorities to enable them to appreciate the necessities of the entire situation.

It is manifest that to make defense adequate and successful full power must be within the grasp of one hand. And the question is whether the constitutional limitations as between Commonwealth and States are such that the Commonwealth has full power. Day by day we are reminded how potent a weapon both of attack and defense is the control of a nation's food supply. It is one of the most notorious facts of this war that the economic pressure brought about by the stoppage more or less successful of the enemy's food supplies reacts with direct influence upon his military operations. Time after time the further fact is proclaimed that men without munitions are helpless; but without an adequate supply of the prime necessities of life there can be no munitions; and yet we are solemnly told that the food supply is too indirectly connected with defense to come even incidentally within its ambit, unless there is virtually a state of siege. I must confess my inability to accept the suggestion, and must candidly say that, from the moment the view was presented, I have not been able to entertain the slightest doubt upon the subject.

The matter seems to me to rest upon the plainest possible foundation. The constitution, as I view it, is not so impotent a document as to fail at the very moment when the whole existence of the nation it is designed to serve is imperiled. Let us first consider its bare words. By section 51, subsection vi, the Imperial Parliament has committed to the hands of the General Government of Australia the power of legislating with respect to the naval and military defense of the Commonwealth, and it has added these words of great significance, "and of the several States." Not only has this legislative power been placed in the hands of the Commonwealth Parliament, but its effective exertion has been made exclusive, because by section 114 the States themselves are forbidden, unless they have the consent of the Commonwealth Parliament, to raise or maintain any naval or military force; by section 119 the Commonwealth is commanded to protect every State against invasion. Besides the legislative power, there is the executive authority of the Commonwealth. By section 61 of the constitution that is vested in the Sovereign and (subject to sec. 2) is exercisable by the Governor General as the royal representative; and, says section 61, this executive power extends to the execution and maintenance of this constitution and of the laws of the Commonwealth. These provisions carry with them the royal war perogative, and all that the common law of England includes in that prerogative so far as it is applicable to Australia. The creation of a state of war and the establishment of peace necessarily reside in the Sovereign himself as the head of the Empire, but apart from that the prerogative powers of the Crown are exercisable locally. The full extent of the prerogative it is not necessary now to define, but it is certainly great in relation to the national emergency which calls for its exercise, as may be seen by reference to Chitty on the Prerogatives of the Crown (pp. 49 and 50). The only importance of it now is the fact that it is included in the Commonwealth powers and indicates the completeness of authority vested. Superadded to all this, subsection xxxix of section 51 enables the Parliament to legislate as to all matters incidental to the execution of the legislative powers of the Parliament itself and of the executive power of the Crown. So that by the very words of the constitution there is vested, in the most ample and absolute terms, in the Commonwealth the full power and duty of taking every measure of defense which the circumstances may require as they present themselves to the proper organs of government to protect this continent from foreign aggression, for maintaining its freedom—always under the British Crown—and, in fact, for preserving its very existence as a unit of the imperial family of nations.

It is said that the measure of the power is the same in peace and in war, and as such a regulation as the one now under consideration would be invalid in times of peace, so it must be unlawful in the present circumstances. I have no hesitation in rejecting such an argument. It fails to grasp the all-essential fact that is comprehended in the power of defense. The constitution, it is true, provides for a distribution of powers, but in doing so contemplates in general the normal orderly, peaceful progress of the nation, working out its own destiny, free from hostile aggression. Its continued existence and development for all time and in all circumstances, as a free, self-governing community under the British Crown, is a postulate of the constitution. Primarily it contemplates conditions of amity with the world at large. But the interruption of its normally peaceful condition is foreseen and provided for both by the express terms quoted and by the common law, which, as a part of our heritage so far as it is not altered by competent authority, stands behind the written fabric of our constitution to aid and assist us in understanding and applying it. The defense power may be exerted in times of peace, but so far only by way of preparation. Actual defense, and all that it connotes, comes only when we are at war. War creates its own necessities, proportioned to the circumstances, and not measurable in advance of the occasion; and defense is only complete when it meets those necessities, whatever they may prove to be. While peace prevails the normal facts of national life take their respective places in the general alignment and are subject to the normal action of the constitutional powers. Precedence as to their regulation is governed by recognized usage or expressed enactment, but always with reference to normal conditions.

A war imperiling our very existence, involving not the internal development of progress but the array of the whole community in mortal combat with the common enemy, is a fact of such transcendent and dominating character as to take precedence of every other fact of life. it is the ultima ratio of the nation. The defense power then has gone beyond the stage of preparation, and passing into action becomes the pivot of the constitution, because it is the bulwark of the State. Its limits then are bounded only by the requirements of self-preservation. It is complete in itself, and there can be no implied reservation of any State power to abridge the express grant of a power to the Commonwealth. Even if there be a concurrent power in the State, it is necessarily subordinate. If it were possible to give special legal prominence to this principle among Commonwealth powers, that must of necessity be accorded to the defense power. All other powers and authorities—Commonwealth and State—are necessarily dependent upon its effective exercise. For of what avail is the State right to regulate the internal sale of commodities if the State itself disappears? Or of what value is the Commonwealth right to regulate interstate and foreign trade if the Commonwealth is shattered? The best protection all the rights and powers so jealously, and in ordinary times so justifiably, defended can have, so far as Australia is concerned, is the very Commonwealth power that is now sought to be limited. The constitution can not be so construed as to contemplate its own destruction or, what amounts to the same thing, to cripple by checks and balances the ultimate power which is created for the undeniable purpose of preserving at all hazards and by all available means the inviolability of the Commonwealth and of the several States. Let me advert as an instance to a section which has been referred to in argument and which admirably tests the situation, because it is so inherently clear. Section 92 in the most positive terms places beyond Commonwealth and State control alike the freedom of all interstate commerce and intercourse. But though in ordinary times of peace this can not be infringed, could it be asserted for a moment that it limits the war power? Can every citizen demand the right of passage from State to State, though military necessity is openly opposed to it? Is it the function of this court to declare the supremacy of that provision, literally construed, over the organic power of defense? But if not, is it not because the new element of war destroys the ordinary perspective of national life, and gives by the very nature of the circumstances a paramount authority to the defense power, without which the ninety-second clause would be a senseless inscription on the instrument of government? The essential fact is that Australians are belligerents as well as citizens, and for the moment their character as belligerents is preeminent and must receive the first consideration.

As I read the constitution, the Commonwealth, when charged with the duty of defending Commonwealth and States, is armed as a self-governing portion of the British Dominion with a legislative power to do in relation to national defense all that Parliament as the legislative organ of the nation may deem advisable to enact in relation to the defense of Australia as a component part of the Empire, a power which is commensurate with the peril it is designed to encounter, or as that peril may appear to the Parliament itself; and, if need be, it is a power to command, control, organize, and regulate, for the purpose of guarding against that peril, the whole resources of the continent, living and inert, and the activities of every inhabitant of the territory. The problem of national defense is not confined to operations on the battle field or the deck of a man-of-war: its factors enter into every phase of life, and embrace the cooperation of every individual with all that he possesses—his property, his energy, his life itself, and in this supreme crisis we can no more sever the requirements and efforts of the civil population, whose liberties and possessions are at stake, from the movements of our soldiers and sailors who are defending them than we can cut away the roots of a living tree and bid it still live and bear fruit, deprived of the sustenance it needs.

I do not hold that the legislature is at liberty wantonly and with manifest caprice to enter upon the domain ordinarily reserved to the States. In a certain sense and to a certain extent the position is examinable by a court. If there were no war and no sign of war, the position would be entirely different. But when we see before us a mighty and unexampled struggle, in which we as a people, as an indivisible people, are not spectators but actors, when we as a judicial tribunal can see beyond controversy that coordinated effort in every department of our life may be needed to insure success and maintain our freedom, the court has then reached the limit of its jurisdiction. If the measure questioned may conceivably in such circumstances even incidentally aid the effectuation of the power of defense, the court must hold its hand and leave the rest to the judgment and wisdom and discretion of the Parliament and the executive it controls, for they alone have the information, the knowledge, and the experience, and also, by the constitution, the authority to judge of the situation and lead the nation to the desired end. Certain facts are before the court by admission; others are notorious. I do not enter into the circumstances further than to perform my duty as I have stated it. As to the desirability or wisdom of the regulation complained of, it is not my province to speak, but as a matter of law I have no hesitation in holding that such a regulation is one which, as a defense regulation, is within the competency of the legislature in the condition of affairs that now exist.

I therefore agree that the appeal should be dismissed.

[NOTE.—Since this judgment was delivered I have observed the recent case of *The Zamora* (32 T. L. R., 436). Lord Parker, for the privy council, said (32 T. L. R., at p. 445): "Those who are responsible for

the national security must be the sole judges of what the national security requires. It would be obviously undesirable that such matters should be made the subject of evidence in a court of law or otherwise discussed in public."—I. A. I.]

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Higgins, J.: I am of opinion that the objections taken to the act No. 3 of 1916 must fail. This act purports by section 2 (sec. 4 of the war precautions act, 1914–1916) to enable the Governor General to "make such regulations as he thinks desirable for the more effectual prosecution of the war, or of the more effectual defense of the Commonwealths or of the realms, prescribing (inter alia) the conditions (including times, places, and prices) of the disposal or use of any property, goods, articles, or things of any kind." On April 10, 1916, the maximum price of bread was fixed by regulation of the Governor General for the Melbourne district; on April 20 a sale of bread was made contrary to the regulations; and by section 3 of the act No. 3 of 1916, passed on May 30, 1916, the regulation was validated retrospectively. The question is, Can an act or a regulation under an act fixing the maximum price of bread be treated as authorized by section 51 (VI) and (XXXIX) of the constitution? The Parliament of the Commonwealth is empowered by section 51 to make laws for the peace, order, and good government of the Commonwealth with respect to "(VI) the naval and military defense of the Commonwealth and of the several States, and the control of the forces to execute and maintain the laws of the Commonwealth." By section 51 (XXXIX) Parliament can make laws with respect to matters incidental to the execution of any power vested by the constitution in the Parliament or in the Government of the Commonwealth. By section 61 the executive power of the Commonwealth is exercisable by the Governor General as the Queen's representative; by section 68 the command in chief of the naval and military forces is vested in the Governor General as the Queen's representative; and by section 119 the Commonwealth shall protect every State against invasion and, on the application of the executive government of the State, against domestic violence. The war precautions act, 1914, of which this act No. 3 of 1916 is an amendment, is to last only for the term of the war (sec. 2); but it is urged that a law fixing the maximum price of bread between one citizen and another is not a law with respect to the naval and military defens of the Commonwealth, or to matters incidental to the execution of any power of Parliament or of the Government. If there were a state of siege, it might be a defense measure; but how can it be a defense measure in the present happy security of Australia?

Now, I have taken the view which I have sometimes expressed in this court (see Baxter *v.* Commissioners of Taxation (N. S. W.), 4 C. L. R., 1087, at pp. 1165 et seq.) that in the famous decision of McCulloch *v.* Maryland (4 Wheat., 316), Marshall, C. J., pushed the doctrine of implied powers and implied prohibitions beyond legitimate bounds. But the present is not a case of implication; it is a question as to the interpretation of an express power. What is the ambit of the power, not merely to make laws for the control of the forces but to make laws (not for, but) "with respect to" naval and military defense, and to matters incidental to that power and the powers of the Government? All the subjects for legislation in section 51 are on the same logical level. There is no hierarchy in the powers with the power as to defense on the top. But from the nature of defense, the necessity for supreme national effort to preserve national existence, the power to legislate as to defense, although it shows itself on the same level as the other powers, has a deeper taproot, far greater height of growth, wider branches, and overshadows all the other powers. Defense—naval and military defense—is primarily a matter of force, actual or potential; the whole force of the Nation may be required; and for the purpose of bringing the whole force of the Nation to bear the policy of the States may have to be temporarily superseded, the law made under the Federal Constitution prevailing (sec. 109). The temporary suspension of the policy of a State may possibly help to prevent the total and permanent paralysis of the State's policy and functions, and of the State itself, under the foreign invasion and domination. In Great Britain there is no limit to the legislative powers, and therefore there is no line of demarcation between acts for defense and acts for other purposes. But if the British acts had to be classified and if in view of the importance of bunker coal for the warships and of munitions for the Army and the Navy, an act be passed to make strikes penal in South Wales for the period of the war and to forbid absences from work in Glasgow iron works during the same period (Cf. munitions of war act, 1915, and amendments 5 and 6, Geo. V, c. 99), might not such acts be fairly classed under acts for defense purposes? The Parliament of Australia has, so far as regards the subjects committed to it by section 51 of the Constitution, power as plenary and as ample as the Parliament of the United Kingdom (Hodge *v.* The Queen (9 App. Cas., 117, at p. 132)). The fact that such acts as I have mentioned are also industrial laws does not prevent them from being also acts with respect to the naval and military defense of the Empire.

But it may be urged, acts to secure the supply of bunker coal or munitions may be defense acts, but the act here in question is an act to fix the price of bread; and how is such an act a defense act? If, however, acts for industrial regulation may be defense acts, acts such as have been actually passed in Germany to regulate the prices of food in war time, in order to prevent extreme privation and riots and the dissipation of the national force in controlling internal turbulence when all the force is required to meet the enemy, may also be defense acts—acts "with respect to" naval and military defense. So may sumptuary acts, or acts forbidding or limiting the sale or use of alcohol, or the purchase of foreign goods. We have no evidence before us of the facts which, in the opinion of Parliament, rendered the present act expedient for the purpose of the war, and for the term of the war, but there may have been such facts

I am not entitled to use as facts in this case matters which I have learned aliunde; but I may refer to the following personal experiences as hypothetical illustrations of the possible. I was in Sicily in February of last year when Italy was still neutral. There were bread riots, bakers' shops were looted, and the outlook was serious. Wheat was scarce and bread was rising in price. At that very time, as now appears, the Government was engaged in critical negotiations with Austria, and nothing would have suited Austria better than that Italy should be so distracted by internal revolts as to be unable to undertake external operations. The Government of Italy took measures to allay the excitement as to bread and thereby became free to apply itself to preparations for external war. These measures were quite as important for the naval and military defense of the country as measures for the raising, maintaining, and using the army. Then early this year the waterside workers in Melbourne took it into their heads to refuse to handle wheat for export, saying that the export of wheat would raise the price of bread. Our Government was then engaged in a great scheme for exporting the wheat of an abundant harvest to feed the people of Great Britain and our allies. As president of the court of conciliation, I managed to get the waterside workers to see their mistake and to leave the whole subject to be handled by the Government and Parliament; and these regulations and the impugned act are, to all appearances, the response of Parliament. Whether the act will be effective or ineffective, useful or hurtful, it is not for this court to decide; it is enough that Parliament, for purposes of war, wants to export the Australian wheat, and probably wants to do so without inflicting privations on the working classes; and the fixing of the price of bread seems to be an expedient adopted. To secure peace and contentment and orderly industry among the people, from whom all our national force comes, may be as valuable a war measure as the equipment of an army division. To consolidate our own forces may be a necessary step toward disintegrating the forces of the enemy. I need hardly refer to the beneficial influence of large exports on money exchanges and on the prices which we pay for foreign commodities and on the rates which we pay for our war loans. Soldiers and sailors and munitions can not be supplied or maintained except from the country's resources, and there are no resources more valuable than a contented population having its necessary wants satisfied and freed from all temptations to riot or sedition.

Here Parliament has declared on the face of the act that it is for "the more effectual defense of the Commonwealth." It is not for this court to decide that the act does aid defense or how it aids defense; it is enough that it is capable of being an act to aid defense, enough that the statement of Parliament is not necessarily untrue. Appellant's counsel urge that it is for this court to decide whether the military necessities now existing are sufficient to justify the act, or, as finally stated, whether this act is capable of being a defensive act in the circumstances of the country. In my opinion this is not our function. As Chief Justice Marshall said in McCulloch *v.* Maryland (4 Wheat., 316), "The degree of necessity for any congressional enactment or the relative degree of its appropriateness, if it have any appropriateness, is for consideration in Congress, not here."

As was said in Knox *v.* Lee (12 Wall., 457, at p. 531), "The judiciary should presume until the contrary is clearly shown that there has been no transgression of power by Congress." As Holmes, J., said in Missouri, etc., Railway Co. *v.* May (194 U. S., 267, at p. 270), "It must be remembered that legislatures are ultimate guardians of the liberties and welfare of the people in quite as great a degree as the courts." As was said by the court in the Legal Tender Case, Juillard *v.* Greenman (110 U. S., 421, at p. 450), "The question whether at any particular time, in war or in peace, the exigency is such, by reason of unusual and pressing demands on the resources of the Government or of the inadequacy of the supply of gold and silver coin to furnish the currency needed for the uses of the Government and of the people, that it is, as a matter of fact, wise and expedient to resort to this means is a political question to be determined by Congress when the question of exigency arises, and not a judicial question to be afterwards passed upon by the courts." We have not in this court the evidence, we have not even the means of compelling the ministers to state the information on which they or Parliament acted. If we attempted the function of determining whether the circumstances of the country and the military necessities are such as to justify this act, we should be trespassing on the legislative power.

I assume—as the appellant's counsel assumes—that the regulation fixing the prices ceases to be operative at the termination of the war, when the acts ceases to be operative. Moreover, it has not been argued that the addition in the act of the words "or of the realm" to the words "the more effectual defense of the Commonwealth" renders the act invalid.

TEXT OF SECTIONS OF THE AUSTRALIAN CONSTITUTION CITED.

SEC. 51. The Parliament shall, subject to this constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to—

(VI) The naval and military defense of the Commonwealth and of the several States and the control of the forces to execute and maintain the laws of the Commonwealth.

(XXXII) The control of railways with respect to transport for the naval and military purposes of the Commonwealth.

(XXXIX) Matters incidental to the execution of any power vested by this constitution in the Parliament or in either house thereof, or in the government of the Commonwealth, or in the Federal judicature, or in any department or officer of the Commonwealth.

SEC. 61. The executive power of the Commonwealth is vested in the Queen and is exerciseable by the Governor General as the Queen's representative and extends to the execution and maintenance of this constitution and of the laws of the Commonwealth.

SEC. 68. The command in chief of the naval and military forces of the Commonwealth is vested in the Governor General as the Queen's representative.

SEC. 92. On the imposition of uniform duties of customs, trade, commerce, and intercourse among the States, whether by means of internal carriage or ocean navigation, shall be absolutely free.

SEC. 109. When a law of a State is inconsistent with a law of the Commonwealth the latter shall prevail and the former shall, to the extent of the inconsistency, be invalid.

SEC. 114. A State shall not, without the consent of the Parliament of the Commonwealth, raise or maintain any naval or military force or impose any tax on property of any kind belonging to the Commonwealth, nor shall the Commonwealth impose any tax on property of any kind belonging to a State.

SEC. 119. The Commonwealth shall protect every State against invasion and, on the application of the executive government of the State, against domestic violence.

Mr. HAUGEN. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman and gentlemen of the committee, I think this is a good bill, and, like old friendship, it grows better the more we get acquainted with it. At first I thought it was drastic, intricate, and difficult of solution, and that possibly it would not conserve the best interest of the public. There is no doubt but that it is broad enough to correct many of the evil practices which now exist in relation to speculation and gambling in commerce and trade. We would not have time to pass a bill correcting all of the evils of trade or possibly to make laws that would regulate them. That would require too much time and cover too large a scope. They are

too numerous. I think, however, that there ought to be read into the title of this bill something about the penalty and punishment of the guilty, and the bill should contain specific provisions in relation to the mining, the output, and transportation of coal.

Now, the title of the bill says that it is one—

To provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

In reading the bill, however, we do not see the same care for or the specific provisions in relation to the regulation of coal or fuel, concerning which there is as much complaint as we find for the production, transportation, and control of food products. It seems to me that here is a chance and an opportunity to correct a great injury, which amounts almost to an outrage on the public. That part of section 12 which provides for the production and control of nonperishable food products and the provision of the bill receiving the greatest attention at the hands of Congress reads as follows:

SEC. 12. That whenever the President shall find that an emergency exists requiring stimulation of production and that it is essential that the producers of any nonperishable agricultural products produced within the United States shall have the benefits of the guaranty provided for in this section in order to stimulate production of such products, he is authorized, from time to time, seasonably, and as far in advance of seeding time as practicable, to determine and fix and to give public notice of what under specified conditions is a reasonable guaranteed price for any such products, in order to assure such producers a reasonable profit. Thereupon the Government of the United States hereby guarantees every producer of any merchantable nonperishable agricultural products produced within the United States for which a guaranteed price shall be fixed by notice in accordance with this section that, upon compliance by him with the regulations prescribed by the President, he will receive for any such products produced in reliance upon this guaranty within the period, not exceeding three years, prescribed in the notice, a price not less than the guaranteed price therefor as fixed pursuant to this section. In such regulations the President shall prescribe the terms and conditions upon which any such producer shall be entitled to the benefits of such guaranty.

Mr. MORGAN. Will the gentleman yield?

Mr. SMITH of Michigan. Certainly, to the gentleman from Oklahoma.

Mr. MORGAN. The gentleman, I understand, is a farmer, and also he is a business man, and his judgment ought to be pretty good on this proposition. I would like for him to tell the committee whether he thinks this provision in section 12, which provides for a reasonable guaranty of profits to be fixed by the President, is sufficient in itself properly to stimulate production of foodstuffs in order to insure an adequate supply for ourselves and our allies during this existing war. I would like to have the gentleman's judgment on that question.

Mr. SMITH of Michigan. Well, during the debate on the tariff in the Sixty-second Congress I know that there was great criticism against the protective tariff upon the ground that it guaranteed profits to the American manufacturer. The gentleman well remembers that and that claim was discussed here for days by our Democratic brethren as a great iniquity and in favor of the passage of a free-trade bill. It looks a little inconsistent now to see the Democrats on that side of the aisle introducing and supporting a bill to guarantee profits which they formerly so strongly condemned. I do not believe that the farmer is asking for any special privileges or favors he would not concede to others. Nature has more to do with the production of crops and the ordinary law of supply and demand with the question of price than anything that is in this bill. I do not believe that it is possible for us to legislate values and say what we will about fixing a minimum or a maximum price. If a farmer puts out 10 acres of wheat, I would like to know what profit he will be guaranteed if that crop is an absolute failure. That would be possible only upon the production of a crop, and he needs the guaranty against failure as much as he does when he produces a crop. In our State sugar-beet factories, of which I will have more to say as I proceed, have agents who go around and make contracts with the farmers for a certain number of acres of sugar beets each year. They will furnish the seed to seed the ground and care for the crop. If you furnish the farmer short-time credit at a low rate of interest and aid him in planting, caring for, and harvesting his crop, it will do more, in my estimation, to stimulate production than it will if you undertake to fix or guarantee a profit upon a crop that is problematical or an absolute failure.

Mr. MORGAN. Will the gentleman yield further?

Mr. SMITH of Michigan. The gentleman is always so kind and generous in yielding himself that I yield to him again.

Mr. MORGAN. I would like to ask the gentleman's opinion whether or not in order to stimulate our food production or assure a production of an adequate supply of food if the Government ought not to do just like the beet-sugar manufacturers. They contract with the farmers to produce so many acres of beets, and I would like to know whether it is not practical if we need to increase our wheat supply or corn supply or other supplies next year for the Government through these thousands of agents in the various counties of the United States actually to contract with the farmers to produce that, and if it is not a better way than simply to put in this so-called guaranteed price?

Mr. SMITH of Michigan. Let me say to the gentleman that if we have a good season this year there will be more farm products raised in Michigan than there possibly can be under the stimulation of this bill, if the season is a bad one. It sometimes happens that potatoes are so cheap they are given away, but it does not look as if that condition would exist soon again. I will say another thing, that the banks in many towns in Michigan, to stimulate the annual food supply and the acreage of crops, did what might be expected to be accomplished by this bill. They have advertised to loan the young men and farmers, and under a special arrangement have undertaken to furnish them enough money to get started in the live-stock business with young stock and to purchase seed with which to plant their crops. They have supplied the money for the purpose of stimulating that kind of production. I look at this bill, gentlemen, not simply as a mere matter of aid in the production of food products but to curb and prohibit evil practices which we all know from our own experience exist. If it does not do that I shall be disappointed, but thinking it will I intend to support this bill. Some of its provisions ought to have become the law of the land years ago. Great profits by speculators out of the food supply of the people necessary to sustain life should have been curbed and eliminated and reduced to a fair trade on a legitimate basis. Gambling on stock exchange and in fictitious values ought to be prohibited. If price fixing grows out of the proceedings regulating the supply and control of food, it ought to be standardized in every branch of trade from the producer through the warehouseman, the commission merchant, broker, stock exchange, speculator, and manufacturer to the ultimate consumer. If the farmers' prices or the price to the farmer is a factor and the basis of food control, why not the prices of each and every person, corporation, or organization handling or dealing in food be subjugated to the same control? I think it will be and that is the purpose of the bill largely.

But I do not base this sort of control solely on the emergency of the war. Many of the States have drastic laws against gambling on the race course and by games of chance of all kind. Why should the law not step in and regulate, if not prohibit, gambling in food supply the same as in other wagers of chance? This bill is a blow at the food gambler and that provision I predict will remain the law after the regulatory provisions of this bill cease to exist.

That, however, is not my only reason for supporting the bill. My greatest solicitude is the welfare of our Republic, to abundantly feed and clothe and properly equip our Army and Navy, and to do everything in our power as a Nation to successfully prosecute the war is my chief concern. I have no fear that the patriotic American farmer or laboring man will not do his part without stint or hindrance. The farmers' is the greatest and most important industry of all. The farmers constitute one-third of our population. They feed the other two-thirds. They should be encouraged and nothing done to discourage them. Their annual production in 1916 was valued at $13,000,000,000. This production cost the consumer $27,000,000,000. That both producer and consumer can be made to profit greatly by eliminating the speculator and food gambler looks self-evident. I think this bill will have such an effect and embodies that purpose. This purpose appeals to me. The farmer is no slacker. He is truly patriotic. He gives his sons; he gives his toil and the fruit of his labor to his country willingly whenever called upon. He will not be found wanting in his country's hour of peril. He is entitled to fair treatment; that is all he asks. This bill permits the Government to take over and operate munition plants, factories, and highly prosperous business. And if farming is to be controlled by the Government because of excess profits let us go further and regulate profits generally. If farming is considered profitable, why does not the Government engage in it? The Government has 250,000,000 acres remaining idle of as fine agricultural land as any now in cultivation. It would seem that if farming is so lucrative, why does not the Government under the food-survey bill, with its $4,000,000 appropriation, advertise for 3,000 hoes and permit its agents appointed to take the inventory to each take a hoe? They could help some. The farmers of the great States of Ohio, Indiana, Illinois, and Iowa make an annual return of 3½ per cent on their investment, as shown by statistics. If the Government or anyone else thinks that profit is too large, they ought to take a hand. But they will not go forth to reap or to sow. The gentleman from Missouri [Mr. BORLAND] thinks they would rather furnish wind.

I do not believe we can legislate values. Much is said about the high price of sugar, and the price of this commodity is used to illustrate the necessity of this bill. Since I have been in Congress this product was put on the free list. This was in 1913, before the war, but the price of sugar has continually soared. We consume in the United States 4,500,000 tons of sugar annually. Of that amount about one-half, or 50 per cent, is produced in this country and our insular possessions, and 50 per cent we get from Cuba. One-third of our home production is produced from the cane sugar and about two-thirds produced in the United States is beet sugar. We have two hundred and seventy-four times as much land in the United States adapted to the production of sugar beets as all Germany, and Germany with 70,000,000 people produces all its own sugar. It is stated by the Secretary of Agriculture, in Senate Document No. 22—Sixty-first Congress, first session—that we have 274,000,000 acres of land in the United States suitable for raising sugar beets. At 10 tons of sugar beets to the acre we could raise 2,740,000,000 tons of sugar beets, which would produce 250 pounds of sugar to the ton, or 342,500,000 tons of sugar should the land all be devoted to sugar-beet culture. It is estimated that we consume 4,500,000 tons of sugar annually in the United States. Sugar-beet culture is a profitable crop. It is raised profitably in six States—California, Colorado, Idaho, Michigan, Ohio, Utah—with five or more factories in each State, and one or more in other States—78 sugar factories in all. Here is an opportunity and free field to increase production of sugar and stabilize the prices. We can arraign the high price of sugar if we wish, but it is our own fault.

A large factor in our food supply is also that of the animal industry. Complaint is made of the high cost of meat. I am pleased to note that the causes of the high price of meat is not laid at the farmer's door. It is stated that a bushel of corn will not put more than 5 pounds of meat on a grade steer. If the farmer would sell his corn on the market he would receive $1.50 per bushel for it. If he feeds it to his steers and gets 5 pounds gain out of each bushel and sells his steers at 15 cents a pound, live weight, he gets 75 cents per bushel for it, or one-half the market price; so to get a profit he must sell his steers off the pasture. What is true of feeding cattle is relatively true of other corn-fed live stock. This is not a new statement of mine here on the floor of the House.

The climate, soil, season, and proper cultivation is the big factor in the production of farm products. Last season in Michigan the spring was rainy, cold, and backward for putting out crops. Then the dry weather and long droughts dried up many of the crops and the fall was again wet and many of the crops were a failure. Farming is not a bonanza. It is real work. Those engaged in it are convinced. Why not the Government take a hand?

I am also for this bill because we are at war. If we do not now comprehend the enormity of our task to win the war we will later on. In the common parlance of the street we are in one, "that is right." I think, we are too prone to think this is the war of England, France, Italy, Russia, and our allies. It is now our war, and the great task in hand is to bring it to a successful, speedy, and victorious conclusion. We have given the flower of our land. We have opened our Treasury. We now give our products of farm, factory, and mine. Secretary McAdoo frequently stated unless we backed up and financed the war we would lose. Unless we fight we will lose sure. Unless we devote and contribute our resources and feed, clothe, and provide for our Army and Navy with sufficient munitions we lose. It now looks as if the war must be won with the resources of the United States. The President can not win the war alone. Gen. Pershing can not win the war alone. Every man and woman must devote his best energy to the task, and this bill is a factor. Let us everyone feel the importance of the task, do his duty, and contribute his mite without stint or complaint. In the administration of this bill the questions of the products of the mine and transportation must not be overlooked. If we can not get coal and iron for domestic uses, how can we supply our ships with fuel or our Army with arms and ammunition? If the season is good crops will be left to rot in the field unless we have ample transportation. Some of the evils aimed at in this bill might very properly devolve upon the Department of Justice. The Government might as properly use the courts as the farmer the plow. Of what use is production if it is destroyed to maintain prices or not shipped to market or transported to our armies or our allies?

I give you a few specific cases carried in the press which are proper for judicial action.

I am not vouching for the facts, but I believe such conditions exist, and that there are many of them of the same nature, even more flagrant.

The following clipping is taken from the Detroit Free Press, issue of June 5, 1917:

FIFTEEN CARS OF "SPUDS" ROT; PRICES SOAR—PROBERS SEE PLAN TO MAINTAIN HIGH CHARGES.

CHICAGO, *June 4.*

Government investigators inquiring into the reasons for high-priced coal in Illinois recently discovered 15 cars loaded with potatoes on a siding near Seatonville, Ill.

The potatoes, from the shipping directions on the cars, had originally been sent to Chicago. From their condition the investigators concluded they had been left on the siding to spoil, while high prices were being maintained in the Chicago market.

Oliver E. Pagan, Government indictment expert, who drew the indictments returned Saturday against alleged egg speculators, will return here next week. The investigation of the food situation will continue before the June grand jury.

Our neighbor Canada appoints a dictator of fuel; why not we?

CANADA APPOINTS DICTATOR OF FUEL—C. A. MAGRATH GIVEN AUTHORITY TO CONTROL SUPPLY AND PRICE.

OTTAWA, ONTARIO, *June 11.*

The Government has appointed C. A. Magrath, chairman of the Canadian section of the International Joint Commission, to take charge of the fuel supply of the Dominion.

Mr. Magrath is clothed by order in council with authority to control coal distribution and prices throughout Canada.

The coal situation and the outlook for next winter is so critical the Government has decided there must be a central authority having drastic powers of regulation of supply and demand.

Mr. Magrath will enter upon his duties immediately, and will work in conjunction with the railway commission in equalizing distribution.

UNITED STATES BOARD TAKES HAND IN INDIANA COAL PRICES.

INDIANAPOLIS, *June 6.*

On the heels of a report condemning Indiana coal operators for "outrageous" coal prices which the public-service commission has submitted to Gov. Goodrich, a conference will be held here at which a member of the Federal Trade Commission is expected to be present. Gov. Goodrich, members of the public-service commission, and coal operators will attend the conference. An effort will be made to solve the coal problem.

The public-service commission suggested that the governor name a State fuel agent who would direct all his energies to a study of the fuel problem.

Persons familiar with the situation believe that the operators will agree to a maximum price, lower than the present rate, for Indiana coal.

The following clippings are sent to me from unknown sources:

BIG RAPIDS, MICH.

Eighteen cars of coal are sidetracked at Byers, six miles south of here, on the G. R. & I., while Big Rapids and many other cities are without fuel. Byers is merely a sidetrack. It is not even a hamlet, and passenger trains do not usually stop there. Nobody around here knows who owns the coal.

The people and the court officers should have investigated this case.

A MERE SUGGESTION.

A suggestion to Congressman SMITH: If he wishes to fill the dual position of doing the right thing and at same time receive credit for it in good measure, let him add to his bill introduced on coal transportation the energy necessary for its immediate passage, and if necessary on the floor of the House fight out the fuel question generally. With no pronounced increase in the cost of producing coal, why is soft coal $7 or $8 a ton now? And why are not next winter's supplies of hard coal being distributed through the North now? If not to come during the summer months, what can the people in winter latitudes expect in three months from now? It is not a question of unnecessary complaint but of imperative need.

Then, how about the Department of Justice which has found several men guilty through a grand jury of unlawfully absorbing $30,000,000 from the people last winter on coal, and their trial put off until October? There is no duty of Government more plainly visible now than an ample distribution of fuel during the summer months to provide for winter necessities. People may live upon very scant supplies of food, but not so with fuel in winter.

This bill will remedy these evils and provide the machinery for imposing the penalty.

I am for this bill to remedy these outrages against the people. I am for this bill because I believe it will be a factor in winning the war. I favor it because I believe it is a war measure. It will tend to stabilize prices and in this the greatest of all wars in which we are now engaged and which we must win, I am for practicing economy, curbing needless expenditures, eliminating extravagances, prohibiting excessive speculation, all gambling, and applying all our energy and skill and resources to bring victory. Everything now for victory. [Applause.]

Mr. HAUGEN. Mr. Chairman, I yield 30 minutes to the gentleman from Wisconsin [Mr. LENROOT]. [Applause.]

Mr. LENROOT. Mr. Chairman, this is undoubtedly the most important and the most far-reaching bill that has ever been considered by any Congress in the history of America, but we are also in the greatest crisis that America has ever known. And to my mind most of the great powers that are conferred upon the Executive by this bill are necessary powers. I think the bill does go further than is necessary at this time, or does in some respects go further than Congress has authority to go, and when I come to discuss the details of the bill I shall refer to those things.

I had expected, very naturally, that the constitutionality of this bill would be attacked by its opponents. It is very fortunate indeed that we have not been compelled to meet that question

as a serious matter of debate. And I am not going to spend any time upon the discussion of that question except to say just one word, that I believe that practically all of the powers that are conferred in this bill, with two or three exceptions, can be and are founded upon the Constitution itself. The reason we are powerless to enact legislation of this sort in time of peace is not because of any prohibition in the Constitution against it, but because no power can be found in the Constitution in time of peace that permits us to enact this sort of legislation. As we all know, the Constitution of the United States is a grant of power, and we can do nothing beyond that which is there expressly granted or fairly implied from the expressed grants. That is why, when we come to deal with questions like child labor, for instance, we must deal with it from the standpoint of regulation of interstate commerce, because that is the only power that Congress has over that subject.

But now we are in war. The Congress is empowered to declare war, to raise and support armies, and the various other enumerated war powers in connection with it. As the courts have many times said, that means there is implied in that power all necessary means to successfully prosecute that war, and that means that in time of war we have that grant of power for the purpose of carrying on the war that is lacking in time of peace. That means we are not restricted in legislation to the interstate commerce clause of the Constitution and other like provisions which are grants of power.

And so in legislation of this character, as a war measure we need not consider State lines, because they have nothing to do with it. Our power is as wide as the Nation itself in that regard. And so under the war power we can, if we so legislate, put our hand upon the cold-storage man in Chicago, which we could not do in time of peace, and say to that man, "You shall conduct your business so and so." So much for the general power.

But there is one limitation that does exist in time of war as well as in time of peace, and that is the separate powers of this Government—the three, the legislative, the executive, and the judicial—must be preserved. In time of war we have no more power to delegate to the Executive of the United States legislative authority than we have in time of peace. If there is anything in this bill that does delegate to the executive authority such power the bill to that extent is invalid and unconstitutional. And I want to point out one section where I believe this limit has been transcended, and that is in section 5, known as the license section. It reads as follows:

That from time to time, whenever the President shall find it essential to license the importation, exportation, manufacture, storage, or distribution of any necessaries, in order to carry into effect any of the purposes of this act.

No business shall be conducted unless the President grants a license. Now, the words here are "that whenever the President finds it essential in order to carry out the purposes of this act." To my mind if that language remains in the bill in that form it is delegating to the President of the United States legislative power, a power that we only can exercise. It empowers the President to determine whether it is essential to carry out the purposes of this act that something else shall be done. Instead of Congress determining the choice of means to carry out its powers—and the courts have many times said the sole power to so determine rests with the Congress—this section delegates to the President of the United States the choice of determining the means.

Now, would it be said for a moment that if in enacting a criminal statute we should impose a penalty of imprisonment for the commission of a certain crime, we could provide that if the President should determine that that is not sufficient to deter crime that upon his order there should be capital punishment for the punishment of that crime? I do not think anyone would make any such contention as that.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. LENROOT. Yes.

Mr. MADDEN. Does the gentleman think it would be wise to say to the citizens of the United States that they would not be allowed to conduct a legitimate business except on a license issued by the Government?

Mr. LENROOT. That is another question. I shall discuss that in a moment. I am speaking now solely of the constitutional question involved in the delegation of power.

Mr. HELVERING. Does not this bill provide the exact means of carrying out this act and leave only to the President the announcement of the existence of a condition?

Mr. LENROOT. The condition is if the President shall determine that the means we have provided are not effectual, in other words, that when a law that we provide is not effectual, we provide another which he may employ, and the Congress delegates to the President the question not of determining a fact but determining the question of public policy, which we alone, in my judgment, must determine.

Mr. TOWNER. Does it not go further than that? Because in the next sentence it prescribes:

The President is authorized to prescribe such regulations governing the conduct of the business of licensees as may be essential to prevent uneconomical manufacture and inequitable distribution of necessaries and otherwise to carry out the purposes of this act.

Is that not, peradventure, sumptuary legislation?

Mr. LENROOT. I was coming to that.

In the case of issuing licenses, you are giving, or trying to give, to the President a control that is nowhere else mentioned in the bill. Now, it is familiar doctrine that we can not delegate to the executive branch of the Government the power to make the law. We can delegate to the President or to any other administrative body the power to ascertain the facts upon which the law will operate, and under the doctrine in the case of the United States against Grimaud, we can lay down ourselves the framework of the law, declare the policy, and then delegate to the administrative side of the Government the power to make regulations to fill in the details. But the act of Congress must be complete in itself concerning that. And I want to call attention to the fact that while in these regulations the President is authorized to control uneconomical manufacture, nowhere in this bill is uneconomical manufacture prohibited. Nowhere in this bill is it either made a crime uneconomically to manufacture anything, but it does not even come within the provision of any civil remedy provided anywhere covering the question of uneconomical manufacture.

Mr. LEVER. Does the gentleman differentiate between the licensing section and section 11, where the President finds it essential, in order to prevent undue enhancement or fluctuation of prices or injurious speculation in necessaries, and so on, and section 12, where the President shall find that an emergency exists requiring stimulation, and section 13, in reference to the use of foodstuffs? What distinction does the gentleman draw between section 5 and these other sections?

Mr. LENROOT. I shall be glad to answer that. In reference to section 11, it does not seem to be open to the serious objection I have made to section 5, although I still think it is subject to that criticism. But I want to call attention to this distinction: In section 11 the President is not given the power to call into operation the provisions of the bill for the purpose of carrying out the act, but he is only, in section 11, authorized to do those things upon a finding by him of certain specific facts, namely, to prevent undue enhancement or fluctuation of prices, to prevent injurious speculation, to prevent unjust market manipulation, and so forth. I think it is too broad, and I shall, at the proper time, when we reach that stage of it, offer an amendment providing that whenever the President finds it essential to prevent undue enhancement of prices, he may do so and so, which will limit him to the ascertainment of the facts, and upon the ascertainment of the facts he may exercise these powers.

Now, as to section 12, whenever the President shall find an emergency exists, he may do so-and-so. That rests upon an entirely different basis. Section 12, to my mind, does not rest upon the war power of Congress at all. Section 12 relates wholly to paying out money from the Treasury. The gist of it is not restricting the rights or liberties of any citizen, but paying money out of the Treasury of the United States, an appropriation; and any appropriation rests upon the general-welfare clause of the Constitution, where, by the Constitution, we are authorized to levy taxes, borrow money, and so forth, to pay the debts, provide for the common defense, and to promote the general welfare of the Nation; and when we come to make an appropriation of money, it is not a delegation of power at all to say that the President may call into operation this appropriation section upon any emergency that he may determine necessary.

Mr. LEVER. I wonder if the gentleman has prepared the amendments that he proposes to offer to section 5, so that he might put them in the RECORD?

Mr. LENROOT. I have not.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield for a question?

Mr. LENROOT. Yes.

Mr. LONGWORTH. Before the gentleman leaves section 5, I would like to know how he interprets the meaning or definition of a word that appears several times in that section. I mean the word "charge," as it appears in line 2 of page 5.

Mr. LENROOT. I think it is open to some question, but my interpretation of the word "charge" in that connection is that

it means not the price of the article, but a charge for any service of any character rendered in connection with that article.

Mr. LONGWORTH. Let me call the gentleman's attention to the beginning of section 5:

Wherever the President shall find it essential to license the importation, exportation, manufacture, storage, or distribution of any necessaries, in order to carry into effect any of the purposes of this act, and shall publicly so announce, no person shall, after a date fixed in the announcement, engage in or carry on any such business specified in the announcement of importation, exportation, manufacture, storage——

Mr. LEVER. That is a storage charge.

Mr. LONGWORTH. I know, but the word "manufacture" is used there. The word "charge" applies to the manufacture. Whenever the President shall determine that the charge for manufacture is too high, he may then proceed to regulate.

Mr. LENROOT. I will say to the gentleman that whatever construction is given to the word "charge" in that connection, there is no doubt whatever that under section 5 as it now stands the President, while he might not be able to directly fix the price of the article manufactured, would unquestionably have the right to fix the profits of the manufacturer on the commodity manufactured and sold by him, which would be an indirect method of fixing the price.

Mr. LONGWORTH. Does not the gentleman then think that the word "charge" is very much too broad a term to use in that case? The charge, so far as it relates to the storage or distribution, might not perhaps be open to that criticism, but a charge applied to the manufacture, it seems to me, might be construed to cover the question of price or profit.

Mr. LENROOT. The gentleman will perceive that if the language remains in the bill as it now is, giving the broadest powers to the President to control in every possible degree every class of manufacture and production within the purview of this bill, then it is not of much importance what the word "charge" may mean, because you have given him powers that not only include the charge but everything else conceivable in connection with the manufacture and production of these things.

Mr. LONGWORTH. Under those circumstances would not the charge refer, for example, to the price of coal? Could not that be held to be the price of coal?

Mr. LENROOT. It is possible that is so; but whether it is so or not with this power that is granted, gentlemen talk about the maximum-price section being stricken out of the bill. It is here, because if you limit the profit of a miller, we will say, to 7 per cent on his business after buying his wheat and manufacturing his wheat into flour, when you limit his profit to 7 per cent, that says to the miller, "You must sell your product at such a price as will limit your profit to 7 per cent," does it not?

Mr. MADDEN. The gentleman does not contend that the President would have the right to say what a manufacturer's cost was to be while he was fixing the rate of profit that the manufacturer would have a right to make?

Mr. LENROOT. That would be included.

Mr. MADDEN. But the President would not have the right to say what the cost of the manufacturer in the ordinary sense of the term would be, whether it was too high or too low.

Mr. LENROOT. I do not know as to that. That would be for the determination of the court. But under this section there is granted an absolutely unnecessary power to the President. I wonder if you gentlemen realize the power that is granted under this section? It grants to the President of the United States the power to say to every man in the United States, other than farmers and retailers, who is engaged in any connection with the production of foods or fuels or the production of any article that enters into the manufacture of foods or fuels, "You shall not do business at all unless you do it the way I tell you to do it."

And it makes a man guilty of a crime, a man who has violated no prohibitions of this bill, a man who has worked no injustice to his fellow men. It makes him guilty of a crime punishable by a fine of $5,000 if he tries to do business without a license from the President of the United States. Do you realize the extent to which that goes? Do you realize that that means that the agents of this Government can go into every creamery in the United States and say, "You must manufacture thus and so or you can not manufacture at all"? It means that the agents of this Government can go into every cheese factory, into every canning factory, into every flour mill, into every factory that produces foodstuffs. But it does not stop there. It permits him to go into any manufacturing establishment which makes machinery for flour mills, for canning factories, or agricultural implements, and say to that manufacturer, "You shall not do business at all unless you do it the way that I tell you to do it."

Mr. FESS. The gentleman was discussing section 12.

Mr. LENROOT. Yes.

Mr. FESS. I very much desire the opinion of the gentleman upon the right conferred at the bottom of page 13, where it says:

There shall be levied, collected, and paid a rate of duty upon the products so imported, the amount of which rate of duty shall be ascertained and proclaimed by the President, which amount shall, when added to the value of the product at the time it is offered for entry, be sufficient to bring the price thereof at which imported up to the price which shall have been fixed therefor pursuant to this section.

There is authority to do a thing, but leaving the fixing of the definite tariff duty to the President. I should like to have the gentleman's opinion upon the constitutionality of that provision.

Mr. LENROOT. I am very glad to answer the gentleman. I think it is entirely constitutional. I think it comes clearly within the doctrine of the decision of Field against Clark, which involved certain sugar duties, and the rule is this: That we can not delegate to any administrative body, the President or other, the power to levy tariff duties at such point as he thinks is just. We can make the law defining what the tariff duties shall be and then delegate to the President the duty of determining the facts upon which the law will operate. And what this bill does is this: Here is a minimum price fixed upon wheat. Wheat can be imported into this country so that the price at the border would be less than the minimum price that has been fixed by the President; and this bill delegates the power to the President to find out the difference between that price of wheat as it enters at the border and the minimum price and to add to the existing tariff duties the difference between the price at the border and this minimum rate; and I think that is entirely constitutional.

Mr. HARDY. That is what the bill does.

Mr. LENROOT. That is just exactly what the bill does. It lays down the rule and the standard by which the President must be governed in making these tariff rates. He can not use his discretion or judgment as to what the tariff rates shall be. He must find the facts and then apply the facts to the law.

But I want to say this in passing: I did not intend to discuss this section, but I do want most heartily to congratulate our Democratic friends upon adopting to the fullest degree and to the fullest extent the doctrine of protection to American industries. [Applause.] For this provision covers to the fullest extent everything that the Republican Party has ever fought for in the way of tariff duties.

Mr. GORDON. Including a reasonable profit.

Mr. TOWNER. Will the gentleman yield?

Mr. LEVER. Will the gentleman yield?

Mr. LENROOT. I yield to my Democratic friend first.

Mr. LEVER. I was about to suggest to my friend from Wisconsin that the difference is this: The contention of the Republican Party and its President has been that it levied a duty in order to protect some individual. This is an attempt to protect the American public. [Applause on the Democratic side.]

Mr. LENROOT. The theory of this bill is exactly the Republican theory, that when your President fixes a minimum price for wheat, he presumably fixes it upon such a basis as will encourage the production of wheat and enable the American farmer to make a reasonable profit out of his industry, does he not?

Mr. LONGWORTH. The gentleman from South Carolina himself said so in explaining the bill.

Mr. LENROOT. Now, when it does that, you are protecting not only the Government, but when you protect the Government—what is the Government of the United States? It is not the Members of Congress. It is 110,000,000 people. That is what the United States is. And when you say that there shall be a tariff duty equal to the difference between the price of foreign importations and the price that we ourselves have fixed, you have exactly come to the position of the Republican Party, that tariff duties should equal the difference in cost of production at home and abroad in order to encourage American industry and to enable the American people to live according to American standards and for American wages, and my only objection is that you are limiting it here to the farmer. If you will be consistent, you will apply the same doctrine to all the American people.

Mr. BORLAND. I understand the gentleman is now ready to concede that the Republican Party has lost all excuse for existence. [Laughter.]

Mr. LENROOT. The Republican Party, unlike the gentleman's party, has been fighting for certain principles to serve the American people, and the Republican Party is very much more interested in serving the American people than it is in being in power itself; and if the time should ever come, which none of us can possibly foresee from things that are going on, when the gentleman's party will come to correct economic positions concerning great American questions, then the Republican

Party would be content to let you gentlemen have a majority upon that side of the aisle, but it will not be in your day nor in my day that your party will ever be wise enough to take a position of that kind. [Applause on the Republican side.]

Mr. BORLAND. The gentleman is wrong. The American people are trusting the Democratic Party to-day.

Mr. HARDY. Will the gentleman yield?

Mr. LENROOT. I can not yield any further; I do not want to get drawn off into a tariff discussion.

Mr. MADDEN. The gentleman did not quite answer the question that I asked him, whether the private individual could continue to do business without a license from the Government of the United States?

Mr. LENROOT. He could not, if he comes within any of the provisions of the bill, if the President says that he can not.

Mr. MADDEN. Does the gentleman think that is wise?

Mr. LENROOT. Of course I do not; I thought I made that very plain. Now, I will yield to the gentleman from Iowa.

Mr. TOWNER. I want to call attention to the fact that not only does it prohibit a man from doing business, but a violation of any of the regulations that are contained in section 6 is a crime, because it says that unless they do business in accordance with the requirement issued under the section regulating and controlling the manner of doing business they are liable to the provisions of the act.

Mr. WINGO. Will the gentleman from Wisconsin yield for a question?

Mr. LENROOT. Yes.

Mr. WINGO. In regard to section 5, I understood the gentleman a little while ago to suggest that this provision did not cover retailers. Does not the gentleman think that the words "license the importation, exportation, manufacture, storage, or distribution of any necessaries" will apply to the retailer in the last analysis?

Mr. LENROOT. He is expressly exempted in this proviso of section 5 in the bill.

Now I want to devote what remaining time I have to a brief consideration of section 3, the section which the chairman of the committee said in opening the debate was the hub around which this entire bill revolved. Members will observe that the construction given by the chairman of the committee of this section was radically different from that given by the gentleman from Minnesota [Mr. ANDERSON] in his very able speech, and also different from the construction given by the gentleman from Michigan [Mr. MCLAUGHLIN].

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAUGEN. I yield to the gentleman five minutes more.

Mr. LENROOT. Under the construction given by the chairman of the committee, section 3 is complete in itself, and with that construction all we would need in this bill besides that would be a penalty clause and an appropriation clause, because it gives to the President all of the power that possibly could be given by Congress. Now, I want to say, in the first place, that if that be the correct construction it goes entirely beyond the power of Congress. Congress could not if it would, and should not if it could, delegate a blanket power to anybody upon this very important subject. To say to the President of the United States you may take under your control all of the food in this country and all of the fuel in this country and all of the articles that enter into the production and do with them as you see fit is certainly a power that even in time of war ought not to be granted by this or any other Congress. If we were to attempt to grant it, it would be absolutely unconstitutional, because, as I said in my opening, Congress must make the law, it can not delegate to anybody the power to make the law. We can no more delegate to the President of the United States the power and general control over food production in this country than we could delegate to the Interstate Commerce Commission general power over the railroads in this country and say they can make such orders as they think best, and the railroads of this country shall be compelled to obey them.

If the construction given by the chairman of the committee is correct, then all the remaining sections of the bill other than the appropriating section are absolutely unnecessary and valueless, except merely in the way of suggestions to the President as to the method in which he should exercise his power.

Mr. HARDY. Will the gentleman yield for a suggestion?

Mr. LENROOT. Yes.

Mr. HARDY. Section 3 says: "There is hereby established." It does not mean by section 3, but by the bill, it refers to the whole bill.

Mr. LENROOT. "That there is hereby established a governmental control of necessaries."

Mr. HARDY. What does "hereby" mean?

Mr. LENROOT. It means by this section we do this thing. Now, I gather that the gentleman's construction is the same as the construction I think ought to be given to it; but surely when there are such differences of opinion concerning the construction of this section we all ought to agree that it should not go out of this House subject to these different constructions. I am perfectly willing to see section 3 remain in the bill as a declaratory section, and giving authority to the President to enter into voluntary arrangements, but it should be made clear that section 3 of itself does not give to the President of the United States any independent power over and beyond the specific authority granted in the remaining sections of the bill. I very much hope that when we come to a consideration of this bill under the five-minute rule the chairman of the committee himself will agree to an amendment that will clearly make it only declaratory.

One thing more, the last section of the bill, which permits the operation of this act to continue for one year after the war is closed. I am sure it could not have occurred to the committee that, as a war measure, the powers conferred in this bill can only be exercised constitutionally when the United States is engaged in war, and the moment this war is concluded the operation of this act must cease, and that the act itself is being endangered by a possible construction of the court that it is not a war measure if any provision remains in it that it should exist for any length of time after the war has closed.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. CANNON. Mr. Chairman, I have some time and I hope the gentleman from Iowa will yield such time out of mine as the gentleman from Wisconsin may desire.

Mr. LENROOT. I do not desire to take up the time of the gentleman from Illinois.

Mr. CANNON. I think I am more interested in the gentleman's remarks than I would be in my own.

Mr. LENROOT. I would take such time as is necessary, if anyone wanted to ask a question.

Mr. LEVER. Mr. Chairman, I recognize that there is much merit in the criticism of the gentleman from Wisconsin as to section 21. The constitutionality of that section did not occur, at least to the chairman, and I do not think to the lawyers on the committee. The committee, of course, had in mind that there would be a period of readjustment after the war, and that there would be certain contracts into which the Government had entered that could not mature immediately with the conclusion of the war, and therefore we undertook to limit it for that period. But I was wondering if we could by some amendment here make the one-year period apply to the contracts only into which the Government had entered.

Mr. LENROOT. There is no doubt about that and no question that the liability of the Government may continue beyond the period, because, as I said before, in my judgment section 12 does not depend upon the war power at all, and so there will be no difficulty along that line.

Mr. LEVER. That is all we intended to do as a matter of fact, so far as I was myself concerned.

Mr. BARKLEY. Mr. Chairman, aside from the suggestion of the chairman of the committee, does the gentleman from Wisconsin not recognize that there might be such an abnormal situation as the result of this war, especially if it runs for two or three years, as would make the continuation of this act advisable for a certain period after the treaty of peace is signed?

Mr. LENROOT. If we had the power to do it.

Mr. BARKLEY. Would it not follow if this emergency existed after the war——

Mr. LENROOT. Let me interrupt the gentleman. We get no power to enact this legislation by reason of an emergency existing in the United States growing out of the war. Our only power in the enactment of this legislation is for the carrying on of the war itself.

Mr. BARKLEY. I understand, but the courts would undoubtedly construe in connection with the war power any necessary legislation or provision that followed as a result of it.

Mr. LENROOT. I am frank to say that I intend to look the matter up further.

Mr. HARDY. Mr. Chairman, does not the gentleman's idea of implied power apply here, that what is absolutely necessary to be implied, that is, the winding up of the war matters would authorize the holding on of necessary legislation?

Mr. LENROOT. No; not so far as this legislation is concerned, because the gentleman will readily see that from the moment peace is declared any further exercise of these powers can not be for the purpose of carrying on the war, but neces-

sarily must be for the welfare of the country in getting it upon a peace basis thereafter.

Mr. HARDY. As to implied powers, peace might be declared while our armies are on foreign soil and our navies on the seas. Does the gentleman hold that all powers essential to bringing back the navy or caring for the army until they get home embodied in this bill would die?

Mr. LENROOT. There is nothing of that kind in this bill, and the distinction, if I may make it, is this, that in this bill outside of our appropriations and section 12, we are restricting the rights and liberties of the citizen, a power which we have not and can not exercise except when the United States is actually engaged in war, and the only purpose for which we can exercise it is for a successful prosecution of the war. However desirable it might be for the speedy rehabiliment of our country after this war is over, I do not see how it could be contended that for this purpose this could be continued as a war power.

Mr. HARDY. I have instanced two or three items with reference to calling our armies back——

Mr. LENROOT. Oh, the gentleman has not instanced one. So far as calling our armies back, the gentleman knows that our right to raise and support armies and the right of the President as Commander in Chief to control them is not limited to a time of war. He has that right in time of peace, and of course he may recall them when the war is over. We may raise and support armies in time of war as well as in time of peace, but when the war is over, when you come to restricting the rights and liberties of the citizen completely outside the military power of the Government, a different principle prevails.

Mr. HARDY. Can not the gentleman's ingenious mind think of any emergency that might be left over after the war absolutely essential to be cared for by this bill?

Mr. LENROOT. Mr. Chairman, the gentleman pays me the compliment of saying I have an ingenious mind. I want to say to the gentleman that I am more interested in sustaining the constitutionality of this act by the courts—and the gentleman knows that it is not a certainty—than I am in caring for some possible emergency when this war is over. I desire to remind the gentleman that, in so far as we have any power, Congress is going to be in existence when this war is over, and in so far as it has power it may exercise it then.

Mr. LEVER. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. LEVER. Let me suggest this to the gentleman, not upon the constitutionality of this proposition but to get the viewpoint of the commitee clearly in the gentleman's mind——

Mr. LENROOT. If I may interrupt the gentleman, I desire to say that, so far as the emergency is concerned, I take it for granted that the committee has followed the rule we have in other bills, and I would be thoroughly in sympathy with it. I appreciate there may be an emergency when the war is over, but we ought not to sacrifice the possible validity of this bill by having anything incorporated in it that is not strictly a war measure and under our war powers.

Mr. LEVER. In other words, the gentleman does not criticize the purpose here, but possibly the constitutionality of it?

Mr. LENROOT. Yes.

Mr. CANNON. If the gentleman will permit, I think he made it plain a moment ago when he stated that we would have Congress if the Government lasts when this war closes, which will be perfectly competent to deal with situations, and that this power ought not to be conferred upon the Executive for one moment beyond the limit of the Constitution.

Mr. GORDON. I understood the gentleman to say that this power to authorize the President to order the imposition of duties upon imports rested upon the rule that the discretion of enacting the legislation was not vested in the President but was exercised by Congress when we pass this bill. Let me call the gentleman's attention to this language, and I quote section 12, page 13:

> When the President finds that the importation into the United States of any such products produced outside of the United States seriously interferes or is likely seriously to interfere with the practical operation of any guaranteed price therefor fixed pursuant to this section, or materially enhances or is likely materially to enhance the liabilities of the United States under guaranties of prices therefor made pursuant to this section, and shall so proclaim, there shall be levied, collected, and paid a rate of duty upon the products so imported, the amount of which rate of duty shall be ascertained and proclaimed by the President.

Is it the contention of the gentleman that that does not give to the President the discretion to determine the amount of those import duties and levy them?

Mr. LENROOT. No; it is not a matter of discretion.

Mr. GORDON. Who else has anything to do about it?

Mr. LENROOT. The President is to ascertain what: First, the price of these importations at the boundary.

Mr. GORDON. At which boundary?

Mr. LENROOT. Wherever it enters the United States.

Mr. GORDON. The price might differ at different boundaries.

Mr. LENROOT. I understand. That is the first thing he determines. The next thing he would determine would be what is the minimum guaranteed price by the United States at the same point of entry. Then he subtracts one from the other and finds the difference between the two and that determines the tariff rate if the imported price is less than the guaranteed price. He has to find a fact and a fact alone.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. I will.

Mr. BARKLEY. Is not that somewhat similar in principle to language of the Payne-Aldrich bill, where it authorized the President from time to time to fix a sliding scale of import duties upon certain imports into the United States? I mean, is it not based upon the same principle?

Mr. LENROOT. I think ever since the decision of Field against Clark, wherever this authority has been attempted to be delegated it has always been framed upon the proposition that Congress lays down the rule, establishes the standard, and the President is given power to find certain facts upon which he acts.

Mr. BARKLEY. Applies the law to those facts?

Mr. GORDON. But Congress fixes the maximum and minimum in those cases to which the gentleman refers?

Mr. LENROOT. Yes.

Mr. GORDON. It does not do it in this case.

Mr. HAUGEN. I yield one minute to the gentleman from New York [Mr. HICKS].

Mr. HICKS. Mr. Chairman, I simply rise to ask permission to extend my remarks in the RECORD by printing an editorial entitled "Give us airships and aeroplanes and airmen."

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. RUBEY. Mr. Chairman, I yield 20 minutes to the gentleman from Texas [Mr. BLACK].

Mr. BLACK. Mr. Chairman, necessarily in discussing a bill of this kind and one which contains so many important and far-reaching provisions one would wish more time than can be granted him under the limitations of this debate. The subject is one of many angles and of large importance. There are some sections of this food-control bill which I think are very meritorious and to which I unhesitatingly give my support. These features have been ably discussed by Members who have preceded me, and I will not consume the time allotted to me in a repetition of the arguments which have been made in their favor.

But while I am in entire sympathy with a part of the bill, there are certain other sections to which I am opposed, and I would not feel that I had discharged my duty to the people whom I have the honor to represent did I not voice my opposition to these sections on the floor of the House and do what I can to have them modified or eliminated altogether from the bill.

It seems to me that this is the time of all other times when Members should refrain from extravagant and exaggerated statements on the floor of the House, and should appeal to the reason and judgment of men, rather than to their passions and prejudices. And so, bearing this in mind, whatever I shall say by way of criticism of certain sections of the bill will be as fairly stated as I know how to put it, and without any desire whatever to criticize merely for criticism's sake.

I have heard many gentlemen state during the course of this debate that there are certain sections of the bill which they would not begin to support in time of peace, but that they are supporting them now, because they believe that such grants of power are necessary in order that we win the war.

Now, if it be conceded that their premise is correct, then I would not hesitate to say that their reason for favoring these sections is all sufficient, but I can not and do not grant the correctness of their premise.

Quite to the contrary, it is my belief that instead of stimulating production of foodstuffs, which is such a vital necessity to the United States and to the world at the present time, these sections of the bill are quite capable of producing the very opposite effect. And it is that belief which compels me to advocate their modification or elimination from the bill.

But before entering upon a discussion of these sections I want to pause long enough to say that I have without hesitation been willing to vote for and support those measures which I thought were essential to enable the President to successfully conduct the war as Commander in Chief of the Army and Navy.

I voted without hesitation to authorize an increase in the enlisted force of the Navy to 150,000 men during the period of the war; I voted for the selective-draft bill to enable the President to raise an army of 1,000,000 men and to bring the Regular Army and the National Guard up to their full authorized strength, making about 2,000,000 men in all; I voted for the bond issue of $7,000,000,000, three billion of which is to be loaned to our allies; I voted for the war-revenue bill, which recently passed this House and is now in the Senate, and which provided for the raising of the largest amount of revenue ever carried in any one single bill; I voted for the espionage bill, which contained a provision empowering the President to limit and control exports during the period of the war. I did it because I thought such power would probably become absolutely necessary in the safe conduct of the war in dealing with our allies and neutral nations, and for the protection of our own people.

The President has wisely announced that the policy of the Government shall be, first, to see that our own people are fed; second, our allies; and then our surplus may go to neutral nations. But while I voted for these measures which I have just enumerated, I do not now believe that it is necessary to go further and confer upon the President virtually the powers of a dictator in matters which are purely of domestic concern. I do not believe that the President himself wants a grant of powers as extensive as is attempted to be given in some sections of this measure. In fact, I saw recently a statement from the chairman of the Committee on Agriculture in the Senate to the effect that President Wilson had expressed some surprise at certain sweeping features of some of the provisions of the bill.

But some gentlemen of the House have said in their speeches during this debate that we must be willing to lay aside our "little" theories of government and give our support to the powers granted in these certain sections. Yes, indeed, I am quite sure that in the minds of some gentlemen that the theory of a Government under the Constitution, that the principle of delegated powers to the Federal Government and reserved powers to the States is quite some small theory, but I pause long enough to say that when that view shall find general acceptance throughout the United States then the Government which our fathers established and which we have been foolish enough to think is the greatest in the world will become but a memory and our proudest heritage as a free people will have departed.

But gentlemen say that Germany exercises these powers and that therefore we must confer them upon the President of the United States. To my mind the idea that because Germany is an autocratic power makes it necessary that all other nations in this war should autocratize their Governments is not at all tenable.

I have read in Æsop's Book of Fables of the fox who lost his tail and therefore straightaway called all the other foxes together and advised them to cut off their tails, saying, "that they would not only look much better without them, but that they would get rid of the brush, which was a very great inconvenience, and besides, it was a useless appendage anyhow."

Nothing would please Germany more than for us to embrace such a philosophy. I regret to say that we already have people in this country proclaiming that Congress is a useless appendage and ought to adjourn and go home.

Such folks as these would have us pass a law about like this: "Whenever the President finds that it is advisable he is hereby authorized to suspend any existing law and enact any new one that he sees fit."

In the face of such ill-advised criticism of Congress, it is refreshing to to read such editorial expressions as recently appeared in the Washington Star, and which I will take the liberty of inserting here as part of my remarks:

CONGRESS.

Speaker CLARK'S defense of Congress in his stirring Valley Forge address was natural, justified, and admirable. He knew his subject. He spoke in season. He exposed and denounced a sort of policy which has been growing for some years.

It was Mr. Cleveland who, when President, wrote of having Congress on his hands. The expression at first simply amused. As the author had never been a member of any legislative body and had not as Chief Executive been getting along any too well with Congress, there was something droll in his tone toward that body.

But since that day attacks on Congress have been frequent and undisguisedly contemptuous. Abuse, ridicule, and misrepresentation have been employed, until it has become quite the fashion in certain quarters to hold Congress up to gaze as a nuisance.

In fact, the matter has been carried so far Congress itself shows in a measure the influence. It has been in some things surrendering its individuality and initiative. Even so worthy a Member as Mr. KITCHIN, speaking last winter about the probable entrance of this country into the war, said that in such an event the President would not want Congress in session. The remark, of course, was hasty and probably not intended to convey what it really carried to the public.

It was Congress that declared war. The power was lodged solely in that body. Without the declaration the President could not have turned a wheel. And Congress alone has the power to provide the means for fighting the war. It controls absolutely both the sword and the purse.

Congress responded to the President's recommendation by declaring war and has since been busy providing means for conducting it. Toward that end it has done a great deal. Much more remains to be done and steady progress is being made.

Much of the current abuse of Congress is stupid. Some of it is transparently malicious. All of it should go for nothing, and is going for nothing with those who are properly informed about the situation here, with its thousand and one difficulties and its many new and puzzling features.

SECTION 5, THE LICENSING MACHINERY.

And now after having made these general statements, I want to discuss one of the important sections which I think should either be modified or else entirely eliminated from the bill. In my opinion this section confers upon the President sufficient power, which in the hands of the food administrator will enable him to fix maximum prices on farm products. Oh, I know that gentlemen have said in this debate that the power to fix maximum prices on farm products has been eliminated from the bill, but I think that I will be able to show that such contention is not a fair and correct statement.

Now, let us see what the machinery is. Section 5 provides that from time to time whenever the President finds its essential he may issue a proclamation requiring importers, exporters, manufacturers, storers, and distributors of these necessaries to secure a license in order that they may carry on their business. This includes everybody who deals in such commodities except the retail dealer and the individual producer. It would include them except for the fact that they are excluded by a special proviso of the bill.

Now, that provision within itself, at first glance, might appear reasonable looking enough, but further on it is provided that these licensees may be required to submit reports, with or without oath or affirmation, and that their places of business shall be open to the entry and inspection of the Federal agencies provided for in the bill, and what else? Here it is:

Whenever the President—

Acting, of course, through the food administrator—

shall find that any rate, charge, or practice of any licensee is unjust or unreasonable or discriminatory and unfair—

And so forth—

he shall order such licensee, within a reasonable time fixed in the order, to discontinue any such unjust, unreasonable, discriminatory, and unfair or wasteful rate, charge, or practice. The President—

Acting again, of course, through the agency of the food administrator—

may find what is a just, reasonable, fair, or economical rate, charge, or practice—

And so forth.

And Members should bear in mind that this finding of what would be a fair, just, and reasonable price is not that of a judicial tribunal with judicial procedure, but is to be the ex parte conclusion of an executive officer.

Thereafter the dealer in these products must observe the rates and charges so fixed in this manner or else subject himself to a penalty of a fine not exceeding $5,000 or by imprisonment for not more than two years, or by both such fine and imprisonment. Now, what could easily be the practical workings of such machinery? Let us take, for instance, a dealer or distributor of wheat.

Suppose that his reports to the food administrator should show that he is selling wheat at $2.25 per bushel, and such food administrator should find that such price is unjust and unreasonable and should judicially determine—if that would be a correct term to apply to an ex parte conclusion—that $1.75 would be a fair and reasonable price, what would be the effect? Thereafter the wheat dealer or distributor would have to sell his wheat at $1.75 per bushel or else subject himself to the penalty of a fine of not more than $5,000 or by imprisonment for not more than two years, or by both such fine and imprisonment. Of course, down would then go the price of wheat to the farmer, because necessarily when you fix a maximum price to his dealer or distributor you also fix a maximum price to him, because he does not sell to himself and can only sell to his dealer or distributor.

The same illustration might just as pertinently be used as to the dealer or distributor of potatoes, corn, oats, cotton seed, and other necessaries which are covered by the definition of this bill.

Oh, no, gentlemen say, the bill does not fix maximum prices; but their contention reminds me of the story that Senator

TILLMAN used to tell of reconstruction days in South Carolina. A distinguished southern colonel was visiting in some of the New England States and he was asked if the negro voter was intimidated in any way on election day. "Certainly not," said the colonel. "When election day comes around some of us station ourselves at convenient places near the polling places, with rifles across our laps, and when the negro voter comes to the polls, he of course sees us sitting there, but," said the colonel, "there is no intimidation, I assure you, suh."

Now, of course this bill does not authorize the fixing of any maximum prices to the producer himself, but it provides machinery that can be used in the fixing of maximum prices in the hands of the only agency to whom he can market his products, viz, the wholesaler and the distributor, which in its final and practical results amounts to about the same thing.

PRICE FIXING BY LAW.

The difficulties attendant upon Government control of prices are very much greater than are commonly assumed by those who advocate the policy.

The purpose is to keep prices down, and officials charged with administration are likely to think that their duty, but it may be unwise to keep prices down.

Prices have a direct influence upon the rate of consumption and the volume of production, and unless the Government undertakes to put the entire population on fixed rations and to assume a military control of production, reliance must be placed upon prices to bring supply and demand into proper relations with each other.

If the consumption of wheat is too high in the early part of the year, the supply may be exhausted, and there may be none in the latter part. If the supply is short this year, it is doubly important that the yield shall be increased for next year. What is a normal and proper price for wheat which will spread the supply throughout the year and accomplish such a degree of economy and substitution as will bring these other foods into use, such as corn and rice, and thereby enable us to meet, at least to a good extent, the pressing needs of our allies? A proposal to fix prices in the interest of the consumer immediately raises the question of the attitude of the farmer, who is now being urged to exert himself to the utmost and who is responding with a splendid spirit of patriotism and loyalty.

The farmer has been assured by the leaders in this debate that nothing will be done about controlling the price of farm products while they are in his hands, but that the charges and prices of the middleman will be controlled. Under this procedure the middleman is to have the same chance to lose his money that he has had heretofore, but his chance to make a profit will be curtailed.

Of course the effect will be to diminish competition in the business and lower the price paid the farmer.

Some gentlemen who have expressed such solicitude for the farmer in discussing some of these sections are going to have their eyes opened as to some of the results which will follow if the full power granted is put into operation.

THE MIDDLEMAN.

Now, some gentlemen in both Houses of Congress have taken a particular delight in jumping on the middleman and referring to him as a scoundrel and a pirate and a fit subject for the penitentiary and the gallows, and other complimentary terms of that sort.

Such statements are easy to make.

Anybody can do it.

I might make some of them myself if I wanted to indulge in verbal exercise, but in a discussion of this kind our object should be to get down to facts.

Mr. OVERMYER. Will the gentleman yield?

Mr. BLACK. I do.

Mr. OVERMYER. I do not recall of anyone having charged the middlemen as a class with any crime or misdemeanor or wanting them shot. The expressions I have heard and read in that connection were directed toward the food speculator.

Mr. BLACK. Well, who is he?

Mr. OVERMYER. Whoever it happens to be that is guilty of that practice.

Mr. BLACK. Well, that is very vague and indefinite, and, of course, I realize that the word "speculator" makes a good talking point, and many gentlemen during this debate have made of him a fine target, and no doubt by now he is shot full of holes.

But let us get back to a serious discussion of the subject. Now, who is this middleman for the most part? He is your wholesale grocer, your wholesale hardware merchant, your wholesale druggist, your wholesale dry-goods merchant, and so forth.

This is the class of men against whom orators have fervently declaimed and newspaper and magazine writers have glibly written.

Whom have they been bidding against during the last 12 months? Why, our allies, England, France, Italy, Russia, and so forth, and when gentlemen talk so wildly on the floor of this House about hanging speculators in foodstuffs or putting them up against the wall and shooting them they should comprehend that among the first that would have to be taken would be the buying agents of our allies, whose large competitive purchases have made advances in prices inevitable.

Recently the purchasing agencies of the allies have been centralized and coordinated, and it is to be hoped that there will be no more of such unrestrained speculation in their buying. But getting back to the talk about the middleman. No reasonable man will dispute that there are some irresponsible and dishonest commission men, speculators, and even jobbers and wholesalers, in our channels of trade, and they should undoubtedly be cleaned out, but I do not approve the wholesale indictments that are rashly and recklessly made daily against the business men of the Nation.

In 1914, when the European war broke out, right at the time of our cotton-marketing season in the South, and prices were smashed to pieces and bankruptcy stared us in the face, did the Federal Government come to our assistance and give us a minimum price or even fix a minimum loan figure on cotton? No; it did not, and the proposition was treated as paternalistic and socialistic by some of the very gentlemen who are loudest in the advocacy of some of the sections of this bill. But what did the middlemen of the South do—the wholesale grocer, the wholesale dry-goods merchant, the wholesale druggist, the wholesale hardware dealer, and so forth? They strained every nerve and resource to stand between their customers and financial disaster, and not even the interest on most of their notes was collected, and it is a matter of common knowledge that many of our largest business concerns, by reason of their policy of liberality in credit accommodations, had great difficulty in finding sufficient finances to keep their businesses going. Had it not been for this liberal policy, many retail merchants and farmers would have been forced to the wall.

I have digressed long enough to say these things in reference to the business men, not because I think they need any defense at my hands, but because I think they ought to be said, and especially so at this time when so many extreme and ill-considered statements have been made during the course of this debate.

HIGH PRICES.

The gentleman from South Carolina, Mr. LEVER, in his opening speech on this bill referred at considerable length to the increase in prices on foodstuffs during the last several years and to the very high prices which are now prevailing on some of these commodities.

Indeed, he could just as truly have referred to the advances of prices in nearly everything else entering into American commerce and could have easily quoted figures which would have been much more startling, relating to articles of trade, not connected at all with food production and distribution.

As an illustration of this fact I desire to insert a clipping from the American Cooperative Journal, the quotation of prices being presumably correct:

Steel sold at $30 before the war; now sells at $130.
Coal has advanced from 100 to 200 per cent.
Wire has advanced 100 per cent.
Wagons have advanced 30 per cent.
Prepared feeds have advanced 100 per cent.
Tankage costs 100 per cent more now.
All fertilizer has advanced 50 per cent. Potash 600 per cent.
Binder twine has advanced from 8 cents to 18 cents.
Plow shovels that were bought for $2.50 now cost $7.
Cultivators sold at $28 before; now, $50.

I have here a statement recently issued by Mr. Amos Pinchot, of New York City, and this list shows the net profits of 42 corporations for the year 1916, these profits aggregating the sum of $729,983,235. An analysis of this statement will show that of these 42 corporations only 7 were corporations dealing in any way with articles of food, and the aggregate profits of these 7 corporations were $71,934,539.

When we compare this with the $729,983,235 earned by the whole group of 42 corporations we will be struck with the thought that if we are going to launch out into the field of fixing prices by law we might well devote ourselves to larger fields, without first jumping onto the products of the farm. For instance, the following comparison in the iron and steel industry is interesting and instructive.

Comparison of prices.

	July, 1914.	May, 1917.
Connellsville coke f. o. b. oven	$1.75	$8.00
Bessemer iron f. o. b. Pittsburgh	14.90	44.95
Basic iron f. o. b. Valley furnaces	13.00	42.00
Ferromanganese	[1]37.70	[2]425.00

[1] Baltimore. [2] Pittsburgh.

Mr. KEATING. Has the gentleman any suggestion to make which would reduce the cost of living, because that is the object of this bill? If the bill is deficient, has the gentleman any remedy that will produce the result we want to produce?

Mr. BLACK. I will say to the gentleman from Colorado that I wish I had the time to elaborate my views upon that question, but my time is about exhausted. The cost of living, of course, has abnormally increased by reason of the present war, destruction by the submarine, bad crops, and perhaps other causes of a more or less temporary nature, but a fundamental condition underlies it all. During the debate when we had up the Borland resolution for a food investigation by the Federal Trade Commission I gave my views on this subject, and I will briefly restate some of the things that I said at that time. An examination of the statistical abstract of the census of 1890 will reveal that 36.1 per cent of the people in the United States lived in the cities at that time. In 1900 this percentage had gone up to 40.5 per cent. In 1910 it had gone to nearly 47 per cent, and I dare say that the 1920 census will show the population of the cities to constitute 65 per cent of the entire population of this country, and you will never get low cost of living as long as that condition continues. Undoubtedly some of the blame for the present high cost of living can be definitely traced to artificial means, such as speculation, manipulation, and monopolizing food products, and these things should unquestionably encounter the strong arm of the law, and no one favors that kind of a policy any more than I. It is for that reason that I am heartily in favor of some of the sections of this bill. But while this is true, it would be folly for us to close our eyes to the fact that all the present high cost of living is not due to artificial causes. No; not by any means. Much of it arises from fundamental causes, and these causes can never be corrected by speech making and legislation. We might stay here until Christmas and resolute and pass laws and make speeches, but that would not produce a single additional bushel of wheat, bale of cotton, peck of potatoes, gallon of molasses, hoof of hog, or head of cattle.

Gentlemen can orate until they turn blue in the face, and hang the speculator to a dozen "apple trees," and resurrect him and hang him again, but it takes the great wheels of production to turn out the stuff that feeds folks' stomachs. And I know of no means that will make these great wheels of production go round and round and start the people back from the city to the farm any better than high prices for farm products.

You gentlemen of the Congress who represent city constituencies might as well understand that it is impossible for the farmers and the producers of this country to produce their crops under the present high prices for everything which enters into their cost of production and then sell this production at old prices.

We have no reason to expect butter and eggs, meat and lard, flour and meal, corn and cotton to be sold at the prices which used to prevail when everything which the farmer bought was correspondingly low. It can not be done, and it is foolish to try and make consumers believe that it can be done.

The whole pendulum of cost and production would have to swing back in an opposite direction from the way it is now going before it could be done.

Any policy of government which would try to bring about such a result by arbitrary and artificial rules and regulations would be suicidal in the long run and would weaken the Nation at the very vital spot where it is absolutely necessary that it be strong. So I would emphasize, in conclusion, that the one big domestic task which confronts us as a Nation to-day is to induce those who are on the farm to stay there and others who are not there to go there.

There are but two ways that I know how it can be done. One is to make farming one of our most pleasant and remunerative occupations, and thereby induce men to follow it, and the other is by some system of governmental compulsion to conscript men for the farm, whether they want to go there or not. Of course, every sensible and patriotic American favors the first method in preference to the second, and so let us be very careful that we, the lawmaking body of the American people, do not embark upon a system of price tinkering with the farmer's product which might result in pulling down the walls of the temple upon our own heads. There has never been a time in the history of the American Republic when the words of the great Webster were more vitally true than at the present period of crisis in our national history. He said:

Let us not forget that the cultivation of the earth is the most important labor of man.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I yield to the gentleman from Kansas [Mr. CAMPBELL] 30 minutes.

The CHAIRMAN. The gentleman from Kansas is recognized for 30 minutes.

Mr. CAMPBELL of Kansas. Mr. Chairman, there are many provisions in this bill that ought to be the law now and ought to have been the law long ago, and which I hope will become the law when this bill is finally enacted.

I, however, disagree with the policy set out in section 3, and I think that section should be stricken from the bill. I agree with the gentleman from Wisconsin [Mr. LENROOT] as to the unconstitutionality of section 5, and I think that section should be stricken from the bill. I do not agree as to the policy of section 9, and I think that section should be stricken from the bill. I do not agree with the policy of section 12, and I think that section should be stricken from the bill.

Aside from that, I believe the bill with slight amendments should become a law. With the sections to which I have referred stricken out, we would have a law that would prevent speculation and monopolization in food products and the necessaries of life. We would have a law that would prevent the use, by the exercise of the discretion of the President, of grains in the manufacture of alcoholic liquors. We would then have upon the statute books a bill under which every exercise of power which should be exercised in a Republic could be exercised for the protection of the citizen against the rapacity of food speculators and gamblers, and we would have upon the statute books at the same time a bill that would not diminish production, but that would encourage production.

I believe that section 3, section 5, section 9, and section 12 would have the very opposite effect from that which is designed for them. You can not in a great Republic, with an area of three and one-half million of square miles and 110,000,000 of people, with resources as varied as is the climate, a country that is vaster than any of the ancient empires—you can not inaugurate over night an autocracy such as would be inaugurated in the Republic of the United States under the operations of sections 3, 5, 9, and 12 of this bill.

Why, this is a Republic. It is not a democracy. It is not an autocracy yet, thank God. I do not believe we should admit that there are limitations upon a republican form of government that make it necessary in the exigency or in the emergency of war to change from a Republic, from the policies of a Republic, to those of the greatest autocracy in the world. I do not believe that we should admit to the Kaiser that his form of government is the only form of government that can exist in a stress and storm such as that through which we are now going.

Mr. HELVERING. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. CAMPBELL of Kansas. Not just now.

The CHAIRMAN. The gentleman declines to yield.

Mr. CAMPBELL of Kansas. I believe the virility and power of this Republic will enable it without changing to an autocracy to go through this war as it has gone through the other wars that it has waged in its history. Oh, there was a war that engaged the whole Republic, almost every male in it, for a period of four years. There was necessity then for food, but we did not then have a food autocrat or dictator such as is provided for in sections 3, 5, 9, and 12 of this bill. On either side of Mason and Dixon's line the people were left to their own resources, to their own aspirations; they were left to supply the demand for food in their own way. They did not have to take out a license to provide the necessary food and the necessary fuel for the people in those days in either the North or the South; food was provided.

Oh, let us have something left for the people of this Republic to go back to after this war is over that resembles a government of the people, for the people, and by the people, and not surrender to a dictator or an autocrat in any form such as is provided for in sections 3, 5, 9, and 12 of this bill.

The people of this country are now suffering more or less from autocratic power in the Department of Agriculture. Did you ever have one of those inspectors go on a farm in your district, lock a gate, close a feed lot full of cattle, and say to the

man who owned them, "You can not move a hoof out of this feed lot until I unlock that gate"? That has been done. I know of small weazen-brained representatives of the Agricultural Department, who have not brains enough to make a living feeding cattle, who go to the man who has the brains and brawn and the energy to acquire a feed lot and fill it full of cattle and tell him just what he may or may not do. I know of feed lots that have been put and kept under lock and key by one of these whippersnappers for three months, bankrupting the man that owned the feed lot.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. McKENZIE. Were those cattle sick?

Mr. CAMPBELL of Kansas. They were not; but an old brindle cow 18 miles away in that county died, according to what this little whippersnapper said, of the foot-and-mouth disease. The county has a large area where this occurred, and this little fellow or somebody else in the Department of Agriculture said that the county line should be the line within which the autocratic jurisdiction of this little representative of the department should be exercised when a cow died within the county of such a disease.

Mr. OVERMYER. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. OVERMYER. Was the foot-and-mouth disease stamped out?

Mr. CAMPBELL of Kansas. There was no foot-and-mouth disease in that section of the country.

Mr. OVERMYER. Is there any in the country to-day?

Mr. CAMPBELL of Kansas. Not there, and there was none; and the autocratic power that is exercised there was such as ought not to have been tolerated in any country.

Such diseases come and go, like the measles; and these little fellows had no more to do with stamping out of that disease than had the gentleman from Ohio, or as much.

I know of another exercise of autocratic power by representatives of the Department of Agriculture. In the same county in which this brindle cow died and the gates of every feed lot were locked, another representative of the department closed up a packing house simply because he had a difference of opinion with the proprietor of the packing house. This representative of the department was in the packing house, wearing a boiled shirt, standing around in the way, and, of course, the man who had built the packing house and who owned it was nettled every time he saw that little harebrained thing standing around, and, I think, he said something that indicated his righteous wrath. The fellow locked up the packing house that night because the blood was not washed out of one of the bins in which some animals had been slaughtered within 30 minutes after the slaughtering, and the packing house remained locked up for six weeks. That is the autocratic power that is now being exercised at times in our country, and that is enough.

Now it is proposed to give that power to other minions, and send them out throughout the country to say to one, "You shall do your business in your mill in this way or you can not do it at all. I will close your mill." It is proposed to say to another man, who is refining oil, "You refine oil in this way or you shall not refine it at all." It is proposed to say to the man who makes butter, "You make your butter in this way or you can not make it at all." That is direct action. But it will limit production and not increase production; diminish food production and not increase it.

Now, I believe, if you will strike out those sections of this bill that give that autocratic power, that will diminish the production of foodstuffs in the United States rather than increase it, you will have rendered a great service by enacting the remaining portions of this bill into law.

I am not a new convert to the idea of prohibiting gambling in the price of food products. I urged that upon the Congress nine years ago in this House. To be specific, on the 14th and 15th days of December, 1908, I urged the necessity of preventing gambling and speculating in the price of foodstuffs in the United States. Among other things, I said in the course of my argument:

> Gambling in food commodities has been a subject of discussion in many of the countries of the world. Within the past 10 years the subject has been under consideration in some form or other by the Argentine Republic, Austria, Belgium, Bulgaria, Denmark, France, Germany, Greece, Hungary, Italy, the Netherlands, Norway, Portugal, Roumania, Russia, Servia, Spain, Sweden, and Switzerland.
>
> The Canadian Government has passed an effective law upon the subject. Throughout European countries a popular protest has arisen against gambling on the prices of farm products, the necessities of life.
>
> It is wise to prohibit this species of gambling that is widely indulged in and most injurious in its consequences. * * *
>
> The French and German Governments treat stock gambling somewhat as race-track gambling is now treated in this country. But these continental Governments go further. They even decide in what stocks and bonds they will allow gambling, many of them forbidding gambling in the price of farm products.

I could not then get Congress to agree to an amendment to a bill prohibiting gambling in the price of foodstuffs in the United States at that time. I hope it will be done now, even as a war measure.

Mr. SLAYDEN. Will the gentleman permit me?

Mr. CAMPBELL of Kansas. I yield to the gentleman from Texas.

Mr. SLAYDEN. Does the gentleman hold that the dealing in grain, wheat, oats, rye, or barley in exchanges, for example, like that in Chicago, is necessarily gambling, and that it ought to be forbidden by law?

Mr. CAMPBELL of Kansas. Gambling is done purely in the price of the product, a product that the man who sells does not own and that the man who buys does not intend to secure delivery of. That is gambling, and it ought to be prohibited.

Mr. SLAYDEN. Does not every contract for the sale of grain, or articles of that kind, contemplate the delivery and provide for it?

Mr. CAMPBELL of Kansas. That is a mere subterfuge. That is done in order to comply with the local laws of the State.

Mr. SLAYDEN. Are not millions of bushels of grain delivered, as millions of bales of cotton are delivered, on these contracts?

Mr. CAMPBELL of Kansas. Oh, there is a percentage of delivery, but it was shown 10 years ago in a committee of this House that had the matter under consideration, in the bill that I was then discussing, that less than 10 per cent of the transactions on these exchanges resulted in a bona fide delivery of the products sold and bought. I believed then, and I believe now, that gambling in the price of the necessities of life ought not to be permitted. There ought to be places where the price of every article or commodity is fixed. The market that buys your cattle and hogs buys them from you when you reach the market, at the market price, and the same should be true of your grain.

Mr. SLAYDEN. I do not like to trespass on the gentleman's time.

Mr. CAMPBELL of Kansas. I yield to the gentleman.

Mr. SLAYDEN. In the gentleman's State, which is a cattle-raising State, like mine, many men contract to deliver cattle. They sell cattle to dealers and sometimes they do not have the cattle. They expect to buy them.

Mr. CAMPBELL of Kansas. They sell short.

Mr. SLAYDEN. They sell short. Would you deprive them of that privilege?

Mr. CAMPBELL of Kansas. That is a matter that takes place out in the country between men. A man goes to a buyer and says, "I will gather up 150 steers, 2-year-olds, and sell them to you for so much."

Mr. SLAYDEN. The locus does not make any difference in the nature of the offense, does it?

Mr. CAMPBELL of Kansas. No; but that man sells to a bona fide purchaser, and he is a bona fide seller.

Mr. SLAYDEN. We could settle that without delivery, you and I, if you sold the cattle to me and we neither of us insisted upon a delivery.

Mr. CAMPBELL of Kansas. But if we fixed the price for the country in our transactions it would be unfair to the men who were selling steers in a bona fide way.

Mr. FESS. Will the gentleman yield for a question?

Mr. CAMPBELL of Kansas. I should like to get on, but I yield for the gentleman's question.

Mr. FESS. A little earlier we were discussing the purchase of the wheat of the country by the allies.

Mr. CAMPBELL of Kansas. Yes.

Mr. FESS. They are making flour out of that wheat now and selling it, they claim, at $9 a barrel, and we are making flour out of wheat and paying three times that much for it. What should we do about that?

Mr. CAMPBELL of Kansas. I will be glad to take that up now.

Mr. FESS. I wish you would.

Mr. CAMPBELL of Kansas. I think, as I said upon this floor four months ago, that we should prohibit the exportation of food necessities from the United States when our own people are hungry. Now, in support of the statement I have just made let me read something from a letter from home, one of the many letters I have received, and I have no doubt that many of you have received them. It is from a laboring man in Chanute, Kans.:

> While my labor does not increase the world's supply of wheat, coal, or cattle, it does contribute to the welfare of hundreds, and is considered so necessary that I have been in the employ of one firm for more than seven years, at wages which, while not princely, were sufficient

in normal times, by careful economy, to enable me to provide many of life's comforts for my family and keep out of the pauper class.

Ten years ago, with a wife and two children, a carefully worked-out plan of domestic economy, and wages never above $10 per week, I provided them with all necessities, many comforts, and bought and almost paid for a home. To-day, with that same wife and economic system, three children, home paid for, and a $50 salary, I find it impossible to provide many actual necessities without going into debt.

I have practiced reduction, substitution, and elimination until I am in the state of mind, and almost of body, that Bridget was when she served tomatoes undressed. Potatoes left our table three months ago and have not returned. Butter gave way to oleo a month later. Beans, formerly an every-other-day visitor, now come but once a week. Meat is under the ban; flour will soon be exiled, and if sugar was as rare as radium or as dangerous as nitroglycerine it could not be handled more carefully. Weeks ago my dinner pail was discarded and my wife's noon lunch given up, in order that the children might have something for their lunch boxes at school.

If the foregoing was true only in my case, Mr. CAMPBELL, nothing could tempt me to inform you of it; but I know of hundreds who are in a far worse condition than I am.

I am aware of the fact that legislation purporting to deal with this subject is being considered in Congress, and I am also aware of the fact that one Congressman has already given out the information that, if passed, it was not to be enforced, except in the most aggravated cases, but was being enacted simply for its moral effect. This confession places it in the class with that celebrated slogan, "He kept us out of war."

Mr. PLATT. Does the gentleman mean to say that he has received hundreds of letters like that? I have not received one, and I come from a country where there are many laboring men.

Mr. CAMPBELL of Kansas. The gentleman heard what I said.

Mr. PLATT. I say that I have not received one.

Mr. CAMPBELL of Kansas. I have received a great many. If the gentleman has not men in his district who are compelled to pay more than people similarly situated have to pay in London, Paris, and Berlin for the same things, his district is a little different from almost any district in the United States. It has been clearly shown here that farm products in the United States are made into food products in foreign countries and sold at lesser prices than in the United States. What can be the excuse for this condition?

Mr. SWITZER. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. SWITZER. Do these people in the foreign countries get all of the food and bread that they want?

Mr. CAMPBELL of Kansas. No; I assume not. The thing I want to urge on the House is, first of all, that we must not do a thing in this emergency, by the exercise of the war powers that we have, that will absolutely overthrow or set aside the fundamental principles of our own Government, and acknowledge that we must go to Prussianism and kaiserism in order that we may maintain our place among the nations of the earth in the stress of a storm like this.

We can enact into law sections 1, 2, 4, 6, 7, 8, 10, 11, 13, 14, 15, and the remaining sections of this bill and have a law that will prevent gambling, prevent the use of food products in the manufacture of alcoholic liquors, that will prevent hoarding and monopoly, prevent the destruction of food, and prevent everything preventable that has contributed to excessive prices.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. McLAUGHLIN of Michigan. I would like to have the gentleman explain his objection to section 9, which I understand simply authorizes the Government to buy such necessaries as perhaps it may itself need and store them.

Mr. CAMPBELL of Kansas. If it was limited to that, I would have no objection to it, and if the gentleman will amend it in that way I would have no objection, but it goes much further.

Mr. McLAUGHLIN of Michigan. It does not limit the purchases, but I think one would have difficulty in presuming that the Government was going to start out just for the fun of possessing it and spend its money when it did not need it.

Mr. CAMPBELL of Kansas. If you do not want power exercised, do not grant it. That is a good rule. I would not grant power to any person that is granted in sections 3, 5, 9, and 12 of this bill. This Government must not surrender the principles upon which it was founded. It must not admit that it can not cope with autocracy and maintain a republican form of government. If so, the best argument in the world in Prussianized Germany at the close of the war will be that the Republic of the United States had to Prussianize itself during the war in order to maintain its existence, and why, therefore, should the German Government imitate the Government of the United States that could not exist in stress of storm in competition with the greatest powers of the world?

Mr. HELVERING. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. HELVERING. The gentleman's complaint is against the establishment of an autocracy. Is not there a difference between a self-constituted autocracy and one created for the rights of the people, if this bill does create it?

Mr. CAMPBELL of Kansas. No difference whatever when it gets down into the Handberry packing house and Bill Brown's feed lot. There is absolutely no difference when that autocratic power is exercised against you as a miller, against you as a refiner, against you as a bread maker, you as a butter maker, or any other citizen in the exercise of his constitutional rights to life, liberty, and the pursuit of happiness as he sees fit to exercise his just rights.

Mr. HARDY. Will the gentleman yield for a question?

Mr. CAMPBELL of Kansas. Yes.

Mr. HARDY. Does the gentleman think that the armies of the Republic can be controlled by less autocratic measures?

Mr. CAMPBELL of Kansas. The armies are under the control of one man and the commander in the field.

Mr. HARDY. May it not be necessary in a stress to marshal the resources?

Mr. CAMPBELL of Kansas. I think not; they are not marshaling them in Germany to the extent that is proposed in this bill.

Mr. HARDY. I think there is a difference of opinion about that.

Mr. CAMPBELL of Kansas. I am taking the testimony as it was given before the Committee on Agriculture, that the autocratic powers given under sections 3, 5, 9, and 12 have failed wherever they have been undertaken, notably in France and Germany.

Mr. LONGWORTH. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I will.

Mr. LONGWORTH. I do not know whether I understood the gentleman or not. Did he say that he favored the entire prohibition of the export of food products to the allied powers?

Mr. CAMPBELL of Kansas. Oh, no; I did not say that. I did say that I stated on this floor four months ago that I would prohibit the export of food products from the United States while our own people were hungry.

Mr. LONGWORTH. That is not much of a qualification. The gentleman does not maintain that attitude now, does he?

Mr. CAMPBELL of Kansas. I would not send abroad a pound of food products that was essential to satisfy the hunger of the citizens of the United States to-day.

Mr. LONGWORTH. Leaving out all question of our obligations to the allies, how would the gentleman feed the American Army?

Mr. CAMPBELL of Kansas. I would keep sections 3, 5, 9, and 12 out of the bill. I would export as long as we had enough for our own people, but I would not export as long as we had not enough to satisfy the hunger of our own people.

Mr. LONGWORTH. I certainly would see to it that our Army abroad would be fed.

Mr. CAMPBELL of Kansas. I would see to that certainly; but that would not be export, that would be feeding our own Army.

Mr. LONGWORTH. But I am referring to our Army when it goes abroad. I would see to that.

Mr. CAMPBELL of Kansas. So would I see to that. That is a different proposition.

Mr. LONGWORTH. No; it is not.

Mr. CAMPBELL of Kansas. We are not exporting when we send food to our Army, wherever it is engaged.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I yield 30 minutes to the gentleman from Missouri [Mr. MEEKER].

Mr. MEEKER. Mr. Chairman and gentlemen of the committee, I think the best thing about this bill is its purpose. It is my candid opinion that the people, especially of the cities, are in for the greatest disappointment as to the practical working out of this thing as proposed in this bill of anything that has been done this year. I believe that we all know full well what the workingmen of the great industrial centers desire, and not only what they desire but what they are demanding, and that is that the price of foodstuffs shall be held down to the minimum to them; that is, that there shall not be too narrow a margin between their incomes and what it is necessary for them to pay to feed their families. They have got a sort of an impression that this bill that is now being offered is going to turn the trick. I do not believe it will. I believe one of the sections that has been discussed here and attacked most frequently, because it is considered it is granting too much to the President, is an absolutely harmless and worthless section. I refer to

section 3. Now, when we read the first half of that section we discover—

That there is hereby established a governmental control of necessaries which shall extend to and include all the processes, methods, activities of, and for the production, manufacture, procurement, storage, distribution, sale, marketing, pledging, financing, and consumption of necessaries.

That goes all the way from the producer down to the table of the consumer in its scope. It sounds big. We are told, on the one hand, that this grants such power over human life as was never granted before. Possibly that is true. We are warned that we are not to fight the Kaiser by substituting kaiserism. That may be true. We go on to the second part of that section, which provides for agreements voluntarily to be entered into, and that is a very high-sounding way to put it, and after we have said all of these dreadful things that we intend to do we put in the proviso, and the proviso is—

That none of the penalties of this act shall apply to this section.

We not only knock out all of the teeth, roots and snags of teeth, from that section, but we very carefully pad its gums with eiderdown in order to see that nobody will be injured.

When you are talking about food control in the terms of the first part of that section, going to the extremes that are provided in that section, and then stipulate that no penalties whatever shall be attached thereto for a violation of it, you make your President a laughing stock and your bill a subject of ridicule.

Now, do one of two things. Either put teeth into that section or eliminate the section. The consuming public believes, and it is only for that reason that they are urging the passage of this bill, that by some means or other you are providing a bill here whereby you are going to get hold of these food speculators and other individuals as mentioned in this section in such a way as to really do something with them. But all that has been said about section 3 comes to naught, so far as its worth is concerned, if you leave that proviso in the bill. Why? Anybody operating under section 3, it would matter not how much Mr. Hoover or how much Mr. Anybody Else, or the President of the United States would scold and threaten, he is left absolutely helpless, by the wording of the proviso of that section, toward making the man do the thing he wants to have him do. My private opinion of this whole thing is that as Commander in Chief of the Army the President has now all the power necessary to handle this whole food question, so far as the feeding of the Army and the Nation is concerned, and when you go to tinkering with a bill, which to a large degree is simply a set of good resolutions or well-wishes to the President, when you go to putting in a bill like that and saying to the public that is your food-control proposition, I say that the consuming public of this country will look at section 3 and turn to you and say, "We thought we were getting bread, but we only got a stone."

You are providing no protection whatever under section 3 to the people who are demanding protection.

Now, here is another peculiar thing about this discussion. I *must* hurry along, for there are two or three matters that I want to point out particularly as to the dangers in this bill. We have been asking the question here for two or three days as to whether this bill would permit the control as to the maximum price of food, and it has been denied, and then it is asserted, and then it is denied. It depends upon the particular corner you drive a man into as to whether he says yes or no to that question.

Now, the consuming public in the United States wants a maximum limit. That is their only concern. They are only objecting to all this condition at present because the food price is now too high, and they are wanting to get some sort of a system whereby they can force that price down to make it come in line with their income.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield?

Mr. MEEKER. Yes.

Mr. SLAYDEN. How is the gentleman going to reconcile the desire of the consuming public for a maximum price with the desire of the producing public for a minimum price except by leaving it to the operation of the law of supply and demand?

Mr. MEEKER. Well, Mr. Hoover is greater than that law. [Laughter.]

Mr. SIMS. What about Germany? They fix it.

Mr. MEEKER. Well, of course, if the gentleman is in for the German system, that is all right. But the truth is, Germany has not fixed it.

The disappointment on the part of the consuming public is going to come when we say to that consuming public that section 3 has no teeth in it, when we hand them this bill and let them see that it has no teeth in it. I sent out to some of my friends in St. Louis, who urged me to support the bill, copies of the bill, and I said, "Read this over carefully, and let me hear from you in regard to it." I have not heard from them yet. [Laughter.] When you hand them section 3, with all that grandiloquent talk in the first part of it, and then they turn over the pages and find that even this first line is not as formidable as an ordinary kitten, and its teeth are gone at that, they say, "We did not get what we were looking for." Section 3 of this bill is to fool the people of this country who imagine they are going to get relief here in the way of a reduction in the cost of living. When you come to vote on this bill and to amend it I want the members of this committee to either stand up before the American people and put the teeth into that section so that when you grant this power you can enforce that law or else take it out and not let the people believe that they are getting some authority granted to the President, when in reality he gets none whatever that he can enforce.

Here is another thing: The men—the committee—who drafted this bill did so evidently because of the representations of the talkative Mr. Hoover. And by the way, the more he talks the less evidence he gives of being qualified for the office to which he aspires. There is a vast difference between running an institution where somebody else sends you the stuff and where all you have to do is to give it away and organizing things to produce that stuff. That is the difference between running a church and running a bank. [Laughter.] As yet we have seen him only at the church end of the game; that is, at the charitable end, where we gave him the stuff and he gave it away; but now he is going to manage the whole thing, from onion seed to soup. I say the men who drafted this bill because of what Mr. Hoover has been saying through the press and elsewhere are all the time having in mind the threatened shortage of grain. So, in section 12 it is provided to guarantee a minimum price, which would run for three years after that guarantee is entered into between the farmer and the Government; the guarantee of minimum price on any articles nonperishable, the production of which the Government believes should be stimulated.

I noticed in Monday's RECORD some letters and telegrams sent to Senator SMITH of Michigan, encouraging the minimum-price feature of this bill. One gentleman suggested that $6 a bushel for beans, a dollar a bushel for corn, and a dollar a bushel for potatoes would be a fair price. Gentlemen, I was born and brought up on an Indiana farm. I just wish I owned now all the hogs I have fattened. In that case I would never have to come to Congress or do anything else. [Laughter.] The man who wrote the provision in that bill as to a minimum price never stopped to realize what the effect of the guaranteeing of the minimum price on corn would be, in driving hogs into the market and absolutely driving the hog business out of the corn-raising centers. If you will guarantee me a dollar a bushel for corn for three years, and if I have five hundred 100-pound shoats on my farm, I will sell those shoats and grow corn at a dollar a bushel and take the remainder of the year for rest. [Laughter.]

Your guaranteeing of the minimum price, as provided here, will mean the driving out not only of your feeding stuff from the corn centers of this country, but it will drive out the breeding stuff as well.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. MEEKER. Yes.

Mr. McKENZIE. If the gentleman's contention is correct, would not the driving of all these hogs and cattle to market bring the price of hogs and cattle up so that you could afford to feed the corn?

Mr. MEEKER. Not yet. If you guarantee me 18 cents per pound for hogs I can feed them dollar corn. You gentlemen from the hog-raising centers of Illinois and Indiana, including the Representative from Danville, will remember when the farmers of Illinois and Indiana fed thousands of cattle every winter that they bought down in Texas and out in the western ranges; you will remember that where you used to find herds of 500 beef cattle you will find 10 head now on those farms, because corn has gone up faster than beef, and corn feeding will not pay, because it is more profitable to sell the corn from the crib than it is to put it into beef and pork.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. MEEKER. Yes.

Mr. HARDY. Does the gentleman think there is any possibility of the Government undertaking to guarantee a minimum price for such a product as corn?

Mr. MEEKER. You can not tell what Mr. Hoover will do. If you could, I would feel much safer about this bill.

Mr. SUMNERS. Mr. Chairman, will the gentleman yield?

Mr. MEEKER. Yes.

Mr. SUMNERS. Is not corn about a dollar now?

Mr. MEEKER. Yes.

Mr. SUMNERS. And the hogs have all gone?

Mr. MEEKER. Yes. The trouble is you can not produce a pig in 90 days. You may be able to do it in Texas, but it can not be done in Indiana. [Laughter.] We men of that section know that during the last 25 years, with land having gone from $50 an acre up to $200, with the slight margin that there has been on producing beef and pork, we have seen those great feed lots empty, because when corn has gone to 40 and 50 and 60 cents a bushel during these past few years the farmer everywhere said, "I will raise the corn, and not take any chances on carrying these brood cows and sows on these fields; I will increase my corn."

Now, what has been the result—the perfectly natural result? When we got rid of the cattle from the farms we no longer produced our home manure, and our producing ability in that line has gone down instead of up. The great Illinois and Indiana and Iowa section and all that district is suffering to-day from a decline in the producing ability of its soil because of the fact that the farmer went mad a few years ago over the question of growing corn and not feeding stock. Commercial fertilizer has not yet taken the place of home-produced manure. Alfalfa and all these other commodities have not yet come in to build back that soil, and I can show you land that has sold for $150 and $200 in the last 10 years that has not paid its taxes and its interest in the last 5 years. It is all right for a man to sit in a swivel chair and talk about these beautiful theories, but I want to tell you that just as sure as you put into practice the guaranty of a minimum on corn that will be sufficiently high to persuade Mr. Farmer to agree that that is a good proposition for him, you will knock the meat business out of the corn belt of this country, for the farmer can take his choice.

Mr. MORGAN. When a minimum price is fixed on corn, is it not proposed also to fix a minimum price on meat?

Mr. MEEKER. Begging the gentleman's pardon, there is no provision about meat.

Mr. SIMS. Corn products.

Mr. MEEKER. You can not find anywhere any provision about fixing a minimum price on meat.

Mr. MORGAN. In section 1.

Mr. MEEKER. Section 12 applies the guaranties.

Mr. MORGAN. In section 1 it says:

Foods, feeds, fuel, and articles required for their production, hereafter in this act called necessaries.

Mr. MEEKER. Section 12 says:

He is authorized, from time to time, seasonably and as far in advance of seeding time as practicable, to determine and fix and give public notice.

That is talking about grain. It does not refer to meat at all.

Mr. OVERMYER. Section 1 defines what are necessaries—foods, feeds, and fuel.

Mr. MEEKER. In section 12 is there any provision, or is there any provision in this bill, guaranteeing a minimum price on hogs?

Mr. OVERMYER. It says:

Hereafter called necessaries.

Mr. MEEKER. There is not a thing in section 12 about it.

Mr. HARDY. In section 12 it uses the word "nonperishable."

Mr. MEEKER. It says that this shall be done—

Seasonably and as far in advance of seeding time as practicable.

Do you suppose that even Hoover is silly enough to guarantee you 20 cents on hogs three years from now? It will take 18 months after breeding time to develop hogs. It is childish to talk about it. That simply shows how much the gentleman from Ohio [Mr. OVERMYER] knows about the meat business, or how much he does not know.

Now, let us go into another feature of this question. We men who have been studying the decline of the meat business in this country have seen going on for years something that Hoover can not overcome, and, with deference to his all but infinite wisdom, President Wilson can not do it. That is, he can not change the trend of the cattle industry from beef production into the dairy herds. Now, that is just as natural in this Nation as it is in all European countries. As land increases in value and as labor increases, so the cow brute on the farm must produce more money, and a good dairy cow can outproduce a beef cow in income about six to one. You are never going to see your beef cattle back as they once were, war or no war. That is not a war emergency. It is in the transition from the utilization of beef to dairy and poultry products. Look here, when you go down to purchase the food for the family, before you cut out milk and butter and eggs, you generally do with about one less pound of steak or bacon. The dairy cow takes the place of the beef cow, because she produces month in and month out, while the beef cow just produces once a year, and must be carried over for that year, and the calf is now worth about $35 or $40, while the calf of the thoroughbred dairy cow at the same age will bring more than the beef calf, and you have got your dairy cow producing all the time.

Now, gentlemen, it is positively childish for Members of the American Congress to come in here and expect through the fiat of a man named Hoover or of a man named Woodrow Wilson to change this whole meat and dairy problem in America because we have got a war with Germany. You can not do it. You could not strike a harder blow at the meat-producing centers of this country than to put a minimum guaranty on the feed that must be used in order to raise meat, while you do not put a minimum on the meat produced. Everybody who has been in the farming business knows in a minute that if you guarantee the price of corn, suppose you put the minimum at 60 cents, what does Mr. Farmer say? He says, "I will not plant corn." Is there anything to compel him to do so? No; he exercises his free will. That is about all he has left, as far as that is concerned, just to plant or not to plant. You say, "Will you plant for 90 cents?" He says, "I don't know whether I will or not," and the Government has got to bid up to the point where corn looks better to that farmer than meat does, and when it does, he says, "Yes; I will plant for your dollar a bushel guaranty, and I will sell my hogs, old sows and all," and he goes out of the hog business, as thousands of farmers have done and thousands more are going to do. He also sells not only the calf on foot but he sells the brood cow. Now, Hoover himself can not build up a beef herd in 90 days.

Mr. McKENZIE. Will the gentleman yield?

Mr. MEEKER. I yield to the gentleman from Illinois.

Mr. McKENZIE. Is it not a fact that the increase in the dairy business of the country has also increased the hog products of the country, and do they not go together?

Mr. MEEKER. Yes; to a degree; but we all know who have handled both dairy herds and beef herds that the profit in the beef business to a large extent is in the hogs following the herd. If you will study your Department of Agriculture reports you will discover that with the breaking up of the great Texas ranches and all those Western breeding grounds for cattle, where for so many years the long horns from Texas came up into Indiana, Illinois, and Iowa, where they were fattened up and the herds were improved—when the great cattle ranches of the Southwest were broken up, when they no longer could produce on such a scale as to make it profitable for the producer, and when we began to depend upon breeding or feeding on $200 an acre land, beef disappeared from the country.

Now, that is a plain, everyday fact, and neither Mr. Hoover nor the President nor this Congress can overcome that situation. When we come in here and hold up the idea that we by guaranteeing the minimum price on grain products that are to be used for producing meat, and we do not put any guaranty on the minimum price on the meat product, you are only starting a campaign to drive every little calf, shoat, lamb, and everything else out of the feeding pens of the grain belt in this country. What man in this House, intelligent enough to get in here, would take that proposition for a minute if the Government should say we guarantee a dollar on corn but will not guarantee anything on hogs. You say, all right, I will take the grain deal, but cut out the hog business.

Mr. RUBEY. Will the gentleman yield?

Mr. MEEKER. Yes.

Mr. RUBEY. I do not want to interrupt the trend of the gentleman's argument, but I would like to have the gentleman's opinion on section 13 and some of the other sections. I see that the gentleman is opposed to the bill.

Mr. MEEKER. I think there have been sufficient opinions expressed on that. I am not opposed to the bill. I am pointing out the weaknesses in it. I will vote for the bill, but I want to know in advance, and I want my people to know that section 3 is a flimflam game.

Mr. RUBEY. How about it if we put teeth into it?

Mr. MEEKER. If you put teeth into it you will not pass it. You put into this bill the provision that the housewife can be punished because she does not cut steak to suit Hoover, and you will not expect to pass it.

Mr. RUBEY. We do not expect to pass that sort of legislation, but we must do something.

Mr. SIMS. Will the gentleman yield?

Mr. MEEKER. Yes.

Mr. SIMS. Does the gentleman want Mr. Hoover to have any more teeth than this bill gives him?

Mr. MEEKER. Well, I do not think he has any teeth. I think I would rather have a man put on a salary to handle this matter than some well-meaning volunteer. If this bill is worth

anything it can pay its way. I am not falling for the proposition that because a man has good intentions he is an expert on a question. There is a great difference between a man's good intentions and his ability to do a thing. This talk about what Mr. Hoover wants to do for nothing does not appeal to me at all.

Mr. MOORE of Pennsylvania. Why does it necessarily mean Mr. Hoover; why not somebody else?

Mr. MEEKER. Because of this supplemental government that is going to take care of things that the department heads are unable to do themselves. That is all I know. We have now a fourth wheel to the Government for the first time in all our history. Whether it is because the department heads can not manage the job I do not know.

Mr. HEFLIN rose.

Mr. MEEKER. Oh, the gentleman from Alabama will keep cool; they are all great men, and I think he leads them all. [Laughter.]

Mr. HEFLIN. I want to ask the gentleman one question.

Mr. MEEKER. Very well.

Mr. HEFLIN. Does not the gentleman think that Mr. Hoover has been selected because of his great experience, the wide experience, which he has had in matters of this character?

Mr. MEEKER. I think so; no question about that. He has had very wide experience as a cattle breeder, wide experience as a corn grower, great experience as a chicken developer, an expert as a grower of poultry, fine in the swine business, knows all about the farming game, understands cotton and cotton seed in all its developments. He is a thorough expert in all these questions. We all know that just as well as does the gentleman from Alabama himself.

Mr. HEFLIN. That is not what I am talking about. He has had a large experience in this matter in other countries.

Mr. MEEKER. The gentleman was not in the House when I stated that there was a big difference between running a church and a bank. It is nothing to give it away when another furnishes it. It is another thing when you come to deal with questions that produce the food.

Mr. HEFLIN. Does not the gentleman think that while he was dealing with these questions he might be able to learn enough to run the bank himself?

Mr. MEEKER. He only had one end of it there, and now you are going to put him at the other end here. But all this talk is unnecessary; it makes no difference. Mr. Hoover has got the place now; he has got it and gone with it. He does not need the bill. Mr. Hoover is a fine fellow.

Mr. PLATT. Will the gentleman yield?

Mr. MEEKER. Yes.

Mr. PLATT. Does the gentleman think it would be proper to call this supplementary cabinet that he alluded to a kitchen cabinet?

Mr. MEEKER. I do not know how KITCHIN is with the Cabinet [laughter]; it is a sort of a supplemental affair.

Mr. MADDEN. I do not think it is supplemental; I think it is the whole thing.

Mr. MEEKER. It is called advisory, but it is doing the whole thing. It is really at the wrong end. I think the heads of the departments ought to do the advising. It is an easy thing to sit back and give advice.

Mr. OVERMYER. Will the gentleman yield for a question?

Mr. MEEKER. Yes.

Mr. OVERMYER. Does the gentleman think that Mr. Hoover will think it takes 18 months to produce a marketable hog?

Mr. MEEKER. Yes. Does the gentleman think it can be done in less time?

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. I yield 15 minutes to the gentleman from Texas [Mr. HARDY].

Mr. HARDY. Mr. Chairman and gentlemen of the committee, I might begin by saying that I agree with the gentleman who preceded me [Mr. MEEKER], at least in his first remarks to the effect that the bill would not accomplish all that is desired. My one fear about this bill is that in its operation it may prove largely futile and a great disappointment to many. An analysis will show, in my opinion, that the real objection to it is the mildness of it, and I believe that a thorough analysis of it will answer every criticism of those who condemn it because it goes too far. I want to try briefly to make such an analysis of the bill.

Section 1 of it says that the bill's purpose is, first, "to assure an adequate supply and equitable distribution, and to facilitate the movement of foods, feeds, fuel, and articles required for their production, hereafter in this act called necessaries"; and, second, "to prevent, locally or generally, scarcity, monopolization, hoarding, injurious speculation, manipulations, and private controls affecting such supply, distribution, and movement; and to establish and maintain governmental control of such necessaries during the war."

Is there any objection to these purposes? The remainder of section 1 declares that—

> For such purposes the instrumentalities, means, methods, powers, authorities, duties, obligations, and prohibitions hereinafter set forth are created, established, conferred, and prescribed.

Section 1 ought not to be objected to by anyone. Section 2 I shall not discuss, because it simply defines terms. Section 3, so much abused by some who denounce it as worthless and by others who call it an engine of tyranny, is in its first clause simply a preamble and declaration of what is done by the bill. It does, however, extend the definition of necessaries given in section 1. The clause reads:

> SEC. 3. That there is hereby in this bill established a governmental control of necessaries which shall extend to and include all the processes, methods, activities of, and for the production, manufacture, procurement, storage distribution, sale, marketing, pledging, financing, and consumption of necessaries, which control shall be exercised and administered by the President for the purposes of this act.

It is neither good nor bad, save as the other parts of the bill are good or bad. It is nothing if not taken in connection with the other parts of the bill. In brief, it declares for Government control of the necessaries covered by the bill, and that such control shall be exercised and administered by the President for the purposes of this act, and only to the extent authorized by subsequent section. I quote the remainder of this section 3 in order that what I say about it may be understood. It reads:

> And in carrying out the purposes of this section the President is authorized to enter into any voluntary arrangements or agreements, to use any agency or agencies, to accept the services of any person without compensation, to cooperate with any agency or person, to utilize any department or agency of the Government, and to coordinate their activities so as to avoid any preventable loss or duplication of effort or funds: *Provided*, That none of the penalties of this act shall apply to this section.

I would leave out all of section 3 that follows the clause first quoted, because I think it neither adds to or takes from the bill as a whole or any part of it.

The proviso—

> That none of the penalties of this act shall apply to this section—

seems to me especially useless, because there is nothing in the section to which to attach a penalty. The gentleman from Missouri [Mr. MEEKER] says that that proviso takes the teeth out of the section. There were no teeth in this section anyway. But that proviso does not affect penalties that are attached to the other sections of the bill, and does not take out any teeth that are in the bill. I have said a great deal more about this section than I would have said if some gentlemen had not seemed so excited about it.

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

Mr. HARDY. Yes.

Mr. MEEKER. Then the gentleman's idea is that the second portion of this section and the proviso should be stricken out?

Mr. HARDY. The voluntary service portion is unnecessary. It may be, however, that it will disarm critics if the President should desire to avail himself of the volunteer services of patriotic men who wish to help their country without pay, and, begging the pardon of the gentleman who framed the measure, the proviso in my opinion is useless and senseless. It does not take the teeth out of any section in the bill where a penalty is fixed, and those are the important sections; but I must hasten on. I want to analyze the bill. I wish to find the hobgoblins that haunt the fears of some Members of the House.

We come now to section 4, and now we begin to find the vital and specific provisions and parts of the bill. Section 4 defines what shall be unlawful. It provides, first, that it shall be unlawful for any person "willfully to destroy any necessaries for the purpose of enhancing the price or restricting the supply thereof." Has any gentleman any objection to that? Second, "to knowingly commit waste or willfully to permit preventable deterioration of any necessaries in or in connection with their production, manufacture, or distribution."

Has anyone any objection to that? Third, it provides that it shall be unlawful to hoard, as defined in section 6 of the act—and we will come to section 6 after a time—any necessaries. Is there any objection to that? You will not have any, if you have any now, when you come to read section 6. Fourth, it is made unlawful "to monopolize or attempt to monopolize any necessaries," or, fifth, "to engage in any discriminatory and unfair or any deceptive or wasteful practice or device, or to make any unjust or unreasonable rate or charge in handling or dealing with any necessaries." Is there any objection to that? More power to the Government's arm, if they can stop these things declared by this bill unlawful. My only fear is that the bill is not strong enough to enable the Government to put an end to these evils and evil practices with regard to these neces-

saries. You must bear in mind that "necessaries" have been defined in a former part of the bill. Is there any man here who objects so far? Next, it is unlawful to conspire, combine, agree, or arrange with any other person (a) to limit the facilities for transporting, producing, manufacturing, supplying, storing, or dealing in any necessaries, (b) to restrict the supply of any necessaries, or (c) to restrict the distribution of any necessaries, or (d) to prevent, limit, or lessen the manufacture or production of any necessaries, or (e) to enhance the price thereof, or to exact excessive prices for any necessaries, or (f) to aid or abet the doing of any act made unlawful by the section.

There is your great prohibitive clause, and what Member of this House desires not to prohibit everything prohibited in that section?

Section 5 provides that from time to time, whenever the President finds it essential to license the importation, exportation, manufacture, storage, or distribution of any necessaries in order to carry into effect any of the purposes of the act, and shall publicly so announce, no person shall, after a date fixed in the announcement, engage in or carry on any such business specified in the announcement unless he shall procure and hold a license issued pursuant thereto.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. HARDY. I have only 15 minutes, and I know the gentleman will pardon me if I do not yield. That section, I take it, is the most rational, the most necessary instrumentality created by the bill, to enable the Government or the President to enforce the purposes of the bill. It is part of what was referred to in section 3, to establish Government control and prevent private speculative or monopolistic control. It is given to enable the President, if he sees that a combination is being formed to control the great necessaries of food, feeds, and fuel, to assume control himself, and he will himself then appoint the agencies that control and direct this kind of industry and will establish the regulations under which they must do business, and if his licensees begin to be guilty of practices that are inimical to the welfare of this country and in opposition to the provisions of this law, he is given power to call them to account. He may have his agents to enter and inspect their places of business. He may order them to discontinue their unlawful practices and prescribe rules for right conduct, and the licensees may be prosecuted for violations of this law. Persons violating section 5 are to be punished by fine and imprisonment. But I look for good from it, because it is built more upon the line of preventing than of punishing violations of its terms. It resorts to administrative control rather than court prosecutions.

Section 6 defines hoarding, which is included in section 4 in general terms, and provides that any person who willfully hoards any necessaries shall, upon conviction thereof, be fined not exceeding $5,000 or imprisoned for not more than two years, or both. There are your teeth, Brother MEEKER; and without those teeth I will say the bill would not be worth much, I fear, and, as it would take time to conduct legal proceedings, it would not effect its purpose even with the teeth there if you did not have sections 5 and 7, giving the President administrative power over the law itself. Section 6 proceeds:

> Necessaries shall be deemed to be hoarded within the meaning of this act when (a) held, contracted for, or arranged for by any person in a quantity in excess of his reasonable requirements for use or consumption by himself and dependents for a reasonable time; (b) held, contracted for, or arranged for by any manufacturer, wholesaler, retailer, or other dealer in a quantity in excess of the reasonable requirements of his business—

And so forth. At the end of the section there is this proviso:

> *Provided, however,* That any accumulating or withholding by any farmer, gardener, or any other person of the products of any farm, garden, or other land owned, leased, or cultivated by him shall not be deemed to be hoarding within the meaning of this act.

Mind you, if the farmer goes outside of his own products to speculate and hoard, then he is just as subject as anybody else, and should be.

Section 7 provides for the seizure and disposal of hoarded property, and this is how this law will enforce itself, or can be enforced, not by the prosecution of a man violating section 6 but by giving authority to the President when hoarding is done to seize the hoarded property.

Now, some gentlemen are in a panic and suppose that the President is going to do wonderfully unreasonable things and that section 7 gives him the power to seize the crops and supplies of farmers, while in fact it only gives him the carefully guarded power to seize necessaries hoarded in violation of section 6, and was intended to meet the case of those who to-day are foisting unreasonable prices upon the consuming public. Then it goes at some length into details about proceedings in libel cases; to give every man a day in court and full justice.

Section 8 penalizes willful destruction of necessaries, done to restrict supply or enhance prices.

Section 9 provides that the President is authorized to purchase and provide for the production or manufacture of necessaries, and to requisition such necessaries and provide for their storage and resale to meet the purposes of the act. Suppose he finds there is a great combination undertaking to dominate the market, undertaking to corner certain necessary productions. He has the right to seize that product, to take it over and dispose of it at a reasonable rate to the consumer, and this great power is given because to-day the land we love is in dire distress and must be protected. He has a right to requisition or take at a price fixed by him, and if he does not fix the right price the owner of the goods has a right to sue for a righteous and just price. The Government can not requisition property in the hands of a man who has it for his own consumption and those dependent upon him, but this section does authorize the Government to take from the farmer or anyone else every product which is not necessary for his own consumption if that product is needed to meet the dire necessities of the Government or the people, and that is right and the farmer should be subjected to it. I would not have the farmer exempted from a law intended to feed the hungry from his superabundance.

Now comes section 10. Nobody complains about that section, but it authorizes the President to take over factories and manufacturing plants. Well, the manufacturer has not got as many friends here as the farmer. I believe we ought to take as well from one as the other when it is necessary for the Government, but nobody objects to section 10, and so I will not discuss it.

I will not discuss section 11, which deals with exchanges.

As to section 12, my friend from Missouri, it seems to me, becomes unreasonable and unreasoning when he contends that that section will be taken advantage of by Mr. Hoover, who will have general charge of this law, in order to stimulate the production of cotton, wheat, and corn, or any of our largely produced staples. There may be hundreds of things of which we need to have the production encouraged. Take soy beans, for instance. We might need to stimulate the production of that article where it is unknown. I think the purpose is to enable the Government in special particular instances to take steps to encourage certain items in agricultural production and say to the farmer, "If you produce this stuff we will guarantee you will get a certain minimum price," and then the farmer, having the guaranty of the Government, makes the experiment and goes into this new field. This section, in my judgment, is one of the minor features of the bill. Germany has during this war produced many new things, and we may desire very greatly to do likewise.

Now, nobody would dream that during this war at least the Government would find it necessary to guarantee a minimum price for wheat and corn. The trouble with wheat is that the minimum price now is higher than the maximum price ever was before in the history of farming, and it is going to be higher all during this war. The fears of the gentleman from Missouri [Mr. MEEKER] that the Government is going to guarantee such a high minimum price for corn that it will stop the feeding of hogs are groundless, because there will be no attempt to guarantee a minimum price on wheat or cotton or corn or rye or barley or oats. But I think there will be many special products and crops encouraged by a Government-guaranteed price. I do not want our farmers to get the idea that this is a paternal scheme passed to aid them at the expense of the Public Treasury. I want them to know it is a great measure whose purpose is expressed in its first section, which I have quoted. In order to judge section 12 more intelligently let me quote its substance:

> SEC. 12. That whenever the President shall find that an emergency exists requiring stimulation of production of any nonperishable agricultural products produced within the United States he is authorized, from time to time, seasonably and as far in advance of seeding time as practicable, to determine and fix and to give public notice of what, under specified conditions, is a reasonable guaranteed price for any such products, in order to assure such producers a reasonable profit. Thereupon the Government of the United States hereby guarantees every producer of any merchantable nonperishable agricultural products produced within the United States, for which a guaranteed price shall be so fixed, that upon compliance by him with the regulations prescribed by the President he will receive for any such products produced in reliance upon this guaranty within the period, not exceeding three years, prescribed in the notice a price not less than the guaranteed price therefor as fixed. In such regulations the President shall prescribe the terms and conditions upon which any such producer shall be entitled to the benefits of such guaranty.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARDY. Can the gentleman give me, say, five minutes longer?

Mr. RUBEY. I would like to yield to the gentleman, and I do yield him five minutes.

Mr. HARDY. Why any farmer should fear section 12 I utterly fail to see. He is not compelled to produce or to sell any products under it. Only the other day I thought of making a contract to sell 100 bales of cotton at a fixed price, which would be both my minimum and maximum. I did not do it, because I thought there was a chance for it to go above that price; but if a responsible party would guarantee me any fixed, even moderate, price, and leave me at liberty to get as much more as I could when I got ready to sell, I would have been very glad to have had his guaranty. It would make me that much more willing to produce and work harder to produce the cotton.

Now, I do not believe that any man is going to cease producing anything because he has a guaranteed minimum price for it. And that is all there is in this bill about fixing prices of the farmers' products. And yet this section is the section my friend from Texas [Mr. YOUNG] referred me to when he was charging that the bill fixed the price of the farmer's product.

Mr. MEEKER. Will the gentleman yield there?

Mr. HARDY. Yes.

Mr. MEEKER. He will not cease producing corn on that guaranty as a minimum, but he will quit producing meats and go to the guaranty.

Mr. HARDY. If the gentleman was correct in his idea that the Government might fix the minimum price of corn so high it would not pay to feed it to hogs his conclusion might be correct, but that will never be done; when corn goes up meat goes up with it. Corn is now $1.70 per bushel and meat is even higher in proportion, and with a prospect for the highest corn price to the farmer in history. My people are now investing in hog raising more than ever before. We expect to feed them all sorts of things. Besides, had the gentleman thought of it, if the Government went into the general business of guaranteeing prices it would certainly not fail to guarantee meat prices. What wonderfully diverse criticisms we hear of section 12. As I said, Mr. YOUNG makes his whole fight on the bill because it fixes the maximum price for farmers, and when I asked him to point out the provision that did it he named section 12. And yet the gentleman from Texas to-morrow would be glad to have somebody agree to pay him 20 cents for his cotton, provided they would let him sell it for more if he could get it. That is all that section 12 is. Brother MEEKER fears the Government is going to price corn so high we can not feed hogs. I wish I could get Brother YOUNG and Brother MEEKER to bump their heads together; possibly they might reach a sober-thought equation.

The gentleman from Wisconsin [Mr. LENROOT] said that the Democrats had turned protectionist in this section of the bill, because they are willing for the Government in case of exceptional guaranteed prices to put a tariff on imports of the guaranteed product and thus prevent the Government from losing money on their guaranty. Yes; there is a provision of that kind in the bill, and if there was any idea of guaranteeing the price of products generally that would be protection; I might tell him also that if everybody was guaranteed an equal profit everybody would favor protection. The trouble with Republican protection is it guarantees profits to the favored, who, by the way, have never been farmers, who must raise the money to make the guaranty good. Protection to stimulate some new industry and to stimulate it while it was in its infancy in order to enable it to get on its feet would not be objected to so much to-day if the industry seemed one likely to be able later to stand alone. But the trouble with the protectionism of the gentleman from Wisconsin and others is that the bigger the infant grows the more feeding and protection he wants, and the stronger he is the more he swears he must have protection. Whatever excuses may be made for protection in some instances in theory it is, when established for the benefit of individuals, in practice rotten. When men get their hands in the pockets of other men, they are never satisfied. The Good Books says, "Hell and destruction are never full; so the eyes of man are never satisfied." This alleged protection is not to provide a profit for any man or set of men, but to prevent a loss to the Government, which is all the people. The truth of the business is that this bill has one defect possibly, and that is that it is so mild it may not accomplish its purpose, the purpose being to prevent the man between the producer and consumer reaping enormous profits and robbing both the producer and consumer. And if it accomplishes that purpose—God grant I may live to see it—I hope that it may remain in force after the war is ended as well as while the war proceeds. [Applause.]

The remaining sections of the bill do not, I think, directly affect the producer or consumer of foods, feeds, or fuels; and I, therefore, do not discuss them.

Mr. Chairman, there are some concluding thoughts I wish to express. Men concern themselves here with fears as to the future effects of this legislation. This is not a time to look to the future. In normal times legislators should look, perhaps, even more to the future than the present; time servers are the weakest and poorest of mortals. In normal times eternal vigilance is the price of liberty, and careful scrutiny of every law ought to be had, weighing its future as well as present effects, but now philosophy and patriotism reverse their dictates and provide for the present, now; let no obstacle prevent that providence, and then let us take care of the future later. When my house is afire I do not stop to see whose bucket I use to carry water, I put out the fire. To-day our house is afire, we are going to put out the fire. To-day we must protect our people from the cormorants and vultures that have heretofore in all wars fattened on the rich pickings afforded them by the calamities and hardships of war. We must guard and safeguard our resources and our people against the enemy abroad and the plunderer at home. If we do this in war we will not lose our liberty or our love of liberty in peace. When the war is ended we will bury all that was evil in its practices and will preserve all that is good of its teachings, and America will rise in newness of life to walk in nobler paths.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I yield to the gentleman from California [Mr. KAHN] 20 minutes.

Mr. KAHN. Mr. Chairman, it seems strange that it has become necessary in these so-called progressive days to pass legislation of this kind. We hear so many altruistic utterances to the effect that the world has grown so much better under modern conditions of advancing civilization that one would think our citizens had become so patriotic, so fond of their fellow men, that no pronounced or determined effort could be made to raise the price of food products. That therefore it would become unnecessary to pass legislation of the character contemplated by this food-control bill. But the trouble is that the greed and rapacity of man makes legislation of this character very necessary.

Goldsmith said in his day:

> Ill fares the land, to hastening ills a prey,
> Where wealth accumulates and men decay.

And I am afraid we are rapidly sowing the seeds that lead to decay. The accumulation of wealth seems to be the sole desire of too many of the citizens of the Republic. And in the desire to accumulate that wealth they do not hesitate to trample upon the sacred rights of their less fortunate fellow citizens. To my mind the early history of most of the world's republics is the best part of their history. I think the glorious days of Rome were those in which the citizens went to the farmer, Cincinnatus, found him at the plow, and called him to lead the forces of the Republic against its enemies. They even clothed him with the powers of dictator, but after he had accomplished his work he quietly went back to the farm and resumed his duties as an humble citizen. It was an exhibition of patriotism and devotion to the people that well may be emulated in our day.

Mr. SIMS. And he went without salary.

Mr. KAHN. Yes; he went without salary.

And that other day, when Brutus gave the life of his son who had been one of the plotters against the state in order that the Republic might be spared from the intrigues of its enemies.

Then, take our own history. What a glorious day it was when Washington left his beautiful home at Mount Vernon to take command of the American forces for all the years of the Revolution. Unselfishly he gave the best years of his life to fight for the liberty and the welfare of the people of the Colonies. He, too, charged nothing for his great services. He was the richest man in all the Colonies, but every American schoolboy knows of his unselfish devotion to the cause of his countrymen.

In those days to be rich was not considered a sign of lack of patriotism. There are many rich men in this country to-day who are true patriots. It would be pitiful if it were not so. But there are too many men in the Republic to whom the exaltation of wealth and the desire to accumulate great sums of money is the crowning object of existence. We have come upon peculiar days in the Republic. This is a time when every patriotic American citizen should be willing to give all that he has, if need be, for the welfare of the Republic.

Unfortunately there are too few who realize fully the conflict that is before us, the sacrifices that will have to be made. Young men will be called upon by thousands to sacrifice their lives and their limbs for the Republic's welfare. I have no doubt they will gladly go to the front in order that they may protect American honor and uphold American prestige. After all, in this war, we have been speaking a great deal about humanitarianism and democracy. To me those factors are only incidents. To my mind this war will be fought for the safeguarding of American rights [applause], for the maintenance of American honor, and the protection of American lives and property in every part of the world. [Applause.] That is why I voted for this war, and I am ready to vote for war at any time

when the lives or the sacred rights of American citizens are denied or trampled upon or ruthlessly destroyed by any nation or combination of nations on the face of the earth. It is only when we protect Americans that our country's greatness will be recognized by the outside world. And when we fight for these things, we fight, incidentally, for humanity and democracy. And as the young men will be called to make these great sacrifices, the men of large means will be called upon to make their great sacrifices of wealth and property.

I am reminded of an incident that happened in Roman history about the time when that Republic was going to pieces.

Atticus wrote to Cicero at that time, and said, in effect:

I trust that in the troubles threatening in Rome you will see to it that my property is saved.

There are a good many men like that in this country to-day. All that they hope for is that their property should be saved. Cicero, that last grand old man of ancient republican Rome, wrote to Atticus, substantially:

Unless something is done to relieve the public tension, there will be first a tumult and then a revolution. We must first save the Republic. Then your property will be safe.

[Applause.]

And the legislation that is pending here to-day is simply an effort, in my humble opinion, to save the Republic, and, incidentally, to save the manipulators, the hoarders of, and the speculators in food products against themselves. [Applause.]

Reference was made here this morning to the fact that a barrel of flour sells in the United States for $17 and that in England, a country that has been at war for practically three years, a barrel of flour is sold for $8; and the question was asked, "Why this difference?" It is the greed, the rapaciousness of manipulators of and speculators in food products that is responsible for the difference.

Many years ago a railroad president out in my section of the country said:

We are going to charge all that the traffic will bear.

That is what these food speculators are doing to-day. They are charging "all that the traffic will bear." And there will come a time, unless they are curbed, when in the great cities of the country the people will take the law into their own hands, just as they did in the time of the French Revolution. People must eat, and they are going to get the necessary food to keep body and soul together. They will buy it if they can; but when the prices go so high that they can not buy the food, and when they see their starving children about them, they will act just as mobs always have acted in the history of the world; they will take the law into their own hands, and the food speculator will not only risk his property but possibly his life. And I feel, therefore, that this legislation is protecting him against himself, for the Government by putting this legislation into effect will try to avoid or prevent the coming of that fateful day.

Mr. ROSE. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. ROSE. I would like to know if the gentleman's solution is the correct one of the mystery as to why the price of flour is so high here and so reasonable in England. Why would not the food speculators then sell it all in this country rather than in foreign countries?

Mr. KAHN. Well, I have not studied carefully the export of food products, but I know that many kinds of commodities that are used and needed in this country are sent abroad and are frequently sold abroad more cheaply than they are sold here. It is competition for the world's markets that causes that. A nation that seeks foreign trade and seeks to build up that trade must meet the competition of all its rivals in those foreign markets.

I have no fear that there is such an appalling shortage of foodstuffs in this country as the papers have intimated. I think that there is plenty for everybody in the United States to-day. But I believe that the speculator has secured control of many of the food products of the land and is holding them for the high prices which prevail in our markets to-day.

Mr. FARR. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. FARR. Is the gentleman willing to say where he gets his information to the effect that flour is selling in England for $8 a barrel and selling here for $17?

Mr. KAHN. The statement was made by the gentleman's colleague [Mr. MOORE of Pennsylvania] this morning, quoting from a statement that Mr. Hoover made yesterday, as I understand.

Mr. FARR. And the flour was made from wheat grown in this country.

Mr. KAHN. Yes; possibly—in fact, very probably.

Mr. MOORE of Pennsylvania. I will state to the gentleman, if he will permit, that on May 19 the British ambassador wrote to the gentleman from Illinois [Mr. GRAHAM] that flour was selling in England at $8.20. Mr. GRAHAM in his speech yesterday, commenting upon that, said that on the same day that he received the letter from the British ambassador he inquired as to the price of flour in the city of Washington, in the market here, and found that flour was selling here at $17.60. In other words, flour was selling at twice as much in the markets of Washington as it was selling for in England on that day.

Mr. KAHN. Those figures, I am reliably informed, are quite accurate. Other commodities and other food products are sold in the same way in this country and abroad—more cheaply abroad, in the countries actually at war, than they are sold for in this country to-day at a time when we have not become actively engaged in the war—before we have sent our soldiers to the front. There is no deprivation here as yet, and yet these prices prevail in this country. They are only possible because the speculator takes advantage of the situation and runs up the price of food to that point which he thinks the American public will tolerate. Eggs, for instance, are usually about 20 cents per dozen at this season of the year. To-day they are selling at 40 cents. Butter has likewise advanced out of all proportion. Sugar is selling way above its real value. Potatoes and onions have almost grown to be luxuries. There is no excuse for it. And I as one Member of this House am for curbing at once and effectively the greed of the food speculator.

Now, I want to say a few words before I close about the gentleman who has been mentioned on this floor frequently during this debate. I refer to Mr. Hoover. He is a Californian. He became a Californian many years ago. He worked his way through Stanford University, and is a graduate of that institution. He went to Belgium when the war broke out, to begin the distribution of food to the starving Belgians.

Mr. MADDEN. Where did he go from?

Mr. KAHN. From California.

Mr. MADDEN. I understood he lived for years in London before the war broke out.

Mr. KAHN. Oh, pshaw. That is one of those stories without foundation that fly around about a successful man. Mr. Hoover had been out in California shortly before the war began. He is a member of the board of regents of Leland Stanford University. He happened to have been in London when hostilities began. He sent for a number of Californians to come and assist him in the work in Belgium at the very beginning of the European conflict. His very first work was the returning to this country of many stranded Americans. He did his work so well that he received the commendation of the English and the Belgian and the French commanders and officials. He is a high-minded, patriotic American.

I have no fear of giving him every power that this bill places in his hands. I know that the work will be well and patriotically performed; that he will reflect honor upon the American name, and that when he lays down his work his countrymen will accord to him a full measure of thanks for his public services. [Applause.]

Mr. MEEKER. Will the gentleman yield?

Mr. KAHN. Yes.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. KAHN. I should like to have time enough to answer the question of the gentleman from Missouri.

Mr. McLAUGHLIN of Michigan. I understood that the gentleman had 30 minutes, and he only asked for 20. I yield to him 5 minutes more.

Mr. MEEKER. The gentleman in his general discussion of the desires of the framers of this bill has made a wonderful address. We are all agreed on that. I want to ask the gentleman a straight question: What can Mr. Hoover do under section 3? Will the gentleman get down to particulars?

Mr. HARDY. Section 3 is only the preamble.

Mr. MEEKER. Not on the statement of the chairman of the committee [Mr. LEVER], it is not a preamble. It is the hub.

Mr. KAHN. I have not studied every section of the bill carefully. I have only studied the bill in a general way. I am a pretty busy man these days. I have read the bill, and I have no fear but that section 3, as I understand it, will give Mr. Hoover and his assistants ample power to protect the interests of the common people of this country.

Mr. MEEKER. My contention is that the proviso to that section absolutely emasculates the section and that it does not amount to the paper it is written on. That is the thing about it, as you will see if you will read the proviso.

Mr. KAHN. I have no such fear as that. And I am quite satisfied that in the final analysis, if there be lurking in the bill some "bug" that will destroy its purpose, before the bill goes to the President that "bug" will be killed in conference

and the bill will be perfected so that it will perform the functions we intend it shall perform.

Mr. SLOAN. Will the gentleman yield?

Mr. KAHN. I yield to the gentleman from Nebraska.

Mr. SLOAN. I have listened to the gentleman's statement relative to Mr. Hoover, and the experience he had in Belgium in the matter of the distribution of food. Is that the sum total of his experience in that particular line?

Mr. KAHN. I am not certain, but I have an idea that when we had our earthquake troubles in California, when the food situation became a very important one, he did excellent work there.

Mr. SLOAN. Was he at the head of the food control and distribution at that time?

Mr. KAHN. No. I am quite sure he was not. There was nobody at the head of any one thing. The entire matter was being considered by a citizens' committee, and each individual was given a certain amount of work to do. I am not even certain that Mr. Hoover was there. It is only an impression.

Mr. SLOAN. Mr. Hoover's name has been mentioned very frequently in this debate. Following the California earthquake what was his line of work when he lived in California?

Mr. KAHN. He was an engineer. He has visited many parts of the world in the exercise of his profession. He was one of the Americans besieged by the Boxers in Peking in 1899. As I have stated, he is a graduate of Leland Stanford, Junior, University. He worked his way through that university by acting as a waiter. He got experience in the hard but practical school of life.

Mr. SLOAN. That is true of 10,000 young men in this country.

Mr. KAHN. Very true, and I dare say that there are many young men in this country who, if called upon, could do this very kind of work; but he has had the experience very recently, and therefore it has been deemed by the Chief Executive advisable to call him to do for the American people what he has been successfully doing for the European people during this great struggle. [Applause.]

Mr. SIMS. Does the gentleman know of any other man in the United States who has had an experience that would so well qualify him for this work as Mr. Hoover?

Mr. KAHN. I do not.

Mr. SIMS. Why fight the whole bill then because we propose to put the best man we know of at the head of this work?

Mr. KAHN. I think his recent experiences have been of such a character, and have fitted him so peculiarly to do this work, that it would be a mistake to try to take up any other man at this time for this particular effort. Mr. Page, our ambassador at London, and Brand Whitlock, formerly minister to Belgium, commend him in the highest terms.

Mr. HARDY. Did not his work in Belgium call for the highest type of executive and administrative ability?

Mr. KAHN. There is no doubt about that, and he has the confidence of the leaders in England, in France, and in Belgium. Only to-day Baron Moncheur, the head of the Belgium mission, made these remarks to the newspaper correspondents about Mr. Hoover.

In voicing my country's gratitude I am happy to be able to pay a tribute of admiration and affection to Mr Hoover, under whose able and untiring direction the great work of feeding Belgium was carried on. The great work done by the Commission for Relief in Belgium was made possible by its wonderful efficiency which marks it as a monument to the ability and organizing power of its chief. * * * We now rejoice for you that a man so eminently fitted by ability and experience should be at your service in handling the great food problems that confront you and that will play so large a part in the future conduct of the war, perhaps turning the balance between victory and defeat, between the triumph of democracy and the crushing of civilization under the weight of German autocracy. [Applause.]

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. MADDEN. Mr. Chairman, I hope the gentleman in charge of the bill will ask that the committee rise and give the Members of the House a chance to recess until 8 o'clock. Besides that, I think the debate has been very hard on the reporters of the House. It seems to me that they ought to be given a chance to rest up.

Mr. RUBEY. We have one more speaker on this side for a short speech; then we will move to rise.

Mr. MADDEN. How long?

Mr. RUBEY. Fifteen or 20 minutes.

Mr. MADDEN. I think we ought to rise now.

Mr. RUBEY. I will yield 20 minutes to the gentleman from Texas.

Mr. MADDEN. I am going to make the point of no quorum unless the gentleman moves that the committee rise.

Mr. MONDELL. Will the gentleman withhold that for a moment? I understand the chairman of the committee is expected to be here in a few moments.

Mr. MADDEN. I will make the point of no quorum.

Mr. HAUGEN. I trust the gentleman will withhold that.

Mr. RUBEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAMLIN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 4961, for the control and distribution of food products, and had come to no resolution thereon.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill and joint resolution:

H. R. 3673. An act to amend the act approved December 23, 1913, known as the Federal reserve act, as amended by the acts of August 4, 1914, August 15, 1914, March 3, 1915, and September 7, 1916; and

H. J. Res. 105. Joint resolution to correct an error in the sundry civil appropriation act for the fiscal year 1918.

LEAVE OF ABSENCE.

Mr. MCARTHUR, by unanimous consent, was given leave of absence for two weeks, on account of important business.

RECESS.

Mr. RUBEY. Mr. Speaker, I ask unanimous consent that the House stand in recess until 8 o'clock p. m., for the sole purpose of continuing the discussion on the food-control bill.

The SPEAKER. Until what time?

Mr. RUBEY. Until 10.30 o'clock p. m.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the House stand in recess until 8 o'clock p. m. for the sole purpose of general debate on this bill, not to sit later than 10.30 o'clock.

Mr. SIMS. Reserving the right to object, I want to ask the gentleman a question. Is it the purpose to fix the time for closing general debate?

Mr. RUBEY. I understand it is the purpose of the chairman of the committee to conclude general debate this evening, and I think that it is possible that we may be able to accommodate all.

Mr. GILLETT. I do not think that can be done without a quorum.

Mr. SIMS. That is just what I have been saying. We have had pussy-footed management enough on this matter. We ought to close general debate if it takes all night, and we have all night to do it in. There is no use in going along and having this academic debate when the whole thing will be gone over again under the five-minute rule.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER. The Chair appoints the gentleman from Tennessee [Mr. SIMS] to act as Speaker pro tempore this evening.

Accordingly (at 5 o'clock and 5 minutes p. m.) the House stood in recess until 8 o'clock p. m.

AFTER THE RECESS.

The recess having expired, the House was called to order at 8 o'clock p. m. by Mr. SIMS as Speaker pro tempore.

FOOD CONTROL.

Mr. LEVER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 4961), with Mr. HAMLIN in the chair.

The Clerk reported the bill by title.

Mr. LEVER. Mr. Chairman, there seems to be no disposition on the part of anyone to continue the debate.

Mr. SLOAN. Mr. Chairman, there is some slight disposition on my part.

Mr. LEVER. Mr. Chairman, I do not have the time to yield to the gentleman, and gentlemen in charge of the time on the other side are not here at this time, but I assume that the gentleman has the time and I have no objection to his proceeding.

Mr. CLARK of Pennsylvania. Mr. Chairman, I shall be very glad to proceed.

Mr. LEVER. For how long a time?

Mr. CLARK of Pennsylvania. Not over 10 minutes.

The CHAIRMAN. The Chair will recognize the gentleman.

Mr. CLARK of Pennsylvania. Mr. Chairman, barring two other measures, this is the most important legislation that has been brought before this House for discussion at this session, in my opinion. It touches every man, woman, and child in the United States and millions beyond her borders. This bill is not the product of one mind, but it is the outgrowth of many minds, and it appears from an inspection of it that in some sections there was a compromise, as is customary and inevitable, as bills are framed in committee. The RECORD has already been overburdened with tabulated statistics showing the increased price of foods, feeds, and fuel, and likewise the increased prices of farming utensils used in the production of those foods. It is not necessary to lumber the RECORD further with statistics of that sort, because the fact is admitted.

It evidently was the intent of this committee to formulate a bill for a certain purpose, but it does not make any difference what the intent of the various members of the committee was. We are confined to the words, phrases, and sentences of the bill itself in judging of what its judicial interpretation may be, and its administrative application will be. In transporting goods from the hands of the producer to the consumer business necessities produced a system, and that system has been severely condemned because it was operated, manipulated, and controlled for the immediate and direct advantage of those engaged therein. It is contended that this system is defective in its operation both for the producer and consumer, that it holds the former down to low prices and the latter up to high prices. This bill in part attempts to remedy this—briefly, to transfer the necessities of life at a fair figure from the hands of the producer to the mouth of the consumer as inexpensively as possible, and if it does that, it is a system which should be put into effect and tried out.

The legal mechanism created by this bill may not be perfect, but there is nothing that is struck off by the hand of man or conceived by the mind of man that is perfect. Much depends upon the intelligent operation of any act. The necessities of the hour, the conditions of the country, demand action. Shall we pass this bill? I have listened to a great many condemnations of persons engaged in transferring the farmer's product to the consumer. I have listened to a great many things which have instructed me and some which have surprised me. I read in the paper last night that the President of the United States had expressed great surprise at some of the features contained in the bill, but there was nothing of disapproval in the remark. We heard this afternoon just before the recess an analysis of the bill. Let us continue along that line.

Section 1 states the purposes of the bill in reference to the supply, distribution, and movement of foods, fuel, and feeds, and I have heard a criticism because it did not include farm utensils; but read the phrase in line 8, "articles required for their production," and a liberal interpretation of it will include fertilizers and farm utensils. Section 2 is declaratory of a principle that is older than the Government itself. It has come down to us from Roman law, qui facit per alium facit per se—he who acts through another acts himself. It is but a declaration of the well-known principle of agency.

Section 3 has been called the most important section in the bill. It does not seem to me to be such. It is, however, the establishment of a governmental agency to control, among other things, the consumption of necessaries. How is the consumption of necessaries controlled?

That one phrase brings this section very close to our tables. There is no penalty attached to this, none whatever, and therefore some have condemned it because it did not have a penalty clause. I am satisfied to let the section stand as it is.

Section 4 defines very many acts as unlawful. It is not necessary to repeat them. They are, in my opinion, very commendable.

Section 5 relates to licenses, but the farmer is exempt, and therefore he is not harmed.

Section 6 relates to hoarding, but the farmer is not hurt thereby, because he is exempt from the provisions of the section. Section 7 relates merely to procedure, and we need not follow that any further. Section 8 relates to a penalty for the willful destruction of the necessities of life, a praiseworthy provision and one that should be enforced. Section 9 touches the nerves of the farmer, in that authority is conferred to take his product at a reasonable rate, to be established by another than himself. But that reasonable rate must be satisfactory, because if it is not a reasonable rate the very sources of strength are strangled, and that which is sought to be accomplished by the bill absolutely fails. [Applause.]

There is one other matter in that provision that I do not like. If a small farmer has a small output of a few bushels of vegetables or fruits or grain, he can not afford to go into a court and be put to unnecessary expense in the conduct of a suit. It does not pay to go into a court unless some fair-sized amount of money is involved. I do not believe that when this bill is asked for for the purpose of strengthening the hand of the Government, for the purpose of upholding the arm of the Government, that that hand and that arm are going to be utilized for the purpose of injuring the very sources from which strength is sought. [Applause.]

The whole matter turns, in my opinion, upon a matter of confidence. Have we confidence in the administrative application of the measures provided in this bill? If we have not we ought not to pass it; if we have we ought to vote for it. We have voted here for almost unlimited authority, and it is necessary for the upholding of the national administration in these hours of grave importance that that arm be strengthened as much as possible. This confidence we can afford to give. If we give this confidence, that is all we can do. The responsibilities and the burdens rest with others, and they must exercise that responsibility and bear that burden faithfully, patriotically, and intelligently. If they do not, the very purposes that are sought by the measure fail and are of no use. I think that it is preposterous for any man, for any Member, for any set of men, to say that the Government in this hour of its need is going to try to injure a great class of citizens, namely the farmers of our country, when upon their successful efforts depends the success of the great war in which we are engaged. [Applause.] I sincerely hope that the practical operation of the bill will fully meet the expectations of its sponsors and the purposes intended with a resultant benefit to producer and consumer.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KINKAID. Mr. Chairman, I favor the purpose of this bill. I shall vote for it, amended or not amended, as I may seek to have done. I do not forget that no Member can have his way about every provision in a bill—at any rate, it is most unlikely that such a case will occur with a bill of so much importance as the one now pending.

As has been well pointed out by one Member, there is no need of legislation in a detailed way for Government control of any or all industries or business enterprises, because the Commander in Chief of the Army and Navy might by reason of military necessity, and without special legislation, exercise the rights conferred on him by this act, an act which in reality merely anticipates what is inevitable in time of war.

I did not help to initiate this legislation, nor do I wish to be regarded as an uncompromising advocate of its merits, but, as it is urged by the Commander in Chief of the Army and Navy, who, I must concede, is much better advised than I am, I deem it my official duty to give it my unqualified support. This is not a time to let any consideration, personal or political, stand in the way of our fullest and heartiest cooperation with the President.

Now, what is the purpose of the bill? It is to win the war. The object should be paramount to everything else, every other interest, and every other consideration. It is war—war, defensive and aggressive—that is to be waged to a triumphant victory. No selfish or individual interest should be permitted to stand in the way of the great public interest which is at stake, which, indeed, involves as well the interests of every inhabitant of the United States.

I grant that the provisions of the bill are extraordinary, that the bill contains what in peace times would be regarded as drastic exactions—unwarranted encroachments on individual rights. But we are in the war. This stern fact must constitute the justification of the act.

Rather than to regard the provisions of the bill as a relinquishment of our inalienable or constitutional rights, we should recognize that it is intended to perpetuate these very rights by furnishing means for the preservation of the Republic in which we live and under which we enjoy democratic privileges and institutions. However, not all the restrictions may be regarded as extraordinary. A few of them codified into law would prove very salutary in times of peace; in fact, have been long agitated and sought by a large percentage of our people.

The title of the bill itself constitutes a promise of what is sought to be accomplished. It states:

A bill to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

It can not be gainsaid that the purpose is both laudable and patriotic, and I hope it may prove economic. The reason given by section 1 of the bill is "the existence of a state of war," and it declares that on this account "it is essential to the national

security and defense, for the successful prosecution of the war," and so on.

No patriotic citizen will deny that these purposes are justifiable. This same section further declares the purposes to be "to establish and maintain governmental control of such necessaries during the war," meaning "foods, feeds, fuel, and articles required for their production."

The purpose, therefore, is the mobilization of the essentials required to constitute efficient preparation for the war and to assure its successful prosecution. I admit that a great deal of authority concerning processes, methods, and activities of business and industries is to be transferred from individuals to our Chief Executive, and that this is exceptional and unprecedented in our country. But the provisions of the bill constitute a solemn pledge that the authority thus conferred is to be used for the preservation and perpetuation of our free institutions. And is not this sufficient justification?

The provision contained in section 4, to prevent the destruction and willful waste or deterioration on the one hand and on the other hand the hoarding of necessaries, may become expedient and essential as a war measure, considering that we must provide foods not only for our own country but for the allied nations in the war. This is not only warranted as a war measure, but it would be very helpful in times of peace. It is just the same as to prevent the monopolizing of necessaries and the conspiring or combining to buy of the producer at unreasonably low rates and to sell to the consumer at extortionate prices. These are evils with which both producers and consumers have had to contend in peace times.

The bill does not provide for a maximum price at which the producer must sell. The bill does authorize the President to fix a minimum price on products constituting necessaries, but for what purpose? The purpose of encouraging production and securing an adequate supply for both the Army and the civilian population. It merely constitutes a guaranty that if so much wheat, corn, or other products shall be grown a certain rate is the lowest at which the product shall be sold, and if the sale can not be made in the regular markets at such prices the Government will step in, pay the price, and hold the products until they can be disposed of at the set price, with expenses added. Manifestly, this will be a protection to producers and to the public.

But, let it be remembered, all the time the producer is permitted to sell at as high a price as he can procure—higher than the Government will pay if obtainable. The bill does authorize the President to limit the selling price; in other words, fix a maximum price when exigent; but this is only to prevent prices that result from what might be denominated corrupt-trade practices, by means of which wolfish manipulators conspire to juggle prices for their own profit.

It is to prevent, in times of national exigencies, evils, some of which might be wisely prohibited in times of peace; in fact, have been legislated against in different forms. The bill seeks to meet these evils in a direct way. The purpose is not to interfere in any manner with the selling of necessaries at legitimate prices or the prosecution of business of any kind by legitimate methods. It is on this interpretation that I am supporting the bill.

To make this conclusive section 5 of the bill, which provides for the licensing by the President of different businesses, with the ultimate purpose of controlling rates, charges, and practices of the licensees, so that the licensees may be just and reasonable and not unfair or discriminating, closes with the proviso—

That this section shall not apply to any farmer, gardener, or other person with respect to the products of any farm, garden, or other land owned, leased, or cultivated by him, nor to any retailer with respect to the retail business actually conducted by him, nor to any common carrier.

Again, section 6, which provides against hoarding necessaries and imposes a penalty therefor, closes with the proviso—

That any accumulating or withholding by any farmer, gardener, or any other person of the products of any farm, garden, or other land owned, leased, or cultivated by him shall not be deemed to be hoarding within the meaning of the act.

Again section 9, which authorizes the President to purchase or provide for the production or manufacture of necessaries and to store or otherwise conserve them, closes with the proviso:

That nothing in this section shall be construed to require any natural person to furnish to the Government any necessaries held by him and reasonably required for consumption by himself and dependents for a reasonable time.

Mr. Chairman, I grant that the exercise of some of the authority conferred on the President constitutes a sacrifice of the rights enjoyed in the management of our own affairs ordinarily, but I am bound to admit that if the exigencies of war require it, if the success of our arms will be hastened thereby, and if victory be so much better assured, then the end justifies the means.

The communications we are receiving from our constituent producers contain suggestions that they will yield cheerfully to Government control if other businesses are likewise made to submit to restrictions—a very reasonable proposition—and I have already voted for an amendment to include under such control what the farmer must buy, but it failed. This would be so just that I hope it may yet be incorporated in the act, say, perhaps, by an amendment made in the Senate, which I should be more than glad to vote for when the bill shall come back to the House for the ratification of the Senate amendments, many of which are likely to be made.

However, other businesses, and especially big businesses, are being placed under either complete or partial control of the Government. Conspicuous among these are the great steel plants with their different branches and subdivisions. The textile industries, also, have been placed under Government control; likewise transportation, one of the chief factors in our commercial life and of first importance in all that pertains to the war, is nearly under complete control.

The bill puts mines, including coal mines, at the command of the Government, and it is very likely that the production of oil and copper soon will be under Government control. In all probability, the limit of this exigency legislation will be measured only by what is necessary.

In the discussion of this bill it has been suggested that the extraordinary authority it confers may be used unfairly and not in a beneficial or provident manner, but with equal force this might be said of any law. Unless sound principles of trade are followed, the fixing of the minimum price to be paid to the producer and the limit of the high price to be paid by the consumer will become as precarious a proceeding as navigating between the rocks of Scylla and the whirlpool of Charybdis.

We must all realize that everything depends on the manner of the administration of the act. I earnestly maintain that the power conferred should be exercised to promote the legitimate operation of natural trade laws, rather than to hamper them, and thus normal conditions can be safeguarded, which is what the public is entitled to.

I hold that all favorable presumptions must be accorded as to the end to be attained by the application of the provisions of the act and further that we are to assume that the use made of the law will be prompted by the highest and most patriotic purpose and such favorable presumptions, I, myself, most cheerfully accord without any mental reservations.

This is not a time for hesitation. Immediate action is required. It is as if a fire, miles and miles wide, were enveloping the prairie on which I live, every moment threatening life and devastating harvest fields, and I stopped to argue whether to trust the captain of a band of citizen rescuers, while property and life might be consumed meanwhile.

So now, without hesitation, we are to make every sacrifice that is necessary to victory and in this case victory means, as it has meant in all the wars of our country, liberty. The compensation for the great sacrifices we are to make I hope may be a permanent peace established after all wronged nations have been given back the territory that belongs to them, after Belgium has been restored and has received all possible reparation, after the world has come into a realization of the ideals of democracy and the meaning of liberty which accords equal rights to all and is everlasting and all embracing, since it means that the universal brotherhood is recognized in the highest and holiest sense. [Applause.]

Mr. HAUGEN. Mr. Chairman, I yield 20 minutes to the gentleman from California [Mr. NOLAN].

Mr. NOLAN. Mr. Chairman, it was not my intention to take up any of the time of the committee in a discussion of this very important measure. I realize the necessity for the immediate passage of this bill in its present form if we are to expect any relief from the present high prices prevailing and the higher prices that we can expect to prevail during the coming winter unless the people who will administer this legislation under the direction of the President shall have an opportunity to put their machinery into motion and get to work at once. I feel I would not be representing my constituents, however, who are almost wholly consumers, were I not to at this time voice their protest at the conditions existing in this country regarding the prices of commodities, and to voice their hope that Congress will immediately pass this measure, which will undoubtedly afford considerable relief before the present year is over. I believe that this bill contains all the necessary machinery which under proper direction will again bring prices to a normal level. There should be no misunderstanding between the producer or the farmer and his best customer, the consumer, regarding the purpose of this bill. This bill is intended to reach the man or men in this country who perform no useful function in the matter of food distribution between the producer and the consumer, but who through the warehouses and cold-storage plants have been able to hoard the necessaries of life and keep them off the

market long enough as well as to destroy food in sufficient quantities to make the price to the consumer double and treble what the producer received for his products. The bill primarily is intended to stimulate production and to insure the producer a fair price for his product. It goes further than that; it empowers the President to guarantee him a fixed price for a period of at least three years, so that he will at least know when planting his crop for three successive seasons the price he will receive for it when it is ready for the market. At this point I desire to read a letter I have received on food control from Dr. A. E. Taylor, Assistant to the Secretary of Agriculture. Dr. Taylor is also working with Mr. Hoover.

WASHINGTON, *June 20, 1917.*

MY DEAR MR. NOLAN: In accordance with our understanding of yesterday, I herewith present a statement bearing on the crucial feature of food control as illustrated in the experience of every country at war.

Our situation is succinctly stated as follows: We are short on wheat and will be short on wheat, including Canada. We are long on other cereals and probably will be still longer on other cereals, including Canada. The United Kingdom, France, and Italy are short on all cereals, especially on wheat, and will be short on all cereals, especially on wheat, when their new crop comes in. We have enough, if it is pooled with theirs, to feed us and them, providing the distribution is under control and the demand expresses the need and is not influenced by manipulation and extortion, and hoarding is prevented. There are three courses in general open to us in order to combat the present high cost of foodstuffs:

(1) We may place an arbitrary embargo on exports, and the allies will promptly collapse—certainly France and Italy will collapse.

(2) We may continue to do as we are doing now. The allies want the foodstuffs. They don't care what the price is, and their disregard of the price furnishes the foundation upon which the American speculator operates to maintain the present prices, and which, if unchecked, will result in still greater increases in retail prices.

(3) We may control the entire food situation, including export, to the end that we supply our allies what is required, or as nearly as we have it to supply, feed ourselves adequately, eliminate hoarding, check speculation, exterminate extortion, and reduce the cost of living to a plane normal for war prices.

There is in peace times a certain average price each year that the producer receives for a food community. There is also a price that the consumer pays for the same. The difference represents the costs of distribution and the profits of the middleman, using this term in the broadest sense. Let us, for the purpose of illustration, use the figure 100 to represent the price to the producer. The price to the consumer will then vary in accordance with the commodity. It may be 125, 150, 175, or 200, as the case may be. Now, in war time, the tendency is to increase the differential between the price paid to the producer and that paid by the consumer. It is the purpose of control to maintain this differential to a reasonable basis. Let us take flour as an illustration. With $1 wheat paid to the farmer, the cost of flour should be somewhere in the neighborhood of $6.75 per barrel, it being understood that this is a mere approximate term. Viewing the wheat cost as 100, this represents the retail price at 140. The costs of milling flour have increased somewhat with increase in labor. The cost of transportation has remained practically stationary. Now, during the high wheat prices of the past year it is, according to competent authority, safe to assert that the farmer did not receive on an average of $1.50 a bushel. Let us accept this figure. This would correspond to flour at not to exceed $9.25 a barrel, if the ordinary differential between 100 and 140 had been maintained. The actual price was not $9 or $10; it was $14, $16, $17. In other words, instead of a relationship of 100 to 140, we had a relationship of 100 to 200 or 225. This was not done by the miller. It occurred in the channels of trade after the manufacture of the flour. Now, equitable control would have held the differential between the wheat cost to the farmer and the flour cost to the consumer to a normal plane, plus any demonstrable increase in the cost of manufacture of the flour. That this is possible is shown by the fact that the prices of bread are lower in England, France, and Germany than in the United States.

Germany paid her farmers $1.77 per bushel for wheat and $1.39 a bushel for rye for the crop of last year. Out of these two grains she produced a mixed flour composed of about 70 per cent rye and 30 per cent wheat flour, the bread of which was sold to her people for a fraction under 5 cents per pound. This was an increase of only about 20 per cent in the retail cost of bread. In other words, the cost of distributing and purveying flour was held to but slightly over the peace-time figure.

The same consideration can be shown to apply to a perishable commodity like potato, just as well as to an exportable commodity like flour, the price of which tends to equalize itself throughout the entire world. The price of potatoes in the United States in May ranged from $4.50 to $5.50 per bushel at retail. The price in England was $1.54 the first week in May. The price in Germany was $1.75 per hundredweight, equal to about $1.05 per bushel. Of this $1.75 per hundredweight, $1.30 went to the farmer, the balance was the cost of distribution and the profits of the trade. Germany had a short potato crop, the shortest in a decade, and with the extreme scarcity of food and the ability of people earning high wages to pay for food had high prices been extorted from them, there is not the slightest doubt that without control the price of potatoes in Germany would have jumped to $10 a bushel, just as it did here.

A reasonable control holds, firstly, a stable and increased price to the farmer, because the scope of manipulation not only increases the differential upward in the direction of the consumer but reduces the price of the producer below the hypothetical 100 that we have set. A reasonable control protects the legitimate middleman. A proper and reasonable control keeps down the price to the consumer and results, in addition, in equitable distribution since, with abnormal prices, equitable distribution is impossible. A reasonable control enables us also to handle our entire export business from the standpoint not only of our military and political duties but also from the standpoint of protection of our own people.

Experience in Germany has made it absolutely clear that it is not possible to check extortion, hoarding, and manipulation in the channels of trade except through a control of food upon a proper and comprehensive basis, because the methods of manipulation are so numerous and devious that the problem is not tangible. We have never succeeded in times of peace, under the operation of the Sherman Act, in materially repressing speculation. We certainly will not succeed in times of war.

I want to digress right here. We have not succeeded during peace times or up to the present time in repressing speculation in food products with any prosecution we have undertaken under the Sherman antitrust law since that law was enacted in 1890.

Food control in Germany did not pretend to cover everything, and with the commodities that were not covered speculation occurred in the wildest manner and the police were absolutely powerless against it. Certainly, if Germany with her control of the inward affairs of her citizens was unable to check speculation through the operation of laws designed for that purpose as criminal, we will be unable to do so in this country. We must remove the possibility of speculation through adequate and reasonable food control. It is impossible to check it through criminal procedure.

Very truly, yours,

A. E. TAYLOR,
Assistant to the Secretary.

There is no question but what there is merit in the contention that prices of other commodities, as well as manufactured articles, should be regulated, but if we are to get quick action, and action absolutely necessary at this time, let us pass the food-control bill, which deals with the food and fuel question, and take up the question of the regulation of other commodities and manufactured articles in a separate measure, the power to deal with these articles and to regulate their price should be vested in the Federal Trade Commission. Do not make this structure top-heavy and have it fall of its own weight and fail of its purpose. If we are to have national efficiency our industrial army must receive as great consideration as our Army in the field, and this efficiency can only be secured through a contented, well-fed army of men and women in mine, mill, factory, and workshop. Unless the workers can be guaranteed a wage sufficient to purchase the necessaries of life so as to properly feed and clothe their families they are going to be sullen and discontented, and instead of producing in a patriotic way the arms and munitions and other paraphernalia necessary to keep our Army occupied in the field there will be trouble, strife, and discontent all around.

Under present-day wages it is impossible for a man to properly feed, not alone clothe, his family, with sugar at 10 cents per pound, flour at $16 per barrel, beans at 20 cents per pound, round steak 32 cents per pound, potatoes $1 per peck, and cabbage 15 cents per pound. These are the prices quoted by one of the markets in the District of Columbia for May, 1917, that supplies probably more workers than any other similar institution in the District—the Old Dutch Market.

This is a condition that is general throughout the country, and it is high time that this Government should step in and give some consideration to its own people when we find that in the warring countries they are paying considerably less for foodstuffs imported from America than we are paying in this country to-day.

I call your attention to the following table prepared by Mr. J. W. Sullivan, now connected with the Council of National Defense. These are approximate retail prices of bread in the countries at war and in Washington, D. C.:

Approximate retail prices of bread in entente countries and in Washington.
(Allowances made for exchange of money.)

Country.	Date.	Quantity.	Price.	Increase.	Authority.	Composition.
		Ounces.				
Great Britain	May 1, 1917	32	11 cents (11d., 4-pound loaf).	97 per cent since July, 1914	Board of Trade "Labor Gazette."	"War bread."
France:						
Southern Provinces	Apr. 1, 1917	35	8 cents (47.5 centimes, 1 kilogram).		J. W. Sullivan, personal observation.	80 per cent wheat; 20 per cent rye, barley, corn.
City of Lyons	Apr.-May, 1917	35	9 cents (52 centimes, 1 kilogram).	20 per cent since July, 1915	"Le Semeur," Lyons	
Belgium	1917	35	11 cents (55 centimes, 1 kilogram).		Herbert C. Hoover	
Italy	May 1, 1917	35	8 cents (48 centimes, 1 kilogram).		"Bollettino dell 'Ufficio del Lavoro."	"War bread."
Washington	June, 1917	14	10 cents		Retail bakers' agreement	White wheat.

When we find people in the warring countries using our own wheat and buying 35 ounces of bread for from 8 to 10 cents, and then find our own people in the Nation's Capital paying 10 cents for a 14-ounce loaf, it is time to sit up and take notice. If we do not, they, the people, will. I insert at this point an article by Mr. Basil Manly, entitled "How they gamble in farm produce in pits"; also a newspaper article regarding speculation in canned goods:

HOW THEY GAMBLE IN FARM PRODUCE IN "PITS"—MANY PEOPLE THINK THE FARMER IS GETTING RICH OUT OF HIS PRODUCE, BUT READ THIS ABOUT THE "PARASITE."

[By Basil M. Manly.]

"Futures," or as they are more often called on the floor of the Minneapolis Chamber of Commerce and Chicago Board of Trade, "options," are verbal or written contracts to buy or sell at some future time.

For instance, July wheat: One man on the floor near the July wheat pit, or acting through his commission man, buys 1,000 bushels of July wheat at, say, $2.41 per bushel. He pays a small portion of the purchase price, called a "margin." The seller contracts to deliver to him 1,000 bushels of wheat in July. He can deliver on the first day or any time to and including the last day of July. The buyers must take when delivered and pay the balance of the price over the margin he laid down at the beginning.

Or a man may sell 1,000 bushels of July wheat. That doesn't necessarily mean that he have even a single bushel to sell. This man is literally betting that wheat in July will be selling for less than the "future" price quoted to-day. If he guesses rightly he can buy 1,000 bushels then at a lower price and sell at the higher price than he contracted at. If wheat goes up by that time he, of course, loses the difference.

September wheat is that contracted for delivery in that month. At this time of the year speculators are dealing in May, July, and September wheat. After July 1 May wheat is dropped and December wheat added.

Dealing in futures, commission men say, is necessary to protect terminal elevator owners and flour millers; that it gives these men a chance to hedge on the market which is constantly fluctuating.

But this much of grain speculation, while it may or may not be necessary, is only a minute part of the speculation in futures. To every legitimate future trade there are 999 that are nothing but gambling or prearranged efforts to affect the market price of cash grain.

The average bushel of wheat is sold at least 100 times on the Minneapolis Chamber of Commerce. Every morning there were, up to May 16, more bushels of wheat sold in future trading on the Chicago Board of Trade than there are bushels received during the whole year.

That is grain gambling—betting on the rise or fall of the wheat.

One man sells hundreds of thousands of bushels of wheat he hasn't got and which he never expects to have, to another man who doesn't want that wheat and never expects to get it. The same mythical wheat is sold again and again, forcing the price up or down.

Look at September wheat to-day. It closed at $1 a bushel lower than May wheat. Why? Because in September the farmer will have wheat to sell.

To-day only millers and big warehousemen have any. Along toward the time when wheat is being thrashed the Milling Trust and big grain buyers will begin selling September wheat, when they don't buy. Continued selling of any commodity naturally brings down the price. Just how many of these sales are "wash" affairs no one but the "bears" (sellers pulling down the price) know. A wash sale is no sale at all. It is made openly on the floor between certain members of a bear crowd, and after the exchange closes is washed off the slate. But wash sales have a large effect upon the price. To outward signs they are real sales.

After the price is down and most farmers have marketed their wheat the flour millers and grain cornerers, who have stored away millions of bushels in elevators, begin boosting the price upward. They have something to sell which they bought cheap and want to sell as dear as possible for a profit. They then become "bulls," and buy December and May wheat.

Again wash sales are used, this time to help increase the price. Rumors of crop failures are spread; dire predictions are made, to give the impression of a decreased supply, and the continual buying from one another goes on.

Slowly the price is boosted.

Then the terminal elevator owner, who holds the actual wheat, lifts the price to the flour miller and the miller can point to the high price of December wheat and raise the price of flour. And they do the very thing.

Raising or lowering the price of future wheat affects the price of cash wheat, and flour prices are based upon the price of cash wheat—that is, wheat actually sold.

Nor is it alone in wheat that future deliveries are gambled in. There is May pork and July pork; May lard and July lard; May ribs and July ribs; July corn and September corn; July oats and September oats; May flax and July flax.

By future trading, one man can get millions of bushels by putting up a small portion of the price. With only cash sales no grain gambler could sell "short"; every sale of wheat would mean the transfer of that much grain. No one could increase the price by buying what he won't take, nor decrease it to the producer by selling what he hasn't got.

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100 PER CENT PROFIT ON CANNED STAPLES—FOOD SPECULATORS ROB PUBLIC, WHOLESALE DEALER CHARGES.

CHICAGO, *June 12.*

Speculation in canned goods must be stopped by the Government if the public is not to be robbed, an official of a Chicago wholesale grocery house declared to-day. He said that speculators are making 100 per cent profit on the corn, peas, and tomatoes for which the public is now paying virtually double prices.

Peas retail for 25 cents a can, and tomatoes and corn, which formerly sold at 12½ to 15 cents a can, now bring 20 to 25 cents. This wholesaler says the speculators buy canned corn at 62½ cents a dozen, tomatoes at 90 cents, and peas at 75 cents, which they sell at $1.50 to $2.10.

"Allowing," he said, "for the high cost of tin cans and cases, No. 3 tomatoes cost the canner 80 cents, peas 62½ cents, and corn 67 cents a dozen."

Again I say there should be no quarrel between the farmer and the consumer. It is all right enough to talk about regulating the price of clothing and shoes at this time, and I am in favor of such regulations, but the ordinary man in this country can have his shoes cobbled or repaired and have his clothes mended and can go along for a fairly reasonable length of time without buying new shoes or new clothing, but he can not live and can not do his bit during this great emergency unless he gets edible food in sufficient quantities to nourish himself and his family, and under present-day conditions in the matter of wages and prices this is impossible. There is an economic side to the question of wages in industry. We will take the building trades, for instance, where the mechanics and artisans have been paid the highest wages on an average paid in American industries, the carpenter receiving in the neighborhood of $5 per day for his labor, the bricklayer, plasterer, and plumber $6 per day, and other mechanics in proportion. These men have had to stand these tremendously high prices, it being estimated that within the last four or five years prices have almost doubled. That being the case, the natural thing for them to expect is that their wages should be increased in proportion to the increase in the cost of living. But who would think about building a home or building of any kind if the wages of carpenters were $10 per day, and the bricklayer, plumber, and plasterer $12 per day? To substantiate the statement regarding increase in prices I incorporate a statement of retail prices prepared by the Old Dutch Market showing an average increase in 79 items of 54 per cent between October, 1916, and May, 1917, less than eight months:

Comparison of retail prices of foods October, 1916, and May, 1917.

Articles.	October, 1916.	May, 1917.	Increase.
			Per cent.
Granulated sugar, pound	$0.07	$0.10	43
Gold Medal flour, barrel	10.00	15.20	52
Pride of Columbia, barrel	8.16	13.20	62
Challenge milk	.10	.15	50
Evaporated milk, tall	.09	.13	44
Evaporated milk, small	.04	.06	50
Standard tomatoes, No. 3 can	.12	.18	05
Maine corn	.13	.17	30
Sugar corn	.09	.15	66
Sifted E. J. peas	.13	.19	46
E. J. peas	.10	.15	50
Wagner's baked beans, No. 2	.10	.15	50
Ritter's baked beans, No. 2	.09	.15	66
Campbell's baked beans, No. 2	.09	.18	100
White corn meal	.04	.06	50
Hominy	.04	.05	25
Head rice	.08	.10	25
Broken rice	.04	.06	50
Oatmeal	.04½	.06	33
Macaroni, bulk	.09	.13	44
Spaghetti, bulk	.09	.13	44
Prunes, small	.05	.08	60
Prunes, large	.12	.16	33
Chum salmon	.09	.16	77
Pink salmon	.12	.18	50
Red salmon	.18	.25	39
Navy beans	.09	.19	111
Lima beans	.10	.20	100
Wagner's catsup	.09	.12	33
Campbell's soup	.09	.13	44
Split peas	.07	.12	71
Black-eyed peas	.07	.08	14
Asparagus	.17	.23	35
Asparagus tips	.20	.25	25
Beets, canned	.12	.18	50
Cream of wheat	.15	.20	33
Brooms, No. 7, parlor	.45	.65	44
Domestic sardines	.04	.06	50
Molasses, No. 3 can	.09	.18	100
Table sirup, G. C.	.09	.13	44
Table sirup, Karo	.10	.13	30
California peaches, cans No. 3, seconds	.12	.16	33
California peaches, extra standard No. 3	.14	.20	43
Plantation pineapple, No. 2 can	.13	.18	39
Peanut butter, bulk	.10	.15	50
Lump starch	.04	.06	50
Cornstarch	.05	.07	40
Canned spinach, large can	.12	.18	50
Rib roast	.18	.25	40
Chuck roast	.15	.22	46
Plate beef	.13	.16	23
Porterhouse steak	.24	.37	54
Sirloin steak	.22	.34	54
Round steak	.20	.32	60
Chuck steak	.16	.25	56
Hamburg steak	.14	.20	43
Butter, extra creamery	.42	.55	31
Fresh hams	.21	.27	29
Fresh shoulders	.17	.22	30
Fresh pork chops, shoulder	.22	.28	27
Fresh pork chops, loin	.26	.32	23
Fresh pork roast, blade	.21	.28	33
Fresh pork roast, loin	.25	.30	20
Corned shoulders	.15	.20	33
Corned hams	.20	.24	20
Smoked hams	.21	.25	19
Smoked hams, sliced	.35	.45	28

Comparison of retail prices of foods October, 1916, and May, 1917—Con.

Articles.	October, 1916.	May, 1917.	Increase.
			Per cent.
Smoked shoulders	$0.15	$0.21	40
Smoked bacon	.25	.34	36
Smoked sausage	.18	.25	39
Pure lard	.18	.25	39
Compound lard	.15	.20	33
Potatoes, peck	.42	1.00	138
Onions, pound	.03½	.10	186
Lettuce, each	.08	.10	25
Sweet potatoes, peck	.30	.75	150
Cabbage, pound	.05	.15	200
Apples, peck	.35	.60	71
Bananas, dozen	.20	.25	25
Lemons, dozen	.15	.20	33
Total of items, 79	29.48	45.30	

Average net increase, 54 per cent.

There is an economic side to this recognized by the worker and those who speak for him. They are not asking that their wages be doubled, as they should be if present prices continue, but they are looking to the Congress of the United States to give them relief from the food pirate and speculator, and if that is done the price of commodities will go back to a normal level and we will have in all branches of American industry a patriotic, contented, and self-satisfied army of workers who will do their utmost in this great national emergency; these men, both skilled and unskilled, comprise the industrial army necessary in modern warfare, and they have to stay at home to provide the sinews and munitions of war for the men that must do the fighting in the trenches on European battle fields. Even with the passage of this measure, unless relief is immediate, we are facing the most serious internal problem that this country has ever been called upon to face in its history. [Applause.] There is going to be industrial unrest, strife, and food rebellion. People are not going to work unless they can secure enough of the necessaries of life to live decently and comfortably. They will not be able to understand why we are allowing them to starve in their own country and at the same time allowing tremendous quantities of foodstuffs to go abroad to feed the people of the warring and neutral nations at a price less than we are paying in America. They are going to be taxed and the tax burden will be heavy, for after all it is the ordinary, every-day citizen that will have to shoulder all of the burden of the war-revenue bill, and unless we give some heed to their needs and comfort they are going to turn and refuse the patriotic support absolutely essential to the success of our armies in this great struggle. We met with a ready response from the American people in floating the first $2,000,000,000 of bonds of the liberty loan; we have had very little trouble in enrolling our citizens for the national Army under the selective-draft bill, but we will have plenty of trouble if the people of this country are to go hungry, and particularly so during the time that we are shipping out of the country great quantities of foodstuffs that they are harvesting and preparing in our packing houses, flour mills, and canneries. [Applause.]

It has been estimated that 70 per cent of the wheat that went to the millers of this country during the past year brought to the producer an average of $1.36 per bushel, which should have meant to the consumer flour at not more than $8.50 per barrel. What the American people want to know is what became of the difference between this $8.50 that they should have paid and the $15 and $16 that they actually paid. It is the gentlemen that took this money from the American consumer that this bill is intended to reach, and under this measure the farmer will not have to part with his wheat or other crop for such a low price, but will be treated fairly in the matter of prices for commodities of all kinds.

During a recent visit home I was informed that the rice crop of California, amounting to several million bags of rice, had been disposed of by the producer at an average price of 3 cents per pound. Within 60 days the price of rice on the California market was between 6 and 7 cents. An investigation disclosed the fact that the warehouses at San Francisco and the surrounding vicinity were stocked with rice held by men who never had anything to do with the producing of it nor who had ever dealt in any way in foodstuffs before. They had been given a tip that rice was going to advance, providing it was held from the market, and some of them bought as high as 10,000 bags of rice and stored it, waiting for a rise in price, just as they would buy real estate in a speculative way. A local newspaper published a list of names of men who had stored thousands of bags of rice in the warehouses. There were bankers, professional men, and men in all walks of life speculating on the poor.

It is conditions of this sort that the Lever bill intends to correct. It will also take care of the speculator who buys and stores even though he may be a dealer in foodstuffs. The licensing clause will give the Government absolute control over the food pirate or food hoarder. I insert an editorial from the Washington Post of June 12, which reviews the Lever bill and gives in a short article all the reasons why this bill should pass without delay:

THE CONTROL OF FOOD.

[From the Washington Post June 12, 1917.]

After what seems to have been unnecessary delay the House Committee on Agriculture has reported the food-control bill. It is fully as sweeping as was predicted. In substance it empowers the President to establish a license system regulating the importation, exportation, manufacture, storage, or distribution of any food, feeds, or fuel; to limit or prohibit the use of food or feeds in the manufacture of liquors; to guarantee minimum prices for foodstuffs; to operate factories, mines, and other plants; to regulate all exchanges dealing in foodstuffs; and to create an agency for the control of food production and distribution. The bill also makes it unlawful to hoard, destroy, or limit the production of food, or to combine to exact excessive prices, or to limit the facilities for transporting food.

This is a war measure, as distinctly aimed at the defeat of Germany as is the creation of the new army. It is made necessary by the situation in which the allies find themselves and by the method in which modern war is fought. The United States is not merely fighting the German army and navy; it is fighting an organized nation, incredibly systematized and self-denying to the point of death. The war revolves around the food supply of the world. If the United States will manage its food strategy with foresight and skill it can deliver a staggering if not fatal blow to the enemy that is waiting its opportunity to strike a death blow at this Nation.

Food control comes as a complete novelty to Americans. It is a sample of Government supervision that was not dreamed of a year ago. Much tact and discretion must be exercised by the Government in inaugurating and enforcing a law that touches the people so closely, and even with the best of administration there will probably be opposition from ignorant and interested persons. Speculators and extortionists will not readily abandon a field in which they have fattened at the expense of the people. Criminals, however, need not be treated with patience. As for the ignorant objectors, they are likely to fall in line when two facts are clearly understood: First, that the food-control system is a temporary measure, to end when the war ends; and, second, that this control will eliminate price boosters and monopolists.

The country is confronted with the alternative of submitting to private control of food by conspirators, with the risk of crippling the allies and thus losing the war, or asserting control of all food by the Government. Talk of "paternalism" and "centralization" and "Government usurpation" becomes idle when the dire alternative is thoroughly understood. The Government must act for all the people in the food question, just as it acts for the people in military and naval operations. Bread and bullets are weapons of war which must be controlled exclusively by the Government.

Mr. Chairman, the man that will have charge of the administration of this important measure—Mr. Hoover—needs no defense at my hands. There has been an attempt through innuendo and insinuation, both in the press and otherwise, to make the people of this country believe that Mr. Hoover intends to regulate not alone the distribution and the price of commodities but also to regulate the way in which food should be consumed as well. Mr. Hoover has, to my notion, demonstrated to the satisfaction of every reasonable man in both Houses as well as to the country at large the falsity of these statements, at the same time demonstrating his capacity and ability to undertake this tremendous task. [Applause.]

Mr. Hoover is essentially a Californian, having worked his way through Stanford University and secured his degree as a mining engineer. He made his mark in the engineering world long before the terrible European war broke out. When a man was needed to handle the food situation in Belgium and to supervise the expenditure of half a billion dollars Mr. Hoover was chosen for this great task. Having laid the foundation and built his structure, it was easy for him to leave the administrative end of it in the hands of his assistants in Europe and respond to the call of the President of the United States in this great national emergency. Mr. Hoover is here. He has already begun his work and has surrounded himself with some of the biggest men in America, who have volunteered their services and who are now doing their bit in working out not alone our own food problem but the problem of conserving our resources so that our allies in this great war may receive enough of our surplus of food products to sustain them and bring success to their colors. [Applause.]

There has been some criticism regarding the great power conferred in this measure upon the President of the United States. Criticism of this kind might have been justified a few years back, when we were at peace with the rest of the world, but we are now engaged in the most titanic struggle of the ages, and as we go along we will become more and more involved, needing men, munitions, and foodstuffs, as well as all of the accessories that go to make up, feed, and equip a great army in the field. The President of the United States has been intrusted by the American Congress, as Commander in Chief of our Army and

Navy, with the expenditure of billions of dollars. He has also been intrusted with the care and responsibility for the lives of millions of our population, at home and abroad, and there should be no quibbling at this time over the question of whether in this great fight for democracy the President of the United States will abuse the power placed in his hands. Let us pass this bill in both branches of Congress immediately, so that the organization that will be created will have an opportunity to set in motion all of their machinery that will immediately grant relief to the producers and consumers in this country and eventually bring success to our standard. [Applause.]

Mr. RUBEY. Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. LONDON].

Mr. LONDON. Mr. Chairman and gentlemen of the committee, the small attendance during the three days' general discussion of the food-control bill is rather discouraging. The attendance is small, notwithstanding the fact that the proposed measure represents a departure from all the traditions, from all the prevailing theories of jurisprudence, from all the heretofore accepted notions as to lawmaking.

But there is a reason for it. Most of the Members are satisfied when somebody supplies to them a slogan, and the slogan has been supplied in this case. The cause of all causes has been discovered. The criminal of all criminals has been detected. It is the food speculator. "That lies at the bottom of all trouble—the food speculator," says one speaker after another. "The food speculator is the cause of the high cost of living. Get rid of the food speculator! Then you will bring about lower prices."

Do you remember the Democratic slogan of "Busting the trusts"? Well, in its time "Busting the trusts" was held to be as good a slogan as "The food speculator."

They have not busted the trusts, and unless the people awake the cost of living will not be materially reduced.

I hold no brief for the food speculator. Of course he is a pirate. But the difficulty lies not with the speculator but in the control of social necessities by organized capital. The real reason for the difficulty in which you find yourselves to-day lies in the fact that a small number, a small proportion of the people, have it within their power to dictate what the prices for the necessaries of life shall be, and as long as that continues all legislation which is directed at some of the effects instead of the cause will bring no permanent relief. We have been sowing the wind, and we are now reaping the whirlwind. We have allowed individualism to run mad. We have anarchy and chaos in industry. We have permitted a state of affairs where hundreds of millions of bushels of grain were exported without anybody knowing how much, without anybody caring how much, without anybody inquiring what effect it would have, solely because it paid those interests that controlled and now control the supply and distribution of food to export those food supplies.

The people have nothing to say. The great masses of the consumers are not organized. The housewife does not know what organization means. The women have learned to unite to fight for the right to vote. Nobody teaches them how to organize to get bread. If you had millions of housewives storming your legislatures and demanding action and demanding relief, relief would have been granted. But the housewives are not organized. Their voices are never heard.

I brought the problem to your attention after the so-called food riots in New York last December. I introduced a bill in which I demanded that the food supply of the country should be regulated and controlled by the people, for the people, and through the people instead of being controlled by private capital through capitalist lackeys, and for private profit.

Both the tiller of the soil and the industrial worker were and are the victims of the unchecked greed of the financial interests.

Here is a copy of the bill:

A bill (H. R. 19295) to create a commission which is to recommend legislation for the taking over by the Federal Government of the control of food, and to authorize the President to prohibit under certain conditions the exportation of food.

Be it enacted, etc., That a commission is hereby created, to be known as the Federal food commission, to consist of the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor.

SEC. 2. That the said commission shall proceed immediately to ascertain all facts relating to the supply of food and food products in the United States. Should it appear that the supply of food is insufficient for the needs of the country it shall be the duty of the commission to so certify to the President, who shall thereupon, by proclamation, prohibit the export from the United States of any farm products and of any article of food. Upon the issuance of the said proclamation, and until the order prohibiting exportation shall be revoked, it shall be unlawful to export any article of food or any farm products from any part of the United States.

SEC. 3. That it shall be the duty of the commission to recommend such additional and further legislation as may be necessary to make the embargo effective.

SEC. 4. That the prohibition shall remain in effect until the commission shall certify that the supply of food and food products permits of the resumption of the export of food and food products, and thereupon the President shall suspend the embargo.

SEC. 5. That the commission shall prepare and recommend legislation to enable the Government of the United States, or some governmental agency to be created by law, to regulate the transportation, marketing, preservation, and distribution of food, and to acquire and maintain, build and construct, equip, manage, own, and control all such buildings, plants, structures, warehouses, granaries, abattoirs and each and every thing or things incidental to, connected with, or necessary to the exercise by the Government of complete control over the supply and distribution of food.

SEC. 6. That the commission shall prepare and recommend plans for cooperation with States, municipalities, and with cooperative societies and with now existing governmental agencies. It shall be the duty of the commission to report its recommendation to Congress through the President on or before February 1, 1917.

SEC. 7. That the commission is authorized, as a whole or by subcommittees of the commission duly appointed, to hold sittings and public hearings anywhere in the United States; to send for persons and papers; to administer oaths; to summon and compel the attendance of witnesses and to compel testimony; to employ such secretaries, experts, stenographers, and other assistants as shall be necessary to carry out the purposes for which said commission is created; and to rent such offices, to purchase such stationery and other supplies, and to have such printing and binding done as may be necessary to carry out the purposes for which the commission is created.

SEC. 8. That the sum of $50,000 is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, for the use of the commission.

SEC. 9. That this act is to take effect at once and continue for a period of two years from and after its passage.

When I brought up the bill man after man got up here and said:

Yes; perhaps there is a food problem, but we do not know just exactly what to do about it.

And one of the most distinguished Members of this House, one of the most brilliant and wittiest speakers on the Democratic side said:

I have a remedy to offer to the men and women in whose behalf the gentleman from New York speaks. Let them go to the farm. Let them hear the cackle of the hens, and the grunt of the hogs, and the lowing of the cows, and the neighing of the horses down in our State.

He wanted them to go to his State and become farmers. But he is what is called a Jeffersonian Democrat. Why the Jeffersonian Democrat assumes that Jefferson would not have learned anything from a century's experience I do not know. At any rate this sort of Democrat takes his wisdom from the grave. He opposed my proposition because he saw in it the menace of socialism. The standpatter on the Republican side, of course, opposes any new idea and any new thought. The distinguished gentleman from Wisconsin [Mr. LENROOT] said:

Of course, we will admit that there is a serious evil confronting us, and nobody has suggested a remedy except Mr. LONDON, and nobody agrees with Mr. LONDON.

[Laughter.]

That was in December, 1916, six months ago, when I introduced the bill that a commission be appointed to prepare legislation to enable the Government of the United States or some governmental agency to be created by law to regulate the transporation, marketing, preservation, and distribution of food, and to acquire and maintain, build and construct, equip, manage, own, and control all such buildings, plants, structures, warehouses, granaries, abattoirs, and each and every thing or things incidental to, connected therewith, or necessary to the exercise by the Government of complete control over the supply and distribution of food; then to proceed to provide plans for cooperation with States, municipalities, and with cooperative societies, and with now existing governmental agencies. That was six months ago. While we were not nominally at war, we were in effect suffering from all the evil effects of the war. It takes a formal declaration of war, it takes war, famine, and pestilence before the Democrats or the Republicans get any sense in their heads. [Applause on the floor and in the galleries.]

The CHAIRMAN. The Chair will admonish the occupants of the galleries that they are here by the indulgence of the House, and that it is against the rules to show manifestations of approval or disapproval of anything that is said. Therefore the occupants of the galleries will kindly refrain from giving any demonstrations whatever. The gentleman from New York will proceed.

Mr. LONDON. Now, the situation is this: The Democrats report a food-control bill and the Members now realize that there is a universal demand for some action, and the most of them take it for granted that, since the newspapers have begun to talk about the food-control bill and since the President has asked for it, some sort of a Federal control bill will be adopted anyway, and they have yielded to necessity; not that they understand it any better now than they understood it before, but a slogan has been proclaimed. That slogan is "food control." Food control has to be adopted. The President says

so, and then the second great authority—the newspaper—says so, and, behold, the thing is settled. We must have a food-control bill.

Will it be of any value, this food-control bill? That is the question. First of all, this bill deals entirely too tenderly with the farmer. Of course, agriculture is the foundation of all civilized society, and the farmer should be cared for. In this case the farmer is particularly well taken care of. He is to have a guaranteed price for three years.

How about the consumer? How are you to secure him? The hoarding clause or the antihoarding clause does not apply to the farmer. The farmer may hoard as much as he pleases—as much as before. The retailer, also, may hoard as much as he pleases. You should endeavor to grant relief which will secure the people, the masses of the consumers, against exploitation. The farmer who ekes out a living by the sweat of his brow and who sells his crop in advance will not hoard. The well-to-do farmer will. You still proceed upon the theory that some form of exploitation of the many by the few is inevitable, and you do not care to tackle the big proposition, how to protect the masses against the exploitation by the few. Not even the psychology of war can change your established mode of thought.

Mr. ROSE. Will the gentleman permit me?

Mr. LONDON. Yes.

Mr. ROSE. I notice that the gentleman has now said that the farmer is permitted to hoard all the grain he pleases, and that there is no way of reaching the retailer. Is that true under the terms of this bill as it is now drawn?

Mr. LONDON. The bill permits the farmer to keep the product as long as he pleases.

Mr. FARR. But not the retailer.

Mr. SIMS. If he produces it himself.

Mr. LONDON. If he produces it himself.

Mr. FARR. But it does not permit the retailer to do that.

Mr. LONDON. The retailer is permitted to hoard also.

Mr. FARR. In a reasonable quantity.

Mr. LONDON. In a reasonable quantity; but the farmer is permitted to keep his entire product as long as he pleases. There is no question about that.

Mr. SIMS. With a guaranteed price behind it.

Mr. LONDON. With a guaranteed price behind it. Still I am compelled to support the bill, because I expect that some of this legislation and the principles which it carries will become a permanent part of the law of this country.

In times of war we call upon the rich man and the poor man not only in a spiritual sense, but in a physical sense, to fuse their blood and sacrifice themselves in a joint endeavor; but while we call upon the poor man and the rich man to sacrifice themselves in the joint enterprise of their country we permit the rich man's family to exploit the poor man's family under the protection of the flag and under the protection of such wise laws as you Republicans and Democrats are filling our statute books with. You can not separate yourselves from the philosophy which is based upon the exploitation of the many by the few.

I am compelled to support this bill, little as I expect from it, because it places the responsibility somewhere, and because for the first time the National Legislature says to the people, "We are going to try to solve this problem for you." And woe to you if you do not solve it. You will have to deal with this problem again and again. Some of this legislation has come to stay.

If the food gambler and speculator are an evil thing during war, why are the food gambler and speculator a good thing in peace time? If we are legislating out of existence, or attempting to legislate out of existence, the food speculator during the war, why should we after the war is over revert to the previous system, which permitted them to blackmail the people? So there is evidently some reason for the faint hope I entertain that some of the legislation, some of the principles contained in this bill, will prove to be of a lasting character.

For the great masses of the people even peace means war. The battle of life is a very serious and earnest affair with the most. For the great masses of the people to-day life is always filled with fear. The worker fears unemployment, old age, and occupational diseases. The small business man always feels the fear of being crushed by a stronger competitor, by the corporation, by the syndicate, by the trust. Theoretically free, the poor man whose wages are determined by the employer, whose rent is fixed by the landlord, and the price of whose food and clothing is decided by the financial interests, finds himself nobody's slave and still not a free man. That is as true of the agricultural worker as of the toiler in industry.

It was estimated before the war that at least eleven hundred dollars annually was required for the support of a family of five. With present prices, eleven hundred dollars are not worth much more than seven hundred dollars a few years ago. How millions of workers manage to live under these conditions is a mystery to me.

It is in the hope that this bill opens a new road upon which the American National Legislature will be compelled to travel; it is because I believe that you will have to take up seriously the question of the preservation and utilization of the national riches that I am supporting this bill. We in this country have been wasting our natural resources. This land could easily have supported 500,000,000 people in comfort. You have frittered away opportunities, you have frittered away the natural resources, you have not utilized all the arable land the country possesses; the farmers, mostly poor and helpless, still use comparatively antiquated implements. We are permitting the waste of human resources in factories, shops, and mines; we are permitting children to grow up in illiteracy; we are wasting the physical and human resources of the world. My hope is that this assertion of a collective conscience, this assertion of the principle that the necessities of life must no longer be left to anarchy and general chaos, but must be taken under the collective control of the people, contains a promise of more intelligent and more thoroughgoing legislation in the near future. We will be compelled to widen the conception of necessities of life. This assertion of the fundamental principle so vital to the normal life of the people compels me to support this bill. [Applause.]

Mr. LEVER. Mr. Chairman, I yield to the gentleman from Illinois [Mr. SABATH] 15 minutes.

Mr. SABATH. Mr. Chairman and gentlemen, I do not know whether I shall take up the time granted me. I have no set or prepared speech. All I desire at this time is to make a few observations on the bill. The gentleman who preceded me has stated that notwithstanding the fact that he does not approve of the bill in its entirety, he shall vote for it and support it. That is the position I take.

For many months I have endeavored to secure the passage of legislation that would tend to eliminate the unjustifiable and, I may say, the criminal conditions that prevail in this country as regards the high cost of necessaries of life. I tried to reach and put an end to this evil by first introducing in the last session, and again in this session, a bill providing that all warehouses, cold storage warehouses, and elevators storing food products shall file every month a sworn statement of all the kinds and quantities of food products stored, and that such information then be given to the public.

I endeavored to secure consideration of that bill, but due to other important measures that were being pressed I did not succeed in having the bill reported. Therefore I started out again this session, reintroduced the bill, and endeavored to secure its consideration. In place of my bill the committee has finally reported a bill on that subject which we passed a few weeks ago, and with some Senate amendments is again pending in the House and, if finally enacted, will secure some day the information that I have tried to secure. I sought immediate consideration of this legislation for the reason that the reports now made to the Department of Agriculture and sent broadcast throughout the country are not reliable and the people of this country are misled. I am satisfied that there are larger quantities of foodstuffs and necessaries of life hoarded and stored than the reports of the department indicate.

These misrepresentations are made to mislead the public—that there is a shortage in all of the necessities of life—and done with the deliberate intent to create an artificial price for all these commodities. If my bill had been adopted, by this time the Government as well as the public would have been in possession of information that would have made it impossible for the food gamblers to indulge further in issuing their false statements and reports.

Believing that the prevailing prices have been artificially created, and not being able to secure action on the storage bill just mentioned, I introduced on the 15th of May a measure which I believed might secure immediate attention on the part of this committee. This bill is known as House bill 4451 and seeks to prohibit the dealing of gambling in futures. For the benefit of the Members who are present, I will read it. It provides:

That any and all sales or purchases of foodstuffs or products that are not for immediate or prompt delivery or are not intended to be actually delivered by the seller or received by the buyer are hereby prohibited and made unlawful.

SEC. 2. That any person buying or selling in violation of this act any foodstuffs or products shall upon conviction thereof be imprisoned for not less than 1 and not more than 10 years.

SEC. 3. That the word "person" shall mean any person, partnership, association, or corporation, their managers and officers and agents who in any way participate in the forbidden acts.

I believe that if we prohibit gambling in foodstuffs we will create a normal market. That I am correct was demonstrated, because on the day I introduced this bill the Chicago Board of Trade, of its own accord, of course, stopped all dealing in futures, and what was the result? That very day the prices of wheat and corn went down from 20 to 25 cents a bushel, and since that time the prices have gone down from 40 to 45 cents a bushel. I assert that the gamblers of this country are in a great measure responsible for these unjustifiable prices of foodstuffs. [Applause.] And why should we hesitate to legislate against them? Whom do they benefit? Do they benefit you or you? Do they benefit the country? You know as well as I do that they do not.

Let us legislate now and abolish for all time the nefarious systems of the food gamblers and speculators that brought about this serious condition. Include the provision of my bill that provides for imprisonment of the manipulators—a fine of five or ten thousand dollars is but a pittance and a small part of their ill-gotten profits. Strike at them personally, not at a small part of their profits, and you will then put an end to their outrageous practices.

Mr. Chairman, why should a hundred million people in this country be robbed by a few thousand individuals who do not sow, but reap the harvest? There is no excuse for the delay of this legislation, and I hope when the time comes I shall have the opportunity to offer that portion of my bill, which I have read, as an amendment to the bill, and that I shall have your aid and cooperation in securing its adoption.

I also introduced a bill on April 30 giving a commission the power and authority to regulate the price of all of the necessaries of life. There is just as much harm done to the American people by artificially increasing the price for cotton and wool as of corn, wheat, potatoes, or anything else. If we are going to legislate and give power to the President to regulate the price of foodstuffs, I say it is our duty to go further and legislate to regulate the prices of other commodities. We should regulate the price of every commodity controlled by trusts and combinations where the prices have been unjustifiably increased and manipulated. I believe that we should take these industries over and operate them in the interest of the American people until the war is ended.

I wish that you gentlemen living in the country could hear the complaints from the people as I do. I tell you the people will not permit these conditions to remain much longer. They will not stand by and permit a few men to rob them and deprive them of their needs. They will not permit their children to go hungry in order that others may live in luxury. [Applause.]

Mr. Chairman, I am greatly interested in enacting food-control legislation, but this bill can be more properly designated as the farmers' guarantee-profit bill than the food-control bill.

I do not believe in class legislation, and therefore will try to strike out the proviso in section 5:

> That this section shall not apply to any farmer, gardener, or other person with respect to the products of any farm, garden, or other land owned, leased, or cultivated by him.

Also the provision in section 6 which provides—

> That any accumulating or withholding by any farmer, gardener, or any other person of the products of any farm, garden, or other land owned, leased, or cultivated by him shall not be deemed to be hoarding within the meaning of this act.

These two provisions give the farmers special privileges. Why exempt them? All of us know that there are hundreds and thousands of farmers who operate on a large scale, whose wealth permits them to carry their products for a year, or even two years, and a great many are doing this now. Will not this provision enable the gamblers and manipulators to lease thousands of acres of lands and by a combination among themselves operate to control a fourth or a half of the products grown? I believe the census statistics will bear me out in this, and I therefore take my stand in favor of equal treatment for all and special legislation to none.

I am also opposed to section 12 of the bill, which proposes to guarantee prices and profits to the farmer. To me it appears that the farmer needs no protection at our hands.

I believe the bill I introduced April 30 is a better bill and would work far better to the interests of both the farmer and consumer, but it happens that the bill under consideration has the indorsement of the farmers' associations and mine has not. Time will not permit the reading of my bill now, but I will make it a part of my remarks and ask leave to insert it.

The difference in my bill and the one before us is simply this: My bill aims to bring about immediate relief to the people of this country from the high manipulated prevailing prices and applies not only to foodstuffs, but to all commodities and necessaries of life. It provides that if the commission named in the bill should find, upon investigation of conditions, that the high price of any commodity or article has been brought about due to manipulation and is controlled by any trust, combination, or manipulators then in that case authority is given the commission to seize such necessaries, commodities, plants, or industries in behalf of the Government and handle or dispose of such necessaries or commodities or operate such plants and industries at a fair and reasonable price in the interest of the Government and the people under such rules and regulations as may be provided for by the commission. My bill does not provide for confiscation, but for fair compensation and will prevent the present wholesale robbery of the people and the Government.

This measure will not interfere with any legitimate enterprise or industry that is not guilty of violations of the antitrust laws, manipulation, or extortion. Nor does my bill make exceptions in behalf of the farmers, farmers' organizations, or any other organizations by guaranteeing to them for a period of three years a profit on whatever they may produce. Nor does my bill prohibit the importation of foodstuffs, which will be the means of keeping the prices of the necessaries of life up even after the cessation of the war.

I regret exceedingly that the committee has not seen fit to incorporate these provisions of my bill in the pending measure. What we should be mostly interested in is the enactment of legislation that will bring about immediate relief from unbearable conditions that are and have been imposed upon the masses for the past two years and especially this year. It should be our object to eliminate gambling, hoarding, and manipulations by the greedy food operators, and thereby permit the honest producers and distributors to dispose of their products without hindrance, and thus create legitimate and fair competition, which has always proven wholesome and beneficial. I regret that this bill is taking care only of the farmer and will not help the consumer. Surely the farmers of this country have no complaint and can not have any in view of the tremendous prices they have been receiving for their products. I appreciate that the net price that the consumer is obliged to pay does not go to the farmer, but by the adoption of the provisions in my bill which provide for the elimination of the hoarders, gamblers, and price fixers the farmers would receive a fair price for their products and the consumer would purchase his necessaries at a reasonable price. That is, and has been, my aim, namely, to alleviate the unbearable conditions that have been imposed on the masses. Mr. Chairman, the people in my city are just as patriotic as are the people of any farming community in the United States. They are willing to pay a fair price for everything they purchase, but they protest against being the victims of the manipulators and gamblers. I feel that the honest farmer of this country, with his sense of fair play, is too manly to ask or request this special legislation. What they desire is a "square deal," and I am more than anxious that they shall have it; but I again repeat that they have no greater rights or privileges than are granted to any other class of citizens of the United States; and to some of you gentlemen who will continue and persist in forcing through special legislation in the interest of one class I say that you will find that those who will continue to suffer, due to the special legislation, will some day rise up and force you to grant them a relief.

Therefore I appeal to you not to abuse the temporary power which you possess, but weigh carefully and act judiciously, equitably, and fairly.

Mr. Chairman, it would be useless for me to call your attention to the high prices that prevail. You have heard that argument over and over again, that the prices that prevail to-day are unjustifiable. All I wish to say to you in conclusion is this: The greedy speculators and manipulators are disregarding and ignoring the hardships to which the masses are being subjected. The lust to increase their immense and, in most cases, ill-gotten wealth will and must soon be arrested. The people will not much longer tolerate the present extortions. My advice to these money kings is not to ignore the complaints of the people and to cease their infamous conspiracy to extract every dollar possible. I fully appreciate the motive of some of them, and understand the underlying reasons and methods of others. Not only are they unwilling to bear their part of the additional taxation, but they are taking advantage of the unfortunate war conditions by doubling and trebling their profits so that the income tax and the excess-profit tax which we have levied will still leave them, not only a larger profit as before, but one greater than ever, and they thereby accomplish their purpose of forcing the masses to stand and pay the cost of this war. The game is visible and bound to react. Within a short space of time the people of Europe, for centuries subjected to oppression, threw off their oppressor and that at a time when it was least expected, and what has been accomplished there will be reen-

acted even by the more tolerant and indulgent and more intelligent and enlightened American people unless they are relieved from this, by us, tolerated robbery.

A bill (H. R. 3978) to regulate the prices of the necessaries of life.

Be it enacted, etc., That whenever the board hereinafter created shall find that any article required by the Government of the United States or ordinarily in use as a necessary of life has been enhanced in price since July 1, 1915, and the board finds that such enhanced price is due to agreements made by producers or growers or traders or manufacturers or manipulators, said board is hereby authorized, empowered, and directed to determine what shall be a reasonable price for such commodity. Said board shall have the power to fix and determine, modify, and reestablish maximum and minimum prices.

SEC. 2. That if, after investigation, it shall appear to the board that prices of any such necessaries of life have been manipulated and, by reason of such manipulation, have become unusually high to the ultimate consumer, and that the results of such manipulation continue, authority is hereby given to the board to seize the sources of supply, whether original or secondary, and take an inventory of the stock on hand, a description of the lands employed, and facilities and instrumentalities used on, in, or under or about said sources of supply, and to operate it or them in the name of the United States without profit.

SEC. 3. That if, after investigation, it shall appear to the board that the prices of the necessaries of life have been manipulated in the distribution rather than in the production of the necessaries, authority is hereby granted to the said board, on behalf of the United States, to seize the offices, documentary evidence as hereinafter defined, and plants of any such distributors, and, after making an inventory, to enlist the services of such distributing forces and operate, without profit, such means of distribution so taken over.

SEC. 4. That if, after investigation, it shall appear to the board that the prices of the necessaries of life have been unreasonably enhanced by the owners of any instrumentality of storage or handling of such necessaries of life, then said board is hereby authorized and directed to seize on behalf of the United States any storage house, elevator, press, granary, pipe line, manufactory, or any other plants used in distributing necessaries of life, with all appurtenances and necessary appliances in, on, or under or about such places commonly used in connection therewith, and, after making an inventory thereof, to operate without profit such plants so taken over.

SEC. 5. That authority is hereby given to the said board to certify to the Secretary of the Treasury the reasonable value of any such plant taken over, provided that the reasonable value to be paid be not more than the cost of reproduction or the value as a going concern at the close of the fiscal year ended July 31, 1915.

SEC. 6. That the Secretary of the Treasury is hereby authorized to tender payment of any such sum so certified by said board to the owners of any such plant so seized.

SEC. 7. That all plants, enterprises, operations, or works so taken over on behalf of the United States by said board shall be operated for the purpose of rendering the utmost social use and not for profit, and shall not be restored to the former owners nor sold for operation to private persons for the period of one year after the conclusion of the present European war. The date of the conclusion of the war shall be declared by proclamation of the President.

SEC. 8. That authority is given to the board to obtain, from any executive department, independent bureau, or office, information, papers, records, and the cooperation of officials, clerks, and other employees, both civilian and of those in the Military and Naval Establishments, for the purpose of executing this act.

SEC. 9. That authority is hereby conferred on said board to regulate the conditions of employment for its employees in establishments taken over by the United States.

SEC. 10. That a board is hereby created to be known as the necessaries of life regulation board and herein referred to as the board. The board shall be composed of the membership of the Council of National Defense and of the advisory commission as commissioners, to be appointed by the President, by and with the advice and consent of the Senate. Said board shall continue in office until two years after the end of the European war, and any successor shall be appointed only for the unexpired term of the commissioner whom he succeeds. Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. A vacancy on the board shall not impair the right of the remaining members of the board to exercise all its powers. The board shall have an official seal, which shall be judicially noticed.

The board may adopt rules and regulations in regard to its procedure and the conduct of its business.

SEC. 11. That each member of the board, except the ex-officio members, shall receive a salary of $10,000 per annum. The board shall appoint a secretary, at a salary of $5,000 per annum, and employ and fix the compensation of such attorneys, officers, special experts, examiners, clerks, and other employees as it may find necessary for the proper performance of its duties and as may be appropriated for by the Congress. The President, upon the request of the board, may authorize the detail of officers of the military, naval, or other services of the United States for such duties as the board may deem necessary in connection with its business.

With the exception of the secretary, a clerk to each commissioner, the attorneys, and such special experts and examiners as the board may from time to time find necessary to employ for the conduct of its office work, such employees of the board shall be appointed from lists of eligibles to be supplied by the Civil Service Commission and in accordance with the civil-service law, supplemented by regulations to be made by the President, generally applicable to all other employees, to be taken into the service of the United States in operating any plants operated by the board.

The expenses of the board, including necessary expenses for transportation, incurred by the members of the board or by its employees under its orders in making any investigation, or upon official business in any other place than in the city of Washington, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman of the board.

Until otherwise provided by law, the board may rent suitable offices for its use.

The Auditor for the State and Other Departments shall receive and examine all accounts of expenditures of the board.

SEC. 12. That the President, on recommendation of the board, upon giving to the person interested such reasonable notice in writing as in his judgment the circumstances permit, may take possession, absolutely or temporarily, for the purposes of this act of the matter and things set forth in the preceding sections hereof: *Provided,* That if, in the judgment of the President, any emergency exists requiring such action he may take possession of any such matter or thing without notice.

Thereafter, upon ascertainment by agreement or otherwise, the United States shall pay the person interested the fair actual value based upon normal conditions at the time of taking of the interest of such person in every matter or thing taken absolutely, or, if taken for a limited period, the fair rental value under normal conditions for such period. In case of disagreement as to such fair value it shall be determined by appraisers, one to be appointed by the board, one by the person interested, and a third by the two so appointed. The finding of such appraisers shall be final and binding upon both parties.

SEC. 13. That the board shall investigate the methods used by other nations to reduce the cost of the necessaries of life and make such recommendations to the Congress as it deems proper for the amendment, improvement, and revision of such laws and for the betterment of the social conditions depending on the cost of living. It shall, on or before the 1st day of December in each year, make a report to the Congress, which shall include its recommendations and the results of its investigations, a summary of its transactions, and a statement of all expenditures and receipts under this act and the names and compensation of all persons employed by the board or taken over under its authority, classifying said employees by geographical divisions and by occupational groupings.

SEC. 14. That for the purpose of carrying out the provisions of this act no liability shall be incurred exceeding a total of ———, and the Secretary of the Treasury, upon the request of the board, approved by the President, shall from time to time issue and sell or use any of the bonds of the United States available in the Treasury.

SEC. 15. That every person subject to this act shall file immediately with the board a true copy, or, if oral, a true and complete memorandum of every agreement with such other person subject to this act, or modification or cancellation thereof, to which he may be a party or conform in whole or in part, fixing or regulating production, or sale or distribution or transportation rates; giving or receiving special rates, accommodations, or other special privileges or advantages; controlling, regulating, preventing, or destroying competition; pooling or apportioning earnings, losses, or traffic; allotting territory or restricting or otherwise regulating the number and character of shipments of produce; limiting or regulating in any way the volume or character of traffic to be carried; or in any manner providing for an exclusive, preferential, or cooperative working arrangement. The term "agreement" in this section includes understandings, conferences, and other arrangements by any means or device whatsoever established.

SEC. 16. That the board may by order disapprove, cancel, or modify any agreement or any modification or cancellation thereof, whether or not previously approved by it, that it finds to be in violation of this act.

SEC. 17. That the board may require any person subject to this act, or any officer, receiver, trustee, lessee, agent, or employee thereof, to file with it any periodical or special report, or any account, record, rate, or charge, or any memorandum of any facts and transactions appertaining to the business of such person subject to this act. Such report, account, record, rate, charge, or memorandum shall be under oath whenever the board so requires, and shall be furnished in the form and within the time prescribed by the board. Whoever fails to file any report, account, record, rate, charge, or memorandum as required by this section shall forfeit to the United States the sum of $1,000 for each day of such default.

Whoever willfully falsifies, destroys, mutilates, or alters any such report, account, record, rate, charge, letter, or memorandum, or willfully files a false report, account, record, rate, charge, letter, or memorandum shall be guilty of a misdemeanor, and subject upon conviction to a fine of not more than $5,000 or imprisonment for not more than two years, or to both such fine and imprisonment.

SEC. 18. That any person may file with the board a sworn complaint setting forth any violation of this act by any person subject to this act, and asking reparation for the injury, if any, caused thereby. The board shall furnish a copy of the complaint to such person, who shall, within a reasonable time, specified by the board, satisfy the complaint or answer it in writing. If the complaint is not satisfied, the board shall, except as otherwise provided in this act, investigate it in such manner and by such means and make such order as it deems proper. The board, if the complaint is filed within two years after the cause of action accrued, may direct the payment, on or before a day named, of full reparation to the complainant for the injury caused by such violation.

The board, upon its own motion, may in like manner and, except as to orders for the payment of money, with the same powers investigate any violation of this act.

SEC. 19. That orders of the board relating to any violation of this act shall be made only after full hearing, and upon a sworn complaint or in proceedings instituted of its own motion.

All orders of the board other than for the payment of money made under this act shall continue in force for such time, not exceeding two years, as shall be prescribed therein by the board, unless suspended, modified, or set aside by the board or any court of competent jurisdiction.

SEC. 20. That the board shall enter of record a written report of every investigation made under this act in which a hearing has been held, stating its conclusions, decision, and order, and, if reparation is awarded, the findings of fact on which the award is made, and shall furnish a copy of such report to all parties to the investigation.

The board may publish such reports in the form best adapted for public information and use, and such authorized publications shall, without further proof or authentication, be competent evidence of such reports in all courts of the United States and of the States, Territories, Districts, and possessions thereof.

SEC. 21. That the board may reverse, suspend, or modify, upon such notice and in such manner as it deems proper, any order made by it. Upon application of any party to a decision or order it may grant a rehearing of the same or any matter determined therein.

SEC. 22. That for the purpose of investigating alleged violations of this act, the board may by subpœna compel the attendance of witnesses and the production of books, letters, papers, documents, and other evidence from any place in the United States at any designated place of hearing. Subpœnas may be signed by any commissioner, and oaths or affirmations may be administered, witnesses examined, and evidence received by any commissioner or examiner, or, under the direction of the board, by any person authorized under the laws of the United States or of any State, Territory, District, or possession thereof to administer oaths. Persons so acting under the direction of the board and witnesses shall, unless employees of the board, be entitled to the same fees and mileage as in the courts of the United States. Obedience

to any such subpœna shall, on application by the board, be enforced as are orders of the board other than for the payment of money.

SEC. 23. That no person shall be excused, on the ground that it may tend to incriminate him or subject him to a penalty or forfeiture, from attending and testifying, or producing books, papers, documents, and other evidence, in obedience to the subpœna of the board or of any court in any proceeding based upon or growing out of any alleged violation of this act; but no natural person shall be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter, or thing as to which, in obedience to a subpœna and under oath, he may so testify or produce evidence, except that no person shall be exempt from prosecution and punishment for perjury committed in so testifying.

SEC. 24. That in case of violation of any order of the board, other than an order for the payment of money, the board, or any party injured by such violation, or the Attorney General, may apply to a district court having jurisdiction of the parties; and if, after hearing, the court determines that the order was regularly made and duly issued, it shall enforce obedience thereto by a writ of injunction or other proper process, mandatory or otherwise.

SEC. 25. That the venue and procedure in the courts of the United States in suits brought to enforce, suspend, or set aside, in whole or in part, any order of the board shall, except as herein otherwise provided, be the same as in similar suits in regard to orders of the Interstate Commerce Commission, but such suits may also be maintained in any district court having jurisdiction of the parties.

SEC. 26. That whoever violates any provision of this act, except where a different penalty has been provided, shall be guilty of a felony, punishable by a fine of not less than $1,000 and not exceeding $25,000; and in the case of corporations, each and every director, agent, manager, trustee, or officer thereof who shall knowingly have voted for and directed or carried out the act contributing to such violation or who shall have aided or abetted in such violation shall be guilty of a felony and shall be fined not exceeding $10,000 or confined in the penitentiary for not exceeding three years, or both, in the discretion of the court.

SEC. 27. That this act shall not be construed to affect the power or jurisdiction of any other board or commission nor to confer upon the board concurrent power or jurisdiction over any matter within the power or jurisdiction of such board or commission, nor shall this act be construed to apply to intrastate commerce.

SEC. 28. That if any provision of this act, or the application of such provision to certain circumstances, is held unconstitutional the remainder of the act and the application of such provision to circumstances other than those as to which it is held unconstitutional shall not be affected thereby.

SEC. 29. That for the fiscal year ending June 30, 1918, the sum of $50,000,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purposes of defraying the expenses of the establishment and maintenance of the board, including the payment of salaries herein authorized, and to carry out the purposes of this act.

SEC. 30. That in this act, unless the contrary intention appears, words denoting and importing the masculine gender shall include the feminine, and words in the singular shall include the plural, and words in the plural shall include the singular.

"Commerce," as used herein, means trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States.

The word "person" wherever used in this act shall be deemed to include corporations, partnerships, and associations existing under or authorized by the laws of the United States, the laws of any of the Territories, the laws of any State or District, or the laws of any foreign country.

SEC. 31. That this act shall take effect from and after its passage, and may be cited as the regulation of prices commission act of 1917.

Mr. HAUGEN. Mr. Chairman, I yield 30 minutes to the gentleman from Nebraska [Mr. SLOAN].

Mr. SLOAN. Mr. Chairman and gentlemen of the committee, I may not use all the time so generously accorded to me. I am pleased to meet this multitude of Representatives. I shall endeavor to present something, if not more wise, somewhat different from what has been the burden of this debate. In three speeches delivered to-day, and two on the first day of the debate, the dominant note was that if this legislation is not carried through there will be an unlawful uprising which will force legislation upon this House, or the effect upon the country if the legislation does not pass will be fearful to contemplate. I have no covert suggestion that the people, a large number of whom I represent, will rise or riot if this legislation is not passed, as was so significantly suggested in the speech of the chairman of the committee, by the gentleman from Minnesota [Mr. ANDERSON], a member of the Agriculture Committee, and by Messrs. KAHN, SABATH, and NOLAN.

This ought to be a deliberative body. No man should come here and suggest that there is such resentment, encouraged from his place in the House, that should proposed legislation not be passed the people they represent, or others, would take the law into their own hands. This is an important piece of legislation. I was astounded to hear it defended by the gentleman from California [Mr. KAHN] in the earlier part of the afternoon on a basis that if it were not carried through a fearful fate would occur to the Republic. Then he commenced to talk about Rome, about the end of republics, and the succession of empires. I wonder if any of you gentlemen know of any republic that ceased existence and was succeeded by some form of monarchy, unless it was when the legislative bodies of those republics commenced to freely yield their legislative functions to the executive? That is the large feature of this legislation. It is a grant of extraordinary power to the Executive. Perhaps it should be granted. The Executive who now presides over the destinies of this country feels that he can not control affairs during this war through the ordinary processes of legislation. I desire to aid him to make it a success, and I shall for that reason, more than any other, vote for this bill on final passage. I hope to aid in its material amendment. In addition to operating the laws that have been passed heretofore for the purpose of controlling these crises and these emergencies, he demands special grants of power. Such grants of power are the pavements leading to the end of republics instead of giving them perfection and strength.

But to-night I want to talk a while about the bill and then about a subject a little nearer my heart. It will illustrate what our Commonwealth can do and what its people can accomplish by resting upon their own efforts and not depending wholly on legislation. Moreover, they never through their Representatives suggest on the floor of this, the greatest legislative assembly on earth, that if they do not obtain just what they wish they will rise in riot and violence to obtain what they consider their rights. [Applause.]

Section 3 is a kind of legislative orphan in this legislation. It is formed to create Officer Hoover and at the same time conceal him. I read and reread—and I have practiced law for 30 years—the present bill. I read the newspapers and listened to the debate and to facts stated in relation to Hoover and food, with relative emphasis being given in the order named. I tried to find out from the bill, after I heard his name mentioned so often, where he came in. I finally appealed to the chairman of the Committee on Agriculture, who said that the origin of the species was in section 3. He was there concealed, as it were, so that the initiate and elect knew, but the wayfaring man, whether he were foolish or otherwise, might guess but never know. The best that might be said would be that "there is a Hoover in the wood pile somewhere." [Laughter.]

Section 3 could well be spared from this proposed measure. The bill is based upon the things that Hoover advises. I have not the pleasure of his acquaintance. I understand, however, he is highly recommended and is a very good man. My criticism is not of the man. But there has been frequent connection of his name with this measure, involving so much. We know little of the man who is to have charge of the food production of America. He was never introduced to us or canvassed in the searching light of investigation which the American people usually give their public officials. And yet he is given power never given an American before. From the comments of the press in connection with the diligent work he has been performing, he seems to be intensely interested in feeding the non-enemy world in general and the allied nations in particular. If we are to have food control, the prevailing, intensive, primary consideration should be feeding the American people and our gallant armies here and abroad. [Applause.]

In all these matters, even in war, I think we ought to consider America's interests first. America first, and let that apply to food. Whatever is left to the bill after we get through with it, I hope that feature will be dominant. After that let food be furnished those who are fighting with us. Following that, the claims of the friendly neutrals should be considered.

For the offense of undue hoarding it seems to me the laws now on our National and State statute books under proper administration should be ample if all were vigorously enforced. The bill which is presented, sugar coat it as you will, is aimed at the farmer. I know of no farmer who is asking for this legislation if he be a food producer. It is in the interest of those who buy from him.

The one great line of products in America discriminated against in the tariff legislation of this administration four years ago was farm products. No interference at the ports were allowed on farm products then. Now that war has come, farm products are selected as the first line to be controlled in the interest of lowering prices. You lower them in peace. Now you are lowering them in war by preventing their full and free passage along the lines of commerce. In time of peace you were determined that they should have no advantage in our own markets against foreign products. Now, you insist they shall not have even the advantage of free transfer in our own country along the lines of commerce.

It is taken for granted by the sponsors of this legislation that notwithstanding their discriminations, which get the farmer coming and going, he will submit to them and be law-abiding and intensely patriotic. To those who are forcing this legislation, the advocates of the legislation do not pay such a tribute for law-abiding patriotism. They expect the farmer to be law-abiding; no riots there, whether the law is operated in their

interest or against them. [Applause.] Coming from the State in the Union which produces the greatest available surplus of meats and cereals to feed our armies and those who fight along with us, I am glad to say that whatever measure of injustice has heretofore been or may be in this measure inflicted upon the farmers of that State, you will find them abiding by every constitutional law which may be enacted, whether it is in their interest or against them. [Applause.] I submit that proposition against the proposition of the gentleman from California [Mr. NOLAN], who suggests what may happen if this or similar legislation is not passed. I submit that proposition also against the statement of my friend Judge SABATH, who said that there would be some important amendment presented that would greatly change this law. I do not know what he had reference to. It may be national prohibition that he has to propose.

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield?

Mr. SLOAN. Yes.

Mr. GALLAGHER. I will disabuse the gentleman's mind of that fact.

Mr. SLOAN. I think so. I think along that line my genial Celtic friend from Chicago and Judge SABATH act in harmony and travel in couples. They are Damon and Pythias when it comes to a question of Chicago in any legislation of that character. [Laughter.]

Mr. GALLAGHER. Mr. Chairman, will the gentleman again yield?

Mr. SLOAN. I should be delighted to yield to the gentleman, as I would to any similar temptation. [Laughter.]

Mr. GALLAGHER. You do not mean by that that he would be afraid to have a man ask him to take a drink when he is dry?

Mr. SLOAN. Oh, no. I did not mean that.

Mr. GALLAGHER. I have done so many times. [Laughter.]

Mr. SLOAN. Yes; I think the gentleman would be like history; he would take one, and then history would repeat itself. [Laughter.]

Mr. GALLAGHER. Thank you.

Mr. SLOAN. And with that we will "let 'er go, GALLAGHER." [Laughter.]

Now, then, Judge SABATH told how valiantly he fought, bled, and died—and was resurrected, I suppose—to come here and tell how he reduced 25 per cent—I think he said—of the extortionate prices in Chicago. If it comes to a question of electing Herbert Hoover as food controller or my genial friend, the judge, Judge SABATH should perhaps have my support, because if merely drafting a bill and filing it here in Congress by him will remedy 25 per cent of the trouble, he can perhaps be prevailed upon to introduce four bills and thus remove it all. [Laughter.]

Now, gentlemen, I said I would speak about something a little nearer my heart. I have said something about the attitude of the farmers whom this bill seeks to protect. They say that the farmer is guaranteed. Well, the farmer is not asking for any particular favor along this line. He has been compelled to tread the wine press alone; he is willing to keep on right now. He would be willing to call it quits right now and say, "Give us free opportunity." But you do not want to do that. The farmers do not work only eight hours a day—they work nearer 16 hours a day. They work in sunshine and in storm, in the night season as well as in the day, and nobody stands behind them to say, "Don't strike more than six times a minute." [Laughter.] But they are driven to their utmost limit of capacity every hour between the suns, and then some. They struggle against wind and storm, pestilence and drought. What for? To feed the people. The gentlemen from California and the gentlemen from New York and Chicago think they might not abide by the law as it may be passed or not passed by this great body. The farmers are content to take the short crop and the long crop. They are content to take the average. But they would be glad to be let alone now. You saw fit to turn them over to the merciless competition of the world when you passed the Underwood tariff law.

I want to call your attention not to what has been accomplished by farmers as compared with these men who gather in the great industrial centers in the "dominion of LONDON" over in New York. Did you ever think what a combination that is—a fusion of the two greatest cities in the world, London, which was named for our distinguished colleague, and New York, the city he in part represents? No wonder he introduced the bill he so modestly mentioned, and found that the few were oppressing the many. I thought how he exemplified his own words when he, the great minority of this House, began to oppress the majority of this House. [Laughter.] What an aristocracy he establishes for himself here when he takes to task the weak and supine Republican and Democratic parties, grasps them in his teeth, and with that iron jaw of his shakes them before the approving eyes of the world. [Laughter.]

But I said I was going to talk about the State that is the most distinctively agricultural State in all this Union, the State that for the last two years has produced a greater surplus of the things the armies of the world need than any other State in the Union; food, that which is more important to the armies of the United States and the allies than ballots or great guns. We are the fourth State in the Union in the production of agricultural products. There exceed us in the value of these products only three States—Iowa, Illinois, and Texas. Texas is one of the first in agricultural products, but her great cotton crop is only in a small part a food product. As a food-producing State and a surplus-producing State, considering our limited population and considering the population of Illinois and Iowa, we produce more surplus than any other State in the Union.

Mr. YOUNG of North Dakota. Excepting North Dakota.

Mr. SLOAN. No exceptions. The idea of suggesting North Dakota, a fringe along the border of Canada, as superior to the imperial productive State known as Nebraska. [Laughter.] I am surprised at the gentleman's suggestion; but when I consider that he made that remark from his seat, that he did not stand up before this House to submit the exception, it explains the form of his remark. [Laughter.] However, North Dakota will have much of which to boast at its semicentennial, and a great deal of it may properly be credited to the gentleman from North Dakota and his eminent colleague.

Nebraska has just celebrated her fiftieth anniversary of statehood. That is the reason I address you to-night. The name "Nebraska" is an unqualified substantive. Let North Dakota take that into account—unqualified and unmodified by "new" or "old," "North" or "South." It sprang from its place and condition in the heart of the American continent. It was borrowed from no European city or shire. It has not the mouth-filling verbal volume of Massachusetts or Michigan, nor is it attuned with voweled sweetness like Ohio, Iowa, or Illinois; but following its syllabication—Ne-bras-ka—energy, power, compelling force; it is oral dynamite under proper control. [Laughter.] The child——

Mr. LOBECK. Is the gentleman talking about my State?

Mr. SLOAN. Yes; I am talking about the gentleman's State, which is one of sobriety, as well as Nebraska, at this time.

The child who lisps, the schoolboy who says, and the man who speaks "Nebraska" as its syllables deserve to be pronounced, with power of vocal organs and concerted maxillary movement, will develop a jaw formed to either say "no" in a way to close an incident or yield a mild-mannered affirmative which throughout the ages has ever charmed. [Applause.]

The origin of this name, in the language of the primitive owners, meant "Water Valley." It suggests that which they had, but which lacked just enough in abundance to make it valuable.

LOCATION.

For Nebraska's location I draw no map; but there it lies, north of parallel 40, north latitude, where the Mexicans directed Coronado to the seven cities of Cibola; south of the sable hills, where gold in abundance lies; west of America's longest river, it stretches half a thousand miles near unto the foothills of the continental range.

There is no navigable river within its borders, no mineral under its soil. There was no forest to temper its climate, no mountains to vary its view. Its plain was one vast pasture when watered by dews and rains, but when withered by drought or swept by fire there was little opportunity for either the savage or his game. People called it the American desert. Daniel Webster pronounced it unfit for the habitation of white men.

HISTORY.

The habitation of the Indians stretches back to the shadow land of memory, legend, tradition, and even unto myth. There were tales of chase, love and battle, differing somewhat as to refinement and culture, but primarily similar to those which have been told by all peoples since the stars of dawn sang in chorus.

Nebraska's history of the white man is likewise old. Back of Lincoln and Douglas, who contended for Nebraska to be free or slave; back of Webster, who condemned it; back of Jefferson, who bought it of France; back of the day of our country's Father; 67 years back of the first Cavalier's landing at Jamestown; 80 years back of the Puritan landing at Plymouth, the exploring Spaniards, whose thirst for adventure and greed for gold were unsatisfied with Montezuma's capture, the loot and pillage of the treasury of the Aztecans, and the desecration of the temples, followed the north star across the fortieth parallel and pressed their feet on Nebraska soil in 1540.

Why celebrate the passage of 50 years? It is not founded alone on the decimal system, a half a century. It relates to a year mentioned in Leviticus—the year of jubilee, the year after seven times seven, or the seven Sabbath years. That was Israel's year of jubilee; this can well be ours. [Applause.] I am glad so many of my friends from different parts of the Union approve.

SUCCESS.

That Nebraska scores a success is established in the fact that we celebrate. No derelict craft driven by unfavorable winds upon a barren shore would celebrate the anniversary of its putting out to sea. No bankrupt business concern ever asked or invited its friends to celebrate the day it challenged the competition of the world. I have attended many golden weddings in my lifetime, but never was I present at a feast to celebrate the anniversary of a divorce.

So we celebrate a success; we are not here to register a failure. Just as we celebrate a birth and observe the date of a death. Nebraska concealed its possibilities from the superficial and the indolent. It became the land of opportunities to the diligent investigator. Fifty years is the span of a human's productive activity. England's greatest laureate sang, "Better 50 years of Europe than a cycle of Cathay." In view of the barbarism into which Europe has relapsed, we might paraphrase it by saying, "Better 50 years of Nebraska than a cycle of anywhere else on earth." [Applause.]

IMPORTANT FACTS OF PROGRESS.

To tell the story of Nebraska from its humble origin to its present achievement has taken the broad genius of Morton to plan and many others to gather and present in three great volumes the story of Nebraska's marvelous course and recount the leading facts of its men and women.

Nebraska—a child of the War for the Union—did more than its full share. As a Territory one out of every three citizens served in the Union Army. In the Spanish-American War it contributed 50 per cent more than its quota. In the Mexican expedition Nebraska met in full the Government's demands. And in the great world war in which we are now engaged every appeal of the Nation is met with that promptness for which Nebraska has always been noted in meeting her obligations for money and men.

Fifty years ago nine-tenths of Nebraska's people lived in the eastern one-fifth of the State. To-day 1,271,000 souls fairly distributed from west to east in general comfort and happiness reside. Fifty years ago Omaha, Nebraska's metropolis, then as now, had 16,083 people, while now that great American gateway to the Northwest numbers 200,000 souls.

Fifty years ago there was no completed railway in Nebraska. Now five great continental systems traverse Nebraska, carrying in comfort and safety passengers through, in, and out of Nebraska. Then there were under cultivation in Nebraska not more than 650,000 acres, now there are in meadow and annually turned by the plow more than 24,382,000 acres.

Fifty years ago the money in Nebraska banks was negligible, now $342,592,529. It had more buffalo then than cattle. At that time there were few churches. To-day, from humble chapels of the west to the great cathedrals of the metropolis and capitol, every Sabbath 350,000 men and women of God lift their voices in prayer and song to the Great Father of us all. There were then no colleges and few schools. To-day Nebraska has three great universities, wherein are taught the science of the ages, the culture of France and Italy, the law of Britain, and the language of the ancient Greek and Roman. Moreover, young men and women are prepared for the learned professions and practical vocations. There are numerous colleges where competent instructors train young men and women for learned professions, practical vocations, the art of war, and the making of homes. In every city and village are high schools advanced as far as the academy and colleges of 50 years ago. These render the youth liberal education. But more important still is the country school where neighbors' children are being gathered under the care of some good young Nebraskan to conduct them through the basic elements of learning to either fit them to meet the ordinary problems of life or lay the foundation for broader learning, wider usefulness, and greater capacity for enjoyment of the mental substantials and luxuries which the diligent and the genius of all the ages have created and gathered. [Applause.]

The success of this system counts for our grade among the States in percentage of illiteracy. In 1870 it was 5.5 per cent and in 1910, 3 per cent. From a very modest rank at admission we reached the rank of first at the end of the century. To sustain our educational system we have 1,886,363 acres of Nebraska land. Cash or gilt-edged bonds in our strong box $9,060,580. A Massachusetts Member of Congress in a speech referred to the old Commonwealth which looks back upon three centuries of history as a great educational center and a great creditor State. I was able to state in return, for his enlightenment, that for four decades Nebraska has had a lower percentage of illiteracy than Massachusetts. More than that, our literacy had been raised to some extent upon the interest paid by Massachusetts to our Nebraska school fund for the money she borrowed. At that time the Old Bay State owed Nebraska $850,000, payment of which was secured by a lien upon all the old Commonwealth, including the Berkshire Hills, Fanuell Hall, Bunker Hill Monument, and Plymouth Rock. [Applause.]

Upon assuming our place among the States our per capita wealth was small indeed; now our wealth for every Nebraskan equals $3,110.

SOURCES OF OUR WEALTH.

If by reason of our soil, climate, rainfall, together with our lack of minerals, power, and forest wealth, we are given the rôle of exclusive agriculture, our present station shows us living up to our high opportunity and calling. Corn is our cereal king. It is the one great cereal planted and grown upon the square. It is a sustaining food for man and beast. When wheat failed, barley was scarce, and rye did not crop, it furnished food for the Nation and was the source of "meal and meat." It is the one important grain grown by the original owners of America. Its silver plume waved here before the helmet of the Florentine glistened on the Western Continent. Its breastplate of gold preceded the discovery of California nuggets. It has contributed more to northwestern thrift and southern hospitality than any other product of American soil. [Applause.]

Wheat, the most universal of all our cereals, time tried, century tested, it has followed and sustained the course of empire from the cradle of the race through peace and war, the rise and fall of dynasties, and the supercession of kingdoms by republics, until the globe has been girdled. But never has this source of life's staff reached that perfection of nourishment and that satisfaction of palate that is yearly attained under our June rains and early July sun in the fields of Nebraska. [Applause.]

Then, too, is that miracle of the modern world—alfalfa—fair to the vision and susceptible to growth, so surcharged with nutriment for man and beast, so resistant to heat and cold, flood and drought, such a marvelous complement for corn, that from them come the Ruby ham, the Marble beef, and Rainbow bacon by which Nebraska, on the well-supplied farmer's board, in the metropolitan cafés of the world's capitals, and even in the trenches of European warriors, has become truly famous. Moreover, out of it has come the butter and cream, rich, palatable, and wholesome. These come in ever-increasing and converging streams from every farm to the great manufacturing centers until they reach Omaha, our metropolis, the greatest butter-producing market of the world.

In Nebraska the cow and the hen produce much of our wealth, but their greatest value lies largely in the fact that they have reduced our farmers' dealings to a cash basis and effaced the credit system of the early days, which wrecked many a merchant and kept in poverty many a farmer.

In western Nebraska, where limited rainfall reduced the rewards of husbandry, Nebraska genius, foresight, and industry have chained the waters of the flood season. These under control become currents of life and growth, and when combined with summer's sun bring about generous harvests.

Nebraska upon admission had no great market except far-off Chicago. To-day her metropolis is a market for live stock and grain rivaling all the markets of the country. It stands third among them all, and therefore third in the world. Not content with that, it is challenging its rival for second place.

On admission our capital city had 2,441 inhabitants. To-day there live within its bounds 55,000 Nebraskans. It has a busy commerce in the midst of many institutions of higher learning which furnish means of culture and refinement unsurpassed in any capital of this Republic.

Thriving, prosperous cities and beautiful villages intersected by railways or standing on our river banks dot Nebraska's plains. But the best of life, with all its changes and comforts, lies in the farm home. Here the young man strong and maiden fair have the best opportunity for attaining reasonable wealth, the best for living clean lives, and the best for doing for their neighbors and mankind the best service. They live in that part of the earth which God hath made, while their urban brethern reside in man-made city. [Applause.]

More than perhaps any other State in the Union wa Nebraska treeless. A few trees there were near the rivers. Forest seeds, driven by the winds or conveyed by chance, fell on Nebraska soil, pressed for the light and reached for the sun. Most of these fell victims to the autumn fires of the plains. It was the spirit of Nebraskans not to complain of conditions but to better

them. There arose a man who saw Nebraska's need. With a vision looking beyond the immediate future, he appealed to the healthy sentiment of Nebraskans to plant trees. So he dedicated a day for that work. So his State dedicated a day for that great purpose. So, later, nearly every State in the Union dedicated a day to the planting of trees. This dedication, begun by a great man for a great purpose, has had boundless beneficial results. [Applause.]

One of Nebraska's legislative measures which finally became a law was naming it "Tree Planters' State." In the authorship of this law I take a modest pride. It is as follows:

Whereas the State of Nebraska has heretofore, in a popular sense, been designated by names not in harmony with its history, industry, or ambition; and
Whereas the State is preeminently a tree-planting State; and
Whereas numerous and honorable State organizations have by resolution designated Nebraska as the Tree Planters' State: Therefore be it
Resolved by the Legislature of the State of Nebraska, That Nebraska shall hereafter, in a popular sense, be known and referred to as the Tree Planters' State.

The half has not been told. It was said that the first electric message transmitted over the wire was "What hath God wrought." Considering what Nebraska was and contemplating what Nebraska is, let me suggest the sentiment, "What man hath wrought through opportunity God hath made." [Applause.]

Were I to attempt to distribute credit for Nebraska's achievements I should call up the shades of early Nebraskans—preachers, teachers, lawyers, physicians, journalists, men of commerce, and men of the farm—and by telling their names at this time suggest to living Nebraskans their glorious deeds. But time would not permit me to name all, and were I to name some it would be an injustice to omit many others. So I may say, as the ancient writers would, "Behold, are not their names and deeds written in the books of Morton!" [Applause.]

For those Nebraskans who live and toil and strive to gain much in wealth or fame for self or State I am constrained to say they are carrying forward the work as worthy successors to those who made Nebraska what it is. They will add to all that we have now, not alone in sordid gold or rich merchandise, but in their manhood and womanhood's creditable deeds and virtuous lives strengthen and exalt the State. [Applause.]

After all, Nebraska's qualities, parts, and strength lie not in broad acres with abundant harvest, nor yet in flocks and herds, still less in sordid wealth, nor yet in monuments to the great who have passed beyond, not in the brave, generous deeds of the past, but in the men of courage and wisdom, women of grace, beauty, and intelligence who live to-day. Then, too, the children of clear, clean-lived men and women, richly endowed with ancestral Americanism, bright, strong, and good, they in their time will do their part to keep Nebraska sound and great. [Applause.]

With the new phases of the world's commerce, the multiplied inventions which must perfect our future with the progress now daily being wrought in the world, it is impossible to forecast character or extent of what our century's celebration may show. The prophecy of yesterday in the light of to-day's achievements often appears grotesque.

Mr. GALLAGHER. Will the gentleman yield?

Mr. SLOAN. I shall be delighted to yield briefly.

Mr. GALLAGHER. I have not heard the gentleman mention anything about the first citizen of Nebraska.

Mr. SLOAN. Logan Fontanelle was one of the first citizens of Nebraska. [Laughter.] But we have and have had a great many first citizens. Nebraska, not impoverished like some other States of the Union, has a multitude of first citizens.

Mr. LOBECK. Will the gentleman yield?

Mr. SLOAN. I yield to my colleague. He is one of the most genial men on earth, and I know he has a message in his question.

Mr. LOBECK. We had the first real United States homesteader in Nebraska.

Mr. SLOAN. And his name was Freeman. A citizen of the fourth district.

Mr. LOBECK. You are right.

Mr. SLOAN. I know that the gentleman from Illinois and my genial friend on the other side from Hoosierdom both want to hear about their devoted friend the old-time political leader.

The CHAIRMAN. The gentleman's time has expired.

Mr. HAUGEN. How much time does the gentleman want?

Mr. SLOAN. Well, give me as much as you can spare, and I want an exhibition of Iowa generosity.

Mr. HAUGEN. The gentleman can have five minutes.

Mr. SLOAN. I thank you very much, and I will impose on you to that extent. My friend HAUGEN is a citizen and Representative of the great State of Iowa. As far as I am personally concerned, I think Philadelphia is the greatest place on earth for parents to be married. Iowa is one of the best States on earth to be born in, but when you want to come to Congress and represent a State that you can talk about in the presence of a magnificent audience like this and never blush, Nebraska is the State. [Applause and laughter.] Can the gentleman make that 10 minutes instead of 5?

Mr. HAUGEN. I would be glad to, but the gentleman is drifting away from Iowa.

Mr. SLOAN. Then I will go back to Iowa and take 10 minutes. [Laughter.]

Mr. HAUGEN. I yield to the gentleman 10 minutes.

Mr. SLOAN. I can wish my State no greater growth, no more relative advancement among the States of the Union than was wrought by Nebraskans under God's opportunity the first 50 years of our marvelous statehood.

At the recent semicentennial celebration held at our State capital a well conceived and ably executed pageant was presented, reproducing the great historical events of Nebraska's history. The imperial facts of the Louisiana Purchase were set forth in stately phrase and superb diction. I liberally quote from it with credit to the author, Hartley B. Alexander, as follows:

NAPOLEON.

Monroe, the purchase you were sent to make
Is made. I take your price. 'Tis new to me,
Soldier and emperor, to turn bargains man
And chaffer in the market place; but here
Is merchandise that's worth such as I,
An empire put to sale, which who should sell
If not an emperor!

MONROE.

Imperial acts befit imperial men.
This deed which now you give America
Means more to France and more to all the world;
And to Napoleon's glory it means more
Than many martial victories. Receive
My thanks and Jefferson's; and know, henceforth
The arms of our United States shall be
Entwined with France in lasting amity!

NAPOLEON.

So be it. Men, upon the acts of men
Mean values set, and on Napoleon's acts
Green tongues will spit their scorn. I am content,
For from this deed shall rise a shining power
To slay their slander and lift up for France
The hand of friendship in her hour of need.

The pageant was presented at a time deeply significant. France, a Republic, in its extremity was sending its prayer across the seas for men. Britain, against whom the great Corsican was fencing, has been sending pleading messages for food. Strange that Providence or the decree of destiny on which Napoleon relied should have dissolved the sentiments of rivalry and hate between France and Britain, and in their place found bonds of amity and alliance. Perhaps stranger still that the large surplus of food comes from Nebraska, the once most unpromising part of that so-called desert, for Britain's relief. And equally strange it is that from that same State should go to succor France the first soldier of the Republic, Gen. Pershing. [Applause.]

And now for Iowa. Greatness and progress of men and States are always relative. Iowa and Nebraska, the States of my nativity and my choice, lie side by side, and a comparison is alike complimentary to each. [Applause.]

I remember when a boy I was at a public gathering and heard an extravagant though exceedingly eloquent tribute paid to the State of Iowa. I will read it to you. I have given it before, but you are bearing with me. This is what the Iowa orator said:

"The Lord made the heavens and the earth."

You know that is quite a concession for an Iowa man who still lives there to make. [Laughter.]

"At His mandate there was the separation of the land and the sea. He made man, and He caused there to be established States, principalities, kingdoms. Then having looked upon it and called it good, and profiting by His experience, made Iowa, adorned with beauty, filled with fatness, and naught lacking for the comfort and happiness of man."

[Applause.]

Mr. RANDALL. Will the gentleman yield?

Mr. SLOAN. I will yield to my friend from the Golden Gate.

Mr. RANDALL. Would it embarrass the gentleman if I informed him that we have in southern California a larger colony of Iowa and Nebraska men than from any other States in the Union?

Mr. SLOAN. That is true; in the early days of Iowa and Nebraska there were a great many undesirable citizens [laughter], and they went away as far as they could without trying to wade the Pacific Ocean. [Laughter.] There were, however, many excellent Iowa and Nebraska citizens, including my friend from California, who, lured by the husks of climate and scenery, journed to that far-off country; but when sub-

stantials are lacking they will return for the welcome we are ready to tender them. But under present conditions do not expect any general slaughter of calves.

Let not my Iowa friends too soon congratulate themselves upon this unanswered encomium.

Friends, the Lord seems to have profited further by His experience. He long since learned that for the happiness of His people He could do too much. His enterprise at Eden was not a complete success. He had done too much for the early children of his creation. We all know that "a smooth sea never makes a skillful sailor." We know that success uninterrupted without serious obstacles to overcome never qualify men for the highest happiness. And the Creative Genius, recognizing and following these principles, looked upon a desert waste unadorned, unproductive, and uninviting, and He said, "Here in this part of My dominion, apparently marred by My manifest neglect, I place a few of the choice children of My creation. And if in the years to come they shall through diligence and enterprise make these apparently barren plains yield their abundance, cause beauty to stand where unsightliness stood, raise cities where solitude once sat, establish thousands of homes where children and happiness are; if the wheels of industry shall roll unceasing; if great colleges and universities shall be established; if happiness shall be in humble cot and marble mansion; if pæans of praise and voices of prayer shall rise to My name and glory from humble chapel and vast cathedral, then will I visit My children, look upon the works of their creation, call it "good" and make My dwelling place with them forever. [Applause.]

It is finished. He has looked upon the work of the children of His creation in our fair State. He has blessed it. He has called it "good"; and He is making His home with us forever. Men call this place Nebraska. [Applause.]

Mr. LEVER. Mr. Chairman, I yield 10 minutes to the gentleman from Mississippi [Mr. VENABLE].

Mr. VENABLE. Mr. Chairman, I had not intended to say anything on this bill, for the reason that I felt that after so much debate I could not contribute anything to its wise consideration. But, in listening to the debate to-night, it occurred to me that possibly we might be in danger of determining the question whether we should oppose or vote for this bill on purely collateral matter.

Of course this is a military measure. Of course this measure is not such a one as would be adopted in normal times. It is just as much a military expedient as raising the Army, as building up the Navy. In fact, we are told, and we recognize it to be true, that food is just as important as ammunition, and the victualing of our allies is just as important, from a military standpoint, as victualing ourselves, for if they are defeated because of lack of food we will have the Empire of Germany on our hands to fight alone.

Now, the whole problem, as I understand it, of the economic activities of the people is to raise enough of the usable things from the earth to supply the masses of the people with a sufficient amount of food and clothing, and so forth. In this country we must raise enough of those things to supply ourselves and give an overplus for distribution among our allies. The second question is the distribution of this wealth after we have created it. We are attacking to-day the problem of prices in money, a mere medium of exchange, because by artificial means the prices have been so fixed that the medium of exchange will not operate so that these food products which have been raised can be distributed among those who need them. The first thing, then, is to stimulate production in order that we may have the things. Now, that can only be done, as I understand it, by appealing, under our system—because we can not force men to labor—to the motive of self-interest.

In other words, if you want the farmers of this country to raise an increased amount of food products, you must make it to the interest of the farmers to do it. You must supply the necessary stimuli to arouse them to increased activity. And that is the reason, as I understand it, why the guaranteed-price provision is put into this bill, to be invoked if necessary. Under the terms of the bill the situation of the consumer is also considered.

In short, the purpose of the bill is to eliminate all unnecessary charges between the producer and the consumer in order that the consumer may be able to obtain a sufficient amount of food. It is not to be presumed that the men who have in charge the operation of this measure are going to abuse the power. If we proceed on that theory, we can pass no law of any character at all. You could have no courts; you could have no judges; you could have no departments; you could have no Congressmen, because all are clothed with power to do certain things, and if you withhold the power because of the fear that if conferred it will be abused, government would cease.

Now, as I understand it, the whole purpose and object of this bill is to eliminate unnecessary charges, to stimulate production, and then to see to it that the distribution is not interfered with by unreasonable and exorbitant charges, making it impossible for certain members of the body of citizenship to obtain these essential things.

The idea is not to institute a state of socialism, but to use drastic measures, it is true, to do the things we have been trying to do for some time is to get rid of the unlawful charges of speculators. In other words, as I conceive this measure, it is designed and devised for the purpose of giving the freest possible scope to the operation of the law of supply and demand, so far as the price is concerned, limited only by the provision that if found necessary, in order to supply all necessary stimulation, a minimum price will be fixed for a short length of time.

It lays no unnecessary burden. It simply says that the law of supply and demand will operate without interference, so that the consumer, if no price-fixing minimum basis is adopted, shall obtain food at a price dictated by the law of supply and demand. We fix no maximum prices, and if a minimum guaranteed price is fixed for the producer, it is done in order that the consumer shall receive the food products at that price, plus the reasonable charges for essential services which men render in conveying the food products from the producer to the consumer, which is the only legitimate charge.

Now, as I conceive it, that is the scheme of the bill. Can there be any objection to that? Does that work an injustice? It does an essential thing, if found to be necessary, in supplying an extra inducement to the producer to produce more foodstuffs, because we must have more, and that is the only way to bring it about. And then, so far as the consumer is concerned, it sees that the consumer pays no unnecessary and no unlawful charges to men who have not earned them by some legitimate service.

I have tried to study the bill to a certain extent, not as exhaustively, really, as I should like. There may be—I do not know—some amendments which might be offered that would further the accomplishments of these objects. As to that I am not prepared to say. But I do not see how there can be any fundamental objection to the purposes sought to be accomplished or to the means or the methods which are being used. Of course, this is not such a bill as we would pass in ordinary times of peace. We would not have declared war without occasion. We would not have passed a $7,000,000,000 appropriation bill under normal circumstances. But we can never measure an abnormal situation by normal rules. No man would make a constant friend and confidant of a jackass simply because one on one occasion spoke words of wisdom to Balaam. [Laughter and applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. LEVER. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. LEA].

The CHAIRMAN. The gentleman from California is recognized for 10 minutes.

Mr. LEA of California. The evils of juggling and manipulating the prices of foodstuffs have been demonstrated in times of peace during recent years. Such products have been hoarded for the purpose of limiting the supply and enhancing prices. Foodstuffs have been dumped in the ocean, some burned, and some deliberately sidetracked in shipment for the same purpose. So-called boards of trade have "fixed" and manipulated market quotations for the purpose of fleecing both the producer and the consumer of various staple products of the country. The patience of a busy people has tolerated these conditions in times of peace. The evils of such methods have been emphasized by the conditions of war. Methods tolerable in peace have become intolerable in war.

Under present conditions the price of food is mounting higher and higher, not only for our allies but for our own people. These high prices apply not only to food but to practically all necessities of life. This is true notwithstanding our great producing capacity, the universal employment of labor, and the activity of practically all lines of industry. The complaint comes not from the jobless man but from the man with a job.

America is the greatest producing country in the world. The limit of our production has not been reached. Suddenly, due to the war in Europe, greatly increased demands have been made upon our supply. Submarines have restricted the commerce of the world, and our allies in western Europe have become increasingly dependent upon us. Upon our entry into the war their cause became our cause. At every hazard and at every price Germany must be defeated. Every pound of food

supplied to our allies and every one of their soldiers in the field fighting Germany lessens the burden that now rests upon the United States. The necessity of furnishing all possible food and supplies to our allies is so apparent that there can not be a difference of opinion among intelligent, patriotic people as to our duty in that respect.

To-day we must recognize the fact that many of our own staple products are being sold at higher prices in America than in belligerent countries of Europe. For us to permit such conditions to continue while our own Nation is at war would be a confession of our indifference or our incompetency as a Nation.

We have a good crop prospect. We have the food, not only for our own people but in sufficient quantities to furnish a large, though not an ample, supply to our allies. These conditions present the necessity for the law now proposed. Food is too high, too scarce. There are three possible sources of relief: First, more food; second, greater economy and more efficient use of the supply available; and, third, lower prices, so that sufficient quantities shall be in reach of the people of the country.

So far as this year is concerned, the law we propose can do little toward increasing the supply of food. The planting season is mostly past. The prospect of an assured market at good prices is the greatest and best incentive for a large production. That incentive has existed during the planting season of this year. Our production will be limited rather by weather conditions, shortage of labor, or inability to finance the crop, than by any reasons the law can now obviate.

Should the war continue with its incidental shortage of food among the combatants and the consequent need of a greater supply from us, this bill may aid a greater production for the coming year. It authorizes the Government to guarantee minimum prices for necessaries, so that the producer, whether of limited means or otherwise, can plant his nonperishable crops with assurance of a market and satisfactory prices. To that extent the Government may encourage the producer by relieving him of part of the hazard of the undertaking.

The bill also authorizes the Government to purchase, store, provide storage facilities, and sell necessaries.

It authorizes the President, when in his judgment necessary, to assure an adequate and continuous supply of food, to regulate, limit, and prohibit the use of foods in the manufacture of beverages.

The above provisions may to some extent increase the quantity of foods available. But in all probability the practical assurance of a market at good prices will prevail next year and be the greatest and most reliable inducement for the production of a large crop.

Greater economy and efficiency in the use of foods available is aided, encouraged, and supported by this bill, not by methods of compulsion, but rather by providing for the cooperation of the people and consumers of the Nation in a great system of voluntary economy. By securing the interest and cooperation of millions of American housewives and consumers in general, it is expected that a vast saving of our food products can be secured. We have been prosperous, prodigal, and waste has been a habit in the use of our food supplies. Now, the economy of thrift, organized and inspired not only by the motive of saving, but also by the commendable motive of serving the country's needs offers to increase the value of the country's food supply by its more efficient use.

The greatest benefit this law can give will be lower prices for food products to the consumers of the Nation as well as our allies. This feature of the bill presents its effective and virile provisions. Probably the most essential part of this law is section 5, which provides that a license shall be required for the importation, exportation, manufacture, storage, and distribution of necessaries. This is a familiar method of regulating business, where strict and prompt supervision is required. No one will be permitted to engage in such business without securing and holding a license authorizing him so to do. The continuance of the license shall be subject to such regulations as the President may determine "as may be essential" to prevent (1) uneconomical manufacture and (2) inequitable distribution. The President is authorized to prescribe requirements for the issuance of such licenses, systems of accounts and auditing, submission of reports, and to provide for the entry and inspection of the place of business of such persons. The President is also authorized to order a discontinuance of any (1) rate, (2) charge, or (3) practice which is (a) unjust, (b) unreasonable, (c) discriminatory, (d) unfair, or (e) wasteful.

The President shall also determine what is a (1) just, (2) reasonable, (3) nondiscriminatory, (4) fair, or (5) economical, (a) rate, (b) charge, or (c) practice.

Carrying on such business without the license required or violating any of the regulations prescribed is punishable by heavy penalties.

Exemptions from the operation of this section include farmers as to products of their lands, retailers as to the business actually conducted by them, and common carriers.

It is generally asserted that the consumers of the country pay for the products of the farm at the rate of $3 to each $1 paid the farmer. In other words, some place between the farm and the table of the consumer two-thirds of the charge against the consumer originates. Out of the $1 received by the farmer he must pay the expense of seed, planting, cultivation, harvesting, and containers for his crop, interest and taxes, support and educate his family.

This bill is based upon the theory that methods of distribution that exact two-thirds of the retail price of the products of the farmer is doing an injustice to the consumer. It recognizes that the same inefficient or unjust methods of distribution often exact unfair terms from the farmer in the disposal of his products. In other words, the virile purpose of this bill is to regulate and control those products not in the hands of the farmer but in the hands of those through whom they pass between the farmer and the retailer. The object is not to take away part of the dollar from the farmer, but to save part of the $2 to the consumer.

The usefulness and necessity of the man who buys the farmer's crops and holds them that later they may be supplied to meet the demands of the consumer are recognized by this law. The average farmer must sell at crop time or shortly after. It is to his interest and to the interest of the country to have a buyer. For the services that the buyer performs in turning over the purchase price to the farmer and preserving the crop for the consumer, the use of his money, and the hazard of the investment he is entitled to just compensation. This law empowers the President to prohibit hoarding, cornering the market, and manipulating prices. It permits a dealer to purchase the farmer's crop and retain it so far as reasonably required to furnish the same seasonably throughout the period of scant or no production, as well as to satisfy the reasonable requirements of his business for use or sale for a reasonable time. The law does, however, prohibit such dealer from withholding such products for the purpose of unreasonably increasing or diminishing the price thereof.

In order to carry out these provisions the President is authorized to make regulations controlling the business of such persons and confining their charges to just, reasonable, and nondiscriminatory figures.

It is contended that the powers thus granted to the President are capable of abuse. I concede such to be the fact. But I deny the probability of such abuse. Only the war and the abnormal conditions incidental to the war can, in my judgment, justify the enactment of this legislation. The evils at which this law are aimed are apparent to all. At each mealtime they are impressed upon every American and every citizen of a belligerent country. This law is not proposed for any trivial, theoretical, or abstract reason.

The necessity of regulation is also apparent. Three possible methods of exercising that control may be considered. In the first place, we might omit the food administrator and the discretionary powers of the President and instead attempt to meet the situation by specific provisions of law. Under this plan we might impose minimum and maximum prices for necessaries. We might conscript men and lands for increased production. We might at great length define and limit profits and compensation to be permitted for the various distributive services rendered by existing agencies. Finally, in order to enforce the many arbitrary rules so established, we might provide penalties and place the enforcement of the law in the hands of the Department of Justice. But who will contend that such a system would be reasonably satisfactory or desired by either the producer, distributor, or consumer? Its lack of pliancy to the conditions of the various industries of the country and the slowness and inefficiency of establishing and pursuing its remedies through the courts prohibit this method from serious consideration.

The acute demands and necessities of war require sensitiveness to business conditions and positive and prompt use of the administrative powers.

In the second place, instead of conferring these vast powers upon the President, we might establish a semijudicial body, similar to the Interstate Commerce Commission, with power to make regulations such as this law proposes to confer upon the President. Such commission would proceed as a deliberative body, basing its actions upon investigation, the production of

testimony, orderly hearings of all interested parties, and a system of enforcing its orders.

If we were attempting to provide a permanent system of food control, to be retained after peace shall come, I would favor that method. It would substitute semijudicial powers for what may be called the arbitrary powers of this law. The promptness of action now required can not be supplied by a deliberative body. The need is present and pressing. We are not in a position to pursue the most desirable or most idealistic methods of handling the war situation. We are forced to act by the most available methods, not next year, but now.

The third possible method of regulation is the one proposed by this bill. The President is the executive head of the Nation, selected but for a brief period to exercise its great powers. Shortly the time comes when those great prerogatives are conferred upon another, and the man who was President steps down and out, deprived of the prestige of power and office, mingles with the rest of us, and thereafter wields only that influence to which his ability and moral worth entitles him. In conferring these great powers upon our President we have this assurance: No President has ever betrayed us. His motive is only patriotic; only to serve. No one will ascribe a purpose to injure any legitimate industry. All will ascribe a patriotic purpose to strengthen and mobilize our country and its resources, so that we may rise up in solid phalanx, with all our potential powers active, coordinated, devoted, and consecrated to the cause of our country and mankind. In the common sense, industry, and disposition to patient investigation of our President, and in these great motives, I find ample reason for trusting him for the best and wisest exercise of these great temporary powers.

It is probable that during the next year the labor of our country will be employed. High prices have made the wages of the employed laboring man and the moderate income of many insufficient for properly meeting their financial obligations. That great mass of our people that compose such a large proportion of our citizenship deserve the highest consideration in our legislation. Oppressive living conditions, oppressive to competent and industrious men, are not conducive to patriotism or to the best interests of our country. Economic conditions may become as oppressive as any unjust laws Congress or our legislators can write. I conceive it to be our duty, so far as lies in our power, to anticipate and provide against the evil conditions abroad in the land, largely created by hysteria, hoarding, speculation, and price manipulation.

I believe that conferring any powers on anybody that are sufficient to meet the needs of the situation would carry with them powers capable of abuse and possible of inflicting serious injury upon the business of the country. The Supreme Court has a power that could be destructively used. So has every court in the country. So has every great executive officer. That is particularly true of the war powers conferred upon our President. When we placed in his hands the fate of our boys, we have nothing more valuable to give. But we have no reason to suppose that a destructive use of the power is either desired, intended, or would be exercised.

This law can not be successful unless it deprives some men of money they otherwise would have realized by boosting food prices. It is extremely desirable that this great power be exercised with the greatest possible consideration for the legitimate business and industries of the country consistent with its just purposes. The centralization of the power in the President gives a wise and just administrator the opportunity to enforce the purposes of the law with a minimum of interference and a maximum of results.

A law like this must have a moral right, founded upon a necessity. I believe that when the people of a nation are engaged in the cooperative essential purpose of fighting for its preservation and their own liberties, no man has a moral right, however great his power may be to exact it, of preying and prospering upon the necessities of his fellow men. I believe that under these circumstances any right or supposed right of indiscriminate liberty of the individual is subordinate to the immeasurably greater right of the Nation to advance, protect, and defend its own welfare and the general welfare of its people. Upon this moral right and upon this necessity I base the need and justice of this law.

It is not a question as to whether or not our industries are going to be regulated. We know they shall be. Their regulation will be limited by the cruel necessities of war, by the unconscionable efforts of the speculator, by the hysteria of war conditions, by those influences which have made "war prices" the known and dreaded accompaniment of every war, or else they will be regulated by methods here proposed. Therefore I support the remedy as proposed by this bill as a matter of necessity.

It is asserted that the powers thus conferred upon our President are autocratic. They are autocratic in the sense that they do not conform to the political theories of democracy. But they conform to the more potent democracy—the democracy of necessity. Yesterday I heard Mr. Hoover testify before the Agricultural Committee of the Senate. I was impressed with the fact that he was a man of humane instincts, impelled by a controlling desire to serve humanity. His examination indicated that he was not much concerned with political theories or as to the technical construction of this proposed law. He was concerned with results rather than the letter of the law. He manifested a deep interest and purpose to be of use to his country and to the millions of people among us and our allies to whom the bread-and-butter question is a real and pressing problem. The appointment of Mr. Hoover by the President is most promising.

Mr. Hoover devoted himself to the starving fathers, mothers, and children of Belgium in a way that has endeared him to them forever. The President seeks to utilize his experience, his demonstrated administrative ability, and his devotion to this work. Mr. Hoover has complied with the request and has offered to serve without compensation. With zeal, patience, and energy he is applying himself to this great service. He seeks only to help redeem a stricken world. I regret that men in responsible positions in opposing the provisions of this bill have deemed it necessary or patriotic to make unjustified attacks upon Mr. Hoover. This is the time when we can ill afford to stricken the hand outstretched to aid those in need. Men may question the wisdom of his plans, but the worthiness of his motives should at least temper the violence of their criticism.

It has been asserted here that the price of those things the farmer buys should be regulated as well as the price of the products he sells. In the general principle of that expression I concur. But, as I understand the situation, there is no intention to prescribe a limit on the sale price of the products in the hands of the farmer. He is at liberty to sell when he pleases and at the best price he can procure. The Government steps in to regulate only after the product has left his hands. In other words, this is a practice regulating rather than a price-fixing law.

It is not the purpose of this law to substitute or destroy those legitimate agencies that are now distributing the food products of the Nation. On the contrary, it is recognized that they perform legitimate and necessary functions of our economic life. They are to be preserved and utilized in the continuance of their necessary services. By continuing their work freed from some of the impositions and methods now detrimental to legitimate business they can still prosper.

This law will not only aid us to be of greater assistance to our allies and in that way help us to win the war, but it will also give a hope and a promise to every family that gathers around an American breakfast table to-morrow morning. It will give a hope and a promise of lightening the load of the father and the breadwinners of the home, because it will offer some relief from conditions now serious and oppressive.

The constantly rising prices of foods levy an additional toll upon every other necessary article of the consumer. Wages, salaries, and incomes of the average men do not advance to meet the rising prices. This means less of needed clothing, shoes for children, and necessaries of the home. It delays the getting of those semiluxuries of the family for which frugal fathers, mothers, and children strive. Its unjust exactions lessen the opportunity with which the young men and women of America face the problems of life and enter upon its responsibilities.

Legislation can not be designed for a more beneficent purpose in these trying times than to preserve to the average man and woman of America the right to supply the table of themselves and their families and the necessaries of life upon terms of equity and justice, upon terms that restrain and limit the aggressions of avarice and greed and yet seek to retain, utilize, and protect all those existing legitimate producing and distributing agencies of the country.

This law is without precedent in our history. Those who have drawn it have followed the unbeaten path, striving toward an end that has not been attained in our country. We are dealing with conditions unprecedented in the history of the world and we seek to meet them by methods without precedent in our land. We may well search ourselves and current history for the surest and most efficient implements with which to serve the needs of our time. This act in its inspiration and purpose deserves to take its place beside those measures which have been enacted in recent times for the betterment of the conditions of the people of this country and with those great war measures

recently adopted in the confident hope and for the purpose of making our Nation America aroused, America mobilized, America efficient, America triumphant!

Mr. LEVER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose ,and Mr. SIMS having taken the chair as Speaker pro tempore, Mr. HAMLIN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 4961) for the control and distribution of food products and fuel, and had come to no resolution thereon.

EXTENSION OF REMARKS.

Mr. DYER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, on the subject of transportation.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

HOUR OF MEETING TO-MORROW—11 A. M.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent that when the House adjourns to-night it adjourn to meet at 11 a. m. to-morrow. Is there objection?

There was no objection.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 2453. An act to authorize condemnation proceedings of lands for military purposes; to the Committee on Military Affairs.

ADJOURNMENT.

Mr. LEVER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 21 minutes p. m.), the House adjourned until to-morrow, Thursday, June 21, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Secretary of the Navy submitting an additional estimate of appropriation for pay of professors and others, Naval Academy, for the fiscal year ending June 30, 1917 (H. Doc. No. 192); to the Committee on Appropriations and ordered to be printed.

2. A letter from the chairman of the Federal Trade Commission, transmitting report of anthracite and bituminous coal situation and the relation of rail and water transportation to the present fuel problem (H. Doc. No. 193); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. DENT, from the Committee on Military Affairs, to which was referred the bill (S. 2453) to authorize condemnation proceedings of lands for military purposes, reported the same with amendment, accompanied by a report (No. 83) which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LITTLE: A bill (H. R. 5114) reinstating any officer to his former rank and grade in the United States Army; to the Committee on Military Affairs.

By Mr. KALANIANAOLE: A bill (H. R. 5115) to authorize the governor of the Territory of Hawaii to ratify the agreements of certain persons made with the commissioner of public lands of the Territory of Hawaii, and to issue land patents to those eligible under the terms of said agreements; to the Committee on the Territories.

By Mr. NEELY: A bill (H. R. 5116) authorizing the Secretary of War to donate to Marion County, W. Va., two bronze or brass cannon or fieldpieces; to the Committee on Military Affairs.

By Mr. CARY: A bill (H. R. 5117) to amend the Army appropriation bill; to the Committee on Military Affairs.

By Mr. SMITH of Idaho: A bill (H. R. 5118) to provide for the selection of osteopathic physicians in the Medical Service of the Army and Navy of the United States and to provide for their official status, rank, and pay, and for other purposes; to the Committee on Military Affairs.

By Mr. GEORGE W. FAIRCHILD: Joint resolution (H. J. Res. 106) to terminate the reciprocity treaty with the Republic of Cuba; to the Committee on Foreign Affairs.

By Mr. KALANIANAOLE: Memorial of the Legislature of the Territory of Hawaii, favoring the authorization by Congress of the governor of Hawaii to ratify certain agreements with the commissioner of public lands; to the Committee on the Territories.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COADY: A bill (H. R. 5119) granting a pension to Patrick F. Flannery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5120) granting a pension to Mina Sieber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5121) granting an increase of pension to William T. De Vaughn; to the Committee on Pensions.

By Mr. LITTLE: A bill (H. R. 5122) granting an increase of pension to Mary E. Hottenstein; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5123) granting a pension to Virginia F. Huddleston; to the Committee on Invalid Pensions.

By Mr. NEELY: A bill (H. R. 5124) granting an increase of pension to Ellen Hopkins; to the Committee on Invalid Pensions.

By Mr. SHOUSE: A bill (H. R. 5125) granting an increase of pension to Wilber D. West; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5126) granting an increase of pension to Harrison Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5127) granting a pension to Almeda King; to the Committee on Invalid Pensions.

By Mr. STRONG: A bill (H. R. 5128) granting a pension to Sarah A. Henry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5129) granting an increase of pension to William H. H. Adams; to the Committee on Invalid Pensions.

By Mr. WELTY: A bill (H. R. 5130) granting an increase of pension to Eli C. Long; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CARY: Petition of the executive committee of the National Association of Game and Fish Commissioners, held at Washington, D. C., on June 13, 1917, urging that immediate and favorable consideration be given the bills now before Congress, Senate bill 1553 and House bill 2612, to give effect to the migratory-bird treaty between the United States and Great Britain for the protection of migratory game and insectivorous birds in the United States and Canada; to the Committee on Foreign Affairs.

Also, memorial of State Retail Liquor Dealers' Protective Association, Milwaukee, Wis., against national prohibition as a war measure; to the Committee on the Judiciary.

By Mr. DALE of New York: Petition of Ward Baking Co., urging the passage of the Lever food-control bill; to the Committee on Agriculture.

By Mr. DUNN: Petition of sundry citizens of Rochester, N. Y., asking that a prohibitory law be enacted on both spirituous and malt liquors as a war measure; to the Committee on the Judiciary.

By Mr. DYER: Petition of sundry labor organizations of St. Louis, Mo., urging a congressional investigation into the circumstances of the bomb-throwing incident in San Francisco, Cal., in 1916; to the Committee on Labor.

Also, petition of Amalgamated Lithographers of America, Local St. Louis, protesting against the intent of Congress to increase the rate on second-class mail matter and the postage on view and picture cards; to the Committee on Ways and Means.

Also, petition of Central Trades and Labor Union, St. Louis, Mo., and vicinity, protesting against any suspension of or encroachment upon the child-labor laws upon the statutes to-day; to the Committee on Labor.

By Mr. EMERSON: Petition of Rev. L. B. Bradrick and others, opposing use of grain in manufacture of liquors; to the Committee on the Judiciary.

By Mr. ESCH: Memorial of Wisconsin State Conference of Defense Councils, favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, memorial of National Association of Game and Fish Commissioners, favoring passage of Senate bill 1553 and House bill 2612 relative to migratory-bird treaty; to the Committee on Foreign Affairs.

By Mr. HAMILTON of New York: Petitions of sundry citizens of Findley Lake, N. Y., favoring national prohibition as a war measure; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Resolution of the Catholic Total Abstinence Union of the diocese of Providence, in the State of Rhode Island, favoring legislation prohibiting the manufacture and sale of intoxicating liquors as a war measure; to the Committee on the Judiciary.

Also, petition of Bethany Free Baptist Church and Brotherhood Societies of Pawtucket, in the State of Rhode Island, favoring prohibition during war; to the Committee on the Judiciary.

Also, petition of John Warren and 40 others, of Providence, R. I., favoring passage of food-control legislation; to the Committee on Agriculture.

Also, petition of congregation of Christ Church of Lonsdale, in the State of Rhode Island, favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of Canio Alianiello, of Providence, in the State of Rhode Island, opposing taxation on all drug articles; to the Committee on Ways and Means.

Also, petition of J. E. La Brosse, of Central Falls, in the State of Rhode Island, favoring daylight-saving plan; to the Committee on Interstate and Foreign Commerce.

By Mr. KETTNER: Petition of F. F. Hanes and other residents of Encanto, Cal., asking conservation of foodstuffs, etc.; to the Committee on Agriculture.

Also, petition of Miss Anna B. Hayes, president, and other members of the Loyal Women's Bible Class, First Christian Church, Ontario, Cal., for closing of all breweries, distilleries, etc., until the close of the war; to the Committee on Agriculture.

Also, petitions of Essie Crandall and other citizens of Perris, Edsen H. Ward and other residents of Santee, and Wilfred Kent and sundry other citizens of Oceanside, all in the State of California, for the immediate enactment of prohibition; to the Committee on the Judiciary.

Also, resolution of directors of San Diego County Farm Bureau, San Diego, Cal., requesting the Congress to guarantee a minimum price for staple farm products; to the Committee on Agriculture.

Also, petition of Myrtle Miller, commander, and Marion Squire, record keeper, Review of the Woman's Benefit Association of the Maccabees, located at Riverside, Cal., urging immediate submission of Federal amendment for woman suffrage; to the Committee on the Judiciary.

By Mr. KING: Petition of Dr. W. E. Mercer, J. W. Klarner, N. F. Fisher, M. E. Graff, Lucas Akers, superintendents of five Sunday schools in Liberty Township, Adams County, Ill., demanding as a war measure the entire prohibition of the manufacture and sale of all intoxicating liquors; to the Committee on the Judiciary.

By Mr. LESHER: Petition of 41 citizens of Sullivan County, Pa., favoring a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. LONERGAN: Petition of the Connecticut Branch of the Association of Collegiate Alumnæ, providing for a zone around military camps from which saloons and questionable resorts will be barred; to the Committee on Military Affairs.

Also, petition of the Farmers' Club of East Wallop, Conn., opposing the passage of the daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

By Mr. MAGEE: Petition of congregation of Warner Methodist Episcopal Church, Warner, N. Y., favoring full national prohibition of the manufacture, sale, and transportation of intoxicating beverages for the period of the war, etc.; to the Committee on the Judiciary.

Also, petition of Dr. N. A. Monroe and Frederick H. Kimman, of Syracuse, N. Y., favoring full national prohibition of the manufacture, sale, and transportation of intoxicating beverages for the period of the war, etc.; to the Committee on the Judiciary.

Also, petition of Federation of Protestant Associations, Syracuse, N. Y., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. MEEKER: Petition of Grand Avenue Methodist Mission, of St. Louis, Mo., in favor of prohibition of the liquor traffic as a war measure; to the Committee on the Judiciary.

By Mr. NOLAN: Petition of Asphalt Workers' Local, No. 84, of San Francisco, Cal., protesting against any attempt to amend the Chinese-exclusion act to permit of the importation of Chinese into the United States; to the Committee on Immigration and Naturalization.

By Mr. PARKER of New York: Petition of sundry citizens of Saratoga Springs, Hoosick, Ballston, and Gansevoort, all in the State of New York, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. PRATT: Petition of Woman's Home Missionary Society, the Woman's Foreign Missionary Society, and the Woman's Christian Temperance Union, all of Elmira, N. Y., favoring the adoption of an amendment to the Federal Constitution to prohibit polygamy; to the Committee on the Judiciary.

By Mr. PRICE: Memorial of members of the Red Cross Auxiliary, of Pocomoke City, Md., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. SANDERS of New York: Petition of W. R. Bathrick and seven other residents of Perry, N. Y., favoring national prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of Washington Beck and 10 other residents of Rochester, N. Y., favoring national prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of Harry Martin and 10 other residents of Perry, N. Y., favoring national prohibition as a war measure; to the Committee on the Judiciary.

By Mr. SLOAN: Petitions of N. R. Chamberlain and 39 others, H. W. Campbell and 14 others, W. J. Beachy and 52 others, D. C. Winship and 43 others, G. W. Snyder and 46 others, all of the State of Nebraska, favoring prohibition; to the Committee on the Judiciary.

By Mr. SNYDER: Petition of various organizations of Boonville, N. Y., favoring national prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of 34 residents of the thirty-third district of New York, favoring the daylight bill; to the Committee on Interstate and Foreign Commerce.

SENATE.

THURSDAY, *June 21, 1917.*

Rev. M. A. Matthews, D. D., of Seattle, Wash., offered the following prayer:

Kind heavenly Father, we thank Thee for the preservation of our lives until the present moment. Do Thou guide us in the duties and responsibilities of this day. Do Thou bless the President of the United States, the Vice President, and the officers of the Federal Government, the Houses of Congress, and all concerned in the work now before us. Bless our homes and those constituents of this Government who are looking to us to lead them aright. And, O God, do Thou teach us what to do and how to do it, that after it is all finished Thy name may be honored and glorified and the cause for which we are now striving may triumph. We ask it for Christ's sake. Amen.

The Journal of the proceedings of the legislative day of Tuesday, June 19, 1917, was read and approved.

PETITIONS AND MEMORIALS.

Mr. HUSTING presented memorials of sundry citizens of Wisconsin, remonstrating against the enactment of legislation to prevent the use of dry malted grain in the manufacture of intoxicating liquors, which were ordered to lie on the table.

He also presented a petition of the Woman's Home Missionary Society of Barron, Wis., praying for national prohibition as a war measure, which was ordered to lie on the table.

Mr. SHERMAN presented petitions of sundry citizens of Galesburg, Canton, Clayton, Savanna, Greenville, Peoria, Jacksonville, Glasford, Carthage, Joliet, Galia, and Jerseyville, all in the State of Illinois, relative to the proposed increased tax on cigars, which were referred to the Committee on Finance.

He also presented memorials of Local Union No. 274, Cigar Makers' International Union, of Pekin; of Local Union No. 154, Cigar Makers' International Union, of Lincoln; of Local Union No. 99, Cigar Makers' International Union, of Ottawa; and of Local Union No. 455, Cigar Makers' International Union, of Galena, all in the State of Illinois, remonstrating against the

proposed increase in the tax on cigars, which were referred to the Committee on Finance.

He also presented petitions of sundry citizens of Chicago, Easton, Compton, Herrin, Granite City, Saunemin, Jacksonville, Beardstown, Armstrong, Good Hope, Morris, Bethany, St. Francisville, Edison Park, Danville, Greenville, Warrensburg, Roberts, Decatur, Mount Carroll, Fairbury, Paloma, Buckhart, Moline, Delavan, Nepansit, Allerton, Princeton, Kansas, Beaucoup, Anna, Millersville, North Henderson, Streator, Brocton, Mason City, Metcalfe, Alton, Charleston, Bluffs and vicinity, Princeville, Illinois City, Earlsville, Centralia, Carterville, Pesotum, Alhambra, Byron, Brighton, Elgin, Genoa, Congress Park, Georgetown, Golden, Stonington, and Prophetstown, all in the State of Illinois, praying for national prohibition as a war measure, which were ordered to lie on the table.

He also presented resolutions from citizens of Chicago, Hagerstown, Vandalia, Springfield, Urbana, Coal City, Diamond, Kincaid, Wilmington, Wilmette, Morris, Kinsman, Rockwell City, Evanston, Forest Park, and Winnetka, all in the State of Illinois, pledging support to the Government in time of war, which were ordered to lie on the table.

Mr. McLEAN presented petitions of the Connecticut Housewives' League; of Local Union No. 484, Cigar Makers' International Union of America, of Meriden; and of the Moving Picture Machine Operators' Protective Union, of New Haven, all in the State of Connecticut, praying for Federal control of food products, which were ordered to lie on the table.

He also presented petitions of 248 citizens of Meriden; of the congregation of the Grace Methodist Episcopal Church, of New Haven; of 50 students of the State Normal Training School, of Willimantic; of the J. B. Williams Co., of Glastonbury; of the Connecticut State Branch of the Association of Collegiate Alumnæ; and of the Templars of Honor and Temperance, all in the State of Connecticut, praying for national prohibition, which were ordered to lie on the table.

He also presented a memorial of 133 citizens of Danbury, Conn., remonstrating against nation-wide prohibition, which was ordered to lie on the table.

Mr. SHEPPARD presented a petition of sundry citizens of Rhome, Tex., remonstrating against the use of foodstuffs in the manufacture of alcoholic liquors, which was ordered to lie on the table.

He also presented a petition of the elders of the Church of Christ of Denton, Krum, Justin, Stony, Little Elm, and Bolivar, all in the State of Texas, praying for the incorporation of a clause in the conscription act exempting from military service members of religious organizations, which was ordered to lie on the table.

He also presented petitions of the Sunday School of the Methodist Episcopal Church South, of Alvin, and of sundry citizens of Alvin, in the State of Texas, praying for national prohibition as a war measure, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Annona, Tex., remonstrating against the use of grain in the manufacture of alcoholic liquors, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Diboll, Joaquin, Miles, Thompson, Woods, Jacksonville, Palestine, Unaha, Nacogdoches, Carthage, Luskin, Marshall, Marlin, Galveston, Plehweville, Lott, San Antonio, and Riviera, all in the State of Texas, praying for national prohibition, which were ordered to lie on the table.

Mr. NELSON presented a petition of sundry citizens of Brainerd, Minn., praying for national prohibition as a food-conservation measure, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Kingston and Minneapolis; of the Ladies' Bible Class of Linden Hills Congregational Church, of Minneapolis; and of the Epworth League of Bemidji, all in the State of Minnesota, praying for national prohibition as a war measure, which were ordered to lie on the table.

He also presented a petition of the National Woman's Party of St. Paul, Minn., praying for the adoption of the so-called Susan B. Anthony amendment to the Constitution, which was referred to the Committee on Woman Suffrage.

Mr. PAGE presented a petition of sundry citizens of South Shaftsbury, Vt., praying for the enactment of legislation to prohibit the use of food products in the manufacture of intoxicating liquors, which was ordered to lie on the table.

Mr. JAMES. I ask to have printed in the RECORD a resolution adopted by the Falls City Branch, No. 14, National Association of Letter Carriers, of Louisville, Ky., in regard to the high cost of food products.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

FALLS CITY BRANCH, NO. 14,
NATIONAL ASSOCIATION OF LETTER CARRIERS,
Louisville, Ky., June 13, 1917.

Hon. OLLIE JAMES, Senator,
Washington, D. C.

DEAR SIR: Will ask you to please consider the following resolution:

"Whereas that the cost of living has increased from 50 to 100 per cent during the last six years and the commodities of life have now reached that point where the majority of the masses can not procure the common necessaries of life; and

"Whereas this condition has been forced upon the people by combinations of capital and gambling in the food products of the country; and

"Whereas the earning power of the masses has not increased in a just proportion to the cost of living: Therefore be it

"*Resolved*, That the letter carriers of Louisville, in meeting assembled, do hereby request the representatives of this district in Congress to take such action as they deem best to break up these unlawful combinations in controlling the food products of this country; and

"*Resolved*, That loyalty and devotion to flag and country is the duty of every American citizen, which we fully indorse, and pledge ourselves to sustain our President in all his acts."

We also recognize that it is the duty of this Government to protect its citizens in their rights to purchase the commodities of life in the open market uncontrolled by trusts and other brutal contaminations of capital, and the time is near at hand when the people will demand in very plain language of their Representatives that these parasites that have been sucking the vital energies of the people be dealt with in accordance with their deeds; and be it further resolved that a copy of these resolutions be sent each of the Representatives from this State in Congress.

Respectfully. D. R. BEAUCHAMP, *Secretary.*

PRICE OF STEEL.

Mr. SMITH of Michigan. Mr. President, in view of the discussion of the shipbuilding matter the other day I desire to have printed in the RECORD a telegram received this morning from Hon. B. N. Baker, of Baltimore, addressed to myself, saying, under date of June 20:

BALTIMORE, MD.

Senator WILLIAM ALDEN SMITH,
United States Senate, Washington, D. C.:

Before the Shipping Board was formally organized the proposal was made to the then appointed members by the largest shipbuilding and steel company in this country to construct for our Government all their capacity, representing then at least 40 per cent of the deep-sea shipping building of our country, price to be fixed by the Shipping Board.

B. N. BAKER.

As Senators know, Mr. Baker was appointed as a member of the Shipping Board and assisted in its organization. He resigned shortly thereafter of his own volition, although urged by the President to remain. He was the recognized author of the shipping bill and performed most valuable service for the Government during the Spanish-American War. He is now trustee of the Johns Hopkins University.

I wish this telegram to appear in the RECORD in order that there may be little question about the attitude of the shipbuilding companies toward the Government in this crisis.

DELAWARE'S RED CROSS CONTRIBUTION.

Mr. SAULSBURY. Mr. President, I have a letter here covering resolutions passed by the Delaware Red Cross Association engaged in collecting funds to make up the large fund which they desire for their work. It is signed by the chairman of the committee engaged in this work in Delaware. I ask that it be printed in the RECORD.

The letter shows the desire of those who are doing such good work there that there may be an amendment incorporated in the pending revenue bill exempting gifts to the Red Cross from the income tax, or rather allowing persons who make such gifts to deduct them in their income-tax returns.

I may state in this connection that the allotment by the general committee to be collected in my State was only $250,000. It was a full proportionate allotment, and on the first two days by magnificent efforts more than twice that amount was raised. They have now set the figure which they propose to raise for this great work at $1,000,000, instead of $250,000, and the morning papers inform me that they have already had contributed six hundred and forty-nine and odd thousand dollars. If the rest of the country contributed in the same proportion, about three to four hundred million will be raised for this just object. I ask that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN RED CROSS,
DELAWARE CHAPTER,
Wilmington, June 19, 1917.

Hon. WILLARD SAULSBURY,
United States Senate, Washington, D. C.

DEAR SENATOR SAULSBURY: I am inclosing herewith a list of some people who were at the Red Cross campaign dinner at the Hotel Du Pont last evening, which list you will note includes as representative a gathering of citizens of the State of Delaware as has ever been held.

Delaware was requested to raise $250,000 toward the $100,000,000 Red Cross war fund. Delaware voluntarily agreed to raise double this amount, or $500,000, and it does one's heart good to see the wonderful amount of enthusiasm prevailing.

At the meeting last evening the following resolution was unanimously adopted, and in line therewith I trust that our Senators and Representative in Congress will do everything possible to exempt from taxation income which is contributed to this great Red Cross work:

"Whereas the people of the United States are being solicited this week to contribute $100,000,000 to meet the immediate needs of the American National Red Cross; and

"Whereas the work of the American National Red Cross is quasi governmental work: Now, therefore, be it

"*Resolved*, That the Delaware campaign committee are unanimously of the opinion that incomes used for contributions to this work should be exempt from taxation and that the chairman of this committee be directed to so notify our Senators and Representative in Congress, with the request that they do all in their power to incorporate in the revenue bills now before Congress such provisions as will accomplish this object."

It may be argued that if exception is made in the case of the Red Cross it will necessarily have to be made in charities of all kinds, and there is no telling where the end might be. This, however, seems to me to be not true. The Red Cross work being a national work in which every man, woman, and child in the United States is interested and being a quasi-governmental institution places it in a class distinctly by itself. In other words, it is a work which, if not done voluntarily and privately, would of necessity be met by taxation, in which event those people now voluntarily subscribing would be exempt from having to pay an income tax for the privilege of making subscriptions.

Sincerely, yours,

H. P. SCOTT, *Chairman*.

POEM BY CHARLES PRESSLEY SIMONTON.

Mr. MCKELLAR. Mr. President, I desire to submit a short patriotic poem, written by my esteemed friend the Hon. Charles Pressley Simonton, of Covington, Tenn. I believe it will be of much interest to Members of the Senate and to the country, and I ask that it be printed in the RECORD.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

GOD SENT TO US A PILOT; FOLLOW HIM.

[Dedicated to President Woodrow Wilson.]

(By Charles Pressley Simonton, Covington, Tenn.)

A master hand, as kind and tender as
A mother's hand, but strong and certain as
Is fate inexorable, now steers the ship
Of state. Blest winds of justice, liberty,
And hope distend her sails and proudly urge
Her on in safety 'tween the hungry jaws
Of Scylla and Charybdis grim. He spreads
No sails to catch the fickle breezes that
Oft spring from the misguided populace,
Though often they caress their white expanse
And, welcomed not, depart, return, and then
Depart again, but scorning waters shoal
And smiling depths, whose coral reefs oft lure
To endless ruin and destruction fair
And gallant ships, he onward steers straight for
Old ocean's mighty deeps and storm-tossed waves,
For well he knows there lies the way of peace
With honor, freedom, safety, happiness.

A master mind, full stored with wisdom of
The ages past, and which hath sought and found
The guarded knowledge of the yet to be,
Inspired and guides the pilot's hand. To his
Prophetic eye, futurity's dark veil
Is rent in twain, and with clear vision he
Discerns the way that lies beyond and in
The mellow distance leads to smiling hav'n
Of peace and happiness for all mankind.
Toward it the master pilot steers. About
His shoulders liberty's blest mantle of
The Stars and Stripes, and red and white and blue
Is draped, which patriot pilots did to him
Intrust when, faithful labors o'er, the wise
And loving father pilot called them home.
As Hur and Aaron once upheld the hands
Of Moses that o'er Amalek the sons
Of Israel might prevail, thus givers of
The law and men of eloquence, of pray'r,
And men with pens more mighty than the sword,
And horny-handed farmers and true men
In overalls, and women brave, uphold
And stay the master pilot's patriot hands.

Upon her docks are trusty seamen and
Brave men of arms from land and sea, who once
More welcome give the mighty tempest's breath,
For well they know enduring peace, good will,
And calm fast follow in its wake, content
To do their pilot's bidding and to yield
Up life itself so that the ship of state
Sail safely on, and in the morrow's dawn
Eternal burn the red and white and blue
Of glorious banners of sweet liberty.
Within her cabins wide are gathered there
Fair women, little children, and the old
And weak, and as her precious passengers
She bears the hopes and fears and pray'rs of all
Humanity. Their presence ever gives
The master pilot's hand its strength of steel;
And that mysterious message and the oft
Unspoken, whispered pray'r of love and trust,
Which heart to other heart oft breathes, are to
His loving heart encouragement as sweet
As smile of hope to one who would despair.
Then marvel not that he e'er scorns the waves
Of angry passion and timeservers' sneers,
And weaklings' murmurs and the poisoned darts
By traitors cast, for destiny gave not
To him one life alone to guard and keep.

'Tis not for self, he steers the ship of state—
For lives of millions and world liberty
And happiness lie in his arms. God sends
No tempest, but He also with it sends
A pilot, who will lead humanity
Safe into hav'n. Then fear not; follow him!
God sent to us a pilot; all is well!

STATUS OF NATURALIZED CITIZENS.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (S. 2467) fixing the status as naturalized citizens of enlisted men, commissioned officers of the Army, Navy, or Marine Corps, asked to be discharged from its further consideration, and that it be referred to the Committee on Immigration, which was agreed to.

THE COMMITTEE ON PRINTING.

Mr. THOMPSON, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 89, submitted by the Senator from Arizona [Mr. SMITH] on the 20th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Printing, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-fifth Congress to send for persons, books, and papers; to administer oaths, and to employ a stenographer, at a cost not exceeding $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recess of the Senate.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHEPPARD:

A bill (S. 2484) granting to American women married to foreigners the right to retain their citizenship; to the Committee on Immigration.

A bill (S. 2485) for the maintenance and protection of useful farm bird reservations belonging to the Government of the United States; to the Committee on Agriculture and Forestry.

A bill (S. 2486) requiring all public-building bills to be submitted to the Secretary of the Treasury for investigation and report as to whether proposed buildings and sites are needed and the expenditure justified, and as to the lowest cost at which buildings found necessary may be erected with economy and efficiency; to the Committee on Public Buildings and Grounds.

By Mr. SHAFROTH:

A bill (S. 2487) permitting Frances Mack Mann to purchase certain public lands; to the Committee on Public Lands.

By Mr. OVERMAN:

A bill (S. 2488) to relieve Congress from the adjudication of private claims against the Government; and

A bill (S. 2489) to create two additional associate justices of the Supreme Court of the District of Columbia; to the Committee on the Judiciary.

A bill (S. 2490) to commission as officers in the Regular Army of the United States National Guard officers attending service schools; and

A bill (S. 2491) providing for the transfer of Lieut. Max H. Carter from the Philippine Scouts to the Regular Army; to the Committee on Military Affairs.

By Mr. HOLLIS:

A bill (S. 2492) granting an increase of pension to Hildur M. Phillips (with accompanying papers); to the Committee on Pensions.

WITHDRAWAL OF PAPERS—JENNIE T. HAMILTON.

On motion of Mr. PENROSE, it was

Ordered, That the papers accompanying the bill S. 228, Sixty-fourth Congress, for the relief of Jennie T. Hamilton, be withdrawn from the files of the Senate, no adverse report having been made thereon.

CITIZENS OF FOREIGN NATIONS.

Mr. CALDER submitted the following resolution (S. Res. 90), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, requested to furnish to the Senate a statement, by States, of the number of men in the United States between the ages of 21 and 31 years who are citizens of foreign nations now engaged in war with the Imperial German Government, and also those who are denominated alien enemies.

CONSERVATION OF FOOD AND FUEL.

The VICE PRESIDENT. The morning business is closed.

Mr. CHAMBERLAIN. I move that the Senate proceed to consideration of Senate bill 2463, the unfinished business.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2463) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

Mr. CHAMBERLAIN. I understood there were some Senators who desired to speak; I do not know, but if there is no one ready to speak I ask that the bill be placed before the Senate to be voted upon.

Mr. GORE. Mr. President, I make the point of no quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Martin	Smith, Md.
Beckham	Hollis	Nelson	Smith, Mich.
Brady	Husting	New	Smoot
Brandegee	James	Newlands	Sterling
Calder	Johnson, Cal.	Norris	Sutherland
Chamberlain	Johnson, S. Dak.	Overman	Swanson
Colt	Jones, N. Mex.	Page	Thomas
Culberson	Kellogg	Penrose	Thompson
Cummins	Kendrick	Poindexter	Townsend
Curtis	Kenyon	Ransdell	Trammell
Dillingham	King	Reed	Underwood
Frelinghuysen	Kirby	Saulsbury	Vardaman
Gallinger	La Follette	Shafroth	Walsh
Gerry	McCumber	Sheppard	Warren
Gore	McKellar	Sherman	Wolcott
Hale	McLean	Simmons	
Harding	McNary	Smith, Ariz.	

Mr. GERRY. I desire to announce that the senior Senator from California [Mr. PHELAN] and the senior Senator from Illinois [Mr. LEWIS] are detained from the Senate on official business.

Mr. SUTHERLAND. I desire to announce the absence of the senior Senator from West Virginia [Mr. GOFF] on account of illness. I ask that this announcement may stand for the day.

Mr. McKELLAR. I desire to state that the senior Senator from Tennessee [Mr. SHIELDS] is absent on account of illness. I should like to have this announcement stand for the day.

Mr. KIRBY. I wish to announce the absence of my colleague [Mr. ROBINSON] on official business. I wish this announcement to stand for the day.

The VICE PRESIDENT. Sixty-six Senators have answered to the roll call. There is a quorum present.

Mr. SHERMAN. Mr. President, I understand unless some one desires to discuss the bill further in Committee of the Whole it will be reported to the Senate for further parliamentary action. Before that is done, within the very brief limit I hope to encompass my comments, to make some statement in regard to it.

I listened with a great deal of satisfaction, Mr. President, to the discussion by the junior Senator from Iowa [Mr. KENYON] of the various phases of this bill. There was in it nothing, however, to confirm my opinion of it as requiring, even if Congress has the power, the suspension of the constitutional limitations under which I understand we are still living. I do not understand that even Congress, acting on the demand of the Executive, can abrogate the Constitution, although it would be popular in many places to do so. That must be done by the concurrent action of a certain number of States.

I do not understand that even the writ of habeas corpus can be suspended except by an act of Congress, however urgent the emergency or however desirable the remedy that might be thereby produced would be.

Many elemental principles are found in our Constitution which are intrenched beyond our power or the President's to modify or destroy. I have read a portion of the testimony of the putative food dictator of the coming régime. It is quite instructive. I have no criticism to make of the gentleman who will be intrusted with this powerful department of the Government. To me it is perfectly evident that he is like other departmental officers; he is without a proper appreciation of the just limitations of authority under which all governmental agencies act. This body is conscious many times of its limitations. We have only certain powers, and rightfully so. It has been that way from the beginning. We are sitting here only by virtue of express written authority. It does not come from any immemorial usages, from any practices that reach back through the centuries, but we assemble here under the positive written mandates of a charter under which this Government had its origin and under which to-day it is exercising its powers.

There is only one way in which that charter and its limitations can be removed. It can be done by actual war in a theater in which civil laws become silent and the laws of the camp and of armies proclaimed as the only regulatory features of the military area. There the Constitution ceases to exist and civil laws no longer control or bind. That has not yet occurred in any portion of our country.

The mere fact, Mr. President, that we may apprehend sometime that if England's naval power shall be broken hostile forces will land on our shores and make it necessary in some parts of the country to proclaim martial law, does not justify the belief nor our legislation on the assumption that martial law exists any place within the borders of this country, either State or nationally, at this time.

Therefore, we are proceeding here under the limitations of the charter under which we are elected, assembled, and act. I understand that it is said there is some vital enlargement of the powers of legislation because we are at war.

Mr. HARDING. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Ohio?

Mr. SHERMAN. Certainly.

Mr. HARDING. I dislike to interrupt the Senator, but I have been straining my ears to hear him. Would it be in order to ask for the suspension of conversation in the Chamber?

The VICE PRESIDENT. It is in order, but it seems to be in vain.

Mr. SHERMAN. I appreciate the courtesy and wish of the Senator from Ohio [Mr. HARDING]. I wish to insert in the CONGRESSIONAL RECORD, and I promise not to expurgate it in looking over my copy, that I will make myself heard here, in spite of the noise in this body. I have had much more tumultuous bodies within the reach of my vocal activities before this, and I have often made them hear. If they do not hear, Mr. President, it will be because they are of that kind that, having eyes they see not, and having ears, in Scriptural language, they hear not. I can do no more, nor shall I be solicitous whether the Senators hear me or whether my admonitions fall upon barren ground. I shall satisfy myself by inserting in the CONGRESSIONAL RECORD such matters as appear to me to be meet and timely in the proper discussion of this bill.

This Senate is a place of voluntary attendance. I have not known in the time—limited, it is true—since I have been here when anybody, save the Sergeant at Arms, could compel any Senator to remain in his seat; that is a matter of choice. I do not ask an involuntary audience; I never expect to have any audience in this Senate save from those who choose to remain. I have it in the galleries and in an attentive listener in the chair, whoever may occupy it, and especially the regular occupant of the chair, the Vice President, who has at all times given courteous treatment to every Member of this body. But as to the galleries and as to the public outside, we do expect that we shall reach them; and we have a right to reach them, because there is now the direct election of Senators; we are no longer dependent upon the often idle caprice of State legislatures, but we go directly to the body of the voters in the several States that we have the honor and duty to represent.

With me it is not a matter of concern which is the popular side of this question. I am amphibious in my dwelling place, belonging to the crowded centers of population of Chicago and its suburbs, and to the backwoods of the Ohio and the Wabash River bottoms. I am a natural habitat of both countries, and am equally cosmopolitan in my instincts, applied to the habits of those who dwell in any of those localities. I trust I know fairly well the opinions and customs of all.

I am not ready, Mr. President, to vote for this bill as it is reported out of the committee. To me it seems to undertake many things that can not be successfully performed by government.

Government has its limitations; it is not all powerful. The Chief Executive, certain Members of this body, and many members of the departments are proceeding upon the assumption that Government can do anything. It can not. It can not compel a farmer to raise a bushel of potatoes; it can not add to the food supply by a single measure of barley; it can not add a solitary bushel of wheat. All it can do is wisely to use whatever the farmer, the market gardener, and the truck-patch man produce or may be induced to produce. More than that Government can not do.

It will undertake under this bill to perform a great variety of activities. It will signally fail in three out of four attempts proposed in this bill. I should hope that we would raise more in 1917, and more yet in 1918, but that can not be done by legislation. All that is in this bill, all that has been hoped for by its most ardent advocates, will not add one particle to the food production of this country. The mere mandate of legislation can not induce a single farmer in this country to do more than he is doing now. Within the limits of weather, his help, and the productive instrumentalities at hand, the farmer is now in every section of this country trying to produce every pound of foodstuff of which he is capable to add to the general market of the country.

If this bill has any good features in it, it will simply be those that look to the conservation, to the collection, and to the distribution of grain after it shall have been produced.

In the committee hearings, in which the future food controller of this country was heard, constant reference was made to the producer. In two of the principal sections of the bill the farmers and producers are exempted from the mandatory provisions of the proposed act. It is supposed that those exemptions are sufficient to give the farmer and the producer complete latitude of action. The first of these provisions so exempting the producer is found in section 5, on page 6, of the Senate bill. It provides:

Provided, That this section shall not apply to any farmer, gardener, or other person with respect to the products of any farm, garden, or other land owned, leased, or cultivated by him, nor to any retailer with respect to the retail business actually conducted by him.

In section 6, on page 7, referring to the hoarding provision, it reads:

Provided, however, That any accumulating or withholding by any farmer, gardener, or any other person, of the products of any farm, garden, or other land owned, leased, or cultivated by him shall not be deemed to be hoarding within the meaning of this act.

Beyond those two exemptions, the producer is covered by the obligations of this bill as much as is the commission man, as is the wholesaler, or as is any one who by any of the various processes of collection and distribution handles any of the products of the farm or garden in its journey from the producer to the consumer. The first section is very sweeping in its language. It provides:

And to facilitate the movement of foods, feeds, fuel, and articles required for their production, hereafter in this act called necessaries; to prevent, locally or generally, scarcity, monopolization, hoarding, injurious speculation, manipulations, and private controls, affecting such supply, distribution, and movement; and to establish and maintain governmental control of such necessaries during the war.

Certain enactments are made. It will be observed in this language that the word "necessaries" covers not only food, feed, and fuel, but that it covers the articles required for their production. It requires every cord of wood, every ton of coal, every pound of sheet steel, every bolt, every nut, every pound of pig iron in the yards of every agricultural manufacturing company in this country from the great manufacturing areas of Moline, Ill., in which within the area of 3 miles are manufactured more agricultural implements than in any other point in the world—it would take every one of their productive activities and put them under the head of "necessaries" because no crop can be raised in North America without the very necessary implements which are produced by this manufacturing center. It seizes in its grasp every flouring mill, grain warehouse, cold-storage warehouse, every mill that makes process foods of the grains, packing houses, stockyards, animal-food factories, canneries, evaporating or drying plants, glucose products, and bakeries.

I placed some remarks in the RECORD not many weeks ago showing the methods by which the productive capacity of this manufacturing area had been disturbed by the Council of National Defense. I will not repeat what I said at that time, except to say that those remarks are necessarily connected with the attempts made in this bill to cover the production of foods, feeds, and fuel. "Necessaries," including the raw material out of which they are made, would embrace all the seed supply of this country; would embrace every pound of binding twine; all the forage; and would embrace every hoe, shovel, and every tractor engine in all this country, whether in the hands of the farmer or in the hands of the manufacturer or the agricultural implement dealer.

I am approaching the discussion of this question primarily from the viewpoint of the farmer. For the great grain exchanges of the country, for the various chambers of commerce, and for all the activities related to the collection and distribution of foods, feeds, and fuel I shall occupy no time here to-day. They have been heard at other times and places, in the committee and elsewhere. They will take care of themselves in the due course of events. After this furor is past the main current of normal action will resume its operation. We can but hope the transitory expedients of this character may do a minimum of damage.

I wish to say no more in behalf of the great grain exchange in Chicago. I have not a particle of interest in it. I never bought or sold there a bushel of grain, and I never sold or bought a pound of mess pork or preserved or salted meats on any exchange of the country in my life, and probably never will. I am as free of any personal interest in the affairs of this grain exchange as any Member of the Senate. It is the greatest grain exchange in the world. I took occasion to say not long ago that nearly all of its members were engaged in legitimate business, and that even a greater percentage of its great volume of transactions in the course of a year was entirely legitimate; that there was in it no element of gambling, and there was in it nothing except the legitimate purpose of acting as the great medium of exchange between the producer and the ultimate consumers of this country. It is literally true, therefore, that this bill is one in which we may for the moment set aside in this discussion the interests of all that great intermediary machinery that handles the grain after it leaves the producer and serves as a distributing agency between the farmer and the consumer of his products.

Mr. REED. Mr. President, will the Senator yield to me for a moment, since he has touched on the question of the interest of the farmer, to read a short letter to the Senate?

Mr. SHERMAN. I would be very glad indeed to have the Senator do so, and I yield for that purpose.

Mr. REED. I will say to the Senate that I am in receipt of this letter from a man whom I have never seen. It is written in the handwriting of some one who evidently is a farmer. I desire to read it to the Senate and commend it to the Senate for consideration.

Fall Branch, Tenn.—

Perhaps the Senator from Tennessee may know this man—

DEAR SIR: While they are striving so hard to put the price of foodstuffs down and give Mr. Wilson authority to set the price, please do not let them forget that there are some things just as essential to we farmers, if we feed the world, as the foodstuff is to England, France, etc. Yet we see no signs of the price of what we buy being lowered or reduced. For instance, wheat at $1 used to buy a pair of shoes; now wheat at $2.50 buys a pair. Corn at 50 cents per bushel bought a pair of overalls; now at $1.50 a bushel it pays for one pair. Eggs at 12½ cents per dozen bought 2 pounds and over of sugar; now at 25 cents per dozen they buy 2 pounds. One pound of butter at 10 cents a pound would buy 2 yards of calico; now at 20 cents a pound it buys 2 yards. A calf for $8 would buy a corn planter; now $16 buys the same planter. It is the same way with wire, fertilizer, nails, building materials, and everything we have to buy.

I say it is not fair to make the farmer feed the world at a price that will not even pay his war tax, much less clothe him and his family. If you go at price fixing, go at it right. If you do not, you can not buy what is not to be had. If the workingmen can strike and raise wages, the farmer can and will refuse to work at a dead loss; in fact, he can not. So that is all there is to it. Hoover and our Government in New York City know just about as much about farming as a last year's almanac.

Respectfully,

E. B. PHILLIPS,
Fall Branch, Tenn.

I commend that letter to the Senate as containing more sound sense than anything I have seen on the food question for the last six months.

Mr. SHERMAN. Mr. President, the writer of the letter read by the Senator from Missouri is the same type of man who, in 1622 and 1640, was a farmer in England; he is the same type of man who, in 1215, met with the old priest—Stephen de Langdon at Runnymede—and took from the first John, King of England, the great charter, whose provisions to-day are found in the organic instrument under which we are holding our session. It was the farmers of England who wrote the great charter of 1215; it was the farmers of England, in 1649, who took the first Charles from the throne and beheaded him on the streets of London, after performing all of the formalities that attend the indictment, prosecution, and trial under the forms and guaranties of the civil liberties of England. The men who carried the pikes and the old broadswords with Oliver Cromwell are the same type of men who wrote the letter read by the Senator from Missouri. You can reach them in only one way. I know them. I know their blood, their aspirations, their fearlessness when once aroused. It is beyond the reach of senates, beyond the reach of executives, beyond the reach of any power in mundane affairs except the simple power of justice, and their hearts are always open to that appeal. It is a never-failing avenue of approach. This Tennessee farmer touches the vital spot. Why regulate and fix the price of everything the farmer produces and leave him to shift for himself on everything he has to buy?

I am talking for the farmers, not of my own State but of the great productive areas of the West and Northwest and the whole country. If there is one type of people in this world that I know, it is those who follow the occupation of all the earlier part of my life.

Whence comes this cry for food dictatorship? Who supports it? What powerful agencies undertake to force it through Congress? The ultimate consumer, found in the great centers of population, and Government departments and officials, who see but a single purpose.

Who is the ultimate consumer? As far as the farmer is concerned, it is the nonproducer of his crops. This Senate and that House will pass anything that any labor union indorses and undertakes to thrust through them, right or wrong. I shall not criticize labor unions. Most of them are my friends; but if I never have another friend in organized labor in my life I am going to tell the truth to-day on the floor of the Senate. Labor controls legislation in this administration. It controlled it in the last administration. It is organized; it is militant.

It dictates to Senators. Its thoughts are Senators' thoughts, its acts are Senators' acts with a considerable number who sit in this body.

I do not mean that as a criticism. I am stating it as a fact. Farmers are unorganized. I know of but one State now in which to-day they are a dominant, united, aggressive power. How long they will hold together there no one knows.

There are practically, taking the percentages of increase, 7,000,000 farmers in the United States to-day. There are among them no unions. There is no common aggressive organization. They vote their different political affiliations without following the decree of anybody at the head of a great agricultural federation. Each of them votes according to his previous political affiliations or his present judgment when the issue is presented to him.

These 7,000,000 people affected by this legislation are all food producers, either directly or indirectly. It is proposed by this bill to control every bushel of grain, every pound of meat, every particle of food production of any kind that may come from the fields or the gardens or the truck patches of the United States. It is said in the two sections I have referred to, and which I shall not read, in order to expedite what I have to say, that the farmer is excepted out of its provisions. Let me refer to a single section:

No. 1. To facilitate the movement of foods, feeds, fuels, and articles required for their production, hereafter called necessaries, these powers are given to prevent, locally or generally, scarcity, monopolization, hoarding, injurious speculation, manipulations, and private controls affecting such supply, distribution, and movement.

In section 3 there is provided a governmental control of necessaries, having defined them in the preceding section, section 1, which shall extend to and include all the processes, methods, and activities—I will read the part to which I have direct reference in this comment—of and for the production of necessaries. Leave out all the other verbiage, and this is the backbone of the section that affects the agricultural producer in this country.

Section 3 directly applies to farmers. That language is intended to apply to the farmer, in the production of necessaries. Not only that, but it shall extend to the sale, pledging, and financing of necessaries.

I undertake to say that under section 3 of this bill, after it shall have passed into the statutes of the country, a farmer can not mortgage his land unless subject to the provisions of this act and the actions of the department in Washington. He can make no time lease beyond a mere crop lease. He would be subject to the dictatorial hand of a food controller on the terms of his lease, how the land shall be farmed, and what disposition shall be made of the rental return to the owner of the premises, as well as dictating to the tenant for a term of years, if the lease is made at all, how the land shall be cultivated.

The fantastic thought that some Government employee can supersede 7,000,000 American farmers and direct them successfully to do what they have successfully done is seriously considered nowhere outside of bedlam, Congress, and the executive department.

Do not undertake to argue with me on the language employed in section 3. I know what it means. Unless it and other sections shall be modified, as I see my duty in this body, I shall vote against the entire bill.

From what source comes the clamor for food control outside of governmental circles? From the consumer in cities. I have from the cities a great mass of correspondence from my own and adjoining States. In that correspondence not a solitary producer is heard, not a farmer, but in every instance the man on the pay roll in a great industrial center, the merchant producing nothing, those on the pay rolls of the great carrier systems of Chicago, in the great industrial center of Peoria, Ill., where grain, corn, barley, rye, and even rice are used in the manufacture of distilled and malt liquors—even there we are told by some of the residents of that city that there must be a conservation of food supplies!

What a mighty sarcasm on the economics of the United States, that from the greatest whisky-producing center in the world, that mashes more corn in her distilleries and damns more souls with her beverage products in 12 months than any other place in the civilized world, we are approached with a desire on their part to conserve food products! I replied to those gentlemen, living in the great whisky belt of this continent, advising them to begin at home, and, using the admonition in a certain passage of Scripture, to pluck the beam out of their own eye before they see the mote that is in mine. Let alcohol for industrial, chemical, medical purposes, the arts and sciences, be made, but cease its manufacture for drink.

If an All-Wise Deity keeps books on worldly affairs, I will take my chance in the final audit with anybody that lives that manufactures whisky to be used as a beverage.

I am not a prohibitionist. I am not even a teetotaler. I never professed to be; but I will help bring about the day when even I can not get it myself. I am willing to do without it in order to conserve the food supply while this war is on; I am perfectly willing to do without it after the war is over, because by that time I think I shall be pretty well weaned from any desire for that form of exhilaration. If the ordeal of war shall burn into our understanding the madness of turning grain into whisky, we can afford to pay the price.

This war is no summer holiday. It will not be over by the time the hazel nuts are beginning to break the burr and the pecans are falling on the Wabash River bottoms. It will be here a long time; if we get the conservation of food supplies by stopping the manufacture of intoxicating liquor now, there is no use of any of us to take the pledge. The logic of events will be pledge enough by the time this unhappy difficulty in Europe is over.

The farmer is sought to be, and in the explanation in the hearing before the committee it is said that he is, exempted. I refer now to the hearing on June 19, 1917, in which the future food controller of this country was the principal witness, and gave a very fair account of his understanding of the powers of this bill and its probable operation, assuming that he would be the person charged with the responsibility of executing its various provisions. It was found on examination, and especially by some questions propounded by the junior Senator from Missouri [Mr. REED], that it was intended that this bill should apply to the producers of foodstuffs.

Who are the producers of the 600,000,000 bushels of wheat raised in 1916, of the 2,500,000,000 bushels of corn, of the 200,000,000 bushels of barley, of the 50,000,000 bushels of rye, and the 1,250,000,000 bushels of oats, making the five great primary food grains of the country? Who produces them? Outside of the comparatively small quantity of foodstuffs produced in the truck patches and other market gardens, the orchards, and berry fields, the most of which are perishable in character, all of the foodstuffs of the country are produced by the farmers, who, in round numbers, comprise about 7,000,000 in the United States at this time, with something like 5,500,000, say, of farm laborers who themselves are not engaged as the managers of farms, but are working in that line of production. These men are reached and, it is admitted in the hearing on this bill before the Senate Committee on Agriculture and Forestry, were embraced in its provisions.

Let me read one of these sections.

All such necessaries—

And the word "necessaries" is defined as meaning foods, feeds, and fuels, together with the means of producing them. After that definition the word "necessaries" has a fixed technical meaning in the discussion of this bill—

all such necessaries, processes, methods, and activities are hereby declared to be affected with a public interest.

That declaration does not extend by one paragraph or one process of reasoning any of the undertakings of this country that are affected with a public interest. That is a matter for the supreme judicial tribunal of this country to declare. We might declare that when a person takes fish by hook and line in any of the public water courses of this country where there is no ownership, save reducing the fish to possession, that the fish is affected with a public interest because it does affect the public food supply. Would a legislative declaration in this body extend the list? Certainly not. Whether a given product or occupation is impressed with a public interest depends entirely upon the character of the act, the use to which the merchandise is put, or the means by which it is produced originally, together with the declaration of the Supreme Court that it is affected with such a public interest. They will not, of course, lightly set aside any enactment of ours, but the mere fact that we might be at war will lend nothing to the significance or the scope of this definition. It was argued very forcibly and, I think, with as much power as it is possible for that view to be presented by the very capable junior Senator from Iowa [Mr. KENYON] on yesterday, that the war power would enlarge this definition of merchandise and all occupations affected with a public interest, and would thereby increase the power of the Senate in declaring what property was so subjected to that public interest. I do not so regard it for two reasons. One is that the Supreme Court itself will judge, in the first instance, upon all such legislation of its character in that particular.

Another is that this country is not invaded. It is not even, so far as we know, subjected in any of its territory to the foot of a single invading foe. Outside of domestic treason, there is no public enemy that has yet set foot within our borders.

We do have war powers, it is true, that would more liberally interpret the length to which we can go in legislation than we otherwise could. This must be sought in granted powers and what may be implied as incidental to them. It can not be derived as original power from a mere declaration of war. There is a general provision in the powers vested in Congress by which it is said that we shall have such powers as "shall be necessary and proper for carrying into execution the foregoing powers" granted. The foregoing powers are all enumerated, a specific delegation of powers vested in the Government by those who created the Constitution. Those powers defined what we could do in our legislative actions.

The general enabling power to use incidental means to perform granted powers adds nothing to any specific grant of power. All it does is to give the necessary means reasonable and proper to execute a power already granted. It is a constitutional declaration simply of a rule of interpretation, and that we shall interpret liberally, to say the utmost of it, the power granted and all the incidental powers necessary to make effective a granted power. It can go no further.

It is said there is a declaration of war. Let it be granted. That enlarges no congressional power. It adds nothing to any constitutional power vested in the Senate or the House. It does not give any of the incidental means of executing a granted power we did not already possess. All it has done is to authorize or induce Congress to use more instrumentalities for the purpose of carrying out the declaration of war pursuant to enumerated powers than we otherwise would. It has added nothing to the Constitution. It has not abrogated a single section. It has not broken down a single limitation upon the powers of Congress. It has not enlarged Executive authority by so much as a word. It has neither added to nor subtracted from in a solitary instance any of the powers of the charter under which we are acting here to-day. Therefore under the claim that we have more powers because war has been declared it devolves upon those who make that statement to show where any added powers have been vested in Congress.

Let me follow that up by saying that nothing is more important than the personal rights of the individual in this country. No severer test was ever imposed on free government than during the Civil War. In the military district comprising Indiana there were arrested under the guise of military law and of necessity certain disloyal citizens of that State. They were tried in the camp by martial law. One of them at least was sentenced to death. He sued out a writ of habeas corpus in the Federal court of Indiana. It was supposed that because military law had been declared his conviction by a drumhead court-martial would be sustained. It was not. The courts of Indiana, both State and Federal, were open. Process could be issued and was issued, executions were had upon judgments, decrees were rendered, and all the ordinary procedure in the civil courts was unimpaired. There was no reason because there was some treason in the State to declare that the civil law had been suspended. Acting, however, on the presumption that the country was in a state of war and that Indiana had certain traitors within its borders, they were arrested, tried before a court-martial, and one of them at least was condemned to death as stated. On the petition for a habeas corpus the court used the language that applies at this time. I wish to insert it in the CONGRESSIONAL RECORD:

> The necessities of the service, during the late rebellion, required that the loyal States should be placed within the limits of certain military districts and commanders appointed in them; and, it is urged, that this, in a military sense, constituted them the theater of military operations; and, as in this case, Indiana had been and was again threatened with invasion by the enemy, the occasion was furnished to establish martial law. The conclusion does not follow from the premises. If armies were collected in Indiana, they were to be employed in another locality, where the laws were obstructed and the national authority disputed. On her soil there was no hostile foot; if once invaded, that invasion was at an end, and with it all pretext for martial law. Martial law can not arise from a threatened invasion. The necessity must be actual and present; the invasion real, such as effectually closes the courts and deposes the civil administration.
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> It is difficult to see how the safety of the country required martial law in Indiana. If any of her citizens were plotting treason, the power of arrest could secure them, until the Government was prepared for their trial, when the courts were open and ready to try them. It was as easy to protect witnesses before a civil as a military tribunal; and as there could be no wish to convict, except on sufficient legal evidence, surely an ordained and established court was better able to judge of this than a military tribunal composed of gentlemen not trained to the profession of the law.
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> It follows, from what has been said on this subject, that there are occasions when martial rule can be properly applied. If, in foreign invasion or civil war, the courts are actually closed, and it is impossible to administer criminal justice according to law, then, on the theater of active military operations, where war really prevails, there is a necessity to furnish a substitute for the civil authority, thus overthrown, to preserve the safety of the army and society; and as no power is left but the military, it is allowed to govern by martial rule until the laws can have their free course. As necessity creates the rule, so it limits its duration; for, if this Government is continued after the courts are reinstated, it is a gross usurpation of power. Martial rule can never exist where the courts are open, and in the proper and unobstructed exercise of their jurisdiction. It is also confined to the locality of actual war. Because, during the late rebellion it could have been enforced in Virginia, where the national authority was overturned and the courts driven out, it does not follow that it should obtain in Indiana, where that authority was never disputed, and justice was always administered. And so in the case of a foreign invasion, martial rule may become a necessity in one State, when, in another, it would be "mere lawless violence."

It seems to me that fits the present condition. No one claims, Mr. President, that there is any invasion of this country or of any of its Territories. Not even our insular possessions are invaded. No foreign enemy has set foot upon a single shore of the United States in either ocean or on this continent. How, then, can the theory of invasion or a mere state of war be made the ground to enlarge the constitutional powers of this body?

It seems to me like all the claim here in the preliminary section 1, and that is all it is, is declaring that by reason of the existence of a state of war it is essential to the national security and defense for the successful prosecution of the war that all the provisions in its various sections shall be enacted. If that abrogates the Constitution or creates novel war powers beyond its provisions, then we could impanel in the city of Washington a court-martial and try before a military tribunal any offense against any of the laws that are directly or indirectly connected with the prosecution of this war. It makes Congress even subject to the military powers, and Senators could be seized and taken from their seats if this is so.

I undertake to say that a farmer in the grain-producing country of the Northwest, where I come from, could not mortgage, lease, nor even pledge by chattel mortgage any of his personal property raised on the place, connected with the food supply, whether it be grain or live stock, without being subject to the provisions of this bill, because section 3 says:

> That there is hereby established a governmental control of necessaries which shall extend to and include all the processes, methods, activities of, and for the production, manufacture, procurement, storage, distribution, sale, marketing, pledging, financing, and consumption of necessaries.

"Necessaries" now have a specific and fixed meaning. It is defined in the first section of the act to comprise food, fuel, and feed, together with the instrumentalities used in the production of any of these three classes of merchandise. When this is done, there is nothing left for a farmer to exercise his individual activity upon. The Government can reach out its hand and lay it upon his plow handle and upon the harness of every horse in all the farming communities where the food supplies of this country are to be raised.

Here is a phrase in the same section on page 3:

> And in carrying out the purposes of this section the President is authorized to enter into any voluntary arrangements or agreements, to use any agency or agencies, to accept the services of any person without compensation, to cooperate with any agency or person, to utilize any department or agency of the Government, and to coordinate their activities so as to avoid any preventable loss or duplication of effort or funds.

I have heard that phrase, "coordination of activities," for more than 16 years. I heard a professor of economics in the Chicago University use it the first time 16 years ago this summer. It has been tripping blithely along ever since. It has more sins charged up against it than any other phrase known in the English language. I know of half a dozen State statutes in which the phrase "to coordinate their activities" is used. I can send for the Revised Statutes of Illinois, and I can show you the pharse "coordinate their activities" in three acts at least. I can send for nine bills that have been printed in this body, all using the phrase "to coordinate their activities." I do not know of anybody, not even professors of economics, of whom we could get two of them together and put them down under a shade tree in my part of the country or take them out and turn them loose in the prune belt on the Pacific coast who would agree for five minutes on how to coordinate their activities or anybody else's. To coordinate their activities! That is what the matter is with a person with the St. Vitus dance. He can not coordinate his activities. That is what the matter is with this administration. It never has been able to coordinate its activities from the time it went in, March 4, 1913, down to this afternoon. It began in a state of profound apathy. It frowned on our loaning money in China. It looked askance on buying the allies' securities the first two years of the war. It slumbered for four or five years. Rip Van Winkle has no copyright on being asleep. This administration was asleep when the *Lusitania* went to the bottom and cold-blooded murder was committed, when helpless babes floated in the chill waters of

the North Atlantic, when my neighbors were slaughtered in Mexico by blood-thirsty bandits.

When Belgium's neutrality was outraged, when her men were driven into exile and her women into worse than exile, when the speechless babe died at its mother's bosom, when their works of art of 500 years of European civilization were destroyed, when everything—sacred and profane—sank in blended ruin, when the plighted faith of European nations was broken by the strong hand of the martial German, when treaties were held to be scraps of paper, still the slumber proceeded. Still no voice was raised to avenge the violated neutrality of a helpless people. Hundreds of our fellow citizens went down in the Atlantic in their final sleep. Men, women, and children died. Their expiring wail struck no responsive chord at the head of the executive department of this Republic. Our neutral trade was destroyed; ship after ship of merchandise was submarined and sunk in the free ocean. The neutrality of the United States and her rights to trade at neutral ports were shamelessly violated by some of our present allies. Nearly three years of international outrage proceeded unrebuked and unrevenged.

To go from the sober and the sublimity of human sorrow to the ridiculous, Mr. President, this administration reminds me of a balky horse on the Illinois prairies. Lazy, indifferent, apathetic, unsympathetic, with murder unspeakable, with outrage infinite on sea and on land, suddenly, like that indifferent creature when he wakes up and decides to go, he is the most impulsive animal in the world and does not have ordinary equine sense. There is nothing more dangerous on the face of the earth than an apathetic person averse to a given course of action once he is scared into that action by some fright that he does not well understand.

We have passed from apathy to hysteria; from boundless extravagance to governmental parsimony; from the extremes of individual liberty to a demand for despotism; to food control, fixing the price of a soup bone and a crust of corn bread. Where will it end? Nobody knows. I can make a fair estimate. It will end before a judicial tribunal that, in the absence of an invasion by the enemy, will sit issuing its processes and adjudicating such controversies as properly are before it. That tribunal will decide whether the decision in the Milligan case, which arose in Indiana during the Civil War, is still the law of the land. I anticipate that in some proper form the question will be submitted, whether a mere congressional declaration of war can abrogate the Constitution; can set aside all the ordinary safeguards of person and property, and can, by an immeasurable act like this, throw aside the ordinary restraints upon all that we hold to be the property rights protected by civil government, and make them subject to the caprice of Congress or the dictation of an unbridled Executive.

Mr. JOHNSON of South Dakota. Mr. President——

The PRESIDING OFFICER (Mr. McNARY in the chair). Does the Senator from Illinois yield to the Senator from South Dakota?

Mr. SHERMAN. Yes, sir.

Mr. JOHNSON of South Dakota. I want to ask the Senator if it would not be possible and practicable, instead of fixing the prices of the great packers, the terminal elevators, and people of that character, who sell, to fix a percentage which they might make on the transaction and yet not unfavorably affect the producer?

Mr. SHERMAN. I did not quite get the drift of the Senator's question in regard to fixing prices.

Mr. JOHNSON of South Dakota. The thought I had was that, instead of fixing the prices, about which the Senator from Illinois was speaking, at which necessaries may be sold, whether it would not be practicable to fix a percentage which the storage man might receive, a percentage of cost, and in that way not affect the producer in any manner that I can see?

Mr. SHERMAN. As to that, Mr. President, the only way that prices can be regulated by the Government, or fixed by the Government, would be to say that what would be called "necessaries" should be sold at what the bill calls a guaranteed price. That is neither a maximum nor a minimum price. It might, as the Senator has in mind, be provided that prices to middlemen be on a percentage basis. With wise restrictions, this offers some advantages in contracting on purchases of merchandise.

Mr. FRELINGHUYSEN. Mr. President——

Mr. SHERMAN. I yield to the Senator from New Jersey.

Mr. FRELINGHUYSEN. With the consent of the Senator from Illinois, I send to the desk a letter, but I will ask that its reading be postponed until there are more Senators present. I present the letter simply because it contains many practical thoughts and much valuable information regarding the point of view of the farmer on the food-control bill. I do not desire it to be understood that I have any hostility to the bill in introducing the letter. I ask that the letter lie on the Secretary's desk until it may be read to a full Senate.

The PRESIDING OFFICER. In the absence of objection, it will be so ordered.

Mr. SHERMAN. Mr. President, the inquiry propounded by the Senator from South Dakota [Mr. JOHNSON] relates back to the provision of the bill which fixes what is called a guaranteed price. What is a "guaranteed price"? It is one at which the ultimate consumer will buy and the original producer will receive. How will you get away from it?

Mr. JOHNSON of South Dakota. Mr. President——

Mr. SHERMAN. I will yield to the Senator to answer the question.

Mr. JOHNSON of South Dakota. I do not think the Senator from Illinois understood my question. The question I asked was whether it would not be practicable to fix the price upon which the storage man should sell his commodities or his necessaries at a percentage? In other words, to say to him, "You shall receive a certain per cent of the price of the products, and no more." I am unable to see how that would affect the farmer or the producer in the price which he would get. That was the question which I asked the Senator from Illinois.

Mr. SHERMAN. Mr. President, I still adhere to the statement that I made, that under the guaranteed price it does not make any difference how you affect the man having the article in storage or holding it in quantities which are far in excess of the needs of the individual producer. It does not make any difference about fixing the price at which he shall sell the risk he takes or how long he shall hold in storage before he sells; it does not make a particle of difference if you compel him and commandeer his services or enlist him in the Army and make him collect and distribute foodstuffs for nothing. That will not affect the original producer or the ultimate consumer, except as the Government can make prices. It will not be controlling on this question. Between the man that raises a food article and the one who eats it, there are various intermediate agencies. If those agencies are broken down or prohibited by legislative action—supposing, now, that we have the full power so to do—the only effect of it will be, if we keep up the passage of the article from the producer to the consumer, to substitute a governmental agency in place of the natural agency, which has grown up for 150 years or more in this country. You can substitute, therefore, in place of these collecting and distributing agencies, often referred to as the much-criticized and hated middleman—you can substitute in place of the middleman some form of governmental activity; but when that is done, there is only one escape for the Government. It must either have for the original producer no market or an effective market, or it must take the place of the middleman, and must itself furnish a market for the producer.

Unless that is done you have destroyed the ability of the producer to sell his surplus. That, in turn, would react on the producer, and he would raise no more than enough to feed his own family and to answer his immediate needs. There can be no middleman unless there is a surplus. It is with that surplus we are concerned; it is with that surplus we are trying today to legislate in some way to increase it, to husband it, to make it reach its ultimate destination, so that there shall be as little toll taken out as possible, as little lost motion, as little lost merchandise as may be possible to cover any distribution we may devise. When the distributing mechanism is broken down the Government must substitute its service. It might require, as the Senator from South Dakota [Mr. JOHNSON] has intimated, a percentage basis. This, however, keeps the private distributing agencies. This bill does not ultimately intend this shall be done. It is written in a spirit of hostility to the middleman. Its spirit is to eliminate him.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Iowa?

Mr. SHERMAN. Yes, sir.

Mr. KENYON. Does the Senator think the occasion or emergency might ever arise in our national history when it would be necessary for the Government to step in and be the middleman?

Mr. SHERMAN. I could not think of that, Mr. President, except in case of actual invasion. I am totally opposed, according to my philosophy and experience so far as I have traveled this journey which we call human life, to substituting the Government in place of the middleman.

Mr. KENYON. Suppose, instead of invasion, that there should practically be a revolution in the country on the part of the people who could not secure the things to eat, does the

Senator think that such a circumstance would justify the Government stepping in and being the middleman?

Mr. SHERMAN. No, sir. I will tell you what it would justify——

Mr. KENYON. Not in the case of revolution?

Mr. SHERMAN. It would not.

Mr. KENYON. And the Senator would not favor that even to stop revolution?

Mr. SHERMAN. No, sir; I would not. I will accept the full responsibility of the logic of my understanding of it. I would commandeer, if I had the power, every one who was in civil commotion, I would send him to the field, put him to work, and give him sustenance for himself and family as long as he rendered service. If he would not render service I would commandeer him and make him render it involuntarily, as I believe a convict ought to be treated who has a family—taken to a penal institution and made to work, and part of the proceeds of his labor turned over to his family where they are dependent upon him for support.

Mr. KENYON. If a majority of the people were in this state of commotion of which the Senator speaks, how would he commandeer them?

Mr. SHERMAN. I would get, first, 7,000,000 farmers and 5,000,000 farm laborers, and I would give them to understand that here were gentlemen who persisted in living in cities, who would not move to the country, who further persisted in three meals a day, and would not work in a field to earn them—that is the way I talk to my farmer friends—and they would meet your mob with pitchforks and bulldogs. That is what would happen.

I know what is the matter with this country. I am not a dealer in empirics, but I know what is the matter with this country. There are too many consumers and too few producers. I have seen the drift for more than 25 years. I am going to wind up on a farm; I am going to "hit the back trail" and go to where I came from. The population of the city of Chicago is drawn from every State in the Union. I am going to take that city as a horrible example, for I have more detailed information concerning it than of any other of the large cities of the country. Chicago is the second largest city on the Western Hemisphere. No other city, except New York, has within its limits more population, and they are all "ultimate consumers." Outside of a few detached, isolated cabbage patches in Cook County there is not anything raised there to feed the people. All food comes from the outside, all the way from the State of the Senator from Iowa, where the Hawkeye farmer contributes meats and breadstuffs to support that city; from the wheat fields of the Northwest; from all the western and northwestern sections clear out to the Pacific coast, from which we bring hops to brew beer and prunes to supply the boarding houses of Chicago. I have not heard of any riots in the prune belt, but I have heard during the season, when the Industrial Workers of the World were endeavoring to reorganize human society in the hop fields on the Pacific coast, of some difficulties in that immediate locality. The trouble was suppressed, however, by the local authorities.

But to return to Chicago. In that city there are in the neighborhood of 3,000,000 people, and scarcely a producer amongst them, except out in the suburbs, where a retired farmer has come to live after having put some of the boys or a tenant on his farm and moved into the city. There is not a producer who lives inside of the city limits. New York is in the same condition, as are Boston, Philadelphia, Pittsburgh, Kansas City, St. Louis, Mo., and all the largest centers of population. According to the census returns, a majority of the population of our 100,000,000 people live inside the corporate limits of municipalities. They drifted away from the plow handle; and that has been the drift for two censuses periods. I have looked at the reports for the decennial census period, beginning with 1890 and including 1900 and 1910, and in the last two periods the drift to the cities has been especially marked. That takes in the last 20 years preceding 1910.

What is happening to the country? We are in the same condition that Imperial Rome was before its fall. We do not realize that; we do not realize it as the historian will who may have the melancholy task of writing of our decline and fall, as Gibbon wrote of the great Latin Republic. We do not realize that our rural population is passing away. Go into the corn belt in my State. A very decided preponderance of the 6,000,000 people of Illinois once lived outside of the cities; but to-day, if a census were taken, a majority of that 6,000,000 would be found to be living inside of Chicago, Peoria, Springfield, Quincy, Decatur, and the remainder of the larger towns, including East St. Louis. The acreage and the holdings of individual holders of farm land has increased. When Sam Allerton died he had 4,000 acres of corn land down in central Illinois, the largest part of it being in Piatt County. There are many other large holdings of land throughout the State. The original owners, who held the land from pioneer days having died, some of the sons have bought out the others, and the remainder of the family has moved West. The holdings are consolidated; the lands have increased in value; and those who have not moved West to get more land and cheaper land, have moved to the cities. Some are engineers, some are motormen on street cars, some in machine shops, mercantile pursuits, and so on. I know the history of hundreds of the farmer boys who have left the fields of Illinois.

What has happened there on a limited scale has happened on a gigantic scale in the New England States. The New England States are no longer self-supporting. If outside food supplies were withdrawn from New England and the Middle States to-day, they would be in the clutch of famine inside of 10 days. They must draw their foodstuffs from the outside world, and especially from the West and Northwestern section. In that great drift of population, which has been going on now for more than 20 years, the large families have split up and moved away, sold their lands, drifted to the city, and there remains but a single holder of a thousand acres where before there were six or eight holders, farming each of them individually, and living with their families on their acres.

How long that can continue, I do not know; but I do know there is no remedy for that condition in such a bill as this. When we speak of possible food riots, when we speak of civil revolution as a result of famine, we are urged to have the Government prevent it. Why, that is like a man with blood poison going to a surgeon and asking him to remove a joint because the poison has broken out at that joint. The treatment must be constitutional and radical. It must begin further back. We are treating a symptom here in this bill. We ought to treat the disease. This bill is a mere makeshift. It possesses none of the elements of statesmanship. There is in it no profound philosophical study of the underlying causes that make production possible and ward off famine from the great city populations. If the people of cities must indulge in a riot they will gain nothing by it. If they will help raise food they will apply a remedy.

The cities have drawn from this country generally until they can number in the census reports a majority of our 100,000,000 population. Let me make one prediction. We may criticize the German. I dislike his Government. I dislike his Kaiser. I dislike the governing heads about him who give him advice. They are brutal; they are conscienceless; they are cruel; they have no God but war; they have no standard but success; they have no method of warfare but unrestrained murder, stopping at no limitation with men, women, children, the sanctity of the household, or infancy in the cradle. That is their Government. That is the embodied form of Prussianism. It is a barbaric relic of the dark ages, and Germany's government is Prussian government. It is not a government of the mild and gentle nature of the Bavarian, of the Saxon, of the Westphalian. It is not a government of any of the races or Provinces of Germany who before this war began, and especially in former years, sent of their teeming population to our Republic. But in this country the only nationals that are increasing their holdings of farm lands are the Germans from the German Provinces of Alsace and Lorraine, who speak the German language, but are of French blood and French habits of thought. Those are all found in the western country. They are found in my own country.

If I go from the city of Chicago, from the Ghetto and from the Bohemian wards, with the various dialects of Austria, down into the country, I will find 27 races inside my own State. I know them, their racial characteristics, their peculiarities, their faults, their virtues, and their strength. The German and the Scandinavian are the farmers of the United States to-day. The German is the producer on the farm, and with those from the Scandinavian Peninsula they are the great strains of alien blood that will produce the meats and the breadstuffs of our country in the years to come unless there is a change, and a radical change, and a drift from the city back to the farm, where we can produce by those of English descent or those that are entirely American in their habits of thought and daily life these necessaries that are sought to be covered by this bill.

The German is of large family. They obey the scriptural admonition to replenish the earth, and they are replenishing it at a rapid gait. The family continues. The home ties are stronger than among the average of our own population of long native habits, or descended from the original English stock. I can go to a German settlement in the old counties in southern Illinois where I used to live; I can count an entire township

where there are but three Americans, as we call them, or those of English descent, to be found. I can count in a township the families of the Germans, and in none of them are there fewer than five children. It seems, too, that the good Lord, having some hand in our mundane affairs, makes a majority of most German families boys. They are raising the foods of the country. Next to them the Scandinavian goes to the farm in larger proportions than anybody else.

The Irish come here in large numbers, and they all go into the police departments. They are maintaining order. They are the police force of the world. In Cape Town, Africa, you will find somebody that has kissed the blarney stone and has a very broad brogue. The last time I went through East St. Louis, getting over to the city on the other side that is trying to put our governor and the rest of our city officials in jail, I stopped a moment, and a policeman at the relay station on this side of the river was an Irishman. Why, it is an exception to find an Irishman raising corn in the corn belt. You see them in Peoria occasionally, mostly on the police force there, sometimes working in private pursuits. These people of alien origin are the ones that have more to do in solving the problem in this bill than all the puny legislation that can be invented. All the fiats of Congress, all the proclamations of the President, will be but sounding brass and tinkling cymbals—to fall into scriptural phrase—in the great finish of this economic question.

If I return to the very pertinent question or suggestion of the junior Senator from Iowa [Mr. KENYON] about food roits, I remember that they happened in the French Revolution. I remember that they happened in the time of Jack Cade, of whom the great dramatist gives an account. Jack Cade said that he would put five hoops on a barrel of beer instead of three and sell it for less money. He said further, in a conference of his fellows—and there are some things in the report of the hearing of this committee that sound a good deal like it—"Away with the laws of the realm! My mouth shall be the parliament of England." That is what this bill is for. It is to make the mouth of the President the parliament of this Republic; and while the hand is the hand of the Executive, apparently, the voice will be the voice of Hoover when the bill is passed and is in lusty operation.

How will we prevent riots and food disturbances? Raise more food. First, I want to say that there is more scare than there is hurt; there is more cry than there is wool in the shearing of this sheep. We are not as badly off as we think we are. When wheat reached $3 or $2.97 on the board of trade of Chicago in May if there had been any box cars available it would have surprised the "longs" on wheat to see the surplus wheat that would have rolled in, all the way from the Platte River country out in Nebraska to the uttermost limits of the wheat belt of the North. If there had been box cars available, they would have brought the visible supply of wheat into Chicago. That was the trouble. They wanted to let loose their surplus wheat, and they could not find any transportation to get it into the market. I alluded to that upon another occasion in commenting on another bill here several weeks ago.

The wheat is there, but a beneficent Council of National Defense have commandeered all the freight cars for coal, iron, and steel and for building a fleet of steel or wooden ships—I have forgotten what it was, now—and you could not get any box cars to carry the food products into Chicago to get the advantage of this price. It was the $2.97 a bushel on wheat that loosened it from the farmers' bins.

It is said that we do not intend here to interfere with production, to interfere with the farmer in any way; it is only that we must prevent food riots. Now, who is going to produce the food riot? The men without food in the great centers of population, presumably in Chicago, New York, Boston, and Philadelphia. Well, what are they going to riot about? Because they have not anything to eat. What will they do? Suppose the civil authorities are overcome. They will take all the food that is accessible. They will break into the cold-storage warehouses, into the grain warehouses, into all the places where packed and preserved meats are stored, into all the wholesale or jobbing and retail grocery houses where the supplies for their customers are drawn from. They will loot all the retail shops, and they will gratify their appetites for food. All right. Let that be done. I am not defending those people. I am not an inhabitant, except by force of circumstances, of a large city. I am naturally a disciple of the soil. I belong among the farmers, and when I get upon the grain exchange or around the curbstone in a large city, it is only because I must go there. I do not belong there. I am an alien in any large city. I am naturally a countryman, and a "rube" at that. I have bought no gold bricks. I have been accused of selling them, but they never induced me to invest in them.

After you have looted all the food supplies in Chicago—and I am not representing nor arguing for the cold-storage man, for the grain warehouseman, for the jobber, for the retailer, for anybody that is the collector and acts as the middleman in reaching the ultimate consumer—after you have done all that, what is left? You have nothing but a curbstone and empty houses and hungry people. What do you do next? Move out in the country. All right. I have no objection to that. I think that is a good cure. But when the dweller in cities reaches the country he must become a producer or his last condition will be as bad as the first. The only thing in the world that can be done, Mr. President, when a hungry mobs gets tired of looting a city, and there is nothing more to take or break into or steal or take away or eat, is to spread them out over the soil. It is a disinfectant, anyhow. If a population has piled up on itself, as Thomas Jefferson said in one of his letters, until it has become lawless and can not support itself, let the population spread out over the rural districts and go to work with their hands.

That is what is the matter in this country, anyhow. It is not quite so aristocratic, it does not look quite so nice nor sound so well to pull a hoe handle, to work a tractor engine, or to hold on to a pitchfork or a plow. You ask what a fellow is. "He is a farmer." You city dwellers lose interest in him right away. He is just a farmer. You want to riot to get the bread he raises for you, but you go away from him and begin to talk about somebody that is a master of finance, or some of the fellows that are controlling boards of trade—horrible object lessons. They are the people that everybody in the city wants to be. Now, naturally, we are not jealous of the millionaire. We do not want to kill him. All we really mean is that we want what he has got. That is the reason he is pointed out as a horrible example.

After you have eaten up everything in the city and pulled down the warehouses and destroyed the cold-storage people, after you have looted the board of trade and have driven its 1,600 members into exile, or given them a Government job at $1 a year—after you have done all that and have eaten up everything in Chicago, she would eat herself empty in three days if inbound shipments stopped. They do not raise anything. It is of no use to cultivate a vacant lot there. It is a good deal like it is in Washington. As soon as the product is fit to eat somebody steals it at night. That is what they are kicking about now up in my part of town. All the vacant lots are filled with onions and cabbages and things of that kind, and they went and even stole the seed out of the ground before it came up on the next lot to me. They were a little previous; that was all. It is a good thing to talk about the early bird getting the worm, but those early birds got the seed potatoes.

After they have done all that, Mr. President, and eaten up everything in the city, where will they go? Out in the country. Well, the sooner they go there the better. That is what is the matter. A man can not live on a cobblestone. It produces nothing edible or nourishing. The board of trade down at the foot of La Salle Street is nothing under the sun but a distributing agency. Those men can live. Out of the 1,632 men, I think I know personally 1,000 of them. Some of them were farmers when I was a farmer. Some of them bought grain in a local elevator at the crossroads and then afterwards went to Chicago and became grain dealers. They belong to this hated class. They only buy grain, not on their own account, 95 out of 100 of them, as I said one day; they buy for somebody else—the miller or the exporter.

But after that is all done, after they have consumed and taken away everything there is in the large centers of population, what are they going to do? They have to raise some more. Who will raise it? That is what is the matter now. People are not going to the farm; they are not raising enough to feed a hundred million people. That is where the trouble begins. What we need here is not a food dictator, we need a farm-labor dictator. As I have said on several occasions, all my people are farmers. I know something of their trouble in getting labor. What they want is not a guaranteed price named in this bill, they want a guaranteed farm hand who will stick to the job, and that is what they can not get.

I will tell you what is the matter with this country now, Mr. President. There are too many aristocrats. I do not mean it in any offensive sense, but there are too many men who do not like to be seen with a dirty shirt and with callous places on the palms of their hands. They do not like to work on a farm. The hours are long. There are no heroics in it. We are suffering as ancient, decayed, and extinct races suffered. Their fields were untilled, their orchards were uncared for, their food sup-

plies, their oranges, their fruits, their grain products in such ancient and favored countries went to neglect and their population gathered in the large city. That was the beginning of their fall. The Dark Ages were ushered in when a majority of the Roman people were found in her great cities. They had perfumed baths, they had personal-service attendants, they had gladiator and animal fights galore. All the amusements of an effete population were found there, and I can find most of them in Chicago or New York any day, in spite of the reform wave that has swept over both those cities. I think I can go with any good member of Tammany and I can find all the amusements, legitimate and illegitimate, I want in New York, and I know I can in Chicago. The population gathers there; they stay there. If a food riot comes it will come in the large cities, and I am not sure but that, like a malignant carbuncle, the sooner it comes to a head the better, and let civil authority thrust a probe into it and perform a major operation that will remove the ever present, underlying cause. When they can not eat they will leave the city and go out to the original sources of food. That is the source of the trouble in this country now. It is not the grain exchanges. It is not the alleged greedy middleman. It is the fact that to-day the first production cost of all the articles of food has gone up and has kept pace with the price of land and fewer actual producers. It is reflected in higher prices. It would have happened even if war had not come to a troubled world. The war has merely hastened and aggravated it.

There is section 6 on page 6, which provides—

That any person who willfully hoards any necessaries—

Using this word now that has a fixed legal meaning in this bill if it should be passed—

That any person who willfully hoards any necessaries shall upon conviction thereof be fined not exceeding—

So much money and jail penalties. There is a proviso in this section—

That any accumulating or withholding by any farmer, gardener, or any other person, of the product of any farm, garden, or other land owned, leased, or cultivated by him shall not be deemed to be hoarding within the meaning of this act.

Apparently that excepts the original producer of foodstuffs from the penalties of this section. It does except him from any penal liability, but if it be taken with section 3, and there is an established and governmental control of necessaries which shall extend to the production and sale of necessaries, you have complete Government control of the farmer. There is no escape from this provision. So section 6 with its proviso on page 7 is to be read and interpreted with section 3, which does include a farmer, although exempting him from penal liabilities within the provisions of section 3.

There are many ways in which a farmer can be affected without sending him to jail. If the market be controlled by a guaranteed price, if a guaranteed price be made, and that is what is contemplated in this bill, it will affect the surplus of every pound of meat and every bushel of grain that a farmer has to sell.

If we go on with this in section 9 on page 8:

That to carry into effect the purposes of this act the President is authorized to purchase, provide for the production or manufacture of necessaries; to store them and to provide storage facilities for them by construction, purchase, lease or otherwise; to sell them; and to require any person having the control of any necessaries * * * to furnish the whole—

I am omitting certain parts that are not material and taking the substance of the section where it affects the farmer—

to furnish the whole or any part of such necessaries or storage space to the Government in such quantities, at such times, and at such prices as shall be determined by the President to be reasonable.

There is a direct control of any surplus that the farmer has not needed to support his own family or for seeding next year's crop. It is concealed in a great mass of verbiage it is true, but nevertheless it is there.

That to carry into effect the purposes of this act the President is authorized to purchase, provide for the production or manufacture of necessaries, to store them, and to provide storage facilities—

How? By purchase. From whom? From any person having the control of any necessaries. By requiring such person "to furnish the whole or any part of such necessaries or storage space to the Government in such quantities, at such times, and at such prices as shall be determined by the President to be reasonable." Suppose one of my farmer constituents has a thousand bushels of wheat. He has a family of five. It will require with Government-fixed rations about so much to maintain the family until another crop is raised. Making reasonable allowances for seed wheat, all the rest of the thousand bushels is subject to the orders of the Government. It is said that the farmer is excepted out in the other two sections, but he is not excepted out in section 9.

In the hearing before the committee Mr. Hoover is specifically asked about that by the junior Senator from Missouri [Mr. REED], and without reading it my recollection is that he answers it in effect by admitting that a Government agent may do this: A Government agent may go into the farmer's place into the bin where his barley, wheat, rye, or oats are stored, may take a census of his family, put him on rations, on breadstuffs, inquire from him how much he intends to seed for the next year, and then, under the power of section 9, he can commandeer and take every bushel away above the requirement estimated by the Government agent. When can that be done? After a hostile fleet lands an invading force on our shores? No. After we are conquered? No. After any part of our territory is subjected to the warlike forces of a public enemy? No. Any time after the President approves this bill. If within a week he has affixed his signature, the next day Mr. Hoover can send to the farmers of North Dakota or the farmers of Illinois an agent to make an estimate of their grain and compel the rest of it to be sold. At what price? At a market price? No; at a guaranteed price, as it is called in another section of the bill, of the surplus grain.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Iowa?

Mr. SHERMAN. Yes, sir; I do.

Mr. KENYON. I do not know where the Senator gets the information as to Mr. Hoover making that statement.

Mr. SHERMAN. It is in the hearing some place. I will point it out to the Senator.

Mr. KENYON. If the Senator will turn to page 26, which, I think, covers that section, he will find that Mr. Hoover said that there was no intention of that kind in the whole legislation. There are other places on that page where it might possibly appear he thought such power would have to be used at some time, but said there is no such intention in the legislation, and I am sure——

Mr. SHERMAN. Does the Senator move to strike that out?

Mr. KENYON. I have offered an amendment on that very question to make it clear. I do not think anybody is for any such proposition as that.

Mr. SHERMAN. Mr. Hoover uses this language:

Senator REED. To buy and sell in the market——

Mr. KENYON. Where is the Senator reading?

Mr. SHERMAN. On page 26. It is three or four paragraphs from the top down, just below an answer by Mr. Hoover.

Senator REED. To buy and sell in the market; but this goes further than that; it is the right to take in the market. What do you say about that, Mr. Hoover—giving authority to take the farmer's crop from his crib, from his bin, or from his house?

Mr. HOOVER. So far as I am concerned, I would not attempt to execute that provision.

Senator REED. If you would not attempt to execute it, it would be a useless thing.

Senator KENYON. It is not the theory of this bill.

Then, I presume, the Senator offered on that idea, carrying out his good faith in the matter, this proposed amendment. I very greatly hope that that amendment will be adopted.

Mr. KENYON. Will the Senator read on just a few paragraphs?

Mr. SHERMAN. All right; I will read on.

Mr. HOOVER. So far as our present situation appears; we might drift into a situation any time during the winter when it might be vitally necessary.

Senator REED. But there would be time for action then, would there not?

Mr. HOOVER. Yes, sir.

Senator REED. I want to know if you affirm or deny it?

Mr. HOOVER. In discussing section 11, I think it was—the section relating to the taking over of manufactures, etc.— I made the statement that we did not propose to requisition materials. We may need the right—we may possibly have to have the right—to requisition storage space.

The CHAIRMAN. But you do not contemplate any extremity, under any circumstances, which would lead you to insist upon the power to take wheat out of a farmer's barn that he had produced?

Mr. HOOVER. No, no; there is no intention of that kind in the whole legislation.

Mr. KENYON. That is the point I wanted to bring out.

Mr. SHERMAN. It will be noted though that he does not deny that the bill as it stands at the present time contains the power which might be applied in that way, and it is admitted.

Mr. KENYON. There is not a bit of doubt but what it does. I think section 9 contains that power now, but section 9 ought to be changed, because I think there is no one in favor of giving that power. That illustrates the value of discussion here.

Mr. SHERMAN. I am very glad the Senator interpolated this explanation. I am glad to have it, indeed, because I agree with him on that. While we are talking about food riots I anticipate that if you went out to the habitat of a farmer who had five or six hundred bushels of barley or wheat that he did not want to sell, and the Government agent undertook to

requisition that under present conditions, there would be a different kind of a riot. It would not be exactly a food riot; it would be a riot composed of agriculturists, bulldogs, pitchforks, and several ladies of the household all mingled together in one indiscriminate fray, because the farmer is great individually. He lives much apart from large multitudes, is very much given to reflection while working by himself, and I am inclined to think he might resent, even at the hands of a Government agent with all its great penalties, any such interference on his property right. Even though it were undertaken to be guaranteed here by an act of Congress, he takes the consequence. I think he would about as leave spend his time in jail as to have his property taken away from him and nothing but a certificate given him that some time the Government would pay what it agreed to pay here in Washington, and then if there is anything above that it would have to be submitted to a lawsuit some time in the future, that would be reached like some of the rest of the war claims that arose in 1865—52 years ago—some of which are just being settled now. The farmer does not want to invest in futures of that kind. But the provision is written that way.

Let me call the attention of Senators present here to what will happen to many of these things that are admitted to be objectionable. It will go through this body, and the House passes it in its entire form, known as the Lever bill. The differences will be sharply drawn between the bill as passed by the House and the bill as amended and passed here. A conference committee in due course will be appointed. The purpose of a conference committee, of course, is to confer. That is the parliamentary supposition. They do much more than confer, because the conference committee really legislates. The most important legislation takes place on matters of difference between the two bodies of Congress and comes from a conference committee. So it will be settled there finally. It comes back here. We must vote against the entire bill or we have got to support it with whatever is objectionable in it in order to get what good might possibly remain.

To the license feature I have no objection. If the President wants to license everybody, including the farmer, I have no objection to it. I do not think the farmer will pay very much attention to it. By the time licenses are issued to some 7,000,000 farmers the department would have considerable clerical work.

Mr. KENYON. The Senator has, perhaps, overlooked the proviso of the licensing section on page 6. It does not apply to farmers nor does it apply to retailers. I wonder what the Senator's view is as to licensing the retailer or omitting the retailer from the bill.

Mr. SHERMAN. Then, as the Senator has called attention to the proviso, it would leave only the middleman?

Mr. KENYON. Yes.

Mr. SHERMAN. Then let it go at that. The producers, however, if the open or unrestricted market remains, would sell in a market in which only licensed middlemen were the purchasers, and the farmer is just as bad off as if he had to have a license himself. Let me control the market in which the farmer sells his surplus and I do not care anything about the farmer's right to produce. It is the right to sell in the market. The only right he has is to go and get what he is offered, subject to this guaranteed price, providing the Government exterminates all the middlemen and takes the middleman's place. It will have to stop the grain exchanges, every commission man, every factor of meat and breadstuffs, and substitute Government employees. All the vast machinery that has been built up through the years will be eliminated, and in place of those men who, of course, can not be trusted, we shall have to appoint somebody who is certified by the Civil Service Commission; they are infallible, omniscient.

Mr. KENYON. I do not want to interrupt the Senator to take up unnecessary time, but I am interested in the discussion, and I have been very much interested in what the Senator has said because he has such clear notions about these matters. Take the thousand bushels of wheat and trace it down through under this provision. Does the Senator think it would not fix the price to the farmer if an arrangement of this kind was made under the licensing section?

Mr. SHERMAN. A guaranteed price?

Mr. KENYON. I am not talking about a guaranteed price now, but under the licensing section, to the elevator man he says your profit can not be any more than so much per cent, 10 per cent to illustrate, or 6 per cent, then to the miller your profit shall not be over 6 per cent or 10 per cent, not saying how much they shall pay the farmer. It makes no difference what they pay the farmer, the intention is, as I understand it, to limit the profits of the middleman. Now, will that reflect back and fix the price for the farmer?

Mr. SHERMAN. Certainly.

Mr. KENYON. I am interested in knowing how the Senator reasons that out. I am not clear in my mind about it.

Mr. SHERMAN. I will be very glad to state it. One of two things must result. Either the distributing agency that is summarized here under the name of "middleman" must remain or he must be exterminated and the Government must substitute itself and undertake the collection and distribution of surplus grain supplies or foodstuffs. Suppose the middleman is allowed, together with all his mechanism, to remain. It will fix his profits at 10 per cent, I understand, though in that event there is to be no price fixed by the Government except what it buys for Government supplies. In other words, it is a free or an unrestricted market, with the middleman having a percentage basis of profit. That is the supposed condition. Now, let us see how it will work out as it affects the farmer, with his surplus grain. The middleman is said to have fixed for him 10 per cent as his legitimate profit. The price of a bushel of barley that the malster is to use is fixed by the demand on the market. The Government is not yet price fixing under this condition. That price must necessarily go up or down according to the demand or supply, obeying the natural laws of trade. If the Government fixes his profit at 10 per cent and the price goes up, the farmer will get more. If it goes down, he will get less. But the 10 per cent is an invariable fixed margin of profit, and it may in some instances be grossly unreasonable. I know many actual deals which I have investigated running into a considerable volume of grain where the margin of profit was not 10 per cent, but was a fraction of 1 per cent in some transactions. I assume now the Government is buying grain in large quantities and that some factor or commission men would sell to the Government, furnishing their service for such compensation as they would get out of the 10 per cent. They would sell in large amounts. The larger the volume of the transaction the smaller the percentage of profit, necessarily. The higher the market price the more the middleman's profit. It is 10 per cent on principal. It can all be done in one trade, in one day's work, with one set of books kept, with one transaction. The smaller relatively the volume of the transaction the more the broker's commission would rise until it reached the limit of 10 per cent. That is a schedule of charges with a 10 per cent maximum limit. It will fluctuate just the same, except there is a maximum limit of 10 per cent of profit to the middleman. The only effect of that would be at times to limit the price that the producer gets for his surplus. If the commission man can only get 10 per cent for his profit, and that is not enough to pay him for his trouble, he is going to bid down to the farmer for the surplus the latter has to sell. The middleman's 10 per cent profit is on the sale to the Government or a consumer who will be meditating a bread riot. It is not on the price to the farmer. The Government so far has not undertaken to fix the price to the farmer when he goes to the elevator man at his village to sell his grain, and the latter in turn is governed by prices quoted to him that morning or received by telephone from the grain center, where eventually this surplus goes. So 10 per cent is a fixed limit, and when it is insufficient compensation the commission man will bid down to the bushel to the farmer.

You can not get away from it. Where there is a limit on the profit in selling to the consumer and no fixing of the price of the article when it is sold by the bushel or measure a mere fixing of the profit of the middleman does not control the price or the market. Neither does it help the farmer. Nowhere in this bill is there a thought for the farmer except he is not sent to jail.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Minnesota?

Mr. SHERMAN. I yield.

Mr. KELLOGG. Is it not a fact that this bill, together with the embargo clause in the espionage act, will give the Government absolute power to fix the prices? Let me invite the Senator's attention, first, to the embargo act, which enables the President to place an embargo on all exports. He may say to all purchasing foreign countries "you must buy through the Government here or not ship at all." Under section 5 also the Government can license all elevators, farmers' elevators, mills, or concerns handling grain and fix the terms and the conditions under which they shall do business, and fix the charges therefor. If that will not accomplish it, may not the Government under section 9 say to the elevators, mills, and farmers' elevators if you pay more or less than a certain price the Govern-

ment will purchase, store, and handle these products itself? Will it be possible for anbody to pay any other and a different price than the Government has to fix? I should like to get the Senator's views upon that subject.

Mr. SHERMAN. Mr. President, that is a part of this discussion. After I pass from the question of the open and the unrestricted market as to the producer and the consumer to a restricted compensation for the middleman, when we leave that as being insufficient for the purposes in view, then we must pass to another condition of doing business. That will be the second status of the food supplies, their production, and distribution in this country. The middleman in that event will be legislated out of business, or by a proclamation of the President will be retired from further business. The Government then, through its agencies provided for in the bill, will substitute the Government in place of this intermediate mechanism of distribution that stands now between the producer and the ultimate consumer.

Mr. KELLOGG. Mr. President——

Mr. SHERMAN. I yield to the Senator.

Mr. KELLOGG. I did not mean to say that that was the proper construction, or that that in substance is the bill. I asked the Senator his opinion on that question. That is all I intended.

Mr. SHERMAN. That will be the second condition in the event the middlemen are by the President eliminated from any agency in the food supply of the country. Let us take that feature of it. That necessarily connects itself with the guaranteed price by the Government.

Just as soon as the Government has taken the responsibility of collecting and distributing the grain or has eliminated the middleman, the only thing left is for the Government to fix a guaranteed price for the farmer and to take from him as the original producer his surplus. There will then be no middleman. The only thing the middleman does now is to take up the surplus in the days when the market is slack and the price may not be attractive unless it can be held for the future. A large surplus is a condition of a low-price market. Somebody must always turn some of his product into money, perhaps, for his various needs. So, when the market is low the middleman accumulates and holds in the hope of a more remunerative future market. Under the second condition he is out, and nobody remains except the Government as the purchaser. The Government has now taken over all of the powers and duties of the middleman.

Then we come to the following section, section 12 in the bill, which is to be interpreted alongside of section 9. I will first read the section and comment on it afterwards:

SEC. 12. That whenever the President shall find that an emergency exists requiring stimulation of production and that it is essential that the producers of any nonperishable agricultural products produced within the United States shall have the benefits of the guaranty provided for in this section in order to stimulate production of such products, he is authorized, from time to time, seasonably and as far in advance of seeding time as practicable, to determine and fix and to give public notice of what, under specified conditions, is a reasonable guaranteed price for any such products, in order to assure such producers a reasonable profit.

The Government now substitutes itself for the middleman. Let me put it in this way: In 1915, of the five primary food grains of the world, there were produced 15,000,000,000 bushels—corn, wheat, oats, rye, and barley. If you take those out of the food market, there would not be anything left for breadstuffs in any form that would be worth mentioning. In 1916 following, the total produced of the five grains named was 10,000,000,000 bushels in the known civilized world. They were 33⅓ per cent short. In 1912 there was the largest production of food grains known. It likely reached the maximum since men have kept records of grain production. That was the year when we produced 3,100,000,000 bushels of corn in the United States alone, and reached the maximum of over 1,000,000,000 bushels of wheat produced, thrashed out, and accounted for.

The production of barley and rye and oats went up to something like similar proportions. The market price fell under the influence of a large visible surplus. Naturally, when 1916 came along, with one-third of that surplus cut off, it led to a change in market conditions. When the surplus was here in 1912, say, the middleman loaded up with the surplus at the best low price he could get; he carried that just as the cold storage man may carry now perishable products—because section 12 refers to the nonperishable products.

What I have to say now refers to matters of merchandise that can be carried over indefinitely from year to year if they are kept in proper surroundings. The middleman now carries a surplus under the conditions named. In 1916 he carried the surplus of the short crop year. Various causes—I shall not stop to enumerate them—some climatic, some entirely had their origin in war, but, at any rate, there was a short production. The middleman in the years of large surplus carried that surplus and held it until it reached the ultimate consumer. He held it at his own risk. That risk turned out disastrously to many dealers, and many fortunes were lost, large and small, in 1912. It was a bountiful year, and those who accumulated lines of surplus, carrying over, hoping for a rising market, were disappointed; they lost.

Now, you come to a guaranteed price. In 1916, with one-third of the production of the year in food grain short, the price naturally rose. Wherever there was a surplus to be found on a market, the middleman had accumulated that line of surplus; he held it; and now he is taking the benefit of a rising market. As to those who weathered the storms of 1912 and emerged without bankruptcy over into 1916—the good year of 1916—the rising market no more than compensated them for the loss of the bad year of 1912 on a falling market.

What is proposed now under this bill? It may last one year or it may last five years. Who can tell—no human intelligence—what will happen under section 12, with a guaranteed price and with purchases by the Government?

We hear of the successful speculator; we hear of the man who makes money; but there are no tears shed for the bankrupt, for the one who loses his all. I never heard anybody even on the board of trade cry about the trader who lost his fortune because he loaded up on a long supply.

Naturally the Government takes that place; the Government now undertakes to accumulate the surplus line of foodstuffs, and not only that, but meats—because they are included; and it only adds to the gravity of the problem—the Government must carry all the surplus lines under the guaranteed price.

Who will fix the price? Hoover. Who will tell Hoover? Nobody but Hoover. He is to evolve that out of his inner consciousness. I never met Mr. Hoover; I certainly can have no prejudice against him; but Mr. Hoover is by this bill required to perform superhuman duties. Mr. Hoover and no other living man can perform those duties with justice to the Government and to private interests. Mr. Hoover is no demigod; he is not vested with extraordinary human capabilities; he is but a mere man of flesh and blood, subject to the same errors and imperfections as the rest of us are.

On a sign facing visitors entering Mr. Hoover's office is the following pious legend: "To hell with yesterday. This is to-day." This is to reassure ladies with nerves not to think about the past. A man that can not think about yesterday will not think about to-morrow. I am thinking of both to-morrow and to-day. Yesterday does not interest me except for its experience and its lessons. "To hell" with experience and the future is the slogan of the new school of government. Just give it unlimited power and watch it perform. Congress never needed to retain its power more than now. The joint resolution of the junior Senator from Massachusetts [Mr. WEEKS] on the control of the war never had a stronger reason for its passage than this bill and the persons behind it. There is no to-morrow in their scheme of life or government.

Where will Mr. Hoover get his information? He will get it from war conditions. From the market? There will not be any market; the Government is the market. As to guaranteed prices, when he fixes the guaranteed price, how will he know how to fix it? He will consult Mr. Balfour or Lloyd-George. Lloyd-George is supposed to be up on those things. He will consult them by cable. If he had consulted them by cable or by personal conference this last month there would not have been any flurry in wheat in Chicago. That is what was the matter. The allies bought in this country on our markets 40,000,000 bushels of wheat. They bought a half million bushels in one day in Chicago on the grain exchange. Everybody cursed the brokers, from Dan to Beersheba, because the price of wheat went up. Wheat is just like this administration: It is affected every time the English come here. Congress will soon be a subcommittee of Parliament.

I presume, Mr. President, before long that we shall be wearing tweeds, dropping our h's, and drinking Bass ale. That will be the only recourse when we go "bone dry"—to get it from across the water.

But the guaranteed price provided for in section 12 imposes upon the Government this liability:

Thereupon—

To continue—and the inquiry made by the junior Senator from Minnesota [Mr. KELLOGG] was very much in point on this subject—

Thereupon the Government of the United States hereby guarantees every producer of any merchantable, nonperishable agricultural products produced within the United States, for which a guaranteed price shall be fixed by notice in accordance with this section, that, upon compliance by him with the regulations prescribed by the President, he

will receive for any such products produced in reliance upon this guarantee within the period, not exceeding three years, prescribed in the notice, a price not less than the guaranteed price therefor as fixed pursuant to this section.

What is the Government going to do under that provision for three years? It will substitute itself in place of the middleman, who now handles this product; taking the gains and bearing the losses. It is going to stimulate—that is the purpose of the section as disclosed in the very first lines of section 12—it is going to stimulate the production by fixing guaranteed prices. Suppose the Mediterranean Sea shall open up, and suppose there is a big wheat crop in the Argentine; suppose Canada is productive—a great many of our citizens are going up into the wheat country of Canada and opening up new lands—suppose there is a good crop of wheat raised outside of the United States, and the price falls, not this year, but about the second year after the Government has a guaranteed price and begun to buy the stored wheat under the preceding section, what will happen? There are $150,000,000 provided in this bill. What is that? It is described in this way all the way through—a very favorite phrase. It is like the "coordination of activities" that has run the gamut of all legislation, State and National, for 16 years, until I have got unconscionably tired of ever hearing of it again. They have a phrase in here that I think the same professorial mind invented—it is a "revolving fund." Well, I have heard of vanishing funds, of invisible funds, of guaranteed funds, and of various other kinds of funds, and even "no funds," sometimes seen on checks, but it has remained for this blessed Republic of ours to discover such a thing as a "revolving fund." I want to test that revolving fund, and see just where it will revolve to. By the time it has revolved through about two years' market in which the middleman is now doing the revolving, it will have revolved itself into bankruptcy.

No human agency has ever been devised to carry successfully the burdens, the benefits, and the shortcomings of a system of finance or economics that 100,000,000 people are now carrying, without subjecting the Government to incalculable loss.

Under this "revolving fund" and the "guaranteed price" plan, if the world's production of wheat or any of the other primary food grains should be large, the Government, with its storage facilities, with its accumulated surplus of grain on the market, with a guaranteed price to the farmer of, say, $1.50 on wheat, will be confronted with the necessity of keeping the $1.25 price up. Well, suppose there is a big wheat crop in Argentina, and they begin to ship it up here—wheat is free listed—what will happen? As a matter of fact, wheat may be brought here and sold for 90 cents. The cure proposed is worse than the disease; and how some men can swallow the remedy I do not understand; but the bill proposes a remedy. If the wheat production of the world is large, the prices begin to fall. Wheat, as I have said, is free listed, and can come here without paying a cent of duty. Naturally it begins to seek our markets, where there is a guaranteed price of $1.50. Down at New Orleans I have a couple of steamships, and I have some barges which can go up the river. I take these steamships and go down into South America and import wheat into the United States to get the guaranteed price.

Well, there is another provision in the same section, I believe, under which one of two things must happen. The Government can continue selling wheat at $1.50, say, to the miller; or, if the price in the world market, in Liverpool or elsewhere, goes down, then the Government must stand the loss between $1.50 and the price of wheat elsewhere, or the price for which it could be brought here and sold.

What is proposed in that case? The Government can either stand the loss, which means a drain on the Treasury, because wheat bought at $1.50 and sold at 90 cents would involve a loss of 60 cents a bushel, or it must maintain the price at $1.50 and sell the wheat to the miller to be milled at $1.50, and to be furnished to the consumer in the form of flour or bread from the bakeshop on the basis of $1.50. How is that to be done? Oh, by the simplest process in the world. It is the easiest thing to create a mechanism of this kind. All you have to do is to write it down on paper, and it will work automatically. It is like the theory of perpetual motion. There is always some genius who is figuring away on perpetual motion. The Patent Office in Washington is full of devices of that kind. Well, that is this bill—perpetual motion of the "revolving fund." If the taxpayers of this country go "broke," the motion will stop. All the governmental follies of this country are only prevented from actual demonstration of their folly by the inexhaustible resources of the taxpayers. Now, here is the device:

That whenever the President—

It is the simplest thing in the world. It is a compound of Adam Smith, of Henry George, of William Jennings Bryan, of a high-tariff New England Republican, of a low-tariff Hoosier, a South Carolina free trader, and a fellow who does not care a rap about any sort of political economy rolled into one paragraph—all the economic science of modern times, all the opinions of learned professors, all the wisdom of the wise man in the White House, the men in the Cabinet, and Mr. Hoover with his experience in Belgium in on top of it, in one awful category, blended in the philosophy of "to hell with yesterday"—are comprised in the legislative brew of this section.

SEC. 11. That whenever the President finds it essential in order to prevent undue enhancement or fluctuation of prices of, or in order to prevent injurious speculation in, or in order to prevent unjust market manipulation or unfair and misleading market quotations of the prices of necessaries, hereafter in this section called evil practices, he is authorized to prescribe such regulations governing, or may either wholly or partly prohibit, operations, practices, and transactions at, on, in, or under the rules of any exchange, board of trade, or similar institution or place of business as he may find essential in order to prevent, correct, or remove such evil practices.

That is from section 11. Then, in section 12, after the President has fixed the guaranteed price and he finds the wheat or any other grain market in the outside world is such as to stimulate importation and sales in our market, the following provision, on page 13 of the bill, beginning in line 15, comes into play:

When the President finds that the importation into the United States of any such products produced outside of the United States seriously interferes or is likely seriously to interfere with the practical operation of any guaranteed price therefor fixed pursuant to this section, or materially enhances or is likely materially to enhance the liabilities of the United States under guarantees of prices therefor made pursuant to this section, and shall so proclaim, there shall be levied, collected, and paid a rate of duty, upon the products so imported, the amount of which rate of duty shall be ascertained and proclaimed by the President, which amount shall, when added to the value of the product at the time it is offered for entry, be sufficient to bring the price thereof at which imported up to the price which shall have been fixed therefor pursuant to this section.

What becomes of "ye consumer"? Why, Mr. President, the price of wheat has gone down; perhaps we are importing wheat from South America and there is a large yield in Canada. There is much wheat land there not yet developed, and our people are going there, and premiums are offered them by the Canadian Government for settling in that country. Suppose our wheat crop should be short. We only have this year in the United States from 51 to 59 per cent—it is very variously estimated—of a full crop. Suppose next year the crop should only be 50 per cent of the normal. A great variety of things can happen—rust, the Hessian fly, winter killing, bad weather in the spring-wheat area, a thousand things, climate, insects, and market conditions may happen here to discourage a large acreage, so that next year we would have a 50 per cent crop.

Now, we will have a guaranteed price fixed this year on the strength of which the farmers have raised a 50 per cent crop. Assume, for the purpose of the illustration, the price to be $1.50, let us see where we will come to. This coming year we will have, say, a 50 per cent production, with $1.50 as the guaranteed price. All the remainder of the wheat area of the Western Hemisphere produces more than the average crop. A great surplus results, some of which can be imported into the United States. The imported wheat might reach the price of 90 cents or a dollar. Having a 50 per cent crop naturally we would not export any. We would clamor for imports. What would happen? A guaranteed price has been given to the farmer to induce him to raise even a 50 per cent crop. Under the conditions described imports begin. Then this portion of the bill which I have read becomes operative, and the President, in order to preserve the Government against inordinate losses on a dollar and a half guaranteed price, must keep all of the foreign wheat out of our markets. So he issues a proclamation which stops the importation of wheat. To be consistent, he must stop the importation of all forms of manufactured wheat, because the indirect result would be the same as the direct. What naturally follows under this in practice unworkable section? He issues a proclamation fixing a duty on importations of wheat sufficient to bring the market price of imported wheat up to a dollar and fifty cents a bushel. What effect does that have on the ultimate consumer? He is the man who is indulging in bread riots. Well, who is he going to riot against now? The Government. The fellows engaged in food riots against a benevolent government will hold the Government responsible for keeping up the price of flour and bread. The middlemen are just now the objects of popular wrath. But the Government must take their place and keep up prices or bankrupt the Treasury.

What is the alternative? That the Government step in on a falling market and stand the loss that the middleman now stands every time he buys long and holds on the market. Nobody sympathizes with the middleman, but somebody will sympathize with the Government; at least the taxpayers will sympathize enough at the next election to visit with the seal of their con-

demnation such infamous folly as the Government undertaking to interfere with the economic laws of a great Nation and with the markets that rise and fall in accordance with supply and demand. That is the natural result of section 12; there is no escape from it.

That has been faintly touched upon to some extent by Mr. Hoover. Mr. Hoover, when he was approached on this matter, gave no very succinct explanation. I will summarize his conclusions, without taking the time to read from the hearing. He said that these are legal matters that are somewhat beyond the scope of his duties, and he would not undertake to discuss them. All that is left for mere plodders, who really think of details.

So the Government stands to do one of two things—either to support a falling market at the expense of the Treasury, which is at the taxpayers' expense, or to keep the price up by levying a duty under a proclamation of the President, keeping all of the imports of lower-priced wheat out of the American market, guaranteed unless it pays duty and sells at the price in our markets, and selling the flour milled to the baker, and the baker selling the bread to the consumer on the basis of a dollar-and-a-half wheat, the inflated artificial price which the consumer will have to pay. So you will have a bread riot in either instance; and between the two, I would prefer that if there be any riot at all there be a bread riot under the natural condition of things than under the artificial one produced by the Government, with no consequent benefit save that of finally making a bankrupt Treasury.

First, there was a maximum price. That was the favorite plan. The maximum price has disappeared in the discussion. Even the minimum price is not very vociferous. It is nothing but the guaranteed price. I can not refrain from referring here to England's example. I think we are, as suggested, a kind of a subcommittee of the House of Commons or Parliament, anyhow. We seem to be taking most of our information on this question from abroad, and as long as we are doing that it is proper to quote from Sir Alfred Booth. He is the chairman of the board of the Cunard Steamship Co.

England fixed a maximum price on grain, foodstuff, beyond which nobody could sell. She abandoned that as a disastrous experiment. Sir Alfred Booth, at Liverpool last month, gave out a public statement condemning in unmeasured terms the interference of the Government on the maximum-price plan. He said it had produced no good results to the consumer; that it had disordered markets; that it was a disastrous experiment for the British Government; and that it ought to have been abandoned or never ought to have been attempted, even; that no well-considered plan would ever for a moment think of fixing the supply in that way.

What does the minimum price do? It is intended to assure to the farmer, in accordance with this guaranteed-price idea, that when he produces he shall have so much for every bushel of surplus grain or every pound of surplus meat that he puts upon the market. That is exactly the same thing. The Government must sustain the guaranteed price; it must keep faith with the producer, having once induced him to enter upon a given course of production.

These difficulties are ones that suggest themselves to me on these two features. There are parts of this bill to which I have no objection. I would support without a question those provisions; but the parts of the bill referring to guaranteed prices, and the licensing and the limiting of production, and the seizing of foodstuffs in the hands of the original producers, are so wholly disturbing in character that they can result in nothing except disaster. Instead of producing the remedy sought, it will be a double disaster, not only in prices to the consumer but ultimately in bankruptcy to the Treasury.

In addition to what I have said about the British authorities, I read from a cablegram, a news report, in the Washington Post of June 19. It may be gratifying to us to know that the English approve of this bill. They approve of Mr. Hoover. This legislation is popular in London. I anticipate that it will be more popular in London than it will be in the November election of 1918 in the grain-producing country if it passes in its present form and is put into operation. But we are doing everything English, you know, now. I am proud of our English ancestry and our language and our literature and our laws. I do not know anything about my origin, so I can not have any personal feeling whatever in it. I never looked it up. I am not concerned about it. It is enough for me to know that I am here, and want to stay as long as I reasonably can, without inquiring into my ancestry, whether it is English or German or French or what it is. But here is what they say of us in London:

The whole problem of the nation's food primarily depends upon the supply, and unless we can be assured of food sufficient to enable this and the other allied countries of Europe to carry on the war to a successful conclusion it would be almost superfluous to appoint a food controller.

For this food supply we depend to a vital degree upon the United States and Canada. No one recognizes that more fully than I do.

This is from Lord Rhondda:

CONFIDENCE IN CONGRESS.

In accepting this office, one of its few attractions—perhaps its only attraction—was the knowledge that President Wilson had asked a man of Mr. Hoover's caliber, experience, and understanding of the allies to tackle in America those problems which have an intimate bearing day by day upon the food situation in this country. I have perfect confidence that the American Congress and the American people will respond to the calls now being made to them.

I hope I shall not be misconstrued or thought impatient if I say that the sooner your food administration measures are enacted the sooner we shall breathe more easily. At present our policy and the practical details of our buying are rendered more difficult, more complex, by the uncertainty regarding the future.

SURE GERMANY WILL FAIL.

My experiences in America before and since the war have given me an unusual opportunity of appreciating the vastness of her resources. If these are organized to their full capacity I am confident the German hope of starving the allies or of causing civilians unrest by the scarcity of food or high price is doomed to failure.

We are doing what we can "off our own bat" by increasing home production and decreasing consumption, but in the main the solution of the primary problem of supply lies in the hands of our American allies. I am sure they will not "let us down."

If they had not since January, 1915, confiscated so many cargoes of our food supplies in their admiralty courts, some of which they have paid for and some of which they have not, I would feel myself more like giving some heed to the argument; but it is sufficient to say that this plan of a food dictatorship is very popular in England. England has not been able to supply herself with her own food probably for a century, possibly longer. She has always depended upon other countries for her food supplies. She is a naturally short purchaser. Even in time of peace, though not in so aggravated a form, it is true; this same problem is presented to England.

Here is a provision in the fourth section that I had omitted to note, and of which I wish to make passing mention:

It is hereby made unlawful for any person willfully to destroy any necessaries—

Which is a very proper regulation; and then, following on down, without any change, it is made unlawful, in line 16—

To hoard, as defined in section 6 of this act, any necessaries; to monopolize or attempt to monopolize, either locally or generally, any necessaries; to engage in any discriminatory and unfair, or any deceptive or wasteful practice or device, or to make any unjust or unreasonable rate or charge, in handling or dealing in or with any necessaries.

I want to say just one thing to the local trade here in Washington. If there were a penalty in this section, there are some of the local dealers in Washington who certainly would get into trouble. I wish to say for the retail trade in Washington that they will profitably stand as much watching in wrapping up a package when you are not looking at them as any retail merchants I know of in the United States, up to this time. I have bearded the retailer in his den two or three times, not because I cared for the deception or the few cents I might have lost, but just to study the "critter's" behavior.

I have carried back some of the worst-looking fruit wrapped up in the bottom of a bag that I ever saw. Meats do not bother me. I am practically a vegetarian. That is what makes me so peaceable; I am not a meat eater. So I live on a great deal of fruit and grain. I am a herbivorous animal, so to speak. These carnivorous animals are the ones who are supposed to be the fighters. They are meat eaters. But I go and buy a bag of fruit, and if I do not look at the honest tradesman as he fills up the bottom of the bag I will get some culls out of the box. I go and buy a chair to rest my weary frame on after the deliberations here all day. Out of caution, of late, I even put my initials somewhere on the chair to identify the article after having looked it over to my satisfaction. It is delivered. I can not carry it around here during the business hours of the day. I have to wait for it to be delivered. When it is delivered it is something else. It does not have my initials on it. It has a loose leg; it has the varnish knocked off; or something the matter with it. I am just a rurality that came in that they did not know. Perhaps I had not brushed my hair very sleek that morning, or my trousers bagged at the knee more than common, and they thought I was from over in Virginia somewhere. Some of my relatives live over there, and I look a good deal like them. They might think: "All right; put that off on him." I get home and find it that evening or the next day.

I buy some dry goods, and they give me a piece off the end that is faded. I buy a shirt, and I get the wrong number, that I did not order. I return it and get another with a wristband torn off.

I order a pound of dairy butter and I get oleomargarine right here in the shadow of Uncle Sam's beneficent Government that is going to do all of these happy things. You can not fool me

on butterine. I live in a dairy State and in a butterine State, both, and I can tell them. I have been around the laboratory when they were testing these things long enough to find out. Anybody can go out here and order good clover dairy butter for 48 to 50 cents a pound, and get butterine that cost 10½ cents wholesale, colored. That happens every week in Washington. These other things happen every time I buy something. Will you regulate those things by law? If you do, there will be more men on the pay roll under this bill trying to enforce its provisions than there will be Americans in the European armies across the sea trying to settle this question with the Kaiser.

There are some good provisions in this bill that I want to vote for; but there are more foolish, impracticable, economic theories and practices wrapped up in this bill than in any similar piece of paper that has ever been made out of pulp since Cadmus invented letters or Gutenberg invented type. I will not vote for it in its present form. I have a host of letters and petitions and orders for it, every one of them coming from the cities. I have protests from the farmers, from the producers. They are beginning to know what this means. I will take my stand with the producers. I am never very popular in the great cities, anyhow. The last time I was a candidate they beat me in the city of Chicago by 60,000 votes. I do not particularly owe the consumer anything from a political viewpoint. It was the corn row and hay-field vote out in the country that saved me every time I have run for office. I am one of them. I know what they think, how they live, how they act most of the time. These communications, I repeat, come from the cities. They come from the ultimate consumer.

Now, see what this means. You are not going to mislead me about this. I will take my chances. Most of the ultimate consumers that write me from a city are members of a labor union three times out of four. They are organized. They are a compact force. They are a belligerent power in legislation and politics. They directed Congress to pass the Adamson Act to raise wages by shortening hours. They control wages. They put them up. We legislate accordingly. The unions control this administration in everything that concerns the unions. I want to see how many men that carry a union card and apply for exemption are conscripted into the service under this administration. You tell me that, and then I will illuminate some other things that I know right now. There will be no union labor conscripted into the armies of the United States that does not want to go.

Mr. CALDER. Mr. President——

The PRESIDING OFFICER (Mr. NEW in the chair). Does the Senator from Illinois yield to the Senator from New York?

Mr. SHERMAN. Yes, sir.

Mr. CALDER. I will say to the Senator that I understand that the President of the American Federation of Labor has asked that a member of his organization be placed on every exemption board.

Mr. SHERMAN. There is no doubt about it. They will be "needed for productive purposes at home," every one of them. It will be important. They will be producing sheet steel, or zinc, or pewter, or brass, or sewing machines, or washing machines, or something, all the way through the line of industrial activity, and there will be none of them conscripted unless they want to go. The soldier will come from some other occupation.

The producer of foodstuffs, therefore, being an unorganized body, has no such advantages. The farmer and the farm laborer of this country has no compact organization to present resolutions and to come here and demand legislation. If some of us do not represent that great unorganized body of farmers and farm laborers here, it will have no representation. The unions will take care of themselves. I will do no injustice to them by any vote of mine; but in any price fixing which will make a market either with the middle man in and the Government out, or the Government in and the middle man out, you make a market in which the farmer must sell his surplus grain in a way so that his price is in that market. You can not get away from it. So that the farmer is selling in a market made by consumers, in which he has no influence in the legislation save as he can exercise it through us. The price of his grain is to be fixed by the Government, in response to whom? In response to the consumer, a large part of whom is on the union pay roll; they will fix it at a price that suits them, in view of the wages they are receiving. So you fix the farmer's price in a guaranteed price in this bill, unrepresented save as a Member of Congress may represent him; but the wages of the consumer in the industrial centers using this product are fixed by the Government, in which union labor has a representative who will be heard; and you call passing such a measure as that government for the people!

I shall be ashamed of the day that I ever vote for this bill in its present form or permit it to come to a roll call without voicing against it my eternal protest.

Mr. CHAMBERLAIN. Mr. President, I think there are some Senators who desire to speak this afternoon, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NEW in the chair). The Senator from Oregon suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names.

Ashurst	Harding	La Follette	Smith, Md.
Borah	Hollis	Lewis	Smith, Mich.
Brandegee	Husting	McKellar	Smith, S. C.
Broussard	James	McNary	Smoot
Calder	Johnson, Cal.	Norris	Sterling
Chamberlain	Johnson, S. Dak.	Page	Sutherland
Colt	Jones, N. Mex.	Poindexter	Swanson
Culberson	Kellogg	Ransdell	Trammell
Curtis	Kendrick	Reed	Walsh
Dillingham	Kenyon	Shafroth	Williams
Gallinger	King	Sheppard	Wolcott
Gerry	Kirby	Sherman	
Gore	Knox	Smith, Ariz.	

Mr. KIRBY. I wish to announce the unavoidable absence of my colleague [Mr. ROBINSON] and of the Senator from Mississippi [Mr. VARDAMAN] on official business. I ask that this announcement may stand for the day.

Mr. SUTHERLAND. I desire to announce the unavoidable absence of my colleague [Mr. GOFF] on account of illness.

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present.

Mr. GORE. Mr. President, the junior Senator from New Jersey [Mr. FRELINGHUYSEN] presented a letter a short time ago which he desired to have read into the RECORD, and requested me in his absence to call it to the attention of the Senate. I now ask to have the letter read. I might say that it was written apparently before the advocates of this measure confessed error in regard to the maximum-price proposition, which renders the letter perhaps somewhat less pertinent, but not less illuminating. I ask that the letter be now read to the Senate.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read it.

The Secretary read as follows:

HACKETTSTOWN, N. J., *June 8, 1917.*

HON. JOSEPH S. FRELINGHUYSEN,
Washington, D. C.

MY DEAR SENATOR: May I point out for your information the farmer's point of view on Hoover's proposal to put a maximum price of $1.50 on wheat, which is a fine idea from the point of view of the consumer and is interesting to us inasmuch as in two months we will be planning for winter grain.

The farmer is patriotic and will do as much and more for the country and for France than any other class. He will be delighted to provide wheat at $1.50 instead of at $2.60, which he is now getting, provided that he can buy binders at the prewar price of $103 instead of $156; land rollers at $18 instead of at $30; shoes at $3 instead of $6.50; overalls at $1.25 instead of $2.25; feed at $20 a ton instead of $50; brewery grains at 20 cents a hundred instead of 60 cents; get help at $1 a day and keep for 15 hours' work instead of $2.50 for 10 hours, etc.

He will not object if munition workers get $3 a day instead of $10, if he has only to pay a cent for his afternoon paper instead of 2 cents; if the railroad men work 10 hours for less pay instead of 8 hours for more; if the bankers have no longer the opportunity of buying city of Paris 6's on an 8 per cent basis, Anglo-French 5's on a 7 per cent, and French Republic on a 7½ per cent; if contractors for the Government were not allowed to make sure profits by a cost and percentage method of awarding contracts which tempts him to pay maximum prices for labor and material; if the output of pleasure automobiles were curtailed, thus saving the steel for plates, shapes, railroad, and ship supplies; if the maximum price on women's hats were fixed at $5 and a supertax levied on women's clothes in the inverse proportion to their weight and covering ability; if steamship owners were getting 15s. a ton for freight to Europe instead of $65 to $100 for a cubic ton of 40 feet; if gasoline cost 10 or 12 cents instead of 24; if horseshoeing cost $1.50 instead of $3.50; if it was against the law for a farmer to get up at 4.30 a. m. and only quit work at 8 p. m. as well as acting as midwife for his stock in the middle of the night and putting his clothes on in the wee sma' hours when there is a thunderstorm in order to be ready to get the horses out should the barn be struck by lightning.

As it is doubtful if the wage earner will be willing to have his salary reduced by 50 or 60 per cent, the farmer hardly sees why he should be singled out as a philanthropist to a lot of people who are making more money than ever before, while everything that he has to buy continues at exorbitant prices, even such necessities to his business as binder twine, sacks, fertilizer, lime, implements, spray mixtures, gasoline, pails, and cans, horseshoes, feed, and seed.

Vox populi is asking that we sell our $2.60 wheat at $1.50 maximum, a reduction of 44 per cent, in order to help along the war. We will readily do it provided that the same law which exacts this confiscatory price also provides that all farmers may buy everything that they require at a reduction of 44 per cent from the price that the same article is purchaseable in the open market by the ordinary consumer, thus letting the retailer, middleman, jobber, manufacturer, and wage earner in all lines of business share his labor loss pro bono publico. This will allow everyone to do his bit, equally and without fear or favor in this emergency.

The alternative may also be interesting to the consumer. If wheat is limited in price to $1.50 after we have spent eight months plowing, fertilizing, seeding, harvesting, stacking, thrashing, rat proofing, grading, cleaning, bagging, hauling, and marketing, it will be easier and

cheaper to feed it to our chickens, hogs, and cows instead of substituting other products. If it is exacted that wheat shall only be used for human food, then fields will be seen planted to rye which is a surer crop, as valuable as a stock feed, and in view of the proposal to abolish whiskey drinking, will hardly be liable to confiscation.

If, on the other hand, it is desired to put the maximum amount of ground into grain next year, let things alone so that the farmer can take a chance on his judgment of future market prices; or, better still, establish a minimum price of $2 a bushel at the farm which will act as an incentive not only to cut down the rye acreage and put it into wheat but also will cause to be planted corn land from which by hurrying—especially in the case where silage corn is grown—the corn can be removed in time to sow winter grain instead of letting the ground lie fallow or cause it to be planted to a green manure crop.

You may have it in mind that the cold hard facts above outlined do not contain an ounce of patriotism. I admit the indictment; but as far as I am concerned personally, I reply that I only direct this farm, and that I am not essential to its operation, and that I gladly offer my services to the Government in any capacity that may be desired, either with or without salary. I am 36 years old, a veteran of the Navy during the Spanish War, a little too fat to get into the Officers' Reserve Corps or in the Quartermaster's Department without a special dispensation, which I have neither the knowledge or influence to get; have been in the export business; have just returned from France; speak French; know the export business, the automobile business, the railroad business, the operating of ships, and the farming business, and have crossed the Atlantic some 40 times. I would like to be authorized to go to France and raise a corps of interpreters from among the Americans resident in France, so that they will be ready to act when our troops get there. There was a crying need for these kind of men in the British Army at the beginning of the war, which was filled by the appointment of "officiers interpretes" from among both the French and English civil population. Failing this, I volunteer to go to Switzerland and round up the millions of dollars' worth of German-stamped bonds that there are in that country on which the holders are now getting no interest, as there is an embargo on getting them through France and Italy, and substitute therefor liberty bonds, thus allowing us to sell these and get the cash for our Government while making the German and Swiss holders of these securities pay for our war through holding our Government obligations. This exchange I know to my knowledge can be made profitably. I offer my services to the Secret Service, to the Quartermaster's Department, to the Treasury, to the food-control board, to the Shipping Board; in fact, to anybody who wants me. And I leave this application in your hands to pass along or throw into the waste-paper basket.

May I also tell you from the point of view of the man in the street why the liberty loan is not a success? In the first place it has been bungled. The first enthusiasm was lost because nobody knew either the rate of interest or the time limit. Then the rate of interest is too low. A poor man, to whom the tax exempt feature does not appeal, can see no reason why he should draw his 4 per cent money out of the savings bank and put it into this 3½ per cent obligation. Thirdly, the American public is not used to investing in bonds, and many would buy if the actual bond was passed across the counter instead of a receipt. Nevertheless, little Hackettstown, with 3,000 population and only two small industries, has subscribed to $52,000 worth. Put out a 4 per cent 10-year issue, have the actual bonds deliverable at any post office so that the man in the street can exhibit his purchase with pride to his neighbor and $200,000,000 that is not used to investments will be available in a week.

Thus concluding my part of the entertainment, sincerely yours,

JOHN KANE MILLS.

Mr. GORE. Mr. President, I have here a short article from the Chicago Tribune, which I ask to have read into the RECORD merely in order to illustrate the point of view of the writer of the article.

The VICE PRESIDENT. Without objection, the Secretary will read it.

The Secretary read as follows:

The Chicago Tribune says: "Farmers are beginning to realize the necessity of grain exchanges in the merchandising of wheat. The Southwest is already clamoring for the removal of trading restrictions in the wheat markets of the country, finding it impossible to interest buyers at anywhere near present prices. Indiana farmers are wanting to sell wheat for forward delivery, but as dealers are unable to buy wheat with the usual hedging provisions, there is little demand. Oklahoma wheat is being cut and thrashing will start this week, and in Texas the wheat is about all cut. Millers are under the same handicap as country dealers and cash houses generally are not trying to buy new wheat, as they are unable to hedge under present conditions without driving prices down for futures. Exporters being unable to buy futures are also handicapped. With the new crop beginning to move the situation is more serious than a few weeks ago, when there was practically no hedging pressure. Consequently the demand is becoming more urgent for the removal of restrictions on buying."

EXECUTIVE SESSION.

Mr. CHAMBERLAIN. Mr. President, I do not know whether any Senators are prepared to go on to-night. None have indicated to me a determination to speak to-day, but I am advised by a number of them that they will be prepared to go on with the discussion of the measure to-morrow morning. In view of that statement, and because there is some executive business to be attended to, I move that the Senate proceed to the consideration of executive business.

The motion was agred to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened.

LOS ANGELES SHIPBUILDING & DRY DOCK CO.

Mr. PHELAN. Mr. President, on June 19 the Senator from Michigan [Mr. SMITH] sought information during the debate concerning the Los Angeles Shipbuilding & Dry Dock Co., and I stated that I had no late nor definite information and that it was a new concern. Somehow the California Shipbuilding Co. of Long Beach, Los Angeles County, Cal., was also referred to and the two companies were spoken of as one. Hence the confusion.

The Los Angeles Shipbuilding & Dry Dock Co. is of comparatively recent organization; in strong hands, however, and capable of accepting contracts and doing work, but as yet has not actually delivered ships. On the other hand the California Shipbuilding Co. has an enviable record of achievement.

In order to do justice to these companies I ask leave of the Senate, out of order, to present two communications which will set every doubt and question at rest.

Southern California, rich in all the resources of nature, is also keen to attain distinction in all industrial activities, including the building of ships, and has made a gallant beginning which should not be misunderstood.

There being no objection the matter referred to was ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *June 21, 1917.*

Hon. JAMES D. PHELAN,
United States Senate, Washington, D. C.

DEAR SENATOR PHELAN: Immediately after you called upon me yesterday for information in regard to the Los Angeles Shipbuilding & Dry Dock Co., and a perusal of the debate in the Senate on June 19, in which reference was made to the contract between the United States Shipping Board and the Los Angeles Shipbuilding Co., I wired Mr. Fred L. Baker, president of the company, at Los Angeles, for fuller information than I had as to the personnel and plans of the company and the $95 per ton clause of the contract.

I am this morning in receipt of a wire from Mr. Baker, which I hand you herewith.

I desire to say that the directors mentioned by Mr. Baker are all well known to me.

Mr. Baker himself is president of the Baker Iron Works, one of the largest establishments of that kind in southern California.

Mr. S. L. Napthaly, vice president and manager of the company, is, I am informed, a man of practical experience in shipbuilding.

Mr. J. F. Sartori is president of the Security Trust & Savings Bank and the Security National Bank of Los Angeles, which carry deposits of about $50,000,000.

Mr. Stoddard Jess is president of the First National Bank of Los Angeles, which carries deposits of about $25,000,000.

Mr. Dan Murphy is a very wealthy producer of oil and a man of large business experience and of high character.

The other gentlemen named as stockholders are each and every one of the very highest standing as business men and citizens in southern California.

It would be difficult to name altogether a stronger and more capable body of men than those embraced in the list which you will find in Mr. Baker's dispatch.

You will observe that the Government provides the steel which goes into the making of the ships, and so they have no responsibility or direct financial interest in the price of the steel.

I desire to thank you for taking the interest in this matter which you have done.

Very cordially, yours, H. Z. OSBORNE, M. C.

LOS ANGELES, CAL., *June 20, 1917.*

H. Z. OSBORNE, M. C.,
Washington, D. C.:

Our contract with United States Shipping Board Emergency Fleet Corporation, dated May 13, speaks for itself. They provide the steel. Our company is fast getting its plant into shape, and see no reason why we can not deliver ships in accordance with contract; expect to have first two keels laid about 1st of August. We have ample funds. Our stockholders are few and all wealthy men fully able to carry out their agreements. Our directors are Fred L. Baker, president; S. L. Napthaly, vice president and general manager; J. F. Sartori, president of Security National Bank; Stoddard Jess, president of First National Bank; Dan Murphy, capitalist. Balance of stockholders are H. G. Otis, of Los Angeles Times; Paul Shoup, president of Pacific Electric Railway Co.; H. Jevne; J. A. Jevne; W. B. Walker, of the Citizens' National Bank; W. I. Hollingsworth; W. B. Scott, president Columbia Oil Co.; J. O. Koepfli, president Bishop & Co.; and O. F. Brant, vice president of Title Insurance & Trust Co. One slipway is about finished; dredgers and pile drivers still working; office buildings completed; organizations fully completed and located at plant, and work on buildings proceeding as fast as possible. Week ago Government inspector for the board made first inspection of plant and progress of work, and has reported favorably. Pleased to give any further details you desire.

FRED L. BAKER.

CALIFORNIA SHIPBUILDING CO.

Mr. PHELAN. Mr. President, I have also this statement of facts from the attorney of the California Shipbuilding Co., dated Washington, D. C., June 20, 1917, who asks that only the facts of his letter be stated. Without further explanation, as "they speak for themselves," the letter reads as follows:

CALIFORNIA SHIPBUILDING CO.,
SUBMARINE AND OTHER TORPEDO BOATS,
SHIPBUILDING, DRY DOCK, REPAIRS.

(a) An equipped shipbuilding plant occupying more than 18 acres adjacent to Los Angeles Harbor, at Long Beach, Cal., with a skilled force of mechanics, berths for sidewise launching of more than 800 feet in length. Also essential buildings, viz, punch shop, 46 by 176 feet; blacksmith shop, 46 by 64; machine shop, 90 by 128; foundry, 88 by 64; mold loft 64 by 220; joiner and pattern shop, 40 by 206; pattern vault, 30 by 50; power house, 40 by 48; boiler house, 24 by 30; office, 32 by 32; dry dock (floating), length on keel blocks, 284 feet; draft, 21 feet. Main building berths have overhead trestle and two traveling cranes, also such cranes for handling plates and shapes; buildings are fully equipped with standard shipbuilding machinery. Yard-built cargo vessels registered in Lloyd's as *General Hubbard, Navajo, Camino, Paraiso, Edward Vance, Alvarado,* several dredges, and other steel craft.

President, G. H. Bixby (president Long Beach Savings Bank & Trust Co.); treasurer, P. E. Hatch (president National Bank of Long Beach, Cal.); secretary, W. G. Bunnell; vice president and general manager, W. C. Foley, who was a superintendent of construction of many war and merchant vessels at Newport News, Va.; the company's consulting engineer and naval architect is Commander R. H. M. Robinson, who, as a United States naval constructor, had charge of the design of every dreadnaught afloat and many other Government craft.

Attached hereto is a copy of two photographs which were published in the Washington Post on June 13, 1917, page 4, entitled "California Shipbuilding Co., Long Beach, Cal. A building slip and launching ways recently photographed after the launching of lighthouse tender *Cedar*," and second photo, "Only dry dock on lower third of Pacific coast, California Shipbuilding Co., Long Beach."

The vessels which you will note on one end of the ways are three United States Navy submarines. Two others were recently launched and are undergoing trials.

The vessel in the dry dock is a United States naval vessel.

It seems proper that you fully print the above physical facts which speak for themselves and not make any general statement as to what the shipyards consist of, what it has done, and is doing; its record is self-explanatory, and I feel that the Senate will be pleased to realize that the vessels to which you referred are to be built by a real shipyard, by experienced men, and let us all hope within the memory of men now living.

Incidentally, may I add a personal remark? I have done business in shipbuilding for many years in United States, England, Germany, Austria, and Russia, and have never seen a man with the natural ability of Gen. Goethals, who I have an opportunity to observe at close range. He is surrounding himself with healthy, clean-cut, naturally intelligent men, who are not afraid to work. The general is having plans, specifications, shipyards, and propositions minutely investigated by competent men, who report to him facts upon which he can base an intelligent business judgment even if he is not an old shipbuilder.

It seems unfortunate for the Congress to have debate based upon newspaper hearsay about such technical matters as ships and the statements of your good self are a fair example of the misinformation which naturally leads Congress and the public to form erroneous impressions which do a substantial injustice to everybody. Pray don't take my remarks as any criticism, because they are not. I simply call attention to the fact that everybody in such times as the present naturally jump at conclusions which in a mature moment would not prevail.

PACIFIC MAIL STEAMSHIP CO.

Mr. PHELAN. Mr. President, a question was also recently raised as to the ownership of the new Pacific Mail Steamship Co., because some of the odium of the old organization might attach to it in the minds of certain Senators.

It has actually changed hands, is now in the ownership of a distinguished American firm, and is maintaining the American flag on its fleet between San Francisco and the Orient. I offer the following letter in evidence:

NEW YORK, *June 19, 1917.*

Hon JAMES D. PHELAN,
United States Senate, Washington, D. C.

DEAR SIR: We have the pleasure to acknowledge your favor of the 16th instant.

It is quite true that the Pacific Mail Steamship Co. opposed the passage of the La Follette seamen's bill in 1915, and in consequence of the passage of this bill sold its trans-Pacific steamers and practically decided to go into liquidation. At this time 51 per cent of the total capital stock was held by the Southern Pacific Co.

In December, 1915, the American International Corporation and W. R. Grace & Co. purchased the holdings of the Southern Pacific Co., stopped the liquidation, and later arranged to restore, in so far as possible, the trans-Pacific service.

All of this took place before the so-called shipping bill was enacted, and the company at no time took any steps to oppose the passage of this bill, which, by the way, was approved on September 7, 1916.

The holdings of the American International Corporation and ourselves have since been somewhat increased, and we now own between us about two-thirds of the entire common stock of the company.

The assets and liabilities of the Pacific Mail Steamship Co., as of December 31, 1916, the date of the last annual report, was as follows:

Assets.

Steamers, equipment, and other property		$6,605,492.10
Less amount set up for reserve for depreciation		2,487,787.35
		4,117,704.75
Investments		164,451.08
Cash and working assets		565,310.42
Deferred debit items		506,669.59
Total		5,354,135.84

Liabilities.

Capital stock		$2,850,000.00
Premium on capital stock		150,000.00
		3,000,000.00
Working liabilities		506,980.97
Deferred credit items		556,578.21
Profit and loss		1,290,576.66
Total		5,354,135.84

The capital stock consists of $1,700,000, par value, 7 per cent cumulative preferred stock. This stock does not participate in payments on stock after the payment of 7 per cent, and $1,150,000 par value of common stock.

We inclose herewith a copy of the last report, from which the above figures are taken. If there is any further information that you desire, we shall be very glad to furnish it. We are

Very truly, yours, W. R. GRACE & CO.

ADJOURNMENT.

Mr. CHAMBERLAIN. I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Friday, June 22, 1917, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate June 21, 1917.

CALIFORNIA DÉBRIS COMMISSION.

Col. William Henry Heuer, United States Army (retired), for appointment as a member of the California Débris Commission provided for by the act of Congress approved March 1, 1892, entitled "An act to create the California Débris Commission and regulate hydraulic mining in the State of California," vice Col. Edward Burr, Corps of Engineers, United States Army.

MISSISSIPPI RIVER COMMISSION.

Brig. Gen. William Herbert Bixby, United States Army (retired), for appointment as a member of the Mississippi River Commission provided for by the act of Congress approved June 28, 1879, entitled "An act to provide for the appointment of a 'Mississippi River Commission' for the improvement of said river from the Head of the Passes near its mouth to its headwaters," vice Col. Curtis McD. Townsend, Corps of Engineers, United States Army.

RECEIVER OF PUBLIC MONEYS.

George W. Bruce, of Delta, Colo., to be receiver of public moneys at Montrose, Colo., vice Samuel B. Berry, term expired.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

To be lieutenant colonels, with rank from May 15, 1917, to fill vacancies created or caused in the Infantry arm under the provisions of said act:

Maj. Harry A. Smith, Infantry, to fill an original vacancy.

Maj. George C. Saffarrans, Infantry, to fill an original vacancy.

Maj. Palmer E. Pierce, Infantry (General Staff Corps), to fill an original vacancy.

Maj. Charles G. French, Infantry, to fill an original vacancy.

Maj. Lutz Wahl, Infantry (detached officers' list), to fill an original vacancy.

Maj. William P. Jackson, Infantry, to fill an original vacancy.

Maj. John L. Hines, Infantry (Adjutant General), to fill an original vacancy.

Maj. Matthias Crowley, Infantry, to fill an original vacancy.

Maj. John J. Bradley, Infantry, to fill an original vacancy.

Maj. Douglas Settle, Infantry, to fill an original vacancy.

Maj. John S. Switzer, Infantry (Adjutant General), to fill an original vacancy.

Maj. Herbert O. Williams, Infantry (Inspector General), to fill an original vacancy.

Maj. George D. Guyer, Infantry (Quartermaster Corps), to fill an original vacancy.

Maj. William F. Grote, Infantry (Quartermaster Corps), subject to examination required by law, to fill an original vacancy.

Maj. Isaac C. Jenks, Infantry, to fill an original vacancy.

Maj. Hanson E. Ely, Infantry, to fill an original vacancy.

Maj. Lewis S. Sorley, Infantry, to fill an original vacancy.

Maj. William M. Morrow, Infantry, to fill an original vacancy.

Maj. Benjamin F. Hardaway, Infantry, to fill an original vacancy.

Maj. Albert C. Dalton, Infantry (Quartermaster Corps), subject to examination required by law, to fill an original vacancy.

Maj. Joseph C. Castner, Infantry (detached officers' list), to fill an original vacancy.

Maj. Edward Sigerfoos, Infantry, to fill an original vacancy.

Maj. Edward A. Shuttleworth, Infantry (detached officers' list), to fill an original vacancy.

Maj. John Howard, Infantry, to fill an original vacancy.

Maj. Ralph H. Van Deman, Infantry (General Staff Corps), to fill an original vacancy.

Maj. Peter E. Marquart, Infantry (Quartermaster Corps), to fill an original vacancy.

Maj. William Brooke, Infantry, to fill an original vacancy.

Maj. Harrison J. Price, Infantry, vice Croxton, promoted.

Maj. William H. Simons, Infantry (Inspector General), vice Jones, promoted.

Maj. John F. Madden, Infantry (Quartermaster Corps), vice Johnson, promoted.

Maj. William Wallace, Infantry (detached officers' list), subject to examination required by law, vice Martin, promoted.

Maj. Ferdinand W. Kobbé, Infantry, vice Weigel, promoted.

Maj. John McA. Palmer, Infantry (General Staff Corps), vice Jones (William K.), promoted.

Maj. John K. Miller, Infantry, vice Hersey, promoted.

Maj. William Newman, Infantry, vice Albright, promoted.

Maj. Frank A. Wilcox, Infantry, subject to examination required by law, vice Carnahan, promoted.

Maj. Hansford L. Threlkeld, Infantry (detached officers' list), vice Lewis, promoted.
Maj. Peter W. Davison, Infantry (detached officers' list), subject to examination required by law, vice Tayman, promoted.
Maj. Marcus B. Stokes, Infantry, vice Chrisman, promoted.
Maj. John H. Parker, Infantry, vice Wilder, promoted.
Maj. John E. Woodward, Infantry (Adjutant General), vice Sample, promoted.
Maj. William D. Davis, Infantry (detached officers' list), vice Dashiell, promoted.
Maj. George McD. Weeks, Infantry, vice Bennett, promoted.
Maj. Isaac Erwin, Infantry (detached officers' list), vice Sargent, promoted.
Maj. Samuel V. Ham, Infantry (detached officers' list), vice Chase, promoted.
Maj. George H. McMaster, Infantry, vice Lee, promoted.
Maj. Robert W. Mearns, Infantry (detached officers' list), vice Pierce, promoted and retained in the General Staff Corps.
Maj. Henry L. Kinnison, Infantry, vice Hines, promoted and retained in The Adjutant General's Department.
Maj. Guy G. Palmer, Infantry, vice Switzer, promoted and retained in The Adjutant General's Department.
Maj. Orrin R. Wilfe, Infantry (Adjutant General), vice Williams, promoted and retained in the Inspector General's Department.
Maj. Howard L. Laubach, Infantry, vice Guyer, promoted and retained in the Quartermaster Corps.
Maj. Elmer W. Clark, Infantry (Quartermaster Corps), vice Grote, promoted and retained in the Quartermaster Corps.
Maj. Howard R. Perry, Infantry, vice Dalton, promoted and retained in the Quartermaster Corps.
Maj. George E. Houle, Infantry (detached officers' list), subject to examination required by law, vice Van Deman, promoted and retained in the General Staff Corps.
Maj. Lincoln F. Kilbourne, Infantry (detached officers' list), vice Marquart, promoted and retained in the Quartermaster Corps.
Maj. William C. Rogers, Infantry (detached officers' list), vice Simons, promoted and retained in the Inspector General's Department.
Maj. George H. Jamerson, Infantry (Inspector General), subject to examination required by law, vice Madden, promoted and retained in the Quartermaster Corps.
Maj. Edward C. Carey, Infantry, vice Palmer, promoted and retained in the General Staff Corps.
Maj. Hamilton A. Smith, Infantry (Inspector General), vice Woodward, promoted and retained in The Adjutant General's Department.
Maj. Hunter B. Nelson, Infantry, vice Wolfe, promoted and retained in The Adjutant General's Department.
Maj. Mathew E. Saville, Infantry (Quartermaster Corps), vice Clark, promoted and retained in the Quartermaster Corps.
Maj. Frank E. Bamford, Infantry, vice Jamerson, promoted and retained in the Inspector General's Department.
Maj. Fredrik L. Knudsen, Infantry, vice Smith, promoted and retained in the Inspector General's Department.

To be majors with rank from May 15, 1917.

Capt. James H. Bradford, jr., Infantry, to fill an original vacancy.
Capt. David L. Stone, Infantry (Quartermaster Corps), to fill an original vacancy.
Capt. Alfred W. Bjornstad, Infantry (detached officers' list), to fill an original vacancy.
Capt. Patrick A. Connolly, Infantry, to fill an original vacancy.
Capt. John B. Schoeffel, Infantry, to fill an original vacancy.
Capt. Walter T. Bates, Infantry (detached officers' list), to fill an original vacancy.
Capt. Englebert G. Ovenshine, Infantry, to fill an original vacancy.
Capt. Robert J. Maxey, Infantry, subject to examination required by law, to fill an original vacancy.
Capt. George N. Bomford, Infantry, to fill an original vacancy.
Capt. Benjamin P. Nicklin, Infantry, to fill an original vacancy.
Capt. John W. French, Infantry, to fill an original vacancy.
Capt. Cromwell Stacey, Infantry (detached officers' list), to fill an original vacancy.
Capt. William A. Cavenaugh, Infantry, to fill an original vacancy.
Capt. George M. Grimes, Infantry (Quartermaster Corps), to fill an original vacancy.
Capt. Thomas R. Harker, Infantry (Quartermaster Corps), to fill an original vacancy.
Capt. Frank D. Wickham, Infantry, to fill an original vacancy.
Capt. Bryan Conrad, Infantry, to fill an original vacancy.
Capt. William K. Naylor, Infantry, to fill an original vacancy.
Capt. William H. Oury, Infantry (Quartermaster Corps), to fill an original vacancy.
Capt. Austin F. Prescott, Infantry, to fill an original vacancy.
Capt. Edgar A. Fry, Infantry, to fill an original vacancy.
Capt. Harry A. Eaton, Infantry (Quartermaster Corps), to fill an original vacancy.
Capt. Campbell King, Infantry, to fill an original vacancy.
Capt. Tenney Ross, Infantry (General Staff Corps), to fill an original vacancy.
Capt. Robert O. Van Horn, Infantry (detached officers' list), to fill an original vacancy.
Capt. Hanson B. Black, Infantry (Signal Corps), to fill an original vacancy.
Capt. Ezekiel J. Williams, Infantry (General Staff Corps), to fill an original vacancy.
Capt. Moor N. Falls, Infantry, to fill an original vacancy.
Capt. John R. R. Hannay, Infantry (Quartermaster Corps), to fill an original vacancy.
Capt. James M. Graham, Infantry (detached officers' list), to fill an original vacancy.
Capt. Joseph L. Gilbreth, Infantry (detached officers' list), to fill an original vacancy.
Capt. Charles F. Humphrey, jr., Infantry, to fill an original vacancy.
Capt. Willey Howell, Infantry (detached officers' list), to fill an original vacancy.
Capt. Benjamin J. Tillman, Infantry, to fill an original vacancy.
Capt. George J. Holden, Infantry, to fill an original vacancy.
Capt. Charles F. Bates, Infantry, to fill an original vacancy.
Capt. John J. Toffey, jr., Infantry (detached officers' list), to fill an original vacancy.
Capt. Carl A. Martin, Infantry (detached officers' list), to fill an original vacancy.
Capt. Mark Wheeler, Infantry, to fill an original vacancy.
Capt. George D. Arrowsmith, Infantry, to fill an original vacancy.
Capt. G. Soulard Turner, Infantry, to fill an original vacancy.
Capt. Ivers W. Leonard, Infantry (detached officers' list), to fill an original vacancy.
Capt. Pearl M. Shaffer, Infantry (detached officers' list), subject to examination required by law, to fill an original vacancy.
Capt. Laurence A. Curtis, Infantry, to fill an original vacancy.
Capt. William H. Jordan, jr., Infantry, subject to examination required by law, to fill an original vacancy.
Capt. Irving J. Carr, Infantry, to fill an original vacancy.
Capt. Easton R. Gibson, Infantry (detached officers' list), to fill an original vacancy.
Capt. Henry C. Bonnycastle, Infantry (Quartermaster Corps), to fill an original vacancy.
Capt. Edward Croft, Infantry, to fill an original vacancy.
Capt. Adolphe H. Huguet, Infantry, to fill an original vacancy.
Capt. Raymond Sheldon, Infantry (detached officers' list), to fill an original vacancy.
Capt. James D. Taylor, Infantry (detached officers' list), to fill an original vacancy.
Capt. Frank Halstead, Infantry, to fill an original vacancy.
Capt. Harry E. Knight, Infantry, subject to examination required by law, to fill an original vacancy.
Capt. Campbell E. Babcock, Infantry, subject to examination required by law, to fill an original vacancy.
Capt. Archie J. Harris, Infantry, subject to examination required by law, to fill an original vacancy.
Capt. Alexander J. Macnab, Infantry, to fill an original vacancy.
Capt. Ralph B. Parrott, Infantry, to fill an original vacancy.
Capt. Stanley H. Ford, Infantry, to fill an original vacancy.
Capt. Robert M. Brambila, Infantry, to fill an original vacancy.
Capt. Harry F. Dalton, Infantry, to fill an original vacancy.
Capt. John N. Straat, Infantry, to fill an original vacancy.
Capt. G. de Grasse Catlin, Infantry, to fill an original vacancy.
Capt. Henry S. Wagner, Infantry, to fill an original vacancy.
Capt. Frederick G. Knabenshue, Infantry, to fill an original vacancy.
Capt. Thomas J. Powers, Infantry, subject to examination required by law, to fill an original vacancy.
Capt. James E. Bell, Infantry (detached officers' list), to fill an original vacancy.
Capt. Martin L. Crimmins, Infantry, to fill an original vacancy.
Capt. James M. Love, jr., Infantry (detached officers' list), to fill an original vacancy.
Capt. Paul H. McCook, Infantry, to fill an original vacancy.
Capt. Frederick W. Coleman, Infantry (Quartermaster Corps), to fill an original vacancy.

Capt. Frederick S. L. Price, Infantry, to fill an original vacancy.
Capt. George B. Pond, Infantry, to fill an original vacancy.
Capt. Dana T. Merrill, Infantry (General Staff Corps), to fill an original vacancy.
Capt. Alexander M. Wetherill, Infantry, to fill an original vacancy.
Capt. Theodore A. Baldwin, jr., Infantry, to fill an original vacancy.
Capt. Eleutheros H. Cooke, Infantry, to fill an original vacancy.
Capt. Arthur L. Conger, Infantry (General Staff Corps), to fill an original vacancy.
Capt. James B. Kemper, Infantry (detached officers' list), to fill an original vacancy.
Capt. John W. Barnes, Infantry, to fill an original vacancy.
Capt. George E. Thorne, Infantry (Quartermaster Corps), to fill an original vacancy.
Capt. Alfred Aloe, Infantry, subject to examination required by law, to fill an original vacancy.
Capt. Frank W. Rowell, Infantry (detached officers' list), subject to examination required by law, vice Smith, promoted.
Capt. Hugh A. Drum, Infantry (detached officers' list), vice Saffarrans, promoted.
Capt. James B. Allison, Infantry (detached officers' list), vice French, promoted.
Capt. John L. De Witt, Infantry, vice Jackson, promoted.
Capt. Charles E. Morton, Infantry (detached officers' list), vice Crowley, promoted.
Capt. Garrison McCaskey, Infantry, vice Bradley, promoted.
Capt. Clifton C. Kinney, Infantry, vice Settle, promoted.
Capt. Woodson Hocker, Infantry, vice Jenks, promoted.
Capt. James S. Young, jr., Infantry, subject to examination required by law, vice Ely, promoted.
Capt. Charles B. Clark, Infantry, vice Sorley, promoted.
Capt. George S. Simonds, Infantry (detached officers' list), subject to examination required by law, vice Morrow, promoted.
Capt. Halsey E. Yates, Infantry (detached officers' list), subject to examination required by law, vice Hardaway, promoted.
Capt. Clement A. Trott, Infantry (detached officers' list), vice Sigerfoos, promoted.
Capt. Wilson B. Burtt, Infantry (detached officers' list), vice Howard, promoted.
Capt. Laurence Halstead, Infantry (Quartermaster Corps), vice Brooke, promoted.
Capt. Frederick W. Van Duyne, Infantry (Quartermaster Corps), vice Price, promoted.
Capt. James Hanson, Infantry, vice Kobbé, promoted.
Capt. Fred R. Brown, Infantry (major, Bureau Insular Affairs), vice Miller, promoted.
Capt. William T. Merry, Infantry, vice Newman, promoted.
Capt. Lawrence D. Cabell, Infantry (Quartermaster Corps), vice Wilcox, promoted.
Capt. Clyffard Game, Infantry (Quartermaster Corps), vice Stokes, promoted.
Capt. George W. Stuart, Infantry (detached officers' list), subject to examination required by law, vice Parker, promoted.
Capt. Duncan K. Major, jr., Infantry, vice Weeks, promoted.
Capt. James Justice, Infantry, vice McMaster, promoted.
Capt. Ephriam G. Peyton, Infantry (detached officers' list), vice Kinnison, promoted.
Capt. Earle W. Tanner, Infantry, vice Palmer, promoted.
Capt. William L. Reed, Infantry (detached officers' list), vice Laubach, promoted.
Capt. Charles L. McKain, Infantry, vice Perry, promoted.
Capt. Andrew J. Dougherty, Infantry (detached officers' list), vice Carey, promoted.
Capt. Oliver S. Eskridge, Infantry, vice Nelson, promoted.
Capt. Joel R. Lee, Infantry (Quartermaster Corps), vice Saville, promoted.
Capt. George E. Stewart, Infantry, vice Bamford, promoted.
Capt. Alden C. Knowles, Infantry, vice Knudsen, promoted.
Capt. Henry A. Hanigan, Infantry (detached officers' list), vice Stone, promoted and retained in the Quartermaster Corps.
Capt. Hjalmer Erickson, Infantry (Quartermaster Corps), vice Grimes, promoted and retained in the Quartermaster Corps.
Capt. James W. Furlow, Infantry (Quartermaster Corps), vice Harker, promoted and retained in the Quartermaster Corps.
Capt. John W. Wright, Infantry (detached officers' list), vice Oury, promoted and retained in the Quartermaster Corps.
Capt. Frederick R. De Funiak, jr., Infantry, vice Eaton, promoted and retained in the Quartermaster Corps.
Capt. Ralph McCoy, Infantry, vice Ross, promoted and retained in the General Staff Corps.
Capt. Grosvenor L. Townsend, Infantry (detached officers' list), vice Hannay, promoted and retained in the Quartermaster Corps.
Capt. Thomas L. Brewer, Infantry, vice Bonnycastle, promoted and retained in the Quartermaster Corps.
Capt. James K. Parsons, Infantry (detached officers' list), vice Coleman, promoted and retained in the Quartermaster Corps.
Capt. George E. Ball, Infantry, vice Thorne, promoted and retained in the Quartermaster Corps.
Capt. Reuben Smith, Infantry, vice Halstead, promoted and retained in the Quartermaster Corps.
Capt. Chase Doster, Infantry, vice Van Duyne, promoted and retained in the Quartermaster Corps.
Capt. Howard C. Price, Infantry, vice Brown, promoted and retained in the Bureau of Insular Affairs.
Capt. Eldred D. Warfield, Infantry, vice Cabell, promoted and retained in the Quartermaster Corps.
Capt. Walter B. McCaskey, Infantry, vice Game, promoted and retained in the Quartermaster Corps.
Capt. Oliver H. Dockery, jr., Infantry, vice Lee, promoted and retained in the Quartermaster Corps.
Capt. John R. Thomas, jr., Infantry, vice Erickson, promoted and retained in the Quartermaster Corps.
Capt. Milton A. Elliott, jr., Infantry (detached officers' list), vice Furlow, promoted and retained in the Quartermaster Corps.

CORPS OF ENGINEERS.

To be captains with rank from May 15, 1917, to fill original vacancies.

First Lieut. George Mayo, subject to examination required by law.
First Lieut. Paul T. Bogk, subject to examination required by law.
First Lieut. Arthur P. von Deesten, subject to examination required by law.
First Lieut. John H. Wills.
First Lieut. Raymond G. Moses, subject to examination required by law.
First Lieut. Wilhelm D. Styer, subject to examination required by law.
First Lieut. John W. Fraser, subject to examination required by law.
First Lieut. Charles H. Cunningham, subject to examination required by law.
First Lieut. Dwight F. Johns, subject to examination required by law.
First Lieut. William A. Snow, subject to examination required by law.
First Lieut. Thomas D. Finley.
First Lieut. William H. Britton.
First Lieut. Elroy S. J. Irvine.
First Lieut. Notley Y. Du Hamel.
First Lieut. Wilburn H. Henderson, subject to examination required by law.
First Lieut. Robert G. Guyer.
First Lieut. Robert A. Sharrer.
First Lieut. Ludson D. Worsham.
First Lieut. Edward G. Bliss.
First Lieut. Ralph G. Barrows, subject to examination required by law.
First Lieut. Holland L. Robb.
First Lieut. Frederick W. Bonfils, subject to examination required by law.
First Lieut. Robert R. Neyland, jr.
First Lieut. William M. Hoge, jr.
First Lieut. Stanley L. Scott, subject to examination required by law.
First Lieut. Tattnall D. Simkins, subject to examination required by law.

To be first lieutenants with rank from May 15, 1917, to fill original vacancies.

Second Lieut. Harris Jones.
Second Lieut. Francis L. Palmer.
Second Lieut. William F. Heavey.
Second Lieut. Harold R. Richards.
Second Lieut. John J. F. Steiner.
Second Lieut. Daniel Noce.
Second Lieut. Willis E. Teale.
Second Lieut. Clark Kittrell.
Second Lieut. Samuel R. Irwin.
Second Lieut. Henry Hutchings, jr.

PROVISIONAL APPOINTMENT IN THE ARMY.

INFANTRY ARM.

Sergt. Charles Arthur Drake, Company M, Fourth Infantry, Illinois National Guard, to be second lieutenant of Infantry.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 21, 1917.

Fred Robertson to be United States attorney, district of Kansas.

PROMOTIONS IN THE ARMY.

QUARTERMASTER CORPS.

To be lieutenant colonels.

Maj. James Canby.
Maj. Charles R. Stanton.
Maj. William S. Scott.
Maj. Robert H. Rolfe.
Maj. Louis F. Garrard, jr.
Maj. Bertram T. Clayton.
Maj. Frank A. Grant.
Maj. Kensey J. Hampton.
Maj. William R. Grove.
Maj. Herbert M. Lord.
Col. Beecher B. Ray.
Maj. Robert S. Smith.
Maj. William G. Gambrill.

VETERINARY CORPS.

Veterinarian Clarence Loveberry, assistant veterinarian.

APPOINTMENTS AS SECOND LIEUTENANTS.

INFANTRY.

Cadet William Harold Kehoe.
Cadet Clyde R. Altman.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Commander Reginald R. Belknap to be a captain.
Lieut. Commander Austin Kautz to be a commander.
Lieut. Commander John W. Timmons to be a commander.
Lieut. (Junior Grade) John M. Ashley to be a lieutenant.
Ensign Edwin J. Gillam to be a lieutenant (junior grade).
The following-named ensigns to be assistant naval constructors:
Edward Ellsberg.
Edward L. Cochrane.
Robert W. Ferrell.
George C. Manning.
Donald Royce.
Fred E. Pelton.
Adrian R. Marron.
Gordon W. Nelson.
Joseph L. McGuigan.
Fred M. Earle.
John I. Hale.
The following-named ensigns to be assistant civil engineers:
James T. Mathews.
Paul J. Searles.
The following-named citizens to be assistant civil engineers:
Cuthbert P. Conrad.
Roy E. McCorkindale.
Ben Moreell.
Robert L. Pettigrew.
Carl A. Trexel.
Kendal B. Bragg.
Thomas J. Shack.
Alden K. Fogg.
Arthur F. Peaslee.
Robert E. Thomas.
Edward C. Seibert.
Walter N. Moore.
George W. Plaisted.
Arthur H. Bond.
Joseph J. Strachan.
Hector C. Griswold.
William H. Smith.
Henry G. Lehrbach.
Thomas E. Dunham.
Henry Niemann.
James L. McDonald.
Robert S. Johnson.
Edward L. Marshall.
Richard H. Gifford.
George D. Wetsel.
Capt. Frank E. Evans to be a major on the active list of the Marine Corps.
First Lieut. Charles A. E. King to be a captain in the Marine Corps.
Second Lieut. David H. Miller to be a first lieutenant in the Marine Corps.
Roy C. Swink, a citizen of Pennsylvania, to be a second lieutenant in the Marine Corps.
Boatswain Frank Bruce to be a chief boatswain.
Lieut. Commander Julius F. Hellweg to be a commander.
The following-named lieutenants to be lieutenant commanders:
Anthony J. James,
William E. Eberle,
William L. Culbertson,
John M. Poole, 3d, and
William T. Lightle.
Lieut. (Junior Grade) George W. Hewlett to be a lieutenant.
Ensign Allan W. Ashbrook to be a lieutenant (junior grade).
Pay Inspector Henry A. Dent to be pay director.
Passed Asst. Paymaster Swinton L. Bethea to be a paymaster.
Gunner George C. Smith to be a chief gunner.
Machinist Rufus H. Bush to be a chief machinist.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 21, 1917.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, Author of our being and the Bestower of every gift, we lift up our hearts in gratitude to Thee for all Thy favors, and we most fervently pray that Thy Spirit may so completely possess us that it may crowd out of our being all evil desires and sinful propensities, that we may hallow Thy Name in all that we undertake this day, that no sorrows, no regrets shall follow in its wake to disturb our peace, and we shall ascribe all praise to Thee through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. WALSH. Mr. Speaker, I object.

Mr. RAKER. Mr. Speaker, perhaps if I state the subject upon which I desire to extend my remarks the gentleman will not object. I ask unanimous consent to extend my remarks in the RECORD upon a bill in regard to the bird reserve on Klamath Lake, which is pending, and which has a favorable report from the Department of the Interior and the Department of Agriculture.

Mr. WALSH. Mr. Speaker, reserving the right to object, I ask the gentleman if his extension of remarks is to contain anything except his own remarks?

Mr. RAKER. Only the bill and my own remarks, with the reports of the department upon it, so that I may have it printed and have it before the House as a piece of emergency legislation.

Mr. WALSH. Mr. Speaker, I object.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing in connection therewith a few communications from constituents on the food conservation feature of this bill.

The SPEAKER. The gentleman from Texas ask unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. WALSH. Mr. Speaker, I object.

Mr. BLANTON. Mr. Speaker, I will state to the gentleman that if I do not get permission I shall ask for time upon the bill, and this would save my time and the time of the committee.

The SPEAKER. The gentleman already has leave to print his remarks upon the bill.

Mr. LEVER. Unanimous consent has already been granted to extend on this bill.

The SPEAKER. The gentleman from Texas has an absolute right to extend his remarks upon this bill. He can not extend them generally.

Mr. KING. Mr. Speaker, I ask unanimous consent to have read from the desk a short letter from a young editor of a paper in my district, the young gentleman being 13 years of age. He appears to be a friend of Congress. He issues this paper in

typewriting every Saturday when his father permits him to do it.

Mr. RAKER. Mr. Speaker, reserving the right to object——

Mr. KING. Mr. Speaker, this is purely for the edification of Congress. He is a friend of Congress.

Mr. RAKER. I appreciate that. I wondered if it is the intention of gentlemen upon the Republican side to keep us upon this side from inserting in the RECORD those things that Congress ought to be informed upon, and that are actual living, valuable, necessary pieces of legislation to increase the food production of the country?

Mr. LANGLEY. Mr. Speaker, reserving the right to object, I will ask the gentleman from Illinois if he has the boy's father's consent to have this put in the RECORD?

Mr. KING. I think the father will consent to it. It is an unusual case.

The SPEAKER. Is there objection?

Mr. WALSH. Mr. Speaker, I object.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BYRNS of Tennessee, indefinitely, on account of sickness.

RUSSIAN MISSION.

Mr. SIEGEL. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to extend an invitation to the Russian mission to visit the House upon Saturday next, and that the House take a recess at that time for 30 minutes.

The SPEAKER. The gentleman from New York asks unanimous consent that the Speaker be authorized to invite the Russian mission to visit the House on Saturday next, and that the House stand in recess for 30 minutes at that time. Is there objection?

There was no objection.

ORDER OF BUSINESS.

Mr. LEVER. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from South Carolina makes the point of order that there is no quorum present. Evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adamson	Eagle	Hull, Tenn.	Russell
Almon	Edmonds	Husted	Sabath
Anthony	Ellsworth	Ireland	Sanders, N. Y.
Browne	Estopinal	Johnson, Ky.	Sanford
Bruckner	Fairchild, G. W.	Johnson, S. Dak.	Saunders, Va.
Burnett	Ferris	Key, Ohio	Schall
Byrns, Tenn.	Fields	Kiess, Pa.	Scott, Pa.
Cantrill	Fisher	Kitchin	Scully
Capstick	Flynn	Kreider	Sells
Carew	Focht	Larsen	Shackleford
Carlin	Fordney	Littlepage	Shallenberger
Church	Foss	Lunn	Sherwood
Clark, Fla.	Francis	McArthur	Smith, Thomas F.
Classon	Freeman	McCormick	Steenerson
Coady	Fuller, Ill.	McCulloch	Stephens, Nebr.
Copley	Fuller, Mass.	Mann	Sterling, Ill.
Costello	Gallivan	Martin, Ill.	Stiness
Cox	Glynn	Mudd	Sullivan
Crisp	Godwin, N. C.	Neely	Swift
Crosser	Goodall	Nelson	Talbott
Currie, Mich.	Gould	Nichols, Mich.	Templeton
Curry, Cal.	Gray, Ala.	Oliver, N. Y.	Tilson
Dale, N. Y.	Gray, N. J.	Olney	Tinkham
Davis	Green, Iowa	O'Shaunessy	Treadway
Decker	Greene, Vt.	Parker, N. Y.	Van Dyke
Dempsey	Griest	Platt	Watson, Va.
Denton	Hamilton, N. Y.	Polk	Williams
Dooling	Haskell	Porter	Wilson, Ill.
Doremus	Hayes	Pou	Winslow
Drane	Helm	Powers	Wood, Ind.
Dunn	Hill	Price	Woodyard
Dupré	Hollingsworth	Riordan	
Eagan	Hull, Iowa	Rowland	

The SPEAKER. On this roll call 300 Members, a quorum, answered to their names.

Mr. LEVER. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will unlock the doors. The gentleman from South Carolina [Mr. LEVER].

Mr. LEVER. Mr. Speaker, I understand the gentleman from California desires to submit a unanimous-consent request.

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a newspaper article which I would like to submit——

The SPEAKER. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, upon what subject?

Mr. OSBORNE. It is a sketch of Mr. Herbert C. Hoover. So little is known about——

Mr. WALSH. In connection with this bill?

The SPEAKER. The gentleman already has leave to extend his remarks on this bill if that is the subject he desires to talk about. The Chair wishes all gentlemen would remember there has already been granted five legislative days in which to print speeches in the RECORD or extend their remarks in the RECORD on this bill.

CONSERVATION OF FOOD AND FUEL.

Mr. LEVER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4961, and pending that I ask unanimous consent that all general debate on this bill may be now closed.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that general debate on this bill be now closed. Is there objection?

Mr. HAUGEN. Mr. Speaker, reserving the right to object, I desire to say to the gentleman that I have a number of requests that would take several hours to accommodate the gentlemen who have made those requests for time. I also appreciate the urgent request and demand for the immediate passage of this bill, and at the same time I appreciate that every Member of this House has some rights and that he has a right to insist that he be heard. This probably will be the only opportunity he will have, and in view of the importance of the bill it seems to me that it would not be unfair to ask that those gentlemen be at least given a few minutes. In conferring with various Members here numbers of them have generously agreed to yield the time if they may be accorded the privilege of discussing it more freely under the five-minute rule, and if the gentleman will grant us an hour and a half on this side, which I trust will not be considered unreasonable, I believe we can get along and everybody can be accommodated. I would ask the gentleman to modify his request so as to give us an hour and a half on this side.

The SPEAKER. What does the gentleman from South Carolina say?

Mr. LEVER. "The gentleman from South Carolina," Mr. Speaker, is trying to think a little bit with his colleagues. Mr. Speaker, how would the suggestion that general debate close at 1.30, of course to be confined to the bill, meet the view of the gentleman?

Mr. HAUGEN. I suggest to the gentleman that 1.30 would give about two hours, and I have already these requests which I have stated, and a number of Members have generously agreed to yield time, but there are a number of Members who have been promised that they would be given an opportunity to express their views, and I feel that in justice to them, in justice to the House, in justice to the occasion that we should at least have an hour and a half on this side. Furthermore, I desire to call the attention of the chairman to the fact that the chairman of the Committee on Agriculture used two hours in discussing this bill. I have not taken one minute in the discussion of it. I believe I am entitled to some time. I felt it necessary to yield my time to others, but of course if the gentleman finds the urgency requires that we immediately close debate——

Mr. LEVER. Mr. Speaker, I have absolutely no desire to deny the gentleman from Iowa the privilege of addressing the House, and I ask unanimous consent——

Mr. HAUGEN. Do we have an hour and a half on this side?

Mr. LEVER (continuing). That general debate on this bill close at 2 o'clock, the time to be equally controlled by the two sides.

Mr. HAUGEN. Not taking into consideration the time already consumed, that the time to be used to-day is to be equally divided?

Mr. LEVER. Yes.

Mr. GILLETT. If the gentleman will permit a suggestion, the gentleman will appreciate that we have endeavored on this side to cooperate with the gentleman——

Mr. LEVER. Undoubtedly.

Mr. GILLETT. And what I would suggest is that there might be other business; there might be a roll call and the gentleman from Iowa has requests for over three hours. He is willing to take an hour and a half, and it seems to me the gentleman might agree that we have an hour and a half and the gentleman from South Carolina might take as much or as little as he pleases.

Mr. LEVER. If we close debate at 2 o'clock, it will give 2 hours and 20 minutes.

Mr. GILLETT. It would if nobody makes the point of no quorum.

Mr. LEVER. I dare say nobody will make the point of no quorum.

Mr. GILLETT. I hope nobody will.

Mr. HAUGEN. Why not limit it to a certain number of hours?

Mr. LEVER. Mr. Speaker, I ask unanimous consent that general debate on this bill shall continue for two and a half hours, one half to be controlled by the gentleman from Iowa and the other half by the gentleman from South Carolina.

Mr. CANNON. Mr. Speaker, I would like to have unanimous consent for two minutes now.

The SPEAKER. The gentleman from Illinois asks unanimous consent to proceed for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. Mr. Speaker, I have listened to this debate. This is an exceedingly important bill. I do not desire to obstruct its passage, but I desire to cooperate. Woodrow Wilson is my President as well as yours. [Applause.] I believe the bill ought to be amended. I listened with great pleasure to my colleague from Wisconsin [Mr. LENROOT] on yesterday. He said much that I would have desired to have said and could not have said so well. This bill is so important I think we need not rush. I think we want a little freedom of debate under the five-minute rule if this matter is agreed to.

From a patriotic standpoint, and not from a carping or critical standpoint, once in a while I desire a little time. The spirit is moving me this morning, but I can not get time if the general debate is closed. I am perfectly willing to await the five-minute rule, and I want to say further—in my two minutes—that with a bill of this great importance the Members of the House should be heard. There is no extraordinary hurry about closing debate and passing this bill by Saturday night. The Senate will be talking on it 10 days from now. I think the House ought to have reasonable leeway, with its 435 Members. On the consideration of this bill, a quorum should be here every minute of time from now until the bill is passed. [Applause.]

Mr. LEVER. The gentleman would have no objection to the request I have submitted to extend the time two and a half hours?

Mr. CANNON. So far as I am concerned, if I have any message at all, I trust I will not be obliged to deliver it to only 25 or 30 men. I would like and would prefer a little liberal treatment as to time under the five-minute rule when we are down to the actual consideration of the bill.

The SPEAKER. The gentleman from South Carolina [Mr. LEVER] asks unanimous consent that the general debate on this bill be closed in two hours and one-half, half of the time to be controlled by himself and the other half by the gentleman from Iowa [Mr. HAUGEN].

Mr. MADDEN. Reserving the right to object, I would not object if the gentleman from South Carolina would indicate that the House would not be kept in session in the consideration of the bill later than 5.30 this afternoon.

Mr. LEVER. I understand, I will say to the gentleman from Illinois that his party is to have a conference in this Hall, and, of course, there is no disposition to interfere with that, and it is my intention to rise at about 5.30 this afternoon.

Mr. MADDEN. I am quite sure that the gentleman will, without any agreement, grant a good deal of latitude in the matter of debate under the five-minute rule.

Mr. LEVER. I would say in that respect I think my conduct here of bills has shown that I am liberal in that respect. I do not think we ought to take up more time than this week in the passage of this bill.

Mr. MADDEN. I am anxious to see the bill passed. I am in favor of amending it in some particulars, but I do not want to have any unnecessary delay in the completion of the work that is before us. But I do think that those of us who are in favor of suggesting amendments ought to have time to discuss those amendments.

Mr. LEVER. There will be no disposition to limit the debate under the five-minute rule when that debate is bona fide.

Mr. MADDEN. Of course, there ought to be no other debate than bona fide debate. This is too important.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina [Mr. LEVER]?

Mr. MADDEN. I do not object.

Mr. HEFLIN. Mr. Speaker, reserving the right to object, I want to suggest to the chairman of this committee that a great deal of time has already been consumed in the discussion of this bill. This is not a very long bill, but it is a very important one and ought to be passed at the earliest date possible in spite of what the Senate may do to delay legislation of this character, and I for one am anxious to see the bill pass by Saturday night, and I am willing to stay here in session Saturday night until it is passed. I think this House ought to insist on passing the bill this week.

Mr. MADDEN. I will say to the gentleman from Alabama [Mr. HEFLIN] that I will be glad to cooperate in order to get the bill through as soon as possible.

Mr. FOSTER. Mr. Speaker, I ask for the regular order.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] demands the regular order, and the regular order is, Is there objection to the request of the gentleman from South Carolina? [After a pause.] The Chairs hears none.

The question is on going into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4961, with Mr. HAMLIN in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4961, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman, judging from the debate on this bill, which I have followed with great interest and with close attention, there seems to be no doubt of its passage. In fact, I predict that it will pass this House with little modifications and by a very large majority. All the announced opposition, the promised flank attack on its constitutionality, seems to have vanished. This, I believe, is due to the fact that the opponents have since read the bill, understand it now, approve of it, and shall vote for it.

Coming from the great city of New York, gentlemen, I assure you that we are much concerned in the food situation. There has been no difference of opinion expressed on this floor on existing prices of food supplies. Everyone knows that prices have been constantly increasing and have now reached a prohibited mark. Ordinary necessities of yesterday are luxuries to-day. Food formerly sold by the pound is now sold by the ounce. Gentlemen, in plain, cold words, the American people are not getting enough to eat.

And right here I want to express my admiration and high regard for the distinguished chairman of the Committee on Agriculture, the gentleman from South Carolina [Mr. LEVER]. His task was a difficult one, sure to be unpopular in certain powerful quarters, certain to be misunderstood in rural districts, but bound to meet the approval of the great majority of the American people as soon as its beneficial purpose is realized. To-day all through this land people are waiting patiently the action of this House on this bill. Everyone knows that there is plenty of available food in this country; it is an open secret that the warehouses and cold-storage places are bulging with food. There are plenty of supplies on the shelves of our retailers. Yet in the land able to appropriate billions of dollars without a murmur, where billions of bonds can be subscribed for in a few days, where everyone seems to be employed at this time, in its greatest city we have had food riots. I gave considerable and personal investigation to the food riots which took place in New York City a few months ago, and, gentlemen, I give you my personal assurance that the cause of that disturbance, the action of those unhappy women, was nothing else than empty stomachs. Wage earners themselves, most of them, others with husbands working, and yet unable to provide for the proper nourishment of their families. Is that not cause for reflection? Granting the existence of unusual conditions all over the world, conceding the abnormal amount of foodstuffs exported from this country, it does not take a professor of political economy to know that with what food there is available prices are out of all proportion to the ordinary rule of supply and demand; that somebody is taking advantage of the situation, amassing great fortunes at the expense of the health and happiness of the American people. Yes, gentlemen, I say happiness knowingly, because no man is happy when he is hungry. No matter how much self-control, no matter how well disciplined, a hungry man is depressed, unsatisfied, and out of harmony with society; and nature was just in making him so. What is more, in the past two years the American people have been thinking. They know as well as we do the cause of the high cost of living, and never before was there such a united determination that the cause should be removed.

I followed with absorbed attention the remarks of the distinguished gentleman from Missouri [Mr. HAMLIN] on the con-

stitutionality of the law involved in this bill. I, too, gave that phase of the question considerable study. And I realize that we can support our vote on this bill on the grounds of its being a necessary war measure. I feel that no Member of this House would vote for a measure which he knows to be unconstitutional. The fundamental law of the land is the greatest bulwark of our independence and freedom, and we are bound to keep ourselves within its limitations. There is no doubt in my mind, after careful research of the law on the question, that this is a necessary war measure within the meaning of the Constitution and decisions on that point. While it is quite true that the letter of the Constitution would not permit in normal times the exercise of food control by the National Government, still I am not convinced that it was the intention of the framers of the Constitution and the people who subsequently ratified it that this all-important and necessary power should not be vested in the National Government instead of with each individual State. Gentlemen, you will all agree that at the time of the Declaration of Independence, and continuing to the time of the adoption of our Constitution, this was a land, as it is now, of plenty. With this difference, that the plenty was enjoyed by all of the people and not by a handful of men. It was then beyond the imagination of the people that there could ever come a time in this country when the people working and earning could not get enough to eat. It was beyond the vision of the far-sighted liberty-loving men who worked on the Constitution and its bill of rights that a situation would ever occur where the food could be cornered, as it is to-day, and the robust, full-blooded, red-cheeked American fade into a weak, anemic, underfed, disgruntled individual. My friends, could they have foreseen that, I am certain, as I read the history of that Constitution, that they would have made ample provision to assure to every American, among the inalienable rights of life, liberty, and the pursuit of happiness, the absolute right to proper and sufficient nourishment. That is what we are doing to-day. We are making it clear that the inalienable right of life and happiness carries with it for every man willing to work the right to food, shelter, and clothing.

I have here a long list of food prices in the city of New York, which I will omit, as the RECORD already carries abundant tables of prices. I want to read here, however, a letter from the Charity Organization Society, of my city. This society comes in contact daily with thousands of families in distress and in need of assistance. Their information is first hand:

THE CHARITY ORGANIZATION SOCIETY,
New York, June 20, 1917.

The Hon. F. H. LAGUARDIA,
House of Representatives, Washington, D. C.

DEAR SIR: In response to your telegram of the 19th, we are sending you the following statement of the advance which we have experienced in prices in New York:

Since January potatoes have increased 75 per cent in price. They were $0.75 a peck; they are now $1.25 a peck. Bread has increased 50 per cent. In January, 14 ounces of bread cost $0.06; now 12 ounces cost $0.10. Milk has increased 10 per cent and meats from 14 per cent to 20 per cent. Flour has shown an increase of from 2 to 4 cents a pound. It is now $0.07 a pound. Cereals and breakfast foods have increased from 25 to 50 per cent; that is, from 1 to 5 cents on a package. Canned meats have increased from 6 to 20 cents per can. Canned fruits and canned vegetables have increased from 1 to 5 cents per can. Butter has increased 4 per cent. Eggs, which ought to have materially decreased in price with the coming of spring, have practically remained stationary.

The number of families now applying for assistance to the society is substantially the same as those seeking assistance at this time last year. This is probably because of the fact that employment is plentiful and that there have been increases in wages. However, in families in which there is only one wage earner the increase in wages has, in our experience, by no means equalled the increased cost of living.

The hardships due to the increased cost of food, and especially the increased cost of vegetables, are certainly most serious. In many instances families are cutting down their supply of milk and are resorting to other economies which are certain to be injurious to health.

Our workers report that families in which sickness or other causes make it impossible for the wage earner to continue work come for assistance more quickly than formerly, because the high prices very quickly use up their savings.

The society has not taken a position upon the Lever bill. I am personally in favor of its passage.

Very truly, yours, EDWARD T. DEVINE, *Secretary.*

Now let me read a few telegrams from settlement workers in New York City, who specialize in social work and are daily engaged in ministering to the needy. Their statements are not sensational and their judgment on this subject should be seriously considered.

NEW YORK, N. Y., *June 20, 1917.*

Hon. F. H. LAGUARDIA,
Washington, D. C.:

Increased cost of food in the last six months bringing great hardship to people in neighborhood of Union settlement. Most staple article gone up. Price advance in price of meat and flour felt particularly as this is workingmen's neighborhood. Urge passage of food bill recommended by President.

JOSEPHINE SCHAIN.

NEW YORK, N. Y., *June 20, 1917.*

Congressman F. H. LAGUARDIA,
Washington, D. C.:

We approve national control of production and distribution of food supplies during the period of the war, but have had no opportunity to examine pending bill. Prices have increased over 13 per cent in six months; over 40 per cent in two years. Wages of those on minimum level have not increased proportionately.

NEW YORK ASSOCIATION FOR IMPROVING THE CONDITION OF THE POOR.

NEW YORK, N. Y., *June 20, 1917.*

Congressman F. H. LAGUARDIA,
Washington, D. C.:

We strongly urge your best support of President's food bill, which will take life necessaries out of hands ruthless speculators who have forced prices to unnecessary height for selfish purposes in last six months. Bread aised 6 to 8 cents loaf, rice doubled, corn meal about one-third, and most food in proportion. Continuation of these conditions serious to peace of city.

ROSALIE MANNUNG,
Chairman Food and Market Committee,
Neighborhood Workers' Association.

The steady increase in price of food, however, has been felt, not only by the unfortunate, but by all with the exception of a certain few. The man earning $25 to $35 a week and a family to support is unable to make ends meet. Staple articles of the American breakfast table and Sunday roasts, heretofore considered necessary, have long since been omitted. The meatless diet of the Siberian peasant and the rice meal of the Chinese cooly have supplanted the roast beef and the pie of the average American. Let me read this letter from a personal friend of mine; a man earning about $1,500 a year. This man is as good an American as there is in the whole country, with a splendid family, holding a responsible position, writes most feelingly on the subject. I fear not publishing his name, for I know he is patriotic enough to help in the situation, although this publicity may cause him embarrassment:

NEW YORK, *June 20, 1917.*

Hon. F. H. LAGUARDIA,
Washington, D. C.

DEAR COUNSELLOR: If you can do anything for us on this food question, in your capacity as a Congressman, in present or future legislation, for heaven's name do so; it is really appalling how the common necessities have gone upward in price, and it is the poor sinners like me and my family and a lot of your constituents you well know, in similar stations of life trying to keep up a decent standard of living, who are suffering; we have to have the things and can only do so in lesser quantities, thereby lowering our physical force of resistance and opening ourselves to the attacks of most any epidemic that might break out. There seems to be no reason why things should be so high in this glorious land of plenty, and the time of simple investigation is past and good active legal action at hand; lend your moral support to any measures that will bring us relief.

Respectfully, yours, WM. J. STEWART.

A good deal is being said that excessive profits are added all along the line. If that is so, I believe there is sufficient power given in this bill to ferret out excessive profits wherever found. I have here a letter from one of the largest bakeries in New York City. This concern has been compelled to raise the price of bread, I believe, twice within a short time. A similar letter, I understand, has been sent to all Representatives from New York, if not to the entire membership, and it clearly indicates the entire good faith of the bakers of New York to bring down prices, if they can get the flour at normal cost. Here is the letter:

NEW YORK, *June 19, 1917.*

Hon. F. H. LAGUARDIA,
House of Representatives, Washington, D. C.

HONORABLE SIR: In view of the rapidly approaching harvest it may be said that the immediate passage of the Lever bill is imperative.

We are receiving criticisms and inquiries about the price of bread over which we have no control because of the present high price of flour, and we are hoping that the appointment of food administration and the closing of grain exchanges will result in the reducing and stabilizing of prices of flour so that we can produce cheaper bread for the people, and cheaper food, we believe, is necessary to maintain a social balance in our country.

In the name of our country's poor, please lend your best efforts to an early passage of this bill.

Very truly, yours, GEORGE S. WARD,
President Ward Baking Co.

Mr. Chairman, I am confident in the successful outcome of this bill if it is enacted into law. It gives unheard of powers; yes, but necessary powers. With its proper, intelligent, and impartial enforcement I can not see how it can possibly fail. If there is hoarding it gives power to take the hoarded supplies away; food may be sold at a reasonable price in order to bring down unreasonable and artificially created high prices; speculation can be curbed; exportation regulated; every possible trick of the trade detected and stopped. It is bound to bring about the much-needed relief.

Gentlemen, the passage of this bill will do more to demoralize the enemy than anything which we have enacted during this session. Our declaration of war did not surprise the Kaiser. He expected that. The $7,000,000,000 bond issue did not unduly worry him. He believes we will waste it. The conscription law

causes him no immediate anxiety, for he believes that it will take a long time before its effect will be felt. But, gentlemen, the marshaling of our food supplies, the control of exportation, this great getting together of the people, the taking of this drastic action unheard of in our history will have a telling effect upon the Kaiser and he will know that we mean business. Thoroughness and efficiency are not his personal monopoly, and when enacted by the Representatives of a free people, enforced and obeyed with true American spirit, it means success to our cause and spells "Peace."

Gentlemen, I am so thoroughly convinced of the need and benefit of the provisions of this bill that I feel that it is not only a war measure but a permanent institution with us. After the war, if we are not careful, the speculators will soon be back to the old game. As long as I live I do not wish to witness another food riot. You want and I want and every American wants everybody to get enough to eat. I realize that there is a lot to do before we can bring about such ideal conditions. But let us start now. I have taken the first step toward that end. I have this day introduced a constitutional amendment giving power to the National Government at all times to regulate and control the production, conservation, and distribution of food supplies. This may sound extreme and perhaps radical, but under similar conditions the founders of this country and the framers of the Constitution would have it so. It is the will of the American people.

Gentlemen, I shall give my whole-hearted support to the Lever bill.

Mr. HAUGEN. Mr. Chairman, I yield 25 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, the present session of Congress will go down in history as the most important since the Civil War. In fact it is quite possible that the verdict of history shall be that the questions discussed and the conclusions reached during this session had a more far-reaching and deciding effect upon the Nation and its people, particularly in respect to their relationships with and influence upon the world at large, than those of any other session in our history.

We have already enacted legislation tremendously important, unusual, radical, and far-reaching in its purpose and effect. We have provided for bond issues, made appropriations, and proposed revenue bills of staggering proportions, and in the main unanimously or with the support of a large majority of the membership of Congress.

It is now proposed in the bill before us to establish as a war measure a governmental control of production, manufacture, procurement, storage, distribution, and so forth, of foods, feeds, and fuel. Without in any wise minimizing the importance of the steps heretofore proposed and taken in the matter of legislation and appropriation during this session, I think it is no exaggeration to say that from the standpoint of its character and possible—even probable—far-reaching effect, both in the immediate and in the more distant future, nothing that Congress has done or is likely to do in legislation is of more vital and tremendous importance than the propositions contained in the bill now before us.

I think that on reflection the truth of this statement will be admitted without regard to the views we may entertain as to our authority to enact such legislation or as to the necessity or wisdom of doing so. The authority proposed to be invoked, the powers proposed to be granted, are so unusual, so vast, so far-reaching, and so tremendous in their scope as to give pause to those most profoundly impressed with the importance and the necessity of invoking and granting them. On the other hand, the seriousness of the situation, as evidenced in innumerable ways, and in no way more strikingly than by the fact that men of known conservatism propose and support legislation of this character, compels its careful consideration by all thoughtful men devoted to the welfare of their country, in which category I place all Members of Congress.

The consideration of this bill raises at once two important questions. One as to the power and authority of Congress to legislate as is proposed and to grant authority as is contemplated, and, second, as to the wisdom, the necessity, the advisability of doing so. Not being a lawyer by profession, I have never claimed to be a professional expounder of the American Constitution, but as a layman who has a profound and continuing respect, admiration, and regard for that great fundamental document, I must admit at the outset that it has been necessary for me to somewhat reform and readjust certain views I have entertained relative to that great instrument in order to view with tolerance, much less with approval, certain features of this bill and of some other legislation we have been called to pass upon. As I examine these readjustments of view in their application to the legislation I am, however, comforted by the thought that they relate rather to theory than to substance.

We are at war. War involves a contest which may develop into a struggle for national existence, a struggle for the perpetuation not only of the Government itself but of freedom, of liberty under law, and of the opportunity for the pursuit of happiness under its protection. In the midst of war it is impossible to return to the fountain of authority for any additional grant of power which may be necessary for the perpetuation of Government. Therefore it must, I think, be assumed that as it would be futile to establish governments without the power and authority to insure their perpetuation, it must be assumed that in a time of war involving, as all great wars must, the possible issue of national existence, there resides in the branch of the Government charged with the duty of legislation, authority to do those things which in the judgment of the legislative body are essential to the successful prosecution of the war.

It may be said that this is an extreme and dangerous view to take of the war powers of the Congress; possibly so, but unless we do plant our feet on some such view as a basis and foundation we can not logically approve either this legislation as to its main features or other legislation we have already approved.

Congress has assumed and exercised the power to compel the citizen to offer his life to his country. We have enrolled and in due time we shall call to a service, which shall mean, to some at least, possibly for many of the finest young men of the Nation, a surrender of life itself. If we have authority to demand this heroic service, this supreme sacrifice, can it be claimed in reason and logic that we may not assert the authority and control contemplated by this act, which is not intended at least to require any sacrifice on the part of anyone, unless the foregoing of excessive profits, wrung from the necessities of the people by middlemen, may be considered a sacrifice. Surely no one who advocated, indorsed, or approved the passage of the conscription act can reasonably or logically hold that we have not the authority or that we are not justified in the very limited and partial conscription of the Nation's resources.

I leave the constitutional questions involved with this thought: Congress may do unconstitutional things. It has in the past. Congresses may and Congresses have done foolish and unnecessary things, but no Government of the people, by the people, and for the people will ever perish from the earth, however much its people may temporarily suffer through usurpations by the legislative branch. The dangers of fatal usurpation of power lie in the Executive. In time of stress and war and crisis, the wisest and the best intentioned Executive may be tempted to usurp power in the promotion of what the Executive may conceive to be the public good. It is infinitely better that the Congress, which is the repository of the power and authority which the people have conferred, shall grant specific authority along well-considered lines, even to the point of questionable wisdom than that the Executive shall be left in time of stress and crisis in a position tempting the usurpation of power without specific grant.

Beyond the question of constitutional authority lies the question of advisability, of necessity. Is there a situation, or is one likely to arise, in which it is or may be essential for the successful prosecution of the war to confer upon the executive branch of the Government authority such as is proposed in this bill? Frankly I have been loath to believe that such a necessity existed, and that entirely separate and apart from the question as to the possibility of wisely administering the powers proposed to be conferred, I have found it difficult to believe that with all of our enormous exports there was really such a shortage of foods and commodities as constituted a real menace or warranted a tremendous expansion of prices. But notwithstanding that view, prices have advanced. They continue to advance by leaps and bounds. They long since ceased to be merely a hardship. We have arrived at a condition where even considerable advances in wages and salaries are inadequate, and in which a large portion of our people find it almost or entirely impossible to make ends meet, and certain portions of them suffer actual want. It is very apparent that nothing should be left undone that holds out any reasonable hope of relief.

This distressing condition of perfectly scandalous and oppressive prices in certain lines is manifestly not due, so far as food products are concerned, to abnormal or unreasonably high prices, compared with the cost of production, received by the producer. While the producer has been securing, in the main, higher prices than formerly and for some classes of products very excellent returns, in the main these have not been unreasonable, or even unusually high, compared with increased costs of production and the increased prices which the agricultural producer must pay for those things he buys. The farmer and

the stock raiser has not been the beneficiary in the majority of cases of the abnormal raise in prices. The tremendous increases in the prices of agricultural products, using that term in its broadest sense, have come after the products left the hand of the producer and before they reached the consumer.

It may be argued that as the heart-breaking and the pocketbook-depleting prices have attached themselves to produce and products, foodstuffs, after they have left the hand of the producer these increases must be due, to a considerable extent at least, to combinations, agreements, manipulations, speculation, hoarding, and that these practices are now punishable by law and therefore no further legislation is necessary. There are two flaws in this argument. One is that in time of unusual demand, particularly when that is accompanied with all sorts of predictions, prophecies, prognostications as to probable increased demand and present or impending shortage, prices are certain to rise, even without combinations, conspiracies, or unlawful practices of any sort. The holder or seller simply takes advantage of the situation to advance his price, and the public pays it, not without grumbling, but without any concerted or united effort to keep the price down.

Unfortunately we have been plagued and pestered with a multitude of official proclaimers of shortage and prognosticators of still greater shortage to come. Speculators, traders, hoarders have seized upon the lugubrious proclamations of official promoters of panic as the most effective agencies in the furtherance of their schemes of extortion. There are times when, waiving aside all other considerations, I am inclined to give and grant all of the authority sought, proposed, or suggested, on the sole theory that whatever harm may come or mistakes made they will be offset by the relief we shall obtain by the possible cessation of the outpourings of official shortage prophets, with a view of forcing the hand of Congress.

So far as high prices of food products are due to combinations, manipulations, agreements, speculation, it is true that the statute books are crowded with legislation tending to abate and punish such acts, but it is very evident that we can not expect any present relief from these evil practices through the prohibitory and penal statutes intended to prevent and punish them. The hand of the administration seems utterly palsied and ineffectual. I shall not stop to discuss the question as to whether this lamentable condition grows out of apathy, indifference, understandings, or is merely the result of dullness, stupidity, or blundering. The effect is the same, whatever the reason or excuse, and we waste our time for the present and under present control of things in suggesting relief through any one of the almost innumerable agents and agencies now consuming the vast appropriations made for the purpose of protecting the people from combinations, conspiracies, and illegal practices, which are responsible, to a considerable extent, for the great increases in prices from which the people are now suffering.

In this state of affairs something must be done, and as far as I am concerned I am thoroughly convinced that no halfway measures will suffice. In view of the utter breakdown or paralysis of the agencies created to protect the people against extortion, it is worse than idle, it is wicked deception to propose or attempt further efforts along the lines of the penal and prohibitory statutes now on the statute books.

If there is to be any amelioration of the present situation a warding off of the infinitely worse conditions which are prophesied and feared, it will come, it seems to me, if at all, through some system of administration and control. It may be said that if the agencies already provided have made such a failure of it, how can we expect better results under another plan? The answer to that is that the plan now proposed is more direct, more complete, more far-reaching. It is to be hoped that its administration will be in practical hands, and at any rate we can scarcely justify a refusal to attempt to remedy the situation on the plea that the attempt will be nullified by unwise administration.

Mr. Chairman, basing my action on the views and considerations which I have hastily sketched, I shall in the main support this measure. I shall give my support to various amendments which I have in mind and which will be offered. I shall contribute my support to efforts to improve the legislation, and, improved as I hope it may be, I shall vote for it. But in so voting I want to make it quite clear that I am not expecting as highly beneficial results as it has been claimed by some will follow its enactment. I shall hope, and I do hope, that something may be done to reduce the present high prices of foodstuffs so far as they result from speculation and manipulation. I hope, and with some confidence expect, that an administration may be created which will equalize prices and will give the necessaries of life to the consumer at a reasonable margin above what the producer receives and is entitled to receive.

It would be little short of criminal, however, for one to hold out the hope that anything we may do will restore peace prices in this time of war or, under certain contingencies, keep prices from going still higher. So long as the German submarines are sowing the bottom of the seas with great cargoes of grain and foodstuffs of every kind, so long as tonnages of foodstuffs running into the millions are being fed to the fish by the ruthless pirates of the deep, our best endeavors to stimulate production, regulate the use, and conserve the supply of food will not keep down prices. Therefore the measures we now undertake must be supplemented by the utmost effort to put these wolves of the sea out of business.

It may be suggested that if we put an embargo on the shipment of food abroad we need not worry about the submarine menace. Such a plan now would be in imitation of the ostrich, who, when pursued, sticks his head in the sand and foolishly believes his exposed body will be safe. If the German war lords can starve out England, France, and Italy, or any one of them, there will be peace on Germany's terms, and it would be the height of folly to suppose that in such an event the combined navies and armies which Germany would then command would not be turned on us and we be compelled to bear alone the full force of the mighty forces that would be concentrated and hurled at us. As one of the parties to this war, it is as essential to our safety that our allies shall be fed as that our own people shall be fed.

One of the provisions of the bill which is highly important is that which authorizes the fixing of a minimum guaranty for the producer of nonperishable agricultural products. If there is anyone who hopes to have the price of foodstuffs and necessaries lowered at the expense of a good, fair, and remunerative price to the producer, I hope, and confidently expect, they will be disappointed. The cost of food production has increased greatly since the beginning of the war and the producer might be paid even more than he expected—much more than he has heretofore generally received—without unduly enhancing the price to the consumer, providing the intermediate speculative profits are cut out. Whoever shall administer this law will, I hope, bear that in mind, for it is fundamentally essential to the success of our efforts to enlarge production and maintain reasonable prices. The very first essential is the stimulation of production, and that can only be had on the assurance that a large production shall not, under manipulation, impoverish or bankrupt the producer by bringing a break in prices to a point below a remunerative return.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. SLAYDEN. I would like to ask my friend from Wyoming, Mr. Chairman, if he does not think that the greatest incentive to increased production, and the one that in the past never has failed to increase production, is the prevalence of extraordinarily high prices, such as those at present, for the commodities he is speaking of?

Mr. MONDELL. That is true, but the gentleman realizes that the intent of this legislation is to put in motion forces and organizations the tendency of which will be to equalize, adjust, and lower prices.

Mr. SLAYDEN. Arbitrarily by law?

Mr. MONDELL. Well, you can not do those things arbitrarily. You can only do them by administrative effort along the line of clearing the pathways of the law of supply and demand and preventing, so far as possible, unreasonable increases in prices between the producer and the consumer. But while you are making that effort, the more successful that effort shall be the more essential it is that, on the other hand, assurance is received on the part of the producer that great crops and largely increased production shall not by a great decrease in production, caused, for instance, through a sudden close of the war, bring a break in prices that will bankrupt the producer.

Now, I would like to yield further, but I have not any more time.

Not the least important of the provisions of this bill are those contained in section 13, which authorizes the President to limit, reduce, regulate, or prohibit the use of foods or food material in the production of alcohol or alcoholic beverages. The use of grains and other food products for such purposes, except to the extent that may be necessary to produce a supply of alcohol for use in the industries, including the manufacture of munitions, can not be justified at a time when the success of the war may hang upon our ability to feed our people and help feed our allies.

In closing let me make this suggestion which, while it does not relate directly to the legislation before us, does relate in a general way to all of our legislation and to all of our governmental activities in this time of war. The Executive recommended a declaration of war and the majority of us believed that conditions existed leading up to and culminating in the President's recommendation which made a declaration inevitable. We are engaged in the war thus declared. It is true we have only touched upon its fringes. We are yet to feel the sting of its full impact, but we have been asked, and we have approved, the granting of great credits, the making of tremendous appropriations, the expenditure of staggering sums.

The administration has requested of Congress vast and far-reaching power and authority, far beyond anything heretofore dreamed of in our philosophy. The broad power and wide authority sought has or will in a large measure be granted. The Chief Executive is thus clothed and is to be clothed and plano-plied with power and authority beyond that of any monarch on earth to-day. He is endowed with funds compared with which even the vast resources of the greatest of the nations arrayed in this war are small.

All this having been done, is it unreasonable to suggest that in the discharge of these great duties, in the assumption of these tremendous responsibilities, in the exercise of these enormous powers, in the expenditure of these vast sums the Executive should invite the wisest, the ablest, the most thoroughly tried and completely proven men of the Nation, without regard to party lines or party affiliations, to share in the labors, in the responsibility, and in the burden of this stupendous trust?

I have no purpose of criticism of the present aides, advisors, helpers, assistants, and counselors of the Chief Executive. I hold no brief for and I appear as the champion of no individual seeking place, honor, or responsibility, but I do call attention to the fact that up to this time, unless the judgment of the Nation is grievously in error, there is much to be desired in the character of the selections that have been made within the President's own party. The two great parties in the Nation represent each about one-half of the voting population, and one-half—and we believe a most intelligent and effective half—has had practically no representation in the high councils that have determined the great questions which are confronting us.

Not another nation engaged in this great struggle but has found it necessary to largely forget party lines in administration, as we in this country have practically for the time obliterated party lines in legislation. While I have no individual in mind to suggest or propose for high place of responsibility, I am impressed with the tremendous importance, from the standpoint of good administration, of successful prosecution of this great struggle, of the best interests of the administration itself, that there shall be a large recognition of the fact that this is the Nation's war and that the best and wisest of the Nation, without regard to party, should be called upon and counseled in reference to its conduct. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. HAUGEN. Mr. Chairman, I yield 30 minutes to the gentleman from Kansas [Mr. LITTLE].

The CHAIRMAN. The gentleman from Kansas is recognized for 30 minutes.

Mr. LITTLE. Mr. Chairman, there is a frequent complaint on the floor that the measures of this bill are drastic, and perhaps they are. The powers here granted to the President are, they charge, akin to those exercised by the Czar of Russia and which terminated with his reign. These powers will be exercised as they were in his dominion, not by the Chief Executive in person but by various boards and bureaus, because no one man could possibly follow the details of such a system. That there should be opposition to such a phenomenal step is not to be unexpected, and Americans would indeed be lacking in the spirit of seventy-six if they lightly granted such authority to any man; but when we entered this great war we took off every bridle, and no man can tell how far it will be necessary for us to ride without check or bound. You can not expect to escape from this tremendous combat without tremendous scars. The sailors of Columbus, far at sea, wept and wrung their hands at the terrors of the unknown deep, but there was no time left to them for escape and no place for retreat. We steered the ship of state straight at the breakers of this gigantic conflict, and who is there here that will blanch at the roar of the surf and flinch as the storm drives us on? When war was declared we knew all this was to come, and this is no time to falter at sacrifice. Gentlemen, the only way out of this fight is to win it, and the rights that you give up under this bill are a mere fraction of the freight we will throw overboard to save the ship before we have steered it back to safety and peace. And to this object every loyal citizen must dedicate, if necessary, not only his technical privileges but his property and his life.

Yes; the bill is drastic and the grants of power are beyond custom in a republic, but for a long time the cost of living has mounted, and since the 5th of April it has gone upward by leaps and bounds. At every quadrennial election we were promised something should be done to bring the prices of life's necessities within the reach of average men, that their families might enjoy the average comforts without this constant strain upon their capacities. This bill, after weeks of study, has been offered, to give this Government control of food speculators, to give it control of the necessities of life, and to put a stop to the amassing of great fortunes by unscrupulous and heartless speculators who accumulate at the expense of those who live by the labor of their hands. The distance from the farmer's field to the consumer's table has been too great, and this bill is here to make the line of travel from one to the other a direct one, as far as possible. Its authors hope that what the people eat and burn shall reach them at a price they can afford and that the major portion of its price shall go to its producers. Yes; the bill is mighty drastic, but nobody has suggested any other way to escape these difficulties. I know of nothing more drastic than the way the food speculators have advantaged themselves of the laws of trade to rob the people. Let the two drastic evils fight it out. Sometimes two poisons are found to be antidotes for each other. [Applause.]

The men who desire a full discussion of this legislation are right. The committee has been weeks considering this matter, and the House should have ample time to look it over.

If they were in such a hurry, the committee should have brought the bill in sooner. This is a legislative body, made so by the Constitution. The edicts of this Congress are not irresponsible articles published to interest idle readers. They are the mandates of a mighty Nation forged into laws to govern a hundred millions of people. Why should the Members of this Congress be expected to debate these great projects as reporters rustle out the morning paper? The men who enact the statutes for this august Republic should do so with deliberation and dignity. Haste makes waste, and a lack of careful thought here now may mar the destinies of our people for generations. There should be time for debate. The emergency has now reached a point where we have not time and must put this bill through without delay, but it leaves many points open that should have been carefully discussed here, and if this bill had been placed before the House at an earlier date perhaps better results might be achieved.

There is a provision in the bill that the President may stop the manufacture of liquor during this war. If the chairman of the committee can assure us that the President will do that, that will be satisfactory to those of us who are interested in that proposition; but the administration asks of the House a revenue of $400,000,000 on liquor, and many of us fear that the desire to utilize that revenue may prevent the administration from exercising the power granted in that section. With more time this provision could have been whipped into more definite shape. I would prefer to see a positive law passed on this subject in this legislation and thus remove the responsibilities from shoulders that are burdened weightily enough already. There will be an amendment offered putting a stop during this war to the manufacture of liquor, and I hope that it will become a part of the law. The brilliant gentleman from Atlanta, perhaps the most eloquent of the prohibition orators on the floor, speaking here Tuesday, called attention to the fact that there are from 300,000,000 to 500,000,000 gallons of distilled liquor now in the country which would not be affected by cessation of the manufacture of liquors. He suggested that—

> In five months every drop of beer in the United States will have been consumed, * * * and the men who are inclined to consume alcoholic beverages will be forced to drink distilled liquors, and if this war lasts three years, by the enactment of that very section of this bill you will create more drunkards than have been created in a decade before, because you will force every man who has a craving for alcohol to drink distilled liquors.

This section is presented not as a temperance measure but as a conservation of food measure. Whatever barley, whatever corn can be added to our food supply will be to our advantage and will be a help. While stopping the manufacture would not stop the sale, and as the gentleman evidently believes will not close the saloons or keep men from getting drunk on the whisky on hand or to be imported, it certainly will put a crimp in liquor manufacture that they will feel after the war when they open again. It will "help some" eventually even if it does not just now put it's finger upon the sore spot.

The gentleman and I have all through this session stood together in the great battle for temperance, and if he will refresh his memory he will recall House bill 2308, intro-

duced by a friend of his from Kansas the night war was declared, which if enacted would drive whisky 20 miles from every camp and fort where we train young men, and would make a temperate American army and preserve the morals and the character of young men we are about to send to the European battle front. It would complement this legislation by beginning to stop the sale in as drastic a manner as our Constitution permits, according to these constitutional lawyers. It is urged against this zone bill that it would stop the sale of liquor in Boston, New York, Chicago, St. Louis, San Francisco, and every great city where a fort is maintained—and it would—and those like the gentleman from Georgia [Mr. HOWARD], who so earnestly favor national prohibition, can take its first step under the Constitution with the zone bill. When the temperance forces of this Congress shall close the saloons in Boston, New York, Chicago, St. Louis, and San Francisco they will have broken the backbone of the liquor traffic, and the promised land will be immediately in sight, so my delightful friend can well afford to work for both measures. Of course, if the administration is looking to a revenue from liquor and should decide not to make an Executive order with regard to the discontinuance of liquor manufacture, this feature would be inoperative, and therefore I hope an amendment will be adopted making it mandatory legislation, and our temperance people may be free to turn their efforts to stop the sale of liquor about our forts and camps to save the soldiers and incidentally to shut up the saloons in New York City and all our great cities.

This committee has heard the testimony of many who have given these subjects careful consideration, including this Mr. Hoover, who is to head the practical application of the plan. They have voiced an effort to see that the farmer, not the gambler, gets the bulk of what the consumer pays for a crop. We shall not allow the speculator to amass millions out of the necessities of those who labor at the forge and the shop and the rail and the mine. We purpose that these silk-hat pirates shall no longer grab the fair remuneration due those who toil in the field. I hope they have struck the solution of that great difficulty in the main. Doubtless supplementary legislation will be essential to complete what we have started here.

For example, it appears to me that this bill does not do as much as it should about the trade in coal. Every winter our people are confronted by the threat of a coal famine and live in dread that they will not be able to keep the fireside alight, while these coal speculators and coal barons mount higher and higher with their demands upon us. In my judgment, these provisions should have been more definite and more drastic. Why make so many bites of a cherry?

> Why blame plain Cromwell that he never shed
> Obsequious tears o'er Charles the Tyrant's head,
> But made no speech, and cut it off instead?

In our country about every other winter the railroads run out of coal and have to commandeer it from the rest of us, while en route, to keep their engines running. Out at Leoti, Kans., some years ago, when the villagers ran short of coal and winter bit hard, and a couple of cars of railroad coal lay on the track, the citizens went up and retaliated and commandeered that, receipted the station agent for it, and placed it definitely in their cellars, and paid the bills when they were presented. As I understand it, they claimed this was a species of the exercise of the public right of eminent domain as applied to chattels that were the necessaries of existence. In my judgment, the people of this country are not going to stand any foolishness this winter about coal or any enormities as to its price. I hope this bill is such sufficient warning to speculators in the right of human beings to keep warm and cook their food that it will not be necessary for the Government to take possession of the coal mines during this war, and I hope that this bill has lodged in the hands of the administration the power to do this. But the provisions with regard to coal made by the gentleman who framed this bill should have been a trifle more definite, more incisive, so definite, so certain, that hereafter as long as this war lasts a man will not have to sell a farm every time he buys a ton of coal. [Applause.]

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from Kentucky [Mr. LANGLEY] such time as he may desire to use.

The CHAIRMAN. The gentleman from Kentucky is recognized. [Loud applause.]

Mr. LANGLEY. I would not go into a lengthy discussion of this bill if I could get all the time I wanted, because I know it would not change a single vote, and that the only effect would be to delay the passage of it just to the extent of the time I would occupy, and incidentally to try the patience of the committee, which I know has already grown weary of this long-drawn-out debate. I would not speak at all but for the fact that I regard this bill, among all the war measures, as second in importance only to the war resolution itself. It is more important than the revenue bill, because, while taxation does miss a few without harming them, if food misses anyone it means starvation and death. It is relatively more important than war munitions, because these are powerless without men and men are powerless without food. So I feel that I owe it to myself and to the people I represent to say a few words at least in explanation of my reasons for giving it my support, reserving the right, however, to support certain amendments that I know are to be offered.

If I wanted to be partisan and unkind to my Democratic friends I would show that our experience in recent times proves that they were wrong and misled the people when they claimed that Republican legislation was responsible for the advance in the cost of living. I would show that this war has conclusively demonstrated the wisdom and the soundness of the economic policy of the party to which I belong, which fosters national self-reliance and self-support by encouraging and developing our own industries and resources and helps to "sharpen our wits" to these great ends, rather than for the purpose, as their present titular leader, the President once said, of inviting the competition of foreign lands. But I shall not go into these matters now.

Let me pause here to say that I have always believed, and still believe, that we should pay more attention to the development of our own matchless resources and powers as a nation, and to the cultivation of closer relations, commercial and otherwise, with our neighbors on this continent, both to the north and south of us, and meddle as little as possible with the affairs of the nations across the seas, so that we may ultimately have here practically a world unto ourselves—one mighty continental republic, or union of republics, with ours the greatest of them all, free from the strife and bickerings of the Old World and the fallacy of its "divine right of kings," and with universal liberty and equal rights to all before the law reigning supreme. This was the dream of the earlier statesmen of this continent, and I believe the hand of Divinity has marked out that pathway for us. Of course all things must be subordinated to winning victory in this war, now that we are in it, but after that has been achieved we should resume obedience to the admonitions of Washington and all work together for a greater America on this continent, for therein alone lies security for the permanency of our peace, happiness, and prosperity. [Applause.]

But to return to my subject. We are confronted with a profoundly grave food situation and there is no need of wasting time theorizing about it. The people are suffering from the exorbitant prices of the necessaries of life. No one denies that this situation is due chiefly to gambling and to other improper means by which men who are not producers are reaping the benefits of these high prices, although I think we are somewhat to blame ourselves for failing to heed the danger and permitting so much of our products to go abroad. Be that as it may, the people are suffering and are crying for relief. The President and his advisers tell us that they can give that relief if we will grant them this power. Let us do it, and as promptly as possible. If they succeed the people will give credit where credit is due. If they fail the people will place the blame where it belongs. I hope and pray they may succeed. [Applause.]

Complaint is made that the bill proposes to confer unprecedented powers upon the Executive. The bill undoubtedly does do that. It fairly bristles with unprecedented powers. Autocracy oozes from its every pore. But the ends sought justify the means. We are dealing with a desperate situation and it requires a heroic remedy. We can not assume that these powers will be used improperly or unwisely. If that is to be the case, then, gentlemen, we have already granted the Executive enough power to wreck the Republic.

Some gentlemen seem to be fearful that in granting such sweeping powers to the Executive we are risking the danger of autocratizing our own country in the effort to democratize the balance of the world. Personally I do not share that anxiety. Our people are wedded to a republican form of government, and they will never stand for any other kind. I was reared by Christian parents, and one of the first things they taught me was that the best way to fight the devil was with fire; but I never understood that in thus choosing his majesty's own weapons one thereby committed himself to the devil's principles or form of government. [Laughter.] So if the President needs the weapons of autocracy in this war with autocratic Germany, I am in favor of giving them to him. [Applause.]

I notice that a distinguished gentleman in another body criticized this bill because, he said, it gives the President the power, if he chooses to exercise it, of telling us when and what we shall eat. Of course, I would rather not have that done to me, but I shall be worried less over the possibility of it if he will only fix

it so as to guarantee that we can all continue to get something to eat until this war is over. So far as I am concerned, Democrat though he is, I would rather have him tell me when and what to eat than to have the Kaiser do it. As between Wilson and Wilhelm, I am for Wilson, the exercise of which privilege affords the consoling assurance that a Congressman still has a voice in some things and that the constitutional prerogatives of this great body have not been entirely abrogated. [Applause and laughter.]

Gentlemen, I represent a large farming and mining constituency, and if I believed this bill would harm them I would vote against it. I do not believe it will, but, on the contrary, I believe it will be mutually helpful to them, if it is justly and fairly administered and properly applied to all necessaries of life, as we must assume it will be. If any gentleman can point out anything in the bill that might endanger their interests and rights in any way I will gladly vote for an amendment to eliminate the danger. But the producer and consumer should be treated alike. There should be the same supervision and control during this war over other commodities—shoes, clothing, and all other necessaries, especially those things that the producers of food, feed, and fuel have to buy—and I understand it to be the purpose of those in control of Congress to follow or amend this bill with other provisions to accomplish that end. I shall vote for these, too. [Applause.]

I am going to say one thing, however, at the risk of being criticized. I know that we must help our allies, but I am opposed to taking our food products away from this country for the use of the people of any foreign country, allies or otherwise, if by so doing American citizens are left unprovided for. I believe in the old doctrine of charity beginning at home. I am for America first on the food question, just the same as I am on every other question. [Applause.]

Mr. LEVER. Mr. Chairman, I yield 10 minutes to the gentleman from Alabama [Mr. HUDDLESTON].

The CHAIRMAN. The gentleman from Alabama is recognized for 10 minutes.

Mr. HUDDLESTON. Mr. Chairman, I want to call attention to a provision contained in section 4 of the bill. Section 4 is as follows:

SEC. 4. *That it is hereby made unlawful for any person* willfully to destroy any necessaries for the purpose of enhancing the price or restricting the supply thereof; knowingly to commit waste or willfully to permit preventable deterioration of any necessaries in or in connection with their production, manufacture, or distribution; to hoard, as defined in section 6 of this act, any necessaries; to monopolize or attempt to monopolize, either locally or generally, any necessaries; to engage in any discriminatory and unfair, or any deceptive or wasteful practice or device, or to make any unjust or unreasonable rate or charge, in handling or dealing in or with any necessaries; *to conspire, combine, agree, or arrange with any other person, (a) to limit the facilities for transporting, producing, manufacturing, supplying, storing, or dealing in any necessaries; (b) to restrict the supply of any necessaries; (c) to restrict distribution of any necessaries; (d) to prevent, limit, or lessen the manufacture or production of any necessaries,* or to enhance the price thereof, or (e) to exact excessive prices for any necessaries; *or to aid or abet the doing of any act made unlawful by this section.*

This section makes it unlawful to do a number of things. Among other things, it is made unlawful to conspire, combine, agree, or arrange with any other person to limit the facilities for transporting, producing, manufacturing, supplying, storing, or dealing in certain of the necessaries of life, and so forth. There are a number of other things mentioned in that section, and it is made a crime for two men to agree together to do those things.

Now, manifestly, if two farm hands agree to quit work until they get better wages, or 15 hours a day instead of 16, or a place to sleep in the house instead of in the hay—if two farm hands should agree together for these purposes, they will be agreeing together to restrict production, and will commit a serious criminal offense. By the same sign, if the 20,000 coal miners in my district should agree with each other to strike for better wages, they will commit the crime that is denounced by this section.

Upon this statement of the matter gentlemen will observe that this is a very important section of the bill. In a recent meeting, at which Mr. Hoover was present, in reply to my question, he said that the bill had no purpose to prevent lawful and legitimate combinations of labor and a suspension of work or a refusal to accept employment in carrying out the legitimate objects of labor agreements. The chairman of the Committee on Agriculture also advises me to the same effect, so that I am hoping that an amendment may be adopted to this section which will reserve to the workingmen of this country the right that they have always had, the right that I trust the American people will always be fair enough to secure to them, to try to do something to better their condition, to try to get decent wages and living conditions.

Now, this section 4 of the bill, according to the interpretation which may be given to it, and which should be given it, as it is written now would make it absolutely impossible for men engaged as workmen and laborers in the production of food, fuel, and feed to agree together to quit work in such way as to limit production. This would, of course, include men engaged in the mining industry. It would require those men to be content with the conditions in their occupations which are now existing. It would absolutely forbid miners, railroad men, and agricultural laborers to use the only weapon that labor has for its defense, which is to quit work. That is labor's only weapon to better its condition. I do not think we ought now to say that labor must be content with whatever wages and hours and whatever conditions employers have granted heretofore. I know that the condition of labor in my district is far from ideal. I know that those men ought to have the right to try to do something in a legitimate way to better their situation, to get better wages, and to adjust their lives and work to the changes in conditions and the greatly increased cost of living in these times.

Mr. RUBEY. Will the gentleman yield?

Mr. HUDDLESTON. I yield to the gentleman.

Mr. RUBEY. The gentleman will realize that this is a war measure, and he stands for labor. Does he think we ought to put anything in this bill that will encourage men to strike in these times and under these circumstances?

Mr. HUDDLESTON. I think if we intend to prevent labor from striking we ought to be men enough to say so. If we have such a purpose, we ought to be manly enough to meet the issue without evasion and to throw the challenge into the face of labor, and say, "You shall not strike. We conscript you now as servants for your employers—you miners, railroaders, and farm hands—and we demand that you shall continue to work at the wages that you are now getting." When we legislate we ought to be frank and open and not take away the rights and privileges of men by any subterfuge or any evasion or half-concealed joker in a bill offered to remedy a public emergency. I want to say to the gentleman that there never has been an emergency in this or any other country which, in my mind, justified the enslavement of the men who toil.

Mr. CANNON. Will the gentleman yield?

Mr. HUDDLESTON. I yield to the gentleman from Illinois.

Mr. CANNON. It is an open secret that railroad labor, mining labor, farm labor, and much other labor will be exempted from conscription, kept out of the trenches. Does the gentleman think that being thus exempted, they should be at liberty to conspire together to prevent the production of the necessities of life during the war?

Mr. HUDDLESTON. The gentleman speaks of an open secret. The secret is evidently open to the gentleman——

Mr. CANNON. It is open to everybody.

Mr. HUDDLESTON. But it is not open to me. To the contrary, I know that no occupations have been exempted as classes, and if we are to trust the statement of the War Department no such exemption will be granted. I know that coal miners, as a class, are not going to be exempted. I know that farmers are not going to be exempted.

Do not plead bankruptcy. Do not come in here trying to pass an important bill like this, and go into mental and moral bankruptcy right at the outset. If we are going to take away men's rights, let us be men and say so when we do it. Do not let us come here afterwards and say we did not know we were doing it. Do not let the American Congress put itself in the unenviable position of adopting a measure of far-reaching consequences, touching the lives of hundreds of thousands of men in this Republic, and do it under some other guise or pretention than a frank and open avowal of intention to take away the right of the workingman to try to better his condition. If we mean that, let us be men enough to say so.

I shall offer an amendment to correct this defect that I think is in the bill. Certain gentlemen have intimated by their questions that they favor a provision in this bill to forbid strikes. I want to ask those gentlemen to come out into the open and offer an amendment to this bill expressly forbidding strikes. Let us test the sentiment of the House in a fair way. If we do not want such a provision in the bill, let us make it absolutely clear and sure that such is not the purpose of the bill, and shall not be its effect as interpreted after it becomes a law.

I will put my amendment in the RECORD as a part of my remarks.

Amend section 4 by adding at the end of the section the following:

Provided, That nothing in this section shall be construed to repeal, modify, or affect either section 6 or section 20 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, nor

to restrict the right of workmen, employees, or persons seeking employment to agree together not to accept employment or to quit work for purposes of mutual help or to secure better wages, shorter hours, or better working conditions, nor of persons in good faith to aid and abet them therein.

I want to say a few things with reference to the bill generally. I shall vote for this bill. I shall do so without expecting anything extraordinary from it. Prices are high. The cost of living is almost beyond the reach of common men, and I vote for this bill knowing in my own mind that it will not produce the great measure of relief that has been hoped for from it by some of the more optimistic. I think the country ought to be warned and prepared for a continued general advance in prices. The country ought to be frankly told that about all that can reasonably be expected from this bill is to stabilize prices and to prevent hoarding and speculation and unjust and unfair practices in the handling of foods and fuel. That is about all that can be done with this bill, and even that can not be done unless it has an administrator of almost superhuman ability. I do not envy the man or the men who shall have the duty imposed upon them of administering this bill. It will prove a most difficult piece of legislation to put into effect. The people of the country have had their hopes keyed up. They have been told by one and another, either innocently or with malice aforethought, that great relief is going to be given to the consumers of the country by this bill, and they are going to expect to see something important done. They are going to expect things done that no man can possibly hope to do under this bill. Prices, generally speaking, are not going to be reduced. There are some articles as to which there may be reductions. There are certain articles of food that are being sold for more in the United States than in the war-beleaguered countries abroad. That will be corrected. If this bill is wisely and efficiently administered, about all that can be done is to bring the producer and the consumer closer together, so that they may deal with each other without their efforts being thwarted by outsiders interfering for their own selfish purposes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEE of Georgia. I yield five minutes to the gentleman from Alabama.

Mr. HUDDLESTON. Mr. Chairman, prices are going up because of certain economic laws. It is a mistake to assume that the great increase in prices has been wholly due to speculation. It has been, so far as potatoes and flour are concerned, and some other things, but there has been a general advance in prices all along the line due to certain economic laws that you can not repeal by a piece of legislation going through Congress. There has been a reduction in production. There has been an increase in consumption. Half the men in the world have been engaged in worse than idleness, standing with arms in their hands, consuming and not producing, and they have got to eat, and the food has got to come from somewhere. So the consumption has been greatly increased, and that increase is going to continue, and we can not stop it here.

Then there has been an immense increase in the circulation of money in this country since the war began in 1914. We have got in circulation to-day $45.49 per capita in the United States, the largest amount that was ever in circulation in this country in its history. In July, 1914, the money in circulation in the United States was $3,402,015,427, a per capita of $34.35. Our circulation on June 1 of this year was $4,731,326,982.

We have got $1,329,311,555 more money in circulation than we had in 1914, and that affects prices all along the line.

In addition to that we have taken over something like two to three billions of dollars of European securities in the last two or three years. We have had an immense flotation of foreign bonds and other securities. They have been taken up and are held by bankers and the large interests and not by the people. They are being used as a basis of credit, and that has resulted in great inflation and is another cause of the great increase in prices. That is going to continue. The flotation of five billions of our own bonds in this country is going to make prices higher. Prices of all kinds of goods are going to be higher. There is no way to stop it by law. There is going to be a general advance all along the line, and all that we can hope to do is to try and keep out friction, to keep out the hoarding and the speculation, try to stabilize the prices, try to fix it so that a man can buy things for what they are really worth, so that he will get his dollar's worth.

A dollar is worth less than it was three years ago. It is worth less than it was a month ago, and from now on it is going to decrease in purchasing value. The purchasing power of a dollar, whether it be in land, in goods, in food, in manufactured articles, or in securities, is going down every day, and we might as well realize that now as at any time. When we say that the purchasing power of money goes down that is merely another way of saying that the sale value of products of one kind and another is going up.

Let us not stand in the bed of a mighty river and undertake to turn it upstream. Gentlemen, you can not begin to do it. Let us not deceive the American people, let us not make them think that they are going to get prices back to what they were several years ago merely because Congress has marched up and down and to and fro and the Executive has put his name to a bill. Economic laws are inexorable; you can not repeal them, you can not stand against them, for they will sweep you away. You may fix the price of one thing, perhaps—the Government may buy up the whole crop and fix the price on wheat. You can perhaps control it for a little while, for a year or two; you may dam a brook, but you can not dam the Mississippi. But when you come to prices as a whole, they are going up; the passage of this law can not stop it, and the American people ought to know it, and it is for the people to make preparation for increased prices all along the line. If we do not warn the people, we will make a sad mistake and be failing in our duty to them. [Applause.]

Mr. HAUGEN. Mr. Chairman, I yield 15 minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Chairman, in the discussion of the bill there are two or three outstanding facts that I think all of us ought to have clearly in mind and ought to keep them in mind. The one that appeals to me more than any other is the food situation now and the probably increasingly embarrassing situation in the future. I presume that in this war of attrition, which is now the professed method of ending it and which from the beginning seemed the only way because of the inevitable struggle between land and sea power, the food question will go further in determining the result than any other items. Germany has so regarded it and is now staking her all on her campaign of starvation, even to the extent of destruction of all food and fuel supply she can touch. It is evident that Germany is concentrating to that end all of her energy, her skill, her ingenuity, her money and man power, and her activity in the submarine campaign. In other words, she has willfully surrendered the good opinion of all mankind and has employed the tactics of the pirate to bring her enemy to her knees by starvation. That is really why we are in war. Her exigencies were sufficient to openly attack the liberty, sovereignty, and common rights of our Nation. It seems to be the last resort of this Imperial Government, and in order to starve her enemy she was willing to make war upon the United States unless we voluntarily surrendered our rights upon the sea.

Growing out of that determination of this great military power certain things are more or less startling to me, and I think to the membership of this House when viewed in the light of the world situation. In the first place, the world's food supply is going to be lessened as the productive ability of the world is rapidly depleting, because it is becoming consumptive. The increase of the number of consumers finds a corresponding decrease of the number of producers. The ranks of production are being depleted by taking the producers out of that class and making them consumers. The agriculturist leaves the farm to take his place at the front, where his demands as a consumer are increased. In turn the ranks of the producer are being recruited by inefficient, inexperienced, untrained labor of the classes that heretofore have never been enlisted. This inevitably reduces the man as well as machine power of production and must be felt in results. Aside from this inefficient labor we also recognize the lack of elements of fertility in the soil supplied by fertilizers which now must be absorbed by war purposes. That means an interruption of the productive forces of the world on the one hand and the depletion of the fertility of the soil on the other, which together are bound to result in loss of crops to feed the world. This argues loudly for a campaign of increased effort on our part to produce as well as to conserve against waste.

Aside from that, we are facing to-day a campaign of actual destruction of the food that is now existing and will exist in the future. This campaign is a studied elaboration of the brains of a great Government, which to say the least is ominous. So that, on the one hand, we see the ability to produce lessened, and, on the other hand, the power to consume increased, for the reason that the consumption is by the agency of destruction, the submarine, whose activities since February 1, when the campaign began, have been sleepless and relentless, respecting nothing save death of the commanders.

If we attempt to meet this destruction of food by methods of simply increasing the transportation ability such as our shipping board is doing, we will not entirely relieve the situation. I do not by this mean to minimize the importance of rapidity

in shipbuilding. But that will not solve the question of conservation of food. For, suppose we can build two ships to the destruction of Germany's one, and I think we can do it, suppose we do, that does not save the food supply if the ship that carries the food to Europe is sunk. Every shipload of food that goes to the bottom of the sea reduces our needed supply that much. Building ships does not relieve the situation permanently, and for that reason, although the campaign for increasing the carrying power is wise, it does not give us security against impairment in the future. It is not so much the number of ships, wooden or steel, that we build, but it is the number of ships Germany sinks that must be the chief concern of this Nation to-day.

If we read the papers we are led to believe that while the submarine campaign, save the present week, is not so active as heretofore, yet we must not be misled for that does not mean that it will not be increasingly active. The figures supplied by to-day's press are full of suggestive possibilities:

LOSSES BY U-BOATS RISE TO THE LARGEST FIGURES IN SIX WEEKS.

This week's figures of British shipping losses as the result of Germany's submarine warfare show a large number of vessels of 1,600 tons and over sunk than in any of the six preceding weeks. Not since the seven-day period ended April 28 has a greater number of ships over 1,600 tons been destroyed. During that week 51 vessels—38 over and 13 under 1,600 tons—were sunk.

The heaviest totals since the Teuton submarine campaign was opened in February last was registered in the week ended April 21, when 40 steamers of more than 1,600 tons were sunk and 15 vessels of the smaller tonnage were sent to the bottom.

Since the middle of April when the undersea boat activity recorded its highest toll 303 British vessels, of which 220 measured more than 1,600 tons, were sunk, the weekly total being as follows:

Week ending—	Over 1,600 tons.	Under 1,600 tons.
Apr. 21	40	15
Apr. 23	38	13
May 5	24	22
May 12	18	5
May 19	18	9
May 26	18	1
June 3	15	3
June 10	22	10
June 20	27	5

It appears to me that the one supreme purpose of our country is to find a counter action against the submarines that destroy the foodstuffs that we are trying to supply our fighting legions in the allied army; for what would it mean for us to send an American army in increasing numbers to the trenches in Europe if the food that we send to supply the allied armies can not reach those armies. It would only complicate our troubles and make a situation, perilous at best, vastly worse than it now is. I do not think it is wise to add to the difficulties a really dangerous situation. I know it is common to preach to us that we ought not to be pessimistic and that we ought to be optimistic; but that is the wisdom of the ostrich that hides its head in the sand and thinks its body is protected against attack. At such a time as this it is not wise to permit our wish to become father of our thought. Is he an enemy of his country who insists on having the truth, the whole truth, in order that we may provide for the worst?

It is confidently asserted that Germany has taken her labor off her capital ships and placed it in the construction of submarines. We are told she has now a capacity of 100 per month. It goes without saying that as time goes on the character of these underworld pirates, in size and strength as well as efficiency, will be increased and the operations will also grow more skillful. Their power must be seen on the increase and the real operation ought to be looked at squarely.

We ought to open our eyes wide and see this situation as it faces us. In that light the food problem is the biggest problem confronting the Nation to-day, in my judgment, because even though we have now plenty of food, as has been stated over and over again here on the floor, food for ourselves and to spare, that does not solve the problem unless we can get the food to the forces that are fighting our enemies. If we can insure victualizing our allies at the front we will hasten the inevitable victory. If we can not get the food to them, then we do not make it possible for the enemies of Germany to be effective at the front, and the loss of food through the submarine will tend to weaken ourselves and in the end provoke a domestic situation only less in gravity than the war. This being true, then it seems to me that the food question is the supreme question from a military standpoint. How can we prevent weakening our power against our enemy and embarrassment of the allied armies through a campaign of starvation? If a nation is starved, then its enemy has the most effective weapon that now exists, more effective than the weapons of modern warfare, powerful and destructive as they are.

If we can not secure our food in its transit to a fighting force dependent upon the outside world for its food supplies; if we can not secure it against these pirates of the underworld which are in a campaign now to sink everything, including food, only one end will result, and everyone knows that. These forces fighting our enemy must be fed by food that comes from across the sea. None of our allies in western Europe can produce the needed supplies. Our business is to clear the seas of the submarines, make safe the transit of supplies, or there will be embarrassment to the forces with which we are allied. The most stupendous fatality is locked up in our inability to control the submarine. Should we find that to be a fact, the mere contemplation of what would follow is frightful; it is bewildering. If we do not control it and Italy, left to her own food resources can not be fed, and France thus helpless can not be fed, and especially England, totally dependent upon her colonies now closed against her, can not be fed by food that comes from across the sea, there is only one result, and that will be terms of peace dictated to the people who are starved by the enemy of the starving which is our enemy in this struggle. If ever that point is reached, the very first demand that will be made by the militarist power, as everybody must recognize, will be the transfer of the British fleet into the power of the country that is making the terms; and when we contemplate the German fleet in the Kiel Canal, joined with the British fleet that has been transferred from the starved nations, and the two are combined under German control, our own Navy, brilliant as it is, will not last a week in a contest that in that case must be inevitable. Canada will then be on the market, and we will have to call to our colors all our available defense to defend our borders from attack both by sea and by land, and by the most efficient and brilliant military organization and naval combination in history. It is no use for us to close our eyes and say that we will refuse to look into the face of the situation because it is unpleasant to contemplate. He who takes off the coverings and shows the real possibility in its naked condition is not lacking either in patriotism or in devotion to country. Neither is he to be classed as an alarmist, but simply a messenger of bad news which to know before it is too late is wise. [Applause.] There is nothing to be gained by minimizing the dangers of the situation. One thing must be done. We must keep open the lanes of trade through the ocean, through which we must convey our food supply to our fighting allies. The submarine must be swept from the sea, or its activities neutralized by our antisubmarine craft. If it is not done, anyone can see the inevitable result.

Germany knows that as well as we do, and she is playing her last card, even though it incurs the bitterest hatred of all the civilized world. She has gone to it as her last resort and we have got to meet it; and, as I said before, we can not meet it by simply building ships to carry more food. We can not repeat too often that it is not the number of ships that we can build but the rapidity with which Germany can sink the food ships that is the concern of this country. We may sow the seas with our craft, but if we do not stop the sinkings the situation is not relieved. Our Navy is already on guard. Our destroyers command the Irish waters. Our scouts await the pirate of the sea. All of the ability in discovery, in science, in invention is being enlisted to find a sure combatant against this covert enemy of humanity. All the genius there is in America is being concentrated on the problem of how to control this new weapon of the outlaw—the German submarine. I believe we will control it. I have faith in our Edisons, or it may be yet some dreamy boy untaught that will solve it. But I beg of you not to make the mistake of thinking that this war is simply a summer excursion; that it is not going to last very long. Many there are who think it will be of short duration. Many times have I heard it said we would not send troops to Europe. Let us not deceive ourselves. Our Government believes that it will last for some time. We are moving on the assumption that there is no end in sight. If Russia is out of the war, and we all pray that she is not, a serious condition confronts us. Russia is confronted with a revolution at home, and because of that there is lack of solidarity and she loses effectiveness at the front. Everyone must realize that revolutions breathe revolutions. At best, a revolution has all it can do to maintain substantial order at home. It is too much to hope for effective action at the front, where millions of men, unaware of the real situation back home and divided in judgment of duty in line, must meet the well-disciplined army of an enemy. At such a time any propaganda for peace must inevitably grow. Our hopes are cast on the possible outcome of our commission now in Russia. Every Member here must know that if Russia is

out of the war we are in for a long war. It is a situation hard to contemplate, but it is not wisdom to refuse to see it simply because it is hard.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes; I yield to the gentleman from Texas.

Mr. HARDY. Would not an embargo, as suggested by some here, that lessened the food of our allies be the shortest-sighted policy that this Government could pursue?

Mr. FESS. Certainly. The fighting forces must be fed. We must do that if we are in this war to win, and rest assured we are going to stay in it until it is ended properly. [Applause.]

Mr. Chairman, there are some general impressions that we must correct. Germany is not, as a great many people continually express it, in a state of revolution, and, in my judgment, she will not enter such a state. Anyone who knows the German people will not believe for a moment that a revolution is possible in Germany, because they, from least to greatest, have great devotion to the régime that has made them what they are. It may be difficult for an American to realize it, but devotion to the powers that be is German religion.

Those who believe that Germany is on the verge of starvation forget that in 1914 with 68,000,000 people, with intensive methods of farming, she was not only feeding her own people but exporting. That was the result of the ability of intensive production. She has added to her area the rich fields of Roumania and the acreage of Poland. She has added at least 50,000,000 of people to her 68,000,000, and all of them are at intensive work, so far as the production from the soil is concerned, together with 3,000,000 prisoners. Those 3,000,000 prisoners are all, under the direction of German experts, working in the soil and in the shops, producing to keep Germany strong at home. With the labor of the subject millions not belonging to her, with the labor of 3,000,000 prisoners, all under the most skillful direction of experts, you can easily see what Germany is doing to maintain herself. We are in a long war, my friends, if we conduct it on the basis of attrition, dependent upon time as our real weapon. If we can end the submarine and throw against our enemy our available force of man and money power, we will end the war in a short time. With the submarine uncontrolled I look upon the food situation as the greatest problem confronting America to-day. That is the reason that with all of my opposition to the drift toward centralization in our National Government, with all of my opposition toward giving too much power to the Executive, that I shall vote for this measure as an emergency measure. I do not want to use superlative terms, but if we do not control the submarine then we are face to face with the most dangerous item that confronts the world to-day. If we can not meet the very thing that Germany is now spending her entire energy to prevent us from meeting, anyone can see what is going to come out of the struggle. With that conviction clearly before me, I shall not stand long on what is my duty toward the food problem. I will not allow theories of Government to deter me from action.

I am not very much afraid of the statement that we are giving dangerous power to the President. I have been one of the critics of the President for extending the Executive function over this branch. I saw in it what appeared a danger. I stood up here and spoke for an hour on that particular question four years ago and called the country's attention to the President's political theory. What I then criticized was the President's political control as a theory, not an impulse—my friend from Ohio [Mr. GORDON] remembers it, for he at the time interrupted me. That danger is not in this bill. It is not a theory of government written in this bill that I am afraid of. When we give this power to the President as written in this proposed act, it is the Congress which gives it to him, which is vastly unlike his taking it without our permission. The President can not control Congress save as Congress permits him to do so, while this Congress can remove the President if it wants to do so. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FESS. Can I have two minutes more?

Mr. HAUGEN. I will yield the gentleman two minutes additional.

Mr. FESS. Mr. Chairman, I want to say, while I am going to vote for this measure because I believe it is in the right direction toward controlling the food situation that may become very grave if not taken in hand, yet I fear we are going to be disappointed in what it is going to do. I do not believe that all the problems we are to meet is the middleman. It is popular to charge against him, but that alone will not relieve a war situation. I do not believe that the only danger is high prices, and I fear if we are holding out the promise here that we are going to reduce prices of articles to make it vastly easier for our population we are making a promise we will not be able to keep, and I think we might as well realize that. High prices are caused by a combination of forces now at play, difficult to control. There is a second thing. I doubt very much whether the minimum guaranteed price will not become the maximum. I do not know that that is true, but I believe that is an economic proposition, and we are likely to see that. I deplore the fact that the bill does not extend its control over clothing, shoes, and other articles. As it is written it extends control over what the farmer sells but not what he buys. His problems of labor are acute and demand some attention that his products may be sowed and harvested. But this is not a question of this item or that item. The question with me is, here is a problem that is awfully embarrassing, and we have not only got to get products easier from the producer to the consumer, but, vastly more than that, we have got to keep our hands upon the throttle and win this war, which goes far beyond high prices in this country for the things we consume. It is a war that must be won or else America's destiny is in the balance. I have no doubt of the results. As one item of legislation, I shall support this bill. [Applause.]

Mr. LEE of Georgia. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER. Mr. Chairman, I am glad the time has been fixed when debate on this bill will end and its consideration will be had under the five-minute rule. During the time I have had the honor to serve in this House no bill, in my judgment, has been discussed more fairly or more profitably than this. The debate has been instructive and illuminating in the highest degree. I do not concur, of course, with gentlemen who see hidden dangers lurking in every paragraph and section of the bill, nor do I concur or give my approval to those things—inadvertently said, no doubt—which may be construed as a reflection upon the great man who holds the most exalted place in America and in the world to-day, or which might be construed as a criticism of the administrative agents who will be selected by him to enforce and execute its provisions.

It is charged that this bill is radical in its terms and purposes. This is unquestionably true. It is a departure from all the precedents and principles of both political parties, but, Mr. Chairman, every gentleman here knows that conditions which now confront and surround us are radically different from those with which we have dealt in the past. We find ourselves confronting a situation which is unprecedented, phenominal, unexpected—lamentably so. We are at war. Just a short time ago it was the proud boast of American citizens that our country was at peace with all the world; that this great Republic, the champion and exponent of the rights and liberties of men and nations, would not engage in war; that this great Nation, the beacon light of all the nations of the earth, stood for peace. We to-day love peace and hate war, but unfortunately, by reason of conditions we could not control, we have been forced to declare war, in order to protect the dignity of that flag and to command respect for the sovereignty of this great Republic. This war for world-wide democracy and humanity must necessarily be fought by men. Men can not fight without food. To-day, more essentially than ever before in the history of the world, the nations of the earth are looking to us for supplies. But a short time ago our granaries were full, America had plenty, and happiness reigned supreme. But to-day from every business center of this good land, from those great congested districts where men toil to produce those things which are necessary to industrial life and which are imperatively necessary to the proper and successful prosecution of this war, we hear appeals for relief, accompanied by grave suggestions that there is a dangerous shortage in the food supplies in the land. The cry from the humble homes of the poor, from the abodes of the workingmen, and re-echoed all over the land, is that the cost of necessities of life has leaped so high as to be almost prohibitory. Gentlemen tell us we yet have an abundance of supplies in America. Perhaps we have. But what does it signify, gentlemen of this committee, what does it signify if there is abundance of food locked in warehouses, concealed and hoarded away from those who need it for daily consumption, if the people can not obtain it? Will we permit those men who gamble in foodstuffs—who first rob the producer and then rob the consumer, those greedy, insatiate, merciless cormorants—to continue to pillage, or will we pass this bill, open their warehouses, and put food on the market at fair prices?

I concur in much that was said in the speech just delivered by the distinguished gentleman from Ohio [Mr. FESS]. I doubt very much if prices are going to be cut in two by this legislation. We are in war and in my judgment war prices will prevail; but, Mr. Chairman, it becomes the patriotic duty of every citizen of this country, and especially of every Member of this House and of the Congress, to see to it that prices do not keep on piling upward toward the skies until famine stalks broadcast throughout our land. I believe we are to-day considering

a most important piece of legislation. It does not attempt to provide uniforms for the soldiers; it does not provide for those engines and missiles of death which must and will be used, but it deals with and attempts to supply a want which is just as essential—it protects and conserves the food supply which the soldier boy in the field must have. Some of our boys have already gone across the waters into foreign lands, and ere long from over this broad land of ours, this beautiful country which has so long advocated and proclaimed the doctrine of peace, more of them, perhaps millions more of them, will follow to fight and maybe to die for the cause of humanity.

Gentlemen of the committee, in my judgment nothing will do more to terrorize the forces against us or to safeguard the lives and strengthen the arms of those who are fighting for liberty than to waft across the ocean the glad tidings that the Congress of the United States is determined that every American soldier, as well as every allied soldier, shall be supplied with all the necessities of life. [Applause.]

Mr. Chairman, something has been said here about the provision authorizing a minimum price for nonperishable farm products.

It is feared that it will become the maximum price. I do not share that fear. I believe that the demand in the next four or five years will be so unlimited for all the products of the American farm that the minimum price will be lost sight of under the operation of the great principle of supply and demand. It is essential, in my judgment, to fix a minimum price in order to stimulate production. And let me say here that I hope the man in the White House, who has shown such great wisdom, whose judgment has been so unerringly true in all he has done up to date, will see to it, through the agencies appointed by him, that the minimum price is fixed high enough to guarantee to every man who produces a fair and reasonable profit on his crop, taking into consideration, of course, the high price of labor and farm tools.

This is not an effort to protect the farmer because he is a farmer. It is an effort, well directed, to encourage and care for those things which the farmer alone can and does produce. We must have the products of his farm, and to enable the farmer to successfully compete with the enormous cost of labor, with the elements, with cyclones, hail storms, and floods, we must guarantee to him a reasonable profit on the products of the soil. I hope the minimum price will be set high enough to do that. [Applause.]

Mr. Chairman, I will insert as a part of my remarks an interesting and patriotic newspaper article from the pen of Sam Jordan, farm advisor of Chariton County, Mo., a very distinguished writer and lecturer on subjects pertaining to production and conservation of farm crops:

AFTER THE WAR, WHAT?

"IT IS AN ILL WIND THAT BLOWS NOBODY GOOD."

Out of chaos may come order; out of wrong may come right. Some new views of civilization may appear. A new code of human rights may be established. It may be that a new meaning will be given to humanity and human liberty. It may be that war will cause us to place property of less value than we put upon life. Would it not be wonderful if, when the war is over, we could understand that every human being has, and that each one should have, an equal chance in the race of life?

When the war is over we may actually believe that society owes to every citizen the right to earn an honest living, and also owes that citizen the preparation to efficiently earn that living. We may perhaps conclude that no education is finished until the citizen has learned to be of some service to society, and we may actually think that honest toil is honorable, even more so than inheriting great wealth that the citizen had no part in earning.

There may come a time when the war is over that we will conclude that no government has a right to exist only so long as it does not trample on humanity, and does not forget justice.

We may come to a time when we will think that promotion in public office should come only through honest, economic, efficient service. There may come a time when we think that the burdens of government should be borne by those able to bear them, and a government is wrong when it starves the weak to feed the already overstrong, and we may actually think that the Government should not undermine its own foundation by destroying the quality and the efficiency of its citizens.

It may dawn upon the country at large that "Nations rise and fall with their agriculture." It may appear that the very foundations of our Nation, its prosperity, its health, its wealth, its happiness, its very existence, have been menaced by the mischief that has been done to our agriculture by short-visioned lawmakers, and by others who have been permitted to exploit the farmer's products. It may dawn upon the country that wealth is very largely a relative term, that when one man gets rich he most often gets rich at the cost of the other fellow.

This is partly true of all who do not produce something in the way of value, and it is wholly true of the speculator and the gambler. It may occur to our lawmakers that the people who produce are as important to the country as are the exploiters. It may be that Congress will learn that the debt on Missouri farms is one twenty-eighth of that of the new seven billion national war debt, or that Iowa farmers carry a debt on their farms of almost one-seventh of that enormous amount, a sum of which the human mind can not conceive, or that the farmers of this country owe on their farms a sum equal to one-half of the great war bonds, the greatest single bond issue of all time, ancient or modern, and that under present economic laws and conditions they can never hope to pay. Horrible as the war is, it may be teaching some folks that we must in the end depend on the land for our very existence. It seems that in the past so many have not had any such curious notions. Most of the talk now is "how to feed the people" during our present conflict. The war may bring us to see that we yet must look to the farmer for our very existence as a Nation, and that war is not the all-important thing to prepare for, unless that preparation looks first to our soil, and those who toil upon it.

Wouldn't it be funny if the Congress could see that a commission might regulate the prices of staple food products just as well as a bunch of gamblers, speculators, and exploiters do it? Congress might actually see some time that the prices of staple food products do not need to be changed several times a day, as the gamblers desire. They may actually see, when the war is over, that it is of interest to the gambler only as prices fluctuate, and that fluctuation wrecks the farmer. It may dawn upon at least some members of society that the farmer really has a right to a square deal in the market place. It may bring us to the knowledge that we are wrong somewhere when in our country, the richest in the world, and the most prosperous, under shadow of the Stars and Stripes, some of our citizens at this hour are literally starving to death while in their midst there are many who count their wealth in terms of millions, much of it being accumulated by the exploitation of the farmer's products. We may arouse to the fact, when the war is over, that the fertile soil is the Nation's most important heritage, and produces more in a single year than do all the gold mines of the earth in an age, and that it is by the fertile soil that all life is maintained.

Will it really dawn upon us that any system of farm tenancy is a menace to the Nation, and that at this very hour, in this country farm tenancy and landlordism are rapidly making equal increases? Will the awful conflict bring us to a realization of such fact, and urge us to ascertain the cause, which can be placed upon the truth that the farmer has not been getting a square deal in the market place. His state of tenancy, his burden of debt from which he sees no escape, make him lose faith, and even abandon hope.

We may realize when the conflict is over that the Nation's real strength is not in its armies and its navies, but in the hearts, in the homes of a contented people made so by an efficient, honest Government that looks first to the welfare of all the people.

Would it not be splendid if we could but see that the very lifeblood of our Nation begins its flow in the furrows of the farmers' fields, and that "Sunny Slope" is as important to the country as is Fifth Avenue?

If it takes bloody war to teach us the importance of the land and its resources, and that the farmer deserves a square deal in our legislatures and in the market place, and that he really desires a home of his own, maybe it will be worth all the treasure it has cost. God grant that it will do these things, and if it shall so be, then "This Government of the people, by the people, for the people" will "not perish from the earth."

SAM JORDAN.

Mr. LEE of Georgia. Mr. Chairman, I yield to the gentleman from Ohio [Mr. BRUMBAUGH].

Mr. BRUMBAUGH. Mr. Chairman and gentlemen of the House, I shall vote for this food bill (H. R. 4961) now under consideration, whose title proclaims its purpose in the following language:

A bill to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

I shall vote for this bill cheerfully and willingly, not that I approve of each and every detail of the bill, nor for the reason that I am satisfied with each and every provision of the bill, but because I believe that the serious situation that has confronted this country in regard to the food and fuel supply, its cost and distribution, is a most serious, vital problem, not only in the present war situation but has been a very serious, vital problem for the past three years. The present war condition has simply magnified a situation that already existed and has compelled men to think and act who seemed unwilling to think and act before in regard to this serious and vital domestic situation. I shall vote for this bill because the present alarming situation demands immediate action and demands that something along drastic lines be done. A great committee of this House, representing all sections and all parties in the Nation, has almost unanimously agreed that this bill presents the best thing to be done to meet the present situation. I accept their conclusions and give the bill my hearty and willing support.

THE FOOD PIRATE A GREATER ENEMY TO OUR COUNTRY THAN AN ARMED FOE.

Mr. Chairman, the food pirate as he exists to-day in all parts of the United States is no less an enemy of our country than an armed foe is an enemy of our country, and he is the more detestable of the two. In fact, the food pirate is an assassin of American life and American liberty, and whenever it is shown that greed and avarice alone, without mitigating circumstances and conditions, has prompted his action of starvation and robbery, he deserves to be dealt with by the law as a pirate and assassin. Even a penitentiary sentence is not enough for such oppressors of the people and of laboring men, women, and children, for some men are so avaricious that they would endure even a penitentiary sentence if by so enduring in the end they would retain a fortune thus obtained and saved. The food pirate should be made to serve the sentence, and he, his estate, and backers should be made to pay back fourfold for every cent of his extortion. He not only brings pain and suffering, misery, woe, and want to thousands of homes, but he endangers the very existence of this Republic. He shakes the very foundations on which society and democratic government is founded. We must destroy him or he will destroy the faith of our people

in the fairness, protection, and justice of our national laws, and when that situation comes about the days of the Republic will have been numbered. [Applause.]

THE UNJUST AND ALARMING SITUATION.

Let us look at the alarming situation and notice what has been going on among avaricious men and food pirates for the last few years, coining money out of the stint and suffering of laboring men, robbing all our homes, and taking their extortionate toll from the mouths and backs of women and children. Let me cite just a few examples of the many that could be given. The other day the public press carried announcement stating that it had been ascertained that cars on a siding close to a town in Illinois had been billed and rebilled labeled as coal, while the same contained potatoes that were allowed to rot in the cars while the people were paying unheard-of prices for potatoes on account of the supposed shortage in the supply of the same. I have recently received a letter from a prominent business man in my city, and I am going to quote two short paragraphs from that letter. He shows how peaches and potatoes, by arrangement of an association to raise prices, were paid for on the tree and in the ground and allowed to rot to assist in maintaining the announced shortage of the crop and the extortionate high prices charged all the people. I quote the paragraphs:

In the fall of 1916 peach growers in northern Ohio received 65 cents per bushel for select peaches, when these same peaches were sold in the Columbus market at $3.25 and $3.50 per bushel, and in many cases peaches were bought and paid for and allowed to rot on the trees, rather than reduce prices to the consumer.

I also know of one specific case where 200 acres of potatoes, bought and paid for at $1.10 per bushel, with the understanding that the producer of these potatoes was to dig them and have them ready for market under the direction of the purchaser. These potatoes are still in the ground, even though the producer protested against this waste.

Is not this situation both alarming and criminal? It leads my correspondent to make this observation, which I also quote:

From my observation I am inclined to believe that the lack of interest in volunteers or offering their services to our Army is due, to a very large extent, to the fact that there is a universal feeling that our own Government has been unable to take care of a situation such as described, and in the absence of such protection and consideration on the part of the Government, the people are inclined to be slow in offering their services to the Government.

I believe that this bill will show that our Government will and can take care of this situation and correct this evil and bring relief. It is our bounden duty to see that the people get relief.

THE UNPATRIOTIC EFFECT OF THE PRESENT SITUATION.

These speculators in the necessities of life—food pirates—are striking a more deadly blow at our country than any foreign foe could strike. In this critical hour when men are offering their lives and their fortunes for the defense of republican institutions and the honor of our flag we would be recreants if we did not vote to lay the heavy hand of the law upon these criminals. Our laboring men, when they kiss their wives and babies good-bye to go to the front, have most distressed, anxious thought for their homes, because of the extortion of these men. In a great Ohio daily, the Ohio State Journal of April 12, is a very suggestive cartoon that tells the entire story. Here is the young father bidding farewell to the anxious ones at home and as he passes out the front door to answer his country's call the food speculator, with the black mask and revolver, in the garb of the burglar, enters the back door of that home, and the cartoon well states that while the father goes out of the front door the food speculator must be kept out of the back door. I am willing to do that, even if to do it we must send them to the penitentiary for life and make them and their estates pay back fourfold all their extortions. They have played their horrible game so long and to such a limit that they must be dealt with as traitors to our country and as despoilers of our homes. Why make such a fuss about common gamblers in money with loaded dice and cards and sit supinely by while the wealthy food pirate gambles on the foods of all kinds—food of which they never have seen a bushel from one year's end to another and food of which they never have spent one day working on the farm in the noonday sunlight of an August day to produce or to gather to feed the children of mankind? Why should we permit them to bottle up in cold-storage houses our food and then eke it out to the people at any old price that suits them and to keep the price up, let it rot, or throw it out on the dump, when people are crying with hunger? What they can not store and bottle up they have let rot, in many instances, in the field to keep it off the market. The 1915 crop of apples was only one instance. They could not find store room for all that crop, yet they held the price to $4 per barrel while they permitted thousands of bushels to rot, and in the springtime threw thousands of bushels on the dump.

THE CRITICAL SITUATION THE COUNTRY FACES.

Gentlemen of the House, I am trying to be conservative and mild in my statement of this case. If you do not think so, read the statement given to the press the other day by Mr. Hoover, the national food commissioner, in which he states that the food pirates and food speculators have robbed this Nation of $50,000,000 per month—$50,000,000 per month taken by extortion. Mr. Hoover states that in the last five months $250,000,000 has been extorted from the American consumer in excess of normal profits of manufacturers and distributors. Think of this being allowed to continue while meat and butter and many of the necessities of life have been driven from the workingman's table simply because he can not earn enough to have upon his table the things that his hard labor demands and to which he is justly entitled. For myself, I want to say that I am no new convert on this subject. I was greatly gratified when months ago one of the great dailies of my native city, the Columbus Dispatch, recognized and commented upon my efforts in regard to the importance of the food and fuel situation, and I take pleasure in inserting here an editorial from the above, which reads as follows:

MR. BRUMBAUGH ALERT TO SERVE.

The Dispatch has word from Congressman BRUMBAUGH that he is deeply interested in all efforts to cut the fraud out of the prices of the necessaries of life, that he is fully cognizant of the evils that are bringing so much hardship to the poor and interfering with the heartiness of the people's patriotic response, and is alert to do all that may be done to put an end to the injustice. The first of the administration's bills to deal with the situation was introduced Monday, and others will follow. Mr. BRUMBAUGH has never yet failed to stand squarely behind the President in his efforts to establish justice at home as well as abroad. His voice and vote have always been for the patient, far-seeing man in the White House, and there is every reason to believe that they will so continue.

In the Ohio delegation there are some "willful men" who have not helped but hindered their country's cause, but Franklin County can be grateful that its representative is not one of them.

I have considered this food and fuel situation a very important and critical situation for three years past and have done my individual utmost to remedy the situation, even when others were perfectly satisfied with the situation and some making money out of the situation. The food and fuel problem was a critical problem long before the war began. It is an outrage upon the people that the food and fuel situation has been allowed to remain in the condition we now find it. It has been a heartless wrong and cruel injustice on the people. I trust this bill will correct the wrong and injustice.

Mr. FARR. Does the gentleman say he knows positively the statement he makes now is a fact?

Mr. BRUMBAUGH. My correspondent says he knows it is a fact. He is a well-known business man and manufacturer in my city.

Mr. FARR. This year?

Mr. BRUMBAUGH. For the fall of 1916.

Mr. Chairman, I am not an alarmist, but I honestly and sincerely believe that the people will not much longer tolerate allowing greed and avarice to control the food and fuel situation so that thousands of men, and I might say millions of men and families, must go cold and hungry while a few amass great fortunes in the control of food and fuel prices. I am not an alarmist, but I believe a change must soon come in regard to the management and control of men and institutions dealing with the food and fuel supply or our country will drift into very serious domestic and internal difficulties and insurrections that, if not checked by giving relief and doing justice, will lead to a commune as tragic as the French commune that horrified the world, but which, like the lightning and storm, cleared the atmosphere when it was over. [Applause.]

THE GREAT POWER CONFERRED UPON THE PRESIDENT.

Some have objected to this bill because it confers upon the President unlimited authority and power. In ordinary times and times of peace I would be unwilling to vote for any measure that conferred upon any man the unlimited power and authority that this bill confers; but in this crisis, the greatest our country has ever faced, I am willing to trust and follow the President in the future as I have in the past, and pray that he may be given great wisdom to execute the provisions of this bill, and I pray for more strength to his good right arm in dealing with this appalling situation.

FUEL AS WELL AS FOOD.

In my mind I have long associated the fuel situation with the food situation. In many cases it presents the same dastardly situation. I have not been one of those who have thought that Government ownership would solve all of these problems; but we must solve them, and if we do not the people themselves will arise and solve them by some sort of Government ownership.

The poet has said that man's inhumanity to man makes countless millions mourn. The people will not much longer be satisfied to let man's inhumanity to man in the shape of avarice and greed make countless millions go cold and hungry while a few, through this greed and avarice, amass unheard-of fortunes out of the want and necessities of the people, and especially of laboring people and the poor.

THE FARMER AND LOCAL STOREKEEPER NOT TO BLAME.

I am not criticizing or condemning the farmer, or the grower of grain, fruits, food and feed products, or even many of the middlemen, the local storekeepers, who preserve, take care of and sell us the same ofttimes at a very low and reasonable margin of profit. The farmer and the grower of grain, fruit, food and feed products, the toiler who raises the same, who follows the plow or handles the hoe, plants, gathers, and harvests the crops, who works in the sun heat from daylight to dark, day in and day out, as many of us have ofttimes done, are not the hoarders of foods and are not the food-price pirates. These toilers are entitled to any advanced price that comes to them out of the natural order of supply and demand. Neither am I referring to the great majority of the local middlemen merchants who serve us in our localities. These men are making in most cases only a fair profit, and in many cases less profit than formerly. They, like the rest of us, are the victims of the food-pirate-made prices. I am condemning as an enemy to his country and his fellowmen the food pirate who speculates in foods and feeds, corners the supply, hoards it, sells it back to us at his own avaricious price, and to maintain that price lets it rot or throws it on the dump rather than feed the hungry, the laborer, and the poor. These are the men who must be dealt with in these critical times as enemies of our country and as enemies and despoilers of our homes.

A PROPOSED REMEDY.

It is well enough to recognize evils, but it is better still to propose a remedy. I am going to be bold enough to make two suggestions that might be developed into remedies:

First. Action by State legislatures.

State legislatures in the various States could pass a law authorizing municipalities to bond themselves and establish municipal cold-storage plants and fuel-supply yards. By State arrangement provisions and fuel could be purchased when prices are low and sold to the people at a small profit when prices otherwise would be ordinarily highest. These plants could act, not as competitive plants with individual enterprises but simply as a reserve supply to assist in controlling the situation and prevent food speculation.

Second. Prompt action by the legal department of the Government.

But better than all this would be the effect of prompt and vigorous and unrelenting action by the legal department of the Federal Government. Take the cases I have cited above as examples. Is there any reason why, after and upon undisputable evidence and proof, these men should not be arrested and convicted within a few days for such outrageous action against society and the peace of the country? If some misguided old man anywhere in the United States should chance to make some unguarded remark, through many sources he is quickly reported and within a few hours he is brought to answer for his unwise or unpatriotic remarks. Through these same sources of information, could not these Government agencies of various kinds all over the country report these serious offenses and offenders? And could not our United States district attorneys and the legal department of the Government be just as vigorous and speedy in the prosecution of the same and as prompt to bring the offender to the bar of justice? If this was done in every community it would soon break up the nefarious practice that shames the name of justice and smells to heaven.

A WORD TO THE LEGAL DEPARTMENT OF THE GOVERNMENT.

The legal department of the United States Government has a great duty to perform, a sacred and patriotic duty to the people and to the Nation. No law is of any effect unless it is enforced. We give you this drastic law. You must enforce it. You must prosecute. You must be able to see, to hunt out, to convict, and to send to the penitentiary the wealthy food gambler as well as the petty thief who steals a ham or a loaf of bread. Even the great patriotism of our people will not cause them to continue to pay for food higher prices right here in the land of abounding plenty than that same food is now selling for in London to-day. I want to emphatically say that our people are getting very impatient at legal delays and inactions on the part of the Federal arm of the law in dealing with these food pirates, who not only rob us, but flaunt their ill-gotten wealth in our very faces.

For myself I have no hesitancy in saying that I am unwilling to shut my eyes or ears either to the fact of the wrong or to the cry of the people. I am unwilling either to enslave our own people while aiding others to be free, or to starve our own people while feeding others. It is not necessary to do so either to free or to feed others.

A WORD OF WARNING.

It is hard. Mr. Chairman, to use conservative language in dealing with these men and this situation. The greatest enemy that threatens our country to-day is this internal enemy. The sooner this internal enemy is crushed the better the Nation will be equipped from every point of view to withstand and overcome our military autocratic enemy. Civilization itself is at stake. The people demand immediate action upon the part of the Government against the vultures who buy and store vast amounts of grain and food produce of every kind until it decays and is hauled to the dump, or who hoard and hold it to amass wealth out of want and suffering of the people, thus preventing the workingmen, women, and children, in many cases, from getting sufficient amount of food to keep body and soul together. We owe it to our fellow men to protect them from the enemies within as well as the enemies without. It is an oft-repeated saying that history repeats itself. The people may be patient and long-suffering, but he is a fool who thinks they will be patient and long-suffering forever. The cup is full; it is full to overflowing. In the hope that this law will be an instrument in the hands of the Federal authorities, we grant this unheard-of power carried in this bill. We confidently hope and trust that the power granted will be promptly and energetically used to bring relief to all the people, to make mankind feel that we are all brothers seeking each other's good and safety, and thus do our part to avert the danger that threatens our country—to bring new light to the face of labor, new hope to the homes of the poor, and make the earth a better place to live upon, fuller of love, and truth, and justice for all.

We must pass a drastic measure such as this to win this war, and we must win this war. The honor, the glory, and the future of our country is in our keeping. We dare not fail, and we will not fail. [Applause.]

Mr. LEE of Georgia. Mr. Chairman, I yield five minutes to the gentleman from Oklahoma [Mr. HASTINGS].

Mr. HASTINGS. Mr. Chairman, this bill has for its purpose encouraging the production and conserving the supplies, as well as controlling the distribution of necessaries defined in section 1 as "food, feeds, fuel, and articles required for their production." It seeks to prevent the hoarding, monopolization, or speculation in these necessaries, and to establish and maintain Government control over them during the war, and authorizes the creation of certain agencies to carry out the purposes of the act.

Everyone realizes the very great importance of the bill under discussion. It is appreciated that the passage of the bill or a similar measure is imperative. In effect, it establishes a governmental control over these necessaries, and places the responsibility upon the President of the United States, and those whom he may designate, to see that the act is fairly and equitably administered. It contains many drastic provisions, but it must be remembered that this is a war measure and that by the very terms of the act itself it ceases to be effective not later than one year after the termination of the war, the exact date to be ascertained and promulgated by the President.

In considering this bill, it is important to inquire as to the necessity for the legislation—whether the particular bill is the best means of effecting our purpose and whether Congress has the constitutional power to enact the desired legislation.

So far as the constitutionality of this bill is concerned, I think it is clearly shown by the brief submitted by the chairman of the committee, prepared for the purpose, that Congress has the power, as a war measure, to enact this legislation. It has also been shown by the very able speeches recently made on this floor. In my judgment under "the war powers of the Constitution" Congress has the constitutional power to enact this legislation. Indeed, I think no one seriously assails the constitutionality of this bill. Congress has the power to declare war, to raise and support armies, and to provide and maintain a navy, as well as to make all laws that may be necessary to carry into execution the foregoing powers.

Everyone admits the necessity for this legislation. The prices of fuel and food products have rapidly risen. Some legislation is required to correct the hoarding, monopolization, and speculation in the common necessaries of life. The object of this bill is to encourage the producer and not hurt him; but in a very drastic manner it is designed to do away with the excessive profits of the middlemen. The farmers of the country who produce food supplies do not hoard, monopolize, or speculate in these necessaries of life, nor do they enter into combinations to enhance the value of food products. It has been repeatedly stated during this discussion that 90 per cent of the

products raised on the farm are sold within a reasonable time after they are harvested, and that the profits from excessive prices for which these products now sell in a large measure go to middlemen, who have nothing to do with their production.

Speaking of the products raised in my district, I know that this is true, especially of staple products like wheat and cotton. Cotton is now selling for about 25 cents per pound. Most of the cotton was sold when picked last fall for 13 to 16 cents per pound. A little of it perhaps sold for a higher price.

Hon. F. M. Gault, president of the Oklahoma State Board of Agriculture, in a statement inserted in the RECORD by me with reference to the 1916 wheat crop raised in Oklahoma, says that prior to October 1, 73 per cent of the wheat was marketed at an average price of $1.05 per bushel, that during the month of October 7 per cent was marketed at $1.42 per bushel, and that the remainder was marketed at various dates thereafter, while the average price received was only $1.22 per bushel for last year's crop. In Oklahoma flour is selling for $16 per barrel, which should make wheat worth $3.80 per bushel, giving the middleman or speculator an average profit of $2.58 per bushel.

The purpose of this bill is to eliminate so far as possible the profits of the speculator or middleman, and in order to do it drastic provisions are gathered into it that would not be enacted into law during peace times.

Section 3 establishes Government control not only over the fuel and food products named in the bill but it extends the law to include all the processes and methods of their production, distribution, and marketing, and places this responsibility on the President, giving him the authority to enter into any voluntary arrangements or agreements and to use any agencies or cooperate with them or to accept the services of any persons without compensation. It is a very comprehensive section.

The next section makes it unlawful to hoard, monopolize, willfully destroy, or engage in discriminatory, unfair, or deceptive practices for the purpose of enhancing prices or restricting the supply or to combine or agree to limit or restrict the production, supply, distibution or manufacture of any necessaries or to enhance the price thereof.

Section 5 authorizes the President, when he shall deem it necessary, to license the importation, exportation, manufacture, storage, or distribution of any of the necessaries and make regulations for carrying the same into effect. It prescribes a penalty for the violation of same. Under the regulations to be issued under this section, reports may be required and accounts audited. The President is authorized to correct any unjust, unreasonable, discriminatory, or unfair rate or charge, to find out what would be reasonable, and to compel the observance of the same. Farmers, gardeners, and retail dealers are exempted from the penalties of this section.

Ample provisions are contained in section 6 against willful hoarding of necessaries in quantities exceeding reasonable requirements of any individual, manufacturer, or wholesale, retail, or other dealer, but the individual who produces products on his farm or garden is exempt from the provisions of this section.

Section 7 provides that where necessaries are hoarded, in addition to the criminal provisions of section 6, proceedings may be instituted for the purpose of condemning the necessaries hoarded, selling the same, and paying to the owner the proceeds derived therefrom, less court costs and charges.

The President is authorized by section 9 to purchase, provide for the production and storage, and afterwards sell such necessaries as may be required by the Government; and he is authorized by section 10 to requisition and take over, use, or operate any factory, mine, or other plant in which necessaries may be manufactured, produced, prepared, or mined, which, in his judgment, are essential for the national security or defense, upon the payment for them of a just compensation to be determined by him. The owner is permitted to sue in the courts to recover any additional sum claimed to be due.

Section 11 is designed to prevent undue enhancement or fluctuation of prices and prevent speculation in products. It authorizes the President to prohibit operations and transactions of boards of trade or similar places of business, and, what is more important, it specifically states that such places of business may be required to keep records and statements of account and make reports of all transactions, so that every detail of stock gambling may be inquired into, and plenary power is given to correct all abuses.

The President is authorized by section 12, in the event he finds it necessary to stimulate production of nonperishable agricultural products, to guarantee a price for such products before seeding time and to insure the producers thereof a reasonable profit. The purpose of this provision is to increase production by agreeing with the farmer in advance that he shall receive a fair price for his products. If this guaranty is given by or under the direction of the President, there will be no danger of overproduction to the farmer and an adequate supply of all food products will be secured for the Government and our allies. I am sure that the farmers of this country can trust the President of the United States in this emergency. [Applause.] I do not believe there can be any overproduction during the war or for years after it. Hence, I do not believe there is any financial danger to the Government in guaranteeing a reasonably high price to men producing the food products of the country. The expectation of sure profits and better prices, I am inclined to believe, will prove a sufficient stimulation to the farmers. I think the best provisions of this bill, the ones which the President will be called upon to exercise most, are those that are designed to prevent hoarding, monopolization, or manipulation of prices by speculators and stock gamblers. I do not care how drastic the provisions of the bill are made as to them.

In order to carry out the provisions of the bill, an appropriation of $2,500,000 is made for the administrative features and the sum of $150,000,000 is appropriated for the other purposes of the act, and made immediately available. Provision is made in the bill for using the money as a revolving fund.

Section 13 places the power in the hands of the President of regulating or limiting the use of food products in the production of alcoholic liquors, or nonalcoholic beverages, and prescribes a penalty for the violation of the section. I shall be glad to support an amendment having for its purpose national prohibition. I do not believe that any of our food products, in the first place, should go into the production of alcoholic liquors, and this provision can be defended as a peace measure as well as a war measure. I am in favor of prohibition—local, State, and national—and will vote for any provision looking to that end.

I have not attempted to analyze all the provisions of this bill, but have contented myself by reviewing them in a somewhat general way, stating the general purposes of the act and the evils intended to be corrected.

This has been a most trying session to every Member of Congress. We all feel keenly the responsibility resting upon us. On April 2, the day we convened and immediately after organizing, the President appeared before us and delivered his memorable message. On April 5, by an almost unanimous vote, we declared that a state of war existed with the Imperial German Government. Since that time we have provided for a five billion dollar bond issue, and the issuance of $2,000,000,000 in Treasury certificates. We passed an act providing the means of raising an army to carry on this war and made appropriations, the largest in the history of this Government, for the Army and Navy, as well as larger appropriations for the other departments of the Government. This House passed a revenue bill to raise in round numbers the very large sum of $1,800,000,000, in addition to taxes heretofore raised by other methods. Much other legislation of a very important character, which I will not take the time to enumerate but which is well known to the public, has been enacted. One bill provided for raising an army, and June 5 was set apart as the day upon which all persons coming within its provisions should register. Differences of opinion naturally arose as to all bills under consideration. Committees considered each, thrashed out their differences, and reported to this House, where the several bills were debated at length, both under general debate and under detailed consideration of the various provisions of each, and they were enacted into law.

We are in the greatest war known to history. No man will even hazard a guess as to when it will end. No one can tell what it will cost in blood and treasure. We have entered this war. The past is behind us. Our face is to the enemy and the flag of our country, which has never known defeat, in the end will wave in victory over a triumphant army. The President of the United States has a tremendous responsibility to bear during these trying times, and every man connected with the various departments of the Government is each helping him share this great burden. It has been lightened greatly by the loyal and enthusiastic support of 110,000,000 brave citizens of this Republic. They love their flag and will never see it go down to defeat. They appreciate the liberty secured for them in the trying days of seventy-six, and they now know that they are battling against the greatest autocracy the world has ever known. The people of this country without regard to party are valiantly supporting their great leader. [Applause.] It is inspiring indeed to read in almost every daily paper about the two living ex-Presidents zealously, ardently, and patriotically supporting the President in this national emergency. Of course, all the legislation enacted did not meet with their complete approval, but their country having spoken they have felt that it is their

patriotic duty to sustain the President. They do not covertly go about attacking this act's or that act's constitutionality.

I want to say that while I do not set myself up as a measure for any man's patriotism, and that while I, in common with others, entertained differences of opinion on the details of the various bills introduced, considered, and enacted in this House, yet when this Congress has spoken and when the existence of my country is imperiled and the liberty of the people involved, I shall sink all personal differences and withhold all individual criticisms and loyally, enthusiastically, and patriotically support the President of the United States. [Applause.] In these trying times I am impatient with partisanship and impatient with demagogy. Incendiary speeches should be suppressed. The constitutionality of acts should be tested in the courts and not argued in a forum where everyone knows there is absolutely no chance of repealing them and no serious intention to do so on the part of anyone making the attack. Incalculable harm can be done to the plain citizens throughout this Republic by a garbled or a partial statement of facts. For instance, the opinion of an Attorney General in 1912 as to the use of the militia can not be held applicable to legislation subsequently enacted federalizing the National Guard. The less informed citizens throughout the country reading the garbled statements may arrive at erroneous conclusions and become themselves violators of the law, which will render the task of the President much more difficult in this crisis.

I shall not say more, but want to emphasize in my humble way my impatience, condemnation, and protest against any person in public or private life who in this hour of our Nation's peril utters a single word or writes a single line or does a single act which will make more difficult in the slightest degree the carrying on of this war to a successful conclusion.

The people of this country are going to be called upon to make the very greatest sacrifices. They will have to bear an immense financial burden. They have already generously subscribed to liberty loan bonds and will do their duty in supporting the Red Cross. They will make every other necessary personal and financial sacrifice. Above and beyond all, they will send the flower of the country into the Army, many never to return.

I do not want to be understood as saying that I am against any just criticism or fair debate upon any bill up for consideration, but I am opposed to anyone protesting loyalty in one breath and in the next saying things which make the burden of our leaders more difficult to bear.

Let me close, paraphrasing the words of Decatur, with this sentiment: "Here is to my country! May she always be right; but right or wrong, my country." [Applause.]

Mr. LEE of Georgia. Mr. Chairman, I yield 10 minutes to the gentleman from Kansas [Mr. HELVERING].

Mr. HELVERING. Mr. Chairman, I ask unanimous consent to extend, in connection with my remarks, an article by the governor of our State, Mr. Capper, not really on this bill, but in connection with the subject I shall discuss.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks as indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. HELVERING. Mr. Chairman and gentlemen, there are undoubtedly many novel reasons why this bill is not being supported by some few Members of this House. The most novel, in my opinion, is that which actuates the gentleman from the tenth district of Missouri [Mr. MEEKER]. I think when we read section 13 and take in connection with section 13 the powers granted there to the President of the United States we can readily understand his position. Section 13 provides:

That whenever the President shall find that limitation, regulation, or prohibition of the use of foods, food materials, or feeds in the production of alcohol or of alcoholic or nonalcoholic beverages, or such nonalcoholic beverages as he shall determine, or that reduction of the alcoholic content of any beverage is essential in order to assure an adequate and continuous supply of food, he is authorized, from time to time, to prescribe and give public notice of the extent of the limitation, regulation, prohibition, or reduction so necessitated.

I think that solves the objection to this bill raised by the gentleman from Missouri [Mr. MEEKER]. I intend briefly to corroborate that statement by answering an attack, if I may be allowed this digression, which was made by this gentleman upon the State which I have the honor in part to represent, shortly after the close of the last session of Congress, and I desire now to speak on "Kansas and prohibition" and bring to light the character of the attacks made on the State by the brewery advocates as an admission of their desperation.

In the CONGRESSIONAL RECORD of March 8, after Congress had adjourned and it was impossible for any Representative from Kansas to defend the State he loves, the Representative from the tenth congressional district of Missouri inserted an article which occupied 67 pages of that issue, and was entirely devoted to an attack upon the State which I have the honor to represent in part.

I might well denounce the manner and the time in which this article was inserted. If the author of it, or I should say the sponsor for it, for a discredited and unreliable former Kansan was in truth the author, had a slight regard for the amenities which should govern in dealing with neighbors and friends, he would have inserted that article at a time when a reply could have been made. That he did not do so is proof of the fact that he felt somewhat ashamed of what he was doing, and that the work of years of scandal-mongering and of digging into the files of press and the columns of muckraking magazines did not result so satisfactorily that he dared come out into the open and give opportunity for disproof. It would seem that he acted on the belief that if Congress did not convene again until December next, as was then believed, his statements, whether true or false, would receive such wide circulation with the aid of a Government frank that they never could be contradicted successfully and that the breweries would have splendid additional material with which to attack Kansas and its ideals.

But we can afford to pass over all that. Fortunately we have come together sooner than was then expected. Unfortunate is the cause which brought us here, but it is fortunate for my State that we have an opportunity, sooner than was expected, to challenge the statements contained in that article in the RECORD and aid in bringing forth the truth.

The gentleman who stands responsible for the article referred to says:

Some 10 years ago I became interested in the study of the excise and prohibitory laws of the United States and other countries. Since that time I have endeavored to maintain the attitude of a student.

Now, it may be merely a coincidence, but the gentleman moved into the greatest brewery district in the United States in 1906—see his own statement in the Congressional Directory, Sixty-fourth Congress, first session—and that would make the time correspond with the period when he declares that he became interested in the study of prohibition. Environment is very apt to color the human judgment. The gentleman could look all around him and note the industry which was bringing prosperity to his parishioners. He would have been less than human did he not begin to dread anything which would tend to drag down that industry, and therefore it was but natural that his studies would be taken with the view of finding evidence in favor of that industry rather than with the idea of helping to destroy it. But what was the business which he found was the mainstay of so many of his church members?

FIFTEEN PRINCIPAL INDUSTRIES.

I have always been a believer in the idea that a man should in fact represent his district. That is what he is sent here for. Also I am not among those who believe that the brewery business is illegitimate, although it will be so when we secure national prohibition, and I hope that day is close at hand.

In the meantime we must regard the business as a legitimate one. It is recognized by the Government to the extent that we derive a tax from its product. Now, I notice that the Representative from Missouri, who is so bitterly opposed to prohibition in Kansas, has no less than 15 of these legitimate industries in his congressional district. Here are the names and locations:

Anheuser Busch Brewery, Ninth and Pentalozzi.
American Brewery, 2825 South Broadway.
Empire Brewery, Sarah and Wabash Railroad.
Green Tree Brewery, Sidney, southwest corner of Ninth.
Griesdeck, Nineteenth, corner of Shenandoah.
Grone Brewery, 2219 Clark Avenue.
Klausmann Brewery, 8639 South Broadway.
Lemp Brewery, 3322 South Thirteenth.
Mutual Brewery, 236 South Boyle.
National Brewery, Eighteenth, southwest corner of Gratiot.
Obert Brewery, 2700 South Twelfth.
Stifel Brewery, Gravois Avenue and Michigan Avenue.
St. Louis Bottle Beer Co., 2825 South Broadway.
Union Brewery, 3126 Gravois Avenue.
Wainwright Brewery, Papin, Tenth to Eleventh.

There you have 15 reasons why the Representative from the tenth district of Missouri should oppose Kansas prohibition and strive to make it unpopular in the Nation. [Laughter.] We can all understand that. He has 15 institutions in his district which make profit by making men drunkards, while Kansas is engaged in the effort to prevent her sons from answering to the call of the 15. Of a truth "there's a reason." [Applause.]

NO QUARREL WITH MISSOURI.

It is not my intent or desire to assail Missouri, or any other State, in order to sing the praises of Kansas. Thank God, Kan-

sas does not need that kind of advertising. I have the highest regard for our sister State of Missouri, and for the splendid representation which it has always had in this body. But when a Representative from that State assails Kansas, ridicules her ideals, misrepresents her people, and strives to have the country believe that a policy which Kansas has seen free to adopt is resulting in bringing the State into a condition of "dry rot," I am justified in calling attention to the actual facts, and if in making a comparison with Missouri I shall offend, then it must be borne in mind that it was an attack made upon Kansas by a Missouri Representative which is the cause.

Look up the United States Census for 1910, the last available authentic authority, and you will find that only 2.2 per cent of the people of Kansas are illiterate, while in Missouri the percentage was 4.3. I do not propose to claim that the immense difference between the two represents the difference between saloon influence and the influences operating in communities in which the saloon is ostracized, but I would be justified in doing so in answering a critic who seems to believe that every evil in Kansas is due to the fact that we shut out the brewer and his products.

Look up the same authority and you will discover that in the 10-year period, from 1900 to 1910, Kansas increased in population 15 per cent, while Missouri added but 6 per cent to her total.

Surely these statistics do not indicate that prohibition is injuring Kansas intellectually, nor is it driving population away. Before I am through I propose to show that we have gained immensely in material wealth. In the face of this evidence, which is not the mere assertion of an individual, but the results of governmental investigation, the country can well decide whether or not prohibition has resulted to the detriment of Kansas.

IMMATERIAL AND IRRELEVANT.

The author of the article published in the RECORD on March 8 was believed to be a lawyer, and the sponsor for the article has finally drifted into the same profession, therefore both should be cognizant as to the quality of evidence which will be ruled out of court because it is "immaterial and irrelevant." Of the 67 pages in the article referred to, at least 60 have no bearing whatever on the subject of prohibition, or of its effects in Kansas.

Page after page is given up to an attack upon the State government of Kansas and to the parsimonious manner in which the State has been conducting its institutions. Pages are devoted to attacks upon Gov. Capper and ex-Govs. Hodges and Stubbs. Gov. Capper and ex-Gov. Stubbs are not of my political faith, but I am free to testify that both stand for the best interests of Kansas, as does ex-Gov. Hodges, and not one of the three gentlemen would for a moment support a single measure which would be adverse to Kansas or which would prove detrimental to the interests of a single individual in the State. All three are known to the Nation as representing humanitarianism in its best sense, and when they are assailed because they have worked for economical State government in Kansas it simply shows that prejudice and not reason is controlling their critics.

And when you analyze the character of the evidence which is brought forth to condemn these gentlemen you can at once see how little it is worthy of credence. Columns are used up to give the quotations from the reports of the superintendents of the various State institutions. No criticism need be made of these gentlemen.

As far as I know they are sincere men and capable men. But we have to deal every day here with department heads, and we know very well that their estimate of the needs of their various departments is generally far in excess of our own. The head of every State institution is an enthusiast, if he is the proper kind of a man. He believes in the work he is doing, and is ever striving to extend his sphere of usefulness. You will always find him appealing to the power which has control of expenditures for new buildings, extra help, increases in wages, and authority to take up new activities. He knows, as we all know who have had to deal with the appropriation of public money, that there is keen competition between him and all others who want appropriations, and that the only way for him to get part of what he wants is to ask for a great deal more than he ever expects to get. He will get up a report which will show to those who are not familiar with the facts that his institution will go to ruin unless he has $1,000,000, and when he gets $20,000 he finds that he is able to get along without any trouble. Take any State, and I do not care which one you pick, and if it were to appropriate the amount of money asked for it would be bankrupt in one year. But in these matters we have to exercise common sense, and we find that we can practice sensible economy without causing hardship. Kansas has and will continue to always keep her institutions at a high standard, and the people of Kansas have never been backward in paying the price for anything their State really needed.

The matter of our treatment of our State institutions is the business of the people of Kansas alone, and it has no bearing whatever on the question as to whether prohibition is beneficial or detrimental. But when it is held up to Kansas that her students are going elsewhere to receive their education, and that the State is financially the loser thereby, I desire to say that the charge is ridiculous. Human nature is always the same. The thought that the thing far away is better than what we can find under our hand is one that will never be eliminated from humanity. No matter how high the standing of the educational institutions in any State, you will find students in that State who prefer to go elsewhere. Look up the student body at Yale and note how many are there from Massachusetts; make the same investigation at Harvard, and you will be surprised at the number who are enrolled from Connecticut. Does anyone for a moment believe that such evidence is a reflection upon the intellectual standing of either institution? I have before me a catalogue of one of our State educational institutions in Kansas, and I find that the enrollment comes from 27 States and 5 foreign countries. Missouri alone contributes 43 students, and yet Missouri has a splendid institution of the same kind. The attendence of these students in Kansas is no reflection upon Missouri, but rather it serves to emphasize the thought which I have expressed before—we prefer to go farther afield for what we desire, rather than to pick it up when it lies under our hand.

But, as I have said, all of these things have no bearing upon prohibition or upon its effects in Kansas, and we can sweep aside the bulk of the material submitted by the gentleman from Missouri. I am willing to discuss it at any time or in any place, but I do not propose to diverge from the material point at issue, and that is the success or failure of prohibition.

PROGRESS OF PROHIBITION.

Kansas, in common with most States, has learned that prohibition is a matter of progress and of evolution. The first step taken was to pass a prohibition law, but the enforcement of that law was largely left to local authorities, and it naturally followed that law enforcement, or neglect to enforce, followed the trend of thought of the officials in the different localities.

Then, in 1906, ex-Senator Harris aroused the people of Kansas to the necessity of real enforcement, and out of his efforts came the resolve of the State authorities to insist upon the city and county authorities driving out the saloon, and where these officials failed to perform their duty the strong arm of the State was used and the saloon was driven out of Kansas.

But that was not enough. Kansas was surrounded on four sides by States which authorized the open saloon, and it naturally followed that liquor could be shipped in, or brought in, with comparative ease, and the work of the bootlegger was aided. But Kansas appreciated the great gain which had resulted from even partial prohibition, and therefore from time to time the law has been amended so as to remedy any defects shown. A law was passed to show by record every shipment made into the State by the express companies, and as this was not sufficient to prevent the men who would go to the border cities and bring in their supplies, Kansas took advantage of the opportunity provided by the decree of the Supreme Court on the constitutionality of the Webb-Kenyon Act and enacted what is known as the "bone-dry" law, which prohibits the bringing in, shipping in, or having possession of intoxicating beverages. We believe that we have solved the problem as far as Kansas is concerned. At any rate it appears to be working well, as may be noted by the following clipping, taken from the Junction City Union of March 19, a paper published in a city of nearly 7,000 people, if we include the inhabitants of Fort Riley, one of our most important military posts, which adjoins the city. The Union says:

ONLY ONE ARREST—BONE-DRY LAW CUTS DOWN THE WORK OF THE POLICE FORCE.

Since the "bone-dry" law went into effect, almost a month ago, there has been but one arrest in Junction City on a drunkenness charge, and in that case the offender acquired his jag in Kansas City and came to Junction City on a night train before it had worn off.

But there never has been a time when Kansas has faltered in her faith in the efficacy of prohibition. After careful observance of its effects she has long since come to the conclusion that even when the law was ignored in spots, nevertheless it was valuable in building up a better citizenship, in making many homes happier, and in adding to the material prosperity of the State. Never has there been a time when she would have gone back to the day of the wide-open saloon, and she has given ample proof of that when the opportunity was afforded.

And Kansas calls the attention of the people of the United States to the real proof which is so plainly before them. While there was a time, and that not so many years ago, when our State was surrounded on all four sides by States which tolerated the saloon, to-day three of the four have followed the lead of Kansas and are in the prohibition column. And the leaven is continuing to work on the fourth, as can be plainly seen by the vote on prohibition in Missouri during the last election. The bulk of the State showed its approval of that policy; every county along the Kansas border voted its approval, and even though Mr. Paul Conwell, coauthor with the Missouri Representative in preparing the article published in the RECORD on March 8, had moved to Kansas City, Mo., to prove that prohibition in Kansas was an absolute failure, his efforts were in vain, and city and county came into the prohibition column. Evidently the people of Kansas City preferred to believe in their own personal observation and knowledge rather than in the arguments advanced by paid attorneys of the liquor interests.

The country at large could secure no stronger proof as to the fact that prohibition is a success, and that it is of value to the people in general, than the knowledge that the people surrounding a prohibition State, people who had long been advocating the wide-open saloon, after watching the work of prohibition and its effects upon those who were living under it, came around to see the error of their ways, are now advocating prohibition and are practicing it. Certainly such proof should have greater weight than the charges of a Representative from a brewery district or those of a paid attorney for the liquor interests.

GOV. CAPPER TESTIFIES.

Much of what has been printed to the discredit of Kansas is "old stuff" and it has long since been proven false. Some time since the liquor element made use of Royal E. Cabell, who published an article assailing Kansas. That article was taken up in detail by Gov. Arthur Capper, and as that answer deals with many of the things brought against Kansas by the Representative from the tenth Missouri district I herewith submit it:

The National Wholesale Liquor Dealers' Association is circulating much literature throughout the country, which is so distinctly misleading and harmful that prompt and forceful repudiation of its contents is imperative.

The liquor interests do not fight fairly; they resort to falsehood and innuendo and subterfuge. What else is left to them? Can they defend the gambling, the resorts they own and use to retail their poison? There is one thing, and one alone, that the liquor interests can do, and that is to wade into the statistical masses of the census, trusting to the confusing power of twisted figures to make black appear white in the eyes of the average man.

The liquor interests have declared, in effect, that the Legislature of Kansas has lied; that more than 700 editors of Kansas have lied; that every political party of Kansas has lied; that every minister and school-teacher of Kansas has lied; that the president of the Kansas State Retailers' Association has lied; that the president of the State bankers association and 166 bankers of Kansas have lied; that the president of the State medical society has lied; that the president of the Commercial Clubs of Kansas has lied; that the governor of the State of Kansas and many State officials have lied; that 457,000 people, who piled a majority on the wet candidate, Mr. Billard, in the last election and thereby indorsed prohibition, have lied.

CABELL'S "FACTS ABOUT KANSAS."

Just at present the wholesale liquor dealers are circulating an article by Royal E. Cabell on "Facts about prohibition in Kansas." Mr. Cabell says that Kansas's death-rate figures are unreliable, for "Kansas is not in the registration area." So he takes the death rate of Kansas cities and compares them with the State death rate of licensed States and makes no explanation that the rate in the latter case is dragged down by rural statistics. Since Mr. Cabell first wrote his article Kansas has been admitted to the registration area, but the liquor people are still industriously circulating the statement, "Kansas figures are not accepted by the United States Government."

Cabell infers that Kansas has a rate of death by violence, excluding suicide, of 123. In 1912, according to Dr. J. S. Crumbine, secretary of the board of health, the rate of violent deaths in Kansas was 60.8, including both accidents and homicides. Mr. Cabell has taken the figures for leading cities and compared them with the figures covering both cities and rural districts in license States. He infers that the rate of suicide in Kansas is 22 to the 100,000. According to the figures of Dr. Crumbine, the rate of suicide in Kansas in 1912 was 12.2.

If, in this literature, issued by the liquor men, they want to set forth facts in which intelligent opinion may be formed, why does it not say in this connection that the death rate in Kansas in connection with all of those causes of death in which alcohol prominently figures is, in nearly every case, below that of near-by States and is in every single case below that of the registration area? Why, for instance, would it not illuminate the problem to say that while the death rate in the registration area from cirrhosis of the liver was 14, in Kansas, in 1912, it was only 7? Why not say that while the death rate from violent deaths in the registration area was 91.2, in Kansas it was 60.8? It might even be well to bring out the fact that while the death rate from homicide in the registration area was 6.6, the homicide rate in Kansas, in 1912, was 4.8. It undoubtedly would be instructive to say that the death rate in the registration area from suicide was 16.2, and in Kansas, in 1912, was 12.2. The death rate from Bright's disease in the registration area was 87.5, and in Kansas only 55.4; for pneumonia in the registration area 89.2, and in Kansas, in 1912, it was 45.6.

Mr. Cabell does not say these things. They contain "the whole truth," and the whole truth would be fatal to Mr. Cabell's cause.

DIVORCE.

Mr. Cabell figures that Kansas has a divorce rate of 286, but the latest available reports from the United States Government do not agree with him. For the five years—1898 to 1902, inclusive—the rate of divorce in Kansas, according to the United States Government, was 109—not 286. Divorce statistics are so chaotic and are affected by such varying conditions that it is not possible to make a reasonable comparison, but when Mr. Cabell makes an error of 177 to the 100,000, considerably more than doubling the Kansas rate for purposes of his propaganda, when he carefully refrains from saying that the divorce rate in the prohibition State of North Dakota is only 88; that in Arizona—then license—it was 120; in Arkansas—then license—136; in Colorado—then license—158; in Idaho—then license—120; in Indiana 142; in Montana 167; in Oregon—then license—134; in Oklahoma—then license—129; in Wyoming 118; in Texas 131; in Washington—then license—184; when he ignores these significant facts and continues his false figures there is no reason why he should receive consideration.

Mr. Cabell says that 15 license States have a rate of divorce to wives because of husband's drunkenness lower than the rate in Kansas, but he carefully kicks sand over the important fact that drunkenness is not a cause for divorce in Vermont, New York, New Jersey, Pennsylvania, Maryland, Virginia, West Virginia, North Carolina, and Texas. Even then, what is the sense in saying that 15 license States have a lower rate of divorce for drunkenness than Kansas? It simply makes obvious the fact that 32 States have a higher rate.

In regard to this divorce question, something further should be said. Divorce is not common among foreign-born citizens or among the population of our great industrial centers. Some women accept their daily beating uncomplainingly. In States where the population is largely native American, where women demand consideration on the part of their husbands, a rough tongue-lashing is very apt to result in a divorce.

PRISONS.

It is stated in this literature that Kansas has a higher life-prisoner rate than 21 other States. But it omits the important fact that there is no capital punishment in Kansas. Kansas imprisons its murderers for life; Illinois punishes them with death. The thing is so obvious as to be ridiculous.

We suggest to Mr. Cabell and his employers that they present to the people of the United States these facts:

The prison rate in 1910 for the entire United States was 121.4; in Kansas it was 91.1; in North Dakota, another prohibition State, it was 63. In the same year the rate of commitments to prison in the United States was 520, and in Kansas it was only 200, while the average rate of the license States in the west north central division, in which Kansas is located, was 465. The following table, showing the rate of commitments to prison in the whole United States, in the division of States in which Kansas is located, and in all the States of that division, brings out the truth in startling fashion:

United States	520
Minnesota	499
Missouri	481
South Dakota	273
Kansas	200
West north central (average of license States)	465
Iowa (then license)	585
North Dakota	163
Nebraska	482
Colorado (then license)	610

DELINQUENT JUVENILES.

In regard to the question of juvenile delinquency Mr. Cabell says that 19 States had a lower rate than had Kansas. The fact is that some of these States had no juvenile delinquents at all, because they had no such system. Consequently they show up much better than Kansas.

It also affects the situation that some States that have juvenile delinquency systems have them in an undeveloped state; some States have an extensive parole system; some States spank the children for offenses that put them in charge in other States. Why should not Mr. Cabell say that North Dakota, a prohibition State, has the lowest juvenile delinquency rate in the west central division of States? Why should he not say, for instance, that Nebraska, which he compares with Kansas, had a percentage of discharge and parole of 51 as compared with a percentage of 39 in Kansas? These are some of the things that it is necessary for Mr. Cabell and the wholesale liquor dealers to avoid as carefully as a British grain ship avoids the glint of a periscope.

PAUPERISM.

We are told that 14 States had a lower pauper rate than Kansas. The sentence is not complete or it would read, "and 33 have a higher pauper rate than Kansas." Mr. Cabell says that Nebraska has only a slightly higher rate of pauperism than Kansas, but he does not bring out the fact that Nebraska has poorhouses in only 51 out of 92 counties and that Kansas had poorhouses in 74 out of 105 counties.

A complete study of the question of pauperism furnishes one of the most amazing arguments for prohibition. For instance, if we take all the prohibition States and all the license States (and they are both so well scattered as to make a comparison fair), we find that on the basis of the census of 1910 the paupers in the United States would number:

At the rate for the continental United States	88,319
If the rate in the license States prevailed throughout the country	108,808
If the rate in the prohibition States prevailed throughout the country	27,309
If the Kansas rate had prevailed throughout the country	22,819

The United States as a whole, according to the figures of the census of 1910, had a poorhouse commitment rate of 96.3. The license States of the Union had a rate of 110 and the prohibition States a rate of 29.8. If Mr. Cabell can make anything out of this, let him go to it.

LIQUOR CONSUMPTION IN KANSAS.

Mr. Cabell says he has been unable to locate any reliable figures in regard to liquor consumption in Kansas. Indeed, he is habitually unable to arrive at the truth or to locate any figures that are complete and correct. With great pleasure we furnish him with the following

liquor-consumption statistics, the estimates being made from reports made to county clerks under the Mahin law:

Kansas population	1,690,949
Liquor consumption, gallons	6,239,601.81
Paid for liquors	$5,303,666.04
Paid per capita	$3.04
Per capita cost in Nation as a whole	$21.00
At the rate of $21 per capita Kansas would pay	$34,509,929.00
Saving due to prohibition	$29,206,263.00

We are also very eager to furnish the following figures for Mr. Cabell's discussion. They were secured direct from the State officials by the Temperance Society of the Methodist Episcopal Church, and show the discrepancy between the Federal licenses and State licenses (or totals of local licenses). As is well known, this difference between Federal and State licenses is practically a census of "blind pigs" in any State. The table follows:

State.	Number State licenses.	Number Federal licenses.	Excess Federal licenses.
Michigan	[1]3,983	[2]7,939	3,953
Florida	354	1,267	913
New Hampshire	606	855	249
Rhode Island	397	1,552	1,155
Washington	2,340	3,169	829
Texas	3,100	3,336	233
Ohio	5,355	13,299	7,944
Idaho	226	794	568
Kansas	.....	[3]766	766

[1] Both wholesale and retail. [2] Retail only. [3] June 30, 1914.

WHAT THE WITNESSES SAY.

Let us call the witnesses and see what they think of prohibition in Kansas. If anyone should know, they should know, for they live with it and under it:

The governor of Kansas says prohibition is a great success.

Every State official who has spoken out says prohibition succeeds.

More than 700 editors and newspaper men of Kansas, in State convention, unanimously indorsed prohibition.

Every political party in Kansas favors the prohibition law.

No minister has ever opened his mouth in favor of return to license; neither has any school teacher.

The president of Kansas retailers says prohibition pays.

The president of the State Bankers' Association believes that prohibition is a tremendous asset to Kansas.

One hundred and sixty-six bankers have filed their testimony in favor of the law with the Temperance Society of the Methodist Episcopal Church, and only six could be found in all the State who doubted the wisdom of this legislation.

The president of the Kansas Medical Society believes in prohibition.

The president of the commercial clubs of Kansas has said that prohibition has added real value to every acre of Kansas land.

The supreme court has testified in the following strong language to the benefits of the prohibition law:

"The prohibitory law is well enforced throughout the State. It is as generally well enforced as any other criminal law. The enforcement of the law distinctly promotes social welfare and reduces to a minimum economic waste consequent upon the liquor traffic and allied evils. The saloonkeeper and his comrades have been excluded from effective participation in the politics of the State."

And to completely settle the question for all time the Legislature of Kansas, not by a majority but unanimously, passed the following concurrent resolution at the last session:

"Senate concurrent resolution No. 33 (by Senator Kinkel) concerning the welfare of Kansas under prohibition.

"Whereas the liquor interests throughout the country, and those allied with them in their nefarious business, are publishing abroad in form of paid advertisements in the newspapers, certain false and defamatory statements to the effect that prohibition in Kansas has caused increase in crime, death rate, homicide, suicides, divorces, and juvenile delinquents; and,

"Whereas the saloon trust is making use of juggled statistics, falsehoods manufactured by criminal interests, allied to the alcohol venders and derogatory statements made by a few unreliable and irresponsible citizens of Kansas, all with the intention of creating prejudice in the minds of the legislators of other States, and thus influencing proposed antiliquor legislation; and

"Whereas there is a lobby, the members of which profess to be Kansas men, operating in the Legislature of the State of Utah, and alleging that evil follows in the train of prohibition, and that the enforcement of the prohibitory law in Kansas has resulted in multiplying crime and deteriorating all the mental and moral faculties of the people of Kansas: Therefore be it

"*Resolved by the senate (the house of representatives concurring therein)*, That all of such charges are libelous and false, and do but represent the sentiments of men who, when this State exiled the saloon, were compelled to leave Kansas for her good; and be it further

"*Resolved*, That the reverse of these statements is true; that the State of Kansas is cleaner, better, more advanced in mental culture, and stronger in moral fiber and conviction; that her homes are happier and more comfortable, her children better educated than ever before in her history; that crime is less prevalent and poverty less general; and that all this is due largely to the fact that the saloon is such an outlaw that none of her school children have ever seen a saloon, and are unacquainted with the appearance of a saloon keeper; and be it further

"*Resolved*, That we, as representatives of the people of Kansas, hereby declare our allegiance to the cause of temperance, sobriety, and right living, as exemplified by the ultimate result of constitutional prohibition, and its enforcement in our midst; and that we are opposed to any return to the domination of intoxicating liquors, and that no proposition looking to a resubmission of the prohibitory amendment, and that no law which has for its object the reestablishment of places for the sale of liquor anywhere in Kansas will be given serious consideration, either by the legislature or by any of its committees; and be it further

"*Resolved*, That a copy of these resolutions be spread upon the journals of the house and senate, and that the chief clerk of the house and the secretary of the senate are directed to send certified copies of this resolution to all States of the Union which now have legislatures convened and in session for the enactment of laws."

The figures used in this statement are correct and authoritative. We have avoided nothing, evaded nothing, misconstrued nothing, covered nothing up. Anything further that might be said would simply add to the mass. Let the American people hear the truth and judge.

As I have before stated, Gov. Capper is not of my political faith, but in order to show you that Democrats and Republicans alike are enthusiastic over the results of prohibition in Kansas I desire to bring in the testimony of a man whose Democratic faith is known to the Nation, and whose services to Kansas and to her people are known and appreciated by its citizenship.

GEORGE H. HODGES ON PROHIBITION.

Ex-Gov. Hodges is the man to whom I refer. He stood with ex-Senator Harris in favor of law enforcement and has ever been a champion of real prohibition. No one knows better than he what Kansas and her people have gained by driving out the saloon, and he has this to say about it:

What has 30 years of prohibition done for Kansas? In bookmaking something. The geography of years ago pictured Kansas as the Great American Desert. Hardly a desert now, with 34,000,000 acres in cultivation. Very little indigence in Kansas with $132 on deposit in our banks for every person in the State. We have $3,000,000,000 worth of property on the tax roll, assessed on not to exceed 70 per cent of the actual cash value of our resources. This only makes our citizens pay taxes on $1,765 each a little over $100 more than they paid on a year ago, even though this was the worst drought season in our history. Our agriculturists use the best for their own tables, and a plentiful supply at that, but after using all the butter, eggs, and poultry they needed they only sold $22,000,000 worth of butter, eggs, and poultry last year. Just a little revenue of $7,000,000 more than this Government paid for about a third of the total acreage of these United States—the Louisiana Purchase. We only own one automobile for every 45 persons in Kansas, but we hope to do a little better next year, for our farmers are now standing around waiting for the mayor and county commissioners to sign municipal improvement bonds and bonds issued for the building of permanent highways that they are endeavoring to buy at about 10 per cent above par. A great many of our farmers are complaining because they can't pay off their mortgage until it becomes due, though they have decreased their recorded indebtedness from 55 per cent to 45 per cent in the past 10 years. At the same time they have boosted the home-owned securities from $13,000,000 to $67,000,000.

The death rate in Kansas is only 10 to every 1,000 inhabitants, and we feel assured the abstinence from liquor gives that low rate of mortality; while the same abstinence contributes to about 35,000 healthy, newly born Kansans every 12 months. Every year our State creates a new wealth; last year a wealth of $2,000,000 a day was the record. Only $1.25 was spent on an average by each person for intoxicating liquors during the year, while one of our sister States spends $28 for the same purpose. We have an enactment that requires the deliveries of liquor into Kansas to record the shipment and amount with our county clerk, and the statement I make as to the per capita consumption is authentic and based upon the compilations of these reports. This difference or $26.75 went into new homes, schools, and churches. We spent $13,500,000 last year on 415,000 scholars; that kept 15,000 teachers busy for about nine months. The salaries of the men teachers in our public schools have increased from $44 to $80.50 a month in the past 10 years, while the salary of the women teachers has doubled. All of the weak school districts have State aid, and we have no schools which have less than a seven-months term. That little sum of $26.75 referred to a while ago that we save on liquor consumption we spent on education, so that our illiterates are less than any State in the Union. We have an endowment fund for the common schools of $9,250,000. With a population of 1,690,000 we had an enrollment of 9,600 students in our State universities and 7,500 in our denominational schools. Six thousand students attended our State University and Agricultural College last year. This is a remarkable showing when compared with Missouri, which has 3,500,000 population and only 3,317 students in her university and agricultural college. Indiana, with about the same population, has 1,961 students in her combined schools. We have only 724 inmates in our State penitentiary, while Colorado, with half our population, has 800. We have only 214 boys in our State reformatory, and a vast majority of the inmates of both penal institutions were transient in our State when they committed their crime. In fact, in our State reformatory we have only 84 Kansas boys. The others were residents of other States; and in our Kansas penitentiary we have 152 native Kansans, and the remainder were citizens of other places or those who had acquired a residence in Kansas. We have only 12 women in our Kansas Penitentiary.

Eighteen counties have no poor farms, and one of our best counties, Barton, has no use for its poor farm, but turns it into an asset by renting it. Twenty-nine counties have no inmates in their poor farms. We had only 625 paupers in the State last year, and they are taken care of in the poorhouses of 76 counties. Our State has a total bonded indebtedness of $370,000, held by the permanent school fund. We have $169,000 of that indebtedness in cold cash already accumulated and will have the balance ready to meet the obligation long before the obligation is due. Kansas has only 1 insane person to every 560 inhabitants, while New York has a proportion of 1 to every 276. There must be a reason for this, and there is; it is in the limited use of alcohol by our citizens. Our scientific gentlemen report six kinds of alcoholic insanity. The commitments in New York for 1909 showed 31 per cent, Massachusetts 30 per cent, due to excessive use of alcohol, while in prohibition Kansas for six years ending July 25, 1912, our admissions showed only 5 per cent due to alcoholic troubles.

In the States mentioned one-third of the insanity is due to alcohol, while in Kansas only one-twentieth is due to the same cause. These statistics are important and show the value of strict prohibition. I merely cite these facts to show you what the prohibitory law has done for humanity. It has accomplished wonders in the way of decreasing the numbers of the insane in our State. We are reasonably sure that succeeding generations will be benefited to a much greater extent, as insanity in a limited sense is hereditary. In States where liquor is accessible, one-third of the insanity is chargeable to alcohol. Sexual crimes, arson, thefts, and dangerous assaults are but frequently symptoms of mental derangement, temporarily or permanent, caused by a too frequent indulgence in alcoholic stimulants. To the family it spells financial ruin through the squandering of means by the afflicted one or because the breadwinner of the family must undergo a lifelong illness.

To the individual, insanity in the mildest form involves the greatest suffering that human beings may endure, a lifelong deprivation of liberty, the loss of ideals, and the blasting of all earthly hopes.

Too much can not be said of our commercial, educational, and moral advancement. Something has contributed to our wonderful prosperity. Something out of the common run of affairs has given us a 15 per cent increase in our population in the past few years, while older Middle Western States have practically stood still. We have analyzed ourselves and we are satisfied that prohibition is largely responsible for only the mere handful of the insane we have in Kansas. We balance 2,900 prosperous, self-supporting citizens against every 1 pauper in our State. The proportion of only 1 feeble-minded person to every 3,000 self-possessed Kansans gives our State a reputation for rare intelligence. Ours is an admixture of peace, prosperity, and contentment, a citizenship loyal, true, free from guile, prejudice, or discontent—a citizenship that invites you to a State that is as fertile as the valley of the Nile, as full of possibilities as the Garden of Eden, and as beautiful as an all-wise Creator could fashion it.

It is over three years ago since ex-Gov. Hodges gave utterance to the above. Since that time Kansas has made wonderful advance morally, materially, and intellectually, and to-day its prosperity is so marvelous that it is an object of wonder to the Nation.

PROF. BLACKMAR'S TESTIMONY.

The Representative from Missouri commends Prof. Blackmar, of Kansas, very highly and quoted him quite freely. Prof. Blackmar deserves all of the words of praise spoken in reference to him, and while the quotations used from him to defame Kansas were spoken with the intent to spur Kansas on to even greater effort to make of the State the ideal of the world in sociology we all realize that he would be among the first to step forward and defend Kansas against the men who would use him as an instrument to assail her. But for the benefit of the gentleman from Missouri I will insert right here the views of Prof. Blackmar, published in the Topeka Capital on March 25. They are the result of patient investigation and, surely, if the professor is a welcome witness when brought forward to uphold the deductions of the Missouri Representative, he ought to be equally as reliable when he takes the stand for the other side. The article is as follows:

In just one year under prohibition, and without the bone-dry law, Kansas saved nearly $29,000,000 on her liquor bill, compared to the average expenditure for the rest of the United States. This is the conclusion of Prof F. W. Blackmar, of the State university, who has just completed an exhaustive search into the effects of prohibition in Kansas. He has been working nearly a year on figures and statistics from Kansas gathered early last year, and his report is just about ready to be published.

KANSAS SPENDS $4,250,000.

The Blackmar report, filed yesterday with Gov. Capper, shows that during the year covered in his report Kansas spent approximately $4,250,000 for liquors, consuming an average of $2.61 per capita. Had the average for the entire United States been maintained, Kansas would have spent $33,000,000. So prohibition presented the people of Kansas with $28,750,000 in cold cash in one year, or between five and six times what the State government costs in one year.

Ohio, Blackmar reports, with a population only three times as large as Kansas, spends twenty-five times as much for liquor as does Kansas, or eight times as much per capita. The people of the United States spend one and sixty-six one-hundredths times as much for liquor as for meat. Kansas spends five times as much for meat as for liquor. The average United States citizen spends five times as much for liquor as for bread.

Topeka had the heaviest consumption per capita of any city in the State, the Blackmar report shows, or 7.59 gallons. Kansas City, Kans., consumes less per capita, leaving out what is bought in Kansas City, Mo., than either Topeka, Wichita, Hutchinson, Salina, or Arkansas City. The average for these cities follows:

	Gallons.
Topeka	7.59
Wichita	6.28
Leavenworth	6.20
Salina	4.01
Arkansas City	3.55
Hutchinson	3.54
Kansas City	3.36

In the eastern third of the State, Prof. Blackmar reports, the average consumption of liquor is 3.7 gallons per capita. In the central third it is 2.39 gallons, and in the western third, 1.16 gallons, the amount decreasing directly as the distance from Kansas City, Mo.

"The survey shows the old fallacy," says Prof. Blackmar in his report, "that alcohol in one form is taken to keep you warm and in another to keep you cool. The consumption of beer was highest in July and lowest in January, while the consumption of whisky was highest in December and lowest in May. The survey also shows that the consumption of liquor is heavier among the foreign than among the native born."

CRIME IN KANSAS.

While the gentleman has paid considerable attention to crime in Kansas, and has been muckraking through the files of the press for a considerable period of time so as to gather data, which is in reality of no value, he makes no attempt to show how much of that crime is traceable to the saloons on the border, and yet it is the counties in Kansas which are contiguous to saloon counties in other States that furnish the bulk of our prison population.

And while he was about it the gentleman could have paid attention to a statement made in the report of the Kansas State Board of Corrections in 1916, which he quoted. That report says:

One (cause for the increase of delinquency) is the large influx of itinerant laborers in harvest time, which furnishes a large number of inmates coming into the State reformatory and penitentiary.

Any person who has ever lived in the farming sections of the West or Middle West will readily understand how true that is. When the harvest season is on the amount of labor available is entirely inadequate and dependence must be put upon transient help. So well is this understood, and the danger of failure to secure sufficient labor is so appreciated, that arrangements are made in advance to have employment agents at central points to arrange to secure and ship harvest hands. Each county makes reports as to the number needed and each one is bidding against its neighbor so as to prevent a shortage. Of course this results in wages becoming abnormally high and it attracts to the harvest fields the habitués of the dives of the saloon cities and the patrons of their "barrel houses." Last year we had to come in contact with the so-called Industrial Workers of the World, and the localities which had to deal with the conditions resulting well know the fear which was caused and the depredations which were committed in very many instances. The harvest season in the grain-raising States means not only a harvest of food crops but a harvest of criminals, for while many of those who go to the harvest fields to earn the high wages provided are of the salt of the earth, such as our college boys and our young men who look upon the occasion as a vacation and a chance to build up the health in outdoor life, still there is that leavening of the criminal element which comes to us from the saloon States and helps materially in filling up our prisons.

JUGGLING WITH STATISTICS.

One of the striking things in the article inserted in the RECORD is the tendency shown to juggle statistics and make them fit the purpose sought. Kansas is proud of its record as showing that prohibition reduces the tendency toward alcoholic mental disorders and claims a rate of 3.2 per cent for 1914. The gentleman from Missouri, however, insists that the percentage should have been 8.57 in 1914 and 10.7 in 1916. Such a tremendous difference in the claims is astounding, but when you analyze his own statistics you can see that he has absolutely no basis for his deductions. He claims that the percentage at the Topeka Hospital in 1916 was 3.3; at Osawatomie, 2.6; at the State Hospital for Epileptics at Parsons, 4.8. He then proceeds to add the three percentages and gives the total of the three as 10.7 for the State.

Under the same basis the gentleman would compute the percentage of increase in total population by adding together the percentages of the various counties of a State. If the average in each county was 4 per cent, he would have a 400 per cent increase in a State with 100 counties, and if it originally had 1,000,000 population his method of reckoning would show 5,000,000 when he was through, instead of 1,040,000. Great, indeed, is the gentleman's method of computation, but it is right in line with the brewer's and the distiller's claim of a few years ago, which was to the effect that prohibition increased their sales. A boast, by the way, which is no longer made.

FACTS NOT ON STRAIGHT.

The gentleman was either unwise in securing a man to gather his data or else he is unable to get his facts on straight. On page 5678 of the RECORD of March 8 we find this:

To bolster up the claims that prohibition has reduced poverty in Kansas valuable use is made of the purported high per capita wealth of the State. But a very important matter is purposely overlooked when advancing that argument which can not be fully understood, and that is that the "per capita" wealth is figured on the assessed valuation of property as compared with other States. For instance, many States, if not the great majority of them, assess taxes on a valuation of all the way from 33⅓ to 40 per cent of actual value, while in Kansas the assessed valuation is 100 per cent. Prior to the enactment of chapter 316 of the Laws of 1911, page 565, Kansas real estate was assessed at one-third valuation, but this law changed the system so that now "all real property in this State liable to assessment and taxation shall be assessed biennially at its fair market value in money."

Note that. Now, let us turn to the United States census report of 1910, made up at a time when the gentleman from Missouri states that land values in Kansas were assessed at only one-third their real value, and we find that—

Farm property had increased in 10 years, from 1900 to 1910, to the extent of $1,005,789,000 in the value of the land alone, $88,114,000 in value of buildings, and $81,386,000 in the value of farm equipment.

According to the same authority the total value of the land alone for that year was $1,537,976,573, as compared with $532,187,610 in 1900. And yet the gentleman from Missouri would have you believe that this was but one-third of the value, which would make the farm lands of Kansas worth $4,613,929,719

in 1910. In truth we would like to believe that, but we do not so pretend, and use it merely to show the unreliability of the gentleman's statistics and deductions.

SHOULD CRUSADE AT HOME.

But if the gentleman is so much in earnest in crusading for the good of humanity, I would advise him to look closer to his own home and clean up his own back yard. If he would but read the testimony in the contested-election cases which were brought here from St. Louis in the Sixty-second Congress and in the Sixty-third he would find conditions so deplorable that they afford him every opportunity to aid in the work of cleaning up the muck and ruck which is a stench in the nostrils of those who believe in clean politics. And when you have read that testimony you will see how much value can be put in the hope of securing a fair election in St. Louis on the prohibition question.

And if the thought of the gentleman will but hark back to April, 1915, he will remember an incident in connection with the city election there which surely should have brought forth denunciation from his lips. The candidate on the Republican ticket at that election was a crook who had looted sacred trust funds.

The evidence of that was in the possession of the party managers prior to the election, but despite all that they permitted the innocent voters to go to the polls and vote for this crook and without knowledge of the truth. He was elected, but is now in the penitentiary, and the men who permitted such an outrage to be perpetrated upon the electorate should have received the condemnation of every honest man. Verily, before the gentleman talks of crime and of delinquency in Kansas he should first aid a little in cleaning up his home city.

UNITED THEY STOOD; DIVIDED THEY ARE FALLING.

But I can understand how the gentleman is so much put out with Kansas and its ideas. The great strength of the prohibition movement which started from Kansas is threatening to sweep out of existence the brewers and the distillers. Heretofore the strength of these two elements was due to their unity of purpose. Together they fought every attempt made to regulate, restrict, or abolish the liquor traffic, and as they had unlimited funds and used them lavishly to debauch elections theirs was a power to be dreaded. But there is evidence on all sides to show that the partnership is on the verge of dissolution.

During the past two weeks three pamphlets and letters have come to my desk and all seeking to accomplish a common purpose. One was from Texas, one from New York, and one was from a Wisconsin brewer. Each and all had the same plea to make, and in substance it was this:

Whisky is bad. It ruins the body and debauches the soul. Destroy it, if you will; but the same thing can not be said about beer. The brew of the malt and hops is life-giving and body-building. It is essentially a temperance drink, and when you look at the nations which use it you will agree with us as to this. If you want to promote real temperance, you will destroy the distillery and endow the brewery as an instrument of public good.

Evidently the firm of Brewery & Distillery is on the verge of dissolution, and one of the partners desires to save himself at the other's expense.

It is one of the most significant signs of the times, for it serves to show how the prohibition movement has so grown in power that the brewers, as a last resort, are willing to save themselves, and are anxious to do so, even if they have to cut the throats of the distillers in order to succeed.

THE HERO OF MANY DEFEATS.

For many years I have been watching the fight between the "wets" and the "drys" in Missouri, and I have noticed that when the battle waxes hot the gentleman from the tenth congressional district is always brought upon the scene to lead the battle in favor of the saloon. No public or private duty is so pressing that he can not find the time to go out and plead in behalf of the man who wants his "booze," the man who makes it, and the man who sells it.

And I also have noticed that almost invariably the doughty champion of the divine prerogative of the brewer is beaten. In contrast to the Roman conqueror, who inscribed upon his banner, "Veni, vidi, vici," our brewery champion might well emblazon his with the inscription, "I came, I saw, I got licked."

One by one the strongholds of the saloon in Missouri have been conquered. Last year that wonderful center of industry, Kansas City, joined the ranks of those who have seen the evil of liquor making and selling. City after city and county after county are in line, and St. Louis alone, and by methods which have excited suspicion in the minds of those who have taken note of St. Louis elections in the past, prevented the State from going into the dry column. But the result is most hopeful for those who have worked for the abolition of the brewery and of the saloon and who have marked the splendid results following the work of the gentleman from the tenth district. He will now have to battle at home to prevent even Carondelet from joining those who have seen the light, and if he can only keep his voice and his health, and we can have an honest count of the vote, the chances are that he will win the same kind of a victory he has elsewhere in the State, and St. Louis will be dry. After which the valiant defender of King Bacchus will have to mourn and mourn in vain, for where can he find fresh fields upon which to battle—and lose?

THE VOICE OF KANSAS.

But one thing more and I am done with the article published in the RECORD by the gentleman from Missouri. On page 5671 he says:

There are scores of men to-day sitting in the legislative halls at Topeka who dare not vote against proposed dry legislation, but who have no more sympathy with the movement than they had years ago. Ribald and ruthless exploitation of the doctrine have created the most luxuriant crop of hypocrites imaginable.

And that affords a splendid example of the tendency of the gentleman to put forward assumption as fact. The men in the legislative halls favor the strictest form of prohibition for the reason that the universal sentiment of Kansas demands it, and the voters of Kansas see to it that the men they elect to office are in sympathy with their views. "Rubber-stamp" voting is not a fault of the people of Kansas. The Nation has been amazed time and time again by the independence of thought and of action of the people of Kansas. They take a stand for what they deem to be the right, no matter whether it be popular or not, and history shows that more often has the Nation come to take the Kansas viewpoint than has Kansas had cause to change and get in line.

Kansas is stronger for prohibition to-day than it ever has been. It is so for the reason that it has made a thorough test and is well satisfied with the result. Essentially a State of farm homes and of rural life, it has learned that prohibition makes for happier homes, for a higher standard of morality, and for the physical and mental improvement of its people. Kansas puts up the result of years of practice against the assumption of its critics. It points to the steady drift of its neighbors to get in line, and it says to you in all fairness, "If my methods had worked evil, if decay had come as the result of what I have been practicing, it would have been impossible to induce my neighbors to abandon their ideas of years and fall in step with me to live as my people have been and are living." [Applause.]

Mr. LEE of Georgia. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. BLACKMON].

Mr. BLACKMON. Mr. Chairman, this bill I regard as a very important one, but I am forced to say, however, that there has been more irrelevant and immaterial subjects discussed during this debate than I have ever heard before on a measure of similar importance. As I see it, this bill in every conceivable way protects the producers of this country. The producers are exempt from the provisions of this bill. I quote in part the exemptions:

Provided, That this section shall not apply to any farmer, gardener, or other person with respect to the products of any farm, garden, or other land owned, leased, or cultivated by him, nor to any retailer with respect to the retail business actually conducted by him.

It also exempts producers from penalty for hoarding or keeping their products, as will be seen by the following quotation from the bill:

Provided, however, That any accumulating or withholding by any farmer, gardener, or any other person, of the products of any farm, garden, or other land owned, leased, or cultivated by him shall not be deemed to be hoarding within the meaning of this act.

Now, then, the question to my mind resolves itself into this: The provisions of this bill can not injuriously affect the great consuming masses of our people, and if that be true, if the producer is exempt, and there can be nothing in it injurious to the consumer, there is only one other class left to be considered, and that is the food speculator, the food gambler, and the food hoarder. Now, I want to ask the Members of this Congress if there is anyone that is insisting on delaying the consideration of this bill because of being afraid that the poor, innocent food hoarder and gambler is going to get hurt?

If we have such a Member here I want to refer him to the provision of this bill which provides that when proceedings are instituted against a person for unlawfully withholding from commerce the food supplies of the country, such person has the right of trial by jury. In my 20 years' experience at the bar there have been very few instances where a man having the right to submit a question to a jury of his peers has wrongfully received serious or great injustice.

I would not be a fair juror to sit on the case of a food gambler. I would convict him right off the bat. [Applause.]

But if there be men here who are afraid the food hoarder or the food gambler is going to get hurt, then I refer him to that provision of the bill.

Now, there is another observation I want to make. There is only one amendment to this bill that I would suggest and vote for, and that would be to make the penalty just as severe as it could be on the man convicted of conspiring to put up the price of food unjustly at this time. I would support such an amendment. [Applause.]

I want to ask this question, and ask it in all seriousness: Are not the American people much interested in this all-important subject? Will they not call to account those of us who have consumed so much time during the consideration of this bill, discussing various, divers, and sundry subjects, which have no possible relevancy to the subject matter of this bill? And will this not be true, when it is found that no practical or feasible substitute is offered in lieu of the present bill? Ought we not to be called to account for taking up the time of this House, thereby delaying the passage of this bill, when we do not offer something better, but consume time in criticizing that which we do not offer to improve? If we are not, we should be. [Applause.] What is a Member going to say who stands here and fights this bill, when every citizen of the United States realizes its importance and the necessity for its immediate passage, who has not something better to offer? This is legislation that the country has been looking for. They are not going to be satisfied with long drawn-out arguments as to how to conquer submarines, neither will they be entertained by reading the criticisms of the administration or the gratuitous advice given by so many as to how the war should have been conducted. The country needs and is entitled to this legislation, and I, for one, have been ready to do my part toward aiding in the accomplishment of this much-needed and desired result.

I believe that the bill is admirably drawn, and those who have labored so earnestly to bring it forward and pass it are entitled to the thanks of a long-suffering people. None of us would support this bill, except as a war measure, and, in fact, everyone knows that we would not be called upon to do so, except that the life of this Nation depends on controlling those who have conspired together to put up the price of food beyond the reach not only of those who are fighting in the trenches for the country, but beyond the reach of the great struggling masses of our people, who are looking to us for relief.

I am a strong believer in private ownership, and a strong believer in encouraging individual effort, but when we are confronted with a great crisis such as this it is no time to theorize, but it is time for action. [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. LEE of Georgia. Mr. Chairman, I yield three minutes to the gentleman from Tennessee [Mr. SIMS].

The CHAIRMAN. The gentleman from Tennessee is recognized for three minutes.

Mr. SIMS. Mr. Chairman, a few minutes ago the gentleman from Ohio [Mr. FESS] made a very interesting speech and suggested some very alarming conditions, and practically suggested that if the submarine menace could not be controlled it would be practically impossible to feed England, France, and Italy.

That may be true. Usually a man who knows least about a thing feels most assured of knowing just what to do when anything is sought to be done regarding that thing. I fall, perhaps, in that category. But ever since the Germans sent a merchant submarine to these shores with a cargo of merchandise and delivered it and returned safely with a cargo it occurred to me that that was the solution of the submarine menace as to transporting food and munitions. If we can build a submarine that can carry cargoes to England, France, and Italy, we will have solved the difficulty, so far as feeding their people are concerned and so far as the transportation of materials for explosives is concerned. It seems that scientific men have always looked for a remedy that is difficult and scientific rather than simple and effective.

Now, why not spend the money necessary to build these merchant submarines, and by such means carry anything and everything that the different belligerent nations are compelled to have? It is evident from the experience had during this war that submarines can not fight each other. It is evident that a submarine can cross the Atlantic with wheat in it as well as it can with torpedoes, guns, and men in it. Why it has not been done in crossing the English Channel I do not know. My lack of information on that point may account for my surprise that it has not been done; but the merchant submarine to me seems a possible remedy. We are going to spend $500,000,000 to build ships, and no suggestion has been made whereby any of them can be guaranteed against becoming victims of war submarines.

I was told a few days ago that the Germans were building 2,400-ton submarines. We see continually in the reports of submarine destruction of merchant ships that a certain number were above 1,600 tons, and a certain number were below 1,600 tons. Now, if we can build cargo-carrying submarines and carry in them wheat and provisions and materials for the manufacture of high explosives, such as cotton, and no war submarine can attack them successfully, why is that not a solution of the trouble of feeding our allies? [Applause.]

So, Mr. Chairman, has not Germany herself suggested the effective and practical means of evading and avoiding the menace of her own war submarines as a means of a successful food blockade of England, France, and Italy?

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. LEE of Georgia. Mr. Chairman, I ask the gentleman from Iowa [Mr. HAUGEN] to use some of his time.

Mr. HAUGEN. Mr. Chairman, in the 25 minutes reserved for myself I shall not undertake to discuss the bill in detail. The distinguished gentleman from Oklahoma [Mr. THOMPSON] in his able address took exception to my statement, and called on me for evidence to prove that the purpose of this bill is to reduce the price of farm products.

I called his attention to statements made by Mr. Hoover, who has already been selected as food administrator.

I also called his attention to editorials and reports purporting to quote Mr. Hoover and the President and the proponents of this bill, and promise to have read into the RECORD some of those reports. I regret to say that I have not in my files all of the numerous editorial comments and purported interviews with Mr. Hoover, and even if I did I should not feel justified in having all of them spread in the RECORD. I believe it is sufficient at this time to call his attention to the Washington Post of June 16, 1917:

President Wilson yesterday took drastic steps to force early passage of the administration food-control bill.

Believing that the high cost of living must be reduced at once, the President is understood on highest authority to have reached a determination that the following must take precedence over all other legislation now before Congress.

Creation of a central purchasing agency for all the allies in order to stop the competitive bidding for American foodstuffs and resultant price boosting.

* * * * * * *

It is the determination of the President to get action on the measure before July 1, so that Herbert Hoover, food administrator, will have law behind him in controlling food distribution, beginning with the southern wheat harvest late in July.

I also quote from the Washington Star of June 19:

Herbert C. Hoover to-day told Senators in explaining the purposes of the proposed food-control bill now before the Congress:

"With righteous manufacturers' and distributors' prices," he said, "the price of flour should not have been over $9 a barrel. Yet it averages $14."

Gentlemen, our allies are buying wheat, which is practically the only foodstuff they do buy.

This, I take it, will be satisfactory proof to the gentleman that the object of the food administrator, Mr. Hoover, is to bring the price of flour down to $9 a barrel, which would net the farmer about $1.50 per bushel for his wheat. The gentleman from New Jersey says that $9 flour will net the North Dakota farmer about $1.40 per bushel.

The price of wheat has been around $3 a bushel. I believe at one time it went up to more than $3.50. Now, if the gentleman can show the House how a barrel of flour can be made for $9 a barrel out of $3 a bushel wheat, it may then be possible for him to make his assertion good; but, unfortunately for him, it can not be done.

The best that he or anyone else can do is to make a barrel of flour out of 4½ bushels of wheat. The cost of the wheat alone would be $13.50, in addition to the cost of milling and distribution. Therefore, gentlemen, if any of you entertain the belief that this bill is, as alleged by the gentleman from Oklahoma and others, in the interests of the farmer or the consumer to any considerable extent, get that idea out of your system.

That is not the proposition. To the contrary, the producer, the farmer—principally the wheat grower and the sugar-beet grower—are the ones to be sacrificed or, as others have aptly phrased it, they are to be "made the goat."

True, the proposed bill contains many wise provisions. It contains provisions for which many of us have been contending for years, especially in the passage of House bill 4188, which passed the House about a month ago, and which has passed the Senate with provisions contended for here in the House. I refer to the legislation affecting food conspirators, evil gamblers, and manipulators of prices.

I need not say that we are delighted with the numerous recruits in our ranks and extend most hearty congratulations to the recent converts. Indeed, the country is to be congratulated

upon their change of heart and the loyalty displayed in this effort to curb the vicious practices of the evil gamblers and speculators. I only hope that there will be no backsliders before the bill is passed.

I trust the proper penalties against food conspirators—which, by the way, are not provided for in the bill—may be provided for by adding a new section after section 8. With that addition, as far as I am concerned, I believe that the bill as presented to the committee if enacted into law would be a long step forward in the accomplishment of the desired results.

In another place the distinguished gentleman from Oklahoma [Mr. THOMPSON] stated, in his able speech, that the farmers are exempted from the provisions of the bill, that the only section that affects the farmer is section 8, which refers to the willful destruction of any necessary.

Evidently the distinguished gentleman from Oklahoma has not read the bill. The gentleman is a lawyer, and without reflecting upon the ability of other lawyers I give him credit for being one of the best, if not the best, lawyer on the Committee of Agriculture. He has labored earnestly and persistently in the committee in the preparation of this bill, and many of the best features of the bill are largely due to his intellect, acumen, and wise suggestions. Had he read the bill he, of course, would not have made the statement he did. He is not to be blamed for his failure to read it, as scarcely anyone has had time to do so. As stated by the gentleman from Texas, he has not been able to keep up with the bill. True, some five or six bills have been considered by the committee, but as stated by the gentleman from Iowa [Mr. SCOTT] this bill has never been considered by the committee as a bill.

As the members of the committee know, we had a bill presented by the Department of Agriculture, practically a copy of the Canadian law, and that is what this bill is, except for a few amendments, and I regret to say, amendments which in my opinion do not strengthen the bill.

But be that as it may, if the gentleman will turn to page 8, section 9, he will find that the President is authorized to purchase, provide for production or manufacture of necessaries, to store, and so forth. The only exception is found on page 9, section 9, which reads:

Provided, That nothing in this section shall be construed to require any natural person to furnish to the Government any necessary held by him and reasonably required for consumption by himself and dependents for a reasonable time.

So any surplus of wheat of any natural person—the farmer—held by him in excess of what is reasonably required for consumption by himself and dependents for a reasonable time, may be taken over by the food administrator, at a price fixed by said administrator, and if the farmer or owner is not satisfied with the price fixed, he may hire an attorney, go into court, and possibly, sometime, he may get just compensation for his wheat.

I believe that is sufficient to convince the gentleman, and for his further enlightenment I commend the reading of the bill.

The contention is that the purpose of this bill is to reduce the prices on farm products, more particularly on wheat and sugar—at least that is the object indicated in the press reports and the statements by the chairman and the framers of the bill.

What is the situation? The world's normal production is about 15,000,000,000 bushels of cereals. The United States produces about one-third of that amount, or about 5,000,000,000 bushels. Last year the world produced only about 10,000,000,000 bushels, hence the world's supply was 5,000,000,000 bushels short, due to a partial failure of crops and thousands of farmers and farm hands in the trenches. They are fighting instead of farming.

Another cause of the high prices is the evil gambling and manipulation of prices. As a result of the high prices every bin has been swept clean, and an amount not to exceed 70,000,000 bushels of wheat will be carried over, as compared with 150,000,000 bushels the preceding year, and the larger reserve held in the country in that year. Short crops are reported in many sections of the world, and with the Canadian and United States supply of wheat about the only available supply, with other supplies cut off on account of the long distance which they have to be hauled, limited transportation facilities, and hazardous shipments, with the wheat crop in the United States and Canada reported short, the outlook is somewhat discouraging.

Cuba and the United States supply a great part of the sugar. The sugar crop of Cuba is estimated as 3,000,000 tons. The sugar-beet crop of the United States for this year is reported short, due to labor conditions.

Our Army, our Navy, our own people, and our allies must be supplied with food, to which all agree. Food must be exchanged for necessaries furnished us by neutral countries. Eight hundred million bushels of grain must be furnished our allies by Canada and the United States.

The contention is that under existing conditions prices may go sky high. Wheat may again go to $3.50 per bushel; sugar beets to $10 and $11 a ton. Some way must be found to keep prices down, especially on wheat and sugar. As before stated, it goes without saying that when the price of wheat goes down the price of practically every other cereal goes down with it. In order to accomplish the desired result it is proposed that our Government shall coordinate and cooperate with our allies in buying, or, in other words, form a pool or combination to buy, and to give the food dictator control over exports and imports and the power to requisition supplies, to fix prices, to take by force, and if the price fixed is unsatisfactory to the owner he may go into court and sue the United States. In that way it is believed that the prices of wheat and sugar may be lowered and kept down, and our fighting men and our allies can be supplied with the necessary wheat. Certainly no one will stand in the way of any honorable endeavor to supply those men who are fighting our battles and our allies with food or anything they may need so long as our own children, the future hope of our Nation, are not thereby robbed of their necessary requirements.

Still the question of discrimination may properly be raised. Is it fair to place the whole burden on the shoulders of the producer—primarily the farmer? Is it fair to combine in buying for the purpose of bringing down the price paid to the farmer—to the wheat grower, the corn grower, the sugar-beet grower—and thus deprive them of the just price regulated by the law of supply and demand? Such action is certainly a direct violation of our antitrust laws, and is contrary to the spirit of the American people and of progress.

United States Steel, according to reports, increased its net profits of $23,496,768 in 1915 to $271,531,750 in 1916.

According to Dr. Spillman, Chief of Office of Farm Management of the Department of Agriculture, the farmer receives on an average only $402 in food, fuel, rent, and cash for his year's labor, which includes the services of 4.6 persons.

Is there any doubt in the mind of anybody as to the results that will come from this bill? If so, let me say that "the sudden depression in the prices of wheat are due to the uncertainty which prevails regarding the probable terms of the food-control bill, which has a tendency to discourage operations," and I am now quoting from the New York Times of June 19:

The prices yesterday broke 10½ cents to 10⅝ cents at Chicago contract market, while cash prices in the winter wheat belt were 14 cents to 18 cents lower. In the Minneapolis spring wheat market they were down 16 cents and 20 cents.

And that notwithstanding the fact that the visible supply showed a decrease for the week of 3,682,000 bushels, and the total visible supply was 20,142,000 bushels, as compared with 51,223,000 bushels, at the same time last year.

Gentlemen, that is what happened the moment that Mr. Hoover, in his testimony before the Senate committee, suggested $9 a barrel flour If the mere suggestion of this price has that effect on the market, what will this bill do when enacted into law and put into operation?

I will tell you what it will do: If the price of flour is fixed at $9 a barrel, as is clearly indicated by Mr. Hoover and others it will bring the price of wheat down to not exceeding $1.50 a bushel.

Is it fair to say to the farmer who pays higher wages than ever, higher prices for seed, for farm implements, and everything that enters into the production of farm products, who takes chances, not only on the market, but with the elements as well, who, in fact, takes more chances and greater ones than men in any other line of business, and who has only averaged $402 a year as his net earnings, is it fair to say to him: "You must sell at prices fixed by the proposed combination, or by the food dictator, who believes that no one should make a gain in excess of a reasonable living profit out of this war," and allow the munition manufacturer, the steel manufacturer, the Oil Trust, the Lumber Trust, and numerous other trusts to fix their own prices and fatten on excess profits?

Why shall this Government lay its iron hand on the farmer, struggling along with an average net income of $402, out of which he has to house, feed, and clothe his family, while it says to the Steel Trust, the Standard Oil Trust, and numerous other trusts, pocketing their hundreds of millions of dollars profit annually: "You may go on marking up prices and fatten on war profits."

Evidently that was not the purpose of the administration, as the bill first prepared by the administration and introduced by Mr. LEVER included not only foods, feeds, and fuel, but shoes, clothing, and other necessaries of life, which if left in the bill would have given some protection to the consumer, but we observe that shoes, clothing, and other necessaries of life have now been stricken from the bill, and the meaning of the word "neces-

saries" as defined in the bill is limited to "foods, feeds, fuel, and articles required for their production, hereafter in this bill called necessaries."

Why this change of heart? Why at this late hour suggest or consent to the change? Why is the food producer thus singled out? I know not.

In raising this question I do not, of course, reflect on the motive of anyone concerned, certainly not of the President or of Mr. Hoover or of the committee. Therefore, whatever explanation is offered for the sudden change I accept it, not as ill designed, but made in the best of faith; hence the purpose of my discussion is not to criticize anybody, but to point out what seems to me unfair and unjust to the food producer.

True the bill provides for a guaranteed minimum price, which, of course, means nothing. In the first place, it does not apply to this year's crop, as prices must be fixed in advance of planting. If the bill is not passed in a few days wheat sowing will begin and prices can not, under the bill, be fixed for next year. Even if they are fixed, in all probability they will be fixed low and may result in depressing the prices to the minimum price fixed at the time of marketing the grain by the farmer. After the farmer disposes of it as he did of his 1916 crop at an average price of $1.30 per bushel, and when the speculator gets it in control and brings the price up through his methods of evil gambling and manipulation, it will become necessary for the food administrator, who exercises the power, to requisition the grain; and if he does that it will also be necessary for him to pay the then market price.

Mr. HARDY. Will the gentleman yield for three questions on section 9?

Mr. HAUGEN. I expected to talk an hour or two on this subject, but owing to the great demand for time my time has been cut down to 25 minutes.

Mr. HARDY. They are brief questions.

Mr. HAUGEN. I will yield.

Mr. HARDY. The first question is, Is the gentleman opposed to the purpose of the bill as set forth on the first page of it, paragraph 1?

Mr. HAUGEN. When the bill first came in it was a draft of the Canadian bill, but it has been amended and weakened. If I had my way about it—and my purpose will be to amend it, we have been criticized for not offering a substitute—I shall offer to amend it by including shoes, clothing, and other necessaries of life. I would go one step further, but if we can not do more than that, if we can not do more than was suggested by the department, I shall feel satisfied that we have accomplished something. The original bill included shoes, clothing, and other necessaries of life, but that has been stricken out. This bill now limits control to foods, feeds, and fuel and articles necessary for their production, but if the gentleman will read the statement of Mr. Hoover before the committee in the Senate he will find that it is not contemplated to take over the factories and mills that supply other articles necessary for their production.

Mr. HARDY. If the gentleman will yield for one more question I will not bother him again. Does the gentleman realize that paragraph 9 authorizing the Government to requisition foodstuffs is dependent solely and only on accomplishing the purpose in section 1; that paragraph 9 hangs on section 1 entirely?

Mr. HAUGEN. The purpose of section 9 is to authorize them to go into the farmer's bin and take the grain and fix a price when they are required?

Mr. HARDY. Only when it is necessary to prevent hoarding and speculation.

Mr. HAUGEN. But who is to determine whether or not there is hoarding or speculation? As the gentleman knows, the contention is that the bill is in the interest of the consumer, and that the consumer is to be benefited by the provision that authorizes the voluntary agreement and licensing of producers and manufacturers of foods, feeds, and fuel. The question, then, is, Where does the consumer, who has been led to believe that he is going to be benefited by this bill, come in? The contention is that foods are high, due largely to the evil manipulation of all prices and to the high prices on farm products, besides, of course, wages, transportation rates, rents, lights, fuel, quick delivery, and numerous other factors which enter into production, transportation, and distribution. Therefore the proposed food control has been suggested.

Who is to primarily determine whether the rates, charges, and practices of dealers are unjust, unreasonable, discriminatory, and unfair, and to order the discontinuance of such evil practices?

Mr. Hoover is the man chosen for this work—an engineer, a man of splendid ability in his chosen profession, but not an expert in food or the production of food. Even if he was such an expert, it would, of course, be a physical impossibility for him to give personal attention to the thousands of details in the operation of mines, factories, plants, and other establishments, which attention is necessary in order to determine whether or not the rates charged are unjust, unreasonable, discriminatory, or unfair. Hence, he must delegate that duty to others, supposedly competent to pass on all of the questions involved.

And who are they? If the plan already carried out by the Council of National Defense is to be adopted, as it probably will be (and I express no opinion as to what has been done), selections will be made from those men engaged in the particular line of business to be investigated—the very ones to be controlled and licensed. See the list of the advisory commission and subordinate committees to the Council of National Defense, published in the CONGRESSIONAL RECORD of June 8, pages 3592, 3593, 3594, 3595. You will find, for instance, Daniel Willard, President of the Baltimore & Ohio Railroad, is chairman of transportation and communication, and a large number of other railroad presidents associated with him. Elbert H. Gary, of the American Iron & Steel Institute, of New York City, is chairman of the committee on steel and steel products, with such men as Mr. Clarke, president of the Lackawanna Steel Co., and Mr. Schwab, of Bethlehem Steel fame, members of the same committee. Mr. J. A. Farrel, president of the United States Steel Co., is chairman of the subcommittee on steel distribution.

Mr. A. C. Bedford, president of the Standard Oil Co., is chairman of the cooperative committee on oil, and Mr. E. K. Doheny, president of the Mexican Petroleum Co., and other presidents of oil companies are associated with him.

F. S. Peabody, president of the Peabody Coal Co., Chicago, is chairman of the subcommittee on coal production; D. T. Warden, of the Standard Oil Co., and Crawford H. Ellis, vice president of the United Fruit Co.—sometimes known as the Banana Trust—are members of the committee on shipping; A. N. Thielaus, of the Studebaker Corporation, is on the subcommittee on Army vehicles; Frank A. Scott, of the Warner & Swasey Co., manufacturers of range finders, is chairman of the munitions standards board.

It is reported that one Mr. Julius H. Barnes, of Duluth, who, I understand, is one of the largest operators on the boards of trade and stock exchanges in this country, and other heavy operators on boards of trade and exchanges have been tentatively agreed upon as advisors of Mr. Hoover in determining the shipment and price of grain. Granting that they are all most excellent men, yet they are only human, and naturally these presidents and others interested in the large industries and trusts which it is sought to control are not likely to hold that the prices charged by or the practices of their own industries are wrong or unjust, or that they shall be taken over and operated by the Government; and if such industries are taken over by the Government, and these men are to advise relative to their control and operation, they certainly will not advise any action that is injurious to their own business or that will cut down the profits to the stockholders, even though such action were of benefit to the consumer. On the contrary, it is fair to assume that they will be inclined to advise such action as will favor the interests of their own institutions and associates.

The gentleman who whispers combines and controls the price fixing, and who does an illegal business and extorts exorbitant prices, is not likely to be reached, certainly not unless the bill is amended, and there are those who are guilty of these practices, as, for instance, I have a letter addressed to me from one Mr. Hoover, formerly a resident of my district, in which he states that a short time ago, when potatoes were being sold by the grocers of a certain Iowa town at $3.85 a bushel, the farmers of Arlington, in Fayette County, and of Edgewood, in Clayton County, were hauling potatoes to market and selling them at $2 per bushel. Mr. Hoover adds:

> Two weeks ago I bought early seed potatoes at Edgewood at $2.70 a bushel, when the same potatoes were selling in ——— at $4 a bushel.

I have omitted the town where these high prices were charged; it is sufficient to say that it is only about 50 miles from the other towns mentioned in my district, and transportation charges would not be more than from 5 to 10 cents per bushel. According to Mr. Hoover's letter, the farmer at that time received $2 for his potatoes, the transportation company and the distributor $1.85, and the consumer paid $3.85 and $4 per bushel for the same potatoes, which clearly indicates something wrong somewhere—a wrong which in all probability can not be corrected under this bill unless it is amended.

If so, the consumer will be just where he is now—in the hands of the very men from whom he seeks to escape. Hence the encouragement held out to the consumer in this bill may prove of no more value than the broken party pledges and promises

made in the past, and prices may continue, as they have done, to go up and not down.

Even taking for granted that combination buying and requisition of goods will lower the price of wheat, the price of wheat is only a small part of the high cost of living. Besides, the consumer, especially the city consumer, buys neither wheat nor flour. He buys the finished product in the shape of bread from the baker.

Under this bill the food dictator will fix the price of wheat to the farmer and the baker will fix the price of bread to the consumer, and in all probability will continue to fix the price in the same proportion as at present, which is 6 cents for an 8-ounce loaf of bread. A barrel of flour weighing 196 pounds makes 587 8-ounce loaves of bread, which allows for evaporation in baking. Therefore, as a result of this bill, the farmer will probably be paid, say, $1.50 a bushel, or $6.75 for the wheat that enters into the manufacture of a barrel of flour, and Mr. Consumer will continue to pay the baker $35.22 for the same quantity of flour made into bread, and which he now pays for bread made out of adulterated or mixed flour.

Of course, the consumer would welcome any reduction in the present high cost of flour; but bear in mind, as I have said before, that flour, the principal object aimed at, is but a small part of what the consumer has to buy. In addition to buying flour, he pays rent, transportation, street car fare, lights; he buys clothing and shoes; if he builds a home he buys lumber, hardware, sash and doors, paint, cement, brick, and numerous other things. Will he be satisfied simply with $9 flour if flour should be reduced to that price? If he is entitled to a reduction in the high cost of flour is he not entitled to a reduction in the price of shoes, clothing, and the numerous other articles which enter into the cost of living? I bought a pair of shoes about a year ago of a leading shoe dealer in this city, for which I paid $6. This year the same dealer tells me that I can buy the same shoes at $12.

In all probability the proposed 15 per cent increase in transportation will be granted the railroads. If so, it will add another $450,000,000 to the burden of the producer and the consumer.

On an average, about one barrel of flour per capita is consumed each year. Suppose this bill does reduce the price of flour to $9 per barrel. Will the consumer then be satisfied to pay the proposed 15 per cent increase in transportation, the proposed increase in rent, in building material, the 100 per cent increase in the price of shoes, and so on all along the line? The increase in the price of shoes alone will more than absorb the reduction in the price of flour.

The 15 per cent increase in the transportation rate would be equal to about $4 a barrel on the flour consumed in the United States.

But some one will say it is proposed to pass other bills giving the President control over other industries, especially the transportation companies. Yes; more than 4,900 bills of various kinds have been introduced. The number of this bill is 4961. More than 4,900 bills will not be reached in this session, and no one has suggested controlling or regulating the Steel Trust, the Standard Oil Trust, the Lumber Trust, and numerous other trusts and industries affecting the high cost of living.

How about transportation?

An order to increase transportation rates 15 per cent is under consideration by the Interstate Commerce Commission, and judging by what the commission did not long ago, after an exhaustive investigation, and after declaring that eastern railroads were not entitled to the 5 per cent increase asked for, the commission reopened the case and ordered the 5 per cent increase, it is fair to assume that the 15 per cent increase asked for will also be granted, notwithstanding their own reports show that the net earnings of the railroads are higher than ever; and there will be no reduction in the high cost of living so far as transportation goes, but in all probability $450,000,000 will be added to the burdens of the producer and the consumer.

How about the bill affecting transportation rates, which recently passed in the Senate?

We find that to be quite a different bill. In the bill as originally drawn it is proposed to regulate and control common carriers. Is it with a view to reducing transportation rates? No. Simply to forbid the obstruction or retardation of the orderly movement of trains in interstate transportation and to give the President power to direct that certain shipments shall have preference or priority in transportation.

Nothing harmful to the railroads in that. On the contrary, beneficial, as it simply prevents strikes or interference with their business, except so far as it gives preference or priority to certain shipments. It simply gives notice to the railroad employees that if they strike they must keep off the track; hands off; that is all.

In addition it provides for the fixing of reasonable rates by the Interstate Commerce Commission, for the rates for the transportation of troops, which in all probability means an increase in rate. The railroads are also protected by giving the Interstate Commerce Commission power to determine the extent of any injury or damage caused by any preferential order which may be given by the President.

With all the safeguards thrown around the railroads, with the generous treatment the railroads have received at the hands of the commission in the past, there can be no possibility that the railroads will suffer from the proposed legislation. Certainly not with Daniel Willard, president of the Baltimore & Ohio Railroad, acting as the chairman of the committee on transportation of the advisory committee of the Council of National Defense and the long list of railroad presidents and railroad magnates acting with him on the advisory committee. With these men sitting around the table directing and keeping down strikes, the interests of the railroads will undoubtedly be well looked after.

Mr. LEVER. Mr. Chairman, will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. LEVER. The gentleman's argument is that in attempting to regulate the price of flour we are going to hurt the farmer.

Mr. HAUGEN. Yes; there is no question about that.

Mr. LEVER. The gentleman's argument, further, is that in attempting to regulate the price of shoes we are going to help the farmer.

Mr. HAUGEN. I am talking about consumers. We all profess to have just as much love for the consumer as for the farmer. I believe I am justified in saying that I have as much sympathy with the consumer—the wage earner—as I have with the producer—the farmer. At the age of 9 years I received my first month's wages of $9 a month, and many a day have I worked for less than a dollar a day—not an eight-hour day, either, but from sunup to sundown, and then some; and to that I never objected, as work has always been a pleasure to me; so I believe I am safe in assuming that I know both the cost and the value of a dollar. The consumer is entitled to courtesy and consideration, not only before election but in legislation as well.

Mr. LEVER. The shoes are made out of leather, and the leather is made out of hides, and the farmer raises the cattle that produce the hides; and I am wondering if the gentleman can reconcile his own inconsistency.

Mr. HAUGEN. Certainly I can reconcile it. There is nothing smart about that. [Laughter.]

Mr. LEVER. If you reconcile it, the gentleman will be smart.

Mr. HAUGEN. The answer is that the packer sells the hide—not the farmer. The packer not only sells the hide but controls the price. According to investigations made at the time of the Garfield investigation, some 15 years ago, the packer sells the hide to a suborganization made up of stockholders in control of the organization at a very low price, then about 4 cents a pound, and the suborganization sells and dictates the price to the tanner—at the time of that investigation, about 14 cents—or, in other words, 10 cents a pound was added to the price on which the price of the steer was based, hence the price of the steer to the farmer is fixed according to the price at which the hide is sold to the suborganization.

Possibly there is good reason for the increase in the price of shoes. I am not questioning that; but what I am complaining about is singling out the farmer. Why should he be made the goat? If food control is a good thing for the consumer, why not a shoe control? I know not what the reduction in the price of shoes would be or what the injustice is, but I do know that this bill is unjust to the farmer. I know that the proposition here is to regulate him. I know that the proposition is to reduce the price of his products. I know that the proposition is to reduce the price of wheat and sugar, which means $1.40 for wheat and that it is now nearly $3. I believe the gentleman from New Jersey [Mr. HUTCHINSON] stated a moment ago it was three dollars and thirteen and a half cents. I know that the proposition is to reduce it so that a barrel of flour can be made for $9, and the distinguished gentleman from New Jersey [Mr. HUTCHINSON] says that that means $1.40 net to the farmer of North Dakota. The farmer had to purchase his seed, and he paid from $2.50 to $3 per bushel for it, or if he had the seed on hand it was worth that price. He has to pay nearly twice the wages he paid before. It is reported in some instances that he is paying $60 a month. I am told that they are

paying $220 for a harvester. I have sold many of them for half of that amount. It is reported that he is paying $120 for a wagon, and I have sold many of them for $50 and less. He is paying double the price that he has paid in the past for his labor and for his implements. If you will read the testimony of Mr. Hoover before the committee of the Senate you will find that it is not the purpose of this bill to take over the manufacture of implements.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAUGEN. Mr. Chairman, I will ask the gentleman to yield me a few minutes so that I can say something about Mr. Hoover.

Mr. LEVER. I yield the gentleman five minutes more.

Mr. HAUGEN. Mr. Chairman, much has been said in the press and by Members of the other body about Mr. Hoover, the "food dictator" to be, who, it is claimed, left the United States years ago to seek his fortune in other countries, and who has recently returned to America, at the request of the President, to take over the task of dictating to the American people how and where to conduct their business, when and how to buy and sell, what wages and prices the farmer shall receive for his labor and products, and the return from his investment and life earnings; to tell the farmer's wife how much bread she may set before her children, the quantity of flour she may use—in short, to be given more power than was ever before granted to any mortal human being in the world. It is asserted that he is to be given power not only over our domestic affairs, but over our exports as well. He is to be given the power to use $150,000,000 as capital as he sees fit, to use the Government credit and the assets of our Federal reserve banks belonging to its member banks, to buy, produce, and sell grain, food, feeds, and fuel; thus giving him the power to buy and ship abroad every bushel of grain produced, at his own price. If the price fixed by him is not satisfactory to the producer, said producer may employ an attorney, go into court, and have his claim adjudicated, thus not only necessitating large expense and delay but also depriving our own people of our own grain. In other words, power is to be given Mr. Hoover to feed the people in foreign lands with American products, while our own may starve in a land of plenty. In short, these are a few of the powers alleged to be granted by this bill. These are far-fetched assertions, but undoubtedly, by implication, all of the aforementioned things may be done.

If I believed that all of the powers granted by implication in this bill would be exercised, I, of course, would not vote for the bill.

I know nothing about Mr. Hoover or his whereabouts in the past except what I have read in the press about him, and what I have learned from having met him and listened to his exposition of his plans a number of times. With my limited knowledge of him I have confidence in him. I believe that he is a man of ability, judgment, and experience; and that—if we are to have a food dictator—he is the man for the place.

Now, what is the situation? We are at war. War can not be fought *without* imposing additional burdens, and sacrifices must necessarily be made. To that no one objects. Certainly not the farmer. Not one of the farmers' representatives who have testified before the committee has objected to the bill, except, as I have stated, those who have objected to singling out the farmer and making him "the goat." In that respect I trust the bill can be amended. If so, it will afford protection not only to the farmer but additional benefits will be conferred on the consumer.

But whether or not this is done, as has been stated, this war is no pink-tea affair. This is no time for hesitation. This is a time for action and not for disputes; and if the President and those associated with him who have been charged with the responsibility of prosecuting the war deem this legislation necessary, and in view of the most urgent and persistent appeals made to Congress by the President for its passage, the apparent discriminations will necessarily have to be endured unless the bill can be amended and improved upon.

I trust that the bill may be amended, as before stated, by inserting a new section after section 8 to penalize the food conspirator, so as to be more just to the consumer and producer. I trust at least that it will be amended so that it can not be said that this House singled out a certain class, and the last class that ought to be selected. Read your campaign speeches, read the speeches printed in the RECORD, and compare them with your vote here to-day, or whenever that vote shall be cast. Some explanations will be necessary unless this bill is amended. I thank the committee. [Applause.]

The CHAIRMAN. All time has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That, by reason of the existence of a state of war, it is essential to the national security and defense, for the successful prosecution of the war, and for the support and maintenance of the Army and Navy, to assure an adequate supply and equitable distribution, and to facilitate the movement of foods, feeds, fuel, and articles required for their production, hereafter in this act called necessaries; to prevent, locally or generally, scarcity, monopolization, hoarding, injurious speculation, manipulations, and private controls, affecting such supply, distribution, and movement; and to establish and maintain governmental control of such necessaries during the war. For such purposes the instrumentalities, means, methods, powers, authorities, duties, obligations, and prohibitions hereinafter set forth are created, established, conferred, and prescribed.

Mr. HAUGEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HAUGEN: Page 1, line 8, after the word "production," add the words "including shoes, clothing, and implements used in their production."

Mr. LEVER. Mr. Chairman, I make the point of order that the amendment is not germane to this section of the bill.

The CHAIRMAN. The gentleman from South Carolina makes the point of order that the amendment is not germane to this section of the bill. Does the gentleman from Iowa desire to be heard?

Mr. HAUGEN. I do not think it is necessary to discuss the point of order. It seems to me the amendment is germane to the subject matter of the bill. It is a limitation. It simply defines factors that are to be regulated later on in the bill. It adds shoes and clothing and brings them into the definition of necessaries. It limits the implements used in the manufacture of said necessaries. The bill reads, "other articles necessary for their production." I think there can be no doubt about its being germane. The bill also provides for the support and maintenance of the Army and Navy. Certainly shoes and clothing are essential to the support and maintenance of the Army and Navy. Hence it can not be held that the amendment is not germane to the subject matter of the bill.

Mr. STAFFORD. Mr. Chairman, I do not see wherein the point of order can be raised against this amendment on the ground that it is not germane. We certainly have the authority to include all kinds of articles over which the Government shall have supervision. This bill is not limited to any one article over which the Government will have supervision. It specifies three distinctly—foods, feeds, and fuel.

When a bill is of that generic type, where it mentions more than one class, it is in order to add other classes. If this related exclusively to food then the gentleman might bring into play the rule that bills relating to one subject matter can not be amended by the addition of another because it relates solely to one single subject matter. But here is a bill on its face relating to three different characters of subjects—foods, feeds, and fuel. It is within the province of the committee to include as many as it sees fit. It is not for the Chair to pass upon the expediency of them. That is for the committee to determine.

So I can not see wherein the point of order, that it is not germane, will hold.

Mr. LEVER. Mr. Chairman——

The CHAIRMAN. The gentleman from South Carolina is recognized. But the Chair would prefer to hear first from the other side, he will say to the gentleman.

Mr. CANNON. Mr. Chairman, I would be glad if the gentleman from South Carolina had stated something to sustain his point of order—some rule.

Mr. LEVER. I think the rule is so clear that it hardly needs to be stated.

Mr. CANNON. What is the rule? I am not familiar with it.

Mr. LEVER. The rule is that you can not amend a proposition included in this bill by adding to it other propositions, and I was about to argue to the Chair——

Mr. CANNON. Where is that rule? I would like to have it read. When was it adopted?

Mr. LEVER. I read:

And no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

I read further:

One individual proposition may not be amended by another individual proposition, even though the two belong to the same class.

Mr. CANNON. That is one.

Mr. LEVER. And there is precedent after precedent along that line.

Mr. CANNON. I think I am familiar with the rules governing germane amendments. The gentleman says "one." But there are two. Aye, there are three; there are four; and the moment that you get two, then the rulings are uniformly that a third can be added.

Mr. LEVER. The gentleman's argument would lead to this conclusion, I take it, inevitably, that in order to provide for the national security and defense we might repeal the conscription act, we might designate where our ships shall go, we might pass a bill to provide for a public building in the city of Springfield, or we might provide practically anything that we desire.

Now this bill is built upon the theory of providing for the national security and defense by doing a certain kind of thing. My contention is that when you have done that it is not germane to introduce into that kind of machinery additional kinds of machinery under the rules of the House.

Mr. CANNON. Now, Mr. Chairman, it is hardly plausible. I recollect very well this example that is given in the Digest. The rulings were uniform through all the decades. For instance, if a bill provided for the admission of one Territory it was not amendable, but if it provided for the admission of two Territories to Statehood, it is amendable. So they run through the precedents.

Now let us analyze this provision for a minute. Let me read it. The language is:

To assure an adequate supply and equitable distribution, and to facilitate the movement—

Of what?—

of foods, feeds, fuel, and articles required for their production.

This is to facilitate the production and the distribution of foods, feeds, fuel, and articles required for their production. Well, great Heavens! Would not another class of food be germane?

So far as the rules are concerned, is it not germane to include anything that would enter into production? It seems to me too plain for argument. I do not understand that there is any rule which prevents it. Ah, but the gentleman may say, "We do not want to have this bill cover anything except what is specified." Well, when you come to food, I will ask my friend, if he wants to argue about it, how about cotton? Why, it is the boast of the gentleman's constituency that while cotton is used for munitions, its greater use is for clothing, and the next greater use of it after clothing is for food. Will the Chair take it upon himself to overturn the uniform rulings, so far as I recollect, of the previous Chairman? Will the Chair say, "I will hold this out of order"? Whenever it has been doubtful as to whether an amendment was germane the Chair has uniformly held, so far as I recollect, that it is up to the House to determine, and he has been careful about ruling out amendments on the ground that they were not germane, thereby taking from the House the power to determine the question upon the merits. Suppose that the amendment be sustained and that the gentleman from Iowa inserts the word "cotton"? Everybody knows that fertilizer comes from cotton seed. Everybody knows that cottonseed oil is almost universally used in the production of lard and butter substitutes, and that in and of itself, with or without being mixed with other articles, it is a food. Well, now, as the gentleman has moved to insert the words "shoes and clothing," could we insert the word "cattle"? Why, cattle furnish the hides from which the shoes are made, and they furnish the meat that sustains human animal life. I do not know that I can make it any plainer from my standpoint.

Mr. STEAGALL. Mr. Chairman, may I be heard just a moment?

The CHAIRMAN. On which side?

Mr. STEAGALL. Against the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. STEAGALL. I am not experienced in the construction of the rule upon which the point of order is predicated, but it seems to me on the question of the germaneness of the amendment the only controversy that could arise would be whether or not shoes and clothing are already included in the language of this section of the statute. It enumerates not merely three things, "foods, feeds, and fuel," as suggested by the learned and beloved gentleman from Illinois [Mr. CANNON]. This is the language:

And for the support and maintenance of the Army and Navy, to assure an adequate supply and equitable distribution, and to facilitate the movement of foods, feeds, fuel, and articles required for their production.

It seems to me the only question remaining is whether or not clothing and shoes are such articles as are required for the use of those engaged in the production of foods, feeds, and fuel. Unless the people who are to grow the food and feed and produce the fuel are to work naked, it seems to me a provision dealing with the question of clothing and shoes is certainly germane, because the statute reads—

foods, feeds, fuel, and articles required for their production—

That is for the production of foods, feeds, and fuel. So that it seems to me upon a strict construction of the language of this section, clothing and shoes would be embraced under the present provisions of the statute. But whether they are so intended under this clause—

and articles required for their production—

Or not, certain it is that such a provision must be germane to this latter clause. The section embraces not only "foods, feeds, and fuel, but articles required for their production." So it seems to me the only question open to controversy is not whether the amendment is germane or not, but whether it is embraced within the provisions of this section as now written.

Mr. LEVER. Would the gentleman add barlow knives to this. No farm boy ever worked efficiently unless he had a barlow knife.

Mr. STEAGALL. I should think that agricultural implements of every essential sort would be germane to a provision—

To assure an adequate supply and equitable distribution, and to facilitate the movement of foods, feeds, fuel, and articles required for their production.

I will ask the gentleman from South Carolina what articles are embraced in this clause, articles required for the production of food, feed, and fuel, if clothing and shoes are not embraced by that provision, or at least germane to it?

Mr. LEVER. Does the gentleman think that shoes are absolutely necessary for the production of food and feed?

Mr. STEAGALL. I will say to my friend that there is a section where God has so favored the people in climate that they can engage in labor of this sort without shoes or clothing, though I am sure the gentleman would not have them work that way. But taking the country as a whole, I should think we would agree that clothing and shoes are such articles as are required by those engaged in the production of foods, feeds, and fuel.

In States where there are statutes making provision for liens in favor of the landlord upon the crops of the tenant for money advances or for supplies necessary to make a crop the courts hold that food and clothing for the tenant or his family are within the provisions of the statute. That is just the point I am attempting to set forth here, that shoes and clothing are such articles as are required by those who produce foods, feeds, and fuel.

The CHAIRMAN. To whom does the gentleman from Alabama yield?

Mr. STEAGALL. I will yield first to my friend the gentleman from Tennessee [Mr. HOUSTON].

Mr. HOUSTON. I was going to ask my friend from Alabama if he does not think that the words which follow the words—

and articles required for their production—

That is, the words—

hereafter in this act called necessaries—

So limit and qualify the articles referred to that unless they fall in that category they would not be included.

Mr. STEAGALL. I think the words—

hereafter in this act called necessaries—

Refer to foods, feeds, and fuel, but not simply those three alone, but to—

foods, feeds, fuel, and articles required for their production.

Mr. HOUSTON. Do not the words—

hereafter in this act called necessaries—

Modify and define what they are?

Mr. STEAGALL. "Necessaries" is the word employed throughout the bill to cover "foods, feeds, fuel, and articles required for their production." The word "necessaries" means anything and everything embraced in the four clauses.

Mr. GREEN of Iowa. I agree in general with the argument of the gentleman that clothing and shoes are included in the words—

and articles required for their production—

But does the gentleman think that, conceding that, it does not follow that the point of order should be sustained, for that would simply say that the words may possibly be superfluous, but not make the amendment subject to the point of order.

Mr. STEAGALL. It could not be said that a provision intended to make a section more specific would not be germane because it was already embraced. That would be merely a matter of English. To mention the articles particularly would only make the section more definite.

Mr. GREEN of Iowa. I do not think the gentleman heard me. That was exactly the point I was making. I say I think they would not be subject to the point of order.

Mr. STEAGALL. I misunderstood the gentleman. I am glad he agrees with me.

Mr. ANDERSON. Mr. Chairman, it is true that this section does deal with more than one subject matter. It deals with the regulation and control of foods, feeds, and fuel.

The question that is before the Chair, however, is the question whether the amendment proposed by the gentleman from Iowa introduces a new subject matter, a subject matter so unrelated to the subject matter of the bill as not to be germane. The bill relates to foods, fuel, and feeds. The amendment offered by the gentleman from Iowa relates to shoes and clothing. What are articles of clothing? Can it be said, for instance, that a proposition to regulate and to control the price and distribution of neckties and socks is so related to a proposition to regulate the control and distribution of foods, feeds, and fuel as to be germane to that proposition? It seems to me clearly that the amendment of the gentleman from Iowa obviously injects into this bill and makes subject to the regulation of this bill the subject matter totally different from that which is dealt with in the bill itself.

Mr. CANNON. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. CANNON. The gentleman has stated that this might include neckties and socks, and further, that would include, perhaps, a hundred articles; I do not know. But if this is not in order, would it be in order to include shovels and picks and powder, that is used in mining coal? Would that be germane?

Mr. ANDERSON. Each proposed subject matter would have to be dealt with standing on its own feet. The gentleman does not want me to argue a question not before the Chair?

Mr. CANNON. But it would be on all fours with this amendment when it got before the Chair. The gentleman might argue that in mining the coal a man might mine it with his long fingernails and without clothes. He might argue that if you insert the word "cotton," which is a food product, although cotton is mostly used for clothing—acquainted as I am with the gentleman, with his fair mind, I do not believe he could hardly be in earnest in contending that this amendment is not germane.

Mr. ANDERSON. I do not think there is any question about this proposition. The precedents lay down this rule: That while the committee may report a bill embracing different subjects, it is not in order in the consideration in the House to introduce a new subject by the way of amendment. The point I am trying to make is that the amendment offered by the gentleman from Iowa introduces into this bill an entirely new subject matter, a subject matter not dealt with in the bill at all, and because it is a new subject matter, not related to the subject matter of the bill, it is not therefore germane to the bill.

Mr. HAUGEN. Let me suggest that the bill provides for articles necessary. Does the gentleman know that shoes and clothing are necessary to the farmer?

Mr. ANDERSON. If they are, then the gentleman's amendment is entirely superfluous, because they are included in the bill now. If not, the amendment introduces an entirely new subject matter.

Mr. CANNON. If the gentleman will allow me, the gentleman says if they are included, and he does not deny that they are, then the amendment is unnecessary. Does the gentleman seek to deny the Chair the right to determine the question of fact by sustaining the point of order when he says they are already provided for?

Mr. ANDERSON. No; I do not say they are provided for. I am very confident that they are not included by the terms of the bill as it now stands.

Mr. HAUGEN. Does the gentleman contend that implements are not included?

Mr. ANDERSON. Farm implements, no; I think they are included.

Mr. LENROOT. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. LENROOT. Does the gentleman contend that the construction of the phrase "articles necessary to their production" would be limited to such articles as are specially designed and fitted for that purpose?

Mr. ANDERSON. Unquestionably so.

Mr. TOWNER. Mr. Chairman, I would like to call the attention of the Chair to what I presume he already knows, but always it is the application of old rules to new ideas. In the very good summary of decisions stated in the Rules and Digest, pages 344 and 345, we have the distinction clearly made with regard to this class of subjects. First, on page 344 the proposition is laid down and is sustained by the precedents, that one individual proposition may not be amended by another individual proposition even though the two belong to the same class.

Now, illustrating that, the first illustration given is a very easy one to understand:

To a bill proposing the admission of one Territory into the Union an amendment for the admission of another Territory is not germane.

Other illustrations are given. The second proposition is found on page 343 and is as follows:

A specific subject may not be amended by a provision general in nature, even when of the class of the specific subject.

And then an illustration is given that to a bill for the admission of one Territory into the Union an amendment providing for the admission of several other Territories into the Union is not germane, and then follows a third, to which I call the Chair's attention:

A general subject may be amended by specific propositions of the same class.

And then the illustration is given of the same character as the two preceding classes, that to a bill admitting several Territories into the Union an amendment providing for the admission of another Territory is germane.

The CHAIRMAN. The Chair is familiar with the rule that where a bill admitting several Territories into the Union is being considered, an amendment adding another Territory is germane. That is true. But is not the condition intended to be added to the original proposition that the amendment is identical in substance not only in class but in subject?

Mr. TOWNER. It was in that case; but there are a great many cases where it is not. The proposition is that it must be only of the same general character. Let me call the Chair's attention to this fact.

The gentleman from Minnesota [Mr. ANDERSON] said to the Chair that this was not of the same general character, and enumerated fuel, feeds, and food as the three things that were of the same general character. I desire to call the attention of the Chair to the fact that those were only enumerated as of the same general character for the purpose of securing the national defense, for the purpose of the successful prosecution of the war, for the support and maintenance of the Army and the Navy, and to secure an adequate supply and equitable distribution and to facilitate the movement of foods, feeds, and fuel, and articles required for their production. These things are specifically enumerated as of a class. It can not be said that food and fuel belong to the same class except that they belong to the same class for the purpose of sustaining our armies in the field or prosecuting the war. If it can be held that the production of clothing and shoes is of the same general character then certainly they are within the rule.

Mr. LEVER. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. LEVER. In line with the gentleman's argument, would he think it in order to raise a regiment of volunteer soldiers and send them to the front?

Mr. TOWNER. I think not; no.

Mr. LEVER. I do not get the gentleman's distinction then.

Mr. TOWNER. It is not only in that same general class that has been specified as the object and purpose for which these things are enumerated, but it occurs to me that clothing and shoes are in the same general class as fuel, food, and feeds, for the reason that they are all for the purpose of sustaining the Army in the field, for the reason that they are of the same general class and purpose in carrying on the war, for the reason that they are of the same class and purpose to directly sustain and support our armies in the field.

Mr. BARKLEY. Would the gentleman think that an amendment providing for the addition of automobile trucks, which may be necessary in transporting food to the Army and Navy, would be germane on this provision?

Mr. TOWNER. I do not know whether it would or not. That is a question for the Chair to determine.

Mr. BARKLEY. In accordance with the gentleman's argument that would be just as germane as clothing or shoes, because they may be needed by the Army.

Mr. TOWNER. I think the gentleman may perhaps suggest a great many things so remote that no chairman would hold that they were within the rule, but what I am contending for is that this is so intimately related, so much of the same general class, that it ought to be included.

Mr. SABATH. Mr. Chairman, in answer to the gentleman, take the provision of the bill providing for facilitating the movement of food, fuel, and feeds. Would it not be in order to provide for more trucks to aid and assist the Army?

Mr. TOWNER. It might very well be, but however that may be, you may always apparently suggest things that are so remote in a class of this kind that they would not be considered; but what I am arguing to the Chair is that these things are so intimately related that you could not hold they are not of the

same general class. The words "general class" and "general character" do not mean that it is specifically limited to the things themselves. It means that they are of the same general purpose, for the same general use, adapted to the same general object; and if that be true, then they are within the rule. I think it has never been held that anything so intimately related as these matters are is not germane.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. MADDEN. Do not the rules provide that where an article is suggested in general terms it is in order to introduce a specific amendment?

Mr. TOWNER. Oh, yes. That has been definitely held many times.

Mr. MADDEN. Would not the gentleman consider "and articles required for their production" as a general statement?

Mr. TOWNER. I think it would comé under that; yes.

Mr. MADDEN. If that be true, then to add the words "shoes and clothing" would be in order under the rules of the House, would it not?

Mr. TOWNER. I think so.

Mr. COOPER of Wisconsin. Mr. Chairman, in my judgment the Chair must sustain this point of order for reasons apparent on a careful reading of the bill. Lines 7 and 8, page 1, of the bill show that its purpose—its only purpose—is to "assure an adequate supply and equitable distribution and to facilitate the movement of" foods, feeds, and "fuel and articles required for their production." This is the only object of the bill—to provide for the production, conservation, and distribution of those specifically mentioned necessaries, foods, feeds, and fuel, and of the articles required for their production. What are foods? Foods are substances eaten by human beings to sustain life. What are feeds? Feeds are substances eaten by animals to sustain life. Fuel is a substance burned either for the purpose of cooking or for the protection of human beings, and sometimes animals, from cold. In other words, and if we wish to be technical about this, the three substances, foods, feeds, fuel, are substances to be consumed, two by mastication and the other by combustion. The bill relates in express terms, specifically and only, to those three substances and to the articles and machinery required for their respective production.

But the amendment proposed by the gentleman from Iowa includes clothing and shoes, substances to be neither eaten nor to be consumed by fire, and the articles and the machinery for the production of which are of a character entirely different from those required to produce foods, feeds, or fuel. For example, woolen clothing, for its production, requires woolen machinery; and, of course, it was not at all contemplated by this bill that the price of that sort of machinery should be regulated by the man who is to have charge of the Nation's foods, feeds, and fuel. They are entirely different things, have entirely different uses, and require entirely different articles for their production.

It seems to me, therefore, that there can be no question that the amendment is not germane.

Mr. REAVIS. Will the gentleman yield to me, then?

Mr. COOPER of Wisconsin. I will.

Mr. REAVIS. Are clothing and shoes essential for the production of food or necessary for the comfort of anyone who raises the food?

Mr. COOPER of Wisconsin. The amendment of the gentleman from Iowa includes shoes and clothing and the machinery to make them, but it can not be——

Mr. REAVIS. The gentleman does not understand my question.

Mr. COOPER of Wisconsin. Can not be construed as germane to the bill.

Mr. REAVIS. Shoes and clothing are no more required for the production of food than for the production of firecrackers, are they?

Mr. COOPER of Wisconsin. I do not understand that shoes are absolutely required for the production of cotton, because from the time it is planted until it is harvested 90 per cent of the people who cultivate it do not have shoes on their feet.

Mr. HAUGEN. The gentleman will admit we do not grow wheat in the North without shoes or clothing. That may be so in the South where they grow cotton.

Mr. STAFFORD. Mr. Chairman, I merely wish to amplify what I said in the beginning largely by way of reply to the citation made by the gentleman from Minnesota [Mr. ANDERSON]. Referring to the paragraph of Hinds' Precedents, section 5825, which is the basis for the summary in the rules, the Chair will find that that amendment related to the manner of the appointment of the Public Printer as an amendment to the general deficiency bill. There was nothing in that general deficiency bill that related to the office of the Public Printer, and of course the Chair rightly ruled in that decision that it was not in order.

I wish to call the attention of the Chair to this fact: We have here a bill that seeks to grant authority over the supply, the distribution, and the movement of foods, feeds, and fuel. No one would hold that it would not be in order to insert the word "cotton" as an amendment, or the word "wool" as an amendment, or the word "leather" as an amendment after those three designated generic articles, because this bill relates to more than one subject of control. It is not limited only to food, it is not limited to fuel.

This committee, if it sees fit, might offer an amendment extending jurisdiction of this bill to ores; it can extend jurisdiction over anything which related to the maintenance of the Army and the Navy or which are essential for the national security and defense. Now, by way of confirmation, I desire to call the attention of the Chair to the parliamentary decisions because they have been referred to in discussion here by the gentleman from Illinois [Mr. CANNON], who is well versed with the decisions on germaneness. Under general parliamentary law, any amendment would be in order, and under the rules the only limitation that will exclude an amendment is that found in the clause of subsection 7 of Rule XVI:

And no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment—

The Chair should not confuse in making his decision the fact that when a bill only relates to one subject matter you can not introduce another subject of the same general kind, nor should the Chair confuse in making his decision the fact that when a bill is introduced relating to a specific subject it is not germane to introduce an amendment providing for a general subject to which that specific subject is related. I call the attention of the Chair to paragraph "c" in the Manual, in which these references are made—

to a bill providing for the construction of buildings in each of two cities an amendment providing for similar buildings in several other cities—

Citing volume 5, 5840—

to a resolution embodying two distinct phases of international relationship, an amendment embodying a third.

Citing volume 5 of the Precedents, 5839. I have here citations just referred to, and I want to call the attention of the Chair to the language of the then occupant of the chair in overruling the point of order. That was a case where there was a bill admitting the Territories of Oklahoma, Arizona, and New Mexico, and an amendment was offered to provide for the admission of the Indian Territory, and this is what the Chairman, Mr. James A. Hemenway, said:

The Chair is ready to rule. If this were a bill for the admission of Oklahoma Territory alone, as it states, there would be no doubt as to the position taken by the gentleman from Missouri being correct. An amendment to admit some other Territory as a State would not be in order. But this is a general bill—

And that is what we have here—

covering three different Territories, and an amendment as suggested by the gentleman from Alabama [Mr. UNDERWOOD], to admit Alaska as a State, would be in order on this bill.

For instance, a private claim bill for the allowance of a single claim would not be subject to an amendment allowing some other claim, but a general claims bill, such as often comes before this House, can be amended by adding another claim. So with public-building bills. A bill to erect a public building at Birmingham, Ala., could not be amended by a proposition to erect a public building in Indianapolis, Ind., but a bill providing for a number of public buildings—

"A number of public buildings"—that is what this bill does, provides for the control of a number of subjects—food, feeds, and fuel—

but a bill providing for a number of public buildings could be amended by adding another public building. One is a general bill and the other is a bill for a single object; and as the Chair said, if this were a bill to admit Oklahoma alone as a State, this amendment would not be in order.

As the committee has brought in here a bill general in its character, relating to three subjects matter, food, feed, and fuel, it has extended the authority of the committee. I am not in favor of this amendment, I may say, but I am anxious to have the precedent continued in regular order and not have a decision made that would restrict the action of the House when a general bill comes before it. It would be in order for any person here, if he sees fit, to offer an amendment as to ore. We are paying enormous prices for our steel, largely because the price of ore and the price of pig is six times what it was two years ago. It is within the province of this committee, if it sees fit, to insert the word "ore" because the Government is a purchaser of steel plate for its shipbuilding program. It is within the province of this committee, if it sees fit, to insert the word "clothing" because the Government is in the field to purchase clothing. It is in the province of this committee to insert the word "cotton,"

the word "wool," and the word "leather," and can specify by more specific designation the word "shoes" and the word "clothing," and the implements that enter into the construction of them.

I can not see how the Chair can escape holding that this is in order in view of the fact that this is a general bill. We are not limited under the rules of the House to an amendment so far as feed is concerned or food is concerned, but can extend it to other specific subjects, such as ores, cotton, wool, leather; or we can still further specify them, as the gentleman's amendment has done in this case, in the way of clothing or shoes, and the like.

THE RUSSIAN COMMISSIONERS.

Mr. CLARK of Missouri. Mr. Chairman, I ask for a minute. It has nothing to do with this debate.

The House this morning authorized the Speaker to make arrangements with the commissioners from Russia as to what hour they would be here on Saturday. They came up to my room a while ago and called on me, and they agreed to be here at 12 o'clock. I make this announcement so that everybody can know the time.

CONTROL OF FOOD AND FUEL.

Mr. LENROOT. Mr. Chairman, I would like to submit some observations in favor of sustaining the point of order, but I do not care to take the time.

The CHAIRMAN. It will not be necessary. The Chair is ready to rule.

Fortunately for the peace of mind, at least, of the present occupant of the chair, he had intimation the other day that an amendment of this nature would likely be offered to this section of the bill. Acting upon that suggestion or intimation the Chair has looked the question up as carefully as he could and is entirely ready to rule, of course, not for one moment entertaining the thought of being at all discourteous or even impatient with anyone who may have reached a different conclusion upon this very important proposition and who want to present their views.

The Chair regards this as a very important question, because if this amendment is in order then, of course, the floodgates are opened, and we would be here all summer offering all sorts and kinds of amendments. It would encourage the activities of the imagination very much, because it opens a very broad and fruitful field for offering all sorts and kinds of amendments as related to the main subject.

The Chair wants to say this, to be perfectly frank and plain about it, that when the matter was first suggested to him he was very decidedly of the opinion, without looking it up but having some general knowledge of parliamentary law, that an amendment similar to this would be in order. When the Chair started to look this matter up he was in that frame of mind, but after pursuing that investigation carefully and giving due regard to the precedents, which are numerous, was forced to reach a different conclusion.

The Chair looks at this question in this way, that in passing upon this point of order the question as to whether the amendment is germane depends wholly upon the construction or interpretation to be put upon the bill presented by the committee. In other words, a proposition to be germane must relate to and be in harmony with the subject matter of the bill or the section to which it is offered.

In this case if the real purpose and the subject matter of this bill is to give the President control over necessaries generally during the existence of a war, in aid of the successful prosecution of the war, and in support and maintenance of the Army and Navy, if that is the purpose of the bill, if that is the fundamental idea, then the Chair feels that this amendment would be in order, because it does not transgress the rule referred to by the gentleman from Wisconsin [Mr. STAFFORD], to wit, "A general subject may be amended by specific propositions of the same class." This being a bill which mentions three different classes, to wit, food, feed, and fuel, which they designate as necessaries, under that long line of decisions cited by the gentleman from Wisconsin, others of like class may be added.

But does this bill give to the President or attempt to give to the President control over necessaries, generally, for the maintenance and support of the Army and Navy? Let us see.

The title of the bill is:

To provide further for the national security and defense by encouraging—

How?—

the production, conserving the supply, and by controlling the distribution of—

What?—

food products and fuel.

This seems to be clear and specific.

A very eminent Speaker of this House has said heretofore that a committee may bring in any proposition that it pleases. That that is the province of the committee. Now, this committee has chosen to bring in a proposition here giving the President during the war and in aid of the prosecution of the war, and support of the Army and Navy, control of what? Three things, namely, fuel, feed, and food. Now, then, of course, if clothing and shoes are of the same kind of subjects as mentioned in the bill then this amendment would not fall under the ban of section 7, of Rule XVI, which reads as follows:

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

The question of germaneness has been one that has bothered many occupants of this chair. It is not always easy to tell just what is germane. There has been an evolution of the rules of the House, beginning away back in the year 1789. I am going to ask the Clerk in a moment to read, because I think it would be instructive to the committee and very apropos to this discussion. The Clerk will read from Hinds' Precedents, section 5825. When the House was considering, on March 17, 1880, a bill making appropriations to supply certain deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1880, and for other purposes, Mr. Otho R. Singleton, of Mississippi, offered an amendment for the purpose of repealing the law making the Public Printer an officer appointed by the President, making the Public Printer an elective officer of the House of Representatives, and so forth, whereupon Mr. John A. McMahon, of Ohio, made a point of order against the amendment, and after debate the Chair, who was, by the way, the Hon. John G. Carlisle, than whom no greater Speaker perhaps ever presided over this House, rendered an opinion, which I am going to ask the Clerk to read. I shall be glad if the members of the committee will listen carefully.

The Clerk read as follows:

The amendment submitted by the gentleman from Mississippi [Mr. Singleton], under instructions from the Committee on Printing, is objected to upon two grounds: First, that it is not germane to the subject matter of the bill under consideration; and, secondly, that it is in substance the same as a bill heretofore reported by the Committee on Printing and now pending before the House.

Notice of this amendment was given several days since, and during the general debate in the Committee of the Whole the Chair was advised that a point of order would be raised against it; so that a reasonable opportunity has been afforded to examine the subject, and the Chair will now state the conclusions at which he has arrived.

In the absence of an express rule, the amendment would not be liable to a point of order upon the ground that it was inconsistent with or not germane to the subject under consideration, for, according to the common parliamentary law of this country and of England, a legislative assembly might by an amendment, in the ordinary form or in the form of a substitute, change the entire character of any bill or other proposition pending. It might entirely displace the original subject under consideration and in its stead adopt one wholly foreign to it, both in form and substance.

But ever since the 4th of March, 1789, this House has had a rule which changed the common parliamentary law in this respect, at least as to substitutes, and ever since 1822 as to amendments in any form. The Congress of the Confederation, in 1781, adopted a rule in the following words:

"No new motion or proposition shall be admitted under color of amendment as a substitute for a question or proposition under debate until it is postponed or disagreed to."

The House of Representatives of the First Congress, on the 4th of March, 1789, adopted the following rule upon this subject:

"No new motion or proposition shall be admitted under color of amendment as a substitute for the motion or proposition under debate."

It will be observed that each of these rules admitted amendments introducing new motions or propositions, if they were not offered as substitutes for the motion or proposition under debate. But in March, 1822, the House changed the rule of 1789 so as to make it read as follows:

"No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment."

And in this form the rule has stood ever since, and now constitutes a part of the seventh clause of Rule XVI in the recent revision. The rule does not prohibit a committee reporting a bill from embracing in it as many different subjects as it may choose; but after the bill has been reported to the House no different subject can be introduced into it by amendment, whether as a substitute or otherwise.

When therefore it is objected that a proposed amendment is not in order because it is not germane the meaning of the objection is simply that it (the proposed amendment) is a motion or proposition on a subject different from that under consideration. This is the test of admissibility prescribed by the express language of the rule, and if the Chair, upon an examination of the bill under consideration and the proposed amendment, shall be of the opinion that they do not relate to the same subject, he is bound to sustain the objection and exclude the amendment, subject, of course, to the revisory power of the Committee of the Whole on appeal.

The CHAIRMAN. It seems to me that that lays down the law very plainly and succinctly that must govern the committee in this case, unless the committee desires to overrule the precedents.

Mr. CANNON. The Chair has not concluded his ruling?

The CHAIRMAN. No; he is not quite through. The Chair was going to say that the gentleman from Wisconsin [Mr. STAFFORD] called attention to the fact that it is in order when a bill is pending to admit two or three Territories to statehood to add by amendment an additional Territory. Of course, they are all on the same subject; they are all Territories. The same is true in regard to public buildings. If there are a number of public buildings provided for in a bill, then you may by amendment add another public building, or other public buildings, because they are all public buildings. They are all identical subjects. But here in this case we have this situation: Speaker Carlisle says the committee can provide for any subject or subjects that it wants to. The Committee on Agriculture in this case has chosen to provide for foods, feeds, and fuel only. Now, then, in the mind of the Chair, the subject of shoes is quite a different subject from that of foods, feeds, or fuel. The same is true with respect to clothing. That being true, under the precedents laid down here——

Mr. HAUGEN. Mr. Chairman, it also includes the articles necessary for their production.

The CHAIRMAN. Yes; but the Chair must look with reason to the statements made in the bill and not go out into the realm of imagination. We must not get too far removed from base. We might not find any stopping place at all when we came to hunting up the things that would contribute to production. It must be something immediate, and not too remote, and the Chair would not think it would go far enough to include clothing or shoes.

Therefore the Chair feels compelled to sustain the point of order. The point of order is sustained.

Mr. CANNON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

Mr. CANNON. After the word "feeds," on page 1, line 8, I want to move to insert the words "cotton seed."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CANNON: Page 1, line 8, after the word "feeds," insert the words "cotton seed."

The CHAIRMAN. Does the gentleman want to be heard?

Mr. CANNON. Mr. Chairman, I hope this amendment will be agreed to, because it is of very great importance. Cotton seed is claimed to be equivalent to two-thirds of the total wheat crop for food. Now, you can not regulate cotton seed without regulating cotton. Cotton is an agricultural product which goes into explosives. That is all I desire to say, I think, upon the merits of the question. But gentlemen may say that it is already included. Gentlemen may argue that it is not included. If we adopt the amendment there is no doubt about it. If you regulate the farmer's wheat, if you can fix a minimum price for the farmer's wheat or the farmer's corn, or the farmer's potatoes, you can fix a minimum price for the farmer's cotton seed, which means his cotton, and I do not see that the gentlemen who are interested in this branch of agriculture ought to object.

Mr. SLAYDEN. Will the gentleman permit a question?

Mr. CANNON. Yes.

Mr. SLAYDEN. Does not the gentleman believe that by the terms of the bill cotton seed is now covered, because cotton seed is a food and a feed—feed for four-footed animals and also a food for men, just as much as wheat. It is converted into such products that it is consumed as food for men and into various products consumed by cattle.

Mr. CANNON. Then what is the objection to including it?

Mr. SLAYDEN. I have not interposed any objection, except I think it is unnecessary.

Mr. CANNON. I do not think it is unnecessary.

Mr. SLAYDEN. It is a raw material from which food is made.

Mr. CANNON. If you can regulate it it does no harm to make it certain.

Mr. BARKLEY. Would the gentleman say it was necessary to put in the word "wheat"? People do not eat wheat, but they eat something made from it. They do not eat cotton seed, but they eat something made from it. The same might be said of corn.

Mr. CANNON. Oh, yes; but I guess you can feed it, can you not?

Mr. BARKLEY. Yes.

Mr. CANNON. But let that be as it may. Now, I would like at some time during the consideration of this bill under the five-minute rule to discuss the effect of enacting the bill at all, paragraph by paragraph; but you can not do it in five minutes. I should be very glad if on the morrow, which I believe will be Friday, I might have unanimous consent to speak—not to delay the bill. I expect to vote for the bill. I want to see it amended. I will do all I can to amend it along proper lines and not for embarrassment. The time approaches for adjournment this afternoon, and this amendment and such other amendments as may be offered can be voted on. But I want at least to call the attention of this great Committee of the Whole House on the state of the Union to what the effect will be when you clothe one man—I do not care if he were the wisest man that ever lived—with power to fix the minimum price for foods, feeds, and fuel, or other articles.

Mr. TOWNER. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. LEVER. Would the gentleman from Illinois like to proceed now?

Mr. CANNON. I would rather proceed in the morning.

Mr. LEVER. If the gentleman desires to proceed further now, I will be glad to have him do it.

Mr. CANNON. Oh, well, I prefer not to.

Mr. LEVER. Would the gentleman rather speak to-morrow?

Mr. CANNON. I would rather.

Mr. LEVER. I think there is always a disposition in the House to accommodate the gentleman.

Mr. CANNON. Would it be asking too much that I may have three-quarters of an hour to-morrow?

Mr. LEVER. That is a little bit long. If we may be permitted to meet at 10.30, then the gentleman can have his three-quarters of an hour.

Mr. CANNON. I do not want to make the point that there is no quorum present to-morrow.

Mr. RUCKER. I will make it for the gentleman.

Mr. CANNON. In other words, I do not like to talk to empty benches, even though I may talk foolishness.

Mr. RUCKER. We will get the Members here.

Mr. LENROOT. The chairman of the committee stated that the gentleman from Illinois could have his three-quarters of an hour at any time he desired.

Mr. LEVER. At any time he desires.

Mr. CANNON. Will the gentleman ask unanimous consent?

Mr. LEVER. I do not know whether it is in order to do it now in Committee of the Whole, but we will get the time for the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

Mr. LEVER. Mr. Chairman, the language of the bill reads—

Foods, feeds, fuel.

I do not think there is a member of the committee who does not believe that cotton seed and the products of cotton seed are included in the words "foods," and "feeds." The committee do not desire that cotton seed and its products should be exempted. Coming from the South myself, from a great cotton-producing State, I am willing, and the farmers whom I represent are willing, that they shall do their bit in this great world struggle. [Applause.] We want no exemption that does not apply to every other section of the country. But I trust the amendment will be voted down, for the reason that if you are going to include cotton seed, and specify it, then you ought to include wheat, and corn, and butter, and eggs, and bran, and middlings, and shorts, and all those things world without end, every single, solitary food product in all of its various phases, and we have undertaken here to make this language so broad that it will take in the whole situation; and I can say to the Committee of the Whole unhesitatingly that it was in the mind at least of the chairman of the committee, and I believe of every member of the committee, that as far as cotton seed was either a food or a feed it is included within the terms of the words "food" and "feed." I hope, therefore, that the amendment will be voted down.

Mr. BARKLEY. Will the gentleman yield?

Mr. LEVER. Yes.

Mr. BARKLEY. This is a question for information. Did the committee consider that in defining the word "fuel" it would include gasoline and oil fuel, as well as coal?

Mr. LEVER. The committee did not, I will say to the gentleman; as far as the chairman was concerned, we did not have in mind the product, gasoline. We had in mind coal and oil, but, in my judgment, the court could easily construe it to include other articles.

Mr. SABATH. Would it not be easier for us to embody it in this bill, and thus relieve the court of the unnecessary amount of worry and trouble it might give the court in construing it?

Mr. LEVER. That is on one proposition. We will discuss that when we come to it.

Mr. SABATH. Will the gentleman permit me to ask him a question?

Mr. LEVER. Yes.

Mr. SABATH. Does the gentleman consider that cottonseed oil would be included in this paragraph?

Mr. LEVER. Undoubtedly, there is no question about that.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. LEVER. I shall be glad to yield to the gentleman.

Mr. MOORE of Pennsylvania. The first bill included clothing and certain articles not included in the present bill. Has the committee, especially in view of the ruling of the Chair on the point of order, considered the high cost of living resulting from the cost of hides, wool, cotton, petroleum, ores, and metals, or is it contemplated by the committee at any time in the future to bring in a bill covering these other materials that have added to the high cost of living?

Mr. LEVER. I will say that clothing and shoes were stricken from this bill at the suggestion largely of Mr. Hoover, whose idea was that he, or the person who should be charged with the administration of the law, should handle only the food and fuel situation. I say frankly to the gentleman that, in my judgment, there ought to be set up a fuel control pure and simple and separate from food control. But we felt that of the two things in this life that are absolutely necessary, one was food and the other was fuel. You must eat, and therefore we took these two.

Mr. MOORE of Pennsylvania. This being largely an export proposition, and the high cost of living in the large cities not being so well cared for in this bill as it might be, I would like to know whether Mr. Hoover made any suggestions to the committee as to whether an attempt would be made to reduce the high cost of living in the United States in the matter of clothing, for which we use wool, hides, cotton, and other necessaries.

Mr. LEVER. Mr. Hoover discussed with the committee only the proposition of food and fuel.

Mr. HAUGEN. Will the gentleman yield?

Mr. LEVER. Yes.

Mr. HAUGEN. Was it not the purpose of the committee in inserting the words "articles necessary for their production" to include implements used in the production of farm products?

Mr. LEVER. My interpretation of those words "articles required for their production" is that the court would hold that such articles as are indispensable and absolutely necessary in the production of farm products are such articles as are included in this bill.

Mr. HAUGEN. Would the gentleman include farm implements?

Mr. LEVER. Undoubtedly.

Mr. HAUGEN. Has the gentleman read the testimony of Mr. Hoover before the Senate committee that he does not so construe the law?

Mr. LEVER. Mr. Hoover is not going to construe the law; he is to be the administrative officer.

Mr. HAUGEN. It is not what is in the law, but what is in the mind of the man who administers it.

Mr. LEVER. The gentleman will remember that when Mr. Hoover was before the committee and the question of the minimum guaranty was under consideration, Mr. Hoover repeatedly emphasized the fact that in fixing upon what would be a reasonable and fair price to put upon the product you would take into consideration the increased cost of labor, the increased cost of fertilizers, the increased cost of farm implements and binding twine, and all things that entered into the cost of making of the product.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. LEVER. I ask for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLANTON. Will the gentleman yield?

Mr. LEVER. Yes.

Mr. BLANTON. Referring to the question of cotton seed, I want to ask the gentleman if it is not a fact that there is not one thing about cotton seed or one single by-product which is not embraced under one of these three heads, foods, feeds, and fuel?

Mr. LEVER. That is undoubtedly true. The reason I ask the committee to vote down the proposition is not because I do not desire that cotton seed shall be included, because it is included, but I do not think we ought to clutter up the bill any more by adding cotton seed and adding wheat or bran. I think the judgment of the committee will show that it is not the wise thing to do in a bill of this particular character.

Mr. YOUNG of Texas. Mr. Chairman and gentlemen of the committee, I shall vote against the amendment offered by the gentleman from Illinois. When this bill was under consideration in the committee in that section of the bill which relates to fixing a minimum price, I offered a proviso that the price-fixing feature of the bill should not apply to cotton, cotton seed, and cottonseed products. So when you mention specifically by this amendment cotton seed, I shall have to vote against the amendment.

We people who grow cotton down South are just as patriotic as any other class in the country. I want you gentlemen of the House to listen to my suggestion on this proposition. What does the whole proposition involve in the very beginning of the language of this bill? It is a guarantee to somebody that you are going to make a profit if you engage in a certain line of business. They are guaranteeing by the language of the bill that the wheat men shall make a profit; they are guaranteeing to the farmer who grows cotton that he is going to make a profit, but if there is any truth in the bill itself it is going to be a profit-making business to the farmers of the country, and this Government has got to make good this guarantee.

And, so, when I come in and ask that cotton, cotton seed, and cottonseed products be exempted from the provisions of this bill, I am asking that the Government be relieved of a great obligation, if they carry out this bill in good faith, and it does what its advocates contend for it.

Mr. DIES. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Texas. I can not yield now. We will take the risk, we will grow the cotton, we will produce the seed, we will produce the meal, and we will produce the oil from these seeds, and so I do not want cotton and cotton seed mentioned in it. I made that fight in the committee and I make it here, and I shall vote against the amendment.

Mr. DIES. Mr. Chairman, I move to strike out the last word. I did not take up any of the time of the committee when the bill was under general debate, and I do not know that I ought to now, but this is a bad time to demagogue on any question. The great body of the people of the United States are listening to the speeches made here. Their burdens are going to be onerous enough, and they ought to be correctly informed about legislation. A Member of this body and a member of the Committee on Agriculture has just sent forth the message to the farmers of the South that lint cotton, which they produce to the value of a billion dollars, is to be affected by this bill. I do not believe there is a farmer in my district of sufficiently low intelligence to be deceived by that statement. Lint cotton is neither a food, a feed, nor a fuel, unless a fool eats it or burns it or tries to feed it to his stock. I have known men so dry in their wit and patriotism that they could spit cotton. [Laughter.]

Mr. PARKER of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. DIES. Not now; I do not want to be interrupted at this time. Mr. Chairman, cotton is no more brought within the terms of this bill than mules or black-land farms or town clocks, and when gentlemen undertake to excite the fears of the farmers of the South by holding out to them that lint cotton is either a food, a feed, or a fuel, he offers an unparalleled insult to the intelligence of the cotton farmers. [Applause.] Whenever this great Government wants to concentrate its power and organize its machinery and exert its force to meet the organized power and force and machinery of the common enemy, the cotton farmer of the South is ready to give the President all of the power he wants to win victory for this great country. [Applause.] Some men talk as though the haystack and the lint cotton and the corn and the wheat upon their farms were more valuable than the honor and the glory and the blood and the tradition and the history of this great Republic. Some men are willing that their sons shall be conscripted and marched away to a foreign land to uphold the honor of our country; but, great God, if you touch the profits of their haystack or their cotton seed or their corn bins, it is something terrible to contemplate! This bill carries great power. We all know it carries great power—power that no Member of this Congress would yield except for the great crisis that confronts us.

It is no greater than the power the Confederacy gave Mr. Davis or the Union gave Mr. Lincoln, and when they did not give Mr. Lincoln the power he took the power, and he said in a message to Congress that he took the power in violation of law to preserve the country and save it from dismemberment. We are giving this power to the Commander in Chief of the Army and the Navy of this country in order that he may wield the power of a great Republic to preserve its liberties and overcome the common enemy. That is why we are giving it, and when the war is over and victory shall perch upon our banners, this Republic, as it did after the Civil War, will resume its ordinary functions. The people want you to give this power to the President, and when the war is over the people will cause you to take it back from the President, whoever he may be. If the President wants to put our lint cotton in this bill, put it in. You have put our boys in, and there is not anything that

belongs to a farmer in my district which, if God and my country shall want it, I am not willing to lay upon the altar of our country. [Applause.]

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last two words. I have not spoken on this bill, because in the presence of this aggregation of farmers I felt perhaps it would be useless for a man from a big city to say a word. This is one of those patriotic bills from the viewpoint of the gentleman from Texas that ought to be passed because it is going to be of advantage to the American farmer. I am always glad to help the farmer, but I have looked the bill over very carefully to find out wherein it is going to help the purchaser of the farmer's products who lives in the large cities of the country. It is said that Mr. Hoover, who is to be the food dictator after the bill is passed, is to reduce the cost of living, but to whom? The farmer is to be guaranteed a profit for his services to the country, although he is to be exempted from personal service in war, seeing that he is engaged in the business of production; but the young man in the city is to go to the front and the father of the young man in the city is to continue to pay the high cost of living; in addition, he is to contribute to this guaranty to the farmer for producing the food that is to go to feed the Army and the Navy and our allies. Here is a paragraph in the bill that has not been largely commented on. It is one of the most interesting paragraphs ever written into a bill by any Government of the world:

Thereupon the Government of the United States hereby guarantees every producer of any merchantable nonperishable agricultural products produced within the United States, for which a guaranteed price shall be fixed by notice in accordance with this section, that, upon compliance by him with the regulations prescribed by the President, he will receive for any such products produced in reliance upon this guaranty within the period, not exceeding three years, prescribed in the notice, a price not less than the guaranteed price therefor as fixed pursuant to this section.

The farmer is thus to be underwritten for everything that he produces. He is more fortunate than the wage earners in the great industries. He is to be guaranteed that he will be paid a certain price for his products, and the Treasury of the United States is to stand behind him until he is paid. When it comes to the matter of exemption from the regulations and the penalties prescribed by this act and to which others may be held we find, on page 6, this:

Provided, That this section shall not apply to any farmer, gardener, or other person with respect to the products of any farm—

There are some farms of a thousand acres or more in extent, but that farmer is to be exempt from the penal clause of this bill—

Provided, That this section shall not apply to any farmer, gardener, or other person with respect to the products of any farm, garden, or other land owned, leased, or cultivated by him—

Owned, leased, or cultivated by him—

nor to any retailer—

And so forth. So that the farmer is to be exempt from punishment under this bill, and he is to be guaranteed a fixed price, which the Government of the United States is to pay. Now, the purpose of this bill for one thing is to stimulate production. To stimulate production for whom? Mr. Hoover says, in part, to make up that 40 per cent deficit in the supplies of our allies. That probably is the main purpose of the bill—to see that the American production will be sufficient for ourselves and to make up the 40 per cent deficit in the supplies of our allies, and we are to guarantee the farmers who produce this 40 per cent that they will be paid a certain price for their products. That is interesting, but where does the American consumer come in? I hope he is to be considered. I have failed to find in this bill anywhere any specific provision that the consumer in the United States is to be safeguarded. I trust that the President of the United States has this in mind. I trust that Mr. Hoover has it in mind. I hope that while their hearts are beating in sympathy with our allies, for those who are fighting the battles on the other side of the water, that in the execution of this law they will also have compassion for the consumers of the United States who have been carrying a very heavy burden and who will continue to carry a heavy burden incident to the expenses of this war.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SNYDER. Mr. Chairman, I move to strike out the last three words.

The CHAIRMAN. The Chair thinks that would be an amendment in the third degree.

Mr. SNYDER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The CHAIRMAN. The gentleman from New York.

Mr. SNYDER. Mr. Chairman, there is much in this bill, as I view it, to be commended. Certainly we must, if we are to be held to our promise to assist in providing food for our allies during this war, to not only make sacrifices in the matter of conservation of food, but we must also provide means for handling the production so that the cost will not become an obstacle to the progression and safeguarding of the Nation.

For instance, should the price of foodstuffs continue to increase, the result will be the forcing up of the price of our manufactures in all lines to an extent that the people will be unable to purchase them. This will mean the stifling or putting out of business industries in which many are employed, thus creating a situation which would cripple, if not defeat, our purposes for this war.

This is one of the reasons, and, to my mind, an important one, why we should in some way control prices.

It has been shown that in the past six months prices of all basic foodstuffs in this country have increased from 30 to 40 per cent. While it is true that wages have increased to a considerable extent, that increase has not been in proportion to the increase in the cost of the necessaries of life. These wage advances in all industries have, however, forced up the price of all materials used in manufactures to such a point that when the value of materials, overhead expenses, and wages are coordinated the ordinary item of manufacture becomes so high in price a great portion of our people, being pressed so hard to find ways and means to live, are forced to forego some of the necessities, the manufacture of which in this country produces a large volume of business and is one of the factors which has maintained our prosperity.

Some one must be intrusted with the power to regulate these matters, and, so far as I am able to judge, Mr. Hoover has demonstrated his ability in this direction to such an extent that the eyes of the world are upon him, and it is my belief that a very large majority in this country are behind the President in his desire to place Mr. Hoover in charge of this tremendous undertaking.

Inasmuch as it has been my pleasure to stand with the President in all these great war measures which have been enacted within the last few months, I do not feel that I could consistently do otherwise than support this bill, especially as I am advised that the President is behind it and believes in it.

Further, I believe there should be included in this bill a power, if it does not contain it, to regulate the movement of coal to such an extent that the railroads of the country can not be permitted, as they now are, to store coal in cars or at distributing junctions to the detriment of the other business of the country. They should submit to the same regulations as those placed upon their patrons and not enjoy an exception which affects much of our general industry.

Relative to the control of warehousing, I offer the suggestion that a proper method of keeping warehousemen from pyramiding prices would be to restrict them to the extent that upon each purchase from a producer for the purpose of warehousing the warehouseman should be limited to not over a 10 per cent profit on the purchase price on all his purchases, and that, without regard to when he disposed of his stock, this 10 per cent, with the original purchase price, shall be the price for which the purchases are sold. Further, the warehouseman should be so restricted that he could not dispose of his stock to any person other than a dealer or consumer.

I believe this bill should be amended by an appropriation of a million dollars for use in educational work among our allies, to instruct them in the preparation of food made from corn and its products. We know the value of these products, also the methods of preparing them; they do not, and because of that fact are asking us to supply them with all our wheat, thus suggesting that we retain all our corn. Therefore I believe instruction in this matter would not only be justified but valuable and go some distance toward solving the food problem not only abroad but in our own country. [Applause.]

Mr. KEATING. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. KEATING. Mr. Chairman, the gentleman from Texas [Mr. DIES] stated a moment ago that this was not a good time for the representative of an agricultural constituency to "demagogue." I might offer the same advice to the gentleman from Pennsylvania [Mr. MOORE], who represents an industrial constituency. [Applause.]

I represent a constituency that is about equally divided between men who work in mines and great manufacturing estab-

lishments and men who work upon the farm, and I want to say to the gentleman from Pennsylvania that, so far as the men who work in the manufacturing establishments and those who toil in the mines of my district are concerned, they are practically unanimous in the demand that this legislation be enacted. [Applause.] Not only that, but they recognize that they have no quarrel with the agriculturists of this country. They are quite willing that the farmers shall not only receive as much as they did last year for their wheat, but they are willing to pay them more. They realize that instead of getting an average of $1.35 or $1.40 a bushel for wheat, the farmer may receive $2 a bushel, and that flour, the thing the workman consumes, may still be very greatly reduced in price.

Mr. MOORE of Pennsylvania. Will the gentleman yield for a question?

Mr. KEATING. Certainly.

Mr. MOORE of Pennsylvania. The gentleman concedes that the farmer's profits are guaranteed by this bill, does he not?

Mr. KEATING. That is exactly what the people of this country want. They want the farmers' profits guaranteed, and they want the profits of the food pirates taken away from them. [Applause.]

Mr. MOORE of Pennsylvania. Just one other question. Would it not be fair to guarantee the wages of those who have to pay for the guaranteed products of the farm?

Mr. KEATING. The workmen of this country are not asking for any such thing as the gentleman from Pennsylvania suggets.

Mr. MOORE of Pennsylvania. But the farmer is getting his guaranty. Why should not the wage earner? I am not saying anything against the farmer——

Mr. KEATING. The gentleman from Pennsylvania is not saying anything against the farmer? No; but the gentleman from Pennsylvania is endeavoring to confuse the issue. That is what he is attempting to do.

Mr. MOORE of Pennsylvania. No; I am asking a fair question about another class of our citizens.

Mr. KEATING. The gentleman is attempting to make it appear that the workmen of this country, the men who toil in the mines and in the workshops, will not benefit as the result of the passage of this legislation; and yet the men who represent the great labor organizations of this country, practically without a dissenting voice, have issued an appeal to this Congress to hasten the enactment of this legislation. If the gentleman will go to his city of Philadelphia and consult the men who work there, the men who are paying $17 a barrel for flour—if they have the $17 with which to purchase the flour—they will ask him, as their Representative, to come here and, instead of raising false issues, get in back of this legislation and place it on the statute books by the 1st day of July. [Applause.]

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. KEATING. Yes; certainly.

Mr. MOORE of Pennsylvania. The $17.60 a barrel flour issue was referred to yesterday by myself. I then inquired whether it was fair to the American consumer in these times of high cost of living that flour should sell at $8.20 a barrel in London under this system when the people of Washington pay $17.60.

Mr. KEATING. And it will continue to sell for $17.60 until the gentleman and others like him withdraw their opposition to this bill and permit us to put it on the statute books. [Applause.]

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. KEATING. May I have two minutes more?

The CHAIRMAN. The gentleman from Colorado asks unanimous consent for two minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. SWITZER. Let me ask the gentleman a question. Your farmers desire this guaranteed minimum price?

Mr. KEATING. My farmers have not petitioned me to ask for a minimum price; no. My farmers do not object to the minimum price; but what my farmers want and what every thinking, patriotic citizen in this country wants is legislation which will reduce the cost of the necessaries of life. And the reason my farmers want it and the reason the workmen want it is primarily so this Nation may win this war. They realize that if you permit the prices of the necessaries of life to soar they will soon be beyond the reach of the ordinary citizen, and the workers, unable to purchase sufficient food, will be sullen and discontented. If you want to win the war, you must feed the people.

But one more thought before I finish. This bill is going to pass. Gentlemen rise on this floor and protest their friendship for the bill and at the same time talk about amending it. The House must beware of the efforts of these professed friends who would drive a knife to the heart of the bill by cutting out the essential provisions and so crippling it that it can not produce the desired results.

The people of this country have confidence in Mr. Hoover in so far as this food problem is concerned, and they want this bill passed. They want it passed with teeth in it, so that we may come back here in December and demand an accounting from Mr. Hoover and the other men to whom we are about to give these great powers.

Mr. MEEKER. Will the gentleman yield?

Mr. KEATING. Yes.

Mr. MEEKER. I come from a community that has a very large labor element in it. I want to ask the gentleman if the impression in the minds of the men who have asked for this legislation is not that they are going to get a maximum price on foodstuffs as well as the farmer a minimum price on his products?

Mr. KEATING. No. I think everyone who has studied the problem understands the objection to the fixing of a maximum price. What the toilers of the country expect, and what they will get, if you defeat some of the amendments that will be offered and pass the bill in its present form will be a very material reduction in the cost of the prime necessaries of life. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GILLETT. Mr. Chairman, when I first read this bill I was staggered by its provisions. It gives the President despotic power over a large share of the business of the whole country. And I am asked to vote for it—a Republican who never professed any great confidence in this administration and who had particularly deplored and condemned the narrow partisanship which the President has exhibited in his appointments. Moreover, I have always belonged to that school which believed the best regulator of prices was the law of supply and demand, and that for the Government to try to improve upon that law would be apt to aggravate rather than alleviate distress and danger. And consequently it might be difficult to imagine that I should vote for a bill like this. But, at the same time, I recognize that we are now in a situation that abrogates all precedents. To-day a large part of the most productive workers of the world are engaged, not in production but in destruction, and every week there is buried at the bottom of the sea hundreds of thousands of tons of what the world most needs. As a result there is such a market for every kind of production as was never known before. For every one of the necessaries of life the demand far exceeds the supply. And under these circumstances it is impossible that the ordinary laws of trade can keep the balance even. Producers can demand any price they wish, and consumers will be compelled to pay it. There is no limit but the sky. Those who are able might pay any price; those who are unable might have to go without. And consequently, as I say, there is a new condition, and my old beliefs, although I still hold to them, do not apply.

The only agency which can remedy that condition is the Government, and regretting, as I do, the necessity which compels such a dangerous grant of power, I see no alternative. And I will admit that my regret is much diminished by the man whom I understand is to administer this vast power. I have heard sneers during this debate about the men who volunteer their services and who work for the Government for nothing. For one, I have much greater faith in the capacity of those advisers who are volunteering their services than I have for many of the paid representatives of the administration. [Applause.] And from what I know of Mr. Hoover, I am confident that he will bring to the administration of this office the best ability available. We do not any of us know much about this problem. It is a new one. But Mr. Hoover has been in France and England when they were trying out various experiments to meet this same condition. And he therefore knows more about it than anybody in this country. I believe he is a man of capacity, of integrity, of discretion, and of patriotism; and while I recognize the fearful responsibilities and difficulties of his position, and am doubtful of the results, yet I would rather trust him than anybody else. So I am willing to try the experiment and vote for this bill as the best remedy for our present critical condition. [Applause.]

Mr. STEVENSON. Mr. Chairman, I, like the gentleman from Pennsylvania [Mr. MOORE], have not taken up any of the time of this body in discussing this bill, or, in fact, any other bill. This amendment, from which we have strayed considerably, is entirely unnecessary, and for that reason I oppose it.

Now, I have no sympathy with the proposition advanced by the gentleman from Texas [Mr. YOUNG] a while ago, that he did not want anything said about cotton or cotton seed in any of this legislation. It does not make any difference in the

world. Our people understand that cotton seed is written in this paragraph three times. It is written in "food," it is written in "feed," and it is written in "the articles required for their production." Fertilizer is a thing that is most universally used, and therefore it is written all over the bill, and it is unnecessary to encumber the bill with it.

Mr. PARKER of New Jersey. Mr. Chairman, will the gentleman yield there fo a question?

Mr. STEVENSON. Yes.

Mr. PARKER of New Jersey. Do you regard cotton as an article required for the production of cotton seed?

Mr. STEVENSON. No, sir; and the proposition here is to insert cotton seed, and not cotton, as I understand the amendment.

Mr. PARKER of New Jersey. Do you understand that cotton is not required for the production of cotton seed?

Mr. STEVENSON. No; my friend evolutes the wrong way. Cotton seed is required for the production of cotton. [Laughter.]

Now, about this proposition, why begin to write details into this measure when they are all absolutely embraced in the whole measure?

I was down in South Carolina last week, in my district, and the farmers were asking me about this bill. They are in favor of it; but they asked about what it embraced in the way of cotton, and I said it embraced cotton seed, and they understand it. But the gentleman from Pennsylvania [Mr. MOORE] says it means a guaranty of price to the farmer. Well, now, if cotton seed is not embraced in it, it does not mean any guaranteeing of price to the farmer on cotton seed. But I will tell you what it does mean. He says it means we are going to tax our people to give cheap food to England and France. Well, as the gentleman from Massachusetts [Mr. GILLETT] just now said, the law of supply and demand will come in, and whenever you put it so that production is so stimulated by a minimum price—not a maximum price—that it will also reduce the price for the people of England and France, it will also reduce the price for the people in Philadelphia, and the gentleman will get his flour cheaper also.

Now, we are in a peculiar condition. It is almost heresy for a man from the State of Calhoun and from the district where Andrew Jackson was born and raised to vote for an autocratic measure like this; but we are in no ordinary condition. When a man is in his right mind, and without fever, and in his usual health, he has a right to go where he pleases; but when he is stricken down by typhoid and at times goes out of his head, he has to be restrained of his liberty and has to be subjected to a regimen——

Mr. HARDY. And must take some medicine. [Laughter.]

Mr. STEVENSON. Yes; and must take some medicine occasionally.

We have heard a heap here about Mr. Hoover. I have read this bill carefully from end to end, but I do not see Mr. Hoover's name mentioned in it. Down in South Carolina the people of my country are relying on justice being done, and they are relying not on Mr. Hoover, whom they do not know, but they are relying on Mr. Wilson, whom they helped to make the Chief Magistrate of this Nation, and he is the man whom we are trusting to lead us in this case.

Now, gentlemen, I want to reiterate, as I close, the proposition that I do not care how much you write in here the products of the farms of the people of the South. You can write cotton in it if it is necessary, and if it is wanted, because the southern people have registered to a man, and they have not only registered for the war but they have registered for a great campaign for the production of foodstuffs, and if you could see the corn that is smiling all over the southern hills down there, if you could see the potatoes as they are being shipped to your markets by the hundreds of carloads to points all over the country, you would say that our people are doing their duty and that they are ready to bear their burden. They have had no riots about registration, and there is no question of conscription there, and they are ready to back the President in all that he desires in carrying on this war. [Applause.]

The CHAIRMAN. The time of the gentleman from South Carolina has expired. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. HAUGEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. HAUGEN offers the following amendment: Page 1, line 8, after the word "fuel," insert "clothing, shoes, and other necessaries of life."

Mr. LEVER. Mr. Chairman, I make a point of order against that.

Mr. HAUGEN. Will the gentleman from South Carolina reserve the point of order for three minutes?

Mr. LEVER. Yes; I will reserve it for three minutes.

The CHAIRMAN. The gentleman from Iowa is recognized for three minutes.

Mr. HAUGEN. Mr. Chairman, having already discussed the question that is involved in this amendment for 30 minutes, it is not my purpose now to delay the House. My only object in offering the amendment is to give an opportunity to my friend from Colorado [Mr. KEATING] and others who claim to be friends of the consumers to vote to improve the bill by including shoes and clothing with foods, feeds, and fuel, to give that additional encouragement and protection to the consumer and the producer.

When the question is squarely put up to this House, will it vote to extend the benefits of this bill to shoes and clothing? Will it protect the farmer and give him protection to the extent of including farm implements? I believe that it is important to thus amend the bill, especially after reading the hearings had before the Senate committee, and particularly a statement therein by Mr. Hoover; and in order that there shall be no mistake about it, I desire to read into the RECORD an extract from the hearing had before the Committee on Agriculture and Forestry in the Senate, on page 22. There the chairman asked this question:

As to "foods, feeds, and articles required in their production," would you consider that that embraced farm machinery, which would certainly be required in the production of foods and feeds?

Mr. Hoover replied:

Construction would embrace that; but I see nothing in the operative side of the bill that would enable anything to be done in that direction.

So, according to Mr. Hoover's interpretation of the bill and what is contemplated by Mr. Hoover, it is not contemplated now to extend the protection to farmers so far as farm implements go.

Mr. LEVER. If the gentleman will permit——

Mr. HARDY. Mr. Chairman, will the gentleman permit me to make a suggestion that might reconcile everything here?

Mr. HAUGEN. Yes.

Mr. HARDY. The chairman of the committee a moment ago stated that his construction of those words, "articles required for their production," would include tools and implements used. Now the gentleman reads from Mr. Hoover's statement, showing that he does not so consider it.

Mr. ANDERSON. Yes; he does.

Mr. LEVER. That is what I was about to interrupt the gentleman to say, if the gentleman from Iowa will permit.

Mr. HAUGEN. Certainly.

Mr. LEVER. Mr. Hoover's statement is not at all inconsistent with the statement which he previously made before the Committee on Agriculture of the House. He simply says before the Senate committee that he has not the machinery in this bill to take care of farm machinery and the like; but in his testimony before the House Committee on Agriculture he specifically stated, not once, but repeatedly, that in fixing the minimum guaranty he must take into consideration the increased cost of these various things that go into the production of farm products.

Mr. HAUGEN. The difference between the chairman of the committee and myself is this: The gentleman proposes that this food controller shall take into consideration the increased cost of implements. My contention is that he shall have control to license these people, and thus regulate the price and bring it down where it belongs.

Mr. LEVER. He has that right under section 5 of the bill.

Mr. HAUGEN. That section does not contemplate licensing them, thereby bringing them under the provisions of the bill.

Mr. LEVER. I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. PARKER of New Jersey. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from New Jersey offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. PARKER of New Jersey: Page 1, line 8, after the word "production," insert: "and any articles which the President, during such war, may from time to time determine and declare to be necessaries."

Mr. LEVER. I make the point of order against the amendment.

Mr. PARKER of New Jersey. Will the gentleman reserve the point of order? I really think I may convince him that I am right.

Mr. LEVER. I reserve the point of order for five minutes.

Mr. PARKER of New Jersey. That is all the time I care for. Mr. Chairman, the object of this section is stated to be—

To assure an adequate supply and equitable distribution and to facilitate the movement of foods, feeds, fuel, and articles required for their production.

This war has proved that this necessity may extend from time to time to various other articles. I address my remarks to the chairman of the Committee on Agriculture.

Mr. LEVER. I trust I may be permitted to listen to the gentleman's argument.

Mr. PARKER of New Jersey. I say this war has proved that what are necessaries may change from time to time. Cotton was not so in the beginning. It became necessary for the making of explosives and was made contraband. Copper and zinc were not so necessary at first, but now they are melting down bells. Iron and steel were not so necessary, but they have become in some places absolutely essential. Coal was not such a necessity in France until France lost her coal-producing Provinces. Coal was not such a necessity in Italy until the submarine destroyed commerce, so that Italy is short of coal. It is a question of military necessity, and from time to time the President must determine whether there is an absolute necessity for a certain article for the conduct of this war and the support of our people. From time to time he must determine it. He may not exercise this power as to some foods. He may exercise it as to others; but he must have this discretion as to all articles, or he can not carry on the war, and it is his power and not ours that we appeal to. Congress under the Constitution has no power to regulate the growth of any food or the growth or production of any material. That is regulated by supply and demand. The President in time of war, as Commander in Chief, has a power that we recognize that does not belong to Congress, the power of a general in command of a city during a siege. He rules that city. It is not ruled by the board of aldermen, but they recognize his power to see that the people are supplied with what they need at such prices as will enable these necessaries to be distributed. That power should not be limited by your bill, but you ought to do what the President wishes, and that is to grant to the President, who is not of my party, the power and the responsibility of determining from time to time what are the necessaries of this Nation with the defense of which he as its Commander in Chief is charged. [Applause.]

Mr. LEVER. The argument of the gentleman is persuasive, yet at the same time Congress is going to be in session for some months to come and will be in session again pretty soon after the recess. I think it would be unwise to load the bill with many things, and I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. MADDEN. Mr. Chairman, I move to amend the bill on page 1, line 8, after the word "fuel," by inserting the word "cotton."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 8, after the word "fuel," insert the word "cotton."

Mr. LEVER. To that, Mr. Chairman, I make a point of order.

Mr. MADDEN. I do not think it is subject to a point of order. If the gentleman will reserve his point of order I will talk about the merits of the amendment. It will take longer to discuss the point of order than it will the merits of the question.

Mr. LEVER. Very well, but I shall insist on the point of order when the time comes.

The CHAIRMAN. It seems to the Chair that this would fall in the same category as the amendment to insert shoes and clothing, upon which the Chair ruled a short time ago.

Mr. LEVER. I have no objection to reserving the point of order.

Mr. MADDEN. Then I will take the question up on its merits. Mr. Chairman, it seems to me that when the President is given power, as he is in this bill, to guarantee a price on nonperishable agricultural products cotton is protected by that provision. If cotton is protected by that provision, then there certainly ought to be a power in the President to regulate the conduct of those engaged in raising and distributing cotton. Does anyone deny that the power is granted in the bill to the President to guarantee a price on nonperishable agricultural products? Will anyone say that cotton is not an agricultural product? Will anyone deny that it is a nonperishable agricultural product? Will anyone deny that it is one of the prime needs for the successful conduct of the war? Will anyone deny that it is not one of the essential things to carry on the war? But aside from the question whether it is or not, the President ought not to be given the power to guarantee a price, to maintain a certain standard of price for this commodity on the market and be prohibited from controlling those who engage in its production and sale and distribution.

Mr. BORLAND. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BORLAND. Does the gentleman contend that the words "nonperishable agricultural products" can be given any broader meaning by construction than the language of the bill referring to foods, feeds, and fuel?

Mr. MADDEN. I maintain that if there is any one article that can be included in the term "fuel" cotton is that article. If cotton is not a fuel for cannon and for the fighting of battles, what is it?

Mr. BORLAND. I wanted to ask the gentleman's view about it.

Mr. MADDEN. I am giving the gentleman my view.

Mr. BORLAND. Does the gentleman think that the words "nonperishable agricultural products" can be given any broader meaning by construction than the entire bill which refers to foods, feeds, and fuel? In other words, would it include tobacco, hemp, flax, and so forth?

Mr. MADDEN. I maintain that cotton can be classed as a fuel because it is to be used in the fighting of battles, used for the purpose of making powder.

Mr. LENROOT. Will the gentleman yield?

Mr. MADDEN. Certainly.

Mr. LENROOT. I call the gentleman's attention to the fact that section 12 is not dependent on any other section in the bill. It is complete in itself, and, unquestionably, as the bill reads it will cover cotton and tobacco.

Mr. BORLAND. Does the gentleman think it would cover tobacco and hemp?

Mr. LENROOT. No doubt about it.

Mr. MADDEN. Every nonperishable agricultural product is guaranteed a minimum price, and yet you confine the authority of the President to regulate the production, distribution, and sale of wheat, corn, oats, coal, and so forth, and I claim that is not fair nor just nor equitable. I am in favor of this bill. That is, I am in favor of the fundamentals involved in the bill, because I realize that somebody under the present circumstances must have the power to maintain the price on the food products which will enable the poor people to buy them.

Mr. LEVER. Will the gentleman yield for a suggestion?

Mr. MADDEN. Yes.

Mr. LEVER. It has been called to my attention since the reading of the bill began that the construction that the gentleman has placed on section 12 is probably the correct construction, that it would afford a guarantee to such nonperishable products as cotton, hemp, and the like of that. I think I can speak the mind of the entire committee when I say that no such construction was in the mind of the committee when it was put in the bill, and at the proper time I shall be in favor of accepting, or I shall offer an amendment of my own accord, which will provide that the guarantee shall apply only to food and feed products.

Mr. MADDEN. If the gentleman will agree to that, that satisfies the contention I am making, for I want the House to understand that I am for the bill and for giving the President the power to regulate conditions under which the war is being fought.

I want him to succeed, but I do not under any circumstances want to give the power to the President to guarantee a price on the market to any commodity over which he has no control with respect to its regulation. Hence, unless some such amendment as the gentleman from South Carolina [Mr. LEVER] suggests is proposed and adopted, cotton ought to be included as one of the items in the first section of the bill.

Mr. LEVER. That amendment will be offered.

Mr. YOUNG of Texas. I will state to the gentleman that I offered that amendment in the committee, and I shall offer it again upon the floor.

The CHAIRMAN. Does the gentleman withdraw his amendment?

Mr. MADDEN. No; I do not withdraw the amendment.

Mr. LEVER. Mr. Chairman, I make the point of order that this amendment is not germane to this section.

The CHAIRMAN. The Chair feels constrained to sustain the point of order, but he feels like saying that he entirely agrees with the gentleman from Illinois [Mr. MADDEN] that there are some things that it seems to the Chair are vitally necessary in the prosecution of this war. That, however, does not change the parliamentary situation, and the Chair is compelled, therefore, to sustain the point of order.

Mr. HAUGEN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. HAUGEN: Page 1, line 8, after the word "production." insert "including farm implements and machinery."

Mr. LEVER. Mr. Chairman, I make the point of order against that.

Mr. HAUGEN. Mr. Chairman, the gentleman said that "articles required for their production" included machinery.

Mr. LEVER. That is correct. I am inclined to think the amendment is not subject to the point of order.

Mr. HAUGEN. I take it the gentleman will accept the amendment?

Mr. LEVER. I shall not accept it, because it is already included. I withdraw the point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. This amendment, as I heard it, proposes to include farm implements and machinery.

Mr. HAUGEN. Necessary for the production of food, feed, and fuel.

Mr. MOORE of Pennsylvania. That raises an important point, one that might have been raised if any one of those commodities I inquired about a little while ago had been included—oil, for instance, or cotton, or metal, or wool. Is it to be understood that if this amendment be adopted that the guaranty clause is to apply to the manufacture of these articles?

Mr. HAUGEN. Oh, no. You can license the manufacturer of them and manufacture under a voluntary agreement, but not a guaranteed price.

Mr. MOORE of Pennsylvania. The producer of food, feeds, and fuel is to be assured a profit.

Mr. HAUGEN. Oh, no.

Mr. MOORE of Pennsylvania. Is the maker of these implements to be assured a particular price?

Mr. HAUGEN. He may bring the manufacturer under the provisions of the law. They may enter into a voluntary agreement. They may be licensed as is provided for. The purpose of the amendment after the words "articles required for their production" is to protect the farmer against the exorbitant prices charged for machinery. The object of the amendment is to protect the farmer in that respect.

Mr. MOORE of Pennsylvania. The purpose of the amendment, then, is to give jurisdiction to this food controller over the manufacturer of implements?

Mr. HAUGEN. Yes.

Mr. MOORE of Pennsylvania. In other words, in addition to going into the farm and store houses, he is now to go into the factories where agricultural implements are to be made and fix the price upon them if he finds it necessary?

Mr. HAUGEN. That authority is given in the bill, but this is simply to make it clear that these are articles necessary for the production of foods, feeds, and fuel.

Mr. MOORE of Pennsylvania. Then the real purpose is to give the farmer or the producer assurance that he may obtain his farm implements for a price that will be satisfactory to the President of the United States or the food controller, under his direction?

Mr. HAUGEN. It gives him authority to license them.

Mr. MOORE of Pennsylvania. What assurance does the maker of the implements have that he may be paid a fair wage?

Mr. HAUGEN. Why, it is all left to the power and discretion of the President and the controller. It is contended it is included in the bill, but according to the interpretation of Mr. Hoover there is a question whether it is given, and in order to make it clear, in order to give the farmer these assurances that he may have some protection against extortion——

Mr. MOORE of Pennsylvania. I submit the factory worker is also entitled to protection on his wage account.

Mr. LEVER. Mr. Chairman, I trust this amendment will be defeated for the very same reason that I hoped that the amendment offered by the gentleman from Illinois might be defeated. There is no question in the world in the mind of anyone that farm implements are included in the language "and articles required for their production." Now, the spirit of the gentleman's amendment is all right, but the effect of it will be to specify article after article in this bill, with the final result of excluding some that are now included in the broad language, and for that reason I trust the amendment may be defeated. I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was rejected.

Mr. HAUGEN. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HAUGEN: Page 1, line 9, strike out "hereafter in this act."

The question was taken, and the amendment was rejected.

Mr. STEAGALL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. STEAGALL: Page 1, line 8, after the word "fuel," strike out the words "and articles required for their production."

Mr. STEAGALL. Mr. Chairman, it is agreed on all hands that this bill carries powers unprecedented in the legislative history of this country. There are a number of penal provisions in the bill, and it does seem to me that we ought at least to make what we do here sufficiently specific that an American citizen may reasonably be informed after the passage of a statute what its contents are and what acts are necessary to constitute a violation of that law. There are four things embraced in this bill—"food, feed, fuel, and articles required for the production"—and later on in the same section is to be found this provision, "that the foregoing are hereinafter in this act called necessaries." Now, the penal sections of the bill make the doing of certain acts with reference to these "necessaries" a violation of law, and severe penalties are prescribed for those violations. I think it has been clearly disclosed in the arguments already made on this section that no two men in this House—aye, no two men among the able members of the committee that reported the bill—have agreed as to what is meant by the clause, "and articles required for their production," referring to food, feed, and fuel. If there are other things that ought to be included within the provisions of the bill as to which these sweeping and unparalleled powers ought to be given to the President or some appointee of the President, we ought here and now to enumerate them so that a citizen may know what his legal rights are, and if we do not know what articles ought to be included in the bill certain it is that we ought not to pass an act that would make it a crime for an average American citizen not to know. You will observe that it is provided, on page 6, section 6, that any person who willfully hoards any "necessaries" shall, upon conviction thereof, be fined not exceeding $5,000 or be imprisoned for not more than two years, or both, and that section applies to every citizen of the country.

I know that there is a provision in section 5 excepting farmers and the retail merchants, but that exemption applies only to that one specific section, and that section deals with the matter of licenses and things of that sort, so that these penal sections, all of them, just as the one I have read, applies to every citizen of the country. This is one of them. On page 8 there is another; on page 12, another; on page 16, another. In each instance the reference is to necessaries.

What are the necessaries? They are "food, feed, fuel, and articles required for their production," and no two men of this House who have discussed the matter this afternoon, so far as I have heard, have agreed as to what the language means.

Mr. MEEKER. Will the gentleman yield?

Mr. STEAGALL. Yes, sir.

Mr. MEEKER. On page 8, where the gentleman refers to the person who willfully destroys any necessaries, that destruction must be for the purpose of enhancing the price or restricting the supply.

Mr. STEAGALL. Yes; but that covers "food, feed, fuel, and articles required for their production," and if we know what it means or what is covered by the last clause what we ought to do as the Representatives of the American people in this great body is to write it plainly, so that every citizen who reads it may know what will constitute a violation, and if we do not know we ought not to make it a crime on the part of a citizen not to know. Every criminal statute ought to be made plain and specific. We ought not to pass a criminal statute as to whose meaning no Member is clear and content ourselves by saying we will leave the matter for the courts to determine.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. STEAGALL. If I have the time.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask that the time of the gentleman be extended five minutes. He has struck a very interesting topic.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. There is a good deal of mystification about that particular line to which he refers. Suppose we include in "articles required for their production" smoked ham. Would not that refer to the wood that is burned to smoke the ham? If we take shredded wheat, would it not pertain to the things in the factory in which the shredded wheat is made—the oil, the coal, the machinery, and other articles required for its production? And would not "articles required

for their production" apply to almost any commodity the gentleman can think of?

Mr. STEAGALL. That is probably true under the language of the statute, though if I were construing the matter as a judge I might not rule as the gentleman suggests. But I insist before we pass a statute as sweeping and unprecedented as this, and which carries such severe penalties as are provided in this act, we ought to make clear its provisions, so that an American citizen may know when he is violating the law. We ought not to require the average citizen to have a better understanding of this statute than we ourselves have. If we know the things that ought to go in here, we ought to put them in; and if we do not know, we ought to strike out the clause.

Mr. SWITZER. There are plenty of things used in production that tend to enhance the price, are there not?

Mr. STEAGALL. Yes; that is very true. But I insist that the act should be made clear in meaning and specific in purpose, at least in its criminal provisions; and it is manifest that the clause in this section, "and articles required for their production," is so general and indefinite that not even the committee reporting it agree as to its meaning.

Mr. CANDLER of Mississippi. Mr. Chairman——

The CHAIRMAN. The gentleman from Mississippi [Mr. CANDLER], a member of the committee, is recognized.

Mr. CANDLER of Mississippi. Mr. Chairman, the amendment offered by the gentleman from Alabama is to strike out the words "and articles required for their production." In support of his amendment he discusses the penalties prescribed in other sections of the bill. There is no penalty prescribed in this section of the bill where the gentleman offered his amendment, and the only penalties prescribed in the bill at all are in those sections where crimes or misdemeanors are specifically defined, and where it is then provided that the person violating the provisions of that specific section shall be subject to certain pains and penalties. Therefore the gentleman's whole argument that these words in this section ought to be stricken out because there are certain penalties prescribed for performing unlawful acts in reference to other provisions and other sections in the bill necessarily falls to the ground.

This bill includes specifically three different things, and that is all, namely, foods, feed, and fuel, and then follow the words which the gentleman proposes to strike out, to wit: "and such articles as may be required for their production." For the production of what? For the production of food, feed, and fuel, and that is all. Now, what harm is there when you propose to regulate these three classes of articles, then, to provide for the regulation of the things which enter into the production of the three classes? Certainly, if we are going to control the things themselves, we have got the right and should exercise the authority to control the ingredients or products which enter into the articles to be controlled. To strike out these words which the amendment proposes to strike out would weaken the section and weaken the bill.

Should we go into details, as was suggested by some amendments which have been offered heretofore, and particularize as to what shall be included in a section, when you put those specific things in a section you might exclude other things you do not mention. Should you strike out these words which give control over the things which enter into the production of the articles we propose to regulate and control, that would weaken that part of the section, and render less effectual the control of the very matters which are involved in the statute we propose now to enact into law.

Therefore, Mr. Chairman, it seems to me that the best policy for us to pursue in connection with this bill is to confine it to the purpose and intent and the regulation of the articles expressed in the bill, and stick to the text; and when we get through, as was suggested by the gentleman from Alabama, we will then have made specific what we intend and what we propose to control, and we will make it so specific there can not be any question or any doubt as to what we intend to control under the provisions of the bill. The penalties to which he referred will only apply to the violation of the specific acts which are defined as misdemeanors or crimes in specific sections, where the acts are made criminal and the penalties are imposed for the commission of the unlawful acts. We must presume the courts of this country in Alabama, in the good State that my genial and good friend comes from—and I know it is a good State—as well as elsewhere will exercise good judgment in the construction of any statute which is presented to them for consideration, and if they do, then there will be no trouble about this statute, and no trouble about the innocent suffering from a seeming violation of the law, where no intention is apparent to violate the law and the law really is not purposely violated. My splendid friend is, I am sure, unnecessarily alarmed about the penalties prescribed in this bill. I sincerely hope that the amendment will be defeated. [Applause and cries of "Vote!"]

Mr. LENROOT. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last word.

Mr. LENROOT. Mr. Chairman, I desire to say just a word upon the construction of this phrase that is sought to be stricken out. It certainly will be construed later on by the courts if this bill shall pass, although I do not know that the courts, when they do come to construe it, will examine the debates of Congress upon the subject. But they may do so. I want to give my construction. What I believe to be the proper construction of this phrase is that there are four subjects here, all of them general, and this phrase "articles required in their production" is descriptive of a general class; and it can not, it seems to me, be applied to lumber used in the construction of a factory, or oil or fuel used in running that factory, as suggested by the gentleman from Pennsylvania. It must be confined to articles that are peculiarly designed and fitted for the special purpose of producing either foods, feeds, or fuel, and indispensable in their production, and when so confined and limited it does not seem to me that there can be any difficulty in the interpretation.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. GREEN of Iowa. I am inclined to agree with the gentleman. But why not strike out the word "required" and insert "designed" instead? Then there would be no trouble about the interpretation of it.

Mr. LENROOT. I think that is a good suggestion.

Just one other comment in reference to the statement made by the gentleman from Alabama [Mr. STEAGALL], that it would be a hardship upon the American citizen who is not sure that his business came within the purview of this act; if he were subject to the penalty for the destruction of necessaries for the purpose of enhancing the price, I suggest that no citizen of the United States who destroys property of any character for the purpose of enhancing the price of like property is entitled to or should receive any sympathy or consideration from the Congress of the United States. [Applause and cries of "Vote!"]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. STEAGALL].

The question was taken, and the amendment was rejected.

Mr. SCOTT of Iowa. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SCOTT of Iowa: Page 1, line 9, after the word "necessaries," insert "and for the purposes of this act the term 'fuel' shall include fuel oils and gasoline."

Mr. SCOTT of Iowa. Mr. Chairman, the purpose of the amendment is to make clear the language of the bill, and it partakes both of the nature of an explanation of the word "fuel" and an interpretation of the bill.

Mr. CANNON. If the gentleman will permit, would that include kerosene?

Mr. SCOTT of Iowa. Yes.

Mr. CANNON. If you mention just what it includes, does it not exclude other things?

Mr. SCOTT of Iowa. Fuel oils would include all oils such as kerosene and gasoline.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. SCOTT of Iowa. Yes.

Mr. MONDELL. Is the inclusion of the words the gentleman has suggested intended as an addition? Would it not possibly lead to the conclusion that fuel gas was excluded as fuel?

Mr. SCOTT of Iowa. I think not.

Mr. MONDELL. You are bringing within the language of the bill specifically certain articles that are used as fuel, but there are certain other articles nearly related to those, such as gas, which are also used as fuel.

Mr. SCOTT of Iowa. That may be; but the language as presented in the amendment merely brings in specifically these things.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. SCOTT of Iowa. Yes.

Mr. BARKLEY. I just took occasion to examine the Standard Dictionary's definition of the word "fuel," and it specifically mentions oil, coal, wood, and combustibles.

Mr. SCOTT of Iowa. Does it mention gasoline?

Mr. BARKLEY. No; it does not name gasoline, but gasoline is a combustible used to start and to sustain fires. I think a

limitation such as is proposed would tend to exclude other things than those mentioned in the gentleman's amendment.

Mr. SCOTT of Iowa. Not things that cause power by explosion.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. SCOTT of Iowa. Yes.

Mr. FESS. The gentleman's amendment is an addition, not an exclusion?

Mr. SCOTT of Iowa. It is simply an addition.

Mr. FESS. It would not exclude what is already in it?

Mr. SCOTT of Iowa. No. It simply extends the term "fuel" to include gasoline, so that there may be no doubt about it.

Mr. FESS. The gentleman is a good lawyer, but I thought that if you specified in a specific way a number of things you excluded what you did not itemize.

Mr. SCOTT of Iowa. Not when the language is in the nature of an interpretation of the general language. To say that the general term shall include specific things does not limit the general term.

Mr. FESS. This would simply be an addition, then, instead of an inclusion?

Mr. SCOTT of Iowa. Yes.

Mr. DYER. Would not the gentleman's term exclude the use of alcohol as a fuel?

Mr. SCOTT of Iowa. It would exclude nothing.

Mr. DYER. I think the gentleman's limitation would have that effect—to exclude alcohol, which is used a good deal as fuel.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa [Mr. SCOTT].

The question was taken, and the amendment was rejected.

Mr. MOON. Mr. Chairman, I ask unanimous consent that I may proceed for three or four minutes in order to put some things into the RECORD.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for four minutes. Is there objection?

There was no objection.

Mr. MOON. Mr. Chairman, when we reach the fifteenth section of this bill, which is the one that grants the franking privilege to the persons and agencies connected with the administration of this law, I shall move to strike out that section and amend the eighteenth section, following by an appropriation of money that will cover postage.

This proposed amendment is as follows:

Amend H. R. 4961 by eliminating section 15 and by inserting the words "including postage" after the word "expense," in section 18, line 25, page 16, so that section 18 will read as follows:

"SEC. 18. That the sum of $2,500,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be available immediately and until expended, for the payment of such rent, the expense, including postage, of such printing and publications, the purchase of such material and equipment, and the employment of such persons and means, in the city of Washington and elsewhere, as the President may deem essential."

I desire now to place in the RECORD, in order that they may be before the House, two letters, containing a statement of some of the reasons assigned by the Post Office Department why the fifteenth section should be stricken from this bill. It is disapproved by the administration, as I am advised. There are other reasons that I hope to state then.

The letters referred to are as follows:

WASHINGTON, *June 15, 1917.*

Hon. JOHN A. MOON,
Chairman Committee on the Post Office and Post Roads,
House of Representatives, Washington, D. C.

MY DEAR JUDGE MOON: It is noted that section 15 of House bill 4961, "To provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," introduced by Representative ASBURY F. LEVER on June 11, 1917, which has been referred to the Committee on Agriculture, reads as follows with respect to the free use of the mails by any private agency or person:

"SEC. 15. That under regulations to be prescribed by the President the use of the mails of the United States free of charge for postage for exclusively official business in carrying out the purposes of this act shall be extended to any agency or person designated by the President."

With respect to the section above quoted, I am sending you with this letter a letter of May 7, 1917, addressed to you, which I had prepared and signed with respect to a similar provision incorporated as section 19 in House bill 4125, wherein I pointed out at considerable length why the section referred to, extending the free use of the mails to certain private agencies and persons, should not be enacted into law. I withheld this letter, believing the committee would eliminate the section from the bill. As section 15 of House bill 4961 is in effect the same as section 19 of House bill 4125, I desire to bring the matter to your attention.

Under existing law all officers of the Federal Government may send in the mails free of postage in penalty envelopes matter which they would have to mail in pursuance of their duties under the provisions of the other sections of the bill if it should become law, and therefore, in so far as the free use of the mails by such officials is concerned, no legislation is necessary. But, as stated in the inclosed letter of May 7, to extend the free-mail privilege to private agencies and persons not officers of the Government would constitute a new departure and a dangerous precedent.

The effect of extending such free use of the mails to private agencies and persons would be to increase greatly the amount of matter to be carried in the mails free of postage; and, in view of the enormous quantity of free matter with which the mails are already burdened, I feel sure that, considering the matter from the standpoint of the general public interest, you will agree that there should be no further extension of the free-mail privilege.

I have also to say with respect to section 15 of House bill 4961 what I said in my letter of May 7 regarding section 19 of House bill 4125, that I am greatly apprehensive that the enactment of this section into law would involve the Government in wasteful expenditure, because, after all, while the free-mailing privilege would be given to the parties named, as a matter of fact it could not be free under the law to the people of the United States, for the reason that the law provides for the payment of ample compensation to the railroads and other carriers for the transportation of this mail, and therefore it is believed that the postage expense incident to the sending of the matter by others than officers of the Government should be met out of an appropriation for such purpose. In the one case, if the postage is paid out of an appropriation, it would assure administrative economy in the execution of the law. On the other hand, the door would be wide open and inviting to unnecessary expenditure, which must be met by the people after all in the payment of increased compensation to railroads and other transportation agencies. It seems to me to be in the interest of economy and effectual administration to pay whatever mailing expense may be involved in this bill on account of matter sent by others than officers of the Government out of a sufficient appropriation for the purpose.

In view of the foregoing, this department is strongly opposed to the enactment into law of section 15 of House bill 4961. Since the provision is in the bill which has been referred to the Committee on Agriculture, it is thought that it may not have to come to your attention, and I am therefore advising you concerning it.

Yours, very truly,

A. M. DOCKERY,
Third Assistant Postmaster General.

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WASHINGTON, *May 7, 1917.*

Hon. JOHN A. MOON,
Chairman Committee on the Post Office and Post Roads,
House of Representatives, Washington, D. C.

MY DEAR JUDGE MOON: Section 19 of House bill 4125, "To provide further for the national security and defense by encouraging agriculture and regulating the marketing and distribution of foods and other necessaries of life," which has been referred to the Committee on Agriculture, reads as follows:

"SEC. 19. That all correspondence, publications, and reports for the furtherance of the purposes of this act may be transmitted in the mails of the United States free of charge for postage, under such regulations as the Postmaster General from time to time may prescribe, by such State of local officials, public or private agencies, or persons, cooperating with or performing services for the Government under this act, as may be designated by the President or the Secretary of Agriculture."

While I yield to no man in a patriotic desire to enact all legislation necessary to maintain the rights of the people of this Government on the high seas and to win for the United States a conclusive victory upon all other issues involved in this mighty contest, and am in hearty favor of the purposes of the bill, yet I venture to suggest that this section is exceedingly broad, as it provides for the extension of the free-mail privilege to all State and municipal officials, public and private agencies, and persons who in any way whatever may cooperate with the Government under the provisions of the proposed legislation covered by the other sections of the bill. No such broad grant of the free-mail privilege has heretofore been made, and, if it should be done now, it would constitute a new departure and dangerous precedent.

Under existing law all officers of the Federal Government may send in the mails free of postage in penalty envelopes matter which they would have to mail in pursuance of their duties under the provisions of the other sections of the bill, if it should become law, and therefore, in so far as the free use of the mails by such officials is concerned, no legislation is necessary. But, as previously stated, to extend the free-mail privilege to State and local or municipal officials, to public and private agencies, and to persons not officers of the Government, would constitute a new departure and dangerous precedent.

The effect of extending such free use of the mails to State and municipal officials, public and private agencies, and private persons would be to increase greatly the amount of matter to be carried in the mails free of postage, and in view of the enormous quantity of free matter with which the mails are already burdened I feel sure that, considering the matter from the standpoint of the general public interest, you will agree that there should be no further extension of the free-mail privilege.

I am greatly apprehensive that the enactment of this section into law would involve the Government in wasteful expenditure, because, after all, while the free mailing privilege would be given to the parties named, as a matter of fact, it could not be free under the law to the people of the United States for the reason that the law provides for the payment of ample compensation to the railroads and other carriers for the transportation of this mail, and therefore it is believed that the postage expense incident to the sending of the matter by others than officers of the Government should be met out of an appropriation for such purpose. In the one case, if the postage is paid out of an appropriation, it would assure administrative economy in the execution of the law. On the other hand, the door would be wide open and inviting to unnecessary expenditure, which must be met by the people after all in the payment of increased compensation to railroads and other transportation agencies. It seems to me to be in the interest of economy and effectual administration to pay whatever mailing expense may be involved in this bill on account of matter sent by others than officers of the Government, out of a sufficient appropriation for the purpose.

In view of the foregoing I am strongly opposed to the enactment into law of section 19 of House bill 4125. Since the provision is in a bill which has been referred to the Committee on Agriculture, it is thought that it may not have come to your attention, and I am therefore advising you concerning it.

Yours, very truly,

A. M. DOCKERY,
Third Assistant Postmaster General.

Mr. MOON. Mr. Chairman, while I am on the floor and within my time I desire to make just one or two observations

about this bill. Surely there is no man in this House who has been raised in the faith of the Democratic Party who believes that this bill ought to pass in ordinary times. Whether the war necessities at this time justify the passage of this bill is to my mind exceedingly uncertain. Whether the conditions of our country are such that a measure of this character, crude, and without disrespect to the committee I may say thoughtless, in some of its provisions perhaps, and intensely arbitrary in others, should receive the sanction of this House without amendment is to my mind very doubtful. There is a provision in this bill, one of the most important perhaps, that denounce certain things as criminal, yet there is no penalty attached. Without attempting in any way to impose my own judgment upon the House or the committee, I believe that a measure of this sort ought to contain provisions that denounce certain acts and facts as crimes and fix penalties and provide for the punishment of offenders by the courts of the country as in ordinary times. I very greatly doubt the wisdom of conferering upon any man the powers here conferred, even in the midst of flagrant war, much less in a period like this. These are powers that ought to be held sacredly in the hands of the representatives of the people and not given to any man so long as you value a republic.

But I am not going to strike any discordant note at this time. I am going to vote for this measure as the best thing perhaps that has yet been proposed. I hope as this war shall progress, if it must progress, that this House and the Senate may act upon these questions, not with hysteria or fear, not unmindful of the great duties and obligations of the representatives of the people in times of peace, but with cool judgment. We are entering upon a war that may last for a long time. It may end suddenly. We know not, but we do know that all that this Republic has or will have is pledged to the successful prosecution of the war. We ought to know, too, that our domestic affairs and concerns ought to move along just as smoothly in this time as though no war had been thought of, because this country is great enough and powerful enough, at least joined with the allies, to conquer Germany and not interfere unwisely with our own concerns within the borders of the Republic. [Applause.]

Mr. SMITH of Michigan. Will the gentleman yield.

Mr. MOON. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Is it not true that when a statute provides that a certain thing is a criminal act and the penalty is not provided in that statute it is a misdemeanor and punished as such?

Mr. MOON. How are misdemeanors punished under the Federal law? They are punished by a statute providing what shall constitute the offense and what the punishment shall be.

Mr. SMITH of Michigan. The penalty of a misdemeanor.

Mr. MOON. No. The gentleman confuses State and Federal statutes. We should say whether the act was a misdemeanor or a felony, if it is intended to punish as for a felony.

But, Mr. Speaker, passing from that question, I want to say that so far as this measure is concerned, I am going to give it my vote and my hearty support, trusting and hoping that something good may come out of it, though I fear that in its administration much money may be expended uselessly if not corruptly, that the people may be greatly annoyed and harassed without any compensating benefits from the act. Let us hope, at least, that that may not be true, and that as defects appear in the administration of it we can amend this act. We do not know what will come of it until we try it. But I am not expecting that very much good will arise from it in its present shape to protect our people against unlawful speculation in food products and to reduce the cost of living to the masses, which I know is our object.

Mr. KING. I ask unanimous consent to proceed for one minute.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. KING. Mr. Chairman, when we reach page 17, line 10 of this bill, I desire to offer a new paragraph to be known as section 19½, establishing in the Treasury Department a bureau to be known as the bureau of farm-risk insurance. I simply desire to have it printed in the RECORD for the information of the committee and the House generally.

The CHAIRMAN. Without objection, the request of the gentleman will be granted.

There was no objection, and the amendment is as follows:

Amendment offered by Mr. KING: Page 17, line 10, after the word "eighteen," insert a new paragraph and section, as follows, to wit:

"SEC. 19½. That for the purpose of further stimulating the production of nonperishable agricultural products within the United States and for more effectually carrying out the objects of this act, as expressed in the title and substance hereof, that there be established in the Treasury Department a bureau to be known as the bureau of farm-risk insurance, the director of which shall be entitled to a salary at the rate of $5,000 per annum; that said bureau of farm-risk insurance, subject to the general direction of the Secretary of the Treasury, shall, as soon as practicable, make provisions for the insurance by the United States of growing crops of nonperishable products against the action of the elements whenever it shall appear to the Secretary that the producers of such crops are unable to secure adequate farm-risk insurance on reasonable terms; that the bureau of farm-risk insurance, with the approval of the Secretary of the Treasury, is hereby authorized to adopt and publish a form of farm-risk policy, and to fix reasonable rates of premium for the insurance of growing crops of nonperishable products against the action of the elements, the proceeds of the aforesaid premiums when received to be covered into the Treasury of the United States; that the bureau of farm-risk insurance, with the approval of the Secretary of the Treasury, shall have power to make any and all rules and regulations necessary for carrying out the purposes of this section of this act; that the Secretary of the Treasury is authorized to establish an advisory board, to consist of three members skilled in the practices of farm-risk insurance, for the purpose of assisting the bureau of farm-risk insurance in fixing rates of premium and in adjustment of claims for losses, and generally in carrying out the purposes of this section of this act, the compensation of the members of said board to be determined by the Secretary of the Treasury, but not to exceed $25 a day each while actually employed. In the event of this agreement as to the claim for losses, or amount thereof, between said bureau and the parties to such contract of insurance an action on the claim may be brought against the United States in any district court of the United States; that the director of the bureau of farm-risk insurance, upon the adjustment of any claims or losses in respect of which no action shall have been begun, shall, on approval of the Secretary of the Treasury, promptly pay such claim for losses to the party in interest, and the Secretary of the Treasury is directed to make provision for the speedy adjustment of claims for losses and also for the prompt notification of parties in interest of the decisions of the bureau on their claims; that for the purpose of paying losses accruing under the provisions of this section of this act there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $10,000,000; that there is hereby appropriated for the purpose of defraying the expenses of the establishment and maintenance of the bureau of farm-risk insurance, including the payment of salaries herein authorized and other personal services in the District of Columbia, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $100,000; that the President is authorized whenever, in his judgment, the necessity of further farm risk insurance by the United States shall have ceased to exist to suspend the operations of this section of this act in so far as it authorizes such insurance by the United States against such loss or damage by the reasons aforesaid, which suspension shall be made at any event within two years after the passage of this act, but shall not affect any insurance outstanding at the time or any claims pending adjustment. For the purpose of the final adjustment of any such outstanding insurance or claims the bureau of farm-risk insurance may, in the discretion of the President, be continued in existence a further period of not exceeding one year. A detailed statement of all expenditures under this section of this act and all receipts hereunder shall be submitted to Congress at the beginning of each regular session.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, line 3, after the word "proposes," insert the following:

"There is hereby established a governmental control of necessaries which shall extend to and include all the processes, methods, activities of, and for the production, manufacture, procurement, storage, distribution, sale, marketing, pledging, financing, and consumption of necessaries, which shall be exercised and administered by the President in accordance with the provisions of this act; and all such necessaries, processes, methods, and activities are hereby declared to be affected with a public interest and"

Mr. LEVER. Mr. Chairman, I reserve a point of order until I can look at the proposition.

Mr. MONDELL. I will say that I think the point of order can not be sustained, because the amendment is already a part of the bill in another place.

Mr. LEVER. I will reserve the point of order.

Mr. MONDELL. Mr. Chairman, the first section of this bill starts out with a declaration of a condition of war, continues with an expression of intention as to the purposes to be accomplished, and concludes by providing that the instrumentalities, means, methods, powers, authority, obligation, and prohibitions thereinafter set forth are created, established, conferred, and prescribed for the purpose of carrying into effect the purposes of the act.

What is intended is to create a governmental control over necessaries, but there is no clear and definite statement to that effect in section 1, the declaratory section.

Curiously enough, down in section 3, as though by some mischance it had been torn from its moorings and inserted at random at another point, there is a provision clearly establishing a Government control over necessaries, which section 1 is evidently intended to establish and possibly might be held to establish without clearly stating the fact as it is stated in section 3. So it has occurred to me that if we shall make very clear and definite the intent and purpose of the legislation, this declaration should go in and be a part of section 1. I therefore have inserted after the word "purpose," in line 3, page 2, section 1, the language in section 3 after the word "that" down to the first line of page 3, with slight modifications of the language,

so as to make it clear that the authority conferred is the authority thereafter designated in the various sections of the bill.

Now, quite a number of gentlemen have suggested that section 3 should not be in the bill. There seems to be a very wide difference of opinion as to what section 3 means. The gentleman from Minnesota places one interpretation on section 3, and other gentlemen place other interpretations on the section. One of the gentlemen discussing the matter—I think the gentleman from Wisconsin [Mr. LENROOT]—suggested that it was a mere declaration, and that it is a mere declaration seems to be borne out by the proviso at the end of it that none of the penalties of the act shall apply to that section.

Mr. LENROOT. That is a case of mistaken identity. "The gentleman from Wisconsin" thinks, with the penalties imposed, that it is much more than a mere declaration.

Mr. MONDELL. I am glad to be corrected, because I hardly thought that so good a lawyer and so intelligent a Member as the gentleman from Wisconsin would take that view of it, but that view has been expressed that it was a mere declaration and relatively unimportant, and that it did not make any difference whether it was in the bill or not. An indication that it is unimportant, if not unnecessary, lies in the fact that coupled with it and made a part of it is the provision that the President may invite voluntary assistance in carrying out the purposes declared in the act.

Clearly it is not necessary to make this broad and sweeping declaration merely for the purpose of authorizing the President as a part of that declaration to invite voluntary assistance in carrying out the provisions of the act, and the whole thing is made perfectly ridiculous from my point of view—and I mean no offense to gentlemen who think otherwise—by adding a proviso to the effect that, while we make a solemn declaration, the most clearly and definitely worded declaration in the bill, we do not mean anything by it, and though all the world may flout the declaration and everything attempted under it no penalty shall attach.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. I am for this bill—heartily in favor of it. It has required some shifting of view, some jarring of preconceived notions, to reach the point where I can accept this sort of thing, but, having reached that point, there is no halfway station, in my opinion. If we are to establish a governmental administrative control over these things referred to as necessaries, that control must be so clearly defined, so explicit, so definite, so unquestioned, as far as the power of Congress exists to grant the authority we propose to confer, that there can be no question about it. Therefore, and with a view to strengthening the legislation as I see it, I suggest that this declaration now contained in section 3—and in section 3 apparently superfluous and unnecessary, if not mischievous—should be transferred to section 1, where it clearly belongs. It seems to me that whoever drew the bill originally must have intended to have that declaration of control placed in the part of the bill that, first, invokes the war power and, second, declares our intent and purpose, and then authorizes the utilization of all of the instrumentalities invoked for the purpose of accomplishing those purposes. In doing that the very clear and very explicit statement of the establishment of control contained in section 3 should be placed in the part of the bill where it logically belongs. That will still leave in section 3 those provisions under which the President is to invite voluntary assistance, to enter into voluntary agreements. There is certainly no objection to that, although it has been suggested by some that that is quite superfluous, in view of other provisions of the bill. There would be no harm done leaving it there; but the amendment I offer, it seems to me—and I hope gentlemen will consider it—ought to be adopted. I hope we may not have a vote upon it to-night, because I am anxious that the gentleman in charge of the bill between now and to-morrow morning may consider it. I offer this in the best of faith, and I believe that it is essential to the strengthening and rounding out of the legislation.

Mr. ANDERSON. The gentleman does not want to make another speech upon it to-morrow?

Mr. MONDELL. No; I am willing to leave it to the judgment of the House to-morrow; but I would like to have gentlemen sleep upon it and consider it in the meantime.

Mr. LEVER. Mr. Chairman, I wonder if we can not have an agreement to vote on the pending amendment this afternoon and then rise?

Mr. MONDELL. I suggest that we vote upon it in the morning.

Mr. LEVER. The gentleman from Iowa, Judge TOWNER, has a substitute which he desires to offer for section 1. I take it that most of the amendments to be proposed have been offered this afternoon. I am wondering if we can not get a unanimous-consent agreement to dispose of the amendment of the gentleman from Wyoming to-morrow morning, and also of the gentleman from Iowa, and that debate on the section and all amendments thereto shall close after the gentleman from Iowa shall have had, say, 10 minutes?

Mr. MEEKER. Mr. Chairman, reserving the right to object, do I understand that it is the purpose of the gentleman from Iowa to offer an entirely new section as a substitute?

Mr. LEVER. Yes.

Mr. MEEKER. Will that include what is involved in the amendment of the gentleman from Wyoming?

Mr. TOWNER. I will say to the gentleman that in reality my substitute for the first section is a substitute for the whole bill.

Mr. MEEKER. I would like to have a little time on the amendment of the gentleman from Wyoming.

Mr. LEVER. I ask unanimous consent that debate upon section 1 and all amendments thereto, including the amendment which will be offered by the gentleman from Iowa, Judge TOWNER, shall close in 25 minutes.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that all debate on section 1 and all amendments thereto, including the substitute offered by the gentleman from Iowa, shall conclude in 25 minutes to-morrow morning. Is there objection?

Mr. MEEKER. Mr. Chairman, reserving the right to object, who will have control of that?

Mr. LEVER. The Chair.

The CHAIRMAN. The Chair will have control of it, and he will endeavor to divide it equally. Is there objection? [After a pause.] The Chair hears none. The Chair desires to know if the gentleman insists upon his point of order?

Mr. LEVER. Mr. Chairman, I will reserve the point of order.

Mr. GREEN of Iowa. Mr. Chairman, I ask unanimous consent to have inserted in the RECORD, without reading, an amendment which I shall offer to section 4.

Mr. LEVER. I have no objection.

The CHAIRMAN. The gentleman from Iowa [Mr. GREEN] asks unanimous consent to have printed in the RECORD for the information of the committee an amendment. Is there objection? [After a pause.] The Chair hears none.

The amendment is as follows:

Amendment by Mr. GREEN of Iowa: At the end of section 4 as part thereof, add the following as a new paragraph:

"If any person aggrieved by the violation of any of the provisions of this section shall file with a district attorney of the United States, a complaint under oath alleging and specifying such violation; or if any district attorney of the United States is credibly informed, or believes that the provisions of this section are being violated; or if he be directed by the President; then such district attorney shall forthwith, in the name of the United States, file a complaint or bill against the alleged violator in the district court of the United States having jurisdiction of the parties, setting forth such violations and praying that a temporary injunction issue enjoining the defendant against continuing the acts therein set forth as in violation of law. Upon the filing of such a bill as hereinabove required, the court in which the same is filed, or any judge thereof, is hereby granted jurisdiction to hear and try the said application for temporary writ of injunction upon three days' notice thereof being served upon the defendant. Such hearing may be upon affidavits or upon oral testimony; and at the conclusion thereof if the court or judge finds that there is reasonable cause to believe that the provisions of this section, or any of them, have been violated by a defendant therein, a temporary writ of injunction shall issue enjoining such defendant from further violations thereof, which injunction shall remain in force until final hearing and judgment in the action. If a continuance of the hearing on the application for temporary injunction be granted at the instance of defendant, the temporary injunction as prayed shall issue as a matter of course."

Mr. LENROOT. Mr. Chairman, I ask unanimous consent to insert in the RECORD, without reading, proposed amendments to section 5 which I expect to offer.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin? [After a pause.] The Chair hears none.

The amendments are as follows:

Amendments intended to be proposed by Mr. LENROOT:

Amend section 5 by striking out all of the section on page 4 and the words "places of business of licensees" on line 1, page 5

Strike out the word "licensees" in line 2, page 5, and insert the word "persons."

Strike out the word "licensee" in line 4, page 5, and insert the word "person."

Strike out the word "licensee" in line 8, page 5, and insert the word "person."

Strike out, in lines 18, 19, and 20, page 5, the following: "without a license issued pursuant to this section, knowingly engages in or carries on any business for which a license is required under this section."

Strike out of lines 23, 24, and 25, page 5, the following: "or willfully violates any provision of this section or any regulation prescribed under this section."

So that said section 5, when amended, shall read as follows:

"SEC. 5. Whenever the President shall find that any rate, charge, or practice of any person is unjust or unreasonable or discriminatory and unfair or wasteful, and shall order such person within a reasonable time fixed in the order to discontinue any such unjust, unreasonable, discriminatory, and unfair, or wasteful rate, charge, or practice, thereafter, unless such order is revoked or suspended, such person shall within the time prescribed in the order, discontinue such unjust, unreasonable, discriminatory and unfair, or wasteful rate, charge, or practice. The President may in lieu of any such unjust, unreasonable, discriminatory and unfair, or wasteful rate, charge, or practice find what is a just, reasonable, nondiscriminatory and fair, or economical rate, charge, or practice, and in any suit in any Federal or State court of competent jurisdiction such finding of the President shall be prima facie evidence. Any person who willfully fails or refuses to discontinue any unjust, unreasonable, discriminatory and unfair, or wasteful rate, charge, or practice in accordance with the requirement of an order issued under this section shall, upon conviction thereof, be punished by a fine not exceeding $5,000 or by imprisonment for not more than two years, or both: *Provided*, That this section shall not apply to any farmer, gardener, or other person with respect to the products of any farm, garden, or other land owned, leased, or cultivated by him nor to any retailer with respect to the retail business actually conducted by him nor to any common carrier, nor shall anything in this section be construed to authorize the fixing or imposition of a duty or tax upon any article imported into or exported from the United States or any State, Territory, or the District of Columbia."

Mr. LEVER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAMLIN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill H. R. 4961 had come to no resolution thereon.

EXTENSION OF REMARKS.

Mr. SLAYDEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, not appertaining to this subject, I will say.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, may I ask the gentleman upon what subject?

Mr. SLAYDEN. Oh, on the state of the Union, or something of that nature.

Mr. WALSH. I object.

The SPEAKER. The gentleman objects.

HOUR OF MEETING.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 10.30 a. m. to-morrow.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would like to inquire of the gentleman what is the gentleman's intention if we meet that early as to how late he expects to run in the afternoon?

Mr. LEVER. I would say to the gentleman from Wisconsin it is my very sincere hope, and I think the hope of the friends of this bill, and that means practically everybody in the House, that we shall complete this bill by Saturday night, and if it is necessary to run rather late to-morrow afternoon I think the House will be willing to stay with us and do so.

Mr. STAFFORD. What does the gentleman mean by running rather late?

Mr. LEVER. I would say half past 7, probably 8 o'clock.

Mr. STAFFORD. If we are going to meet at 10.30 and run until 7 or 8, we might as well meet at the regular hour. I have no objection to meeting at 11 o'clock, and while the gentleman may use his own judgment as to time we have office work to do and 11 o'clock is rather an early hour.

The SPEAKER. Is there objection?

Mr. STAFFORD. I object.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 a. m. to-morrow, with the understanding so that gentleman may know we are going to run rather late to-morrow afternoon.

Mr. GILLETT. Mr. Speaker, I do not wish it to be considered that that is agreed to without saying——

Mr. LEVER. I am not putting that in the request, but am announcing to the House.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 a. m. to-morrow. Is there objection? [After a pause.] The Chair hears none.

Mr. LEVER. Now, then, Mr. Speaker, let me say to the Members of the House that it is my intention, if the committee will stay with us, to run as late as we can keep a quorum here to-morrow—up to 8 o'clock, at least, unless we get along mighty well, which I hope we will do.

Mr. Speaker, I move that the House do now adjourn.

ADJOURNMENT.

The motion was agreed to; accordingly (at 5 o'clock and 38 minutes p. m.) the House, under its previous order, adjourned until Friday, June 22, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, recommending that the sum of $2,000 be paid to the family of Tatsuji Saito, killed, presumably, by American soldiers at Camp Geronimo, Mexico (H. Doc. No. 194); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Jordan River, Miss., and its navigable tributaries (H. Doc. No. 195); to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Willamette River from Corvallis to Eugene, Oreg. (H. Doc. No. 196); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

4. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Town Creek, Brunswick County, N. C. (H. Doc. No. 197); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

5. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Northwest River, Va. and N. C., with a view to its improvement from its mouth as far as it may be practicable (H. Doc. No. 198); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

6. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Travers and Big Stone Lakes, on the boundary between Minnesota and South Dakota, with a view to flood control and to connecting and extending navigation on and between said lakes (H. Doc. No. 199); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. DENT, from the Committee on Military Affairs, to which was referred the bill (H. R. 4897) to amend section 10 of the national-defense act approved June 3, 1916, and for other purposes, reported the same without amendment, accompanied by a report (No. 84), which said bill and report were referred to the House Calendar.

Mr. MONTAGUE, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 4960) to define, regulate, and punish trading with the enemy, and for other purposes, reported the same without amendment, accompanied by a report (No. 85), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HAWLEY: A bill (H. R. 5131) amending the act providing for the sundry civil expenses of the Government approved June 12, 1917; to the Committee on Appropriations.

By Mr. WATKINS (by request): A bill (H. R. 5132) to amend paragraph 2 of section 12 of the act approved June 18, 1910, entitled "An act to create a commerce court and to amend the act entitled 'An act to regulate commerce,' approved February 4, 1887, as heretofore amended, and for other purposes"; to the Committee on Interstate and Foreign Commerce.

By Mr. KETTNER: A bill (H. R. 5133) for the protection of lands and property in the Palo Verde Valley, Cal., and for other purposes; to the Committee on Appropriations.

By Mr. HARRISON of Mississippi: A bill (H. R. 5134) establishing standard grades of naval stores, preventing deception in transactions in naval stores, regulating traffic therein, and for other purposes; to the Committee on Agriculture.

By Mr. GANDY: A bill (H. R. 5135) providing for the depositing of tribal or trust funds of Indians, and for other purposes; to the Committee on Indian Affairs.

By Mr. OSBORNE: A bill (H. R. 5136) providing that premedical and medical students in attendance at National Reserve Officers' training camps shall, upon expressing a preference, be placed in medical schools to complete their medical studies, and thereafter serve in the rank for which they shall have qualified; to the Committee on Military Affairs.

By Mr. McCLINTIC: A bill (H. R. 5137) to prohibit alien citizens who have evaded military service from entering the ports of the United States or becoming citizens thereof; to the Committee on Immigration and Naturalization.

By Mr. LOBECK: Resolution (H. Res. 107) directing the Committee on Expeditures in the Post Office Department to make certain examinations; to the Committee on Rules.

By Mr. LaGUARDIA: Joint resolution (H. J. Res. 107) proposing an amendment to the Constitution of the United States extending the power to regulate and control production, conservation, and distribution of food; to the Committee on the Judiciary.

By Mr. EMERSON: Joint resolution (H. J. Res. 108) thanking the patriotic workers who are making the Red Cross campaign for a $100,000,000 fund a success; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CRAMTON: A bill (H. R. 5138) granting a pension to Adelia Hamilton; to the Committee on Invalid Pensions.

By Mr. GANDY: A bill (H. R. 5139) granting an increase of pension to Robert Finley Conover; to the Committee on Pensions.

Also, a bill (H. R. 5140) granting a pension to Wellsley Crane; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5141) for the relief of Edwin S. Metcalf; to the Committee on War Claims.

Also, a bill (H. R. 5142) to correct the military record of Lewis Ludwig; to the Committee on Military Affairs.

By Mr. HARRISON of Mississippi: A bill (H. R. 5143) granting a pension to Joseph Gager; to the Committee on Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 5144) granting a pension to George M. Woodard; to the Committee on Pensions.

By Mr. WINGO: A bill (H. R. 5145) granting an increase of pension to George W. Sargent; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of National Conference of Charities and Correction and Homeopathic Medical Society of Philadelphia County, Pa., favoring prohibition as a war measure; to the Committee on the Judiciary.

Also (by request), memorial of the John Devoy Branch, Friends of Irish Freedom, and Salve Regina Council, No. 216, Knights of Columbus, relative to home rule for Ireland; to the Committee on Foreign Affairs.

Also (by request), petitions of sundry citizens of the State of Kentucky, asking law forbidding the slaughter of all calves under 2 years of age for veal; to the Committee on Agriculture.

Also (by request), memorial of National Association of Game and Fish Commissioners, favoring bill to give effect to the migratory-bird treaty; to the Committee on Foreign Affairs.

By Mr. CAREW: Petition of the New York State conference of mayors and other city officials, urging the immediate enactment of legislation for food control, including coal; to the Committee on Agriculture.

By Mr. CRAMTON: Memorial of William F. Sherman and five others of Port Huron, Mich., favoring passage of the daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

By Mr. DALE of New York: Petition of Central Mercantile Association of New York, relative to increasing depth of Hell Gate Channel; to the Committee on Naval Affairs.

Also, memorial of New York State conference of mayors and other city officials, relative to food control, etc.; to the Committee on Agriculture.

By Mr. DALE of Vermont: Resolutions of Congregational Church of Lyndon, North Congregational Church of Norwich, United Presbyterian Church of Ryegate, Third Congregational Church of St. Johnsbury East, Union Congregational and Methodist Churches of Cabot, Congregational Church of Barnet, Congregational Church of Williamstown, First Baptist Church of Bellows Falls, Congregational Church of North Troy, Congregational Church of Barre, Congregational Church of East Barre, Congregational Church of Orleans, Congregational Church of Townshend, First Baptist Church of Saxtons River, Congregational Church of Randolph Center, and First Baptist Church of Brattleboro, all in the State of Vermont, favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, resolution of the Methodist Episcopal Sunday School of Montpelier, Vt., favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, resolution of Vermont Committee of Public Safety, favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of W. S. Smithers and 36 others, of Orleans, Vt., favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of Charles W. Kelley and 28 others, of Irasburg, Vt., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. DALLINGER: Petition of Board of Aldermen of Melrose, Mass., urging prompt pasasge of food legislation; to the Committee on Agriculture.

By Mr. DRUKKER: Petition of sundry citizens of Passaic, N. J., opposing the passage of prohibition measures; to the Committee on the Judiciary.

By Mr. DYER: Petition of Brewery Engineers' Local, No. 246; Germania Lodge, No. 394; St. Louis Photo Engravers' Union, No. 10, International Photo Engravers' Union of North America; Boot and Shoe Workers' Union, Local 25; Painters' Union 137, of St. Louis; Local Union 257, United Brotherhood of Carpenters and Joiners of North America; Local 67, United Garment Workers; Chauffeurs' and Carriage Drivers' Local 405; Butcher and Sausage Makers; William M. Davis and J. W. Williams; Metal Polishers, Buffers, and Platers, Local 13; the Central Trades and Labor Union; White Rats Actors' Union, Branch 11; Bartenders' Local 51; Stove Mounters' Local 34; Wood, Wire and Metal Lathers' International Union, Local 73; Musicians' Mutual Benefit Association, Local No. 2, American Federation of Musicians; the Ice Wagon Drivers and Helpers, No. 606; Cigar Makers' Local, No. 34; United Brotherhood of Leather Workers; Local Union No. 1, International Brotherhood of Electrical Workers; Brewery Oilers and Helpers' Union, No. 279; International Union of Elevator Conductors; International Association of Machinists; Brewery Firemen Local Union No. 95; Carpenters' Local Union No. 1329; the Meat Cutters and Butcher Workmen, Local 88; Core Makers, No. 426, International Molders Union of North America; Electrotypers' Union, No. 36; the Cap Makers' Union, Local 14; City Forestry Employees' Union 14861; Local No. 36, Amalgamated Sheet Metal Workers' International Alliance; United Garment Workers of America, Local 238; Local 37 of Cigarmakers' International Union; Public Drivers' Local, No. 43; Typographical Union, No. 3; Stove Mounters' International Union, No. 86; Awning Workers' Union, No. 14667; Erecting Lodge, No. 688; Coal Teamsters' Local, No. 608; Cigar Packers' Local, No. 281; Brewery Freight Handlers and Ice Plant Workers, No. 237; James J. Morgan and Louis Eckrick; Amalgamated Lithographers of America, Local No. 5; Coopers' International Union, No. 3; St. Louis Bookbinders' Union, No. 18; the Glassblowers of Branch No. 5; Local No. 646, United Brotherhood of Carpenters and Joiners of North America; Painters and Decorators, No. 562; Wood. Block, Brick Pavers and Helpers, Local No. 29; Waiters' Union, Local No. 20; Bar Bottlers' Local Union, No. 187; all of St. Louis, Mo., favoring a congressional investigation of the activity of the San Francisco Chamber of Commerce in its fight against organized labor; to the Committee on Labor.

By Mr. FOSS: Petitions of National Federation of Post Office Clerks and Illinois State Association of the National Association of Letter Carriers, favoring Lever food-administration bill; to the Committee on Agriculture.

Also, petition of citizens of Highwood and Highland Park, Ill., favoring national prohibition; to the Committee on the Judiciary.

By Mr. GALLIVAN: Petition of Brotherhood of Painters, Decorators, and Paperhangers of America, favoring immediate passage of food bills; to the Committee on Agriculture.

Also, memorial of Massachusetts Medical Society, relative to sanitary conditions of military camps, etc.; to the Committee on Military Affairs.

By Mr. HAMILTON of New York: Petition of sundry citizens of Hume, N. Y., favoring national prohibition as a war measure; to the Committee on the Judiciary.

By Mr. HELVERING: Petitions of various citizens of Minneapolis, Salina, Enterprise, Gypsum, Clay Center, Manhattan, Frankfort, and Junction City, all in the State of Kansas, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HILL: Petition of members of the Methodist Episcopal churches of Norwalk and Rowayton, Conn., favoring prohibition; to the Committee on the Judiciary.

By Mr. HOUSTON: Petition of Woman's Missionary Society of the Methodist Episcopal Church South, Murfreesboro, Tenn., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. HUTCHINSON: Resolution of Branch No. 380, National Association of Letter Carriers, of Trenton, N. J., urging the passage of the Madden bill, House bill 1654, providing for an increase in the salaries of the postal employees; to the Committee on the Post Office and Post Roads.

By Mr. KENNEDY of Rhode Island: Petition of Greystone (R. I.) Textile Workers, Local No. 838, favoring passage of Lever food bill; to the Committee on Agriculture.

By Mr. KETTNER: Memorial of Single-Tax Society, of San Diego County, Cal., protesting against methods of taxation by which the necessities of life are taxed, etc.; to the Committee on Ways and Means.

By Mr. O'SHAUNESSY: Petition of the Workingmen's Independent Political Club, of the city of Providence, R. I., urging the immediate enactment of the food-control bill; to the Committee on Agriculture.

By Mr. PAIGE: Petitions of Rev. Louis P. Causey and 88 others, of Clinton; Bible School of Rollstone Congregetional Church, of Fitchburg; Men's Leauge of First Congregational Church of Spencer; Sunday School of First Methodist Episcopal Church of Fitchburg; Swedish Evangelical Church, of Fitchburg; Eastern Hampden Young People's Society of Christian Endeavor Union; Massachusetts Branch National Congress of Mothers and Parent-Teachers' Association; townspeople of Paxton in public meeting assembled; Troop 12, Boy Scouts, of Fitchburg; Young People's Branch Woman's Christian Temperance Union, of Leominster; First Baptist Church, of Orange; Major Peter Harwood Chapter, Daughters of American Revolution, of North Brookfield; Athol Grange, of Athol; Sixth Massachusetts District of Universalist Churches, by Rev. Lucy Milton Giles, secretary, of Westminster; Central Congregational Church, of Orange, by Rev. Andrew Campbell, pastor, and Charles S. Parker, clerk; 200 members of Sunday School of Methodist Episcopal Church, of Oxford; and Greenwich Congregational Church, of Greenwich, all in the State of Massachusetts, in favor of national prohibition as a war measure; to the Committee on the Judiciary.

By Mr. PLATT: Petitions of Union Church of Newburgh and sundry citizens of the State of New York, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. RAKER: Petition of W. B. Bourn, acting chairman, American League of California, San Francisco, Cal., favoring the food-control bill and the appointment of Herbert C. Hoover as director; to the Committee on Agriculture.

Also, petition of the Pedic Society of the State of California, urging the necessity of having chiropodists connected with the Medical Corps of the Army and Navy; to the Committee on Military Affairs.

Also, petition of C. E. Clinch, president, Grass Valley, Cal., favoring food supply and control bill; to the Committee on Agriculture.

Also, petition of Mr. John Hedley, secretary, Redondo Beach, Cal., in re providing soldiers with an indestructible medal; to the Committee on Military Affairs.

Also, petition of H. F. Strother, secretary Golden Gate Harbor, No. 40, San Francisco, Cal., protesting against the establishment of the zone system and the increase of rates on second-class mail matter; to the Committee on Ways and Means.

By Mr. REED: Memorial of Presbyterian Church of Richwood, W. Va., urging national prohibition; to the Committee on the Judiciary.

By Mr. ROBBINS: Petitions of the United Presbyterian churches of Shearersburg, Latrobe, and New Alexandria; First Presbyterian Church of Monessen; the Rehoboth Presbyterian Church, of Belle Vernon; the Osborne Brotherhood Bible Class, of Wyano; the Calvary Baptist Church of Irwin; and Ligonier Valley Church, of Ligonier, all in the State of Pennsylvania, favoring prohibition; to the Committee on the Judiciary.

By Mr. ROSE: Petition of congregation of the Third Presbyterian Church of Altoona, Pa., favoring national prohibition as a war measure; to the Committee on the Judiciary.

Also, petitions of congregations of Hollidaysburg and Lakemont, suburbs of Altoona, Blair County, Pa., favoring national prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of congregation of Broad Avenue Presbyterian Church, of Altoona, Pa., favoring national prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of twenty-sixth annual convention of Altoona District Epworth League, State of Pennsylvania, favoring national prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of Woman's Home Missionary Society of the Franklin Street Methodist Episcopal Church, of Johnstown, Pa., urging passage of a bill prohibiting the manufacture and sale of all alcoholic liquors during the period of the war, thus conserving our grain for food; to the Committee on the Judiciary.

By Mr. ROWE: Petition of De Kalb Avenue Methodist Episcopal Church, Brooklyn, N. Y., favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of the District Republican Club, Brooklyn, N. Y., favoring the immediate passage of proper, sufficient, and sweeping legislation to control our food prices and supply; to the Committee on Agriculture.

Also, petition of S. G. Rosenbaum, favoring enactment of daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Arthur J. Westermayr, of New York City, protesting against war-time national prohibition; to the Committee on the Judiciary.

By Mr. SANDERS of New York: Petition of Edwin Cosman and 13 other residents of the town of Parma, Monroe County, N. Y., favoring national prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of the Stone Church Presbyterian Society, of Le Roy, N. Y., favoring total national prohibition during the war; to the Committee on the Judiciary.

Also, petition of Mrs. John Droman and 9 other residents of Churchville, N. Y., favoring national prohibition during the war; to the Committee on the Judiciary.

By Mr. SHOUSE: Petition of citizens of Iuka, Claflin, and Kendall, all in the State of Kansas, favoring the prohibition of foodstuffs in the manufacture of liquors; to the Committee on Agriculture.

Also, memorial of citizens of Stafford, Kans., urging amendment to prohibit polygamy; to the Committee on the Judiciary.

By Mr. SLOAN: Petition of Mrs. O. Fenstermacher and 27 others, of Cedar Bluffs, Nebr., favoring prohibition; to the Committee on the Judiciary.

By Mr. SMITH of Michigan: Petition of C. B. Whiple and 14 citizens of Battle Creek, Mich., against an increase on first-class or letter mail rates; to the Committee on Ways and Means.

By Mr. TAGUE: Petitions of Brotherhood of Painters, Decorators, and Paperhangers of America, Pattern Makers' Association, and citizens of the United States, relative to food control; to the Committee on Agriculture.

Also, petition of People's Council of America, relative to democracy and terms of peace; to the Committee on Foreign Affairs.

Also, memorial of the Massachusetts Medical Society, of Boston, Mass., relative to sanitary conditions arising in connection with the establishment of military camps; to the Committee on Military Affairs.

Also, petition of New England Newspaper Alliance against tax on newspaper advertising; to the Committee on Ways and Means.

Also, petition of Providence (R. I.) Wholesale Drug Co., against levying a tax on alcohol; to the Committee on Ways and Means.

Also, memorial of National Association of Game and Fish Commissioners, favoring passage of House bill 2612, migratory-bird treaty; to the Committee on Foreign Affairs.

Also, memorial of Industrial Traffic Conference of New England, against bill to increase membership of the Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

By Mr. TILLMAN: Petition of citizens of Trident, Ark., and vicinity, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. WATSON of Pennsylvania: Petition of M. G. Moyer and 59 others, of North Wales; William Alburger and 80 others, of Cheltenham; J. P. Lafferty and 31 others, of Bridgeport; C. F. Irwin and 37 others, of Doylestown; and C. W. Green and 72 others, of Quakertown, all in the State of Pennsylvania, favoring prohibition; to the Committee on the Judiciary.

SENATE.

FRIDAY, *June 22, 1917.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we thank Thee for the spirit of the American people that has responded with such high resolve, with such deep devotion, to the call of divine providence to make stable and sure our homeland and to maintain the high ideals which have come to us through divine inspiration. We thank Thee that we are sure that the God of hosts is with us, that the God of Jacob is our refuge. We pray that we may address ourselves to the task of making ready for any issue that may present itself. Enable us to make a democracy which is fit for a free people and raise an ensign that will attract to it those who love liberty and justice the world around. Guide us in the discharge of the duties of this day. We ask for Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HITCHCOCK and by unanimous consent, the further reading was dispensed with and the Journal was approved.

Mr. HITCHCOCK. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	McNary	Simmons
Beckham	Husting	Martin	Smith, Md.
Brady	James	New	Smith, Mich.
Brandegee	Johnson, Cal.	Norris	Smith, S. C.
Calder	Johnson, S. Dak.	Overman	Smoot
Chamberlain	Jones, Wash.	Page	Sterling
Colt	Kellogg	Penrose	Sutherland
Culberson	Kendrick	Phelan	Thomas
Cummins	Kenyon	Pittman	Thompson
Curtis	King	Poindexter	Townsend
Dillingham	Kirby	Pomerene	Trammell
Frelinghuysen	Knox	Ransdell	Vardaman
Gallinger	La Follette	Saulsbury	Wadsworth
Gerry	Lewis	Shafroth	Warren
Gore	McKellar	Sheppard	Weeks
Hale	McLean	Sherman	Wolcott

Mr. SUTHERLAND. I wish to announce the absence of my colleague, the senior Senator from West Virginia [Mr. GOFF], on account of illness. I ask that this announcement may stand for the day.

Mr. McKELLAR. The senior Senator from Tennessee [Mr. SHIELDS] is detained at his home by reason of illness. I will let this announcement stand for the day.

Mr. NEW. I desire to announce the unavoidable absence of my colleague [Mr. WATSON]. I will let this announcement stand for the day.

Mr. KIRBY. I wish to announce the unavoidable absence of my colleague [Mr. ROBINSON].

The VICE PRESIDENT. Sixty-four Senators have answered to their names. There is a quorum present.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a resolution adopted by the National Conference of Charities and Correction at its forty-fourth annual meeting at Pittsburgh, Pa., favoring national prohibition as a war measure, which was ordered to lie on the table.

He also presented the memorial of R. G. Caldwell, of New York City, N. Y., remonstrating against the enactment of legislation to permit the brewers and distillers of the country to continue the consumption of food products in the manufacture of intoxicating liquors, which was ordered to lie on the table.

Mr. GALLINGER presented petitions of Edith P. Flanders, of Grasmere; of Mrs. H. A. Cutting, of Newport; and of the Quarterly Conference of the Methodist Episcopal Church, of Newfields, all in the State of New Hampshire, praying for national prohibition, which were ordered to lie on the table.

Mr. KENDRICK. I present petitions signed by a large number of citizens of Cheyenne, Douglas, Torrington, Cokeville, Basin, Kemmerer, Casper, Cowley, Cody, Riverton, Encampment, Wheatland, Greybull, and Luck, all in the State of Wyoming, favoring the enactment of legislation to conserve foodstuffs by prohibiting the manufacture of alcoholic liquors from food products. I ask that the petitions be referred to the Committee on Agriculture and Forestry.

The VICE PRESIDENT. Without objection, they will be so referred.

Mr. FRELINGHUYSEN presented a resolution adopted by the Central Labor Union of Perth Amboy, N. J., favoring Federal control of food products, which was ordered to lie on the table.

He also presented a petition of the Interchurch Federation of Trenton, N. J., and a telegram in the nature of a petition from the congregation of the Third Reformed Christian Church of Paterson, N. J., praying for national prohibition during the war, which were ordered to lie on the table.

He also presented a petition of the New Jersey State Federation of Labor, praying for the passage of the so-called Lever food bill, which was ordered to lie on the table.

He also presented a memorial of the Painters' Local Union of Long Branch, N. J., remonstrating against the enactment of legislation to prohibit the manufacture of beer and light wines, which was ordered to lie on the table.

Mr. JONES of Washington. I have a telegram calling attention to the oil situation on the Pacific coast and urging very strongly that some legislation be passed by Congress. It calls attention to the fact that they are threatened with a very serious oil shortage for transportation and manufacturing purposes. I move that the telegram be referred to the Committee on Public Lands, which is, I think, considering a bill dealing with that matter.

The motion was agreed to.

Mr. PHELAN presented a petition of sundry citizens of Campbell, Cal., and a petition of sundry citizens of Perris, Cal., praying for national prohibition, which were ordered to lie on the table.

Mr. McLEAN presented petitions of sundry citizens of New Britain, of the Trades Council of New Haven, and of Local Union No. 1341, Carpenters and Joiners of America, of Unionville, all in the State of Connecticut, praying for Federal control of food products, which were ordered to lie on the table.

He also presented petitions of sundry citizens of East Glastonbury, of the Congregation of the First Methodist Episcopal Church of Bridgeport, and of Cheney Bros., of South Manchester, all in the State of Connecticut, praying for national prohibition as a war measure, which were ordered to lie on the table.

He also presented a petition of Local Union No. 350, International Alliance of Theatrical State Employees and Moving Picture Operators, of Meriden, Conn., and a petition of Local Union No. 273, International Alliance of Theatrical Stage Employees and Moving Picture Operators, of New Haven, Conn., remonstrating against the proposed tax on theaters, which were referred to the Committee on Finance.

Mr. TOWNSEND presented petitions of the congregation of the Methodist Episcopal Church of Ann Arbor; of the congregation of the Presbyterian Church of Bay City; of sundry citizens of Hastings; of the congregation of the Methodist Episcopal Church of North Bay City; of sundry citizens of Detroit; of the congregation of the Methodist Episcopal Church of Ludington; of the Greater Hart Association, of Hart; and of sundry citizens of Middleville and Boyne City, all in the State of Michigan, praying for national prohibition during the period of the war, which were ordered to lie on the table.

Mr. COLT presented the memorial of Nathan W. Littlefield, of Providence, R. I., remonstrating against the waste of material resources in the manufacture of intoxicating liquor, which was ordered to lie on the table.

He also presented petitions of the Rhode Island Baptist Sunday School Convention; of the woman's class of the First Baptist Church of Providence; of the Hope Valley Grange, No. 7, Patrons of Husbandry; of the Roger Williams Association of the Baptist Churches of Rhode Island; and of the Swedish-American Good Templars, all in the State of Rhode Island, praying for national prohibition as a war measure, which were ordered to lie on the table.

He also presented resolutions from Harry J. Williams and 11 other citizens of Rhode Island, and from the Carpenters' Local Union No. 859, of Providence, R. I., pledging support to the Government in time of war, which were ordered to lie on the table.

Mr. KING. I desire to have printed in the RECORD a resolution adopted at the tenth annual convention of the convocation of the Episcopal Church in Utah, and I ask its reference to the Committee on Finance.

There being no objection, the resolution was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

The following resolution was adopted by the tenth annual convocation of the Episcopal Church in Utah, held in Salt Lake City, June 7–8, 1917:

"*Resolved*, That the tenth annual convocation of the Episcopal Church in Utah urges upon the Utah Senators and Representatives in Congress and upon the chairman of the Finance Committee of the Senate exemption in the present Federal estate tax law for all educational, philanthropic, and religious bequests, legacies, and gifts, and that the secretary of convocation be instructed to convey this expression to the persons named."

HOYT E. HENRIQUE, *Secretary.*

POSTAGE ON SECOND-CLASS MAIL MATTER.

Mr. KING. I ask that the following editorial, appearing in the Deseret News, one of the leading newspapers published in Utah, be referred to the Committee on Finance without reading and that it be printed in the RECORD.

There being no objection, the editorial was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

RUINOUS DISCRIMINATIONS.

Few concerns have been so severely struck by the war as newspaper publishers. Statistics say that within the last year over 700 country papers have suspended publication owing to the ever-mounting prices of print paper and other materials entering into the cost of publication.

The first great daily to announce that it is hard hit is the Baltimore News. It has not suspended, but the owner, Mr. Stewart Oliver, who bought the paper in 1915 from Frank A. Munsey, has just announced that the property has reverted to its former owner. The editorial says:

"Nothing would have given me greater pleasure than to continue as owner of the News, but the war has created entirely new conditions—terrifying costs of production—and it seemed to me the wiser course to lodge ownership of a rich and influential property, an institution like The News, in the strongest possible hands. No one business has had to bear a heavier increase in cost of production as the result of the world-wide war than the daily newspapers. Mr. Munsey's willingness under the circumstances to repurchase the property is in every way characteristic of his generosity and kindness."

It is estimated that had the increase in second-class mail rates recently adopted by the House but struck out by the Senate, become the law of the land it would have closed up hundreds of newspapers having large country circulations and turned thousands now fairly profitable into a losing venture. The four Salt Lake papers were among those who telegraphed protests against the House measure. Their postage bill to the Government is now approximately $40,000 a year, and the law proposed would have trebled it at least. The cost of paper has advanced from 100 to 150 per cent in the last two years, with everything else in proportion.

As The Deseret News stated recently, the newspapers of the country are willing to stand their just share of the burdens of the war. None of them objects to the imposition of regular taxes, as well as taxes on profits or excess profits such as other industries are subjected to. But to single out the newspaper industry by taxing its advertising revenue, or to prohibit circulation through the mails (which the increase in rates on second-class postage practically amounts to) becomes a discrimination which all publishers are justified in resisting.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KENDRICK:

A bill (S. 2493) to amend section 3 of an act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916; to the Committee on Public Lands.

By Mr. McNARY:

A bill (S. 2494) to provide for the exchange with the State of Oregon of certain school lands and indemnity rights within the national forests of that State for an equal area of national forest lands; to the Committee on Public Lands.

By Mr. SWANSON:

A bill (S. 2495) to amend section 1585 of the Revised Statutes of the United States; to the Committee on Naval Affairs.

By Mr. WARREN:

A bill (S. 2496) for the refund of duties paid on materials destroyed by fire; to the Committee on Finance.

By Mr. KNOX:

A bill (S. 2497) for the relief of James W. Cross; to the Committee on Claims.

A bill (S. 2498) granting an increase of pension to John V. Reed (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 2499) granting an increase of pension to Sanford Smith (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 2500) to establish direct contact between the people and the National Government by the creation of the war information commission; to the Committee on Education and Labor.

WAR REVENUE.

Mr. McKELLAR. submitted an amendment intended to be proposed by him to the bill (H. R. 4280) to provide revenue to defray war expenses, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

RIVER AND HARBOR APPROPRIATIONS.

Mr. McNARY submitted two amendments intended to be proposed by him to the river and harbor appropriation bill (H. R. 4285), which were referred to the Committee on Commerce and ordered to be printed.

INVESTIGATION OF ATTEMPTS TO INFLUENCE LEGISLATION.

Mr. GORE submitted the following resolution (S. Res. 91), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the committee appointed in pursuance of Senate resolution No. 92, Sixty-third Congress, first session, be, and is hereby, extended, with authority to make, from time to time, such investigations as were authorized therein and other investigations affecting the public interest or the rights of citizens, and the provisions of said Senate resolution in relation to expenses, the subpœnaing of witnesses, the production of books and papers, and other powers, are hereby extended and made a part of this resolution.

THE COMMITTEE ON INTERSTATE COMMERCE.

Mr. NEWLANDS submitted the following resolution (S. Res. 92), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Interstate Commerce, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-fifth Congress to send for persons, books, and papers; to administer oaths, and to employ a stenographer, at a cost not exceeding $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during the sessions or recess of the Senate.

RECEPTION OF BELGIAN MISSION.

Mr. MARTIN. Mr. President, in order that Senators may have an opportunity to be presented to the distinguished representatives of Belgium who are now in the city as the guests of the Nation, I move that the Senate take a recess for 30 minutes.

The motion was agreed to.

The VICE PRESIDENT. The Chair appoints Mr. MARTIN, Mr. GALLINGER, Mr. HITCHCOCK, Mr. SAULSBURY, Mr. POMERENE, Mr. SMITH of Michigan, Mr. McCUMBER, and Mr. BORAH as a committee to introduce our distinguished guests to the Senate.

The Senate thereupon took a recess for 30 minutes.

At 12 o'clock and 15 minutes p. m. the members of the Belgian mission to the Government of the United States were escorted by the committee appointed by the Vice President into the Senate Chamber, the members of the mission being Baron Moncheur, chief of the political bureau of the Belgian foreign office at Havre; Gen. Leclercq, cavalry officer of the Second Regiment of Guides, and at one time commander of the First Division of Cavalry; M. Hector Cartier, counselor of the mission; Maj. Osterrieth, of the First Regiment of Guides; Count Louis d'Ursel; and Mr. Jean Mertens, secretary of the mission.

Monsieur E. de Cartier de Marchiennes, the Belgian minister; Hon. Breckinridge Long, Assistant Secretary of State; Mr. Hugh Gibson, of the State Department; and Capt. T. C. Cook, United States Army, accompanied the mission into the Senate Chamber.

Baron Moncheur was seated on the right of the Vice President and Minister Marchiennes upon his left.

ADDRESS BY THE VICE PRESIDENT.

The VICE PRESIDENT. Senators, since that far-off, unrecorded hour when our ancestors began their slow westward movement, unnumbered and unremembered thousands have died upon the field of battle for love, for hate, for liberty, for conquest, as freemen or as slaves. Every note in the gamut of human passion has been written in the anvil chorus of war. Many have struck the redeeming blow for their own country, but few have unsheathed their swords without the hope of self-aggrandizement. It remained for little Belgium to write a new page in the blood of her martyred sons and daughters in the annals of diplomacy [applause], to inscribe thereon that the dishonor of a people is the aggregate of the selfishness of its citizens; that the honor of a people is the aggregate of the self-sacrifice of its citizens; that treaties are made to be kept, not broken; that a people may dare to walk through "the valley of the shadow of death" touching elbows with their convictions, but that they dare not climb to the mountain tops of safety if thereby they walk over the dead bodies of their high ideals [applause]; that a people may safely die if thereby they can compel an unwilling world to toss upon their new-made graves the white lily of a blameless life.

Here, Senators, ends all I know, and here begins what I believe: Belgium shall arise. [Prolonged applause.] The long night of her weeping shall end; the morning of a day of joy shall break over her desolated homes, her devastated fields, and her profaned altars. When it breaks, humanity will learn that when mankind gambles with truth and honor and humanity the dice of the gods are always loaded. [Applause.]

To me, in all profane history, there is no sadder, sweeter, sublimer character than Sidney Carton. Dreamer of dreams, he walked his lonely, only way. In all the history of nations there is no sadder, sweeter, sublimer story than the story of Belgium. [Applause.] Doer of deeds, she, too, has walked her lonely, only way—the Via Dolorosa that leads to duty, death, and glory. [Great applause.] Out of the depths and across the

deeps the representatives of the remnant of her people and the guardians of her honor have come to us this day.

I present to you the chairman of that mission, Baron Moncheur. [Applause.]

ADDRESS BY BARON MONCHEUR.

Baron MONCHEUR. Mr. President and gentlemen of the Senate, when some years ago I had the honor of representing the Government of my King in the United States, I often came to the Senate where I listened with deep interest to the debates of your distinguished body. In those times I never thought that some day it would be my privilege to speak from this historic tribune.

When the Vice President was kind enough to ask me to address the Senate, I admit that at first I hesitated to accept his gracious invitation.

How should I dare to speak in this Chamber, which has resounded to the eloquence and wisdom of so many distinguished statesmen whose utterances from this tribune have changed the history of the world?

How should I venture to address this body to which the distinction, the talent, and the wisdom of its Members have given a unique place among the legislative assemblies of the world?

If, gentlemen, I have finally succeeded in overcoming this natural hesitation, it is only because of my great desire to express, as well as my words will permit, the gratitude and admiration which the whole Belgian nation feels toward the American people and toward their Government.

You all know the unspeakable evils which have befallen my unfortunate country—the unprovoked invasion accompanied by a deliberate system of terror, the burning of many of our thriving cities and of innumerable villages, the massacre of thousands of our peaceful citizens, the pillage and devastation of our country.

Then followed the iron hand of foreign domination, enormous war contributions exacted from all the nine Provinces of Belgium, ruinous requisitions of all sorts from our people, the seizure of the raw material of industry, and even the theft of our machinery which was sent into the country of our enemy for his own use, so that now the silence of death reigns in our industrial centers which before had been the most active in Europe.

You also know, gentlemen, the way in which this régime of oppression has been carried out—80,000 Belgians condemned, in the space of one year, to various penalties for having displeased the invader; as, for example, the noble burgomaster of Brussels, who has been in imprisonment for the past two years for trying to uphold the principle of civic liberty which for centuries has been so dear to all Belgians.

You have learned also of the deportation of our workmen into Germany—a crime the horrors of which, according to the opinion of one of your countrymen, should cause more indignation throughout the entire world than all the previous outrages against the sacred principles of justice and of humanity.

But Belgium, even in the midst of the terrible misfortunes which have been brought upon her by her fidelity to treaties and by respect for her plighted word, does not regret her decision, and there is not a single Belgian worthy of the name who does not now, as on the first day of war, approve the judgment of our Government that it is better to die, if need be, rather than to live without honor. [Prolonged applause.] Like Patrick Henry, all Belgians say, "Give me liberty or give me death." [Applause.]

This sentiment will be shared by all the citizens of the great American Nation, who responded with such enthusiasm and with such unanimity to the noble words of your President when, in terms which held the world spellbound, he proclaimed the imprescriptible right of justice over force.

The courage of my fellow countrymen has been strengthened, also, by the sympathy for our misfortunes which has been manifested throughout your great land. American initiative has bestowed most generous help upon our starving population, and, in offering from this tribune the expression of gratitude of every Belgian heart, I wish also to render special homage to that admirable organization, the commission for relief in Belgium, which has done so much to save our people from starvation. [Applause.]

Yes, gentlemen, the sympathy of America gives us new courage; and while King Albert [applause], who since the fateful day when our territory was violated, has remained steadfastly at the front, continues the struggle with indomitable energy at the head of our army intrenched upon the last strip of our soil that remains to us, while the Queen [applause], that worthy companion of a great sovereign, expends her unceasing efforts to comfort and relieve the victims of battle, exciting enthusiasm by her contempt for the danger to which she exposes herself day by day, on the other side of the enemy's line of steel stand the Belgian people, bowed beneath the yoke but never conquered, maintaining their unshaken patriotism in spite of the seductions of the enemy as well as in spite of his iron rule, the Belgian population, a martyr whose courage is upheld by our great Cardinal Mercier, awaits silently in the sacred union of all parties the final hour of deliverance. [Great applause.]

That hour, gentlemen, will, I am convinced, be materially hastened by the powerful aid of the United States, and the time approaches when Belgium, restored to full and complete independence, both politically and economically, will be able to thank in a fitting manner all those who have aided her to emerge from the darkness of the tomb into the glorious light of a new life. [Prolonged applause.]

The VICE PRESIDENT. Baron Moncheur and the members of the mission will take pleasure in meeting the Senators.

The members of the Belgian mission took their places at the left of the Vice President's desk, and the Members of the Senate were presented to them by the committee appointed by the Vice President.

The distinguished visitors were escorted from the Chamber; and at 12 o'clock and 45 minutes p. m., upon the expiration of the recess, the Senate reassembled.

PRICE OF STEEL.

Mr. VARDAMAN. Mr. President, I have about concluded that eternal vigilance on the part of Congress is the price of a square deal when the Congress is dealing with the financial or commercial bandit who would take advantage of the exigencies of war to rob and plunder the Government of the United States.

That the American people may understand the character of the men with whom the Shipping Board are treating in the matter of securing material with which to build the great steel merchant fleet, I am going to ask permission to insert in the RECORD an article taken from the Washington Herald of the 22d instant. I send it to the desk and ask the Secretary to read it.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

DENMAN THREATENS STEEL INVESTIGATION—CONGRESS ANXIOUS TO SEE BUILDING OF MERCHANT FLEET STARTED.

Congressional investigation of the steel industry of the country is the whip that Chairman William Denman, of the Shipping Board, held over the head of President Farrell, of the United States Steel Corporation at the end of a long conference held here yesterday in an effort to fix the price of steel for America's new merchant fleet.

Chairman Denman told the head of the steel company that under no circumstances will this Government go above $56 a ton for steel plates, the price fixed for plates for our war vessels. The only alternative to acceptance of this price, Mr. Denman said, was a thorough airing of the whole question by a committee of Congress.

The conference broke up with neither side willing to recede from its position. There is little doubt that unless a compromise can be arranged in the next few days that Congress will act speedily. The Members of both Houses are pretty well stirred up over the entire shipping situation and are anxious to see some action that will start building of ships.

The alarming increase in submarine sinkings just announced has not improved the temper of the men who voted $750,000,000 for ships and who would now like to see the laying of a few ship ways. It is not at all likely that if a congressional committee is appointed it will content itself with merely inquiring into the cost of steel, but it will demand to know what the Shipping Board and Emergency Fleet Corporation are doing as well.

Mr. VARDAMAN. Mr. President, I should not protest against this seemingly unwarranted, inexcusable exaction, or probably, I should say, inexcusable extortion, on the part of the representatives of the Steel Trust, if it were necessary to maintain the financial stability of the enterprises they represent; but the following statement published in the New York Evening Post of the 18th instant shows that the steel corporations do not need such favoritism, but are prospering beyond the dreams of avarice. Such profits as they have enjoyed for the last three or four years ought not to be permitted even in normal times. If they do not actually reach the illegitimate, they border closely on to the criminal. I shall read the statement:

The Steel Corporation earned $104,000,000 in 1911, $108,000,000 in 1912, and $137,000,000 in 1913, making an average of $116,000,000. In the first quarter of this year the corporation earned $113,000,000, or at a rate of $452,000,000 a year. It is now estimated to be earning at a rate of $520,000,000. Take the conservative figure of $464,000,000, or an increase of 300 per cent over the three-year average, ignoring the phrase "and the excess of last year," these earnings would bear a tax of 75 per cent on the excess; the tax would be $261,000,000, leaving profits at $203,000,000.

There is no sign of that leanness which war usually brings to legitimate business in the record of these figures.

Mr. President, when we consider that $30 per ton for this steel would bring a fair return to the stockholders of the companies manufacturing it the demand of $95 which is made upon the Government of the United States is a holdup pure and simple. It does not differ in morals from the act of a man who, at the point of a pistol, would force the wayfarer to stand and deliver his hard-earned cash. Really I have more respect for the morality of the highwayman's conduct, because he stakes his

liberty against the success of his undertaking, while the Steel Trust magnate risks nothing.

The Congress is considering the question of taking the products of the farm, fixing a price which will give the farmer scant returns for his labor, and distributing those products among the people. The excuse for this extraordinary act is the fact that we are at war, and that every man who loves the flag should willingly make a sacrifice in the interest of his country and his fellow man; and in that I most heartily concur. But it is a lamentable fact that these men, with their hoarded millions, enjoying all the luxuries of life, are taking advantage of the Nation's necessities to enhance still further their unholy, criminal hoarding. Congress ought to investigate this matter and let the American people understand the character of these plutocratic "patriots" who some months ago were so sensitive of the Nation's honor that they wanted to force the country into war in order that they might preserve its good name untarnished. They were willing to sacrifice men and other people's money to the last man and dwindling farthing, rather than see the American Nation suffer unresented an insult. The fact is, I believed then and I believe now, that their desire for war was inspired by a greater desire on their part to furnish them an opportunity to rob and plunder the people and the Government, and profit by the Nation's misfortune. It is a spectacle that is not very alluring or elevating to the American youth. The President of the United States has the power to commandeer these steel plants, and he ought to do it. And he should do it at once.

If after using the plants the Government is able to pay the stockholders dividends on the output under Government control, the Government should pay it. I am willing that they shall have a fair return upon their investments. I am not asking for charity for the Government at the hands of these men. But, on the other hand, if the exigencies of the situation should demand it, then the Government should use these plants without profit. I do not think it would be an injustice under the circumstances to return the plants to their owners after the war is over, even without profit to them, in as good condition as when they were taken over by the Government. If it becomes necessary for the Government to conscript its citizens, force them to leave their homes, their families, and vocations, and if need be give their lives in defense of the flag, I think the owners of these steel enterprises can well afford to permit the Government to operate their plants without special profit to the owners. It is as little as patriotic men under the circumstances could give. In the name of God and humanity, has the dollar become more sacred than human life? Are profits to be held by this Government of more importance than human souls or broken hearts? The patriotic mothers do not complain when their sons are torn from their loving bosoms and fed to the god of war in defense of a righteous cause. The loyal loving wives have cheerfully surrendered their devoted husbands to be sacrificed upon the altar of the country's cause. Then, I repeat, would it be inhuman, unjust, or in the remotest degree unfair to conscript the wealth of these men who have grown richer and richer still out of this unfortunate world-wide disaster?

I simply desired to call attention to this affair, and to submit these observations, in order that the American people may know just what is being done and that Congress may be put on guard.

I am going to ask to insert in the RECORD also an editorial which apepared in the Washington Herald of this morning, defending the action of the agents or officers of the Steel Trust. I want it published in the RECORD, because I think it carries with it its own refutation, and but accentuates the indefensibility of the outrage which is attempted to be perpetrated upon the American people.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the article will be published in the RECORD.

Mr. GALLINGER. Mr. President, I will ask the Senator from Mississippi if the article is of considerable length; or is it brief?

Mr. VARDAMAN. I shall be very glad to read it, if the Senator desires it read, and I hope Senators will listen with discriminating minds to the reading.

Mr. GALLINGER. I thought the Secretary might read it, or the Senator himself.

Mr. VARDAMAN. I shall read it.

Mr. GALLINGER. I should like to hear it.

Mr. VARDAMAN. The article is headed:

"STIMULATION BY STRANGULATION."

"This is not only not a time to allow any slowing up of business," said President Wilson, in his letter to the Merchants and Manufacturers' Exchange of New York, "but it is a time when every sensible process of stimulation should be used."

This splendid sentiment goes to the very root of the requirements of a war waged for victory. "Every sensible process of stimulation should be used." Stimulation of what? Stimulation of everything needed by this Nation and the other nations fighting for the liberty of the world. Stimulation of food production, stimulation of woolen goods, of cotton goods, of shoes, of clothing, of steel, of copper, of ships, of rails, of locomotives, of cars, of motors, of airplanes, of munitions. The reverse of the President's pronouncement is that every foolish process of strangulation should be prohibited.

Now, this brings us face to face with the latest situation, in which Mr. Denman, of the Shipping Board, and Maj. Gen. Goethals figure. The President can take care of this controversy, but there are a few general principles which should be stated in connection with the rage for price cutting of commodities, which appears to be symptomatic of peace delay rather than war hurry. Mr. Denman isn't going to pay $95 a ton for steel when Mr. Daniels, the Secretary of the Navy, is getting it at $30. Mr. Daniels obtained an agreement for steel by the use of the club. Since he obtained it the price of steel has steadily advanced with the demand and the cost of production. He is taking a good many dollars out of the pockets of the stockholders of the steel establishments with each ton of steel, because it is furnished at a loss. That loss is increasing every day with the growing costs of labor and material.

Steel at $95 a ton may not represent a profit, because the cost of production has increased much more rapidly than the price. The aim of the producers of all the basic metals has been to increase output. The men in charge of the great industries long ago saw the necessity of stimulating production. Their concern has been to supply the materials so that there should be no strangulation in finished product output because of scarcity. They have placed faith in the President and his assistants, believing that they would do nothing which would cause stagnation because of heavy losses. In other words, the manufacturers have had the courage to go ahead only to run against a policy of strangulation. Emma Goldman and her pacifist and anarchist followers can not do as much harm to the cause we are fighting for as will be done by this process of commandeering profits. With the vanishing of profits, wages will come down, and what will Mr. Gompers have to say about that?

Think seriously for a minute where this course is bound to lead. The Government expects the men whose fortunes are invested in the steel, copper, lead, woolen, oil, cotton, machine, milling, and packing industries to keep their establishments going at high speed. It expects them to pay very heavy income taxes. It expects to impose heavy taxation on profits, regardless of past losses and extra risks. It expects them to take liberty loan bonds amounting to no one knows how many billions, the next one being due in less than three months.

I will digress just at this point to observe that I do not think there is a great deal of charity in taking a liberty bond. The bonds of the United States are a very good investment, and this particular bond furnishes a safe retreat from taxing money that would better serve mankind if it were invested in developing the farms and building homes throughout the Republic.

It expects them to pour out their money liberally for war relief.

Yet they rob the Government of $30 a ton for the steel and then give 1 per cent to the Red Cross. That charity is a good investment.

They are doing it and doing it in a way to command praise.

Yes; I think they are doing it for that purpose. But the public will not be deceived by such peculiar manifestations of patriotism.

But the Government can make it impossible for them to do their part much longer.

If business is to be conducted at a loss it is not merely going to slow down, it is going to stall. Business can not help itself. It will have to yield to the Three Tailors of Tooley Street—it is not necessary to name them. What, then, is going to happen to the revenues, to say nothing of the loans? And what happens to the cause to which the President has dedicated the country in lofty phrases?

President Wilson's words on stimulation of business should be placed above the desk of every official of the Government and of every Member of the Congress of the United States:

"This is not only not a time to allow any slowing up of business, but it is a time when every sensible process of stimulation should be used."

Mr. CALDER. Mr. President, I agree with the Senator from Mississippi that $95 a ton is an extraordinary price for steel. I know that in New York those buying in small quantities for building operations from the middleman who buys from the steel company are paying as high as $120 a ton for steel.

Mr. President, 35 cents a pound for copper is an extraordinary price, even in war times, and $120 a ton is an excessive price for steel. So is $3 a bushel for wheat, and if these prices continue no one can foretell what the future may have in store. But I am sure the Senate would like to be informed of some of the real facts regarding the steel situation. I conferred recently with a shipbuilder, a man who is constructing 10 cargo-carrying vessels for the Shipping Board at his yard in the State of Washington. Like the excellent business man he is, he contracted a year ago for steel for 1918 at approximately $35 a ton. He has turned his contract over to the Shipping Board and will deliver these 10 cargo-carrying ships to the Shipping Board on the basis of his contract made last year. So at least 10 of these cargo-carrying ships have been purchased at a price a great deal less than the figures quoted by the Senator.

CALLING OF THE ROLL.

The PRESIDENT pro tempore. If there is no further morning business, the morning business is closed.

Mr. GALLINGER. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from New Hampshire suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Kellogg	Norris	Sterling
Borah	Kendrick	Overman	Sutherland
Chamberlain	Kenyon	Page	Swanson
Culberson	King	Phelan	Thomas
Curtis	Kirby	Pittman	Thompson
Fletcher	Lewis	Poindexter	Townsend
Gallinger	McCumber	Ransdell	Trammell
Gore	McKellar	Reed	Underwood
Hale	McLean	Saulsbury	Vardaman
Husting	McNary	Sheppard	Wadsworth
James	Martin	Sherman	Walsh
Johnson, Cal.	Nelson	Smith, Ariz.	Warren
Johnson, S. Dak.	New	Smith, S. C.	Wolcott
Jones, Wash.	Newlands	Smoot	

Mr. McKELLAR. As has heretofore been announced, the senior Senator from Tennessee [Mr. SHIELDS] is absent on account of illness.

Mr. KIRBY. I desire to announce the unavoidable absence of the Senator from Arkansas [Mr. ROBINSON]. I ask that this announcement may stand for the day.

The PRESIDENT pro tempore. Fifty-five Senators have answered to their names. There is a quorum present.

CONSERVATION OF FOOD AND FUEL.

Mr. GORE. Mr. President, I have a letter and a telegram which I should like to have read into the RECORD.

Mr. CHAMBERLAIN. If the Senator will yield to me for a moment——

Mr. GORE. I yield.

Mr. CHAMBERLAIN. I ask that the unfinished business be laid before the Senate. There is really nothing before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which is Senate bill 2463.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2463) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

The PRESIDENT pro tempore. The Senator from Oklahoma asks that the Secretary may read a letter and a telegram. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

KINGFISHER, OKLA., *June 19, 1917.*

Hon. THOMAS P. GORE,
Washington, D. C.:

DEAR SENATOR: Wheat in this part of the State will average about half a crop. The expense of harvesting and thrashing this year is much greater than usual. The Harvester Trust has put up the prices of binders and headers about $50 apiece. Twine is 18 cents a pound, against 11 last year. Labor is higher. It is very dry here and the corn crop is in great danger just now. Everything the farmer buys is a great deal higher. If this part of the State averages half a crop of everything this year we will be lucky.

In the newspapers we see a great deal of talk about the Government regulating the price of foodstuffs. Of course, if any regulating is to be done, it will be the farmer that will be "regulated." He is not organized and can't make his influence felt as the trusts can that are thoroughly organized and keep their paid agents in Washington all the time. The farmer is not in shape to protect himself.

It looks like the law of supply and demand would give the farmer a good price this year for the little he will have to sell if the Government does not interfere to put a price on his stuff. Of course, everybody else will say that a price should be put on what the farmer raises because he produces the food of the country and it wont do to let the people starve. The manufacturer and others who employ labor want a price put on farm products so that the labor they employ can live cheaply on the wages they pay. At the prices the manufacturer pays for labor he is selling his goods too high. Let him pay his labor prices high enough to enable them to buy food at the price fixed by supply and demand.

With a famine threatening the whole world at present, the farmer should be encouraged to do his best, and the "regulating" should be done somewhere else along the line. Everybody else lives off of the farmer. He is considered an easy mark.

As your constituents are mainly farmers, I know that you will look after their interests. I have talked with a great many and I know that they want no "regulating" of prices while the stuff is in their hands. I noticed by the papers this morning that the speculators put wheat down 10½ cents yesterday. They know that there is every year a certain per cent of farmers who must sell as soon as they thrash; that they can not hold their wheat because of debts that must be paid at once. The speculators expect to get this wheat this year for about half what it is worth. Monopolists and speculators should be regulated to the bone.

Respectfully,

W. S. WHIRLOW.

DENTON, TEX., *June 21, 1917.*

Hon. T. P. GORE,
United States Senate, Washington, D. C.:

Representing leading wheat county in Texas we applaud your efforts in interest of the wheat farmer and against the food-control bill. High cost of living is not due to price of wheat, as 3 cents worth of flour will feed a man. Setting a maximum price for wheat would be a fatal error. The minimum price of $2 per bushel even would drive southern farmers to cotton on account of cost of wheat machinery and would result in material reduction of wheat acreage. We wish you success in your efforts.

EXCHANGE NATIONAL BANK.
FIRST NATIONAL BANK.
DENTON COUNTY NATIONAL BANK.
FIRST GUARANTY STATE BANK.

Mr. THOMPSON. I have here an editorial which appeared in the Washington Star on food control. It pertains to the pending bill, and I should like to have it printed in the RECORD. It is short.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE FOOD-CONTROL NEED.

Herbert C. Hoover's statement yesterday before the Senate Committee on Agriculture should lead to wise and quick action on the food-control bill, which is now pending before that body. It was a convincing exposition of the need of a central administration of the food supply in this country, whatever the method or process. Speculation has already taken a tremendous toll from the people, estimated at a quarter of a billion dollars. If not checked the speculators will continue this taking of toll. There is no conscience apparently in that quarter Every factor in the food production and distribution system is on the make because somebody is disposed to take advantage of the present necessities of this country and its allies in war and push the prices up to the highest notch. What is started by those who control large quantities of food is continued all along the line, including middlemen and retailers, the latter pleading self-protection in justification.

This is not merely a matter of prices. It is a question of sufficient food supply for ourselves and our allies, and of victory or defeat in the war. It is a matter of distribution and effective use. Speculation in foods is always accompanied by a possible waste. In order to manipulate prices upward those who control foodstuffs in large quantities must be in a position to hold heavy consignments out of the markets from time to time, and whenever this happens there is an actual loss of products. Last season carloads of potatoes were deliberately sidetracked to prevent their arrival at a certain market where they would affect the price. The potatoes rotted in the cars. It is charged also that in the neighborhood of Chicago certain crops were bought in the fields by speculators and allowed to rot in the ground in order that they should not be put into the market and lower the prices.

Every ton of foodstuffs that is wasted is a blow at the national security. These wastes will continue so long as there is no central administration of the food supply, and no power on the part of the Government to punish those who hold products out of the market or who manipulate the prices for speculative profits. The pending bill grants that power and provides the necessary administration.

Mr. McNARY. Mr. President, I have here a telegram embodying a resolution of the Oregon State Grange, adopted in its forty-fourth annual session at Astoria, and I should like to have it read.

The PRESIDENT pro tempore. Without objection, the Secretary will read the telegram.

The Secretary read as follows:

ASTORIA, OREG., *June 15, 1917.*

Hon. CHARLES L. MCNARY,
United States Senate, Washington, D. C.:

Whereas there is now pending before the Congress of the United States a bill providing for food control: Therefore be it

Resolved, That the Oregon State Grange, in its forty-fourth annual session at Astoria, Oreg., this the 13th day of June, 1917, respectfully urge that immediate action be taken by Congress along the lines suggested by the President and Secretary of Agriculture.

C. E. SPENCE, *Master of Grange.*

RECESS.

Mr. CHAMBERLAIN. Mr. President, as no one is ready now to proceed with the discussion of the pending bill, but by half past 2 I think we can take it up again, I move that the Senate take a recess until half past 2 o'clock.

The motion was agreed to; and (at 1 o'clock and 15 minutes p. m.) the Senate took a recess until 2 o'clock and 30 minutes p. m., at which hour it reassembled.

CONSERVATION OF FOOD AND FUEL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2463) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

Mr. BORAH. Mr. President, before the Senator from Missouri [Mr. REED] proceeds I desire to offer an amendment to the pending bill, which I ask to have read, printed, and lie on the table.

The PRESIDENT pro tempore. The Secretary will read the proposed amendment.

The SECRETARY. It is proposed to insert as new sections the following:

SECTION 1. During the present war with Germany and when the President of the United States shall so direct, the Federal Trade Commission is hereby authorized and empowered to fix fair and reasonable prices, both wholesale and retail, of the following articles, to wit, steel, coal, oil, farm implements, fertilizers, meats, bread, flour, and such other foods as shall be designated from time to time by the President; and such articles of clothing as are usually worn by wage earners, farm laborers and laborers generally.

SEC. 2. When the price of any article shall have been fixed or established as aforesaid, the President shall issue a proclamation announcing such price or prices, and after the issuance of such proclamation no higher price shall be charged or received by anyone for said articles.

SEC. 3. That the President is hereby authorized and empowered to prescribe such rules and regulations as he may deem essential for the proper enforcement and observance of the prices fixed under this act. Any person who willfully charges or receives a higher price for any such articles than the price which shall have been fixed as aforesaid shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding $5,000 or be imprisoned for not more than one year, or both.

Mr. CHAMBERLAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Husting	New	Stone
Brady	James	Norris	Sutherland
Calder	Johnson, Cal.	Overman	Swanson
Chamberlain	Johnson, S. Dak.	Page	Thomas
Colt	Jones, Wash.	Ransdell	Trammell
Culberson	Kellogg	Reed	Underwood
Cummins	Kendrick	Saulsbury	Vardaman
Curtis	Kenyon	Shafroth	Wadsworth
Dillingham	King	Sheppard	Walsh
Fletcher	Knox	Simmons	Warren
France	La Follette	Smith, Ariz.	Weeks
Frelinghuysen	McCumber	Smith, Md.	Williams
Gallinger	McKellar	Smith, Mich.	Wolcott
Hale	McNary	Smoot	
Hitchcock	Martin	Sterling	

Mr. SMITH of Arizona. I wish to announce the absence of my colleague [Mr. ASHURST] on official business.

Mr. WEEKS. I wish to announce that my colleague [Mr. LODGE] is absent to meet an important engagement. I desire to have this announcement stand for the day.

The PRESIDENT pro tempore. Fifty-eight Senators have answered to their names. There is a quorum present.

Mr. REED. Mr. President, this morning, if never before, Senators who listened to the representative of Belgium and who had brought before their mental vision the picture of the ravishment of that fair country, who contrasted it with the smiling landscapes of America; Senators who thought of men and women in the thrall of military bondage and who remembered that we enjoy the blessings of liberty, and up to this time have not felt any of the horrors of war; Senators who listened and who thus thought must have had impressed upon their minds the gravity of the times, the responsibility of America in this world contest; and all who so listened surely felt that we should approach every public question in a spirit of the highest patriotism; that we should remember that every act of ours is filled with grave responsibility; and that any mistaken policy may bring incalculable ruin to the whole world. We ought to be prepared to lay aside personal interest, to put behind us personal ambition, to stand for that which we believe is right, even *though it shall* be to our own personal detriment.

We are ravishing the homes of America of their first born; we are about to ask them to imperil limb and life upon the bloody field of honor. If we, seated within these peaceful halls, ask this of others we ought to manifest that moral courage which is essential to all proper legislation. Moreover, we should not be pushed by any clamor into hasty action. Upon the other hand, there should be in all our actions that degree of speed which is consistent with accomplishment and at the same time with proper consideration and deliberation.

I refuse, so far as I am concerned, to yield anything which I deem to be a great essential. I am willing to compromise upon all matters that do not involve questions of great principle, but I am not willing to enact legislation in the teeth of the Consitution. I do not belong to that class of gentlemen who, in substance and effect, declare that when Germany created a condition of war by sinking American vessels she thereby abolished the Constitution of the United States. I decline to accept the doctrine that because Germany made war upon our commerce and upon our rights so that we have declared a state of war to exist, when we declared that state of war we also declared martial law in the United States.

I affirm, sir, that this war can be carried on better by a democracy, better by a free people, better by unchained limbs and unfettered brains, than it can be carried on by a people acting in obedience to the dictation of any man, however good or however great. I insist that military authority has its bounds and limits; I insist that, except within the war zone, the civil authority of the United States is superior to the military authority. But more of that in a moment. Just for the present, as I appeal to you for a hearing and to the country for a hearing, I desire to read to you some words recently uttered, which, I think, it would be well for all to consider:

The Federal Government through several of its departments is giving continuous consideration to the immediate problems presented and to the possibility of remedial measures. The solution will certainly not involve a Federal dictatorship, and it is highly unlikely that it will involve a dictatorship in any State or community. America does not take kindly to dictators. The difficulties, in any event, would be very nearly insuperable. We have a continent to deal with, and there are difficulties of double jurisdiction. Consider, for instance, the matter of fixing a minimum price. The Federal Government could deal only with commodities passing into interstate commerce. The States might be hampered in attempting to fix price.

That article appears under this headline, "Need of calmness in dealing with the foodstuffs situation." It is a prayer for deliberation; it is a warning that the task is bounded by the Constitution, and that the powers of Congress are limited to interstate commerce. It is the assertion that we should have no dictators in this country of any kind, and the author of that article, which was printed on the 3d day of March, 1917, was no less a person than a member of the President's Cabinet, the Secretary of Agriculture, Mr. Houston. I commend it as worthy of perusal.

In speaking at this moment of a question of deliberation, let me call your attention to the fact that no great issue is ever wisely solved by those who lose their heads. Excitement does not make for wisdom; prudence pauses and seeks to find the kernel of the wrong. It does not rush in and accept every new-fangled notion that may be presented.

We are confronted just now by extraordinarily high prices. Accordingly, we treat that question as though those prices had come to stay, and on every hand prophets rise and tell us that the winds bear only evil upon their wings, that grim starvation is to be our early fate, and ghastly scenes are painted on the canvas of the mind until terror seizes upon us. Yet, sir, as the pleasant seasons come they bring their remedy. The smiling sun and laughing rain have already helped solve this fearful problem. Why, wheat in 30 days, in 10 days' time, in 5 days' time, has fallen off 30 cents a bushel; potatoes in the last five days have dropped in the Washington market by 15 cents a peck, and in two weeks you will find them selling at less than 50 per cent of what they cost a week ago. Even the Sugar Trust, or whatever evil thing it was that advanced the price of sugar to 12½ cents a pound, is releasing its grasp, and now we are buying sugar at a discount from that price of 33⅓ per cent. Abide in patience now and let the summer bring its ripening grain, the frosts of autumn gild the hills, and the harvest's glories be gathered into the arms of our great land, and you will find that the good God has done more for man and for the solution of these difficulties than all the food dictators who have ever come upon earth.

Some men are just so constituted by nature that when a difficulty arises they grow excited. The biscuits that their wives have made one morning happen to be a little scorched, and thereupon they break up housekeeping and insist on moving to a hotel, whereat they starve until homemade biscuits have attractions which they never had before. Some men, discovering the plumbing out of order in their house, would burn the house or would declare all plumbing to be a failure; but other men, however great the risk, would get a plumber and would fix the leak. That there are evils in the present condition of affairs that may be remedied all candid men admit; but that because some evil men have speculated in foods it is therefore necessary to enact legislation that will destroy the right of honest men freely to deal in food I utterly deny.

Some rogues have violated the statutes of our land, forestalled our markets, and in total defiance of our laws created monopolies and placed dishonest hands upon the earnings of the people. But because such men exist it does not follow that we should take the property from those who honestly administer it. Some men there are who will pause and think of these grave questions, using the intelligence that nature gave to them, and some will even dare to think within this Hall. To such men I make an appeal for audience and sound judgment, and if when that is given my associates shall find occasion to differ from all that I have said, I then shall be content.

Mr. President, it has been asserted that no food dictatorship is proposed. I assert that this bill is a food-dictatorship bill, and that if its powers are employed the farmer's crops in field or bin, the merchant's stock in transit or on shelves, the manufacturer's products in raw or finished state, the very mines of the earth, are all brought within its comprehensive sweep, and even the tables in our homes are placed beneath the one control named in this bill, and that the man who, we all understand, is to exercise this control is Mr. Hoover. We say that advisedly, because it is solemnly given in testimony that he has been called home for that purpose.

Let me speak of Mr. Hoover with profound respect and with the utmost kindliness. I am told that, though he has not so-

journed in this land for many years, he yet came here to undertake this task. That he may be inspired by motives of the highest character I do not challenge. I simply state two things: He is but a man, a single human being, perhaps endowed with more than ordinary skill. The second statement is that I understand, but do not affirm as true—for I know but little of Mr. Hoover, as, indeed, you all know but little of him—I understand that his long absence from this country began almost immediately after his graduation from school, and during the intervening years he has sojourned in China, in Australia, in England, in Belgium. In this great school of the world he may have learned much, and yet I would much rather, if he is to control the domestic concerns of America, that he had dwelt among the people he is to rule.

Mr. VARDAMAN. Mr. President, will the Senator, before he leaves the subject, permit me to ask what is Mr. Hoover's vocation?

Mr. REED. I understand he is a mining engineer. I want to say, in addition to that—for I want to be perfectly frank about this matter—that I am told that when Belgium was in its dire distress he was selected to control the food distribution, or at least came into that position in some way, and I am told that in that work he exhibited splendid talent and fine patriotism and humanity. Nothing that I say, I trust, will be taken as having a harsh note against Mr. Hoover; yet I say I would rather take some man who, like these Senators, has lived in this country and remained in touch with its people than one who has been so long absent from our hearthstones.

And now, those of you who think we can not live without a food dictator, I call your attention to this, that as we approach this question the most startling thing, perhaps, is that while we are talking about a food dictator in the United States of America, Canada and Australia, that are parts of the British Empire, that have been engaged in this war for nearly three years; that have poured out their treasure and offered the blood of their kind with extravagant loyalty, have not a food dictator. They still think that the people of Canada and Australia can attend to their own business better than somebody can attend to it for them.

And now I put this hard upon the conscience of you all: Is there not some lesson in this fact that I bring, that in Canada there is no food dictator, that in Australia there is no food dictator? And I think if we ransack the whole wide world we will find there is no one who can be called a food dictator in the world save in those three or four countries that are at death grapple, where the lines of the soldiers form the frontiers of States; those countries every acre of which is rocking with the reverberations of cannon; those countries where the artillery of the air is bombarding the homes and cities of the land; those countries that are dependent for their food upon importations from abroad; not countries like ours, that can support not only itself but half the world besides.

Oh, I know that there are men as honest and as intelligent as myself who differ from me; and yet I can not help returning to the fact that Canada, Australia, New Zealand, the vast British Empire, on which the sun never sets, has no food dictator save within the British Isles themselves; and round them is drawn the cord of Germany, that is seeking to choke them to death, a cord that is made up of innumerable assassins of the sea that link themselves together to shut out the commerce of the world.

Mr. WALSH. Mr. President——

Mr. REED. I yield to the Senator from Montana.

Mr. WALSH. I wish the Senator would be a little more specific about his reference to Canada. I shall have on my desk in a moment—I have sent for it—a food-control statute of the Dominion of Canada, under which a food commissioner has been appointed.

Mr. REED. There was a statute of that kind passed. I am informed, however, that it is not enforced. I took pains to telephone to the British Embassy to ascertain whether they had any such thing in Canada, and was informed that there was nothing of that kind.

Mr. WALSH. I shall be glad to furnish the statute to the Senator in five minutes.

Mr. REED. I shall be glad, also, if the Senator will ascertain whether any attempt is being made to act under it.

Mr. WALSH. All I know with respect to that is that the newspapers of day before yesterday carried a notification that the Canadian food commissioner just appointed was here to confer with Mr. Hoover.

Mr. REED. That is a very different thing from a food dictatorship.

Mr. WALSH. Oh, I quite agree. That is why I asked the Senator what he means by Canada not having a food dictator. Canada has a statute of food control, and it has a food commissioner to administer that statute. I do not take issue with the Senator that Canada has not a food dictator.

Mr. REED. Very well.

Mr. WALSH. But I should like to know what the Senator means by the expression he uses; because Canada has a food-control statute, and it has one man to administer that statute.

Mr. REED. I mean by a food dictator some one who can control the habits of the people, who can take possession of the people's property and appropriate it, who can do the things that are stipulated in this bill. I have no doubt that every country has a food commissioner. I have no doubt that efforts are being made to alleviate hardships everywhere. I am perfectly willing—and lest I forget it later, I say this to the Senate now—I am perfectly willing to sit down with Senators and agree on everything that is necessary to be done; but I deny that the things proposed in this bill are wise or prudent. I assert, on the contrary, that they will destroy more than they will conserve, and that you will stop the vast productive machinery of this land to the grave injury of America's cause in this great conflict.

I want to be understood. I am willing to make any sacrifice and to do anything necessary to win this war. I have from the first appreciated its magnitude, its horrors, and its dangers; but I insist that the war can be won without doing violence to the Constitution. I maintain that it is not necessary to deprive the people of a single right reserved for themselves by that sacred instrument. I declare that it is unnecessary to establish any kind of dictatorship in this democracy. I insist that the people can attend to their own businesses better than any man born of woman can do it for them. I maintain that it is not necessary to disrupt business, interfere with the great organized machine of production, deprive farmers of a free and open market, or attempt the regulation of wages, in order to overcome our enemies. I earnestly urge that the American people are a thousand times stronger if permitted to regulate their own businesses and industries than they will be if the power to control their own affairs is wrested from them and placed in the hands of any one man, board, or commission. I am willing to pass any law necessary to punish food speculators, food hoarders, food cornerers, all who practice extortion in necessaries of whatsoever kind or character; all who seek to forestall the market; all who conspire to despoil the great consuming public.

But I maintain that it is not necessary, as I said a moment ago, to punish the vast multitude of honest people in order to reach the occasional criminal; that it is not necessary to lay the hand of power upon the business of the United States in order to prevent the commission of crimes by a limited number of wretches. I declare that the Constitution need not be invaded, because a few speculators are abroad in the land.

I gladly recognize the fact that the executive department of the Government is possessed of great powers, and that the President is Commander in Chief of the Army and Navy of the United States. I have not the slightest desire to interfere with a single one of these mighty powers. On the contrary, I am willing to do everything necessary to the full and complete employment of every executive function.

I am willing to vote the President every dollar of money required, and have so voted. I am willing to do the unprecedented thing of voting thousands of millions of the taxpayers' money for loans made to European nations, and have so voted. I am willing to vote and have voted for every soldier and ship asked. I am willing to vote and have voted to create an enormous commercial fleet to carry food to European nations. In short, I am willing to do anything and everything necessary to strengthen our Army and Navy; but I am not willing to assail the Constitution or to deprive the American citizens of their natural rights. Such a course of conduct, I warn you, will weaken America at the time when she ought to be made strong.

Mr. President, before any question can be answered it must be fairly stated and intelligently understood. Wise men do not deceive themselves. Honest men will not mislead others. Nothing is to be gained by raising false issues, especially when the truth is bound to be disclosed in the near future. Differences of opinion and conclusion are to be expected; but when a proposition is committed to paper, introduced in the form of a congressional bill, referred to a congressional committee, and by it solemnly reported to Congress, it is time to quit denying its plain provisions.

For weeks the scope and purposes of the food dictatorship bill have been misrepresented. The country has been flooded almost daily with news articles bearing every indication of inspiration. The food dictatorship bill is presented as a very moderate measure which, without friction or effort, will (a) raise the price to the producer, (b) reduce the price to the consumer, (c) advance wages, and (d) abolish the food speculators.

Everybody is to be made prosperous and happy, without labor or expense to any other body. A populistic Utopia is to be realized. The dream is exactly the dream of the old Populist who proposed to abolish the middleman, control the prices of the manufacturer, and get the food to him without a dollar's expense or a penny's outlay; but he proposed to do it by an organization, whereas it is proposed in this instance to do it by the power of the Federal Government. The Populist failed and this will fail, as substantially every similar attempt has failed in the history of the world.

But returning now, we are told this about the food bill. I read from a Washington paper, because it is one of those articles that bear the earmarks of inspiration. This is what we are told the food bill is:

Believing that the high cost of living must be reduced at once, the President is understood on highest authority to have reached a determination that the following must take precedence over all other legislation now before Congress:

"Creation of a central purchasing agency for all the allies in order to stop the competitive bidding for American foodstuffs and resultant price boosting—

As though that would require any legislation! I shall come to that in a moment—

legislation to prevent hoarding of foodstuffs during the war—

And that kind of a bill already has passed the Senate—

empower minimum price fixing to stimulate production."

That is the one thing that would require any legislation, and its propriety is extremely doubtful; its wisdom and effect are gravely in doubt. But the other thing—is that the food-control bill?

Again, in a letter which has been three or four times put into the RECORD, from the President to Congressman BORLAND, the President is quoted as declaring:

The object of the measure is not to control the food of the country, but to release it from the control of speculators and other persons who seek to make inordinate profits out of it, and to protect the people against the extortions that would result.

Against the objects thus expressed no man in America will lift a voice. It is our business, however, to inquire whether this bill will accomplish the desired result, and also to ascertain whether it is the best plan that can be evolved.

At this point it is interesting to state that the examination of Mr. Hoover on Tuesday last developed the fact that he himself concedes that the bill ought to be altered and amended; and yet it was handed to us a few days ago with the imprint of "Thus saith the Lord" upon it, and every man who dared pause even to read it was impaled upon the pens of that brood of writers who first engage in deification of a man without reason and then in crucifying him without cause.

What are the evils to be remedied?

It is claimed:

(a) That the prices of foodstuffs are excessive, that they are liable to go higher, and that we must protect the people against extortionate prices.

(b) That we must send as much food as possible to the allies in order to assist them in winning the war.

I propose to discuss these two propositions in their order.

It is asserted that the excessive price of foodstuffs is caused by three things, and this is conceded by Mr. Hoover in his testimony:

(a) Excessive buying of foodstuffs by our allies, with a resultant price boosting. Indeed, this is now conceded to have been the largest element in what is known as the speculative movement, and its removal constitutes, after all is said and done, the most potential proposition Mr. Hoover has to present.

(b) Hoarding of foodstuffs.

(c) Speculation.

The remedy for the first of these evils—now, can I get the attention of Senators to this, and see if it is not so plain, so easy, and so simple that men can not differ about it? The remedy for the first of these evils, proposed by Mr. Hoover and this bill, is the "creation of a central purchasing agency for the allies in order to stop competitive bidding for American foodstuffs, with resultant price boosting."

Does that require a single line of legislation? It can be arranged in five minutes' time by a conference between the agents of the allies and the representatives of our own Government.

Indeed, it has already been arranged. A short excerpt from Mr. Hoover's testimony will show the importance of this control, and that the control is already fixed. I challenge you to give attention. I was examining Mr. Hoover:

I understand you to say that there ought to be a plan by which the food for the allies should be purchased through some agency cooperating with our Government?

Mr. HOOVER. Yes.

Senator REED. What would be the object of that, please?

Mr. HOOVER. The object of this is primarily to stop rival bidding by the different allies and their agents in all markets.

Senator REED. Has that taken place in the past?

Mr. HOOVER. To an enormous extent.

Senator REED. Did that take place when wheat rose to the great price that it did in May?

Mr. HOOVER. There was rival buying of wheat and flour by different agencies of the allies at that very moment.

Senator REED. As a matter of fact, they are supposed to have purchased and held throughout the year something over 100,000,000. Is not that true?

Mr. HOOVER. I do not know the details of their operations.

Senator REED. But you do know their biddings or buyings were very large?

Mr. HOOVER. Yes, sir.

Senator REED. And you do say you desire the power now to have the purchases for the allies made through one common agency, in order to stop that great element of speculation?

Mr. HOOVER. Yes, sir.

Senator REED. And you think that is very necessary and very essential?

Mr. HOOVER. I do.

Senator REED. Would you include in that the sale of all wheat and other grains that you propose to control that go to neutral countries?

Mr. HOOVER. I think it will be necessary to control neutral buying.

Senator REED. Then your proposition is to put into the hands of this agency all export business?

Mr HOOVER. In wheat, at least.

Senator REED. There is no doubt, is there, Mr. Hoover, about the fact that the allies have it within their own power to purchase through one common agency at the present time?

Mr. HOOVER. They have now arranged one common agency.

Senator REED. It is arranged?

Mr. HOOVER. Yes.

Senator REED. That agency is already in voluntary cooperation with your committees is it not?

Mr. HOOVER. No; we have no arrangement with them whatever; until we have some legal position we can not enter into any arrangement. Just on that point I might mention that the most dangerous thing that might happen to this country is to allow even our own allies to have the unrestricted run of our market.

That is the most dangerous thing. That is the greatest evil. They have already arranged a common buying agency:

Senator REED. You do not doubt, Mr. Hoover, do you, that these allies to whom we are furnishing very large sums of money and with whom we are cooperating, having established this agency here, as you say they have, will keep faith with us and buy in accordance with whatever agreements are made?

Mr. HOOVER. I have no doubt they will keep faith.

Now, Mr. President, that great evil, that great danger, that thing that caused wheat to go to $3 a bushel, that pooling of the market, that cornering of wheat, which brought $3 wheat in May and $17 flour at the same time, is already under control.

I say to the distinguished Senator having this bill in charge if he wants a law passed giving specific authority to any man appointed by our Federal Government to enter into arrangements and agreements with the allies so that there shall be complete concert of action under absolute authority of law he can have my vote and my support for such a proposition.

Mr. President, I hope Senators will bear in mind this important matter, because as I proceed in this debate I shall undertake to show that the great cause of the rise of foodstuffs in May was occasioned by this buying of the allies in the market. Indeed, Mr. Hoover substantially admits it in the testimony I have read, and he otherwise and elsewhere reenforces that statement.

Mr. VARDAMAN. Mr. President——

Mr. REED. I yield to the Senator from Mississippi.

Mr. VARDAMAN. Has the Senator observed an editorial in the Saturday Evening Post upon this matter headed "The British Example"? It is very short and at some point during the Senator's discussion I will present it to the Senate in support of the Senator's view with reference to the effect on prices caused by the competition between our allies in buying wheat in the American market.

Mr. REED. I thank the Senator, and would be glad if he would put it in right now if he cares to.

Mr. VARDAMAN. Then if the Senator will permit me I shall read it; it is very brief:

THE BRITISH EXAMPLE.

Within six weeks of the outbreak of war the British Government started on food regulation, beginning with sugar. Government regulation gradually increased until last November the food controller was virtually authorized to do as he pleased with the nation's food supply, having power to restrict the use of any food article, to seize stocks of edibles, and to prescribe prices.

Of late the practical operations of this scheme have been considerably criticized. It is charged, for example, that wheat buyers for the allies so bungled the business as to upset American markets and send prices to unnecessary heights, thereby wasting a good deal of ally money.

The London Spectator is of the opinion that, both in England and France, Government control has placed the food situation too much in the hands of politicians, who, however good their intentions, lack expert knowledge of the subject, and too little in the hands of men with practical experience in handling food products.

It is a very intricate and difficult question. Whether any arbitrary plan of fixing prices finally does more good than harm, for example, is decidedly debatable.

Here is the part of the editorial which bears especially on the phase of the subject of which the Senator is now speaking:

Any successful plan of food regulation must lean heavily upon actual experience and be guided largely by men whose business training has made them familiar with all the details of the subject.

We need a scheme of governmental food regulation. For one thing, all buying for our Government and the allies should be directed by a single expert agency. That agency itself would be an important food regulator. The fact that power to regulate exists will do much to allay panicky action by individuals.

It is a hard subject. Only the best experts, free from all political interference, can hope to succeed with it.

Mr. REED. I am obliged to the Senator. It is not only in line with what I have said but with what I am about to say.

I have already called attention to the fact that there is one agent to buy for the allies. Of course it goes without the saying that our Government without any legislation can arrange to buy its supplies in a manner not to compete with the allies' agents.

There remains, therefore, one other source of demand of great importance to which I want to call attention, and that is the purchases of neutral countries, for if we can control through a voluntary agency already created the purchases of the allies and then can control or regulate the purchases of neutral countries we will have gathered within our powerful control the entire foreign business of the United States, and whoever controls the price of all our surplus foodstuffs that go abroad will control to a very large extent the domestic price.

Mr. President, how are we to meet that question with reference to shipments to neutral countries? On the 15th day of June it was met by what is known as the espionage bill, certain sections of which are as follows:

TITLE VII.

CERTAIN EXPORTS IN TIME OF WAR UNLAWFUL.

SECTION 1. Whenever during the present war the President shall find that the public safety shall so require, and shall make proclamation thereof, it shall be unlawful to export from or ship from or take out of the United States to any country named in such proclamation any article or articles mentioned in such proclamation, except at such time or times, and under such regulations and orders, and subject to such limitations and exceptions as the President shall prescribe, until otherwise ordered by the President or by Congress: *Provided, however,* That no preference shall be given to the ports of one State over those of another.

SEC. 2. Any person who shall export, ship, or take out, or deliver or attempt to deliver for export, shipment, or taking out, any article in violation of this title, or of any regulation or order made hereunder, shall be fined not more than $10,000, or, if a natural person, imprisoned for not more than two years, or both; and any article so delivered or exported, shipped, or taken out, or so attempted to be delivered or exported, shipped, or taken out, shall be seized and forfeited to the United States; and any officer, director, or agent of a corporation who participates in any such violation shall be liable to like fine or imprisonment, or both.

SEC. 3. Whenever there is reasonable cause to believe that any vessel, domestic or foreign, is about to carry out of the United States any article or articles in violation of the provisions of this title, the collector of customs for the district in which such vessel is located is hereby authorized and empowered, subject to review by the Secretary of Commerce, to refuse clearance to any such vessel, domestic or foreign, for which clearance is required by law, and by formal notice served upon the owners, master, or person or persons in command or charge of any domestic vessel for which clearance is not required by law, to forbid the departure of such vessel from the port, and it shall thereupon be unlawful for such vessel to depart. Whoever, in violation of any of the provisions of this section shall take, or attempt to take, or authorize the taking of any such vessel, out of port or from the jurisdiction of the United States, shall be fined not more than $10,000 or imprisoned not more than two years, or both; and, in addition, such vessel, her tackle, apparel, furniture, equipment, and her forbidden cargo shall be forfeited to the United States.

The clause is followed by heavy penalties. Thus there is in the President of the United States the complete power to stop the sending of any grains or foodstuffs whatsoever to any country, the allies or the neutrals. The power is already there, and the power to say to all European countries that they can not have food at all carries with it the power to say to them the terms under which they shall have the food. Therefore there is now in the power of the President by an act we all supported the absolute right to control the entire surplus of this country, and whoever controls that surplus, I repeat, will control largely the price of the domestic article. We are about to mobilize an army of 2,000,000 men, and it will speedily go beyond that. The purchase of the supplies of our Government will constitute a heavy draft on the production of the country, and this immense purchasing power is itself a controlling factor.

I say there can be no doubt about the proposition that the exercise of the power to which I have adverted gives an absolute power to prevent any extortion being wrought in our country on prices of wheat, on prices of flour. It is a sword of Damocles suspended over every man who speculates on the future. How can he speculate when this Government can either bull the market or bear the market, when this Government can by a simple arrangement with the representatives of the allies fix the prices of all the food that is going abroad and thus command the price in the domestic market?

The truth is such a power as I now refer to, if it were lodged anywhere else than in the Government, would be absolutely destructive and would constitute a force greater than that which was wielded by all the wheat corners that have existed in this country since we had a wheat market or that existed in the world since there were men who forestalled the market at the gates of Rome.

Is it not time to get the blood out of our heads and realize that there is already this tremendous power lodged in the Government?

Now, this is not my fight. I have no interest here save as you have interests; but some things about the way this bill has been put forward remind me of the banking and currency bill. For 50 long years we had gotten along with the old banking law. There was no financial emergency; there were no special conditions in this country demanding action; and yet a banking bill was brought in and the demand was made to pass that bill. The country was told that unless the bill was instantly passed some great evil would settle upon us.

Ah, there are Senators within the sound of my voice who when some members on the Banking and Currency Committee insisted there should be an investigation, that there should be hearings, that we should look before we leap, that we should actually be guilty of the great temerity of examining and reading the bill—there are Senators within the sound of my voice who denounced it as a kind of grievance. Yet, sir, when some of us stubbornly insisted upon hearings and when the hearings were had it was discovered that the bill was so defective that it had to be amended over five hundred and forty times. It was discovered that even the Secretary of the Treasury was sending here amendments to the bill after it had gone to conference, and asking that they be adopted, and that as late as 2 o'clock in the morning when the conferees sat together the amendments were still coming; and after it was completed in this way it was then pronounced to be the wisest piece of financial legislation that had graced the archives of legislative halls since time began.

Mr. WADSWORTH. Mr. President——

The VICE PRESIDENT. Does the Senator yield?

Mr. REED. I do.

Mr. WADSWORTH. Is it not a fact that we have been amending it ever since?

Mr. REED. And since that time it has been found necessary to further amend it. Heaven knows how many times it would have had to be amended if the committee had not insisted on working. In fact, as the bill came to us it would have as inevitably produced a panic as this bill, if you are not careful, may produce one. But it was a matter of mathematics in the other case. The other bill withdrew from circulation over $500,000,000.

Mr. President, we do not need to be alarmed or frightened. Let us take a little time and do this job like statesmen. Let us remember, sirs, it is not our dignity that is to be trenched upon or maintained. Let us remember that out yonder are 104,000,000 of the best people in the world, that there are only 96 men here to speak for them, and that it is our sworn duty to speak with the voice of wisdom, if the Infinite shall give us wisdom to so speak. Let us remember that this is a Government of three great coordinate branches; that when the people wrote the Constitution the people said, "We are the source of all power; we have no masters; we have servants; one of our men shall serve us in the executive department, and him we clothe with certain powers, and on his head we lay certain heavy duties to speak and act for us in these great matters of state. We create another power, other servants, who shall express our opinion in the form of statutes, not theirs but ours, and who shall forever guard the Constitution that we write and stand outside the portals of the temple of liberty with drawn swords to defend us in our rights. That is the Congress, and you are but servants; into your keeping we have put the choicest jewels of our liberty, and you shall defend them for us. You shall not surrender them; you shall not cast them aside. When you surrender them you do not surrender your own power but ours. And we create the great Supreme Court, the judiciary, to construe these laws, and he who will lay down a right the people have reserved and treacherously disregard the obligation that he took or break the trust reposed in him is worse a traitor than is the wretch who marches beneath the red banner of the anarchist."

Why, sirs, we fight for democracy, and let us fight for it beneath the unsullied and untarnished banner of democracy. Let us tell the world that here is one people who can rule themselves, that here is one people who do not need a dictator, a master, a people who can act together strongly, valiantly, and with deathless courage confront every condition.

Now, permit me to again say the question of the control of food prices is already in the hands of our Government, and that power wisely exercised will fix the price.

But I desire now to speak fairly again. If it be necessary to give our Government the right to buy in the market in order to prevent a slump or break in the market, I am willing to confer that right. That can be done without an invasion of the Constitution, and while it is a great power I do not believe it is a power that will be misused.

Mr. Hoover I desire to quote again:

Senator REED. It was, as I understood you to say, the buying of the allies, bidding against each other in the markets of this country, that was one of the great forces in running up prices to what we regarded as extortionate?

Mr. HOOVER. That was one of the forces.

Senator REED. And if we could eliminate that feature entirely from our markets it would go a long ways toward stabilizing prices, would it not?

Mr. HOOVER. It would; if the implement were carefully handled. It requires a great deal of care in its manipulation.

Surely there ought to be care, because such a power might be used to bring irrevocable ruin and injury, but I am assuming that an honest and a strong man will be placed in this control.

Now, with this proposition settled have we not settled two-thirds of the whole controversy? Take it home with you; think it over. Read Mr. Hoover's testimony; and there are some here who will read it having first taken off their shoes from their feet because the place that they approach is holy ground. But take it and read it, and out of the mouth of Mr. Hoover get your answer. The power of control is already granted, and happily the Constitution is not violated, although, of course, when we put our Government into the open market buying and selling we are doing an unusual thing. But this is a time for unusual things.

Mr. VARDAMAN. May I interrupt the Senator?

Mr. REED. Certainly.

Mr. VARDAMAN. I heard Mr. Hoover's testimony. If I remember it correctly, the substance of his entire statement was that if the trusts or speculators were taken out of the market by congressional enactment, and if the power shall be given him to carry on his volunteer organization scheme, he thought he could solve this problem. While he thought the bill gave him the right, and that right should remain in the bill, to prescribe the menu in the home and otherwise control the distribution and consumption of food in the private home, still he did not expect to invoke the strong arm of the law in the enforcement of such a provision.

Mr. REED. No; the Senator for once is in error. He said he was willing to cut out of the bill the proposition giving him power to control the tables. Indeed, he expressed surprise that it was there.

Mr. VARDAMAN. I am very glad the Senator has corrected me. I thought he said that probably having the power under the law would prevent the necessity of using it. But if he consented to the elimination of that provision from the bill, I am glad of it, for that is the main objection I have to this bill.

Mr. REED. No; Mr. Hoover graciously stated, and I almost quote his language, that he did not think he ought to have the power to compel me to eat a soup bone if I did not want to eat it.

Mr. VARDAMAN. I am very glad to get that information from the Senator, because it removes a very serious objection to the bill. I hope Mr. Hoover's suggestion may be adopted by the Senate.

Mr. REED. I thank the Senator. Now, the second claim is, and I quote:

We need legislation to prevent hoarding of foodstuffs during the war.

Mr. Hoover has not been here long. He has been pretty busy. There are a lot of other people in this country who have been very busy. Legislation of that character has already passed the Senate in the shape of an amendment offered by the distinguished Senator from Montana [Mr. WALSH]. That bill came to us from the House of Representatives. It is known as House bill 4188. It was introduced in the House May 4, 1917, passed by the House May 28, 1917, passed by the Senate June 1, 1917, and returned to the House with amendments on June 2, 1917. It will be observed that it was just four days from the time the bill reached the Senate until it was sent back to the House ready for action upon the amendments of the Senate. The bill contains many provisions and meets substantially all of the reasonable demands of the advocates of a food dictator. I call attention to the tenth section, known as the Walsh amendment. It provides:

SEC. 10. That any person carrying on or employed in commerce among the several States or with foreign nations or with or in the Territories or other possessions of the United States in any article suitable for human food, fuel, or other necessaries of life, who, either in his individual capacity or as an officer, agent, or employee of a corporation, or member of a partnership, carrying on or employed in such trade, shall store, acquire, or hold, or who shall destroy or make away with any such article for the purpose of limiting the supply thereof to the public or affecting the market price thereof in such commerce, whether temporarily or otherwise, shall be deemed guilty of a felony, and be punished by imprisonment in the penitentiary for not less than six months nor more than three years: *Provided*—

And so forth. That ought to be drastic enough.

Mr. KENYON. Mr. President——

Mr. REED. Let me finish the sentence. The bill went to the House of Representatives and has been held up in the House of Representatives. It has been held up by the very gentlemen who are advocating this food dictatorship bill, and it has been held up for the reason that it was believed, if it passed, it would remove any necessity for the food dictatorship bill. Now I yield to the Senator from Iowa.

Mr. KENYON. I rose to ask the Senator what had become of that bill, but he has perhaps answered my question.

Mr. REED. Yes.

Mr. KENYON. That bill will have been passed three weeks to-morrow. A conference was asked with the other House and conferees were appointed by the Senate at that time. It is a most remarkable thing that for three weeks no conferees have been appointed by the House of Representatives, while the papers have been full of suggestions that speculators are robbing the people to the extent of about a hundred million dollars a month. If that is so, the responsibility for the delay or the robbery is not on the Senate.

Mr. REED. Mr. President, the responsibility is not on the Senate. I think I could tell the Senator exactly why this was brought about——

Mr. KENYON. Well, why?

Mr. REED. But the Senator who gave me the information told me that he did not feel at liberty to disclose what he had overheard.

Mr. KENYON. Mr. President, has the Senator from Missouri, in the legislative history of the country, ever known of a bill being held up in this way, with no conferees appointed? I do not know, I am not prepared to answer my own question, but I have inquired of a good many Senators, and they have told me that they never heard of such a thing in the whole history of Congress.

Mr. REED. I do not recall having heard of anything of that kind. It is a most remarkable situation. We are told that the country is suffering; we are told that there are hoarders in our land; we are asked to grant relief. We are asked to pass a bill giving the power to send the man to the penitentiary who hoards the foodstuffs of the American people; we put an amendment on a bill that came here from the House of Representatives, and which contained much important legislation which that House seemingly wanted, for that House had passed the bill. We send it back. It lies there for some days without action. It is finally brought on; a request for unanimous consent is made, and ex-Speaker CANNON objects to the unanimous consent that day to having conferees appointed. There the matter rests. The bill is apparently slaughtered by its own authors.

Mr. KENYON. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Iowa?

Mr. REED. I do.

Mr. KENYON. Was it not true also, as the Senator from Missouri will remember, that there was apparently a great need, and an effort to bring it about, to have a food survey in the country, which is covered by that bill? The Senator will also remember that some of us who were interested in that bill urged, and were under a certain stress, to get that bill through, so that we could have that food survey. I do not desire to interrupt the Senator——

Mr. REED. The Senator is not interrupting me.

Mr. KENYON. But I say, I think it is one of the most remarkable things in the history of legislation that when the Senate has asked for a conference and has appointed its own conferees, for three weeks we hear nothing about a bill of that importance.

Mr. REED. The Senator's statement is absolutely accurate. I recall that the Senator from Iowa was one of the earnest advocates of that bill. He was one of those who earnestly sought to have a food survey made, to the end that we might know what the wants and demands of our country were, in order that we might act intelligently.

Mr. VARDAMAN. Mr. President——

Mr. REED. Let me conclude the sentence. The Senator from Iowa insisted upon appropriations being made so that the Secretary of Agriculture could begin this work. We were informed that the Secretary of Agriculture had his force already

in hand so that he could speedily complete it, yet the bill is held without action.

Mr. VARDAMAN. May I ask the Senator a question?

Mr. REED. I yield to the Senator.

Mr. VARDAMAN. I ask if it is not a fact that the legislative program which has been made for Congress, provided that this bill should first pass, and that the disobedience of Congress has resulted in the food-survey bill being held up? As I understand, that bill is being held up until this bill passes, which was intended should first pass. I am afraid the Senate was not as obedient as it was thought it should be in carrying out the program prepared for it. For that reason the House is probably holding up the food-survey bill.

Mr. REED. Well, I really do not know what it is intended to do with that bill.

Mr. VARDAMAN. I understand that was the program prescribed for the Congress to carry out.

Mr. REED. But I do know that before we act on this or on any other bill, one of the important facts we ought to have is some kind of knowledge of the amount of food there is in the country, the condition of our crops, the demands that are to be made upon us by domestic consumption, and also the needs of European countries. All that would have been embraced in the powers conferred by the bill which we passed. Without knowledge of that kind, we are acting in the dark. I say it is time the Senate of the United States made itself felt; it is time that notice was served that this is a coordinate branch of the legislative authority in this country, and that this body of men propose to do their duty as the light is given them.

Mr. VARDAMAN. If that course had been pursued in the past and Congress had showed a little more independence, we should not now be suffering from the confusion in which we now find ourselves entangled. I think the people of America would have more respect for the Congress if it committed an occasional mistake on its account in an effort to do right than they would to take orders from a coordinate branch of the Government and do right. The fact is, it is my judgment that it is impossible for the Congress to do right in every circumstance if it acts by the order of some outside power. Subserviency never leads to the proper goal in the conduct of an officer of the law where independence of action is contemplated in the law creating the office.

Mr. KENYON. I should like to ask the Senator from Missouri a question, for I am interested in this subject, though I may not agree with his argument. Where the Senate passes a bill and in some mysterious way it becomes lost, or if the other House passes a bill and the matter is held up in the Senate in some mysterious way, what is the remedy? Many of our bills are lying in conference now. Have we reached a point where legislation can be defeated by conferees or the lack of conferees?

Mr. REED. Well, Mr. President, I thought I hinted at the remedy. I do not think I need to make it plainer. So long as men will take bills that are handed to them, and say, "I am somebody's man; he has the responsibility, and I have none," such men can expect to feel each day across their backs a little harder and keener the lash's cutting.

Mr. President, there remains a third proposition or evil, for now we have covered hoarding, we have covered the cornering of the market by the purchases of great governments—there remains the evil of speculation.

I have already shown that the principal element in our recent market disturbances was the extraordinary European purchases, and that this matter is now completely in hand.

I have also shown that any hoarding can be prevented and punished under the Walsh amendment.

In addition we have already adopted in the bill just referred to as being held up what is known as the Nelson amendment, which gives the President the right to stop all dealings in futures upon grain exchanges, and to restrict the buying absolutely to cash spot transactions. That power can be exercised so that every evil there is in buying or selling of futures, every evil there is in that thing commonly called speculation, can be crushed by the President as easily as a man can crush an insect. The power is conveyed in the Senate amendment, but it is held up and throttled. Mr. President, Senators are familiar with the Nelson amendment, and therefore I shall not read it, but ask to have it printed as a part of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The amendment referred to is as follows:

SEC. 12. Any building or room occupied or used by a board of trade, chamber of commerce, grain exchange, or otherwise, in which wheat or other food cereals are bought or sold for present or future delivery shall for the purpose of this act be known as grain exchange.

All persons engaged in buying or selling in interstate or foreign commerce, for present or future delivery, any wheat or other food cereal in or about any such grain exchange shall be known and designated as traders in grain.

All sales of wheat or other food cereals by such traders in such exchanges for future delivery, and not for present or immediate delivery, shall be known and designated as dealings in futures.

If at any time during the pendency of the existing war between the United States and the German Empire the President of the United States shall find that such dealings in futures in or about any grain exchange unduly or unreasonably raise or enhance the price of wheat or other food cereals, to the injury of the people of the United States, he may at once request the traders in such exchange to discontinue for a time specified by him all dealings in futures. In case such request of the President is not promptly complied with, then he is hereby empowered to order such dealings in futures, as last aforesaid, to be entirely suspended and discontinued for such limited time as he may direct, and if such order is not promptly complied with he may by proclamation declare such exchange closed, and thereafter it shall be unlawful to utilize or permit to be utilized such building or room as a grain exchange, or for any person being a trader in grain on such exchange to engage in the business theretofore conducted on or at such closed exchange.

Any person violating any of the provisions of this act shall be punished by a fine of not less than $500 or by imprisonment for not more than one year, or by both such fine and imprisonment.

Mr. REED. It would appear, therefore, that nearly all of the evils which are constantly being paraded before the public have already been so treated that the simple passage by the House of the bill which has passed the Senate containing the Nelson and Walsh amendments, with the common purchasing agencies for the allies, the neutrals, and ourselves will establish such a control as will prevent the great dangers alleged to be in the food situation.

When, however, we come to consider the bill we must be astonished at the almost limitless power proposed to be conferred. Many of these demands are, in my opinion, unconstitutional, although I do not at present propose to discuss that phase of the question.

In passing, I remark that I do not agree with the position taken by the Senator from Texas or the view expressed by the Senator from Nevada, which were to the effect that we were justified in fighting Prussianism with Prussianism. So far as I am concerned, I propose to fight Prussianism with Americanism. I hold that it is not necessary to sacrifice democracy in order to overthrow despotism, as represented by Kaiser Wilhelm. I maintain that just in proportion to our adoption of the methods of autocracy we weaken the fight for democracy.

The bill before us is not the innocent, mild, gentle, and persuasive measure which has been presented to the public. It does, in fact, create not only a food dictatorship, but also a business and wage dictatorship. In some respects it is without precedent or parallel in the legislative enactments of any modern nation, republic, or monarchy.

I pause to inquire now who will in fact exercise the great powers granted by this bill? While the powers are nominally to be exercised by the President, it is well understood, and is not to be denied, that these powers are to be transferred to Herbert C. Hoover. What will be his powers? I will proceed to enumerate them; and I hope Senators to-morrow morning will take the RECORD and read this enumeration of powers, and then read the bill, and they will find that I have not stated all the powers proposed to be conferred:

(a) The bill undertakes to place within the power of this agent the control of all necessaries—foods, feeds, fuel.

(b) The right to control consumption, which embraces the right to dictate what the people may eat. This is almost the power of life and death.

(c) The articles required for the production of either food, feed, or fuel. This will embrace nearly every kind of machinery, including the raw materials, steel and iron, copper, lead, zinc, and many other commodities.

(d) The processes, methods, and activities employed in the production and manufacture of all necessaries.

Now, pause and think where that carries you:

(e) Their procurement, distribution, sale, and marketing.

(f) Their storage.

(g) Their financing and pledging.

(h) Power is given to take control of factories and plants, including cold-storage plants, engaged in the production of necessaries, and to operate them. This would include all packing houses, cold-storage plants, and many other establishments.

(i) To take possession of all mines and to operate them.

(j) To take possession of all necessaries. This would give the right to take the grain from any farmer's bin.

Now, notice that: The bill gives the power to take possession of all "necessaries," which includes the right to take the grain from every farmer's bin, to take the cattle from every farmer's field, and to take the sheep from every farmer's ranch.

(k) Under the clause which includes as necessaries all articles required for the production of food or fuel, the iron or steel mills engaged in creating the machinery of production could undoubtedly be taken.

I see now I have omitted lumber yards. In fact, within the scope of this bill, Mr. President, comes substantially everything; but I proceed:

(l) Authority is conveyed to make these seizures, paying such compensation as Mr. Hoover, in the name of the President, may fix, with the right of appeal from the award.

(m) Mr. Hoover may, in the name of the President, prescribe such rules and regulations as he may deem essential for the carrying out of the purposes of section 9, including the operation of any factory, mine, plant, or part thereof, and the purchase, sale, or other disposition of articles manufactured, produced, prepared, or mined.

If there is anything left out, it was forgotten, but I proceed:

(n) He may control the employment and fix the compensation of employees in industries so seized.

That might embrace all the great industries of this land. Let labor pause and consider that phase of the question.

(o) By simple announcement—get this if you have not already done so—the President, or Mr. Hoover in his name, can prohibit any citizen from importing, exporting, manufacturing, storing, or distributing any of said necessaries; compel them to take out licenses and to conduct their business under regulations prescribed by him. Among these regulations he may require them to keep whatever system of accounts and auditing he may dictate, and to swear to their correctness.

(p) He may, if he deems the charges or profits unfair, fix such charges as he may deem reasonable. Any person daring to engage in business without such license may be fined $5,000 and sent to the penitentiary for two years.

A few hours ago there stood in the Senate the representative of the Belgian people. You heard his plaintive statement that the Belgian people had been despoiled of their property without compensation and that they had been imprisoned for asserting their rights as citizens; but now it is proposed in the United States of America, beneath the silken folds of our flag, to give power to one man to declare simply that it is, in his opinion, for the country's welfare, and thereupon no man within the borders of this land engaged in the manufacture of necessities or of things that enter into them can run the factory that he built with his own hands, the business that he created by his own toil, the enterprise that sprang from his brain, unless he takes out a license and agrees that the price shall be fixed; and if he dares to do business without this license he can be sent to the penitentiary for two years and fined $5,000.

Mr. KENYON. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Iowa?

Mr. REED. Certainly.

Mr. KENYON. I should like to ask the Senator, as I myself am not entirely clear on it, if he believes that under section 5 the President would have the right to fix the price at which these articles could be sold? Is that power granted by these words, on page 5?—

> The President may, in lieu of any such unjust, unreasonable, discriminatory and unfair, or wasteful rate, charge, or practice, find what is a just, reasonable, nondiscriminatory and fair, or economical rate, charge, or practice.

Is "charge" synonymous with "price," or does it refer merely to the practice of the business? I do not know.

Mr. REED. It would be a meaningless thing, a useless thing, if it had the confined and circumscribed meaning that the Senator gives it. Mr. Hoover's testimony makes it perfectly clear.

Mr. KENYON. I do not want the Senator to say that I give it that meaning.

Mr. REED. I mean that if it had the restricted meaning that one part of the Senator's question implies.

Mr. KENYON. I took the position in my argument that that provision gave the President the power to fix the price. The chairman of the committee disagreed with me about that, and held that the word "charge" was not synonymous with the word "price." I am interested in knowing the Senator's view as to that.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED. Gladly.

Mr. BORAH. In view of the fact that the meaning is questioned, I do not see why we need to leave it in doubt. Why not insert the word "price," so that we may know precisely what we are dealing with in the bill? The Senator from Iowa, who has given a great deal of attention to this bill, and the Senator from Oregon, who is in charge of the bill, differ as to the meaning. Why not use the word "price," which will settle it?

Mr. KENYON. Mr. President, will the Senator permit me to interrupt him further?

Mr. REED. Certainly.

Mr. KENYON. I want to say that Webster's Dictionary, among other definitions of the word "charge," gives this:

> The price demanded for a thing or service.

Then it gives as synonymous the words:

> Care, custody, trust; management, office; expense, cost, price.

I still believe that my construction of that section is correct, although the Senator from Oregon thinks otherwise. I am simply offering this suggestion to get at what this section really means. That is the value of this discussion.

Mr. PAGE. Mr. President, may I interrupt the Senator for a moment?

Mr. REED. Certainly.

Mr. PAGE. I should like to ask the Senator from Iowa if Mr. Hoover, when this word was brought to his attention, did not expressly deny that it had that meaning, or, at least, said that, so far as he was concerned, he did not understand it to have that meaning, and that he would not act upon it as though it had that meaning?

Mr. KENYON. Is not the Senator from Vermont confusing that with what Mr. Hoover said as to consumption? He did say that as to consumption he had no intention of fixing what a man should eat or a price in that respect. I do not remember that Mr. Hoover was asked as to this particular part of section 5. I may be in error, however, as to that.

Mr. PAGE. I was present and listened, and I presume the Senator from Missouri can tell me if I am wrong; but I was under the impression that Mr. Hoover expressly said that the word "charge" there was not designed to cover the matter of price.

Mr. REED. I do not remember that testimony, I will say to the Senator. I, of course, would be glad to have Mr. Hoover's gracious construction and his kind permission for us to pass the bill with the understanding that it does not include price. But let me ask the Senator, suppose Mr. Hoover said that the word "price" ought to be in; what then? Does the Senator think it ought to be in?

Mr. PAGE. My recollection, Mr. President, is that the Senator from Missouri, at the time he was cross-questioning Mr. Hoover about this matter, brought up the thought that was in his mind that it did mean price. I am quite sure that at the same time, during the hearing before the committee, Mr. Hoover expressly denied that that was the intent, so far as he understood it; that it did not mean price, but rather meant a charge for some commission or, perhaps, freight. I am not certain in regard to the exact limit to which he carried it. I may be wrong about the whole matter. I only say that I obtained that impression from something that was said at the time the Senator from Missouri was cross-questioning Mr. Hoover.

Mr. REED. The Senator, I think, is in error. However, I am so much of an iconoclast that I would decline even to let Mr. Hoover construe this bill for me or ask his permission to put a thing in or take it out. It seems to me that absurdity could go no further than that in the Senate of the United States we should be debating whether Mr. Hoover had construed a bill in a certain way. Why, there are 104,000,000 other people in this land who have lived here always, who have wrought and toiled, who have prayed and waited, who have created in this country, and whose investment and whose wealth is here and not elsewhere. I would as lief have the construction of any old farmer in my country, or any business man, as that of Mr. Hoover.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED. I do.

Mr. BORAH. I take it, from the discussion which has gone on between the advocates of the bill, that the difficulty of the situation does not arise out of the fact that we are unable to find language by which to express ourselves, but probably out of the fact that some desire that the price-fixing power be put in the bill, and some do not. Certainly if they desire to have the bill plain and explicit, all that they need to do is to substitute the word "price" for "charge," or to insert it just ahead of the word "charge."

Mr. REED. Or to strike out the word "charge" and all the rest of that section, and provide that after the President has licensed these people they shall be allowed to charge whatever they please; and then, of course, there would be no reason for licensing them. Indeed, this section is meaningless and a silly thing unless the power to fix prices is contained in it; for what

purpose would be served by taking possession of the plants and factories of the citizens, compelling them to take out licenses, and then permitting them to do exactly as they would have done if the license had not been issued?

Mr. WALSH. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Montana?

Mr. REED. I do.

Mr. WALSH. I desire to inquire of the Senator from Missouri whether it is not a fact that whatever view Mr. Hoover did express concerning whether the word "charge" was meant to signify "price," or to include "price," he expressed upon a very insistent question asked of him by the Senator from Missouri?

Mr. REED. I will answer the Senator from Montana in this way: So far as my recollection goes, I do not recall having taken up the question of price-fixing in section 5 with Mr. Hoover at all. I think the Senator is entirely mistaken in his assumption. Therefore I am unable to answer the Senator.

Mr. WALSH. The Senator will perhaps recollect what transpired before the committee well enough to tell us whether Mr. Hoover ventured any opinion on his own motion, or whether he ventured any opinion in response to the request of anyone except the Senator from Missouri?

Mr. REED. Oh, Mr. President, that is easily answered, though I do not know if I had asked Mr. Hoover his opinion what pertinence it would have here. I asked Mr. Hoover a considerable number of questions; but before I asked Mr. Hoover any question at all Mr. Hoover delivered himself of a dissertation, which it took him, I think, 45 minutes to read, and he read rather rapidly.

Mr. WALSH. No part of which related to the word "charge."

Mr. REED. In which he went entirely through the bill; and I say to the Senator that I do not think I mentioned the question of "charge" in my questions. I would not trust my recollection absolutely, but that is my recollection.

Mr. WALSH. Neither would I. I do not mean to say that the Senator from Missouri did; but I do undertake to say that if Mr. Hoover spoke on the subject at all, it was in response to a question addressed to him by the Senator from Missouri.

Mr. REED. Possibly; and yet he may have spoken about it in his original statement.

Mr. WALSH. I think not. I want to remark, however, that I quite agree with the Senator from Missouri that it is utterly immaterial what view Mr. Hoover takes as to what is the proper construction of the word "charge" in this bill. Mr. Hoover does not even profess to be a lawyer.

Mr. PAGE. Mr. President, before the Senator from Montana sits down, may I ask him one question? I do not know but that I am mistaken about my recollection of this matter; but as I remember now, at this distance from the hearing, Mr. Hoover especially denied that he was the author of this language. He especially said that he was not a lawyer. He did not attempt to construe it; but, as I remember, the Senator from Missouri said to him, "Well, inasmuch as you are to be the executor, I should like to know what view you take of this language"; and he thereupon gave his view as to this and some other features of the bill, some especial words like this word "charge."

Now, probably I am mistaken. I simply say that I have a recollection, and I should be glad to have the Senator either confirm or disaffirm that recollection, because, as I remember, he was present.

Mr. REED. Oh, Mr. President, there is no use in confirming or disaffirming recollection. This testimony is written out. It is printed. It is before the Senate. I do not want any loose recollections thrown into this matter. If the Senator can find any such question as he speaks of, I shall be obliged to him if he will do it; and as I shall not be able to conclude my remarks to-night I will yield to him to-morrow, and he can put it in the RECORD. But I say to the Senator now, in passing, that I think the whole question utterly immaterial. I do not think that any such thing transpired as the Senator has spoken of; but events have moved so rapidly in the last few days, and we have all been working so hard, that I would not trust my recollection. But here is the record. Let us go to the book.

Mr. KENYON. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Iowa?

Mr. REED. I yield to the Senator.

Mr. KENYON. I do not want to take up time with what the Senator may regard as an immaterial matter; but I believe the Senator from Vermont refers to an incident which the Senator from Missouri will remember, I think, when I recall it.

Mr. Hoover took a thousand bushels of wheat and took it through from the farmer to the elevator man and the miller. He construed this part of the bill to mean this, as I now remember: The 1,000 bushels of wheat comes to the elevator man. We say to him, "You can have 10 per cent profit." Then it comes from the elevator man to the miller, and we say to him, "You can charge 10 per cent profit." Mr. Hoover had some such notion as that in his mind as to the word "charge"—that "charge" is not "price." I think that is discussed on page 50 of his testimony. It is not very clear. I want to ask the Senator from Missouri, before he gets through, to say what he thinks about the word "charge" covering "price."

Mr. REED. Well, now, notice the context, and can there be any doubt? First, the bill provides that—

> Whenever the President shall find it essential to license the importation, exportation, manufacture, storage, or distribution of any necessaries, in order to carry into effect any of the purposes of this act, he shall publicly so announce.

Now, up to that point all that the President has to do is to make an announcement. I assume, of course, that in this case it will be Mr. Hoover acting. Thereupon—

> No person shall, after a date fixed in the announcement, engage in or carry on any such business specified in the announcement of importation, exportation, manufacture, storage, or distribution of any necessaries as set forth in such announcement, unless he shall secure and hold a license issued pursuant to this section.

Now, the President makes an announcement, and thereafter everybody who is engaged in this particular business must take out a license. Then—

> The President is authorized to prescribe such regulations governing the conduct of the business of licensees as may be essential to prevent uneconomical manufacture and inequitable distribution of necessaries and otherwise to carry out the purposes of this act.

Why, under that section Mr. Hoover, or the administrator of this bill, whoever he may be, can actually go into a factory and can compel the proprietor of that factory to cease manufacturing goods in the manner he has been doing it for 50 years, and compel him to proceed to manufacture them in some other way which this gentleman says is more economical. I call your attention to the language on line 18, page 4.

Mr. VARDAMAN. What section?

Mr. REED. Section 5. Now, proceeding with the bill, it further provides:

> Such regulations may also include requirements for the issuance of licenses and requirements for systems of accounts and auditing of accounts to be kept by licensees, submission of reports by them, with or without oath or affirmation, and the entry and inspection by the President's duly authorized agents of the places of business of licensees.

You must now keep the accounts of this place of business in the manner required, and you must swear to them. It is your own place of business, of course. You made it. You may have begun when you were a boy and toiled and worked and saved and planned, and at last you have created the business. Now, these gentlemen, under this power, can first compel you to take out a license or you can not run it; second, they can compel you to change your method of manufacture if they do not think it is economical; third, they can require you to keep a set of books and account to them under oath, and then they can enter and examine your place of business!

I call attention to the old clause of the Constitution relative to the right of the citizen to be secured against unreasonable searches and seizures, and ask if it does not have some application here?

Mr. KENYON. Mr. President, would the mere fact that the bill authorizes the entering of his place of business be an unreasonable search?

Mr. REED. I do not know whether it comes within the meaning of that section or not, but it comes within its spirit, and I simply throw out that remark in passing.

Mr. KENYON. I think it would have to be for the purpose of securing incriminating evidence to be an unreasonable search.

Mr. REED. Possibly. I say it is within the spirit of it more than its language.

Mr. OVERMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from North Carolina?

Mr. REED. I yield to the Senator.

Mr. OVERMAN. I want to ask the Senator whether or not Congress has the power to say to me, not doing an interstate business, doing purely an intrastate business, that I shall take out a license to do business?

Mr. REED. The Senator from North Carolina is one of those old-fashioned Senators who still thinks the Constitution has vitality. Evidently he did not hear the declaration recently made here—in substance, anyhow—that when we were at war with Prussia it was all right to Prussianize America; or that when we were at war all the people of the United States and all their property were at once mobilized into the Army, and there was, therefore, no civil government left; or that other exclamation of a distinguished Senator, that the only power left in Congress when we were at war was the power to vote money. It

is refreshing to find once in awhile a man who believes that that old instrument which William H. Taft declared was the Ark of the Covenant still lives, and that within that ark and altar there still blaze the fires of liberty.

But I read on with this section:

Whenever the President shall find that any rate, charge, or practice of any licensee is unjust, or unreasonable, or discriminatory and unfair, or wasteful, and shall order such licensee, within a reasonable time fixed in the order to discontinue any such unjust, unreasonable, discriminatory and unfair, or wasteful rate, charge, or practice, thereafter, unless such order is revoked or suspended, such licensee shall, within the time prescribed in the order, discontinue such unjust, unreasonable, discriminatory and unfair, or wasteful rate, charge, or practice.

Now, what are we dealing with? Here is a man who has a business. The President issues this order to the effect that the business ought to be licensed. Thereupon, this man takes out a license to run his own business. Thereupon, what follows? They examine his books and they discover whether he is making any unjust, unreasonable, discriminatory, or unfair charge or practice—whether he has that in his establishment, in his business. How could he discriminate? How could he make a charge? How could he have a practice? Plainly, by the conduct of his business. What is this charge that he is going to make? It is his business. It must be the thing that he charges the people to whom he sells the goods; and that is the price.

Why, the section is absolutely without meaning unless you construe the word "charge" to include the word "price"; for of what avail would it be to find out whether he had a charge if that charge did not mean "price"? What charge do you mean? A man is grinding his own flour in his own mill and selling it to the public, and that is his sole business. Is his rate or charge reasonable? What is his rate or charge? The only rate or charge he has is for the flour that he sells, and that is the price of the flour.

I decline to argue further a thing that is as plain as that, and I proceed to collate what is in this bill; and now I have divided up this that I hope to be an epitome:

(q) The power to control financing and pledging is broadly granted. This would seem to go far toward interfering with many important banking operations. It might readily be exercised so as to prohibit the mortgaging of grain in the farmer's bin or the public elevator.

Under the provisions of section 6, hoarding is defined; and behold the mildness of this provision:

(1) Any citizen may be fined $5,000 and sent to the penitentiary who has contracted for or arranged for any quantity of necessaries in excess of his reasonable requirements for use or consumption by himself and dependents for a reasonable time. What does that language mean? What rule shall a man apply?

(2) Any manufacturer, wholesaler, retailer, or other dealer may be similarly punished if he has contracted for any quantity of necessaries in excess of the reasonable requirements of his business for use and sale by him for a reasonable time, or reasonably required to furnish necessaries produced in surplus quantities seasonally throughout the period of scant or no production.

Mr. President, I know a man who owns an elevator that is capable of holding practically a million and a half bushels of wheat. It will be necessary to employ that elevator, as it is necessary to employ others, if our crop is to be properly handled. This man usually buys wheat on the market, pays the farmers money for it, and puts the grain in his elevator. That man is afraid to-day to buy wheat lest this bill be passed and he be charged with buying an unreasonable amount and sent to the penitentiary.

Mr. KENYON. Mr. President, does the Senator think the very instance he gives would be a violation of this act?

Mr. REED. I think that if I owned that elevator I would be afraid to fill it half full lest I be indicted and taken before some jury; and, if times were hard, and if people were excited, and if there were some want in the land, and if the cry had gone abroad that people were hoarding and storing, I would be afraid to have the question of fact submitted to those men.

Mr. KENYON. But if the elevator man had not bought or kept differently from his usual course of business, or in larger quantities, the Senator would not have much to fear on that question in a supreme court.

Mr. REED. Oh, yes, I would. His usual course of business was to buy on the market a million and a half bushels of wheat and handle it through his elevator. He kept his elevator substantially filled throughout the year; but if he found that it was to his advantage to hold it for a month, or two months, he held it. He was performing to some extent the same office perhaps that the cold-storage man is performing, although that is not a good illustration. He was at least carrying on his usual business. He was buying large quantities of grain; and now we pass this statute. What are the rights of this man?

Understand I am not in favor of hoarding grain. I am absolutely in favor of any rule or regulation which will prevent the hoarding of our foodstuffs so as to imperil the free market of the people; but what I am talking about is a law so loosely drawn, without any definition, without any means of defense, that under it a man might be sent to the penitentiary who bought a little more grain than some jury might think he ought to have. Now, you pass statutes of that kind, and you frighten everybody to death. That is the point I am making. I am not arguing in favor of hoarding. I am not arguing in favor of speculation. I am arguing in favor of legislation that will let the business men of the country, great and small, big and little, know when they are committing a crime, and not turn them over to such loose language as this bill contains.

Mr. KENYON and Mr. VARDAMAN addressed the Chair.

The VICE PRESIDENT. Does the Senator from Missouri yield; and if so, to whom?

Mr. REED. I yield first to the Senator from Iowa. I will yield to the Senator from Mississippi in a moment.

Mr. KENYON. I remember that when we were discussing the speculative section of the other bill, introduced by the Senator from Montana [Mr. WALSH], the Senator from Missouri argued, and it seemed to me very clearly, that if there were a holding merely in the ordinary course of business for better prices, that would not come under the inhibition of that section; it would not be subject to the same objection as where the grain or the eggs were held for the purpose of affecting the market. It seems to me that is exactly the situation as to subdivision (b) of this bill. While I realize that there is force in what the Senator says as to frightening elevator men, yet, under the circumstances cited by the Senator, where grain is stored in the ordinary way of business of the man, though bought in large quantities, it seems to me it would not be a violation of this section.

Mr. REED. I say to the Senator in answer to that that I think the section is very different from what we have called the Walsh amendment. I think that amendment is very much plainer in its terms. However that may be, I am simply calling attention to this now in order to show what its effect may be and how necessary it is that we should scan this bill; that we should take it back to the committee; that we should write it so that men will not be frightened to death who simply intend to go on with their legitimate business.

Mr. VARDAMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Mississippi?

Mr. REED. I yield to the Senator from Mississippi.

Mr. VARDAMAN. I hope the able Senator from Missouri may bring his penetrating intellect to bear upon that particular section of the bill. Now, I take it that no Senator who desires to serve the American people will object to a provision of the bill the purpose of which is to prevent hoarding or cornering the market and in that way causing a scarcity of food and increasing the price. I hope the Senator will propose in the course of the discussion an amendment which will carry out that idea without interfering with any legitimate business, because we all want and the country needs relief from that class of criminal people.

Mr. REED. Mr. President, I think I am largely in agreement with the Senator from Mississippi. The Senator from Mississippi, like all of us, may have his faults, but there is one thing about which he is never at fault. He never forgets the great common people of the country.

I am perfectly in accord with the idea of stopping all hoarding. I have already called attention to the fact that we have passed an amendment that I think is very sound and means something very different from the measure under consideration. I call attention to it again. It is the Walsh amendment to House bill 4188 that I referred to. Notice the language:

That any person carrying on or employed in commerce among the several States or with foreign nations or with or in the Territories—

There I say to the Senator from North Carolina we begin to invoke the just powers of the Government as they concern interstate commerce—

in any article suitable for human food, fuel, or other necessaries of life, who, either in his individual capacity or as an officer, agent, or employee of a corporation, etc., shall store, acquire, or hold, or who shall destroy or make away with any such article for—

Now, notice the language—

for the purpose of limiting the supply thereof to the public or affecting the market price thereof in such commerce, whether temporarily or otherwise, shall be deemed guilty of a felony.

The lawyers of the Senate will catch the distinction at once; I think lawyers and laymen alike. This permits the purchase

of goods and the holding of goods, but if it be done for the purpose or so as to increase the price then punishment follows. However, I pass from this phase of the discussion with the remark that I am ready to go with other Senators to do whatsoever is necessary to stop hoarding. I think it ought to be done. It seems to me that some of the powers which are contained in this proposed bill are very wise. I agree to the proposition that if necessities are being hoarded it is all right to confer the power to proceed to take those things and pay a legitimate price for them. Always, however, that law must be so drawn as to come within the constitutional powers of our Government, and that would bring forward quite a discussion, but that the power can be exercised I have not the slightest doubt, and exercised without doing violence to the Constitution.

Mr. President, I have reached a point in my remarks where I want to take up another topic. I am sorry to have taken so much of the time of the Senate, and I shall discontinue my remarks for to-day.

Mr. KING obtained the floor.

Mr. WALSH. Before we pass from the subject which the Senator from Missouri has been discussing, will the Senator from Utah pardon me?

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Does the Senator from Utah yield to the Senator from Montana?

Mr. KING. Gladly I yield.

Mr. WALSH. I desire to say that I took occasion to interrupt the Senator from Missouri early in his discussion in connection with the statement made by him to the effect that Canada has no food dictator. That is quite true; but, of course, the statement carried the implication that we were creating a food dictatorship in this country. I asked the Senator for some specific information concerning Canada, and called his attention at that time to the fact that Canada has a food-control law and a food controller. I have before me the order of the privy council of the Dominion Government issued on the 11th day of June, 1917, pursuant to the war-measures act of 1914, which is now the food-control law of the Dominion of Canada. I am going to ask leave to insert it in the RECORD, but I call the attention of the Senator at this time to these provisions of the Canadian law. It creates a board called the board of grain supervisors of Canada, which consists of 12 members, with a chairman:

4. The board shall have power from time to time to fix the price at which grain stored in any elevator may be purchased, and the conditions as to price, destination, or otherwise, under which grain may be removed from such elevator, and may also prescribe what grain shall be sold to millers or milling firms in Canada or elsewhere (hereafter called "millers") and what grain shall be sent to the United Kingdom and the allied powers; and it shall be the duty of the board to issue such orders and take such action as it deems necessary to facilitate at all times the transportation and delivery of grain in excess of domestic requirements to the United Kingdom and the allied powers.

(a) Any price so fixed shall be subject to the approval of the chairman of the board.

(b) The board may from time to time appoint an executive committee of not less than three of its members, of whom the chairman shall be one, and may assign to such executive committee any duties or powers within the competence of the board.

5. The board shall have power to receive offers for the purchase of grain from millers and from the Wheat Export Co. (Ltd.), or from any other person or body corporate, hereinafter referred to as "overseas purchasers," representing or acting for the Government of the United Kingdom or for any of the allied nations, or for any combination of the same, and from time to time to fix the prices at which such grain shall be sold.

6. The board shall have power to take possession of and sell and deliver to millers or to overseas purchasers at the prices so fixed grain stored in any elevator, and to account and pay over to the owners thereof the proceeds of such sales, after deducting all expenses connected with the taking possession, sale, and delivery.

7. The board shall, as far as possible, and having regard to position and the cost of transportation, fix a uniform price throughout Canada for grain of the same kind, quality, and grade.

8. Notwithstanding anything in the grain act or in the railway act, the board of railway commissioners for Canada shall have power to order any railway company to provide cars and other transportation facilities for handling grain and to transport as directed grain taken possession of or owned by the board.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

P. C. 1604.

[Privy council, Canada, at the Government house at Ottawa, Monday the 11th day of June, 1917.]

Present: His excellency the Governor General in council.

Whereas, by reason of war conditions, it is considered necessary to provide means whereby the grain of Canada in excess of domestic requirements may be made available for purchase by or on behalf of His Majesty's Government of the United Kingdom and of the allied powers, and that the distribution of domestic requirements be controlled in such manner and under such conditions as will prevent to the utmost possible extent any undue inflation or depreciation of values by speculation, by the hoarding of grain supplies, or by any other means:

Therefore his excellency the Governor General in council, under and by virtue of the provision of the war measures act, 1914, is pleased to make the following regulations, and same are hereby made and enacted accordingly:

1. The Governor General in council may appoint a board, to be designated "the board of grain supervisors of Canada," hereinafter called the board. Such board shall be honorary and shall consist of not more than 12 members.

2. The members of the board shall be paid traveling and living expenses while actually engaged in the duties of the board, but otherwise shall receive no remuneration.

3. The board shall make such inquiries and investigations as from time to time it deems necessary to ascertain what supplies of grain are now available or will be available. The board shall ascertain the location and ownership of such grain and what transportation and elevator facilities are available in connection therewith, as well as all conditions connected with the marketing and the market price of the same. For the purpose of any inquiry or investigation held by the board, the board and the several members thereof shall have all the powers of a commissioner acting under part 1 of the inquiries act.

4. The board shall have power from time to time to fix the price at which grain stored in any elevator may be purchased, and the conditions as to price, destination, or otherwise under which grain may be removed from such elevator, and may also prescribe what grain shall be sold to millers or milling firms in Canada or elsewhere (hereinafter called "millers") and what grain shall be sent to the United Kingdom and the allied powers, and it shall be the duty of the board to issue such orders and take such action as it deems necessary to facilitate at all times the transportation and delivery of grain in excess of domestic requirements to the United Kingdom and the allied powers.

(a) Any price so fixed shall be subject to the approval of the chairman of the board.

(b) The board may from time to time appoint an executive committee of not less than three of its members, of whom the chairman shall be one, and may assign to such executive committee any duties or powers within the competence of the board.

5. The board shall have power to receive offers for the purchase of grain from millers and from the Wheat Export Co. (Ltd.) or from any other persons or body corporate, hereinafter referred to as "overseas purchasers," representing or acting for the Government of the United Kingdom or for any of the allied nations or for any combination of the same, and from time to time to fix the prices at which such grain shall be sold.

6. The board shall have power to take possession of and sell and deliver to millers or to over-seas purchasers at the prices so fixed grain stored in any elevator, and to account and pay over to the owners thereof the proceeds of such sales after deducting all expenses connected with the taking possession, sale, and delivery.

7. The board shall, as far as possible, and having regard to position and the cost of transportation, fix a uniform price throughout Canada for grain of the same kind, quality, and grade.

8. Notwithstanding anything in the grain act or in the railway act, the board of railway commissioners for Canada shall have power to order any railway company to provide cars and other transportation facilities for handling grain, and to transport as directed grain taken possession of or owned by the board.

9. Every person shall truthfully and promptly answer any inquiry made by the board or by any person duly authorized on its behalf about any matter within its powers or duties, whether such inquiry is made verbally, in writing, by telegraph, or in any other way.

10. In this order "elevator" means and includes any terminal, country, private, public, and hospital elevator, and any elevator licensed by the board of grain commissioners for Canada.

11. The board, with the approval of the governor in council, may make any regulations it deems necessary for the purpose of fully and effectively carrying out the objects and provisions of these regulations, and in particular, but without limiting the generality of the foregoing, may make regulations:

(a) For appointing representatives in different places in Canada for the purpose, from time to time, of making known in such localities the prices for grain fixed and other regulations or directions made by the board, and for reporting to the board any violations of any order issued by the board or any regulations made hereunder, and generally for assisting the board in the effective discharge of its duties.

(b) To authorize the engaging of clerks, employees, and assistants and the paying of their salaries.

(c) Creating offenses and providing penalties in respect of violations of any order made by the board or of any regulation made hereunder.

(Signed) _____ _____,
Clerk of the Privy Council.

P. C. 1605.

Certified copy of a report of the committee of the privy council, approved by his excellency the Governor General on the 11th June, 1917.

[Privy council, Canada.]

The committee of the privy council on the recommendation of the minister of trade and commerce advise that the following persons be appointed members of the board of grain supervisors for Canada, the appointment of which board was authorized by order in council of 5th January, 1917, the first named to be chairman:

Robert Magill, of Winnipeg, Manitoba.
H. W. Wood, of Carstairs, Alberta.
Samuel J. Rathwell, of Moosejaw, Saskatchewan.
Thomas A. Crerar, of Winnipeg, Manitoba.
William L. Best, of Ottawa, Ontario.
John Charlie Cage, of Winnipeg, Manitoba.
William A. Bawlf, of Winnipeg, Manitoba.
William A. Matheson, of Winnipeg, Manitoba.
Lionel Clarke, of Toronto, Ontario.
Joseph Ainey, of Montreal, Quebec.
James Stewart, of Winnipeg, Manitoba.

The committee further advise on the same recommendation that until the board shall otherwise determine, seven members of the said board shall constitute a quorum.

(Signed) _____ _____,
Clerk of the Privy Council.

Mr. WALSH. I also call the attention of the Senate to a dispatch appearing in yesterday morning's Washington Post under date of June 20, as follows:

CONTROLS CANADA'S FOOD—W. J. HANNA'S APPOINTMENT IS ANNOUNCED BY PREMIER BORDEN.

OTTAWA, ONTARIO, *June 19.*

W. J. Hanna has been appointed food controller of Canada, it was announced in the house to-day by Premier Borden.

Mr. Hanna left here to-day for Washington to confer with Herbert C. Hoover.

Canada's food controller recently retired from the provincial secretaryship of Ontario. He is a lawyer by profession.

Mr. REED. Mr. President, I have this to say, that I this morning communicated with the English ambassador, not in person but with his representative or his secretary, and the statement was made to me that Canada has no food control or no food dictatorship, that a bill had been passed a good while ago, but substantially it never had been put into execution. I express it as an opinion that an investigation will show this to be the case. There was a law passed giving the right to take over grain when it was in a public elevator. The law may have gone further, but the Senator knows, as I do, that grain in public elevators is in a different position, particularly if you refer to the grain as owned by those engaged in the public business of running warehouses or elevators. At that point the Government may have recently concluded to take action. Whatever the facts are they ought to be made known, but that is, of course, a very different thing from what is proposed in the pending bill.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Oklahoma?

Mr. KING. Certainly.

Mr. GORE. I will say that Canada has passed a statute or has authorized the privy council, which has proclaimed a rather rigorous statute a good deal like the Walsh amendment, punishing conspiracies and efforts to manipulate the prices of foodstuffs. I had a telegram the other day from the American consul general at Ottawa stating that Canada had not undertaken to fix the prices of foodstuffs and probably would not do so.

Mr. WALSH. If the Senator will pardon me, the order which I just had inserted in the RECORD is of date June 11, and it does authorize the grain board to fix prices. Probably the information the Senator had antedated that.

Mr. GORE. The telegram I speak of was received two or three weeks ago, stating that they had not fixed prices and probably would not undertake to fix prices. It is entirely probable that they may have vested the power to fix them, but may not have exercised it. Of course, I have no information on that point.

Mr. KING. Mr. President, Senators feel the importance of this measure, and each Senator has doubtless given some thought to it. I have formulated a measure here which I may or may not offer as a substitute for the pending bill. I merely ask that it be printed for the information of such Senators as will care to examine into the subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KING. I ask that the proposed substitute may lie on the table.

The PRESIDING OFFICER. It is so ordered.

RECESS.

Mr. CHAMBERLAIN. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m.) the Senate took a recess until to-morrow, Saturday, June 23, 1917, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June 22, 1917.*

The House met at 11 o'clock a. m.

Rev. M. A. Matthews, D. D., pastor of the First Presbyterian Church of Seattle, Wash., offered the following prayer:

Kind Heavenly Father, we thank Thee for the preservation of our lives until the present moment. Do Thou pardon every sin that we have committed. Direct us in the duties and responsibilities imposed upon us. Wilt Thou bless these United States, the President, the Vice President, the Members of the House and of the Senate, and all in Federal authority. Guide and direct them, that all that they may do may redound to Thy glory and the advancement of Thy kingdom and the permanent establishment of all the great principles for which we are now striving. We ask for Christ's sake. Amen.

The Journal of the proceedings of yesterday was read and approved.

CONSERVATION OF FOOD AND FUEL.

Mr. LEE of Georgia. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4961, for the conservation of food and fuel.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4961, with Mr. HAMLIN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4961, of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

The CHAIRMAN. When the committee rose on yesterday an amendment offered by the gentleman from Wyoming [Mr. MONDELL] was pending, against which a point of order was reserved. It was also agreed by unanimous consent that all debate on section 1 and all amendments thereto, including a substitute which the Chair understands is to be offered by the gentleman from Iowa [Mr. TOWNER], should close. The gentleman from Minnesota [Mr. ANDERSON], a member of the committee, is recognized.

Mr. ANDERSON. Mr. Chairman, I think we ought to dispose of the point of order in some way or other.

Mr. LEVER. Mr. Chairman, I have very great doubt as to a point of order lying against the amendment of the gentleman from Wyoming, and I therefore withdraw the point of order and am willing to let the matter be submitted to the House.

The CHAIRMAN. The gentleman from South Carolina withdraws the point of order. The gentleman from Minnesota [Mr. ANDERSON] is recognized for five minutes.

Mr. ANDERSON. Mr. Chairman, when the committee rose last evening the gentleman from Wyoming had submitted an amendment which is now pending. That amendment transferred that part of section 3 which relates to the establishment of a Govenment control from section 3 to section 1.

The gentleman from Wyoming is exceedingly ingenious in the use of language and always presents his propositions with logic; but I must confess that I was unable, in listening to his speech and reading it, to determine exactly what he had in mind in the proposed transfer, nor am I able in my own mind to come to a satisfactory conclusion as to just what the effect of the transfer proposed by the gentleman from Wyoming is. I think I do know what the effect of the section is at the point at which it now appears. I do not know, and I do not think any man can know, what the effect of it will be if it is transferred to section 1.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. MONDELL. The gentleman knows that there is quite a difference of opinion as to the effect of this particular language as it occurs in section 3. My thought was that as a part of a general declaration, if it were coupled with the declaration in section 1, there would not be any question as to what was intended by it.

Mr. ANDERSON. I have no doubt that the gentleman's intentions were entirely proper, and I do not undertake to say it is not possible that he accomplishes the purpose he had in mind in transferring part of the section from section 3 to section 1. The basis of the gentleman's proposition, as I understood, to transfer the section was that it belongs more properly to section 1 than where it is.

Now, section 1 is purely a declaratory section. It lays the foundation of the constitutionality of the bill. Section 3 is not a declaratory section. It is a legislative section, and it is no more closely related to section 1 than are many other sections of the bill. There is no more reason for putting section 3 in section 1 than there is for putting any other section or joining any other section with section 1. It is no more closely related to that section than any other section.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. MONDELL. I know that the gentleman's time is brief, and I do not want unnecessarily to interrupt him. But the gentleman characterizes the language I seek to transfer as being legislative, located as it is in the bill; but at the end of the section there is a proviso under which none of the penalties of the bill shall attach to the violation of any of the injunctions, if it is an injunction, laid down in this, what the gentleman terms, a "legislative proposition." It strikes me as making the whole matter rather confusing.

Mr. ANDERSON. I think it is likely that section 3 may be amended by striking out that proviso, and if the gentleman desires to make the section clear it strikes me it would be better to make it clear in section 3 than to attempt to do it by transferring it from the section where it now occurs to section 1.

The committee in drawing this bill has attempted to carry through it a definite policy and to so connect up the different sections of the bill as to make the entire bill symmetrical and to make each section bear the exact relation to every other section in the bill that it should bear to carry out the legal effect that the committee has in mind. I am fearful that by the adoption of the amendment of the gentleman from Wyoming we will have done something which we did not intend to do, and that his amendment will destroy something of the symmetrical purpose and effect which the committee had in mind.

Mr. SCOTT of Iowa. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANDERSON. My time has expired, and therefore I can not yield.

Mr. TOWNER. Mr. Chairman——

The CHAIRMAN. Under the agreement the gentleman from Iowa [Mr. TOWNER] is to have 10 minutes of the 25.

Mr. TOWNER. I offer the following amendment.

Mr. LEVER. Will the gentleman from Iowa first permit the taking of a vote on the amendment of the gentleman from Wyoming [Mr. MONDELL]?

Mr. TOWNER. I have no objection whatever.

Mr. LEVER. I ask, then, that we first dispose of the amendment of the gentleman from Wyoming.

The CHAIRMAN. If the gentleman from Iowa does not care for recognition at this time, the Chair will recognize the gentleman from Missouri [Mr. MEEKER], the leader in support of the amendment of the gentleman from Wyoming. The gentleman from Missouri will be recognized for five minutes.

Mr. MEEKER. Mr. Chairman, I referred to section 3 in my remarks in the general debate the other day, at which time I announced that I intended to support this bill, and I do, although the gentleman from Kansas [Mr. HELVERING] saw fit yesterday, after I had made such announcement, to declare that I was opposing it. There was just as much truth in what he said about that as in the other things he said, and that is enough to say about the matter. I am not going to take time to reply to such silly stuff as that to which he gave utterance.

I am interested in this bill. The third section is more misleading to the public generally, I think, than any other section of the bill. I think the amendment offered by the gentleman from Wyoming [Mr. MONDELL] will really put the only valuable part of the section that there is in its proper place.

Now, here is the contention that I am making all the time in regard to this bill: Whatever is enacted into law on this subject will put Mr. Hoover against the most difficult proposition that any human being ever undertook. The only reason that the men of the cities are asking for this control bill is because they believe it is going to control and regulate the maximum price. We have been told that that is not to be done by direct orders. Now, what remains? The greatest assistance that Mr. Hoover will get out of this legislation will be the support of popular sentiment generally, and it is well for this Congress to let the people understand that they are not going to get a maximum price-fixing law out of this legislation, and that all the reduction in food prices will come only through Mr. Hoover or the President being able to hasten the transference of food from the producer to the consumer, to cut down storage charges and things of that sort, and that the people should not expect to see an immediate reduction of food prices simply by the order of the food dictator. Now, the men who are insisting that the public shall be informed as to how this thing is going to work are the best friends that Mr. Hoover will have after the bill shall have been passed.

Now, what is section 3? We have had it read a number of times, and the gentleman from Texas, Judge HARDY, has pointed out the facts with reference to it. Judge HARDY certainly is a friend of the bill. I do not think the gentleman from Kansas would deny that, though he could slander Judge HARDY as easily as he could me. Judge HARDY, who followed me the other day in the debate, pointed out that the last half of this section is useless, and he further went on to say that the proviso of the section was nonsensical. I think I am correct when I say he used the term "nonsensical." Now, these men who are urging this bill certainly can not be considered enemies of it when they point out its weaknesses. The gentleman from Colorado [Mr. KEATING] yesterday spoke about his miners and employed people out there wanting this bill to pass. The only reason they want the bill to pass is because they have felt that by some sort of a scheme they are going to get a reduction in the prices that they have to pay for their foodstuffs. I believe that the transference of this part which is purely declaratory and putting out that part of the section which is useless will at least give the bill an honest status in the mind of the public.

The CHAIRMAN. The question is on the amendment of the gentleman from Wyoming [Mr. MONDELL].

The amendment was rejected.

The CHAIRMAN. The gentleman from Iowa [Mr. TOWNER] is recognized for an amendment by way of a substitute to section 1. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. TOWNER: Mr. TOWNER moves to strike out the first section of the bill after the enacting clause and moves the adoption of the substitute offered as a substitute for the entire bill, with notice that if adopted he will then move to strike out the remaining sections of the bill as they are reached.

The substitute offered is as follows:

"That hereafter and during the continuance of the war between the United States and Germany it shall be unlawful for any person, partnership, corporation, or association, either as an individual or as an officer, agent, or employee of a partnership, corporation, or association, producing, dealing in, buying, or selling or otherwise handling and controlling any article or articles suitable for human food, fuel, or other necessaries of life willfully to acquire control, store, hold, or hoard such articles for the purpose of limiting the supply thereof, or unreasonably enhancing the price thereof, or to monopolize or control the market thereof, or to limit the production or sale thereof, or to injure or destroy, or to limit, interfere, or prevent the transportation, storage, handling, or free disposition and sale thereof. Any person violating the provisions of this section shall be deemed guilty of a felony and shall be punished by fine not exceeding $10,000 or by imprisonment for not more than five years, or by both such fine and imprisonment: *Provided*, That the provisions of this section shall not apply to any farmer, gardener, or other person with respect to the products of any farm, garden, or other land owned, leased, or cultivated by him, nor to any retailer with respect to the retail business actually conducted by him, nor to any common carrier with respect to transportation.

"SEC. 2. That to carry into effect the purposes of this act the President is authorized to purchase, provide for the production or manufacture of necessaries; to store them and to provide storage facilities for them by construction, purchase, lease, or otherwise; to sell them; and to require any person having the control of any necessaries, or any storage space suitable for the storing of necessaries, to furnish the whole or any part of such necessaries or storage space to the Government in such quantities, at such times, and at such prices as shall be determined by the President to be reasonable. Upon failure of the person to comply with such requirement, the President is authorized to requisition and take possession of any such necessaries or storage space, and to pay for them at the price so determined. If the price so determined be not satisfactory to the person entitled to receive the same such person shall be paid the amount prescribed by the President, and shall be entitled to sue the United States to recover such further sum as, added to the amount so paid, will be just compensation for such necessaries or storage space, and jurisdiction is hereby conferred on the United States district courts to hear and determine all such controversies: *Provided*, That nothing in this section shall be construed to require any natural person to furnish to the Government any necessaries held by him and reasonably required for consumption by himself and dependents for a reasonable time. Any moneys received by the United States from or in connection with the disposal by the United States of necessaries under this section may, in the discretion of the President, be used as a revolving fund for further carrying out the purposes of this section. Any balance of such moneys not used as part of such revolving fund shall be covered into the Treasury as miscellaneous receipts.

"SEC. 3. That whenever the President shall find that it is impossible by voluntary arrangement or agreement to assure an adequate and continuous supply of necessaries, he is authorized to requisition and take over, for use or operation by the Government, any factory, mine, or other plant, or any part thereof, in which any necessaries are or may be manufactured, produced, prepared, or mined. Whenever the President shall determine that the further use or operation by the Government of any such factory, mine, or plant, or part thereof, is not essential for the national security or defense, the same shall be restored to the person entitled to the possession thereof. The United States shall make just compensation, to be determined by the President, for the taking over, use, occupation, and operation by the Government of any such factory, mine, or plant, or part thereof. If the amount so determined be unsatisfactory to the person entitled to receive the same, such person shall be paid the amount prescribed by the President, and shall be entitled to sue the United States to recover such further sum as, added to the amount paid, will be just compensation, in the manner provided by section 24, paragraph 20, and section 145 of the Judicial Code. The President is authorized to prescribe such regulations as he may deem essential for carrying out the purposes of this section, including the operation of any such factory, mine, or plant, or part thereof, the purchase, sale, or other disposition of articles used, manufactured, produced, prepared, or mined therein, and the employment, control, and compensation of employees. Any moneys received by the United States from or in connection with the use or operation of any such factory, mine, or plant, or part thereof, may, in the discretion of the President, be used as a revolving fund for the purpose of the continued use or operation of any such factory, mine, or plant, or part thereof, and the accounts of each such factory, mine, plant, or part thereof, shall be kept separate and distinct. Any balance of such moneys not used as part of such revolving fund shall be paid into the Treasury as miscellaneous receipts.

"SEC. 4. That undue enhancement of prices of food, feed, fuel, and other necessaries of life is hereby prohibited. Whenever the President finds it essential in order to prevent undue enhancement or fluctuation of prices of, or in order to prevent injurious speculation in, or in order to prevent unjust market manipulation or unfair and misleading market quotations of the prices of food, feed, fuel, and other necessaries of life he is authorized to prescribe such regulations governing, or may either wholly or partly prohibit, operations, practices, and transactions at, on, in, or under the rules of any exchange, board of trade, or similar institution or place of business as he may find essential in order to prevent, correct, or remove such evil practices.

Further, for the purposes of this section, the President may require all persons coming within its provisions to keep such records and statements of account, and may require such persons to make such returns, verified under oath or otherwise, as will fully and correctly disclose all transactions at, in, or on, or under the rules of any such exchange, board of trade, or similar institution or place of business, including the making, execution, settlement, and fulfillment thereof. He may also require all persons acting in the capacity of a clearing house, clearing association, or similar institution, for the purpose of clearing, settling, or adjusting transactions at, in, or on, or under the rules of any such exchange, board of trade, or similar institution or place of business, to keep such records and to make such returns as will fully and correctly disclose all facts in their possession relating to such transactions, and he may appoint agents to conduct the investigations necessary to enforce the provisions of this section and all rules and regulations made by him in pursuance thereof, and may fix and pay the compensation of such agents. Any person who willfully violates any regulation made pursuant to this section, or who knowingly engages in any operation, practice, or transaction prohibited pursuant to this section, or who willfully aids or abets any such violation or any such prohibited operation, practice, or transaction, shall, upon conviction thereof, be punished by a fine not exceeding $10,000 or by imprisonment for not more than four years, or both.

"SEC. 5. That whenever the President shall find that limitation, regulation, or prohibition of the use of foods, food materials, or feeds in the production of alcohol or of alcoholic or nonalcoholic beverages, or such nonalcoholic beverages as he shall determine, or that reduction of the alcoholic content of any beverage, is essential in order to assure an adequate and continuous supply of food, he is authorized, from time to time, to prescribe, and give public notice of, the extent of the limitation, regulation, prohibition, or reduction so necessitated. Whenever such notice shall have been given and shall remain unrevoked, no person shall, after a reasonable time, which shall be prescribed in the notice, use any foods, food materials, or feeds in the production of alcohol or of alcoholic or nonalcoholic beverages, except in accordance with the limitations, regulations, and prohibitions prescribed in such notice, or produce any beverage having an alcoholic content in excess of the amount prescribed therefor in such notice. Any person who willfully violates this section shall, upon conviction thereof, be punished by a fine not exceeding $5,000, or by imprisonment for not more than two years, or both.

"SEC. 6. That the sum of $2,500,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be available immediately and until expended, for the payment of such rent, the expense of such printing and publications, the purchase of such material and equipment, and the employment of such persons and means, in the city of Washington and elsewhere, as the President may deem essential.

"SEC. 7. That for the purposes of this act the sum of $150,000,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be available immediately and until expended: *Provided*, That no part of this appropriation shall be expended for the purposes described in section 6."

Mr. LEVER. Mr. Chairman, I think this substitute is subject to a point of order, but I am not going to make it. I believe under the arrangement the gentleman from Iowa [Mr. TOWNER] is to have 10 minutes. I should like to reserve 5 minutes to myself.

Mr. TOWNER. Mr. Chairman, I feel some hesitancy and reluctance in presenting this substitute, for the reason that I am in favor of this legislation and shall support this bill, I presume, whether my substitute is adopted or not. I have made an endeavor to cure some of what I consider to be the defects in this bill, and I have done so for two reasons: First, for the purpose of perfecting it as an operative piece of legislation; and, second, because I think it is much more likely to become a law speedily in the form which I suggest than otherwise.

The bill as prepared, as we all know, is not the work of the Committee on Agriculture. It comes from the Department of Agriculture, but we do not know who prepared it. Of course, we might denounce it. I do not desire to do that. I only desire to say this: That evidently any man, and certainly any Member of Congress who has read this bill, must know that it is one of the most complicated pieces of legislation ever proposed. No one knows what it will do or what will become of it. We all desire the speedy passage of legislation. If now the objects and purposes of this bill can be secured by simplifying it, by striking out the unnecessary and extraneous parts of it, by getting rid of the complicated, questionable, and debatable portions of it, then certainly we will have accomplished a great deal.

There are only two objects and purposes in this legislation. The first is the prevention of evil practices such as hoarding, monopolizing, manipulation, speculation, and unduly enhancing the prices of the necessaries of life. That is the first object and purpose of this legislation. The second is to give the President power over the industries of this country to carry on the war.

Now, gentlemen, the first eight sections of this bill are an endeavor to accomplish the first object, and that can all be accomplished, as I believe, in the first section which I have proposed in this bill. In this bill the operative features are separated. We separate the means of control, we separate the methods of punishment, we separate the method of dealing with evil practices, and in my judgment we should do only one thing, prohibit them and punish them if they are evil practices, and we intend to do so. That is our object and purpose. We propose to prevent the undue hoarding, monopolizing, and manipulation of products for the purpose of unreasonably enhancing prices, and I think all that is necessary for us to do is to do as I have done in the substitute in the first section. This substitute is in reality in its first section a substitute for the first eight sections of the bill. It simply makes a statement of these evil practices and puts a punishment upon them. That simplifies the bill, removes the objectionable features, and makes it really operative.

Now, the other provisions of the bill, intended to give the President power and control of the industries of the country for the purpose of carrying on the war, I have put in the substitute practically as they were drawn in the bill. For instance, section 2 of my substitute is section 9 of the bill, and gives the President power to purchase and sell or requisition foodstuffs in the country, and so forth. Section 3 of my substitute is section 10 of the bill. It gives the President power to requisition, operate factories, mines, and so forth, wherever necessary. Section 4 of the substitute is section 11 of the bill, which gives the President the power to regulate and prevent injurious speculation or market manipulation. Section 5 of the substitute is section 13 of the bill, which gives the President the power to regulate the use of grain or food provisions for alcoholic liquors. Sections 6 and 7 of the substitute are sections 18 and 19 of the bill, which contain the appropriations.

Now, gentlemen, if we can accomplish these objects by a piece of legislation that anybody can understand, that can be easily enforced, that gives the President all the power it was intended to give him by this legislation, then I submit that it ought to be done. I presume gentlemen here will not feel justified in voting for the substitute now. Perhaps they may be wise in doing so. I present it, however, in good faith, and I would like to have it receive the consideration of the Members of the House during the succeeding days of this debate so that finally we may be able, before it is finally passed in the House, to so simplify it and to make it operative and make it in such a form as will be speedily enacted into law.

Mr. SIMS. Will the gentleman yield?

Mr. TOWNER. Yes.

Mr. SIMS. In section 5 of the bill reported by the committee, in the latter part of it, is a provision exempting the farmers and gardeners, and then it excludes common carriers. I notice that the gentleman's substitute excludes common carriers. What is the object of exempting common carriers and putting them in a class with farmers and gardeners?

Mr. TOWNER. I will say to the gentleman frankly that I have not considered that.

Mr. LEVER. If the gentleman will yield, I will answer the gentleman.

Mr. TOWNER. I yield.

Mr. LEVER. The purpose of preferential shipments was originally carried in the bill as it was introduced, but it was the understanding of the committee that a separate bill pending before the gentleman's committee, I believe, was to take care of that situation, and therefore the committee cut it out.

Mr. SIMS. But it classes the common carrier with the farmer and the gardener.

Mr. LEVER. We did not want the provisions of the bill to apply to common carriers.

Mr. SIMS. How could it unless they were gardeners and farmers?

Mr. TOWNER. I think the chairman's idea is that other legislation proposed will more fully give the same control.

Mr. SIMS. I think it ought to be stricken out of the bill and out of the gentleman's substitute.

Mr. TOWNER. I think so, too, but I would not say so dogmatically. I used the language of the bill and did not try to modify it except as it was absolutely necessary to make it clear and a straightforward piece of legislation.

Now, gentlemen, we all know what opposition there is to this bill. I think much of the opposition that has been suggested is not well founded. I think much of the opposition that has been suggested has been caused by the debatable and unnecessary parts of the bill. Take, for instance, the licensing system, which, in my judgment, is entirely unnecessary; and it would be one of the most complicated and difficult pieces of machinery that could possibly be thought of and would entail an enormous expenditure of money to put it into operation. The licensing of all the institutions for storage, even the small dealers in food products, the purchasers of eggs, poultry, and dairy products, the coal yards that handle fuel, all these things to be subjected to a licensing system, and then to say that there must be a violation of the terms of the license in any case before there can be a punishment of what we desire to make a crime, is to make it difficult to enforce the penal portion of the statute. If we intend to punish a man for evil practices which we define, and we do so in this bill, then we should not make the punishment so far removed from the offense that conviction is almost im-

possible. And especially we should not penalize a whole class because of the evil practices of an individual. If a single violation is shown, the individual only should be punished, not the whole class engaged in the same line of business.

We should prohibit simply and attach a penalty to it clearly, and then we will have accomplished the object. Let that be known and men will certainly more quickly obey the law than they will if they say, "Oh, well, the President has got to notify us; we can then obtain license to do business, and he has got to issue an order to us to stop these evil practices, and we are going to have a probationary period in which we will endeavor to stop these evil practices," and all that has to be done, and then a new violation has to occur before you can punish men for the pirating and exploitation of food products all over this country of ours outside of the legitimate trade. In the sections of the substitute there is no provision that would unjustly punish any man for an honest performance of his duty. I have nothing further to suggest unless there are some questions that gentlemen desire to ask regarding the matter. I will only add that, while I do not believe this substitute will commend itself to the approval of the membership of the House at this time, I submit it in good faith as an honest endeavor at least upon my part to simplify this legislation and make it effective, and I hope and trust it will receive the consideration of the House.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. LEVER. Mr. Chairman, the proposal submitted by the gentleman from Iowa [Mr. TOWNER] affords the committee a test proposition. This bill is drawn upon the theory of providing for certain processes of food control, and then it also provides for certain offenses in connection with food, which are penalized, and then the appropriation section. The proposition of the gentleman from Iowa as I heard it only proposes penal offenses and attaches proper penalties to those offenses. It is my thought, and it is the thought of Mr. Hoover, and the thought of the President himself, and of the Committee on Agriculture, I think almost unanimously, that the greater results from this legislation are not coming through the penal sections of the bill, but through the control which is to be set up by the food administrator, Mr. Hoover. The gentleman's proposition cuts out all efforts at control. It simply says that speculation, for instance, is a crime and punishes it, but it does not provide anywhere for that balance wheel in our machinery of distribution, the lack of which in my judgment has brought about the conditions from which we are now suffering. It is all very well, as expressed to me by the very distinguished gentleman this morning, to set up in your watermelon patch a scarecrow, but a scarecrow only scares; it neither hoes, nor plows, nor harvests. It gets you nowhere except to keep the crows out. What we are trying to do in the control provisions of the bill is to set up something that is constructive; to set up something that will do the business; to set up something that will coordinate the distributing machinery of this country and bring to it the most efficient administration and use, and if the gentleman's proposition should prevail, in my humble judgment, it would take from this bill at least 75 per cent of the effectiveness which the committee feels is in the bill. I trust, therefore, that it may be voted down.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Just one other thought before I yield. The suggestion has been made here repeatedly that this bill has been crudely drawn. Those who make that suggestion have not offered anything to make it any less crude. One gentleman said yesterday there were many foolish provisions in the bill, but he has submitted no amendments to make these provisions wise, or even to strike them out. It is a very easy matter to criticize, but the Committee on Agriculture was undertaking to sail an absolutely uncharted sea, and we believe that we have brought to this committee and to this House a sane, logical, and reasonable proposition.

More than that, the suggestion has been made that this bill is the product of the Agricultural Department, and that the Committee on Agriculture has had practically nothing to do with it. No statement could be further from the fact than that. It is true the Agricultural Department early in the session did prepare, at the suggestion of many members of the committee and at the suggestion of thinkers throughout the country, a bill which they submitted for the consideration of the committee only. The committee did consider it. We met in full session every morning. We discussed the sections; we got the judgment of the full committee, and we submitted that judgment to a subcommittee composed of the best lawyers of the committee, we thought, and we, with the solicitor of the department, went over this bill line by line, word by word, and there is not a line in the bill, there is not a word in the bill, that has not had the fullest and most earnest consideration of the Agricultural Committee. Not only that, but we struck from the original bill, I think, two-thirds of the language submitted and probably two-thirds of the sections. This is a bill that has been considered by your committee.

The CHAIRMAN. The time of the gentleman from South Carolina has expired. All time has expired.

Mr. MEEKER. Mr. Chairman, I ask unanimous consent for one minute in which to ask the chairman of the committee a question.

Mr. LEVER. I suggest that the gentleman ask it on the next section.

Mr. MEEKER. I withdraw the request.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa in the nature of a substitute.

The substitute was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. That there is hereby established a governmental control of necessaries which shall extend to and include all the processes, methods, activities of, and for the production, manufacture, procurement, storage, distribution, sale, marketing, pledging, financing, and consumption of necessaries, which shall be exercised and administered by the President for the purposes of this act; and all such necessaries, processes, methods, and activities are hereby declared to be affected with a public interest. And in carrying out the purposes of this section the President is authorized to enter into any voluntary arrangements or agreements, to use any agency or agencies, to accept the services of any person without compensation, to cooperate with any agency or person, to utilize any department or agency of the Government, and to coordinate their activities so as to avoid any preventable loss or duplication of effort or funds: *Provided*, That none of the penalties of this act shall apply to this section.

Mr. SCOTT of Iowa. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. SCOTT of Iowa: Page 2, line 24, strike out the words "for the purposes of" and insert the words "as specified in."

Mr. SCOTT of Iowa. Mr. Chairman, a good deal has been said heretofore with respect to the scope of section 3 and the apparent almost unlimited power that is given the President in that section if the section is to be construed as legislative in its character and unlimited by the subsequent provisions of the bill. The effect of the amendment striking out the words "for the purposes of" and inserting the words "as specified in" is to make it clear that the purpose is to give to the President all of the powers specified in the act, but to give no blanket powers that would have no remedy attached, and no specific mode of execution stated. It limits the general or comprehensive language of section 3, and confines the operation to the remedies and provisions as contained in the subsequent sections.

Mr. LENROOT. Mr. Chairman, I offer the following amendment as a substitute for the amendment offered by the gentleman from Iowa.

The Clerk read as follows:

Substitute amendment offered by Mr. LENROOT: Page 2, line 24, strike out the words "for the purposes of" and insert "as hereinafter expressly provided."

Mr. LENROOT. Mr. Chairman, I am heartily in favor of the things sought to be secured by the amendment of the gentleman from Iowa, but it seems to me that it is possible at least that his amendment does not accomplish the purpose intended. When you say "specified in this act," if section 3, as it stands, confers a general power upon the President, that is one of the powers specified in the act and therefore the gentleman's amendment does not limit it in any way. The substitute that I have proposed, instead of the language "as specified in the act," would make it read "as hereinafter expressly provided," thereby absolutely eliminating any of the general powers and authority that are previously found in section 3. Now, that is merely a question of which accomplishes best the purpose intended.

Mr. STAFFORD. Will the gentleman yield?

Mr. LENROOT. I will.

Mr. STAFFORD. I assume the gentleman would further amend by striking out the words "this act," following the word "of," in line 24?

Mr. LENROOT. I intended my amendment as a complete substitute for the amendment of the gentleman from Iowa.

Mr. STAFFORD. But the amendment of the gentleman from Iowa merely struck out the words "for the purposes of"——

Mr. LENROOT. "Of this act," I thought.

Mr. STAFFORD. And inserted the words "as specified in." The gentleman's amendment to have full force should also include striking out the words "this act."

Mr. LENROOT. Mr. Chairman, I ask unanimous consent to modify my amendment as a substitute by striking out the words "for the purposes of this act," in line 24, and inserting the

words "as hereinafter expressly provided." Now, upon the merits of the proposition I will say just a word.

Mr. LEVER. Mr. Chairman, I suggest the modified amendment be reported.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Modified amendment: Page 2, line 24, strike out the words "for the purposes of this act" and insert the words "as hereinafter expressly provided," so that it will read, "which shall be exercised and administered by the President as hereinafter expressly provided."

Mr. LENROOT. Now, Mr. Chairman, may I ask whether the chairman intends to oppose this amendment? If not, I do not desire to take any further time.

Mr. LEVER. I would like very much to hear the gentleman's statement before I express an opinion.

Mr. LENROOT. Now, upon the merits of the proposition——

Mr. RUCKER. Before the gentleman proceeds, may I ask him a question?

Mr. LENROOT. I will yield.

Mr. RUCKER. Would not the amendment be stronger and come nearer accomplishing the gentleman's purpose if the word "hereinafter" was omitted?

Mr. LENROOT. No; because the general power by the provisions of the language of section 3 would still remain.

Mr. RUCKER. That is the reason I suggest the word "hereinafter" ought to be stricken out.

Mr. LENROOT. If you strike out the word "hereinafter," there is no occasion for any amendment at all.

Mr. RUCKER. I do not catch the idea, then.

Mr. LENROOT. Because the power then is complete; unless it is desired to limit the authority of the President to the specific enumerated things afterwards found in the act, then there is no occasion for any amendment at all.

Mr. RUCKER. Would not the language "herein expressly provided" be just as complete as "hereinafter"?

Mr. LENROOT. No; it would not. Section 3 in the language from lines 18 to 23 confers a general power upon the President independent of the other sections of the act. If we merely said "as herein expressly provided" it will include that general power, while if we say "hereinafter expressly provided," it makes it purely a declaratory section, and for the specific authority of the President in the enumerated cases we must look to the other sections of the act.

Mr. BARKLEY. Will the gentleman yield?

Mr. LENROOT. I will.

Mr. BARKLEY. In this bill as in many others there are certain expressed powers given the Executive and certain implied powers to carry out the expressed powers. Would the gentleman's amendment in any way hamper the President in exercising the implied powers necessary to carry out the expressed powers?

Mr. LENROOT. Not in the least; any implied power that grows out of any expressed authority granted would still exist, of course.

Mr. BARKLEY. I was fearful that the gentleman's amendment being so specific as to the expressed powers might somewhat handicap the Executive in the exercise of powers necessarily implied.

Mr. LENROOT. In every provision of the Constitution is a grant of expressed power, and in each of those expressed powers there are all the powers implied necessary to carry out the expressed powers.

Mr. BARKLEY. Where the legislation limits the Executive to the exercise of expressed powers, is not that an attempt to limit him or handicap him in the use of the implied powers?

Mr. LENROOT. Not unless you say we can not legislate upon any matter except in the manner specifically expressed in the various articles of the Constitution itself, because exactly the same principle applies.

Mr. BARKLEY. If the gentleman will yield to another question. The gentleman's amendment provides that certain things shall be done "as hereinafter expressly provided." Now, if "hereinafter expressly provided" does not completely authorize the President, then he would be limited to the exercise of powers "hereinafter expressly provided."

Mr. LENROOT. I am frank to say I am perfectly willing to eliminate from the amendment the word "expressly," and we will still limit the powers, as I desire to have done. I have no objection to that, and if the gentleman desires to make that amendment at the proper time I shall offer no objection to it.

Mr. GARD. I think my question is much in the same line. I desire to know what would be covered by the gentleman's amendment. What would be "hereinafter expressly provided"?

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GARD. What would be the meaning of the section as amended by the gentleman, with these words in?

Mr. LENROOT. It would be merely a declaratory section. There is only one power given in the section as construed by the gentleman from Minnesota [Mr. ANDERSON], a member of the committee, and that is the power of the President to make voluntary arrangements. That power would still exist with my amendment. Every power that is conferred on the President in subsequent sections would still exist, and all implied powers growing out of it. Those express powers would still exist.

Mr. MONDELL. Will the gentleman yield?

Mr. LENROOT. I will.

Mr. MONDELL. The gentleman thinks there is no doubt but that it would be held that the language of his amendment refers not to this section but to the act? "Hereinafter" would refer to the act and certainly not to the section only.

Mr. SIMS. What is the real difference between the language of the bill and your amendment in its effect upon the purposes of the bill?

Mr. LENROOT. We have had a good deal of discussion and general debate, I will say, and I do not know whether the gentleman listened to it or not, but the chairman of the committee urged the construction that section 3 conferred general independent power upon the President with relation to this whole question, and that he was not limited in the exercise of power by the subsequent sections of the bill, and, to a question which I asked, agreed that if that construction was correct then everything else in the bill except the appropriation section and the penalties and those sections not regulatory might go out of the bill, because they were merely suggestive or advisory to the President.

Mr. SIMS. Does the gentleman accept that as the proper construction?

Mr. LENROOT. I do not; but I do say that the proper construction should be made plain, and it will be made plain by this amendment, making it clear that this is merely a declaratory section of the intention and purpose of Congress.

Mr. SIMS. You do not mean to say "hereinafter" but just "hereafter," meaning after this bill becomes a law?

Mr. LENROOT. I mean hereinafter in this bill. I do not think for a moment that there should be any authority granted to the President in this section over and beyond the express powers granted later in the bill. If you do say that there should be general authority granted to the President to do anything that he sees fit with reference to this food and fuel situation, then you have gone beyond any nation that is now at war. You have gone beyond the Kaiser, you have gone beyond England, you have gone beyond France. You have simply turned over to the President to do as he sees fit, anything that he deems proper, with reference to these matters. I want to say, further, that the gentleman of course knows, as he has been a member of the Committee on Interstate and Foreign Commerce for years, that if we would confer any such power we have no right to do so.

Mr. SIMS. My contention is that the language here, "for the purposes of this act," does not confer such powers as the gentleman has described.

Mr. LENROOT. "For the purposes of this act" means what? For the purposes of encouraging the food supply and conserving it, and all that sort of thing. If the gentleman's construction is correct, it simply says he wants Congress without legislating to say to the President, "You can do anything you please."

Mr. SIMS. Oh, no.

Mr. LENROOT. That you can restrict the rights of citizens as you choose without any limitation or specification from Congress. Does the gentleman desire that?

Mr. SIMS. My contention is that this section 3 does not confer any such power as that, either with the amendment or the substitute offered.

Mr. LENROOT. Without the amendment it is open to that construction.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LENROOT. Mr. Chairman, I ask unanimous consent for five minutes more.

Mr. HEINTZ. I object.

Mr. LEVER. I trust that the gentleman may have five minutes more. I hope the gentleman will withdraw his objection.

Mr. HEINTZ. I withdraw the objection.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that the gentleman from Wisconsin [Mr. LENROOT] may proceed for five minutes more.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the gentleman from Wisconsin may proceed for five minutes. Is there objection?

There was no objection.

Mr. MONTAGUE. Will the gentleman yield?

Mr. LENROOT. I will.

Mr. MONTAGUE. I would ask the gentleman from Wisconsin [Mr. LENROOT] if his amendment, rearranged in this form, would not meet his purpose: After the word "act," in line 24, insert his amendment, so that it will read: "For the purposes of this act as hereinafter provided?"

Mr. LENROOT. That accomplishes the same thing. I would have no objection to that. My only point is that it should be made clear that this section 3 is declaratory only, but, so far as specific powers are concerned, we must look to subsequent sections of the act. I want to say that the gentleman from Minnesota [Mr. ANDERSON] and the gentleman from Michigan [Mr. MCLAUGHLIN] both say that in their opinion that was the intention of the committee.

Mr. ANDERSON. Well, I do not stand for that statement.

Mr. LENROOT. Except as to voluntary arrangements.

Mr. ANDERSON. Yes. That modifies the gentleman's whole statement, absolutely.

Mr. LENROOT. My amendment saves that, because that is found later on in the section, and I have no objection to that.

Mr. FESS and Mr. GARD rose.

Mr. LENROOT. I yield first to the gentleman from Ohio [Mr. GARD].

Mr. GARD. If this section under the construction is declaratory, would it not be necessary to establish in terms what the governmental control was? The mere saying that governmental control shall be used would hardly be sufficient.

Mr. LENROOT. In all the subsequent sections we do expressly determine what the control is. This section does two things: In the first part of the section it designates the President as the party through whom the control is to be exercised. Later on it authorizes expressly the President to enter into voluntary arrangements. I have no objection to that. My amendment will permit that.

Mr. GARD. But it does not say, at least, what the governmental control consists of.

Mr. LENROOT. That is the whole purpose of the bill later on. Let me ask the gentleman what is the purpose of the subsequent sections of this act relating to control if full control is intended to be given by section 3?

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. BORLAND. As intimated by the gentleman from Ohio [Mr. GARD], is not the amendment of the gentleman from Wisconsin turning what is really a legislative direction into an express limitation of power? Is not that the purpose of the gentleman's amendment?

Mr. LENROOT. If it were a declaration, my amendment would not be a limitation of power, because if there is a power conferred by the act, then it is something more than a mere declaration.

Mr. BORLAND. The gentleman has conceded that this is a declaratory regulation. Is not his amendment and the force of it to turn that into an express grant or limitation of power?

Mr. LENROOT. It is a limitation of power, and that makes it expressly a legislative declaration.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. MOORE of Pennsylvania. If this is merely a declaratory paragraph, why do we in the proviso say that none of the penalties of the act shall attach to the section?

Mr. LENROOT. It is clear that if that language remains in the bill, this section is something more than a mere legislative declaration.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. EMERSON. Mr. Chairman, I rise in opposition to this amendment. I am opposed to pulling the teeth out of this bill.

This bill does indeed grant extraordinary powers, and it is a very drastic bill, but that is what we want in this crisis. We want just the kind of a bill that is here, and just the kind of a bill that the committee has reported, and that is the kind of a bill that the people of this country demand, and that is the kind of a bill that the Congress should pass. I congratulate the committee on the fine work they have done in presenting this bill for the consideration of the House. The thing to do is to pass this bill in its entirety, and I shall oppose every amendment to it that is not recommended by the committee itself. [Applause.]

If this House moves as slowly as it did yesterday we will not be able to get this bill passed at this session. I am going to vote for this bill as it is, and I shall oppose all amendments to it.

Members get up here and argue, and propose amendments, and find fault. I suppose there are Members here who would find fault with the Bible, and would find fault with the Ten Commandments, and even with the ways of the Lord himself. There is no bill but some Member would find fault with.

The people of this country demand this bill be passed, and passed at once, and without unnecessary delay. If we are going to uphold the hands of the Commander in Chief in conserving all the resources of this country in this great struggle we must pass this bill. It is no time to talk about the great powers granted, or the rights of Congress. Wars are carried on by the Commander in Chief, and unless he does some wrong he should be followed. We should follow the President in this crisis, and not lead him.

I am going to stand by the President, as I have in the past [applause] and vote for this bill as it is, except such amendments as the committee proposes, because this is the bill the President wants, and if he is wrong I can hold him responsible later. This is no time for argument, faultfinding, holding out on technicalities, or wasting time in debate. Ambitious Members must curb their ambitions for the present and subordinate their personal ambitions for the welfare of the whole country. The people "back home" demand the passage of this bill and demand that it be passed now. The people of this country are watching this bill very closely and they will know what we are doing here, and we will have to account to them later.

I have received hundreds of letters from the people back home wanting to know why we do not pass this bill? Why is it being delayed? What is the matter with Congress? It is really our conduct here that is subjecting us to the criticism that we are receiving all over this country. Mr. DIES from Texas said more on this bill in five minutes yesterday than all of the Members have said in three days. It is a drastic bill. It is a far-reaching bill. It does grant extraordinary power. It does make the President a dictator. But that is what the people of this country want, and what they want now. The people of this country are unanimously in favor of the immediate passage of this bill.

I desire to read the following letter, which expresses the sentiments of a great majority of the people of this country.

LAKEWOOD, OHIO, *June 21, 1917.*

Hon. HENRY I. EMERSON,
Washington, D. C.

DEAR SIR: As I am one of your constituents I not only urge but demand that you support the food-control bill and any legislation which will cause adequate coal to be mined, and regulate the price to be paid by the consumer. There not only should be a limit to the amount to be received by the producer (of all necessaries of life especially), but there should be a limit to the amount to be paid by the consumer.

I expect you not only to support the above-mentioned legislation but to see that it is passed quickly.

It is my opinion, and the opinion of all with whom I have conversed, that the situation is desperate and that unless something is done very soon by the peoples' Representatives, the people will take the matter in their own hands, and, of course, you are cognizant of the results of such an action.

Don't bother about constitutionality. We want you to assist in passing these laws before it is too late. The constitutional features may be thrashed out later.

Very respectfully, yours, L. S. LOMMASSON.

We have conscripted men, we have conscripted wealth, and we should conscript the food of this country in the interests of the people of this country. We have loaned money to foreign countries, and we may or may not get it back. We have received commissions from almost every country on the face of the earth, and we are going to receive one to-morrow. It is time for this Congress to do something for the people back home. I shall oppose this amendment. I shall oppose the substitute, and I shall oppose every amendment to this bill that is not recommended by the committee itself. [Applause.]

Mr. CANNON. If the gentleman in charge of the bill will permit, does not the gentleman think it well to ask unanimous consent, after the views of the gentleman from Ohio [Mr. EMERSON] have been expressed, at once to pass the bill? [Laughter.]

Mr. MOORE of Pennsylvania rose.

Mr. BORLAND. Mr. Chairman——

The CHAIRMAN. The gentleman from Pennsylvania rose first.

Mr. MOORE of Pennsylvania. I desire to offer an amendment.

Mr. BORLAND. I desire to oppose the pending amendment.

The CHAIRMAN. The gentleman from Missouri is recognized.

Mr. BORLAND. Mr. Chairman, I trust that this amendment will not be adopted, because, in my judgment, it changes the character of this section and is dangerous in its tendency. It is the character of amendment that I think we ought to guard against in this kind of a bill.

Section 3 is intended, so we learn from the opinion of the Solicitor of the department, as a legislative declaration. He says, if I may quote for a moment:

The bill carries on its face a declaration by Congress in the first section that by reason of the existence of a state of war the things required or forbidden are essential to the national security or defense, to the successful prosecution of the war, and for the support and maintenance of the Army and Navy, and in the third section that the processes, methods, and activities concerning necessaries are affected by the public interest. Is this legislative declaration well founded?

Then he goes on and discusses how well founded that legislative declaration is, that these particular activities are affected by the public interest.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. STEVENSON. Do not the words "There is hereby established," and so forth, amount to more than a mere declaration? Is not that an absolute exercise of power, a conferring of power on the President, and is not the proposed amendment here a regulation and definition of the methods by which that power can be exercised, and is it not a good limitation to say that this power, that is extraordinary, should only be exercised in accordance with the terms that this Congress lays down?

Mr. BORLAND. I think not.

Mr. STEVENSON. I think it is.

Mr. BORLAND. I want to call attention to the language of section 3—

That there is hereby established a governmental control of necessaries which shall extend to and include all the processes, methods, activities of, and for the production, manufacture, procurement, storage, distribution, sale, marketing, pledging, financing, and consumption of necessaries.

Now, there is a legislative declaration.

Mr. STEVENSON. But, if the gentleman will permit, is not that word "established" more than a declaration?

Mr. BORLAND. "Which shall be exercised and administered by the President for the purposes of this act." In other words, that subordinate clause, "which shall be administered by the President for the purpose of this act," is not a grant of power, nor is it so intended. It is a part, and a subordinate part, a descriptive part, of the legislative declaration.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. LENROOT. If it is not a grant of power, what is it?

Mr. BORLAND. As I understand the gentleman's proposition, it is to turn this clause into a grant of power by saying that the President shall act as hereinafter specified. Now, I agree with the view of the gentleman from Ohio [Mr. GARD], that if the gentleman from Wisconsin seeks to turn this into a specific grant of power, then he must go on and enumerate in this section what this governmental control is. But the theory of the bill is that there is first a legislative declaration of the need for this governmental control, to wit, the war emergency, and the specific reference to the agency through which that control shall be exercised, and no specific grant of power is intended by the theory of the bill to be embraced in this section.

Mr. LENROOT. Will the gentleman yield for a question?

Mr. BORLAND. Yes.

Mr. LENROOT. If there is no specific grant of power in section 3, how could my amendment be a limitation upon that power?

Mr. BORLAND. The gentleman is seeking to change the language of section 3, and to provide that it shall be done as hereinafter expressly provided. That is his amendment, and that is what I object to. I object to turning the language of this section into a specific limitation of power, because I regard the gentleman's amendment not so much a grant of power as a limitation of power.

Mr. LENROOT. Has not the gentleman said his construction is that there is no grant of power?

Mr. BORLAND. That is my contention.

Mr. LENROOT. How could there be any limitation on something which did not exist?

Mr. BORLAND. I think it is not wise to try to grant or to limit the power of the President.

Mr. DEWALT. Mr. Chairman, I desire to speak to the amendment.

Mr. LEVER. I ask unanimous consent that the debate on this amendment be closed in 15 minutes.

Mr. BATHRICK. I want five minutes on that.

Mr. MONDELL. Can not the gentleman make it a little longer?

Mr. LEVER. I wonder how many more amendments there are to this section? Has the gentleman from Wyoming [Mr. MONDELL] one?

Mr. MONDELL. I have no amendment.

Mr. LENROOT. I wish to strike out the proviso.

Mr. LEVER. I think there will be no objection to that.

Mr. MOORE of Pennsylvania. I desire to move to strike out the proviso.

Mr. LEVER. I do not think there need be any discussion on that, because I think there will be no objection to it.

Mr. MOORE of Pennsylvania. I should like five minutes on this paragraph.

Mr. LEVER. Will gentlemen who desire to speak on this hold up their hands and let us see how many there are?

Mr. LENROOT. If this amendment is defeated, I have another on which I should like to have five minutes.

Mr. BARKLEY. Will the gentleman accept an amendment that the word "expressly" shall be stricken out?

Mr. LENROOT. If the gentleman will offer it, I will accept it.

Mr. LEVER. Then the gentleman from Kentucky will not want any time?

Mr. BARKLEY. No.

Mr. LEVER. I ask unanimous consent that all debate on this section and all amendments thereto close in 30 minutes.

Mr. MONDELL. There are five gentlemen on this side who desire to have five minutes each.

Mr. LEVER. Then make it 40 minutes.

Mr. MONDELL. Will the gentleman give us 25 minutes?

Mr. LEVER. Reserving 10 minutes of that for the committee.

Mr. BATHRICK. Reserving the right to object, do I get five minutes out of this?

Mr. LEVER. I think the gentleman can.

Mr. GILLETT. If the gentleman will give us 25 minutes on this side, he can have whatever time he pleases.

Mr. BATHRICK. I want only five minutes.

Mr. LEVER. I ask unanimous consent that debate on this section and all amendments thereto close in 50 minutes, 25 minutes to be used on that side.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this section and all amendments thereto be closed in 50 minutes, half of that time to be used on the Republican side. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, I should like to know if the gentleman objects to my offering an amendment to strike out the proviso.

Mr. LEVER. No.

Mr. MOORE of Pennsylvania. I offer it, then, and ask that it be pending.

The CHAIRMAN. Is there objection?

Mr. MONTAGUE. Mr. Chairman, reserving the right to object, may I ask if the gentleman from Wisconsin [Mr. LENROOT] will accept in lieu of his amendment to insert, after the word "act," on page 24, line 2, the words "as hereinafter provided"?

Mr. LENROOT. I will.

Mr. MONTAGUE. That that shall be an amendment pending before the committee.

Mr. LENROOT. I will ask unanimous consent to withdraw my substitute and offer in its stead the amendment suggested by the gentleman from Virginia [Mr. MONTAGUE].

Mr. LEVER. Let that be reported, please.

Mr. SCOTT of Iowa. I am quite willing to withdraw my original amendment and permit the gentleman from Wisconsin [Mr. LENROOT] to offer this as an original amendment to the section.

The CHAIRMAN. The gentleman from Iowa [Mr. SCOTT] asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. LENROOT. I ask unanimous consent to withdraw my substitute and permit the gentleman from Virginia [Mr. MONTAGUE] to offer as an original amendment the suggestion that he made.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to be permitted to withdraw the susbtitute offered by himself. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Virginia is recognized.

Mr. MONTAGUE. Mr. Chairman, I now offer the amendment which I suggested.

The CHAIRMAN. Will the gentleman send up his amendment?

Mr. MONTAGUE. My amendment is in the following words:

After the word "act," in line 24, page 2, insert the words "as hereinafter provided."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Virginia.

The Clerk read as follows:

Amendment offered by Mr. MONTAGUE: Page 2, line 24, after the word "act," insert the words "as hereinafter provided."

The CHAIRMAN. Does the gentleman from South Carolina [Mr. LEVER] now desire to submit a request for time?

SEVERAL MEMBERS. Vote! Vote!

Mr. LEVER. Mr. Chairman, there seems to be a general desire to vote at once.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. MONTAGUE].

The question being taken, the amendment was agreed to.

The announcement of the Chairman that the amendment was agreed to was received with applause.

Mr. MOORE of Pennsylvania. Mr. Chairman, I have an amendment to offer to section 3.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Page 3, lines 9 and 10, strike out the proviso.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. I understand that the chairman of the committee is willing to accept the amendment.

Mr. LEVER. As far as I am concerned, I am willing to accept it, but the gentleman from Michigan [Mr. MCLAUGHLIN] offered this in the committee and he ought to be heard. I ask unanimous consent that all debate on this amendment be closed in 10 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this amendment close in 10 minutes. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, I do not know where this bill was drawn nor by whom; however, it has the approval of the Committee on Agriculture and probably will pass the House in an amended form. This proviso which my amendment would strike out illustrates the importance of Congress exercising a scrutiny of bills of this kind. The paragraph gives the President unlimited power. The amendment suggested by the gentleman from Wisconsin would indicate that it is only a declaratory paragraph, and yet the proviso is that none of the penalties of this act shall apply to the section. If it is a declaratory paragraph, why is it necessary to have a proviso that there shall be no punishment under the paragraph? What are the powers conferred on the President in this paragraph? To make voluntary arrangements and agreements, to use any agency or agencies, to accept services of any person without compensation, to cooperate with any agency or person, and to utilize any department or agent of the Government. The proviso is that no punishment shall be applied to this section. The President may call in the great manipulators and agencies of one kind and another who are actually interested, and may put them in the council for national defense or under Mr. Hoover's direction, and the punitive clause is not to apply to them. I am glad that the chairman of the committee has indicated that he will have no objection to striking out this proviso. If wrong is done under this paragraph, it should be punished as under any other paragraph.

There are some things apart from the proviso which I hope to have time to comment on in the two and a half minutes remaining. One is that there is a dispute on now as between the producers of corn and the producers of wheat as to what shall constitute bread fit for people to eat. There are rumors, and they seem to be fairly well founded, that our allies do not want corn bread, and there is testimony which I could produce, perhaps, in another five minutes, which the Secretary of Agriculture has inquired into, that the people of Europe do not relish the notion of having corn mixed with their wheat. They want pure wheat flour. Mr. Hoover is here for the purpose of seeing that the allies are well supplied with wheat. We are to conserve our wheat supply under the direction of Mr. Hoover, but he is to see that our allies are well supplied with wheat and wheat flour, but it seems that we are to mix corn with the flour we have left for the consumption of the people of the United States.

Mr. Secretary of Agriculture Houston, on July 28, 1915, in a letter which I hope to quote in full later, indicated that the department had experimented with the use of corn in foreign countries. I can not now read the whole letter, but he said that it was quite evident that this attempt to introduce corn flour and other corn products into western Europe had not met with success, and the people of Europe are not, as a rule, lovers of corn as human food.

Now, there is a full-page advertisement in the Washington papers of this morning indicating that one of the first things to be done in this war emergency is to utilize corn for the people of the United States. This paragraph provides that the President can call in various agencies, and many of them are here on the ground, to cooperate with him in conserving the resources of the country and limiting the food supply for the people of the United States. Evidently the corn advocates are among them.

Mr. SIMS. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I can not yield in five minutes.

Mr. SIMS. I merely wanted to say that corn bread is much better than wheat bread.

Mr. MOORE of Pennsylvania. Corn pone may be good for grown people, but Dr. Wiley, who is a fairly good authority on dietetics, has stated that bread made of flour in which there is a large percentage of corn, as proposed by some of these large corn associations, is so deleterious to the children of this land that they grow up enfeebled and unfit for military service to which the people of Europe have been trained. I wish I had time to read into the RECORD something Dr. Wiley has said about the use of corn which is now proposed for a staple food of the people of the United States. At any rate, the people of Europe do not appreciate corn in their bread. [Applause.]

Mr. MCLAUGHLIN of Michigan. Mr. Chairman, as this bill was prepared by the Department of Agriculture, and as it came to the Committee on Agriculture it contained section 3 without the word "voluntary," in line 3, page 3, and without the proviso now appearing in lines 9 and 10. In the judgment of some members of the committee this section was very objectionable, but those who were urging the bill in the first instance and seemed to have more knowledge of it than other members of the committee, insisted that the section should stand just as presented. To satisfy objections it was stated that the section was merely declaratory, that it conferred no authority, but it provided that there should be established governmental "control." We asked what that meant. They said that the word would be used in the usual sense, but it came out during the discussion that it was clearly the intention of the officials of the department and those who were to administer the law that this section should be used as a club over the farmers and business men of the country. It was to be pointed out to them that here is a governmental control over every branch and phase of their business, and they must submit to every suggestion and every demand made upon them, because here was the governmental "control" without limit conferred in this bill. That statement was made after there had been considerable discussion of the bill and after it was said in the first instance that it conferred no power and was merely declaratory.

In an effort to make it clear that it was only declaratory and could not be used as a club to embarrass and drive the people of this country the word "voluntary" was inserted, authorizing the President to make simply voluntary arrangements under this particular section. In order to make it doubly sure that no man from the department, no man working under Mr. Hoover, no man exercising or assuming control of affairs of the country could go out or send others out and use this section to compel obedience to their orders it was thought wise to add the proviso so that there could be no misunderstanding as to the meaning of the section providing that none of the penalties of this act shall attach to this section. The chairman and some others say that they are willing to have that go out; they did not want it to go in in the first place. They wanted the section to stand so that it could be used improperly as a club over the business men of this country, misrepresented to the business interests of the country, and held out to them as conferring authority upon those who would use it to compel obedience to the demands of those who would administer this law and this section of the law. In my judgment the section ought to go out altogether, or every possible safeguard ought to be placed around it. The word "voluntary" helps some. The proviso makes it clear that the section can not be used as those who prepared the bill expressly said they intended covertly and improperly to use it.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. MCLAUGHLIN of Michigan. Yes.

Mr. LENROOT. There is no general penalty section in this bill, is there?

Mr. MCLAUGHLIN of Michigan. There are several penalties.

Mr. LENROOT. Applying only to each specific section.

Mr. McLAUGHLIN of Michigan. To each specific section. That is true.

Mr. LENROOT. Then I want to ask this question: Could there be any possible construction given to this proviso except that if certain individuals entered into voluntary arrangements they might violate the prohibitions of subsequent sections of the act, and no penalty should apply to them?

Mr. McLAUGHLIN of Michigan. In answer to that, if the gentleman will read further, following the provision in regard to voluntary arrangements, he will find that the President is authorized also to use any agency or agencies, to accept the services of any person without compensation, to cooperate with any agency or person, to utilize any department or agency of the Government, and so on. If all these were voluntary there would be force in what the gentleman from Wisconsin says.

The CHAIRMAN. The time of the gentleman from Michigan has expired. All time has expired. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken; and on a division (demanded by Mr. MOORE of Pennsylvania) there were—ayes 72, noes 26.

So the amendment was agreed to.

Mr. CRAMTON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 2, line 20, after the word "methods," strike out the comma and insert in lieu thereof the word "and," and strike out the comma after the word "of" in the same line.

Mr. LEVER. Mr. Chairman, the committee accepts that amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

Mr. MORGAN. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. MORGAN: Page 2, line 20, after the word "methods" insert the word "instrumentalities."

Mr. LEVER. Mr. Chairman, we have no objection to that amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BATHRICK. Mr. Chairman, I move to strike out the last word.

Mr. LEVER. Mr. Chairman, before the gentleman begins, I ask unanimous consent that all debate upon this section and all amendments thereto shall conclude in 20 minutes, 5 minutes to be used by the gentleman from Ohio [Mr. BATHRICK], 5 minutes by the gentleman from New York [Mr. SIEGEL], 5 minutes by the gentleman from Mississippi [Mr. STEPHENS], 3 minutes by the gentleman from Wisconsin [Mr. COOPER], and 2 minutes by the gentleman from Texas [Mr. JONES].

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate upon this section and all amendments thereto shall close in 20 minutes, the time to be apportioned as indicated. Is there objection?

There was no objection.

Mr. BATHRICK. Mr. Chairman, I have viewed with considerable concern what seems to me to be an overwhelming inclination on the part of certain gentlemen in this House to amend every bill that comes in here for the purpose of granting the President power to transact the necessary business in connection with this war. They seem to desire to clip his wings, to limit his power in every particular possible, and I think, under these circumstances, it is one of the most reprehensible things that a Member of this House can do. I shall not state that these gentlemen who are attempting to amend this bill intend to do the Government any harm. They are simply afraid that the President is going to have too much power. They have expressed the terrible fear on the floor of this House that we are building up an autocracy in this country. They know that in order to carry on this war successfully we must have in a large degree autocratic government, that no war was ever conducted successfully without autocratic leadership.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. BATHRICK. Yes.

Mr. CANNON. Does not the gentleman think he ought not to blame, but rather commend, 435 men for desiring to consider the bill themselves instead of blindly accepting the judgment of 20 men?

Mr. BATHRICK. I have no objection to the House considering the bill, in the spirit of helpfulness for war emergencies, but gentlemen have carried into the consideration of these war measures the same dallying spirit which they have shown on occasions in time of peace. They do not seem to comprehend that extraordinary measures are necessary at this time, but on every point they have attempted to balk the endeavors of the administration to get itself into shape. For my own part, I believe we ought to have some autocracy now. For a good many years, under our laws as they have stood, we have slowly, inch by inch, made but little progress toward suppression of nefarious business practices in this country by interests which constitute in themselves a dangerous autocracy, and if we have a little individual autocracy in this country at this time, if we have a little kingly power, we might more surely learn something we have never learned before, namely, who is responsible for these artificially increased prices and the oppression of the poor who are compelled to pay so much for food to-day that many of them are insufficiently fed.

We have had investigation after investigation by commissions and committees and yet the hosts of greed are still merrily able to go on coining unfair shekles from our necessities. If it was proposed to prosecute them they nested securely in a snarl of red tape and drew protection from the law's delay and complications of the courts.

Now the war is upon us, and for its duration I wish that power may be given to the President to cut this red tape and clear out these brush piles, exposing to the world these avaricous animals and to give them just punishment. Perhaps some of the gentlemen who are afraid to give the President so much power do not want this done, but the people do want it done.

We may learn much if we give him some power, and, gentlemen, I for one want to stand for those measures as best I can. I am sorry the amendment of the gentleman from Wisconsin [Mr. LENROOT] passed. Unquestionably it was a limitation upon the power of the President in this emergency, and I am glad the amendment of the gentleman from Pennsylvania [Mr. MOORE] has passed, because I believe that that will afford some little additional power to the earnest men who direct and control this great situation.

Mr. MOORE of Pennsylvania. If the gentleman will yield——

Mr. BATHRICK. I do.

Mr. MOORE of Pennsylvania. If the gentleman had reason to believe that certain interests were endeavoring through war agitation to adulterate food, does not the gentleman think it is the duty of Congress to stay here and try to reach the crooks who are endeavoring to get in and make money under the guise of patriotism?

Mr. BATHRICK. Absolutely; I agree that the gentleman's amendment should pass, and I am glad it did, and I just said so. I am afraid the gentleman misunderstood me.

Mr. HAMILTON of Michigan. The gentleman agreed with the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. He did, and he was right. [Laughter.]

Mr. BATHRICK. But I hope the gentlemen of this House will not keep on amending these bills and emasculate them the way they have done heretofore and fail to give the President the power to do what is necessary. I would rather trust the leadership to him. The people of this country trust the President of the United States, and I would rather trust him to lead than bickering factions of a Congress, some of whom have been putting these amendments in when back in the pigeonholes of their minds lurks some political animosity. I should not say they have it now. I will say gentlemen on the Republican side have played fair on this proposition with but few exceptions, but dating back year after year and in political campaign after political campaign some of them did not love the President of the United States, and I hope that no feeling of that kind and no spirit of that kind will enter into the controversies over these bills.

Mr. DYER. Will the gentleman yield?

Mr. BATHRICK. Yes; I yield.

Mr. DYER. The gentleman recognizes that the Republicans at least have been more loyal in their support of the administration than Democrats.

Mr. BATHRICK. No; I do not recognize that the Republicans have been more loyal in support of the President than Democrats. No; I am stating that they have mostly played very fair, but some of you have not. That is the truth, and gives every man his due.

Mr. Chairman, these great happenings are everybody's business in this country, but everybody can not best attend to it. If we are to have it well conducted we must be content to follow. The restless American spirit illy brooks control and the restraint of these fearful times seems to be petulently accepted by some of our people. To be a Member of this great body is a rare honor.

It is no tarnish upon this honor if the administration knows what it wants and asks for it. We say that the President must lead, but some of our Members here want to tell him always which way to go. If that system should prevail there would be no leadership. There is not a business organization on earth whose directorate refuses some plenary power to its managers.

And what is this autocracy that some cringe before and fear so much? It is a thing to laugh at. No autocracy of a public official which had substance could last beyond the first election or keep out of range of one angry citizens' rifle. Liberty is so inbred and firmly grounded in this Nation of free people that no usurper could command a force large enough to defeat the police force of one of our cities. The only autocracy we need to fear is the hidden machinations of our unofficial cormorants. And they will be uncovered one by one, and the President of this United States now will uncover some of them if you will but give him the power.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIEGEL. Mr. Chairman, the fact that prices for food in this country are higher than in England and France is undisputable. With this admission of fact we are confronted with the question whether we shall have as dictators the human vultures and wolves who have been accumulating their wealth by hoarding food supplies and then selling them at extortionate prices or whether we are prepared to have a chief food dictator who will look after the interests of the people, appointed by the President of the United States.

The people have more confidence in the fairness of the man who has been twice placed in the White House by their votes than they have in scoundrels who see in this war the means of gathering for themselves more wealth without the rendition of anything to the Nation.

In the midst of the greatest war we have ever faced men have been discussing here the constitutionality of the proposed law, but I feel we may safely leave that question to the courts. This is a war measure, and the Supreme Court, I am confident, will rise to the occasion.

We are confronted with a condition and not a theory. We must find a remedy for this condition, and the only remedy that is at present in sight is this bill. It matters very little to me who originated it, because if it is going to change the intolerable condition which has arisen, then it deserves the hearty support of all men who are prepared to assist the President as Commander in Chief of the Army and Navy in winning this war.

It is the simple and plain duty which every Representative in Congress owes to the people of this country to help reduce the price of the cost of food, so that the citizen, whether rich or poor, can purchase same at a fair and reasonable price. One thing is certain, and that is that the price of food in this country must not be permitted to be enhanced by giving to speculators the opportunity to add to its cost extraordinary and uncalled-for profits. It may be a coincidence, but it is a fact that the very men who have been reaping the harvest of profits from the war orders are the loudest in their shrieks when taxation is about to be imposed in order to meet the expenses of this war. There has been entirely too little said about the greed and selfishness of these public plunderers, who have made the average citizen their prey, and it is about time that Congress and the press commenced to properly characterize the gentlemen who seem to think that this war has come for the sole purpose of allowing them to accumulate additional wealth.

It is a duty of every man who loves this country with real devotion and it is the paramount duty of the press to join in a nation-wide movement to expose the men who are hoarding food supplies with the sole idea of adding to their bank accounts.

The press by turning its rays of publicity upon the dark holes which secrete these so-called gentlemen can render a patriotic service to our Republic in this critical hour which no one can equal or measure in dollars and cents.

It is wise at this time to recall the words of Grover Cleveland when at Columbus, Ohio, on November 13, 1890, he said:

> I have spoken of frugality and economy as important factors in American life. I find no fault with the accumulation of wealth and am glad to see energy and enterprise receive their fair reward, but I believe that our Government in its natural integrity is exactly suited to a frugal and economical people, and I believe that it is safest in the hands of those who have been made strong and self-reliant in their citizenship by self-denial and by the surroundings of an enforced economy. Thrift and careful watchfulness of expenditure among the people tend to secure a thrifty Government and cheap and careful living on the part of individuals ought to enforce economy in the public expenditures.

Mr. Chairman, I recognize that the farmer deserves fair and honest treatment, and I know that all citizens, regardless of occupation, rejoice that this bill gives him a fair deal.

That the tiller of the land faces many serious problems annually and does not know what his returns are going to be eventually we all know.

Not long ago I read the World Mender, by Maxwell Grey, and this extract, at pages 43 and 44, struck me as being one of the best descriptions of the farmer's lot. I read it in full:

> For no property carries with it so many duties and responsibilities, mutual courtesies, and human relationship as land. It is half human, this mother earth of ours; we are as much a production of the soil as corn and wine—and cabbages. We spring from it; we draw all our nourishment from it; we all inherit our common 6 feet of it, and are reabsorbed in it at last. You can not make a clear, clean-cut commercial business of tilling the soil as you can of merchandise, manufactures, and handicrafts. Perhaps because Heaven has such a direct and immediate concern in it. Husbandmen share in the Creator's work; they hang directly upon the laws of nature and observe them from hour to hour. Winds, rains, and suns have part in the productive power of the soil; mechanical inventions can not greatly change agricultural processes—a plow is still a plow and a scythe a scythe, whether machine or man driven. And although by applied science men can fly quicker than birds through heights unreached by birds' wings and compel lightning to carry them and cook their food, heal their sickness, warm and light their houses, and flash their thoughts to the ends of the earth, nothing apparently can make seed germinate or sap rise, blossoms fruit, or cattle live and increase one moment quicker or under any other conditions than those that existed from the beginning of time. Nor can rain, nor sun, nor wind, nor frost be produced or the seasons be altered by any device of man. Perhaps because of these things land is different from all other possessions, and agriculture, the most august and ancient and essential of industries, is the least commercial and the least amenable to change. Shepherds and field laborers wait upon times and seasons; there can be no eight-hour day, no exact regulations for them. They must work or wait when and where they can. Cows must be milked and sheep folded, corn cut, and hay carried when nature arranges, not when man pleases. Yet machinery and science can and do increase production, and there is no industry that has greater need of capital for success—that is, in an old and thickly populated country like this—where the utmost must be made of the different soils.

Mr. Chairman, that there is a necessity for the immediate enactment of this bill is shown by the following table of increases in retail prices in May as compared with January of this year.

	January, 1917.	May, 1917.	Increase.
			Per cent.
Granulated sugar, pound	$0.07	$0.10	43
Evaporated milk	.10	.13	30
Standard tomatoes, No. 3 can	.12	.18	50
Sugar corn	.09	.15	66
Sifted early June peas	.12	.19	58
Baked beans	.10	.15	50
White corn meal	.04	.06	50
Hominy	.04	.05	25
Head rice	.08	.10	25
Broken rice	.04	.06	50
Oatmeal	.04	.06	50
Macaroni, bulk	.08	.13	62
Spaghetti, bulk	.08	.13	62
Salmon	.09	.16	77
Navy beans	.12	.19	58
Lima beans	.10	.20	100
Split peas	.08	.12	50
Domestic sardines	.04	.06	50
Molasses, No. 3 can	.10	.18	80
California peaches, extra standard, No. 3	.15	.20	33
Peanut butter, bulk	.10	.15	50
Lump starch	.04	.06	50
Cornstarch	.05	.07	40
Rib roast	.24	.25	4
Chuck roast	.20	.22	10
Plate beef	.15	.16	7
Porterhouse steak	.32	.37	16
Sirloin steak	.28	.34	22
Round steak	.25	.32	28
Chuck steak	.20	.25	25
Hamburg steak	.16	.20	25
Butter	.43	.55	28
Fresh hams	.22	.27	23
Fresh shoulders	.18	.22	22
Fresh pork chops, loin	.26	.32	23
Fresh pork roast, loin	.25	.30	20
Smoked hams	.20	.25	25
Smoked bacon	.27	.34	26
Smoked sausage	.22	.25	14
Pure lard	.19	.25	31

Average net increase, 51 per cent.

This bill is demanded by the hundreds of thousands of citizens of the United States who are working at the same old wages that they have received a year ago, and it is upon them that the high cost of living has mainly fallen and become the most serious problem in their lives, and not only has labor as a whole but most of the employers of the country have joined in the demand for the enactment of this bill into law. I quote from several of the leading papers of the country, showing that practically the entire press favors this legislation.

Further evidence of this condition of affairs is readily found in the retail prices of food printed in the World Almanac for 1917, and which is as follows:

Relative retail prices of some of the principal articles of food each year from 1907 to 1915, and each month from January to September, 1916.

[Average price for 1915=100.]

Year or month.	All articles combined.	Sirloin steak.	Round steak.	Rib roast.	Chuck roast.[1]	Plate boiling beef.[1]	Pork chops.	Bacon, smoked.	Ham, smoked.	Lard, pure.	Hens.	Eggs, strictly fresh.	Butter, creamery.	Milk, fresh.	Flour, wheat.	Corn meal.	Potatoes, Irish.	Sugar, granulated.	Bread.
1907	81	71	66	75	.....	.....	77	75	78	86	84	85	91	88	76	81	119	88	.....
1908	83	73	69	77	.....	.....	79	77	80	86	85	87	92	90	81	85	125	90	.....
1909	87	76	71	80	.....	.....	86	83	84	96	91	94	97	92	87	87	126	89	.....
1910	91	79	76	83	.....	.....	95	95	94	111	96	99	101	95	86	88	114	91	.....
1911	90	80	76	84	.....	.....	88	92	92	95	93	95	94	96	81	87	147	98	.....
1912	96	90	87	92	.....	.....	95	91	93	100	96	100	105	98	84	94	149	96	.....
1913	98	99	97	99	.....	.....	104	100	103	107	103	101	107	101	80	92	113	83	.....
1914	101	101	103	102	105	104	109	102	105	106	105	104	101	101	83	97	122	90	93
1915	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
1916.																			
January	106	100	99	100	99	99	93	101	104	99	104	124	107	101	95	99	153	102	98
February	104	100	99	100	99	100	96	101	105	100	107	102	106	101	99	99	158	104	99
March	105	103	102	102	102	102	108	103	107	103	110	84	113	100	95	99	157	114	99
April	107	105	105	105	105	105	111	104	110	107	114	80	116	100	95	99	155	121	99
May	107	108	109	108	108	107	113	106	112	114	116	83	104	100	95	99	157	130	99
June	109	112	113	112	112	110	114	107	113	116	117	88	102	100	97	100	187	132	99
July	109	111	113	110	110	108	116	108	114	118	116	94	100	100	92	100	151	133	99
August	112	111	112	109	109	106	116	108	115	119	115	107	102	102	107	102	158	129	102
September.	116	110	112	109	109	107	125	110	117	126	117	121	110	103	117	104	181	117	103

[1] Relative prices not computed prior to 1914.

The New York Times on June 11 printed the following editorial:

PASS THE LEVER BILL.

National safety demands the immediate acceptance by Congress of the Lever bill, with all its essential features. This is a war emergency measure, and its enactment is imperative. Theorists who oppose the increase of the powers of the Federal Government must lay their theories aside for the time being. The safety of this country will not be imperiled by granting extraordinary power in this matter to President Wilson. On the other hand, its safety will be imperiled by any further delay in the passage of the food-administration bill.

The case was set forth concisely by Mr. Hoover in his talk with the representatives of the American Federation of Labor, who are united in support of the bill:

"Throughout the last three years two words have been written over the pages of English history—'Too late.' Unless the Lever bill is passed immediately, before the grain is harvested, 'too late' will be written in our history."

Secretary Houston, in a statement published this morning, declares that the task of maintaining the subsistence of our allies in the war is "a political and moral obligation and a military necessity." The passage of the food-administration bill will enable us to perform that task and also to care for ourselves. Mr. Hoover, who has been chosen by the President to head the office of food administration, is without question the very man for the place. He has proved his capacity, and there was no guesswork in his appointment. With the passage of the Lever bill he can take up the work with assurance of success. Distribution will be facilitated, hoarding and speculation will be prevented, and prices will be fairly adjusted. Congress should not permit another week to pass before the enactment of the food-administration law. It should be in operation before July.

The Washington Post, on June 12, editorially said:

THE CONTROL OF FOOD.

In substance it empowers the President to establish a license system regulating the importation, exportation, manufacture, storage, or distribution of any food, feeds, or fuel; to limit or prohibit the use of food or feeds in the manufacture of liquors; to guarantee minimum prices for foodstuffs; to operate factories, mines, and other plants; to regulate all exchanges dealing in foodstuffs; and to create an agency for the control of food production and distribution. The bill also makes it unlawful to hoard, destroy, or limit the production of food, or to combine to exact excessive prices, or to limit the facilities for transporting food.

This is a war measure, as distinctly aimed at the defeat of Germany as is the creation of the new army. It is made necessary by the situation in which the allies find themselves and by the method in which modern war is fought. The United States is not merely fighting the German Army and Navy; it is fighting an organized nation, incredibly systematized and self-denying to the point of death. The war revolves around the food supply of the world. If the United States will manage its food strategy with foresight and skill, it can deliver a staggering, if not fatal, blow to the enemy that is waiting its opportunity to strike a death blow at this Nation.

Food control comes as a complete novelty to Americans. It is a sample of government supervision that was not dreamed of a year ago. Much tact and discretion must be exercised by the Government in inaugurating and enforcing a law that touches the people so closely, and even with the best of administration there will probably be opposition from ignorant and interested persons. Speculators and extortionists will not readily abandon a field in which they have fattened at the expense of the people. Criminals, however, need not be treated with patience. As for the ignorant objectors, they are likely to fall in line when two facts are clearly understood: First, that the food-control system is a temporary measure, to end when the war ends; and, second, that this control will eliminate price boosters and monopolists.

The country is confronted with the alternative of submitting to private control of food by conspirators, with the risk of crippling the allies and thus losing the war, or asserting control of all food by the Government. Talk of "paternalism" and "centralization" and "Government usurpation" becomes idle when the dire alternative is thoroughly understood. The Government must act for all the people in the food question, just as it acts for the people in military and naval operations. Bread and bullets are weapons of war which must be controlled exclusively by the Government.

The Philadelphia Inquirer, in an editorial on June 13, said:

High prices that are made high arbitrarily must be torn down. Greed, that is back of much of the gouging of the public, must be put out of business. The lessons of thrift must be pressed home. Food must be conserved. The requirements of our allies must be met through methods of scientific distribution. Red tape must be severed.

On May 25 the New York American printed a long editorial favoring absolute food control by the Government and urged it as the country's most urgent war need. In part the editorial said:

The world is facing famine. The countries at war are perilously near starvation; the countries not at war are not far removed from the same condition.

In this country prices are soaring to new high levels. Unless drastic restrictive and protective measures are enforced, and enforced very soon, this rich country will not only not be able to feed the nations of Europe but will find its own people suffering a degree of want and privation never before recorded in our history.

Apparently Congress realizes that no time is to be lost in thus preparing for the work ahead of us. And surely all haste should be made in passing these two bills that is compatible with a complete understanding of them.

Mr. LEVER has done his work well. The first bill, requiring a survey of the national food resources, is vitally necessary to the successful execution of the provisions of the second bill, which gives the Government absolute control of the food of the country and of its dispensation.

Germany, largely cut off from outside assistance, has been able thus far to withstand her enemies because in the very beginning Germany instituted a food survey. When Germany began to fight, Germany knew to the pound almost what was in her larder, and knew in addition what portion of the larder's contents could be replaced by what Germany could grow and manufacture.

Having this information, Germany arbitrarily assumed control of the empire's food supply and doled it out in exact proportion to its needs instead of its wants. Speculation in food, such as is carried on daily and hourly in New York to profit a few at the cost of suffering to the many, became a prison offense and soon stopped.

The submarine is Germany's great offensive weapon, but food control has been Germany's great defensive weapon and is the answer to the ever-recurring question as to how Germany "is able to hold out."

On the other hand, England had no food survey, had no food control; that is, not while there was still plenty of food for the time being. England did not awaken to the necessity of such control until the visible end of her supply came in sight. The very lack of food control, such as it is now proposed we shall have, is the explanation of England's inability to longer withstand the ravages of the submarine.

These are plain, matter-of-fact illustrations of the necessity of absolute food control, of the vital necessity of vesting in the National Government unrestricted power of food distribution.

Only in this way can our resources be brought to the highest pinnacle of production and maintained at the highest possible level of constant supply. Only in this way can unfair discrimination be prevented. Only in this way can those less able to meet high prices be assured of protection against those wolves whose rapacity is not less keen nor less relentless in times of the direst peril.

Thus we have a demand expressed by the people individually and through the newspapers not only advocating, but insisting that this measure be made a law as quickly as possible.

Some men seem to believe that the people do not know what they want, but I feel as Prof. N. S. Shaler said in the Citizen, at page 239:

It is characteristic of a democracy where each man's speech is perfectly free that the people express themselves loudly. They often appear fanatical, but all the while there is with them an under current of sound reason which prepares them in the end to act in a very judicious way. It is this quality that has made the formation and preservation of our Nation possible, and it is that on which every patriot may safely rely in his efforts to turn his neighbors to the right way.

[Applause.]

Mr. JONES of Texas. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES of Texas: Page 2, line 18, beginning with the word "that" strike out all of section 2 down to and including the word "section," on page 3, line 2.

Mr. JONES of Texas. Mr. Chairman, my purpose in offering this amendment is to eliminate all except the voluntary provision of this section. There seems to be a good deal of doubt as to the meaning of the section. If it is simply declaratory, as some seem to think, there can be no objection to striking it out because it serves no useful purpose. If it is not simply declaratory, it is entirely too sweeping, for it grants every power on earth, entirely too much power, giving, as it does, absolute control of all necessities. This would enable the administrator to invade the private affairs of every individual citizen. Therefore I offer an amendment which would preserve the voluntary features of the section and eliminate all the other features.

Mr. COOPER of Wisconsin. Mr. Chairman, during the progress of this debate I have heard the word "declaratory" applied many times to the language of section 3. Gentlemen have contended that as the bill is drawn the language of that section is merely declaratory. Now, the word "declaratory" in law has a well-understood meaning. If this section were enacted into law and their suggestion is correct, it would be a declaratory statute. And yet the fact is that it is not declaratory language, and the word "declaratory" is not at all properly applicable to it. Here is the definition of "declaratory" as laid down in Bouvier:

A declaratory statute is one which is passed in order to put an end to a doubt as to what is the common law or the meaning of another statute, and which declares what it is and ever has been.

Also, the same authority gives the following definition of the word "declaratory":

Something which explains or ascertains what before was uncertain or doubtful, as a declaratory statute, which is one passed to put an end to a doubt as to what the law is, and which declares what it is and what it has been.

Yet we have had an hour's argument here as to whether the language of that section was declaratory or not. But how can it be successfully argued that section 3 is declaratory of existing law, when in truth it provides for the establishment of something absolutely new in our history? No; it is not declaratory, and if enacted into law it would be a new general public statute, with perhaps an ambiguity on its face, but a statute in no legal sense declaratory of or interpreting any already existing law.

The CHAIRMAN. Without objection, all the pro forma amendments are withdrawn, and the question is on the amendment of the gentleman from Texas [Mr. JONES].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 4. That it is hereby made unlawful for any person willfully to destroy any necessaries for the purpose of enhancing the price or restricting the supply thereof; knowingly to commit waste or willfully to permit preventable deterioration of any necessaries in or in connection with their production, manufacture, or distribution; to hoard, as defined in section 6 of this act, any necessaries; to monopolize or attempt to monopolize, either locally or generally, any necessaries; to engage in any discriminatory and unfair, or any deceptive or wasteful practice or device, or to make any unjust or unreasonable rate or charge, in handling or dealing in or with any necessaries; to conspire, combine, agree, or arrange with any other person, (a) to limit the facilities for transporting, producing, manufacturing, supplying, storing, or dealing in any necessaries; (b) to restrict the supply of any necessaries; (c) to restrict distribution of any necessaries; (d) to prevent, limit, or lessen the manufacture or production of any necessaries, or to enhance the price thereof, or (e) to exact excessive prices for any necessaries; or to aid or abet the doing of any act made unlawful by this section.

Mr. KEATING. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Colorado offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KEATING: On page 4, at the end of line 5, add the following:

"*Provided*, That nothing in this section shall be construed to repeal, modify, or affect either section 6 or section 20 of an act entitled 'An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes,' approved October 15, 1914."

Mr. LEVER. Mr. Chairman, I ask unanimous consent that debate on this amendment shall close in 10 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that debate on this amendment shall close in 10 minutes. Is there objection?

There was no objection.

Mr. KEATING. Mr. Chairman, I have no desire to take up the time of the committee. As I understand it, the chairman of the Committee on Agriculture is disposed to accept this amendment.

Section 6 and section 20 of the Clayton antitrust law are the so-called labor sections, and by adopting this amendment we will reserve the right to workingmen to strike if they see fit.

It was not the purpose of the men who drafted this bill to interfere in any way with the rights of workingmen. That has been clearly stated by Mr. Hoover. It was at his suggestion that this amendment was drafted in its present form and presented here to-day.

Mr. Chairman, the workers of this land are rendering splendid service to the country at this time, and there is no desire and no attempt on their part to embarrass the Government in the work of preparing for this war. But in refraining from striking, in refraining from pressing their reasonable demands, the workmen have acted voluntarily. What they object to is the attempt to curtail their rights by the use of force or compulsion. I trust that it will be possible to adopt the amendment.

Mr. BLACK. Will the gentleman yield?

Mr. KEATING. Yes.

Mr. BLACK. I am in sympathy with the gentleman's amendment. As he referred to only the labor part of the Clayton antitrust law, I ask him if section 6 does not also exempt agricultural and horticultural societies in the legitimate exercise of their powers?

Mr. KEATING. Yes; it does. Section 6 declares—

That the labor of a human being is not a commodity or article of commerce. Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations, instituted for the purposes of mutual help, and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof; nor shall such organizations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade, under the antitrust laws.

Mr. CANNON. Is that section 6 or section 20?

Mr. KEATING. Section 6. Section 20 provides:

That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employees, or between employers and employees, or between employees, or between persons employed and persons seeking employment, involving, or growing out of, a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property, or to a property right, of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be described with particularity in the application, which must be in writing and sworn to by the applicant or by his agent or attorney.

And no such restraining order or injunction shall prohibit any person or persons, whether singly or in concert, from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do; or from attending at any place where any such person or persons may lawfully be, for the purpose of peacefully obtaining or communicating information, or from peacefully persuading any person to work or to abstain from working; or from ceasing to patronize or to employ any party to such dispute, or from recommending, advising, or persuading others by peaceful and lawful means so to do; or from paying or giving to, or withholding from, any person engaged in such dispute, any strike benefits or other moneys or things of value; or from peaceably assembling in a lawful manner, and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto; nor shall any of the acts specified in this paragraph be considered or held to be violations of any law of the United States.

My amendment will simply carry out the purpose that the men who drew this law had in mind.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. KEATING. Yes.

Mr. GREEN of Iowa. The bill as now drawn does not provide for the issuance of any injunction?

Mr. KEATING. No.

Mr. GREEN of Iowa. The amendment which the gentleman has prepared refers to the issue of injunctions, does it not?

Mr. KEATING. It is much broader than that. It covers section 6 and section 20; and section 20, among other things, provides that none of the acts specified in that section shall be considered violations of law.

Mr. GREEN of Iowa. I wish to say that I was about to offer an amendment to cover that. I am in sympathy with the gentleman's amendment.

The CHAIRMAN. The time of the gentleman from Colorado [Mr. KEATING] has expired.

Mr. ROBBINS. Mr. Chairman, I want to ask the gentleman from South Carolina a question before we go any further with this section.

The CHAIRMAN. The time of the debate is running.

Mr. CANNON. It ought not to run.

Mr. LEVER. Does the gentleman from Illinois [Mr. CANNON] desire to be heard?

Mr. CANNON. I would like to say a word.

Mr. LEVER. I ask unanimous consent, Mr. Chairman, that the gentleman from Illinois may have five minutes in addition to this.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the time for debate on this amendment may be extended five minutes. Is there objection?

Mr. FARR. Reserving the right to object, Mr. Chairman, I understand that my colleague from Pennsylvania [Mr. ROBBINS] wants time.

Mr. LEVER. I will be glad to yield time to the gentleman from Pennsylvania when I take the floor.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Illinois is recognized for five minutes.

Mr. CANNON. Mr. Chairman, without full understanding of what this amendment means, I doubt the propriety of agreeing to it.

This bill is a war bill. It gives the President power. People are in the habit of saying it gives Mr. Hoover power. I object to that. My God, suppose Mr. Hoover were to die. It gives the President the power to do what? What he could not do in time of peace.

Now, if it is not that, it is not worth the paper it is written upon.

Mr. KEATING. Mr. Chairman, will the gentleman yield to me for a question?

Mr. CANNON. I will, just for a brief question.

Mr. KEATING. Does the gentleman believe that in case a workingman or a combination of workingmen should desire to cease work, and that as a result of stopping work they limited the facilities for transportation, producing, manufacturing, supplying, or dealing in any necessity, then that this act should apply to that individual or combination of individuals? In other words, under the operation of this law should men be prevented from voluntarily quitting work?

Mr. CANNON. Well, under the operation of this law, if it is enacted, you take the farmer's products; in my judgment, upon a liberal construction, you take the products of labor and absolutely in effect apply them for the public good. It is a war power. Now, then, are you going to exempt any portion of the people from its operation? I do not know that it would be effective if we would enact it. I am inclined to think that the President, as Commander in Chief of the Army and Navy, under the exercise of his war powers under the Constitution, could do a great many things that he is not clothed with power to do even under this act if it is enacted.

But what have we here? It is an open secret that the miner, and the railroad man, and the man that works in the making of munitions, and the skilled worker in the construction of that which is necessary to carry on the war is not to be conscripted. If, after we conscript the people that are liable to conscription, there is a shortage in fuel or a shortage in people who operate the railways, who are not conscripted here at home and not in the trenches abroad, and they see fit to say, "Oh, we will strike," with all that that means; "we will walk out, we will not operate your railway, we will tie it up," with perhaps no chance to supply their places, under the war power of the Government the President ought to have, and I believe he does have and would have, even, perchance, if this amendment were to be adopted, the power to say, "You shall not conspire and call out your employees. One man can quit; yes, two can quit. But you shall not enter into a conspiracy to walk out and tie up that mine or that railroad." [Applause.]

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. CANNON. It is necessary to have the coal. It is necessary to have it transported. Therefore if the amendment means that the effect of it would be not to prevent such action upon the part of American citizens in war time, then I am against the amendment. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. LEVER. Mr. Chairman, I am in sympathy with the amendment offered by the gentleman from Colorado [Mr. KEATING] on general principles, but, as stated by the gentleman from Illinois [Mr. CANNON], we are in a state of war, and we have provided in this bill, we have made it unlawful in this bill, and later on we shall offer an amendment to attach a penalty to those who conspire or combine, agree, or arrange with any other person to do the following things: "To limit the facilities for transporting, producing, manufacturing, supplying, storing, or dealing in necessaries," and "necessaries" are defined to be food, something to eat, and fuel, something to keep the body warm. In addition, "to restrict the supply of any of the necessaries during this period of war; to restrict the distribution of any of the necessaries during this period of war; to prevent, limit, or lessen the manufacture or production of any of the necessaries, or to enhance the price of necessaries during the progress of this war."

We do not believe—and the matter was thoroughly discussed in the Committee on Agriculture—that this section in any wise serves to repeal or amend in the least particular either the Clayton Antitrust Act or any other act which deals with the right of men to strike for purposes of increasing their wages or bettering their living conditions. We do not believe that this affects that in the least. I do not believe that there is a member of the committee that would feel that we would have a right to come upon the floor of this House and ask the Congress to say that an individual, acting in his individual capacity, should not have the right to quit work whenever he got ready to quit work. But we do believe, as a war proposition, pure and simple, that there should not be permitted a combination of any class of citizens to conspire together for the purpose of limiting the food or fuel necessities of this country.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. LEVER. I will yield for a question.

Mr. KEATING. Let us get the issue cleared up. Let us get a concrete case. Suppose that men engaged in work on the railroads of the country—we will say, the telegraph operators on a particular line in this country—decided to strike. Is it the object of the gentleman, and is it the object of this bill, that the power shall be vested in some one to compel those men to go back to work? Let us face the issue squarely, and if that is not your purpose, why not adopt this amendment?

Mr. LEVER. I am glad to face the issue very squarely. If there were such a combination to strike for the purpose of bettering living conditions or increasing wages there is no purpose in this bill, and there is no authority in this bill, to prevent it. But if these men shall get together—and nobody dreams that they are ever going to do this, because they are as patriotic a class of citizens as live in this country—but if by any chance they should get together and strike for the purpose of enhancing the price of food and fuel, for the purpose of limiting the production of food and fuel, for the purpose of limiting the transportation facilities of food and fuel which may be needed for the Army and Navy at the front, or which may be needed for the feeding of the industrial millions in our cities, then this language will get them, and it ought to get them. [Applause.]

Mr. SNYDER. Mr. Chairman, just a question.

Mr. HUDDLESTON. Will the gentleman yield for a question?

Mr. LEVER. I yield to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. The gentleman states that there is no intention to repeal the Clayton antitrust law?

Mr. LEVER. There is not only no intention to do that but the Clayton antitrust law is not touched with a 40-foot pole in this amendment.

Mr. HUDDLESTON. Then why is not the gentleman willing to make it absolutely sure by adopting this amendment?

Mr. LEVER. Why not put in this bill a provision that it shall not apply to the cotton-futures act, or the cattle-tick act, or some other act? Why not put in here a provision exempting every statute of the United States?

Mr. SNYDER. Will the gentleman yield for just one statement?

Mr. LEVER. Certainly.

Mr. SNYDER. I want to say that I have received a telegram this morning from 1,000 men, claiming to be organized union men in the city of Little Falls, from which I come, asking me to vote for this bill just as it is. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. KEATING].

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. HUDDLESTON. I ask for a division.

The committee divided; and there were—ayes 9, noes 88.

Accordingly the amendment was rejected.

Mr. GREEN of Iowa. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. GREEN of Iowa: At the end of section 4, as part thereof, add the following as a new paragraph:

"If any person aggrieved by the violation of any of the provisions of this section shall file with a district attorney of the United States a complaint under oath alleging and specifying such violation, or if any district attorney of the United States is credibly informed or believes that the provisions of this section are being violated, or if he be directed by the President, then such district attorney shall forthwith, in the name of the United States, file a complaint or bill against the alleged violator in the district court of the United States having juris-

diction of the parties, setting forth such violations, and praying that a temporary injunction issue enjoining the defendant against continuing the acts therein set forth as in violation of law. Upon the filing of such a bill as hereinabove required, the court in which the same is filed, or any judge thereof, is hereby granted jurisdiction to hear and try the said application for temporary writ of injunction. Such hearing may be upon affidavits or upon oral testimony, and notice in writing thereof shall be served upon the defendant at least three days prior to the time fixed by the court or judge for said hearing; and at the conclusion thereof if the court or judge finds that there is reasonable cause to believe that the provisions of this section, or any of them, have been violated by a defendant therein a temporary writ of injunction shall issue enjoining such defendant from further violations, which injunction shall remain in force until the further order of the said court or judge. Thereafter the court shall proceed to final judgment or disposition of the case in the manner applicable to ordinary suits in equity. If a continuance of the hearing on the application for temporary injunction be granted at the instance of defendant, the temporary injunction as prayed shall issue as a matter of course."

Mr. LEVER. Mr. Chairman, will the gentleman from Iowa yield for a moment? I think probably we can get to an agreement on this. I will say to the gentleman from Iowa that it is my intention, on my own initiative, after some consultation with members of the committee individually, to offer a new section to this bill, which I wish to read for the gentleman's information.

Mr. GREEN of Iowa. Mr. Chairman, this will not be taken out of my time?

Mr. LEVER. No.

The CHAIRMAN. The Chair will see that the gentleman gets his time.

Mr. LEVER. My proposed new section is:

SEC. 8½. That any person who conspires, combines, agrees, or arranges with any other person (a) to limit the facilities for transporting, producing, manufacturing, supplying, storing, or dealing in any necessaries, (b) to restrict the supply of any necessaries, (c) to restrict the distribution of any necessaries, (d) to prevent, limit, or lessen the manufacture or production of any necessaries, or (e) to enhance the price of any necessaries shall, upon conviction thereof, be fined not exceeding $10,000 or be imprisoned for not more than two years, or both.

The gentleman is undertaking to do that which the committee did not do, namely, to penalize conspiracies to do certain things. The committee has in section 4 penalized practically everything else. For instance, we have penalized the willful destruction of necessaries for the purpose of enhancing the price or restricting the supply. In section 5 we have penalized the permitting of waste knowingly and the permitting of preventable deterioration. We have also penalized hoarding and monopolizing, or attempting to monopolize, or to charge discriminatory or unfair rates, or the practicing of deceptive methods in the conduct of business. We have done that in section 5, but we have not penalized the proposition to combine, conspire, agree, or arrange with any other person to do the thing set forth in the amendment which I shall later offer. The gentleman undertakes now to penalize by way of injunction. We are proposing in this amendment to penalize by direct penalty. I wonder if the gentleman would not prefer this to his own proposition.

Mr. GREEN of Iowa. If the gentleman will permit, I will state why it seems to me that the proposition I present would be the better one, or at least it might be well to include both. And as this is a very important matter, I would like to have unanimous consent to proceed for 10 minutes.

Mr. LEVER. Then I ask unanimous consent, before the gentleman proceeds, that the debate on this amendment shall close in 20 minutes.

Mr. SWITZER. I would like five minutes.

Mr. KEATING. I would like five minutes.

Mr. LEVER. Then I ask unanimous consent that the debate on this section and all amendments thereto shall conclude in 35 minutes, of which the gentleman from Iowa [Mr. GREEN] is to have 10.

Mr. IGOE. I would like five minutes.

Mr. GOOD. I would like five minutes.

Mr. LENROOT. I would like five minutes.

The CHAIRMAN. The Chair would like to see if he has a correct memorandum of the time desired: The gentleman from Iowa [Mr. GREEN], 10 minutes; the gentleman from Missouri [Mr. IGOE], 5 minutes; the gentleman from Iowa [Mr. GOOD], 5 minutes; the gentleman from Ohio [Mr. SWITZER], 5 minutes; the gentleman from Wisconsin [Mr. LENROOT], 5 minutes; the gentleman from Colorado [Mr. KEATING], 5 minutes; and the chairman of the committee, 5 minutes—40 minutes in all.

Mr. LEVER. That is the request I make, Mr. Chairman.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this section and all amendments thereto shall be concluded in 40 minutes. Is there objection?

There was no objection.

Mr. GREEN of Iowa. Mr. Chairman, with much that was said a short time ago by the gentleman from Mississippi [Mr. STEPHENS] in the opening of his remarks I am in sympathy.

I do not think the fact that any gentleman offers an amendment to this bill shows that he is opposed to it, or that he is disposed to criticize the members of the Committee on Agriculture. On the contrary, at least so far as I myself am concerned, I greatly appreciate the labors of the Committee on Agriculture and congratulate them on the good work that they have done. I think, however, that the members of the Committee on Agriculture must feel as all members of committees who have been compelled to offer important measures at this session have felt, that having little in the way of precedents to guide and much to accomplish in the task which they have been called upon to perform, that they are disposed to welcome suggestions that might tend to the improvement of the bill. For myself I am not proposing to limit any powers conferred by this bill, and the amendment which I offer does not limit any powers but, on the contrary, increases the power of the administration, and also gives power to the individual himself who is aggrieved by a violation of the terms of this section to interpose in his own behalf and see that some remedy is granted to him.

The gentleman from South Carolina [Mr. LEVER] has said that he proposes to offer an amendment which will provide a penalty for the violation of certain acts forbidden in this section which are not now penalized under the terms of the bill. At the time this section was being discussed in general debate it was stated by the gentleman from Minnesota [Mr. ANDERSON] that it was thought not advisable to impose any penalty for the reason that the provisions were so broad and so sweeping that it might in some way act as a deterrent on business activity. With that expression I am somewhat disposed to agree, and while the gentleman from South Carolina has stated that I proposed to impose a penalty by the amendment I have offered for violation of any of the acts forbidden in this section, as a matter of fact that is not strictly correct. What I propose is the injunctive remedy under sections of this bill whereby any person violating any of its provisions will first be warned, and then if he continues to violate the act will be visited with summary punishment by the courts.

The reason I do this is that it is notorious that notwithstanding the many acts. sweeping and powerful as they seem to be, which we have for the purpose of destroying monopolies and preventing combinations, and to stop extortion, that nevertheless it is conceded on all hands that all over this country such acts are still going on in spite of the courts and in spite of action taken to punish the offenders; for that reason I have proposed an injunctive and summary remedy whereby any trial by jury is unnecessary, and at the same time the offender has the fullest opportunity to be heard and an opportunity to desist, if he will, from his unlawful practices before he is visited with any punishment.

This remedy has been found effectual, and the only effectual remedy in a large number of instances. We found it effectual in the State of Iowa in enforcing the law against the sale of intoxicating liquors that never could have been enforced under the ordinary process of law with a trial by jury. It is also found to work well in relation to the interstate-commerce act, which could not be completely enforced by trial by jury, and where in a large number of cases the trial by jury has utterly failed. The same difficulty has been found in the enforcement of the Sherman Antitrust Act, sweeping and broad as are its provisions, drawn by some of the greatest lawyers that ever lived in the country, but as to which, nevertheless, the greatest difficulty has been found in finding evidence which would enable the jury, impressed with the idea that they must resolve every reasonable doubt in favor of the defendant, with the thought that convictions are necessary, and the further matter always arising in the minds of the jury that the defendant must be visited with a sentence, and the court brands him as a criminal offender, which often deters juries from finding a conviction in such cases.

The remedy which I have offered is free from all these objections. It is easily, quickly, and summarily enforced, and at the same time it protects the rights of every party who may perhaps innocently violate the law. It will not interfere with business nor will it deter it in any of its activities. Notwithstanding the further amendment which the gentleman from South Carolina intends to offer, I hope that this amendment will be accepted. [Applause.] I yield back the balance of my time.

Mr. IGOE. Mr. Chairman, I am opposed to the amendment offered by the gentleman from Iowa. I think this section 4 ought to remain as it is, a section in which things are declared

to be unlawful, but without any penalties. I think it was the theory of the person who drew this bill that sections 3 and 4 were necessary in connection with section 5, the licensing section.

The gentleman from Wisconsin [Mr. LENROOT], in his very able speech, called attention to section 5, the licensing section, and said that in his opinion it contained a delegation of legislative power to the President, and cited the case of the United States against Grimaud. It seems to me that the draftsman of this bill sought to avoid that very delegation of legislative power, and in section 3 provided that there should be a governmental control of all necessaries, and nothing could be broader than that; and then in section 4 certain things were prohibited and declared to be unlawful, but no penalties were attached. Now, the purpose of these sections was to lead up to section 5, which contains, to my mind, one of the greatest powers in this bill, the power to license and control, through the President, various business activities.

It seems to me that we have expressly declared through the legislative body in section 3 that there is governmental control. In section 4 we declare certain things to be unlawful. Both of these are legislative declarations; and there can be no question of its being left to the President or Executive to say that these things are unlawful, and consequently there is no delegation of legislative power.

So, when you come to section 5, which seems to be woven in and bound up with sections 3 and 4, it is essential that these prohibitions be retained in section 4, so that when the President comes to exercise the licensing power under section 5 there will be no delegation of legislative authority by the Congress of the United States to the President.

The licensing section provides that the President may under certain circumstances do certain things, and then, if certain practices are indulged in, which are declared to be unlawful in section 4, upon the commission of those offenses the penalties provided in section 4 shall attach.

Mr. GARD. Mr. Chairman, will the gentleman yield?

Mr. IGOE. Yes.

Mr. GARD. I would like to know what the gentleman's idea is about section 4, making certain named things unlawful and carrying no punishment therefor?

Mr. IGOE. The punishment is provided in section 5. For instance, it is only intended to punish these things in section 4 when they are repeated as violations of the restrictions or regulations which the President imposes under his licensing power. Section 5 expressly provides, in almost the exact language of section 4, that if in violation of an order by the President certain people do certain things which are mentioned in section 4, then, and in that case only, does the penalty attach. So I say that section 4, it seems to me, is vital, and was purposely drawn as it is, without any penalty provision, so that it might in connection with the power to license contained in section 5 render perfectly constitutional section 5 as it has been drawn. For that reason I think the section should remain as it is.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. IGOE. Yes.

Mr. LENROOT. I thoroughly agree with the gentleman's position that section 4 lays the foundation for subsequent acts; but, as the gentleman will remember, my contention of delegation of power in section 5 was not that the things have not been prohibited, but that they do not go into effect except at the will of the President.

Mr. IGOE. I say that section 3, concerning which we have had considerable debate, is essential also to section 5, because nothing can be broader than the declaration by Congress "that there is hereby established a governmental control of necessaries." What could be broader than that? In that section we say that for the purpose of this act as hereinafter provided the administration of that control shall be left to the President, and so when you come to section 5 and read it in connection with sections 3 and 4 the whole thing is perfectly clear, and I do not believe it ought to be changed at all.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. GREEN of Iowa. Mr. Chairman, may I be recognized for a moment for a suggestion? The ranking Republican on the Committee on Agriculture, Mr. HAUGEN, has suggested to me that instead of offering the amendment which I have just presented at this time I offer it as an amendment, that is, the purport of it, to the amendment which the gentleman from South Carolina [Mr. LEVER] has announced he will offer later on, and combine the two in case the House sees fit to approve of my amendment in that connection. In deference to the gentleman's suggestion, and I think he agrees with me personally so far as my amendment is concerned, I now ask unanimous consent to withdraw my amendment without prejudice and to offer it as such amendment later on.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. LENROOT. Mr. Chairman, I do not propose to discuss the merits of the amendment pending except to say a word with reference to the spirit in which it should be considered. The gentleman from Ohio [Mr. BATHRICK] a little while ago undertook to read to this House a lecture and to terrify Members by making the charge that any one who proposes amendments to this bill is an enemy to the bill. I have proposed amendments to this bill and I shall propose others, and I resent the charge made by the gentleman. I am sure the chairman of the committee, Mr. LEVER, will be the first to admit that my interest in and activity upon this bill is a friendly interest and not an antagonistic one. But, Mr. Chairman, the gentleman from Ohio made another statement, and that was that in his view this House should shut its eyes upon all bills presented at this session of Congress by any committee and vote for those bills irrespective of what they contain, and in substantiation of that statement or alleged substantiation he made the statement that this House had emasculated the great bills that had come before the House during this present session. I do not see him in the Hall, but if I did I would be glad to ask him to point out what bills the House has emasculated through amendments that the House has made. Was it the revenue bill where the House increased the income tax as proposed by the committee over $60,000,000? If that was one that he refers to, I want to remind the gentleman that he himself voted for that amendment if that was emasculation.

Was it the Army bill, creating the selective draft? The House will remember that it overturned the report of the committee, and upon leadership conducted by this side of the House amended that bill for the selective draft. Was it that measure that the gentleman refers to as having been emasculated by the House? If it was, he himself is one of the guilty parties, for he voted with the Republican side for that selective-draft amendment to the Army bill.

Oh, Mr. Chairman, the gentleman is the last man in the House who has any right to make any charge of that kind, and there are men upon both sides of the aisle who have offered amendments to these various bills, and who have discussed them, who have done more for their country in this hour than the gentleman could do by shutting his eyes and voting for everything that may be proposed. [Applause.]

Mr. OVERMYER. Mr. Chairman, the gentleman from Iowa having withdrawn his amendment, I suggest that the Clerk read. There is no amendment now pending that I know of.

Mr. SWITZER. Mr. Chairman, I was to have five minutes.

The CHAIRMAN (Mr. SAUNDERS of Virginia). The Chair understands the agreement was that debate upon the section and amendments thereto should run a certain time. It makes no difference whether the amendment has been withdrawn; that was the unanimous-consent agreement and gentlemen are entitled to talk under it. The gentleman from Ohio is recognized.

Mr. SWITZER. Mr. Chairman, I expect to vote for this measure or any similar measure that may come up at this session of Congress which I believe under a wise and proper administration may bring relief to the people of this country from the exorbitant prices of food products and fuel, but I am not like a couple of my colleagues who have spoken here from Ohio—willing to stand here and say that I will not vote for any proposed amendment to the bill. I have voted for amendments to this bill, and I expect to vote for other amendments which I believe will perfect and make it a much better bill. I do not understand that the Committee on Agriculture itself believes that this measure is the quintessence of all wisdom upon this subject, because the chairman of the Committee on Agriculture has just stated that they propose to bring in an additional and new amendment as a section to the bill; so it seems as if this is not, in the mind of the Committee on Agriculture, a perfect bill, and I rather believe that this committee can assist a good deal in improving it.

I do not propose to discuss the amendment proposed by the gentleman from Iowa [Mr. GREEN] further than to say that I believe that the conditions are such in this country that we have got to give to the Chief Executive such power that if he uses it unwisely, if he does not use it in an efficient manner, it is going to bring a great deal of trouble and a great deal of injury to the people, especially producers of food products, but in order to eliminate and to obviate the evil practices which are abroad now throughout the land it is necessary to give to the President great power, and we have finally to depend upon a wise, efficient, and proper administration of that power solely.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. SWITZER. I will.

Mr. GREEN of Iowa. The gentleman recognizes, of course, that my amendment did not in any way limit the power.

Mr. SWITZER. I understand that, and I believe that the time has come when we have got to give a one-man power; that you have got to trust to one man to some extent summarily to exercise that power without resorting to the courts and other machinery we use in peace times. I do not know just how I am going to vote on the amendment of the gentleman, but I want to say a word or two in reference to a great many assertions on the floor of this House that it is the purpose of this bill to decrease the price of necessaries to the consumer and still not decrease the price that the producer is to receive for them. I am willing, sir, to vote for this measure and similar measures, but I am not willing to undertake to deceive the producer. There is not a man within the sound of my voice who does not know that but for the hard conditions under which the consumer is now laboring you would never have heard of this bill. I, in a small way, have grown food products years ago. With my own hands I have raised, have produced crops of corn and wheat and have sold them below the cost of production. So has every other man who has farmed 25 or 30 years ago. The object of this bill is to reduce food prices to the consumer, and I want to say to you further that after you eliminate the so-called middleman's profits and speculators' graft, and all of that thing, you are not then going to be able to bring food and fuel prices down within the reach of the ordinary laboring man who is working for two or three dollars a day.

I am in receipt of a letter from my district, and I represent a coal-producing district as well as an agricultural district, and also a pig-iron district, stating that coal-mine owners in that district are making 100 per cent profit on coal at the mouth of the mines; 100 per cent upon the cost of production. Now, if you get rid of all the coal brokers—and I do not believe you can reduce to a very great extent transportation charges on coal—you will still have the 100 per cent profit to deal with, will not you? So you have got also to go after the producer, and what is true as to the coal situation is just as true relative to the wheat situation. Why, the proponents of this measure believed that it would affect the products of the farmers adversely, so they have exempted them from many of the provisions of the act. They have also put in a stimulating section proposing to guarantee a minimum price to farmers. Why? Because they knew that the result of all this legislation would work a reduction in the price the farmer would probably receive for his wheat next fall. I do not know but what the wheat price will have to be reduced somewhat. Why try to deceive the people? The success of this measure is going to depend entirely upon its wise and efficient administration, and the man who wields the power given by this bill in reducing the prices of food products to the consumer must also keep his eye closely upon the welfare, the prosperity, of the producer and preserve the incentives for increased production or he will bring chaos to the agriculture industry and disaster to the people of this country. [Applause.]

Mr. GOOD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GOOD. Is there an amendment pending before the committee?

The CHAIRMAN. There is—the Clerk corrects the Chair, there is not.

Mr. GOOD. Mr. Chairman, I desire to speak to an amendment which I desire to offer and wish to have acted upon.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GOOD: Page 4, end of line 5, add a new paragraph, as follows:

"That it is hereby made unlawful for any person to sell any article of fuel in excess of the price at which such person sold any similar article of fuel of like grade on July 1, 1916: *Provided, however*, That if the cost of production or transportation of any such article of fuel shall exceed like costs on July 1, 1916, the President is authorized to issue a permit granting any person affected by any such increase the right to increase the price at which such person may lawfully sell any such article of fuel in excess of the price of July 1, 1916, but any such increase shall not exceed the total actual increases in the cost of production or transportation over the cost of production and transportation on July 1, 1916. Any person willfully violating any of the provisions of this paragraph shall, upon conviction thereof, be punished by a fine not exceeding $5,000 or imprisoned for not more than two years, or both."

Mr. ANDERSON. I reserve a point of order on the paragraph.

Mr. GOOD. Mr. Chairman, when the national-defense act was up for consideration in the House I offered an amendment that was agreed to and is now a part of the law giving the President the power to commandeer any factory in the United States if the prices demanded for the product of that factory necessary for the war was unreasonable. I have been in favor of delegating all necessary authority in the hands of the President in order to permit him to organize the military forces of the United States to wage this war successfully. We are now engaged in the consideration of a bill that goes further than that. That bill related to war supplies and equipment. This bill takes into consideration those necessaries of the ordinary consumer. The chairman of the committee the other day gave a long list of agricultural products where the prices had gone up from 25 to 100 per cent. Unquestionably the price of many food products is unreasonable and should be regulated. But the price of coal has advanced much more than has the price of food. I have here a page from the Coal Age of June 16, 1917, giving the comparative prices of coal in the United States.

You will be amazed to find that Clearfield coal that sold at the mine last year at $1.05 per ton now sells for $4.25 per ton. I quote the following from the Coal Age of June 16, 1917:

COMPARATIVE AVERAGE COAL PRICES.

The following table gives the range of mine prices in car lots per gross ton, except where otherwise noted, on 12 representative bituminous coals over the past several weeks and the average price of the whole group for each week:

	Year ago.	June 16.	June 9.
Boston:			
Clearfields	[1] $1.05 to $1.55	$4.75 to $5.50	$4.75 to $5.50
Cambrias and Somersets	1.30 to 1.75	5.00 to 5.75	5.00 to 5.75
Pocahontas and New River [2]	[1] 2.80 to 2.85	7.50 to 8.00	7.50 to 8.00
Philadelphia:			
Georges Creek (Big Vein)	1.90 to 2.00	6.00 to 6.25	6.25 to 6.50
West Virginia, Freeport	1.15 to 1.25	5.25 to 5.50	5.25 to 5.50
Fairmont, gas, mine-run	[1] 1.45 to 1.55	5.25 to 5.50	5.75 to 6.00
Pittsburgh (steam coal): [3]			
Mine-run	[4] 1.55 to 1.65	[4] 4.50 to 5.00	4.75 to 5.00
¾-inch	[4] 1.65 to 1.75	4.50 to 5.00	4.75 to 5.00
Slack	[4] 1.50 to 1.60	5.00 to 5.25	4.75 to 5.00
Chicago (Williamson & Franklin Co.): [2]			
Lump	[1] 1.50 to 1.60	3.50 to 3.75	3.25 to 3.75
Mine-run	[4] 1.20 to 1.30	3.00 to 3.50	2.75 to 3.50
Screenings	[1] .95 to 1.05	3.00 to 3.75	2.75 to 3.75
Gross average [5]	[4] 1.50 to 1.66	4.77 to 5.23	4.80 to 5.24

[1] Price higher than the previous week.
[2] F. o. b. Norfolk and Newport News.
[3] Per net ton.
[4] Price lower than the week before.
[5] The highest average price made last year was $4.80 to $5.33 made on Nov. 25.

Gross averages.

	1917	1913
Feb. 3	$4.66 to $4.86	$1.94 to $2.10
10	4.70 to 4.95	1.73 to 1.91
17	4.67 to 5.04	1.71 to 1.90
24	4.95 to 5.29	1.64 to 1.84
Mar. 3	5.10 to 5.48	1.56 to 1.74
10	5.36 to 5.61	1.53 to 1.63
17	4.80 to 5.19	1.46 to 1.65
24	4.64 to 4.94	1.49 to 1.66
31	4.20 to 4.44	1.46 to 1.61
Apr. 7	4.07 to 4.36	1.44 to 1.60
14	4.01 to 4.35	1.45 to 1.61
21	3.83 to 4.14	1.46 to 1.62
28	3.81 to 4.12	1.45 to 1.62
May 5	4.04 to 4.40	1.45 to 1.59
12	4.64 to 4.98	1.44 to 1.59
19	5.08 to 5.54	1.42 to 1.58
26	5.10 to 5.53	1.41 to 1.55
June 2	5.00 to 5.46	1.47 to 1.63

If the amendment I have offered is adopted it will be unlawful to sell coal in excess of the price of a year ago unless the cost of production or transportation has since increased. In either such case the President would be authorized to permit an increase in the price covering such increases either in the cost of production or transportation.

The question of the price of coal does not touch alone the consumer that burns coal. It affects every man who buys gas from a gas company, every man who buys electricity or electric power from an electric light company. All over the country electric light and power companies and gas companies are asking city councils or public-utility commissions having authority to fix rates to permit them to increase their rates because the price of fuel has increased beyond all reasonable bounds. In some instances such increases will be necessary, or the companies furnishing the utility will be forced to the wall. The burden, therefore, is on us to protect the consumer and also to protect legitimate investments in these great utility concerns.

I am in favor of this bill. I am in favor of giving the President all the power necessary not only to secure the necessary supplies for the Army and the Navy at a reasonable price but to insure the hundreds of millions of our people the privilege at all times of buying all of the necessaries of life in a market free from the control of the manipulator, the speculator, and the price fixer. I want to commend the President in selecting Mr. Hoover for the position of food administrator. He is not interested in either the production or the handling of foodstuffs, and would, therefore, be free to act so far as his personal interests were concerned. Unfortunately this is not true of the men who have been appointed to control the price of coal. The price of coal is to be regulated by the committee on coal production, which is a subordinate committee of the Council of National Defense. This committee is composed of the following persons:

F. S. Peabody, president Peabody Coal Co., Chicago (chairman).

E. J. Berwind, president Berwind-White Coal Mining Co., New York.

W. W. Keefer, president Pittsburgh Terminal Railroad & Coal Co., Pittsburgh.

Van. H. Manning, Director Bureau of Mines, Washington, D. C.

C. M. Moderwell, president United Coal Mining Co., Chicago.

E. L. Pierce, vice president Semet Solvey Co., Syracuse.

Erskine Ramsey, vice president Pratt Consolidated Coal Co., Birmingham.

G. O. Smith, Director United States Geological Survey.

J. J. Storrow (Lee, Higginson & Co.), chairman Massachusetts Committee on Public Safety.

H. N. Taylor, vice president Central Coal & Coke Co., Kansas City.

S. D. Warrimer, president Lehigh Valley Coal & Navigation Co., Philadelphia.

J. F. Wellborn, president Colorado Fuel & Iron Co., Denver.

D. B. Wentz, president Stonega Coal & Coke Co., Philadelphia.

George W. Reed, secretary.

It will be observed that there are 14 persons' names on this coal committee. Ten of these persons are among the largest coal operators in the United States, and only four are disinterested from a financial standpoint, so far as coal production is concerned. And I submit that it is only fair that Congress shall write into this law a provision that will make it impossible for any committee charged with the important duty of fixing the price on their own commodity to fix it at an abnormal and unreasonable price. We ought to make it as unpopular for a man to increase the price of the necessaries of life because of the European war more than 300 per cent as it is unpopular for a man to follow in the wake of a storm or an earthquake and rob the dead. In no other industry that I can call to mind has the price of a commodity advanced so much as has the price of coal during the past year—almost 400 per cent. And the consumer is forced to pay this price. This question touches every man, every woman, and every child; it affects every household. Let me remind you that one can freeze to death a great deal quicker than he can starve to death, and unless something is done to relieve the people from the exactions of a wicked coal monopoly, whose operators are violating the law, hundreds of thousands of our people will feel the sting of cold, and many of them may even freeze to death. I think it is only fair to put into this bill some provision that will absolutely put a stop to these constantly increasing prices of coal and forever put an end to this vicious practice. The amendment which I have offered will accomplish these results.

The CHAIRMAN. The time of the gentleman has expired. Does the gentleman from Minnesota [Mr. ANDERSON] insist on his point of order?

Mr. ANDERSON. I do not think myself it is subject to a point of order.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the amendment be again reported, with the reservation of the point of order pending.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again reported.

Mr. LEVER. Mr. Chairman, I make the point of order that this amendment is not germane to this section.

The CHAIRMAN. The gentleman from South Carolina makes the point of order that the amendment is not germane. Does the gentleman desire to be heard?

Mr. LEVER. I do not desire to be heard, Mr. Chairman, except to say that section 4 undertakes to define certain acts and to describe them as being unlawful without attaching penalties. The amendment offered by the gentleman from Iowa [Mr. GOOD] not only undertakes to make a certain act unlawful but undertakes to fix a price in the language where it says:

That it is hereby unlawful for any person to sell any article of fuel in excess of the price at which such person sold any similar article of fuel of like grade on July 1, 1916.

Now, there is no purpose either in the bill or in section 4 to fix the price. Certainly there is no purpose in section 4 to fix the price. The only thing sought to be done in section 4 is to set up certain offenses which are later penalized in the bill. And this undertakes to set up a price-fixing proposition, and for that reason, in my judgment, is not germane to this section of the bill.

The CHAIRMAN. The Chair is ready to rule. The Chair is of the opinion that the point of order is not well taken. The whole tenor of the bill, the purpose of the bill, is to give the President authority to control certain specific things, to wit, food, fuel, and feed. The Chair is not without precedent in ruling that this point of order is not well taken. In a bill providing for the reorganization of the Army an amendment providing for a system of competitive markmanship among the soldiers was held to be germane. In other words, it was a specification of what may be done within the limits of the general power given in the bill.

The Chair thinks that the amendment is within the general authority given the President by the bill, and is therefore in the nature of a specific limitation. The Chair, therefore, overrules the point of order.

Mr. LEVER. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. ANDERSON].

Mr. ANDERSON. Mr. Chairman, I am entirely in sympathy with the purpose of the gentleman from Iowa [Mr. GOOD], who I know speaks as a friend of the bill and offers this provision with a sincere desire to provide an effective remedy against the high and increasing prices of coal. But I am fearful that the amendment which he offers, in the form in which he offers it, will defeat the purpose that he has in mind.

In the first place, the theory of this bill—and it is a sound theory—is that whenever you undertake to fix a price or, in effect, take the property of an individual at a price, you must provide some method, some judicial method, by which the adequacy of that price may be determined. No such judicial method is provided in this amendment.

Again, we have provided in this bill that it is unlawful to hoard necessaries. Here is a man who has a large quantity of coal. If he does not sell it, he may be adjudged guilty of hoarding under that provision. If he does sell it, and sells it at a price higher than the price that prevailed on the 1st of July last, he would be guilty of an offense under the amendment proposed. I am fearful that it would have this effect—that it will prevent a great many communities from having any coal at all, because there is no provision in this bill, in this amendment at least, whereby you can compel the coal operator or the coal dealer to sell coal at any price, and if they do not sell it at the price fixed in the amendment or refuse to sell it at all, the amendment will result in punishing the people whom the gentleman from Iowa desires to benefit rather than in punishing the coal operator.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. GOOD. The gentleman realizes that there are other provisions in this bill that would compel them to operate their mines. If not, the President could take them over.

Mr. ANDERSON. Yes; take over the mines; but there is no way of compelling the retailer out in the gentleman's country to sell the coal that he actually has if he does not want to sell it at the price fixed.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. WALSH. Would not that come within the definition of hoarding a product? If a coal dealer had a vast quantity of coal and refused to sell it at the price fixed in this bill, would he not be hoarding?

Mr. ANDERSON. That would be the trouble. He would be penalized if he did, and he would be penalized if he did not.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. LONGWORTH. It is difficult to catch the phraseology of the amendment. Is the increased price of labor provided for in it?

Mr. ANDERSON. The language of the amendment is that the price of coal shall be the price it was on the 1st of July last, and that no person can sell the coal at a price in excess of that amount unless he has a permit from the President for that purpose.

Mr. HOWARD. Mr. Chairman, the gentleman from Colorado [Mr. KEATING] had five minutes allotted to him which has not been used, and I ask unanimous consent that I may use that five minutes in speaking on this amendment.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that he may be given the time that was originally allotted the gentleman from Colorado [Mr. KEATING]. Is there objection?

There was no objection.

Mr. HOWARD. Mr. Chairman and gentlemen of the committee, I am heartily in favor of the amendment offered by the gentleman from Iowa [Mr. GOOD], and I want to give some reasons why I shall not stand with the committee on the section as drawn. On page 4, lines 2 and 3, you will find these words:

To prevent, limit, or lessen the manufacture or production of any necessaries, or to enhance the price thereof.

Under this language I believe it imperative, I believe it is absolutely necessary, that the amendment offered by the gentleman from Iowa [Mr. GOOD] be accepted by the House.

You probably know that practically over night every coal operator in every section of the United States—and it must have been by prearrangement—raised the price of coal not only to the consumer, but to the retail dealer in all sections of the United States practically 400 per cent, without anything like a corresponding increase in the cost of production; in fact, there have been few increases in the wage scale of the miners that is in excess of 12 cents per ton. No increase in any commodity has so affected industries and caused such chaotic conditions to reign in the industrial and economic world than this unprecedented, and you might say high-handed, increase in the price of coal. The manufacturers of the country have had to increase all of the prices of every conceivable thing that they manufacture, and materially increased them, on account of the increased price of coal to them. If this amendment or some other amendment of like character is not enacted by this Congress and written plainly and unmistakably into this bill, my judgment is that not only will the price of coal enhance over what it is to-day, but that there will be great suffering in the great civic centers of this Nation next winter.

Mr. AYRES. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. Yes.

Mr. AYRES. I understand that this amendment provides that the dealer or operator can not sell coal in excess of the price it was last July?

Mr. HOWARD. Yes, sir.

Mr. AYRES. Suppose he was selling it for $5 a ton when it was worth $10, or suppose he was selling it for $20 when it was worth only $10. What would be done in that case? Suppose he was not in the coal business at all until after the passage of this law.

Mr. HOWARD. I presume we would accept a reasonable interpretation of this amendment. If a man was not in business last July, he would have to operate under this amendment in accordance with prevailing prices as of July 1, 1916. If he was in business and was charging an exorbitant price for his product, the amendment of the gentleman from Iowa [Mr. GOOD] would reach him. But that is practically an impossible situation. It does not exist. As the gentleman from Iowa [Mr. GOOD] could have stated if he had had more time and could have gone into this proposition, I believe the average increase within 12 months in the cost of coal is about 400 per cent, is it not?

Mr. GOOD. Between 300 and 400 per cent.

Mr. SNYDER. I should like to ask the gentleman if he refers to soft coal or hard coal?

Mr. HOWARD. I think it has all increased.

Mr. SNYDER. Hard coal has not—anthracite coal has not.

Mr. HOWARD. We do not use that very much in my section of the country. But here is what I had in mind: I know that coal out of the same mines in Tennessee and northern Alabama, from which the people of my city get their supply of coal, used to sell, delivered in the consumer's cellar, for $4.50 a ton, and last winter it sold for from $7.50 to $9 a ton.

Mr. DYER. You could not get hard coal at all, at any price.

Mr. SNYDER. I bought hard coal within a month for less than I paid last year.

Mr. DYER. We could not get it at St. Louis.

Mr. BRUMBAUGH. Is it not a fact that at the same time they were selling the same kind of coal to the Government they were charging private consumers three or four times the Government price?

Mr. HOWARD. I understand that the Government bought 5,000 cars of coal, shipped from some point in the Southeastern States entirely across the continent to the Mare Island Navy Yard and to the western coast for naval purposes, and I am informed the Government got that coal at about one-third of what they were selling coal for right at the mines, free on board car, to private consumers.

Mr. GREEN of Iowa. Will the gentleman yield there?

Mr. HOWARD. With pleasure.

Mr. GREEN of Iowa. Doubtless the gentleman has observed that recently a large number of men, composing a combine of coal operators, have been indicted for conspiracy to raise the price of coal.

Mr. HOWARD. That is true.

Mr. GREEN of Iowa. And is the gentleman also aware that the miners are leaving the mines, because for some reason the operators of the mines will not employ enough of them?

Mr. HOWARD. The case is plain and conclusive, and there is not any question that it is practically a confession of guilt on the part of the mine operators that they have restricted the output of coal for the purpose of carrying out their nefarious conspiracy to rob the American people in the price of their fuel; and if this amendment does not stop them, then the President will, by taking over the mines and operating them for the people. [Applause.]

Mr. SLAYDEN. Mr. Chairman, the gentleman from Georgia put into my head the purpose of making a request for three or four minutes, the time which was granted to somebody but not used.

Mr. LEVER. I had hoped to use those three or four minutes myself.

Mr. SLAYDEN. Mr. Chairman, I have not opened my mouth in the discussion of this bill.

Mr. DYER. I ask unanimous consent that the gentleman from Texas have five minutes.

The CHAIRMAN. The gentleman from Missouri [Mr. DYER] asks unanimous consent that the time be extended five minutes.

Mr. LEVER. How much time remains under the agreement?

The CHAIRMAN. Practically no time remains, except that the gentleman from Iowa [Mr. GREEN] used only 6 minutes of his 10, and that is the time that the gentleman from Texas desired to use. The gentleman from Missouri asks unanimous consent that the time be extended five minutes.

Mr. McLAUGHLIN of Michigan. I was not present when the time was allotted. I would like a few minutes to speak on this. I ask unanimous consent that the time be extended 15 minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the time for debate on this section and all amendments thereto may be extended 15 minutes. Is there objection?

Mr. CANNON. I will ask that it be made 20 minutes.

Mr. STRONG. Mr. Chairman, I will ask that the time may be extended, so that I may have two or three minutes to bear testimony to information that I think will be valuable. Of all of the amendments ever offered in the American Congress to any bill pending before it this is the most fool amendment that was ever offered here.

The CHAIRMAN. The gentleman can not debate the amendment while time is being arranged for.

Mr. STRONG. I want to give the reason why I desire to speak. Coming from the district that I do, I have something to say. I can bear testimony on this subject.

Mr. LEVER. Mr. Chairman, I have no desire to press the consideration of this bill unreasonably, although we must pass it by to-morrow night, and I ask unanimous consent that the debate on this paragraph and all amendments thereto may be extended 20 minutes.

Mr. CANNON. I should like to have five minutes.

Mr. LEVER. I should like to reserve five minutes for myself.

The CHAIRMAN. Unanimous consent is asked that the time for debate on this section and amendments thereto be extended 20 minutes. Is there objection?

Mr. SLAYDEN. Does that contemplate giving me five minutes?

The CHAIRMAN. The Chair will say that if the time is left under control of the Chair he will recognize the gentleman from Texas.

Mr. McLAUGHLIN of Michigan. Will I be recognized?

The CHAIRMAN. The gentleman will be recognized, certainly, because he is a member of the committee.

Mr. CANNON. I desire to be recognized also for five minutes.

Mr. LEVER. The gentleman from Illinois [Mr. CANNON] can have five minutes, and I will divide my time with the gentleman from Pennsylvania [Mr. STRONG].

Mr. GRAHAM of Pennsylvania. Reserving the right to object, I would like to have a few minutes' time on this amendment. I think it is one of the most important amendments ever presented to this House.

Mr. LEVER. I think this committee has made up its mind as to what it is going to do with this amendment. I think the debate is largely perfunctory. I have no desire in the world to deny the right to Members to talk on this section, but I do desire to make time with this bill. All of us might talk.

Mr. CANNON. Well, but on a proposition of this kind, it seems to me, the gentleman owes it to himself and to this bill, from my standpoint; that the amendment should not prevail.

Mr. LEVER. I agree with the gentleman.

Mr. CANNON. And we want the opportunity to say so, if there is any doubt about it.

Mr. LEVER. If the gentleman from Pennsylvania desires 5 minutes, I will make the request for 25 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that debate on this section and amendments thereto be extended 25 minutes. Is there objection?

Mr. GOOD. Reserving the right to object, I desire to know whether or not all these speeches are to be by Members opposed to the amendment If so, I want 25 minutes for those who may be in favor of it.

Mr. LEVER. I have no idea myself on which side gentlemen will speak.

The CHAIRMAN. The Chair can not answer that.

Mr. GOOD. I will ask for five minutes.

Mr. FOSTER. I want five minutes.

Mr. LEVER. Mr. Chairman, if everybody is going to speak, I move that all debate on this section and all amendments thereto now close.

The CHAIRMAN. The gentleman from South Carolina moves that all debate on this section and amendments thereto be now closed.

The question was taken; and on a division (demanded by Mr. STAFFORD) there were 91 ayes and 26 noes.

So the motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GOOD].

The question was taken; and on a division (demanded by Mr. HOWARD) there were 33 ayes and 81 noes.

So the amendment was rejected.

The Clerk read as follows:

SEC. 5. That, from time to time, whenever the President shall find it essential to license the importation, exportation, manufacture, storage, or distribution of any necessaries in order to carry into effect any of the purposes of this act, and shall publicly so announce, no person shall, after a date fixed in the announcement, engage in or carry on any such business specified in the announcement of importation, exportation, manufacture, storage, or distribution of any necessaries as set forth in such announcement, unless he shall secure and hold a license issued pursuant to this section. The President is authorized to prescribe such regulations governing the conduct of the business of licensees as may be essential to prevent uneconomical manufacture and inequitable distribution of necessaries and otherwise to carry out the purposes of this act. Such regulations may also include requirements for the issuance of licenses and requirements for systems of accounts and auditing of accounts to be kept by licensees, submission of reports by them, with or without oath or affirmation, and the entry and inspection by the President's duly authorized agents of the places of business of licensees. Whenever the President shall find that any rate, charge, or practice of any licensee is unjust, or unreasonable, or discriminatory and unfair, or wasteful, and shall order such licensee, within a reasonable time, fixed in the order, to discontinue any such unjust, unreasonable, discriminatory and unfair, or wasteful rate, charge, or practice thereafter, unless such order is revoked or suspended, such licensee shall, within the time prescribed in the order, discontinue such unjust, unreasonable, discriminatory and unfair, or wasteful rate, charge, or practice. The President may, in lieu of any such unjust, unreasonable, discriminatory and unfair, or wasteful rate, charge, or practice, find what is a just, reasonable, nondiscriminatory and fair, or economical rate, charge, or practice; and in any suit in any Federal or State court of competent jurisdiction such finding of the President shall be prima facie evidence Any person who, without a license issued pursuant to this section, knowingly engages in or carries on any business for which a license is required under this section, or willfully fails or refuses to discontinue any unjust, unreasonable, discriminatory and unfair, or wasteful rate, charge, or practice, in accordance with the requirement of an order issued under this section, or willfully violates any provision of this section or any regulation prescribed under this section shall, upon conviction thereof, be punished by a fine not exceeding $5,000 or by imprisonment for not more than two years, or both: *Provided*, That this section shall not apply to any farmer, gardener, or other person with respect to the products of any farm, garden, or other land owned, leased, or cultivated by him, nor to any retailer with respect to the retail business actually conducted by him, nor to any common carrier, nor shall anything in this section be construed to authorize the fixing or imposition of a duty or tax upon any article imported into or exported from the United States or any State, Territory, or the District of Columbia.

Mr. LEVER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Strike out the word "or" in line 20, page 5, and insert in lieu thereof the words "and any licensee who."

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. ANDERSON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 4, after the word "to" in line 16, strike out the remainder of the line, all of lines 17, 18, 19, 20, and 21 down to and including the word "requirements," and insert in lieu thereof the following: "issue such license and to prescribe regulations."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

Mr. ANDERSON. Mr. Chairman, the amendment I have offered strikes out the part of the section which authorizes the President to issue general regulations governing the conduct of the business of the licensee. In my judgment, that authority is broader than it is necessary to confer on the President in order to effectuate the purposes of this act. It would permit, if it were valid, and I doubt if it is valid, the President to regulate by regulatory order the conduct and method and the manner of conducting any business of importation, of exportation, manufacture, storage, or distribution. I think that language goes far beyond what is necessary to accomplish the purposes of the bill. The amendment I have offered is designed to eliminate the language which gives that general authority, and to confine the authority of the President under this section to making regulations relating to reports, keeping systems of accounts, and matters of that character, and the power to eliminate excessive rates and charges and unfair or discriminatory charges.

Mr. LENROOT. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. LENROOT. The gentleman speaks of the power to eliminate evil practices. If the language stays even as amended it would authorize him to eliminate by refusing a license or revoking a license.

Mr. ANDERSON. Absolutely not. I think the gentleman has an entirely wrong conception of the theory of the license. Nowhere in this act is the President given any authority to revoke a license. The only purpose of putting in the license provision at all is to permit the President to regulate the particular class of industry dealing with that particular kind of commodity which it is designed to regulate under this bill. Of course, if the President undertakes to license terminal elevators, for instance, he would be obliged to license under the terms of this act every terminal warehouse that came within the definition of a terminal warehouse. He is not given any discretion as between licensees at all.

Mr. LENROOT. Why is it necessary to have a license? Surely you get no greater power over the licensee than you would have over one who is not licensed.

Mr. ANDERSON. I do not accept the statement of the gentleman in the language he puts it. It seems to me that the statement might be accurate in this form, that the license itself does not grant or confer any additional power on the President, it is simply a method.

Mr. LENROOT. We can get no greater power over the individual by issuing a license to him than we had over that individual without a license.

Mr. ANDERSON. Absolutely not; but unless we use the license method, the prohibition must apply to everyone, whether the commodity is one which we attempt to control under this bill or not. For instance, the situation may be such that the President would only undertake to control for the purpose of the act during the next few months, we will say, wheat, so that he would only want to license the dealer in this particular commodity, and the license enables him to go just as far as he wants to go and does not require him to go any farther.

Mr. LENROOT. Let me ask the gentleman another question. In another section of the bill authority is given to the President to make regulations. Does the gentleman say that the President, without this section, would not have the power to make one scheme of regulations for wheat and another scheme for some other commodity? That surely can not be true.

Mr. ANDERSON. I am inclined to think that it would be true. It seems to me that when the President is authorized to make regulations in general terms, that applies to regulations to effectuate the general purpose of the bill—general regulations, not regulations to affect a single section of the bill. These regulations must be carried in the section.

Mr. LENROOT. Does the gentleman think that the President could make the same regulations in reference to coal that he does for wheat?

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. LENROOT. Mr. Chairman, I shall favor this amendment, because it clearly does improve the bill and does exactly what the gentleman from Minnesota states it will do, it eliminates powers not only beyond the power of Congress to confer in this way upon the President and which should not be conferred under the circumstances.

But I entirely fail to understand the theory of the gentlemen of the committee, the theory that they seem to have, that by issuing a license to some one we get greater authority over that person than he would have by operating directly upon the person himself.

Mr. ANDERSON. Mr. Chairman, will the gentleman yield? The gentleman is usually fair.

Mr. LENROOT. I desire to be entirely fair.

Mr. ANDERSON. I made just the opposite statement.

Mr. LENROOT. Very well. Certainly I misunderstand the gentleman entirely if that is not his object. His contention now is that under the license system you can say to A, "We propose to regulate you," and then say, "but without the license system we can not say to A that we will regulate you unless we also regulate B in the same way." Have I now correctly stated the gentleman's position, because I want to be entirely fair?

Mr. ANDERSON. No. What I stated was that the President might select a class and license that class, and that the regulations as to that class must be uniform, but that he would have no power as within that class to discriminate. He could discriminate as to the classes to be licensed.

Mr. LENROOT. Very well. We will take elevators as a class. Is it the gentleman's theory that the President should be given power to say to the owner of one elevator, "You shall be subject to certain regulations," and to the owner of another elevator engaged in exactly the same business, "You shall not be subject to regulations." Surely that can not be the theory of the committee.

Mr. ANDERSON. That is exactly the statement that I did not make. I said as to elevators as a class that the President could not make a regulation as to one different from the other; that the class must be regulated as a whole.

Mr. LENROOT. Then I think if I now understand the gentleman he concedes that if we regulate elevators even under the license system the regulations must apply to all elevators alike?

Mr. ANDERSON. Absolutely.

Mr. LENROOT. Then certainly it is true that under the power to make general regulations contained in a later section of the bill, the President has power in those general regulations to govern the conduct of elevators as a class. There can not be any doubt about that, and the distinction is this, and this wholly, that the committee desire to say to every man in the United States, "You shall not do business at all unless you do it as we tell you to do it."

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Certainly.

Mr. MADDEN. Does the gentleman consider all elevators in the same class, working under the same conditions? Elevators in certain sections of the country can be operated under one condition and elevators in other sections of the country will be operated under other conditions.

Mr. LENROOT. I think that, so far as regulating elevators is concerned, while under this license system I think it would be possible to say to the owner of one elevator, "You shall do business in one way," and to the owner of another elevator, "You shall do it in a different way," yet no legislation should be passed by Congress that would permit that kind of discrimination. Regulations should be uniform, but, as I was saying, Mr. Chairman, the whole thing in a nutshell is that with the amendment I shall later propose I do not detract one iota from the power of the President of the United States to put his hand upon any business that is guilty of any violations under this act and make the very orders that the committee propose shall be made in this bill. All that I propose to do is to say that the man who is conducting his business in an honest, legitimate way and has no intention of oppressing the public in any way, shall not be subject to either the granting of a license or the possible revocation of a license at the will of some subordinate of a department of this Government.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. LEVER. Mr. Chairman, so far as I am concerned, I shall be glad to see this amendment adopted, and I ask for a vote.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The amendment was agreed to.

Mr. LENROOT. Mr. Chairman, I offer the following amendments, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendments by Mr. LENROOT:

Amend section 5 by striking out all of the section on page 4 and the words "places of business of licensees," on line 1, page 5.

Strike out the word "licensees," in line 2, page 5, and insert the word "persons."

Strike out the word "licensee," in line 4, page 5, and insert the word "person."

Strike out the word "licensee," in line 8, page 5, and insert the word "person."

Strike out, in lines 17, 18, 19, and 20, page 5, the following: "without a license issued pursuant to this section, knowingly engages in or carries on any business for which a license is required under this section."

Strike out of lines 23, 24, and 25, page 5, the following: "or willfully violates any provision of this section or any regulation prescribed under this section."

So that said section 5, when amended, shall read as follows:

"SEC. 5. Whenever the President shall find that any rate, charge, or practice of any person is unjust or unreasonable or discriminatory and unfair or wasteful, and shall order such person within a reasonable time fixed in the order to discontinue any such unjust, unreasonable, discriminatory, and unfair, or wasteful rate, charge, or practice, thereafter, unless such order is revoked or suspended, such person shall, within the time prescribed in the order, discontinue such unjust, unreasonable, discriminatory and unfair, or wasteful rate, charge, or practice. The President may in lieu of any such unjust, unreasonable, discriminatory and unfair, or wasteful rate, charge, or practice find what is a just, reasonable, nondiscriminatory and fair, or economical rate, charge, or practice, and in any suit in any Federal or State court of competent jurisdiction such finding of the President shall be prima facie evidence. Any person who willfully fails or refuses to discontinue any unjust, unreasonable, discriminatory and unfair, or wasteful rate, charge, or practice in accordance with the requirement of an order issued under this section shall, upon conviction thereof, be punished by a fine not exceeding $5,000 or by imprisonment for not more than two years, or both: *Provided*, That this section shall not apply to any farmer, gardener, or other person with respect to the products of any farm, garden, or other land owned, leased, or cultivated by him nor to any retailer with respect to the retail business actually conducted by him nor to any common carrier, nor shall anything in this section be construed to authorize the fixing or imposition of a duty or tax upon any article imported into or exported from the United States or any State, Territory, or the District of Columbia."

Mr. LENROOT. Mr. Chairman, I ask unanimous consent that these amendments shall be considered en bloc.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that these amendments be considered en bloc. Is there objection?

There was no objection.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that debate upon this amendment shall close in 20 minutes, the gentleman from Wisconsin to have 10 minutes of that time.

Mr. TOWNER. Mr. Chairman, I desire five minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this section close in 20 minutes.

Mr. LEVER. Mr. Chairman, just one moment and let me see if we can not get an agreement. Does the gentleman from Pennsylvania desire to discuss this particular amendment or some other amendment?

Mr. GRAHAM of Pennsylvania. I desire to discuss this amendment.

Mr. LEVER. I desire to find out what gentlemen are in favor of the proposition or against it, so as to find out something about dividing time.

Mr. GREEN of Iowa. I am not in favor of the proposition.

Mr. SCOTT of Iowa. I am opposed to it.

Mr. GRAHAM of Pennsylvania. I desire to speak in favor of the amendment.

Mr. LEVER. Then, Mr. Chairman, I ask unanimous consent that all debate on this amendment shall close in 40 minutes, the time to be equally divided between the gentleman from Wisconsin [Mr. LENROOT] and myself, for and against.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this amendment shall close in 40 minutes, the time to be controlled one-half by himself and one-half by the gentleman from Wisconsin. Is there objection? [After a pause.] The Chair hears none.

Mr. LENROOT. Mr. Chairman, I desire to occupy only 10 minutes. Mr. Chairman, in general debate I discussed somewhat the constitutionality of this section, and I am as strongly convinced to-day as I was then that this in its present form does contain an unlawful delegation of power. The gentleman from Missouri [Mr. IGOE] this morning, very correctly, I think, laid down the general rule with reference to the delegation of authority, but did not touch the point which I made the other day, and that is that although there are prohibitions in the act, although section 3 declares a governmental control over necessaries, nevertheless Congress can not delegate to the President any of its legislative authority over the subject, and when it says, as this section 5 does say, whenever the President shall deem it essential to carry out the purposes of this act he may call into operation this license section, we are delegating to him not the finding of a fact upon which the law may operate, but delegating to him the determination of a question of public policy which we have no power to delegate to him at all.

And I call the attention of the friends of this bill to this proposition, that, if I am correct in that construction, your entire scheme of regulation by order of the President falls to the ground, because as you now have it it is entirely based upon

the regulation of licensees; and if he has no right, because of an unlawful delegation of authority, to put into operation this license portion of the bill, your entire scheme is gone. Now, the amendment I have proposed leaves all the necessary powers absolutely intact. Instead of operating upon licensees the President is authorized to operate upon the person, wherever he finds the man, or the corporation that, in his judgment, has been guilty of violating any of the prohibitions of this act; and he is authorized by my amendment to make an order, exactly in the language of the committee bill, requiring these violations to cease and prescribing a just practice for the future. Now, the distinction is just this: Shall this House say that, in order to find a few guilty men, that we shall make it a crime for every man in the United States engaged in this business to do business at all unless he gets a license from the President of the United States? Why, that is not the system we follow with regard to the regulation of railroads. We do not require licenses from railroads, but we require the Interstate Commerce Commission, wherever it finds any violation of the interstate-commerce act, to make an order and serve it upon the violators of that law.

Mr. BLACK. Will the gentleman yield for just one question?

Mr. LENROOT. I will.

Mr. BLACK. I want to ask this question: Suppose the food administrator should refuse a license to some one engaged in a particular line of business, could that business man mandamus the President to force him to grant a license?

Mr. LENROOT. No. If everyone is entitled to a license, why license at all; why not have regulations applying to everybody? The very term "license" implies a privilege that is granted to somebody, a privilege that may be withheld or may be granted by the authority vested with power to issue the license.

Mr. ALEXANDER. Will the gentleman yield?

Mr. LENROOT. I will.

Mr. ALEXANDER. May not the Congress, in the exercise of its war powers, require every dealer in foods, feeds, and fuel to have a Federal license?

Mr. LENROOT. Perhaps so, but that is not what his section does.

Mr. ALEXANDER. Is not that what the committee is undertaking to do?

Mr. LENROOT. They do not. I would not raise any question about the constitutionality of this section if they did that, but they delegate to the President the power to say whether or not a license system shall be put into operation or whether it shall not. That is the function alone of the legislative end of this Government.

Mr. ALEXANDER. The gentleman may be right on that.

Mr. TOWNER. Will the gentleman yield?

Mr. LENROOT. I yield for a question.

Mr. TOWNER. Is it not true under the provisions of this section if one single warehouseman, for instance, were engaged in an unjust discrimination or hoarding or anything of that kind, the President, in order to reach that single case, would have to license every warehouseman in the United States?

Mr. LENROOT. Absolutely. He must put into operation the license system or he could not make a single order, while my amendment will permit him to make these summary orders apply to any individual whenever he finds him guilty of violations, for instance, of the storage of eggs which we had in Chicago last year.

Mr. ANDERSON. Will the gentleman yield?

Mr. LENROOT. I can not now. But under the committee scheme the President would have no power to issue an order upon Mr. Egg-man in Chicago to stop the violations of the act unless he licensed all the egg dealers in the United States. There is no question about that. Now in the interest of the bill itself the President ought to have the power to make these orders which will be very beneficial, in my judgment, in preventing these evil practices.

He ought to have the power to make the order upon the person, whoever he may be, guilty of any of these violations. And you accomplish all the beneficial results that can possibly be accomplished without requiring a great percentage of the population of the United States to be put under the license system at the will of some $1,200 clerk of this Government. These licenses are not going to be issued by the President, in fact, or by Mr. Hoover. They are going to be issued by some little subordinate official traveling throughout the country. And are you going to let that man say to a man conducting business in the United States that "You can not do business at all unless you take a license and do as we say"?

Mr. ANDERSON. Does the gentleman contend that the orders which he has in mind will be issued by the President any more than the licenses will be issued by the President?

Mr. LENROOT. I certainly do. Whenever the President finds a violation or Mr. Hoover finds a violation of law requiring the issue of an order, I do not assume that a $1,200 clerk is going to pass upon that violation—absolutely not—because one is dealing with the violations of this act and the other is dealing not with violations of this act at all but dealing with every man in the United States who is within the purview of this act, irrespective of whether he is conducting his business in a lawful way or not.

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. LENROOT. I will yield.

Mr. COOPER of Wisconsin. The gentleman said a minute ago that this language if enacted into law would compel the licensing of a large portion of the population of the United States. The proviso on page 6 provides that it shall not apply to a farmer or gardener or any other person. Now, then, to what people would it apply except to coal miners and those dealing in coal and in cold storage?

Mr. LENROOT. It would apply to every creamery and cheese factory in the United States; it would apply to every little gristmill in the United States; it would apply to every canning factory in the United States. Why, there is no line of production or manufacture scarcely that it would not apply to. Confining it to coal and to cold storage is the smallest part of the business that would be affected by this licensing system.

Mr. MADDEN. Whereas if the amendment of the gentleman is adopted, the President would only have to deal with the individual who violates the law?

Mr. LENROOT. Absolutely. Just as the Interstate Commerce Commission does to-day.

Mr. BORLAND. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. BORLAND. Do I understand the gentleman to contend that the issuance of a license would restrict the power of the President to control the actions of the licensee?

Mr. LENROOT. Only in this way, in that you make it a crime for a man to do business at all unless he has a license, and the President or his subordinates could refuse to issue the license. Because if it is mandatory that every man is entitled to a license without discrimination upon the part of anyone, why do you need any license system at all? Why not permit the President to make regulations covering the individual, if there is no discretion?

Mr. BORLAND. The gentleman's only objection is that it might be oppressive and compel people to take out this license?

Mr. LENROOT. I think it does something more than that if you say to a man who has not violated this law that "You shall not do business in the United States."

Mr. BORLAND. I will ask the gentleman this: Would it not be considered important for the President to know the number and capacity of the plants, and so forth, in the United States?

Mr. LENROOT. That is all embodied in the food-survey bill, and I have no objection to putting it in this, but you do not need to do it in this way.

Mr. LEVER. Mr. Chairman, I yield to the gentleman from Iowa [Mr. SCOTT] five minutes.

Mr. SCOTT of Iowa. Mr. Chairman and gentlemen of the committee, I always regret the occasion when I can not agree with my friend from Wisconsin, Mr. LENROOT, but unfortunately this is one of those times. It seems to me the section as reported by the committee contemplates an entirely different situation than would be contemplated by the section if amended as suggested by the gentleman from Wisconsin. As reported by the committee the section is, "whenever the President shall find it essential to license importation, exportation, manufacture, storage, or distribution." It will be observed that the section deals with avocation, with great general industry, and the idea is that this authority will be invoked when some general condition of calamity confronts the country. It is entirely foreign to this bill or section as it stands that the Federal Government should employ a great, numerous constabulary to follow up every individual in the United States and regulate his conduct. It is a question of dealing with general conditions. For instance, let us suppose there is such a condition in the coal mining and coal trade of the United States that it is required to take hold of that subject and declare a general set of regulations and rules for the relief of the people; is it not proper that the Government should require those engaged in that industry to come in and register, to report? And that is really what this kind of a license means. It means a method of bringing them before the bar of the Govern-

ment and getting them on record, and from that point to deal with the business, the industry, generally.

Mr. RAKER. Will the gentleman yield?

Mr. SCOTT of Iowa. Certainly.

Mr. RAKER. Without an order no license would be required under this bill?

Mr. SCOTT of Iowa. No.

Mr. RAKER. Now, if two men in the United States were violating the law by making a corner on eggs, and there were only two in the United States, and the President would make the order requiring a license, all the other 6,000 people in the United States would have to take out a license in order for him to get at these two who were violating the law, would they not?

Mr. SCOTT of Iowa. If that condition should confront the Government, there would be no license, because there are other provisions in the bill calculated to meet isolated cases. It would only be resorted to when the general condition of the country demanded its exercise. [Applause.]

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. SCOTT of Iowa. Yes.

Mr. RAKER. I would like to ask you this one question: Where would you get at the two who were violating the law and acting wrongfully in regard to the storage of eggs and the handling of them?

Mr. SCOTT of Iowa. You have a hoarding section in the bill, have you not? You have four or five other prohibitions, with the right on the part of the President to prescribe rules against those people in a later section of the bill, making it criminal if those rules are violated.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. SCOTT of Iowa. Yes.

Mr. LENROOT. That would be just about as effective as prosecuting these trusts for the violation of the antitrust law.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. SCOTT of Iowa. Yes.

Mr. BARKLEY. This licensing section is not put in here for the purpose of getting at somebody who is violating the law, but in order to permit the President to regulate the uneconomical manufacture or distribution of products that are not in violation of the law, and in order that there may be regulations prescribed to bring about better conditions, although the conditions they seek to remedy may not be in violation of the law. Is that the idea?

Mr. SCOTT of Iowa. I take it that it is to reach the evil, whether it be a violation of the law or not, and to put an end to the condition.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that the time may be extended 10 minutes, so that the gentleman from Wisconsin [Mr. LENROOT] may have 5 minutes and I may have 5 more.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the time be extended 10 minutes. Is there objection?

There was no objection.

Mr. LENROOT. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BLACK].

The CHAIRMAN. The gentleman from Texas is recognized for five minutes.

Mr. BLACK. Mr. Chairman, I think that the amendment offered by the gentleman from Wisconsin [Mr. LENROOT] should be adopted. When I spoke on this bill one day this week, during the 20 minutes that I had opportunity to discuss its provisions, I discussed this section 5 to which this amendment has been proposed at some length, and urged that it ought to be amended.

Now, some Members of the House during the discussion of this bill to-day have taken some rather peculiar positions, it seems to me, and have gone far afield. I understood the two gentlemen from Ohio [Mr. EMERSON and Mr. BATHRICK] to take the broad position that because we have adopted the bill providing for the drafting of men into the Army to fight the battles of the Nation, that therefore we must conscript the business of the country and the products of the farmer and the laboring man. Well, now, gentlemen of the House, if it does become necessary for the successful conduct of this war that we conscript the business of the country, that we conscript the products of the farm, that we conscript the services of laboring men of the country, then I shall not hesitate to vote for it. We have put our hands to the plow and I am with my country for whatever is necessary to bring us out successful in the end. Yes, understand me clear, I will support all means and measures necessary to win this war. But while I am willing to do that, still I do not hesitate to say that my views are that in the successful carrying on of this war the less we disturb and interfere with the ordinary domestic affairs of the people, the better we will be able to win the victory in the end. [Applause.] I know that as the war goes on, the longer it progresses, the more it will necessarily interfere with our domestic and ordinary affairs. I realize that, and I fully appreciate it. I would not for a moment seek to minimize that proposition, but while I recognize that fact fully I nevertheless maintain we ought not to rush headlong into these things and prescribe unreasonable and arbitrary requirements when there is apparently no necessity for it.

What are we proposing to do by this section 5? It proposes to grant to the President whenever he deems it to be essential, the power to require every business man and distributor of these products to take out a license to transact his business. The ordinary way that a legislative body enacts a statute of this kind is to prescribe the limitations and conditions surrounding the procuring of these licenses, and placing the power of their issuance in some executive head of a department of the Government, and whenever the person desiring such license can show that he has complied with the conditions and limitations required to entitle him to secure it, then he has a legal right to that license and can mandamus the executive head of such governmental department and force him to grant it to him. But no such remedy could be used under this section 5. It puts it within the discretion of the President to grant the business man or distributor such license, and there is no court in this country that has the power to mandamus the President to compel him to grant a license under that section 5. It is a well-known fact that not even the Supreme Court of the United States can mandamus the President and make him exercise any executive function. Therefore if the President should decline to license the business of any dealer or distributor of these articles he would have no remedy and would have to quit business.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. BLACK. Yes.

Mr. RAKER. I just want to assume the case of an ordinary farmer who raises from 25 to 50 steers a year. To-day the beef people are arranging to get his beef at about half of what it is worth by a combination. Now, we have a law and a Federal board. Will this bill assist the fellows who are trying to rob the farmers out of the beef they have raised?

Mr. BLACK. In the first place, I have no knowledge of anybody conspiring to rob anybody else, but if it develops that there are such cases then I believe the amendment of the gentleman from Wisconsin [Mr. LENROOT] would better accomplish the purpose to give relief in such cases than the section as it is written in the bill, because whenever any of these discriminatory or unjust charges are made the Lenroot amendment will give the President complete control over the situation, and more effectively, I think, than will be the case in the event that section 5 remains as now written in the bill. Besides it will render impossible any unreasonable and arbitrary interferences with the business man or distributor who is lawfully conducting his business.

Mr. RAKER. How are you going to get it? We have two statutes and the Federal Antitrust Commission and these officers here. How will you protect the people at all?

Mr. BLACK. I think the President is given ample authority under still other sections of this bill to remedy the abuses and unfair practices that take place in the business channels of the country, and, as I have heretofore endeavored to explain, he would have much better authority under the Lenroot amendment to accomplish this purpose than he would have under this licensing system. I think the Lenroot amendment is wise.

I do not think that section 5 as it is drawn in the bill ought to remain in that form, and I shall therefore support the amendment. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. LEVER. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. GREEN].

The CHAIRMAN. The gentleman from Iowa is recognized for five minutes.

Mr. GREEN of Iowa. Mr. Chairman, when the amendment of the gentleman from Wisconsin was first presented to me I was inclined to favor it for the reasons which he has very clearly stated in his argument presenting the amendment. I was inclined to think then that the first part of this section is unconstitutional and I still have doubt with reference to it.

But I think that that provision can be very easily remedied; in fact, I know it can be very easily remedied, by a very simple

amendment if the committee chooses to accept it. Instead of requiring the President to find "essentially"—that is, making it a question of policy, with reference to the importation, exportation, and so forth—if the requirement was that the President should find that the provisions of this act were being violated with reference to the manufacture or importation or exportation, and so forth, there would be no question about the constitutionality of the provision, so that that matter, I think, can be very easily disposed of.

Mr. GORDON. May I interrupt the gentleman?

Mr. GREEN of Iowa. Yes.

Mr. GORDON. Then it is your theory that whenever an individual in a certain class violates the law, we ought to vest the President with power to punish everybody else who is engaged in that kind of business by requiring him to take out a license before he can continue to do business?

Mr. GREEN of Iowa. No; I am not discussing the policy of this provision.

Mr. GORDON. That would be the effect of it, would it not?

Mr. GREEN of Iowa. I was discussing a purely legal and technical proposition.

Mr. GORDON. So am I.

Mr. GREEN of Iowa. The gentleman is now talking about a question of policy, which I am coming to. I am like the gentleman from Wisconsin [Mr. LENROOT] and the gentleman from Ohio [Mr. GORDON]. I am reluctant to use such vast and extensive powers as are given by the further provisions of this section, and which may under some circumstances apply to such a large class of people. But upon carefully considering this matter I have come to the conclusion that they are absolutely necessary—that you will never be able to use to any profit or benefit the provisions of this section unless these powers are given, and I propose to state here as briefly as I may the reason why.

On page 5 it provides:

Whenever the President shall find that any rate, charge, or practice of any licensee is unjust, or unreasonable, or discriminatory and unfair, or wasteful—

Then the President may make certain requirements of the licensee or the person, as it would be under the amendment of the gentleman from Wisconsin [Mr. LENROOT]. But how and in what manner can the President make that finding unless he has something on which to make it? Where will he get the necessary information? Is he going to have a hearing with reference to each one of these parties? Is he going to call in witnesses and determine as to whether a practice is unjust or discriminatory or unfair or in violation of the provisions of this act? He can not do that. He can not stop for that, and it would be utterly impracticable for a hundred other reasons. The only way in which he can get the information, in order that he may act in accordance with the provision which I have just referred to, is by and through this license provision under which he may prescribe regulations, and by and through these regulations he can ascertain the cost, the selling price, the manner of handling the business, the rates, and have set before him the whole character of the business as it is being conducted.

Mr. LENROOT. Why can not the President get that information through a person as well as a licensee?

Mr. GREEN of Iowa. He could, but under your amendment he has not the power to do it.

Mr. LENROOT. He has the power to make general regulations to carry out this act later on in the bill.

Mr. GREEN of Iowa. Such powers would not authorize a demand for the necessary information.

Mr. LENROOT. He can issue regulations with reference to the licensees.

Mr. GREEN of Iowa. That is true under the license provision which the gentleman would strike out, but does the gentleman mean to say that under general powers the President can go out and obtain any kind of information he wants from any business man, no matter what his business may be?

Mr. LENROOT. Just as much in one case as in the other, as the section now stands amended.

Mr. GREEN of Iowa. No; this section expressly provides that regulations may be made for the conduct of these licensees. Under those regulations he could obtain this information, and that is the only way he could obtain it.

The CHAIRMAN (Mr. RUCKER.) The gentleman's time has expired.

Mr. LENROOT. I yield five minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Chairman, I am very strongly in favor of the Lenroot amendment. I want to call the attention of the committee to this fact: We must consider section 5 in connection with section 4. Section 4 provides that it shall be unlawful for a person willfully to destroy any necessaries of life, to hoard, to monopolize, to engage in discriminatory, unfair, and deceptive practices, and so forth, but there is no penalty attached to that section. Where does the penalty attach? It attaches, if at all, under the provisions of section 5. And in what manner does it attach to section 5? If a single dealer or handler of eggs in the United States is guilty of the violation of any of these provisions in section 4, the President can not punish him. He can not call him to account. He can not say: "You are violating this section and you must stop." But what must he do? According to the terms of this section he must say, "All of the dealers in eggs in the United States must hereafter take out licenses." It having been found that one of them is guilty of evil practices, none of them can do business for a single hour unless they shall take out licenses from the Government of the United States. This penalizes the 999 dealers in eggs in the United States who are guilty of no evil practices, simply because one man is subject to punishment.

Mr. RAKER. Will the gentleman yield?

Mr. TOWNER. I can not yield, I am sorry to say, because I have not the time. You can not reach a single evildoer until you have issued this general order against all, and then find there has been a violation of the general order that has been issued. I submit, gentlemen, that is not only inequitable and unjust, but it imposes upon the administration an enormous and an expensive duty for the purpose of carrying out the purpose that they desire.

And if the amendment of the gentleman from Wisconsin [Mr. LENROOT] is adopted, what will be necessary? Only that in the individual case an order shall be issued against the individual violator of the law, and ample provision is given to do that and to meet the specific thing that is the violation of the law in that particular case.

Gentlemen seek to minimize the far-reaching effect of this system of ordering that licenses shall be issued. There is hardly a hamlet in the United States but that has its egg buyer and its butter buyer. They take care of those products by placing them in the cold-storage plant and sell them to the cities wherever it is most advantageous for them to do so.

You could not issue an order against one of the big storage warehouses of the city that would not be effective, and necessarily effective, against everyone engaged in the business in any part of the United States, and for that reason it would be an enormous expense to the Government. It would create a vast number of officers for the purpose of taking care of the licensees. It is also unnecessary. I can not see why gentlemen are so enamored with this license system, as if it was some method by which they can secure a better control than to deal with those directly that are violating the law.

Mr. RAKER. Will the gentleman yield at that point?

Mr. TOWNER. Yes.

Mr. RAKER. The gentleman makes the statement that there is no provision for punishment under section 4.

Mr. TOWNER. There is no penalty attached to section 4.

Mr. RAKER. And none in the rest of the bill that would apply to that section?

Mr. TOWNER. I think there is. I do not claim that all of the provisions are not provided for, but I do claim that there must be this interposition by reason of the words in this section and the omission in the preceding section before any penalties can be called into operation under this section. For that reason it seems to me that it is an impediment to the execution of the law, and it is an impediment to accomplishing the desire and purpose of the bill, which is to punish evildoers who are hoarding and manipulating food products in the United States. [Applause.]

Mr. LEVER. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. ANDERSON].

Mr. ANDERSON. Mr. Chairman, I regret to find myself in disagreement with the gentleman from Wisconsin and other gentlemen in the House for whose judgment and ability I have the highest respect. The gentleman from Wisconsin in particular has rendered very valuable service in perfecting the legal provisions of the bill. I am sorry to be in disagreement with him, but that disagreement does not arise in any sense solely out of a desire to sustain the conclusions of the committee.

The gentleman from Wisconsin, it seems to me, totally misapprehends the purpose of the section under consideration and the method of control which it is sought to establish under it. The gentleman from Iowa [Mr. SCOTT] very concisely and accurately states the purpose of the section. It is a section which applies to avocations, to industries within certain classes as a whole. It is not designed, as the gentleman from Wisconsin would seem to indicate by his amendment, simply to punish

the individual or those guilty of discriminatory or unfair practices or charges. It is designed to prevent in the industry as a whole these unfair and discriminatory practices, not to simply punish them. The purpose is to permit the licensing of an industry of a class. For instance, suppose the purpose is to control wheat. You want to bring into that control all of the terminal elevators of the country, in order that you may regulate the charges and practices of the terminal elevators, and so to do that you compel them all to become licensed under this section. Then the Government will lay down general rules which will eliminate the discriminatory and unfair practices, and establish the practices that are nondiscriminatory and are fair and just. That is the purpose of this section. Gentlemen who oppose it totally misapprehend the purpose, because the purpose is not alone to punish discriminatory practices but to effect the purpose of section 3, which is to control the distribution of food products and prevent uneconomic or unjust practices.

Mr. GORDON. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. GORDON. Would not the food administrator have the right to refuse a license?

Mr. ANDERSON. When the gentleman from Ohio was absent from the Chamber I said I thought not.

Mr. GORDON. How would you compel him to issue it if the discretion to issue it is conferred on the President?

Mr. ANDERSON. I did not say at his discretion, I said that in my opinion the President was obliged by law, which applies to license, except where qualifications are prescribed in the law, to grant the license. It must be granted as a matter of right to the person entitled to it.

Now, there is another side to this proposition. The amendment of the gentleman from Wisconsin strikes out a portion of this section which is absolutely essential, in my opinion, to its enforcement, and that is the provision which authorizes the President to make regulations relative to the establishment of a system of accounting, for auditing accounts, and for the submission of reports by the industry licensed under this section.

Mr. LENROOT. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. LENROOT. I should like to state that if this amendment is adopted I propose later to offer an amendment which will completely cover that.

Mr. ANDERSON. I am necessarily obliged to deal with the amendment which the gentleman has submitted, especially in view of the fact that up to this time he has not made that announcement. But it is a fact that the amendment as now presented does eliminate from this section the right to make regulations relative to the submission of reports, and that is absolutely essential to any sound, sane, systematic system of control.

For instance, this is intended to apply to the importation of sugar. Sugar is one of the commodities which it is likely there will be a deficiency in during the current year. It is a commodity where there has been a large increase in price. Some of it may have been justified and some of it perhaps not justified. One thing is certain, that if the people of this country are to have a supply of sugar, the licensing provided for in this bill must be sustained.

Mr. LENROOT. Mr. Chairman, I yield the balance of my time to the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I come to the discussion of this bill not for the purpose of opposing the bill, but for the purpose of making it more efficient, and trying, if possible, to perfect the bill. Therefore, whatever criticism I make is not made by one who is acting as an adversary, but by one who recognizes that there is a need for control, and some legislation for control is what is demanded all over the country. The committee is simply obeying the voice of this great demand in presenting this bill for the consideration of this House.

I do not agree with the thought that has been expressed here that we as legislators are to take that popular voice as an approval of any particular measure or of this one presented by the committee and now under consideration. It is the duty of every legislator to carefully scan the language of every bill, for while we are granting these unparalleled powers to the executive department of the Government, it is our duty to safeguard individual rights. The gentleman from Texas [Mr. BLACK] struck the very keynote of this situation when he said that we ought to so legislate that, while we give power to the President and to the Government to meet this emergency condition, we shall only interrupt the ordinary and usual progress of business in our country to the very smallest extent possible consistent with the grant of power.

That ought to be the motto before the eyes of every man when legislating upon these great and grave questions. I thoroughly agree with the criticism of the gentleman from Wisconsin [Mr. LENROOT] regarding the legal status of this provision. I think that this section is in violation of the Constitution of our country, and I think also that this section, when and if ever tested, will be found to be an instance of making a grant of authority to the President equivalent to authorizing him to legislate upon a given subject—and not a case of delegating to him the power to find a given state of facts and apply to those facts the rule which Congress has established. For him to declare and put in operation a licensing system for each and every one of the branches of industry named in this bill would be for him to seek to exercise under its provisions the legislative function.

I would like to ask my friends in this House to read the first paragraph of section 5:

> That, from time to time, whenever the President shall find it essential to license the importation, exportation, manufacture, storage, or distribution of any necessaries, in order to carry into effect any of the purposes of this act, and shall publicly so announce, no person shall, after a date fixed in the announcement, engage in or carry on any such business specified in the announcement of importation, exportation, manufacture, storage, or distribution of any necessaries as set forth in such announcement, unless he shall secure and hold a license issued pursuant to this section.

You are men capable of judging the use and effect of language. What other meaning can be put upon this than that whenever the President exercises his power of denominating that condition wherein he thinks it necessary to license any of these things, incidentally every man in the particular line of business named must stop, no matter what his business engagements may be, no matter what duties he may owe to others—he must cease to operate his business until he shall have obtained from the President of the United States the license therein referred to, to continue in his business or employment. In other words, this section is, first, making every business man practically a criminal, for the penalty falls on the innocent equally with the man who is guilty, whose action has provoked the announcement from the President. You know the old axiom that has lived through the centuries that are gone and which I hope will live through the centuries to come, that in the administration of penalizing laws it is far better that a number of guilty men shall escape rather than that one innocent man shall suffer.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I ask the gentleman to yield me one minute more in order that I may finish this thought.

Mr. LEVER. I yield the gentleman one minute more.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, what I mean to say is this, that instead of operating upon the individual whose conduct deserves to be operated upon, denounced, and punished, you are by this section operating upon a whole class, and you are including the 99 innocent men along with the 1 guilty man and inflicting a penalty upon him and his business. If you want this bill to stand, cut out this iniquitous provision, and insert in lieu thereof the amendment of the gentleman from Wisconsin [Mr. LENROOT]. [Applause.]

Mr. LEVER. Mr. Chairman, I yield four minutes to the gentleman from Michigan [Mr. MCLAUGHLIN].

Mr. MCLAUGHLIN of Michigan. Mr. Chairman, I have not been satisfied with section 5 as it is written in the bill, but I can not approve of the amendment submitted by the gentleman from Wisconsin [Mr. LENROOT]. It starts on line 1, on page 5, and the law as he wishes it written would apply to any and all kinds of business regardless of the fact that this bill relates only to the business of importing, manufacturing, storing, and distributing feeds, fuel, and foodstuffs. The amendment is not drawn with the skill and care usually displayed by the gentleman from Wisconsin, and ought not to be adopted, certainly in the words in which it is drawn.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. MCLAUGHLIN of Michigan. Pardon me, I have only a limited time. I think the amendment ought not to prevail, because it would take from the President authority to regulate importation and exportation of necessities. It is very essential that there be authority to control importations, to regulate importations, or to forbid them altogether, because after goods reach this country it may be difficult to control or provide for their proper use. The best way to regulate them and control them and to prevent abuses is to regulate their importation. The gentleman from Minnesota [Mr. ANDERSON] has spoken of the importance of sugar as a foodstuff. Gentlemen appearing before our committee, including Mr. Hoover, told us that the thing most necessary to conserve at this time is wheat and that the next thing most necessary to conserve is sugar. The things that the people most need or suffer from a shortage of are, first, wheat, next, sugar. We in the United States are receiving

a very large part of our raw sugar from Cuba. At the present time our allies are bidding against one another and against us for raw sugar, driving up the price from the normal price of about a cent and a half to four cents a pound.

The refiners after they obtain the raw sugar from Cuba are charging a heretofore unheard-of price for refining it. Instead of about 60 cents a hundred pounds, they are charging two dollars and a half to three dollars a hundred pounds for refining. If we could control the importation and join with our allies in controlling the purchase of raw sugar, we could fix the price of raw sugar in this country to our own people, including the refiners, and to our allies in whom we are so much interested. If we could control the importation, we could control the cost of refining sugar and the price of refined sugar to consumers, and there is doubt if we will be able to exert any considerable control if we are not able to control the importations. So, as this amendment does not include importations as it is drawn I can not support it.

As to exportation, the allied and neutral countries are bidding against one another now for our grain and foodstuffs for exportation, and it is absolutely necessary that some authority in this country control exportation of foodstuffs or there will be trouble. [Applause.]

Mr. LEVER. Mr. Chairman, I feel that the amendment offered by the gentleman from Wisconsin should be defeated, although I am very glad to say that the gentleman has been of very great help to members of the committee in framing this law.

I felt that unless we had some system of licenses by which we may know at all times what is the conduct of those engaged in the distribution of food products and necessaries we are not going to be able to control the situation efficiently and adequately. What is sought to be done here is this: The President issues a proclamation that the warehouses, elevators, packing houses, cold-storage plants, after a certain date, shall, in order to engage in business, hold a license from the Federal Government.

Mr. GORDON. Will the gentleman yield?

Mr. LEVER. I can not yield—hold a license from the Federal Government. That license permits the Government to examine into the accounts and audit the accounts of those licensees. That gives to the Government the information upon which it can base its action from time to time. It gives to the Government the information upon which it may from time to time determine whether or not the various practices prescribed later on in the section are being carried on, namely, whether they are charging unjust, unreasonable, discriminatory, and unfair rates; whether they are engaged in wasteful practices; or whether they are doing that which has a tendency to reduce the food supply of the country or affect its better distribution. Now, the gentleman from Wisconsin [Mr. LENROOT] proposes that before any licenses shall be issued at all it shall be ascertained that the class of people to be licensed are engaged in such practices as are described.

The committee proposition is entirely different. We say, "We will issue the license if we think it wise. We will ask you to make a report, and if your report shows up good we shall not interfere in the least with you, but if your report does not show up good, if there is a suspicion appearing in your report, then we will look into your case that we may attach the penalty provisions of this section to you." The gentleman's proposition would require the putting into the field in my judgment of an army of Government inspectors who go from town to town, from business house to business house, examining into the business practices of men to ascertain whether or not they were engaged in the practice of charging unjust, unreasonable, discriminatory rates, and doing those various and sundry other things that are prohibited by this section.

Mr. ALEXANDER. Will the gentleman yield?

Mr. LEVER. I submit the proposition of the committee is the most feasible, the most practical, and the most sane way of getting at this proposition.

The CHAIRMAN. Does the gentleman yield?

Mr. LEVER. Yes; for a question.

Mr. ALEXANDER. The gentleman said before the license may issue an investigation is provided for in the amendment offered by the gentleman from Wisconsin. His amendment strikes all license provisions of the bill.

Mr. LEVER. Sure.

Mr. STEVENSON. Will the gentleman yield for a question?

Mr. LEVER. Just for a question.

Mr. STEVENSON. Why not incorporate at once that the permit to license should be issued and not leave it to order in council, as we have not got any right to do so here as they have in England?

Mr. LEVER. The answer to the question is that the theory of this bill is built upon conferring discretionary power upon the President, whom we have got to trust in this business. Now, I feel, Mr. Chairman, as Mr. Hoover expressed to me this morning personally in my office, that this section of the bill as it is written is vital to the control of the situation [applause], and I ask the committee to vote down the amendment offered by the gentleman from Wisconsin. [Applause.]

The CHAIRMAN. All time has expired. The question recurs on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the Chair announcd the noes seemed to have it.

On a division (demanded by Mr. LENROOT) there were—ayes 66, noes 123.

So the amendment was rejected.

Mr. DICKINSON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. DICKINSON: Page 6, line 7, strike out the words "nor to any common carrier."

Mr. DICKINSON. Mr. Chairman, it is with some reluctance I offer any amendment to this bill, but I know of no good reason, and no sufficient reason has been assigned, in my judgment, for exempting common carriers from the provisions of this section or bill. It is familiar to the people of this country that the common carriers have permitted the use of their sidetracks and their cars for the hoarding and storing of food and fuel products, thereby lending aid to speculators who seek to hoard the necessaries of life, and thereby they have been better enabled to enhance the price of those necessaries. Extortionate prices have caused the people of this country to believe that there ought to be some legislation for food control, and all parties responsible should be subject to the provisions of this bill. It has been suggested that some committee other than this Agricultural Committee, to wit, the Committee on Interstate and Foreign Commerce, that has special jurisdiction over railroad legislation, may later report a bill to reach this evil. We know that the railroads themselves, or the common carriers themselves, have not prevented the evil that is complained of by the people.

Mr. BARKLEY. Will the gentleman yield?

Mr. DICKINSON. Yes.

Mr. BARKLEY. Suppose that this clause is stricken out, and the President should make an order requiring railroad companies to take out a license, and they should not do it, and thereby be compelled to stop business, would that help the food situation any?

Mr. DICKINSON. Well, as I said in offering this amendment, I wanted a sufficient reason for it being left in the bill.

Mr. LENROOT. Will the gentleman yield for a question?

Mr. DICKINSON. But if the railroads of this country should assume that position in reference to an order issued by the President, then it would raise a most serious question before the country, resulting probably in taking control of the railroads.

I yield to the gentleman.

Mr. LENROOT. If the Interstate Commerce Commission should find the railroads were not entitled to their 15 per cent increase, and the gentleman's amendment is adopted, it would enable the railroads to go to the President and get it from him, would it not?

Mr. DICKINSON. I do not so understand. If there is now no law upon the statute books that can prevent the railroads or the common carriers from lending aid to those who hoard food and fuel products, there ought to be; and the striking out the words "nor to any common carrier," that seeks to exempt the common carrier from the provisions of this section, would not, in my judgment, enable the railroads to override the action of the Interstate Commerce Commission by a successful appeal to the President.

Railroads have not remedied the evil by fixing penalties, if they have the right under the law. The Interstate Commerce Commission has not reached the situation. If there is no law to prevent railroads from lending aid to speculators by use of their sidetracks and cars, there ought to be; and at least it seems to me that this section exempting common carriers should be left out of the bill and ought not to be retained in the bill apparently for the purpose of giving absolute freedom of action to common carriers. With freedom of action on the part of common carriers to lend their services and aid to those who hoard the necessaries of life, this evil practice is liable to continue and common carriers become particeps criminis in these great crimes against the public.

Mr. LEVER. Mr. Chairman, I hope the amendment may be disagreed to. I ask for a vote.

Mr. SIMS. Mr. Chairman, I wish to make some remarks on this.

Mr. LEVER. I ask unanimous consent that debate on this amendment shall close in seven minutes.

Mr. LEHLBACH. Mr. Chairman, reserving the right to object, is the gentleman attempting to close debate on all amendments to the section?

Mr. LEVER. No; just on this amendment, and in seven minutes

The CHAIRMAN. The request of the gentleman from South Carolina is that all debate on this amendment close in seven minutes. Is there objection? [After a pause.] The Chair hears none. The gentleman from Tennessee [Mr. SIMS] is recognized.

Mr. SIMS. Mr. Chairman, I hope I may have the attention of the members of the committee, not because I am saying it but because I have had opportunity to investigate matters that are covered by this amendment.

Section 10 provides for licensing and provides that, if licensing fails, that the President can requisition manufacturing plants for the purpose of accomplishing what the license provision is intended to accomplish. Now, this licensing provision, commencing on page 6, provides:

That this section shall not apply to any farmer, gardener, or other person with respect to the products of any farm, garden, or other land owned, leased, or cultivated by him, nor to any retailer with respect to the retail business actually conducted by him—

And then it jumps to—

nor to any common carrier—

With absolutely no relation between the reasons for exempting one from this license provision and the other. The common carrier does business for the public, and under the interstate-commerce law the common carriers have the right to provide a scale of rates and publish them for 30 days, and then they go into effect if not suspended. Now, there are hundreds of manufacturing plants that have branch railways connecting their plants with trunk lines. They are owned by the same people who own the plants, such as sawmills, steel plants, and so forth. By reason of owning the tap-line railroad that serves it, which is practically a plant facility but incorporated separately, by publishing their rates and making an agreement for through rates with the main line that this tap line reaches, they become interstate common carriers and get a division of the through rate; and some of these manufacturing plants depend largely on the power they have to force a division of through rates on their own products in this way on a mere plant-line facility. Although it is legally an interstate railroad and covered by the act regulating commerce, it is in effect and in fact a part of the manufacturing plant. Suppose the President takes over a steel plant, or a sawmill, or a coal mine, under this bill he can not take over this tap-line railroad that serves it. The men who own the plant can put a freight on the railroad that they actually own to such an extent as to create a very profitable business for them. although the plant may be requisitioned by the Government.

Mr. BARKLEY. Will the gentleman yield?

Mr. SIMS. Briefly.

Mr. BARKLEY. The theory upon which this provision is inserted into the bill, I presume, is that the President may, by issuing a license and promulgating regulations, control the business, to some extent, of the licensee?

Mr. SIMS. Certainly.

Mr. BARKLEY. If that were to happen in reference to a railroad corporation and the President should require the licensing of railroad companies and promulgate regulations under which they should operate, and those regulations conflicted with regulations of the Interstate Commerce Commission, which would prevail?

Mr. SIMS. This power, as I understand it, is given for the purpose of carrying into effect the main purpose of the bill—that is, to control the industry for the purposes of the war—and that the President would have the right to require this plant facility that serves the manufacturer, although a separate corporation, to also take out a license. Because if we do not do that and leave it to the Interstate Commerce Commission, it can only suspend a rate, investigate it, and declare that the rate is excessive after the railroad has promulgated it and proclaimed it and announce a reasonable rate instead of the one suspended. It may suspend or it may not. It may grant a hearing or it may not. But the power of the commission does not conflict with the power of the President under this bill.

It applies with great force to coal mines and coal roads serving such mines, and we can not control the price of coal unless we can control the railway lines that immediately serve the mines. If you do not give the President this power it will not serve the purpose for which this law is being enacted. A railroad used as a mere plant facility is in fact a part of the plant and should be subject to requisition along with the plant of which it is a part.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. LEVER. Mr. Chairman, when this bill was originally introduced it contained a provision giving the President of the United States the right to direct transportation in reference to foodstuffs. That provision was carried in the second bill that was introduced, and then the President concluded in his own mind, after suggestions from his advisers, that that was a matter that should be handled in a separate bill. That bill was introduced in the Senate and has passed the Senate. I understand it is also pending before the committee of the gentleman who has just taken his seat.

Mr. SIMS. It absolutely has nothing to do with this question.

Mr. LEVER. And I assume that some of these days that committee will report it out for the consideration of the House. Now, the committee did not desire, in view of those facts, to put that provision in this bill, either by way of a license to the railroad companies or by any other method. We were dealing with certain specific things, namely, foodstuffs and fuel. We were not experts on transportation, like the gentleman from Tennessee. We were not so well informed as to the law touching that subject in all of its various phases, and we were afraid that if we attempted to do anything in this bill that touched transportation we might find ourselves treading upon the sacred corns of the Committee on Interstate and Foreign Commerce. Therefore we did not include it in this bill. I hope the amendment will not prevail.

The CHAIRMAN. The time of the gentleman from South Carolina has expired. All time has expired. The question is on agreeing to the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was rejected.

Mr. IGOE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. IGOE: Page 6, lines 5 and 6, strike out after the word "him," in line 5, the words "nor to any retailer with respect to the retail business actually conducted by him."

Mr. IGOE. Mr. Chairman, I have offered this amendment because I can not see why there should be any exception of the retailer from the provisions of this licensing section. The licensing section is permissive merely. The President may require that licenses shall be obtained.

The particular reason for offering this amendment is that in section 4, as has been explained here, there are no penalties attached. The things declared to be unlawful in section 4 are punishable only in the event that they are violated by a licensee under section 5. I know that it has been said that there are a great many retailers in the country, and that it is almost impossible to supervise them. But under section 5, as has been explained by the gentleman from Minnesota [Mr. ANDERSON], there may be certain classes licensed, and the same thing may apply to the retailers.

A great deal has been said here about the coal situation. In some cases the railroads have been blamed for the high prices, and in some cases the wholesalers and jobbers, and in other cases the retailers have been blamed, and I want to have this exception taken out of this section of this bill, so that if it develops that something may be done by a licensing system to take care of extortion on the part of the retail coal dealers or any other class of retailers, that they may be licensed, and that the practices denounced in section 4, if indulged in by these licensees, may be punished under the bill.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. IGOE. Yes.

Mr. GOOD. I would like to ask the gentleman what force he gives to the word "distribution"? The language of the bill is that "Whenever the President shall find it essential to license the importation, exportation, manufacture, storage, or distribution of any necessaries," and so forth. Who distributes except the wholesaler or the retailer?

Mr. IGOE. I do not know that I quite catch the point of the gentleman's question. Under the language of the bill they have taken the retailer of all kinds out of the bill, and I want to leave it optional with the President to license retailers, if necessary, if it should be deemed wise, so that retailers who indulge in practices under section 4 that are declared to be unlawful may be punished.

Mr. GOOD. The bill gives authority to the President to license the importation, exportation, manufacture, storage, or distribution.

Mr. IGOE. I think the retailer is a distributor.

Mr. GOOD. Was that the opinion of the committee?

Mr. IGOE. I do not know what the committee thought of it, but certainly they must have thought that, because if this exception were not put in the bill retailers would be included. I do not see why the retailer should be excepted. The fact that there are some thousands of them in the country does not to me constitute a good reason for excepting them.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. IGOE. Yes.

Mr. RAKER. Would there not be more cost involved in finding out who were retailers and who were wholesalers than there would be in enforcing this law?

Mr. IGOE. No. I do not believe in the theory that because a bill is going to cost something we ought not to pass it.

Mr. RAKER. I did not mean that. I believe if there is an iniquity or injustice done it should be enforced generally.

Mr. IGOE. It is to make them subject to the penalties for the practices denounced in section 4 of the bill. That is what I want to reach.

Mr. RAKER. If you cut out what you are asking for, you will get general relief, and there will be no question as to who is a wholesaler and who is a retailer.

Mr. IGOE. I do not think it is going to save any money to include retailers. The President may make classes, and he may not want to license retailers, but I think he ought to have the power to do it in case he deems it necessary.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was rejected.

Mr. BLANTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Section 5, page 6, line 3, after the word "any" insert the following: "producer or developer of live stock on foot."

Mr. LEVER. Mr. Chairman, after consulting the committee, we feel that that language is covered in the broader term "farmer," and in order to satisfy some gentlemen who are in doubt about it, we will have no objection to that amendment.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SLAYDEN. Let us have the amendment again reported.

The CHAIRMAN. Without objection, the amendment will again be reported.

The amendment was again read.

Mr. SLAYDEN. I understand it now. I would like to ask my colleague one question. That would have to go in at several other places?

Mr. BLANTON. Yes; it would have to go in at several places.

Mr. Chairman, in view of the statement of the chairman of the committee, I shall not care to argue it.

Mr. STAFFORD. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Wisconsin want to oppose the amendment?

Mr. STAFFORD. Yes. I should like to inquire of the chairman of the committee whether it is purposed by this amendment to except from the purview of this bill these large ranchmen who may corral large quantities of live stock and by that means enhance the price of the meat products of this country?

Mr. LEVER. Let me suggest to my friend from Wisconsin that the rancher can not hold his stock beyond a certain time, because if he does so they eat their heads off, and the very economics of the situation force the rancher to sell when the stock is in that condition which will bring the largest return.

Mr. STAFFORD. It does not require much knowledge about ranch conditions—and I confess to have only a limited knowledge—to know that a ranchman can hold his cattle for a number of months, if not a number of years, and await the disposition of the stock for a high price market.

Mr. LEVER. He may hold his cattle for a number of months, that is true.

Mr. STAFFORD. Yes.

Mr. LEVER. But if he holds them for a number of years the cattle will eat themselves up pretty soon.

Mr. STAFFORD. This bill seeks to prevent cornering?

Mr. LEVER. Yes.

Mr. STAFFORD. And hoarding——

Mr. LEVER. Yes.

Mr. STAFFORD. Of large quantities of eatables, and the like?

Mr. LEVER. Yes.

Mr. STAFFORD. Now, you make an exception in the case of cattle raisers, and the country is complaining generally about the high cost of meat products. You are by this amendment enabling the withholding from the consumers a large body of steers that could be withdrawn by the large ranchmen. I will agree that there are many small ranchmen who may not be guilty of the practices of which the large ranchmen would be guilty in trying to raise the price of beef cattle.

Mr. LEVER. If the gentleman from Wisconsin will read section 6 of the bill, which section immediately follows, he will find that that section absolutely prevents it.

Mr. SLAYDEN. Will the gentleman yield for a question?

Mr. LEVER. I yield to the gentleman from Texas.

Mr. SLAYDEN. The gentleman realizes that cattle that are bred on ranches are not ready for the market until they are mature.

Mr. STAFFORD. I quite realize that.

Mr. SLAYDEN. And the ranchman who holds his cattle to mature them is not hoarding them.

Mr. STAFFORD. Yet there are times when cattle are held by ranchmen after they are matured.

Mr. SLAYDEN. It takes some time to grow cattle, and the cattle growers are not hoarding them while the cattle are growing to maturity, any more than the proprietor of an apple orchard is hoarding his apples while they are growing.

Mr. BLANTON. I reserve the right to reply to the gentleman from Wisconsin.

Mr. STAFFORD. The gentleman from Texas has yielded the floor.

Mr. BLANTON. I should like to suggest to the gentleman that the high price of beef is not caused by the action of any cattle raiser on earth. The high price of beef is produced by the process which takes place after the cattle get off the hoof, in the packing houses of the country.

Mr. STAFFORD. Oh, well, that is always the claim, to throw the blame from one class to the other; but of course the cattle raisers are getting a large price at the present time for their products, and I do not see why we should except the large ranch proprietors from the effect of this law if they are guilty of any of the acts which are within the provisions of the law.

Mr. GOOD. Will the gentleman yield?

Mr. LEVER. I ask unanimous consent that the debate on this amendment close in five minutes.

Mr. THOMPSON. Will the chairman of the committee yield? I understand he is willing to accept the amendment.

Mr. LEVER. I am willing to accept it, because I think it is covered already.

Mr. THOMPSON. I do not know whether it is covered or not. The language of this amendment is very broad. I think it should be restricted to the breeder of live stock, and that it should not extend to the man who could go out and buy up the cattle of the world and be the owner. I would not object to the amendment if it were restricted to the breeder.

Mr. LEVER. The gentleman objects to the developer?

Mr. THOMPSON. Yes.

Mr. LEVER. I wonder if the gentleman who offered this amendment would not be willing to strike out that word?

Mr. RAKER. Mr. Chairman, the amendment is all right.

Mr. THOMPSON. Mr. Chairman, I have reserved the right to object to the request of the gentleman from South Carolina.

The CHAIRMAN. The Chair has not yet announced it to the House.

Mr. LEVER. I ask unanimous consent that the debate on this amendment shall close in 10 minutes.

Mr. BLANTON. I want five minutes.

Mr. WASON. Mr. Chairman, we can not hear what is taking place over on the other side of the House, and we are interested in knowing what it is.

The CHAIRMAN. The Chair will state that the request of the gentleman from South Carolina has not yet been submitted.

Mr. DIES. If the chairman of the Committee on Agriculture begins now to name certain animals in the hands of certain persons to be left out of this bill, where will he finally wind up? All these things are embraced in this bill now.

Mr. LEVER. I think so.

Mr. DIES. What is the legislative wisdom of undertaking to specify cattle? Because if you do, the next thing you will do is to specify hogs and chickens and the whole animal family.

Mr. LEVER. I fully agree with the suggestion of the gentleman. I was only trying to save time.

Mr. DIES. They are in the bill now.

Mr. LEVER. I think they are in the bill now. I ask unanimous consent that all debate on this amendment and all amendments to this section close in 15 minutes, the gentleman from Texas [Mr. SLAYDEN] and his colleague [Mr. BLANTON] and the gentleman from Michigan [Mr. MCLAUGHLIN] to have the time.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this amendment close in 15 minutes, 5 minutes to be given to the gentleman from Texas [Mr. SLAYDEN], 5 minutes to the gentleman from Texas [Mr. BLANTON], and 5 minutes to the gentleman from Wisconsin [Mr. MCLAUGHLIN]. Is there objection?

Mr. THOMPSON. Reserving the right to object, I want to ask the chairman if he proposes to accept the amendment?

Mr. LEVER. I have no objection to it, because I think it is already covered. I see no reason for its going into the bill at all, but if the committee wants to vote it in I have no objection.

Mr. KINCHELOE. Reserving the right to object, I want to ask the gentleman from South Carolina a question for information. Do I understand that the chairman proposes to claim to this House that in the absence of the provision offered by the gentleman from Texas the farmer who grows cattle would have to be licensed?

Mr. LEVER. No; the farmer who grows cattle is exempted.

Mr. KINCHELOE. Then why should the amendment go into the bill at all?

Mr. LEVER. I have stated in regard to that.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. BLANTON. Mr. Chairman, in availing myself of the short time allotted me under the five-minute rule to discuss the amendment which I offered to likewise exempt "all producers and developers of live stock on foot" wherever the farmer was exempted in the bill, I was unable then to go into the subject of this proposed legislation as fully as I desired. I therefore greatly appreciate this privilege unanimously extended of now expressing my views in greater detail.

I resented the extravagant statement of my friend from Georgia, Mr. HOWARD, "that cattlemen are making our wives pay 60 cents a pound for round steak," for in the first place, no such price prevails anywhere in the United States, and in the second place, it is not the cattlemen who are responsible for the present price of beef, as the enormous profit is put on the finished product after the live stock on hoof leaves the possession of the producer.

I said then, and I repeat it, that there is no man more loyal, more liberal, more patriotic, more fearless for right, with more humanity in his heart, and who will make more sacrifice, both financial and personal, for the welfare of his country than the big-hearted, red-faced, white-hatted, spur-booted, generous stockman of the Southwest. This statement is equally true of and applicable to the deserving farmers of my district. What the consumers demand and all that the stockmen and farmers request is that we pass wholesome laws which shall bring the consumer and producer closer together by permitting the consumer to buy the producer's products by paying only a reasonable profit charge in addition to the price received by the producer for handling and putting into food shape.

While from the beginning of time it has been recognized in a general way, yet never until now has the proposition been brought home to us forcibly face to face that it is the farmer and stockman upon whom the whole world is primarily dependent for food. A cannon is helpless and useless without ammunition. No soldier can fight without food. The successful speedy termination of this cruel war depends primarily upon the food producers of our Nation.

On April 10 President Wilson said:

> That by planting and increasing the production in every way possible, every farmer will perform a labor of patriotism for which he will be recognized as a soldier of the commissary, adding his share to the food supply of the people.

We are engaged in one of the bloodiest and most barbarous wars known to history, and upon the issue depends the democracy of the world. It is world democracy against Prussian autocracy. It is the rights of free people on the one hand and on the other it is the manacles of slaves. Unless Russia, with her 180,000,000 people, occupying practically one-sixth of the universe, shall come to the rescue with a strong offensive on the eastern front, we are probably facing a several years' conflict that will require the entire resources of our Nation to successfully conclude. England and France are now bravely standing between us and a ruthless enemy, which scoffs at international law, which breaks sacred treaties as well, which wantonly disregards all rules of civilized warfare, which premeditatively murders in cold blood thousands of helpless women and little innocent children, brutally dismembering them limb from limb, in whose heart there is no precept of sympathy, compassion, or mercy, an enemy which lustfully violates the sacred rights of the virgin daughters and virtuous wives of a conquered foe—such an enemy is now held in check by our allies. What will happen to America's present happy homes if this terrible monster should break through the European lines and bring its torch and instruments of cruel torture and slaughter to our shores?

No true American with warm red blood in his veins can calmly reflect upon the outrageous and infamous wrongs against Belgium and Serbia, the helpless, downtrodden, devastated, ruined countries and peoples which the Imperial German Government through iron will and might of arms has tried to stamp out of existence and annihilate completely with neither provocation nor excuse without resenting it as an insult to and crime against the world. When we remember that Germany has disregarded and discarded all humane safeguards and regulations demanded by civilized peoples, has kept in the rear of her armies thousands of helpless girls and women captured and dragged from their homes and loved ones, and forced to live a life far worse than death, the blood of true Americans boils with just indignation and resentment, and with all we possess we are ready to heed and answer the cry "Come over to Macedonia and help us."

For a successful army, food is the first essential. Sometimes it is an easier service to fight at the front than to perform that labor and drudgery which is a condition precedent to the production of food. In this great emergency the producer who, under the system of universal conscription, patriotically and loyally raises food for the democratic allied armies of the world, is just as brave a hero as the soldier who by his country is designated under the same system of conscription to perform a different class of service.

I am a man of great tolerance, yet I have no patience with and I must resent the sectional expressions which lately have been repeated so many times on the floor of this House by the distinguished gentleman from Pennsylvania [Mr. MOORE] against southern cotton farmers and stockmen. Why so persistently he should seek to penalize cotton by putting upon it a tax of $2.50 per bale and not propose a similar tax upon Pennsylvania coal and other commodities, I can not understand. It is equally incomprehensible to me why now he should be jealous of the few insignificant exemptions and inducements promised farmers in order to stimulate and insure food production, and should complain as he did the other day of the fact that certain farmers under conscription would be exempted from fighting in the trenches. He is awfully afraid that the farmers will get something not accorded to his city constituents. If the gentleman is jealous of the farmer's lot and is willing to forego the honor and income of his position and face the hazards of the farm—the hot sun, the droughts, the sand storms, the floods, the grasshoppers, the hail, the rust, the numerous destroying insects, the boll weevil, the outrageous cost of farm implements, the rising before day and working at least 14 hours out of every 24, combating the strongly organized vultures which annually conspire against him to get possession of his products at a nominal price, to bring forth from the ground the life-sustaining food by the sweat of his brow—if my friend from Pennsylvania is willing to undergo all this, no farmer will object to turning over to him all of his exemptions and immunities.

This eminent statesman represents a district—Philadelphia—practically all of whose several hundred thousand constituents are nonproducers of food, and have for generations been dependent upon the farmers and stockmen of the United States for food, both grain and flesh, to satisfy their stomachs, clothing to cover their nakedness, gloves to lily-white their hands, and stylish shoes to make corns on their feet. On behalf of a grateful constituency he should hail the American farmer and stockman as a Joseph and benefactor. The majority of his people work from 9 a. m. until 4.30 p. m. with holidays growing more numerous annually, and they should require their able urban Representative to be more considerate with their rural brothers of toil, who are unfamiliar with the expression "working hours," for the greater number of their hours are such. As brother laborers—though of different kind—there should be a fellow feeling between him and all farmers, for no Member of this Congress is more industrious, more continually on the job, more to be relied upon at all times to furnish copy for the RECORD than this distinguished and honored gentleman from Pennsylvania.

Regardless of exemptions, I maintain that more farmers and cowboys from my district have enlisted already in the United States Army and Navy than there has been constituents enlisted

from his Pennsylvania district. I further maintain that less slackers can be found in my district than in his, and I challenge him to prove the contrary. In the big farming and stock-raising county of Runnels not a single slacker could be found. In my present district, the largest in the United States, running 550 miles east and west from Mineral Wells to El Paso, and with 58 counties in it, the people are standing as a man behind their President. The little seditious trouble which arose a short time ago, but now ended, was caused by a small handful of ignorant Socialists, whose minds had been poisoned by propaganda eminating from Chicago and New York. In my new district, into which I have lately been placed by the new apportionment, embracing the loyal counties of Jones, Shackleford, Stephens, Palo Pinto, Nolan, Taylor, Callahan, Eastland, Runnels, Coleman, Brown, Comanche, Mills, Concho, McCulloch, San Saba, Lampasas, Burnet, and Llano, which is strictly a farming and stock-raising district, no people more loyal and patriotic exist anywhere in the world, and based upon per capita wealth my district will compare favorably both on subscriptions to liberty bonds and the Red Cross with any district in the United States. The war registration in Pennsylvania was only 95 per cent of the Government estimate, while the registration in the farming and stock-raising State of Texas was 97.3 per cent of such estimate. I greatly admire the matchless energy, the incomparable industry, the indomitable perseverance, the analytical mind, the wonderful discernment on parliamentary and constitutional questions, and the loyal patriotism of this distinguished gentleman from Pennsylvania [Mr. MOORE], and I regret exceedingly that his unexplainable prejudice against southern farmers and southern farm products detracts from the high standard of American statesmanship so uniformly maintained by other members of his State delegation.

We must view the farm and ranch problem not merely from the standpoint of the present high prices of their products, but also from other conditions existing now and in the past.

For 20 years Congress has permitted the prices on all farm machinery to advance steadily until they have doubled and even trebled, when there was no reasonable occasion for it. Congress has likewise permitted exchange speculators and manipulators to continue their pernicious practice of cornering the market on all farm products in a way that annually has forced the farmer to sell his crop at the lowest minimum and said shylocks to receive the highest maximum his combination could extort, until year after year farmers have been getting deeper and deeper in debt and more and more discouraged, and this situation has compelled the farmer boys to abandon the farms and flock to the towns in order to make a living. Less than three years ago farmers sold their cotton for considerably less than it cost them to produce it. This is the first time in the history of our Nation since the Civil War when farmers are getting good prices for all their products. They are confidently looking to the proceeds of this year's crop to enable them to get out of debt and once again to hold their heads above water. Practically all of the farmers in west Texas have just sustained an almost entire failure in grain crops. They have lost both their labor and valuable seed wheat and oats. They are dependent almost altogether on their maize, corn, and cotton. They are still facing a prolonged drought paralleling that of 1886–87. Our country urgently needs cantonments. A guaranteed percentage profit over and above all expenses is to be paid contractors for building same, even up to the tremendous amount of $250,000 profit on a cantonment. Our country more urgently needs food, both for our own people and our allies. Why should not the producers of food be guaranteed a living profit? Our President shows great wisdom in offering them some inducement to stick it out and face the said gentleman from Pennsylvania and present conditions.

Never in the history of this country, notwithstanding maximum high prices, has the live-stock business been more precarious and hazardous. The great grazing section between Abilene and El Paso is not half stocked, and should ample rains come and produce the grass neither cattle, sheep, nor goats are available to fully stock it. Cattle and other stock have died by thousands. Many stockmen have been forced to ship their herds to other States, being wholly without water. Dry pastures are forcing many to feed their stock on high-priced cottonseed cake. In the Pecos and Rio Grande Valleys stockmen are paying as high as $40 per acre merely for the privilege of grazing their herds on alfalfa fields during the summer. Yet under such conditions, which stockmen may face at any time, the gentleman from Illinois [Mr. BRITTEN] and the Senator from Oklahoma [Mr. GORE] would have us pass a law that cattlemen must hold all she cattle until they are 6 years old. If they were forced to do this, and were guaranteed even their expenses back without a profit, my learned colleague from Georgia of the "playing card and kitty" fame [Mr. HOWARD] would be tickled to death to be able to buy round steak at 60 cents per pound.

On June 15, 1917, there were 23,057,122 pounds of butter and 172,566,750 dozens of eggs on cold storage in the United States. Being held for what? Still higher prices. The above figures are based upon reports from firms willing to report voluntarily and do not embrace the butter and eggs held by firms which have refused to report. With the power which Congress will soon place into the hands of the administration, such firms will be forced to report, and such hoarding will be prohibited.

This bill is the most important of any that has ever been before Congress. It places greater power in the hands of the President than any other legislation ever proposed. Unless wisely executed and administered, it is a most dangerous bill. If I did not believe that the President of the United States was a proven friend to the producer and would properly safeguard his interests, I would never support the bill. If it is unwisely administered or executed without proper regard for the just deserts of the producer, it will be ruinous to all farmers and stock raisers. But as we have already intrusted to him the precious lives of our stalwart young men and billions of dollars in money, why should we refuse to intrust him with this power to stimulate production, to control food speculation, to bring the producer and consumer nearer together, and to stop all waste?

Engraven in lasting stone and adorning the front of the magnificent Union Depot in Washington, easily readible by all visitors to the Nation's Capital, are these words:

The farm: Best home of the family, main source of national wealth, foundation of civilized society, the natural providence.

This and more is what the farm means to our Government. Had it not been for the almost solid vote of the stockmen and farmers of my district, I would not now enjoy the privilege and bear the responsibility of serving in this Congress. Should I remain here 1 term or 20, I shall never forget what has been done for me by the rural population of my district. God bless them; they are the salt of the earth.

Oh, but the gentleman from Pennsylvania [Mr. MOORE] objects to the appropriation in the bill to be used in guaranteeing to the farmer a minimum price for his products because a like guaranty has not been made to his constituents for the value of their labor. If this appropriation were unreasonable, I, too, would be against it. I was against that feature of the other food bill which authorized the creation of a new Assistant Secretary of Agriculture at a salary of $5,000 and the employment of 7,000 additional lecturers, at a salary of from $2,500 to $3,000 each, to instruct county agents how to advise farmers how to farm. I said then and I repeat now that the farmers of our country have already forgotten more about farming than such newly ordained lecturers will ever know in a lifetime. I considered that with 17,000 employees already in the Agricultural Department, and the cooperation it could get from the many other departments, these additional employees were unnecessary.

I intend to heartily support President Wilson in all of his plans and policies and as Commander of the American Army and Navy, I intend to vote to give him everything he demands to win this war and bring it to a speedy and successful termination. But it must be demanded by the President. I do not intend to vote for everything and anything that is demanded by that chief or this head. Just now the United States is in debt. Each day it is growing deeper and deeper in debt. The people are to be taxed more heavily than ever dreamed of before in all our history. Thousands of people are now unable to make ends meet. For every five million here and five million there it will be necessary for us to add a greater burden upon the people. In such times it pays a government, just as it does an individual or business establishment, to pause and ask the practical question, "Is it absolutely necessary?" Every appropriation must appear absolutely necessary to receive my support during this war emergency.

Certain heads in the Department of the Interior had a bill prepared to appropriate $5,000,000 to enable the Secretary to clear, grub, level, ditch, plant, and cultivate public lands, and to commandeer private lands within reclamation projects and farm same on behalf of the Government, and this bill was introduced on April 13, 1917, as H. R. 2913, and demand was made that it be voted out of the committee and passed immediately. I have fought this bill from the beginning as useless and unnecessary through all of its changes, and if it ever gets out of the committee I intend to vote against it.

With Chairman Denman, of the Shipping Board, contending for a price on steel of $56 a ton, and Gen. Goethals maintaining that it shall be $95 a ton, we realize that it is possible for quite a difference of judgment to exist between two distinguished heads of departments.

When in the bond bill the Secretary of the Treasury asked for $10,000,000 to cover the expense of printing and selling the bond issue, certain Members argued that this sum would be necessary, as it would be a difficult task to sell the bonds. I supported the Fitzgerald amendment, which reduced this sum to $5,000,000, believing that sum ample, considering that the Government Bureau of Engraving and Printing would be able to do the mechanical work at a minimum cost and that the people of the United States would be patriotic enough to subscribe to the bonds without having to spend an enormous sum to induce them to do it. And when the Secretary of the Treasury made the first call for $2,000,000,000, 4,000,000 loyal men and women subscribed $3,035,226,850 instead. I voted against House resolution 44 to allow secretaries to the various committees which rarely ever meet. I voted to eliminate the appropriation of $250,000 in section 4 of House bill 3932, to provide automobiles for enforcing the explosive law. I participated in the fight which caused the committee to eliminate about $4,000,000 unnecessary appropriation in the first Lever bill, and I voted to recommit the bill to eliminate further waste, but when this motion failed I voted for the bill in order to stand by the President. I voted to force the committee to eliminate about $200,000 waste in the bill to acquire the exposition grounds at Norfolk for a training station. Since the committee and House have refused to accept the amendment to the river and harbor bill limiting expenditures of the $26,900,000 appropriations to such projects as the President may deem war emergencies, I shall vote against this bill. There are some meritorious projects in it, but I am not going to vote for the unmeritorious ones for that reason. The committee had the chance to limit the bill to only such propositions as were meritorious, the decision to be made by the President of the United States, and refused. It is true that the Trinity River has been left out of this bill. But since June 13, 1902, in 16 enactments Congress has spent $2,485,287 upon the Trinity River in my native State. The Chief of Engineers of the United States Army in his 1916 report says:

From Dallas to its mouth is 510 miles. Study of the data now available indicates that the conclusions formerly reached, to the effect that complete canalization of the river would be necessary to secure anything other than intermittent navigation, is correct. The complete cost of canalization, including necessary clearing of the river, is estimated at $13,444,300, in addition to the amounts heretofore expended, and the necessary operation and maintenance after completion $300,000 per annum.

I mention this to show that it would have been wise for Congress to have left off the last 15 appropriations it has made for this one project since 1902, and I have mentioned a few of the votes, and could mention others, whereby I have helped to eliminate waste and extravagance, to show that I am with my friend from Pennsylvania on that issue.

But the appropriation in this food bill is a worthy one and is not subject to criticism.

There is but one other subject I desire to mention, the prevention of waste by stopping the manufacture of intoxicating liquors. The time has come for Congress to act. We can not be true to our God, to ourselves, to our country, or to our constituents if we do not heed the great cry which is coming from the people of this Nation on this subject. Let us be brave and perform our duty.

Mr. SLAYDEN. Mr. Chairman, the manifest purpose of this paragraph in the bill was to except the farmer from certain provisions of the proposed law. With that idea in mind the committee said that this section should not apply to any farmer, gardener, and so on. Now, there is just enough doubt whether those words cover breeders of live stock to make it desirable to amend the language of the bill so as to leave no misunderstanding whatever as to its meaning. The live-stock interests believe that the language would not cover them, and they want this amendment in the bill. They have telegraphed and written such a request to me and to other Members from Texas, and I dare say to the Members from Nebraska, Kansas, and other States that are engaged actively and extensively in the growing of live stock. I had in mind an amendment to offer when the gentleman from Texas, my colleague, preceded me and offered his. My amendment was simply to insert the words "breeders of live stock" after the comma in line 3, page 6. That amendment would remove all doubt.

Now, Mr. Chairman, in colloquial speech there is a difference between farming and stock farming and between farming and ranching. Farming as ordinarily accepted in current speech means cultivation of crops, the cultivation of the soil.

Mr. HAUGEN. Will the gentleman yield?

Mr. SLAYDEN. Yes.

Mr. HAUGEN. In addition to that, the breeder of cattle is different from a feeder of cattle. If you include breeders you ought to include feeders.

Mr. SLAYDEN. I think the amendment offered by the gentleman from Texas, my colleague, Mr. BLANTON, does cover that. I did not offer my amendment——

Mr. THOMPSON. Will the gentleman yield?

Mr. SLAYDEN. Briefly.

Mr. THOMPSON. Does not the gentleman think that the amendment offered by the gentleman from Texas [Mr. BLANTON] is so broad that it would include the packing houses engaged in the purchase of stock? The packing houses are engaged in the stock-raising business as well.

Mr. SLAYDEN. If they are, they should come under the provision. I do not believe in class legislation.

Mr. THOMPSON. They do not breed.

Mr. SLAYDEN. I understood the gentleman to say that they did.

Mr. THOMPSON. Sometimes they do; but I do not want to let them go to the extent of purchasing all the cattle in the country——

Mr. SLAYDEN. Mr. Chairman, I want to use part of the time remaining to me in saying that there is either a great misapprehension or a blind prejudice in the minds of some gentlemen. I never knew a packer in my life, never had any dealings with one, although I am a cattle grower in a small way. The statement made to-day by my friend from California that the producers of cattle and the farmers are not getting half the value of their stuff is not true. Some constituents of mine the other day shipped 10 carloads of cattle to a great market where the packers are and sold at $8.90 a hundred pounds on the hoof for animals that weighed 1,100 pounds. That is approximately $100 a head. If they are really getting less than half the value of their product, then, sir, you and I will not have the privilege of eating steak very frequently unless we persuade Congress to increase our compensation. [Applause.]

We should not be prejudiced in legislation. Even the packers are entitled to justice. And if our laws against conspiracies in restraint of trade are rigidly enforced, as they should be, they can be made to conduct their business fairly.

The stock growers are all doing their best to meet the world-wide demand for more food. They need no act of Congress to stimulate their efforts. The prevailing prices insure the effort. But they do not want interference by officials, high or low, in Washington who have no practical knowledge of the business of breeding or maturing cattle, and they do not want to be subjected to any price-fixing bureau. They are willing to take their chances in the market and have their business regulated by the law of supply and demand. When there is an overabundant supply they will take the low prices that such conditions will compel, and when there is a scant supply they want and feel they are entitled to receive the full market value.

Although it has been interfered with now and then by the force of governments and prices of commodities fixed temporarily by autocratic control, the law of supply and demand can not be long set aside and is sure to reassert itself.

Gentlemen keep on saying that foods are cheaper in Germany and England than in the United States, but the evidence to support that statement is not convincing. They overlook the fact that in both those countries martial law controls. They overlook the fact that in war times and in countries like England and Germany the scarcity of supplies compels resort to many substitutes for those things the people demand under normal conditions. Flour that ordinarily would be rejected is eagerly consumed now by Englishmen. Germans are eating less bread, and that of an inferior quality, according to all the reports that we receive on this side. Potato flour has been mixed with that made from wheat, and, while it may be wholesome, it is not a satisfactory substitute. The facts of the situation should not be overlooked when comparing prices in Europe and in the United States. Misrepresentation only confuses us in the effort to understand the situation and see the path of duty clearly.

The able chairman of the committee has said about all that can be said in support of this measure, and his comparison of prices in England and in the United States, found in the RECORD of June 18 is not convincing. He takes his quotations from the market of the period from May 9 to May 12 this year. That was a period of great excitement in the grain markets. The allies were buying heavily and foolishly. They were bidding up the market on themselves, yet wheat flour was at that time quoted in New York at $15.40 to $16.15 per barrel and at $24 to $29.83 per barrel in Liverpool. His figures do not sustain his contention. Of course, wheat is high now and was much higher in May. As the marketing of the new crop comes nearer prices are declining, which is inevitable with increased offerings. It is the old law of supply and demand reasserting itself in the grain market, as it will in the meat market. When

the rains fall on the ranges, the grass grows and cattle breeders are given an opportunity to supply the demand. Interference with their work by official amateurs, however well meaning, can only work mischief and defeat the purposes of this bill.

The avowed purpose of the bill is to reduce the cost of living. As all the food consumed comes from the farms and ranches it follows that the purpose is to reduce the earnings of farmers and breeders of live stock. That is no way, however, to get an increased supply.

We all want to win the war. We all want to supply the needs of our own people and our allies, and if you will let the farmers and ranchmen alone and leave them the advantage of the markets, the regular natural advantage, they will provide the food the world requires.

That provision of this bill which seeks to prevent the conversion of food grains into whisky or beverages that have a heavy alcoholic content during the war is not objectionable, for certainly staple foods are of more importance than whisky. No one will seriously object, I fancy, to section 13, which undertakes to give the President power to regulate the liquor traffic during the war when the lack of regulation may delay the successful ending of the war.

But, Mr. Chairman, it is whispered about the Chamber that amendments have been prepared and will be offered which, if agreed to by the Congress, will establish complete prohibition of the manufacture of beer and wine as well as whisky. That seems to me a dangerous and foolish thing to do. To merely discontinue the making of whisky during the war will do no harm and may do much good. It will not even hurt the owners of the whisky now in bond, for as the quantity decreases the value of that remaining will increase so much that even if the making of whisky is never resumed the distillers and dealers will not be irreparably damaged. But it is quite another thing to decree the destruction of the brewing industry.

Many millions, many hundreds of millions, of dollars, I suppose, are invested in beer-making plants. A very great number of people get their living by labor in brewing plants. It would be a harsh, unjust thing for Congress to enact a law destroying a legitimate industry. Morally it would have just as much right to destroy all the cattle, swine, and sheep at the command of vegetarians and to forbid the raising of more, or to say that American citizens shall not grow tobacco for market. Indeed, there is already in existence an important organization which is working to secure laws forbidding the use of tobacco. The demand for sumptuary laws is progressive.

The proposed amendment will destroy the value of every vineyard in the country where grapes are grown for wine making. Thousands of farmers, good, honest, industrious, sober American citizens, whose sole possessions are such vineyards, will be ruined, and no man who wants to take their property from these citizens by act of Congress has yet suggested that they shall be paid for it. It is the tyranny of fanaticism.

With equal force this blow is aimed at potent liquors like whisky and mild beverages like beer and wine. Whisky, which is half alcohol, is condemned and destroyed, and wines, with only 7 to 10 per cent of alcohol, and beer, with only 3 or 4 per cent, suffer the same penalties. It is illogical and absurd and is not in the interest of temperance. Every observant traveler knows that in what are called the wine and beer drinking countries there is comparatively little drunkenness. There is a relatively small consumption of liquors with a high alcoholic content and the people keep sober. People there do not discuss temperance in the use of beverages, because there is no intemperance. The people feel themselves entitled to personal liberty, and they enjoy and jealously guard that right. The most autocratic government of Europe, even under the stress of war, would not dare to invade such rights, for the answer would be revolution.

There exists either an inexcusable degree of ignorance about the European war orders touching the manufacture and use of beverages or there is the most persistent and deliberate misstatement of the facts. No country in Europe has gone to prohibition. I doubt if any—even Germany, with her wonderful military efficiency—would dare try it. Russia did not, as everyone ought to know. What Russia did was to stop the sale of vodka, a fiery, strong drink, without interfering with the traffic in beer and wine. Reports from Russia indicate that almost overnight the Russians who had been addicted to the excessive use of vodka became a sober people as a consequence of that law.

England and France, sore beset as they have been by powerful enemies, have not adopted prohibition. Their legislation has been limited to regulation suggested by war conditions.

England did reduce the output of beer by two-thirds, but it bred so much discontent among her soldiers, sailors, and workmen that she has authorized an increase of 35 per cent over the amount that her war legislation permitted.

When a deputation of prohibitionists waited upon the Prime Minister of England, Mr. Lloyd-George, on Thursday, the 5th of April last, in the interest of a law prohibiting the manufacture of liquors during the war, Mr. Lloyd-George, after listening to the views of the deputation, stated that in a matter of that kind it was essential to carry the people with them, and to carry them through to the end. Anyone who divides the people, the only force that can accomplish a great measure of temperance reform, he said, would be a bad temperance adviser, and such a policy would lead to disorder from the point of view of national interest.

Mr. Lloyd-George urged so-called temperance reformers to take into account the opinion of labor leaders.

It would be madness for any prime minister—

He said—

in the middle of a war to put forward a proposal in direct defiance of practically the whole of organized labor in the country.

Unity of the people is as desirable at this time in America as in England and the legislation now proposed will develop disunion. It is no time, as the British premier, Mr. Lloyd-George, so wisely said, to legislate on social questions of a controversial nature. If we are to defeat our powerful enemies we must have complete harmony in the United States.

France and Italy not only have not gone to prohibition, as has been so often and so falsely said, but both countries provide a liberal quantity of wine every day to their soldiers as a part of the ration.

And, by the way, if any man has found any lessening of efficiency among the wine-drinking French soldiers I have not heard of it. It may also be said, in passing, that if their beer drinking has lessened the efficiency of the Germans we ought to be grateful for their indulgence in that drink. They would indeed be supermen if they were more efficient.

Mr. Chairman, drunkenness is a disgusting vice, but by no means as common as some people profess to believe. The increasing sobriety of the world is a gratifying spectacle. Of their own volition, without the compulsion of undemocratic sumptuary laws, the people are rapidly turning from strong to mild beverages. They are giving up whisky and taking to beer which is a temperance move.

I shall insert at this place in my speech, Mr. Chairman, part of a letter written by Thomas Jefferson on the 6th of January, 1816, to his friend, Col. Charles Yancey, in which he refers to the petition to the General Assembly of Virginia of a Capt. Miller to be allowed to establish a brewery. Mr. Jefferson said:

There is before the assembly a petition of a Capt. Miller which I have at heart, because I have great esteem for the petitioner as an honest and useful man. He is about to settle in our county, and to establish a brewery, in which art I think him as skillful a man as has ever come to America. I wish to see this beverage become common instead of the whisky which kills one-third of our citizens and ruins their families. He is staying with me until he can fix himself, and I should be thankful for information from time to time of the progress of his petition.

Mr. Chairman, notwithstanding the decline of Jeffersonian democracy, and the persistent invasion of the rights of the citizen and the forcible taking away of his personal liberty, I venture to place the views of the author of the Declaration of Independence by those of the gentleman from California who if he had been a member of the Continental Congress in 1776 would have permitted the British to overrun the colonies while he offered prohibition amendments to every paragraph of the Declaration.

AMERICAN UNITY.

Mr. Chairman, our people are wonderfully united and harmonious in their determination as to the war. Many of them were opposed to going into it, but after the Congress spoke all yielded to the decision of their Representatives. As a rule, and to an extent perfectly amazing, Americans of four or six generations and Americans of one generation have rallied to the support of the Government. Thousands of citizens of German or Austrian birth, millions of German and Austrian ancestry, are loyally supporting the country, and will, if needs be, spill their blood for democracy as exemplified in the American Republic. They will fight, and fight loyally, for the country, but they do not like many features of this bill, least of all do they like this proposition to treat them as imbeciles and weaklings unable to take care of themselves, and I sincerely hope these drastic prohibition amendments will be defeated. This is really an opportunity to establish temperance. Stop the distillation of whisky, if you please, but permit beer and wine making and the people will turn from the dangerous to the harmless drink.

But I was speaking of the loyalty of that class of our people who are sometimes described as "hyphenates." I shall insert

here a statement by Jacob F. Wolters, recently published through the San Antonio Express. Mr. Wolters is a native American citizen, and a good one, whose parents were Germans. He is a prominent citizen of Texas, and is right now engaged in a speaking tour of the State urging young men to enlist at once.

Here is his statement:

GERMAN NEWSPAPERS IN TEXAS ARE LOYAL; REPLY TO ROOSEVELT.

Jacob F Wolters has issued the following statement:

"The sweeping denunciation by Col. Roosevelt of the German language press of the United States prompts me to make the following statement:

"I receive at my office weekly every newspaper published in the German language in Texas. Since the United States entered into the war I have had occasion to read these papers. They have evidenced their loyalty to the United States. The editors and publishers of these papers in Texas are all known to me personally. Some were born in Texas, and those not born in Texas have lived in this State during their entire mature manhood. They are good loyal American citizens. These German language papers are of the same character as are first-class weekly papers published in the English language in this State. They have always worked for the development and upbuilding of Texas and the education of the masses who read the German language. If Col. Roosevelt had had occasion to read these papers, I am quite sure that he would have excepted them from his recent sweeping denunciation.

"I deem it of the utmost importance for the welfare of our great State that the spirit of harmonious cooperation shall continue in the future that has always prevailed amongst our citizens in the past. It is for that reason and without the solicitation or knowledge of any editor or publisher of a German language paper that I intrude myself upon the public with this statement."

I have been told by Mr. Rieg, who is in charge of the foreign languages division of the publicity bureau of the liberty loan in the Treasury Department, that out of 1,504 papers printed in 36 different foreign languages that come to his office over 1,300 carried matter prepared by the publicity bureau of the liberty loan. About 400 of these papers placed at the disposal of the Treasury Department, absolutely without charge, space amounting to $614\frac{7}{12}$ pages. That was a valuable contribution to the loan. Nearly all of them aided the campaign for the sale of the bonds in an editorial way. Out of the entire number Mr. Rieg found a spirit of hostility to the loan, as indicated only by sarcastic references to it.

That, Mr. Chairman, suggests a very satisfactory public opinion. Under the leave to extend my remarks, I will print a letter that I wrote a few weeks ago to one of my constituents expressing my views as to the duties and responsibilities of the legislative branch of our Government:

WASHINGTON, D. C., *May 23, 1917.*

REAGAN HOUSTON, Esq.,
San Antonio, Tex.

MY DEAR REAGAN: Now that the military legislation made necessary by the war with Germany is all settled, I can take time to reply in detail to your courteous letters received while it was still pending in Congress.

While you plainly expressed your inability to agree with all my views, your letters were refreshingly courteous, candid, and friendly. They were absolutely free from hysteria and epithets, and you evidently did not believe that emotion and abuse could be substituted for reason in the consideration of public questions. It is far too common, nowadays, to hurl the words "treason" and "traitor" at the man who has an opinion of his own and follows his judgment.

Let me, in as few sentences as possible, review recent military legislation: Congress has not failed to meet the reasonable demands of every exigency with which it has been called on to deal, and in all things essential to the defense of the country there has been no important division of sentiment. It has done the legal part of providing an adequate army, and it has been ready to respond to the necessities when the President, who is the source of information about foreign affairs, has communicated with it.

It followed the President's recommendation as to "armed neutrality," and on the 1st of March voted—403 for to 13 against—to authorize him to arm American merchant ships for defense. I voted for that resolution.

April 5 Congress voted, as recommended by the President—373 for and 50 against—that a state of war existed between the United States and the German Empire.

That vote was an expression of the opinion of Congress that war between the two countries then existed, and it was unquestionably true, even if no formal declaration of war had been made. I believe that it did exist, and so voted. Nine members were ill, absent, or paired and did not vote.

April 14, without a single vote in opposition, the House of Representatives voted to put the people in debt $7,000,000,000 to raise the money to conduct the war.

No other country on earth ever made such an appropriation. Keep in mind that it is in addition to the $1,500,000,000 required for current annual expenses. Also keep in mind that all this huge sum must be earned in the sweat of labor. Idleness produces nothing; industry does, and it is the man who labors in some way or other who must provide all this money to support war.

At this moment Congress is engaged in writing a taxing bill to meet these stupendous obligations. Thousands of people whose thinking facilities did not enable them to see 30 days ahead, and who vociferously shouted for war, are now deluging Congress with protests against this or that item in the bill. They generally say that they want the war prosecuted with vigor, and they want an equitable distribution of the burden, but they are already heavily taxed and the particular war tax that falls on them is unjust and should be taken out of the bill. At this moment I can not think of a single business except farming that has not filed such a protest.

Chairman KITCHIN told me a few days ago that if these protests were heeded we could not raise a thousand dollars when thousands of millions are needed.

Now a word about the bills to raise the Army. They have not been generally understood and the differences between them have been exaggerated. Both, of course, recognized the fact that the Army must be made up of able-bodied male citizens. The real question was the number of men required and how they should be obtained.

The majority of the Committee on Military Affairs are Democrats. After careful consideration that majority, supported by some Republicans, reported a bill to authorize the President to expand the Regular Army and the State Militia to full war strength. This alone will give us an Army of nearly a million men. The bill reported by the majority I shall hereafter refer to as the committee bill.

The committee bill also authorized the President to call into service at once 500,000 volunteers, and coupled with it a provision that if there was not a prompt and satisfactory response he might conscript that number and such other additions to the Army as would be needed.

The other, the Kahn bill, so-called, proposed exactly the same thing as the expansion of the Regular Army and the State Militia, and so far the two bills were identical, but thereafter a wide difference appeared.

Remember that the committee bill first provided for developing the Regular Army and the State Militia to full war strength and then commanded a call for volunteers, to be followed, if it should become necessary, by conscription. It followed the traditional American plan of reliance on volunteers, while Mr. Kahn and his supporters did not believe the patriotism and spirit of Americans could be relied upon and directed the President to resort to conscription from the beginning. But you should know that Mr. Kahn was born in Germany, whose militarism we are supposed to be fighting, and that fact may have had its influence on his reasoning.

There was one other point of difference between the bills which I should call to your attention. The Kahn bill (really drawn in the War Department by the General Staff) proposed to conscript all boys between the ages of 19 and 25, while that of the committee fixed the military age at from 21 to 40. Thus, you see, the question was not whether the country should have an army but how it should be raised. I may say in passing that the House of Representatives was overwhelmingly for the volunteer system, but that preference did not appear in the recorded vote for reasons perfectly well understood in Washington if not throughout the country.

I have referred to these matters in detail, because so many people read even the most important current history carelessly. They soon forget the facts and make honest mistakes in discussing it, while some do not forget and make deliberately inaccurate statements.

While these measures were pending, I received two or three dozen letters and telegrams, alike in meaning and suspiciously alike in wording, commanding me to vote for the Kahn bill, or the "President's plan," as some of my correspondents called it. Others, and by far the larger number, implored me to vote against it. Each claimed to represent the majority view

As a rule the townspeople, more easily reached by propagandists, urged the draft, while the country people appeared to be almost unanimously against it.

Who shall the Congressmen obey under such circumstances? Shall they refuse to exercise their own judgments; and if so, shall they always do so? Let us see how that policy would work out.

I think I know the sentiment of the majority of the people in San Antonio on the question of prohibition, yet the only messages I have received from there on that subject were signed by a number of my most highly respected fellow citizens—clergymen, physicians, and school-teachers, who urged me to vote for national prohibition as a war measure. Of course, the "war-measure" feature of their appeal was purely adventitious, for they are always and aggressively for prohibition, whether the country is in war or at peace.

I also received a letter from Corpus Christi, signed by the president and secretary of the Rotary Club of that city, making the same demand. I do not believe that that club, or my friends from San Antonio who urged prohibition, represented the majority of my constituents, and they do not reflect my views. Under such circumstances I must follow my own judgment.

Shall these excellent people be obeyed? Shall any individual be obeyed by an independent legislative body?

And that brings me to the consideration of a much more serious question raised by the conscription controversy. By the Constitution, which I have sworn to uphold and defend, Congress was made an independent, coordinate and certainly coequal branch of our Government. It was created to make laws, as the President was created to execute them.

Some of my correspondents seem to think that the Executive was created to direct or command Congress. If the founders of our Government had believed in that sort of thing, they would not have created so expensive and useless a body as Congress to represent the people. They would have said frankly that the people need a master to think for them, to tax them, and to rule over them. They would have set up an autocracy at once, for they were wise and practical men.

To demand that Congress, the branch of the Government first named in the Constitution, and as the representatives of the people, presumably the most important, should take orders, is to strike at the vitals of democracy. It means the adoption here in America of the system that China and Russia have recently discarded. How many Americans really want an autocratic Government or would patiently consider it when they come to think it over? If there are many the Republic is in real danger.

Have gentlemen who make such suggestions ever thoughtfully read the Constitution? Have they read the history of the making of the Constitution, the debates of the Convention? If so, they must have learned that all but a few of the members of that body of patriotic Americans and State builders were jealous of the rights of the people and of the Representatives through whom they were to speak.

The order in which the great divisions of the Government are named is significant. Article I of the Constitution, in the first section, says "all legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

Section 2 of Article I established the House of Representatives, and section 3 the Senate. Thereafter in the same article the functions of the Congress were defined.

Article II created the presidency and Article III the Supreme Court.

It is worth while, in considering the powers of each division of the Government, to mention that the Constitution prescribes the form of oath the President shall take and to make note of the fact that he

swears to "preserve, protect, and defend the Constitution of the United States."

The Constitution, mind you, specifically confers all legislative powers on the Congress and gives the President no control over the Members of either House. The President can not remove or punish any Member of Congress for any offense whatever, but Congress may impeach a President, remove him from office, and disqualify him from holding any office "of honor, trust, or profit under the United States."

These are elemental features of Americanism and of our scheme of government, but worth repeating when so many people get wrong notions of the nature of that government and the relations to one another of the various divisions established by the Constitution.

Observe the order of their creation, which was not accidental: First, the *legislative* to make; then the executive to enforce; and, finally, the courts to interpret the law. The phrase "legislative, executive, and judicial" has been employed in that precise order since the seventeenth century by students of law, history and politics in connection with the governments of all free peoples.

Let me quote from a few authorities to show the independence of the Legislature of the United States:

James Madison, whose pen wrote most of the Constitution, said, in the debates in the convention, "If it be a fundamental principle of free government that the legislative, executive, and judicial powers should be separately exercised, it is equally so that they should be independently exercised."

Still later, in a letter in the Federalist, he said, "It is agreed on all sides that the powers properly belonging to one of the departments ought not to be * * * exercised by either of the other departments."

From Thomas Jefferson, one time thought an authority on democratic institutions, I quote: "All the powers of government—legislative, executive, and judiciary—result to the legislative body. The concentrating these in the same hands is precisely the definition of despotic government." (See Ford's Jefferson, vol. 2, pp. 223–224.)

In a letter to John Adams, written from Paris September 28, 1787, Jefferson said: "The first principle of good government is certainly a distribution of its powers into executive, judiciary, and legislative."

Speaking of the Confederacy that preceded the Constitution, and its inherent weaknesses, Mr. Jefferson said: "The want, too, of a separation into legislative, executive, and judiciary functions worked disadvantageously in practice."

John Adams, second President, a Revolutionary patriot and great statesman, said the same things time and time again. But Jefferson, Madison, and Adams may not appeal to the modern, and so I shall bring this long and tiresome letter to a close with a quotation from a great historian and student, a man who has been twice elected to the Presidency by the party which claims Thomas Jefferson as its founder.

In Woodrow Wilson's work on Constitutional Government the student may find these words:

"The three great functions of government are not to be merged or even drawn into organic cooperation, but are to be balanced against one another in a safe counterpoise. They are interdependent but organically disassociated; must cooperate, and yet are subject to no common authority."

In a letter to the Secretary of War, Mr. Garrison, written January 17, 1916, President Wilson, who was discussing military legislation, used these words:

"It would never be proper or possible for me to say to any committee of the House of Representatives that, so far as my participation in legislation was concerned, they would have to take my plan or none."

One other sentence in the same letter of Mr. Wilson to Mr. Garrison I will venture to quote as I close. He said: "As you know, I do not at all agree with you in favoring compulsory enlistment for training."

Sincerely, yours,

JAMES L. SLAYDEN.

Mr. BLANTON. Mr. Chairman, I believe this question has been misunderstood by a great many gentleman on the floor. If they thoroughly understood the exact relation it bears to the stock industry of the country there would be no objection to this amendment. The stock business of this country is not merely dependent on the man who raises the calves from mother cattle on their ranches; it is likewise dependent on the buyers who go from farm to farm and buy up the calves which the farmers themselves can not keep in the small inclosure and who put them into the larger pastures and into the feeding pens and develop them for the markets of the country.

My friend from Georgia, Mr. HOWARD, stated yesterday that the cattlemen of the country were the ones who were causing us to pay 60 cents a pound for round steak. My friend from Georgia may know a great deal about a deck of playing cards and the little animal which he calls "the kitty," but he does not know very much about the stock business of the country if he believes that cattlemen are the cause of beef selling at 60 cents a pound. There is no man more loyal, more liberal, more patriotic, more fearless, with more humanity in his heart, and who will make more sacrifice, both financial and personal, for his country than the stockman of the Southwest.

I want to tell you that there are markets in my district where butchers buy their beef cattle direct from producers and do their own slaughtering, and they sold prime rib roast for 15 cents a pound when in Washington and other markets dependent upon packers it was selling for 35 cents a pound, and that extra profit is caused by the action of the packers of the country and not by the stock producers.

Now, this bill covers the packers of the country. It does not seek to exempt the packers of the country. The amendment to this bill which has been offered—and I might say, by the way, that I had 20 minutes' time the other night during general debate. I did not care to use it in general debate, because I had an agreement with the chairman of this committee that if I would yield my time back to the committee and not use it, he would agree to the amendment and accept it without objection. Because of that agreement with the chairman of this committee, and realizing that our time is precious to the country just now, I yielded my time back to this committee under general debate.

Now, Mr. Chairman, some gentlemen object to the word "developer"; they say it should be restricted to the men who raise the cattle. The developer is just as important to the country in the services that he renders in the production of beef as the man who actually raises the cattle.

I can site you to Shackleford County and Throckmorton County and to various other counties in my section of west Texas where it has not rained enough in two years to make the creeks run, and lately from each county the stockmen have been forced to ship their cattle to Montana and the Dakotas and to various other places in the United States. If it was not for the developers of the cattle interests, what on God's earth would become of the cattle industry of this Nation at times? I hope that in accordance with the agreement that I have had with the chairman of this committee—I hope that when the chairman of this committee has agreed that this amendment should be passed—I hope when it has been the intention of the committee to try to expedite business along the lines of agreements made with the chairman that this amendment will pass.

Mr. WILSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. WILSON of Texas. I want to call the gentleman's attention to this in his time, because I know that I can not get the time. It is contended that the words include the developer. I want to call the gentleman's attention to this—that they do not. It mentions "and other persons" with respect to the products of the farm, garden, or other land owned or leased by them.

Mr. BLANTON. It has no application whatever to either the stock raiser or the stock developer.

Mr. WILSON of Texas. Here is a case it does not cover, because they are not products of the garden, land, farm. Take the man who buys a thousand yearlings and puts them on a block of ground and feeds them the product of the ground and doubles the weight of the yearlings. This does not include him—that is the trouble with the words—while the word "developer" does include him, and if gentlemen will carefully read this they will see that he is not included.

Mr. BLANTON. No; that is the trouble. Some members of the committee claim that the exemption embraces the producer of live stock when it does not. And, while the apparent intention of the bill is to stimulate production, I am afraid that its real effect is to reduce prices to benefit the consumer, regardless of the farmer, stock raiser, and other producers of food.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, the committee gave very careful consideration to this portion of the bill; the language in the proviso on page 6 was very carefully drawn. It seems to us it excludes and exempts every class of agricultural activity that ought to be or safely can be exempted.

Mr. RAKER. Mr. Chairman, will the gentleman yield to me?

Mr. McLAUGHLIN of Michigan. Not now. It does not apply to the farmer or the gardener or other person with respect to the products of any farm, garden, or other land owned, leased, or cultivated by him. It would seem to me that that is broad enough. Another thing we wish is to authorize the President to prevent unjust, unreasonable, discriminatory, and unfair or wasteful rates, charges, or practices. If any of the people for whom the gentleman from Texas pleads are engaged in any of these improper or harmful practices, they ought to be reached by this bill.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. And there ought to be authority in the President of the United States to regulate them. I have been informed that some of the large packers of the country control immense areas of land and absolutely control from birth immense numbers of stock, and if we were to incorporate the words suggested by the gentleman from Texas they would be free of all restraint and permitted to indulge in any kind of methods or practices.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. And it would be only necessary, if we exclude men extensively engaged in feeding cattle, for two or three or a small number of them to get together and combine and seriously affect the supply of animals for food in this country. They might indulge in some unjust, unreasonable, discriminatory, unfair, uneconomical rate, charge, or practice. There ought to be power and authority in the

President of the United States to curb, check, and prevent that. I trust that the amendment of the gentleman from Texas will not prevail.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. RAKER. In my part of the country three-fourths of the farmers are thus engaged. They raise hay and grain and raise from 50 to 100 head of cattle a year—that is, beef. Their whole reliance is the beef that they feed on alfalfa which they raise. Does this include that farmer?

Mr. McLAUGHLIN of Michigan. I do not think it includes the individual working for himself; but if there should grow up an injurious practice so harmful as to affect the welfare of all of the people of the country, there ought to be some way to regulate it and prevent it.

Mr. RAKER. Let us get right down to this farmer. Here is a man who devotes his whole business to raising grain, and here is another who devotes his time to raising hay, and, incidentally, so as to dispose of his hay, feeds his own cattle—raises them and feeds them. We call him a rancher in our country.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I am sure I am right in saying that, although the chairman of the Committee on Agriculture may have inadvertently made some suggestion to the gentleman from Texas [Mr. BLANTON] that led him to believe this amendment would be acceptable to the Committee on Agriculture and to its chairman, the chairman of the Committee on Agriculture does not feel that way now and the Committee on Agriculture does not. I have talked with a number of them, and I know of none who thinks it would be safe to let the amendment of the gentleman from Texas go into the bill.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. SLAYDEN. In justice to the chairman, he said he had no objection. That was as far as his statement goes, so far as I know, but the gentleman does not agree with him that the words "farm and farming" cover the cattle grower.

Mr. McLAUGHLIN of Michigan. I think that "land owned, leased, or cultivated by him," and so on, using the words in the bill, are broad enough and carry us as far as we ought to go.

Mr. RAKER. Would that cover the case I refer to?

Mr. McLAUGHLIN of Michigan. I think it covers every case that ought to be covered.

Mr. SLAYDEN. Does the gentleman yield to me or to the gentleman from California? The gentleman does believe, then, that the language in the bill now covers the stock grower as we have been trying to have it?

Mr. McLAUGHLIN of Michigan. I think it covers the individual stock grower.

Mr. SLAYDEN. As other gentlemen doubt it, what is the objection to putting it in?

The CHAIRMAN. The time of the gentleman from Michigan has expired. The question is on the amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 25, noes 71.

Mr. BLANTON. I ask for tellers.

The CHAIRMAN. The gentleman from Texas asks for tellers. Not a sufficient number have arisen.

Mr. YOUNG of Texas. Mr. Chairman, I make the point of order no quorum is present.

The CHAIRMAN. The gentleman from Texas [Mr. YOUNG] makes the point of no quorum. The Chair will count. [After counting.] One hundred and forty-eight Members are present, a quorum. [Applause.]

Mr. SCOTT of Miehigan. Mr. Chairman, I have an amendment to offer.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Amendment by Mr. SCOTT of Michigan: Section 5, page 6, line 11, amend as follows: Strike out the period and insert a colon and add the following:

"*Provided*, For the purposes of this act a retailer shall be deemed to be a person, copartnership, firm, corporation, or association not engaging in the wholesale business and employing a capital of not more than $10,000."

Mr. LEVER. Mr. Chairman, I ask unanimous consent that debate on this amendment shall close in five minutes

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that debate on this amendment shall close in five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SCOTT of Michigan. Mr. Chairman, I will say to the chairman that this is the amendment I presented for his consideration a couple of days ago. My purpose in presenting it is not at all to injure or hamper the passage of the bill, because I am in harmony with its provisions; yet I think it is the purpose of the committee to reach the man who does a business equivalent to a wholesaler and under the terms of the bill as it now stands it does not accomplish that end. I am conservative in the statement that there are hundreds of concerns in the country who are designated as retailers who are doing a thousand times more business annually than lots of very large wholesalers, and I do not believe that it is the intention of the committee to exempt those people. Now, if the committee will accept the amendment I have no desire to argue it.

Mr. ANDERSON. What is the amendment?

Mr. SCOTT of Michigan. I define a retailer.

Mr. ANDERSON. How?

Mr. SCOTT of Michigan. I gave the committee the amendment day before yesterday.

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection.

The amendment was again reported.

Mr. ANDERSON. I think that limit is rather small. I think it ought to apply rather to gross sales than to capital. If the gentleman will say gross sales not exceeding $100,000 I have no objection.

Mr. LEVER. Suppose the gentleman modifies his amendment so as to make it gross sales of, say, $150,000 or, say, $100,000.

Mr. CRAMTON. Will the gentleman yield?

Mr. SCOTT of Michigan. I do.

Mr. CRAMTON. Furthermore, inasmuch as your only penalty for unjust discrimination and extortion is in this section, and only applies to the licensee when you know and I know if you exempt your retailer you practically exempt the entire retail business where a great deal of extortion is practiced.

Mr. SCOTT of Michigan. I am not attempting by my amendment to exempt anyone, but I am attempting to make the bill plain as to who is included.

Mr. LEVER. What about the gross sales of $50,000 or $25,000?

Mr. SCOTT of Michigan. I am agreeable to such change.

Mr. LEVER. Make it $50,000.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to modify his amendment.

Mr. SCOTT of Michigan. In accordance with the suggestion of the chairman of the committee I will make it $50,000.

Mr. CANNON. Mr. Chairman, I think we had better make it $50,000.

Mr. SCOTT of Michigan. I have no objection to that. "Whose gross annual sales do not exceed the sum of $50,000."

The CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

Modification of the amendment: Strike out the period, insert a colon, and add the following:

"*Provided*, That for the purpose of this act a retailer shall be deemed to be a person, copartnership, a firm, corporation, or association not engaging in the wholesale business and doing a gross annual business of not to exceed $50,000."

Mr. STAFFORD. Mr. Chairman, I would like to have the last part of the amendment read again; it is rather awkward.

Mr. ROBBINS. Mr. Chairman, I offer the following substitute.

Mr. LEVER. Mr. Chairman, the gentleman from Pennsylvania [Mr. ROBBINS] has a substitute which I think covers the situation very much better.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. SCOTT] has expired, and the Chair will recognize the gentleman from Pennsylvania [Mr. ROBBINS].

Mr. SCOTT of Michigan. Mr. Chairman, I ask unanimous consent for two minutes more.

Mr. SCOTT of Iowa. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SCOTT of Iowa. The proposition before the committee has been entirely changed since the agreement to limit the debate on this amendment.

The CHAIRMAN. That is in the discretion of the committee entirely.

Answering the parliamentary inquiry, the fact of the subject matter having been changed by the committee does not change the limitation at all.

The gentleman from Michigan [Mr. SCOTT] asks unanimous consent to proceed for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LEVER. Mr. Chairman, I ask that the substitute offered by the gentleman from Pennsylvania [Mr. ROBBINS] may be read, so that the committee will know what it is. I think it covers the situation.

The CHAIRMAN. Without objection, the substitute to be offered by the gentleman from Pennsylvania [Mr. ROBBINS] may be read at this time.

The Clerk read as follows:

Substitute offered by Mr. ROBBINS: Page 6, lines 5 and 6, after the word "retailer," strike out "with respect to" and insert the following: "whose gross sales do not exceed the sum of $50,000 per annum for."

Mr. SCOTT of Michigan. Mr. Chairman, if the gentleman from Pennsylvania will consent, I will strike out the closing section of my amendment and add that provision to it, which will accomplish the same result.

Mr. GREEN of Iowa. Mr. Chairman, I suggest to the gentleman that will confuse matters. I think we ought to adopt one amendment or the other.

Mr. SCOTT of Michigan. Mr. Chairman, there is one other matter that I want to call to the attention of the committee that I think is worthy of consideration. I do not know how many Members of the House are receiving similar communications on the subject, but at the time the coal matter was up this afternoon one gentleman commented on the fact that hard coal was not being sold at a higher price than any other coal. I have recently discovered a surprising situation to exist, which seems to be an effort to lead the people to believe that this administration and this Congress are not only responsible for high prices of commodities, but are really controlling sales. I have an extract of a letter written by a coal company, whose name I intend to procure, because I want an indelible record made of their membership in the "Ananias Club." In this letter the company says to a prospective purchaser as follows:

We are unfortunately not able to lay our hands on any hard coal at all, as the United States Government has taken over the distribution of the output of these mines, and the operators are not allowed to sell their product excepting in certain restricted channels laid down for them by the Government. Maybe if you could get your Congressman to buy you a car you might get it that way.

I think the committee is entitled to that information.

Mr. FARR. Put in his name.

Mr. SCOTT of Michigan. I am going to do so. I have telegraphed to my informant for the name of the company who wrote this letter.

Mr. FARR. What they say is not true.

Mr. SCOTT of Michigan. I know it is not true.

Mr. Chairman and gentlemen of the committee, in my anxiety to hurry the passage of the many important measures which we have had before us during the past few months I have refrained from engaging in the debates. In other words, I have attempted to express on these matters what I consider to be the advised judgment of the district I represent by my vote rather than by speeches.

If any of the bills we have had before us are more important than another, the food-control bill which we are now considering certainly occupies a preeminent position. It deals with matters which reach the very existence of a large percentage of our people. I think the purpose of the bill was splendidly expressed by the chairman of the committee, Mr. LEVER:

The bill deals with foods, feeds, fuel, and articles required for their production. It aims to facilitate and clear the channels of distribution; to prevent hoarding; to prevent willful destruction of necessaries in order to enhance the price or restrict the supply thereof; to eliminate injurious speculation; to regulate exchanges and boards of trade in order to prohibit undue fluctuation of prices, unjust market manipulation, or unfair or misleading market quotations; to reduce waste, including the power to regulate or completely to prohibit the use of cereals in the manufacture of alcoholic beverages; and to stimulate production by assuring the farmer a reasonable profit guaranteed by the Government, and a free and open market for his products, unrestricted by manipulation and uncontrolled by gambling operations. We intend in this bill to drive from the established agencies of distribution the market manipulator, the gambler, the man who buys as cheaply as he can and sells as dearly as he may, the shylock of commerce who would rob the widow and the orphan, or filch the pennies from the blind man upon the street corner with as much complacency and unconcern as he would evince in ordering a meal at a downtown restaurant.

I want the House to know that the great majority of the 240,000 people who live in the district I represent are heartily in favor of the passage of this measure. I have had letters from merchants, manufacturers, farmers, granges, civic and religious organizations, labor unions—people in the various walks of life in every county in the district; not a few, but thousands—and without a dissenting voice they urge and appeal to this Congress to promptly pass this bill and thus conserve the food supply and alleviate the inexcusable and unjustifiable high price extortions and piracy which has prevailed for over a year. No honest man objects to the sunlight of scrutiny on his actions, nor does he complain of a law which compels him to be honest and fair in his dealings with mankind. If he does not object, certainly this Congress should have no ear for the grafter, the gambler, the market manipulator, and the food pirate. This bill should literally be filled with teeth to reach such people. Every section of the country has made a noble and patriotic sacrifice in this great crisis. They have given to our country not only their savings, in order that this war may perpetuate peace and liberty, but they have made the greatest sacrifice within the power of a human; they have given their sons, their brothers, their husbands, and their loved ones. They do not ask or suggest a compensation—none that we could offer would be adequate—but they do urge and insist, in this critical period, brought about through no action of theirs, that no man or set of men shall be permitted by license or indulgence to take their very life blood in extortionate prices for the food and necessities of life which everyone must have. The "high-price" fever is rampant. It has reached a point where the workingman can scarcely support his family. Something must be done, and I believe a proper administration of this law will do it. This bill is drastic; but, gentlemen, the conditions throughout this country are acute. We are at war—real war—and in such a state we can not permit a select few to enrich themselves at the expense, discomfort, and suffering of the many. In normal times people may have the right to barter in trade with lax restraint, but in times of war the conduct of every citizen and resident should be subservient to the welfare of his fellow men and the unhampered success of the Nation.

Mr. ROBBINS. Mr. Chairman, I ask unanimous consent to proceed for three minutes on this amendment.

The CHAIRMAN. The Chair desires to ask the gentleman from Pennsylvania if he offers this amendment as a substitute?

Mr. ROBBINS. I do.

The CHAIRMAN. The Clerk will report the substitute.

The Clerk read as follows:

Substitute amendment offered by Mr. ROBBINS: Page 6, line 5, after the word "retailer," strike out the words "with respect to" and insert the following: "whose gross sales do not exceed the sum of $50,000 per annum upon."

Mr. ROBBINS. Mr. Chairman, I notice an inclination here to vote down all suggestions offered. I think this is an important bill. The way this bill stands now these large retail and wholesale merchants, like Sears, Roebuck & Co. and others in their class, who buy thousands of barrels of flour and sugar, are exempt from its provisions. We ought not to allow that. If we are proposing here to limit and restrict the power of men who can buy up great quantities of food products and therefore control the market price of such commodities, we ought to have some limitation on it. And the limitation of a gross business of $50,000 a year, I think, is fair. That would make a dividing line that would protect us from the very evil we are trying to legislate against in this bill.

Mr. BARKLEY. Will the gentleman yield?

Mr. ROBBINS. I will.

Mr. BARKLEY. Does not the gentleman realize, though, that if a $50,000 limitation is placed on the bill it will include many thousands of men outside of Sears, Roebuck & Co. and companies of that sort?

Mr. ROBBINS. I understand it will include everybody who does a business of over $50,000 a year in this line, and I think it ought to do so.

Mr. BARKLEY. Is it not true that the retail merchants sell goods on close margins, and if they sell $50,000 or $70,000 a year it does not necessarily mean they are robbing the public and ought to be controlled?

Mr. ROBBINS. I know it does not mean they are robbing the public, but it means a firm that is doing a business of $50,000 a year is doubtless in a position to control the market. You take the Atlantic & Pacific Tea Co. and the Woolworth Co., that buy vast quantities of food products, and they can thereby control the market. The purpose is to give the President control of corporations of that size.

Mr. THOMPSON. A retailer that does a business of only $50,000 gross a year can not purchase much at one time, can he?

Mr. ROBBINS. They do not purchase as much as one that purchases a million dollars' worth. That is true. But in the aggregate they control the market.

Mr. THOMPSON. They could not purchase enough to affect the market, could they?

Mr. ROBBINS. I do not know that that is true. I specified $50,000 a year because I thought that would be a proper dividing line that would be fair to all. The gentleman from Illinois [Mr. GALLAGHER] suggests $100,000.

Mr. THOMPSON. You take practically three-fourths of the merchants and keep them down to $50,000.

Mr. LENROOT. Mr. Chairman, will the gentleman yield for a question?

Mr. ROBBINS. Certainly.

Mr. LENROOT. Is there not as much reason for including a merchant who does a business of $50,000 a year as there is in including every creamery in the country, as the bill now does?

Mr. ROBBINS. Certainly. I am sincerely trying to get this bill in the best form and give the President absolute control over these firms and corporations that can manipulate the food supply of the country. That is what the people are crying out against.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield there?

Mr. ROBBINS. Yes.

Mr. GREEN of Iowa. The gentleman realizes, of course, that although this amount is fixed in his amendment, it is not necessary for the President, in his regulation, to go down to that amount. While the licenses may be required from all, it is not necessary to require reports from all?

Mr. ROBBINS. Yes. I think that the mere fact that the President has authority to do this thing will tend to regulate the evil that is aimed at.

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. ROBBINS. Yes.

Mr. EMERSON. Is not the danger from the fact that the small concerns combined control the market? And how would this amendment affect that?

Mr. ROBBINS. That would be affected by the other provisions of the bill. This amendment aims at the individuals, corporations, and firms known in general terms as retailers. I think the amendment ought to be adopted, because I think it would clear the situation.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. ROBBINS. Yes.

Mr. CRAMTON. While it may be true that one store doing a business of only $50,000 a year would not have a great effect on trade; yet classing together all doing a business of that magnitude, they would have a great effect, and unless the gentleman's amendment is adopted they are not subject to any supervision whatever. This section now exempts all retailers from license, and the people know that a great deal of the difficulty that we are having now is coming from the retailers on account of the exorbitant prices they are charging. I can find you, in the city of Washington, where retail grocers are responsible for the exorbitant raising of prices.

Mr. ROBBINS. I think it would clarify the provisions of the bill and help the situation.

Mr. CRAMTON. Mr. Chairman, will the gentleman again yield?

Mr. ROBBINS. Yes.

Mr. CRAMTON. The retail business, such as is now conducted in Washington, where a grocer has the nerve to charge 8 cents for a bunch of three little carrots as big as your thumb, is a business that I think requires supervision.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. BOOHER. Mr. Chairman, I offer an amendment to the substitute offered by the gentleman from Pennsylvania.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Missouri to the substitute of the gentleman from Pennsylvania.

The Clerk read as follows:

Amendment offered by Mr. BOOHER to the substitute: Strike out the figures "$50,000" in the substitute and insert the figures "$100,000."

Mr. LEVER. Mr. Chairman, I ask for a vote.

Mr. GALLAGHER. Mr. Chairman, I want to talk to the substitute. I just want a couple of minutes.

The CHAIRMAN. If the gentleman will indulge the Chair a moment, the Chair wishes to say that we got a little lost in the consideration of the amendment. The Chair will not shut out the gentleman from Illinois.

Mr. LEVER. I ask unanimous consent, Mr. Chairman, that the debate on the pending amendment, substitute, and amendments thereto may be closed in five minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the debate on the pending amendment, substitute and amendments thereto close in five minutes. Is there objection?

Mr. SCOTT of Michigan. Reserving the right to object, Mr. Chairman, I desire to interpose a unanimous-consent request to modify my amendment. I think that will clear the situation, and I think it will be found more acceptable if the House indulge me in having the Clerk read the amendment I have offered. I think it will clear the whole situation.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to modify his amendment. Without objection, the Clerk will report the modified amendment offered by the gentleman from Michigan.

The Clerk read as follows:

Modify the amendment offered by Mr. SCOTT of Michigan: In section 5, page 6, line 11, amend as follows: Strike out the period, insert a colon and the following:

"*Provided*, That for the purpose of this act the retailer shall be assumed to be a person, copartnership, firm, corporation, or association not engaging in the wholesale business, whose gross sales do not exceed $50,000 per annum."

Mr. LEVER. Now, Mr. Chairman, I make my request.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on the pending amendment, substitute, and amendment thereto, close in five minutes.

Mr. STAFFORD. Reserving the right to object, Mr. Chairman, will the Chair kindly state that it includes the modified amendment of the gentleman from Michigan?

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan [Mr. SCOTT]?

There was no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina [Mr. LEVER]?

There was no objection.

The CHAIRMAN. Now, the gentleman from Illinois [Mr. GALLAGHER] is recognized.

Mr. GALLAGHER. Mr. Chairman, I want to call the attention of the House to the figure, $50,000 a year, which is about $4,000 a month, for a groceryman. To say that a man doing a business like that can control or corner any food products, or to couple a grocer—an ordinary corner-grocery man doing $50,000 worth of business a year—with a house like the Jewel Tea Co., or the great mail-order houses, is absurd. In Chicago and in other great centers of population an ordinary business house, a grocer of any consequence, will do a business of over $50,000 a year, and to say that a groceryman doing business of that amount is responsible for the high prices or that he can corner the market is a perfect absurdity.

Mr. SCOTT of Michigan. Mr. Chairman, will the gentleman yield?

Mr. GALLAGHER. Yes.

Mr. SCOTT of Michigan. I am afraid the gentleman does not understand my purpose. I am not attempting to couple the small grocer with the big tea companies, and so on. I am not attempting to do that at all.

Mr. GALLAGHER. It is as unjust as it is unfair to say that a man doing $4,000 a month business can corner food supplies, when it is a fact that the ordinary groceryman in my own city can hardly meet his bills on account of the high price that he has to pay for his supplies.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. GALLAGHER. Yes.

Mr. CRAMTON. The gentleman says that it is absurd to say that the retail grocer has anything to do with the matter of controlling prices. How happens it that the groceryman on one side of the street is selling bacon for 50 cents a pound and another groceryman across the street is selling it for 35 cents?

Mr. GALLAGHER. The groceryman has to charge according to quality of the goods, the expense of running his business, and the amount he has to pay for his supplies and stand. The cost of doing business is greater with some than with others. It is the business of the customer to say whether he pays 2 cents more on one side of the street than he does on the other; but to say that the ordinary business man, the common corner groceryman, shall be limited to $50,000 a year in the purchase of his supplies without coming under the provisions of this bill is absurd.

Mr. BARKLEY. Will the gentleman yield?

Mr. GALLAGHER. I yield to the gentleman.

Mr. BARKLEY. It has been stated that this amendment is particularly aimed at the mail-order houses. Is it not true that all of those houses engage also in wholesale business, and are thereby exempted from this amendment?

Mr. GALLAGHER. Not as a rule. The ordinary mail-order house does a retail business.

Mr. BARKLEY. But they do a wholesale business, too.

Mr. GALLAGHER. I do not think so. Very few of them do any great amount of grocery business.

Mr. CRAMTON. The purpose of this amendment is not to limit them to $50,000 a year, but only to put them under Government supervision when they reach that limit.

Mr. GALLAGHER. But it is just as unfair to put the retail groceryman under that supervision, and that is what the amendment provides, as it would be to put the hat man under it who is doing business on the same street. The same rule applies, and any such amendment as the one pending is absurd,

and I can not understand why it should be offered in a great legislative body like this.

Mr. BOOHER. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BOOHER. Mr. Chairman, what is the pending motion on which the vote will first be taken?

The CHAIRMAN. The vote will be taken first on the amendment of the gentleman from Missouri [Mr. BOOHER].

Mr. STAFFORD. Mr. Chairman, I offer an amendment to the amendment of the gentleman from Michigan, to strike out $50,000 and insert $100,000.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD to the amendment of Mr. SCOTT of Michigan: Strike out $50,000 and insert in lieu thereof $100,000.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

Mr. BOOHER. I offered the amendment of $100,000 exempting up to that.

The CHAIRMAN. The amendment offered by the gentleman was to the substitute, but the gentleman from Wisconsin [Mr. STAFFORD] offers a similar amendment now to the original amendment of the gentleman from Michigan. The question is on the amendment of the gentleman from Wisconsin [Mr. STAFFORD] to the amendment of the gentleman from Michigan.

The question being taken, on a division (demanded by Mr. STAFFORD) there were—ayes 72, noes 10.

Accordingly the amendment of Mr. STAFFORD to the amendment of Mr. SCOTT of Michigan was agreed to.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Missouri [Mr. BOOHER] as an amendment to the substitute.

The question being taken, the amendment was rejected.

The CHAIRMAN. The question now is on the substitute offered by the gentleman from Pennsylvania [Mr. ROBBINS].

The question being taken, the substitute was rejected.

The CHAIRMAN. The question now is on the amendment of the gentleman from Michigan [Mr. SCOTT] as amended by the gentleman from Wisconsin.

The amendment as amended was agreed to.

The CHAIRMAN. Does the gentleman from New Jersey [Mr. LEHLBACH] desire recognition now?

Mr. LEHLBACH. I do not care to offer any amendment, Mr. Chairman.

Mr. STEVENSON. Mr. Chairman, I desire to offer an amendment to this section.

The CHAIRMAN. The gentleman from South Carolina offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr STEVENSON: Page 5, line 11, after the word "practice" insert "and unless such licensee shall discontinue such rate, charge, or practice within the time prescribed his license shall be revoked."

Mr. LEVER. Mr. Chairman, before my colleague begins I ask unanimous consent that debate on this amendment and amendments thereto shall close in 10 minutes, the gentleman to have 5 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the debate on this amendment and all amendments thereto close in 10 minutes. Is there objection?

There was no objection.

Mr. STEVENSON. Mr. Chairman, this section, providing for a license, makes no provision for the cancellation or revocation of that license. It has been stated here that if a man did not comply with the regulations his license would be revoked; but there must be an express authority to revoke it before that can be done. Now, what is the result? If you do not provide for his license to be revoked he continues to do business and the only penalty incurred is to be indicted and tried in the Federal court, convicted and fined $5,000 or sentenced to a term in the penitentiary. Now let us see how that will work. If you will look at the last section of this act you will see that it is to terminate at the end of the war. If there is a lawyer here who has practiced long enough ever to have tried any cases in the United States court he knows that he can defend his client in that court, appeal to the circuit court of appeals, and then carry the case to the Supreme Court of the United States, and before the courts ever get to the point of enforcing the penalty the war will be over, the case will be forgotten, the treaty of peace will be ratified, everything will be lovely, and there will be no law under which you can punish the offender at all and he goes scot-free.

Nevertheless all the time he is doing business under a license issued by the Government, but at the same time which it is powerless to revoke. We talk about giving the Executive power to enforce our rights and maintain the dignity of this country, but you put him in a defenseless position when you give him the power to license a man to do business and that man tells him to go to thunder when he calls attention to the fact that he is violating the law. He can say that to the President, and the President can not do anything except to engage in a course of litigation that will go to the bowwows before the time comes to enforce it. It leaves it futile, and unless you provide that he can revoke the license and stop him from doing business whenever he is found to be violating the law you are powerless, and all this talk about the aristocracy list in business, of whether a man shall have a license when he is in the $100,000 class or the $50,000 class is absolutely useless.

Mr. IGOE. Will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. IGOE. Under the gentleman's amendment, who is to determine whether the license should be revoked?

Mr. STEVENSON. The President would determine it. When the President shall find that the man is doing business in a discriminatory way, he would issue an order to discontinue such unjust and unreasonable and unfair discriminatory practices; but under your bill, what does the man do? He will say, "Go to the devil. I will do as I please." And all you can do is to take him to the courthouse, where, before you can get ready to enforce your law, the special statute will be dead. That is all you are giving to the President of the United States.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina.

The question was taken, and the amendment was rejected.

Mr. GARD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 5, line 1, after the word license, strike out the period and insert "to examine any books and papers bearing upon the proper issuing of said license, and to require the attendance of any person and to take his testimony with reference to the matter inquired of under this section, with power to administer oaths to such person or persons, and to invoke the aid of any court of the United States having jurisdiction to require the attendance of such person and the production of such books and papers: *Provided*, That no person shall be excused on the ground that it may tend to incriminate him or subject him to a penalty or forfeiture from attending and testifying or producing books, papers, documents, and other evidence in obedience to the order of said duly authorized agent or agents; but no natural person shall be prosecuted or subjected to any penalty or foreiture for or on account of any transaction, matter, or thing as to which in obedience to proper authority and under oath he may so testify or produce evidence except that no person shall be exempt from prosecution and punishment for perjury committed in so testifying."

Mr. LEVER. Mr. Chairman, I ask that all debate on this amendment and amendments thereto shall close in 10 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate and amendments thereto close in 10 minutes. Is there objection?

There was no objection.

Mr. GARD. Mr. Chairman, the object of the amendment is to give increased power and scope to the investigation in the matter of license. The committee having decided to retain the license provision, I apprehend that it is of the utmost importance that information to the President or his duly appointed agents should be the most complete. The scope of the language in the bill at present provides for the entry and inspection by the President's duly authorized agents of the places of business of the licensees. It provides for nothing else except the inspection of place of business of licensees, and just what knowledge the inspection will afford them I do not know, so I have incorporated the language included in the excise tax law commonly known as the income tax, and I have adopted that language in its entirety. The proviso is included so as to make sure of all questions of constitutionality. The fourth amendment to the Constitution provides that all persons shall be secure in their papers and effects against search and seizure, and the language of the revenue law passed by this House September 8, 1916, was incorporated. It provides that no person shall be excused from testifying on the ground that it may incriminate him, and so forth, and that there be no exemption from prosecution and punishment for perjury committed in so testifying. The amendment is offered, as I have said, for the purpose of affording the President of the United States and his duly authorized agents all possible information concerning the character of the business for which a license is granted.

In other words, it provides that not alone the place of business may be inspected, but the books, papers, the general plan of business which is being conducted, may be inspected by duly authorized agents of the President, this information, of course, to be extended to the proper appointing authority.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. LENROOT. This authorizes the President to examine any books, and so forth, bearing upon the proper issuing of such license. Is it, then, the gentleman's theory that the President has discretion in the issuing of these licenses?

Mr. GARD. I would say so; yes.

Mr. LENROOT. That is my theory under the bill.

Mr. GARD. Otherwise I do not see any necessity for any action. If everyone is to have a license, it is purely automatic. Otherwise why should there be inspection of the place of business?

Mr. LENROOT. That is my theory; and if that side of the House had understood that, I think there would have been a different action upon the license question.

Mr. GARD. The amendments that I have offered are to further the means of obtaining information, so that licenses may properly issue and continue.

Mr IGOE. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. IGOE. Does not the provision which the gentleman is seeking to now amend relate to infractions of the rules that the President prescribes for the government of the licensees?

Mr. GARD. Not at all.

Mr. IGOE. Why does it not?

Mr. GARD. It is supplementary to the language appearing on lines 24 and 25 on page 4—

and the entry and inspection by the President's duly authorized agents of the places of business of licensees.

It extends beyond that to the examination of books, papers, and so forth, which is the same examination as that under the present excise law, for the purpose of affording examination of books upon which an income tax is returned.

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. CAMPBELL of Kansas. Under the gentleman's amendment would anyone be permitted to do business in any line covered by the scope of this bill without a license?

Mr. GARD. It does not affect that provision at all. That provision is carried in the first part of section 5. I think if this language is retained, and it has been retained, authorizing an inspection of places of business for the purpose of issuing licenses, likewise an inspection of books and papers should be afforded.

Mr. CAMPBELL of Kansas. The gentleman's amendment would require all places of business to which licenses were granted to be first inspected?

Mr. GARD. Oh, no; it would not require it; but the duly authorized agent of the President might have access to it and to all pertinent books and papers for the purpose of obtaining necessary information.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. ANDERSON. Mr. Chairman, the purpose of the gentleman from Ohio is undoubtedly good, but I think his amendment proceeds upon a misrepresentation of what at least was the theory of the committee with respect to the license section. His amendment provides for an inspection prior to the issuance of the license, with a view to determining the character and qualifications of the licensee. It is the theory of the committee in reporting this bill that no discretion is vested in the President to refuse a license; that the President must—no discretion in the matter having been granted to him—grant a license to any person who comes within the class which is licensed as a matter of right. So that no investigation preliminary to the granting of a license is necessary or required, and in that respect, at least, the amendment of the gentleman from Ohio does not fit in with the general theory of the bill.

Mr. GARD. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. GARD. What is the meaning and why the necessity of the language, then, authorizing the President's duly authorized agents to make entry and inspection of places of business of licensees?

Mr. ANDERSON. That is with a view to obtaining information with respect to the practices in the trade against which or concerning which regulation will thereafter be made.

Mr. GARD. Why should it not be extended so as to allow an inspection of books, papers, and so forth?

Mr. ANDERSON. That part of the amendment of the gentleman may be desirable, but his amendment goes far beyond that proposition. It was the theory of the committee, however, that the information of that character might be obtained through reports of various industries licensed under the section. Of course, as far as the immunity proposition is concerned, the right to be free from prosecution or from answering questions tending to incriminate is a personal right which the man must assert. It is not a right which must be preserved whether asserted or not. The immunity section, I think, is only applicable where the law requires the person to give the testimony even though it may incriminate him, and of course there is no such provision in this section.

Mr. GARD. Not originally, of course, but as amended it would be included in the section.

Mr. ANDERSON. Of course the amendment of the gentleman does require testimony even though it tended to incriminate, and in that case it is perfectly proper to use an immunity clause. There is no question about that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was rejected.

Mr. SCOTT of Iowa. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SCOTT of Iowa: Page 4, line 8, after the word "storage" insert the word "mining," and on page 4, line 13, after the word "storage" insert the word "mining."

Mr. LEVER. Mr. Chairman, I ask unanimous consent that the debate on this amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SCOTT of Iowa. Mr. Chairman, at the outset I desire to call the attention of the committee to the language of the bill, which is—

That from time to time, whenever the President shall find it essential to license the importation, exportation, manufacture, storage, or distribution of any necessaries—

Those are the five subjects coming within the purview of this section. Now, we have heard a good deal said this afternoon about coal miners, and it will be observed that the miner of coal is entirely excluded from this section. He is neither an importer necessarily or an exporter, a manufacturer, engaged in storage or distribution, for he sells his products at the mouth of the mine under contract, as a rule, yearly, so that unless the business of mining is included in this category the mining of coal will be entirely excluded from the effect of this section.

Mr. ROBBINS. Will the gentleman yield for an interruption?

Mr. SCOTT of Iowa. I will.

Mr. ROBBINS. Does not the gentleman know that a great many of the mines of this country only mine a few hundred tons, and unless you put in an exception the mining of that coal would be very burdensome?

Mr. SCOTT of Iowa. That is true as to manufacture and true as to any one of these things, but if there is any industry in the United States that it is desirable to control to-day it is the mining of coal. I think the committee understood that was in the bill. I so understood the chairman——

Mr. LEVER. Will the gentleman yield for a moment?

Mr. SCOTT of Iowa. Certainly.

Mr. LEVER. In order to facilitate the consideration of the bill, I will say that I have consulted with the Members around me on both sides, and I have no objection to the gentleman's amendment, and I ask for a vote.

Mr. SCOTT of Iowa. I thank you.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 6. That any person who willfully hoards any necessaries shall, upon conviction thereof, be fined not exceeding $5,000 or be imprisoned for not more than two years, or both. Necessaries shall be deemed to be hoarded within the meaning of this act when either (a) held, contracted for, or arranged for by any person in a quantity in excess of his reasonable requirements for use or consumption by himself and dependents for a reasonable time; (b) held, contracted for, or arranged for by any manufacturer, wholesaler, retailer, or other dealer in a quantity in excess of the reasonable requirements of his business for use or sale by him for a reasonable time, or reasonably required to furnish necessaries produced in surplus quantities seasonably throughout the period of scant or no production; or (c) withheld, whether by possession or under any contract or arrangement, from the market by any person for the purpose of unreasonably increasing or diminishing the price: *Provided, however*, That any accumulating or withholding by any farmer, gardener, or any other person of the products of any farm, garden, or other land owned, leased, or cultivated by him shall not be deemed to be hoarding within the meaning of this act.

Mr. HUTCHINSON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HUTCHINSON: Page 6, line 23, after the word "time," insert "excepting where a loss would be forced upon a merchant holding a legitimate stock in trade."

Mr. HUTCHINSON. Mr. Chairman, the amendment explains itself. The purpose is not to force a sale when prices are low; in other words, not to force a man to sell his goods in his legitimate stock under a loss. I think the amendment explains itself very fully.

Mr. McLAUGHLIN of Michigan. Would not the words in lines 21, 22, and 23 cover that—"in excess of the reasonable requirements of his business for use or sale by him for a reasonable time"?

Mr. LEVER. Mr. Chairman, I ask that the amendment be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection.

The amendment was again reported.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto be closed in 10 minutes.

The CHAIRMAN. The gentleman from New Jersey [Mr. HUTCHINSON] has the floor now.

Mr. LEVER. Will the gentleman from New Jersey permit me to make that request?

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. HUTCHINSON].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read:

The Clerk read as follows:

SEC. 8. That any person who willfully destroys any necessaries for the purpose of enhancing the price or restricting the supply thereof shall, upon conviction thereof, be fined not exceeding $5,000 or imprisoned for not more than two years, or both.

Mr. McKEOWN. Mr. Chairman and gentlemen of the committee, we are now earnestly considering the present bill, which comes within the class commonly designated as war measures. It is correctly denominated a war measure, because it arises out of the necessity and circumstances brought about by the present world-wide war. The pinch of hunger is being felt to-day in this free land of ours, because of a decrease of our supplies, increase in demand, but more particularly on account of the manipulation of food gamblers in the United States. This measure upon first blush would appear to be a bill of contrarities—in other words, a measure providing for the performance of two opposite purposes at the same time. It has first for its purpose the encouragement of production of food and fuel, and to do this it will be necessary to protect the producer in sufficient prices for the food raised and fuel mined. At the same time it has for its purpose the distribution of food and fuel to the consumers at reasonable prices, within the reach of their wages and incomes.

The question that confronts one upon the threshold of the consideration of such a measure is, How shall we encourage the ones that produce with attractive prices without defeating the other purposes of the bill relating to conservation and distribution of food to the consumers at a reasonable price? Or how shall we distribute food to the consumers at a reasonable price and at the same time encourage those who produce food by giving them attractive prices for their production?

If the law of supply and demand was permitted to regulate the price without the interference of the food speculator this legislation would be of little value. If the present prices paid by the consumer were due wholly to the law of supply and demand, then this measure would be of no avail.

A majority of persons who have given this matter serious consideration and thorough investigation have reached the conclusion that in the United States there is a large waste or loss of food between the hands of the producer and the mouth of the consumer.

Little did we ever dream that such a measure as this would ever be necessary and possible in the United States, but this occasion reminds us of the fact that for more than a decade farsighted business men and statesmen have been warning us of the day when the United States would be unable to feed her millions of people. Notably among these was the late James J. Hill, who made bold to say that the United States would reach that place where she would have to secure food supplies from other countries if as a nation we maintained the present pace of increasing the population and abandoning our farms and crowding into the large cities. Since the year 1890 there have been some very striking changes noticeable in regard to the farm industry of the United States. Prior to 1890 the number of farmers owning their farms greatly exceeded the number of tenant farmers, but since 1890 the tenant farmers have increased in number over the home-owning farmers at a marvelous rate. In fact, this increase has been so rapid in the last decade that we now have approximately two and one-half million tenant farmers.

As suggested by the Department of Agriculture, there are two important factors which have contributed most to these conditions—namely, the lack of available public land for homestend filing since 1890 and the increase in the price of farm lands since that date. The investigation made by this department shows, as a general rule, that wherever the land increases in value the number of tenant farmers increases. That the number of tenant farmers under the age of 25 years is a very large percentage, while the percentage decreases as the ages advance, and this can be accounted for from the fact that the usual course pursued by a farm hand to commence his farming career is to begin as a tenant, and follow this up later by purchasing a small farm on credit, and as he grows older he has passed through the several stages from farm hand to farm owner. However, in my own State—Oklahoma—it is to be observed that there is a large percentage of tenant farmers between the ages of 55 and 65, whereas in most of the other States the percentage of tenant farmers between these ages is very low. To one familiar with farm conditions in the Indian Territory portion of the State of Oklahoma, this condition is easily accounted for from the fact that there remain many thousands of acres of restricted Indian lands, which can not be purchased by the farmers who cultivate the same nor can they be sold by the restricted Indian owner. In the 40 eastern counties of Oklahoma there live over 30,000 restricted Indian citizens, who own allotments of Indian lands, and these allotments are divided into two classes designated as homestead and the surplus lands. The lands called homestead allotments can be rented for only one year at a time without the approval of the department, and the surplus land can be rented for a period of five years, without the approval of the department, but with a positive statute against renewal. In these 40 counties there are approximately three and one-half million acres of fertile lands that are not alienable and several more millions not taxable.

A great step forward was taken in the Sixty-fourth Congress in the passage of the farm-loan act, but until there is some additional legislation by Congress making it possible for the tenant farmers of eastern Oklahoma to have an opportunity to purchase farms, the benefits of the farm-loan banks will never reach them, and neither will the provisions of this bill add greatly to their income. The conditions are bad, owing to the short period of tenancy; the improvements are poor and insufficient and the tenant becomes dissatisfied before the end of the year and makes preparations to move and the Indian landlord becomes anxious for a new tenant, hoping to secure an increase in rents without making additional improvements, and this condition of affairs grows from bad to worse. These conditions do not militate to benefit either the Indian landowner or the white tenant, because the tenant seeks to secure the greatest production without regard to the effect upon the lands for future use, and as a consequence thereof the fertile lands are fast growing unproductive and washing away, and I predict that, without a change of these conditions, within 10 years the food production will be vastly decreased and the farm lands will be worthless.

The number of cattle and swine have decreased during the last four years in Oklahoma and the production of wheat and corn materially decreased in the year 1916. From figures furnished by Hon. F. M. Gault, president of the Oklahoma State Board of Agriculture, it appears that prior to October 1, 1916, 73 per cent of the wheat crop of that year was marketed by the farmers at an average price of $1.05 per bushel; that in October, 1916, 7 per cent of the crop was marketed at $1.71 per bushel; in December, 4 per cent of the crop was marketed, and in January, 1917, 3 per cent was marketed at $1.56; in February 2 per cent of the crop was marketed at $1.75; and in March, 1917, 2 per cent was marketed at $1.68; and in April, this year, less than 60 days ago, 2 per cent was marketed at $1.87 per bushel; that 35 per cent of the total wheat crop of the State of Oklahoma in 1916 was sold by the farmers for an average price of 87 cents per bushel and the average price the farmers obtained for the entire wheat crop for 1916, was $1.22 per bushel. Tracing a bushel of 1916 wheat from the hands of an Oklahoma farmer into the flour market, we find that the same farmer pays $2.58 per bushel more for the product obtained from the bushel of wheat than the amount he received for said bushel of wheat. After deducting 24 cents for milling a bushel of wheat we find that the farmer who produces a bushel of wheat, together with his neighbors in the cities and towns who must purchase flour, are compelled to pay a profit of $2.34, which is double the average price that he received for his bushel of wheat.

And yet it is contended that the farmers will not be in favor of this measure.

Speaking generally upon this subject, the American farmer is facing the greatest task in all of his experience. He must pro-

duce food not only for America, but for the allied armies and the neutral nations of war-scourged Europe who depend upon him for their food supply. In many instances the farmer finds himself unable to meet the full requirements demanded of him. He has suffered from flood and droughts and has been cut off from his usual supplies of potash, so necessary in many instances to fertilize his farm. The use of steel in the manufacture of arms in carrying on the war has advanced the price of farm machinery and the purchase price of a dollar has been greatly diminished. He finds that his farm labor has rapidly increased in cost, and the high wages paid in the factories making war munitions has taken his labor, and oftentimes his boys. He has found himself discriminated against, because railroads have been meeting the demands of munition makers and have subordinated all other considerations to that end, which necessarily has caused a shortage of cars for the distribution of the necessary farm supplies, and this too, at a time when the demands of the country are greatest.

We are told by the chairman of the Agriculture Committee of the House [Mr. LEVER] that it is not the purpose of this bill to fix a maximum price on the products of the farm, but that its primary purpose is to destroy the food gamblers and speculators who have been depriving the farmers of the fruits of their toil by manipulating markets, and at the same time have been extorting high prices from those who must buy. From the standpoint of the farmer, the gambler in farm products has been his constant enemy, and although many statutes have been enacted looking to the elimination of this evil from the United States, still the food pirates have been continuing their nefarious practices.

When it comes to dealing with this measure from the standpoint of the consumer we must conclude that immediate legislation is necessary. The increase in the price of food in the retail market has been so rapid and enormous as to put the wage earner in the position of not being able to earn his board and clothing, and every pay day finds the struggling workman far behind with the groceryman, and I started to say the butcher, but he has ceased to buy fresh meats and has about reached the point where he will be satisfied if he has meat of any kind. This condition must be relieved and must be dealt with at once. When a man is starving and his family is hungry, he has no time nor patience to listen to orations about constitutional limitations. When we look at the food question from the standpoint of the workingmen in the great factories and mines and industries of the country, and contemplate the prices they pay and at the same time realize that the farmer who produces the food is scarcely obtaining a fair price for his products and in many instances losing money, it follows that somewhere between the farmer and the men who buy an enormous profit is filched. Our indignation at the outrage is unbounded. The inhuman pirate who seeks to accumulate large fortunes from such conditions ought to be banished, not only during the period of this war but forever from the Republic of a free people.

It is my duty in this hour of the Nation's peril to do what I can in my humble way to promote the final triumph of my country in this war which has been thrust upon us by a crazy military despot whose only wish is to rule the world. An enemy to humanity and mankind; an enemy so devoid of principle that he violates all human rights and all laws of civilization, by taking lives of innocent noncombatants by the unlawful use of submarine boats, and bombs thrown from Zeppelins in the nighttime as well as in the daytime. An enemy who shall soon feel the talons of the American eagle clutching at his throat, and Godspeed the hour when we shall hear the American eagle scream above the battle's roar, proclaiming victory for American arms upon land, sea, and sky.

Mr. PLATT. Mr. Chairman, I offer an amendment to section 8 by striking out, in lines 4 and 5, the words "for the purpose of enhancing the price or restricting the supply thereof."

The CHAIRMAN. The gentleman from New York [Mr. PLATT] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. PLATT: Page 8, line 4, strike out the following: "for the purpose of enhancing the price or restricting the supply thereof."

Mr. PLATT. It seems to me, Mr. Chairman, if somebody willfully destroys foods or necessaries, it ought not to be necessary to prove it has been done for the purpose of enhancing the price. That should be presumed. What is the difference what the purpose is? If food has been willfully destroyed, the person who destroys it ought to be punished; and to make the prosecuting attorney prove to the court that it has been done for the purpose of enhancing the price or limiting the supply will make convictions difficult, if not impossible.

Mr. THOMPSON. Suppose foods or feeds are necessarily deteriorating or spoiling—are unwholesome and unfit for use?

Mr. PLATT. Oh, well, that is a different matter. That would not be willful destruction. That is a quibble.

Mr. THOMPSON. They would have to be destroyed.

Mr. PLATT. But it would not be willful destruction.

Mr. THOMPSON. It would be willful.

Mr. PLATT. The gentleman knows that no court would so find. Personally, I think that there ought to be a penalty for allowing food in any quantity to spoil whether done willfully or through careless neglect.

Mr. HICKS. Will the gentleman yield?

Mr. PLATT. Yes; I yield to my colleague from Long Island.

Mr. HICKS. Would that cover the case of a man plowing clover under, for instance, to fertilize his fields?

Mr. PLATT. No; that does not destroy the clover.

Mr. HICKS. It destroys the clover if you plow it under.

Mr. PLATT. It puts nitrogen in the ground.

Mr. HICKS. But it destroys the clover, even though it converts it into fertilizer.

Mr. PLATT. Oh, no; it makes use of the clover, and a very good use.

Mr. HAUGEN. The gentleman would not want the imposition of a fine of $5,000, for instance, for destroying half a loaf of bread?

Mr. PLATT. That is the maximum penalty. The gentleman knows that nobody would enforce a penalty of that kind. There ought to be a penalty for the willful destruction of necessaries, no matter whether it is done for the purpose of enhancing the price or what it is done for; and until you have a penalty such as that you will not accomplish what you expect to accomplish.

In my opinion the bill is more or less deceptive, anyway. The people are led to believe it is going to do a lot of things which can not be done. Many people think it will restore prices as they were before the war. Now, the present high prices are due to several well-recognized causes, and speculation is only one of them, and not by any means the chief cause. In considerable part they are due to the great amount of gold that has been sent here from abroad and to the credit extensions based on that gold. We are unquestionably somewhat on a basis of inflation. In considerable part the high prices are due to real scarcity, and serve a useful purpose in compelling people to put a stop to waste and in encouraging increased production. In part the high prices are due to the great prosperity of the country and to the fact that everybody is employed at high wages, and that people are generally able to pay. The fact is people are, as a rule, paying the present prices with surprisingly little complaint.

Now, in part, these prices are doubtless due to speculation, and that can be checked. In part also the price of flour and wheat is due to the bidding in the open market of England, France, our own Government, and neutral Governments. That should not occur again. The peak price for wheat caused by that bidding raised the price of every barrel of flour in the country, and, in some measure, these prices will come down through better management of future purchases for our allies and through regulation; but until we can put a stop to submarine destruction or can obtain abundant new harvests prices are certain to be high, and no power short of actually rationing the people, as is done in some European countries, can do more than to keep them from extremes.

I think we should make it easier to enforce this penalty so as to stop all the waste and destruction of food possible. I believe the bill will do some good even as it is, and hence I am supporting it, and intend to cast my vote for it if it is possible for me to be here when the vote is taken. If, as is rumored, the vote is going to be delayed until some time Saturday evening, I shall probably not be able to be here. It is evident that the bill will pass by a very large majority. Most of the opposition has been disarmed during the progress of the debate.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. PLATT].

The question was taken, and the amendment was rejected.

Mr. LEVER. Mr. Chairman, I offer an amendment as a new section to the bill.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LEVER: Between sections 8 and 9, on page 8, insert a new section, as follows:

"SEC. 9. That any person who conspires, combines, agrees, or arranges with any other person (a) to limit the facilities for transporting, producing, manufacturing, supplying, storing, or dealing in any necessaries; (b) to restrict the supply of any necessaries; (c) to restrict the distribution of any necessaries; (d) to prevent, limit, or lessen the manufacture or production of any necessaries; or (e) to

enhance the price of any necessaries shall, upon conviction thereof, be fined not exceeding $10,000 or be imprisoned for not more than two years, or both."

Mr. LEVER. Mr. Chairman, as I explained to the committee this morning, section 4 makes certain offenses penal offenses, among them the matters enumerated in this amendment. But we did not apply any penalty, and this is to make application of a penalty.

Mr. LARSEN. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN. The gentleman from Georgia offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LARSEN to the Lever amendment:

"*Provided*, That the provisions of this section shall not be so construed as to prevent bona fide farmers actually engaged in such pursuits as their chief occupation, or farmers' organizations, from advising or counseling among themselves against overproduction of necessaries or from agreeing among themselves by resolution or otherwise to limit or lessen the production of such necessaries as may be produced by them."

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this amendment offered by myself and amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on his amendment and amendments thereto shall close in 10 minutes. Is there objection?

Mr. STAFFORD. Reserving the right to object, Mr. Chairman, do I understand that the gentleman from South Carolina is going to oppose the amendment offered by the gentleman from Georgia?

Mr. LEVER. Yes, sir.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

The CHAIRMAN. The gentleman from Georgia is recognized for five minutes.

Mr. LARSEN. Mr. Chairman, there is, I think, a general understanding among the people, especially the farmers of this country, that the provisions of the proposed bill shall not apply to those citizens engaged in agriculture. The press has so announced it to the public. But if the amendment offered by the gentleman from South Carolina [Mr. LEVER] is adopted, I can not see how the rights of the farmers will be fully protected. When we had the espionage bill under consideration we saw fit to strike from it the provisions referring to a censorship of the press, and we guaranteed and gave it perfect freedom. We are now encouraging the farmers to increase the production of foodstuff. To what extent that will be carried I can not tell. A great many farmers in the rural sections are inclined to take as true almost any statement published. The press is insisting and will doubtless continue to insist upon the farmers producing all the necessaries of life, and producing them to an extent very much greater than has ever been done before. Why, then, Mr. Chairman, should not the producers of necessaries be left equally as free and untrammeled as the press, in order that they may counsel or agree, in organization or otherwise, and correct any propaganda or impression which might prove detrimental to their best interests. I do not intend this as any reflection upon the press, as I believe it is doing a splendid service in this respect. However, the bill as it now stands, or would stand if the amendment as offered by the gentleman from South Carolina [Mr. LEVER] was agreed to, would prohibit and prevent the farmers and farm organizations from agreeing and counseling among themselves as to what might or might not be good for them. It especially provides that they shall not have the right to agree or arrange among themselves to limit or lessen the production of any necessaries of life. This is carrying the matter too far. The farmers and their organizations should have the right to get together at any time or place and discuss or agree upon any of these provisions, and to do so without being in danger of any penalty under the provisions of this or any other law.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. LARSEN. Yes.

Mr. BARKLEY. Does the gentleman construe this amendment which has been offered by the gentleman from South Carolina [Mr. LEVER] as repealing the provisions and amendments of the antitrust law, exempting farmers and associations of farmers and labor organizations from certain provisions of the law?

Mr. LARSEN. If it did so, it would only be by implication. I doubt whether a provision which would prohibit free discussion among the farmers as to their needs would be constitutional. I do not think we would or should have the right to pass such a law, but if you enact into law the proposed amendment of the gentleman from South Carolina, it would certainly have that effect.

Mr. ROBBINS. Mr. Chairman, will the gentleman yield?

Mr. LARSEN. Yes.

Mr. ROBBINS. Would it enable the officers of the Government to cause the arrest of any man or set of men who met together and agreed about their wages, as, for example, the coal miners, or farmers, who might meet together and discuss the price of milk?

Mr. LARSEN. I do not know about the wages of miners, but I think it would apply to farmers who arrange together as to the price of milk or other necessaries.

Mr. ROBBINS. Well, the output of one is the output of mines, and the other is the output of the farm.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. LARSEN. Yes.

Mr. CANNON. I recall that a number of organizations out in my part of the country, in some of the neighboring States, undertook to meet and agree upon prices, and so on. Take tobacco for instance; they attempted not only to limit the amount of tobacco that should be raised, but their actions in some instances resulted in homicides and that kind of thing. Penalties were imposed upon everybody who violated a volunteer agreement, as I recollect. Now, does the gentleman want to exempt such organizations from the operation of the proposed section?

Mr. LARSEN. I think they would be taken care of by the law against murder or other criminal statutes in States where violated. I want to guarantee to the farming people of this country a right to get together and consult among themselves as to how much and what they shall plant and when they shall plant it. If the farmers' organizations and the farmers themselves are not to be guaranteed this right, I think we should better stop them from farming altogether. If they are expected to produce the necessaries of life and then are not to be given the right to get together and decide how much they shall plant, how they shall plant, fertilize, and such matters as those, then they will certainly be curtailed in the enjoyment of their rights as citizens.

Mr. MEEKER. Will the gentleman yield?

Mr. LARSEN. Yes.

Mr. MEEKER. The gentleman is for the bill, is he not?

Mr. LARSEN. Yes; I am trying to be. If you put up a bill which I can support, I will do so. But I do not yet know what kind of a bill will be presented before we get through. You may keep tacking on things like this until no self-respecting man may be able to vote for it. I have not said whether I am for or against the bill. I am waiting to see what kind of a bill it is. I am free and independent and propose to remain so. [Applause.]

The farmers of this country are as loyal and patriotic as any other class of citizens, and perhaps more so than some. They can be depended upon not to conspire against the Government or its citizens, and they should at least be permitted to protect themselves by counsel or agreement against the pirates of speculation and those who would by willful or erroneous misrepresentation deprive them of a full enjoyment of the fruits of their labor.

With the adoption of the amendment which I propose to the amendment of the gentleman from South Carolina, the rights of the farmer will be protected and the country will be secure. [Applause.]

Mr. RAGSDALE. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN. It will have to be in the nature of a substitute. There has been an amendment offered and an amendment to the amendment. How does the gentleman offer it?

Mr. RAGSDALE. I offer it as an amendment to the amendment.

The CHAIRMAN. That would be an amendment in the third degree, which is not permissible under the rule. The gentleman's colleague [Mr. LEVER] has offered an amendment, and then the gentleman from Georgia [Mr. LARSEN] has offered an amendment to the amendment.

Mr. RAGSDALE. Then, suppose I wait until the committee passes on the amendment of the gentleman from Georgia?

The CHAIRMAN. The Chair thinks that is the better course.

Mr. LEVER. Mr. Chairman, the amendment offered by the gentleman from Georgia [Mr. LARSEN] is more or less important, and to some gentlemen more or less embarrassing. It is not at all embarrassing to me. I was born and raised upon a farm myself. I plowed until I was 25 years old. My people are all farmers, have been farmers for all the years gone by, and I have a profound respect both for the good sense and the

patriotism of the American farmer. [Applause.] I do not believe that in this great emergency which confronts this Nation the farmer should expect or desire any further exemptions than are being given to him in this bill. We have exempted him practically from every provision of the bill, and I do not believe that there is an intelligent farmer in South Carolina or Georgia who is willing to say that when his country is fighting a battle for its very existence any class of men, farmers or otherwise, should be permitted to combine among themselves to refuse to produce the necessities that go to the Army and Navy and men on the firing line. [Applause.] I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. LARSEN] to the amendment of the gentleman from South Carolina [Mr. LEVER].

The question being taken, on a division (demanded by Mr. LARSEN) there were—ayes 4, noes 67.

Accordingly the amendment of Mr. LARSEN to the amendment of Mr. LEVER was rejected.

Mr. RAGSDALE. Mr. Chairman, I offer the amendment which I send to the desk.

The CHAIRMAN. The gentleman from South Carolina offers an amendment to the amendment of his colleague [Mr. LEVER], which amendment the Clerk will report.

The Clerk read as follows:

Amendment by Mr. RAGSDALE to the Lever amendment: After the word "to" and before the word "enhance" insert the word "unreasonably."

Mr. LEVER. I have no objection to that amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina [Mr. RAGSDALE] to the amendment of the gentleman from South Carolina [Mr. LEVER].

Mr. STAFFORD. I should like to be recognized in opposition to that.

Mr. MADDEN. I object to the acceptance of that amendment.

Mr. WALSH. Mr. Chairman, I rise to a point of order. Debate on the Lever amendment and amendments thereto is closed, as I understand it.

The CHAIRMAN. The gentleman's point of order is well taken. That is correct.

Mr. LEVER. Just one moment, if I may be permitted.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to proceed for a moment. Is there objection?

There was no objection.

Mr. LEVER. Gentlemen of the committee know that a chairman in charge of the bill has so many people talking to him that sometimes he can scarcely think straight. The amendment of my colleague, as I understand it, is to insert the word "unreasonably"—unreasonably enhance the price of any necessaries.

Mr. LENROOT. Yes; but this is for a conspiracy, if the gentleman will remember.

Mr. LEVER. Ah, the gentleman is right about that. I do not agree to the amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from South Carolina [Mr. RAGSDALE] to the amendment of his colleague [Mr. LEVER].

The question being taken, the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from South Carolina [Mr. LEVER], chairman of the committee.

The question being taken, the amendment was agreed to.

The Clerk read as follows:

SEC. 9. That to carry into effect the purposes of this act the President is authorized to purchase, provide for the production or manufacture of necessaries; to store them and to provide storage facilities for them by construction, purchase, lease, or otherwise; to sell them; and to require any person having the control of any necessaries, or any storage space suitable for the storing of necessaries, to furnish the whole or any part of such necessaries or storage space to the Government in such quantities, at such times, and at such prices as shall be determined by the President to be reasonable. Upon failure of the person to comply with such requirement, the President is authorized to requisition and take possession of any such necessaries or storage space, and to pay for them at the price so determined. If the price so determined be not satisfactory to the person entitled to receive the same, such person shall be paid the amount prescribed by the President, and shall be entitled to sue the United States to recover such further sum as, added to the amount so paid, will be just compensation for such necessaries or storage space, and jurisdiction is hereby conferred on the United States district courts to hear and determine all such controversies: *Provided*, That nothing in this section shall be construed to require any natural person to furnish to the Government any necessaries held by him and reasonably required for consumption by himself and dependents for a reasonable time. Any moneys received by the United States from or in connection with the disposal by the United States of necessaries under this section may, in the discretion of the President, be used as a revolving fund for further carrying out the purposes of this section. Any balance of such moneys not used as part of such revolving fund shall be covered into the Treasury as miscellaneous receipts.

Mr. LENROOT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 9, line 8, after the word "consumption," insert "or use."

Mr. LENROOT. Mr. Chairman, the only purpose of this amendment relates to the proviso which exempts from the authority of the President to take necessaries an amount necessary and reasonably required for consumption by himself or dependents. That would leave this situation: A farmer has a thousand bushels of wheat and he would only require ten bushels for consumption and family, but he might require the other nine hundred and ninety for seed, and the only purpose of my amendment would be to permit him to retain it for that purpose.

Mr. LEVER. The gentleman thinks that would not open the door?

Mr. LENROOT. No; the committee has used the word "use" in another section for the same purpose.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was agreed to.

Mr. LENROOT. Mr. Chairman, I have another amendment.

The Clerk read as follows:

Page 8, line 12, after the word "them" insert "to any citizen of the United States or to any Government engaged in war with any country with which the Government of the United States is or may be at war."

Mr. LENROOT. Mr. Chairman, this is a more important amendment, and I consider it very important. To my mind one of the principal benefits to be derived in this bill in securing reasonable prices will be the ability of the United States to either purchase or take over, if necessary, not only for ourselves but to supply our allies necessaries, and thus avoid the competition of our allies that has been very largely responsible for this very large increase in prices, very little of which the producer has received, but most of which has gone to the speculator.

In section 12 the committee has recognized this, and in that section, which provides for a guaranteed price, they have made this very provision, authorizing the President to sell to any person or to any Government engaged in a war with any country with which the United States is at war. I apply the same language exactly in section 9. It seems to me that it ought to be applied to section 9, or else it should be stricken out of section 12, because if it remains in section 12 and is not contained in section 9, I do not believe the President will have any power at all to act as a purchasing agent for our allies. I understand the chairman of the committee has no objection to this, and I sincerely hope the amendment will be adopted.

The CHAIRMAN. The question is on the amendment of the gentleman from Wisconsin.

The amendment was agreed to.

Mr. BARKLEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 8, line 9, after the word "purchase" insert the word "or."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky.

The amendment was agreed to.

Mr. THOMPSON. Mr. Chairman, I offer the following amendment:

On page 9, line 15, after the word "receipts," add the following:
"*Provided further*, That the provisions in this section shall not apply to any farmer, gardener, or any other person with reference to the product of any farm, garden, or other land owned, leased, or cultivated by him."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Mr. THOMPSON offers the following amendment: On page 9, line 15, after the word "receipts," add the following:
"*And provided further*, That the provisions in this section shall not apply to any farmer, gardener, or any other person with reference to the product of any farm, garden, or other land owned, leased, or cultivated by him."

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this section and amendments thereto close in 15 minutes.

Mr. RAGSDALE. Provided I may have five minutes, I will not object.

Mr. AUSTIN. May I ask the Chairman if I am included in that arrangement this time? I was left out in the other.

Mr. LEVER. Mr. Chairman, there seems to be some disposition to debate this section somewhat, and things have been running very smoothly. The gentleman from Tennessee is happy,

although he has never answered the question put to him by the gentleman from Wisconsin.

Mr. AUSTIN. I shall ask for an entire day to discuss that question.

Mr. LEVER. I will ask that the debate close in 20 minutes.

Mr. BARKLEY. Reserving the right to object, in the amendment adopted on my motion a little while ago the word "or" should be "and."

Mr. ROBBINS. Mr. Chairman, I want to offer an amendment, and unless I can have that privilege I shall object to the request.

Mr. LEVER. Mr. Chairman, the gentleman from Kentucky [Mr. BARKLEY] a moment ago offered an amendment to insert the word "or" between the words "purchase" and "provide" in line 9 on page 8. The word should be "and," and I ask unanimous consent to vacate the vote by which that amendment was adopted and to insert the word "and."

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the action of the committee in inserting the word "or" between the words "purchase" and "provide" in line 9, page 8, be rescinded and that the word "and" be inserted. Is there objection?

There was no objection.

Mr. LEVER. Mr. Chairman, I now ask unanimous consent that all debate upon this amendment and all amendments thereto close in 25 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. AUSTIN. Mr. Chairman, I listened to-day to a speech made by the gentleman from Ohio [Mr. BATHRICK], in which he directed a criticism to this side of the House in reference to this bill, and he expressed the hope that the Republican side would not endeavor to amend the pending bill or to in any way embarrass the President of the United States in the discharge of his great and responsible duties. I wish to say to the gentleman from Ohio [Mr. BATHRICK], in all kindness, that there is absolutely no foundation for his fears. There has been practically a united Republican side here on every war proposition since the convening of Congress, and I match the loyalty and patriotism of the Republican side, man for man, against that of the Democratic side, charged with the responsibility of legislation. In the declaration of war, in the consideration and passage of the military bill, in the armed-neutrality bill, the revenue and bond measures, and also in the pending food-control bill, this side has practically been a unit for the interest of our beloved country. We have stood from the beginning, and will stand to the end, for our country above party interest. [Applause.] I have with my colleagues to-day voted against changing or amending this bill, and there has been no change, except such as met with the approval of the Democratic chairman of the Committee on Agriculture [Mr. LEVER]. This is our country as well as yours. We lay aside partisan politics. We forget we are Republicans and we remember only that we are Americans interested in our glorious flag and the preservation of American rights on land and sea. [Applause.]

After the war, when peace is restored, then we will meet the Democratic Party on the stump, join issues and appeal to the intelligence and patriotism of the American people to return the Republican Party to power to again wisely administer the affairs of this great Government in the splendid way in which it did during 50 years of unparalleled prosperity, of matchless achievements, of countless blessings.

Mr. Chairman, I think we can well afford to follow the report of this committee on the food-control bill, for I have served in this House for eight years with the gentleman from South Carolina [Mr. LEVER], chairman of the Committee on Agriculture, and a more faithful, devoted public servant does not sit in either House of Congress, nor is there to be found here or elsewhere a truer friend to the American farmer. [Applause.] We have the statement of the ranking Republican member of the committee [Mr. HAUGEN], who has served his constituency long, well, and faithfully, that he intends to vote for this bill, and, following his guidance and leadership, no Republican ought to hesitate to give his support to the bill, which is demanded by American sentiment from ocean to ocean. I do not know Mr. Hoover, who will administer the proposed law, but up to this good hour I have not heard a single thing against his honor or integrity or ability or patriotism. I am willing to trust him, and if he makes good, if he has a political ambition, a grateful American people will reward him in no uncertain way. Mr. Chairman, this side of the House stands for the country first, last, and all the time, to vote every dollar and every man necessary for the preservation of the Union and the defeat of the Kaiser. [Applause.]

Mr. STAFFORD. Mr. Chairman, to adopt this amendment might negative the whole purpose of this bill. The bill exempts the farmer from the license feature. It allows him also to hoard and store his grain. If you are going to allow him also to refuse to permit his products at the command of the President of the United States to be used in feeding the people of this country and of furnishing a portion to the allies, you virtually destroy the purpose of this bill. I do not think the farmers of this country are so unpatriotic when they raise large quantities of wheat and other cereals that they will refuse to sell their products for the use of the people of this country or in exporting a portion, in the discretion of the President, abroad.

The farmer who is not very prosperous will be obliged to sell his product, but there are farmers in the Northwest having thousands of acres who with this amendment will be enabled to withhold from distribution, from the command of the President, hundreds of thousands of bushels of wheat, which may be the very thing that the Army and Navy of this country, let alone the consuming public of this country, will need. If you are going to adopt this amendment, you might just as well say that the farmer shall be supreme in everything. The committee, as announced by the chairman a minute ago, throws the blanket of protection around the farmer. Even in this section you enable him to withhold that which he needs for his own consumption and use, and yet you are going to enable the prosperous farmer to withhold from the consuming public that which might amount to millions and millions of bushels of wheat. To do that, as I believe, you virtually take away the vitals of this bill. I think no one here wishes to adopt this amendment that will prevent the President or the food controller from reaching this wheat and paying under the terms of this bill a fair price for it. And, therefore, I think the amendment should be rejected. [Applause.]

Mr. THOMPSON. Mr. Chairman, of the time that I have reserved, I yield three minutes to the gentleman from Michigan [Mr. MCLAUGHLIN].

The CHAIRMAN. Without objection, the gentleman yields three minutes to the gentleman from Michigan [Mr. MCLAUGHLIN].

Mr. McLAUGHLIN of Michigan. Mr. Chairman, it is very kind of the gentleman from Oklahoma, in view of the fact that I hardly agree with him as to the advisability of adopting his amendment. It seems to me the farmer is protected by this section, as it says that he, like everyone else, shall be permitted to keep and hold feed and foodstuffs and all farm products that he needs for his own use and the use of his own family, which includes the care of his stock, until the next crop is available, the seed for his next year's crop, and so forth.

It seems to me that, inasmuch as this section of the bill provides, or is to take care of the country in extremity to provide for an emergency, the Government, if it absolutely needs this stuff, ought to have authority even to go to the farmer and take his surplus. This is a section to meet an emergency if it shall unfortunately arise, and it would seem it ought not to be limited as is proposed by this amendment. The farmer, as the gentleman from Oklahoma would suggest, is properly safeguarded.

Mr. THOMPSON. Mr. Chairman, I do not think the committee understood when it reported this bill that this section applied to the farmer. In every place in this bill where there is any penalty or provision that applied to the farmer an express exemption was written into the bill taking care of him and not subjecting him to the penalties and provisions of the act.

I do not think Mr. Hoover understands or wants this bill to apply to the farmers or to the products in the hands of farmers. Now, the gentlemen of this House who took the trouble to read the proceedings before the Senate committee a couple of days ago will recall that when Mr. Hoover's attention was directed to the fact that he could go into the corncrib of the farmer and commandeer his corn or into the wheat bin and commandeer his wheat, or could commandeer the other products of the farmer on the farm, Mr. Hoover said that he was surprised that a construction like that could be put upon the bill; that it was not the intention of the advocates of the bill that such a provision should be contained in it; and that they did not want that kind of power and did not intend to exercise it.

Now, gentlemen, if that is the position of Mr. Hoover, if that is the position of the administration and the people who are responsible for this bill, and if, as I say, the Committee on Agriculture did not understand that this bill conferred that authority, I do not understand why we should not write into the bill this exemption which was the intention all the way through. We do not intend to go to the farms of the country and take their products, and we ought to make this intention clear. The

testimony before our committee showed that efforts of this kind failed even in Germany. Let us not make it possible to repeat a like failure here in the United States. This amendment ought to be adopted, and I hope it will.

Mr. ANDERSON. Mr. Chairman, the gentleman from Oklahoma [Mr. THOMPSON] proposes to attach to this section a proviso in the nature of a limitation in the same language as that contained in section 6, providing that the section shall not apply to the products of the farm actually produced on land owned or operated by the persons producing. The section now under consideration is rather different in its purport and intent from the section to which the proviso has already been attached. There is a reason why the farmer should be exempt from the hoarding section. There is no reason why he should have an exemption from this section. I quite agree with the gentleman from Oklahoma that it is altogether improbable that the Government will ever undertake to requisition the food products in the hands of the farmer. As I said the other day, that has been a failure wherever it has been tried. But it seems to me that it is wholly out of the question, when a bill which grants the general powers that this bill grants, to in every instance make a limitation which will cut off the power of the administration at the exact point where we think now he will probably cease to exercise it. I see no reason for inserting the proviso to this section. There may be no objection to it, but there is no reason for putting it in, and it ought not to go in unless there is a sound reason for putting it in. The farmer ought not to have any more exemption under this section than is given to any other person.

Mr. BUTLER. I understand by this bill that the farmer is permitted to hoard?

Mr. ANDERSON. No.

Mr. BUTLER. Is he not permitted to hoard? I am asking the gentleman plainly, for I want to know before I vote on this provision.

Mr. ANDERSON. He is permitted to withhold from the market the products of the farm actually produced on land owned, leased, or operated by him.

Mr. BUTLER. Yes. I call that hoarding. He is allowed to hoard it away for his own purposes, either to use it himself or to sell it when he pleases. If the Government can not take it, what is the use in passing this bill?

Mr. ANDERSON. I think the Government ought to be able to take it, but I do not think he ought to be subject to the penalties provided for hoarding.

Mr. STEAGALL. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. STEAGALL. As to the gentleman's understanding of the section that fixes the penalty for hoarding, that does not apply to everybody alike?

Mr. ANDERSON. I understand that the penalty that applies to hoarding is subject to the proviso that is contained on page 7 of the bill.

Mr. STEAGALL. Will the gentleman point out the proviso to which he refers on page 7?

Mr. ANDERSON. It is at the top of the page.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oklahoma [Mr. THOMPSON].

The question was taken, and the amendment was rejected.

Mr. MORGAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MORGAN: Page 8, line 10, after the word "necessaries," insert the following: "and in behalf of the United States may make contracts for the production and manufacture of such necessaries; said contracts to be in such form, upon such terms and conditions, for such consideration and at such price or prices as in the judgment of the President shall be just and reasonable and as will insure the production of sufficient necessaries to meet the needs of the United States and its allies."

Mr. LEVER. Mr. Chairman, I ask unanimous consent that the debate on this amendment and all amendments thereto close in six minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. MORGAN. Mr. Chairman, I call the attention of the committee to section 9—the first three lines—which provides "that to carry into effect the purposes of this act the President is authorized to purchase, provide for the production or manufacture of necessaries," and so forth.

Now, under that authority the President is authorized to provide for the production of necessaries. That would be food or feed or fuel. Now, there is only one way to provide for the production of an article, one definite and certain way, and that it is to make a contract for its production. The object of this amendment is not certainly to lessen the strength of this bill or to narrow its scope or diminish its force. On the other hand, it is to make definite and certain a power which you have placed here in the bill. You give the President the authority to provide for the production of necessaries.

Now, then, this amendment that I have offered goes on and says, "And in behalf of the United States may make contracts for the production and manufacture thereof; said contracts to be in such form, upon such terms and conditions, for such consideration, and at such price or prices as in the judgment of the President shall be just and reasonable and as will insure the production of sufficient necessaries to meet the needs of the United States and its allies."

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. Yes.

Mr. BARKLEY. Does not the gentleman think that the word "provide" is sufficient to cover all that he has written in his amendment?

Mr. MORGAN. Of course, in legislation it is sometimes well to use general language. On the other hand, it is better to be specific, definite, and certain when it is possible to be so. The language in the section is very general and comprehensive. The power of the President might be questioned.

In the few remarks I made in general debate on this bill I called attention to the fact that, in my judgment, the weak point in this measure was that there was not sufficient provision in the bill to guarantee the necessary increased production of foodstuffs required for ourselves and our allies. Section 12 contains the only provision which is intended to stimulate and encourage production. I hold that it is not sufficient. Here is a long bill, covering 18 pages, containing 21 sections, and with but one section that is designed to increase production.

I believe that we ought to specifically authorize the President, if he finds it necessary, to enter into contracts. That is the only definite way to insure increased production. The so-called guaranteed price is not sufficient. It is too indefinite and uncertain, as I shall try to show when we come to the consideration of that question.

This section gives the President the power to provide for the production and manufacture of necessaries. How to provide? What may he do? What authority has he under it? My amendment specifically authorizes him to make contracts for this purpose. It does not limit the power you give him, but it does specifically and definitely authorize him to make contracts for increased production. It does not limit him to that way, but it authorizes him in one definite, certain way to go into contracts, enter into agreements with individuals, with persons, with corporations, with anybody who are producers and who can produce the necessaries that are demanded.

This amendment enlarges the power of the President. Certainly the members of the Committee on Agriculture ought not to object to this. It makes certain and definite what is uncertain and indefinite in the bill. It specifically authorizes the President to enter into contracts, to make such contracts upon terms and conditions and at such price or prices as he shall deem necessary in order to assure the production of these necessaries in quantities sufficient to meet the needs of the United States and our allies.

We know that the production of certain necessaries must be increased. We know that our success in this war depends upon whether the United States shall produce a sufficient quantity of necessaries. So this amendment enlarges the President's power and makes it definite and certain, and I feel sure it would really perfect the bill. [Applause and cries of "Vote!"]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. MORGAN].

The question being taken, the amendment was rejected.

Mr. ROBBINS. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. ROBBINS offers the following amendment: Page 8, line 22, after the word "determine," insert:

"*Provided*, No dwelling house in the actual occupation of the owner or a bona fide tenant shall be requisitioned or taken for such storage space."

Mr. LEVER. Mr. Chairman, I ask unanimous consent that the debate on this amendment and amendments thereto shall close in six minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the debate on this amendment and amendments thereto close in six minutes. Is there objection?

There was no objection.

Mr. ROBBINS. Mr. Chairman and gentlemen of the committee, this amendment simply protects the dwelling house of the owner or bona fide tenant against being taken for storage space. Under the eighth section of this bill the President or his agent is allowed to requisition stores and storage space. I have always understood as a lawyer that a dwelling house in the occupation of the owner or of a bona fide tenant was sacred. I think the dwelling house of the owner or tenant should be protected. On many large farms of the country there is no sufficient storage house for grain or supplies. This law proposes to give to the President or his agent this extraordinary power. I know the President would not do it, but what agent is going to enforce this extreme power? Some agent clothed with a little brief authority will endeavor to enforce this law, and he could order grain or supplies stored in a dwelling house, to the great inconvenience or probably to the absolute exclusion of the owner.

It has always been the law of the Commonwealth of Pennsylvania, in which I live, and I believe it is the law of every other Commonwealth in this great Union, that a dwelling house in the possession of the owner is sacred. It does not matter how humble it may be. The rains may come through its roof, the snows of winter may blow through its walls, but the king and his army, against the protest of the owner, could not take it and occupy it; and I want to see the right of the American farmer to his dwelling house protected and secured against the invasion of an agent of this Government or against the invasion of even our President, to use it for the storage of crops seized under this unprecedented power.

We attempted here a few moments ago, in the sixth section of this bill, to protect the farmers of this country from the charge of hoarding when holding their crops for an advance in price or until their maturity; but under this section of the bill we come along now and take away all that protection that we have heretofore given our farmers and we give the President and his agents the right to come in here and requisition crops and take them away, and then we give the President or his agent the superadded right to take the farmer's dwelling house and occupy it as storage space. In the name of the American farmer I want to protest against that, and ask the committee to vote this amendment into the bill for the protection of the American farmer.

Mr. LEVER. Let us have a vote, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. ROBBINS].

The question being taken, the amendment was rejected.

The Clerk read as follows:

SEC. 11. That, whenever the President finds it essential in order to prevent undue enhancement or fluctuation of prices of, or in order to prevent injurious speculation in, or in order to prevent unjust market manipulation or unfair and misleading market quotations of the prices of necessaries, hereafter in this section called evil practices, he is authorized to prescribe such regulations governing, or may either wholly or partly prohibit, operations, practices, and transactions at, on, in, or under the rules of any exchange, board of trade, or similar institution or place of business as he may find essential in order to prevent, correct, or remove such evil practices. Further, for the purposes of this section, the President may require all persons coming within its provisions to keep such records and statements of account, and may require such persons to make such returns, verified under oath or otherwise, as will fully and correctly disclose all transactions at, in, or on, or under the rules of any such exchange, board of trade, or similar institution or place of business, including the making, execution, settlement, and fulfillment thereof. He may also require all persons acting in the capacity of a clearing house, clearing association, or similar institution, for the purpose of clearing, settling, or adjusting transactions at, in, or on, or under the rules of any such exchange, board of trade, or similar institution or place of business, to keep such records and to make such returns as will fully and correctly disclose all facts in their possession relating to such transactions, and he may appoint agents to conduct the investigations necessary to enforce the provisions of this section and all rules and regulations made by him in pursuance thereof, and may fix and pay the compensation of such agents. Any person who willfully violates any regulation made pursuant to this section, or who knowingly engages in any operation, practice, or transaction prohibited pursuant to this section, or who willfully aids or abets any such violation or any such prohibited operation, practice, or transaction, shall, upon conviction thereof, be punished by a fine not exceeding $10,000 or by imprisonment for not more than four years, or both.

Mr. ANDERSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. ANDERSON offers the following amendment: Page 11, line 5, strike out all of the section down to and including "he," in line 10, and insert "undue enhancement of prices of necessaries is hereby made unlawful. Whenever the President finds it essential to prevent undue enhancement of prices he."

Mr. ANDERSON. Mr. Chairman——

Mr. STAFFORD. Will the gentleman yield to allow an inquiry of the chairman of the committee?

Mr. ROBBINS. I do not want to yield in my time.

Mr. YOUNG of North Dakota. I make a point of order against the amendment.

The CHAIRMAN. Does the gentleman reserve the point of order?

Mr. ANDERSON. I should like to have the point of order determined now.

Mr. WALSH. I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Massachusetts makes the point of order that there is no quorum present. The Chair will count.

Mr. LEVER. Mr. Chairman, I move that the committee do now rise, and upon that I demand tellers.

Tellers were ordered; and the Chairman appointed Mr. LEVER and Mr. HAUGEN.

The committee proceeded to divide.

During the division,

Mr. SLOAN. Mr. Chairman, is not the next thing in order the announcement of the tellers?

The CHAIRMAN. When the tellers have completed their count.

Mr. SLOAN. It is a question of expedition, then?

The tellers reported—ayes 2, noes 49.

The CHAIRMAN. The committee refuses to rise, but the vote develops that there is no quorum present.

Mr. FESS. A lot of Members did not pass between the tellers.

Mr. BARKLEY. I make the point of order that there is a quorum present.

The CHAIRMAN. The Chair will count. [After counting.] Seventy-five Members present, not a quorum. The Clerk will call the roll.

Mr. LEVER. Mr. Chairman, if the committee will hear me just one moment——

The CHAIRMAN. Unless the point of order is withheld——

Mr. LEVER. If the gentleman from Massachusetts will withhold the point of order just a moment——

Mr. WALSH. I will withhold it for the purpose of allowing the chairman to make a statement.

Mr. BLANTON. I call for the regular order.

The CHAIRMAN. The gentleman from Texas calls for the regular order, which is the calling of the roll.

Mr. HAUGEN. I ask that the calling of the roll be deferred for a moment.

Mr. LEVER. We can get along here all right if we will just be patient with one another.

Mr. BLANTON. I insist on the regular order, Mr. Chairman.

The CHAIRMAN. In the face of a call for the regular order the committee can do nothing except to cause the roll to be called.

Mr. LEVER. If the gentleman from Texas insists on a roll call, he may have it. I intended to move that the committee rise.

The CHAIRMAN. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adamson	Dale, Vt.	Goodall	Lehlbach
Alexander	Dallinger	Gordon	Lesher
Almon	Davidson	Gould	Linthicum
Anderson	Davis	Graham, Ill.	Little
Anthony	Dempsey	Gray, N. J.	Longworth
Austin	Dent	Greene, Mass.	Lunn
Ayres	Denton	Gregg	McAndrews
Bacharach	Dewalt	Griest	McArthur
Bacon	Dill	Hamill	McClintic
Barnhart	Dixon	Hamilton, N. Y.	McCormick
Bland	Dooling	Harrison, Miss.	McCulloch
Borland	Doolittle	Haskell	McFadden
Britten	Doremus	Hayden	McKenzie
Browne	Dunn	Hayes	McKeown
Bruckner	Dupré	Heaton	McKinley
Brumbaugh	Eagle	Hill	McLemore
Buchanan	Ellsworth	Hilliard	Madden
Burnett	Elston	Hollingsworth	Magee
Burroughs	Estopinal	Hood	Mann
Byrns, Tenn.	Evans	Houston	Mansfield
Caldwell	Fairchild, G. W.	Howard	Martin, Ill.
Campbell, Kans.	Ferris	Huddleston	Martin, La.
Candler, Miss.	Fields	Hull, Iowa	Mason
Cantrill	Fisher	Hull, Tenn.	Mays
Capstick	Fitzgerald	Husted	Meeker
Caraway	Flood	Ireland	Miller, Minn.
Carew	Flynn	Johnson, Ky.	Mondell
Carter, Mass.	Fordney	Johnson, S. Dak.	Moore, Pa.
Carter, Okla.	Foss	Jones, Va.	Moores, Ind.
Church	Francis	Juul	Morin
Clark, Fla.	Frear	Kahn	Mott
Clark, Pa.	Freeman	Kearns	Mudd
Classon	French	Kelley, Mich.	Neely
Claypool	Fuller, Ill.	Key, Ohio	Nelson
Copley	Fuller, Mass.	Kiess, Pa.	Nichols, Mich.
Costello	Gallivan	King	Nolan
Cox	Gandy	Kitchin	Oldfield
Crago	Gard	Knutson	Oliver, Ala.
Cramton	Garrett, Tex.	Kreider	Oliver, N. Y.
Crisp	Glass	La Follette	Olney
Currie, Mich.	Godwin, N. C.	LaGuardia	O'Shaunessy
Dale, N. Y.	Good	Lazaro	Overstreet

Padgett	Rogers	Smith, T. F.	Towner
Paige	Rowe	Snell	Treadway
Park	Rowland	Snyder	Van Dyke
Parker, N. Y.	Rucker	Stedman	Vare
Peters	Russell	Steele	Vestal
Polk	Sanford	Steenerson	Voigt
Porter	Saunders, Va.	Stephens, Miss.	Waldow
Pou	Scott, Mich.	Stephens, Nebr.	Ward
Powers	Scott, Pa.	Sterling, Pa.	Watson, Pa.
Pratt	Scully	Stiness	Watson, Va.
Rainey	Sells	Sullivan	Whaley
Ramsey	Shackleford	Sweet	White, Ohio
Ramseyer	Shallenberger	Swift	Wilson, Ill.
Randall	Sherley	Switzer	Wilson, Tex.
Rayburn	Sherwood	Talbott	Wingo
Reavis	Sims	Taylor, Colo.	Winslow
Riordan	Sisson	Temple	Wise
Roberts	Slemp	Templeton	Wood, Ind.
Robinson	Small	Tillman	Woodyard
Rodenberg	Smith, Idaho	Tinkham	

The committee rose; and the Speaker having resumed the chair, Mr. HAMLIN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having under consideration the bill H. R. 4961, finding itself without a quorum, caused the roll to be called, and 184 Members answered to their names, and he returned a list of the absentees.

The committee resumed its sitting.

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent that the pending amendment may be again read.

The Clerk read as follows:

Page 11, line 5, strike out all the sections down to and including the word "he," in line 10, and insert: "undue enhancement of price of necessaries is hereby made unlawful. Whenever the President finds it essential to prevent undue enhancement of prices he."

Mr. LENROOT. Does not the gentleman think the words "of necessaries" should be added?

Mr. ANDERSON. Yes. Mr. Chairman, I ask unanimous consent that the words "of necessaries" be added.

The CHAIRMAN. The gentleman from Minnesota modifies his amendment, and the Clerk will report.

The Clerk read as follows:

Modify the amendment by inserting, after the word "prices" where it occurs in the last line of the amendment, the words "of necessaries."

Mr. SUMNERS. Does not the gentleman think the words "or depression" should also be included?

Mr. ANDERSON. I do not think so. Perhaps I can make clear what I have in mind if the gentleman will permit me to proceed.

Mr. Chairman, in consideration of this bill we must always keep in mind the fact that we are acting, or undertaking to act, under the war powers and that each and every section of the bill to be valid must be upon its face an exercise of the war power of Congress under the Constitution.

Now, the section under consideration provides that whenever the President finds it essential in order to prevent undue enhancement or fluctuation of prices, or in order to prevent injurious speculation in, or in order to prevent unjust market manipulation or unfair and misleading market quotations of the prices of necessaries, hereafter in this section called "evil practices," he is authorized, and so forth.

Can it be said that there is such a relation between speculation, injurious or otherwise, as to bring the regulation of speculation within the war powers? Can it be said, for instance, that manipulation of prices has such a relation to the conduct of the war with Germany as to bring that subject within the purview of the war power? Can it be said that the making of misleading or unfair market quotations is a subject of such character as to bring it within the purview of the war power? I think it can scarcely be contended that the subjects which I have enumerated have such a connection with the conduct of the war as to bring them within the purview of the war power. That is not true with respect to undue enhancement of prices, because the undue enhancement of prices may result in the equivalent of local or a general scarcity, so far as the poor people of the country are concerned, who are unable to pay the high prices, and to result in disturbance and social phenomena which are wholly inconsistent with the prosecution of the war. There is, then, this further objection to the section. In order to justify an administrative regulation on the part of the President, it is necessary that the things concerning which regulations are to be made shall be prohibited not by the President but by the legislative action of the Congress. There is nothing in this bill which prohibits undue enhancement of prices except under a conspiracy, injurious speculations, unjust market manipulation, or unfair or misleading market quotations, so that there is in the bill no legislative basis for the regulations which this section permits the President to make. The amendment which I have offered provides that the undue enhancement of prices of necessaries is unlawful, and by that declaration makes a legislative basis for the regulations which are hereafter provided in this section. Again, as I have just said, the undue enhancement of prices does bear a relation to the conduct of the war, so that that prohibition is within the purview of the war power. Then, I provide that when the President shall find that it is essential to prevent undue enhancement of prices, he may proceed as provided in the section.

The CHAIRMAN. The time of the gentleman from Minnesota his expired.

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

Mr. HAUGEN. Mr. Chairman, I ask that he be given five minutes more, as I desire to ask him a question.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ANDERSON. Mr. Chairman, the language which I have proposed does not in any sense or in any way limit the power of the President to prohibit, either partially or wholly, transactions upon any exchange, chamber of commerce, or other similar institution. It goes simply to the establishment of the constitutional basis of the bill. It does not in any way affect the power of the President, because I leave that power exactly as it now reads in the section.

Mr. HAUGEN. Mr. Chairman, as the section stands the President is authorized to make rules and regulations to prevent, correct, or remove "evil practices." What are the "evil practices"? Injurious speculation or unjust market manipulations or unfair and misleading market quotations. Does the gentleman propose to exempt them from the operation of the law?

Mr. ANDERSON. Not at all.

Mr. HAUGEN. I have understood all of the time that the purpose of this bill was to do away with this manipulation of prices and the misleading quotations of markets and all of the evil practices, and under the amendment of the gentleman it seems to me that you may just as well write in the bill that these evil practices shall be lawful.

Mr. ANDERSON. Mr. Chairman, I do not wish to limit the power of the President in this section in any particular. I simply wish to establish such constitutional basis as will enable him to regulate them. The thing that I fear is that the section in its present form will be considered by the court to be not an exercise of war power, but a legislative or municipal regulation, which would not be sustained under the war power, under which we are now undertaking to act.

Mr. HAUGEN. Mr. Chairman, we have listened to legal argument as to the war power, and it seems to be the opinion that there is practically no limit to the war power, and I take it that if we have the power under the Constitution to do the things we have provided for in the other sections that we have the power provided for in this section.

And I want to say to the gentleman, as far as I am concerned it is possible that these exchanges are not as bad as they have been painted; but after all, if we are to legislate, let us enact a law that will be operative.

Mr. ANDERSON. Let me say to the gentleman that, as I view this section, the language which I have proposed to strike out is jurisdictional. It does not in itself confer any power at all upon the President. It simply establishes the legal basis of the regulations. Now, it may be that an additional amendment is necessary authorizing the President to make such regulations as will eliminate injurious speculation, misleading market quotations, and so forth. I do not think so; but if the gentleman thinks so, I have no objection to such an amendment.

Mr. HAUGEN. The object of the amendment is to do away with injurious speculation and manipulation.

Mr. ANDERSON. Not at all.

Mr. HAUGEN. But he may make rules and regulations to prevent it.

Mr. ANDERSON. Not at all.

Mr. HAUGEN. The gentleman has stricken out that language and simply makes it unlawful; that is, the undue enhancement of prices is made unlawful, and the other language has been eliminated from the bill.

Mr. McLAUGHLIN of Michigan. Why should it not be made unlawful to reduce prices as well as to enhance them? There is a charge made here that this bill is aimed at the farmer—to destroy his business, to reduce his prices. I do not believe it; but if we have this section making it unlawful to increase prices, I can imagine the situation where prices may be too low.

Mr. ANDERSON. If the gentleman from Iowa or the gentleman from Michigan thinks that the amendment which I have offered reduces the power of the President to deal with this situation I will be perfectly willing to withdraw it, because I have no desire to support an amendment to diminish in the slightest degree the power of the President to deal with the

situation. I only desired to establish, if I could, a constitutional basis which would bring the regulations proposed in the section obviously within the war powers of the Congress. If the gentleman from Michigan or the gentleman from Iowa think that my amendment would result——

Mr. HAUGEN. If the gentleman will permit this matter to go over until to-morrow, I think we would all agree as to what we should do in this matter.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto shall close——

Mr. HAUGEN. I would like to ask the chairman of the committee this, if it is not possible for this to go over until to-morrow? If we pass it over, we will have a little time to look it over.

Mr. ANDERSON. Mr. Chairman, in order to clear the situation, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to withdraw his amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. LENROOT. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The Chair really promised to recognize the gentleman from North Dakota. Does the gentleman from North Dakota desire recognition?

Mr. YOUNG of North Dakota. I requested the Chair for recognition for the purpose of replying to the gentleman from Minnesota [Mr. ANDERSON].

Mr. LENROOT. Mr. Chairman——

Mr. LEVER. If the gentleman will permit, I ask unanimous consent that debate on this section and all amendments thereto shall close in——

Mr. HAUGEN. Mr. Chairman, reserving the right to object, I suggest that, if any amendments are to be offered, that the amendments be offered now, and after the amendments have been read we can then determine or agree upon the close of debate.

Mr. LEVER. That is not a bad idea. I ask that amendments that are desired to be offered to this section be offered now for information.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that amendments to this section may be offered now and be pending. Is there objection?

Mr. MORGAN. Mr. Chairman, I object.

Mr. LEVER. Mr. Chairman, I move that all debate on this section and all amendments thereto shall close in five minutes, the gentleman from Wisconsin [Mr. LENROOT] to have that time.

The CHAIRMAN. The gentleman from South Carolina [Mr. LEVER] moves that all debate on this section and all amendments thereto close in five minutes.

Mr. ROBBINS. Mr. Chairman, I want to offer an amendment.

Mr. DILLON. Mr. Chairman, I make the point of no quorum. I have three amendments, and I have not talked on this bill at all. I ought to have five minutes.

The CHAIRMAN. The gentleman from South Dakota makes the point of no quorum. Does the gentleman reserve the point of no quorum?

Mr. DILLON. I will if I have time to explain my three amendments to this section.

Mr. LEVER. Mr. Chairman, the gentleman from Wisconsin [Mr. LENROOT] desires five minutes, the gentleman from South Dakota [Mr. DILLON] desires six minutes, the gentleman from North Carolina desires three minutes, the gentleman from Oklahoma [Mr. MORGAN] two minutes, the gentleman from North Dakota [Mr. YOUNG], who is a member of the committee, five minutes, the gentleman from Texas [Mr. SUMNERS] five minutes, the gentleman from New York [Mr. HULBERT] three minutes, the gentleman from Iowa [Mr. HAUGEN], the ranking minority member, desires five minutes.

Mr. HEFLIN. Who is to keep count of the time? How much does that make in all?

Mr. LEVER. Thirty-three minutes.

Mr. ROBBINS. I want to offer an amendment.

Mr. LEVER. And the gentleman from Pennsylvania [Mr. ROBBINS] desires one minute.

Mr. HEFLIN. I want one minute.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 35 minutes.

Mr. ANDERSON. Mr. Chairman, reserving the right to object, I withdrew the amendment which I offered in order to expedite the consideration of this section, not because I had any question about my position with respect to it or the validity of that position. If this debate is going to run on half an hour or three-quarters of an hour, and a dozen amendments are to be considered, we might as well consider mine.

Mr. BUTLER. Move to shut it off.

Mr. MAPES. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The gentleman from Michigan demands the regular order.

Mr. LENROOT. Mr. Chairman, I have been recognized on the motion to strike out the last word.

Mr. MAPES. Mr. Chairman, is not the regular order the putting of the motion to limit debate to five minutes?

The CHAIRMAN. The gentleman from Wisconsin [Mr. LENROOT] yielded to the gentleman from South Carolina to submit a motion for unanimous consent. The gentleman from South Carolina asks unanimous consent that debate on this section and all amendments thereto close in 35 minutes, the gentleman from Texas [Mr. SUMMERS] to have 5 minutes, the gentleman from New York [Mr. HULBERT] 3 minutes, the gentleman from Wisconsin [Mr. LENROOT] 5 minutes, the gentleman from South Dakota [Mr. DILLON] 6 minutes, the gentleman from North Dakota [Mr. NORTON] 5 minutes, the gentleman from Oklahoma [Mr. MORGAN] 5 minutes, the gentleman from North Dakota [Mr. YOUNG] 5 minutes, the gentleman from Iowa [Mr. HAUGEN] 5 minutes, and the gentleman from Pennsylvania [Mr. ROBBINS] 1 minute.

Mr. HEFLIN. Mr. Chairman——

The CHAIRMAN. That makes 40 minutes.

Mr. MAPES. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MAPES. What has become of the motion to limit debate to five minutes?

The CHAIRMAN. That was withdrawn.

Mr. GILLETT. Reserving the right to object, may I make a suggestion to the gentleman from South Carolina?

The CHAIRMAN. May the Chair have the attention of the gentleman from South Carolina. In all, the requests call for 44 minutes of time.

Mr. GILLETT. Mr. Chairman, reserving the right to object——

Mr. LEVER. Mr. Chairman, I ask unanimous consent then, Mr. Chairman, that all debate on this section and all amendments thereto close in 44 minutes.

Mr. BUTLER. Does the gentleman think he will have a quorum here in about five minutes from now?

Mr. GILLETT. Mr. Chairman, a good many gentlemen are impatient to get away. We have had certainly a long day. I would suggest to the gentleman that we have this debate with the understanding that nothing further is to be transacted to-night, and if we meet to-morrow morning at 11 o'clock or some earlier hour——

Mr. HEFLIN. Make it 10.30, and we will not oppose that.

Mr. WALSH. I object.

Mr. LEVER. Let me suggest to the gentleman from Massachusetts that the trouble with his suggestion is that to-morrow morning when this debate would be opened again——

Mr. GILLETT. It would not be opened again.

Mr. LEVER. It would be closed according to the rules, but any gentleman who desires to have two minutes or three minutes will insist that I give it to him, or that the gentleman from Iowa give it to him, or the Chair give it to him, and he can not well be refused. What I am trying to do is to get down to section 13, and when we have done that I will be ready to rise.

Mr. GILLETT. It may be midnight at the present rate.

Mr. LEVER. I have been here all day. I hope this request will be granted. We could go along here and have it finished while we are talking.

The CHAIRMAN. The Chair desires to make a correction. There have been 40 minutes of time requested. The gentleman from South Carolina asks unanimous consent that debate on this section and all amendments thereto close in 40 minutes. Is there objection?

Mr. WALSH. I object.

Mr. LEVER. Then, Mr. Chairman, I move that all debate on this section and all amendments thereto close now.

Mr. LENROOT. I yielded to the gentleman from South Carolina for the purpose—— [Cries of "Vote! Vote!"]

Mr. BUTLER. In five minutes.

Mr. LEVER. Except that the gentleman from Wisconsin is to have his five minutes.

Mr. DILLON. I make the point of order there is no quorum.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin [Mr. LENROOT] to proceed for five minutes. He was recognized, and the Chair will now again recognize him to proceed.

Mr. LENROOT. Mr. Chairman, with reference to this section regulating the grain exchanges of this country the farmers have for many years been demanding Federal regulation. The opportunity has come for such Federal regulation during the existence of this war as a war measure.

If the amendment proposed by the gentleman from Minnesota [Mr. ANDERSON] had not been opposed by some members of this committee it would have been possible to have had a real Federal regulation of grain exchanges under this bill during the war.

Mr. HAUGEN. Mr. Chairman, I suggest that that is the gentleman's view. There are others who may differ with him.

Mr. LENROOT. I am coming to that.

Mr. HAUGEN. Very well.

Mr. LENROOT. For this reason, this amendment having been opposed, and the gentleman from Minnesota having withdrawn it—and I do not blame him for so doing under the circumstances—as this section now stands it is worthless. My opinion as a lawyer may be of little value, but so far as it has any value I will say that so far as benefiting the farmers of the United States is concerned, this section as it stands is not worth the paper upon which it is written, and the first time it gets into court it will be nullified as in violation of the Constitution.

Gentlemen who have opposed the amendment of the gentleman from Minnesota must take that responsibility, because, Mr. Chairman, we know that in the case of legislation in the interest of the masses of this country, when the time has come when an opportunity is presented for them to get real legislation, how often when they get the legislation has it been found to have been framed in such a form that it is of no value to them and been held unconstitutional?

Mr. HAUGEN. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. I do not question the good faith of gentlemen.

Mr. HAUGEN. That is not the question now. I asked if the gentleman will yield.

Mr. LENROOT. I will yield for a question.

Mr. HAUGEN. I wish to call the gentleman's attention to the fact that the section under consideration is the product of the best lawyers we have in the House, the lawyers on the Committee on Agriculture, and the lawyers of the Department of Agriculture.

Mr. LENROOT. With all due respect to the other lawyers on the committee, I will say that the best lawyer on that committee, and one of the best lawyers in the House, is the gentleman from Minnesota [Mr. ANDERSON], who offered this amendment and who has declared it to be his opinion that this amendment is vital and necessary.

Now, for the reasons stated by the gentleman from Minnesota—reasons that ought to appeal to every lawyer—it is not a doubtful question whether this legislation is valid in its present shape. There is no prohibition in the bill against the things that are dealt with in the section. The gentleman from Minnesota undertook to provide a provision which would constitute a legal basis for the other provisions. What items are now in the section as it now stands which are based on the exercise of the war power? What has that got to do with misleading market quotations? It does not take a lawyer to say that that can not be sustained under the war power granted in the Constitution, and when this bill comes to be passed upon by the Supreme Court of the United States it will not be interpreted as a whole but, as in the case of Miller against the United States, the Supreme Court will examine each section, and one section they may find to be under the war power, and another section they may find to be of the character of municipal legislation; and if this section 11 is not under the war power, no lawyer will say that it is valid and constitutional because there is no provision of the Constitution upon which it can rest.

I want to repeat what I said a few moments ago, that these gentlemen who have opposed this amendment in the interest of the farmer are unwittingly and unconsciously enemies of the farmer in opposing the amendment proposed by the gentleman from Minnesota. [Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. LEVER. Mr. Chairman, I move that the debate on this section and all amendments thereto be now closed.

The CHAIRMAN. The gentleman from South Carolina moves that the debate on this section and all amendments thereto be now closed. The question is on agreeing to that motion.

Mr. DILLON. Mr. Chairman, I renew the point of no quorum.

The CHAIRMAN. The question is on agreeing to that motion.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. NORTON. A division, Mr. Chairman.

Mr. DILLON. I make the point of no quorum, Mr. Chairman.

The CHAIRMAN. The gentleman from South Dakota makes the point of no quorum. The Chair will count. [After counting.] One hundred and eighteen Members are present, a quorum.

Mr. DILLON. Mr. Chairman, I ask for tellers.

The CHAIRMAN. The gentleman from South Dakota demands tellers.

Mr. PADGETT. Mr. Chairman, I make the point of order that tellers are not in order for a quorum. That rests alone with the Chair.

The CHAIRMAN. That is a question entirely with the Chair, and the Chair is inclined to give the gentleman a chance to order tellers if he can. Those in favor of taking this vote by tellers will rise and stand until they are counted. [After counting.] Only four gentlemen have risen. Tellers are refused.

So the motion to close debate was agreed to.

Mr. NORTON. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. NORTON. I was on my feet during the vote on the motion to close debate, and I asked for a division. The gentleman from South Dakota [Mr. DILLON] then made a point of no quorum. Are we not entitled to a division?

The CHAIRMAN. The Chair did not hear the gentleman when the demand was made.

Mr. ROBBINS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ROBBINS: Page 11, line 13, after the word "transactions," insert "including buying selling, or dealing in food, grain, or provisions by the method commonly known as 'futures' or 'short selling,' where the article bought or sold is not delivered at the maturity of the contract."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. ROBBINS].

The question was taken, and the amendment was rejected.

Mr. ROBBINS. I ask unanimous consent, Mr. Chairman, to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman already has that privilege.

Mr. DILLON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from South Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DILLON: Page 12, line 10, after the word "agents," insert the following: "Whoever shall buy or sell on any board of trade, chamber of commerce, or exchange in which any produce shipped in interstate commerce is purchased or sold any wheat, corn, oats, or other food products on a margin intending that no delivery thereof shall be made, but with the intent that the same shall be settled for as a speculative margin, shall be guilty of a misdemeanor. That upon a prosecution for such offense it shall only be necessary for the prosecution to show, in order to make a prima facie case, that such seller was not a grower or producer or owner at the time of such sale of such grain or produce, and that the purchaser or buyer purchased the same on a margin of less than 50 per cent, and upon such showing the burden of proof shall be shifted to the seller or purchaser to show a good-faith transaction."

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota.

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. DILLON. A division, Mr. Chairman.

The committee divided; and there were—ayes 10, noes 32.

Accordingly the amendment was rejected.

Mr. DILLON. I offer another amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from South Dakota offers another amendment, which the Clerk will report.

Mr. DILLON. I now make the point of order that there is no quorum present.

Mr. BUTLER. That point is too late.

Mr. DILLON. Oh, no; it is not.

Mr. LEVER. I make the point of order that that is dilatory.

The CHAIRMAN. The Chair feels constrained to sustain the point of order made by the gentleman from South Carolina. The gentleman from South Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DILLON: Page 12, line 17, at the end of section 11, add the following: "This section shall be permanent law, notwithstanding the limitations contained in this act."

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota.

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. DILLON. A division, Mr. Chairman.

The committee divided, and there were—ayes 12, noes 43.

Mr. DILLON. I make the point of order that there is no quorum present, Mr. Chairman.

Mr. LEVER. I make the point of order that that is dilatory.

The CHAIRMAN. The Chair thinks it is dilatory.

Mr. DILLON. The announcement which the Chair has just made shows that there is no quorum.

The CHAIRMAN. It has been only a very few moments since the point of no quorum was made, and the Chair counted, and more than a quorum was found to be present. The Chair sustains the point of order that the point of no quorum is dilatory.

Mr. NORTON. I appeal from the decision of the Chair.

Mr. GARRETT of Tennessee. The gentleman can not appeal from the decision of the Chair that the motion is dilatory.

The CHAIRMAN. That is correct. The gentleman can not.

Mr. NORTON. Mr. Chairman——

Mr. SUMNERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas has an amendment which he desires to offer.

Mr. NORTON. I should like to be heard on that.

The CHAIRMAN. Heard on what?

Mr. NORTON. On the appeal from the decision of the Chair.

The CHAIRMAN. The Chair declines to recognize the appeal on the ground that the motion was dilatory, under the rule as found in section 5715 of Hinds' Precedents. The Clerk will report the amendment offered by the gentleman from Texas [Mr. SUMNERS].

The Clerk read as follows:

Amendment offered by Mr. SUMNERS: Page 11, line 6, after the word "enhancement," insert a comma and the word "depression."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question being taken, the Chairman announced that the ayes appeared to have it.

Mr. NORTON. I ask for a division.

The committee divided; and there were—ayes 43, noes 7.

Accordingly the amendment was agreed to.

Mr. YOUNG of North Dakota. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from North Dakota offers an amendment, which the Clerk will report.

Mr. YOUNG of North Dakota. This amendment is offered for the purpose of making this section constitutional, according to the view of the gentleman from Minnesota [Mr. ANDERSON].

The CHAIRMAN. The gentleman from North Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. YOUNG of North Dakota offers the following amendment: Page 11, line 5, after the word "that," insert "undue enhancement or fluctuation of prices of, or injurious speculation in, or unjust market manipulation, or unfair and misleading market quotations of the prices of necessaries are hereby prohibited, and."

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota [Mr. YOUNG].

The amendment was agreed to.

Mr. MORGAN. Mr. Chairman, I offer an amendment to come in as a new section.

Mr. DILLON. Mr. Chairman, a parliamentary inquiry. I have an amendment to section 11. Is not that in order first?

Mr. MORGAN. The amendment which I offer is a new section, following section 11. Is that in order now?

The CHAIRMAN. The Chair recognizes the gentleman from South Dakota [Mr. DILLON] first. The gentleman from South Dakota offers amendments, which the Clerk will report.

The Clerk read as follows:

Amendments offered by Mr. DILLON:

Page 11, line 17, after the word "President," strike out the word "may" and insert in lieu thereof the following: "is authorized and directed to."

Line 19, after the word "and," strike out the words "may require such persons."

Line 24, after the word "he," strike out the words "may also" and insert in lieu thereof the following: "is also authorized and directed to."

The CHAIRMAN. The question is on the amendments offered by the gentleman from South Dakota.

The amendments were rejected.

Mr. MORGAN. Mr. Chairman, I offer the following amendment as a new section.

The Clerk read as follows:

Amendment offered by Mr. MORGAN: Page 12, between lines 17 and 18, after the word "both," insert the following as a new section:

"SEC. 11a. That as a further means of stimulating the production of necessaries the President, in his discretion, is hereby authorized to loan to the farmers of the United States, through such governmental agency or agencies as he shall direct, a sum of money not to exceed $50,000,000 upon such terms, conditions, and security, and at such rates of interest as he shall prescribe, and which, in his judgment, shall be necessary to assure an adequate supply thereof, and the sum of $50,000,000, or so much thereof as may be necessary, is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, and to be available immediately."

Mr. LEVER. Mr. Chairman, I make the point of order that the amendment is not germane to the bill.

Mr. MORGAN. Mr. Chairman, I would like to be heard on that.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. MORGAN. Mr. Chairman, I do not think the point of order is well taken. This bill is entitled—

A bill to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

Now, the primary purpose of the bill is to increase and encourage the production of food products. I propose by this amendment to authorize the President to loan to the farmers of the United States $50,000,000 for the very purpose of equipping them and enabling them to enlarge their production, to help out the very object and purpose of the bill. All through the bill is the idea of increase of production.

Now, it might be that the President has some such authority, but anything that will aid in the object and purpose of the bill will certainly be germane.

The CHAIRMAN. The Chair is ready to rule. The Chair agrees with the gentleman that one purpose of the bill is to encourage the production and conserve the supply of food products, but the Chair thinks, unfortunately for the gentleman's contention, that this provision is outlined in a definite and specific manner, and that if the President is authorized to loan money to the farmers it is getting away from the express purpose of the bill, and therefore he sustains the point of order.

Mr. MORGAN. With all due respect to the Chair, I appeal from the decision.

The CHAIRMAN. The gentleman from Oklahoma appeals from the decision of the Chair, and the question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken; and there were—ayes 83, noes 6.

So the decision of the Chair was sustained as the judgment of the committee.

The Clerk read as follows:

SEC. 11. That, whenever the President finds it essential in order to prevent undue enhancement or fluctuation of prices of, or in order to prevent injurious speculation in, or in order to prevent unjust market manipulation or unfair and misleading market quotations of the prices of necessaries, hereafter in this section called evil practices, he is authorized to prescribe such regulations governing, or may either wholly or partly prohibit, operations, practices, and transactions at, on, in, or under the rules of any exchange, board of trade, or similar institution or place of business as he may find essential in order to prevent, correct, or remove such evil practices. Further, for the purposes of this section, the President may require all persons coming within its provisions to keep such records and statements of account, and may require such persons to make such returns, verified under oath or otherwise, as will fully and correctly disclose all transactions at, in, or on, or under the rules of any such exchange, board of trade, or similar institution or place of business, including the making, execution, settlement, and fulfillment thereof. He may also require all persons acting in the capacity of a clearing house, clearing association, or similar institution, for the purpose of clearing, settling, or adjusting transactions at, in, or on, or under the rules of any such exchange, board of trade, or similar institution or place of business, to keep such records and to make such returns as will fully and correctly disclose all facts in their possession relating to such transactions, and he may appoint agents to conduct the investigations necessary to enforce the provisions of this section and all rules and regulations made by him in pursuance thereof, and may fix and pay the compensation of such agents. Any person who willfully violates any regulation made pursuant to this section, or who knowingly engages in any operation, practice, or transaction prohibited pursuant to this section, or who willfully aids or abets any such violation or any such prohibited operation, practice, or transaction, shall, upon conviction thereof, be punished by a fine not exceeding $10,000 or by imprisonment for not more than four years, or both.

Mr. YOUNG of Texas. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 12, line 21, after the word "agricultural," insert the words "food or feed."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The amendment was agreed to.

Mr. HULBERT. Mr. Chairman, during the consideration of this bill I have not occupied any time, and I do not intend to beyond asking to have read in my time the following communication, which I send to the Clerk's desk.

The Clerk read as follows:

NEW YORK CITY, *June 19, 1917.*

Hon. MURRAY HULBERT,
House of Representatives, Washington, D. C.

HONORABLE SIR: In view of the rapidly approaching harvest it may be said that the immediate passage of the "Lever bill" is imperative.

We are receiving criticisms and inquiries about the price of bread, over which we have no control because of the present high price of flour, and we are hoping that the appointment of food administrator and the closing of grain exchanges will result in the reducing and

stabilizing of prices of flour so that we can produce cheaper bread for the people, and cheaper food we believe is necessary to maintain a social balance in our country.

In the name of our country's poor, please lend your best efforts to an early passage of this bill.

Very truly, yours,

GEORGE S. WARD,
President Ward Baking Co.

Mr. LEVER. Mr. Chairman, there is some desire to debate section 12 of this bill. The committee has been in session since 11 o'clock this forenoon. They have been attentive and kept a quorum here, which we appreciate. If we can enter into an agreement that all debate on section 12 may be closed in an hour to-morrow morning and meet at 11 o'clock, I will move that the committee rise.

Mr. CANNON. I have no objection, but I will state that this three-year proposition ought to be fully considered.

Mr. LEVER. I appreciate that fact, and I want a real debate on the section. I would like to enter into some agreement that will meet the wishes on both sides of the House on this proposition. It is a very important section, but I do not want to leave it absolutely open, for I want to pass the bill to-morrow night.

Mr. CANNON. I think there will be no trouble in doing that.

Mr. LEVER. The Russian commission will be here to-morrow.

Mr. CANNON. That will only take about an hour, and we can sit to-morrow night.

Mr. HARRISON of Mississippi. Does the gentleman from South Carolina contemplate taking a vote to-morrow night?

Mr. LEVER. Absolutely.

Mr. HARRISON of Mississippi. A great many gentlemen are away from here and they are trying to find out.

Mr. LEVER. I have been telling Members for three days that there would be a vote to-morrow afternoon.

Mr. HARRISON of Mississippi. The gentleman does not contemplate having the previous question ordered and let it go over until Monday?

Mr. LEVER. No; to be entirely fair, Mr. Chairman, I ask unanimous consent that debate upon this section and all amendments thereto shall be concluded to-morrow after one hour and a half.

The CHAIRMAN. The gentleman asks unanimous consent that all debate upon section 12 and all amendments thereto shall conclude in one hour and a half. Is there objection?

Mr. NORTON. Mr. Chairman, I think that as far as I am concerned that is agreeable, but I would like to have 10 minutes of that.

Mr. LEVER. Of course, the Chair would control the time. I do not think there will be a great deal of discussion on this, and yet there seems to be some time desired. I think that is liberal.

Mr. SCOTT of Iowa. Is that an hour and a half on both sides?

Mr. LEVER. No.

Mr. SCOTT of Iowa. That is not enough for this section.

Mr. LEVER. What would the gentleman suggest?

Mr. SCOTT of Iowa. I would suggest not less than two hours and a half.

Mr. LEVER. Mr. Chairman, I trust that gentlemen of the committee will enter into any agreement that we may make in the same spirit with which the chairman of the committee is endeavoring to do so. An hour and a half is a long time.

Mr. NORTON. Make it two hours.

Mr. LEVER. Mr. Chairman, after informal consultation I think we can reach an agreement. I ask unanimous consent that debate on this section and all amendments thereto shall close in two hours, the gentleman from Iowa [Mr. HAUGEN] to control one-half of that time and I to control the other half, with the understanding, although this is not included in the request, that when the House adjourns to-night it shall adjourn to meet at 11 o'clock to-morrow morning.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate upon section 12 and all amendments thereto shall close in two hours, one-half of that time to be controlled by himself and one-half by the gentleman from Iowa [Mr. HAUGEN]. Is there objection?

Mr. MORGAN. Mr. Chairman, reserving the right to object, I would prefer that the gentleman do this by motion. I do not like this section, and I can not conscientiously consent to any closing of debate on it.

Mr. CANNON. Mr. Chairman, reserving the right to object, I desire to make a statement. Gentlemen must be quite aware that a majority can close this debate at the end of two hours or at the end of the first amendment on to-morrow.

Mr. LEVER. That is true, but I do not want to do it.

Mr. CANNON. It seems to me that the request is quite liberal. Two hours of debate ought to be sufficient, and we can meet at 11 o'clock. We are all tired now. We can finish this bill to-morrow.

The CHAIRMAN. Is there objection?

Mr. DILLON. Mr. Chairman, reserving the right to object, I desire to ask the chairman of the committee why he closed debate on section 11, the most important section in the bill, in 10 minutes and denied Members the right to explain amendments for even 2 minutes?

Mr. LEVER. Simply because the chairman of the committee in a futile endeavor to close debate could not get Members to agree to close it.

Mr. DILLON. I want to say to the chairman that I think that that was very unfair.

Mr. LEVER. That is the gentleman's impression, which makes no impression upon me.

Mr. DILLON. Mr. Chairman, I object.

Mr. LEVER. Mr. Chairman, I move that debate on section 12 and all amendments thereto shall close at the conclusion of two hours.

The motion was agreed to.

Mr. BOOHER. Mr. Chairman, I ask unanimous consent to insert in the RECORD three telegrams which I have received——

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. WALSH. Mr. Chairman, I object.

Mr. BOOHER. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BOOHER. Mr. Chairman, I shall occupy that two minutes of time in reading some telegrams which I have in my hand, which are very short. The first one I shall read is dated St. Joseph, Mo., June 21, 1917, from one of the largest milling companies of that State west of Kansas City. I received it this morning:

ST. JOSEPH, MO., *June 21, 1917.*

HON. CHARLES F. BOOHER,
Washington, D. C.:

Wheat harvest is about to commence in the Southwest. All regular channels of buying, storing, paying for this wheat now closed account no one knows what Government is going to do in way of controlling supply and price. Instant action should be taken on H. R. 4961, which is now before the House and Senate. All grain dealers and millers are simply marking time now, not knowing what to do. This means all markets will become bare of flour before they can be replenished with new crop or cars can be secured to move same. At present time car shortage is easier than for some months, and we could use them for wheat and flour to seacoast daily. Later it will be impossible to get cars to transport flour or food in sufficient quantities to fill markets. We urge immediate passage of bill.

ROBERT R. CLARKE,
President Aunt Jemima Mills Co.

Now, I have two from labor unions in my district which are very short, and I ask consent to extend them in the RECORD.

Mr. EMERSON. Mr. Chairman, I suggest to the gentleman that he has the right to extend his remarks under the leave to print already granted in reference to this bill.

The CHAIRMAN. The suggestion made by the gentleman from Ohio is correct. The gentleman from Missouri, as every other gentleman, has the right to extend his remarks on this bill, and the Chair thinks he can extend anything touching this subject.

Mr. BOOHER. But, Mr. Chairman, I got two minutes' time, and I have the right to use it as I please. This telegram is as follows:

ST. JOSEPH, MO., *June 20, 1917.*

HON. CHARLES F. BOOHER.
House of Representatives, Washington, D. C.

MY DEAR MR. BOOHER: In the name of the organized garment workers of St. Joseph, Kansas City, and Maryville, Mo., I urgently request you to support Lever food-administration bill.

J. L. WINES, *Secretary.*

Mr. LEVER. Mr. Chairman, I ask unanimous consent that the time fixed for debate on section 12 of this bill be equally divided between the gentleman from Iowa [Mr. HAUGEN] and myself.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the time fixed for debate on section 12 be controlled, one-half by himself and one-half by the gentleman from Iowa [Mr. HAUGEN]. Is there objection? [After a pause.] The Chair hears none.

Mr. LEVER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAMLIN, Chairman of the Committee of the Whole House on the state of the Union, reported that that

committee had had under consideration the bill H. R. 4961 and had come to no resolution thereon.

HOUR OF MEETING TO-MORROW—11 O'CLOCK A. M.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 a. m. to-morrow.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. LEVER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 4 minutes p. m.) the House, under its previous order, adjourned to meet at 11 a. m. to-morrow, Saturday, June 23, 1917.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Barataria Bay, La., and connecting waters (H. Doc. No. 200); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

2. A letter from the Secretary of the Navy, submitting draft of tentative legislation to amend section 1585 of the Revised Statutes of the United States, relating to Navy rations (H. Doc. No. 201); to the Committee on Naval Affairs and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of communication of the Secretary of War submitting a supplemental estimate of appropriation for the establishment and equipment of a submarine base at the Panama Canal (H. Doc. No. 202); to the Committee on Appropriations and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CLAYPOOL: A bill (H. R. 5146) to repeal the restriction on appointments and promotions in the Pension Bureau; to the Committee on Appropriations.

By Mr. WINGO: A bill (H. R. 5147) granting the consent of Congress to the Sebastian Bridge district to construct a bridge across the Arkansas River, at the foot of Garrison Avenue, at Fort Smith, Ark.; to the Committee on Interstate and Foreign Commerce.

By Mr. KING: A bill (H. R. 5148) to authorize the establishment of a Bureau of Farm Risk Insurance in the Treasury Department; to the Committee on Agriculture.

By Mr. MOON: A bill (H. R. 5149) to prohibit Federal officials and all other persons from aiding directly or indirectly in the procurement of contracts with the Government for compensation; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOWERS: A bill (H. R. 5150) granting a pension to A. M. Graham; to the Committee on Invalid Pensions.

By Mr. DAVIS: A bill (H. R. 5151) granting a pension to William W. Kinne; to the Committee on Pensions.

By Mr. GANDY: A bill (H. R. 5152) granting an increase of pension to Cassius M. Rose; to the Committee on Invalid Pensions.

By Mr. LEE of Georgia: A bill (H. R. 5153) granting an increase of pension to Sarah Crawford; to the Committee on Pensions.

Also, a bill (H. R. 5154) granting an increase of pension to Elizabeth E. Roberts; to the Committee on Pensions.

Also, a bill (H. R. 5155) granting an increase of pension to Margaret E. Patton; to the Committee on Pensions.

Also, a bill (H. R. 5156) granting an increase of pension to Louisa F. Echols; to the Committee on Pensions.

By Mr. LINTHICUM: A bill (H. R. 5157) granting a pension to Ella S. Anderson; to the Committee on Pensions.

By Mr. MAGEE: A bill (H. R. 5158) providing for refund to the Haberle-Crystal Springs Brewing Co. of a sum paid in excess of a certain special excise tax; to the Committee on Claims.

By Mr. SMITH of Idaho: A bill (H. R. 5159) granting an increase of pension to Charles Richter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5160) granting an increase of pension to Ruel Rounds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5161) granting an increase of pension to E. G. Burnet; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5162) granting a pension to Grant H. Hill; to the Committee on Pensions.

By Mr. THOMPSON: A bill (H. R. 5163) granting a pension to Helen Walker; to the Committee on Pensions.

Also, a bill (H. R. 5164) granting a pension to William D. Nugent; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Petition of 34 employees of the Blair Motor Truck Co., of Newark, Ohio, asking for legislation to protect them from price boosters and unscrupulous middlemen; to the Committee on Agriculture.

By Mr. BURROUGHS: Memorial of Methodist Episcopal Church of Newfields, N. H., favoring national prohibition as a war measure; to the Committee on the Judiciary.

By Mr. DALE of New York: Petition of the Amalgamated Ladies' Garment Cutters' Union, Local 10, New York City, urging the necessity of the passage of the Lever food-control bill; to the Committee on Agriculture.

By Mr. ESCH: Petition of the women's clubs of the seventh district of Wisconsin federation, urging the creation of effective zones around all military camps; to the Committee on Military Affairs.

Also, petition of Grand Council of Wisconsin of the Order of United Commercial Travelers of America, protesting against any legislation increasing first-class postage rates until the postage on second-class mail has been raised to the point where the carriage of that class of mail will be on a self-sustaining basis; to the Committee on Ways and Means.

By Mr. FITZGERALD: Memorial of Central Mercantile Association of New York City, indorsing recommendations of the Secretaries of War and the Navy that the depth of Hell Gate at certain points be increased from 26 to 40 feet; to the Committee on Rivers and Harbors.

Also, memorial of State conference of mayors and other city officials, urging enactment of laws to regulate the food of the United States; to the Committee on Agriculture.

By Mr. GALLIVAN: Petition of South Boston Retail Grocers and Provision Dealers' Association, favoring measures to prevent the unnecessary holding or storing of food products; to the Committee on Agriculture.

Also, petition of the Boston Branch of the Association of Collegiate Alumnae, urging the creation of effective zones about all military camps within which the sale of liquor and the presence of prostitution are prohibited; to the Committee on Military Affairs.

By Mr. GANDY: Memorial of Federation of Women's Clubs of South Dakota, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petition of Rhode Island State Federation of Labor, favoring passage of Lever food-administration bill; to the Committee on Agriculture.

Also, petition of Rhode Island Mule Spinners' Association, No. 3, against any interference with application of Burnett immigration law; to the Committee on Immigration and Naturalization.

Also, petition of Rhode Island Textile Council, favoring passage of Lever food-administration bill; to the Committee on Agriculture.

By Mr. LINTHICUM: Petition of the members of the Ancient Order of Hibernians, County Board of Baltimore City, Md., relative to the freedom and independence of Ireland; to the Committee on Foreign Affairs.

Also, petition of Woman Suffrage League of Maryland, urging the creation of the proposed suffrage committee in the House of Representatives; to the Committee on Rules.

Also, petition of the Blue Ribbon Candy Co., Baltimore, Md., in re the Senate Finance Committee's elimination of the drawback on sugar; to the Committee on Ways and Means.

Also, petition of Baltimore Photo-Engravers' Union; Metal Polishers, Buffers, and Platers' International Union of North America; and the National Federation of Post Office Clerks, favoring the passage of the Lever food-control bill; to the Committee on Agriculture.

Also, petition of Frey & Sons and of the Western Maryland Railway Co., in re the food-control bill; to the Committee on Agriculture.

Also, petition of Joyner, Witz Co. and S. Halle Sons, protesting against any increase in the letter-postage rate, without a liberal advance in the second-class rate; to the Committee on Ways and Means.

By Mr. LONERGAN: Petition of sundry citizens of East Glastonbury, Conn., favoring prohibition; to the Committee on the Judiciary.

Also, memorial of the Common Council of New Britain, Conn., asking passage of House bill 4961, food-control bill; to the Committee on Agriculture.

By Mr. McFADDEN: Petitions of 71 citizens of Bethany, 44 of East Troy, and sundry citizens of Noxen, all in the State of Pennsylvania, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. MAGEE: Petition of Prof. Perley O. Place and other professors of Syracuse University, Syracuse, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of George A. Wilson and W. W. Wilson, of the city of Syracuse, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. MOORES of Indiana: Petition of Amelia Waring Plotter and 91 other residents of Indianapolis, Ind., praying for a sliding-scale war tax on all net incomes; to the Committee on Ways and Means.

By Mr. NOLAN: Petition of 15 officers of the Ancient Order of Hibernians in San Francisco, Cal., asking that hearings be held on the so-called Mason resolution, House joint resolution 88, calling on Great Britain to grant Ireland her freedom; to the Committee on Foreign Affairs.

By Mr. RANDALL: Petition of California yearly meeting of Friends' Church, Whittier, Cal., expressing unqualified approval of policy of President Wilson and Secretary of War to keep training camps morally and physically clean, and unanimously indorsing prohibition of liquor traffic; to the Committee on the Judiciary.

By Mr. SMITH of Michigan: Petition of W. E. Kidder, of Kalamazoo, Mich., in re the war revenue tax measure; to the Committee on Ways and Means.

By Mr. SNYDER: Petition of Trades Assembly of Little Falls, N. Y., favoring food-control bill; to the Committee on Agriculture.

Also, petition of Pomona Grange, of Herkimer County, N. Y., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. STEENERSON: Petition of the Scandinavian Grand Lodge, Independent Order of Good Templars, Malung; 158 Epworth Leaguers of Bemidji; and the Frihetslocken, No. 75, International Order of Good Templars, of the town of Thompson, Kittson County, all in the State of Minnesota, urging the immediate prohibition of the manufacture and sale of alcoholic liquor for beverage purposes; to the Committee on the Judiciary.

By Mr. TAGUE: Petition of officers and members of Branch 9, Post Office Laborers' Association, Boston, Mass., and Boston Musicians' Protective Association, Local No. 9, American Federation of Musicians, favoring food-control bill; to the Committee on Agriculture.

By Mr. VARE: Memorial of citizens of the twenty-eighth ward, Philadelphia, Pa., favoring passage of the food-control bill; to the Committee on Agriculture.

Also, memorial of Philadelphia Local, Lithographers of America, protesting against increase in post-card postage rates; to the Committee on Ways and Means.

By Mr. WINSLOW: Petition of 155 railway workers of Worcester, Mass., favoring passage of food-control bills; to the Committee on Agriculture.

Also, petition of Women suffragists of the eighth Worcester representative district, favoring suffrage for women; to the Committee on the Judiciary.

By Mr. ZIHLMAN: Memorial of Mrs. May Gaylor, president of the Middletown (Md.) Woman's Christian Temperance Union, for the prohibition of the manufacture of intoxicating liquors; to the Committee on the Judiciary.

Also, memorial of Rev. W. S. Gerhard, Jefferson, Md., secretary of the Frederick County (Md.) Ministerial Association, for the prohibition of the manufacture of intoxicating liquors; to the Committee on the Judiciary.

Also, memorial of the Brook Hill Union Sunday School, of Frederick County, Md., for the prohibition of intoxicating beverages; to the Committee on the Judiciary.

SENATE.

SATURDAY, *June 23, 1917.*

(Legislative day of Friday, June 22, 1917.)

The Senate reassembled at 12 o'clock m., on the expiration of the recess.

CONSERVATION OF FOOD AND FUEL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2463) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

Mr. CHAMBERLAIN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hardwick	Martin	Smith, Ariz.
Bankhead	Husting	Nelson	Smith, Ga.
Beckham	James	New	Smith, Md.
Broussard	Johnson, Cal.	Overman	Smoot
Chamberlain	Johnson, S. Dak.	Owen	Sutherland
Colt	Jones, N. Mex.	Page	Swanson
Culberson	Jones, Wash.	Penrose	Thomas
Cummins	Kellogg	Pittman	Thompson
Curtis	Kendrick	Poindexter	Townsend
Dillingham	Kenyon	Pomerene	Trammell
Fletcher	Kirby	Ransdell	Underwood
Gallinger	Knox	Reed	Vardaman
Gerry	La Follette	Saulsbury	Williams
Gore	McKellar	Shafroth	
Gronna	McLean	Sheppard	
Hale	McNary	Sherman	

Mr. CURTIS. I announce the absence of the Senator from Maryland [Mr. FRANCE] on account of illness. I ask that this announcement may stand for the day.

Mr. KIRBY. I desire to announce the unavoidable absence of the senior Senator from Arkansas [Mr. ROBINSON], and I ask that this announcement may stand for the day.

Mr. SHAFROTH. I wish to announce the absence of the Senator from South Dakota [Mr. STERLING], the Senator from California [Mr. PHELAN], and the Senator from Montana [Mr. WALSH] on committee work of the Senate.

Mr. SAULSBURY. I desire to announce that my colleague [Mr. WOLCOTT] is necessarily absent on official business.

Mr. SUTHERLAND. I desire to announce the absence of my colleague, the senior Senator from West Virginia [Mr. GOFF], on account of illness. I will let this announcement stand for the day.

Mr. McKELLAR. I wish to announce the absence of my colleague [Mr. SHIELDS] on account of illness.

Mr. SHEPPARD. I desire to announce that the senior Senator from New Jersey [Mr. HUGHES] is detained from the Senate by illness.

The VICE PRESIDENT. Sixty-one Senators have answered to the roll call. There is a quorum present.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the Polk County Suffrage Campaign Committee of Iowa, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was referred to the Committee on Woman Suffrage.

He also presented the petition of H. L. Thigpen, of Fort Valley, Ga., praying for the regulation of prices of foodstuffs, which was ordered to lie on the table.

He also presented a petition of the Pattern Makers' League of North America and a petition of sundry citizens of Danville, Ill., praying for the passage of the so-called food bill, which were ordered to lie on the table.

Mr. THOMPSON presented a petition of the Anti-Saloon League of Kansas, praying for national prohibition, which was ordered to lie on the table.

Mr. NELSON presented a petition of sundry citizens of Wagdahl, Minn., praying for the conscription of wealth as well as of men, which was referred to the Committee on Finance.

He also presented a petition of the City Council of Duluth, Minn., and a petition of the congregation of the Welsh Presbyterian Church of Cambria, Minn., praying for national prohibition as a war measure, which were ordered to lie on the table.

Mr. PHELAN presented a petition of sundry citizens of Fresno, Cal., praying for national prohibition, which was ordered to lie on the table.

He also presented a petition of Local Branch United Brotherhood of Carpenters and Joiners' of San Jose, Cal., praying

for the enactment of legislation to prevent gambling in foodstuffs, which was ordered to lie on the table.

Mr. HALE presented a petition of the Chamber of Commerce of Bangor, Me., praying for the passage of the so-called daylight-saving bill, which was ordered to lie on the table.

He also presented resolutions adopted at a meeting of the congregations of sundry churches of Bangor, Me., favoring national prohibition of the liquor traffic and for the safeguard of soldiers from vice, which was ordered to lie on the table.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NELSON:

A bill (S. 2501) granting an increase of pension to Olive J. Thompson (with accompanying papers); to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 2502) granting an increase of pension to James M. Shuey (with accompanying papers); to the Committee on Pensions.

AMENDMENT TO PENDING BILL.

Mr. POINDEXTER submitted an amendment intended to be proposed by him to the bill (S. 2463) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel, which was ordered to lie on the table and be printed.

LIBERTY LOAN.

Mr. SWANSON. Mr. President, I read in the morning paper a statement by the Secretary of the Treasury regarding the subscription to the liberty loan. The statement shows that it was largely oversubscribed, a positive proof of the patriotic sentiment of the people. I should like to have the statement published in the RECORD for the information of the Senate.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

"The widespread distribution of the bonds and the great amount of the oversubscription constitute an eloquent and conclusive reply to the enemies of the country who claimed that the heart of America was not in this war. The result, of which every citizen may well be proud, reflects the patriotism and the determination of the American people to fight for the vindication of outraged American rights, the speedy restoration of peace, and the establishment of liberty throughout the world."

The following statement on the final result was furnished by the Secretary:

"The total of the subscription to the $2,000,000,000 liberty loan amounts to $3,035,226,850—an oversubscription of $1,035,226,850, or 50 per cent more than the amount offered.

"More than 4,000,000 men and women of the United States subscribed for the bonds, placing this vast sum of money at the disposal of their Government for the prosecution of the war. Of this number it is estimated that 3,960,000 people, or 99 per cent, subscribed in amounts ranging from $50 to $10,000, while the number of individual subscriptions of $5,000,000 and over was 21, their subscriptions aggregating $188,789,900.

"The figures as to the number of subscriptions are estimates, because the returns from the 12 Federal reserve banks in this respect are incomplete, but when finally reported they will exceed the number stated.

"One of the chief purposes of the campaign was to distribute the liberty bonds widely throughout the country and place them as far as possible in the hands of the people. This was important, because the strength of Government finance, like the strength of Government policies, rests upon the support of the people. The large number of subscribers, especially the large number of small subscribers, is most gratifying and indicates that the interest of the people was aroused as never before in an issue of bonds.

SHOWS AMERICA'S TEMPER.

"The Congress pledged all the resources of America to bring the war to a successful determination. The issue just closed will serve as an indication of the temper and purpose of the American people and of the manner in which they may be expected to respond to future calls of their country for the necessary credits to carry on the war.

"As originally announced, the present issue of bonds is limited to $2,000,000,000, and no allotments will be made in excess of that amount. I have consequently decided to exercise the right reserved in the announcement offering the bonds to the public to allot in full all applications for the smaller amounts and to reduce allotments on applications for the larger amounts. In view of the great number of subscribers for $10,000 and less, allotments will be made in full to them."

Mr. McAdoo made public the method of allotment of bonds to subscribers, and this is printed in an adjoining column. In cases where large subscriptions have been reported to the Federal reserve banks as consisting of a number of smaller subscriptions, provision has been made for allotment in accordance with the amounts of the smaller subscriptions.

Two subscriptions of $25,000,000 each were received and one, the largest subscription of all, for $25,250,000.

CONSERVATION OF FOOD AND FUEL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2463) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

Mr. GALLINGER. Mr. President, during the speech of the Senator from Oregon [Mr. CHAMBERLAIN], who has charge of the bill which is now the unfinished business, I took occasion to offer a criticism to one section of the bill. The Washington Post gave currency to the report that I was to lead the opposition to the bill on the Republican side, which has been repeated by newspapers all over the country. As a result, I am receiving many letters from farmers and others expressing astonishment that I have joined the class of men who are supporting the food speculators of the country in their work of robbing the people. It is safe to assume that the men who are writing me have not read the bill nor the criticism that I made on one section of the measure.

Mr. President, I want simply to say a word to the effect that while I hope the bill will be amended in some particulars, as, indeed, I believe the bill will be amended, I have no intention of leading the opposition to the bill either as an individual Republican or as a representative of this side of the Chamber. I shall support the bill if it shall be shorn of certain objectionable features, and I feel so sure that those objectionable features will be eliminated from the bill that I feel warranted in saying that I shall give my support to the bill when the final vote shall be taken, as I approve of many of its provisions. Mr. Hoover, who is to be charged with the control of food matters, admits that the bill needs amendment, as also does the President.

I am not in the habit, Mr. President, as my colleagues know, of making personal explanations or of justifying any votes that I may cast in the Senate. I always take the responsibility as an individual Senator, and in this matter, as in all other matters, I shall follow my custom in that regard.

I believe, Mr. President, that no punishment is too severe for the men who are speculating in food products or in any of the other necessaries of life, and my influence, whatever it may be, will be exerted in favor of punishing those men to the extent of the law, or, if necessary, to a greater extent than the present law provides.

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from North Dakota?

Mr. GALLINGER. I yield.

Mr. GRONNA. May I ask the Senator from New Hampshire if it is his understanding that there is any provision in the pending bill for the prosecution of a violation of any provision in the bill with respect to gambling in farm products?

Mr. GALLINGER. There are unquestionably penalties in the bill now under consideration. In addition to that I have supposed that the existing statutes were sufficient to reach these men if they were prosecuted with the vigor with which I think they ought to be prosecuted. The Sherman Antitrust Act, the Clayton Act, and the Federal Trade Commission act are bristling with severe penalties against this very class of offenders. Why the provisions of the existing law are not enforced by the Department of Justice surpasses my comprehension, but if additional legislation is needed, let it be offered as an amendment to this bill, and I will support it. If, as I have said, the bill needs amendment in the particular the Senator from North Dakota calls my attention to, he will find me a very willing helper in any proposition that he may make in that regard.

Mr. GRONNA. If the Senator will permit me——

Mr. GALLINGER. Certainly

Mr. GRONNA. I wish to say to the Senator that unless the bill has been changed from the form in which it was reported from the Committee on Agriculture and Forestry, of which I am a member, there is no such provision in the bill reaching anybody but the farmer.

Mr. GALLINGER. Then, of course, the bill is absolutely wrong, and if the Senator from North Dakota will offer an amendment correcting that omission I shall very gladly vote for it when it is presented.

Now, Mr. President, I have said all I care to say. I am not supersensitive about what the newspaper press may say about me; I am not particularly supersensitive about what people in my own State or in my own section of the country may feel concerning me, especially when they are laboring under a misapprehension; but I thought it my duty to state in a few words my attitude on this bill, and I shall look with a great deal of confidence to amendments to the bill that will enable me to give it my earnest and warm-hearted support.

Mr. REED. Mr. President——

Mr. CHAMBERLAIN. If the Senator will let me interrupt him for just a moment, I wish to say in reply to the Senator from New Hampshire that I hope he does not think I gave currency to any report that he was leading the opposition to the bill on the Republican side.

Mr. GALLINGER. Oh, no, Mr. President.

Mr. CHAMBERLAIN. So far as I have been able to learn the sentiment of Members of the Senate, there are Republicans and Democrats who are supporting it, and probably some of each who are opposing it. So it has not been made a party question, and I have not seen any evidence of any attempt on the part of the Senator to lead or to formulate anything like that.

Mr. GALLINGER. I did not at all imagine that my good friend the Senator from Oregon was responsible for the newspaper article. It was some enterprising newspaper man who wanted to exploit the notion that there was to be organized opposition on this side of the Chamber to the bill, and in that respect he did both me and my Republican associates a wrong in giving currency to a report of that kind.

Mr. POINDEXTER. I should like to suggest in this connection that there has been a great deal more opposition to the bill and more evidence of organized opposition to the bill on the Democratic side than there has been on the Republican side.

Mr. GALLINGER. Most certainly.

Mr. GORE. Will the Senator from Missouri yield to me for a moment?

Mr. REED. Certainly.

Mr. GORE. I should like to say that, so far as opposition on this side of the Chamber to the pending bill is concerned, I think the paramount object is to secure certain amendments that would render it even more efficient and less liable to constitutional, practical, and other objections.

Mr. GALLINGER. And that is precisely the attitude of some of us on this side of the Chamber.

Mr. REED. Mr. President, I am very sorry, indeed, that I have taken so much of the time of the Senate, but every conversation I have with Senators leads me to the opinion that a majority of the Members of this body have had their minds so occupied with other affairs, important committee engagements, and so forth, that they have been unable to give attention to an analysis of the bill, and that they have been inclined to take the articles and statements made with reference to it as a fair statement of what the bill contains. I do not expect to do much more than to challenge attention to the provisions of this remarkable measure. I stated on yesterday that Mr. Hoover himself expressed astonishment, or in substance expressed astonishment, at some of its provisions. I astonished a very wise and able Senator this morning when I overheard a dispute, one Senator asserting that the bill gave the power to regulate farm prices and the other one asserting there was nothing in the bill of that kind. The one who asserted there was nothing of that kind in the bill said at once, "I will refer you to Senator REED," and he was surprised beyond measure when I said to him that undoubtedly that power was contained in the bill. So I say to Senators here, all I am asking is that we shall all thoroughly understand this measure, and if we do I am very sure it will be amended, and amended in the most radical way.

Mr. BORAH. Mr. President——

Mr. REED. I yield to the Senator from Idaho.

Mr. BORAH. The Senator has just stated that the bill contains provisions authorizing the fixing of the prices of farm products.

Mr. REED. I say the power contained in the bill, if employed, will fix farm prices, and I intend to discuss that as I come to it. But if I may be permitted to begin where I left off on yesterday, I was carrying through as best I could a statement as to what is contained in the bill and had reached the point of section 12. Section 12 is what is known as the minimum-price-fixing section. I presume I ought to use the term "the price-guaranteeing section." I confess I can not see any difference between guaranteeing a minimum price and fixing a minimum price, but Mr. Hoover objected to the term "fixing a minimum price," and so I employ the term "guaranteeing." This section, Senators, demands some special consideration. I confess that I can see within it some possibilities of good, and yet I fear there are in it some great possibilities of evil. I simply call attention to it.

The section authorizes the guaranteeing of prices of agricultural products for a period of not exceeding three years, and gives authority to the food dictator to prescribe rules and regulations which must be conformed to by those receiving the benefit of such guaranty.

During the time such guaranty is in effect the President is authorized—and of course that will mean whoever is food regulator, controller, dictator, or whatever term we employ—to fix an import duty upon such products as are shipped into the United States which may compete with the articles upon which a guaranty has been given. The President is authorized to fix the amount of this duty without any action by Congress hereafter. It is an attempt absolutely to turn over to the executive department the taxing power of the Republic; that power which was clung to by the Commons of England through all the dark and bloody days of tyranny, and which they so employed at last as to transform the British Empire substantially into a republic. The author of this proposition broadly gives the right to the executive department to fix a tax, to say when and upon what article it shall be levied; and yet I doubt not there are Senators in this body who believe that is within the Constitution. I merely mention this point and pass on.

The object of levying this duty is, a price having been guaranteed to the farmer, if it shall transpire that the price is higher than the market price would otherwise be, that our Government may be preserved from loss by preventing any grain coming in from any other country. That may be a very good thing for the farmer if that situation arises, but what about the consumers of the great cities in our land? Does that not mean that during this period of time the price of foodstuffs shall be maintained at a higher level than that at which it otherwise would be? Does it not mean that every man who toils shall, during the period when this tax is being levied, in order to keep prices up be compelled to pay a greater price? If so, is it not time that the representatives from the great cities should give some attention to what may possibly happen to their own people?

It is suggested to me by the Senator from Oklahoma [Mr. GORE], who has given much study to this measure, that in England and France the Government absorbs this additional price, takes it off the consumer and places it as a general burden upon the Government; but in this country it is proposed to take it out of the pockets of the poor of the cities, provided a higher price is guaranteed than comes to exist as a general price throughout the world. Senators may think that is wise, but it certainly is entitled to very serious consideration.

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from North Dakota?

Mr. REED. I do.

Mr. GRONNA. I am very much interested in what the Senator from Missouri is saying. I want to ask him if he understands that section 12 of the bill provides for any specific price to be fixed or guaranteed to the producer?

Mr. REED. Oh, no.

Mr. GRONNA. It is left absolutely to the official, who, of course, would be the price fixer.

Mr. REED. I intend to discuss that; in other words, I intend to show that the farmers of the United States are to have their entire destiny placed in the control of one man absolutely, and that he can bring to them plenty or bankruptcy.

Mr. GRONNA. If the Senator will permit me further, is it the understanding of the Senator that the farmers have asked for this price fixing or guaranteeing of prices?

Mr. REED. I can not speak for the farmers. I listened the other day to a very distinguished gentleman, who told me that he had already conferred with all the millers of the United States, and that the millers were ready to do certain things. Then, when I asked him how many millers he had talked with he said 11 out of 5,000, but he said they were here in a representative capacity; that is, they were presidents of some associations. He likewise undertook to speak for all the elevator men of the United States, when he had seen about the same proportion of them. I think we shall find there is some grave disappointment when we come to undertake to speak for any class of people. Therefore I do not undertake to speak for the farmers.

Mr. GRONNA. I agree with the Senator. I do not claim to speak for the farmer, but I represent a constituency consisting mainly of farmers.

Mr. REED. The Senator from North Dakota is himself a farmer.

Mr. GRONNA. I will say to the Senator from Missouri that the farmers of my State have asked to be let alone; they have not asked for this price fixing.

Mr. REED. Mr. President, I desire to get along as rapidly as I can, for there are other matters of more importance than this.

In order to maintain this minimum price thus guaranteed the President is authorized to hold, transport, sell, store, or dispose of the agricultural products aforesaid. In a word, the Government is authorized to create and maintain high prices to the consumer in order to make up for high prices guaranteed to the producer, and to do this by an import duty and by the very process of hoarding against which this bill levels its anathema.

If one of Mr. Hoover's agents or the Government's agents undertakes to take possession of your property, your mine, or your farm, and you in any way resist him, you are liable to a fine of $1,000 and to be sent to the penitentiary for a year.

This astonishing provision is written on the very face of the measure.

To carry out these beneficent objects, $2,500,000 is appropriated for the purpose of the payment of rent, the expense of printing and publication, the purchase of material and equipment, and the employment of such persons and means in the city of Washington and elsewhere as are deemed essential. (Sec. 18.)

Section 19 provides "That for the purposes of this act the sum of $150,000,000 is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, to be available immediately and until expended: *Provided*, That no part of this appropriation shall be expended for the purposes described in section 18."

Here is a modest appropriation of $150,000,000 without the slightest limitation or information or knowledge with reference to its expenditure.

There is no word in the bill suggesting for what this $150,000,000 is to be used; but Mr. Hoover in his testimony stated, in effect, that it was to be employed to purchase in the open market the products the prices of which the Government intended to control.

Mr. GALLINGER. Will the Senator permit me to interrupt him?

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. REED. I do.

Mr. GALLINGER. There is one thing certain regarding that $150,000,000, I apprehend, and that is that it will be added to the burden of taxation which the people of this country will have ultimately to pay.

Mr. REED. Oh, certainly.

Let me put this bill in a sentence, though a somewhat long one:

Under its provisions when Mr. Hoover is once appointed, he can seize and control the production, distribution, and consumption of all foods, feeds, fuel, and articles required for their production; he can likewise seize all mines of coal, iron, lead, zinc, and copper; he can seize every article of fuel and commandeer the lumber business of the country; he can seize every factory engaged in manufacturing the necessaries aforesaid, including their secret processes; he can control their financing, a power which could be readily so stretched as to interfere with the banks, great and small; he can enter the homes of the citizens, provide what they shall have upon their tables, the kind of food they shall eat, the amount they may feed their children; he can take possession of businesses, wholesale and retail, and regulate the profits; he can compel a complete industrial and financial servitude; he can set himself up as the financial and industrial overlord of the United States, and any citizen who fails to comply with his autocratic demands, or who attempts to resist his processes within the scope of his authority as above stated, may be heavily fined and incarcerated in the penitentiary.

I add one further thing. He—and, of course, all this is done in the name of the President—can levy a tax without coming to Congress, fix the amount of that tax, and specify the articles upon which it is to be laid.

Such a bill, Mr. President, would be treated with mingled astonishment and derision if it were not for the fact that for weeks the public has been told that the present high cost of living is due to wicked food speculators who have cornered the food of the country, advanced prices, impoverished the consumer, and brought famine to the homes of the poor, and that the bill proposes to put these villains out of business.

Mr. President, every great newspaper, every cartoonist, every man apparently who just now is wielding the pen is engaged in telling the public just what I have here epitomized. I have sent out letters to a large number of mayors of cities, which I intend to put in the RECORD, and almost without exception the replies show that, instead of starvation and want, there is a better condition in American cities to-day than there has been for many years; but I do not intend to go into that at this time.

This claim is, indeed, the chief stock in trade of the advocates of the bill; without it they would get nowhere.

Mr. President, everybody is for a bill that will put the speculator out of business. I mean "speculator," using the term in its wicked sense; the man who seeks to forestall, the man who seeks to gather in his own hands the control of food, the man who is engaged in extortion—all that class of men—and I will go as far as any who goes farthest in that respect. When three years ago we were discussing the Clayton bill, and I was urging that provisions of that kind should go into the bill and that that instrument should have some teeth in it, when Congress was engaged in drawing the teeth, I was being denounced as a sort of wild man from the West, who wanted to destroy business in the country, and by the same papers that are now taking up this clamor.

Mr. President there is always speculation in one sense in everything merchantable, and also there has been undoubtedly an accelerated speculation in recent months. This is not to be questioned; but if the speculators exist in such numbers, and have so conspired and acted together as to be able to control the food products of 100,000,000 people, then the fact of the conspiracy and those concerned in it must be known. A fact of that magnitude could not be concealed. I appeal for the employment of common sense.

If the fact is so well known and admitted as to warrant congressional action and to demand the appointment of a food dictator, why have not the conspirators been brought to condign punishment?

What has become of the great Federal Trade Commission, that was loudly heralded by some of the gentlemen who are now most earnest in their advocacy of this bill as the complete remedy for all forms of unfair competition; a commission that was described as a supreme court of commerce, and that we were told would prevent extortion and overreaching of every kind, and would usher in the day when business would be conducted in accordance with the principles of the golden rule?

Is it not fair to conclude that the fact of the conspiracies is in doubt or that the Trade Commission is a fizzle?

Oh, there arises before my mind the picture of the Senator from Nevada and the Senator from Texas and other Senators who denounced all those who questioned the wonderful efficacy of this commission as those who were unwilling to take progressive and forward steps. I remember how at that time, when I said that I doubted the wisdom of the creation of this body, I was then, as now, held up before the world as an example of a man who was fighting the administration; and yet I did much more to help, I think, in my humble way—and I claim no special credit—the success of my party than some of these papers that in the last campaign were denouncing President Wilson as a dangerous man and unfit for reelection, but who are now deifying him, saying that everything he does is right, and laying at his door not that which has come from his brain, but that which has been prepared in some department by some cheap lawyer who could not make a living at home, and who came to this town to get a job because he could not meet the fair competition in his own town. But I digress.

Likewise I inquire what has happened to the Department of Justice? Its powers under the law are of the most ample kind.

The Sherman Antitrust Act declares:

SECTION 1. Every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States or with foreign nations is illegal.

SEC. 2. Every person who shall monopolize, or attempt to monopolize, or combine, or conspire with any other person or persons to monopolize any part of the trade or commerce among the several States or with foreign nations shall be deemed guilty of a misdemeanor.

The Clayton Act extends and strengthens the Sherman Act. I do not pause to quote its provisions.

The Federal Trade Commission act, passed September 26, 1914, empowers the commission—

SEC. 5. Whenever it shall have reason to believe that any person, partnership, or corporation engaged in commerce has been or is using any unfair method of competition in commerce, and it shall appear that a proceeding in respect thereto would be to the interest of the public, then the board may proceed to summon before it the guilty parties, take testimony, and issue orders for a discontinuance of such practices.

And we were told that the phrase "any unfair method of competition in commerce" reached out its legislative arm and grasped and controlled all the wretches in the world who were guilty of any kind of extortion.

But I pass on.

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from North Dakota?

Mr. REED. In a moment. I wish the Senator would let me finish this theme, and then I shall be glad to yield to him.

Whatever may be said of the Clayton Act or of the Trade Commission act, the fact remains that an attempt to corner any staple commodity, even by purchases upon the board of trade, is in violation of law and can be punished. This was expressly held by the Supreme Court of the United States in October, 1912, in the case of United States *v.* Patten (226 U. S., 525). I quote from the syllabus:

A conspiracy to run a corner in the available supply of a staple commodity which is normally a subject of interstate commerce, such as cotton, and thereby to artificially enhance its price throughout the country, is within the terms of section 1 of the antitrust act of July 2, 1890.

I read very briefly from the context, at page 540:

We come, then to the question whether a conspiracy to run a corner in the available supply of a staple commodity, such as cotton, normally a subject of trade and commerce among the States, and thereby to enhance artificially its price throughout the country and to compel all who have occasion to obtain it to pay the enhanced price or else to leave their needs unsatisfied, is within the terms of section 1 of the antitrust act, which makes it a criminal offense to "engage in" a "conspiracy in restraint of trade or commerce among the several States." The circuit court, as we have seen, answered the question in the negative; and this, although accepting as an allegation of fact rather than as a mere economic theory of the pleader, the statement in the counts that interstate trade and commerce would necessarily be obstructed by the operation of the conspiracy. The reasons assigned for the ruling and now pressed upon our attention are (1) that the conspiracy does not belong to the class in which the members are engaged in interstate trade or commerce and agree to suppress competition among themselves; (2) that running a corner, instead of restraining competition, tends, temporarily at least, to stimulate it; and (3) that the obstruction of interstate trade and commerce resulting from the operation of the conspiracy, even although a necessary result, would be so indirect as not to be a restraint in the sense of the statute.

Upon careful reflection we are constrained to hold that the reasons given do not sustain the ruling and that the answer to the question must be in the affirmative.

* * * * * * *

It was a conspiracy to run a corner in the market. The commodity to be cornered was cotton, a product of the Southern States, largely used and consumed in the Northern States. It was a subject of interstate trade and commerce, and through that channel it was obtained from time to time by the many manufacturers of cotton fabrics in the Northern States. The corner was to be conducted in the Cotton Exchange in New York City, but by means which would enable the conspirators to obtain control of the available supply and to enhance the price to all buyers in every market of the country. This control and the enhancement of the price were features of the conspiracy upon the attainment of which it is conceded its success depended. Upon the corner becoming effective, there could be no trading in the commodity save at the will of the conspirators and at such price as their interests might prompt them to exact. And so, the conspiracy was to reach and to bring within its dominating influence the entire cotton trade of the country.

Bearing in mind that such was the nature, object, and scope of the conspiracy, we regard it as altogether plain that by its necessary operation it would directly and materially impede and burden the due course of trade and commerce among the States and therefore inflict upon the public the injuries which the antitrust act is designed to prevent. (See Swift & Co. *v.* United States, 196 U. S., 375, 396–400; Loewe *v.* Lawlor, 208 U. S., 274; Standard Oil Co. *v.* United States, 221 U. S., 1; United States *v.* American Tobacco Co., 221 U. S., 106.)

* * * * * * *

As we are of opinion that the statute does embrace the conspiracy which the circuit court treated as charged in counts 7 and 8, as construed by it, its judgment upon those counts is reversed and the case is remanded for further proceedings in conformity with this opinion.

Mr. President, the power, then, undoubtedly exists now to grasp every man who has tried to corner necessities that are to be employed in interstate commerce; and I ask again, Where has the Department of Justice been, if the conspiracy is so wide and general as to have affected the prices in every city of the United States?

Mr. GRONNA. Mr. President——

Mr. REED. I yield to the Senator from North Dakota.

Mr. GRONNA. Speaking of the act creating the Federal Trade Commission, I want, with the permission of the Senator, to call his attention to a certain specific case, and a very important one.

The Senator will remember that a great deal was said about the high price of twine and cordage, and some of the Members of this body fixed the blame upon the American manufacturers. A committee of this body was appointed, consisting of the Senator from Louisiana [Mr. RANSDELL], the Senator from New York [Mr. WADSWORTH], and myself. This committee held hearings for 30 days. We heard all the testimony. We had witnesses here from all these manufacturers, and we had witnesses here from Yucatan. The fact was established that there was a monopoly, or trust, but it was not in this country. It was a foreign trust, consisting of the people of Yucatan.

The Federal Trade Commission and the Department of Justice have all these facts. This trust raised the price of raw material, the sisal hemp, from 6¼ to 19¼ cents per pound. Does the Senator believe that any of the provisions of this bill will help to solve the problem of the farmer who has to buy this twine, running up at the old price to about $20,000,000, and at the new price now to about three times that much, which of course naturally adds to the cost of the production of food?

Mr. REED. So as to get the farmer cheap twine?

Mr. GRONNA. Yes.

Mr. REED. I do not see how the bill would help along that line. I thank the Senator for his contribution, but I am discussing the legal proposition now, or rather the powers we have under the law and the machinery; and I have referred to the Trade Commission and to our Federal machinery.

Mr. GRONNA. Mr. President, I do not wish to disturb the Senator unduly, but this is a legal proposition.

Mr. REED. Then let me discuss it as a separate proposition, please, a little later. Just now I do not want to be diverted.

Mr. GRONNA. No; I do not wish to take the Senator's attention away from his speech; but it is a legal proposition, and the Department of Justice have all these facts, and we ought to know whether or not the condition can be remedied.

Mr. REED. I shall be glad to return to that later.

But, Mr. President, the Federal Trade Commission and the Department of Justice at Washington are not the only forces that this nation-wide conspiracy to raise prices and to forestall the market must confront.

Forty-eight States have laws condemning pools, trusts, combinations, conspiracies, restraints of trade, forestalling, and extortion. Forty-eight States have governors, some of whom must honestly desire to protect their people. Forty-eight States have attorneys general, some of whom must be honest. Forty-eight States have constabularies, some of whom must be efficient. Is it not singular that some of these have not apprehended the culprits?

And yet the story is not told. There must be more than 3,000 prosecuting attorneys who have power to drag before as many grand juries the wretched culprits who, in their respective districts, have by act or word aided, abetted, or assisted in the formation or carrying out of the villainous conspiracy to rob and starve the American people. Yet, instead of a perfect flood of indictments, there has only been an occasional prosecution.

To say that a crime is so universal as to rob the consumers of an entire Nation, and yet that it can not be detected and its authors indicted, is to indict the Government for inefficiency and failure.

If this country is being robbed in the manner asserted, then I demand to know why the Department of Justice does not instantly act. Has the country come to so miserable an estate that it must admit that the machinery of the law has broken down; that the arm of justice is paralyzed; and that the only way it can protect the people against the extortions of the food swindler is to appoint a dictator and take possession of the food alike, whether owned by honest men or rogues?

But, Mr. President, in addition to the laws to which I have called attention, I recur to the fact that some three weeks ago we passed in the Senate a bill that came to us from the House. We passed it with an amendment known as the Nelson amendment. That amendment gives to our Government the authority to close any grain exchange where grain is being cornered, where trade is being carried on dishonestly, or where the practices exist against which we are told that this legislation is leveled; and yet I charge that the author or the man who takes the responsibility for the authorship of the bill now before us has held up that bill containing that provision in the House of Representatives. I made the charge yesterday, and as a news item the Washington Star of last night contained a similar statement. Moreover, it is held up lest, if we pass that amendment, there will be no necessity for this bill.

On the other hand, Mr. President, if it be asserted that there has been no general conspiracy, and yet that there has been a general rise of prices in numerous articles, this is to admit that there is in operation one or more general causes which have led hundreds of thousands of people to act in the same way and at the same time. Such a condition can be met only by a removal of the cause. There are, in fact, a number of general causes which can no more be legislated out of existence than the order of King Canute could avert the rising tide.

What are some of these general causes?

First. There has been an enormous increase in the money of the world.

It is now generally conceded that the law of Profs. Fisher, of Yale, and Kemmerer, is correct. That law is—

The prices of commodities are dependent upon the money in circulation, multiplied by the velocity of circulation, plus the credits (bank deposits subject to check) multiplied by their velocity of circulation. (American Produce Exchange Markets, September, 1911, pp. 166–173.)

That is to say, the volume of money, together with the rapidity with which it moves; the amount of credit money, which is checks, drafts, and so forth, based upon deposits, together with their rapidity of movement, fixes the prices of commodities.

Mr. President, it is now generally admitted that that law is correct; and let me, if you please, apply it to present conditions. Before I do so I call attention to the fact that Prof. Seligman, of Columbia, agrees in substance with this law. This is the day of college professors. You can not get to be an aviator now without a diploma. He says:

It is obvious, then, that apart from the minor oscillations in any one commodity a general change in the level of prices can be explained only by a cause which attaches equally to all prices. Now, price in general is value expressed in terms of money; hence a general change in the price level means a change in the value of money. But the value of money, like the value of everything else, depends upon the relation of the supply of money to the demand of money. From the

point of view of supply the answer is easy. The standard of the civilized world is now, and has been for some time, gold. * * * Gold, in other words, is being turned out in such enormous quantities that it is falling in value. But a fall in the value of gold, other things being equal, is tantamount to a rise in general prices.

What, now, are the facts with reference to the increase in the volume of the world's money as credit and in the rapidity or velocity of trade? I wish I might have the attention of the Senate. This giving absent treatment to a United States Senator is an exceedingly discouraging method of practice.

Mr. KING. Would the Senator have me call for a quorum?

Mr. REED. I do not care about that. But what are the facts? Since 1912 the circulation of all kinds of money has increased, as is shown in the annexed table. It will be observed that when the war began the average per capita circulation in the United States and the countries of our allies, taking them all together, was $24.37.

Mr. MARTIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TRAMMELL in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	James	McNary	Smith, Ga.
Beckham	Johnson, Cal.	Martin	Smith, Mich.
Borah	Johnson, S. Dak.	Nelson	Smoot
Broussard	Jones, N. Mex.	New	Sutherland
Chamberlain	Jones, Wash.	Overman	Swanson
Culberson	Kellogg	Page	Thomas
Cummins	Kendrick	Penrose	Thompson
Curtis	Kenyon	Pomerene	Townsend
Fletcher	King	Ransdell	Trammell
Gallinger	Knox	Reed	Wadsworth
Gore	La Follette	Shafroth	Warren
Gronna	McCumber	Sheppard	
Hale	McKellar	Sherman	
Husting	McLean	Smith, Ariz.	

Mr. SHAFROTH. I desire to announce that the junior Senator from Nevada [Mr. PITTMAN], the senior Senator from California [Mr. PHELAN], the junior Senator from Minnesota [Mr. KELLOGG], and the junior Senator from Montana [Mr. WALSH] are absent on official business in connection with committee work.

Mr. McKELLAR. I wish to make the same announcement as before, and let it stand for the day, in reference to the absence of my colleague [Mr. SHIELDS] on account of sickness.

Mr. RANSDELL. I wish to announce the absence of the junior Senator from Mississippi [Mr. VARDAMAN] on official business.

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. There is a quorum present. The Senator from Missouri will proceed.

Mr. REED. Mr. President, I have just called attention to the fact that it is now admitted that the price of commodities depends upon the volume of money, multiplied by the velocity of circulation, plus the volume of credits, multiplied by their velocity of circulation. Bearing that in mind, I call attention to the fact that since 1912 the circulation of all kinds of money has increased, as is shown in a table to which I invite your attention. It will be observed that when the war began the average per capita circulation in the United States and the countries of our allies, all added together and averaged, was $24.37. It is to-day $48.45, and yet gentlemen are astonished at the rise in prices. There is an increase of approximately 100 per cent in the circulation of money in the countries of the allies and in our own country. The circulation of Germany has increased, according to the latest figures I could obtain, from $21.36 to $44, an increase of more than 100 per cent. I have not the figures for Austria, but it is safe to say the increase there has been greater than in Germany. Thus we find that in the greater part of the civilized world the circulation of money has substantially doubled.

The per capita circulation of the United States has actually increased in three years from $32.98 to $45.49. In the past year alone it has increased nearly $6 per capita.

I append a table showing the circulation of the United States and our allies and Germany in 1912, 1913, 1915, and 1917:

	1912	1913	1915	1917
United States	$32.98	$35.18	$39.58	[1] $45.49
United Kingdom	21.21	23.62	28.38	40.00
France	48.91	48.63	83.06	[2] 93.00
Germany	21.36	19.29	21.84	[3] 44.00
Italy	13.09	8.82	26.97	[4] 30.00
Russia	6.45	5.63	11.39	[5] 33.78

[1] June 1, 1917. [2] May 10, 1917. [3] May 7, 1917. [4] May, 1917. [5] April, 1917.

Let me call attention to the table specifically. The small figures I shall call now will be for the year 1912, the large figures for the year 1917.

United States, $32.98; present volume, $45.49.

United Kingdom, $21.21; present volume, $40 per capita.

France, $48.91; present volume, $93. That was the amount on May 10, 1917.

Germany, $21.36; and on May 7, 1917, $44.

Italy, $13.09, which dropped for some reason to $8.82 in 1913, and then $26.97 in 1915, and went to $30 in the month of May, 1917.

Russia, $6.45 in 1912, $5.63 in 1913, $11.39 in 1915, and $33.78 in April, 1917.

In the figures given for the United Kingdom in the above table I have in the absence of other data assumed the stock of gold of England to be the same in 1917 as it was in 1916. A large proportion of this increase has been in paper money. I append a table showing the per capita increase in paper money:

Per capita paper currency.

	1912	1913	1915	[1] 1917
United Kingdom	$2.54	$2.56	$9.72	$20.00
France	8.23	8.22	37.85	93.00
Germany	4.03	4.22	11.19	44.00
Italy	5.25	.60	16.65	30.00

[1] Approximate.

The United Kingdom ran up from $2.54 per capita in 1912 to approximately $20 in 1917; France, from $8.23 in 1912 to $93 in 1917; Germany, from $4.03 to $44; Italy, from $5.25 to $30.

Let us consider it from the question of volume. I call attention to the fact that in the United Kingdom on May 30 last they had in circulation of paper money $948,787,000; in Russia on April 21—listen to these figures—$5,744,089,000; Germany on May 7, $2,996,420,000; France on May 10, $3,720,108,000. I append it in tabular form:

United Kingdom on May 30 had in circulation	$948,787,000
Russia, April 21	5,744,089,000
Germany, May 7	2,996,420,000
France, May 10	3,720,108,000

This stupendous increase in paper money has been accompanied by a movement on the part of all European Governments, save England, to substantially retire and hoard into banks gold and silver so that the business of these countries is almost entirely done on paper or other depreciated forms of money. Indeed, it is said that even in England they are using a species of money resembling our old-time shin plasters, and which they designate as "luggage checks," while in Germany they are actually employing iron in making subsidiary coin.

The Swiss Bankeverein gives the following table:

	Gold increase.	Paper increase.
	Per cent.	*Per cent.*
Great Britain	106.6	544.0
France	25.1	175.6
Russia	104.0	426.0
Italy	[1] 26.03	144.6
Japan	53.0	49.7
Germany	93.0	359.3
Austria-Hungary	.....	189.0
Total	57.6	268.0

[1] Decrease.

The period covered in the table is from the end of June, 1914, to the end of 1916, and of course does not show the full increases because since the end of 1916 there have been further large increases, but the total is sufficiently astonishing.

Mr. OVERMAN. Has the Senator made any estimate of the volume of gold in the different countries as compared with the issue of paper money?

Mr. REED. Yes; I have that also. In Great Britain the gold increase in this period of time was 106.6 per cent, but its paper increase was 544 per cent. In France the gold increase was 25.1 per cent, but its paper increase 175.6 per cent. In Russia the gold increase is given at 104 per cent and its paper increase 426 per cent, but it does not embrace the recent addition. In Italy there was a gold decrease of 26.3 per cent and a paper increase of 144.6 per cent. In Japan there was a gold increase of 53 per cent and a paper increase of 49.7 per cent. In Germany there was a gold increase of 93 per cent and a paper increase of 359.3 per cent. But, I repeat, those figures are back in the year 1916, and undoubtedly there has been a much larger increase since.

In Austria-Hungary the gold increase I could not obtain, but there has been a paper increase, or was up to the time these figures were obtained, of 189 per cent. Taking the average for

these countries, there was a total gold increase of 57.6 per cent, and a paper increase of 268 per cent.

Mr. SMITH of Georgia. How much gold?

Mr. REED. I did not separate that. Our increase is largely gold. It must be so.

Mr. President, that only expresses one side or phase of this question, that is, the money, but equally important, more important indeed is the question of credit, because everybody is coming to know that if a man puts a thousand dollars in a bank and checks against it constantly the $1,000 in the bank counts as money, and yet his checks are performing the office of money within their limited sphere.

I am unable to do more than to estimate the amount for the United States. The only record kept is of the clearing-house transactions which, of course, are limited to the few cities having such organizations. Yet in those cities it will be observed that the bank clearings which were only $168,506,000,000 in 1912 amount to $304,367,539,500 in 1917.

CHECK AND DRAFT TRANSACTIONS.

No record is kept of the check and draft transactions of the country. The closest estimate of these transactions obtainable is shown by clearing-house transactions, which record only the bills of exchange passing between banks.

The clearing-house transactions as shown by the reports of the Comptroller of the Currency for several years ending September 30 are exhibited in the table which I ask leave to insert without reading.

The PRESIDING OFFICER (Mr. KING in the chair). Without objection, it is so ordered.

The table referred to is as follows:

1911	$159,508,000,000
1912	168,506,000,000
1913	173,765,000,000
1914	163,975,000,000
1915	162,777,000,000
1916	241,407,000,000

Mr. REED. Notice that the figures for the year of 1917 to compare with the above figures are not available, because the above figures are given for years ending September 30. However, in the 8-month period from October 1, 1916, to June 1, 1917, the total bank clearings were $202,911,693,000, as compared with $159,119,076,000 for the corresponding 8 months of the previous year, an increase, stated roughly as I look at the figures now, of something like 30 per cent in one year's time.

There are further figures along this line which I ask leave to insert in the RECORD.

The PRESIDING OFFICER. Without objection, permission to do so will be granted.

The matter referred to is as follows:

According to the amount above set forth for the 8 months ending June 1, 1917, bank clearings for 1 month or one-eighth that amount would be $25,363,961,625, as compared with bank clearings for 1 month during the corresponding period of the previous year, which were $19,889,884,500; and the monthly clearings, as shown above for the past 8 months, multiplied by 12 months, which would give approximately the figures for 1917, gives a total of $304,367,539,500.

Mr. REED. Take the deposits of the national banks alone for the United States, and they show an enormous increase. I shall append a table to my remarks which I ask leave to print.

The PRESIDING OFFICER. Without objection, the table referred to will be printed in the RECORD.

The table referred to is as follows:

Increase of total gross deposits in national banks.

June, 1913	$6,015,200,000
June, 1914	6,359,200,000
June, 1915	6,611,300,000
June, 1916	8,143,000,000
March 5, 1917	9,273,800,000

Mr. REED. I call attention to the fact that in June, 1913, the total gross deposits of the national banks were $6,015,200,000, and on March 5, 1917, they were $9,273,800,000. Thus in two years' time has come this mighty increase in the volume of deposits in the national banks.

The full effect of the foregoing increases can not be appreciated without considering the fact that the trade has been more active, and consequently the velocity of circulation more rapid than probably at any period of the world's history.

Taking these facts all together, every candid and thoughtful man must admit that in the single cause of increased money and credits is to be found one of the principal reasons for an advance in prices. But I am not without authority for this statement. The London Economist, commenting on the figures contained in the last table, stated that even in England, which has been the most conservative of all foreign countries, the "inflation has already done much harm by raising discontent in the country and increasing the cost of the war owing to the rise in prices that it has helped to cause." (Information Quarterly, Apr. 17, p. 35.)

The Economic Journal—the journal of the Royal Economic Society, for December, 1916—discusses the effect of inflation on prices. The author's conclusions are summed up at page 439, as follows:

There has been a general conformity between the increases of our note issues and the rise in prices in the United Kingdom. The increase in prices as shown by the index numbers has followed the increases of the notes. The issues of treasury notes and certificates have exceeded the gold displaced from actual circulation. The notes of the Scottish banks (with governmental paper reserve in place of gold) have largely increased. In spite of the 10-shilling notes, more silver coins have gone into circulation. There has been a continuous rise in wages (taking the family as the wage-earning unit) and in retail prices of all kinds. In general, the movement in prices is of the character associated with overissues of inconvertible paper, such as has taken place in the other belligerent countries. The rise in prices in the United States was for a time hardly appreciable, and is still very much less than in the United Kingdom.

This article was written in 1916 in the month of December.

I now call the attention of thoughtful Members of the Senate and the attention of the country, to the fact—and yet this will, I fear, not go to the country, for it is a fact that is not in accordance with the whim of the hour, but it must be reckoned with as one of the eternal laws of economics, namely, that we must look to this general world condition of money as being one of the chief reasons for the rise of prices.

I add this now, lest I may forget it later on, that another law of finance is, that cheap money drives out good money. Accordingly it is not difficult to understand why, in countries that have inflated their currency by the issuance of paper, the business of such countries being conducted with paper, the gold naturally flows to the United States; so we are accumulating vast hoards of gold in our own country; but when that gold is so accumulated, it likewise swells prices, for, after all, to use the argument of the old financial days, money is the yardstick by which prices are measured; and yet you can not get a modern doctor, who has a cure for every ill ready on his shelves, corked, labeled, and blown in the bottle with the name of its author, to give consideration to this world-wide state of affairs. You can not get Congress to pause and listen to these facts, which can no more be overcome by extraordinary remedies of any kind than you can overcome any law that is fundamental and based upon eternal truths.

Now, Mr. President, there is a second great cause, namely, a world shortage. Bradstreet, comparing the crop of 1916 with the crop of 1915, declared that there was a decrease in Europe, the United States, Canada, Argentina, and Australasia of a total of 986,000,000 bushels. I ask leave to print the table with its details.

The PRESIDING OFFICER. Without objection, the order will be made.

The table referred to is as follows:

[From the Literary Digest, Mar. 17, 1917, p. 785.]

Total decrease—	Bushels.
In Europe	290,000,000
In the United States	368,000,000
In Canada	176,000,000
In Argentina	92,000,000
In Australasia	60,000,000
Total	986,000,000

Mr. REED. As an offset to this it is calculated that we have on hand a much larger supply than is usually carried over. Nevertheless, the shortage is sufficient to account for the very great increase in the price of wheat.

Mr. President, I decline to go on, and I move that the Senate adjourn.

Mr. CHAMBERLAIN. I suggest the absence of a quorum.

Mr. REED. Well, I will withdraw the motion to adjourn, if the Senator desires to make that suggestion.

Mr. SMITH of Georgia. The suggestion of the absence of a quorum can not be withdrawn.

Mr. REED. I understand that; but I say that I withdraw my motion to adjourn.

The PRESIDING OFFICER. The motion to adjourn is withdrawn. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	James	Martin	Sterling
Bankhead	Johnson, Cal.	New	Stone
Borah	Jones, Wash.	Overman	Sutherland
Chamberlain	Kendrick	Page	Swanson
Culberson	Kenyon	Ransdell	Thomas
Curtis	King	Reed	Thompson
Fletcher	Knox	Sheppard	Townsend
Gore	McCumber	Sherman	Underwood
Gronna	McKellar	Smith, Ga.	Warren
Hale	McNary	Smoot	

Mr. THOMPSON. I desire to announce that the junior Senator from Mississippi [Mr. VARDAMAN] is detained on official business.

Mr. STERLING. I announce the absence of the Senator from California [Mr. PHELAN], the Senator from Montana [Mr. WALSH], the Senator from Wisconsin [Mr. HUSTING], the Senator from Nevada [Mr. PITTMAN], and the Senator from Colorado [Mr. SHAFROTH] in attendance on a meeting of the Committee on Public Lands.

The PRESIDING OFFICER. Thirty-nine Senators have answered to their names. There is not a quorum present.

Mr. CHAMBERLAIN. I ask that the names of the absentees be called.

The PRESIDING OFFICER. The Secretary will call the names of the absent Senators.

The Secretary called the names of the absent Senators, and Mr. POMERENE, Mr. SHAFROTH, Mr. SMITH of Maryland, Mr. WALSH, and Mr. WEEKS answered to their names when called.

Mr. HUSTING, Mr. CUMMINS, Mr. COLT, Mr. WADSWORTH, Mr. LA FOLLETTE, Mr. OWEN, Mr. PHELAN, and Mr. SIMMONS entered the Chamber and answered to their names.

Mr. PHELAN. I desire to announce that the Public Lands Committee is in session, and that the Senator from Nevada [Mr. PITTMAN] is detained in attendance upon that committee.

The PRESIDING OFFICER. Fifty-two Senators have answered to their names. There is a quorum present.

Mr. REED. Mr. President, a third cause for high prices, universal in its effect, is the existence of the European war. Wars invariably stimulate prices. They always lead to the hoarding of foodstuffs. They create alarms, interfere with transportation, and in a hundred ways are calculated to increase the price of everything, including wages. I do not intend to go into any elaborate discussion of that point. It is self-evident, and is borne out by all history.

Fourth. The alarmist has been abroad in the land. Even Mr. Hoover a few days ago, in giving his testimony, said:

We now have a high cost of living in this country beyond the abilities of certain sections of the population to withstand and to secure proper nourishment from the wage level of the country.

And in substance and effect his testimony would lead to the opinion that our country is liable to experience great suffering. On the floor of the Senate I have heard statements to the effect that grim want is at our door, and yet these statements are plainly exaggerations. Their effect is illustrated by certain market quotations, which, together with explanatory comment, I ask to insert in the RECORD.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

"NEW YORK, *May 10.*

"Herbert C. Hoover, who recently came from Europe to advise the Government on food conditions in Europe, says that without control we may see flour at $20 a barrel before the year is over."

In the body of the article Mr. Hoover is quoted as saying:

"If * * * the whole world * * * is to have the unrestricted run of our markets in competition with each other and in competition with the speculator in this country, we may expect to see $5 wheat before the year is over."

I have only quoted a few lines out of it. It was that long interview of Mr. Hoover.

The effect of Mr. Hoover's interview is found in the market report of the next day, as follows:

"Trade was limited in the wheat department yesterday, but traders were wild in their movements at times, and prices again reached new high records. The famine talk of Herbert C. Hoover and the Government's urgent requests for conservation of food supplies started a buying rally that put values materially above the high records made Thursday."

Mr. REED. Fifth. the purchase by the allies of enormous quantities of wheat, probably over 100,000,000 bushels, purchased in the form of futures, thus actually cornering the market, the price of spot wheat being forced far above the price of futures; the rigging of the market by the allies through the process of selling out their corners at an advance and immediately purchasing futures.

In addition to this, it is stated authoritatively that on the day wheat made its sensational advance neutral countries went into the market and purchased enormous quantities, the amount being placed as high as 500,000 bushels. Even Mr. Hoover admits the unrestricted purchasing by the European Governments to have been one of the great causes of the advance. A current market report assigns this as the cause. I ask leave to insert this in the RECORD without reading.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

"[From the Kansas City Star, May 13.]

"The scramble for wheat—Last week's advances outdid any previous experience—Future markets appear to be tied up by large contracts held by exporters—Milling demands diminishing."

In the body of the article it is stated:

"MILLERS AND EXPORTERS COMPETE.

"It has been an altogether abnormal market throughout for two reasons: One, that the representatives of foreign Governments hold large contracts which sellers have found difficulty in filling, and the other that there suddenly developed an unprecedented domestic demand for flour due to the excessive purchases above current needs for household consumption all over the country."

The domestic demand referred to was the buying that suddenly started when the housewives got frightened and began their buying a barrel of flour apiece, which, as I stated the other day, happened here in Washington. I continue reading:

"Millers say this demand is the chief reason why they have been able to pay the extraordinary prices for wheat to grind immediately."

Mr. REED. It is interesting at this point, however, to note that during the entire period of the sensational rise in the price of wheat the professional speculator was nearly all the time a bear in the market. In the market report of a Kansas City paper the following appeared, which I give simply as a sample:

Many speculators have been willing to sell wheat for future delivery at less than the current value of car lots, on the theory that wheat above $2 a bushel is so high that buyers would hesitate about paying the price, and the high price itself would operate as an obstacle to any additional rise by checking the demand and curtailing consumption. The short sellers, however, found that in endeavoring to cover these contracts it was necessary to bid the market up higher than ever.

Considering all these causes together, it is not astonishing that wheat went to an unprecedented price and that it occurred without any concerted scheme of what are commonly known as speculators, the speculators in this case being, in fact, the great Governments of Europe. Even Mr. Hoover does not pretend to claim that the speculators on the board of trade were solely responsible for having run up the price of wheat.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Oregon?

Mr. REED. I do.

RECESS.

Mr. CHAMBERLAIN. It has been quite difficult to maintain a quorum this afternoon, and as the Senator from Missouri is discussing a very interesting subject in connection with this bill, I feel that more of the Senators should hear him. Some of the Senators are engaged in committee work and some are compelled to be absent from the Senate, and I therefore move that the Senate take a recess until Monday at 12 o'clock.

The motion was agreed to; and (at 1 o'clock and 50 minutes p. m., Saturday, June 23, 1917) the Senate took a recess until Monday, June 25, 1917, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June 23, 1917.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord God, our Heavenly Father, look down from Thy throne of grace with pitying love upon Thy children who have not yet learned the art of living together in peace. It is the old, old story, the struggle for liberty in thought and purpose in consonance with the ideals revealed in Sacred Writ. Be very near to the fathers and mothers who are called upon to give their sons to the hardships, exposures, temptations, and dangers of war. Comfort them with the thought that theirs is a sacrifice for humanity. Wisely direct our President, and all who are in authority, that they may provide ways and means. Strengthen our forces on land and on sea that victory may speedily come in the interests of justice, liberty, right, and truth, in the spirit of Him who died that we might know truth. And Thine be the praise forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

CONDEMNATION OF LAND FOR MILITARY PURPOSES.

Mr. DENT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 2453, together with certain amendments proposed by the House Committee on Military Affairs.

The SPEAKER. The gentleman from Alabama asks unanimous consent for the present consideration of the bill S. 2453, together with amendments suggested by the committee. The Clerk will report the bill.

Mr. LEE of Georgia. Mr. Speaker——

The SPEAKER. The gentleman from Alabama [Mr. DENT] is asking for unanimous consent. The Chair is having the bill reported so that the Members may know what is in it.

The Clerk read as follows:

An act (S. 2453) to authorize condemnation proceedings of lands for military purposes.

Be it enacted, etc., That hereafter the Secretary of War may cause proceedings to be instituted in the name of the United States, in any court having jurisdiction of such proceedings for the acquirement by condemnation of any land, or right pertaining thereto, needed for the site, location, construction, or prosecution of works for fortifications and coast defenses, military training camps, and other military purposes, such proceedings to be prosecuted in accordance with the laws relating to suits for the condemnation of property of the States wherein the proceedings may be instituted: *Provided*, That when the owner of such land or rights pertaining thereto shall fix a price for the same, which, in the opinion of the Secretary of War, shall be reasonable, he may purchase the same at such price without further delay: *Provided further*, That the Secretary of War is hereby authorized to accept on behalf of the United States donations of land and the rights pertaining thereto required for the above-mentioned purposes.

Also the following committee amendments were read:

Page 1, line 6, after the word "land" insert the words "temporary use thereof or other interests therein."

Page 2, line 8, after the word "purposes" insert the following:

"*And provided further*, That when such property is acquired in time of war or the imminence thereof upon the filing of the petition for the condemnation of any land, temporary use thereof or other interest therein or right pertaining thereto to be acquired for any of the purposes aforesaid, immediate possession thereof may be taken to the extent of the interest to be acquired and the lands may be occupied and used for military purposes, and the provision of section 355 of the Revised Statutes, providing that no public money shall be expended upon such land until the written opinion of the Attorney General shall be had in favor of the validity of the title, nor until the consent of the legislature of the State in which the land is located has been given, shall be, and the same are hereby, suspended during the period of the existing emergency."

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. LEE of Georgia. Reserving the right to object, Mr. Speaker, I would like to know how much time the gentleman thinks will be consumed in the consideration of this bill?

Mr. DENT. It ought not to be over three minutes. The bill has been explained to the other side. And there will probably be one or two amendments which we will accept. If I thought there would be any controversy, I would withdraw it.

Mr. GILLETT. Mr. Speaker, permit me to say to the gentleman that I looked at the bill, and I do not think there is any disposition on this side to consume any time.

The SPEAKER. Is there objection?

Mr. LENROOT. Reserving the right to object, I desire to inquire of the gentleman whether, if consent is given, he and the committee will consent to an amendment striking out of the bill the words "other military purposes," limiting it to the securing of these cantonments, which, I understand, is the purpose of the bill?

Mr. DENT. I have no objection to that amendment.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. DENT. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Alabama asks unanimous consent to consider this bill in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The question is, first, on the committee amendments.

The committee amendments were agreed to.

Mr. STAFFORD. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Wisconsin [Mr. STAFFORD] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. STAFFORD: Page 2, line 4, after the word "purchase," insert the words "or enter into a contract for the use of."

Mr. STAFFORD. Mr. Speaker——

Mr. DENT. I have no objection to that.

Mr. STAFFORD. The purpose of this amendment, in a word, is to grant authority to the Secretary of War to lease as well as to purchase these various sites. There can be no objection to it.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. STAFFORD. Mr. Speaker, I offer two other minor amendments. After the word "land," in line 2, insert the word "interest."

Also, in line 7, on the same page, after the word "the," insert the words "interest and." Those two minor amendments are offered in order to make it harmonious with the committee amendment on page 1.

Mr. DENT. I have no objection to the committee amendment.

The SPEAKER. Without objection, the amendments are agreed to.

There was no objection.

Mr. LENROOT. Mr. Speaker, I move to amend, on page 1, line 9, by striking out the comma after the word "defenses" and inserting the word "and," and, in line 10, strike out the words "and other military purposes."

Mr. DENT. I have no objection to the amendment. I will suggest to the gentleman from Wisconsin that he ought to strike out the word "and" in that line.

The SPEAKER. The Clerk will report the amendment of the gentleman from Wisconsin.

The Clerk read as follows:

Amendment offered by Mr. LENROOT: Page 1, line 9, after the word "defenses," strike out the comma and insert the word "and," and in line 10 strike out the words "and other military purposes."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. STAFFORD. I suggest, Mr. Speaker, to the gentleman from Alabama that the word "and" following the word "fortification" should be stricken out. I offer that as an amendment.

The SPEAKER. The Clerk will report the amendment of the gentleman from Wisconsin [Mr. STAFFORD].

The Clerk read as follows:

Following the word "fortification," on page 1, line 9, strike out the word "and."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill as amended.

The Senate bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. DENT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

CAPTAINS IN THE MEDICAL CORPS OF THE ARMY.

Mr. DENT. Mr. Speaker, I ask unanimous consent for the present consideration of House bill 4897, authorizing the appointment of captains in the Medical Corps of the Army without five years' previous service.

The SPEAKER. The gentleman from Alabama asks unanimous consent for the present consideration of House bill 4897. Is there objection?

Mr. STAFFORD. That can be brought up on Monday, Mr. Speaker.

The SPEAKER. The gentleman from Wisconsin objects.

EXTENSION OF REMARKS.

Mr. JACOWAY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on Senate bill 2453.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to extend his remarks in the RECORD, as indicated. Is there objection?

Mr. WALSH. Reserving the right to object, Mr. Speaker, on what subject?

Mr. JACOWAY. On the bill S. 2453, the bill we have just considered.

The SPEAKER. Is there objection?

There was no objection.

CONSERVATION OF FOOD AND FUEL.

Mr. LEE of Georgia. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 4961) for the conservation of food and fuel.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4961, with Mr. HAMLIN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4961, of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

The CHAIRMAN. When the committee rose on yesterday it had been agreed by unanimous consent that all debate on section 12 and all amendments thereto be closed after two hours of debate, one half to be controlled by the gentleman from South Carolina [Mr. LEVER] and the other by the gentleman from Iowa [Mr. HAUGEN]. The Chair would like to inquire of the gentleman from South Carolina what the policy will be in regard to offering amendments during these two hours of debate?

Mr. LEVER. I understand that all amendments that are to be offered to this section of the bill must be offered now and held to be pending.

Mr. LENROOT. They ought to be voted upon as we proceed; otherwise there can be no intelligent action on them.

Mr. LEVER. Let the amendments be offered and discussed and voted upon as offered.

Mr. SABATH. That would not foreclose any amendment to an amendment.

Mr. MEEKER. Mr. Chairman, reserving the right to object——

The CHAIRMAN. The last request of the gentleman from South Carolina does not require unanimous consent.

Mr. GARNER. That is the regular procedure.

Mr. LEVER. I have no request to make, Mr. Chairman.

Mr. HAUGEN. Mr Chairman, I yield 10 minutes to the gentleman from New Jersey [Mr. HUTCHINSON].

Mr. MEEKER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MEEKER. Are the amendments to be offered at this time to be pending, or are they to be offered and voted on as we go?

The CHAIRMAN. They are to be offered and voted on as we go. The gentleman from New Jersey [Mr. HUTCHINSON] is recognized for 10 minutes. The gentleman from New Jersey offers an amendment, which the Clerk will now report.

The Clerk read as follows:

Amendment offered by Mr. HUTCHINSON: Page 13, strike out line 11 to the comma and insert in lieu thereof the following: "Guarantee within a period not exceeding one year."

The CHAIRMAN. The gentleman from New Jersey is recognized.

Mr. HUTCHINSON. Mr. Chairman, I am not in favor of this section. I have been opposed to this section in the committee, for the reason that it is not, in my judgment, practicable. My judgment is that the price can not be fixed without a great deal of expense, and we will not gain anything by having a minimum price. Neither do I believe that the farmers need it or want it.

This amendment is to correct, in section 12, on line 13, the three-year period. This measure is a war measure, and becomes null and void a year after. Under this provision a farmer has a contract to get the minimum price; and, if the object of the bill is to prevent hoarding, the farmer can sign an agreement with the Government, and then he has three years to sell his wheat, and the bill becomes void in one year; so that the bill itself does not bear out the other sections of the bill.

Now, my object in talking on this item is this: There have been several statements made in the debate on this bill, and some of them have given a bad impression in the country around in reference to the price at which flour has been sold. In the general debate I was asked questions which I did not answer because I was not positive, and I am not apt to make statements when I do not know what I am talking about. Among other questions, I was asked at what price wheat was sold a year ago, and also about the selling price of flour in foreign countries. I immediately took that matter up.

Mr. FESS. Mr. Chairman, I make the point that the committee is not in order. The gentleman from New Jersey is discussing a very important feature of the bill, and the Members present ought to be permitted to hear him.

The CHAIRMAN. The committee will be in order; gentlemen will cease conversation.

Mr. DYER. And I suggest, Mr. Chairman, that the galleries be admonished to help us keep order.

The CHAIRMAN. The gentleman from Missouri makes a good suggestion. The occupants of the galleries will appreciate the fact that they are here to-day through the courtesy of the House. A little bit of noise here and there makes a great buzz in the Chamber and very greatly disturbs business. The Chair requests the galleries to kindly preserve order. To that the Chair will add that a very good thing to do will be for the membership of the committee to set an example to the galleries. The gentleman from New Jersey will proceed.

Mr. FESS. The gentleman was on the point of discussing the question why wheat is sold so much more cheaply in London than here.

Mr. HUTCHINSON. Those of you who were here last year remember that there was a grain-grading act passed, which was one of the most important bills passed by the last Congress. You all understand that there are a number of different grades of wheat. It runs from No. 1 down to No. 4, and to no-grade, and while a lot of money has been appropriated—$519,000 this year—I suppose that work is being done, although personally I have never yet seen a Government certificate of inspection. The average miller is one who tries, like everyone else, to make the most money that he can. If he can make more money by grinding export flour, he runs his mill on export flour. The average export flour is that flour which is made from a lower grade of wheat, that runs anywhere from a dollar to a dollar and a half a barrel less than the flour demanded by the housewife of America or the American baker. Therefore, the millers in the past, a great many of them, have been running exclusively on export flour, because they could buy wheat at anywhere from 20 to 30 cents a bushel less and get as much for their flour almost as they could here in America. As I say, I have investigated this, and I have taken it up with a personal friend of mine who is one of the largest exporters along the Atlantic coast, if not the largest, and I am going to have read to you a part of his letter, which is dated June 21, 1917. I will ask the Clerk to read it.

The Clerk read as follows:

Referring to the prices of flour in the United States and in England, it might be well for us to look backward for a period of a year. I would call your attention to the fact that in April, May, June, and July, 1916, wheat was selling between $1 and $1.20 per bushel in the Chicago market. It was possible for British merchants at that time to have bought large supplies of flour that could have been sold at about $8.20 per barrel, delivered in England. I am sure that large purchases of flour and wheat were made and the demand was very brisk in the months of July and August, as it became known that the northwestern and Canadian crops were short ones and of poor quality. When wheat was selling as stated in April, May, June, and July, 1916, American millers were selling flour in this country during the month of April at $4.85 to $5.10 per barrel; during the month of May, 1916, at $4.90 to $5.30 per barrel; during the month of June, 1916, at $4.50 to $5.30 per barrel; during the month of July, 1916, at $4.50 to $5.25 per barrel; and during the month of August, 1916, at which time wheat had advanced 20 to 30 cents a bushel, for $6 to $6.25 per barrel.

Coming down to a recent date, I have to-day seen contracts for flour sold to British buyers at $11.75 to $11.80 per barrel in sacks, delivered alongside of vessel at Atlantic seaboard ports, of a quality that sells in the United States for $1 to $1.50 per barrel less than the kind of flour that is demanded or required by the bakers and family trade of the United States. These contracts were made this month. If you will add thereto the present freights of $2.50 per barrel on flour you will have the cost of $14.25 to $14.30 per barrel, delivered in a British port, and please bear in mind that these sales were for flour of an inferior quality to that which the bakers of the United States demand.

Now, it is possible for the British Government to sell flour for $8 per barrel and pay $14 or $15 for the flour if the British buyers are able to sell to neutrals and allies at a good profit; or the British Government may be making it up from some other source of revenue in order to give the consumers of England low-priced flour. This, however, we, of course, can only surmise. But the facts can be substantiated that British merchants have continually, for nearly one year, bought flour at a higher price than the flour trade of the United States was willing to pay.

The foreign buyers of wheat, as you know, have been leading the buying and the American millers have been compelled to follow, the foreign merchants probably realizing the need thereof sooner than did the American merchants.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. Yes.

Mr. SLAYDEN What is the date of the letter that the gentleman has just had read?

Mr. HUTCHINSON. June 21. It came to me yesterday.

Mr. MADDEN. Who made that statement?

Mr. HUTCHINSON. He is one of the largest exporters in the country.

Mr. MADDEN. It seems to me if it is of any value we ought to know whether he has any information.

Mr. HUTCHINSON. He is one of the largest exporters in the country.

Mr. MADDEN. Is he afraid to have his name mentioned?

Mr. HUTCHINSON. I do not care to give it. I can prove the facts any time you want me to.

Mr. THOMPSON. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. Yes.

Mr. THOMPSON. Out in my State this year's crop is selling at from $2 to $2.10 a bushel. A barrel of flour made out of that wheat ought to sell to the consumer at from $10 to $10.50.

Mr. HUTCHINSON. Yes.

Mr. THOMPSON. That is allowing a reasonable profit for the middlemen.

Mr. HUTCHINSON. For all of the middlemen—the miller, transportation, and everything.

Mr. THOMPSON. Flour is selling now for $17.50 a barrel. Who is getting the $7?

Mr. HUTCHINSON. I do not know anything about that. Mr. Chairman, it seems to me that the object of this bill is to help our allies, and it does seem to me that we ought to have——

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. PARKER of New Jersey. Mr. Chairman, can not the gentleman from South Carolina yield more time to the gentleman from New Jersey?

Mr. LEVER. I am very sorry, but all of the time has been apportioned.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection, and the Clerk again reported the amendment.

Mr. LEVER. Mr. Chairman, if the gentleman from New Jersey will make that 18 months, which would give a full period, I think there will be no objection to the amendment upon this side of the House.

Mr. HUTCHINSON. Mr. Chairman, I have no objection to that.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to modify his amendment in the manner indicated.

Mr. CANNON. One year would not do for the crop season.

Mr. LEVER. What we would do in the 18 months' period would be to take care of whatever hold over there may be of the crop. I think we better make it 18 months. I think that would be fairer.

Mr. HAUGEN. That would give a year both for the spring wheat and the fall wheat.

Mr. LEVER. Yes. Do I understand the gentleman from New Jersey will accept that suggestion?

Mr. HUTCHINSON. I have no objection to that.

The CHAIRMAN. Is there objection to modifying the request?

There was no objection.

The CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

Page 13, line 7, strike out "three years" and insert in lieu thereof "eighteen months."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LEVER. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. STEPHENS].

Mr. STEPHENS of Mississippi. Mr. Chairman, one of the prime purposes of this bill is to stimulate and encourage the production of food products.

In section 12 of the bill this language is found:

That, whenever the President shall find that an emergency exists requiring stimulation of production and that it is essential that the producers of any nonperishable agricultural products produced within the United States shall have the benefits of the guaranty provided for in this section in order to stimulate production of such products, he is authorized, from time to time, seasonably and as far in advance of seeding time as practicable, to determine and fix and to give public notice of what, under specified conditions, is a reasonable guaranteed price for any such products in order to assure such producers a reasonable profit. Thereupon, the Government of the United States hereby guarantees every producer of any merchantable nonperishable agricultural products produced within the United States, for which a guaranteed price shall be fixed by notice in accordance with this section, that, upon compliance by him with the regulations prescribed by the President, he will receive for any such products produced in reliance upon this guaranty within the period, not exceeding three years, prescribed in the notice, a price not less than the guaranteed price therefor as fixed pursuant to this section. In such regulations the President shall prescribe the terms and conditions upon which any such producer shall be entitled to the benefits of such guaranty.

The language is not mandatory; it is permissive only. The power to guarantee a minimum price is to be exercised only when it is necessary, in the judgment of the President, to be used in order to encourage farmers to grow certain crops.

The right to guarantee a minimum price, as provided by the bill, relates to "any nonperishable agricultural crops."

Now it is proposed that cotton shall be exempted from the provisions of the section.

I shall not enter into a discussion of the question of fixing minimum prices—the wisdom, necessity, or propriety of doing this—as a policy of the Government.

Several times recently gentlemen on this floor have made references of a sneering nature at the cotton industry, and attempts have been made to enact legislation under which a tax would be levied upon each bale of cotton produced.

They fail to realize the great part that cotton plays in the industrial and economic life of the Nation. Many of them never saw any cotton, and are not familiar with statistics relating to it.

Whenever cotton is spoken of such gentlemen think only of the lint. They recall that it is used in the manufacture of clothing, of automobiles and tires, of explosives, and other things of like character.

However, they overlook the fact that it serves other valuable purposes than those enumerated. They are not alive to the fact that as food for man and beast it is one of the most valuable of all agricultural products.

Doubtless they will be surprised to learn that the food value of the cotton crop of the South is greater per acre than the food value of the products in the grain-growing section of the country.

On the average it requires 1,500 pounds of cotton in the seed to make a 500-pound bale of cotton. The other 1,000 pounds—that is, the seed—produce meal, hulls, and oil.

It is estimated that the amount of seed just mentioned will produce about 22 gallons of oil. Much of this oil is used for human food. It is clean, healthful, and wholesome. Many people prefer it to hog lard.

Recently a process has been discovered by which a product called cottonseed flour can be made. It has a greater nutritive value than corn, oats, potatoes, or meat. It is healthful and palatable. Several years ago I ate some cake made of it. It compared favorably with any cake I ever ate.

Besides this, all who have had any experience in the matter or given the subject any thought agree that the products of cotton seed are the best feed to fatten animals that are slaughtered for food that is produced in our country.

I shall not have time to make a full explanation of the many elements of the value of cotton and its products. It would require hours to go into details. To follow cotton from the time the seed is planted until it reaches the finished product, whether as clothing for the civilian and the soldier, as a tent protecting the warrior on the battle field, as guncotton or glycerine used in the manufacture of explosives, as nourishing food for mankind as well as animals, would be interesting, indeed. But time forbids this.

I have risen simply to suggest that to fix a minimum price on seed will not help to encourage the production of this element that is of so much importance in the life of the Nation.

The relative value of the seed is small as compared with the lint. Therefore a high price for seed will not encourage the growing of cotton if the price of the cotton itself is low. Primarily cotton is grown for the lint and not for the seed.

Mr. Chairman, I have thrown out these suggestions as to the value and importance of cotton in this war simply for the consideration of the committee. My remarks have not been made for the purpose of boasting of the products of my section.

I shall insert as a part of my remarks some excerpts from the Manufacturers' Record on this subject. [Applause.]

ENORMOUS FOOD VALUE OF COTTON CROP STRANGELY MISUNDERSTOOD—SOUTH'S 7,000,000 TONS OF COTTON SEED CONTAINS POTENTIAL FOOD VALUE THE EQUIVALENT OF 481,000,000 BUSHELS OF WHEAT.

[Special dispatch to Manufacturers' Record.]

DALLAS, TEX., *May 14.*

In the face of conditions that now surround the American people, and which are almost hourly becoming of more and more importance, it is apparent to even the most casual observer that the time is already upon us when this country has become the granary of the world, and to us, almost alone for some years, in peace or war, must the nations look for their food supply. The day has been when to wheat alone the world has looked for its food supply, but that day has passed, and we of the South, at least, feel that we have at command, and should put ourselves in position to offer to the world, a source of food supply hitherto almost entirely unconsidered and of an importance not at all appreciated.

The average production for the last three years of American wheat has been 728,000,000 bushels, or 21,000,000 tons, from which there could have been produced 16,000,000 tons of wheat flour.

The average production of cotton during the same period has been 14,000,000 bales, from which there has been produced 7,000,000 tons of cotton seed.

Science has discovered and actual practical experience has confirmed that there can be produced from this cotton seed a flour not only equally healthful, palatable, and appetizing as that produced from wheat, but which is more than five times as nutritious.

Considering this, then, we find that in actual nutritive value the South can contribute to the world's food supply in her 7,000,000 tons of cotton seed an amount equivalent to adding to the wheat crop 481,000,000 bushels, or something over 66 per cent of the average wheat crop of the country.

But in addition to this it should be noted that cottonseed flour is really in its chemical constituents, nutritive value, and dietary effect more a meat than a bread substitute.

Meat contains from 15 to 20 per cent protein—averaging about 17 per cent—thus indicating a total nutritive value of less than one-fourth of that of cottonseed flour. In fact, cottonseed flour is 25 times as nutritious as potatoes, 5 times as nutritious as corn meal, and 4 times as nutritious as oatmeal.

Of even equal or more importance, in considering the value of cottonseed flour, account must be taken of its medicinal and curative effect. Persons afflicted with diabetes are prohibited from eating bread made from wheat flour, because the starch contained is poisonous to them under such conditions. Cottonseed flour contains no starch, is of exceedingly nutritive value, with a high food percentage of protein, thus making it almost an ideal food for persons afflicted with diabetes.

Keeping these facts in mind, and remembering the whole world is looking to America for its food supply, and with the actual fact staring us in the face that not only is our wheat production entirely inadequate to supply the demand of our home people, but that an actual shortage exists for the nourishment of America, and serious curtailment of this is inevitable under the terrible war conditions that are upon us now, is it not time that the people of the South should awake

from the indifference that has so strangely possessed them concerning the value of cotton as a food crop, should give additional thought not only to the food value of cotton but to that of corn meal, peanuts, and soy beans, all of which the South is capable of producing in quantities not heretofore dreamed of, and offer to her people, the Nation at large, and to the world the riches with which nature has blessed her in this regard?

The Master himself has said, "A prophet is not without honor save within his own country and in his own house."

May not the indifference of the southern people to the value of cotton, corn meal, peanuts, and soy beans as a food crop explain the indifference they have shown in this regard and the answer be "if cotton were grown in Europe as it is in Texas."

JO W. ALLISON,
Chairman Publicity Bureau,
Interstate Cottonseed Crushers' Association.

FOOD VALUE OF SOUTH'S COTTON CROP IMPRESSIVELY PRESENTED—MORE GRAIN VALUE PER ACRE THAN IS PRODUCED IN CORN-RAISING SECTION OF THE COUNTRY, SAYS AUTHORITY—CONDITIONS FOOD CONSERVATIONISTS HAVE LARGELY OVERLOOKED.

The unappreciated and generally unknown facts as to the food value of the cotton seed annually produced in the South—to the amount of some 6,000,000 tons in a 12,000,000-bale crop—are comprehensively set forth in a letter to Carl Vrooman, Assistant Secretary of Agriculture, given herewith. The letter, which follows, is by Lewis N. Geldert, assistant to the president of the Interstate Cottonseed Crushers' Association, and is therefore an authentic presentation of the case. It is necessary to know these facts in order to understand the part the South plays as a contributor to the national volume of food supply, and Mr. Geldert's letter should be given fullest consideration by those who are seeking the greatest possible conservation of the food crops the Nation produces.

INTERSTATE COTTONSEED CRUSHERS' ASSOCIATION,
OFFICE OF ASSISTANT TO THE PRESIDENT, PORTER BUILDING,
Memphis, April 19, 1917.

Hon. CARL VROOMAN,
Assistant Secretary of Agriculture, Washington, D. C.

DEAR SIR: In compliance with your personal request, it affords us pleasure to present to you, in this formal manner, the ideas and conclusions of the cottonseed crushers, as expressed at their meeting held in Memphis, Tenn., on Saturday evening, April 7, 1917, concerning the opportunity and the necessity for conserving and increasing the corn and other grain products of the South.

In view of the extreme gravity of the situation, we respectfully urge you to consider having the facts and figures herein embodied brought to the immediate attention of the farming population of the country, and particularly, perhaps, advising the owners of farm animals to adopt the suggestions presented for reasons both economic and patriotic.

It is not generally realized that the cotton plant provides large quantities of food as well as raiment. The South is not so poor in food production as alarmists would have us believe, as the ginning of 11,500,000 bales of cotton fibers leaves 5,575,000 tons of seed, which produces three distinct food or feed products in quantities and at present market prices as follows:

Oil, 223,000,000 gallons, at $1	$223,000,000
Meal, 2,787,500 tons, at $40	115,000,000
Hulls 1,115,000 tons, at $15	16,725,000
Total food and feed value	354,725,000

In addition, there is provided by the above cotton crop 1,672,500 bales of linters, which are considered essential in the making of smokeless powder and guncotton, and which at the present market price of $35 per bale amounts to $58,537,500. Adding to the above the cotton fiber at 20 cents a pound, it will be noted that the southern cotton planter has in one season added to the Nation's wealth $1,563,263,000, of which approximately 74 per cent was available for clothing, 23 per cent as food for man and beast, and 3 per cent for munitions of war. Other comparisons might be made, but to the superior advantage of the cotton seed must be credited the fact that its food value is far in excess of corn and other grains, and that the protein value of cottonseed meal is two and one-half times that of corn.

An analysis of the food values into which cotton is divisible, made by Col. Jo W. Allison, is to this effect: Taking 1,600 pounds of seed cotton (the basis for a bale of lint cotton), there is left 1,000 pounds of cottonseed after ginning. This will yield about 20 gallons of crude oil and 18.5 gallons of refined oil, which makes 139 pounds of refined oil, and which is equal in food value to 207.5 pounds of hog lard. These seed also yield about 850 pounds of cottonseed meal, equaling in food value 900 pounds of corn, or 16 bushels of corn. Or instead of the meal this can be converted into 300 pounds of cottonseed flour, equaling in food value about 1,650 pounds of wheat flour. There will also be about 250 pounds of hulls, and, of course, the lint cotton and linters, which have no food value, but go into cloth, ammunition, etc.

In other words, the seed from a bale of cotton represents in food value 207.5 pounds of hog lard and 16 bushels of corn, or 207.5 pounds of hog lard and about 1,650 pounds of wheat flour.

Of the pure food provided by cottonseed oil in lard compounds, margarine, and other refined edible-oil products no more needs to be said here. Is there not danger, however, of stampeding the southern farmer into such neglect of cotton planting this year by the plant-food-crop propaganda of the Government as will result in an alarming shortage of this valuable crop, which is in itself such a composite of diversification?

A word of caution from your department now before planting is too far advanced might prevent disaster. There are hundreds of thousands of acres of southern lands particularly adapted to cotton, which by intensive methods would produce a bale or more an acre, but which, under the spur of the preparedness campaign, are being planted this year in other food crops, concerning the growing of which the laborers have no knowledge or experience. Elsewhere in the same States, perhaps, are large areas of land better suited to corn, other grains, and vegetable crops.

The money crop of the South is cotton, and in its abundance of wealth production the whole country has shared. We would respectfully sound a word of caution lest the layer of the golden egg be killed or seriously injured

But the suggestions that we have offered and those we are now submitting for your careful consideration are directed more toward accentuating the need of putting to the very best possible use such food as we may produce, and with this idea in mind we trust that what we are about to offer will throw some light upon the subject and prove of real worth.

Of the elements essential for plant growth nitrogen is the one most often lacking. While the up-to-date farmer some time ago learned that one way to restore this element to the soil is by growing and turning under leguminous crops, he is just beginning to realize and to appreciate that there is one product and only one which can be used as a feed with the maximum results, and after having been fed retains in the manure 80 per cent of its original fertilizing value. This unique product is cottonseed meal, and there is no other article under the sun that will give such splendid results as both feed and fertilizer. While nitrate of soda and tankage, if of high quality, will produce as good results as fertilizers, they are worthless for feeding purposes.

Notwithstanding the certainty of results, and despite the efforts of State and Federal agronomists to induce farmers to get the utmost out of the cottonseed meal by using it first as a feed and then as a fertilizer, they are but slowly awakening to its dual possibilities, as might be instanced in the great State of South Carolina.

In that State there are annually produced from the cotton seed sold to the oil mills approximately 200,000 tons of cottonseed meal. This cottonseed meal, on account of its high content of protein, fat, and carbohydrates, is considered by feeding authorities to be worth two and a half times as much as the same quantity of corn as a feed for farm animals. This, therefore, is equivalent to 500,000 tons of corn, or approximately 18,000,000 bushels. Having within her borders such a vast quantity of feeding material, the natural assumption would be that it was used for feeding purposes. But no; this is not the case. Her farmers, through ignorance, indifference, and perversity, prefer to bury this rich feedstuff in the ground and import a far greater quantity of other materials to take its place.

What an unconscionable thing it would be considered if the farmers of Belgium, Germany, France, or England were annually to bury 18,000,000 bushels of corn in the ground for fertilizing purposes instead of using it as a food for man and beast! Yet in one State alone we are interring the equivalent of 18,000,000 bushels of corn every year.

The above figures represent only South Carolina's waste. All of the cotton States occupy a similar position, except possibly Texas and Oklahoma, where the meal is largely sold for export beyond the borders of those States and used as a feed. Few people realize that the cotton crop is a grain crop and that for every bale of cotton made there is made at the same time about 450 pounds of cottonseed meal, which is equivalent to about 1,125 pounds of corn in feed value. We produce more grain value per acre in a cotton crop than is produced in the corn-raising section of the United States. It is discouraging to see our farmers sell their cotton seed for cash and not buy back the meal for use on their farms. It is a common practice among the oil mills to give an exchange of meal for seed that is greatly to the advantage of the farmer if he is going to use the meal. It is not necessary to take an unofficial source for the confirmation of these figures. The United States Government, all experts on feeds, any chemist, and every State department of agriculture, as well as every experiment station, will confirm the information given herein.

Mr. HAUGEN. I yield five minutes to the gentleman from North Dakota [Mr. YOUNG].

Mr. YOUNG of North Dakota. Is the gentleman from Minnesota [Mr. ANDERSON] present? I am sorry he is not, because I wanted to make some reference to his remarks of last night. I want to ask whether there is anybody here who has any question as to the constitutionality of section 12?

Mr. MEEKER. Yes; there is one here.

Mr. YOUNG of North Dakota. Just one gentleman here, I believe, who questions the constitutionality of section 12. Nobody appearing before the committee and no member of the Committee on Agriculture has up to this time questioned the right of Congress to fix the price of nonperishable farm products. Now, if that be true, I do not think there is any question that Congress also has the power to regulate and control the great grain exchanges which do affect the very thing upon which we are legislating in this section, the matter of price. If the fixing of a minimum price tends to crop stimulation, it surely can not be denied that a steadying of the market prices would also have that tendency, or that violent fluctuations of market prices would have the contrary effect.

The gentleman from Minnesota [Mr. ANDERSON] in his remarks last night asked this question:

> Can it be said that there is such a relation between speculation, injurious or otherwise, as to bring the regulation of speculation within the war powers? Can it be said, for instance, that manipulation of prices has such a relation to the conduct of the war with Germany as to bring that subject within the purview of the war power? Can it be said that the making of misleading or unfair market quotations is a subject of such character as to bring it within the purview of the war power?

I think the answer is undoubtedly, Yes; there is. For instance, supposing that under this law the President or the food administrator should fix a price of $1.75 a bushel on wheat, and that three weeks afterwards the war should end and the great exchanges and speculators throughout the country should pound down the price of wheat to 75 cents a bushel, and we raise 800,000,000 bushels of wheat in the country this year. That would mean that the Government of the United States would be under obligation to buy 800,000,000 bushels of wheat at $1 per bushel more than the price pounded down by the exchanges. It seems to me there is absolutely no question but what that would affect the financial standing and strength of the United States in such a way as to affect the war power.

Mr. BORLAND. Will the gentleman yield?

Mr. YOUNG of North Dakota. Yes.

Mr. BORLAND. Does the gentleman think that any official would fix the price at $1.75 for a year unless he clearly foresaw that the demand would absorb the wheat for a year at that price?

Mr. YOUNG of North Dakota. I am not arguing now what price ought to be paid. I am trying to show that if injurious speculation is permitted it might involve the Government in great loss. Also that the farmers are liable to similar losses, and if so would be discouraged in producing crops.

Mr. BORLAND. Does not the gentleman realize that the wheat demand is a yearly demand, not a monthly or daily demand?

Mr. YOUNG of North Dakota. I am not questioning now as to whether the food administrator will act wisely or not. I am assuming that he will act wisely. I am discussing now the question of whether this is a war power, the matter of the control of the exchanges. That was called in question last night.

Mr. BORLAND. Assuming that the war should come to an end three weeks after the order was made——

Mr. YOUNG of North Dakota. It undoubtedly would affect prices.

Mr. BORLAND. The demand for the visible supply of wheat would remain practically the same.

Mr. YOUNG of North Dakota. It might or it might not. Now, so far as the producers are concerned throughout the Northwest, they were represented pretty well before the committee. There were nine gentlemen who came here from five of the Northwestern States, Wisconsin, Minnesota, North and South Dakota, and Montana, and they expressed their approval of this bill. They asked that this legislation be enacted, and the thing which moved them to do so, the consideration which moved those farmers from the Northwest to commend this bill, were the sections on control of the grain exchanges and the matter of liberating terminal elevator storage and authorizing the construction of additional storage if needed. These sections were believed to be vital to the interests of northwestern farmers.

Mr. CRAMTON. Will my friend, Farmer YOUNG, yield for a question?

Mr. YOUNG of North Dakota. Certainly.

Mr. CRAMTON. I should like to ask the gentleman whether any of these gentlemen who came down from his State—the producers—who are satisfied with the bill are large producers of potatoes?

Mr. YOUNG of North Dakota. The gentleman has referred to me as "Farmer YOUNG"——

Mr. CRAMTON. I endeavored to be complimentary.

Mr. YOUNG of North Dakota. The gentleman was complimentary, indeed. Like myself, he is a farmer's son, so I know he intended to pay me a compliment; but I doubt whether he ever worked as much on a farm as I have. Very few young men, indeed, did as much hard manual labor up to the time of my graduation from the university as I, and since then I have grown more grain than the average North Dakota farmer. I learned to plow when guiding a team and walking a straight furrow was a fine art. I have done everything conceivable about a grain or dairy farm, and worked three years in a cheese factory to boot. I have mowed hay and worked in a suffocating barn on a hot day. I have pitched bundles in the blazing sun and pulled turnips out of the cold snow. I have husked corn in the cold fall days until my fingers were benumbed and bleeding, and have experienced the sweet contrast of milking cows with my hard, stiff, sore hands while resting. I am modest, so I will not take in so much territory as the United States, but I can make better cheese than anyone in my district, and no one in or outside of my district can make better butter. "Farmer YOUNG," you say? My answer is, "Present." [Applause.]

Mr. DILLON. Will the gentleman yield?

Mr. YOUNG of North Dakota. I do not believe I have time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, I yield 10 minutes to the gentleman from North Carolina [Mr. STEDMAN].

Mr. STEDMAN. Mr. Chairman, it was my good fortune on Tuesday of this week to be present at Valley Forge when the United States Washington arch was dedicated in a most appropriate, eloquent, and patriotic address delivered by the distinguished Speaker of this House. [Applause.] The occasion could not fail to recall to the memory of all the glorious achievements of our Revolutionary fathers—their endurance, their fortitude, their patriotic heroism. Nor could it fail to impress every American citizen present with the high sense of duty he owes to those who are to come after us, under God's providence, to preserve for them the blessings which we have inherited and which we now enjoy. [Applause.]

As I wandered amidst the historic scenes of Valley Forge my thoughts turned to the bill which is now under consideration and which was pending when I left here on Tuesday morning. Without reflecting upon the judgment of others, my own decided conviction is that there is no legislative duty which the Members of this House will be called upon to perform during the present session of higher importance or more urgent necessity than the passage of this bill. It will be a message of cheer and comfort to the American people, telling them that the brutal and nefarious traffic of the gambler in the necessities of life has been annihilated by this Congress, for the present at least. It is not my purpose in the few minutes to which I must restrict myself to discuss in detail the merits of this bill. They have been illustrated most clearly and accurately by the accomplished chairman of the Committee on Agriculture. [Applause.]

The vast majority of the people of North Carolina, whom I have the honor in part to represent, favor the passage of some bill similar in its provisions to the one now pending.

History ever repeats itself. During the Revolutionary War North Carolina employed a board of military officers to collect and export produce and to import necessaries and munitions for the Continental soldiers. It was through importations through Ocracoke Inlet and supplies furnished by North Carolina that the sufferings of the Continental soldiers in the early winter at Valley Forge were relieved. [Applause.]

The facts in connection therewith will be found more fully set forth in Ashe's History of North Carolina, page 586. There has never been a break in the greatness of the people of North Carolina. In 1861 she made a large appropriation to purchase abroad supplies for her soldiers, and under the administration of her great war governor (Vance) she bought a vessel and imported large quantities of staple articles—shoes and leather for shoes amounting to 250,000 pairs, 50,000 blankets, gray cloth for 250,000 uniforms, 12,000 overcoats, and $50,000 worth of medicine, and many other articles needed by them which I do not now recollect. As the shoes, blankets, and clothing were more than sufficient for our own troops, large quantities were turned over to the Confederate Government for the troops of other States.

Depots of provisions were established along the lines of the railways for the wives and children of Confederate soldiers, and committees were appointed to distribute them, and there was no time when a North Carolina soldier, whether at home or in the army of northern Virginia, ever suffered for food or clothing [applause]; and to-day, to the everlasting honor and glory of the grand old State, no Confederate soldier worthy of the name would be allowed to suffer anywhere within the confines of North Carolina if his necessities were known. [Applause.]

A supreme sense of duty caused her to cooperate with the Confederate Government, as a sense of duty and honor, as well as self-interest, should now cause us to cooperate with our allies, and it was due to the patriotic self-denial of the people at home, who realized fully the necessity of food and clothing for their soldiers, that they ever maintained throughout the entire unfortunate Civil War that esprit de corps which has forever established upon the pages of history their enduring fortitude and unfading renown. The high resolve and chivalric sentiment which characterized the people of North Carolina during the Civil War was not confined to her men alone, but was shared to a marked and eminent degree by the women of that State. [Applause.]

In connection with the efforts of the people of North Carolina to provide for her soldiers, I hope it will not be thought inappropriate if I mention an incident illustrating their spirit and zeal.

Upon one of the trips of the blockade vessel to which I have alluded as having been purchased by the State of North Caroline, to bring supplies from abroad for her soldiers, was a young girl returning to her home in North Carolina. As the vessel approached Wilmington, when a few miles from that port, it was discovered by Federal cruisers, which made every effort to overtake and destroy it. Shells and shot were rapidly falling around and about it. The captain, although a man of more than ordinary courage, realized the great danger to which the vessel was exposed—as amongst other supplies it had on board a large amount of powder. He was earnestly listening to the suggestions of two or three of the crew that the danger was so imminent that to save their own lives the vessel should be surrendered. Overhearing the conversation between the captain and those around him, this young girl lighted a torch of pine wood and walking up to the captain said: "It is very true that the vessel may be struck and all of us blown into the air, but before you shall surrender it and these supplies, so necessary

for North Carolina soldiers, shall be lost, I myself will blow it into the air with everyone of us on it," and pointing to the powder she said: "I will throw this lighted torch directly into that barrel of powder."

The crew forgot their danger in the presence of the splendid heroism of this girl. The captain said to them, "Boys, we will take our chances," though every moment there was imminent danger that the vessel would be struck.

This young girl had the blood of a hero in her veins. She was as modest as she was fair and beautiful. I have no doubt of the truth of the incident I have just related. I have heard it ofttimes spoken of. Only a few days ago a young gentleman from Wilmington called my attention to it, and asked me if I recollected it, and he told me that it was related to him by a member of the crew of the vessel.

If the Members of this House should realize as fully as they ought the importance of the control of food for the people of this country, its soldiers, and the allies, and should be governed by the same spirit which animated the breast of that North Carolina girl, this bill would finally pass by a unanimous vote.

If this young girl was willing to sacrifice her life to prevent the destruction of supplies so necessary to the soldiers of her State, surely this Congress can rise to the full measure of its duty and take such action as may be necessary to control an adequate supply of food for the people of this country, for its soldiers, wherever they may be, and for our allies, who are fighting by our side. Let the boys whom we are sending to the battle field realize and know not only that they will be properly cared for, but that their parents at home, their wives, and their sweethearts will be likewise protected through sunshine and storm, and they will sleep calmly upon the battle field, happy and content whatever fate may betide them. The world in arms will not stand before their advancing columns with the Stars and Stripes floating above them. [Applause.]

Mr. LEVER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAMLIN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 4961 and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, Mr. O'SHAUNESSY was granted leave of absence for one week, on account of illness.

COMMISSION TO WAIT UPON RUSSIAN COMMISSION.

The SPEAKER. The Chair appoints the following committee to wait upon our Russian visitors and conduct them into the Hall.

The Clerk read as follows:

Messrs. FLOOD, HARRISON of Mississippi, STEDMAN, SABATH, COOPER of Wisconsin, ROGERS of Massachusetts, LONDON, and SIEGEL.

The SPEAKER. The House will stand in recess under its previous order for 30 minutes.

Thereupon (at 11 o'clock and 56 minutes) the House stood in recess.

At 12 o'clock and 4 minutes p. m. the commissioners of the Russian Republic to the Government of the United States, Prof. Boris Bakhmetieff, chief of the mission; Lieut Gen. Roop, representing the Russian general staff; Prof. Lomonossoff, chief of the delegation to study railways and communications; Prof. Borodine, representing the ministry of agriculture; Col. Oranovsky, representing the ministry of war to study munitions and supplies; Mr. Novitsky, chief of the financial section; Mr. Soukine, diplomatic secretary of the mission; Capt. Dubassoff, aid-de-camp to Ambassador Bakhmetieff; and Capt. Shutt, escorted by Mr. FLOOD, Mr. STEDMAN, Mr. HARRISON of Mississippi, Mr. SABATH, Mr. COOPER of Wisconsin, Mr. ROGERS of Massachusetts, Mr. LONDON, and Mr. SEIGEL, accompanied by Mr. C. Onou, chargé d'affaires of the Russian Embassy, and Mr. Breckinridge Long, Third Assistant Secretary of State, entered the Hall of the House.

The distinguished visitors were escorted to the Speaker's rostrum amid prolonged applause and cheers.

The SPEAKER. The peculiar circumstances under which the Russian commission comes to us justify a few preliminary words.

When our fathers proclaimed this Republic at Philadelphia July 4, 1776, there was only one other Republic on earth—Switzerland—and the fathers were not certain that this one would live till Christmas. It was an even break whether it would or not. [Laughter and applause.] Now, thanks be to Almighty God, there are 27 republics in this world. [Applause.] In a large sense we made them, every one [applause]—not by conquering armies, not by the mailed hand, but by the wholesomeness of our example [applause]; by teaching all creation the glorious fact that men can govern themselves. [Applause.] Until then the theory was that political power descended from on high and lighted upon a few tall heads and a little of it trickled down upon men below. We reversed all that and made it begin at the bottom and go up like the sap in the trees in the springtime, and it will go up forever. [Applause.]

Of these 27 republics Russia is the newest and the biggest. [Applause.] It dazzles the imagination to think what she may be under free institutions, possessing as she does 180,000,000 of people and one-sixth of the land on the globe.

The Russian Revolution is the most momentous political movement since the French Revolution.

I present to you the first Russian ambassador to the United States of America from the Republic of Russia. [Applause.]

Prof. BORIS BAKHMETIEFF. Mr. Speaker and gentlemen of the House [applause], I am deeply conscious how great an honor has been conferred on me and the members of my mission by this gracious reception. I understand how unusual it is for this House to accord to foreigners the privilege of the floor. I realize that if you were moved to make such an exception it was due to the great and most extraordinary historic events which have been and are now taking place in the world.

Great indeed is the honor and the privilege to speak here, in this House, exemplifying as it does the Constitution of the United States—that wonderful document which embodies so clearly and yet so tersely the principles of free government and democracy. [Applause.]

Gentlemen of the House, when addressing you on behalf of the Government and the people of new Russia, when conveying to you the greetings of the new-born Russian democracy, you will conceive how impressed I am by the historical significance of this moment; you will understand why my emotions do overwhelm me.

During the last few months Russia has really lived through events of world-wide importance. With a single impulse the nation has thrown down the old fetters of slavery. Free, she is entering now the dawn of new life, joining the ranks of democracy, striving for the happiness and the freedom of the world. [Applause.]

Does not one feel occasionally that the very greatness and significance of events are not fully appreciated, due to the facility and spontaneity with which the great change has been completed?

Does not one always realize and conceive what it really means to humanity that a nation of 180,000,000, a country boundless in expanse, has been suddenly set free from the worst of oppression, has been given the joy and happiness of a free, self-conscious existence? [Applause.]

With what emotions are we inspired who have come to you as messengers of these great events, as bearers of the new principles proclaimed by the Russian Revolution.

May I be permitted to reiterate the expression of the feelings that stir our hearts and, impressed as I am by the might and grandeur of the wonderful events, welcome and greet you on behalf of free Russia? [Applause.]

Here at the very cradle of representative government I feel it proper to recall the very moments of birth of constitutional life in Russia which presented itself some 12 years ago at the time of the first Russian Revolution.

It was then that the Duma came into being. From the very inception of this assembly the old authority endeavored to curtail the powers that had been conferred on it. Its sole existence was an uninterrupted struggle; but in spite thereof, notwithstanding the limitations and narrowness of election laws, the Duma was bound to play a most important part in the national life of Russia.

It was the very fact of the being of a representative body which proved to be so fruitful and powerful.

It was that mysterious force of representation, force which draws everything into the whirlpool of legislative power, force the existence of which your American framers of the Constitution so deeply recognized and understood. It was that force which led the Duma, however limited, to express the feelings of Russia and frame her hopes during the world's great crisis, and made the Duma ultimately the center and the hope of national life.

It was the Duma who at the epoch when the old authority by vicious and inefficient management had disorganized the supplies of the country and brought the military operations to unprecedented reverse; it was the Duma who with energy and devotion called the people to organize national defense and appealed to the vital forces of the country to meet the German

attack and save the nation from definite subjugation. Again, when it appeared that the shortsighted Government, who never took advantage of the patriotic enthusiasm and national sacrifice, was not only incapable of leading the war to a successful end but would inevitably bring Russia to military collapse and economic and social ruin, it was the Duma again who at that terrible hour proclaimed the nation in danger [applause]; it was at the feet of the Duma that the soldiers of the revolution deposed their banners and, giving allegiance, brought the revolution to a successful issue. It was then that from the ruins of the old régime emerged a new order embodied in the provisional government, a youthful offspring of the old Duma procreated by the forces of the revolution. [Applause.]

Instead of the old forms, there are now being firmly established and deeply embedded in the minds of the nation principles that power is reposed and springs from and only from the people. [Applause.] To effectuate these principles and to enact appropriate fundamental laws—that is going to be the main function of the constitutional assembly which is to be convoked as promptly as possible.

This assembly, elected on a democratic basis, is to represent the will and constructive power of the nation. It will inaugurate the forms of future political existence as well as establish the fundamental basis of economic structure of future Russia. Eventually all main questions of national being will be brought before and will be decided by the constitutional assembly—constitution, civil and criminal law, administration, nationalities, religion, reorganization of finance, land problem, conditionment of labor, annihilation of all restrictive legislation, encouragement of intense and fruitful development of the country. These are the tasks of the assembly, the aspirations and hopes of the nation.

Gentlemen of the House, do not you really feel that the assembly is expected to bring into life once more the grand principle which your illustrious President so aptly expressed in the sublime words, "Government by consent of the governed"? [Applause.]

It is the provisional government that is governing Russia at present. It is the task of the provisional government to conduct Russia safely to the constitutional assembly.

Guided by democratic precepts, the provisional government meanwhile is reorganizing the country on the basis of freedom, equality, and self-government, is rebuilding its economic and financial structure.

The outstanding feature of the present government is its recognition as fundamental and all important of the principles of legality. It is manifestly understood in Russia that the law, having its origin in the people's will, is the substance of the very existence of State. [Applause.]

Reposing confidence in such rule, the Russian people are rendering to the new authorities their support. The people are realizing more and more that to the very sake of further freedom law must be maintained and manifestation of anarchy suppressed.

In this respect local life has exemplified wonderful exertion of spontaneous public spirit which has contributed to the most effective process of self-organization of the nation. On many occasions, following the removal of the old authorities, a newly elected administration has naturally arisen, conscious of national interest and often developing in its spontaneity amazing examples of practical statesmanship.

It is these conditions which provide that the provisional government is gaining every day importance and power; is gaining capacity to check elements of disorder arising either from attempts of reaction or extremism. At the present time the provisional government has started to make most decisive measures in that respect, employing force when necessary, although always striving for a peaceful solution.

The last resolutions which have been framed by the Council of Workingmen, the Congress of Peasants and other democratic organizations render the best proof of the general understanding of the necessity of creating strong power. The coalitionary character of the new cabinet, which includes eminent socialist leaders and represents all the vital elements of the nation, therefore enjoying its full support, is most effectively securing the unity and power of the central government, the lack of which was so keenly felt during the first two months after the revolution.

Realizing the grandeur and complexity of the present events and conscious of the danger which is threatening the very achievements of the revolution, the Russian people are gathering around the new government, united on a "national program." [Applause.]

It is this program of "national salvation" which has united the middle classes as well as the populists, the labor elements, and socialists. Deep political wisdom has been exhibited by subordinating various class interests and differences to national welfare. In this way this Government is supported by an immense majority of the nation, and, outside of reactionaries only, is being opposed by comparatively small groups of extremists and internationalists.

As to foreign policy, Russia's national program has been clearly set forth in the statement of the provisional government of March 27 and more explicitly in the declaration of the new government of May 18.

With all emphasis may I state that Russia rejects any idea of a separate peace? [Applause.] I am aware that rumors were circulated in this country that a separate peace seemed probable. I am happy to affirm that such rumors were wholly without foundation in fact. [Applause.]

What Russia is aiming for is the establishment of a firm and lasting peace between democratic nations. [Applause.] The triumph of German autocracy would render such peace impossible. [Applause.] It would be the source of the greatest misery, and, besides that, be a threatening menace to Russia's freedom.

The provisional government is laying all endeavor to reorganize and fortify the army for action in common with its allies. [Applause.]

Gentlemen of the House, I will close my address by saying Russia will not fail to be a worthy partner in the "league of honor." [Applause.]

The members of the Russian commission then took their places at the right of the Speaker's rostrum, and the Members of the House were presented to them.

The distinguished visitors were then escorted from the Hall of the House.

AFTER RECESS.

The recess having expired, the House was called to order by the Speaker.

CONSERVATION OF FOOD AND FUEL.

Mr. CANDLER of Mississippi. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4961.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4961, with Mr. HAMLIN in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

Mr. HAUGEN. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. MEEKER].

Mr. MEEKER. Mr. Chairman, I send an amendment to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amedment offered by Mr. MEEKER: Page 12, line 18, strike out all of section 12.

Mr. MEEKER. Mr. Chairman and gentlemen of the committee——

The CHAIRMAN. The gentleman from South Carolina [Mr. LEVER] and the gentleman from Iowa [Mr. HAUGEN] will please give attention to what the Chair wishes to say. It was agreed this morning that each amendment as presented would be disposed of at the time. The amendment has just been reported from the desk, striking out all of section 12. Of course, if there are any amendments to perfect that amendment, they would have to be offered first.

Mr. LENROOT. I suggest that the gentleman proceed and wait for the other amendments after this amendment is disposed of.

Mr. MEEKER. Mr. Chairman and gentlemen, it is my candid belief that this is probably, so far as affecting the food supply is concerned, the most dangerous section of any in this bill. As has been mentioned here a number of times during the discussion of the bill, we know that a few weeks ago a bill was first drafted which carried the provision for fixing the maximum price on foodstuffs. That was stricken out in the committee, because it was admitted finally by friends of the bill that it could not be done. I am not going to take time now to discuss the constitutionality of this section. When the gentleman from North Dakota [Mr. YOUNG] this morning wanted to know if there was anyone here who did not believe this section to be constitutional, I suggested that for one I did not, and when I sat down the gentleman from New Jersey and a number of

gentlemen sitting around said it was their opinion that a large majority of the House did not believe that this is a constitutional provision.

I do not think it is constitutional, and I believe that even if it should be passed in the House it will not get through the Senate. I am getting tired of having the House draft bills and hurry them over to the Senate, as was done with the revenue bill, and then see the work done over there.

Now, let us think; and I want the attention of the chairman of the committee and of the committee as to the practical dangers of this section. A short time ago we passed a bill here that provided for the stimulating of agricultural activities in this country. The chairman of this committee knows that since I have been a Member of this House I have worked for and voted for every appropriation suggested by the Committee on Agriculture looking toward the stimulation and the conservation of food products of this Nation. I am willing to do so yet. Nevertheless, I believe that the practical effect of this section will be more disastrous on the general food supply than anything else that we can possibly do. Now, let us take a practical illustration. If this section could be made to apply to certain specific districts of the United States, it would not be so bad. But look at this for a moment. Take the great Middle West, where diversified farming is carried on. Oats, corn, and wheat are the chief staple crops there, aside from the grasses. Now, as suggested by the gentleman from Texas [Mr. YOUNG] the other day, suppose that the Government discovers in the general reports from throughout the world that there is going to be a corn shortage or a wheat shortage. In advance of seeding time the President is to announce a minimum price which the Government will guarantee for this product. It now is for only 18 months. Suppose that I am an Indiana farmer, and I have a farm out there in Indiana, and we are doing all we can to produce as much as we can of the diversified crop; but suppose that I am putting in, we will say, 50 acres of corn and 50 acres of wheat and 50 acres of oats, and the general outlook is that there is going to be a corn shortage. Now, what is necessary? In order for the Government to stimulate corn production, they have got to guarantee a minimum on corn that will make it more profitable for me to grow corn than it will for me to grow wheat. What will I do? Just what you would do. I say, "All right; next year, instead of growing 50 acres of corn and 50 acres of wheat, I will take the Government guaranty on corn and grow 100 acres of corn and no wheat."

Mr. CALDWELL. Will the gentleman yield?

Mr. MEEKER. I will.

Mr. CALDWELL. As the gentleman well knows, crops have to be changed on the land?

Mr. MEEKER. I know that. I was brought up on a farm. And I know this much about farming, that the farmer will put in the crop that he thinks will pay him the best immediate return. If you could underwrite corn in Texas, for instance, and cut out Illinois and Indiana and Iowa and all the rest of the corn-growing States, so as to stimulate Texas corn growing, that would be a different proposition; but the Government of the United States, in order to stimulate corn growing in Texas, has got to underwrite the corn crop of this Nation. Or, if it wants to stimulate the growing of wheat, it has got to underwrite the whole crop of America, or any other crop which it may wish to stimulate in some community. It not alone deals with a particular section but with the whole Nation. By proclamation the President may offer a minimum guaranty, but that minimum guaranty on the part of the Government becomes the maximum pay crop for the man to whom the guaranty is made, or else he will not grow it. If you will stop to think of that suggestion for a moment, any crop which may be underwritten by the Nation immediately, so far as the planter is concerned and the farmer is concerned, becomes his especial favorite, and that crop is to be planted and developed at the expense of the other grains.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. MEEKER. Yes.

Mr. CRAMTON. And as to a crop such as potatoes, if not covered by this bill the effect will be to discourage the production of that crop, which is already suffering from a shortage?

Mr. MEEKER. Absolutely. Every man in a diversified crop community is going to get under this guaranteed minimum price and take whatever he may get above that. Nevertheless, your minimum guaranty amounts to nothing to a practical farmer unless the minimum price is to a certain extent a maximum to him, and when he figures that he can make more on wheat and corn than on potatoes, and the Government guarantees the corn crop, he would say, "I will buy my potatoes." It means that the guaranteed crop which the Government will guarantee and for which it will give them 18 months for their seeding and harvesting will probably be increased 25 or 50 or 100 per cent more than any other crop. Why? Because it is absolutely underwritten by the Government.

I have only time to discuss a few other points in connection with this question to this extent: Since my address on the meat question the other day men have come to me and told me that what I told the House then of the disappearance of the swine and cattle from the Eastern States on westward coincided with their observation; and we know this: You take your chances on hog cholera; you take your chances on foot-and-mouth disease, and on all those other diseases that are threatening. And I want to say to the chairman of this committee that I am willing to vote, if necessary, $5,000,000 for the prevention of diseases amongst animals and amongst crops. That is the greatest conservation agency in this country, to save what we produce. But you say to a man, a corn grower, "We will guarantee your corn crop." At the present prices we will have to put that guaranty at nearly $1 a bushel. Suppose he has half a dozen brood sows. The hog cholera is in his neighborhood. He says, "All right; I will not take any chances on hog cholera and run the risk of feeding, and all that, when I have a Government guaranty on corn." It requires only a few minutes to drive that bunch of brood sows to market, and he is then rid of all his risk. The fact that you have guaranteed to him a price on corn, which makes corn growing profitable and attractive to him, takes away from him all the interest he might have as a meat grower. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. LEVER. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. PURNELL].

The CHAIRMAN. The gentleman from Indiana is recognized for five minutes.

Mr. PURNELL. Mr. Chairman and gentlemen of the committee, in my judgment this is the most important and far-reaching bill that has been considered by this Congress. In making that statement I am not unmindful of that fateful night upon which we declared the existence of war between this country and the Imperial German Government. It has been suggested by many Members on this floor that this is the most important piece of legislation ever considered by the American Congress. It is an unusual bill. It is equally true that these are unusual times, and that unusual times demand unusual action. While it is true that in many respects this is an unheard-of measure, it is also true that the gravity of the present crisis demands some such action. The time is past for the discussion of our entrance into this struggle. We are in. The time is past for discussing the advisability or the method of raising an army. We have adopted the plan of selective conscription. We have provided for the money with which to equip the Army and conduct the war. There is one great question unsolved, and to my mind it overshadows the others. It is the question of feeding our people at home, our armies in the field, and the armies of our allies. It has frequently been said that the question of food supply will determine this conflict rather than men and money. If this be true, as I firmly believe it is, there can be no question as to the importance of this bill.

I shall vote for this bill. In fact, I shall grasp at it as a drowning man grasps at a straw. I shall vote for it in the belief and with the hope that it will bring relief to the vast army of consumers in this country who can no longer stand the excessive and unwarranted prices they are compelled to pay for the bare necessities of life. I shall vote for this bill in the hope that the workingman with a family to feed, whose wages have not kept pace with the soaring prices of food, shall find relief. I shall vote for this bill in the hope that this same man may provide fuel for his family without committing larceny or burning his furniture. I shall vote for this bill believing that it will provide a weapon whereby the Government may quickly and effectively destroy the iniquitious food pirate and food speculator, whose activities are little short of criminal. My only regret is that I do not have a hundred votes to hurl at the speculator who is able to hoard the necessities of life for profit to himself and who thus takes from the poor their very lifeblood. I want to make it impossible for any man or set of men to pile up the visible supply of any food product until it rots while children are at the same time crying for bread. I would jail the Ponce de Leon who follows no flag except the one on the windshield of his limousine and endeavors to inject perpetual youth into cheap eggs. I want to see fatter stomachs on the men who pick and shovel and thinner jowls on the speculator who grabs and hoards. To my mind the full stomach is the great need of the hour. [Laughter and applause.]

In my humble opinion here is a real opportunity to be of service to the people. From many sources we hear that much

of the action of this Congress is or will be unpopular. While I do not agree with this sentiment, yet I do want to say that if popularity is needed here is the opportunity. This bill should be passed quickly and with the least possible debate. Proportionally as we cease to lift up our voices and begin to run down food prices will our popularity increase. There is much about this bill I do not like, but, in my judgment, the good overshadows the bad. This is a war measure. It follows that we must grant almost unlimited power. I came to this Congress with a firm determination to stand by the Government and support this administration in every reasonable way during this crisis. I am proud to say that I have so far adhered to that resolution. I have swallowed a number of things that were not just to my liking in order that there might be as little delay and as little division as possible. I am supporting this bill in the same spirit. I am glad to swallow whatever there is of bad in it, if in so doing I may assist in relieving the people of these excessive and burdensome high prices.

It has been urged by a number of gentlemen who oppose this bill that it will injure the farmer. I have given this phase of the bill careful and earnest consideration and am convinced that the opposite is true. Certainly none of us want to injure the farmer. I am especially interested in him, because I have the honor to represent one of the finest agricultural districts in the country, whose farmers are second to none in ability, loyalty, and patriotism. I am interested in the farmer generally, because we must depend upon him as much as upon the boys in the trenches if we are to successfully wage this war. Bread is just as necessary as bullets. The farmers make up one-third of our population and feed the other two-thirds.

When it comes to framing war measures we should give to the farmer the same careful consideration we are giving the other classes and fields of activity. He is indispensable. He is loyal. He is patriotic always and never a slacker. He is the big cog in our machinery of war, without whose assistance and cooperation no conflict could be successfully waged. He only asks fair treatment, and I believe this bill will insure that. The farmer has always wanted to be rid of the food speculator, who profits by his toil. This bill not only makes it possible to do away with the food speculator, but in addition it gives to the farmer a guaranteed profit upon his products for a period of three years. It does more than that—it provides, in addition, that he shall not be limited in his profit to the guaranteed price. I believe the result of this bill will be to bring the producer and consumer closer together. Let us take up the slack, destroy the lost motion between them, and thereby help them both. I want to get at the middleman, the speculator, the food pirate, and the unscrupulous dealer. Because a dealer stands in the middle is no reason why he should collect from both ends. There is no valid reason why potatoes should sell in England at $2.10 per bushel and at $3.70 per bushel in the United States on the same day. There is likewise no valid reason why flour should sell in England at $8.20 per barrel and at $17.60 per barrel here on the same day. This is especially significant since the flour in both places was made from American wheat.

If by voting for this bill we can remedy this condition, we will have performed a wonderful service for the country. Unless we enact some such regulatory legislation as is proposed in this bill, this Congress must bear the responsibility of the suffering, bloodshed, and foot riots that will necessarily follow. I do not want to feel the responsibility of that neglect.

Another matter has been injected into the debate upon this question, both in this body and at the other end of the Capitol, which, it seems to me, is most untimely and unwarranted. There is much fear and trembling in certain quarters lest this man Hoover shall prove to be an autocratic food dictator. It is argued that he may abuse the tremendous power that may be given him. The House has nothing to do with that proposition. It is our duty to provide the machinery. It is the duty of others to put it in operation. We have trusted the President with the sons of this country, we have placed at his disposal the Nation's wealth, and I see no reason why we should hesitate to leave to his discretion the selection of an honest, patriotic American citizen to take charge of this great task.

Discussion of this phase of this subject resolves itself into mere speculation, and serves only to delay the passage of a bill that should now be in operation. Is the fact that Mr. Hoover has offered his services to his country and asks to serve without pay a cause for alarm? Are we to suspect every American citizen of having some ulterior motive who seeks an opportunity to serve his country in this crisis? It seems far-fetched that in this hour of the Nation's crisis, when the American consumer is being robbed and innocent children are crying for food, the passage of a bill calculated to give them relief should be delayed because of a suspicion lest the law may not be properly enforced. Like Nero, we fiddle while Rome burns. I do not know Mr. Hoover, and am not here to plead his cause; but I am willing to trust this great undertaking to this man of the people through whose efforts seven and one-half million suffering Belgians were saved from starvation. The smiling face of one Belgian baby rescued from starvation tells me more of the character of the man than the glum foreboding of suspicious persons. Personally I am for "Hoover, of Belgium."

I do not expect this bill to cure all the high cost of living evils, but if it will send workingmen home on Saturday nights with bags of flour on their shoulders instead of candy sacks of flour in their hands, as at present, I shall be content. [Applause.]

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. SCOTT].

The CHAIRMAN (Mr. SAUNDERS of Virginia). The gentleman from Iowa is recognized for five minutes.

Mr. SCOTT of Iowa. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Iowa.

The Clerk read as follows:

Amendment offered by Mr. SCOTT of Iowa: Page 12, line 21, after the word "products," insert "being necessaries, as hereinbefore defined," and on page 13, line 5, after the word "any," insert the word "such."

Mr. SCOTT of Iowa. Mr. Chairman and gentlemen of the committee, this bill is supposed to regulate food supplies and fuel, termed in the language of the bill "necessaries." That expression, comprehensive of the subject of the bill, runs through all the sections but one. When it comes to the question of directing legislation against the man who hoards it is confined to food products and fuel. When you come to prohibit conspiracies and agreements calculated to unreasonably enhance the price, it is confined to food products and fuel. When you come to regulate the great exchanges of the country, you regulate those upon whose floors are sold food products and fuel. But when you come to that section of the bill which guarantees the price, then the language of the bill suddenly changes. We hear no more of "necessaries." Then we are dealing with "nonperishable agricultural products." Then we take in everything that is nonperishable that is produced upon the farm.

Now, I may be dull, but I am unable to comprehend why the southern farmer should be permitted to hoard cotton and conspire and agree concerning the price of cotton, and the northern farmer should be prohibited from so doing with respect to corn, wheat, oats, rye, and all of the other food products. I realize that we ought to regulate the great exchanges upon the floors of which the wheat and corn and pork and beef are sold. But I can not understand why no sacrilegious hand should be laid on the cotton exchange. Why should not the same rule apply to cotton and tobacco which applies to corn and wheat. And why should all the regulation, all of the burdens, all of the penalties, apply to one and none of them apply to the other?

It seems to me this bill ought to be corrected to reach every class that falls within the purview of its benefits, and this amendment is offered to correct that inequality of the bill. It confines the operation of this section to the same crops, to the same products, as the other sections of the bill apply to. [Applause.]

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Clerk will again report the amendment offered by the gentleman from Iowa.

The amendment was again read.

The question is on agreeing to the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question is on the next amendment offered by the gentleman from Iowa.

Mr. HILL. What is it, Mr. Chairman? I ask that it be reported.

The CHAIRMAN. It has been reported. Without objection, the Clerk will again report it.

The Clerk read as follows:

Page 13, line 5, after the word "any," insert the word "such."

Mr. LONGWORTH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LONGWORTH. My understanding was that all these amendments were to be voted on at the conclusion of the debate and not as they were offered.

The CHAIRMAN. The permanent chairman of the Committee of the Whole [Mr. HAMLIN] advised me otherwise.

Mr. LONGWORTH. I understood him a short time ago to make that statement.

The CHAIRMAN. No. He advised me when I took the chair that the amendments offered from time to time of a perfecting nature should be voted on, but that an amendment

such as that of the gentleman from Missouri [Mr. MEEKER] to strike out an entire section would be reserved until the conclusion of the debate. The question is on agreeing to the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was rejected.

Mr. LEVER. I yield five minutes to the gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER. Mr. Chairman, in the few minutes allotted to me I can not attempt to discuss the provisions of this bill, but I do want to give voice to my hearty and unqualified approval of this legislation. [Applause.] I again find myself wholly unable to agree with my colleague [Mr. MEEKER] who so eloquently addressed the House a few minutes ago on questions pertaining to agriculture. It makes no difference to him how many farm associations and farm organizations, representing and speaking for that great army of industrious citizens who till the soil, may study this bill and pronounce it good, it remains for the farmer from St. Louis to discover hidden dangers and to tell us how disappointing it will prove and how very bad it is. For one I am neither moved by his eloquence nor persuaded by his logic. [Applause.]

Mr. Chairman, I want in these few minutes to congratulate the committee in behalf of the country upon the splendid work it has done in bringing before the House this legislation, so full of hope and promise to those who produce as well as to those who consume. We have already passed provisions in the bill which will afford the farmer a guarantee of fair and reasonable profits on the products of his farm. We have agreed to other provisions which I believe will prevent the hoarding and monopoly of the great foodstuffs of the country. Those who gamble in food and who have grown rich, and who are hourly growing richer by trafficking in the food supplies of this Nation, will be warned by the passage of this bill that they must unlock their warehouses and let the people who want bread have their accumulated stores at reasonable prices. This legislation will make every laboring man rejoice. [Applause.]

I was deeply interested in the story so well related a few minutes ago by the distinguished gentleman from North Carolina [Mr. STEDMAN], the recognized Chesterfield of Congress. He told us that during the Civil War a vessel sent out by his good State with a cargo of food supplies and munitions for soldier boys in the field was being pursued and shelled by a hostile foe, and that the captain in charge, realizing the imminent danger to vessel and crew, was contemplating surrender when a beautiful North Carolina girl, her heart throbbing with love for those in dire need of the food which the boat carried, quickly determined there should be no compromise with or surrender to those who would take that food and withhold it from those who needed it. With a woman's intuition the young heroine lighted a pine torch and holding it aloft proclaimed to the officer that if surrender was attempted she would apply the lighted torch to the powder and by her own act destroy the boat. As a result of the undaunted courage and matchless heroism of that beautiful North Carolina girl the boys on the battle line had bread.

May I be permitted to draw a mental picture founded upon that interesting and thrilling story? I trust you will pardon me for suggesting that the distinguished chairman of the Committee on Agriculture [Mr. LEVER] combines the gentleness of a woman with the strength of a man; he is affable and genial, but firm and unwavering; he is politely considerate of all men, but resolutely unyielding to any man when duty appeals to him. His splendid record of official duty well performed and this consummation of his lofty purpose to bring joy and happiness into the homes and hearts of men, it seems to me, make the gentleman from South Carolina [Mr. LEVER] typical of the heroine of North Caorilna. [Applause.] And that this bill, held aloft by the distinguished chairman, who so ably presented and who has so zealously defended it, typical of the lighted torch in the story, may give ominous warning in no uncertain tone to the food pirates and gamblers in necessities that they shall no longer by the exaction of prohibitory prices withhold the staff of life from those who plead for it, but that, in obedience to the mandate of law, they shall open their warehouses, granaries, and plants and permit men to eat and live upon the payment of fair and reasonable prices, thus guaranteeing to our own soldier boys and our allied soldiers sufficient food and responding to the pathetic appeal for relief which comes to us from millions of people in our country. [Applause.]

I hope, Mr. Chairman, that when the vote is taken this body will by unanimous action carry glad tidings to the American people and that our united action may perhaps influence gentlemen in high authority elsewhere about this Capitol to do likewise, thus giving full and generous response to the appeal of the people for relief from conditions which menace us to-day, and which, if not remedied, may cast a blight over our fair land to-morrow. Let us do our duty and speedily enact this most valuable legislation. [Applause.]

Mr. HAUGEN. I yield five minutes to my colleague on the committee [Mr. WASON].

Mr. WASON. Mr. Chairman, House bill 4961, "To provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," now before us for consideration, is based upon the clauses of the Constitution of the United States commonly referred to as "war powers of Congress." The language thereof is that—

> Congress shall have power to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water; to raise and support armies; to provide and maintain a navy; to make rules for the government and regulations of the land and naval forces; to provide for calling forth the militia to execute the laws of the Union; suppress insurrections and repel invasions; to provide for organizing the army and disciplining the militia; to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States, or any department or officer thereof.

These powers of the Constitution are latent and little used or thought about in time of peace, as the activities of our people and the Government thereof are predicated, authorized, and controlled under other sections of the fundamental law of this land. When Congress declares war, by that very declaration the war powers of the Government, which are not exercised in time of peace, are relied upon to their fullest and most comprehensive force and are to be exercised and exerted by the President and Congress. Whenever war is declared every act performed by the Government in carrying on the war is done under and by virtue of that portion of the Constitution above referred to; every measure of Congress, every act of the President, every act of any department and the officers thereof is done under these so-called war powers of the Constitution.

Having declared war upon the Imperial Government of Germany, it is the duty of Congress to enact such legislation as is necessary to maintain our Army and our Navy to the fullest extent possible, in order that they may successfully cope with our enemies. To that end our armed forces must be supplied with the most scientific and effective weapons of conflict, and the personnel of those forces must possess health, strength, and ability to endure hardships and trials. To accomplish and provide these courageous, loyal, and patriotic representatives of our people with such strength it is imperative that we supply them with necessary food and raiment, and it is equally necessary that our loyal people who are daily engaged in supplying munitions, food, and raiment for the men actually engaged at the scene of conflict should be equally supplied with the necessities of life here at home.

In recognition of this extraordinary situation and the imperative necessities attending the same, I believe that the principles upon which the present bill has been drafted are wise, conservative, and will materially aid as one of the controlling features in the successful prosecution of this war.

The chief aims of the present bill before us are to stimulate and encourage production of foods, to eliminate unnecessary waste, to conserve in a scientific way the supply of foods and fuel, to prevent unreasonable hoarding, to restrain and prevent injurious speculation, to prevent deceptive practices, to prevent extortion and aid a more equitable distribution of food and fuel.

The authority for this bill rests upon the war clauses in the Constitution, which are not applicable in time of peace. While the bill is comprehensive and deals with a number of situations, it can be divided into two parts, having for its aim two important and legitimate functions, first, encouraging the production of foods and feeds to the highest extent that is possible for our producers to provide; second, to conserve those products, to prevent waste, manipulation, hoarding, and unequitable distribution of those products and economical use thereof.

I believe, as has been expressed here, that what the country wants is affirmative action on this measure rather than argument. I do not interpret that, as some Members of this House do, to mean that we should rush through this body or the other body at the other end of the Capitol important legislation affecting every man, woman, and child in this country without due and deliberate consideration of the terms of the measure; but I do interpret it, that it means consistent with good, safe, sane, and careful legislation, that we should exercise as much speed and progress as we can with this and other important legislation. Right here I want to say that the chairman of our committee has proceeded upon that principle of going carefully, calmly, with but one thing in view——

Mr. DILLON. Will the gentleman yield?

Mr. WASON. I decline to yield. I am sorry but the time will not permit yielding to my colleague. The chairman of our committee has pursued that principle with one thing in view, that whatever we do we should do for the benefit of all, and do it with reasonable dispatch; and in committee and on this floor, considerate of all interests and all wishes, he has proceeded as rapidly as possible.

During the discussion it has been said that this bill singles out the farmer for unnecessary, arbitrary, and unreasonable control, and that section 12 is a menace to the agriculturalist—a restriction upon him. Such a statement is erroneous, misleading, and inconsistent with the truth. These words come principally from the man who never has had his hand upon a plow or used the hoe continuously for five long hours in the forenoon. [Applause.]

Nowhere in this bill is the farmer or producer of foods subject to control by any department or person under any authority contained in this bill. Section 12 confers authority upon the President for the purpose to encourage and benefit the farmer to increase production of nonperishable agricultural food products during the continuance of this war. He, the President, "is authorized from time to time, seasonably and as far in advance of seeding time as practicable, to determine and fix and to give public notice of what, under specified conditions, is a reasonable guaranteed price for any such products (referring in terms to nonperishable agricultural products produced within the United States), in order to assure such producer a reasonable profit."

Can any reasonable person claim that this section restricts or limits the liberties and activities of our agricultural producers? No. That is solely put in this bill for his benefit and guaranty against loss. It authorizes the President, prior to seeding time, to fix and give public notice of a reasonable guaranteed price for the products of the farm that are nonperishable, in order to assure the farmer a reasonable profit. Take wheat for illustration. In 1915 we produced a little over 1,000,000,000 bushels. We desire to increase that production by four or five hundred thousand bushels, and while the Government is urging the growers of wheat that it is their patriotic duty to produce the largest amount possible for domestic use and the use of our allies, if the war should suddenly terminate and an active market for that quantity of wheat should suddenly cease and the agriculturist should find himself with an overabundance of crop as compared with the demand for the same, the price thereof must of necessity drop and might reach a level below the point that it cost the agriculturist to raise and produce, and he would therefore suffer a loss in proportion to the extent of his crop. Is it fair to urge him to work early and late, to encourage him to exert every sinew in his frame and do his patriotic duty to sustain our Army and Navy and our people in this, our hour of conflict, and suddenly leave him with a bumper crop upon his hands and perhaps bankruptcy facing him as a reward for his willing and arduous labor?

The Committee on Agriculture and this Congress does not believe that the American farmer should be left in that unfortunate situation; to meet that situation it has authorized the President to ascertain the cost of production, add to that cost a reasonable profit, and announce prior to seeding time what that price shall be, and in case the domestic markets of this country and the foreign markets do not need this product for consumption, instead of asking the farmer to sustain the loss he can draw upon the Treasury of this country and receive the guaranteed price upon which he relied when he sowed his seed, nursed his crop, and harvested it. It is a guaranty to the agriculturist against loss. It is an insurance and protection for him, and him alone, against loss, and no man who is a true friend of the agriculturists can sincerely say that this clause of the bill, if properly administered by the President, can be other than a benefit and help and protection to the American farmer so far as nonperishable products which he raises are concerned.

It is said by some that it establishes the price which the farmer shall receive. The need of the farmers' products in the market, the demand for them, establishes the price, and the reasonable guaranteed price provided for in this bill can have only one possible effect, namely, to protect the farmer from being obliged to sell his product for less than it cost him to produce. What that reasonable price shall be Congress does not attempt to say; that is to be determined by the President or his expert or administrative officer, and if they do their duty and act wisely in this matter, as I hope they will, the effect of this legislation can only be beneficial and of a protective character.

For years and years the American farmer has had the price of his wheat fixed by some grain exchange, and it is interesting to note how low it has been, and how uncertain and variable it has been. An examination of the following table will convince any reasonable man acquainted with the situation that the American farmer is safer in allowing the President to fix a reasonable guaranteed price on his wheat before seeding time than to wait until harvest time for the manipulators and the grain exchanges to fix the price at which they will purchase when the crop is ready to harvest. In years gone by the farmer had no idea at seed time what the price of his harvested crop would be. He chances the climatic conditions of the season for his crop; he chances the judgment of the grain exchanges and manipulators for his price at harvest; but under this bill he only chances the climatic conditions of the season and knows full well the price guaranteed to him will mean the minimum price which he must receive for his product. Again, if the reasonable guaranteed price authorized to be fixed by the President in this bill before seeding, and announced before seeding time, convinces the producer that it is too low for him to operate under it at a profit, he can change his activities from wheat to some other product; the fact that this reasonable price is for the purpose of stimulating the farmer to grow the product will force the administrative officers to fix it at such a point that it will be attractive and encourage the farmer to produce.

Entering into this reasonable guaranteed price will be the cost of labor, the cost of machinery, and all the little items that the farmer must bear in producing the crop.

A statement showing the average price received by farmers of the United States in each month for the years 1910 to 1917, inclusive, for wheat, corn, oats, barley, and rye.

	1917	1916	1915	1914	1913	1912	1911	1910
Wheat:								
Jan. 1	150.3	102.8	107.8	81.0	76.2	88.0	88.6	103.4
Feb. 1	164.8	113.9	129.9	81.6	79.9	90.4	89.8	105.0
Mar. 1	164.4	102.9	133.6	83.1	80.6	90.7	85.4	105.1
Apr. 1	180.0	98.6	131.7	84.2	79.1	92.5	83.8	104.5
May 1	245.9	102.5	139.6	83.9	80.9	99.7	84.6	99.9
June 1	248.5	100.0	131.5	84.4	82.7	102.8	86.3	97.6
July 1	.....	93.0	102.8	76.9	81.4	99.0	84.3	95.3
Aug. 1	.....	107.1	106.5	76.5	77.1	89.7	82.7	98.9
Sept. 1	.....	131.2	95.0	93.3	77.1	85.8	84.8	95.8
Oct. 1	.....	136.3	90.9	93.5	77.9	83.4	88.4	93.7
Nov. 1	.....	158.4	93.1	97.2	77.0	83.8	91.5	90.5
Dec. 1	.....	160.3	91.9	98.6	79.9	76.0	87.4	88.3
Corn:								
Jan. 1	90.0	62.1	66.2	69.6	48.9	62.2	48.2	62.3
Feb. 1	95.8	66.7	72.8	68.3	50.6	64.6	49.0	65.2
Mar. 1	100.9	68.2	75.1	69.1	52.2	66.6	48.9	65.9
Apr. 1	113.4	70.3	75.1	70.7	53.7	71.1	49.7	65.5
May 1	150.6	72.3	77.7	72.1	56.8	79.4	51.8	63.5
June 1	160.1	74.1	77.9	75.0	60.6	82.5	55.1	65.2
July 1	.....	75.4	77.7	75.5	63.2	81.1	60.0	66.2
Aug. 1	.....	79.4	78.9	76.8	65.4	79.3	65.8	67.2
Sept. 1	.....	83.6	77.3	81.5	75.4	77.6	65.9	66.3
Oct. 1	.....	82.3	70.5	78.2	75.3	70.2	65.7	61.1
Nov. 1	.....	85.0	61.9	70.6	70.7	58.4	64.7	52.6
Dec. 1	.....	88.9	57.5	64.4	69.1	48.7	61.8	48.0
Oats:								
Jan. 1	51.4	39.1	45.0	39.1	32.2	45.1	33.2	42.8
Feb. 1	55.2	44.6	50.1	39.3	32.4	47.5	33.1	45.0
Mar. 1	56.9	42.7	52.1	38.9	33.1	49.8	32.8	46.0
Apr. 1	61.5	42.0	53.4	39.5	33.1	52.0	32.3	45.6
May 1	71.0	42.6	53.4	39.5	34.2	56.0	33.2	43.3
June 1	69.9	42.1	51.3	40.0	36.0	55.3	34.7	43.0
July 1	.....	40.4	46.7	38.8	37.7	52.5	37.5	42.1
Aug. 1	.....	40.1	45.4	36.7	37.6	44.3	40.2	41.7
Sept. 1	.....	43.1	38.5	42.3	39.3	35.0	40.4	38.4
Oct. 1	.....	44.5	34.5	43.3	39.6	33.6	42.5	36.2
Nov. 1	.....	49.0	34.9	42.9	37.9	33.6	43.8	34.9
Dec. 1	.....	52.4	36.1	43.8	39.2	31.9	45.0	34.4
Barley:								
Jan. 1	87.1	54.9	54.3	52.2	49.9	86.4	59.8	57.6
Feb. 1	92.7	61.7	62.9	52.4	51.4	91.2	64.1	59.3
Mar. 1	96.9	59.6	67.7	51.1	49.0	91.0	63.0	60.2
Apr. 1	102.3	57.2	64.7	51.7	48.5	92.3	69.1	59.7
May 1	120.1	59.6	63.8	49.3	48.3	96.2	74.0	56.5
June 1	119.3	59.6	62.0	49.1	52.7	91.1	73.8	55.7
July 1	.....	59.3	55.8	47.5	53.7	81.9	70.1	53.9
Aug. 1	.....	59.3	56.7	45.1	50.8	66.8	69.3	54.7
Sept. 1	.....	72.9	51.9	52.5	55.2	53.5	77.0	57.2
Oct. 1	.....	76.5	46.8	51.8	56.8	54.8	81.7	56.1
Nov. 1	.....	83.2	50.1	51.7	54.7	53.8	84.9	55.3
Dec. 1	.....	88.2	51.6	54.3	53.7	50.5	86.9	57.8
Rye:								
Jan. 1	118.5	85.3	90.2	62.5	63.8	82.7	73.3	74.8
Feb. 1	123.5	88.3	100.6	61.7	68.9	84.4	73.1	76.1
Mar. 1	126.0	85.6	105.4	61.9	63.2	84.0	71.9	76.5
Apr. 1	135.6	83.6	100.4	63.0	62.9	85.1	75.4	76.6
May 1	164.1	88.7	101.9	62.9	62.4	84.6	75.8	74.9
June 1	183.0	83.8	98.1	64.4	64.1	86.1	77.9	74.8
July 1	.....	83.3	93.7	63.1	63.2	83.6	76.9	74.6
Aug. 1	.....	83.4	89.0	61.0	60.7	77.9	75.5	74.4
Sept. 1	.....	99.7	85.5	75.4	63.0	70.8	76.9	74.1
Oct. 1	.....	104.1	81.7	79.0	64.8	70.1	79.7	72.8
Nov. 1	.....	115.3	85.7	80.1	63.2	68.8	83.1	71.6
Dec. 1	.....	122.1	83.4	86.5	63.4	66.3	83.2	71.5

By the above table you will notice that in the four months of harvest time in the great Northwest—August, September, October, and November—the price of wheat has fluctuated between 77 cents per bushel as the minimum in the last seven years and $1.58, and that the price to the farmer is always the lowest at the harvest season, while the average price for August wheat during that same period has been 91⅞ cents per bushel to the farmer of this country.

By this bill, if wisely administered, the price to the farmer, the reasonable guaranteed price, will remain unchanged from the day he begins to harvest his crop until the last bushel thereof is sold.

Who says that the American Congress is not protecting instead of unduly restricting with limitations the liberties and privileges due to the men who feed the world? The other and beneficial features of this bill are the tendency and purpose to reduce the constantly increasing cost of foods and fuel to that great class of our people known as consumers. Without legislation of some sort along the line of principles employed in this bill for the relief of the foodstuffs to our people no man can predict to what height they will reach during this war. Already the toiler is forced to curtail his consumption in order to make his pay envelope balance with his purchases.

The provisions of this bill authorize the President to prohibit hoarding, manipulation, deception, unlawful cornering, and limit distribution of food. In other words, it intends and its purpose is to allow the underlying principle of supply and demand to work without hindrance, friction, or manipulation. We believe that the extreme high price of coal and other fuel is due to restricted distribution and manipulation by the owners of the mines and the intervening agencies between the mines and the consumers. We believe that the extreme high prices of foods are due to the same causes. If those agencies can be controlled and regulated so that the underlying principle above referred to—supply and demand—can work in a natural way, there can be a material reduction to the consumer in a time of national peril, in a time of war, in a time of uncertainty, in a time when a large portion of the world are nonproducers by reason of being engaged in mortal conflict.

We can not describe our disgust and abhorrence of any agency between the producer and the consumer who will attempt by deception, by waste, by manipulation, and by hoarding to extort from the pockets of our people the last penny that they have, that is needed to buy bread for themselves and their families. The horror attending the sinking of the *Lusitania* by the premeditated, willful, and cruel act of the German submarine is no more shocking or revolting to the human mind than the acts of those who by unfair and deceptive practices raise the price of foods to an unnatural height without any thought or regard or sympathy for the consuming millions dependent upon their earnings for bread, meat, raiment, and shelter, and it is to guard against this class of our citizens that many of the drastic and far-reaching purposes of this bill are aimed.

This bill, if enacted in its present form, we believe will encourage production and tend to reduce the price of foods to the consumer without injuring or imposing any particular hardship upon business activities intervening between the producers and the consumer, with a drastic and far-reaching provision against the food exchanges that are manipulated for the purpose of speculation, which benefits only one, the particular person, whose purpose is extortion and excessive profit.

There is one feature in this bill relative to licensing manufacturers of food products that I think could be redrafted and improved, but perfection according to an individual's notion can seldom be obtained. Hence I will refrain from criticizing this section, which is section 5 of the bill before us, and will leave it with the suggestion that I favor the elimination of the license feature therein contained. I think it is unnecessary to subject our people to the inconvenience of obtaining a license to do business as therein provided. The elimination of the license feature would not weaken the bill and would avoid delays and inconvenience.

Realizing that we are in war, and realizing the responsibility of the direction and controlling of our fighting forces by the Constitution rests with the Chief Executive, let us as representatives of the people faithfully, willingly, and patriotically lend to him in this present crisis our best effort, thought, and sympathy, to encourage him in the discharge of his responsibilities, and assist in guiding him in the administration of our affairs, so that, whatever may be our sacrifice and our hardships, when peace shall finally be declared and the noise of the explosive and the ripple of the U-boat, with their death-dealing force, shall cease and the world shall again resume its legitimate activities, upon which our existence is predicated, we can then look back and point with pride that every citizen in this broad land, whether in private life, in official life, or whatever his station was, did his bit for the one common cause in protecting the flag of this Nation and extending the principles of democracy, liberty, and peace throughout the entire world. [Applause.]

Mr. LEVER. Mr. Chairman, I yield five minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman, I offer four amendments, which I ask to be considered as one, as they deal with the same subject.

The Clerk read as follows:

Amend section 12, page 12, lines 24 and 25, by striking out the following: "seasonably and as far in advance of seeding time as practicable."

Amend, in section 12, page 12, line 21, after the word "products," by inserting the following: "and perishable agricultural products used in canning."

Amend, in section 12, page 13, line 6, after the word "products," by inserting "and perishable agricultural products used in canning."

Amend, in section 12, page 14, line 16, after the word "transport," by inserting the word "can" or "packed in cans."

The CHAIRMAN (Mr. SAUNDERS of Virginia). The gentleman from Maryland asks unanimous consent that these four cognate amendments be voted on as one. Is there objection?

There was no objection.

Mr. LINTHICUM. Mr. Chairman, I am heartily in favor of the bill. I think it is entirely proper and necessary. The way prices are rising no one can tell to what extent they will mount. But it does seem to me that it ought to be limited purely to nonperishable articles. I realize that it is hard to fix a price on vegetables that will perish in a short time, but when you attach to it what these amendments propose, that the bill shall apply also to perishable articles used in canning, it obviates that. When you take your vegetables to market and the packer buys them and puts them in cans they are as much nonperishable as wheat, corn, or oats. It is as essential that people should have packed peas, beans, tomatoes, and things of that kind as it is that they shall have the nonperishable articles.

These amendments of mine merely carry into effect the intention that when these articles are sold for canning purposes, whereby they become nonperishable articles, the President shall have the power to fix the price. It does not direct the President to do it, it merely authorizes him to do it, and if we want the farmers to produce extra crops we should arrange that they can be guaranteed.

Mr. CRAMTON rose.

Mr. LINTHICUM. I can not yield to the gentleman, for I have but little time and probably can not get any more. The farmers of my State, acting on the request of the Government to plant extra food products, have planted many acres in addition to what they normally plant, articles which you call perishable articles. When they take those to market they find that they can not sell them for enough to pay for the planting, the gathering, and the marketing of them, and the consequence is that the farmers in many parts of my State are becoming too poor to put in crops for the next year. If we had some power vested in the President to fix the price for him, the same as for the man who grows wheat and corn, they would have an incentive to go ahead and put in the crops. It is just as the gentleman from Missouri said a while ago, if you want the vegetables packed in cans you should adopt such amendments as these, because if you do not the farmers would prefer to plant crops which are guaranteed a price. The truck farmers in raising perishable vegetables for canning purposes, and having no guaranty, will plant something else, and we will be deprived of a plentiful supply of canned goods.

These amendments are for that purpose—merely to allow the President to fix the price for these articles which go into cans and become nonperishable articles. The other amendment, which strikes out the words "seasonably and as far in advance of seed time as practicable," merely lets the bill go into effect at once, so that the President and those in authority may have charge of the crops this fall instead of waiting until next year. Seed time for this year has passed, and therefore we could not arrange it until next year, and for that reason I have also offered that amendment to give immediate relief.

I think this is a very serious and important amendment to the people of this country generally. If they want to get crops for canned goods next year and the years to come, unless the farmer has an incentive to plant the things that go into the can, as well as those farmers who plant nonperishable things, they will surely adopt some crop for which they can have a guaranteed price. [Applause.]

Speaking generally of this measure, I wish to say that there can be no halfway station. The worst thing that could happen,

both from the standpoint of the people as a whole and from the standpoint of legitimate industry everywhere, is that the control established should be so restricted as to be only partial or incomplete, for such control would not serve to reduce the uncertainty in which business now finds itself, but, on the contrary, would increase this uncertainty by placing legitimate industry at the mercy of both the gambler and the parasite. There is a paramount necessity for food control or food regulation during the present war. The necessity is neither past nor future; it is present. It is manifest by the daily increase in the price of foodstuffs, an increase which will continue to grow unless we pass this bill.

The correct solution of this problem lies in the curbing of extortion and the elimination of food hoarding. This action is highly necessary and is of vital importance to our allies as well as to ourselves. The wage earners of this country are united in their demands for the passage of this bill, and rightly so. Under present-day wages—and they are in most cases very high—a man can not properly feed his family with flour at $16 per barrel, round steak at 32 cents, potatoes $1 per peck, cabbage 15 cents a pound, and so forth. Nor should he be compelled to do so when the farmer is selling them for slightly above the usual price.

What we need and will obtain through the operation of this law is the cooperation of the various stages through which the food must pass before it reaches the consumer. There is no reason why the farmer should not obtain a good profit on what he grows and sends to market; nor why the canner or holder should not obtain a fair profit for the work he performs in preserving the food for future use, nor why the middleman should not receive a good, living profit for the distribution of food to the consuming public. This will not greatly increase the cost of food to the public, provided these people are regulated and the monopolies, hoarders of food, and those who gamble on the market are eliminated.

There is no farmers' trust or combination that sends the price of farm products sky high when there is no reason for it so ascending, and all that he asks is a fair return for his produce, and he is willing to take his chances with prices actually fixed by the law of supply and demand. The trouble, to my mind, arises after the corn, wheat, and other products leave the farm and are hoarded in warehouses and in the hands of speculators. These speculators are the men we aim at and whom we must eliminate, or else the consumers will be continually defrauded and further pauperized.

The farmers of the Nation realize that an adequate control of the food products and elimination of all speculation and cornering of the market will result in a wholesome stimulation of production and will benefit greatly the agricultural population by assuring them a just price and a free market to reach the consumer. The business men of the cities say that a control of this vital subject is necessary and can not in any way injuriously affect legitimate business.

To the consumer this bill gives the assurance that the price he has to pay will not represent a price inflated by hysterical or uneconomical purchases by foreign Governments, by speculation or conspiracy, or by the imperative and compulsory demands of war; but, on the contrary, that the price he has to pay will be a reasonable price and will bear a reasonable relation to the price which the farmer received for the crop in the first instance. Neither the producer nor the consumer has a right to ask more.

To the business man this bill gives the assurance of relief from the awful uncertainty which now surrounds every trade relation and transaction, an assurance that he will be informed as to just what his Government expects, both in the manner of conducting his business and the service which he is expected to render.

It is national in its scope and is designed to protect all classes. It guarantees to the farmer the cost of production and a reasonable, even a liberal, profit, taking into consideration the cost of everything he must buy to produce the crops, and likewise protects the middleman and consumer. It is our duty to see that the products of his labor shall reach the consumer without the waste necessarily incident to an uncontrolled and unorganized system of distribution. It is our duty to see that the food needed for our people reaches them at a fair and just cost and is not made the toy of the gambler, the manipulator, the speculator. No honest business man can be hurt by the power conveyed to the President by this bill. Some slight inconvenience may be occasioned, but it is not intended to, nor do I believe it will, injure him.

I quote an editorial which appeared in the Evening Sun, of Baltimore, Wednesday, June 20, 1917:

THE URGENT NEED FOR FOOD CONTROL.

Whenever Congress balks on so obviously necessary a measure as the food-control bill, look for the colored gentleman in the woodpile. If, as Mr. Hoover stated yesterday—and who doubts it?—the food speculators are now making $50,000,000 a month more than they should out of the American people; and if, as reported, the food speculators have one of the biggest lobbies seen in a long while in Washington, the reason for the opposition in Congress may be easily guessed.

England must buy wheat and flour in the United States and pay enormous ocean freight rates to get it across the Atlantic, and yet bread is cheaper in London than in Baltimore, and the same is true of a number of staple articles of food raised right here in America. Mr. Hoover says that flour should never have gone above $9 a barrel, and yet it went to $14. Evidently somebody is getting too much "rake off" in the passage of food from the field to the dinner table.

The argument that a food-control bill would result in smaller receipts to farmers for their products is fallacious and to a large extent hypocritical. It is true that the farmers are getting high prices for what they raise, and it is right that they should, but the high cost of living to the ordinary consumer has little to do with the prices paid to farmers. For example, last winter we were paying 50 cents and more for eggs. Did the poultrymen get any such price? Not at all. They sold the eggs at much lower prices when eggs were plentiful, and these were stored by speculators, one of whom is said to have made more than $1,000,000 by buying cheap from the producer and selling high to the consumer.

The prospects are for a big crop of potatoes and other foods of the kind. When these are harvested speculators are very apt to buy them in enormous quantities and hold them until a shortage next winter boosts prices and then unload the food to the people at the high rates.

Are the American people in favor of a law which would stop that kind of manipulation? There is not the slightest intention of making Mr. Hoover a "dictator," and the only sort of dictating he is likely to do is in preventing the big attempts to corner the food of the people. Apparently the Congressmen who are opposing the food-control bill would give the speculators a free hand.

From now on the success of this great world-wide war will depend upon the United States. It will be our duty to complete the huge task which we have undertaken, and assist our brave allies in holding in check our mutual enemy. Not only must we furnish troops, but we must furnish the food to feed ourselves and our allies—the food that will win this war.

We have always exported large quantities of food, and each year produce billions of dollars' worth of agricultural products. Have we not more acreage of tillable land than all of Europe, Russia included? We can produce food for half the population of the world. Common sense and prudence dictate what steps should be taken to keep this enormous production out of the hands of the food speculators, to see that an efficient system of marketing and distribution is worked out, and that waste and extravagance should be reduced to a minimum. This is a war of efficiency. It is to be won by the nations that are most efficient. It is a contest as to whether a democratic republic is more or less efficient than a monarchy. Food is life. All of the great nations now at war have enacted legislation regulating the production, distribution, and consumption of food, and the efficiency of this Republic is to be determined largely by the kind of food-control bill passed by the American Congress. That it will be the kind calculated to produce the best results, and that it will produce the desired results, I am confident.

The measure before us may be summarized as follows:

First. It penalizes the willful destruction of necessaries for the purpose of increasing the price thereof or in any manner reducing the supply.

Second. It very carefully defines hoarding, which it penalizes. It does not apply to any farmer, gardener, or other person who accumulates or withholds the products of farm, garden, or other land under cultivation by the individual.

Third. It enables the President, under effective penalties, to license and regulate importation, exportation, manufacture, storage, or distribution of any necessaries, if he finds such steps essential to economical manufacture and equitable distribution. The licensee is first given an opportunity to conform charges, rates, and practices to the President's direction. This section does not apply to any farmer, gardener, or other person with respect to the products of any farm, garden, or other land owned, leased, or under cultivation by him, nor to any retailer with respect to the retail business actually conducted by him, nor to any common carrier.

Fourth. It authorizes the President, when he deems it necessary to the purposes of the act, to purchase, produce, manufacture, store, or sell any necessaries. He may commandeer any necessaries, as well as storage space therefor, paying for what he takes; and if the party entitled to payment is not satisfied he may have recourse to the courts.

Fifth. The bill empowers the President, if he deems it necessary to an adequate and continuous supply of necessaries, to requisition and take over, for use or operation by the Government, any factory, mine, or other plant or part thereof. He must make what he considers just compensation to the party entitled to payment, who has an appeal to the courts if dissatisfied.

Sixth. It authorizes the President to regulate or close exchanges, boards of trade, and similar institutions, when he finds such action necessary, in order to prevent undue enhancement or fluctuation of prices of necessaries, injurious speculation, unjust market manipulation, or unfair and misleading market quotations. Violation of this provision is punished by fine not exceeding $10,000 or imprisonment for not more than four years, or both.

Seventh. It authorizes the President to fix a guaranteed minimum price for any nonperishable agricultural products produced within the United States whenever he finds stimulation of production essential and such action needed to effect such stimulation. To sustain said price he may, if he finds it advisable, impose import duties or purchase the products for which a price has been guaranteed for storage, for sale to any person or to our allies, or for use by the Government.

Eighth. It authorizes the President to regulate or prohibit the use of foodstuffs in making alcoholic or nonalcoholic beverages or to reduce the alcoholic content of any beverage if he considers such action necessary to assure an adequate and continuous supply of food.

It is the solemn duty of the American Congress to enact this legislation. We have embarked upon a noble mission. The forces of the opposing powers—the forces of autocracy and democracy—are engaged in a struggle for the domination of mankind. The side that wins will govern our destinies for centuries to come. If the millions of young men who are entering the contest in the cause of freedom and humanity should suffer because of lack of food, because of our failure to adjust production or arrange for the distribution, or if their loved ones at home should feel the pinch of want, through the failure of Congress to pass adequate legislation covering this subject, we would never cease to reproach ourselves for such wanton neglect.

No one can tell how long this war will continue. Plans have been laid down for its continuance for three years in a military sense. We should do the same in the food-producing sense. I should like to see not alone the farmer protected by a fair profit, but the canner or preserver of food should receive likewise his fair profit, and the distributor to the consuming public a fair profit. These profits, combined with the cost of production, would not advance prices to any considerable extent. It is not the farmer, the legitimate packer, nor the distributor who is making a fortune out of the food situation and who is causing our people to pay more for food than those countries of Europe who have been at war for over two years. It is the manipulator, the gambler, the hoarder of food products, and the speculator who are becoming rich at the expense of the stomachs of our people. They are enemies to the people, slackers of the worst kind. They impoverish those who are willing to risk their lives for the flag and rob their families as well.

I do not believe this bill can be too drastic nor too strong if it is to help the people in the food situation. It is an outrage that the people of this country should be paying 10 cents for a 14-ounce loaf of bread, while the people of England are receiving 35 ounces, made of our own wheat, for the same price. It is an outrage that the cost of food products generally have advanced 54 per cent from October of last year to May of this year. Things are radically wrong and must be corrected.

The farmer has little to do with these high prices. There must be some general regulation of this food situation. The food can be produced and is produced at a sum slightly in advance of previous years, and by this bill and the proper enforcement of it the people of our country will receive their food products just as cheaply as those of England.

The President is Commander in Chief of our Army and Navy. Over $7,000,000,000 have been voted to carry on this war. He has been empowered to draft as many men as may be necessary for our Army in Europe and in this country. He has proven equal to the task, and his popularity with the people increases constantly every day he is in the White House. Certainly we can leave to him the management of this food-control bill, and to his official, Mr. Hoover, who has spent a large fortune and all of his valuable time in the feeding of the Belgians. Certainly he will use good discretion and wide knowledge in the conduct of the food situation of America, his native land.

Unless this bill becomes a law, the poor of our country and those receiving moderate salaries certainly can not continue at present prices. We speak of the great financiers and of the great work they have accomplished and the wonderful corporations they have formed, and so forth. Certainly the greatest financier of the present time is the woman who can take a salary of $15 per week and manage to feed her family and to provide sufficient for her husband to carry on his work. She has been doing this, but no one knows what reserve she has been drawing upon, but certainly it can not be continued much longer, and the necessity for the passage of this bill is obvious to everyone.

Finally, I want to say that Mr. LEVER, the chairman of the committee which formulated this bill, should be blessed by every consumer in the land. He has been painstaking, hard-working, and has a heart for the producer and the great consuming public as well. [Applause.]

Mr. CANDLER of Mississippi. Mr. Chairman, on behalf of the committee I want to say that this matter was thoroughly discussed in the committee, and the committee arrived at the conclusion that it ought not to be included in the bill, and I hope that the amendment will be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland.

The question was taken, and the amendment was rejected.

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 12, line 21, after the word "products," insert the words "including potatoes."

Mr. CRAMTON. Two great economic needs of America today are, first, the greatest possible increase in the production of staple foodstuffs in order that our supply may be sufficient for our own needs and the needs of our allies, and, second, regulation of the handling, sale, and consumption of such foodstuffs in order that waste, hoarding, speculation, and extortion may be eliminated and the necessaries of life kept within reach of the buying power of our people.

Those needs it is the purpose of this legislation to meet. The bill is autocratic, radical, unprecedented, startling in its provisions, but in the main I believe it to be a remarkably successful attempt to meet the unprecedented needs of this great national crisis. I realize the needs of the time, I realize the universal demand by the people upon Congress for relief, and I cheerfully am giving my support to this legislation.

The section before us, section 12, provides for a guaranty by the Federal Government to "the producers of any nonperishable agricultural food and feed products." This guaranty is to be given "whenever the President shall find that an emergency exists requiring stimulation of production." This section is aimed primarily to meet the first of the great needs to which I have above referred, the greatest possible increase in the production of staple foodstuffs. It is ultimately for the benefit of the great consuming class here and among our allies, although immediately helpful and encouraging to the producing class.

I fear that in at least one important respect the language is not broad enough. I am not positive whether the language now in the bill is broad enough to include potatoes. They are certainly not as nonperishable as beans, wheat, or corn, and they are not as perishable as tomatoes and similar products for canning. I am advised that Mr. Hoover informed the committee that it was not wise to include potatoes, and I understand it is the opinion of different members of the Committee on Agriculture that they are not included in the term "nonperishable products." Believing that this section should cover that important vegetable crop, I am offering this amendment which will, if adopted, make the matter definite.

Potatoes constitute one of the greatest food crops of this country. The Secretary of Agriculture, in his annual report for 1916, page 12, states that Irish and sweet potatoes constitute 13 per cent of the average diet.

To-day we are suffering from a serious shortage in supply of this vegetable, and it is one of the most serious items in the complaint of the people against the high cost of living. The Government statisticians advise us that in 1909 the national production of Irish potatoes amounted to 389,194,965 bushels, or 4.2 bushels per capita. In 1915 the production was 359,103,000, or 3.5 bushels per capita. In 1916 the production fell, through unfavorable crop and other conditions, to 285,437,000 bushels, or 2.8 bushels per capita. No wonder that, with hoarding and speculation unbridled, with immense exports of foodstuffs, and with rising prices in all other items of diet, the price of these humble tubers went up to $4 per bushel, and the mainstay of the every-day diet of the poor became a dish for Sundays.

It is our desire by this law to increase production of the foodstuffs of the country. Omit from this section the potato from the guaranty herein provided for and the law will, as to that important food crop, have the opposite effect, and will tend materially to decrease its production. As emphasized by the gentleman from Missouri [Mr. MEEKER], the tendency on the part of farmers will be, under this law, to center on those crops which

have the benefit of the guaranty and to transfer to such crops acreage which otherwise would have been used for other purposes, if at all. The effect of that tendency upon the food situation is desirable wherever it results in an increase of foodstuffs. It is desirable where idle land is made use of. It is desirable where unimportant crops give way to important foodstuffs. It is not desirable when acreage heretofore utilized for producing a basic article of diet, such as the potato, is, by reason of lack of guaranty of minimum price to the producer of potatoes, turned to the use of cotton or barley or rye or even of corn because of the minimum guaranty for such crops.

At present there is not an item of food that is suffering from exorbitant price more than potatoes and not an item that is causing the poor of the country more suffering than the price of potatoes. Should we accentuate that situation? No; let us relieve it.

Further, there is no crop on which there is such a variation in price, which makes it uncertain to the farmer when he plants what sort of a price he will get for his product. In my country, quite a potato country, there have been times when they rotted in the cellars, because there was not enough paid for them to warrant the farmer in drawing them to town.

Of course, we are too late this season to help to increase the acreage, but the same situation comes upon us next year, and for that we should prepare. I am advised that it is costing farmers up there about twenty to forty dollars an acre for seed potatoes. Will he increase his potato acreage when seed and labor are so high and the selling price for the crop is an absolute uncertainty? No; this is a crop the farmer must be encouraged in if he is to plant a large acreage.

Let me quote from a statement by Mr. Grant Slocum, head of the Ancient Order of Gleaners, a great organization of farmers, before the Senate Committee on Agriculture. Mr. Slocum has given great study to farm problems, and particularly the marketing of farm products. He said here a few weeks ago:

> Michigan ranks third as a potato-growing State, under ordinary conditions. Last season, because of climatic conditions, the crop was not more than 40 per cent of the average, and one-half of the farmers were obliged to buy potatoes for their own use. Seed potatoes, like seed beans, are to be had, providing the farmer has the money. In fact, gentlemen, if you have noticed, the supply of all commodities equals the demand—providing you have the price. Good seed potatoes will cost the farmer this year $3 per bushel; thus the cost of seed for an acre will fall not far short of $40. You can imagine the chances the farmer takes in planting an acre of potatoes at a cost of $40 for seed, when you consider the price he received for his potatoes during the fall of 1914 and even 1915.

It seems to me of the very greatest importance that this section definitely and positively include potatoes. This is not so much a matter of importance to the farmers in my district or elsewhere in potato-growing sections, for they can raise beans and corn and wheat, and they will do so, encouraged by the minimum-price guaranty.

But this is a matter of vital importance to the Nation, to the great consuming class, which demands more potatoes and cheaper potatoes as one step in the campaign against the high cost of living, the campaign to keep the wolf away from America's door, the campaign to guarantee food for the armies fighting our battles in Europe. I hope that the committee will see its way clear to accept this amendment. [Applause.]

Mr. CANDLER of Mississippi. Mr. Chairman, this in another proposition that was thoroughly considered by the committee, and by Mr. Hoover, and he and other experts advised against it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The question was taken; and on a division (at the suggestion of the Chair) there were—ayes 31, noes 35.

So the amendment was rejected.

Mr. HAUGEN. Mr. Chairman, I yield three minutes to the gentleman from Oklahoma [Mr. MORGAN].

Mr. MORGAN. Mr. Chairman, I offer the following two amendments, which I send to the desk and ask to have read.

The Clerk read as follows:

> Amendment offered by Mr. MORGAN: Page 13, line 3, after the word "profit," insert the following: "And the President in his discretion may loan to farmers any portion of the money appropriated in section 19 of this act to purchase seed, fertilizers, or equipment which may be necessary to enable them to increase their production of necessaries."
>
> Substitute offered by Mr. MORGAN: Page 12, strike out section 12 and insert in lieu thereof the following:
>
> "SEC. 12. That in order to assure an adequate supply of necessaries to meet the needs of the United States and her allies, the President is authorized to enter into contracts for the production of such necessaries, and such contracts shall be made in such form, upon such terms, and conditions, and at such price or prices, as in the judgment of the President shall be reasonable and just, and as will assure the production of an amount of necessaries sufficient to meet the needs of the United States and her allies during the existing war, and the President, in his discretion, is authorized to offer to farmers a premium above the market price for any necessaries when he shall deem such action required in order to insure the production of an adequate supply thereof."

Mr. CANDLER of Mississippi. Mr. Chairman, I reserve the point of order on that amendment.

Mr. MORGAN. Mr. Chairman, I suppose the committee and Mr. Hoover and the experts have considered my amendments, and therefore the committee will ask that they be voted down. I dislike to say this, but the fact is that the longer this bill is under consideration the less I think of it, and if it had another week's consideration I doubt very much whether I should bring myself to the point of voting for it. The more I study the bill, the less I think of it.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I can not yield. Whatever may have been the intention of the framers, there is danger that the effect of the bill will be to depress the prices of necessaries, of farm products. My good friend, the distinguished gentleman from New Hampshire [Mr. WASON] goes back and takes an average of wheat prices for a number of years previous to the war, and he finds that it was 77 cents. Evidently he, who is a member of the committee, is designing to in some way bring the price of wheat down to 77 cents, the average price before the war, and yet during those years the farmers were producing wheat at half price, at a loss. According to the press the Government is making war contracts now with men for war supplies and allows contractors 10 per cent profit. If you would pay the farmers fair wages and allow them for the interest upon their investment and give them 10 per cent profit, the farmers would be satisfied. Many of the Members of this House have an exaggerated idea of the profits of farming. The profits of farming have been far less than the profits of commerce, manufacturing, and finance.

Congress should not ask the farmers of the country to make any greater sacrifices than those engaged in other callings are required to make.

It is true, the burdens of warfare can not be entirely equitably distributed. Some will do more than others. If this war should continue for any considerable length of time, many of our citizens will lay their lives down upon the altar of their country. Many others will endure hardships, suffer privations, and sacrifice their health. Still others will go through life maimed and crippled from wounds received in fighting for their country. So we can not distribute the sacrifices of warfare to all alike. But in war legislation we should seek to distribute the burdens incident to war fairly and justly to all our people, and should not ask any particular business to bear any unjust or undue burden.

The bill reported by the Committee on Agriculture does not, in my judgment, contain any provision which will assure sufficient increased production. It contains but one section designed to encourage increased production of foodstuffs. There are 18 pages of the bill. Slightly over 2 pages relate to the increased production of food. There are 21 sections in the bill. But 1 section is directly designed to stimulate food production. Practically all the bill relates to food control, food distribution, and food conservation. My judgment is that the bill is a failure so far as its provisions relate to the stimulation of food production.

The only provision in the bill which directly is intended to stimulate the production of foodstuffs is found in section 12 of the bill.

The section, in part, is as follows:

> SEC. 12. That whenever the President shall find that an emergency exists requiring stimulation of production, and that it is essential that the producers of any nonperishable agricultural products produced within the United States shall have the benefits of the guaranty provided for in this section in order to stimulate production of such products, he is authorized, from time to time, seasonably and as far in advance of seeding time as practicable, to determine and fix and to give public notice of what, under specified conditions, is a reasonable guaranteed price for any such products, in order to assure such producers a reasonable profit. Thereupon the Government of the United States hereby guarantees every producer of any merchantable nonperishable agricultural products produced within the United States, for which a guaranteed price shall be fixed by notice in accordance with this section, that, upon compliance by him with the regulations prescribed by the President, he will receive for any such products produced in reliance upon this guaranty within the period, not exceeding three years, prescribed in the notice, a price not less than the guaranteed price therefor as fixed pursuant to this section. In such regulations the President shall prescribe the terms and conditions upon which any such producer shall be entitled to the benefits of such guaranty.

The plan proposed in this section is too general in its nature; it is too uncertain in its results. What effect the provisions of this section would have is wholly a matter of conjecture. It would be an experiment. It is never wise or safe to experiment on vitally important matters.

As a Nation we are confronted with a plain proposition: We must produce enough food to meet our own wants and the wants of our allies. To fail in this proposition means defeat. The first thing to do is to determine how much additional food we

need, and what additional acreage is necessary—what additional men it will take on the farm to produce this food. Having determined what we want, then we should proceed to make contracts with farmers for the enlargement of their production. There are about 2,850 counties in the United States. We already have about 2,000 county agents. An agent should be provided for every county in the United States. These agents should be authorized to appoint subagents in each township in the county. In one week the entire country could be covered. Every farmer in the United States could be visited, canvassed, and contracts could be made. There would be some uncertainties as to yield. But allowances could be made for this. If we estimate that we shall need next year 300,000,000 additional bushels of wheat, the thing to do is to increase the acreage in wheat sufficient to make such production possible.

Why should we not get more wheat produced, just like we are to secure more ships? When the cry went up that more ships were necessary, we did not authorize the President to establish "a reasonable guaranteed price" for ships. We authorized him to build those ships. We voted the money—$500,000,000—necessary to cover the cost of their construction. We authorized him to employ the necessary number of men to build the ships. In other words, we went after it in the practical way, with a definite plan, which in a certain time absolutely insures the construction of the desired number of ships. But when we want 300,000,000 additional bushels of wheat and a large increase in the production of corn and other farm products, the only plan you propose is to authorize the President to establish "a reasonable guaranteed price."

It is not primarily a question of what it costs the Government. The public, of course, should be protected against excessive prices of food products. The masses of our people must be able to secure food at prices within their reach; but, as a practical war measure, the main proposition with us is to see that the food is produced. The Government should not haggle with the farmers over the price of wheat and corn and hogs. We did not haggle with the allies in voting to give them credit. We authorized the President to loan them $3,000,000,000. We said to our allies, How much money do you need? Here it is, and you can have more if you want it. In this spirit we should go to the farmers of the United States. They will not be unreasonable in their demands. They will respond to the patriotic spirit and do their full duty in the hour of peril and danger.

What effect the "reasonable guaranteed-price plan" will have upon prices of farm products is all a matter of doubt, uncertainty, and conjecture. The theory of this provision is that the "reasonable guaranteed price" will be the minimum price. There is no certainty, however, that this will be the case. The tendency may be that the "reasonable guaranteed price" will be the maximum price. When the Government establishes a price—call it what you may—the price fixed by the Government will have a controlling influence upon the prevailing prices of such products. The "guaranteed price" may tend to depress prices rather than to enhance them. If so, the establishment of a "reasonable guaranteed price" upon certain farm products may tend to discourage rather than stimulate their production.

One of the amendments which I have proposed authorizes the President to offer the farmer a bonus or premium above the regular market price to stimulate increased production. This would not affect the price the consumers pay for the farm products. It would simply be an inducement to the farmers to go to extra expense to increase his product, and in part would justify the farmer and compensate him for the extra risk and expense to which he would be subjected.

Suppose that the Government, through the President, would say to the farmers, "We will pay you a premium of 25 cents a bushel over and above the market price for all the wheat you produce next year." The farmer would then know that he would receive for his wheat the price fixed by the law of supply and demand, and in addition to that he would have a bonus or premium of so much per bushel or pound for his product. This would stimulate and encourage the farmer to produce an increased amount of that particular product upon which the Government would pay a premium. This, to my mind, would be far more satisfactory to the farmer and would be much more effective in stimulating production, and thus assuring an adequate supply of food to meet the demands of ourselves and our allies.

The other amendment which I have proposed authorizes the President, in his discretion, to loan the farmers any portion of the amount appropriated in section 19 to aid them in buying seed, fertilizers, and equipment necessary to increase their production. Section 19 of this bill appropriates $150,000,000, to be used in carrying out the purposes of this bill. My amendment allows the President to loan—not to donate, but to loan—a part of this amount to the farmers to aid them in expanding production.

It is utterly impossible for the farmers of the United States to greatly enlarge their production unless they are provided with largely increased credit at very low rates of interest. This bill should authorize the President, through the Federal Farm Loan Board and the Federal land banks, to loan to the farmers at a nominal rate of interest all the money they need to enlarge their farm activities. It should be borne in mind that one-third of the farmers of the United States are tenants. They are men with small means and little credit. These tenant farmers are as patriotic as those who own their farms. There are over 2,000,000 of these tenant farmers. If they are to increase their farming they must have additional teams, implements, machinery, tools, live stock, and additional help. They have not the cash with which to secure these things. They must secure them on credit. Under present conditions they can not secure this credit at reasonable rates of interest or upon favorable terms.

One-third of our farms are mortgaged. Ordinarily a man with a farm mortgaged does not have proper credit at the local banks. He can not secure this credit. With one-third of our farmers tenants and with another third with their farms mortgaged, we have two-thirds of our farmers, or more than 4,000,000 of them, who are not in a position to materially enlarge their business as farmers without better personal credit facilities. Credit is just as necessary to the farmer as it is to the merchant or manufacturer. We should therefore in this bill authorize the President during the emergency now existing to make loans direct to the farmers where such loans are necessary to insure the production of an adequate food supply to feed our own people and our allies until the day of peace, triumph, and victory shall come to our Nation.

The CHAIRMAN. The question is on the first amendment offered by the gentleman from Oklahoma.

The amendment was rejected.

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from North Dakota [Mr. NORTON].

Mr. NORTON. Mr. Chairman, the success, to a large degree, of our part in the present war in which we are now involved makes necessary this legislation. The purpose of the legislation is, as I interpret it, and as it has been announced by the distinguished chairman of the Committee on Agriculture, first, to encourage greater production of food products by insuring a just and reasonable price for the products of the farmer; and, second, to lessen the cost of food and fuel products to the consumer by making more efficient the necessary instrumentalities of distribution and by protecting the consumer from the grinding extortions of the food and fuel gambler and speculator. By every right and reason the farmer who produces food for the Nation at any time, and especially in these times of unusual need, is entitled to prices for his products that will fairly compensate him for his labor and capital invested in producing these products. No one who has made a study of the subject but knows that any legislation that will measurably insure the farmer a fair price for his products will greatly stimulate and increase food production throughout the Nation.

It is well recognized that in the present methods of distribution there is much waste and much inefficiency, the cost of which is a heavy burden both upon the producer and the consumer of food and fuel products. With better and closer cooperation between the instrumentalities of distribution, such as this legislation will permit and such as it provides for, it has been clearly demonstrated that the cost of getting food and fuel products from the producer to the consumer can be greatly reduced to the benefit and profit of both the producer and consumer.

On May the 16th, in testifying before the House Committee on Agriculture, Capt. J. F. Lucey, of the Belgian Relief Commission, said among other things in his statement the following:

> I think, perhaps, that one of the most important statements that I could make would be that we bought wheat in this country at a price of about $1.50 per bushel, paid a high cost of transportation all the way from the beginning, from 18 shillings to 75 and 85 shillings, and yet we sold that bread in Belgium to the people who could afford to buy it at a profit and still undersold the Paris and London markets by something like 10 to 20 per cent. That was direct distribution from the producer to the consumer. I do not know that that method could be applied to this country. We have established means of business and of trade that, of course, can not be disturbed, but the fact remains that that illustration, to a certain extent, I believe, can be applied to this country.

When we find to-day that flour is selling for $15 and $16 a barrel in the United States and for $8 and $9 a barrel in England and France, no great amount of argument is needed to convince one of the necessity of legislation that will do away with the extortions that our present system of multitiudinous middlemen lays upon the producer and the consumer.

This legislation is aimed directly at the unconscionable gambler and speculator in food and fuel supplies. If this legislation, giving broad and tremendous powers to the President, will strike down the food gambler and food speculator and, to a large extent, keep open the natural channels of trade in farm produce, as I believe it will, its enactment will be more than justified.

I am not in the least alarmed that legislation of this character contravenes in any way the powers of Congress under the strictest interpretation of our Constitution. Surely the wisdom of the fathers who penned and adopted this great covenant of our freedom placed nothing within it that can reasonably and justly be construed to prevent the Congress of this generation from enacting legislation to stimulate and encourage food production and to control and conserve the food supplies of the Nation, to the end that our just cause may be crowned with success in this tremendous contest against the concentrated powers of autocracy—to preserve and guard the rights of democracy, the rights of a free people on land and sea. This cherished charter of our liberties can not be rightly and justly construed in any way that will prevent our people from exercising the most efficient and most economic methods of commerce to best carry on this war. It can not be rightly and justly construed in any way to enable our enemies or their agents during this war to find within its sacred covenants means to aid their foul and insidious intrigues and powerful attacks upon our institutions of free government and upon this Nation of a free people which for more than 130 years has been a light of hope to which lovers of democracy in other lands throughout the world have turned with longing eyes and hearts. [Applause.]

Perish any thought that we shall fail in the righteous, holy cause in which we are now engaged. We must not fail. We shall not fail. Well may it be truly said of America to-day, as it has been said in another great crisis of this Nation's history:

> Humanity with all its fears,
> With all the hope of future years,
> Is hanging breathless on thy fate!

The great Master of mankind, who watches over all, whose gracious hand planted this Nation upon this new Western Continent as a light of hope to downtrodden and enthralled humanity throughout the world, who has safely guided this Nation through other days of storm and strife, will direct our course through this conflict so that our good ship of state, with its rich and precious stores of lasting peace and good will to men of all nations, will ride safely through this hurricane of war and deliver its stores to the hopeful hearts of liberty-loving people throughout the world. No class of people in this country are more patriotic or more loyal to the Government than the farmers of the country. This has been proven on every battle field of the Nation since the first rays of the morning sun shone upon the embattled farmers as they stood at Lexington and Concord. [Applause.] It has been proven wherever and whenever true men have been needed to defend the Nation. Farmers as a class have never sought special privileges from the Government for their own benefit. They have given of their brain and their brawn very much and very freely to bring this country to its present condition of marvelously great agricultural and commercial development. The farmers of this country are not opposed to the spirit or the purposes of this legislation. They are a great class of loyal citizens in favor of any fair and just legislation that the President, the Commander in Chief of our Army and Navy, may ask that will assist in bringing victory to the banner of the United States in this war and lasting peace to the nations of the world.

The thing that the farmers of this country do object to, and the thing that I wish to here and now again voice my objection to, is that in this war great profits should be reaped by a parasitic class of middlemen, gamblers, and speculators in food and fuel supplies. While the American farmer makes no objection to selling his wheat, corn, and other farm products at fair living prices determined by the free and unrestricted laws of supply and demand, he does object to selling his wheat or corn at 70 or 80 cents a bushel and then within a few months find that the products of this wheat or corn are being sold to himself and fellow citizens in other walks of life at prices that would warrant the payment of $2 or $3 a bushel for his wheat or corn instead of the amount he received for it. The farmer objects, and he should object, to a system of marketing and distribution which enables the food gamblers and speculators of the country to make more real profits from the products of the farm than are made by the men who actually produce these products. The farmers of my State object, and they should object, to a system of marketing and distribution which permits the grain speculators on the grain exchanges of Minneapolis, Duluth, and Chicago to make millions of dollars each year by manipulating the prices of wheat, corn, and other farm products raised by the farmers of the Northwest. I shall heartily support this legislation, believing that it will bring about a better and more desirable system of distribution of food and fuel products in this country. I shall heartily support this legislation, believing that if its provisions are properly administered, as I hope they will be, the evils now practiced by the great grain and produce exchanges of the country will be done away with. I shall heartily support this legislation, as I am confident it will enable the administration in a large measure to protect both the producer and the consumer of food and fuel products from the insatiable greed and avarice of the gambler and speculator in food and fuel prices.

While every department of the Government from the largest to the smallest is working early and late to meet the new problems of the war, and while most of our citizenship is busy with war preparations, the people of this Nation will welcome this legislation and will further welcome evidence that the administrative authorities of the Government have still some time to give to placing food gamblers and extortioners of unfair prices for food products in jails and behind prison bars, where they richly deserve to be placed. [Applause.]

Mr. LEE of Georgia. Mr. Chairman, I yield one minute to the gentleman from North Carolina [Mr. KITCHIN].

Mr. KITCHIN. Mr. Chairman, I am in favor of this bill on the whole and shall vote for it, but in doing so I want it to be known that I do not indorse or approve that part of section 12 beginning on line 16 down to and including line 9, page 14. I do not believe we ought to give the President or anybody else power to increase the price of food products to the people of this country during this war by increasing the duty or tax on such products. I recall this matter of giving power to the President of levying or increasing duties was up in 1890 in the reciprocity treaties provisions of the McKinley bill while it was pending in the Senate. Some Republicans and every Democrat took the position that no such power could be delegated to the President. I do not believe that the President ought to have the power to raise the price of flour or wheat or other food products by increasing the duties either during this war or in time of peace. Congress itself——

Mr. HILL. Will the gentleman yield?

Mr. KITCHIN. I will.

Mr. HILL. Regardless of whether the President ought to have the power or not, has this Congress the right to give the power under the Constitution of the United States?

Mr. KITCHIN. In the discussion in the Senate in 1890 many of its greatest lawyers on both sides, Republicans and Democrats, held that Congress did not have the power to delegate to the President the power to fix rates or levy duties or other taxes.

Mr. LENROOT. Will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. LENROOT. I merely want to ask the gentleman if it is not a fact that the Supreme Court of the United States afterwards sustained the question of power in the decision of Field against Clark?

Mr. KITCHIN. No; the Supreme Court did not, because that question was not presented directly to the court. However, the court, in rendering the decision in that case, did express the opinion that the power given by section 3 of the McKinley Act, known as the reciprocity provision, was not violative of the Constitution. This section gave the President the power to suspend the free sugar, molasses, coffee, tea, hides, and so forth, provisions of the act, and levy a duty upon them under certain contingencies. The constitutionality of the section was not necessary for the decision of the court in the case pending, nor did the case in any way involve that question. As the gentleman will recall, the Chief Justice and Justice Lamar, while concurring in the decision of the court, filed a very able and strong dissent to the dicta or opinion of the court relative to the power of Congress to delegate such right or power to the President.

Mr. LEE of Georgia. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from Georgia [Mr. LEE] has 29 minutes remaining, and the gentleman from Iowa has 11 minutes remaining.

Mr. LEE of Georgia. I yield to the gentleman from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Mr. Chairman and gentlemen of the committee, the gentleman from Nebraska [Mr. REAVIS] always speaks well. He complains of the impatience of the British Parliament about the delay in the passage of this bill. I can excuse the British people for being impatient. Their very existence depends upon their ability to get food supplies from us, and the food question is vital to the life of the British people. They were drawn into war without a moment's warning, and they

have been through some embarrassing situations with regard to food supplies since the war began. If the gentleman from Nebraska had been through the trying experiences that they have been through, he could and would excuse a little impatience on the part of our British allies with regard to legislation that means so much to them. They have my profound sympathy, and I am ready to do anything reasonable to hasten legislation that will aid our common cause. The sooner we get food to our allies the better it will be for us, our allies, and for all people who love liberty. [Applause.]

Mr. LEE of Georgia. Mr. Chairman, I yield to the gentleman from Texas [Mr. WILSON].

Mr. WILSON of Texas. Mr. Chairman, I am just as good a friend of the administration as the gentleman who has just preceded me, and just as good a friend of this bill, and I represent an agricultural district, but I am going to vote for the Meeker amendment to strike out section 12 entirely. Yesterday I talked to a man connected with the Agricultural Department, and I think his heart is right toward the farmer. I said, "How would fix this guaranteed price; how would you get at it?" He said, "I would figure the cost of production of a bushel of wheat and add about 25 per cent." I said, "That is the reason why I am against it."

When the Government fixes its reasonable guaranteed price it will tend to reduce the market to that point. Last year this thing occurred in parts of Texas: Men produced a crop of wheat and exchanged the crop standing in the field for the fee simple title to the land on which it was grown. During this war, and at all times, I am in favor of the farmer getting all the profits he can get upon a market based upon supply and demand, if it is 25, 50, or 100 per cent. Just free the market of improper influences; leave it a fair market, governed by the law of supply and demand. The prevailing conditions are all the guaranty he wants for profits, or needs, to encourage him to increased production. Leave price fixing off—guaranteed or any other kind. This is my position. To take any other position is to fall into the dollar argument in favor of the Government and our allies against the individual. And if you say to make prices better to the consumer, you would be willing to take from the producer and put into the pockets of the consumer, which is taking from one individual of our society and giving to another, a thing manifestly wrong. Give us a fair market. That is all any man in reason can demand. Choke off the illegitimate speculator.

I am for this bill, however, even if section 12 stays in it. The emergency is too great for a man here to play the rôle of obstructionist and vote against the finished bill because it does not fit his every notion; and certainly, when the point of difference is only a matter of expediency, we should not pursue such a course. If some great principle we cling to is violated, it would be different.

I sincerely hope section 12 will be stricken out.

Mr. LEE of Georgia. Mr. Chairman, I yield to the gentleman from Texas [Mr. YOUNG].

Mr. YOUNG of Texas. Mr. Chairman, there is not a man in this Congress that wants to do more to relieve the situation that confronts this country than I; but with the deep conviction that I have on the principle involved in this section, and the deep feeling that I have that instead of doing what most of the gentlemen of this House think it is going to do, I believe it is going to do the very reverse thing. I am compelled to vote to strike this section out of the bill. If you would strike the dictatorship section and this section out of the bill, many of the provisions in the bill ought to be enacted into law. I do not believe there is a man living who is wise enough to administer this section of the bill so as to do what the bill says it means to do; that is, to encourage production. I do not believe there is a man wise enough to do it. The bill does not require the fixing of the prices on all foodstuffs. It leaves it in the discretion of one man to determine what crop it shall be fixed on. You go right against certain laws of nature. And when an individual who has this power in his hands goes out to the agricultural communities of this country and exercises it as to some one crop and does not exercise it as to the other he encourages individuals to break loose from the rules of action based upon life experiences.

Let me show you how it would work out in Texas. Hot winds have hit the State within the past 10 days. Cornfields have been scorched to death, and now they are mowing their crops to get fodder. There is no corn. Let a man come and exercise the power that is in this bill, and you will not know how he is going to exercise it. He is just a human being. He says, "I am going to guarantee you will get $3 for wheat." Men are going to experiment with that wheat down there in Texas where it has been a failure; and when they experiment with that wheat they are failing to use their judgment that the situation has always demanded that they use, knowing the climatic condition they have there. And they will try that wheat, and when it proves to be a failure under these climatic conditions, their time and labor will be lost, and they will not get anything out of this guaranteed price because they do not get a crop, and meanwhile they have lost other crops that they could have made. You are going up against the laws of nature in this bill, and you are going up against the results of human experience in this bill, and then you are going up against another proposition of making a special class of a special lot of people and impeaching their patriotism.

My idea is that you should let the people operate as much as possible under normal conditions. You need not doubt their patriotism. They are going to do everything in their power to feed the world, and in my State we should let them operate under the laws they have been operating under from time immemorial, and operating according to the experiences they have been having, and planting the crops they are used to planting, and not offer them a great price on some particular crop and hold it out as an inducement to them to make an experiment.

I heard one of these theoretical food controllers make an address down in my country, and the substance of his remarks was, "If you do not quit raising cotton down here, I will draft you into the Army." In certain parts of my State a man is a fool if he undertakes to grow wheat or corn or anything else than cotton. His soil and his climatic conditions will not justify him in making the expenditure of the effort. And yet you come in with a human being who is not possessed of knowledge of those conditions—and what is true of my State will be true of other States—you bring in a man who is ignorant of these conditions. We are assuming that this man has more information than the combined information of 30,000,000 farmers in this country, and you are throwing out of joint the ordinary rules under which we operate, and I think instead of encouraging production, my friends, you are going to discourage it. I shall vote against this section. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HAUGEN. I yield one minute to the gentleman from Illinois [Mr. MADDEN].

The CHAIRMAN. The gentleman from Illinois is recognized for one minute.

Mr. MADDEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Mr. MADDEN offers the following: Page 13, line 6, after the word "agricultural," insert the words "food or feed."

Mr. MADDEN. Mr. Chairman, the purpose of this amendment is to prevent the President of the United States from extending the guaranteed price to any nonperishable agricultural products except the products the production and distribution and sale of which he has control of, as provided in section 1.

Mr. LEVER. Mr. Chairman, will the gentleman yield for a moment?

Mr. MADDEN. Yes.

Mr. LEVER. The committee has no objection to that amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MADDEN].

The amendment was agreed to.

Mr. CANDLER of Mississippi. Mr. Chairman, I ask to be recognized for five minutes.

The CHAIRMAN. The gentleman from Mississippi is recognized for five minutes.

Mr. CANDLER of Mississippi. Mr. Chairman and gentlemen of the committee, the object and purpose of this bill, as has been so frequently stated, is to stimulate production in this country and eliminate speculation. It seems to be necessary to emphasize that again. These are the two prominent features of this bill and the things it is intended to accomplish.

Now, the fears of the distinguished gentleman from Texas [Mr. YOUNG], as expressed a few moments ago, I do not think are justified. My distinguished and good friend—and I greatly admire him—has put up in large measure a straw man and then has proceeded to knock him down. He pictures the great difficulties that might arise and the foolishness that might be indulged in by some people in this country in response to the dictation of this one man who is to be clothed with such great power, as he describes, and from that he draws a conclusion.

Nowhere in the bill is the President of the United States or the one man that the gentleman from Texas is so much afraid of required to fix any price at all. It is not mandatory and will not be exercised by the President, the one man, unless he comes

to the conclusion that an emergency exists which requires that something shall be done in order to stimulate production, and that power will not be exercised as long as production keeps up in this country. If it does not keep up, then the President will and ought to exercise it. He will then be authorized to fix a reasonable guaranteed price to include cost of production and a reasonable profit. How can that injure the farmer or anybody else?

My friend says the farmers of his section of country are willing to do everything they can in order to meet the demands of the times. I know they are going to do that, because I know there is not a more patriotic class of people in the universe of God than those who make their living out of the ground. [Applause.] Therefore I am sure they will respond to everything that the Government demands, everything that the President of the United States requests, everything that the public interest requires. If they do, and the production keeps up and the emergency does not arise, then the price need not be fixed, and the President of the United States would not exercise the powers that will be conferred upon him when this bill passes unless it shall be necessary to exercise them.

As was well said by the distinguished gentleman from Illinois [Mr. CANNON] a few days ago, the man who is charged with the responsibility for the exercise of the powers conferred in this bill is the President of the United States, and the law is to be administered under his direction, under such rules and regulations as he shall prescribe. While we know that the President himself can not individually and personally perform all these duties that are imposed upon him from day to day, and that they must be done through other persons and agencies, nevertheless, inasmuch as he is the responsible party standing behind the person or persons selected by him and the agencies to be put into operation, he is not going to do any unwise, harmful, or foolish thing. I would rather trust the President of the United States, and from what I have read of Mr. Hoover I certainly would rather risk Mr. Hoover than the speculators and gamblers in food in this country, who are speculating in the things that the people are required to live on every day. What the President will do will eliminate speculation and gambling in food. [Applause.] All you have to do to convince you of the necessity of the legislation, as provided for in this bill, is to investigate the disparity of prices that exist between the producers and the consumers, and when you fully investigate that situation it will demonstrate beyond any question on the face of the earth that these speculators are highwaymen and robbers, holding up the people all over this country and demanding that they stand and deliver, and because they are highwaymen and robbers they ought to receive their just deserts and be sent to the penitentiary. [Applause.]

The difference between the price to the producer and the price to the consumer is outrageous; and what we propose to do and what we are trying to do in this bill is to stimulate production, to bring about the production of those things which we need, and then to eliminate the speculators who stand between the producer and the consumer, and bring the producer and consumer closer together, and give the consumer the benefit of a reasonable price and the producer the benefit of a reasonable price. [Applause.] This morning I had a letter from a man down in my district which is an evidence of the desire of the people all over this country for this legislation. A splendid citizen wrote me that it is necessary to hurry up this legislation. He says in his letter:

> I want to urge you to vote and work for the passage of the food-control bill. It is a shame that the people have been so long robbed by the speculators.

If Congressmen sitting here in the Halls of Congress believe that the people of the United States are not interested in this measure, you are very much mistaken. The sentiment all over the United States is practically unanimous behind it, not only upon the farms and in the hamlets and villages, but in the cities themselves. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANDLER of Mississippi. I ask one minute additional.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that his time be extended one minute. Is there objection?

There was no objection.

Mr. CANDLER of Mississippi. My distinguished friend from Philadelphia [Mr. MOORE], a few days ago, said that we were going to tax the people in the cities in order to help the people in the country. In that he is mistaken. The people everywhere in the cities and in the country are alike interested and will be benefited. I have before me a letter that I received from a gentleman in his city of Philadelphia, calling attention to the enormous and outrageous prices that they are compelled to pay in the city of Philadelphia, as well as all other cities throughout the country, and calling upon the representatives of the people to remedy this evil and give the people the benefit of the products to which they are entitled at a reasonable price. [Applause.]

What the people demand is not that anything be taken away from the farmers themselves or the producers themselves. Nothing is going to be taken away from them, but what we propose to do is to give them the benefit of the prices to which they are entitled, and then give the man who buys the product and uses it and eats it the opportunity to obtain it at a reasonable price, without holding him up in the road and making him deliver out of his honest earnings outrageous and ruinous prices for the products which he consumes. [Applause.]

The trouble is the farmers and producers are not getting the high prices. If they were there would be some justification for existing conditions, because the good Lord knows I am the farmer's friend and I want him to get the best prices possible. Let me call your attention to this statement, showing prices to producers of corn, oats, rye, beans, and wheat when the crops were sold by the farmers and prices when the crops were out of the hands of the farmers during the years 1916 and 1917, which shows it is the heartless speculator and not the producer who is flourishing. Now listen:

CORN.

The bulk of the corn crop is marketed during October, November, December, and January. During these months the average prices to producers were 82.3, 85, and 88.9 cents, respectively. During the months of March and April, 1917, the average prices were 100.9 and 113.4 cents, respectively. The contract price for corn in April, 1917, reached $1.60.

OATS.

When sold by farmers in 1916: July, 40.4; August, 40.1; September, 43.1.

After farmers sold out in 1917: February, 55.2; March, 56.9; April, 61.5.

The contract price of oats reached 71¼ cents in April.

RYE.

When sold in 1916: July, 83.3; August, 83.4; September, 99.7.

When sold out in 1917: February, $1.235; March, $1.26; April, $1.356.

In April, 1917, No. 2 rye went as high as $2.02 per bushel wholesale in Chicago.

BEANS, DRY.

When sold in 1916: September, $4.60; October, $4.47 per bushel.

After sold in 1917: February, $6.07; March, $6.49 per bushel.

The lowest wholesale quotation in Detroit in April was $7.80 per bushel. Highest, $10.

WHEAT.

When sold in 1916: July, 93 cents; August, $1.07; September, $1.31; October, $1.36.

After sold in 1917: February, $1.648; March, $1.644; April, $1.80.

April is a month of minimum farm marketings and during that month wheat reached $2.95 wholesale in Chicago.

It may be contended that the conditions of this past winter and fall were abnormal. An examination of price statistics during normal years has convinced me that, taking one year with another, probably it may not pay the farmer to hold; but these are not normal times through which we are passing, and I can prove by the figures for the years 1914 and 1915 that a similar rise occurred in the price of farm products—a rise which occurred at the expense of the consumer and from which the farmer did not benefit.

A similar rise occurred in the case of wheat during the season of 1914 and 1915. The bulk of the crop was moved at prices to the producer varying from 77 cents in July, 1914, to 93½ cents in October. The same wheat would have brought the producer $1.37 per bushel in April following, the month of minimum sales, if the farmer had had any left to sell. In the case of oats the farmer sold his bushel of oats in August, 1914, for 36.7 cents. The same bushel of oats sold in April, 1915, when he had none to sell, at 53.4 cents. In the case of barley it was the same story—52½ cents in the month of maximum sales and 64.7 cents in the month of minimum sales. Rye was the same—75.4 cents and 101.9 cents.

These figures are conclusive that the speculator and middleman is the kid-glove gentleman who needs our immediate and drastic attention. "The horny-handed son of toil," God bless him, is doing his duty, and we want to help him if we can, and we want to eliminate as far as possible this speculator and thereby help the consumer. That is the purpose of this bill. [Applause.]

If you have any doubt that the people in this country are being held up and robbed by the speculators and gamblers in food products, let me call your attention to some comparative prices between this country and England. Here they are—listen:

England is supposed to be on the verge of starvation, but the table of comparative prices in England and the United States shows the following:

English prices: English beef, 44 cents a pound; butter, 40 to 56 cents a pound; potatoes, $2.10 a bushel; bacon, 48 cents a pound; and flour, $8.20 a barrel.

The American prices on the same day were: Beef, 42 cents a pound; butter, 42½ cents a pound; potatoes, $3.75 a bushel; bacon, 45 cents a pound; and flour, $17.60 a barrel.

The bulk of the wheat and flour of England is imported. Every article that England uses is partly imported. The very wheat from which the flour in England is sold at $8.20 a barrel is brought over from Canada and the United States, or maybe from South America. The wheat which is used to make the flour for which we pay $17 a barrel is grown in this country.

In London the consumer is paying only 1 shilling, or 24 cents, for a 4-pound loaf—64 ounces. The Londoner is in the U-boat zone, and he imports his wheat. The British Government is now intending to reduce this war price. In Philadelphia the 12-ounce loaf now costs 6 cents; that is, we pay 1 cent for 2 ounces, or 32 cents for 4 pounds, or 33⅓ per cent more than it costs in London. * * * Coming to Brooklyn early in 1916, 5 cents paid for only 12 ounces. Two pounds of bread, which had been costing only 5 cents in London, cost 13⅓ cents in Brooklyn. Coming to Philadelphia, 1-pound loaves sell at 5 cents, or twice the price which the best of bread was still bringing in London. The first move in Philadelphia was to cut the weight of the 5-cent load of 12 ounces and then put the price up to 6 cents.

In a recent address Mr. Charles R. Van Hise, president of the University of Wisconsin and special representative of Food Director Hoover, asserted that "prices now being charged for necessities amounted practically to extortion; and that if the man living on a salary or wages is to survive the war, the Government must take control." Nothing less than enactment of the administration food-control legislation can cure such a diseased condition, and every day of "delay" is mischievous, if not "dangerous."

Does not such a condition as is here shown to exist call for prompt and extreme action on our part? Certainly it does.

This is no time for the ordinary toll taker to become a highwayman. This country is fighting for its life. This fight may be decided within the next six months, and during this period highway robbery, euphemistically called "smart speculation," should be stopped. Of course every man is entitled to a reward for his efforts. Every man is entitled to a profit on his labor, but the way we are going now, those who control prices will not only break down the people but they will finally bankrupt the Government.

If we prosecute this war on the present prices, we will spend more money in six months than England has spent during the whole three years of war. Instead of being a creditor Nation for three months we will be bankrupt in a year.

While I have shown prices in England are lower to the consumer than prices in our country, instead of our prices becoming more reasonable they still continue to soar. Let me call your attention to these statistics compiled by the Bureau of Labor Statistics, and hence authentic:

FOOD PRICES SOAR—BIGGEST JUMP IN PAST MONTH WAS IN FLOUR.

Retail food prices in the United States advanced on an average 5 per cent from April 16 to May 15, as shown in figures compiled to-day by the Bureau of Labor Statistics. During the year ending with May 15 they increased 39 per cent.

The biggest jump during the month was in flour, which advanced 29 per cent. The increase in corn meal was 15 per cent, beans 14 per cent, bread 13 per cent, and rice 11 per cent. The only drop in price was in onions, 36 per cent; and butter, 9 per cent.

Some of the month's increases are given, as follows: Beef, 2 to 4 per cent; bacon, ham, and lard, 8 to 10 per cent; hens, 1 per cent; salmon, 10 per cent; eggs, 3 per cent; cheese, 3 per cent; milk, 3 per cent; potatoes, 6 per cent; sugar, 5 per cent; coffee and tea, 1 per cent.

The greatest advance during the year was made by potatoes, which advanced in price 149 per cent, and in flour, 102 per cent.

In the last four years retail food prices generally have advanced 56 per cent.

Our people are long-suffering and forbearing, but there is a limit and a time when patience ceases to be a virtue. The following editorial in the Baldwyn Home Journal, published in my district, I think expresses accurately the sentiment in my section of the country. I commend it to your consideration:

The lust of greed which impelled a lot of speculators to gobble up the food supply last fall and winter whereby they were enabled to extort millions of dollars from the working class of this country for the actual necessities of life are behind the opponents of the food-control bill. They want an open field in which to rob both the people and the Government; they want a free hand to extort from the women and children, the weak, the lame, and the halt. What care they as to whether our boys at the front be pierced by a German bullet or perish from starvation? Their patriotism would go inside of a mustard seed and then have as much room as a wiggle tail in the middle of the ocean. Since the outbreak of the war the South has been urged often to raise foodstuff and conserve it both for our own use and for the Army. The South paid heed to the call and is doing her duty in that respect. The South is willing to divide her last loaf with the soldier boys if it should become necessary, but we would be unwilling to stand by without protest and see it gobbled up by speculators who would dole it out as they chose and at prices they saw fit to make. We are in for a bloody struggle for the sake of humanity and our liberty; it is no time for filibustering and chicanery. Every minute's delay is a golden opportunity for the food speculator, whose eagle eyes are watching the first fruits of the field now being harvested.

Now, gentleman of the House, in conclusion let me urge you to vote for this bill and thereby help the producer and the consumer, and give the President power to strike down the speculator and gambler in food products. [Great applause.]

Mr. LEVER. I yield five minutes to the gentleman from Ohio [Mr. GARD].

Mr. GARD. Mr. Chairman, I desire to offer an amendment to the bill.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. GARD: Page 13, line 17, strike out the word "products" and insert the word "product"; strike out all after the comma in line 23, through the semicolon in line 6, page 14, and insert the following: "and ascertain what rate of duty, added to the then existing rate of duty on any such product and to the value of such product at the time of importation, would be sufficient to bring the price thereof at which imported up to the price fixed therefor pursuant to the foregoing provisions of this section, he shall proclaim such fact, and thereafter there shall be levied, collected, and paid upon such products when imported, in addition to the then existing rate of duty, the rate of duty so ascertained."

Mr. GARD. Mr. Chairman——

Mr. LEVER. Unless the gentleman desires to discuss the amendment, I may say that the committee have examined this language, and we feel that it is really better language than that contained in the bill, and that it does not affect the bill a particle except to clarify the situation, and the committee are willing to accept the amendment.

Mr. GARD. It is offered merely for the purpose of clarifying the language in conformity to the decision of the Supreme Court in Field against Clark.

Mr. LEVER. We feel that the gentleman is entirely correct in his amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. GARD].

The amendment was agreed to.

Mr. LEVER. Now, if the gentleman from Ohio [Mr. GORDON] desires time, I will yield to him five minutes. [Applause.]

Mr. GORDON. Mr. Chairman, I did not catch the full purport of the amendment which has just been adopted by consent of the committee. I do hope it cures one of the difficulties in this bill which otherwise undertakes to confer upon the President the power to impose, enact, and levy tariff duties upon imports.

Mr. GARD. Will the gentleman yield?

Mr. GORDON. I will.

Mr. GARD. I desire to explain to the gentleman that that was the very reason for offering the amendment, and I myself think it cures the objection.

Mr. GORDON. I hope it does. Yet I still feel that this section 12 ought to be stricken out. The other day, when the astute and accomplished gentleman from Wisconsin [Mr. LENROOT] occupied the floor, I asked him how the President would determine how much of a tariff rate was necessary where in the different parts of the country the price of the product was different. He suggested that the President would impose a different rate in the different localities. Of course, that would violate two provisions of our Constitution, one of which is that duties upon imports must be equal and uniform throughout the United States, and that no preference shall be given one port over any other, which simply illustrates the difficulty of this Congress undertaking to divest itself of the taxing power which has been vested in it by the Constitution.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. GORDON. Yes.

Mr. MADDEN. Would the gentleman think that if the section, after the word "guarantee," in line 16, was stricken out, it would cover the case?

Mr. GORDON. If you strike out the guarantee and then strike out the power of the President to impose tariff duties upon imports, there is practically nothing left of the section. So it seems to me the wise thing to do is to strike out the whole thing, because the two vital provisions in this section are first, authorizing the President to impose a minimum price as an inducement, and to keep prices up, or rather to induce people to raise more crops, in the interest of the farmer; and the further provision to authorize him to impose a tariff to exclude imports, in order further to encourage the farmer by preventing prices from falling and further discourage the consumer. Now, just as soon as this thing gets to working and there is a chance that we may get our foodstuffs cheaper under the natural law of supply and demand, then immediately comes in this imposition of tariff rates, which, if they have any purpose at all, it is to keep prices up.

Mr. McKENZIE. Would not that be a violation of one of the fundamental principles of the Democratic Party?

Mr. GORDON. Yes; it would. I agree to that. That is one of the reasons I am opposed to it.

Now, I recognize the fact that at this particular time in this crisis we ought to legislate upon this subject. There are many provisions of this bill that I heartily favor, provisions which we would not have authority to enact at any other time except in time of war. But war does not entirely abrogate and set aside the Constitution—not entirely.

As was pointed out in the learned address the gentleman from Iowa [Mr. TOWNER] made the other day, the only powers conferred by virtue of this war are by the Constitution, which we swore to support. That foolish idea embraced by some gentlemen that as soon as a declaration of war is made the whole constitutional structure comes tumbling down about our heads and that we can legislate without any regard to our oath of office is very unsound. Gentlemen ought to stop and consider whither we are drifting and where we are tending. It seems to me that section 12 is incurable and ought to be stricken out as unsound on any basis. It will never, in my judgment, accomplish what the committee seeks to accomplish by it. It certainly could not do all the things claimed for it. If it does the thing the gentleman from Mississippi [Mr. CANDLER] insists it will do, why, it seems to me it will be a disappointment to the consumer. In other words, if it pleases the farmer it will displease the consumer. There are two conflicting provisions; one is the minimum price and the other is the attempt to delegate to the President the authority to impose tariff duties.

Mr. MEEKER. Will the gentleman yield?

Mr. GORDON. Yes.

Mr. MEEKER. Does the gentleman think that it is a constitutional provision in any sense whatever?

Mr. GORDON. I do not. [Applause.]

Mr. CANDLER of Mississippi. Mr. Chairman, I yield two minutes to the gentleman from Minnesota [Mr. ANDERSON].

Mr. ANDERSON. Mr. Chairman, in view of the question raised by the gentleman from Ohio [Mr. GORDON] in respect to the constitutionality of that part of this provision which authorizes the imposition of an import duty on articles imported into the country, I want to ask the attention of the committee to the rule laid down by the court with respect to that proposition. I refer particularly to the case of the Michigan Central Railroad *v.* Powers (201 U. S. Rep., 245). The State of Michigan had imposed a tax upon the railroads in that State equal to the average rate of taxation upon all the property in the State, to be ascertained by an administrative body set up for that purpose. In laying down the rule with respect to the power of the legislature to delegate the power to determine mathematically the rate of duty to be imposed, the court said, page 297:

> It may be laid down as a general proposition that where a legislature enacts a specific rule for fixing a rate of taxation, by which rule the rate is mathematically deduced from facts and events occurring within the year and created without reference to the matter of that rate, there is no abdication of the legislative function, but, on the contrary, a direct legislative determination of the rate.

That is exactly what we have done in this bill. We have provided simply that the President shall calculate mathematically what the difference is between the ascertained established minimum price and the value of the property imported with the rate of duty now imposed added. That is a mere mathematical calculation. It is the exercise of an administrative function which the legislature may delegate.

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. Mr. Chairman, I offer the following amendment to the amendment just adopted, offered by the gentleman from Ohio [Mr. GARD].

The Clerk read as follows:

> Insert after the word "ascertain," in the first line of the amendment, the words "through the Tariff Commission."

Mr. LEVER. That is subject to a point of order, Mr. Chairman, but I will not make it.

Mr. LONGWORTH. Mr. Chairman, I have rather entertained the hope that the gentleman from South Carolina, a powerful proponent of the Tariff Commission, as I remember it, would accept this amendment. The effect of the amendment is simply to relieve the President from the duty of ascertaining tariff rates and to impose this duty upon the Tariff Commission, where it belongs. If this Tariff Commission has any duties to perform, it is such duties as this.

Mr. ANDERSON. Will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. ANDERSON. There is a section in this bill authorizing the President to use any agent or any employee of the Government in carrying out the provisions of the bill. Does not the gentleman think that that would authorize the President to use the services of the Tariff Commission in this respect?

Mr. LONGWORTH. It is possible that it might authorize him to do it, but I want it done by the commission in the original instance. What duties and powers did we give the Tariff Commission which we created last September? I will read:

> SEC. 702. That it shall be the duty of said commission to investigate the administration and fiscal and industrial effects of the customs laws of this country now in force or which may be hereafter enacted, the relations between the rates of duty on raw materials and finished or partly finished products, the effects of ad valorem and specific duties and of compound specific and ad valorem duties, all questions relative to the arrangement of schedules and classification of articles in the several schedules of the customs law, and, in general, to investigate the operation of customs laws, including their relation to the Federal revenues, their effect upon the industries and labor of the country, and to submit reports of its investigations as hereafter provided.

Now, if there is any duty which is imposed upon the Tariff Commission, if the Tariff Commission is not merely a farce, the duty of investigating and ascertaining tariff rates should lie with that commission.

I do not intend to bring any politics into the consideration of this bill, but I may remark in passing that my party for many years has been in favor of a Tariff Commission. Only recently the Democracy—it may have been overnight, so to speak—have favored and cooperated with us in enacting a tariff-commission law. I would be loath to believe that their support of a Tariff Commission was not genuine, and yet if you sincerely believe in a Tariff Commission, why do you take away from it the very powers and duties in this case which you placed upon it generally by law.

I am not here to exalt the abilities of the particular commission which has been created under this law, but if the Tariff Commission as it exists to-day is worth its salt, it ought to be able to do just this precise thing that in this law you commit to the President. I have heard a good deal during the debate—many gentlemen have risen to the defense of him whom they call the downtrodden farmer, and I am here to protest against your treatment of the downtrodden Tariff Commission. [Laughter.] I ask that my amendment may be adopted. [Applause.]

Mr. LEVER. Mr. Chairman, the argument of the gentleman from Ohio [Mr. LONGWORTH] is persuasive, but I do not think it is conclusive upon this proposition. The whole theory of the bill is based upon the idea of conferring upon the President certain discretionary powers, and in section 14 of the bill we give him authority to call upon all agencies of the Government to aid him in ascertaining the facts which he desires to have in executing the law, and I would dislike very much to have this amendment adopted. I think we should maintain the general plan of the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken; and on a division (demanded by Mr. LONGWORTH) there were—ayes 65, noes 96.

So the amendment was rejected.

Mr. LEVER. Mr. Chairman, I yield one minute to the gentleman from Missouri [Mr. DYER].

Mr. DYER. Mr. Chairman, I desire to state that I am in favor of this section and am in favor of the principles of this bill, because I think it is important and necessary that we should have as soon as possible this law put into force and effect. I have received many communications, and every one of them is to the effect that unless this law is put into force and effect without delay it will bring the greatest concern to the producers as well as to the consumers. I desire to read a sample of the many letters that I have received. It is as follows:

> I was glad to see that you took the stand that you did in favor of the food-control bill. Unless something of this kind is done to check the gamblers and thieves of the Chicago Board of Trade from putting up the prices of all foodstuffs, there is no telling where this thing will end. It was only a short while ago when September wheat on the Chicago Board of Trade sold for $2.45 per bushel. This price was manipulated and inflated by the gamblers and the representatives of the allies, who wished to get control of all of the food products of this country, as I have been reliably informed. It was at the time when September wheat reached $2.45 per bushel that some of the fellows who controlled the Chicago Board of Trade saw that unless something was done they would be put out of business, so they met at an executive session and agreed and decided to stop further gambling in the various options of wheat. Since that time the price of September wheat has dropped from $2.45 per bushel to $1.75 per bushel—a difference of 70 cents. If gambling in wheat had not been stopped, wheat would be selling at $5 per bushel to-day. In fact, there is no telling where the price would have gone. If Mr. Hoover and his food-control bill can eliminate these gamblers and thieves of the Chicago Board of Trade from controlling the products of this country, he will have served the public well.

This, Mr Chairman, is from a man who is acquainted with the conditions of the boards of trade, and it is time for us to put an end to all of these things.

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Page 13, line 16, after the word "guarantee," strike out all of lines 16 to 25, inclusive, and on page 14 all of lines 1 to 9 down to the word "States," inclusive.

Mr. MOORE of Pennsylvania. Mr. Chairman, this amendment proposes to strike out that portion of section 12 which gives the President power to fix tariff rates. That is an invasion of the constitutional privilege of Congress, and I would not like to see it go into the bill without a protest. The chairman of the Committee on Ways and Means, the gentleman from North Carolina [Mr. KITCHIN], was on the floor a few moments ago and indicated that he could not fully agree with section 12, although he intended to vote for the bill. The chairman of the committee understands the constitutional privileges of the House, and would be loath, I assume, to permit them to go by the board. He was too modest to offer an amendment of this kind, and so I have taken the liberty of introducing it. The Constitution of the United States provides in section 8:

The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

That is the constitutional provision that the tariff portion of this section is running up against. The language to which my amendment refers should be eliminated from the bill because if it is enacted into law the President rather than Congress becomes the tariff-making body—which is in violation of the Constitution.

Mr. Chairman, I offer a further amendment, which I send to the desk and ask to have read in my time.

The Clerk read as follows:

Amendment by Mr. MOORE of Pennsylvania: Page 14, line 22, after the word "States" where it is first used, strike out the period and insert a comma and the following words: "or to sell, dispose of, and deliver the same to consumers in the United States at prices and upon terms not exceeding those accorded to any person or Government engaged in war with any country with which the Government of the United States is at war."

Mr. MOORE of Pennsylvania. Mr. Chairman, the section now under discussion gives the President power to hold, transport, or store these various food products, or "to sell, dispose of, and deliver the same to any person or to any Government engaged in war with any country with which the Government of the United States is at war."

He may give these products of the United States away without consideration, under this paragraph. If he does that, whether the products go to our allies or not, it will aid in raising the price to the consumers in the United States. I am aware that certain representatives, or spokesmen at least, of labor organizations upon this floor yesterday indicated their preference for this bill upon the ground that this bill was necessary to reduce the cost of living, that the fixing of prices would reduce the cost of living. I predict, however, that the cost of living will continue to rise and soar after the passage of this bill. The increased cost of living will doubtless go higher as the supplies of food and fuel in the United States are drawn upon against the consumers of the United States for the benefit of our allies. Granted that we should take good care of our armies that are to fight on foreign soil, granted that we should do all we possibly can to provide our allies with food whether they are at the front or in their homes, but let us also consider the consumer in the United States, especially when we are told that flour is selling in London at $8.20 a barrel and is selling in Washington at $17.60 a barrel. My amendment proposes to put the consumers of the United States on equal terms with the nonfighting consumers in the countries of our allies. It seems to me that if we stand for the American people, if we stand for a fair cost of living in the United States, even in these war times, we ought to vote in favor of the people of the United States having equal terms, at least so far as these food supplies are concerned, with those whom we propose to help on the other side of the water. That is the purpose of the amendment. [Applause.]

Mr. LEVER. Mr. Chairman, I trust these amendments may be voted down.

The CHAIRMAN. The question is on the first amendment offered by the gentleman from Pennsylvania.

The question was taken, and the Chair announced the noes appeared to have it.

Mr. MOORE of Pennsylvania. A division, Mr. Chairman; this is a constitutional proposition.

The committee again divided; and there were—ayes 61, noes 74.

Mr. MOORE of Pennsylvania. Tellers, Mr. Chairman.

Mr. GORDON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GORDON. Can not we have this amendment reported?

The CHAIRMAN. Without objection, the amendment will be again reported.

Mr. DYER. Mr. Chairman, I object.

Tellers were ordered.

Mr. SABATH. Mr. Chairman, I ask unanimous consent that the amendment may be again reported.

Mr. DYER. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Missouri objects.

The committee again divided; and the tellers [Mr. MOORE of Pennsylvania and Mr. LEVER] reported that there were—ayes 83, noes 98.

So the amendment was rejected.

The CHAIRMAN. The question is upon the second amendment offered by the gentleman from Pennsylvania.

Mr. GRAHAM of Illinois. Mr. Chairman, I ask unanimous consent to have that amendment again reported.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The amendment was again reported.

The question was taken, and the Chair announced the noes appeared to have it.

Mr. MOORE of Pennsylvania. A division, Mr. Chairman.

The committee divided; and there were—ayes 44, noes 82.

So the amendment was rejected.

Mr. ANDERSON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Mr. ANDERSON offers the following amendment: Page 14, line 18, after the word "any," strike out the word "person" and insert the words "citizen of the United States."

Mr. LEVER. Mr. Chairman, I yield the gentleman one minute.

Mr. ANDERSON. Mr. Chairman, in section 9 we adopted some language which was the same as the language which follows the amendment I have just offered, but which was not identical with the language in section 12, in that the amendment adopted in section 9 we used the words "citizen of the United States" instead of the word "person," and I offer the amendment in order to make the language of the two sections correspond.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was agreed to.

Mr. LEVER. How much time remains, Mr. Chairman?

The CHAIRMAN. Five minutes.

Mr. LEVER. Mr. Chairman, I do not desire to take the time of the committee unnecessarily, but the motion of the gentleman from Missouri is to strike this section from the bill, and the committee ought to have a clear understanding of what is undertaken in this section. This bill proposes in addition to other things to stimulate the production of food products. We are undertaking to do that in several ways. First of all, by assuring to the farmer that he shall have a free and open market for the sale of his products. This we have provided for in a number of sections in the bill, most of them already passed. This section provides also for the stimulation of production by guaranteeing a reasonable profit to those who produce these necessaries of life that are described in this bill. The committee felt that this in itself ought to be a very large stimulus to production in the case of the next crop, which will be needed in the conduct of our operations in the field and the proper feeding of our people at home. We felt that, while the President is urging the farmers of this country to produce, and the Secretary of Agriculture is urging the farmers to produce, and Mr. Hoover is urging the farmers to produce, and this Congress itself is now urging the farmers to produce more things for people to consume in order to preserve and conserve life—we felt that, inasmuch as we are doing these things, it would be unfair to the farmers if, for example, by reason of submarine operations, there should come a great slump in prices, and they should have to bear the burden of a great loss. We did not feel that it would be fair to them. We felt that we ought to do as other nations are doing and see to it that those who produce these things are guaranteed against these eventualities, and I therefore trust this amendment may be voted down.

The CHAIRMAN. The time of the gentleman has expired, all time for debate on section 12 has expired. Does the gentle-

man from Ohio [Mr. GORDON] desire to offer an amendment now?

Mr. GORDON. No; my amendment was offered by the gentleman from Pennsylvania [Mr. MOORE].

The CHAIRMAN. The question is on the substitute offered by the gentleman from Oklahoma [Mr. MORGAN].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now is on the motion of the gentleman from Missouri [Mr. MEEKER] to strike out section 12.

The question was taken, and the Chair announced the noes appeared to have it.

Mr. MEEKER. A division, Mr. Chairman.

The committee divided; and there were—ayes 33, noes 125.

So the motion to strike out was rejected.

The Clerk read as follows:

SEC. 13. That whenever the President shall find that limitation, regulation, or prohibition of the use of foods, food materials, or feeds in the production of alcohol or of alcoholic or nonalcoholic beverages, or such nonalcoholic beverages as he shall determine, or that reduction of the alcoholic content of any beverage, is essential, in order to assure an adequate and continuous supply of food, he is authorized, from time to time, to prescribe, and give public notice of, the extent of the limitation, regulation, prohibition, or reduction so necessitated. Whenever such notice shall have been given and shall remain unrevoked, no person shall, after a reasonable time, which shall be prescribed in the notice, use any foods, food materials, or feeds in the production of alcohol or of alcoholic or nonalcoholic beverages, except in accordance with the limitations, regulations, and prohibitions prescribed in such notice, or produce any beverage having an alcoholic content in excess of the amount prescribed therefor in such notice. Any person who willfully violates this section shall, upon conviction thereof, be punished by a fine not exceeding $5,000, or by imprisonment for not more than two years, or both.

Mr. WEBB. Mr. Chairman, I desire to offer an amendment to this section.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WEBB: Insert at the end of section 13 the following:

"That the President is authorized if, in his opinion, it is necessary to conserve necessaries, to require any person having control of alcohol and distilled spirits to turn over to the Government for use or redistillation such proportion of said alcohol or spirits as the President may deem necessary to meet the requirements of the Government in the manufacture of munitions and other military and hospital supplies, or in so far as such use or redistillation would dispense with the necessity of utilizing products and materials suitable for food and feeds in the future manufacture of alcohol or distilled spirits for the purposes herein enumerated. Upon the failure of the person to comply with the President's requirement the President is authorized to requisition and take possession of the alcohol and distilled spirits required to be turned over, and to pay for same a just compensation, to be determined by the President. And if the price so determined be not satisfactory to the person entitled to receive the same, such person shall be paid the amount prescribed by the President, and shall be entitled to sue the United States to recover such further sum as, added to the amount so paid, will be just compensation for such spirits or alcohol, in the manner provided by section 24, paragraph 20, and section 145 of the Judicial Code."

Mr. LEVER. Mr. Chairman, I make the point of order against the amendment that it is not germane to this section, nor is it germane to the bill. But before beginning to argue the point of order I would like to see if we can not agree upon a time for the conclusion of the debate on this section and all amendments thereto.

Mr. THOMPSON. On the section or on the point of order?

Mr. LEVER. On the section and all amendments thereto.

Mr. HOWARD. May I ask the gentleman a question right there? What is going to be the proposition? Are all the amendments going to be introduced that are proposed to be introduced to this section and voted on and adopted during a running debate, or is each amendment going to be debated separately?

Mr. LEVER. My own judgment is that the better way is to do as we did with section 12, namely, let the amendments be offered, debated, and voted upon.

Mr. GARRETT of Tennessee. I think the point of order ought to be disposed of before you begin debate.

Mr. LENROOT. The time that the gentleman will ask does not include the time consumed on the point of order?

Mr. LEVER. Of course not. The debate on the section and all amendments thereto, not the debate on the point of order.

Mr. LENROOT. That would depend on whether it was debated or not.

Mr. LEVER. I think we can reach an agreement. I wish to facilitate the passage of the bill all I can.

Mr. LENROOT. Would the gentleman be willing to agree to 30 minutes on a side?

Mr. LEVER. I should not want to agree until the point of order is disposed of.

Mr. McLAUGHLIN of Michigan. Do you not think that the point of order ought to be disposed of before you fix the time on the merits of the proposition?

Mr. LEVER. I hope to fix the time before the point of order is disposed of.

Mr. McLAUGHLIN of Michigan. Is it the intention of the gentleman to reserve his point of order so that the merits of the amendment may be discussed?

Mr. LEVER. I think we have a pretty good idea of how much time would be necessary, if this point of order is overruled. Then you would be up against the straight proposition contained in the gentleman's amendment, and that provision in the bill, and it seems to me that we would have a pretty clear idea of how much time we ought to consume.

Mr. McLAUGHLIN of Michigan. But it strikes me it would be difficult now to fix the time for debate, because we do not know whether or not the amendment of the gentleman from North Carolina will be permitted. If it is permitted by the ruling of the Chair we would have twice as much to debate about, and we would have twice as much to settle. It would seem to me the better plan would be to have the point of order ruled on and disposed of before the time for debate is limited.

Mr. MADDEN. Would it not be better to reserve the point of order?

Mr. McLAUGHLIN of Michigan. If we will limit the discussion on the merits of the question.

Mr. LEVER. Mr. Chairman, I withdraw the request temporarily, and we will argue the point of order.

Mr. Chairman, section 13 provides in part:

That whenever the President shall find that limitation, regulation, or prohibition of the use of foods, food materials, or feeds in the production of alcohol or of alcoholic or nonalcoholic beverages, or such nonalcoholic beverages as he shall determine, or that reduction of the alcoholic content of any beverage, is essential, in order to assure an adequate and continuous supply of food, he is authorized, from time to time, to prescribe, and give public notice of, the extent of the limitation, regulation, prohibition, or reduction so necessitated.

That is the purpose of the section. I make the point of order against the amendment suggested by the gentleman from North Carolina [Mr. WEBB] upon two grounds. First, that his amendment provides in this section for lodging in the President of the United States the discretion to commandeer the alcoholic liquor of the country and to redistil it, a proposition that is not contemplated, or suggested, or hinted at, or squinted at in the language of the section. It might have been possible for the gentleman to have attached his proposition to the commandeering section of this bill, but the gentleman did not do it, and he is now undertaking to attach it to a section in which there is no mention of commandeering for any purpose. And so it seems to me that the amendment at this point in the bill is absolutely ungermane to this section.

I make the further point that the gentleman's amendment is predicated upon the idea that alcohol is food, an idea which some of us sometimes like to think is right, but which not many of us are ever able to prove—to the satisfaction of our wives, at least. Now, then, the Chair already has ruled in section 1 that we could not add other classes of products to this bill, that we could not extend the classification that we have fixed in the bill in section 1.

Now, either the gentleman's proposition goes upon the theory that alcohol is food, and therefore would fall within the ruling of the Chair on section 1, or his proposition is purely and simply a commandeering proposition, which would not be germane to this section of the bill, which has no word of commandeering in it. And for those reasons I make the point of order. [Applause.]

Mr. WEBB. Mr. Chairman, the object of section 13 is to preserve food which otherwise would be manufactured into alcoholic liquors, and in order to carry out that purpose the President of the United States is given discretion as to when he shall make an order that no food supplies or necessaries shall be further manufactured into alcoholic liquors.

You might as well say that the section has no place in this bill as a food conservation section as to argue that my amendment has no place in the bill as a food conservation amendment. The object of the section is to prevent the further useless destruction of food by manufacturing it into alcoholic liquors. The object of my amendment is to allow the President to requisition for Government purposes alcohol and redistilled liquors already in existence, so as to avoid manufacturing such Government supplies from food in the future. I submit, Mr. Chairman, that it takes a fine pair of metaphysical scissors to differentiate between section 13 as a food conservation proposition and the amendment which I have offered.

The gentleman from South Carolina [Mr. LEVER] argues that I ought to have offered this amendment at the end of section 9. I tell him that I used the language "requisition," the word "commandeer" not being employed in the amendment I have sent to the desk. I have used the language of section 9 so far as the requisitioning part of the amendment is concerned, and

it is copied from its almost verbatim. I call attention to section 9, where the language is:

That to carry into effect the purposes of this act.

And the purposes of this act are the purposes for which I send the amendment to the Clerk's desk—the conservation of food and the preservation of it, if the President thinks it necessary to further conserve the food supply of this country, by taking over for Government purposes alcohol and distilled spirits.

Mr. LEVER. I want to ask the gentleman if he would not think that the amendment, if germane at all to this bill, would have been germane to section 9 instead of to section 13?

Mr. WEBB. No; because if I had offered it there, the gentleman from South Carolina would probably have said that nothing about alcohol or distilled spirits was mentioned in section 9.

Now, section 9 provides:

That to carry into effect the purposes of this act the President is authorized to purchase, provide for the production and manufacture of necessaries; to store them, and to provide storage facilities for them by construction, purchase, lease, or otherwise; to sell them; and to require any person having control of any necessaries, or any storage space suitable for the storing of necessaries, to furnish the whole or any part of such necessaries or storage space to the Government in such quantities, at such times and at such prices as shall be determined by the President to be reasonable. Upon failure of the person to comply with such requirement, the President is authorized to requisition—

That is the language I use in reference to liquors and alcohol—

the President is authorized to requisition and take possession of any such necessaries or storage space, and to pay for them at the price so determined.

Mr. SABATH. Mr. Chairman, will the gentleman yield?

Mr. WEBB. Yes; for a question.

Mr. SABATH. Does not the gentleman admit that alcohol is a necessary article needed on the part of the Government, by his own amendment?

Mr. WEBB. I do.

Mr. SABATH. Then, it would have been proper to have offered it at the end of section 9.

Mr. WEBB. Not at all.

Mr. SABATH. If he finds it a necessary article. The language of the amendment, however, says that it is a necessity, because the Government needs it.

Mr. WEBB. Oh, Mr. Chairman, it is tweedledee and tweedledum when you attempt to tell a House composed of sensible men that you can not use the word "requisition," as in this amendment, with reference to alcohol when you have used it in section 9. If it is all right to requisition a man's warehouse and a man's food supply for the purpose of conserving the food supply of this country and other countries, then why is it not germane to require the President to requisition alcohol and distilled spirits for the use of the Government?

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. WEBB. Yes.

Mr. HOWARD. To further demonstrate the germaneness of the gentleman's amendment, it is specifically stated that the purpose of the requisitioning of these alcoholic beverages for redistillation is to prevent the use of grain on behalf of the Government in the displacing of such alcohol as it will need. Therefore it is a pure conservation amendment and not a prohibition amendment.

Mr. WEBB. Absolutely. And I want to say, Mr. Chairman, that it has possibly been noised around that this is a prohibition measure, and therefore that it has no place on this bill.

I appeal to the strongest antiprohibitionist in this House and ask him to say whether or not this is not a food-conservation measure that I have introduced. It may have the effect of preventing some men who drink whisky from drinking too much, because of the Government's using a large amount in its own hospitals and in the manufacture of munitions, but only in that way would my friend from Missouri [Mr. MEEKER] regard it as a prohibitionist amendment.

Let me read the first 10 lines of my amendment. That is all that it is necessary to read to get the meat of the amendment. It reads:

That the President is authorized, if in his opinion it is necessary to conserve necessaries, to require any person having control of alcohol and distilled spirits to turn over to the Government for use or redistillation such proportion of said alcohol or spirits as the President may deem necessary to meet the requirements of the Government in the manufacture of munitions and other military and hospital supplies or in so far as the use or redistillation would dispense with the necessity of utilizing products and materials suitable for food and feeds in the future manufacture of alcoholic or distilled spirits for the purposes herein enumerated.

Now, Mr. Chairman, it is hard for me to argue that the sun shines when I am looking at it, and I confess to you that it is hard for me to argue the germaneness of this amendment when it is added to section 13, dealing with alcoholic spirits and having application to the food supply and the manufacture of the food supply out of distilled spirits. Suppose it were known that the Government of the United States must use next year 100,000,000 gallons of alcohol and distilled spirits, and suppose it were known as a fact that there are only 100,000,000 gallons of alcohol and distilled spirits in the United States available. Now, must it come to pass that when we are passing upon a great food-conservation bill we can not say in this bill that in order to prevent food and feed being manufactured into alcohol for Government use the President, in order to save the food that would otherwise go into the 100,000,000 gallons of alcohol or distilled spirits, can commandeer and pay for at a just price the alcohol and distilled spirits held in store?

Is not that a food-conservation proposition? A moment ago, Mr. Chairman, I mentioned the fact that there is opposition on the part of some to this amendment, because they think it is a prohibition amendment. Whatever effect it may have upon the prohibition question has nothing to do with the germaneness of this amendment. I admit that it may have a prohibition bearing, and I wish it could have a greater one. If it were germane and possible, I should offer an amendment here prohibiting absolutely the further manufacture of grain into alcohol during the war. I would prohibit the manufacture and sale of alcoholic liquors during this war, and I would provide for the commandeering of all the alcohol there is in existence to-day while the war lasts. But I realize that, of course, that sort of an amendment would be subject to a point of order. But, as I said a moment ago, if this amendment does have the effect of lessening the supply of ardent spirits to the thirsty, that has nothing to do with the germaneness of the amendment; and on that point I want to read to the Chair a ruling which has been sustained ever since it was made, and has never been overruled by any Chairman that I know of.

Mr. LEVER. What page?

The CHAIRMAN. Will the gentleman give the Chair the reference to the ruling?

Mr. WEBB. I am reading from volume 5, section 5803, of Hinds' Precedents:

Whether or not an amendment be germane should be judged from the provisions of its text rather than from the purposes which circumstances may suggest.—On January 15, 1901, the river and harbor bill (H. R. 13189) was under consideration in Committee of the Whole House on the state of the Union.

Mr. FRANK W. MONDELL, of Wyoming, proposed an amendment appropriating a sum of money for the construction of three reservoirs at the headwaters of the Missouri River—

for the purpose of holding back the flood waters of said stream, with a view of minimizing the formation of bars and shoals and other flood-formed obstructions to navigation, and to aid in the maintenance of an increased depth and uniform flow of water for navigation during the dry season.

Mr. Theodore E. Burton, of Ohio, made the point of order that the amendment was not germane to the bill, since the means proposed could not affect navigation, but, rather, related to the improvement of arid lands.

After debate the Chairman (Alfred J. Hopkins, of Illinois) said:

The Chair holds that as the amendment is framed it is germane to the subject matter of the bill and the subject matter over which the River and Harbor Committee has jurisdiction. Now, whether that correctly presents the facts of the case is to be determined on the merits. But as the amendment is presented and read by the Clerk it appears to the Chair that it is entirely proper and germane to the bill, and therefore the Chair will overrule the point of order.

I submit, even though this may have a prohibition bearing, it does not affect the germaneness of this amendment, because the Chair knows and the House knows and sees that if the Government is permitted to requisition alcohol and distilled spirits already in existence, then it is not necessary to manufacture alcohol out of food existing for Government purposes, and, as has been so well said, a bushel saved is a bushel raised. This amendment saves the food supply, and I can not understand why this amendment is not germane, not only to section 13 but to the bill as well, because the object of the bill all the way through it is to conserve the food supply. In every section of the bill you will find that idea running all through it, and my amendment does no more than carry out both the spirit and practically the letter of a number of sections in the bill.

Mr. SAUNDERS of Virginia. Mr. Chairman, the present occupant of the chair, during the progress of the discussion of this bill, has very luminously and accurately, I think, laid down the general principles with respect to germaneness. Nothing that I shall undertake to say in maintaining the proposition that this

amendment is entirely in order will be in contravention of any ruling that the Chair has made in the above respect. On the contrary I rely upon the principles announced by the Chair in support of his rulings.

As I understand the objections raised by the gentleman from South Carolina [Mr. LEVER] to this amendment, they are first, that alcohol is not a food. Granted. But I ask the gentleman from South Carolina if alcohol is not a fuel, and a very necessary fuel for the conduct of modern war.

The next objection that the gentleman raises is the amendment is not germane to this particular section, on the ground that this particular section relates to powers given to the President, which are not the power of requisition.

Mr. Chairman, the second ground of opposition is a very narrow one upon which to rest the contention that this amendment is not germane. If section 13 was the only section in the bill which afforded power to the President to deal with the subject matter of spirits and alcohol, it is possible that by directing our contemplation exclusively to this section, it might be held that an amendment giving powers to the President other and different from those contained in the section would be held out of order. But having in mind the general purpose of this bill, and further the specific sections that afford the most comprehensive power to the President over feeds, foods, and fuel, and the other materials called necessaries, it is impossible to consider the parliamentary character of the amendment offered by the gentleman from North Carolina [Mr. WEBB] as determined solely by the authority afforded to the President by the particular section to which it is offered. It is related to and rests upon other sections of the bill. This particular section is merely one illustration of powers that may be given to the President in connection with alcoholic spirits under and pursuant to the general grant of power in other sections.

As I said before, this amendment could be ruled out of order as an amendment to this particular section if other sections of the bill are entirely disregarded. But even the amendment would be in order as a new section, by virtue of certain provisions of the bill to which I shall call the attention of the Chair.

This bill deals with three great subject matters, namely, foods, feeds and fuel, and in addition with the things related to the production of feeds, foods, and fuel. There is not a thing that is proposed to be done under this amendment that is not related to the head of necessaries, or either as a food, feed, or fuel, or a material necessary for the production of a feed, food, or fuel. Alcohol is a fuel and a fuel that is of essential necessity for the operations of modern war. It is known to be a fact that the Germans, although largely cut off from access to the sources of gasoline supply, have been able to operate their explosive engines of all sorts by the use of alcohol in combination with other materials.

The CHAIRMAN. The Chair is very much interested in the gentleman's argument and would like to ask him a question. The gentleman has referred to alcohol being a fuel. Fuel does not seem to be provided for, or even referred to in section 13, the section to which the amendment is offered. What does the gentleman say about that? The authority given to the President in section 13 seems to the Chair to be limited exclusively to foods and not to fuel.

Mr. SAUNDERS of Virginia. The statement of the Chair is correct. Section 13 does not use the word "fuel." Therefore, as I said a moment ago, if you relate the power of the President in connection with alcohol and distilled spirits exclusively to the powers given in section 13, the gentleman from South Carolina might be able to sustain his objection to the amendment. But I am relating this amendment to other sections of the bill which furnish ample foundation and authority for holding that the amendment is germane and in order.

The CHAIRMAN. The Chair would like to ask another question. If that be true, is it also not true that the amendment offered to a particular section must be germane to that section, in order to be held in order, regardless of whether it might be germane to other sections of the bill?

Mr. SAUNDERS of Virginia. I have stated that to be true. But conceding this amendment to be out of order to this section, it is further true that an amendment that can be related to substantial powers given by substantive sections of a bill will be in order as a separate section.

The CHAIRMAN. That question is not before the Chair.

Mr. SAUNDERS of Virginia. I will argue it now because if this amendment is in order as a separate section by virtue of the fact that it is included within the grant of powers conferred by other sections of the bill, and rests upon those sections, I maintain that it is in order as an amendment to section 13, which confers no new powers upon the President. As I have stated, when we look to section 1 we find foods, feeds and fuel and the articles necessary to their production, comprehended in that section. Alcohol in itself is a fuel, and distilled spirits is a substance out of which alcohol may be distilled. Both, according to the definitions of the bill, are necessaries.

The gentleman from North Carolina has argued from the viewpoint that this amendment is in order as a part of a scheme of food conservation. I will not elaborate that contention as it has been very fully and ably presented.

When the Chair looks to section 3 of the bill, he will find that this section establishes Government control over the production of necessaries. This of course establishes Government control over the production of alcohol as a fuel, and therefore a necessary, by the redistillation of spirits, a material out of which alcohol may be produced, and therefore itself a necessary. Section 3, in part, is as follows:

> There is hereby established a governmental control of necessaries which shall extend to and include all the processes, methods, activities of, and for the production, manufacture, procurement, storage, distribution, sale, marketing, pledging, financing, and consumption of necessaries.

This section therefore provides in the largest possible manner for applying Government control to the procurement and production of that essential necessary, namely alcohol.

But we do not have to rely on this section alone to support the Webb amendment. Proceeding to section 9, we find the most ample foundation upon which to rest the contention that this amendment is in order both as an amendment to section 13 and as a separate independent section. Section 9 provides that "to carry into effect the purposes of this act, the President is authorized to purchase, and provide for the production, or manufacture of necessaries."

The sweeping power therein given is not confined to any of the prime necessaries defined as feeds, foods and fuel, but extends to the processes of producing these necessaries. The President is given the power to provide for the purchase, procurement and manufacture of necessaries. Is not alcohol a necessary? I would like to have some one who holds that this amendment is out of order undertake to demonstrate that alcohol itself, or distilled spirits from which alcohol can be produced, is not a "necessary" under the terms of this bill, or that the authority is not given to the President to provide for the production and procurement of these necessaries.

But that is not all, Mr. Chairman; reading section 9 further you will find that when the Government needs these necessaries the President is given the authority to go to a man who has control of the same and in substance say to him: "Turn these necessaries over to the Government." That is what this amendment proposes to do, namely to empower the President to call upon the parties controlling spirits or alcohol to turn over the same to the Government, and in the event this is not done, to commandeer these articles, and pay for them in the manner prescribed.

Mr. ALEXANDER. Will the gentleman yield?

Mr. SAUNDERS of Virginia. Yes.

Mr. ALEXANDER. I call the gentleman's attention to section 3, where it says—

> There is hereby established a governmental control of necessaries——

Mr. SAUNDERS of Virginia. I have already read that as a part of the fundamental basis for the contention that this amendment is in order. I call the Chair's attention to the potent effect and meaning of the words cited by the gentleman from Missouri.

Looking further to section 9, we find that in express terms the President—and mark you, we are dealing with the President's power in this amendment—is authorized to secure these necessaries. This section affords the steps to that end. He is empowered to call on any man controlling these necessaries and require him to turn them over to the Government. Suppose the party in control declines to act on this request, what follows? The President is authorized to acquire the needed necessaries by the process of requisition and payment.

Any necessary may be secured in this manner, whether a feed, food, or fuel, or an article necessary for their production.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. SAUNDERS of Virginia. Yes.

Mr. LENROOT. I just want to know if I understood the gentleman correctly. Is it the gentleman's contention that this bill is not limited to foods, feeds, and fuel?

Mr. SAUNDERS of Virginia. It is limited to foods, feeds, and fuel, and those things that are related to the necessary production of foods, feeds, and fuel.

Mr. LENROOT. Articles required for that purpose.

Mr. SAUNDERS of Virginia. Absolutely; and I have tried to point out in that connection that alcohol is a fuel and therefore in itself a necessary.

Mr. LEVER. The gentleman will observe that the only reference to alcohol in section 13 is in its use as a food, and that no reference is made to its use for fuel purposes.

Mr. SAUNDERS of Virginia. I understand that perfectly well, and the same suggestion was made a moment ago by the Chair; but I submit that this suggestion is in no sense an answer to the contention that this amendment will be in order as a separate section. If this amendment is ruled out of order as an amendment to this section, it will be offered as a separate section. I am seeking to maintain two contentions in my argument, though strictly speaking at this time, there is only one proposition before the committee. In further reply to the suggestion of the gentleman from South Carolina [Mr. LEVER] I will say that section 13 does not give the President all of the authority that may be conferred upon him in connection with alcohol. It merely affords him a portion of the authority that can be exercised, and is afforded by preceding sections of the bill. My contention is that the committee can not restrain the Committee of the Whole House from enlarging the powers of the President under this section conformably to other sections of the bill, by conferring upon the President a limited allotment of the authority derived from and conferred by the antecedent sections. You can not restrain the House from going to the same source of authority, namely section 9, and deriving therefrom other appropriate powers to be exercised by, and conferred upon the President.

Mr. PADGETT. Mr. Chairman, will the gentleman yield?

Mr. SAUNDERS of Virginia. Certainly.

Mr. PADGETT. Section 13 relates to alcohol as a food, as suggested by the gentleman. This amendment relates to alcohol as a food by preserving the elements out of which alcohol is made?

Mr. SAUNDERS of Virginia. Absolutely.

Mr. PADGETT. Section 13 relates to alcohol as a food, and the amendment relates to alcohol as a food.

Mr. SAUNDERS of Virginia. As a food, and a fuel both.

Mr. PADGETT. And not as fuel only.

Mr. SAUNDERS of Virginia. The only reason that I have not developed that point at greater length is, as I have pointed out, that it has been fully discussed by the gentleman from North Carolina [Mr. WEBB], and I have been presenting as best I could another phase of the pending situation. I believe, Mr. Chairman, that I have concluded what I set out to say. I contend that without any reference whatever to this particular section, if this amendment is offered as a separate section to the bill, it will be in order, by virtue of sections 1, 3 and 9. I contend that if it is offered as an amendment to section 13, in spite of the suggestion of my friend from South Carolina, it will be in order, on the ground that it is derived from the sections which afford a most comprehensive grant of power. Section 13 rests upon the authority afforded by those sections. It is competent for this committee to tap the same source of authority and confer upon the President through the Webb amendment the further power which this amendment will lodge in the Executive. I maintain that this amendment being in order as an independent section by virtue of other sections of the bill, and dealing with alcohol and distilled spirits, it will be carrying the rule of germaneness to a hair-splitting extent, to hold that this amendment can not be attached to a section dealing with, and relating to the same subject matter of alcohol and distilled spirits.

Mr. LENROOT. Mr. Chairman, if this point of order should be overruled I expect to support the amendment, but no Member of the House, of course, ought to be guided upon a parliamentary question by his views with respect to the merits of the amendment, because it is more important that we have a uniform system of parliamentary law than to have it violated or abridged in a particular case, because in that particular case it is in accordance with our own particular views. With reference to this amendment it seems to me very clear that notwithstanding all that has been said, in its present form at least, the Chair would be compelled to sustain the point of order. I call the Chair's attention to the language of the amendment:

That the President is authorized, if in his opinion it is necessary to conserve necessaries, to commandeer any or all distilled spirits in bond at the date of the approval of this act for use——

Mr. SAUNDERS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. SAUNDERS of Virginia. That is not the amendment that is before the House.

Mr. BUTLER. Mr. Chairman, this is the amendment that the gentleman from North Carolina handed to me, but he had another one read, and in handing it to the gentleman from Wisconsin I did not mean to mislead the gentleman.

Mr. LENROOT. I have the copy here now. The point that I make is exactly the same in either case. I read:

may seem necessary to meet the requirements of the Government in the manufacture of munitions.

He is authorized to commandeer to that extent. Will any gentleman say that in the manufacture of munitions alcohol is either a food, a feed, or a fuel, or that so far as its being used in the manufacture of munitions is concerned it could conserve one pound of the food supply of the United States?

Mr. WEBB. That simply defines the limit to which the commandeering or requisitioning can go. That provides the amount of alcohol and distilled spirits that may be requisitioned.

Mr. LENROOT. That is true; but when the gentleman names it for the manufacture of munitions he makes it plain in his own amendment that to that extent it could not be for the conservation of necessaries.

Mr. WEBB. If you take the reverse of that, the conservation of food supplies is to be carried on to that extent, and that alone. If you had not put some limit, the amendment would permit the President to commandeer or requisition all alcoholic spirits in the United States.

Mr. LENROOT. No.

Mr. WEBB. The amendment only authorized the President to requisition an amount equal to that which is needed for the manufacture of munitions and for hospital use.

Mr. LENROOT. No; the amendment would be complete if it authorized the President to commandeer in so far as such use or redistillation would dispense with the necessity of utilizing products and materials suitable for food, and so forth. Then the amendment would have been complete, but when he says for the manufacture of munitions, it makes it plain upon its face that the purpose is not in part for the conservation of food, but is for a purpose entirely foreign to this bill.

Mr. SAUNDERS of Virginia. Will the gentleman yield?

Mr. LENROOT. I will.

Mr. SAUNDERS of Virginia. It is not limited to munitions, if the gentleman will read further.

Mr. LENROOT. I understand it is not limited to munitions, and no one knows better than the gentleman from Virginia——

Mr. SAUNDERS of Virginia. And other military purposes, and motor fuel is a military purpose.

Mr. LENROOT. And no one knows better than the gentleman from Virginia that if the proposed amendment shows that one provision is out of order and not germane the entire amendment falls to the ground.

Mr. DECKER. Will the gentleman yield?

Mr. LENROOT. I yield.

Mr. DECKER. Does the gentleman contend that by inserting the word "munitions" there that it does away with it being for the purpose of the conservation of food?

Mr. LENROOT. Yes; to that extent.

Mr. DECKER. Then let me ask a question in that connection. Suppose there are 100,000,000 gallons of alcohol in existence now and suppose for the sake of munitions next month we had to have 100,000,000 gallons of alcohol and we have just so much supply of material with which alcohol is made and if this Congress then provides you shall not use the food that people will need in the future but requisition the alcohol already in existence, does the gentleman contend that is not a conservation of food? [Applause.]

Mr. LENROOT. No. The proposition the gentleman now makes is later cared for completely in the amendment, that in so far as it is necessary to conserve food products, and so forth, utilized for making alcohol. This is found later in this amendment, but in addition to that he is authorized to commandeer for the purpose of making munitions which is neither food——

Mr. DECKER. But for the purpose of making munitions; the paramount purpose being to take away and prevent the use of food for the making of munitions.

Mr. LENROOT. The gentleman does not read the amendment.

Mr. DECKER. I listened to the gentleman when he read it.

Mr. LENROOT. I assume if we struck out munitions in this amendment that then you will confine it, if it can be in order at all, to what the gentleman now speaks of, if there are 100,000,000 gallons of alcohol that could be saved in that way that would to that extent conserve the food supply of the country; but Mr. Chairman——

Mr. BATHRICK. Will the gentleman yield?

Mr. LENROOT. I do not desire to take up too much time.

Mr. BATHRICK. Just for a question.

Mr. LENROOT. All right.

Mr. BATHRICK. This amendment calls for the use of these distilled spirits and alcohol for military purposes. Can not the gentleman conceive of a situation where the supply of

gasoline would fall down and require alcohol for a motor fuel? That would be fuel.

Mr. LENROOT. Certainly. I predicated my entire argument on the question of the manufacture of munitions which is not a fuel, as it would be in the case of which the gentleman from Ohio speaks.

Mr. GRAHAM of Pennsylvania. Will the gentleman yield?

Mr. LENROOT. For a question.

Mr. GRAHAM of Pennsylvania. Does not the very case that the gentleman from North Carolina cites cover the exact question that has been just addressed to the gentleman, that the amendment must be judged by its text and the text has declared its purpose to be for the manufacture of munitions?

Mr. LENROOT. Yes; and, Mr. Chairman, let me submit this proposition: If the Chair were to hold this amendment is in order, the Chair was in error when he ruled clothing out of this bill and ruled cotton out of this bill; and I think the Chair was correct when he did that, because it could have been argued just as directly that a cheap supply of warm clothing to the people of the United States would conserve the fuel supply of the United States, because it would require less fuel to keep them warm, and in the case of cotton that cheap cotton blankets would require less fuel; but certainly no one would have argued such an absurd proposition as that.

And furthermore, Mr. Chairman, upon this amendment, this amendment can not conserve the food supply unless out of this commandeering we will secure alcohol that can take the place of alcohol that would be directly secured from food products. Now, will this amendment do that? What does it do? It authorizes the President to commandeer for use by distillation of these distilled spirits. Suppose he does. Suppose he commandeers every gallon of whisky in the United States under this amendment? What can he do? Can he get alcohol out of it? Can he get alcohol used so as to save it? Not under this amendment, not under any law now upon the statute books. All he can do is to commandeer this 220,000,000 gallons of distilled spirits and keep it in store because there is no specific authority in this amendment for the President to go into the operation of redistillation. I do think it possible for the gentleman to frame his amendment in such a way; it might be in order, but I do submit in its present form it is not.

Mr. TOWNER. Mr. Chairman, I desire to say a word or two before the Chair passes upon this question, because I think it is an important one.

I have no doubt whatever that the Chair would be amply justified in holding that this amendment is germane to this particular section of the bill. It is not required in the rule that it should follow the specific objects and purposes that are stated in the section. That is not the purpose of the rule, and it is not the language of the rule. The language of the rule is that no motion, or proposition, or a subject different from that under consideration, shall be submitted under color of amendment. Now, I want to call the Chair's attention to the fact that this particular section as well as practically the whole of this bill is directed to the purpose of food conservation. I have no doubt but what that is the object and purpose of this particular section of the bill as originally drawn, and it provides that in order to save food products the President may order that no food products or grains shall be manufactured into alcohol.

Now, we have already in existence a large amount of alcohol in the United States, a large amount of distilled spirits in the United States, out of which the alcohol necessary for the Government can be procured, and the statement is made by the Government experts that they will probably use more alcohol than has ever before been manufactured in the United States, for munition purposes alone.

Mr. Chairman, is it possible that the Chair would hold that if in this particular section for the purpose of saving the grain, which is the object and purpose of this section, that you can not require and the Government can not use the alcohol and distilled spirits now in existence rather than requiring that the food supply should be made, as it can only be made, out of the grain that shall be grown in the United States? Why, Mr. Chairman, there could not be any more direct connection than there is between the object and purpose of the amendment and the object and purpose of this particular paragraph of the bill.

What will be the actual result of it? We will say a hundred million bushels of grain will be required to furnish the Government of the United States alcohol that it uses and must have. Now, there is in existence alcohol and distilled spirits sufficient to furnish the Government with 100,000,000 bushels equivalent in alcohol. It can take that alcohol and distilled spirits without touching a single bushel of grain in the United States. Does the Chair hold that that will not be a conservation of the food products of the United States? Will the Chair hold that that is not in consonance with the object and purpose of that particular section of this bill? It seems to me it is not necessary for the Chair to go very far afield to find this almost necessary connection.

I want to call the Chair's attention to the fact that until recently it has not been held that it was requisite that an amendment should pertain to the particular section of the bill. That is now the rule. But it has not been the rule always. It is only recently, for practical purposes, that it has been established. And I call the Chair's attention to the fact that whenever there can be even a slight connection between the object of the particular section and the amendment that is offered the Chair will hold that it is a pertinent amendment to the bill and germane.

I would like to call the Chair's attention to one very distinctive case, No. 5839 of Hinds' Precedents. This was a joint resolution introduced in the House of Representatives giving an expression of sympathy with the persecuted Christians in Turkey, and to that which was stated clearly in the language of the resolution, Mr. William T. Hepburn, of Iowa, offered the following amendment:

> That for the purpose of emphasizing our protest against the murders and outrages above recited the President is directed to furnish the Turkish minister his dismissal as a representative of the Sultan at this Capital and to at once terminate all diplomatic relations with the Government of Turkey.

And Mr. Speaker Reed held that that was a germane amendment, because it related to the substance of the resolution.

Now, Mr. Chairman, in this case, I judge that the Chair is not going to seek for reasons to defeat an amendment of this kind. I do not think he would call up in his imaginations reasons why it should be stricken out of this bill. If it can serve, as it must serve, the great and useful purpose of placing in the hands of the Government the right to obtain for its own purposes millions of dollars' worth of alcohol that it must use in the manufacture of munitions, without taking a single bushel of the grain products necessary to feed the Nation, certainly the Chair will not go far to see that such a laudable object as that shall be accomplished. [Cries of "Rule!" "Rule!"]

Mr. SAUNDERS of Virginia. Mr. Chairman, I just want to call the Chair's attention to one particular proposition. The gentleman from Wisconsin [Mr. LENROOT] said that this amendment would not be operative to furnish the Government with any alcohol, because it did not afford any power of redistillation in the hands of the President. We covered that by section 9, which gives the power to the President to redistill if he chooses to do so. This simply affords raw material, spirits, and under section 9 you have the right to redistill.

The CHAIRMAN. The Chair is ready to rule.

The Chair does not fail to appreciate the importance of this matter and desires publicly to thank the gentleman from North Carolina [Mr. WEBB] for calling his attention, on yesterday, to the fact that he was going to introduce an amendment somewhat similar to the amendment which he has now introduced; and the Chair took advantage of that notice, and looked up the question, and desires to ask the committee to bear with him a moment, because he has reduced to writing some of the views which he desired to submit on this proposition.

Experience as old as civilization itself has taught the lesson that in order for an aggregation of individuals to reach a common conclusion on any proposition that some system of orderly procedure must be followed. And that that system must have the elements of permanency—not one to be varied from—and administered in a way to suit the whims of those charged with its administration.

Parliamentary law, somewhat like the common law, is largely the result of the experiences and wisdom of men who have lived and wrought so nobly in the past that we might, by reason of their experiences, accomplish even more than they, for the welfare of ourselves and the generations that will follow us.

From time to time there have been added, as experience showed the meaning, certain written rules which are to govern us in the transaction of our business; and, weak indeed, ah! even contemptible, is the man whose duty it is to administer these rules who will permit his individual opinion of the merits of a particular proposition to influence his decision upon a proposition of parliamentary law. Now, having said that much, let us see what we have before us at this time; what is the proposition upon which the Chair is now called upon to rule?

The gentleman from North Carolina [Mr. WEBB] offers the following amendment to section 13 of the pending bill:

> At the end of the section add the following: "that in order"—

And so forth.

To this amendment the gentleman from South Carolina [Mr. LEVER] interposes a point of order on the grounds that the amendment is not germane, in that it proposed to introduce into the bill a subject different from those now in the bill, and that it proposes to impose upon the President authority and duties to do certain things of a character different from those things provided for in the bill. If the contention of the gentleman from South Carolina is correct, then, of course, the point of order must be sustained on authority of section 7, of Rule 16, of the Manual of Parliamentary Law and the Rules and Practice of the Houses of Representatives, which, of course, are binding upon the Chair.

The Chair does not hesitate to say that he is entirely in sympathy with the purpose of the amendment, and if his only guide to a decision of this point of order could be his feelings as to the desirability of the things to be accomplished by the amendment, he would find it easy to overrule the point of order. But the Chair realizes that in passing upon this point of order he must be governed entirely by his conception of his duty under the rules of the House and a due and respectful deference to the precedents set by men much abler than himself who have passed upon similar propositions. For the Chair to do otherwise he would stultify, and therefore despise, himself. Therefore the Chair shall decide this matter as he believes he should, under the rules of the House, and shall invite the judgment of the committee on the correctness of his ruling.

At the very beginning let this well-settled rule of procedure be fully understood. A committee reporting a bill may embrace in it as many different subjects as it may choose, but after the bill has been reported to the House no different subject can be introduced into it by amendment, whether as a substitute or otherwise. This general proposition conforms not only to a long line of precedents made by eminent Speakers, but chairmen as well, but conforms strictly to the provisions of section 7, of Rule XVI, which is binding in this committee until repealed.

Section 7 of Rule XVI reads, as follows:

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

Now, this amendment is offered to section 13 of the bill. If the amendment seeks to introduce into the bill a subject different to that or those provided for in section 13, then it must go out on a point of order. If not, the point of order must be overruled.

Let us see what the amendment provides for:

That the President is authorized, if in his opinion it is necessary to conserve necessaries, to require any person having control of alcohol and distilled spirits to turn over to the Government for use or redistillation such proportion of said alcohol or spirits as the President may deem necessary to meet the requirements of the Government in the manufacture of munitions and other military and hospital supplies, or in so far as the use or redistillation would dispense with the necessity of utilizing products and materials suitable for food and feeds in the future manufacture of alcoholic or distilled spirits for the purposes herein enumerated.

It then provides that upon the failure of any person to comply with this provision the President may take charge and requisition all alcohol and distilled spirits and require them to be turned over to him and to pay for them for the purpose of redistillation, but no authority is given to carry out that purpose.

Now, let us see what section 13 is, to which this amendment is offered. The Chair asked the gentleman from North Carolina [Mr. WEBB] when he offered the amendment whether he offered it to section 13 or as a new section to the bill. He said he offered it to section 13. Now, section 13 provides—

That whenever the President shall find that limitation, regulation, or prohibition of the use of foods, food materials, or feeds in the production of alcohol or of alcoholic or nonalcoholic beverages, or such nonalcoholic beverages as he shall determine, or that reduction of the alcoholic content of any beverage, is essential, in order to assure an adequate and continuous supply of food, he is authorized, from time to time, to prescribe and give public notice of the extent of the limitation, regulation, prohibition, or reduction so necessitated.

He may prescribe what? The extent of limitation in the use of food for that purpose, the regulation in the use of food material for that purpose, the absolute prohibition of the use of food material for that purpose, or a reduction of the food or food material used for that purpose.

Now, that is all the authority the President has in regard to food or feed material set out in section 13. Gentlemen will not overlook that very well-established principle laid down in the precedents. I quote now, just briefly, from section 5825 of Hinds' Precedents, when the Chair, Mr. Carlisle, of Kentucky, rendered the opinion. He said:

The rules do not prohibit a committee reporting a bill from embracing in it as many different subjects as it may choose; but after the bill has been reported to the House no different subject can be introduced into it by amendment, whether as a substitute or otherwise. * * * This is the test of admissibility prescribed by the express language of the rule; and if the Chair, upon examination of the rule under consideration and the proposed amendment, shall be of opinion that they do not relate to the same subject, he is bound to sustain the objection and exclude the amendment, subject, of course, to the revisory power of the Committee of the Whole on appeal.

Now, the Chair does not hesitate to say that personally he is entirely in sympathy with the purpose of this amendment, and if in order the Chair would not hesitate for a moment to vote for it. But the Chair can not let that fact influence him in passing on the point of order. The rules of the House have been adopted for the orderly procedure of this House, and they are not only binding upon the Chair but also upon the membership of the House.

Now, the Chair does not believe in passing upon the question whether it would be germane to the bill if offered as a separate section; the Chair is not passing upon that question now. But he can not believe that it is germane to section 13. There is a long line of decisions, beginning with the Forty-fifth Congress, holding that an amendment should be germane to the particular paragraph or section to which it is offered, and then following that is a long line of decisions that, so far as the present occupant of the Chair knows, have never been questioned.

The Chair can not reach the conclusion that the things provided for in the Webb amendment come within the designated authority given to the President in section 13. The Chair again repeats that he is not saying that if offered as a new section to the bill it might not be in order; but when offered to section 13, the Chair does not believe it germane, and therefore sustains the point of order.

Mr. HOWARD. Mr. Chairman, I offer a substitute for section 13, to strike out and insert.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. HOWARD: Page 15, line 4, strike out all of section 13 and insert the following:

"SEC. 13. That the President is hereby authorized to limit, regulate, or prohibit the use of food, food materials, or feeds in the production of alcohol or of alcoholic or nonalcoholic beverages whenever in his judgment such prohibition, limitation, or regulation of such food, food materials, or feeds is essential in order to assure an adequate and continuous supply of food, which said prohibition, limitation, or regulation shall be made manifest by the proclamation of the President, and after the issuance of such proclamation it shall be unlawful for any person, firm, or corporation to use any such food, food materials, or feeds in the manufacture of alcohol, alcoholic or nonalcoholic beverages. That in order to further assure an adequate and continuous supply of food no grain or other food products shall be used for the manufacture of alcohol for governmental purposes until all distilled spirits now in the possession of the United States Government in bonded warehouses shall have been redistilled for the purpose of extracting such alcohol as the necessities of the Government may require for the conduct of the war: *Provided*, That all such distilled spirits so taken over by the Government shall be paid for at a reasonable price to be fixed by the President. Any person who willfully violates the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than $500 nor more than $5,000 or by imprisonment for not less than one nor more than two years, or both."

Mr. LEVER. Mr. Chairman, I make the point of order against that amendment that it is not germane. I would like to have the gentleman from Georgia argue the other end of it for a moment, because he has handed me another amendment, which I have not had an opportunity to examine.

Mr. HOWARD. That was the left-hand barrel of the gun that I handed to him.

Mr. LEVER. If the gentleman will shoot the right-hand barrel, I will look at this other one. [Laughter.]

Mr. HOWARD. I presume that the Chair very clearly sees——

SEVERAL MEMBERS. Rule! Rule!

Mr. HOWARD. I think the House is usually fair enough to let a man present what he believes to be an intelligent distinction.

The CHAIRMAN. The Chair will hear the gentleman briefly on the point of order.

Mr. HOWARD. My colleagues are generally very courteous to me, and I do not want to be snapshotted in the brush without giving me a fair fly for my rights.

The CHAIRMAN. The Chair will give the gentleman a fair hearing.

Mr. HOWARD. There is a very clear, clean-cut distinction in the amendment I have offered, which is to strike out and insert, carrying out all of the purposes of the gentleman from South Carolina, and then in addition to carrying out the purposes of the gentleman from South Carolina as a conservation measure I go further and render him material assistance in conserving to the people of the United States some 60,000,000 bushels of grain.

The CHAIRMAN. Will the gentleman let the Chair ask him a question about this?

Mr. HOWARD. Yes.

The CHAIRMAN. The gentleman understands that his amendment is to strike out and insert a new section 13, which is tantamount to offering an amendment to section 13, is it not?

Mr. HOWARD. Yes.

The CHAIRMAN. And it must therefore be germane.

Mr. HOWARD. Surely.

The CHAIRMAN. Now, does the gentleman also understand that one portion of his amendment authorizes the President to do certain things and the next section instructs him to do certain things?

Mr. HOWARD. Well, why can we not instruct the President to do anything where we are vesting him with administrative powers? It is all through this bill. Will the Chair please point out to me where the instruction is given to the President?

The CHAIRMAN. The Chair has only read it very hurriedly.

Mr. HOWARD. There is not one instruction which is given to the President of the United States. It might be directed to the Surgeon General of the Navy or the Secretary of the Navy or the Secretary of War. Here is what it says. It says that before the Government can manufacture alcohol for governmental purposes it must first take over that which it now has in its possession; not in the possession of somebody else, but in the possession of the Government itself. It has physical, corporeal possession of it, and it directs that he, the President, must use up and redistill the alcohol which it has in its possession before it can engage in the manufacture of alcohol out of new grain. That is conservation, not prohibition.

The CHAIRMAN. The first part of the gentleman's amendment authorizes the President to limit, regulate, and prohibit the use, and so forth.

Mr. HOWARD. That is in conformity with the section as it is now written.

The CHAIRMAN. Absolutely.

Mr. HOWARD. Verbatim et literatim.

The CHAIRMAN. The gentleman's amendment reads—

That, in order to further assure an adequate and continuous supply of food, no grain or other food products shall be used for the manufacture of alcohol for governmental purposes until all distilled spirits now in the possession of the United States Government in bonded warehouses shall have been redistilled.

There you take from the President his discretion.

Mr. HOWARD. Yes; that it shall be used, not until a certain thing is done, to wit, the use of that supply of alcohol which is now in existence, and already in possession of the Government, for which grain has already been used; that the Government shall not engage in the manufacture of alcohol until that which it has in its possession has been redistilled. If that is not conservation, I do not know what it is. It is not in conflict with the ruling of the Chair a moment ago. The Chair ruled on it because all sorts of things were enumerated in it—munitions and things of that character. If the Chair will read the section as it is written in the bill, and will read the substitute that I have offered for it, the Chair will see that I have employed practically the identical language; and, then, I say that to further conserve the grain supply and to make sure an adequate supply of grain——

The CHAIRMAN. The Chair thinks that perhaps he got hold of the gentleman's left bower. The Chair had handed to him the wrong amendment awhile ago.

Mr. HOWARD. I thought the Chair had, from what the Chair said.

The CHAIRMAN. The Chair was reading from an amendment which the gentleman from Georgia handed to him, but it seems not to be the one that was read from the desk.

Mr. MEEKER. I ask unanimous consent that the Chair, for the benefit of the gentleman from Georgia, read the amendment which is under consideration.

The CHAIRMAN. The gentleman from Georgia is arguing the amendment that is under consideration. The Chair had another amendment, but he has the right one now.

Mr. HOWARD. If the gentleman from Missouri [Mr. MEEKER] will just maintain his equilibrium for a few minutes, then he can reply to the parliamentary situation. I will wait until the Chair reads my amendment, because I am sure he will then hold it in order.

The CHAIRMAN. The gentleman may proceed.

Mr. HOWARD. If the Chair will notice, about the middle of the amendment, at the end of the line, the change from the language of the bill made by my amendment starts out—

That, in order to further assure an adequate and continuous supply of food, no grain or other food products shall be used for the manufacture of alcohol for governmental purposes until all distilled spirits now in the possession of the United States Government in bonded warehouses shall have been redistilled for the purpose of extracting such alcohol as the necessities of the Government may require for the conduct of the war.

Now, what does that do? What is the object of that language? The object of that language is to conserve grain and food—blackstrap molasses and things from which alcohol is extracted. That is the sole purpose of it. There is not a word in this whole amendment about prohibition, the sale of liquor, or the amount that anybody can drink if he can get hold of it. It is purely and simply the conservation of a supply of alcohol that the Government now has in its possession. In other words, as I stated to the gentleman from North Carolina [Mr. WEBB], when he was good enough to permit an interruption, the real object of it is to save the grain that would have been necessary to manufacture the alcohol that the Government may need, which it would have been necessary to manufacture out of new grain, while we have a supply from which it can be made, in the making of which the grain has already been used.

It is undoubtedly in order, and I submit that it is germane to this bill, it is germane to the section, and it is in order on that section because it is purely and simply a conservation measure. I would like for the Chair to hear from the gentleman from South Carolina on that proposition, because I feel that he is too good a parliamentarian to take issue with me on that proposition. I hope he will accept the amendment.

Mr. LEVER. Mr. Chairman, just one minute on the point of order. The Chair will observe that section 13 provides that the President may make certain limitations, regulations, or prohibitions in reference to the use of foods and feeds in the production of alcoholic or nonalcoholic beverages. The amendment of the gentleman from Georgia in some parts follows the language of section 13, but there is this provision in the gentleman's amendment which makes it subject to a point of order, in my judgment, and I will read it:

That in order to further assure an adequate and continuous supply of food, no grain or other food products shall be used for the manufacture of alcohol for governmental purposes until all distilled spirits now in the possession of the United States Government in bonded warehouses shall have been redistilled for the purpose of extracting such alcohol as the necessities of the Government may require for the conduct of the war.

And then further:

Provided, That all such distilled spirits so taken over by the Government shall be paid for at a reasonable price, to be fixed by the President.

Now, let us see what the situation is. The bill provides that the President, in his discretion, may fix such limitations, regulations, or prohibitions upon the use of feeds and foods in the manufacture of alcoholic and nonalcoholic beverages as he may see fit. There is no limitation on his discretion at all; it is a discretion as wide as the President may desire to use. The gentleman's amendment proposes not that he shall exercise any discretion, but that he must do certain things, namely, he must distill into fuel or alcohol, I take it, practically all the alcohol in the bonded warehouses in the United States. That in itself in my judgment brings the amendment of the gentleman under the inhibition of the rule of germaneness.

But, in addition to that, the gentleman's amendment has in it the same vice that was in the amendment offered by the gentleman from North Carolina, namely, that it proposes, without saying so, to requisition all the whisky of this country and to pay for it at prices fixed by the President. If the Chair was right in his ruling on the other amendment, the Chair must hold that this amendment is also out of order.

Now, I desire to say this: That I am trying to preserve the integrity of this bill. I am as much of a prohibitionist as the gentleman from Georgia or my good friend from North Carolina, and I am inclined to think that if these amendments had come from the proper committee they might have received my support, but it is my duty as chairman of the Committee on Agriculture, regardless of what the country may think, to stand by that which my committee has told me to stand by. I therefore insist on the point of order.

Mr. DECKER. Mr. Chairman, I am glad the distinguished gentleman from South Carolina made the statement that he did in his closing sentence, for I have been at a loss to understand upon what theory or logic or reason he has been standing as he has. He tells us now that it is mainly because it was not brought out by his committee.

Mr. LEVER. Oh, no; not at all; I did not make any such statement. I make the statement that these amendments have not been considered by any committee of Congress; they have been brought before the House for consideration in the Committee of the Whole, without coming from a committee, and are absolutely not germane to this proposition. [Applause.]

Mr. DECKER. The fact that they have never been heard of before has nothing to do with the germaneness. Now, Mr. Chairman, let me say to you, sir, that the question of germane-

ness does not require a Philadelphia lawyer, or some man who has been in Congress for 40 years, to determine. There are some things as plain to one man as to another. The word "germane" is a common word in the English language, and there is nothing prolix or profound in this rule of the House. You may not believe in prohibition, you may not believe in the doing away with alcohol to conserve the food of this country, but how any intelligent man understanding the English language can hold that this amendment is not germane to the subject I can not understand. Let us see what the purpose of the bill is as advocated by the committee in section 13. You talk about munitions, as the gentleman from Wisconsin talks, you can talk about hospital supplies, or you can talk about any other proposition in it, but any man who can read knows that the primary object, the paramount object, in section 13 is the conservation of food. It matters not whether you conserve the food by the exercise of the war power or whether you use the right of purchase, the primary purpose is the conservation of food, and no man can deny it.

Now, Mr. Chairman, let me say to the chairman of the committee, what is the purpose and how far does your section go? Your section provides for the limiting of the use of liquor in the future and nothing else. In other words, you authorize the President to say to the country, "You shall not take the wheat and the corn and the barley of this country and make alcohol of it.

Mr. LEVER. What does this amendment do?

Mr. DECKER. That is just what I am coming to.

The CHAIRMAN. The Chair is ready to rule. The Chair thinks that this amendment comes under the ban of the same rule that the other amendment does, because, being offered to section 13 as it is, in the way of a substitute, of course it must be germane to that section. The Chair will not elaborate upon that further, but he desires to call the attention of the committee to the fact that this particular amendment, the Chair thinks, falls within another provision of the rules which renders it out of order. The first portion of the amendment authorizes the President to do certain things. The last portion of it directs him to do certain things. Different chairmen of Committees of the Whole, as well as Speakers, have held amendments drawn in that shape to be out of order as not germane. Section 5804 of Hinds' Precedents states that an amendment which would have changed a resolution of inquiry to one of instruction was held not to be germane. In that case a resolution of inquiry requested the President to furnish the House with such information as in his judgment was not incompatible with the public service in regard to the arrest and confinement of certain American citizens in British prisons. An amendment was offered directing him to request and insist upon the release of these men under habeas corpus. In other words, an original proposition that vested in the President discretion the amendment changed to one of a mandatory nature, taking from him all discretion.

Mr. HOWARD. Mr. Chairman, will the Chair permit an interruption there?

The CHAIRMAN. Yes.

Mr. HOWARD. That has been the rule in this House since this has been a Congress, but that is because to answer those resolutions of inquiry of the Executive may be against public policy. The President is left that wide discretion on that account. I have read every one of those decisions. I call the attention of the Chair to the fact that every one of the precedents in Hinds' Precedents that I have run across, and I looked over all of them, go to the point that I have just made, that the reason you can not compel him to reply is because it may be incompatible with public policy.

The CHAIRMAN. The Chair will call the attention of the gentleman to section 5850 of Hinds' Precedents, where a bill authorized the Court of Claims to adjudicate a claim, and an amendment provided for the payment of the claim outright, and that was held to be not germane, because in one case they were authorized to do a certain thing and in the other case to absolutely do a certain other thing. The Chair thinks that is very clear. The Chair will say to the gentleman from Georgia that he would be delighted to hold his amendment in order if he could do it under the rules, and it seems to the Chair that it ought to be possible to have an amendment so drawn that will come within the rule covering this proposition. The Chair, however, does not think the gentleman's amendment comes within the rule.

Mr. HOWARD. Will the Chair be good enough to point out wherein the amendment is not germane?

The CHAIRMAN. The Chair has been very unfortunate if he has not already done that. The point of order is sustained.

Mr. THOMPSON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Strike out section 13 and insert in lieu thereof the following:

"That it shall be unlawful for any person, firm, corporation, partnership, or association to use any necessaries in the manufacture of intoxicating liquors for beverage purposes. The Secretary of the Treasury is hereby authorized to issue a permit to any reputable and properly qualified person, firm, corporation, partnership, or association to manufacture alcohol from any such necessaries for munitions or any other purpose necessary to carry on the war, or intoxicating liquors for industrial, scientific, medicinal, or sacramental purposes under such rules and regulations as the Secretary of the Treasury may prescribe.

"Any person, firm, corporation, partnership, or association who shall violate the provisions of this section shall be punished by a fine not exceeding $5,000 or by imprisonment at hard labor not exceeding one year, or both."

Mr. LEVER. Mr. Chairman, I make the point of order that that amendment is not germane. I do not care to argue it.

The CHAIRMAN. Does the gentleman from Oklahoma desire to be heard upon the point of order?

Mr. THOMPSON. Mr. Chairman, if the Chair has an idea that that is not in order, I would like to know upon what theory it is not in order?

The CHAIRMAN. It is the duty of the gentleman offering the amendment to advise the Chair upon what theory it is in order.

Mr. THOMPSON. The theory upon which I think it is in order is that it is a food-conservation proposition. This is a food-conservation bill, and if we are preparing a food-conservation bill, then any proposition involved in the bill that conserves the food of the country would be in order in the consideration of the bill.

Mr. MONDELL. Mr. Chairman, the amendment in my opinion is clearly in order and for this very simple reason: The section authorizes the President of the United States when he shall deem wise to limit, regulate, or prohibit the use of necessaries in the manufacture of alcohol or alcoholic beverages. Whatever power Congress can confer upon the President, it can certainly exercise on its own motion, and the amendment proposes that Congress shall prohibit what the paragraph provides the President may prohibit. If that is not in order, then nothing could be drawn that would be in order if it was not in the exact language of the paragraph as it stands. If we have authority, as we undoubtedly have, to authorize the President to prohibit the use of these articles in the manufacture of alcohol or alcoholic beverages, certainly we have the power to declare that prohibition directly, as is proposed in this amendment.

The CHAIRMAN. The Chair thinks this amendment can not possibly be held in order. The fact that the bill provides for conservation of foodstuffs does not mean that everything which relates to food can be offered as an amendment and especially to this section. In the first place the section, the Chair repeats, gives the President permission, if he wants to do it, to do certain things only, to wit, to limit, reduce, prohibit the use of food materials in the manufacture of intoxicating liquors. Now, this amendment makes it unlawful for any person, regardless of the President's opinion about it, any person, firm, corporation, or association to use any necessaries in the manufacture of intoxicating liquors, and then gives to the Secretary of the Treasury authority to issue a license to certain people under certain circumstances. That comes within the inhibition of section 5891, to which the Chair's attention has been called.

To a proposition from the appointment of a select committee to investigate a certain subject, an amendment proposing an inquiry by the Executive on that subject was held not to be germane.

So the Chair thinks the amendment is not in order.

Mr. THOMPSON. Does the Chair rule it is out of order because it says the Secretary of the Treasury——

The CHAIRMAN. That is one reason, and then there are other reasons to which the Chair has referred.

Mr. THOMPSON. I would be very glad to strike it out if the Chair puts it on that ground, but if he does not put it on that ground——

The CHAIRMAN. The Chair has passed upon the question. If the gentleman wants to frame another amendment that will eliminate that portion of his present amendment, he can do so.

Mr. THOMPSON. I desire to appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Oklahoma appeals from the decision of the Chair. Those who believe that the decision of the Chair shall stand as the decision of the committee will rise and stand until counted.

The question was taken, and there were—ayes 152, noes 51.

[Applause.]

So the decision of the Chair stood as the decision of the committee.

Mr. WEBB. Mr. Chairman, I desire to offer, if it is in order, a section to be known as section 13a.

Mr. HOWARD. Mr. Chairman, I make the point of order that until section 13 is disposed of it is not in order to introduce a new section.

Mr. WEBB. Then I will give notice that I will offer that as an amendment.

Mr. HOWARD. I make the point of order that it can not be done under the parliamentary proceedings of this body.

The CHAIRMAN. The point of the gentleman from Georgia is well taken.

Mr. HOWARD. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. HOWARD: Page 15, line 4, strike out all of section 13 and insert the following:

"That the President is hereby authorized to limit, regulate, or prohibit the use of grain or food materials in the production of alcohol or of alcoholic or nonalcoholic beverages in order to assure an adequate and continuous supply of food, which authority shall be made manifest by proclamation and shall remain in full force and effect until revoked by the President; that after the issuance of such proclamation aforesaid it shall be unlawful for any person, firm, or corporation to use in any manner any grain or other food product in the manufacture of any alcoholic beverage in which any grain or food product has been used, which contains in excess of 3 per cent alcoholic content.

"Any person who willfully violates the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than $500 nor more than $5,000 or by imprisonment for not less than one nor more than two years, or both."

Mr. LEVER. Mr. Chairman, I reserve a point of order until I can read the amendment.

Mr. HOWARD. Mr. Chairman, the effect of this amendment is simply this: I would like to call the particular attention of the Chair to it. Under section 13, as originally drawn, this House or committee, I know unintentionally, has given to the Whisky Trust of the United States an absolute monopoly during the pendency of this war in the sale of its own alcoholic beverages to the exclusion of every other that has been made. If section 13 without that provision goes into effect, within five months after the date that that bill is signed by the President of the United States every man in this Nation who wants to appease the appetite he has for alcoholic beverages will be forced to take a drink of whisky, and what will be the result?

The 3,000,000 gallons of liquor that are now in the bonded warehouses of this country and the 1,500,000 gallons in the hands of the wholesalers and retailers of the country will immediately enhance in value to twice or three times its present value and they will have a monopoly on the alcoholic-liquor traffic in this Nation during the pendency of this war. It is an outrage——

Mr. SLAYDEN. Will the gentleman permit a question?

Mr. HOWARD. Not right now.

It is an outrage to force the workingmen of this country to drink liquor and make them less efficient. They want a less harmful product. They want a glass of beer; and if, when they want the beer, you hand them a glass of liquor, you will create more drunkards in the United States, if this section 13 is passed, in three years than we have made in a decade in this Nation. What we need is not a stronger stimulant, to be bought generally by the people of this country, but no stimulant during this war. We want sober men to fight this war and to transact the business of this Nation during the war. But if you can not do that, for God's sake and for the sake of the American Nation, do not create seven or eight or ten million drunkards during the war by forcing them to acquire the drink habit by drinking ardent spirits instead of malt liquors.

I would cut out the whole demoralizing business, if I could, during this war and after the war. But every man who votes for section 13 without this amendment on it votes to give the Liquor Trust of this country an absolute monopoly. If you pass section 13 in its present form, you will take probably three or four hundred thousand dollars' worth of liquor and make it worth three or four million dollars. You not only legislate men into great wealth but you legislate your Nation into pollution by creating a crowd of drunkards. And I maintain that, in view of all the rulings the Chair has made on this prohibition question the amendment is germane, in order, and is simply a limitation on section 13.

The CHAIRMAN. The Chair is ready to rule. The Chair thinks the amendment is not germane to this section 13, and therefore sustains the point of order.

Mr. COOPER of Ohio. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. COOPER of Ohio: Page 15, strike out all of section 13, down to and including the word "notice," in line 21, and insert in lieu thereof the following:

"For the purpose of further conserving food and foodstuffs during the continuation of the war with Germany, the use of foods, food materials, or feeds in the manufacture of alcohol or alcoholic beverages is hereby prohibited: *Provided, however,* That nothing in this section shall be construed to prevent the manufacture of alcohol, alcoholic liquors, or alcoholic beverages for scientific, commercial, or medicinal purposes."

Mr. LEVER. Mr. Chairman, I make the point of order against the amendment on the ground that it is not germane.

The CHAIRMAN. The point of order is sustained.

Mr. BARKLEY. Mr. Chairman, I move to strike out all of section 13, down to and including the word "unrevoked," in line 14, and strike out the word "after," in line 14, and all of line 15, down to and including the word "notice"; strike out the words "except in," in line 17, and all of lines 18, 19, 20, and 21, down to and including the word "notice," so that it will read as follows:

No person shall use any foods, food materials, or feeds in the production of alcohol or of alcoholic or nonalcoholic beverages. Any person who willfully violates this section shall, upon conviction thereof, be punished by a fine not exceeding $5,000 or by imprisonment for not more than two years, or both.

Mr. LEVER. Mr. Chairman, I make the point of order against that amendment.

The CHAIRMAN. The Chair thinks that it is in order, inasmuch as it simply strikes out certain words in the section, and therefore overrules the point of order.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto shall close in 10 minutes, the gentleman from Kentucky [Mr. BARKLEY] to have 5 minutes and I to have 5 minutes.

The CHAIRMAN. The gentleman asks unanimous consent that all debate on this amendment and amendments thereto shall close in 10 minutes. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Kentucky [Mr. BARKLEY] is recognized.

Mr. BARKLEY. Mr. Chairman, the effect of the amendment which I have offered is to leave in section 13 of the bill as reported only that language which will accomplish the purpose which we desire, to wit, prohibit the use of foods, food materials, or feeds in the manufacture of alcohol or alcoholic liquors for beverage purposes. After striking out the language which I have indicated, the section would read as follows:

No person shall use any foods, food materials, or feeds in the production of alcohol or alcoholic beverages. Any person who willfully violates this section shall, upon conviction thereof, be punished by fine not exceeding $5,000 or by imprisonment for not more than two years, or both.

Various efforts have been made here to-day to strike out the section and insert in lieu of it language designed to accomplish the purpose of stopping the use of foodstuffs in making intoxicating liquors. They have all been stricken out on points of order. The amendment which I have offered seeks to accomplish this end by striking out certain language and leaving in the section the language which I have read, which accomplishes the purpose which we desire. The effect of this amendment will be to make it unlawful for any person, during the continuation of the war or during the operation of this act, to use any foods, food materials, or feeds in the production of alcoholic beverages.

Mr. COX. Will the gentleman yield?

Mr. BARKLEY. I yield to my friend from Indiana.

Mr. COX. Would the gentleman's amendment preclude the manufacture of alcohol for medicinal purposes or to be used in the arts or sciences?

Mr. BARKLEY. As it remains now I think it would. There is sufficient alcohol already in existence, which may be redistilled from liquors already made under the amendment offered by the gentleman from North Carolina [Mr. WEBB] to meet the needs of medicine and other legitimate purposes for a long time. The Chair has indicated that he would hold the Webb amendment in order if offered as a separate section. This would make possible the redistillation of all alcoholic liquor now in existence for industrial, scientific, or medicinal purposes.

Mr. COX. I am very glad to hear the gentleman make that statement. I am for his amendment.

Mr. BARKLEY. I will say to the gentleman from Indiana that I have no desire to stop the manufacture of alcohol for legitimate purposes, such as making munitions or for industrial, scientific, medicinal, or sacramental purposes, and if this amendment is adopted I shall then offer another amendment covering its manufacture for those purposes. By the adoption of my present amendment and by the adoption of the later amendment to be offered by Mr. WEBB, we will prevent the future manufacture of alcoholic liquors for beverage purposes and pro-

vide for redistilling the liquor now on hand into pure alcohol for use in legitimate industry or in the arts and sciences.

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. I will.

Mr. MEEKER. After the supply that the Government now has on hand is exhausted, if this amendment were adopted, this would absolutely stop the manufacture of alcohol for munitions or other governmental purposes? After the present supply is exhausted the Government could not make any more?

Mr. BARKLEY. I will say to the gentleman that Congress will be in session and be able to take care of any such situation, if it should arise by reason of the exhaustion of the supply of alcohol on hand. However, as I have already stated, I expect to offer another amendment permitting the manufacture of alcohol for governmental, industrial, scientific, medicinal, or sacramental purposes, which will cure the situation he has in mind. I can not offer that amendment until the present amendment is adopted, because I am simply moving now to strike out certain words without inserting any new words; but if the present amendment is adopted, I can then move to insert any new words that will be germane to the section as it remains.

Mr. KAHN. Under the gentleman's amendment would it be possible to manufacture cider out of apples or wine out of grapes?

Mr. BARKLEY. Well, if it were an alcoholic liquor within the meaning of the bill, of course it could not be manufactured. If it were not allowed to become fermented, I do not think it would be prohibited. I should think sweet cider or unfermented wines could still be made. The gentleman is a lawyer and knows how to construe language perhaps as well as I do.

Now, Mr. Chairman, there never was a better time in the history of Congress, and there will not be in the future any better opportunity than now, to enact a law expressing the desire of Congress with respect to the manufacture of alcoholic liquors. This is a food-conservation bill. We are attempting to provide against a food shortage in this country and in the countries with which we are associated in this war. It is certainly our duty to stop the useless waste of foods and food materials in the manufacture of intoxicating liquors, which do not strengthen but seriously weaken the Nation morally, physically, and financially.

Mr. CALDWELL. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. I will.

Mr. CALDWELL. If the amendment that the gentleman proposes is enacted into law, is there anything to prevent our shipping food products to Canada and having them there made into liquor and then be as wet as we want to be?

Mr. BARKLEY. Oh, I do not know how wet that would be. Answering the gentleman, there is no provision in this bill that would prevent that, if somebody was unpatriotic enough to want to do it. But the gentleman knows that we can not legislate upon what shall be permitted in Canada, and, knowing the loyalty and devotion of Canada to the interests of those who are now fighting together to destroy autocracy in the world, I have no fear that she would permit such a perversion of the common desires of both countries. [Applause.]

If Congress desires to stop the waste of millions of dollars worth of foods in the manufacture of liquor, it ought to adopt the amendment which I have offered. Why is it necessary or wise for Congress to try to unload this responsibility on the President? He is already overburdened with cares such as no man in our generation has had to bear. I am willing to accept my share of the responsibility for passing this law as now proposed, and I am confident that if this House shall register its real sentiments upon the subject it will be adopted. [Applause.]

What will it mean in the matter of food conservation to prevent its use in making intoxicating liquors? I desire to call attention to the following report of a noted committee of economists upon the amount of foodstuffs used in liquor:

According to the report of the Commissioner of Internal Revenue for the year ended June 30, 1916 (p. 138), there were used during that year for the production of distilled spirits in the United States the following materials:

Corn	bushels	32,069,542
Rye	do	3,116,612
Malt	do	4,480,588
Wheat	do	3,373
Barley	do	148
Oats	do	9,807
Other materials	do	68,822
Molasses	gallons	152,142,232

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Until very recently there were no official figures available as to the quantities of material used in the manufacture of fermented liquors, so that statements as to these quantities were necessarily estimates.

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Glucose or sirup	gallons	2,742,854
Grits	pounds	109,371,482
Other materials	bushels	72,355
Other materials	gallons	19,112
Other materials	pounds	24,756,974

Total, all items, estimated, 3,004,754,590 pounds.

Combining the figures for the manufacture of fermented liquors and distilled spirits we get a total of 6,608,666,506 pounds.

In a time of food shortage, when conservation of foodstuffs is an important public question, the more than six and one-half billion pounds (6,608,666,506) of food materials which are used in these industries form an item which is worth considering.

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Professors in Department of Economics, Harvard University.
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We have reviewed the statistics submitted in regard to the 6,608,666,506 pounds of foodstuffs used in the manufacture of malt and distilled liquors in the United States. It is probable that as much as one-sixth of the total may be necessary for the production of denatured alcohol. At a fair estimate of its calorific or fuel value the remaining five-sixths would supply the energy requirement of 7,000,000 men for a year.

WALTER B. CANNON,
George Higginson Professor of Physiology in Harvard University.
PERCY G. STILES,
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May 15, 1917.

Mr. Chairman, with women and children in our own country and in other countries hungering for bread; with the cost of living mounting higher and higher every month; with laboring men finding themselves hard pressed to make their wages purchase the bare necessities of life for themselves and their families, it would be ridiculous to pass a food conservation bill and not include in it a provision prohibiting the use of foods or foodstuffs in making liquor. According to the estimate of the figures quoted heretofore, there is enough food now that goes into the making of intoxicating liquors each year to feed 7,000,000 people. Who will attempt to excuse us, if we continue to allow this waste of food material when it is so greatly needed to feed the world? When brave men are giving their lives, as dear to them as ours to us, that the principles of free government may survive in the world, it is mockery to say that we must not touch or interfere with the sacred privileges of destructive liquors, lest some brewer or distiller should be damaged. Who shall compare the profits of brewers and distillers to the lives of brave men or hungry women and children? Such a comparison is hideous, and would be entertained only by one mentally if not morally debased; and I trust this House will register the unmistakable desire of a great majority of the people of this Nation by adopting this provision which will divert 7,000,000,000 pounds of food materials from the quenching of an artificial and injurious thirst to the satisfying of a natural hunger. [Applause.]

Mr. LEVER. Mr. Chairman, let us analyze, if we may, just what this amendment means. This amendment simply prohibits the use of grain of any description in the manufacture of alcoholic liquor. The gentleman from Kentucky [Mr. BARKLEY] freely confesses that to be the purpose of the amendment. The gentleman, I think, is undertaking to give this Nation a nation-wide prohibition provision.

The gentleman is not doing it. The gentleman's amendment is bound to put this Nation upon an absolute liquor basis and to cut out the drinking of light wine and beer entirely in this country. Now, it has come to my attention that there is enough whisky in the bonded warehouses of this country at this time to supply the people of the United States for three long years.

Mr. DECKER. Mr Chairman, will the gentleman yield?

Mr. LEVER. I can not yield.

Mr. DECKER. I wanted to know what objection you had to using that up before wasting some more food on making alcohol.

Mr. LEVER. I do not yield to the gentleman. The proposal of the gentleman from Kentucky [Mr. BARKLEY] is that we shall cease to use any of the grains whatever in the manufacture of beer, and that may be a good thing. There is not any doubt in my mind that this amendment is an exceedingly good thing for the liquor people of the State of Kentucky,

although I am sure it was not offered for that purpose. [Applause.]

I do not propose, if by plain speaking I can prevent it, to have this committee allow the American people to put their heads into the mouth of the liquor lion while denying them the privilege of taking a light glass of beer or wine with a small per cent of alcohol in it. To vote for that proposal means that, and it means nothing more nor less than that. [Applause.]

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. LEVER. Mr. Chairman, I ask for a vote.

Mr. BARKLEY. I do not think the gentleman ought to make the insinuation that I have offered this amendment in behalf of the liquor that is in existence, because I am in favor of using it all up in the manufacture of munitions.

Mr. LEVER. Then I withdraw that statement.

The CHAIRMAN. The time of the gentleman from South Carolina has expired. All time has expired. The question is on agreeing to the amendment offered by the gentleman from Kentucky [Mr. BARKLEY].

The question was taken, and the Chairman announced that he was in doubt.

Mr. BARKLEY. Mr. Chairman, I demand a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 108, noes 120.

Mr. BARKLEY. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chairman appointed Mr. LEVER and Mr. BARKLEY to act as tellers.

The committee again divided; and the tellers reported—ayes 132, noes 114.

So the amendment was agreed to.

Mr. LENROOT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

Mr. BARKLEY. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. BARKLEY. I desire to offer a further amendment.

The CHAIRMAN. The gentleman from Wisconsin [Mr. LENROOT] has already been recognized to offer an amendment.

Mr. BARKLEY. I was going to offer an amendment to strike out the word "nonalcoholic," so as not to apply this to nonalcoholic liquors.

Mr. LENROOT. I have no objection to that.

Mr. BARKLEY. I offer an amendment to strike out the words "or nonalcoholic."

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BARKLEY: In line 17, page 15, strike out the words "or nonalcoholic."

The amendment was agreed to.

The CHAIRMAN. The gentleman from Wisconsin [Mr. LENROOT] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. LENROOT: Page 15, line 16, after the word "any," strike out the words "foods, food materials, or feeds," and insert "wheat, rye, rice, or corn, or any product thereof."

Mr. LENROOT. Mr. Chairman, under the section as it is now amended, it will prohibit the use of grapes in the manufacture of wine. It will prohibit the use of barley in the manufacture of beer.

I want to say that I am perfectly willing to support, as a war measure, national prohibition. [Applause.] But I am unwilling by my vote to say—and this section, if unamended, will say—that not only shall the manufacture of beer be prohibited, but that the sale of beer shall be prohibited, and that 220,000,000 gallons of whisky now in bond may continue to be sold during the period of the war. If that is permitted it will not promote the cause of temperance, but will absolutely promote the cause of intemperance.

Mr. SLAYDEN. Will the gentleman permit a question?

Mr. LENROOT. Yes.

Mr. SLAYDEN. Will not the effect of this be to destroy all the vineyards in California and other States that have been producing comparatively harmless light wines?

Mr. LENROOT. If the amendment is not adopted, the section will have that effect.

Mr. DECKER. Some of us could not hear the gentleman's amendment. Will he state briefly what it means?

Mr. LENROOT. My amendment will leave the section absolutely prohibiting the use of any rye, wheat, corn, or rice, or any product of those things in the manufacture of any alcoholic beverage.

Mr. DECKER. Does it take care of the 250,000,000 gallons of whisky in the country?

Mr. LENROOT. The bill does not provide for that, and that is why I say my amendment should be adopted; because, unless you do take care of the 220,000,000 gallons of whisky now in bond, if you permit the sale of that and prohibit the sale of light wines and beer, you are promoting the cause of intemperance and not the cause of temperance.

Mr. RANDALL. Will the gentleman yield?

Mr. LENROOT. I yield for a question.

Mr. RANDALL. With respect to the statement made by the gentleman from Texas [Mr. SLAYDEN], as to the production of wine in California, let me remind the House that the State of California last year——

Mr. LENROOT. I yielded for a question. Let the gentleman ask his question.

Mr. RANDALL. Is the gentleman aware that the State of California in 1916——

Mr. LENROOT. I decline to yield further.

The CHAIRMAN. The gentleman declines to yield.

Mr. LENROOT. Now, as I have said, I have offered this amendment as a friend of prohibition, as a friend of the cause of temperance, as one who, if he can get the opportunity, will vote for absolute and complete national prohibition during the period of this war. [Applause.] But, having that in mind, I do say that in my judgment, if we would promote the cause of temperance in the United States during this war, the amendment that I have proposed should be adopted; and, if adopted, it would prevent absolutely the use of any products used in the manufacture of distilled spirits——

Mr. STEVENSON. Will the gentleman yield?

Mr. LENROOT. I can not yield.

And when the 220,000,000 gallons of distilled spirits now in bond shall have been consumed, if the war lasts that long, there will be no more whisky sold in the United States; and then we can well take up the proposition of prohibiting light wines and beer as well.

Mr. LONGWORTH. The gentleman realizes, does he not, that under his amendment distilled spirits can still be made of molasses?

Mr. LENROOT. Yes; but this a food-conservation proposition, and it will conserve all of these four great grain products that are necessary for human food.

Mr. STEVENSON. I am in favor of the gentleman's amendment if he will embrace molasses also; but there are 150,000,000 gallons of molasses used annually in the production of alcoholic liquors in this country.

Mr. LENROOT. There is no objection to including molasses. I will accept that, if the gentleman offers the amendment.

Mr. SLAYDEN. Mr. Chairman, I am as much in favor of temperance as any man in this House, and, if I may venture to indulge in a remark so purely personal, I will say that I believe I am as temperate as any man in the House.

I am not in favor of a vote by this House declaring that the American people are such degenerates, such feeble representatives of the human family that they can not be trusted to live, behave, and conduct themselves as decent men do in other parts of the world. Now, I believe it would be a wise thing to encourage the production of light wines and beers as a substitute for potent liquors. I have always favored that. I believe it would be in the interest of temperance. That opinion is not based on reading and reflection only, but is based upon observation. It has been my good fortune to visit the countries where light wines are produced in great abundance and where it is a common food and drink of the people. Beer, let me say, is also a common beverage in the northern part of Europe and in Great Britain. There is no temperance question in the wine-drinking sections of Europe, because there is no intemperance. I have heard statements made to-day in relation to the warring countries in Europe that are not true. It is stated that they have gone to prohibition. That statement is absolutely false. The Governments of Italy and France provide their soldiers with large quantities of wine each day. It is a part of the ration. They are not drunkards. They are as good fighters and as virile men as ever lived at any period in the world's history.

What has happened on the western front in this great war for the last three years will show that these soldiers on both sides are efficient, good, and reliable men in every respect, and that they respond to every military duty required of them. They are not enfeebled by their ration with its portion of wine, nor would Americans be.

Here is some news in to-day's paper which I would like to call to the attention of the gentlemen from California:

ENGLAND DECREES MORE BEER.

LONDON, *June 23, 1917.*

According to this morning's newspapers the Government's reduction in the annual output of beer to 10,000,000 barrels decreed last February proved too drastic. There has been a deficient supply in the munitions areas during the recent hot weather, which condition, added to the prospective difficulty in the rural districts at harvest time, has influenced the Government to allow an immediate increase of 35 per cent in the barrelage of beer.

Now, gentlemen, of course this eminent strategist from California, Mr. RANDALL, will not agree with Field Marshal Haig and Gens. Petain and Cadorno, but I think if I were a British subject I would rather trust the military affairs of my country in the hands of Marshal Haig than to the gentleman from California, who thinks that the sole duty of the American Congress is to enact laws to govern men in their personal habits, sumptuary laws, laws which as a class have been condemned by the Democratic Party in platform after platform. They want to tell us what we shall drink and what we shall wear, and they propose to take away all the liberties of the people under the guise of moral legislation. It is moral humbuggery, and it is not borne out by the facts of the war in Europe at this time. [Applause.]

Some gentlemen here care more for a fad than for real temperance. With them no legislation is of importance but that which seeks to impose their narrow views on others who are as sober, as respectable, and as useful citizens as they are.

I stand for real temperance and some personal rights for the citizen.

Mr. STEVENSON. Mr. Chairman, I offer an amendment to the Lenroot amendment, which I understand the gentleman from Wisconsin is willing to accept.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert after the word "corn" the words "sugar, molasses, and sirup."

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this amendment and amendments thereto close in 10 minutes.

Mr. IGOE. May we have the amendment reported?

Mr. LEVER. Mr. Chairman, after consultation there seems to be quite a demand for debate upon this section, and I ask unanimous consent that all debate on the section and amendments thereto close in one hour and a quarter.

Mr. PARKER of New Jersey. Mr. Chairman, reserving the right to object, I desire to make a separate motion to strike out, and I want some time on that, and if 15 minutes can be reserved for that motion, I will agree.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on the section and amendments thereto close in one hour and a quarter.

Mr. PARKER of New Jersey. Reserving the right to object, I want to say that my motion is based on the question whether it is worth while to throw such an apple of discord into the bill, and I want to place that matter before the House.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in an hour and a half.

Mr. PARKER of New Jersey. Will 15 minutes be reserved for the motion to strike out and the answer thereto?

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on the section and amendments thereto close in an hour and a half. Is there objection?

Mr. PARKER of New Jersey. I object unless time is given for my motion to strike out.

Mr. LEVER. I will be willing to give the gentleman from New Jersey 10 minutes.

Mr. PARKER of New Jersey. That will be satisfactory.

Mr. THOMPSON. I would like to ask who will control the time.

Mr. LEVER. I will include in my request that I control one half of the time and the gentleman from Iowa the other half.

The CHAIRMAN. Is there objection?

Mr. IGOE. Reserving the right to object, this time is to be divided between the gentleman from Iowa and the gentleman from South Carolina. The question that is up for discussion on this section is one of great importance to all of us. There are men here who are in favor of absolute prohibition and there are men who are willing at this time to give the President of the United States the right to prevent the use of this food in the manufacture of liquors in order to conserve the supply. This question, it seems to me, in the debate ought to be divided between men on both sides of this question. I do not think it is exactly fair to ask that all the time be turned over to be used we do not know how. There ought to be a free and fair debate on this question, and there ought to be a fair division of the time to those who are opposed and those who are for it.

Mr. LEVER. I am perfectly willing to yield the gentleman five minutes.

Mr. IGOE. I am not speaking for myself.

Mr. GILLETT. Who would the gentleman have control it; can not the gentleman trust the gentleman from South Carolina?

Mr. IGOE. I do not want to control the time, but it ought to be divided between those who are in favor and those who are against the proposition, and the gentleman from Kentucky ought to have half of the time.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina that all debate upon this section and all amendments thereto shall close in one hour and a half, one half of that time to be controlled by himself and the other half by the gentleman from Iowa [Mr. HAUGEN].

Mr. CANNON. Mr. Chairman, reserving the right to object, I take it for granted that if there are applications for time it will be divided by the two gentlemen——

Mr. LEVER. Regardless of their position upon this question.

Mr. CANNON. Oh, no; divided as it is usually divided—five minutes to one side and five minutes to the other.

Mr. LEVER. Oh, certainly.

Mr. TAGUE. Mr. Chairman, reserving the right to object, a great many Members have already given in their names for time.

I notice that most of those who have given in their names are upon one side of the question, and I would like to know whether or not those who are on the opposite side are to be given the same opportunity to be heard as those who are in favor of it?

Mr. LEVER. I would say to my friend that as near as I can do it I shall try to do that. Does the gentleman desire some time?

Mr. TAGUE. Yes.

Mr. SLAYDEN. Mr. Chairman, will the chairman of the committee consent to the principle of dividing the time upon that basis?

Mr. LEVER. I would be glad, as near as I can, to do so. I do not know who is for or who is against this proposition.

Mr. SLAYDEN. Neither do I, beyond the statement made by the gentleman from Massachusetts that he has noticed that the names are all on one side.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. STEVENSON. Mr. Chairman, I offered an amendment to the Lenroot amendment inserting the words "molasses, sugar, and sirups." I ask unanimous consent to strike out the word "sugar" in that amendment to the amendment, because that is necessary in the making of light wines, and it is not my purpose at least to shut that off.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to modify his amendment in the manner indicated. The Clerk will report the modification.

The Clerk read as follows:

Amend the amendment of the gentleman from South Carolina [Mr. STEVENSON] by striking out the word "sugar."

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STEVENSON. Mr. Chairman, there seemed a little while ago in discussing the parliamentary phases of this question a tendency to run away from the proposition of prohibition of the manufacture and sale of liquor. Why, I can not understand, because at this session of Congress we have declared that it is dangerous and deleterious to the national defense to have liquor imbibed by the soldiers of the Nation. We have put into law the following:

SEC. 12. That the President of the United States, as the Commander in Chief of the Army, is authorized to make such regulations governing the prohibition of alcoholic liquors in or near military camps and to the officers and enlisted men of the Army as he may from time to time deem necessary or advisable: *Provided*, That no person, corporation, partnership, or association shall sell, supply, or have in his or its possession any intoxicating or spirituous liquors at any military station, cantonment, camp, fort, post, officers' or enlisted men's club, which is being used at the time for military purposes under this act, but the Secretary of War may make regulations permitting the sale and use of intoxicating liquors for medicinal purposes. It shall be unlawful to sell any intoxicating liquor, including beer, ale, or wine, to any officer or member of the military forces while in uniform, except as herein provided. Any person, corporation, partnership, or association violating the provisions of this section or the regulations made thereunder shall, unless otherwise punishable under the Articles of War, be deemed guilty of a misdemeanor and be punished by a fine of not more than $1,000 or imprisonment for not more than 12 months, or both.

There is a declaration which we have made that it is destructive of the best interest of the defensive forces of America, the forces upon which we must rely upon the battle fields, for a drop of liquor to reach them at any of their places or when they are in uniform, and that was immediately followed by an order requiring all of the forces to be in uniform at all times. Now, why should we run away from the proposition? Not only that, but we have declared here in this bill that we must conserve the resources of this country. It has been declared by many of the distinguished orators, who have spent weeks declaring so since this Congress met, that not only the young men must be marshaled in battle array, but that every citizen of this country shall be marshaled into the army of conservation and production, in order that this great country may fight this war and fight it victoriously, and that every man shall do his best. I say that it is as injurious to the private citizen as it is to the soldier, and when we have written that law we shall have written a decree that liquor during this war in under the ban and has been condemned as an outlaw and a disturber and a destroyer, in so far as our defensive preparations are concerned. Then I want to know why we should run away from the question. In this bill we have said that it will be a criminal offense for any man to commit waste or to permit preventable waste of any foodstuffs in the United States. Now, we are asking you to say, and by your vote you have said, that this destruction of 6,608,666,506 pounds of foodstuffs every year shall be stopped. And that is not merely preventable waste. It is a waste with malice aforethought, with malice prepense, put into distilled damnation to destroy the forces of this country, both military and civil. [Applause.] You may say, Where did you get your figures? We have a representative here from Harvard. These figures are compiled by the best statistician in this country, approved by that great physiologist, the assistant professor of physiology of Harvard, and he says in his conclusion:

At a fair estimate the caloric or fuel value of the remaining five-sixths would supply an energy requirement of 7,000,000 of men for a year.

And we are only asked to send 2,000,000 to Europe and here you have got enough to supply 5,000,000 more in addition to those sent that is being destroyed every year by this traffic which we say by our statutes is a menace to the people of this country.

NOTED ECONOMISTS AND FOOD EXPERTS CALL ATTENTION TO THE FOODSTUFFS USED IN LIQUOR.

According to the report of the Commissioner of Internal Revenue for the year ended June 30, 1916 (p. 138), there were used during that year for the production of distilled spirits in the United States, the following materials:

Corn	bushels	32,069,542
Rye	do	3,116,612
Malt	do	4,480,588
Wheat	do	3,373
Barley	do	148
Oats	do	9,807
Other materials	do	68,822
Molasses	gallons	152,142,232

Omitting wheat, oats, barley, and "other materials," and reducing corn, rye, malt, and molasses to pounds, we get a total of 3,603,911,916 pounds of grain and molasses.

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PERCY G. STILES,
Assistant Professor of Physiology in Harvard University.
IRVING FISHER,
Professor of Political Economy, Yale University,
War Prohibition Conservation Committee,
823 Tremont Building, Boston, Mass.

May 15, 1917.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEVENSON. I would ask unanimous consent to extend my remarks.

The CHAIRMAN. The gentleman already has that privilege.

Mr. LEVER. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. LEA].

Mr. LEA of California. Mr. Chairman, in the brief time granted me I ask candid consideration of this question, which is of great importance to the people of California. I am in favor of the Lenroot amendment, which would forbid the manufacture of wheat, rye, rice, corn, and all products thereof, into alcoholic beverages. I intended to vote for the Webb amendment, which authorized the President to requisition all alcoholic liquors necessary for munitions and war purposes. I am in favor of this bill, which gives the President power to limit or prohibit the manufacture of alcoholic beverages from food and feeds when in his judgment necessary to secure a sufficient and continuous supply of the same.

I am opposed to the Barkley amendment, which arbitrarily prohibits the manufacture of all alcoholic liquors, including light wines and beer, during the period of the war. Its operation is by its terms and by the Constitution limited to that time, and we have no power to extend it. At best it is only a makeshift remedy.

Let us compare the benefits and the injuries that would result from this law. All benefits claimed for it can be summarized in two words—prohibition and conservation.

The Barkley amendment does not establish prohibition.

First. It permits the sale of whisky on hand in possession of retailers, wholesalers, and in bond, the amount of which is sufficient to supply the normal demands of the country for two years. Authorizing the President to requisition distilled liquors at his discretion would not change the situation. Authorizing the Presdent to do a thing without voting him the money with which to do it is one thing, and actually taking and paying for the distilled spirits of the country is another. Those in favor of the Barkley amendment, if acting in good faith, should be in favor of the latter proposition. As the situation now stands you encourage the drinking of ardent spirits and discourage the use of light liquors. You have written a "whisky-wet" instead of a "bone-dry" law.

Second. It permits the sale of all stocks of liquors on hand, and which, except in the case of beer, are sufficient probably to supply the country for a year and possibly during the rest of the war.

Third. It permits the importation of all of these liquors. In other words, it denies our people the benefits of production and manufacture, but retains the evils of consumption. It is a blow at an American industry and an encouragement of a foreign. It destroys the foreign market of our wines and beers.

Fourth. It permits the sending of our food products to foreign countries, including Canada and Mexico, to be made into such liquors, and to be returned here for sale and consumption.

Fifth. The chief claim that can be made for prohibition is that it establishes better permanent conditions. This law does not establish a permanent condition, but only temporary conditions for the uncertain period of the war—three months, one year, or two years—no one knows. Whether you believe in prohibition or not you will agree upon this. One of the greatest practical reasons against prohibition is the destruction of established industries, the loss of employment, and the injuries to investments involved in the transition from a wet to a dry law. You may consider prohibition worth what it costs, but you must recognize the injuries thus inflicted as part of the cost. Such injuries can never be justified, except on the theory of giving the Nation benefits of importance and lasting character. This law in its disruption of employment of labor, investments, and industries is sweeping in its consequences. It imposes the destructive injuries involved in the transition to prohibition without the prospect of its benefits. In other words, it gives us the evils of prohibition without its benefits.

This amendment does not prohibit the sale of wines on hand, which are comparatively small in quantity. Those are the wines that will be sold in the retail market during the coming year. The wines manufactured this year will not to any con-

siderable extent be sold in the retail market before the 1st day of July, 1918, as that length of time is required in which to age and prepare them for the retail trade. So, under the pretense of war prohibition, this amendment permits the sale of liquors, wines, and whisky on hand, which will be sufficient, probably, to cover the period of the war; yet you deny to the producer the privilege of manufacturing the product of the crop he has already grown for the purpose of selling it at a time when the war will be over. You give us a war "wet" as to drinks, "dry" only as to manufacture.

This amendment prohibits the manufacture of beer. The stock of beer on hand probably does not exceed the ordinary demand for three months. Beer contains only 3 to 5 per cent of alcohol, while whisky contains 35 to 50 per cent. This amendment denies the use of the 3 or 4 per cent alcoholic liquor and gives a monopoly of the liquor business to whisky, containing 35 to 50 per cent of alcohol. Yet this is called war prohibition!

This amendment is unfair. Without compensation, without sufficient warning and time for adjustment, it destroys the value of grape and hop crops now growing. It throws thousands out of employment; it suddenly injures, if not ruins, investments of unlimited amounts; it offers only temporary benefits of a halfway measure. The evil of liquor is in its sale and consumption, not in its manufacture. Immediate prohibition would be established by prohibiting the sale of all liquors. Prohibiting the temporary manufacture and not the use, without power to prohibit the permanent manufacture or sale thereof, means neither prohibition nor temperance.

The growing of wine grapes is one of the principal industries of California. Over 160,000 acres of land are devoted to that purpose. That is the primary source of the living of thousands of small farmers in that State. During the last 30 years phylloxera, a vine disease, has swept over the State and destroyed a large portion of the vineyards. They have been restored by planting resistant vines, to plant and raise which to a bearing age requires an expense between $200 and $300 per acre. The destroyed vineyards of California have been almost completely replenished with resistant vines. The State of California has expended $250,000 in encouraging the viticultural industry and developing it and fighting its diseases.

The United States has also lent its assistance and has established 12 experimental vineyards on the Pacific coast. Encouraged by State and Nation, the farmers of California have built up an industry which is of importance to that State.

Those farmers have planted and raised these 160,000 acres of vines in addition to over 150,000 acres of table and raisin grapes, with great patience and with great industry. After planting the vines they worked, pruned, and cultivated their vineyards for four years before they secured a crop that paid the expenses of cultivation. Encouraged by the State and Nation they raised these vineyards, expecting by them to have a means of supporting themselves and families and educating their children. They raised their grapes for the same reason that the farmer of the Central West raises his corn, wheat, oats, or cattle; for the same reason that the farmers of the South raise their cotton, their rice, and their sugar cane.

No man claims, no man can claim, that anything of practical importance as a food product is consumed in the manufacture of our wines. Yet to-night in one brief hour it is proposed to destroy the value of this work of years of our farmers. That 160,000 acres of wine grapes have already this year been pruned, cultivated, and prepared for the harvest. The expense of raising this year's crop has been already expended. No other possible income can be realized from the ground this year. The grapes are approaching maturity on those vines, valuable only for the manufacture of wine. Now, you propose to say to the farmers of California that for their toil and for their investment they shall receive nothing. You even deny them the privilege of making wine that they might sell it after the war is over. You say to them that they shall not reap where they have sown. Yet at the same time you give the wholesale dealers in whisky a monopoly of the liquor business of this country.

Mr. STEVENSON. Will the gentleman yield?

Mr. LEA of California. I have only five minutes.

Mr. STEVENSON. I want to call the gentleman's attention to the fact that my amendment does not include barley or hops.

Mr. LEA of California. That is true. To a degree the effect of the proposed amendment is the same in reference to the hop industry. The United States produces 40,000,000 or 50,000,000 pounds of hops per year, the chief market for which is by the breweries in the manufacture of beer. Ordinarily we export about 50 per cent of our product and the remaining portion is consumed at home. The foreign market is already largely ruined by the ship shortage. It costs about 10 cents per pound to produce hops in the bale in California. The cost of high poles, trellises, and drying kilns varies, but ordinarily amounts to about $100 per acre. I am informed that the price of hops to-day in California is less than the cost of their production. There are about 14,000 acres of hops in California, a large portion of which are in my district, and there are something over 40,000 acres in the United States.

Nearly half of the 10 cents per pound required to grow hops has already been expended on this year's crop by the growers of California. The vines are developing and in less than two months from now the gathering of the crop will begin. If this amendment should be adopted into law it is probable that a large part of the hop crop of the country will never be picked.

In 1906 the little city in which I live had eight business blocks mostly shaken down by an earthquake. Nearly five blocks of it burned. Though only a little city, we suffered a loss of over $3,000,000; but that was a loss inflicted by nature, for which no human being was responsible. There are 16,000 acres of wine grapes in my county and over 4,500 acres of hops, and a much larger acreage in my district. If this amendment becomes a law, you inflict upon us a greater financial injury than the earthquake of 1906.

However wise or just prohibition may be, however much you may believe in it, you can not make me believe that it is either just or fair to inflict this injury upon the farmers of my State. The best advocates of prohibition declare that it is a great moral reform. A true moral reform must be based upon truth and justice. If this reform is to be initiated it should be initiated by methods that are fair and moral. In my judgment, it is neither fair nor moral, without forewarning, without compensation, while the expense has been largely incurred and the crops are growing on the grape and hop vines, to pass an act that in one hour renders those crops useless, deprives the owner of any income for this year, and which law, if permitted to remain, would deprive these farmers of their incomes for all time to come, so far as that source is concerned.

But it is claimed, as to the manufacture of beer, that this measure is intended for the conservation of the food supply of the country. The amount of barley consumed in the manufacture of beer last year was 52,000,000 bushels of 48 pounds to the bushel. The average grain production of the country during the last five years, of the staple cereals, was over 5,130,000,000 bushels per year. The amount of barley used in the manufacture of beer last year was about 1 per cent of the staple grain production of the country.

Barley is a fine stock food, but wheat and corn, the average production of which is over 3,500,000,000 bushels, so greatly exceeds barley as a bread product that there is no probability of the use of barley to any great extent for the purposes of human food.

Barley is now selling for 2 cents a pound to the farmer in California. During the last five years it has sold over the country at an average price to the farmer on the 1st of December of about 60 cents a bushel.

For many years and during this war we have been exporting barley for the purpose of being used in the manufacture of beer for our allies. This act does not prevent the continuance of that practice; it denies to the people of the United States the privilege to manufacture beer and permits our grains to be shipped to our allies to be made into such liquors.

The conservation of grains provided by the Barkley amendment is not of material consequence, as compared with the Lenroot amendment, of which I am in favor. The Lenroot amendment prohibits the use of all staple food products in the manufacture of all alcoholic beverages, including beer. Barley used in beer is primarily an animal food. Most of the people in this country never saw or tasted barley bread, and probably never will. The theory that we are going to supply barley to make bread is a theory that we are going to do something we never have done, are not doing now, and probably never will. This law does not require us to use barley. The enactment of this law does not give us any reason for using barley that does not exist to-day.

Barley represents one twenty-fifth part of our grain crop. The crop is that large only because the brewing demand has encouraged its production.

Grains generally used for animal food furnish the natural substitutes for human food.

The natural common-sense substitute for wheat bread is corn, which constitutes fourteen twenty-fifths of the cereal crop of the country. Or, if we prefer, let the hogs eat less wheat and more corn. We can substitute grains for the animals more easily and readily than for persons.

War has greatly increased the demands for our foods. War has not lessened our feed supplies. We have no less feed and little greater demand for animal feed on account of the war.

It is estimated that next year 50,000,000 bushels, or 1,250,000 tons, of barley would be manufactured into beer. Upon this amount the Government would receive a revenue of over $150,000,000, or more than three times the value of all the barley consumed.

In view of much conflicting information being given the public as to the digestible-food value of the remaining product of barley after brewing, I have endeavored to seek information from a disinterested, authoritative source. Under date of May 17, 1917, I got this information from the Agricultural Department:

One hundred pounds of barley converted into malt and used for brewing ordinarily yield about 30 pounds of dried brewers' grains. The digestible nutrients in these amounts are as follows:

	100 pounds barley.	30 pounds dried brewers' grains.
	Pounds.	*Pounds*
Protein	9.0	6
Carbohydrates	66.8	9
Fat	1.6	1

In a letter under date of May 28, 1917, Prof. A. E. Taylor, Assistant to the Secretary of Agriculture, wrote the chairman of the Agricultural Committee, Hon. A. F. LEVER, among other things, as follows:

Brewers' grains constitute a favorite feeding concentrate for dairy cattle. For practical purposes the conversion of barley into beer is tantamount to feeding barley to live stock, since in the brewers' grains remains the largest fraction of the protein of the barley.

I am unable to state the exact feed value of the products of barley after brewing, but unquestionably the value of the residuary product is a material and substantial amount, which to that extent lessens the loss of feed involved in the manufacture of beer.

Every great country now engaged in war has prohibited or limited the use of alcoholic liquors containing a high percentage of alcohol and permitted the use of light liquors. I believe our country should do that. But I fail to understand how it is promoting the cause of true temperance to give a monopoly of the liquor business to the alcoholic liquors containing the high degree of alcohol and prohibiting the use of the liquors containing the low percentage of alcohol in a law which is to prevail only during the continuance of the war.

Whenever there is a real necessity for the conservation of the barley of the country for the purpose of making bread instead of using it for manufacturing beer no one can hesitate for one moment as to what use should be made of the barley. Liquor must give way to bread. That is a proposition too plain to require argument.

This bill is an administration measure, and by its terms we were asked to give the President power to restrict or prohibit the use of any or all grains in the manufacture of alcoholic liquors. No one doubts the willingness or the disposition of the President or of his superior opportunity to exercise that power to the best advantage of the country. As we have given him this discretion as to all other food and feed necessities, in my judgment we can best meet this situation by giving him that discretionary power in reference to limiting or prohibiting the use of grains in the manufacture of liquors. I believe in temperance. I believe in a sober Nation. I am willing to vote to prevent the manufacture and sale for beverage purposes of liquors containing high percentages of alcohol, but I do not believe we are going to aid the cause of true temperance by denying to everybody in this country the right to use light wines and beers and compelling them, if they drink at all, to drink whisky or liquors of high alcoholic content.

But, above and beyond that, my reason for opposing this amendment is that it is unfair, it is unjust, and it is immoral, without compensation and without any sufficient notice giving grape and hop growers and all persons interested a chance to adjust themselves to the new law, to deprive them of the value of this year's crop, in the production of which they have been encouraged by the State and Nation, and upon which they rely for the support of themselves and their families.

I appeal to your sense of fairness. Apply to yourself something of the golden rule, consider the situation of the grape growers and the hop raisers of the country to-day, with their crops approaching harvest, and ask yourself whether or not you would be willing to be treated as you now propose to treat them.

Do that and you will not vote for this proposed law. Whatever provisions are made in reference to the limitation of the manufacture of liquors, let them be made by means that are fair and just and moral. This Government is too good, it is too great, it is too powerful to be guilty of injustice to any man or any class of our people. You may have the votes to do this injustice to the grape and hop growers of the country, but you have not the moral right to do it. In this country of ours there is something better than prohibition, better than victory, better than a rule of the majority, and that is the fairness, consideration, and fair treatment of a minority, which, after all, is the true and greatest test of a Government of liberty and freedom and justice.

The glory of the Republic is not in the power of the majority but the justice and fairness with which it treats the rights of a minority.

Mr. LEVER. Mr. Chairman, if the committee will indulge me just one moment, I desire to ask unanimous consent that amendments may be offered in the time of those who have time yielded or by others who may not get time, and that they may be regarded as pending, and that we shall vote upon them at the end of the debate. And I do that because a number of gentlemen have left the Hall thinking that that would be the situation.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. SHERLEY. Mr. Chairman, I suggest to the gentleman that amendments be offered now. Let us know in advance what they are to be.

Mr. LEVER. I will be very glad to have that done if they are prepared. I ask unanimous consent that amendments that are to be offered to this section be offered now, and let them be pending.

Mr. STAFFORD. Mr. Chairman, that is impossible at the present time.

Mr. LEVER. I think so, too, as I will say to my friend from Kentucky [Mr. SHERLEY]. There may be amendments which the gentlemen are preparing.

Mr. SHERLEY. The trouble is that otherwise we will have debate without knowing what we are debating.

Mr. LEVER. I think the gentlemen should offer amendments and debate them in their own time.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the amendments may be offered during the course of the debate and be pending, all to be voted on when the debate has been consumed. Of course the Chair will state, if there is some gentleman who has not the privilege of debating, he will be permitted to offer any amendment at the close.

Mr. LEVER. Certainly; that is understood.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HAUGEN. Mr. Chairman, I yield four minutes to the gentleman from New Jersey [Mr. LEHLBACH].

Mr. LEHLBACH. Mr. Chairman and gentlemen of the committee, this section as it now stands as amended prohibits absolutely the manufacture of alcohol and alcoholic beverages. Now, it seems to me that there is neither rhyme nor reason in the prohibition of the manufacture of alcohol, which is a necessary commodity in the arts. It has varied uses industrially, and the prevention of its manufacture on the ground that we want to preserve the grains that are used in its manufacture is not a wise provision, because the use of alcohol in industries is of much greater value than the value of the grains consumed in the making of it.

I do not want to rely on my knowledge of this subject, and therefore refer to a letter written to me by a chemist of note, who is recognized as an authority in his profession, Mr. Yocum, of my district, and I will ask that the Clerk read his letter in my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NEWARK, N. J., *May 14, 1917.*

HON. FREDERICK R. LEHLBACH,
Washington, D. C.

DEAR SIR: My attention has been called, through reading the newspapers, to the effort on the part of Congress to prevent the use of grains in the manufacture of alcohol during the war. I present the following reasons why this should apply only to potable alcohols and not to industrial alcohols:

The action of Congress in preventing the use of grains for the manufacture of alcohol would, to my mind, be a great mistake unless provision were made in the bill to permit of the manufacture of industrial alcohol and the use of corn at least in its manufacture.

In the production of smokeless powder and other powders of cotton the use of alcohol and the acetates are absolutely necessary. If the production of grain alcohol and its associate, amyl alcohol, were stopped, the necessary solvents for guncotton and powder, and for other industrial purposes, would be prevented to a very large extent, ethyl and amyl alcohols and acetates being the commercial solvents that permit the formation of smokeless powders into slow-burning tubes. The inability to manufacture the acetates of these alcohols would prevent having a cheap and unlimited supply of powder solvents, in that the wood alcohol and their acetates, and various com-

pounds like acetone, are not being produced in sufficient quantities to replace ethyl acetate, amyl acetate, ethyl alcohol, or fusel oil (amyl alcohol), and this would cause a shortage in solvents for smokeless powder that would interfere to the extent of 75 per cent of its production. If the bill preventing the use of grains for the manufacture of alcohol passes, it must be understood that thereby two-thirds to three-fourths of the source of solvents used in the manufacture of munitions will be interfered with to a very large extent.

I might note in this connection that in Germany potato alcohol, giving, as it does, a larger percentage of amyl alcohol than does the fermentation of corn, is used, and this might be adopted here, the amyl acetate at present being worth approximately $4 per gallon and other acetates in proportion.

Aside from the consumption of grain alcohol for exhilarating purposes, it must be borne in mind that the absolute destruction of the industry by refusal of the Government to furnish the necessary grains would not only entail a hardship on the individual consumer of alcohol as such but would entail a hardship also upon every manufacturer in a multitude of industries, and particularly in the powder industry, as powders are now made.

Without going into the matter in any further detail, I would call to your attention strongly the necessity of protecting the manufacturing industries of the country, and particularly the munition industries, as against a prohibition that would absolutely place them in the hands of the destructive distillers of wood, who make only wood alcohol, acetate of lime, charcoal, etc., and their production would not be large enough for our requirements.

The Congress of the United States has never given the industrial alcohol people an opportunity to prove their case, because of the fact that 95 per cent alcohol carries with it, when distilled pure, the possibility of use for a potable liquor. This, to my mind, is of less importance at the present time than the production of 95 per cent alcohol suitable for industrial manufacturing purposes without which a general dislocation of the intricate chemical treatment of many materials will occur.

Yours, very truly, JNO. H. YOCUM.

Mr. GALLAGHER. Mr. Chairman, I am quite as anxious as any Member of this House to secure legislation—and I trust we can secure it—that will encourage production, conserve the supply, and control the distribution of food products and fuel. I doubt whether this bill is broad and ample enough in its provisions to do all that is intended and should be done to protect the people of the country from being robbed by the speculators, the gamblers, and the manipulators of the market in food products.

Much has been said here against these very skillful artists and a great deal of denunciation has been leveled against their operations. They have been branded as worse than criminals. But very little has been said against those who conspire with them in their operations to plunder the people.

The manipulators of the market and the stock gamblers could do very little toward cornering the market if it were not for the aid they receive from the bankers of the country. We praise the patriotism of the farmer; just now he is a great man. We tell of the splendid opportunity he has for patriotic endeavor in the present crisis. We say that on him depends the success of the war. But what of the banker, who is never over anxious to accommodate the farmer with the money he requires for improvements, when the speculators and the stock gamblers on the board of trade, in the market, on the exchange are endeavoring to corner the food supply and all other supplies want the money? The banker is always looking out for a high rate of interest and will loan his money wherever he can obtain higher rates. This law should in some way prevent the loaning of money for such a purpose.

Is it any wonder that we have unrest and discontent everywhere throughout the country? One thing is certain: Food prices must be brought within the reach of the working people of the country or general readjustment in wages must take place.

Arguments have been made in Congress during the consideration of this bill that the packers of Chicago, the grain speculators, and others have made hundreds of millions of dollars by the advance in prices since the war began of the necessaries of life. Facts and figures have been quoted in proof of it.

I have the honor to represent here in part the city of Chicago. In our city are assembled, it is safe to say, most of the food products of the Middle West, the South, and the Northwest. Even the Pacific coast helps to fill our vast storehouses. Its great stockyards and packing plants furnish in a great measure the meat supply of the world. We have the largest grain elevators and cold-storage plants that can be found anywhere in this country, and by manipulation and hoarding vast fortunes have been made by those interested in the control of food. It is but fair to say (I do not wish to be misunderstood or to be unkind or faultfinding with those engaged in great enterprises) that they are entitled to fair returns from their investments. But they are not entitled to hundreds of millions of dollars in extortionate profits which they are reported to have made in food speculation.

I can not forget that the great majority of my constituents are hard-working tradespeople, mechanics, small storekeepers, and persons otherwise engaged in everyday life. I can not say that they have benefited by the increase of business reported from different sections of the country. Owing to the high cost of living they have had to struggle constantly to keep the wolf from the door. While wages at present may be a little higher, the continuing increase of the cost of food to over 200 per cent since the war started has, instead of gaining a better livelihood, made many of them find it a difficult task to keep their families from starving. It is the plain duty of the United States Congress to furnish immediate relief from this terrible condition.

I am making no uncalled for or harsh or unwarranted statements, gentlemen, but we can not shirk the responsibility this hour puts upon us. We must find some way to lift this burden. The wage earner sees the cost of supplies for his family and himself rising higher and higher every day in the week. Is it any wonder that he is discontented when he finds it almost impossible to buy bread for those dependent on him. When we know that bread and other food supplies are sold cheaper in England and France than they are here and that the bread is made from the flour milled from wheat grown in this country and shipped to England and France, is it any wonder there is unrest. When people are face to face with poverty and children cry for bread it is time for us to strive to stop the speculators that are now at work to purchase and corner the harvest so that food riots in large cities may be prevented.

Great coal fields are numerous in Illinois and bituminous coal is mined in abundance, yet it is difficult on account of the high prices for the wage earner to secure coal in time of need to keep his family from freezing.

The fuel condition last winter in Chicago was shocking. Some of our schools were closed for want of coal. I believe like conditions were experienced here and elsewhere. Factories in our city were compelled to stand still at times, the most serious conditions prevailed. The conditions were not confined to Chicago alone but existed through the country.

The Federal Trade Commission report, under date of June 19, 1917, contains, among other things, the following (p. 24):

The present production of bituminous (soft coal) the country over is about 40 per cent short of the possible maximum, and this limitation is solely to be charged, as to primary cause, to faulty rail transportation. The present demand for coal is unprecedented, but the mines now open are capable of filling this demand if adequate car supply is furnished.

The president of the Louisville & Nashville Railway Co. appeared recently—so the papers report—before the Jefferson County (Ky.) grand jury in connection with the coal investigation, and afterwards he issued a statement, in which he said:

The shortage of coal was due to a shortage of coal-car equipment, and this shortage in turn was due to the fact that mine operators on the Louisville & Nashville billed Louisville & Nashville coal cars to points off of its line, because they were able to sell their product at such points to better advantage than could be done at Louisville & Nashville points.

The Federal Trade Commission also states the coal cost was much less to the large consumer than to the constituents of my district, the report says (p. 26):

The prices of coal to railroads and other large consumers have generally increased from 100 to 150 per cent, while prices to small consumers have often increased as much as 200 to 400 per cent and in some cases even more.

Also on the same page they say:

The serious conditions with respect to bituminous coal are unnecessarily curtailed production and a wildly fluctuating market in which speculation feeds upon panic.

This report concludes (p. 25):

This evil condition has already begun this year and if persisted in the coal famine which threatened that part of the country in the winter 1916–17 will be an actual coal famine in the winter of 1917–18.

In the anthracite coal industry the commission believes there is a desire to cooperate with the Government, and there is a better system of tracing coal from the point of its production to the point of consumption.

If this bill will furnish any relief in the coal situation, it will be a step in the right direction.

In addition to the relief this bill provides, I am in favor of giving the Government full control, if need be, of mines and such other powers as may become necessary for the distribution of food as the war progresses to save us from starvation and other dire calamities which threaten us as a result of the prohibitive cost of the necessaries of life.

Since we began the consideration of this bill for the conservation of food and fuel, as reported to the House from the Committee on Agriculture, it is proposed to fasten upon this bill new and important amendments that have for their object Nation-wide prohibition, and also to require any person having control of alcohol and distilled spirits to turn the same over to the Government for use or redistillation whenever they may

be necessary to meet the requirements of the Government in the manufacture of munitions, thereby dispensing with the necessity of utilizing products and material suitable for food and feeds. It is further proposed to prohibit the use of any food material or feeds in the production of any beverage containing alcohol. I am opposed to any such legislation.

This House—and it was quite evident—became very much excited a little while ago over a proposed amendment to fasten prohibition on the entire country regardless of its results, without any consideration of existing conditions, or of conditions which will be brought about as the result of the action of this House. It is proposed that we prohibit the use of grain in the manufacture of all kinds of intoxicating liquors during the period of the war. The excuse for the kind of legislation that is proposed here to-day is to conserve the food supply. The prohibitionists have been lying awake nights ever since the declaration of war to see how they could find a way to force prohibition on the country. Why, the conservation of grain does not concern them in any particular, but the war furnishes the excuse for which they were waiting to bring about Nation-wide prohibition.

Not one word has been said in this entire debate about the great quantity of grain that is going abroad and being used in the manufacture of intoxicating liquors. All of the belligerent countries in Europe are using grain, and those that we are trying to help in this contest are using the grains that we are sending them from this country to manufacture intoxicating liquors. Canada after nearly three years of the war has not prohibited the manufacture of whisky, beer, or wine, and still the prohibitionists here do not say one word about the grain that goes abroad for such purposes, much less the rations of liquor that those Governments give their soldiers in the trenches.

There are acres and acres of ground—thousands of them—in this country that are used in the cultivation of tobacco which could be planted with useful and much-needed grain. But there is no effort on the part of the prohibitionists to say one word about tobacco or to conserve the land for food or feeds. Cigarettes and tobacco are all right, nothing harmful about that, in the eyes of my prohibition friend. Why, this is the most peculiar, unnecessary, and uncalled-for legislation that could be brought before the House at this time. I am not a prohibitionist; I believe in personal liberty and home rule. It is the freedom and liberty we have enjoyed here in the United States that has brought millions to our shores and made this, our country, the greatest Nation on the earth. I am more or less a temperance man; I am in favor of temperance, and follow out the principles of temperance a great deal more closely than many of the men that are most boisterous in the House in behalf of prohibition. [Applause.]

Let me ask you this question: What are you going to do for revenue if you pass such a law as is proposed by the amendments? There is nothing said here about the $300,000,000 raised from the sale of liquors in this country to help defray the expense of the Government—not a single word. Where are you going to get the money that is needed by the Government in time of war? Nobody cares, as long as we can force prohibition on the country. That is the intention of the prohibitionist. That is what he wants.

This legislation will bring ruin to thousands engaged in legitimate business. Property values will be destroyed, vineyards will be made useless, labor of all kinds will be without employment, and local governments will suffer a great loss in taxes. What are you going to do with the liquor on hand—300,000,000 gallons of it? Turn it back into alcohol for the purpose of making smokeless powder, says my good temperance friend from Kentucky, where they make more or less good whisky—he offered the amendment. Who ever thought such a reform would come from Kentucky? The disturbance that we are witnessing here to-day is the result of the efforts of the prohibition element to get possession of the House and to force upon us their peculiar notions concerning prohibition.

I am opposed to it. They are loading this bill down to a degree that was far from the intention of the committee when the committee brought the bill into the House. They were not satisfied to leave this matter with the President, as the committee intended, and I know why. I want to conserve the food supply; I want to take care of the people who are suffering, and especially those of my district, on account of the high cost of living in this country. I know what the conditions are in the big centers of population. People there are in want and many of them are going to bed hungry at night, and in the winter they are freezing because they can not afford to pay the exorbitant prices demanded for coal.

I said a moment ago that I knew why you do not want to leave this matter to the President, as the committee intended. It is because he does not believe in this kind of legislation and the prohibition forces know it.

He made his personal views public while governor of New Jersey in 1911 in a letter to the Rev. Thomas B. Shannon, of Newark, N. J. Let me read it, he says:

> I am in favor of local option. I am a thorough believer in local self-government, and believe that every self-governing community which constitutes a social unit should have the right to control the matter of the regulation or the withholding of licenses.
>
> But the questions involved are social and moral, and are not susceptible of being made parts of a party program. Whenever they have been made the subject matter of party contests they have cut the lines of party organization and party action athwart to the utter confusion of political action in every other field. They have thrown every other question, however important, into the background, and have made constructive party action impossible for long years together.

The prohibitionists, regardless of the sentiment of the country, want to force their notions on this House and upon the country, and to make this country, as they propose, bone dry. Let them do it. I am convinced that no people will be happy and prosperous where one section forces upon another section laws they do not favor. The best governed State is the least governed State—that State whose people are in harmony with its laws. [Applause.]

The CHAIRMAN. The gentleman yields back the balance of his time.

Mr. HAUGEN. Mr. Chairman, I yield four minutes to the gentleman from Missouri [Mr. DYER].

The CHAIRMAN. The gentleman from Missouri [Mr. DYER] is recognized for four minutes.

Mr. BARKLEY. Mr. Chairman, will the gentleman from Missouri yield to me long enough to offer an amendment?

Mr. DYER. If it does not come out of my time, I will.

Mr. BARKLEY. It will not.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kentucky.

The Clerk read as follows:

> Amendment offered by Mr. BARKLEY: Page 15, line 17, after the word "alcohol," insert the words "except for industrial, scientific, medicinal, or sacramental purposes."

Mr. DYER. Mr. Chairman and gentlemen of the House, it seems to me that some Members of this House have lost sight of the object of the legislation that the President has called to our attention in this food-control bill. I feel that some Members of the House are thinking more to-day of what their constituents think or feel on the question of prohibition and about their own personal welfare and their opportunity to return to Congress than about the great war that is now raging in the world and the necessity of bringing it to an end.

It is important, of course, that the food supply should be conserved to the people of the country, but to-day and during the past years of this war—and it will go on during the length of this war—we have been and will be exporting and sending abroad, from year to year and from month to month, the grain that is raised in the fields of this country, the barley that is produced on the farms of this country, to be manufactured into the very things that you will prohibit here in this country.

In doing it you are not doing anything for the cause of temperance. I believe in temperance as firmly as any man in this House. I believe in its importance. But the amendment of this bill in this manner does not do anything for the cause of temperance. You are going to close down the manufacture of things that are of little consequence; you are going to try to prohibit the manufacture of beer and things of that kind that contain but little alcohol, and at the same time you are going to turn loose upon the country—and many of you no doubt will help to drink it—the whisky that is now stored away in the warehouses of this country. The people who are now drinking beer will turn to whisky and become whisky drinkers, and instead of doing something for prohibition you will have been doing only the opposite thing. But what do some people in this country care if they can only bolster up their campaign for country-wide prohibition?

The gentleman from North Carolina [Mr. WEBB] is the chairman of the Committee on the Judiciary. His committee can bring into this House whenever he says the word a bill or resolution proposing a nation-wide prohibition amendment. Under the Constitution of the United States that is the legal way to get prohibition; that is the regular way. Why not go about it in that manner, instead of trying to take advantage of the unusual conditions in this country now and bringing it in here and putting it upon this food-control bill, which I and others who are opposed to prohibition are anxious to support? We are anxious to help and give to the President every power possible in order that he may handle this country in this time of great

stress. I have supported this bill all the way through. I have stood at the back of the President faithfully and earnestly, and in my humble way have done everything I could. I supported his recommendation for war; I supported his recommendation for a drafted army; I supported the loan bill and the war appropriation bills; and I have done everything I could; and here to-day and this week we have been standing together as men who believe in prohibition and those who do not believe in it, trying to act as worthy Representatives and give to the President the needed power and authority to handle this condition and to bring about peace at the earliest possible date.

But you gentlemen, in an improper way, outside of the regular way, want to destroy the industries of this country that have been built up at the cost of hundreds of millions of dollars. Thousands and thousands of men are working now in the brewing industries and in the allied industries, and it is proposed that they be thrown out of employment and deprived of opportunity to support their wives and families, without this question being submitted to the people of the United States, as provided by the Constitution. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. CANDLER of Mississippi. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. TAGUE] five minutes.

The CHAIRMAN. The gentleman from Massachusetts is recognized for five minutes.

Mr. TAGUE. Mr. Chairman, it is obvious that when this bill came before the House every Member understood that we were voting on a bill which concerned the conservation of the food of our Nation and which also aimed to protect the people of the country from the vicious methods of food speculators.

Even with all this in plain view, Mr. Chairman, we have been humiliatingly compelled to witness on the floor of the House of Representatives an exhibition of hypocrisy such as I have never witnessed since I have been a Member of this House.

Mr. Chairman, I am a temperance man. I believe in temperance and have the courage of my convictions, and I also believe, as many of my colleagues do, in practicing what I preach.

But to-day, Mr. Chairman, we have seen Members of the House stand on the floor and heard them say that the main reason for the pending amendments was the conservation of food products.

And then we have heard others say that their reason for being in favor of the amendments to this bill was because they wanted to protect the young soldier who was going out to fight the battles of this country.

What a patriotic stand these Members are taking. How considerate of them to entertain the welfare of the soldier. And what a terrible alibi they are making to further their own personal ends. What a position they place the soldier in. Mr. Chairman, if these men would only stop and think for a minute the accusation they are making against the fighting blood of this Nation, what an indictment of these splendid types of courageous young men, who, hearing the call to arms, have given up their all that they may take their places among their fellow men on the field of battle, from whence they may never return to the loved ones who will be left to mourn them.

Oh, Mr. Chairman, what a direct insult such a "reason" is, not only to these brave young men, but to their fathers and mothers, who have prided themselves in the fact that they were able to supply the Nation with their own flesh and blood in this crisis. What a gigantic cloud of suspicion must hover above their heads. How they must weep in the thought that their boy—and in many, many cases boys—have been suspected of drunkenness the minute they have left the side of the home fire.

And in after life how the thought of such a suspicion must make the man who volunteered to save his country from the hands of an enemy feel when he realizes that through it all he was looked upon as a drunkard or a derelict, who could not be trusted out of sight, because he might partake of alcoholics.

And these men who have been sent here to protect and fight for the reputations of these very young men deliberately select these young men as subjects for their "reasons" for favoring these amendments, one of which means nothing more nor less than national prohibition. I am sorry to think that any Member of Congress should, in this age of history making, attempt to assail the reputations of the young soldiers of the Nation and use their accusations in an effort to mislead other Members of Congress.

Mr. Chairman, we have been forced to witness these spectacles on this floor in the past. We have been forced to believe that Members of Congress lacked backbone. Why, I ask you gentlemen, should not these Members stand up on the floor like real men and say, "We want national prohibition, and we are ready to go to Congress fairly and ask for it"?

But no; they try in a conniving manner to foist upon the Members of the House the intimation that their actions are for the benefit of the soldier. Let me tell you gentlemen that the average soldier would refuse from you even consideration of his personal welfare, much less action in behalf of it.

Now, what is the real meaning of these amendments? Let us look the matter squarely in the face and not be deceived by any outburst of supposed patriotism which engages the moral soldier's activities. Is it not plain to every Member of this House that the meaning of this amendment concerns the locking up of the distilled liquors of this country in the warehouses of Kentucky and other States, where this business is at present thriving? Does it not carry the significance of hoarding distilled liquors for the profit of the present owners?

This must be obvious to all. I want to go on record as opposing such deceptive measures.

Mr. KAHN. Will the gentleman yield?

Mr. TAGUE. Yes.

Mr. KAHN. Is the gentleman aware that the soldiers who are fighting this war on the battle fields of Europe, those from Italy and France are daily given a ration of wine, those from Germany are daily given a ration of beer, and those from England are daily given a ration of rum?

Mr. TAGUE. Mr. Chairman, of course I know about those conditions. And every Members of this House who has read any of the accounts of the habits of European soldiers during this war knows what my colleague means to construe by his remarks. But even this habit which is supposed to prevail in Europe offers no fundamental excuse for argument here. It is true that we are about to emulate our allies in carrying on this war so far as concerns certain phases of modern warfare, but the question of national prohibition has no place in this bill.

In the Army of the United States to-day there are more temperate men in proportion to their numbers than there are temperate men in the membership of this House, who are voting for this amendment. [Applause.]

Mr. FESS. Will the gentleman yield for a question?

Mr. TAGUE. I will.

Mr. FESS. Does that mean that when our soldiers go to the front they will be given rations of wine and beer?

Mr. MAYS. And rum?

Mr. FESS. And rum.

Mr. TAGUE. Mr. Chairman, if our young men want wine or beer or rum, they can get it at home, and when they do not drink it at home, they are not going to drink it on the battle field. [Applause.]

Mr. FESS. Why, then, do we surround every Army cantonment with a safety zone, forbidding liquor to be sold within a certain radius?

Mr. TAGUE. Every protection is being used against anything that is thought to be an injury, and I will do as much as the gentleman will to protect any of the young men of this country.

Mr. FESS. This is the way to protect them.

Mr. TAGUE. But I do not want it said of my people who are going to the front to fight for their country that the reason for this bill is "that you who have always been good, sober young men and who have never touched a drop of liquor must now be protected from it because some people see an opportunity to use you in order to gain their ends."

I do not say that all of those who believe in the question of prohibition do this, for many of them are sincere and honest in their efforts to pass this kind of legislation. They have devoted their lives to this cause and they are pleading what they believe is in the interest of a great cause. I will not for one moment say a word except in praise for them and their work, for they are just as sincere and patriotic as any of our citizens; but it is to those who preach on prohibition, and then, by their practice, teach an entirely different lesson in their every-day life.

Mr. BLACKMON. Will the gentleman yield?

Mr. TAGUE. Yes.

Mr. BLACKMON. The surrounding of these cantonments with a safety zone is approved by the President of the United States, is it not?

Mr. TAGUE. Yes.

Mr. BLACKMON. How does my colleague explain the fact that gentlemen were willing to trust the President with the lives of the young boys between the ages of 19 and 25 to carry on this great war and were willing to follow him in abolishing all State units, but are not willing to trust him in this matter? Can my colleague explain that?

Mr. TAGUE. No; I can not. That is another evidence of the hypocrisy that has been practiced on this House. My col-

league and I sat on the Committee on the Post Office and Post Roads this year, and we saw other examples of this same kind of hypocrisy. One man came in and held up his hands for prohibition, and I had occasion to visit a hotel in this city that evening, and he was the first man I saw enjoying himself drinking an intoxicating beverage. [Applause.]

Mr. Chairman, the speedy passage of this food-control measure is not only demanded by the President of the United States but also by the people of the country in their helplessness to obtain food supplies at other than extortionate prices.

The bill therefore should not be amended by attaching to it freakish legislation that has no proper place in a bill of this character.

There is no necessity of proceeding any further in respect to the use of food, food materials, and feed in the manufacture of alcoholic beverages than was contemplated in section 13 of the bill as originally presented.

Many false statements have been made by the advocates of national prohibition concerning restrictions in the use of alcoholic beverages in Great Britain and France during the progress of this war. The fact is that the soldiers of these countries are given rations of wine, beer, and liquor, and thus far, at least, we are not aware that any disastrous consequences have resulted from the practice. While the Government of Great Britain has placed some prohibition on the quantity of beer brewed previous to the war—and this was done because of the shortage of shipping tonnage—it has also prohibited the export of beers in order to conserve the supply for home consumption. It will thus be readily seen that the policy in vogue in these countries is not the cutting off of grain from use in the manufacture of intoxicating beverages, but rather the adoption of a plan for regulating the quantity of grain to be used in such manufacture.

The food problem is without question the most pressing measure that has been presented to this House since our entry into the war. Upon it, in the final issue, will depend the success of our armies. Napoleon was right when he said that soldiers fight on their stomachs. At no time in the annals of war has the truth embodied in this laconic statement been brought home to the consideration of a people with greater force than at present.

Hence our purpose in the present bill is to turn over to the Government the control of our food supplies, by placing extraordinary power in the hands of the President, acting as Commander in Chief of the Army, in order that our people during the crisis through which we are passing may not be exploited by bands of speculators intent only on public plunder.

In food distribution, as in the movement of our armies, there must be organization. It is to promote such organization that this bill was planned in order that the food resources of the country may be utilized to the best possible advantage, thus insuring one of the elements of superior importance in the prosecution of the war.

Whatever success our enemy in this war has attained has been due entirely to the fact that she established a system of food survey in the very incipiency of her struggle. Food control in this war has been proven to be the stoutest element of defense. Germany has proved it and the allied Governments have been so thoroughly imbued with this conviction that they lost no time in sending to this country accredited commissions to point out to us at the threshold of our entry in the war the necessity of food conservation not only as a helpmate of arms but as an indispensable factor in checkmating the ravages of war.

Mr. Chairman, we have been endeavoring in every way possible to take our cue for war-like preparation from the observation of the painful and distressing consequences experienced by our allies through the failure of organization in many of the avenues that mark the pathway of war. This we must do if we are to be successful in the conflict. This bill is a vital necessity and I regret that a misguided industry is displayed here to-day to divert it from its original plan and principle.

Mr. STEVENSON. I should like to interrupt the gentleman if he can be allowed half a minute.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEVENSON. He made reference to something I said here a while ago, about which I want to correct him.

Mr. LEA of California. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. LEA of California offers to amend the amendment of Mr. BARKLEY by adding thereto the words:

"*Provided*, That nothing herein contained shall prohibit the manufacture of wine containing not more than 12 per cent of alcohol per gallon."

The CHAIRMAN. The gentleman from Mississippi [Mr. CANDLER] is recognized.

Mr. FESS. Mr. Chairman, the gentleman from Iowa [Mr. HAUGEN] yielded to me.

The CHAIRMAN. The gentleman from Ohio [Mr. FESS] is recognized for four minutes.

Mr. FESS. Mr. Chairman, I want the attention of the committee. The men who spoke against the amendment that was passed awhile ago which forbade the use of grains in the production of alcoholic beverages constantly used the term "hypocrites" applied to the men who favored that amendment. I have no word of condemnation for any individual Member who votes his principles here on this question, but on behalf of the men who believe in temperance and who think it wise in the face of a world-wide food crisis which seems to confront us I do take exception—I do not want to use the indelicate word "resent"—but I do take exception to any man who ascribes the word "hypocrite" to me or to any other person here who believes in protecting the boys who are going from our homes to the battle field against being given a ration of rum and of wine and of beer. Many of the sons who will give their all to the life of our Nation will go from homes where the use of rum is unknown and where potential influence is against the use of liquor as a beverage. The parents and friends of the sons who will go to the front will not appreciate the charge made here that those of us who propose to protect them and to conserve the Nation's food resources are hypocrites. I do not believe that my good friend from Massachusetts wants to leave that impression that those who vote to protect these young men are hypocrites.

Mr. TAGUE. Will the gentleman yield?

Mr. FESS. Yes; I yield.

Mr. TAGUE. I think the gentleman understood me properly. I said some of those who are advocating this proposition have given an exhibition of hypocrisy not ordinarily seen in this House. I did not refer to the gentleman from Ohio, but he knows to whom I did refer.

Mr. FESS. I do not know to whom the gentleman refers, but I do know that the conscience of America is indicting in the most powerful manner the whisky and the beer business. Every year sees new recruits in the battle against the liquor business. The organized conscience of the Nation is displayed by the conduct of the people of many States. The liquor business is, in my judgment, doomed as a matter of beverage. The men who stand for this business at this hour have no assurance of the future. The truth of the matter is we are going to provide legislation here, as far as in our power lies, such as will make it impossible for a youth who goes from a Christian home to be led into drunkenness. I am sorry that my friend from Wisconsin [Mr. LENROOT] has introduced this amendment, because he says that the amendment is to prevent making drunkards out of whisky. He declares that his amendment permits the use of beer as a substitute. In other words, he is arguing for temperance by permitting the manufacture of beer. I want the membership of this House to know that this amendment means that we are to include fermentation but exclude distillation.

His amendment does not go as far as the amendment that we have adopted. Our amendment forbids both distillation and fermentation; that is, we forbid the use of grains for the manufacture of either whisky or beer. The Lenroot amendment modifies the amendment just adopted by permitting fermentation, while it does not change it in regard to distillation. I do not believe it is wise to go from one kind of drunkenness to another kind of drunkenness. I am against it in whatever form. I shall not favor the one as against the other. When you say the locked-up gallons of whisky in the Kentucky distilleries will be used to make whisky drunkards, I can assure you that you need not disturb yourselves about that. The amendment that is coming immediately after this, one that will be introduced by the gentleman from North Carolina [Mr. WEBB], will take care of the whisky that is in the bonded warehouses.

The issue that is before us to-day is, Are we going to be a nation of sobriety, are we going to use the power of the Government during the war to forbid the sale and use of wheat, corn, rye, sugar, grapes, molasses, sirup, and all foodstuffs, including barley, if you please, not only to forbid the manufacture of distilled liquors, but of fermented liquors as well?

I am going to vote against the Lenroot amendment because I do not want to make America a beer-drinking country. I prefer that she be free from the drink habit of both whisky and of beer, and when I take a position of that kind I am not finding fault with individuals who differ from me in their judgment as to the wisdom or unwisdom of such legislation. I am not calling men who believe otherwise hypocrites when they attack a position which I take on this question. I assume they are sincere in their arguments. I am not impugning their motives. I stand here on behalf of the boys that go from

our homes, and I demand that they be surrounded by every precaution possible. I do not like to think of what was said awhile ago—that rations of beer and wine and whisky are served on the battle line. [Applause.] And it is that sort of thing against which I wish to protect our sons.

Mr. CANDLER of Mississippi. Mr. Chairman, I yield to the gentleman from Missouri [Mr. IGOE] five minutes.

Mr. IGOE. Mr. Chairman, the gentleman from Ohio [Mr. FESS] is very frank about his purpose in voting for the amendment offered by the gentleman from Kentucky. I came to the consideration of this bill as a conservation measure. I am not in favor of prohibition. I have voted against it, but I have never made a speech or said a word upon the floor of this House upon either side of that question, and I regret that I have to do it now.

The purpose of this bill is to conserve food as set out in the title of the bill. The section was drawn to give the President the right, if necessity requires, to forbid the use of food and grain in the manufacture of alcohol and alcoholic liquors. I was willing to vote for and willing to support that proposition although I am opposed to prohibition. I believe if the people of this country require the grain for food purposes, it would be better to have it for that purpose and the manufacture of it into liquor of any kind should be prohibited and enforced. As far as I am concerned, if this country needed all of the grain for food I would see every brewery in my State dismantled to-morrow, but I do not believe that we ought to use this bill for the purpose of putting over a prohibition matter simply for prohibition's sake.

The gentleman knows that the grain forbidden under the amendment of the gentleman from Kentucky may be exported to another country and used there for making liquor. Where is the justice of the proposition that you can not use the grains of this country but can export them to be used for that purpose abroad?

This amendment of the gentleman from Kentucky includes all sorts of alcoholic beverages. Some of the grains used in beer, as everybody knows who has investigated it, are not needed for food purposes. This section as it was drawn by the committee was a proposition that every man could vote for unless he wanted to use this bill to put through a prohibition proposition regardless of the necessities of the people due to war conditions. I do not understand why people want in this section to throw the Constitution to the winds, nullify the purpose for which the bill is framed, and now use it to bring destruction to business and throw out of employment hundreds of thousands of men at this particular time. I have heard gentlemen say, and I have read, that these men now working in the breweries could go into other occupations.

That is not true. Men can not leave these particular activities and go into munition making or into these other activities. It is impossible for them to secure employment. I do not stand here to make any plea upon the ground of revenue. I do not want to do that, but I do make a plea for an orderly process in handling this question, and I submit to the members of this committee that the sane, saft, and statesmanlike thing to do is to place this power in the hands of the President as you have done with these other great propositions, and I say to the gentleman from Ohio [Mr. FESS] it seems to me that in the draft bill we gave the President the power to make regulations in regard to the sale of intoxicating liquors. Is not that so?

Mr. FESS. Yes. I was willing to put it into the hands of the President, but every time that we offered an amendment of that sort it was declared to be out of order.

Mr. IGOE. The gentleman from Ohio knows that the bill itself provides that the President, whenever he deems it necessary, may prohibit absolutely the use of these grains in the manufacture of any kind of alcoholic or nonalcoholic beverages, does he not?

Mr. FESS. With certain limitations.

Mr. IGOE. There were no limitations whatever upon it.

Mr. DYER. Absolutely free.

Mr. DECKER. But the gentleman is overlooking the fact that every amendment we tried to offer taking care of the whisky already on hand was ruled out of order.

Mr. IGOE. Yes.

Mr. DECKER. And supported by the House.

Mr. IGOE. Yes; and the gentleman knows this: That the gentleman from Kentucky said that he would offer that as a separate section, and the gentleman knows that he made the statement that it would be in order, and the gentleman would have a chance to vote upon it.

Mr. DECKER. I beg the gentleman's pardon, but the Chair did not say that.

Mr. IGOE. I said the gentleman from Kentucky. That proposition will come up later.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. HUTCHINSON. Mr. Chairman, I yield three minutes to the gentleman from Maine [Mr. HERSEY].

Mr. HERSEY. Mr. Chairman, the Barkley amendment just adopted is a great victory for the people of this country. I am utterly opposed to the Lenroot amendment, because it would weaken and destroy what the people have asked for and what they have now secured by the Barkley amendment to this bill. The law-abiding, liberty-loving people of this country, since this Congress has been in session, have been of one voice, and that united voice has demanded of us war prohibition. They have insisted upon the passage of war prohibition that we might thereby win this war.

In February, 1911, Emperor William of Germany reviewed his mighty army. He called before him one of the greatest military bodies then in the world—men educated and trained to arms from the cradle, men who knew all about the arts of war. He had a grand review of a great army, and on this notable occasion addressed his soldiers in the following words:

The next war and the next battle will demand sound nerves on your part. They will be decided by nerves. But those are undermined and endangered from youth upward by indulgence in alcohol.

It is one of the questions of the future for our navy and for our nation. If you educate the people to do without alcohol, I shall have sensible subjects. The nation which takes the smallest quantity of alcohol will win the battles of the future.

Have we learned anything from our enemy? Listen now to what Lloyd-George, of England, recently said:

We are fighting Germany, Austria, and drink, and, so far as I can see, the greatest of these three deadly foes is drink. I have the greatest conviction, based on accumulating evidence, that nothing but root-and-branch methods would be of the slightest avail in dealing with the evil. I believe it is the general feeling that if we are to settle with German militarism we must first of all settle with liquor.

The Baltimore Sun of May 11, 1917, said:

America can not fight this war with the drink traffic hanging to its arm.

Anything less than the Nation's greatest effort for victory will degrade the Nation's place and spirit. There is no place in the war program for preventable disease, preventable weakness, preventable waste, or preventable death.

And there will be mounting food prices while grain untold is rotted into poison.

Why not do it now? Assert at once the Government's authority; enact the regulations that are obviously needed and add to them as the need of extension becomes apparent.

Better still, enact prohibition for the war. Use the distilleries to make munition alcohol and as a source of power fuel. Use the breweries to pack meat, pack fruit, make vinegar, make ice, and serve other useful ends. They can be adapted to such purposes at small expense.

Take this as a fact already settled: The American people will not be content to tolerate waste and destruction during such a time of sacrifice as there is ahead of us.

Let us stand behind the President and stand behind him armed with our full strength!

Let the experience for the last two years of our allies point out our duty.

Margaret Wintringer, field secretary of the Young People's Civic League and correspondent for Sunday School Times, Christian Herald, and American Issue, in a letter to the Members of this Congress May 5 last, said:

Having spent six months in Europe in 1916 studying temperance conditions in the warring nations as correspondent for the Sunday School Times, Christian Herald, and other prominent church and reform papers, I venture to set before you some of the results of my investigations.

Those countries which imposed prohibition as a military measure at the outset of the war have achieved the greatest military advance, and the measure of military success of each belligerent nation has been in exact proportion to the measure of prohibition of output rather than the measure of restriction and regulation.

The London Daily Chronicle and the London Daily Times both state that Russia's temporary wine, beer, and vodka prohibition gave her startling advantage at the very outset of the war, enabling her to mobilize her army in less than two weeks, and because of Russia's speedy entrance into the war, accomplished under prohibition, Germany was forced to divide her forces between the east and west, thus saving Paris and possibly London.

When I visited Paris a year after the prohibition by the Government of the manufacture and sale of vodka, Gen. Gallieni affirmed that this drastic action thus early in the war had saved France. The favorable results from the prohibition of absinth led to the recent ban on spirits by the Government on its own initiative.

The failure of Great Britain to follow the example of her allies, Russia and France, when the nation was ready to accept prohibition, disheartened the more patriotic element of the British people, so that that class of her subjects who would naturally have given the Government the most loyal and unselfish service could lend only half-hearted support.

As Mr. Alfred Booth, chairman of the Cunard Line, has declared, "The brewery cart has blocked the ammunition wagon and the wheat truck, and thereby greatly weakened Great Britain's helpfulness to her allies."

It has impoverished her people and hastened the present food stringency by diverting grain which would have provided every man, woman, and child in Great Britain with four quartern loaves of bread every week.

It has forced the British Government to seek loans to finance the war while her people were drinking the cost of three dreadnaughts every five days and every three losing as many lives through drink as went down in the *Lusitania*.

It is an undeniable fact that Great Britain's failure to follow Russia and France has prolonged the war, as shown by the famous "White Paper" issued by the Government containing "Report and statistics of the bad times kept in the shipbuilding, munitions, and transport areas," which lies before me:

First. By handicapping the cutput of munitions and building transports through loss of time caused by drink—669,000 labor hours lost in one district in March, 1915.

Second. By retarding mobilization, one-third of entire regiments in some instances being incapacitated by drink.

Third. By delaying the transportation of troops to form a juncture with the army of France for the relief of Belgium, the drunkenness of the firemen delaying the sailing of one transport carrying 1,200 troops 24 hours.

The sale of drink in Great Britain during the war has caused an alarming increase of drunkenness among women, resulting in an increased infant mortality so great that since the beginning of the war two babies under 5 years of age have died in Great Britain for every soldier lost at the front.

The drunkenness of the new British Army during mobilization made it impossible to form the juncture with the French Army which might have held the German hordes back from crossing the French frontier, thus changing possible and speedy victory into crawling disaster. So American mothers are to pay Great Britain's drink bill with the life-blood of their sons!

In the face of such sacrifice, when the mothers of this Nation must furnish the millions of soldiers for the country's defense, to refuse the moral protection which national prohibition as a war measure would afford her sons, would be a sin against the mothers of the United States, and would chill the enthusiasm of the millions of women upon whose services in all lines of industry the Nation must depend for the success of its arms.

He brands himself a traitor to the human race who calls a truce in the fight against alcohol now, when health, efficiency, and happiness must be safeguarded as never before. He serves his country best who conserves its young men.

In the face of the experience of the warring nations of Europe, and the price we must pay for their defeat before King Alcohol, the United States can not afford to repeat Great Britain's disastrous experiment with regulation. Nor can we risk dishonor by following Germany's deadly example of restriction, which defeated 40 years of preparedness, blackened her national escutcheon, and wrested victory from her army almost before it had crossed the border.

Without prohibition there will be no victory, and the United States will enter the struggle and sacrifice its young manhood in vain.

In behalf of the motherhood of the Nation, called to a greater sacrifice for country than any Nation in all the world's history has ever asked of its mothers, may we not look to your honorable legislative body for immediate action in defense of our soldiers, with national prohibition as a war measure?

Yours, for protection, which means victory,

MARGARET WINTRINGER.

T. N. Carver, professor of political economy, Harvard University, writing in the Harvard Alumni Bulletin of May 31, 1917, said:

The argument for war prohibition rests partly on economic and partly on moral grounds. The argument on economic grounds is an argument against the waste of foodstuffs and of man power. This is much more convincing than the argument based upon sentimental morality. The waste of foodstuffs is, in itself, a large item, though a small percentage of our total food production. According to the report of the Commissioner of Internal Revenue for the year ended June 30, 1916 (p. 138), there were used during that year in the manufacture of distilled spirits over 32,000,000 bushels of corn, over 3,000,000 bushels of rye, over 4,000,000 bushels of malt, and over 152,000,000 gallons of molasses, besides small quantities of wheat, oats, and other materials.

The waste of man power may be regarded as a moral problem, but it is in the strictest sense an economic problem. There are few vices which more speedily and certainly destroy a man's dependableness than alcoholic indulgence. In our interlocking civilization, where we are all so completely dependent upon one another, the most valuable of all virtues are those which make us dependable, and the most destructive of all vices are those which make us undependable.

As to the men who may be thrown out of employment, they will be needed ten times over before this war is ended to man the necessary industries. We must count on putting as many as 5,000,000 men in the field—it would be silly to count on fewer than that—and it may be necessary to put 10,000,000 in the Army and Navy. It will take another 5,000,000 or 10,000,000 to produce supplies and ships for them. It will take other millions to increase our farm production, our coal and iron production. Many unnecessary industries must absolutely cease to be in order that those necessary for our salvation may be kept going. The industries which produce alcoholic drinks are about the most unnecessary of all our industries.

The New York Times of May 13, 1917, contained an interesting article by Irving Fisher, professor of political economy in Yale University, in which he said:

In regard to the release of labor, there were employed in 1910 in distilleries and breweries about 81,000 men. There are 101,000 bartenders, 68,000 saloonkeepers, and enough others—salesmen and the like—to bring up the total number of persons owing their employment, directly or indirectly, to the liquor business to about 289,000.

Ordinarily the large numbers employed are cited as a reason why prohibition, by dislocating labor, would be injurious, but to-day it is this very release of labor which is needed for the production of food and munitions and for filling the ranks in our Army and Navy. Food scarcity in particular can not be remedied without more farm labor, and the larger the number employed in the liquor business the more man power is lost for prosecuting the war No one can to-day raise any objection on the ground of unemployment. There is no unemployment problem now in Canada. The curve of unemployment in England is almost down to zero. All labor released would therefore be readily absorbed, to the great benefit of the country, and in most cases probably to the benefit of the labor itself so transferred. Much of it would scarcely change location, for many of the plants of distilleries and breweries could be put to manufacturing industrial alcohol and to other war uses, as has been the case in Canada.

As to food, we are facing a real food crisis, due to shortage of crops all over the world, the destruction of crops by war, the withdrawal of food producers to perform military functions, the destruction of food ships by the submarine, and the exhaustion of our food stocks. The sooner we wake up to a realization of what is before us the better.

Nearly 2½ per cent of the total crop of those cereals used in manufacturing alcoholic beverages are diverted to that use, while 5 per cent of the total crop of rice and 34 per cent of the total crop of barley are so diverted.

More than 110,000,000 bushels of grain are used in the production of alcoholic beverages, 415,000,000 pounds of grapes, and 152,000,000 pounds of molasses. In all about 7,500,000,000 pounds of food—grain, grapes, grape sugar, glucose, and molasses—are so used each year. After making allowance for the production of denatured alcohol, the total fuel value so diverted each year is sufficient to supply the yearly energy requirement of over 7,000,000 men.

Even after making allowance for all recovered food substances, such as swill for feeding farm animals, there is still wasted enough grain alone to give a 1-pound loaf every day to every soldier in an army of 11,000,000 men! This is the calculation of Dr. Alonzo Taylor, who has been making a study of the world's food situation by personal investigation in Germany and England and the United States.

As to the commercial uses of alcohol, prohibition would enable us to utilize distilleries and breweries in the production of ether, so necessary now for surgical operations in the military hospitals, and of acetone for the making of explosives, as well as of pure alcohol for fuel and other purposes. Pure alcohol now costs $2.40 a gallon, of which $2 is tax. The tax has been removed in Europe. It is estimated, so a chemist tells me, that about 1 pound of alcohol is necessary in the manufacture of every pound of powder.

In regard to cold storage, the plants of breweries could be used for cold storage of foods, and it is believed that we are somewhat short on cold-storage facilities.

The Daily Kennebec Journal, a great newspaper published in my State, said editorially April 25, 1917:

We are entering a war for right and justice over might and greed, equality of human rights over autocratic domination. We smite our breasts and boast our high purpose to save humanity from mammon, while in our hearts is the hypocrisy of unconquered appetites and passions.

Staggering and bewildered by narcotic poison, 25 per cent deficient in human fighting ability, to say nothing of lack of training or inadequate mechanical equipment, we offer combat to a fighting enemy, depending on our size, doggedness, and luck, a "country that has never been defeated," except by its own lusts and longings.

Bluntly, are we to swagger into the arena, one-fourth paralyzed by drink, with a rum bottle in our pocket and a determination to fight on "Dutch courage"?

Here are a few facts to consider in their tremendous possibilities:

Exclusive of our loans to the allies we can hardly expect to expend in our first year of the war the sum of $2,000,000,000. Yet in that same 12 months we shall expend for drink, every ounce of it worse than useless to any human being, the amount in dollars of two billions five hundred millions.

National prohibition as an emergency measure would save this to the Nation, and all the incompetence and misery which its use would entail.

In other words, we could save by restraining our own folly, in the first 12 months of war, food enough to fully feed for one year any army that we shall be able to raise in the next three years.

National prohibition as an emergency war measure would release for productive uses an army of many thousands of men now engaged in a nationally destructive labor. We need these men on the farms to raise food, where they are now engaged in destroying what others raise.

National prohibition as an emergency war measure would instantly be felt—as it was in Russia—in a new efficiency and morale in the army, and in the people as an awakening from "booze" stupor that holds millions every hour in its grasp the while disheartening other millions close to them.

Look at the facts in the case of these three—food, labor, financial strength:

The greatest destroyer of food in this country now, and in England, France, and Russia before the war, is drink.

The greatest destroyer of labor in this country, as it was in Europe before the war, is drink.

And when we come to financial strength we find that the drink waste every year is sufficient to build:

One hundred battleships, costing $7,500,000 each, and 200 armored cruisers, costing $6,000,000 each, and 500 destroyers, costing $1,000,000 each, and 1,000 submarines, costing $10,000 each.

Can the American people drag this stupendous burden and win the war?

Here is a final illustration: The sum expended for drink in this country every 12 months would board at $1 a day each every man, woman, and child in the Nation for almost one month.

We must win this war. To do it we must first put away our Nation's shame—the legalized liquor traffic. To-day this House has sounded forth the trumpet that will never call retreat. War prohibition will give us a sober Nation and we will at once proceed to give to the people a constitutional amendment that will give us in times of peace protection from our greatest enemy and complete national prohibition. To-morrow the saloon will be only a hateful memory.

God is calling to the masses, to the peasant, and the peer;
He is calling to all classes, that the crucial hour is near;
For each rotting throne must tremble and fall broken in the dust,
With the leaders who dissemble and betray a people's trust.

Still the voice of God is calling, and above the wreck I see,
And beyond the gloom appalling, the great government-to-be.
From the ruins it has risen, and my soul is overjoyed,
For the school supplants the prison, and there are no "unemployed."

And there are no children's faces at the spindle or the loom;
They are out in sunny places, where the other sweet things bloom;
God has purified the alleys, He has set the white slaves free.
And they own the hills and valleys in this government-to-be.

I am pleased that gentlemen in this Congress who oppose prohibition to-day in this debate admit and acknowledge that the passage of this bill with the Barkley amendment will destroy the manufacture and the sale of intoxicating liquors in this Nation during the war.

Mr. CANDLER of Mississippi. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Chairman and gentlemen, it seems to me that the gentleman from Ohio [Mr. FESS], as well as the gentleman from Missouri [Mr. DECKER] and the gentleman from Georgia [Mr. HOWARD], is endeavoring to make the people of this Nation and of the world believe that we are a Nation of drunkards, and that our young men need their particular protection. I am of the opinion, Mr. Chairman, that notwithstanding the fact that we have continued for over 140 years, since the birth of our great Republic, to permit the use of alcoholic and fermented liquors, we are to-day a stronger and better Nation and a stronger and better race than any other race under the canopy of heaven. [Applause.] It has been shown by some of the gentlemen here that our young men have demonstrated time and again that they are competent to take care of themselves and that without the protection of these greatly worried gentlemen from Georgia, Ohio, South Carolina, Missouri, and Maine.

Neither the American people nor the young men of this country need guardians. They do not need the protection and guidance of the professional prohibitionists to make them better men. Mr. Chairman, because a small percentage, or perhaps one-twentieth of 1 per cent, of our men take at times a little more than they should, that does not signify that 99 per cent of the American citizens who do not so indulge, but who are used to mild drinks and beverages, such as wines and beers, should be denied that right and privilege. Why should a majority, or even a minority, capable of self-control, suffer for the acts and indiscretions of others and be denied their constitutional right and privilege to indulge in these beverages to which they are accustomed and which they use moderately.

Mr. Chairman, we are to-day fighting for democracy. We maintain that our cause is the cause of democracy, and yet at the same time you are endeavoring and trying to destroy the personal liberty for which democracy stands. Now, Mr. Chairman, I am not going to call attention to the millions of dollars that will be lost in revenue not only to our Government, but to our municipalities and States as well, as this has been placed before you by others, but I do desire to call your attention to the fact that out of the 100,000 men who have enlisted in the last three months the greater percentage of them have come from sections of the country where there is no prohibition.

Great Britain, France, Italy, Belgium, yes, Germany as well, provide wines and beer for their men at the front, and the new Russian Republic is doing likewise. Why should we then set ourselves above the experience of our allies? In addition to that, I say to you it is manifestly unfair and it is wrong to deprive the laboring man, working the entire day in a mill, factory, or shop, of a glass of beer, which to him is a stimulant.

I am not going to say that you are not honest. I concede that you are honest in advocating prohibition, that you believe in what you preach, but somehow or other you have not had the experience and you have not desired to secure the proper light. You take the statements and figures of professional prohibitionists who will not stop at anything to secure prohibition. [Applause.]

If those professional advocates, who have the facts, be honest, they would admit that prohibition does not prohibit. That you can get all of the liquor that you want in every prohibition county and State is well known. Several gentlemen have stated that by adopting this measure the price of whisky will increase 500 per cent, in spite of the fact that people residing in prohibition districts already pay as much as $1 for a flask and $5 for a quart. This clearly demonstrates that the people are able to procure it, and Mr. Chairman, they will continue to secure it regardless of any law you may pass. Why, then, pass a law that you know will be violated?

To prohibit the manufacture of beer in this country would merely mean that 70,000,000 bushels of barley, corn products, and rice will be shipped to Europe, manufactured into alcoholic liquors, and reshipped to this country for sale. This will mean that the United States Government will be deprived of the large revenues without satisfying the demands of our professional prohibitionists. Is there wisdom in such legislation?

I ask all of you gentlemen to consider carefully before you cast your vote on this important question. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUTCHINSON. Mr. Chairman, I yield three minutes to the gentleman from Massachusetts [Mr. DALLINGER].

Mr. DALLINGER. Mr. Chairman, my colleague from Illinois [Mr. SABATH], who has just finished, is apparently somewhat excited. I wish to call his attention to the fact that all government, including government by consent of the governed, is a surrender of personal liberty. I also wish to call his attention to the fact that this Congress has already prohibited the sale of any kind of alcoholic beverage to its soldiers and sailors, the men who are fighting the battles of their country. And why?

Mr. SABATH. Will the gentleman yield?

Mr. DALLINGER. No; I decline to yield—because in order to fight any battle it is necessary to have men free from alcoholic poison. Why, we all know that when we have athletic contests between Harvard and Yale, or between Brown and Dartmouth, or between the University of Virginia and some other college, these men go into training, as we call it, and they are not allowed any alcoholic stimulants. Why? In order that they may be the most efficient; and here, Mr. Chairman, we are fighting for our existence as a nation—we are fighting for the safety and continuance of democracy in the world—and if there ever was a time when the men of this country everywhere, those who fight at the front and those who remain at home, should be most efficient it is now.

Now, something has been said about Great Britain. One of the reasons why Great Britain has not accomplished more in this war is because her government has refused, at the request of the very best people of the nation in every walk of life, to prohibit the liquor traffic as a war measure. That refusal has resulted in the expenditure of over $2,000,000,000 of wealth and treasure that was needed for food, for clothing, for munitions—in short, for everything needed to make the nation efficient—for something that has tended to break down the vital powers of the people of Great Britain and make that great nation less efficient in this great struggle for its existence. We certainly do not wish to follow her example——

Mr. SABATH. Will the gentleman yield?

Mr. DALLINGER. On the contrary, we wish to take advantage of her mistakes and not make the same mistakes but to conduct this war with the utmost efficiency.

Now, a very large majority of the people of this country, no matter how they feel upon the question of prohibition in time of peace, are in favor of prohibition during the continuance of this war. Until to-day the opponents of war prohibition have been able by parliamentary rulings to prevent the issue from coming before this House. Finally in the Barkley amendment we were given the opportunity to vote squarely on the question of prohibiting the further use of foodstuffs which will be necessary within the next year to keep our people from starving, in the manufacture of alcoholic beverages. Certainly no Member of this House who really believes in conserving the food supply of our country in this great crisis can oppose such a provision of law, and I am glad that the House has so voted. I rejoice that I have had the privilege to-day to vote for the Barkley amendment and shall have the privilege of voting against the Lenroot amendment which greatly weakens the prohibitory feature of the section as amended. I shall then vote for the Webb amendment authorizing the President to requisition all existing stocks of distilled spirits for munition purposes, to the end that the resources of this great Nation in the great struggle in which we are engaged may be conserved in the most efficient manner. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANDLER of Mississippi. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. KELLY].

Mr. KELLY of Pennsylvania. Mr. Chairman, I feel that there is an object lesson for every Member of this House in the situation in which we find ourselves. It appears, for instance, that parliamentary hocus-pocus which is used so often on proposals to deal with the liquor question sometimes gets those who are responsible into a labyrinth from which they can find no clue to escape.

I am glad to see this battle royal between the whisky and beer interests and I do not care which side wins. I believe that both the distillers and brewers of America should be prohibited from destroying foodstuffs in the manufacture of intoxicants during the conduct of this war.

[A colloquy here occurred between Mr. KELLY of Pennsylvania and Mr. MEEKER which was subsequently ordered stricken from the RECORD.]

Mr. MOORE of Pennsylvania. Mr. Chairman, I demand that the words be taken down.

The CHAIRMAN [Mr. MONTAGUE]. The gentleman demands that the words just spoken be taken down.

Mr. COADY. I also demand that the words that the gentleman from Pennsylvania used concerning the chairman of the committee be taken down, wherein he reflected on the Chairman of the Committee of the Whole.

Mr. KING. Mr. Chairman, I raise a point of order on the last motion, that it is too late.

The CHAIRMAN. The Chair thinks not. The words of the gentleman from Missouri [Mr. MEEKER] will be taken down and the words of the gentleman from Pennsylvania [Mr. KELLY] will be taken down. In the opinion of the Chair they constitute one transaction, with no intervening business.

Mr. SABATH. Mr. Chairman, there is no request on the part of anybody to take down the words of the gentleman from Missouri.

The CHAIRMAN. Then the Chair was in error in that particular.

Mr. SABATH. He did not refer to any one Member or designate any one Member.

The CHAIRMAN. The words of the gentleman from Pennsylvania will be taken down.

Mr. KING. I desire to raise a point of order, if I can get the ear of the Chairman.

The CHAIRMAN. What is the point of order?

Mr. KING. The point of order is that the demand for the reading of that part of the words uttered by the gentleman from Pennsylvania referring to the Chairman this afternoon came too late.

The CHAIRMAN. The Chair has heretofore ruled that he did not think so.

Mr. RANDALL. Mr. Chairman, I ask that the words of the gentleman from Missouri [Mr. MEEKER] be taken down.

Mr. SABATH. That would come too late. Business has intervened since the time the gentleman made his speech.

The CHAIRMAN. The Chair is of opinion that they are all interlocking colloquies, that they constitute one transaction, that no business has intervened, and they should be taken down.

Mr. SABATH. The gentleman from Missouri still believes what he said.

Mr. CALDWELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CALDWELL. What are we waiting for?

The CHAIRMAN. We are waiting for the words to be transcribed by the Official Reporter.

Mr. CALDWELL. Have they not been taken down by the Official Reporter?

Mr. MOORE of Pennsylvania. Those words have to be reported to the House, as I understand it.

Mr. GILLETT. Mr. Chairman, I recollect that the procedure is that they are first read at the desk in committee. Now, Mr. Chairman, for the sake of the good order and reputation of the House, I suggest that both the gentlemen withdraw their language.

Mr. MEEKER. I want to say to the gentleman from Massachusetts that what I said will never be withdrawn, and no man can refer to me in that way.

Mr. MOORE of Pennsylvania. I make the point of order that this conversation is not in order.

The CHAIRMAN. The Chair rules that it is not in order. The words will be read at the desk as soon as they are transcribed. The Clerk will read the words of the gentleman from Missouri [Mr. MEEKER].

The Clerk proceeded to read the language excepted to.

Mr. MOORE of Pennsylvania. Mr. Chairman, I think the proper procedure now is for the committee to rise, so that this language used may be reported to the House.

Mr. LANGLEY. Mr. Chairman, I think that there ought to be some more words read. The words read do not explain the whole thing to the House.

Mr. MOORE of Pennsylvania. The words read are substantially the words spoken, so far as reported.

Mr. LANGLEY. I know; but the remarks leading up to it ought to be included.

Mr. COADY. Mr. Chairman, I insisted a few moments ago on certain other utterances of the gentleman from Pennsylvania being taken down.

The CHAIRMAN. The Chair ruled that they should be taken down.

Mr. COADY. They have not all been read.

The CHAIRMAN. They have not yet been transcribed.

Mr. KELLY of Pennsylvania. Mr. Chairman, I am perfectly willing to withdraw my remarks concerning the Chairman. In the zeal of debate I admit they may not have been seemly.

Mr. COADY. Does the gentleman admit the statement is an untrue statement?

Mr. KELLY of Pennsylvania. No; I do not.

Mr. COADY. Then, I insist that the words shall be taken down.

Mr. BARKLEY. Mr. Chairman, if a man withdraws his own remarks it is not necessary to take them down.

The CHAIRMAN. The gentleman can not withdraw them without the unanimous consent of the committee.

Mr. MOORE of Pennsylvania. Mr. Chairman, I shall object to any unanimous-consent request until these words are reported in the regular way to the House.

The CHAIRMAN. If the gentleman from Pennsylvania will indulge the Chair, he did not hear him in the confusion.

Mr. MOORE of Pennsylvania. I say, I object to unanimous consent until the regular procedure is followed, which is to report the proceedings to the House.

The CHAIRMAN. The committee will be in order until the words requested have been reported.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, pending the reading of the words, it seems to me that not enough has been reported to show the whole meaning of them. It seems to me that we should have more of the controversy. More of the statements, perhaps, of both gentlemen are necessary in order to know the full bearing of the words reported.

Mr. MOORE of Pennsylvania. The Chair has ruled that certain other words not yet reported shall be taken down. We are waiting now until those words shall be written out. I object to intervening proceedings until we have those statements read.

The CHAIRMAN. The Clerk will report the remarks of the gentleman from Pennsylvania [Mr. KELLY] that were taken down. The Clerk will read the entire remarks, so that the committee may understand them.

The Clerk resumed the reading of the language excepted to.

Mr. VENABLE. Mr. Chairman——

Mr. MOORE of Pennsylvania. Regular order!

The CHAIRMAN. The gentleman from Mississippi is recognized.

Mr. VENABLE. According to my recollection, Mr. Chairman, there is a portion of the remarks of the gentleman from Pennsylvania which has not yet been read, which was to this effect, as I recall——

The CHAIRMAN. The Chair will state to the gentleman from Mississippi that the words are not debatable now.

Mr. VENABLE. They have not been read, however, and I merely call attention to that fact in order that they may be read.

Mr. LANGLEY. That is part of the res gestae and ought to be included.

Mr. HOWARD. I think that is what brought about this controversy.

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi [Mr. VENABLE], who has the floor.

Mr. VENABLE. My attention is called to the fact that the Reporters have not yet had time to write out all the words.

The CHAIRMAN. The Chair will say to the gentleman that it is not his duty to report or verify the words objected to. The Chair must direct to be read as written.

Mr. QUIN. Mr. Chairman, the gentleman from Pennsylvania [Mr. KELLY] withdrew his remarks, and also——

The CHAIRMAN. The gentleman from Pennsylvania can not withdraw his remarks without unanimous consent, which has not been given.

Mr. LEVER. Mr. Chairman, I move that the committee rise.

Mr. HAMILTON of Michigan. I suggest that all the words which are objected to ought to be read.

Mr. VENABLE. The Reporters have not yet completed the writing out of the words.

The CHAIRMAN. The Chair will say to the gentleman from Michigan that the exact words have been read as far as they have been transcribed.

Mr. LANGLEY. But they have not all been read.

Mr. MOORE of Pennsylvania. Mr. Chairman, I understand we are waiting for the remainder of the words to be written out.

The CHAIRMAN. The committee will come to order. The words have now been written out by the reporter.

Mr. LEVER. Mr. Chairman, I ask that the words be reported.

The CHAIRMAN. The Clerk will report the words that were objected to and requested to be taken down.

The Clerk read the words.

Mr. MOORE of Pennsylvania. Mr. Chairman, now that the language has been read, I understand that the committee automatically rises and reports the words to the House.

The CHAIRMAN. That is correct.

The committee accordingly rose; and Mr. HOUSTON having taken the chair as Speaker pro tempore, Mr. MONTAGUE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill H. R. 4961 certain words used in debate were objected to, and the demand made that they be taken down, that they were so taken down and read at the desk to the committee, and he now reported the words to the House.

The SPEAKER pro tempore. The Chairman of the Committee of the Whole House on the state of the Union reports that during the debate certain words were uttered which were objected to, and demanded to be taken down, which words have been taken down and are now reported to the House.

Mr. KITCHIN. I move to strike from the RECORD all the words read by the Clerk, wherever they occur. That ought to end this thing, and everybody ought to be satisfied.

Mr. GREENE of Vermont. A parliamentary inquiry. Have those words been reported to the House? They have been reported to the committee, but not to the House.

The SPEAKER pro tempore. They were reported to the committee, but they have not been reported to the House.

Mr. MOORE of Pennsylvania. I ask that the words be reported to the House.

The SPEAKER pro tempore. The Clerk will report the words.

Mr. MOORE of Pennsylvania. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. MOORE of Pennsylvania. I rise for the purpose of asking that the rule be read which covers this situation.

The SPEAKER pro tempore. The first question before the House is the reporting of the words taken down. That has been asked for, and the words have not been reported to the House.

Mr. MOORE of Pennsylvania. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MOORE of Pennsylvania. The Chair is familiar with the rule on this subject. Is it proper for those concerned in this controversy to remain on their feet while the discussion is going on?

The SPEAKER pro tempore. It is not. The rule provides that when the words are ordered to be taken down the Member called to order shall take his seat.

Mr. MOORE of Pennsylvania. Then I ask for order.

The SPEAKER pro tempore. Let the parties whose words are in question take their seats.

Mr. OVERMYER. Mr. Speaker, I ask unanimous consent that the reporting of the words be dispensed with.

Mr. COADY. I object.

The SPEAKER pro tempore. The Clerk will report the words taken down.

The Clerk read the words complained of.

Mr. KITCHIN. Mr. Speaker, I move to strike from the RECORD what the Clerk has just read, and on that motion I ask the previous question.

The SPEAKER took the Chair.

The SPEAKER. The gentleman from North Carolina moves to strike from the RECORD the language read, and on that he demands the previous question.

Mr. HAMLIN. Mr. Speaker, I would like unanimous consent to address the House for two minutes.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. KITCHIN. And after that I give notice that I shall demand the previous question.

Mr. KELLY of Pennsylvania. Mr. Speaker, I ask to address the House for one minute.

A MEMBER. I object.

The SPEAKER. Does the gentleman from Missouri desire to address the House for two minutes?

Mr. GARNER. Reserving the right to object, may I suggest to the gentleman from Pennsylvania and also the gentleman from Missouri that they refrain from making any remarks until we vote on this proposition. Then they can discuss the matter. I think that it is better to accept the motion of the gentleman from North Carolina to strike out the remarks.

The SPEAKER. The gentleman from North Carolina moves the previous question on his motion.

Mr. MOORE of Pennsylvania. I make the point of no quorum.

The SPEAKER. The gentleman from Pennsylvania makes the point of no quorum, and the Chair will count. [After counting.] Two hundred and thirty-two Members present, a quorum. The question is on the motion of the gentleman from North Carolina on the previous question.

The previous question was ordered.

The SPEAKER. The question now is on the motion of the gentleman from North Carolina to strike out the words reported.

The question was taken; and on a division (demanded by Mr. MOORE of Pennsylvania) there were 183 ayes and no noes.

Mr. MOORE of Pennsylvania. Mr. Speaker, I make the point that no quorum is present.

Mr. FOSTER. The Chair has just counted a quorum.

The SPEAKER pro tempore. The Chair will count. [After counting.] Two hundred and twenty-six Members present, a quorum, and the motion of the gentleman from North Carolina is agreed to.

Mr. LEVER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4961.

The motion was agreed to.

Accordingly, the House resolved itself into Committee of the Whole House on the state of the Union.

Mr. HAMLIN resumed the chair. [Applause.]

Mr. KELLY of Pennsylvania. Mr. Chairman, I believe there are four minutes remaining to me.

Mr. GILLETT. Mr. Chairman, I make the point of order that the gentleman is not entitled to the floor.

Mr. BARKLEY. I move that the gentleman from Pennsylvania be allowed to proceed in order.

The CHAIRMAN. The gentleman from Kentucky moves that the gentleman from Pennsylvania may be allowed to proceed in order.

Mr. SHERLEY. Mr. Chairman, I make the point of order that that motion can not be made in Committee of the Whole.

The CHAIRMAN. The point of order is sustained.

Mr. BUTLER. Does the Chair mean to hold that in Committee of the Whole that motion can not be made? I know that when I was presiding in Committee of the Whole the motion was made by the gentleman from Pennsylvania, Mr. Dalzell.

The CHAIRMAN. The Chair thinks that when words objected to have been taken down and the committee has risen and reported the same to the House, the matter has passed out of the control of the committee, and he does not think a motion of that kind can be entertained when the committee resumes its sitting. It might be different if the whole matter had not been referred to the House.

Mr. HEFLIN. Mr. Chairman, I suggest that there will be no objection to the gentleman proceeding. [Cries of "Regular order!"]

Mr. LEVER. Mr. Chairman, I understand that the gentleman has four minutes remaining of his time.

The CHAIRMAN. The gentleman from South Carolina and the gentleman from Iowa control the time. Either one can yield to whomsoever he pleases.

Mr. LEVER. Mr. Chairman, I yield four minutes to the gentleman from Pennsylvania [Mr. KELLY].

Mr. KELLY of Pennsylvania. Mr. Chairman and gentlemen of the committee, before proceeding further on the line of the argument that I started to make, I desire to say that I have been trying to accelerate the passage of this bill in every way possible, and I regret exceedingly this waste of time has occurred. I also desire to say to the Chairman of this committee, for whom I have the highest regard and respect, that I intended in no way to make any disrespectful allusion to him. [Cries of "Oh!"] Mr. Chairman, I demand order. The Chairman of the committee stated that he prepared his opinion yesterday—an historical fact and a perfectly proper proceeding. He made the statement, and I repeated it——

Mr. STAFFORD. Oh, the gentleman does not wish to make a misstatement. Will the gentleman yield?

Mr. KELLY of Pennsylvania. I do not yield.

Mr. STAFFORD. The gentleman is making a misstatement.

Mr. KELLY of Pennsylvania. I do not yield.

Mr. TILSON. Mr. Chairman, I rise to a point of order. The gentleman is not addressing himself to the matter before the House.

Mr. KELLY of Pennsylvania. I was taking my own time to make a statement.

The CHAIRMAN. The gentleman will proceed in order.

Mr. KELLY of Pennsylvania. I was using my own time to make a statement, but I am perfectly willing——

Mr. HAMILTON of Michigan. Mr. Chairman, I rise to a point of order—a parliamentary inquiry.

The CHAIRMAN. The gentleman can not take the gentleman from Pennsylvania off his feet by a parliamentary inquiry.

Mr. HAMILTON of Michigan. I make a point of order. Inasmuch as the language to which the gentleman is referring has been stricken out by order of the House, is the gentleman in order now in proceeding to discuss that language?

Mr. KELLY of Pennsylvania. The gentleman can not take me off my feet for an inquiry of that kind.

The CHAIRMAN. The gentleman was yielded time by the gentleman from South Carolina, and the Chair thinks——

Mr. HAMILTON of Michigan. Mr. Chairman, I make the point of order. Whether the gentleman had time yielded to

him or not, the question is, Shall he be permitted to discuss language which forms no part of the RECORD, which was stricken from the RECORD? The question is whether he should not discuss the matters before the House.

The CHAIRMAN. The Chair admonishes the gentleman from Pennsylvania to confine his remarks to the amendment.

Mr. KELLY of Pennsylvania. I shall do so. I desire to read——

Mr. ELLSWORTH. Mr. Chairman, will the gentleman from Pennsylvania yield for a question?

Mr. KELLY of Pennsylvania. I do not yield. I desire to read a telegram which I received this morning from one of the leading labor-union men in my city of Pittsburgh. There have been many complaints made in the consideration of this section 13——

Mr. LAGUARDIA. Mr. Chairman, will the gentleman from Pennsylvania yield?

Mr. KELLY of Pennsylvania. No; I do not yield to anyone. The statement has been made regarding——

Mr. ELLSWORTH. Mr. Chairman, will the gentleman from Pennsylvania yield for a question?

Mr. KELLY of Pennsylvania. I do not yield to anyone.

Mr. HEFLIN. Mr. Chairman, I do not think the gentleman ought to be interrupted in this fashion. [Cries of "Regular order!"]

The CHAIRMAN. The committee will be in order. The gentleman from Pennsylvania has the floor.

Mr. KELLY of Pennsylvania. Mr. Chairman, I desire to state that I do not yield until I have finished. A question has been brought up in the consideration of this measure a number of times regarding the position of workingmen on war-time prohibition, and I desire to quote a telegram which was sent to me this morning from one of the leading union officials of Pittsburgh, and he states his position clearly.

Mr. Chairman, this telegram is from Andrew T. McNamara, business agent for the Pittsburgh district of the International Association of Machinists. I append it herewith:

Hon. M. CLYDE KELLY,
House of Representatives, Washington, D. C.:

I have been an officer in the machinist union for the greater part of the past 15 years. In this period I have been unalterably opposed to the liquor interest in all campaigns and elections. My position has been well known to the members of the machinists' organization, and they have unfailingly elected me to every position for which I have been a candidate. Thus, I maintain that the true sentiment of the workers in our organization is identically with my own position, and in a measure reflects the general sentiment of all trade unionists. When nominated for the office of business agent of the Pittsburgh machinists I made this statement, that if elected the office of the business agent must be removed from over the saloon where it was then located. This made a clear and well-defined issue between the drys and wets in the machinists' union. On this issue I was overwhelmingly elected. The office has been removed from over the saloon and never since returned to a building where intoxicating liquors are sold. My election and the moving of the office from the proximity of a saloon shows the trend of thought in the labor movement on the liquor question.

ANDREW T. MCNAMARA.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. LEVER. Mr. Chairman, I ask the gentleman from Iowa to use some of his time.

Mr. HAUGEN. Mr. Chairman, I yield one minute to the gentleman from Kentucky [Mr. LANGLEY].

Mr. LANGLEY. Mr. Chairman, I had a little speech canned up here a while ago [laughter] that I was scheduled to deliver immediately, but owing to all of this belligerency and excitement that have intervened I am very much afraid that I have so far forgotten what I was going to say that the House will have to lose the best part of it. [Laughter.] I will say this, however, that in my judgment there are two things just as certain as death and taxes, and they are national prohibition and universal woman suffrage in this country [applause and laughter], and you fellows who have been losing your temper and scrapping here this afternoon might just as well keep in a good humor, as I do, and prepare yourselves for the inevitable. [Applause.] But I can not refrain from saying that this proposition is a many-sided and very far-reaching one to be brought up and acted upon in this hasty fashion, and I trust that these vast powers may be exercised with conservatism and due regard for the rights and vital interests of all of the people which they involve. [Applause.]

Mr. HAUGEN. Mr. Chairman, I desire to yield five minutes of time to the gentleman from New Jersey [Mr. PARKER].

Mr. PARKER of New Jersey. Mr. Chairman, my motion is to strike out, and I desire very much that the paragraph should be perfected before I make my motion.

The CHAIRMAN. By agreement, the Chair will state, all amendments can be pending and be voted upon at the close of debate.

Mr. PARKER of New Jersey. But, Mr. Chairman, I can not discuss my amendment until the paragraph has been perfected and I know what to strike out.

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. MCLAUGHLIN].

Mr. MCLAUGHLIN of Michigan. Mr. Chairman, I think I shall not use the five minutes. I voted for the amendment offered by the gentleman from Kentucky, which may be called a prohibition amendment. I am not in favor of the amendment offered by the gentleman from Wisconsin [applause], because it is a halfway prohibition proposition. His amendment would prohibit the making of alcohol or alcoholic liquors by the use of wheat, corn, rye, or rice in the making of whisky and permit the use of barley in the making of beer. I would go the whole hog or none on this prohibition proposition. There is and for years has been a controversy between the brewers and the distillers, each trying to get the advantage of the other. I sympathize with neither. If by this bill we are to lay the heavy hand of the law upon the business of one we should lay hold upon the business of the other also. I would not play favorites. It is urged by the gentleman from Wisconsin [Mr. LENROOT] that his amendment ought to be adopted because there are 300,000,000 gallons of whisky now in bond, and if this bill, when it becomes a law, prohibits the use of grains and other foodstuffs for making an additional supply of whisky, the whisky now in bond would be sold at very high prices, and this country would go to a whisky-drinking basis, a condition in which there will be no beer and everyone wishing to drink liquor must drink whisky. I want the committee to know that Mr. WEBB has an amendment which I believe will meet the approval of the House. There has been such indication of sentiment toward his proposal that I am safe in saying that, as a separate section, it will be held to be in order, and if put up to the House will be adopted. Mr. WEBB's amendment would provide for the commandeering and the redistilling of whisky in bond, and if adopted would meet the entire situation, I believe. Now, I have an amendment to offer. I have not before me the amendment offered by the gentleman from Wisconsin [Mr. LENROOT], but I would move to add "barley" to his amendment, so that it will read "wheat, corn, rye, barley, and rice." That will make it real prohibition. If we are going to enter upon prohibition at all let us have the whole thing. Let us not stand here as the particular enemy of whisky and as the particular friend of beer.

Mr. HAUGEN. I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

The CHAIRMAN. The Chair would like to call the attention of the gentleman from Michigan to the fact that the Chair thinks his amendment would be an amendment in the third degree. There is an amendment pending to the amendment of the gentleman from Wisconsin.

Mr. LENROOT. Might I suggest, Mr. Chairman, it would not be in the third degree, because they are separate amendments, and permission has been given to have all amendments pending.

The CHAIRMAN. The Chair thought it was offered as an amendment to the gentleman's amendment——

Mr. LENROOT. It is; but that would only make it an amendment in the second degree.

Mr. LEVER. I yield five minutes to the gentleman from Missouri [Mr. DECKER].

Mr. DECKER. Mr. Chairman and gentlemen of the committee, I voted for the Barkley amendment, and I am opposed to the Lenroot amendment. The Lenroot amendment simply raises a question in this House between whisky on the one hand and beer and wine on the other. I do not expect to change the opinion of any man in this House as to the effect of alcohol upon the human race, but I do desire in the brief space allotted to me to put before the committee, if I can, what the effect of this amendment is. As the amendment of Mr. BARKLEY passed the House, foodstuffs in the United States can not be used to manufacture alcohol for beverage purposes, whether it be wine or whisky or beer. If the Lenroot amendment prevails, you can not manufacture alcohol for whisky, but you can use it for beer and wine. Now, gentlemen of the committee, the proposition is simply this: If you and the people you represent do not favor using foodstuffs during this war to make beer and wine and whisky, then vote against the Lenroot amendment. If you want foodstuffs to be used to make wine and beer but not whisky, vote for the Lenroot amendment.

If you are against alcoholic beverages, vote against the Lenroot amendment and let the bill stand as it now is. There are men in this House who believe that the passage of this section will conserve the manhood of this country. Carlyle has said that "We refine sugar and shape steel and mold pottery, but

to refine, to strengthen, to mold a human life too seldom enters into our estimate of advantages." If you believe this means the conservation of the manhood of our country, and your people believe it, then vote against the Lenroot amendment, and let the Barkley amendment stand as it now is with an amendment which he will offer. He will offer an amendment which is now pending, which provides that alcohol can be manufactured for governmental, industrial, sacramental, medicinal, and scientific purposes. The question is up to the House this afternoon, booze or no booze. I impugn the motives of no man, but I appeal to every man to vote the convictions of himself and the people whom he represents. [Applause.]

I believe this means conservation of manhood. It will also conserve the food of this country. They say that it will not save much food; but if it saves any, it is that much saved for the winning of this war.

Some men have said that these soldiers in Europe who are fighting the war are being fed rum and wine and beer. I do not know how you feel about it, but I hope if that is true it will not apply to the soldiers whom we send across the sea. Death from bullets is bad, death from disease is bad, but I do not know but that the fate of those who stay on the other side will be better than that of the boys who come home enslaved by alcoholism, as I am told is the case in Canada to-day among thousands who have returned from Europe.

I do not believe that beer and rum and wine are necessary to make American soldiers fight. If you believe it should be used for medicinal purposes on the battlefield, I remind you that the amendment of Mr. BARKLEY will provide for that. [Applause.]

By solemn enactment of this Congress we have already prohibited the use of alcoholic beverages by the soldiers of our country. If for the sake of efficiency we require those who defend our flag with their lives to refrain from the use of alcoholic beverages, is it asking too much for the sake of efficiency, food conservation, and victory to require that the people who stay at home shall also refrain from the use of alcoholic beverages?

Some say there is enough whisky in existence now to last two years, and that to prevent the future manufacture of alcoholic beverages would increase the use of whisky; but they forget that the Webb amendment, which follows, will allow the Government to commandeer all this for governmental purposes, such as munitions of war, hospital use, and so forth.

I am for this whole food-control bill. It will cause inconvenience and perhaps sacrifice, but I believe it is essential to the winning of the war.

I am for this section which prevents the use of foodstuffs for the manufacture of alcoholic beverages. It will conserve food and manhood. To many it may cause inconvenience and sacrifice, but I believe it will help to win the war. I also believe that if it does cause sacrifice the great majority are ready, for the sake of victory, to make the sacrifice.

Mr. HAUGEN. Mr. Chairman, I yield two minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Chairman, I voted for the Barkley amendment when it was offered, and my only purpose in offering this amendment now is to promote the cause of temperance throughout the country. The gentleman from Michigan [Mr. MCLAUGHLIN] says that a subsequent section will be offered that will mean prohibition of distilled liquor. The gentleman knows if that is held in order it will not be, under the ruling of the Chair, possible for the House to make a prohibition of distilled liquors, but will merely give the President discretion to commandeer the distilled liquors of this country. And the gentleman knows, as every Member of the House knows, that in all human probability if the President is given that power it will not be exercised.

The gentleman from Missouri [Mr. DECKER] talks about the soldier. It is the soldier I am interested in by offering this amendment. If you are going to permit the sale of any intoxicating liquor in this country during this war, I do not want it limited to whisky. And it will promote the cause of sobriety, if we are going to have the sale of any intoxicating liquor, to permit the soldier to buy beer and light wines rather than to buy whisky only.

Mr. HAUGEN. Mr. Chairman, I yield four minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Chairman, the prohibition amendment adopted this afternoon places a premium upon whisky and whisky drinking in this country, and no one who votes for that and supports it can go before the country unless he approves whisky as the beverage of this country. There are in the bonded warehouses of this country 250,000,000 gallons available for use, and no amendment that will be adopted here to-day will take away that great quantity for consumption in this country. With something over 100,000,000 gallons being consumed yearly, the quantity in storage furnishes a supply for more than two years, the probable duration of the war. But beer and light wines would be prohibited entirely, as they could not be manufactured, and there is no appreciable supply, at least of beer, for any long period of time.

The advocates of this strict confiscatory measure would have you believe that this amendment is for protection of the soldier. We have already passed legislation throwing a protecting cloak around the soldiers and sailors, so far as they are concerned. You can not fool the people in that way. Every Army officer who has ever investigated this subject has advocated the establishment and the continuance of the canteen, because it tended to sobriety and temperance. They believed that light wines and beer furnished to the soldiers were to their best interest, rather than the strong and oftentimes vile liquors sold without restriction outside the Army post.

Again, the barley that is used in the manufacture of beer is not used to any large extent for foodstuffs. With this prohibition of the use of all cereals in the manufacture of any kind of alcoholic beverages the crop of barley now growing will largely be wasted. With its use for brewing beer prohibited, the farmer in many instances will have to sacrifice his crop.

When you consider further the small percentage of grain used in the manufacture of beer, about 1 per cent of the total yield, and much of this returned in the form of feed after using, the claim that it is to conserve the food supply is far-fetching and without much merit.

You can not in an instant transform those portions of the country which believe in liberal laws and liberal ways into communities conforming to a strict Puritanical order. Even though we are at war, even though we are willing to conserve the foodstuffs for the benefit of the people of this country and of the allies, we should still remember that the welfare and the good feeling and the good temper of the people of this country should be considered. Take the case of the laboring men, the men working in grime, in the foundries. Water does not appease the thirst those men have. You can not deprive them of their appetite for beer and light wines, to which they are habitually accustomed. If you are going to say to them that they will be deprived of light wines and beer and compelled to take instead whisky, you increase intemperance. You force them into habits that they have not heretofore acquired, and you establish an order of drunkenness rather than an order of temperate living.

The amendment offered by my colleague should be adopted, because it tends to sobriety. It permits the continuation of the manufacture of beer. In Denmark and Sweden and other countries whose people are addicted to strong drink, the governments have established public places for the vending of light wines and light beer.

It is easy for the people in the privacy of their homes to erect private stills. It does not take much machinery to manufacture their quota of whisky and hard liquor. But it does take quite an establishment to manufacture beer, and all statistics confirm the statement that beer tends to sobriety.

You are going to confiscate $250,000,000 worth of property at one fell swoop when there is no urgent demand for it, when there is no showing that it will conserve the food supply of the United States. Are you going to create in the minds of the people the idea that you are indulging in hysteria? Are you going to say to the people that you will allow the shipment of grain to foreign countries without limitation as to its use, where it can be used in the manufacture of all kinds of alcoholic drinks, and deprive our own communities of it, where they control it in a sane and sensible way? The country will not approve of such a method, whereby you allow strong liquor to be continued and place a bar upon the use of light wines and beer.

Mr. KEARNS. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. KEARNS. I want to ask the gentleman this question: If grain should be shipped from this country to another country and manufactured there into alcohol, is there anything in this law or any other law to prevent its being shipped back to this country in the shape of alcohol or alcoholic drinks?

Mr. STAFFORD. That is possible. Who will favor such a policy of allowing our people, accustomed to the use of wine and beer, to be deprived of those beverages for the benefit of people in foreign countries, where they will be privileged, without any limit upon them, to consume those beverages made from our cereals at our expense? It is almost unthinkable. No proposal could be more unfair than to unleash for the next two years the two-year supply of whisky stored in bonded warehouses and at the same time to stop the sale of beer and

light wines which this amendment proposes. The American public will not stand for the substitution of whisky for beer, for a policy that will increase intemperance by banning beer and foisting in its place whisky.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. LEVER. Mr. Chairman, I yield 15 minutes to the gentleman from Kentucky [Mr. BARKLEY].

The CHAIRMAN. The gentleman from Kentucky is recognized for 15 minutes.

Mr. BARKLEY. Mr. Chairman and gentlemen of the committee, I trust this amendment will not be adopted, notwithstanding my great admiration for the gentleman who offered it [Mr. LENROOT]. But if this amendment is adopted, it will absolutely nullify the amendment that was adopted by the House this afternoon.

If the gentleman from Wisconsin had offered an amendment at the end of the section, providing that this prohibition should not apply to the manufacture of beer and wine, it would have accomplished the thing he seeks to accomplish by inserting the words "wheat, corn, rye, and rice."

Mr. SIMS. Would you favor such an amendment?

Mr. BARKLEY. I would not favor such an amendment. The gentleman has stated that if that amendment is left just as it is now it will allow the consumption of the whisky now in existence; but if the amendment of the gentleman from Wisconsin is adopted, it will allow the use of all the beer and light wines that can be made, and therefore there will be all the beer and all the whisky both that men want to consume, and the situation will not be remedied in any particular.

Now, as I stated in the debate this afternoon, an amendment will be offered that will take care of the situation with respect to the whisky in bonded warehouses, and the reason why we will not have an opportunity to vote upon the amendment to absolutely prohibit the sale of liquor already made is on account of the parliamentary situation that prevents us from getting such an amendment as that before the House.

I agree that if this is wise as a food-conservation measure the amendment of the gentleman from Wisconsin ought not to be adopted, because there is no reason for conserving the food products that go into the manufacture of whisky and not conserving those that go into the manufacture of beer. It is claimed that barley is not used as human food. It is not used as human food to any great extent in the United States, but it takes less barley than it does corn to create 100 pounds of hog meat, and we can utilize the barley instead of corn in feeding swine and utilize the corn in feeding our own people and those of our allies. [Applause.]

I not only favor stopping the manufacture of intoxicating liquor of all kinds, but I favor stopping its sale. We have very properly provided that it shall be unlawful to sell liquor to our soldiers and sailors. I know of no reason why the same rule should not apply to all the people. [Applause.]

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. HAUGEN. I yield two minutes to the gentleman from Oklahoma [Mr. MORGAN].

Mr. MORGAN. Mr. Chairman, I am opposed to the Lenroot amendment. I would have voted for section 13 as it was in the bill. I voted for the Barkley amendment, because I thought that improved it. I shall vote against the Lenroot amendment, because I think that does not improve it. I am a prohibitionist. I am in favor of national prohibition, State prohibition, county prohibition, and township prohibition. And yet, Mr. Chairman, I would not be for prohibition in this emergency unless I thought it would contribute to the safety of this Nation and aid us in winning a victory. If I remember aright, Abraham Lincoln during the Civil War placed the preservation of the Union above everything else, and he said something like this, that he would preserve the Union either with or without slavery. So I would win a victory for the United States and her allies, either with prohibition or without prohibition, and I believe that the provisions of this section with the Barkley amendment will aid us in achieving a victory. [Applause.]

Mr. HAUGEN. I yield five minutes to the gentleman from New Jersey [Mr. PARKER].

Mr. LEVER. I also yield five minutes to the gentleman from New Jersey.

The CHAIRMAN. The gentleman from New Jersey [Mr. PARKER] is recognized for 10 minutes.

Mr. PARKER of New Jersey. Mr. Chairman and my friends, I move to strike out this section. We can not tell what the section is going to be yet, because the vote has not been taken on these amendments. I wanted to speak after the votes had been taken, but I am told that I must speak now.

Mr. GORDON. It is section 13.

Mr. PARKER of New Jersey. I know it is section 13, but what it will provide when the committee gets through with it we do not know. We do know one thing: It is an absolute need of this country that we should be united in this war. [Applause.] If this section, in whatever form it finally takes, creates as much dissension and as much of a row as it has made in this House, it will do harm in this Nation. We want to be united, and we do not want any such questions to trouble the people in a war measure. We are for union among ourselves and no one should throw an apple of discord among our people. [Applause.] Now a word or two about the bill. Section 13 as it originally stood was absolutely unnecessary. It gave the power to the President, if he thought brewing was a waste, to stop it. He had that power already under the bill. In section 3 we have provided for Government control of all necessaries, their production and consumption, whether in brewing or not. By section 4 we have made it unlawful to engage in any wasteful practice. If brewing be wasteful, the President already has the power to stop it. By section 5 we allow the President to license all food manufactures and operations, and allow only his licensees to work. He could refuse to license breweries, and under that section he could stop all wasteful practices. Everything that was in section 13 was in the previous parts of the bill, and that section was constitutional. Under the Constitution, when we declare war the management of that war does not belong to Congress. It belongs to the President, and we can only recognize his powers and provide money and means. I do not think we can limit his powers. I doubt whether we have a right to define them by this bill. I would have liked to have a resolution unanimously passed by this Congress that this Congress of the United States, in the present exigency, recognizes the power of the President of the United States to determine what should be done as to all articles and all industries all over this country for the winning of the war; to determine the military necessity, to determine what should be controlled, to determine what should be done. We have the right to pass such a provision, but Congress has no right to limit the power of the President in that regard, and it has no more right to act on its own behalf than it had before the war began.

The declaring of war does not extend the power of Congress. If Congress had no right to prohibit the distilling of liquor before the war, it has no right to prohibit it now. It has the right to recognize the military authority of the President to control all our operations if we are in a state of siege, but it has no right to declare a state of siege. That is the right of the Commander in Chief in command of the city or country that he may find in a state of siege. Congress has no power to prohibit brewing and distilling, nor has it the right to do as some of these amendments propose to do—and I voted for that amendment—to allow the brewing of beer and light wines and not allow the distilling of whisky. We have not this power in time of war because we are not judges of the military necessities; but it is the Commander in Chief, the general in command, who is the judge of those necessities as they change from time to time. The original bill recognized that. The section as now amended—it may be changed hereafter—not only prohibits the production of alcohol generally, which must be made in ten times greater quantity than before for war purposes, but it goes further. It puts great factories out of operation and thousands of workmen out of business. It may put discontent in the hearts of the men who are going to war. It may put discontent most of all in the hearts of the loyal Germans whom I know in my district, and in many other districts in the United States, who are enlisting and who are taking their share of the draft like all other true Americans, but who believe, from heredity and from practice, that they have the right to be temperate in the use of their mild beer and wine and that no man shall prohibit them in their lawful living. I know those men and what they think. I am not discussing temperance, however. It may be best for one man or another not to indulge. My dear friend, Chancellor Runyon, afterwards ambassador to Berlin, stopped drinking, but when we went to dinner at his house the glasses would be on the table, and they would be lifted to his lips and put down untouched. One day he told me that a Prohibitionist had come to him and wanted him to join the Prohibition Party. He said he did not think he could. The Prohibitionist asked him, "Don't you believe in absolute abstinence?" He said, "Yes; for myself." "Don't you believe in it for others?" "Yes; I have no doubt it may be good for others, but I do not try to control them. It is for their own consciences to decide."

"Well, if you believe in total abstinence why don't you join my party?" He said. "My friend, what have you got to say on the tariff?" and was told the party had nothing to say on

that. "What have you got to say on the question of greenbacks?" "We have nothing to say on that." Then he asked as to one or two more public questions, and then said, "My friend, I can not join your party. The interests and social complications in this country are so great, so many, and so varied that they can not be solved by the single issue of rum or no rum." [Applause.]

In this day, when we want our willing hosts to go forth to victory in the defense of our country, for God's sake let us not throw into the community a section of this bill that is so provocative of discord and also absolutely unnecessary, because the President has the power now. [Applause.]

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. MEEKER].

Mr. MEEKER. Mr. Chairman, this measure as it now stands will probably go over from the House to the Senate, will mean to several millions of men and women of this country who are just as loyal, just as moral, just as well-to-do, just as patriotic, as any other group in this Nation—will mean to those millions of our people a straight insult from the American Congress. I want to say to the gentleman—he is not on the floor now—in reply to two or three suggestions made here, that with all the being that is within me I resent the insult to the American Nation that we are a Nation of drunkards or that our soldiers are drunkards. There is not a nation in Europe to-day in this war that is not providing in its rations alcohol of some sort. Europe last year took our malt and manufactured her brews, and the gentleman from Maine a little while ago was very unfortunate when he quoted from the Kaiser in regard to the use of alcohol. If going on the water wagon is all that Germany needs to win this war she would have been on the water wagon a long time ago.

But, even though we do not use these wines and liquors—and I do not and never have—I take a stein of beer occasionally, but I do not feel that my morals have gone down any when I do it, and I do not get behind the door to do it, and then come out and make a dry speech. [Laughter and applause.] But when we undertake to draw the line, either of morality or health or patriotism, as to whether a man or woman in this country, in their homes, by the million, some of whom are going to give their lives on the field of battle in Europe to save the cowardly hides of some men who are afraid to go, when we say those men shall not be permitted to use their drink as they choose, as we use the drink which we choose, I say it is hign time that the American soldier shall ask himself the question, For whose liberty do I now fight?

We are boasting of democracy, we are talking of a world-wide liberation of men; but in this motion this afternoon we are doing what was the last thing the Czar did before he was dethroned. We are now moving to the place that, in harmony with the spirit of despotism, finally destroyed the power of the Czar and threw him over; we, in the name of reform and with crocodile tears about the boys, are forcing upon the American Commonwealth a despotism worse in its nature than that exercised by the man driven from his throne. [Applause.]

Mr. LEVER. Mr. Chairman, I intend to move at the proper time to strike out all of section 13 as amended and to insert in lieu thereof the amendment which I send to the desk and ask the Clerk to read in my time.

The Clerk read as follows:

Strike out all of section 13 and insert a new section, as follows:

"SEC. 13. The President is authorized, whenever he shall find it essential to conserve food, food materials, or feeds, and to assure an adequate supply thereof, to find and determine and give public notice of the amount of such foods, food materials, or feeds that can be safely and economically used in the manufacture of alcohol, alcoholic or nonalcoholic beverages. Thereafter no person shall use any food, food materials, or feeds in the manufacture of alcohol, alcoholic or nonalcoholic beverages except under license issued by the President, and the President is authorized to make such rules and regulations governing the manufacture of alcohol, alcoholic or nonalcoholic beverages as will prevent the use of food, food materials, or feeds in such manufacture in excess of the amount determined by him to be safe and economical.

"Any person who shall use any food, food materials, or feeds in the manufacture of alcohol, alcoholic or nonalcoholic beverages without first obtaining a license so to do when a license is required, under this section, or who shall violate any regulations made under this section, shall be punished by a fine not exceeding $5,000 or by imprisonment for not more than two years, or both."

"That the President is authorized, if in his opinion it is necessary to conserve necessaries, to require any person having control of alcohol and distilled spirits to turn over to the Government for use or redistillation such proportion of said alcohol or spirits as the President may deem necessary to meet the requirements of the Government in the manufacture of munitions and other military and hospital supplies in so far as such use or redistillation would dispense with the necessity of utilizing products and materials suitable for food and feeds in the future manufacture of alcohol or distilled spirits for the purposes herein enumerated. Upon the failure of the person to comply with the President's requirement, the President is authorized to requisition and take possession of the alcohol and distilled spirits required to be turned over and to pay for same a just compensation to be determined by the President, and if the price so determined be not satisfactory to the person entitled to receive the same, such person shall be paid the amount prescribed by the President and shall be entitled to sue the United States to recover such further sum as, added to the amount so paid, will be just compensation for such spirits or alcohol in the manner provided by section 24, paragraph 20, and section 145 of the Judicial Code."

Mr. BARKLEY. Mr. Chairman, I make the point of order on that.

Mr. LEVER. Mr. Chairman, I wish to say that I shall not offer this as an amendment to section 13 at all, but I shall offer it in my own time with the statement that if section 13 is voted out I shall offer this as a new section to the bill, and this is a solution of a very mixed proposition.

The CHAIRMAN. The Chair will not have to pass on that at the present time. All debate is exhausted under the agreement. The question now is on the amendment offered by the gentleman from South Carolina [Mr. STEVENSON] to the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The question was taken, and the Stevenson amendment to the Lenroot amendment was rejected.

The CHAIRMAN. The question now is upon the amendment offered by the gentleman from Michigan [Mr. MCLAUGHLIN] to the amendment of the gentleman from Wisconsin [Mr. LENROOT].

Mr. BURNETT. Mr. Chairman, may we have that amendment again reported?

The CHAIRMAN. Without objection, it will be again reported.

There was no objection, and the Clerk again reported the McLaughlin amendment.

The CHAIRMAN. The question is on the McLaughlin amendment.

The McLaughlin amendment to the Lenroot amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The question was taken; and on a division (demanded by Mr. STAFFORD) there were—ayes 107, noes 122.

Mr. STAFFORD. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. LENROOT and Mr. RUBEY to act as tellers.

The committee again divided; and the tellers reported—ayes 124, noes 134.

So the Lenroot amendment was rejected.

The CHAIRMAN. The question now is on the amendment of the gentleman from California [Mr. LEA] to the amendment of the gentleman from Kentucky [Mr. BARKLEY].

Mr. LEVER. Mr. Chairman, I suggest that that amendment be again reported.

The CHAIRMAN. Without objection, the Lea amendment will be again reported.

There was no objection, and the Clerk again reported the Lea amendment.

The CHAIRMAN. The question is on the amendment.

The Lea amendment to the Barkley amendment was rejected.

Mr. BARKLEY. Mr. Chairman, I ask unanimous consent to modify my amendment by adding the word "governmental" before the word "industrial."

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to modify his amendment in the manner indicated. The Clerk will report the proposed modification.

The Clerk read as follows:

Modify the amendment of Mr. BARKLEY by adding the word "governmental" before the word "industrial," so that as amended the amendment will read:

Page 15, line 17, after the word "alcohol" insert "except for governmental, industrial, scientific, medicinal, or sacramental purposes."

The CHAIRMAN. Is there objection to the modification?

There was no objection.

The CHAIRMAN. The question now is on the amendment of the gentleman from Kentucky [Mr. BARKLEY].

Mr. WILSON of Texas. Mr. Chairman, I have admired the Republicans since I have been a Member of this House because of their patriotic attitude toward the present administration, they having in nearly every instance left all partisan politics and partisan feelings behind. We have appealed to the Members of this House not to bring here partisan feelings, and I hope the Prohibitionists of this Congress will not be partisan on this question. I am this sort of a Prohibitionist: I forbid myself from going about intoxicating liquors, and I forbid intoxicating liquors coming about me, but I have never voted a Prohibition ticket, and I do not think that any man should take advantage of this crisis to inject the prohibition issue or to vote for prohibition here. We are entirely willing that the power be given to our President whenever he should think it necessary to forbid the use of foodstuffs in the further manufacture of all kinds of intoxicating liquors during the period of the war. The Agricultural Committee have decided this is the best course to

pursue after a most thorough and searching consideration of this food legislation. I have been standing by the administration on these war measures without exception and I am willing to stand by it here to-day and to give it all the power in the matter of the control of the manufacture of intoxicating liquors that it is asking us to give, but no more than that. You should not come here to make a raid upon or to mob any kind of business. I think you should be just as fair acting under your oaths here to-day as you would be or ought to be if you were selected as one of a jury to try a man for crime, even though it be murder, though he be ever so guilty. The jurors acting under their oaths should not convert themselves into a mob to do a rank injustice to the defendant. You may hate the liquor business and the liquor dealer, but you should rise above your prejudices and above your partisan feelings and vote here for only what is just and fair. I say let us trust our President in this matter as we are trusting him in all matters during this war. I certainly hope this Barkley amendment, this purely prohibition legislation, and in no sense a war measure, will fail.

Mr. LEHLBACH. Mr. Chairman, in my time I offered an amendment which I am informed was not reported. I offer it now as a substitute for the Barkley amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. LEHLBACH: Page 15, lines 16 and 17, after the word "production," strike out the words "of alcohol or."

The CHAIRMAN. The question is on the substitute offered by the gentleman.

Mr. BARKLEY. Mr. Chairman, I do not think that is an amendment to my amendment.

Mr. LEHLBACH. It is a substitute.

The CHAIRMAN. The Chair understands it is offered as a substitute to the gentleman's amendment.

Mr. BARKLEY. It is an entirely different proposition.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from New Jersey.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Kentucky [Mr. BARKLEY].

The question was taken, and the amendment was agreed to.

Mr. CHURCH. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend section 13 by adding at the end thereof the following:
"*Provided*, Nothing herein contained shall prohibit the manufacture of wine containing no grain products."

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now is——

Mr. SABATH. Mr. Chairman, my amendment is pending.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. SABATH: Page 15, after the word "both," in line 24, insert:
"*Provided*, That nothing contained in this section shall prohibit the manufacture or use of wines or beer."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. SABATH].

The question was taken; and the Chair announced the noes appeared to have it.

On a division (demanded by Mr. SABATH) there were—ayes 88, noes 130.

So the amendment was rejected.

The CHAIRMAN. The gentleman from New Jersey [Mr. PARKER] offers an amendment to strike out the section. The Clerk will report it.

The Clerk read as follows:

Amendment by Mr. PARKER of New Jersey: Strike out all of section 13.

The question was taken, and the Chair announced the noes appeared to have it.

On a division (demanded by Mr. PARKER of New Jersey and Mr. LEVER) there were—ayes 119, noes 127.

Mr. PARKER of New Jersey and Mr. LEVER. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The committee again divided; and the tellers (Mr. BARKLEY and Mr. PARKER of New Jersey) reported that there were—ayes 136, noes 152.

So the amendment was rejected.

Mr. WEBB. Mr. Chairman, I offer a new section to the bill, to be entitled 13a.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. WEBB: Insert as a new section, to be known as section 13a, the following:
"That the President is authorized, if in his opinion it is necessary to conserve necessaries, to require any person having control of alcohol and distilled spirits to turn over to the Government, for use or redistillation, such proportion of said alcohol or spirits as the President may deem necessary to meet the requirements of the Government in the manufacture of munitions and other military and hospital supplies in so far as such use or redistillation would dispense with the necessity of utilizing products and materials suitable for food and feeds in the future manufacture of alcohol or distilled spirits for the purposes herein enumerated. Upon the failure of the person to comply with the President's requirement, the President is authorized to requisition and take possession of the alcohol and distilled spirits required to be turned over, and to pay for same a just compensation to be determined by the President, and if the price so determined be not satisfactory to the person entitled to receive the same, such person shall be paid the amount prescribed by the President and shall be entitled to sue the United States to recover such further sum as, added to the amount so paid, will be just compensation for such spirits or alcohol, in the manner provided by section 24, paragraph 20, and section 145 of the Judicial Code."

Mr. LEVER. Mr. Chairman, when this amendment to section 13 was offered I made the point of order that it was not germane and the Chair sustained the point of order. The Chair was absolutely right, and I was right in making the point of order that it was not germane. This section, to my mind, is clearly germane under this bill as a separate section. I am perfectly willing for the House, without debate, to vote upon the proposition.

Mr. CALDWELL. Mr. Chairman, I reserve a point of order against it.

Mr. WEBB. Mr. Chairman, I shall occupy but two minutes.

The CHAIRMAN. The gentleman from North Carolina is recognized in support of his amendment.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that the debate close on this new amendment in five minutes.

Mr. CANNON. I would like five minutes.

The CHAIRMAN. Is there objection?

Mr. LEVER. Mr. Chairman, I ask unanimous consent that the debate——

Mr. WEBB. Mr. Chairman, so far as I am concerned I am willing to not debate it at all. [Applause.] [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. WEBB].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 14. That in carrying out the purposes of this act the President is authorized to create an agency or agencies, to accept the services of any person without compensation, to cooperate with any agency or person, to utilize any department or agency of the Government, and to coordinate their activities so as to avoid any preventable loss of funds or duplication of work.

Mr. THOMPSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add at the end of section 14 the following:
"*Provided*, That it shall be unlawful to employ or accept the services under this section of any person who shall at the same time be an employee of any person, association, copartnership, or corporation directly or indirectly interested in any contract with the Government or an officer or director of any such corporation or association, or a member of any such copartnership."

Mr. LEVER. Mr. Chairman, I ask unanimous consent that debate on this section and all amendments thereto shall close in 10 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the debate on this section and all amendments thereto shall close in 10 minutes. Is there objection?

Mr. McLAUGHLIN of Michigan. Reserving the right to object, Mr. Chairman, is the gentleman going to oppose this?

Mr. LEVER. Yes.

Mr. McLAUGHLIN of Michigan. You will use the five minutes yourself?

Mr. LEVER. Very likely.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Oklahoma [Mr. THOMPSON] is recognized.

Mr. THOMPSON. Mr. Chairman and gentlemen of the committee, this section as prepared by the committee authorizes the President to accept the services of any person, officer of any corporation, or copartnership in the enforcement of this act. Now, the amendment which I offer provides that the services of no party, whether an officer or a member of a copartnership or the agent of a corporation or copartnership, shall be accepted to enforce the provisions of this act if that copartnership, corporation, or person shall be interested in

any contract made with the Government of the United States whereby supplies shall be furnished by the corporation, copartnership, or person.

Now, Mr. Chairman, this is not intended as a reflection on anyone who is a member of a copartnership, who owns stock in a corporation, or who is the agent of a copartnership. But it is simply intended to protect the public, so that the public shall not be led to believe that a man who acts in the capacity for himself or as agent of a copartnership in which he is a member, or the agents of himself and others, shall be interested in a contract made with the Government of the United States. Now, a party acting in that capacity may be entirely guiltless of anything that is wrong, but the large majority of the people of the country might be likely to believe that a man acting in that capacity was not entirely innocent; and in order to protect the party himself and in order to relieve him of any suspicion of that kind I have offered this amendment, and I think it ought to be adopted.

Mr. CANNON. Will the gentleman yield for a single question?

Mr. THOMPSON. I will be glad to do so.

Mr. CANNON. Does the amendment that the gentleman offers include stockholders of corporations also?

Mr. THOMPSON. I think not. I would like to have the amendment read again in my time.

Mr. CANNON. I did not catch it.

The CHAIRMAN. Without objection, the amendment will again be reported.

The Clerk read as follows:

Amendment offered by Mr. THOMPSON: Add at the end of section 14 the following:

"*Provided*, That it shall be unlawful to employ or accept the services under this section of any person who shall at the time be an employee of any person, association, copartnership, or corporation directly or indirectly interested in any contract with the Government, or an officer or director of any such corporation or association, or a member of any such copartnership."

Mr. LEVER. Mr. Chairman, I trust that the amendment of the gentleman from Oklahoma will be voted down. The matter was considered in the committee and voted down there.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oklahoma [Mr. THOMPSON].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. THOMPSON. Mr. Chairman, I demand a division.

The committee divided; and there were—ayes 53, noes 98.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 15. That under regulations to be prescribed by the President the use of the mails of the United States free of charge for postage for exclusively official business in carrying out the purposes of this act shall be extended to any agency or person designated by the President.

Mr. MOON. Mr. Chairman, I move to strike out that section.

The CHAIRMAN. The gentleman from Tennessee moves to strike out the section.

Mr. NOLAN rose.

The CHAIRMAN. For what purpose does the gentleman from California rise?

Mr. NOLAN. I want to move to strike out the last word.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that the debate on this section and all amendments thereto close in 10 minutes.

Mr. NOLAN. I shall only use about three minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the debate on this section and all amendments thereto close in 10 minutes. Is there objection?

Mr. STEENERSON. I reserve the right to object, Mr. Chairman.

Mr. MOON. Reserving for a moment the right to object, Mr. Chairman, I do not desire to discuss this matter even for five minutes if there can not be a decent hearing of the question. Unless we can have some order here there may be objection.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this section and amendments thereto close in 10 minutes, and the gentleman from Tennessee [Mr. MOON] and the gentleman from Minnesota [Mr. STEENERSON] reserve the right to object.

Mr. LEVER. I will make it 15 minutes.

The CHAIRMAN. The gentleman from South Carolina modifies his request by making it 15 minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Tennessee is recognized.

Mr. MOON. Mr. Chairman, I do not want to take five minutes, but I do not want to say anything about this question until gentlemen in the House shall come to order. I know they are impatient, but here is a proposition that will involve many million dollars to the people unless some arrangement can be arrived at here.

This section, if it remains in the bill, will not only open the door to an extension of the franking privilege, but it will involve the loss of many millions of money to the Government in the shape the section is in. This House is aware of the fact that all official business is now sent under penalty envelopes by the officials of the Government, so that there is no necessity for giving the frank where the penalty-envelope system comes into force in that connection in behalf of the employees of the Government.

Now, the question arises whether for the purposes of the execution of this act we ought to undertake the dangerous precedent of carrying the mail of the Government of the United States at the order of the President without compensation—mail sent by private citizens and agencies connected with the service. The franking privilege is costing us millions of dollars annually. State institutions of every character are seeking to enter that field and enjoy the benefits of the Government service for nothing. It costs an immense amount of money to pay the railroad companies to carry this mail, and it occurs to me that it would be the part of wisdom to strike out this section and amend the eighteenth section by including in the appropriation therein involved the question of postage, so that the act may be executed wisely and economically and not subject the Government to immense loss that will occur by the adoption of the policy in this particular proposed.

Now, of course, the President, if he could exercise the power himself, personally, might do it wisely, but he must act through agents. It is possible under this section that every farmer and manufacturer in the United States may have the franking privilege extended to him. I think it is better that we appropriate the money to pay the postage, where it is necessary to do it in the interest of the execution of this section, and it is the opinion of the administration that it would be better to appropriate the money directly out of the Treasury. I placed in the RECORD a day or two ago two letters from the Post Office Department protesting against this section and giving the reason why it should not be passed, why that privilege should not be extended in this way. I presume gentlemen who are interested in the subject have read the reasons assigned by the department in those letters. The President does not want to exercise this power. His administration does not believe this is a wise and sensible section. The administration believes, as the Post Office Department informs you in these letters, that the wise and sensible thing to do is not to pass this section, but to amend the eighteenth section so as to include in the appropriation there made postage that is necessary for the purposes of the execution of this act.

That is all I desire to say about it. Being called upon by the department, as the chairman of the Committee on the Post Office and Post Roads of the House, to present their views on the question, as well as my own, against the passage of this section, and to insist on the amendment that I have suggested, and having done so, I leave the consideration of the question to you. [Applause.]

Mr STEENERSON. Mr. Chairman, under the existing law every official of the United States has the right to mail official matter under the so-called penalty privilege. The franking privilege is conferred by law upon certain officers named and upon certain individuals named in the act. There is no penalty in the law for a violation or abuse of the franking privilege by the mailing of things not included in that privilege. The franking privilege of Congressmen applies only to certain things, certain printed matter, official publications, and certain correspondence, and it is limited in weight to 4 ounces of first-class mail. If this section should pass it would give the President the power to confer the franking privilege on anybody he chose, and there would be no penalty against that person using it for any purpose he might see fit. It would be disastrous to postal revenues. It is the most dangerous clause that ever was proposed, and I am very glad to know that the chairman of the Committee on the Post Office and Post Roads has spoken. I agree with him that the section ought to go out. I did not know that he was going to move to strike out the section. I am glad to hear that the department is also opposed to it, and I presume the vote will be unanimous to strike out the section.

Mr. NOLAN. Mr. Chairman, during the consideration of the food-survey bill and the discussion on this measure, considerable reference has been made to the caliber of men and women who will assist Mr. Hoover as volunteers in carrying on the work authorized in this bill. I have felt that it would be wise and

probably prove beneficial to the House to secure the names of those at present in the city of Washington who have been here for something like 60 days assisting Mr. Hoover. I have obtained from the office of Mr. Hoover a list of the names of the ladies and gentlemen who are assisting him, 50 in number, from 15 States and the District of Columbia, and I desire it incorporated in the RECORD for the benefit of the Members of this House. These patriotic citizens have volunteered their services without pay and have paid and are paying their own railroad fare, hotel bills, and expenses, and, as I understand it, will continue to do so.

The list referred to is as follows:

FOOD ADMINISTRATION VOLUNTEERS WITH MR. HOOVER.

Ben S. Allen, California; Julius H. Barnes, New York; E. B. Burling, Illinois; E. G. Broeniman, New York; T. Crompton, New York; J. S. Cullinan, Texas; Stuart Chase, Massachusetts; L. Dawson, Virginia; J. M. Danziger, California; T. Frothingham, jr., Massachusetts; A. A. Farrington, Minnesota; V. N. Hillyer, Maryland; David Harvey, New York; John W. Hallowell, Massachusetts; Dr. Vernon L. Kellogg, Pennsylvania; Capt. J. F. Lucey, New York; C. Lewis, New York; L. Larsen, Michigan; J. B. Lord, New York; V. Manning, Washington, D. C.; W. C. Mullendore, Kansas; C. M. McCarthy, Wisconsin; Mr. McDuffy, California; Gifford Pinchot, Washington D. C.; A. V. Peden, Texas; D. H. Pyle, New York; Mr. Prentice, New York; Dr. R. Pearl, Maine; Edgar Rickard, California; John Richardson, Massachusetts; Mr. Requa, California; L. L. Strauss, Virginia; Howard M. Smith, New York; Dr. A. C. Taylor, Pennsylvania; Dr. C. R. Van Hise, Wisconsin; F. D. Van Sicklen, California; J. B. White, Pennsylvania; Dr. R. L. Wilbur, California; Judge F. D. Wells, New York; Fred C. Wolcott, New York; Dr. F. C. Woodward, Illinois; Miss E. M. Bagg, Washington, D. C.; Miss F. V. Ball, Ohio; Mrs. H. S. Blatch, New York; Dr. Alice Boughton, New York; Miss G. Lane, New York; Miss McKinney, Ohio; Miss A. Marlott, Wisconsin; Miss Sarah F. Splint, New York; Mrs. A. Van Winkle, New Jersey.

Mr. LEVER. Mr. Chairman, will the gentleman from California let me have the remainder of his time?

Mr. NOLAN. I yield back the remainder of my time.

Mr. LEVER. By unanimous consent.

The CHAIRMAN. Without objection the gentleman from South Carolina will be permitted to use four minutes.

There was no objection.

Mr. LEVER. Mr. Chairman, this section was suggested by the Department of Agriculture, and I think it was suggested to save the necessity of having a lot of clerks licking stamps and putting them on envelopes. Personally I do not care very much one way or the other about this proposition, yet I am inclined to think it would be an economy to extend the franking privilege, rather than to give the money to buy the stamps.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. MOON] to strike out the section.

The amendment was agreed to.

The Clerk read as follows:

SEC. 16. That the President is authorized to make such regulations and to issue such orders as are essential effectively to carry out the provisions of this act.

Mr. CANNON. Mr. Chairman, I move to strike out the last word. Gentlemen may recall that some days ago the House accorded me three-quarters of an hour to speak. I have refrained from talking, because I knew the anxiety to pass this bill and pass it this week. I am not going to inflict a talk upon you now, but I do desire to say a few words, and I hope I can get through inside of five minutes. This bill is not perfect. I shall vote for it. [Applause.] Undoubtedly the bill will pass out at the close of the war and become noneffective. God speed the day when the war may close, and one of the blessings will be that this bill goes with it. [Applause.]

I want to call attention to one thing. At times in my length of service in the House I have seen just such a condition in many Congresses as we have got to-night. I have seen the House time and again get into the same frenzy we have to-night, and having something in mind it wanted to do, with a whoop-a-la they went to work and did it, not paying, as it seemed to me, any attention to many important provisions aliunde the principal matter it had in mind.

Now, I am not criticizing Members who have been so anxious about this matter of legislation in the thirteenth section of the bill. I do not believe that many of the amendments are wise, and yet they will have to run the gantlet in the House when the bill is reported in the event the House desires to agree or disagree to the amendments.

Now, think of it. Section 13 as amended now prohibits the use of foodstuffs for beverages, alcoholic, and, I believe, nonalcoholic. I am not sure about the last, because there have been so many amendments and so much confusion. Why? So that we may conserve foods and ship them across to our allies. Do not you see? We are not going to have an oversupply for ourselves, but we are going to have a food dictator who will say how much we can keep and how much we will ship to the allies and try to find it out with great industry and great expense.

Now, when it comes to our allies, what happens? I am reliably informed that the armies of the allies, especially France and Great Britain, ration rum, beer, and wine to their soldiers. I am reliably informed, further, that, so far as we have any soldiers on the other side, they get these same rations, and we are going to conserve food here and probably go short for ourselves in order to ship food to the allies. Do not you think it would be God's chancery to have provided that the allies should not receive any of this food until the Government of France and the Government of Great Britain passed similar legislation, that they will not use any of this food for alcoholic beverages or nonalcoholic beverages. Think of it! Of course you are not going to do that. But it is strange and wonderful, with the round robins that come and the whoop-a-la from all over the country—labor unions, says somebody; ministers, says somebody else; prohibitionists, says somebody else—all shouting for God's sake stand by the Lord and cut this wickedness out. [Laughter and applause.] That is all I desire to say.

The Clerk read as follows:

SEC. 17. That every person who willfully assaults, resists, impedes, or interferes with any officer, employee, or agent of the United States in the execution of any duty authorized to be performed by or pursuant to this act shall upon conviction thereof be fined not exceeding $1,000 or be imprisoned for not more than one year, or both.

Mr. KEATING. Mr. Chairman, I offer the following amendment as a new section.

The Clerk read as follows:

SEC. 18. *Provided*, That nothing in this act shall be construed to repeal, modify, or affect either section 6 or section 20 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914.

Mr. CANNON. Mr. Chairman, I think it is subject to a point of order, and I make it. We have already had that question up once, and I think without a point of order. This is in no sense germane to any section of this bill, which is a war measure.

The CHAIRMAN. The Chair calls the attention of the gentleman from Illinois to the fact that it would seem at first blush to be only a limitation, and therefore in order, but the Chair will hear the gentleman from Illinois.

Mr. CANNON. Can we have the amendment again reported?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again read.

Mr. CANNON. Mr. Chairman, I think the easiest and quickest way will be to let the House pass upon it, and I withdraw the point of order.

Mr. KEATING. If it is just the same I wish the Chair would rule on the question, for I do not want it to go before the House that we are considering a question that is not in order.

The CHAIRMAN. The Chair is not required to rule upon a point of order that is not before the House.

Mr. LEVER. Mr. Chairman, can not we agree upon some limitation of debate on this amendment?

Mr. KEATING. Several gentlemen want to discuss the matter.

Mr. LEVER. How much time does the gentleman suggest?

Mr. KEATING. I think 30 minutes is enough.

Mr. LEVER. Mr. Chairman, I intend to be entirely fair. I wonder if the gentleman will not be willing to take 10 minutes and let the other side have 5?

Mr. KEATING. Very well.

Mr. LEVER. Then, Mr. Chairman, I make that request.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate upon this section and all amendments thereto be concluded in 15 minutes, the gentleman from Colorado to have 10 minutes of that time. Is there objection?

There was no objection.

Mr. KEATING. Mr. Chairman, this amendment is the one I offered the other day to section 4 of the bill. At that time I made it apply exclusively to section 4. In its present form it applies to the entire bill. When my amendment was before the House the other day the contention was made that I was seeking to have farmers' organizations and labor organizations exempted from the operation of this bill. I want to impress on the Members of the House that I am not seeking any exemption for any class. Neither the farmers nor the members of labor organizations, so far as this amendment is concerned, are granted exemption from the provisions of the bill. The sole object of this amendment is to clarify the bill. The chairman of the Committee on Agriculture has assured us that it was not the purpose of the framers of the bill to interfere in any way with sec-

tion 6 and section 20 of the Clayton antitrust law. Mr. Hoover, who will be called upon to administer this act, in a conference held a week or two ago with representatives of all the great labor organizations of the country confirmed this view, and suggested the amendment which I have offered. On that point the chairman of the Committee on Agriculture [Mr. LEVER] has requested me to read the following memorandum which he has received from Mr. Hoover:

WASHINGTON, D. C., *June 22, 1917.*

[Memorandum for Mr. LEVER.]

The labor representatives are very much exercised over the possible reading of the food-control bill to stretch to control of wages, and they suggest that an amendment may be made providing that the labor provisions of the Clayton Act should not be affected by the proposed bill. I understand that Mr. KEATING proposed this amendment and it was defeated.

It appears to me that there is no intention in the bill to interfere and I believe it might silence a great deal of criticism and opposition which may be raised in the Senate if this amendment could be undertaken.

I do not wish to impose my views upon you, but simply to suggest that as it is not the intention of the bill to regulate wages, it might do no harm to satisfy this element in the community that they are immune from attack.

Yours, faithfully, HERBERT HOOVER.

Mr. Chairman, if you adopt this amendment, what will you do? The bill provides heavy penalties for anyone conspiring to limit production of food or the transportation thereof. That provision will remain in force, but the provisions of the Clayton antitrust law which permits members of labor unions to quit work in order to improve their working conditions, in order to shorten their hours, in order to secure increased pay, will also remain in force.

I submit to the Members of this House that every sponsor for the bill having declared that it is not the purpose of the bill to nullify the provisions of the Clayton antitrust law, and the representatives of organized labor having expressed the desire that this act should be clarified, it is only fair that the amendment that I have suggested should be adopted.

Mr. ANDERSON. Mr. Chairman, the gentleman's amendment as it now reads is in the form of a proviso. I suggest that he should strike out the word "*Provided.*"

Mr. KEATING. I agree to that.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. KEATING. Yes.

Mr. WALSH. Will the gentleman state briefly what are the provisions of the Clayton law to which he refers in his amendment?

Mr. KEATING. Yes. Section 6 of the Clayton antitrust law provides that the labor of a human being is not a commodity or article of commerce; that nothing contained in the antitrust law shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations. Section 20 provides that no restraining order shall be issued by any court of the United States for the purpose of interfering with the usual lawful operations of organizations of farmers and workingmen, and concludes:

Nor shall any of the acts specified in this paragraph be considered or held to be violations of any law of the United States.

Mr. WALSH. Will the gentleman yield further?

Mr. KEATING. Yes.

Mr. WALSH. If it should become necessary for the success of our Army or our Navy that this section should be abrogated in the administration of this bill, would not the gentleman think that some power ought to be imposed somewhere in order that that might be done?

Mr. KEATING. Oh, I will say to the gentleman that there is no such intention, according to the sponsors of the bill; and, answering for myself, I will say, no. I am opposed to any law which would compel the American workman to work against his will. But that is not the issue. Every man interested in this bill declares unequivocally that the law is not intended to set aside the Clayton antitrust law, and the sole purpose of my amendment is to make clear what the chairman of the committee and the others declare to be their intention.

Mr. WALSH. Will the gentleman yield further?

Mr. KEATING. Certainly.

Mr. WALSH. Does not the gentleman think there ought to be some power somewhere to compel workmen to turn out munitions, for instance, if there was a shortage in our Army for the use of our Army——

Mr. KEATING. I can not yield for a speech.

Mr. WALSH (continuing). If it was held up through a strike, for instance?

Mr. KEATING. Let me say to the gentleman, perhaps the man in this country who is best qualified to answer that question is the man who is back of this bill. Woodrow Wilson does not ask for such a law as is suggested by the gentleman from Massachusetts, because the President knows that labor, organized and unorganized, whether it is at work on the farm or in the mines or the mills of this country, may be depended upon to do nothing which will interfere with the prosecution of this war. [Applause.] But labor insists that if it renders this service to the country that it shall be permitted to act as freemen and not as serfs.

Mr. LARSEN. Will the gentleman yield?

Mr. KEATING. Yes.

Mr. LARSEN. Does the gentleman think the provisions of the gentleman's amendment are sufficiently broad to preserve full and free discussion among agricultural and horticultural organizations?

Mr. KEATING. I do. I reserve the balance of my time.

The CHAIRMAN. The gentleman has two minutes remaining.

Mr. LEVER. The gentleman can not do that.

The CHAIRMAN. If there is objection, the gentleman can not reserve his time.

Mr. KEATING. Some of the other Members may desire to speak, and I wanted to have a chance to yield.

Mr. LEVER. There will be only one speech on this side, and the gentleman can not yield time except by unanimous consent, but nobody will object to that.

Mr. KEATING. As far as I am concerned, I am perfectly willing to vote.

Mr. McLAUGHLIN of Michigan. What is the action of the gentleman from Colorado? Did he reserve his time?

Mr. KEATING. If there is anybody willing to speak in favor of this amendment, I am willing to yield.

Mr. McLAUGHLIN of Michigan. Does the gentleman refuse to yield?

Mr. KEATING. I will yield to the gentleman.

Mr. McLAUGHLIN of Michigan. If the gentleman refuses to yield, I object to his reserving——

Mr. KEATING. Oh, I will yield to the gentleman if he wishes. Permit me to have my two minutes. It is quite evident the gentleman misunderstood me; I will yield to the gentleman.

Mr. McLAUGHLIN of Michigan. This bill provides a punishment for conspiring to limit or reduce the supply of foodstuffs or its distribution, but evidently the gentleman from Colorado would permit that if those offending are members of a labor union.

Mr. KEATING. No; and I am glad the gentleman brought out that suggestion. I want the Members of this House to know that "the gentleman from Colorado" does not ask any such exemption. "The gentleman from Colorado," however, wants it distinctly understood, so that every judge may know it, that when a man strikes for the purpose of shortening hours, bettering working conditions, or securing an increase of pay, he must not be dragged before a court and charged with conspiracy to limit transportation and production. These are two separate and distinct offenses, and "the gentleman from Colorado" is perfectly willing the workman or the farmer or the lawyer who conspires to limit production shall be brought under this act; but he objects to having the workman's rights, rights for which labor has struggled for a hundred years, set aside under the plea that you are conserving the food supply of this country. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, it seems to me that this House sometimes goes very far in imposing upon the intelligence and patriotism of certain classes of our citizenship. The section in which the gentleman is interested proposes to do this, to punish those who conspire, combine, agree, or arrange with any other person to limit the facilities for transporting, producing, manufacturing, supplying, storing, or dealing with any necessaries. What are necessaries? Food, feed, and fuel—the things that the human family must, above all other things, have at all times, and especially in time of war. What else? It proposes to punish those who conspire, combine, agree, or arrange with any other person to restrict the supply of any necessaries. What are necessaries? Food, feed, fuel—for the preservation of human life, for the benefit of the men in the trenches, for the benefit of the men who are in our Navy and sailing under the Stars and Stripes. [Applause.] What else? It proposes to punish those who conspire, combine, agree, or arrange with any other person to prevent, limit, or lessen the manufacture or production of any necessaries. Think of that! Here is a combination of men who may undertake in the days of their country's stress, when the very life of the Nation is trembling in the balance—listen—the manufacture or the production of the necessaries of life. What are they? Food for the human being, food for the man in the Army, food for the man in the Navy, fuel to keep

our great battleships going, fuel to keep our wives and children in the great cities from freezing in the winter's blast. Yes; we can not punish that type of combination. What else? We punish those who conspire or agree to enhance the price of these necessaries. Does anybody doubt that we ought to have the power to put the heavy hand of the law upon those who conspire, who agree and arrange with each other by secret agreement or open agreement, to enhance the price of the necessaries of life, the milk for the babies, the bread for the men in the trenches and beyond the ocean, fighting to conserve the liberties of this country of ours? [Applause.]

Ah, gentlemen, I have stood in South Carolina for 16 long years as the champion, in a measure, of unionized labor. I have been invited to deliver the principal address in the capital city of my State for more than 15 consecutive years. I believe that I am a friend of the laboring man, and I would not insult either his judgment or patriotism by any such proposal as this. [Loud applause.] [Cries of "Vote!" "Vote!"]

Mr. KING. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. Debate is closed on this section and all amendments thereto.

Mr. KING. Mr. Chairman, I ask unanimous consent to proceed for one minute.

Mr. LEVER. I have no objection.

The CHAIRMAN. The gentleman from Illinois [Mr. KING] asks unanimous consent that the time may be extended one minute.

Mr. LEVER. I have no objection.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. KING. Mr. Chairman, I am a friend of this bill and shall vote for it. It does not make any difference what happens to this amendment, but this amendment, gentlemen, is an important one to the laboring men of this country. It will protect them after this war is over and conserve to them the rights that they have won in the legislatures of this country.

Mr. LEVER. It dies with this bill.

Mr. KING. Yes; it simply means that you have suspended the Constitution of the United States and put every laboring man during this war into a state of involuntary servitude, because you have admitted that you can force him to work beyond the hours that he desires to work.

Mr. Chairman, speaking generally, as I said before, I am heartily in favor of this bill. The first duty of a republic is to make certain the feeding of its citizens. Every dead republic of the past has gone down in riot and revolution amid the cry of "Give us bread!"

> Ill fares the land, to hastening ills a prey,
> Where wealth accumulates and men decay.

The rise of autocratic power is here deprecated. Men fear lest the principles of democracy as typified in our Republic be forever swept away in the passage of measures of the kind we now have under consideration. It has been said that a republic is unable to defend itself in time of danger. I take sharp issue with this claim, and it may be said to the everlasting credit of the forefathers who founded this Republic that they so fashioned its body that in time of stress it can, without harm to itself, for the purposes of contact with its enemies, change its form in the twinkling of an eye from a great slow-moving peaceful democracy into a swift-footed, vigilant, militant, centralized power pressing onward to overcome her foes with her invincible irresistibility.

The reptile basking in the sunshine puts forth its fangs when attacked. At the approach of its enemy the quills upon these "fretful procupines" no longer rest in useless repose. Even the bone-headed octopus blinds its foe by emitting an inky substance which clouds its form and befuddles its enemy. Shall it be said that a great peaceful Republic, to meet the onslaughts of its would-be destroyers, because she has heretofore pursued the habits of the husbandmen and the merchant, can not don the armor of the knight nor take up the sword of the nobleman?

Nay, Mr. Chairman, in the face of danger it is her duty to cast aside her swaddling clothes and arise in her majesty militant. And it is our duty and our salvation to clothe our Commander in Chief with a power the effectiveness of which can not be equaled nor overcome by the combined imperialism of the earth. He leads, and in confidence we follow. Your captain, my captain. A certain of certainties. And if you will but turn your faces down the vista of time you can even now see him with one foot on the everlasting step ready to ascend the pedestal of immortality.

But, Mr. Chairman, in this bill we are not granting an autocratic power heretofore resting in and exercised exclusively by the Government to some individual. From a time when the memory of man runneth not to the contrary the market price of the products of the producer has not been fixed by the producer. The power to fix such a price has never been lodged in the farmer. His prices have not been regulated by the unhampered law of supply and demand, but by the man-created agencies in the marts of trade. For years the price of the farmers' wheat has been largely and advantageously controlled and fixed by the boards of trade, and the price of the farmers' meat has been juggled and fixed by the Union Stock Yards and the packing interests in the city of Chicago.

Upon the passage of this bill such autocratic powers so exercised over the farmer by such private institutions will be taken away from them and placed in the hands of the executive branch of this Government. The farmers lose nothing by having these institutions shorn of their autocratic powers and in transferring the same to the President or his duly appointed agent. For these reasons I am anxious to see this bill become a law. The gentleman from Tennessee [Mr. MOON], in his able argument upon this bill, was in doubt as to the beneficial effects of the same if passed. In other words, even though he will support the bill he said that he was "uncertain" as to whether he should do so. I say to you, Mr. Chairman, let him become certain. This is a bread bill. Let him see that its passage is necessary in the light of history. Let him remember the past. When the Bastile fell at the beginning of the French Revolution had there been a supply of bread on hand, had the government sequestered and distributed food to the populace, the horrors of the succeeding times might have been avoided. The people cried for bread, but the powers in control said, "Let the people eat grass." And the beautiful queen in derision said "Let them eat cake!"

And the gentleman who is "uncertain" must remember that the floodgates were opened and human blood rushed on in torrents. Dr. Guillotine set up his patent in the market place. It worked perfectly day and night, and the knitting women counted 21, 22, 23. The human tanneries opened up for business, and many an aristocratic skin was deftly turned into soft gloves to grace plebian hands. Terrorism was triumphant. And now let him close the sickening book and raise the black curtain that divides us from the future and he will then see the great common people of this country for the most part engaged in their peaceful pursuits, but he will notice that a few cries are already reaching us. They can not live within their earnings. It is but a matter of time when in the very nature of things hunger must overtake them.

They will cry for bread; and many a strong, muscular, bare right arm will be held aloft in piteous demand for the food which that arm, were its possessor not an obeyer of the law, as he is, in its strength could easily reach forward and seize that which nature demands—food.

The national assembly refused relief. They denied bread to the people, but the American Congress will give them bread at the very outset.

The American Congress will feed its people in this great war of starvation against humanity. God grant that darker days will not come; but if they should, if the day shall come in this country when "the keepers of the house shall tremble and strong men shall bow themselves, and the grinders cease because they are few, and those that look out of the windows be darkened, and the doors shall be shut in the streets, when the sound of the grinding is low, and he shall rise up at the voice of the bird, and all the daughters of music shall be brought low. Also, when they shall be afraid of that which is high, and fears shall be in the way, and the almond tree shall flourish, and the grasshopper shall be a burden, and desire shall fail, because man goeth to his long home and the mourners go about the streets"; then, in such dark time, we can look back to the passage of this bill and say that we did not deny the common people. We saw the hour of danger as it was approaching, and the grain is garnered against the seven lean years. The people shall live and the name of Hoover shall live. To-day, in supporting this bill, I vote for Herbert C. Hoover. I have seen him. I have talked with him. I feel that I know him. He is a giant in the mastery of details. Fearless integrity is within him. The world is fortunate for him. The hour and the man appear together. He will not be a dictator, but a slave to the American people. Ostracism stares him in the face if he fails; and if he wins, no honor will be too great to be bestowed upon him by that real and only dictator of dictators, that despot of despots, that tyrant of tyrants, the American people. [Applause.] [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. KEATING].

The question was taken, and the Chair announced that the noes appeared to have it.

Mr. KEATING. Division, Mr. Chairman.

The committee divided; and there were—ayes 45, noes 152.

Mr. HUDDLESTON. Mr. Chairman, I ask for tellers.

The CHAIRMAN. The gentleman from Alabama asks for tellers. Those in favor of demanding tellers will rise and stand until counted. [After counting.] Seven gentlemen have risen; not a sufficient number, and tellers are refused.

So the amendment was rejected.

The Clerk read as follows:

SEC. 18. That the sum of $2,500,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be available immediately and until expended, for the payment of such rent, the expenses of such printing and publications, the purchase of such material and equipment, and the employment of such persons and means, in the city of Washington and elsewhere, as the President may deem essential.

Mr. MOON. Mr. Chairman, I move to amend, on page 16, line 25, by inserting after the word "expense" the words "including postage."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee.

The Clerk read as follows:

Mr. MOON offers the following amendment: On page 16, line 25, insert after the word "expense" the words "including postage."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SHERLEY. Mr. Chairman, I offer the following amendment on page 16, lines 24 and 25: Strike out the words "immediately and until expended" and insert in lieu thereof the words "until June 30, 1918." The effect of that amendment is simply to make this fund available until June 30, 1918, instead of making it available until expended.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kentucky.

The Clerk read as follows:

Amendment offered by Mr. SHERLEY: Page 16, line 24, strike out the words "immediately and until expended" and insert in lieu thereof the words "until June 30, 1918."

Mr. LEVER. Do I understand the words "immediately available" are included in the amendment of the gentleman from Kentucky? They ought to be if they are not.

Mr. SHERLEY. My amendment strikes out "immediately and until expended" and inserts in lieu thereof "until June 30, 1918." It makes it immediately available, and available only to that date.

Mr. LEVER. The committee has no objection to that.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kentucky.

The amendment was agreed to.

Mr. NOLAN. Mr. Chairman, I move to strike out the last word.

Mr. LAGUARDIA. Mr. Chairman, I have an amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 17, line 4, strike out the period, insert a colon, and add "*Provided*, That all persons except persons serving without compensation shall be appointed in accordance with the provisions of the civil-service of January 16, 1883."

Mr. LEVER. Mr. Chairman, I make the point of order that that is not germane.

The CHAIRMAN. The Chair thinks it would be germane. The Chair overrules the point of order.

Mr. LEVER. Then, Mr. Chairman, I ask unanimous consent that the debate on this section and all amendments thereto shall close in five minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that debate on this section and all amendments thereto close in five minutes. Is there objection?

There was no objection.

Mr. LAGUARDIA. I will not take more than three minutes.

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. LAGUARDIA. Mr. Chairman, when I introduced a similar amendment to the food-survey bill, the chairman of the committee raised the objection that time would not permit the selection of employees under the civil-service act. I took the matter up with the Civil Service Commission, and I have here the reply. I will ask the Clerk to read it in my time.

The Clerk read as follows:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., June 20, 1917.

Hon. F. H. LAGUARDIA,
House of Representatives.

DEAR SIR: This commission has the honor to acknowledge receipt of your letter of even date concerning the filling of positions under the food-control bill. You ask how long it will take to advertise these positions, hold examinations, and have the candidates ready for appointment.

For the various kinds of clerical positions mentioned by you, like general clerks, bookkeepers, stenographers, typewriters, etc., the commission is holding constant examinations now and has already existing registers of eligibles, and to these registers new names are being added daily. For the positions of inspector, examiner, expert, etc., it is likely that new examinations would be required, as to such positions, with the present demand of public and private employers for all kinds of employees, it is presumable that the Government would need practically all qualified and available persons, and in such event the commission is prepared to use the same methods that it has been using since the war began for other such positions in other lines of endeavor which the Government has undertaken; under these methods the commission is prepared to determine the qualifications of applicants daily as rapidly as applications are filed, and to furnish constantly to the appointing officer those who qualify.

It is manifest that although several thousand employees may be required in connection with the administration of the food-control bill, no department or office would be able to absorb all these employees at one time and provide them with work.

The commission is satisfied that if these positions are to be filled with qualified persons they can be so filled more economically and promptly through this commission under the civil-service law than in any other way, because the commission with its well-established and comprehensive machinery is much better prepared than any other known agency to supply qualified persons for these positions.

For your interest and information the commission begs to inclose herewith a copy of a recent memorandum showing the preparedness of the commission to supply the Government with qualified persons for its work.

The commission begs further to call your attention to the fact that under opinion of the Attorney General of February 12, 1908 (28 Op., 507), it is necessary, in order to exempt positions from the requirements of the civil-service act and rules, that there be affirmative language to that effect. If there is no such language, the positions are subject to the usual civil-service requirements.

If there is any further information you desire, the commission will be glad to furnish it upon your telephone request.

By direction of the commission.

Very respectfully, J. A. MCILHENNY,
President.

The CHAIRMAN. The time of the gentleman from New York has expired. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. LAGUARDIA. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 123, noes 122.

Mr. LEVER. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed Mr. LEVER and Mr. LAGUARDIA to act as tellers.

The committee again divided; and there were—ayes 175, noes 135.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 19. That for the purposes of this act the sum of $150,000,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be available immediately and until expended: *Provided*, That no part of this appropriation shall be expended for the purposes described in section 18.

Mr. SINNOTT. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Oregon offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SINNOTT: Amend section 19 by adding a new paragraph, as follows:

"*Provided further*, That the President, in his discretion, may expend from the amount hereby appropriated not to exceed the sum of $20,000,000 on reclamation projects in accordance with the provisions of the reclamation act approved June 17, 1902, and acts amendatory thereto."

Mr. LEVER. Mr. Chairman, I make the point of order that that is not germane.

Mr. SINNOTT. Will not the gentleman reserve the point?

SEVERAL MEMBERS. No! No!

Mr. LEVER. I feel constrained to make the point of order.

Mr. SINNOTT. I desire to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman on the point of order for a moment.

Mr. SINNOTT. Mr. Chairman, one of the avowed objects and purposes of this act is to increase the production of food. I believe that the solution of the food problem is in the irrigation of the arid lands of the West, for the farmer is now tilling and sowing every available acre of land which under present conditions is susceptible of favorable cultivation. In the West are many million acres of arid lands which could successfully raise grain if irrigated. The irrigation of these arid lands will solve the food problem. In my district the Reclamation Service reports 1,000,000 acres susceptible of irrigation. These lands, if properly irrigated—and they can be, for we have abundant water—would raise at least 40 bushels of wheat to the acre, a total of 40,000,000 bushels, one-fifteenth of the total

amount of wheat raised in the United States last year. If my amendment passes, at least 50,000 acres in my district could be put in wheat next year. Some of this land is now being irrigated, some has been included in irrigation districts under the State laws. A little assistance from the Government would enable these irrigation districts in a few years, and some next year to crop many thousand acres of grain.

I hold in my hand complete reports and surveys prepared by the State and Government in cooperation concerning some of these proposed projects in my district. The State of Oregon expended $50,000 and the United States $50,000 in preparing these reports. They contain engineering data and information sufficient to enable work to be commenced at once on many hundred thousands of acres susceptible of irrigation. They relate to the Des Chutes project, Malheur and Owyhee projects, Silver Lake project, John Day and Ochoco projects, any one of which could be undertaken at once.

The ruling of the Chair that an amendment to regulate the price of shoes, clothing, farming implements, and so forth, has caused great disappointment to those of us who think that the price of these articles should be regulated as well as the price of food. I hope we will not again be disappointed by the Chair holding my amendment out of order. I believe it in order, for the following reasons:

Section 1, in line 6, recites that one of the objects of this bill is to assure an adequate supply of the necessaries of life. The same provision is repeated in section 3. Then, in section 9, it is provided that the President is authorized to purchase and also to provide for the production of the necessaries of life, of food, and so forth. Then, again, supplementing section 9, in section 19 we have an appropriation of $150,000,000, which the President is authorized to use according to the terms of section 9 as he sees fit, either to purchase or to provide for the production of the necessaries of life. Now, the President, under the authority granted in section 9, may, if he sees fit, spend every dollar of this $150,000,000 in the production of the necessaries of life, in raising food, in raising wheat and other cereals. There is absolutely no restriction, no limitation placed upon the power and authority of the President in expending this $150,000,000, and for the purposes of this argument and for parliamentary purposes the amendment which I have offered is really a limitation upon the power of the President. The President can use the instrumentalities of the reclamation act and can use reclamation projects for the purpose of raising food, and my amendment limits the amount that he can expend in that direction to $20,000,000. It is a limitation on the power of the President, and is therefore in order.

The CHAIRMAN. The Chair thinks the gentleman's amendment is not in order, for two or three reasons. He thinks it is not germane to the section to which it is offered, and under the rule it must be germane to the section to which it is offered, or else it is not in order.

Mr. SINNOTT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. Let the Chair finish his ruling.

The Chair thinks also that if he had tried to hold it in order, even if not out of order on account of not being germane, it was not in order under the provisions of the bill to give the President the right to encourage production; the Chair thinks that even then it would be drawing on the imagination pretty strongly to go out and reclaim lands. You might just as well say that he was authorized to buy the Pennsylvania Railroad in order to facilitate transportation, under this section. I think no gentleman would conclude that that authority is given in this section, and the Chair sustains the point of order.

Mr. SINNOTT. Will the Chair hold that it would be in order as a separate section?

The CHAIRMAN. The Chair will cross that bridge when he comes to it.

Mr. LEVER. Mr. Chairman, I move to strike out, in line 10, the words "section 18" and insert in lieu thereof "the preceding section."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 17, line 10, strike out the word and figures "section 18" and insert in lieu thereof "the preceding section."

The question was taken, and the amendment was agreed to.

Mr. SHERLEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 17, in line 8, strike out the words "immediately and until expended," and insert in lieu thereof the words "during the time this act is in effect."

Mr. LEVER. I have no objection to that.

The question was taken, and the amendment was agreed to.

Mr. LENROOT. Mr. Chairman, I move to strike out in line 6 the figures "$150,000,000," and insert in lieu thereof "$250,000,000."

Mr. Chairman, I voted for the Barkley amendment. I did what I could to secure an amendment to that section for reasons I then stated. That amendment failed. I voted against striking out the section and voted for the Webb amendment authorizing the President to commandeer the distilled liquors in this country and pay for them. The purpose of this amendment is to appropriate $100,000,000 for the purpose of providing money to the President of the United States to do that which the House has authorized in the commandeering of these liquors.

I wish to say that merely to authorize the President of the United States to commandeer these liquors, and authorize the payment for them, without providing the money with which to do it, is handing a gold brick to the American people. That is attempting to make a record that this House stands for prohibition without providing any means whatever to the President of the United States to carry it out. This $150,000,000 that is reported by the committee did not for one moment contemplate any such expenditure as this. The whole of the $150,000,000 will certainly be required for other purposes, or else the Committee on Agriculture should not have reported so large an amount. Presumably every dollar is needed for that purpose. Therefore, if the Webb amendment is to have any effect whatever, if it is to be anything but—to use a common expression—bunk to the American people, the friends of this amendment owe it to this House and to their faith and sincerity to vote for this amendment to increase the appropriation $100,000,000.

I want to see this really effective. I am in good faith about this. Are you, who have been so strenuously advocating this to the fullest degree possible?

Mr. BLACK. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. BLACK. If these liquors are commandeered, they will be for the use of the Army. And would not the money already appropriated in that bill be used for this purpose?

Mr. LENROOT. Not one single dollar of it, because that money is appropriated for a specific purpose. Not a penny has been appropriated for this purpose. Unless this amendment is adopted the President will not be able to commandeer one single dollar's worth of liquor.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. GARRETT of Tennessee. The principal value of distilled liquor is the revenue duty. Would it not be possible to add a provision whereby the revenue duty can be remitted?

Mr. LENROOT. I was coming to that, but whether it is or not this should be done. Let me say that the value of distilled liquors now in bond is at least $250,000,000, less the tax, and this amendment I have proposed will not purchase more than one-half of the distilled liquors now in bond in the country. I want to know some reason why the friends of the Webb amendment will oppose this proposed amendment.

Mr. LEVER. Mr. Chairman, Mr. Hoover in his statement desires this appropriation for the purpose of a working capital. He figures that if he can have this sum of money in the Treasury it will enable him to negotiate such credits as will permit him to do the things that are proposed to be done in this bill, and in a letter addressed to me as chairman of the committee on June 2, 1917, he makes that statement. He says:

> While it is difficult to say at the present time what amount of working capital would be required, it appears to me it should be a sum between $100,000,000 and $150,000,000. If we had a positive appropriation of this amount it is probable that the fact that it lay in the Treasury available would enable us to effect credits for a large portion of such obligations and we might not call for any money at all, but it would be quite infeasible to arrange these credits unless we have a visible demonstration of our ability to carry margins. I would, therefore, very much like to see an appropriation of, say, $150,000,000 purely for a working capital.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. LENROOT. Under that statement it is not contemplated that any part of the $150,000,000, and certainly not $100,000,000, could be used for the purpose of purchasing letters.

Mr. LEVER. I take it the gentleman's statement is true.

Mr. CANNON. Mr. Chairman, I move to strike out the last word.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SHERLEY. Mr. Chairman and gentlemen of the Committee, we have grown accustomed to dealing in tremendous figures, but because we have grown accustomed to dealing in such figures we ought not lightly and without any real consideration to add $100,000,000 to this bill. The amendment proposed by the gentleman from Wisconsin [Mr. LENROOT] is not $100,000,000 for the purpose of buying for the Government alcoholic liquors—at least, it is not legally so limited. It increases the amount available to $250,000,000 for any of the purposes stated in the bill. If you use the $100,000,000 for the purchase of alcoholic liquors you will be not only buying liquors of that quantity, but you will be very seriously interfering with the revenues which the Government will obtain from alcoholic liquors If the Government is really going to go into the matter of buying distilled liquor, and compensating the owners for it, it ought to be gone into with some understanding of the size of the undertaking and some knowledge of the facts, and not done loosely on a motion of this kind.

I appeal to the common sense of this House that they do not, under the excitement incident to the amendment that has been adopted, appropriate this amount of money. We are having difficulty now—the Senate is having difficulty and the House had difficulty—in raising sufficient revenues in connection with the bond issues that have been authorized to meet the expenditures that are easily foreseen for the next 12 months, and to burden the Treasury with another $100,000,000 that would be segregated for this purpose is to do an act of folly that could not be justified by sensible men. We are dealing with serious questions. We ought to deal with them seriously, soberly, and not be swept off our feet by proposals of this kind simply because they are connected with a subject about which men feel and rarely think. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the Chairman announced the noes appeared to have it.

On a division (demanded by Mr. LENROOT) there were—ayes 26, noes 153.

So the amendment was rejected.

Mr. VOLSTEAD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. VOLSTEAD: At the end of section 19, page 17, insert a new section as follows:

"SEC. 20. The President shall cause a detailed report to be made to Congress on the 1st day of January each year of all proceedings had under this act during the year preceding. Such report shall, in addition to other matters, contain an account of all persons appointed or employed, the salary or compensation paid or allowed each, the aggregate amount of the different kinds of property purchased or requisitioned, the use and disposition made of such property, and a statement of all receipts, payments, and expenditures, together with a statement showing the general character and estimated value of all property then on hand and the aggregate amount and character of all claims against the United States growing out of this act."

Mr. LEVER. Mr. Chairman, the committee has no objection to this amendment, but on the contrary favor it. I ask for a vote.

The question was taken, and the amendment was agreed to.

Mr. KING. Mr. Chairman, I offer the following amendment as a new section.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. KING: Page 17, line 10, after the word "eighteen," insert a new paragraph and section, as follows, to wit:

"SEC. 21. That for the purpose of further stimulating the production of nonperishable agricultural products within the United States and for more effectually carrying out the objects of this act as expressed in the title and substance hereof that there be established in the Treasury Department a bureau, to be known as the bureau of farm risk insurance, the director of which shall be entitled to a salary at the rate of $5,000 per annum; that said bureau of farm risk insurance, subject to the general direction of the Secretary of the Treasury, shall as soon as practicable, make provisions for the insurance by the United States of growing crops of nonperishable products against loss or damage by the action of the elements, whenever it shall appear to the Secretary that the producers of such crops are unable to secure adequate farm risk insurance on reasonable terms; that the bureau of farm risk insurance, with the approval of the Secretary of the Treasury, is hereby authorized to adopt and publish a form of farm risk policy and to fix reasonable rates of premium for the insurance of growing crops of nonperishable products against loss or damage by the action of the elements, the proceeds of the aforesaid premiums when received to be covered into the Treasury of the United States; that the bureau of farm risk insurance, with the approval of the Secretary of the Treasury, shall have power to make any and all rules and regulations necessary for carrying out the purposes of this section of this act; that the Secretary of the Treasury is authorized to establish an advisory board to consist of three members skilled in the practices of farm risk insurance, for the purpose of assisting the bureau of farm risk insurance in fixing rates of premium——

Mr. STAFFORD. Mr. Chairman, the reading of the amendment has progressed far enough to show that the amendment is clearly out of order.

The CHAIRMAN. The Chair thinks the amendment is out of order.

Mr. KING. Mr. Chairman, I do not want to discuss the matter. I do not object to having it voted down, but I do not want the Chairman to do an injustice to his intelligence by holding it out of order.

The CHAIRMAN. If the point of order is made the Chair must rule.

Mr. KING. Mr. Chairman, I make the point of order that the gentleman from Wisconsin is not in order when he makes the point of order in the middle of my amendment.

The CHAIRMAN. The gentleman has a right to interpose a point of order at any time he desires. The Chair sustains the point of order.

Mr. DYER. I offer an amendment as a new section, following section 19.

The CHAIRMAN. Does the gentleman offer it as a new section or an amendment to section 19?

Mr. DYER. As a new section.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

That in order to prevent confiscation, without payment therefor, of property now and heretofore legally owned and used in the manufacture and sale and distribution and transportation of spirituous, vinous, and malt liquors and the destruction of business conducted now and in the past under the sanction of the law, that full compensation to be fixed by capable experts on the valuation of the class of property to be valued, shall be paid to persons and corporations whose business has been destroyed or damaged by legislation of Federal Government as hereinafter provided, to all of the following-named persons, corporations, or associations, to wit: Adequate and just compensation to all engaged in the manufacture and production for sale through interstate commerce as beverages of malt, distilled, and vinous liquors, for all property, real, personal, and mixed, actually used or employed at the place where manufactured in connection with and about the manufacture of said liquors above mentioned and the conduct of said business at the said place of manufacturing said product; adequate and just compensation to all those engaged in the sale at wholesale or retail as a beverage of malt, distilled, or vinous liquors, for all property, real, personal, or mixed, used in and about the wholesale and retail of said liquors; adequate and full compensation to all owners of vineyards, the products of which are now used for the production of vinous liquors for sale through interstate commerce and use as a beverage and of which product the principal part thereof is marketed and sold outside of the State wherein said vineyard is located: *Provided*, That all malt, distilled, or vinous liquors now on hand in the possession of manufacturers or wholesale or retail dealers or producers of same or in storage in private, public, or United States bonded warehouses may be sold and marketed, and the provisions of this act shall not interfere with or affect the sale and marketing of the same; payment to all persons drawing wages or salary on account of service rendered in the manufacture, distribution, and sale of malt, spirituous, and vinous liquors as a beverage, the principal part of which product is marketed and sold outside of the State of its manufacture, of a sum equivalent to one year's wages or salary; and to provide a fund to pay for said property and business there shall be annually collected from the malt, vinous, and distilled liquor industries, in the same manner as the internal-revenue taxes are now collected from the malt, vinous, and distilled liquor industries, the sum of at least $100,000,000 annually, and which said above-named sum shall be in addition to all other taxes, whether internal revenue or otherwise imposed by the Federal Government on the malt, distilled, and vinous liquor industries, and which said sum so collected as above provided shall be set aside and expended to pay all losses caused and for property above mentioned destroyed or damaged and now used in the manufacture, sale, or distribution at wholesale or retail in interstate commerce in any State or Territory under the jurisdiction of the United States, and which loss has been incurred and property damaged by legislation of the Federal Government; and payment out of said fund shall be made for property above named and as compensation to those employed in the business in the respective States in the order of time in which said claims are presented: *Provided*, That the capacity of existing breweries or distilleries engaged in interstate commerce shall not be enlarged or new ones built and new vineyards shall not be used to produce intoxicating liquors for sale through interstate commerce as a beverage.

In fixing compensation for property hereunder, good will shall be considered and valued along with other classes of property. The property so paid for hereunder shall belong to the United States Government, and Congress shall enact such legislation from time to time as may be necessary to carry out the intent and purpose of this act.

Provided, That if the Government desires, the Secretary of the Treasury may, at any time, place any part or all of said fund above mentioned in the general revenue fund of the Federal Government and issue in lieu thereof to those to whom said fund would otherwise be payable bonds of the United States of America, payable in not less than 30 years, bearing interest at prevailing rate then paid by the Government.

SEC. 2. That a commission of five members shall be appointed by the President, who shall have full power to cause the valuation of all property of above-described class by capable experts, and such commission shall at once proceed with its labors and value said property; and the commission shall, with the consent of the owner or owners thereof, proceed to sell said property or procure the same to be sold by said owner or owners, first making payment in the amount of the value of said property to the owner or owners in Government bonds or in cash. Whenever property is thus sold under the terms of this act the money shall be placed in the Treasury of the United States.

Provided, That all stocks of goods now on hand and all material now actually bought and owned by persons or corporations coming under this act may be legally utilized and disposed of in the ordinary and usual course of such business, any enactments to the contrary notwithstanding.

SEC. 3. That the commissioners appointed hereunder shall hold office for a term of five years and at the pleasure of the President, each or all may be removed, and each shall receive a salary of $10,000 per annum. The commission shall have power and authority to locate its office at some central point in the United States and may employ such help, clerical and expert, and legal and otherwise as it needs, and incur

such expenses for office and supplies as is necessary. The secretary of the commission shall be appointed by the President and he shall receive a salary of $6,000 per annum. The members of the commission and the secretary and the employees shall, when traveling on official business, receive their actual traveling expenses. There shall be a counsel for the commission, who must be an attorney at law in actual practice thereof, and he shall be appointed by the President, and he shall receive a salary of $10,000 per annum and his actual expenses incurred in the performance of his duties.

SEC. 4. That the commission, or any one or more of its members, may hold such hearings from time to time in such places as may be necessary to perform their duties.

SEC. 5. That the commission shall at least once every six months, and oftener if directed by the President, file a written report of their proceedings with the Secretary of the Treasury, which shall be a public record and shall be printed at the expense of the Government for free distribution. The commission shall investigate and report on every phase of the manufacture and sale of spirituous, vinous, and malt liquors and on the State and Federal legislation thereon, and make such suggestions relative thereto as it deems proper.

SEC. 6. That there is hereby appropriated out of the Treasury of the United States the sum of $250,000 to carry out this enactment.

Mr. LEVER (interrupting the reading). Mr. Chairman, I make the point of order against the amendment.

Mr. DYER. It is clearly in order, as the further reading will demonstrate. I would like to be heard.

The CHAIRMAN. The Chair will hear the gentleman a moment.

Mr. DYER. This is an amendment, Mr. Chairman, providing for a commission to fix the value of the millions of dollars of property that the amendment adopted by the House this afternoon will destroy if it goes into effect. There is no sure way to provide for the payment for that property.

Mr. LEVER. Which statement convinces the Chair that the gentleman's amendment is clearly out of order.

Mr. DYER. The gentleman may make that statement, but does the gentleman from South Carolina think there should not be some provision made for the payment of property we are to destroy?

The CHAIRMAN. The Chair is willing to hear the reading of the amendment through, so far as that is concerned, but he desires to call the attention of all members of this committee to this fact, that we must stay within reasonable bounds, anyway, and the Chair thinks this is going very far afield. So the Chair is inclined to think he has heard enough of the amendment to determine that it is out of order, and therefore sustains the point of order.

Mr. DYER. Mr. Chairman, I ask unanimous consent that the balance of the amendment may be printed in the RECORD.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer an amendment to perfect the section.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] offers an amendment, which the Clerk will report.

The Clerk read as follows:

The amendment offered by Mr. MOORE of Pennsylvania: Page 17, line 10, after the word "eighteen" insert a new section, as follows:

"SEC. 20. That the employment of any person under the provisions of this act shall not exempt any such person from military service under the provisions of the selective-draft law approved May 18, 1917."

Mr. CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

Mr. LEVER. The committee accepts that amendment with pleasure.

The amendment was agreed to.

The Clerk concluded the reading of the bill.

Mr. MILLER of Washington and Mr. GARD rose.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. GARD].

Mr. GARD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARD: Mr. GARD moves to strike out all of the language in the section beginning with the word "that" on line 18, and substitute the following:

"SEC. 21. That the provisions of this Act shall cease to be in effect when the existing state of war between the United States and Germany shall have terminated, and the fact and date of such termination shall be ascertained and proclaimed by the President; but the termination of this act shall not affect any act done, or any right or obligation accruing or accrued, or any suit or proceeding had or commenced in any civil case before the said termination pursuant to this Act; but all rights and liabilities under this act arising before its termination shall continue and may be enforced in the same manner as if the act had not terminated. Any offense committed and all penalties, forfeitures, or liabilities incurred prior to such termination may be prosecuted or punished in the same manner and with the same effect as if this act had not been terminated."

Mr. LEVER. Mr. Chairman, the committee accepts that amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. GARD).

The question was taken and the amendment was agreed to.

Mr. MILLER of Washington. Mr. Chairman, I offer an amendment. It might have been covered by the preceding one. I would like to have it reported and see if it is.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read the following:

Amendment offered by Mr. MILLER of Washington to section 21: That section 21 be amended by adding thereto the following:

"All pending actions in law or in equity; all legal and equitable property rights in favor of any person or the Government; all personal rights or rights of property affected by or growing out of this act, existing at the time this act ceases to be in effect, shall continue and are reserved to such person, property, or the Government for full and final judicial or official determination in all courts and before all persons, officials, official boards, and tribunals; and full jurisdiction is hereby conferred and continued in all of said instances and cases to render full and final judgment therein and issue execution and levy thereon; and for such purposes this act shall be deemed to be in full force and effect.

All prosecutions in any court against any person for violation of the provisions of this act pending at the time this act ceases to be in effect shall proceed to final judgment, and full jurisdiction is hereby conferred and continued in all courts to judicially determine such prosecutions and render full and final judgment therein and execution thereon, for which purpose this act is deemed to be in full force and effect.

Mr. LEVER. Mr. Chairman, I ask for a vote on that amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. MILLER].

The question was taken, and the amendment was rejected.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that the Clerk may be authorized to renumber the sections of the bill.

The CHAIRMAN. The gentleman from South Carolina [Mr. LEVER] asks unanimous consent that the Clerk may be authorized to renumber the sections of the bill. Is there objection? [After a pause.] The Chair hears none.

Mr. LEVER. Mr. Chairman, I move that the committee rise and report the bill and amendments adopted to the House, with the recommendation the amendments be agreed to and that the bill as amended do pass.

The CHAIRMAN. The gentleman from South Carolina moves that the committee do now rise and report the bill and amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAMLIN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. LEVER. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The SPEAKER. The gentleman moves the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

Mr. LAGUARDIA. Mr. Speaker, I ask for a separate vote on the Barkley amendment.

The SPEAKER. The gentleman from New York asks for a separate vote on the Barkley amendment.

Mr. LAGUARDIA. Mr. Speaker, on reconsideration I withdraw my request.

The SPEAKER. The gentleman withdraws his request for a separate vote on the Barkley amendment. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, and was read the third time.

Mr. YOUNG of Texas and Mr. THOMPSON rose.

The SPEAKER. The Chair will recognize the gentleman from Texas [Mr. YOUNG], long a member of the Committee on Agriculture.

Mr. YOUNG of Texas. Mr. Speaker, I make the motion to recommit the bill to the Committee on Agriculture, with instructions to strike out section 3 and section 12, and forthwith report the bill back with those two sections stricken out.

The SPEAKER. The gentleman from Texas [Mr. YOUNG] moves to recommit the bill to the Committee on Agriculture, with instructions to report back the same forthwith, with amendments striking out section 3 and section 12.

Mr. LEVER. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken, and the motion was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. LEVER. Upon that, Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from South Carolina demands the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Those in favor of passing this bill will vote "yea"; those opposed will vote "nay."

The question was taken; and there were—yeas 365, nays 5, answered "present" 5, not voting 55, as follows:

YEAS—365.

Alexander	Edmonds	Kahn	Quin
Anderson	Ellsworth	Kearns	Ragsdale
Anthony	Elston	Keating	Raker
Ashbrook	Emerson	Kehoe	Ramsey
Aswell	Esch	Kelley, Mich.	Ramseyer
Austin	Estopinal	Kelly, Pa.	Randall
Ayres	Evans	Kennedy, Iowa	Rankin
Bacharach	Fairchild, B. L.	Kennedy, R. I.	Rayburn
Bacon	Fairfield	Kertner	Reavis
Bankhead	Farr	Kiess, Pa.	Reed
Barkley	Ferris	Kincheloe	Robbins
Barnhart	Fess	King	Roberts
Bathrick	Flood	Kinkaid	Robinson
Bell	Flynn	Knutson	Rodenberg
Black	Focht	Kraus	Rogers
Blackmon	Foss	La Follette	Romjue
Bland	Foster	LaGuardia	Rose
Blanton	Francis	Langley	Rouse
Booher	Frear	Larsen	Rowe
Borland	Freeman	Lazaro	Rubey
Bowers	French	Lea, Cal.	Rucker
Brand	Fuller, Mass.	Lee, Ga.	Sanders, Ind.
Britten	Gandy	Lehlbach	Sanders, La.
Brodbeck	Gard	Lenroot	Sanders, N. Y.
Browne	Garland	Lesher	Sanford
Browning	Garner	Lever	Saunders, Va.
Bruckner	Garrett, Tenn.	Linthicum	Schall
Brumbaugh	Garrett, Tex.	Little	Scott, Iowa
Burnett	Gillett	Littlepage	Scott, Mich.
Burroughs	Glynn	Lobeck	Scott, Pa.
Butler	Good	London	Scully
Byrnes, S. C.	Goodall	Lonergan	Sears
Caldwell	Goodwin, Ark.	Longworth	Sells
Campbell, Kans.	Gould	Lundeen	Shallenberger
Campbell, Pa.	Graham, Ill.	McClintic	Sherley
Candler, Miss.	Graham, Pa.	McCormick	Shouse
Cannon	Gray, Ala.	McCulloch	Siegel
Caraway	Gray, N. J.	McFadden	Sims
Carlin	Green, Iowa	McKenzie	Sinnott
Carter, Mass.	Greene, Mass.	McKeown	Slemp
Cary	Greene, Vt.	McKinley	Sloan
Chandler, N. Y.	Gregg	McLaughlin, Mich.	Small
Chandler, Okla.	Griest	McLaughlin, Pa.	Smith, Idaho
Church	Griffin	Madden	Smith, Mich.
Claypool	Hadley	Magee	Smith, C. B.
Coady	Hamill	Maher	Smith, T. F.
Collier	Hamilton, Mich.	Mansfield	Snook
Connally, Tex.	Hamilton, N. Y.	Mapes	Snyder
Connelly, Kans.	Hamlin	Martin, La.	Stafford
Cooper, Ohio	Hardy	Mays	Steagall
Cooper, W. Va.	Harrison, Miss.	Miller, Minn.	Stedman
Cooper, Wis.	Harrisbn, Va.	Miller, Wash.	Steele
Copley	Haskell	Mondell	Steenerson
Costello	Hastings	Montague	Stephens, Miss.
Cox	Haugen	Moon	Sterling, Ill.
Crago	Hawley	Moore, Pa.	Sterling, Pa.
Cramton	Hayden	Moores, Ind.	Stevenson
Crosser	Heaton	Morgan	Stiness
Currie, Mich.	Heflin	Morin	Strong
Curry, Cal.	Heintz	Mott	Sullivan
Dale, N. Y.	Helm	Mudd	Sumners
Dallinger	Helvering	Neely	Sweet
Darrow	Hensley	Nelson	Swift
Davidson	Hersey	Nicholls, S. C.	Switzer
Davis	Hicks	Nichols, Mich.	Tague
Decker	Hill	Nolan	Talbott
Dempsey	Hilliard	Norton	Taylor, Ark.
Denison	Holland	Oldfield	Taylor, Colo.
Dewalt	Hood	Oliver, Ala.	Temple
Dickinson	Houston	Oliver, N. Y.	Templeton
Dies	Howard	Olney	Thomas
Dill	Huddleston	Osborne	Thompson
Dillon	Hull, Tenn.	Overmyer	Tillman
Dixon	Humphreys	Overstreet	Tilson
Dominick	Husted	Padgett	Timberlake
Dooling	Hutchinson	Paige	Tinkham
Doolittle	Igoe	Park	Towner
Doremus	Ireland	Parker, N. J.	Treadway
Doughton	Jacoway	Parker, N. Y.	Van Dyke
Dowell	James	Phelan	Venable
Drane	Johnson, S. Dak.	Porter	Vestal
Drukker	Johnson, Wash.	Pou	Vinson
Dyer	Jones, Tex.	Pratt	Volstead
Eagan	Jones, Va.	Price	Waldow
Eagle	Juul	Purnell	Walker
Walsh	Webb	Williams	Woods, Iowa
Walton	Welling	Wilson, Ill.	Woodyard
Wason	Welty	Wilson, La.	Young, N. Dak.
Watkins	Whaley	Wilson, Tex.	Zihlman
Watson, Pa.	Wheeler	Wingo	
Watson, Va.	White, Me.	Winslow	
Weaver	White, Ohio	Wise	

NAYS—5.

McLemore	Slayden	Ward	Young, Tex.
Meeker			

ANSWERED "PRESENT"—5.

Gallagher	Hulbert	Kitchin	Sabath
Gordon			

NOT VOTING—55.

Adamson	Denton	Hull, Iowa	Powers
Almon	Dunn	Johnson, Ky.	Rainey
Buchanan	Dupré	Key, Ohio	Riordan
Byrns, Tenn.	Fairchild, G. W.	Kreider	Rowland
Cantrill	Fields	Lunn	Russell
Capstick	Fisher	McAndrews	Shackleford
Carew	Fitzgerald	McArthur	Sherwood
Carter, Okla.	Fordney	Mann	Sisson
Clark, Fla.	Fuller, Ill.	Martin, Ill.	Snell
Clark, Pa.	Gallivan	Mason	Stephens, Nebr.
Classon	Glass	O'Shaunessy	Vare
Crisp	Godwin, N. C.	Peters	Voigt
Dale, Vt.	Hayes	Platt	Wood, Ind.
Dent	Hollingsworth	Polk	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. FISHER (for) with Mr. WOOD of Indiana (against).

For one week:

Mr. KITCHIN with Mr. MANN.

Until further notice:

Mr. CLARK of Florida with Mr. FULLER.

Mr. STEPHENS of Nebraska with Mr. SLOAN.

Mr. O'SHAUNESSY with Mr. HAYES.

Mr. CRISP with Mr. HOLLINGSWORTH.

Mr. LUNN with Mr. CLARK of Pennsylvania.

Mr. GALLAGHER with Mr. POWERS.

Mr. GLASS with Mr. ROWLAND.

Mr. ALMON with Mr. CLASSON.

Mr. CARTER of Oklahoma with Mr. CAPSTICK.

Mr. DUPRÉ with Mr. PLATT.

Mr. FITZGERALD with Mr. FORDNEY.

Mr. CANTRILL with Mr. SISSON.

Mr. GALLIVAN with Mr. GEORGE W. FAIRCHILD.

Mr. RIORDAN with Mr. SNELL.

Mr. MCANDREWS with Mr. VOIGT.

Mr. KITCHIN. The gentleman from Illinois, Mr. MANN, is absent. I have a pair with him, and I want to withdraw my affirmative vote and answer "present."

Mr. STERLING. My colleague, Mr. MASON, is absent on account of sickness. He says that if he had been able to be present he would have voted for the bill, and he wished me to so announce.

Mr. FOSTER. My colleague, Mr. RAINEY, is unavoidably absent, and he requests me to say that if he were present he would vote for the bill.

Mr. AUSTIN. My colleague, Mr. BYRNS of Tennessee, is unavoidably absent on account of sickness. Were he present he would vote in the affirmative.

Mr. SMALL. My colleague, Mr. GODWIN of North Carolina, is confined to his home by illness. If present, he would vote for the bill.

Mr. MOORE of Pennsylvania. My colleague, Mr. VARE, is unavoidably absent, but if he were here he would vote for the bill.

Mr. HERSEY. My colleague, Mr. PETERS, is absent. He is in favor of the bill, and would so vote if present.

Mr. DIXON. My colleague, Mr. DENTON, is unavoidably absent. If present, he would vote for the bill.

Mr. SINNOTT. My colleague, Mr. MCARTHUR, is unavoidably absent. He requests me to announce that if he were here he would vote for the bill.

Mr. HAMILTON of New York. My colleague, Mr. DUNN, is unable to be here. If he were present, he would vote for the bill.

Mr. GREENE of Vermont. My colleague, Mr. DALE, is absent on a business errand. If he were present, I am satisfied he would vote for the bill.

The result of the vote was announced as above recorded.

The announcement of the vote was received with applause.

On motion of Mr. LEVER, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to Mr. MCANDREWS for three days, on account of illness in his family.

The SPEAKER. The gentleman from Rhode Island [Mr. O'SHAUNESSY] telegraphs me asking indefinite leave of absence on account of illness in his family. Without objection, it will be so ordered.

There was no objection.

THE BELGIAN COMMISSION.

Mr. SIEGEL. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to invite the Belgian mission to visit the House on Wednesday next, at such time as is convenient to them, and that at that time the House take a recess for one-half hour.

The SPEAKER. The gentleman from New York [Mr. SIEGEL] asks unanimous consent that the Speaker be authorized to invite the Belgian commission to be with us next Wednesday, at such hour as they may select, and that at that time the House take a recess for 30 minutes. Is there objection?

There was no objection.

ADDRESS OF AMBASSADOR BAKHMETIEFF.

Mr. SIEGEL. Mr. Speaker, I ask unanimous consent that the address delivered to-day by the ambassador representing the new Republic of Russia may be printed in the RECORD, together with the remarks of the Speaker introducing him.

The SPEAKER. Is there objection?

Mr. ROGERS. Will that permission mean that these remarks will be inserted in the proper place in the proceedings of the day?

The SPEAKER. The Chair will make that order. Is there objection?

There was no objection.

REQUEST TO EXTEND REMARKS.

Mr. HULBERT. I ask unanimous consent to extend my remarks on the subject of aeronautics.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD on the subject of aeronautics. Is there objection?

Mr. WALSH. I object.

ADJOURNMENT.

Mr. LEVER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 44 minutes p. m.) the House adjourned until Monday, June 25, 1917, at 12 o'clock noon.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DENT: A bill (H. R. 5165) to provide for the planning, improvement, relocation, construction, and maintenance of a system of improved national highways and State highways designed to facilitate the movement of troops, equipment, munitions, and supplies in time of peace and in time of war and to promote the general welfare of the people of the United States; to the Committee on Military Affairs.

Also, a bill (H. R. 5166) to amend certain sections of the act entitled "An act for making further and more effectual provisions for the national defense, and for other purposes," approved June 3, 1916, and for other purposes; to the Committee on Military Affairs.

By Mr. CURRY of California: A bill (H. R. 5167) to amend an act entitled "An act to provide aid to State or Territorial homes for the support of disabled soldiers and sailors of the United States," approved August 27, 1888, as amended March 2, 1889; to the Committee on Military Affairs.

By Mr. TAYLOR of Colorado: A bill (H. R. 5168) authorizing the Secretary of War to donate condemned cannon and balls; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GANDY: A bill (H. R. 5169 granting a pension to Jacob Kuhn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5170) for the relief of Elizabeth Marsh Watkins; to the Committee on Claims.

By Mr. JUUL: A bill (H. R. 5171) for the relief of Soren Jensen, of Chicago, Ill.; to the Committee on Claims.

By Mr. OSBORNE: A bill (H. R. 5172) granting a pension to Henry H. Snow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5173) granting a pension to Delos M. Porter; to the Committee on Pensions.

By Mr. PARK: A bill (H. R. 5174) granting a pension to Harry Hirschensohn; to the Committee on Pensions.

By Mr. SELLS: A bill (H. R. 5175) granting an increase of pension to James Ralph; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5176) granting an increase of pension to Samuel Large; to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 5177) for the relief of Lula McCarty; to the Committee on Claims.

By Mr. WALTON: A bill (H. R. 5178) granting a pension to Harry Owen; to the Committee on Pensions.

By Mr. CONNELLY of Kansas: A bill (H. R. 5179) granting an increase of pension to James M. Shuey; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Pattern Makers' League of North America, favoring the Lever food-control bill and urging its immediate passage; to the Committee on Agriculture.

Also (by request), petition of Columbia Lodge, No. 174, International Association of Machinists, Washington, D. C., favoring the Lever food-control bill; to the Committee on Agriculture.

Also (by request), petition of Zion Society, Newark, N. J., urging the passage of the Susan B. Anthony amendment as a war measure; to the Committee on the Judiciary.

By Mr. CARY: Petition of Grand Council of Wisconsin United Commercial Travelers of America, protesting against any legislation increasing the first-class postage rate until the postage on second-class mail has been raised to the point where the carriage of that class of mail will be on a self-sustaining basis; to the Committee on Ways and Means.

Also, petition of Roundy, Peckham & Dexter, Milwaukee, Wis., favoring the Lever food-control bill; to the Committee on Agriculture.

Also, petition of Wisconsin State Council of Defense, favoring the control of coal mines by the Government; to the Committee on Agriculture.

By Mr. DALLINGER: Petition of the Boston Society of Civil Engineers, favoring war prohibition; to the Committee on the Judiciary.

By Mr. ESCH: Petition of the Social Service Commission of the Diocese of Milwaukee, Wis., urging the creation of effective zones about all military camps; to the Committee on Military Affairs.

By Mr. FULLER of Massachusetts: Petition of citizens of the Commonwealth of Massachusetts, praying for the enactment of legislation which will prohibit the manufacture and sale of intoxicating liquors during the war; to the Committee on the Judiciary.

By Mr. GALLIVAN: Petition of the mothers and women of Dorchester, Mass., favoring the prohibition of the manufacture and sale of intoxicating liquors; to the Committee on the Judiciary.

Also, petition of Boston Musicians' Protective Association, Boston, Mass., urging the ownership and operation by the Government of the railroads, telegraph and telephone lines, food supply, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. GANDY: Petition of certain residents of Fort Pierre, S. Dak., favoring the prohibition of the liquor business as a war measure; to the Committee on the Judiciary.

By Mr. GOOD: Petition of certain citizens of Benton County, Iowa, favoring prohibition; to the Committee on the Judiciary.

By Mr. GRIEST: Petitions of Fulton Young People's Branch, Pennsylvania Woman's Christian Temperance Union; Warren B. Kirk, president of Little Britain Loyal Temperance Legion, Nottingham, Pa.; and Mary Edith Hershey, of Lancaster, Pa., urging the prohibition of the manufacture and sale of alcoholic liquors during the war; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petition of Musicians' Protective Union, Local 198, of Providence, in the State of Rhode Island, favoring passage of Lever food bill before July 1; to the Committee on Agriculture.

By Mr. McCLINTIC: Petition of the Oklahoma State Osteopathic Association, tendering their professional services to the United States; to the Committee on Military Affairs.

Also, petition of the Oklahoma State Osteopathic Association, urging immediate prohibition of the liquor traffic; to the Committee on the Judiciary.

By Mr. MAGEE: Petition of Charles W. Hergitt, of Syracuse, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of members of Christ Church, Manlius, Onondaga County, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Ira C. Estes and other citizens of the city of Syracuse, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. MOTT: Petitions of residents of West Eaton, of Harrisville, and of Denmark, N. Y., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. NOLAN: Petition of County Clare Association of California, San Francisco, Cal., urging that hearings be held on the so-called Mason resolution, House joint resolution No. 88, calling on Great Britain to grant Ireland her freedom; to the Committee on Foreign Affairs.

By Mr. TREADWAY: Petition of the manufacturers and business men of Holyoke, Mass.; the manufacturers of Holyoke, Mass.; and sundry citizens of Granville, Mass., urging the prohibition of the manufacture and sale of intoxicating liquors as war measure; to the Committee on the Judiciary.

SENATE.

MONDAY, *June 25, 1917.*

(Legislative day of Friday, June 22, 1917.)

The Senate reassembled at 12 o'clock m., on the expiration of the recess.

CONSERVATION OF FOOD AND FUEL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2463) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

Mr. CHAMBERLAIN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Martin	Smoot
Bankhead	Husting	Nelson	Sterling
Beckham	James	New	Sutherland
Borah	Johnson, Cal.	Norris	Swanson
Brady	Johnson, S. D.	Page	Thomas
Brandegee	Jones, N. Mex.	Penrose	Thompson
Broussard	Jones, Wash.	Poindexter	Tillman
Chamberlain	Kellogg	Ransdell	Townsend
Colt	Kendrick	Reed	Trammell
Culberson	Kenyon	Robinson	Underwood
Cummins	King	Saulsbury	Vardaman
Curtis	Kirby	Shafroth	Wadsworth
Dillingham	La Follette	Sheppard	Walsh
Fernald	Lewis	Sherman	Warren
Fletcher	Lodge	Shields	Williams.
Gallinger	McCumber	Smith, Ga.	
Gerry	McKellar	Smith, Md.	
Hale	McNary	Smith, Mich.	

Mr. SUTHERLAND. I desire to announce the unavoidable absence of my colleague, the senior Senator from West Virginia [Mr. GOFF], on account of illness. I will let this announcement stand for the day.

The VICE PRESIDENT. Sixty-nine Senators have answered to the roll call. There is a quorum present.

Mr. BRANDEGEE. Mr. President, I ask unanimous consent to have an editorial from the New York Times on food control read by the Secretary.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

"UNTIMELY ZEAL FOR PROHIBITION.

"The food-administration bill has passed the House of Representatives with an amendment that if finally accepted would cost the country $350,000,000 yearly. Apart from any other objection to the attachment of an out-and-out prohibition measure to a bill designed to conserve the Nation's food supply in a time of great peril, the prospective loss to the revenues of the entire sum derived annually from liquor taxes is open to serious objection. The Senate should keep the provisions of the bill restricting the use of foodstuffs in the manufacture of alcoholic liquors within reasonable bounds.

"In the House of Representatives 365 Members, after a bitter contest, have chosen to go on record as favoring absolute prohibition of the manufacture of intoxicating liquors during the war. It is probable that many of those who voted for the drastic liquor amendment Saturday night did so in order to get the bill through on time, confident that the Senate would reasonably modify it. Restriction of the use of foodstuffs in distilleries may be necessary. It is well for the law to recognize the essential fact that our food supplies must be protected at whatever cost. But to turn the food-administration bill, at the last moment of the House debate upon it, into a strict prohibition measure, without counting the cost at all, is going too far. It is utterly unreasonable. The pending revenue bill is already large enough without the addition of another huge sum to make up for the elimination of $350,000,000 of present taxes. The effect of the liquor amendment is to change the character of the food bill to make its main provisions practically subordinate to the prohibition of the manufacture of liquors.

"All this distraction of legislative energy from the main business of the hour, this continuous attempt to make a subsidiary question principal, seriously interferes with war measures. Senator WADSWORTH has proposed an amendment to the food-control bill which gives the President power to prohibit the use of food materials in the manufacture of distilled liquors, beers, and ales. That is the proper method. It was employed by the House in the provision authorizing the President to commandeer existing stocks of alcoholic liquors if alcohol is needed in the manufacture of explosives. He may be trusted to use that authority with discretion. Instead of making an iron rule, founded on a disputed theory, give the President the power to act as necessity requires. That is sound economics. The other course is premature, and therefore without justification. Whenever, in the interests of economy, efficiency, and grain preservation, national prohibition is necessary, the President should have the power to prescribe it as a war measure, and for no other reason. The plain duty of the Senate is to eliminate the prohibitive amendment and substitute for it one based on an intelligent consideration of the situation."

Mr. LEWIS. Mr. President, may I tender a substitute for the present pending bill, to have it printed and laid on the table for further consideration?

The VICE PRESIDENT. The proposed substitute will lie on the table and be printed.

Mr. THOMPSON. Mr. President, I have here a short statement by Hon. William Jennings Bryan, formerly Secretary of State, regarding the food-control bill. I send it to the desk and I should like to have it read. It is short, but I regard it as quite a valuable contribution to the discussion of the subject.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

W. J. Bryan, passing through Washington the other day, gave out the following emphatic statement in support of the administration's food-control bill:

"War is not a normal condition; it is abnormal and requires extraordinary remedies. The farmers are urged to increase the food products, and should be guaranteed against an inadequate price; without such guaranty they might be penalized for their patriotism. The consumers, too, deserve protection from food speculators. A government that can commandeer the lives of its young men and call for the money of its older men should have power to protect the whole people from the greed of an unpatriotic few. I am not afraid to trust the President with the powers which the food administration bill proposes to confer. He acts in the daylight and without a selfish interest. No President would abuse such a power."

Mr. CUMMINS. I present certain amendments to the pending bill, which I ask may be printed and referred to the Committee on Agriculture and Forestry.

The VICE PRESIDENT. It will be so ordered.

Mr. GORE. Mr. President, I ask to have read into the RECORD two or three letters which I send to the desk and to have printed in the RECORD certain others without reading. The first letter which I send to the desk is from Mr. James G. McSparron, who is an officer of the State Grange of Pennsylvania, and is also an officer of the National Grange; but, more than that, he is one of the most intelligent and thoughtful men I have ever had the pleasure of knowing. I ask to have his letter read.

The VICE PRESIDENT. Is there objection to reading the letter sent to the desk by the Senator from Oklahoma?

Mr. CHAMBERLAIN. I shall not object to these letters, but I shall after the reading of the letters call for the regular order. I understand the Senator from Missouri [Mr. REED] is ready to proceed with his address.

Mr. REED. He is.

The VICE PRESIDENT. Without objection, the Secretary will read.

The Secretary read as follows:

LANCASTER, PA., *June 21, 1917.*

Hon. THOMAS P. GORE,
Washington, D. C.

MY DEAR SENATOR: I can not refrain from expression of appreciation of your gallant stand in defense of the farmers' rights in this emergency. Your speech in the Senate was timely and strong, and your prophecy as to the decreased production, as a result of unwise legislation, will be fulfilled as sure as fate. I trust under such strong leaders as yourself and colleagues the pending food bill will be amended so as to conform to right lines and affect the purpose intended without injustice to the producer.

Sincerely, yours,

JAMES G. MCSPARRON.

Mr. GORE. I send to the desk a letter from Mr. R. D. Bowen, of Paris, Tex., an officer in the National Farmers' Union. I

ask to have this letter read because section 3 of the pending bill subjects the pledging and financing of all farm products to governmental control and this letter has direct reference to the unwisdom of such a policy.

Mr. GALLINGER. Does the Senator desire to have the letter read?

Mr. GORE. I should like to have this letter and one or two others read, and I have asked to have printed other letters in the RECORD, for I think the Senate should be in possession of the information given by the letters.

Mr. GALLINGER. I agree with the Senator that the letter ought to be read.

There being no objection, the Secretary read as follows:

PARIS, TEX., *June 19, 1917.*

Hon. C. A. CULBERSON, United States Senator,
Hon. THOMAS P. GORE, United States Senator,
Hon. MORRIS SHEPPARD, United States Senator,
Hon. HOKE SMITH, United States Senator,
Hon. JOSEPH E. RANSDELL, United States Senator,
Washington, D. C.

GENTLEMEN: While I fully appreciate the enormous burden which you are now working under, at the same time I suggest that you communicate with Mr. W. P. G. Harding, president Federal Reserve Bank Board, and Mr. J. S. Williams, Comptroller of Currency, and ascertain from them any information you can as to attempts which have been made, and which possibly will be repeated, to try and have the Government issue orders to all banks which are carrying loans on cotton to call in such loans.

Mr. Theodore Price and other well-known cotton price manipulators of New York have been making repeated efforts for weeks and weeks past to try and bring about a decline in the price of cotton.

After their attempts had proved futile a statement went the rounds to the effect that southern banks would call in all loans on cotton.

This statement was shown to be unfounded, and it is now whispered that attempts have been made to have the Government instruct that such action be taken on the part of the banks carrying cotton loans.

The farmers of this country will meet as best they can the emergencies which confront us all, and no class of our citizens can be relied upon for any more loyalty than can the farmers.

It seems that up to date most every interest in this country has been heard in full on the question of war taxation and price control except the farmers.

Awaiting your advice.

Yours, truly, R. D. BOWEN.

Mr. GORE. I should like to say that I have no information on the matter mentioned except what is contained in the letter, but Mr. Bowen is a man of considerable business experience, and no man in the country is better advised as to the needs or wishes of the cotton farmers of the South.

I have also a letter written by a farmer who farms, which I wish to have read.

The VICE PRESIDENT. The Secretary will read the letter as requested.

The Secretary read as follows:

MULHALL, OKLA., *June 19, 1917.*

Hon. T. P. GORE,
Washington, D. C.

DEAR SIR AND FRIEND: I see by the papers you are against the food bill. Good for you. Do all you can against it. Us farmers must have a big price for our stuff if we don't we can not go any longer. We have to pay $4 a sack for flour to live on to raise this crop, 20 cents a pound for twine to bind it, $3 to $4 a day for help, $200 for binders to cut it, and everything else in proportion. We have got to have a big price. So do all you can against the food bill. Farmers are awfully dissatisfied the way things are going down here. We don't want any more trouble than it is, so do all you can against it.

Yours, truly, J. E. WESLEY.

Mr. GORE. Of course, the language used in this letter is rather extreme, and I do not entirely indorse it; but I wish for the purpose of calling the farmer's viewpoint to the attention of the Senate to have one other letter read, and then I shall not detain the Senate longer.

The VICE PRESIDENT. Without objection, the Secretary will read.

The Secretary read as follows:

BISON, OKLA., *June 21, 1917.*

Hon. T. P. GORE,
Washington, D. C.

MY DEAR SIR: I am a small wheat grower. I certainly appreciate the stand you have taken on that regulation of food bill, governmental prices, etc. We have begun to thrash here. Buyers of grain say they do not know what it is worth, etc. All such expressions. Such a state of chaos to exist at a time when we need to settle our bills is outrageous. We are now paying 20 cents here for thrashing. We paid $3 for single hemp during harvest and 20 cents for twine.

A Representative of any agricultural State should look to the interest of its honest toilers in the field.

Congress should not enact laws that will hurt the American farmer, regardless of what Mr. Hoover says, or anyone else.

We are willing to do our bit every time, but it seems a poor time to beat down the prices of wheat just now. I note that the Daily Oklahoman never fails to stab you, but when all the smoke clears away they will find T. P. GORE leading in every political fight in Oklahoma for many years to come. Do not fool yourself, the farmers know about these things.

Sir, no answer is needed to this. Doubtless the food bill will be a law before this reaches Washington. But I wanted to send you my personal good wishes.

Yours, respectfully. V. B. BEARD.

Mr. GORE. I now desire to present a number of letters and telegrams, which I ask to have inserted in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

[Telegram.]

FORT WORTH, TEX., *June 21, 1917.*

Senator THOMAS P. GORE,
Washington, D. C.:

All the farmers, nearly to a man, throughout this country look upon the food-control proposals as inimical to their interest and directed to their injury, in evidence of which they witness the retirement of elevator and mill men from purchases of wheat just as the thrashers are getting well under way, and note that actual thrashed wheat, of which we have the new crop supply in Texas and Oklahoma that is to be found in the world, has declined in two weeks from over three to less than two dollars per bushel. At the same time there was published in the papers a statement purporting to originate with expectant purchasers at Fort Worth, whose 11 elevators are empty, that Mr. Hoover had advised them against stocking up for the present. Consequently it was stated that wheat would open at about $2 for the new wheat, and we now can't sell it at that, because we can't get cars, and each morning's market report records a loss. West of the one hundredth meridian prevails a drought, the character of which has never been equaled within the memory of man. Instead of cattle shipments it is hides. The people, of course, are agreeable to that control which may be found necessary, but not to their own destruction.

S. H. COWAN.

—

PETERSBURG, IND., *June 20, 1917.*

Senator GORE.

DEAR SIR: In my last night's paper I read of the food bill concocted by one Herbert C. Hoover—to us an unknown man. I am an admirer of President Wilson, but fear that he is making a very serious mistake in selecting a man unknown to business men to manage a thousand millions of food products.

I am a retired farmer; was formerly the largest wheat raiser in Indiana, raising 51 good wheat crops in as many years. We talked the matter over last night, some 10 or 11 large farmers, and I was selected to write you and ask you to please see that Hoover does not put up some job on us farmers. President Wilson some two weeks ago said that he wished to "stimulate production," and we are afraid that if Hoover has his way that production of foodstuff, especially wheat, will be injured—practically ruined. The men said last night that if an inexperienced man like Hoover had the management of crops that they would stop raising wheat altogether and use their land for other things.

Hoping that you will continue to look after that man Hoover and not allow him to ruin the country and starve the soldiers who are fighting the battles for democracy.

Very truly, W. A. OLIPHANT.

P. S.—Senator J. E. WATSON and Representative COX know me.

—

AMERICAN NATIONAL BANK,
Bowling Green, Ky., June 21, 1917.

Senator GORE,
United States Senate, Washington, D. C.

MY DEAR SIR: The community around Bowling Green is strictly an agricultural one. We have no factories, but a great farming country. We as farmers are very much interested in the food-control bill now before Congress. We have kept up with the bill somewhat and have read your speech opposing this bill in some ways.

In my opinion, it would be a great mistake for Congress to do anything or pass any bill that would discourage the farmer in producing the largest possible food products.

All types of business are now making enormous profits, and the opportunity seems now better for the farmer than it has been for 25 years, and to undertake to limit the prices of farm products and allow all other classes of producers to get immense prices hardly seems fair to us. The thing we need in this country is an enormous increase in our food products. The farmers are doing their level best to meet this demand on them; but when you say that wheat shall sell at such a price that flour can be bought at eight or nine dollars per barrel, then you are discriminating against the farmer. The same would be true of all other food products. What we want to do is to encourage and help the farmer to raise immense crops and regulate the price in that way—by supply and demand—rather than by legislation.

You may pass laws and enforce them to prevent the trusts and speculators from cornering the market on farm products, but certainly you should do nothing to hinder the farmer in his enthusiastic and patriotic work in producing the largest possible yield of every character of foodstuff.

I have not had the pleasure of your acquaintance, but I am interested in these questions.

Yours, very truly, J. WHIT POTTER.

—

JUNE 21, 1917.

To Senator GORE:

DEAR SIR: Please, Mr. GORE, do all in your power against the food-control bill in Congress. I am a Pennsylvania farmer, and if the bill passes I believe we will have one of the biggest famines in 1918 that we ever had. Farmers are planning to quit the work if it passes and just raise enough food for themselves. Farm help is scarce as it is, and how in the world is the poor farmer going to raise food to feed the world without help? And wages are so high he can't afford to hire if he is to work for nothing for the Government. The farmer's children will go to the shop as soon as they are of the age of 16. The shop prefers them to city people, as they can rely on them better. Those who are for the bill are only that kind, like a York man said to one of my neighbors last winter. He said, "We will soon get rid of the farmer now." Then my neighbor said, "Where will you get your food from?" He said, "They will ship it to us from the city." People are getting so smart, why can't they pass a law that they won't eat? Then they will have more money for amusement, which they like better than raising food, which don't pay. How is the farmer, with his children in the shop, going to do his farm work and pay a laborer from $2 to $3 a day for working eight hours, like the farmer who hired potato pickers at $1.50 a day and board and picked up a bushel that pays when potatoes sold for 60 cents? That is the way the bill will work on the farmer, if passed. The farmer will just quit; that's all. Where will the world gets its food supply from if the experienced farmer gets another job at $5 a day? Those that are in favor of the bill know nothing at all of experimental farming. If the bill passes, this country will experi-

ence one of the worst times it has ever seen so far. So please try and work against it in all your power to save our country.

Yours, sincerely,

PENNSYLVANIA FARMER.

—

STANTON, MICH., *June 21, 1917.*

Senator GORE,
Washington, D. C.

MY DEAR SIR: I appreciate your stand for the farmer on the food question. I can not understand why the farmer has got to be the goat. If Mr. Hoover is going to put wheat down to $1.25 we might just as well quit raising it. The farmers of Montcalm County, at $1.50 a bushel this year, won't break even on their crop, and we might as well let our lands lie as to hire high-price labor, machinery, horses, etc., to put in with. Let Mr. Hoover look at it from the farmer's side and not make a grand-stand play from the Chicago wheat pit. If it was wrong to buy option on wheat, why did he not prosecute them? And it must have been wrong or else they would not have been put to a stop. They gave the gambler a chance to get from under, but how about the small elevators all over the country that pay the farmer $3.25 for wheat and have to take $2.30 for it to-day? Did they get a chance? I have in mind one elevator that lost $5,000 on wheat. He bought at those figures, and there are 1,000 similar circumstances. I am a farmer and have always been a farmer, but four years I was sheriff, and I put in from 12 to 15 hours a day myself and am paying $60 a month to my farm hands in order to raise a big crop. And I be picked if it does not make a man feel like quitting when such a man as Hoover goes to pulling down an honest living profit. I believe Mr. Hoover should look at it from the farmer's side for once. I am going to get out a petition signed by our farmers protesting against reducing the price on our product as long as we are up against the high wages, etc.

I am as good loyal citizen as the United States has got, and we Danes have as little love for Germany as anybody. We had two wars with her ourselves.

Thanking you for your time, I remain,

Yours, truly,

W. E. RASMUSSEN.

—

OKLAHOMA CITY, OKLA., *June 22, 1917.*

Hon. THOMAS P. GORE,
Washington, D. C.

DEAR SIR: I note the stand you are taking on the food-control bill and wish to say that in my opinion you are absolutely right. The past season I handled 3,000,000 bushels of Oklahoma's wheat crop and I believe I know something about the condition.

If Mr. Hoover's program goes through the Armour Grain Co. and several other large concerns will have the same grip on the grain trade that they have on the packing industry, and that Standard Oil has on the oil trade. Small exporters like myself were fighting for our lives when the war came on, as these people were trying then to eliminate us from the grain business, and were paying a price for grain in the country that compelled us to do business for nothing. I have closed my office; my office force are now employed otherwise, as I could not afford to try to carry on a business in the face of present conditions. I have three farms and I am writing this letter from the farmer's standpoint. I feel that we would all be willing to do our fair share towards winning the war, but I do not see why we should accept an unfair portion of the burden.

For instance, we have to buy a new thrashing machine and engine, and have to pay the increased cost of steel and labor in that purchase. Why, then, should our product have to be sold at a fixed price that suits the ideas of a dictator who is not familiar with the farming condition? The remedy for the situation is in increased wages for labor where it is necessary and in that way spread the burden equally on all shoulders. A number of people that I have argued with stated that it is alright, I can get along, but what about the poor laboring man working for $2 a day. I am paying $2.50 per day for cotton choppers on the farm, and have paid $6 for a man and his team.

In addition to this, consideration should be given to the 12,000,000 acres that the farmers cultivated and seeded with high-priced seeds that was a failure. When the farmer did not get the cost of production out of his product nothing was heard of any legislation to give him a minimum price that would render him a fair return for his investment and labor. I felt that when Mr. Hoover was suggested as food controller that if anyone knew anything about the condition, he did, but if he has been quoted correctly in the public press he has been very unfair in his statements. No one is better qualified than Mr. Hoover to say what the average price the allies and Belgium relief paid for their supplies, but I have never heard any statement from Mr. Hoover as what this price was. However, he says that the farmers received $1.22 for their wheat, and the same wheat was selling in New York that day for $3.18. Any well-posted person knows that the situation came about as follows: First, our winter wheat crop was cut short, and when it was harvested prices advanced, but wheat was being bought and sold and delivered for export all during that time. Then the serious situation developed in the Northwest when the crop was a failure and prices made a further advance, but wheat was being delivered for export and was passing from the farmers through the mills and into consumption at the prices that prevailed. Then the Argentine crop failed and prices sustained a further advance. Then there was a lot of advertising on the front pages of the newspapers and articles by Mr. Vrooman and others in the Agricultural Department, and the public went to buying in a hysterical way, which advanced the price still further.

The Government had 100 agents trying to locate the food speculator and hoarder, and the only thing that they were able to find was 16 egg dealers in Chicago against whom they brought indictment.

This cry about food speculation is a screen behind which they are attempting to repress the price of the product. If there had been one-hundredth part of the food manipulation charged, the United States Government agents would have certainly been able to tell who was doing it.

I think that it takes a great deal of courage to take the position you are taking at the present time, but I believe that you are absolutely right.

Yours, very truly,

C. Y. SEMPLE.
PRENTISS, OKLA.

—

Hon. T. P. GORE,
United States Senate, Washington, D. C.

As debate on the Lever food-control bill soon commences I wish as a farmer to protest against the passage of this bill. I am 58 years old, and know the hardships the farmer has had to endure. When fat hogs sold for less than $3 per hundredweight, wheat 60 cents per bushel, corn 12½ cents, oats 10 cents hundreds, yes, thousands of farmer boys left the farms for a soft job in towns and cities, got smart and called the honest farmer "Old hayseed," "Clodhopper," etc., and now these same people are clamoring for Congress to control the price of the product of the farm. The farmer has always had to stand droughts, hailstorms, and the elements over which he had no control, and stand or fall on the inevitable law of supply and demand. When crops were short or prices low the farmer has not rushed to Congress for help. No; he mortgaged real and personal property at a high rate of interest; and now, when the wheat crop is almost a failure and outlook for corn crop looks very uncertain, why should Congress be so unjust to the farmer as to pass a law that he is cut off from the world's open market? Does the President want Congress to pass this bill and bring another Coxy's army to Washington? You know, my dear Senator, that such an army can be raised without a conscript act of Congress.

There may be food gamblers, middleman's profts, and all that, but the plain fact is that the Liverpool market has always governed the world's markets, and now when that market is in distress England sends Lord Northcliffe to help dictate with Hoover and others how Congress shall control the resources of the United States. Public sentiment is fast forming that there is executive and legislative branches in our form of government, and the people do not want any dictator over their Representatives in Congress. Sentiment is not in favor of Prussianism nor Germany's methods of control of national resources.

Respectfully,

W. H. LESHER.

—

VERDEN, OKLA., *June 21, 1917.*

Hon. T. P. GORE.

DEAR SIR: Will write you a few lines as I see some of the papers are criticizing you, but it is just the papers, we farmers are with you almost to a man. Fight this food-control bill to a finish. You are right, and don't give in to President Wilson or anyone else. It looks to me as if President Wilson could have his way Congress had better appoint him dictator and adjourn. It is something awful for one man to have and want the power that Congress is bestowing on our President. There are men that were against you that are for you now.

Respectfully,

T. F. GRAHAM.

—

DURANT, OKLA., *June 21, 1917.*

Senator T. P. GORE,
Washington, D. C.

MY DEAR SENATOR: The grain dealers of both Oklahoma and Texas are taking considerable interest in the bill now proposed regarding food control.

I have not seen the text of the bill, but, judging from the information I can gather from the speeches made regarding the measure, I am of the opinion that it will have a tendency to do away with the grain buyers like myself, or middlemen, as they call them.

We note with pleasure that you are opposed to this bill and are writing you directly to give you our own ideas regarding it, and also for information as to this bill. As no one knows what the maximum price would be, as we understand it, it will be in the power of one man—either the President or Mr. Hoover—to name that price. I can not understand how one man, not posted in dealing in grain, could name a price that would be satisfactory to the farmers and grain dealers and the public generally, for if he should name a maximum price that farmers would not be willing to accept we do not think he could force farmers to take this price, and the producers could therefore hold their grain, trusting to get a better deal probably later on. If, therefore, the receipts were curtailed by reason of the producers holding for better prices, the object of the bill could not be accomplished; and, on the other hand, if after giving the law a trial it was found the prices were too low and he decided to change them to a higher maximum, that would probably destroy the merit of the bill, for if he makes a flexible price he would be doing no more than what the future gamblers are doing in Chicago.

In the meantime there are millions of dollars invested in the grain belt in elevators and buildings erected for the purpose of handling grain by the grain dealers of the country, and if the prices were made so as to apply directly to the producer we do not see wherein the grain dealers would be of any use or benefit, but has the effect in its operation to place the elevator men and grain dealers out of business.

If the maximum price is to be made applicable to grain dealers and not the producer, of course that price would be a matter of public information and the producer would want a full maximum or allow the dealers or elevators a small commission for handling it. Thus it would not be profitable, and I think the ultimate result would be the closing of all these elevators and retirement of the so-called middlemen; and they might go a step further and say that the Government might decide later to place their own agents at buying stations, and thus take charge of the grain interests as well as cotton. If this is not rank socialism, we do not know what the term means. We believe in fair and equitable laws being passed that should affect all people alike.

We fully realize, however, that parties in favor of the bill consider that the end justifies the means; but we believe in these war times a bill like this should be given a great deal of thought in regard to the future consequences it may have. Of course, I am writing from an interested standpoint, being in the grain business, but believe that I have a right to make an honorable living out of the grain business so long as I do not injure the interest of my fellow man.

We can only hope that the bill will not pass and that when our lawmakers give it their fair consideration they will not vote for the bill.

Yours, truly,

D. HEAD & SON.

P. S.—We would thank you very much if you could send us a copy of the proposed bill that is now before Congress.

D. H.

—

OKLAHOMA CITY, OKLA., *June 21, 1917.*

Senator T. P. GORE,
Washington, D. C.

DEAR SENATOR: With the experience of 28 years traveling in different States, and especially this State, among the farmers, and having witnessed some of the conditions resulting from poor returns for their

products which usually advanced after leaving the producer, I am convinced that many farms have been abandoned, even by owners, to seek employment in towns or industries offering wages in excess of anything he had been able to realize from the farm.

Now that the day seems near that the prices of farm products can and should be such that the thousands of productive acres in Oklahoma that have been idle in the past will be put to use as soon as the farmer feels that he will be the beneficiary of the value of his products based on local and foreign conditions and demands. Many farmers' suspicion of the great exchanges' motives in quoting only July and September prices on wheat, and yet lowering the price practically each day, is based on past experience.

They are aware that during these months a large per cent of the wheat will be thrashed, and many farmers, especially the tenant class, will be compelled to sell part, if not all, their crop at prices current during July, August, and September next, after which prices will advance. They also feel that the mills as local buyers are no more charitable than the Chicago gamblers.

I do not know your line of argument in support of your position in opposing the administration's food-control bill, but as far as I do understand it I think you are correct, and I am only one of many who feel likewise.

Something must be done to encourage farmers who have remained, and those who left the farms to return, and the most stimulating "something" will be reasonable compensation for their labor and investments.

One farmer states that in the early part of April last he could have contracted his 1917 crop of wheat for $2.70 per bushel for July 17 delivery at his railroad station.

I hand you a clipping from this morning's Oklahoman—not for information but amusement.

Yours, respectfully, B. F. LAKE.

Mr. SHERMAN. Mr President, last week in some remarks made by me on the food-control bill I quoted a maxim which was supposed to be on a cardboard over Mr. Hoover's desk and which appears in the CONGRESSIONAL RECORD. My authority is the statement made to me by those who claimed to know, as well as having read it in a sheet that is current about Washington, called the Bulletin, in which appeared the following maxim, said to be over Mr. Hoover's desk or at his door:

To hell with yesterday. This is to-day.

In justice to Mr. Hoover I desire to say that I have received from him a letter under date of June 23, 1917, saying that no such sign was ever there, and that he should like to have given as much publicity to this denial as was given to the original statement. I very cheerfully ask that the letter be printed at length in the CONGRESSIONAL RECORD and that the correction be made. It is due Mr. Hoover that the truth be known.

JUNE 23, 1917.

DEAR SENATOR SHERMAN: My attention has been called to your statement, which appears on page 4438 of Friday's CONGRESSIONAL RECORD, that a sign faces visitors in my office bearing the legend "To hell with yesterday," etc.

There is not nor has ever been such a sign or sentiment either inside or on the outside of my office.

A canvass of the entire office reveals that the only possible color to such a statement that exists was in an anonymous post card received by one of the clerks to some such import and was immediately destroyed.

It seems to me but fair that I should ask you to correct the statement, for I can not conceive that you wish to find ground for opposing the food bill by such methods as this.

Yours, HERBERT C. HOOVER.

Mr. RANSDELL. I submit an amendment to the pending bill, which I ask may be printed and lie on the table.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. WALSH. I submit an amendment to the bill now under consideration and ask that it be printed and lie on the table.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BORAH. On the 19th instant I offered an amendment to the pending bill, which I asked to have printed and lie on the table. I have redrafted that amendment and desire to offer it at this time and ask that it be printed and referred to the Committee on Agriculture and Forestry.

The VICE PRESIDENT. In the absence of objection, it is so ordered.

Mr. CURTIS. At the request of the National Forward-to-the-Land League, I offer an amendment to the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel. I ask that it be referred to the Committee on Agriculture and Forestry and printed.

The VICE PRESIDENT. The amendment will be referred to the Committee on Agriculture and Forestry and printed.

Mr. STERLING. I offer an amendment to the pending bill, which I ask to have printed in the RECORD and referred to the Committee on Agriculture and Forestry.

There being no objection, the amendment was referred to the Committee on Agriculture and Forestry and ordered to be printed, as follows:

Amendment intended to be proposed by Mr. STERLING to the bill (S. 2463) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel, viz: Strike out sections 4 and 5 and insert in lieu thereof the following:

"SEC. 4. That it is hereby made unlawful for any person willfully to destroy any necessaries for the purpose of enhancing the price or restricting the supply thereof; knowingly to commit waste or willfully to permit preventable deterioration of any necessaries in or in connection with their production, manufacture, or distribution; to hoard, as defined in section 6 of this act, any necessaries; to monopolize or attempt to monopolize, either locally or generally, any necessaries; to engage in any discriminatory and unfair or any deceptive or wasteful practice or device or to make any unjust or unreasonable rate or charge in handling or dealing in or with any necessaries; to conspire, combine, agree, or arrange with any other person (a) to limit the facilities for transporting producing, manufacturing, supplying, storing, or dealing in any necessaries, or (b) to restrict the supply of any necessaries, or (c) to restrict the distribution of any necessaries, or (d) to prevent, limit, or lessen the manufacture or production of any necessaries for the purpose of enhancing the price thereof, or (e) to exact excessive prices for any necessaries, or to aid or abet the doing of any act made unlawful by this section.

"Whenever the President shall find that any rate, charge, or practice of any person engaged in the producing, manufacturing, transporting, supplying, storing, or dealing in any necessaries is unjust or unreasonable or discriminatory and unfair or wasteful he shall order such person, within a reasonable time fixed in the order, to discontinue any such unjust, unreasonable, discriminatory and unfair, or wasteful rate, charge, or practice, and unless such order is revoked or suspended such person shall, within the time prescribed in the order, discontinue such unjust, unreasonable, discriminatory and unfair, or wasteful rate, charge, or practice, and may in lieu of any such unjust, unreasonable, discriminatory and unfair, or wasteful rate, charge, or practice find and prescribe a just, reasonable, nondiscriminatory and fair rate, charge, or practice, and in any suit in any Federal or State court of competent jurisdiction such finding of the President shall be prima facie evidence.

"Any person who willfully violates any provision of this section or any order or regulation made or prescribed under this section shall, upon conviction thereof, be punished by a fine not exceeding $5,000 or by imprisonment for not more than two years, or both: *Provided*, That nothing in this section contained shall be construed as conferring authority to fix or establish a general price for any given necessary or necessaries as defined in this act: *And provided further*, That this section shall not apply to any common carrier nor be construed to authorize the fixing or imposition of a duty or tax upon any article imported into or exported from the United States or any State, Territory, or the District of Columbia."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 2453) to authorize condemnation proceedings of lands for military purposes with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of the president general, United Daughters of the Confederacy; of the president of the National American Woman Suffrage Association; of the president of the National Florence Crittenden Mission; of the president of the International People's Aid Association; of the president of the National Congress of Mothers and Parent Teachers' Association; of the president of the National Women's Christian Temperance Union; of the president of the Ladies of the Grand Army of the Republic; of the president of the Woman's Home Missionary Society of the Methodist Episcopal Church; of the Medical Woman's National Association; of the National Committee of Girls' Work Woodcraft League; of the president general of the National Society of the Daughters of the American Revolution; of the Presbytery of Allegheny of the United Presbyterian Church of Pennsylvania; and of the Cumberland North Association of Congregational Churches and Ministers of Maine, praying for national prohibition as a war measure, which were ordered to lie on the table.

Mr. PHELAN presented a petition of sundry citizens of Los Angeles, Cal., praying for a national prohibition law, which was ordered to lie on the table.

Mr. FLETCHER presented a petition of the Federal Laborers' Union of Lakeland, Fla., praying for the passage of the so-called food bill, which was ordered to lie on the table.

He also presented a petition of the congregation of the First Christian Church of Jacksonville, Fla., and a petition of sundry citizens of Dunedin, Fla., praying for national prohibition as a war measure, which were ordered to lie on the table.

Mr. HOLLIS. I present a telegram in the nature of a petition, which I ask to have printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

CONCORD, N. H., *June 2½, 1917.*

The United States Senate,
Care of Hon. HENRY F. HOLLIS,
Washington, D. C.:

Union Methodist and Baptist congregations of Contoocook petition the Senate in favor of national prohibition of manufacture and sale of both whisky and beer as war measure. All thoughtful consideration

demand this action. We rejoice in the action of the House Saturday and hope the Senate will do even better.

Nelson Canfield, Homer Morgan, Henry Dustin, Francis Glanville, Jacob Tuttle, Frank Mudgett, Arthur Kimball, Reuben Brown, William Phillips, Henry Eaton, Benjamin Wilson, George War, Harold Smith, A. S. Eaton, W. R. Blanchard, John Perry, Arthur Jonds, George Foster, Raymond Barnard, Arthur Dustin, Herbert Cooper, H. P. Skelly, C. L. King, Byron Raymond, Irving Hicks, Charles Perry, Harold Pierson, Perley Raymond.

Please put above in the RECORD. We hope and expect you to vote for prohibition.

J. H. ROBBINS.

Mr. COLT presented a petition of the congregation of the Roger Williams Free Baptist Church, of Providence, R. I., praying for national prohibition as a war measure, which was ordered to lie on the table.

He also presented a resolution adopted by the Rhode Island State Federation of Woman's Clubs, favoring the safeguarding of the morals and the health of enlisted men in the Army and Navy camps, which was ordered to lie on the table.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FLETCHER:

A bill (S. 2503) providing a method for citizens of the United States who have lost their citizenship by reason of taking the oath of allegiance to some other country allied with the United States to regain said citizenship in order to enter the services of the United States; to the Committee on Miliary Affairs.

By Mr. DILLINGHAM:

A bill (S. 2504) for the relief of George W. Richardson; to the Committee on Military Affairs.

A bill (S. 2505) granting an increase of pension to Harry M. Sherman (with accompanying papers); to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 2506) to reimburse the Commonwealth of Massachusetts for expenses incurred in protecting bridges on main railroad lines and under direction of the commanding general, Eastern Department, United States Army, and the commandant, navy yard, Charlestown, Mass.; to the Committee on Claims.

By Mr. SUTHERLAND:

A bill (S. 2507) to reinstate Alonzo E. Wheat to his former rank and grade in the Philippine Scouts, United States Army; to the Committee on Military Affairs.

A bill (S. 2508) granting an increase of pension to Henry Thomas; and

A bill (S. 2509) granting an increase of pension to Sarah A. Bracey; to the Committee on Pensions.

By Mr. COLT:

A bill (S. 2510) granting an increase of pension to Addie St. Clair Hubbell (with accompanying papers); to the Committee on Pensions.

TRADING WITH THE ENEMY.

Mr. WADSWORTH submitted an amendment intended to be proposed by him to the bill (S. 2445) to define, regulate, and punish trading with the enemy, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

WAR REVENUE.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the amendment intended to be proposed by Mr. MYERS to the bill (H. R. 4280) to provide revenue to defray war expenses, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

HOW THE WAR CAME TO AMERICA.

Mr. SMITH of Arizona submitted the following concurrent resolution (S. Con. Res. 6), which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That the pamphlet entitled "How the War Came to America," issued by the Committee on Public Information, be printed as a Senate document, and that 100,000 copies be printed for the use of the House of Representatives and 50,000 copies be printed for the use of the Senate, the same to be distributed through the folding rooms of the House and Senate, respectively.

HOUSE BILL REFERRED.

H. R. 4961. An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel was read twice by its title.

Mr. CHAMBERLAIN. I move that the bill be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

CONSERVATION OF FOOD AND FUEL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2463) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

Mr. REED. Mr. President, only the importance of this great question now pressing for attention warrants me in further asking the time of the Senate. I intend to draw my remarks to as speedy a close as possible, but I wish very earnestly that I may have the attention of the Senate to the first point which I intend to make, because it relates to a matter that is so generally misunderstood and misrepresented that a clear understanding of the truth will change the viewpoint of many Senators.

Just for a moment let me review, so that the context may be plain. On Saturday last, in discussing the causes for high prices of foodstuffs, I called attention to the fact that this increase must be partially ascribed to the following causes: First. The fact that the circulating medium of the world has increased nearly 100 per cent since the war began; that all forms of credit money based on bank deposits, to wit, checks, drafts, and so forth, have been enormously increased. I presented tables showing these facts, all of which appear in the CONGRESSIONAL RECORD of Saturday. Second. A world shortage in wheat. Third. A stimulation of prices invariably incident to war. Fourth. Alarming reports, some of them going to the extent of declaring that the world, including America, is at the verge of starvation. I showed by quotations from market reports the direct effect of these violent assertions upon wheat prices. I commented upon the fact that many of the alleged speculators were in fact bears upon the market. I emphasized the fact that if prices were raised all over the United States it must be in response to some sort of conspiracy or to some great general cause; and I challenged attention to the fact that if there was a nation-wide conspiracy the Department of Justice, the Federal Trade Commission, and the departments of justice of the various States certainly could have dragged some of the culprits to the bar of justice. When I concluded my remarks on Saturday I was asking attention to the fact that Mr. Hoover does not pretend or claim that the speculators on the board of trade are solely responsible for having run up the prices of wheat. Let me quote Mr. Hoover's statement. On cross-examination of Mr. Hoover the search for the speculators was pursued, with the result that Mr. Hoover could not point out their location or describe their habitat, but he was certain the "varmints" were somewhere or thereabouts, and if he were given the absolute and unlimited power he could catch them somewhere or somehow. Every time Mr. Hoover was pressed to answer whether the speculator was in a certain locality or to be found among a certain class of business men he located him elsewhere, until the search came to resemble the experience of the hunter who always finds the game is in the next county.

I call attention to what Mr. Hoover said:

> I do not assume that there was any one criminal, or any criminal in this, but there were 200,000 or perhaps half a million agencies in this country interested in the distribution of wheat and flour, and all of them have received some benefit out of this rise and this margin between the producer and the consumer.

The quotation I have read is sufficient, although there is other evidence along the same line; but notice Mr. Hoover's statement that from 200,000 to 500,000 people were involved. There was no attempt to locate the trouble at any one place or with any one class; and further on in his testimony—and if you will read it you will discover it is true—you will ascertain that Mr. Hoover really means that when the whole country and the whole world became alarmed over a shortage or when they became alarmed because of the rapid rise of prices everybody began to boost prices and to take advantage of the rise.

Now, Mr. Hoover made another statement which I want to lay alongside of this, and which I think constitutes the kernel of the misunderstanding in the Senate and in this country. He asserted, in substance, in discussing speculation and speculative movements, that the farmer sold his wheat last year for $1.60 a bushel; that this ought to produce flour at $9 a barrel, but that it is being sold at $15 a barrel; that somebody is making $5 a barrel on 10,000,000 barrels of flour per month; that this $50,000,000 per month had been taken out of the pockets of the American people; and that in five months' time it has amounted to $250,000,000.

Mr. President, that statement was headlined in every great newspaper in the United States, and the people were given to understand from this statement made by Mr. Hoover that flour was made of wheat that cost $1.60; that it had been sold to the people regularly at an advance of $5 a barrel above the natural

price; and that in five months' time a quarter of a billion dollars had been taken from the American consumer. I repeat that there was not a newspaper in this country that came to my attention that did not contain this statement, and they were warranted in making the statement because Mr. Hoover said that this was the case, and also asserted that the same kind of robbery had not gone on in Europe, but, on the contrary, in Europe the prices have been less than in America.

I propose utterly to destroy and demolish both of these assertions. I propose to show, if I may have your attention, that they are both unfounded in fact. I do not accuse Mr. Hoover, of course, of any intentional misrepresentation; I do not accuse any newspaper of any intentional misrepresentation; but I do say that the fact ought to be determined, and this great case that concerns the American people ought not to be decided upon a misapprehension.

Mr. Hoover's statement on this I ask to have inserted in the RECORD without reading. If any Senator desires me to read it, I shall read it now; but his statement is clear and unequivocal.

Mr. VARDAMAN. I suggest that the Senator read it.

Mr. REED. Very well; I will read a part of it, as follows:

How important it is that we should arrive at some method of excluding the "legitimate" and illegitimate speculation from trades may be perhaps emphasized if we consider what has happened during the past year in the matter of flour. If we assume that the farmer last year received an average of, at the highest, $1.60 per bushel for his wheat, then with the addition of the normal manufacturing cost, righteous profits of distribution, the price of flour should not throughout the country in the larger consuming centers have exceeded $9 per barrel, and yet the price of flour at a great many centers is $15 per barrel throughout the country and probably averages over $14. Some one is taking $5 per barrel on 10,000,000 barrels per month which is marketed in this country. This is $50 000,000 per month taken out of the American public, and since the raise of price of flour above $9 per barrel, we may assume rightly that over $250,000,000 will have been extracted from the consumer in excess of normal profits of the trade and distribution.

That is from his testimony, and in addition to it I ask the Senate to read pages 37, 38, and 39 of his testimony, and I ask to include excerpts from those pages as part of my remarks without reading.

The VICE PRESIDENT. Without objection, permission is granted.

The excerpts referred to are as follows:

Senator REED. Mr. Hoover, you stated in your manuscript, from which you spoke in the early part of your testimony: "If we assume that the farmer last year received an average, at the highest, $1.60 per bushel for his wheat, then with addition of the normal manufacturing cost, righteous profits of distribution, the price of flour should not, throughout the country in the larger consuming centers, have exceeded $9 per barrel, and yet the price of flour in a great many centers is $15 per barrel throughout the country, and probably averages over $14. Some one is taking $5 per barrel on 10,000,000 barrels per month which is marketed in this country."

Mr. Hoover, do you mean to say by this statement that throughout the year the price of flour has been $5 higher than the price it should have been, based upon the price of wheat that the farmer receives?

Mr. HOOVER. No; it is $5 higher now than it should have been. The price of flour has been gradually ascending from its normal, which was in a proper relation. For the first three months of the year it bore a close relation to the price the farmer received. Since the farmer marketed his crop it has been gradually ascending until it has reached the present price.

Senator REED. You assume the farmer has marketed his crop, but let us eliminate that. As a matter of fact, the price of flour in the market has followed the market price of the wheat throughout the entire year, with some slight fluctuations such as are to be expected. Is not that the case?

Mr. HOOVER. It has followed the quotation in wheat, but it has not followed the price which the farmer received for his wheat.

Senator REED. I am not speaking about the farmer; I am talking about the price of wheat in the market. You can use the term "quotations"?

Mr. HOOVER. Yes.

Senator REED. Now, as a matter of fact, the farmer, beginning in the month of July, sold large quantities of wheat during the whole of that month, and it went to the market at probably less than a dollar a bushel to the farmer, and flour was sold to the consumer at corresponding prices. That is true, is it not?

Mr. HOOVER. Well, I have not looked into the exact relation for that month.

Senator REED. I have the figures before me, and I will not mislead you in quoting them. So that throughout the year, and up even to the present time, the price of flour has followed the price of wheat in the market. That is correct, is it not?

Mr. HOOVER. That is correct, always with that reservation, that the farmer did not get that difference in value.

Senator REED. Mr. Hoover, I ask you if it is not a fact that the wheat supply in the elevators of the large cities was practically exhausted when the great boom came in the price of wheat along in the month of May?

Mr. HOOVER. No, sir.

Senator REED. Is it not a fact that when wheat touched its high price there was probably less than 200,000 bushels in the city of Chicago in the elevators?

Mr. HOOVER. Well, you have the visible supply of wheat in the country as a statistical matter at all times, and there has been ample supply of wheat to carry the milling through until the next season.

Senator REED. No; but I was asking you about the market. I do not want to get into any dispute about things that there ought to be no dispute about. Is it not a fact that in the elevators of the large cities, when wheat rose so rapidly on the market, the wheat in the elevators in the large cities was at a very low point? Do you know anything about that?

Mr. HOOVER. It seems to me that is a very broad statement. There is no doubt the visible supply of wheat was less than it was the previous year, but it was not at a very low point.

Senator REED. Was it not about 150,000 at Chicago at the very low point?

Mr. HOOVER. I don't know what the low point was.

The CHAIRMAN. I think it was about 156,000 in Chicago the day they closed.

Senator REED. And was it not in the public elevators of Kansas City, which is another one of the great grain markets, very much lower than it is normally?

Mr. HOOVER. I can not tell you about the particular situation in given elevators.

Senator REED. I think you stated the visible supply in the country was about 100,000,000 bushels. Where was that supply, do you know? You do not know what was held in the big cities; do you know where the rest of it was?

Mr. HOOVER. I did not state it was 100,000,000; I said it was a little below the normal.

Senator REED. Oh, I thought you did say it. How are you able to say where it was held if you do not know what was held in the large cities?

Mr. HOOVER. I take the statement of the total visible supplies in the country. I did not myself go into each particular elevator throughout the country. It seems to me here is a case where the proof of the cake is in its eating—that we will have enough wheat in the country to carry us through to the next season.

Senator REED. What I am trying to get at is, how do you know none of this wheat was held by the farmers? As a matter of fact, it was coming into the primary markets, so called, at the rate of several million bushels a month, and that wheat is generally farmers' wheat. Is not that true?

Mr. HOOVER. Well, I rely on two or three different sources of information. The first is a calculation in the department as to the prices at the periods of relative flow in the movement of the wheat, showing that the bulk of wheat was marketed in this country before the end of January.

The other is the opinions expressed by the various farmers' associations, of which I think we have consulted six, and other sources of information, and some of them placed it at as low as $1.30. I took the highest figure which was mentioned—$1.60.

Senator REED. That is just the question I am trying to get at. You say the bulk of the wheat was marketed in January. As a matter of fact, there was marketed on the average nearly 5,000,000 of wheat for each week of January, February, March, April, and May at the 11 primary markets, which is generally understood to be farmers' wheat?

Mr. HOOVER. Not always; it may be line-elevator wheat.

Senator REED. Oh, some of it might be; yes. The largest amount received in any of these markets was a little over 13,000,000 bushels, which was back in July, right in the harvest. But now I am coming to another question.

Mr. REED. Now, Mr. President, what are the facts? Understand the point is that we have been charged $15 a barrel when we ought to have had flour for $9 a barrel, and that this has been robbing us of $50,000,000 a month.

The facts are:

(1) That when wheat was cheap flour was cheap, and that flour never went above $9 until the month of March and did not go much above $9 until the month of May. In a word, the consumer had the full benefit of cheap wheat as long as wheat was cheap instead of being swindled out of $250,000,000, as Mr. Hoover states. He had flour at reasonable prices until the allies cornered the wheat in the American market.

Statistics compiled from the Price Current Grain Reporter (accepted by Agricultural Department as an accurate journal) and Monthly Crop Report of Agricultural Department.

Month.	Chicago cash wheat.	Chicago future.	Farm value.	Flour, price per barrel, Chicago.	Visible supply of wheat in United States.	Movements of wheat, 11 primary markets.	Month.	Exports of wheat from United States and Canada.
1916.			*Cents.*		*Bushels.*	*Bushels.*	1913.	*Bushels.*
July 1	102½@106	101 @103½			42,628,000	5,008,000	July 1	5,697,000
July 8	101 @107	103 @104			41,820,000	4,195,000	July 8	3,163,000
July 15	108½@115	109 @112	92.9	$5.40@$5.60	39,681,000	5,412,000	July 13	10,806,000
July 22	115½@120½	115½@117¾			38,635,000	7,810,000	July 20	9,988,000
July 29	121½@128½	119½@120½			40,889,000	11,348,000	July 27	7,605,000
Aug. 5	123 @138½	133 @136			44,161,000	13,548,000	Aug. 3	7,835,000
Aug. 12	134½@147½	131½@146½	107.1	7.30@ 7.80	48,760,000	11,827,000	Aug. 10	6,098,000
Aug. 19	143½@151½	135 @148½			50,996,000	11,844,000	Aug. 17	7,803,000
Aug. 26	151 @158½	146½@154½			52,546,000	11,001,000	Aug. 24	8,945,000

Statistics compiled from the Price Current Grain Reporter, etc.—Continued.

Month.	Chicago cash wheat.	Chicago future.	Farm value.	Flour, price per barrel, Chicago.	Visible supply of wheat in United States.	Movements of wheat, 11 primary markets.	Month.	Exports of wheat from United States and Canada.
1916.			*Cents.*		*Bushels.*	*Bushels.*	1916.	*Bushels.*
Sept. 2	144½@158½	137½@149½			54,660,000	10,671,000	Aug. 31	8,182,000
Sept. 9	151½@157½	147 @155			53,970,000	9,270,000	Sept. 2	7,313,000
Sept. 16	145½@154½	146½@154	131.2	$7.75@$8.10	55,450,000	10,601,000	Sept. 9	7,313,000
Sept. 23	149 @155	152½@155			56,672,000	11,009,000	Sept. 14	9,606,000
Sept. 30	155 @159½	151½@157½			54,418,000	11,562,000	Sept. 21	5,967,000
Oct. 7	157½@163½	154 @160			58,258,000	10,648,000	Sept. 28	9,748,000
Oct. 14	157½@161½	154½@159	136.3	7.90@ 8.20	59,324,000	11,513,000	Oct. 5	7,883,000
Oct. 21	159½@170	157½@171			60,228,000	11,354,000	Oct. 12	7,584,000
Oct. 28	172½@183½	[1] 172½@187			60,470,000	10,101,000	Oct. 19	5,324,000
Nov. 4	181 @188	181 @188½			60,703,000	10,821,000	Oct. 26	6,817,000
Nov. 11	180 @186½	183½@190½	158.4	8.40@ 8.65	62,265,000	10,275,000	Nov. 2	5,482,000
Nov. 18	178½@189½	183½@195½			64,064,000	8,784,000	Nov. 9	5,636,000
Nov. 25	178 @189	183 @195			63,262,000	10,081,000	Nov. 16	5,899,000
Dec. 2	170 @178½	170 @185			62,026,000	9,113,000	Nov. 23	7,026,000
Dec. 9	170 @181½	171½@182½			58,186,000	9,229,000	Nov. 30	5,586,000
Dec. 16	171 @180	153½@178	160.3	7.60@ 8.00	62,249,000	7,800,000	Dec. 7	6,727,000
Dec. 23	158 @165	155 @172			62,040,000	4,173,000	Dec. 14	6,383,000
Dec. 30	167½@178	167½@175½			59,534,000	4,815,000	Dec. 21	3,604,000
							Dec. 28	3,226,000
1917.							1917.	
Jan. 6	182½@192	175½@187			56,885,000	4,367,000	Jan. 4	5,423,000
Jan. 13	193 @201	181 @190	150.3	8.75@ 8.30	53,500,000	5,673,000	Jan. 11	6,789,000
Jan. 20	193½@198	184 @191			51,826,000	5,614,000	Jan. 18	5,644,000
Jan. 27	181 @193½	174½@187½			49,659,000	5,380,000	Jan. 25	7,839,000
Feb. 3	167½@181½	154½@179½			48,721,000	6,054,000	Feb. 1	6,603,000
Feb. 10	169 @178	165½@175	164.8	7.60@ 7.90	47,888,000	3,901,000	Feb. 8	5,855,000
Feb. 17	176 @183	169½@177			46,848,000	4,855,000	Feb. 15	4,118,000
Feb. 24	182	175½@180			45,130,000	4,090,000	Feb. 22	5,043,000
Mar. 3	182½@192½	177½@189½			44,916,000	4,551,000	Mar. 1	4,512,000
Mar. 10	198 @202	186 @192			43,137,000	4,951,000	Mar. 8	5,619,000
Mar. 17	184½@188½	175½@186½	164.4	8.35@ 9.20	41,410,000	5,285,000	Mar. 15	4,676,000
Mar. 24	196 @201	182 @194			40,119,000	3,135,000	Mar. 22	5,472,000
Mar. 31	201½@212	190½@199			39,317,000	6,691,000	Mar. 29	4,262,000
Apr. 7	207½@223½	195½@214½			37,474,000	5,767,000	Apr. 5	2,330,000
Apr. 14	219 @246	202 @225½	180	9.00@12.50	34,253,000	5,968,000	Apr. 12	5,560,000
Apr. 21	243 @275	221 @244			30,257,000	5,172,000	Apr. 19	5,569,000
Apr. 28	272 @304	227½@280			25,756,000	4,985,000	Apr. 26	6,611,000
May 5	290 @314	280 @255			32,143,000	4,967,000	May 3	5,727,000
May 11	306 @345	279 @325	245	13.00@15.00	33,080,000	5,524,000	May 10	6,509,000
May 18	299 @300	[2] 215 @240			.....	5,767,000	.....	.....

[1] May wheat. [2] July.

In July, 1916, when Chicago wheat was $1.08, the low price, flour was $5.40, not $9, and the consumer got his flour at $5.40. I give the fluctuations above that in this table.

On August 12, with wheat at $1.40, flour was $7.30, not $9.

Mr. HUSTING. Mr. President, may I ask the Senator a question?

Mr. REED. Will the Senator wait until I get through with this table, please?

Mr. HUSTING. I just wanted to ask the Senator what prices he is quoting. Are those the prices to the consumer?

Mr. REED. They are the wholesale prices, of course.

Mr. HUSTING. That is, the market price?

Mr. REED. Yes; the wholesale market price.

Mr. HUSTING. The Senator does not give the price charged the consumer by the retailer?

Mr. REED. Why, it would be as impossible to do that as it would be to tell what time the American citizen goes to bed, because he goes to bed at different times. The price charged by the retailer, as the Senator must know, varies with the cities, varies with the parts of the cities, varies with retailers in the cities, and of course I can not tell him—nobody can tell—what the retail prices are.

Mr. HUSTING. The Senator said that he was quoting the prices charged the consumer. The Senator now answers the question by saying that that is not the price charged the consumer.

Mr. REED. That is the wholesale price, and when you fix the wholesale price of flour of course you fix the price that wheat costs the consumer as near as you can trace it to the consumer. Of course, if you carry it on into bread and carry it on into cakes and things of that kind, you can not get the price.

Mr. LEWIS. Mr. President——

Mr. REED. I hope the Senator does not mean to say that I was not stating this matter accurately.

Mr. HUSTING. Mr. President, I do not know. The Senator stated that this was the price charged the consumer. It is evident now that that is not the price charged the consumer, but the market price which is charged the retailer.

Mr. LEWIS. Mr. President——

Mr. REED. Why, certainly; and that means that the wheat has gone to the consumer from the speculator, as he is called, through the miller. It has passed through the wholesaler. It has passed to the point where the people come to buy from him. Beyond that I can not trace it.

Mr. LEWIS. Mr. President, I fear that the Senator from Missouri has not apprehended what is in the mind of the Senator from Wisconsin, and what the Senator from Wisconsin has inadvertently failed to convey, but which becomes very important. It is clear that the Senator from Wisconsin wishes to communicate to the Senator from Missouri that probably Mr. Hoover meant that the price of $9, which the Senator seeks to refute, was the price charged by the retailer to the consumer.

Mr. REED. Oh, no; Mr. Hoover meant nothing of the kind. His testimony shows it.

Mr. LEWIS. I desired to ascertain if that was not really what was meant.

Mr. REED. Mr. Hoover meant nothing of the kind, and his testimony will show that he was talking about the prices of flour by the barrel.

Mr. HUSTING. Mr. President, I want to say to the Senator now that I know that flour has been sold in this city, not by the barrel, but in smaller quantities, at the rate of more than $16 a barrel.

Mr. REED. I have not the slightest doubt of it; and I have not the slightest doubt, either, that there has been the same degree of difference in all sorts of things. I want to continue with this argument, however.

I do not intend to be interrupted to the extent of arguing any such miserable, petty, senseless thing as that there is a difference between the prices that different retail men charge, because nobody can trace that, and even Mr. Hoover states that he does not intend to try to regulate the retailer at all. When you get to the retailer, he turns the public over to the tender mercies of the retailer, and that is in his testimony.

Mr. JOHNSON of South Dakota. Mr. President——

Mr. REED. The Senator from Idaho [Mr. BORAH] desires to ask me a question. I yield first to him.

Mr. BORAH. The interruptions made it impossible for me to catch the figures which the Senator gave as the figures which represented the prices of flour to wholesalers.

Mr. REED. I am printing a table. I have simply taken the price of flour by months, and I have given the price of wheat on the Chicago market, and I have also given the price to the

farmer, as it is estimated by the Department of Agriculture; but the figures I am using are the Chicago prices of wheat. I will try to make it so that the Senator can hear. We will take the prices of wheat running from the first week of July. They average from $1.02 to $1.21. The price of flour ran from $5.40 to $5.60 a barrel, not $9 a barrel.

We take the next week, which is the first week of August. The low prices of wheat ran from $1.34 to $1.44½. That is, there is a high and a low price. I am taking the low prices, both on wheat and on flour. The price of flour was $7.30, not $9.

Take the first week of September; by this time wheat ran up to approximately $1.50 and the price of flour to $7.75.

The first week of October the price of wheat went up so that it touched $1.72. The price of flour had gone up to $7.90, but had not reached $9.

Coming to the month of November, the price of wheat went up in the neighborhood of $1.80 and flour to $8.40, but it still had not touched $9.

The month of December wheat had dropped off, going to approximately $1.70, and flour had dropped off, going down to $7.60.

Coming to the year 1917, for the first week in January the average price of wheat in Chicago had gone to approximately $1.85 and flour had gone to $8.75. It still was below $9.

The first week of February wheat was in the neighborhood of $1.70, having dropped a little, and flour had fallen off, going to $7.60.

Coming to March, wheat had gone up so that it crowded $2, and flour had gone to $9.20; and that is the first time it had gone above $9.

Coming to April, flour fell, although wheat rose a little. Flour fell to $9, but the No. 1 flour went to $12.50.

Coming now to May, when the allies cornered the market, wheat touched $3; flour went to $13 to $15—the highest point reached in any of these months.

The same condition is shown in June.

Mr. President, that is a very different story than that speculators got hold of wheat at $1.60 and proceeded to hoard it, and proceeded to run the price of flour up to above $9, and to rob the American people of $50,000,000 a month. The fact is that the American consumer was receiving this flour—that is, as near as I can trace it to the consumer, the regular quoted prices of flour by the barrel—during 10 out of the 12 months for less than $9 a barrel.

Mr. GALLINGER. Mr. President, will the Senator permit me?

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. REED. Certainly.

Mr. GALLINGER. I think I am correct in the assertion that, according to the quality of wheat, it takes from four and a half to five bushels of wheat to make a barrel of flour.

Mr. REED. Yes, sir.

Mr. GALLINGER. So that, according to the figures the Senator has given, the rise in the price of flour corresponded exactly with the rise in the price of wheat, which was an inevitable result.

Mr. REED. Exactly; and there must be allowance made for slight fluctuations up and down, but that is the general rule. It can not be talked away, it can not be laughed away, it can not be sneered away; that is the fact.

Now, Mr. President, I come to the next assertion which is made by Mr. Hoover, and which is to the effect that——

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED. I do.

Mr. BORAH. Before the Senator passes to this other subject, did I understand him to say that Mr. Hoover conceded that $1.60 wheat justified $9 a barrel for flour?

Mr. REED. He did.

Now, Mr. President, I come to the next statement of Mr. Hoover, and I read it, so that there can be no error about it.

Mr. Hoover said:

> There can be no more vivid evidence of the desirability of food control in this situation than a comparison between our prices and the prices of foodstuffs in countries where there is some measure of food administration. I will not traverse the prices of all commodities. More to say, as a general fact, the average prices to the consumer are lower in food-controlled countries than in the United States. Practically the entire wheat supply to Belgium is to-day imported from the United States, and, despite the extraordinary costs of transportation, the price of bread is 60 per cent of the price in New York City. A large portion of the wheat of France comes from this country, and yet the price of bread is, again, 40 per cent below our own. In England, where food control was started too late, the price is 30 per cent below our price, and in Canada, again, we see a lower range of prices to the consumer than in our own country, although the producer realizes the same price.

Mr. WALSH. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Montana?

Mr. REED. I do.

Mr. WALSH. I beg the pardon of the Senator for interrupting him; but an inquiry addressed to him a moment ago by the Senator from Idaho [Mr. BORAH] will, I fear, leave an unjust impression, and I am sure the Senator does not want to have Mr. Hoover misunderstood about the matter.

Mr. Hoover did not say that a price of $1.60 per bushel for wheat would justify a price of $9 per barrel for flour. He said that if no more than $1.60 was received for wheat the price per barrel of flour should not be to exceed $9.

Mr. REED. Very well. I accept that correction, if it be one.

Mr. BORAH. I do not think that changes the situation.

Mr. HUSTING. Mr. President——

Mr. REED. Now, do not let us have an argument started here by associates, please, until I get through with this particular theme. Then I will go back and take up this other matter; but I want now to get in, somewhere in connection with each other, these two points.

Mr. HUSTING. I just want to clear up the point that is now under discussion, and then I will not interrupt the Senator again.

Mr. Hoover's statement is this:

> If we assume that the farmer last year received an average of, at the highest, $1.60 per bushel for his wheat, then, with the addition of the normal manufacturing cost, righteous profits of distribution, the price of flour should not throughout the country in the larger consuming centers have exceeded $9 per barrel.

So that his figures are the price charged the consumer, and the Senator's statement is as to the market price in the cities minus the cost of bringing it into the houses of the consumer. So that the Senator's figures do not necessarily disprove the statement of Mr. Hoover.

Mr. REED. Oh, well, Mr. President, if anybody wants to resort to that species of logic in order to becloud the plain statement of a witness that is here in the record and can be read by everybody, let him do it. I will waste no time with it. I have no interest in misstating Mr. Hoover's evidence. He took $1.60 as the basis. He figured that $9 a barrel for flour would be justifiable. He then practically asserted that we were paying from $14 to $15, and that we were being robbed $5 a barrel, and had been for months. I have shown that during all of those months but two our prices were away below $9. I come now to his assertion that because of food control prices are so much lower in European countries than they are here.

Mr. President, I have not the time to follow everything out to its ultimate destination, so far as all the things that we eat are concerned; but let us take this one question of flour. I put into the RECORD now a table which I challenge all Senators who want to arrive at a fair conclusion—and I hope we all do—to examine. Let me tell you who prepared this table. It is prepared and is certified or stamped by the United States Department of Agriculture, Bureau of Crop Estimates, June 21, 1917, Crop Records Division. I challenge your attention to it. Here are the New York prices and here are the London prices for flour, beginning with the month of May, 1916, and ending with the month of June, 1917, both inclusive, which embraces a period of 14 months.

Prices of flour in May: New York, $6.25 to $6.50; London, $8.17 to $8.35.

June: New York, $5.75 to $6.10; London, $7.83 to $8.

July: New York, $5.95 to $6.20; London, $7.32 to $7.49.

August: New York, $7.90 to $8.25; London, $8.69 to $8.86.

September: New York, $8.25 to $8.60; London, $9.20 to $9.37.

October: New York, $8.50 to $8.75; London, $9.54 to $9.71.

Observe this does not mean the consumer in either case, according to my friend from Wisconsin; it just means the price of flour by the barrel.

Mr. HUSTING. To whom?

Mr. REED. The market price of flour. If the Senator does not know what that is, I can not tell him.

November: New York, $9.70 to $9.95; London, $10.56 to $10.73.

December: New York, $9.20 to $9.45; London, $10.56 to $10.73.

That concludes 1916. Let us take 1917.

January: New York, $9.75 to $10; London, $10.56 to $10.81.

February: New York, $9 to $9.25; London, $10.73 to $10.90.

March: New York, $9.75 to $10; London, $10.73 to $10.90.

April: New York, $11.25 to $11.50; London, $11.75 to $11.92.

May—now we come to the wheat corner worked by the allies themselves by buying 100,000,000 bushels and cornering the market, and here for the first time you find that in May flour went to $16.50 and $16.75, according to the figures of the Bureau of Crop Estimates, while it was $12.43 to $12.60 in London.

In June flour fell off in our market to $14.50 and $14.75. I have not the London market, but I assume for the sake of averages that it remained at the figures last given.

Wholesale price of wheat flour on or about the 15th of the month at New York and London.

[Per barrel of 196 pounds.]

Years and months.	New York—Spring patents.		London—American spring, good.	
	Low.	High.	Low.	High.
1916.				
May	$6.25	$6.50	$8.17	$8.35
June	5.75	6.10	7.83	8.00
July	5.95	6.20	7.32	7.49
August	7.90	8.25	8.69	8.86
September	8.25	8.60	9.20	9.37
October	8.50	8.75	9.54	9.71
November	9.70	9.95	10.56	10.73
December	9.20	9.45	10.56	10.73
1917.				
January	9.75	10.00	10.56	10.81
February	9.00	9.25	10.73	10.90
March	9.75	10.00	10.73	10.90
April	11.25	11.50	11.75	11.92
May	16.50	16.75	12.43	12.60
June	14.50	14.75	12.43	12.60

NOTE.—The prices at New York are from the New York Journal of Commerce and prices at London are from Mark Lane Express.

Now, observe that for 12 months out of the 14 months flour was cheaper in New York than in London. Instead of our being robbed $5 a barrel during this time and London being saved $5 a barrel by food control, for 12 months out of the 14 months the uncontrolled market of the United States was better than the controlled market of London, and for many months they paid an enormous percentage above, where they had all the blessings of food control.

The table shows that throughout the 12 months flour was materially lower in New York than in London. The average price in the United States for the whole 14 months was $9.59 a barrel, and the average price in England was $10.20 a barrel; and if you assume 10,000,000 barrels consumed each month in the United States, as Mr. Hoover assumes, then the 140,000,000 barrels cost the American people $85,400,000 less than the same amount of flour cost the English people, and instead of our getting our flour at $5 more a barrel than they pay, we receive it actually for less than they pay.

Yet this stupendous mistake has been sent to the people of the United States as the solemn fact in the case, and it will be as hopeless to expect the facts to be sent out and to reach these people as it is to gather up any slander so that it will be completely eradicated. I do not mean that these were slanders. I am using that term by way of illustration of the difficulty of picking these things up. Senators, you can not change a fact by juggling with the fact.

I do not say that these figures I have given you are conclusive of anything except that we have been going upon a mistaken basis, and that the people in this country have been told by Mr. Hoover and other advocates of this measure that prices are excessively high for flour, that they have been robbed all the year through, whereas the prices I have quoted show that flour was at its normal value the greater part of the last year. What was charged by the retailers I do not know, and for the purposes of this argument it is immaterial, because, mark you, Mr. Hoover himself expressly says he does not expect to control the prices of the retailers.

Now I approach the question raised by my friend from Wisconsin [Mr. HUSTING]. Let me show the impossibility of getting at retail prices. Here is a man who is selling groceries, let us say, at the crossroads in the country. He has a building that perhaps cost him $500 or $600 to build. The ground that he occupies is not worth perhaps more than $50 or $75. He has no ground rent to pay. He has no heavy cost to pay. He does his work himself. He sells to the people of the community on a profit that will enable him to live and save something over. Another man in the city of Washington or in the city of New York rents a store in the business part of the town and may be obliged to pay $12,000 or $15,000 a year for rent. He delivers his groceries to all parts of the city. A lady orders 5 or 10 cents' worth of something and a man must be sent to deliver it. The man who rents the building charges that rent because it is in a favorable location, and the man who rents the building probably has to pay interest on an enormous loan made upon that building. It is, of course, manifest that there can be no real comparison between the retail prices of the man at the crossroads and the man who occupies the building in town.

Mr. HUSTING. Mr. President——

Mr. REED. I do not say that for any other purpose now than merely as I go along to point out the impossibility of regulating retail prices.

Mr. HUSTING. Will the Senator permit me one word? The Senator does not seem to understand or make clear the point in this matter. The question is not as to the retail price to the consumer. The point the Senator tries to make is that Mr. Hoover is guilty of a statement that does not conform to the fact. The point I tried to raise is this: Mr. Hoover says, in effect, the cost of flour to the consumer after the payment of the charge of distribution, which means not only the manufacturing cost but the jobbers' charge and the retailers' charge and the transportation charge, and it eventually gets to the consumer, ought not to exceed $9 a barrel. The Senator's figures go no further than the market price at certain places, and leave out of the question the cost of distribution. Consequently Mr. Hoover's statement is to the effect that all the consumer ought to pay when he gets it into his house is $9 a barrel.

Mr. REED. In what shape?

Mr. HUSTING. Ready for use in the house.

Mr. REED. In the shape of flour?

Mr. HUSTING. Yes; in the shape of flour. So the Senator, it seems to me, misinterprets the statement made by Mr. Hoover, because Mr. Hoover says that $9 ought to pay for putting it in the consumer's house. Anything in excess of that, he says, is more than a fair price. Anybody who has bought flour——

Mr. REED. I am not going to yield to the Senator to make one of his speeches. If he has a question to ask, he may ask it; but I can not yield in the middle of a speech.

Mr. HUSTING. I merely wish to state that everybody knows flour has cost the consumer who has paid for it in the last four or five months $14 a barrel and over.

Mr. REED. I know that the consumer for the last four, five, or six months has not paid any such price, if he bought with any sense. Of course, if a man went down and bought 4 or 5 pounds of flour at a time, and paid the retailer whatever he asked, that is a different question. I do not intend to fool away my time or the time of the Senate heckling with my friend from Wisconsin in regard to what Mr. Hoover said. His testimony is here. Partial quotations from it will get no one anywhere. I have no desire to misrepresent Mr. Hoover. I do not think Mr. Hoover made a statement he did not believe, but I do say Mr. Hoover was in error in regard to his statement, and all Senators have to do is to take 30 minutes of time and read his testimony, and they can take either my construction or the construction of my distinguished and able friend from Wisconsin in order to arrive at a conclusion that Mr. Hoover was talking about the price of flour, and the only way you can fix that is to have the price of flour as it is sold by the barrel, and he was talking about it by the barrel, not by a handful or a spoonful or a pound, but by the barrel.

Mr. President, I challenge attention now to another thing, when we come to the question of prices, price regulation, and so forth, that the rise in prices has been the same all over this round earth, speaking broadly and generally.

Mr. NORRIS. Mr. President——

Mr. REED. I yield to the Senator.

Mr. NORRIS. In regard to the Senator's very interesting statement and comparison of prices, I wish to ask him if he has succeeded in getting any figures besides those he has given? I understand he has not given the figures as to either Belgium or Paris.

Mr. REED. I am coming to those. I am satisfied we might as well throw out of consideration the case of Belgium. Belgium is a conquered country, under the control of military despotism. The people are being practically supported on charity. Prices, therefore, in Belgium would not afford us very much real information for the purposes of comparison; but I am coming to some other countries.

I have in my hand the Monthly Review of the United States Bureau of Labor Statistics for the month of June, 1917. I call attention to the fact that two things are pretty clearly shown by the figures I am about to give: First, that the prices in food-controlled countries have been a little higher than they have in those where they have not had food control; and, second, that there has been a general rise of prices throughout the world, which I again insist is due chiefly to the general causes to which I have already called attention. But let us take these other countries. As to France, I read from pages 963 and 964 of the

Monthly Review of the United States Bureau of Labor Statistics:

The general statistical office of France has required the mayor of each city of over 10,000 population (excepting Paris) to report the prices of 13 articles of household consumption for the first quarters of 1911 and 1913—

That gives us the period before the war.

FRANCE.

[Bulletin de la Statistique Generale de la France, October, 1916, pp. 37 and 42.]

The general statistical office of France has required the mayor of each city of over 10,000 population (excepting Paris) to report the prices of 13 articles of household consumption for the first quarters of 1911 and 1913, the third quarter of 1914, the first and third quarters of 1915, and the first, second, and third quarters of 1916.

These prices, applied to the quantities used during a year by a household of four persons living in Paris, form the basis upon which a series of index figures has been calculated for each of the quarters named.

In the table thus prepared only such cities as furnished data for each of the eight investigations are included.

The following index numbers show the variation in prices of the 13 commodities, as calculated for the whole of France, for the third quarter of 1914 and the subsequent period of investigation. These indexes are the arithmetical averages obtained by multiplying the assumed consumption of each article by its average price and dividing the sum of the products thus obtained by 13.

1914, third quarter	1,004
1915, first quarter	1,105
1915, third quarter	1,235
1916, first quarter	1,336
1916, second quarter	1,379
1916, third quarter	1,420

The increase in the cost of living for all France since the third quarter of 1914, as demonstrated by the foregoing table, is approximately 41 per cent.

A special table calculated for the city of Paris for various months from July, 1914, to October, 1916, shows an increase of 38 per cent in the cost of living, based upon a hypothetical consumption.

This does not bring us, I am sorry to say, down to date, and you must make allowance for the fact that there has been a rise in prices since the latest date given here, which is October, 1916.

The special table calculated for the city of Paris for various months from July, 1914, to October, 1916, shows an increase of 38 per cent. That is a much larger increase than could be shown in this country for the corresponding period. If the increase there has been as rapid since as it has been in other countries, then their cost of living must have gone very much higher than is indicated here. But 41 per cent is high enough to demonstrate that they are suffering in France just as we are suffering in this country, and naturally they would.

But the Senator asked for figures from other countries. I give you now Great Britain from this same book, and I give it from page 965:

GREAT BRITAIN.

[Board of Trade Labor Gazette, Feb., 1917, p. 51, and April, 1917, pp. 129–130.]

The increase in prices of food during the month of March was noticeable in oleomargarine, bread, cheese, and fish; prices of bacon, flour, tea, and meat advanced from 2 to 4 per cent, while sugar, milk, butter, and potato prices remained practically unchanged. Eggs showed a considerable drop in prices. As compared with April, 1916, food prices as a whole increased about 32 per cent.

Prices of July, 1914, are taken as the base for calculating the rate of increase in the prices of 16 articles of food shown in the following table. The data for February 1 are given as being more nearly comparable with those reported from other countries.

Per cent of increase in prices of various articles of food in Great Britain, Feb. 1 and Mar. 31, 1917, as compared with July, 1914.

Articles.	Per cent of increase from July, 1914, to—					
	Feb. 1, 1917.			Mar. 31, 1917.		
	Towns of over 50,000 population.	Small towns and villages.	United Kingdom.	Towns of over 50,000 population.	Small towns and villages.	United Kingdom.
Beef, British:						
Ribs	72	69	71	80	77	78
Thin flank	104	84	94	120	97	108
Beef, chilled or frozen:						
Ribs	99	89	94	107	99	103
Thin flank	121	105	113	145	120	132
Mutton, British:						
Legs	66	63	65	73	71	72
Breast	118	82	100	133	94	113
Mutton, frozen:						
Legs	97	90	93	111	102	106
Breast	141	128	134	167	147	157
Bacon	63	57	60	81	74	78
Fish	152	110	131	153	110	132
Flour	86	95	91	96	104	100
Bread	80	70	75	99	87	93
Tea	54	51	52	65	60	63
Sugar, granulated	173	168	170	174	169	172
Milk	61	57	59	62	58	60

Per cent of increase in prices of various articles of food in Great Britain, Feb. 1 and Mar. 31, 1917, etc.—Continued.

Articles.	Per cent of increase from July, 1914, to—					
	Feb. 1, 1917.			Mar. 31, 1917.		
	Towns of over 50,000 population.	Small towns and villages.	United Kingdom.	Towns of over 50,000 population.	Small towns and villages.	United Kingdom.
Butter:						
Fresh	74	76	75	78	81	80
Salt	72	73	72	73	79	76
Cheese	87	87	87	117	117	117
Oleomargarine	29	29	29	50	48	49
Eggs, fresh	143	129	136	78	66	72
Potatoes	145	118	131	132	103	117
Total (weighted)	93	85	89	99	90	94

In arriving at the general increase the various articles are weighted according to the proportionate expenditures on them in prewar family budgets, no allowance being made for the dietary changes due to economies. If these changes were taken into consideration, the general per cent of increase since July, 1914, would be much less. Household necessities other than food are estimated to have increased approximately 65 per cent in the same period.

It will not do for any man now to claim that the high prices in this country are chargeable to speculators, and those not located, and that they have low prices in England and no speculation but food control, and yet be confronted with these facts, which show this increase in prices.

What I am arguing for is this: It is my text here to-day, and I want, if possible, to impress it upon my fellows, that there are back of these food-increase prices great general causes that affect the world. I called attention to some of those causes. I repeat, lest somebody should misunderstand me or misrepresent me, that if we can locate a food speculator in this country, wherever and whenever we locate him I am willing to deal with him as rigidly as any man in this body.

Now, I go to other countries. Take Italy: I confess I do not know whether Italy has food control or not, with the lamentable want of information, at least in regard to many of those countries. But here are prices arranged on what is called the index system:

ITALY.

The semimonthly bulletin of the Italian Labor Office (Bolletino dell'Ufficio del Lavoro, Mar. 16, 1917, p. 46, and Apr. 1, 1917, p. 56) publishes each month the retail prices of seven articles of food collated from reports furnished by municipal authorities, cooperative associations, or labor unions in 43 principal cities. In the issues of March 16 and April 1, 1917, the average retail prices and corresponding index prices are shown for each month from July, 1914, to January, 1917. The prices for November and December, 1916, and January, 1917, are reproduced in the following table:

Actual and relative prices of foodstuffs, based on average prices in 43 cities of Italy, November and December, 1916, and January, 1917.

ACTUAL PRICES.

Articles.	Unit.	1916		1917
		November.	December.	January.
		Cents.	*Cents.*	*Cents.*
Bread, wheat, ordinary	Pound	4.04	4.41	4.26
Flour, wheat, ordinary	Pound	4.29	4.38	4.45
Macaroni, spaghetti, etc	Pound	6.55	6.83	6.89
Beef, third grade	Pound	21.26	21.09	21.70
Lard	Pound	25.73	29.66	31.69
Oil, olive, ordinary	Quart	44.40	47.50	49.15
Milk	Quart	6.72	7.27	7.33

RELATIVE PRICES.

[Average prices for 1912=100.]

Articles.	1916		1917
	November.	December.	January.
Bread, wheat, ordinary	109.9	111.7	115.0
Flour, wheat, ordinary	111.0	113.3	115.1
Macaroni, spaghetti, etc	134.7	140.0	141.6
Beef, third grade	150.7	140.1	144.1
Lard	141.1	163.0	185.1
Oil, olive, ordinary	121.4	130.0	134.5
Milk	107.2	116.0	116.9
General index	125.0	130.6	136.0

The table shows that there has been in Italy substantially the same rate of increase as in England. It is difficult to explain these tables so that they are as clear as when you look at them. I ask leave to insert in the RECORD this table, together with the statement accompanying it, and I ask Senators to examine it for themselves.

I come now to the Netherlands. Can any Senator here answer me whether they have food control in the Netherlands? I am not informed myself.

I quote from the monthly review above referred to, pages 966 to 967, which is as follows:

NETHERLANDS.

[Maandschrift van het Centraal Bureau voor de Statistiek, February, 1917, pp. 193, 194.]

The bulletin of the bureau of statistics contains statistical tables showing the trend of wholesale prices of grain, oils, coffee, sugar, kerosene, tin, etc., and a table of relative prices of 20 articles, in some of which more than one grade is given, so that the series is composed of 29 items, and also a table showing the relative price of coke in eight cities.

Retail prices are based on reports furnished by various cooperative societies. The average prices for the year 1893 are used as the base in calculating the relative prices.

The following table shows the relative prices thus obtained for the years 1913 to 1916 and for December, 1916, and January, 1917.

Relative prices in the Netherlands, 1913 to 1916, and December, 1916, and January, 1917.

[Average prices for 1893=100.]

Articles.	Year—				December, 1916.	January, 1917.
	1913	1914	1915	1916		
Beans:						
Brown	154	157	175	232	293	275
White	166	176	200	259	345	348
Peas:						
Chick	150	161	178	194	239	242
Yellow	125	139	157	177	225	225
Green (dry)	157	143	160	230	290	287
Barley, grits, pearl	113	116	142	165	168	174
Buckwheat, grits	104	117	171	200	229	229
Oats, grits	103	103	137	150	147	147
Cheese:						
Spiced, Leyden	140	139	160	180	194	194
Full cream	124	125	137	125	118	126
Coffee	94	88	91	100	103	103
Oleomargarine	127	99	102	110	113	114
Flour:						
Rye	85	81	115	130	141	141
Wheat	124	129	159	159	171	188
Buckwheat	105	110	152	195	243	262
Butter:						
Table	94	97	130	149	155	161
Cooking	135	142	207	228	241	242
Oil, rape	136	137	192	214	234	240
Rice	116	116	128	137	141	128
Soda	83	83	117	267	300	283
Starch	103	107	130	157	183	187
Sirup	100	100	125	161	168	175
Sugar:						
Granulated	89	91	105	115	116	116
Brown, moist	85	89	98	102	102	103
Tea	112	113	116	119	119	119
Vermicelli	121	128	203	207	210	210
Soap:						
White, Bristol	100	100	119	126	134	134
Green, soft	87	87	121	158	187	154
Salt	80	80	90	90	90	100
Average	114	116	142	167	186	186

The price of fuel varied in the different localities. The yearly arithmetical averages of the relative prices for the eight cities are reported as follows (1913=100): 1914, 95.58; 1915, 123.73; 1916, 152.10; and for the months of December, 1916, 168.43, and January, 1917, 177.37.

Thus it appears that over in those countries, in the Netherlands, the same general rise has occurred.

I call attention now to the Scandinavian countries. This table relates to the actual and relative prices of 22 commodities of household consumption in the capital cities of the Scandinavian countries, July, 1914, and July, 1916, and February, 1917. It appears that there is some regulation of prices by law, and that is indicated in the table here as there is a maximum price, but if Senators will examine this table they will find that it, as well as those I have given, shows the general world rise in prices.

SCANDINAVIAN COUNTRIES.

[Capital cities.]

Retail prices averaged from monthly quotations reported by dealers in the capital cities of the Scandinavian countries are fairly comparable, as the habits of consumption and manner of life are very similar in the three countries. The commodities reported for Norway and Sweden are quite similar in quality, while those for Denmark are less comparable, particularly as regards meat. Quotations of milk, butter, oleomargarine, eggs, potatoes, flour, coffee, sugar, and kerosene are quite comparable. Sugar prices in Christiania are noted as abnormally high. In Copenhagen sugar purchased by card is considerably lower than when purchased without card. The highest prices for coal prevail in Copenhagen.

Actual and relative prices of 22 commodities of household consumption in the capital cities of the Scandinavian countries, July, 1914, July, 1916, January and February, 1917.

[Source: Sociala Meddelanden utgivna av K. Socialstyrelsen, Stockholm, 1917. No. 2, pp. 208, 209.]

ACTUAL AVERAGE PRICES.

Articles.	Unit.	Stockholm.				Christiania.				Copenhagen.			
		July, 1914.	July, 1916.	January, 1917.	February, 1917.	July, 1914.	July, 1916.	January, 1917.	February, 1917.	July, 1914.	July, 1916.	January, 1917.	February, 1917.
		Cents.	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.
Milk, whole	Qt	4.3	5.3	6.1	6.1	4.8	6.6	[1] 6.6	[1] 6.8	4.8	6.1	7.6	7.6
Butter, creamery	Lb	29.9	36.5	[1] 39.5	[1] 41.1	31.1	40.1	47.4	47.4	28.6	36.6	46.8	47.3
Oleomargarine, vegetable	Lb	16.9	24.3	38.7	.....	17.0	20.9	25.4	25.6	15.2	19.9	20.9	20.9
Eggs, strictly fresh	Doz	24.1	35.5	60.5	61.3	28.9	52.9	93.6	90.0	24.1	42.6	68.3	66.9
Potatoes, old	Bu	66.1	60.4	102.0	141.7	98.2	100.1	[1] 72.7	86.9	47.2	113.3	92.6	92.6
Peas, yellow	Lb	3.2	6.3	7.5	10.0	4.9	11.5	13.0	13.4	4.9	10.1	10.1	10.8
Flour:													
Wheat	Lb	3.9	4.5	[2] 5.1	[2] 5.0	3.9	5.3	7.4	7.7	3.2	4.5	5.1	5.6
Rye	Lb	2.9	3.3	4.4	[1] 4.3	2.4	4.7	6.4	6.7	.....	.....	.....	.....
Oatmeal	Lb	4.1	6.0	8.0	10.6	4.4	6.6	7.8	8.5	4.7	8.9	9.2	9.2
Bread:													
Rye	Lb	4.9	7.4	7.9	7.9	2.9	4.7	6.0	6.3	[3] 1.8	[3] 2.7	[3] 2.7	[3] 2.7
Wheaten, with milk	Lb	66.0	10.3	12.2	12.2	.....	6.7	8.0	8.5	40.0	48.0	6.8	8.1
Beef:													
Steak	Lb	15.2	31.7	31.1	28.6	16.0	39.8	36.3	35.5	[4] 17.0	[4] 37.9	[4] 33.4	[4] 33.4
Soup	Lb	12.4	23.9	24.1	23.0	15.3	36.2	32.6	31.4	[5] 13.4	[5] 33.6	[5] 23.3	[5] 23.7
Veal:													
Steak, fat	Lb	17.6	29.4	32.8	30.4	17.1	39.5	43.8	38.3	[6] 17.0	[6] 35.7	[6] 29.2	[6] 28.6
Steak, tender	Lb	12.3	19.7	23.5	20.8	10.1	27.5	27.1	22.4	[7] 13.4	[7] 31.8	[7] 25.3	[7] 24.3
Pork:													
Fresh	Lb	18.1	28.6	34.8	34.3	17.6	34.9	43.6	43.5	[8] 13.4	[8] 14.6	[8] 14.6	[8] 14.6
Salt	Lb	18.2	31.1	35.1	34.3	19.4	37.4	44.1	43.5	.....	[9] 20.7	[9] 20.7	[9] 20.7
Coffee, Santos	Lb	20.2	24.7	43.2	58.3	26.0	27.8	32.9	32.6	25.5	40.0	33.7	34.3
Sugar, loaf	Lb	7.8	8.3	8.3	8.3	6.9	13.1	13.1	13.4	5.2	6.3	[10] 6.3	[10] 6.3
Kerosene	Gal	18.3	27.4	29.4	29.4	18.3	29.4	29.4	29.4	18.3	21.3	21.3	21.3
Coal	Bu	22.6	49.6	53.8	61.4	17.8	62.3	[1] 56.7	[1] 56.7	16.1	64.2	65.6	65.6
Coke, gas	Bu	12.6	26.9	27.7	31.2	15.6	33.5	33.5	33.5	11.8	26.0	26.0	33.1

[1] Maximum price by law.
[2] Ground to 75 per cent; maximum price from Jan. 15, 1917.
[3] Price per pound, rye bread baked in 8.8 pound loaves.
[4] Beef, fore part, highest price.
[5] Beef, fore part, lowest price.
[6] Veal, fore part, highest price.
[7] Veal, forepart, lowest price.
[8] Pork, fresh, shoulder; maximum price fixed from July, 1916.
[9] Breast, maximum price.
[10] Maximum price. If purchased without sugar card price is 18 ore (4.8 cents) higher per pound.

Actual and relative prices of 22 commodities of household consumption in the capital cities of the Scandinavian countries, July, 1914, July, 1916, January and February, 1917—Continued.

RELATIVE PRICES.

[July, 1914=100.]

Articles.	Stockholm.				Christiania.				Copenhagen.			
	July, 1914.	July, 1916.	January, 1917.	February, 1917.	July, 1914.	July, 1916.	January, 1917.	February, 1917.	July, 1914.	July, 1916.	January, 1917.	February 1917.
Milk, whole	100	124	141	141	100	137	137	142	100	126	158	158
Butter, creamery	100	122	132	137	100	129	152	152	100	128	164	166
Oleomargarine, vegetable	100	144	229	.....	100	123	149	151	100	131	138	138
Eggs, strictly fresh	100	147	251	254	100	183	323	311	100	177	283	277
Potatoes	100	91	154	214	100	102	75	88	100	240	196	196
Peas, yellow	100	200	238	315	100	238	268	275	100	208	208	223
Flour:												
Wheat	100	116	131	128	100	138	191	197	100	142	162	177
Rye	100	113	150	146	100	195	265	275	.....	.....	.....	.....
Oatmeal	100	144	194	266	100	150	178	194	100	187	195	195
Bread:												
Rye	100	153	163	163	100	163	204	217	100	147	147	147
Wheaten, with milk	100	129	152	152	.....	.....	.....	.....	100	120	140	168
Beef:												
Steak	100	209	205	188	100	248	227	221	.....	.....	.....	.....
Soup	100	193	194	185	100	237	213	205	100	235	154	156
Veal:												
Steak, fat	100	167	186	172	100	230	255	223	100	210	171	168
Steak, tender	100	160	191	169	100	272	269	222	100	238	189	182
Pork:												
Fresh	100	158	192	189	100	198	248	247	100	109	109	109
Salt	100	171	193	188	100	193	227	224	.....	.....	.....	.....
Coffee, Santos	100	122	214	289	100	107	127	125	100	118	132	134
Sugar, loaf	100	106	106	106	100	189	189	193	100	121	121	121
Kerosene	100	150	161	161	100	161	161	161	100	117	117	117
Coal	100	220	238	272	100	351	319	319	100	400	409	409
Coke, gas	100	214	220	248	100	215	215	215	100	220	220	280
Average for all commodities	100	152	185	200	100	185	204	202	100	181	182	186

The same condition now is true of Norway. I ask leave to insert that table as it is here given.

The PRESIDING OFFICER (Mr. POINDEXTER in the chair.) In the absence of objection, permission to do so is granted.

The statement referred to is as follows:

NORWAY.

The official bulletin of the Norwegian labor office (Sociale Meddelelser, utgit av Departementet for Sociale Saker, 1916, No. 6, pp. 178 and 180) shows that the general level of prices of 24 articles, comprising 43 grades and 9 classes of household commodities, has advanced since July, 1914 (100) to 182 in October, 1916, 187 in November, and 194 in December. In all but 7 of the 43 quotations the relative prices advanced during the period October to December, 1916.

The bases of the computation consist of reports received from 17 cities. The following table shows the average prices during the month of July, 1914, and the relative prices based thereon for the last quarter of 1916:

Average prices of 24 articles of household consumption in Norway, July, 1914, and their relative prices in October, November, and December, 1916.

RELATIVE PRICES.

[July, 1914=100.]

Article.	Unit.	Average price, July, 1914.	Relative price for the month of—		
			October, 1916.	November, 1916.	December, 1916.
Beef:					
Fresh roast	Lb.	$0.173	204	208	215
Soup	Lb.	.152	207	213	219
Mutton:					
Fresh, hind quarter	Lb.	.181	184	188	195
Fresh, fore quarter	Lb.	.168	191	194	201
Salt	Lb.	.136	224	235	246
Veal:					
Back, roast	Lb.	.175	215	217	219
Fore quarter	Lb.	.154	228	235	227
Thin	Lb.	.112	193	188	215
Average for the group	.....	.....	206	210	217
Pork:					
Fresh	Lb.	.170	206	216	228
Salt, native	Lb.	.177	211	212	223
Salt, American	Lb.	.187	154	167	175
Average for the group	.....	.....	190	198	209
Cod:					
Fresh	Lb.	.052	217	218	208
Salt	Lb.	.048	149	153	186
Average for the group	.....	.....	183	186	197
Milk:					
Fresh	Qt.	.042	146	146	145
Skimmed	Qt.	.021	141	144	145
Butter:					
Dairy	Lb.	.297	151	151	155
Farm	Lb.	.270	150	155	158

Average prices of 24 articles of household consumption in Norway, July, 1914, etc.—Continued.

Article.	Unit.	Average price, July, 1914.	Relative price for the month of—		
			October, 1916.	November, 1916.	December, 1916.
Oleomargarine:					
Best	Lb.	$0.174	131	136	138
Inferior	Lb.	.131	143	150	155
Cheese:					
Goat's milk	Lb.	.199	168	173	174
Cow's milk	Lb.	.070	215	219	229
Fresh	Lb.	.097	238	243	255
Eggs, fresh	Doz.	.264	202	230	288
Average for the group	.....	.....	169	175	185
Wheat flour	Lb.	.038	159	177	186
Rye flour	Lb.	.024	226	242	253
Potato meal	Lb.	.057	201	201	202
Bread, family	Lb.	.029	[1] 143	[1] 151	[1] 157
Beans, brown	Lb.	.043	274	275	276
Barley, pearl	Lb.	.032	189	203	218
Rice, grits	Lb.	.058	138	141	142
Oatmeal:					
Domestic	Lb.	.042	157	160	168
American	Lb.	.038	158	168	175
Potatoes	Pk.	.065	115	116	124
Average for the group	.....	.....	176	183	190
Coffee:					
Java	Lb.	.342	114	117	121
Guatemala	Lb.	.306	113	117	117
Santos	Lb.	.267	117	117	118
Average for the group	.....	.....	115	117	119
Sugar:					
Refined	Lb.	.070	180	183	182
Granulated	Lb.	.067	202	202	197
Unrefined	Lb.	.064	184	184	182
Average for the group	.....	.....	189	190	187
Kerosene:					
Water white	Gal.	.093	163	163	163
Standard white	Gal.	.087	164	165	164
Average for the group	.....	.....	164	164	164
Coal	Ton	3.250	324	322	322
Coke	Bu.	.161	247	247	249
Average for the group	.....	.....	286	285	286
All commodities (arithmetical average)	.....	.....	182	187	194

[1] Based on the average price of household bread and Army bread. The latter sells for approximately 50 per cent of the price of the former.

Mr. REED. Sweden is also given separately, in a separate table, and I ask leave to insert that table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table referred to is as follows:

Average retail prices of commodities in Sweden in January, 1914, 1916, December, 1916, and January, 1917, and per cent of increase, January, 1917, over January, 1914 and 1916.

[Source: Sociala Meddelanden utgivna av K. Socialstyrelsen, Stockholm, 1917, No. 2.]

Article.	Unit.	Average price during—				Per cent of increase.	
		January, 1914.	January, 1916.	December, 1916.	January, 1917.	January, 1917, over January, 1914.	January, 1917, over January, 1916.
		Cents.	*Cents.*	*Cents.*	*Cents.*		
Milk, whole	Qt.	3.6	4.3	5.1	5.3	50.0	23.5
Butter:							
Table, best	Lb.	29.1	37.0	39.5	39.5	36.0	6.9
Cooking, country	Lb.	26.1	32.8	39.4	39.4	50.7	20.0
Oleomargarine, vegetable	Lb.	16.8	22.4	35.4	35.7	113.0	59.8
Eggs, fresh	Doz.	33.8	40.7	55.6	54.5	61.4	34.0
Potatoes, old	Pk.	12.8	13.7	20.3	21.3	66.7	55.2
Peas, yellow	Lb.	3.6	6.8	7.1	7.1	93.5	3.6
Beans, brown	Lb.	5.6	12.4	16.3	18.6	232.6	50.0
Flour, wheat, Swedish, best	Lb.	3.8	4.6	[1] 4.4	[1] 4.9	29.9	5.3
Meal, rye, Swedish, best	Lb.	2.6	3.6	3.9	4.3	66.7	16.7
Oatmeal, steamed	Lb.	4.4	6.0	6.8	7.4	69.4	24.5
Rice, Swedish, best	Lb.	4.9	5.7	7.1	7.9	62.5	38.3
Bread:							
Rye, hard, loaf	Lb.	5.0	6.3	6.8	7.3	46.3	15.4
Rye, soft	Lb.	4.6	5.8	6.3	7.3	57.9	25.0
Rye, sour	Lb.	3.8	4.5	4.9	5.7	51.6	27.0
Wheat, loaf, with water, cheapest	Lb.	5.3	6.3	7.1	8.1	52.3	28.8
Wheat, loaf, with milk, cheapest	Lb.	7.3	7.9	8.4	10.1	38.3	27.7
Beef, fresh:							
Roasting	Lb.	14.7	18.2	26.9	27.0	83.5	48.0
Soup	Lb.	12.2	15.7	23.7	23.8	96.0	51.9
Veal, roasting:							
Fattened	Lb.	16.0	20.4	28.1	28.3	76.5	38.7
Young	Lb.	8.9	12.2	17.3	17.5	97.3	44.0
Mutton:							
Fresh roasting	Lb.	15.9	21.3	28.4	28.4	78.6	33.7
Salt, Swedish	Lb.	14.2	19.6	27.6	27.5	93.2	40.4
Pork:							
Fresh, sides	Lb.	16.0	26.7	31.6	31.6	97.0	18.2
Salt, Swedish	Lb.	16.9	27.7	34.4	33.8	100.0	21.9
Herring, salt, prime	Lb.	5.5	9.5	13.5	13.4	144.4	41.0
Coffee, green, prime, Santos	Lb.	19.6	20.1	37.4	39.5	101.9	97.0
Sugar, loaf	Lb.	7.8	8.3	8.4	8.4	7.8	1.5
Kerosene, water white	Gal.	32.2	40.2	48.2	48.2	50.0	20.0
Coal:							
Anthracite, walnut	Ton [2]	$9.58	$17.29	$22.61	$17.98	87.6	3.9
English	Ton [2]	$5.54	$11.48	$14.51	$14.68	164.9	28.0
Coke:							
Gas-house	Ton [2]	$3.79	$6.39	$7.66	$7.59	100.0	18.6
English	Ton [2]	$4.45	$7.41	$8.97	$9.19	106.6	23.9

[1] 75 per cent of wheat utilized. [2] 2,000 pounds.

Mr. REED. Mr. President, the Senator who studies these tables, and does it with the dust out of his eyes and the cobwebs out of his brain and the prejudice out of his soul, will be compelled to say that a general world rise in prices has occurred. I think that candid and fair consideration of the whole question will lead us all to the conclusion that we must find this general rise accounted for by general world-wide conditions, and that therefore when we approach the question of any kind of legislation we must do it with reference to these great facts that concern the world and that we can not brush aside.

Beef in the United Kingdom rose 105 per cent; in the United States of America, 24 per cent. Bacon in the United Kingdom rose 78 per cent; in the United States, 36 per cent. Bread in the United Kingdom rose 93 per cent; in the United States, 36 per cent. Granulated sugar in the United Kingdom rose 172 per cent; in the United States, 92 per cent. Milk in the United Kingdom rose 60 per cent; in the United States, 14 per cent. Butter in the United Kingdom rose 78 per cent; in the United States, 56 per cent. Eggs in the United Kingdom rose 72 per cent; in the United States, 50 per cent. Potatoes in the United Kingdom rose 117 per cent; in the United States they rose 225 per cent; and everybody knows why that was in the United States. We raised only about one-half as many potatoes here last year as we do in ordinary years; and that will be regulated—mark what I tell you—in less than 30 days' time. Just wait until we begin to get our potatoes in from this isothermal line; wait until they commence to come into our markets, as they will by the millions of bushels, and you will see a rapid drop, just as there has already been an enormous falling off in the price of wheat. If you will wait a little bit and give time and the good Lord a chance, a good many of these difficulties will disappear.

Mr. President, before I leave this topic I want to present a table showing the comparison of the increase of prices in Great Britain—and I mean by that the British Isles—and in the United States, the prices in Great Britain at the present time being compared with the prices in July, 1914, with a similar comparison in the United States, the two tables presented now showing the increase which has occurred in percentages.

The table is as follows:

Per cent of increase in prices of food in Great Britain, Mar. 31, 1917, as compared with July, 1914. Also in the United States Apr. 15, 1917, as compared with July, 1914.

[Taken from the Monthly Review of the United States Bureau of Labor Statistics, pp. 954, 955.]

	United Kingdom.	United States.
	Per cent.	*Per cent.*
Beef	105	24
Bacon	78	36
Bread	93	36
Granulated sugar	172	92
Milk	60	14
Butter	78	56
Eggs	72	50
Potatoes	117	225

Mr. President, I want now to show, if I can, that this bill, while it is broad enough to reach almost every kind of industry, yet it is in fact aimed at the American farmer. When the American farmer wakes up to this proposition, I think all of us will find the question of sufficient importance to give it some careful thought and study.

The examination of Mr. Hoover developed nothing more interesting that the fact that he did not understand that there was contained in this bill several great controls to which his attention had not even been called. He doubted that there was anything in the bill that would give the right to control whatever went on the tables of the people; and yet when his attention was called to the word "consumers" he readily agreed that, in his judgment, that ought not to be permitted. Attention being called to the fact that the bill would control mines, I think I fairly state his testimony when I say that he indicated at least a slight degree of information or interest on that question.

The bill is aimed at the farmer. The thing which we are asked to regulate is the price of foodstuffs, and the American farmer is the producer of foodstuffs. Mr. President, I now make the assertion that the bill proposes to fix one price for all the American farmer produces, and that if it is not the intention to do that then the bill is broader than the intention of its authors; but I believe it is fair to say that such is the intent and purpose of the bill.

It is true it is proposed to authorize the President to guarantee the farmer a certain particular price, and that is thrown out as a sort of sop to the farmer to convince him that he is going to be taken care of; but let us assume that there is to be arbitrarily fixed by somebody a price at which the farmer, if he complies, can market to the Federal Government that which he produces. I assert that under this bill, if its powers are to be exercised—and if they are not to be exercised they ought not to be here—the price of the farmer's product is to be absolutely fixed. Let us see.

It is generally conceded, is it not, that the price of the surplus of our farm products which is shipped abroad fixes the prices of the product at home; that the price of wheat in Liverpool fixes the price of wheat in New York City, and is the same, plus the carrying charge? Why, Democrats, we have always argued that, and, Republicans, you will not upon this question deny it. What are the facts now? We ship millions and hundreds of millions of bushels of wheat and corn and hundreds of millions of pounds of meat to Europe. Whoever can control the European price will control the farmer's price and will control our market price. We have already given to the President the power to place an entire embargo upon anything that is shipped from this country. The power to place an embargo carries with it the power to name the conditions upon which men shall be permitted to ship, and one of those conditions might be a price at which they are to purchase. That that is intended I shall, I think, show you.

Second, it is proposed—and the plan is already made—that the allies shall purchase all their grains and supplies of every kind through one agency. This agency, therefore, will control the prices which will be paid by England, France, Russia, Italy, and all of the countries constituting our allies in this war. That in itself absorbs nearly the entire European market; but on top of that is the absolute right to stop shipments to any neutral country, which, of course, can and will be exercised so as to compel these neutral countries to buy through the same agency, or at least in accordance with plans laid down. Therefore you have restricted the market of the farmer for everything that he produces and have absolutely placed within the control of some agency to be established by our Government the price of every bit of the surplus of our land, which will fix the price of all that is to be sold here. Give me control of the foreign market for wheat and I will fix the price of wheat to every American consumer. Give me control of all our beef and mutton and pork that goes abroad and I will, allowing for reasonable fluctuations, control the price in this country. Therefore it is proposed to set up and put into the hands of one man a power that will control the price of everything the farmer has—of his entire surplus—and whoever controls that surplus will control the profits and the destiny of the farmer.

While that is going on, while the farmer has a restricted market in which he must sell, what is to become of the farmer in regard to the market in which he must buy? It is true the power, as I have said, is in this bill, it seems, without Mr. Hoover's knowledge, to control the price of everything else; but what is to become of the farmer who must sell, and in a market that is restricted by the mandate of some one man, and yet must buy in a market where speculation has been rife, because the speculator in the market I am about to speak of is the man who controls the market, and he speculates by putting up or putting down the prices of articles. Is the farmer not also a consumer as well as a producer? What is there that other people eat or other people use that the farmer does not have to eat or use? Does he not have to buy shoes? Must he not purchase them in a market that has no protection, where the blue sky is the limit of price? When he buys rope must he not buy it in a market where there is no limit and no protection? When he goes to get his binding twine, must he not buy it in a market that has been controlled by a trust, and that trust said by the Federal Trade Commission to be so strong that it is impotent to render any relief? When he buys fertilizer, who protects him? Does he not pay as high in some instances as an increase of 600 per cent upon the price of fertilizer? I say now to my friends coming here from great agricultural States that I have proven that it is proposed to compel the farmer to sell his products in a restricted and a controlled market; and I demand, if that be done, that there shall be no question that he shall buy in a market equally as well controlled.

What are the facts? You say the farmer has been getting too great prices or that some speculator and middleman has been getting too great prices on farm products. What are the facts about the thing that the farmer has to control? Let us look at our old friend the steel manufacturer. What is it proposed to do to him? My friends there are a number of concerns that deal especially with farmers or with him along with other people. There is our old friend the Harvester Trust. A prosecution was brought against it. Our old friend the Steel Trust. A prosecution was brought against it.

In the case of numerous other trusts, prosecutions were brought against them; and what happened to them in the matter of control? I do not know what happened to them. I do not say that this article from the Washington Post is accurate, but I submit it. I read from the Washington Post of May 22, 1917:

Antitrust suits against the United States Steel Corporation, the International Harvester Co., and three other big corporations were ordered reargued yesterday by the Supreme Court. As the court will adjourn for the term of June 11, court officials said it would probably be a year before decisions were rendered.

The announcement, made by Chief Justice White, apparently bears out reports current recently that opinions in the big antitrust suits would not be handed down at least until the country could readjust itself to war-time conditions. The cases to be reargued are those against the United Shoe Machinery Co., and the Lehigh Valley and the Reading Railroads and affiliated coal companies, the so-called Anthracite Coal Trust.

CHARGES IN THE STEEL SUIT.

The steel corporation suit was instituted in 1911 in New Jersey, and was dismissed by the district court four years later. In it the Government charges the corporation with controlling approximately one-half of the general iron and steel industry of the country. Dissolution of the corporation as well of the inner combination is asked.

The corporation in its brief admitted controlling about 40 per cent of the domestic and about 90 per cent of the American export trade, but defended itself as a "good" combination.

The suit against the Harvester Co. was filed in the United States district court in Minnesota in 1912. Its dissolution was asked mainly on the ground of its size and inherent power.

ONCE ORDERED DISSOLVED.

This corporation also contended that it is a "good" combination, but the lower court sustained the Government and ordered dissolution—

And the proprietor of that corporation has written a lot of his ideas into the food-control bill. If you do not believe it, go and read the testimony of George W. Perkins given upon this bill—

The case was argued in the Supreme Court first in April, 1915, and reargued in March, 1917, because of the resignation of Justice Hughes.

The suit against the United Shoe Machinery Co. was filed in 1911 and the lower court dismissed the Government's petition.

The suit had no connection with one brought in St. Louis by the Government under the Clayton Antitrust Act.

RULES ON MARITIME LAW.

The two cases against the Lehigh Valley Railroad and the Reading Railroad charge them with monopolies in anthracite coal along their lines. Both roads are accused not only of violating the Sherman Act but of violating the commodities clause.

In both cases the Government lost practically all contentions in the lower courts—

I ask to insert a portion of the rest of the article without reading.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

The right of States to enact laws affecting the general and Federal maritime laws as passed by Congress was denied by the court, in an opinion holding that the New York workmen's compensation law, recently declared constitutional, does not apply to workmen injured while employed on New York navigable waters.

WORKMEN'S LAW UNCONSTITUTIONAL.

The court also declared unconstitutional the New Jersey workmen's compensation law of 1911, which was a noncompulsory statute.

The court adjourned until June 4, when decisions will again be rendered and final adjournment for the term taken one week later.

Mr. REED. So, Mr. President, when we got ready for the stress of this war, it would appear, according to this account—the truth of which I do not assert, but I do say that it seems to have been founded upon a rumor that was current at the time—that one of the first things done to steady the situation was to discontinue, for the time being, these great trust suits. This action of the Supreme Court, if for the causes assigned, may have been deemed justifiable to some Members of the Senate. But I say now that I shall wait to see whether my associates in the Senate of the United States will undertake to control the farmer and all that he produces and allow him to remain the victim of these concerns that have been charged by the Government with having engaged in wholesale plundering of the American people.

You talk about the prices the farmers are getting! Let us look at the prices and the profits these concerns are getting.

Steel and iron: Why are they a necessity? Must we consider them as a necessity? I tell you, sirs, that back of all production lies this great proposition of steel and iron. Take away our knowledge of steel and iron, and you will turn back the wheels of civilization a thousand years and reduce the world to the barbarism of the stone age. Take away our knowledge of steel and iron, and the population of great cities would dwindle and die, for you could not carry provisions to them. Take away our knowledge of steel and iron, and the great railroads would disappear, the steamships would leave the ocean, the tools of crafts and trades would be gone, and there would remain no possibility for the modern civilization of this earth to continue. They are, therefore, the great primal necessity. They lie back of the production of clothing, of books, of shoes, of all we wear. They lie back of the production of the grains of the fields; and if you allow them to go uncontrolled you must allow the farmer to go uncontrolled with that which he produces. On the other hand, if you control the farmer you must control the tools with which he puts his grain into the fields, the tools with which he harvests it, and the tools with which he carries it to the market. That involves the great railroads and everything else.

What speculator in the wheat market, what speculator in the flour business raised the enormous profits of the steel combination? Why, Mr. President, I hold in my hand the Boston News Bureau of June 16, 1917. Let me call your attention to some of its astounding figures.

STEEL EARNINGS—STIMULATED BY SOARING PRICES OF PRODUCTS.

New York: At present steel prices earning power of steel companies is so great that any estimate, based on prices, would seem an exaggeration. However, it is conservative to say that, if steel quotations remain for 12 months around current levels, every important concern can show profits of 100 per cent on its common stock, after paying excess profits tax of one-sixth of net earnings.

How enormously steel prices have advanced the last two years is not generally realized. The following, showing quotations for eight leading products for first week of June, from 1915 to 1917, gives the change in that period—

But the comparison should no have been with the first week of June, 1915, for the war was already on, and the price had already enormously advanced. I give the figures, however, as they are given here—

With exception of steel rails, which gained 15 per cent from 1916 to 1917 and 35 per cent in two years, the changes vary from 40 per cent to 132 per cent for the past year and from 125 per cent to 509 per cent in two years. Average gain for the last year is 71 per cent and for the last two years 244 per cent.

I suppose, now, that ought to be allowed, and the farmer held down. I put in a table. I ask to print all of this article, but I read now parts of it.

The PRESIDING OFFICER. Without objection, that will be done.

The table referred to is as follows:

	1917	1916	1915	Per cent gain over—	
				1916	1915
Per ton:					
Bessemer iron, Pittsburgh	$50.95	$21.95	$14.70	132	247
Bessemer rails	38.00	33.00	28.00	15	35
Bessemer billets	95.00	45.00	20.00	89	375
Per 100 pounds:					
Steel bars, Pittsburgh	4.25	2.75	1.20	54	254
Plates	7.00	3.75	1.15	87	509
Beams	4.00	2.00	1.20	100	233
Wire nails	3.50	2.50	1.55	40	125
Tinplate	8.50	5.75	3.10	48	174

Mr. REED (reading)—

These gains have not been made without advances in costs. Connellsville coke has advanced nearly 250 per cent in the last year and manganese over 1,100 per cent. Labor costs, the most important item, have advanced only about 45 per cent, and on the whole the increase in production costs has not been commensurate with that in finished products. Increasing costs have been incidental to advancing prices, due to overwhelming demand.

It is impossible—

Says the writer of this article—

to figure manufacturing costs with any accuracy in a market where cost factors vary so widely from known standards.

And I would stick a pin here. When Mr. Hoover or any other man on earth undertakes to regulate the prices of foodstuffs, he will find the subject equally complicated, and he will find that this vast network of production in our country is as closely knitted and bound together as is the warp and woof that is woven into a garment, and you can not pull out one thread without affecting the entire cloth.

Notice how that is borne out by the article I am about to read, although it is on a different topic:

It is impossible to figure manufacturing costs with any accuracy in a market where cost factors vary so widely from all known standards. But it may be remembered that steel companies have agreed to supply the Government certain products at fixed prices, which have been made public. Unquestionably they are allowing a small percentage of profit on these transactions, but if prices charged the Government be taken as actual cost of manufacture to-day—that is, $2.50 per 100 pounds for steel bars and $2.90 for plates, against current market of $4.25 for bars and $7 for plates, this would mean that deliveries at present quotations to customers other than the Government would net an average of 50 per cent of amount received, or 100 per cent of cost.

If the same average be taken to hold good on other products, profits accruing would be so large as to stagger the imagination. But if a profit of 40 per cent of gross be allowed, or approximately $40 a ton on basis of weekly average price of eight products, now $99.29 a ton, results therefrom would be sufficiently large to cause self-gratulation among shareholders of steel companies.

The Steel Corporation produced in 1916 finished products for sale amounting to 15,460,792 tons. A profit of $40 a ton on only 15,000,000 tons would mean net profits of $600,000,000.

Republic Iron & Steel produced 1,216,716 tons in 1916. At $40 net profit per ton a similar production would mean over $48,000,000, or over $40,000,000 net for common stock, which amounts to $27,191,000.

You propose to regulate the farmer, do you? Well, then, bring in the steel combination, and let us work these steel plants.

But I read on——

Mr. KENYON. Mr. President, may I interrupt the Senator for just a moment?

Mr. REED. Yes.

Mr. KENYON. I have tried to follow the Senator's whole argument, but I have been away some of the time. I ask the Senator if he contends that steel is not covered?

Mr. REED. No; I have already spoken of that; but I say that there is nothing to indicate that they intend to do anything with it.

Mr. KENYON. Will not the words "and articles required for their production" cover steel?

Mr. REED. Exactly; and the Senator will remember—he and I are always frank with each other——

Mr. KENYON. We try to be.

Mr. REED (continuing). That Mr. Hoover did not appear to know that those words were in the law, and I do not think I misstate his testimony when I say that he rather contended, until we argued with him upon the hearing, that these great manufacturers would not be taken over.

Mr. KENYON. I think it is true that his mind was running solely on the line of food.

Mr. REED. Exactly.

Mr. KENYON. I think steel is covered, however; and if it is not, it ought to be.

Mr. REED. The Senator was out, I think, getting his lunch when I referred to that phase of the matter. He has been very patient to stay and listen as much as he has to this almost endless talk of mine, but the subject is endless. It is as big as the world. That is how big this subject is. I had already argued that the bill would, if really enforced, reach these things, but that there was nothing to indicate an intention to reach them. My proposition was that when you undertake to regulate the prices of the things the farmer produces you must make it obligatory upon somebody to regulate the prices of the things he buys.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Ihado?

Mr. REED. I do.

Mr. BORAH. I presume that another bill will be coming out of the committee in a day or two, either the House bill or a bill framed upon the basis of the House bill. I sincerely hope that those who will have the framing of that bill will not leave it so ambiguous and uncertain with reference to everyone else than those dealing in foods. There is no reason why they should not include, in plain and unmistakable language, these different articles, if they intend to control them; and it seems to me that by a line or two they could be included with just as much accuracy and clearness as foods, feeds, and fuels.

Mr. GRONNA. Mr. President——

Mr. REED. Mr. President, if the Senator will allow me just one moment, I want at this point to reply to what the Senator from Idaho has just said. Very pertinent to that is the following question appearing in Mr. Hoover's testimony. I read from page 57, and I ask the Senate to give it attention. I will read back of this a little, to give the context:

Mr. HOOVER. You may take this as a practical fact: That 75 to 85 per cent of the necessary food consumption of the poorer classes of this country is comprised in seven or eight commodities, and that it is possible, with a sufficient amount of subsistence and help, to greatly ameliorate the conditions with regard to those commodities—

I think that should be "assistance and help"—

If people wish to eat lobsters and there is an unequal distribution of lobsters, it does not interest me

Senator REED. Of course that does not interest me, and it does not much interest anybody except the fellow who wants the lobster, and I do not want you to think I am trying to be antagonistic about this matter. I am trying to get at a solution of this matter if I can. My mind may travel along a different line than yours.

Senator WALSH. Your questions would lead to that conclusion.

Senator REED. Possibly my questions are not asked in the form that is pleasing to you.

Do you think that the prices of other things besides farm products ought to be controlled?

Mr. HOOVER. Outside of food?

Senator REED. Yes.

Mr. HOOVER. That is a question entirely outside of this bill.

Senator REED. No; it is in the bill.

Mr. HOOVER. Only with respect to fuel.

Senator REED. Food and fuel and manufacturing and all of the things that enter into food and fuel.

Mr. HOOVER. I think we agreed this morning there were no constructive provisions in the bill for that.

Senator REED. That is a mistake. It is all through the bill, Mr. Hoover, and we may as well understand that. What I am trying to get at is this: If there are no restrictions or limitations upon the prices of other things, then I want to know where is the justice of allowing, for instance, the Steel Trust, that makes a great prime necessity that every human being in the world is to a great degree dependent upon—ought there not to be regulations there of those prices?

Mr. HOOVER. It seems to me that is a responsibility up to you gentlemen to see that no one makes an undue profit out of this war.

Senator REED. Out of anything?

Mr. HOOVER. Out of anything.

Senator REED. Then you would advocate the control of the prices of iron and steel, copper, lead, and zinc, and all things?

Mr. HOOVER. I do not necessarily advocate the control of prices. I do advocate the taking over of profits, which is probably a more soluble question.

Senator REED. We have been doing that a good deal by taxation, and some of us have been wanting to go further than some of the rest. But do you mean in another way?

Mr. HOOVER. That is all apart from this bill.

Senator REED. I disagree with you, and if you will give me a moment I will try to make that plain.

That makes it perfectly plain what the purpose is here. But I go on now to read from this article from the Boston News Bureau. This is not an anarchist paper.

Mr. GRONNA. Mr. President——

Mr. REED. I yield now to the Senator from North Dakota.

Mr. GRONNA. I simply wish to call the attention of the Senator from Missouri to the fact that Mr. Hoover stated before the Committee on Agriculture that there was no need of controlling manufactures because there was competition in manufactures. I am quite confident his testimony will be found to that effect by reading it.

Mr. REED. I have not noticed that part of it. I thank the Senator for his contribution. I wish he would get it and mark it and put it in the RECORD.

Mr. GRONNA. I will get it.

Mr. REED. I want to be understood that while I am compelled to call Mr. Hoover's name, because Mr. Hoover is so identified with this matter, there is no spirit of antagonism to Mr. Hoover as a man nor to anything which I think can properly be accomplished by the Government. When I get to the conclusion of my remarks I intend to state to the Senate what I do think is practical and submit my views for whatever they are worth. They may not be worth much, and I only ask for them candid consideration.

But, coming back again to this question of the profits of steel concerns.

On 12 months' output equal to last year's Lackawanna Steel would net over $50,000,000, leaving some $45,000,000 for dividends on its $35,096,000 stock.

There is no suggestion that such earnings will be achieved this year, as other factors are to be considered, not the least of which is that much tonnage now on books was taken at prices considerably lower than now prevailing, and that a substantial percentage of output will be sold to the Government at prices substantially lower than received from outside customers. Whether steel prices will be maintained at current levels any length of time, and, if they are, what will be their effect on labor and other costs, is a question on which even the most sanguine trade experts would hesitate to venture opinion at present. (Boston News Bureau.)

Mr. VARDAMAN. May I ask the Senator what he is reading from?

Mr. REED. From the Boston News Bureau of June 16, 1916.

Mr. VARDAMAN. Can the Senator tell me what is the purport of it, except to show that they made an enormous profit?

Mr. REED. The entire article I have not read; but it shows that Bessemer pits have advanced 247 per cent, Bessemer billets 375 per cent, steel bars 274 per cent, plates 509 per cent, and so forth.

Mr. VARDAMAN. Over what length of time?

Mr. REED. This is a comparison from 1915 to the present. It also gives it by years. I wish to call attention to the fact that the comparison ought to have been with antiwar prices instead of taking prices when they had already been enormously raised by virtue of the war.

In connection with that I call attention to an article in the Iron Age of March 22, 1917.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Montana?

Mr. REED. I do.

Mr. WALSH. I should like to inquire of the Senator whether he would like to have the Senate draw the conclusion from his line of argument that the bill ought not to pass or that it ought to include the regulation of steel prices?

Mr. REED. My proposition is this: I think the Senator perhaps was out when I laid the premise of what I am now saying.

Mr. WALSH. I think I followed the Senator.

Mr. REED. I said that if we do regulate the farmer in the manner laid down in this bill it amounts practically to fixing the price upon the farm products, and if we do that we must make certain that we at the same time and in the same bill regulate the other great necessities, a part of which the farmer, as well as everybody else, has to use.

Mr. WALSH. The Senator has not answered the question. I asked him whether he desires us to understand that he is arguing that the bill ought not to pass at all, or whether he is arguing that the bill ought to pass, but it ought to include likewise the regulation of steel products?

Mr. REED. No, Mr. President, I stated very thoroughly what I am arguing, and the Senator now states an entirely different question which I am not arguing. But I will say to the Senator and to the Senate, as I have already stated, that I think there are some things in the bill that we can do and do with benefit to the country. There are some things in the bill that I think if we do will be of great injury to the country. What those different things are I intend to come to later. So I can not answer the Senator's question by saying I am advocating the bill or I am trying to kill the bill, because there are parts of the bill I am heartily in accord with. There are other parts of the bill that I think are utterly wrong. That is as fair an answer as I can make.

Mr. WALSH. Let me inquire of the Senator, then, whether he thinks the bill ought to be amended so as to include the regulation of steel products?

Mr. REED. Undoubtedly, or else it ought to be amended so that there will not be an attempt to dictate the price to the farmer, which is plainly involved in the bill.

Mr. WALSH. The Senator does not answer my question.

Mr. REED. Yes; I do. The Senator is trying a trick he and I have worked on witnesses a thousand times by putting a thing in a certain way and demanding a specific answer. I am just refusing to bite that particular kind of bait; I have put it on a hook too often.

Mr. WALSH. I do not want to enter into a controversy with the Senator in regard to the matter. I desire to say that if the Senator is supporting the idea that steel prices ought to be regulated by provisions incorporated in the bill, I have no doubt he will find much support in the Chamber; but I do not——

Mr. REED. I will say to my very good friend who differs from me occasionally, and sometimes agrees with me, which is only another way of saying one of us is wrong a part of the time, I think the proposition of regulation always involves this idea, that if you regulate one particular article, you are very likely to thereby make it necessary to regulate another article; but if you take your hands off of all you may not make it so necessary to regulate the other articles. I believe there is going to come out of the Senate a bill that will undertake to control to some extent and in some way food prices; and if that is to be done, then I insist that at the same time and in the same bill there shall come the control of these other prime necessities.

Returning now to the question of steel prices, I was about to quote from the Iron Age of March 22, 1916. I will just read the headlines:

United States Steel Corporation 1916 report—Gross receipts increased $504,790,190 over 1915, or 67 per cent—Net earnings increased $203,178,166, or about 156 per cent.

Mr. President, I ask leave to insert a table showing the comparative prices of a number of articles of steel, in which the prices of 1916 and 1917 are compared; but as you read that remember that the price of steel in 1916 has already enjoyed the benefit of enormous advances over the price of 1914, the last year prior to the war. I ask leave to insert this table.

The PRESIDING OFFICER. Without objection, leave is granted.

The table referred to is as follows:

A comparison of prices.

[Advances over the previous week in heavy type, declines in italics; at date, one week, one month, and one year previous; for early delivery.]

PIG IRON.

[Per gross ton.]

	Mar. 21, 1917.	Mar. 14, 1917.	Feb. 21, 1917.	Mar. 22, 1916
No. 2 X, Philadelphia	**$39.00**	$36.50	$32.00	$20.00
No. 2, Valley furnace	**37.00**	36.00	33.00	18.50
No. 2, Southern, Cincinnati	**32.90**	31.90	27.40	17.90
No. 2, Birmingham, Ala	**30.00**	29.00	24.50	15.00
No. 2, furnace, Chicago [1]	**37.00**	35.00	33.00	19.00
Basic, delivered eastern Pennsylvania	**35.00**	33.50	30.50	19.50
Basic, Valley furnace	32.00	32.00	30.00	18.25
Bessemer, Pittsburgh	**37.95**	36.95	35.95	21.95
Malleable Bessemer, Chicago [1]	**37.00**	35.00	33.00	19.50
Gray forge, Pittsburgh	32.95	32.95	31.95	18.45
Lake Superior charcoal, Chicago	36.75	36.75	35.75	19.75

[1] The averaging switching charge for delivery to foundries in the Chicago district s 50 cents per ton.

RAILS, BILLETS, ETC.

[Per gross ton.]

Bessemer rails, heavy, at mill	$38.00	$38.00	$38.00	$28.00
Open-hearth rails, heavy, at mill	40.00	40.00	40.00	30.00
Bessemer billets, Pittsburgh	65.00	65.00	65.00	45.00
Open-hearth, billets, Pittsburgh	65.00	65.00	65.00	45.00
Open-hearth, sheet bars, Pittsburgh	65.00	65.00	65.00	45.00
Forging billets, base, Pittsburgh	90.00	90.00	90.00	65.00
Open-hearth, billets, Philadelphia	65.00	65.00	70.00	50.00
Wire rods, Pittsburgh	**85.00**	80.00	80.00	57.00

A comparison of prices—Continued.

FINISHED IRON AND STEEL.

[Per pound to large buyers.]

	Mar. 21, 1917.	Mar. 14 1917.	Feb. 21, 1917.	Mar. 22, 1916.
	Cents.	*Cents.*	*Cents.*	*Cents.*
Iron bars, Philadelphia	3.659	3.659	3.159	2.559
Iron bars, Pittsburgh	3.50	3.50	3.25	2.40
Iron bars, Chicago	3.00	3.00	3.00	2.15
Steel bars, Pittsburgh	3.75	3.75	3.25	2.75
Steel bars, New York	3.919	3.919	3.419	2.919
Tank plates, Pittsburgh	5.25	5.25	5.00	3.50
Tank plates, New York	5.419	5.419	5.169	3.669
Beams, etc., Pittsburgh	3.75	3.40	3.25	2.50
Beams, etc., New York	3.919	3.569	3.419	2.619
Skelp, grooved steel, Pittsburgh	3.50	3.50	3.25	2.30
Skelp, sheared steel, Pittsburgh	3.75	3.75	3.50	2.40
Steel hoops, Pittsburgh	4.00	4.00	3.75	3.00

SHEETS, NAILS, AND WIRE.

[Per pound to large buyers.]

	Cents.	*Cents.*	*Cents.*	*Cents.*
Sheets, black, No. 28, Pittsburgh	5.00	5.00	4.75	2.75
Sheets, galvanized, No. 28, Pittsburgh	7.00	7.00	6.75	4.75
Wire nails, Pittsburgh	3.20	3.20	3.00	2.40
Cut nails, Pittsburgh	3.70	3.70	3.70	2.30
Fence wire, base, Pittsburgh	3.15	3.15	2.95	2.25
Barbed wire, galvanized, Pittsburgh	4.05	4.05	3.85	3.25

OLD MATERIAL.

[Per gross ton.]

Iron rails, Chicago	$28.00	$28.00	$27.00	$18.00
Iron rails, Philadelphia	28.00	28.00	28.00	20.00
Car wheels, Chicago	21.00	20.25	18.00	14.50
Car wheels, Philadelphia	22.50	21.00	20.50	16.50
Heavy steel scrap, Pittsburgh	22.00	22.00	21.00	19.00
Heavy steel scrap, Philadelphia	24.00	23.50	20.00	17.00
Heavy steel scrap, Chicago	24.50	24.00	22.00	16.75
No. 1 cast, Pittsburgh	21.00	20.00	19.00	16.25
No. 1 cast, Philadelphia	23.00	21.00	20.00	17.00
No. 1 cast, Chicago (net ton)	17.25	16.50	16.00	13.50
No. 1 railroad, wrought, Philadelphia	32.00	30.00	25.00	22.00
No. 1 railroad, wrought, Chicago (net)	27.00	26.00	24.00	16.50

COKE, CONNELLSVILLE.

[Per net ton at oven.]

Furnace coke, prompt	$8.50	$9.50	$12.00	$3.50
Furnace coke, future	7.00	7.00	7.00	3.00
Foundry coke, prompt	10.50	11.00	13.00	3.75
Foundry coke, future	7.50	7.50	8.00	3.50

METALS.

[Per pound to large buyers.]

	Cents.	*Cents.*	*Cents.*	*Cents.*
Lake copper, New York	36.00	36.00	36.00	27.12½
Electrolytic copper, New York	36.00	36.00	36.00	26.87½
Spelter, St. Louis	10.37½	10.50	10.50	17.75
Spelter, New York	10.62½	10.75	10.75	18.00
Lead, St. Louis	9.37½	9.50	9.25	8.00
Lead, New York	9.50	9.50	9.50	8.00
Tin, New York	56.00	53.50	48.75	49.62½
Antimony (Asiatic), New York	32.00	31.00	30.00	45.00
	Dollars.	*Dollars*	*Dollars.*	*Dollars.*
Tin plate, 100-pound box, Pittsburgh	8.00	8.00	7.50	4.25

Mr. REED. Mr. President, as we are solving this question of steel, or discussing it, I may as well say that it will be equally necessary to include the copper, and while you are after the steel man you must stop with the manufacturer of steel, for the prices are affected, as I have already shown you, by the prices of iron ore, by the prices of carriage, by the prices of those articles that are necessary in the smelting and manufacture of steel. The prices are affected by coal and so on.

Likewise, Mr. President, you must not forget in dealing with the copper manufacturer that his prices are similarly affected, and you must not forget that one of the great basic things in all these prices is the question of wages. So when you come to regulation you must go very far. You must regulate wages, you must regulate carriage, you must regulate the price of a thousand different things that enter into the production of any one of these things, and unless you do that your regulation will be fruitless.

But while we are speaking now about the question of regulation I can not refrain before I leave steel and iron and copper to challenge your attention to the fact that it is not only a great primal necessity of life, because with its assistance we carry on modern civilization, modern manufacturing, modern production, but it is the great primal necessity of this war. Not a single one of our boys can go upon the field of battle but he is dependent for his life upon the steel instrument he holds in his hand, upon the steel cannon that thunder upon the vantage points of the field, upon the efficiency of the shells that are hurled at the enemy, upon the barrier that he has made of death-dealing instruments. It is a thing not only necessary to the preservation of our domestic life at home, but it is the one great thing in connection with powder that we must have upon the battle front.

Moreover, if we speak of necessities and of the great desirability of sustaining our allies and keeping them from starvation, then steel must be our chief means to that beneficent and much-to-be-desired end. It must be by the employment of steel that we will hew down the forest and fashion the wooden ship. It must be with steel that we will make the steel bottoms that shall carry food to supply the soldiers of the allies and their great civilian population, and that finally we must employ to send the food to our own boys who will be devoting their lives and offering up their blood upon the battle fields of Europe.

Therefore, I say, if there be an occasion to take possession of the farmer's product and fix it to compel him to yield a dominion over the market and the privilege of selling and buying in the market, we must at the same time and for the same consideration take in the steel organization, the copper organization, the Harvester Trust, and the twine organization. We must go further and get at the old boot and shoe machinery combination. We must make it so that the people in this country will not be paying two or three prices for boots and shoes. We must, in short, take hold of this whole problem; and I say this as I pass along, while we are at it, I do not see why we should not reach over and take care of the newspapers, too, because, after months of investigation, the Federal Trade Commission has determined that there is a combination on white paper, and that the newspapers of the country and the reading public are being defrauded and robbed by that combination. So they say, Give us control of the white paper. I do not know about that proposition. I think if the Trade Commission had been doing business and the Department of Justice had been doing its duty the scoundrels that organized the white-paper trust would be behind the bars of the penitentiary at this moment; and I intend to have something to say and do about that thing in the very near future.

But if we are going out to take charge of the farm products, understand, then, we have got to take charge of these other things. Let us see what this task will involve. When you undertake to control the crop products of the people like this, when you undertake to control the price of that which is to be consumed by the American people you are lost in a maze of figures; the magnitude of the undertaking goes beyond the imagination. If you are going to control the price of farm products, you will at once lay your hands upon a production that aggregates $8,628,000,000. It involves the regulation of the price of 1,619,000,000 pounds of butter, 320,000,000 pounds of cheese, 5,813,000,000 gallons of milk, 488,000,000 chickens, 1,519,000,000 dozens of eggs, 67,000,000 barrels of apples, 36,000,000 bushels of peaches, 100,000,000 bushels of pears, 15,000,000 bushels of plums and prunes—why, the prune job would keep one man busy—4,000,000 bushels of cherries, 4,000,000 bushels of apricots. It involves, in addition to that, potatoes, 285,000,000 bushels, last year, and that was about a half crop; hay, 89,000,000 tons; corn, 2,503,241,000 bushels; wheat, last year, 639,000,000 bushels; oats, 1,251,000,000 bushels—I need not read the rest of these figures—cattle, 63,682,000 head. The value runs into the thousands and millions of all these things.

I here insert some tables showing these figures:

NUMBER OF PERSONS AND VALUES AFFECTED BY POSSIBLE FOOD DICTATORSHIP.

The bill provides that the food dictator shall have complete control over the production, storage, distribution, and prices of food products and fuel.

Production and value of food in 1916.

Varieties.	Production, 1916.	Value, 1916.
Potatoes.....bushels..	285,437,000	$417,063,000
Hay.....tons..	89,991,000	1,800,894,000
Corn.....bushels..	2,583,241,000	2,295,783,000
Wheat.....do....	639,886,000	1,025,765,000
Oats.....do....	1,251,992,000	656,179,000
Rye.....do....	47,383,000	57,857,000
Barley.....do....	180,927,000	159,534,000
Buckwheat.....do....	11,840,000	13,364,000
Cattle.....head..	63,682,000	1,560,000,000
Swine.....do....	59,473,000	408,000,000
Sheep.....do....	52,838,000	234,000,000
Total.....	.....	8,628,439,000

Production in 1916.

Butter	pounds	1,619,000,000
Cheese	do	320,000,000
Milk	gallons	5,813,000,000
Fowls		488,000,000
Eggs	dozen	1,519,000,000
Apples	barrels	67,000,000
Peaches	bushels	36,000,000
Pears	do	10,000,000
Plums and prunes	do	15,000,000
Cherries	do	4,000,000
Apricots	do	4,000,000

NOTE.—Above are the latest figures available; however, not all are for 1916. Value of above production not available.

Coal production in 1916.

	Tons.	Value.
Anthracite	79,459,000	$184,653,000
Bituminous	395,200,000	502,037,000

Mr. President, how many people will that directly affect? The rural population of the United States is 49,348,000. There are more people in our country districts than live in France. There are nearly as many live in our country districts as abide in Germany. More live in our country districts than live in Great Britain. How many thousand farmers will you affect? There were 6,361,000 farms in the United States in 1910, the latest figures available. The value of farm property in 1916 was $40,991,000,000. The wage earners engaged in the manufacture of food products is nearly 500,000, and if you will multiply that by five, which is the usual number in a dependent family, you will find that there were 2,480,000, all of whom will be affected by this bill.

Mr. President, are we going to protect the farmer on his coal? If so, we must regulate the price of coal, and that regulation of the price of coal must begin with the regulation of the wages of the men in the coal mines. I do not mean that it must begin there first. I mean that no man can regulate the price of coal and do it upon any scientific basis who does not consider the question of wages. If we enter upon that, we will find that there are 613,000 men engaged in digging coal in this country, and that if you average their families, five for each wage earner, there will be affected by these regulations 3,065,000 human beings.

But we must go further than this. There is the question of production. There is also the question of distribution and that involves the carriage of the goods. If we are to regulate the price to the farmer and the price to the consumer, we must regulate the price of carriage. That of course is to-day largely taken care of, but it will have to be taken care of in the form of a reduction. If you reduce on other lines, you must reduce on this line. If you boost the prices on other things, then you must boost it here. You can not begin a general regulation of prices without considering the question of wages.

Mr. President, this involves in addition to railroads the question of ships. But I do not intend to take time to follow that out. What will happen? Let me call your attention to this fact, and I wish I could burn it into the minds of all Senators: The finest piece of machinery ever created by the genius of man, a machine that allowed to run may be almost illimitable in its power, a machine that took the thought of centuries finally ripened into the genius of some great inventor to produce—that machine can be put out of commission and ruined by a child. A monkey wrench, to use the old phrase, thrown into the machinery will destroy its capacity. Are you not already doing that? Has it not been already in part accomplished?

I am in receipt of telegrams from a number of men saying that to-day the wheat market of the United States is utterly disorganized; that nobody dares buy because he does not know whether or how he will be permitted to sell. What will be the primary effect of that? Perhaps it may be very pleasing to those who think only of the consumer and the price he pays, but mark it and remember it, when you have destroyed these markets or introduced uncertainty into them, just as certain as fate the first man to suffer will be the farmer who has wheat to sell. It will reach him first, and so you have already an element of uncertainty started; and when or how will you affect this regulation? I grant you the Government may go in and buy and that may not be disastrous, although it is a tremendous power.

The Government may control the foreign market, and that may not be disastrous, although it is a tremendous power; but I say we ought to be careful or we may do something here in obedience to this crusade that is being carried on wholly regardless of facts, wholly regardless of figures, wholly regardless of world conditions, wholly regardless of information that lies before our eyes, and that men will not look upon and read; we may do something that will cripple our country to such an extent that it will be worse than the loss of a great battle, for it may deprive us of resources to win many battles. Here is a telegram which reads:

HON. JAMES A. REED,
Washington, D. C.:

Wheat harvest is about to commence in the Southwest. All regular channels of buying, storing, paying for this wheat is now closed on account that no one knows what the Government is going to do in way of controlling the supply and price. Instant action should be taken on H. R. 4961, one which is now before the House and Senate. All grain dealers and millers are simply marking time now, not knowing what to do. This means all markets will become bare of flour before they can be replenished with new crop or cars can be secured to move same. At present time car shortage is easier than for some months and we could use them for wheat and flour to sea coast daily; later it will be impossible to get cars to transport flour or food in sufficient quantities to fill markets. We urge immediate passage of bill.

That gentleman probably has never read the bill. He is a splendid citizen of my State, but he simply knows his market is closed; he simply knows his business is gone; and what he states about the market as a fact can be taken as a fact. The truth is to-day you will have serious trouble, I fear, in the matter of supplying the cities of the East if you speedily do not do something to stop this panicy crusade and to let trade and commerce take their course. Bad as the bill is, it is better than this fearful uncertainty, and if the bill is passed, I say to you now that it will take months and months of time to create a machinery to carry it into execution. Is it not better to say to these people, "Go on with your trade; go on with your commerce; we will not interfere; but if you try to lay your hands upon food products and to corner them, we shall send you to the penitentiary"?

I am willing to vote for a law now that will authorize the President or any commission named by Congress and the President, or either, to take possession of any foods that are being really cornered; I am willing to give these additional powers, as I said awhile ago, if necessary; but in the name of the American people, I do protest against undertaking to interfere with the business of a hundred million men and women when it is impossible to do so without throwing the great machine of production and distribution entirely out of gear.

My friends, men might have been very successful in managing business over in Belgium—and I would not throw a criticism upon them—even if the condition had been the same there as here; if there had been no war conditions; if it had not been a question of starvation and mere distribution of something almost in the form of alms, if not quite alms; but I ask you to compare Belgium with the United States of America, and think of the difference in the task that presented itself there and presents itself here. I appeal on behalf of the American people against this foolish thing, tearing out by the roots our whole commercial system. Oh, yes; it is easy for men to state extreme things and lead people off their feet; it is easy for men to say "Oh, we will get the wicked speculator, and we will stop all these prices." As I have pointed out, we can get the wicked speculator now where he exists. Congress is being driven on and on, thoughtlessly, but, just as sure as fate itself, when you undertake this task you will be doomed to disappointment if you undertake it on the lines you have inaugurated.

As to regulation, Mr. President, I do not know; but I question whether food regulation has not been a lamentable failure everywhere. I have before me an article which appeared in the April number of Current History, a work that is printed by the New York Times which has condensed the history of this war in an amazingly intelligent manner, so that the casual reader can keep track of all of these events. Moreover, it has the advantage of giving us the news a few days after it is printed, so that to a large extent fiction or imagination has been squeezed out of it. Writing in this magazine under the headline "Hunger stalks through Europe," at page 21, you will find an article treating of the maladministration of the food regulations. I call attention to this as one of the results of food regulation, and it ought to have a great lesson in it for every man who thinks. It is this: Food regulation, in Germany at least, has resulted in feeding the army and in feeding labor and in starving everybody else. I read just a short paragraph:

A trusted observer of food conditions in Germany reported to the State Department at Washington on March 14 that 20,000,000 people directly connected with the German Army or Government, 20,000,000 in the rural population, and about 8,000,000 wealthy people were well fed, but that the rest—about 20,000,000—were in a serious plight.

We are told that this is the class who can not fight and who can not raise food for those who fight—the women and the educators and the men who formerly belonged to that class which we generally call the middle class here for the want of a better name. So in the same magazine for March you will find an interesting article under the heading "Famine: The foe dreaded

by all." It speaks of Germany's food shortage and of the shortage in other places:

The prices of practically all food commodities were now regulated. But the system was fundamentally unsound, because if prices were low supplies were held back, despite the threats of heavy penalties; while if prices were high supplies went anywhere but where they were most needed. In short, the Government did not, or could not, see that under existing economic conditions, even in time of war, the law of supply and demand must prevail.

Finally, in December, 1916, Adolph von Batocki, the "food dictator," publicly admitted that the fixing of maximum prices was a failure.

And let me call your attention to the fact that that is what Mr. Hoover stated in his testimony. So that those who promise low prices must remember that Mr. Hoover makes no such promise. Continuing the reading:

The attempts to make foodstuffs accessible to the poorer classes by means of maximum prices have collapsed—

He declared—

Maximum prices without the simultaneous public administration of supplies only keeps the produce away from the towns and industrial centers, leaving it entirely in the hands of the producers or the consumers in the vicinity—

And so forth.

Mr. President, two courses now are open—and with this very brief statement I shall conclude my long and I know very wearisome address—two courses are open: One is to leave the vast business of the United States in the hands of the people who created it and to undertake to prevent all cornering of the market and to prevent the draining of our foodstuffs by Europe. As I have undertaken to show, we can prevent the hoarding under laws that already exist, under the decisions of the Supreme Court of the United States, to which I have called attention, but in addition to that, if the House of Representatives would finally pass the bill which it once passed and sent here and to which we added the Walsh and Nelson amendments, we would have it so arranged that no man in this country would dare to undertake to hoard food to an amount which would injure the people; but I am willing, in addition to that and as a supplement to it, to lodge the power somewhere immediately to take over foodstuffs or other prime necessities that are being hoarded. There should be some kind of judicial investigation of this question, and the law should be so framed that it would be based upon our constitutional power of control. I do not intend to undertake to go into the intricacies of that question at this time, but I say that I believe that food that has gotten into public elevators and food that has taken such a course in commerce as to have gone into interstate commerce and to be a part of that commerce can probably be reached.

The control of the foreign market—that is, to prevent the draining of this country by Europe of these prime necessities—I have already shown exists, because we have given the President the full power to declare an absolute embargo upon the shipment of any of these necessities which can be so exercised as to specify the conditions upon which their shipment will be permitted; but, in addition to that, the power exists and is now being exercised of purchasing all the food for the allied governments, and our own Government if need be, through one common agency. This in itself will regulate the export price of every particle of grain there is in this country or anything else we ship abroad, for the price of the surplus sent abroad fixes the price at home; at least it will protect us against being drained of our food supplies. But if it is necessary to extend that power to give an express sanction of law and authority where it does not now exist in express terms, I am willing to grant it. I am willing to sit down with any Senator to help solve that problem. That would leave our business to run on; it would leave the farmer the incentive of good prices, if he could figure they would come to him in the course of business; it would, in my opinion, speedily resolve itself, for prices are already falling and, I think, will continue to fall.

At the same time, Mr. President, I would enforce the anti-trust acts of this country. I would tell the gentlemen who are engaged in controlling and manipulating prices that they must suffer the pains and penalties of prosecution or they must treat the American Government and the American people fairly. But, mark you, this plan leaves the management and control of affairs and the business of the country in the hands of the men who created the business. It simply reaches the excrescences; it reaches the illegal things; it reaches the things that have always been condemned by the law, either because they were manipulations or because they were conspiracies against trade or because they were a forestalling of the market. Thus we can act within the limits of the Constitution.

The other plan, Mr. President, is one which, if entered upon, I warn you, will never stop. You can not regulate the prices of the foodstuffs produced by the farmer unless you regulate the price of everything that the farmer consumes; and he consumes everything that other people consume. If you do regulate his food prices and do not protect him on the other side, then you will find the farmer will not plant; agriculture will not expand; and, instead of being able to feed the world, we may not be able to feed ourselves. If you undertake to regulate food because it is a necessity, I repeat, you must regulate steel and iron, for they are more primal necessities even than the finished product of food, although not its raw product, for, as I have said, you can not have modern civilization without steel and iron; you could not maintain a single city without steel or iron. Washington would starve to death in two weeks' time if it were not for the steel and iron that bear the products of the farmer to this city. New York would be the habitat of rats and bats in a few months' time if it were not for steel and iron, and, as I said a moment ago and now repeat, we would go back to the stone age. So, you must regulate steel and iron and then you must regulate that which is produced from steel and iron. You must either seize or regulate the copper mines; you must do the same thing with the coal mines, until at last within your all-embracing grasp you have brought the mighty activities of the mightiest land there is on earth.

I say, whoever interferes with this vast machine of production, this machine that is composed of the hands of 104,000,000 people, this machine that is guided by the brains of 104,000,000 people, this machine that is 3,000 miles long and 1,500 miles wide, this machine that thinks and acts and talks and works—whoever undertakes to interfere with its mighty and majestic movements and put it under one man's control will bring chaos and ruin to our country. Let us proceed with care and with deliberation. Let us give thought and attention to these problems, and let us always remember that a worse condition than that which now confronts us may lie upon the threshold of to-morrow, and lie there, unless statesmanship shall be the order of the present hour.

Mr. RANSDELL. Mr. President, we have just listened to a very interesting and instructive address by the junior Senator from Missouri [Mr. REED], and if we were not in a state of war, the greatest war the world has ever seen, I am quite sure that most of the argument by the distinguished and eloquent Senator would be applicable and logical in the extreme. The existence of war is the only reason or excuse for the proposed food-control legislation. In normal times it would be unnecessary and unwise. Unfortunately we are engaged in the most titanic war recorded in history, and no man can foresee its close nor just what will be required of the United States. My own impression is that the war, which has now endured for three years, will last at least that much longer, perhaps a great deal longer. The Civil War between the States of this country lasted over four years in spite of the great odds against the Southern Confederacy. Our Revolutionary War lasted over eight years, and surely in that struggle the forces were far more unequal than the rival armies in the present war. The Napoleonic wars, with slight intermissions, continued for more than 20 years, and France was battling against all the other European States. The war between England and the Boers lasted for three years, and all the forces of the mighty British Empire were brought to bear against the small Boer Republic before it terminated. The wars of Frederick the Great, of Prussia, with several intermissions, lasted 38 years. The war of the Roses in England continued for 30 years. And so on through history. Wherever there was any kind of equality between warring nations the struggle lasted for many, many years.

In the present struggle there is no such great disparity as many seem to think. The combined area of Germany, Austria-Hungary, Bulgaria, and Turkey is 1,022,000 square miles, and their united population is 142,000,000. Moreover, the central powers, as their name indicates, are on the center of a ring or circle from the interior of which they can strike rapidly and effectively first on one side, then on the other. Germany's preparation for the war is beyond question the most effective ever devised; her transportation system is perfect; her munitions of war of every kind were created in colossal volume of the very best character; her people had the spirit of patriotism so thoroughly drilled into them that every man, woman, and child in the empire knew how to do his or her part, and do it well, and was more than willing to do it. The agricultural wealth of the central powers, upward of a million square miles in area, much of which is as fertile as there is on the globe, is very great, and under normal conditions these lands will produce enough food and clothing to supply their own people without any outside assistance. Practically every mineral needed for war purposes is also plentiful in this vast area. The central powers are fully equipped by nature, and the marvelous resourcefulness of their people enable them to live at home independent of the rest of the world. That being true, I see no reason why the war

should not continue for a very long time. I hope this view is incorrect and pessimistic, but it is the one which I honestly hold, and, in my judgment, it is imperative for our people to understand the true situation.

We are confronted with a most serious problem that requires us to marshal every resource and energy of the Nation; we must not act half-heartedly; we must not gag at trifles; we must fight the devil with fire; and, as Germany has used every resource of her people for the past 40 years in preparation for this war, and is now handling them not with divided councils and disunited effort but as one man under the leadership of Kaiser Wilhelm, so, if we expect victory, we must concentrate our forces and put forth a thoroughly united effort under our great President, Woodrow Wilson.

The powers which the pending bill propose to give the President are very great, and impose duties upon him which, I am sure, he would gladly avoid if he could; but it is necessary, in the present emergency, for some one to exercise these powers, and who is there to whom we can look except our President. The Constitution makes him our leader in peace and the General in Chief of our Armies and Navies; he is the de facto and de jure head of this Republic with its 100,000,000 souls. No President who has occupied the White House, from the days of Washington to this moment, has ever willfully misused the powers of his great office. Thank God, we have always been able to trust our Presidents. Immense powers were given Lincoln during the Civil War and he did not abuse them. We can safely intrust whatever is necessary to President Wilson at this moment with the absolute assurance that he will do what is expected of him faithfully and wisely, and I for one will gladly place on his broad shoulders and in his capable hands the very important authority proposed in this bill.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). Does the Senator from Louisiana yield to the Senator from Minnesota?

Mr. RANSDELL. I will be glad to yield.

Mr. KELLOGG. Will the Senator please point out the statute by which President Lincoln was given power to buy all the crops of the country and store and sell them?

Mr. RANSDELL. I do not know that that power was ever given to President Lincoln.

Mr. KELLOGG. Or the power to fix the price of farm products?

Mr. RANSDELL. I do not recall that such powers as that were given to President Lincoln. The situation was very, very different, I will say to the Senator. There was no necessity for such power as that to be given to him at that time; but I believe there is such a necessity now. We are in a great war, as I have just said, and we find it absolutely necessary to help our allies, many of whom are starving. The Senator knows the situation is not at all comparable to what it was in the war between the Northern and Southern States.

Mr. KELLOGG. But I should like to ask the Senator if he thinks the President should have the power to fix the prices of and to buy farm products?

Mr. RANSDELL. I do not think that the bill gives any such power, I will say to the Senator.

Mr. KELLOGG. Will the Senator refer to section 9, which authorizes the President to purchase any such necessaries and to sell them?

Mr. RANSDELL. Yes; he may purchase some necessaries and sell them under that section.

Mr. KELLOGG. All necessaries?

Mr. RANSDELL. But it does not mean that he shall buy all of them and sell all of them.

Mr. KELLOGG. Under section 9, where is the limitation, I should like to ask the Senator?

Mr. RANSDELL. My understanding of the bill is not at all that suggested by the Senator from Minnesota. I should like for the Senator to point out to me the clause which provides that the President may exercise such power, for I do not so understand the bill.

Mr. KELLOGG. It is section 9 of the Senate bill which we have been considering and section 10 of the House bill. As I read it, there is no limitation upon the power to purchase farm products and all products called necessaries. Under that, of course, and under the licensing provision, the price may be absolutely fixed. I desire to know if the Senator believes that that power should be granted?

Mr. RANSDELL. I do not think, sir, that the President should be given the power to purchase all necessaries in this country, but I believe it wise that there should be a limited power to purchase necessaries and thereby to lower their price.

Mr. KELLOGG. I should like to ask the Senator if there is any reason why cotton should not also be included?

Mr. RANSDELL. I do not know that cotton is one of the absolute necessaries of life in the same sense that food and fuel are necessaries. We can get along for a good while by wearing our old clothes, but we would starve in a very few days if we got out of food. It is true——

Mr. GALLINGER. Mr. President——

Mr. RANSDELL. Please let me answer the Senator from Minnesota, and then I will be delighted to yield to the Senator. It is true that cotton is to a very great extent a food product. We use the oil from the cotton seed, and I am very glad we do. I remember the time when we did not use cotton seed at all, but now it constitutes a very important food product; and I will say that to the extent that it is food it is included under the terms of this bill, just as other things are. If the President finds it necessary and wishes to treat it as food, he can place a minimum guaranty on cotton.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from New Hampshire?

Mr. RANSDELL. I do.

Mr. GALLINGER. This being a war measure, the Senator recognizes the fact that cotton is absolutely essential to the manufacture of munitions of war?

Mr. RANSDELL. Yes, sir; I do.

Mr. GALLINGER. And for that reason it is as necessary as any other article mentioned in the bill.

Mr. RANSDELL. Perhaps it should be added, and if the Senator wishes to introduce an amendment to that effect I do not know but that I will consider it favorably. I will say to the Senator that I am a grower of cotton myself and am very much interested in it; my State is very much interested in it; but I had the idea, and still have it, that under the general terms of the bill, so far as it is treated as food, the President could purchase it if he deemed it necessary so to do.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Iowa?

Mr. RANSDELL. I shall be delighted to yield.

Mr. CUMMINS. Cotton is not brought within the terms of the bill, as I read it, prior to section 12; but when the President is given the power to fix a minimum price for commodities he is given the authority to fix a minimum price for cotton. Why should the President be given the authority to fix a minimum price for cotton if cotton is not to bear some of the burdens of the bill as well?

Mr. RANSDELL. I do not know that I understand the point which the Senator makes.

Mr. CUMMINS. The Senator is familiar with section 12?

Mr. RANSDELL. I certainly am.

Mr. CUMMINS. And he agrees with me, I am sure, that cotton is within the provisions of that section.

Mr. RANSDELL. It certainly is a nonperishable agricultural product, and that is what is included under the terms of section 12.

Mr. CUMMINS. And the Senator recognizes that section 12 is intended, anyhow, by those who favor the bill, to help the producers of agricultural products by guaranteeing to them a minimum price for a period of three years?

Mr. RANSDELL. That is intended to apply to food products, as I have read the bill and as I have understood it. If the President wishes to treat cotton as a food product—and, to a great extent, as I have said, it is—he could extend it to cotton also.

Mr. CUMMINS. Section 12 is not confined to food products. Any agricultural product—cotton, hemp, anything of that sort—would fall within the provisions of section 12.

Mr. RANSDELL. I will say to the Senator, in regard to that, that we must take the bill as a whole. Section 1 defines necessaries, and the whole spirit and purpose of this bill is the treatment of necessaries. There are sections here which taken by themselves might be misunderstood, but when you treat the bill as a whole I think it is fair to say that it relates to the necessaries mentioned in section 1.

Mr. CUMMINS. But, Mr. President, that is the very question that has bothered me somewhat. Section 1 names foods, feeds, and fuels, and the articles required for their production as necessaries, and thereafter the word "necessaries" is used when referring to those articles; but when we come to section 12, which contemplates the fixing of a minimum price and the consequent purchase by the Government of the commodities named in it, instead of using the word "necessaries," the phrase "any nonperishable agricultural product" is used. Clearly that will

embrace cotton, or any other agricultural product that does not furnish food, as well as food. Now, I have not been able to understand why the restrictive portions of the bill exclude cotton and the portion of the bill which is intended to encourage production should include cotton.

Mr. RANSDELL. I will say to the Senator that I had nothing to do with framing the bill, but that it never entered my mind as a cotton grower that cotton was going to be included in these items which would be added if the President sees fit to resort to the minimum price. So far as I am concerned, as one Representative of the cotton-growing section of the country, I should be entirely willing for the words in section 1 to be reproduced and inserted in section 12, to relieve any fear the Senator may have, for I assure the Senator it never has been in my mind that cotton should be included, and I do not care to have it included. I am perfectly sincere in saying that I understood the purposes of this bill to be to increase the food and fuel supplies of the American people, and normally we do not consider cotton as food, although to a very great extent it is an important food commodity. There are a great many million tons of food coming every year out of the southern cotton crop. The crop of two years ago was 16,000,000 bales. That meant 8,000,000 tons of seed, out of which came an enormous amount of oil and cottonseed meal. If the Senator ate some of the delicious bread made a few days ago by mixing cottonseed meal with flour and presented by Senator SHEPPARD of Texas he is bound to admit that it is a very good article of human food, as well as a most excellent article for feeding cattle. There is no better food known for cattle than cottonseed meal; and so the seed from the cotton constitutes a very important article of human food, though it never entered my mind, as I say, that it was meant to be included here; and if it will help the Senator to support this very important bill I, for one, would be perfectly willing to have a clause of that kind inserted.

Mr. CUMMINS. Mr. President, I hope the Senator from Louisiana will not think that I have selected cotton in an invidious way.

Mr. RANSDELL. Oh, no; I am sure the Senator did not mean anything of that kind.

Mr. CUMMINS. I hope to be able to support the bill when it is amended as I think it will be. I am in favor of including in the bill a great many things that are not now in it. But it has been mysterious to me from the beginning why every provision in the bill that is intended, apparently, to secure for the consumer a low price for the commodity—that is, every provision that is intended to eliminate all speculation between the producer and the consumer—excludes cotton as well as iron and steel and ore and a great many other things that are just as necessary as food for the conduct of our affairs; but when we come to a provision that is intended at least to insure to the producer a fair price for the things he produces, cotton and any other agricultural product not fit for food comes in and receives the benefit of the guarantee. I have been utterly unable to understand the discrimination between the earlier parts of the bill and section 12.

Mr. RANSDELL. I assure the Senator that I do not know that any discrimination was intended. Again, I repeat, that as far as cotton is concerned I am perfectly willing that the clause contained in section 1, referring to necessaries, should be inserted in section 12.

As the Senator says, there are many other agricultural commodities that might be included in addition to cotton. I take it that wool is an agricultural product, and a very necessary one. It could be included in section 12. We could stimulate the price of wool by fixing a minimum on it, if it were thought best to do so, although under no circumstances could wool be treated as an article of food except in so far as relates to the sheep which produce the wool, which are a most important article of human food.

Mr. KENYON. Mr. President——

Mr. RANSDELL. I yield to the Senator from Iowa.

Mr. KENYON. I was going to say, with reference to this very point, that it could be cured by a very simple amendment, namely, the use of the words "necessaries, as defined in this act," or similar words. That amendment, however, was offered in the House, and was voted down, to my surprise. So that difficulty could be cured here, as the Senator says, by an amendment of that character, which I am certain will be offered.

Mr. RANSDELL. I am entirely willing that that amendment should be introduced, because I do not think it entered the mind of any cotton man or representative of cotton to have it included with food. We look generally upon the great, broad purposes for which cotton is used, which are clothing and things of that kind—not the food value of it. I wish to repeat, however, that the food value of cotton seed is very great, for it yields large amounts of cottonseed oil, a vast percentage of which is used in lard products, oleomargarine, edible oils, and so forth, while the cottonseed meal is one of the best of all known feeds for cattle. When it is recalled that there are 1,000 pounds of seed for every 500-pound bale of cotton, it will be seen that a 14,000,000-bale crop—about the average—yields 7,000,000 tons of cotton seed.

Mr. CUMMINS. Mr. President, may I suggest to the Senator from Louisiana that, while it is true, as my colleague says, that the amendment he named was voted down in the House, the House bill is quite different in that respect from the bill we are now considering. The House bill provides—

> That whenever the President shall find that an emergency exists requiring stimulation of production, and that it is essential that the producers of any nonperishable agricultural food or feed products produced within the United States shall have the benefits of the guarantee—

And so forth. The House text would limit the agricultural products to receive the benefit of the section to food and feed products, whereas the Senate bill, which we now have before us, has no such qualification.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Minnesota?

Mr. RANSDELL. I do.

Mr. KELLOGG. What I desire to ask the Senator is whether he would be willing to include cotton in all the provisions in the bill, not whether he would be willing to exclude it from section 12. I, for one, do not see why clothing is not as important as fuel, and I should like to know if the Senator is willing to include cotton within all the provisions of the bill and not to exclude it from section 12.

It seems to me that if we are going to include wheat and other farm products and fuel we should include clothing, or cotton, which goes to make a good deal of the clothing. I understand that the cotton crop is short and the prices are very high and are liable to go higher.

Now, another thing. I do not see any reason why iron, steel, and farm machinery and petroleum and its products should not be included with cotton. I should like to know from the Senator if he is willing to include all of those and include cotton in this bill?

Mr. RANSDELL. Those are matters which I understand are going to be discussed very fully by the Agricultural Committee when the House bill is referred to it. It has already been referred; and doubtless after this bill has been discussed and all amendments introduced we will have that one, among others, referred to us and will give it very, very careful consideration. I can not say offhand that I am willing to include all of those things. I do not wish to see this bill loaded down too much. I am afraid that if we include too many things in it we will destroy it. It is a very good bill, in the main, in my judgment, but if you are going to attempt to include everything it will perhaps become cumbersome, top-heavy, and fall of its own weight.

I rather think if we can confine our efforts to food and fuel—the two purposes for which the bill was framed—we will have gone a long way toward relieving the present very critical situation. There is no doubt but that a great many things can be said in favor of including cotton and wool and iron and steel and the various products thereof, and petroleum—and, by the way, petroleum seems to be included in the word "fuel," and I should say that gasoline is included in the word "fuel," but if not included I rather think there should be an amendment to include the various kinds of fuel in addition to coal. As I understand it, all kinds of fuel, including petroleum and gasoline, are intended to be included in the terms of the bill.

Mr. President, as I was saying, the purpose of this bill is to secure an adequate supply of foods, feeds, and fuels, and to facilitate their prompt and equitable distribution at reasonable prices throughout the Union during the period of the war and the national emergency resulting therefrom.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Michigan?

Mr. RANSDELL. I do.

Mr. TOWNSEND. Before the Senator proceeds to a further discussion, I should like to ask him a question. Do I understand that the Committee on Agriculture and Forestry is now going to consider the bill which has passed the House?

Mr. RANSDELL. It has been referred to the Committee on Agriculture and Forestry. I do not think I am disclosing any committee secrets when I say that several members of the committee have thought that it was best for us to get together and see whether or not we would agree to the changes that had been made in the bill by the House, and to see whether or not

we would advise the substitution of that bill for this—not that anything in the world has been agreed to, but that that bill probably will be discussed in committee.

Mr. TOWNSEND. And the probabilities are that no action will be taken upon the pending bill in the Senate prior to the action of the committee on the other bill, which may be reported as a substitute?

Mr. RANSDELL. I am not authorized to speak for the Agricultural Committee, but I will state that is my judgment. I think, however, that we ought to go on with this debate and straighten out the tangled hanks in this bill just as thoroughly as possible. That is my personal opinion about it. I do not know, of course, what the committee will do.

Mr. TOWNSEND. I do not wish to discourage any legitimate discussion of matters that come up in both bills; but it has been an open secret here, I think, for some time that no action would be likely to be taken upon the bill that has been before us so long until the House bill, with its amendments, had been presented to us. It had occurred to me that it might be well to discuss at this time, at least, the provisions of the House bill, or the changes that have been made in it, if we wish to make any headway at all with the legislation.

Mr. RANSDELL. That might be a good idea.

Mr. REED. Mr. President, may I interject a remark?

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Missouri?

Mr. RANSDELL. I shall be delighted to yield.

Mr. REED. It seems to me to be a very remarkable method of procedure to be debating this bill in the Senate and for the Agricultural Committee at the same time to be considering the same bill, as sent from the House, with certain amendments to it. The debate ought to be confined to some bill.

When we began the discussion of the present bill it was assumed that the Senate was going to undertake to pass it. Now it appears that the House has passed a similar bill and sent it over to the Senate, where it has been referred to the committee. I think that before this discussion proceeds much further we ought to determine which measure we are really going to consider; and if the Agricultural Committee is really going to consider the House bill, and really going to take it up with an idea of going through it and changing it where necessary, and possibly having hearings upon it, and so forth, I should like to know that fact.

Mr. CHAMBERLAIN. Mr. President——

Mr. RANSDELL. I yield to the Senator from Oregon.

Mr. CHAMBERLAIN. I will say to the Senator that there is practically no difference between the bill as it passed the House and the bill as it is pending in the Senate. I am sure that the discussions which have been going on here have suggested some changes that ought to be made in both bills. The bills are so nearly alike that the discussions apply to both.

Mr. REED. Then will the Senator pardon me to make this further suggestion? If it is true that the discussions thus far have made it apparent that there ought to be changes, then should not the Agricultural Committee take the bill or bills and put in them whatever of those changes ought to be made, and then let us discuss the concrete proposition?

Mr. CHAMBERLAIN. I can not say that the committee will change the bill. I am only stating my observations from the discussion.

Mr. SMITH of Michigan. Mr. President——

Mr. RANSDELL. Mr. President, I shall have to decline to yield further. I yielded for questions in regard to the matter I was discussing, and if anyone wishes to ask me a question I shall be delighted to yield for that purpose, but I can not yield further for a general discussion as to whether or not we will refer this bill to the Agricultural Committee. That can be done after I get through.

The purpose of the bill is to secure an adequate supply of foods, feeds, and fuel, and to facilitate their prompt and equitable distribution at reasonable prices throughout the Union during the period of the war, and the national emergency resulting therefrom. These articles which are called necessaries are placed under governmental control to be exercised and administered by the President through agents appointed by him, and such other means as to him seems best.

All destruction, waste, hoarding, and monopolizing of necessities is made unlawful; also conspiracies to limit transportation facilities, restrict supply or distribution, lessen the manufacture or production, and enhance the price of necessaries. The spirit and intention of the bill is to increase the supply and cheapen the price of foods and fuels of every kind and sort so that the high cost of living may be materially reduced. Now, we can talk about the bill as much as we please and discuss the various features of it as much as we please, but that is the gist of it; that is the purpose of it. Certainly no man in the Senate and no man in the United States can object to increasing the supply of the food and fuel of this country and reducing their price to the consumers of this country. It is not intended to interfere any more than is absolutely necessary with the ordinary laws of supply and demand, and with the usual and customary agencies for carrying on business, but proper encouragement and assistance will be given to increase the supply wherever the emergency seems to warrant it, and preventive measures will be taken to stop unlawful practices tending to increase the cost of necessaries. I am heartily in favor of the general idea of the bill and shall do my utmost to secure its passage, though I think it should be amended in some particulars.

The imperative necessity immediately confronting us is the abnormally high price of all kinds of food and fuel. What can be done to relieve the situation? How can we cheapen the price of these necessaries so essential to human existence? The problem is difficult, but I believe it can be very materially assisted, if not completely solved, by the passage of this bill. I shall not attempt to discuss every feature of it, but to call attention to two or three very important particulars.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Michigan?

Mr. RANSDELL. I do.

Mr. SMITH of Michigan. I should like to ask the Senator whether he believes in a minimum price to be fixed by law?

Mr. RANSDELL. I do, most decidedly.

Mr. SMITH of Michigan. For food products, in the present emergency?

Mr. RANSDELL. I am not certain that it should be applied just now, but I will call this to the Senator's attention: We have had a maximum production of wheat in this country of something over 1,000,000,000 bushels. Last year we had a wheat production of 650,000,000 bushels. This year we have an estimated wheat production of 656,000,000 bushels. Now, we have enormous demands made upon us by our allies. All reports indicate that our allies in Europe are suffering for food. Food products of every kind in this country are abnormally high; and bread being the staff of life, if we have a very small production of wheat we can expect high prices for all food products. There is a big crop of corn growing. Suppose the corn crop should fall as far short as the wheat crop promises to fall. Suppose, when we shall have gathered the corn and the wheat in our bins this fall it is apparent that there is going to be a greater shortage of food next year than there is now. Then it would seem to me decidedly wise that a minimum price should be fixed on wheat, corn, beans, Irish potatoes, rye, barley, oats, rice, and other food products, so that the people of this country would be stimulated to produce a very large quantity, so that the supply would become fully capable and more than capable of meeting all the demands.

Mr. SMITH of Michigan. Mr. President, does not the Senator from Louisiana think there is some danger in not fixing a remunerative price for products of the farm and the field?

Mr. RANSDELL. There is danger.

Mr. SMITH of Michigan. Suppose, for instance, that under the terms of this bill a price were fixed for wheat which made it to the disadvantage of the farmer to produce wheat and he used his fields for some other crop. Does the Senator think that would increase the wheat crop, or would it have a tendency to diminish it?

Mr. RANSDELL. On the contrary, that would diminish it; but I can not conceive of so wise a man as President Wilson doing such a foolish thing as that. If we ever have a minimum fixed, I will say to the Senator that, in my judgment, it is going to be fixed after very careful study, after bringing to bear on that question all the agricultural knowledge in the various States and in the Department of Agriculture. The opinion will undoubtedly be taken of the various people who handle wheat—the men who produce it, the millers who mill it, the wholesalers who deal in it, the retailers who deal in it, and the agencies engaged in agriculture in the various States—so that with the advice of all those people and with the advice of the food-control committee whom the President is authorized to appoint, I take it that he will, beyond question, fix a minimum price that would be remunerative to the farmer and would induce the farmer to plant an increased acreage in wheat rather than a decreased acreage.

Speaking about wheat makes me think of corn, because it is a better product than wheat for human food. It gives more nutriment to the human being than wheat, according to the report of the Department of Agriculture. Now, I am a raiser of corn myself. That is my business—raising corn and cotton.

If the Department of Agriculture finds a small quantity of corn in this country this fall—small in proportion to the smallness of the wheat crop, and we all know that is going to be small—and if, after a thorough study of the subject, it is determined to fix a minimum of $1 per bushel on corn, I will say to the Senator that as one corn grower I would plant a good deal more than I have planted before; and I can not conceive, if they are going to fix a minimum at all, that they would fix less than $1 per bushel on corn. I can not conceive, if they are going to fix a minimum on wheat, with the present light before us, that that minimum would be less than $2 per bushel.

Mr. SMITH of Michigan. The minimum, of course, need not necessarily be remunerative or profitable. The minimum fixes the place at which the price starts and does not in any manner control the point to which the price may go.

Mr. RANSDELL. That is very true; but I will say to the Senator the purpose of this minimum is to so increase the supply, to so encourage the farmer to grow larger quantities, that the supply will become very much larger. If we get a larger supply, I take it, without any interference whatsoever with Congress for food control or anybody else under the ordinary law of supply and demand, the price to the consumer will go down.

I wish to ask the Senator if he ever in his life—and I take it he has been somewhat of a farmer—knew a big crop to sell for a high price, and if he has known it to fail that a small crop does produce a very big price?

Mr. SMITH of Michigan. I have known big crops to sell for high prices. Of course supply and demand are basic principles. Big crops always sell for a high price when the industrial conditions of the country are favorable, when people are employed in diversified vocations. If everyone raised wheat there would be no market. The question of diversified employment enters very largely into the demand and the price.

Now, I want to get the Senator's viewpoint. I think, of course, he does me great honor when he says I have had agricultural experience. I had experience when about 12 years old husking corn at 50 cents a day, and that was my last agricultural employment. But I have represented an agricultural community for a great many years, and I sympathize with them, with their aims and aspirations and purposes. Does the Senator believe that under this bill the actual price to be paid could be fixed by the controller of food?

Mr. RANSDELL. Not at all. I think the sole purpose of the bill is to increase the supply, and when a minimum is fixed which is going to prove remunerative to the farmer he will increase his acreage and the natural result will be an increased supply.

Now, I wish to ask the Senator a question. What kind of condition did you have in your State in 1912 and 1913? Was it not fairly good?

Mr. SMITH of Michigan. Yes; the conditions were excellent.

Mr. RANSDELL. I have figures before me, and I quote from page 137 of the hearings before the Committee on Agriculture and Forestry of the United States Senate, parts 1 to 5, Sixty-fifth Congress, first session, being the testimony of Hon. I. S. Cullinan, of Texas. The corn crop of 1913 was 2,447,000,000 bushels. Its farm value was $1,692,000,000. For the previous year the corn crop was 3,124,746,000 bushels. It exceeded the crop of 1913 by 677,746,000 bushels, and yet the big crop sold for only $171,546,000 in excess of that small crop.

I will now give the figures of the cotton crop of the South for two years. In 1910 the crop was 11,609,000 bales. It sold for $809,710,000. In 1911 the crop was 15,693,000 bales, an excess of 4,084,000 bales, and yet the big crop sold for only $749,890,000, $59,820,000 less than the small crop.

In other words, the small crop—smaller by over 4,000,000 bales—brought a little upward of $59,000,000 more than the big crop. I will say that after having planted cotton for 25 years it is my universal experience whenever we have had a big crop of cotton in the South we got a small price for it, and whenever we had a small crop of cotton we got a big price for it, and many times the aggregate of the small crop far exceeded the aggregate selling value of the big crop.

Mr. REED rose.

Mr. RANSDELL. I yield to the Senator from Missouri.

Mr. REED. I desire to get the Senator's idea.

Mr. RANSDELL. Provided I can give the Senator some idea.

Mr. REED. The Senator is largely correct in his statement that many times a big crop does not net the farmer as much as a small crop, because there is an overproduction; but considering that question with reference to the present situation, with something like 20,000,000 men in the military camps of the world, with a large area either cut off from the market or in some other way interfered with as a source of production, does the Senator think there is any likelihood of a big crop selling at a greatly reduced price in the coming year?

Mr. RANSDELL. I can not say I think that it is going to sell at any greatly reduced price, but I will also say that a great many people have an idea that the war is going to end in two or three months, just as the people down in my portion of the country thought the War between the States was going to end in a few months and went to work very rapidly to get a chance to shoot at the Yankees, as they called the boys up North, and the same feeling existed up there, and they were in a big hurry to get South to shoot at the rebs. Applying that argument to the farmer all over the country, he will say I do not dare to plant an abnormal quantity of wheat or corn. If I do, I will glut the market and get nothing for these products, and he will go very slowly about it.

I know how it is myself. I am a farmer and I know the feeling of farmers. But if a minimum price be guaranteed to him for three years, let us see how it will apply: You can not stop your agriculture and change it in a moment. If you are accustomed to plant one thing you can not change it to another just for one year very handily. But if you have the minimum guaranteed to you on wheat, let us say for illustration, for the next three years regardless of whether the war ends or not, and if that guaranteed minimum price be one which will remunerate you nine years out of ten, which will give you a handsome profit, then you will be willing to increase very greatly your acreage in wheat.

Mr. REED. Very well; I understand the Senator's thought. Now, if he will permit me a further question, I understood the Senator to say that he thinks the minimum price of corn ought to be a dollar a bushel.

Mr. RANSDELL. I did not say it ought to be. I said if I were offered a dollar it would be very attractive to me. I do not know that it ought to be put at that.

Mr. REED. And $2 for wheat.

Mr. RANSDELL. I said if those figures were placed on it they would be attractive to me as a farmer.

Mr. REED. Now, I do not want to insist on my understanding of the Senator's remark, but I understood the Senator to say that he thought the price would not be less than that. The Senator will agree with me in this that there will be no use in offering the farmer a guaranteed price unless you make it large enough to induce him to stimulate his industry.

Mr. RANSDELL. I do absolutely agree with the Senator in that statement, and if we fix a minimum it should be sufficiently large to attract the farmer.

Mr. REED. In other words, we are going to say to the farmer, in substance and effect, go ahead and plant a large crop of wheat or corn, or whatever he may think necessary; we are going to guarantee you a price which will be above the ordinary price which you would receive. In that way you get the farmer busy and you get a big crop produced. That is the idea?

Mr. RANSDELL. That is the idea; and it is only justifiable, I will say, under an emergency such as seems to be confronting us and our allies to-day. In ordinary times it would not be justifiable at all.

Mr. REED. Now, if that shall be done for three years, because the farmer can not change from one kind of crop to another in less than three years—that is, speaking by and large——

Mr. RANSDELL. Of course, in a general way; I do not mean absolutely.

Mr. REED. That would mean this, that for three years the prices to the farmers would increase beyond what they naturally and ordinarily would be, and thus we keep him producing. Is the Senator familiar with that clause of the bill which provides that the President when he finds prices at home are being reduced can levy a tax upon imports so as to keep the prices up, so that the Government will not suffer any loss by reason of its guaranty?

Mr. RANSDELL. I am.

Mr. REED. Now, I want to ask the Senator if this price is increased to the farmer for three years under this guaranteed plan, and that in order to maintain that high price, so that the Government can not lose anything, all importation is to be cut off through an import tariff, is it not perfectly manifest, then, that during that three years the consumer is going to be compelled to pay a higher price or the Government to sell at a loss?

Mr. RANSDELL. Not at all. Let us take the price of wheat. Suppose you make $2 per bushel the minimum price on wheat, and there is a very large production of it. It goes without saying that with this big production, filling up all the warehouses, all the storage elevators of the country, if wheat is guaranteed to bring $2, the farmer will get $2 for it, and he will dispose of it at $2. It is barely possible that there might be such an enor-

mous production that the wheat would sell in open market for less than $2. In that event the Government would be compelled to make up the difference between the market price and the price it had guaranteed to the farmer.

Mr. SMITH of Michigan. Mr. President——

Mr. RANSDELL. Pardon me until I answer the question. But the consumer in that event would be absolutely sure that he would not pay any more than $2 a bushel for his wheat. It seems to me that the consumers who have been paying as much as $15 and $16 a barrel for flour, as they have in the last few months, would be glad indeed to have a guaranty that they would never have to pay more than $9.50 to $10 per barrel for their flour, which is the price that would be charged them if their wheat was guaranteed them at $2 a bushel.

Mr. REED. While the consumer might be glad to have a guaranty that he would not have to pay the price of the last two months, would he be glad to have a guaranty that he would be compelled to pay higher prices for 12 months out of 14? Would he be especially delighted if instead of getting flour at $5.50, as he did a year ago with $2 wheat, would he be especially delighted that he would have to pay $10 all the year through, whereas in the last 14 months, as I showed, he got his wheat for much less than that during nearly the whole of the time? Does not the Senator think there is another side to that question?

Mr. SMITH of Michigan rose.

Mr. RANSDELL. Does the Senator from Michigan wish to ask me a question before I answer?

Mr. SMITH of Michigan. I should like to have the Senator answer both questions at the same time.

Mr. RANSDELL. All right, I will yield.

Mr. SMITH of Michigan. Suppose a dilemma such as that described by the Senator should actually arise and the Government was buying wheat at one price and selling it at another; with whom is the Government concerned, the consumer or the producer? We are dealing with a very large question, and if the Government is to buy this wheat at $2 as the minimum, I suppose in order to furnish food cheaply it must buy all that is offered at $2. In other words, the Government must take the entire crop. If it goes above $2 in the open market, the Government will not subject its citizens to competition and the necessity of paying a still higher price for its food products than before. I see some difficulties about applying the practical test. I would like to find some basis that is equitable to the people and just to the Government.

Mr. RANSDELL. In response to the questions of the Senator I will try to answer as well as I can. The Government, I take it, represents all the people and it should try to do its best by all of them. We all agree on that. The farmers of the country constitute a very large percentage of the people, something over 50 per cent. They consume a very large percentage themselves of the crops that they raise, be it wheat, corn, meats, or any other crop.

The purpose of the Government in this legislation is to try to do the very best possible not only for our own people in this great emergency but for our suffering, starving allies abroad. The question, it seems to me, or the questions of the two Senators overlook the situation of the war in Europe. Their questions completely overlook the fact that we will have perhaps 2,000,000 of our men withdrawn from profitable endeavor in this country and engaged in an awful war.

There may be a great many more than that before we are through with it, for, as I say, it seems to me that there is every reason to believe that the war is going to last for years, perhaps for an indefinite number of years, and there is no use for us to try to make provision for a few months or for one year. The wise thing for us to do, Senators, is to make provision for a long time in the future, and if the Great Father above permits this war to come to a close sooner, if the ordinary laws of supply and demand can be reestablished in this country before the lapse of three years, if we can go to making crops cheaper, even with all this labor taken from every productive industry, sooner than three years, of course, it would be a good thing. But, on the other hand, if the war continues there is not the slightest danger, in my judgment, and not the slightest danger in the judgment of a great many other people, that we are going to have such an abnormal production of any kind of food as to warrant us in expecting the low prices which the Senator from Missouri alludes to. Of course, people would be glad to think that they could buy their flour for $5.50 or $6 per barrel, and if you could persuade them that they could buy it for $5.50 or $6 per barrel they would not like the idea of paying as much as $10 for it under this guaranty.

Now, mind, I did not say that the guaranty of $2 a bushel was going to be made. I simply used $2 as an illustration. I used it as my individual idea that if a minimum of $2 were fixed it would be most attractive. If a minimum of $1 on corn were fixed it would certainly appeal strongly to me. Before anything can be done in the way of fixing a minimum, as I said before, the very best possible evidence is going to be obtained from every agricultural department in this country and from our United States Department of Agriculture and from the people engaged in any way in the handling, milling, wholesaling, or retailing of wheat, and they may not fix such a minimum as I have suggested.

Mr. REED. Now, Mr. President, will the Senator pardon me further?

Mr. RANSDELL. Yes; I am glad to have the Senator interrupt me.

Mr. REED. We do not get anywhere, it seems to me, when we just go off and generally discuss the war. I am trying to get the Senator, who is a perfectly candid man——

Mr. RANSDELL. I thank you.

Mr. REED. To make a plain admission that I think ought to be made in the interest of common honesty to the American people, and that is that any law which raises the price of cereals to the farmer will necessarily raise the price of food products to the consumer, and that if a guaranteed price to the farmer is high enough to encourage him to raise unusually large crops, that guaranteed price must be something higher than the farmer at least believes he would get without the guaranty. Otherwise there would be no stimulus whatever, and if it be higher than he would otherwise get, then that additional price must be carried along to the consumer. If we guarantee these prices to the farmer for three years at a point higher than he would otherwise get, then for three years the consumer must pay a bigger price than he would otherwise pay.

Mr. RANSDELL. That does not follow at all. You might have a very small crop, and the result might be the same outrageous condition which you have now for a small crop, whereas if the farmer had been given a guaranty and had raised a big crop he would never charge nor would the consumer pay any more than on the basis of the guaranteed minimum.

Mr. REED. Mr. President, if the guaranteed minimum put the price up to the farmer, and that is what I am trying to get at, does it not necessarily put the price up on the flour, the product of the farmer? If it actually does advance the price to the farmer, does it not necessarily advance all that which is produced from the farmer's product?

Mr. RANSDELL. From the farmers' profits?

Mr. REED. If it advances the price of wheat to the farmer, does it not necessarily advance the price of flour?

Mr. RANSDELL. Of course the price of flour has got to go up if the price of wheat goes up.

Mr. REED. Now——

Mr. RANSDELL. But it does not follow, and there is the fallacy in the Senator's argument—it does not follow that the price of wheat is going up. We did not have any guaranty last year; we had a very small crop last year, and the American people are paying an enormous price for their flour.

Mr. REED. Mr. President——

Mr. RANSDELL. Just wait, please, until I answer the question. Suppose that we give this guaranty and get a very big crop—all the bins are full of wheat. I presume the Senator admits that the consumer in that event would not pay any more than on the basis of that guaranty. You could not pay any more than that, surely, because there will be such a big supply; there will be no inducement to pay any more than that price.

Mr. REED. Mr. President, if the Senator will pardon me, the bill provides that the price is to be fixed before seeding. Indeed, it provides for a three-year guaranty.

Mr. RANSDELL. That is right.

Mr. REED. I do not think the Senator quite catches my question. I am assuming that the guaranteed price is to be of some benefit to the farmer.

Mr. RANSDELL. Certainly it will not produce any increased wheat if it is not of some benefit to the farmer.

Mr. REED. If it is of benefit to the farmer it must be because it increases the farmer's price.

Mr. RANSDELL. That is right.

Mr. REED. If it has increased the farmer's price, will it not increase the miller's price?

Mr. RANSDELL. In the same proportion.

Mr. REED. If it has increased the farmer's price and the miller's price, will it not increase the price the consumer has to pay, or is there some remarkable hiatus which occurs there?

Mr. RANSDELL. Undoubtedly. I have answered your question on that point several times. There is no difference between us on it. The difference is this: If we do not have the guaranty, I repeat we may have another very small crop and be in the

unfortunate position we are in now, of being practically unable to help our distressed allies in Europe. We are not going to fight this war properly unless we send enormous quantities of food to Europe as well as men and the ordinary munitions and guns to fight with. We have got to send food, and we can not send food unless we encourage its production. Does the Senator suppose, for instance, that people down in Louisiana are going to give up raising cotton at anything like present prices and go to raising more corn? Will they do that anywhere in the South? Are they going, in the State of Utah, to give up raising sugar at present prices and put their acreage into corn and wheat unless they are guaranteed a good price for it? It is an abnormal situation, and you have to meet it in an abnormal manner.

Mr. VARDAMAN. Mr. President——

Mr. RANSDELL. I yield to the Senator from Mississippi.

Mr. VARDAMAN. I was going to suggest to my friend, the able Senator from Louisiana, that what I understood he is trying to accomplish is not so much a question of prices as it is of production. He realizes, and everyone realizes, that in order to stimulate production an extraordinary price is to be offered. You can not stimulate the raising of wheat, of corn, or sugar, as is contemplated in this bill, without running the risk of having to pay more for it than you would in normal times. Abnormal conditions are met and solved only by extraordinary means and, I take it, from the drift of the Senator's argument, the paramount thing he is now seeking to accomplish is an increased quantity of foodstuffs, rather than holding the price down. Of course, the Senator, like all the balance of us, realizes the necessity of keeping down prices, but the question of first and paramount importance is an ample supply of food.

Mr. RANSDELL. That is exactly the idea, and I thank the Senator for his suggestion.

Mr. REED. Will the Senator pardon me?

Mr. RANSDELL. Certainly.

Mr. REED. The Senator says now he is interested in increased production rather than in the price. That is substantially the point I desired to make in my argument on this question, but I want it understood by the consumers of the country that the proposition now is, instead of giving them food for less than they have been paying, to make them pay more.

Mr. RANSDELL. Will the Senator please tell me how he is going to give food for less under his plan.

Mr. REED. I have not proposed it.

Mr. RANSDELL. But you are stating that is what you want to do.

Mr. REED. No.

Mr. RANSDELL. You just said so.

Mr. REED. The Senator did not hear me.

Mr. RANSDELL. Perhaps I have not good ears, but that is what I understood.

Mr. REED. I am talking about a foolish proposition that has been argued here to the people of this country, and I am glad that the Senator has turned on me, thinking that I said so, and admits it as an argument because it came from my mouth.

Mr. RANSDELL. The Senator just that moment said it.

Mr. REED. The RECORD will show it in condemnation to the logicians back of this bill. They say we are going to give the farmers a higher price, and thus stimulate production. They say at the same time to the consumer we are going to give you cheaper prices and we are going to relieve you. I say if you increase the price to the farmer the price will be carried on to the consumer, and I want the consumer to know that fact. There may be questions of middlemen, and so forth—that is another thing—but starting with the proposition that you are going to increase prices to the farmer, you must admit that means a higher price to the consumer. Let the newspapers of the country tell that to the citizens of the great cities of the country, and see how they will treat it.

Mr. RANSDELL. It does not necessarily mean a higher price to the consumer at all. The present high prices in this country were brought about by shortage in the supply. A small production is what is responsible more than anything else for the present very abnormally high prices. Under the plan suggested in this bill we are going to have moderately high prices; I admit that; I do not want to dodge at all. I know if the price to the farmer is increased, proportionately the price to the consumer is going to be increased; but if, as the result of that increased price to the farmer, we get a very large additional production in the country, we will have the land flowing with plenty and we will have millions of bushels to send to our suffering allies abroad. The result is going to be enormously beneficial to the people of America and to our allies in Europe. Those are the things for which we should struggle, Mr. President, in a big, broad way, even if it does cost us some money.

Mr. VARDAMAN. Mr. President, I take it that the Senator from Louisiana has given mature thought to this question and also exhaustive investigation. Can he tell me the average price for which the farmer has sold his wheat and his corn and his other crops of cereals, say, for 10 years past?

Mr. RANSDELL. I could not tell the Senator that to save my life.

Mr. VARDAMAN. It seems to me that when it comes to fixing the prices of commodities that question should be thoroughly investigated. I do not think it is necessary in order to induce the American people to exert themselves to the extent of their productive capacity to fix the price abnormally high. I think the average price for which the farmer has sold his crop in the West and in the South and made a fair return upon his investment and his labor is the price which ought to be fixed in the present circumstances. Whenever it is known that the farmer is going to be able to sell his corn or his wheat or his cotton or what not at a fair, remunerative price, he can be depended upon to go to the extent of his capacity in the matter of production.

I think there is another factor of value in this calculation, the one thing we have all overlooked throughout the discussion of this proposed legislation, and that is the fact that the American people are patriotic, and that they can be relied upon to do things from patriotic motives as well as pecuniary reward. I think when the American people become thoroughly inoculated with the spirit of war—they have not become so as yet, because they did not approve of war; I doubt if they approve it now, but they realize we are at war and must carry it on to success—when they become thoroughly inoculated with the war spirit and see and feel the necessity for furnishing the armies of America and of the allies with foodstuffs they will labor to their utmost capacity to produce it. I would rather trust the patriotism of the American masses to serve the Nation in time of war—I would stake more on their love of country as the impelling motive to heroic sacrifice of blood and treasures than I would upon their love of gold.

Mr. RANSDELL. Mr. President, I thank the Senator from Mississippi for his very valuable suggestions. They are a real contribution to my remarks. In fixing the guaranteed price, I assume that the agencies called upon to do so—which is a guess on the future—would naturally study the past. If I were one of those to fix a price upon foodstuffs of any kind, I should certainly make a thorough investigation into the agricultural conditions, not only of the past 10 years but of the past 20 or 30 years. I would examine everything connected with them. If I found wages were higher now than they have been in normal times I would take that into consideration; if I found that fertilizers were higher now than they have been in the past I would take that into consideration. I would try to take into consideration every single, solitary factor that could be brought out, every fact that could be advanced, and, with the conditions and circumstances ascertained for a period of years, I would make the very best guess I could for the future. Then I would add a little, to be on the safe side, so as to encourage the farmer to raise an extra quantity. That is the spirit of the bill, and that is the way I think it is going to be enforced.

I shall now proceed with the regular line of argument which I had prepared.

Mr. President, section 12 authorizes the President to guarantee minimum prices of agricultural products whenever he finds that an emergency exists requiring stimulation of production. I believe such a guaranty would work well in many instances. Bread is the staff of life, and we need enormous quantities of grain in order to supply all the bread needed by the people of the United States and a reasonable amount for our allies. There seems to be a shortage of wheat and corn; indeed, it is impossible to explain the very high price of flour and meal in any other way. Reports of the Department of Agriculture indicate that the growing crops will give us a large yield of corn, but a short crop of wheat is certain, the estimate being about 656,000,000 bushels, while our maximum yield is over 1,000,000,000. If the outcome on corn should prove disappointing and instead of a large surplus there should be another apparent shortage, or at least an insufficient quantity to answer all demands of our own people and a liberal supply for our allies, it would seem to be very wise for the President to guarantee a minimum price for the wheat and corn to be produced next year, so that a large additional acreage would be planted in both these cereals, with a resultant great increase in production. I can not venture to suggest what this guaranteed minimum price should be, but if the situation warrants it I can readily understand that an assurance to the farmers of the Union that they will receive not less than $1 per bushel for corn and $2 per bushel for wheat would

give very large crops of both next year. My own business is raising cotton and corn, and if I knew in advance that not less than $1 per bushel would be paid for corn I would certainly increase my acreage in that grain materially. The same would be true, I am sure, as to all growers of wheat, and many persons who are not now raising wheat in any quantities would plant a greater acreage.

If there be a guaranty of, say $2 per bushel for wheat and the yield is quite large, the chances are that the farmer would not receive more than that price for his product, in which event the guaranteed minimum would prove to be the actual maximum. But, even so, the farmer should be well satisfied, for he would know in advance that the least price he could obtain would be $2, and if that sum was not satisfactory he could plant something else. Should the impetus thus given to the wheat producer result in a large crop, the consumer would certainly not pay more for his grain than $2 per bushel, or about $10 per barrel for flour in New York, as against $15, a very great reduction on present prices, and we could then make heavy shipments to our European allies. It would also enable us to accumulate stocks adequate to safeguard our 100,000,000 people against a shortage of cereals. We should always carry at least six months' supply, about 250,000,000 bushels, and 75,000,000 to 100,000,000 bushels for seed—say a total of 325,000,000 to 350,000,000 bushels. Such a result would be beneficial to the farmer who raised grain, to the dweller in the cities who consumed it, and to the struggling forces in Europe.

This result presupposes that after the wheat is produced it is fairly and equitably handled until it reaches the ultimate consumer, without illegitimate profits to any of the middlemen who handle it. And one of the principal purposes of this bill is to prevent and guard against any unjust profits by anyone, such as conspiracies to raise prices on the boards of trade, hoarding and storage of undue quantities to affect the market, abnormal profits by elevator men, millmen, and wholesale dealers. The bill creates agencies to grapple with and control the wheat from the time it passes out of the farmers' hands until it reaches the retail merchant, and the consumer himself will surely be able to see that the retailer, who is his neighbor and friend, does not exact undue profits.

The arguments applicable to wheat apply to all staple food products, and wheat is used merely as an illustration because of its universal consumption.

If it be found necessary to guarantee a minimum on wheat, it would seem to me advisable to make a similar guaranty on all cereals and articles which take the place of wheat, such as corn, oats, rice, rye, beans, and potatoes. My reason for this is that if a minimum be fixed on wheat but not on the other articles a very great acreage would probably be planted in wheat to the exclusion of other things, with a probable serious diminution in the production thereof. I think the wiser plan would be, if it ever becomes necessary to fix a guaranteed minimum on any article, such as wheat, to establish at the same time a relative price on other commodities which answer as a substitute for it, in order that a fair and just equilibrium may be maintained.

Some may contend that the fixed minimum is more in the interest of the producer than the consumer, but I do not think so. The sole purpose of the minimum is to guarantee increased production, and wherever there is a large increase in the production of any commodity reduction in price to the ultimate consumer is certain to follow.

I have been a grower of cotton for many years and have observed as an unfailing fact that whenever there is a big crop of cotton the prices go down, whereas when the crop is small the prices go up. I have seen very large crops of cotton actually sell for much smaller sums in the aggregate because of the low price than was realized for smaller crops on account of the high price. In those instances the ultimate consumer should have gotten the products of the cotton much cheaper, for it certainly gave very much less to the farmer who produced it.

Entirely aside from this bill, it may be stated as a well-established axiom of political economy that whenever there is a large quantity of any commodity desired by mankind the price falls, and when the commodity is scarce the price goes up; it will follow just as surely that if a minimum giving the farmer a reasonable price for his commodity, not an exorbitant one, but a fair reward for his labor, be established and big crops result, the ultimate consumer will reap the benefit.

Mr. President, I am opposed to the provisions in section 14 and elsewhere in the bill which authorize the President to accept services without compensation. In my opinion this is a dangerous principle, even in war times. I think everyone should be paid at least enough salary to cover his actual traveling expenses and per diem. I do not mean to say that in doing emergency work for the Government in a crucial time like this big salaries should be paid anyone, but I believe that the poor man is just as much entitled to serve his Government as the one of wealth; and if a man is engaged and allowed to work without any compensation it would be found in practice that only men of means could perform such service at the Nation's Capital. The result would be class feeling, and the idea would speedily gain ground that none but rich men could serve their Government in the honorary capacity of a voluntary employee without compensation. I can not believe that this would be wise or fair; all classes of citizens should be placed on terms of absolute equality. One class is just as patriotic as the other; and, while I am sure that the rich men of our land are true patriots, many of them willing to give their time and labor to the Government without any compensation whatsoever, I am just as thoroughly convinced that there are an equal number of men of very small means who are just as patriotic, who are anxious to do everything in their power to help their country in this crisis, but whose financial conditions do not permit them to leave home and pay their traveling and other expenses, which are considerable in this city. This clause should be stricken out and the President allowed to fix the compensation, with the understanding that he shall make it very reasonable, and, when people are willing to work for nothing, that their compensation will suffice merely for actual and necessary expenses.

Mr. President and Senators, I now come to a phase of this bill to which I wish to direct especial attention. I refer to that part of section 1 which provides for equitable distribution and facilitating the movement of food and fuel. In my opinion, it is just as necessary to distribute food and fuel quickly and cheaply as it is to produce them, and this necessitates the thorough utilization, under wise regulation, of all our transportation facilities by highway, railroad, and water. I hope Senators will pay strict attention to this phase of my discussion. I have not heard the question treated by anyone heretofore in all the long debate on this bill. I am speaking now of the problem of transporting the product from producer to consumer.

At the present time there is a great congestion on the railroads of this country, which has existed for many months, and unless material improvement is made I fear the situation will become very serious when the great crops now growing are ready for harvest. A late official report shows that on the 1st of May last the railroads were suffering from a shortage of 145,449 cars; and from many quarters have come reports of suffering caused by inability to move freight. Some weeks ago representatives of the greatest sawmills in America, located at Bogalusa, La., were in Washington making desperate efforts to secure cars to move 95,000,000 feet of sawed lumber then lying in the company's yards.

They were unable at that time to get them; I hope they have gotten some since.

At a hearing before the Senate Committee on Agriculture and Forestry on the 1st of last May, Mr. Rothwell, of Boston, president of two big flour-milling companies, and Mr. Moses, of Kansas City, president of the Southwestern Millers League, testified that flour mills were having very great trouble to secure supplies of wheat owing to car shortage. They both expressed the opinion that transportation was one of the most serious items in the enormous price of wheat at that time, because it had not been possible to move it; and that the price of wheat—listen to this, Senators—had been influenced more largely by transportation than any other factor.

The testimony referred to is so exceedingly interesting that I wish to read just a few words from the statements of these two gentlemen. Mr. Rothwell, let me say, is the president of two big milling companies, one located at Lawrenceburg, Ind., and the other the Roller Mills, Boston, Mass. He was asked by the chairman:

> Have you anything further, Mr. Rothwell?
>
> Mr. ROTHWELL. A question was asked by Mr. Mennel just now which he, I think, overlooked, in regard to this wide variation in the cost of production. That, of course, is governed very largely by the extent of your capacity employed. Take our own case through the months of January, February, and March. Owing to a shortage of cars, while we were crowded with shipping directions we were unable to get cars, and so our plant only operated half time practically. So you can understand that immediately you reduce your output the cost of production—the unit cost—increases.
>
> The CHAIRMAN. The fixed charges remain the same.
>
> Mr. ROTHWELL. The transportation, therefore, has been one of the most serious items in this enormous price of wheat, because it has not been possible to move it.
>
> The CHAIRMAN. That is due in some measure, you think, to an actual shortage of cars, and to some extent is justified?
>
> Mr. ROTHWELL. Apparently due mainly to the lack of tonnage to carry stuff away from the seaboard.
>
> Senator RANSDELL. Lack of ocean tonnage?

Mr. ROTHWELL. Lack of ocean tonnage, which has resulted in tremendous congestion at the ports.

Senator RANSDELL. And the cars are being used there as storage warehouses really for this grain? They can not be unloaded and returned to the farms?

Mr. ROTHWELL. To a considerable extent that is so. We have had cars on the way from Minnesota to Boston four months, when ordinarily the time would be 15 days.

Senator RANSDELL. And you say one of the most serious problems now connected with this question is the inability to get the grain moved from the elevator to the mill?

Mr. ROTHWELL. Yes, Senator.

Senator RANSDELL. That has been a very serious problem, and it is to-day a very serious problem?

Mr. ROTHWELL. Yes.

Senator RANSDELL. Do you regard the question of transportation as one of the most serious which the Nation has to grapple with in this whole food situation?

Mr. ROTHWELL. I do, Senator.

Senator RANSDELL. One that we ought to give our very best thought and attention to, certainly. It is a tremendous problem.

Testimony to the same effect was given by Mr. Moses, who, I repeat, is president of the Southwestern Millers' League and the Kansas Flour Mills Co., Kansas City, Mo. The chairman asked him:

Have you discounted in that the prospective crop shortage for the current year? Is not that a factor that has reacted on prices of the present supply?

Mr. MOSES. It may have had an influence on prices, but I doubt if to any great extent. The price has been influenced more largely by transportation than any other one factor.

The CHAIRMAN. More than by the psychology of the situation and the fright that has been occasioned by talk about starving to death?

Mr. MOSES. That is the second one. But the first item that has caused these high prices is transportation, pure and simple.

The CHAIRMAN. Do you think that has doubled the price of wheat?

Mr. MOSES. It may not have been entirely due to transportation, but it was the original cause of the commencement of upward movement. It has prohibited the free interchange of wheat stocks from one market to another.

The CHAIRMAN. It looks like in that case that the market would be spotty, and where they had the transportation facilities the price would be low and where they did not it would be high. This is uniform and apparently due to a uniform cause.

Mr. MOSES. I should hardly think that would be carried out fully on this account. If you owned wheat in southern Idaho, while it might be impossible to get cars to ship it to Chicago or to Kansas City or to the Gulf, yet you naturally base your ideas of the worth of that wheat on the prices that might prevail at other points, less the rate of freight and expense of hauling, regardless of whether the actual wheat or the flour could be transported quickly or not.

That testimony was confirmed and elaborated on the same day by Mr. Robert G. Phillips, secretary of the International Apple Shippers' Association, of Rochester, N. Y., who stated in substance that enormous quantities of fruit and vegetables of every kind and sort had been lost in the Northwest last year because of the car shortage. He cited an instance where the Louisville & Nashville Railway Co. was actually using refrigerator cars to carry cotton, lumber, brick, and commodities of that kind. The situation was very bad according to the testimony of that gentleman. I will ask to include in my remarks some of his statements.

The VICE PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

Mr. PHILLIPS. Mr. Chairman and members of the committee, without any question whatever the element of transportation is one of the most vital problems of distribution, and one of the elements that needs to be safeguarded at this time in every possible way. I speak advisedly, because, commencing last fall, the refrigerator equipment and insulated equipment necessary for the movement of perishables became acute, and culminated about the last of October, particularly in the Northwestern States, with the movement of box apples, and also in portions of the East, particularly in New England and that territory. As a result of those conditions, hearings were instituted by the Interstate Commerce Commission and continued for some 12 days or 2 weeks at Louisville. I attended those hearings and represented our interests, and particularly the apple and perishable interests.

I might say at that time there were thousands of boxes of apples—yes, hundreds of thousands—and I do not know how many potatoes and other perishable commodities awaiting shipment out of the Northwest, and the same was true generally over the country.

At that particular time we had this situation: The perishable crops of the country were less than they had been for some years. The potato crop showed at least 100,000,000 bushels under the preceding year. The onion crop was probably not over 45 per cent; cabbage was very light, and apples in the barrel territory showed probably 25 per cent under the preceding year. In the box States there were 17,000 to 19,000 crates less than the preceding year. And so on down the line, and yet with this shortage of perishable crops to move in refrigerator and insulated equipment, we had, in spite of that fact, a worse car situation, a worse transportation situation, than we had at any time within several years back, and at times when we had far larger crops, indicating that something was very decidedly wrong.

As the result of that hearing at Louisville, the facts were developed that the railroads of the country had totally disregarded their car-service interchange rules; that they were deliberately stealing each other's equipment and refusing to return it; that they were misusing refrigerator equipment intended for perishable crops and using it in the shipment of dead freight, cotton, paving brick, household goods, cement, lumber, explosives, and all of those things.

Senator RANSDELL. In refrigerator cars?

Mr. PHILLIPS. In refrigerator cars. Just as an example, a representative of the Louisville & Nashville testified on the stand at Louisville that they had some 350 Illinois Central refrigerator cars—I think those were the figures; about that—which they positively refused to return to the Illinois Central, and which they were using for the loading of cotton at that time for shipment to Memphis, there taking out the cotton and loading the refrigerators with dead freight and shooting it back to New Orleans for the same movement over again, or they were taking those Illinois Central refrigerator cars and billing them with cotton freight through to Fall River.

Senator RANSDELL. Do you know just what effect the refrigeration had on brick? [Laughter.]

Mr. PHILLIPS. I do not know, but it had an awful effect on our perishables. Without going into any details, those were some of the conditions that were going on all over the country.

Senator RANSDELL. That was last fall?

Mr. PHILLIPS. That was last fall. Then the movement of the cars had been very badly slowed up. I will not attempt to give you any of the specific instances, although I have them here and could do so.

Senator RANSDELL. Could you put some into the record?

Mr. PHILLIPS. Yes; for example, two cars of pears—Pacific Fruit Express cars from Oregon—that reached Boston on October 18 over the Boston & Maine. They were ordered on that very day to the Quincy Cold Storage Market Co., which was distant 1 mile from the end of the Boston & Maine tracks, over the Union Freight Railroad, and one of those cars reached cold storage on the 24th, which was six days from the time it was ordered to be placed there, and the other reached there on the 25th, which was seven days. Another car of boxed apples, which I remember was ordered for Springfield, Mass., and left Washington on October 18, and November 11 had not been heard of at all. Cars of apples were detained in the Portland yards, en route to Boston, for six days; and other cars which were billed from a point 15 miles out of Boston to Boston could not be found after five days.

Take the case up at Trinidad, Colo.: Two cars of cranberries went in there. The railroad took either three or four days to place the cars for unloading after arrival. The man unloaded them the very day they were placed, and the carrier took three or four days after that to haul them out from the warehouse.

The representative at Louisville of the Pacific Fruit Express stated that the Pacific Fruit Express cars were making only two-fifths of a trip a month, whereas they should make at least a trip a month. Those are some examples of the delays in movement which are going on over the country.

Senator RANSDELL. Were these all abnormal?

Mr. PHILLIPS. Very abnormal.

Senator RANSDELL. Why? How do you account for that situation?

Mr. PHILLIPS. Well, it was a lack of motive power, failure to observe their car-service rules, holding each other's equipment, inefficiency——

Senator RANSDELL. Why did they do that? I can not conceive a thing like that, the Louisville & Nashville using those refrigerator cars to haul cotton in. There must be a motive back of a railroad doing anything like that.

Mr. PHILLIPS. They had other commodities to move, and they took any cars that were available and put that commodity into them, regardless of whether it should have gone into those cars or not.

Mr. RANSDELL. On the 10th of May last Mr. S. A. Thompson, secretary-treasurer of the National Rivers and Harbors Congress, sent out a large number of circular letters to State and national trade associations and prominent manufacturers asking for information as to the extent of damage and loss which had been caused by the car shortage. The replies received indicated that conditions in many lines of business throughout the country due to this cause were very serious, and in some cases desperate. I will read just one or two of these replies and ask to insert some of the others in my remarks without reading. Here is one from Mr. C. J. Shaar, traffic manager of the Packard Motor Car Co., of Detroit, Mich., in which he says:

At times during the past winter this company had as high as $1,500,000 worth of product on the shipping floors awaiting transportation—

I hope the Senator from Michigan will listen to this—

Carriages and trucks were driven under their own power to Chicago, Indianapolis, South Bend, Cincinnati, Columbus, Cleveland, Pittsburgh, and Buffalo, and deliveries in many instances were taken by our dealers in those and other towns at points on the Great Lakes which we could reach by boat after navigation opened. For instance, our Cincinnati dealer would take deliveries at Sandusky, our Columbus dealer at Toledo, our Pittsburgh dealer at Cleveland.

Mr. Charles Quinn, of Toledo, Ohio, secretary-treasurer of the Grain Dealers' National Association, said:

The only information available at this time is that which is generally known to the business men of the country, namely, that all our members, in common with all other shippers, suffered severely because of lack of equipment and motive power of the carriers.

Here is a reply from Charlotte, N. C.:

GEO. H. MCFADDEN & BRO.'S AGENCY,
Charlotte, N. C., May 12, 1917.

Replying to your circular letter of May 10, it is impossible for us to give you any actual facts and figures regarding car shortage in the Southern States, but in the writer's own business, for instance—cotton business—we are having the greatest difficulty in getting cars in which to make shipments, and we hear on all sides that the mills are having similar difficulties in moving their goods.

JENNINGS & BRYANT, *Agents.*

Here is one from Pittsburgh, Pa.:

MURRAY MOTOR CAR CO.,
Pittsburgh, Pa., May 12, 1917.

Received your letter of May 10, and we have practically given up all shipments by freight.

Think of that, Senators—

The cars that are delivered within driving distance of Pittsburgh we have driven over. In fact, we have driven over all our cars that were delivered to Baltimore. The cars that go to New York are nearly all sent by express, except the ones they are in no hurry for. These are taken with some other freight shipments, and it takes at least a month for them to get to New York. * * *

One month from Pittsburgh to New York! And then he adds:

I understand that the Goodrich Co. are delivering tires by truck from Akron to Boston. Their representative told me this the other day.

W. N. MURRAY, *President.*

Think of that—from Akron to Boston by motor trucks, a distance of over 700 miles! I will give you a few additional figures on that in a moment.

Without reading, I ask permission to insert the remainder of these replies in my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

NATIONAL PAVING BRICK MANUFACTURERS' ASSOCIATION,
Cleveland, Ohio, May 14, 1917.

We have yours of May 10 and we are in hearty sympathy with the purpose of your inquiry, and beg to say that approximately the efficiency of the manufacturing plants represented by this association has been decreased fully 25 per cent by reason of a shortage of car service.

WILL P. BLAIR, *Secretary.*

—

NATIONAL ASSOCIATION OF THE
GRANITE INDUSTRIES OF THE UNITED STATES,
Boston, Mass., May 15, 1917.

A number of our people load on their own siding and have to wait for as long as a week or 10 days to get the cars which they order; many other truck their shipments to a loading depot, and there have been occurrences where truck loads are refused and have to be taken back to the plants.

It is also a common occurrence for goods delivered at the loading depot to remain there anywhere from 3 to 10 days before cars are available to load upon. It has been a serious inconvenience, and particularly serious at this time when many cemetery memorials are being shipped for erection previous to Memorial Day. We fear that a number of people will be disappointed.

ROBERT D. SMITH, *Secretary.*

—

THE RETAIL LUMBER DEALERS' ASSOCIATION OF THE
STATE OF NEW YORK,
Rochester, N. Y., May 12, 1917.

We can not give you any definite information in reply to your letter of May 10, requesting statistics as to the railway shortage in the lumber business in New York State. We do know that conditions at the present time are severe. It is almost impossible for the lumber dealers to secure shipments of lumber which were ordered weeks and months ago. I have before me at this moment a complaint relative to a car of shingles which was ordered in the early part of September, and it has not been shipped yet. This is indicative of conditions which demand remedy.

We believe that every possible use should be made of the waterways of the United States in order to release freight cars for service. We wish to commend you for the work which you are doing.

PAUL S. COLLIER, *Secretary.*

—

THE LUMBER DEALERS' ASSOCIATION OF CONNECTICUT,
New Haven, Conn., June 8, 1917.

Information which has come to us through statements of members located in various parts of the State, which is the territory this association covers, would indicate that conditions are of a serious nature. Car shortage and embargoes have delayed shipments of material required for necessary building construction. In many instances orders given for cars of lumber for immediate use have never been received. In instances shipments haven't left the mills for lack of cars, and shipments have been delayed due to embargoes. Members have stated that if the situation does not clear for the better their business interests might as well be discontinued, for they are in no position to meet the demands of their customers.

B. A. LAMMLIN, *Assistant Secretary.*

—

FORT WORTH FREIGHT BUREAU,
Fort Worth, Tex., June 4, 1917.

One shipper who uses a large quantity of sugar in an article he manufactures advises that he was forced to pay exorbitant prices for sugar as a result of not being able to have orders filled at New Orleans on account of inability of the American Sugar Co. to secure cars. A grain firm advises that they had to turn down an order of some 200,000 bushels of wheat from Minneapolis to Galveston because the lines in Minneapolis would not let their cars go south.

ED. P. BYARS,
Secretary and Traffic Manager.

—

SOUTHERN APPALACHIAN COAL OPERATORS' ASSOCIATION,
Knoxville, Tenn., May 24, 1917.

The only unsatisfactory feature of the situation is an abnormal car shortage. The mines in east Tennessee and southeastern Kentucky at best are not able to operate more than half time; many of them are not doing this well.

JAMES E. MCCOY, *Secretary.*

—

INDEPENDENT OIL MEN'S ASSOCIATION,
Chicago, Ill., May 23, 1917.

As you are already aware, this association is not vitally interested in the shortage of railway equipment, as about 80 per cent of our products are shipped in tank cars, 95 per cent of which are privately owned.

The great difficulty we have had lately has been the slow movement of cars on all lines, and it has taken about three times the number to do the same work as it did a year or more ago.

E. E. GRANT, *Secretary.*

—

THE FIRST NATIONAL BANK,
Tuscaloosa, Ala., November 21, 1916.

At the present time there are perhaps in this country alone 1,500 or 2,000 carloads of lumber awaiting shipment. The owners have been required to hold this lumber a long time on account of the shortage of cars. It seems that there is a shortage of cars nearly all over the South. Now, if the railroads have not sufficient cars to do the transportation of the country, does not the country need to be able to use the magnificent waterway system provided by nature?

FRANK S. MOODY, *President.*

Mr. RANSDELL. A report was made to Congress on the 20th of this month by the Federal Trade Commission—see House Document 193, Sixty-fifth Congress, first session—which shows a desperate situation with regard to fuel, owing to defective water and rail transportation. I wish to read just a few remarks from that document and suggest that all the Members of this body get it and study it. It is House Document 193 of this session. It was introduced in the House on the 20th of this month. The Federal Trade Commission says:

The pooling of coal in the hands of a Government agency would still be ineffective either as to distribution or as to the promotion of a maximum of production unless similar control extended over all means of transportation, both rail and water, and to meet this the pooling of railroads and boat lines is clearly indicated. The railroads of the country, if operated as a unit and on Government account, could be used to transport coal and other products by the most direct route to their point of destination, and the efficiency of the roads themselves and of existing rolling stock and of motive power would be vastly increased.

Our allies and Germany all require the railroads not already Government owned to be operated as a unit and on Government account, and the allies have officially stated that one reason for being certain of victory was that transportation had been reorganized and perfected.

For the purpose of operation the several railroad lines and systems and inland and coastwise water transportation of the United States would, under the plan here suggested, lose their identity and could be coordinated into a unit for efficiency and economy.

All receipts from all rail and water transportation agencies being pooled in the hands of the Government, and all expense of operation paid from the common fund, each individual company should be paid a just compensation, which might be measured by the average annual net profit and expenditure for maintenance and betterments for the five-year period prior to the war.

The operation both of the mines and of the transportation agencies could be carried on by the present employees and officials, and after the war they could be returned unimpaired to private operation.

The rolling stock of railroads, operated as a unit, could be mobilized so as to care for the shifting seasonal demands.

In view of the foregoing, the commission recommends:

First. That the production and distribution of coal and coke be conducted through a pool in the hands of a Government agency; that the producers of various grades of fuel be paid their full cost of production plus a uniform profit per ton (with due allowance for quality of product and efficiency of service).

Second. That the transportation agencies of the United States, both rail and water, be similarly pooled and operated on Government account, under the direction of the President, and that all such means of transportation be operated as a unit, the owning corporations being paid a just and fair compensation which would cover normal net profit, upkeep, and betterments.

Mr. President, that is a straight recommendation of Government operation and control of all the transportation agencies of this country. I do not know, sir, that I am prepared to go that far, but I am decidedly in favor of such regulation and control of these agencies as are necessary to assure effective service while this war lasts, and I do not believe that we can have effective service unless we empower the President to make preference shipments, as we did in a bill passed here last week. Unfortunately, however, that bill seems to have been limited to war munitions and to the emergencies caused solely by the war. I think it should go further; and I introduced an amendment to-day which will give the President very considerably increased power over our transportation agencies. My amendment does one thing which is not included in the bill passed last week, and that is, it takes in motor-truck companies.

I doubt if many Senators have given very much attention to the question of carrying freight by motor trucks. It is a most interesting thing, one well worthy of your consideration. A very short while ago I got a letter from the vice president of a railroad in Louisiana assuring me that his company was patriotic and desired to pay taxes; but, said he:

I wish to remind you that motor-truck companies are now carrying freight for a distance of 30 miles out of one of the largest cities in Louisiana, and delivering that freight alongside my tracks at exactly the same rates charged by my railroad, with the added advantage to the truck company that it receives its load directly from the warehouse or factory, and at the terminus delivers the goods into the hands of the store or factory to which they are consigned, and delivers them at exactly the same price. Now, if my company is to be taxed as a transportation agency I think there should be a proportionate tax on these motor trucks.

There was a gentleman here several days ago from the city of Knoxville, Tenn., who made the statement that two short branch lines of railroad have been put out of business by the competition of motor trucks. He also says that there are several lines of motor trucks running regularly to points from 50 to 60 miles out of Knoxville. The retailer in a small town can telephone to a wholesale house in the morning and the truck will pick up the order about noon and deliver it at the door of the retailer the same evening, resulting in a great saving both in time and trouble.

I understand there are firms which make a regular business of transferring goods, especially household goods, between New York and Philadelphia, and it is said that John Wanamaker, who has stores in both cities, has used motor trucks extensively for the transfer of merchandise from one store to the other.

An English firm dealing in fine furniture made a practice of sending its goods from the main store in London to a branch in Paris by auto trucks, which crossed loaded on the channel steamers.

What its practice is to-day is not known, but before the war broke out the British Government, as fast as its contracts with railroads expired, was sending mails to the channel and foreign steamers by auto trucks exclusively.

Mr. President, I ask permission to insert in the RECORD at this point a memorandum bearing on the subject of transportation by motor truck.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

Shipments of beer to points within 100 miles, formerly made by freight, required packing at point of shipment and delivery, besides taxes, insurance, etc., and the necessary handling at both points. Motor trucks make all this expense and trouble unnecessary, and the beer is in better condition on arrival.

Owing to the increased shipment of merchandise to New York for Europe, the business men of New England find it very hard to make ordinary shipments to that city. Recently a printing press was delayed a week without hope of delivery soon. Being urgently in need of it, the consignee in New York had it sent by truck from Shelton, Conn. (a distance of 75 miles). Less time was consumed than if it had been handled by freight.

Freight service between St. Paul and Minneapolis requires 48 hours, while the truck service requires 2 hours.

Trucks are especially serviceable in bringing vegetables and perishable goods from farms in the vicinity of large cities. This has been done in England. Deliveries in London are made for distances of 100 miles.

Florists, because of the perishable nature of their goods and their fragility, use trucks in preference to express, sending far into the suburbs. Most of their business is "rush."

A fruit and produce dealer in Riverton, N. J. (100 miles out of New York), states that the motor truck carries products into the New York market much more cheaply than by express and costs only a trifle more than freight. However, when the many handlings incident to carting at both ends are considered, the saving effected by freight shipments fades into nothing.

It takes the Adams Express Co. from 12 to 14 hours to make delivery from Philadelphia to New York, Jersey City, or Brooklyn docks. Trucks guaranteed to make it in eight hours. Charge of express company, per 100 pounds, 90 cents; trucks, 75 cents. Saving in time and cost, with delivery right where you want it, and proper care in unloading.

During the embargo on railroad cars the Bent White motor wagons made a great many trips between Boston and New York carrying shoes for export for a prominent New England firm. Only in this way was the firm able to make its shipments on time. Many companies have taken advantage of this service in getting goods speedily to New York for shipment to Europe, an important consideration at this time, when there is much business of this kind.

The improved roads throughout the Union are making motor transportation increasingly popular. The radius of motor-truck daily delivery is now well over 30 miles, and every mile of improved road the railroads help lay adds to its length and efficiency. In England, where goods roads have encouraged motor truckage, the railroads have met the competition by going into the motor-truck business themselves.

Mr. RANSDELL. These statements are taken from the Power Wagon and other publications for 1916.

Mr. President, in the Saturday afternoon Times of this city there is a very interesting description of how the Goodyear Co., of Akron, Ohio, sends its products from the city of Akron to Boston, making a round trip of 1,540 miles. I am sure that is a great surprise to all the Senators here present. It was a very interesting surprise to me to know that freight is now actually being carried over 700 miles by motor truck from the city of Akron to the city of Boston.

I ask permission to have inserted in the RECORD this article from the Washington Times of June 23, 1917.

The VICE PRESIDENT. Without objection it is so ordered.

The matter referred to is as follows:

HAULS AUTO TIRES VIA TRUCK ROUTE—GOODYEAR CO. STARTS TRADE INNOVATION—TRIP COVERS 1,540 MILES—SUPPLIES CARRIED BETWEEN AKRON AND BOSTON.

The Goodyear Co. has inaugurated a new era in the transportation world through the establishment of a line operating between its factory at Akron, Ohio, and Boston, Mass., hauling tires to its eastern branches and returning laden with cotton fabric from the Goodyear mills at Goodyear, Conn., a trip of 1,540 miles.

Three round trips have already been made, the last of which was accomplished in seven and one-half days.

FIVE-TON PACKARD USED.

The truck used on these pioneer trips is a 5-ton Packard of standard motor and chassis, fitted with a special body. Behind the driver's seat is a special sleeping compartment, the width of the truck cab, containing a bunk used by the two truck drivers in relays. It might be supposed that sleeping on a motor truck would be somewhat difficult, but the cushioning qualities of the 38 by 7 front and 44 by 10 rear pneumatic cord tires with which the wheels are fitted renders the sleeping quarters quite comfortable.

The load-carrying portion of the truck is of stake body, covered with a large tarpaulin bearing a large sign reading "Akron-Foston Express." A 44 by 10 tire carried on the end gate serves both as a spare and an exhibition tire.

CARRY ADDITIONAL RUBBER.

The tires used are of the same construction as other Goodyear cord tires, except that they carry a larger number of plies of cords and much additional rubber. They carry a 5-ton load with no more damage to the road than that caused by an ordinary touring car. The tire is sufficiently large to cushion the load, absorbing all shocks and distributing the weight over a greatly increased section of it.

With the use of these big tires, allowing transportation of heavy loads without damage to the road surface, the opposition to the operation of truck transportation lines, which has been aroused by the pounding and pulverizing action of many solid-tired heavy-duty trucks on the foundations of the roads, will be withdrawn, for it is not the heaviness of the load that breaks up the road surface, but the jolting and pounding and intense vibration caused by lack of proper cushioning.

Mr. RANSDELL. I suspect that some of my hearers are saying: "Well, what has that got to do with the food situation?" Senators, it has a great deal to do with it. In the vicinity of every big city of this country there is an immense amount of freight now being carried by auto trucks. All milk, fruit, and vegetable dealers, people engaged in many kinds of business, are delivering their goods to the cities by auto trucks a distance of 75 to 100 miles, in the aggregate relieving the railroads of an enormous quantity of the freight they would otherwise be compelled to carry. Bear in mind that this bill provides for the movement of food and fuel as well as their production.

I hope this phase of the matter is going to receive more consideration than has been given to it yet. I hope that next fall we are not going to be confronted with the awful car shortage which confronted us in the fall of 1906 and the early spring of 1907. I remember well that at that time wheat rotted in large quantities on the plains of the Dakotas, that cotton was badly damaged at many places in the South, that people in the West were suffering so from lack of coal that they were compelled to burn their fences and barns.

Senators, we are going to be confronted with the same situation this fall if we do not take time by the forelock and provide against it. I call your special attention to my amendment in this respect. It is imperative that we should use all our transportation agencies by road, rail, and river. If all three of them are developed to the fullest possible degree within the next four months, and used to their utmost capacity, we can expect at least reasonable distribution of food, feed, and fuel throughout the Union, but if not, I fear great suffering will result.

In conclusion, Mr. President, let me impress upon Senators the supreme importance of this measure. I honestly believe that its passage is fraught with great weal to America, and our brave companions in arms in Europe. Should it fail of passage, I am equally sure that much woe to us and our warring friends abroad will follow. It is an extreme measure, but the times demand it, and, thank Heaven, there is a man in the White House who can safely be intrusted with its extreme powers.

Mr. THOMAS. Mr. President, I desire to address the Senate on the pending measure, but I do not wish to begin the discussion at this late hour. Therefore, unless some Senator desires to occupy the floor at this time, I suggest that we take either a recess or an adjournment.

EXECUTIVE SESSION.

Mr. SWANSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 50 minutes p. m., Monday, June 25, 1917) the Senate adjourned until to-morrow, Tuesday, June 26, 1917, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 25 (legislative day of June 22), 1917.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

The following named to be assistant paymasters in the Navy from the 20th day of June, 1917:

Carlton R. Eagle (a pay clerk in the Navy),
Charles J. Harter (a pay clerk in the Navy),
Wilson S. Hullfish (a pay clerk in the Navy),
Sidney P. Vaughn (a chief pay clerk in the Navy),
Hugh F. Gallagher (a pay clerk in the Navy),
Robert O'Hagan (a pay clerk in the Navy),
George C. Tasker (a pay clerk in the Navy),
Charles C. Timmons (a pay clerk in the Navy),
Albert B. Dayton (a pay clerk in the Navy),
Michael J. Stubbs (a pay clerk in the Navy),
Alfred B. Clark (a chief yeoman in the Navy),
Henry Guilmette (a chief pay clerk in the Navy),
Robert L. Mabon (a yeoman, second class, in the Navy),
Walter H. Bicknell (a pay clerk in the Navy),
Bert R. Peoples (a pay clerk in the Navy),
Percey C. Corning (a pay clerk in the Navy),

Taylor P. Calhoun (a yeoman, first class, in the Navy),
Ernest M. Cronin (a pay clerk in the Navy),
Leslie R. Corbin (a pay clerk in the Navy),
Willard C. Brown (a citizen of New York),
Donald C. Johns (a citizen of Illinois),
James C. Bequette (a citizen of California),
James Anderson (a citizen of South Carolina),
Kenneth C. Root (a citizen of Wisconsin),
Benjamin H. Micou (a citizen of Michigan),
George M. Wise (a citizen of Wisconsin),
William T. Hopkins (a citizen of Wisconsin),
Roark Montgomery (a citizen of Texas),
Henry Kuhrmeyer (a citizen of Minnesota),
Albert W. Rutter (a citizen of Vermont),
Elliott Ranney (a citizen of Kansas),
Louis H. Huebner (a citizen of Texas),
William C. Wallace (a citizen of South Carolina),
Gilbert L. Cleland (a citizen of Kansas),
William C. Preston (a citizen of Missouri),
Casper T. Frederickson (a citizen of Minnesota),
Hermann C. Miller (a citizen of Ohio),
Rusell L. Richard (a citizen of Missouri),
Paul McC. Browder (a citizen of Washington),
Edward B. Erickson (a citizen of Illinois),
William E. Davis (a citizen of Ohio),
Thomas A. Durham (a citizen of Washington),
William A. Best (a citizen of Vermont),
Frank C. Dunham (a citizen of Vermont),
Iva B. Talton (a citizen of Maryland),
John E. O'Brien (a citizen of New York),
George E. Dryden (a citizen of Maryland),
John W. Sprague (a citizen of Vermont),
George M. Snead (a citizen of Virginia),
George W. Clement (a citizen of South Carolina),
Franklin T. Skinner (a citizen of Minnesota),
Laurence H. McKay (a citizen of Virginia),
Gaillard Rembert (a citizen of South Carolina),
James R. Frawley (a citizen of Wisconsin),
George S. Baldwin (a citizen of Ohio),
Albert T. Sands (a citizen of Wisconsin),
Carlton J. Saunders (a citizen of Virginia),
Arthur B. Poole (a citizen of Minnesota),
Wallace Prior (a citizen of South Carolina),
Arthur Bjornstad (a citizen of Minnesota),
Roy M. Anderson (a citizen of Vermont),
Edwin F. Barker (a citizen of Illinois),
Harry M. Mason (a citizen of Virginia),
James D. Boyle (a citizen of Minnesota),
Raymond V. Adams (a citizen of Kansas),
Walter A. Buck (a citizen of Kansas),
Clifford C. Edwards (a citizen of New York),
Maury W. Boykin (a citizen of Virginia),
Walter Mandry (a citizen of Missouri),
Thomas E. Hipp (a citizen of South Carolina),
Ray C. Sanders (a citizen of Vermont), and
Arthur Rembert (a citizen of Virginia).

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 25 (legislative day of June 22), 1917.

RECEIVER OF PUBLIC MONEYS.

George W. Bruce to be receiver of public moneys at Montrose, Colo.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

The following named to be assistant paymasters in the Navy:
Carlton R. Eagle.
Charles J. Harter.
Wilson S. Hullfish.
Sidney P. Vaughn.
Hugh F. Gallagher.
Robert O'Hagan.
George C. Tasker.
Charles C. Timmons.
Albert B. Dayton.
Michael J. Stubbs.
Alfred B. Clark.
Henry Guilmette.
Robert L. Mabon.
Walter H. Bicknell.
Bert R. Peoples.
Percy C. Corning.
Taylor P. Calhoun.
Ernest M. Cronin.
Leslie R. Corbin.
Willard C. Brown.
Donald C. Johns.
James C. Bequette.
James Anderson.
Kenneth C. Root.
Benjamin H. Micou.
George M. Wiles.
William T. Hopkins.
Roark Montgomery.
Henry Kuhrmeyer.
Albert W. Rutter.
Elliott Ranney.
Louis H. Huebner.
William C. Wallace.
Gilbert L. Cleland.
William C. Preston.
Casper T. Frederickson.
Hermann C. Miller.
Rusell L. Richard.
Paul McC. Browder.
Edward B. Erickson.
William E. Davis.
Thomas A. Durham.
William A. Best.
Frank C. Dunham.
Iva B. Talton.
John E. O'Brien.
George E. Dryden.
John W. Sprague.
George M. Snead.
George W. Clement.
Franklin T. Skinner.
Laurence H. McKay.
Gaillard Rembert.
James R. Frawley.
George S. Baldwin.
Albert T. Sands.
Carlton J. Saunders.
Arthur B. Poole.
Wallace Prior.
Arthur Bjornstad.
Roy M. Anderson.
Edwin F. Barker.
Harry M. Mason.
James D. Boyle.
Raymond V. Adams.
Walter A. Buck.
Clifford C. Edwards.
Maury W. Boykin.
Walter Mandry.
Thomas E. Hipp.
Ray C. Sanders.
Arthur Rembert.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 25, 1917.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in Heaven, imbue us plenteously with heavenly grace that we may be prepared to meet all the great and complicated problems incident to the unprecedented conditions of life wisely, calmly, conscientiously, striving day by day to live to the high-water mark of our religious convictions, leaving the results to a wise and beneficent Providence which has never yet failed us; for Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of Saturday was read and approved.

CORRECTION.

Mr. HAMLIN. Mr. Speaker, I desire to correct the RECORD.

On page 4519 the Chair, in a ruling on the point of order, on Saturday last, against an amendment offered by the gentleman from Oregon [Mr. SINNOTT], the Chair is made to say—

> The Chair thinks also that if he had tried to hold it in order, even if not out of order on account of not being germane, it was in order under the provisions of the bill to give the President the right to encourage production.

It should read, "it was not in order under the provisions of the bill to give the President the right to encourage production," and so forth.

I beg the indulgence of the House for two minutes. In the ruling made by the Chair Saturday on the first Webb amendment, as it appears in the RECORD it does not express what the Chair really said. In making that statement I do not want even to seem to offer any criticism of the Official Reporters of this House, because a more efficient, able, or competent set of men I never knew. I take all the blame myself. Members will recollect that it was a strenuous session with much confusion, and the Chair was busy and did not have time to go through the notes. But, in order that it may appear properly in the permanent RECORD, I ask unanimous consent for a reprint in the RECORD of the ruling made by the Chair on that occasion.

The SPEAKER. Without objection, the corrections will be made.

There was no objection.

The ruling of Mr. HAMLIN, as Chairman of the Committee of the Whole, on the Webb amendment is as follows:

"The CHAIRMAN. The Chair is ready to rule.

"The Chair does not fail to appreciate the importance of this matter, and desires publicly to thank the gentleman from North Carolina [Mr. WEBB] for calling his attention, on yesterday, to the fact that he was going to introduce an amendment somewhat similar to the amendment which he has now introduced; and the Chair took advantage of that notice, and looked up the question, and desires to ask the committee to bear with him a moment, because he has reduced to writing some of the views which he desired to submit on this proposition.

"Experience as old as civilization itself has taught the lessen that in order for an aggregation of individuals to reach a common conclusion on any proposition some system of orderly procedure must be followed, and that that system must have the elements of permanency—not one to be varied from—and administered in a way to suit the whims of those charged with its administration.

"Parliamentary law, somewhat like the common law, is largely the result of the experiences and wisdom of men who have lived and wrought so nobly in the past that we might, by reason of their experiences, accomplish even more than they, for the welfare of ourselves and the generations that will follow us.

"From time to time there have been added, as experience showed the necessity, certain written rules which are to govern us in the transaction of our business; and, weak indeed, ah! even contemptible, is the man whose duty it is to administer these rules who will permit his personal opinion of the merits of a particular proposition to influence his decision upon a proposition of parliamentary law. Now, having said that much, let us see what we have before us at this time; what is the proposition upon which the Chair is now called upon to rule?

"The gentleman from North Carolina [Mr. WEBB] offers the following amendment to section 13 of the bill:

"Amendment offered by Mr. WEBB: Insert at the end of section 13 the following:

"'That the President is authorized if, in his opinion, it is necessary to conserve necessaries, to require any person having control of alcohol and distilled spirits to turn over to the Government for use or redistillation such proportion of said alcohol or spirits as the President may deem necessary to meet the requirements of the Government in the manufacture of munitions and other military and hospital supplies, or in so far as such use or redistillation would dispense with the necessity of utilizing products and materials suitable for food and feeds in the future manufacture of alcohol or distilled spirits for the purposes herein enumerated. Upon the failure of the person to comply with the President's requirement the President is authorized to requisition and take possession of the alcohol and distilled spirits required to be turned over, and to pay for same a just compensation, to be determined by the President. And if the price so determined be not satisfactory to the person entitled to receive the same, such person shall be paid the amount prescribed by the President, and shall be entitled to sue the United States to recover such further sum as, added to the amount so paid, will be just compensation for such spirits or alcohol, in the manner provided by section 24, paragraph 20, and section 145 of the Judicial Code.'

"To this amendment the gentleman from South Carolina [Mr. LEVER] interposes a point of order on the grounds that the amendment is not germane, in that it proposes to introduce into the bill a subject different from those now in the section to which the amendment is offered, and that it proposes to impose upon the President authority and duties to do certain things of a character different from those things provided for in the section. If the contention of the gentleman from South Carolina is correct, then, of course, the point of order must be sustained on authority of section 7 of Rule XVI of the Manual of Parliamentary Law and the Rules and Practice of the House of Representatives, which, of course, are binding upon the Chair.

"The Chair does not hesitate to say that he is entirely in sympathy with the purpose of the amendment, and if his only guide to a decision of this point of order could be his feelings as to the desirability of the things to be accomplished by the amendment, he would find it easy to overrule the point of order. But the Chair realizes that in passing upon this point of order he must be governed by his conception of his duty under the rules of the House and a due and respectful deference to the precedents set by men much abler than himself who have passed upon similar propositions. For the Chair to do otherwise he would stultify and despise himself. Therefore the Chair shall decide this matter as he believes he should, under the rules of the House, and shall invite the judgment of the committee on the correctness of his ruling.

"At the very beginning let this well-settled rule of procedure be fully understood: A committee reporting a bill may embrace in it as many different subjects as it may choose, but after the bill has been reported to the House no different subject can be introduced into it by amendment, whether as a substitute or otherwise. This general proposition conforms not only to a long line of precedents made by eminent Speakers, but Chairmen as well, and conforms strictly to the provisions of section 7 of Rule XVI, which is binding in this committee until repealed.

"Section 7 of Rule XVI reads as follows:

"No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

"Now, this amendment is offered to section 13 of the bill. If the amendment seeks to introduce into the bill a subject different to that or those provided for in section 13, then it must go out on a point of order. If not, the point of order must be overruled.

"Let us see what the amendment provides for:

"That the President is authorized, if in his opinion it is necessary to conserve necessaries, to require any person having control of alcohol and distilled spirits to turn over to the Government for use or redistillation such proportion of said alcohol or spirits as the President may deem necessary to meet the requirements of the Government in the manufacture of munitions and other military and hospital supplies, or in so far as the use or redistillation would dispense with the necessity of utilizing products and materials suitable for food and feeds in the future manufacture of alcoholic or distilled spirits for the purposes herein enumerated.

"And so forth.

"It then provides that upon the failure of any person to comply with this provision the President may take charge of and requisition all alcohol and distilled spirits and require them to be turned over to him and to pay for them, but no authority is given to carry out that provision.

"Now, let us see what section 13 is, to which this amendment is offered. The Chair asked the gentleman from North Carolina [Mr. WEBB] when he offered the amendment whether he offered it to section 13 or as a new section to the bill. He said he offered it to section 13. Now, section 13 provides—

"That whenever the President shall find that limitation, regulation, or prohibition of the use of foods, food materials, or feeds in the production of alcohol or of alcoholic or nonalcoholic beverages, or such nonalcoholic beverages as he shall determine, or that reduction of the alcoholic content of any beverage is essential in order to assure an adequate and continuous supply of food, he is authorized, from time to time, to prescribe and give public notice of the extent of the limitation, regulation, prohibition, or reduction so necessitated.

"Now, the question is, What authority does section 13 give the President? It is very clear to the Chair that he is only authorized to 'limit,' 'reduce,' 'regulate,' or 'prohibit' the use of food or food materials to be used in the manufacture of alcohol or alcoholic or nonalcoholic beverages. This is unquestionably the extent of his authority under that section.

"Whether the Committee on Agriculture were wise in so limiting his authority is not a question for the Chair to pass upon or even take into consideration. It is a well-settled proposition of parliamentary procedure that a committee may incorporate such subjects in a bill which they report as they may choose and no new subject may be introduced by way of an amendment in the face of a point of order.

"The Chair will quote briefly from an opinion rendered by Speaker Carlisle, covering this subject:

"The rules do not prohibit a committee reporting a bill from embracing in it as many different subjects as it may choose; but after the bill has been reported to the House no different subject can be introduced into it by amendment, whether as a substitute or otherwise. * * *

"This is the test of admissibility prescribed by the express language of the rule; and if the Chair, upon examination of the rule under consideration and the proposed amendment, shall be of opinion that they do not relate to the same subject, he is bound to sustain the objection and exclude the amendment, subject, of course, to the revisory power of the Committee of the Whole on appeal.

"Bearing in mind the limitation of the President's authority under section 13, let us compare the authority which he would have under that section, provided it was added to by the adoption of the amendment of the gentleman from North Carolina. If the amendment shall be held in order and adopted by the committee, section 13 would then not only authorize the President to 'limit,' 'regulate,' 'reduce,' or 'prohibit' the use of food

and food materials in the manufacture of alcohol or alcoholic beverages in the future, but would also authorize him to take possession, by purchase or otherwise, of all the alcoholic or distilled liquors already manufactured and now in bond, and also to provide for the redistillation of such manufactured liquors, and so forth, clearly introducing into that section subjects not covered in any way or even hinted at by the original proposition in section 13. Of course, we must bear in mind the well-settled parliamentary rule that has been adhered to, at least since the Forty-fifth Congress, to wit, that an amendment must be germane to the particular paragraph or section to which it is offered.

"The Chair is not now passing upon the question of whether the amendment offered by the gentleman from North Carolina would not be germane to the bill if offered as a separate section. But having been offered as an amendment to section 13, it must stand or fall on the proposition as to whether it is germane to that particular section.

"The Chair is very clearly of the opinion that it introduces an entirely new subject or subjects into that section and is therefore not germane. Consequently the Chair sustains the point of order."

THE SUSAN B. ANTHONY AMENDMENT.

Mr. DUPRÉ. Mr. Speaker, I ask unanimous consent to print in the RECORD some resolutions of the Louisiana League for Woman Suffrage, passed on the 18th day of June, 1917.

Mr. WALSH. I object.

Mr. DUPRÉ. Will the gentleman withhold his objection?

Mr. WALSH. I will.

Mr. DUPRÉ. I would not make such a request ordinarily, for I have refrained from asking to print such resolutions in the RECORD, but these resolutions mention me by name and request that I have these resolutions read into the RECORD of the House. As a matter of courtesy to these ladies and to myself, I ask that it be done.

Mr. WALSH. Mr. Speaker, I withdraw the objection.

MODIFICATIONS OF DESIGNS OF THE CURRENT QUARTER DOLLAR.

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3548) to modify the designs of the current quarter dollar.

The SPEAKER. The gentleman from Ohio asks unanimous consent for the present consideration of the bill H. R. 3548.

Mr. SMALL. How long will the bill take?

The SPEAKER. If it takes more than 15 minutes, the gentleman says he will withdraw it.

Mr. GILLETT. Mr. Speaker, I can not see that this is war legislation, and I object.

Mr. ASHBROOK. Will the gentleman withhold his objection?

Mr. GILLETT. I know what the bill is.

EXPLANATION OF A VOTE.

Mr. ESCH. Mr. Speaker, on page 4522 of the RECORD, in the vote on the food-control bill, the gentleman from Georgia [Mr. ADAMSON] is recorded as not voting. When he got leave of absence he arranged a general pair with me. Just before the vote I went to the pair clerk and asked to arrange for a special pair but could not do so. I then asked for a general pair and arranged such a pair. I therefore voted, but the RECORD does not show that the gentleman from Georgia was paired. If he had been present the gentleman from Georgia would have voted "aye."

Mr. ADAMSON. Mr. Speaker, it is true, as stated by the gentleman from Wisconsin, that I requested him to vote on every question and get a pair for me, but he could not get a pair as they all voted in the affirmative.

The SPEAKER. The trouble was that there were so few against the bill that it was difficult to get a pair.

Mr. GILLETT. Mr. Speaker, I withdraw the objection that I made to the request of the gentleman from Ohio [Mr. ASHBROOK].

CHANGE OF REFERENCE.

Mr. MILLER of Minnesota. Mr. Speaker, on the bill H. R. 5035, referred to the Committee on Appropriations, I ask that it be referred to the Committee on Military Affairs, where it properly belongs. The bill amends that portion of the law which was brought out by the Committee on Military Affairs, authorizing a person who is a cadet at West Point to resign and thereafter make application to get into the Army. That is the only change it makes. It has nothing to do with appropriations.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that the bill H. R. 5035 be taken from the Committee on Appropriations and referred to the Committee on Military Affairs.

Mr. MILLER of Minnesota. I supposed that it had been referred to the Committee on Military Affairs until my attention was called to it.

The SPEAKER. Is there objection?

There was no objection.

MODIFICATIONS OF THE DESIGN OF THE CURRENT QUARTER DOLLAR.

Mr. ASHBROOK. Now, Mr. Speaker, I renew my request that the bill H. R. 3548, providing for modification of the design of the current quarter dollar be considered.

The SPEAKER. Is there objection?

Mr. LARSEN. Mr. Speaker, I object.

Mr. ASHBROOK. Will the gentleman withhold his objection for a moment?

Mr. LARSEN. I will, but I understood there was an agreement.

Mr. ASHBROOK. I will withhold the request until the gentleman from Georgia has a chance to ask to extend his remarks in the RECORD.

EXTENSION OF REMARKS.

Mr. LARSEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an editorial on the cotton situation.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. WALSH. I object.

MODIFICATIONS OF DESIGN OF THE CURRENT QUARTER DOLLAR.

Mr. ASHBROOK. Mr. Speaker, I again renew my request for the present consideration of the bill H. R. 3548, the gentleman from Massachusetts having withdrawn his objections.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That for the purpose of increasing the artistic merit of the current quarter dollar, the Secretary of the Treasury be, and he is hereby, authorized to make slight modifications in the details of the designs in accordance with sketches submitted by the sculptor whose models were accepted under date of May 23, 1916, and now being used in the execution of the coins.

No changes shall be made in the emblems or devices used. The modifications shall consist of the changing of the position of the eagle, the rearrangement of the stars and lettering, and a slight concavity given to the surface. Such changes shall be made and completed on or before July 1, 1918.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, will the gentleman give us an explanation of the bill?

Mr. ASHBROOK. Mr. Speaker, this bill provides for a slight modification in the design of the current silver quarter. After a small quantity of the quarters had been coined, it was found that the coin did not stack well, and it was not, in the opinion of the Secretary of the Treasury, an artistic design, and for that reason the coinage has been suspended. The Secretary of the Treasury and the Treasury Department have been very urgent for some time to get this bill passed for the reason that the coinage of the silver quarters has been suspended. The bill has already passed the Senate and is now on the Speaker's table.

Mr. FITZGERALD. Who passes finally upon the artistic merit of these designs?

Mr. ASHBROOK. I suppose the Secretary of the Treasury does. I have a letter here from the Secretary of the Treasury, and if the gentleman will permit me I will be very glad to read just one paragraph from the letter.

Mr. FITZGERALD. I would be very glad to have the gentleman read it all.

Mr. ASHBROOK. Very well; I will read it all:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, April 16, 1917.

Hon. WILLIAM A. ASHBROOK,
Chairman Committee on Coinage, Weights, and Measures,
House of Representatives.

MY DEAR CONGRESSMAN: I have the honor to submit for your consideration a draft of an act to authorize the modification of the designs of the current quarter dollar in accordance with a specimen submitted by Mr. Hermon A. MacNeil, the sculptor whose designs were accepted May 23, 1916, for the quarter dollar now being issued.

The modifications proposed are slight, the principal one being that the eagle has been raised and three of the stars placed beneath the eagle. On the reverse the lettering has been rearranged and the collision with the pinions of the wings obviated. These changes, together with a slight concavity, will produce a coin materially improved in artistic merit, and not interfere in any way with its practical use.

I am sorry to have to ask for this change, but since the original dies were made the artist has found that they were not true to the original design and that a great improvement can be made in the artistic value and appearance of the coin by making the slight changes the act contemplates. I take the liberty of proposing a form of bill which will accomplish the object if enacted by the Congress, and heartily recommend its passage.

Sincerely, yours, W. G. MCADOO, *Secretary.*

Mr. LENROOT. Mr. Speaker, will the gentleman yield?
Mr. ASHBROOK. Yes.
Mr. LENROOT. The gentleman states that the coinage of quarters under the old dies has been suspended?
Mr. ASHBROOK. I do.
Mr. LENROOT. By law?
Mr. ASHBROOK. By law. After the new design was accepted the coinage of the old design was suspended, of course.
Mr. LENROOT. By act of Congress?
Mr. ASHBROOK. Yes.
Mr. LENROOT. I want to ask what the last sentence in the bill means—

Such changes shall be made and completed on or before July 1, 1918.

That is a year from now?
Mr. ASHBROOK. That is the way the bill reads, and I introduced the bill as it was prepared by the Secretary of the Treasury.
Mr. LENROOT. If they are to have a year in which to make these changes, how can there be any emergency in connection with it?
Mr. ASHBROOK. I can say to the gentleman that there certainly is an emergency, that for the past four or five weeks I have had frequent calls from the Director of the Mint and many telephone calls urging me to get this bill through, if possible, saying that the coinage had been suspended, that there are now less than 3,000 in the mint and they do not want to coin any more under the new design which has been accepted and is the law. The new dies have been made, I believe, and are awaiting the passage of this bill by the House. The bill has already been passed by the Senate.
Mr. LENROOT. Does not the gentleman think that the bill should be amended so as to require these changes to be made immediately?
Mr. ASHBROOK. I have no doubt that the changes will be made at once, because they are very anxious to resume the coinage.
Mr. LENROOT. What was the purpose of the committee of giving them a year in which to make the changes, if it was an emergency proposition?
Mr. ASHBROOK. As I have stated to the gentleman, the only reason the bill is reported in this form is because it is the form in which it was received from the Secretary of the Treasury and the same bill as passed the Senate.
Mr. LENROOT. How can the gentleman claim that the Secretary of the Treasury considers it an emergency proposition if he asks for a year in which to make the changes?
Mr. ASHBROOK. I regret that I am unable to give the gentleman the reason why the date was fixed for 1918. I do assure the gentleman, however, that I have had frequent assurances from the Treasury Department that this is a very urgent matter.
Mr. LENROOT. If consent is given, would the gentleman object to an amendment making it September 1, 1917, so that it would be an emergency proposition?
Mr. ASHBROOK. I would not.
Mr. LENROOT. With that understanding I shall not object.
The SPEAKER. Is there objection?
Mr. HILLIARD. Mr. Speaker, reserving the right to object, I simply wish to observe that since we have passed the food law, and there is a prospect that it will pass in the Senate, the emergency becomes apparent, because it is evident that now something may be bought for a quarter. [Laughter.]
Mr. ASHBROOK. Mr. Speaker, I desire to suggest to the gentleman from Wisconsin that the bill reads, "on or before July 1, 1918," but I have no objection to fixing the date 1917.
Mr. LENROOT. If it is to be an emergency proposition the House ought to make it so.
Mr. ASHBROOK. I have no objection.
Mr. BORLAND. Has the bill already passed the Senate?
Mr. ASHBROOK. It has.
Mr. BORLAND. In its present form?
Mr. ASHBROOK. Yes.
Mr. BORLAND. And it provides that these changes may be made on or before 1918?
Mr. ASHBROOK. Yes.
Mr. BORLAND. So that they can be made immediately?
Mr. ASHBROOK. Yes.
Mr. BORLAND. If it is amended in the House, it will have to go back to the Senate.
Mr. ASHBROOK. It will mean that much delay.
Mr. BORLAND. There is no necessity of amending it under the circumstances, I think.
Mr. ASHBROOK. I do not think there is.
The SPEAKER. Is there objection?
There was not objection.
The SPEAKER. This bill is on the Union Calendar.
Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.
The SPEAKER. Is there objection?
There was no objection.
Mr. LENROOT. Mr. Speaker, I move to amend, on page 2, in lines 2 and 3, by striking out "July 1, 1918," and insert in lieu thereof the words "September 1, 1917."
The SPEAKER. The Clerk will report the amendment.
The Clerk read as follows:

Page 2, lines 2 and 3, strike out the words "July 1, 1918," and insert in lieu thereof the words "September 1, 1917."

Mr. ASHBROOK. Mr. Speaker, I accept the amendment.
Mr. STAFFORD. Mr. Speaker, will the gentleman yield?
Mr. LENROOT. Yes.
Mr. STAFFORD. Has the gentleman any assurance that the present dies used in the coinage of quarters will be needed between now and September 1, 1917? That may not be sufficient time in which to prepare these new dies. Has not the gentleman taken upon himself considerable responsibility in insisting on this amendment which might destroy the very purpose of the bill?
Mr. LENROOT. The gentleman states the present dies can not be used.
Mr. STAFFORD. The present dies can not be used for the manufacture of the old——
Mr. LENROOT. No; the gentleman says——
Mr. ASHBROOK. I will say the present dies, and by that I mean the dies that were made for the new design, are unsatisfactory, and for that reason the coinage of the silver quarters has been suspended.
Mr. STAFFORD. The gentleman does not mean the old——
Mr. LENROOT. Then I certainly gave unanimous consent under a misapprehension. If they can go on and coin quarters under the old dies, it is certainly not an emergency measure at all.
Mr. STAFFORD. There is no question about that.
Mr. ASHBROOK. Of course the coins can be made, but they are unsatisfactory to the Treasury Department, and they do not want to coin any more of them. They could coin them, however unsatisfactory they may be, but they have held up the coinage some two months in order to get this bill through Congress.
Mr. LENROOT. I wish to say there are probably 50 bills which have just as much privilege as this bill, with the statement the gentleman now makes. There is nothing in the way of an emergency about this bill.
Mr. ROSE. As already suggested by the chairman of the committee, the bill provides that such changes shall be made and completed on or before July 1, 1918. That would meet the objection raised by the gentleman in any event, because the coinage can be made any time between now and July 1, 1918; but when the department first notified the chairman that there is an emergency the committee took it for granted that what the department said was the actual case, and therefore it has brought in this report.
Mr. LENROOT. Mr. Speaker, I gave consent under a misapprehension. I should have objected had I known the real situation, and if there is any emergency and consent having been given, I will withdraw my amendment if they can go on and coin the present quarters.
The SPEAKER. The gentleman withdraws his amendment.
The bill was ordered to be engrossed and read the third time, was read the third time, and passed.
On motion of Mr. ASHBROOK, a motion to reconsider the vote by which the bill was passed was laid on the table.
Mr. ASHBROOK. Mr. Speaker, one moment. I ask unanimous consent to substitute Senate bill 2099, which is an identical bill which passed the Senate and is on the Speaker's table for H. R. 3548.
The SPEAKER. The gentleman will have to ask unanimous consent to vacate the proceedings, if he wants to do that, on this bill.
Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent to vacate proceedings under which H. R. 3548 was passed.
The SPEAKER. The gentleman asks unanimous consent to vacate proceedings on H. R. 3548.
Mr. NORTON. Mr. Speaker, reserving the right to object, will the gentleman answer an inquiry? The gentleman objected to the amendment offered by the gentleman from Wisconsin to this bill. Now, as we are about to put aside the proceedings in reference to the passage of the House bill, I would like to know what is the emergency occasion for this legislation?
Mr. ASHBROOK. The gentleman understands that the old design for the old silver quarter has been abolished——

Mr. GILLETT. Mr. Speaker, I object to any further proceedings on this bill.

The SPEAKER. The gentleman from Massachusetts [Mr. GILLETT] objects to any further proceedings about this bill.

CORRECTION.

Mr. SLOAN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. SLOAN. On page 4522 of the RECORD I am recorded as voting for the bill and also as being paired with my colleague, Mr. STEPHENS of Nebraska. We had a general pair, and I received word from Mr. STEPHENS he was in favor of the bill and asked me to pair him with somebody else if I desired to vote for the bill. I did vote for the bill and thought that an arrangement for the pair had been accomplished, but it does not seem to have been completed. If Mr. STEPHENS had been present, he would have voted for the bill.

AMENDING NATIONAL-DEFENSE ACT.

Mr. DENT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 4897, a bill authorizing promotion of officers of the Medical Corps to the rank of captain.

The SPEAKER. Is there objection?

Mr. SMALL. Mr. Speaker, reserving the right to object, may I inquire of the gentleman how long this will take?

Mr. DENT. I will say to the gentleman from North Carolina it ought not to take three minutes to pass this bill, and if there is any controversy arising over the bill I will withdraw the request.

Mr. GILLETT. Mr. Speaker, reserving the right to object, Is this a unanimous report of the committee?

Mr. DENT. It is a unanimous report of the committee.

Mr. MILLER of Minnesota. Can not we have the bill read? Is it short?

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 4897) to amend section 10 of the national-defense act approved June 3, 1916, and for other purposes.

Be it enacted, etc., That section 10 of the act for making further and more effectual provision for the national defense, and for other purposes, approved June 3, 1916, is hereby amended by adding the following proviso:

"*Provided*, That during the existing emergency lieutenants in the Medical Corps of the Regular Army and of the National Guard shall be eligible to promotion as captain upon such examination as may be prescribed by the Secretary of War."

The SPEAKER. Is there objection?

Mr. MILLER of Minnesota. Mr. Speaker, reserving the right to object, may I ask the gentleman from Alabama, I understand this does not affect any of the medical officers of the Reserve Corps?

Mr. DENT. No; the object of the bill is simply to dispense with the provision requiring a man to serve five years before he can be promoted to captain. It does not affect the Reserve Corps.

Mr. MILLER of Minnesota. And absolutely an emergency measure?

Mr. DENT. I think so.

Mr. MILLER of Minnesota. A further inquiry. Is it not a fact that the Medical Department of the Army is very greatly in need of additional medical officers?

Mr. DENT. That is very true; and when the bill was originally introduced it only provided for the promotion of officers of the National Guard called into the Federal service, and the Surgeon General has asked me to amend the bill so as to apply to the Regular Army as well as on account of the necessity for officers.

The SPEAKER. Is there objection?

Mr. FOSTER. Reserving the right to object, do I understand from the gentleman from Alabama [Mr. DENT] that the medical men who are taken into the Reserve Corps and who now go in as lieutenants can not under this present law be promoted unless they serve five years?

Mr. DENT. That is true.

Mr. FOSTER. And will this take care of that situation?

Mr. DENT. It will take care of any of them that are put on the active list.

Mr. FOSTER. That are on the active list?

Mr. DENT. Yes.

Mr. HOWARD. Will the gentleman yield? As I understand the situation now, in the Officers' Medical Reserve Corps the highest commission one can get is a captaincy?

Mr. DENT. First lieutenancy.

Mr. HOWARD. There are thousands of good men that want to go into the service, but they can not make the sacrifice on account of the small grade in their service.

Mr. DENT. That is true.

Mr. RAGSDALE. Has any action yet been taken on relieving the present unfairness that I think the members of the National Guard are being forced to stand in the difference in salaries that are being paid them and other members of the training camps at this time?

Mr. DENT. Does the gentleman mean to say that where an enlisted man is given an opportunity to become an officer he does not get his $100 a month like the civilian?

Mr. RAGSDALE. Yes, sir.

Mr. DENT. I will say to the gentleman that no action has been taken by the committee, but that matter will be considered by the committee this week.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. DENT, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HELVERING, for one week, on account of important business.

To Mr. BUCHANAN, for one week, on account of important business.

LEAVE TO ADDRESS THE HOUSE.

Mr. GILLETT. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Massachusetts rise?

Mr. GILLETT. I ask unanimous consent that after the completion of the river and harbor bill the gentleman from Connecticut [Mr. TILSON] be authorized to address the House for one hour on the question of aeronautics.

The SPEAKER. The gentleman from Massachusetts [Mr. GILLETT] asks unanimous consent that at the conclusion of the river and harbor bill the gentleman from Connecticut [Mr. TILSON] be permitted to address the House for not to exceed one hour, on the subject of aeronautics.

HOUR OF MEETING TO-MORROW—11 O'CLOCK A. M.

Mr. KITCHIN. Mr. Speaker, reserving the right to object, will the gentleman just withhold that for a minute until I get unanimous consent? I ask unanimous consent, Mr. Speaker, that when the House adjourn to-day it adjourn to meet at 11 o'clock a. m. to-morrow?

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection? [After a pause.] The Chair hears none.

LEAVE TO ADDRESS THE HOUSE.

Mr. STAFFORD. Reserving the right to object to the request of the gentleman from Massachusetts [Mr. GILLETT], I would like to inquire whether any arrangement is contemplated whereby on the completion of the river and harbor bill and passage of the other important bills on the calendar there will be any recess taken so as to accommodate Members while the Senate is considering the food-control bill and the revenue bill?

Mr. KITCHIN. I would like to say to the gentleman that after we pass the river and harbor bill, and the trading with the enemy bill, and the Interstate Commerce Commission bills, and one or two little bills relative to preferential shipment, and the public-health pension bill that are on the calendar—I think the last one was reported out this morning—all of which ought to get through by Wednesday night if we do not unnecessarily delay legislation, and if we do get those bills through, after we finish them, my intention is to ask the House under a gentleman's agreement to adjourn over three days at a time until the Senate returns the food-control bill or the revenue bill. [Applause.]

Mr. STAFFORD. And that no legislation will be considered in that interim?

Mr. KITCHIN. Not at all; not even by unanimous consent to be considered then.

Mr. FITZGERALD. That will include a possible deficiency bill?

Mr. KITCHIN. If any emergency legislation should be contemplated or become necessary, we would give two or three days' notice to all the absent Members. I do not anticipate the food bill returning to the House within two weeks, and the revenue bill, I would say, within three weeks, or four weeks possibly. They have had it now five weeks, and the Finance Committee has not decided what it is going to do.

Mr. FOSTER. It decides in the morning and changes in the evening.

Mr. KITCHIN. It has decided to change a great many times. I would say that, after we have passed these bills that I have mentioned, it would be safe for the Members to go for at least two weeks. In the meantime we would be adjourning every third day.

Mr. SABATH. When does the gentleman think that we could get through with the bills he has mentioned?

Mr. KITCHIN. By Wednesday night or Thursday night.

Mr. ADAMSON. I did not hear the statement of the gentleman from North Carolina. Did he specify the four bills that I have given him on that paper, namely, the bill relating to the increase of the Interstate Commerce Commission, trading-with-the-enemy bill, and then the preferential shipment bill, and the pension bill for the surgeons of the Public Health Service?

Mr. KITCHIN. That included the four bills.

Mr. LENROOT. Has the gentleman in mind the food-control bill, that will probably get to conference?

Mr. KITCHIN. Yes. Let us dispose of these bills and see what they will do with that.

Mr. DENT. Mr. Speaker, I wish to state as a suggestion to the gentleman from North Carolina [Mr. KITCHIN] that I did not have an opportunity to confer with him before he made his statement. There are a number of amendments proposed by the Secretary of War to the national defense act that the Military Committee will consider this week and may be ready to report at any time within the next 10 days.

Mr. KITCHIN. Well, I would say that if he reported within the next 10 days you would have ample time to get it through the House while the committee of conference is considering the food-control bill, and certainly while the committee of conference is considering the revenue bill you would have plenty of time. I would say it would be some two or three weeks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. MAPES. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from North Carolina when it is proposed to take up the bill for aviation purposes?

Mr. KITCHIN. Some time within August 15, and by that time we will have gotten over these three-day adjournments.

Mr. MAPES. It is not proposed to take that up before you take the adjournment?

Mr. KITCHIN. Before adjournment, of course, but not before these three-day adjournments, because the committees will have to consider them. We will have plenty of time. It will not take the House more than half a day to pass the aviation bill. It will carry about $600,000,000. It would not take as long to pass a bill carrying $600,000,000 as it would if we were to pass a bill carrying $6,000,000. Then it might take, say, two weeks. [Laughter.]

Mr. HAMILTON of Michigan. At what time will the consideration of the river and harbor bill be finished?

Mr. KITCHIN. I think to-morrow, so that we can go right on with the other bills.

Mr. RAKER. Reserving the right to object, Mr. Speaker, there are a couple of measures—emergency bills—on the calendar providing for those who have enlisted and who have desert-land claims, and others. Of course those would not be excluded in the gentleman's statement this morning?

Mr. KITCHIN. We would not take those up during those three-day adjournments.

Mr. RAKER. When will we have a chance?

Mr. KITCHIN. After that. We will have at least three weeks here.

Mr. RAKER. Those are war emergencies.

Mr. FOSTER. They are designed to relieve men who have gone into the Army and Navy from going through certain requirements as to homesteading and mining. I think those ought not to be excluded from those bills that ought to pass before we begin the three-day recesses.

Mr. TILSON. What are they?

Mr. FOSTER. They are bills to relieve soldiers who enlist in the Army and Navy from service on their homestead claims. Otherwise they must live on those homesteads, and also they must do $100 worth of work on a mining claim.

Mr. RAKER. The same as those who have an assessment on their desert-land entries.

Mr. FOSTER. I think those ought to pass by unanimous consent.

Mr. KITCHIN. I think all those measures can be passed by unanimous consent, say, on Thursday morning or Wednesday night.

Mr. FOSTER. I do not think they should be excluded.

Mr. KITCHIN. We are not excluding them.

Mr. FERRIS. Mr. Speaker, will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. FERRIS. Mr. Speaker, as the gentleman from Illinois [Mr. FOSTER] has said, and as the gentleman from California [Mr. RAKER] has said, there are two or three bills of minor importance that have always been passed during a time of war. One is to allow men to absent themselves and not be contested while serving in the war. I am sure they would appeal to the House. I think we should have an hour or two by unanimous consent, and I think they will be passed without any controversy. I was not going to sit still when the subject was taken up. I think if you do that, we will get them out of the way very promptly.

Mr. KITCHIN. Suppose we take them up after we rise this afternoon on the river and harbor bill?

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. GILLETT]?

Mr. RAKER. Reserving the right to object, Mr. Speaker, let us have an understanding on this. It will take but a moment.

Mr. MADDEN. Regular order, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. GILLETT]?

Mr. STAFFORD. What is the request?

The SPEAKER. The request is that at the end of the consideration of the river and harbor bill the gentleman from Connecticut [Mr. TILSON] be permitted to address the House for not more than an hour on the subject of aeronautics.

Mr. STAFFORD. No matter what the time of day the river and harbor bill is completed?

The SPEAKER. At the end of the consideration of the river and harbor bill. Is there objection?

There was no objection.

RIVERS AND HARBORS.

Mr. SMALL. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4285, the river and harbor bill. And, Mr. Speaker, pending going into Committee of the Whole, did the House resolve to convene at 11 o'clock to-morrow?

The SPEAKER. Yes. The question is on agreeing to the motion of the gentleman from North Carolina.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4285, the river and harbor bill, with Mr. HARRISON of Mississippi in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4285, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 4285) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The CHAIRMAN. The Clerk will proceed with the reading of the bill for amendment.

The Clerk read as follows:

Removing the water hyacinth, Florida: For the removal of the water hyacinth from the navigable waters in the State of Florida, in so far as it is or may become an obstruction to navigation, $10,000.

Mr. TREADWAY. Mr. Chairman, one of my friends on the committee, when we were having general debate on the river and harbor bill some days ago, criticized my comments on appropriations for the removal of water hyacinths. I do not intend to take up the time of the committee in discussing that well-worn subject of the water hyacinth or the small amount of appropriation carried for it. I do wish, however, to emphasize the fact that in spite of the small amount carried we do make various appropriations for such an object as this without any reference whatever as to where that money is to be expended. We carry another item for the St. Johns River. I recognize the importance of commerce on the St. Johns River over a certain length from Jacksonville toward Palatka, and if the hyacinths, because of lack of commerce, grow there, all well and good, let us make an adequate appropriation for their removal. Why stop at $10,000 when you are doing such a valuable service for the commerce of the State of Florida? Let us do as was done to that well-known Congaree River last week. Let us add $50,000 or $100,000 if it is so important that water hyacinths should be removed as a means of commerce rather than making the water unnavigable and letting the water hyacinth grow, as has been frequently suggested on this floor. Let us be liberal, as we are trying to be with so many other propositions before us for river and harbor work, based on the national defense. This bill is based on national defense. Why be niggardly and mean and only ask Uncle Sam to come forward

with the very meager sum of $10,000 for such a meritorious proposition, and one so valuable for national defense as the removal of water hyacinths from other streams than the St. Johns in the State of Florida? I do not suppose that any of this $10,000 will be used on the St. Johns, because there is a specific item for the St. Johns, and if there are other streams as deserving of the removal of the water hyacinth, as we admit the St. Johns to be, will not our action here to-day in asking only the niggardly sum of $10,000 for that great cause for national defense be severely criticized?

Mr. HUMPHREYS. Will the gentleman yield?

Mr. TREADWAY. I was ready to yield the floor, but I will yield to the gentleman.

Mr. HUMPHREYS. For the purpose of trying to get some information about this.

Mr. TREADWAY. I think the gentleman has more information about this than I have, but I will try to give him some if I can.

Mr. HUMPHREYS. Was this appropriation of $10,000 recommended by the Chief of Engineers and the Secretary of War?

Mr. TREADWAY. In the cause of national defense. In spite of the fact that we can not get an item of that nature incorporated into the bill, we realize that all this bill is a national-defense measure. We, of course, recognize that every item is very worthy and deserving from the standpoint of national defense, and so, of course, the Secretary of War must have recommended this small appropriation of $10,000.

Mr. HUMPHREYS. The gentleman is a member of this committee. With the preliminary illumination we have just had, will he now answer my question?

Mr. TREADWAY. Will the gentleman from Mississippi kindly repeat his question in order that I may have it clearly before me?

Mr. HUMPHREYS. Did the Secretary of War or the Chief of Engineers recommend this appropriation of $10,000?

Mr TREADWAY. Both these distinguished gentlemen recommend the entire bill for national defense. That being the case, this specific item must necessarily be included in their recommendation.

Mr. HUMPHREYS. In view of that fact, I will ask the gentleman, Does he know whether or not the Secretary of War or the Chief of Engineers recommended this particular item?

Mr. TREADWAY. Only in the most general terms. The Committee on Rivers and Harbors has a letter from the Secretary of War, and Col. Newcomer appeared before the committee and carried out the purport of that letter. I will say to the gentleman from Mississippi that the whole bill is based on the one thought that we are in war, and whatever appropriations we make must have a direct bearing on national defense. I think that is as nearly an answer to the question as I can make.

Mr. DUPRÉ. Mr. Chairman, I wish to be heard in opposition to the gentleman's amendment.

This item for the removal of the water hyacinth is nothing but an item for maintenance, like many other items for maintenance that are contained in the bill. Streams are obstructed in various ways, by silting up, by shoaling up, by the caving of the banks, by falling trees and the like, and streams in south Florida and in Louisiana, Alabama, Mississippi, and Texas are obstructed very seriously by the growth of this water hyacinth. The object of this appropriation here for Florida, like the subsequent appropriation for the other States, is merely to maintain the streams and keep them open and free them from obstructions, just as you would free them from obstructions caused by silting or by the formation of shoals.

Every time this item comes up it is the subject of a great deal of merriment and a great deal of jest. I confess that the jests are very poor. They remind me of stories in Joe Miller's Joke Book. The jokes are old, as Kipling says, "old as my unpaid bills," and I wish that we could have something new, because they are getting very wearisome.

Mr. TREADWAY. Will the gentleman yield?

Mr. DUPRÉ. Yes.

Mr. TREADWAY. I suggest to the gentleman that in order to have any new jokes about it, gentlemen ought to get a new line of appropriations.

Mr. DUPRÉ. It might be possible for the gentleman from Massachusetts and others like him to get a new line of information on this subject that would preclude jests of that sort. Information can be easily obtained. For instance, I call attention to the RECORD of January 16, 1915, where my good friend, that distinguished statesman now out of a job, Mr. Callaway, of Texas, was performing on this subject. The water hyacinth was one of his favorite themes. After he had entertained the House on the subject for a while he took his seat, and the gentleman from Illinois [Mr. MANN] then arose and addressed the House as follows:

Mr. MANN. Mr. Chairman, the gentleman from Texas [Mr. Callaway] makes some eloquent observations in regard to appropriations concerning water hyacinth. I have often noticed that men frequently make the most eloquent observations about those things concerning which they know the least—

I do not know whether that will have any effect on the gentleman from Massachusetts or not. [Laughter.]

Recently I was at Panama on the canal. I noticed on Lake Gatun, which is quite a body of water, and in the streams running into the lake also, vast fields of water lettuce and a few water hyacinth. The water lettuce, like the hyacinth, is a water plant, which propagates rapidly. It has quite a short root, and vessels can go through it without difficulty. The water hyacinth, which also propagates very rapidly, has a very long root, and the people at the canal, after full investigation of the subject, still, possibly, not knowing as much about it as does the distinguished gentleman from Texas, wherever a water hyacinth makes its appearance on any of those waters proceed at once to put it out of business, because they know, if the gentleman from Texas does not know, that if the channel of the canal becomes filled with water hyacinth the most powerful boat will become so entangled in it with its propeller that it will not be able to proceed. Of course, such observations or information will have no effect on the distinguished gentleman from Texas, who fights the hardest when he knows the least.

So do some of the present Members of this body.

Mr. HUMPHREYS. I should like to get some information on this question. It is evident that I went to the wrong source when I applied to the member of the committee from Massachusetts [Mr. TREADWAY], who has taken up five minutes in criticizing an item about which he frankly confesses he knows nothing. I should like to ask the chairman of the committee, Mr. SMALL, if this has been recommended by the Chief of Engineers and the Secretary of War.

Mr. SMALL. It has been recommended by both.

Mr. TREADWAY. May I ask——

Mr. HUMPHREYS. If the gentleman from Massachusetts will answer my question first, before he propounds his inquiry, if water hyacinth obstructs navigation in the harbors of the rivers of this country, does the gentleman think it ought to be removed?

Mr. TREADWAY. I am free to say, in answer to the gentleman from Mississippi, that if the water hyacinth is causing obstruction to navigation, detrimental to the national defense, the matter of appropriation of $10,000 is beyond my comprehension. We ought to be so liberal that the national defense would not suffer from such a small appropriation as that.

Mr. HUMPHREYS. The gentleman says that he believes that if it is necessary in order to remove obstructions from navigable waters in the United States the appropriation ought to be made, even though it be for the removal of water hyacinth. He said in answer to the other question that he does not know anything about it. I had the honor to serve for a number of years on this distinguished committee, and we had numerous hearings on water hyacinth. No man who knows anything about it at all doubts that water hyacinth is a very serious obstruction to navigation. I repeat that nobody who knows anything about it doubts that. Appropriations were made in the good old days when Senator Burton was chairman of the committee, and there was no pork in it then. Appropriations were made for the removal of water hyacinth in these streams, and not being advised that the political complexion of the Congress had changed, and that the Democrats had got into control instead of the Republicans, the water hyacinth continued to grow and propagate and to interfere with navigation.

Now, the distinguished gentleman from Massachusetts rises on the floor and advises us that here is something he knows nothing about, and therefore the necessity that the appropriation should be increased from two thousand up to fifty or seventy-five thousand dollars.

Mr. SWITZER. Will the gentleman yield?

Mr. HUMPHREYS. Yes.

Mr. SWITZER. If the Chief of Engineers says that $10,000 is a sufficient amount, is there any necessity of increasing it?

Mr. HUMPHREYS. There is no necessity for it if we intend to enlighten the House in order that the House may proceed intelligently. If our effort is to muddy the waters; if our effort is to resort to such arguments as may persuade the will without convincing the judgment, then, of course, it is all right to deliver such an illuminating address as we heard a few minutes ago from the gentleman from Massachusetts.

Mr. SMALL. Will the gentleman permit an interruption?

Mr. HUMPHREYS. Yes.

Mr. SMALL. I might remind the gentleman that it appears from the annual report of the Chief of Engineers that there is considerable local cooperation in all these streams for the removal of water hyacinth.

Mr. HUMPHREYS. I thought it desirable to call the attention of the House at the beginning of another week to the char-

acter of the criticism made against the bill. It is not designated here what stream it was to be spent upon. This is a lump sum. That is the criticism. I wonder if the gentleman from Massachusetts himself has not it in his mind now to cut out all the items in the bill and provide a lump sum to be turned over to the Secretary of War and Chief of Engineers to spend on all the streams.

Mr. TREADWAY. I take that in the nature of an inquiry.

Mr. HUMPHREYS. Yes.

Mr. TREADWAY. I will say that I stand where I did when the bill was under discussion some days ago, and when I offered in behalf of the minority of the committee an amendment asking that we directly state in the bill that this is a war measure. We then said, speaking for myself, and I think I voice the sentiment of my colleagues—we will be perfectly willing, as we are to-day, with that amendment, which the distinguished chairman of the committee argued against. Put that in to-day and no further opposition is to be heard to the passage of the bill, so far as I am concerned. It has always been my idea that a lump-sum appropriation is a mistake, and in answer to the gentleman I will say I have no intention of asking the House to adopt any such provision.

Mr. HUMPHREYS. Has not the gentleman in previous Congresses voted for the motion to recommit?

Mr. TREADWAY. I have. It was better than the bill we had before us; but it is not a proper way to make river and harbor appropriations.

Mr. HUMPHREYS. It is not, and I always voted against it. The House has always voted against that over the argument and over the vote of the distinguished gentleman from Massachusetts heretofore. I know that he says he has seen a new light and will not vote for a lump sum this time. I am glad to hear that, and I hope that when the roll call comes he will adhere to that proposition.

Mr. TREADWAY. Will the gentleman allow me to interrupt him further?

Mr. HUMPHREYS. Yes.

Mr. TREADWAY. Is it not a fact that the majority in this House have voted for a lump-sum bill, showing that it was acceptable to the Democrats?

Mr. HUMPHREYS. The House has always voted it down. The House has been forced sometimes to submit to a lump-sum appropriation by the Senate and the report from the conference committee. The House has been forced to submit to that, but it has never been the judgment of the House, although the gentleman from Massachusetts himself has on several occasions, as I understand, voted for that very proposition to apply to all the items and all the projects in the country. Now he criticizes this one particular item about which he finally states to the House that he knows nothing. That is the character of the criticism that is urged against the bill. By whom? By a member of the committee charged with the responsibility to acquire knowledge and full information and whose duty it is to come here and inform us.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last two words.

Mr. SMALL. Will the gentleman from Pennsylvania allow me two minutes?

Mr. STAFFORD. Is this a filibuster indulged in by the friends of the bill?

Mr. SMALL. Mr. Chairman, I ask unanimous consent that all debate on this paragraph close in five minutes.

Mr. MEEKER. I would like one minute.

Mr. SMALL. I will make it six minutes.

The CHAIRMAN (Mr. FLOOD). The gentleman from South Carolina asks unanimous consent that all debate on this paragraph shall close in six minutes. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, the gentleman from Massachusetts raises a very small question on an important bill, a very unreasonable one from my point of view. It might be just as fair to complain of an appropriation for the removal of sea grass that clogs the wheels of the propellers in Massachusetts, as to object to an appropriation for the removal of water hyacinths in such States as need it.

Mr. SMALL. Or a drift in New York Harbor.

Mr. MOORE of Pennsylvania. Oh, yes; they might as well object to appropriations for that purpose. I myself have asked to have consideration given to appropriations for the removal of sea grass in a stream in Maine. It was said that boats could not go up and down in consequence of it. The grass clogged the wheels.

Mr. TREADWAY. Is there not some difference between asking for appropriations and getting them? Have those appropriations ever been passed?

Mr. MOORE of Pennsylvania. There have been such appropriations. The gentleman from Massachusetts [Mr. TREADWAY] seems to be begging the question. He objects to a $26,000,000 war emergency bill because there is a $10,000 appropriation in it for the removal of water hyacinths, and he indicates that this is the only appropriation of the kind, and that it is so trifling that it ought to be raised.

Mr. TREADWAY. Oh!

Mr. MOORE of Pennsylvania. Oh, that is what the gentleman said. The gentleman said there ought to be more money spent upon it.

Mr. TREADWAY. Oh, the gentleman will not say that. I never said this was the only item in the bill that I would criticize from the standpoint of national defense.

Mr. MOORE of Pennsylvania. I am referring to the water-hyacinths item.

Mr. TREADWAY. If the gentleman says in connection with water hyacinths, all well and good, because there are only two in the bill; but I take it that the gentleman intimated that I favored all the rest of the bill.

Mr. MOORE of Pennsylvania. No; I say the gentleman finds fault with this important bill and would hold it up and possibly defeat it, because it contains a $10,000 item for the removal of water hyacinths.

Mr. TREADWAY. The gentleman does not want to state it right. Go ahead.

Mr. MOORE of Pennsylvania. The gentleman appeared not to know very much about water hyacinths, because the information he gave the House was not very accurate as compared with the report of the United States Army Engineers and the testimony before his own committee. I assume the gentleman was present when the War Department was represented before the committee and the statement was made as to why the department wanted to remove water hyacinths. There are two appropriations in this bill for the removal of water hyacinths—one for $10,000, which the gentleman from Massachusetts thinks ought to be increased, if it is to be of any service for war purposes, and another for $20,000 for the removal of water hyacinths in Alabama, Mississippi, Louisiana, and Texas.

Mr. DUPRÉ. Mr. Chairman, if the gentleman will permit, I will call his attention to a report which I know he has read, but which others may not have, a very interesting report on the subject, being Document 91, Fifty-fifth Congress, third session.

Mr. MOORE of Pennsylvania. I commend that to the gentleman from Massachusetts and all others who, like him, whether on the River and Harbor Committee or not, are seeking information upon this important question. It seems to me that the minority members of the Committee on Rivers and Harbors ought to go to the document that contains that information.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MEEKER. Mr. Chairman, I only desire to say a word. A general request was made on the floor that we save time in the consideration of this bill. I think we are all agreed to that, but if the gentlemen who have been opposing this bill are going to insist on repeating the kind of stuff that they have this morning, we will be here until next week in nailing down that kind of matter. This bill is not going to go through without these gentlemen being "called" on every such statement as that which comes from the gentleman from Massachusetts [Mr. TREADWAY] or anything like it. Here is a report as to what has been done about water hyacinths in the past: In 1899, $36,000 was appropriated; in 1902, $25,000; in 1904, $25,000; in 1905, $25,000; in 1907, $15,000; in 1910, $5,000; in 1911, $10,000; in 1914, $5,000; in 1915, $5,000; in 1916, $10,000. It seems to me that plain common sense ought to be enough to satisfy the Members of this House that the appropriations for this particular item have gone up and down just as the Army Engineers have seen the demand or the necessity for it. If there is any time to be saved upon this bill, it can be saved by gentlemen in desisting from making such speeches as have already been made by the gentleman from Massachusetts, but they can not get away with that kind of stuff without opposition.

The Clerk read as follows:

Carrabelle Bar and Harbor, Apalachicola, St. Joseph, and St. Andrews Bay, Apalachicola and Chipola Rivers, and channel from Apalachicola River to St. Andrews Bay, Fla., Flint River, Ga., and Chattahoochee River, Georgia and Alabama: For maintenance, $77,500; continuing improvement of Apalachicola River, including the cut-off, Lee Slough, lower Chipola River, and upper Chipola River from Marianna to its mouth, $18,000; in all, $95,500.

Mr. SEARS. Mr. Chairman, when the bill was last under consideration I offered an amendment seeking an appropriation for Key West, and it was agreed at that time that we would take up that amendment this morning.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. SEARS: Page 12, line 21, after the word "obtained," insert:

"For improvement of Key West Harbor by removing all middle ground and other improvements, $50,000."

Strike out "$156,000," in line 21, and insert "$216,000."

Mr. SEARS. Mr. Chairman, I offer an amendment to the amendment, that the final figures be "$316,000," and that the appropriation be "$150,000."

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Amend the amendment as follows: Strike out "$50,000," and insert in lieu thereof "$150,000"; strike out "$216,000," and insert in lieu thereof "$316,000."

Mr. SEARS. Mr. Chairman, when I offered this amendment I asked unanimous consent that it be passed until after the passage of the food-control bill, in order that the Members of the House might thoroughly study the proposition, and if they thought Key West was entitled to the appropriation to vote for it. There has been at no time any desire on my part to secure any appropriation which is not a worthy one, and I have repeatedly made that statement on the floor of this House. When the last river and harbor bill which was passed was before the House for consideration I secured a survey of Key West Harbor. That was in 1916, and the last time the House considered a river and harbor bill I offered nothing for Key West, because the report had not been made, and I did not care to come before the House arguing a proposition until the engineers had passed on it. In the meantime it might be advisable to state to the Members of the House that the Senate passed an appropriation in the sum of $50,000 for Key West, but the conferees of the House had it stricken from the bill because no report had been made of the survey. We are discussing what is supposed to be, and what in this instance I know to be, a war measure. That the House may not misunderstand, I believe any appropriation which is worthy should be made and that all internal improvements should not stop simply because our country unfortunately is at war. I voted for the $7,000,000,000 bond issue. I indorsed the loans that have been made to our allies, for I believe it would be better to spend our money that way, if by so doing we can save our Nation and our young men, but I, for one, am not willing to go back to my constituents and confess that we can loan $250,000,000 to $300,000,000 to other nations and spend billions of dollars for war material, and that we are so puerile in our legislation that all internal improvements must stop, our country must suffer, and our citizens be thrown out of employment. If to support a proposition like a river and harbor bill shall designate me as a pork-barrel follower, then I am willing to take that name, because I understand in Germany and in France more improvements in the way of rivers and harbors have been made in one year since the war began than in any three years prior to the war, and we might well follow their example. [Applause.] But, Mr. Chairman, on February 6, 1917, when the naval bill was before the House, in seeking to have Key West designated as a base for submarines and submarine destroyers, this House kindly consented to listen to me for a few moments, and at that time I stated from a military standpoint, from a naval standpoint, there was no place in the country more entitled to assistance than was Key West, Fla.

I do not care to go over those few remarks; but if any of you gentlemen care to read them, you will find them on page 2720 of the CONGRESSIONAL RECORD. At that time I had inserted in the RECORD an excerpt from a letter from Hon. Josephus Daniels, Secretary of the Navy, in which he stated:

The Navy Department fully appreciates the importance of Key West as an offensive and defensive base, and all the department's plans include Key West.

At that time I inserted a letter from the Secretary of War, Mr. Baker, in which he stated in part——

The CHAIRMAN. The time of the gentleman has expired.

Mr. SEARS. May I have five minutes more?

The CHAIRMAN. The gentleman from Florida asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SEARS (reading)—

It is understood, however, that Key West has certain well-recognized advantages from the standpoint of naval operations, but any official estimate of its value for naval purposes involves a consideration of naval policy and should emanate from the Navy.

Now, Mr. Chairman, in addition to that I have a letter from the Mallory Steamship Co., in which they state that they have constructed a boat 440 feet long, and that it would be impossible for this boat to land at the Key West port or harbor unless this improvement is made. They also state it would be necessary for them to withdraw some of their larger boats now going to Key West unless the harbor was widened. I have not time to go into that letter in extenso. It is hard to discuss a proposition intelligently to the Members of this House in five or ten minutes, and I therefore trust the House will be exceedingly lenient with me. I have not taken up your time, and I sincerely trust I am not imposing myself on you. May I briefly state, if you do not already know it, that Key West is located on an island at the southern end of the Florida coast about 516 statute miles from Jacksonville, Fla. My district runs from Jacksonville to Key West, approximately 565 miles the way we have to go. To show you the importance of Key West, I will briefly state that the value of the tonnage out of Key West for the year 1915 was $27,338,000, of which amount we find as follows: Sponges, over $1,000,000; packing-house products, over $2,000,000; general merchandise, over $3,000,000; eggs, over $1,000,000, and so forth. I mention these because so much has been said about lumber and logs.

About a year ago, and that is the last information I have, I understand there were over 300 freight cars tied up at Key West waiting to be unloaded on ships and carried from Key West, and this condition was brought about because it was impossible for larger boats to reach Key West. Since I made the speech of last year the Flagler System has placed another ferryboat running from Key West to Habana, and on their boats the Florida East Coast passenger trains and freight trains are carried. The passenger trains coming from New York direct with Pullmans are loaded on the boat and are carried across to Habana, the cars are again placed on the tracks and the passengers continue their journey through Cuba without ever leaving the cars. I contend if this appropriation is made it will relieve this congested condition of 300 or 400 or 500 cars waiting to be unloaded practically all the time. Now, let me explain why I offered an amendment to my amendment making it $150,000 instead of $50,000.

At the time I offered my amendment I had not secured from the War Department a report of the survey which was authorized last year. Therefore I was laboring somewhat in the dark inasmuch as I did not know what that report would be. I stated to the House last Saturday a week ago I would prefer to wait and get that report in order that you might have it before you before you voted. That report, in part, is as follows:

After due consideration of the above-mentioned reports, I concur in the views of the district officer, the division engineer, and the Board of Engineers for Rivers and Harbors, and therefore report that the improvement by the United States of Key West Harbor, Fla., with a view to removing the middle ground is deemed advisable to the extent of widening the channel opposite the wharves to a width of 800 feet and a depth of 26 feet at mean low water at an estimated cost of $232,700. The first appropriation should provide $150,000 and authority to enter into contract for the full amount of the estimate if satisfactory bids are received, or to purchase, construct, or hire a suitable dredging plant, and do the work therewith, if it is found that an advantageous contract can not be made; the balance of the estimate to be appropriated as needed.

That is signed by Gen. Black, in charge of river and harbor improvements. Now, the trouble with Key West is, as you will perhaps understand——

The CHAIRMAN. The time of the gentleman has expired.

Mr. SEARS. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Florida asks unanimous consent for five minutes more. Is there objection?

Mr. STAFFORD. Reserving the right to object, I would like to know before further extension is granted whether the gentleman will be able to complete in five minutes?

Mr. SEARS. I think I can.

Mr. STAFFORD. It is the desire of the House to hurry this bill. If every Member is going to take 15 minutes that proposes an amendment, the gentleman will understand we can not get this bill through.

Mr. SEARS. I will quit in five minutes, even if I do not finish all I want to say. Nobody is more anxious than I am to secure promptly the passage of this bill.

Mr. STAFFORD. I have no objection, then.

Mr. SEARS. At Key West is what is known as the middle ground, and this middle ground only has a depth of 13 to 16 feet. Between Key West and this middle ground the distance is only about 500 feet, making it impossible for the large steamers to turn around, or if they head in and do not turn they have to back out several miles, and if they try to turn they get on the mud banks and are tied up indefinitely. I would like to go into the report somewhat at length, Mr. Chairman, but I believe, having given this a week's study, and especially showing my desire to be frank, I do not think it is necessary. I do not desire to weary the Members of the House. An appropriation of $150,000 should not be discussed very long. An appropriation of $26,000,000 should, perhaps, take two or three weeks, as we are giving to the present bill. But an appropriation of

$7,000,000 should be passed, perhaps, in half a day. That is in no spirit of criticism, but it is usually the case.

I understand a good many Members vote for a proposition or against a proposition because the committee either favors it or is opposed to it, but I want to appeal to the Members of this House to give to Key West, with over $27,000,000 of commerce, this appropriation, and thereby relieve transportation, and which, as stated by the Secretary of War and the Secretary of the Navy, from a naval standpoint is a very, very important one, and one to which they are entitled. It was impossible for me to get the indorsement of the Committee on Rivers and Harbors, but there is a reason for not getting same. I will simply state, as I said before, until this report was made by Gen. Black it was impossible for me to go before the committee and intelligently argue the proposition. Not a single dollar has been appropriated for Key West since 1913, although they have been working faithfully and earnestly trying to secure some recognition. I believe the Members of this House will appreciate this condition, and Key West being 560 miles, as stated, from Jacksonville, the Florida Straits being here [indicating], and the Yucatan Channel here [indicating], if this naval base is finally adopted—and it was stated to me by one of the admirals high in authority that it was now being contemplated—it is certainly important, and besides it will materially assist the Navy Department in doing this work.

I do not care to take up more of your time, because it is hard to argue to men when they are anxious to vote on a proposition, but I trust the Members of this House on this appropriation will vote as I have always voted, and as I believe they will vote, for or against the proposition on its merits or lack of merit regardless of whether it has been officially reported by the committee or not. Of course I will have to abide by your decision.

I thank you. [Applause.]

Mr. SMALL. Mr. Chairman, the committee are opposed to this amendment and hope it will not be adopted. It was not among those projects recommended by the Secretary of War for inclusion in this bill. In fact, when the committee was considering the bill this report had not been submitted by the Secretary of War to Congress.

Mr. SEARS. Will the gentleman yield?

Mr. SMALL. Certainly.

Mr. SEARS. If it is true that this item was not in the last bill, and, as stated, the report not having been made, the committee could not consider it—that was one of the reasons why you did not?

Mr. SMALL. That is correct. The report, in fact, came in during this month.

Now, Mr. Chairman, if the committee were to include this item, they would do an injustice to a number of other worthy projects which have been omitted from the bill. I stated more than once that of eighty and odd new projects in the bill which passed the House during the last session, more than 50 have been excluded from this bill, and worthy projects, too. And in what I have to say it is not my purpose to disparage the commercial importance of this project, because that is obvious from the fact that the Chief of Engineers and the Secretary of War have made a favorable report upon it in the regular course of procedure under the law. The point I make is that under the limitation which the committee imposed upon itself in framing this bill, it would be inconsistent, it would be unfair to other projects, and it ought not to be adopted and made a part of this bill. I hope the committee will see it in that light.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Florida to the amendment.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. SEARS. A division, Mr. Chairman.

The CHAIRMAN. A division is asked for.

The committee divided; and there were—ayes 26, noes 20.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment as amended.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. SEARS. I ask for a division.

The committee divided; and there were—ayes 22, noes 24.

Mr. SEARS. I ask for tellers, Mr. Chairman.

The CHAIRMAN. The gentleman from Florida asks for tellers. Those in favor of taking the vote by tellers will rise and stand until they are counted. [After counting.] Twelve gentlemen have risen, not a sufficient number, and tellers are refused.

So the amendment as amended was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Holmes and Backwater Rivers, Fla., Choctawhatchee, Escambia, and Conecuh Rivers, Fla., and Ala. the narrows in Santa Rosa Sound, and Pensacola Harbor, Fla.: For maintenance, $9,500.

Mr. SEARS. Mr. Chairman, I move to strike out the last word.

Mr. TREADWAY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts, a member of the committee, is recognized.

Mr. TREADWAY. Mr. Chairman, I do not desire to nor will I get into any personal argument with any colleague, but——

Mr. SMALL. Mr. Chairman, will the gentleman yield for a moment?

Mr. TREADWAY. Certainly.

Mr. SMALL. I ask unanimous consent, Mr. Chairman, that all debate on this paragraph and amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that all debate on this paragraph close in five minutes. Is there objection?

Mr. SEARS. Reserving the right to object, Mr. Chairman——

Mr. SMALL. Then I will make it 10 minutes.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that all debate on this paragraph and amendments thereto close in 10 minutes. Is there objection?

There was no objection.

Mr. TREADWAY. Mr. Chairman, it is not my intention nor will I get into a personal controversy with any colleague in this House. I do feel, however, as a member of the Committee on Rivers and Harbors, that I am entitled to make a reference in reply to the gentleman from Missouri [Mr. MEEKER] when he criticized the line of argument I used in connection with the item we were discussing a few moments ago, the water hyacinth.

Mr. MEEKER. Mr. Chairman, will the gentleman yield for just one word?

Mr. TREADWAY. Certainly.

Mr. MEEKER. I will say to my good friend from Massachusetts that if he is satisfied with his argument against it I am.

Mr. TREADWAY. If the gentleman from Missouri is satisfied with his reply to me, well and good. If he is, I do not think that I care to enter into an exchange of criticisms between himself and myself. It is to the language he used in reply to me that I take exception at this time, and it is along that line that I propose to proceed.

Mr. MEEKER. Will the gentleman yield a moment there?

Mr. TREADWAY. Yes.

Mr. MEEKER. All that the gentleman from Missouri wishes to say is that so long as there is to be a consistent opposition to any amendment, we are all from Missouri, and we shall have to be shown as to each item.

Mr. TREADWAY. If the gentleman is as anxious to have the country shown the nature of the bill as are those who are in opposition to it, the gentleman from Missouri would not rise when I was discussing an item in the bill and offer a personal insult. That is exactly what he did. Now, I am not liable to personal anger at all. I know we say foolish things in debate on this floor, but I do wish most emphatically to call the gentleman to account when he refers to any Member of this House and a member of the committee discussing an item in the bill and says "he can not get away with that kind of stuff" and "is going to be called." I as a Member of the House have a right to discuss this bill in such a way, within parliamentary limits, as I see fit. Had it not been for the disgraceful scenes here on Saturday, in which the gentleman from Missouri participated, to his discredit, I should have asked that those words be taken down. I do not pretend, Mr. Chairman, to be equal to the gentleman in oratory, and I know that he will chastise me later on for what I am saying now. If I can help the gentleman in securing a higher rate on the Chautauqua circuit than he has heretofore had by criticizing his kind of language, I am going to do it when he offers the kind of offense to me that he did a few moments ago.

Now, I will say, Mr. Chairman, that this is the only reference that I am going to make to this incident and to the very peculiar kind of words the gentleman has used. I am not sure what kind of a "call" he is going to make, but let him continue to "call." I wish to say now that I shall continue to argue on the bill in such a way as I see fit, under the supervision and direction of the Chair, without asking the consent of the gentleman from Missouri as to the nature of the argument I choose to make.

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. Certainly.

Mr. MEEKER. I do not know whether or not in Massachusetts the term "call" is ever heard of or known. It is out West. I simply mean, when I say he will be "called" on that, that when he comes in here on a proposition and makes the suggestion that because an item carries $10,000 it ought to be $50,000, in an effort to hold the item up to ridicule——

Mr. TREADWAY. Does the gentleman ask me to yield the floor to him, or what is the nature of the yielding? I have only five minutes in all.

Mr. MEEKER. I want to explain what is meant by the term "call."

Mr. TREADWAY. I shall be glad to have it.

Mr. MEEKER. I do not know whether the gentleman ever was in a game or not. [Laughter.]

Mr. TREADWAY. I am not going to expose my ignorance of the national game, Mr. Chairman, for the benefit of the gentleman from Missouri. [Laughter.]

Mr. MEEKER. I used the word "call" advisedly. As I understand the term, I shall continue to "call" the gentleman who makes those statements to show us the proof. I will do that to the gentleman; and if we would save time on this bill we will only do it by saying in advance to gentlemen who come in here with opposition that so long as they are going to put up opposition we will ask to be shown.

Mr. TREADWAY. I fear my time is about expired.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. TREADWAY. I ask leave to proceed for five minutes more, Mr. Chairman.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. TREADWAY. This is the third Congress in which I have had the honor of serving as a member of the Committee on Rivers and Harbors, and I usually confine myself to the merits of measures; but I shall not submit to the gentleman's suggestion that I shall be "called." He is "bluffing." I mean business. [Applause.]

Mr. SEARS. Mr. Chairman, a few minutes ago I endeavored to present the Key West proposition to the House, believing then, as I believe now, that it is a worthy proposition. I am glad the distinguished gentleman [Mr. TREADWAY], who has just spoken, has preceded me, because I have had time to collect myself and perhaps now I will not say what I would have said if I had had the opportunity to speak at that time.

It is hard to secure anything for my State. I say this with all frankness. It looks like it is impossible for the distinguished gentleman from Wisconsin [Mr. FREAR] to make a speech without referring to my State and the appropriations therefor in a manner not altogether flattering. I have tried to state to this House that I shall always vote for worthy propositions, regardless of whether they are approved by the committee or not, and I ask the same treatment of the other Members of the House. Why they should adopt the amendment to the amendment and then vote down the amendment is beyond my comprehension, except perhaps that a few of them were better informed than other Members who were in the cloakroom and did not hear the argument. I am indeed glad to say a majority of those who were present during the argument and presentation of the Key West proposition voted with me on that proposition. I do not say this with any spirit of egotism. Perhaps I could not have convinced those gentlemen who only came out of the cloakroom to vote, anyway. I have listened patiently and with pleasure day in and day out to what they had to say, though they did not care to listen to me, but preferred to blindly follow the committee.

At the proper time I shall, if given the opportunity, move to recommit this bill, instructing the committee to incorporate therein the Key West item. I trust the Members will then vote for this proposition on its merits, and that they will vote for it because they consider it a worthy proposition, or vote against it because they consider that it is not. It is indeed galling to Members of this House that they must present propositions time after time and have them voted down, and then have the Senate insert those same propositions in the bill and let them come back to this House and become a part of the law in that way. I am glad to know that some enthusiastic river and harbor improvement men who voted against this proposition did so either from some selfish motive or because they believed it unwise to vote for it. I am sure they would not have voted against it if they had not honestly and conscientiously believed that the Key West item was not entitled to the appropriation. They have convinced me by their eloquence of the merits of other propositions that they were advocating, and I willingly voted for those propositions, and shall continue to do so.

As stated, I shall at the proper time, if I get the chance, move to recommit, and I shall do this because of the very small number of Members present when my amendment was voted on. Whether I get few votes or many, I only ask that the Members of the House do me the credit and justice to study the proposition, so that they may vote intelligently upon it. [Applause.]

The CHAIRMAN. The pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

Mobile Harbor and Bar, and channel connecting Mobile Bay and Mississippi Sound, Ala.: For maintenance of channel connecting Mobile Bay and Mississippi Sound, $5,000; for maintenance of Mobile Harbor and Bar and for improvement in accordance with the report submitted in House Document No. 1763, Sixty-fourth Congress, second session, and subject to the conditions set forth in said document, $110,000; in all, $115,000.

Mr. MEEKER. Mr. Chairman, I move to strike out the last word.

Mr. SMALL. Pardon me a moment.

Mr. MEEKER. Certainly.

Mr. SMALL. I ask unanimous consent that all debate on this paragraph and amendments thereto close in five minutes.

Mr. TREADWAY. I should like five minutes on the item.

Mr. SMALL. And three minutes for the chairman of the committee. Does the gentleman from Missouri desire as much as five minutes?

Mr. MEEKER. About four minutes.

Mr. SMALL. Can the gentleman from Massachusetts get along with less than five minutes?

Mr. TREADWAY. I will say four minutes also.

Mr. SMALL. And my colleague, the gentleman from Alabama, wishes four minutes.

The CHAIRMAN. The gentleman from North Carolina [Mr. SMALL] asks unanimous consent that all debate on this paragraph and amendments thereto shall close in 12 minutes. Is there objection?

There was no objection.

Mr. MEEKER. Mr. Chairman, I was just leaving the floor when I met my good colleague from Massachusetts [Mr. TREADWAY] and he asked me to remain, saying that he wished to have something to say that he wanted me to hear. I told him that I was on my way to get shaved, but I have remained here to get skinned. [Laughter.] Now, I want to say that if he did not understand the meaning of the word "call" I will put it in this way, so that gentlemen from down East can understand it. When members of the committee come on the floor of the House to discuss an item, and when they are asked by another Member as to what they know about the item, and they say they do not know anything about it, but continue to belittle the item, I will say that instead of "calling" such Members we will hereafter graciously insist that to the fullest extent of their ability gentlemen who attack such items explain to the committee what they do not know about them if they can not explain what they do know.

Mr. DIES. Will the gentleman yield?

Mr. MEEKER. Yes.

Mr. DIES. Is not the man who objects to being "called" usually the man who is not in a position to make a show-down? [Laughter.]

Mr. MEEKER. Oh, yes, as was demonstrated a moment ago by one of the gentlemen. I will leave the gentleman from Texas to guess which one. Now, I do not want to bring down the wrath of the gentleman from Massachusetts [Mr. TREADWAY] upon my head, for we know how the East looks upon the West. We are men of plain, blunt speech out our way, and as we come East we must, of course, always worship with our faces toward the east, and I will revise my remarks by suggesting to the Members of the House that hereafter when a member of a committee who has served for three years or three sessions, and who never bluffs, who never filibusters, and never talks except when he knows what he is talking about, even though he admits in a speech that he does not know anything about it—when such a Member insists that those who are in favor of this bill shall remain quiet, while they be permitted to go on with their attacks on the bill, I will say that they will not be "called," but that, with all courtesy and with all respect to their knowledge of these things, we shall insist, without venturing to encroach too much upon the dignity and knowledge of Members who admit they do not know what they are talking about, that we shall have as much time as they to present the other side of the question. I do not know whether that can be understood by my friend from Massachusetts [Mr. TREADWAY] or not. I believe the gentleman objected to the word "call" and to the word "stuff." I think he took exception to that.

A MEMBER. "Bluff."

Mr. MEEKER. Oh, no; he said I was bluffing and that he was in earnest. We will see which one is bluffing before we get through with this bill. The proof of the pudding is to taste it, and we will wait until this fight is over and see who is bluffing and see who wins. If gentlemen were sure of their ground, I do not think they would take so much time to discuss items that they know nothing about, even though they are on the committee; and, with all due deference to the "effete East," I want to say to my good friend that we call things "stuff" when they are really not what we first thought they were. If the gentleman from Mississippi [Mr. HUMPHREYS] had remained off the floor and had not asked that point-blank question, "What does the gentleman from Massachusetts know about this item," it would have been a different story. But when he asked that "pinted" question—that is a southern phrase; you would say pointed, whittled down to a degree of nicety—when he asked that "pinted" question, "What do you know about that item?" he, the gentleman from Massachusetts, said, "I do not know anything." I thought at that time to call it—well, you might call it "trash" or "stuff" or "bunk" or "piffle," or any such western term which we use—that is what I meant. I might go down East and spend a month and get onto the ways there so that I would say, "Well, I don't mean that"; but what I am trying to get at is that the gentleman in some degree is varying in a slight way from the truth. Out West we have a shorter way of getting at it, and I think it is more virile and more vigorous. [Laughter.]

Mr. TREADWAY. Mr. Chairman, I will not take the time of the House in any further colloquy with the gentleman from Missouri, except to say that he brings a new feature into the river and harbor bill. He says that before we get through he is going to know who is going to win out on the matter of "pudding." I had supposed that previously it had been pork, but pudding will go well for dessert, and I suppose the gentleman wants his slice of both.

Mr. SLOAN. Will the gentleman yield?

Mr. TREADWAY. Yes; certainly.

Mr. SLOAN. Does the gentleman think the objection made by the gentleman from Missouri will lie [laughter] in this case?

Mr. TREADWAY. Well, that word brought on such a heated temperature the other day and such climatic conditions that I prefer not to indulge in any further reference in that direction, in using the word that the gentlemen says they use out West of the Mississippi. We will not have any difference as to the English language or what it means.

But I do want, Mr. Chairman, in all seriousness to ask for information with reference to the Mobile harbor item. I am in favor of that item and I am in favor of all items that have to do with the national defense and preparedness. I wish to call the attention of the chairman to one of these conditions under which this item is to be adopted.

Provided, That no work be done under the new project until local interests have established pilotage dues and port regulations satisfactory to the Secretary of War.

That is from the Chief of Engineer's report, and is one of the conditions under which the Mobile item is inserted in this bill. I am given to understand that port regulations of pilotage dues are made by the local authorities. The pilots in the harbor with which I am familiar are under State supervision and State control and there is a direct relation between the State organization and the pilots. I have had something to do with the pilots. They are a splendid class of men. There are no more vigorous men in the American community than the men who endanger their lives by bringing safely into port the big vessels as they enter the various harbors of the country. I would like to ask why for the first time, so far as I know, this new requirement is brought up having the pilotage dues established by the Secretary of War. Why should they not be left in Mobile, as they have been in every other port, in the hands of the local or State authorities? Is this a fair condition to make in order to secure harbor improvement in Mobile?

Mr. SMALL. I am very glad in the brief time I have to reply to the question of the gentleman from Massachusetts. On the Atlantic seaboard, from Maine to Virginia, the States themselves have abolished all compulsory pilotage on coastwise vessels of every kind. The act of Congress some years ago abolished all compulsory pilotage on coastwise steamers, so that the States have no right to regulate pilotage on coastwise vessels except those not propelled by steam. In the great port of Boston the pilotage is only charged on foreign vessels, not on coastwise vessels or steam vessels. That is true down as far and including Virginia. From North Carolina to Florida the States have, up to this time, abolished coast pilotage on sailing vessels and barges engaged in coastwise traffic.

There are many who believe that there are southern ports where compulsory charges of an excessive kind are imposed on sailing vessels and barges, and this reserves the right to regulate, so that these excessive charges on coastwise vessels and barges will not be imposed.

Mr. MADDEN. Will the gentleman yield?

Mr. SMALL. Yes.

Mr. MADDEN. Do they require pilots?

Mr. SMALL. They require them to take and pay for a pilot whether they need them or not. The Congress has jurisdiction of this matter, but this only assumes jurisdiction as to steamers, not as to vessels and barges.

Mr. MADDEN. Does the gentleman think they ought to be permitted to go in without pilots?

Mr. SMALL. If they need pilots, then the pilotage rates and regulations ought to be reasonable.

Mr. MADDEN. Who will decide whether they need a pilot or not?

Mr. SMALL. That is an open question. The owners of the sailing vessels and barges say that since the channels leading to the harbors have been improved and since the aids to navigation in the way of buoys and lights have been established, and the channels thoroughly charted, sailing vessels and barges do not require a pilot. The pilots hold to the contrary.

Mr. MADDEN. Is it not a serious proposition to allow the captain of a ship to decide whether he needs a pilot or not? In order to save a few dollars he might jeopardize the lives of all the people on the ship.

Mr. SMALL. If it is a steamer, he is already relieved. But the barges and sailing vessels do not carry passengers.

Mr. MADDEN. That ought not to be the case.

Mr. SMALL. That was done in 1871.

Mr. ALEXANDER. Sailing vessels have to be towed in by tugs, and if they have to pay pilot charges it is a great embargo on commerce and a great burden. Years ago Congress decided to abolish compulsory pilotage.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. SMALL. Mr. Chairman, I have taken up four minutes of time unintentionally. My colleague from Alabama [Mr. GRAY] desires to use some time, and I ask unanimous consent that he be permitted to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GRAY of Alabama. Mr. Chairman, I have not consumed a great deal of the time of this House. Since I have been a Member of Congress, I have cooperated with the gentlemen in passing measures which were conceived to be for the good of the country. I will not, however, permit to go unchallenged any effort to minimize the importance of the items under consideration.

I desire now to speak in a general way concerning this measure and specifically in regard to that portion of it which pertains to the great section of the country which I have the honor in part to represent.

Since we have been unwillingly drawn into the European war, and fully realizing that enormous sums of money must, of necessity, be required to organize, equip, and maintain an army, we have consistently voted for and passed those measures making adequate appropriations.

But while at war we must not lose sight of everything else. I have listened patiently, and sometimes with misgivings, since the consideration of this bill began, to Congressmen upon the floor of this House suggesting that we do this very thing. If that advice is heeded and our Government should expend its resources almost entirely upon the war, regardless of other considerations, we will make a grievous mistake. Under no circumstances should we neglect, even in this crisis, those things that pertain to and sustain the very life of the Nation.

Let the war go on; but while it lasts do not let us forget and neglect the social, material, educational, and moral development of the country. Regardless of the war, we must build railroads and dig canals; we must continue to improve and cultivate our farms; we must continue to maintain and improve our rivers and harbors. Let us be for the development of America and her resources first.

As has been suggested, the warring nations of Europe are not to-day neglecting their internal improvements. War with them is not the only concern. England and France continue to build good roads and make the necessary improvements on their rivers and harbors at this very time. And it will be foolish, indeed, if we should be deceived by those who are crying out and inveighing against this bill under the guise and pretense that we should practice economy, and pass those measures only

that affect and promote the things directly pertaining to war. While I do not think this should be the only guide for our conduct in this matter, even if we consider it upon the war basis, the bill should pass.

The War Department considers that it is an emergency bill and ought to pass, and those men who stand here suggesting patriotic loyalty ought to give this measure their support.

As for me, I am willing to support any measure that may in some way aid in bringing the war to a speedy close. [Applause.]

I want to speak for a little while concerning that portion of the bill pertaining to my own section.

Mobile is one of the important harbors of the country, situated, as you know, at the mouth of Mobile River and at the head of Mobile Bay. This river and its tributaries comprise one of the most important systems in this country. I mean by this that the possibilities for development are great, and the natural resources of the territory near and contiguous to these great waterways compare in importance with any of the others, except perhaps the Mississippi and its tributaries. This statement is confirmed when we consider the vast and rich mineral resources in that section of Alabama, with Birmingham and Anniston as the centers of the present development.

Lieut. Col. Charles Keller, an able, conscientious officer of the Government, who was stationed at Mobile for a number of years, in a letter to the Chief of Engineers dated May 21, 1913, expressed himself as follows:

Mobile Bay and the streams emptying into it drain about three-fifths of the State of Alabama and portions of the States of Mississippi and Georgia, comprising in all an area of about 44,700 square miles. The Alabama and Tombigbee Rivers unite to form the Mobile River, and, together with their tributaries, run through some of the richest farming and mining sections in the United States. * * * When these locks are completed, a low-water draft of 6 feet can be carried from Mobile to the coal and iron fields west of Birmingham, a distance above Mobile of 441 miles up the Mulberry Fork of the Black Warrior River and 421 miles up the Locust Fork of this river.

The upper Tombigbee River, which unites with the Black Warrior just above Demopolis, Ala., to form the lower Tombigbee River, is open to steamboat navigation throughout the year up as far as Columbus, Miss., 379 miles above Mobile, except during the period of low water, and is actually navigated by regular packet steamers out of Mobile during the winter and spring seasons. This section of the river is bordered by some of the richest farming land in the United States. It flows through what is known as the "black belt," where it was estimated a few years ago that about one-fifteenth of the cotton produced in the United States is raised.

* * * * * * *

It will be seen from the foregoing that there is a network of streams connecting Mobile Harbor with a large area of country rich in farm and timber products, coal and iron mines—a country that is as yet in the infancy of its development.

The commercial waterways of Alabama, with their outlet into the Gulf of Mexico, if properly developed and maintained, together with the great railroads as competitive carriers, will afford a means for transportation of products highly important both in the present emergency and for the general commercial development of the country.

The Government has wisely spent millions of dollars to construct 17 locks on the Tombigbee and Warrior Rivers, which penetrate into the very heart of the mineral district of the State. Birmingham is within a reasonable switching distance from all-the-year-round river transportation facilities to the Bay of Mobile and the Gulf of Mexico. Steel and iron and coal can be purchased in Birmingham cheaper than at any other place in the United States. This Government is now peculiarly interested in such things and in their transportation.

At this very time the United States Steel Corporation is contemplating, under the direction of President George Gordon Crawford, of the Tennessee Coal, Iron & Railroad Co., spending approximately $11,000,000 for additional plants, and so forth.

In the Birmingham News, of the 9th instant, Judge Elbert H. Gary, chairman of the United States Steel Corporation, is quoted as saying:

The finance committee of the United States Steel Corporation, after full consideration, has decided to recommend to the Tennessee Coal, Iron & Railroad Co. that it proceed promptly and vigorously with the erection of additional works at Fairfield, which are intended to furnish in normal times products for the markets naturally supplied from the Birmingham district and in particular demand at present on account of the necessities of the Government resulting from war conditions.

The plans in detail have not been completed by Mr. Crawford, president, and his associates, but it is estimated the cost of making these improvements will approximate $11,000,000.

This newspaper further states that—

The purchase of options on properties lying between Fairfield and the Warrior River, down the valley, gives rise to the belief that there will be development of the river transportation facilities. It is known that Mr. Crawford has looked upon the water transportation with much favor. He is a member of the harbor commission at Mobile, and in all probabilities there will be some development of the transportation means not only in the immediate district but to the river and thence to the Gulf via Mobile.

The shipbuilding probabilities were announced in New York the first of the week, with the understanding that the plant would be accessible to the steel works at Ensley, but located for the actual assembling at Mobile.

At a hearing in Birmingham, Ala., on February 24, 1917, before the Government Armor Plant Board, Henry De Bardeleben, president of the De Bardeleben Coal Co., made the following interesting statement:

As to the Warrior River, our company's operation is located on the river bank, 10 miles north of the present head of navigation, and we are extremely anxious to demonstrate the practicability of the river. A year ago last summer we began the use of the river. We started in an experimental manner with a small towboat and took 1,000 tons of coal. We soon learned that it was not an economical proposition; we increased our towboat power and are now carrying tows of six 500-ton barges, or 3,000 tons per tow. We make two round trips monthly to Mobile. The straight away distance is 440 miles. Exclusive of depreciation, it costs us about $2,600 a month to operate that towboat, including repairs and insurance, and for that $2,600 we turn into Mobile 6,000 tons of coal a month. I think it is reasonable to state that for 60 cents a ton coal can be transported the year round from the head of the river to Mobile, including depreciation. There may be periods when it can be put down there for less than that, but 60 cents is a fair price. The river, as you may have been informed and see from the map, is a crooked stream. We have never had anything happen in the 14 months we have been operating to interfere with navigation. We have had the highest water and had the lowest. Never had water under 6 feet and very frequently as high as 60 feet.

At a conference of the Patriotic and Defense Societies in the city of Washington on June 14 Raymond B. Price, chairman of the committee on inventions of the Aero Club of America, is reported as saying, among other things:

No matter how well we have prepared to meet our obligations in this war, if the need is yet greater we have so far failed.

Italian munition plants run part time for want of coal. Germany is not worried over the Italian offensive because she knows it is limited by lack of coal.

If fuel becomes increasingly scarce, the British fleet next fall will be so restricted that the German fleet can escape. Then, indeed, will hell be let loose on our own unprotected shores.

Let me add that the coal famine is not only threatening in Europe, but a coal shortage is already alarming the people of many communities here in our own country.

Would it not be the height of folly at this time for the Government to refuse to lend its aid to keep open the avenues of commerce everywhere in order that the products of the land may move quickly, especially those products that must be had in the present war crisis?

At this time there is congestion in the movement of freight owing to a car shortage. It is therefore highly important to keep open all the commercial highways of the country.

Along the railroads in the lumber-producing section of Alabama and other States in the South, there are great quantities of lumber which, owing to a lack of cars, has remained idle for months, thereby causing a congestion of lumber products. The condition that prevails has grown to be alarming and is most hurtful, especially in those communities where the production of lumber is furnishing to labor its principal means of support.

The following interesting item appeared in the Mobile Register, one of the leading papers of Alabama, on June 18:

More than a million feet of lumber have passed up through the locks of the Warrior River during the past month, according to official reports of lock keepers. This was gathered along the Tombigbee and Warrior Rivers and was transported by the steel barges of the Alabama & New Orleans Transportation Co., which carry coal from the Alabama mines to New Orleans, and which have heretofore returned up the river empty. The lumber and a quantity of foodstuffs carried by the barges recently is the first freight handled by them in nearly three years.

The lumber was delivered to points along the river where there are extensive building operations, and a good portion found its way into the Birmingham district. The movement of this lumber by water is due primarily to the shortage of freight cars, but it is reported that the movement has been so satisfactory that large quantities will in the future be shipped by water, and that such shipments are expected to continue after rail service gets back to normal.

In addition to a territory rich in mineral resources, the rivers of Alabama, including, of course, the great Tennessee River in the northern part of the State, penetrate a region that produces now and is capable of producing in increasing abundance large quantities of varied agricultural and lumber products as well as live stock.

Alabama and the adjoining States have become great cattle-growing States. The rich, black alfalfa lands in the Demopolis, Greensboro, and Selma sections of the State are attracting and drawing to them farmers and stock raisers from many sections of the country. Go from Mobile up these rivers and you will find a soil and a climate that will grow a greater variety of farm products, including fruits and vegetables, than can be grown in any other country on the face of the earth. Out of Mobile Bay and the adjacent waters are caught great quantities of fish, an important food product at this time. There also are grown large quantities of vegetables, such as peas, corn, cabbage, potatoes, and beans, some of the very essential things we must have now and at all other times.

This is a great producing section adjacent and contiguous to Alabama's great waterways, their main outlet being through Mobile Bay, and it seems to me that this item along with the other items of this bill should receive enthusiastic support. [Applause.]

The Clerk read as follows:

Alabama River, Ala., and Coosa River, Ala. and Ga.: Continuing improvement and for maintenance, including the Alabama and Coosa Rivers between Montgomery and Wetumpka, $50,000.

Mr. DEMPSEY. Mr. Chairman, I move to strike out the last word.

Mr. SMALL. Mr. Chairman, will the gentleman pardon me for a moment? I suppose this is only a pro forma amendment?

Mr. DEMPSEY. That is all.

Mr. SMALL. How much time does the gentleman desire—five minutes?

Mr. DEMPSEY. Oh, possibly three minutes.

Mr. SMALL. Mr. Chairman, I ask unanimous consent that all debate upon this paragraph and all amendments thereto be closed in four minutes.

The CHAIRMAN. Is there objection?

Mr. MADDEN. I object to that, because the gentleman may say something that will require an answer.

Mr. SMALL. Does the gentleman desire to reply?

Mr. MADDEN. I do not know. I shall take my chances upon that.

Mr. SMALL. The gentleman would rather not agree to close debate now?

Mr. MADDEN. We do not propose to allow any debate to be closed upon one speech.

Mr. DEMPSEY. Mr. Chairman, the gentleman from Massachusetts [Mr. TREADWAY], in referring to the item which has already been passed for the removal of water hyacinths, said that he supposed that the item was not to be used on the St. Johns River, and he based his argument upon that assumption. It is simply to answer that proposition and to call attention to the record upon it that I desire to be heard. I direct the attention of the committee to the estimates for this item on page 202 of the report. The estimate is as follows:

For operations of hyacinth elevators on St. Johns and Withlacoochee Rivers and tributaries, $5,000.

So on the estimate itself the appropriation is for removing the hyacinths upon the river which has such a large tonnage, which carries so much freight that the gentleman says that the removal of the hyacinths upon that river would be justified. That it can not be expended, as the gentleman says, at other places is apparent from the report, and I call attention to another part of the report, wherein it says:

In the Withlacoochee River the hyacinths are still troublesome, and a considerable length of the middle and lower portions of the river is now blocked. No serious trouble is at present experienced on other streams in the State.

So, if the gentleman had taken the pains, had had the time, and had either read or been present when the estimate was presented, or if he had read that portion of the report, he would have seen that the use which he says is an admirable use, the use which he says is justified, is the only use contemplated to be made of this appropriation. The gentleman from Illinois [Mr. MADDEN] has stated that there might be some answer to what I have to say. I will say in connection with that that I would like myself to answer now what I did not answer when I was heard the other day and was asked a question by the gentleman from Illinois [Mr. MADDEN]. On several occasions, on two days when the river and harbor bill was under consideration, the gentleman, in a spirit of merriment, to poke fun at the bill, wanted to know if the water hyacinth was edible. He said if it was then the item no doubt was justified, and he propounded that question to me in my profound ignorance. I will call the attention of the gentleman to page 201 of the report, where that very question is dealt with, and where it is said that the removal of the water hyacinth by spraying with a poisonous chemical was abandoned and not pursued because of the fact that the cattle do eat the water hyacinth and it was found that to destroy it in that way led to their death.

Mr. MADDEN. So that, as a matter of fact, the answer of the gentleman is in the affirmative——

Mr. DEMPSEY. That the water hyacinth is edible?

Mr. MADDEN. To the query I made that if it was not good for the purpose of feeding the Army—if it was not good for food—the item was not justified?

Mr. DEMPSEY. Oh, no; the gentleman answers himself. If it feeds cattle, then it feeds the Army.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SLOAN. Mr. Chairman, I move to strike out the item respecting the Tombigbee River.

The CHAIRMAN. That item has not yet been reached.

Mr. MADDEN. Mr. Chairman, I rise to oppose the amendment of the gentleman from New York to strike out the last word.

Mr. SMALL. Mr. Chairman, I ask unanimous consent that all debate upon this paragraph and all amendments thereto shall close in five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Chairman, notwithstanding the very eloquent plea for the water hyacinth made by the distinguished gentleman from New York [Mr. DEMPSEY], I can not bring myself to believe that water hyacinths are of such value as to justify this large expenditure of money for their removal. When we began the consideration of this bill, it seemed to me that we ought to give serious thought to the problems of the war, and, as I understand it, there are no problems of war involved in this bill, unless the question of the value of hyacinths as a food for soldiers who are to fight the battles of the country is involved. For myself, I long since reached the conclusion that water hyacinths may retard the rapidity of the current in the river in which they grow, but I have not thought that water hyacinths retard any navigation anywhere because, as I understand it, there is no navigation on the rivers in which they grow.

Mr. DUPRÉ. Oh, the gentleman is misinformed.

Mr. MADDEN. That would not be the first time that I have been misinformed.

Mr. DEMPSEY. Does the gentleman claim there is no navigation on the St. Johns River, Fla., this stream for which this appropriation is made, which I was discussing?

Mr. MADDEN. If there was navigation on the St. Johns River, Fla., we would not need to make a special appropriation to remove the water hyacinth in order to make room for navigation. Navigation itself destroys the water hyacinth.

Mr. BATHRICK. The gentleman is wrong.

Mr. MADDEN. I may be wrong but——

Mr. BATHRICK. That is the second time.

Mr. MADDEN. This, then, will make it the third time I will say. What has the gentleman to say about it?

Mr. BATHRICK. I just say that these large bodies of hyacinths float from the tributary streams into the main streams and clog up the river and may float out to sea. You go up on the tributaries and kill them off.

Mr. MADDEN. We are not concerned about the water hyacinth that float from the tributaries into the main streams. I understand this appropriation is to remove the water hyacinth growing in the stream.

Mr. BATHRICK. You want to destroy this for the purpose of facilitating navigation, and in that case you must spend the money in a way to facilitate it.

Mr. MADDEN. That is what the bill says; I can not agree to the statement made by other eloquent gentlemen, who are so well versed in the matter, of taking appropriations out of the Public Treasury for things that are not needed. The time has come when the American people demand some sort of economy in the expenditure of public money for things that are not necessary. There is nobody who will claim that most of the items of this bill are necessary. Everybody who would be willing to make a statement on which his reputation was at stake would say in answer to the query that more than half the appropriations in this bill are neither needed nor worthy, and that none of them, not a single one of them, can be classed as a war measure. This bill comes before the House as a war emergency measure. That is the only excuse for its consideration here. I do not very often agree with a Democratic caucus, but I do agree with the Democratic caucus in this instance that nothing should be considered by the House during the special session except emergency war measures, and I have not been able to find a Democrat who attended the caucus, or any Democrat who is in close relation with those who did attend the caucus, who has been willing to say on his reputation as a man that the Democratic caucus considered this a war measure. The Democratic leader of the House said it is not a war measure, if I understood him, and we proposed a few days ago to express our faith in the President of the United States and the Secretary of War by making the appropriations contained in this bill with the condition that no money should be expended out of this appropriation except such sums as might be certified to by the President of the United States as a war measure.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. And the Democrats in the House refused to accept the provision in the bill that would give to the President of the United States the power to certify whether these are war measures or not. You talk about supporting the President.

Supporting the President? You do not stand by him when he needs you most.

The CHAIRMAN. The time of the gentleman has expired, and the pro forma amendment will be considered as withdrawn.

The Clerk read as follows:

Tombigbee River, Ala. and Miss.: For maintenance from mouth to Demopolis, Ala., $30,000, and from Demopolis, Ala., to Walkers Bridge, Miss., $10,000; in all, $40,000.

Mr. SLOAN. Mr. Chairman, I move to strike out the item for the Tombigbee River. Mr. Chairman, I do this because I think it is striking at the vital point of the whole bill. I do not look at it like some other Members of the House do, who attack it in detail. I think it should be attacked in its most vital part. If the Tombigbee survives, perhaps the bill should survive. I am in favor of striking it out for a number of reasons. One is that there appears to be no defense urged at this time. One of the redeeming features of the river and harbor bill has been heretofore not the appropriating item for the Tombigbee, but the regular annual speech we have had defending the Tombigbee appropriation. I understand it is a great waterway, that the water runs through there a majority of the days during the year, and that the water of this stream has special qualities of moisture not at all usual in other streams.

Mr. MADDEN. And that it is embowered by arching trees.

Mr. SLOAN. And, as the eloquent gentleman from Illinois, who is an expert on waterways, says, it carries trees over the stream so as to make an arch; and that leads me to say I believe this Tombigbee appropriation is the keystone of this whole legislative arch, whether it be good and wholesome or whether it be an arch of "pork."

Mr. COOPER of Wisconsin. Will the gentleman pardon——

Mr. SLOAN. I would be pleased to know what particular offense the gentleman wishes me to pardon him.

Mr. COOPER of Wisconsin. Did I understand the gentleman to refer to this river as the "keystone"?

Mr. SLOAN. Yes; because the keystone is almost fluid—the whole system will hold together little better than water. I am interested very much in this whole matter down there. We have from that section TOM HEFLIN, TOM SISSON, and Tombigbee; and the greatest of all these, for water navigation, is Tombigbee. [Laughter.] Its importance is the reason for my attack. I think that some good reason should be given why this appropriation should not be stricken out.

Mr. MADDEN. Will the gentleman yield?

Mr. SLOAN. I will.

Mr. MADDEN. Does the gentleman wish to associate his argument in reference to striking at the vitals only to those gentlemen whom he has named?

Mr. SLOAN. No; the gentlemen pluralized; I said "vital." I think this is the most vital of all. I have listened to the defense of that appropriation now for six years. I do not propose that this bill shall pass, or any part of it, unless this most interesting provision be defended. There is but one man on earth who can defend it. I expect him to defend it. A river and harbor bill without a Tombigbee River speech would be Hamlet with the "Melancholy Dane" omitted.

Mr. CANDLER of Mississippi. Mr. Chairman, this item in this bill does not require any defense of any kind whatsoever. Everybody has recognized for many years past that the only possibility on earth to pass a river and harbor bill through the House of Representatives and through the Senate and secure the approval of the President of the United States is to include within its provisions the appropriation for the Tombigbee River. Without the appropriation for this beautiful river in the river and harbor bill it would be an absolute impossibility to secure serious consideration for the measure, much less its passage. [Applause.]

The gentleman from Nebraska [Mr. SLOAN] stated, a moment ago, that he understood the water of this river had some moisture in it. It has so much moisture that it produces the most beautiful products, fruits and flowers as well as most splendid timber of all varieties, along its banks in all the world. And he was correct when he said it was the keystone, because it is the keystone to all the waterway improvement of the United States. It is the center; and in this time of difficulty and of strife, when the war clouds hang above us, we must take care of these important waterways in the United States, and if this one should be excluded there would not be any use whatever to appropriate any money for any other stream in the country. Without the improvement of this stream and the protection which is afforded to it by the provisions in this bill, the expenditure of money upon any other waterway or any other harbor, or anything else connected with waterways in the United States would be an absolute waste. And if there is one thing we are trying to protect the American people from at the present time it is waste. We want to protect them from that above everything else, because we want to conserve all our resources. [Applause.]

My friends, if you would refuse to improve this river, you would commit a crime against the people of the United States of America, and not only the people of this great Republic, but the people of the universe, because it is known far and wide throughout the length and breadth of this great world. A few years ago, when there was a similar motion pending with reference to this very provision in this bill, I replied to the assault made upon it, and at once the wires began ticking across the ocean waves to yonder lands, and cablegrams came back inquiring what the result of the motion had been to strike this important provision from the bill. [Laughter.] If you should take it out and deprive the people of this country of the benefits that are being derived from it and that have been derived from it during all these years, you could not in all the time to come accomplish anything that would compensate for the great calamity which would thereby be visited upon the people. [Laughter.]

You talk about the water in that stream; do you know that the Gulf of Mexico is absolutely dependent upon the Tombigbee River, because without the water that flows down the Tombigbee River into the Gulf of Mexico the Gulf of Mexico would go dry itself? But by reason of the fact that the waters flow down this beautiful stream and empty themselves through the Alabama River into the Gulf of Mexico the Gulf furnishes one of the greatest means of transportation into and from this country that is available at the present time.

Why, the truth of it is that in this present situation there is nothing more important than this river, which supplies the Gulf of Mexico, that furnishes the means of transportation across to the other side, and connecting various parts of this great Republic. You might dispose of the Pacific Ocean; you might dispose of the Atlantic Ocean. If we could get the latter out of the way now, we could get closer to the people that are troubling us at this time. Then we would be able to get at them without any serious difficulty and be done with this war and have it behind us. But the trouble is that now we have to go so far in order to reach them. But you might dispose of that and get that out of the way, and there would not be any serious trouble or difficulty or national calamity; but to go out of the way and refuse the people the benefits that are to be derived from the appropriation for the Tombigbee River in this bill that we are now considering would be, as I said, not only a national but an international calamity. [Applause.] I know that the House of Representatives will not seriously consider the adoption of any such motion as is proposed to strike out this appropriation, because if it does each one of you who vote for the motion would be a traitor to your country, and you would no longer deserve or be eligible to a seat upon the floor of the House of Representatives. [Laughter and great applause.]

The CHAIRMAN. The question is on the amendment of the gentleman from Nebraska [Mr. SLOAN].

Mr. SLOAN. Mr. Chairman, I ask unanimous consent to proceed for one minute. The members of this committee owe me a vote of thanks for furnishing this new speech of entertainment, which I knew I could not deliver myself, but which I knew the gentleman from Mississippi [Mr. CANDLER] could. And in the interest of closing the war, and as it is purely a war measure, I propose to withdraw my amendment and leave the Tombigbee River for the navigation of tadpoles and turtles. and allow the submarines to become sunk in the mud between its mossy banks.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to withdraw his amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. CANDLER of Mississippi. I felt sure the distinguished gentleman would withdraw it when he heard from me. He could not withstand the logic and force of the facts demonstrating the absolute necessity of this improvement; nevertheless, I thank him for withdrawing his opposition.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Gulfport Harbor, Miss.: Continuing improvement and for maintenance of anchorage basin at Gulfport and channel therefrom to the anchorage or roadstead at Ship Island, and for the improvement and maintenance of channel at Ship Island Pass, $80,000.

Mr. BORLAND. Mr. Chairman, in special reply to the gentleman from Illinois [Mr. MADDEN], who has repeated again today in the consideration of this bill those criticisms about the war measure, and in view of the fact that all of these criticisms are being printed throughout the country without a specific reply each time, I want to send to the Clerk's desk and have read a statement by a member of the Council of National Defense

on the importance of using the waterways of the country in this particular emergency.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

[From the Kansas City Times, June 16, 1917.]

MAY USE ALL RIVER BOATS—W. S. DICKEY SAYS RAIL LINE CONGESTION MUST BE AVOIDED.

Greater use of the rivers and other waterways and possible mobilization of the various Government-owned river craft as freight carriers to relieve the congestion that is certain to hamper the intensified transportation needs this year are part of the plans of the Council of National Defense, according to Walter S. Dickey, president of the Kansas City Missouri River Navigation Co. Mr. Dickey spent several days recently in Washington helping to solve the transportation problem. He was appointed yesterday a member of the inland-waterway committee of the defense council.

"Use of all the facilities for movement of food, munitions, and other supplies incident to the war is imperative," he said yesterday. "The congestion of freight on the railroads will be enormous this fall, and some prompt and effective action must be taken if the whole system is not to collapse under the strain.

"The railroad officials realize this, and they are as anxious as anybody to see the waterways used to capacity as freight mediums. They realize they will have more freight than they can handle, and now are urging that the canals, the Mississippi Valley, the western and eastern rivers, and the whole intercoastal water system bear a part of the burden.

"The Government has scattered through the Mississippi Valley large fleets of construction and repair boats that may be put into service drawing barges. The high water lessens their usefulness in their regular capacity The engineering department of the Army, under which the river work comes, has been ordered to make an inquiry into the tonnage available and the feasibility of this plan. I do not know how many of these boats here are, but their use would help a great deal."

Mr. JAMES. Mr. Chairman, I move to strike out the last word for the purpose of calling attention to an item just passed, which does not come under the class of the item just mentioned. This is a "war measure," so called, and we have just passed an item for Pascagoula Harbor, and in order to call attention to the importance of Pascagoula Harbor in this great "war measure" I want to cite the fact that the commerce has decreased at Pascagoula Harbor, according to the report on page 223 of the report of the majority of the committee. The commerce in 1913, in short tons, was 1,020,928; in 1914 it was 604,569 tons; and in 1915 it was 102,851 tons. The value in 1913 was $7,064,738; in 1914 it was about $4,557,484; in 1915 it was $910,570. There has been spent on this project $1,318,129.

I am glad that this item passed, because I am afraid that if this item were not in this particular war bill we would not be able to carry on the war successfully.

I notice also on page 223 that the inhabitants of Pascagoula are intensely patriotic, since during the year 1916 they constructed a municipal wharf at Pascagoula at the enormous expense of $300. [Laughter.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Pascagoula, Wolf, Jordan, Pearl, and East Pearl Rivers, and Biloxi Harbor, Miss.: For maintenance, $10,000.

Mr. FREAR. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last word.

Mr. FREAR. I do this, Mr. Chairman, in response to a suggestion made a few minutes ago in the statement that was read, attributed to a gentleman who is connected with the National Defense Board. I read from official Document 463, Sixty-fourth Congress, to show the interest that that gentleman may have in the improvement of inland waterways. I read from page 11 of the document:

The Kansas City-Missouri River Navigation Co. (Capt. Dickey, manager), the only through line on the river, operating between Kansas City and St. Louis, charges 80 per cent of the railroad freight rates. Assuming this to be the relation between the rail-and-water rates for the entire traffic, the saving to shipper by the use of the river in 1913 was about $10,000. It is evident that this saving is entirely inadequate to warrant the serious consideration of an expenditure by the Government of $1,100,000 per year in interest and maintenance. * * *

It is frequently argued that if the improvement of a river gives lower rail rates, such improvement is justified even if the river never carries a ton of freight. This might be true if there were no other method of controlling rail rates, but in these days, when the railroads claim that they are being regulated too much, there appears to be no lack of governmental machinery for controlling them, and it does not seem necessary to spend $20,000,000 to bring about a proper rail rate between Kansas City and St. Louis.

Remember, I am reading from the report of an Army engineer who had charge of the work.

Let me suggest, beyond that:

Mr. Dickey's boats collected about $40,000 in freight charges that year, according to Col. Deakyne's statement, but it will cost the Government approximately $1,100,000 per year to save $10,000 annually in freight rates for Kansas City shippers, according to Col. Deakyne's estimates.

Mr. BORLAND. Mr. Chairman, let me take two or three minutes, without delaying the consideration of this bill, to answer again the gentleman from Wisconsin [Mr. FREAR] on that proposition. That report of Col. Deakyne—and by the way Col. Deakyne was utterly unfamiliar with western rivers and was there only a brief time—that report of Col. Deakyne was filed scarcely 30 days after Congress authorized a rereport on the Missouri River. It so develops from the date of his report, so that his report could not have been based upon very extensive information. Thereafter the Board of Army Engineers, consisting of Col. Black, Col. Newcomer, and other officers, men serving in high positions, were called to Kansas City and reviewed that report and unanimously disapproved and disaffirmed it. That was the end of the Deakyne report save as it reappears from time to time in the remarks of the gentleman from Wisconsin. There is only one thing to say in regard to that, which is that no economist whom I ever heard of except the gentleman from Wisconsin [Mr. FREAR] ever insisted on measuring into the construction cost the tonnage carried during construction days. I have never heard of an improvement carried on in that way. We are carrying on a construction project there involving an expenditure of $20,000,000. During construction days a certain amount of traffic can be carried, but to measure into the construction cost the traffic carried during construction days is absolutely unsound from an economic standpoint. The gentleman has repeatedly made that criticism of this river and other rivers that are under course of construction, and I want to answer that criticism once for all. We do not claim that the freight carried during construction days is either a measure of the capacity or an element of the cost of the river. And I want to say further that as far as this report of Col. Deakyne is concerned, it has attained more prominence and been more commended by the gentleman from Wisconsin than by his fellow engineers in the Bureau of Rivers and Harbors of the United States.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

Waterway from the Mississippi River to the Sabine River, La.: For maintenance, $7,000; for completing improvement from Mermentau River to Sabine River, La. and Tex., in accordance with the report submitted in Senate Document No. 705, Sixty-fourth Congress, second session, and subject to the conditions set forth in said document, $230,000; in all, $237,000.

Mr. FREAR. Mr. Chairman, I have not discussed any of the items to-day, although I have been referred to once or twice. I move to strike out the last word.

In the minority report there was a statement in regard to this project, and I refer to that briefly because there has been nothing presented in reference to it. I am referring to Document No. 705, Sixty-fourth Congress, second session.

This project, as I understand, and as it was presented to us in the committee, is included because of sulphur mines in the neighborhood of the proposed canal. There is a canal project that is in existence there now. On page 11 of the document appears a statement wherein it is proposed to enlarge the canal, because it states in the report—

The operators of this sulphur mine contemplate the dredging of a feeder canal at their own expense, at a cost of at least $200,000, into the river—

And so on. Let me say, Mr. Chairman, as nearly as I can ascertain over $700,000 has been expended on this project entirely upon these two connecting canals of 50 or 60 total miles length. One is a 5-foot canal and the other is a 7-foot canal. The proposition is to enlarge to a 7-foot canal and the other to a 9-foot canal. A statement of the commerce, which I do not care to discuss, is found on page 8 of the document, and, while it will not bear critical analysis, the point I wish to make is that over $200,000, or a $279,000 balance, to be more exact, exists in the Treasury at this time. This project is proposed as a war measure. There are five railroads, as I understand is, at this time reaching St. Charles, and I do not believe it can be sustained on that ground. It is a part of the inland waterway project, no better and no worse, as I understand from reading the document, than others down in that part of the country, but I can not see on what basis it can be determined that this should be improved as a war measure at this time. It will take several years to improve it. They have now over $279,000 balance on hand, and with five railroads in to these mines I submit that even a 7-foot canal will not be of any great advantage to the Government for the purpose of carrying sulphur to market. Nothing has been said heretofore, as far as I know, in reference to this project. It is mentioned in the minority report and is one of the few projects mentioned in the report, and for that reason I call attention to the document on which recommendation is based for this so-called war project.

Mr. SMALL. Mr. Chairman, I do not think it proper to leave this item, and the remarks which have been made by the gentleman from Wisconsin [Mr. FREAR], without a brief statement. If the gentleman from Wisconsin intends to criticize this item, and if he intended in his minority report to criticize this item—I put it in this interrogative form because the gentleman is so indefinite at times that it is difficult to say whether he intends to be critical or not—then I desire to add that there is no more meritorious proposition in the bill from any standpoint than this. This proposition is for the deepening of a waterway between the Sabine and Mermentau Rivers, which gives a waterway connection to the largest sulphur mine in the United States and in the world. It is at a cost of $460,000, of which $230,000 is contributed by the locality. In addition to that, the owners of the mine propose to connect this waterway, intended to be improved, by an artificial waterway constructed at their own cost, requiring an expenditure of $200,000, and to donate it to the Government of the United States. I ask the attention of the gentleman from Wisconsin [Mr. FREAR]. The production of sulphur to-day is absolutely essential for the prosecution of this war.

Mr. FREAR. I will ask the gentleman to yield for a moment.

Mr. SMALL. I do not desire to be interrupted now.

Mr. FREAR. Then, why did you seek my attention?

Mr. SMALL. Because I want to give you some information——

Mr. FREAR. I have it——

Mr. SMALL. Which you do not seem to possess, and which you do not seem to wish to have.

Mr. FREAR. Mr. Chairman——

Mr. SMALL. I decline to yield.

Mr. FREAR. Then I object to the gentleman's remarks, Mr. Chairman.

Mr. SMALL. I say the production of sulphur to-day is absolutely essential for the prosecution of this war in the making of munitions. We have heretofore been able to secure pyrites from abroad, but our supply of that is entirely cut off, and the only means of procuring sulphur as a substitute for pyrites comes from two great sulphur mines, one in Louisiana and one in Freeport, at the mouth of the Brazos River, in Texas. We have among the records here a very urgent request from the Board of Ordnance of the Navy Department, and of the Army, for this improvement, in order to make accessible the sulphur from this very large sulphur mine. That information was accessible to the gentleman if he had desired to secure it. As a member of the committee he may readily secure all information available. And yet he filed a minority report and attempts by his statement on the floor to criticize and disparage this project and have the country believe that it is unworthy of adoption with this appropriation. There are some newspapers and periodicals, it seems, which still take the gentleman from Wisconsin [Mr. FREAR] seriously, and assume that he possesses information, and that he is willing to secure information and to state the facts when he knows them. The gentleman is not giving correct information to the House. I am not speaking offensively, nor with any intention of being discourteous, but I say with all courtesy, that a member of the committee who criticizes any item in this bill owes it to his integrity and his reputation and his good name to endeavor to seek the truth, and when he has found it to have the courage to state it.

Mr. FREAR. Mr. Chairman, I move to strike out the item. I have listened to a good many lectures delivered on the floor of the House by members of the committee and others, but I have never yet hesitated to express myself on any project in this bill or any other bill and do not propose to do so. I shall not hesitate for a moment if I believe the facts do not warrant the appropriation, although I am not discussing the bill in detail. There has not been a fact which I stated which the gentleman from North Carolina has disputed. In addition to that I do not care to go into details, but on page 8 is an account of all the freight carried on this canal, on which they have spent $700,000 thus far. Not one ton of sulphur has been carried on this canal. Not one ton of sulphur can be carried during the existence of this war on this 5 or 7 foot canal. Let me tell you what commerce has been carried. Of the amount of 14,000 tons, 4,000 tons of shells, valued at $3,200, were reported in 1915, and live stock, which makes up two-thirds of the entire valuation, was carried 12 miles.

Mr. Chairman, I believe in paying every dollar that the Government ought to pay when any project is intended for war purposes, and I would not mislead intentionally on this or any other project, but I can not close my eyes to the fact that when a project like this is proposed as a war measure, when we know that it is impossible for years to come to make this canal capable of carrying this commerce, when we know that five railways run to this nearest town and take away all their sulphur now, when we know that after all the expenditure by the Government not one ton of sulphur has been carried during the past year, I say it is a duty I owe to the House to state what the facts are as shown by the report.

Mr. DUPRÉ. Will the gentleman yield?

Mr. FREAR. Yes.

Mr. DUPRÉ. Did I understand the gentleman to say that $200,000 had been expended on this?

Mr. FREAR. Two hundred and sixty-nine thousand dollars.

Mr. DUPRÉ. Does not the gentleman know that is the section from Mermentau to Calcasieu, while this project here is the Sabine section from Calcasieu to Sabine?

Mr FREAR I will accept the gentleman's statement, because I know that he knows as to the portion of the canal to which it is to apply

Mr. SLAYDEN. Will the gentleman yield?

Mr. FREAR. I will.

Mr. SLAYDEN. A number of gentlemen have been criticizing the measure by saying it is not a war measure. I do not know what they mean by that. My information is that the bill has come here with the approval of the Secretary of War, who has general charge.

Mr. FREAR. Oh, Mr. Chairman, I have only five minutes, and they tell me I can not have it extended.

Mr. SLAYDEN. Does not that bring it within the category?

Mr. FREAR. This is proposed as a war measure, and the reason that I referred to this particular project was because sulphur does enter into munitions for the war. Now, Mr. Chairman, I do not care to answer the personal remarks of the chairman of the committee. He says he does not mean them personally. I desired simply to place the facts before the House. I have not spoken to-day on a single item, and do not intend to speak on any item, or move to strike out any item except where the statement in the minority report is challenged. I think the report is correct, it was as far as I had anything to do with it, which was only a small part. I am opposed to the bill and believe that it ought not to pass.

Mr. DUPRÉ. Did not the minority refuse to state that the local people had contributed an equal amount?

Mr. FREAR. No statement was made in reference to it. Mr. Chairman, I withdraw my motion to strike out.

Mr. DIES. Mr. Chairman, I move to strike out the last two words. I do not think the argument of the gentleman is quite fair, that no sulphur has been hauled over this canal. Of course not, because the canal has not been completed to the sulphur mine. That is the object of getting this item. I appreciate wit, I think I can discover wit when I hear witty things said. I think I know a witty man when I hear him talk. My friend was talking a moment ago very wittily about the Tombigbee River. As a matter of fact——

Mr. FREAR. The gentleman is mistaken, I did not——

Mr. DIES. Oh, no; the gentleman from Wisconsin was witty about other things, but did not know it.

Mr. MOORE of Pennsylvania. The witty gentleman on the Tombigbee was the gentleman from Nebraska.

Mr. DIES. That stream, according to report, carries about 300,000 tons of commerce of the value of about $4,000,000, a thing which the would-be successor to the late Mark Twain overlooked.

In last Saturday's RECORD there appears a speech by the gentleman from Wisconsin [Mr. FREAR]. I do not recall to have heard it delivered in the House. It is a large collection of newspaper comments that would be very nice for him to use in the next campaign, approving his unwarranted and, in many instances, inaccurate attacks on the river and harbor bills. Among other things, the gentleman from Wisconsin [Mr. FREAR] has in that cold-storage speech, or posthumous edition, is that among the worthless rivers in this bill is the Sabine River. I call attention to it because you can not answer every speech the gentleman from Wisconsin makes. His verbosity is multitudinous. Nor can you answer the criticism that he makes on every worthy project in the river and harbor bills. To do so would be to bring down upon the Congress of the country the further criticism that it was taking up too much time. But just a word as to his criticism of the Sabine River: The gentleman from Wisconsin is a member of the Committee on Rivers and Harbors. Let the country know that. He is familiar with the truth; and this may surprise you gentlemen to hear me say it, but he is familiar with it in the sense that he knows what it is—not that he is using any of it in his speech; I do not mean to reflect on the gentleman in that way, for he

abstains from its use almost tetotally on the floor of the House—but he is chock full of it so far as the facts are concerned. He knew that in 1913 this river which he said was worthless carried 433,000 tons, of the value of $3,000,000. He knew that in 1915 it carried 541,260 tons, of the value of nearly $4,000,000. He knew, as a member of the Committee on Rivers and Harbors, that that commerce was carried at a time before the improvements were made which he is now criticizing. At that time the river was practically unimproved; and, now that the citizens there have taken their own money and improved the river, the tonnage has greatly increased. That river was not open under the improvement until June 30, 1916, and therefore no reports are available; but I doubt if there is a river in the United States that carries as large tonnage as that does, from Orange to the Gulf, mile for mile. I shall be able some time during the day to put in the exact amount of tonnage. It runs into several million tons.

I am informed that on the banks of that Sabine River, which my friend says is worthless, there are 10 or 12 shipyards, not all of them warship yards, for they were building ships there before the war occurred. I remember a year ago they launched a large ocean-going ship at the city of Orange, named the *City of Orange*. They are building there now a great number of ships, some of them for the United States Government, some for private contractors, and, I understand, some probably for foreign Governments. That illustrates to you gentlemen here, you Members of this Congress, who are not influenced by your desire for publicity, who are not influenced by what the newspapers are saying throughout the country upon which you may predicate a sort of fame built of cards—that illustrates the value of that river, and I appeal to you to know if it is treating you right to say nothing of the great body of the American people, when the gentleman from Wisconsin leads you to believe that this river and other rivers are worthless, when he ought to know the facts, if he does not. If he knows the facts, he ought to apologize to the House, and if he is ignorant of the facts he ought to apologize to his committee, the Committee on Rivers and Harbors.

The CHAIRMAN. The time of the gentleman from Texas has expired.

The Clerk read as follows:

Bayous Vermilion, Nezpique, des Cannes, Plaquemine Brule, and Queue de Tortue, Mermentau River, and Calcasieu River and Pass, La.: Continuing improvement and for maintenance, including channel, bay, and passes of Bayou Vermilion, and tributaries of Mermentau River, $51,000.

Mr. FREAR. Mr. Chairman, I move to strike out the last word to say in response to what has just been uttered by the gentleman from Texas [Mr. DIES]. I care not for the personalities, but in speaking of the Sabine River I was speaking of the project which was proposed at the last session, which was a new project and which was stricken out of the bill. I was not referring to the commerce at the mouth of the river. The official reports do not recognize any improvement on the river above its mouth. I assume that is what the gentleman has in mind. The canal of which I have just spoken was the Sabine Canal, which is one of the small projects that leads up to the mouth of the river. There is commerce at the mouth of the Sabine River, just as there is at the mouths of some of these other rivers. I said that about the river which was proposed for improvement last year, at which time a new project was offered.

I have not the document before me, but one of the reports said that there was water in the stream for two months in the year. That was the Sabine River proper.

Mr. DIES. The gentleman did not say anything about the upper Sabine River in the CONGRESSIONAL RECORD.

Mr. FREAR. It is the mouth of the river that the gentleman from Texas has in mind. I am not criticizing the mouth of the river. There has been no question raised by me here or heretofore about that project.

The Clerk read as follows:

Removing the water hyacinths, Alabama, Mississippi, Louisiana, and Texas: For the removal of the water hyacinth from the navigable waters in the States named, in so far as it is or may become an obstruction to navigation, $20,000.

Mr. TREADWAY. Mr. Chairman, I move to strike out the last word for the purpose of asking the question whether or not this is an item specifically approved by the Chief of Engineers for national-defense purposes. I would like to have the information to make sure that we are passing a national-defense act and that these frequent appropriations for water hyacinths have to do directly with the important item of national defense.

Mr. SMALL. Mr. Chairman, I do not know whether my colleague is serious or not, but I am going to assume that he is serious, and I will make this brief statement: As was well stated by my colleague [Mr. DUPRÉ] earlier in the afternoon, the hyacinths constitute an obstruction to navigation, an obstruction just as serious as the deposit of material, a shoal, or any other obstruction in a channel anywhere, and, being a serious obstruction to navigation on navigable rivers under improvement by the United States, where there is a substantial commerce, the obstruction should be removed. I ask the attention of the House for one minute to this proposition. The gentleman from Massachusetts asks whether this is an appropriation connected with national defense. The gentleman from Illinois [Mr. MADDEN] has perhaps facetiously observed, "How is this bill connected with war problems?" Mr. Chairman, is it really necessary to answer that question? If transportation to-day is not one of our resources which we should conserve and develop and promote in the interest of the prosecution of this war there is no resource which we should mobilize and promote. Transportation is perhaps the most urgent, the most important, and any action by this Congress which conserves our waterways, which promotes the establishment and the increase of water carriers, is primarily connected with the national defense and the prosecution of this war.

Do gentlemen need any further evidence to sustain that proposition? There was printed in the RECORD several days ago a paper prepared by the Secretary of Commerce, which the gentleman from Wisconsin [Mr. COOPER] commented upon very intelligently and tersely, which set forth in unmistakable terms the great importance of maintaining and improving our inland waterways and of promoting water-borne commerce upon them and the establishment of additional water carriers. We have had a recent report from the Federal Trade Commission upon the bituminous and anthracite coal situation in which they emphasized the great importance of the relation of transportation and the acute situation regarding fuel, and they recommend in specific and emphatic terms the coordination of rail and water instrumentalities of transportation as one of the factors in the proper solution of that important problem. And I could enumerate other pieces of evidence which are recent and available to establish the proposition that transportation is to-day of the greatest importance in the mobilization of our resources for the successful prosecution of this war. Why increase the production of agricultural products——

Mr. GALLAGHER. Will the gentleman yield?

Mr. SMALL. Why add to the production of our mines; why speed up our factories unless we have at hand the means of distribution? As means of distribution we are substantially confined to railways and waterways. Evidence has been piled upon evidence since this bill has been under consideration, repeated daily in the press of the country from official and unofficial sources, that the railways are unable to meet the demands of distribution and transportation made upon them and that the only resource to which we can turn are our waterways. I desire to ask in all seriousness and with courtesy, does it not behoove gentlemen in their official capacity as Members of the House of Representatives to join with others in a constructive process for maintaining our waterways and adding to the facilities of transportation upon them? [Applause.]

Mr. GALLAGHER. Will the gentleman yield? I want to ask——

The CHAIRMAN. The time of the gentleman has expired.

Mr. TREADWAY. Mr. Chairman, I directed my inquiry a few moments ago to this particular item which has just been read, removing the water hyacinth in Alabama, Mississippi, Louisiana, and Texas.

Mr. SMALL. Will the gentleman yield for a moment in order for me to submit a unanimous-consent request?

Mr. TREADWAY. I will.

Mr. SMALL. I suppose five minutes would be sufficient for the gentleman?

Mr. TREADWAY. That will be all I desire.

Mr. SMALL. I ask unanimous consent that debate on this paragraph and all amendments thereto close in 10 minutes, 5 minutes to the gentleman from Massachusetts and 5 minutes to the gentleman from Wisconsin [Mr. STAFFORD].

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. TREADWAY. Mr. Chairman, I directed my inquiry directly to the item before us, namely, to removing the water hyacinth in the States of Alabama, Mississippi, Louisiana, and Texas, and my question was as to whether or not this item had been approved by the War Department as necessary for preparation for our national defense. In reply to the inquiry, the chairman of the committee has given us a very illuminating and interesting address on the merits of waterway transportation, but, Mr. Chairman, I failed to hear any explanation from him in direct answer to the question I asked, nor did he explain wherein the removal of the water hyacinth from any of the

streams of the four States would in any sense add to the national defense as applied to those particular streams. His address certainly was extremely interesting and very able, as all his statements are, but he did not answer the direct question which I asked, namely, the benefits to accrue to national defense by an appropriation for the removal of the water hyacinth in the four States named. In other words, what are the streams wherein there will be any commerce or transportation having to do with national defense, which, of course, is the basis of this bill, by the removal of these hyacinths in those particular States? I really am serious and I am anxious to know just where the application of this appropriaiton comes in as regards this national defense.

Mr. McKENZIE. Will the gentleman yield?

Mr. TREADWAY. Certainly.

Mr. McKENZIE. Does not the gentleman from Massachusetts admit that it is really necessary at times to remove water hyacinths from streams because it really does at times become an obstruction to navigation, or does the gentleman base his opposition on the theory that it is not a matter of national defense at this time?

Mr. TREADWAY. I will say in answer to the gentleman's inquiry that this bill is supported by the majority of the Committee on Rivers and Harbors because in this existing emergency we must do everything we can toward national defense. So I wanted to know in what streams the removal of the water hyacinth in those four States will aid and improve the national defense in the great emergency facing us to-day.

Mr. DEMPSEY. Will the gentleman yield for a question?

Mr. TREADWAY. Yes.

Mr. DEMPSEY. I would like to answer the gentleman from Illinois——

Mr. TREADWAY. I would be glad to yield.

Mr. DEMPSEY. In the language of the report itself:

It—

Referring to the water hyacinths—

spreads rapidly, and before operations for its removal were begun the rivers affected were not infrequently so blocked with floating masses of the plant that navigation was seriously impeded, and the rafting of logs, on which the lumber industry was dependent, was at times entirely stopped.

I read both things. I did not read simply about rafting logs. I said that navigation was impeded and the rafting of logs was entirely stopped. That is the trouble with the gentlemen on the other side, that they will pick out one little thing, and because they think that separate thing is to be criticized, they magnify and enlarge and make that the whole picture instead of recognizing that it is but a flyspeck on the picture.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. TREADWAY] has expired.

Mr. STAFFORD. Mr. Chairman, the opponents of this bill do not lodge their objection to it on the ground that they are opposed to having all the present projects maintained. I question whether there would be one vote in this House in opposition to voting the necessary six or seven million dollars to keep the existing projects in a condition of maintenance, but we do contend, and contend strenuously, that it is a waste of effort to go ahead on new projects which will not add during the period of the war one ton to the transportation on our waterways. Time and time again in this discussion reference has been made to the statement that the railroads are congested. They are congested, and they are unable to carry the freight of this country, not because there are not adequate rail facilities, but because there is insufficient motive power and rolling stock. What the railroads of this country need to-day, and will continue to need, are more locomotives and more cars to carry the freight.

And any business man, any business corporation, having before them for solution this transportation problem that is confronting the country at the present time would not utilize the energies of the engineering force to the extent of thousands of skilled engineers and expert workmen in survey of projects which are obviously of no value at all, but they would conserve those forces in other lines of employment necessary to our Army preparedness and would utilize the money appropriated in this bill, something like $30,000,000, in the building of additional barges and ships to utilize our present waterways rather than providing for deepening of channels which will not during this war add one additional ton to the freight-carrying facilities of the country. True, Mr. James J. Hill said that the railroads were becoming congested, and his far-seeing vision recognized, as that of Mr. E. H. Harriman, that wonderful railroad magnate, to the necessity for more freight cars and greater strength of locomotives to carry the mobile freight of the country.

Those men at this time would have planned the construction of barges and ships rather than wasting money on the deepening of the channel of the Missouri River and these other channels, which will not during the period of the war carry any additional tonnage. Build ships, build more barges, and utilize this $26,000,000, utilize the men in this engineer department in other lines of employment, rather than to have them engaged on surveys that will never be reported favorably, when their services are more necessary for the welfare of the Government.

Mr. BOOHER. Would the gentleman advocate the building of river boats and barges and not improve the rivers?

Mr. STAFFORD. I would advocate, just as Gen. Goethals is advocating to-day, the building of ships in order to take the place of those ships that are being sunk by the submarines. What we need on these streams are more vessels, and it is admitted that even under existing conditions those barges can not be built and additional vessels can not be built to ply these streams because all the existing facilities are being utilized in the building of ships and the building of engines needed for the transportation of our supplies on the high seas.

That is the practical business question, namely, how to use the millions of dollars we are appropriating here and conserve and marshal the forces of these engineers who are needed in other avenues rather than in merely Government surveys of national projects that will never carry any tonnage whatsoever.

Mr. BOOHER. Why do you advocate the building of barges for river transportation when you would abandon the rivers?

Mr. STAFFORD. I started out by saying that everybody here favors the appropriation of money for the maintenance of these projects, but not for spending millions of dollars for new projects that will not add one ton to the river tonnage of the country during the pendency of the war.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

Atchafalaya River, La.: For maintenance, $20,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. It seems to me time to discuss the question.

Mr. SMALL. Will my colleague permit an interruption?

Mr. MOORE of Pennsylvania. I will.

Mr. SMALL. I ask unanimous consent, Mr. Chairman, that the debate on this paragraph and amendments thereto close in five minutes. Will five minutes give the gentleman time?

Mr. MOORE of Pennsylvania. I would like the gentleman to be a little more liberal just now.

Mr. SMALL. How much time?

Mr. MOORE of Pennsylvania. Make it 10 minutes.

Mr. SMALL. I ask unanimous consent that all debate on this paragraph and amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that all debate on this paragraph and amendments thereto close in 10 minutes. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, I would like the members of this committee to take a bird's-eye view of the geography of the United States and to do it seriously and apart from much of the badinage that has characterized the discussion of this bill thus far.

The United States is one of the best-watered countries in the world. The Mississippi River is 2,500 miles long from the Lakes to the Gulf. It has tributaries 2,000 miles long. The Atlantic coast has upward of 140 rivers leading to the sea. Every one of these rivers traverses territory that is more or less fertile and capable of food production.

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Illinois?

Mr. MOORE of Pennsylvania. I will yield.

Mr. GALLAGHER. You mean this country is going to be the best-watered country?

Mr. MOORE of Pennsylvania. I mean to say that this country is to-day the best-watered country. [Laughter.] Under the present administration, if the gentleman wants to be political, we are traveling on the water wagon, and, as recent developments have shown, very much to the chagrin of the gentleman from Chicago. [Laughter.]

But if you will consider seriously the geography of the United States, you will observe that we have the best-watered country in the distribution of our streams. In the area of the thirteen original States where we have one-third of the population of the country and one hundred and forty-odd rivers leading to the sea, we do business on one-fourth of the railroad mileage of the United States. That is not enough.

Now, what do gentlemen argue who want to defeat a river and harbor bill? Do they insist that we shall not utilize the God-given waterways of the United States; that we shall not improve them; that we shall let them run to waste and be of no avail? Or are they contending that we shall use only one means of transportation, namely, the railroads? Is it the railroads that these gentlemen are arguing for when they contend against the river and harbor bill? Do they mean to stop transportation by water in the United States, or are they seeking to destroy this bill on the ground that it is not a war measure, and that it ought to come up at some other time?

If the latter is their proposition, I commend to them that war bill which was one of the first passed by Congress, which provided for the organization of a Council of National Defense; I commend to them the several clauses defining the duties of the Council of National Defense, one of which is to use and commandeer, if necessary, the railroads of the country, and another—and I quote literally—"the utilization of the waterways of the country."

Gentlemen ask if this is a national-defense measure. Go right to your Council of National Defense bill, for which you voted, and you will find that you provided therein that this great body, which was supposed to commandeer the food products of the country and centralize the industries, was instructed by Congress to utilize the great waterways of the country.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield to my friend from Illinois.

Mr. McKENZIE. I simply wish to ask this question: In speaking of the Council of National Defense the gentleman spoke of its being authorized to utilize the railroads and the waterways of the country. The gentleman would not mean to say that they were to build a new railroad or dig a new canal, would he?

Mr. MOORE of Pennsylvania. Yes; if necessary. Of course, if for the purpose of promoting war it would be necessary to take and destroy a canal, that could be done; and if it were necessary to build a railroad, yes; if necessary to destroy a railroad, yes. That is what the Council of National Defense is for; and it has been done time and time again, as my friend from New York suggests, in previous wars of the United States.

Gentlemen argue against the river and harbor bill as if they thought it was an iniquity, and some gentlemen have even used that very term as applicable to this bill. If they really mean that, then they mean that we shall use only the railroads for transportation; and if it should happen, as it has happened in numerous instances, that the railroads can not carry the freight made necessary by the exigencies of the war, then we shall let the freights stand and our Army shall be helpless for want of supplies. Distinguished Army engineers have asked this plain, blunt question: If you are to send the boys to the trenches and our men are going abroad to fight, what are you going to do at home to support them? Are you going to say, like a dog in the manger, that because you have not enough railroad cars, therefore you will not use the waterways, and the supplies shall remain behind and useless?

That is the effect of the argument used by those who would destroy this bill. There can be no other argument, even from the Illinois viewpoint, unless you hold the apparently chimerical notion that you may be able to make Chicago an international port by using the Canadian canals. If you propose to get this foreign and international trade, well and good. That looks like a dream, though in a thousand years it may come true.

I want to suggest to those gentlemen who want to destroy waterway traffic and who have been arguing here for exclusively railroad traffic—I want to call attention to the fact that the report of 1910 shows that the water-borne freight of the United States amounted to 177,000,000 tons. That is a pretty large amount of freight. If that meant men to be gotten to the front because the railroads were not sufficient to carry them, it would be mighty important. If it meant supplies it would be equally important. If it meant arms and ammunition and heavy or bulky freight which the railroads can not carry, even lumber in these days to build cantonments, it would be a very important matter. You must remember that waterways are the natural heavy-burden bearers and the capacity of the railroad cars is limited. As against that 177,000,000 tons of freight carried by water in 1910 the railroads carried 218,000,000,000 tons per mile, a very much larger amount. But why destroy the 177,000,000 tons carried by water, or the twice or three times that much that could be carried more cheaply than it can be carried by rail if you will only improve the waterways?

James J. Hill in 1907 indicated clearly what the trouble would be if we did not improve the waterways at once. He was the greatest railroad magnate of his time, a man for whom, I am inclined to think, some gentlemen on this floor are inclined to approve as an expert. In 1907, when there was just as much a car shortage as there is to-day, though the exigencies of war did not exist, Mr. Hill made an address in which he said:

> The railroads have prevented an actual blockade by increasing their equipment, while using more powerful engines and larger cars—

The very argument the gentleman from Wisconsin [Mr. STAFFORD] has made—evidently he read this address—

> And by such increased efficiency in operation as to raise the carrying power of each mile of road. But this process has reached a practical limit. I showed them that the deficiency of our national transportation system could be corrected only by building more track. Merely to accommodate existing traffic, I estimated that we would need to build 75,000 miles of new track, costing, with terminals, $5,500,000,000, or an outlay of $1,100,000,000 a year if the work were spread over five years. I pointed out the immensity of the physical problem in securing space for enlarged terminals, material, and labor for such construction, and the financial problem involved in securing such advances in cash and credit. And my conclusion may be quoted here, bearing, as it does, directly upon the object and labors of this body: "Two remedies may be found. The prohibitory expense now attached to enlargement of terminals at many points, and the absolute lack of available space at any price, may be met by a decentralization of traffic. There must be more points for export, more interior markets. A 15-foot canal or channel from St. Louis to New Orleans would go further to relieve the entire Middle West and Southwest than any other work that could be undertaken. With such a depth of water a single powerful tugboat, equipped with barges, would carry from 30 to 40 trainloads."

Now, gentlemen, in all fairness, has there been a perceptible increase in the construction of railroad mileage since 1907?

Mr. LONGWORTH. Will the gentleman yield for a question?

Mr. MOORE of Pennsylvania. I yield to the gentleman from Ohio.

Mr. LONGWORTH. Can the gentleman state what the price of steel rails is to-day as compared with a year or two ago?

Mr. MOORE of Pennsylvania. I can not give exact figures, but it is very considerably higher, I will say to the gentleman.

Mr. LONGWORTH. I understand steel rails to-day are $55 a ton, or more than double what they were two years ago.

Mr. MOORE of Pennsylvania. That argues that freight rates must continue to rise——

Mr. LONGWORTH. Precisely.

Mr. MOORE of Pennsylvania. And that the capacity of the railroads must be increased, or that there must be relief for the railroads, just such as Mr. Hill, the great railroad manager, was appealing for in 1907. Now, let any gentleman who is arguing against this bill, any friend of the railroads who is opposing water transportation, arise and tell this House whether or not the railroad capacity to carry the products of this country has increased materially, or in proportion to the increased production since 1907. If he can successfully show that I will agree that there may be something in his argument for the closing up of the streams of the country. But unless he can show that he is arguing against the development of the United States, against the full production and distribution of the food supply of the country, and in the last analysis, perhaps, against the men at the front who must be supported by the transportation of this country. That is the proposition it seems to me that is involved in the passage or defeat of this bill. [Applause.]

The Clerk read as follows:

> Harbor at Sabine Pass and Port Arthur Canal, Sabine-Neches Canal, and Johnsons Bayou, Louisiana and Texas: For maintenance, $110,000; continuing improvement of Sabine Pass and Port Arthur Canal, $300,000; in all, $410,000.

Mr. FREAR. Mr. Chairman, I move to strike out the last word. In reply to what the gentleman from Pennsylvania has just stated, and in order to have it in close connection with his remarks, let me suggest that $32,000,000 balance to the credit of these various projects remain on hand, in round numbers, according to the Army Engineers' Report. That is shown by the minority report. Let me read also from page 5 of that report:

> The minority are convinced that the only items that can be justified at this time are of two classes. First, items of maintenance for meritorious projects that would retain the present channel depths or are of such commercial importance as to require continual attention. Second, such harbor improvements as are of value and importance in the general plan of better preparedness, considering both the commercial requirements and naval needs.
>
> Unless the bill is materially amended along the lines suggested in this report, the minority of the committee believe that no rivers and harbors legislation should be passed in this critical time of our national life.

That report is signed by seven members of the committee.

Now, every man on this floor knows that not one proposition can be stricken from this bill. Every Member who has a project will stand with the others. Ordinarily so. Is it not our experience in the past? The gentleman says, "Why not appropriate for these rivers?" We have. On the Mississippi River we have spent $150,000,000, and the commerce has decreased 90 per cent in 40 years. The same decrease in actual freight may be said to be true of the Ohio and of the other rivers. The commerce has substantially decreased. It is not a question of the navigability of the rivers. We are willing to make the appropriations for these rivers; we are willing to make appropriations for canals if need be, if you can show that they are of value to the Government; but in this crisis, when the people of this country are being taxed as never before, when we talk and prate about the men at the front who are fighting our battles, we members of the minority say to you it is not right to spend $20,000,000 to buy up a canal, as proposed by this bill. That is what we say, and we can take up item after item of the same character and show to you that they are not for the furtherance of any war preparations that the great majority of these items have been put into the bill, but only five items alone have been proposed by the Army and Navy board as necessary, and only one of these, the Hell Gate project, has any comparative merit. In that project, Col. Newcomer states, a channel of 40 feet depth exists to-day, sufficient to move 33-foot battleships.

Mr. FOCHT. I understood the gentleman to say that notwithstanding this enormous appropriation there had been no increase in the tonnage of the rivers?

Mr. FREAR. There has been a 90 per cent loss according to statistics.

Mr. FOCHT. There have been half a dozen dams put into the Ohio River. Has not that work in any measure stimulated commercial activity on that waterway?

Mr. FREAR. Not according to the estimates as far as we get them from the Army Engineers, and their statement of the traffic is all we have. About 30 dams have been constructed thus far without any results.

Mr. Chairman, the members of the minority are not opposed to river and harbor legislation. I want to say that we do propose and we do urge that the channels be kept open for anyone who wants to use them, but we do not propose, as the gentleman says, to put in every project. Some gentlemen would like to put $100,000,000 annually in these river and harbor bills. We do not propose to do that unless we can see some material necessity at this time, because unless it is necessary it becomes waste.

Mr. MEEKER. May I ask the gentleman from Wisconsin how much time he has given to the investigation of the railroad manipulation and terminal facilities over routes on the rivers?

Mr. FREAR. I will say that the railroads of the gentleman's own town across the river own practically the whole river frontage, and that that land ought to be condemned and thrown open to the country at large before we continue river improvements. That is on the other side of the river from the gentleman's town. On his side—St. Louis—they are trying to improve the terminals, and are doing a good work.

Mr. HARDY. Would not the gentleman from Wisconsin be the first man in this House to object to any effort to condemn and pay money for these things on the ground that they were not needed?

Mr. FREAR. Unless there was an appreciable amount of commerce, I would. But until that necessity arises I would not, and for years the commerce has been decreasing 90 per cent of what it was 40 years ago.

Mr. HARDY. If, as the gentleman contends, the commerce has been decreasing, why would not the gentleman spend money on those rivers?

Mr. FREAR. We have spent millions and millions of dollars on them without result.

Mr. MEEKER. Mr. Chairman and gentlemen, I want to say something in connection with what has been said by the gentleman from Wisconsin. Since he began his remarks I have asked that the speech which I extended in the RECORD the other day shall be brought here so that I can get the telegram that was sent by the mayor of St. Louis showing what we are now doing for river improvement. What the gentleman from Wisconsin has been mentioning all the time in these debates in regard to the amount of tonnage on the river is true, but the peculiar thing to me is that the gentleman from Wisconsin, who is certainly a hard-working student on anything he starts out to dig up, has never given his attention to the question of terminal conditions for river traffic. Any man who rides these rivers knows that during the last half century, and especially during the last 25 years, the railroads have worked for the destruction of the terminal facilities for river transportation. We find, as will be brought out in debate on this bill before we get through, that the objection would not stand for a single moment if we went into the question as to what the railroads along the Erie Canal have done in order to get control of the elevators and terminal facilities along that canal. Gentlemen, you are going to make the Mississippi and the Missouri Rivers usable to this Nation. You will not do it this time, but the time is coming in this House when you will not vote for a few millions; you will vote for a hundred millions for improvements. That river is not going to be abandoned. There is another problem that you face now, and that is one of reorganizing these terminal facilities. Let me read you the telegram from our mayor. This is dated June 11:

ST. LOUIS, MO., *June 11, 1917.*

Hon. JACOB E. MEEKER,
Washington, D. C.:

Replying to your telegram 8th, St. Louis river front 20 miles long, one-half privately owned, one-half publicly owned. For many years St. Louis has followed uniform policy of not permitting private usurpation of public 10 miles of front by long-term franchises, but has renewed expiring franchises and granted new rights by revocable permits, in order that river terminals might be established when required. Remaining 10 miles privately owned offer private capital ample room for unrestricted developments. City owns and operates a river-front railroad extending 8 miles south from north city limits. Has just acquired a 7-mile extension making total length 15 miles of river-front railway. Plans and estimates completed and next bond issue will include funds for further extension of city railroad along entire 20 miles and a partial belt line, making total length 25 miles. This river front and belt railroad will connect with all railroads and all docks and wharves. Its use will be permitted by all railroads and boat lines. To expedite interchange of river traffic, by special concession, city has enabled marine railway and docks for boat construction and repair to continue in business. This will accommodate handling out of water, nine 300-foot barges or steamboats simultaneously. City has acquired for public use former car-transfer incline to enable freight cars to be switched alongside and level with barges at all stages. To promote interchange of rail-river freight, city has built and equipped and provided for free use of boat lines a landing dock and warehouse 500 feet long, served by tracks and paved streets. City has appropriated funds, let contract for, and has under construction for completion during coming low-water season modern concrete docks and warehouses 1,000 feet long with railroad tracks and all modern elevators, cranes, gantries, inclined conveyors, and other devices for mechanical freight handling. City maintains 2 miles of paved river front for use of present boat lines at nominal license costs. Riverfront situation has been studied exhaustively and outline of future use of entire front has been worked out. Next bond issue will include necessary sums for further development at city expense of such river and rail terminals, docks, wharves, warehouses, and mechanical equipment as will take care of all river business. Present facilities will accommodate largely increased tonnage and city stands ready to develop its plans for additional facilities as fast as required. Many private industries and grain elevators now located and equipped to take advantage of river transportation facilities.

HENRY W. KIEL.

Mr. SMALL. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 13 minutes.

The CHAIRMAN (Mr. HARRISON of Mississippi). The gentleman from North Carolina asks unanimous consent that all debate on this paragraph and amendments thereto close in 13 minutes. Is there objection?

There was no objection.

Mr. MEEKER. Now, Mr. Chairman and gentlemen, St. Louis has for the last 10 years taken the Government at its word and is working for a change in the whole freight problem. We are struggling to get out of the grip of the railroads, that have been built for the disadvantage of the Mississippi Valley cities and to the advantage of other cities.

If my friend from Wisconsin would be as industrious in bringing into the House information in regard to the railroads in driving off the river traffic as he has in opposition to these measures, he would make a far more enlightening speech. This bill is not going to be given up. The men who stand here now and every time we propose to do something for the rivers, only point out the fact that there is less tonnage on the river, instead of showing how it was done, are unwittingly playing into the hands of the railroads and those who are aiding them in their efforts. We are not going to stand for it, and unless you get some other line of opposition you may just as well come down off the perch. This is only the beginning of things. You will find in a speech I put in the RECORD that because of potential possibilities along the river what it means to us in the great cities along the Mississippi and Missouri. For the last 15 or 20 years we have seen the stream of manufactures go to the water-line cities for no other reason than the large freight rates, and we do not intend to surrender on the floor of this House to the railroads of the Mississippi Valley and give up our rivers. [Applause.]

Mr. SWITZER. Mr. Chairman, the appropriation for the improvement of the rivers and the maintenance of our water service along the Gulf of Mexico is important from this fact, that the railroads coming from the South, like the railways from

all over the country, are congested and can not carry the freight. The gentleman from Wisconsin [Mr. STAFFORD] says to appropriate money to build ships. Why, are we not appropriating millions of money for the building of ships? What is the use of appropriating six hundred millions or a billion dollars to build ships unless we have the harbors for the ships to go into and to carry the products of this country to and therefrom? It will be a great advantage along the southern ports, especially to Louisiana and Mississippi and Alabama and all the Southern States, for the reason that if the vessels are allowed to go up the rivers a short distance and into the bayous, they can carry the freight which prevent the railroads to-day from carrying the food products. We want this water service to carry the railway ties, which is as much of a necessary as is the iron ore, and the railways from the South will be free to carry the food products. A ton of railway ties is of as much value as that of a ton of iron ore in many parts of the country.

It is just as important to move that as it is to move iron ore. The gentleman from Wisconsin [Mr. FREAR] seems to be very much perturbed because he says it is impossible to have an item stricken out of this bill. Why? Perhaps no item ought to be stricken out of this bill. We can not help it because the gentleman is unable to convince the members of this committee that there is a bad project in the bill. What he needs to do is to gather up evidence and get some more assistance, and if he can convince this committee there is a bad item in the bill it will go out, and it will go out with my vote. The gentleman alludes to the Ohio River. He says that the freight upon these streams has been diminishing year after year, and I say to the gentleman that there is as much freight to-day on the Ohio River and all its tributaries as he can point out in any year of the past. The gentleman has put into the RECORD on two or three different occasions some comment upon the tonnage of the Ohio River, and he says it is only 4,000,000 tons, and when he gets down to the bottom of the page he says, "I desire to offer a brief statement of Ohio River traffic." He does not qualify or limit it, and what does he say? Then he turns to the traffic that is within the State of Pennsylvania upon the upper course of the Ohio River, and he points out that it is something over 4,000,000 tons. He could have taken the reports and turned back, and undoubtedly he knew where to turn, and he could have given this committee the annual traffic of the Ohio River, but he did not choose to do so. It was just as easy for him to give the correct traffic as to give what he did.

Mr. LONGWORTH. Mr. Chairman, will the gentleman state the amount of the traffic?

Mr. SWITZER. The traffic on the Ohio River, according to the last report we had, for the year 1915, was over 9,000,000 tons, and seven million and a quarter of that was traffic upon the river proper, and the other was that of ferriage.

Mr. LONGWORTH. Will the gentleman tell how many freight cars it would take to carry those 7,000,000 tons?

Mr. SWITZER. I can not recollect just at present.

Mr. LONGWORTH. I think I can tell the gentleman in round numbers. If you allow a carrying capacity to each freight car of 60,000 pounds, which I understand is a very large freight car, it would take something like 7,000 trains of 30 cars each to carry that traffic. In other words, it would be a case of running something like 20 trains per day during the year. Does the gentleman think that our railroads to-day have the facilities for carrying this amount of freight which the gentleman from Wisconsin seems to regard as negligible?

Mr. SWITZER. They certainly have not. I thank the gentleman very much for his information. I want to point out further to the committee this: That the gentleman alluded to the traffic of the Ohio River in the same speech that he puts into the RECORD——

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. SWITZER. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SWITZER. He makes a clear-cut statement here, and I want the committee to pay attention. The gentleman says on page 3819 of the CONGRESSIONAL RECORD that the traffic to-day is less than one-half, or possibly not one-tenth, of what it was 40 years ago. Does he know what the traffic upon the Ohio River was 40 years ago? If the traffic to-day is seven or eight million tons and it is only one-tenth of what it was 40 years ago, it would have been 80,000,000 tons 40 years ago. Think of this preposterous, this ridiculous assertion. Take him at the other horn of the dilemma. He says it is not one-half. If it is not one-half, then the tonnage of the Ohio River 40 years ago, according to the gentleman's statement, is sixteen to eighteen million tons; and I want to say to him that that is greater than the tonnage on the Ohio and all of its tributaries 40 years ago or even 20 years ago. I have taken the trouble to look up some of the statistics on this matter. Forty years ago about all that you could find was from three to four million bushels of coal passing down the Ohio River. The first known actual tonnage upon the Ohio River was something like six or seven million tons and to-day it is seven or eight or nine million tons. Recollect, if all of these criticisms are correct, the tonnage of 20 or 30 years ago included the ferriage, and the tonnage that I am giving you at this time is the tonnage exclusive of the ferriage. You should recollect also that while passenger traffic a few years ago—20 or 30 years ago—was four or five or six or seven hundred thousand annually to-day it is 2,000,000 annually, outside of the people who travel across that stream upon the ferries.

Why can not the gentleman be fair and make an accurate statement? The truth of the matter is that there was not over five or six million tons per annum on the Ohio River 40 years ago. Recollect, there were not as many people 40 years ago and there were not as many industries along that river 40 years ago. The gentleman asks in this same speech whether it reduces freight rates. I read from the report of the engineers, and, of course, it is unfair to charge up the cost of this improvement we are now making upon the Ohio River against the annual tonnage. A canal proposition is not worth anything until you complete the last link in it, connect up the last dam, and we are only halfway through with the construction of this project. But what do the engineers say? He could have read it on page 1212 of the reports of the engineers in 1916. In reference to the effect of the improvement he says:

> The great future benefit of the improvement will be felt only when the slack-water system has been extended far enough downstream to permit of continuous navigation at all times over a longer section of the river. It should be noted, however, that the large manufacturing concerns state that the certainty of coal delivery by water is a much greater advantage than the actual saving in cost, which has heretofore been computed as varying from 30 to 50 cents per ton in favor of water transportation.

That was before him. Now, this is the last report, you know:

> The nature of the commerce in recent years remains about the same, and no material change in lines of transportation has been made, so far as known. About 57 per cent of the tonnage for the calendar year 1915 was coal and the remainder miscellaneous freight.

Where the gentleman gets it into his head there has been a great decrease of freight tonnage on the Ohio River is perhaps the package tonnage. There is not as much package tonnage upon the Ohio River as probably there was 30 or even 20 years ago, but there is more low-grade freight.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. DIES. Mr. Chairman, it hurts me nearly as much to take up the time of the committee as it does the committee itself, but I want to tell you that for years and years, a number of years at least, we have sat here in the House and quietly, in order to expedite the business of Congress, we have allowed the gentleman from Wisconsin [Mr. FREAR] and other gentlemen equally reckless in their statistics to send out propaganda broadcast throughout the country, and the result is that now the harvest is coming in. It is coming into the gentleman from Wisconsin [Mr. FREAR] in the shape of favorable newspaper notices which he crams into the CONGRESSIONAL RECORD, which will cost the people, the taxpayers of the country, hundreds of millions of dollars to print and take the rural carriers of this country many rounds with bended backs to carry the hundreds of thousands of pounds of newspaper clippings favorable to the gentleman from Wisconsin because of the fact we sat here docile years ago and allowed him to put—well, I do not know what to call it, I do not want to be unparliamentary, but they are not facts at least. Now, this is a fact. If this Congress had taken time two or three years ago to cut this political fiasco in the bud, taken the wind out of these blustering sails—why is not the English language sufficiently large to describe it without being unparliamentary? [Applause.] I can do it, but I am afraid it would be unparliamentary.

Mr. LONGWORTH. Mr. Chairman, I ask unanimous consent the gentleman may be permitted to proceed out of order. [Laughter.]

Mr. DIES. Take my friend FREAR'S statement about the Sabine River. That has gone forth to the millions of readers who, gasping, anxiously were waiting for the RECORD to read FREAR'S speech. He said the river was worthless, and then here in the presence of 40 or 50 Members he retracts, and his retraction will not go to the millions of gasping, expectant readers who are awaiting these speeches. Now he says he meant the upper Sabine River. I have lived in that country all my life

and never heard of the lower or upper Sabine River. I have heard of the Sabine River. That river carries millions of tons of commerce and great shipbuilding plants dot its shores; but, on account of men like our friend FREAR, the people were compelled to put in dollar for dollar with the National Government in order to get the Government to do its duty, in order to make it a port. He said it would not do any good. The people of this section built the Port Arthur Canal and gave it to the Government, and now it carries 7,000,000 tons and is the tenth or eleventh port of the United States in point of tonnage. When we were going up the Neches to Beaumont and Sabine to Orange, men like FREAR said these rivers could not be used because they were so crooked.

Mr. MOORE of Pennsylvania. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. I hope the gentleman will proceed in a parliamentary way and address the gentleman from Wisconsin as the gentleman from Wisconsin.

Mr. DIES. The gentleman from Wisconsin——

Mr. MOORE of Pennsylvania. The gentleman is referring to the gentleman from Wisconsin by his proper name, which is improper under the rules.

Mr. DIES. I want to call him by the properest proper name that I can properly think of always.

Mr. MANSFIELD. Will the gentleman yield?

Mr. DIES. I have only a moment. Men like Mr. FREAR, from the State of Wisconsin, United States of America, when we were trying to get an improvement at Beaumont up the Neches River and the Sabine River up to Orange, said, "You never can do it; it is too crooked and worthless." The result of such speeches by such gentlemen as the gentleman from Wisconsin was that the people had the burden of putting in dollar for dollar to do a public service for the people of the United States, with the result that those ports are doing to-day a great commerce, and they have not been open 12 months, not 18 months until the 30th of June. They have been doing a business of millions of commerce, which men like my friend Mr. FREAR, of the State of Wisconsin, United States of America, said would be entirely worthless.

The people along these waterways have spent millions of their own money to build these waterways, and the Government is getting the principal part of its fuel oil from these ports that the people had to build and give to the Government. The Government is getting the lumber on those streams to build the merchant ships that you are talking about. You ought to introduce a bill in this Congress, Mr. FREAR, of Wisconsin, to refund the people the hundreds of thousands of dollars they have spent, so as to overcome criticism such as yours, out of their own pocket.

I will tell you. You talk about this bill not being a war bill. The hyacinths grow right along that stream where they are building the vessels that are to carry the commerce to our allies and save the war with Germany. You say it is all right as a war measure to build a ship, but when the committee proposes to take obstructions out of the river where the ship must float you say that is pork barrel. Gentlemen, it is immoral to carry on that campaign against one of the country's great essential improvements in time of war as gentlemen are carrying it on against this river and harbor bill. [Applause.]

The CHAIRMAN. The gentleman's time has expired. All time has expired on this paragraph.

Mr. WATKINS. Mr. Chairman, I desire to offer an amendment, and the proper place in the bill is before the next section.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. WATKINS: Page 17, after line 17 and before line 18, after "$410,000," insert "$50,000 for the installment of the Seawell system of revetments on Red River in Louisiana.'

Mr. WATKINS. Mr. Chairman, a few days ago, after the rivers and harbors bill had been framed and after it was too late for the members of the Committee on Rivers and Harbors to investigate this proposition, by special request I filed a bill asking for an appropriation for the purpose of installing this Seawell system on Red River.

I will state in a few words that this is a system which is almost contrary in its operation to the regular system adopted by the United States engineers for placing revetments in navigable streams. In other words, the object is to place willow mattresses and other mattresses in the stream so as to catch the silt in the slack water instead of catching it in the water as it comes down the stream. This has been tried at Shreveport, La., where the water was encroaching upon the city to such an extent as to threaten its destruction, and it proved effective. It was tried at the town of Lenzburg, on the Red River, and also proved effective there. The Army engineers have antagonized it. I have introduced a bill, and I think when the vote is taken in the committee the amendment will probably be adopted, but I call the attention of the House to it so that when the Rivers and Harbors Committee prepare another bill they will be prepared to investigate the proposition which is now submitted.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Louisiana [Mr. WATKINS.]

The question was taken and the amendment was rejected.

The Clerk read as follows:

Red and Sulphur Rivers, Ark. and Tex., and Cypress Bayou and Waterway between Jefferson, Tex., and Shreveport, La.: For maintenance, $5,000.

Mr. FREAR. Mr. Chairman, three gentlemen have addressed themselves to me, and, of course, I can not ask the indulgence of the House sufficiently to answer fully the different gentlemen. I would like to do so if opportunity afforded, notwithstanding I do not ordinarily reply to personalities indulged in and the methods pursued, particularly by the gentleman from Texas [Mr. DIES], who criticizes me and directs his attention to me without even giving the courtesy of the parliamentary use of my name. He says I am the cause of this opposition and he regrets he did not stop this opposition at the outset.

It is unfortunate that he sat in the House all these years and did not realize until this time—until he just got on the Rivers and Harbors Committee—the importance of the "gentleman from Wisconsin" who has been consistently opposing these river and harbor measures, three out of four of which failed to pass the Senate.

I wish to read from Mr. Callaway's statement before the House. He was a Member of this House last year and a very able man, as we all know.

He was reading to the House from a letter written by Mr. R. W. Guyler, a president of several banks in Texas and a man of standing in that State. Here is what Mr. Guyler says, after describing the Brazos River, the one that the gentleman from Texas [Mr. DIES] has stood for every time. Guyler writes:

No patriotic American can continue to support such heartless graft.

I am reading from page 5670 of the CONGRESSIONAL RECORD of April 7, 1916, which contains the personal letter from Mr. R. W. Guyler. He says—I repeat Mr. Callaway's remarks and the letter:

SPENDING $2,000,000 FOR "WATER AT TIMES."

Mr. CALLAWAY. Oh, there is some water. You can find water at times. [Laughter.] Here is an interesting letter concerning the Brazos put into the RECORD April 7, 1916, by the gentleman from Wisconsin [Mr. FREAR]. The writer, Mr. Guyler, is president of a bank, as well as vice president of other banks, and connected with other business interests:

WALLIS, TEX., *January 26, 1916.*

Hon. JAMES A. FREAR,
Washington, D. C.

DEAR SIR: Noticing in the press our attitude respecting appropriations toward improvement of various streams and more particularly those applying to the Brazos and Trinity Rivers of Texas, I felt constrained to write you expressing my complete approval of your course. I am a native Texan, born and raised within 2 miles of the Brazos River; am 50 years old. My father and myself have owned land bordering on the Brazos for 58 years. I now own one tract which borders river for about 3 miles. I beg your pardon for mentioning these items. It is done to evidence my familiarity with the subject. The Brazos is an alluvial-banked stream; easily caves in banks. The work the Government has done and is doing is so utterly useless that it is contemptible and farcical, and, apart from the absolute, complete, total, utter waste of such appropriations, engineers have made regulations which are costing the people along the banks of said streams large sums of money.

I will mention two: If I should put in a ferry, I have to raise my cable 60 feet above low water; 40 feet ordinarily would do. This additional height necessitates longer cables and stronger and more costly posts for elevating. The same applies to bridges. It has cost the people of Fort Bend County at least $40,000 excess to erect four bridges across the river, and this same expense will apply to every bridge and ferry from the mouth to Waco. The reason given for this is to allow height sufficient to clear steamboats. Now, I have lived on Brazos for 50 years and my father since 1858, and never in all that time has there ever been a steamboat either up or down, except the Government snag boat and possibly one or two small gasoline boats sent out by Waco boosters to prove the navigability of the stream. I am not a civil engineer, but I believe it would be cheaper to dig a canal from the Gulf to Waco than attempt to deepen the Brazos; and if an honest, capable engineer would investigate, without being wined and feted by those interested, it would be overwhelmingly defeated. Our politicians seem to be governed by those who make the loudest noise, and the common people have no horns or bands or champions.

I wish you every success. No patriotic American can continue to support such heartless graft. We educate our children that it is proper and commendable to steal from the Government. You are welcome to use my name.

Yours, respectfully, R. W. GUYLER.

Now, Mr. Chairman, I would suggest to the people of Texas that here is an honest man, a man who shows statesmanship, for his home country, and will be a good candidate, in view of the vacancy which may occur, as I am informed, in that district. [Applause.]

Let me repeat Mr. Guyler's concluding statement:

No patriotic American can continue to support such heartless graft. We educate our children that it is proper and commendable to steal from the Government. You are welcome to use my name.

That is his statement regarding the Brazos River in Texas.

Now, I have not made those statements. That is from a man who lives on the Brazos River, and Mr. Guyler's statement was repeated and argued and supported by Mr. Callaway, of Texas, at that time. Mr. Callaway and Mr. Guyler, who know the Brazos, give that estimate of that river and the Trinity River.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. HARDY. Does the gentleman indorse that statement, that we educate our children that it is proper to steal from the Government?

Mr. FREAR. I should hesitate to make that statement. I am quoting, however, eminent gentlemen from Texas on the subject, both Representative Callaway and Mr. Guyler.

Mr. HARDY. Why does the gentleman read it if he does not believe it?

Mr. FREAR. I want to show how unfair the gentleman from Texas is. This is the kind of information furnished from the gentleman's own State. I am referring to Mr. DIES, of Texas.

Mr. HARDY. But the gentleman read that statement without a word of disclaimer.

Mr. FREAR. I leave the House to judge of Mr. Guyler's estimate. It is not fair for gentlemen in the House to assail me and not give me a chance to reply.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Pennsylvania?

Mr. FREAR. I can not unless I get more time.

The CHAIRMAN. The gentleman declines to yield.

Mr. FREAR. Mr. Chairman, I ask that my time be extended to 10 minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that his time be extended to 10 minutes.

Mr. MOORE of Pennsylvania. Reserving the right to object, I asked the gentleman to yield.

Mr. GALLAGHER. I ask that the gentleman be given 10 minutes.

Mr. SMALL. The gentleman from Wisconsin means 10 minutes, including the time he has already used?

Mr. FREAR. Yes.

Mr. SMALL. Does the gentleman from Illinois desire some time?

Mr. GALLAGHER. I want 10 minutes.

Mr. SMALL. Then, Mr. Chairman, I ask that the time be extended 15 minutes, including the time that the gentleman from Wisconsin has already used.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. MOORE of Pennsylvania. Now, will the gentleman yield?

Mr. FREAR. Yes; certainly.

Mr. MOORE of Pennsylvania. I think the gentleman will admit that it is not fair to read an anonymous letter reflecting on Congress or Members of Congress.

Mr. FREAR. This letter was commented upon by Mr. Callaway, of Texas.

Mr. MOORE of Pennsylvania. The name is given?

Mr. FREAR. Yes; the name is given. The name is R. W. Guyler, president of a bank in Texas. It was read before, with approval by Congressman Callaway, of Texas. It is signed by Mr. Guyler.

I made the statement respecting the Ohio River from information I had had from some of the best men I have known who have discussed the Ohio River, men who have known it and who have run it, I understand, in past years; and I reiterate the statement that probably not 10 per cent of the old actual freight traffic exists, excluding coal on that river, not nearly the commerce that existed 40 years ago.

Mr. SWITZER. Mr. Chairman, will the gentleman yield?

Mr. FREAR. I regret I can not yield. The gentleman takes the tonnage of the Ohio River in Pennsylvania, 4,000,000 tons, and then again includes the same tonnage all the way along the river. Remember half that tonnage also is sand and gravel hauled several miles. That has been the procedure from time to time—to add lockages and add the tonnages that go down the river. Now we are adding the ferriage. I had the RECORD here just a moment ago, showing that 10 per cent of the traffic on the Ohio River, open river and lock traffic, was lost during the two years from 1913 to 1915. This is the last report. That is given on page 352 of the committee report. But a great difficulty comes in discussing the value of improvements from the fact that much of this tonnage existed before any part of the $60,000,000 was spent by the Government, and much of that commerce went down the open river just as it does to-day. I repeat that the actual Ohio River business, according to the best information I can get, was much larger in the past than it is to-day. One-half is sand and gravel and 95 per cent of the balance is coal. It just drifts down the river as it did 40 years ago, and no one buys coal any cheaper.

I have made frequent analyses of this commerce in the past. What I did was done in good faith, and there was no answer that could be made to it. The commerce is decreasing. I took the various items of tonnage and showed what it consisted of. There was very little, comparatively, going through the locks, and that only averaged a 26-mile haul on a river 1,000 miles long. The gentleman from Missouri [Mr. MEEKER] questions this opposition, which he says helps railways. The gentleman from my State [Mr. LENROOT] will say that I have worked hard in my own State of Wisconsin and done some work in securing a railway commission for that State and in controlling the railroads of that State. I had charge of that bill when it was passed. I believe that the railroads should be controlled. Let me say that the gentleman from Wisconsin [Mr. LENROOT] deserves great credit for what we did there on that very same law governing the railroads. That is my feeling regarding the railroads. They should be controlled and prevented from driving commerce off the river.

Mr. HULBERT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from New York?

Mr. FREAR. I can not yield. I want to say that reasonable expenditures should be made on the rivers; but I do say that during recent years with these bills time after time we have been deliberately wasting money. Let me read to you here, if I may, the statement made by Mr. J. H. Bernhard, one of the best-known Mississippi River boatmen. It is found in the Appendix to the CONGRESSIONAL RECORD, under date of June 11, 1917, where I have placed his statement. I have been criticized because I tried to show you what public opinion is. I say this in passing: You demand to know what public opinion is. The chairman challenged us at the bar of public opinion, and you appeal on this bill to the bar of public opinion. I give you newspaper editorials on that very subject, any quantity of them. Some of them seemed to be so personal to members of the committee that I refused to give them. Others found in my speech of June 16, printed in the Appendix, serve to show you what public opinion is. We are challenged to show what public opinion is, and then we are criticized for showing it. The country is against this bill, and it ought to be defeated. Here is what Mr. Bernhard says about the Mississippi River:

> To-day the Mississippi from St. Louis to its mouth affords a channel which is the best to be found in any stream in the world * * * and see its emptiness. An 8-foot channel is all that the most efficient service requires. The Government works unremittingly to develop waterways, only to see the water-borne traffic grow less as the years go by.
>
> Still, the average river man will insist the poor condition of the channels keeps our inland waters idle. This is preposterous: the Rhine could never compare with the Mississippi in its advantages for transportation; its channel is narrower and shallower, more changeable, the current is swifter, and ice is known in the winter over its entire navigable length, yet in 1913 more than 97,000 vessels passed the Dutch and German frontier on the Rhine.

Can any statement be broader or more pointed than that?

It is shown by these tables in my speech of June 11, compiled by the St. Louis Chamber of Commerce, that the traffic decreased 90 per cent in the last 30 years. We are trying to show you where the money goes—is wasted—the money that belongs to the taxpayers of the country. Do not let us waste it unless you can show where we will get some returns. I do not believe there is a member of the committee—not one of those who signed the minority report—who will oppose proper appropriations. We should allow the channels to be maintained by a sufficient sum. We have not opposed doing so. Beyond that we say we give to the President of the United States the right to say what projects are necessary at this time, and you voted it down. Why did you not agree that the President of the United States should say whether these projects were right, surrounded as he is by the Government engineers? We offered you gentlemen on the Democratic side that proposition twice. We are going to offer it again. Why do you not permit him to strike out some of these bad projects? You are going to have the privilege of voting upon it again.

I did not expect to say anything particularly on the bill, but there have been constant assaults upon myself, and they have prompted me to attempt in a brief way to answer. I wish I had half an hour in which to answer. If I had, I would try the best I could to give you a correct statement and to show you where this bill wastes millions of dollars.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. GALLAGHER. Mr. Chairman, I should become somewhat suspicious of myself if I thought anything I could say would change a single vote that will be cast for the passage of this bill. I am one of the Members who signed the minority report. I gave my reasons for so doing in the general debate on the bill. I believed then and I believe now that we would be doing a judicious thing if we could save for war purposes the $26,000,000 that I expect will be spent in the improvements of rivers and harbors if this bill is passed. I want now more particularly to address myself to some of the remarks that have been made here, and the arguments that have been presented for the passage of this bill as a war measure. Some of my friends here say that the bill is necessary and should be passed to bring down freight rates. They say that the railroads are opposed to river and harbor improvements. Another element here say that the railroads are so crowded and congested that they can not move the freight, and that we have got to improve the rivers to remedy that condition. I have been on this committee for a number of years, and in this House for a considerable time, and as I look back over those years spent here I remember the vast expenditures that have been made for the improvement of these rivers; it must be surprising to everybody to notice the increased commerce that has been brought about as a result of those large expenditures. How filled with wonderment the people must be who stand upon the banks of these rivers and see the increased traffic that has been brought about on our streams as the result of the millions that have been expended. It is peculiar, is it not?

I do not want to make any argument against the bill. In fact, I am afraid that if I sit here and listen to the arguments that are being made for the necessity of spending this money to accommodate the commerce of the country I will actually believe this bill is a war measure; yet I can hardly believe that the House thinks so. Why, my friend from Ohio talks about the coal traffic on the Ohio River, and the chairman of the committee referred to a report by the Federal Trade Commission, made here the other day, in regard to the coal situation; did they say anything about reducing the price of coal? Everybody who uses coal must be surprised at the great reduction in his coal bills that has been brought about by this increased river traffic, and the tons of coal that are being delivered now as a result of increased number of boats on our rivers. Everybody who has an ounce of sense knows that coal is controlled at the mines. The traffic on the railroads is controlled, and every consumer, when he deals with the retail merchant, knows that he has to pay for his coal the price that is set upon it by the manipulators of the coal market. Do you believe river traffic is going to bring a change in those conditions? Oh, no, my friends; you can not make any sensible man believe that.

My friend from Pennsylvania, Mr. MOORE, talks about Chicago not being an ocean port. Chicago was an ocean port a few years ago, and we had a line of boats running from Chicago to the old country across the water; but those boats had to be pulled off, and it was stated that the reason they were pulled off was because they could not get marine insurance, that the great ocean-going lines had control of the insurance companies that issued marine insurance, and that they would not extend marine insurance to that line of boats—the ocean lines would not stand for it—so they had to be pulled off. Talk about the railroads controlling the river traffic. Everybody knows that river traffic was destroyed through the influence of the railroads, and nearly all the water frontage at every port on every river now is blocked by the railroads so that it is almost useless for harbor purposes, and at every boat landing the docks and warehouses are controlled by the boats that make the landing, and the passage of this bill will not remedy conditions; to pass it is a waste of money.

The CHAIRMAN. The time of the gentleman has expired. All time has expired under the agreement. The Clerk will read.

The Clerk read as follows:

Red and Sulphur Rivers, Ark. and Tex., and Cypress Bayou and Waterway between Jefferson, Tex., and Shreveport, La.: For maintenance, $5,000.

Mr. SWITZER. Mr. Chairman, I move to strike out the last word. The gentleman from Wisconsin [Mr. FREAR] seems to chafe greatly when some of his statements come out into the sunlight of the truth, and he reiterates the charge that he has been told by a good man from the Ohio River Valley that the annual traffic of that stream is not one-tenth of what it was 40 years ago, but he does not give the name of that man. I cite to you the official records of the engineers of the United States Army, and their official reports. He undertakes to controvert those reports with the say so of somebody whose name we do not know. I want to say to him that he can not find a man on the Ohio River, a good man, who knows anything about the traffic on that stream, who will ever say that the traffic to-day is only one-tenth of what it was 40 years ago. Why, gentlemen, think of it. That would mean 70,000,000 or 80,000,000 tons a year when I say to you if you look up the official records of the water-borne tonnage of this country, ocean and inland, 40 years ago the total tonnage did not exceed 125,000,000 or 140,000,000 after eliminating all duplications, and it is impossible to suppose that 80,000,000 tons of that traffic was initiated on the Ohio River, with probably one-third of the people then living along that river who live there to-day and not one-third as many industries on the banks of the stream as there are to-day. Think of the preposterous statement and then call to substantiate it here a witness whose name is not given. Gentlemen, I dislike to consume your time, but we can not let such statements as that pass without challenging them.

The gentleman from Wisconsin [Mr. FREAR] says that the tonnage passing certain locks is not what it was a year or two ago. I wish you to understand that the tonnage that goes down the Ohio River is not registered at every lock. If it were registered at every lock, the figures would be duplicated, triplicated, quadrupled, and sextupled as it passed the various locks.

The tonnage that leaves the harbor of Pittsburgh that goes to Cairo or to Louisville is registered at the first lock and is not registered again. The tonnage that is made up between the first and second locks and passes the second lock is registered at the second lock and not registered again. To register it again would be a duplication. The system that they have in vogue to-day for taking the tonnage of the Ohio River is an accurate one, and if there is any tonnage between two locks that does not go through either, that is reported by the boat to the Chief of Army Engineers.

The statistical tonnage furnished by the Army Engineers' reports for the Ohio River prior to 1912 contained numerous duplications, and the Chief of Army Engineers found that the reported tonnage of the river for the year 1905 of 13,955,918 tons contained many duplications and that the annual traffic on the river for this period was approximately 9,000,000 tons.

Now, I think I can point out to you how the gentleman arrives at the conclusion that there is a falling off of tonnage at some of the Ohio River locks. When the war broke out there was a firm at Pittsburgh, Pa., that sold one or two million tons of coal abroad that formerly went down the river. After the war broke out in Europe they sold a great quantity of coal to Great Britain at $16 or $20 a ton, and made more money in a year than they had made the 10 years before, so I have been informed. They immediately made a contract with the Island Creek Coal Co., of West Virginia, which has a coal tipple below my city, at Huntington, on the Ohio River, to supply a great deal of the coal they formerly sent down the Ohio River from Pittsburgh. The Island Creek Coal Co. tipple I have just referred to has a monthly loading capacity of 150,000 tons of coal into barges on the Ohio River. Of course that is not registered at any locks on the Ohio River referred to by the gentleman from Wisconsin, but it is registered at the first lock below Huntington, W. Va., as the coal loaded in barges at Huntington, W. Va., all goes down the river from that point.

Mr. HUMPHREYS. Mr. Chairman, I move to strike out the last word. The gentleman from Wisconsin quoted John H. Bernhard as one of his witnesses.

Mr. SMALL. Will the gentleman from Michigan yield for me to make a unanimous-consent request?

Mr. HUMPHREYS. Yes.

Mr. SMALL. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in 15 minutes.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that all debate on this section and amendments thereto close in 15 minutes. Is there objection?

There was no objection.

Mr. SMALL. If the gentleman will pardon me for one more statement. After we get through discussing this paragraph, can not we confine the discussion hereafter to the item?

Mr. HUMPHREYS. In answer to the inquiry of the gentleman from North Carolina, if it is addressed to me, I will say that I doubt it. Now, I have a telegram from J. H. Bernhard to me, which is a long telegram, and I will only read two paragraphs from it, and you will see that Mr. Bernhard, the gentleman quoted by the gentleman from Wisconsin is thoroughly in favor of river and harbor improvement.

The Inland Navigation Co., to reap the rewards we believe available to those that succeed, has placed to-day upon the western rivers at a cost of $123,000 its first floating modern electric-operated freight carrier, notwithstanding the impossible channel and shore conditions, in order to hasten the economical use of inland rivers, which is absolutely essential for the efficient transportation system needed in the United

States to reduce the cost of living and increase the opportunities and chances for successful competition in foreign markets. * * * General public now aware of the fact how badly it is in need of river traffic, but men like yourself must foresee what is coming and look into the future, and God knows you do not need to look far into the future now to realize how sadly we are in need of home economy by abandoning the waste as embodied in the emptiness of our rivers. I carried millions of tons of freight on foreign rivers at one-fourth the cost freight is carried in America by rail over same distance. Our rivers here are good and powerful, but their freedom is license and their untamed wildness dangerous.

INLAND NAVIGATION CO.,
JOHN H. BERNHARD,
President.

I simply quote that in answer to the quotation of the gentleman from Wisconsin, made from Mr. Bernhard showing that Mr. Bernhard is thoroughly in favor of the improvement of the inland waters of the country.

Now, I want briefly to call attention to some figures in answer to a good deal of criticism from gentlemen of the rivers appropriated for in this particular bill.

The rivers appropriated for in this bill last year floated a very considerable commerce. Not counting the East River, the commerce of which last year was valued at more than $4,000,000,000; nor the Delaware River, the commerce of which was $1,134,000,000 plus; nor the St. Johns, the commerce of which was $61,000,00 plus; nor the Passes at the mouth of the Mississippi, the commerce of which was valued at $368,000,000 plus; nor the Ohio River, the commerce of which last year was valued at $188,000,000; nor the ship channels in the Great Lakes, including the Detroit and the St. Marys Rivers, the Soo Canal, the commerce of which was valued at more than $1,000,000,000—not including any of these, the streams cared for in this bill last year floated a commerce of about 135,000,000 tons, with a value of more than $2,000,000,000.

Mr. HULBERT. Will the gentleman yield?

Mr. HUMPHREYS. I can not yield now.

Mr. HULBERT. I simply wanted to know if the gentleman excluded the Hudson River, which carried a commerce of $7,000,000,000?

Mr. HUMPHREYS. I did not include it unless it was in the East River. Now, taking these small rivers, they last year carried 135,000,000 tons.

Now, to reach the conclusion as to whether or not this bill is necessary as a war measure, let me say that it would take 135,000 loaded trains, each train carrying 30 loaded box cars, and each box car carrying 60,000 pounds, to carry the freight that was floated on these rivers last year.

Suppose that freight is not to be carried on the rivers—it must be moved—where are we to get in this emergency that is coming next year the 135,000 extra trainloads for freight which must be moved?

When gentlemen make these assaults on the bill in general terms I submit that they must answer that question. How do you propose to move this freight? We have not freight cars enough now in this war emergency to do the business of the country, and yet you deny the fact that the bill that takes care of the inland streams in this country which last year did the work of 135,000 trains is a war measure.

Mr. JAMES. Mr. Chairman, the gentleman from Ohio [Mr. SWITZER] did not quote quite correctly the gentleman from Wisconsin [Mr. FREAR]. What the gentleman from Wisconsin did say was that there was a good deal of difference between the freight that passed through the locks and open rivers in 1913 on the Ohio and the amount that passed through in 1915; that there was practically a million tons short. That is shown on page 352 of the report of the majority of the committee. In 1913 the amount of freight that passed through locks and open rivers was 8,412,603.8 tons; in 1914 it amounted to 7,589,161.5 tons, and in 1915 a still less amount, 7,346,357.8 tons.

This bill is supposed to be a war measure, because on page 2 of the report of the majority of the committee we find the following:

As the result of an effort to ascertain the opinion and wishes of Congress in this respect it became apparent that a large number of Members on both sides of the House favored limiting legislation at this session to emergency measures and such as were necessary in the prosecution of the war.

The report goes on then to speak about the Secretary of War and the Chief of Engineers, and finally quotes, on page 3, the Chief of Engineers as saying that there should be included such new projects as are intimately associated with the question of national defense in a military way. That being so, I can not understand why they have such rivers as the Red River and the Scuppernong included in this war measure. The gentleman from Wisconsin read a letter a little while ago from a gentleman in the Red River section. Let me read another letter—written about the same time—from that section of the country:

As a Red River planter, one who has spent 20 years on Red River, allow me to say (and it is the consensus of opinion of all my neighbors) that the improvement (?) of Red River this high up by snag boats is not only a farce, but actually detrimental to navigation—were such a thing possible—and to the land on the banks of the river. It is even a joke among the crews of the snag boats themselves. I will not go into figures and dates as to the number of boats navigating Red River, amount of money spent on it, etc., as you have all these at hand. But as for the good it does I can speak. There has not been a boat (except a snag boat) on the river here in six years, and the last one was a booster boat that went to Shreveport to prove that Red River was navigable this high up, and it went down on the biggest rise we have had since 1843. The crews of these snag boats quit at 4 p. m.

I wish you to know that this plantation has actually suffered from the work of the Government snag boats.

These snag boats are all right in their places, but this Simple Simon business is the limit.

I understand the work on the Trinity is even more foolish and wasteful of money.

If this matter is of interest to you, I will gladly get up some more facts for you. At any rate, I would be pleased to have you keep me posted as to the headway you are making in this line.

GEORGE T. WRIGHT.

On page 132 of the report of the majority, in respect to the commerce on the Scuppernong, it states that the commerce on the Scuppernong for year ending June 30, 1913, was 27,224 short tons, and for year ending June 30, 1915, it was only 9,448 tons. The committee states reasons as follows: "The decrease in tonnage below that of last year is due to the closing down of a sawmill." If closing down one sawmill would take away two-thirds of the tons of commerce of the river, what would the closing down of another sawmill do? And yet we are informed by the committee that this is a war measure.

I come now to the Tennessee River, $401,000, instead of $944,000.

Mr. MADDEN. Did the gentleman say Tennessee River?

Mr. JAMES. Yes.

Mr. MADDEN. What State is that in?

Mr. SWITZER. It is in three States.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. FREAR. Mr. Chairman, let me say first to the gentleman from Missouri [Mr. MEEKER] that I believe his statement is correct in regard to railroad secret agreements, and the House generally will agree with him that those agreements do exist, and they are difficult to overcome; but you will not reach the secret of the trouble by appropriating money lavishly or by pouring millions into these rivers. That will not reach the situation at all.

Again, referring to the gentleman from Mississippi [Mr. HUMPHREYS], he quoted from what Mr. BARNHART said. Mr. BARNHART is in favor of the improvement of the rivers. So are we all. We all favor the continuance of maintenance of the best river channel in the world—8 feet from St. Louis to the mouth of the river; but here is $100,000,000 already spent on the lower Mississippi, and here is what Mr. BARNHART said before the American Society of Engineers in 1915. I can quote what he said beyond what I quoted before:

Still the average riverman will insist that poor conditions of the channels keeps our inland waters idle.

I am repeating his statement, for that is just the argument being made here. He continues:

This is preposterous. The Rhine could never compare with the Mississippi in its advantages for transportation; its channel is narrower and shallower, more changeable, the current is swifter, and ice is known in the winter over its entire navigable length; yet in 1913 more than 37,000 vessels passed the Dutch and German frontier on the Rhine.

The commerce on the Rhine is over 40,000,000 tons in round numbers annually, or it was before the war, whereas our commerce on the Mississippi at St. Louis is down to 153,000 tons, counting all, according to the report of the St. Louis Chamber of Commerce. We have spent six times as much on the Mississippi as has been spent on the Rhine, and look at the miserable showing. Now, just one more suggestion: The gentleman from Mississippi [Mr. HUMPHREYS] referred to commerce. Read my speech of June 11, Appendix to the CONGRESSIONAL RECORD, where I have made an analysis of the upper Mississippi River that shows about one-half of all the commerce reported by the Army engineers on the upper Mississippi is brush, stone, and sand taken out of the river in so-called river improvement, and that of the total reported, 1,974,000 tons, practically nine-tenths is either ferriage or sand or gravel taken out of the river, some of it hauled 10 to 15 miles, the total average length of the river haul being 26 miles on the upper Mississippi River, after we have expended $28,000,000 on that part of the river. Can any further evidence be needed to show extravagance and waste than that result, with a loss of over 90 per cent of the river commerce while we have been wasting $28,000,000, or nearly that amount, in river experimentation?

The CHAIRMAN. The time of the gentleman has expired; all time has expired, and the pro forma amendment is withdrawn.

The Clerk read as follows:

Port Aransas, Tex.: Continuing improvement and for maintenance, $100,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word——

Mr. SMALL. Will the gentleman pardon me. How much time does the gentleman wish?

Mr. MOORE of Pennsylvania. Five minutes is all I desire.

Mr. SMALL. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in eight minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Mr. Chairman, the gentleman from Wisconsin, who is making a gallant fight against this bill, has drawn to his aid the gentleman from Michigan [Mr. JAMES], who sits at my left and who occasionally reads off some statistics that he has gathered from some report or other, or he reads from some letter from an individual who may have more or less interest in the proceedings. I do not know just why the gentleman from Michigan rises so often to the aid of the gentleman from Wisconsin unless it is that Michigan has been so well provided for heretofore in appropriations made by Congress that it does not need any further help. Michigan, you know, is situated up yonder on the Great Lakes, and it is represented in part by the gentleman from Michigan [Mr. JAMES], who is making constant attacks upon this bill. It is a great waterway State.

Mr. MEEKER. Will the gentleman yield for a question?

Mr. MOORE of Pennsylvania. Not in five minutes.

Mr. MEEKER. Just one.

Mr. MOORE of Pennsylvania. Go ahead.

Mr. MEEKER. Is not Michigan in the Great Lakes?

Mr. MOORE of Pennsylvania. Yes; it is in the Great Lakes. And it is represented here by some very distinguished men, most of whom are broad minded and can see far over and above the border lines of their own State. The gentleman from Michigan [Mr. JAMES] is one of them. He looks over and above the boundary lines of his own State farther than any other Member perhaps, for he scrutinizes the Tennessee River, takes up the Scuppernong, goes down in the Santee country, and generally mixes it up for other sections. But up to the present time I have listened in vain for one word of encouragement from the gentleman of Michigan about the State of Michigan. He criticizes projects in other States, but never Michigan. Why is this? We must examine these reports the gentleman quotes so frequently and so copiously to find out. And what do they reveal? Only this: That up to 1915, not including appropriations for 1916 and the appropriations in this bill, the State of Michigan has been taken care of to the amount of $59,378,000. That is nearly $60,000,000 that Congress has given to the State of Michigan alone. Why, of course, the gentleman from Michigan can afford to cut out all other appropriations now. He has "got his," and he does not see any advantage at all in making appropriations for other States since every river and harbor in Michigan has been taken care of lavishly. If there is war Michigan is prepared to take care of itself, because the Government has spent of its income in improving the rivers and harbors of Michigan and making them navigable and profitable to the State of Michigan. The ships can come and go and Michigan can prosper and be happy. What is the use of talking about anything else so long as Michigan is all right? That is the spirit of the gentleman from Michigan who rallies so bravely and so often to the assistance, comfort, and aid of the enemy of the river and harbor bill, the gentleman from Wisconsin.

Now, I want to quote from one or two of the other aids of the gentleman from Wisconsin [Mr. FREAR]. Our friend from Iowa [Mr. KENNEDY] and several other Republicans signed the minority report which the gentleman from Wisconsin, the litterateur of river and harbor classics, is credited with having written. But the gentleman from Illinois [Mr. GALLAGHER], a Democrat, for the first time since the enthronement of Woodrow Wilson, was also gathered into the camp of the gentleman from Wisconsin, and the distinguished gentleman from New Jersey [Mr. SCULLY], who was one of the President's foremost champions in his home State. With these two distinguished Democrats in the camp of the gentleman from Wisconsin [Mr. FREAR], matters become serious, so I read from a speech which I have before me, put in the RECORD, if not delivered in this House, on March 19, 1912. It runs along like this:

Mr. Chairman, I am heartily in favor of this bill, and I earnestly hope that it will pass without one dissenting vote.

That was the river and harbor bill of 1912.

As a new Member of this House I am unequivocally in favor of the development and improvement of the waterways of this country. While I have at all times been a strong believer in the development and improvement of the waterways of the entire Nation, yet I am particularly interested in the development and improvement of the waterways of the State of New Jersey. My assignment to that great and powerful Committee on Rivers and Harbors gave to New Jersey for the first time in the history of Congress representation on that committee. Naturally, as a new Member of the House, it is with considerable satisfaction and great pleasure that I welcome this bill to the House. New Jersey has too long been neglected in the river and harbor bills, and it is about time that Congress should learn of the inadequate care bestowed upon the rivers and harbors of that great State.

That was the speech of the gentleman from New Jersey [Mr. SCULLY] in 1912. [Applause.]

Why should I read more? New Jersey was taken care of in the river and harbor bill of 1912, just as Michigan was taken care of to the tune of $60,000,000 up to 1915. Oh, the gentleman from Wisconsin [Mr. FREAR] is making converts; that is true. He is picking up some Democrats along with some Republicans; but you observe as you go along the line that most of them have been well cared for. Their nests have been feathered and now they are against others whose projects await consideration. Is that fair? [Applause.]

Mr. JAMES. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman can proceed a little later, but the gentleman from Wisconsin [Mr. LENROOT] has asked to be recognized, and the Chair will recognize him now.

Mr. LENROOT. Mr. Chairman, I had not expected to speak upon this bill to-day, recognizing the futility of attempting to strike out any item in it, as has been demonstrated during the previous consideration of this bill. But the discussion has taken a turn to-day that I think demands a little consideration. Up to this year one of the great benefits that has been urged in these improvements has been the reduction thereby caused in railroad freight rates. And even in this report that is now before the committee you will read time after time that the benefit of the improvement has been, to use their language, the reduction of rail freight rates.

Now, of course anyone can see that that is not the proper basis for the expenditure of millions of dollars by this Government. But I do thoroughly agree with the gentleman from Missouri [Mr. MEEKER] and others that one of the reasons for the lack of use of our rivers has been railroad discrimination. And all I want to say now is that if the Mississippi River, for instance, is to be utilized it will not be by pouring $2,000,000 into that river by this bill until this railroad question is settled. And I want to suggest to these gentlemen who are so strenuously urging these appropriations that if they would be consistent they will urge legislation by Congress for the regulation of that question, so that railroads by unduly reducing rates can not destroy commerce upon the rivers.

I have not so far seen one of these gentlemen either introduce a bill or make a speech upon the floor advocating that kind of regulation. And I shall be interested next winter when we do come to consider general legislation to see whether any of these gentlemen who are now so strongly urging this proposition and giving as a reason the railroad discrimination will join and fight to compel railroads to deal fairly by water transportation, because reducing freight rates by reason of water competition is of no benefit to the Nation. You are giving a benefit to one locality in railroad rates at the expense of all the people of the interior who have not the benefit of water. And therefore it is not in any national way any benefit at all to improve our rivers solely for the purpose of reducing freight rates. If we are to utilize the rivers of this country, we must see to it that the railroads can not destroy legitimate traffic by unduly low railroad rates.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn. All debate is closed.

The Clerk read as follows:

Anahuac Channel, mouth of Trinity River, Oyster and Clear Creeks, and Cedar, Chocolate, Turtle, Bastrop, Dickinson, Double, and East Bay Bayous, Tex.: For maintenance, $33,300.

Mr. JAMES. Mr. Chairman, I just listened to a little lecture from one of my leaders, or near leaders. I call him a near leader, because I do not often follow him.

Mr. SMALL. Will the gentleman permit me to interrupt him to make a unanimous-consent request?

Mr. JAMES. I will.

Mr. SMALL. Mr. Chairman, I ask unanimous consent that the debate on this paragraph and amendments thereto close in five minutes.

Mr. MADDEN. I do not think the gentleman is fair.

Mr. SMALL. I did not see the gentleman from Illinois.

Mr. MADDEN. It does not make any difference whether you saw the gentleman or not. I think the gentleman from North Carolina ought to be sufficiently considerate of the time of the other members of the committee to be willing to let them discuss both sides of the question.

Mr. MEEKER. Reserving the right to object, Mr. Chairman, I will say to the chairman of the committee that this discussion is now taking a trend which I hope it will follow for a short time, and I take it we had just as well right here, in the committee, thrash out some of the questions that are now up, suggested by the gentleman from Wisconsin in response to what was said by the gentleman from St. Louis.

Mr. SMALL. We have been three days on this bill, and we have been discussing the same general propositions here, and we have gone far afield from the item which has been read. I hope we can read the bill and avoid discussion of general propositions as much as possible. I understand in addition to the gentleman from Michigan [Mr. JAMES] the gentleman from Illinois [Mr. MADDEN] wishes to speak, and the gentleman from Kansas [Mr. CAMPBELL].

Mr. MADDEN. I do not care whether I get in on this paragraph or not.

Mr. CAMPBELL of Kansas. I want five minutes.

Mr. SMALL. I make it 10 minutes, Mr. Chairman.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that debate on this paragraph and amendments thereto close in 10 minutes. Is there objection?

There was no objection.

Mr. JAMES. Mr. Chairman, the gentleman from Pennsylvania [Mr. MOORE] has seen fit to lecture everybody who has not the same views on this bill as he has. I call him one of our "leaders," or, rather, "near leaders," because I do not follow him, and if I did follow him I would not be here next time, because the people in my district do not agree with him on matters relating to rivers and harbors and public buildings and things of that kind. I am glad at last that we have a "war measure" that the gentleman from Pennsylvania can support at the first and not climb on the band wagon at last. I am glad this bill is not "in the interest of the allies." This is about the only bill that has come up here lately that the gentleman from Pennsylvania has not insinuated was "in the interest of the allies."

When the report came from the Committee on Mines and Mining on the bill, whose only object was to see to it that the ammunition factories and mines were not blown up, there was some doubt expressed by the gentleman from Pennsylvania as to whether the allies were not interested in that bill. When the matter came up here the other day regarding the insurance of merchant ships and their cargoes, the gentleman had some doubt in his mind as to whether it was not intended to carry some more insurance for the allies and protect the boats and cargoes of the allies rather than our own ships and cargoes, when anybody who knew anything about the subject knew it was to protect American commerce, so that American merchants could carry twice as much insurance protection as they did before under the old bill. When the food-control bill came up there were grave doubts in the mind of the gentleman from Pennsylvania that the food bill was designed "in the interest of the allies," so that they could eat whole wheat over there and we would be confined to a diet of corn meal. But now, happily, that bill has been disposed of.

The State of Michigan needs no defense at my hands, because neither the gentleman from Pennsylvania nor anybody else has been able to point out any bad item in the State of Michigan that is cared for in this bill. Let me call attention to an item where in 1913 they had a tonnage of 1,200,313 tons of through commerce of the value of $50,894,518, and where there was local commerce to the value of $44,322,561 in the year 1915. If all the items were like those, the gentleman from Pennsylvania and the gentleman from Wisconsin [Mr. FREAR] nor anybody else could criticize a bill of this kind. [Applause.]

The CHAIRMAN. The gentleman from Kansas [Mr. CAMPBELL] is recognized.

Mr. CAMPBELL of Kansas. Mr. Chairman, another reason than the reduction of freight rates for the improvement of rivers must be given by those who support this bill. Everybody who lives at what is known in freight-rate parlance as an interior point knows that no railway reduces its rate to shippers beyond the river points because of alleged river navigation. For instance, interior points in Kansas—that is, west of the Missouri River—where originates the traffic in wheat and cattle and corn and brick and coal and all manner of material, have no advantage whatever of any reduction that is made in the rates from Missouri River points to the sea or from Missouri River points to points beyond the river. Shippers have to pay a higher rate from Pittsburg, Kans., from Newton, Kans., on coal and on wheat, for example, to New Orleans direct from the place where the product originates than they do by way of a Missouri River point, and in order to take advantage of the river rates or the reduction in rates they must first ship to a river point and there unload and reship from that point to the sea or market.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. DEMPSEY. Does not the gentleman believe that whenever a railroad puts in a low rate to compete with water transportation this low competitive rate is always used against the railroad in fixing its general rate, and so the country at large get the benefit of that competition?

Mr. CAMPBELL of Kansas. No. The Interstate Commerce Commission has always recognized river points as basic rate points, and has invariably sustained the higher rate to what they call the interior points. Now, there is as much traffic carried on the Lincoln Highway as there is on the Missouri River.

Mr. BENJAMIN L. FAIRCHILD. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. BENJAMIN L. FAIRCHILD. It is true, as the gentleman has stated, that the Interstate Commerce Commission does recognize the water rate; but is that an answer to the question of my colleague from New York?

Mr. CAMPBELL of Kansas. It is, because the general reduction does not occur for the benefit of points beyond the river. The Interstate Commerce Commission uses the reduced rate to the river points as a reason why the railway must be compensated by a higher rate, for example, to Topeka, Kans., and Newton, Kans., and Wichita and Pittsburg and Independence. A low rate to either of the interior points may be confiscatory, but not so to the river points.

Mr. BENJAMIN L. FAIRCHILD. They do recognize the water rate?

Mr. CAMPBELL of Kansas. Yes; but when there is no competition——

Mr. BENJAMIN L. FAIRCHILD. Then they go further; and, as my colleague from New York stated, these lower water rates are used as an effective argument when you come to inland rates.

Mr. CAMPBELL of Kansas. I hope the gentleman will get his own time. I have only five minutes. I say there is no such traffic on any of these alleged navigable streams as justifies the basing of rates from these points to the sea and a discrimination against what they call interior points, where the product really originates. Why, as I stated, there is really more traffic on the Jefferson Highway or the Lincoln Highway from Pittsburg, Kans., to Kansas City than there is from Kansas City to St. Louis on the Missouri River.

The CHAIRMAN. The time of the gentleman from Kansas has expired. All time has expired. The Clerk will read. The pro forma amendments are withdrawn.

The Clerk read as follows:

Waterway from Galveston to Corpus Christi and channel from Pass Cavallo to Port Lavaca, Tex.: For maintenance, $90,000.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. I do not suppose anything I say will have any influence in shaping the policy of the Rivers and Harbors Committee, but I am going to say it at the risk of not being followed.

My own judgment is that in the expenditure of money for rivers and harbors, if we would adopt a well-defined policy of improving some important channel, and then use that as an example to show whether or not water navigation could be popularized, we could then go forward, if it proved to be feasible and desirable to have water navigation, and improve other important channels in the United States; but as long as we continue to spend money on every kind of a creek with every kind of a name, without any kind of an object except to take the money out of the Federal Treasury, we will never have water navigation made popular in the United States.

I would be delighted to see water navigation established and popularized, and I would like to see the Congress of the United States adopt a plan to improve one great river. Take the Mississippi River, if you like, or the Missouri River, if you like——

Mr. LONGWORTH. Or the Ohio River.

Mr. MADDEN. Or the Ohio River, if you like, but make it one river, and spend your money on it until you complete the

improvement, and then encourage your citizens to invest their money in facilities to move commerce by water. If you could do that you would soon learn whether it was worth while to spend money for water navigation in the interior of the country; and if such a policy was adopted, it would not take more than two or three years to prove the efficacy of the expenditure of money for that purpose. Because, if we devoted our energies and our money and our scientific knowledge to the improvement of some great waterway running through the interior of the country, we would soon learn whether or not it is possible to compete with the railroads by water. There is no doubt in the world but that you can move freight much more cheaply by water than you can by rail; but you can not move it by water at all on these inland streams until the streams are put in shape where you can run boats on them, and you can not run boats on them unless you have a channel, and you can not have a channel unless you spend the money to make it; and there is not money enough in the United States, and you could not raise money enough in the United States to improve all the channels that are proposed to be improved so that they would be worth one dollar for navigation purposes. But you can improve one channel, and when you have improved that channel, and by its improvement you have proved the case, the people of the United States will join in and improve other channels.

It will not do to say that you can not pass a bill with a single meritorious proposition in it. It will not do to say that you have got to have a lot of items in the bill that have no merit in order to pass the items that have merit. I venture to predict that if the Board of Engineers and the Chief of Engineers and the Secretary of War and the President of the United States were to come to this Congress with a message saying that the improvement of the Mississippi River was one of the prime needs of the development of the navigation of the United States, and that all other rivers in the United States ought to wait until that one was improved, the Congress would adopt it. I venture to say if we did the same thing about the Ohio River, Congress would adopt that, or if we did the same thing about the Missouri River, Congress would adopt that. But when nobody comes here with anything that has any merit, you can not wonder that many Members of the Congress, and all the people of the United States, except those who are living in the territory where their creeks are being improved, object to the expenditure of the money wastefully.

I have no disposition to retard the progress of this bill. I know it is going to pass this House, and nobody has retarded the progress of the bill to-day half as much as the men who are in charge of the bill.

The CHAIRMAN (Mr. HARRISON of Mississippi). The time of the gentleman has expired. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

Freeport Harbor, Tex.: For maintenance of mouth of Brazos River, $66,000; for improvement in accordance with the report submitted in House Document No. 1469, Sixty-third Congress, third session, and subject to the conditions set forth in said document, $150,000; in all, $216,000.

Mr. SMALL. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that all debate on the paragraph and amendments thereto close in 10 minutes. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, if I understand the argument of the gentleman from Illinois and the arguments made by his allies, the gentleman from Wisconsin and the gentleman from Michigan, who has recently spoken in a more or less personal vein, it is that we should dispense with the waterways and confine all of our transportation operations in this vast war to the railroads. In other words, the argument is that so long as their particular waterways are improved and their railroads are running, it would be useless to develop any other waterways in the United States. For instance, the gentleman from Michigan, whose State has secured nearly $60,000,000 for waterway improvements, feels now that he is ready for war in his own territory because it has been improved and prepared for it.

The gentleman from Michigan, who was more or less personal and more or less accurate in his statements about the gentleman from Pennsylvania, chafes a little about the exposure of "pork" in the State of Michigan, although I for one am ready to compliment the gentlemen from that great State who succeeded in getting $60,000,000. They were wise and industrious Representatives.

But the gentleman from Michigan, having been a soldier and therefore sympathetic with the men at the front, would have it that the railroads, and the railroads only, should bring up the supplies. He would have the soldiers of the United States wait until the railroads came up with troops or supplies, whether the railroads were able to do it or not. Instead of having two means of communication he and the gentleman from Illinois would have but one. These are the arguments that the gentleman from Michigan, who was more or less personal and more or less accurate about the motives of other gentlemen, would rest upon, and he was a soldier and knows what it means to have relief and support in battle. The gentleman was engaged in the Spanish-American War, I understand, and fought valiantly. We can pay him that tribute without reflecting upon the other soldiers. But now he opposes a modest appropriation of $26,000,000 to enable us to stimulate production and set afloat to some of the ports and rivers of the country ships for which he and others who oppose this bill have already voted to appropriate $750,000,000.

Think of it! These antagonists of rivers and harbors who come forth boldly and bravely as soldiers ready for the fray and cheerfully vote three billions of the people's money into the hands of certain departments and the Council for National Defense for all sorts of purchases, including $750,000,000 for the construction of ships, now seek to turn down $26,000,000 to provide avenues of communication for the very ships they themselves have authorized.

They ridicule the idea that the river and harbor bill is a war measure. Why, gentlemen, I have in my mind one instance which I now submit to this House as appropriate—that of a river across from the city of Philadelphia—where the Government is seeking to have ships built—warships which it badly needs. They have the equipment along that stream to build the ships—men, material, and all that—but they are not sure they can get the ships out of the stream after they are built. They need a greater depth of water. Gentlemen who stop appropriations for rivers and harbors simply bottle up our ships. It is a poor pretense of patriotism.

Mr. MADDEN. They ought to build the ships where there is water enough.

Mr. MOORE of Pennsylvania. That might do in Chicago, but gentlemen should remember that they had to dig out the *Clyde*, and that shipbuilders must have a suitable environment.

Mr. MANSFIELD. Mr. Chairman, I am not a member of the Rivers and Harbors Committee and but a new Member of the House. I desire to call attention first to the fact that the gentlemen opposing this bill base their objections more from items embraced in former river and harbor bills than from the items of the bill now under consideration. For instance, the gentleman from Wisconsin [Mr. FREAR] has had a great deal to say about the Brazos River, and has quoted from the CONGRESSIONAL RECORD of two years ago in the extension of his remarks in the RECORD in regard to that project. I desire to call attention to the fact, and wish to have it put in the RECORD, that the present bill does not embrace any item whatever for the Brazos River.

Some gentlemen on the minority side of the aisle seem to oppose this bill for the reason that it has not been indorsed by the Democratic caucus. I am glad those gentlemen are beginning to look to this side of the aisle for light, but I desire to correct their impression as to the caucus action. I have a faint recollection of what took place in the Democratic caucus in regard to that measure, and my recollection is different from that as stated by those gentlemen who seem to be opposing it for that reason. For their information I desire to state that the Democratic caucus has not barred this bill from action in this Congress. When the caucus was held the gentleman from North Carolina [Mr. KITCHIN] introduced a motion that this Congress should embrace certain things within the scope of its legislation, and a motion was made by the gentleman from North Carolina—the chairman of this committee—to embrace a river and harbor bill. Several attempts were made to amend that motion and were all voted down. Finally they got into the question of prohibition and public buildings and grounds and all that, and then the gentleman from North Carolina [Mr. KITCHIN] withdrew the whole resolution, and it was all set at naught, and no action taken thereon at all. He then amended his motion and offered an amended program, which is as follows as I read from the minutes of the caucus:

Program: Measures for war, the additional-force bill, the additional Navy bill, and all legislation needed to put the country in a better state of defense and preparation for action; bills for safeguarding of the Nation.

These included bills recently submitted to the Judiciary Committee by the Department of Justice, and so on.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. MANSFIELD. For a question.

Mr. LAGUARDIA. May I ask the gentleman what caucus he is reading from?

Mr. MANSFIELD. The Democratic caucus, the one that has been under investigation here. Now, then, let us take the proposition of measures to put the country in a state of preparation for war. If I am correctly informed by the chairman of this committee, the measures embraced in this bill are recommended by the Secretary of War and by the President of the United States as war measures, or semiwar measures. I do not believe that any gentleman on the floor of this House will dispute that these measures for the improvement of rivers and harbors, for carrying our freight and our food and munitions to the fields of battle in Europe, are war measures, and those gentlemen who are opposed to improving these rivers and harbors and keeping them in proper repair for that purpose had as well and with as much judgment, in my opinion, get up here and say it would be improper to keep the railways in proper repair for the transaction of such business.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. MANSFIELD. Yes.

Mr. COOPER of Wisconsin. Secretary of Commerce Redfield, of the President's Cabinet, also in effect indorsed this bill, did he not?

Mr. MANSFIELD. Why, I am so informed.

I want now to speak of the item Freeport Harbor as a war measure, as well as from a commercial standpoint.

The item under consideration, Freeport Harbor, comes up to the full measure from both a commercial and a war point of view. The harbor was not made deep enough to accommodate ocean-going ships until about two or three years ago. Within the past two years the tonnage has increased approximately 150,000 tons, while the engineer's report shows that 90,000 tons were diverted to an all-rail traffic on account of the inability to obtain a sufficient number of light-draft vessels capable of entering the shallow harbor. Perhaps no other harbor in the country has had such an enormous percentage of increase, it being approximately an increase of 600 per cent within two years.

As to the war phase of the case, I desire to call attention to the fact that about one-half the sulphur output of the United States is produced by the mines at this place, and the Government will consume every ton of it in the manufacture of explosives for this war. So important is this question considered by the Government that the Secretary of War now has a company of soldiers stationed there to guard the sulphur mines and the docks, and the Secretary of the Navy is exerting due precautions to protect it on the Gulf. As to the great importance of this sulphur mine as a war measure, I will ask to have the Clerk read an article appearing in the Washington Star of yesterday, written by Mr. Frank G. Carpenter, the well-known author and correspondent, who has traveled in every land known to civilization, and who as an authority upon this subject will not be questioned.

The Clerk read as follows:

IMPORTANCE OF OUR SULPHUR INDUSTRY IN TIME OF WAR.

[Copyright, 1917, by Frank G. Carpenter.]

FREEPORT, TEX.

I have come to Freeport to write of an industry that means much as to victory or defeat in our great war with Germany. Away down here in southeastern Texas, at the mouth of the Brazos River and within a short distance of deep water in the Gulf of Mexico, lies a great bed of pure sulphur. The bed is more than 500 feet below the surface of the earth and it is crowned by a huge dome of rock which has a necklace of quicksand. It reaches only 23 feet above the surrounding country, and to look at it you would think it only a hill. The deposit of sulphur is just like another great bed that lies under a similar dome in southern Louisiana on the edge of the Gulf, and the two deposits are now furnishing 98 per cent of all the sulphur used in the United States. Each is producing tens of thousands of tons every month, and both will be worked to their full capacity throughout the war.

But before I describe the wonders going on here let me tell you how vital this sulphur has become to our life as a nation. It is needed to make the sulphuric acid which is employed in all high explosives, and it is the basis of acid phosphate, the commercial fertilizer upon which we rely for our food supply.

In the past we bought some of our sulphur from Japan, but this is now going to Russia, where it is used for making munitions of war. We once got the most of our supply from Sicily, but that was cut off when the Louisiana mines were developed, and of late we have been making our sulphuric acid from pyrites, the most of which we have been importing from Spain and Portugal. We took from those countries last year a million and a quarter tons, but the supply has been cut off by the submarines, and it will have to be replaced in large part by these sulphur mines.

Just now we are using more sulphur than ever before. Our usual consumption has been in the neighborhood of 300,000 tons per annum. Last year we used more than three times that quantity, and the bulk of the excess went into high explosives for the projectiles shipped to our allies. From the Freeport mine a quarter of a million tons was shipped to one munitions factory, and I understand that large contracts have been placed for the future.

The fertilizer companies will need more than 1,000,000 tons of sulphur for the acid phosphate required by the farmers, but their supply will be restricted by the amounts needed in the munitions factories, and it may be also by our shipments to Europe.

Sulphur is used also in many manufactures. Prior to this war 70 per cent of our product was consumed in making wood pulp and news print paper. The paper on which this letter is printed was bleached with sulphur, and this is so of almost all papers used for periodicals, magazines, and books. Sulphuric acid is a necessity in refining petroleum. It is employed in the making of sugar, and also in steel, iron, and coke manufactures. In connection with lime it forms the lime-sulphur insecticide which is used everywhere in our orchards, and it means the success or failure of our fruit crop. In short, it is the basis of so many different industries that we must have it in order to live.

Until the sulphur mines of Louisiana were developed the most of the world's supply came from the island of Sicily. It was dug up about the slopes of the volcano of Ætna, and Italy supposed that she had a monopoly of the business for all time to come. This was so notwithstanding sulphur was known to exist in Louisiana. It had been discovered there about the close of our Civil War, but the deposit was covered with quicksand and was buried 500 feet under the ground, so that it resisted all the attempts of the miners.

Then came from Germany a young chemist named Herman Frasch, who went into the employ of the Standard Oil Co. He was an inventor as well as a chemist, and he became interested in sulphur when he invented a process for taking the sulphur and other offensive odors out of coal oil. He had made good investments and was growing rich when he heard of the sulphur deposits of Louisiana, and turned his mind toward getting them out of the ground. He came down to the Gulf of Mexico and made many experiments. He drilled wells here and there over the deposit, and finally concluded that he could put down pipes into the sulphur and melt it by means of superheated water in such a way that the liquid sulphur could be forced up to the surface of the earth. He tried it and it proved a success. In 1903 he was taking out sulphur in paying quantities, and the following year he had enough to supply the American market and ship 3,000 tons to France.

In the meantime the Italians tried to undersell Frasch in the United States. He showed them what he had and offered to go into a combination with them to supply the world's market. They laughed at him, but he sent additional shipments to France and undersold them; and, to make a long story short, it cost them a million or so of dollars before they were ready to make a contract with him to keep out of the American market and to pay him an annual bonus not to enter their market in Europe.

Since then the Louisiana Sulphur Co. has, if reports are correct, been making enormous profits. The stock is said to be worth upward of $1,700 a share, and it is currently reported that every share brings in dividends of more than $1,200 a year, or $100 a month, year in and year out. The original value of the shares was $100, so that the stock really pays 1,200 per cent.

And now we come to the discovery of these great deposits of sulphur at Freeport. They were found shortly after the oil began to spout on Spindle Top Hill. The petroleum deposit at Beaumont, which began the oil industry of the Southwest, lay under a great dome of rock, and it was associated with sulphur. Capt. A. F. Lucas, who discovered that oil, conceived the idea that he could find oil under any similar dome along the Gulf coast. There were many of them, and he explored a great number. Among others he sank a well into the dome under which this sulphur lies. It was then known as Bryan's mound, and it lay here in the prairie only 23 feet above the low coastal plain.

Capt. Lucas has told me how he sank the well into the mound and how, after he had gone down about 900 feet, there came a rush of vile-smelling, poisonous, sulphurated hydrogen gas, so strong that it polluted the air for miles around. It was strong enough to kill a mule and was deadly to man and beast. It drove the miners away from the well, and it kept on flowing for months.

Capt. Lucas was prospecting for oil, not for sulphur, and he had no idea of the value of his discovery. He allowed his lease to lapse, and it was not until within a few years ago that the property came into the hands of the present owners—E. P. Swenson and others—who comprise the Freeport Sulphur Co., which has spent millions in sinking wells and in building the great plants by which the sulphur is brought to the surface.

But suppose we visit the mine and see how the sulphur flows from the earth. We start at the new town of Freeport, which is 2 miles away, and ride in automobiles over the prairie. On a little hill in the distance we see what seems to be enormous factories, with tall derricks about them and oil tanks near by. Between us and the buildings great mountains of light yellow stand out against the blue sky. The factories contain the machinery which heats the hot water and forces it a thousand feet down into the earth; the oil tanks are filled with the fuel oil that furnishes the great heat necessary for melting the sulphur; and the mountains of yellow are massive blocks of sulphur built up by the streams of lemon-yellow gold, which are pouring forth day and night all the year through.

This is our view from the distance. As the car brings us closer, the buildings seem to increase in size until they cover many acres. The great blocks of sulphur grow larger and larger, and the immensity of the plant dawns upon us. Look at that huge pipe which follows the road over which we are riding. That was laid to carry fuel oil from the tank steamers in the harbor out to the plant. The mines require 4,500 barrels of oil every day, and there are 90,000 barrels in the tanks which stand over them. The company has a fleet of tank steamers for bringing this oil from the wells of Tampico, in Mexico, and it is used solely for producing the heat.

The factories are really great hot-water plants. They are filled with huge boilers which burn more than a million and a half gallons of oil ever week and heat from 8,000,000 to 12,000,000 gallons of water a day. This water must be raised to a temperature of 332°, or 120° above boiling. It is then pumped down into the ground through pipes a thousand feet long at a pressure of 250 pounds to the square inch. It goes through the beds of sulphur and melts them to a liquid, which the compressed-air machines force to the surface so that it flows out in a stream of bright yellow which might be compared with the wine known as sauterne.

The beds of sulphur cover about 500 acres. The chemical lies in pockets and veins in a gypsum formation heavily loaded with water, but when it comes to the surface it is absolutely pure, and it has only to cool to be ready for sale. By chemical assays it is proved to be over 99 per cent pure sulphur, and it is sold on the guaranty that it is 99½ per cent pure.

Now come with me and let us look at the huge blocks of sulphur which stand out against the blue sky. There are a half dozen waiting for the steamers to come and take them away, and others are rising by the flow of the wells. Here is one that covers more than an acre and is more than 40 feet high. It is a mighty cube of light yellow

as clean as a canary bird fresh from its bath. It has the cubic contents, I should judge, of a half dozen large flats. Near by it is another which is 200 feet wide by 300 feet long and as high as a four-story house. It contains almost two and a half million cubic feet, and it weighs, I am told, about 100,000 tons.

There is a railroad track running by the second block I have described, and one section of it has been blasted down with dynamite so that the sulphur may be broken into such shape that it can be put on the cars. They are loading cars now. The yellow rock is picked up by a clamshell bucket attached to the end of a crane worked by an engine. The bucket takes two tons at a bite, and the steam crane swings it around and drops it onto the cars. The car is loaded in a very few minutes, and we can see long trains of this light-yellow chemical moving across the prairie and down to the harbor on their way to the North.

But let us see how these great blocks are built up. The sulphur as it comes from the earth is carried in pipes to an acre field close to the well. This has been smoothed and a fence of 2-inch planks run around it. The planks are nailed to a post 10 feet in height so that they make a tight board wall, which reaches as high as your head. The sulphur begins to flow in. It comes out of the pipe in a boiling, bubbling liquid so thin that it flows easily over the ground. It is now 100 degrees above the heat of boiling water, but it is sulphur, and it congeals or freezes at 250° F. It is so hot that it spreads itself evenly over the surface, and a little later solidifies, making a great bed of sulphur rock covering the ground. As more sulphur comes, it flows evenly over this surface, and the great mass is gradually built up in a solid rock 40 feet thick, as I have described. As the building goes on the fence is made higher and higher until you have at last a wall of plank inclosing the block. This block is as hard as stone and would stand for an indefinite time on the bed of the prairie. The planks are now taken away and used over again. It takes a well flowing about six weeks to make such a block, and at current prices the sulphur contained in it is worth in the neighborhood of $2,000,000. As I figure it, the company is now mining something like 2,000 tons of sulphur a day, and its product is about one-half of all the sulphur in the United States.

This will show you how necessary it is that these sulphur mines be protected and given every facility for exporting their products. They form one of the four great sources of supply of sulphur known to the world, two of which are in the United States. The other United States source, as I have said, is the Union Sulphur Co., of Louisiana, which has a capacity about equal to this. In addition are the mines of Sicily and the product of Japan, neither of which we can rely upon for any part of our supply. Until recently Sicily had been taking care of the needs of Europe and Asia. It had on hand prior to the war 650,000 tons of sulphur on top of the ground. It now has less than 140,000 tons, of which 40,000 tons are promised to France. The remainder it refuses to sell.

It is also important that the harbor at Freeport be deepened in accordance with the recommendation of the Board of Engineers for Rivers and Harbors of the War Department. This can be done at a cost of $455,000, and a bill to that effect is now before Congress. These recommendations advise the increase of the depth to at least 25 feet and they say that this sum will secure that depth and maintain it for three years, which would probably include the term of the war.

As it is now the harbor has a channel 18 feet deep and 3 miles long, connecting it with the Gulf of Mexico. At the entrance to the Gulf great jetties have been constructed, and there are all facilities for making an excellent and a permanent deep waterway into Freeport. The Brazos River, which is the longest and largest in Texas, is wide and deep all the way to its mouth. It makes a great bend between the Gulf and the harbor, and at that point it is crossed by the intercoastal canal, which runs north and south along the Gulf. This bend makes the harbor landlocked and serves as a protection against the storms of the sea.

The deepening of this harbor will give the Southwest another important gateway to the Gulf of Mexico. Freeport will form an additional outlet for the cotton and grain of this part of the world and the sulphur will probably bring chemical plants and sugar refineries here on account of its cheapness. The nearness of the place to the oil fields of Mexico may make it an oil-distributing center, and fuel oil will be the basis for a considerable industrial development. Moreover the port has the advantage of being absolutely free as to dock or wharfage charges. The land all around belongs to the company and its plans include the building of a city.

FRANK G. CARPENTER.

Mr. MANSFIELD. This article is from a man capable of speaking with authority and who in his travels had occasion to stop at Freeport and make a personal investigation of this matter.

The depth of the harbor being but 18 feet, only a limited number of vessels can enter it, and every ton that the Government will require to be shipped for its own use by rail to the factories of the East will be at an enormous additional expense. An increase to 25 feet, as recommended by the Board of Engineers and by the majority of the Rivers and Harbors Committee is absolutely essential in the defense of this country and for the prosecution of the war, and the Government itself will be more than repaid for the outlay in the lessened expense of transporting the tonnage it will require for the manufacture of explosives for this war, to say nothing of the increased facilities in other shipping.

Mr. Chairman, this bill has the approval of the engineers of the respective districts, it has the approval of the Chief of Engineers, it has the approval of the Secretary of War, the Secretary of the Navy, the Secretary of Commerce, and the President of the United States. Not only that, Mr. Chairman, it will in due time have the approval of Congress and of the people of the United States. [Applause.]

The Clerk read as follows:

Red, Black, Ouachita, Tensas, Boeuf, and Saline Rivers, and Bayous Macon, Bartholomew, D'Arbonne, and Corney, Ark. and La.: For maintenance, $65,000. The balance of appropriations heretofore made for the construction of Lock and Dam No. 7, Ouachita River, Ark. and La., is hereby made available, in the discretion of the Secretary of War, for the construction of Lock and Dam No. 5.

Mr. SWITZER. Mr. Chairman, I move to strike out the last word. I would like the committee to bear with me for five minutes. I want to make a reply to the argument of the gentleman from Illinois [Mr. MADDEN] who says that these projects, items of appropriations, ought to come in here in separate bills and be dealt with individually and in a separate manner. My reply is to read the argument of the distinguished Republican floor leader, the gentleman from Illinois, Mr. JAMES R. MANN, there being no better authority on parliamentary procedure and the efficicacy of parliamentary practice. Upon this very question on the 22d day of January, 1917, on the floor of this House, Mr. MANN said:

Now, Mr. Chairman, the river and harbor bill comes to the House. We call it a pork-barrel bill. It is in the sense that term is used. It comes to the House as an omnibus bill, with the items bunched together. If we had a thousand hours in the day and a thousand days in the year and could sit here all the time, possibly, but not probably, we might consider those items by themselves. It is never practicable to pass river and harbor items as separate bills, and with some experience in the House I venture to say that if the river and harbor items were introduced as separate bills by Members from their various districts, with those Members pulling and hauling, with the personal influence upon the committee, there would be more bad projects reported by that system than are reported now, because the committee then would say, "Oh, the items come up by themselves; the responsibility is not upon us, the responsibility is upon the House." It is an easy question to cite the Claims Committee of the House, a good committee, which has done excellent work, but which reports more bad bills through personal solicitation than all the other committees of the House combined, because they are separate bills. Pulling and hauling is what gets it. If we should make a lump-sum appropriation to the War Department, it would not benefit things at all, because half the scanning will be taken away. We do not provide for river and harbor bills until they have passed the War Department. Then they have to pass the Committee on Rivers and Harbors, they have to pass the House and Senate, though I do not know that that is very much under the circumstances, and the giving of a lump sum would only make it worse. But to let the Secretary of the Interior, the Secretary of Agriculture, the Secretary of War, and one other Secretary, as provided in this bill, select some chief clerk there or some high-priced clerk, wholly subject to political influence, wholly under the control of a superior officer, holding a tenure of office at the will of the man above him, without training, without expertness, for them to pass upon the methods now in existence of determining these things by the War Department, would be to ask an ignorant man to judge of the literary ability of a distinguished scholar. What is the use? [Applause.]

[Applause.]

Mr. Chairman, just as an evidence of what the Committee of the Whole will do, the other day in the consideration of this bill an item was brought up here and put into the bill without any recommendation by the Army engineers who came before the Rivers and Harbors Committee during the preparation of the pending bill. This incident illustrates the excellent judgment of the gentleman from Illinois [Mr. MANN] and shows the theory of the gentleman from Illinois [Mr. MADDEN] to be exceedingly faulty; and that better results will be obtained and that fewer items of appropriation for bad projects are likely to be enacted into law when river and harbor items are bunched together and come before the Committee of the Whole in the shape of an omnibus bill than if such items come up for consideration by the committee in separate bills.

Mr. GOODWIN of Arkansas. Mr. Chairman, at the last session of Congress an appropriation was made for the construction of Lock 7 on the Ouachita River. Nearly two years have passed since that appropriation was made, and thus far no part of the appropriation has been utilized. The Secretary of War or the War Department has seen proper to recommend that Lock 5 be constructed prior to Lock 7, and the bill provides that the appropriation heretofore made for the construction of Lock 7 be transferred to Lock 5. But some question arose as to the meaning of the language "in the discretion of the Secretary of War," so I addressed a letter to Col. Newcomer, Acting Chief of Engineers, as to the meaning of that language in the opinion of the War Department, and I asked to embody in the RECORD the reply to my letter from Col. Newcomer as to the construction of the War Department of the language "in the discretion of the Secretary of War."

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

The letter is as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, June 15, 1917.

Hon. WILLIAM S. GOODWIN,
House of Representatives.

SIR: 1. I have the honor to acknowledge the receipt of your letter of June 13, requesting a statement in writing concerning the interpretation placed upon the expression "in the discretion of the Secretary of War" as found in the following provision concerning the Ouachita River in the pending river and harbor bill:

"The balance of appropriations heretofore made for the construction of Lock and Dam No. 7, Ouachita River, Ark. and La., is hereby made available, in the discretion of the Secretary of War, for the construction of Lock and Dam No. 5."

2. It is the understanding of this office that the exercise of discretion by the Secretary of War, as authorized by this item, relates merely to

the application of these funds—that is, whether they should be used at Dam No. 5 or Dam No. 7. It is the purpose of the legislation, of course, to permit the use of these funds at Dam No. 5, but, as is usual in such cases where an alternative procedure is proposed, the change is not ordered without regard to the Secretary of War, but is left to his discretion

Very respectfully, H. C. NEWCOMER,
Colonel, Corps of Engineers,
Acting Chief of Engineers, United States Army.

The Clerk read as follows:

Arkansas River, Ark. and Okla.: For maintenance by snagging operations, $35,000.

Mr. FOCHT. Mr. Chairman, I move to strike out the last word.

Mr. SMALL. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. Is there objection?

Mr. FOCHT. Suppose the gentleman makes it a little more. I want a minute or two more, possibly.

Mr. SMALL. Six minutes.

Mr. FOCHT. I have no wish to tire the committee, but if I should want a minute or two more to ask Mr. MOORE some questions I would like to have it.

Mr. STAFFORD. Reserving the right to object, the gentleman says he wants eight minutes.

Mr. FOCHT. Suppose you make it 10 minutes. I have not been here for a week, even to listen, being ill. [Laughter.]

Mr. SMALL. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in seven minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FOCHT. Mr. Chairman, I really meant to ask my colleague from Pennsylvania a question; but much has been said since the gentleman took his seat, and I will therefore make a few additional observations and then propound the question; and I trust he may have abundant opportunity to make an amplified answer, because it involves the great State of Pennsylvania during a period of possibly half a century, and it may take him a little while to answer that question. Now, Mr. Chairman, I have heard a great deal here about waterways and about $150,000,000 being spent on the Mississippi River and the large amounts on its tributaries. There has been little said, or nothing said, about the old canal system we had in this country, which, I believe, in its time carried more commerce than is proposed to be carried with all these improved waterways we have been discussing since I have been here during the past 10 years. I believe this is the first session that a bill has had a fair chance of passing, and just how that happens I will refer to more specifically when I propound my question to the gentleman from Philadelphia.

These waterways were extended along every river and through every valley and carried this early commerce. It is a known fact that after they had been chartered and dug and put into operation, before there was an opportunity for a development of commerce sufficient to pay the overhead charges and bond interest, along came the railroads, which took away most of the freight with the result that in a very short time, in order to make the railroads pay, the gentlemen who were operating the railroads having control of the legislatures of the various States of the Union soon found a way to have the canals abandoned. Now the railroads are said to be unable to carry the traffic which has since developed, and this "pork barrel" bill is the result. I merely want to go on record here this afternoon in the presence of this prolonged debate in regard to waterways, and what you are going to do on the rivers of the West and elsewhere, that with this enormous sum of money appropriated for the restoration of those old canals I believe you will get better results, more permanent results than you will by using it to clean out rivers, then forever keep them free. I understand the bed of the Mississippi River is higher than the adjacent land, and might not the operation affect other streams in lowlands in a similar way? Instead of trying to dam a river, why not arrest at the source the flow of the water that comes in a mighty tide and sweeps down through that great valley; why not do what is proposed to be done and is being done in Pennsylvania, and that is to arrest the flow of water which will give you an average flow throughout the year and will restrain the awful floods that come down as they do in the Missouri and Mississippi and fill up and change your channels and cause a necessary continual recurrence of these enormous expenditures to keep them open.

Therefore, let me say in passing, if you had canals as you had in the old days you would be getting somewhere and you would be getting somewhere in a permanent way without recourse to a pork-barrel legislation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOCHT. Mr. Chairman, I ask the indulgence of the committee that I may come to my real point and ask my friend a question.

The CHAIRMAN. All time has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] asks unanimous consent that the time of the gentleman from Pennsylvania be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FOCHT. Now, Mr. Chairman, in the presence of the fact that we have been here during all these months and have responded, as some say, patriotically, and others say foolishly, to every call made by the President of the United States to delegate to him every conceivable kind of power, power which is such as no despot upon any throne ever had, why is it, sir, that you decline here to permit the President of the United States to meet this whole situation and end all disputes by permitting him to select such enterprises as may be necessary for helpfulness in this time of trial when we are to "bring Germany to terms and end the war"?

Mr. SMALL. The gentleman was not here when we debated it the other day?

Mr. FOCHT. I may not have been here but, nevertheless, you declined to permit him to do it.

Mr. SMALL. The House did that.

Mr. FOCHT. You represent the House——

Mr. CAMPBELL of Kansas. Mr. Chairman, I rise to a question of order.

The CHAIRMAN. What is the question of order?

Mr. CAMPBELL of Kansas. The rules of the House forbid that gentlemen should be addressed in the second person. That rule is violated here every day by gentlemen who really know better.

The CHAIRMAN. The gentleman from Pennsylvania will proceed in order.

Mr. SMALL. If the gentleman will pardon me, I started to say the statement had also been made here a number of times that every item in this bill had been recommended by the Secretary of War and the Chief of Engineers and the President had approved them.

Mr. FOCHT. This bill as it stands now?

Mr. SMALL. Yes.

Mr. FOCHT. Now, in justice to you, I want to say——

Mr. FREAR. Will the gentleman yield?

Mr. FOCHT. Yes.

Mr. FREAR. Then why not permit the President to pass upon these items if they should be questionable?

Mr. FOCHT. I will give the gentleman a quarter of a minute to answer his question.

Mr. SMALL. That would be superfluous. The President has already passed upon them.

Mr. FOCHT. Mr. Chairman, inasmuch as the gentleman from Kansas wishes to so scrupulously observe the proprieties and the canons of good taste in this very decorous debate that I have heard for a number of days, I will then refer to the gentleman from Philadelphia—if you will please tell me how I shall designate him. I do not think it is necessary——

Mr. MADDEN. He is the "Little Napoleon" of the House.

Mr. CAMPBELL of Kansas. "The gentleman from Pennsylvania" is correct.

Mr. MADDEN. I should say "the Little Napoleon of the House."

Mr. FOCHT. In other words, he knows his business and never loses?

Mr. MOORE of Pennsylvania. Does the gentleman desire me to stand?

Mr. FOCHT. Oh, no; not for this question. You can not endure it. Now, my friends, a Member of Congress is supposed to have graduated from an earlier school of politics. If he is a statesman, he has certainly been a politician, and now I am not certain whether my friend——

Mr. MADDEN. A statesman is a politician who is dead.

Mr. FOCHT. A dead statesman; well, a successful politician is a statesman, and there are no dead ones here. It is evident to my mind from what has been said here in regard to this that there are very few Members living on a water front or asking for an appropriation in this bill who have not been members of some legislative body, for they all seem too familiar with "logrolling."

Mr. MADDEN. I think some of them ought to be tapped.

Mr. FOCHT. I think I heard the "Little Napoleon" from Pennsylvania—the "Little Corporal"—make the declaration——

Mr. MEEKER. Mr. Chairman, I rise to a point of order.

Mr. MOORE of Pennsylvania. I ask my friend to let that stand. That is beautiful. It is the finest thing that has come along for some time.

Mr. FOCHT. He asked for his own designation, and probably he will get an epitaph some time, but let us hope not soon. I do not know what it will be, but it is evident from what he said here about this gentleman getting his, and that gentleman having already gotten his, and consequently turned reformer, that "logrolling" is familiar. I am also from Pennsylvania, and when I saw those dams being erected in the great Ohio River, down by the home of my old friend, Matthew Stanley Quay, I wondered if he had not had something to do with putting those improvements there, and that presented the question——

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOCHT. I ask unanimous consent for one minute.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for one minute more. Is there objection?

There was no objection.

Mr. FOCHT. Now, I want to know from my friend from Pennsylvania, who is clearly the leader of our delegation, before I could consider for a minute if I am to be in the class of the rest of the gentlemen whom he has described before this committee, what are you getting out of the "pork barrel" for Pennsylvania? Get up and answer if you want the 36 votes from the Keystone State. [Laughter.]

Mr. MOORE of Pennsylvania. In this bill we are securing an appropriation for the Ohio River that carries the coal from Pennsylvania into the great bread basket of the world, all the way down to New Orleans; we are providing for a channel in the Delaware River, which is the greatest commercial river in the United States; also for a channel in the Schuylkill River; and consideration is given to the Delaware and Chesapeake Canal, a war measure, which I have confidence will enable the commerce of Pennsylvania to kiss the commerce of the Southern States and pass it on to New York and New England. [Laughter and applause.]

Mr. MADDEN. Why kiss the commerce? [Laughter.]

Mr. FOCHT. Mr. Chairman, I will say it is a worthy if not brilliant championship, although I have not yet said I would vote for the "pork-barrel" bill. [Laughter.]

Mr. CAMPBELL of Kansas. Mr. Chairman, may I ask the gentleman a question on this paragraph, under the paragraph?

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. SMALL. Mr. Chairman, I ask unanimous consent that the gentleman from Kansas [Mr. CAMPBELL] may have one minute.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that the gentleman from Kansas may proceed for one minute. Is there objection?

There was no objection.

Mr. CAMPBELL of Kansas. I wanted to know from the gentleman from North Carolina, the chairman of the committee, what justification there is for this item on lines 22 and 23? I know something about the Arkansas River. I am just interested in knowing what justification there is for this item of $35,000.

Mr. SMALL. I will answer the gentleman's question frankly. The commerce on that river is not as large in volume as could be desired. [Laughter.] I am speaking seriously and frankly.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. MADDEN. Mr. Chairman, will the gentleman from North Carolina yield to me for one question?

Mr. SMALL. First, Mr. Chairman, may I be permitted to proceed for one minute?

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. SMALL. This $35,000 carried on this item is under a modified project to confine the work upon the rivers named to snagging operations.

Mr. MADDEN. Why did they snag the operations? [Laughter.]

Mr. CAMPBELL of Kansas. I beg the gentleman from Illinois not to interrupt. This is serious. [Laughter.]

Mr. SMALL. And it is intended as a modification of all previous projects. Now, it is believed that the existing commerce on the river will justify the increased appropriation. The gentleman has some familiarity with the river, and I hope he will vote for this.

Mr. CAMPBELL of Kansas. My familiarity with the river is that you can always see more of the bottom than of the water. [Laughter.] You can rarely see anything but the sand in the Arkansas River.

Mr. SMALL. That is not always true.

Mr. CAMPBELL of Kansas. Yes. In flood time, just as in Cow Creek, the Arkansas will show considerable water. [Laughter.]

The CHAIRMAN. The time of the gentleman from North Carolina has expired. The Clerk will read.

The Clerk read as follows:

Black and Current Rivers, Ark. and Mo.; White, St. Francis, and L'Anguille Rivers and Blackfish Bayou, Ark.: For maintenance, $28,700.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MADDEN. I dislike very much to interrupt the proceedings of the House, but——

Mr. SMALL. Will the gentleman from Illinois allow me to interrupt him in order to ask unanimous consent that the debate on the pending paragraph close in six minutes?

Mr. MADDEN. I probably will take not more than two minutes.

Mr. SMALL. Make it four minutes, including two minutes for the gentleman from Wisconsin.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that the debate on the pending paragraph close in four minutes. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Chairman, I simply wanted, if I could, to call attention to the awkwardness of the language in the preceding paragraph for maintenance of snagging operations. I can not understand why we should spend $28,000 to snag the operations in the Arkansas River. It seems ridiculous. I think if we are to spend the money it should be for improvement. [Laughter.]

Mr. CAMPBELL of Kansas. That is to enable the sand to go down the river. Occasionally there is a tree lying diagonally across the river, and that stops the sand from running down, and the idea is to take out this snag so as to enable the sand to go down.

Mr. MADDEN. I did not so understand the language. I thought when you snagged the operation you stopped it. [Laughter.]

Mr. CAMPBELL of Kansas. It is to promote the flow of the sand. [Laughter.]

Mr. MADDEN. I do not think the sand flows very quickly. You ought not to snag it when it does begin to flow. [Laughter.]

Mr. RANDALL. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. RANDALL. I understand that the gentleman considers that there is no water in sight in this river and other rivers?

Mr. MADDEN. I have not had my glasses adjusted so that I am able to see those things.

Mr. RANDALL. If that is true, I wonder whether that is the reason why it is supported by the gentleman from Missouri [Mr. MEEKER]?

Mr. MADDEN. As I say, I have not had my glasses adjusted so as to enable me to see these things, but I am quite sure if you went down into the sand far enough you would find some moisture. But I do not see why you should snag that. [Laughter.] Why not keep the money in the Treasury rather than snag the water that is hidden in the sand? [Laughter.]

Mr. FREAR. This is directly in line with the question of the gentleman from Kansas [Mr. CAMPBELL]; $189,517 is on hand to the credit of the Arkansas River, uncontracted for, on the 1st day of March; $3,823,000 has been appropriated for the Arkansas River. In 1915 the actual commerce, excluding sand hauled a short distance, was about 14,123 tons. That is the return for an expenditure of nearly $4,000,000.

Mr. MADDEN. Why does the gentleman exclude sand from the boats upon these rivers?

The CHAIRMAN. The time of the gentleman has expired.

The Clerk will read.

The Clerk read as follows:

Toledo, Port Clinton, Sandusky, Huron, Vermilion, Lorain, Cleveland, Fairport, Ashtabula, and Conneaut Harbors, Ohio: For maintenance, $132,000; completing improvement of Lorain Harbor in accordance with the report submitted in House Document No. 980, Sixty-fourth Congress, first session, and subject to the conditions set forth in said document, $16,500; for improvement of Cuyahoga River, Cleveland Harbor, in accordance with the report submitted in House Document No. 707, Sixty-third Congress, second session, and subject to the conditions set forth in said document, $5,000: *Provided*, That the Government's share in the cost of the improvement in accordance with the final plans

adopted shall not exceed $400,000; in all, $153,500. The unexpended balances of appropriations heretofore made and authorized for the improvement of Conneaut Harbor, Ohio, are hereby made available for completing improvement in accordance with the report submitted in House Document No. 983, Sixty-fourth Congress, first session.

Mr. BATHRICK. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. BATHRICK offers the following amendment: Page 19, line 12, after the figures "$16,500," strike out the semicolon and insert " in accordance with House Document No. 985, Sixty-fourth Congress, completing improvement of Lorain Harbor, $63,150, and $5,000 annually for maintenance."

Mr. BATHRICK. Mr. Chairman, I wonder if the members of the committee will not do me the favor to give me their attention on this item, pertaining seriously to the welfare of a very prosperous community and an important harbor in my district?

Mr. MADDEN. Lorain?

Mr. BATHRICK. The harbor of Lorain.

Mr. MADDEN. If it will not interrupt the gentleman, I want to say that I was very happy to help to originate the improvement of Lorain Harbor several years ago when I was on the Committee on Rivers and Harbors, and I think it is a very worthy project.

Mr. BATHRICK. I thank the gentleman very much and I am sure the committee will respect his judgment. I wish to say that the citizens of the town of Lorain, a place of 60,000 inhabitants, have very thoroughly shown their good will by spending $550,000 of their own money, bonding the city, to improve the harbor and the river that runs into it, in order to make it a successful business proposition.

When the jetties were built which form this harbor an old mistake was made that has been made at many other harbors. The jetty on the west side was not brought up close to the shore. The result was that this construction created a current. For years that current, coming in from the west out of the lake, has carried into the harbor thousands of tons of sand, cutting away a high bank upon the shore, until the facilities for shipping there have become seriously impaired. This amendment that I ask you to put into this bill has been approved by Gen. Black in Document 985. A memorial was made to Congress by the Secretary of War in April a year ago to the effect that this item was approved by the Board of Engineers, but it has not been put into this bill by the committee.

We speak about river and harbor improvement being connected with war purposes. In this harbor is a very large shipbuilding firm that will likely build ships for the Government in this emergency. Time after time the tugs have been obliged to pull ships off these sand bars because of the bank erosion, which I have explained to you. The bill carries an item of $16,500 to bring this west jetty up to the shore and stop the current that is carrying in this sand. but that does not help the present condition of the harbor. Of the 60 acres of the harbor a large proportion of the anchorage has been thus destroyed. If we are to maintain these various harbors and keep them for the commerce that is plying in and out, to carry on not only the commercial trade of the country but to afford suitable war transportation facilities, we must not pare these expenditures too closely. We have in Lorain a large steel company which must get in boatloads of ore and get out its finished products. If you wish to assist the Government in its shipbuilding, you must aid the Lorain company to take out the ships that it builds for the Government, and to do this you must fix our harbor, and this is a war measure in this respect.

I ask you gentlemen of the House to put this into the bill. It has been recommended by the Board of Engineers, as I wish to repeat, in Document 985, and evidently the matter was overlooked in the committee consideration of this bill. Water that was 21 or 22 feet deep has been decreased in depth to 15, 12, and even to 8 feet by the filling in of this sand. I ask gentlemen of the House to help me put into the bill this item of $63,500, and $5,000 for maintenance. It is a very small matter, considering the fact that 8,000,000 tons of commerce are carried into and out of that port every year.

Mr. STAFFORD. Will the gentleman kindly explain to me the source from which this sand came?

Mr. BATHRICK. I explained that the jetty was not brought in close to the shore, a common mistake formerly made in the construction of many harbors, and the current thus created by the winds and waves has eroded the sand from the bank, bringing thousands of tons of it into the harbor. That is the situation we want to cure. Now, in this item of $16,500 the citizens contribute $3,000, which makes it $19,500. But they have already expended a large sum, and the whole project, costing about $800,000, is not much more than we have ourselves contributed.

Mr. SMALL. Mr. Chairman, it is never any pleasure to oppose the wishes of a fellow Member who wishes to amend a pending bill, and certainly it is no agreeable task in this instance. The gentleman from Ohio [Mr. BATHRICK] has certainly done his part in urging this additional new project before the House, and whatever may be the action of the committee, the gentleman in every respect has discharged his duty diligently and faithfully.

Mr. BATHRICK. Will the gentleman yield?

Mr. SMALL. Yes.

Mr. BATHRICK. The gentleman went with me to see Col. Newcomer, and in our presence did not Col. Newcomer say he did not object to this going into the bill?

Mr. SMALL. I will come to that in a moment.

Mr. BATHRICK. The gentleman was present; he can say yes or no.

Mr. SMALL. Col. Newcomer stated that, but that was not the entire conversation. He said as representing the Chief of Engineers he would not object to any item going in the bill or to the exclusion of any item, but that this was not one of the projects the Chief of Engineers or the Secretary of War could recommend for inclusion in this bill. The gentleman will remember that such was the conversation.

Now, Mr. Chairman, Loraine Harbor is an important harbor; it has a large commerce of about 7,000,000 tons, and no one questions the importance of the project, but what is the status of that harbor? The existing project provides for an outer harbor protected by a breakwater to provide a depth of 21 feet below mean lake level. We have one new project included in the bill of $19,500, and the city of Loraine is to contribute $3,000, leaving $16,500 for the Government. That new project that is in the bill provides for the extension of the west breakwater to the shore to stop the erosion and filling up of the channel of the harbor. Now, the gentleman wants to have an additional new project the purpose of which is to increase the depth of the harbor 1 additional foot. I want to be frank with the gentleman, because it is a serious matter with him.

Mr. BATHRICK. I am much obliged to the gentleman for his desire to compliment me in this matter, but the matter would not be serious with me if it was not serious for the commerce of Loraine Harbor.

Mr. SMALL. I meant serious in the gentleman in his representative capacity, of course. Loraine Harbor is not the only harbor for which an increased depth is sought and not the only harbor with a favorable report for an increased depth. We must look after them all. If the project is adopted for Loraine Harbor, it will differentiate it from all the other harbors which are seeking increased depth. Loraine Harbor will be provided for in good time just as other harbors will be.

I want to state another fact about the matter: The project has been carefully considered by the Chief of Engineers on its merits and in relation to other harbors on the lake, and the conclusion of it all was that the emergency was not sufficient to justify the recommendation of its inclusion in this bill; that there were other harbors on the Great Lakes similarly situated and seeking greater depth, and in good time they will be recognized in the bill.

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. SMALL. Yes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CAMPBELL of Kansas. I wish the gentleman from North Carolina would take enough time to answer a question.

Mr. SMALL. I will ask for one additional minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CAMPBELL of Kansas. The gentleman from Ohio having made out a good case for Lorain Harbor, and the gentleman from North Carolina having stated that there was a large commerce, what object is there to taking $16,000 out of the Arkansas River project and putting it into Lorain Harbor—cutting down the Arkansas River project to that extent?

Mr. SMALL. I do not know whether the gentleman is facetious or serious in his question.

Mr. CAMPBELL of Kansas. I am positively serious.

Mr. SMALL. The gentleman had an opportunity to strike out the item relating to the Arkansas River, but he did not do it. We are now considering Lorain Harbor.

Mr. BATHRICK. Mr. Chairman, I ask unanimous consent for one minute.

The CHAIRMAN. The gentleman from Ohio asks for one minute. Is there objection?

There was no objection.

Mr. BATHRICK. Mr. Chairman, I would not impose upon the House if this were not a serious matter. I have told you that there is a 60-acre harbor there and that nearly half of it

has been filled in, and it is a positive impediment to the large ships bringing the raw materials and the finished products in and out, and it is absolutely necessary that this work should be done. If I did not think so, I would not come to you under the circumstances of the present and ask the House to vote with me on this proposition. I have made no representation that is not entirely correct regarding the matter, and the people of my community, with its big factories, where they employ thousands of men, are positively hampered by these conditions. At times it is difficult to pull these big lake steamers off the bottom. I ask the gentlemen to vote this in, for I know it is right.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken; and on a division (demanded by Mr. SMALL) there were—ayes 31, noes 15.

So the amendment was agreed to.

Mr. STAFFORD. Mr. Chairman, I believe the amendment is faulty in its description of the document referred to. and I ask unanimous consent that the amendment may be read.

Mr. SMALL. Mr. Chairman, I did not hear the amendment when it was read. I will ask the gentleman if it is inserted in the proper place?

Mr. STAFFORD. It is in the proper place, but it fails to properly describe the session of Congress in the document referred to.

The CHAIRMAN. What is the request of the gentleman from Wisconsin?

Mr. STAFFORD. To have the amendment again read.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the amendment just adopted be again reported. Is there objection?

There was no objection, and the Clerk again reported the amendment.

Mr. SMALL. Mr. Chairman, can it not be agreed that that language may be corrected informally by the Clerk? For instance, the item of $5,000 made in this does not belong there.

Mr. STAFFORD. The document is not properly referred to. It just refers to the Sixty-fourth Congress, and it should say "Sixty-fourth Congress, first session."

Mr. SMALL. Mr. Chairman, I ask unanimous consent that we may recur to this later on and put it in proper shape.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that the committee may recur to this amendment later on for the purpose of correcting its verbiage. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Chairman, I would like to ask the gentleman from North Carolina what his intention is about running to-night?

Mr. SMALL. Until about 7 o'clock.

Mr. MADDEN. A good many Members object to that.

Mr. SWITZER. I would suggest that there probably will not be any discussion of the next two pages.

Mr. MADDEN. I desire to determine whether the gentleman expects to rise pretty soon?

Mr. SMALL. My thought was to move to rise at 7 o'clock.

Mr. MADDEN. Mr. Chairman, I do not want to embarrass the progress of the bill by making the point of order that there is no quorum present, but all of the delay that has been caused in the consideration of the bill to-day has been by the chairman of the committee and the members of the committee in making speeches.

Mr. DUPRÉ. How about the gentleman from Illinois?

The CHAIRMAN. Does the gentleman from Illinois make the point of order?

Mr. MADDEN. If the gentleman will agree to stop at half past 6, I shall not make it.

Mr. SMALL. Let us read until half past 6.

Mr. MADDEN. No; I want to have an understanding.

Mr. SMALL. I may have been unfortunate in my expression, but I intended to agree to that.

Mr. MADDEN. Does the gentleman agree to that?

Mr. SMALL. Yes; and I couple with it the hope that we may read the bill.

The Clerk read as follows:

Mackinac, Cheboygan, Rogers City, Alpena, Harbor Beach, and Monroe Harbors, Saginaw, Black, Clinton, and Rouge Rivers, Mich.: For maintenance, $13,500; for improvement of Harbor Beach Harbor in accordance with the report submitted in House Document No. 1700, Sixty-fourth Congress, second session, $100,000; in all $113,500.

Mr. SMALL. Mr. Chairman, I offer the following committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 21, line 7, after the numerals "$100,000," insert the following:

"For improving the Rouge River, Mich., in accordance with the report submitted in House Document No. 2063, Sixty-fourth Congress, second session, and subject to the conditions set forth in said document, $490,000: *Provided*, That the Secretary of War may in his discretion substitute Plan B for Plan A."

And strike out the numerals "$113,500" at the end of line 7, page 21, and insert in lieu thereof the numerals "$603,500."

Mr. SMALL. Mr. Chairman, probably the committee desires some statement about this amendment which has been offered. This is a new project for the further improvement of the Rouge River, Mich., near the city of Detroit. The project is for a channel 200 feet wide, 21 feet deep, leading up the river, at a cost of $490,000. There is an alternative plan, although the engineers prefer plan A. It is put in the alternative form in the bill in order to avoid the possibility of being held up by contiguous landowners. Mr. Chairman, the urgency of this appropriation consists in this: There is a large prospective commerce on that stream. The largest increment will come from certain improvements by the Ford Motor Co. They are constructing a large blast furnace for the production of pig iron. and also a plant for the production of steel, and also a large plant for the manufacture of the new Ford farm tractor, which has been developed and which it is now believed is such a device as will meet a great demand among the farmers of the country. I need not refer to the importance of increasing our production of iron and of steel. The amount of both iron and steel being produced at this plant, it is said, will largely exceed the quantity required by this company in the production of Ford automobiles and the farm tractor.

Mr. WALSH. Will the gentleman yield?

Mr. SMALL. Certainly.

Mr. WALSH. Will the gentleman give some explanation as to why this item was not included in the original bill?

Mr. SMALL. With pleasure. There seems to have been some misunderstanding as to when the committee was going to consider the bill. After the committee had reported the bill, several gentlemen came here from that section, one of whom was Mr. William Livingstone. He came to the committee, and I told him the situation, and referred him to the Secretary of War. The matter was discussed at that time. That was after the bill was reported, but no final conclusion was reached. At a later time they presented the matter to the Council of National Defense and the Department of Agriculture. The Department of Agriculture has tested quite thoroughly this farm tractor and has given it their approval, and it may be of interest to Members to know that this tractor will do the work of four horses and will be a great labor-saving device. But to proceed, they then took it up with the Council of National Defense and the Department of Agriculture with the result that the department and the Council of National Defense entered into correspondence with the Secretary of War regarding the matter and urging that it constituted an emergency, in view of the production of farm tractors, including the production of steel, which entitled it to be included in this bill.

Mr. GILLETT. Will the gentleman yield?

Mr. SMALL. I will.

Mr. GILLETT. Is this land of which the gentleman spoke on the river?

Mr. SMALL. The plant, the gentleman means?

Mr. GILLETT. Yes.

Mr. SMALL. On the river, yes.

Mr. GILLETT. So it will vastly increase the value of the land, I suppose, to have this improvement made?

Mr. SMALL. I thought the gentleman meant where was the plant of the Ford Co.

Mr. GILLETT. I did.

Mr. SMALL. It will be located on the river.

Mr. GILLETT. I say it will very much increase the value of that land to have this improvement made?

Mr. SMALL. Yes, naturally it would. It may be also of interest to the gentlemen to know that this farm tractor has within the past three months been adopted by the English Government and Mr. Ford very generously sent his men over with plans and a plant has been erected there and they are manufacturing them largely.

It has been recently brought——

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMALL. Mr. Chairman, I ask unanimous consent to proceed for one minute more.

Mr. STAFFORD. Mr. Chairman, I ask that the gentleman's time be extended five minutes, because I wish to direct some inquiries to the gentleman.

Mr. SMALL. I ask for five minutes, then.

The CHAIRMAN. Is there objection?

Mr. SMALL. The Belgian mission since their arrival here have also become interested in it, and on account of the increased production of steel and on account of affording opportunity for the easy production of this farm tractor this project was regarded as one proper to be included in the bill.

And I have here a letter from the Secretary of War, which I will not have the time to read fully, but will insert in the RECORD. The letter is as follows:

WAR DEPARTMENT,
Washington, June 13, 1917.

MY DEAR MR. SMALL: I have given consideration to the suggestion that the pending river and harbor bill be amended so as to include the immediate undertaking of the proposed improvement of Rouge River, Michigan, and I now beg leave to recommend that an amendment to that effect be introduced into the bill if it can be done at this stage. It is unnecessary for me to tell you personally the nature of this improvement. The War Department has already recommended the expenditure of about $490,000 at that place, provided local interests assume the cost of the land rights, alteration of bridges, etc., which would provide a channel from the Detroit River to the site of the new blast furnaces which are being built by Mr. Ford on the Rouge River. At this point Mr. Ford is also building a factory for the manufacture of tractors, thus combining the reduction of iron ore and its finished manufacture to a valuable implement for farm use.

I do not feel justified in expressing my personal opinion on the importance of this improvement from a commercial or agricultural point of view, but the economy of transportation effected by making this river available as an inlet for raw material seems to me directly related to the present emergencies of national defense, and, as all the conditions imposed by the War Department in its original recommendation of the project have been met, I hope it will be found possible to include the project in the pending bill.

Cordially, yours,

NEWTON D. BAKER,
Secretary of War.

Hon. JOHN H. SMALL,
Chairman Rivers and Harbors Committee,
House of Representatives.

So it has the recommendation of the Secretary of War. The matter has been carefully considered, and this conclusion has only been reached after mature consideration, and I hope the amendment, which is offered as a committee amendment, will be adopted.

Mr. STAFFORD. Will the gentleman yield?

Mr. SMALL. Certainly.

Mr. STAFFORD. As I understand the proposition, it is to improve the River Rouge, which is a tributary of the Detroit River, some 12 miles from Detroit, in a suburb of what is known as Dearborn Township?

Mr. SMALL. I am not familiar with that location.

Mr. STAFFORD. Do I understand this expenditure is to be for the benefit of just merely one private individual or a firm, namely, Henry Ford & Son, which is the concern that is to manufacture the Ford farm tractor?

Mr. SMALL. Unquestionably the Ford company will furnish the largest commerce. And I should have said that the largest commerce, of course, will be iron ore going up the river, and the standardized boats on the lake which transport iron ore can not load to their full capacity and go up the river at its present depth. If the gentleman has the map before him, he will see——

Mr. STAFFORD. I have just obtained a copy of it, but I have not had time to study it.

Mr. SMALL. The gentleman will see that there are other industries there. There is the Detroit Steel Co., for instance, and a lumber company and carbon works. There is other commerce to be affected.

Mr. STAFFORD. As I understand the project, if the gentleman will permit, if he has stated it—and I have not given it the thorough consideration that the gentleman may have given it—this improvement is for the sole purpose of improving the property of Henry Ford & Son, located in Dearborn Township.

As I understand the gentleman's amendment, the purpose is to expend some four hundred thousand and odd dollars on this improvement. Is that the amount of the gentleman's amendment?

Mr. SMALL. That is the amount to be appropriated.

Mr. STAFFORD. What is the total amount that will be expended to complete the project?

Mr. SMALL. Four hundred and ninety thousand dollars is the total amount. The total amount is recommended because of the necessity of completing the improvement at the earliest date and in the interest of economy.

Mr. STAFFORD. Will the gentleman inform the committee as to the extent of the improvement, as to what length on the Rouge River this dredging is going to take place in order to reach the Ford property?

Mr. SMALL. It provides for a channel 21 feet deep through a canal, which is designated as plan "A," and which is recommended as preferable to plan "B." Local interests must donate the land, assume the cost of bridge alterations, and all damages that may result from the improvement; and further, must provide a suitable turning basin for public use at the upper end of the improvement.

Mr. STAFFORD. Then, as I understand, the project the Government is undertaking——

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. STAFFORD. As I understand the project, the Government is undertaking the dredging of a stream that is to-day not navigable, for a distance of 4.4 miles, to reach the property of some private individual who wishes to erect a private establishment there, so that the lake boats can reach his premises?

Mr. SMALL. If the gentleman will permit me to answer, I will state very frankly that the Ford Motor Co. from the port will furnish the greater part of the commerce.

Mr. STAFFORD. Is it not a fact that Henry Ford & Son, who control this property, as distinguished from the Ford Motor Co., will be the sole beneficiaries of this improvement on the Rouge River? Is it not a fact that Henry Ford & Son own all the land above the mouth of the Rouge River?

Mr. SMALL. I will read from the report of the Chief of Engineers. He says the district officer states that other companies make use of the river, and some of them desire an increased depth, which will be fully met by the improvement proposed.

Mr. Chairman, if the gentleman will permit me just along that line, I would like to say this further: As I stated frankly, Ford, by whatever name you please, the Ford Motor Co. or Henry Ford & Son—whoever is the owner of this blast furnace for the production of pig iron and steel and this tractor plant—will furnish the greater part of the commerce. But, Mr. Chairman, that does not militate against the proposition that if there is commerce there, justifying the appropriation for the improvement, it ought to be made. The mere fact that there is only one company or one partnership which is going to engage in this large industry, to furnish all of this large water commerce, ought not to militate against it.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. DEMPSEY. Is it not a fact that the Ford Co. alone will require a daily tonnage of about 6,000 tons of ore, averaging that every day throughout the year? And is it not a fact also that where a vast industry of that kind springs up at one given place it always necessarily and inevitably carries in its train other industries which grow out of it and become assessory to it and a part of the same line of industries which that simply is the beginning of?

Mr. SMALL. That almost invariably follows. May I call the attention of the gentleman from Wisconsin to this? There is no commerce from this plant at the present time at all.

Mr. STAFFORD. A year ago it was nothing more than farm land.

Mr. SMALL. I was going to call the gentleman's attention to the commerce already on the river.

Mr. STAFFORD. The part of the property that is to be improved for the benefit of Henry Ford & Son was only farm land a year ago. Then he started the plant to manufacture Ford tractors.

Mr. SMALL. The Rouge River had a commerce in the year 1915 of 1,651,833 tons.

Mr. STAFFORD. That commerce is only at the mouth of the river, not at this point, where this improvement is sought to be made. There is the gentleman here from Detroit, and if I am in error I would like to be corrected.

Mr. SMALL. I have never been to Detroit, and I can only base my statement on the engineer's report. I think the gentleman is mistaken about this. I think the commerce exists on the river. I admit that the proposed improvement provides a channel farther up the river than has heretofore existed for general commerce, but——

Mr. STAFFORD. I would like to direct this inquiry to the gentleman: Is there any instance where the National Government has appropriated money for the dredging of a channel which is for the sole benefit of one individual concern?

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. WALSH. Mr. Chairman, I rise to a point of order.

Mr. STAFFORD. I ask unanimous consent that the time of the gentleman may be extended.

Mr. WALSH. Mr. Chairman, I make a point of order that there is no quorum present.

Mr. SMALL. Will not the gentleman withdraw that and let us complete this item?

The CHAIRMAN. Does the gentleman from Massachusetts withhold his point of order?

Mr. WALSH. It is apparent that you are not going to complete it in the near future. I will withhold it for five minutes further.

Mr. SMALL. We are going to rise at half past 6. We will complete it by that time.

Mr. WALSH. I will withhold it for five minutes. Then I will renew it.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] asks unanimous consent that the gentleman from North Carolina [Mr. SMALL] may proceed for five minutes. Is there objection?

There was no objection.

Mr. SMALL. I can not recall where any river has been improved solely for the benefit of one corporation or one firm. However, the fact that one corporation may furnish the larger proportion of this commerce may be somewhat unusual. Still they do not furnish all the commerce. There are other industries there, as shown by the fact that for the year 1915 there was over 1,600,000 tons of commerce, at a valuation of over $3,000,000.

Mr. STAFFORD. That is at the mouth of the river where there is a coke establishment. That is not at the place where the land is owned exclusively by Henry Ford & Son, and where this improvement is to be made.

Mr. SMALL. Will the gentleman from Michigan [Mr. DOREMUS] give us some information on that point?

Mr. DOREMUS. I will state to the gentleman from Wisconsin that this improvement is not entirely for the benefit of Mr. Ford. It is true that the land on which he is building this establishment was at one time farm land. It is also true that the land upon which the city of Milwaukee stands was at one time farm land; and to my mind the fact stated by the gentleman forms no logical objection to this project.

Mr. STAFFORD. Will the gentleman yield?

Mr. DOREMUS. Yes.

Mr. STAFFORD. Is it not a fact that the land on the upper stream, where most of this money is to be expended, is owned exclusively by Henry Ford & Son, and that the benefit will redound exclusively to that concern?

Mr. DOREMUS. No; that is not true. The gentleman is entirely mistaken. There are various property owners along the River Rouge, and if this river is deepened, as provided in the amendment offered by the committee, it will inure to the benefit not only of Mr. Ford but of every other manufacturer who locates upon the river.

Mr. STAFFORD. How much land do Henry Ford & Son own at Dearborn and along the River Rouge?

Mr. DOREMUS. I have no idea.

Mr. STAFFORD. Several thousand acres, do they not?

Mr. DOREMUS. Quite a lot of it; yes.

Mr. SMALL. I am obliged to the gentleman for furnishing the information. If he desires to make any further statement in my time he may do so, or we will get him time.

Mr. DOREMUS. I have nothing further to suggest, unless some one wishes to ask me another question.

Mr. STAFFORD. I will ask the chairman of the committee this question: I notice in the report of the Chief of Engineers that he makes a recommendation for only $200,000 as the first appropriation.

Mr. SMALL. As the initial appropriation.

Mr. STAFFORD. And he recommends a contract authorization for the balance?

Mr. SMALL. Yes.

Mr. STAFFORD. But the amendment provides for the appropriation of $490,000.

Mr. SMALL. The recommendation of the board was for an initial appropriation of $200,000, but because of the importance of finishing this improvement as soon as possible and because economies in the work could be effected, it was deemed advisable to recommend the appropriation of the entire amount at this time. These constitute the reasons for appropriating in this case the entire estimated cost.

SEVERAL MEMBERS. Vote! Vote!

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The amendment was agreed to.

Mr. WALSH. Mr. Chairman, I renew my point of order that there is no quorum present.

Mr. SMALL. We had an agreement with the gentleman from Illinois to rise at 6.30. Let us go on until then.

Mr. WALSH. I was not aware of any agreement with the gentleman from Illinois, but I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman makes the point of order that there is no quorum present. The Chair will count. [After counting.] Forty-four Members present, not a quorum.

Mr. SMALL. Mr. Chairman, we had a discussion of this matter a while ago and an agreement to rise at 6.30. I do not think it was gracious or right for the gentleman to make the point of no quorum. I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HUMPHREYS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the river and harbor bill (H. R. 4285) and had come to no conclusion thereon.

ADJOURNMENT.

Mr. SMALL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 22 minutes p. m.) the House, under its previous order, adjourned until to-morrow, June 26, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Secretary of the Interior, submitting an estimate of appropriation for removal and storage of Patent Office models (H. Doc. No. 203); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of Agriculture, submitting an urgent estimate of appropriation for preventing establishment and spread of pink boll worm in Texas (H. Doc. No. 204); to the Committee on Appropriations and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TINKHAM: A bill (H. R. 5180) to authorize the establishment in the War Department of a board on military engines; to the Committee on Military Affairs.

By Mr. MASON: A bill (H. R. 5181) to amend an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States"; to the Committee on Military Affairs.

Also, a bill (H. R. 5182) to amend an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States"; to the Committee on Military Affairs.

By Mr. NEELY: A bill (H. R. 5183) accepting the establishment of the route of the national or Cumberland road through the city of Wheeling, in the State of West Virginia, as declared by the Legislature of the State of West Virginia; to the Committee on Roads.

By Mr. BRITTEN: A bill (H. R. 5184) to authorize the President to exempt from foreign military service, upon their request, such citizens of German or Austrian birth or descent whose blood ties in the enemy country might discourage the supreme effort that is necessary for the victory of our troops on foreign soil; to the Committee on Military Affairs.

By Mr. HULBERT: A bill (H. R. 5185) to appropriate $500,000 and authorizing the expenditure thereof to provide instruction in French to the soldiers of the United States Army; to the Committee on Appropriations.

By Mr. DILL: Resolution (H. Res. 108) providing payment for clerical service rendered the mileage committee; to the Committee on Accounts.

By Mr. FLOOD: Joint resolution (H. J. Res. 109) authorizing the Secretary of War to issue temporary permits for diversions of water from the Niagara River; to the Committee on Foreign Affairs.

By Mr. CHARLES B. SMITH: Joint resolution (H. J. Res. 110) to appoint a commission to visit countries cooperating with the United States in the present war; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FESS: A bill (H. R. 5186) granting a pension to Mary E. Phillips; to the Committee on Invalid Pensions.

By Mr. HARRISON of Virginia: A bill (H. R. 5187) for the relief of James P. Wayland; to the Committee on Military Affairs.

By Mr. KALANIANAOLE: A bill (H. R. 5188) granting an increase of pension to Frank Godfrey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5189) to correct the military title of Fred R. Nugent; to the Committee on Military Affairs.

By Mr. KINKAID: A bill (H. R. 5190) granting an increase of pension to Francis J. Uhler; to the Committee on Invalid Pensions.

By Mr. KRAUS: A bill (H. R. 5191) granting an increase of pension to Jacob Reichard; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 5192) granting a pension to Frank Arnett; to the Committee on Pensions.

Also, a bill (H. R. 5193) granting a pension to Cottington Bond; to the Committee on Pensions.

Also, a bill (H. R. 5194) granting a pension to George W. Blanton; to the Committee on Pensions.

Also, a bill (H. R. 5195) granting a pension to Ross D. Caudill; to the Committee on Pensions.

Also, a bill (H. R. 5196) granting a pension to Leslie Higgins; to the Committee on Pensions.

Also, a bill (H. R. 5197) granting a pension to W. O. B. Tibbs; to the Committee on Pensions.

Also, a bill (H. R. 5198) granting a pension to T. H. Williams; to the Committee on Pensions.

Also, a bill (H. R. 5199) granting a pension to Henry Stratton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5200) granting a pension to Henderson Scott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5201) granting a pension to William F. Robertson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5202) granting a pension to Benjamin H. Kimbler; to the Committee on Pensions.

Also, a bill (H. R. 5203) granting a pension to Solomon Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5204) granting a pension to G. W. H. Kimbler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5205) granting a pension to John Preston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5206) granting an increase of pension to William R. Horn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5207) granting an increase of pension to Joseph Halcomb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5208) granting an increase of pension to Isaac Montgomery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5209) granting an increase of pension to Sherwood Osborn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5210) granting an increase of pension to Cyrus O'Brian; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5211) granting an increase of pension to Anderson Peters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5212) granting an increase of pension to W. R. Pinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5213) granting an increase of pension to Samuel Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5214) granting a pension to S. B. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5215) granting an increase of pension to William Pemington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5216) granting an increase of pension to William Freeman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5217) granting an increase of pension to Charles B. Daniel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5218) granting an increase of pension to Elijah W. Prater; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5219) granting an increase of pension to Harmon Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5220) granting an increase of pension to James P. Neikirk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5221) granting an increase of pension to John McKinney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5222) granting an increase of pension to Alfred A. Gambill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5223) granting an increase of pension to Thomas Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5224) granting an increase of pension to Henderson Craft; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5225) granting an increase of pension to Elihu Cammel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5226) granting an increase of pension to Delaney Bowling; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5227) granting an increase of pension to Nathaniel Blackburn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5228) granting an increase of pension to Major S. Bowman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5229) granting an increase of pension to George W. Adkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5230) granting an increase of pension to Isaiah Blair; to the Committee on Invalid Pensions.

By Mr. NEELY: A bill (H. R. 5231) to reinstate Alonzo E. Wheat to his former rank and grade in the Philippine Scouts, United States Army; to the Committee on Military Affairs.

By Mr. STEENERSON: A bill (H. R. 5232) granting an increase of pension to John F. Gibbons; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 5233) granting an increase of pension to Johnson Harris; to the Committee on Invalid Pensions.

By Mr. TIMBERLAKE: A bill (H. R. 5234) granting a pension to A. P. V. A. McCoy; to the Committee on Invalid Pensions.

By Mr. VAN DYKE: A bill (H. R. 5235) authorizing the appointment of Morten R. Brock as a captain in the United States Army and providing for his retirement; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the women of Franklin County, Mo., urging that the Government at Washington use all honorable means to induce the entente allies to propose peace without annexation or indemnity; to the Committee on Foreign Affairs.

Also (by request), petition of the women voters of Oregon, urging the passage of the Federal suffrage amendment at this session of Congress; to the Committee on the Judiciary.

Also (by request), petition of the Presbytery of Allegheny of the United Presbyterian Church, Springdale, Pa., urging the prohibition of the manufacture and sale of intoxicating liquors; to the Committee on the Judiciary.

Also (by request), petition of Platteville District Epworth League Convention, Platteville, Wis., urging immediate prohibition of the liquor traffic; to the Committee on the Judiciary.

Also (by request), petition of Federal Employees' Union, No. 15294, urging the enactment of the Lever food-control bill; to the Committee on Agriculture.

Also (by request), petition of the First Christian Church of Jacksonville, Fla., urging the enactment of national prohibition as a war measure; to the Committee on the Judiciary.

Also (by request), petition of residents of Danville, Ill., urging the prohibition of the manufacture of alcoholic liquors as a food conservation measure; to the Committee on Agriculture.

Also (by request), petition of the Louisiana League for Woman Suffrage, urging the immediate passage of the Susan B. Anthony amendment; to the Committee on the Judiciary.

Also (by request), petition of the Cumberland North Association of Congregational Churches and Ministers, Freeport, Me., urging the immediate enactment of national prohibition as a food conservation measure; to the Committee on Agriculture.

Also (by request), memorial of citizens of Evansville, Ind., favoring regulation of food prices, etc.; to the Committee on Agriculture.

By Mr. ANTHONY: Memorial of Mrs. Jessie Armel, of Holton, Kans., for prohibition during the war; to the Committee on the Judiciary.

By Mr. ASHBROOK: Memorial of Ohio Wesleyan Branch of the Association of Collegiate Alumnæ; Delaware (Ohio) Chapter of the Daughters of the American Revolution; and 126 Christian women of Delaware, favoring an effective zone for all military camps, within which the sale of liquor and the presence of prostitutes are prohibited; to the Committee on Military Affairs.

By Mr. AUSTIN: Memorials of Woman's Missionary Societies, of Knoxville; Woman's Missionary Society of Methodist Epis-

copal Church South, of Tennessee; and citizens of Clinton, Tenn., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. DRUKKER: Petition of sundry citizens of Paterson and Clifton, N. J., opposing the passage of prohibition measures; to the Committee on the Judiciary.

Also, petition of the Citizens' Union of Paterson, N. J., through its secretary, John E. Tylee, commending the action of the House of Representatives in passing the food-control bill with its provision for the prohibition of the manufacture of intoxicating liquors during the period of the war; to the Committee on Agriculture.

By Mr. EDMONDS: Petition of Philadelphia Chamber of Commerce, relative to abrogation of certain patents of enemy countries; to the Committee on Patents.

By Mr. ESCH: Petition of the Wisconsin State Council of Defense, urging the immediate assumption of control by the United States Government over the coal mines in the United States and the operation of these mines by the Federal Government to insure an adequate supply and a proper distribution; to the Committee on Interstate and Foreign Commerce.

By Mr. GALLIVAN: Memorial of the New England Newspaper Alliance, against tax on newspaper advertising; to the Committee on Ways and Means.

By Mr. GOODALL: Petition of George E. Ackerman and other citizens of Brunswick, Me., for prohibition; to the Committee on the Judiciary.

Also, petition of Alexander Hamilton and other citizens of Old Orchard, Me., for prohibition; to the Committee on the Judiciary.

Also, petition of Gerry Plummer and citizens of Cornish, Me., for prohibition; to the Committee on the Judiciary.

Also, petition of the residents of Portland, Me., for prohibition; to the Committee on the Judiciary.

Also, petition of Thomas P. Baker and other citizens of Kennebunkport, Me., for prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petition of Sarsfield Literary Association, of Woonsocket, R. I., protesting against any increase in rates on second-class mail matter; to the Committee on Ways and Means.

Also, resolutions of Roger Williams Free Baptist Church, of Providence, in the State of Rhode Island, favoring the prohibition of the use of food materials in the manufacture of intoxicating liquors; to the Committee on Agriculture.

By Mr. KETTNER: Petition of the Southern California branch of the Association of Collegiate Alumnæ, urging the creation of effective zones about all military camps; to the Committee on Military Affairs.

By Mr. LUNDEEN: Petition of the Ladies' Bible Class of the Linden Hills Congregational Church, Minneapolis, Minn., Mrs. Max Farwell, secretary, favoring prohibition; to the Committee on the Judiciary.

Also, telegram of the Minneapolis branch of the National Association of Post Office Clerks, M. J. Harkin, chairman, indorsing the Lever food-control bill and urging its passage; to the Committee on Agriculture.

By Mr. McFADDEN: Petition of the Woman's Foreign Missionary Society and the Woman's Home Missionary Society of the Methodist Episcopal Church, Athens, Pa., urging the passage of a bill to prohibit the manufacture and sale of alcoholic liquors during the war; to the Committee on the Judiciary.

By Mr. McKEOWN: Petition of the Osteopathic Association of the State of Oklahoma, favoring national prohibition during the period of the war; to the Committee on the Judiciary.

Also, petition of the State Board of the Osteopathic Association of Oklahoma, tendering the osteopathic services of the members to the Government of the United States; to the Committee on Military Affairs.

By Mr. MORIN: Petition of the Central Trades and Labor Council, Mr. Fred J. Domard, secretary, of Allentown, Pa., urging equal pay for women who are called to take the place of men in industry; to the Committee on Labor.

By Mr. NEELY: Petition of Woman's Club of Fairmont, W. Va., urging national prohibition; to the Committee on the Judiciary.

By Mr. PLATT: Petitions of sundry citizens of Newburgh, Goshen, Middletown, and Rhinebeck, N. Y., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. RANDALL: Petitions of 249 citizens of Meriden, 217 citizens of South Manchester, 534 citizens of New Britain, 501 citizens of Hartford, 205 citizens of New Haven, 280 citizens of Bridgeport, and 330 citizens of Stamford, all in the State of Connecticut, urging national prohibition of the manufacture and sale of intoxicating liquors for the period of the war, in conservation of the man power, military and industrial efficiency, and the food supply of the Nation, and that all liquors now in bonded warehouses be redistilled by the Government for war purposes; to the Committee on the Judiciary.

Also, memorial of Whittier Women's Christian Temperance Union of Whittier, Cal., against any change in the child-labor law in order that children may work in factories; to the Committee on the Judiciary.

Also, memorial of Women's Christian Temperance Union of Riverside, Cal., indorsing request of General Medical Board of the Army that an effective zone be created about all military camps within which the sale of liquor and the presence of prostitutes shall be prohibited; to the Committee on the Judiciary.

Also, memorial of Woman's Missionary Society, First Congregational Church of Glendale, Cal., to prohibit the manufacture and sale of intoxicating liquors; to the Committee on the Judiciary.

Also, petitions of various citizens of Pasadena, Cal., against transformation of foodstuffs into intoxicating liquors, and to limit liquors on hand to nonbeverage uses; also protesting against evasive reference of issue to overburdened President; to the Committee on the Judiciary.

Also, petitions of the Trinity Missionary Society of Trinity Methodist Episcopal Church South, of Los Angeles, Cal., and Woman's Missionary Society of Redlands, Cal., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. ROBBINS: Petitions of the Presbyterian Church, New Florence; United Presbyterian Church, Bolivar; citizens of Philadelphia; Baptist Church, Scottdale; O. A. B. C. of the Presbyterian Church, New Salem Borough, Delmont; United Brethren Church, Ligomer Valley; all in the State of Pennsylvania; favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. SANDERS of New York: Petition of 130 residents of Rochester, N. Y., protesting against the enactment of any legislation, excessive taxation, or other regulation that would result in the prohibition of the liquor traffic; to the Committee on the Judiciary.

Also, petition of the members of the Baptist Church of Churchville, N. Y., favoring prohibition during the period of the war for the conservation of the food supply; to the Committee on Agriculture.

By Mr. SANFORD: Papers to accompany House bill 5019, for the relief of John McNeil; to the Committee on Military Affairs.

By Mr. SHOUSE: Petition of residents of Coldwater and Larned, Kans., and vicinity, favoring legislation prohibiting the use of foodstuffs in the manufacture of alcoholic liquors; to the Committee on Agriculture.

By Mr. SNYDER: Petition of the New Century Club, Utica, N. Y., for the moral protection of the Army; to the Committee on Military Affairs.

By Mr. STEENERSON: Petition of a mass meeting for the organization of the Roseau County Public Safety Commission of Minnesota, urging prohibition of the manufacture and sale of alcoholic liquor as a beverage; to the Committee on the Judiciary.

By Mr. TAGUE: Petitions of Switchmen's Union of North America and Chamber of Commerce of the United States of America relative to passage of the food-control bills; to the Committee on Agriculture.

Also, petition of F. W. Whitcher Co., of Boston, Mass., favoring passage of House bill 4630 relative to food control; to the Committee on Agriculture.

By Mr. WALDOW: Petition of the citizens of Hamburg, N. Y., favoring national prohibition and protesting against war tax on the same; to the Committee on the Judiciary.

Also, petition of the New York State conference of mayors and other city officials, favoring the immediate enactment of laws conferring upon the national administrative authorities the power to regulate the prices of food products to insure an equitable distribution of the food supply and also to provide for the proper distribution of coal at reasonable prices to the cities and to the consumers; to the Committee on Agriculture.

By Mr. WOODYARD: Petition of the Woman's Club of Fairmont, W. Va., protesting against the use of grain in the manufacture of alcoholic liquors; to the Committee on Agriculture.

By Mr. YOUNG of North Dakota: Petition of the North Dakota Branch of World's Purity Federation, and of Mrs. W. W. Anderson and 38 other citizens of Englevale, N. Dak., urging the adoption of national prohibition as a war measure; to the Committee on the Judiciary.

SENATE.

TUESDAY, *June 26, 1917.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we invoke Thy blessing and seek Thy guidance for the duties of this day. We thank Thee that Thou hast brought us into a great league of nations with a common impulse of humanity and with a desire only to advance the interests of man. We thank Thee for our conception of the human life. Above all the institutions of the world Thou hast placed this crowning glory of Thy creation. Grant, we pray, that we may stand in deathless and loyal devotion to the interests of humanity, and that we may press forward in our glorious cause. Do Thou, O Lord, lead us to victory. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Friday, June 22, 1917, when, on request of Mr. GALLINGER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

Mr. SHAFROTH. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	McNary	Shields
Bankhead	Hollis	Martin	Smith, Ariz.
Beckham	Husting	Myers	Smith, Ga.
Brady	James	Nelson	Smith, Md.
Brandegee	Johnson, Cal.	New	Smith, Mich.
Calder	Johnson, S. Dak.	Newlands	Smoot
Chamberlain	Jones, N. Mex.	Norris	Sterling
Colt	Jones, Wash.	Overman	Stone
Culberson	Kellogg	Owen	Sutherland
Cummins	Kendrick	Page	Swanson
Curtis	Kenyon	Penrose	Thomas
Dillingham	King	Phelan	Thompson
Fernald	Kirby	Poindexter	Tillman
Fletcher	Knox	Pomerene	Underwood
Frelinghuysen	La Follette	Ransdell	Vardaman
Gallinger	Lewis	Robinson	Wadsworth
Gerry	Lodge	Saulsbury	Warren
Gronna	McCumber	Shafroth	Weeks
Hale	McKellar	Sheppard	Williams
Harding	McLean	Sherman	

Mr. FRELINGHUYSEN. I desire to announce that the senior Senator from New Jersey [Mr. HUGHES] is detained by illness.

The VICE PRESIDENT. Seventy-nine Senators have answered to the roll call. There is a quorum present.

CITIZENS OF FOREIGN NATIONS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 21st instant, a statement relative to the number of men in the United States between the ages of 21 and 31 years who are citizens of foreign nations now engaged in war with the Imperial German Government, and also those who are denominated alien enemies. The communication and accompanying papers will be printed in the RECORD and referred to the Committee on Military Affairs.

The communication is as follows:

WAR DEPARTMENT,
Washington, June 22, 1917.

To the SECRETARY UNITED STATES SENATE.

SIR: In response to Senate resolution of June 21, 1917, which is as follows:

"*Resolved*, That the Secretary of War be, and he is hereby, requested to furnish to the Senate a statement, by States, of the number of men in the United States between the ages of 21 and 31 years who are citizens of foreign nations now engaged in war with the Imperial German Government, and also those who are denominated alien enemies,"

I have to say that complete information of the citizenship of persons registered was collected on registration cards, but for the purposes of the execution of the selective-service law it was only desirable to have included in the telegraphic reports rendered to the office of the provost marshal general the following citizenship classification:

(a) Citizens of the United States and persons who have declared their intention to become citizens and who are not citizens of a country with which the United States is at war.

(b) Persons who have not declared their intention to become citizens of the United States and who are not citizens of a country with which the United States is at war.

(c) Citizens of a country with which the United States is at war regardless of whether such persons have declared their intention to become citizens of the United States. (These are denominated "alien enemies.")

From the above statement it will appear that it is not possible at present to furnish information in precise response to the resolution of the Senate of June 21. There is, however, inclosed herewith a statement showing classes (b) and (c) as described above, by States, with the total in each class for the United States.

The registration cards and their copies are now segregated in some 4,000 groups in the possession of the various registration boards, and it would not be practicable at this time to excerpt from them the number of citizens of foreign nations now engaged in war with the Imperial German Government without considerable interference with the prompt execution of the selective-service law. Within two or three weeks the copies of these cards will be collected in fewer and larger groups and, if the information requested by the Senate is still desired, it can conveniently be obtained at a cost of about $3,000.

Very respectfully,

NEWTON D. BAKER,
Secretary of War.

United States.	Aliens.	Alien enemies.
Alabama	1,173	89
Arizona	14,652	193
Arkansas	566	93
California	67,464	3,943
Colorado	9,027	372
Connecticut	58,519	1,125
Delaware	2,883	92
District of Columbia	1,570	79
Florida	5,682	203
Georgia	1,224	120
Idaho	3,883	181
Illinois	95,145	6,051
Indiana	13,651	1,149
Iowa	11,788	1,862
Kansas	6,358	911
Kentucky	(1)	(1)
Louisiana	2,963	213
Maine	10,013	120
Maryland	7,387	912
Massachusetts	103,014	1,503
Michigan	69,282	3,021
Minnesota	24,599	1,971
Mississippi	557	45
Missouri	10,992	1,603
Montana	11,790	687
Nebraska	5,014	1,153
Nevada	3,670	87
New Hampshire	9,507	79
New Jersey	77,372	4,953
New Mexico	4,321	103
New York	233,903	33,807
North Carolina	559	73
North Dakota	7,205	615
Ohio	82,403	6,189
Oklahoma	2,947	219
Oregon	6,131	577
Pennsylvania	174,893	12,671
Rhode Island	15,013	123
South Carolina	447	53
South Dakota	2,603	484
Tennessee	1,030	85
Texas	26,029	1,834
Utah	7,145	344
Vermont	3,487	72
Virginia	2,575	179
Washington	16,001	791
West Virginia	10,678	1,003
Wisconsin	5,588	23,121
Wyoming	3,353	329
National parks	4	2
	1,239,179	111,933

(1) Not reported.

MANUFACTURE OF PRISON-MADE GOODS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting reports from the consuls at Punta Arenas, Chile; Teheran, Persia; Madras, India; Mombasa, East Africa; Seville, Spain; Milan, Italy; Basel and Geneva, Switzerland; and Edinburgh, Scotland, relative to the extent to which prisoners, paupers, or detained persons are utilized in the production or manufacture of the commerce of various countries, which, with accompanying papers, was referred to the Committee on Printing.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 3548. An act providing for the modification of the designs of the current quarter dollar; and

H. R. 4897. An act to amend section 10 of the national-defense act approved June 3, 1916, and for other purposes.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of the Frederick District Epworth League, of Maryland; of the congregations of the First Baptist Church and the Methodist Episcopal Church of East Greenwich, R. I.; of the Camden Baptist Association of Merchantville, N. J.; and of sundry citizens of Apollo, Pa., praying for national prohibition as a war measure, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Boston, Mass., praying that all bequests, legacies, devises, or gifts to the United States be exempted from taxation, which was referred to the Committee on Finance.

He also presented resolutions adopted at the annual convention of the Ladies of the Grand Army of the Republic for the

Department of California and Nevada, pledging support to the Government during the war, which were ordered to lie on the table.

He also presented resolutions adopted by the council of the city of Oshkosh, Wis., relative to the coal situation in that State and throughout the country, which was referred to the Committee on Agriculture and Forestry.

Mr. SHEPPARD presented memorials of the Woman's Missionary Society of the Methodist Church South, of Plano; of the Ladies' Methodist Missionary Society of Chireno; of the Missionary Society of the Methodist Episcopal Church South, of Cooper; and of the Gleaner Missionary Society of St. Paul's Church, of Houston, all in the State of Texas, praying for national prohibition as a war measure, which were ordered to lie on the table.

Mr. THOMPSON presented petitions of sundry citizens of Glade and Olsburg, Kans., praying for national prohibition as a war measure, which were ordered to lie on the table.

He also presented a petitions of sundry citizens of Natoma, Kans., praying for the enactment of legislation to provide for the prohibition of the manufacture of alcoholic liquors as a measure of food conservation and to prohibit the manufacture of intoxicating liquors for beverage purposes, which was ordered to lie on the table.

Mr. ROBINSON. I present telegrams in the nature of petitions from citizens of my State, relative to the passage of the pending food bill, which I ask to have printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

CHICAGO, ILL., *June 21, 1917.*

Hon. JOSEPH T. ROBINSON,
The Capitol, Washington, D. C.:

Respectfully recommend immediate passage of Lever food bill, H. R. 4961. Our experience as wholesale grocers and our knowledge of the food conditions of the country convince us that immediate action is imperative.

W. J. ECHOLS & Co.,
Fort Smith, Ark.

—

CHICAGO, ILL., *June 21, 1917.*

Hon. JOSEPH T. ROBINSON,
The Capitol, Washington, D. C.:

Respectfully recommend immediate passage of Lever food bill, H. R. 4961. Our experience as wholesale grocers and our knowledge of the food conditions of the country convince us that immediate action is imperative.

REYNOLDS-DAVIS GROCERY CO.,
Fort Smith, Ark.

—

MEMPHIS, TENN., *June 21, 1917.*

Hon. J. T. ROBINSON,
Senate, Washington, D. C.:

In response to President Wilson's call farmers of Mississippi, Arkansas, and Tennessee have raised greatly increased crops of food and feed. the preservation and marketing of which absolutely requires immediate cooperation of some organization vested with authority such as pending food-control legislation contemplates. Delay in passage of such legislation will work irremediable injury to the South as a reward for her patriotic response to the Nation's call. Representatives of business organizations of Memphis, Little Rock, Jackson, and other cities and towns of three States, also representatives of agricultural departments of the three States, cooperative extension forces and agricultural departments of eight railroads assembled in meeting of tri-State better farming committee demand immediate action on food-control measures now pending.

CHARLES J. HAASE, *Chairman,*
E. R. LLOYD,
H. A. MORGAN,
W. C. LASSETTER,
Committee.

—

PINE BLUFF, ARK., *June 21, 1917.*

Senator JOSEPH ROBINSON,
Washington, D. C.:

We, the International Association of Machinists of Cotton Belt Lodge, No. 51, ask you to use your influence in the passage of the Lever food administration bill.

Yours, respectfully,
ROBERT MALLEY,
Legislative Committee.

—

ARGENTA, ARK., *June 21, 1917.*

Hon. JOSEPH T. ROBINSON.

DEAR SIR: At our last regular meeting a resolution was passed to appeal to our Senators and Representatives to vote for the Lever food bill, also asking your influence to have others to vote for its immediate enactment, that it may become a law before food speculators buy up the incoming crops. This is more important to our Nation than soldiers' guns or ammunition. Hoping this will meet with your favorable consideration, we all beg to remain.

Very truly,

J. B. SWISHER,
909 Pike Avenue, Recording Secretary,
C. P. CLARK,
H. M. STALEY,
Committee.

Mr. BECKHAM. Mr. President, I have received a telegram from Col. E. H. Taylor, jr., of Frankfort, Ky. Col. Taylor is a prominent citizen of Kentucky, and one of the largest and most successful distillers in the State. His views on war prohibition, as expressed in this telegram, are therefore especially interesting and significant at this time. I ask that the telegram be inserted in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

FRANKFORT, KY., *June 22, 1917.*

Hon. J. C. W. BECKHAM,
United States Senate, Washington, D. C.:

I beg to respectfully suggest that the corn crop of the entire corn belt is certain to be shortened by abnormal prevailing conditions, and the certain scarcity of all foodstuffs is a greater national menace than is the German submarine, and that the use of grains to-day in the manufacture of whisky and beer is entirely speculative and in bad faith to the Government. Conservation of every unit is essential, and my belief is well grounded that no bushel of grain should be used pending the war in the manufacture of either whisky or beer. The specious pretensions in favor of the latter are absurd. Every bushel of barley, every bushel of corn, is of certain requirement for food purposes at hugely remunerative prices to the farmer. I am one of the largest growers of barley in the State and know whereof I speak. Total prohibition of the uses of these grains for other than food purposes during the war, I am sure, would be in the direction of wise and conservative legislation, and any delay in enacting it, every minute, is playing into the hands of ruthless speculators. Craving your earnest consideration and action, I am, for the Nation's good,

Most respectfully,
E. H. TAYLOR, Jr.

Mr. SHAFROTH. I present a resolution adopted by the Federated Trades Council of Colorado Springs, Colo., which I ask to have printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas the United States has entered into an international war to fight for democracy, and also for the right of those who submit to authority to have a voice in their own governments, it is imperative that we first establish democracy in our own country by giving political freedom to our women citizens; and

Whereas women are now being called to aid the Government in the prosecution of war in defense of the Nation's interests, and without their aid this war could not be conducted: Therefore be it

Resolved, That we, the Federated Trades Council of Colorado Springs, Colo., urge a prompt and favorable report by the Judiciary Committee of the House of Representatives on the Susan B. Anthony amendment and the immediate passage of that amendment as a war measure during this session of Congress.

Resolved, also, That a copy of this resolution be sent to EDWIN Y. WEBB, chairman of the Judiciary Committee, to the President, to Speaker CLARK, to the Vice President, to Senator JACOB H. GALLINGER, Senator THOMAS S. MARTIN, Representative CLAUDE KITCHIN, Representative JAMES R. MANN, and to the Colorado delegation, with the request to Hon. CHARLES B. TIMBERLAKE, of the House, and to Senator JOHN F. SHAFROTH, of the Senate, that the resolution be read into the CONGRESSIONAL RECORD.

Mr. CUMMINS. I present sundry telegrams from organizations in the State of Iowa, which I ask to have printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

ROCKWELL CITY, IOWA, *June 25, 1917.*

Senator A. B. CUMMINS,
Senate Chamber, Washington. D. C.:

We, the undersigned, representing the below-mentioned organizations, wish to enter a protest against any legislation that would fix prices for the producer of foodstuffs. Only to prove that farmers are not receiving exorbitant prices I present the following from the books of the Rockwell City Elevator Co. for the period from June 1, 1916, to June 1, 1917, viz, 222,192 bushels of corn, the average price paid was 90 cents; 291,813 bushels of oats, the average price paid was 42½ cents. Please use your influence in behalf of the farmer.

Very respectfully,

HENRY PARSONS,
President of the Rockwell City Elevator Co.
B. E. MORTON,
Director of the Farmers' Grain Dealers' Association of Iowa.

—

EAGLE GROVE, IOWA, *June 25, 1917.*

Senator A. B. CUMMINS,
Washington, D. C.:

If Congress fixed prices on farm products we demand that it fix prices on all other products that we as consumers have to buy.

A. L. MIDDLETON,
Director Iowa Farmers' Grain Dealers' Association.

—

ELLSWORTH, IOWA, *June 25, 1917.*

Senator A. B. CUMMINS,
Care Senate Office Building, Washington, D. C.:

I am in favor of food control of farm products, providing the same control is used in regard to all other products. I demand that speculation be curbed, but that it be left alone unless curbed in everything else.

L. E. TYLER.

—

ELLSWORTH, IOWA, *June 25, 1917.*

Senator A. B. CUMMINS,
Washington, D. C.:

I am a farmer and am in favor of control of speculation, but insist that what I have to sell be not placed under Government control unless what I buy be placed on same basis.

GEO. B. BERGESON.

ELLSWORTH, IOWA, *June 25, 1917.*

Senator A. B. CUMMINS,
Care Senate Office Building, Washington, D. C.:

I am in favor of food control of farm products, providing the same control is used in regard to all other products.

R. J. BOURNE.

—

ELLSWORTH, IOWA, *June 25, 1917.*

Senator A. B. CUMMINS,
Washington, D. C.:

I am in favor of food control of farm products, but insist that the same control be used in regard to all other products.

L. A. ROBINSON.

—

ELLSWORTH, IOWA, *June 25, 1917.*

Senator A. B. CUMMINS,
Washington, D. C.:

I am in favor of curbing the speculation in food and produce, providing it is curbed in everything else.

W. HENDERSON.

—

ELLSWORTH, IOWA, *June 25, 1917.*

Senator A. B. CUMMINS,
Washington, D. C.:

I believe in food control of farm produce, providing the same control is used in regard to everything else. Curb prices in everything or let them alone.

E. THOMPSON.

—

ELLSWORTH, IOWA, *June 25, 1917.*

Senator A. B. CUMMINS,
Senate Office Building, Washington, D. C.:

I demand that if speculation is restricted in farm produce it is also restricted in all other produce.

ELMER T. OLSON.

—

ELLSWORTH, IOWA, *June 25, 1917.*

Senator A. B. CUMMINS,
Washington, D. C.:

I am a farmer and do not favor control of food prices unless prices are controlled in everything I have to buy.

JOHN OLSON.

—

ELLSWORTH, IOWA, *June 25, 1917.*

Senator A. B. CUMMINS,
Washington, D. C.:

Am a farmer and ask that the control of food products be left as it is unless prices be curbed in everything else.

OLE DANIELSON.

—

ELLSWORTH, IOWA, *June 25, 1917.*

Senator A. B. CUMMINS,
Senate Office Building, Washington, D. C.:

I am a farmer and not in favor of controlling food prices unless everything taken in, and not mostly what the farmer produces.

E. J. KELLEM.

—

ELLSWORTH, IOWA, *June 25, 1917.*

Senator A. B. CUMMINS,
Washington, D. C.:

I am a farmer and do favor speculating be curbed, but do not favor control on what I have to sell and not on what I have to buy.

C. E. CARUTH.

—

ELLSWORTH, IOWA, *June 25, 1917.*

Senator A. B. CUMMINS,
Washington, D. C.:

I am in favor of curbing the price of food providing all other produce is curbed likewise.

J. T. THOMPSON.

—

DES MOINES, IOWA, *June 25, 1917.*

Hon. A. B. CUMMINS,
Washington, D. C.:

There has been a general demand on part of Des Moines citizens that the Lever food bill be passed by Congress before July 1, if possible. Trusting you will do all possible to hasten passage of this measure, we are,

DES MOINES CITY COUNCIL,
TOM FAIRWEATHER,
Acting Mayor.

—

MOUNT PLEASANT, IOWA, *June 25, 1917.*

Hon. A. B. CUMMINS,
Care the Senate, Washington, D. C.:

Representing 60,000 families, executive committee, Wesleyan College, commend you heartily for your stand on the prohibition question and ask you to stand solidly for that feature of the food bill regardless of any necessary rearrangements of the national finances. Education, man power, and food are grave questions before world. This answers all.

EDWIN A. SCHELL,
President.
H. A. COLE,
President Board of Trustees.

Mr. SMITH of Michigan. I present resolutions adopted by the common council of the city of Detroit, Mich., relative to the control of food prices, which I ask to have printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

DETROIT, *June 21, 1917.*

Hon. WILLIAM ALDEN SMITH,
United States Senate, Washington, D. C.

DEAR SIR: By direction of the common council, I am transmitting herewith copy of a resolution adopted by said body on the 19th instant, urging the passage of a bill now pending before Congress, having for its purpose the control of food prices:

"By Alderman Burton:

"Whereas there is now pending before Congress a bill to check the operations of the 'food pirates,' so called, and to give the President control of food regulations, which bill seems to be opposed by a well-organized lobby, representing the persons who are largely responsible for the very excessive prices of foodstuffs: Therefore be it

"*Resolved*, That the common council of the city of Detroit, representing a constituency of 850,000, approves the bill now before Congress, known as the Lever bill, introduced by the chairman of the Committee on Agriculture, and earnestly implores the Michigan Representatives of Congress and all other Members of Congress who have the interests of the people at heart to immediately enact a law which will protect the working people of the Nation from the tyrannical ravages of the food barons; and it is further

"*Resolved*, That the city clerk send a copy of this resolution to the chairman of the committee in charge of the bill, and also to Representatives NICHOLS and DOREMUS, and also to the United States Senators from Michigan; and further

"That Representatives NICHOLS and DOREMUS insist, on behalf of Detroit's 850,000 population, that immediate action be taken, before all the foodstuffs and growing crops in the country are contracted for by the food speculators."

Adopted as follows:

Yeas—Aldermen Allan, Ashe, Auch, Bahorski, Bleil, Bradley, Brennan, Burton, Cowan, Crane, Cranshaw, Dill, Ellis, Glinnan, Guthard, Holden, Kronk, Kunz, Littlefield, Lodge, Mitter, Nowe, Riopelle, Robinson, Ross, Schultz, Starkey, Thompson, Vernor, Walsh, Wartell, Zink, and the president—33.

Nays—None.

Respectfully,

RICHARD LINDSAY,
City Clerk.

Mr. SMITH of Michigan. I present a communication from the president and secretary of Hope College, Holland, Mich., relative to the tax on educational, philanthropic, and religious bequests, legacies, and gifts. I ask that the communication be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the communication was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

HOPE COLLEGE AND PREPARATORY SCHOOL,
Holland, Mich., June 14, 1917.

Hon. WILLIAM ALDEN SMITH,
United States Senate, Washington, D. C.

DEAR SIR: I desire to direct your attention to the fact that the existing Federal estate tax law provides no exemption for educational, philanthropic, and religious bequests, legacies, and gifts, but may tax them at a rate which may run up to 30 per cent. This law should certainly be amended by the present Congress so as to conform with previous national and prevailing State legislation.

In the entire United States, for higher education only $36,842,421 comes from private endowment, as compared with $38,061,768 from public taxation. A tax on educational, philanthropic, and religious bequests will cut off a large part, if not all, of this distinctively American contribution to civilization.

It is the earnest desire of the trustees of Hope College that you should use your influence in favor of amending the Federal estate tax law referred to.

Very truly, yours,

A. VENNEMA,
G. J. DIEKEMA,
President and Secretary.

Mr. BRADY. I present resolutions adopted at a mass meeting of the citizens of Sand Point, Idaho, pledging support to the country, to the President, and to Congress during the time of war. I ask that the resolutions be referred to the Committee on Military Affairs.

The VICE PRESIDENT. Without objection that action will be taken.

Mr. CALDER presented petitions of sundry citizens of Jamestown and Lakewood, in the State of New York, praying for the prohibition of the liquor business as a war measure and remonstrating against tax on the same, which were ordered to lie on the table.

Mr. PAGE presented a petition of the Vermont Branch National Association of Game and Fish Commissioners, praying for the conservation and protection of migratory birds, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. MYERS presented a petition of the Woman's Missionary Society of Trinity Methodist Episcopal Church South, of Missoula, Mont., praying for national prohibition as a war measure, which was ordered to lie on the table.

Mr. LODGE presented resolutions adopted by the City Council of Fall River, Mass., favoring the independence of Bohemia, which was referred to the Committee on Foreign Relations.

Mr. McLEAN presented petitions of sundry citizens of New Haven, of the State Young Men's Christian Association, of the Woman's Christian Temperance Union of Torrington, of the Woman's Christian Temperance Union of West Haven, of

the Second Methodist Church and the Second Baptist Church of Waterbury, and of the Connecticut Branch of Collegiate Alumnae, all of the State of Connecticut, praying for national prohibition as a war measure, which were ordered to lie on the table.

He also presented memorials of the New England Brewing Co., of Hartford; of the Hellman Brewing Co., of Waterbury; of the Weiber Brewery, of New Haven; of the Ropkins Brewing Co., of Hartford; of the State Liquor Dealers' Association; of Bartenders' Local Union, of Waterbury; of the F. E. Lalley Co., of Bridgeport; of Brewery Workers' Associations, of New Haven, Bridgeport, and Waterbury; of Charles E. Griffin Manufacturing Co., of New Haven; of Thomas Hine Cigar Manufacturing Co., of Ansonia; of Garde Hotel Co., of Hartford; of Allyn House Hotel Co., of Hartford; of the Hartford Central Labor Union; and of sundry citizens of Hartford, New Haven, Ansonia, Meriden, Bridgeport, and Waterbury, all in the State of Connecticut, remonstrating against national prohibition as a war measure, which were ordered to lie on the table.

He also presented a memorial of Local Union No. 42, Cigar Makers' International Union of America, of Hartford, Conn., remonstrating against the proposed increase of the tax on cigars, which was referred to the Committee on Finance.

THE COMMITTEE ON INTERSTATE COMMERCE.

Mr. THOMPSON, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution No. 92, submitted by Mr. NEWLANDS on the 22d instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Interstate Commerce, or any subcommittee thereof, be, and hereby is, authorized, during the Sixty-fifth Congress, to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recess of the Senate.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. POINDEXTER:

A bill (S. 2511) to amend section 704 of the act of Congress approved September 8, 1916, entitled "An act to increase the revenue, and for other purposes," to the Committee on Finance.

By Mr. MYERS:

A bill (S. 2512) for the relief of Jacob Osterhus;

A bill (S. 2513) authorizing issuance of patent for certain lands to Clarence E. Broadbrooks; and

A bill (S. 2514) authorizing the leasing for grazing purposes of public lands withdrawn for power sites; to the Committee on Public Lands.

TRADING WITH THE ENEMY.

Mr. PHELAN submitted an amendment intended to be proposed by him to the bill (S. 2445) to define, regulate, and punish trading with the enemy, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

OIL AND GAS LANDS.

Mr. PHELAN submitted an amendment intended to be proposed by him to the bill (S. 45) to encourage and promote the mining of coal, phosphate, oil, gas, potassium, and sodium on the public domain, which was referred to the Committee on Public Lands and ordered to be printed.

WAR REVENUE.

Mr. GERRY submitted an amendment intended to be proposed by him to the bill (H. R. 4280) to provide revenue to defray war expenses, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

EMPLOYMENT OF MESSENGER.

Mr. NELSON submitted the following resoution (S. Res. 93), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Sergeant at Arms of the Senate is hereby authorized and directed to place on the Senate rolls a messenger for the minority, at the rate of $1,200 per annum, to be paid out of the contingent fund of the Senate until otherwise provided for by law.

CANTONMENT OF NINTH DIVISION.

Mr. NEW. I submit the following resolution and ask for its present consideration.

The VICE PRESIDENT. The resolution will be read.

The Secretary read the resolution (S. Res. 94), as follows:

Resolved, That the Secretary of War be, and is hereby, directed by the Senate of the United States, if not inconsistent with interests of the public service, to transmit to the Senate the reports of the board of officers appointed to select and designate the site for the cantonment of the ninth division, comprising the States of Indiana and Kentucky, together with the report and recommendations relating to its selection made by Gen. T. H. Barry, commanding general, Central Department, United States Army.

Mr. THOMAS. I think that the resolution should go over under the rule.

The VICE PRESIDENT. The resolution will lie over and be printed.

HOUSE BILLS REFERRED.

H. R. 3548. An act providing for the modification of the designs of the current quarter dollar was read twice by its title and referred to the Committee on Banking and Currency.

H. R. 4897. An act to amend section 10 of the national-defense act approved June 3, 1916, and for other purposes, was read twice by its title and referred to the Committee on Military Affairs.

LANDS FOR MILITARY PURPOSES.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2453) to authorize condemnation proceedings of lands for military purposes, which were, on page 1, line 6, after "land," to insert "temporary use thereof or other interest therein"; on page 1, line 8, to strike out "and" and insert a comma; on page 1, line 8, after "defenses," to insert "and"; on page 1, line 9, to strike out "and other military purposes"; on page 1, line 13, after "land," to insert "interest"; on page 2, line 1, after "purchase," to insert "or enter into a contract for the use of"; on page 2, line 4, after "the," to insert "interest and"; on page 2, line 5, after "purposes," to insert "*And provided further*, That when such property is acquired in time of war or the imminence thereof upon the filing of the petition for the condemnation of any land, temporary use thereof, or other interest therein or right pertaining thereto to be acquired for any of the purposes aforesaid, immediate possession thereof may be taken to the extent of the interest to be acquired and the lands may be occupied and used for military purposes, and the provision of section 355 of the Revised Statutes, providing that no public money shall be expended upon such land until the written opinion of the Attorney General shall be had in favor of the validity of the title, nor until the consent of the legislature of the State in which the land is located has been given, shall be, and the same are hereby, suspended during the period of the existing emergency."

Mr. CHAMBERLAIN. I move that the Senate concur in the amendments of the House.

Mr. SMOOT. Mr. President, I should like to ask the Senator from Oregon just what the amendments propose?

Mr. CHAMBERLAIN. The Government was having some trouble in securing sufficient sites for some of the training camps. This bill proposes to extend the power that the Government already has, and further to give the authorities permission without question to take charge of the sites as soon as proceedings are initiated in the courts.

Mr. SMOOT. I remember the provisions of the bill very well, of course, as it passed the Senate; but what amendments did the House make?

Mr. CHAMBERLAIN. The only material amendment is the one at the end of the bill.

Mr. KIRBY. Mr. President——

Mr. CHAMBERLAIN. That amendment explains itself, if the Senator will have it read. As I gather the amendment, it consists chiefly in striking out the words "and for other military purposes."

Mr. KIRBY. Mr. President, if the Senator from Oregon will permit me, I shall be glad to answer the question.

Mr. CHAMBERLAIN. Certainly.

Mr. SMOOT. I shall be glad to have the Senator from Arkansas do so.

Mr. KIRBY. The House amendment provides for condemnation of the temporary use of the land, which was not in the Senate bill; and the House struck out entirely the words "and other military purposes," as we had it here. The rest of the amendment was recommended by the War Department.

The whole matter has been recommended by the War Department as it now stands. They also recommended, further, the insertion of the words "and for other military purposes"; but, as I have stated, the House struck that out. It is a complete measure, as I understand, and I hope it will be passed without objection.

Mr. SMOOT. I think the action of the House was wise.

The VICE PRESIDENT. The question is on agreeing to the amendments of the House.

The amendments were agreed to.

RECEPTION OF THE RUSSIAN MISSION.

Mr. MARTIN. Mr. President, in order that Senators may have an opportunity to be presented to the distinguished Russians who are now the guests of the Nation I move that the Senate take a recess for 30 minutes.

The motion was agreed to.

The VICE PRESIDENT. The Chair appoints Mr. MARTIN, Mr. GALLINGER, Mr. SAULSBURY, Mr. BRADY, Mr. STONE, and Mr. LODGE as a committee to present our distinguished guests to the Senate.

The Senate thereupon took a recess for 30 minutes.

At 12 o'clock and 15 minutes p. m. the members of the Russian mission to the Government of the United States were escorted by the committee appointed by the Vice President into the Senate Chamber, the members of the mission being the Russian Extraordinary Ambassador Boris A. Bakhmetieff; Lieut. Gen. Roop, representing the Russian general staff; Captain of the Guard Dubassoff, aid-de-camp; Prof. Lomonossoff, member of the council of engineers, representative of the ministry of ways and communications and head of the railroad mission; A. Nikolaieff, colonel of the general staff, military attaché; M. Novitsky, representative of the minister of finance; Capt. Shutt, from the ministry of war; M. Soukine, diplomatic representative; and Alexander Smirnoff, lieutenant, Russian Army, Russian Embassy.

Maj. N. K. Averill, United States Army; Hon. Breckinridge Long, Assistant Secretary of State; and Mr. Jefferson Caffery, United States Diplomatic Service, Department of State, aid to the mission, accompanied the mission into the Senate Chamber.

Ambassador Bakhmetieff was seated on the right of the Vice President and Lieut. Gen. Roop upon his left.

ADDRESS BY THE VICE PRESIDENT.

The VICE PRESIDENT. Senators, the kaleidoscope of current history is being turned so rapidly that to the normal eye the combinations of yesterday are forgotten, of to-day are uncertain, and of to-morrow are unknown. And yet, as from time to time there are unfolded in this most sacred and historic spot portions of the panorama of the greatest tragedy that has been enacted since Calvary, there stands out one clear-cut central figure, the figure of the dauntless and undaunted man who dares to draw his sword either to preserve or to obtain for himself and for his fellows the right of self-government, the heritage of life, of liberty, and of the pursuit of happiness. [Applause.] It matters but little to us the features and the form of that man, his lineage or his language, if he speak in the full and confident tones of a manhood, or in the lisping tongue of infantile, possession of those rights. But if we hear from his lips the golden rule of statecraft then he is our brother. [Applause.] He has a right to be, and he has a right to be here.

We are honored this day by the representatives of a people who have been our long-time and unvarying friends. [Applause.] It is not possible for me to think in the terms of countries and continents and governments. My mind thinks only in the terms of men; and perhaps this is as it should be, for the Goddess of Liberty is not always a strong and virile woman. In the hours of peace she becomes pale and anemic, and it is oftentimes necessary to keep her alive by transfusing into her veins the blood of patriotic and self-sacrificing men.

I can not think of France, of England, of Italy, of America; I think only of Viviani and Joffre, of Balfour and Haig, of Udine and Cadorni, of Wilson and Pershing. [Loud applause.] On this day as I look into the eyes, the storm-tossed eyes, of these our guests, I can not think of Russia as the land of Alexander and Nicholas. She seems to me to be only the home of Krapotkin and of Tolstoi.

Travelers tell us that there is a point in Iceland where the rays of the setting and of the rising sun mingle. Already upon the far-flung eastern battle line of Europe the rays of the setting sun of autocracy have mingled with the rays of the rising sun of democracy. [Applause.] May that sun grow in light and warmth, and may it be undimmed by the clouds of internal dissension. May democracy everywhere understand that its first duty is to make a democrat a free man everywhere on earth. [Applause.]

Last week we went with little Belgium sadly to her Gethsemane; to-day let us go gladly, with mighty Russia, to her Mount of Transfiguration. [Applause.]

I present to you the chairman of this commission, Mr. B. A. Bakhmetieff.

ADDRESS BY AMBASSADOR BAKHMETIEFF.

Ambassador BAKHMETIEFF. Mr. President and gentlemen of the Senate, at the outset permit me to express to you sincere thanks and keen appreciation for the warm reception you have so graciously given to the members of the mission and to myself. Great is the honor you have bestowed by permitting me to address your distinguished body, abrogating thus a custom which has been upheld for more than a century, but still more gratifying is the expression of cordial sympathy and friendly feeling which have been so manifestly exhibited by your reception.

From the moment of our arrival in this country we have been deeply affected by the extraordinary greeting accorded us and by the constant expression of hearty welcome and sincere sympathy with which we have been hailed on all sides.

That bonds of friendship and sympathy united the people of the two nations we knew before we departed from Russia. They were amply manifested during the early days of the revolution. The act of prompt recognition of our new Government has been of incalculable value. For the brotherly encouragement which you gave us, and for the noble manner in which you so generously stretched forth a helping hand, we are here, in behalf of the new Russia, to express to you our deepest and most heartfelt gratitude. [Applause.]

We have come here as well to make clear the spirit and meaning of the great events taking place in our country. A thorough understanding is indispensable to enable our mission to accomplish the important task of establishing a close and effective cooperation between the two countries for common action and common cause. With the greatest of hope do I look forward to the results of such cooperation so vital to our mutual desire to form a league of honor among free nations on the smoking ruins of autocratic militarism.

At this moment all eyes are turned on Russia. Many hopes and many doubts are raised by the tide of events in the greatest of revolutions at an epoch in the world's greatest war. Justifiable is the attention, lawful the hopes, and naturally conceivable the anxiety. The fate of nations, the fate of the world is at stake, all dependent on the fate of Russia. Freedom and peace will be the blessings of the future if Russia happily emerges from the struggle a powerful democracy, sparkling with the gallantry of her army returning from fields won in common strife with her allies. [Great applause.]

An unprecedented epoch of spiritual depression, a new period of strenuous and anxious military depression would follow, should Russia fail to accomplish her task of political regeneration or should she collapse for economical reasons or the insufficiency of her arms. In all frankness and sincerity do I expose my cause, confident in your good will and paying tribute to the manifest feelings of sympathy, may I say affection?

I am not going to conceal the gravity of the situation that confronts the Russian Provisional Government. The revolution called for the reconstruction of the very foundations of our national life. It is not easy to comprehend what it means to reorganize all of Russia on democratic lines. Such work involves the whole of our social, economic, and political relations. The entire State structure is affected by the changes, involving village, district, county; in fact, every part from the smallest to the central State. The creation anew of a country of boundless expanse on distinctly new principles will, of course, take time, and impatience should not be shown in the consummation of so grand an event as Russia's entrance into the ranks of free nations.

We should not forget that in this immense transformation various interests will seek to assert themselves, and until the work of settlement is completed a struggle among opposing currents is inevitable and exaggerations can not be avoided. Attempts on the part of disorganizing elements to take advantage of this moment of transition must be expected and met with calmness and confidence. [Applause.]

In exposing to you a true picture of the situation I feel that it is my duty to present to you two considerations which make me feel that Russia has passed the stage of the world when the future appears vague and uncertain.

In the first place, it is the firm conviction of the necessity of equality, which is widely developing and firmly establishing itself throughout the country.

In the eyes of the Russian people this principle of equality is based on the fertile democratic doctrine that governments derive their just power from the consent of the governed [prolonged applause], and hence that a strong government must be created by the will of the people. [Renewed applause.]

Three days ago in the House of Representatives I stated that a strong majority of the Russian people had united around the coalition cabinet on a national program. I mentioned the confidence and powerful support which the Government is at present enjoying, and which from day to day gives it more strength and determination, not only to suppress acts of lawlessness on the part of disorganizing forces but also to carry out the constructive work of national reorganization.

Since then my latest advices give joyful confirmation of the establishment of a firm power, strong in its democratic precepts

and activity, strong in the trust reposed in it by the people in its ability to enforce law and order. [Prolonged applause.]

In the second place, and no less important, is the growing conviction that the issues of the revolution and the future of Russia's freedom are closely connected with the fighting might of the country. It is such power, it is the force of arms, which alone can defend and make certain the achievements of the revolution against autocratic aggression. [Applause.]

There has been a period, closely following the revolution, of almost total suspension of all military activity, a period of what appeared to be disintegration of the army, a period which gave rise to serious doubts and to gloomy forebodings. At the same time there ensued unlimited freedom of speech and of the press, which afforded opportunities for expression of the most extreme and antinational views, from all of which resulted widespread rumors throughout the world that Russia would abandon the war and conclude a separate peace with the central powers.

With all emphasis and with the deepest conviction, may I reiterate the statement that such rumors were wholly without foundation in fact. [Great applause.] Russia rejects with indignation any idea of separate peace. [Prolonged applause.] What my country is striving for is the establishment of a firm and lasting peace between democratic nations. Russia is firmly convinced that a separate peace would mean the triumph of German autocracy, would render lasting peace impossible, create the greatest danger for democracy and liberty, and ever be a threatening menace to the new-born freedom of Russia. [Applause.]

These rumors were due to misapprehension of the significance and eventful processes of reorganization which the Army was to undergo as a result of the emancipation of the country. Like the Nation, the Army, an offspring of the people, had to be built on democratic lines. Such work takes time, and friction and partial disorganization must be overcome.

To adapt new principles to a body so huge, so very manifold, and so self-dependent as is a modern army is no simple task. Patience is required to mold it in accordance with forms of democracy and personal liberty, preserving at the same time discipline so essential for success on the field of battle.

One must also realize that the time has passed when the fates of nations can be decided by an irresponsible government or by a few individuals, and that the people must shed their blood for issues to them unknown. We live in a democratic epoch where people who sacrifice their lives should fully realize the reasons therefor and the principles for which they are fighting. [Applause.]

Just as the Russian people had to undergo a process of reorganization and political revolution, so also did the Russian Army. It was necessary for it to live out illusions and deceptions, and to rally about a program of historical necessity and national truth.

The national program of the Government calls for effective organization and consolidation of the army's fighting power for offensive as well as defensive purposes. [Applause.] This has been the outcome of the crystallization of the will of the people. That is the program as to warfare which has rallied around the Government, Russia's democracy, giving its leaders vigor and strength.

Conscious of the enormous task, the Provisional Government is taking measures promptly to restore throughout the country conditions of life so deeply disorganized by the inefficiency of the previous rulers and to provide for whatever is necessary for military success.

In this respect exceptional and grave conditions provide for exceptional means. In close touch with the panpeasant congress the Government has taken control of stores of food supplies, and is providing for effective transportation and just distribution. Following the example of other countries at war, the Government has undertaken the regulation of the production of main products vital for the country and the army. The Government at the same time is making all endeavors to settle labor difficulties, taking measures for the welfare of workmen consistent with active production necessitated by the national welfare.

As to the army, the process of crystallization of the national will is expressing itself in a growing sentiment of general and common appreciation of events and a thorough understanding of the situation.

Peaceful in its intentions, striving for a lasting peace based on democratic principles and established by democratic will, the Russian people and its army are rallying their forces around the banners of freedom, strengthening their ranks in cheerful self-consciousness; to die, but not to be slaves. [Great applause.]

Russia wants the world to be safe for democracy.

To make it safe means to have democracy rule the world. [Prolonged applause.]

The VICE PRESIDENT. The chairman and members of the Russian mission will be delighted to have presented to them the Members of the Senate.

The members of the Russian mission took their places at the left of the Vice President's desk, and the Members of the Senate were presented to them by the committee appointed by the Vice President.

The distinguished visitors were escorted from the Chamber, and (at 12 o'clock and 45 minutes p. m.) the Senate reassembled upon the expiration of the recess.

GOVERNMENT OF RUSSIA.

Mr. GORE submitted the following concurrent resolution (S. Con. Res. 7), which was read, considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Congress have heard with profound satisfaction the assurances of Special Ambassador Bakhmetieff of the devotion of the Russian people and their constituted representatives to their new-found liberties and to their newly found republican institutions, and of their determination to defend and maintain these liberties and institutions: And be it further

Resolved, That it is the earnest hope of the Congress that democracy and self-government may bring to the people of Russia that large measure of prosperity, progress, and freedom which they have brought to the people of America, and that Russia may be entirely successful in her concerted efforts to secure the unequaled blessings of an honorable and enduring peace.

CONSERVATION OF FOOD AND FUEL.

Mr. CHAMBERLAIN. I move that the unfinished business be laid before the Senate.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2463) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

Mr. THOMAS. Mr. President, the bill before the Senate is concededly an emergency measure. It is designed to meet a crisis, not perhaps immediately upon us, but one which will surely confront the Nation in the near future. In the opinion of many, the bill is not designed to accomplish what is expected of it. On the other hand, it is confidently asserted that as far as can be adjudged from the experience of other nations since the outbreak of the war it is, at least, a step, and a very long step, in the right direction.

I believe, therefore, that we should consider the bill very largely, if not entirely, to ascertain whether the emergency requires its enactment. If so, then, irrespective of some of its details, and conscious of the impossibility of securing perfection in legislation, and particularly in emergent legislation, we should place it upon the statute books.

The President and his immediate advisers have declared, not once, but several times, that in the administration of our war policy, food control is absolutely necessary.

They have so declared, Mr. President, neither lightly nor hastily, nor have they reached the conclusions without a full and anxious investigation of the subject from every point of view. We can not question the earnestness and the patriotism of the President and his advisers, nor yet their evident sincerity with regard to the presence of this momentous proposition. They may be mistaken, for it is not given to human nature and human experience to be perfect in anything. They may be impressed with an undue sense of their responsibility and fear that without this far-reaching authority the campaign of the Nation may miscarry. As to that ours may perhaps be as fair a judgment as theirs. But our respective stations have his profound difference, that upon their shoulders rests the ultimate responsibility, a responsibility which can not be transferred, one of the consequences of the miscarriage of which should make us consider well before declining to intrust the Executive with the authority he requests.

Therefore, Mr. President, I am not disposed to attribute to the administration any hysterical or ungrounded opinions or fears or feelings with regard to this far-reaching subject of food control. I am not disposed to charge him with any lack of its investigation. I affirm that it is as anxious as we are to do whatever the situation requires and which seems expedient for the success of the United States in this great war.

Popular sentiment, as far as I am able to judge, supports this measure. We derive our views of popular sentiment from the press, from those local currents of opinion with which we come in contact, and from direct correspondence with our constituency. Mr. President, so far as I am able to judge from the range of that experience this bill commends itself to a healthy, popular sentiment. Now, popular sentiment is fallible, it is

sometimes hasty, frequently impulsive. Occasionally it is the result not of careful and close consideration; but it nevertheless conveys to men in our position a pretty good general view of what the average man upon the street thinks of a pending measure.

The House of Representatives has with practical unanimity declared in favor of this measure by the overwhelming vote of 365 to 7. After a long, very careful, and very able consideration of its every feature it has responded almost as unanimously as it did for the bond bill, and with far more unanimity than it manifested in its vote upon the resolution declaring war..

Mr. President, the administration being favorable to this bill, public sentiment being seemingly in its support. the House of Representatives having with practical unanimity voted in favor of it, the responsibility of its rejection rests upon the Senate of the United States. We must either confirm what has been done, comply with the request of the administration, or assume the responsibility of its defeat. Mr. President, I do not feel authorized to take so momentous a step, especially since I do not pretend to have that degree of information regarding all features of the situation which those charged with governmental authority are assumed to possess.

Let me inquire, Mr. President, therefore, what is the emergency and whether we should confront it with a measure like this? I shall not in my discussion of the bill go very far into its various details. I shall not occupy the time of the Senate with what would necessarily be a repetition of them, as they have been made upon far more intimate knowledge than I possess, and which, are doubtless aimed at vulnerable sections. To do so would be a mere repetition, and entirely outside of the line of discusssion which I propose to follow.

To begin with, Mr. President, I am not at all impressed with the constitutional argument which has been directed to the bill. I believe that I am as much disposed at all times to recognize constitutional limitations, and particularly limitations upon the legislative power, as any Member of this body. I am satisfied that in many instances we have transgressed the letter and perhaps the spirit of the organic act not alone in this time of crisis but in the previous consideration of urgent measures aimed at existing abuses, or conditions which are assumed to be such. I am satisfied, too, Mr. President, that the legislation or some of the legislation which has already been placed upon the statute books at this session of Congress would not in ordinary times bear the scrutiny of constitutional analysis.

But, Mr. President, while recognizing the existence of certain limitations, necessary limitations, upon all legislative authority, when that authority operates by virtue of a written Constitution we must not be unmindful of the fact that in a state of war everything except the fundamentals and sometimes the fundamentals themselves must yield to existing conditions in order that the greater need, the life of the Nation, may be preserved.

I was opposed to conscription. I did not believe it necessary or desirable that this Nation should depart from a traditional policy, one which had always been found equal to previous crises until a fair opportunity had been afforded to ascertain whether it would not be equally efficacious now. But the Senate and the House decided otherwise. Both declared by very substantial majorities for the conscription system. The President approved the bill; the registration of our young men has been accomplished; and 10,000,000 of our citizens are subject to draft within the next 60 days. Conscription, therefore, as applied to the individual, is the established law of the country, and inasmuch as conscription is to be our policy, I am not disposed even to question it or to recognize the argument that it can be limited in any direction where its exercise may seem to be necessary to the administration during the course of the war. It other words, having provided for the conscription of our boys, there can be no legitimate reason why the same principle should not be applied to all the products and all the property of man, to everything within the realm of the Republic, the taking over of which may be desirable to our success in this war. If it be necessary, as it is, to draft our young men into the service of the country at this hour, and if it be necessary, as it seems to be, to now draft the food products of the Nation into its service during the war, then let us do it by all means, trusting in the same power that administers the one to properly administer the other.

Mr. VARDAMAN. Mr. President, I am sure that Senators left the Chamber before the Senator from Colorado rose to speak. He is making a very interesting and illuminating argument. I should like to have Senators here to hear him, and if the Senator from Colorado will permit, I would like to suggest the absence of a quorum.

Mr. THOMAS. I shall not object, although I do not think it would accomplish anything.

The PRESIDING OFFICER (Mr. KIRBY in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Gronna	McNary	Shields
Borah	Hale	Martin	Simmons
Brady	Harding	Myers	Smoot
Brandegee	James	Nelson	Sterling
Broussard	Johnson, S. D.	New	Sutherland
Calder	Jones, Wash.	Norris	Swanson
Chamberlain	Kendrick	Overman	Thomas
Culberson	Kenyon	Page	Thompson
Curtis	King	Pittman	Tillman
Dillingham	Kirby	Poindexter	Underwood
Fernald	Lewis	Ransdell	Vardaman
Frelinghuysen	Lodge	Reed	Wadsworth
Gallinger	McCumber	Robinson	Warren
Gore	McKellar	Sheppard	Weeks

The PRESIDING OFFICER. The roll call discloses that 56 Senators have answered to their names, and there is a quorum present. The Senator from Colorado will proceed.

Mr. THOMAS. Mr. President, the call for a quorum has succeeded in securing quite as large an audience as I anticipated before the call was made. I am not complaining of this, because to be perfectly frank the condition of the atmosphere is such that if I did not occupy the floor I would be absent myself.

Mr. President, in what I said a moment ago, I do not agree with those who advocate the complete suspension of every constitutional limitation during the time of war. By no means. There are certain fundamentals which can not be abrogated without doing irreparable violence to the structure of republican government. Such great principles as trial by jury, liberty of conscience, the right of every man to worship God as he pleases, or not worship Him at all, if that should be his choice, can not be imperiled, even in times of war, with safety to the perpetuity of republican institutions. There are others; but I simply mention these by way of illustration.

Fundamentally, however, so far as property is concerned, there is nothing which hedges it about that gives it greater sanctity than or as much sanctity as human life. Hence I am not at all impressed with those protests against this bill which appeal to the sacred right of property, to the inability of the Government to interfere with the callings of men or with warnings regarding the disturbances that may follow in the event such interference shall be established by legislation, so that the necessity of this measure—entirely constitutional, in my opinion, in view of the existing state of war—must be found in the war itself and the rôle which America must play in that war, if it shall properly perform its duty to itself and to its allies; in other words, does this crisis require this legislation, and is that legislation essential to the duty imposed upon us as a nation by virtue of our entrance into the great world conflict? These are the fundamental propositions, the solution of which should determine the action of the Senate upon this bill.

Mr. President, in order to intelligently consider this situation, let me for a moment refer to the war itself, to its character. A brief résumé of its history, the causes which compelled us to enter the terrible arena, a mere survey at close range, may illuminate the part which has been assigned to us in this tragedy of nations.

The war, Mr. President, apart from being the greatest war of civilization, is the one long-premeditated war of civilization—a war which has its genesis in the ambition of one nation, drunk with success and with power, and ambitious to establish itself as the supreme people of the earth on both hemispheres.

Germany's preparations for this war began, Mr. President, at Fontainbleau, at Versailles, in 1871, with the formation of the Germanic Empire, with the crowning of the Kaiser as the German Emperor, and with that spirit which actuated and fought the Franco-Prussian War to complete success.

The student of German history can now perceive how every step taken since then by that mighty people in the arts, in the sciences, in literature, in politics, in military affairs, in naval development, in commercial activity, in all her spheres of human life and effort, were bent upon the accomplishment of one purpose, and one purpose only—the conscription of every activity and energy of the people, the organization of their every activity, and their development in the direction of military and political world supremacy.

We have marveled at their growth; we have paid tribute to their organizing power, to their marvelous mastery of details, to the interrelation of every pursuit of their people, each to the other, and all to the domination of a single will, manifesting itself directly and through the General Staff.

What were her purposes? What were her ambitions? Domination, and its accomplishment through Bismarck's policy of "blood and iron"; a complete transformation in methods of

military activity by the mobilization of the people of the entire nation for war and the abandonment of the old and limited standing army.

Germany was jealous of England's supremacy upon the sea; of France in the arena of continental politics; of the massive growth and power of Russia; of the wonderful development of republicanism in the Western Hemisphere; of the growing power of Japan; and covetous of the marvelous resources of the Orient. Her every step we can now see was taken premeditatedly, intelligently, and designedly toward the consummation of one single purpose—the indivisibility of the German people and the extension of the German Empire.

To perfect this wonderful scheme of organization and to knit close the powers that would some day, when brought to perfection, be brought to bear in the scheme of conquest, she filled the world with spies, with detectives, with German subjects, charged with the duty of inquiring into and communicating information about the activities of all the peoples under the sun. Macaulay's wonderful description of the growth, the activities, and the expansion of the Jesuit Society is the one example in history which properly illustrates the extension and perfection of the information department of the German Empire during the last 40 years.

All these things, Mr. President, reached their apogee in 1914. After a world, which had viewed these things with apprehension, had become indifferent to them through the lapse of time, Germany struck with all her force and with the swiftness of lightning. As a result, within two or three days after the war was declared, it appeared as though all the nations of Europe would be overrun and conquered over night. So perfect had been the plans, so magnificently had they been designed and consummated, and so thorough had been the work of preparation, that naught save the hand of Providence could have stayed the conquest of France, which, if it had been accomplished, would have resulted in the speedy subjugation of Russia and the collapse of the British Empire, with Germany dominating the world.

Now, what were to be the consequences of this triumph? The supremacy of the German theory of government; a State exalted and apart from the people, directed by the absolute power of a single man; democracy discredited and driven from the face of the earth; the Germans universally dominant as "the chosen people of the world."

Our country and our hemisphere were to be involved in this world-wide conquest as well. Germany's designs against both were merely a question of time, manifested by various evidences of hostility occurring at intervals during recent years. I have but to refer, Mr. President, to the incident at Manila Bay, to Venezuela, and to Haiti to impress the Senate with this fact. And Germany's purpose to establish herself in America would have materialized in time had we held aloof from the war or even became her partisan.

But, Mr. President, we kept out of this war for two years and a half. It was the fervent hope of many of us that we should not be called upon to bear our part or any part in this mighty struggle The Western Hemisphere, to use a popular expression, seemed for a long time "safe for democracy," whatever the issue of the conflict in Europe. We bore and forbore time after time with many violations of international law, many infractions of American rights, contenting ourselves, amid the murmurings of a large part of our population, with the assurances of Germany that our protests would be heeded and our demands for reparation be complied with.

We finally entered this war, Mr. President, because of the menace of the submarine to the rights of the world, and particularly because of its interference with our right freely to enjoy the highways of the seas, without danger to life and without the consent of Germany.

But we came in at a time, Mr. President, when the war had drained France, Italy, and Great Britain of much of their fighting strength and resources in men, in munitions, in finances, and in supplies; at a time when Germany's success was painfully apparent; when Belgium and Servia and Roumania had been extinguished; when a vast area, comprising the western provinces of the Russian Empire, had been practically conquered and withdrawn from her dominion; when German dominion stretching from Antwerp to Bagdad, covered an area thrice as great as the Germany of 1914; when the submarine had made vast inroads upon the tonnage of the world and was threatening the mightiest of modern empires with severe stringency in food and essential supplies; when the Kaiser felt as confident of success, perhaps more confident of success, than ever before; at a time, Mr. President, when from the standpoint of man power, the mightiest of the allies had seemingly collapsed; when the Government of Russia had disappeared like a child's house of cards, within the lapse of 24 hours; when anarchy and disorder and lack of restraint and all of the vicious conditions succeeding a successful revolution were rampant in all parts of that great country; and when, to the thoughtful man, it seemed more than probable that we should be compelled, not only to do our own part in the mighty struggle, but bear that portion of the burden which till then had been carried by the Russian Empire.

Such, Mr. President, briefly stated, was the situation last April when we declared war against a country whose business is war, whose occupation is war, all of whose energies and activities have been directed to preparation for and the waging of war, while we, a peaceful people, inert, unprepared, averse to strife, proclaiming the freedom of the individual and the right of self-government, but possessed of vast and enormous resources, were suddenly plunged into the maelstrom and gave solemn pledge to do our part.

Ours has been the pursuit of wealth. Germany has developed unity, efficiency, organization, and, what perhaps is of greater importance, a national spirit—that unity of sentiment and devotion to the fatherland, without which no people, however brave and deserving, can achieve success in warfare. We have developed individualism through competition, laxity, and indifference to what I may call the spiritual things of a nation, the ideals of a united people. We began this war rich in all the material things of the world, but deficient in the esprit de corps, and lacking the elements of virile and powerful organization, the Navy Department only excepted. Yet our task, Mr. President, was and is the mightiest of all our allies, largely because of the conditions confronting us when we became actors in the conflict, largely because of our enormous and immense resources, for during this war we have become the reservoir of the wealth of the world. Money, property, all that goes to make up our material welfare have increased more than a hundredfold per year. We have waxed fat upon the spoils of Europe.

While property has been destroyed across the seas, while men have offered up their lives by the hundred thousand, and women have been widowed and children have been beggared and lost, we have profited and grown rich; our wealth has become so great that it menaces very seriously our immediate social and material future. But because of our possession of these enormous resources, because of the condition of our allies, because of the drains which they had endured, because of the immense activities which they immediately confronted ours became the task in large degree to feed and to munition and equip not only ourselves but the entire fighting force allied with us—the troops of Great Britain, of France, of Italy, and doubtless of Russia in large degree; a task calling for the exercise of every ounce of energy and activity and every element of patriotic impulse which we possess; a task which up to this time I believe, Mr. President, we have met as well as an unorganized people could, not alone by the administration, not alone in the Halls of Congress, but throughout the country.

But, Mr. President, I sometimes wonder if we appreciate the extent and the magnitude of the work that is before us; if we fully understand how much is expected of us; if we fully realize the degree of sacrifice and service that we shall be called upon to render. The immediate field of conflict is far away. Three thousand miles of ocean lie between our own and the coasts of France and of Italy. It is not given to man to appreciate to the full extent the calamities that visit humanity unless he comes in immediate contact with them. We can read with composure of a flood in China, destroying thousands of human lives; we shudder at the news of a cyclone in one of our own States; while a minor tragedy occurring in our immediate community overcomes us utterly.

It is the remoteness of the contract therefore, Mr. President, that prompts me to believe that we do not as a Nation yet realize to the full extent the magnitude of our task and what we must do in all directions if we are properly to so perform it, that we may at the end of this struggle feel that we have been equal to the mighty responsibility placed upon our shoulders, that we have done our part, that we have kept the faith.

Mr. President, I have said that we have to furnish not only ourselves but practically all of our allies with many of the essentials, and with the one prime essential of food supply. We can do it; but only with satisfaction provided we mobilize every possible resource, every possible energy which can be equipped and organized to that end.

We have hitherto produced a surplus of agricultural products—not enough to meet present demands, but a large surplus. We have hitherto been regarded as one of the granaries of the world, and the crowded populations of older countries have been able to rely upon that surplus for their sustenance. But, Mr. President, conditions then were normal. Now they are not.

Conditions then required no special effort upon our part to meet the requirements and demands of trade, because the energies and business selfishness of the people were all that were necessary to do so. To meet now the extraordinary conditions necessarily requires the most extraordinary effort, and we must not overlook the fact in considering food supply that a great portion of it will be destroyed and wiped completely out of existence through the active hostility of our enemy. Since the beginning of the submarine warfare I have been told, Mr. President, that fully one-third of the vessels sent to the bottom of the sea have been loaded with food supplies for man and beast.

It is natural that it should be so, for our foe is alert, intelligent, and desperate. He realizes fully the overwhelming and stupendous importance of the food supply to England and to France; that we must feed Russia to some extent, England, France, Italy, and ourselves, if they are to be fed at all. Therefore we must feed the submarine; and the toll which it will continue to take, until the American genius shall devise an antidote for that scourge of mankind, we must also take into consideration in determining the magnitude of our present obligation. We can not fail; we must not fail; for if we fail, our allies fail as well, and, failing, Germany rules the world. Let us make no mistake about that. She will not only rule the world, but self-government will have become an experiment of the past.

German imperialism has long dreamed of a Germany in Africa, a Germany in Asia, and a Germany in America. And she will not abandon any of them should her eagles rest in victory upon the banners of France and England.

If I am correct, Mr. President, in my assertion that we must carry this burden to success or all must fail, then it follows that upon the shoulders of America rests the fate of modern civilization, and that is the emergency which this bill, among others, is designed to meet. I do not believe, Mr. President, granting my premises to be correct, that we should hesitate to give the administration every power, consistently with the essential liberties of the citizen, which in its judgment—reasons, of course, being assigned therefor—seems essential for the accomplishment of its mighty task.

Something was said yesterday by way of inquiry, I think, as to whether such a power as this was ever conferred, or even asked, at any time by any other ruler in America. I think not; but, Mr. President, if, during the War between the States, the Government had been confronted with a crisis making it necessary, the Congress then in existence would not have hesitated to clothe Mr. Lincoln and his administration with the authority which is here requested. I do not recall a single power he asked which was not given to him—not freely, always, but which was not given to him—and all of us, those in rebellion and those fighting for the flag, have long since in unison acknowledged the wisdom and the justice of every request and of every act of legislative response thereto. Some of them threatened and menaced then, as this is said to now, many rights of the citizen and the commercial and business prosperity of the country, but the course of events have justified them all, and the magnificent heritage to mankind was preserved through such agencies, as it will be carried safely through this greater ordeal.

Autocracy has thrown its gage at the feet of democracy, and the gage has been accepted. What, then, shall we do? Hesitate, take half measures, halt between the first and the final step, or, with that confidence in the administration which all Americans, I believe, feel—certainly in the integrity of its purposes—respond to its requirements, conceding that what is asked is needed, and without it the country may be sore pressed while the conflict is raging?

Mr. President, I have spoken of German autocracy, of its strength, of its cohesion, of its long preparation, of its belief in its own destiny, and of the national spirit which undoubtedly supports it and has led its arms to so many victories. But we are confronted with some autocratic conditions here which have their origin in free institutions, which are the outgrowth of that liberty which we so much prize and which flourish like parasites upon the tree of freedom. The only spirit they foster is the spirit of greed. Some of them are more sinister than the powers and the purposes of the Kaiser in their influence upon our social structure while the war is waging. I refer, Mr. President, to what I may call an autocracy of distribution of the essentials of life, composed of middlemen, speculators, boards of trade, jobbers, extortionists, and adventurers. I do not by that statement mean to indict the great body of our citizens engaged in the work of distribution—not at all. There can be no question but that that portion of our body politic is composed of honest, upright, hard-working, God-fearing men. But there are within the throng scattered all over the country many combinations and conditions flourishing in times of peace, but doubly flourishing in times of war, carrying on a work of extortion, and giving full play to the spirit of greed, with the resulting condition of unrest and discontent not only threatening and menacing at present, but which may easily result in explosion somewhere, thus distracting our attention from the mighty task ahead to the conditions at home requiring immediate solution if we would survive at all.

Mr. McKELLAR. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. KELLOGG in the chair). Does the Senator from Colorado yield to the Senator from Tennessee?

Mr. THOMAS. I yield.

Mr. McKELLAR. Does the Senator think it would add anything toward curbing the particular class of our people known as speculators if we were to put in the bill an absolute prohibition against them, rather than the section which proposes merely to regulate and license them?

Mr. THOMAS. Mr. President, I stated at the outset—the Senator, perhaps, was not here at the time—that there were doubtless some features, perhaps many features, of the bill which, in detail, might not address themselves to my judgment, but that in its discussion I proposed to deal with it in a larger sense. The details of the bill are familiar to Senators who have already spoken upon it and who will hereafter discuss it. I shall not attempt to go into that subject. In the first place it is argumentative, and will therefore provoke colloquial debate, which I would avoid. In the next place, my judgment would doubtless be no better, perhaps not so good, as that of the Senator who raises the question. I am concerned more with securing general legislation upon this subject which in its operation will disclose hidden weaknesses and evils, thus enabling us properly to correct them, than I am with spending weeks here in a vain effort to agree upon details.

Mr. McKELLAR. I will say to the Senator, I am in hearty accord with his views along that line. I am very much in favor of this bill. At the same time, it seems to me the bill might be strengthened by making an absolute prohibition against the speculators, who have unquestionably caused a great deal of the trouble.

Mr. THOMAS. That may be. I want to say, however, before leaving the subject, since it has been presented, I have not much confidence in the efficacy of legislative prohibitions—legislative restraints—as applicable to these situations. I believe that by controlling the subject matter of the speculation the evil can be reached, and only in that way.

The Senator from Missouri [Mr. REED] the other day criticized the Trade Commission, not unjustly, perhaps, but somewhat harshly, and, referring to these various abuses, asked the very pertinent question, what that commission had been created for, why it had not long ago remedied these evils, what it was doing now, and whether it had accomplished any of the purposes so fondly hoped for and predicted by the advocates of the bill creating it when it was before Congress. To my mind, and I think I said so at the time, the difficulty about all that sort of legislation lies in the comparative ease with which men can avoid it. There never was a statute, however well prepared, that somebody could not somewhere some time drive a coach and four through it. The Senator perhaps may be interested in a little incident illustrating that. The first bankruptcy law passed by the Congress of the United States was devised and framed by Mr. Justice Story, one of the greatest jurists of his time. He was requested to do so by a congressional committee. He spent days and weeks and months upon the bill, and when it was presented to Congress it was passed precisely as the justice had framed it. But after listening to Mr. Webster for an hour, with regard to the construction of the second section of the law in the first case reaching the Supreme Court under it, Mr. Justice Story confessed he did not know what it meant. It is the poverty of language and the existence of new conditions and new experiences which I think have much to do with the miscarriage of what seems to be excellent legislation at the time of its enactment, coupled with that general spirit which pervades the community, the spirit of speculation, and which opposes stringent application of the law because of the success of those who practice it rather than because of the evils of the thing practiced.

I am bold to say that this bill is an experiment, which may wholly miscarry; and I concede in the fullness of my heart that Senators opposing it may be wiser than I. They certainly are entitled to the weightiest consideration, but I hope that their analysis of the bill and their assertions of its unwisdom may prove to be incorrect by experience.

But this condition, Mr. President, is the natural offspring of exciting times, of a troubled public situation. It springs from war and from revolutions in society, from the immediate needs

of government, as naturally as air arises to the surface from the depths of the ocean. It is not peculiar to us. It has been recognized and curbed in large degree by England and Canada; and the experiences which we are told have been the result of their experimental legislation, if you please, have had much to do, in my judgment, in moving the administration to urge the passage of this legislation.

Speculation in the necessities of life is bad always. It is worse than criminal in times of great national crisis. And yet, unfortunately, it is an element of human nature that when these opportunities arise advantage is taken of them without regard to anything except the immediate probability of profit for those in a position to avail themselves of them.

These men are the pirates of the commercial seas. They prey upon the needs of the people. The Nation's crisis is their opportunity, and in their exactions they are more oppressive than the Kaiser ever was. The man or combination of men who compel the poor or even the well-to-do of this country, for that matter, to pay two, three, and four prices for the necessities of life in times of stress and trial are enemies of the Republic. They are traitors to the Government, and more deadly to our future than the helmeted legions of Germany. There is no way to meet them except through the strong hand of our own administration armed with legislation, with power, and held responsible for the lawful and proper exercise of its authority.

I read the other day of a couple of men who had control, and had secured it by far-reaching purchases in advance, of a necessity of life, and thus controlled the supply of one of the chief cities of the country. Those men had more power over the people of that city than the President of the United States possesses, more power through that one fact over the consumers of that community than the Kaiser wields over the people of Berlin; far more power, Mr. President, than the British Government exercises anywhere on the face of the earth, and that in a free country whose boast is that all men are created equal; that its laws are made for the protection of all the people.

I read the other day the testimony of the Food Commissioner of New York before the Committee on Agriculture, in which he stated that it had been the practice for a long time of fishmongers to destroy on the way to market vast quantities of fish taken fresh from the ocean in order to limit the supply and increase the price to the consumer.

Sometime ago I received letters from Shreveport, La., informing me that immediately after the announcement that rice was a good substitute for potatoes a number of speculators appeared in the immediate vicinity and cornered all the rice of that section so that the price went up 100 per cent within a week.

Let me read one or two clippings upon the subject taken at random from different sections of the country. I read one from New York, May 19:

FOOD BEING WASTED—NEW YORK COMMISSION MEN DESTROY MILLIONS OF POUNDS.

NEW YORK, *May 19, 1917.*

Millions of pounds of food intended for New York City are wasted every year, according to a report issued to-day by the bureau of foods and drugs.

In the first 125 days of this year 8,330,896 pounds of food were either condemned or destroyed by commission men before entering the market.

I clipped this communication from the World a few days ago:

CORN MEAL OR WHEAT FLOUR?

To the EDITOR OF THE WORLD:

We are asked to eat corn meal instead of wheat flour. But note the result: A 24½-pound sack of flour (one-eighth of a barrel) retails for $1.85; one barrel (196 pounds) will cost $14.80.

Corn meal is sold in packages—the only way the stores sell it here—as follows: Quaker corn meal (1 pound 8 ounces), 10 cents; D. & C. corn meal, 12-ounce packages), 12 cents—either 24 ounces for 10 cents or 12 ounces for 12 cents.

Therefore corn meal at 1 cent an ounce would be 16 cents per pound; 196 pounds at 16 cents would be $31.36; or with flour at (196 pounds) $14.80, corn meal would cost $16.56 more than flour.

Or corn meal at 6⅝ cents a pound, as in the other quotations, would cost, for the 196-pound barrel, $13.06⅝, or only $1.74 less expensive than flour at $14.80 per barrel.

NEW YORK, *June 12.*

I have a quotation here from a Denver paper which I will not take the time to read, but will ask leave to insert in the RECORD, which recites that 3,750,000 pounds of old potatoes had been unearthed in storage in Denver, and which were held so long that they were unfit to use:

OLD POTATOES HELD IN SILO TO LIFT PRICE—STATE INSPECTORS FIND CARLOADS OF SPUDS BOUGHT FROM GROWERS.

There are 3,750,000 pounds of old potatoes in storage in Denver, Secretary of State Noland announced to-day following investigation of the potato situation by inspectors of his office. The prices on these old potatoes has been forced down by the arrival yesterday of the first shipment of new potatoes—six carloads from California.

The secretary of state said that there are 125 cars of old potatoes in storage in this city. The cars average 300 sacks and the sacks contain 100 pounds each.

"Farmers at Greeley are indignant because 25 carloads of potatoes which were bought from the growers there last fall at $1.90 for 100 pounds are being held in silo," said the secretary of state. "Those potatoes still are in storage in the silo and will be thrown away."

The 25 carloads at Greeley represent 750,000 pounds, which will be wasted. Secretary Noland will make investigations to find out if potatoes have been held at other points in the State in similar manner on orders of dealers.

The arrival of the new potatoes brought down the price of the old 25 and 50 cents. Old potatoes are selling at prices ranging from $5.50 to $5.75 per 100 pounds. A year ago at this time the prices ranged from $2 75 to $3. Two years ago they ranged from 90 cents to $1.10 per 100 pounds.

There are practically no onions and beans in storage in Denver, the secretary of state finds. He is making his investigations for benefit of the State ways and means committee and the State war council.

I call attention to a dispatch relating to the same commodity from Chicago bearing date June 4, and this appeared in one of the local papers within the last 10 days:

LEAVE POTATOES TO ROT ON SIDING—DISTRICT ATTORNEY IN CHICAGO ORDERS INQUIRY, SUSPECTING A PLOT.

[Special to the World.]

CHICAGO, *June 4.*

Government investigators reported to District Attorney Charles F. Clyne to-day that they had discovered 15 carloads of potatoes which had been sidetracked at Seatonville, Ill., so long that many of them had rotted.

Suspecting that the discovery may give him a clue to the conspiracy to boost food prices, the district attorney ordered an investigation to learn why the potatoes were left to rot instead of being brought to market.

Further investigation of the food situation awaits the assembling of the grand jury Wednesday. By next week Oliver E. Pagan, Government investigator, who drew the indictments against the butter and egg dealers a few days ago, will be back from Washington to draw up more bills.

This announcement appeared in a Washington paper last week:

$120,000,000 BREAD "PROFITS" A MONTH—THAT'S MIDDLEMEN'S TAX ON NATION—UNIONS GET BEHIND BILLS.

Middlemen are gouging the public for more than $120,000,000 a month in wheat and breadstuffs alone. It was declared last night at a conference held by 25 Representatives in Congress and 15 labor leaders with Herbert C. Hoover, who has been designated by President Wilson to be food administrator, on the food bills in Congress. Other foodstuffs also are being manipulated.

Figures were submitted to show that while flour is now selling around $15 a barrel, the cost of production is about $7.75, and that the extra $7.25 is going to the middlemen. This is based on the assumption that the farmer is receiving a fair price for his wheat, around $1.60 a bushel.

Hoover promised a reduction to meet the lowest wages if the Lever bill is passed, and the labor men decided to get behind the measure. The American Federation of Labor and the big unions will send thousands of letters to-day to local organizations throughout the country directing them to urge on their representatives in Congress passage of the food bills.

The food bill was yesterday made a privileged measure in the House for Monday.

Mr. President, that is a most astounding statement. Whether it is true, I do not know, but if it is 25 per cent true, if it is a fact that approximately $30,000,000 a month represent the fruits of extortion in breadstuffs alone in this country, then we have for the whole year $360,000,000; and if it be true in breadstuffs alone, it must be equally true with regard to the other staple foodstuffs of the country. If that be true, then these extortions exceed in the aggregate for the good year 1917 the total sum of the liberty loan. In other words, the extortionists of the country are making as an unlawful and undue profit out of the absolute necessities of the people the equivalent of the mightiest loan ever issued and sold by any nation in the history of civilization.

I care nothing, Mr. President, for prevailing prices wholesale. I care nothing for quotations which indicate different conditions. If this is true as regards the ultimate consumer, upon whose shoulder rests the ultimate burden, current wholesale prices are of little consequence. Upon his purse the drain falls heaviest. He must feed and clothe himself and his family regardless of the extent of his income or become a public charge.

Let me read one more quotation, and this is an editorial from the New York World referring to the coal situation, appearing, if my recollection serves me aright, in last Friday's issue:

JUGGLING COAL PRICES.

After a careful investigation, the committee on the coal situation of the Manufacturers and Business Men's Association, in its report, makes the direct charge that speculators and coal sales agents are not only responsible for the shortage to-day but are juggling output and prices.

As evidence the committee calls attention to "the fictitious circular price list published by the coal companies." In explanation it tells how the consumer is systematically gouged:

"By publishing a low circular price the sales agents have to pay a low royalty [to the mine owners], but the consumer does not get the benefit. The sales agents manage to squeeze both the mine owner and the consumer. This is accomplished by selling only a limited amount, or none at all, to the retailers at the circular price. The coal is sold to middlemen, who advance the price to the highest possible point and then perhaps go 'fifty-fifty' with the sales agent. * * * When re-

tailers apply to the coal companies for coal they are told there is none for sale. They must then go to some jobber and pay $2 or more above the circular prices to get supplied. The 'company price list' is therefore false and fictitious, and is published with the evident intent to deceive the public.'

This system of extortion may or may not call for action by the grand jury. But in any case it is not to be tolerated, because of the way it affects the people's supply of coal and the excessive prices they are forced to pay to an inside ring of operators. An effective remedy will be to empower the Government to fix prices during the war and suppress the unscrupulous speculator who preys on the public in this time of national emergency.

Mr. President, there are many ways to accomplish a given object. Indeed, it is very necessary to resort to various ways to accomplish some objects. To accomplish food monopoly requires the convenient cooperation, passively or actively, of our lines and means of transportation.

Mr. President, I hope I am not given to the unquestioning acceptance of newspaper statements and of public rumors. In my earlier life I sometimes did so and was led far afield by being credulous, and have done injustice occasionally both to men and to interests in consequence. But where there is so much smoke as there is at present there must be some fire, and in view of what I know to be the enormous number of cars in the country and the facilities for traffic movement, I am not wholly satisfied with current assurances of the difficulty of securing transportation in crises such as coal famines and similar critical conditions occurring at different times, and particularly in our large community centers. They may be true, but occasionally one gets information from private sources of undoubted reliability upon which reliance can be had. I therefore read one of a number of letters upon the subject of transportation which I received from a friend in Boston a few days ago, of whose credibility there can be no question. I shall withhold his name:

MAY 31, 1917.

Hon. C. S. THOMAS.

DEAR MR. THOMAS: I am confidentially informed by a coal broker that barge owners are quietly sending barges away and laying them up in order to create a shortage in water transportation and continuing present exorbitant rates on those barges kept in service.

The papers this a. m. chronicled the sale to and withdrawal from our service of three large steam colliers by New York interests. That move cuts off transportation for 250,000 tons a year.

Can conduct like this be condoned or permitted to continue with impunity? Every vessel withdrawn from active service now aids Germany's U-boat campaign by just so much.

Mr. President, assuming these conditions, I am fully justified in my denunciation of the men engaged in them, of the men responsible for them, of the men profiting by them, of the men who, without regard to the welfare of their country, are taking advantage of its peril to enrich themselves, and at the expense of their helpless countrymen. I would rather be a German spy serving the Kaiser and be caught en flagrante delicto than to be a food speculator in the United States in the good year 1917. I would rather be a professed disloyal subject than exploit my fellow countrymen in times of war. He should be suppressed in free America by such legislation as in the opinion of the powers that be will enable them to do so. And if that fails, let them by all means resort to more drastic but more effective remedies.

We have had enough of these practices in times of peace. In war they constitute treason, because they give aid and comfort to the enemy. How can a man living or attempting to live upon a salary of $1,200 a year with a family to support be expected to love a country that permits him to be robbed of his substance through extortionate prices for the necessities of life? What citizen can be inspired by the strains of the Star-Spangled Banner with a salary of a thousand dollars and who must give it all in the vain effort to sustain himself and his dependents? How can the spirit of loyalty grow; how indeed can it coexist with the sense of prevailing wrong and injustice of which the common people are the victims? How can patriotism find root side by side with extortionate prices of food, which the great majority of people can not meet with their hoarded means?

Mr. President, under the withering influences of this condition the springs and sources of patriotism must dry up and disappear. Whatever else, let me say here, may be said of Germany, she has always shielded her subjects from perils such as these both in times of peace and in times of war. Let it be said to her credit, despotic as she is, imperialistic as she proposes to be, that she finds ample time to look after and protect the interests of her meanest subject and shield him as far as the Government can from the extortions which grow and expand into intolerable abuse under our more liberal and democratic institutions.

Mr. President, this spirit of monopoly is sapping our substance and undermining the vital sources of our spiritual life. It is destroying our ideals. You can not preserve a national spirit if you are to starve the people. Love of country can not survive in an atmosphere of suffering and want accompanied by a sense of overpowering injustice. The country must protect the needs and foster the welfare of its people if it would inspire these feelings, or if, when inspired, they shall survive.

Mr. President, unless we arouse and stimulate the national spirit in America, unless that sense of devotion to the Republic, to its ideals, and to its purposes, which is the soul of a nation, shall become our mental attitude, our ships, our guns, our food, our bonds, our men may be organized in vain. They may go down before the superior forces of an enemy so equipped, for it is that unity which springs from devotion which forms the source of victory. When a man fights to preserve his home, he wins only when he feels that to win is the sole alternative to destruction.

There are two old soldiers, Mr. President, among the Members of this body. One sits here. [Indicating Mr. BANKHEAD'S seat.] He fought under the stars and bars, and he fought nobly and to the end. Great in martial deeds, he has shown equal devotion to his country in the discharge of his civic duties. The other, the grand old Senator from Minnesota [Mr. NELSON], who has served his State upon this floor so long and so conspicuously, and has commanded our respect and affection from the day he took his oath of office, sits over on that side. He fought with equal devotion under the Stars and Stripes for the cause of the Union. If these two men were in their seats they would realize what I mean when I essay to describe that national spirit which must animate the hearts and consciences of men in times of great national peril if success shall crown their efforts and the precious heritage of democracy shall be preserved.

It is the spirit, Mr. President, which carried Pickett and his forces up the heights of Gettysburg; the spirit which, confronted, drove them down again; the spirit which inspired both sides of that great Anglo-Saxon conflict and which was conquered in the one only because it burgeoned into full flower in the other.

That spirit, Mr. President, I am sorry to say is sadly lacking in America when we survey the country as a whole. We have long been engaged in developing the resources of a virgin continent. We have been making our fortunes, piling wealth upon wealth, exploiting the great agencies which nature has bestowed upon this favored land. This has been our task as a people during the long years while Germany was preparing to conquer the world and preaching devotion to fatherland. There is the primary principle of her military and civic policy. Deutschland über alles is more than a battle cry. It is the cohesive spirit that cements the unity of a nation and carries it beyond the goal.

We have been doing just the contrary. We have subordinated everything to the spirit of gain. We have lost, or at least forgotten, the finer impulses of a free people. My thought was well expressed by Lloyd-George, who two years ago, speaking of England and her people similar in tendency and in struggle with ourselves, said:

> We have been living in a sheltered valley for generations. We have been too comfortable and too indulgent, many perhaps too selfish, and the stern hand of fate has scourged us to an elevation where we can see the everlasting things that matter for a nation—the great peaks we had forgotten of honor, duty, patriotism, and clad in glittering white the towering pinnacle of sacrifice pointing like a rugged finger to heaven.

Mr. President, I have sometimes thought that this war might be necessary to bring this Nation to a realizing sense of its duty to itself and to its people; to remind us of the contrast between the greatest private fortunes ever known yet amassed under democratic institutions and the democratic assertion of equal rights for all; to reveal the lethargy which prosperity inspires our indifference not only to civic duty, but to all the things that make for the peace, the freedom, and the welfare of the common weal.

Mr. President, if we are to arouse the spirit of nationality among our people we must feed them; we must relieve their apprehensions of bodily suffering while they fight, we must protect them from the exploiter, while they fight the battles of their country. I know it will be said that there is no starvation in America. I think that is true. There is acute suffering nevertheless, and there have been times when revolt was active, but suppressed for the time, and with the immediate assurance of speedy relief.

Let us not forget that we are a congeries of peoples. This is a composite Nation; it is made up of sectors from every race on earth. Our great cities, for the most part, show a minority of resident natives, and in our greater cities there are huge communities where the English tongue is seldom heard, and where, among its members, it is never spoken; where American ideals are interpreted in terms of opportunity for work, and

sometimes with the opportunity for plunder; and where "get all you can and get while the getting is good" is the motto.

Mr. President, it is those communities—those great communities—whose social structure justifies the statement that we are not a cohesive people, but a congeries of nations; that we possess no cohesiveness or community in ideas, no common or set purpose of which "fatherland" or its equivalent is the center. If in waging this war domestic conditions are such, Mr. President, as to drive discontent and suffering into revolt, as is apt to be the case, we may find ourselves with an army fighting at the front, and with the necessity of employing another army to fight in the rear; of maintaining the national flag in the trenches and carrying on all of the various details and agencies essential to active conflict, but disturbed and embarrassed behind by food riots and revolts consequent upon domestic conditions. Hence, I say, men now engaged in food exploitation are traitors, they are giving aid and comfort to the enemy, to say nothing of the fact that extravagant prices mean robbery and suffering.

A sullen and rebellious civilian population always paralyzes military enterprise; a country whose heart is not in the conflict can not fight; it can only pretend to do so for a time. It renders organized effort practically impotent.

I admit, Mr. President, very freely, that the rise in prices of the necessities of life is attributable to many legitimate and unavoidable causes, the chief of which is the large increase in the volume of circulation and of credit. As money increases in volume, it decreases in value; as money decreases in volume, it increases in value. Its cheapness is always reflected in rising prices; its value in falling prices. As prices rise, those receiving fixed compensation in life are apt to suffer, and as they fall the same class is correspondingly benefited.

Mr. VARDAMAN. Mr. President, if it will not interrupt the Senator, I should like to say that I thought that law of economics was repealed in 1896.

Mr. THOMAS. Oh, Mr. President, the law of economics was then denied, as the Senator remembers. It was denied vigorously and venomously. The Senator may recall Macaulay's reflection that greed and avarice would deny the law of gravitation should it be to their interest to do so.

Mr. VARDAMAN. Absolutely.

Mr. THOMAS. That law of economics was denied, but it was there just the same. About the only benefit those of us who then championed what we thought a wiser and a more liberal financial policy have derived from the final verdict is the establishment by events of the eternal truth of that proposition. But, Mr. President, that accounts for a general normal level of high prices. It is the encouragement to the speculator, and the advantage to him of this rise, and not that natural rise of which I complain. It is not the fact that better times are always reflected in higher prices; it is the control and absorption of the necessaries of life, already high enough and made doubly high through that power of control, which always rests, as I have said before, more severely upon those least able to bear it.

I am therefore for this bill, because I want the administration armed with the power to put a stop to these extortions, if it can be done, and if it can not, then I want to be in a position to say that we sought to encompass its suppression, failing in which we can at least comfort ourselves with the reflection that we did the best we could.

Mr. President, the Senator from Illinois [Mr. SHERMAN] the other day in one of his illuminating speeches referred to the fact that our social troubles and discontent generally proceeded from the great communal centers of the country—from Chicago and New York——

Mr. SHERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Illinois?

Mr. THOMAS. I will do so in just a moment—and other huge congregations, none of whom, in the strict sense of the phrase, are producers of food. Now, I yield to the Senator from Illinois.

Mr. SHERMAN. Mr. President, I will join the Senator from Colorado in any effort to prevent those who have food in large quantities from oppressing the public. I want, however, to ask the Senator what he thinks of Samuel Gompers, president of the American Federation of Labor, who used this language in an interview given to the press a few days ago:

> The food pirates have for months been diligently profiting through the needs of the people. Speculation has forced prices, and food riots have already happened in this rich country. To-day speculators are trying to buy up crops before the plants are out of the ground. Speculators gamble on human needs. By creating human want these ghouls expect to coin enormous profits.

I want to ask what the Senator thinks of this statement of Mr. Gompers, when compared with his action not long ago in sacrificing the needs of the entire American people in order to benefit a few over whom he had control in relation to the wage scale; whether it was justified any more in the one case than in the other when he proposed to institute a national railway strike in order to procure the accomplishment of his ends?

Mr. THOMAS. Mr. President, I shall not be drawn away from the discussion of this bill by the consideration of a subject, which is not only controversial, but about which there is much bitter feeling, both as to the situation and as to the facts.

The Senator from Illinois asked me what I thought of Mr. Gompers, who wrote the statement which he has read. I am not certain whether he wants me to express my opinion of Mr. Gompers or of his statement, and, consequently, I shall take advantage of the double entendre by withholding my opinion of both. I will, however, say to the Senator that whatever faults Mr. Gompers may have exhibited it was not Mr. Gompers who originated or consummated the threatened railway strike, to which the Senator from Illinois has referred. That was the work of the four brotherhoods, who are entirely independent of Mr. Gompers and of his organization. Their work and their efforts were indorsed both actively and sympathetically by Mr. Gompers.

Moreover, Mr. President, it is not fair, and I am sure the Senator upon reflection will agree with me, to measure one evil by the existence of another or to advocate it because it is censured by some man identified with the creation of another. I am glad that Mr. Gompers views the food situation from the truthful and the essential standpoint, even though he uses superlatives to express his conviction concerning them.

I am very anxious to cooperate with any and all in providing against immediate difficulties, leaving others to be solved as they are encountered. When the Senator interrupted me——

Mr. SHERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Illinois?

Mr. THOMAS. I do.

Mr. SHERMAN. I did not want to break in on the continuity of the Senator's address, which is very illuminating, and I appreciate it, I hope. In other words, Mr. Gompers is an opportunist as I see it. He now sees an opportunity to turn public wrath against some against whom it ought to be turned, but it would reach and oppress, in the event of a national railway strike, as many or more people and as unjustly as those whom he now denounces as food speculators. I am not asking the Senator to take my view, but I only want to interpolate the inconsistency of this alleged leader of American thought in this crisis.

Mr. THOMAS. I want to assure the Senator from Illinois that his opinions on any subject are entitled to the greatest respect. I always listen to him when I can; I am always interested, and I am frequently edified. Mr. Gompers may be an opportunist; let me admit it for argument sake; but I welcome in this fight everybody who will act with us—the opportunist, the man who is discontented, the man who suffers, the man who sees and sympathizes with suffering, Republican, Democrat, Socialist, everybody—that we may keep our house in order while we overcome the enemy, that there may be no mutiny at home when the boys are fighting across the seas, no disturbance justified by suffering and injustice.

When the Senator from Illinois interrupted me I was referring to a recent statement of his regarding the sinister influences of huge congested communities upon the social structure, which become the breeding places of all of the social ills and discontents of mankind; and that is true. There is not a social pestilence or a social reform which does not have its origin in the great centers of our population, and the more huge they become the more unwieldy, the more lawless they become the greater the contrast between enormous wealth and condign poverty, between the well-to-do and the poor, between wanton luxury and squalid want, the greater the visible chasm between the extremes of civilization, which sometimes flow apart and frequently touch each other, the greater the opportunity for interchange of ideas, the greater the medium for the spread of propaganda for the creation of groups, the ease of individual contact. Hence epidemics, both mental and physical, characterize the modern metropolis.

Crime, wrong, discontent, disorder spring as spontaneously from the soil of these large modern cities as maggots are bred from carrion; but we have them with us, and we must deal with their mighty problems, one of which is a food supply at living prices. The Senator says they do not produce; that is true. The Senator says that if conflict and riot come they will arise in these great cities, and that is true. The Senator says that after they shall have run their course their populations must go to the country; they must go where food is; they must leave after

destroying them; and it might be better for all mankind that it should be so; but the Senator overlooks the terrible destruction and loss of life, the horrible disorder, the tremendous strain upon all of our institutions which a huge riot, lasting perhaps for days, in great cities like Chicago, New York, Philadelphia, and San Francisco, and putting the resources of the Nation to their supreme test for its suppression. And when the overflow spreads into the country it will inevitably bring along its trail of bloody destruction. Those drunk with murder may be hungry for more sacrifices. Their awful work will not be confined by the circumference of the great cities, they will extend throughout the countrysides, wherever those demanding food and eager for destruction shall wend their way.

I want to avoid these horrible dangers, Mr. President. I wish we could purge this country of its great cities. They are a menace to our institutions, to our well-being; a menace to our industrialism, to society. They have grown far greater during the last few years in proportion to their increase in former times. They are a result of that general law of consolidation which works socially as well as industrially. We have them with us, and we can not mitigate or modify the fact now. But it is necessary that we should so legislate, Mr. President, as to reduce their dangers to a minimum.

In some respects it would seem that this bill is hardly drastic enough. It leaves too many things, in my judgment, for voluntary action. I should like to see a few more teeth inserted in the bill. It may not be necessary. Those in charge of it say that it is not necessary, and I shall accept that statement for the present. Mr. Hoover relies upon voluntary cooperation as fully equal to the emergency. The situation is well expressed by him in his statement before the Committee on Agriculture, from which I will read a very brief extract. He says:

In distinction from this—

That is, in distinction from a system of dictatorship, with which he has been charged—

In distinction from this, our conception of the problem in the United States is that we should assemble the voluntary effort of the people, of the men who represent the great trades; that we should, in effect, undertake with their cooperation the regulation of the distributing machinery of the country in such a manner that we may restore its functions to as nearly as may be a prewar basis, and thus eliminate, so far as may be, the evils and failures which have sprung up. And at the same time we propose to mobilize the spirit of self-denial and self-sacrifice in this country in order that we may reduce our national waste and our national expenditure.

If democracy is worth anything, we can do these things by cooperation, by stimulation, by self-sacrifice, by the patriotic mobilization of the brains of this country. If it can not be done in this manner, it is better that we accept German domination and confess the failure of our political ideals, acquiesce in the superiority of the German conception and send for the Germans to instruct us in its use. At the same time, while we may rest with assurance upon the volunteer support which we shall receive and which we are receiving from hundreds of trades throughout the country, there is no population so perfect, so filled with idealism, that there is not some residue who will refuse to cooperate and thereby nullify every endeavor of the majority. Therefore it is necessary to have considerable powers for the regulation of trade in order that we may give support to those patriotic men who are willing to bend their energies to the national necessity and force the minority to follow their leadership.

Mr. Hoover here recognizes, Mr. President, one of the stern facts in life—the existence of a recalcitrant, sometimes of a criminal, minority in every society, large or small, an element which will not cooperate, which frequently rebels, an element which is sometimes criminal. The existence of that element accounts for an overwhelming percentage of all the legislation of mankind. It is the stubborn and lawless few who make it necessary to enact rigid rules for the lawful many; but if it be true—and I hope it is—that this system of voluntary effort, supplemented by a mild and liberal statute, can be made effectual, then, of course, this is the character of legislation we should enact. But my experience has been that the most drastic of laws sometimes fails to rule the lawless minority, and that the absence of sanctions to legislation are apt to render them wholly innocuous.

Mr. President, I was impressed some days ago with a remark attributed to Bismarck, and which is here very appropriate. In asserting the superiority of the autocratic over the democratic system of government, he emphasized the fact that while in war democracy might organize the fighting line, it always found it difficult, and sometimes impossible, to organize the civilian behind the lines, while under an autocracy organization of the civilian behind the lines was as certain as that of the soldier at the front. Hence his faith in centralized authority.

Whether our vast unorganized civilian majority behind the lines can be organized under this bill is, to say the least of it, a problem. It has been said that autocracy seemed more efficient than it was, while democracy was always more efficient than it seemed. Let us hope that this is truer than the aphorism of Bismarck, and that its truth may be signally illustrated in the operation of this bill.

Mr. President, the conservation of the food supply, the elimination of waste, the practice of those economies which a prudent people should always observe, if organized and systematized in this country will, in my judgment, solve the food problem and make it easy for us to discharge our duty to our allies and to feed our own people abundantly, provided always that its ultraspeculative features may be dominated and suppressed by the Government.

I have said, Mr. President, practically all that I care to say regarding this very important measure; but, before I take my seat, let me say a word in deprecation of some of the criticisms and strictures which have been aimed at Mr. Hoover during the course of this debate. I recognize that there has been nothing personal in these criticisms; indeed, Senators have been careful to assure us that nothing personal was intended, and I have no doubt such is the case; but, Mr. President, when a great public character like Mr. Hoover, responding to the earnest request of the President, who assured him that his services are needed by his country, returns to his home, abandons for the time a mighty task of national benevolence, and in obedience to the command of the Government accepts a greater task, and without money and without price devotes all his energies and his experience to its performance, is entitled to the gratitude of the people whom he is attempting to serve. His counsel may be defective, but it is founded upon an exhaustive knowledge of the subject. Mr. Hoover has made a wonderful and, I have no doubt, a just reputation in Belgium as a man of vast administrative capacity. He undertook a formidable and what seemed to be a hopeless task, that of feeding a hungry nation when it was completely disorganized and under the heel of a ruthless conqueror. He performed it in the face of the most tremendous obstacles, confronted everywhere by the resentful and suspicious opposition of the German invader. He overcame these, and at a time of world-wide war he organized and directed a stream of food supplies, abundant in their extent and never-ending in their source, from the markets of the world to the shores of these helpless people. He fed every mouth. He administered the financial and commercial features of his great task with the same conspicuous ability that he displayed in that of collection and of distribution—so much so that he wrung from reluctant Germany its unwilling appreciation. He has forever invoked the love and the gratitude of that helpless people, and established a reputation for ability, a heart filled with the love of mankind, and an intellect devoted to their service.

Mr. President, I welcome such a man to America. I am proud that he is an American. I am glad that the President called upon him at this hour of the Nation's crisis. I am doubly glad that he responded. He may be unequal to the task. He may be entirely mistaken in his policy of administration; but he has success behind him, patriotism to inspire him, and I believe that success also lies before him.

Mr. President, let us control, as far as we can, the food supply of this country and of its distribution, injure no man, yield to all the profit to which they are entitled, recognize the existence of a high level in prices, yet administer with vigor those things which are essential to the needs and the welfare of the Nation in this exigency, so that every man will feel a sense of justice and the spirit of anarchy and of revolution be exorcised.

Mr. SHERMAN. Mr. President, has the Senator concluded his remarks?

Mr. THOMAS. Yes, sir; I am through.

Mr. SHERMAN. I want to make this inquiry: Does the Senator think, if I possess 5,000 bushels of wheat in an elevator in Colorado, not having made any attempt to pass it into the interstate commerce of the country, that we could by an act of Congress authorize a Government agent to come and seize it, either in the hands of myself, a local elevator man, or myself, a farmer in the State of Colorado, not for the purposes of the Government? If it be for the purposes of the Government, the Army or the Navy other military operations, concede that; but outside of that, can the Government seize it in order to sell it to people in Chicago who are short of food?

Mr. THOMAS. Does the Senator think, if I have a son in the State of Colorado of the age of 22 years whom the Nation needs, that we can authorize the President to go out there and take possession of him and put him in the ranks and put a musket in his hands and send him to the front?

Mr. SHERMAN. Undoubtedly.

Mr. THOMAS. I think if the same exigency arises with reference to that 5,000 bushels of wheat, it is no more sacred than my son's life.

Mr. SHERMAN. With this distinction, Mr. President: The Government, under the legislation of Congress and its prac-

tices in years past, as well as the executive department, takes the son for the purpose of waging war. If the Government takes the food or the articles to be turned into food for the purpose of waging war, undoubtedly it would be within its war power.

Mr. THOMAS. Then I do not think the Senator and I disagree.

Mr. SHERMAN. But if it takes my food product to serve hungry people in Chicago when I have not yet passed it into interstate commerce, the inquiry I am making is, does Congress have the power to authorize that to be done?

Mr. THOMAS. I think, Mr. President, that Congress has that power if, in a state of war and for war purposes, it is necessary that the Government should take that wheat and remove it from Colorado to Chicago; not otherwise.

Mr. SHERMAN. That is the point on which I wished to get the Senator's view. Again, if the Senator will pardon me, I should like to ask whether, beginning in 1914, and by several acts of legislation since then, notably in 1917, the English Parliament has not enacted various food-control measures of similar kind to the one we are considering?

Mr. THOMAS. There has been food legislation.

Mr. SHERMAN. That is true, is it not?

Mr. THOMAS. I am not entirely familiar with all of its details.

Mr. SHERMAN. I understand so. I understand, further—and I will ask if it is not the Senator's understanding—that the only constitution that England has is an act of Parliament, practically, for legislative purposes?

Mr. THOMAS. Oh, that is all. In other words, any act of Parliament is valid.

Mr. SHERMAN. It is vital, it is omnipotent in a governmental way, as the courts sometimes put it.

Mr. THOMAS. Yes.

Mr. SHERMAN. In view of that, I want to read an extract from the London Times of May 29, 1917, in which it is said:

> The Commercial Travelers' Association at their conference at Liverpool yesterday—

That would be the 28th of May—

> passed a resolution calling on the Government to take "immediate and effective steps to stop profiteering in foodstuffs, and by a firm control to bring about an equitable distribution of available supplies."

That is the resolution. The news column goes on with the following:

> Meat, bacon, margarine, tinned fish, milk, and bread all cost more today than is necessary to give a fair profit to the producer and retailer. In regard to meat, prices are so high that even the farmer is astonished. The following is an extract from a letter sent by a farmer to a relative: "I hope I shan't make your mouth water when I tell you I sold to-day 10 fat bullocks for £557. At any sale previously, and I have sampled the sales for many weeks, they would not have made so much by £80. Where is the food controller?"

Continuing, the news column proceeds:

> The extraordinary thing about the high meat prices is that there is no real scarcity of supplies. Consumption has gone down, the stock of cattle and sheep in the country was never higher, but prices have reached an unparalleled figure.

This was after Lord Devonport had been at least for two and a half years, I think, food controller. He resigned a week or 10 days ago.

But with all the omnipotent power of Parliament, Mr. President, limited by no written constitution and by no rights of States under the respective constitutions and property adjudications of the several States as long as they keep outside of interstate commerce, this has been the result in England up to the 29th day of May, 1917. Now, I should like to ask the Senator if he thinks we would have any better fortune here in matters that are entirely within the jurisdiction of States unless his war-power theory is correct?

Mr. THOMAS. Mr. President, I answer that I would not want to judge of the effect of an act of Parliament by the isolated instance of its operation to which the Senator refers in a newspaper editorial. I should want a general line of information as to the effect of them all, as a whole. Of course, if this law does not work, then I do not see that it is going to injure anybody. But my understanding, in a general way, from my reading upon the subject, is that through the operation of restrictive food laws, both in Great Britain and in Canada, the general run of the prices of the necessities of life is much less than it is here.

Mr. SHERMAN. This is from the paper published by Lord Northcliffe, the British commissioner, who is in Washington or its vicinity now.

Mr. KNOX. Mr. President, I think this is perhaps an appropriate time, if any, when by common consent the consideration of the details of the matter which is under technical consideration has been suspended, to make such general observations as one may have to make in regard to the general subject of the bill.

This scheme of legislation has been forced upon us by the exigencies of the war. It is akin in principle to several measures already enacted and will without doubt be followed by other projects of law of similar portent growing out of our relation to the war, our relation to our allies, our relation to those nations who have this far held aloof from the war, and defining policies we must pursue in the various situations created by war and conditions that must inevitably follow the war.

One principle clearly emerges from the somewhat complicated and confused provisions of this program of legislation, and that is that the powers proposed to be conferred upon the President are intended to be adequate for and proportioned to the end to be accomplished.

An important American newspaper, in commenting upon the probability of such proposed legislation, declared:

> The President's supreme authority as Commander in Chief of the Army and Navy of the United States is to be extended by the most logical of processes to supreme command of the industrial forces of the Nation. Wars are no longer fought wholly with guns. The plow and hoe on the soil, the pickax and drill in its depths, the loom, the forge, the sewing machine, all have their vital part in the economy of modern war. The President's authority over Bethlehem should be as complete as it is over the batteries it builds. He should be as able to order a coal company to dig coal as he is to order a brigade to dig trenches.
>
> Once vested with these powers the administration must give us action and show accomplished work. The submarine menace must be met and beaten. It is folly to delay in the face of it. The production of our farms must be enormously increased. Every expert knows it can be done. Our industry must be organized so as to produce at the highest possible rate. Our people must not be starved by scarcity of products nor beggared by high prices due to monopoly and extortion.
>
> It can all be done, and in the name of all that is patriotic. Do it now!

Hamilton said, as I partially quoted on a previous occasion:

> The authorities essential to the care of the common defense are these: To raise armies, to build and equip fleets, to prescribe rules for the government of both, to direct their operations, to provide for their support. These powers ought to exist without limitation, because it is impossible to foresee or define the extent and variety of national exigencies, and the correspondent extent and variety of the means necessary to satisfy them. The circumstances which endanger the safety of nations are infinite, and for this reason no constitutional shackles can wisely be imposed on the power to which the care of it is committed. This power ought to be under the direction of the same councils which are appointed to preside over the common defense. It must be admitted, as a necessary consequence, that there can be no limitation of that authority which is to provide for the defense and protection of the community in any matter essential to its efficacy—that is, in any matter essential to the formation, direction, or support of the national forces.

It is, indeed, impossible to foresee the extent and variety of the means necessary to be employed to avert national disaster.

However wise and prudent we may be, our measures will be superfluous in some respects and wanting in others.

For myself, entertaining no doubt as to the necessity of such legislation, I shall not demand that it fully satisfy a hypercritical examination of its details. I believe that in such an adventure as that upon which we are now embarked, the executors of the law will mollify its enforcement to avoid unnecessary hardships and by liberal construction of its spirit see that it accomplishes the purposes of its creation.

Among the war powers already invoked, the first in importance and potentiality is found in the embargo provisions of the espionage bill, now become law. Through this act the American people are to be protected against the dissipation of their food and other of the sinews of war in any manner determined by any consideration whatever other than that of the vital national aim—speedy and complete victory in this war. This power of embargo, wisely and boldly exercised, should also serve to hasten the day when many more peoples, still neutral through fear or indifference and not through conviction, shall join the powers arrayed for freedom and civilization in a death struggle with ruthless militarism and the lust for world dominion.

The President's new power to control exports will at last end the absurdity of our supplying the necessities of life to countries which find it possible to export to Germany similar or corresponding necessities. Actually and potentially America and her allies are and will be able, through tariff arrangements and in many other ways, to show that they remember their friends, and that they remember also who it was who gave comfort to their enemies, or who sat by mute and cold when liberty and civilization were at stake.

The fear of a merited moral ostracism and the fear of an economic boycott are factors in awaking Germany from the villainous hypnosis of Prussianism. Germany will be beaten. The German people will be taught that they must discard the low ideals of Prussia if they are to fit into a civilized world. They will no doubt fight blindly on until they see that to continue will only prepare them a worse future. And still there are nations, priding themselves upon their civilization, who do

not even raise their voices as moral factors and so hasten the victory of right. Those who are not with us are against us.

In these animadversions I am quite sensible of the fact that much the same might have been said of the United States during the more than two and a half years of neutrality on the part of the Government of the American people. The moral, the vital, the unescapable issues of this war were vivid enough, even from its opening weeks, to one who wished to envisage them. Clear enough was the need to prepare to meet them. The truth was as true then as now. But we are concerned here and now with the burning problem of the to-day, not with what is past. And although we may well accuse ourselves, yet perhaps our guileless indifference to the menace preparing before our eyes hardly matches that of Europe in the years while that menace was growing to loom black upon a continent and a world. It arrived in 1914, and America rubbed its eyes for more than two years—and then awoke.

In such a struggle economic and political and moral pressure upon neutrals is not to be overlooked as a weapon. By such means and by the righteousness of our just cause we with our allies may so consolidate the opinion and the moral sense of mankind that Prussianism must inevitably bow before the true springs of civilization.

We have provided for governmental control of the priority of shipments within our own borders by the Newlands bill, which passed the Senate on the 15th instant. In this way the American people are to be protected against the paralysis of their sinews of war by any clogging of the arteries of circulation by matter obstructive of the vigor of the body politic. In this way the American people will be protected against any waste of their labor or of precious time in the transportation of nonessentials at the expense of those things the prompt distribution of which is a life and death matter to the national aim—speedy and complete victory.

We are now asked to pass a food-control bill. To fail to do so, after what we have already done, would be to adopt a conclusion while denying its major premise. By a food-control law the American people are to be protected against the dissipation, in inadequacy of production, in wasteful methods of dealing and marketing, in thoughtless extravagant consumption of those things which are the basic necessity in all we may do for the winning of the war, as well as for our very national life itself, namely, food. What avails it to prevent the waste or misuse in export of war necessities, of which food is the first; what avails it to prevent the slow movement of war necessities within our borders, if we should neglect the scientific application of every measure conducive to abundance and conservation of the very necessities themselves? The food bill should be passed, and passed quickly. We shall then have arranged to keep war necessities from foreign use against our purpose, at the same time giving the President a diplomatic and economic weapon which we can at any time still further sharpen, if need be, by discreet applications of the tariff as well. We shall have arranged to give war necessities the right of way in domestic transportation. And that, without which the other provisions are but meaningless corollaries, we shall have arranged to have the maximum of that first necessity of war or peace—food, food for the war, and food without extortion for the American public.

We are committed by necessity and by laws already enacted to the principle of extreme concentration and centralization of authority for the conduct of war. Through bloody years of experience our allies have blazed the way, and have found in that principle the first essential for their salvation, through an efficiency and celerity of action to be attained in no other way. We should not be faithful to our trust if we did not heed that lesson.

The Senate is united in the national aim—complete and speedy victory in the war. It has shown itself united in the principle of concentrated and centralized authority essential to the attainment to that aim. Upon constitutional grounds there need be no qualms. The Constitution imposes no limitations upon the power of self-preservation. If we now delay in another application of the same principle, at a time when every day is of tragic importance, why shall we do so?

From what has been said on this floor I conclude that some Senators, if they do not fear an abuse of powers by the Executive, still fear that the President might execute the new laws through men not wisely chosen. Some Senators, I think, due to the very ardor of patriotic zeal for service and to anxious solicitude for the cherished interests of our country, feel repelled by the idea of seeming abdication of participation in counsel and of advice and consent in appointments in respect of the momentous decisions and the far-reaching official actions to be called for by these new laws or which are automatically created by the country's state of war. I dare say such feeling exists also in the House of Representatives, and in the country as well. I think it is a natural feeling. I believe there is a good way to satisfy it and at the same time to allay these seeming fears and feelings.

The President has selected six men, each eminent in his field, as an advisory commission to the Council of National Defense. The Council of National Defense consists of heads of the Departments of State, War, the Navy, Commerce, Labor, and Justice. Through the advisory commission and its auxiliary personnel it is sought to place at the disposal of the President and of his Council of National Defense the wisdom, experience, and skill of the business, industrial, labor, financial, and scientific talent of the country, as is being patriotically and unselfishly done. These arrangements are more or less informal.

At this critical time, when common council and universal cooperation are declared by the President to be absolutely indispensable, the Executive should be glad to have likewise at his constant disposal the mature governmental experience, the close touch with the people, and the trained judgment of the Congress, if only this could be done in a practical way. Now, not all, but a very few representatives of the business world could be called into council if expedition and efficiency were to be attained. Just so, not all, but a very few Representatives of the Congress could regularly participate in council as to the day-to-day conduct of the war if they were to constitute anything but a very unwieldy body.

Reflection brings conviction of the impracticability of that idea as hitherto developed. It violates the principle of concentration and centralization of authority in war time as contemplated by the Constitution and as demonstrated by the experiences of our allies to be vital, in an extreme measure, to successful combat against Prussian militarism. Not as a separate body, but as participants in council with the Executive, should the Congress be represented in the conduct of the war. Only in this way will unity of direction be preserved.

In this way only can the Congress remain in helpful touch with Executive deliberations.

If anyone shall still be appalled at the concentration and centralization of authority which we are legalizing, let him remember that America has been inexorably drawn into the whirlpool of the most appalling and catastrophic crisis that has ever visited the world. If we are giving legislative sanction to startling innovations, we are compelled by a novelty of horror and of menace hitherto undreamed of.

Democratic governments have often failed to serve the best interests, nay, to guard the very safety of peoples because of the fear to lead, the fear to face prejudice in bold advocacy of necessary change. Often they have not dared tell the people the truth. As one historian remarks, "The constitution of man is such that for a long time after he has discovered the incorrectness of the ideas prevailing around him he shrinks from openly emancipating himself from their dominion, and, constrained by the force of circumstances, he becomes a hypocrite, publicly applauding what his private judgment condemns." The Government of the United States is fortunate indeed. The American people are showing themselves brave, united, earnest, and quick to respond to reason and necessity. They demand efficiency, not the coddling of prejudice or the fetish of obsolete political cries.

It is customary to attribute the fall of governments to the decay of morals and ideals among peoples. It is very questionable whether ruin has not been equally due to the failure of governments to build, to make adaptation, to progress with the fateful march of change. To keep things as they are has been thought the art of statesmanship. But a thoughtful, a constructive progress, a gradual adaptation of formula to new realities, must be in the mind and soul of a nation's statesmanship if that nation is to escape ruin. Otherwise, unattuned to orderly progress under natural laws, no longer fitted to their New World environment, institutions and even nations themselves sicken and die.

How great will be the flux of change wrought by the epoch of this war we do not know. The world will never again be quite the same for us. To meet the great impetus to be given political and social evolution by this war our statesmanship will need all its resource, all its foresight, and all its adaptability.

How much more, then, in war time, with all at stake, must we be undaunted by innovation and boldly constructive in our measures.

We need not be afraid of Prussianizing the United States. Not forms and names but results are the criteria of human institutions. It is not its efficiency but its intolerable purpose, its unconscionable means, its cynical and brutal materialism, its medieval sophistries that have made the name of Prussianism abhorred.

What Victor Hugo said of Napoleon and Waterloo may well be applied to Germany and to-day. He said:

Was it possible that Napoleon should win this battle? We answer, No. Why? Because of Wellington? Because of Blucher? No. Because of God. For Bonaparte to be conqueror at Waterloo was not in the law of the nineteenth century. Another series of facts were preparing in which Napoleon had no place. The ill will of events had long been announced; it was time that this vast man should fall. The excessive weight of this man in human destiny disturbed the equilibrium. This individual counted of himself alone more than the universe besides. These plethoras of a human vitality concentrated in a single head, the world mounting to the brain of one man, would be fatal to civilization if they should endure. The moment had come for incorruptible supreme equity to look to it. Probably the principles and elements upon which regular gravitations in the moral order, as well as in the material, depend began to murmur. Reeking blood, overcrowded cemeteries, weeping mothers—these are formidable pleaders. When the earth is suffering from a surcharge there are mysterious moanings from the deeps which the heavens hear. Napoleon had been impeached before the Infinite, and his fall was decreed. He vexed God. Waterloo is not a battle; it is the change of front of the universe.

Does anyone still ask why America is at war? Let each, if he will, answer according to his favorite phrase; according to the phase of the question it may please him at the moment to emphasize. He will do no harm so long as he remembers that behind all nice phrases, back of all generalizations and altruistic idealizations stalks this stark fact: America is in this war to defend its honor, its liberty, and its life once and for all time from menace by the Germanic power. That power stands forth as a nation drilled for generations in a religion of dominion by force, a nation that has learned to laugh at justice and good faith, whose conscience has been made callous to the most horrible cruelties. It is not so much forms of government as the spirit and aims of governments and peoples that count. Such a nation must unlearn the long lesson of Prussianism.

Unbounded hostile design and unbounded power leave no room in the world for free men. The peoples who stand for a civilization of freedom, of justice, and of law must stand together now or perish one by one. Should Germany triumph the Western Hemisphere and the United States itself would be her next victim. The realization of the German purpose in Europe would have at once brought interests we are bound to defend within the scope of her imperious designs. Whatever forms of government other peoples may prefer, the American people are at war to make the world safe for this particular democracy lying between Canada and Mexico in North America. We are at war to save America, and the means employed must be proportioned to the end.

Mr. SHERMAN. I wish to ask the Senator from Pennsylvania if he is in favor of extending the scope of the bill to other necessaries than food? We can not fight a war by food alone. What about copper and dynamite and iron and steel?

Mr. KNOX. I am in favor of extending the scope of the bill, or if not of this bill, if the necessity arises, of some other bill to include everything that it is necessary to use to win this war.

Mr. STERLING. Mr. President, while what I have to say may strike a somewhat different note from that touched by the distinguished Senator from Pennsylvania [Mr. KNOX], yet I wish to express my hearty appreciation of the noble sentiments he has just uttered and of his faith in the triumph of democracy and of humanity in this great war.

Mr. President, I find in the Sioux City Tribune of June 20 the following dispatch, which I wish may serve as a sort of keynote or text to what I may have briefly to say on the pending bill. The dispatch, which shows what the volunteer efforts of patriotic farmers in my State may accomplish, is as follows:

KIMBALL, S. DAK., *June 20.*

George E. Woodraska, a prominent Bohemian of Brule County, is circulating a copy of the Pukwana branch of the farmers' volunteer war pledge, by which each farmer pledges to deliver at Pukwana in November 5 bushels of wheat, or equal value, to be shipped anywhere designated by the Government. The pledge cites: "Whereas the United States has declared war with Germany and its allies, with the object to restore the rights of oppressed nations and to maintain the rights of America on land and water, and realizing that such an act has involved a burden upon our Nation, we, the patriotic farmers of Brule County, pledge ourselves," etc. The farmers are joining the patriotic movement very fast.

Mr. President, I am in hearty sympathy with the object of this bill as expressed in the title, which is "To provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," and in sympathy with the purposes of the bill as expressed in part 10 of the hearings of the House Committee on Agriculture:

The chief aims of the bill, as there set forth, are to eliminate waste, to conserve the supply of human food, to stimulate production, to prevent hoarding, to restrain injurious speculation, to prevent corners and extortion, and to prevent deceptive practices and effect equitable distribution.

There is the need, and some legislation along the lines and for the purposes named in the title and the committee hearings should be enacted at an early day.

It may be observed in passing, however, that the elimination of waste, the conservation of the food supply, and the increase of production are closely related to the daily habits, lives, tastes, and interests of the individual producer. They are difficult of control by legislation. And this aside from any question of power to so legislate. Furthermore, grave questions of policy must always arise in considering proposed legislation of this kind, affecting as it is apt to do the personal daily life and business of the individual who theretofore had been left free to follow his own judgment and act on his own initiative.

And still I am quite willing in the present emergency to go as far as we can under the Constitution or as far as wise policy will permit, in preventing waste, in conserving the food supply in increasing production. All of which I agree are material in this time of war to our national security and defense.

I would not be heard to criticize or object to this bill if in its text it did not go beyond, and, as I think, in some respects and in some places, very far beyond, these legitimate and beneficent purposes and aims.

In my humble opinion the bill lays down principles, asserts or establishes policies and confers powers which are subversive of free government.

Great as are the exigencies of war, they do not require that our Government be transformed into an autocracy to carry it on or to win it.

Although I deplore war, I have supported with some enthusiasm the various war measures so far enacted, including the declaration of war, the selective conscription bill, the espionage bill, the big money supply bill; and now that all these bills have been considered and passed in so short a time, I have thought with what efficiency and rapidity, after all, can a democracy act when confronted with a great emergency, its people thoroughly aroused.

But in none of these heroic measures has the principles of democracy been violated. Let us pass a reasonably good food-control bill and still stop short of their violation. Let it be a bill free from ugly precedents which may rise up to plague us in the future.

I have indulged the hope that we could take up this bill and by the elimination of some of its "waste" provisions, the reconstruction of two or three of its sections, and with the addition of the House amendment in regard to prohibition make a bill that would, as far as legislation could do it, accomplish the purposes set forth in the title of the bill, one that the House would accept and which would meet with the approval of the country.

I trust I shall not be considered presumptuous in suggesting some changes I believe to be reasonable as I proceed.

The first section is largely a declaratory section concerning the subject matter of the bill. According to this section foods, feeds, fuels, and the articles required for their production are necessaries the production, manufacture, and distribution of which are to be the subject of the control provided in the bill.

But even so, this first section asserts a doubtful principle. Among other things it asserts as one of the specific objects of the bill the following:

To establish and maintain governmental control of such necessaries during the war.

And, then, after an enumeration of purposes comes the following portentous sentence:

For such purposes the instrumentalities, means, methods, powers, authorities, duties, obligations, and prohibitions hereinafter set forth are created, established, conferred, and prescribed.

I think, as I read that portion of the bill, that it must have been the intention of the author that "nothing should get away." There seems to have been a search for words that would in the mind of the framer or framers of the bill be amply descriptive of all the things that could be done by the President and all the means he might employ in doing them in this grant of unprecedented Executive power.

I am not disposed to be hypercritical as to the language or phraseology of a bill. If it be reasonably plain and clear as to the intention of the legislator, that as a rule is sufficient whether I agree with the bill or not, but words in excess of those sufficient to make an act valid and operative may be taken sometimes, as I think they may be taken here, as reflecting an ultimate design or spirit of the sponsors or framers of the bill or of their serene confidence in the principle supposed to be involved in such a multitude of words. They feel, therefore, that in the framing of an act they can not make things "too sweeping." But I forget, there is another consideration. It may be that the framers of this bill in their excitement induced by the war overlooked a few of the fundamental principles underlying American life and American institutions.

So in the first section of the bill I would strike out a part of the language, so that the latter part and that to which I have

especially called attention would read, after striking out the words relative to governmental control of such necessaries—

for such purposes the powers, duties, obligations, and prohibitions hereinafter set forth are created, conferred, and prescribed.

You would then have language amply fitted to describe everything that should have been intended.

But it is in section 3 that we find full elaboration of the principle involved in section 1 relating to governmental control of necessaries. In this respect section 3 reads as follows:

That there is hereby established a governmental control of necessaries which shall extend to and include all the processes, methods, activities of, and for the production, manufacture, procurement, storage, distribution, sale, marketing, pledging, financing, and consumption of necessaries, which shall be exercised and administered by the President for the purposes of this act; and all such necessaries, processes, methods, and activities are hereby declared to be affected with a public interest.

Mr. President, neither the existence of a state of war nor our hurried preparation for the war, nor any condition of our material resources now or likely to be can prevent some amazement on my part upon reading these words. It is as though—that is the way they sound to me—we had been transported to foreign shores to live under another flag, the emblem of a government that compelled the subordination of all individual impulse, all individual activity and enterprise to the supposed good of the State—some land where the individual existed for the State and was lost in the State, as in ancient Sparta or modern Germany. I am left to wonder if here at one fell enactment we are to surrender up all we have longed for and hoped for, all our forefathers fought and died for in the way of freedom of initiative and civil liberty, to forget we are Americans by adopting this un-American provision.

I can not help but ask the question, Could autocracy itself decree anything much more drastic and all-embracing than this which the Congress of the United States is seriously proposing to enact for the government of the American people?

Why, Mr. President, the production, manufacture, distribution, sale, marketing, pledging, financing, procurement, and storage of the necessaries described in this bill have from the beginning and do now constitute by far the greater part of the activities of the American people. Left to their own devices, their own energy and enterprise, Americans have in the various pursuits connected with or arising out of the production of these necessaries of life made of this the richest Nation and the granary of the world. This has been, for the most part, achieved through ordinary times without the extraordinary stimulus which a foreign war has given to the production of food products, although we have had, of course, during much of the time a correct tariff policy, which has been a material factor in our industrial development.

But this is a food-control bill. The direct and immediate source of the great bulk of food consumed at home or which we send abroad is the farm. The governmental control, then, extends to the processes, the methods, and activities of the farm. Sowing, planting, cultivating, harvesting, thrashing, and storing are the various processes by which various crops are raised and saved. They have always been subject to the control and management of the individual farmer; henceforward they are to be under governmental control.

Methods, whether he shall plow deep or shallow; whether he shall rotate his crops; whether it shall be timothy or alfalfa, corn land or pasture land; whether he shall raise hogs, cattle, or sheep, may not be determined by what the farmer's experience and judgment, aided by the information he may get from the experiment station at his own agricultural college, may dictate, but be determined by the Federal Government at Washington under the language of this bill.

Mr. President, the average American farmer in the great grain and stock-producing States is a capable, level-headed, self-reliant citizen. He knows his business, and that one part of his business is to know and follow the most approved methods, to use the best machinery, to breed the best cattle, hogs, and sheep. He is in the business because it is more or less remunerative. Quantity and quality are both factors in determining what his reward shall be; and hence the ever-present inducement is for him to produce the most he can of the best he can.

The production of an adequate supply for our domestic needs, for the needs of our allies, is, of course, now the first great consideration.

But under the provisions of section 3 you will have all this governmental interference with and control of the activities, the methods, and the processes of the farm, with all the attendant inspection and expense involved in such control, and as a result you will not add one bushel of wheat, of corn, or of oats, nor one pound of beef, or pork, or mutton to the supply. And, indeed, Mr. President, if it is desired to stifle and discourage rather than help in this great fundamental industry of agriculture, I know of no better way than to adopt these provisions of section 3. The governmental interference contemplated by these provisions will, I fear, serve to discourage rather than stimulate production, and is likely to be resented by the industrious, thrifty, and intelligent farmers of the United States.

It may be said that the control of the various methods of activities and processes of the farm will not be exercised, but you have given the broad power for their exercise, and the farmer will live and work under the shadow of it instead of feeling free, as he should, to exercise his own good judgment and discretion and perform what he believes to be his patriotic duty in the way of producing the foodstuffs necessary for the national security and defense.

The clipping which I read at the beginning of my remarks, disclosing the action of the farmers in a county in western South Dakota, was but illustrative of their patriotism and what may be accomplished by purely voluntary service on the part of American farmers.

Why, Mr. President, think of what is now being done under existing governmental machinery and the voluntary effort being made throughout the Union in answer to the call for increased production in this crisis. The Secretary of Agriculture in his testimony before the Senate Committee on Agriculture on April 23, at that early date in the history of this legislation, or within the time that we have been considering it, graphically depicts some of the voluntary means and agencies which are now, if not at that time, employed in all the States in the Union, extending as they do to counties, to townships, and to precincts throughout the various States.

I now read briefly from the hearings of the Agricultural Committee and from the testimony of Secretary Houston. At a hearing, which occurred on April 23, the Secretary said:

I think the country is fortunate in having laid the foundations of agricultural agencies many years ago; and it is interesting in this crisis to remember that the foundations of the two greatest agricultural agencies in the world were laid in another period of stress—in 1862. In that year the acts creating the Department of Agriculture and the land-grant colleges were signed. We have, therefore, in the country to-day the Federal Department of Agriculture employing about 17,000 people, constituting in a sense a Federal commission of food production, conservation, and distribution.

These are existing forces acting under authority of law.

We have in the aggregate in the State land-grant college agencies about an equal personnel, with large support—

Making, all told, about 34,000 national and State employees engaged in aiding in and encouraging the production and conservation of food products—

We have also in the various States the State departments of agriculture and many farmers' organizations, some of general national scope and others dealing with particular lines of agriculture. You are doubtless aware of the fact that recently there was a conference in St. Louis of official agricultural representatives of the Nation east of the Rocky Mountains, State commissioners of agriculture, representatives of the land-grant colleges, and Federal officers. We could not get the Pacific coast delegates there in time, so I asked that a conference be called on the Pacific coast, which was done. Earlier a conference was held in New England and also one in Atlanta, Ga.

The State agencies are being welded together in many of the States into a State central board of food production, conservation, and distribution. As a rule, on these State boards there is a representative of the State department of agriculture, of the land-grant college, of farmers' organizations, and of business men. Therefore we have the leading agricultural organizations represented in a centralized body in many of the States I hope there will be one in each State. There is being formed in many States similar small boards in the counties, or their local subdivisions.

In addition, then, to the forces, National and State, regularly engaged in this work under the law there is what might be termed an auxiliary of the Council of National Defense in every State, the business of which is particularly that of looking after the production and conservation of food products.

Mr. SHERMAN. And without cost.

Mr. STERLING. And it costs nothing, as suggested by the Senator from Illinois. It is purely voluntary, and is under the system from which you will get the best and the most patriotic service with the grandest results.

There has been protest, Mr. President, from farmers and from farmers' organizations against these drastic provisions of the bill—provisions which I regard as un-American and undemocratic—provisions which are not necessary in order that there may be full production and conservation of the food supply, and which are not necessary in order that we may regulate the boards of trade, the elevator companies, prevent hoarding, and speculation to the detriment of the great public. I read from American Cooperative Journal for June, 1917, just a short extract or two from a lengthy article, most of which is of the same general tenor:

When this great Nation, which was conceived in liberty and dedicated to the proposition that all men are created free and equal, suddenly appoints a "food dictator," and introduces into its National Congress a "food bill," the text of which empowers the President to seize all food, fix all prices on the same, and arbitrarily and at will close the natural channels of trade through which the products of our farms have from the beginning of our very existence passed in distribution, it is fitting and proper that every man whose freedom, whose business, or whose just and equal rights are thus disturbed and even threatened with destruction should lift his voice in solemn warning and in patriotic protest.

I understand, Mr. President, that the bill in its text as now presented is not quite the same as it was when first introduced in regard to the fixing of prices, but yet the bill as it stands at present does undertake to fix a guaranteed minimum price for nonperishable farm products. Furthermore——

Mr. SHERMAN. Mr. President——

Mr. STERLING. If the Senator will excuse me a moment, I desire to say that I think under the drastic provisions of section 3, giving these tremendous powers to the President in regard to all the activities and methods and processes of production, the President might fix a price for the purpose of controlling those methods or activities. Now I yield to the Senator from Illinois.

Mr. SHERMAN. I suspect the farmers who are writing the Senator from South Dakota and the journal from which he reads represent actual farmers, do they not?

Mr. STERLING. The journal is called the American Cooperative Journal, and, as I understand, it does represent the sentiment of actual farmers. If the Senator will permit me——

Mr. SHERMAN. Yes, sir.

Mr. STERLING. I will read a quotation here from "An explanation," which is found on the same page and in the midst of the article from which I read:

The National Council of Farmers' Cooperative Associations represents over 2,500 cooperative grain companies in North Dakota, South Dakota, Nebraska, Minnesota, Indiana, Ohio, Kansas, Iowa, Illinois, and Oklahoma, with a membership of about 400,000 grain growers. Each of these States has a State association and each State association is a member of the national council.

Mr. SHERMAN. In a way—a very large way—this journal is the press agency through which they communicate their affairs to each other and to the public?

Mr. STERLING. I understand so.

Mr. SHERMAN. As against those, Mr. President, I wish to ask the Senator if he will permit me to call attention to three requests—I do not care to read them at length—of constituents, who are quite explicit in asking the immediate passage of this bill in the form in which it passed the other House. Those gentlemen live in Chicago, and their names are R. J. Karnick, William E. Mikolajczyk, and A. E. Mazurkiewicz, all of whom are ultimate consumers, living at Chicago. I should like to have them considered as against the men who are actual producers.

Mr. STERLING. Certainly.

Mr. SHERMAN. Also a further one by Mr. Reuben Bobinsky, who is clamoring lustily for the passage of the bill in its original form.

Mr. STERLING. I desire to ask the Senator from Illinois if he thinks that any one of those gentlemen who have written him has any idea in regard to the contents of the bill or its provisions?

Mr. SHERMAN. He has no more idea of its contents than he would have if he were living astride of one of the rings of Saturn, Mr. President. [Laughter.]

Mr. STERLING. I thought so. I desire to say in this connection, Mr. President, that I have just received three telegrams asking support of this food-control bill. Those three telegrams come signed by three wholesale houses or jobbers' houses in South Dakota; all are in exactly the same language, and all are dated at Chicago. Aside from these I have not any telegrams or letters either, for that matter, from any business man or farmer in South Dakota urging the passage of this bill. I doubt if the senders of the telegrams I mention, even if they have seen the bill, have grasped the full import of some of its provisions.

Now, Mr. President, I have considered section 3. That section is fundamental. It is at the foundation of unwarranted powers conferred by other parts of the bill. We can pass a bill here, as I stated a while ago, that will prevent hoarding, that will prevent speculation so far as legislation can prevent it at all, that will prevent the permissible deterioration of food products or willful waste of food products so far as legislation can accomplish that end, without the declaration of an autocratic and un-American principle such as is found in section 3.

I object to a part of section 5 of the bill on much the same grounds. Section 5 may be termed the license section of the bill. It provides that the President may license importers, exporters, manufacturers, storage men, and distributors of "necessaries" as defined in the bill. In trying to prepare a bill that I hoped might meet the approval of the Senate, I have stricken out that part of section 5 authorizing the licensing of these different industries or vocations, and have combined sections 4 and 5 into one section, namely, section 4. I do not find that proposed amendment here on my desk; but it is the section which makes it unlawful willingly to destroy food products or to permit preventable waste or to permit preventable deterioration of food products. It condemns all evil practices in the handling of or dealing with any of these necessities.

What is the necessity for a license system? I have tried to express in the amendment I have drawn, by combining sections 4 and 5, the fact that there is no such necessity. I put all persons, whether manufacturers, producers, storage men, or distributers of any kind, on exactly the same plane and prohibit evil practices on the part of any or all of them.

I see absolutely no need for a license system, with its inspections, its espionage, and its Government expense. What does it involve? The "necessaries" are foods, feeds, and fuel. It would involve the power on the part of the President to require of a man in South Dakota who runs a little flour mill or a feed mill to take out a Government license, to pay the fee for the Government license, and to be subjected to inspection as a licensee under the Government. There is hardly a little village of 150 or 200 inhabitants which has not at least a feed mill, where the farmers take their corn, their barley, and oats to be ground for feed for their stock; and yet under this bill they, too, could be compelled to submit to Government license and inspection. What has become of the rights and authority of the State under this arrangement?

Mr. President, this bill in some of its provisions, such as section 3 and that part of section 5 pertaining to a license, is not a bill expressive of trust in the energy, in the intelligence, and in the patriotism of the American people, but a bill that discloses suspicion of them, for at every turn in their daily lives and occupations they would be subjected to Government supervision and discipline. That is Germany; it is not America. If I recall correctly one statement made by the distinguished Senator from Pennsylvania [Mr. KNOX], it was to the effect that he did not so much fear broad powers in the Executive; that they would be mollified in their execution; but, Mr. President, I would rather see to it that we here say what we mean and that we determine what powers the President shall have; and that those powers shall not contravene the Constitution even in time of war or be opposed to our continuous American policy.

To be a little more specific in regard to section 4, that section makes unlawful the willful destruction of necessaries for the purpose of enhancing the price or restricting the supply. Knowingly to permit waste or willfully to permit preventable deterioration of any necessaries is also made unlawful. So also it is made unlawful to monopolize either locally or generally any necessaries.

In addition to these acts and omissions declared to be unlawful by section 4, it is also made unlawful to engage in any discriminatory and unfair or wasteful practice or device, or to make any unjust or unreasonable rate or charge in handling or dealing in or with any necessaries. By section 4 also conspiracies, combinations, and agreements for the purpose of restricting or limiting the supply or for charging any excessive rate or price are prohibited. With all these provisions, Mr. President, I am in accord, except that the agreement or combination in order to come within the inhibition of the act should be an agreement for the purpose of unreasonably enhancing prices. It would then be a combination or agreement which would be analogous to the combination or agreement which is condemned by the antitrust law. An agreement to limit facilities, to lay off help, to suspend operations when to operate would be at a loss, because the market was sufficiently supplied and there was no demand, ought not to be under the ban of the law.

But section 5 is the license section of the bill. It authorizes the President to license either of the five activities or enterprises I have already named—exportation, importation, manufacture, storage, or distribution of any necessaries in order to carry into effect the purposes of the act. If any licensee is guilty of any unfair, unjust, unreasonable, discriminatory, or wasteful rate, charge, or practice, he may, on the order of the President, be required to discontinue such acts, and the bill further provides that, if he does not discontinue them, the President himself shall establish what shall be a reasonable and just rate.

But why a license? As I have said, Mr. President, it involves a useless and needless expense. If we strike out the provision requiring a license, we can then harmonize the two sections, bringing them into one, and yet have a sufficiently drastic bill as against all evil practices in the handling of or dealing with or in hoarding, storing, or speculating in food products.

Mr. SHERMAN. Mr. President, before the Senator takes up another branch, will he permit an inquiry?

Mr. STERLING. Yes, sir.

Mr. SHERMAN. I have made an investigation in the District of Columbia, and I have reasons to believe, Mr. President, that there is a combination in the District of Columbia, which exists contrary to the Sherman Antitrust Act. I do not believe that a farmer or a truck gardener can come into Washington and sell direct to the consumer without inviting upon himself a practical boycott by the retail dealers, under which they refuse—and they go to some trouble to find out who the farmer or truck gardener is—to buy or handle his products thereafter if he sells directly to the consumer in his kitchen. This same thing holds true, Mr. President, in its application to commission men. A commission man, having brought a product into Washington that has been the subject of interstate traffic, can not, if he wishes, sell directly to the consumer in the city of Washington without being boycotted by the retail dealers in the article.

The same thing holds true all over the country. There are grocers' associations—I will be specific—in most of the larger cities of the Union which boycott commission men, farmers, truck gardeners, and market gardeners if they sell to the consumer instead of to the retail grocer. This reaches out into interstate traffic, the commodities involved being frequently the winter products that come from the Mexican Gulf coast into the various northern markets of the country. I ask the Senator whether it would not be productive of good results if the officers charged with the enforcement of existing laws would themselves become active and thereby, without additional legislation, somewhat reduce the high cost of living of which people are now complaining?

Mr. STERLING. Mr. President, I am inclined to think the Senator is right in the suggestion that if the antitrust act of 1890 as amended, the Clayton Act of 1915, and the Federal Trade Commission act were enforced by the officers of the Government there would be less need for this legislation. But I may add, in connection with what the Senator has suggested by his inquiry, that in these previous acts, together with the other provisions of this bill to which I have alluded, and which I favor, we have done all that legislation can do, or ought to do, without any license system or without the provisions of section 3 giving governmental control of all the activities, methods, and processes relating to food production.

Mr. President, I want to speak briefly about two more sections of this bill. They are sections 9 and 10 in the original bill. Section 9 is the section authorizing the President, in order to carry into effect the purposes of the act—

to purchase, provide for the production or manufacture of necessaries—

Remember that necessaries are food, feeds, and fuels and the articles required for their production—

to store them and to provide storage facilities for them.

Then, there are the further provisions authorizing the condemnation of plants for storage purposes. That is provided for in section 10.

Mr. President, do we want to give the President this absolute power without condition? So, in the combination of these two sections, I have provided as follows:

That whenever the President shall find that existing conditions or facilities are such as not to assure an adequate supply of any given necessary or necessaries for the successful prosecution of the war, and that it is impossible by voluntary arrangement or agreement to assure such supply, he is then authorized—

Not to purchase, but—

to take over, for use or operation by the Government, any factory, mine, or other plant, or any part thereof, in which such necessary or necessaries are or may be manufactured, produced, prepared, or mined.

Mr. SHERMAN. Mr. President——

Mr. STERLING. I yield to the Senator from Illinois.

Mr. SHERMAN. While the Senator is discussing that language of the bill, does that embrace a farm now in private ownership and operated by a farmer?

Mr. STERLING. I have not thought of the particular question asked by the Senator, but my interpretation of that is that it would not authorize the taking possession of a farm. The words are "factory, mine, or other plant, or any part thereof." I do not believe that the word "plant" is ever applied to a farm. It would be applied to industries other than agricultural in which there is more or less of machinery. I will say to the Senator from Illinois that if I thought for a moment that it did apply to the farm, I would want to see an exception made in the terms of the bill.

So that dispenses with the purchase of necessaries themselves on the part of the Government. What does the amendment which I have proposed invite? The voluntary cooperation of the patriotic business men of the country in the production and the manufacture of the necessaries as defined by this bill. When these facilities are not sufficient, or when these men are so unpatriotic as not to do the work they can and ought to do, then, and not until then, let the President exercise the commandeering power and take over any plant, factory, or mine for the purpose of serving the needs of the Government in regard to such necessaries.

We are safe, are we not, if we stop there? What need is there now, what need can we contemplate, that requires us to go beyond that? I think it is a good principle in legislation always and everywhere to legislate for the present or the imminent needs, and not to conjecture that some time in the far-distant future a condition will arise requiring such legislation. Conditions may change, and we ought to remember that Congress convenes in another session on the first Monday of December next.

Mr. President, that is about all that I have to say concerning the particular terms of the bill, save one thing, and that relates to the section of the bill which provides that the President, in order to stimulate the production of nonperishable farm products, may ascertain what is a reasonable price under existing conditions of such products; that, having ascertained that reasonable price, he may guarantee that the farmer shall receive a price not less than that; and that if importations from abroad threaten the guaranteed price, he may impose a duty upon those importations as provided in the act.

Mr. President, I am opposed to the Government going into the business now of guaranteeing a price. Look here: In a memorandum on the constitutionality of House bill 4630, submitted to the House Committee on Agriculture by the Solicitor for the Department of Agriculture, it is said, with regard to section 12, in which section this guarantee is provided for:

By reason of the fact that there is a subnormal supply of food in the world and an abnormal demand for military supplies, increased production is essential for the successful prosecution of the war. It is impossible to forecast weather conditions and crop yields—

We grant that.

In many directions farmers may be faced with increased costs of labor, of fertilizers, of farm machinery, and of capital. In respect to one or more staple crops the Nation may find it desirable directly to stimulate production by giving producers a guaranty of a reasonable price.

All of this in the face of facts which show almost conclusively that, not only for this year, even though the war should be brought to an end within this year, but for years to come—two, three, or many years to come—the farmer will be receiving for the products of the farm more than the ordinary price, more than the usual range of prices for the last several years up until after the beginning of the war. Yet, in the face of conditions like these, we propose to put the Government in the position of guaranteeing prices!

In my proposed amendment I have provided that the President might determine the reasonable price of nonperishable farm products at any given time, and that, having determined that reasonable price, if he finds then that importations from abroad—as wheat or meats from Argentina, for example, or cattle from Mexico—should, in coming in competition with that price, cut it down so that the farmer could not realize the reasonable price found by the President, then, and not till then, let him impose under the terms of the bill a duty on the foreign importations sufficient to protect the American producer and yield him the reasonable price as determined by the President. This will afford some work for a tariff commission, and they can study what our friends on the other side were afraid to put in the tariff commission bill—the question of the difference between the cost of production at home and abroad. That may then become one of the studies devolving upon the Tariff Commission created under this administration.

Mr. SHERMAN. Mr. President, before the Senator yields the floor, will he permit an inquiry?

Mr. STERLING. Yes; I yield to the Senator from Illinois.

Mr. SHERMAN. Does the Senator expect to discuss the difference between the price-control laws in regard to food in this country and in England?

Mr. STERLING. I will say to the Senator that I do not expect to discuss that question.

Mr. SHERMAN. I want to make this inquiry: The tendency in England is not to vest this power in the King. Practically, the King does nothing except to be the center around which a ministry is formed. He possesses practically no veto power and very little executive power save the formal power of organizing the ministry in the event of a change following a popular election. In England the governmental power, which is omnipotent in a worldly sense, remains in Parliament, to be exercised through a ministry in an executive way.

Mr. STERLING. Surely; yes.

Mr. SHERMAN. I understand that this administration is opposed even to a joint congressional committee which will form an avenue of communication so that an understanding may be had between the legislative branch of the Government and the Executive, even under these enlarged powers. It has been reported credibly, I think, that the Executive is opposed to such a means of communication. In England, the power exercised by the food commisioner in regard to these public questions concerning food supplies in a state of war remains in Parliament. It has abdicated none of its functions except to create an agency to exercise the power. It has not vested in King George the power to administer these affairs and to appoint the officers.

Mr. STERLING. I understand the Senator; and in this respect the practice in England, in her stress and in her great emergency, is altogether different from the policy proposed in certain portions of this bill.

Mr. President, I have said enough, I think, to give the Senate, or those who have heard me, my ideas in regard to the fundamental principle underlying certain provisions of this bill.

What constitutes the strength of the Republic? Mr. Whitelaw Reid several years ago answered that question in the way I am about to read.

I think it worth while to call attention to it, because in our excitement, in our zeal, in our fervor in regard to this war and the great and efficient part we shall take in it, we are apt to lose sight of some of the old landmarks under which we have grown as we have grown and become the powerful, efficient nation we are.

Mr. Reid says:

> Wherein lies its great strength? * * * The answer has become a truism. Its strength lies in the equality of man it develops. The real merit is not in the machinery, but in the skilled intelligence absolutely required to frame and to work it, in the combination of respect for authority on the one hand, with training in individual initiative on the other, which this work brings out and which the Government has thus far scrupulously and religiously guarded.

And the fear is that by some of the terms of this bill you destroy that which this Government in its legislation and in its administration has hitherto religiously and carefully guarded.

He says:

> We brought the respect for authority from the birthplace of the common law; and in proportion as harshness from its officers was resented in the old home, in like proportion the law itself was instinctively elevated into a veritable pillar of cloud by day and of fire by night in the wilderness of the new world. We found the individual initiative in the necessities of an untamed continent; were driven to it, shut up to it at every turn—in the imperative beginning of orderly self-government at a thousand isolated spots; in the long-protracted struggle with wild lands, wild beasts, and wild men—till it became the inheritance of the race, till under its stimulus men found their solitary way through trackless woods to make lonely clearings or start frontier settlements across the Alleghenies, through trackless prairies to possess the Mississippi Valley, through alkali deserts to wrest their gold from the mountains, and at last through the Sierras to scatter up and down the enchanted shore of the Pacific. To such a continental conquest of nature and of men have those two traits of the fathers brought us; their respect for authority and their widest freedom of individual initiative. These with the original vigor of the stock have made Americans what they are, and by consequence have made this blessed country of ours the joy and pride and hope of our lives. To harm either is criminal—whether to break down respect for authority by unlawful combinations, tricky evasions, and open defiance of order, or to cramp the widest freedom of the individual in any lawful enterprise or labor anywhere. Whoever or whatever now dares to interfere with the permanent union of these two traits and their continued development in the American life is an enemy to the Republic, whether known as political boss, or as trust, or as trades-union.

And never before in our history, Senators, has there been a finer exhibition of the union of these two great traits—individual initiative and respect for authority—than here in this war. Through individual initiative has come and is coming that voluntary activity and cooperation of all industries and interests in the prosecution of the war of which we may be justly proud. Let us not, by legislation which gives governmental control of all the activities, processes, and methods of our daily lives, so far as they are engaged in production, destroy the principle which left alone will meet the very emergencies you seek to cover by the objectionable features I have sought to point out.

Mr. LEWIS. Mr. President, will the Senator state from what he read? Was it from the address of Whitelaw Reid?

Mr. STERLING. Yes; the address of Whitelaw Reid on "The strength of the Republic." It is found in volume 2 of the work entitled "The Making of America."

In conclusion, Mr. President, let me say that we are capable of stopping, and we should stop, all unnecessary and unreasonable hoarding of food products in this time of emergency. We should arm the Executive with power to prevent all evil practices among dealers or distributors of such products, whether on boards of trade or buyers or dealers outside of boards of trade, and whether they be dealers at wholesale or at retail. Whatever method or practice may, in this time of war, by its limitation of supplies or its unwarranted increase of prices of necessaries, injure the public, disturb the public tranquillity, and thus prejudice the national security and defense, these we shall do all in our power to prevent. The people expect nothing less at our hands, but as to the rest I am confident it is their will to remain a free people.

Mr. NELSON. Mr. President, it is not my purpose at this time to make any extended remarks on this legislation; but after sitting here and listening to the speech of the Senator from South Dakota [Mr. STERLING] and his criticisms of certain portions of the bill, I can not help taking up a few moments of the time of the Senate in replying to a part of his argument.

What is the purpose of this legislation? It has a twofold purpose, Mr. President. One purpose is to provide an ample supply of food and fuel for our own people and for our allies. The next is—and that is perhaps the most difficult and most important problem—to prevent undue extortion among our own people.

The Senator from Illinois [Mr. SHERMAN] a moment ago called attention to the combinations that existed in this city. I can tell him the easiest way to regulate those combinations and reach them, as we found it in Minnesota by a legislative experience.

We had in our State large terminal elevators at St. Paul and Duluth. They were connected with a system of country elevators, between 2,000 and 3,000 of them. They were a law unto themselves, and were guilty of unfair dealing both in the matter of grading, weighing, and prices with the farmers of the country. Now, how did we cure that evil in Minnesota?

I have always been proud of the fact, if the Senators will permit me to say so, that I drew the bill that reached the evil. I will read the first section of it, and you can see how simple it is, and it is pertinent in connection with the criticisms of the license section of this bill:

> An act to regulate the receipt, storage, and shipment of grain at elevators and warehouses on the right of way of railroads, depot grounds, and other lands used in connection with such line of railway in the State of Minnesota—

And so forth.

> All elevators and warehouses in which grain is received, stored, shipped, or handled, and which are situated on the right of way of any railroad, depot grounds, or any lands acquired or reserved by any railroad company in this State, to be used in connection with its line of railway at any station or siding in this State, other than at terminal points, are hereby declared to be public elevators, and shall be under the supervision and subject to the inspection of the Railroad and Warehouse Commission of the State of Minnesota, and shall for the purposes of this act be known and designated as public country elevators or country warehouses. It shall be unlawful to receive, ship, store, or handle any grain in any such elevator or warehouse unless the owner or owners thereof shall have procured a license therefor from the State railroad and warehouse commission, which license shall be issued for the fee of $1 per year.

We made the fee nominal. Our object in enacting that law was to put them on the State hook and make them subject to State regulation. In other words, we required all of those country elevators—and there were between 2,000 and 3,000 of them—to take out a State license at the rate of only $1 a year to make them subject to State regulation and State control.

The Cargill Elevator Co., a corporation of Wisconsin, doing business in southern Minnesota, among other points at a place called Lanesboro—I referred to it the other day—disputed the right of the State to require a license. They said: "It is true that we have an elevator on the right of way of this company, but we are buying grain simply for our own use, and the grain we buy we store in our own elevator. It is our own, and hence we are not amenable to this law and ought not to pay a license fee." The lower court found in their favor. The supreme court of the State found against them. They then took the case to the Supreme Court of the United States, and here is what the Supreme Court of the United States said in that case, its title being Cargill Co. *v.* Minnesota (180 U. S., 452). I read this from the syllabus, and I will read a little from the opinion:

> That the mere requirement of a license to engage in the business specified in the statute was to be referred to the general power of the State to adopt such regulations as were appropriate to protect the people in the enjoyment of their relative rights and privileges, and to guard them against fraud and imposition, and is not forbidden by the fourteenth amendment.

After referring to the statute, the court said in its opinion:

> Thus considering the statute, we are of opinion that the mere requirement of a license from a person, firm, or corporation engaged in such business as that conducted by the defendant is not forbidden by the fourteenth amendment of the Constitution of the United States. "The liberty mentioned in that amendment," we have said, "means not only the right of the citizen to be free from the mere physical restraint of his person, as by incarceration, but the term is deemed to embrace the right of the citizen to be free in the enjoyment of all his faculties; to be free to use them in all lawful ways; to live and work where he will; to earn his livelihood by any lawful calling; to pursue any livelihood or avocation, and for that purpose to enter into all contracts which may be proper, necessary, and essential to his carrying out to a successful conclusion the purposes above mentioned."

The court adds this quotation from the decision in the case of Allgeyer against Louisiana:

But to require the defendant company to obtain a license is not forbidden by the amendment. The authority to make such a requirement is to be referred to the general power of the State to adopt such regulations as are appropriate to protect the people in the enjoyment of their relative rights and privileges, and to guard them against fraud and imposition.

Mr. BRANDEGEE. Mr. President, if the Senator will permit me, I wish to ask him how the opinion laid down in that case would correct the grievance complained of by the Senator from Illinois?

Mr. NELSON. I will come to that. If we require these institutions, if we require these commission men, if we require these men at the market here who are guilty of these practices to take out a license, and not to do business without a license, and, in addition to that, prescribe that unless they comply with certain regulations they shall not be entitled to do business, that will be more effective than any prosecution under the antitrust law. For years in our State this question of regulating and controlling grain houses and elevators in the State was a burning question. It entered into every political campaign. The farmers were in arms about it. But after we had succeeded in passing this law and requiring a dollar license from each country elevator, and putting them on the State hook and under State control, we got full jurisdiction; we regulated the industry to the satisfaction of the farmer.

So here, Mr. President, this license section does not apply to farmers; it does not apply even to retail dealers; but it applies to all middlemen, the very men we are trying to reach. One of the most important things, as I said at the outset, is not only to furnish food for our own people and for our allies, but one of the great objects of this bill, and the one that I am more vitally interested in than anything else, is to prevent extortion from being practiced by the middlemen on our own people.

It is very easy to make the argument, and we have heard much of it during this session of Congress—wherever we have attempted any remedial legislation under the war power, the Constitution has always been hurled in our faces. What would a poor woman on the streets of Chicago, starving and crying for bread, say to the Senator from Illinois when he said to her, "Here is the Constitution of the United States, my dear madam; I want you to be satisfied with that. We have kept within the pale of the Constitution, and that is worth more to you than a loaf of bread."

Mr. SHERMAN. That happens a great many times; it may happen in Minneapolis; and, according to the Senator's philosophy, she had to raise a mob and go out in some adjoining county and find a farmer and loot his pantry. That is the Senator's philosophy, as I understand it.

Mr. NELSON. This is not a loot bill.

Mr. SHERMAN. It is the next thing to it.

Mr. NELSON. I am sorry that——

Mr. SHERMAN. I am, too.

Mr. NELSON. I am sorry that the vision of the Senator from Illinois is so distorted, but I can not help it, I am sure. It was a rule of common-law pleading—and the Senator is familiar with it—that when a lawyer pleaded in abatement it was not sufficient to show that the defendant ought to be out of court; he ought to be able to put in not only that his plea was good, but he ought to point out where the defendant could secure a better remedy, and prescribe a remedy. As Mr. Chity describes it, as I recall it, in his work on pleading, if a man pleaded in abatement he must give the defendant a better writ.

Mr. SHERMAN. I will give the Senator a better writ.

Mr. NELSON. I will yield in a minute. The Senators who are contesting the constitutionality of this legislation are here complaining of the extortionate pirates, and they are here shouting and saying we ought to relieve the American people, yet when we attempt to do it they fail to prescribe a remedy. They are merely in the position of objectors. I am not referring to the Senator from Illinois. I see that he looks at me very wistfully. My whole argument is impersonal. Now, I yield to the Senator.

Mr. SHERMAN. My inquiries are impersonal, except they must be handled through flesh and blood in some way; I can not communicate with the powers above directly. According to the argument of the Senators who adopt certain lines here—and I must be impersonal, Mr. President—the argument is, if there be a hungry woman on the streets of Chicago that would justify an uprising against the laws of the land, the creation of a mob, and the destruction of somebody else's right who had nothing to do with starvation in Chicago. That is the attitude of Senators here. Still speaking in an impersonal way, they justify mob law because there is a shortage of food in the city where many people persist in congregating. I am not responsible for Chicago, neither are any of the Senators here. It grew without our permission; it is there just as other large cities, just as New York City; but will the Senators justify lawlessness because people are hungry in the cities? Would any Senator say so?

Mr. NELSON. The question of lawlessness is not involved. I have not advocated lawlessness. I am afraid the Senator from Illinois looks at this question through the glasses of Mrs. Goldman. She advocates lawlessness. I have not advocated it. Nothing I have said here on the floor would indicate that. I simply chided in a most gentle and Christian spirit those who are all the time flinging the Constitution in our faces when we attempt to enact remedial legislation under the war powers of the Government. How the genial Senator from Illinois could construe that into an advocacy of mob law it is difficult for me to comprehend.

Mr. SHERMAN. Mr President, I must still be impersonal, but some Senators every time they are confronted with something that requires some authority by Congress reply that that is an objection raised by those who always fling the Constitution into our faces. They are similar to the lawyers who lecture on the Constitution, in which lectures they prescribe a correction of obstacles and not a charter of human rights. The Senators who take that view, still making myself impersonal, answer constitutional objections by saying that we fling the Constitution into their faces, and then they ask about somebody in Chicago who is starving, and consequently would be a fit foundation for a mob.

Mr. NELSON. If the Senator calls that a question, I would find myself in the condition of floundering. If it was a sort of text for a brief sermon, I might take a different view of it. But, laying all strange and peculiar doctrines aside, it seems to me we are confronted with this question, and it is our duty as legislators to provide a remedy. I think we are all agreed that in one direction at least we need a remedy to protect the American people against extortion.

Last November when I left my home at Alexandria our farmers were getting 90 cents a bushel for their potatoes in the potato warehouse at the station. I was coming to Washington, and on my way down through Minneapolis, a distance of 132 miles from my town, I found the retailers were charging $2.25 a bushel for those potatoes, and the cost of transporting them from my home to Minneapolis did not exceed 6 or 7 cents a bushel. It is something of that kind that we want to reach.

If the Senator from South Dakota and the Senator from Illinois can prescribe a more effective and drastic remedy to reach that evil, I shall certainly be glad to cooperate with them; but I have found nothing either in the very able remarks of the Senator from Illinois the other day or in anything the Senator from South Dakota said this afternoon that will give me any clew or any indication where we could reach and cure this evil in a more effective way.

Mr. STERLING and Mr. SHERMAN addressed the Chair.

Mr. NELSON. I yield the floor. I just took it for a few minutes to reply to one feature of the argument of the Senator from South Dakota [Mr. STERLING]. I shall at a subsequent time, it may be, say something further on this bill.

Mr. STERLING. I wish to say to the Senator from Minnesota that he must have misunderstood or misconstrued my argument. I am in favor, and so expressed myself, of all the drastic provisions of the bill to prevent hoarding, to prevent speculating, and so forth, in necessaries, as prescribed in the bill.

Mr. NELSON. But you are not in favor of the machinery of enforcing it. There is the difficulty with you.

Mr. STERLING. Will the Senator point to any remark that I made in which I took that position?

Mr. NELSON. To-morrow when the Senator's speech appears in the RECORD I shall be glad to do so.

Mr. STERLING. I would be glad to have the Senator do it.

Mr. SHERMAN. Mr. President, what I wished to inquire of the Senator was if he is in favor of the instrumentalities already made for preventing these combinations and the abuses? I know he would answer that affirmatively. The statement which led to the discussion so far as it affected the inquiry I made of the Senator from South Dakota was as to the combinations that evidently exist among retail dealers to prevent a farmer or market gardener from selling directly to the consumer. The Senator has very entertainingly and instructively explained how the license system operated in Minnesota and will reach that evil. I will cordially join with the Senator in a license system. If prosecutions under the Sherman Antitrust Act will reach it, I would call on the Attorney General or any prosecuting agency to enforce the penalties provided in that act. But I am not attacking the license system; I have not done so at any time. I called attention to the fact that officers under

existing agencies of Government do not use the machinery that is put in their hands. That is notorious all over the United States, all the way from Chicago to Washington. I anticipate that the Senator will explain the license system more at length some time in the future and apply it. If the Senator can show that the license system will break up such combinations as the kind I have described and permit the consumer to buy directly from the farmer without being boycotted in the Center Market here in Washington, he will find no quicker supporter of the license system than I.

Mr. NELSON. The license system will undoubtedly effect that. We had an antitrust law in our State statutes and we had a Federal antitrust law, but we found that practically, for one reason or another, they were dead letters. But after we enacted this law and required a license and put them under the control of the railroad and warehouse commission our farmers got the relief they had been laboring for for many years.

Mr. STERLING. Mr. President, I think perhaps I ought to say a word further in the way of modifying what I just said in answer to the Senator from Minnesota with reference to the machinery provided by the bill. If the license system is a part of the machinery, and I suppose it may be so termed under this bill, I admit I did criticize it and object to it, and I stand on what I said in regard to it. Beyond that I did not criticize anything except some of the powers given the President under the bill.

Mr. CURTIS. I move that the Senate adjourn.

Mr. NELSON. Before the motion is put I desire to give notice that to-morrow evening at the close of the legislative business I shall ask for an executive session to take up the nomination of Mr. Woolsey to be Solicitor of the State Department.

The VICE PRESIDENT. The Senator from Kansas moves that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, June 27, 1917, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June 26, 1917.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Lead us, O God, our Heavenly Father, as a people in Thine own way through the great contest which has been thrust upon us by a stern and relentless foe. We love peace and hate war; but we love the sacred rights which Thou hast woven into our being better than we love peace at their expense; illustrated by our fathers at Bunker Hill, Valley Forge, and Yorktown. Make us wise and painstaking in preparation, strong in brain and brawn, courageous in valor, unbounded in our faith and confidence in Thee as the Upholder and Sustainer of right against might; and we will praise Thy holy name in an everlasting peace. Amen.

The Journal of the proceedings of yesterday was read and approved.

SPECIAL BELGIAN MISSION.

The SPEAKER. Under the order of the House the Chair communicated with the Belgian commissioners, and they have set 1 o'clock to-morrow as their time to be here. The Chair will ask that the letter of Baron Moncheur, the chief of the special Belgian mission, be inserted in the RECORD.

The letter is as follows:

2118 MASSACHUSETTS AVENUE.

The honorable CHAMP CLARK,
Speaker House of Representatives.

DEAR SIR: I thank you for your very kind invitation, and it will give me and the other members of the Belgian mission much pleasure to come to the House on Wednesday, June 27, at 1 o'clock.

Most respectfully,

BN. MONCHEUR,
Chief of the Special Belgian Mission.

LEAVE OF ABSENCE.

Mr. HOOD. Mr. Speaker, I ask unanimous consent for the indefinite leave of absence of my colleague, Mr. DOUGHTON, who has been called home on account of sickness in his family.

The SPEAKER. The gentleman from North Carolina asks unanimous consent for indefinite leave of absence for his colleague, Mr. DOUGHTON. Is there objection?

There was no objection.

RIVER AND HARBOR BILL.

Mr. SMALL. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4285, the river and harbor bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. HARRISON of Mississippi in the chair.

The Clerk, continuing the reading of the bill, read as follows:

Ship channel connecting waters of the Great Lakes between Chicago, Duluth, and Buffalo, including St. Marys River, St. Clair River, channels in Lake St. Clair, and Detroit River, Mich.: For maintenance, $185,000.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I wish to ask a question for information. I wish to have the learned gentleman on river and harbor affairs inform the committee where this special channel is that connects the Great Lakes between Chicago, Duluth, and Buffalo.

Mr. SMALL. This is a general designation of a channel which comprises St. Marys River, Lake Huron, St. Clair River, Lake St. Clair, and Detroit River.

Mr. STAFFORD. Where is the channel connecting the waters of the Great Lakes between Chicago, Duluth, and Buffalo? I do not know of any such channel.

Mr. SMALL. These are simply terminal points which can be reached by reason of these waterways. It is an old designation, and they comprise the connections of the St. Marys River, St. Clair River, Lake St. Clair, and Detroit River.

Mr. STAFFORD. Has the item been included in prior river and harbor bills in this phraseology?

Mr. SMALL. It has, in the river and harbor bill of 1915 and 1916, and prior bills.

Mr. STAFFORD. I withdraw the pro forma amendment.

Mr. EMERSON. Mr. Chairman, I desire to proceed out of order for a few moments.

Mr. Chairman and members of the committee, I believe in the freedom of speech; it is the foundation of a republican form of Government.

But I do feel in this great crisis that now confronts this Nation that it is the imperative duty of each citizen not to abuse this privilege by saying things that may be construed by less-thinking people as disloyal.

Many people in this country who know better are making speeches which are not only treasonable but encourage less-thinking people to be disloyal and unpatriotic.

Practically 10,000,000 loyal young men in this country have come forward and registered, showing their willingness to serve their country and obey its laws.

But there are many slackers who are dodging their plain duty. Many men who are enjoying the blessings of liberty in this country, enjoying all its privileges and opportunities, who absolutely refuse to serve their country when their country calls.

The Government should deal with these slackers with a strong arm and a mailed fist.

Every citizen who enjoys the privileges of our free institutions owes an obligation to protect the Government in the hour of national danger.

These people who make speeches urging men not to register, not to obey the laws of this country, not to perform their plain duty, are traitors to their country and should be severely punished.

Every time they get a chance they talk against the Government—urge disloyalty.

If this country gains nothing else by entering this war, I hope the strong arm of the Government will be used to at least "Americanize" America.

If we can Americanize this country we have accomplished all we need to in one war.

Weed out these traitors to our country, expose them, punish them, and teach them respect for American institutions and American laws.

I congratulate the Attorney General of the United States and his many able assistants all over this country who have assisted him in this great work.

Now is the time for all Americans to work together for the common good of the entire Nation.

Each citizen must yield a little for the good of all.

Teach these trouble makers that liberty is not license.

This is the most important thing for this country to do at this time.

First let us thoroughly Americanize this country, and after we have done that we have nothing else to fear.

I am for America first, last, and all the time. [Applause.]

The Clerk read as follows:

Manistique Harbor, Mich., Menominee, Oconto, Green Bay, Algoma, Kewaunee, Two Rivers, Manitowoc, Sheboygan, Port Washington, Milwaukee, Racine, Kenosha, and Waukegan Harbors, Sturgeon Bay and Lake Michigan Ship Canal, and Fox River, Wis.: For maintenance, $52,100. The project for the improvement of Green Bay Harbor, Wis., is hereby modified to include the maintenance of the turning basin at Depere in accordance with the report submitted in House Document No. 1017, Sixty-fourth Congress, first session.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I would like to inquire, in view of the action of the committee yesterday in voting an appropriation, for instance, for the Lorain inner harbor, providing for maintenance, and the acknowledged fact that throughout the bill there are provisions for maintenance of inner harbors on the Great Lakes and on rivers tributary to the Atlantic and Pacific Oceans and Gulf Stream, whether the gentleman would have any objection to an amendment providing for making the appropriation of $52,100 available for maintenance of the Milwaukee, Menomonee, and Kinnikinnic Rivers, at Milwaukee, Wis.?

Mr. SMALL. Will the gentleman ask leave to return to that later?—and we will consider it.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that this item be passed over.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to pass over this item. Is there objection?

There was no objection.

The Clerk read as follows:

Mississippi River from the mouth of the Ohio River to and including the mouth of the Missouri River: Continuing improvement and for maintenance, $350,000.

Mr. FREAR. Mr. Chairman, I do not intend to take any particular time of the committee to-day; in fact, I have taken little time since the bill was first brought before us. I endeavored in a brief way to state some objections to the bill in the RECORD of January 23, in response to an invitation to do so from the committee chairman, and that will answer, I take it, because there is no desirability in presenting motions to strike out, because those motions will all be voted down.

I wish to call attention to this great river, the largest river in the world, which, if any river, ought to have a large commerce, but which is practically a deserted stream. For continuing improvement, $350,000 appears in the bill, in addition to maintenance on that 200-mile section of the Mississippi River. It was stated by Senator Burton when a Member of Congress—and I assume that he knew whereof he spoke, because he was considered an authority in this House and at the other end of the Capitol—that more money had been expended—$18,000,000—on that short 200 miles than on the entire river Rhine, and the Rhine River floats nearly 40,000,000 tons of commerce every year, while on this part of the river near St. Louis the commerce has practically disappeared.

We have an 8-foot channel from St. Louis to the mouth of the river, and yet we have practically no commerce. It is not a question of having a channel, it is a fact that the people will not use it; they will not put boats on the channel, because they have not done so. Whether or not the action of railways is responsible or not should be for some commission or some able body of men to investigate and to determine; and if so, to control railroad rates. As it stands to-day, we are simply pouring money year after year, millions upon millions, into the Mississippi River and receiving no return. That is the largest and apparently the best project we have in this entire bill—that is, for inland waterways. As far as harbors are concerned, there has been no disposition heretofore to criticize generally. I repeat the suggestion made by Col. Townsend, the head of the Mississippi River Commission, who said that outside of one project on the Mississippi River and one on the Ohio, which, he says, should be continued—outside of these two projects, he said, all other projects in the Mississippi Valley, some fifty-odd, should remain—to use his term—in statu quo, or keep their present status.

That is the opinion of a capable Army engineer. All of the statistics that we have, when they are sifted down and we take out the humbug that exists in many of them and ascertain what is the actual freight, serve to carry out his judgment. As to the upper Mississippi, I recommended heretofore that that be cut down, but I know it is useless to make these offers here or elsewhere. I am simply going to state this much for the RECORD, that on the largest river in the country, where we have expended nearly $150,000,000, the commerce has decreased practically 95 per cent, and we are in a hopeless position to-day, so far as creating freight is concerned, unless we take hold of the railroad situation, which we are not attempting to do, by simply deepening the channel.

Mr. KINCHELOE. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. KINCHELOE. Does the gentleman not think that the main cause for the decrease in the tonnage on these rivers is the fact that the railroads get hold of them through subsidiary corporations with their packet lines and absolutely crush out competition?

Mr. FREAR. That would be so if there was any real transportation, I assume, but there is practically no commerce upon the Mississippi River. On the other hand, practically all of the domestic commerce along our Atlantic seaboard is controlled to-day by boats that are owned by railways or that are controlled by the railway companies, so far as that is possible under existing law. Practically all of what is called our domestic coast commerce to-day is in the hands of lines controlled by railway companies, according to the Commissioner of Commerce; but inland waterways, which have only occasional boats here and there, I think, are practically free from railway control, and will be until they become real competitors, and when that point is reached there will be some actual effort upon the part of the railroads or the people who control the railroads to take them over. Of course I know the statutes which exist to-day which prevent that sort of thing as a matter of law.

Mr. KINCHELOE. Mr. Chairman, I desire to ask another question for information. What would be the gentleman's remedy in this sort of a case? I have a river in my district—the Green River—which is navigable 365 days out of the year. That river runs through a territory where there are practically no railroads. A subsidiary corporation of the Louisville & Nashville Railroad runs all of the packet lines there, and you start any competition with them and they will carry the freight for nothing and put you out of business. What would be the gentleman's idea of a solution of that problem?

Mr. FREAR. I have a solution for that problem. I have proposed a waterway commission that will take hold not only of the waterways but of the railroads, in connection with the Interstate Commerce Commission, so as to prevent efforts to drive legitimate traffic from the rivers.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. FREAR. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FREAR. The proposal in that amendment for an expert commission is that minimum rates be fixed on the railroads, so that they can not take advantage and drive legitimate commerce from the rivers. I believe that these waterways could be improved, and they ought to be improved, just like they have been in Germany. In Germany to-day about 40,000,000 tons are carried on the Rhine River annually, whereas they have not put as much money into that river as we have into 200 miles of the Mississippi, and why? Because Germany owns and controls the railroads. That is the secret, and that is the reason they can place commerce upon their waterways.

Mr. KINCHELOE. Then does not the gentleman think that his solution of this problem would be more effective than opposing appropriations for rivers and harbors of the country?

Mr. FREAR. No; because this present method is an absolute waste of money. We have put millions of dollars in rivers, but we are getting no results.

Mr. KINCHELOE. We are getting a channel; we are getting the avenue through which they can go.

Mr. FREAR. But the commerce is decreasing, and you are not reaching the seat of the trouble. It is the competition on the railroads, and channels on rivers do not need further deepening until we can get some commerce.

Mr. BORLAND. Mr. Chairman, if the gentleman will yield, I think the gentleman and I agree on that. We must have regulation of the waterways in connection with the railroads, but the difficulty is to secure articulation between the two.

Mr. FREAR. With this commission which I propose, which may stand no chance of being considered here, we would then be able to secure some comprehensive system by means of which we could take in not only the railroads, but the waterways as well, and endeavor to coordinate them and compel the railroads to carry the commerce that legitimately belongs to the railroads and the waterways to carry their proper commerce.

Mr. BORLAND. The gentleman recognizes that a single boat operated independently would stand very little show of getting business?

Mr. FREAR. Yes.

Mr. BORLAND. He also recognizes that a short haul can very seldom live in competition with a long haul?

Mr. FREAR. Yes.

Mr. BORLAND. We must have articulation with the rest of the transportation system of the country.

Mr. FREAR. Yes; but we are not getting at it under this system of legislation and will not get it until we change the system.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. SMALL. Mr. Chairman, I think I ought to say this: The item under consideration is for the improvement and maintenance of that part of the Mississippi River from the mouth of the Ohio to and including the mouth of the Missouri River, carrying an appropriation of $350,000. If I understand the attitude of the gentleman from Wisconsin [Mr. FREAR], he is in favor of striking out that item. It is unthinkable that we should neglect the continued improvement and maintenance of that part of this great river between the Ohio and the Missouri, and we ought not to do so.

Mr. FREAR. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Yes.

Mr. FREAR. Does the gentleman mean to say in view of my discussion all of the time heretofore that I am in favor of striking out that item, that he believes that? Does the gentleman mean to say honestly that he believes that after all that has been said here?

Mr. SMALL. I am in the habit of speaking honestly all of the time, so that I have no need for making any differentiation along that line. I do not understand what a gentleman means when he refers to a project as worthless, as having no commerce, as one that ought not to be in the bill, as one that is an imposition upon the Treasury of the United States, unless he is opposed to the item, and I do so believe.

Mr. Chairman, just this suggestion in regard to a thought expressed by the gentleman from Wisconsin [Mr. LENROOT] yesterday and also by the gentleman from Kansas [Mr. CAMPBELL]. We all realize that there is not sufficient commerce on the Mississippi River. In this section, for instance, for the last year there were 58,501 tons, at a valuation of over $14,000,000. Still we freely admit it ought to be more. And the gentleman from Wisconsin [Mr. LENROOT] suggested yesterday that the attitude of the railroads in the past in charging low competitive rates with water, so low in some instances as to prevent competition, was a condition which should not continue to exist. I agree with the gentleman. I agree that the only hypothesis upon which appropriations for improvements of interior waterways can be justified is the existence of water-borne commerce and that Congress is beyond its right when it makes appropriations for the improvement of rivers for the purpose of reducing competitive rates by rail. That is an important suggestion made by the gentleman from Wisconsin [Mr. LENROOT], and I hope to join with him and other Members at the next session of Congress to devise proper legislation to meet that suggestion. It will be constructive, it will be in the interest of the promotion of water-borne commerce, it will tend to justify further appropriations for the improvement and maintenance of the great interior rivers, and I believe we may reach some remedy to be proposed, and I agree with them entirely on that proposition. I wished to say so yesterday afternoon but opportunity did not present itself, and I desire to take advantage of this opportunity to express cordial assent to the suggestion that was made along that line.

The Clerk read as follows:

Mississippi River from the mouth of the Missouri River to Minneapolis, Minn.: Continuing improvement and for maintenance, $1,200,000.

Mr. ESCH. Mr. Chairman, I move to strike out the last word. I rise to make an inquiry of the chairman of the committee. In 1910 the river and harbor act contained an item of $500,000 for the construction of experimental tows and barges. As a result of that appropriation the Chief of Engineers appointed a commission which went to Europe and made a full investigation of tows and barges, loading and unloading devices, upon the navigable streams of Europe. The report of that board was made in 1914. Since that time little or nothing has been done. In 1916, in the rivers and harbors act, I secured the incorporation of an amendment directing the Secretary of War and Chief of Engineers, or such board as the Secretary might appoint, to make experiments with tows and barges on the upper Mississippi River and giving them a period of two years from the approval of that act within which to make such experiments. The experiments were to be made on certain portions of the upper river. I want to know what has been done under that authority granted in 1916 to the Chief of Engineers, and whether or not these experimental tows and barges, plans and specifications for which were enumerated in their report of 1914, have as yet been constructed, and whether they are now in operation.

Mr. SMALL. In answer to the gentleman I will say that the statement he makes as to legislation in the past is entirely correct. The only report which is available to the committee is shown in the last Annual Report of the Chief of Engineers, pages 1739, 1740, and 1741, and it appears from that, while they have made experiments and investigations, that no final report has been made, and if a final report has been submitted since this annual report it has not come to the attention of the committee, and, according to my best recollection, there has been no final report.

Mr. ESCH. I have seen it stated in the press that the Government is going to place upon the upper river some 12 or 14 steel barges and that the War Department has secured a couple of towboats from the Mississippi River Commission and that they were installing on those towboats the equipment recommended by the Chief of Engineers.

Mr. SMALL. That is correct. The Secretary of War, primarily at the instance of the National Council of Defense and the committee on waterway transportation of the National Council of Defense, has directed that such barges, towboats, and tugboats owned by the Government and connected with the improvement of the Mississippi River that could be spared could be leased under liberal terms and with proper security to indemnify the United States for commercial use upon that section of the Mississippi River, primarily for carrying coal up and bringing iron ore down.

Mr. ESCH. The gentleman is advised that the commission of the Chief of Engineer's office has made very long experiments at the University of Michigan to determine the proper lines for tows and barges. Are those barges being put in commission built on the plans and specifications as developed by these experiments at Ann Arbor?

Mr. SMALL. They are not. Those are barges which are used in the improvement and maintenance of the Mississippi River. They do not represent any improved type in accordance with this legal direction to the Secretary of War to make the experiments to which the gentleman refers.

Mr. ESCH. So then there has nothing as yet been concluded in regard to that matter?

Mr. SMALL. Nothing finally yet.

Mr. FREAR. Mr. Chairman, I move to strike out the last word. I asked the chairman of the committee a minute ago, when he was replying to my statement in regard to the Mississippi River, whether or not he really believed that I wished to strike out the item for the Mississippi River, and he said he did. Now, I leave it to this House, which has always treated me with manifest fairness in the past, to judge between the two of us as to who has been fair throughout this discussion now and at other times. I have not to my knowledge moved to strike out this item at any time in the past, and gentlemen with any understanding of the situation must know it. I have always been for the maintenance of any commerce-carrying waterway, and he knows it, and yet he makes that statement here on the floor of this House, as he always does, misrepresenting the position of those opposed to the bill. We are not opposed to reasonable waterway expenditures, and that includes general maintenance of this Mississippi River channel—not carrying on extravagant improvement projects but for maintenance. I have just explained—and the gentleman knows it—in accordance with the opinion of Col. Townsend, that that is reasonable and right to pursue, and yet the chairman says, and he will repeat it upon this floor, that those who are opposing this bill want to strike out all waterway improvements. The trouble with the gentleman is this: He is vice president of the Inland Waterway Association, accustomed to such meetings where they believe in all these expenditures. One hundred million dollars has been proposed annually by some of these associations, and it has been proposed that all kinds of improvements should be put through.

I submit in all fairness I have never made such a statement as he has repeatedly made, that I am opposed to all these improvements. It goes back to my constituents. The gentleman asserted when we were on the $1,200,000 item for the upper Mississippi River last year that I was opposed to all appropriations for the upper Mississippi River. He is not fair in that statement. On this one project, the 200 miles of the Mississippi that we have just passed, in which $350,000 is contained in the bill, how much is left? Two hundred and eighty-five thousand dollars balance is on hand now. The minority of the committee says we do not need any more. How much balance for the upper stretch? Six hundred thousand dollars. And yet this bill contains an item for $1,200,000 more for the upper river, and still there is no particular commerce on the upper river. These tables of commerce do not indicate actual conditions, as I have disclosed by analysis of items. I went down the river last year at a busy time of

the year—in the month of September—and we passed only one boat in 300 miles during the daytime, when we were on deck, that carried any noticeable commerce, and that boat carried only a small amount of freight. What was it? A flat boat of sand towed below Davenport. There is practically no commerce to speak of on the upper river apart from that produced by these so-called waterway improvements. The statistics are put here, it is true, but I have explained how those statistics were gathered and what they disclose.

I do not care to indulge in personal recrimination. There is no object in misrepresenting the opposition to this bill. We are opposed to it because this balance of $32,000,000 will meet all the exigencies of the situation, because part of that appropriation can be used on any of these projects, the part that is left over from the old allotment. But if now any single project will be urged as a war measure on proper authority I do not think any Representative on either side of the aisle will oppose it. But to put through all these little different creeks, three or four hundred projects, grouping them as you have done, and then to say this is a commercial and war necessity is beyond the province of reason, and particularly so at this time of all times.

This bill carries a small appropriation, $27,000,000, compared with the tremendous appropriations we have been making, I admit; but why not stop waste at this time? Why not stop waste when we can see no return for the expenditures we have been making? [Applause.]

Mr. SMALL. Mr. Chairman, the gentleman from Wisconsin [Mr. FREAR] says he is not opposed to the appropriations for the further improvement and maintenance of the Mississippi River from the mouth of the Ohio River to Minneapolis. Then we shall be glad to enroll him as in their favor, and I therefore am glad to announce to the House and to the country that the gentleman from Wisconsin [Mr. FREAR] is in favor of these two appropriations as they appear in the bill.

Now, if that does not suit him, then he may be described as neutral. His mental attitude is not understandable, and is not based on any facts. I simply do not understand the attitude of the gentleman. But if he insists that he is in favor of them, I shall be very glad to take him at his word and announce him as a late convert to the improvement and maintenance of the Mississippi River.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Yes.

Mr. WALSH. Has the gentleman any objection to stating what those names mean that he called the gentleman from Wisconsin? [Laughter.] I will withdraw that question, but I do desire to ask the chairman of the committee if he hopes to finish the consideration of this bill to-day?

Mr. SMALL. We do. We are very anxious to do so.

The CHAIRMAN. The Clerk will read.

The Clerk reads as follows:

Mississippi River between St. Paul and Minneapolis, and between Brainerd and Grand Rapids, Mississippi and Leech Rivers, and reservoirs at headwaters of Mississippi River: For maintenance, $2,000; continuing improvement of Mississippi and Leech Rivers, $50,000; in all, $52,000.

Mr. FREAR. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last word.

Mr. FREAR. The gentleman from North Carolina persists in misrepresenting the gentleman from Wisconsin, and I shall insist on getting this statement correct even if we spend all day upon it. He says the gentleman from Wisconsin is in favor of the item as it appears in the bill, when he knows I am not, and I have given the reason why. Yet he turns the thing around. Is that fairness in discussion? Can it get anywhere?

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. ALEXANDER. Will the gentleman state to the committee just what he favors?

Mr. FREAR. Yes. I will state exactly what is in the minority report. But it will be misstated the minute I get through I am in favor of maintaining the channels on the Mississippi River just as they are to-day, and I have stated it time after time; and yet in two minutes the gentleman from North Carolina will get up and say the gentleman is opposed to all the items in this bill, and to all river and harbor projects.

Mr. SEARS. May I ask what the gentleman is discussing?

Mr. FREAR. The very point the chairman of the committee was discussing.

Mr. SEARS. I make the point of order that the gentleman is not discussing the paragraph.

Mr. FREAR. I am discussing this paragraph of the bill. The gentleman from North Carolina said I was in favor of this item as it stands, when he knows I am not. I have so stated before, because it provides for a continuing improvement, which is in addition to maintenance. That is the opinion of the minority as to the only expenditure that ought to be incurred at this time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Missouri River: For maintenance and continuing improvement with a view to securing a permanent 6-foot channel between Kansas City and the mouth of the river, $1,000,000; for snagging and maintenance between Kansas City and Sioux City, $35,000; for maintenance between Sioux City and Fort Benton, $50,000; in all, $1,085,000.

Mr. LITTLE. Mr. Chairman, I desire to offer an amendment, which the Clerk will please read.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kansas.

The Clerk read as follows:

Amendment offered by Mr. LITTLE: Page 23, line 5, after the word "City," insert a comma and the words "Kansas, from the upper end of Quindaro Bend."

Mr. LITTLE. This, Mr. Chairman, will then read, "To securing a permanent 6-foot channel between Kansas City, Kans. (from the upper end of Quindaro Bend), and the mouth of the river."

As it appears, nobody can tell just where this channel begins. It says simply "Kansas City," but there are two Kansas Cities, one in Missouri and one in Kansas, with nothing between them but a State line. They both lie side by side on the same side of the Missouri River. This will fix definitely a place from which to work. It does not ask for any additional contribution to the river.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. LITTLE. In a minute. It does not ask any more money. It appropriates exactly the same amount, $1,000,000. It simply gives Kansas City, Kans., the same treatment as Kansas City, Mo., and as ours is the manufacturing town, the productive town, and most of the shipments must eventually come to and from us, I think it is no more than fair. I spoke of this the other day, and I have presented it to the committee, and the chairman of the committee [Mr. SMALL] has been good enough to say, I believe, that it will be satisfactory to the committee.

Mr. SMALL. Mr. Chairman, the committee has no objection to this amendment. It simply extends the Missouri River project so as to include Kansas City, Kans., as well as Kansas City, Mo.

Mr. STAFFORD. Will the gentleman yield?

Mr. LITTLE. Yes.

Mr. STAFFORD. How much greater distance will the channel be extended by this amendment?

Mr. LITTLE. A very slight distance.

Mr. SMALL. About 7 miles.

Mr. STAFFORD. What is the depth of the channel in that portion of the river?

Mr. SMALL. More than half the channel, I think, is of as great depth as 6 feet, which is the project depth.

Mr. BORLAND. The channel there is very good. It is the big sweep of the bend, and the channel is very good at that point; but it is necessary to include the whole of the bend in the project.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I ask unanimous consent that the gentleman's time may be extended three minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the time of the gentleman from Kansas [Mr. LITTLE] be extended three minutes. Is there objection?

There was no objection.

Mr. BORLAND. I can tell the gentleman about the geography of the place, if he wishes to know.

Mr. STAFFORD. I wished to inquire whether there are any wharves or commercial activities along the line of this channel which is purposed to be extended by this amendment?

Mr. LITTLE. I can say to the gentleman that Kansas City, Kans., has expended nearly $2,000,000 upon the Kaw River and the Missouri. The Kaw Valley Drainage Board have improved the Kaw River for 4 miles, down to the Missouri. For example, that part of the Missouri River from the Kansas River to the State line, 1,030 feet, was improved there to protect the bank last year, at a cost of $28,000. The Government gave $10,000 of it and we gave $18,000.

Mr. STAFFORD. What is the character of the shore line along the channel for which this improvement is desired?

Mr. LITTLE. Some of it is of a character that will not need improvement and some of it is of a character that will need improvement.

Mr. STAFFORD. Is it utilized for commercial purposes or is it merely farm land?

Mr. LITTLE. A portion of it belongs to Kansas City, Kans., itself.

Mr. STAFFORD. What portion of this 7 miles?

Mr. LITTLE. The part of it next to, or near to, the Kaw River.

Mr. STAFFORD. What proportion of the 7 miles is really in Kansas City, Kans.; half a mile?

Mr. LITTLE. More than that; but the chairman of the committee has overstated it in saying 7 miles. It would be nearer half of that than 7 miles. The chairman of the committee got it a little high. It would probably be about half of that. We have spent nearly $2,000,000 in river improvement.

Mr. STAFFORD. But above the half-mile limit it is merely agricultural land, is it not?

Mr. LITTLE. No; the city extends far out, almost to the point named. There is agricultural land in the immediate vicinity of the bend, but the city extends practically to this point that we have suggested, cutting across the bend there. The waterworks of both Kansas Cities are near there.

Mr. STAFFORD. This improvement will enable pleasure yachts to reach the upper end, I presume?

Mr. BOOHER. Pleasure yachts do not run much on the Missouri River. The gentleman from Wisconsin and his friends may travel that way, but we do not.

Mr. STAFFORD. No; I travel in canoes, not in pleasure yachts.

Mr. BOOHER. May I ask the gentleman from Kansas if there have been any estimates from the Board of Engineers as to the cost if amendment be adopted?

Mr. LITTLE. The Board of Engineers some time ago reported that there should be $80,000 spent there, and proposed that the Government spend $10,000 if we would spend $70,000.

Mr. BOOHER. The gentleman is wrong about that. It was not to be spent on that stretch of the Missouri River, but spent in cleaning out the obstructions to the Kaw.

Mr. LITTLE. This munificent Government kindly said to us that if Kansas City would spend $70,000 on the Kaw River the Government would spend $10,000. They also said to us in another report that these Army engineers presented that they would do the same on the Missouri River—that if we would spend $70,000 the Government would spend $10,000.

Mr. BOOHER. There was a proposition that if the Government would extend the work to the point where it is now proposed by the gentleman from Kansas [Mr. LITTLE], the parties interested at that time would pay one-half of the expense.

Mr. LITTLE. Possibly that might be arranged again. Kansas City, Mo., had an arrangement whereby the Government was to spend some money and Kansas City, Mo., to spend $105,000. That agreement was made, but last year the mayor of that city declined to do that. He said they did not care to do that. Now, we in Kansas City, Kans., have spent something like $2,000,000.

Mr. BOOHER. Your money was not spent for river work, was it?

Mr. LITTLE. Certainly it was; and last year we spent $18,000 on this Missouri River right down to the State line.

Mr. BOOHER. For what purpose?

Mr. LITTLE. To protect the river, so they could carry commerce up and down and have a permanent channel.

Mr. BOOHER. The $80,000 proposition, let us understand that. Is that on the Kaw River?

Mr. LITTLE. That was on the Missouri River that I mentioned.

Mr. BOOHER. Wait a moment. That appropriation is to clear out the Kaw River.

Mr. LITTLE. Oh, no.

Mr. BOOHER. That was to take out the railroad bridges that had fallen in the river and piling that had been put in there by the Government, and the engineers held that if the railroad companies and the citizens who had caused those obstructions would appropriate $70,000 the Government would use $10,000 in taking out the old piling that they had driven into the river.

Mr. LITTLE. The only way in which I can answer that is to repeat what I said before. The Government said they would spend $10,000 on the Kansas River if we would spend $70,000, and the Government also said they would spend $10,000 on the Missouri River if we would spend $70,000. There were two different propositions.

Mr. BOOHER. In what report do you find it?

Mr. LITTLE. I can not tell the gentleman unless I have time to look it up. I am not as familiar as the gentleman is, who has been on the committee and has been studying it for years.

Mr. BOOHER. I am not opposing the gentleman's proposition.

Mr. LITTLE. I know; the gentleman from Missouri assured me that it was all right.

Mr. BOOHER. Out of what fund does the gentleman propose to take this money? Thirty-five thousand dollars is appropriated for maintenance and snagging from Kansas City to Sioux City, Iowa.

Mr. LITTLE. I discussed the matter with the gentleman the other day, and he indicated to me that mine was a satisfactory solution. As to the amount it will cost, I can not tell, except to say there has been one estimate made under which they said if the city would spend $70,000 they could spend $10,000, which would indicate about $80,000. I am not asking for an additional appropriation; I am asking that the channel be fixed as it was originally intended to be, at the north or upper line of both cities. I am not saying to these people how much they will spend. I presume they will spend whatever is necessary.

Mr. BOOHER. Does it come out of the $1,000,000?

Mr. LITTLE. Exactly.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas.

The question was taken, and the amendment was agreed to.

Mr. WHEELER. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman from North Carolina a question relative to the $1,000,000 appropriated for the Missouri River. The information I have received about the Missouri River is—I do not know whether it is correct—that the channel may be dredged every day and you can not make a permanent channel in the Missouri River. It is the most treacherous river in the country.

Mr. BORLAND. If the gentleman will permit, I think I can explain that. The Missouri River is what is called an alluvial stream and has a bed of alluvium about 70 feet deep before bedrock is struck. The valley is 2 to 7 miles wide, so that the banks of the Missouri River are not permanent, and the speed of the current erodes the banks. That is what causes the narrowing of the stream when the river gets down near the low-water mark. It shoals down to 22 inches when there really is an abundance of water in the river. The contemplated improvement is to revet the banks and give an artificial resisting bank, so that the current will not erode the bank, and then go down where the current strikes the opposite bank and revet again, and so on down the river. That constitutes the engineer's policy in an alluvial stream. That has been done for about 40 per cent of the total distance.

Mr. WHEELER. The gentleman believes that when this improvement is made along the river banks the banks will be permanent and the channel will be permanent?

Mr. BORLAND. It will maintain a 6-foot channel within the improved area. It will also prevent erosion of the banks and carrying the trees into other streams, which forms snags and necessitates snagging operations. It will also prevent erosion of banks and the carrying of sand and silt down, which clogs up the Mississippi River. The Missouri River carries 50,000,000 cubic yards of silt into the Mississippi River, and when we prevent the banks' erosion we prevent that enormous amount going into the Mississippi River. This improvement is contemplated for 400 miles, the stretch between Kansas City and the mouth, and when completed it will give a clear 6-foot channel without erosion.

Mr. WHEELER. I thought the appropriation was simply for dredging purposes and that that would not help the case at all.

Mr. BORLAND. No; it would not. What they want is to revet and make it a permanent proposition. The dredging is an annual matter, and unless followed up by permament improvement is a sheer waste of money.

Mr. HUMPHREYS. Is it not a fact that there was about 40 miles of the Missouri River revetted a number of years ago, which demonstrated beyond any sort of peradventure that the channel could be and would be maintained by that process to a depth of something like 12 feet?

Mr. BORLAND. There was a 40-mile stretch revetted way back in 1882. That 40 miles was originally the worst portion of the river, and to-day it is absolutely firm; the banks are firm and it has a channel varying between 7 and 9 feet at a low stage of water. It has required almost no repairs. It is in the same condition as when improved, and this proposition is to carry that sort of improvement throughout the whole area.

Mr. MADDEN. I want to say for the information of my colleague who is looking for light, that the channel in the Missouri River is so winding that it sometimes meets itself coming back. You can not tell whether it is mile 1 to-day or mile 2 to-morrow. Frequently the current meets itself coming back.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word. I want to say that the question of the gentleman

from Illinois is one of the few questions in this House that has thrown a little light on this subject.

Mr. MEEKER. Will the gentleman allow me?

Mr. BORLAND. I want to make my statement.

Mr. MEEKER. In reply to the statement of the gentleman from Illinois [Mr. MADDEN] I wanted to say that the bed of the river is not higher than the rest of the country.

Mr. BORLAND. We spent in the last system of improvement on the Missouri River somewhere in the neighborhood of $7,000,000 on this lower stretch of the river, and then Congress was induced to abandon the improvement without completing it and allow it to go to waste. Unfortunately most of that money which is still being charged up to us as a part of the total amount was absolutely wasted. If we stopped the present improvement at the present time the amount spent on this will be largely wasted. The reason for that is, as the gentleman from Illinois [Mr. MADDEN] truly and facetiously pointed out, that the Missouri River erodes its banks and will finally cut out any improvements that you have put there unless you have the system extending from one place where the river impinges upon a rock bluff to another place where the river impinges upon a rock bluff. If you take two rock bluff points of contact and revet the banks between, you will have a permanent system of improvement, and if you stop anywhere short of those points in between, which some gentlemen here are now urging should be done and that we should go back to a snagging proposition, you will have the river eating up in the course of a few years all of this valuable improvement. That is the point I want to make clear.

Mr. MILLER of Minnesota. Is it possible to find these rock bluffs along the stream?

Mr. BORLAND. Yes.

Mr. MILLER of Minnesota. In sufficient numbers to anchor the Missouri?

Mr. BORLAND. Yes. If the gentleman will refer to the map, he will find a number of places where the river impinges upon a rock bluff. Take, for instance, Kansas City. Within the limits of Kansas City there has not been a dollar of public money expended, and never will be, because the commercial interests have finally riprapped the river on both sides, so that you can easily begin there, and you can also at St. Louis.

The unimproved river is being navigated at this time by these boats, and I want to say right here, for the information of every Member of this House, that to-day there is more freight being carried upon the Missouri River between Kansas City and St. Louis than in the palmiest years of its history. Eighteen hundred and sixty-six was the big year of Missouri River steamboating, and yet that year there was less freight carried than last year; and why? The big open-deck boats they used then were not so large. The largest boat they had then was the *Emily*, which carried a 500-ton deck load at the maximum. The boats averaged from 150 to 400 tons. The smallest boat we have in the present fleet on the Missouri River is 300 tons, and the capacity of the barges run up to 1,400 tons, and we carried more freight on the Missouri River last year than was carried in the palmiest days of its history.

Mr. WHEELER. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. WHEELER. The Government has appropriated fifteen or twenty million dollars for the Missouri River, and I understood the gentleman to say a while ago that that has been absolutely wasted?

Mr. BORLAND. No; I said that the river was improved under the Missouri River Commission to the extent of about $7,000,000, and the Government stopped, and practically all of that was wasted, and that ought not to be charged to the present improvement. Then we began in 1912, and we have now got dollar for dollar of the money that we have spent since 1912. If we continue our improvements, we will have within the limits of the estimated cost a channel of 6 feet.

Mr. SMITH of Michigan. About how much of the river is improved now?

Mr. BORLAND. About 40 per cent of the river is improved for the $6,000,000, approximately, which have been expended, but the 60 per cent of the unimproved portion would not all of it need improvement. In some of it the natural condition will be allowed to remain for a great many years.

Mr. SMITH of Michigan. About how long will it take to improve the river?

Mr. BORLAND. The project was to improve the river in 10 years, and that would be the economic and businesslike thing to do.

Mr. SMITH of Michigan. And that could be done?

Mr. BORLAND. Yes. If we only appropriate $1,000,000 a year, however, it will take close to 30 years, and that I think would be a mistake. In navigating this river in its unimproved condition these shoal places occur, and they reduce the tonnage of the boats, because you can only load your boats to the capacity which will permit them to go over the shoals. Therefore you are navigating at a heavy expense and under great difficulty, and the pilots have to learn those shoal places, as they change very rapidly.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BORLAND. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

Mr. BOOHER. Mr. Chairman, reserving the right to object, I suggest that the friends of the bill ought to cease talking.

Mr. BORLAND. I think the gentleman is right, and yet I think if the opponents of the measure talk the friends better get some of the facts before the House.

Mr. STAFFORD. This project has been discussed at length by the gentleman from Missouri [Mr. BORLAND] and he had a good audience here that paid attention, and it should not be repeated in this sultry weather.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BORLAND. Mr. Chairman, I do not intend to impose upon the patience of the House, and yet if this bill is worthy of discussion at all I am ready to give some facts. If we do not indulge in anything but personalities, we may as well vote now. I am ready to give some of the facts about the project that I know something about. The Kansas City-Missouri River Boat Line Co. runs a through line of boats, and it has to maintain, of course, at high expense pilots. They are the most expensive employees, and the great difficulty about reducing your tonnage charge is to cut down the wages, and the pilot is the big cost. Our pilot only goes with the power boats. The freight is carried in a barge. When the barge is tied up at the wharf it does not tie up the power boat, and the pilot goes with the power boat and takes another barge. That is the modern system, which differs from the old system of navigation, where the boat was run under its own power and the pilot was living around town while the boat was being loaded and unloaded. We have further reduced the charge in this way: The pilot now only goes half the distance down from Kansas City. He meets the boat coming up from St. Louis, and he exchanges his tow with the other boat. The other pilot takes it down and he takes it up, and the result of that is that each pilot can become acquainted with the bad spots in half the river instead of all of the pilots having to know all of the bad spots in all of the river.

That illustrates to you some of the difficulties that we are contending with while the Government is dallying along improving the river. I have here a clipping from a paper, and I would like to read it, showing that a boat went through from Kansas City to St. Louis in less than 48 hours, which is a record trip on the Missouri River, and it shows exactly how it was done, by one pilot knowing one half the river and another pilot knowing the other half.

The Clerk read as follows:

A RIVER BOAT SPEED RECORD—LAST TRIP TO ST. LOUIS WAS MADE IN RAPID TIME.

A new speed record for freight transportation has been established by the Kansas City-Missouri River Navigation Co. The steamer *A. M. Scott* left Kansas City towing the barge *Epsilon*, loaded with general merchandise, at 4.30 o'clock Monday morning. Monday night the *Scott* met the *Advance* coming upstream from St. Louis with the barge *Gamma*, and traded barges. The *Advance* towed the barge *Epsilon* into St. Louis at 2.30 o'clock Tuesday afternoon. The plan recently adopted of dividing the river into two sections and trading barges has helped to speed up the schedule, as the captains become more familiar with their section of the river. Two trips between Kansas City and St. Louis are being made regularly every week.

Mr. BORLAND. I wish I could convince this House that we are solving what I regard as the problem of the navigation of our inland waterways. If we can do this it is a tremendous gain, and we trying our best, putting in our own efforts, and our own money, and our own sacrifice and risk to solve what I believe is a great national problem. We know we have got to articulate with the railroads and have got to do business along modern lines.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. BORLAND. If I have any time.

Mr. MILLER of Minnesota. I want to ask the gentleman a question for information. The gentleman stated the year just closed was the banner year for navigation between Kansas City and St. Louis?

Mr. BORLAND. No; the gentleman misunderstood me. I said the year 1866 was the banner year of the old steamboat and this last year exceeded that banner year; but it was not the

banner year of our season; the banner year of our season was 1915.

Mr. MILLER of Minnesota. I was mistaken. Can the gentleman state the tonnage carried on the Missouri River between those two points?

Mr. BORLAND. The gross tonnage of 1915—I am speaking now of general merchandise by railroads—was about 40,000 tons. Now, in addition, the 1915 tonnage, such tonnage as appears on other rivers, the Mississippi, the Ohio, such as coal and sand, runs about a quarter of a million tons.

Mr. MILLER of Minnesota. What is the distance between the two points?

Mr. BORLAND. The 40,000 tons, which is high-grade merchandise, is worth $11,000,000. And it is the significant fact as showing the real revival of commerce.

Mr. MILLER of Minnesota. What is the distance between Kansas City and St. Louis?

Mr. BORLAND. Four hundred and ninety-eight miles.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FREAR. Mr. Chairman——

Mr. SMALL. Mr. Chairman, if the gentleman will yield for me to submit a unanimous-consent request, I wish to ask unanimous consent that all debate on this paragraph and amendments thereto close in 20 minutes.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that all debate on this paragraph and all amendments thereto close in 20 minutes. Is there objection?

Mr. SMALL. Five to the gentleman from Wisconsin [Mr. FREAR], five to the gentleman from Iowa [Mr. TOWNER], five to the gentleman from Wisconsin [Mr. LENROOT], and five to the gentleman from Missouri——

Mr. RUCKER. I would probably want five minutes, but it somewhat depends on what the gentleman says.

Mr. SMALL. Make it 25 minutes.

The CHAIRMAN. Is there objection?

Mr. MONDELL. Would the gentleman yield me five minutes of that time?

Mr. SMALL. If I may have the attention of the committee I would like to remind the committee that we are all anxious to conclude this bill as early to-day as we may, and while of course there is no disposition to curtail discussion on the items——

Mr. MONDELL. I have so far restrained my desire to talk on this bill and I would like to have five minutes of this time.

Mr. SMALL. I will make it 30 minutes, Mr. Chairman.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that all debate on this paragraph and all amendments thereto close in 30 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FREAR. Mr. Chairman, I move to strike out the last two words. I would rather the gentleman from Missouri [Mr. BORLAND] could have followed me than that I should have to follow him, because there are certain statements I would have been very glad to have had explained. On page 2666 of the Engineer's Report of 1916, in reference to this project, it shows that $15,417,000 have been appropriated by the Government on the project. Now, the gentleman truly says that of the amount given that project, which is the lower 400 miles of the Missouri River, $7,763,000 was practically wasted, so that we are appropriating over $15,000,000 on these 400 miles, with several millions to come. The gentleman forgot to state what appears in the record, that 500,000 acres of reclamation projects lie along that river; that is the estimate of the Army engineers as to the amount of land that will be reclaimed by Government expenditure at this time. Now, speaking about the commerce which we have been promised on this stream—the gentleman just referred to that—last year, in 1915, there was some grain shipped on the Missouri River—2,339 tons of grain; quite a commerce after an appropriation of over $15,000,000; but it was not shipped from Kansas City to St. Louis. It was only shipped 43 miles. That is about one-tenth of the distance from Kansas City down to St. Louis. There was some small commerce there, and I have no question but what the people there are trying to get commerce on the river; but here is what the Army engineers said, and lest the gentlemen forget it I will repeat it. Col. Deakyne said—page 11, House Document No. 463, Sixty-fourth Congress—when he opposed this proposition and tried to cause it to be abandoned, and in that he was supported by Col. Townsend, president of the Mississippi River Commission:

> The Kansas City-Missouri River Navigation Co., the only through line on the river operating between Kansas City and St. Louis, charges 80 per cent of the railroad rates, which is a saving to the shipper by use of the river in 1913 of about $10,000. It is evident the saving is entirely inadequate to warrant the serious consideration of an expenditure by the Government of $1,100,000.

We spend $100 a year in order to save $1 for Kansas shippers, according to Col. Deakyne's statement.

Mr. Chairman, we have on the Missouri River a balance in the hands of engineers uncontracted for on the 1st day of March last of $1,692,639, according to the engineer's report, showing that we could easily get along for another year in saving that $10,000 in freight rates to those shippers with this amount of money in the improving of the channel and reclamation of the land.

Now, I thought it was advisable at this time to put in some statistics. I would be glad to do so, but the gentleman from Missouri [Mr. BORLAND], who has just spoken, spoke feelingly on this river project, because I know it lies close to his heart, and yet I have always contended, and it seems to me there can be no question, that when the Army engineer says we are spending $100 of Government money, and will spend it in the future, in order to save $1 in freight rates, there should be some stop to this waste in Government funds.

Mr. TOWNER. Mr. Chairman, I would like to have the attention of the chairman of the committee, if he will be kind enough to give it to me.

In the appropriation for snagging and maintenance between Kansas City and Sioux City I notice that the appropriation is only $35,000. In previous years this appropriation was $75,000. I would like to ask the chairman of the committee why that reduction has been made.

Mr. SMALL. It is true that this is a less appropriation than has at times been carried in previous bills. As the gentleman stated, the work there is snagging. The hindrances to navigation in rivers are snags and shallow channels, which are mostly caused by caving banks. The only answer I can make is that the engineers say that the available balance on hand makes only this appropriation necessary.

Mr. TOWNER. I will say to the chairman that I understood $40,000 was on hand unexpended from the previous appropriation, and that probably is the reason why this appropriation is so small.

Mr. SMALL. That is correct.

Mr. TOWNER. I want to make this observation regarding that policy:

Here is a stretch of the river from Kansas City, Mo., to Sioux City of 415 miles. For that is appropriated now $35,000. There is appropriated for the 392 miles between Kansas City and St. Louis $1,000,000, and altogether about $12,000,000 to be expended. I know that it is not expected that this stretch of water between Kansas City and Sioux City shall be improved for navigation purposes, but it has been the policy of the Government to protect as far as they could what little navigation there was by snagging, and to maintain the channel of the river as nearly without changing as it could be done.

The difficulty is that the engineers have practically abandoned even any effort to prevent the changes in the channels of the river. Individuals along the Iowa side and along the Nebraska side of the river have been expending large sums of their own money. I know one farmer who spent $1,200 for the protection of his own land, having to secure from the engineer the privilege to go there and do this work in order to prevent the channels changing so as to cut into his land and take his farm away.

Now, it does seem to me that at least the money that has been appropriated for the Government ought to be used before telling individuals to go down into their pockets and pay this money for the protection of their own land, not from overflow but from being actually carried away by the changing of the channels of the Missouri River. The policy ought to be maintained, if it ever has been established, of keeping the channel of the Missouri River within established boundaries if possible. It occurs to me that this appropriation, instead of being diminished from the pitiful sum of $75,000 down to $35,000, which means, of course, practically nothing in this work, ought to have been increased at least until we could have maintained practically inviolate the present channel of the Missouri River so that men might know whether they were living in Iowa or in Nebraska or whether in Missouri or in Kansas. This changing and shifting of the channel of the Missouri River is a great injury.

I want to say this, further, that I hope the time will come, if you are to maintain any policy that really means for the betterment of the people along these rivers, when you will protect them from these annual inundations that this year are destroying entirely the corn crop on hundreds of thousands of acres of the best land that there is in Iowa and Missouri.

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Wisconsin [Mr. LENROOT] is recognized.

Mr. LENROOT. Mr. Chairman, I have no doubt that the greater part of the appropriation for the Missouri River should be stricken out of the bill at this time; but it is very apparent that it is absolutely useless to make any such motion, and my only reason for taking any time at all on the subject is to reply to the gentleman from Missouri [Mr. BORLAND] upon one proposition that he made, and that was that the Missouri River from Kansas City to St. Louis will be utilized to a very large extent as soon as railroad rates can be articulated to the Atlantic coast.

Now, I want to say that railroad rates, no matter how you make them, will never have any effect whatever upon the commerce of the Missouri River if it involves the unloading of cars in Kansas City, loading the commodity upon boats, unloading in St. Louis and loading upon cars, and shipping to the Atlantic coast. It is an absolute waste of money, if that is the theory of the gentleman of the improvement of the Missouri River, because there is no waterway in the United States where they have railroad communication where as a matter of economy they would utilize 350 miles of water, where they must load and unload and use railways at both ends of the line.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Just for a question.

Mr. BORLAND. Does not the gentleman know that that is what they are doing now, and getting freight through quicker?

Mr. LENROOT. Where does your tonnage go?

Mr. BORLAND. Between Kansas City and St. Louis.

Mr. LENROOT. I can not yield for that.

Mr. BORLAND. They are saving time.

Mr. LENROOT. I can not yield for that. This tonnage of 40,000 tons——

Mr. MADDEN. It is only 26,000 tons.

Mr. LENROOT. Well, whatever it is, it originates at Kansas City, the bulk of it, and the termination of it is at St. Louis, or a very great bulk, and to that extent it is of some small value. But there is no tonnage, I will undertake to say, of any substantial amount, and never will be, so far as it originates in the West, to go to the Atlantic coast. It can not be defended for a single moment. Take Lake Superior, about the same distance, 350 miles in length. Do you suppose there would be a ton of through freight from my city of Superior to the Atlantic coast if they had to unload that freight at the Soo Canal and ship the rest of the way by rail? Of course, they would not; and if you will turn to the report of the engineers themselves you will find that they substantiate that absolutely on another question, not speaking of the Missouri River, where Col. Newcomer said, referring to the Tombigbee River:

> We do not, as a matter of fact, find in practice that tonnage of that kind—

Speaking of heavy traffic—

> will go by rail and then be transferred to boats to be carried a few hundred miles and be transferred again. In other words, if it could go through, or if you had a canal connecting the Birmingham district with the Black Warrior system, then it is possible that it might be cheaper by water. Of course, I do not mean to say that it is not possible to do it that way, but we have not been expecting to see shipments of these heavy things by water unless there is water at the point of origin.

There must be water at the point of origin or of final destination, or else the waterway must be of such a length that it is an economy to load and unload and transfer by water.

Mr. MADDEN. It must be a through water shipment?

Mr. LENROOT. Absolutely.

Mr. MADDEN. In this case it costs $40 for every ton of freight every year that goes on the Missouri River.

Mr. LENROOT. Yes; and if the gentleman's theory is that the Missouri River is to be utilized for through shipments from Kansas City to St. Louis and then to go on to the Atlantic coast, every dollar of this money is wasted except such sum as will provide for purely local traffic between Kansas City and St. Louis. And I will say to the gentleman that there will never be a possibility of utilizing the Missouri River unless you can send commerce to New Orleans by water and thence along the coast or across the sea. [Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. ALEXANDER. Mr. Chairman and gentlemen of the committee, this is not a Kansas City project alone. The business men of Kansas City are not the only people interested in the improvement of the Missouri River. It is true that in recent years they have taken a lively interest in the project, and they have proven their interest by organizing a company and putting a boat line on the Missouri River and making it available for transportation purposes.

I confess to some irritation when I hear Members on this floor speak of the present traffic on the Missouri River and suggest that as a limit of the potentiality of the stream for transportation purposes. I wonder if the Representatives in Congress from the Mississippi Valley do not regard the Mississippi and the Missouri and their tributaries as one of our greatest national assets? In the years to come, if not in the years of the recent past, do they not think these great waterways will increase in value as carriers of commerce?

Can it be that the benefits of water-borne commerce shall be enjoyed only by the Atlantic and Gulf and Pacific seaboards? May not the Mississippi and the Missouri Rivers by judicious improvement be made to the inland cities of our country of the same value as the Atlantic and the Pacific and the Gulf are to the great cities on those coasts?

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield for a question?

Mr. ALEXANDER. Yes.

Mr. CAMPBELL of Kansas. What possible benefit would it be to the shipper of a trainload of wheat originating at Hutchinson, Kans., if destined, say, to Cincinnati, Ohio, to have the distance covered from Kansas City to St. Louis on the river?

Mr. ALEXANDER. I do not think that if that were the only benefit it would amount to a great deal. But if the shipment of all the grain from Kansas should be shipped by rail to Kansas City or Leavenworth, and was shipped by barge from those ports to Cincinnati by water, I apprehend the gentleman will agree that large benefits would accrue from it.

But the route suggested by the gentleman from Kansas is not the natural course of commerce on the Missouri River. It is thence on the Mississippi down to the Gulf. New Orleans will be our great port, as New York is on the Atlantic, and as Chicago is a great port on the Great Lakes.

But I want to call attention to this additional fact: Is it not of interest to the people of the United States that 500,000 acres of the most valuable land in the United States is in the Missouri River Valley between Kansas City and its mouth, that by the revetment of that stream, by making it navigable, by insuring a 6-foot channel from Kansas City to its mouth, we will at the same time protect this vast amount of rich land, as rich as there is in the world, from erosion and waste?

But that is an incident, though one of very great value. We do not ask for the improvement of the river as a reclamation project. I represent a district two counties of which lie on the Missouri River. We have expended much money in dikes and in levees, but that money has been wasted by the erosion of the banks of the stream. Those levees have been washed into the Missouri River. We are not asking for this as a conservation scheme, to protect our lands from overflow; but if the channel of that river is fixed, if the banks by revetments are prevented from shifting year after year and causing the destruction of immense quantities of rich land, we will build levees and protect ourselves from overflow. I wanted to call attention to these facts as worthy of your consideration. Men lack vision and lack a proper estimate of the value of these inland waterways when they talk of tonnage and talk of the cost of transportation at this time. Why not look to the future, when this is a completed project?

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. MONDELL. Mr. Chairman, in very briefly discussing this matter, I shall not express any opinion as to the bill in general or the wisdom of passing at this time a river and harbor bill without some such provision as is proposed in the motion that will be made by the gentleman from Massachusetts [Mr. TREADWAY] to recommit. I shall not even stand here as arguing for the specific items of appropriation in this paragraph. But I want to make a brief observation in regard to the improvement of the Missouri and the Mississippi Rivers.

It is all very well to say, and it is true to a very considerable extent, that at the present time our expenditures in the improvement of inland rivers have not generally been fully justified by the increase of commerce. I think we must all admit that. But that is not conclusive of the matter by any manner of means, because we can not tell and we do not know what the ultimate use of these streams is to be until we shall have completed our improvement of them, and we at least hope that if we do not secure a very great amount of through commerce on these streams, we shall build up local commerce along them that in the running of time will fully justify the expenditure made.

But there is altogether another side of this question of the improvement of the Missouri and Mississippi Rivers. It is unthinkable that in this great, rich, and powerful Nation we shall allow these wonderful waterways, running for thousands of miles through the richest alluvial land in the world, to continue to cut hither and yon, destroying year after year hundreds

of thousands of acres of tremendously valuable land. Gentlemen may say this is a river and harbor bill——

Mr. GREEN of Iowa rose.

Mr. MONDELL. I can not yield. I have only five minutes. Gentleman may say this is not a reclamation bill. Very well, but if work along these streams in the interest of navigation shall render as great or even a greater service in the protection of private lands we are justified—in fact, we are obligated—in making these improvements, for there is a national obligation relative to the Mississippi and the Missouri Rivers and their great tributaries. We have drained vast areas of swamp and low-lying lands, hundreds of thousands of acres, into these great streams. We have increased their water-carrying burdens. We have made them to a greater extent than nature intended the natural drainage channels of vast areas. They run through a number of States. The obligation is national and not local, and, in my opinion, there is little doubt but that eventually we will, as in my opinion we should, make such improvements on these streams as are necessary to hold them within fixed channels. It can be done. To a very considerable extent it has been done. In my opinion it is unfortunate that we have laid so much stress on the matter of navigability that some of our work, which is really intended for the purpose of maintaining the river banks, has not been done in the best possible manner, because of the fact that the engineers have felt that they were constrained, if not compelled, to do their work wholly with a view of improving navigation. The sooner we recognize the national duty to fix these great streams within their banks in the aid of navigation, but also that the people locally may be able to reclaim their land, the sooner we shall have performed a work of as great value as any ever undertaken by this or any other Nation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUCKER and Mr. MEEKER rose.

Mr. SMALL. Mr. Chairman, I think all time has expired.

The CHAIRMAN (Mr. CRISP). The present Chairman is occupying the chair only temporarily, but, according to what the permanent Chairman told him, there are nine minutes remaining.

Mr. SMALL. I beg the gentleman's pardon. That is correct.

Mr. RUCKER. Mr. Chairman, I will detain the committee only a few minutes. I believe that every member of this committee realizes, whether it meets with his particular and peculiar personal views or not, that it is a part of the broad policy of this great Republic to improve and protect our inland waterways. No man can meditate upon that thought without intuitively and involuntarily having in mind the Mississippi River, the Ohio River, and the Missouri River, composing a great system of rivers reaching from north to south across the United States, and from away up toward the Northeast and the Northwest, connecting vast areas of the very best and most productive sections of our country. This must be thought of. And, Mr. Chairman, it seems to me that no person can logically conceive of the thought or for one moment reflect on the proposition without realizing that the improvement of one of these rivers is almost a necessary incident to the improvement of the others. They are bound together and should be dealt with as one great problem. What will it avail the people of the United States if we expend additional millions and hundreds of millions of dollars in building levees along the lower Mississippi River, through cooperation, perchance, dredging that stream and revetting its banks, if we are going to continue to pour into the Mississippi River annually, to find lodgment somewhere in its bed, hundreds of farms which are washed down the Missouri from Iowa, Nebraska, and Missouri?

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. RUCKER. Yes.

Mr. CAMPBELL of Kansas. That applies also to nonnavigable streams like the Kaw River, the Neosho, and the Marais des Cygnes, does it not?

Mr. RUCKER. Those rivers empty into the Missouri River.

Mr. CAMPBELL of Kansas. But the lands are destroyed just the same as they are on the main stream.

Mr. RUCKER. The gentleman magnifies the importance of the Kaw River. The Kaw River, although it is a great stream, in a great State, I am willing to admit, yet it does not compare with the Missouri River, and I can not discuss it now.

Mr. ANTHONY. It is a very noble stream.

Mr. RUCKER. But the Missouri River is one of the three great streams whose names enter one's mind the very minute he begins thinking about the improvement of our inland waterways, I repeat; and I say again that just as long as we continue to pour rich, fertile Missouri farms into the bed of the Mississippi, so long will efforts toward improving that great stream prove a useless and wasteful expenditure of the public money.

Mr. GREEN of Iowa. Will my friend yield there?

Mr. RUCKER. If the gentleman will make his question short.

Mr. GREEN of Iowa. Does not the gentleman think that more than $35,000 ought to have been appropriated for the river from Kansas City to Sioux City when not only individuals but railway companies have spent hundreds of thousands of dollars there?

Mr. RUCKER. I do not want to pass judgment on that matter. Let me say this: I will be frank with you. I have never declaimed very much on the volume of the tonnage of freight carried on the Missouri River, but I have insisted and now insist it is a Government stream, a navigable stream, and as stated by the gentleman from Wyoming [Mr. MONDELL] a few moments ago, this great Republic owes a duty to those patriotic, loyal citizens who builded their homes along the rich valley and it should discharge that duty and give them protection. I say to you, Mr. Chairman, that the improvement of this river, the revetment of its banks so as to confine that great stream within certain channels, will prove of inestimable value to the people of the United States, whether we carry commerce upon its bosom or not. It would save homes and farms. If the farms which have been washed down the rivers to the Gulf, through the neglect and failure of the Government to give this protection, were now under cultivation, instead of giving the Missouri River its nickname of the Big Muddy, or adding to the Delta of the Mississippi, those farms would have produced millions of bushels of wheat and corn this year to feed the people of the United States and our allies. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. MEEKER. I ask unanimous consent that I may proceed for three minutes.

Mr. CANNON. I should like to have three minutes, if the time is to be extended.

Mr. MEEKER. Then I modify my request, and ask that the time be extended six minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the time for debate may be extended six minutes. Is there objection?

There was no objection.

Mr. MEEKER. Mr. Chairman, in reply to the gentleman from Wisconsin, who read a paragraph from Col. Deakyne, I want to quote another paragraph, and, although I may not be able to quote it literally, I can give the gist of it. He said in that report that he was satisfied that the river in the future would be of no commercial value, because the care of the freight and traffic had been provided for by other means. Of course the "other means" was by railroad or by automobiles. I would like to call attention to the fact that in less than 24 months after Col. Deakyne had made that statement the operators of these other means of transportation, namely, the railroads, were running up and down the river looking for boats to assist them in taking care of the traffic. As a commercial prophet Col. Deakyne was not a howling success.

Now, one of three things has got to occur in the Mississippi Valley. We have either got to double-track the railroads, and the Government is not going to give away any more land to build railroads. The great transcontinental lines were built largely by Government grants of land to the extent of hundreds of millions of dollars. They have not got any more land to give away. We have got to go to the double-track system all up and down the Mississippi Valley, or we have got to get on the rivers, or else we must quit business. One of these three things must occur. Just about the time that Col. Deakyne had gone elsewhere, after he had endeavored to stop the improvement, along came the railroad men, not the river men but the railroad men, begging for every scow and boat and barge and tug and everything that could be found to take care of the traffic which the colonel had pleasantly remarked was no longer needed.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. MEEKER. Yes.

Mr. MOORE of Pennsylvania. Does the gentleman know that the waterway section of the National Council of Defense has an agent going along the Mississippi Valley now, seeking boats and tugboats to aid them?

Mr. MEEKER. That is exactly so, and it meets in Washington this afternoon.

Mr. CAMPBELL of Kansas. Happily while this bill is under consideration.

Mr. MEEKER. Yes; unfortunately for the opponents of the bill.

Mr. MOORE of Pennsylvania. This began long before this river and harbor bill came up?

Mr. MEEKER. Yes; and they need every boat that they can get and the gentleman from Kansas will have 2,000,000 more bushels of wheat to haul than they thought he would a month ago.

Mr. CAMPBELL of Kansas. And not a bushel will be hauled on this river.

Mr. CANNON. Mr. Chairman, I have taken no part in the consideration of this bill, but I want to say two things about this item. I recollect very well in years past that large appropriations were made for improvement of the Missouri River. After they had been made, when the floods came, the Committee on Rivers and Harbors would recommend to the Appropriations Committee, in writing, recommending the proposition to the House, that so much might be used for the protection of the bridges of the railroads. I do not know whether they have stopped that now or not, but I call attention to it.

Now, then, if I was defending this proposition I would be square and, I believe, forceful about it, and that would be to agree with the gentleman from Wyoming [Mr. MONDELL]. The Mississippi River has no more respect for State lines than a duck has for a June bug, and that is largely so with the Missouri River. The question of the navigation of these rivers is a thing of the past, in my judgment. The question of confining the river to the channel with extensive revetments has been going on, and they will be building and placing them there a hundred or a thousand years from now along both rivers, not for navigation but for the protection of these alluvial lands that, if they were under a high state of cultivation, could almost feed the world. [Applause.] I withdraw the pro forma amendment.

The Clerk read as follows:

San Diego Harbor Cal.: For maintenance, $20,000; completing improvement of San Diego Harbor in accordance with the report submitted in Senate Document No. 3, Sixty-fifth Congress, first session, and by dredging area "A" in accordance with the project submitted on page 14 of House Document No. 648, Sixty-fourth Congress, first session, as modified in the report printed in Rivers and Harbors Committee Document No. 8, Sixty-fourth Congress, second session, $154,000; in all, $174,000.

Mr. SMALL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 33, in lines 11 and 12, strike out the words "Senate Document No. 3" and insert in lieu thereof "House Document No. 140."

Mr. SMALL. That simply corrects a clerical error.

The amendment was agreed to.

Mr. SMALL. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in five minutes.

Mr. MONDELL. I was about to submit a request for 10 minutes on this item.

Mr. SMALL. Can not the gentleman get along with less than 10?

Mr. MONDELL. Not well; this is the first day I have spoken on this bill.

Mr. FREAR. I would like three minutes.

Mr. HARDY. I would like three minutes.

Mr. SMALL. Mr. Chairman, I modify my request and make it 16 minutes.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that all debate on the paragraph and amendments thereto close in 16 minutes, the gentleman from Wyoming to have 10, the gentleman from Wisconsin to have 3, and the gentleman from Texas [Mr. HARDY] to have 3. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, I assume that there will be no objection on the part of anyone to this item, and it is not necessary for me or anyone else to defend it. The harbor of San Diego is one of the very important harbors on the Pacific coast, and will become increasingly important as time passes. The people of that wonderful western city have shown such liberality and enterprise on their own behalf and have expended so much out of their own pockets to make the harbor available and useful that the Federal Government may properly be liberal in its appropriation.

But for the moment I want to discuss the general question of river and harbor items. I live in one of the very few States of the Union that never has an item in the river and harbor bill, and never will have one. In fact, there are no items on this bill within several hundred miles of the border of the State I have the honor to represent. That being true, our people having no direct interest in any of these items, it might be considered good political policy in my section of the country to pose as an opponent of expenditures for river and harbor improvements and join in the general chorus of condemnation which is frequently so popular relative to these bills. I have been condemned at times because I have supported river and harbor bills. I do not think I have ever been particularly thanked by any of my constituents for supporting them. But the very fact that we have no direct interest, the very fact that we are not directly affected by these appropriations, the very fact that they are national appropriations and must be viewed as such, in my opinion, increases my responsibility with regard to them, and I am heartily in favor, as I have frequently said on the floor of this House, of these appropriations so far as they are wise and just and justifiable, and in the main they are. [Applause.]

At one time and another I have taken my little fling at some of the, from my standpoint, indefensible items of these bills, but I have always realized that they were a small, in fact an almost infinitesimal, portion of these great appropriations. No work undertaken and being carried on by the Federal Government has the approval of the American people as a whole more than river and harbor appropriations have, and none are more essential to the development of the mighty empire embraced within the continental boundaries of the Republic. It is true that we have made appropriations and expenditures which do not seem to have been justified in the increase in the amount of navigation, but that is not conclusive, as I said a moment ago. It is persuasive with regard to the advisability of certain improvements, but not tremendously persuasive with me in view of the fact that the cases where we have failed to develop navigation have been, in the main, cases where we have not completed the improvements, and therefore not given full opportunity. We must recollect that we are not building, if we build properly under this bill, for to-day or to-morrow, but we are building for the increasing population and the increasing business of the country; and if we develop as we hope to and feel confident we shall, we shall find it absolutely essential to utilize every available waterway and finally grow into the habit of a larger use of waterways as the people of Europe have grown into that habit. We must have the waterways improved before that habit can be developed and fixed among our people.

So far as the improvement of the great ports of the country are concerned, my opinion has always been that we have gone too slowly, that we have been rather niggardly in our appropriations than otherwise. So far as the appropriations for the preservation of certain great streams are concerned, we have not, in my opinion, gone too fast. I am even one of those who are heartily in sympathy with the Atlantic coast inland waterways system, so ably advocated by the chairman of this committee and by the gentleman from Pennsylvania [Mr. MOORE] and others. I have no doubt that eventually we shall develop, and I think we ought to develop, along the Atlantic coast a line of waterways inland, safe from the storms, secure in time of war, and tremendously valuable in carrying the enormously increased commerce which we hope the country will have in time to come. [Applause.] So much for that.

As to the present situation, at the beginning of this Congress the Democratic caucus very properly, as I understand it, took the position that for this session we should pass only those things that were directly or indirectly connected in an important way with the war situation, and this bill is brought in as one of those measures. There are no doubt some items in it that might have been left out without the country suffering very greatly, but in my opinion they are comparatively small and comparatively few. While we should strive to eliminate such items, we realize we never can expect absolutely perfect appropriations or legislation with regard to these matters. The bill is brought here as a war measure, and therefore I am of opinion as a friend of river and harbor improvements, as one who has voted for most of the river and harbor bills in the 22 years which I have had the honor of occupying a seat upon this floor, that we do not pursue a wise course in passing this measure at this time with a provision putting it clearly in the line of war legislation. I say that I have voted for most of the river and harbor bills in the 22 years which I have been upon this floor. There have been a few exceptions. I have had to hold my nose a little a time or two, but I have assumed that what was good so outvolumed that which was questionable that it was my duty to vote for the bill. Under the present situation it occurs to me that the friends of river and harbor improvement could well have afforded to accept the amendment offered by the gentleman from Massachusetts [Mr. TREADWAY], and that it will be wise for them to vote for the motion that he will make to recommit the bill, leaving it to the judgment of the President as to whether these items, first, as to maintenance, are essential to commerce and navigation, and, second, as to

new projects, are essential to the successful prosecution of the war.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. In just a moment. I should hope, and I should expect, upon the part of the President a very liberal construction and a very liberal use and exercise of his discretion and responsibility. I should expect that most of the projects would be continued and that at least those that are essential among the new projects would be undertaken. I yield to the gentleman.

Mr. HARDY. Does not the gentleman think that there is at least a strong probability that the membership of this House and the Committee on Rivers and Harbors, after a full investigation, will be less likely to be partial than the administrative officers who might be influenced?

Mr. MONDELL. That is not exactly the question as I see it. River and harbor appropriations are always under fire, and frequently very unfairly in my opinion.

Mr. HARDY. Then I understand the gentleman would seek that way of escaping the fire?

Mr. MONDELL. That is not the idea at all. I am speaking now as a matter of policy. I think as a matter of policy it would be well to have, in addition to the indorsements that this bill already has from the Secretary of War and the President and the indorsement of the committee, a further indorsement from high authority that would remove all questions as to the advisability and propriety under the circumstances of taking up or going on with these improvements.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. FREAR. Mr. Chairman, several gentlemen have spoken in regard to the necessity for revetting these streams for the purpose of reclaiming lands and suggesting that it is the duty of the Committee on Rivers and Harbors to embody propositions purporting to be for navigation when they have really in contemplation the saving or reclaiming of lands. Now, it is not my understanding that that is the province of the Committee on Rivers and Harbors; if so, I concede that some of the criticism that has heretofore been made has been unwarranted. If the position of the gentleman who has just finished speaking, the gentleman from Wyoming [Mr. MONDELL], is correct, that the Committee on Rivers and Harbors should consider the question of the reclamation of land at Government expense, making the people who live along these streams, whether it is the Missouri, Mississippi, or any other stream, a present of all revetments and diking which the Government may put in—if that be the province of this committee, I concede, then, the criticism against these projects has been wrong in the past. If it be the position of the gentlemen who are insisting that the Government expend all this money for the benefit of those living along the river, whereas the people in the various States are obliged to reclaim their own land at their own expense, whether it be marsh land or small rivers that are nonnavigable, then I concede there has been a mistake in understanding the purpose of this River and Harbor Committee.

Mr. RUCKER. I hope the gentleman does not understand me as making a statement like that.

Mr. FREAR. I can not yield. I have only five minutes. But the position taken by three or four gentlemen who have just spoken that revetments may be undertaken for the purpose of reclaiming land because of the people who have lived along the borders of certain streams——

Mr. RUCKER. I believe that——

Mr. FREAR (continuing). Seems to me is not a correct position for the Rivers and Harbors Committee to undertake, because we are engaged purely in the question of navigation. Now, the gentleman from Wyoming says none of these projects have been completed. We have already spent $150,000,000 on the Mississippi River, and the best men on the river say that the lower part has been completed, and they have lost 95 per cent of the commerce during that time; so that it seems he was mistaken about some of the items I have repeatedly quoted here. There is no need of repetition. If you are going to dig out these streams and hold them for years in order to await boats and commerce, I believe it is an economic mistake for the Government.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FREAR. Has my three minutes expired?

The CHAIRMAN. The gentleman has spoken for three minutes.

Mr. HARDY. Mr. Chairman, yesterday the gentleman from Wisconsin [Mr. FREAR] reinserted in the RECORD a formerly inserted letter from a gentleman by the name of Guyler, in which that gentleman took occasion to say that we are educating or are willing to teach our children that it is right to steal from the Government. I wish to call attention to the fact that that letter was originally addressed to Mr. FREAR, apparently handed by Mr. FREAR to Mr. Callaway, inserted in the RECORD by Mr. Callaway last year, and now is reinserted this year by Mr. FREAR as coming from Mr. Callaway. By this circular method of insertion and reinsertion of the same matter the gentleman from Wisconsin has filled a vast space in the CONGRESSIONAL RECORD in doing what he says that we demand of him to do, to show public sentiment on this bill. To show public sentiment he reads this one letter from one man on the Brazos River, and yesterday excused himself for doing it by trying to make Mr. Callaway sponsor for Mr. Guyler. He tried to add the strength of Mr. Callaway to the weight of Mr. Guyler.

He did not read the whole letter yesterday, but he inserted it in the RECORD. The whole letter I think shows between the lines where the sore spot was with Mr. Guyler. One might judge from reading the letter that under the engineering regulations he possibly had been compelled to raise the cable of his ferryboat 40 feet or more and that the expense was hurting him. I do not know that is the case. Possibly Mr. Guyler may be just one of these men naturally opposed to all improvements. While the gentleman was giving that as an evidence of public sentiment along the Brazos, I was reminded that that same summer a great convention was held at Bryan, in the Brazos Valley, attended by representatives from every county from the Gulf up to Waco, urging the improvement and cleaning out of the Brazos River. The Brazos River is not in this bill, but it is attacked by the gentleman from Wisconsin because he can hang upon that some criticism and reinsert some letters heretofore obtained. Can not we let things alone that are not in the bill and confine ourselves to things in the bill? And I make this talk just simply to say that the gentleman from Wisconsin is urging here all sorts and kinds of objections. A great deal of his talk is about things not in the bill, and he always professes to favor deserving river improvements. Yet in that same talk yesterday he placed in the RECORD a letter from a gentleman on the Mississippi River saying that the Mississippi River is useless and worthless and that navigation on it has been suspended, although it has 8 feet actual depth of water, and yet the gentleman said he would maintain our rivers and that he would vote for worthy appropriations. What is a worthy river in the gentleman's estimation, when he quotes here letters of condemnation for the Mississippi River? He will find some kind of letter on which to base a contention that no river in America is worthy of improvement by the American Government, and if it were the Mississippi River involved in this bill he would be reading such extracts as that from a man by the name of Bernhardt opposing further expenditure on the Mississippi River. Why pretend you are in favor of any improvements when your record shows you are opposed practically to all inland waterways?

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

Mr. HARDY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Los Angeles Harbor, Cal.: For maintenance, $25,000; and for improvement in accordance with the report submitted in House Document No. 896, Sixty-third Congress, second session, and subject to the conditions set forth in said document, $50,000: *Provided*, That no expense shall be incurred by the United States for acquiring any lands required for the purpose of this improvement; in all, $75,000 Such modification as may be recommended by the Chief of Engineers and approved by the Secretary of War for the plan of silt-diversion works adopted by the river and harbor act approved July 27, 1916, for the protection of Los Angeles and Long Beach Harbors, in accordance with the report printed in House Document No. 462, Sixty-fourth Congress, first session, is hereby authorized, subject to the conditions set forth in said document: *Provided*, That such modifications shall not increase the total cost of the work to the United States.

Mr. FREAR. Mr. Chairman, I move to strike out the last word. The gentleman from Texas [Mr. HARDY] who has just spoken——

Mr. SMALL. Mr. Chairman, I suppose this is a pro forma amendment?

Mr. FREAR. Yes.

Mr. SMALL. How much time does the gentleman wish?

Mr. FREAR. Only five minutes.

Mr. SMALL. Mr. Chairman, I ask unanimous consent that all debate on this paragraph just read and all amendments thereto close in five minutes.

Mr. HARDY. I may want five minutes, Mr. Chairman.

Mr. OSBORNE. Mr. Chairman, I do not want to take any time if I may be permitted to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. SMALL. Does the gentleman from California desire any time.

Mr. OSBORNE. No; I just wanted to extend my remarks in the RECORD.

Mr. SMALL. Does the gentleman from Texas wish time?

Mr. HARDY. I may want some time.

Mr. SMALL. Fifteen minutes, then, Mr. Chairman.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that debate on this paragraph and amendments thereto close in 15 minutes. Is there objection?

There was no objection.

Mr. FREAR. Mr. Chairman, the gentleman from Texas [Mr. HARDY] takes me to task for a letter that was introduced in the RECORD yesterday. He forgets that shortly before the gentleman from Texas [Mr. DIES] took me to task for my attitude on river improvements, and stated that I was not reflecting the sentiment of the country. So far as I could I have endeavored to show what the sentiment of the country is. I took the record of a man who lived upon a river where Freeport Harbor, at the mouth of the river, is carried by this bill. It was a letter sent voluntarily—the letter from Mr. Guyler—and which said just what he thought of river improvement down on the Brazos, on which the engineer's report says there was no commerce on the river proper in 1915 whatever. We will let that stand where it is. Mr. Guyler may have been prejudiced. I know not. I feel he has reason to know whereof he speaks. But the letter was brought in here and read on the floor of the House by an able Congressman from Texas, Mr. Callaway, with his approval and his indorsement, and was supposed to have reflected the sentiment down in Texas. Now, Mr. Chairman, if I am to be criticized for it—and the gentleman has said——

Mr. HARDY. Will the gentleman yield for just one question? Did you give that letter to Mr. Callaway?

Mr. FREAR. Oh, yes; certainly. I knew nothing about the gentleman. Mr. Callaway vouched for him and introduced the letter in the RECORD, as I now remember, and I am very glad he did so, and I approve of Mr. Callaway's judgment, although I do not know particularly about the gentleman in question.

Now, Mr. Chairman, I have been criticized repeatedly for putting these things in the RECORD. I am going to put them in the RECORD. When people along the river say that they can wade the Trinity and the Brazos Rivers, and engineers propose to dig artesian wells in the Trinity River to aid navigation, it seems to me at such times we ought to show what public sentiment is in the particular community.

Now, a word in regard to what the gentleman from Wyoming said a moment ago. To the gentleman from Texas [Mr. HARDY] he said:

> Why not accept the amendment to permit the President of the United States, in whom we all have confidence, to say whether or not any of these projects are bad and strike them out?

I suppose Members want to see projects left in the bill when they are all interested in some particular river or harbor. Let us assume the President is going to do what is right. We have given him power to control practically all the affairs of the Government, and have practically turned over $7,000,000,000 to his use, and this food-control question is now in his hands, and can we not turn over to him a little river and harbor bill that carries only about $27,000,000, and let him strike out, if he chooses, any bad project which he thinks ought not to be placed in the bill? It is said that this bill has his approval, and that the War Department has approved it. We do not know whether that is so. But we will have a positive certification of the project when he speaks and says this project or that project is necessary for the purpose of carrying on the affairs of the Government.

I do not care to unnecessarily take the time of the committee. I said when I started out that I was not going to criticize items generally. I propose while a Member of the House to offer criticisms of such bills. Whether they succeed or not is immaterial, providing the criticisms are well founded.

As I have said before, we have spent nearly $900,000,000 on these rivers and harbors. Some of it has been well expended, and it ought to be so spent in the future. Much of it has been wasted. I am in favor of maintaining the channel of the Mississippi River. Bernhard is the only man who in the last five years has had the nerve to build a line of barges on the Mississippi River. I leave to the gentleman from Mississippi [Mr. HUMPHREYS] the standing of Mr. Bernhard. He says it is the best channel of any stream in the world to-day, not excepting the Rhine, and yet Bernhard says in effect there is no need of further expenditures for improvement along the lower Mississippi River. Commerce not deepening of the river is needed.

That is the reason I offered his statement. I supposed he was excellent authority on the subject. I know that he has built a line of barges and has been doing all he can, and the people of this Government would like to see him make a success of it, and we are giving him the best channel in the world, as he says, and all he needs is freight, but the people do not give him freight. That is the trouble with this matter of river navigation as a rule. We need commerce before furthering extravagant projects, and this is significant when we remember the commerce has diminished on practically every river in the country.

The CHAIRMAN. The gentleman from Texas [Mr. HARDY] is recognized.

Mr. HARDY. Mr. Chairman, I shall not use my five minutes, because I think the gentleman from Wisconsin has practically admitted what I charged a little bit ago, namely, that he got the letter he read and gave it to Mr. Callaway to put in the RECORD, and now reads it as coming from Mr. Callaway. Of course this country has been covered with the gentleman's effusions denouncing alleged pork-barrel legislation. Everybody in our country that has taken the least interest for or against waterways knows he is the man to write to if they have anything to say against river improvement. And, of course, Mr. Guyler being disgruntled wrote to Mr. FREAR. I did not expect the gentleman from Wisconsin [Mr. FREAR] to tell me of the public sentiment in my district embracing the territory largely between the Trinity and the Brazos Rivers. I did not demand he should do so; so that excuse for his rereading the Guyler letter will not answer. I knew what that sentiment was, and it was evidenced by the public meetings in the district. It seems to me that just to fill the RECORD with aspersions he reads this letter from this gentleman by the name of Guyler, who charges that we are teaching or are educating our children that it is right to steal from the Government. And he puts that sentence in the RECORD without any disclaimer on his part of his indorsement of it, and when called to task tries to put the indorsement of it on my friend Callaway. And he says Callaway vouched for Guyler. I venture the gentleman will not say that Callaway knew Guyler. All he knew was that a man who signed his name "Guyler" had written it to a Member of Congress by the name of FREAR. Mr. FREAR hands that letter to Mr. Callaway to help Mr. Callaway fill the RECORD with such charges as he is filling the RECORD with every day. And then when Mr. FREAR has received it and got Mr. Callaway to put it in the RECORD last session, he now puts it in the RECORD as a quotation from Mr. Callaway, and says that Mr. Callaway vouched for Guyler.

Mr. FREAR. Will the gentleman say that Mr. Guyler is not a gentleman of high standing in his own State, and the president of banks?

Mr. HARDY. Mr. Guyler lives in a small town of some hundreds of inhabitants named Wallis. He may be the president of a bank; I do not know. He evidently owns some land along the Brazos River where ferry facilities may be interfered with. And the gravamen of his disgruntlement seemed to be, from reading his letter, that certain expenditures are increased to those who put in ferryboats on that river where he owns 3 miles of front. I do not know Guyler, neither do you, and neither did Mr. Callaway, neither did anybody in this House except my friend here [Mr. MANSFIELD] who is for this river and harbor bill. We are all irritated by expenditures we are forced to make, and the gentleman in order to show me what public sentiment in my district is gives one letter from this Mr. Guyler. That is his idea of public sentiment. And then I want to call attention to the utter lack of consistency in the gentleman's position. He is in favor of maintaining the channel on the Mississippi River and spending vast sums for that, at least he so declares in his tortuous speeches, and yet another letter which he inserts, a letter from Mr. Bernhard, says the traffic on the Mississippi is worthless. It is strange to me that he inserts that letter and yet, almost in the same sentence, says he is in favor of keeping up the improvement on the Mississippi.

Mr. Chairman, traffic is going to go down on all inland waterways unless the Government by suitable legislation protects it from the cutthroat methods of railroads who are back of all the opposition to the improvement of canals and inland waterways in this country. I want to see the Government pass proper laws to control the railroads and prevent them from destroying navigation. The gentleman from Wisconsin [Mr. FREAR] wants

the Government to abandon our inland waterways and leave the railroads alone in their monopoly. That is the real difference between us.

Mr. MONDELL. Mr. Chairman, I am sure the gentleman from Wisconsin [Mr. FREAR] does not want to be unfair and does not desire to quote me in an unfair way, but the gentleman did not quote me quite correctly when he said that I approved expenditures for the purpose of reclamation under the color of river and harbor improvements.

What I did say, or what I intended to say, was this: That there are certain classes of river and harbor improvements that are of very great value in reclamation, and it is not an argument against such improvements, I submit to my friend, as he has constantly urged, that in expending Federal money for the primary purpose of aiding navigation you incidentally save many acres of very valuable land.

I think that the fact that incidentally, and in connection with an improvement primarily for navigation, you do reclaim or make possible the reclamation of lands is an added argument for, rather than against, such expenditure.

Mr. FREAR. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. In just a moment. And particularly when the improvement is not directly in the line of reclamation, but simply for the maintenance of a river channel, rendering it possible for the individual owner to take advantage of that work to protect his own property.

Mr. FREAR. Does not the gentleman think that in a case of that kind it would be proper for the one who is the beneficiary to pay a proportionate part of the expense, the same as he would in the State of Wyoming for a reclamation project there conducted, as they do, by irrigation? Is it not the same principle that the man who gets the benefit should help pay for it, without placing the burden on the taxpayers of the country at large, for the benefit of that private individual who happens to live along the river?

Mr. MONDELL. I think this may be said of many governmental expenditures, including those for rivers and harbors, that they do benefit individuals and do benefit communities tremendously, and if it were always possible in connection with public expenditures to determine the exact amount of private benefit, and if it were practically possible to levy on the private individual in all cases for his part of the benefit of the improvement, it would be a most excellent thing. But as a practical matter that is often impossible. Many individuals are tremendously benefited by the improvement of great harbors. The great steamship companies that operate in them are very greatly benefited by such improvements as well as small users and the public generally, but it is impossible to determine the exact amount of that benefit, to assess it, and to collect it.

And so with this general work of river and harbor improvement. We have undertaken it as a national work. It does, in benefiting the country as a whole, benefit individuals locally. There is no doubt about that, and when we get to the maintenance of river banks, the maintenance of a fixed and definite channel, there is a very great private benefit, and if the river is one wholly within a State and not navigable to any appreciable degree the Federal Government ought not to undertake that work. But we have a great system of inland waters, particularly in the Mississippi Valley, which we are all using as a sewer and as a drainage channel for all of our lands. We have a responsibility, then, over and above that of improvement for navigation.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask that I may have three minutes more.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to proceed for three minutes more. Is there objection?

Mr. SMALL. I am not going to object, Mr. Chairman, but reserving the right to object, I want to make this statement: We have spent 15 minutes on the San Diego item and 15 minutes or more on the Los Angeles item, with very little discussion upon the items. The chairman of the committee does not wish to ask the enforcement of the rule, but I will ask Members if they can not confine the discussion from now on to the items themselves? I have no objection.

Mr. MONDELL. Not for the purpose of bringing myself within the rule, but for the purpose of expressing myself upon the matter, I will say that this is a very necessary and important item, and certainly no one can criticize it. The only criticism that could be properly leveled against it would be that it is too small.

But coming back to the question of general river and harbor policy, there is a national duty not only to these great streams, but smaller streams in various places, and the people have recognized that national duty, and we are trying to fulfill that national duty in the river and harbor bill.

Now, I am not inclined to criticize my friend from Wisconsin [Mr. FREAR]. I think he has performed an exceedingly valuable service. I think it is important that some one shall, in the discussion of every river and harbor bill, call attention to and rivet attention upon the questionable items in the bill.

I think that the Committee on Rivers and Harbors owes a debt of gratitude to a man who does that as intelligently as the gentleman from Wisconsin does in the main, because it makes it a little easier, I hope, the next time they take up a river and harbor bill, to turn down questionable items by reason of the fact that it will be fearlessly and emphatically denounced and criticized on the floor. But I do regret that gentlemen performing that exceedingly helpful office do sometimes unconsciously, I think, arrive at a state of mind where they become critics of a great policy that our people have undertaken and which in my humble opinion they will adhere to. We will make mistakes. We will spend money where from the broad national standpoint it is not advisable. We will in some places do work that has perhaps more of the flavor of reclamation than of navigation. But however that may be, with a constant effort to keep the bill within bounds, this great work of the development of our harbors and the improvement of our rivers will, in my opinion, go steadily forward. [Applause.]

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. SMALL. Mr. Chairman, I ask unanimous consent to return to page 19, line 12, for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to return to page 19, line 12, for the purpose of offering an amendment. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from North Carolina.

The Clerk read as follows:

Page 19, line 12, after the semicolon, insert the words "for completing improvement of Lorain Harbor in accordance with House Document No. 985, Sixty-fourth Congress, first session, $63,150."

Mr. SMALL. Mr. Chairman, that amendment was adopted by the Committee of the Whole, but the language was not correct. It was agreed that it could be corrected. So it is offered this morning in correct phraseology, as it should appear in the bill.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

San Francisco, Oakland, Richmond, Monterey, and Humboldt Harbors, Redwood and Petaluma Creeks, Napa River, San Pablo Bay, Mare Island Strait, and Suisun Channel, Cal.: For maintenance, $287,500; continuing improvement of Oakland Harbor, $92,000: *Provided*, That if in the judgment of the Secretary of War the prices received in response to advertisements for bids for dredging are not reasonable, so much of the amount herein appropriated as shall be necessary may be expended for the purchase or construction of a suitable dredging plant; for improvement of Richmond Harbor in accordance with the report submitted in House Document No. 515, Sixty-third Congress, second session, and subject to the conditions set forth in said document, $100,000; continuing improvement of Humboldt Harbor and Bay, $190,500; for improvement of San Pablo Bay and Mare Island Strait in accordance with the report submitted in Senate Document No. 3, Sixty-fifth Congress, first session, if required for naval needs, $330,000; in all, $1,000,000.

Mr. SMALL. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN (Mr. WEBB). The gentleman from North Carolina offers an amendment which the Clerk will report.

The Clerk read as follows:

On page 25, lines 4 and 5, strike out the words "Senate Document No. 3," and insert in lieu thereof "House Document No. 140."

Mr. SMALL. This is merely to correct a clerical error.

The amendment was agreed to.

The Clerk read as follows:

Sacramento, Feather, San Joaquin, and Mokelumne Rivers, and Stockton and Mormon Channels (diverting canal), Cal.: For maintenance, $31,000.

Mr. CURRY of California. Mr. Chairman, I know the House is tired of talk and is ready to vote, and I would not take up the time of the committee if I did not believe it was my duty to explain to the committee the Richmond, Cal., inner harbor project, which in an extension of remarks has been attacked, and which in the minority report has been attacked as a reclamation project.

The city of Richmond is situated on San Francisco Bay, across the bay and 8 miles north of the ferry slips of San Francisco.

In 1901 what is now the city of Richmond was a wheat field and a garden patch. In 1910 it had a population of a little over 6,000 people. In July, 1916, it was a bustling, metropolitan city, with a population of 24,000 people. It is the western terminus of the Santa Fe Railroad, and the Santa Fe has its shops there and employs 600 to 700 men. At Richmond is located the largest oil refinery and distribution plant of the Standard Oil Co., which employs nearly 1,000 men. It is also the location of the largest winery in the world, belonging to the California Wine Association.

In addition to this, there are in Richmond 35 manufacturing plants, employing over 6,000 people, with an annual pay roll of over $6,000,000. Among the manufacturing plants are two powder factories, a percussion-cap factory, a steel plant, a machine shop, rubber works, an automobile factory, a car factory, and so forth.

The Bay of San Francisco last year carried 38,000,000 tons of commerce, of which 9,000,000 tons were ocean-going commerce. Of the 38,000,000 tons 5,000,000 tons were shipped from Richmond, and of the 9,000,000 tons of ocean-going commerce over 2,000,000 tons were shipped from Richmond. All of the commerce from Richmond was shipped over the private wharves of the Standard Oil Co., the California Wine Association, the Santa Fe terminal, and a rock-crushing quarry, with the exception of about 200,000 tons, which were shipped over the municipal wharf, completed about six months ago.

Every person who has been in San Francisco recently and has given any attention to the situation out there knows that the wharfage facilities of the port of San Francisco Bay are not sufficient properly and expeditiously to care for the commerce of that great port. A few years ago the commercial interests around San Francisco Bay looked around to find where the wharfage facilities could be best and most cheaply extended, and came to the conclusion that the Richmond Inner Harbor was the place where that could best be done. The proposition was indorsed by resolutions of the Chambers of Commerce of San Francisco, of Oakland, of Alameda, of Berkeley, of Stockton, Sacramento, and all of the surrounding interested cities and by the State board of harbor commissioners. It was taken up by the War Department and approved by the Secretary of War, and the project has twice passed through this House as an item in the river and harbor bill.

In 1913 the people of Richmond asked the Legislature of California to pass an act permitting them to have the use of the water front of Richmond. That water front is 8 miles long. The bill was passed through the assembly and the senate of California without a dissenting voice, and was signed by the governor. The State of California has no right to divest itself of its proprietary interest in the beds of navigable rivers or of tidelands, but it may by an act of the legislature permit the use of its rivers and tidelands for harbor and commercial purposes by cities and municipalities. In this act, which I shall include as a part of my remarks, the city of Richmond is permitted the use of this land in perpetuity.

The bill is as follows:

Chapter 317.—An act conveying certain tidelands and lands lying under inland navigable waters situate in the bay of San Francisco and the bay of San Pablo to the city of Richmond in furtherance of navigation and commerce and the fisheries, and providing for the government, management, and control thereof. [Approved June 11, 1913.]

Whereas since the admission of California into the Union all tidelands along the navigable waters of this State and all lands lying beneath the navigable waters of the State have been and now are held in trust by the State for the benefit of all the inhabitants thereof for the purpose of navigation, commerce, and fishing; and

Whereas it is the duty of the State to govern, administer, and control such lands and to improve and develop navigation, commerce, and fishing thereon and thereover; and

Whereas the State has not the general power of alienation of such lands, but may, when the interests of commerce, navigation, and fishing require it, convey to municipalities limited and defined areas of such lands with the power to govern, control, improve, and develop the same in the interests of all of the inhabitants of the State; and

Whereas the conveyance to the city of Richmond of the lands hereinafter described, together with the right to govern, control, improve, and develop the same will result in great advantage and benefit to all the inhabitants of the State, it is provided: Therefore

The people of the State of California do enact as follows:

SECTION 1. There is hereby granted and conveyed to the city of Richmond, in the county of Contra Costa, in the State of California, all the lands situate on the city of Richmond side of the bay of San Francisco and the bay of San Pablo lying and being between the line of mean high tide and the line of mean low tide as the same has been or may be hereafter established between the prolongation into the bay of San Pablo of the north boundary line of the said city of Richmond and the prolongation into the bay of San Francisco of the southerly boundary line of the city of Richmond.

SEC. 2. The city of Richmond shall have and there is hereby granted to it the right to make upon said premises all improvements, betterments, and structures of every kind and character proper, needful, and useful for the development of commerce, navigation, and fishing, including the construction of all wharves, docks, piers, slips, and the construction and operation of a municipal belt line railroad in connection with said dock system.

SEC. 3. No grant, conveyance, or transfer of any character shall ever be made by the city of Richmond of the lands described in paragraph 1, or of any part thereof, but the said city shall continue to hold said lands and the whole thereof unless the same revert or be receded to the State of California. The harbor of Richmond shall remain always a public harbor and the said city shall never charge or permit to be charged on any of the premises by this act conveyed any unreasonable rate or toll, nor make nor suffer to be made any unreasonable charge, burden, or discrimination. In the event of a violation of any of the provisions of this act the said lands and the whole thereof shall revert to the State of California.

SEC. 4. The city of Richmond may lease for a term not exceeding 25 years any wharves, docks, or piers constructed by it, and all such leases so executed shall reserve to the council of the city of Richmond the right and privilege, by ordinance, to annul, change, or modify such leases as in its judgment may seem proper. The aggregate amount of all wharves, docks, and piers so leased by said city shall never exceed 50 per cent of all of the wharves, docks, and piers actually constructed.

SEC. 5. The city of Richmond may lease not to exceed an aggregate of 50 per cent of the lands conveyed to it by this act for a term not to exceed 25 years, and upon which wharves, docks, or piers have not been actually constructed, and no such lease shall be for a larger area than 40 acres, and such leases shall not be assignable or transferable, nor shall any lessee have the right to sublet the leased premises or any part thereof except by the consent of the city council of said city of Richmond set forth in an order of said city council, and all such leases so executed shall reserve to the council of the city of Richmond the right and privilege by ordinance to annul, change, or modify such leases as in its judgment may seem proper.

SEC. 6. The foregoing conveyance is made upon the condition that the city of Richmond shall, within 12 months from the approval of this act, exclusive of such times as said city may be restrained from so doing by an injunction issued out of any court of this State or of the United States, and exclusive of such further delay as may be caused by unavoidable misfortune or great public or municipal calamity, issue its bonds for harbor improvement purposes in an amount of not less than $250,000, and shall, within 18 months after the approval of this act, exclusive of the time in this section hereinbefore mentioned, commence the work of such harbor improvement, and the said work and improvement shall be prosecuted with such diligence that not less than $250,000 shall be expended thereon within three years from the approval of this act exclusive of the time in this section hereinbefore mentioned. The said harbor improvement work shall be so done and performed that accommodation will be furnished and maintained for ocean-going vessels and a depth of water shall be obtained and maintained at the piers of not less than 20 feet.

If said bonds be not issued or said work be not prosecuted and completed as and in the manner herein provided, then the lands by this act conveyed to the city of Richmond shall revert to the State of California.

SEC. 7. The State hereby reserves unto itself at all times the reasonable use of and access to all wharves, docks, piers, slips, and quays hereafter constructed under the provisions of this act for any vessel or water craft owned, leased, or operated by the State.

SEC. 8. The city of Richmond shall in the name of the State of California have and is hereby granted the power and authority to maintain and prosecute to final judgment in any court of the State or United States in which jurisdiction may be vested any and all actions necessary to recover possession from any private persons, partnerships, or corporations all or any part of the lands granted in section 1 hereof.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CURRY of California. May I have five minutes more?

The CHAIRMAN. The gentleman from California asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. CURRY of California. In this act the city of Richmond is prohibited expressly from selling any of the land, but it is permitted to lease in small parcels, parts of the land for a period not exceeding 25 years. The acceptance of the conditions of the act of the legislature was submitted to a vote of the people of Richmond, and was approved by a vote of 98 per cent of those who voted at that election, and there was a full vote.

The city of Richmond, by a referendum vote, bonded itself for $1,170,000 to do certain work on the water front under the plan approved by the War Department. Up to last November they had spent $638,000 and at that time had made a contract for $362,000, which would make an expenditure of $1,000,000, leaving a balance of $170,000 in the Treasury.

There is no such thing as a reclamation project connected with the Richmond inner harbor.

Mr. SMALL. Will the gentleman permit an interruption?

Mr. CURRY of California. I will.

Mr. SMALL. I have been very much interested in listening to the description of Richmond Harbor which the gentleman has given, and I now read from the minority report these words, among the items that are criticized:

And an indefinite amount for Los Angeles and Richmond, Cal., both of which last-named harbors show very decided appearance of reclamation schemes.

Mr. CURRY of California. There is not a square foot of reclamation scheme connected with the Richmond inner harbor. It is true that the city of Richmond is filling in the tideland. It has filled in two blocks long of tideland at its own expense. The people there are not asking the people of the United States to contribute any money for that, but it is a municipal improve-

ment in which no human being has any financial interest whatever, and the work does not benefit any individual personal interest any more than it benefits all. I have a photograph that I filed with the committee showing one of the municipal dredges at work during this filling in of the tideland, and another photograph showing the $160,000 grammar school that was erected on part of this filled-in tideland. I have a letter here from the War Department informing me that they were considering the proposition of leasing the municipal wharf at Richmond for a period not exceeding three years, and they wanted to know the terms, which I got and filed with the War Department. After looking into the matter they stated under present conditions right now they did not care to enter into the agreement. They sought that lease themselves, the city did not try to lease it to the War Department.

Now, in regard to the so-called protest that was not filed with me or through me, but was filed with the committee by a gentleman by the name of Loomis, the chairman of the committee was kind enough to tell me about the protest two years ago. Anson Blake, in whose name is filed one of the protests, is a man of good habits but of no business sense. A few years ago he inherited a fortune and he has lost it all in bad business ventures because he did not know how to do business. The last enterprise he started was a rock quarry at Richmond in connection with which he intended to pave streets. From the beginning he lost money. He went to E. S. Pillsbury to finance a belt railroad and the wharf in connection with the rock quarry. Mr. Pillsbury is a multimillionaire, one of the best lawyers in the State of California, about 75 years of age, still maintaining his law offices in San Francisco, and rather liberal in spending money for his own personal wants.

[The time of Mr. CURRY having again expired, he was given five minutes more.]

When it comes to business, Mr. Pillsbury has Shylock skinned a city block. He always nominates in the bond the blood that goes with the flesh. So when Blake went to Mr. Pillsbury he said, "Issue bonds, and I will take the bonds; you take the money and build the belt railroad and the wharf." But Blake did not make the belt road and wharf a financial success, and Pillsbury took it in for the bonds. He now signs his name as president of the belt railroad. He is also owner of the rock-crushing plant, but permits Blake to act as president of the institution for a salary.

Two years ago before election I was down in the city of Richmond, and a friend of mine said, "Pillsbury would like to see you." I said, "All right"; and I went to San Francisco and called on him. He said "CURRY, I want you to quit on the Richmond inner-harbor proposition." I said, "Why do you want me to quit? It is a good proposition, and there are not wharfage facilities enough in the Bay of San Francisco. It is a good thing for Richmond, and the people have approved of it by 98 per cent, and I have told them I would do the best I could to have it passed and incorporated into law." "Well," he said, "you have kept your word to the people of Richmond; it did pass the House once, but the bill did not pass the Senate. Now you don't have to do any more." I said, "Mr. Pillsbury, I am going to pass it if I can." He said, "I don't want you to do that; if the inner harbor is built and the city puts in a belt road, it will interfere with the revenue of my belt road and my wharf." I said, "If I can pass it, I will." He said, "If I can stop you, I will."

So Mr. Pillsbury has sent a person here—employed a Mr. Loomis—who at one time was Second or Third Assistant Secretary of State. He was a lawyer and is now a Washington lobbyist. Mr. Loomis is sneaking around here seeing a few Members and two or three Senators, not thinking that they would speak to me about it. He has met me a number of times but never said anything to me about the protest. He may stop it and get his money, but this is a proposition that ought to go through, for the port of San Francisco needs the additional wharfage facilities. I present the proposition to the Committee of the Whole on its merits; and if it is right, adopt it; and if it is not, cut it out.

Mr. MADDEN. Will the gentleman yield?

Mr. CURRY of California. Yes.

Mr. MADDEN. Does the gentleman think that Mr. Loomis had any influence with members of the committee to get this into the bill?

Mr. CURRY of California. He is opposing, not favoring, the project.

Mr. MADDEN. But his opposition might have got it in. I do not think the statement ought to be made in the House unless the gentleman is able to prove the facts of the case.

M. CURRY of Califonia. I have made my statement.

Mr. MADDEN. I do not know to whom the gentleman refers when he says that Mr. Loomis has lobbied to keep it out. If the gentleman means by that statement that Members of the House have been lobbied with to keep the item out of the bill, he ought to give the names.

Mr. CURRY of California. I will do it if I feel like it.

Mr. MADDEN. I insist upon it. Mr. Chairman, I move to strike out the last word.

Mr. CURRY of California. I will tell the gentleman the name of one Member that he spoke to. One of the gentlemen that Mr. Loomis saw was the gentleman from Massachusetts, Mr. TREADWAY.

Mr. MADDEN. Who else?

Mr. CURRY of California. That is enough.

Mr. MADDEN. I do not think it is. Mr. Chairman, I insist.

Mr. MOORE of Pennsylvania. Mr. Chairman, Mr. TREADWAY is not here.

Mr. TREADWAY. I am here; I was not in at the beginning, but I am here now.

Mr. MADDEN. I have as much respect for the gentleman from California as I have for any man in the House—in fact, I have a great deal of admiration for the gentleman from California—but I do not believe that any Member of the House has a right to make a statement with respect to what somebody who is named as a lobbyist has done with some Member or Members of the House unless he is willing to state who the Members of the House are and what he did and what he said.

Mr. CURRY of California. I did not say that Mr. Loomis had done anything to any Member of the House or had swayed any Member of the House. I said he had seen Members of the House.

Mr. MADDEN. And his influence was exercised——

Mr. CURRY of California. I did not say he had influenced any Member of the House at all.

Mr. MADDEN. The gentleman may not have said that directly, but he left that impression on my mind, and I do not believe an insinuation of that kind ought to go unchallenged without clearing up the facts.

Mr. CURRY of California. Mr. Chairman, I did not say anything that in my opinion could give the gentleman from Illinois any opportunity of drawing the conclusions he seems to have drawn. [Applause.]

Mr. MADDEN. I think the gentleman did, and I do not believe it is the province of any man on the floor of this House to make such statements without stating all of the facts in the case.

Mr. CURRY of California. I did state the facts in the case.

Mr. MADDEN. The people of the United States are entitled to know if there is anything behind the lobby that seeks to influence Members of the House with respect to river and harbor or any other improvement or any other proposition that takes money out of the Treasury of the United States, and I challenge the right of any man on the floor of the House to make such a statement without disclosing everything that he knows about it. We have a right to know, the people have a right to know, and I insist on behalf of the American people that we shall know, and I shall introduce a resolution demanding an investigation if the gentleman does not do it.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. ALEXANDER. Mr. Chairman, I followed the statement of the gentleman from California [Mr. CURRY] with very great interest, and if he said a word that reflected upon any Member of this House I did not catch it.

Mr MADDEN. Of course he did not say anything which reflected upon the Members of the House. He refused to give the names of anyone except one Member.

Mr. CURRY of California. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CURRY of California. Mr. Chairman, I have not reflected upon a Member of this House. I have not said that Mr. Loomis's attempts in influencing any Member of this House were successful. I did say that Mr. Loomis had seen Members of this House and tried to get them not to have this item included in this bill, and I did say that Mr. Loomis had filed Mr. Blake's and Mr. Pillsbury's protest with the chairman of the Committee on Rivers and Harbors, and the chairman of the Committee on Rivers and Harbors did tell me about it.

Mr. MADDEN. The gentleman also said that Mr. Loomis was employed as a lobbyist. What is the business of a lobbyist?

Mr. CURRY of California. I said that Mr. Loomis was employed by Mr. Pillsbury on a contingent fee—that if this did not go into the bill he would get paid, and if it did he would not.

Mr. MADDEN. Did not the gentleman say that Mr. Loomis had been Third Assistant Secretary of State?

Mr. CURRY of California. Yes; Second or Third.

Mr. MADDEN. And that he was afterwards employed and is now employed as a lobbyist, and that as a lobbyist he saw Members of Congress in connection with this item in the bill?

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. TREADWAY. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TREADWAY. Mr. Chairman, I am very much surprised that there should have arisen the strong feeling in reference to a gentleman calling at a Member's office. We all have very frequent calls. A moment ago my friend from California [Mr. CURRY] mentioned that Mr. Loomis had called upon me. There is nothing at all private or confidential in respect to that call, and I am very glad to explain it. It was the privilege of the Committee on Rivers and Harbors two years ago to visit the State of California.

During the course of our trip we visited this very project now under discussion—the Richmond inner-harbor project. One of the gentlemen who showed courtesy to the committee at that time was the gentleman who came to my office a few weeks ago in company of the gentleman from Wisconsin [Mr. FREAR]. At that time I did not recall his name and had forgotten him. I did recall that he had been very polite to us in our tour of California, and that he had been about in various sections of the State with us. I understood at that time that he was connected with a newspaper in the city of Richmond, and I also was informed that he was formerly Third Assistant Secretary of State here in Washington under a previous administration. As I say, a few weeks ago that gentleman came to my office—as polite a gentleman as any man can desire to meet under any circumstances, a gentleman if I am any judge of one. He referred to the Richmond Harbor project as being a land-development scheme. I knew nothing about his being a lobbyist, so called, until later on the gentleman from California [Mr. CURRY] told me that he understood that Mr. Loomis was here in the employ of some private interests opposed to the Richmond Harbor project. Of that I knew nothing, except the word of Mr. CURRY, which, of course, I am only too glad to accept as correct. Whether or not Mr. Loomis is so employed I have no knowledge. Mr. Loomis later on, under the letterhead of the Metropolitan Club, of this city, sent me some pamphlets, of which the gentleman from California [Mr. CURRY] has copies, showing the possibility of the development of the Richmond Harbor project as being beneficial to the sale of certain lands. Whether or not those lands had anything to do with the project under discussion I am unable to say. The gentleman from California [Mr. CURRY] knows the location very much better than I do.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. MADDEN. When the Committee on Rivers and Harbors went to California did they visit the site of this improvement?

Mr. TREADWAY. We did.

Mr. MADDEN. Did the committee reach any conclusion in respect to whether there was a land scheme in it then?

Mr. TREADWAY. There was no formal committee meeting during the trip to California. Personally I am free to say that I was not impressed with this being a land scheme, but there are in existence certain circulars showing that the adoption of the project will be beneficial to private interests. Indirectly, perhaps, that could be called a land scheme, but I charge neither the gentleman from California [Mr. CURRY] nor the gentleman from the city of Richmond, Mr. Loomis, with in any way trying to bring undue influence either for or against this project from the viewpoint of a land scheme.

Mr. CURRY of California. Mr. Loomis is not from Richmond.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. TREADWAY. Mr. Chairman, I ask unanimous consent to proceed for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TREADWAY. The gentleman from California says that Mr. Loomis is not from Richmond. We met him in Richmond, and that is all I know about it, but I do wish to absolve the gentleman from California [Mr. CURRY], as well as these other gentlemen, from any effort whatsoever at using any undue influence upon any member of the Committee on Rivers and Harbors, either for or against a project, in the nature of any lobbying.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DUPRÉ having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the amendments of the House to the bill (S. 2453) to authorize condemnation proceedings of lands for military purposes.

The message also announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 7.

Resolved by the Senate (the House of Representatives concurring), That the Congress has heard with profound satisfaction the assurance of Special Ambassador Bakhmetieff of the devotion of the Russian people and their constituted representatives to their new-found liberties and to their determination to defend and maintain these liberties and institutions; and be it further

Resolved, That it is the earnest hope of the Congress that democracy and self-government may bring to the people of Russia that large measure of propriety, progress, and freedom which they have brought to the people of America, and that Russia may be entirely successful in her concerted efforts to secure the unequaled blessings of an honorable and enduring peace.

RIVER AND HARBOR APPROPRIATION BILL.

The committee resumed its session.

Mr. FREAR. Mr. Chairman, may I proceed for 10 minutes? This is the last project I expect to speak on.

Mr. SMALL. Mr. Chairman, I must object.

Mr. FREAR. This is the last project I expect to speak on, and it involves $455,000. [Applause.]

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FREAR. Mr. Chairman, I want the gentlemen of the committee to concede I have not taken as much time as usual. [Applause.] Let me join with the gentleman from Massachusetts [Mr. TREADWAY], who just spoke, in the eulogy which he pronounced upon my friend from California [Mr. CURRY], and also let me state that the gentleman from California, Mr. Loomis, former Assistant Secretary of State, never suggested to me anything improper when he spoke to me about this project. I had been over this tract when out in San Francisco, not as a member of the committee, but I was called over there to look at the project by people who at that time claimed they were taxpayers and who said that the city of Richmond proposed to raise a large amount of money unnecessarily for the Government to carry on this proposed improvement of the harbor. That was the reason given me. I went over the project; went over a share of it in an automobile, because some of this land is under water, practically, so shallow—that is, if it was the land pointed out to me correctly—there is no possibility of a harbor there without great expense, and it will be a land-reclamation scheme and be of especial benefit to landowners there. I did not rise in opposition to the item at all and had no expectation of speaking on it until criticism was made by the chairman as to the statement on this project contained in the minority report, so it involves a statement at this time. This, in my judgment, is a land-reclamation project. The gentleman from California [Mr. CURRY] says not. Well, that is for Congress to determine, and it may be an individual judgment which I have from having seen it and having had the project pointed out by, let me say, a gentleman who is a large taxpayer of Richmond. I now desire to read from Document No. 515, page 2, wherein the board states, in its report to the office of the Chief of Engineers:

The board states that the plan now proposed would confer special benefits to the immediate vicinity, would add largely to the taxable property of the city, and would give value to the city land yet to be improved.

Turning over to page 5:

The board recognizes that it may be desirable in the near future to add to the terminal facilities within the harbor of San Francisco, but it believes that the plan now proposed would confer special benefits to the immediate vicinity, would add largely to the taxable property of the city, and would give value to city lands yet to be built up.

Again, on page 10 of this official report, Document No. 515:

The area covered by the proposed harbor has been divided into tide lots and sold by the State of California to individuals. The validity of the title of these lots is in question, but it appears that when such lots are permitted to be reclaimed the title becomes good. It will be necessary to deposit dredged material on such lots as lie shoreward of the proposed bulkhead line and on adjacent swamp lands and on the lots crossed by the dike and training wall.

Now, that was in 1914, when the report was submitted. I received this statement subsequently, and let me say this was sent me by Mr. Loomis. I met Mr. Loomis in Oakland when I was there. These papers were handed me several days ago by Mr.

Loomis, he stated what the papers were and whether they were of value for investigation on this proposition, and I told him the committee had reported the bill, and that the minority report had been made. I told him that Mr. TREADWAY was then looking after the minority report, and I advised him if he cared to meet him I would be very glad to introduce him to Mr. TREADWAY. That is all that was said outside of the papers presented. The bill was then reported and the item was not opposed on the floor. It has now been discussed, and now I am going to read from a paper Mr. Loomis handed me, a certified copy of a protest signed by a number of taxpayers. Let me show you how many taxpayers there were. There were 1,377 taxpayers of the city of Richmond in 1915, and 700 taxpayers, as I understand, added to that, who protested against the project, and this is a certified copy. Now, here is what they say in regard to it:

The undersigned, who are all enrolled taxpayers of the city of Richmond, Cal., hereby respectfully protest to your honorable committees against any further appropriations by the United States for the so-called inner harbor within said city of Richmond, upon the grounds that the said project has already involved the city in a large debt to no useful purpose; that the same is absolutely impracticable, and was put on foot by real estate speculators, contractors, and others to further their own interests at the expense of the city and its taxpayers, who will reap no benefit therefrom. That this project will, if prosecuted, needlessly create a much greater debt upon the city and turn away legitimate business enterprises from it.

Now, as I said, I expected to make no comment on this project. The report had then been made and the bill was completed, and I simply intended to say something if any criticism was made of the minority report.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. FREAR. If the gentleman makes it short.

Mr. MADDEN. I would like to know what the inner harbor improvements consist of. How much it is going to cost the Government to fill this land according to the engineer's report?

Mr. CURRY of California. Will the gentleman yield?

Mr. FREAR. My time is limited.

Mr. CURRY of California. I will ask to have the gentleman's time extended.

Mr. FREAR. I am afraid the chairman will not consent to it. Will the gentleman ask now if he can get me five minutes?

Mr. CURRY of California. I ask unanimous consent for five minutes more for the gentleman from Wisconsin.

Mr. DEMPSEY. Will the gentleman yield?

Mr. FREAR. I can not afford interruptions unless I can have extra time.

Mr. MADDEN. The gentleman did not answer my statement.

Mr. FREAR. I was going to state that something like $450,000 is the amount of the project named in the bill.

Mr. MADDEN. What is the nature of the improvement?

Mr. FREAR. To dredge out the harbor where there is no water, or a few feet of water, say, 4 or 5 feet of water, to a depth sufficient to bring up large vessels there. I have set out the facts in the RECORD. I can not afford to discuss them here, because there is so much to cover, but I want to say here that the gentleman from California [Mr. CURRY] referred to Pillsbury's statement. He has given you his estimate of Mr. Pillsbury.

I know nothing about the gentleman whatsoever, except that he is president of the Richmond Belt Line Railway and has made a strong argument against the project. There are other protests against that project. There are protests from those representing one-fourth of the taxable property of the city opposing this proposition. There are several other statements here that have been handed me. This further article was sent to me from the Army and Navy News, of San Francisco. It contains a number of real estate advertisements of the city of Richmond over the signature of Mr. Rees, who is a lieutenant colonel of Engineers. I submit to the House that when a statement is given by a Government official in a case of that kind, and surrounded by real estate advertisements, as it is, on both pages of this publication—and here is a large diagram of the project surrounded by advertisements—when Government officials place their seal on the project in that form, the proposition leads to conviction that there are real estate interests connected with this proposition. That statement is supported, as I said, by an affidavit, or a protest, signed by 1,300 people——

Mr. DEMPSEY. Is it an affidavit? Is it verified and is it acknowledged?

Mr. FREAR. It is verified and acknowledged. I am simply offering evidence which is offered here on a project of which I did not intend to speak until criticism was made of the item. This lieutenant colonel is given a conspicuous place in all the advertisements. His picture is shown here. This is a newspaper that has page after page of advertisements of this proposed harbor and of the harbor real estate scheme, of people that have lands for sale; and I say that a Government engineer's picture, with these write ups, indicates that there is a strong effort to connect the Government with private interests. I have seen the harbor, and it looks to me, Mr. Chairman, as evidence of a land-reclamation project.

Now I understand there are other land-reclamation projects that have been justified here on the floor of the House. I have made no especial attack upon them and I have made no attack on this item. It is in the bill. But it does not seem to me it is the province of the Government at this time to go into these projects.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FREAR. Mr. Chairman, I ask unanimous consent that my time may be extended one minute.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FREAR. I wish to say to the gentleman from California [Mr. CURRY] that I have the highest respect for him. He has treated the matter very courteously. He knows my opposition to it, and it is founded, as I said, precisely upon the facts as given. I know he believes this is a good proposition. It is a proposition in his own district, and I have not criticized his advocacy of it. Now, $455,000 by the Government is the part, I understand, we are to appropriate, and $100,000 of it appears in this bill.

Mr. CURRY of California. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection?

Mr. LENROOT. Is there any amendment pending before the committee?

The CHAIRMAN. The Chair is advised that there is no amendment pending. The gentleman from California asks unanimous consent to proceed for two minutes.

Mr. LENROOT. I understand there is no further time to be extended.

Mr. MADDEN. I object.

Mr. SMALL. Does the gentleman from Illinois desire time?

Mr. MADDEN. I might, but I might not. I will make the request when the time comes.

Mr. SMALL. Can not we have a consent, then, for four minutes?

Mr. MADDEN. I do not want any consent now. I am perfectly willing to let the matter of the gentleman from California [Mr. CURRY] go on its own merits.

The CHAIRMAN. The gentleman from California [Mr. CURRY] asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. CURRY of California. Mr. Chairman, Col. Rees, whose name has been brought into this proposition, is in the Philippine Islands, and has been there for over a year. He was succeeded in California by Col. Burr, who in turn was succeeded by Col. Heuer, who is now in charge. Col. Rees owns no property and has no financial interests in Richmond.

This is a project to dredge a channel 600 feet wide, 20 feet deep, with a turning basin of 1,800 feet. The dredging will be about 3½ miles in length, and it will leave on each side of the channel about 2 miles for wharves.

Mr. MADDEN. What does it connect?

Mr. CURRY of California. It will cost the city of Richmond $428,000 and the United States Government $428,000 to dredge the channel, and the city of Richmond has already spent $1,000,000 out of a bond issue of $1,170,000 on harbor work connected with the inner-harbor project.

Mr. MADDEN. Does that connect with the open sea or the bay?

Mr. CURRY of California. It connects with the bay northeast of the Golden Gate, right in a cove. The land is tideland covered to a depth of from 3 to 15 feet when the tide is in.

Mr. MADDEN. Is it usual for the Government of the United States to build interior harbors for cities?

Mr. CURRY of California. It is not building an interior harbor for the city. The Government of the United States appropriated $92,000 for Oakland. It has appropriated over a million and a quarter dollars for New York in this bill, and this is only $428,000. One hundred thousand dollars is proposed to be appriated at this time.

Mr. MADDEN. New York City has an open harbor to the world.

Mr. CURRY of California. This is an open harbor, absolutely free and open to the world. It is closer to the ocean than New York Harbor is.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Coquille, Coos, Siuslaw, and Yaquina Rivers, and Coos, Tillamook, and Nehalem Bays, Oreg.: For maintenance, $34,000; continuing improvement of channel over the bar at Coos Bay, $70,000; in all, $104,000.

Mr. HAWLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oregon offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HAWLEY: Page 25, line 13, strike out the period, insert a colon, and the following:

"*Provided*, That hereafter the project depth for the inner harbor of Coos Bay, Oreg., shall be 22 feet from the entrance of Smiths Mill."

Mr. HAWLEY. Mr. Chairman, the purpose of this amendment is this——

Mr. MADDEN. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Illinois reserves a point of order on the amendment.

Mr. HAWLEY. I do not desire to take the time of the committee in discussing the merits of the proposition until the point of order is decided.

Mr. MADDEN. I will withhold the point of order until the gentleman makes an explanation. It is not germane to this bill.

Mr. HAWLEY. I can not see how it is subject to a point of order. It deals with a subject matter in this paragraph and is germane to it and to the bill as a whole.

Mr. MADDEN. But it is new law. It is a new project. It has not been passed upon by anybody, so far as we know. It changes the whole law connected with this improvement.

Mr. HAWLEY. The bill is made up of many projects in which the law is changed, and in which additions to existing law are made. It is necessary that a bill of this character should have these features.

The CHAIRMAN (Mr. BORLAND). The river and harbor bill is an appropriation bill and a legislative bill.

Mr. MADDEN. Well, while the river and harbor bill is an appropriation bill and a privileged bill, it can not come in here as a privileged bill and have anything in it that is not privileged if it stood alone, and if the proposition that the gentleman brings in here were presented alone to the House in the form of a bill, it would not have any privilege. It would have to take its chances on the calendar.

Now, the gentleman can not come in with a proposition to amend this section of the bill, which would not have any standing if it stood by itself. The committee itself could not bring in a proposition on this bill that in itself was not privileged.

That question was settled the other day when the gentleman from Mississippi [Mr. HARRISON] was in the Chair, and he made a decision in favor of a point of order that was made, which the committee afterwards overruled; but there never was a fairer decision by any man than the decision made by Mr. HARRISON on that occasion, notwithstanding the fact that those vitally interested in the proposition overruled the decision of the Chair.

Mr. HAWLEY. Mr. Chairman, will the gentleman permit a question?

Mr. MADDEN. Certainly.

Mr. HAWLEY. Does not the bill under which we are proceeding contain some new projects?

Mr. MADDEN. No. If anything comes along on this bill, it comes along under the authority of the Secretary of War or by the recommendation of the Chief of Engineers, and it appropriates money to start or continue improvements.

Mr. HAWLEY. This amendment is based upon the recommendation of the Secretary of War.

Mr. MADDEN. Wait a moment. This amendment that the gentleman proposes does not appropriate any money. It comes in here and changes the entire project. It changes the depth of the channel.

Mr. HAWLEY. It is less than is otherwise proposed. For present purposes this additional depth will suffice, although I think the depth of 25 feet should have been recommended.

Mr. MADDEN. But that changes the law, and I contend that this committee could not report the proposition that the gentleman is suggesting to the House without its being subject to a point of order.

Mr. HAWLEY. Every new project in the bill changes the law.

The CHAIRMAN. As to the suggestion of the gentleman from Illinois [Mr. MADDEN], the Chair is of the opinion that this amendment is germane to this section and is in order on this bill, unless the gentleman from Illinois has some proposition bearing on the privileged status of the bill that controverts that.

Mr. MADDEN. The Chairman is in the chair and is going to rule, and I am not going to raise a question about his right to rule. But I maintain that a privileged bill can not contain an item that is not privileged in itself. Even a river and harbor bill can not do that. The Committee on Rivers and Harbors has not the power to report a privileged bill containing appropriations for river and harbor improvements and report items on that bill which of themselves would not be privileged. I maintain that the item suggested by the gentleman from Oregon, if presented on the floor of the House in the form of a bill, would not have privilege under the rule; that it could not be called up except on Calendar Wednesday, or on the call of committees, or by direction of the House under a separate rule; and that being the case it is not in order on this bill at this time.

The CHAIRMAN. The Chair is ready to rule. The Chair is of opinion that the proposition is germane to this section. It was reported by the committee originally and is in order now. The Chair overrules the point of order.

Mr. HAWLEY. Mr. Chairman, in 1913, 1914, and 1915 the port commission of Coos Bay expended over $650,000 on the inner harbor, under the supervision and direction of the engineers of the War Department. They obtained a depth of 25 feet from the entrance to Smiths Mill. They maintained that depth for some time. Recently a survey was made of the inner harbor. That survey was authorized in a recent river and harbor bill. A favorable report was made by the district engineers. The Board of Engineers also favorably reported upon the project, and it is approved by the Secretary of War and the Chief of Engineers for a depth of 22 feet.

I am submitting this as an emergency matter. The present project depth is 18 feet in the inner harbor. It will be a misfortune if the $650,000 expended by the port commission to get a suitable depth of water, which they absolutely need for their commerce, should be lost and the Government should not have an opportunity of spending the money that is provided for in this bill in maintaining that depth of 22 feet which the engineers recommend as necessary for the commercial needs of that waterway.

In addition to the large lumber mills and ordinary commercial enterprises there are shipbuilding plants which have been building wooden ships, and I understand, will build some wooden ships for the Government. It is the only port south of Portland on the Oregon coast, a distance of about 400 miles, into which the larger vessels can enter and from which they can go out at their convenience. The depth of water on the bar will admit of the passage in or out of vessels drawing a considerable depth of water, and it will be a place in which Government vessels in case of necessity can go in the future as in the past to seek the repairs they need. The gentleman from Washington [Mr. MILLER] reminds me that one ship which sought refuge there saved a great many lives by so doing, and that it could not have gone in except for the enterprise of these people.

I am submitting this on its merits. Here is a project which has cost the locality $650,000. The engineers recommend 22 feet, and I am asking the committee if, in their judgment, it is not wise to save the 22 feet now obtained at no cost to the Government and to increase the present project depth from 18 feet to 22 feet, so that the money appropriated in the bill may give the commerce going in and out of there a channel of 22 feet. All the vessels serving that section can not be accommodated any more on 18 feet of water. They can not load to anything like their capacity, and to go in for less is a continual loss. I trust the committee will approve this amendment.

Mr. SINNOTT. Will the gentleman yield?

Mr. HAWLEY. I will.

Mr. SINNOTT. Is not this the harbor through which the Government timber, or the great majority of it, cut on the west coast, or in Oregon, will seek an outlet?

Mr. HAWLEY. A vast amount of Government timber, some fifty or more billion feet, will seek an outlet through this harbor in course of time, I suppose.

Mr. SMALL. Mr. Chairman, the gentleman has presented this amendment seriously, and, of course, it is entitled to the serious consideration of the committee; but the amendment ought not to be adopted. The present project provides for a depth of 18 feet in Coos Bay from the bar up to Marshfield, a distance of about 13 miles. The gentleman from Oregon [Mr. HAWLEY] says that a report has been submitted recommending this new project. I was not aware of it, and so far as I know it has not yet reached the committee, and I am sure the gentleman will say it was submitted very recently. It has never been considered by the committee, and because of the lack of time since the report was submitted to Congress we have had no opportunity to consider it.

I will say that this appropriation not only provides for $3,000 for the maintenance of Coos River, but also $70,000 to-

ward the completion of the project of 18 feet in Coos Bay, and in view of this appropriation for the continued improvement of a project which has been already adopted, I think the new project which is sought to be introduced as an amendment to this bill may well await future consideration. It is not believed that it is a matter of sufficient urgency to induce the committee to depart from the limitations which have been imposed by the River and Harbor Committee in the formulation of this bill, and I hope the Committee of the Whole will defeat the amendment.

Mr. HAWLEY. Will the gentleman yield?

Mr. SMALL. Certainly.

Mr. HAWLEY. Will not the gentleman agree that where localities have expended such very large sums of money in making improvements that are necessary and that will undoubtedly be continued, it would be a very wise policy to preserve them when they are so made?

Mr. SMALL. I did not intend, in anything I said, to disparage the new project. While I have not seen the report, doubtless it contains strong reasons in its favor, or it would not have been so reported. I am only suggesting that the amendment ought not to go into the bill, and that there is ample time in the future for its consideration.

The CHAIRMAN. The question is on the adoption of the amendment of the gentleman from Oregon [Mr. HAWLEY].

The question was taken; and on a division (demanded by Mr. HAWLEY) there were—ayes 18, noes 24.

Accordingly the amendment was rejected.

The Clerk read as follows:

Cascades and Dalles-Celilo Canals, Oregon, Columbia River and tributaries above Celilo Falls to the mouth of Snake River, Oreg. and Wash., and Snake River, Oreg., Wash., and Idaho: Continuing improvement and for maintenance, $70,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. I do not know that I am altogether gratified——

Mr. SMALL. Mr. Chairman, I wish to make a request for unanimous consent.

Mr. MOORE of Pennsylvania. I hope this will not be taken out of my time.

Mr. SMALL. No; it will not. I ask unanimous consent that all debate on this paragraph and amendments thereto close in five minutes.

The CHAIRMAN (Mr. BORLAND). The gentleman from North Carolina asks unanimous consent that all debate on this paragraph and all amendments thereto close in five minutes. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, I do not know that I am altogether gratified at the announcement just made by the gentleman from Wisconsin [Mr. FREAR] that he has made his last important speech on this bill. I know of no one who derives more satisfaction and more entertainment from the luminous addresses of the gentleman from Wisconsin than myself. He has become an expert upon the subject of waterways in the United States and gives more or less information to the Congress and to the public from time to time. Sometimes I do not agree with the accuracy of all the information that he presents, as, for instance, in the case of the Chesapeake & Delaware Canal, concerning which he speaks with very great persistency upon the minority side. I find in the RECORD of yesterday morning an extension of remarks by the gentleman from Wisconsin [Mr. FREAR], which I would much rather he had delivered upon the floor in person, because with his entertaining manner and his fine delivery what he said would have been more effective so far as most of the Members of the House are concerned. But had he delivered the speech which he extended in the RECORD it would have given us an opportunity to have checked up some of his utterances and to have corrected a few of the remarks he made as he proceeded on his waterway. [Laughter.]

The gentleman took occasion in this extension of remarks to attempt to undo what the House had already done with respect to the Chesapeake & Delaware Canal. He chastised that project again, just as he has chastised it in previous speeches and just as he chastised it in the minority report which he wrote and which reflected upon several other projects.

Mr. MADDEN. Will the gentleman yield to me for a question?

Mr. MOORE of Pennsylvania. Yes.

Mr. MADDEN. Does the gentleman want somebody to filibuster on this bill? Because if he does, I would like to do it.

Mr. MOORE of Pennsylvania. No; I wish the gentleman would take his seat. Much as I like to hear the gentleman from Illinois talk, I like more to hear the gentleman from Wisconsin.

Mr. MADDEN. I should like to filibuster, if that is what the gentleman wants.

Mr. MOORE of Pennsylvania. No; I acquit the gentleman from Illinois as well as the gentleman from Wisconsin——

Mr. TREADWAY. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. TREADWAY. The gentleman is unfortunate in giving the gentleman from Wisconsin undue credit, if there is anything wrong in the report, as to the Delaware & Chesapeake Canal. I regret to say that I shall have to shoulder all the blame in that respect.

Mr. MOORE of Pennsylvania. The gentleman from Massachusetts was just as inaccurate and as thoroughly misinformed in regard to that project as was the gentleman from Wisconsin. They were as inaccurate as two peas in a pod. [Laughter.]

Mr. GOOD. Will the gentleman explain the inaccuracy of two peas in a pod?

Mr. MOORE of Pennsylvania. I will add the gentleman from Iowa, and that will make three peas in a pod. [Laughter.] Mr. Chairman, these little pleasantries having passed over without harm, the gentleman from Wisconsin having promised to make no more speeches on the bill, I take occasion to undertake to convert him and the gentleman from Illinois to the necessity for the passage of this bill as a war emergency.

Mr. HAMLIN. Will the gentleman from Pennsylvania make the same promise to the House as did the gentleman from Wisconsin? [Laughter.]

Mr. MOORE of Pennsylvania. The Missouri River having been safely tucked away in the bill, I assume the gentleman from Missouri is ready to have the bill passed.

Mr. WALSH. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. WALSH. I would like to ask the gentleman if he has heard that the chairman of the Rivers and Harbors Committee expects to complete the consideration of this bill to-day?

Mr. MOORE of Pennsylvania. Yes; the gentleman from North Carolina said that when the gentleman from Cape Cod was absent; he said he hoped he might get through with the bill to-day.

Mr. WALSH. He said it in the presence of the gentleman from Massachusetts, and directly to him.

Mr. MOORE of Pennsylvania. Mr. Chairman, how much time have I remaining.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. I ask unanimous consent to proceed for five minutes in my own time.

Mr. JOHNSON of Washington. I ask for the regular order.

Mr. WALSH. I object.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for five minutes. Is there objection?

Mr. WALSH. I object.

Mr. MOORE of Pennsylvania. The gentleman from Cape Cod objects, I understand.

The Clerk read as follows:

Willamette River above Portland and at Willamette Falls, Yamhill and Clatskanie Rivers, Oreg.; Cowlitz, Lewis, and Grays Rivers, Wash.: For maintenance, $48,300; completing improvement of Willamette River around the Willamette Falls at Oregon City, Oreg., in accordance with the report submitted in House Locument No. 1060, Sixty-second Congress, third session, $80,000; continuing improvement of Lewis River, including North and East Forks, $13,500; in all, $141,800.

Mr. TREADWAY. Mr. Chairman, I move to strike out the last word. Some days ago the Chesapeake & Delaware Canal item was argued pro and con for an extended time.

Mr. SMALL. Will the gentleman from Massachusetts yield for me to make a unanimous-consent request?

Mr. TREADWAY. Yes.

Mr. SMALL. Mr. Chairman, I ask unanimous consent that all debate on this item and amendments thereto close in five minutes.

The CHAIRMAN. Is there objection?

Mr. MOORE of Pennsylvania. I desire five minutes on this.

Mr. SMALL. I will make it 10 minutes, Mr. Chairman.

Mr. FREAR. Make it 15 minutes; I desire 5 minutes.

Mr. SMALL. Mr. Chairman, I ask unanimous consent that we close in 15 minutes.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that all debate on this item and amendments thereto close in 15 minutes. Is there objection?

Mr. WALSH. I object.

Mr. TREADWAY. Mr. Chairman, the gentleman from Pennsylvania has seen fit to recur to an item in the bill which was passed several days ago, and I am afraid that the gentleman from Pennsylvania is filibustering in order not to permit us to

get through with the bill this afternoon. I can not see any other object in his recurring to the item for the Chesapeake & Delaware Canal. I, for one, after careful perusal of the reference to which he has called attention, do not see any inaccuracy in the minority report. In other words, he said we were as much in error as two peas in a pod. Now, there is great similarity between peas in a pod in all that I have ever shelled or eaten. It must be a very fair statement if he can not find any worse criticism than that.

But be that as it may, I have a feeling that this House made a grievous error when it failed to support the decision of the presiding officer who ruled this item was out of order. That matter has been referred to by my colleague, the gentleman from Massachusetts [Mr. GILLETT], wherein he said that the decision was overruled not on its merits but on the desire of various Members in favor of this bill to stick together. That is where very frequently this criticism comes in that there are in this bill items—call it pork or pudding or what you may—that are unjustifiable. I did not speak against the Delaware & Chesapeake proposition when before the House, but I do say that it is unjustifiable in spite of the fact that the president of the Inland Waterways Commission is particularly anxious for its adoption. We are correct when we say that it will cost this Government eight to twelve million dollars and that it is not a war project. The gentleman from Mississippi, Chairman of the Committee of the Whole House, should have been supported in his decision when he ruled it out of order. It does look as if this House was open to the very serious charge in the minds of the people of the country that we are not considering such projects as these on the merits and that there is an undercurrent or a league, as it might be called, to get these projects through. That is why the able and correct decision of the gentleman from Mississippi, Chairman of the Committee of the Whole, was not sustained. It was not on its merits, it is not on the merits of the project itself, but rather that the able defender of the project and the president of the Inland Waterways Board wanted to see his pet project put through. If we are in error in the minority report and differ as much as two peas in a pod, all well and good. I am willing for one to stand on the statement made in the minority report whether it pleases the gentleman from Pennsylvania or not.

Mr. SMALL. Mr. Chairman, I move that all debate on the paragraph and the amendments thereto be now closed.

The CHAIRMAN. The gentleman from North Carolina moves that all debate on the paragraph and amendments be now closed.

The motion was agreed to.

The Clerk read as follows:

Columbia and lower Willamette Rivers below Vancouver, Wash., and Portland, Oreg., and mouth of Columbia River, Oreg. and Wash.: Continuing improvement and for maintenance, $310,000: *Provided*, That of the funds herein appropriated $6,000, or so much thereof as may be necessary, may be expended in completing improvement at Cathlamet, Wash., in accordance with the report submitted in House Document No. 120, Sixty-third Congress, first session.

Mr. HAWLEY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 26, after line 13 insert the following as a new paragraph:

"For the improvement of the Yaquina Bar and Harbor in accordance with the report of the Chief of Engineers, United States Army, submitted to Congress on May 2, 1917, in House Document No. 109, Sixty-fifth Congress, first session: *Provided*, That the improvement shall not be undertaken until local interests have made available for the use of the Secretary of War under such rules and regulations as he may prescribe, one-half of the cost of such improvement, but when such one-half of the cost has been so provided the improvement shall be proceeded with."

Mr. LENROOT. Mr. Chairman, this is a new paragraph which is being offered by the gentleman from Oregon and I desire to be recognized on the paragraph in the bill which was read. I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin is recognized, and the amendment of the gentleman from Oregon will be considered pending.

Mr. LENROOT. Mr. Chairman, I desire to say a word with reference to the failure to include in this bill an appropriation of $975,000 for the improvement of the mouth of the Columbia River which was included in the last bill and was included in the estimates made for this bill. It is interesting to learn how this item of $975,000 was excluded from the bill when reported to the House. The hearings disclose the fact that it was included until the conclusion of the consideration of the bill had almost been reached. This bill, it should be remembered all of the time, is being considered as a war measure.

It will also be remembered that there was a special report made by a special board as to what improvements were absolutely necessary for our Navy, and when the bill had been almost concluded by the committee it was then observed that this war measure did not include a single item, with one exception, that of the East River, of New York, for these absolutely necessary improvements that this special board had reported as essential for the purpose of carrying on the war. Evidently it was determined to keep the bill down to about $28,000,000, and when this error had been discovered it was necessary to increase the appropriations to take care of these absolutely necessary war appropriations by about $971,000. It is interesting to read from the hearings as to how this was taken care of. I read now from the testimony of Col. Newcomer:

I might interject a remark at this point which will possibly ease the minds of the members of the committee to some extent by stating that the additional items which will be recommended amount to $971,000; but, by good fortune, I can recommend a reduction of $975,000 in another item, which has just come to my knowledge, the improvement at the mouth of the Columbia River, which involves the jetty work, and for which there was an estimate here of $975,000 for bringing it to completion. I have just had a report from the district officer showing that that work should be suspended, apparently, at this time, on account of the great cost involved and the fact that the jetty has now been brought up to what they consider a fair grade for several years, so that the estimate that has been proposed for that item can be reduced by that amount, and the changes that will be recommended will leave the total in the bill substantially as it was before.

Mr. Chairman, what a commentary it is upon the way these bills are being framed! Nine hundred and seventy-five thousand dollars claimed to be absolutely necessary in this time of war, included in this bill up to the last moment, passed upon by the Board of Engineers, and then suddenly on a telegram from the district engineer out in the State of Washington saying it was not needed this board finds all at once that it is not necessary at all!

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. JOHNSON of Washington. Is it not rather an evidence of the honest efforts of the district engineers in charge of river and harbor work on the North Pacific coast to faithfully serve their Government?

Mr. LENROOT. I am not complaining at all of the district engineers. The complaint I make is that that knowledge should have been in the possession of the Board of Engineers here before urging $1,000,000 in this time of war, rather than to insist upon its being incorporated, and then upon a telegram from a subordinate officer, a district engineer, saying now that they find it is not necessary.

Mr. SINNOTT. What the gentleman read is evidently all of the data that the committee had upon which to reject the item.

Mr. LENROOT. Oh, that shows absolutely on the face of it.

Mr. GOOD. If I understand the gentleman, here was $900,000 that was dropped from the bill—an item that was intended to aid in the prosecution of this war—in opposition to the recommendation of the Secretary of War and on the sole recommendation of some minor official out on the Pacific coast?

Mr. LENROOT. Yes.

Mr. GOOD. Is that the way we are determining what is necessary to prosecute this war? Are we depending upon the reports coming in from district engineers up and down the coast, or does the Secretary of War have some knowledge of this subject?

Mr. DUPRÉ. We brought that knowledge to the committee's attention, and therefore it was dropped because the Secretary of War, through Col. Newcomer, informed the committee it was not necessary.

Mr. GOOD. I know; but is this engineer out on the Pacific coast conducting this war?

Mr. LENROOT. Mr. Chairman, I can not yield further. I want to say this: That the Secretary of War, on a telegram from a subordinate officer in a matter involving a million dollars, takes the judgment of the subordinate officer and does not exercise any of his own.

Mr. DUPRÉ. Whose else should he take?

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. HAWLEY. Mr. Chairman, the amendment which I have proposed is for the improvement of Yaquina Bar and Harbor, and is based on the favorable report of the Chief of Engineers submitted May 2, 1917, in House Document No. 109, of this Congress, in which are stated the reasons moving them to a favorable report on this project. Since that report was submitted the people of that locality have, under the laws of the State of Oregon, formed a port commission.

Recently there was submitted to the people on the Yaquina watershed in Oregon the question of bonding the port to secure

money with which to proceed with the improvement. The people voted the bonds. If we wait until the next bill is passed in the succeeding Congress all the operating period of this year will be lost. The people of this section of the country have submitted to the engineers in Washington and to myself a proposal for immediate operations, stating they were ready to put up their money and proceed with this improvement and desired authority to do so. In order that their money may be safely and wisely used they desire to have it expended under the direction of the engineers. In fact, they can not modify or change the harbor lines without the consent of the engineers in Washington. The amendment I have proposed authorizes the Secretary of War to receive the money raised by the sale of bonds and to use it in the construction of this improvement, which is recommended by the engineers, approved by the Board of Engineers for Rivers and Harbors and the Secretary of War, and is regular in all respects. Now, these people are thoroughly convinced, and have so voted, that the waterway is worthy of support and are providing funds to the extent of $418,000. There have been submitted to the War Department from large timber owners undertakings in writing that they will construct large mills. They have been waiting for years for this opportunity, and will contribute a large part of this $418,000. These mills will be in addition to those already in existence. This is also a rich farming section. It is estimated from careful cruises that there are more than 30,000,000,000 feet of merchantable-timber ready to cut tributary to this waterway. I respectfully ask the committee to agree to this amendment so that these people can spend their money under the supervision of the War Department by improving a waterway for which they have great and essential need.

Mr. SMALL. Mr. Chairman, before replying to the gentleman who offers this amendment I would like to make this brief statement in answer to the comment made by the gentleman from Wisconsin [Mr. LENROOT] as to the omission in this bill of the amount estimated for the improvement of the mouth of the Columbia River.

Mr. LENROOT. I did not criticize the omission, I want the gentleman to understand.

Mr. SMALL. Well, the method, then. Gentlemen know that the United States as to its navigable waterways is divided into districts. In each district is stationed an engineer called the district engineer. He is there all the while; he is on the ground; he is making a constant study of the improvements and is presumed to be well informed as to existing conditions, and the Chief of Engineers, anxious to reduce any appropriation to the utmost limit consistent with maintenance and improvements of projects, wired the district engineer at Portland asking his opinion as to whether this appropriation for the mouth of the Columbia River could be reduced. The reply came that the whole amount could be stricken out for the reason stated by the representative of the Chief of Engineers, Col. Newcomer, a large part of which was read by the gentleman from Wisconsin [Mr. LENROOT]. So there is nothing unusual about it. It was done in the ordinary course and done with a view to reduce the appropriations in the bill.

Now, Mr. Chairman, as to the amendment offered by the gentleman from Oregon [Mr. HAWLEY], I desire to say that the amendment ought not to be agreed to.

In the first place, it is based upon a report which has just come in; a report that has been printed since we were considering the bill, and on page 150 of the hearings Col. Newcomer, before the committee and representing the Chief of Engineers, made quite an extended statement about this project. I do not want to disparage the project for the purpose of influencing the committee, but I must say there are many projects which have been favorably reported which are not in this bill, some of them reported one and two years ago, many of them of equal merit and emergency with this project which has been recently reported. While the gentleman from Oregon may be justified, of course, in what he considers the discharge of his duty, the Committee of the Whole would not be justified in adopting this amendment, and I hope they will not do so.

Mr. HAWLEY. Will the gentleman yield?

Mr. SMALL. Yes; certainly.

Mr. HAWLEY. Do I understand the gentleman correctly when I understood him to say that Col. Newcomer opposed this project for which I have offered an amendment?

Mr. SMALL. No; Col. Newcomer, representing the Chief of Engineers, would not have criticized a project which the Chief of Engineers had just reported favorably.

Mr. HAWLEY. I thought not, and which he himself as a member of the Board of Engineers for Rivers and Harbors had approved in a written document.

Mr. SMALL. This is not the only pebble on the beach. There are many other projects that have been favorably recommended, many of them of equal merit, and we would open up a Pandora's box if we discriminate by adopting this amendment and inserting this new project in the bill. It would be unfair to other sections of the country, and I hope the amendment will not be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon.

The question was taken, and the amendment was rejected.

Mr. HAWLEY. Mr. Chairman, I desire to offer another amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 26, after line 13, insert as a new paragraph:
"Mouth of Columbia River, Oreg. and Wash.: Continuing improvement and for maintenance, $975,000."

Mr. HAWLEY. Mr. Chairman, this language is taken from the river and harbor bill passed by the House at the last session of the Sixty-fourth Congress. This item was included in the tentative bill prepared by the committee at this session, as I understood the gentleman from Wisconsin to say, but eliminated at the last moment. The first information we had that the item was in danger came when the papers from the State of Oregon indicated that there were demands on the part of the laborers employed on the project for an increase of wages, and following that demand for an increase of wages, or an alleged demand for an increase of wages, there were two or three articles printed by the newspapers of Portland in which it was intimated that probably the solution of the problem to prevent the granting of the increase of wages would be the suspension of the work for a year.

I can not see why the Government of the United States should not advance wages if a reasonable advance is justified.

Mr. JOHNSON of Washington. Will the gentleman yield for a question?

Mr. HAWLEY. Yes.

Mr. JOHNSON of Washington. What does the gentleman think wages for day labor would have to be on the north jetty to continue work there this year? It is almost impossible to get men at $3.50 a day. Where are the laborers who were in that part of the country?

Mr. HAWLEY. I will say to the gentleman from Washington when the work was suspended they had the men.

Mr. JOHNSON of Washington. Yes.

Mr. HAWLEY. And could have kept them.

Mr. JOHNSON of Washington. But we did not then have the Canadian Government combing those counties for men and taking the men away.

Mr. MOORE of Pennsylvania. Is that not one of the reasons why an annual river and harbor bill should be passed, because the moment you stop the whole force of the Government is disorganized?

Mr. HAWLEY. This jetty is about 2½ miles long. In the construction of the jetty a very large number of piling of great length are used, and are correspondingly expensive. There are four piles in each bent. The bents, if I remember, are 10 feet apart. The cost of the piling, the braces, and caps on the piling, and the stringers, on which the rails are placed, is enormous. If this work is suspended now, within a year portions of that woodwork, which by that time will be over two years old, will be in such a condition that the sea will sweep them away or they will be unsafe for use. And if the work is suspended for a year, as was done when the south jetty was in process of construction, they will have to replace the woodwork at a cost of many tens of thousands of dollars. The jetty is not complete, according to the statement of the Chief of Engineers. There are 400 feet at the outward end that are below the surface of the sea at lower low water.

Up to this submerged portion there is a comparatively good jetty at present. But for the last 400 feet it varies from 7 feet below mean lower low water to 75 feet below mean lower low water, and is absolutely valueless for any purpose whatever if left in its present condition. It was the intention to construct this remaining 400 feet to the proper height above high water and place at the outer end a mass of rock that would stand the tremendous pounding of the northwesters and to confine the waters of the river for the purpose of scouring the bar and to protect the harbor from a drift of sand from the north.

Now it is proposed to abandon that work, and no sufficient reason has been assigned. The Chief of Engineers does not assert that the jetty is complete, but some trouble arose with the men, and so the work is to be abandoned. And, as I said a moment ago, if it is abandoned now it must necessarily be completed in the future, because that great artery of commerce

will demand the attention of this Congress, and command it, as it has in the past. You have approved year after year appropriations for the improvement of this waterway, and it has been fully justified by the results. They started with about 32 feet on the bar, and they have now practically 50 feet on the bar.

The CHAIRMAN. The time of the gentleman from Oregon has expired.

Mr. HAWLEY. May I have two minutes more?

The CHAIRMAN. The gentleman from Oregon asks unanimous consent for two minutes more. Is there objection?

There was no objection.

Mr. HAWLEY. The work has proceeded well, the river has responded to the attempt to control it, and in due time, if this north jetty is completed as originally planned, we will have a permanent jetty work that will protect that river, and Congress can practically forget its existence. But if it is left now, I predict that within a year or two the engineers will report that it was a mistake to leave the work incomplete—that the outer end of the jetty, that 400 feet or more, with a large section adjoining it which is now insufficiently protected, should have been completed—and they will recommend to the committee and to Congress appropriations with which to complete it. We will then have to reconstruct all that tram work, and not only the tram work but all the operating works. We will be compelled to replace not only the piling and lumber, at a cost of tens of thousands of dollars, but to add to that cost the wages of the labor employed in redriving the pilings, sometimes down through the rock; in replacing the caps, braces, and stringers; in relaying the track; and in reassembling the plant. All that work will involve a tremendous loss to the Government. And it seems to me the most prudent thing to do, when you have a job about completed and are ready to dump the last load of rock off the end of the tram, when the tram is there, and the workmen are there, and the rock is there, is to put the rock in the ocean and complete the work at the time and have it finished.

Mr. SMALL. The gentleman's amendment proposes to add an appropriation of $975,000 to the bill for improvement at the mouth of the Columbia River, and I will endeavor to make that situation plain with a brief statement. That amount was intended to be expended on jetty work at the mouth of the river, where very expensive jetties have been constructed, and on that point the engineer reported that the work should be suspended on the jetty at this time on account of the great cost involved and the fact that the jetty has now been brought up to what they consider a fair grade for several years, so that the estimate that has been proposed for that item can be reduced. That is the recommendation upon which the reduction was made.

Mr. HAWLEY. Does the gentleman yield?

Mr. SMALL. Certainly.

Mr. HAWLEY. The gentleman does not controvert the statement the Chief of Engineers made under date of May 25, 1917, which I quoted?

Mr. SMALL. Oh, no. But we know nothing about that. I do not, of course, deny any statement that the gentleman from Oregon makes about it, but I am talking about the information that was before the committee. On page 150 of the hearings Col. Newcomer, for the Chief of Engineers, stated that only dredging at the mouth would be required, and that the balance on hand was sufficient for that purpose. The balance on hand, estimated as of June 30, 1917, is $189,000, so that we have for the mouth of the Columbia River $189,000, which will, during the next fiscal year, serve amply for the purpose of open-channel dredging, the only suspension of work being upon the jetties; the report being that the jetties will last during that time without any further expenditure or further improvement, and therefore that the appropriation for the jetties need not be made.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oregon [Mr. HAWLEY].

The question was taken, and the amendment was rejected.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last two words.

Mr. SMALL. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that all debate on this paragraph and all amendments thereto close in five minutes. Is there objection?

There was no objection.

Mr. SMALL. What I had to say a while ago does not affect the gentleman from Pennsylvania, but I hope hereafter we shall confine ourselves to the items.

Mr. FREAR. Why should special license be given to the gentleman from Pennsylvania?

Mr. GILLETT. Why should we not always confine ourselves to the subject of the debate?

Mr. SMALL. I expressed the hope that the gentleman from Pennsylvania would confine himself to the paragraph.

Mr. MOORE of Pennsylvania. The gentleman has taken up a minute of my time already. When I was interrupted a little while ago I had something serious to say, and I hope I can say it now without interruption. We have passed the items along the Pacific coast, and I am in favor of those items. I believe there should be river and harbor improvements on the Pacific coast equally with those on the Atlantic coast. I am very glad that the committee has put in southern items, and items for the Middle West, and items affecting the Great Lakes. If the committee is correct and if the Secretary of War is correct and if the President is correct, every one of them has direct reference to the national defense.

Now, some gentlemen have opposed this bill on the ground that it is not a national-defense measure. I have contended several times that the matter of the conservation of the food supply and the transportation of all other supplies in this country in time of war, by virtue of the utilization of the waterways of the country, makes this a national-defense bill. I have here a very remarkable document, which I intended to read a little while ago when I was interrupted. I hope I shall be able to read enough of it now to bring this whole subject to a point.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Massachusetts?

Mr. MOORE of Pennsylvania. No; I will not.

The CHAIRMAN. The gentleman declines to yield.

Mr. WALSH. Mr. Chairman, I rise to a point of order. The gentleman is not discussing the amendment to strike out the last two words.

Mr. MOORE of Pennsylvania. I am discussing the matter of the advisability of improving the waterways along the Pacific coast equally with those on the Atlantic coast, which the gentleman from Massachusetts in part represents, but which he does not defend. I am defending the waterways of the Pacific coast equally with those of the Atlantic coast and of Massachusetts, which the gentleman from Massachusetts ought not reject. On the plea that we should have protection on the Pacific coast equally with protection on the Atlantic coast, I am proceeding in order; and I do not like to be interrupted by the gentleman from Massachusetts or any other Member on the floor who is opposed to this bill.

Now, Mr. Chairman, Maj. Gen. Tasker H. Bliss, Assistant Chief of Staff of the United States Army, is an authority worth considering. When he was a lieutenant, in 1884, he wrote an article on the subject of waterways and their utilization in time of war that now sounds like a prophecy. This in part is what he said:

> It is the immensity of the interests involved that guarantees the speedy completion of at least two of these lines as now proposed and that will give the greatest military value as lines of supply. The 10 grain States of the Mississippi Valley—Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Kansas, Nebraska—produce nearly 70 per cent of the wheat, corn, and cereals generally of the United States. These States are for the most part covered with a network of railways, yet, as already stated, it costs on an average the produce of 3 acres to get that of 1 to market.

This, of course, was in 1884.

> Everyone knows that at times when corn was selling for 90 cents in New England it was being burned for fuel in Iowa; when wheat sold for $1.35 in New York it brought 45 cents in Minnesota; when beef brought $7 a hundred on the hoof in the East cattle were being slaughtered for hides in Texas.

Mr. WALSH. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. WALSH. The gentleman from Pennsylvania is reading from a document that has absolutely nothing to do with the item under discussion.

The CHAIRMAN. The gentleman's time has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. WALSH. Mr. Chairman, I object.

Mr. MOORE of Pennsylvania. I renew my request for leave to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania renews his request for unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. WALSH. Mr. Chairman, I renew my objection.

The CHAIRMAN. The gentleman renews his objection, and the request is denied.

Mr. MOORE of Pennsylvania. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for five minutes. Is there objection?

Mr. WALSH. I object, Mr. Chairman.

The Clerk read as follows:

Puget Sound and its tributary waters, Olympia, Tacoma, and Bellingham Harbors, Lake Washington Ship Canal, Snohomish and Skagit Rivers, Swinomish Slough, waterway connecting Port Townsend Bay and Oak Bay, Columbia River between Wenatchee and Kettle Falls, Wash.: For maintenance, $30,000; for improvement of Lake Washington Ship Canal in accordance with the report submitted in House Document No. 800, Sixty-fourth Congress, first session, $200,000; in all, $230,000.

Mr. HADLEY. Mr. Chairman, I offer an amendment, which I send to the desk..

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HADLEY: Amend, by inserting after line 7 on page 27:

"Skagit River, Wash.: Completing improvement in accordance with the report submitted in House Document No. 935, Sixty-third Congress, second session, $30,000."

Mr. HADLEY. Mr. Chairman and gentlemen of the committee, I know you are impatient, as we are nearing the end of the projects. I would like your attention for just a few moments. I think I can make a statement in five minutes which will justify this item.

The item covered by this amendment was carried in the last river and harbor bill which passed the House in the Sixty-fourth Congress. I have here House Document No. 935 of a previous session, covering the reports of the engineers, the River and Harbor Board, and also the Secretary of War. The item was passed in the House at the last session of the Sixty-fourth Congress without any criticism or suggestion of criticism. It is eminently meritorious, and I submit it upon these facts: The Skagit River is the largest of all the great rivers flowing into Puget Sound. At the mouth of the Skagit River there is a wide and large delta. There are two principal outlets for the river, the North and South Forks. Formerly there were many outlets through the delta, which is 5 or 6 miles in width. A few years ago the Government adopted a project and completed it at the mouth of the South Fork of this river, putting in a training dike directing the flow of the water and opening the channel, and maintaining it across the bar at the mouth of the river. That improvement has performed its function successfully; but 7 miles above the mouth of the river and above that improvement a bar has been forming at what is known as Skagit City, called the Skagit City Bar. That bar threatens all of the commerce of the Skagit River, threatens to impede and ultimately to destroy it unless it is taken care of. Unless it is taken care of, it will destroy the result of a $100,000 improvement which has already been perfected and completed at the mouth of the river.

The proposition here recommended by the engineers and by the board, and adopted, as I say, by the House in the last Congress, is an expenditure of $30,000 to open the channel to a greater width and depth through the Skagit City Bar, 7 miles above the other improvement, and to erect a training dike about 6,200 feet in length in connection with the dredging operations. The one at the mouth of the river is about 2 miles in length. This will create a channel which will permit the transit of vessels at all stages of the water and of the tide. The engineer's report shows the controlling depth of the water on the bar is about 3 feet, and after every freshet the vessels hang up on the bar. They can only pass over the bar at high tide. The commerce on this river amounted to a little less than $4,000,000 in 1914, as shown by the report which I have in my hand. I have seen authority for the statement that the commerce of the river for 1915 was something more than $5,000,000. I have not the statement for 1916, but it was undoubtedly approximately the same. This commerce consists of hay, grain, oats, condensed milk, and miscellaneous articles of commerce produced in one of the richest valleys in the world.

This is no Jim Crow creek of which I am speaking. I want the committee to understand that it is one of the great rivers of this country, and that an improvement which cost this Government $100,000 at the mouth is about to be rendered useless and sacrificed because of the refusal to incorporate here an item providing for the expenditure of $30,000 to make good the commerce of that river.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HADLEY. Mr. Chairman, there is much more that might be said in support of this item. May I have half a minute?

The CHAIRMAN. The gentleman from Washington [Mr. HADLEY] asks unanimous consent for half a minute. Is there objection?

There was no objection.

Mr. HADLEY. I do not criticize the committee for its action. I think it could not have fully understood or reviewed these reports that were before it. I submit to the committee that upon the brief statement I have made this injustice ought to be corrected. It would take 15 or 20 minutes to cover the subject. I have not asked that, but I submit that this is the time and place to correct this injustice to this river and to the commerce upon it, and to the people of the locality and the people of the country. Therefore I ask the committee to restore the item to the bill.

Mr. SMALL. Mr. Chairman, the amendment of the gentleman from Washington [Mr. HADLEY] seeks to include a new project in this bill for the improvement of the bar at the mouth of Skagit River, involving an estimated cost of $61,500, the proposed improvement being the construction of about 6,200 feet of dike for the purpose of confining the water, so that by scouring action a greater depth of water will be maintained.

Mr. HADLEY. Will the gentleman yield?

Mr. SMALL. Yes.

Mr. HADLEY. I wish to correct the impression that would be created by the gentleman's statement. This amendment asks for only $30,000. The engineer's report recommended $61,500, but this amendment is for only $30,000. I think the chairman of the committee overlooked that fact.

Mr. SMALL. I cheerfully submit to the correction. The original recommendation was $61,500.

Now, Mr. Chairman, it is not necessary to disparage this project which was favorably reported by the Chief of Engineers and has passed through all the stages of investigation. I may say further that it was included in the bill which passed the House at the last session, but there were 50 or more new projects which passed the House in the last bill but which are not included in this bill. I submit to the House that it was agreed to submit finally to the recommendations of the Chief of Engineers, when approved by the Secretary of War, as to whether new projects were of sufficient urgency to be put in the bill, or whether the failure to appropriate for new projects in the bill would cause such a loss as to make it an emergency. In their opinion this was not sufficiently urgent to justify their recommendation for inclusion in the bill. I hope that Members, by reason of their regard for the distinguished Member from Washington, in which we all join, will not permit personal considerations to move them in voting for this amendment. Because if you do so, you can well understand that an injustice would be done to fifty-odd other new projects not included in this bill. Let me illustrate. There is the Crescent City Harbor proposition, in California, a very important project which has been insistently urged for inclusion in the bill. How unjust it would be to have other projects included and not that project. All these projects will be taken care of in the bill recommended by the committee at the next regular session. This bill illustrates that there are important projects involving large commerce, and yet they can not all be taken care of in one bill at the same session.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington.

The question was taken; and on a division (demanded by Mr. HADLEY) there were—ayes 21, noes 43.

Mr. HADLEY. Mr. Chairman, I offer another amendment.

The Clerk read as follows:

Amend by inserting after line 7 on page 27:

"Anacortes Harbor, Wash.: Completing improvement in accordance with the report submitted in House Document No. 1117, Sixty-fourth Congress, first session, and subject to the conditions set forth in said document, $56,000."

Mr. HADLEY. Mr. Chairman, this is another project included in the last bill reported through the usual channels, and passed the House in the Sixty-fourth Congress. In the Anacortes Harbor, Wash., there is a waterway known as Cap Sante waterway. It is proposed to dredge that out to a depth of 12 feet at mean lower low water, 150 feet at one end and 250 feet at the other, for the purpose of creating a shelter and safe retreat for vessels of light draft that are used in the commerce in that locality. On the north side is a very strong current and at times a tempestuous sea rages outside, and these light-draft vessels that perform the ordinary functions of commerce in that vicinity have no other shelter, and this would afford them ample facilities.

The commerce there consists mainly of fish and lumber. There are about 40 large industries, including shingle mills and fish canneries. The fishing craft can not well be sheltered at any

other point in a period of storm. The depth of the water is only a few feet at low water and is wholly inadequate for the purposes contemplated by the proposed improvement.

The cost of the improvement will be about $84,000, $56,000 of which is proposed to be paid by the Government. The local people have assumed $28,000 by way of cooperation as specified by the engineers in the report. I will not detain the committee beyond stating this brief outline. It is a worthy project and ought to command your consideration at this time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington.

The question was taken, and the amendment was rejected.

Mr. STAFFORD. Mr. Chairman, at the suggestion of the chairman of the committee I ask that the Clerk return to page 21, lines 13 to 22, passed over this morning without prejudice, for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from Wisconsin asks to return to page 21, lines 13 and 22, passed over this morning without prejudice, for the purpose of offering an amendment, and the Clerk will report the amendment.

The Clerk read as follows:

Page 21, line 18, after the amount, $52,100, insert:

"*Provided*, That this amount is hereby made available for maintenance of the channel to the established depth of the Milwaukee, Menomonee, and Kinnikinnic Rivers, inner harbor, Milwaukee, Wis."

Mr. STAFFORD. Mr. Chairman, when this item was reached I directed an inquiry to the chairman of the committee whether in view of the fact that yesterday we adopted the policy of providing for the maintenance of the inner harbor at Lorain, and in view of the further fact that it is the policy recognized through the bill to maintain the channel of all the rivers tributary to the coast and the Gulf, and also the Great Lakes, whether he would have any objection to providing specifically for this amount to be utilized for the maintenance of the channel of the inner harbor of the Milwaukee, Menomonee, and Kinnikinnic Rivers, where there is a tonnage of several million tons each year. For some reason or other the United States Government has not been undertaking the work of maintenance there, the work being confined entirely in prior years to the outer harbor as far as the channel is concerned. For a number of years I have directed inquiries to the chairman of the committee concerning this feature of the work, and they have never been able to explain why the inner harbor at Milwaukee was excepted from the usual course of maintenance by the Government.

Mr. SMALL. Mr. Chairman, since the gentleman from Wisconsin [Mr. STAFFORD] introduced the amendment, the chairman of the Committee on Rivers and Harbors has investigated this as carefully as he could in the limited time, and he sees no objection to the amendment, and hopes that it will be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The amendment was agreed to.

The Clerk read as follows:

Nome Harbor and Apoon mouth of Yukon River, Alaska: Completing improvement of Apoon mouth of Yukon River in accordance with the report submitted in House Document No. 991, Sixty-third Congress, first session, $45,000; completing improvement of Nome Harbor in accordance with the report submitted in House Document No. 1932, Sixty-fourth Congress, second session, and subject to the conditions set forth in said document, $105,000; in all, $150,000.,

Mr. SULZER. Mr. Chairman, there seems to be an impression amoi some of the Members of the House that this bill is not in interests of national defense and that those who are advocating its passage are not taking a broad, patriotic stand, but are in favor of the bill because of particular projects in certain localities. I do not believe there is a Member of this body who would advocate or vote for anything not in the interests of the successful prosecution of the war. When it is said that Members are not advocating this bill for national defense the criticism would seem to include the Commander in Chief of our military and naval forces and his advisers, upon whom rests the enormous responsibility of the successful conduct of the titanic struggle in which we are engaged, for their approval has been given this measure and surely their purposes can not run counter to our national interests.

It is a serious mistake to imagine that this war is going to be concluded in six months' time, and it would be a serious and grievous error to send our brave soldiers to the battle fields of Europe and our courageous sailors upon the high seas without exhausting every means at our command to provide them with all the material and supplies of war that they can possibly need and use. To do otherwise would be to send them to needless sacrifice, and they must be supported by every resource available in the Nation.

The war of to-day can not be won by the men at the front alone; it must be won by the entire industrial and commercial capacity of the Nation cooperating to the fullest extent with our military forces. In order to accomplish this purpose our commerce and industrial life must be developed to the highest possible point. It is imperative that the Government lend every assistance to our commerce in order that the productive capacity of the Nation may be as great as it is possible to make it, for in the last analysis the strength of the Nation lies in its wealth of resources.

I wish to say at this time that in the great war in which our country is engaged the people of Alaska stand loyally and patriotically behind the Government. Alaskans have entered every branch of the military and naval forces and are ready to give themselves with devotion to the defense of the Nation's honor and the sacred rights of humanity.

We Alaskans are few in number, and we can but add our bit to the man power of our fighting forces, but in material resources of vital importance in the prosecution of the war we are very rich, and it is in the utilization of these resources of Alaska and their highest development at this time that the Nation can most benefit from its great possession in the North. It is in regard to the development of these great resources in Alaska that I especially appeal for the favorable consideration of two small items in this bill, an item of $105,000 for the creation of a harbor at Nome, and the other an item of $45,000 for the improvement of the mouth of the Yukon River, $150,000 in all.

The Nome Harbor project is one of exceptional merit. There is at present no harbor of any sort for any craft at Nome, and vessels are forced to lie in an open roadstead several miles from the beach. During storms the nearest shelter is in the lee of Sledge Island, 27 miles distant.

Large vessels bringing passengers and freight for Nome and Seward Peninsula anchor 2 miles offshore and transfer their passengers and freight to lighters, which are towed to the beach through the surf and discharged. Some years ago there was constructed a caisson and tower about one-half mile from the beach in 12 feet of water. From this tower cables were extended to a similar tower on shore and passengers and freight were taken ashore over this cableway. A year ago last winter this tram was completely wrecked by a severe storm, and the need for some adequate facility at Nome is now very great.

Nome is the metropolis and distributing point for all of the coast of Alaska from the Kuskokwim River to Herschel Island, a distance of 2,000 miles. Many gasoline and sailing vessels are engaged in the coastwise trade, making Nome their headquarters and outfitting point. Numerous vessels ply back and forth between the Siberian ports, engaged in developing a rapidly growing trade. All of these vessels are now subject to great hardship by reason of there being no harbor of refuge at Nome, and no way that the passengers, mail, and freight involved in all the Bering Sea trade can be handled except through the surf.

This project proposes to deepen the basin at the mouth of Snake River within the city of Nome, to widen and deepen the channel leading into the river from Bering Sea, and to protect this channel by two jetties.

This will enable the lighters from the large vessels to be taken within the harbor and discharged there in safety, effecting a great saving in costs of handling. It will give the small gasoline and other vessels comprising the "mosquito fleet" a safe refuge and an ample harbor, and greatly lessen the trials and hardships of all those engaged in the development of this far northland. It will give a great impetus to all lines of endeavor in that section.

There was shipped to Nome last year merchandise valued at $1,049,245, for use in the town alone. The shipments to the Bering Sea settlements, which are in a great part landed at Nome and distributed from there in the small gasoline craft, totaled $4,105,999 for the year. The reports of the collector of customs of Alaska shows that the tonnage entered and cleared at Nome was exceeded only by two places in the Territory—Ketchikan and Cordova.

Nome is one of Alaska's most important gold camps. The gold-bearing sands of the Nome district are of enormous extent; they have been thoroughly prospected and developed and will continue to yield greater and greater annual returns for generations. It is conservatively estimated that the gold production of Seward Peninsula will eventually total a billion dollars. Tin, platinum, bismuth, antimony, tungsten, and other rare metals necessary and vital in the manufacture of war munitions and supplies are found in the district. The section to be benefited by these improvements contains the only tin mines on the continent, which, during a short space of time have produced over half a million dollars worth of metal and which, with properly

encouraged development, are susceptible to a very large expansion. And it is this project that makes this particular item essentially a war measure. There is at this time a great shortage of tin in this country, and nearly every department of the Government is spending every resource to obtain an additional and adequate supply. At this time we are putting up, on this very day, in the Territory of Alaska, 250,000,000 cans of salmon, and if it is possible to get additional tin it is hoped to make that product at least 50,000,000 cans more. There is nothing of more importance in supporting our armed forces and supporting our own people and the people of the allied countries than an adequate food supply, which must be prepared and preserved in tin.

Nome also has a fur-trading industry of large proportions. Some years ago a few reindeer were imported from Siberia into Alaska, and to-day there are over 100,000 of them in the Territory. This industry centers at Nome, and while it is as yet in its infancy, it is surely destined to develop into enormous proportions and become one of the food supplies of the Nation. Already considerable reindeer meat is being shipped to our Pacific coast ports.

The coast of Bering Sea is a very treacherous one. During the past 17 years over $1,000,000 worth of shipping has been lost in the vicinity of Nome and many lives have been sacrificed. As the small craft have been destroyed, many have not been replaced, owing to the hazards and risks involved, and this fact has greatly retarded the development of this most important section. The construction of this harbor will put new life and activity into the exploitation of these new fields.

These sturdy Alaskan pioneers who have given the Nation over $75,000,000 in gold from the tundra of Seward Peninsula, who have opened up an area three times the size of the State of Massachusetts and made it productive, deserve some consideration at the hands of this Congress. In their behalf I appeal to you.

Now, with reference to the improvement of the Apoon mouth of the Yukon, I wish to say that the Yukon River is one of the great rivers of the continent, one of the noble rivers of the world. With its tributaries, which include the Tanana, the Porcupine, the Innoko, and the Koyukuk, all comparable to the Missouri, Ohio, and other Mississippi tributaries, the Yukon affords access to a great part of the interior of Alaska. The Yukon discharges two-thirds the water at its mouth that the great Mississippi of continental United States does.

Large river steamers navigate this great river and its tributaries for thousands of miles, carrying passengers and supplies to the cities and camps and river distributing points, and thus far this has been the only means of affording settlement and development to this great section of the Territory.

The Apoon mouth of the Yukon is its most easterly mouth, and is the one used by all navigation. For many miles from the mouth of the river Bering Sea is shallow, and the river can be approached only by shallow-draft river boats. The terminal point for all Yukon River navigation is at St. Michael, 60 miles distant from the Apoon mouth. All ocean vessels from Seattle, Portland, and San Francisco transfer their cargoes at St. Michael to the river barges and steamers.

A bar beyond the mouth of the river and in the open sea now obstructs navigation and makes it extremely hazardous. This fact causes great delay and expense to all vessels operating on this route, because they are unable to enter or leave the river except at the highest stages of the tide and under favorable wind conditions. It is hazardous and dangerous, because if a vessel grounds at this point it remains grounded for a day or more in the open sea, where sudden and violent wind storms arise. If a vessel could be assured of entering the river without delay, the weather can be safely judged for the time required to travel the 60 miles, but if the vessel is delayed at this bar, or unfortunate enough to become grounded in the mud, it is at the mercy of a rising sea.

There is a very great loss of time caused all navigation, and much danger to life and property, by reason of the existence of this bar at the mouth of the Apoon Pass.

The statistics of the Treasury Department show that during the year 1916 there was shipped to the Yukon River Basin merchandise of a total value of $3,855,197. During this same period, the gold production of the Alaska camps in the Yukon Basin amounted to $7,100,000, according to figures compiled by the United States Geological Survey. The value of antimony and tungsten produced in the year was $100,000. New districts are continually being opened up along the river, the most recent of which, the Marshall Camp, during the first year produced a half million dollars and promises to produce added millions during the next year.

It is of extreme importance for the settlement and development of all the Yukon drainage basin that this project under consideration be authorized and navigation thereby made reasonably safe and expedient by the removal of this bar.

The grandeur and magnificence of Alaska has become much better known during the past few years, and tourist travel down the Yukon is growing rapidly. No more beautiful trip can be taken in the world than to sail down this majestic river under the midnight sun. This travel is surely destined to become of tremendous volume and importance, and this small appropriation will do much to encourage the development of such travel.

The United States Government is now engaged in building a railroad across Alaska, 400 miles of a line that will open up a new virgin country for farmers and miners and develop two vast coal fields. This railroad is being constructed from the interior terminal as well as the coast terminal, and all the supplies for the interior terminal must go up the Yukon and Tanana Rivers. The loss of a single barge load of Government supplies at the mouth of the river would mean more than the cost of the whole project.

I am personally familiar with the merit of this project, for only last summer I traveled up and down the Yukon with my family on the good ship *Schwatka*, which was unfortunate enough to run aground on this bar and was forced to remain there for 30 hours.

Alaska, during the past 50 years, has received approximately $500,000 for river and harbor improvements, $10,000 a year for a territory of nearly 600,000 square miles, seventy-two times the extent of my native State of New Jersey. With a coast line of 26,000 miles, with thousands of miles of riverways, surely we have not been extravagant in our requests for improvements. We ask for these two small appropriations, because they mean so much to the commerce, the industry, and the development of all that great northern section of Alaska, and so much to the comfort and happiness and safety of the loyal pioneers who are standing as the outposts of our Nation in the far Northland.

The present year is the fiftieth of Uncle Sam's possession of Alaska. During this time the vast empire has been built up out of a wilderness by struggling, indomitable Alaskan courage and brawn. Until the last few years Alaskans were given little encouragement or aid in their efforts to open up the fastnesses and bring the rich resources of our Territory to the lap of the world.

Alaska has many pressing needs. Government at a 3,000-mile range is not effective government, and if the Territory is to be permitted to develop naturally and to the full extent of its resources, Congress must grant it complete powers of self-government. The leading strings and red tape by which Alaska has been so long bound should be cut away at once, and the American citizens in that great Territory given the freedom and blessing of a real and adequate self-government.

With the Nation engaged in the greatest war of all time, and the dormant resources of Alaska, such as copper, gold, coal, oil, rare metals, food fish, and timber products, invaluable to the Nation in the prosecution of war, the petty restraints and restrictions which have caused stagnation in Alaska and acted as a discouraging deterrent to real development, should be summarily removed. Broad powers should be given the people of Alaska, and our citizens who have undertaken the pioneer work in our northern Territory should be given that latitude of action necessary in the development of a frontier country. Liberal appropriations should be given the Territory for aids and improvements commensurate to the vast extent of its domain. [Applause.]

The Clerk read as follows:

SEC. 2. Where separate works or items are consolidated herein or hereafter and an aggregate amount is appropriated therefor, the amount so appropriated shall, unless otherwise expressed, be expended in securing the maintenance and improvement according to the respective projects adopted by Congress after giving due regard to the respective needs of traffic. The allotments to the respective works so consolidated shall be made by the Chief of Engineers as authorized by the Secretary of War. In case such works or items are consolidated and separate amounts are given to individual projects, the amounts so named shall be expended upon such separate projects unless, in the discretion of the Chief of Engineers and the Secretary of War, another allotment or division should be made of the same. Any balances remaining to the credit of the consolidated items shall be carried to the credit of the respective aggregate amounts appropriated for the consolidated items.

Mr. FREAR. Mr. Chairman, I move to strike out the section. I expected some one else was going to make this motion, but I desire to show what the effect of this section is. This section provides, as I understand, that Army engineers can group, as they have done in this bill, different projects into separate groups. Money may be appropriated for those groups, and full authority given to the engineers to make the allotment to a specific project. Under the system proposed in this bill it will hereafter be practically impossible to strike out any project, however bad or unsatisfactory it may be as a commerce-bearing project, because it will be grouped with others, in accordance

with this new plan of Army engineers. To show how close this came home to members of the committee, I may say that two members who are interested in respective projects on the Pacific coast objected to their projects being grouped together, for the reason that they desired to have appropriations remain separate and distinct. I only speak of that in passing because it is a suggestion that comes home to those who are interested in different projects. Under this provision it is possible hereafter, because we are establishing precedents, for Army engineers to first group any number of these different projects and then to determine how much money shall be appropriated for a specific project, and we are giving them power to make any allotments they may desire. Congress has heretofore claimed to be jealous of its powers and rights in specific appropriations that are being made. It will hereafter, by section 2, place Army engineers in the position where they will be continually importuned to make allotments for specific projects in which individuals are interested, and I believe it is unfortunate to place in this bill at this time or at any other time this provision. For that reason I have moved to strike out the item.

Mr. LENROOT. Mr. Chairman, this matter is so important that I think we ought to have some explanation from the chairman of the committee. It does seem that it absolutely revolutionizes the policy of Congress in this respect. While I am upon my feet I want to call the attention of the chairman to this fact: The language as it now reads authorizes any appropriation for maintenance, even though grouped, to be used for work of improvement.

Mr. SWITZER. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. SWITZER. Did not the last lump-sum appropriation take all of the unexpended balances to the extent of $5,000,000 and turn them over to the Army engineers?

Mr. LENROOT. Oh, yes; I understand; but Congress should declare that in a specific case, if it does so. If we have a bill with several million dollars for maintenance and this becomes the law, there will always be the suspicion—and it will be an additional suspicion, let me say, I think very largely unwarranted—that items have gone into a bill under the guise of maintenance, whereas the real purpose is to get improvements. I do not think the chairman would desire that there should be any further complication in respect to these matters than now exist, and if this is to be done at least the words "any improvement" should be stricken out, so that it would be confined to maintenance where appropriations are grouped for maintenance and improvements permitted only where appropriations are grouped for improvements.

Mr. SMALL. Mr. Chairman, I did not rise in opposition to the motion to strike out this paragraph, because it has been discussed more than once during the consideration of this bill. The gentleman from Wisconsin [Mr. LENROOT], who last spoke, I am sure, is perfectly sincere, but I think his theory is founded upon an erroneous impression. Not only are grouped items a familiar method in river and harbor bills, but also this is not a new law which is proposed in this section. As far back as the early days of the service of Mr. Burton, as the chairman of this committee, there have been grouped items, and the appropriations therefor have been expended substantially as provided in this paragraph.

Mr. LENROOT. May I ask a question, because I want information?

Mr. SMALL. Certainly.

Mr. LENROOT. In the past has there been any case where items have been grouped and a maintenance appropriation made where that appropriation may be used under the will of the Secretary for improvement? That is my point.

Mr. SMALL. In the river and harbor act approved March 4, 1913, in section 7 I find this paragraph, which I think is substantially the one under discussion, and I ask the gentleman to follow it in the bill here:

SEC. 7. That where separate works or items are consolidated in this or subsequent rivers and harbors acts and an aggregate amount is appropriated therefor, the amounts appropriated shall, unless otherwise expressed, be expended in securing maintenance and improvement according to the respective projects adopted by Congress, after giving due regard to the respective needs of traffic. The allotment to the respective works consolidated shall be made by the Secretary of War upon recommendations by the Chief of Engineers. In case such works or items are consolidated and separate amounts are given with each project, the amounts so named shall be expended upon such separate projects unless, in the discretion of the Secretary of War, another allotment or division should be made of the same. Any balances remaining to the credit of the consolidated items shall be carried to the credit of the respective aggregate amounts appropriated for the consolidated item.

Mr. LENROOT. It is somewhat different in phraseology, but in reference to the point I make it is the same. Now, I would like to ask the gentleman what the practice has been, if there has been a grouping of appropriations for maintenance, whether any portion of that has been used for improvement?

Mr. SMALL. The practice has been this, and I am very glad the gentleman asked the question in that way. In the annual report of the Chief of Engineers estimates are submitted either for maintenance, if it is a completed project, or for continuing improvement. Now, in these grouped items there may be, say, eight items, all for maintenance, we will say, and out of the eight, estimates are only made for three of them. The gross amount appropriated is based upon the amount estimated for those three items, and expenditures will be confined to those three items unless before the end of the fiscal year, by reason of some unanticipated condition, there should be some deterioration in the channel of those for which no estimate is made, either by flood conditions or some other unanticipated deterioration of the work. If no deterioration in the channel or works should occur before the end of the fiscal year, all the appropriation would be expended in accordance with the original estimate. If there should be in the consolidated item an appropriation for the further improvement of any project, the appropriation would be expended on that project, unless some unforeseen exigency should require the diversion of a part of the appropriation.

Mr. LENROOT. I thoroughly agree that is the correct practice, but the gentleman will see this language does not limit it to that practice at all. That is my point.

Mr. SMALL. I am very glad the gentleman made the suggestion, and I promise we will study it before a future bill is submitted.

Mr. LENROOT. That is all I ask.

Mr. STAFFORD. Mr. Chairman, will the gentleman permit a further inquiry?

Mr. SMALL. Certainly.

Mr. STAFFORD. The gentleman says that he will consider it before another bill is presented. Will the gentleman, under that condition, be willing to strike out the words, in line 19, "or hereafter," so as to have it only applicable to the present bill, to the appropriations that are available at the present time?

Mr. SMALL. Well, it has been so carried heretofore.

Mr. STAFFORD. I do not recall in the reading of the provision in the prior bill the words "or hereafter" were carried.

Mr. SMALL. I am perfectly willing that should go out. We want to act in good faith in the matter.

Mr. HUMPHREYS. Should it not be "or hereafter and"?

Mr. STAFFORD. I move to strike out——

The CHAIRMAN. The Chair will state to the gentleman there is pending a motion to strike out the paragraph.

Mr. STAFFORD. This is a preferential motion, Mr. Chairman, to perfect the paragraph by striking out the words "or hereafter."

Mr. HUMPHREYS. "Or hereafter and."

Mr. STAFFORD. It is line 19, page 28.

The CHAIRMAN. Does the gentleman offer it as a substitute or as an amendment?

Mr. STAFFORD. As an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 28, line 19, strike out the words "or hereafter."

Mr. HUMPHREYS. If the gentleman will yield, the word "and" ought to go out. It says "where separate works or items are consolidated herein or hereafter and."

Mr. SMALL. I think the correct amendment is to strike out "or hereafter." That makes better language.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question is on the motion of the gentleman from Wisconsin to strike out the paragraph.

The question was taken, and the motion was rejected.

The Clerk read as follows:

SEC. 3. That in all cases where the authorized project for a work of river or harbor improvement provides for the construction or use of Government dredging plant, the Secretary of War may, in his discretion, have the work done by contract if reasonable prices can be obtained.

Mr. LENROOT. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman the reason for this section. It is not found in previous bills.

Mr. SMALL. Is the gentleman referring to section 3?

Mr. LENROOT. Yes.

Mr. SMALL. As I understand, the purpose of that is for better administration. Frequently an appropriation provides that work shall be done by Government dredging plants, but it may well happen that by reason of a demand for work by private dredging companies and their bidding against each other, conditions may arise by which the work can be done cheaper than by the Government plants. And it is only for the purpose of economy that this is done.

Mr. LENROOT. Mr. Chairman, I am afraid the gentleman has forgotten the purpose in other bills of expressly providing that certain work shall be done by the Government itself, and when he refreshes his recollection he will remember the circumstances. I remember them very well. There were three or four cases in one of the recent harbor bills, where the bids for contracts had been very large, and Congress determined that a portion of the work—and it was only a small portion of it—should be done by a Government plant in order that the Government might have a basis upon which to check the bids that were made so that the Government would know in a given case what a reasonable cost for doing the work was. One of the cases I remember was some of this canal work of the intercoastal canal, and it seems to me it was a proper, wise, and beneficial provision. It was not extensive, but certainly operated to the benefit of the Government, and I do not believe that that should be stricken out at this time, because with these increasingly higher and higher bids the Government should have some basis, by doing some of its own work, of determining what a reasonable price is. And for that reason, Mr. Chairman, the gentleman not having given any other reason than that which he has given, I move to strike out the section.

Mr. HUMPHREYS. Mr. Chairman, I wanted to ask the chairman some questions about that. I know some cases heretofore where work has been authorized to be done by contracts and authority has been given to the Chief of Engineers to construct a dredge where he could not get proper prices under the contract. That has frequently, perhaps universally, resulted in reasonable bids for the work. And I was just wondering why it was that section 3 was not framed along that line, which is just the reverse of what you have, that where the work is authorized to be done by contract that the Chief of Engineers is authorized to build a dredge unless reasonable amounts can be gotten by the contract. As you have it written here, where the work is authorized to be done by the dredge, he can let it out by contract if he gets reasonable rates. Just briefly reading it here, it occurs to me that you have got the cart before the horse.

Mr. SMALL. I will say to the gentleman from Mississippi and to the gentleman from Wisconsin that this is a provision which was inserted in the bill by the Senate Committee on Commerce; that is, in the last river and harbor bill in the last session. When we were formulating this bill I took occasion to consult with the chairman of the Committee on Commerce, and also with the Chief of Engineers, and the reason assigned was the one which I stated; that is to say, that conditions sometimes existed by which the work was offered to be done by private dredging companies even cheaper than it could be done by the Government, arising, it was said, from unusual competition or because of a dullness of work among the private dredgers, or for some similar reason.

Mr. JOHNSON of Washington. Let me tell the gentleman one of the reasons for the labor situations that arise on certain Government works. On the jetty work on the north bank of the Columbia, done by the Government during the year ending with the last report, over 300 men were injured and quite a number of them disabled for life. The Government pays to men disabled by complete injury wages for one year. A man injured for life gets about $1,000, if he is working for the Government, but in the State of Washington and in many other States, if he is working for a corporation under the employers' liability act he is paid a stated sum per year for the balance of his life. As I said, on the north jetty of the Washington side of the Columbia River more than 300 men were injured in one year. The hospitals in the counties on the north side of the river were filled with these men who have used up the one year's Government salary in hospital fees, and so forth. Now they find themselves turned out and repudiated by the counties and State on the ground that they were not working for the State, and they are left as Ishmaelites—helpless—all begging me to introduce special bills for their relief.

Mr. SMALL. I was diverted at the time from the fact that Col. Newcomer, representing the Chief of Engineers, when he was before the committee was examined about this paragragh, and this is what he said:

That was introduced in the Senate Committee on Commerce with the idea, particularly in view of the present situation of the cost of construction of Government dredges, that where a project provides for a dredge, as for instance, at the mouth of the Brazos River, it may be preferable, instead of constructing the Government plant at this time, to do the work by contract until conditions are more favorable for building the dredge. It is simply a precaution in the interest of economy in the present administration of the work. We have hitherto had authority of law for doing work by hired labor where contracts are provided for, and here is practically the reverse of that proposition.

Mr. LENROOT. Will the gentleman yield?

Mr. SMALL. I will.

Mr. LENROOT. The gentleman knows in this present bill there is not one single item that requires the work to be done by the Government, and in bills that it did require it it was for the very purpose that dredges had already been provided and were in operation.

Mr. SMALL. Well, I might cite the gentleman to Grays Harbor, Wash., a very important improvement, where the recommendation was made for the authorization of a dredge. But the engineers did not advise the inclusion of an authorization of a dredge in this bill on account of the great expense involved.

Mr. LENROOT. In this particular case it would not require, under section 3, that that work be done by contract, because that was one of the cases where the Government had an option of either doing the work on Government account or by contract. But there are four or five cases where, for the purpose I stated, Congress deemed it desirable that a small portion of the work should be done on Government account for the purpose of ascertaining the reasonableness of the bill under the contracts. Col. Newcomer was not here at that time, and was not informed, and could not have been informed of the purposes for which it was done.

Mr. SMALL. I think the paragraph had better remain in.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 4. That for examinations, surveys, and contingencies for rivers and harbors for which there may be no special appropriation, the sum of $200,000 is hereby appropriated: *Provided*, That no preliminary examination, survey, project, or estimate for new works other than those designated in this or some prior act or joint resolution shall be made: *Provided further*, That after the regular or formal reports made as required by law on any examination, survey, project, or work under way or proposed are submitted no supplemental or additional report or estimate shall be made unless ordered by a concurrent resolution of Congress: *And provided further*, That the Government shall not be deemed to have entered upon any project for the improvement of any waterway or harbor mentioned in this act until funds for the commencement of the proposed work shall have been actually appropriated by law.

Mr. MADDEN. Mr. Chairman, I move to strike out this section.

The CHAIRMAN. The gentleman from Illinois moves to strike out the section.

Mr. TREADWAY. Does the gentleman mean the section or the paragraph?

Mr. MADDEN. I mean the paragraph.

I think if there ever was a time when we ought not to pass a provision of this sort, this is the time. It can not be said that these surveys which are sought to be authorized by this paragraph will have anything whatever to do with the emergency caused by the war. I do not believe the chairman of the committee, even, enthusiastic as he is for the development of water transportation, so that the products of the field and the mine and the factory may be moved from place to place to supply the soldiers engaged in the conduct of the war, would say that this would add one iota to the facilities that are supposed to be needed for the successful conduct of this great enterprise upon which this country is already engaged.

If we can save $200,000 by striking out this paragraph and preventing the expenditure of money that may follow as the result of these surveys, we will have done at least something to prove that we are not engaged entirely in an effort to further empty the Treasury of the United States. Unless it be the item that provides for the removal of the sand bars at Great Lakes Naval Training Station, where we are already training 12,000 men to supply the ships of war, I do not think there is an item in this whole list of 75 surveys that is justified, and not one dollar of money ought to be expended for them. It is not merely the $200,000——

Mr. OSBORNE. Mr. Chairman, will the gentleman allow me to ask him a question?

Mr. MADDEN. Yes.

Mr. OSBORNE. I ask the gentleman if he knows anything about the item on page 36, authorizing a survey of Los Angeles Harbor, Cal., with a view to dredging a channel of adequate width and depth in the west basin?

Mr. MADDEN. Personally, no.

Mr. OSBORNE. I would like to tell him something about it.

Mr. MADDEN. I have not the time. The gentleman can do that in his own time.

What I do say is—and I say it without fear of successful contradiction—that whatever we do by the adoption of this section will not add one iota to the facilities required to conduct this war; not an iota; because the surveys are to be made merely, and no expenditure of money except for surveys is authorized. No work can be conducted under the surveys until a final concurrent resolution is enacted or a bill passed appro-

priating the money under the survey until the Board of Engineers approves the projects and it is reported upon favorably by the Secretary of War and reported by the Committee on Rivers and Harbors to the House and then to the Senate and they act upon it and the President signs the concurrent resolution or the bill. That procedure will take a year before we begin to realize on the expenditure that is to be made under this section. And now, if we are in earnest in our desire to promote the public welfare, if the chairman of the committee and the members of the Committee on Rivers and Harbors are sincere, as they say they are, in the conservation of the public interest and in the promotion of the public welfare, here is a chance for them to prove it by joining with other Members and striking out this item which provides for the expenditure of $200,000, which has no place in the bill as an emergency war measure.

I am quite sure that the Secretary of War did not certify to this section or to the items that follow or to the expenditures which would result from its enactment, as emergency war measures. I am quite sure the President of the United States was not consulted about these surveys, and I am quite sure that if he had been he would simply declare that they have no rightful place in the bill, because they are in no sense emergency measures caused by the war. [Applause.]

Mr. HICKS and Mr. OSBORNE rose.

The CHAIRMAN. The Chair will recognize the gentleman from New York [Mr. HICKS].

Mr. HICKS. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Illinois, and I am going to ask permission to speak for 10 minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. MADDEN. I object to that. Nobody has been allowed to speak 10 minutes on this question. I am surprised at the gentleman attempting to filibuster. [Laughter.]

The CHAIRMAN. The gentleman from Illinois objects. The gentleman from New York is recognized for five minutes.

Mr. MADDEN, of Illinois, having moved to strike out the paragraph referring to surveys, the Chair recognized Mr. HICKS in opposition to the motion.

Mr. HICKS. Mr. Chairman, ordinarily I am glad to follow the genial gentleman from Illinois [Mr. MADDEN]. Oftentimes he is right, but sometimes he is wrong, and now I think he is in error in what he has said. I am going to lay before the House three matters in regard to these surveys that have just been objected to.

Let me say, in the first place, that I am strongly in favor of the great costal canal system which has been advocated so consistently and so ably by the gentleman from Pennsylvania [Mr. MOORE]. Let me say also that there have been statements made on the floor of this House in regard to these coastal canals—statements made in good faith, but in ignorance—which can not be substantiated by facts. Men assert that because there is the great Atlantic Ocean it is absolutely useless and nonsensical to build a great canal parallel with the shore line, the inference being that because we have a great body of water near at hand, it is an extravagance, a useless extravagance, to build a canal within a few miles of the coast.

Now, of course, to men who know the sea it is absolutely unnecessary for me to say anything to refute that proposition. Those of us who come from marine districts, those of us who may have had some actual experience upon deep water, know that it is only on rare occasions, extremely rare occasions, that a small, deeply laden vessel can venture out to sea. Gasoline having revolutionized the marine engine, small-cargo boats are now the rule, and for a small boat, which is the usual and most profitable method of distribution, to venture on the ocean is risking not only the cargo of that vessel but the crew as well. On land the day may be as clear and calm as it is here in Washington to-day, but the ocean may be telling the story of a storm of several days ago, far out at sea, the echoes of which roll in billows and cresting waves that will endanger any but large vessels. And at all times vessels in tows—the most profitable way to handle water freight—are liable to break away under the swell of the sea. The wash of even small waves on a vessel deck loaded with coal or sand or any bulk commodity is wasteful in the extreme, and when gentlemen rise on this floor and say it is ridiculous to spend money for canals because they are close to the ocean it is because they are not acquainted with deep water.

Mr. MADDEN. Will the gentleman yield?

Mr. HICKS. I will.

Mr. MADDEN. I was not talking about the canal at all. I was talking about these surveys.

Mr. HICKS. I was not criticizing the gentleman from Chicago because of the canal system. I recognize that the gentleman is a great and able sailor, coming from the raging main of Lake Michigan [laughter], but I was merely referring to what has been said about this canal proposition by other gentlemen, and not by the gentleman from Illinois.

Mr. MADDEN. Yes; but that is not talking to the pending question. The canal has nothing to do with this question at all. Talk to the question.

Mr. HICKS. Mr. Chairman, may I be allowed to proceed for a few moments without interruption?

The CHAIRMAN. The gentleman from New York will proceed.

Mr. MOORE of Pennsylvania. Is the gentleman talking in favor of a survey?

Mr. HICKS. Yes.

Mr. MOORE of Pennsylvania. The gentleman from Illinois moves to strike it out, and the gentleman from Long Island is talking to the amendment.

Mr. HICKS. I merely made the statement with regard to canals as a whole. Now we are talking about specific items. I have three items in this bill which call for surveys, one for a breakwater at Gardners Island, one for dredging Sterling Basin, and one for constructing the South Side waterways. I will first take up Gardners Island. Let me say in regard to the military importance of this survey that the Navy Department has established a great practice zone in Gardners Bay, and laid it off in ranges, and during the summer they have target and torpedo practice on this body of water. Formerly a great sand spit ran from the north side of Gardners Island out northward, with a fort situated on the end, placed there by the Government. That sand spit gave protection to the bay inside, but a few years ago a great northeaster came and swept over that piece of ground, cutting it through, and to-day the northern part of Gardners Bay is only about one-half of what it was a few years ago. By putting a breakwater upon that piece of low ground you will restore Gardners Bay to what it was formerly; you will protect the property on this part of Long Island, and afford the protection so necessary to the target practice of the Government. This breakwater with Gardners Island will afford the first line of defense for the waters around Shelter Island and Greenport.

The next project which I have in the bill is for a survey for an anchorage at Sterling Basin, Greenport.

It is a landlocked arm of Greenport Harbor situated at the northeastern end of Long Island, about 115 miles from New York. Its distance from the New England coast across the Sound is about 20 miles. Sterling Basin has an area of about 16.5 acres inside the harbor lines. The depth of the anchorage and of the entrance thereto at present is insufficient, being only 3 and 4 feet at low water in the deepest parts. As the bottom is soft the cost of the improvement would be inconsiderable. Greenport Harbor was improved some years ago by the construction of a breakwater and by dredging, and in the annual report of the Chief of Engineers for 1895 Col. Robert stated, in his opinion, "the harbor is worthy of further improvement by the United States with the object stated—that is, deepening the anchorage ground in Sterling Basin and widening and deepening its approaches." In 1909, then Col. W. M. Black, of the Corps of Engineers, reported, "It would appear that the commercial conditions of Greenport warrant the improvement requested; therefore, in my opinion, the harbor is worthy of improvement." In 1910 the district officer recommended the dredging of the basin to a depth of 10 feet with the formation of a channel and approach of proper depth and width. Col. W. T. Rossell, of the Corps of Engineers, recommended that a depth of 6 feet be dredged, but that the area to be improved be reduced in size. This report was never acted upon. Greenport is one of the most important towns on the eastern end of Long Island and is a commercial center. It is the home port of a large fishing fleet and the point for shipment of large quantities of oysters, clams, and scallops, this industry employing many vessels of deep draft. There are a number of shipbuilding concerns located here, employing many men. The surrounding country is a rich agricultural section. The need of increased harbor facilities is imperative in order to accommodate the ever-increasing maritime development, and this basin should be deepened to 12 feet.

The next project and one of great importance is the South Side waterways development.

Long Island, with a length of 123 miles and an area of 1,365 square miles, has a population of nearly 3,000,000 people, of which the major portion live along the line of this proposed waterway. This vast aggregation of people demand increased facilities of transportation for the enormous quantities of commodities consumed and produced. Brick, lime, lumber, coal, cement, fertilizers, and material for road construction naturally belong to

water traffic. This canal would enable boats to discharge and receive cargoes in the very centers of the towns, for nearly all the larger villages on the south side of the island are situated on the estuaries and arms of the many bays that indent the shore line. There is a large amount of island-grown produce to be shipped westward, so that the freight to be shipped would be both outward and inward.

Agricultural products, fish, and oysters would find their way to the New York markets by means of this canal, and these industries are prime factors in our prosperity. Our farmers could bring their produce to the docks on the lateral canals for shipment to the city and out baymen would be enabled to take their catch direct to the New York markets, thus lessening the present cost of transportation, a saving which would inure to the benefit of the producer and consumer.

From the military standpoint such a canal as contemplated in the proposed survey would have immense value, enabling light-draft war vessels to reach the eastern end of the island, protected the entire distance by the outlying sand bars. Supply vessels could also reach our warships patrolling the coast by the use of this canal without exposure to the dangers of the open sea.

It is not a costly project, for the material to be dredged is soft and the chain of bays in nearly every instance already possess sufficient depth of water. The need is to connect these bays by dredging out and straightening existing shallow channels, cutting a short canal and constructing a few bridges. One of the connecting links, Jamaica Bay, is now being improved, and will shortly become one of the world's greatest terminal harbors. It is the desire of the State officials to have the depth of this canal conform to that of the Erie Barge Canal, 12 feet at least.

New York State has appropriated $15,000 to help pay part of the expense of the survey and will do her share by providing funds to procure the right of way and will cooperate with the Federal Government in building this much-needed and entirely practicable canal.

New York out of its own treasury has expended $140,000,000 for the Erie Canal and terminals, and in view of the enormous amount which the State pays annually into the Federal Treasury should receive consideration for this and other projects in the bill. When I speak of the necessity of making these improvements, I speak not for a real estate development or of commerce that we hope will come. New York makes no apology for her trade and asks no consideration for hopes or idle dreams. Our trade and our commerce are facts, not fancies, and New York, the premier city of the world, challenges in friendly rivalry the competition of the earth.

Our industries on Long Island—agricultural, marine, and industrial—add their share to the greatness of the Empire State, and we appeal to the Federal Government to do its share in cooperating with us in maintaining our prosperity. [Applause.]

I ask leave to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. TREADWAY. Mr. Chairman, I realize the interest of the gentleman from New York [Mr. HICKS] in the meritorious surveys to which he has just referred, but I desire to call his attention to the fact that even should these surveys be adopted as they appear in the present bill, a generation will have time to grow up and these places will have an opportunity to increase largely in population before his particular surveys will ever be reached. In referring to the hearings on the subject of surveys I find that Col. Newcomer, in answer to a question propounded in the committee about the number of incompleted surveys, said:

> There are 106 cases still outstanding. The number of investigations ordered is 1,864, and of that number 1,587 have been completed prior to this year, and 171 last year, leaving 106 remaining in addition to those that were in the bill approved July 7, 1916.

Mr. DEMPSEY. Will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. DEMPSEY. Are not the surveys made in the order of their importance and not in their chronological order?

Mr. TREADWAY. We have no evidence of that fact, Mr. Chairman, as far as I know.

Mr. CALDWELL. Will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. CALDWELL. Is it not a fact that a great many of the States and localities desire to improve these waters and can not do so until the Government has made the surveys of the waters?

Mr. TREADWAY. Do I understand the gentleman to mean that these improvements are going to be made by the State authorities?

Mr. CALDWELL. The one spoken of by the gentleman from New York just now has an appropriation of the State of New York to work on when the survey is made.

Mr. MADDEN. Why does not the State of New York make the surveys?

Mr. TREADWAY. Yes; let the State of New York arrange for that. I am talking about the surveys as they appear in the present bill, and I am heartily in favor of the motion made by the gentleman from Illinois [Mr. MADDEN] to strike these surveys out of the present bill.

Mr. HULBERT. Will the gentleman yield?

Mr. TREADWAY. My time is very limited and I want to refer to this one argument.

Mr. HULBERT. I want the gentleman simply to yield for a brief statement on the question of the order in which the surveys are taken up.

Mr. TREADWAY. The gentleman can make that statement in his own time.

Mr. HULBERT. I am correcting the gentleman on the order in which the surveys are taken up. Is it not a fact that the surveys authorized——

Mr. TREADWAY. Mr. Chairman, I have not yielded. If I can get more than five minutes I will yield.

Mr. HULBERT. I beg the gentleman's pardon; I thought he invited me to ask him a question.

Mr. TREADWAY. Now, Mr. Chairman, in our committee hearings the question was asked Col. Newcomer what is the need of these items for survey. He said:

> We did not really pay much attention to the question of surveys. That is a matter that we did not consider especially important from our point of view. There are a great many of those items in here that appeal to me as being superfluous. At the same time they could be taken up if time permits. I do not see any particular objection to them, and the amount, I think, is not great.

There is the evidence of the representative of the engineers on the subject of the many surveys in which we are to-day asked to appropriate $200,000, and for the carrying out of which we are asked to employ engineers who can be of a great deal more service in the cause of national defense than they can in making the various surveys in different sections of the country. There are 106 in addition to those that went into the bill in 1916 which have not been carried out. Therefore, it seems to me, that we can rightly adopt the motion of the gentleman from Illinois.

Mr. SMALL. Before the gentleman from New York proceeds, may I submit a request for unanimous consent that debate on this paragraph and all amendments thereto close in 10 minutes?

Mr. MOORE of Pennsylvania. I would like five minutes.

Mr. OSBORNE. I want five minutes.

The CHAIRMAN. I will make the request that debate close in 20 minutes.

Mr. WALSH. I shall object to any unanimous-consent request.

Mr. SMALL. Mr. Chairman, I move that all debate on this paragraph and amendments thereto close in 20 minutes.

Mr. MADDEN. And I move to amend that, Mr. Chairman, by providing that the debate shall close immediately.

Mr. HULBERT. Mr. Chairman, I offer an amendment in the nature of a substitute that all debate close in five minutes.

Mr. MADDEN. Mr. Chairman, I raise the point of no quorum. I do not see why anybody wants to fillibuster on the bill at this time.

The CHAIRMAN. The gentleman from Illinois makes the point of no quorum. The Chair will count. [After counting.] One hundred and one Members present.

Mr. MADDEN. I demand tellers.

The CHAIRMAN. The Chair does not think that the gentleman is entitled to tellers. The gentleman from North Carolina moves that the debate close in 10 minutes, and the gentleman from Illinois moves to amend by making it immediately, and the gentleman from New York [Mr. HULBERT] offers a substitute that the debate close in five minutes. The first question is on the substitute.

The question was taken, and the substitute was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Illinois to the motion of the gentleman from North Carolina that all debate close immediately.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now is on the motion of the gentleman from North Carolina as amended by the gentleman from Illinois.

The motion was agreed to.

The CHAIRMAN. The question now is on the motion of the gentleman from Illinois to strike out the paragraph.

The question was taken; and on a division (demanded by Mr. MADDEN) there were 24 ayes and 60 noes.

Mr. MADDEN. Mr. Chairman, I raise the point of no quorum.

Mr. CALDWELL. I demand tellers.

The CHAIRMAN. The gentleman from Illinois makes the point of no quorum, and the Chair will count. [After counting.] One hundred and five Members present, a quorum, and the gentleman from New York [Mr. CALDWELL] demands tellers.

Mr. CALDWELL. I withdraw the request.

So the motion to strike out the paragraph was rejected.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word.

Mr. HULBERT. Mr. Chairman, I make the point of order that nothing has been read since the motion to close debate.

Mr. GARNER. I make the point of order that we have just voted to close debate on the paragraph and all amendments thereto.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

The Secretary of War is hereby authorized and directed to cause preliminary examinations and surveys to be made at the following-named localities, and a sufficient sum to pay the cost thereof may be allotted from the amount provided in this section.

Mr. LENROOT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 30, line 11, after the word "section," insert:
"*Provided*, That not more than $250 shall be expended for any specific preliminary examination or survey."

Mr. LENROOT. Mr. Chairman, if the amendment I propose be adopted, it would permit the surveys to remain in the bill; it would permit all the surveys to be made by existing organizations without any increase of officials or men. I appreciate that there are many of these surveys that will require little beyond the data already in the hands of the district engineer. But when you come to a proposition of expending thousands of dollars in the employment of men and taking the time of engineers and officials in this time of war I do want to plead with this House not to go on record in favor of any such thing. We are to-day scouring the country and enlisting regiments of engineers to serve in this war. We want every West Point educated officer in this war in order to win it. We ought not to use them for the purpose of spending months and months on surveys of very large magnitude, involving large crews of men, when every man is needed in the prosecution of the war. This is considered by some as a war measure. I do not impute any lack of good faith to those gentlemen when they do it, but surely they ought to remember that we are in war, and we ought not to be willing to lessen the possibility of a quick and successful prosecution of the war because we have some project in our district that we want a survey of.

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. CAMPBELL of Kansas. Does not the gentleman from Wisconsin realize that this bill could not pass if these surveys were not included?

Mr. LENROOT. I would not say that. I may think it, however, if the vote on this amendment shall be of the same character as votes heretofore cast. How many of you think for a moment that if a bill were brought in here independently for each one of these surveys, like the Youghiogheny River, a very large survey, or like the one in Texas, involving a large crew of men, in this time of war, it would get many votes? How many votes do you think it would get? It ought not to get a single more vote now if we remember that we are at war. Our first duty is to our country. We all know there is not one of these surveys that will assist in the slightest degree in the successful prosecution of this war, but that, on the contrary, every engineer, every man who is taken in making the surveys, will be just that much detriment to our country in the carrying on of the war.

Mr. SMALL. Mr. Chairman, I desire to submit this brief statement: If the gentleman from Wisconsin [Mr. LENROOT] desires to defeat about one-third of these surveys, perhaps more, his amendment will serve that purpose. Some of these examinations and surveys can not be completed within the limit of $250. It is impossible to estimate the exact amount. I take it that the gentleman himself had no official estimate from the engineers when he formulated his motion.

Mr. LENROOT. Mr. Chairman, will the gentleman yield for a question?

Mr. SMALL. Certainly.

Mr. LENROOT. My purpose is this: I am willing the surveys should be made when they do not require additional men; but if they do, then it will require more than $250. That is why I placed the limit.

Mr. SMALL. I think the language of the gentleman's amendment is rather crude in carrying out his purpose.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Yes.

Mr. STAFFORD. I understand it is the purpose of the gentleman to complete this bill this evening?

Mr. SMALL. Yes.

Mr. STAFFORD. Would it be agreeable to the gentleman and to the committee to present a unanimous-consent request that this entire section be read and considered as one, subject to points of order and amendments, so that we could hasten the consideration of the bill?

Mr. LENROOT. Mr. Chairman, I prefer that this amendment of mine be disposed of before that is taken up.

Mr. STAFFORD. I am making the suggestion at this time in the time of the gentleman from North Carolina.

Mr. SMALL. I think in the interest of the economy of time it is a good suggestion, and we shall ask it.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Yes.

Mr. DEMPSEY. I have the following suggestion to make, which I think will meet the approval of the gentleman from Wisconsin and may meet the approval of the chairman of the committee. Instead of the language of the gentleman from Wisconsin adopt this language:

Provided, That not more than $250 shall be expended upon the average for the surveys below enumerated.

Mr. LENROOT. Oh, that would not do at all, because many of these surveys will not cost anything.

Mr. DEMPSEY. That is just what I had in mind—that in cases where the survey will cost more than $250 the survey that is inexpensive will contribute its share.

Mr. LENROOT. My whole point is to save the employment and time of officers and men outside of their ordinary duties. That is the purpose of my amendment.

Mr. SMALL. Mr. Chairman, if my colleague will yield, I think it is better that we should follow precedent here. We are providing for surveys just in the manner they have been provided for for more than 20 years. The amendment here, as I said, would have no other purpose than to destroy some of the surveys proposed to be authorized by this bill, and I think that we can do no better than to observe the precedents in all former rivers and harbors bills providing for surveys. I hope the gentlemen will permit a vote to be taken.

Mr. HUMPHREYS. Mr. Chairman, I just want to make one very brief statement in answer to one of the criticisms offered by the gentleman from Wisconsin. Under the law the Chief of Engineers now has authority, which he universally exercises, to employ engineers from civil life to perform this work, and the department is now sending men from the active list, taking them away from the work to which they have been assigned in river and harbor improvements and assigning in their places officers of the Engineer Corps who are on the retired list, so that there is no force whatever in the suggestion of the gentleman from Wisconsin that we are taking Army engineers away from their work pertaining to this war and setting them upon river and harbor work.

Mr. MOORE of Pennsylvania. Will the gentleman yield? Suppose we consider the item for Charleston and Cooper River, S. C., from the entrance of Saunders Creek, including Sound Creek channel, which is absolutely a war proposition, being near the coast and being within the vicinity of the navy yard and where naval vessels must come and go; suppose it costs more than $250 to make that survey when war is pending or existing, would the gentleman think it wise to stop all work because we only authorized $250?

Mr. HUMPHREYS. Personally, I think the amendment is unwise.

Mr. MOORE of Pennsylvania. Would it not halt preparation for war?

Mr. HUMPHREYS. I think very likely. My only purpose in rising was to reply to the gentleman from Wisconsin.

Mr. DIES. Mr. Chairman, I dislike to take up the time of the committee, but this amendment offered by the gentleman from Wisconsin, in my judgment, would be a very unwise thing to do. He just repeats the old saw that has been sawed over until it is threadbare—that you are taking useful Army engineers and putting them at work on useless work. I want to call attention to a survey in this bill for my district. I do not know about the balance of them like I do about my own, but the district I rep-

resent has a port and three subports. It carries a commerce of between 7,000,000 and 8,000,000 tons, just about half the tonnage of the entire State of Texas. These waterways have been completed mostly at the expense of the people, and here we have been putting half of our money against the Government's half.

Our wish is that instead of continuing to deal with them as separate entities, to wit, Sabine Pass improvement, Port Arthur improvement, Beaumont improvement, and Orange improvement, that the projects should be surveyed as one project. It is proposed in this bill to resurvey them as one project, as they carry about half the commerce of the entire State of Texas, in the neighborhood of 7,000,000 tons. Now, then, two of these subports have been opened within a year, and on one of them—the subport of Orange—four shipyards are in actual operation. One ship has been completed and is in service; 15 ships are now under construction, 2 of which are practically complete; gross tonnage under contract, 41,600 tons; 20 ships under contract. At Beaumont two shipyards are in actual operation; one other shipyard under Government contract; for vessels, two others about to close contracts with the Government. Three other concerns have secured sites and are building shipyards; one ship is completed and at sea; four are building. Those are the conditions on those rivers—the Neches and the Sabine. My friends, the facilities there are absolutely inadequate to the commerce. The people have taken millions of their own money, and are taking it now; they are contemplating a bond issue upon the citizens, despairing of the Government taking hold of the matter, for a survey, with a view to further improving these waterways to answer the purpose of commerce. Do you think it is fair that a proposition of this kind, such a national project, being used in a national way for the country, should be compelled to stand still during the war? These engineers are rendering as patriotic and useful service to the Government as though they were in France, England, or upon the western trenches. Now, then, that is a fair statement. I do not think $250 would survey it.

In effect the gentleman's amendment would be to cut out a great many of the more important surveys in this bill. I do not know a more essential thing to win this war than to have these 10 or 15 shipyards construct these vessels and when constructed have them able to get down to the sea and carry the commerce of the country to the allies who need it.

Mr. MADDEN. Does the gentleman think the surveys will reach the completion of this work before the war is ended?

Mr. DIES. You do not want to stop the wheels of progress just because we are in war. Our export trade this year is $7,000,000,000. Before the war it was two billions. We need better facilities to export these seven billions' worth of exports than two billions in normal times. You need three times the ship facilities now to handle the $7,000,000,000 worth of trade that you did in peace times to handle the $2,000,000,000 worth of trade.

Mr. HULBERT. Mr. Chairman—— [Cries of "Vote!" "Vote!"]

Mr. SMALL. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that all debate on this paragraph and amendments thereto close in five minutes. Is there objection?

There was no objection.

Mr. HULBERT. Mr. Chairman and gentlemen, I have been trying for several minutes to get an opportunity to emphasize one fact, at least, in connection with this survey matter that has not heretofore been presented. The provision for an expenditure of $200,000 is not mandatory, and the order in which the surveys are made, so far as their relative importance is concerned, rests with the sound judgment and discretion of the Chief of Engineers. The gentleman from Massachusetts [Mr. TREADWAY], my colleague upon the committee, said that there was nothing before the committee to indicate the preferences with regard to undertaking these surveys. I want to call attention to the fact that in a river and harbor bill which became a law in July of 1916 there was contained an authorization for a survey of the Hudson River, at New York, and so important did the engineers deem it to be that they began work immediately, and when Congress convened in December, 1916, the report of the engineers was in the hands of the committee.

A bill was introduced by me covering the particular item, and it was included in the bill which passed this House last February, and which failed to pass in the Senate, due to the filibuster on the armed-ship bill. And it is in this bill. And if that particular survey had not been passed last July it would not be possible, provided the amendment of the gentleman from Wisconsin [Mr. LENROOT] prevails, to get the survey under this bill, because so expensive is the cost of making a survey covering an important river like the Hudson, having a commerce greater in value than the war-bond issue, that you can not possibly do it within the limit proposed to be fixed by him in his amendment.

Now, I want to call attention to the necessity for a survey of the Harlem River, which is now being improved under a project adopted by Congress in 1878 with some supplemental amendments. Upon the Harlem River, if you please, in the last year there were transported 15,000,000 tons of freight, having a value of $1,500,000,000, and the accommodation that you are giving the city of New York for carrying that tremendous commerce is the plan adopted by this Congress 39 years ago! We are progressive!

On the 4th of July, 1918, the State of New York will put into full operation the great State barge canal, which will serve as a great relief to the tremendous commerce from the Great Lakes, a large part of which now passes through Canadian waters to world-wide ports.

Is the policy of this Government so niggardly that you are unwilling now to appropriate a paltry $200,000 as a means of getting a survey of the Harlem River, after the people of the State of New York have expended $160,000,000 in the construction of the State barge canal? How do you suppose, upon this antiquated waterway, which is taxed to-day to its utmost capacity, we are going to be able to carry the enormous tonnage that will be brought down the Hudson into the Harlem River to be distributed to various terminals that my city and my State are constructing now at an expense of nearly $40,000,000, if you propose to pursue the penny-wise-and-pound-foolish policy limiting the cost of surveys to $250, which would not cover the expense of a survey of the Harlem River? The effect of this amendment is to authorize an examination of all the so-called "mud holes" and prevent an examination of real commerce-carrying waterways.

Now, just a word, Mr. Chairman, in regard to the survey of the canal on the south side of Long Island, which my colleague, Mr. HICKS, was not permitted to explain. The State of New York has appropriated $15,000 for a field survey, looking to cooperation between the State of New York and the Federal Government. Our progressive people, who have taken the lead in waterway development from Clinton's time, stand ready to-day to appropriate $1,000,000 for the purpose of acquiring the right of way and turning it over to the Federal Government, which is only expected to dredge where necessary in order to secure a through canal upon that waterway.

If you do not provide for it in this bill, you delay the preparatory work that is necessary in order to put that great improvement under way, which is one of the connecting links in the development of Long Island, to bring commerce into the great city of New York and help to feed a population now approximating 6,000,000 people.

Mr. LENROOT. Does the gentleman think we can conduct this war without hindering anything throughout the United States?

Mr. HULBERT. Well, I want to say to the gentleman something he apparently is not aware of. There are a large number of Army engineers upon the retired list who would be perhaps unfitted physically to perform the tasks that will rest upon their brothers whom we are sending to France, and this House only recently passed a bill authorizing the Secretary of War to call those men back into the service, and it is they who will carry on the commercial pursuits, while the younger men will carry the banner of victory in France. [Applause.]

It will be for the Chief of Engineers to determine which surveys are urgent, and he will not undertake the work if he can not spare the officers. This work will not be permitted to interfere with the war, but if the war is over before we pass another river and harbor bill we must not let the adoption of a short-sighted policy by this House forestall our commercial development. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Wisconsin.

The question was taken, and the amendment was rejected.

Mr. LITTLEPAGE. Mr. Chairman, this bill making appropriations for the purpose of improving the rivers and harbors of the Government is one of vital importance to the country at large. Nothing the Congress can do is of more importance to the people, both internally and externally, than to improve the waterways which are the natural arteries of trade and commerce throughout the length and breadth of the country, in many instances affording natural transportation to the sea. For instance, in my State the Government has heretofore improved the great Kanawha River by the construction of 11 locks and dams therein, which affords transportation facilities for coal and coke and lumber for about 100 miles on the great Kanawha

River; thence to the Ohio River and on to the Mississippi and the Gulf of Mexico, and finally the Atlantic Ocean, at a freight rate of less than one-fourth of the same rate charged by the railroads. The Mississippi, the Ohio, and the Kanawha are very great and important navigable streams, but before their natural conditions are rendered available and, you might say, in a more perfect state for transportation purposes, additional improvements and expenditures of public funds will have to be made, and in due time will be made, by the Government.

The item in this bill for the improvement of Hell Gate at New York, so as to create a depth of water of 40 feet, is of vital importance not alone to New York City—the great money center of the world—but to the entire country as well, and I think this item is one of the most meritorious in the entire bill from one end to the other. It is particularly gratifying to me that the amendment for this 40-foot channel at Hell Gate was accepted by the committee and included in this bill, for as a member of the Committee on Naval Affairs I have a just appreciation of its importance in providing a double entrance to and double exit from the New York Navy Yards, thus making the East River serve in the defense of New York as the Kiel Canal does to Germany.

The New York delegation in this House is composed of some of the very finest Members in the House, and of that delegation my colleague, Mr. MURRAY HULBERT, a most excellent gentleman, is tireless in his efforts, painstaking, and courteous. He is deserving of the gratitude of every man, woman, and child in his great city for the faithfulness and determination with which he has worked for the needed improvement at Hell Gate as well as for the improvement of the port of New York. He has been broad, liberal, able, and conscientious in his efforts to bring to the attention of the Committee on Rivers and Harbors, which he himself graces as a member, as well as the membership of this House, the vital importance of these improvements, both at Hell Gate and the port of New York, and I have no doubt his people will appreciate his efforts at home in these respects as we appreciate him here as a faithful public servant.

Mr. SMALL. Mr. Chairman, I ask unanimous consent that the remainder of section 4 may be read before it shall be in order to offer amendments.

Mr. MADDEN. I object.

The CHAIRMAN. The gentleman from Illinois objects. The Clerk will read.

Mr. SMALL. Mr. Chairman, if it is in order, I move that the remainder of the section be read before it shall be in order to offer amendments.

The CHAIRMAN. The Chair does not think it would be in order.

Mr. SMALL. Would not the gentleman from Illinois agree in the interest of saving time?

Mr. MADDEN. I will say to the gentleman from North Carolina that nobody has been filibustering on this bill except the gentleman from North Carolina himself and the gentleman from Pennsylvania [Mr. MOORE]. Until within the last 5 or 10 minutes all the time taken up in the Committee of the Whole to-day has been taken up by the gentlemen in charge of the bill. The bill would have been passed before now if those in charge of the bill had not taken up so much time. But I propose, Mr. Chairman, to exercise every right I have got from this moment on during the consideration of this bill. [Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sterling Basin, at Greenport, N. Y., with a view to securing adequate width and depth.

Mr. MADDEN. Mr. Chairman, I move to strike out that section.

The CHAIRMAN. The gentleman from Illinois moves to strike out the section.

Mr. MADDEN. It is very apparent, Mr. Chairman, that there is no disposition whatever on the part of those in charge of this bill to exercise any economy in the expenditure of public money. Anybody must realize who has given some consideration to this question that the only purpose the Committee on Rivers and Harbors has is to further embarrass the Treasury of the United States by taking all the money there is in it out of it. [Laughter.] Of course, if the Committee on Rivers and Harbors was in favor of proper economy in the expenditure of public money they would have agreed to the motion to strike out these items for surveys; they would have agreed to that because they would have then shown that they were doing what they believed to be in the interest of the public service. But no. They give no consideration whatever to the public service or to the conservation of the public interest. They propose to economize time by asking that the debate be closed on a particular item of the bill in which they are interested. There are five or six items here in a single county, or two or three items in a single county, in North Carolina for surveys, one, I presume, in each of the counties of the district of the gentleman who presides over the Committee on Rivers and Harbors.

We have items in this bill providing for surveys, not for the purpose of conserving the public interest, not for the purpose of winning the war, not for the purpose of doing the things we are charged to do, but for the purpose of getting votes for the bill. We have items in the bill sufficient to insure a majority of votes for the bill. Does anyone assume to say that these items would pass if they stood by themselves? Does anyone assume to justify them on their merits? There is no doubt about it. The time has come when the people of the United States ought to know that there is no disposition on the part of the majority of this House to do anything except to extravagantly spend the public money. They do not seem to realize that we are in war. They say this is "a war measure." They say it is approved by the President of the United States. [Cries of "Vote!"]

Oh, gentlemen, you can shout "vote" all you please, but I am going to stand here and claim every right I have got, and I insist upon being heard. If you do not want to hear me, go into the lobby. I am going to talk whether you want to hear me or not. You can not drive me off the floor by shouting "Vote!" You have got to have something more meritorious than that to drive me off the floor. I insist on being heard. I insist that somebody on this floor should speak for the American people. I insist that somebody on this floor should speak in behalf of economy, and I insist that somebody on the floor shall call attention to the Democratic extravagance and waste of public money, and I am going to continue to do it, notwithstanding the fact that the chairman of the Committee on Rivers and Harbors protests that these items are in the interest of the public service and for the conduct of war measures, not one word of which can be proved to be the case. [Applause and cries of "Vote!"]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CALDWELL rose.

Mr. SMALL. Mr. Chairman. I ask unanimous consent that the debate on the pending paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that the debate on the pending paragraph and amendments thereto close in five minutes.

Mr. STAFFORD. I move to amend it by making it three minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CALDWELL. I will not take it all. You need not worry.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. CALDWELL. Mr. Chairman, I have not taken any time on this bill before. This item and the next three affect the district I have the honor to represent. They are meritorious items.

The State of New York is spending thousands and thousands of dollars—yes, millions of dollars—in the development of these waterways, and all that we are asking for here is the cooperation of the United States Government. This provision is to map the waters adjoining a canal, the route of which is now being surveyed. There is no question in the world but that this is a meritorious provision. The question asked by the gentleman from Illinois [Mr. MADDEN] is answered by the fact that a Republican State legislature has passed an appropriation looking to exactly the same thing, in which they will expend a great deal more money than the Democratic House is asked to expend.

Gentlemen, it would not be right to close debate here to-day without taking exception to the remarks of the gentleman from Illinois [Mr. MADDEN] concerning the attitude of the gentlemen of the committee. There is no question but that the able chairman of the Committee on Rivers and Harbors has conducted this bill with great skill, with great forbearance, and he is entitled to the confidence and respect of the Members of this House for his fortitude in facing many irritating situations and in resisting the attacks made by Members on the Republican side of the House against this bill, the most meritorious river and harbor bill that has ever been presented to the American Congress. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired. Without objection, the pro forma amendment will be withdrawn.

Mr. STAFFORD. I move to strike out the paragraph.

The question being taken, the motion was rejected.

The Clerk read as follows:

Flushing Bay, N. Y.

Mr. MADDEN. I move to strike out the paragraph just read by the Clerk.

The CHAIRMAN. All in favor of the motion——

Mr. MADDEN. Just a moment, Mr. Chairman. I insist on being heard. I do not believe there is any merit to this item in the bill. I do not believe the public money ought to be expended in this way. I believe we ought to consider these items on their individual merits in every case.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. MADDEN. No; I do not yield. I think that under no circumstances ought we to waste the public money upon useless expenditures. I believe that at this time the engineers of the War Department ought to be allowed to be taken from the work in which they are at present engaged in order that they may go over and help fight for the preservation of the Union. We have already enlisted nine regiments of Engineers from civil life, simply because we had to have men to go over and build railroads behind the lines in France, and we ought to take our own engineers from the various river and harbor improvements throughout the United States to lead the army of engineers now in France and going over there. The time has come when we ought to realize that we here in the Congress of the United States have a duty to perform, and that duty is to conserve the public interest. If we do not realize it, somebody will realize it for us.

Mr. DUPRÉ. Will my good friend yield to me?

Mr. MADDEN. This bill is supported here on the ground that it is a war-emergency measure. Does the chairman of the Committee on Rivers and Harbors [Mr. SMALL] stand before the Members of this House and assert on his honor as a man that the survey for Flushing Bay, N. Y., is a war-emergency measure?

Mr. DUPRÉ. Will the gentleman yield?

Mr. MADDEN. Will the chairman of the Rivers and Harbors Committee state here that the expenditure of the money required for this survey is justified by the situation?

Mr. DUPRÉ. What is the gentleman trying to do, filibuster?

Mr. MADDEN. I am trying to exercise my right as a Member of this House, and to criticize the items in this bill that I believe have no merit.

Mr. DUPRÉ. About which the gentleman knows little or nothing.

Mr. MADDEN. Regardless of whether I know anything about them or not, I am not going to let the gentleman from Louisiana say——

Mr. DUPRÉ. Who is your very good friend, by the way——

Mr. MADDEN. My personal friend, yes. I decline to yield. I am a Member of the House, and have a right to talk about anything in the United States.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. MADDEN. No. Get up on the floor and talk in your own time. I propose to criticize every item in this bill that I believe has no merit, and I believe the expenditure of the public money is not justified for the making of this survey in a time like this. We are drafting men into the service of the country to fight the battles of the Union; we are drafting the revenues of private citizens to pay the expenses of the war, yet we are taking money out of the Public Treasury for a purpose of no consequence.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CALDWELL. I ask unanimous consent that the gentleman's time be extended 30 minutes. [Laughter.]

Mr. SMALL. I move that all debate on this paragraph be now closed.

The motion was agreed to.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois [Mr. MADDEN] to strike out line 22, page 30.

The question being taken, the motion was rejected.

The Clerk read as follows:

The Kill Van Kull from Shooters Island west to junction of channels with a view to dredging shoals between channels to provide anchorage grounds.

Mr. MADDEN. Mr. Chairman, I move to strike out the paragraph.

Mr. HULBERT. Will the gentleman yield for a question?

Mr. MADDEN. I do not yield. Here we are proposing to expend money to survey Kill Van Kull from Shooters Island. That must be a game resort, one of these delightful places where gentlemen spend their time in the hunter's costume with a gun in their hand.

Mr. CALDWELL. Will the gentleman yield?

Mr. MADDEN. No; I decline to yield. Here we are engaged in an effort to appropriate money out of the Public Treasury to dredge the shoals between channels to provide anchorage ground at Kill Van Kull, Shooters Island, one of those delightful spots where the angler and the hunter may put in his time after his strenuous effort to get the coin of the realm. [Laughter.]

Mr. HULBERT. Will the gentleman yield and tell us where Kill Van Kull is?

Mr. MADDEN. I do not yield. Here we are appropriating money out of the Public Treasury for Kill Van Kull, Shooters Island. Is there anybody in the House who will say that Shooters Island has any merit in connection with the war? Is there anybody here who would be willing to stake his reputation that Kill Van Kull has any place in a war emergency? The President of the United States has requested the Congress of the United States to help him in every way in its power to have the war brought to a successful conclusion. We have enacted laws conscripting men and laws conscripting money, and now the only dark spot on the face of an otherwise beautiful history since the 2d of April is the effort to appropriate money for Kill Van Kull, Shooters Island, in order that the hunter and the angler may find an easy place to rest after their busy toil. Oh, gentlemen, it is ridiculous to sit here representing the American people and spend money lavishly for so unworthy a project as Kill Van Kull. Why don't you pay some attention to the President of the United States in his appeal for harmony and unity on the part of the American people and render him every assistance that can be rendered? While men in every quarter of the Nation are contributing their means not only to the war but to the maintenance of the Red Cross Society to the extent of $100,000,000 this distinguished Committee on Rivers and Harbors is devoting its time and energy wasting the money of the American people to the extent of $27,000,000 more out of the Public Treasury and thereby add to the burden of those who are already overladen with taxation that you have laid on their backs.

Mr. SMALL. Mr. Chairman, I move that all debate on this paragraph be now closed.

The motion was agreed to.

The Clerk read as follows:

Youghiogheny River, Md. and Pa.; Kiskiminitas River and Clarion River, Pa.; with a view to devising plans for flood protection and determining the extent to which the United States should cooperate with the States and other communities and interests in carrying out such plans, its share being based upon the value to navigation.

Mr. HUMPHREYS. Mr. Chairman, I make a point of order against the paragraph. I will reserve the point of order.

Mr. LENROOT. I make the point of order.

Mr. SMALL. Mr. Chairman, I move that the paragraph be stricken out.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SMALL. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Page 31, lines 13 and 14, insert the following paragraph:
"Youghiogheny River, Pa., from its mouth to West Newton, including the report of the existing and prospective water terminals."

Mr. LENROOT. Mr. Chairman, I think the chairman of the committee ought to explain a new amendment that is offered by him. Mr. Chairman, I demand recognition.

Mr. SMALL. Mr. Chairman, I think the gentleman is entitled to recognition.

Mr. ROBBINS. Mr. Chairman, I will explain the amendment if I may be permitted.

The CHAIRMAN. Will the gentleman from Wisconsin yield?

Mr. LENROOT. Yes; if I may have some time following it, if I desire.

Mr. SMALL. I do not think the gentleman will desire it after he hears the gentleman from Pennsylvania.

Mr. LENROOT. Very well.

Mr. ROBBINS. Mr. Chairman and gentlemen of the committee, this proposed survey will not cost the Government a cent.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. ROBBINS. Yes.

Mr. LENROOT. This has nothing to do with the item that has been stricken out?

Mr. ROBBINS. Oh, no.

Mr. LENROOT. Very well; I do not insist upon the explanation.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ROBBINS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD upon this amendment.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

Elizabeth River, Va., including eastern, western, and southern branches, and approaches thereto.

Mr. SMALL. Mr. Chairman, I move to strike out that paragraph. That survey is now unnecessary in view of the report of the Secretary of War, based on the recommendation of the General Board of the Navy.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Trent River, N. C., with a view to deepening the channel along that portion of the river known as Foys Flats.

Mr. HOOD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 31, line 19, after the words "Foys Flats," strike out the period, insert a comma, and add the following: "and creating a turning basin at the confluence of Mill Creek and Trent River."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from North Carolina.

Mr. HOOD. Mr. Chairman, I shall, with a great deal of pleasure, vote in favor of this rivers and harbors bill that we are now considering. I believe that it will add greatly to our economic conditions. It is essential for the successful conduct of our war that every encouragement be offered the producers, and giving them better water transportation will certainly be a great stimulant and make their efforts to produce abundant foodstuffs easier. I regret that it was not deemed wise to embody the new projects that appeared in the bill which passed the House at the regular session of Congress, but unfortunately, as a result of the congested condition of the Senate Calendar, was never considered by the Senate.

The amendment I propose simply authorizes the survey not only along that portion of the river known as Foys Flats but gives authority for surveying a proposed turning basin at the confluence of Mill Creek and Trent River. Mr. C. E. Foy, a prominent business man of Newbern, N. C., wrote me on June 21, in connection with this survey, as follows:

We have been trying for some time to get the Trent River improved so as to locate and develop certain large industrial interests at that point. The river is not quite wide enough there for the usual barge or vessel which we should want to go in there from Baltimore and Norfolk to turn around. In order to do this successfully, the mouth of Mill Creek, which empties into Trent River at Pollocksville, should be pumped to a greater depth, so as to make a turning place at that point. It would also give the people an opportunity to establish a cotton yard just up the creek where boats might be loaded with cotton and other products.

The town of Pollocksville, with several hundred inhabitants, is located near the proposed location of the turning basin, and vast quantities of merchandise and farm products are transported over the river. Large quantities of marl, which is used by farmers as fertilizer, is embedded in the vicinity of the river, and the creation of a turning basin and the deepening of Foys Flats would be a great help in getting this marl to the farmers.

Under date of May 7, Mr. Walter West, an officer of the Trent River Marl & Lime Co., wrote me as follows:

We were compelled to turn down several thousand dollars' worth of orders from the counties of Hyde and those adjoining because we could not get boats of sufficient size to our landing. Twelve miles up the river our people are unloading $7,500 in machinery to-day and are prepared to invest $50,000 in our efforts to get out the marl in paying quantities, but as more than one-half of the output is shipped by water you can readily see how we will be handicapped in production. We are putting in improvements that will turn out between 50,000 and 100,000 tons this summer and fall, but if we have no better means of transportation than at present, we will be seriously held up.

With the exception of Foys Flats there is a channel depth of 6 feet at dead low water, which is equivalent to 9.3 feet at mean low water as far as Pollocksville.

Pollocksville is located about 15 or 20 miles above Newbern, where the Trent River empties into the Neuse River. When the boats reach Neuse River they have no trouble in reaching the commercial centers.

I have several other items in this bill for surveys, and, without an exception, they are all meritorious and worthy of favorable consideration. It is indeed difficult for gentlemen who are not acquainted with the conditions that confront the people of my district who are dependent upon transportation by water to understand how much benefit is derived by reason of the improvements of their waterways.

If you will indulge me, I desire to briefly call your attention to the merits of the various other surveys which the committee has been kind enough to embody in this bill for my district.

SMITHS CREEK.

There is an item providing for the survey of Smiths Creek, Pamlico County, N. C. There is great need for the removal of several lumps and projecting points in the entrance channel at the mouth of this creek, known as Oriental Harbor. The project for this improvement was adopted by the rivers and harbors act of 1910, which provided for the excavation of a basin in the small bay located in the center of the town of Oriental and just inside the mouth of the creek to the depth of 10 feet at mean low water. It was provided that local interests construct a bulkhead for the deposit of dredged material. The bulkhead was constructed by the people of Oriental, but unfortunately a controversy arose in regard to the capacity of the bulkhead to hold the material dredged. The people of Oriental contended that the dredging company, through carelessness, tore down a portion of the wall; on the other hand, the Government contended that the bulkhead was not constructed in a proper manner to hold the excavated material. They therefore abandoned the project.

Messrs. W. J. Smith & Son, prominent business men of Oriental, wrote me in connection with this matter as follows:

The bulkhead on the outer portion of the basin was constructed by the Oriental Bulkhead Co. according to blue prints furnished by Mr. Brown's engineers office at Wilmington, N. C. At that time the construction was of ample strength to hold the mud had the dredging company done their duty. But instead their wire cables were fastened to the bulkhead wall by which the dredge was swung. The end of the 22-inch discharge pipe was dumped in 4 feet of the bulkhead wall, pouring a steady stream of mud and water, cutting up ground beneath, tearing down the wall for some distance. The wall stood at all other points.

Oriental is a prosperous town of several hundred people, and the improvement of this harbor will be a great commercial advantage to these people. Thousands of tons of commerce go in and out of this harbor monthly. I earnestly hope that Members will vote favorably upon this project so that another opportunity may be given to finish the improvement undertaken by the Government or make such improvements as are essential.

Oriental, to a large extent, is used as a distributing point for traffic from Morehead City and Beaufort, and is in close proximity to New Bern, Washington, and other centers of commerce.

BROAD CREEK.

Another item provides for a survey of Broad Creek, Pamlico County. Broad Creek empties into Neuse River, and for several miles up the creek there are located on both sides mercantile establishments, lumber mills, and fish and oyster factories.

The towns of Pamlico and Whortonsville are also located on this creek, and these people are dependent solely upon water transportation. The deepening of the creek would be a great help to the people living adjacent thereto, and I am sure it is a matter worthy of approval.

Mr. T. G. Wise, a well-known lumber manufacturer of that section, in writing me, says:

There is 7 feet low water up the creek, a distance of 200 yards to the west of the Dale Mill site. The channel along there is now about 5 feet, and to make the channel 7 feet it would be necessary to dig a space of about 1,200 yards. I do not think it would cost exceeding $3,000 to do this work, and thereby remedy the shallow portions of the creek.

QUEENS CREEK.

There is another item in reference to Queens Creek, Onslow County. This creek is located in Onslow County and empties into Onslow Sound, and is the only way by which the people of that section can get merchandise and dispose of farm products except to haul same over dirt roads for 15 or 20 miles. Mr. S. A. Starling, a well-known merchant and farmer, in writing me in connection with this survey, says:

This creek is the only way by which we can get goods and fertilizers and carry off our farm products without carting them for a distance of about 15 or 20 miles. There is a lot of freight handled up and down the creek, as much as from 15 to 30 tons a week, and if we can have this creek properly opened up to Hubert, where the boat now goes, there would be a great deal more business done, and it would save to the farmers in this entire county an immense amount in the way of cheapening their freight rates.

I know this is a meritorious and worthy proposition.

NORTHEAST RIVER.

The only other item I have for a survey in the bill for my district is Northeast River. This river is navigable as far up as Hallsville, and it is the purpose to have it surveyed from Hallsville to the mouth of Goshen Swamp, a distance of a few miles.

These people have no railroad facilities, and they are anxious to have the channel of the river dredged and trees, underbrush, and other obstacles taken from the bed of the river so that boats can operate to the mouth of Goshen Swamp. A petition was submitted to me, signed by over a hundred of the best citizens of that vicinity, asking that Congress authorize a survey in

order to ascertain the advisability of undertaking the improvement.

All of these surveys are exceedingly important to my constituents. With the expenditure of a trifling amount, I believe circumstances will so develop that the Government can make such improvements as will be for the convenience, welfare, and happiness of the people adjacent to these waterways.

I earnestly appeal to Members of Congress to allow these items to remain in the bill.

A leading newspaper of my district, the Sun-Journal, in a recent issue, had the following to say:

According to statements made by local boatmen there is no abatement in river shipping, as is usually the case during the summer months, and every boat that is water-tight and can be used is employed in navigating the waters of this section. Quite a large portion of the potato crop is being sent to Newbern on boats to be loaded on the freight cars, and this requires many boats, while others are being used in the transportation of general freight.

The streams down in this section of my district are swarming with small boats, laden with fish, fruits, vegetables, truck, and other kinds of commerce, hastening same to the markets. In this day of the scarcity of foodstuffs and high prices, it seems to me the Government should not deny the expenditure of a few dollars that might enable the marketing of foodstuffs that might otherwise decay for lack of transportation. In turn, the boats carry merchandise, fertilizer, and other supplies back to the farms where they are able to produce another crop.

Mr. SMALL. Mr. Chairman, I think there is no objection to that amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MADDEN. Mr. Chairman, I move to strike out the paragraph as amended. I do not know where Trent River, N. C., is, or how deep it is at present, how wide the channel is, or how much water there is in it, whether it has any water at all, or what these flats amount to, whether they are simply swamps, whether you want to drain swamps in order to reclaim land, or if this is proposed to be done in the interest of navigation. It seems to me, if you are going to drain these flats at the expense of the Government, that there ought to be some cooperation on the part of the people of North Carolina.

I have no objection to cooperating with the people of North Carolina in any legitimate enterprise, but there is no reason on earth why the Government of the United States, including the people of Illinois, should pay taxes for the purpose of deepening a river, if there is a river there, or putting water into a channel, if there is a channel there. Nor is there any reason why they should pay taxes for the purpose of reclaiming a lot of bogland unless you want to cut the turf and use it for fuel in place of coal, which I understand is not found in this section of North Carolina. Of course, turf is useful as a fuel, and it may be, inasmuch as the food bill which we passed a day or two ago provides that we shall conserve and control and regulate the production and distribution and sale of feeds, food, and fuel, that the draining of these flats down there, which as I understand consists of bogs on which I understand grows a lot of turf which will prove useful to obtain fuel. But I do not think that the money out of the Public Treasury ought to be used to create a condition in that section of North Carolina which will enable you to engage in the fuel business and thereby reap a rich harvest as a result of the war. If it is true that this is an emergency war measure, on that account I am not so certain that I have not made a mistake in moving to strike it out, for I am inclined to do everything within my power to help conserve the natural resources of the country, even the water that we are obliged to put into some of these creeks by the construction of artesian wells.

Mr. HOOD. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. HOOD. Does the gentleman regard marl containing the ingredients of phosphoric acid, carbonate of lime, and potash essential to the prosecution of the war?

Mr. MADDEN. Well, I would think that is one formation that is not worth much anywhere on earth except for the purpose of destroying the utility of land on which it grew. I have seen marl in such places you could not dig it at all; you could not even dynamite it. Marl is one of those fractious substances that can not be even drilled into and blown out by dynamite, and sometimes it is nothing but blue clay and pebbles or round stones washed smooth by the floods of time.

Mr. DOOLITTLE. Will the gentleman yield for a question?

Mr. MADDEN. I will.

Mr. DOOLITTLE. Does not the gentleman think that we can conserve the resources of the country by defeating this bill?

Mr. MADDEN. I do; and I think we are conserving the Treasury of the United States to some extent. I think the time has come when raids on the Treasury are no longer popular. The time was, I believe, when such things were popular; but the time is here when they are not going to be popular any more. We have already authorized an expenditure of $12,000,000,000 of the American people's money for the conduct of the war. For all war measures I am in hearty accord with the President of the United States, but this is not a war measure.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Lynchs River, S. C.

Mr. SMALL. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 32, between lines 2 and 3, insert:
"Broad and Congaree Rivers and Columbia Canal, at or near Columbia, S. C., with a view of combining improvements for navigation and water power, consideration to be given to any proposition of local cooperation."

Mr. MADDEN. Mr. Chairman, I make the point of order against the amendment offered by the gentleman from North Carolina, and my reason for the point of order is the Committee on Rivers and Harbors has no jurisdiction over water power or over dams. That belongs to the committee——

Mr. SMALL. I ask to strike out the words "water power."

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to modify his amendment by striking out the words "water power." The Clerk will report the amendment as modified.

The Clerk read as follows:

On page 32, between lines 2 and 3, insert:
"Broad and Congaree Rivers and Columbia Canal, at or near Columbia, S. C., with a view of combining improvements for navigation——

Mr. SMALL. I would like to strike out the word "combining."

Mr. MADDEN. I make a point of order against the amendment as amended.

The Clerk read as follows:

On page 32, between lines 2 and 3, insert:
"Broad and Congaree Rivers and Columbia Canal, at or near Columbia, S. C., with a view of improvements for navigation, consideration to be given to any proposition for local cooperation."

The CHAIRMAN. Is there objection to the modification? The Chair hears none.

Mr. MADDEN. Mr. Chairman, I make the point of order that this committee has no jurisdiction over canals, and that if the question of a canal was up for consideration on the floor of this House and stood alone that it would not be privileged, and not being privileged standing alone, that this committee can not take jurisdiction in an appropriation bill to make it privileged.

Mr. SMALL. If the chairman will read the amendment, he will see that it is not for any canal, but a survey of the Broad and Congaree Rivers. The word "canal" is simply used for the purpose of designation.

The CHAIRMAN. Does the gentleman from North Carolina state to the committee that as to the Columbia Canal they have no intention of surveying for the purpose of improving any canal?

Mr. SMALL. That is my understanding. A gentleman was up here representing the Legislature of South Carolina, I may say, and the amendment was drawn in the office of the Chief of Engineers, and in all my conferences with him it was not my understanding that it included the improvement of the canal.

Mr. MADDEN. The fact that the amendment was drawn in the office of the Chief of Engineers does not imply that the Chief of Engineers holds himself responsible for the merits of the question. I want to know, first, whether the Chief of Engineers becomes responsible for it, or whether he speaks with authority; and even then it has nothing to do with the germaneness of the subject.

Mr. STEVENSON. Mr. Chairman, Mr. LEVER, the Representative of that district, I believe, is not in the House, but I will state to the gentleman from Illinois that the canal is quasi State property and the survey is to complete the river up to the mouth of the canal, and I understand the State has prepared itself, and the water-power company that is exploiting it with the State, to develop the canal to the river.

There is no proposition pending to in anywise spend any of the Government money on the canal. The designation there is merely to designate to what point it is to be surveyed and the connection that is to be made between the canal and the river.

The CHAIRMAN. The Chair will ask the gentleman from South Carolina a question: This is purely a question of fact?

Mr. STEVENSON. Yes.

The CHAIRMAN. This is for the survey of the Broad and Congaree Rivers and Columbia Canal at or near Columbia, S. C., with a view to combine improvements for navigation and water power, consideration being given to any proposition of local cooperation.

Is the purpose of the amendment a survey of the Columbia Canal?

Mr. STEVENSON. No, sir; the Columbia Canal, as I understand, has been surveyed, located, and a large part of it completed.

The CHAIRMAN. And the purpose is to improve the Broad and Congaree Rivers, but up to the Columbia Canal?

Mr. STEVENSON. The Broad River and the Saluda River unite just above Columbia, and they become the Congaree River at and below Columbia. The proposition is to survey the Congaree River and the Broad River, which are the same river, to determine the feasibility of its being made navigable above and below, and of course the canal is a part of the river right there, and is taken into consideration. But it does not contemplate that the Government should have anything to do with it.

The CHAIRMAN. Is it the purpose to survey this canal with the idea of improving this canal in conjunction with the Broad and the Congaree Rivers?

Mr. STEVENSON. I really do not know, Mr. Chairman. I do not know what the purpose is there, but I know the provision is made by the State for the canal to be improved independently of the Government. And it is a representative of the State that is asking this to be done.

The CHAIRMAN. The Chair would like to ask the gentleman from North Carolina [Mr. SMALL] if he can enlighten the Chair on that proposition?

Mr. SMALL. Mr. Chairman, I intended to state before that so far as I am informed, and I talked with a gentleman who said he was entirely familiar with it, and I conversed with Mr. LEVER, of this House, briefly. At that time he was so busy I could not confer with him but a short time, and all my information is to the effect that the proposed survey is for a natural waterway and not a canal. The word "waterway" is used to designate——

Mr. MADDEN. Is the gentleman willing to make that statement on his responsibility as a Member of the House and chairman of this committee?

Mr. SMALL. I can not make myself any clearer than I have already.

Mr. SHACKLEFORD. Mr. Chairman, I want to be heard on that. The Chairman has asked for the facts here. If this amendment should be carried, the War Department or the Engineering Department would not look at the statement of the gentleman from South Carolina or the statement of the gentleman from North Carolina, or to the statement of the gentleman from Illinois, but would look at the text of the amendment. You must read the amendment itself to see what the facts are. The Engineering Department, when these instructions go down to it, in order to make that survey will have to do what the identical words in the amendment say they shall do, and they can not be, it seems to me, enlarged by statements that gentlemen may here make upon the floor that are not a part of the amendment itself. If on their face they carry something subject to a point of order, they could not be rendered immune to a point of order by some statement a gentleman makes on the floor.

Mr. ADAMSON. Why can not you strike out the Columbia Canal?

Mr. STEVENSON. Mr. Chairman, I move to strike out the words "and Columbia Canal."

The CHAIRMAN. Does the gentleman from North Carolina make that modification?

Mr. SMALL. I do.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to modify his amendment by striking out the words "and Columbia Canal." Is there objection?

Mr. MADDEN. I object.

Mr. SMALL. I move to strike out——

Mr. MADDEN. I have a point of order pending against it.

The CHAIRMAN. The point of order is sustained.

Mr. SMALL. I offer the amendment now with the words "and Columbia Canal" stricken out.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Amendment of Mr. SMALL: Strike out the words "and Columbia Canal."

Mr. MADDEN. Let us hear how it will read with the words stricken out.

The CHAIRMAN. The Clerk will report it as it would read with the words stricken out.

The Clerk read as follows:

Broad and Congaree Rivers at or near Columbia, S. C., with a view to improvement for navigation, consideration being given to any proposition of local cooperation.

Mr. MADDEN. Now, Mr. Chairman, I desire to be heard on that. We have a proposition here which unquestionably is intended to provide for the creation of a lot of water power and for cooperation with private individuals who are engaged in the development of water power. In the first place, this amendment proposed that the Government of the United States shall make a survey with a view to creating a dam, or rather creating a water power, and then that was stricken out, and then the amendment still provided for a survey of the canal.

Mr. DEMPSEY. Mr. Chairman, I make the point of order that the gentleman is not discussing the amendment that is presented to the House now. He is discussing the previous amendment.

The CHAIRMAN. The point of order is overruled.

Mr. MADDEN. Just a moment. You can not make a point of order of that sort.

Now, the amendment proposes to authorize a survey of these two rivers and to cooperate with any other interests that may seek to cooperate with the Government of the United States. For what? Why, for the development of water power. It is for the development of water power, and who knows who is going to control this water power? Is the Government of the United States to have anything to say about the control of the water power?

Mr. DEMPSEY. Mr. Chairman, I rise to a point of order. The gentleman is discussing the merits of the proposition. He is not discussing at all the question whether it is in order or not.

Mr. MADDEN. Mr. Chairman, I refuse to yield.

The CHAIRMAN. The amendment is now pending. The Chair overrules the point of order.

Mr. MADDEN. I am talking to the amendment. Now, we propose to authorize a survey for the purpose of developing water power on these two rivers in South Carolina at the junction of a certain canal. It is true we have stricken out the words "water power," but we still have in the amendment that is pending a provision that the Government of the United States is to cooperate in the expenditure of what money it is proposed to expend together with private interests.

Now, why should private interests be permitted to enjoy any benefits to be derived from the expenditure of public money unless there is somebody somewhere who has a friend who wants to develop water power to sell to the innocent bystander without the power on the part of the United States to regulate the charge to be made or the income to be received? I do not believe that this sort of legislation is worthy. I do not believe it is justified. I do not believe that it ought to receive the serious consideration of this House. When we legislate on a great problem like this, involving the expenditure of public money and for cooperation between the Government of the United States and private individuals, from which private individuals are to receive benefits from the expenditure of public money, we have the right to ask the question, "Why?" and I desire to ask the question of the chairman of the Committee on Rivers and Harbors.

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. I desire to ask why do we propose to insert this amendment in the river and harbor bill that will give to some private individual, or some corporation, either in North or South Carolina or somewhere else, an opportunity as the result of the expenditure of public money to organize and control the hydroelectric energy that may be developed by this water power at the expense of the American people?

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. No; I do not yield.

Mr. MEEKER. I thought you wanted an answer.

Mr. MADDEN. I am asking the question of those in charge of the bill, who have made themselves responsible for these amendments.

I do not propose to sit here quietly and permit any such amendment as this to be inserted in this bill without my protest. Some one must protest; some one must call attention to the iniquity of such legislation; some one must call attention to the slipshod way in which it is proposed to insert important legislation on a river and harbor bill; some one must make himself responsible for a protest to prevent the turning over of public property out of the Treasury of the United States to private individuals in North or South Carolina to enable them to foist upon the

people of those States electric current at two or three times its cost.

Why, should we, the representatives of the American people, stand here in our places and vote to make these men down there rich by developing water power upon these streams at the cost of the American people? I protest against it with all the vigor of my soul. [Applause.]

Mr. STEVENSON. Mr. Chairman, the gentleman from Illinois is mistaken as to his facts. The Columbia Canal was constructed partially by the State at a cost of about $1,000,000 and then conveyed to the city of Columbia on condition that she procure the completion of the canal, connecting Congaree River below the city with Broad River above Columbia and above the shoals of Broad River, so as to make navigation practicable from Georgetown to the upper reaches of Broad River. The city, finding itself financially unable to complete the same, conveyed it to a syndicate, who were to complete the same and have the right to the water power developed. This syndicate completed it to the point of developing water power, but has never completed to the connection with Congaree River below Columbia, and the State is now endeavoring to require this to be done so as to open Broad River to navigation and bring the boats up to the city proper. In order to force this company to do this in accordance with its contract, the commission appointed by the State desires this survey to show the possibility of navigation to be developed by this improvement, and the statement that it is to help some company to develop water power to sell to the city or State is entirely erroneous.

Mr. SMALL. Mr. Chairman, I move that all debate on this amendment be now closed.

The CHAIRMAN. The gentleman from North Carolina moves that all debate on this paragraph and amendments thereto be now closed.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina [Mr. SMALL].

The amendment was agreed to.

The Clerk read as follows:

Ashley River, S. C., from the Standard Wharf to the Virginia-Carolina Chemical Co. to Lambs, with a view of improving the channel to a depth of not less than 8 feet.

Mr. WALSH. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the committee a question. I notice that this improvement is to run to the wharf of the Virginia-Carolina Chemical Co., evidently located on this river. I want to inquire whether they are cooperating with the Government in any way in carrying out improvements in that locality which are contemplated with a view of improving the channel to a depth of not less than 8 feet. I want to know whether this company will contribute anything to it.

Mr. SMALL. What they will do will depend upon the report of the engineers after the examination and survey.

Mr. WALSH. Has there been any improvement made here before?

Mr. WHALEY. If the gentleman will allow me, I can answer that question.

Mr. SMALL. I yield to the gentleman from South Carolina.

Mr. WHALEY. I will say to the gentleman from Massachusetts that there has been a survey and an improvement up to the wharf of this company and beyond it, and this proposed survey is above the wharf of the company. It does not affect their property at all.

Mr. WALSH. Has this company cooperated at all?

Mr. WHALEY. They have nothing to do with it. This improvement is beyond the company's wharf.

Mr. WALSH. I am inquiring about the improvement that has already been made.

Mr. WHALEY. That was below their wharf.

Mr. WALSH. This says it is up to their wharf.

Mr. WHALEY. There is a misprint in the bill. The word "to" at the beginning of line 9 should be "of," and I move to strike out the word "to" in line 9, page 32, and to insert the word "of."

The CHAIRMAN. Does the gentleman from Massachusetts yield for that purpose?

Mr. WALSH. I do. I hope the amendment will prevail.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from South Carolina.

The Clerk read as follows:

Amendment offered by Mr. WHALEY: Page 32, line 9, strike out the word "to" and insert the word "of."

Mr. HUMPHREYS. The word "to" appears twice in line 9. Which one is to be stricken out?

Mr. WHALEY. At the beginning of the line.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina [Mr. WHALEY].

The amendment was agreed to.

The Clerk read as follows:

For the construction of a navigable waterway of suitable depth and width to answer the needs of commerce, connecting the waters of the Flint and Ocmulgee Rivers in the State of Georgia.

Mr. CALDWELL. Mr. Chairman, I move to strike out the last word. I would like to ask what kind of commerce they have down there and how extensive an improvement would be required in order to accommodate that commerce.

Mr. PARK. It will cost about two or three thousand dollars to make it.

Mr. CALDWELL. Is it a canal?

Mr. PARK. Yes.

Mr. CALDWELL. Then I raise a point of order against the item.

The CHAIRMAN. The point of order is overruled. The Chair thinks it comes too late. The Clerk will read.

The Clerk read as follows:

Savannah River at and near Augusta, Ga., for the purpose of determining what additional improvement is necessary, if any, in the interest of navigation and of flood protection; also the consideration of any proposition for cooperation on the part of local or State interests.

Mr. HUMPHREYS. I make a point of order against the paragraph.

Mr. VINSON. Mr. Chairman, I think the point of order is well taken, and I have no objection to it.

The CHAIRMAN. The point of order is sustained.

Mr. VINSON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 32, line 15, insert a new paragraph as follows:

"Savannah River at and near Augusta, Ga.: For the purpose of determining what erosion is taking place and what improvements are necessary to prevent the same in the interest of navigation, and also the consideration of any proposition for cooperation on the part of the local or State interests."

Mr. STAFFORD. Mr. Chairman, I make the point of order that this is not in order on this bill, because the Committee on Rivers and Harbors has no jurisdiction on the question of erosion of banks and streams. That is a matter that relates to the Committee on Flood Control. The Chairman will see that the purpose of the amendment is to determine erosion, and that that comes particularly and peculiarly under the control of the Committee on Flood Control. Certainly if that is the fact it is not in order on this bill, which is a privileged bill, to take jurisdiction of the erosion of banks.

Mr. HUMPHREYS. Why does the gentleman think that the erosion of banks belong peculiarly to the Committee on Flood Control?

Mr. STAFFORD. Because the erosion of banks comes as a result of floods on various rivers.

Mr. HUMPHREYS. Oh, no; banks may be eroded by streams without any flood.

Mr. VINSON. They may be eroded in dry weather.

The CHAIRMAN. Is it the gentleman's opinion that if the investigation was touching erosion which affected navigation, the Committee on Rivers and Harbors would have no jurisdiction?

Mr. STAFFORD. I do.

The CHAIRMAN. The point of order is overruled. The question now is on the amendment offered by the gentleman from Georgia.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Banana Creek, Fla.

Mr. MADDEN. Mr. Chairman, I move to strike out the item. I am glad we have reached the stage where we are going into the fruit business. I thought that bananas were only grown in Central America, but I discover now that we have a creek in Florida celebrated for the quality of its bananas, and we propose to spend out of the Federal Treasury the money of the American people to encourage the development of bananas as a war measure.

Mr. MEEKER. Will the gentleman yield for a question?

Mr. MADDEN. Yes.

Mr. MEEKER. Does the gentleman intend to strike at the great American banana?

Mr. MADDEN. If the gentleman can show where we have grown any bananas in America, I would be glad, because I have not been able to discover that we grew bananas in this country. I have been fortunate enough to travel through Central America and over banana plantations there, and saw great quantities of bananas grown there, as well as in other parts of the world. This is the first time I ever knew there was a banana creek on which

there was a possibility of spending any of the American people's money with a view to floating bananas. We are asked to engage in an enterprise that will encourage the American people in floating bananas. We have had them floating whisky and sometimes wines. We heard yesterday about their floating sand down some of these creeks, and they had to snag the creeks to prevent the sand from going down too rapidly.

Mr. SEARS. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. SEARS. Does the gentleman believe that this creek should be criticized simply because of its name? It is no more responsible for its name than the gentleman is for his name.

Mr. MADDEN. If I were responsible for my own name, I might change it. I do not know whether I would or not; but I am quite sure that the banana is a very delicious fruit and the American people are fond of bananas. They feed them to the children frequently in their adolescent period, but when people grow a little older they discover that the banana is an indigestible commodity and they do not eat much of them. We ship these bananas to Europe and sell them to the European people, and I hope we will be able to develop enough bananas on Banana Creek to enable us to fight the war; but I should like to know how much of the American people's money is to be invested in this, so that we may be able to tell whether we get our money's worth for it or not.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. JOHNSON of Washington. I would like to ask the gentleman if he is making his speech on a mileage basis, as he seems to be moving about a great deal?

Mr. MADDEN. I am a good deal like the newspaper reporter who has not got a regular job. They hire them at space rates. I realize that if I keep moving about I shall cover more space, though I do not know that my pay will be increased by the number of additional words that I use.

Mr. MEEKER. Are we to infer by that that the gentleman is covering more space with his feet than with his head?

Mr. MADDEN. The gentleman can infer what he pleases, but if I did not use any more sense in the exercise of the thoughts that I express than the gentleman from Missouri does when he has the floor, I think I would be doing more with my feet than the gentleman does with his head [laughter], but I am against bananas generally speaking, and particularly against bananas grown at the expense of the American people and paid for out of the Treasury of the United States, and I sincerely hope that the membership of the House will have sufficient wisdom to see the importance of striking this out of the bill.

The CHAIRMAN. The time of the gentleman from Illinois has expired. The question is on the amendment of the gentleman from Illinois.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Black River, Ark. and Mo.

Mr. SMALL. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 34, amend by striking out paragraph in line 16 and inserting the following:

"Black River, Ark. and Mo., above Black Rock, Ark., an instrumental survey with a view to preparing plans and estimates of cost for an improvement looking to the diversion of the flood waters of the St. Francis Basin to the basin of the Black River, and to determine what would be the effect upon the navigation of the two rivers if such diversion should be made. The report of survey shall also include consideration of any proposition by local interests for participation in the operation of said project on account of the benefits that may be derived by local interests from said diversion, if it should be done."

Mr. HUMPHREYS. Mr. Chairman, I make the point of order against the amendment.

The CHAIRMAN. The Chair would like to hear the gentleman from Mississippi.

Mr. HUMPHREYS. Mr. Chairman, I would like to ask the gentleman from North Carolina if the purpose of the amendment is not to do exactly the thing which is proposed in lines 17, 18, and 19, with respect to the St. Francis River, Ark.?

Mr. SMALL. I will say to the gentleman that that paragraph has not been reached, but there will be no objection to its going out.

Mr. HUMPHREYS. Mr. Chairman, there is no question but that the point of order would be sustained as to the St. Francis River item. This amendment here, Black River, Ark. and Mo., as I understand it, is to do exactly the same thing that it was originally intended the survey ordered for the St. Francis River should do. There was a survey ordered in the river and harbor bill a year ago of the St. Francis River, with a view to control of its floods, and as the investigation proceeded it was suggested by the engineers that by diverting the flood waters from the upper reaches of the St. Francis into the Black River it might have a very beneficial effect upon the control of the floods of the lower St. Francis. I think, however, that I am mistaken about this other item. Now, this amendment as proposed simply amplifies the authority which has heretofore been given the engineers in surveying the St. Francis River for the purpose of controlling its floods. That being true, I think there can be no question as to the fact that this is the purpose of the amendment, and if it is a fact I submit that it is not proper to be carried in a river and harbor bill, because it is not a privileged matter. It gets the benefit of the privilege of an appropriation bill to which it is not entitled. There are many surveys for flood problems throughout the country that are now pending properly before the Committee on Flood Control. This is simply an effort to take this particular one out and give it a privilege that is denied to all the others. I submit that it is not in order.

The CHAIRMAN. Does the gentleman from North Carolina desire to be heard?

Mr. MOORE of Pennsylvania. Will the gentleman yield for a single question?

Mr. HUMPHREYS. I will.

Mr. MOORE of Pennsylvania. Was a separate bill introduced in the House for the improvement of the St. Francis River?

Mr. HUMPHREYS. Yes.

Mr. MOORE of Pennsylvania. Was a bill introduced in the regular way for the improvement of the St. Francis River as provided for in this paragraph?

Mr. HUMPHREYS. No; the bill providing for the improvement of the St. Francis River went to the River and Harbor Committee before the Committee on Flood Control was created. A survey was ordered of the St. Francis River, the principal purpose being for the control of its flood and the reclamation of sunken lands of the St. Francis. Now, in the prosecution of that investigation the engineers concluded that the surveys were not broad enough. They thought that they ought to make a survey of the Black River to take care of the flood waters of the upper St. Francis down through the Black River and thereby relieve the situation on the St. Francis. Now, the purpose of the amendment——

Mr. MOORE of Pennsylvania. But the point I am making is this: The Chair has held that it is too late to make a point of order on a paragraph like this when a bill has been introduced in the regular way and the objector has lost his day.

Mr. HUMPHREYS. The gentleman from Pennsylvania, with all due respect, in my opinion misconceives the decision of the Chair. What the Chair decided is that a matter that is not privileged can not be made privileged by putting it into a river and harbor bill, which is an appropriation bill, but if it is merely an appropriation and it was introduced in the bill, although it might originally have gone to some other committee, it is too late to make a point after the committee has reported it to the House.

Mr. LENROOT. There is one exception to that point; when a committee having the right to report at any time does not introduce an original bill and reports it, there has been no opportunity to raise the question, and the principle the gentleman now states does not apply.

Mr. HUMPHREYS. There has been no opportunity to raise an objection.

Mr. MOORE of Pennsylvania. The situation would be different if a bill was introduced in the Sixty-fifth Congress and the gentleman came in making an objection.

Mr. HUMPHREYS. I think the gentleman misses my point.

Mr. SMALL. Mr. Chairman, this provision on its face is not subject to the point of order as being beyond the jurisdiction of the committee. Now, I want to be perfectly frank, and, for all I know, the question of improving this stream for navigation may involve in part a matter of the control of floods; but if so, it will be merely incidental to the question of navigation. There are hundreds of rivers of the United States where a greater or less degree of deterioration of channel has taken place and specific plans for the improvement may be affected by the fact that at certain seasons of the year the river rises and falls as a result of excessive rains, and I submit all the Chair can do in determining this point of order is to look at the face of the proposition to determine whether the point of order should be sustained.

Mr. CARAWAY. Mr. Chairman, that is all I intended to say. I want to call the attention of the Chair to the Manual, section 777, as appears on page 344. The rule is, "Whether or not an amendment be germane should be judged from the provisions of its text rather than from the purposes which circumstances may suggest," and references are made to the fifth volume of Hinds'

Precedents, pages 5785 and 5803. The Chair can only look at the face of the amendment and can not go back and determine what may be the purpose.

The CHAIRMAN. The Chair is ready to rule on this proposition. The amendment is in reference to the—

Black River, Ark. and Mo., above Black Rock, Ark., an instrumental survey with a view to preparing plans and estimates of cost for an improvement looking to the diversion of the flood waters of the St. Francis Basin to the basin of the Black River, and to determine what would be the effect upon the navigation of the two rivers if such diversion should be made. The report of surveys shall also include consideration of any proposition by local interests for participation in the operation of said project on account of the benefits that may be derived by local interests from said diversion if it should be done.

The Chair thinks that the rule is plainly laid down that the Rivers and Harbors Committee is a committee, under Rule XI, section 56, with power to report the rivers and harbors bill at any time. It has a privilege that is beyond the Flood Control Committee. This bill, if offered in the House as a separate bill, would have been referred to the Flood Control Committee, and if the Rivers and Harbors Committee had made complaint about it they could have made a motion in the House and had it referred from the Flood Control Committee to the Rivers and Harbors Committee. But this provision now offered is the first time that it can be objected to. The question could not have been objected to sooner because it was not introduced as a separate bill.

Mr. CARAWAY. Will the Chair permit me? He is in error about that.

Mr. MOORE of Pennsylvania. I understood a bill was introduced in this Congress.

Mr. CARAWAY. The Chair is in error. The bill was introduced in the House.

The CHAIRMAN. The bill probably was introduced in the House, but it would be reported not as a privileged bill but as bills of ordinary character. This amendment has never been introduced until now, and could not have been objected to sooner.

It is offered as a committee amendment; it is put on a privileged bill, and the Chair does not think that the Committee on Rivers and Harbors has jurisdiction of this question in this bill, but that since the creation of the Flood Control Committee that committee has jurisdiction of it. They are not permitted under the rules of the House to report at any time as the Rivers and Harbors Committee is permitted.

The Chair sustains the point of order.

Mr. CARAWAY. Mr. Chairman, I wish to ask unanimous consent at this time to pass over that in order that I may offer an amendment.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent that this item be passed for the present.

Mr. HUMPHREYS. That he may refer to this particular part of the bill again for the purpose of offering an amendment?

The CHAIRMAN. Yes. Is there objection?

Mr. STAFFORD. What is the request of the gentleman from Arkansas?

The CHAIRMAN. The request is that this part of the bill be passed for the present that he may offer another amendment, if he desires to. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

St. Francis River, Ark., with a view to the construction of a lock and dam near the mouth, to improve navigation and to withhold the flood waters of the Mississippi River.

Mr. HUMPHREYS. Mr. Chairman, I make the point of order against that.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Main ship channel in or near the mouth of the Columbia River on the southerly or Oregon side from a point in the vicinity of Point Adams along channel to or a short distance above Tongue Point, and of Youngs Bay from the Columbia River channel to a point 1 mile above the county bridge, so as to give a depth of 40 feet at low tide.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee if this survey is designed for the purpose of fixing the main ship channel in the Columbia River near its mouth?

Mr. HAWLEY. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. SMALL. Now, if the gentleman will repeat his question.

Mr. JOHNSON of Washington. I am asking if this survey, as proposed to be provided for on page 36, lines 14 to 19, is designed for the purpose of affecting the main channel of the Columbia River near its mouth?

Mr. SMALL. No; I do not think that the purpose of it is to affect the channel at the mouth of the Columbia River, but the gentleman will understand how difficult it is to answer accurately questions regarding surveys. The primary purpose is to secure a detailed examination and survey.

Mr. JOHNSON of Washington. That being the case, why is it necessary to so closely specify where this survey is to be?

Mr. SMALL. This survey was inserted at the earnest instance of the gentleman from Oregon [Mr. HAWLEY], and I would like to read what he says about this. He says:

WASHINGTON, D. C., *June 25, 1917.*

Hon. JOHN H. SMALL,
Chairman Committee on Rivers and Harbors,
House of Representatives.

MY DEAR SIR: The item on page 36, in lines 14 to 19, of the pending river and harbor bill provides for two surveys. That part contained in these words: "Main ship channel in or near the mouth of the Columbia River on the southerly or Oregon side from a point in the vicinity of Point Adams along channel to or a short distance above Tongue Point" relates to what I understand has been for a long period the natural channel of the river along the city of Astoria and its mills and factories and to provide specifically for its improvement and preservation. The port of Astoria has constructed very large expensive public docks, modern in every particular and properly located. Also across Youngs Bay and down the river from Astoria on the same channel—that is, using the same channel—the Northern Pacific Co. have built large docks. The port commission also have done much work in the channel by dredging, using the dredged material to make fills and bulkheads. This channel accommodates all the business on that part of the river, and is the natural course for vessels to take bound for points above.

The part of the paragraph reading "and of Youngs Bay from the Columbia River channel to a point 1 mile above the county bridge" is to provide for the growing business in that section. There are located on this bay several shipbuilding concerns, which are engaged in the construction of wooden ships, and I have been informed that others will be located there. There are also other commercial uses for the bay. There is a draw in the county bridge and in the railroad bridge. Youngs Bay is a wide, sheltered arm, and the businesses already located on it, as well as those proposed for it, have explained to me the urgent necessity for the proposed improvement.

The depth of 40 feet provided in the item is to make accommodation for the character of vessels natural to a port, and which will seek and discharge cargoes at a port located so near the mouth of this great river. The depth on the bar is approaching 50 feet, if that depth is not already attained, as latest reports indicate it has.

I made personal examination of both propositions and believe them to have unusual merit.

With best wishes, I am,
Truly, yours,
W. C. HAWLEY.

Mr. JOHNSON of Washington. Did the gentleman say this was a side channel?

Mr. SMALL. It is not the main channel at the mouth of the river. Will the gentleman from Oregon [Mr. HAWLEY] explain that to the gentleman?

Mr. HAWLEY. I understand that the channel as described in the amendment has for a long period of years been considered the main ship channel.

Mr. JOHNSON of Washington. Is it possible to answer every purpose and leave the engineers open and free in the matter by taking out the words "on the southerly or Oregon side"?

Mr. HAWLEY. It proposes to authorize a survey for the improvement and maintenance of the long used channel at the city of Astoria. All vessels engaged in foreign trade report to the customs officials at Astoria; they either discharge cargo at Astoria or proceed to destination through this channel. Coastwise vessels likewise use it. The channel should be improved and maintained to accommodate the commerce.

Mr. JOHNSON of Washington. Is it used now?

Mr. HAWLEY. Yes; it is used all the time.

Mr. JOHNSON of Washington. If it is spoken of as the "main ship channel" why is it necessary to speak of it in the letter as "a side channel"?

Mr. HAWLEY. I did not say "side channel."

Mr. JOHNSON of Washington. Would the gentleman be satisfied to take out the specific direction?

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I ask for an additional five minutes.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Washington moves to strike out the last two words.

Mr. JOHNSON of Washington. Would it not answer every purpose to strike out the words "main ship channel," on line 14, and on line 15 the words "on the southerly or Oregon side," thus leaving it free, so that a survey can be made in front of Astoria?

Mr. HAWLEY. The main ship channel, a natural channel, has for a long period of years followed the course outlined in the item in the bill. The city of Astoria is constructing public docks at the cost of about a million of dollars on this channel,

All the other wharves and docks of the city are on this channel. The docks of the Northern Pacific Co. on the west side of Youngs Bay are so situated that vessels lading and discharging cargo at them use this channel. The item in the bill proposes that this natural channel shall be improved and maintained at a sufficient depth to accommodate the traffic. Astoria is prepared to enlarge its docks to accommodate the developing traffic.

Mr. JOHNSON of Washington. Why is it necessary in line 14 to call it "the main ship channel," and on line 15 to call it "on the southerly or Oregon side"?

Mr. HAWLEY. Because it is not intended to interfere with the channel out farther in the river that is used by coastwise vessels going up and down.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the words, in line 15, "on the southerly or Oregon side," after the word "river."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Washington.

The Clerk read as follows:

Mr. JOHNSON of Washington moves to amend by striking out, on page 36, line 15, the words "on the southerly or Oregon side."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Washington.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The Secretary of War is directed to make a survey and submit a report to Congress upon the advisability of securing a channel in the Columbia River from the mouth of the Willamette River to the eastern limits of the city of Vancouver, Wash., equal in width and depth to the project channel from the mouth of the Willamette to the city of Portland, Oreg., and what cooperation, if any, should be given.

Mr. SMALL. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from North Carolina offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Amend, page 37, after line 2, by inserting a new paragraph:

"Columbia River, between Carrolls, Wash., and Stella, Wash., and Cowlitz River, below Ostrander, Wash., with a view to devising plans for bank protection, including consideration of any proposition for cooperation on the part of local and State interests."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Tillamook Bay and River and Hoquarten Slough, Oreg., with a view to securing the most feasible channel from the entrance to the city of Tillamook.

Mr. MADDEN. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Illinois moves to strike out the paragraph.

Mr. MADDEN. Mr. Chairman, as to Tillamook Bay I do not know what that is, whether it is in a slough or cay, or whether there is a river connected with the bay. I notice that we have Hoquarten Slough, Oreg. I do not know whether that is one of those sloughs such as we dealt with a short time ago in North Carolina, where we were going to dig out the slough and furnish the turf as a fuel supply to the Army. I do not know exactly what kind of a slough this is. I do not know what kind of agricultural products they raise there, whether they have muskrats or catfish. I should like to see if some gentleman from Oregon will explain this thing. Is there any gentleman from the State of Oregon who is willing to stand responsible for the money to be expended on this improvement? Does the gentleman from Oregon [Mr. HAWLEY] refuse to state the merit of the question involved in Tillamook Bay and River and Hoquarten Slough, and to state whether the slough is to be drained, or whether it possesses any mineral of any importance to enable the Government to reimburse itself for this expenditure?

Mr. HAWLEY. If the gentleman will pause for a moment in his eloquence I believe I can satisfy his inquiring mind.

Mr. MADDEN. I shall be delighted.

Mr. HAWLEY. The people of that section of the country have spent $407,000 in improving Tillamook Bay up to the point where Hoquarten Slough ends and Tillamook Bay begins.

Mr. MADDEN. What is Hoquarten Slough?

Mr. HAWLEY. Hoquarten Slough is an arm of the bay. The people of the port of Tillamook want to enlarge their port, and to raise money by issuing bonds to provide, practically at their own expense, deep water for the city of Tillamook by means of Hoquarten Slough, or on the Tillamook River, whichever the engineers decide to be the most feasible project; but they want a Government survey of it, so that it will be a Government project. In fact, they have no right to deal with it unless it is a Government project, and they want a definite survey for a project into which they can put their own money.

Mr. MADDEN. About how large a city is Tillamook?

Mr. HAWLEY. About 5,000 people.

Mr. MADDEN. Where does it stand with respect to an open channel from the sea?

Mr. HAWLEY. The distance above the present terminus of the project in a straight line is about 3 miles, as I recall.

Mr. MADDEN. What is the amount of commerce there now? Is there any commerce?

Mr. HAWLEY. Yes; they produce lumber and cheese and various agricultural products. There is a considerable amount of tonnage brought in. I do not remember the tonnage.

Mr. MADDEN. Is the cheese made in such large quantities that they have to send it out from Tillamook in ships?

Mr. HAWLEY. They make about $700,000 worth of it a year, as I recall.

Mr. MADDEN. How much money does the city of Tillamook expect to spend on the development of this harbor?

Mr. HAWLEY. Practically whatever is necessary.

Mr. MADDEN. How much cooperation do they want from the Government?

Mr. HAWLEY. When the project at the mouth of the bay, involving an expenditure of $814,000, was under contemplation they proposed to pay one-half of the proportion of the locality, which would be one-fourth of the whole cost, or $200,000. I understand they are ready to put that amount into this improvement.

Mr. MADDEN. Why does this slough come into the question? What has that to do with navigation?

Mr. HAWLEY. Because the slough connects Tillamook City with the upper end of the present project.

Mr. MADDEN. Does the gentleman mean that Tillamook City is on the edge of the slough?

Mr. HAWLEY. On a deep arm of the bay there. I think they would call it a bayou down south.

Mr. MADDEN. Does the slough contain water?

Mr. HAWLEY. If the gentleman should try to wade across it he would find that the top of his head would go out of sight.

Mr. MADDEN. If this improvement should be made would it drain the slough?

Mr. HAWLEY. No.

Mr. MADDEN. Would it make more water in the slough?

Mr. HAWLEY. It would take a slice off the bottom and make the water deeper.

Mr. MADDEN. The reason I ask these questions—and I ask them in good faith—is that in my section of the country when we drain a slough we get tillable land.

Mr. HAWLEY. The gentleman ought to see this slough. It looks like a deep, narrow river.

Mr. MADDEN. Any water hyacinth grow in it?

Mr. HAWLEY. No; nor no hippopotamuses.

Mr. MADDEN. Then it is not a good place to hunt.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois to strike out the paragraph.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Mouth of the Cowlitz River, Wash., for the purpose of determining the advisability of the construction of a jetty, or other means, for deepening the channel at the mouth of the river.

Mr. MADDEN. Mr. Chairman, I move to strike out the paragraph.

Mr. SMALL. I offer the following committee amendment.

The Clerk read as follows:

Page 37, amend by inserting after line 12 and following the paragraph ending with the words "of the river," the following:

"Waterway between Port Townsend Bay and Oak Bay in Jefferson County, Wash., with a view to increasing depth and width."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MADDEN. Now, Mr. Chairman, I move to strike out the section as amended.

I do not know how much money it will take to clean out the mouth of the Cowlitz River, and I do not know what purpose will be served when you do clean out this mouth. I do not know whether they propose to use disinfectants to do it, but I know they propose to use money of the United States Treasury to find out how much it costs to clean out the mouth. It seems to me that the mouth of the river was only intended to reach the Treasury of the United States. It is only intended to add to the burden of the already overburdened taxpayers of the country.

We considered a bill a short time ago in which we proposed to raise $2,000,000,000 out of the incomes of the American people

for the next year, and to raise it we had to go back and lay new taxes again for the year on which the people had already paid taxes. When the Senate reports the bill I presume it will include taxes from the 1st of January, 1917, up to the 1st of January, 1918, so that we will be paying taxes on things we have already done, and still we continue to add to the burden. There is no thought in anybody's mind about the relief of the overburdened taxpayer; all we think about is adding to it.

You can unload all of your burdens onto the backs of the American people to a certain point, but they will finally rebel. Even the worm will turn when you step on him too often. The American people have been a very patient people since the Democrats came into power. They have never borne such burdens in all their lives as have been imposed upon them since you came into power. They have borne those burdens patiently, but they have begun to see the day, they have begun to see the light, they are beginning to realize that these burdens are unjust and they are beginning to protest. You will have to trim your sails very soon if you expect to maintain their confidence. You can not continue to rob them of their last dollar by imposing the taxes that you do impose upon them and have them continue to support you in your reckless extravagance and waste of the public money.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. JOHNSON of Washington. If the gentleman really wants to know the truth about the Cowlitz River, I will say that for some years past a Government dredge has gone up and down the river taking out the sand and putting it on the banks and then during the winter the floods come and wash it back into the river.

Mr. MADDEN. And so they are spending money for the purpose of keeping the dredge at work.

Mr. SMALL. Mr. Chairman, I move that all debate on this paragraph be now closed.

The motion was agreed to.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois to strike out the paragraph.

The question was taken, and the motion was lost.

The Clerk read as follows:

Controller Bay, Alaska.

Mr. LENROOT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

At the end of section 4 add the following:
"*Provided*, That no survey herein provided for shall be made until after the close of the war with Germany except such as the Secretary of War shall recommend as necessary as associated with the prosecution of the war."

Mr. LENROOT. Mr. Chairman, the chairman of the committee has signified his willingness to accept this amendment. It will leave all the surveys in the bill but will postpone the operation except such as the Secretary of War may find to be associated with the prosecution of the war. With this proviso, it makes the surveys entirely in harmony with the purpose of the bill as expressed by the committee and its chairman many times. I do not desire to take any further time.

Mr. HUMPHREYS. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. HUMPHREYS. I want to ask the gentleman something about the wording of his amendment. This comes in as a new paragraph?

Mr. LENROOT. As a proviso.

Mr. HUMPHREYS. To what?

Mr. LENROOT. To section 4.

Mr. HUMPHREYS. It has to be a new paragraph unless it is a proviso to the item respecting Controller Bay, Alaska.

Mr. LENROOT. If it was, it relates to all of the surveys, so there could be no difficulty of construction.

Mr. MILLER of Minnesota. I would like to ask the gentleman from Wisconsin a question. Will the gentleman inform us whether or not some of these surveys provided for in this section are continuations of old surveys previously ordered, which might not fall within the class that the Secretary of War would recommend?

Mr. LENROOT. These are all new surveys.

Mr. MILLER of Minnesota. Is the gentleman sure about that?

Mr. LENROOT. The committee has stated many times that there are 106 still pending not affected by this at all.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken; and on a division (demanded by Mr. LENROOT) there were—ayes 75, noes 15.

So the amendment was agreed to.

The Clerk proceeded to read section 5.

Mr. GALLAGHER (interrupting the reading). Mr. Chairman, is this not the section that it was agreed should be stricken out? At an early stage in the consideration of the bill I think the House voted to turn this proposition over to the Interstate Commerce Commission.

Mr. SMALL. Oh, I think not. I was going to make a motion, in the economy of time, to strike out section 5.

Mr. STAFFORD. Mr. Chairman, section 5 has not yet been read. I desire to make a point of order upon it.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 5. That the Secretary of War is hereby authorized and empowered to grant leases or licenses to municipal corporations and to public service or other corporations for the use of the surplus water not needed for purposes of navigation at the United States Government dams constructed at Lake Winnibigoshish and at Lake Pokegama, in the State of Minnesota, at such rates and compensation as he may deem just and reasonable, giving to municipal corporations the preference. That such leases or licenses shall not extend beyond the period of 50 years and that the moneys paid for the same shall go into the Treasury of the United States, to be used for the maintenance of the dams and the improvement of navigation in said river. The Secretary of War shall make such rules, regulations, and conditions as he may deem necessary to protect the interests of navigation and the United States, and the same shall be incorporated in the leases or licenses.

Mr. STAFFORD. Mr. Chairman, on that I reserve the point of order.

Mr. SMALL. Mr. Chairman, I move to strike out the paragraph.

Mr. COOPER of Wisconsin. Mr. Chairman, I make the point of order. [Cries of "Rule!"]

The CHAIRMAN. The point of order is sustained.

Mr. SMALL. Mr. Chairman, I desire to be heard for just a moment. There have been objection to and controversy about this item. With a view to avoiding any controversy and because the sponsors of it were willing that it should be stricken out, I stated to a number of gentlemen as representing the committee that we were willing to have the item stricken from the bill; but I protest that it shall not go out upon the theory that the Committee on Rivers and Harbors has no jurisdiction of the question of water power and its development on navigable streams, and I insist when the proper time comes that in the improvement of streams for navigation where water power may be developed as an incident this committee reserves the right to consider such legislation. I desire to say here now that the Committee on Rivers and Harbors in its own good time will consider some legislation for water-power development on navigable streams, and I take this occasion to serve notice on the Committee on Interstate and Foreign Commerce, which is so jealous about its jurisdiction of water power, that it must formulate and submit to this House some legislation, legislation that will protect the interest of the country and at the same time invite capital to invest in the development of water power. Hundreds of thousands of horsepower in hydroelectric energy are now going to waste, involving a serious economic loss, while Members of Congress are discussing academic questions. The differing opinions as to Federal and State jurisdiction should be reconciled. They are perfectly capable of reconciliation, and Members are under obligation to the country to make a frank, honest effort to do so. Speaking modestly, I may say that I am actuated by such a purpose, and I am sure I speak for the membershsip of the Committee on Rivers and Harbors.

The CHAIRMAN. The point of order is sustained.

Mr. ADAMSON and Mr. MILLER of Minnesota rose. [Cries of "Regular order!"]

The CHAIRMAN. The regular order is demanded, and the Clerk will read.

Mr. VOLSTEAD rose.

The CHAIRMAN. For what purpose does the gentleman from Minnesota rise?

Mr. VOLSTEAD. I desire to offer an amendment.

Mr. MILLER of Minnesota. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MILLER of Minnesota. Was the point of order made upon this paragraph?

The CHAIRMAN. It was made and sustained.

Mr. MILLER of Minnesota. Upon what theory was it made, and upon what theory was is sustained?

The CHAIRMAN. It was sustained upon the theory that other committees in the House have jurisdiction of certain questions embodied in this section.

Mr. BURNETT. Mr. Chairman, that is res adjudicata.

The CHAIRMAN. The Chair desires to state the reason. The gentleman is asking in good faith. This is a question where the rulings of the Chair have been that the matter should go to

the Committee on Interstate and Foreign Commerce. This is a privileged bill, and questions that are not within the jurisdiction of the Committee on Rivers and Harbors can not be reported in a privileged bill.

Mr. MILLER of Minnesota. I was about to suggest, in view of the sort of gentlemen's arrangement that has been made, and I think satisfactory to the entire House, that that question ought not to be raised; and inasmuch as it is going out, I want to ask the gentleman from Wisconsin if he will not withdraw his point of order and consent that it may be stricken out on the motion of the gentleman from North Carolina, in order that the men who are interested, and deeply interested, may not be prejudiced in their views and be obliged to submit to extended arguments.

Mr. SMALL. I thought that I had offered my motion first.

The CHAIRMAN. The Chair will state to the gentleman from North Carolina a point of order has priority over a motion, and as the point of order was made by the gentleman from Wisconsin [Mr. COOPER], the Chair had no option but to pass on the point of order. [Cries of "Regular order!"]

Mr. VOLSTEAD. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

At the end of line 5, on page 38, insert the following new paragraph: "SEC. 5. That the Congress consents that the States of Minnesota, North Dakota, and South Dakota, or any two of them, may enter into any compact, agreement, or agreements with each other to improve navigation of boundary waters between said States and the waters tributary thereto; and said States, or any two of them, are authorized to and may, with the approval of the Secretary of War, make such improvements."

Mr. LENROOT. Mr. Chairman, I make the point of order against the amendment that it is not germane to this bill and under its provisions the committee would not be authorized to incorporate it in the bill.

The CHAIRMAN. The Chair sustains the point of order.

Mr. VOLSTEAD. Mr. Chairman, I desire to be heard on the point of order. It seems to me the amendment is clearly in order. I am not an expert on parliamentary law, but this is a provision for the improvement of a river in line with the purpose of the bill. It differs only in the fact that it takes no money out of the Treasury, but there are any number of provisions in this bill authorizing contributions, so in principle it does not differ from other authorizations. You have provisions in this bill that Porto Rico shall contribute $600,000, and you have various other provisions to the effect that expenditures shall be made in accordance with certain documents, which documents in many instances require contributions. We simply authorize that these States do this work themselves.

Mr. STAFFORD. Mr. Chairman, will the Chair hear me before he renders his decision?

The CHAIRMAN. The Chair withholds his decision.

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield? I would like to know what the intention is; to improve a river, for what purpose?

Mr. VOLSTEAD. For navigation. That is what my amendment says—improvement of the river for navigation. The Red River of the North divides the State of Minnesota from North and South Dakota.

Mr. STAFFORD. Mr. Chairman, the Chair, in considering this amendment, must give construction as to whether it is in order from the phraseology that is carried in the amendment. I direct the attention of the Chair to the fact that it authorizes the States designated to enter into an agreement. For what purpose? To improve navigation of the boundary waters between said States and waters tributary thereto. Certainly this amendment, so far as the phraseology is concerned, is limited to the question of the navigation of those waters. No one will dispute the Committee on Rivers and Harbors has authority to report on the improvement of rivers and harbors. That is clause 8, section 11. Clause 56 authorizes them to make privileged bills that relate to the improvement of rivers and harbors. I agree fully with the decisions that the Chair has made during the day on these other provisions, which were not privileged from the committee. But supposing this was brought in as a privileged matter from the Committee on Rivers and Harbors. The Chair could not decide that it was not privileged, because its very purpose is to improve rivers and harbors dividing the States of Minnesota and North and South Dakota. Why, the very purpose of authorizing the surveys is to provide for the improvements of rivers and harbors.

It delegates authority to the engineers to make a preliminary investigation.

The CHAIRMAN. Does the gentleman from Wisconsin think that boundary waters include only rivers and harbors? Might they not include lakes and canals?

Mr. STAFFORD. The fact is there is the Red River of the North, a boundary stream. I am making statements of facts as I know them.

The CHAIRMAN. The gentleman will concede the fact that if a part of the amendment is out of order the whole of it is out of order?

Mr. STAFFORD. Yes; I will agree that if a part of the amendment is out of order that the rest of it will have to be eliminated on the ground that it is not privileged.

Mr. HUMPHREYS. Mr. Chairman, the Committee on Rivers and Harbors has jurisdiction over matters relating to the improvement of the rivers and harbors. Under the Constitution no State could enter into any compact of any character to do anything without a small chance by Congress giving those States its consent. Now, in this matter there is no attempt by this amendment for Congress to undertake the improvement of any river of any sort. The purpose is for Congress to give its consent to the States of Minnesota and Wisconsin that they may enter into a compact touching the improvement of rivers that the States of Minnesota and Wisconsin are to undertake. I state that that is a matter which is not entitled to a privilege which was obtained by being a paragraph in a privileged bill.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

Mr. SEARS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Florida offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend, on page 37, by inserting after line 13 the following paragraph as a new section:

"SEC. 5. That authority is hereby conferred upon any person, persons, or corporations, subject to the approval of the Chief of Engineers and the Secretary of War, to construct not more than three inlets from the Atlantic Ocean to Indian River, Fla., at such points and in accordance with such plans and under such conditions as may be approved by the Chief of Engineers; the right being expressly reserved to the United States to close or to order the closing of any one or all of these inlets whenever in the opinion of the Chief of Engineers this is deemed necessary in the interest of navigation: *Provided*, That no expense shall be incurred by the United States in connection with these improvements: *Provided further*, That a bond or bonds may be required to indemnify the United States for not exceeding a period of five years against any damage to said navigable waters, the conditions thereof to be determined by the Secretary of War."

Mr. LENROOT. Mr. Chairman, I make a point of order against the amendment.

Mr. SEARS. Will the gentleman reserve the point of order?

Mr. LENROOT. I will.

Mr. SEARS. I think I can persuade the gentleman not to make it.

This amendment to the section does not incur any expense to the Government. The proposition is simply this: Parties for years have tried to open up inlets from the Indian River to the ocean without expense to the Government. The Board of Engineers several times have granted permission to construct these inlets, and the only trouble seems to be that the Board of Engineers require a lifetime bond, and parties in that section of the country have refused, and I think rightly, to give a lifetime bond. This does not cost the Government a thing.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. SEARS. I will.

Mr. MOORE of Pennsylvania. Is it not the intention to have the salt water come into the Indian River for the purpose of propagating fish and encouraging the fish supply?

Mr. SEARS. That is true. The fact of the business is, I will say to the gentleman from Wisconsin [Mr. LENROOT] that the War Department has granted permission for canals to open into the Indian River, thereby making the river, which was formerly salt, practically fresh. Neither fresh-water fish nor salt-water fish can now live in that river, and these inlets simply let the water again become salt. The gentleman from Pennsylvania [Mr. MOORE] and many other Members on this floor are familiar with the situation and indorse it.

Mr. WALSH. This being a fish-propagation project, does anything pass up and down these inlets besides the fish? Is there any commerce?

Mr. SEARS. Boats can pass out and in if they so desire.

Mr. WALSH. What connection has this project with the present war emergency?

Mr. SEARS. It does not cost the Government a cent, I will say to the gentleman.

Mr. WALSH. But you have got to get authority to do it; and will there not be in the future calls upon the Federal Government to deepen, widen, dredge, or snag these inlets?

Mr. SEARS. Not at all. If the gentleman will read my amendment it is specifically provided there that the Government can close these inlets at any time it hurts navigation or interferes with navigation. I hope the gentleman will not insist on the point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield further?

Mr. SEARS. Yes.

Mr. MOORE of Pennsylvania. Is it not a fact that the Indian River parallels the ocean, very close to the ocean at that point, and runs along parallel to it for hundreds of miles?

Mr. SEARS. Yes; about 200 miles.

Mr. MOORE of Pennsylvania. Private interests want to do this cutting?

Mr. SEARS. Yes. It is to be done by private interests. In fact, these inlets will be cut by the fishermen, merchants, and public-spirited citizens who are solely interested because of the value of fish as an important food supply.

Mr. LENROOT. Mr. Chairman, this being a river and harbor bill, it ought to be confined to the improvement of rivers and harbors. No private project should go into a river and harbor bill. As I read the amendment, it does not purport or pretend to have anything to do with navigation. I therefore insist on my point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

SEC. 7. That Bayou Meto, in the State of Arkansas, be, and the same is hereby, declared to be a nonnavigable stream, within the meaning of the Constitution and laws of the United States. The right of the Congress to alter, amend, or repeal this section is hereby expressly reserved.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on that paragraph.

Mr. ADAMSON. I make the point of order, Mr. Chairman. The jurisdiction to declare streams nonnavigable rests with the Committee on Interstate and Foreign Commerce, and not with the Committee on Rivers and Harbors.

Mr. TAYLOR of Arkansas. Will the gentleman kindly reserve his point of order?

Mr. ADAMSON. I do not know why. The bills have gone before us for quite a number of years.

Mr. TAYLOR of Arkansas. I ask that the gentleman will kindly reserve his point of order.

Mr. ADAMSON. I will reserve it.

Mr. TAYLOR of Arkansas. Mr. Chairman, this identical item was carried in the river and harbor bill that passed this House but which did not pass the Senate. It was copied from an item contained in the bill in 1915 and in the bill in 1914, so that so far as precedent is concerned it is thoroughly established.

Now, I want to say to my friend, the gentleman from Georgia [Mr. ADAMSON], that I do not think he ought to make the point of order. The object of this amendment is for the conservation of thousands of acres of land in order that the Bayou Meto, a little creek that floods all these thousand acres of land, may be controlled and diverted. The landowners, one of whom is in this building now, Judge KINKAID, want to open it and hold back this water so that the lands may be cultivated and food and bread may be supplied to the people of this Nation.

I hope that the gentleman will not insist on his point of order. I sincerely hope he will not.

Mr. SMALL. Mr. Chairman, I desire to be heard.

Mr. TAYLOR of Arkansas. I want to say one word further, Mr. Chairman. Have I exhausted my time?

The CHAIRMAN. The gentleman has not.

Mr. TAYLOR of Arkansas. I have talked with Gen. Black about this, and he said this stream had never been taken over or adopted by the Government in any respect whatever. He said it was not to be considered a navigable stream in any sense except in so far as it contributed water to the navigable waters of the Arkansas River; and now we have more water in the Arkansas River than we know what to do with, notwithstanding the gentleman from Kansas [Mr. CAMPBELL] and the gentleman from Illinois [Mr. MADDEN] yesterday did not seem to know that there was any water in there, although I have seen that water measured in front of my city at a depth of 7 feet.

Mr. MADDEN. That was in flood time.

Mr. TAYLOR of Arkansas. I hope my good friend from Georgia will not destroy, or cause to be destroyed, this valuable land for the production of so much food needed by the people of this country. It is a war measure. If the gentleman insists upon it, of course I must yield.

Mr. ADAMSON. I did not know that my friend TAYLOR from Arkansas was interested in this matter. The matter of declaring streams nonnavigable has been a very interesting one in the last 15 or 20 years. The bills have invariably gone to our committee. We have always considered them, and in most cases we have found it unwise to declare a stream nonnavigable.

I do not know whether this item has been properly considered or not. It has not been called to our attention. It is our business to look into all such matters, but if the gentleman thinks his committee has given it proper consideration, and although the chairman of the Committee on Rivers and Harbors has seen proper gratuitously to say something about the jealousy with which we defend our jurisdiction, for my part, on account of my personal affection for my friend from Arkansas, I will not make the point of order against it, although I think it ought to be made.

Mr. COOPER of Wisconsin. Mr. Chairman, I reserve a point of order on that. This practice of declaring nonnavigable streams that have always been considered navigable is a very serious thing; and I do not know of any investigation or presentation of facts, on this floor or elsewhere, that would justify me, or justify the majority of this House, in voting that to be a nonnavigable stream.

Mr. TAYLOR of Arkansas. Will the gentleman from Wisconsin yield to me for a moment?

Mr. COOPER of Wisconsin. I yield to the gentleman.

Mr. TAYLOR of Arkansas. This stream, as I have said, has never been a navigable stream, never been taken over by the Government, and there never has been one cent appropriated for it. There never was a boat upon it. I have lived upon that stream for 30 years. But here is the point: The property owners on each side, owning hundreds of thousands of acres of land, can not get the legislature to pass a bill authorizing them to float bonds to borrow money to build locks and dams to hold this water back and keep it off of the lands that are so rich and so productive of food products.

Mr. COOPER of Wisconsin. Have the legislature of your State ever passed any petition——

Mr. TAYLOR of Arkansas. They are waiting now, sir, and this bill was drawn——

Mr. COOPER of Wisconsin. Have the legislature of that State ever passed a petition requesting Congress for any legislation?

Mr. TAYLOR of Arkansas. Why, no, sir; they have not done that.

Mr. COOPER of Wisconsin. These property owners could very easily have had their representatives in the State legislature pass a petition asking the Congress of the United States to declare the stream nonnavigable. I hate to do anything to disoblige my friend, but I shall make the point of order.

Mr. TAYLOR of Arkansas. I hope the gentleman will not do that.

Mr. HUMPHREYS. Mr. Chairman, I do not care to argue the point of order, because I do not know anything about that; but the gentleman from Georgia [Mr. ADAMSON] is mistaken when he says it has been the invariable practice to refer such matters to the Committee on Interstate and Foreign Commerce. Such matters have been referred frequently to the Committee on Rivers and Harbors, and we have frequently reported provisions declaring streams nonnavigable, and such bills have passed and become laws. I do not recall any bill declaring any stream nonnavigable that did not come from the Committee on Rivers and Harbors.

Mr. ADAMSON. If the gentleman will yield, I will state that there is a good reason for that. We never report such a bill unless there is a good reason for it, and in most of the cases we have found that the bills ought not to be reported favorably, and therefore have not done it.

Mr. HUMPHREYS. That carries with it, of course, the inference that the Committee on Rivers and Harbors have not made proper investigation.

Mr. ADAMSON. I do not know what bills they have had before them.

Mr. HUMPHREYS. Well, the Cane River, for instance. Of course the gentleman does not know any more now than he did before I stated that. I have that particular one in mind. We had very elaborate hearings on that proposition, and reported out a bill declaring it to be nonnavigable. Whether this is subject to a point of order now I am not able to state, but the subject is one that has heretofore been handled by the Rivers and Harbors Committee.

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption there?

Mr. HUMPHREYS. I will.

Mr. COOPER of Wisconsin. My friend the gentleman from Wisconsin [Mr. STAFFORD] has just called my attention to section 4101 of Hinds' Precedents, volume 5, page 739, which says:

Bills declaring as to whether or not streams are navigable and for preventing hindrances to navigation are reported by the Committee on Interstate and Foreign Commerce.

On January 23, 1902, the bill (H. R. 9213) declaring the St. Joseph River to be not a navigable stream was by order of the House referred from the Committee on Rivers and Harbors to the Committee on Interstate and Foreign Commerce.

Mr. HUMPHREYS. I will state in reply to that, as I stated before, that I do not know anything about whether this is subject to a point of order or not. I was not in Congress in 1902, and I did not recall that incident; but the Committee on Rivers and Harbors has several times in the last 10 or 12 years reported paragraphs in bills just like this.

Mr. SMALL. Mr. Chairman, just a word. As the gentleman from Mississippi says, the books are full of statutes reported from the Committee on Rivers and Harbors declaring streams nonnavigable. For instance, I hold in my hand a river and harbor act approved March 4, 1915, which contains:

SEC. 13. That Swan Creek, a stream lying within the limits of the city of Toledo, State of Ohio, is hereby declared to be not a navigable waterway of the United States within the meaning of the laws enacted by Congress for the preservation and protection of such waterways, and the consent of Congress is hereby given for the filling in of said creek by the local authorities.

Mr. ADAMSON. Will the gentleman yield?

Mr. SMALL. Yes.

Mr. ADAMSON. That bill was before our committee for a long time and we absolutely refused to report it out. Then the author of it went over to the Senate and got it put on the river and harbor bill there, and when it came back to the House in the conferees' report it was resisted by the gentleman from Kentucky [Mr. SHERLEY] and others, but it was agreed to. It was not put on the bill in this House, and the House Committee on Rivers and Harbors never had jurisdiction of it nor considered it.

Mr. SMALL. The Committee on Rivers and Harbors has reported many bills of this character. One, Cache River, Ark., declaring it to be a nonnavigable stream. I have one before me in 1894——

Mr. GILLETT. Will the gentleman yield?

Mr. SMALL. Yes.

Mr. GILLETT. Does the gentleman think that it is any argument that this is in order because such bills have been passed reported by the Committee on Rivers and Harbors unless the point of order was made? That is no argument at all unless you can show that the point of order was made and overruled. There are quantities of bills reported from the Committee on Appropriations containing legislation. That does not prove that the Appropriations Committee has any right to legislate. It all depends upon whether the point of order was made.

Mr. SMALL. If the gentleman will pardon me, I was going to suggest as a part of the argument that the Committee on Interstate and Foreign Commerce by reason of inaction had lost its jurisdiction, that they can not at this late day claim jurisdiction.

Mr. ADAMSON. Will the gentleman yield?

Mr. SMALL. Yes.

Mr. ADAMSON. I wish to state to the gentleman that the Committee on Interstate and Foreign Commerce has not had a minute of inaction for 21 years to my knowledge. They have been at work day in and day out, and they could not watch all the other committees either in committee or on the floor of the House as to how much they encroached on the jurisdiction of our committee or whether or not they properly discharged their duties. The legislation which the gentleman referred to never came to my attention.

Mr. ROSE. Will the gentleman yield?

Mr. SMALL. Yes.

Mr. ROSE. Where does the power first lie to declare that a stream is navigable? The gentleman states that this has never been declared a navigable stream.

Mr. SMALL. I think in Congress. Congress has jurisdiction of all navigable streams.

Mr. ROSE. But this is not navigable.

Mr. SMALL. If it has jurisdiction of a stream that is navigable, then by inference it has the power to declare the stream nonnavigable.

The CHAIRMAN. The Chair is not concerned in what has been passed before by the Committee on Interstate and Foreign Commerce or the Committee on Rivers and Harbors. The question of jurisdiction should have been settled at that time, but clearly bills declaring rivers nonnavigable belong to the Committee on Interstate and Foreign Commerce.

Mr. TAYLOR of Arkansas. Mr. Chairman, this is not a river; it is a small stream running in two counties.

The CHAIRMAN. If it is not a river, it certainly is not a harbor; but anyway, whether it is or not, the jurisdiction has always been placed in the Committee on Interstate and Foreign Commerce to declare streams nonnavigable. The decision read by the gentleman from Wisconsin is so clearly in line that the Chair could not overrule the decision. There was a plain action of the House voting to transfer the matter that had been referred to the Committee on Rivers and Harbors to the Committee on Interstate and Foreign Commerce. I will not read the decision again, but clearly this comes within the jurisdiction of the Committee on Interstate and Foreign Commerce.

Mr. SMALL. Mr. Chairman, I hesitate to interrupt the Chair while he is delivering an opinion, but upon what theory does the Committee on Interstate and Foreign Commerce have superior jurisdiction to the Committee on Rivers and Harbors?

The CHAIRMAN. The committee has jurisdiction over commerce and the question of declaring a river nonnavigable certainly affects the commerce of the country, especially on navigable rivers.

Mr. SMALL. The decision that the gentleman from Wisconsin read a moment ago simply referred to the action of the House.

The CHAIRMAN. Mr. Hinds's decision puts in heavy type at the head:

Bills declaring as to whether or not streams are navigable or preventing hindrances to navigation are reported by the Committee on Interstate and Foreign Commerce.

I recall very vividly that only a few days ago that the Speaker of the House in passing upon a question here affecting a certain matter took the interpretation of Mr. Hinds and followed the decision down as voicing what he believed about the proposition. This is what Mr. Hinds thought when he put this in his Precedents, that the Committee on Interstate and Foreign Commerce did have jurisdiction. The action of the House enforced that proposition, and the rules of the House gave the committee jurisdiction over the question relating to commerce, life-saving stations, and so forth. This is a question that declares a stream nonnavigable and affects commerce, and the Chair thinks it is properly within the jurisdiction of the Committee on Interstate and Foreign Commerce.

Mr. TAYLOR of Arkansas. Mr. Chairman, I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Arkansas appeals from the decision of the Chair, and the question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken, and the Chairman announced that the ayes had it.

Mr. STAFFORD. Mr. Chairman, I think where there is an appeal from the decision of the Chair there is an invariable custom to have a division, and I ask for a division.

The CHAIRMAN. The Chair thinks the gentleman is too late, but the Chair will ask for a division.

The committee divided; and there were 58 ayes and 1 no.

So the decision of the Chair was held to be the judgment of the committee.

Mr. SMALL. In the economy of time, I move to strike out section 8, because Congress has passed an act in the exact words of this provision.

Mr. HAWLEY. It was in the last session of the last Congress that this was passed. It is now existing law.

Mr. SMALL. Yes; in order to save the time of reading, I move that it be stricken out.

The CHAIRMAN. The question is on the motion of the gentleman from North Carolina to strike out the section.

The motion was agreed to.

Section 8 is as follows:

SEC. 8. That all of that portion of Ollala Slough in Lincoln County, Oreg., above a point where a line that is 120 rods south and running east and west and parallel with the section line between sections 8 and 17 in township 11 south, range 10 west of the Willamette meridian, crosses said stream, be, and is hereby, declared to be a nonnagivable stream.

The Clerk read as follows:

SEC. 9. That section 4 of the river and harbor act of August 18, 1894, as amended by section 11 of the river and harbor act of June 13, 1902, be, and is hereby, amended so as to read as follows:

"SEC. 4. That it shall be the duty of the Secretary of War to prescribe such regulations for the use, administration, and navigation of the navigable waters of the United States as in his judgment the public necessity may require for the protection of life and property, or of operations of the United States in channel improvement, covering all matters not specifically delegated by law to some other executive department. Such regulations shall be posted, in conspicuous and appropriate places, for the information of the public; and every person and every corporation which shall violate such regulations shall be deemed guilty of a misdemeanor and, on conviction thereof in any district court of the United States within whose territories jurisdiction such offense may have been committed, shall be punished by a fine not exceeding $500, or by imprisonment (in the case of a natural person) not exceeding six months, in the discretion of the court."

Mr. STAFFORD. Mr. Chairman, I reserve the point of order on that.

Mr. LENROOT. Mr. Chairman, I make the point of order.

Mr. SMALL. Mr. Chairman, will the gentleman reserve the point of order?

Mr. LENROOT. Very well.

Mr. SMALL. Mr. Chairman, this is a very important provision, which ought to be enacted into law. I ask the attention of the gentleman, because I hope upon its explanation that he will withdraw the point of order. The present statute applies to canals and similar works of navigation that now are or that hereafter may be operated or maintained by the United States. The words used in the pending section are "the navigable waters of the United States." The existing law covers only such regulations as are necessary to protect improved channels or to prevent interference with the operations of the United States in improving navigable waters. The section in the pending bill goes further and provides such regulations as in the judgment of the Secretary of War the public necessity may require for the protection of life and property and of operations of the United States in channel improvements, the essential difference being that the language in the pending section authorizes regulations for the protection of life and property. Let me illustrate the condition which the Chief of Ordnance, Gen. Crozier, has impressed upon the committee as emphasizing the importance of the enactment of this section. At the proving grounds at Sandy Hook and at other experimental stations for the proving of our guns and projectiles there is at present no power in the Secretary of War to suspend navigation for the time being or to give notice to ships not to sail across or within a certain area during a certain time, and if they are to carry out the purposes of the proving grounds, which are constantly used during this period of war, it is absolutely essential that the Secretary of War be given larger authority.

Mr. LENROOT. Mr. Chairman, I shall not make the point of order, in view of the statement made by the gentleman, but I do want to say it is clearly outside the jurisdiction of the committee, and it is only because of the very exceptional circumstances that the gentleman states that I do not make the point of order.

The CHAIRMAN. The point of order is withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 10. That an act entitled "An act authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvement at the expense of persons, companies, or corporations," approved May 16, 1906, be amended so as to read as follows:

"That whenever any person, company, or corporation, municipal or private, or any State, or any reclamation, flood-control, or drainage district, or other public agency created by any State, shall undertake to secure any land or easement therein, needed in connection with a work of river and harbor improvement duly authorized by Congress, for the purpose of conveying the same to the United States free of cost, or for the purpose of constructing, maintaining, and operating locks, dry docks, or other works to be conveyed to the United States free of cost, and of constructing, maintaining, and operating dams for use in connection therewith, and shall be unable for any reason to obtain the same by purchase and acquire a valid title thereto, the Secretary of War may, in his discretion, cause proceedings to be instituted in the name of the United States for the acquirement by condemnation of said land or easement, and it shall be the duty of the Attorney General of the United States to institute and conduct such proceedings upon the request of the Secretary of War: *Provided*, That all expenses of said proceedings and any award that may be made thereunder shall be paid by such person, company, or corporation, or State, or reclamation, flood-control, or drainage district, or other public agency as aforesaid, to secure which payment the Secretary of War may require such person, company, or corporation, or State, or reclamation, flood-control, or drainage district, or other public agency as aforesaid, to execute a proper bond in such amount as he may deem necessary before said proceedings are commenced.

Mr. LENROOT. Mr. Chairman, I make the point of order against section 10, first, as being not germane to the bill, and, second, that it is a section beyond the authority of the committee to incorporate as a provision of this privileged bill. In support of the point of order, I desire to call the attention of the Chair to the following language:

That whenever any person, company, or corporation, municipal or private, or any State, or any reclamation, flood-control, or drainage district, or other public agency created by any State, shall undertake to secure any land or easement therein, needed in connection with a work of river and harbor improvement duly authorized by Congress, for the purpose of conveying the same to the United States free of cost.

If they had stopped there, it might be argued that it was within the jurisdiction of the committee to report in this privileged bill, but they go on, and it is in the alternative——

or for the purpose of constructing, maintaining, and operating locks, dry docks, or other works to be conveyed to the United States free of cost, and of constructing, maintaining, and operating dams for use in connection therewith—

The condemnation proceedings are then authorized. The subject matter of the section is authorizing condemnation proceedings in these cases upon the part of the United States, and those condemnation proceedings are not limited to cases where improvement of navigation is to result, but they may be for reclamation, flood control, the building of dams for which charters have been granted, for wholly private purposes, and it seems very clear to me that it clearly falls within the rule that a portion of it being beyond the authority of the committee to report in a privileged bill, the entire section must go out.

Mr. CURRY of California. Will the gentleman withhold his point of order?

Mr. LENROOT. I will withhold the point of order.

The CHAIRMAN. Does the gentleman from California desire to be heard?

Mr. CURRY of California. Mr. Chairman, just a moment. This is an amendment to existing law—the eminent-domain act. The words objected to by the gentleman from Wisconsin are in the existing law. The existing law was quoted just as it is in the amendment, so that nothing that was in existing law should be cut out. Now, this amendment is necessary on certain river work being done for navigation and for navigation only on the Sacramento River, at the mouth of the Sacramento River, Cal. Maj. Rand, who has charge of that work, requested me to try to have this act amended at the earliest possible moment, and the easiest and best way was to get it in the river and harbor bill if it can go in without a point of order. Now, the point of order that is made is against what follows: "Free of cost" is already existing law; it is not new law at all. It would hardly be right to cut out existing law to meet present conditions. It is simply adding "or any State reclamation, flood-control, or drainage district," and it only gives authority and power for condemnation proceedings where those condemnation proceedings are directly connected with rivers and harbors, and I hope the gentleman will not insist on the point of order.

Mr. LENROOT. The gentleman is not quite accurate. If this remains in the bill it would give a reclamation district, for instance, the right to have the United States exercise its right of eminent domain for a purpose wholly for the interest of that reclamation district, namely, for the construction of dams, and so forth, used in connection with a Government improvement.

Mr. CURRY of California. I am willing to strike out "or any reclamation, flood control, or drainage district." Those are additional words in the bill, with the exception of the words "or any State."

Mr. LENROOT. Let me ask the gentleman a question. Why can not the State, having the greater power of exercising the right of eminent domain than the United States Government has—why can not it exercise its right of eminent domain for this purpose?

Mr. CURRY of California. It can not exercise the right of eminent domain for this purpose because it is not in the Federal statute, and this land is to be conveyed free of cost to the United States Government.

Mr. LENROOT. Where is the land; all in the State of California, is it not?

Mr. CURRY of California. Yes.

Mr. LENROOT. And the purpose is to take that land for a public purpose and convey it to the United States?

Mr. CURRY of California. Yes.

Mr. LENROOT. Why can not the State of California institute condemnation proceedings itself?

Mr. CURRY of California. The local authorities out there seem to think they can not and so does Maj. Rand, and he is in charge of this work.

Mr. LENROOT. They may not be able because the State of California has not given them power to do so, but the State of California unquestionably has the power to give them the right.

Mr. CURRY of California. No; I do not think so.

Mr. ADAMSON. Will the gentleman yield for a question?

Mr. CURRY of California. Yes.

Mr. ADAMSON. Does the gentleman think if this language of the section goes out of the bill on a point of order that it would repeal or affect the law as it now exists?

Mr. CURRY of California. Certainly not. I want the law as it now exists amended so as to include the State and public agencies, that is all. I want it to include the State; that is all I want. This section after considerable discussion at the last session was unanimously agreed to in the Committee of the Whole. It meets the condition, and I hope the gentleman will not make the point of order. I recognize it lies, but the condition out there is such that I hope he will permit it to be amended.

Mr. MEEKER. Will the gentleman yield?

Mr. CURRY of California. Yes.

Mr. MEEKER. Where are the words the gentleman proposes to strike out, and just what did the gentleman say would be satisfactory to be stricken out?

Mr. CURRY of California. I am satisfied to have stricken out "or any reclamation, flood control, or drainage district."

Mr. MEEKER. Where is that?

Mr. CURRY of California. Line 26, page 39, and on page 40, wherever those words appear in the bill.

Mr. LENROOT. I feel very clear the State has the power, and why can not the State do the thing which the gentleman here wants to make the United States Government do? I make the point of order.

Mr. SMALL. Has the gentleman from California concluded?

Mr. CURRY of California. Yes.

Mr. SMALL. Mr. Chairman, I would like the attention of the gentleman from Wisconsin.

This only amends existing law in this particular. If the Chair has the bill before him, he will see that the section begins as follows:

That whenever any person, company, or corporation, municipal or private—

That is in the present law. Then there is added:

Or any State, or any reclamation, flood control, or drainage district, or other public agency created by any State.

Those are the words that are added to existing law.

The CHAIRMAN. The Chair would like to ask the gentleman if those are all the words that are added to existing law?

Mr. LENROOT. Those are all.

The CHAIRMAN. Are these words, on lines 5, 6, 7, 8, and 9, in the law? They are as follows:

For the purpose of constructing, maintaining, and operating locks, dry docks, or other works to be conveyed to the United States free of cost, and of constructing, maintaining, and operating dams for use in connection therewith.

Mr. SMALL. They are in the existing law, and the gentleman from Wisconsin [Mr. LENROOT] will so admit.

Mr. LENROOT. They are. I want to call the Chair's attention to this fact: That under existing law neither the State or a drainage district could utilize the law for the purpose of constructing and maintaining and operating dams, which is no part of the improvement of rivers and harbors. But if this remains in the bill they may do so, which is clearly beyond the jurisdiction of the committee.

Mr. SMALL. Now, the point I was making on that line was this, that existing law permits any person, company, or corporation, municipal or private, to do all the things in the pending section, and it is only extended to any State, or that power is only extended to any State, or any reclamation, flood control, or drainage district, or other public agency, created by any State. Now, the purpose of this is plain that wherever there is any local cooperation requiring local interests to provide certain lands to the Government of the United States, the United States will institute the condemnation proceedings, but that the expense of same, as well as the award, shall all be paid by the local interest which is to contribute the local cooperation. So, Mr. Chairman, if this had been an original proposition, upon the criticism of the gentleman from Wisconsin [Mr. LENROOT] I would have yielded the point, because, as he says, it does seem to go beyond the scope of river and harbor improvements, but as this only amends existing law in these particulars it seems to me it is not subject to a point of order.

Mr. LENROOT. I would like to make this suggestion to the chairman of the committee, that if he would consent to an amendment to strike out of lines 8 and 9 the words "constructing, maintaining, and operating dams for use in connection therewith," I think it would then not be subject to the point of order that I made, and I would be willing to let the section remain.

Mr. SMALL. Striking out what?

Mr. LENROOT. Striking out the words "and of constructing, maintaining, and operating dams for use in connection therewith." Lines 8 and 9 on page 40.

Mr. CURRY of California. I will make this proposition to the chairman of the committee. I will agree to that if he will.

Mr. SMALL. Well, Mr. Chairman, I would not on the spur of the moment be willing to strike out something which will change existing law.

Mr. CURRY of California. Will you pass this over and think about it for a little while?

Mr. LENROOT. I am very clear it is subject to a point of order, unless these words are stricken out.

Mr. SMALL. The worst that can happen is that the existing law will remain. You would mutilate existing law to gratify the gentleman.

The CHAIRMAN. The Chair understood the gentleman from North Carolina to say the language in lines 6, 7, 8, and 9 was in the present law? The Chair does not find it.

Mr. LENROOT. It is the amendment of June——

Mr. SMALL. Maybe I did not give the last act. I handed it to the gentleman from Wisconsin during the afternoon.

Mr. LENROOT. That is in the law, but I do want to emphasize, Mr. Chairman, if I may, that this amendment that is now proposed to be made may authorize a State or a public agency or a reclamation district to institute this condemnation proceeding, not for the purposes of the improvement of navigation but for wholly different purposes, and therefore, although those words are in existing law, this amendment does not relate to the improvement of navigation at all.

Mr. CURRY of California. Mr. Chairman, I wish to call the attention of the Chair to the fact that no State can condemn and take over land and transfer it to the United States Government or to any other corporation without the authority of Federal law, and there is no such authority in Federal law. Under the State law they can not do that. Unless this is enacted it can not be done.

The CHAIRMAN. The Chair would like to ask the gentleman from Wisconsin what committee would have jurisdiction of this subject if a separate bill were introduced?

Mr. LENROOT. It is not a matter of jurisdiction of committee, but as the Chair has been ruling, and correctly, during the day, the Committee on Rivers and Harbors, while it has the right to report legislation on this bill, has no right to report any legislation that does not relate solely to the improvement of rivers and harbors. My point is that this goes beyond that, because it gives the right to the State and drainage district to have condemnation proceedings, not for the improvement of navigation but for the erection of dams, which under the language of the act have nothing to do with navigation.

The CHAIRMAN. The Chair would like to ask the gentleman if a bill were introduced, to what committee would it go?

Mr. LENROOT. To the Committee on Rivers and Harbors, I think, but it would not be privileged. If the Chair has any doubt about the correctness of my proposition, I submit that the Committee on Rivers and Harbors might have jurisdiction of a bill, but unless it relates to the improvement of rivers and harbors it is not privileged, and that committee can not incorporate matters in this privileged bill that do not relate to the improvement of rivers and harbors.

Mr. STAFFORD. Mr. Chairman, the Chair must make this distinction, as stated by my colleague, Mr. LENROOT, that though the Committee on Rivers and Harbors may have jurisdiction of the subject matter, yet that committee would not have authority to come in here in a separate bill and embody this very provision and say, "Mr. Speaker, I submit a privileged bill." It would not be privileged, because it would not relate, as clause 56 of Rule XI provides, to the improvement of rivers and harbors. That committee might have jurisdiction of the question, but upon any person making a point of order that it was not privileged he could have it dropped into the basket and have it considered in the regular course. Every item in this bill must have that character of privileged status, such as, if the chairman of the committee presented it, he could say, "I present a privileged measure under clause 56 of Rule XI."

The CHAIRMAN. The Chair would like to hear from the gentleman from North Carolina.

Mr. SMALL. Mr. Chairman, I want to be brief, but it seems to me that when we are amending the existing law the point of order must be directed to the amendment alone.

Now, the position of the gentleman from Wisconsin [Mr. LENROOT] is this: If we admit that the committee would have jurisdiction of this amendment to existing law, that it is deprived of its jurisdiction because it affects existing law beyond the jurisdiction of the committee. I do not think that the gentleman can successfully contend that there is anything in this amendment here to existing law which would warrant the Chair in sustaining the point of order; because the point of order is directed to what? To the amendment of the existing law, and the amendment only increases the agency of the State for which the right of eminent domain may be exercised on the part of the United States in favor of parties who are compelled by a local cooperation to seize such property.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Just one minute, until I conclude this thought.

Now, it seems to me that that is an undue stretch of the question of jurisdiction of this committee in a river and harbor bill, and I submit that the question of jurisdiction ought to be confined to the amendment, and that it ought not to reach to the original act, which is amended, because perchance the original act contains some provision which, if offered here originally, might be subject to the point of order.

Now I yield to the gentleman.

Mr. STAFFORD. Does the gentleman contend that this original act, when it was presented in the House, would have authorized the chairman of the committee to have presented

it as a privileged bill? Would not the bill have had to be presented and reported to the House in the regular way through the basket?

Mr. SMALL. Well, that is a question of the past, and is not necessary to consider at this time.

Mr. STAFFORD. The question is whether the committee, in presenting it to the House, would have the right to present it as a privileged matter or whether it would have to be submitted through the basket.

Mr. SMALL. The point I make is that the question of jurisdiction ought to be confined to the amendment, and ought not to reach to the original act which is amended. This is simply an amendment to the existing law.

Mr. LENROOT. Mr. Charman, may I suggest this to the Chair: That supposing in a river and harbor bill a municipal corporation had been given the right to build a dam, and the provision under which they could build it is laid down in that act, and then the gentleman, in a later river and harbor bill, undertakes to provide that any State or drainage district or other public agency would have the right to build dams without further provision as to the matter of navigation, does the gentleman say, because a provision relating to the building of these dams was in preexisting law, that when you extend the scope of it the provisions of existing law can not be referred to as going to the question whether the committee exceeded its authority or not?

The CHAIRMAN (Mr. HARRISON of Mississippi). The Chair is ready to rule. The Chair thinks that the Committee on Rivers and Harbors would have jurisdiction of this bill and that that committee might have reported it out and placed it upon the calendar. The fact that part of it might be subject to a point of order would not destroy the right of the Committee on Rivers and Harbors to report that bill, let it take its usual place on the calendar, and come up in its order, without having a privileged status.

Under section 56 of Rule XI the Committee on Rivers and Harbors has the right to report as a privileged matter upon bills for the improvement of rivers and harbors. The Chair thinks that the proposition in this bill to amend the law so as to read as follows:

That whenever any person, company, or corporation, municipal or private, or any State, or any reclamation, flood-control, or drainage district or other public agency created by any State shall undertake to secure any land or easement therein, needed in connection with a work of river and harbor improvement duly authorized by Congress, for the purpose of conveying the same to the United States free of cost, or for the purpose of constructing, maintaining, and operating locks, dry docks, or other works to be conveyed to the United States free of cost, and of constructing, maintaining, and operating dams for use in connection therewith—

And so forth, destroys its privileged status, and destroys the right of the Rivers and Harbors Committee to report such an amending provision in this bill; and therefore the Chair sustains the point of order.

The Clerk read as follows:

SEC. 13. That the Secretary of War is hereby authorized to permit the Betterton-Morgan Co. (Inc.) to construct a dock or docks upon lots 1, 4, and 5, block 6, Seattle tidelands, or upon such portions thereof as he may designate, the construction of said docks to be under the supervision of and all material used therein to be approved by the Secretary of War and the necessary expenses of such supervision and construction to be borne by said company. Said company shall maintain said docks at its own expense and use and maintain the same under such regulations as the Secretary of War may prescribe. Said company shall vacate said docks and remove all its property therefrom upon 24 hours' notice to do so from the Secretary of War, and it shall give the Secretary of War satisfactory assurances that upon 30 days' notice to do so it will demolish said docks and remove all débris pertaining thereto as may be required by the Secretary of War. Said docks shall from the time of their construction be the property of the United States and subject to the use of the United States for any purpose whatsoever, and the only interest the said company shall have hereunder is a revocable license to use the same under the terms and conditions set out herein.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on section 13.

Mr. SMALL. Mr. Chairman, the committee is not wedded to this provision, but with a committee amendment which I desire to offer the United States would be entirely protected in the matter, and information has come to the committee very recently that haste is necessary in the giving of this grant.

Mr. STAFFORD. I examined the index of the hearings and the index of the report to find some reference to this project, but was unable to find any reference whatever to it. Will the chairman of the Committee on Rivers and Harbors furnish the Committee of the Whole with some reason for this authorization?

Mr. SMALL. Is the gentleman from Washington [Mr. MILLER] in the Chamber?

Mr. JOHNSON of Washington. He is getting his lunch in the restaurant, but will be here in a moment. I would like to suggest that the paragraph be passed for a moment.

Mr. SMALL. Does the gentleman from Wisconsin consent?

Mr. STAFFORD. Let us have the amendment proposed by the gentleman from North Carolina read for information.

Mr. SMALL. The amendment I propose is this: At the end of line 5, page 42, insert the words:

under such terms of rental as he may approve.

So that it would read:

That the Secretary of War is hereby authorized, under such terms of rental as he may approve, to permit the Betterton-Morgan Co. (Inc.) to construct a dock—

And so forth.

Mr. STAFFORD. I am willing to let the paragraph be passed over for the present.

Mr. JOHNSON of Washington. I ask unanimous consent that the paragraph be passed without prejudice.

The CHAIRMAN. The gentleman from Washington asks unanimous consent that the paragraph be passed without prejudice.

Mr. STAFFORD. Without prejudice to the point of order.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 14. That amounts hereafter paid by private parties or other agencies for rental of plant owned by the Government in connection with the prosecution of river and harbor works shall be deposited in each case to the credit of the appropriation to which the plant belongs.

Mr. STAFFORD. Mr. Chairman, I make a point of order against section 14.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. STAFFORD. Mr. Chairman, this is a provision that does not relate to the improvement of rivers and harbors. It relates merely to an authorization that when the plants of the Government are utilized by private parties, the funds that accrue from the rental or use of those plants shall be placed to the credit of the appropriation to which the plants belong.

Mr. SMALL. Will the gentleman pardon an interruption?

Mr. STAFFORD. Yes.

Mr. SMALL. I think I can make that perfectly clear to the gentleman. The engineers, by permission of the Chief of Engineers and the Secretary of War, sometimes lease or hire out a dredge, for instance, to private parties, when the dredge is not being used for public work. That is done to accommodate people or corporations who wish dredging done in some channel for which the United States has not assumed any obligation. Now they pay, as a rule, all the actual expenses of the dredge, plus a rental for the dredge.

Now, the actual expenses paid are covered into the Treasury to the credit of the particular improvement to which the dredge belongs. The Comptroller of the Currency has held that the rental must be deposited in the Treasury of the United States to the miscellaneous fund, and the purpose is to have the rentals as well as the actual expenses of the dredge credited to the improvement to which the dredge is assigned.

Mr. STAFFORD. It has been the established policy, and that is what I insist upon, that when facilities of the Government are utilized for other purposes, rented out to private parties, that the fund shall be placed to the credit of miscellaneous receipts in the Treasury. We as a body that control the amount appropriated for respective projects should know how much money is being utilized rather than to have this method of placing the funds interchangeably so that we would not know the amount used for the respective projects. I insist on the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

SEC. 15. That the Atchison, Topeka & Santa Fe Railway Co., of Kansas, a corporation created under and by virtue of the laws of the State of Kansas, be, and it is hereby, granted authority to maintain its wharf, known as "long wharf," in the harbor of San Diego, Cal., where the same extends across certain submerged lands of the United States, ceded to the United States by act of the Legislature of the State of California, approved March 9, 1897, which said submerged lands lie in front of certain upland property of the United States described as lots 1 to 19 of block 18 of the city of San Diego, upon the following conditions and limitations: That the United States shall have free use of the so-called "west wharf" of the said railway company, adjoining and connected with the said "long wharf" in the harbor of San Diego, under such rules and regulations as may from time to time be agreed upon between the local representatives of the railway company and the commanding officer of Fort Rosecrans, Cal.: *Provided*, That if, at any time, the said parties shall fail to agree as to said rules and regulations, the then existing status of the occupancy and use of said wharf shall not be disturbed until the controversy shall be referred to the general manager of the railway company and the department commander, Western Department, United States Army, for decision, and an agreement shall have been reached by them in the matter: *Provided*

further, That the United States shall have the right to make such improvements to the said "west wharf" at its own expense as may be necessary to give the United States adequate and reasonable accommodations, provided such improvements shall be made without unnecessary interference with the operation of the railway company in its relations to the public as a common carrier and in its use of the said wharf as such common carrier: *And provided further*, That the railway company shall not be required to add to or alter the said "west wharf" or to add to or alter the warehouse and storeroom accommodations connected therewith. The right to alter, amend, or repeal this section is hereby expressly reserved.

Mr. CALDWELL. Mr. Chairman, I make a point of order against the provision.

Mr. STAFFORD. Will the gentleman withhold the point of order?

Mr. CALDWELL. Yes.

Mr. STAFFORD. I do not claim any peculiar knowledge of this proposition, but a year ago when the gentleman from California [Mr. KETTNER] was temporarily out of the Chamber, so that he could not inform the committee as to the purpose of this paragraph, I made a point of order. Shortly after the gentleman brought me full information that convinced me that it was a minor matter that should be passed in the interest of navigation. I do not know whether the gentleman from New York wishes to take my statement of the facts, the gentleman from California [Mr. KETTNER] is now present and can explain the item more fully. My first thought was that it was a portentous project, but I found that it referred to a little corner of submerged land in the Bay of San Diego. The property is in front of land owned by the Government which is not used at all, and this is a corner of submerged land out in the bay.

Mr. CALDWELL. Mr. Chairman, I withdrew the point of order.

Mr. COOPER of Wisconsin. I will reserve the point of order. I notice on page 43 of the bill, beginning at line 20, this language:

That the United States shall have free use of the so-called "west wharf" of the said railway company, adjoining and connected with the said "long wharf" in the harbor of San Diego, under such rules and regulations as may from time to time be agreed upon between the local representatives of the railway company and the commanding officer of Fort Rosecrans, Cal.: *Provided*, That if at any time the said parties shall fail to agree as to said rules and regulations, the then existing status of the occupancy and use of said wharf shall not be disturbed until the controversy shall be referred to the general manager of the railway company and the department commander, Western Department, United States Army, for decision, and an agreement shall have been reached by them in the matter.

Suppose the two men do not agree, what is the status?

Mr. DEMPSEY. It would continue as it is.

Mr. COOPER of Wisconsin. What right would the United States have to use it?

Mr. DEMPSEY. "The United States shall have free use of the so-called 'west wharf' of the said railway company."

Mr. COOPER of Wisconsin. Under such rules and regulations as may from time to time be agreed upon. And if they could not agree, it would be referred to two other men; but suppose they do not agree?

Mr. CALDWELL. Mr. Chairman, I withdraw the point of order, supposing the matter would be disposed of immediately. If there is going to be a long discussion, I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. KETTNER. Mr. Chairman——

Mr. COOPER of Wisconsin. The regular order.

Mr. KETTNER. I hope the gentleman will reserve the point of order until I can explain the proposition. I am sure he does not want to do anything that will injure navigation and the Government interests at the present time.

Mr. CALDWELL. I have no objection to reserving the point of order.

Mr. KETTNER. Mr. Chairman, this wharf was built by——

Mr. KEARNS. Mr. Chairman, I make the point of order.

Mr. MEEKER. Will not the gentleman from Ohio reserve the point of order?

Mr. COOPER of Wisconsin. The regular order.

The CHAIRMAN. The Chair has sustained the point of order.

Mr. RUSSELL. Mr. Chairman, at the request of the gentleman from Arkansas [Mr. CARAWAY] the item on page 34, line 16, with reference to the Black River, Ark., was passed over. I want to inquire now whether the words, line 16, "Black River, Ark.," are left in the bill or whether they are stricken out?

The CHAIRMAN. The Clerk informs the Chair that they are now in the bill.

Mr. RUSSELL. Then I think that the gentleman from Arkansas and I have agreed that we will not ask for any further action at this time upon that section.

Mr. JOHNSON of Washington. Mr. Chairman, my colleague, Mr. MILLER, has come into the Chamber, and I now ask that we return to section 13, which was passed over.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to return to section 13. Is there objection?

There was no objection.

Mr. STAFFORD. The reservation of the point of order is still pending.

The CHAIRMAN. The Chair so understands.

Mr. MILLER of Washington. Mr. Chairman, section 13 of the bill permits the leasing of lots 1, 4, and 5, block 6 of the Seattle tidelands, to the Betterton-Morgan Co. That company is a firm of general contractors in the city of Seattle, and this bill gives them permission to erect a wharf there. In this particular part of the city there is now an immense activity of ship construction. There are over $125,000,000 worth of shipping under construction on these reclaimed tidelands. I have a telegram from the Betterton-Morgan Co. stating that they desire this for the purpose of aiding them in the construction of steamships under such terms and rentals as the Secretary of War may prescribe.

Mr. STAFFORD. Mr. Chairman, will the gentleman inform the committee who owns the lands referred to in this section?

Mr. MILLER of Washington. I do not know. I can not answer that correctly. I think the Betterton-Morgan Co. are extensive owners, but whether they own this land I do not know.

Mr. STAFFORD. Has the Government any interest in the land on which the docks are proposed to be built?

Mr. MILLER of Washington. Nothing that I know of, with the expection of, perhaps, shore-land rights, or something of that kind. I am not advised as to that.

Mr. STAFFORD. Can the chairman of the committee inform the House whether the Government has any title or interest in the lands which are referred to in this paragraph upon which these docks are to be constructed?

Mr. SMALL. Mr. Chairman, it is my understanding that the Government has title to the reclaimed lands. They were tidelands, submerged, and by some arrangement with the city of Seattle or some public authority the United States would have the title to these lands. It is a question whether they shall grant this permit to this company under proper conditions for the use of this land. The company wishes to engage in important industrial activity, and I think, particularly with the amendment which I shall offer and which has been suggested after careful consideration by the Chief of Engineers, that the interests of the United States will be preserved.

Mr. STAFFORD. That amendment merely authorizes the Secretary of War to fix terms.

Mr. SMALL. Rental; yes.

Mr. STAFFORD. It did not direct him to obtain rental for the use of this property of the Government.

Mr. SMALL. I think we may assume that, because the language I propose to submit is "under such terms of rental as he may approve," so that that contemplates a rental. If the gentleman can make it stronger I have no objection to his doing so. Of course, there must be some elasticity allowed the War Department.

Mr. STAFFORD. Would the gentleman have any objection to the language "under such terms providing for reasonable rental"?

Mr. SMALL. "Under such terms of reasonable rental?"

Mr. STAFFORD. "Providing for reasonable rental."

Mr. SMALL. We want to keep the English straight.

Mr. STAFFORD. That would show the purpose of Congress to obtain some rental.

Mr. SMALL. What is the language suggested?

Mr. STAFFORD. "Under such terms providing for reasonable rental to be approved by him."

Mr. SMALL. Under such a reasonable rental, if I may have the attention of the gentleman?

Mr. STAFFORD. After the word "terms" of the proposed amendment strike out the word "of" and insert "providing for a reasonable," so that it will read:

That the Secretary of War is hereby authorized under such terms providing for a reasonable rental, to be approved by him, to permit the Betterton-Morgan Co."—

And so forth.

Mr. HUMPHREYS. Why not say "including," instead of "providing"?

Mr. SMALL. I have sent the gentleman a copy of the language I have.

Mr. STAFFORD. Mr. Chairman, the suggestion of the gentleman from Mississippi is that the word "including" be sub-

stituted for the word "providing" and is a good one. "Including a reasonable rental to be approved by him."

Mr. SMALL. There is no objection to that. I think I understand the language. I offer this amendment.

The CHAIRMAN. Does the gentleman withdraw the reservation of the point of order?

Mr. STAFFORD. One further minute, Mr. Chairman. I believe this question was in the last rivers and harbors bill?

Mr. SMALL. It was.

Mr. STAFFORD. And was amended by the Senate?

Mr. SMALL. Yes.

Mr. STAFFORD. I notice in the bill which is presented me there is this phraseology:

Said docks shall, from the time of their construction, be the property of the United States and subject to the use of the United States for any purpose whatsoever, and the only interest the said company shall have hereunder is a revocable license to use the same under the terms and conditions set out herein.

Mr. SMALL. Those are quite drastic, but it seems to be satisfactory to the permittees.

Mr. STAFFORD. Would the gentleman have any objection to having that amendment added to this paragraph?

Mr. SMALL. It is already in.

Mr. STAFFORD. I see; my attention was for the moment diverted. I withdraw the reservation of the point of order.

The CHAIRMAN. The gentleman from North Carolina offers an amendment to the section?

Mr. SMALL. In this language. At the end of line 5, page 42, insert the following words: "Including such reasonable rental as he may approve."

Mr. CALDWELL. Mr. Chairman, that does not make sense.

Mr. SMALL. Yes; I think so.

Mr. HUMPHREYS. I think there is a mix up on that. "The Secretary of War is hereby authorized," and so forth, "including a reasonable rental to permit," and so forth.

Mr. SMALL. I see.

Mr. STAFFORD. I offer as a substitute the following, which I think will have the chairman's approval.

Mr. SMALL. I will withdraw my amendment.

The CHAIRMAN. Is there objection to the gentleman withdrawing his amendment? [After a pause.] The Chair hears none.

Mr. STAFFORD. Insert, after the word "authorize," the words "under such terms, including a reasonable rental to be approved by him."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 42, at the end of line 5, after the word "authorize," insert the words "under such terms, including a reasonable rental to be approved by him."

The question was taken, and the amendment was agreed to.

Mr. SMALL. Did the Chair put the provision as amended to the committee?

The CHAIRMAN. The section was amended.

Mr. SMALL. The amendment was adopted, but did the Chair put the section as amended?

The CHAIRMAN. It is not necessary. This is the only amendment offered which was adopted.

Mr. CURRY of California. Mr. Chairman, I offer the following amendment as a new section.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Mr. CURRY of California offers the following amendment as a new section, following section 13:

"That whenever any State or any reclamation, flood control or drainage district, or other public agency created by any State shall undertake to secure any land or easement therein needed in connection with a work of river and harbor improvement duly authorized by Congress for the purpose of conveying the same to the United States free of cost and shall be unable for any reason to obtain the same by purchase and acquire a valid title thereto the Secretary of War may, in his discretion, cause proceedings to be instituted in the name of the United States for the acquirement by condemnation of said land or easement, and it shall be the duty of the Attorney General of the United States to institute and conduct such proceedings upon the request of the Secretary of War: *Provided*, That all expenses of said proceedings and any award that may be made thereunder shall be paid by such person, company, or corporation, or State, or reclamation, flood control or drainage district, or other public agency as aforesaid, to secure which payment the Secretary of War may require such person, company, or corporation, or State, or reclamation, flood control or drainage district, or other public agency as aforesaid, to execute a proper bond in such amount as he may deem necessary before said proceedings are commenced.

During the reading of the amendment,

Mr. CALDWELL. Mr. Chairman, I think we have gone far enough in that to know that it is the same section as section 10, ruled out a few moments ago on a point of order, and I therefore make the point of order. It is 8 o'clock and we want to get through.

The CHAIRMAN. The Chair would like the amendment to be read.

The Clerk resumed and concluded the reading of the above amendment.

Mr. CALDWELL. Reserving the right to object, what is the difference between that and section 10?

Mr. CURRY of California. This is not the same as section 10. The words upon which the point of order was made against section 10 are stricken out. The words in reference to "person, company, or corporation," and so forth, are stricken out of the bill, and also all reference to dams, and it is just simply a proposition for the State and its agencies to have extended to them the right of eminent domain in condemning land for rivers and harbors.

The CHAIRMAN. Does the gentleman insist on the point of order?

Mr. CALDWELL. I withdraw it.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. SMALL. I could not hear all the amendment. Does it repeal any existing law?

Mr. CURRY of California. It does not.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. MADDEN. Division, Mr. Chairman.

The committee divided; and there were—ayes 63, noes 4.

So the amendment was agreed to.

Mr. KETTNER. Mr. Chairman, I would like to ask unanimous consent to return to section 15.

The CHAIRMAN. The gentleman from California asks unanimous consent to return to section 15. Is there objection? [After a pause.] The Chair hears none.

Mr. DEMPSEY. Mr. Chairman, I offer the following amendment to section 15.

The CHAIRMAN. The gentleman from New York [Mr. DEMPSEY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. DEMPSEY moves to amend page 44, in line 3, by striking out the words: "The then existing status of the occupancy, and," and insert in lieu thereof "The United States shall have the," so that it shall read: "*Provided*, That if, at any time, the said parties shall fail to agree as to said rules and regulations the United States shall have the use of said wharf."

Mr. DEMPSEY moves further to amend: Strike out, on page 44, line 4, the words "shall not be disturbed," and on line 8, after the word "matter," insert "or by one of them and the umpire to be selected by them."

Mr. DEMPSEY. Mr. Chairman, the purpose of the amendment is this: The question raised by the gentleman from Wisconsin [Mr. COOPER] was that it was not plain under the act as proposed that the United States would have the occupancy of the west wharf at any time, because as drawn the act provided that that occupancy should be subject to rules and regulations, and those rules and regulations were to be agreed upon by two persons, and if they did not agree, then by two other persons. So he said, pending that agreement, which was not provided to be made at any time, and was not certain to be made, it was not sure the United States would have the occupancy at all. Under my amendment the United States has the occupancy until the agreement is reached, and the agreement is certain to be reached because it is referred to to mean that if they do not reach an agreement they select an umpire, and the agreement is to be reached by the one of the two and the umpire. And, pending all that, and until it is determined, the United States clearly has the occupancy.

Mr. COOPER of Wisconsin. Will the gentleman permit a question? As I understand his amendment, he uses simply the word "use," or did it say "occupancy and use"?

Mr. DEMPSEY. I will insert the word "occupancy."

The CHAIRMAN. Without objection, it will be done.

Mr. COOPER of Wisconsin. I mean just what was in this bill as drawn. "Use" is a different thing from "occupancy." The bill has it "occupancy and use." Now I would like to have the whole amendment reported.

The CHAIRMAN. The Clerk will report the amendment.

Mr. COOPER of Wisconsin. I ask that the Clerk read the whole paragraph as amended.

The Clerk read as follows:

Beginning at the top of page 44, line 1, the lines will read as proposed to be amended by Mr. DEMPSEY:

"*Provided*, That if at any time the said parties shall fail to agree as to said rules and regulations, the United States shall have the occupancy and use of said wharf until the controversy shall be referred to the general manager of the railway company and the department commander, Western Department, United States Army, for decision, and

an agreement shall have been reached by them in the matter or by one of them and the umpire to be selected by them: *Provided further*, etc."

Mr. MEEKER. Mr. Chairman, may I ask the gentleman this question: Does that strike out lines 4 and 5 as we have it now?

Mr. DEMPSEY. It changes it.

Mr. MEEKER. Then I move to amend by inserting, after the word "shall," in line 4, the word "have" and in line 5 strike out the word "be" and insert "been."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Missouri to the amendment offered by the gentleman from New York [Mr. DEMPSEY].

The Clerk read as follows:

Mr. MEEKER moves to amend the amendment by inserting after the word "shall," at the end of line 4, the words "have been" and striking out the word "be" at the beginning of line 5.

Mr. DEMPSEY. That is probably better English, Mr. Chairman, and I accept the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri to the amendment offered by the gentleman from New York [Mr. DEMPSEY].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from New York as amended.

The amendment as amended was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. STAFFORD. One moment, Mr. Chairman. I would like to have the attention of the chairman of the committee. Will the gentleman from North Carolina ask unanimous consent that section 16 be considered in its entirety, so as to make one paragraph?

Mr. SMALL. I supposed it would be so considered without that. I ask unanimous consent, Mr. Chairman, that section 16 be considered as one paragraph.

The CHAIRMAN. Without objection, that will be done.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 16. That a commission, to be known as the waterways commission, consisting of the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and three additional members, to be appointed by the President of the United States from the active or retired list of the Engineer Corps of the Army, or other Government services, or from civil life, one of whom shall be designated by the President as chairman, is hereby created and authorized, under such rules and regulations as it may adopt, to bring into coordination and cooperation the engineering, scientific, and constructive services, bureaus, boards, and commissions of the several governmental departments of the United States and commissions created by Congress that relate to study, development, or control of waterways and water resources and subjects related thereto, or to the development and regulation of interstate and foreign commerce, with a view to uniting such services in investigating, with respect to all watersheds in the United States, questions relating to the development, improvement, regulation, and control of navigation as a part of interstate and foreign commerce, including therein the related questions of irrigation, drainage, forestry, arid and swamp land reclamation, clarification of streams, regulation of flow, control of floods, utilization of water power, prevention of soil erosion and waste, storage, and conservation of water for agricultural, industrial, municipal, and domestic uses, cooperation of railways and waterways, and promotion of terminal and transfer facilities, to secure the necessary data, and to formulate and report to Congress, as early as practicable, a comprehensive plan or plans for the development of waterways and the water resources of the United States for the purposes of navigation and for every useful purpose, and recommendations for the modification or discontinuance of any project herein or heretofore adopted. Any member appointed from the retired list shall receive the same pay and allowances as he would if on the active list, and not more than one member may be selected from civil life, and his compensation shall be $5,000 per annum.

In all matters done, or to be done, under this section relating to any of the subjects, investigations, or questions to be considered hereunder, and in formulating plans, and in the preparation of a report or reports, as herein provided, consideration shall be given to all matters which are to be undertaken, either independently by the United States or by cooperation between the United States and the several States, political subdivisions thereof, municipalities, communities, corporations, and individuals within the jurisdicton, powers, and rights of each, respectively, and with a view to assigning to the United States such portion of such development, promotion, regulation, and control as may be undertaken by the United States, and to the States, political subdivisions thereof, municipalities, communities, corporations, and individuals, such portions as belong to their respective jurisdictions, rights, and interests.

The commission is authorized to employ, or retain, and fix the compensation for the services of such engineers, transportation experts, experts in water development and utilization, and constructors of eminence as it may deem necessary to make such investigations and to carry out the purposes of this section. And in order to defray the expenses made necessary by the provisions of this section there is hereby authorized to be appropriated such sums as Congress may hereafter determine, and the sum of $100,000 is hereby appropriated, available until expended, to be paid out upon warrants drawn on the Secretary of the Treasury by the chairman of said commission.

The commission shall have power to make every expenditure requisite for and incident to its authorized work and to employ in the District of Columbia and in the field such clerical, legal, engineering, artistic, and expert services as it may deem advisable, including the payment of per diem in lieu of subsistence for employees engaged in field work or traveling on official business, rent of offices in the District of Columbia and in the field, and the purchase of books, maps, and office equipment.

Nothing herein contained shall be construed to delay, prevent, or interfere with the completion of any survey, investigation, project, or work heretofore adopted or authorized upon or for the improvement of any of the rivers or harbors of the United States or by this act.

Mr. TREADWAY. Mr. Chairman, I make a point of order on the section.

The CHAIRMAN. The gentleman from Massachusetts makes a point of order on the section. Does the gentleman from North Carolina desire to be heard?

Mr. SMALL. Yes; Mr. Chairman. I beg the privilege, before discussing the point of order, to make this very brief statement: This paragraph, providing for the appointment of a waterways commission, was inserted in the last bill by the Senate Committee on Commerce. That was the bill that failed of passage in the Senate. This provision is desired by the Secretary of War and by the President.

No friend of the bill—and I am speaking with entire respect and not discourteously—knowing the importance of retaining this paragraph in the bill would reserve or make a point of order against it. But we can not control that matter, and the point of order must be decided in the wisdom of the Chair and in accordance with the parliamentary precedents. But if the gentleman who reserves the point of order and if other gentlemen who might be inclined to reserve or make it could let us vote on it on its merits, it would greatly facilitate the passage, the enactment, and the approval of a river and harbor bill at this session, and I sincerely hope that the gentleman from Massachusetts [Mr. TREADWAY], who has made the point of order, will withdraw it.

Now, Mr. Chairman, I am going to be brief; but I wish to say a word as to the point of order. I assume that the point of order is based on the proposition that this authorizes a commission to investigate certain subjects which are not within the jurisdiction of the Committee on Rivers and Harbors and coming within its privilege in the manner in which this bill was presented to the House. I have read carefully the debate at the last session of the provision for a waterways commission somewhat analogous to that in this bill, and I have read the precedents so far as I could, and all that I have to say is that in any event it is based upon a mere technicality; it is an attempt to oust jurisdiction of the committee, based upon technicalities and precedents, if you will.

I am convinced of the merits of the legislation, and it is not intended in any event to evade the jurisdiction of any other committee. I hope the chairman of the committee in his wisdom, basing his decision upon the law and upon the precedents, will be able to overrule the point of order.

The CHAIRMAN. The Chair is ready to rule. The Chair does not think this provision comes within the jurisdiction of the Committee on Rivers and Harbors on this bill, inasmuch as it treats so many different subjects that are not referred by the rules to the consideration of that committee. The Chair sustains the point of order.

Mr. SMALL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment:

SEC. 16. That a commission, to be known as the waterways commission, consisting of the Secretary of War, Secretary of the Interior, Secretary of Agriculture, Secretary of Commerce, and three additional members to be appointed by the President of the United States from the active or retired list of the Engineer Corps of the Army, or other Government services, or from civil life, one of whom shall be designated by the President as chairman, is hereby created and authorized, under such rules and regulations as it may adopt, to bring into coordination and cooperation the engineering, scientific, and constructive services, bureaus, boards, and commissions of the several governmental departments of the United States and commissions created by Congress that relate to study, development, or control of waterways and subjects related thereto, with a view to uniting such services in investigating questions relating to the development, improvement, regulation, and control of rivers and harbors to secure the necessary data, and to formulate and report to Congress, as early as practicable, a comprehensive plan or plans for the development of waterways for the purposes of navigation and recommendations for the modification or discontinuance of any project herein or heretofore adopted. Any member appointed from the retired list shall receive the same pay and allowances as he would if on the active list, and not more than any one member may be selected from civil life, and his compensation shall be $5,000 per annum.

In all matters done or to be done under this section relating to any of the subjects, investigations, or questions to be considered hereunder, and in formulating plans and in the preparation of a report or reports as herein provided, consideration shall be given to all matters which are to be undertaken, either independently by the United States or by cooperation between the United States and the several States, political subdivisions thereof, municipalities, communities, corporations, and individuals within the jurisdiction, powers, and rights of each, respectively, and with a view to assigning to the United States such portion of such development, promotion, regulation, and control as may be undertaken by the United States, and to the States, political subdivisions thereof, municipalities, communities, corporations, and individuals such cooperation as should be imposed on each respectively.

The commission is authorized to employ, retain, and fix the compensation for the services of such engineers, transportation experts, experts in the development and utilization of waterways as it may deem necessary to make such investigations and to carry out the purposes of this section. And in order to defray the expenses made necessary by the provisions of this section there is hereby authorized to be appropriated such sums as Congress may hereafter determine, and the sum of $100,000 is hereby appropriated, available until expended, to be paid out upon warrants drawn on the Secretary of the Treasury by the chairman of said commission.

The commission shall have the power to make every expenditure requisite for and incident to its authorized work, and to employ in the District of Columbia and in the field such clerical, legal, engineering, and expert services as it may deem advisable, including the payment of per diem in lieu of subsistence for employees engaged in field work or traveling on official business, rent of offices in the District of Columbia and in the field, and the purchase of books, maps, and office equipment.

Nothing herein contained shall be construed to delay, prevent, or interfere with the completion of any survey, investigation, project, or work heretofore adopted or authorized upon or for the improvement of any of the rivers or harbors of the United States or by this act.

Mr. TREADWAY. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The point of order is sustained.

Mr. SMALL. Mr. Chairman, I should like to be heard on the point of order.

The CHAIRMAN. The Chair is perfectly willing to hear the gentleman from North Carolina on the point of order.

Mr. SMALL. Has the Chairman read the amendment which I sent up?

The CHAIRMAN. The Chair certainly heard every word of it read. The Chair is ready to hear the gentleman on the point of order.

Mr. SMALL. Mr. Chairman, I do not know upon what theory this can be subject to any point of order. It was certainly within the jurisdiction of the committee to bring in a provision for the appointment of a commission, and this commission is only authorized to study, consider, and report matters affecting the improvement of rivers and harbors. I call the attention of the Chair to the decision of the Chairman of the Committee of the Whole at the last session, when a somewhat similar provision was under discussion, a point of order having been made against it. The Chairman of the Committee of the Whole had twice held that the committee had jurisdiction of the appointment of a commission providing the powers of the commission were confined to matters within the jurisdiction of the committee, and the Chair will find in this provision specifically that it is confined to the improvement of rivers and harbors. So if the committee has jurisdiction to bring in this provision for the appointment of a commission, then the paragraph must be in order, because it does not attempt to clothe the commission with powers to investigate and report upon any question beyond the jurisdiction of the committee, to wit, the improvement of rivers and harbors for navigation.

As I said to the committee, I have read carefully the discussion in the Committee of the Whole during the last session, when an analogous provision for a waterways commission was debated pending a similar point of order.

The CHAIRMAN. Has the gentleman the decision of the chairman in the Committee of the Whole which he refers to?

Mr. SMALL. Yes; the debate in that case contained an admission by Members upon the floor who had contended that the original provision was subject to a point of order that if the paragraph had confined the activities of the commission to questions within the jurisdiction of the Committee on Rivers and Harbors it would not be subject to a point of order. This paragraph specifically confines the investigation and activities of the commission to matters within the jurisdiction of the Committee on Rivers and Harbors, to wit, the improvement of rivers and harbors, and therefore can not be subject to a point of order.

The CHAIRMAN. The Chair has just looked at the decision to which the gentleman calls attention, in 1914, and he finds that the Chair sustained the point of order to the appointment of a commission. The Chair was very hopeful that probably he could be cited to some case where the point of order might be overruled, because he finds in Hinds' Precedents, volume 4, paragraph 4165, the following:

A provision relating to a commission to investigate the conditions and uses of waters adjacent to an international boundary line was ruled out of the river and harbor bill as not being within the jurisdiction of the Committee on Rivers and Harbors.

On February 7, 1907, the river and harbor appropriation bill was under consideration in Committee of the Whole House on the state of the Union when the Clerk read:

"SEC. 6. That those members of the International Waterways Commission created in accordance with section 4 of the river and harbor act of June 13, 1902, who represent the United States shall have power and it shall be their duty to investigate and report upon the conditions and uses of the waters adjacent to the boundary line between the United States and Canada and of waters flowing from the United States into Canada, or from Canada into the United States, and of the tributaries of such waters—"

And so on.

Mr. MANN made a point of order against the section, and the Chairman sustained the point of order.

Mr. SMALL. That was not on the ground that the committee could not report a provision for the appointment of a commission, but on the ground that the commission was authorized to do things beyond the jurisdiction of the committee. Now, I am perfectly clear that in the discussion and in the opinion by the Chairman of the Committee of the Whole at the last session upon an analogous provision that there is nothing there holding that the provision for the appointment of a commission would be out of order. The whole discussion revolved around the power given to the commission, and those who contended that the provision was subject to a point of order based their argument entirely upon the proposition that the committee was authorized to do things beyond the purview of the jurisdiction of the Committee on Rivers and Harbors. That is the latest precedent. The Chairman of the committee in his ruling on the amendment offered by the gentleman from Missouri [Mr. BORLAND] as a substitute for the original provision, while sustaining the point of order, did so upon the ground that the paragraph by way of substitute gave the commission powers to investigate waterways going beyond the jurisdiction of the committee. The chairman of the committee in ruling said that it would not be subject to the point of order if the amendment in fixing the powers of the commissioner had been confined to matters within the jurisdiction of the committee.

The CHAIRMAN. The Chair was going on to state that when the revenue bill was up some time in 1913 a motion to recommit was made providing for the appointment of a commission to investigate and gather information touching the tariff question, and Speaker CLARK, in an elaborate opinion, held that on a revenue bill they would not have the right to appoint a commission to gather this data. There is another decision handed down by the gentleman from Tennessee [Mr. GARRETT] along similar lines. The Chair thinks, in view of these decisions, that the point of order should be sustained, and therefore sustains the point of order.

Mr. PARKER of New Jersey. Mr. Chairman, I offer the following as a new section, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. PARKER of New Jersey: Page 47, line 20, at the end of the bill, add a new section, as follows:

"During the continuance of the war in which the United States is now engaged no work shall be done or money spent on public works on rivers and harbors, except for absolutely necessary repairs thereto or preservation thereof, or for surveys, construction, or completion of public works of immediate military necessity, to be determined and specially designated by the President."

Mr. PARKER of New Jersey. Mr. Chairman, I desire to say only one word. I know a gentleman who is just back from France, who has studied all of the problems of war over there, and who is anxious to give the Government the benefit of it, but he has been ordered west, to a western lake, to dig ditches.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey.

The question was taken; and on a division (demanded by Mr. PARKER of New Jersey) there were—ayes 46, noes 92.

So the amendment was rejected.

Mr. CURRY of California. Mr. Chairman, I ask unanimous consent to return to an amendment which I originally presented, which was adopted by the House, and amend it by striking out certain words which were inadvertently included.

The CHAIRMAN. The gentleman from California asks unanimous consent to return to an amendment which was adopted and amend it in the manner which the Clerk will report. Is there objection?

Mr. WALSH. Mr. Chairman, let us have it reported first.

Mr. SMALL. Mr. Chairman, before that is done, is it in order now to ask unanimous consent that the Clerk renumber the sections?

The CHAIRMAN. That request would be in order.

Mr. SMALL. Mr. Chairman, I ask unanimous consent that the Clerk be directed to number the sections properly.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read the amendment of the gentleman from California [Mr. CURRY].

The Clerk read as follows:

Mr. CURRY of California moves to amend the new section adopted by striking out the words "person, company, or corporation or," in two places where they appear in the section.

Mr. SMALL. Mr. Chairman, is this for the purpose of perfecting the amendment?

Mr. CURRY of California. It is. It is to strike out the words "persons, company, or corporation or."

Mr. SMALL. I hope there will be no objection to that.

Mr. COOPER of Wisconsin. What change does that make?

Mr. LENROOT. Mr. Chairman, the gentleman did strike out those words in the body of the section, but he omitted to strike them out of the proviso. As amended the proviso will read:

That all expense of such proceedings and any award that may be made thereunder shall be paid by said State or reclamation, flood-control, or drainage district.

The CHAIRMAN. Is there objection to the request of the gentleman from California that he return to this amendment to offer the amendment?

There was no objection.

Mr. CURRY of California. I offer that amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The amendment was agreed to.

EXTENSION OF REMARKS.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HULBERT. Mr. Chairman, I make the same request.

Mr. FREAR. I make the same request.

Mr. TREADWAY. Mr. Chairman, I make the same request.

Mr. HERSEY. Mr. Chairman, I make the same request.

Mr. ROSE. Mr. Chairman, I make the same request.

Mr. MANSFIELD. Mr. Chairman, I make the same request.

Mr. DYER. Mr. Chairman, I make the same request.

Mr. RANDALL. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection?

Mr. WALSH. Mr. Chairman, reserving the right to object to the request of the gentleman from California, I desire to ask the gentleman on what subject he desires to extend his remarks?

Mr. RANDALL. I understand that these requests are made to extend remarks upon this bill.

Mr. WALSH. I am asking the gentleman from California upon what subject he desires to extend his remarks in the RECORD, and I object, so far as his request is made.

The CHAIRMAN. The gentleman from Massachusetts objects to the request of the gentleman from California [Mr. RANDALL]. Is there objection to the request of the other gentlemen?

There was no objection.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. SMALL. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. HUMPHREYS having assumed the chair as Speaker pro tempore, Mr. HARRISON of Mississippi, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 4285, the river and harbor appropriation bill, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. MADDEN. Mr. Speaker——

Mr. SMALL. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

Mr. MADDEN. Mr. Speaker, before that is put, I want to ask the Speaker a question. At what stage of the proceedings will it be proper to demand a reading of the engrossed bill?

The SPEAKER pro tempore. Well, later on.

Mr. MADDEN. I want to know just when, because I propose to demand it.

The SPEAKER pro tempore. That will come later; it is not necessary now.

The question was taken, and the previous question was ordered.

The SPEAKER pro tempore. Is there a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The question was taken, and the amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

Mr. MADDEN. Mr. Speaker, I demand a reading of the engrossed bill; when the proper time arrives I serve notice that I will demand a reading of the engrossed bill.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

Mr. MADDEN. Mr. Speaker, I demand a reading of the engrossed bill.

Mr. TREADWAY. Mr. Speaker, I offer a motion to recommit the bill.

The SPEAKER pro tempore. The engrossed bill is not here.

Mr. STAFFORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. STAFFORD. As I understand, the previous question having been ordered on the passage of this bill and all amendments thereto, this will be the unfinished business when the House meets to-morrow.

The SPEAKER pro tempore. On Thursday.

Mr. STAFFORD. Now, Mr. Speaker, I hope the Chair will not make that decision but will reserve it for decision by the regular occupant of the chair to-morrow.

The SPEAKER pro tempore. The Chair will reserve the decision.

Mr. STAFFORD. Because under clause 4, Rule XXIII, this would certainly be the unfinished business, and I wish to argue that point to-morrow when the House convenes. I ask the Chair to defer his ruling on that proposition until the House meets to-morrow.

The SPEAKER pro tempore. The Chair will refer the gentleman to the Manual, paragraph 875——

Mr. SMALL. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 a. m. to-morrow.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet to-morrow at 11 o'clock a. m. Is there objection?

Mr. CHANDLER of Oklahoma. Mr. Speaker, I object.

Mr. SMALL. Mr. Speaker——

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

Mr. CHANDLER of Oklahoma. Mr. Speaker, I withdraw the objection.

The SPEAKER pro tempore. The Chair hears none. Paragraph 875, page 409, of the new Manual is as follows. This is a ruling by Speaker CLARK:

Bill undisposed of on Calendar Wednesday unfinished business next Calendar Wednesday——

Mr. STAFFORD. I am quite familiar——

The SPEAKER pro tempore——

Previous question ordered on bill undisposed of when House adjourns Tuesday, goes over as unfinished business until Thursday, and not in order on Calendar Wednesday.

Mr. STAFFORD. Where is the Chair reading from?

The SPEAKER pro tempore. The Chair is reading from page 409, paragraph 875, of the Manual.

Mr. SMALL. Mr. Speaker, I ask unanimous consent that this bill shall be the unfinished business and shall be concluded to-morrow upon the assembly of the House after the reading of the Journal.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that the pending bill be the unfinished business——

Mr. ADAMSON. I believe we agreed to meet at 11 a. m. to-morrow?

The SPEAKER pro tempore. Yes.

Mr. ADAMSON. Then I have no objection.

The SPEAKER pro tempore. To-morrow after the reading of the Journal. Is there objection?

Mr. SCULLY. I object.

Mr. STAFFORD. Will the gentleman reserve his objection?

The SPEAKER pro tempore. The gentleman from New Jersey objects.

Mr. SCULLY. Mr. Speaker, I withdraw the objection.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below.

S. J. Res. 63. Joint resolution to establish a reserve of the Public Health Service; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 2453. An act to authorize condemnation proceedings of lands for military purposes.

ADJOURNMENT.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. SMALL] moves that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 41 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Wednesday, June 27, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Navy, transmitting tentative draft of resolution authorizing the advance of public moneys under certain contracts (H. Doc. No. 205); to the Committee on Naval Affairs and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of communication of Secretary of War, submitting a supplemental estimate of appropriation required by the Ordnance Department for the fiscal year ending June 30, 1918, for machinery for the manufacture of rifles (H. Doc. No. 206); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of War transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Coquille Bar and Harbor, Oreg., to the city of Bandon (H. Doc. No. 207); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. RAYBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 2356) to amend the act to regulate commerce, as amended, and for other purposes, reported the same with amendment, accompanied by a report (No. 86), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FLOOD, from the Committee on Foreign Affairs, to which was referred the joint resolution (H. J. Res. 109) authorizing the Secretary of War to issue temporary permits for diversions of water from the Niagara River, reported the same with amendment, accompanied by a report (No. 87), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CALDWELL, from the Committee on Military Affairs, to which was referred the bill (H. R. 4892) authorizing the President to take possession, on behalf of the United States, for use as sites for permanent aviation stations for the Army and Navy and for aviation school purposes, of the whole of North Island in the harbor of San Diego, Cal., and for other purposes, reported the same without amendment, accompanied by a report (No. 88), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. VARE: A bill (H. R. 5236) providing for the construction of a recreation building at the Philadelphia Navy Yard; to the Committee on Naval Affairs.

By Mr. TAGUE: A bill (H. R. 5237) to reimburse the Commonwealth of Massachusetts for expenses incurred in protecting bridges on main railroad lines and under direction of the commanding general, Eastern Department, United States Army, and the commandant, navy yard, Charlestown, Mass.; to the Committee on Military Affairs.

By Mr. TINKHAM: A bill (H. R. 5238) to reimburse the Commonwealth of Massachusetts for expenses incurred in protecting bridges on main railroad lines and under direction of the commanding general, Eastern Department, United States Army, and the commandant, navy yard, Charlestown, Mass.; to the Committee on Military Affairs.

By Mr. HUTCHINSON: A bill (H. R. 5239) to establish a life insurance bureau for the purpose of insuring the lives of persons engaged in extra-hazardous occupations in the employ of the United States of America; to the Committee on Interstate and Foreign Commerce.

By Mr. SNOOK: A bill (H. R. 5240) to provide further for the national security and defense by declaring print paper, mechanical and chemical pulp, a public utility, and regulating and controlling the manufacture, importation, sale, and distribution thereof; to the Committee on Interstate and Foreign Commerce.

By Mr. RAMSEYER: A bill (H. R. 5241) to provide for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of iron, steel, copper, lumber, cotton, wool, hemp, leather, and petroleum; to the Committee on Interstate and Foreign Commerce.

By Mr. PARK: Resolution (H. Res. 109) authorizing clerks to certain committees of the House of Representatives; to the Committee on Accounts.

By Mr. SIMS: Joint resolution (H. J. Res. 111) to provide further for the national security and defense by regulating the production, sale, distribution, and transportation of coal and coke, and for the coordination of the railroads of the United States for the efficient transportation and distribution thereof; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACON: A bill (H. R. 5242) granting an increase of pension to Duffy Duquette; to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: A bill (H. R. 5243) granting a pension to Frank Sommers; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 5244) granting an increase of pension to Lucinda Hicks; to the Committee on Invalid Pensions.

By Mr. LOBECK: A bill (H. R. 5245) granting an increase of pension to Henry Ferster; to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 5246) granting a pension to Harriet Gray; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Resolutions of the Newark Trade and Labor Assembly; Licking Lodge, No. 80, of International Association of Machinists; and Branch 24 of the Glass Bottle Blowers' Association, all of Newark, Ohio, in favor of the Lever food-control bill; to the Committee on Agriculture.

By Mr. BROWNING: Memorial of New Jersey Osteopathic Society in special meeting assembled, May 31, 1917, tendering services to the Government as a hospital corps to an osteopathic base hospital; to the Committee on Military Affairs.

Also, memorial of New Jersey Osteopathic Society in special meeting, May 5, 1917, tendering professional services to the Government and pledging enlistment of as large a number of their legally registered physicians and surgeons as may be required to form an efficient hospital corps; to the Committee on Military Affairs.

By Mr. GOOD: Petition of citizens of Urbana, Iowa, favoring the enactment of a law prohibiting the sale of intoxicating liquor; to the Committee on the Judiciary.

Also, petition of citizens of Belle Plaine, Iowa, favoring the passage of the Lever food-control bill; to the Committee on Agriculture.

By Mr. HERSEY: Memorials of Piscataquis County (Me.) Association of Congregational Churches, asking passage of food-control bill; to the Committee on Agriculture.

By Mr. LINTHICUM: Petition of C. R. Heard, of Philadelphia, Pa., favoring passage of House bill No. 118; to the Committee on Military Affairs.

Also, petition of the Maryland Bankers' Association, Baltimore, Md., relative to stamp on checks; to the Committee on Ways and Means.

Also, petition of Highland Grange, of Pylesville, Md., urging bill to prevent use of any foodstuffs for the manufacture of liquors; to the Committee on Agriculture.

Also, petition of Samuel G. B. Cook, Baltimore, Md., favoring certain amendments relative to income tax; to the Committee on Ways and Means.

By Mr. LONERGAN: Resolutions of the Eastern Connecticut Chamber of Commerce, in favor of a system of national highways; to the Committee on Roads.

By Mr. MAGEE: Petition of Alvin K. Ashley and other citizens of the city of Syracuse, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of James H. Kenan and many other citizens of the city of Syracuse, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. NOLAN: Petition of Musicians' Union, Local No. 6, American Federation of Musicians, of San Francisco, Cal., protesting against any proposed amendment to the Chinese exclusion act to permit of the importation of Chinese into the United States; to the Committee on Immigration.

By Mr. O'SHAUNESSY: Petitions of the Chartered Society of Amalgamated Lace Operators of America, Branch No. 5;

the Rhode Island State Federation of Labor; Musicians' Protective Union, Local 198, American Federation of Musicians; and United Textile Workers of America, favoring passage of the food bills; to the Committee on Agriculture.

By Mr. REED: Petition of Mrs. J. A. Meredith, president, and Mrs. T. I. Brett, chairman, of the legislative committee of the Woman's Club of Fairmont, W. Va., urging the conservation of foodstuffs and the enactment of a national prohibition law as a protection to American soldiers; to the Committee on the Judiciary.

By Mr. ROSE: Petition of board of directors of Young Women's Christian Association, of Johnstown, Pa., favoring national prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of Men's Bible Class, Walnut Grove Church of the Brethren, of Johnstown, Pa., praying for the prohibition of foodstuffs in the manufacture of liquor; to the Committee on the Judiciary.

By Mr. SNELL: Petition of Sunday School of Presbyterian Church, Hammond, N. Y., for full national prohibition of the manufacture, sale, and transportation of intoxicating beverages for the period of the war, and that all liquors now in bonded warehouses shall be purchased by the Government and used for war purposes; to the Committee on the Judiciary.

Also, petition of citizens of Stark, N. Y., opposing the waste of foodstuffs during the period of the war by converting any cereal or other agricultural product into intoxicating drinks, and petitioning Congress to pass, as a war measure, the necessary legislation to prevent such manufacture and sale of intoxicating beverages during the continuance of the war; to the Committee on the Judiciary.

Also, petition of Christian Endeavor Society, Presbyterian Church, Hammond, N. Y., for full national prohibition of the manufacture, sale, and transportation of intoxicating beverages for the period of the war, and urging that all liquors now in bonded warehouses shall be purchased by the Government and used for war purposes; to the Committee on the Judiciary.

Also, petition of Pomona Grange, Clinton County, N. Y., favoring national prohibition to conserve food, manhood, and order during the period of the war, and opposing liquor tax; to the Committee on the Judiciary.

Also, petition of sundry citizens of Mooers, N. Y., for full national prohibition of the manufacture, sale, and transportation of intoxicating beverages for the period of the war, in conservation of the man power, military and industrial efficiency, and the food supply of the Nation, and urging that all liquors now in bonded warehouses and elsewhere shall be commandeered by the Government and redistilled for undrinkable alcohol, to be purchased by the Government for war purposes, and opposing an increase in the tax on intoxicating liquors as a means of raising a revenue to prosecute the war; to the Committee on the Judiciary.

By Mr. VARE: Memorial of Philadelphia Chamber of Commerce, relative to abrogation of all patents held by the enemy; to the Committee on Patents.